

Content

Title : Rules Governing Assessment and Mediation Committee for Integrated Circuit Layout **Ch**

Date : 1999.11.17

Legislative : 1. Promulgated on November 17, 1999 by Ministry of Economic Affairs

Content : Article 1

The Rules are enacted pursuant to Paragraph 2 of Article 36 of the Integrated Circuit Layout

Protection Act (hereafter the "Act").

Article 2

The authority in charge of circuit layout affairs shall set up the Assessment and Mediation

Committee for Integrated Circuit Layout (hereafter the "Committee") to handle the following

matters concerning circuit layout rights:

Assessment assigned by the courts.

Mediation of disputes.

Compulsory license

Other relevant matters.

Article 3

The Committee shall have one chairman to be served concurrently by the director general of the

authority in charge of circuit layout affairs, and ten to fourteen commissioners. The term of the

commissioners shall be two years, and may be extended upon expiration. The commissioners shall

be appointed by the director of the authority in charge of circuit layout affairs from among

representatives from relevant institutions, academics, specialists and relevant personnel of the

authority in charge of circuit layout affairs.

The commissioners representing an institution as referred to in the preceding paragraph shall serve

as such in conjunction with his/her original employment status.

Article 4

The Committee shall have one executive secretary and 1 to 3 secretaries, to be served concurrently

by relevant personnel of the authority in charge of circuit layout affairs, to handle general

administrative matters.

Article 5

The Committee may solicit opinions from the persons concerned when handling matters prescribed in Article 2.

Article 6

When handling matters prescribed in Items 1, 3 and 4 of Article 2, the chairman may assign commissioners to prepare opinions in writing to present to the Committee for review. The review referred to in the preceding paragraph shall require a quorum of a majority of commissioners, with the resolution to be adopted by a majority of attending commissioners. When pros and cons have the same number of vote, the chairperson shall make a final decision. Commissioners shall attend the review meetings of the Committee in person, provided that in case where a commission, appointed by the director of an institution to serve as concurrent duty, cannot attend in person, he/she may appoint a deputy to attend. The deputy referred to in the preceding paragraph shall be included in the number of attendees, and may participate in discussions and cast a vote.

Article 7

The chairman shall convene the meetings of the Committee and serve as the chairperson. Where the chairman cannot attend for any reason, he/she shall appoint a commissioner as the chairperson.

Article 8

The parties concerned may apply to the authority in charge of circuit layout affairs for mediation in disputes over circuit layout rights regarding the following: Compensation prescribed in Paragraph 5 of Article 24 of the Act. Damage compensation prescribed in Article 29 of the Act. Damage compensation prescribed in Article 31 of the Act.

Article 9

The application for mediation shall be made in writing, state the following matters, and signed or sealed by the parties concerned or the attorneys-at-law thereof: Name, nationality and residence/domicile of the parties concerned, and the name, law firm and the name of representative(s) in the case of judicial person(s).

Where there is attorney-at-law, his/her name, nationality, and residence/domicile.

Matters for mediation.

Main contesting points.

Copies of the application referred to in the preceding paragraph shall be submitted in numbers the same as the number of persons involved in the counterparty.

Where the parties concerned retain attorney-at-law, the Power-of-Attorney shall be issued and

submitted.

Where a representative is replaced or removed, the party concerned shall formally register in writing with the authority in charge of circuit layout affairs.

Article 10

After receiving an application for mediation, the authority in charge of circuit layout affairs shall

deliver copies of the application to the counterparty, and request the counterparty to declare within a

set time limit whether or not to accept the mediation proceeding. Upon expiration of the said time

limit, failure to respond will be deemed as refusal of mediation.

Where the mediation in application is accepted by the counterparty, the authority in charge of circuit

layout affairs shall submit the case to the Committee for mediation.

To handle matters concerning the mediation, the chairman shall appoint 1 to 3 commissioners to proceed.

Article 11

In connection with the application for mediation, except for the refusal of mediation referred to in

Paragraph 1 of the preceding Article, the authority in charge of circuit layout affairs shall set a date

and place and notify the parties concerned or the attorneys-at-law thereof to be present accordingly.

Prior to the date set for mediation, the counterparty may submit opinions in writing to the authority

in charge of circuit layout affairs.

Where the parties concerned or the attorneys-at-law thereof fail to be present on the day of

mediation proceeding without justifiable reasons, the mediation shall be deemed as aborted,

provided that the authority in charge of circuit layout affairs may set another date for mediation in

case where it is reckoned that there is hope for reconciliation.

Article 12

The mediation proceeding, handled by the mediating commissioners in a place designated by the

authority in charge of circuit layout affairs, needs not to be disclosed to the public.

Both parties concerned may respectively appoint 1 to 3 persons as attendees to assist the mediation.

The interested third parties in connection with the subject mediation case may participate the

mediation proceeding on condition of the consent from both parties concerned.

Article 13

Commissioners in charge of the mediation, the parties concerned, the attendees or

participants, or
the persons processing the mediation matters shall keep confidential the secrets made known or
become available to them due to the mediation concerned.

Article 14

Commissioners in charge of the mediation shall consult with both parties concerned, make reconciliatory suggestions, and conduct mediation on the basis of the actual situation and main contesting points.

Article 15

Upon completion of mediation, the authority in charge of circuit layout affairs shall prepare a

written reconciliation stating the following matters, and signed or sealed by the parties concerned or

the attorneys-at-law thereof and the mediating commissioners:

Name, nationality and residence/domicile of the parties concerned, and the name, law firm and the

name of representative(s) in the case of juristic person(s).

Where there is attorney-at-law, his/her name, nationality, and residence/domicile.

Where there is participating interested party, the name, nationality, and residence/domicile thereof.

Name, nationality and residence/domicile of the mediating commissioners and the attendees.

Matters for mediation.

Content of reconciliation.

Place of reconciliation.

Date of reconciliation.

The original copy of the written reconciliation referred to in the preceding paragraph shall be

delivered to the parties concerned and the participating interested parties within 15 days upon

reconciliation.

Article 16

The content of the reconciliation shall have the same binding effect as the agreement made by and between the parties concerned.

Article 17

The Committee commissioners shall serve on a non-payment basis, provided that commissioners

from outside the authority in charge of circuit layout affairs may be paid for attendance and review

in accordance with regulations, and commissioners from a hsieh/municipality outside the region

where the Committee is located may claim and be paid for travel expense.

Article 18

Budget for the Committee shall be incorporated into the annual budget of the authority in

charge of
circuit layout affairs.

Article 19

The Committee shall not use its name to release official document to the public.

Resolutions of the

Committee shall be made official in the name of the authority in charge of circuit layout affairs after

being approved by the director thereof.

Article 20

The Rules shall come into force upon promulgation.

Data Source : Ministry of Economic Affairs R.O.C.(Taiwan) Laws and Regulations Retrieving System