Regulations on the Protection of Layout-Designs of Integrated Circuits of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Exclusive Rights in Layout-Designs 3

Chapter III — Registration of Layout-Designs 4

Chapter IV — Exercise of Exclusive Rights in Layout-Designs 6

Chapter V — Legal Liability 7

Chapter VI — Supplementary Provisions 8

Revised and adopted at the 91st Executive Meeting of the State Council on July 10, 2026; promulgated by Decree No. 842 of the State Council on July 23, 2026

Effective: October 15, 2026

(Originally promulgated by Decree No. 300 of the State Council on April 2, 2001; revised by Decree No. 842 of the State Council on July 23, 2026)

Table of Contents

- Chapter I — General Provisions
- Chapter II — Exclusive Rights in Layout-Designs
- Chapter III — Registration of Layout-Designs
- Chapter IV — Exercise of Exclusive Rights in Layout-Designs
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of protecting the exclusive rights in layout-designs of integrated circuits, encouraging technological innovation in integrated circuits, and promoting the development of science and technology.

Article 2 — The protection of layout-designs of integrated circuits shall implement the national strategy for intellectual property of the Party and the State, and enhance China's level of creation, exploitation, protection, management, and service of layout-designs of integrated circuits.

Article 3 — For the purposes of these Regulations, the following terms shall have the following meanings:

Source: https://www.danyoungcpa.com/regulations-protection-layout-designs-integrated-circuits-prc-2026-revision/

(1) "integrated circuit" means an intermediate or final product in which at least two elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a semiconductor substrate so as to perform a certain electronic function;

(2) "layout-design of integrated circuits" (hereinafter referred to as "layout-design") means the three-dimensional disposition of at least two elements, at least one of which is an active element, and some or all of the interconnections of an integrated circuit, or such three-dimensional disposition prepared for the manufacture of an integrated circuit;

(3) "right holder of a layout-design" means a natural person, legal person, or unincorporated organization that enjoys an exclusive right in a layout-design in accordance with these Regulations;

(4) "reproduction" means the act of repeatedly producing a layout-design or an integrated circuit incorporating the layout-design;

(5) "commercial exploitation" means the act of importing, selling, or otherwise providing for commercial purposes a protected layout-design, an integrated circuit incorporating the layout-design, or an article incorporating such an integrated circuit.

Layout-designs of integrated circuits that integrate photonic, quantum, and other functions may be protected in accordance with these Regulations.

Article 4 — Layout-designs created by Chinese natural persons, legal persons, or unincorporated organizations shall enjoy exclusive rights in layout-designs in accordance with these Regulations.

Layout-designs created by foreigners, foreign enterprises, or other foreign organizations shall enjoy exclusive rights in layout-designs in accordance with these Regulations if they are first commercially exploited in China.

Layout-designs created by foreigners, foreign enterprises, or other foreign organizations shall enjoy exclusive rights in layout-designs in accordance with these Regulations if the country to which the creator belongs has concluded with China an agreement on the protection of layout-designs, or is a party together with China to an international treaty on the protection of layout-designs.

Article 5 — An application for registration of a layout-design, or the handling of other layout-design matters, may be filed or handled by the applicant itself, or through a patent agency established in accordance with law.

Foreigners, foreign enterprises, or other foreign organizations that have no habitual residence or business premises in China shall appoint a patent agency established in accordance with law to file applications for registration of layout-designs and to handle other layout-design matters in China.

A patent agency shall abide by laws and administrative regulations, handle applications for registration of layout-designs or other layout-design matters in accordance with the mandate of the principal, and shall bear a duty of confidentiality with respect to unpublished contents of the principal's layout-design.

Article 6 — A layout-design to be protected shall be original, that is, the layout-design shall be the result of the creator's own intellectual effort and, at the time of its creation, shall not be a commonplace design generally known among creators of layout-designs and manufacturers of integrated circuits.

A layout-design consisting of a combination of commonplace designs shall, as a whole, satisfy the conditions specified in the preceding paragraph.

Article 7 — The protection of layout-designs under these Regulations shall not extend to any idea, process, operating method, mathematical concept, or the like.

Article 8 — The intellectual property administrative department of the State Council shall be responsible for the administration of exclusive rights in layout-designs throughout the country.

Source: https://www.danyoungcpa.com/regulations-protection-layout-designs-integrated-circuits-prc-2026-revision/

Article 9 — The principle of good faith shall be observed in applying for registration of a layout-design and in exercising exclusive rights in a layout-design. Exclusive rights in layout-designs shall not be abused to the detriment of the interests of the State, the public interest, or the lawful rights and interests of others.

Any abuse of exclusive rights in a layout-design that excludes or restricts competition and constitutes a monopoly shall be dealt with in accordance with the Anti-Monopoly Law of the People's Republic of China.

Article 10 — The intellectual property administrative department of the State Council shall, in conjunction with the relevant departments, adopt measures to strengthen public services for layout-designs and to promote the exploitation of layout-designs.

Chapter II — Exclusive Rights in Layout-Designs

Article 11 — A right holder of a layout-design shall enjoy the following exclusive rights:

(1) to reproduce the whole or any original part of a protected layout-design;

(2) to commercially exploit a protected layout-design, an integrated circuit incorporating the layout-design, or an article incorporating such an integrated circuit.

Article 12 — The exclusive right in a layout-design shall come into being upon registration by the intellectual property administrative department of the State Council.

An unregistered layout-design shall not be protected under these Regulations.

Article 13 — The exclusive right in a layout-design shall belong to the creator of the layout-design, unless otherwise provided for by these Regulations.

Where a layout-design is created under the auspices of, in accordance with the will of, and under the responsibility of a legal person or unincorporated organization, that legal person or unincorporated organization shall be the creator.

Where a layout-design is created by a natural person, that natural person shall be the creator.

Article 14 — The ownership of the exclusive right in a layout-design created jointly by two or more natural persons, legal persons, or unincorporated organizations shall be agreed upon by the co-creators; in the absence of such agreement or where the agreement is unclear, the exclusive right shall be jointly enjoyed by the co-creators.

Article 15 — The ownership of the exclusive right in a layout-design created under commission shall be agreed upon by the commissioning party and the commissioned party; in the absence of such agreement or where the agreement is unclear, the exclusive right shall be enjoyed by the commissioned party.

Article 16 — In the circumstances specified in paragraph 2 of Article 13 of these Regulations, the legal person or unincorporated organization shall, in accordance with the Law of the People's Republic of China on Promoting the Transformation of Scientific and Technological Achievements and the relevant provisions of the State, give reasonable rewards and remuneration to qualified personnel.

Article 17 — The term of protection of the exclusive right in a layout-design shall be 10 years, computed from the date of filing of the application for registration of the layout-design, or from the date of first commercial exploitation anywhere in the world, whichever is earlier. However, a layout-design shall no longer be protected under these Regulations 15 years after the date of its completion, whether or not it has been registered or commercially exploited.

Article 18 — Where the exclusive right in a layout-design belongs to a natural person, upon the death of the natural person, the exclusive right shall be transferred in accordance with law within the term of protection specified in these Regulations.

Source: https://www.danyoungcpa.com/regulations-protection-layout-designs-integrated-circuits-prc-2026-revision/

Where the exclusive right in a layout-design belongs to a legal person or unincorporated organization, upon the change or termination of the legal person or unincorporated organization, the exclusive right shall, within the term of protection specified in these Regulations, be enjoyed by the legal person or unincorporated organization that succeeds to its rights and obligations; if there is no legal person or unincorporated organization succeeding to its rights and obligations, the layout-design shall no longer be protected under these Regulations.

Chapter III — Registration of Layout-Designs

Article 19 — The intellectual property administrative department of the State Council shall be responsible for the registration of layout-designs and shall accept applications for registration of layout-designs.

Article 20 — An application for registration of a layout-design shall be based on genuine creative activities and shall not involve fraud or falsification.

Article 21 — Where a layout-design for which registration is applied involves State security or major interests and requires confidentiality, it shall be handled in accordance with the relevant provisions of the State.

Article 22 — An application for registration of a layout-design shall be accompanied by:

(1) an application form for registration of the layout-design;

(2) a copy or drawing of the layout-design;

(3) a declaration of originality of the layout-design;

(4) other materials specified by the intellectual property administrative department of the State Council.

Where the layout-design has been commercially exploited, the application for registration shall be accompanied by a sample of the integrated circuit incorporating the layout-design.

Article 23 — The copy or drawing submitted by the applicant shall contain the necessary information of the layout-design and shall be capable of clearly showing the original parts of the layout-design.

Article 24 — The declaration of originality shall specify the regions, design points, and corresponding functions of the original parts of the layout-design.

Where the layout-design is original as a whole, this shall be specifically stated in the declaration of originality.

Article 25 — The date on which the intellectual property administrative department of the State Council receives the documents of the application for registration of a layout-design specified in Article 22 of these Regulations shall be the filing date. Where the application documents are filed by post, the date of the postmark shall be the filing date.

Article 26 — Where no application for registration has been filed with the intellectual property administrative department of the State Council within 2 years from the date of first commercial exploitation of the layout-design anywhere in the world, the layout-design shall no longer be registered by the intellectual property administrative department of the State Council.

Article 27 — Where, upon preliminary examination of an application for registration of a layout-design, the intellectual property administrative department of the State Council considers that the layout-design for which registration is applied obviously does not conform to the provisions of items (1) and (2) of paragraph 1 of Article 3, or to Article 7, Article 20, Article 23, or Article 24 of these Regulations, it shall notify the applicant and require the applicant to state its observations or make corrections within a specified time limit; if the applicant fails to respond within the time limit, the application shall be deemed to have been withdrawn. Where the intellectual property administrative department of the State Council still considers, after the applicant has stated its observations or made corrections, that the application does not conform to the provisions of these Regulations, it shall reject the application.

Source: https://www.danyoungcpa.com/regulations-protection-layout-designs-integrated-circuits-prc-2026-revision/

Article 28 — Where no ground for rejection is found upon preliminary examination of an application for registration of a layout-design, the intellectual property administrative department of the State Council shall register the layout-design, issue a registration certificate, and publish the registration.

Article 29 — Where an applicant for registration of a layout-design is dissatisfied with the decision of the intellectual property administrative department of the State Council to reject its application for registration, it may, within 3 months from the date of receipt of the notification, request a reexamination by the intellectual property administrative department of the State Council. The intellectual property administrative department of the State Council shall, after reexamination, make a decision and notify the applicant. Where the applicant is still dissatisfied with the reexamination decision of the intellectual property administrative department of the State Council, it may bring an action before the people's court in accordance with law.

Article 30 — Where, after a layout-design has been registered, the intellectual property administrative department of the State Council finds that the registration does not conform to the provisions of these Regulations, it shall revoke the registration, notify the right holder, and record and publish the revocation.

Any person who finds that the registration does not conform to the provisions of these Regulations may request the intellectual property administrative department of the State Council to revoke the registration of the layout-design. The intellectual property administrative department of the State Council shall promptly examine a request for revocation of a layout-design registration and make a decision, and shall notify the requester and the right holder of the layout-design. The decision to revoke a layout-design registration shall be recorded and published by the intellectual property administrative department of the State Council.

The non-conformity with the provisions of these Regulations referred to in the preceding two paragraphs means non-conformity with items (1) and (2) of paragraph 1 of Article 3, or with Article 4, Article 6, Article 7, Article 17, Article 20, Article 23, Article 24, or Article 26 of these Regulations.

Where the right holder of a layout-design or the requester is dissatisfied with the examination decision of the intellectual property administrative department of the State Council, it may bring an action before the people's court in accordance with law.

Article 31 — Where a layout-design registration is revoked, the exclusive right in the layout-design shall be deemed to have never existed.

Article 32 — The staff and other relevant personnel of the intellectual property administrative department of the State Council shall bear a duty of confidentiality with respect to unpublished contents of a layout-design registration.

Article 33 — Where a party, due to a force majeure event, has delayed beyond a time limit specified in these Regulations or a time limit designated by the intellectual property administrative department of the State Council, resulting in loss of its rights, it may, within 2 months from the date of removal of the impediment and within 2 years from the date of expiry of the time limit, state the reasons and attach relevant supporting documents to the intellectual property administrative department of the State Council and request restoration of its rights.

Apart from the circumstances specified in the preceding paragraph, where a party, due to other legitimate reasons, has delayed beyond a time limit specified in these Regulations or a time limit designated by the intellectual property administrative department of the State Council, resulting in loss of its rights, it may, within 2 months from the date of receipt of the notification from the intellectual property administrative department of the State Council, state the reasons to the intellectual property administrative department of the State Council and request restoration of its rights; however, where it has delayed beyond the time limit for requesting reexamination, it may, within 2 months from the date of expiry of the time limit for requesting reexamination, request the intellectual property administrative department of the State Council to restore its rights.

Source: https://www.danyoungcpa.com/regulations-protection-layout-designs-integrated-circuits-prc-2026-revision/

Where a party requests an extension of a time limit designated by the intellectual property administrative department of the State Council, it shall, before the expiry of the time limit, state the reasons to the intellectual property administrative department of the State Council and complete the relevant formalities.

The provisions of paragraphs 1 and 2 of this Article shall not apply to the time limits specified in Article 17 and Article 26 of these Regulations.

Chapter IV — Exercise of Exclusive Rights in Layout-Designs

Article 34 — A protected layout-design shall be as shown in the copy or drawing of the registered layout-design; the declaration of originality may be used to explain the originality of the layout-design.

Article 35 — A right holder of a layout-design may assign its exclusive right or license another person to exploit its layout-design.

Where Chinese natural persons, legal persons, or unincorporated organizations assign exclusive rights in layout-designs to foreigners, foreign enterprises, or other foreign organizations, the formalities shall be handled in accordance with the relevant laws, administrative regulations, and the relevant provisions of the State.

Where an exclusive right in a layout-design is assigned, the parties shall conclude a written contract and register the assignment with the intellectual property administrative department of the State Council, which shall publish the assignment. The assignment of the exclusive right in a layout-design shall take effect on the date of registration.

Where another person is licensed to exploit a layout-design, the parties shall conclude a written contract and file the license for record with the intellectual property administrative department of the State Council within 3 months from the date on which the contract takes effect.

Where an exclusive right in a layout-design is pledged, the pledgor and the pledgee shall jointly register the pledge with the intellectual property administrative department of the State Council, which shall publish the pledge.

Article 36 — Where co-owners of an exclusive right in a layout-design have an agreement on the exercise of the right, the agreement shall prevail. In the absence of such agreement, any co-owner may exploit the layout-design alone or license another person to exploit the layout-design by a non-exclusive license; where another person is licensed to exploit the layout-design, the royalties collected shall be distributed among the co-owners.

Except for the circumstances specified in the preceding paragraph, the exercise of a jointly owned exclusive right in a layout-design shall require the consent of all the co-owners.

Article 37 — The following acts may be performed without the permission of, and without payment of royalties to, the right holder of a layout-design:

(1) reproducing a protected layout-design for private purposes or solely for the purposes of evaluation, analysis, research, teaching, or the like;

(2) creating an original layout-design on the basis of the evaluation and analysis of a protected layout-design under the preceding item;

(3) reproducing or commercially exploiting a layout-design independently created by oneself that is identical to another person's layout-design.

Article 38 — Where a protected layout-design, an integrated circuit incorporating the layout-design, or an article incorporating such an integrated circuit has been placed on the market by the right holder or with its permission, another person's subsequent commercial exploitation thereof may be carried out without the

Source: https://www.danyoungcpa.com/regulations-protection-layout-designs-integrated-circuits-prc-2026-revision/

permission of, and without payment of royalties to, the right holder.

Article 39 — Where a state of emergency or extraordinary circumstance occurs in the State, or for the purposes of the public interest, or where the people's court or an anti-monopoly law-enforcement authority determines in accordance with law that the right holder of a layout-design has engaged in monopolistic conduct requiring remedy, the intellectual property administrative department of the State Council may grant a non-voluntary license to exploit the layout-design.

Article 40 — The intellectual property administrative department of the State Council shall promptly notify the right holder of the layout-design of its decision to grant a non-voluntary license to exploit the layout-design.

The decision to grant a non-voluntary license to exploit a layout-design shall, based on the grounds for the non-voluntary license, specify the scope and duration of exploitation, and the scope shall be limited to non-commercial exploitation for public purposes, or to the remedy required after the people's court or an anti-monopoly law-enforcement authority determines in accordance with law that the right holder has engaged in monopolistic conduct.

Where the grounds for the non-voluntary license cease to exist and no longer arise, the intellectual property administrative department of the State Council shall, upon the request of the right holder of the layout-design, make a decision to terminate the non-voluntary license to exploit the layout-design after examination.

Article 41 — A natural person, legal person, or unincorporated organization that obtains a non-voluntary license to exploit a layout-design shall not enjoy an exclusive right of exploitation and shall have no right to permit others to exploit the layout-design.

Article 42 — A natural person, legal person, or unincorporated organization that obtains a non-voluntary license to exploit a layout-design shall pay reasonable royalties to the right holder of the layout-design, the amount of which shall be determined by the parties through consultation; where the parties fail to reach an agreement, an administrative ruling shall be made by the intellectual property administrative department of the State Council.

Article 43 — Where the right holder of a layout-design is dissatisfied with the decision of the intellectual property administrative department of the State Council on the non-voluntary license to exploit the layout-design, or where the right holder of the layout-design or a natural person, legal person, or unincorporated organization that has obtained a non-voluntary license is dissatisfied with the administrative ruling of the intellectual property administrative department of the State Council on the royalties for the non-voluntary license to exploit the layout-design, it may bring an action before the people's court in accordance with law.

Chapter V — Legal Liability

Article 44 — Except as otherwise provided for by these Regulations, a person who, without the permission of the right holder of a layout-design, commits any of the following acts shall immediately cease the infringing act and bear liability for compensation:

(1) reproducing the whole or any original part of a protected layout-design;

(2) importing, selling, or otherwise providing for commercial purposes a protected layout-design, an integrated circuit incorporating the layout-design, or an article incorporating such an integrated circuit.

Article 45 — Any dispute arising from the exploitation of a layout-design without the permission of the right holder, that is, from infringement of the exclusive right in a layout-design, shall be resolved by the parties through consultation; where the parties are unwilling to consult or where consultation fails, the right holder of the layout-design or an interested party may bring an action before the people's court, or may request the intellectual property administrative department of the State Council to handle the matter. Where, in handling

Source: https://www.danyoungcpa.com/regulations-protection-layout-designs-integrated-circuits-prc-2026-revision/

the matter, the intellectual property administrative department of the State Council determines that the infringing act is established, it may order the infringer to immediately cease the infringing act and confiscate and destroy the infringing products or articles. Where a party is dissatisfied, it may bring an action before the people's court in accordance with law; where the infringer neither brings an action within the time limit nor ceases the infringing act, the intellectual property administrative department of the State Council may request the people's court to compel enforcement. At the request of the parties, the intellectual property administrative department of the State Council may mediate on the amount of compensation for infringement of the exclusive right in a layout-design; where mediation fails, the parties may bring an action before the people's court in accordance with law.

Article 46 — The amount of compensation for infringement of the exclusive right in a layout-design shall be determined on the basis of the actual loss suffered by the right holder as a result of the infringement, or the benefit obtained by the infringer as a result of the infringement; where it is difficult to determine the loss of the right holder or the benefit obtained by the infringer, it shall be reasonably determined by reference to a multiple of the royalties for licensing the layout-design. For intentional infringement of the exclusive right in a layout-design with serious circumstances, the amount of compensation may be determined at not less than one time and not more than five times the amount determined in accordance with the above method.

The amount of compensation shall also include the reasonable expenses paid by the right holder to stop the infringing act.

Article 47 — Where a person, at the time of obtaining an integrated circuit incorporating a protected layout-design or an article incorporating such an integrated circuit, does not know and has no reasonable grounds to know that it contains an illegally reproduced layout-design, and puts it into commercial exploitation, the act shall not be deemed to be infringement.

After receiving an express notification that the product contains an illegally reproduced layout-design, the person referred to in the preceding paragraph may continue to put the existing stock or orders placed previously into commercial exploitation, but shall pay reasonable royalties to the right holder of the layout-design.

Article 48 — Where a patent agency discloses unpublished contents of a principal's layout-design, it shall be punished in accordance with Article 25 of the Regulations on Patent Agencies.

Where the staff or other relevant personnel of the intellectual property administrative department of the State Council disclose unpublished contents of a layout-design registration, they shall be given disciplinary sanctions in accordance with law; where the disclosure involves State secrets or infringes upon trade secrets, they shall bear legal liability in accordance with the provisions of the relevant laws and administrative regulations.

Article 49 — Where a staff member of a State organ engaged in the administration of exclusive rights in layout-designs neglects his or her duty, abuses his or her power, or commits malpractice for personal gain, he or she shall be given disciplinary sanctions in accordance with law; where a crime is constituted, criminal liability shall be pursued in accordance with law.

Chapter VI — Supplementary Provisions

Article 50 — After the registration of a layout-design has been published, the public may request to consult the register of the layout-design or request the intellectual property administrative department of the State Council to provide a duplicate of the register. The public may also request to consult the paper copy or drawing of the layout-design.

Except where necessary for a State organ to perform its duties in accordance with law in litigation or administrative handling proceedings, no person shall consult or reproduce the electronic version of the copy

Source: https://www.danyoungcpa.com/regulations-protection-layout-designs-integrated-circuits-prc-2026-revision/

or drawing of a layout-design.

Article 51 — Fees shall be paid in accordance with the provisions when applying for registration of a layout-design and when handling other formalities.

Article 52 — The day on which a time limit specified in these Regulations begins shall not be counted in the time limit, and the time limit shall be computed from the following day. Where a time limit is computed in years or months, the corresponding day of the last month of the time limit shall be the date of expiry of the time limit; where there is no corresponding day in that month, the last day of that month shall be the date of expiry of the time limit; where the date of expiry is a statutory holiday, the first working day after the holiday shall be the date of expiry of the time limit.

Article 53 — Where any country or region adopts discriminatory prohibitions, restrictions, or other similar measures against the People's Republic of China in respect of the protection of layout-designs of integrated circuits, the People's Republic of China may, based on the actual circumstances, adopt corresponding measures against the relevant country or region.

Article 54 — These Regulations shall take effect on October 15, 2026.

Disclaimer: This is an unofficial English translation of the Regulations on the Protection of Layout-Designs of Integrated Circuits of the People's Republic of China (State Council Decree No. 842), prepared for general information purposes only. The official Chinese text, as promulgated on the official government websites, is the sole authoritative version. This translation is not legal advice, and no rights or obligations may be derived from it. Readers should consult qualified legal counsel for advice on specific matters. While reasonable care has been taken in preparing this translation, no warranty is given as to its accuracy or completeness.

Source: https://www.danyoungcpa.com/regulations-protection-layout-designs-integrated-circuits-prc-2026-revision/