

Traditional Culture

Patent Law of the People's Republic of China

第二条

发明，是指对产品、方法或者其改进所提出的新的技术方案。

实用新型，是指对产品的形状、构造或者其结合所提出的适于实用的新的技术方案。

外观设计，是指对产品的整体或者局部的形状、图案或者其结合以及色彩与形状、图案的结合所作出的富有美感并适于工业应用的新设计。

Article 2

"Invention" means any new technical solution proposed for a product, a process or the improvement thereof.

"Utility model" means any new technical solution proposed for the shape, the structure, or their combination, of a product, which is fit for practical use.

"Design" means, with respect to an overall or partial product, any new design of the shape, the pattern, or their combination, or the combination of the colour with shape or pattern, which is rich in an aesthetic appeal and is fit for industrial application.

第六条

执行本单位的任务或者主要是利用本单位的物质技术条件所完成的发明创造为职务发明创造。职务发明创造申请专利的权利属于该单位，申请被批准后，该单位为专利权人。该单位可以依法处置其职务发明创造申请专利的权利和专利权，促进相关发明创造的实施和运用。

利用本单位的物质技术条件所完成的发明创造，单位与发明人或者设计人订有合同，对申请专利的权利和专利权的归属作出约定的，从其约定。

Article 6

An invention-creation that is accomplished in the course of performing the duties of an employee, or mainly by using the material and technical conditions of an employer, is a service invention-creation. For a service invention-creation, the right to apply for a patent belongs to the employer. After such application is approved, the employer shall be the patentee. The employer may, in accordance with the law, dispose of the right to apply for a

patent for its service invention-creation and the patent right, thereby facilitating the exploitation and utilization of the relevant invention-creation.

For an invention-creation that is accomplished by using the material and technical conditions of an employer, if the employer has concluded a contract with the inventor or designer providing the ownership of the right to apply for the patent or the ownership of the patent right, such provision shall prevail.

第十一条

发明和实用新型专利权被授予后，除本法另有规定的以外，任何单位或者个人未经专利权人许可，都不得实施其专利，即不得为生产经营目的制造、使用、许诺销售、销售、进口其专利产品，或者使用其专利方法以及使用、许诺销售、销售、进口依照该专利方法直接获得的产品。

外观设计专利权被授予后，任何单位或者个人未经专利权人许可，都不得实施其专利，即不得为生产经营目的制造、许诺销售、销售、进口其外观设计专利产品。

Article 11

After the grant of the patent for an invention or an utility model, except where otherwise provided for in this Law, no entity or individual may, without the authorization of the patentee, exploit the patentee's patent, that is, for production or business purposes, manufacture, use, offer to sell, sell or import the patented product, or use the patented process, and use, offer to sell, sell or import the product directly obtained by the patented process.

After the grant of the patent for an design, no entity or individual may, without the authorization of the patentee, exploit the patentee's patent, that is, for production or business purposes, manufacture, offer to sell, sell or import the products incorporating the patentee's patented design.

第十三条

发明专利申请公布后，申请人可以要求实施其发明的单位或者个人支付适当的费用。

Article 13

After the publication of an invention patent application, the applicant may require the entity or individual exploiting the said invention to pay an appropriate amount of royalties.

第十四条

专利申请权或者专利权的共有人对权利的行使有约定的，从其约定。没有约定的，共有人可以单独实施或者以普通许可方式许可他人实施该专利；许可他人实施该专利的，收取的使用费应当在共有人之间分配。

Article 14

Where the co-owners of the right to file a patent application or of the patent right have reached an agreement on the exercise of the right, the agreement shall prevail. In the absence of such an agreement, any co-owner may independently exploit the patent or license another person to exploit the patent through a non-exclusive license; any royalty for the exploitation obtained from licensing others to exploit the patent shall be distributed among the co-owners.

第十六条

专利权人有权在其专利产品或者该产品的包装上标明专利标识。

Article 16

The patentee shall have the right to have his patent indication displayed on the patented product or on the package of that product.

第十七条

在中国没有经常居所或者营业所的外国人、外国企业或者外国其他组织在中国申请专利的，依照其所属国同中国签订的协议或者共同参加的国际条约，或者依照互惠原则，根据本法办理。

Article 17

Where any foreigner, foreign enterprise or other foreign organization without a habitual residence or business office in China files a patent application in China, the application shall be handled under this Law in accordance with the agreements concluded between the country to which the applicant belongs and China, or in accordance with the international treaties to which both the countries are parties, or in accordance with this Law on the basis of the principle of reciprocity.

第二十一条

在专利申请公布或者公告前，国务院专利行政部门的工作人员及有关人员对其内容负有保密责任。

Article 21

Prior to the publication or announcement of a patent application, the staff members of the patent administration department under the State Council and the related personnel shall be obligated to keep its contents confidential.

第二十四条

（四）他人未经申请人同意而泄露其内容的。

Article 24

(4) where its contents are divulged by another person without the consent of the applicant.

第二十六条

申请发明或者实用新型专利的，应当提交请求书、说明书及其摘要和权利要求书等文件。

Article 26

Where a patent application for an invention or utility model is filed, documents such as a request, a description and its abstract, and claims shall be submitted.

第三十二条

申请人可以在被授予专利权之前随时撤回其专利申请。

Article 32

An applicant may withdraw his or its patent application at any time before the patent right is granted.

第三十三条

申请人可以对其专利申请文件进行修改，但是，对发明和实用新型专利申请文件的修改不得超出原说明书和权利要求书记载的范围，对外观设计专利申请文件的修改不得超出原图片或者照片表示的范围。

Article 33

An applicant may amend his or its patent application documents, however, the amendment to the patent application documents for an invention or utility model may not go beyond the scope of disclosure contained in the original description and claims, and the amendment to the patent application documents for a design may not go beyond the scope of the disclosure as shown in the original drawings or photographs.

第三十四条

国务院专利行政部门收到发明专利申请后，经初步审查认为符合本法要求的，自申请日起满十八个月，即行公布。国务院专利行政部门可以根据申请人的请求早日公布其申请。

Article 34

Where, after receiving a patent application for an invention, the patent administration department under the State Council finds that the application meets the requirements of this Law after preliminary examination, it shall publish the application promptly after the expiration of eighteen months from the filing date. Upon the request of the applicant, the patent administration department under the State Council may publish the application earlier.

第三十五条

发明专利申请自申请日起三年内，国务院专利行政部门可以根据申请人随时提出的请求，对其申请进行实质审查；申请人无正当理由逾期不请求实质审查的，该申请即被视为撤回。

Article 35

Within three years from the filing date, the patent administration department under the State Council may conduct a substantive examination of the application upon a request made by the applicant for a patent for invention at any time. If the applicant, without any justified reason, fails to request a substantive examination at the expiration of the time limit, the application shall be deemed to have been withdrawn.

第三十六条

发明专利的申请人请求实质审查的时候，应当提交在申请日前与其发明有关的参考资料。

发明专利已经在外国提出过申请的，国务院专利行政部门可以要求申请人在指定期限内提交该国为审查其申请进行检索的资料或者审查结果的资料；无正当理由逾期不提交的，该申请即被视为撤回。

Article 36

When the applicant for an invention patent requests a substantive examination, he or it shall submit reference materials relating to the invention existing prior to the filing date.

If a patent application for an invention that has been filed in a foreign country, the patent administration department under the State Council may ask the applicant to submit, within a

specified time limit, materials concerning any search made for the purpose of examining the application in that country, or concerning the results of any examination made in that country. If, at the expiration of the specified time limit, the said materials are not submitted without any justified reason, the application shall be deemed to have been withdrawn.

第三十七条

国务院专利行政部门对发明专利申请进行实质审查后，认为不符合本法规定的，应当通知申请人，要求其在指定的期限内陈述意见，或者对其申请进行修改；无正当理由逾期不答复的，该申请即被视为撤回。

Article 37

After the patent administration department under the State Council has conducted a substantive examination of the patent application for an invention, if it finds that the application is not in conformity with the provisions of this Law, it shall notify the applicant and require him or it to state opinions within a specified time limit or to amend the application. If the applicant fails to state opinions at the expiration of the specified time limit without any justified reason, the application shall be deemed to have been withdrawn.

第四十四条

（二）专利权人以书面声明放弃其专利权的。

Article 44

(2) the patentee waiving of the patent right by a written declaration;

第五十条

专利权人自愿以书面方式向国务院专利行政部门声明愿意许可任何单位或者个人实施其专利，并明确许可使用费支付方式、标准的，由国务院专利行政部门予以公告，实行开放许可。就实用新型、外观设计专利提出开放许可声明的，应当提供专利权评价报告。

Article 50

Where the patentee voluntarily declares in writing to the patent administration department under the State Council that it or he is willing to license any entity or individual to exploit its or his patent, and specifies the payment method and the standard of the royalty, the patent administration department under the State Council shall make an announcement and

implement an open license. Where the patentee submits an open license statement for its or his utility model and design, it or he shall attach an evaluation report of the patent.

第五十三条

(一) 专利权人自专利权被授予之日起满三年, 且自提出专利申请之日起满四年, 无正当理由未实施或者未充分实施其专利的;

Article 53

(1) where the patentee, after the expiration of three years from the date of the grant of the patent right and the expiration of four years from the filing date, has not exploited or has not sufficiently exploited the patent without any justified reason;

第五十五条

为了公共健康目的, 对取得专利权的药品, 国务院专利行政部门可以给予制造并将其出口到符合中华人民共和国参加的有关国际条约规定的国家或者地区的强制许可。

Article 55

For the purposes of public health, the patent administration department under the State Council may grant a compulsory license for manufacture of a pharmaceutical product, for which a patent right has been granted, and for exporting it to the countries or regions that comply with the provisions of the relevant international treaties to which the People's Republic of China is a party.

第五十六条

一项取得专利权的发明或者实用新型比前已经取得专利权的发明或者实用新型具有显著经济意义的重大技术进步, 其实施又有赖于前一发明或者实用新型的实施的, 国务院专利行政部门根据后一专利权人的申请, 可以给予实施前一发明或者实用新型的强制许可。

Article 56

Where the invention or utility model, for which a patent right has been granted, involves a major technological advancement of remarkable economic significance, compared with an invention or utility model for which a patent right has been granted earlier, and the exploitation of the later invention or utility model depends on the exploitation of the earlier invention or utility model, the patent administration department under the State Council may,

upon the request of the patentee of the later patent, grant a compulsory license to exploit the earlier invention or utility model.

第五十七条

强制许可涉及的发明创造为半导体技术的，其实施限于公共利益的目的和本法第五十三条第（二）项规定的情形。

Article 57

Where the invention-creation involved in a compulsory license is a semi-conductor technology, the exploitation thereof shall be limited to the purpose of the public interests and to the circumstances as provided for in Subparagraph (2) of Article 53 of this Law.

第五十九条

依照本法第五十三条第（一）项、第五十六条规定申请强制许可的单位或者个人应当提供证据，证明其以合理的条件请求专利权人许可其实施专利，但未能在合理的时间内获得许可。

Article 59

Any entity or individual applying for a compulsory license in accordance with the provisions of Subparagraph (1) of Article 53 or Article 56 of this Law shall provide evidence to prove that it or he has made a request for a license from the patentee to exploit the patent under reasonable terms, but has failed to obtain such a license within a reasonable period of time.

第六十四条

发明或者实用新型专利权的保护范围以其权利要求的内容为准，说明书及附图可以用于解释权利要求的内容。

Article 64

For the patent right of an invention or a utility model, the scope of protection shall be confined to the content of the claims. The description and the drawings attached may be used to explain the content of the claims.

第六十六条

专利侵权纠纷涉及新产品制造方法的发明专利的，制造同样产品的单位或者个人应当提供其产品制造方法不同于专利方法的证明。

Article 66

Where a patent infringement dispute involves a patent for an invention for a manufacturing process of a new product, the entity or individual manufacturing the identical product shall provide evidence to prove that the manufacturing process used in the manufacture of its or his product is different from the patented process.

第六十七条

在专利侵权纠纷中，被控侵权人有证据证明其实施的技术或者设计属于现有技术或者现有设计的，不构成侵犯专利权。

Article 67

In a patent infringement dispute, if the alleged infringer has evidence to prove that the technology or design exploited by it or him forms part of the prior art or prior design, such exploitation shall not constitute an infringement of the patent right.

第七十九条

管理专利工作的部门违反前款规定的，由其上级机关或者监察机关责令改正，消除影响，有违法收入的予以没收；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 79

Where a department in charge of patent-related work under the people's governments violates the provisions of the preceding paragraph, it shall be ordered to make a rectification and to eliminate adverse effects by the department at the higher level or the supervisory organ. The illegal earnings, if any, shall be confiscated. Where the circumstances are serious, the principal leading person directly in charge and other persons who are directly responsible shall be given sanctions in accordance with the law.

第八十条

从事专利管理工作的国家机关工作人员以及其他有关国家机关工作人员玩忽职守、滥用职权、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

Article 80

Where a State functionary working for patent administration or any other State functionary concerned neglects his duties, abuses his powers, or engages in malpractice for personal gain, which constitutes a crime, shall be investigated for his criminal responsibility

in accordance with law. If the case is not serious enough to constitute a crime, he shall be given sanctions in accordance with law.

Copyright Law of the People's Republic of China

第二条

外国人、无国籍人的作品根据其作者所属国或者经常居住地国同中国签订的协议或者共同参加的国际条约享有的著作权，受本法保护。

Article 2

The copyright enjoyed by foreigners or stateless persons in any of their works under an agreement concluded between China and the country to which the authors belong or in which they have their habitual residences, or under an international treaty to which both countries are parties, shall be protected by this Law.

第五条

（一）法律、法规，国家机关的决议、决定、命令和其他具有立法、行政、司法性质的文件，及其官方正式译文；

Article 5

(1) laws and regulations, resolutions, decisions and orders of State organs, other documents of a legislative, administrative or judicial nature and the official translations thereof;

第十条

（十二）信息网络传播权，即以有线或者无线方式向公众提供，使公众可以在其选定的时间和地点获得作品的权利；

Article 10

(12) the right of communication through information network, that is, the right to make a work available to the public by wire or by wireless means, so that the public may have access to the work at time and place chosen by them;

第十三条

改编、翻译、注释、整理已有作品而产生的作品，其著作权由改编、翻译、注释、整理人享有，但行使著作权时不得侵犯原作品的著作权。

Article 13

The copyright of a work created by adaptation, translation, annotation or arrangement of a preexisting work shall be enjoyed by the adapter, translator, annotator or arranger, provided that the exercise of such copyright does not infringe upon the copyright in the original work.

第十五条

汇编若干作品、作品的片段或者不构成作品的数据或者其他材料，对其内容的选择或者编排体现独创性的作品，为汇编作品，其著作权由汇编人享有，但行使著作权时，不得侵犯原作品的著作权。

Article 15

A work created by compilation of several works, fragments of works or of data or other materials which do not constitute a work is a compilation when the selection or arrangement of the contents thereof reflect the originality. The copyright in such compilation shall be enjoyed by the compiler, provided that the exercise of such copyright does not infringe upon the copyright in the original works.

第十七条

视听作品中的剧本、音乐等可以单独使用的作品的作者有权单独行使其著作权。

Article 17

The authors of the scripts, music and other audiovisual works that may be used separately shall be entitled to exercise their copyright separately.

第十八条

自然人为完成法人或者非法人组织工作任务所创作的作品是职务作品，除本条第二款的规定以外，著作权由作者享有，但法人或者非法人组织有权在其业务范围内优先使用。作品完成两年内，未经单位同意，作者不得许可第三人以与单位使用的相同方式使用该作品。

Article 18

A work created by a natural person in the fulfillment of tasks assigned to him by a legal person or unincorporated organization is a work for hire. Unless otherwise provided in the second paragraph of this Article, the copyright in such a work shall be enjoyed by the author; but the legal person or unincorporated organization shall have priority to use the work within the scope of its professional activities. Within two years after the completion of the work, the author shall not, without the consent of the legal person or unincorporated organization,

authorize a third party to use the work in the same manner as the legal person or unincorporated organization does.

第二十一条

著作权属于自然人的，自然人死亡后，其本法第十条第一款第五项至第十七项规定的权利在本法规定的保护期内，依法转移。

著作权属于法人或者非法人组织的，法人或者非法人组织变更、终止后，其本法第十条第一款第五项至第十七项规定的权利在本法规定的保护期内，由承受其权利义务的法人或者非法人组织享有；没有承受其权利义务的法人或者非法人组织的，由国家享有。

Article 21

Where the copyright in a work belongs to a natural person, his rights in respect of the work as provided in Subparagraphs (5) to (17) of the first paragraph of Article 10 of this Law shall, after his death and during the term of protection provided in this Law, be transferred in accordance with the law.

Where the copyright of a work belongs to a legal person or unincorporated organization, the rights provided in Subparagraphs (5) to (17) of the first paragraph of Article 10 of this Law shall, after the change or termination of the status of the legal person or unincorporated organization and during the term of protection provided in this Law, be enjoyed by the succeeding legal person or unincorporated organization which takes over its rights and obligations; where there is no succeeding legal person or unincorporated organization to take over the said legal person or unincorporated organization's rights and obligations, the copyright shall be enjoyed by the State.

第二十三条

自然人的作品，其发表权、本法第十条第一款第五项至第十七项规定的权利的保护期为作者终生及其死亡后五十年，截止于作者死亡后第五十年的 12 月 31 日；如果是合作作品，截止于最后死亡的作者死亡后第五十年的 12 月 31 日。

法人或者非法人组织的作品、著作权（署名权除外）由法人或者非法人组织享有的职务作品，其发表权的保护期为五十年，截止于作品创作完成后第五十年的 12 月 31 日；本法第十条第一款第五项至第十七项规定的权利的保护期为五十年，截止于作品

首次发表后第五十年的 12 月 31 日，但作品自创作完成后五十年内未发表的，本法不再保护。

视听作品，其发表权的保护期为五十年，截止于作品创作完成后第五十年的 12 月 31 日；本法第十条第一款第五项至第十七项规定的权利的保护期为五十年，截止于作品首次发表后第五十年的 12 月 31 日，但作品自创作完成后五十年内未发表的，本法不再保护。

Article 23

In respect of a work of a natural person, the term of protection for the right of publication and the rights as provided in Subparagraphs (5) to (17) of the first paragraph of Article 10 of this Law shall be the life of the author and fifty years after his death, expiring on December 31 of the fiftieth year after his death. In the case of a joint work, the term shall expire on December 31 of the fiftieth year after the death of the last surviving author.

For a work of a legal person or unincorporated organization, and a work for hire whose copyright (excluding the right of authorship) is enjoyed by a legal person or unincorporated organization, the term of protection for the right of publication shall be fifty years, expiring on December 31 of the fiftieth year after the completion of its creation; and the term of protection for the rights as provided in Subparagraphs (5) to (17) of the first paragraph of Article 10 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the first publication of such a work; but if a work is not published within fifty years after the completion of its creation, it shall no longer be protected by this Law.

For an audiovisual work, the term of protection for the right of publication shall be fifty years, expiring on December 31 of the fiftieth year after the completion of its creation; and the term of protection for the rights as provided in Subparagraphs (5) to (17) of the first paragraph of Article 10 of this Law shall be fifty years, expiring on December 31 of the fiftieth year after the first publication of such a work; but if a work is not published within fifty years after the completion of its creation, it shall no longer be protected by this Law.

第三十七条

出版者有权许可或者禁止他人使用其出版的图书、期刊的版式设计。

Article 37

A publisher shall be entitled to license others to use or prohibit others from using the format design of a book or periodical it has published.

第三十九条

表演者对其表演享有下列权利：

- （三）许可他人从现场直播和公开传送其现场表演，并获得报酬；
- （五）许可他人复制、发行、出租录有其表演的录音录像制品，并获得报酬；
- （六）许可他人通过信息网络向公众传播其表演，并获得报酬。

Article 39

A performer shall, in respect of his performance, enjoy the following rights:

- (3) to permit others to make live broadcasts or to publicly transmit his live performance, and receive remuneration therefor;
- (5) to permit others to reproduce, distribute and lease the sound and video recordings of his performance, and receive remuneration therefor; and
- (6) to permit others make his performance available to the public through information network, and receive remuneration therefor.

第四十条

职务表演的权利由演员享有的，演出单位可以在其业务范围内免费使用该表演。

Article 40

Where the right to performance for hire is enjoyed by performers, the performing entity may use the performance free of charge within the scope of its business.

第四十七条

广播电台、电视台有权禁止未经其许可的下列行为：

- （一）将其播放的广播、电视以有线或者无线方式转播；
- （二）将其播放的广播、电视录制以及复制；
- （三）将其播放的广播、电视通过信息网络向公众传播。

Article 47

A radio station and television station shall have the right to prohibit the following acts performed without its permission:

- (1) rebroadcasting the radio or television programs broadcast by it by wire or by wireless means;

(2) recording and reproducing the radio or television programs broadcast by it; and
(3) disseminating the radio or television programs broadcast by it to the public through information network.

第五十六条

著作权人或者与著作权有关的权利人有证据证明他人正在实施或者即将实施侵犯其权利、妨碍其实现权利的行为，如不及时制止将会使其合法权益受到难以弥补的损害的，可以在起诉前依法向人民法院申请采取财产保全、责令作出一定行为或者禁止作出一定行为等措施。

Article 56

Where a copyright owner or a copyright-related right owner has evidence to prove that another person is committing, or is about to commit, an infringement upon his rights or an act hindering the realization of his rights, and failure to stop such acts in a timely manner will cause irreparable damage to his legitimate rights and interests, he may, before bringing a lawsuit, apply to a people's court in accordance with the law for taking such measures as preserving property, ordering performance of a specific act, or prohibiting a specific act.

第五十九条

复制品的出版者、制作者不能证明其出版、制作有合法授权的，复制品的发行者或者视听作品、计算机软件、录音录像制品的复制品的出租者不能证明其发行、出租的复制品有合法来源的，应当承担法律责任。

在诉讼程序中，被诉侵权人主张其不承担侵权责任的，应当提供证据证明已经取得权利人的许可，或者具有本法规定的不经权利人许可而可以使用的情形。

Article 59

Where a publisher or producer of copies fails to prove that its publication or production is legally authorized, or a distributor of reproductions or a lessor of copies of an audiovisual work, computer software, sound recording or video recording fails to prove the legal source of the copies for distribution or lease, it shall bear legal liability.

During the litigation process, where the defendant-infringer claims that he is not liable for the infringement, he shall present evidence to prove that he has obtained the permission of the right owner, or that he falls under the circumstances under which use is allowed without permission of the right owner as provided in this Law.

Regulations on the Protection of Layout-Designs of Integrated Circuits

第三条

外国人创作的布图设计，其创作者所属国同中国签订有关布图设计保护协议或者与中国共同参加有关布图设计保护国际条约的，依照本条例享有布图设计专有权。

Article 3.

Any layout-design created by a foreigner shall be eligible for the exclusive right of layout-design in accordance with these Regulations, if the country to which the foreigner belongs has concluded an agreement with China to protect layout-designs or both the country to which the foreigner belongs and China are party to an international treaty concerning the protection of layout-designs.

第四条

受保护的布图设计应当具有独创性，即该布图设计是创作者自己的智力劳动成果，并且在其创作时该布图设计在布图设计创作者和集成电路制造者中不是公认的常规设计。

受保护的由常规设计组成的布图设计，其组合作为整体应当符合前款规定的条件。

Article 4

Any layout-design which is to be protected shall be original in the sense that the layout-design is the result of the creator's own intellectual effort, and it is not commonplace among creators of layout-designs and manufacturers of integrated circuits at the time of its creation.

Where a layout-design which is to be protected consists of several commonplace layout-designs, the combination of these layout-designs taken as a whole shall be in compliance with the requirements referred to in the preceding paragraph.

第十条

两个以上自然人、法人或者其他组织合作创作的布图设计，其专有权的归属由合作者约定；未作约定或者约定不明的，其专有权由合作者共同享有。

Article 10

Where a layout-design is created jointly by two or more natural persons, legal persons or other organizations, the ownership of the exclusive right shall be agreed upon by the joint

creators; in the absence of such an agreement or where the agreement is not clear, the exclusive right shall be owned jointly by the creators.

第十一条

受委托创作的布图设计，其专有权的归属由委托人和受托人双方约定；未作约定或者约定不明的，其专有权由受托人享有。

Article 11

Where a layout-design is created in execution of a commission, the ownership of the exclusive right shall be agreed upon by the person having commissioned and the person being commissioned; in the absence of such an agreement or where the agreement is not clear, the exclusive right shall be owned by the person being commissioned.

第十三条

布图设计专有权属于自然人的，该自然人死亡后，其专有权在本条例规定的保护期内依照继承法的规定转移。

布图设计专有权属于法人或者其他组织的，法人或者其他组织变更、终止后，其专有权在本条例规定的保护期内由承继其权利、义务的法人或者其他组织享有；没有承继其权利、义务的法人或者其他组织的，该布图设计进入公有领域。

Article 13

Where the exclusive right of layout-design belongs to a natural person, the exclusive right shall, after the death of the natural person and within the term of protection as prescribed in these Regulations, be transferred in accordance with the provisions of the Succession Law.

Where the exclusive right of a layout-design belongs to a legal person or other organization, the exclusive right shall, after the legal person or other organization is reorganized or ceases to exist and within the term of protection as prescribed in these Regulations, be owned by the legal person or other organization which succeeds to its rights and obligations; where there is no such legal person or other organization to succeed to its rights and obligations, the layout-design shall enter into the public domain.

第二十二条

布图设计权利人可以将其专有权转让或者许可他人使用其布图设计。

Article 22

The holder of the right of layout-design may assign its or his exclusive right or give other persons a license to exploit its or his layout-design.

第三十二条

布图设计权利人或者利害关系人有证据证明他人正在实施或者即将实施侵犯其专有权的行为，如不及时制止将会使其合法权益受到难以弥补的损害的，可以在起诉前依法向人民法院申请采取责令停止有关行为和财产保全的措施。

Article 32

Where any holder of the right of layout-design or interested party has evidence to prove that another person is infringing or will soon infringe its or his exclusive right and that if such infringing act is not checked or prevented from occurring in time, it is likely to cause irreparable harm to its or his legitimate rights, it or he may, before any legal proceedings are instituted, request the people's court to adopt measures for ordering the suspension of relevant acts and the preservation of property.

第三十四条

国务院知识产权行政部门的工作人员在布图设计管理工作中玩忽职守、滥用职权、徇私舞弊，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

Article 34

Where any staff member of the intellectual property administration department of the State Council, in the work of layout-design administration, neglects his duty, abuses his power or commits illegalities for personal gains or by fraudulent means shall be investigated for criminal liability in accordance with law if a crime is constituted, if the case is not serious enough to constitute a crime, he shall be given administrative sanction in accordance with law.