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Via Email: *falvshiwu@cnipa.gov.cn*

Re: Draft Amendments to the Implementing Rules of the Regulations on the Protection of Integrated Circuit Layout Designs and the Draft Amendments to the Guidelines for Review and Enforcement of Integrated Circuit Layout Designs

Dear China National Intellectual Property Administration:

The Intellectual Property Owners Association (IPO) appreciates the opportunity to submit these comments to the China National Intellectual Property Administration (CNIPA) regarding the Draft Amendments to the Implementing Rules of the Regulations on the Protection of Integrated Circuit Layout Designs (Draft Implementing Rules) and the Draft Amendments to the Guidelines for Review and Enforcement of Integrated Circuit Layout Designs (Draft Guidelines), published on August 3, 2026.

IPO is an international trade association representing a "big tent" of diverse companies, law firms, service providers, and individuals in all industries and fields of technology that own, or are interested in, intellectual property (IP) rights. IPO membership includes over 125 companies and spans over 30 countries. IPO advocates for effective and affordable IP ownership rights and offers a wide array of services, including supporting member interests relating to legislative and international issues; analyzing current IP issues; providing information and educational services; and disseminating information to the public on the importance of IP rights.

IPO's vision is the global acceleration of innovation, creativity, and investment necessary to improve lives. IPO's mission is the promotion of high-quality and enforceable IP rights and predictable legal systems for all industries and technologies. IPO commends CNIPA for its ongoing efforts to modernize and clarify the intellectual

property framework for semiconductor technologies. Please find our specific comments and recommendations below.

General Comments

As a matter of general policy, IPO respectfully urges CNIPA to ensure that the administration and enforcement of integrated circuit layout-design rights do not inadvertently conflict with or preempt traditional trade secret protections and contractual rights.

While integrated circuit layout registration provides a valuable avenue of protection, the global industry standard for safeguarding semiconductor intellectual property relies heavily on robust supply chain confidentiality agreements and trade secret laws. IPO respectfully requests that CNIPA's implementation of the Regulations preserves and respects the primacy of these contractual and trade secret rights. Ensuring that layout-design rights operate in harmony with, rather than at the expense of, traditional trade secrets will maintain a stable, comprehensive, and predictable intellectual property ecosystem for semiconductor innovators operating in China.

Specific Comments and Proposed Amendments

To further assist CNIPA in refining the regulations and guidelines for IP protection of integrated circuit layouts, IPO offers the following constructive recommendations on specific articles and sections.

Draft Implementing Rules Art. 5

Article 5 of the Draft Implementation Rules specifies the submission date only for documents sent by mail and does not address the dates applicable to other submission methods. In contrast, Part 1 Section 2.3.2.2 of the Draft Guidelines addresses several methods of submission, including submission through a post office, by courier service, and in person at the counter of the receiving department. IPO therefore recommends amending Article 5 of the Draft Implementation Rules to ensure consistency with Part 1 Section 2.3.2.2 of the Draft Guidelines and to clarify the submission date applicable to each method.

Suggested amendment to Article 5 of Draft Implementing Rules:

第五条　向国家知识产权局邮寄的各种文件，以寄出的邮戳日为递交日。邮戳日不清晰的，除当事人能够提出证明外，以国家知识产权局收到日为递交日。**以其它方式递交的文件，比如通过向受理部门窗口直接递交，或通过速递公司递交，以受理部门收到日为递交日。邮寄或者递交到非受理部门或者个人的文件，以受理部门实际收到日为递交日。**

English translation:

For documents mailed to the National Intellectual Property Administration, the date of mailing—as indicated by the postmark—is deemed the date of submission. If the postmark date is illegible, the date of receipt by the National Intellectual Property Administration is deemed the date of submission, unless the party concerned can provide evidence to the contrary. **For documents submitted via other methods, such as direct submission at the counter of the acceptance department, or delivery via a courier service, the date of receipt by the acceptance department is deemed the date of submission. For documents mailed or delivered to a department or individual other than the acceptance department, the date of actual receipt by the acceptance department is deemed the date of submission.**

Draft Implementing Rules Art. 12 & Draft Guidelines, Part 2, Chapter 4, Sec. 6.3

IPO strongly supports the strict definition of "originality" established in Article 12 of the Draft Implementing Rules and Part 2, Chapter 4, Section 6.3 of the Draft Guidelines. IPO agrees with the requirement that original parts must be "relatively independent areas capable of achieving corresponding functions independently" and must possess "relatively clear and clearly divisible boundaries."

In the context of complex, highly integrated semiconductor manufacturing, establishing this strict boundary is essential. A rigorous standard provides necessary public notice to the industry and prevents overlapping or abusive claims targeting standard cell libraries and recognized conventional designs. By explicitly requiring an original part to be a relatively independent area rather than individual elements or isolated connections, CNIPA will effectively protect the legitimate semiconductor supply chain from frivolous enforcement actions while continuing to reward true, substantial innovation.

Draft Implementing Rules Art. 32 & Draft Guidelines Part 2, Chapter 3, Sec. 4.4

IPO supports the provisions in Article 32 of the Draft Implementing Rules and Part 2, Chapter 3, Section 4.4 of the Draft Guidelines, which stipulate that, in revocation procedures, a right holder may abandon one or more original parts claimed in the statement of originality, but generally may not add or change them.

Because integrated circuit layout-design rights are granted through a registration system without prior substantive examination, it is imperative that the initial Statement of Originality remains strictly binding on the applicant. Allowing right holders to shift, narrow, or otherwise modify their claimed original parts during a revocation procedure would permit the unfair retroactive adjustment of claims in hindsight once a dispute arises. This prohibition on post-registration amendments ensures fairness, prevents gamesmanship, and maintains legal certainty for the public and competitors.

Draft Guidelines, Part 1 Sec. 3.2.6(3)

IPO supports the proposed inclusion of "integrated photonic functions" and "integrated quantum functions" in Part 1 Section 3.2.6(3) of the Draft Guidelines, as these additions reflect the emergence of new technologies.

Conclusion

IPO thanks CNIPA for its consideration of these comments and welcomes any further dialogue on these important issues.

Sincerely,

John Cheek
President