

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT

European Communities

The present document reproduces the following laws and regulations, as notified by the European Communities under Article 63.2 of the Agreement (see document IP/N/1/EEC/1/Rev.1):

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¹Document IP/N/1/EEC/1/Rev.1 incorrectly mentions 22 December 1992 as the date of this decision.

FIRST COUNCIL DECISION

of 9 October 1990

on the extension of the legal protection of topographies of semiconductor products to persons from certain countries and territories

(90/510/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products ⁽¹⁾, and in particular Article 3 (7) thereof,

Having regard to the proposal from the Commission,

Whereas the right to legal protection of topographies of semiconductor products in the Community applies to persons qualifying for protection under Article 3 (1) to (5) of Directive 87/54/EEC;

Whereas the right to protection can be extended, by a Council Decision, to persons who do not benefit from protection under the said provisions;

Whereas the extension of protection should, as far as possible, be decided for the Community as a whole;

Whereas such protection has in fact previously been extended in respect of certain countries and territories on an interim basis only, in accordance with Decisions 87/532/EEC ⁽²⁾ and 88/311/EEC ⁽³⁾, which both expire on 7 November 1990;

Whereas it now seems appropriate to extend protection on a permanent basis to those countries or territories which have an appropriate legislation protecting topographies of semiconductor products under their national law and which make this protection available on a permanent basis to those persons from the Member States of the Community who benefit from the right to protection under Directive 87/54/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall extend the right to protection under Directive 87/54/EEC as follows:

- (a) natural persons who are nationals of a country or territory listed in the Annex to this Decision or who have their habitual residence in the territory of one of those countries or territories shall be treated as if they were nationals of a Member State;
- (b) companies or other legal persons of a country or territory listed in the Annex which have a real and effective industrial or commercial establishment in such a country or territory shall be treated as if they had a real and effective industrial or commercial establishment on the territory of a Member State.

Article 2

This Decision shall apply from 8 November 1990.

Article 3

This Decision is addressed to the Member States.

Done at Luxembourg, 9 October 1990.

For the Council

The President

P. ROMITA

⁽¹⁾ OJ No L 24, 27. 1. 1987, p. 36.

⁽²⁾ OJ No L 313, 4. 11. 1987, p. 22.

⁽³⁾ OJ No L 140, 7. 6. 1988, p. 13.

ANNEX

Australia
Austria
Collectivité territoriale de Mayotte
Collectivité territoriale de Saint-Pierre et Miquelon
Japan
French Polynesia
French Southern and Antarctic Territories
New Caledonia and dependencies
Sweden
Wallis and Futuna Islands

COUNCIL DECISION

of 21 December 1992

amending Decision 90/510/EEC on the extension of the legal protection of topographies of semiconductor products to persons from certain countries and territories

(93/17/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products⁽¹⁾, and in particular Article 3 (7) thereof,

Having regard to the proposal from the Commission,

Whereas the right to legal protection of topographies of semiconductor products in the Community applies to persons qualifying for protection under Article 3 (1) to (5) of Directive 87/54/EEC;

Whereas this right can be extended, by a Council Decision, to persons who do not benefit from protection under the said provisions;

Whereas the extension of the protection in question should, as far as possible, be decided upon for the Community as a whole;

Whereas the Council has extended this protection on a permanent basis to persons from certain countries and territories by its Decision 90/510/EEC⁽²⁾;

Whereas such protection has previously been extended, on an interim basis only, under Decision 90/511/EEC⁽³⁾, which expires on 31 December 1992, for natural persons in respect of Finland, Iceland, Liechtenstein, Norway and Switzerland;

Whereas such protection has subsequently been extended for companies or other legal persons in respect of Switzer-

land and Finland, in accordance with Commission Decisions 90/541/EEC⁽⁴⁾ and 92/20/EEC⁽⁵⁾ respectively, pursuant to Decision 90/511/EEC;

Whereas it now seems appropriate to extend the protection in question on a permanent basis to the abovementioned countries, which have an appropriate legislation protecting topographies of semiconductor products under their national law and which make this protection available on a permanent basis to those persons from Member States of the Community who benefit from the right to protection under Directive 87/54/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 90/510/EEC is hereby replaced by the Annex to this Decision.

Article 2

This Decision shall apply from 1 January 1993.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1992.

For the Council

The President

D. HURD

⁽¹⁾ OJ No L 24, 27. 1. 1987, p. 36.

⁽²⁾ OJ No L 285, 17. 10. 1990, p. 29.

⁽³⁾ OJ No L 285, 17. 10. 1990, p. 31.

⁽⁴⁾ OJ No L 307, 7. 11. 1990, p. 21. Decision as amended by Decision 92/20/EEC (OJ No L 9, 15. 1. 1992, p. 22).

⁽⁵⁾ OJ No L 9, 15. 1. 1992, p. 22.

ANNEX

Australia
Austria
Collectivité territoriale de Mayotte
Collectivité territoriale de Saint-Pierre et Miquelon
Finland
French Polynesia
French Southern and Antarctic Territories
Iceland
Japan
Liechtenstein
New Caledonia and dependencies
Norway
Sweden
Switzerland
Wallis and Futuna Islands

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 December 1994

on the extension of the legal protection of topographies of semiconductor products to persons from a Member of the World Trade Organization

(94/824/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products ⁽¹⁾, and in particular Article 3 (7) thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement establishing the World Trade Organization (hereinafter, 'WTO Agreement') was signed on behalf of the Community; whereas the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter, 'the TRIPs Agreement'), annexed to the WTO Agreement, contains detailed provisions on the protection of intellectual property rights whose purpose is the establishment of international disciplines in this area in order to promote international trade and prevent trade distortions and friction due to the lack of adequate and effective intellectual property protection;

Whereas in order to ensure that all relevant Community legislation is in full compliance with the TRIPs Agreement, the Community must take certain measures in relation to current Community acts on the protection of intellectual property rights; whereas these measures

entail in some respects the amendment or modification of Community acts; whereas these measures also entail complementing current Community acts;

Whereas Directive 87/54/EEC concerns the legal protection of topographies of semiconductor products; whereas Articles 35 to 38 of the TRIPs Agreement set out the obligations of WTO Members in relation to the protection of layout-designs (topographies) of integrated circuits; whereas in accordance with Article 1 (3) and Article 3 of the TRIPs Agreement, the Community must ensure that nationals of all other WTO Members benefit from such protection and from the application of national treatment; whereas it is therefore necessary to extend the protection under Directive 87/54/EEC to nationals of WTO Members, without any reciprocity requirement; whereas it is adequate to use the procedure of Article 3 (7) of the Directive to this end,

HAS DECIDED AS FOLLOWS:

Article 1

Member States shall extend the legal protection for topographies of semiconductor products provided for under Directive 87/54/EEC as follows:

- (a) natural persons who are nationals of, or are domiciled in the territory of, a Member of the WTO Agreement, shall be treated as nationals of a Member State;

⁽¹⁾ OJ No L 24, 27. 1. 1987, p 36.

(b) legal entities which or natural persons who have a real and effective establishment for the creation of topographies or the production of integrated circuits in the territory of a Member of the WTO Agreement shall be treated as legal entities or natural persons having a real and effective industrial or commercial establishment in the territory of a Member State.

Article 2

1. This Decision shall enter into force on 1 January 1995.
2. It shall apply from 1 January 1996.
3. Council Decision 90/510/EEC of 9 October 1990 on the extension of the legal protection of topographies of

semiconductor products to persons from certain countries and territories ⁽¹⁾ is replaced as from the date of application of the present Decision, in so far as it concerns the extension of the protection under Directive 87/54/EEC to countries or territories Members of the WTO Agreement.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1994.

For the Council ,
The President
H. SEEHOFER

⁽¹⁾ OJ No L 258, 17. 10. 1990, p 29. Decision as amended by Decision 93/17/EEC (OJ No L 11, 19. 1. 1993, p. 22).