

2006 No. 1833

DESIGNS

**The Design Right (Semiconductor Topographies) (Amendment)
Regulations 2006**

<i>Made</i>	- - - -	<i>10th July 2006</i>
<i>Laid before Parliament</i>		<i>10th July 2006</i>
<i>Coming into force</i>	- -	<i>1st August 2006</i>

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to intellectual property (including both registered and unregistered rights)^(b).

Accordingly the Secretary of State, in exercise of the powers conferred upon him by section 2(2) of that Act, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Design Right (Semiconductor Topographies) (Amendment) Regulations 2006 and shall come into force on 1st August 2006.

Amendment to the Design Right (Semiconductor Topographies) Regulations 1989

2. The Design Right (Semiconductor Topographies) Regulations 1989^(c) shall be amended as follows.

3. For regulation 4(2) there shall be substituted—

“(2) Part III of the Act has effect as if for section 217(3) there was substituted the following—

“(3) In this section “qualifying country” means—

- (a) the United Kingdom,
- (b) another member State,
- (c) the Isle of Man, Gibraltar, the Channel Islands or any colony,
- (d) a country listed in the Schedule to the Design Right (Semiconductor Topographies) Regulations 1989.”

4. For the Schedule to those Regulations (additional classes of qualifying persons)^(a) there shall be substituted the Schedule (qualifying countries) set out in Schedule 1 to these Regulations (new schedule for the Design Right (Semiconductor Topographies) Regulations 1989).

^(a) 1972 c. 68.
^(b) SI 2006/608.
^(c) SI 1989/1100.

Revocations

5. The instruments set out in Schedule 2 (revocations) are revoked to the extent specified.

10th July 2006

Sainsbury of Turville
Parliamentary Under Secretary of State for Science and Innovation
Department of Trade and Industry

(a) This Schedule has been substituted or amended by SI 1993/2497, 1992/400, 1991/2237, 1990/1003 and 1989/2147. All of these Instruments are revoked by this Instrument.

NEW SCHEDULE FOR THE DESIGN RIGHT (SEMICONDUCTOR
TOPOGRAPHIES) REGULATIONS 1989

“SCHEDULE
QUALIFYING COUNTRIES

Albania
Angola
Antigua and Barbuda
Argentina
Armenia
Australia
Bahrain, Kingdom of
Bangladesh
Barbados
Belize
Benin
Bolivia
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Burundi
Cambodia
Cameroon
Canada
Central African Republic
Chad
Chile
China

Colombia
Congo
Costa Rica
Côte d'Ivoire
Croatia
Cuba
Democratic Republic of the Congo
Djibouti
Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Fiji
Former Yugoslav Republic of Macedonia
French overseas territories
Gabon
The Gambia
Georgia
Ghana
Grenada
Guatemala
Guinea
Guinea Bissau
Guyana
Haiti
Honduras
Hong Kong
Iceland
India
Indonesia
Israel
Jamaica
Japan
Jordan

Kenya
Korea, Republic of
Kuwait
Kyrgyz Republic
Lesotho
Liechtenstein
Macao, China
Madagascar
Malawi
Malaysia
Maldives
Mali
Mauritania
Mauritius
Mexico
Moldova
Mongolia
Morocco
Mozambique
Myanmar
Namibia
Nepal
Netherlands Antilles
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines

Qatar
Romania
Rwanda
Saint Kitts and Nevis
Saint Lucia
Saint Vincent & the Grenadines
Saudi Arabia
Senegal
Sierra Leone
Singapore
Solomon Islands
South Africa
Sri Lanka
Suriname
Swaziland
Switzerland
Chinese Taipei
Tanzania
Thailand
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
United Arab Emirates
United States of America
Uruguay
Venezuela
Zambia
Zimbabwe”

SCHEDULE 2

regulation 5

REVOCATIONS

<i>Title and number</i>	<i>Extent of revocation</i>
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1989 (SI 1989/2147)	The whole Regulations.
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1990 (SI 1990/1003)	The whole Regulations.
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1991 (SI 1991/2237)	The whole Regulations.
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1992 (SI 1992/400)	The whole Regulations.
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1993 (SI 1993/2497)	The whole Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Design Right (Semiconductor Topographies) Regulations 1989 (SI 1989/1100) (“1989 Regulations”) to give effect to the Council Decision of 22nd 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) (L 349, 31.12.1994, p. 201).

The 1989 Regulations modify the application of Part 3 (design right) of the Copyright, Designs and Patents Act 1989 (c. 48) (“1988 Act”) to semi-conductor topographies.

Regulation 3 amends regulation 4 of the 1989 Regulations. Regulation 4(2) of the 1989 Regulations included a modified version of section 217 of the 1988 Act. The new provision substituted by *regulation 3* of these Regulations provides a modified version of section 217(3) of the 1988 Act. The rest of that section will therefore apply to topographies in its normal form.

Regulation 4 substitutes a new Schedule for the Schedule to the 1989 Regulations. The new Schedule includes a list of qualifying countries, other than member States of the European Community, which are parties to the Agreement establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights (Cm. 3044-6, 3080, 3263-4, 3268-9, 3271, 3275-7 and 3282)).

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