# Regulations on Applications for the Registration of Topographies of Microelectronics Semiconductor Products

## (Regulations on Semiconductor Protection Applications)

### (of November 4, 1987)*

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## *Scope*

**1.–**

The following provisions shall apply, in addition to the requirements of the Semiconductor Protection Law, to applications for the registration of topographies.

## *Application for Protection*

**2.–**

The application for protection shall consist of:

1.  the request for registration (Semiconductor Protection Law, Section 3(2)1 to 4);
2.  the material identifying or illustrating the topography (Semiconductor Protection Law, Section 3(2)2).

## *Request for Registration*

**3.–**

(1) The request for registration shall contain the following to safeguard the application date:

1.  the statement that registration of the protection of the topography is requested (Semiconductor Protection Law, Section 3(2)1);
2.  a clear and concise designation of the topography (Semiconductor Protection Law, Section 3(2)1); the name of the topography or the product in which it is to be incorporated may be given as its designation, with an indication of the area to which the product relates;

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*\*German title:* Verordnung über die Anmeldung der Topographien von mikroelektronischen Halbleitererzeugnissen (Halbeiterschutzanmeldeverordnung–HalblSchAnmV).

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*Source:* Bundesgesetzblatt, 1987, I, p. 2361.

\*\* Added by WIPO

3.    the date of the day of first commercial exploitation, other than confidential, of the topography, where such day is earlier than the application (Semiconductor Protection Law, Section 3(2)3);

4.    details of the intended use, if there is a question of the topography being a State secret under Section 93 of the Criminal Code (Semiconductor Protection Law, Section 3(2)2);

5.    the name or designation of the applicant and other particulars (address) that serve to identify the applicant;

6.    the signature of the applicant or applicants or of an agent.

 (2) The request for registration shall in addition contain the following (Semiconductor Protection Law, Section 3(2)4):

1.    in the case of natural persons, the nationality of the applicant or, where the applicant is not a national of a Member State of the European Economic Community, the applicant's usual residence;

2.    in the case of firms, the location of the establishment;

3.    where the applicant is the owner of an exclusive right to the commercial exploitation of the topography in the European Economic Community, the date of the day of first commercial exploitation, other than confidential, of the topography in the European Economic Community, where such day is earlier than the application (Semiconductor Protection Law, Section 2(4));

4.    where a transfer of rights has occurred (Semiconductor Protection Law, Section 2(5)), the relevant details.

 (3) Where the applicant desires that parts of the material be treated as trade or business secrets, the request for registration may contain the corresponding particulars (Semiconductor Protection Law, Section 4(3)).

## *Material for Identification or Illustration*

**4.–**

 (1) The following material shall be filed for the identification or illustration of the topography:

1.    drawings or photographs of layouts for the manufacture of the semiconductor product, or

2.    drawings or photographs of mask works or parts thereof for the manufacture of semiconductor products, or

3.    drawings or photographs of individual layers of the semiconductor product.

 (2) In addition to the material specified in paragraph (1), above, data carriers or printouts therefrom or the semiconductor product for the topography of which protection is sought, or an explicit description thereof may also be filed.

## *Trade or Business Secrets*

**5.–**

Where material is marked as embodying trade or business secrets, the parts of the application so marked shall be filed separately from the other parts. The material may also be filed in an original copy and one additional copy, the latter with obliterated parts; the original copy shall be kept available for inspection in cancellation proceedings or in lawsuits concerning validity or infringement (Semiconductor Protection Law, Section 4(3), first sentence), and the second copy for general consultation.

## *German Language*

**6.–**

Applications and supporting material shall be filed in German. The use of foreign-language technical terms that have established themselves within the area of application of these Regulations shall be permissible.

*Berlin Clause*

**7.–**
This Decree shall also apply in the *Land* of Berlin in accordance with Section 14 of the Third Transitional Law in conjunction with Section 27 of the Semiconductor Protection Law.

*Entry into Force*

**8.–**
This Decree shall enter into force on the day of its promulgation.

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