

Decree No. 89-816 of November 2, 1989, on the Protection of Topographies of Semiconductor Products*

1. The deposit of topographies of semiconductor products provided for in the aforementioned Law of November 4, 1987,¹ shall take place at the National Institute of Industrial Property.

2. A deposit shall relate to one topography only.

It shall comprise:

(a) a declaration of deposit containing sufficient information to identify the depositor, the topography and the date and place of its first exploitation or, failing that, the date on which it was first fixed or encoded;

(b) a graphic representation of the topography, inserted in a cover, in which representation those parts shall have been masked that the applicant does not wish to be communicated to third parties; the representation may be accompanied by information material and specimens of articles incorporating the topography;

(c) proof of payment of the fee.

The model of the declaration of deposit and the physical requirements that have to be met by the representation of the topography and the cover in which it is inserted shall be laid down by decision of the Director General of the National Institute of Industrial Property.

3. The filing date shall inure to the benefit of the depositor as of the date of submission of the documents provided for in the foregoing Section. It shall inure to his benefit even if the documents are irregular as to form, provided that their rectification does not bring about any change in the representation of the topography deposited.

Where the deposit is irregular or where there is a material defect, the applicant shall be notified that he has to put the deposit in order within a period allowed him by the Director General of the National Institute of Industrial Property, which may be neither shorter than two months nor longer than four months. Where the deposit is not put in order it shall be rejected.

As soon as the deposit is found to be in order, it shall be registered. Registration shall be notified to the applicant and announced in the Official Industrial Property Gazette (BOPI).

4. Any person may inspect deposit files at the headquarters of the Institute. No copy of any such file may be made without the authorization of its owner.

5. The deposit shall not be binding on third parties if the wording of the declaration, complemented by the representation accessible to the public, does not permit identification of the protected topography.

6. Sections 1 (second paragraph), 2, 29, 69, 75 to 83, 109 to 115-1 and 120 to 122 of the aforementioned Decree of September 19, 1979, shall be applicable to the conditions under which deposits are received, rights relating to them transferred or amended, notifications of the National Institute of Industrial Property issued and disputes settled.

For the application of Sections 75 to 83 of the aforementioned Decree of September 19, 1979, the "National Register" referred to in the said Sections shall contain a part called "National Register of Deposits of Topographies of Semiconductor Products." The first entry provided for in Section 75 shall relate to the

* *French title:* Décret no 89-816 du 2 novembre 1989 relatif à la protection des topographies de produits semi-conducteurs.

Entry into force: November 9, 1989.

Source: Journal officiel de la République française, November 9, 1989, p. 13947.

¹ See Industrial Property Laws and Treaties, FRANCE-Text 1-002.

contents of the deposit declaration, completed with the dates and references of the deposit and its registration.

7. During the two months prior to the expiration of the term of protection, the owner of the deposit may request either the return of the documents or their retention for an additional, renewable period of 10 years.

The request for retention shall be acceptable only if it is accompanied by payment of the prescribed fee. In the absence of any request for return or retention, the documents relating to a deposit may be destroyed.

8. The evidence of reciprocity specified for the application of Section 5(2) of the aforementioned Law of November 4, 1987, shall be acknowledged by a joint ministerial order of the Minister for Foreign Affairs and the Minister responsible for industrial property.

9.–

(1) In the title of the aforementioned Decree of May 15, 1981, the words “*taxes et*” (fees and) are deleted.

(2) In Sections 2 and 4 of the aforementioned Decree and in the table annexed thereto, the word “*taxe*” (charge) is replaced with “*redevance*” (fee), and “*surtaxe*” (surcharge) with “*supplément*” (supplement).

(3) The table annexed to the aforementioned Decree is amended as follows:

“6. Rights neighboring on industrial property.

Topographies of semiconductor products: deposit and retention; consultation of a deposit file; registration of an instrument amending or transferring rights; issue of certificates and copies from the National Register.

Industrial rewards: registration of a record of achievements or of an award, or transcription of a declaration of assignment or transfer.”

(The remainder being unchanged.)

10. Decree shall be applicable to overseas territories and to the territorial community of Mayotte.

11. The Minister of State, Minister of the Economy, Finance and the Budget, the Minister of State, Minister for Foreign Affairs, the Keeper of the Seals, Minister of Justice, Minister of Defense, the Minister of Industry and the Management of the National Territory, the Minister of Overseas Departments and Territories, Spokesman for the Government, and the Minister Delegate to the Minister of State, Minister of the Economy, Finance and the Budget, responsible for the budget shall be responsible, each as far as he is concerned, for the implementation of this Decree, which shall be published in the *Journal officiel* of the French Republic.