

EUROPEAN COMMUNITIES (PROTECTION OF TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS) (AMENDMENT) REGULATIONS, 1993.

STATUTORY INSTRUMENTS.

(Pn. 0217)

S.I. No. 310 of 1993.

I, RUAIRI QUINN, Minister for Enterprise and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Decisions No. 93/16/EEC⁽¹⁾ and 90/17/EEC⁽²⁾ of 21 December, 1992, and Council decision of 27th September, 1993 amending Decision 93/16/EEC, hereby make the following Regulations:

1.—

(1) These Regulations may be cited as the European Communities (Protection of Topographies of Semiconductor Products) (Amendment) Regulations, 1993.

(2) These Regulations shall come into operation on the 29th day of October, 1993.

2. It is hereby declared that the European Communities (Protection of Topographies of Semiconductor Products) (Amendment) Regulations, 1988 (S.I. No. 208 of 1988) (with respect to Council Decision 88/311 of 31st May, 1988) and the European Communities (Protection of Topographies of Semiconductors Products) (Amendment) Regulations, 1991 (S.I. No. 318 of 1991) (with respect to Council Decision 90/510 of 9 October, 1990 and Council Decision 90/511 of 9th October, 1990) shall be construed, respectively, as having granted to the grantees of the right of protection mentioned in those regulations, on the conditions therein mentioned, the said right or protection as from the appropriate dates in respect of such grantees which are laid down in or determined by the Commission of the European Communities pursuant to those Council Decisions, respectively.

3. The European Communities (Protection of Topographies of Semiconductor Products) (Amendment) Regulations, 1988 (S.I. No. 101 of 1988), are hereby amended, with effect from the 1st day of August, 1992, by the substitution of the following Regulation for Regulation 8:

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of ?? ????????, 19??.

"8. The provisions of these Regulations and the Council Directive shall apply without prejudice to any other protection conferred by the Patents Act, 1992 (No. 1 of 1992), or the Copyright Act, 1963 (No. 10 of 1963) and any enactments which may amend or replace these Acts."

4. The European Communities (Protection of Topographies of Semiconductor Products) Regulations, 1988 (S.I. No. 101 of 1988), are hereby amended with effect from the 1st day of January, 1993 by:

(a) the substitution of the following Regulations for Regulations 9, 10 and 11 (inserted by the European Communities (Protection of Topographies of Semiconductor Products) (Amendment) Regulations, 1991 (S.I. No. 318 of 1991)):

⁽¹⁾ O.J. No. L.11, 19.1.93. p.20.

⁽²⁾ O.J. No. L.11, 19.1.93. p.22.

“9. The right to protection conferred by these Regulations shall extend to—

- (a) natural persons who are nationals of a country or territory listed in the First Schedule to these Regulations or who have their habitual residence in the territory of one of those countries or territories, and
- (b) companies and other legal persons of a country or territory listed in the said Schedule which have a real and effective industrial or commercial establishment in such a country or territory;

10. The right to protection conferred by these Regulations shall extend to—

- (a) natural persons who are nationals of a country or territory listed in the Second Schedule to these Regulations or who have their habitual residents in the territory of one of those countries or territories, and
- (b) companies and other legal persons of a country or territory listed in the said Schedule which have a real and effective industrial or commercial establishment in such a country or territory subject to the condition that companies or other legal persons of a Member State which have a right to protection under the Council Directive benefit from protection in the country or territory in question (being countries and territories which have been so determined by the Commission),
- (c) natural persons who are nationals of the United States of America or who have their habitual residence in the territory of the United States of America,
- (d) companies or other legal persons of the United States of America which have a real and effective industrial or commercial establishment in the United States of America, subject to the condition that companies or other legal persons of a Member State which have a right to protection under the Council Directive benefit from protection in the United States of America (being a country which has been so determined by the Commission).

11. Subject to Regulation 12 of these Regulations, Regulation 10 (a) and 10 (b) shall apply until the 31st day of December, 1994 and Regulation 10 (c) and 10 (d) shall apply until the 31st day of December, 1993.”;

- (b) the substitution of the following Schedules for the First and Second Schedules thereto (inserted by the European Communities (Protection of Topographies of Semiconductor Products) (Amendment) Regulations, 1991 (S.I. No. 318 of 1991));

FIRST SCHEDULE

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



SECOND SCHEDULE

Anguilla
Bermuda
British Indian Ocean Territory
British Virgin Islands
Cayman Islands
Channel Islands
Falkland Islands
Hong Kong
Isle of Man
Montserrat
Pitcairn
St. Helena
St. Helena Dependencies (Ascension, Tristan da Cunha)
South Georgia and the South Sandwich Islands
Turks and Caicos Islands”.

5. The European Communities (Protection of Topographies of Semiconductor Products) Regulations, 1988 (S.I. No. 101 of 1988), are hereby amended with effect from the 1st day of November, 1993 by the substitution of the following schedule for the Second Schedule thereto (inserted by these Regulations):

“SECOND SCHEDULE

Anguilla
Aruba
Bermuda
British Indian Ocean Territory
British Virgin Islands
Cayman Islands
Channel Islands
Falkland Islands
Hong Kong
Isle of Man
Montserrat
Netherlands Antilles
Pitcairn
St. Helena
St. Helena Dependencies (Ascension, Tristan da Cunha)
South Georgia and the South Sandwich Islands
Turks and Caicos Islands”.



6. The European Communities (Protection of Topographies of Semiconductor Products) Regulations, 1988 (S.I. No. 101 of 1988), are hereby amended by the insertion of the following Regulations:

“12 The right to protection conferred by the European Communities (Protection of Topographies of Semiconductor Products) Regulations, 1988 (S.I. No. 101 of 1988), shall extent to natural persons, companies or other legal persons who (but for this Regulation) would not qualify for such protection under Article 3, paragraphs (1) to (5) inclusive of Council Directive 87/54/EEC of 16 November, 1986, to the extent that future Decisions of the Council may so provide, on the conditions laid down in such Decisions, provided that such Decisions are published in the Official Journal of the European Communities.

13. Where, pursuant to such Council Decisions, the Commission of the European Communities is to determine whether the conditions laid down in such Council Decisions in respect of any particular country or territory have been satisfied, notice of the fact (if such be the case) that the Commission has determined that such conditions have been satisfied in respect of any such country or territory shall be given in Iris Oifigiúil.”.

GIVEN under my Official Seal, this 29th day of October, 1993.

RUAIRÍ QUINN,
Minister for Enterprise and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the European Communities (Protection of Topographies of Semiconductor Products) Regulations, 1988 (S.I. No. 101 of 1988) and give effect to Council Decisions 93/16/EEC and 93/17/EEC of 21 December, 1992 (O.J. L11 19.1.1993, p.20 and p.22) and Council decision of 27th September, 1993 amending Decision 93/16/EEC, which provide for the extension of the legal protection of topographies of semiconductor products, under EC Directive 87/54/EEC of 16 December, 1986 (O.J. No. L24, 27.1.1987, p.36), to certain countries and territories.

These decisions provide

- (1) permanent extension of protection to countries and territories which have extended protection at an acceptable level and on a permanent basis to Community topographies.
- (2) extension of protection on a temporary basis to the United States until 31st December, 1993, and to certain overseas territories until 31st December, 1994, subject to a reciprocity requirement that companies or other legal persons of a Member State must enjoy similar protection in the United States or the overseas territory concerned. The territories listed in the Second Schedule which satisfy the reciprocity requirement shall be determined by the Commission and communicated to Member States.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

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