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STATUTORY INSTRUMENTS

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**1987 No. 1497**

**The Semiconductor Products (Protection  
of Topography) Regulations 1987**

**2.—(1) In these Regulations—**

“semiconductor product” means an article the purpose, or one of the purposes, of which is the performance of an electronic function and which consists of two or more layers, at least one of which is composed of semiconducting material and in or upon one or more of which is fixed a pattern appertaining to that or another function;

“topography” means the design, however expressed, of any of the following:

- (a) the pattern fixed, or intended to be fixed, in or upon a layer of a semiconductor product;
- (b) the pattern fixed, or intended to be fixed, in or upon a layer of material in the course of, and for the purpose of, the manufacture of a semiconductor product;
- (c) the arrangement of the layers of a semiconductor product in relation to one another;

“topography right” has the meaning given in regulation 4(1) below and, unless the context otherwise requires, references to topography right are references to topography right subsisting in a topography.

(2) For the purposes of these Regulations, the creation of a topography occurs upon its first expression in a form from which it can be reproduced.

(3) For the purposes of these Regulations, and subject to paragraph (4) below, the commercial exploitation of a topography is the sale or hire, or the offer or exposure for sale or hire, of—

- (a) a reproduction of the whole or a substantial part of the topography, or
- (b) a semiconductor product incorporating such a reproduction,

being (except for the purposes of Regulation 3(2) below) lawful exploitation by or with the licence or consent of the owner of topography right in the topography or of any predecessor in title of the owner.

(4) No account shall be taken of any commercial exploitation which is subject to an obligation of confidence in respect of information about the topography exploited unless either—

- (a) the topography has been commercially exploited on a previous occasion (whether or not subject to an obligation of confidence), or
- (b) the obligation is imposed at the behest of the Crown, or of the government of any country outside the United Kingdom, for the protection of security in connection with the production of arms, munitions or war material.

(5) For the purposes of these Regulations, no account shall be taken of any offer for sale or hire the acceptance of which would lead to an agreement to sell or hire but not yet an actual sale or hire.