

STATUTORY INSTRUMENTS

1989 No. 1100

The Design Right (Semiconductor Topographies) Regulations 1989

Infringement

8.—(1) Section 226 of the Act has effect as if for subsection (1) there was substituted the following:

(1) Subject to subsection (1A), the owner of design right in a design has the exclusive right to reproduce the design—

- (a) by making articles to that design, or
- (b) by making a design document recording the design for the purpose of enabling such articles to be made.

(1A) Subsection (1) does not apply to—

- (a) the reproduction of a design privately for non-commercial aims; or
- (b) the reproduction of a design for the purpose of analysing or evaluating the design or analysing, evaluating or teaching the concepts, processes, systems or techniques embodied in it.”.

(2) Section 227 of the Act does not apply if the article in question has previously been sold or hired within—

- (a) the United Kingdom by or with the licence of the owner of design right in the semiconductor topography in question, or
- (b) the territory of any ^{F1}... member State of the European Economic Community or the territory of Gibraltar by or with the consent of the person for the time being entitled to import it into or sell or hire it within that territory.

(3) Section 228(6) of the Act does not apply.

(4) It is not an infringement of design right in a semiconductor topography to—

- (a) create another original semiconductor topography as a result of an analysis or evaluation of the first topography or of the concepts, systems or techniques embodied in it, or
- (b) reproduce that other topography.

(5) Anything which would be an infringement of the design right in a semiconductor topography if done in relation to the topography as a whole is an infringement of the design right in the topography if done in relation to a substantial part of the topography.

Textual Amendments

- F1** Word in reg. 8(2)(b) omitted (31.12.2020) by virtue of [The Intellectual Property \(Exhaustion of Rights\) \(EU Exit\) Regulations 2019 \(S.I. 2019/265\)](#), regs. 1, 6; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the The Design Right
(Semiconductor Topographies) Regulations 1989, Section 8. (See end of Document for details)

Commencement Information

II [Reg. 8](#) in force at 1.8.1989, see [reg. 1](#)

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