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STATUTORY INSTRUMENTS

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**2006 No. 1833**

**DESIGNS**

**The Design Right (Semiconductor Topographies) (Amendment) Regulations 2006**

<i>Made</i>	- - - -	<i>10th July 2006</i>
<i>Laid before Parliament</i>		<i>10th July 2006</i>
<i>Coming into force</i>	- -	<i>1st August 2006</i>

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to intellectual property (including both registered and unregistered rights)<sup>(2)</sup>.

Accordingly the Secretary of State, in exercise of the powers conferred upon him by section 2(2) of that Act, makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Design Right (Semiconductor Topographies) (Amendment) Regulations 2006 and shall come into force on 1st August 2006.

**Amendment to the Design Right (Semiconductor Topographies) Regulations 1989**

2. The Design Right (Semiconductor Topographies) Regulations 1989<sup>(3)</sup> shall be amended as follows.

3. For regulation 4(2) there shall be substituted—

“(2) Part III of the Act has effect as if for section 217(3) there was substituted the following—

“(3) In this section “qualifying country” means—

- (a) the United Kingdom,
- (b) another member State,
- (c) the Isle of Man, Gibraltar, the Channel Islands or any colony,

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(1) 1972 c. 68.  
(2) SI 2006/608.  
(3) SI 1989/1100.

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(d) a country listed in the Schedule to the Design Right (Semiconductor Topographies) Regulations 1989.””

4. For the Schedule to those Regulations (additional classes of qualifying persons)(4) there shall be substituted the Schedule (qualifying countries) set out in Schedule 1 to these Regulations (new schedule for the Design Right (Semiconductor Topographies) Regulations 1989).

**Revocations**

5. The instruments set out in Schedule 2 (revocations) are revoked to the extent specified.

*Sainsbury of Turville*  
Parliamentary Under Secretary of State for  
Science and Innovation  
Department of Trade and Industry

10th July 2006

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(4) This Schedule has been substituted or amended by SI 1993/2497, 1992/400, 1991/2237, 1990/1003 and 1989/2147. All of these Instruments are revoked by this Instrument.

SCHEDULE 1

regulation 4

NEW SCHEDULE FOR THE DESIGN RIGHT  
(SEMICONDUCTOR TOPOGRAPHIES) REGULATIONS 1989

“SCHEDULE

QUALIFYING COUNTRIES

Albania  
Angola  
Antigua and Barbuda  
Argentina  
Armenia  
Australia  
Bahrain, Kingdom of  
Bangladesh  
Barbados  
Belize  
Benin  
Bolivia  
Botswana  
Brazil  
Brunei Darussalam  
Bulgaria  
Burkina Faso  
Burundi  
Cambodia  
Cameroon  
Canada  
Central African Republic  
Chad  
Chile  
China  
Colombia  
Congo  
Costa Rica  
Côte d'Ivoire  
Croatia  
Cuba  
Democratic Republic of the Congo  
Djibouti

Dominica  
Dominican Republic  
Ecuador  
Egypt  
El Salvador  
Fiji  
Former Yugoslav Republic of Macedonia  
French overseas territories  
Gabon  
The Gambia  
Georgia  
Ghana  
Grenada  
Guatemala  
Guinea  
Guinea Bissau  
Guyana  
Haiti  
Honduras  
Hong Kong  
Iceland  
India  
Indonesia  
Israel  
Jamaica  
Japan  
Jordan  
Kenya  
Korea, Republic of  
Kuwait  
Kyrgyz Republic  
Lesotho  
Liechtenstein  
Macao, China  
Madagascar  
Malawi  
Malaysia  
Maldives  
Mali  
Mauritania

Mauritius  
Mexico  
Moldova  
Mongolia  
Morocco  
Mozambique  
Myanmar  
Namibia  
Nepal  
Netherlands Antilles  
New Zealand  
Nicaragua  
Niger  
Nigeria  
Norway  
Oman  
Pakistan  
Panama  
Papua New Guinea  
Paraguay  
Peru  
Philippines  
Qatar  
Romania  
Rwanda  
Saint Kitts and Nevis  
Saint Lucia  
Saint Vincent & the Grenadines  
Saudi Arabia  
Senegal  
Sierra Leone  
Singapore  
Solomon Islands  
South Africa  
Sri Lanka  
Suriname  
Swaziland  
Switzerland  
Chinese Taipei  
Tanzania

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Thailand  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey  
Uganda  
United Arab Emirates  
United States of America  
Uruguay  
Venezuela  
Zambia  
Zimbabwe”

## SCHEDULE 2

regulation 5

## REVOCATIONS

<i>Title and number</i>	<i>Extent of revocation</i>
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1989 (SI 1989/2147)	The whole Regulations.
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1990 (SI 1990/1003)	The whole Regulations.
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1991 (SI 1991/2237)	The whole Regulations.
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1992 (SI 1992/400)	The whole Regulations.
The Design Right (Semiconductor Topographies) (Amendment) Regulations 1993 (SI 1993/2497)	The whole Regulations.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Design Right (Semiconductor Topographies) Regulations 1989 (SI 1989/1100) (“1989 Regulations”) to give effect to the Council Decision of 22nd December 1994 on the extension of the legal protection of topographies of semiconductor products to persons from a member of the World Trade Organization (94/824/EC) (L 349, 31.12.1994, p. 201).

The 1989 Regulations modify the application of Part 3 (design right) of the Copyright, Designs and Patents Act 1989 (c. 48) (“1988 Act”) to semi-conductor topographies.

*Regulation 3* amends regulation 4 of the 1989 Regulations. Regulation 4(2) of the 1989 Regulations included a modified version of section 217 of the 1988 Act. The new provision substituted by *regulation 3* of these Regulations provides a modified version of section 217(3) of the 1988 Act. The rest of that section will therefore apply to topographies in its normal form.

*Regulation 4* substitutes a new Schedule for the Schedule to the 1989 Regulations. The new Schedule includes a list of qualifying countries, other than member States of the European Community, which are parties to the Agreement establishing the World Trade Organisation (including the Agreement on Trade-Related Aspects of Intellectual Property Rights (Cm. 3044-6, 3080, 3263-4, 3268-9, 3271, 3275-7 and 3282)).