

Council Directive of 16 December 1986 on the legal protection  
of topographies of semiconductor products (87/54/EEC)

CHAPTER 1

**Definitions**

*Article 1*

- 1 For the purposes of this Directive:
  - a a ‘semiconductor product’ shall mean the final or an intermediate form of any product:
    - (i) consisting of a body of material which includes a layer of semiconducting material; and
    - (ii) having one or more other layers composed of conducting, insulating or semiconducting material, the layers being arranged in accordance with a predetermined three-dimensional pattern; and
    - (iii) intended to perform, exclusively or together with other functions, an electronic function;
  - b the ‘topography’ of a semiconductor product shall mean a series of related images, however fixed or encoded;
    - (i) representing the three-dimensional pattern of the layers of which a semiconductor product is composed; and
    - (ii) in which series, each image has the pattern or part of the pattern of a surface of the semiconductor product at any stage of its manufacture;
  - c ‘commercial exploitation’ means the sale, rental, leasing or any other method of commercial distribution, or an offer for these purposes. However, for the purposes of Articles 3 (4), 4 (1), 7 (1), (3) and (4) ‘commercial exploitation’ shall not include exploitation under conditions of confidentiality to the extent that no further distribution to third parties occurs, except where exploitation of a topography takes place under conditions of confidentiality required by a measure taken in conformity with Article 223 (1) (b) of the Treaty.
- 2 The Council acting by qualified majority on a proposal from the Commission, may amend paragraph 1 (a) (i) and (ii) in order to adapt these provisions in the light of technical progress.