

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

CHAPTER 2

**Protection of topographies of semiconductor products**

*Article 4*

1 Member States may provide that the exclusive rights conferred in conformity with Article 2 shall not come into existence or shall no longer apply to the topography of a semiconductor product unless an application for registration in due form has been filed with a public authority within two years of its first commercial exploitation. Member States may require in addition to such registration that material identifying or exemplifying the topography or any combination thereof has been deposited with a public authority, as well as a statement as to the date of first commercial exploitation of the topography where it precedes the date of the application for registration.

2 Member States shall ensure that material deposited in conformity with paragraph 1 is not made available to the public where it is a trade secret. This provision shall be without prejudice to the disclosure of such material pursuant to an order of a court or other competent authority to persons involved in litigation concerning the validity or infringement of the exclusive rights referred to in Article 2.

3 Member States may require that transfers of rights in protected topographies be registered.

4 Member States may subject registration and deposit in accordance with paragraphs 1 and 3 to the payment of fees not exceeding their administrative costs.

5 Conditions prescribing the fulfilment of additional formalities for obtaining or maintaining protection shall not be admitted.

6 Member States which require registration shall provide for legal remedies in favour of a person having the right to protection in accordance with the provisions of this Directive who can prove that another person has applied for or obtained the registration of a topography without his authorization.