

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(87) 277 final

Brussels, 25 June 1987

Proposal for a  
COUNCIL DECISION  
on extension of legal protection of topographies of semiconductor  
products in respect of persons from third States

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(submitted by the Commission)

COM(87) 277 final

EXPLANATORY MEMORANDUM

The question of the protection of persons from third countries under Directive 87/54/EEC<sup>1</sup> is left to individual decisions on the extension of such protection. In the interest of the common market and in order to achieve as homogeneous a protection as possible within the EEC, such decisions in principle should be taken on Community level, thus all Member States will offer the right to protection to the same persons.

One Member State has manifested its wish to see protection extended in respect of persons from a number of third countries.

The Commission believes that the objective of favouring the creation of adequate protection in as many countries as possible could in the present situation be best achieved by an extension of protection for a fixed period of time.

Such an extension of protection on a temporary basis could provide an incentive for those countries benefiting from the extension, which do not yet protect topographies of semiconductor products to make provision for such protection, and to make it available to topographies from EEC countries.

Whilst waiting for the Directive to be implemented in all Member States and thus for protection to become effective throughout the Community, it also seems appropriate, as regards those countries which do already protect topographies, to make protection available on a temporary basis in order to allow time for conditions for mutual unlimited protection to be established.

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<sup>1</sup> O.J. No. L 24 of 27 January 1987.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Communities;

Having regard to Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products<sup>1</sup>, and in particular Article 3 (7) thereof;

Having regard to the proposal from the Commission;

Whereas the right to protection of topographies of semiconductor products in the EEC applies to persons qualifying for protection under Article 3 (1) to (5) of Directive 87/54/EEC;

Whereas the right to protection can be extended to persons who do not benefit from protection according to these provisions by a Council decision;

Whereas extension of protection should, as far as possible, be decided for the Community as a whole;

Whereas it seems appropriate at the present time to extend protection on an interim basis in the case of certain countries;

HAS ADOPTED THE FOLLOWING DECISION :

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<sup>1</sup> OJ No L 24, 27.1.1987, p. 36.

ARTICLE 1

Member States shall extend the right to protection under Directive 87/54/EEC in favour of persons who are nationals of a country listed in the Annex or who have their habitual residence on the territory of one of those countries.

This extension shall also apply to legal persons who have a real and effective commercial or industrial establishment in a country listed in the Annex.

ARTICLE 2

This Decision shall apply from 7 November 1987.

Without prejudice to exclusive rights acquired under this Decision, Member States shall cease to extend protection in favour of the persons specified in Article 1 on 7 November 1989.

ARTICLE 3

This Decision is addressed to the Member States.

Annex A

Anguilla  
Bermuda  
British Indian Ocean Territory  
British Virgin Islands  
Cayman Islands  
Channel Islands  
Falkland Islands  
Falkland Islands Dependencies  
Hong Kong  
Isle of Man  
Montserrat  
Pitcairn  
St Helena  
St Helena Dependencies (Ascension, Tristan da Cunha)  
Turks and Caicos Islands  
United States of America

FICHE PME

The proposal for a decision extends protection for a limited time period to persons who are nationals or residents of the countries listed in Annex A.

The proposal has no foreseeable impact on small or medium-sized enterprises within the EEC.