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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

United States

The present document reproduces¹ Title 37, Code of Federal Regulations, Chapter I, Subchapter C and Chapter II, Subchapter A, Part 211, as notified by the United States under Article 63.2 of the Agreement.

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA
PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE
DE L'ARTICLE 63.2 DE L'ACCORD**

Etats-Unis

Le présent document contient le texte du Titre 37 du Code des règlements fédéraux, Chapitre I, Section C et Chapitre II, Section A, Partie 211¹, notifié par les Etats-Unis au titre de l'article 63:2 de l'Accord.

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

Estados Unidos

En el presente documento se reproducen¹ el subcapítulo C del capítulo I y la parte 211 del subcapítulo A del capítulo II del Título 37 del Código de Reglamentaciones Federales, notificados por los Estados Unidos en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo.

¹English only/anglais seulement/inglés solamente.

Protection of Layout Designs of Integrated Circuits Laws and Regulations

TITLE 37, CODE OF FEDERAL REGULATIONS

CHAPTER I

SUBCHAPTER C—PROTECTION OF FOREIGN MASK WORKS

**PART 150 —REQUESTS FOR PRESIDENTIAL
PROCLAMATIONS PURSUANT TO 17 U.S.C. 902(a)(2)**

Sec.

- 150.1 Definitions
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Authority: 35 U.S.C. 6, E.O. 12504, 50 FR 4049, 3 CFR 1985 Comp. p. 335

37 CFR 150.1 Definitions.

- (a) “Commissioner” means Assistant Secretary and Commissioner of Patents and Trademarks.
- (b) “Foreign government” means the duly-constituted executive of a foreign nation, or an international or regional intergovernmental organization which has been empowered by its member states to request issuance of Presidential proclamations on their behalf under this part.
- (c) “Interim order” means an order issued by the Secretary of Commerce under 17 U.S.C. 914.
- (d) “Mask work” means a series of related images, however fixed or encoded —
 - (1) Having or representing the predetermined, three-dimensional pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product, and
 - (2) In which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.
- (e) “Presidential proclamation” means an action by the President extending to foreign nationals, domiciliaries, and sovereign authorities the privilege of applying for registrations for mask works pursuant to 17 U.S.C. 902
- (f) “Request” means a request by a foreign government for the issuance of a Presidential proclamation.
- (g) “Proceeding” means a proceeding to issue an interim order extending protection to foreign nationals, domiciliaries, and sovereign authorities under 17 U.S.C. Chapter 9.
- (h) “Secretary” means Secretary of Commerce

[Added 53 FR 24447, June 29, 1988, effective August 1, 1988]

37 CFR 150.2 Initiation of evaluation.

- (a) The Commissioner independently or as directed by the Secretary, may initiate an evaluation of the propriety of recommending the issuance, revision, suspension, or revocation of a section 902 proclamation.
- (b) The Commissioner shall initiate an evaluation of the propriety of recommending the issuance of a section 902 proclamation upon receipt of a request from a foreign government.

[Added 53 FR 24447, June 29, 1988, effective August 1, 1988]

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37 CFR 150.3 Submission of requests

- (a) Requests for the issuance of a section 902 proclamation shall be submitted by foreign governments for review by the Commissioner.
- (b) Requests for issuance of a proclamation shall include:
 - (1) A copy of the foreign law or legal rulings that provide protection for U.S. mask works which provide a basis for the request
 - (2) A copy of any regulations or administrative orders implementing the protection.
 - (3) A copy of any laws, regulations, or administrative orders establishing or regulating the registration (if any) of mask works
 - (4) Any other relevant laws, regulations, or administrative orders
 - (5) All copies of laws, legal rulings, regulations, or administrative orders submitted must be in unedited, full-text form, and if possible, must be reproduced from the original document
 - (6) All material submitted must be in the original language, and if not in English, must be accompanied by a certified English translation.

[Added 53 FR 24447, June 29, 1988, effective August 1, 1988]

37 CFR 150.4 Evaluation.

- (a) Upon submission of a request by a foreign government for the issuance of a section 902 proclamation, if an interim order under section 914 has not been issued, the Commissioner may initiate a section 914 proceeding if additional information is required.
- (b) If an interim order under section 914 has been issued, the information obtained during the section 914 proceeding will be used in evaluating the request for a section 902 proclamation.
- (c) After the Commissioner receives the request of a foreign government for a section 902 proclamation, or after a determination is made by the Commissioner to initiate independently an evaluation pursuant to 150.2(a) of this part, a notice will be published in the Federal Register to request relevant and material comments on the adequacy and effectiveness of the protection afforded U.S. mask works under the system of law described in the notice. Comments should include detailed explanations of any alleged deficiencies in the foreign law or any alleged deficiencies in its implementation. If the alleged deficiencies include problems in administration such as registration, the respondent should include as specifically as possible full detailed explanations, including dates for and the nature of any alleged problems. Comments shall be submitted to the Commissioner within sixty (60) days of the publication of the Federal Register notice.
- (d) The Commissioner shall notify the Register of Copyrights and the Committee on the Judiciary of the Senate and the House of Representatives of the initiation of an evaluation under these regulations.
- (e) If the written comments submitted by any party present relevant and material reasons why a proclamation should not issue, the Commissioner will:
 - (1) Contact the party raising the issue for verification and any needed additional information,
 - (2) Contact the requesting foreign government to determine if the issues raised by the party can be resolved; and,
 - (i) If the issues are resolved, continue with the evaluation; or,
 - (ii) If the issues cannot be resolved on this basis, hold a public hearing to gather additional information.
- (f) The comments, the section 902 request, information obtained from a section 914 proceeding, if any, and information obtained in a hearing held pursuant to paragraph (e)(ii) of this section, if any, will be evaluated by the Commissioner.

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(g) The Commissioner will forward the information to the Secretary, together with an evaluation and a draft recommendation.

(h) The Secretary will forward a recommendation regarding the issuance of a section 902 proclamation to the President.

[Added 53 FR 24448, June 29, 1988, effective August 1, 1988]

37 CFR 150.5 Duration of proclamation.

(a) The recommendation for the issuance of a proclamation may include terms and conditions regarding the duration of the proclamation.

(b) Requests for the revision, suspension, or revocation of a proclamation may be submitted by any interested party. Requests for revision, suspension, or revocation of a proclamation will be considered in substantially the same manner as requests for the issuance of a section 902 proclamation.

[Added 53 FR 24448, June 29, 1988, effective August 1, 1988]

37 CFR 150.6 Mailing address.

Requests and all correspondence pursuant to these guidelines shall be addressed to Commissioner of Patents and Trademarks, Box 4, Washington, D C. 20231.

[Added 53 FR 24448, June 29, 1988, effective August 1, 1988]

TITLE 37, CODE OF FEDERAL REGULATIONS
CHAPTER II-COPYRIGHT OFFICE, LIBRARY OF CONGRESS
SUBCHAPTER A-COPYRIGHT OFFICE AND PROCEDURES
PART 211-MASK WORK PROTECTION

Authority: 17 U.S.C. 702 and 908

Source: 50 FR 26719, June 28, 1985, unless otherwise noted

37 CFR 211.1 General provisions.

(a) Mail and other communications with the Copyright Office concerning the Semiconductor Chip Protection Act of 1984, Pub. L. 98-620, chapter 9 of Title 17 U.S.C., shall be addressed to: Library of Congress, Department MW, Washington, DC 20540.

(b) Section 201.2 of this chapter relating to the information given by the Copyright Office, and parts 203 and 204 of this chapter pertaining to the Freedom of Information Act and Privacy Act, shall apply, where appropriate, to the administration by the Copyright Office of the Semiconductor Chip Protection Act of 1984, Pub. L. 98-620

(c) For purposes of this part, the terms semiconductor chip product, mask work, fixed, commercially exploited, and owner, shall have the meanings set forth in section 901 of Title 17 U.S.C.

37 CFR 211.2 Recordation of documents pertaining to mask works.

The conditions prescribed in § 201.4 of this chapter for recordation of transfers of copyright ownership and other documents pertaining to copyright are applicable to the recordation of documents pertaining to mask works under section 903 of Title 17 U.S.C.

37 CFR 211.3 Mask work fees.

(a) The following fees or charges are established by the Register of Copyrights for services relating to mask works

- (1) For filing an application for registration of a mask work claim, \$20 00;
- (2) For the recordation of a document covering not more than one title, the basic recordation fee is \$20 For additional titles over one, a charge of \$10 is added for each group of not more than 10 titles;
- (3) For a certified copy of a certificate of registration, \$8;
- (4) For certifications of photocopies of other Copyright Office records, \$20 for each hour or fraction of an hour consumed with respect thereto;
- (5) For issuance of a receipt of deposit, \$4;
- (6) For each hour or fraction of an hour consumed in making and reporting a routine search, or for any related services, \$20,
- (7) For special handling of an application for registration of a claim, \$330;
- (8) For any special services not listed above requiring a substantial amount of time or expense, the fees will be fixed on the basis of the cost of providing the service.

(b) Section 201.6 of this chapter on the payment and refund of Copyright Office fees shall apply to mask work fees.

[50 FR 26719, June 28, 1985, as amended at 56 FR 59886, Nov 26, 1991]