

**EXPLANATORY MEMORANDUM TO
THE DESIGN RIGHT (SEMICONDUCTOR TOPOGRAPHIES)
(AMENDMENT) (No.2) REGULATIONS 2008**

2008 No. 1434

1. This explanatory memorandum has been prepared by the Department for Innovation, Universities and Skills and is laid before Parliament by Command of Her Majesty

2. Description

2.1 These Regulations amend the Design Right (Semiconductor Topographies) Regulations 1989 (SI 1989/1100) (the 1989 Regulations)

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative background

4.1 These Regulations are made under section 2 (2) of the European Communities Act 1972.

4.2 These Regulations implement 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

5. Extent

5.1 This instrument extends to the United Kingdom

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 These Regulations amend the 1989 Regulations. In particular, they make all the countries which are party to the Agreement establishing the World Trade

Organization (which includes the Agreement on Trade-Related Aspects of Intellectual Property Rights ‘TRIPS’) qualifying countries for the purpose of the 1989 Regulations

7.2 This extension is required by the Decision, which was made pursuant to council Directive of 16 December 1986 on the legal protection of topographies of semiconductor products (Directive 87/54/EEC). The decision came into force on 1st January 1996 (when the WTO Agreement came into force). Following accession to TRIPS of Vietnam, Tonga and Ukraine on 11 January 2007, 27 July 2007 and 16 May 2008 respectively the schedule to the 1989 Regulations has been amended to include these countries.

8. Impact

8.1 An Impact Assessment has not been prepared as these Regulations simply increase the number of qualifying countries and the effect on business is likely to be negligible.

9. Contact

Lorna Thompson at the Intellectual Property Office (tel: 01633 813823) or email Lorna.Thompson@ipo.gov.uk can answer any questions on the Regulations