

SUBCHAPTER C—PROTECTION OF FOREIGN MASK WORKS

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

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AUTHORITY: 35 U.S.C. 6; E.O. 12504, 50 FR 4849, 3 CFR, 1985 Comp., p. 335.

SOURCE: 53 FR 24447, June 29, 1988, unless otherwise noted.

§ 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 a interim order extending protec-

tion to foreign nationals, domiciliaries and sovereign authorities under 17 U.S.C. Chapter 9.

(h) *Secretary* means the Secretary of Commerce.

§ 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.

§ 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.

§ 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