

Form MW

Form MW should be used for registration of a claim for protection in a mask work that is fixed in a semiconductor chip product, by or under the authority of the owner of the mask work.

A “mask work” is a series of related images, however fixed or encoded, 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 in which the relation of the images to one another is such that each image has the pattern of the surface of one form of the semiconductor chip product. To be protected, a mask work must be original. If the mask work consists of designs that are staple, commonplace, or familiar in the semiconductor industry, any variation or combination of such designs must, considered as a whole, be original to be protected. In no case does protection for a mask work extend to any idea, procedure, process, system, method of operation, concept, discovery, or the like embodied or illustrated in a mask work. Nor is a design protectible if it is dictated by a particular electronic function or is one of only a few available design choices that will accomplish that function.

Protection for a mask work begins on the date on which the mask work is registered, or the date of first commercial exploitation anywhere in the world, whichever occurs first, and lasts for a term of 10 years. During such time, the owner has the exclusive rights to: 1) reproduce the mask work by any means; 2) import or distribute semiconductor chip products embodying the mask work; and 3) authorize or induce others to reproduce, to import, or to distribute.

Statutory protection for a mask work that has been commercially exploited anywhere in the world is terminated if application for registration of a claim for protection is not made within 2 years after the date of first commercial exploitation.

Deposit to Accompany Application: The statute requires the deposit of identifying material as specified in the Copyright Office Regulations. (37 CFR §211). For further information, see www.copyright.gov/title37/211.

Mask Work Protection Different from Copyright: Both the Copyright Act and the Semiconductor Chip Protection Act are administered by the Copyright

Office and involve protection for intellectual property. However, they differ from each other in most respects, including term, ownership, eligibility, scope of exclusive rights, limitations on exclusive rights, remedies, and registration procedures.

For Forms or Information: For information, write or call the Copyright Office, Library of Congress, Washington, DC 20559-6000, (202) 707-3000. For forms, call (202) 707-9100 or download them from www.copyright.gov. You may photocopy blank application forms; however, photocopies of Form MW submitted to the Copyright Office must be clear, legible, on a good grade of 8 1/2 x 11" (preferably blue) paper, suitable for automatic feeding through a photocopier. Forms not meeting these requirements will be returned.

PRIVACY ACT ADVISORY STATEMENT, Required by the Privacy Act of 1974 (P.L. 93-579):

The authority for requesting this information is title 17 USC, sec. 908, which provides for mandatory registration of claims to mask work protection. Furnishing of the information is voluntary, but if the information is not furnished, it is probable that registration will be refused. Unless a judicial appeal should result in an order compelling registration, any inchoate rights in the mask work would be forfeited at the expiration of 2 years from first commercial exploitation.

The principal uses of the requested information are the examination of the application for registration to determine compliance with legal requirements and the establishment and maintenance of a public record of claims of protection.

Other routine uses include public inspection and copying, preparation of public indexes, preparation of public catalogs of mask work registrations, and preparation of search reports upon request.

NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if we communicate with you regarding this application.

MASK WORK NOTICE: The owner of a protected mask work may affix a notice to the mask work or to the semiconductor chip product embodying the mask work in such a way as to give reasonable notice of such protection. The notice consists of two elements: 1) the words “mask work,” the symbol *M*, or the letter M in a circle ©; and 2) the name of the owner or owners of the mask work or an abbreviation by which the name is recognized or is generally known. The affixation of a notice is not a condition of protection under the law, but provides certain benefits.

SPACE BY SPACE INSTRUCTIONS

1 Space 1: Title Every work submitted for registration must be given a title for purposes of cataloging and identification. This title may include the name of the semiconductor chip product in which the mask work is embodied, e.g., “ASTRA 2014,” “Memory Cell 5522,” or “Register X22.”

2 Space 2: Nature of Deposit Give a short description of the object deposited as identifying material, e.g., “chips plus seven of nine acetate layers,” “acetate color overlay sheets,” or “composite plot.”

3, 4, 5 Spaces 3, 4, and 5: Information About Current Owner(s) The owner of a mask work is: 1) the person who created the mask work; 2) the legal representative of that person if that person is deceased or under a legal incapacity; 3) the employer for whom a person created the mask work within the scope of his or her employment; or 4) the party to whom all the rights of such a person, employer or representative are transferred. Give the name(s) and address(es) of the current owner(s) of the mask work which is the subject matter of this application. Use a continuation sheet if additional space is needed.

Give the citizenship or domicile of the current owner in space 4.

If the current owner is not the person who created the mask work that is the subject matter of this application, check the appropriate box in space 5 to explain how the owner acquired the right to claim protection in this mask work. **Note:** If the current owner is a company or organization, one of the boxes must be checked.

6 Space 6: Date and Nation of First Commercial Exploitation To “commercially exploit” a mask work is to distribute to the public for commercial purposes a semiconductor chip product embodying the mask work. The offering to sell or transfer a semiconductor chip product is a commercial exploitation only when the offer is in writing and occurs after the fixation of a mask work in a semiconductor chip product.

If this mask work has been commercially exploited anywhere in the world, give the exact date (month, day, and year) and the nation of first commercial

exploitation. If the work has not yet been commercially exploited, leave this space blank.

7 Space 7: Citizenship or Domicile of Owner at Time of First Commercial Exploitation Eligibility for protection may depend on the nationality or domicile of the owner of a commercially exploited mask work at the time of first commercial exploitation. Complete this space if the mask work which is the subject of this application was commercially exploited, and if the nationality or domicile of the owner at the time of first commercial exploitation is different from that given in space 4.

8 Space 8: Nature of Contribution Mask works generally contain preexisting material that is common in the semiconductor industry. Such material is not protectible. However, if staple designs are combined in a way that is original, the new authorship may be protected. Further, portions of a work that may have been previously commercially exploited or previously registered for protection may not be included in the claim.

Give a brief, general statement that describes the new protectible contribution that is the basis of this claim. This statement may, if appropriate, refer to any previous mask work upon which the mask work being registered is based, as an aid in distinguishing the new contribution from the preexisting material. **Note:** Protection does not extend to the functions of the semiconductor chip product.

9,10,11,12 Spaces 9–12: Correspondence In space 9, give the name, address, email, and daytime telephone number of the contact person if further information about this claim is needed.

Deposit Account. Complete space 10 if an existing deposit account is to be charged for the filing fee.

Certification. Give the handwritten signature of a person authorized to certify the facts asserted in this application. *The application must be signed.*

Address for Return of Certificate. The name and address must be completed legibly. The certificate will be mailed in a window envelope.

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

REGISTRATION NUMBER

MW

EFFECTIVE DATE OF REGISTRATION

Month Day Year

APPLICATION RECEIVED

DEPOSIT RECEIVED

SEE SPACE-BY-SPACE INSTRUCTIONS ON OTHER SIDE. DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE FORM MW/CON.

1. TITLE OF THIS WORK _____

2. NATURE OF DEPOSIT _____

3. NAME AND ADDRESS OF CURRENT OWNER(S) _____

4. CITIZENSHIP OR DOMICILE OF CURRENT OWNER(S)

Citizen of: _____
or
Domiciled in: _____

5. DERIVATION OF OWNERSHIP: If the person who created the mask work that is subject matter of this application is *not* named as the owner, check one: (Note: If a company or organization is named as the current owner, one of the following boxes *must* be checked.)

- a. The owner is the employer of a person who created such mask work within the scope of his or her employment.
 b. The owner has acquired the rights by transfer from the creator, employer or representative.
 c. The owner is the legal representative of the deceased or legally incapacitated creator.

6. DATE AND NATION OF FIRST COMMERCIAL EXPLOITATION

Month _____ Day _____ Year _____
Nation _____

7. CITIZENSHIP OR DOMICILE OF OWNER AT THE TIME OF FIRST COMMERCIAL EXPLOITATION (See instructions)

Citizen of: _____
Domiciled in: _____

8. NATURE OF CONTRIBUTION: Mask works generally contain designs that are staple, commonplace, or familiar in the semiconductor industry, or are variations of such designs, or are variations of designs that have been previously commercially exploited or previously registered for protection.

Describe the new, original contribution in this mask work for which statutory protection is sought: _____

9. CONTACT PERSON FOR CORRESPONDENCE ABOUT THIS CLAIM

Name: _____
Daytime telephone number: () _____
Address (if other than given at space 12): _____

Fax: () _____ Email: _____

10. DEPOSIT ACCOUNT

Name of Account: _____

Account Number: _____

11. CERTIFICATION: I, the undersigned, hereby certify that I have the authority to submit this application and that the statements made herein are correct to the best of my knowledge.*

HANDWRITTEN SIGNATURE (X) _____
(This application **MUST** be signed.)

TYPED SIGNATURE _____

12. Certificate will be mailed in window envelope to this address:

Name
Number/Street/Apt Number
City/State/Zip

PLEASE BE SURE THAT YOU HAVE:

- Signed the application at space 11.
- Enclosed a check or money order for the nonrefundable filing fee, payable to *Register of Copyrights*.
- Enclosed deposit, application, and fee.

MAIL TO:

Library of Congress
Copyright Office, Department MW
101 Independence Avenue SE
Washington, DC 20540

*Any person who knowingly makes a false representation of a material fact in the application for registration as provided in 18 USC 1001 shall be fined not more than \$10,000.