

Public Law 100-159
100th Congress

An Act

To amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

Nov. 9, 1987

[S. 442]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

17 USC 914 note.

(a) FINDINGS.—The Congress finds that—

(1) section 914 of title 17, United States Code, which authorizes the Secretary of Commerce to issue orders extending interim protection under chapter 9 of title 17, United States Code, to mask works fixed in semiconductor chip products and originating in foreign countries that are making good faith efforts and reasonable progress toward providing protection, by treaty or legislation, to mask works of United States nationals, has resulted in substantial and positive legislative developments in foreign countries regarding protection of mask works;

(2) the Secretary of Commerce has determined that most of the industrialized countries of the world are eligible for orders affording interim protection under section 914 of title 17, United States Code;

(3) the World Intellectual Property Organization has commenced meetings to draft an international convention regarding the protection of integrated electronic circuits;

International agreements.

(4) these bilateral and multilateral developments are encouraging steps toward improving international protection of mask works in a consistent and harmonious manner; and

(5) it is inherent in section 902 of title 17, United States Code, that the President has the authority to revise, suspend, or revoke, as well as issue, proclamations extending mask work protection to nationals, domiciliaries, and sovereign authorities of other countries, if conditions warrant.

(b) PURPOSES.—The purposes of this Act are—

(1) to extend the period within which the Secretary of Commerce may grant interim protective orders under section 914 of title 17, United States Code, to continue this incentive for the bilateral and multilateral protection of mask works; and

(2) to codify the President's existing authority to revoke, suspend, or limit the protection extended to mask works of foreign entities in nations that extend mask work protection to United States nationals.

SEC. 2. AUTHORITY TO ISSUE PROTECTIVE ORDERS.

Section 914(e) of title 17, United States Code, is amended by striking out "three years after such date of enactment" and inserting in lieu thereof "on July 1, 1991".

SEC. 3. AUTHORITY TO ISSUE PROCLAMATIONS.

President of U.S.

Section 902(a)(2) of title 17, United States Code, is amended by adding at the end thereof the following: "The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection extended under any such proclamation."

SEC. 4. REPORT TO CONGRESS.

Section 914(f) of title 17, United States Code, is amended by adding at the end the following: "Not later than July 1, 1990, the Secretary of Commerce, in consultation with the Register of Copyrights, shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report updating the matters contained in the report transmitted under the preceding sentence."

Approved November 9, 1987.

The World Intellectual Property Organization has convened meetings to draft an international convention regarding the protection of integrated electronic circuits. (a) These bilateral and multilateral developments are encouraging steps toward improving international protection of mask works in a consistent and harmonious manner and (b) it is in the interest of the United States Code that the President has the authority to revise, suspend, or revoke any such proclamation extending mask work protection to national, domestic, and foreign entities of foreign countries if conditions warrant. (c) The purpose of this Act is— (1) to extend the period within which the Secretary of Commerce may grant inter a protective order under section 914 of title 17, United States Code, to continue the incentive for the development and multilateral protection of mask works and (2) to clarify the President's existing authority to revoke, suspend, or limit the protection extended to mask works of foreign entities in nations that extend mask work protection to United States nationals.

LEGISLATIVE HISTORY—S. 442 (H.R. 1951):

- HOUSE REPORTS: No. 100-388 accompanying H.R. 1951 (Comm. on the Judiciary).
- SENATE REPORTS: No. 100-66 (Comm. on the Judiciary).
- CONGRESSIONAL RECORD, Vol. 133 (1987):
 - June 26, considered and passed Senate.
 - Oct. 27, H.R. 1951 considered and passed House; proceedings vacated and S. 442, amended, passed in lieu.
 - Nov. 4, Senate concurred in House amendments.