

MOMSEN
LEONARDOS
& CIA

Licensed Patent and Trademark Attorneys
Est 1919

Tomaz Francisco Leonardos
Luiz Leonardos
Maurício Leonardos
Flávio Starling Leonardos
Filipe da Cunha Leonardos
Gustavo Starling Leonardos
Gabriel Francisco Leonardos
Denise de Oliveira Dale
Elisabeth Kasznar Fekete
Gustavo José Ferreira Barbosa
*
Ana Lúcia M. Carneiro
Antonio Carlos Ramos
Carla C. Castello
Carlos Guarany
Cláudio Roberto Barbosa
Eduardo Colona Rosman
Fernanda Burin Leonardos
João Luis d'Orey Facco Vianna
Liz Carneiro Leao Starling
Louise Prutchi
Marcelo Canellas Leite
Marcelo de Oliveira Müller
Otto Banho Licks
Rodrigo Affonso de Ouro Preto Santos
Ronald Magalhães Varella
Rosane Rego Tavares da Silva
Sonia Moraes de Souza

RIO DE JANEIRO OFFICE
Rua Teófilo Otoni, 63 - 10º andar
Centro
20090-080 - Rio de Janeiro - RJ
Brazil
Tel (55-21) 2518-2264
Fax (55-21) 2518-3152
E-Mail: momsens@leonardos.com.br
www.leonardos.com.br

SÃO PAULO OFFICE:
Av. Nove de Julho, 3.147
7º andar - conj. 72
Jardim Paulista
01407-000 - São Paulo - SP
Brazil
Tel (55-11) 2122-6600
Fax (55-11) 2122-6633
E-Mail: momsensp@leonardos.com.br
www.leonardos.com.br

P.O. BOX 21214
Agência Praça Mauá
20110-970 - Rio de Janeiro - RJ - Brazil

Newsletter

BRAZILIAN FEDERAL GOVERNMENT PROTECTS INTEGRATED CIRCUITS TOPOGRAPHIES

No.171

April 2007

On 22 January 2007, the Brazilian President, *LUIZ INÁCIO LULA DA SILVA*, published Provisional Measure¹ N° 352, aimed at stimulating the digital TV and semiconductor industries, and also defining a framework of protection for integrated circuit topographies. Attached hereto, you will find our translation of the portions of the Provisional Measure that deal specifically with the registration of integrated circuit topographies.

Protection will extend for ten years and will be granted to original topographies, in the sense that they must “result from an intellectual effort”, and cannot be considered as “common or usual for technicians, experts or integrated circuit

¹ A Provisional Measure is a Presidential Bill that must be approved by the Congress to be converted into a law. This kind of bill is normally in force since its publication. Its effects will cease, in case Congress does not act within a term of 120 days.

makers” at the time of its creation. A grace period of two years, to remedy previous exploitation of the topography, is foreseen.

Applications for a registration of integrated circuit topography will be filed at the Brazilian Patent Office and shall comprise a description of the topography and of its function, as well as drawings or photographic pictures.

At the request of the applicant, it will be possible to maintain the application undisclosed for a six-month period. During the first five months of this period, it will be possible for the applicant to withdraw the application.

Although certain exceptions are foreseen, the exclusive rights conferred by the registration will allow its owner to prevent third parties from :

- reproducing the topography partially or in its entirety, or incorporating the topography in an integrated circuit;
- importing, selling or distributing, for commercial purposes, a protected topography, any circuit comprising a protected topography, or any product containing one such circuit.

The State of Brazil will have eminent powers to exploit the topography, provided that the exploitation is non-commercial. Furthermore, non-exclusive compulsory licenses are foreseen to ensure a free and competitive market, to prevent abuse of rights or economic power by the registrant, which should fulfill the market needs concerning price, quantity or quality. In any of these cases, compulsory licenses shall be granted whenever an interested party does not succeed in obtaining a regular license under normal commercial practices.

The Brazilian Government’s Executive Branch was granted a term of sixty days to regulate the provisions. This shall be done by means of a set of norms, to be issued by the Patent Office and the Ministry to which it is subordinated, and which will be reported to you in a future edition of our newsletter.

-0-0-0-0-0-0-

/GB