TITLE 17 - COPYRIGHTS
CHAPTER 9 - PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS

§ 901. Definitions

(a) As used in this chapter—

(1) a “semiconductor chip product” is the final or intermediate form of any product—
   (A) having two or more layers of metallic, insulating, or semiconductor material, deposited
       or otherwise placed on, or etched away or otherwise removed from, a piece of semiconductor
       material in accordance with a predetermined pattern; and
   (B) intended to perform electronic circuitry functions;

(2) a “mask work” is a series of related images, however fixed or encoded—
   (A) 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
   (B) 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;

(3) a mask work is “fixed” in a semiconductor chip product when its embodiment in the product
    is sufficiently permanent or stable to permit the mask work to be perceived or reproduced from the
    product for a period of more than transitory duration;

(4) to “distribute” means to sell, or to lease, bail, or otherwise transfer, or to offer to sell, lease,
    bail, or otherwise transfer;

(5) to “commercially exploit” a mask work is to distribute to the public for commercial purposes
    a semiconductor chip product embodying the mask work; except that such term includes an offer
    to sell or transfer a semiconductor chip product only when the offer is in writing and occurs after
    the mask work is fixed in the semiconductor chip product;

(6) the “owner” of a mask work is the person who created the mask work, the legal representative
    of that person if that person is deceased or under a legal incapacity, or a party to whom all the rights
    under this chapter of such person or representative are transferred in accordance with section 903
    (b); except that, in the case of a work made within the scope of a person’s employment, the owner
    is the employer for whom the person created the mask work or a party to whom all the rights under
    this chapter of the employer are transferred in accordance with section 903 (b);

(7) an “innocent purchaser” is a person who purchases a semiconductor chip product in good faith
    and without having notice of protection with respect to the semiconductor chip product;

(8) having “notice of protection” means having actual knowledge that, or reasonable grounds to
    believe that, a mask work is protected under this chapter; and

(9) an “infringing semiconductor chip product” is a semiconductor chip product which is made,
    imported, or distributed in violation of the exclusive rights of the owner of a mask work under
    this chapter.

(b) For purposes of this chapter, the distribution or importation of a product incorporating a
    semiconductor chip product as a part thereof is a distribution or importation of that semiconductor chip
    product.


Authorization of Appropriations

Section 304 of title III of Pub. L. 98–620 provided that: “There are authorized to be appropriated such sums as may
be necessary to carry out the purposes of this title and the amendments made by this title [enacting this chapter].”