

IP PROTECTION FOR INTEGRATED CIRCUITS TOPOGRAPHIES IN BRAZIL

Integrated circuits topographies did not have any intellectual property protection in Brazil until now.

The Brazilian Government has just issued a provisional law covering the intellectual property for integrated circuit topographies in Brazil and incentives to the related industries.

The national discussion of this issue was a very long story and I have been personally involved with this matter, especially in the previous law projects, for the past 10 years, participating in special committees on the subject.

Finally, a decision to put it into effect was taken through the Provisional Law 352 of January 22, 2007 publication. A summary of the law text follows.

An integrated circuit is defined in the law as a product with elements that have interconnections built over a material part or in its inside and whose aim is to perform an electronic function.

An integrated circuit topography is defined as a series of related images built with any means or form that represents the configuration of the layers which compose an integrated circuit and in which each image represents the geometrical disposition or arrangements of the integrated circuit's surfaces.

An IC topography resulting from a combination of elements and interconnections will be protected provided the combination results in an original topography and protection will be granted for 10 years.

Protection will not be granted to concepts, processes, systems or techniques upon which the topography is based.

The following basic items are required in order to submit an application before the Brazilian Patent Office: a petition, a topography description, topography drawings or photographs, a declaration of previous exploitation, if any, and payment receipt.

Brazilian Patent Office is now preparing internal rules for the processing of the foreign and national applications.

The registration request may be kept under secrecy for a period of 6 months.

The effects of the protection do not apply to the utilization for analysis, evaluation, teaching and research and to the creation of a topography that is not substantially identical to the one protected.

C&S InterPatents is technically prepared to advise you and your clients on this matter and is the first and only IP office with a staff that is already prepared to work on it in Brazil.

Do not hesitate to contact us if you need more information.

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