

Form MW

Use this form to register a claim for protection in a mask work that is fixed in a semiconductor chip product by or under authority of the owner of the mask work. A mask work is a series of related images, however fixed or encoded (1) that have or represent the predetermined three-dimensional pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product; and (2) 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.

To be protected, a mask work must be original. The mask work cannot consist solely of designs that are staple, commonplace, or familiar in the semiconductor industry, or variations of such designs, combined in a way that, considered as a whole, are not original (17 U.S.C. §902 (b)). Protection for a mask work does not extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery associated with a mask work, regardless of the form in which it is described, explained, illustrated, or embodied in a mask work (17 U.S.C. §902 (c)).

Note: Protection for mask works is not copyright protection. The legal requirements for mask work protection differ from those for copyright protection in terms of eligibility for protection, ownership rights, registration procedures, term of protection, and remedies for rights violations.

Term of Protection: Protection for a mask work begins on the date the mask work is registered with the Copyright Office or the date the mask work is first commercially exploited anywhere in the world, whichever occurs first. Protection lasts for 10 years (terminating at the end of the 10th calendar year after it began). To secure protection of mask works for the entire 10-year term, owners must register their works with the Copyright Office within two years of the date on which the mask work is first commercially exploited. Otherwise, protection will be lost.

Deposit: The deposit consists of identifying material as specified by Copyright Office regulations (37 C.F.R. §211). For more information, see www.copyright.gov/title37/211 or www.copyright.gov/circs/circ100.pdf.

Notice: The owner of a protected mask work may affix a notice of ownership to the mask work, mask, and semiconductor chip product embodying the mask work in a manner and location that gives reasonable notice of the claim to protection. The notice consists of (1) the words *mask work*, the symbol *M*, or the symbol ® and (2) the name of the owner(s) of the rights in the mask work or an abbreviation by which the name is recognized or generally known. Affixation of such a notice is optional and not a condition of protection but provides certain benefits.

Further Information

Library of Congress
Copyright Office—COPUBS
Publications Section
101 Independence Avenue, SE
Washington, DC 20559
Tel: (202) 707-3000 or 1-877-476-0778 (toll free)
Web: www.copyright.gov

PRIVACY ACT ADVISORY STATEMENT, Required by the Privacy Act of 1974 (P.L. 93-579): The authority for requesting this information is title 17 U.S.C. §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 two 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.

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(s) deposited as identifying material, e.g., “chips plus seven of nine acetate layers,” “acetate color overlay sheets,” or “composite plot.”

3, 4, 5 Spaces 3–5: 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 that 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 that 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 protectable. 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 protectable 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. A person authorized to certify the facts asserted in this application, must sign the application.

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

Privacy Act Notice: Sections 408-410 of title 17 of the *United States Code* authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your claim as required by 17 U.S.C. §705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

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 _____ _____ _____
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3 NAME AND ADDRESS OF CURRENT OWNER(S) _____ _____ _____	4 CITIZENSHIP OR DOMICILE OF CURRENT OWNER(S) Citizen of: _____ or Domiciled in: _____
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5 DERIVATION OF OWNERSHIP: If the person who created the mask work that is the 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: _____
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8 NATURE OF CONTRIBUTION: Mask works generally contain designs that are staple, commonplace, or familiar in the semiconductor industry; 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: _____
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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.*

SIGNATURE _____
(This application MUST be signed.)

TYPED OR PRINTED NAME OF PERSON SIGNING THIS APPLICATION _____

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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 *U.S. Copyright Office*.
- Enclosed deposit, application, and fee.

MAIL TO:

Library of Congress
Copyright Office-MW
101 Independence Avenue SE
Washington, DC 20559-6000

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