

the creator, for a period of ten years, exclusive rights to authorize or prohibit the reproduction of chips, their commercial exploitation and/or products produced from them. The criteria for protection is on the basis of the creator's own intellectual effort; topographies created from 'reverse engineering' may be protected if there are sufficient "additions" in the design. The Directive required member states to implement laws banning unauthorized reproduction by November 1987, while granting administrative flexibility to the member states. Protection to third persons is extended on the basis of reciprocity. Interim protection was subsequently extended to the US, Hong Kong, Japan, EFTA countries⁴ and French overseas territories. In October 1990, the Commission extended this protection. Under Commission Decision 90/511/EEC, indefinite and unconditional protection was granted to topographies from Austria, Australia, French overseas territories, Japan and Sweden in response to similar protection granted to EC topographies. A second Decision (90/512/EEC) extends interim protection for the US, Hong Kong, UK possessions, and the other EFTA countries until the end of 1992.

Canada's proposed Integrated Circuit Topography Act, when promulgated, will provide for the possible extension of full and permanent protection to EC countries. With the Act's entry into force, Canada will be seeking inclusion under Commission Decision 90/511/EEC, extending indefinite and unconditional protection to Canadian topographies. Furthermore, as EC extension of protection will, following conclusion of the treaty creating a European Economic Area (EEA) between the EC and EFTA, require reciprocal recognition of EEA topographies, Canada will be exploring the grounds for the mutual extension of protection with EFTA countries offering similar protection.

IMPLICATIONS FOR CANADA

Canadian concerns centre around the prospect that Community initiatives in the area of IPR might discriminate against Canadian interests. It would appear, however, that this is not likely to be the case. EC initiatives for 1992 are largely consistent with, or complementary to, the Community's approach in multilateral negotiations. Under these auspices, Canadian and EC positions are broadly similar in striving for adequate protection for owners of intellectual property, non-discriminatory enforcement of rights and

⁴ Sweden, Finland, Norway, Iceland, Austria, Switzerland and Liechtenstein.