**Background and Context**

Much like how copyright law protects original works of authorship like books, paintings, movies, sculptures, and etc, Semiconductor Chip Protection Act similar to copyright law also protects computer chips (or more accurately, the etchings placed on or in computer chips that make them work). In 1984, Congress enacted the Semiconductor Chip Protection Act ("SCPA") which created a new type of intellectual property right(17 USC §900). This new IP right was available for semiconductor chip manufacturers and covered "mask works." The statutory protection framework under the SCPA looks similar to the copyright framework used to protect original works of authorship.

**Problem Statement - Need for new IP Statue**

Various companies were creating knock off "mask" designs of the chips by the process of reverse engineering and selling them at reduced costs. This infringement posed a challenge as it could not be incorporated in the domain of latent law as the pirated designs were not protectable inventions but designs that were etched on the chips of patented devices. Further the designs could not be incorporated into traditional copyright law either as copyright law only protects an original work of authorship if the work is non-functional but in this case they were functional and not aesthetic. Finally trade secrets couldn't protect it either as once the design was introduced to the public, it forgoes the protection. Therefore a new IP protection framework was needed.

**.Objective**

In this project I want to develop an understanding by raising questions such as why traditional copyright laws couldn't protect the semiconductors and chips and its shortcomings, what kind of challenges did companies and courts faced in absence of SCPA and why did it lose its value today along with the solution i.e SCPA circumvented all these problems and provided much needed relief to stakeholders.

**Topics of interest to cover**

- Deep understanding of SCPA and its impact when it was introduced.
- SCPA vs traditional copyright law
- History of semiconductor cases before SPCA origination
- Decline of SCPA and reasons for few mask works registered today
- How fast paced technology made SCPA irrelevant?
- Why are there protection laws for reverse engineering privilege?
- International laws for Semiconductor and chip protection
- What can be done to provide better implementation today?

- CHIPS for america Act and FABS act

**Research Cases**

*Brooktree Corp. v. Advanced Micro Devices, Inc., 705 F. Supp. 491,494 (S.D. Cal. 1988).*

*Brooktree Corp. v. Advanced Micro Devices, Inc*., 977 F.2d 1555 (Fed. Cir. 1992)

*Intel Corp. v. Advanced Micro Devices, Inc., 756 F. Supp. 1292 (N.D. Cal. 1991)*

*Baker v. Selden, 101 U.S. 99 (1879)*

*Imperial Homes Corp. v. Lamont, 458 F.2d 895 (5th Cir. 1972)*

*Scholz Homes, Inc. v. Maddox, 379 F.2d 84 (6th Cir. 1967)*

*Demetriades v. Kaufmann, 680 F. Supp. 658 (S.D.N.Y. 1988).*

*Iowa State Univ. Research Found., Inc. v. American Broadcasting Co., 621 F.2d 57, 60 (2d Cir. 1980)*

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DiGiacomo, John. “Mask Works 101: Copyright Protections for Semiconductor Chip Products.” Revision Legal, October 22, 2021. https://revisionlegal.com/copyright/mask-works-101-copyright-protections-for-semiconductor-chip-products/.

“How Technology Made a Copyright Law Obsolete.” JD Supra. Accessed November 2, 2022. https://www.jdsupra.com/legalnews/how-technology-made-a-copyright-law-75048/.