行政院所屬各機關因公出國人員出國報告書

（出國類別：出席國際會議）

參加第 11 屆政府間半導體會議(GAMS)出國報告

服務機關：經濟部國際貿易局

姓名職稱：張副局長俊福

張副組長毅凱

柯商務秘書誠德

出國地區：日本神戶

出國期間：99.9.15-17

報告日期：99.9.27

目　錄

壹、背景說明

政府間半導體會議(Governments/Authorities Meeting on Semiconductors, GAMS) 源於國際間半導體產業之對話論壇，係當前半導體產業最重要之政府間國際組織，創始會員為美國、歐盟、日本及韓國等 4 國，我國及中國大陸則分別於 1999 年及 2006 年加入。

政府間半導體會議之目的在於建立促進全球半導體產業發展之機制，排除各國半導體產業間之貿易障礙。我國自加入後，每年均由經濟部國際貿易局就半導體業界關切之議題，彙整相關部會意見，並代表我國出席本項年度會議。

本(99)年度政府間半導體會議輪由日本主辦，於 9 月 16 日在日本神戶市舉行，美國、歐盟、日本、韓國、中國大陸及我國等 6 個會員政府均指派與半導體產業及貿易相關之資深官員與會，我方由經濟部國際貿易局張副局長俊福率團與會（各國出席人員名單如附件 1），討論範圍包括貿易、智慧財產權、環境保護、半導體產業規則及對社會之貢獻等重要議題。

貳、任務內容及行程（行程表如附件 2）

99 年 9 月 15 日	啟程赴日本並進行雙邊會談
99 年 9 月 16 日	出席政府間半導體會議
99 年 9 月 17 日	返回台北

參、出席會議情形

我國代表團於會議前一日（9 月 15 日）午後抵達日本神戶市，準備出席第 11 屆「政府間半導體會議」(GAMS)。當日下午分別與日本及歐盟代表團進行雙邊會談，隨後參加日本主辦國安排之

「多元件積體電路」(MCO)稅則分類定義會前非正式協商會議，晚間與台灣半導體產業協會(TSIA)與會代表餐敘，就會議議題與我業界預作溝通。

9月16日參加第11屆GAMS會議，會議由日本經濟產業省商務情報局審議官富田健介(Kensuke Tomita)主持，會議依議程(附件3)安排，上午由世界半導體理事會(WSC)各國成員依據本年5月於韓國年會之對政府建議書提出報告，下午則由GAMS成員國政府針對各項建言進行討論，議題包括半導體產業之社會貢獻、市場研究報告與區域振興經濟方案、智慧財產權保護、加密標準及規則、多晶片積體電路及多元件積體電路、全球環境保護等。謹依序將相關會議情形臚陳如次：

一、**與日本雙邊會談**：日方由代表團團長富田審議官主談，會談要點有二：

(一) 多元件積體電路(MCO)議題：

日方表示歐盟提案定義範圍過大，未來海關在辨識上可能是一項挑戰。我方復以，我國相關單位較傾向於支持歐盟提案，惟對於其MCO定義是否可能擴及終端消費產品之疑慮仍待釐清。

日方認為MCO產品係供安裝於印刷電路板(PCB)之用，原則上應係以元件呈現，建議我方可在稍後即將召開之MCO非正式會議中向歐方提問確認。

(二) 全氟辛烷磺酸(PFOS)議題：

我方向日方表示，我國業者原已規劃使用PFOS替代物質，惟近日發現仍有製程疑點尚待釐清，爰請日方協助出口許可相關事宜，日方當場慨允協助，並提供制式表格(附

件 4）供我方提出申請。

二、**與歐盟雙邊會談**：歐方主談人為該團團長(貿易總署市場進入與產業處主任)Peter Klein，要點如次：

(一) MCO 議題：我方首先請歐盟就所提之 MCO 定義不會造成終端消費產品適用一節，提出進一步說明。歐盟表示，其 MCO 提案雖具市場開放之野心，惟該產品係供裝配於印刷電路板或其他載板之上，屬零配件，應無涉及成品之慮。歐方另稱，倘須待世界關務組織(WCO)於 2017 年以修訂調和關稅稅則之方式處理本案，顯然緩不濟急，強調 GAMS 會員國應儘早針對 MCO 定義達成共識，並以類似 MCP 之模式，由 MCO 會員簽署協定實施零關稅，以符合業界需求。

(二) 多晶片積體電路(MCP)議題：歐方指出，經此次再與中國大陸雙邊會談後，中國大陸代表表示仍無法同意簽署 MCP 協定，歐方將適時於 GAMS 會議中表達歐方立場。

三、**「多元件積體電路」（MCO）會前非正式協商**：

美方堅持應先以美方提案為基礎，再逐漸擴大 MCO 之範圍，該建議獲中國大陸、日本及韓國之支持。彼等主張以美國所提 MCO 定義之較小範圍為起始點進行討論，再決定是否增加一些歐盟提案中所建議之其他稅則節別(heading)元件。

歐盟表示美方提案未涵蓋 MCO 之相關元件，惟願意展現彈性，以美方提案為基礎，逐步討論擴大範圍。我國則在會中籲請 GAMS 成員考慮業界之需求，儘速達成協議。

四、GAMS 會議討論情形：

(一) 世界半導體理事會報告及建言：

世界半導體理事會繼本年 5 月 27 日在韓國首爾舉辦第 14 屆年會後，爰於本年 GAMS 大會開議時首先發表「反托辣斯政策聲明」(附件 5)，再由各國 GAMS 代表致開幕詞為本次第 11 屆 GAMS 會議拉開序幕。會議首先聽取韓國代表世界半導體理事會提出之相關報告及建言，隨後進行各項建言之專題簡報，內容包括半導體產業之社會貢獻、區域振興經濟方案、智慧財產權、加密標準及規則、多晶片積體電路及多元件積體電路分類、自由開放市場及共同保護全球環境等議題(簡報資料如附件 6)。我國代表在開幕致詞時強調，在 WTO 杜哈談判多年僵持不下而無法突破之情形下，盼 GAMS 成員能透過 GAMS 機制作出相當之貢獻（我團致詞稿如附件 7)。

(二) 半導體產業之社會貢獻：

GAMS 咸認半導體產業在節能、再生能源及減少全球暖化所做之社會貢獻，並鼓勵世界半導體理事會持續進行相關分析及分享其成果。

(三) 區域振興經濟方案：

GAMS 強調企業及其產品競爭力應為促進產業發展與國際貿易之關鍵因素，而非透過政府機關之干預。然而在全球經濟衰退時期，政府採取必要之振興經濟措施無可厚非，惟該等措施必須以市場為導向，並避免造成保護主義之實。

GAMS 主張政策透明化之原則，並建議世界半導體理事會蒐集更多本議題之相關資訊，並在明年 GAMS 會議中提出

報告，以促進及營造全球半導體市場發展之有利環境。

(四) 有效保護智慧財產權：

由於半導體產品仿冒問題將影響公共安全及健康， GAMS 同意採取適當措施(包含境內、雙邊與多邊對策)，加強查緝工作以打擊仿冒。另鑒於海關在打擊半導體反仿冒工作中扮演相當重要角色，明年 GAMS 會議將邀請海關官員與會，報告各國反仿冒執行成效，並加強會員國海關官員間之資訊交流及合作。

我方在會中已表達我國海關願意與各國海關進行情資交流及分享之意願，並願與業者加強合作，以提高邊境查緝績效。另依據我半導體協會之意見，建議 GAMS 會議邀請智慧財產權官員就提升專利品質議題進行討論。此外，我方另提出應設法處理非專利業者(Non-Practicing Entities, NPE)之律師事務所濫用司法訴訟之問題，本節雖獲韓國支持，惟因美、歐反對，爰未獲同意納入主席決議文。

(五) 加密標準及規則：

GAMS 支持世界半導體理事會對於加密之建議，並認同政府不應採取歧視原則，以保障智慧財產權。GAMS 認為商業加密技術之全球合作對資通訊技術產品之安全及創新有其助益，因此對於加密規則之規範不宜造成不必要之貿易障礙，而有編碼功能(cryptographic capabilities)之產品亦不應被規範。同時 GAMS 亦認同政策透明化及與國際標準調和一致性之必要性。

(六) 多晶片積體電路(MCP)及多元件積體電路(MCO)：

1. MCP 議題：GAMS 重申所有成員均應加入「多晶片積體電路免稅協定」之原則，此立場不宜遭致弱化，以便繼續

邀請其他非 GAMS 會員國家加入該協定。惟鑒於中國大陸仍有其加入本協定之考量，爰 GAMS 將繼續努力促成所有 GAMS 會員國及加強洽邀其他非會員國共同加入多晶片積體電路免稅協定之目標。

2. MCO 議題：本次 GAMS 會議之討論焦點為 MCO 定義問題，會員經激烈辯論，同意先基於美國多元件積體電路定義之提案進行討論，並兼顧產業趨勢，儘快制訂該產品之適當定義。GAMS 會員將與其海關專家協商，盡可能在 2011 年 4 月前完成多元件積體電路之定義，並在 2011 年之 GAMS 會議上達成對該產品實施免關稅待遇之共識，惟中國大陸對此持保留態度並稱，MCO 中所含若干元件非屬半導體，GAMS 討論之範圍應限於半導體，故主張應對 MCO 之半導體元件設定門檻含量（例如 70%），否則即應加以排除。

(七) 原產地規則：

GAMS 持續支持非優惠性原產地規則在 WTO 架構下進行調和，且鑒於 WTO 刻正推動整合原產地規則之工作，世界半導體理事會爰決定於 WTO 有關本議題取得進展或會員國有關原產地標示之國內法規有所更動前，暫時擱置本議題。

(八) 自由化市場：

GAMS 成員瞭解世界半導體理事會亟盼排除半導體產品關稅及非關稅障礙之立場，並將持續透過 WTO 非農產品市場進入談判或有關電子產品部門別自由化之倡議，以取消半導體產品之關稅障礙。

(九) 全球環境保護：

GAMS 成員認同半導體產業對於改善能源效率及環境保護

上扮演重要之角色，亦歡迎世界半導體理事會減少電力耗損之努力。GAMS 鼓勵世界半導體理事會提出其後 2010 年代之自發性減量計畫，並重申 GAMS 成員所採取之任何環境措施均應與多邊貿易協定下所訂之義務一致。

(十) GAMS 聯合聲明：

會中由於中國大陸對於聲明標題之會員名稱排序，第 5.4 段加入 WTO 協定中有關補貼及平衡稅措施協定之文字，以及第 7 段加入會員定期向 GAMS 報告政府對半導體產業所實施之支持計畫等修正意見持保留態度，本屆會議爰無法通過採納修正 GAMS 聯合聲明（草案如附件 8），將持續討論該聲明內容以達成最終共識。

大會於結束前決定下屆會議將於明年 9 月 29 日在美國華府召開，並通過本年 GAMS 會議之主席決議文（Chair's Summary，附件 9），惟中國大陸對於第 7 段有關 MCO 之文字聲明仍堅持表示無法同意。

肆、結論與建議

GAMS 主要功能為推動 6 國半導體產業之發展與合作，透過此一各國半導體產業協會所組成之世界半導體協會與政府間之對話機制，尋求 GAMS 會員國政府協助解決產業經營所遭遇之困難。本年會議除尚未獲致共識之少數議題，如 MCP 協定、MCO 定義及 GAMS 聯合聲明外，其餘議題均獲會員國政府同意積極推動。值此國際經濟開始復甦之際，GAMS 會議對於半導體產業發展之貢獻有其正面效益，我國未來仍宜積極參與本項會議，維護我產業利益，俾強化我國半導體產業之國際發展空間。

本年度會議對於 MCO 產品定義及其免稅適用問題雖未能達致最終共識，惟各會員均已同意採取美國提案作為日後討論基礎，此舉可謂係本案膠著多年來之突破，建議我國相關產業主管機關及海關稅則分類專家綜合考量業者利益及海關執行面，積極參與相關討論，以協助我國半導體業者爭取相關產品未來出口至GAMS 會員國間之免稅待遇，強化出口利基。

我業者在本年 9 月 GAMS 會議前發現轉用不含 PFOS 新化學物質之製程仍有疑點待釐清，洽請本局協助請日商公司同意將其保留量輸台，俾有更多時間進行製程調整一案，我代表團藉與日方進行雙邊會談之機會，向日方提出關切並獲允協助，當場取得相關申請表格供參，充分展現 GAMS 機制之良性互動關係，我國宜持續透過此一機制有效協助業界排除貿易障礙，即時爭取我業者權益。

GAMS 會議討論議題涵括範圍甚廣，歷年來多在排除關稅及非關稅貿易障礙上進行協商，惟近一兩年會議已逐漸深入檢討關務及智慧財產權保護事項，尤其是涉及 MCO 產品定義及稅則歸列、專利及反仿冒等專業領域之對話，亟須官方專家代表參與。鑒此，下屆會議極可能將再次召開海關專家會議，邀請各國海關官員分享反仿冒經驗，並就 MCO 產品定義後續磋商，本節將俟主辦國通知後協調我財政部共同執行，共同協助我半導體業者創造有利之國際經貿環境。

GAMS/JSTC 所有代表團團員名單

Kobe, Japan, September 13-17, 2010

中國大陸代表團

GAMS DELEGATES

Ding Wenwu
Deputy Director General, Department of Information Technology Industry of Ministry of Industry and Information Technology

Chen Ru
Director, Department of Finance of Ministry of Industry and Information Technology

Li Hongliang
Consultant, Department of Energy Saving and Comprehensive Utilization of Ministry of Industry and Information Technology

Ren Aiguang
Associate Consultant, Department of Information Technology Industry of Ministry of Industry and Information Technology

Zhou Jie
Deputy Director, Department of Customs Duty of Ministry of Finance

JSTC DELEGATES

Wei Shaojun JSTC Chair (IP/JSTC/GAMS/export restriction)
Board member & CEO, China Key System Co.Ltd.

Chen Nanxiang (IP/JSTC/GAMS/export restriction)
Vice President, China Resources Microelectronics Ltd.

Chen Shoumian (Outreach/JSTC/GAMS)
CTO, Shanghai IC R&D Center Ltd.

Xu Bulu (IP/JSTC/GAMS)
General Manager, Shanghai Silicon Intellectual Property Exchange Ltd.

Yu Minchen (IP/JSTC/GAMS)
Vice Director, Shanghai Silicon Intellectual Property Exchange Ltd.

Tan Wenye (IP/JSTC/GAMS /export restriction)
Director of Law Business, Shanghai Silicon Intellectual Property Exchange Ltd.

COUNSEL

Zhuang Guangdong (IP/MCP/ JSTC/GAMS/export restriction/WSC2.0)
Vice President, Shanghai Hua Hong NEC Elec. Co. Ltd.

INDUSTRY EXPERTS

Fang Yuan (Market/regional stimulus/MCP/JSTC/GAMS)
Deputy Manager, CCID Co. Ltd.

ASSOCIATION

Xu Xiaotian (JSTC/GAMS)
Executive Vice Chairman, Semiconductor Industry Association in China

Xu Jinshou (JSTC/GAMS)
Standing Vice Chairman, Semiconductor Industry Association in China

Lu Zhe (Louisa) (MCP/JSTC/GAMS/ export restriction/WSC2.0)
Director, Semiconductor Industry Association in China

INTERPRETERS
Zhou Yaping (JSTC)
Zhang Wangang (GAMS)
Li Xun (GAMS)

中華台北代表團

GAMS DELEGATES

Chun-Fu Chang – *GAMS Delegation Chair* 張俊福副局長
Deputy Director General, Bureau of Foreign Trade, Ministry of Economic Affairs

Yi-Kai Chang 張毅凱副組長
Deputy Director, Bureau of Foreign Trade, Ministry of Economic Affairs

Chih-Yu Chien 簡志宇商務秘書
First Secretary, Taipei Economic and Cultural Representative Office in Japan

Chen-Te Ko 柯誠德商務秘書
Commercial Secretary, Bureau of Foreign Trade, Ministry of Economic Affairs

JSTC DELEGATES

Stephen T. Tso– *JSTC Delegation Chair* **(GAMS/JSTC)** 左大川資深副總
Senior Vice President and CIO, tsmc

Yee-Wei Huang (GAMS/JSTC/IP/WSC2.0/Export-Import Restrictions) 黃依瑋副總經理
Vice President, Multi-Media Business Unit, Realtek Semiconductor Corp.

Fang-Ming Hsu (GAMS/JSTC/ESH/Outreach) 許芳銘副處長
Deputy Director, tsmc

H R Lai (GAMS/JSTC) 賴懷仁資深經理
Senior Manager, UMC

COUNSEL

Christopher F. Corr, White & Case LLP **(GAMS/JSTC/IP/WSC2.0/Export-Import Restrictions)**

ASSOCIATION

Dior Chen, Director **(GAMS/JSTC/IP/MCO/WSC2.0)** 陳淑芬協理

Celia Shih, Senior Manager **(GAMS/JSTC/ESH/)** 石英堂資深經理

Ellen Lu, Consultant **(GAMS/JSTC/)** 呂文如顧問

GAMS DELEGATES (TO BE CONFIRMED THROUGH GAMS)

Peter Klein, Head of Delegation
European Commission, Directorate General Trade

Nils Weller
European Commission, Directorate General Trade

Gisele Roesems-Kerremans,
European Commission, Information Society & Media Directorate General

Representative from DG TAXUD (pending final agenda items esp. on MCO)

WSC DELEGATES / JSTC DELEGATES

Enrico Villa, JSTC Delegation Chair **(JSTC, WSC2.0, OR, MCO, Encryption, E/IR, GAMS)**
Senior Advisor to the CEO & COO, STMicroelectronics

Alfred Hoffmann (JSTC, WSC2.0, MCO, Encryption, IP)
Vice President, Public Affairs, Infineon Technologies

Merten Koolen (JSTC, Market, MCO, Encryption, E/IR)
Senior Director, Industry Relations & Trade Programs, NXP Semiconductors

Ulrich Schaefer (JSTC, WSC2.0, Market, OR, MCO, Encryption, E/IR)
Director Market Research, Robert Bosch GmbH

Tbc Steven Jeter (Infineon Technologies) (IP, JSTC)

COUNSEL / INDUSTRY EXPERTS

Peter Proebster (JSTC, MCO, Encryption, E/IR)
Director Corporate Logistics, Infineon Technologies

Leonardo Sabato (JSTC, IP)
Corporate Security Business Continuity Plans & Security Controls Manager, STMicroelectronics

Eric-Paul Schat (JSTC, ESH)
Sr. Director Sustainability Officer, NXP

ASSOCIATION

Martin Spät (JSTC, MCO, Encryption, WSC2.0, IP, E/IR, GAMS)
Director

Giovanni Corder (JSTC, Market, MCO, Encryption, E/IR)
Trade & Market Manager

Shane Harte (ESH, JSTC)
ESH Manager

INTERPRETERS

GAMS DELEGATES

Kensuke Tomita Gams Delegation Chair
Deputy Director-General, Commerce and Information Policy Bureau

Atsushi Taketani
Director, Environmental Affairs and Recycling Office

Akihiko Morota
Director, Device Industry Strategy Office

Yukihiro Kotake
Deputy Director, Information and Communication Electronics Division

Hiroshi Okouchi
Deputy Director, Information and Communication Electronics Division

Eiji Yamamori
Assistant Director, Information and Communication Electronics Division

INVITED PRESENTER

Dr. Masao Fukuma
Executive Director, Semiconductor Industry Research Institute Japan

WSC DELEGATES

Junshi Yamaguchi
Representative Director, Chairman, Renesas Electronics Corporation

JSTC DELEGATES

Kunihiro Kasai – *JSTC Delegation Chair*
Chief Specialist Goverment&Public relation Div.Toshiba Corporation, Semiconductor Company

Masayuki Kikuchi (GAMS/JSTC/MCP/MCO)
General Manager, External Relations Division, Deputy General Manager, Business Management Division, Business Management Unit, Fujitsu Semiconductor Limited

Hiromichi Koshikawa (GAMS/JSTC/MCP/MCO/Market/Outreach)
Senior Manager, Technology Planning Dept.,Technology Planning Div.,Technology Development Unit, Renesas Electronics Corporation

Yasushi Matsui (GAMS/JSTC/IP)
Council, Semiconductor Company, Panasonic Corporation

Takayuki Ohgoshi (GAMS/JSTC/ESH)
Manager,Manufacturing Operations Unit,Environment Promotion Department,
Renesas Electronics Corporation

COUNSEL

Yoshihiro Kato (GAMS/JSTC/IP/MCP/MCO/Outreach/WSC2.0)
Adorno & Yoss LLP

INDUSTRY EXPERTS

Tadanao Igarashi (GAMS/JSTC/IP/MCP/MCO/Market/Outreach/WSC2.0)
Senior Manager,Government & External Relations Department Corporate Planning Division,
Renesas Electronics Corporation

Toyooki Mitsui (GAMS/JSTC/IP/MCP/MCO/Market/Outreach/WSC2.0)
Chief Specialist Goverment&Public relation Div.Toshiba Corporation, Semiconductor Company

Naoyuki Morita (GAMS/JSTC/IP)
Seiko Epson Corporation

Yasuhiro Kurokawa (GAMS/JSTC/IP)
Manager, Technology Planning Division, Renesas Electronics Corporation

Masahiro Ikuma (MCP/MCO)
Senior Manager, External Relations Division, Business Management Unit,
Fujitsu Semiconductor Limited

Michitaka Kubota(JSTC/IP)
Senior Manager, Planning & Control Deparytment, Planning & Control Devision,
Semiconductor Business Group, Sony Corporation

Kazunobu Tomari(Outreach)
Chief Specialist, Strategy & Alliance Group, Toshiba Corporation, Semiconductor Company

ASSOCIATION

Tsutomu Handa
President, JEITA

Shigenori Baba (GAMS/JSTC/IP/MCP/MCO/Market/Outreach/WSC2.0)
General Manager, JEITA

Toshio Hara (GAMS/JSTC/IP/MCP/MCO/Market/Outreach/WSC2.0)
Deputy General Manager, JEITA

Akira Takamatsu (GAMS/JSTC/ESH)
Deputy General Manager, JEITA

Masami Nakayama (GAMS/JSTC/IP/MCP/MCO/Market/Outreach/WSC2.0)
Manager, JEITA

Masashi Abe (GAMS/JSTC/MCP/MCO/Outreach)
JEITA

Tetsuro Matsumoto (GAMS/JSTC/IP/MCP/MCO/Market/Outreach/WSC2.0)
JEITA

INTERPRETERS
Yoshiko Takeyama

Reiko Hineno

Mayumi Ichikawa

GAMS DELEGATES
Marn-Ki Jeong-Delegation Chair
Director General, Ministry of Knowledge Economy

Bong-Seok Kim
Deputy Director, Ministry of Knowledge Economy

WSC DELEGATES

Jong-kap Kim– Delegation Chair
Executive Chairman, Hynix Semiconductor(**GAMS**)

JSTC DELEGATES

Min-Goo Choi, – Delegation Chair
Senior Vice President, Hynix Semiconductor **(GAMS/JSTC)**
Min-Suk Oh
Director, , Semiconductor Business, Samsung Electronics **(GAMS/JSTC)**
Jay-Ho Chae
Senior ***Vice President, , Dongbu Hitek*** **(GAMS/JSTC)**

COUNSEL
Michael P. House
Perkins Coie LLP **(GAMS/JSTC/IP/MCP&MCO)**

INDUSTRY EXPERTS

Seung-Jong Ko – Delegation chair (GAMS/JSTC/)
Principal Engineer Hynix Semiconductor

Yong-Jae Lee
Principal Engineer, Semiconductor Business, Samsung Electronics **(GAMS/JSTC/IP)**
Kwan-Soo Jang
General Manager, *Dongbu Hitek*(GAMS/JSTC/IP)

Ho-Song Hwang
Principal Engineer, Semiconductor Business, Samsung Electronics **(GAMS/JSTC/ESH)**
Jeong-Gyun Nam – (GAMS/JSTC/ MCP&MCO)
Vice President Hynix Semiconductor

Hyouk-Jea Lee – (GAMS/JSTC/)
Manager Hynix Semiconductor

Yoon-Jung Cho – (GAMS/JSTC/MCP&MCO/Market)
Assistant Manager Hynix Semiconductor

ASSOCIATION

Jun-Cheol Yang
President & CEO**(GAMS/JSTC)**

Sung-Hwan (Steve) Hong
Director **(GAMS/JSTC/MCP&MCO/WSC2.0/Outreach)**
Jong-Wan Ko

Senior staff **(GAMS/JSTC/IP/Market)**

INTERPRETERS

Kyung-Sil Cho (GAMS/JSTC)
Sun-Hee Cho (GAMS/JSTC)

SEMICONDUCTOR INDUSTRY ASSOCIATION (SIA) 美國代表團

GAMS DELEGATES
Barbara Norton,
Deputy Assistant U.S. Trade Representative

Robert W. Blankenbaker
Senior International Trade Specialist, U.S. Department of Commerce

WSC DELEGATES
John Daane (WSC delegation chair)
President, Chief Executive Officer, and Chairman of the Board, Altera Corp.

JSTC DELEGATES
Cynthia Johnson (JSTC delegation Cochair)
Director, Government Relations, Texas Instruments

Greg Slater (JSTC delegation Cochair)
Director, Global Trade Policy, Intel Corp.

Phillip Wadsworth (IPTF delegation chair)
Vice President & Chief Patent Counsel, QUALCOMM

Rob Sterling
Corporate EHS & Security Manager Micron Technology

ASSOCIATION
Brian Toohey
President SIA in US

Daryl Hatano
Vice President, Public Policy, SIA in US

Ian Steff
Director, Government Affairs & International Trade
SIA in US

Anne Craib
Director, Market Research, International Affairs & Finance
SIA in US

Thomas Diamond
Director of Occupational Health, Safety and Environmental Programs,
SIA in US

Allen Yen
China Office for SIA in U.S.

99 年出席第 11 屆政府間半導體會議行程表

as of 2010-09-14

時間	工作內容	地點
9 月 15 日(三)		
06:30	抵達桃園國際機場	台北-桃園國際機場第二航站
08:30~12:10	張副局長一行 3 人搭乘長榮航空 BR2132 抵達大阪關西機場	桃園國際機場-大阪關西機場
12:20-14:00	搭車前往旅館及辦理住房登記	Kobe Portopia Hotel 10-1, 6 Chome, Minatojima Nakamachi, Chuo-ku, Kobe Tel 81.78.302.1111 Fax 81.78.302.1272
14:30-14:50	與日本代表團雙邊會談	Room 303, Kobe Convention Center (3F)
15:00-15:50	與歐盟代表團雙邊會談	Room 304
16:00-17:30	MCO 定義非正式會議	Kobe Convention Center
18:30~	台灣半導體產業協會 TSIA 晚宴暨工作會議共 14 人	Tajima Teppanyaki, 2F, Portopia Hotel
9 月 16 日(四)		
09:00~12:20	GAMS會議(全體)	Room 301, Kobe Convention Center
12:25-13:30	午餐	Portopia Hotel
13:30~17:30	GAMS會議(限官員)	Room 301, KCC
17:30~18:00	產業總結會議(全體)	Room 301, KCC
18:30~19:20	地主國日本歡迎酒會	Portopia Hotel
19:40~22:00	張副局長晚宴台灣半導體產業協會共 10 人	ANA Crowne Plaza 神戶 34F 旦本料理なだ万(新神戶車站附近) TEL:078-252-3400
9 月 17 日(五)		
09:30	旅館大廳集合前往大阪機場	Portopia Hotel
13:10~15:05	張副局長一行3人搭乘長榮航空BR2131返回台北	神戶-關西機場-桃園國際機場第二航站

聯絡電話：簡商務秘書志宇 (81) 080-36060559 cychien@moea.gov.tw

駐日經濟組辦公室電話 81-3-3280-7880 傳真 81-3-3280-7928

GOVERNMENTS / AUTHORITIES MEETING ON SEMICONDUCTORS (GAMS)
15th September, 2010

Agenda (as of September 6)
Venue: Kobe Convention Center
Attendance by industry and government officials

Time	Agenda issues	Remark
16:00-17:30	**Informal Meeting on the definition of Multi-Component ICs**	

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Yukihiro Kotake　　小竹 幸浩
経済産業省商務情報政策局情報通信機器課
kotake-yukihiro@meti.go.jp
+81-3-3501-1512 (ext.PHS No. 71802)
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GOVERNMENTS / AUTHORITIES MEETING ON SEMICONDUCTORS (GAMS)
16th September, 2010

Agenda (as of September 6)
Venue: Kobe Convention Center
Morning: attendance by industry and government officials

Time	Agenda issues	Presenter
09:00-09:05	**Anti-trust Statement**	Japan ()
09:05-09:35	**Welcome and opening remarks** (a) Welcome & Opening remarks (b) Opening Remarks (c) Opening Remarks (d) Opening Remarks (e) Opening Remarks (f) Opening Remarks	*GAMS Chair* Japan China Chinese Taipei EU Korea USA
09:35-09:50	**Report & Recommendations of WSC to GAMS** GAMS Recommendations from the 14th WSC Meeting	S/C Industry Association in Korea ()
9:50-10:00	**Semiconductor Social Contribution through Outreach**	S/C Industry Association in Japan ()
10:00-10:30	**Special Session : Research on Semiconductor Social Contribution** • **Remarks** • **Presentation (invited)**	Chairman SIRIJ
10:30-10:40	**Market Report**	S/C Industry Association in Korea ()
10:40-10:50	**Regional Stimulus**	S/C Industry Association in the US ()
10:50-11:05	**BREAK**	
11:05-11:20	**Effective Protection of Intellectual Property** • **Anticounterfeiting** • **Patent Quality**	S/C Industry Association in China ()
11:20-11:35	**Free & Open Markets** • **Encryption Standards and Regulations**	S/C Industry Association in Europe ()
11:35-11:50	• **Multichip and Multi-component ICs**	S/C Industry Association in Europe ()
11:50-12:10	**Cooperative Approaches in Protecting the Global Environment**	S/C Industry Association in Japan ()
12:10-12:20	**GAMS Comments: WSC Recommendations**	Chairman
12:25-13:30	**Joint Industry / GAMS Lunch**	Portpia Hotel
17:30-18:00	**Report back to GAMS – Chairman's summary**	

GOVERNMENTS / AUTHORITIES MEETING ON SEMICONDUCTORS (GAMS)
16th September, 2010

Agenda (as of September 6)
Venue: Kobe Convention Center
Afternoon: attendance by only government officials

Time	Agenda issues	Remark
13:30-13:45	**Semiconductor Social Contribution through Outreach**	
13:45-14:00	**Market Report and Regional Stimulus**	
14:00-14:20	**Effective Protection of Intellectual Property** ● **Anti-counterfeiting** ● **Patent Quality**	
14:20-14:45	**Free & Open Markets** ● **Encryption Standards and Regulations**	
14:45-15:10	● **Multichip and Multi-Component ICs**	
15:10-15:30	**BREAK**	
15:30-16:00	**Cooperative Approaches in Protecting the Global Environment**	
16:00-16:20	**Review and adoption of GAMS Joint Statement**	
16:20-17:00	**Break(preparation of GAMS Chair's Summary)**	
17:00-17:30	**Review and adoption of GAMS Chair's Summary & Meeting Conclusion**	
17:30-18:00	**GAMS to Industry Representatives**	
18:30～	**GAMS Reception**	Portpia Hotel

CERTIFICATION OF INTENDED USE AND COMMITMENT FOR THE IMPORT OF CHEMICALS LISTED IN ANNEX A OR ANNEX B OF THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC PLLUTANTS FROM JAPAN

This certification is subject to submission from a country or region that is not Party of the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention) when a Japanese company exports chemicals listed in the Annex A or B of the Stockholm Convention, under the Export Control Ordinance (Ordinance No. 378 of 1949) based on the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949). This certification is valid for a year from the date of the issue.

Section 1: IDENTIFICATION OF IMPORTED CHEMICAL

SECTION 1A. CHEMICAL IDENTITY, IF IN FORM OF SUBSTANCE	
Name of chemical	**Perfluorooctane sulfonate**
CAS No.	**1763-23-1**

SECTION 1B. CHEMICAL IDENTITY, IF IN FORM OF PREPARATION	
Name of preparation	Sumiresist
Name of chemical and % concentration	**PFOS-H**
CAS No.	**1763-23-1**

Section 2: CERTIFICATION OF INTENDED USE AND COMMITMENT

1. Intended Use

(1) Is the imported chemical intended to use for any specific exemption or acceptable purpose in effect under the Stockholm Convention?	θ Yes	θ No

(2) If the answer of (1) is yes, please specify the intended use of the imported chemical. Please check choices listed below.

Acceptable purposes of PFOS, ITS SALTS AND PFOS-F as provided by the Stockholm Convention

- ☐ Photo-imaging
- ☐ Photoresistant and anti-reflective coatings for semi-conductors
- ☐ Etching agent for compound semi-conductors and ceramic filters
- ☐ Aviation hydraulic fluids
- ☐ Hard metal plating in closed-loop systems only
- ☐ Certain medical devices (e.g ethylene tetrafluoroethylene copolymer/ETFE layers and radio-opaque ETFE production)
- ☐ Fire-fighting foam
- ☐ Insect baits

2. Commitment to Protect human health and the environment by taking the necessary measures to minimize or prevent releases

Does your country or region commit to take necessary measures to minimize or prevent releases of the chemical in order to protect human health and the environment?	θ Yes	θ No

If answered yes, please specify.
If answered No, please provide the reasons why:

3. Commitment to Comply with the provisions of paragraph 1 of Article 6 in the Convention			
Following questions are asked to certify that your country or region commit to comply with the following provisions of paragraph 1 of Article 6 in the Convention, in order to ensure that stockpiles consisting of or containing the chemical and wastes, including products and articles upon becoming wastes, consisting of, containing or contaminated with the chemical are managed in a manner protective of human health and the environment,			
(a)	Are there appropriate strategies for identifying: (i) Stockpiles consisting of or containing the chemical; and (ii) Products and articles in use and wastes consisting of, containing or contaminated with the chemical?	θ Yes	θ No
(b)	Are stockpiles consisting of or containing the chemical, to the extent practicable, identified on the basis of the strategies referred to in above (a)?	θ Yes	θ No
(c)	Are stockpiles, as appropriate, managed in a safe, efficient and environmentally sound manner?	θ Yes	θ No
(d)	Are appropriate measures taken so that such wastes, including products and articles upon becoming wastes, are: (i) Handled, collected, transported and stored in an environmentally sound manner; (ii) Disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, taking into account international rules, standards, and guidelines, and relevant global and regional regimes governing the management of hazardous wastes; (iii) Not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants; and (iv) Not transported across international boundaries without taking into account relevant international rules, standards and guidelines;	θ Yes	θ No
(e)	Are there appropriate strategies endeavored for identifying sites contaminated by the chemical. If remediation of those sites is undertaken it shall be performed in an environmentally sound manner.	θ Yes	θ No
If answered yes, please specify and provide any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. *If answered No, please provide information on the development status of such strategies.*			

Section 3: NAME AND ADDRESS OF THE AUTHORITY OF IMPORTING COUNTRY OR REGION

Institution			
Address			
Contact name			
Telephone			
Telefax			
E-mail address			
Signature		**Date**	dd/mm/yyyy

Export Information

Exporting country	Japan
Importing country or region	Chinese Taipei

SECTION 1 IDENTITY OF THE CHEMICAL TO BE EXPORTED

1.1	Common name	PFOS
1.2	Chemical name according to an internationally recognized nomenclature (e.g. IUPAC)	Perfluorooctane sulfonate
1.4	Code numbers	
1.4.1	CAS number	1763-23-1 (PFOS-H)
1.4.2	Harmonized system customs code	
1.4.3	Other numbers (if applicable, specify the numbering system)	
1.4.4	Other Information	This chemical is listed in Annex B of the Stockholm Convention.

SECTION 2 IDENTITY OF THE PREPARATION TO BE EXPORTED

(Fill in Section 2 only in case of a mixture or preparation)

2.1	Trade name and name of the preparation	Sumiresist TS-1896A35
2.2	For each substance in the preparation that is subject to the export notification, concentration (%) and information as specified under SECTION 1	0.26%(PFOS salt)

SECTION 3 INFORMATION CONCERNING THE EXPORT

3.1	Expected date of export (dd.mm.yy)	The end of October or the beginning of November, 2010
3.2	Foreseen category (industrial chemical or pesticide) and foreseen use in importing country	Industrial Chemical (Photo-resist)
3.3	Name, address, telephone, fax and email of the importer	Name: SUMITRONICS TAIWAN CO., LTD Address: 7F, No.415, GONGDAO 5TH ROAD, SEC.2, HSIN-CHU 30069, TAIWAN TEL: 03-571-1499 FAX: 03-571-2499 Email: kent.liu@mail.sumitronics.com.tw
3.4	Name, address, telephone, fax and email of the end user	Name: TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY,LTD Address: 8, LI-HSIN RD.6, HSINCHU SCIENCE PARK, HSIN-CHU, TAIWAN 300-77 Factory's Address : 1,NAN-KE NORTH RD., TAINAN SCIENCE PARK, TAINAN,TAIWAN 741 TEL: 03-563-6688 FAX: 03-563-7000 Email: eve_chao@tsmc.com
3.5	Name, address, telephone, fax and email of the exporter	Name:. SUMITOMO CORPORATION Address: 1-8-11 HARUMI, CHUO-KU, TOKYO 104-8610, JAPAN TEL: 03-5166-6567 FAX: 03-5166-6407 Email: kimiyasu.okamoto@sumitomocorp.co.jp

(参考)

ストックホルム条約の関連条文抜粋　（青文字が質問に引用した部分）

Extract of the text of Stockholm Convention on Persistent Organic Pollutants (POPs)

ARTICLE 1

Objective

Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Convention is to protect human health and the environment from persistent organic pollutants.

ARTICLE 3

Measures to reduce or eliminate releases from intentional production and use

2. Each Party shall take measures to ensure:

(b) That a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only:

(iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to:

a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases;

b. Comply with the provisions of paragraph 1 of Article 6; and

c. Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B.

The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines.

ARTICLE 6

Measures to reduce or eliminate releases from stockpiles and wastes

1. In order to ensure that stockpiles consisting of or containing chemicals listed either in Annex A or Annex B and wastes, including products and articles upon becoming wastes, consisting of, containing or contaminated with a chemical listed in Annex A, B or C, are managed in a manner protective of human health and the environment, each Party shall:

(a) Develop appropriate strategies for identifying:

(i) Stockpiles consisting of or containing chemicals listed either in Annex A or Annex B; and

(ii) Products and articles in use and wastes consisting of, containing or contaminated with a chemical listed in Annex A, B or C;

(b) Identify, to the extent practicable, stockpiles consisting of or containing chemicals listed either in Annex A or Annex B on the basis of the strategies referred to in subparagraph (a);

(c) Manage stockpiles, as appropriate, in a safe, efficient and environmentally sound manner. Stockpiles of chemicals listed either in Annex A or Annex B, after they are no longer allowed to be used according to any specific exemption specified in Annex A or any specific exemption or acceptable purpose specified in Annex B, except stockpiles which are allowed to be exported according to paragraph 2 of Article 3, shall be deemed to be waste and shall be managed in accordance with subparagraph (d);

(d) Take appropriate measures so that such wastes, including products and articles upon becoming wastes, are:

(i) Handled, collected, transported and stored in an environmentally sound manner;

(ii) Disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, taking into account international rules, standards, and guidelines, including those that may be developed pursuant to paragraph 2, and relevant global and regional regimes governing the management of hazardous wastes;

(iii) Not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants; and

(iv) Not transported across international boundaries without taking into account relevant international rules, standards and guidelines;

(e) Endeavour to develop appropriate strategies for identifying sites contaminated by chemicals listed in Annex A, B or C; if remediation of those sites is undertaken it shall be performed in an environmentally sound manner.

2. The Conference of the Parties shall cooperate closely with the appropriate bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to, inter alia:

(a) Establish levels of destruction and irreversible transformation necessary to ensure that the characteristics of persistent organic pollutants as specified in paragraph 1 of Annex D are not exhibited;

(b) Determine what they consider to be the methods that constitute environmentally sound disposal referred to above; and

(c) Work to establish, as appropriate, the concentration levels of the chemicals listed in Annexes A, B and C in order to define the low persistent organic pollutant content referred to in paragraph 1 (d) (ii);

STATEMENT OF ANTITRUST POLICY

It is the policy of the World Semiconductor Council (WSC) that its members comply fully with all applicable competition and antitrust laws and trade regulations of the member countries/regions when engaged in WSC activities.

The competition and antitrust laws prohibit many types of agreements among competitors with respect to the terms or conditions on which they compete. Because a court or government administrative agency might conclude (correctly or not) that persons who have talked about a subject have explicitly or implicitly reached an agreement with respect to it, representatives of members should not discuss (or exchange information regarding) any of the following topics with their competitors absent advice from counsel that the particular discussion is appropriate under the circumstances:

- Prices: A firm's past, present or future prices; formulas or methodology for pricing; discounts; credit terms; whether certain products or sources are sold as a package; or other terms or conditions of sale. These rules apply to the prices paid to suppliers, as well as the prices charged to customers.

- Quantity: The quantity of output a firm will produce or the maximum it is capable of producing.

- Customers: Which customers or potential customers (or geographic areas) a firm will or will not target; customers (or suppliers) it will not deal with; or the circumstances under which it will refuse to do business with a customer (or supplier).

Members should understand that these guidelines apply not only to discussions at formal meetings, but to all informal discussions as well. Many competition and antitrust law investigations, proceedings, indictments and civil lawsuits have arisen from informal conversations at industry meetings or in social settings.

If a representative of a member ever has any questions as to the legality of any proposed course of action, the matter should immediately be referred to the antitrust counsel to assure full compliance with applicable competition and antitrust laws.

WSC

Regional Stimulus Measures

Report to the GAMS
September 16, 2010

Presented by
Semiconductor Industry Association
in the United States

Recommendation to GAMS -- Regional Stimulus Measures (1)

While the economic situation is considerably brighter since the WSC met in 2009, high unemployment remains a problem in many regions, and government economic stimulus measures continue to be pursued. The WSC again stresses that the worldwide semiconductor industry is dependent on open markets and barrier free trade.

While the WSC supports stimulus measures by the respective governments and authorities, it strongly urges governments and authorities to pursue actions that are guided by market principles and avoid adoption of protectionist or discriminatory purchasing or preferences as part of such efforts, and advocate transparency. Discriminatory policies will impair economic growth and recovery.

Recommendation to GAMS -- Regional Stimulus Measures (2)

The impact of stimulus measures should be measurable in the real economy. Stimulus measures that promote adoption of information technology, green IT, energy savings, and support research and development in particular have the potential to foster growth and benefit society in the years to come and the WSC advocates that these policies be sustained.

In addition, the WSC cautions against funding stimulus through overly burdensome taxation as these could harm economic growth in the future.

WSC

2010 WSC Recommendations to GAMS

Joint Report by the Semiconductor Industry Associations in

China, Chinese Taipei, Europe, Japan, Korea, United States

SIA in Korea

September 16, 2010

Contents

14th WSC Meeting Summary

- WSC Meeting Held on May 27, 2010 in Seoul, Korea

- 21 CEOs from 6 associations representing 95% of worldwide semiconductor industry engaged in active discussions reflecting the spirit and principles of WSC

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- Industry consensus on the issues covered in the content in the following two documents:

  -- WSC 2010 Joint Statement

  -- WSC 2010 Recommendations to GAMS

Principles of WSC

- The promotion of open competitive markets throughout the world without any tariff and non-tariff barriers;
- Full implementation by all WTO members of their commitments;
- Full protection of intellectual property, as stated in the commitments under the WTO (including the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS);
- Non-discrimination for foreign products and services in all markets, including full adherence to WTO/GATT and GATS, which provide for national treatment of goods and services; and
- Promoting technological advances and sound environmental and safety practices.

Cooperative Approaches in Protecting the Global Environment

PFC Emission Reduction

- The global semiconductor industry is a very minor contributor to overall emissions of greenhouse gases. The industry is voluntarily reducing its PFC gas emissions. Each of the original WSC members and Semiconductor Industry Association in Chinese Taipei committed to reduce absolute PFC gas emissions by at least 10% from a baseline year by the year 2010.
- Industry output has increased substantially while emissions have been voluntarily reduced. The WSC members also actively share non-competitive information on abatement technologies and alternative chemicals that can aid in reducing PFC emissions.
- Since the start of the program, companies represented at the WSC have devoted considerable resources to meet their PFC reduction goals and these investments are bearing fruit. The WSC remains on track to meet the target reduction goals and it is noteworthy that in 2009 total PFC emissions were lower than the target baseline year. Furthermore, the WSC is actively developing its post-2010 reduction targets and plan.

Cooperative Approaches in Protecting the Global Environment

PFOS

- As part of the WSC's proactive approach to sound Environment, Safety and Health (ESH) practices, the WSC and the equipment/supplier trade association SEMI endorsed a plan at the May 2006 meeting which applies to both critical and non-critical applications of perfluorooctyl sulfonate (PFOS) chemicals in semiconductor manufacturing. Very small amounts of PFOS compounds are critical ingredients in leading edge photoresists and antireflective coatings, materials used in the photolithographic process for imprinting circuitry on silicon wafers.

- The WSC and SEMI are continuing to implement the terms of this voluntary agreement. Work continues to invent and develop potential PFOS substitutes for all critical uses in current and future semiconductor manufacturing. Meanwhile, the WSC welcomes the decision of the UN COP4 (Conference of the Parties) meeting of the Stockholm Convention on this substance and the exemptions included for the remaining critical uses in semiconductor manufacturing.

Cooperative Approaches in Protecting the Global Environment

Energy Savings in Semiconductor Manufacturing

- The WSC recognizes that reducing energy consumption continues to be a central activity in the industry's environmental and sustainability practices worldwide. Reducing energy consumption reduces the need for energy production, resulting in corresponding environmental benefits, and reducing manufacturing costs.

- The WSC has established an energy conservation partnership with suppliers to the semiconductor industry (represented by SEMI) in a joint effort to achieve further energy-savings in semiconductor equipment.

- The WSC is developing a framework for a post-2010 energy efficiency strategy.

WSC

Cooperative Approaches in Protecting the Global Environment

Quantitative Targets

- The WSC members are continuing to focus on resource conservation activities in the production process. The agreed WSC expectation levels, to show progress as an industry, are to reduce normalized electricity (30%), water (45%) used in manufacturing and waste generated (40%) by 2010 from the baseline of 2001.

- The information collected from the 2008 data, shows that industry expectation levels are being implemented. The normalized reduction of electricity was 37%, water used in manufacturing 46%, and waste generated 46%, from the baseline of year 2001.

- These efforts follow a lengthy period of extensive evaluation of environmental performance indicators that reflect the levels of energy and water consumption by the semiconductor industry as well as the waste that it generates. WSC continues to prepare for a post 2010 reduction program in these areas.

Cooperative Approaches in Protecting the Global Environment

Other Environment, Safety and Health Issues

- The WSC has a great interest in addressing the global impact of ESH regulations on our industry and in ensuring that regulatory programs are technologically feasible, coordinated and effective in achieving environmental protection.

- The WSC believes that when ESH laws and regulations are necessary, they should be technologically feasible in achieving environmental protection.

Product Compliance Recommendations

- The WSC agrees that responsible stewardship of the content of our electronic products is good for human health and the environment. However, the WSC also recommends that any government/authority developing and implementing any program or supporting systems or programs for RoHS compliance certification would prove most effective when that government/authority works with industry during the program development.

Cooperative Approaches in Protecting the Global Environment

Product Compliance Recommendations (cont'd)

- The WSC also recommends harmonization between any mandatory or voluntary certification procedures already in place in the global community. This would include the recommendation for the use of test results from any internationally certified testing laboratory.

- The WSC is concerned that production delays could result when mandatory and voluntary programs are established that require compliance certification prior to product shipment. In addition, some of the information describing the material used by our industry are considered to be company specific intellectual property, know how and trade secrets.

Effective Protection of Intellectual Property

Anti-Counterfeiting

- The WSC reiterates its call for all governments and authorities to implement effective enforcement measures for protection of IP rights within their jurisdictions.

- Regarding anti-counterfeiting efforts, the importance and necessity of an industry and bilateral government/authority cooperation have been proven by the successful results of joint border operations. Counterfeit semiconductors contribute directly to increases in health risks and safety risks for consumers.

- Furthermore, the WSC notes that in some cases, based on number of seizures and customer complaints, the phenomenon of semiconductors being counterfeited has risen with the start of an economic upturn in the semiconductor market, even doubling in numbers since the end of 2009.

Effective Protection of Intellectual Property

Anti-Counterfeiting (cont'd)

- Successful action against counterfeits must be based on continuous and increasingly cooperative interaction among governments/authorities, law enforcement agencies, industry, as well as the consumer.

- The WSC applauds the GAMS for achieving the successful results of the first-ever Anti-Counterfeiting Workshop of Customs Experts on semiconductors that was held on September 21-22, 2009, in Jeju, Korea, chaired by the European Commission and Korea.

- WSC urges concrete follow-up actions to be taken by all governments/authorities in line with the GAMS conclusions to fight the counterfeiting of semiconductors, with each region reporting back to the GAMS in 2011 on their enforcement measures.

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Effective Protection of Intellectual Property

Patent Quality

- To maximize the beneficial effect that intellectual property protection has on stimulating and sustaining innovation, patent offices around the world should implement examination procedures that result in the granting of the highest quality patents possible in compliance with the statutory requirements of patentability.

- The WSC previously has called on the GAMS to ensure adequate funding of domestic patent offices as a way to improve the timely and accurate issuance of patents. Recognizing that budget is but one aspect of patent office function that can affect patent quality, the WSC desires to promote a broader dialogue with each patent office in which the respective semiconductor industry may provide observations and suggestions regarding issuance of quality patents based on the industry's experiences as one of the most patent-intensive and innovative business sectors in the global economy.

Effective Protection of Intellectual Property

Patent Quality (cont'd)

- Towards this end, the WSC has collected and studied relevant data on patent examination, issuance and quality, and has observed certain global best practices in issuing patents and formulated suggestions for improving patent quality and harmonization around the world.

- A summary of suggestions from our study is attached to the WSC Joint Statement. The WSC expects that this summary would serve as constructive feedback from the WSC and be of great value to all patent offices. The WSC makes note of this initiative to provide constructive feedback to the PTOs of GAMS members and to WIPO on the crucial issue of improving patent quality.

Regional Stimulus Measures

- While the economic situation is considerably brighter since the WSC met in 2009, high unemployment remains a problem in many regions, and government economic stimulus measures continue to be pursued. The WSC again stresses that the worldwide semiconductor industry is dependent on open markets and barrier free trade.

- While the WSC supports stimulus measures by the respective governments and authorities, it strongly urges governments and authorities to pursue actions that are guided by market principles and avoid adoption of protectionist or discriminatory purchasing or preferences as part of such efforts, and advocate transparency. Discriminatory policies will impair economic growth and recovery.

Regional Stimulus Measures (cont'd)

- The impact of stimulus measures should be measurable in the real economy. Stimulus measures that promote adoption of information technology, green IT, energy savings, and support research and development in particular have the potential to foster growth and benefit society in the years to come and the WSC advocates that these policies be sustained.

- In addition, the WSC cautions against funding stimulus through overly burdensome taxation as these could harm economic growth in the future.

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Free and Open Markets

Encryption Regulations

- The WSC recognizes that it is important to insure that markets will be open and free from any discrimination. The competitiveness of companies and their products should be the principal determinant of industrial success and international trade.

- Governments and authorities should, therefore, insure full intellectual property protection, full transparency of government policies and regulations, non-discrimination for foreign products in all markets and removal of unreasonable burdens on world commerce.

- The WSC addressed encryption in its 2009 Joint Statement.

Free and Open Markets

Encryption Regulations (cont'd)

- Encryption regulations should not be used for the purposes of limiting market access for foreign products. The functionality of semiconductors has constantly evolved in order to meet consumer demands, which have increasingly called for product features that better protect security and privacy in and across a variety of ICT products and systems.

- The use of encryption thus is not limited to government and military applications but has become widespread, given its ability to help safeguard the integrity and confidentiality of information. As a result, the great majority of applications of encryption involve every day commercial products which are commonly used and traded in the global marketplace.

Free and Open Markets

Encryption Regulations (cont'd)

- To prevent unnecessary restrictions on trade, products with cryptographic capabilities that are, or will be, widely available and deployed -- whether as a result of sales through normal or common retail channels, OEM sales or other means of distribution -- should not be regulated as a general matter except in narrow and justifiable circumstances (e.g., resulting out of international conventions such as export controls to prevent proliferation of munitions and weapons of mass destruction to targeted countries or targeted end users).

- To the extent that encryption regulation is necessary, the WSC recommends the following practices:

Free and Open Markets

Encryption Regulations (cont'd)

1. Regulations should not directly or indirectly favor specific technologies, limit market access or lead to forced transfer of intellectual property to avoid stifling domestic innovation and, in the case of encryption, preventing access to the strongest available security technologies in the market place, resulting in less secure products.

2. Any regulatory requirements must be applied on a non-discriminatory basis and in a manner no less favorable than that granted to domestic producers (consistent with Articles I and III of GATT 1994), and respect intellectual property rights (consistent with Articles 28 and 31 of TRIPS 1994).

3. Global collaboration and open markets for commercial encryption technologies should be strongly encouraged as both inherently promote more secure and innovative ICT products.

Free and Open Markets

Encryption Regulations (cont'd)

4. Regulatory procedures related to the notification, evaluation, approval, or licensing of goods containing encryption technology, and the process for exempting goods, should be transparent, predictable and consistent with international norms and practices. They should not impose unreasonable or burdensome requirements on such goods. JSTC shall discuss applicable international norms and practices.

The WSC believes that adhering to these practices will allow innovation and the digital economy to flourish, and ensure that the strongest available security technologies will prevail and be available in all the market places to the benefits of all users of commercial products. The WSC requests the governments and authorities participating in GAMS to continue their efforts to ensure that all WTO members observe the principles set forth above.

Free and Open Markets

Multichip and Multi-Component ICs

(1) MCP:

- The WSC recommends that the GAMS continue to work to expand the current geographic scope of the 2006 MCP agreement. The WSC appreciates the possibility that certain non-GAMS members may join the agreement. Against this background, WSC considers it of particular importance that all current GAMS members join the agreement. The WSC calls upon all GAMS members to consider pragmatic approaches to facilitate this objective. The WSC takes note of the 2009 GAMS Chair Summary and acknowledges that it has clearly established that this is currently an issue to be addressed at GAMS level.

- In order to achieve expansion of the geographical coverage of the MCP agreement, the WSC recommends the inclusion of this agreement into agreements such as the ITA, the Doha/NAMA, or other trade agreements.

Free and Open Markets

Multichip and Multi-Component ICs (cont'd)

(2) MCOs:

- WSC calls upon GAMS to continue to facilitate the growth of the semiconductor market by ensuring free and open markets by eliminating tariffs and non-tariffs barriers for all semiconductor products including new types of semiconductor products such as multi-components ICs.

- WSC highly appreciates the agreement among all GAMS members in September 2009 to work with their customs services and industry on defining what constitutes multi-component ICs (MCO) in the terminology of the HS nomenclature, with a view to present such a definition to this next GAMS meeting scheduled for September 2010 and based on such a definition to decide which way forward to take. The agreement on a definition for MCO is particularly important in view of a future duty-free agreement for this category of products.

Free and Open Markets

Multichip and Multi-Component ICs (cont'd)

(2) MCOs (cont'd):

- WSC stresses the importance of short-term technical discussions among customs officials and trade experts of GAMS geographies to agree by the deadline of September 2010 on a definition of multi-component ICs covering current and future semiconductor products. Our industry is ready to contribute to such technical discussions and provide further expertise to GAMS and/or Customs officials to be able to meet the September 2010 schedule.

- WSC is furthermore encouraged by the bi- and multi-lateral exchanges and meetings between GAMS members and Customs officials from GAMS geographies which have taken place over the last few months to discuss the MCO definition, and urges all government/authorities from all regions to participate in these, taking into full account current proposals.

Free and Open Markets

Rules of Origin

- In the GAMS meetings 2008 and 2009 the WSC has re-iterated its position in regard to non preferential Rules of Origin. WSC has stated that for semiconductor products it strongly supports the principle of harmonized rules of origin for trade remedies and for customs purposes, and in the view of characteristics of semiconductor products rules of origin should be defined by manufacturing processes (diffusion or assembly) and not defined on a value-added (VA) basis.

- The WSC re-confirms its desire to further support the ongoing harmonization process whenever it will be required. The WSC will stay in close contact with their respective GAMS members to monitor any progress or changes on this subject.

Free and Open Markets

Doha/WTO/ITA

- The WSC strongly supports zero tariff treatment on semiconductors and opposes any tariff and non-tariff barriers related to these products. To this end, the WSC urges GAMS to achieve zero tariff treatment on these products by successful conclusion of the WTO NAMA Electronics/Electrical Sectoral Initiative.

- To realize these objectives, the WSC recommends members of the GAMS to make every effort to accelerate Doha negotiations to realize zero tariffs and removal of non-tariff barriers for IT products.

- The WSC strongly advocates that the GAMS continue to support the development of the trade of IT products by observing current ITA commitments pertaining to semiconductors, ensuring new type of semiconductors like MCPs and MCOs are included in the ITA, and expansion of ITA membership.

Semiconductor Social Contribution Through Outreach

- Semiconductors serve an important role in enabling energy efficiency and renewable energy, thereby reducing global warming and promoting energy security. The WSC has been actively engaged in outreach activities jointly and independently since the 2008 Green IT Symposium in Tokyo.

- Given the significant impact that semiconductors have on energy efficiency and renewable energy, the WSC calls on governments and authorities to ensure that semiconductor industries have "a seat at the table" in relevant stakeholder talks on energy policy.

Semiconductor Social Contribution Through Outreach (cont'd)

- The WSC also urges governments and authorities to take account of studies which show that increased energy consumed by ICT products can enable substantially lower consumption in the rest of the economy. One such study, prepared by Semiconductor Industry Research Institute Japan (SIRIJ), was presented to the WSC at its 2010 meeting and may be found at http://www.sirij.jp/docs/201002_impact_2.pdf.

- WSC members will reach out to governments and authorities to share the results of recent energy studies and encourage appropriate regional policies to accelerate adoption of energy efficient solutions enabled by semiconductors.

WSC

Market Report

Joint Report by the Semiconductor Industry Associations in

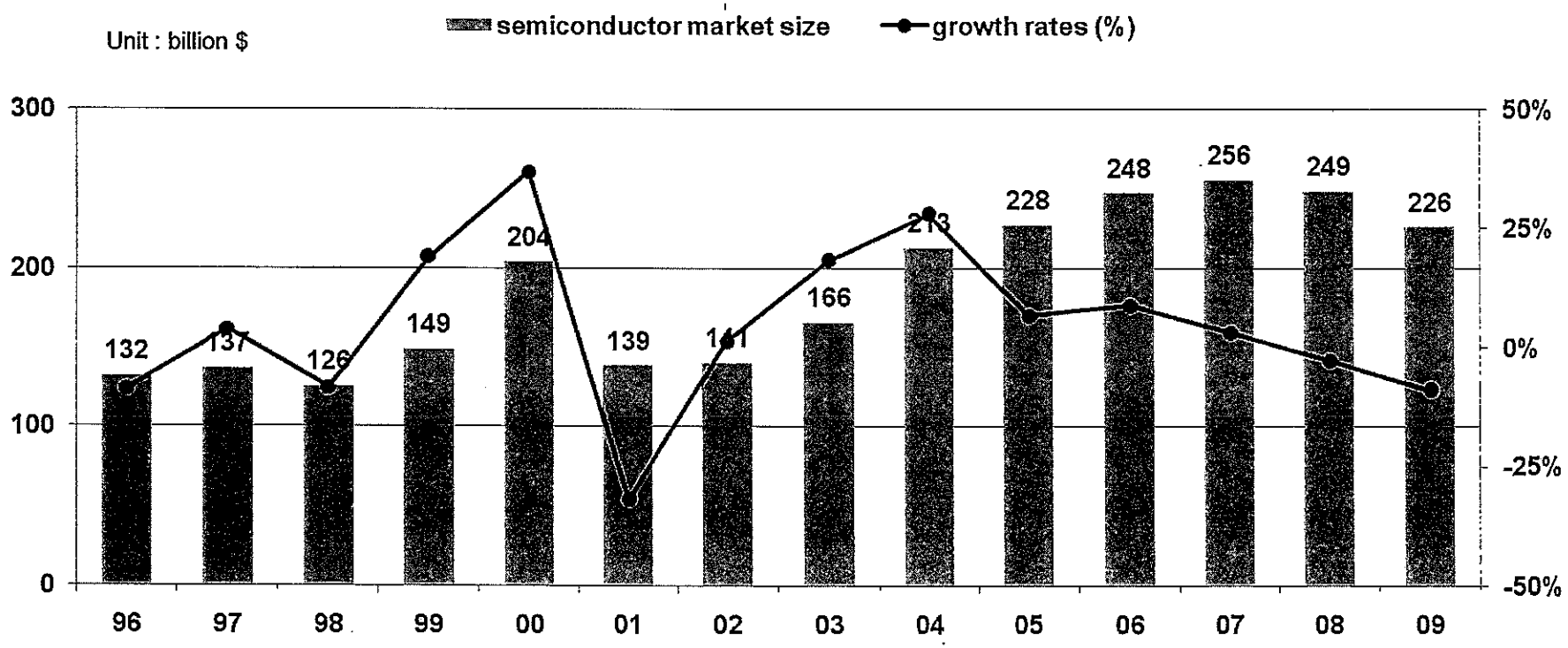
China, Chinese Taipei, Europe, Japan, Korea, United States

September 2010

Japan

WSC Worldwide semiconductor market trend

Total sales for 2009 were $226 billion compared to $249 billion in 2008, a decrease of 9.0 percent due to the global recession.

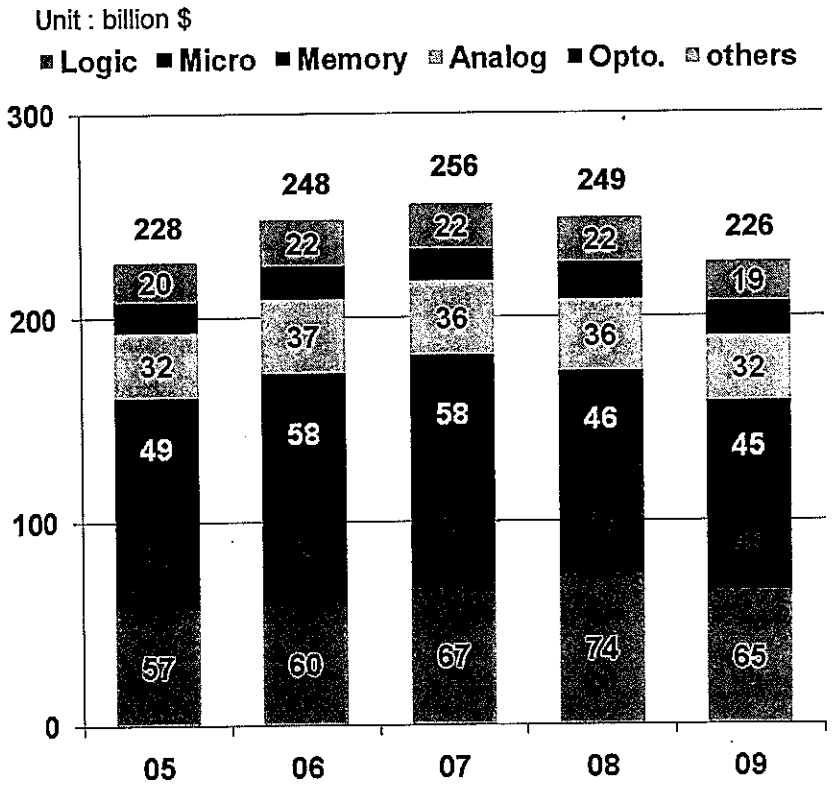


Source : WSTS

WSC Worldwide semiconductor market by product, 2009

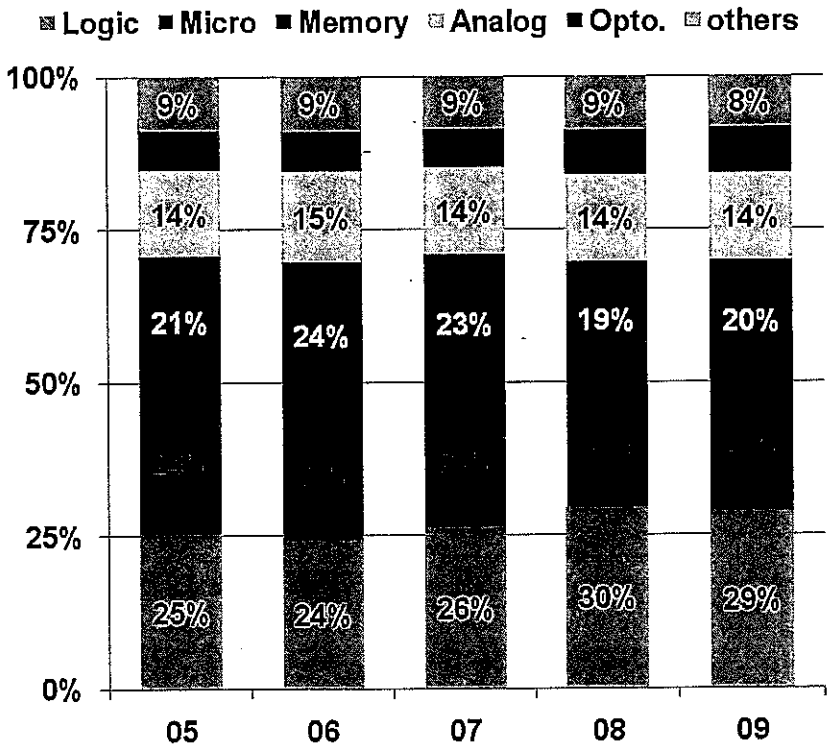
While the sales portion of logic has increased,
memory has decreased due to severe market conditions during 2008~2009.

Semicon. market by product



Source : WSTS

Semicon. market portion by product



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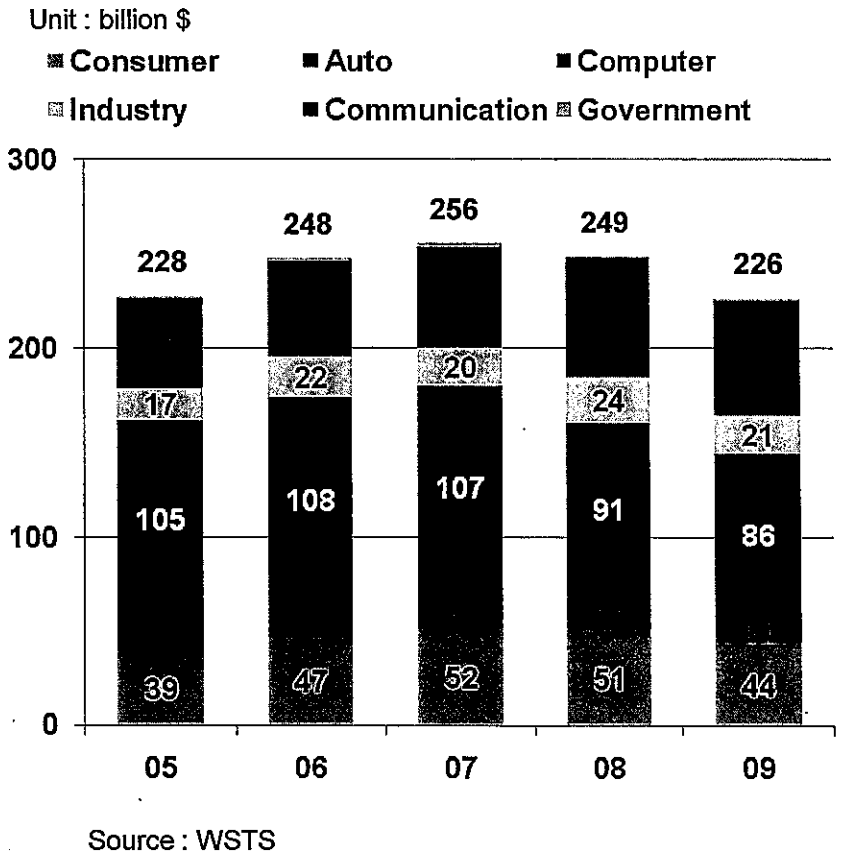
WSC Worldwide semiconductor market by application, 2009

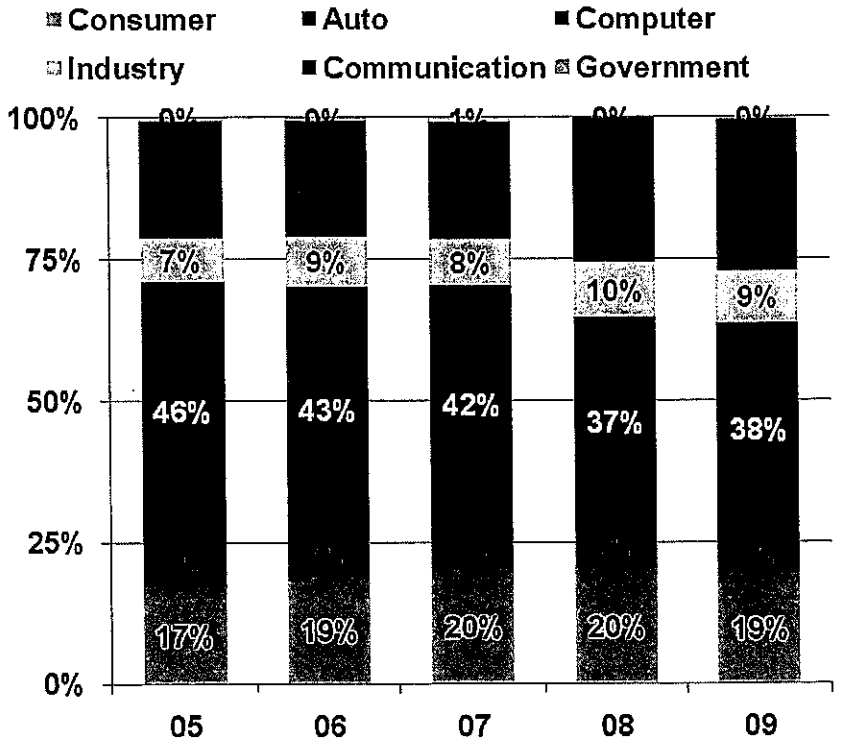
Semiconductor sales for communication applications have increased.
The main growth factor is smart phone.

Semicon. market by application



Source : WSTS

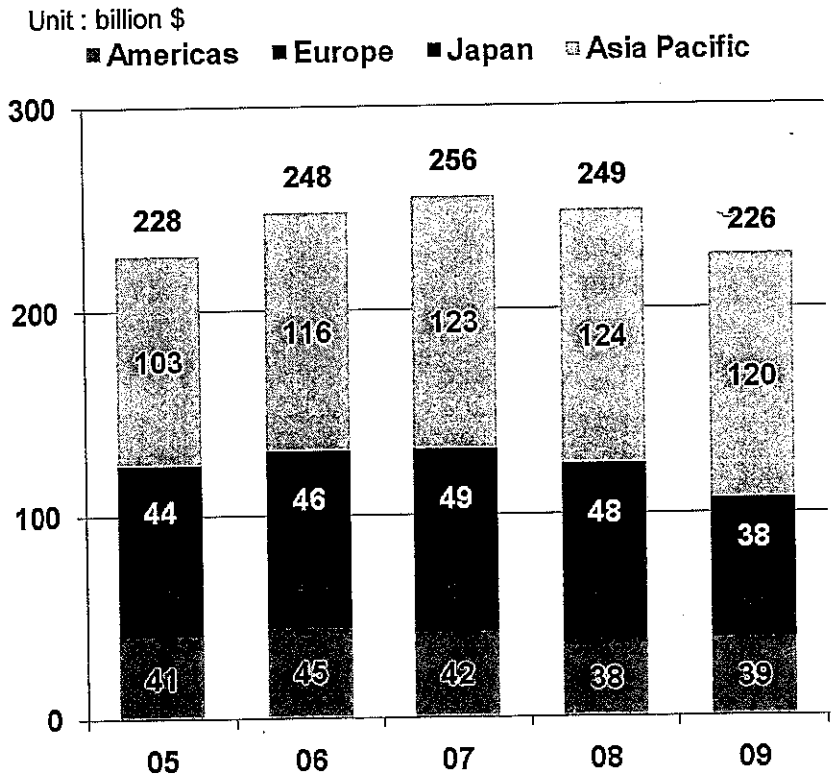
Semicon. market portion by application



WSC Worldwide semiconductor market by region, 2009

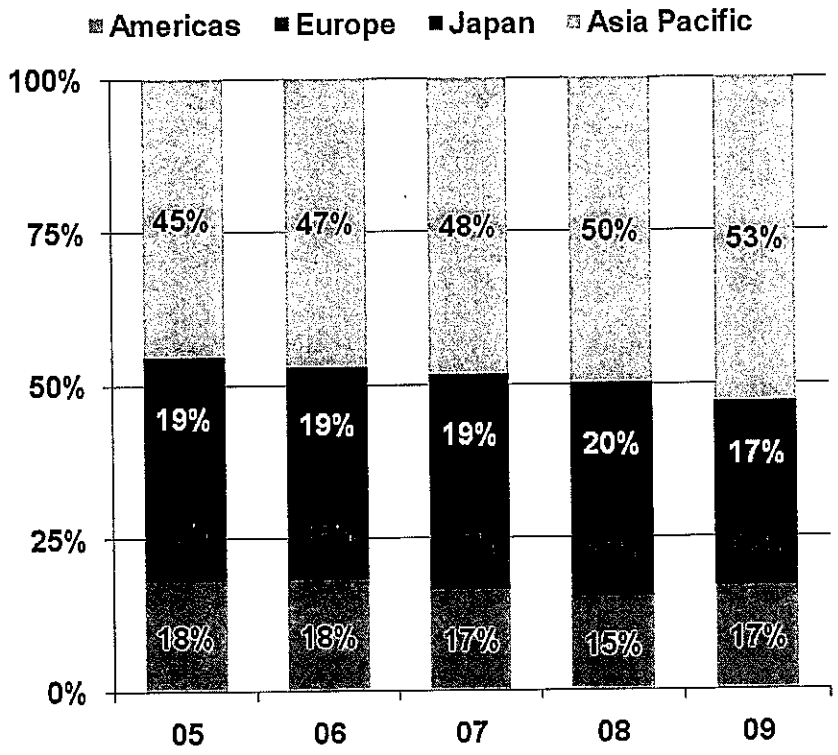
While sales portion of Asia Pacific & Americas has increased, Japan & Europe has decreased due to severe market conditions in 2009.

Semicon. market by region



Source : WSTS

Semicon. market portion by region



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WSC Worldwide semiconductor market forecast

Although some uncertainties in the global economy still exist, research projections for semiconductor are getting better.

Unit : billion $

Source	Update	2009 Revenue	2010(E) Revenue	2010/2009
Gartner	June 2010	228.4	290.2	+27%
Gartner	**September 2010**	**228.4**	**300.3**	**+32%**
iSuppli	April 2010	229.6	283.3	+23%
iSuppli	**August 2010**	**229.9**	**310.3**	**+35%**
WSTS	**August 2010**	**226.3**	**301.2**	**+33%**

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WSC

Market Report (Forecast)

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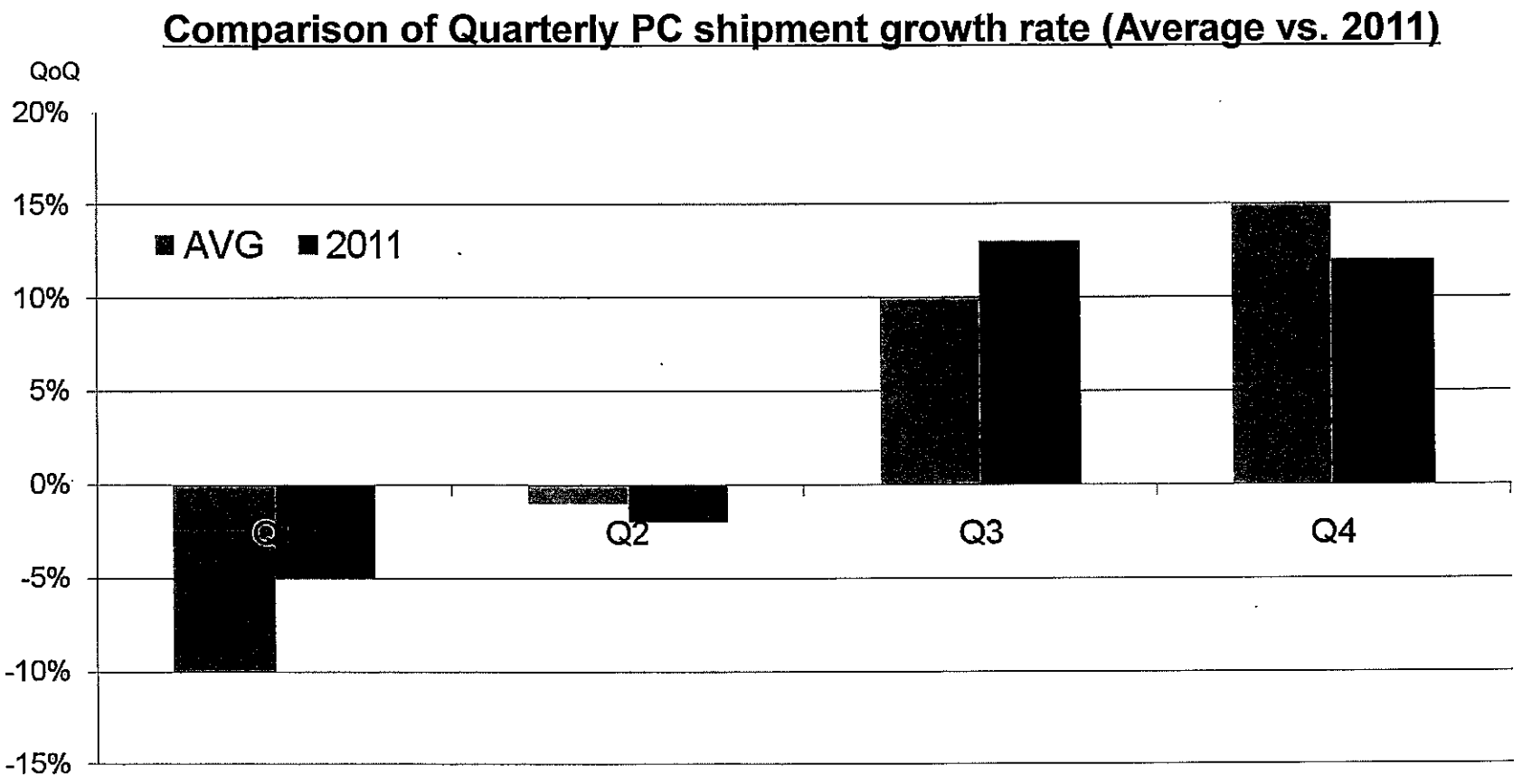
WSC Normal Seasonal PC shipment pattern in 2011

Quarterly PC shipments are projected to return to normal seasonal pattern in 2011, with Windows 7 stimulating corporate replacement demand.

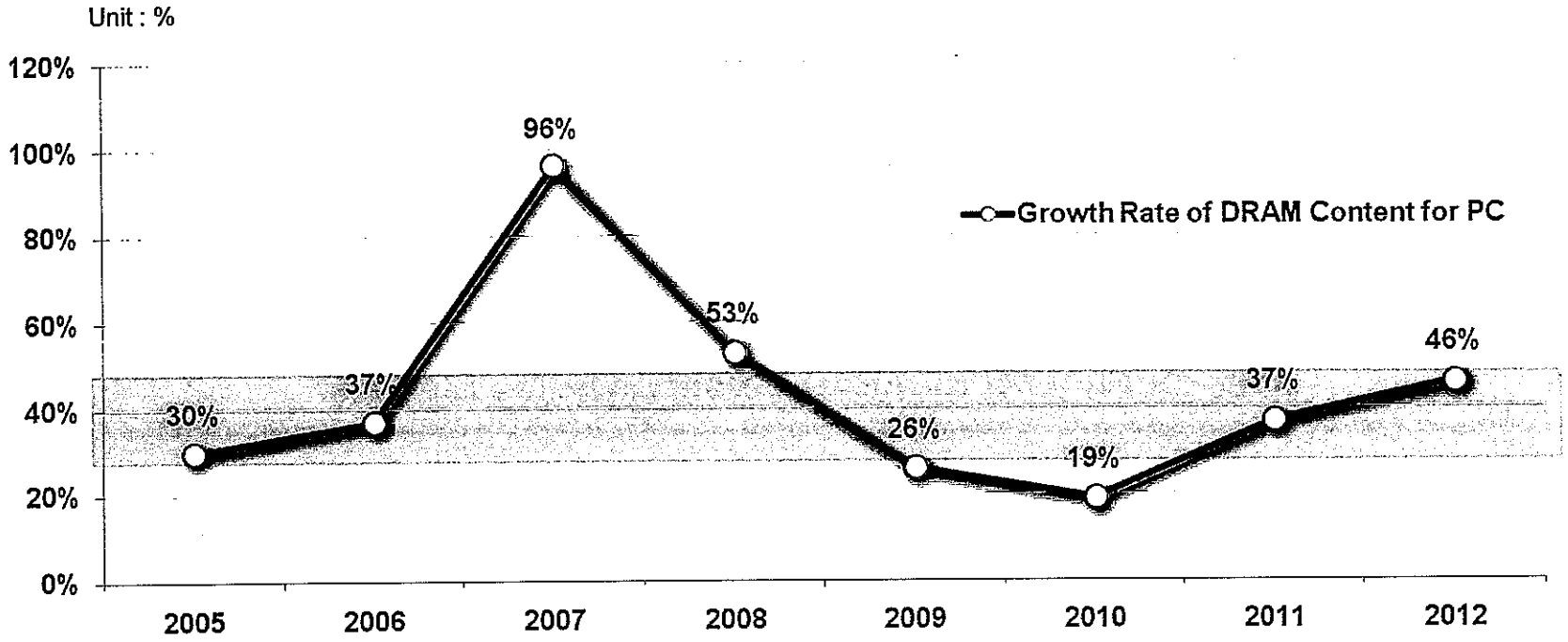


* Average : 1994 ~ 2010

Source : IDC, Gartner

Limited DRAM content growth per box due to pricing rebound in 2010

Historical Memory Content Growth

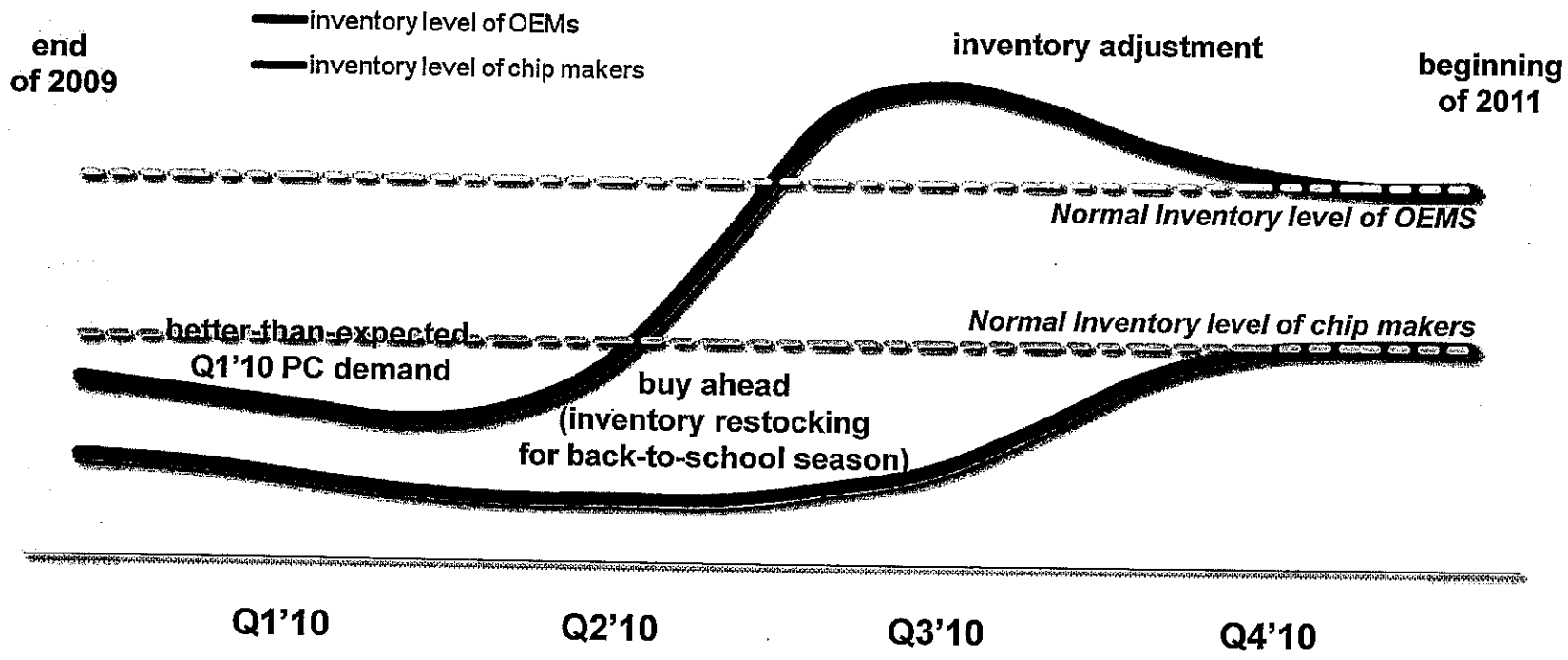


Source : Gartner

WSC Demand Uncertain but Inventory Clearing

After inventory adjustment in semiconductor supply chain 2H10, the 2011 inventory level is projected to start at the normal line.

Memory semiconductor inventory level trend, 2010



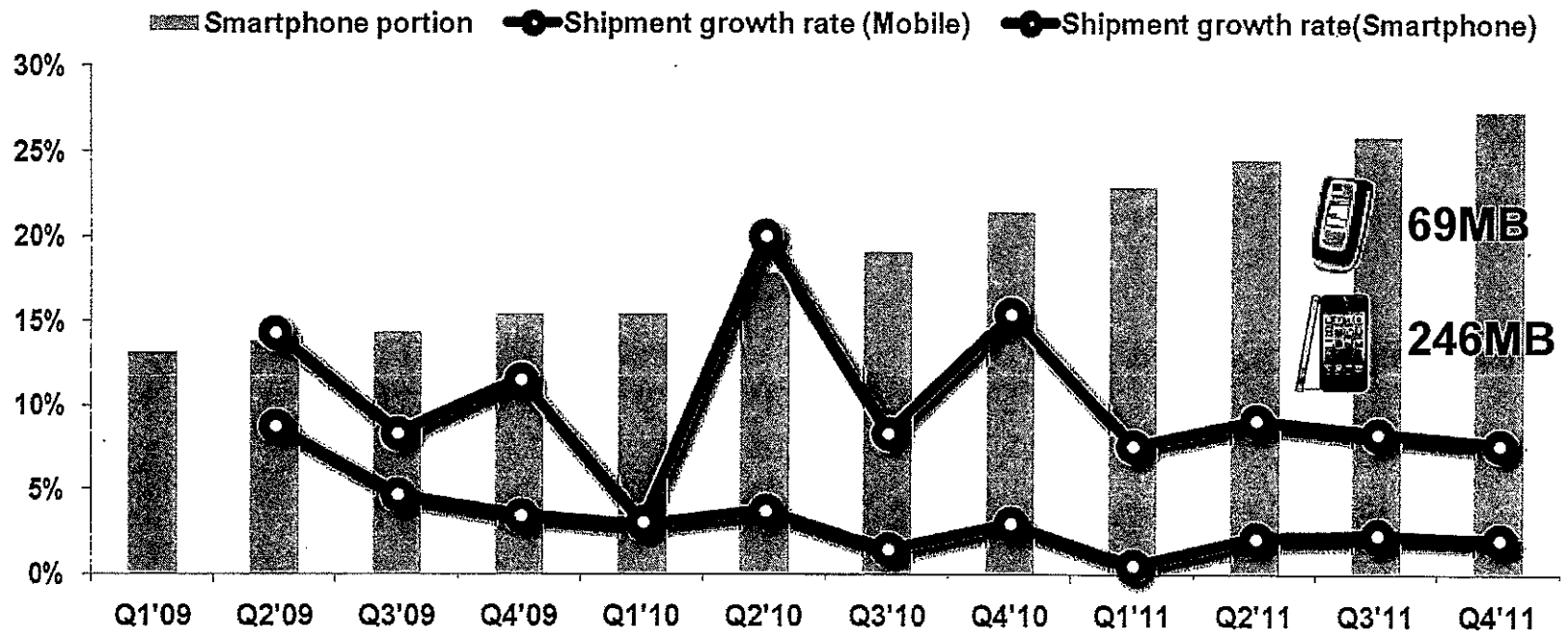
Source : Gartner

WSC Smartphone to be main growth factor in handset

Smartphone's increasing portion in the mobile market leads the mobile market increase.

Handset vs. Smart phone market forecast

Unit : million pcs



Source : Gartner

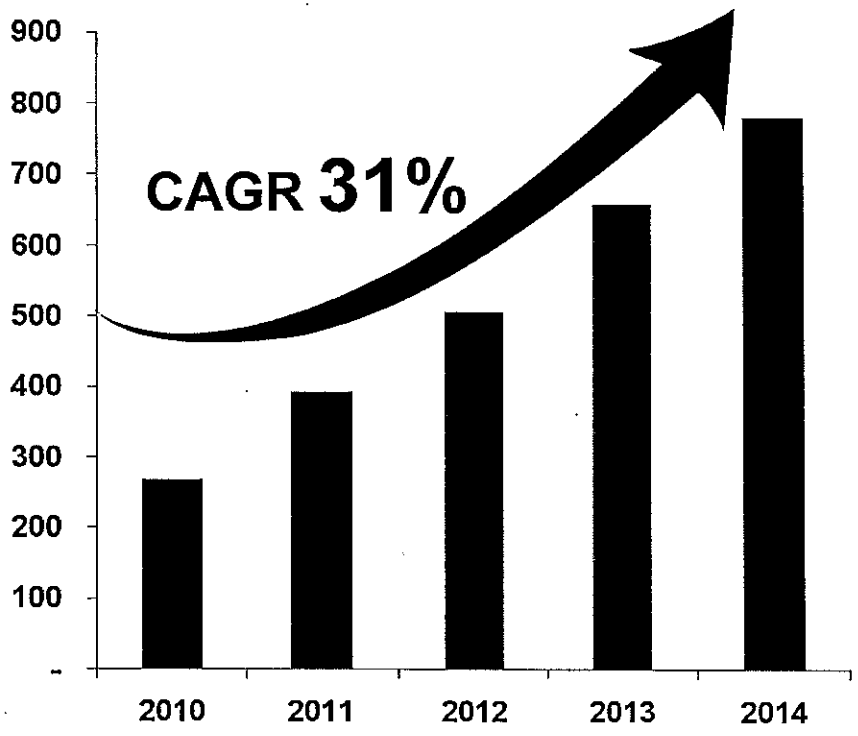
WSC Aggressive growth rate of Non-PC application

Smartphone and Tablet PC are main demand drivers in 2010.

PC [10%] < Smartphone [31%] < Tablet PC [71%]

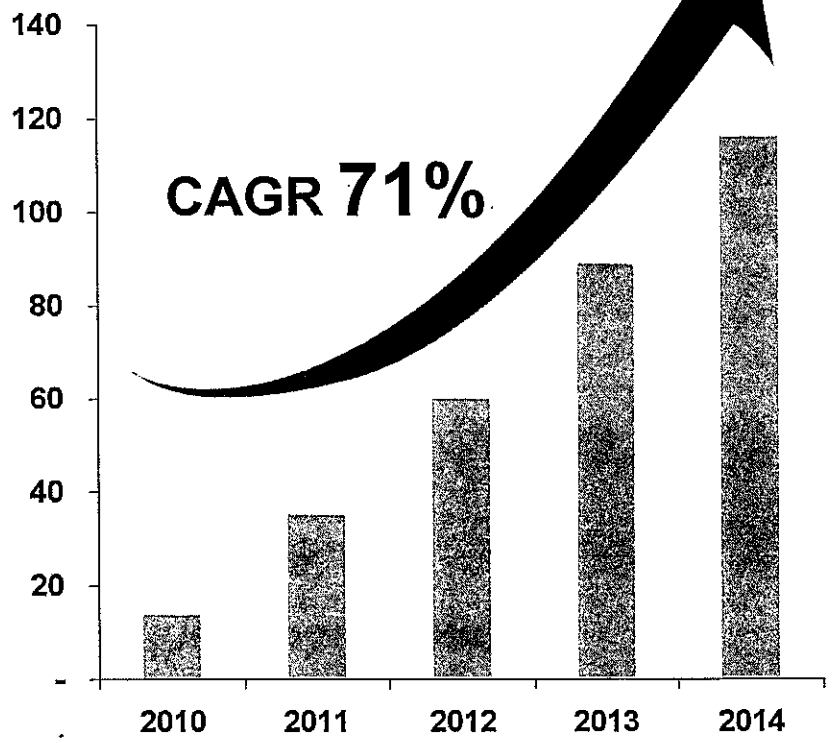
Smartphone market forecast

Unit : million pcs



Source : Gartner

Tablet PC market forecast

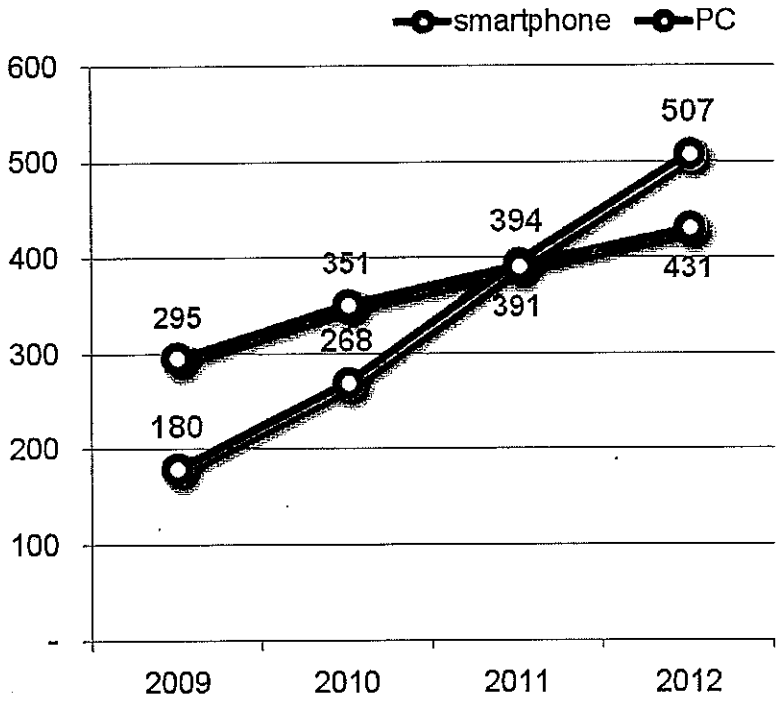


WSC New applications will overtake existing applications

Mobile systems are poised for rapid acceleration over the next few years. Smartphones and media tablets will exceed PCs and netbooks, respectively, in 2011.

Smartphone shipment forecast

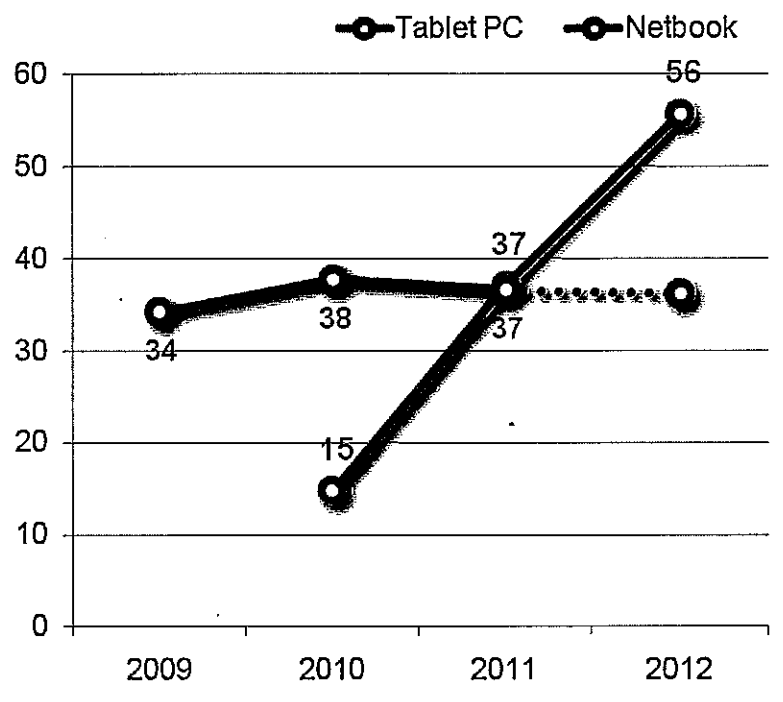
Unit : million units



Source : Barclays, Gartner

Tablet PC shipment forecast

Unit : million units



Source : Morgan Stanley, IDC

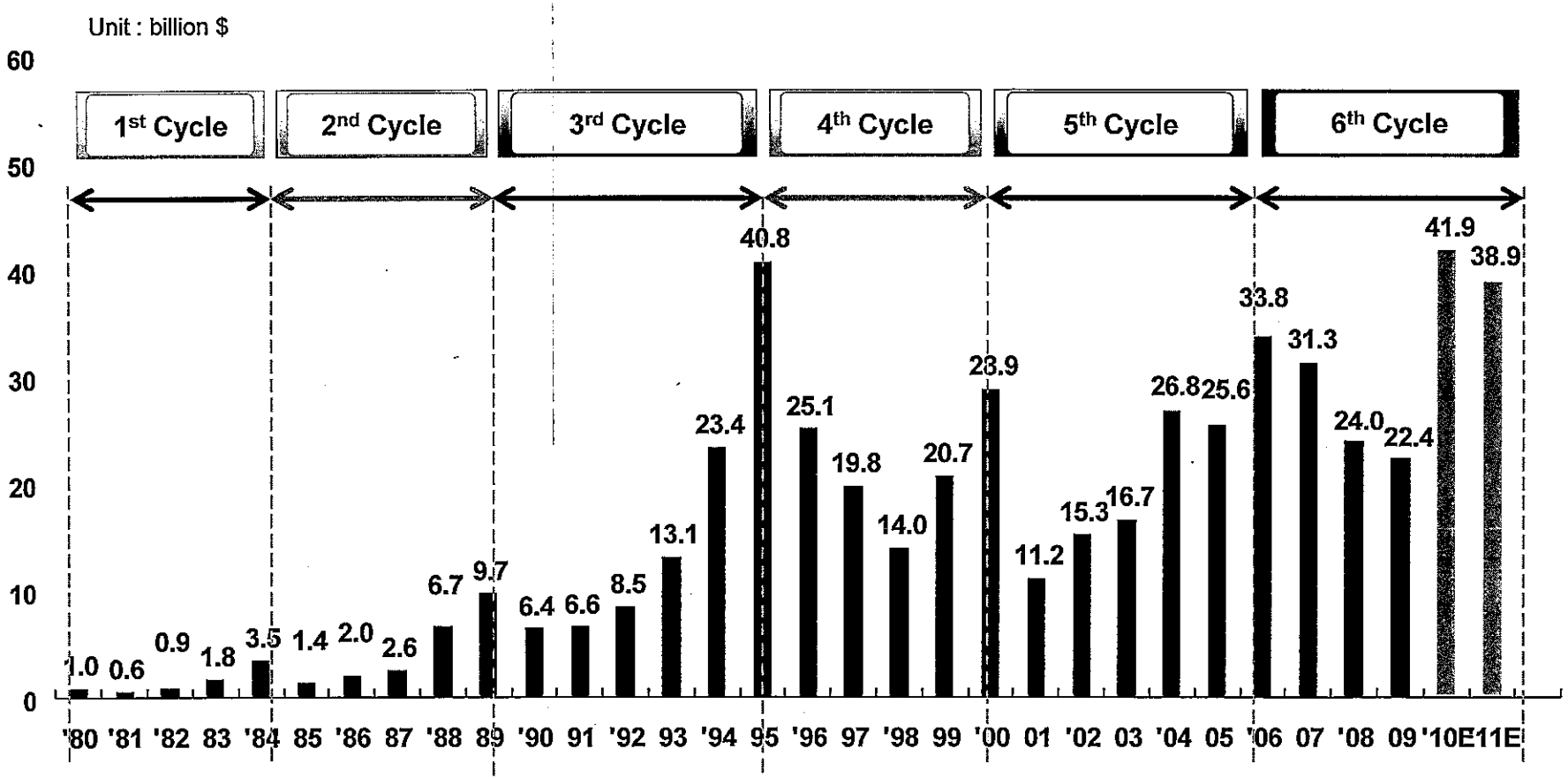
WSC

The DRAM Cycle is Changing

September 16th, 2010

SIA in Korea

There have been 5 cycles in DRAM since 1980.
We are now in the 6th cycle.



Source : Gartner (1980~1990), WSTS (1991~2009), Gartner (2010~2011)

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WSC What makes the Cycles?

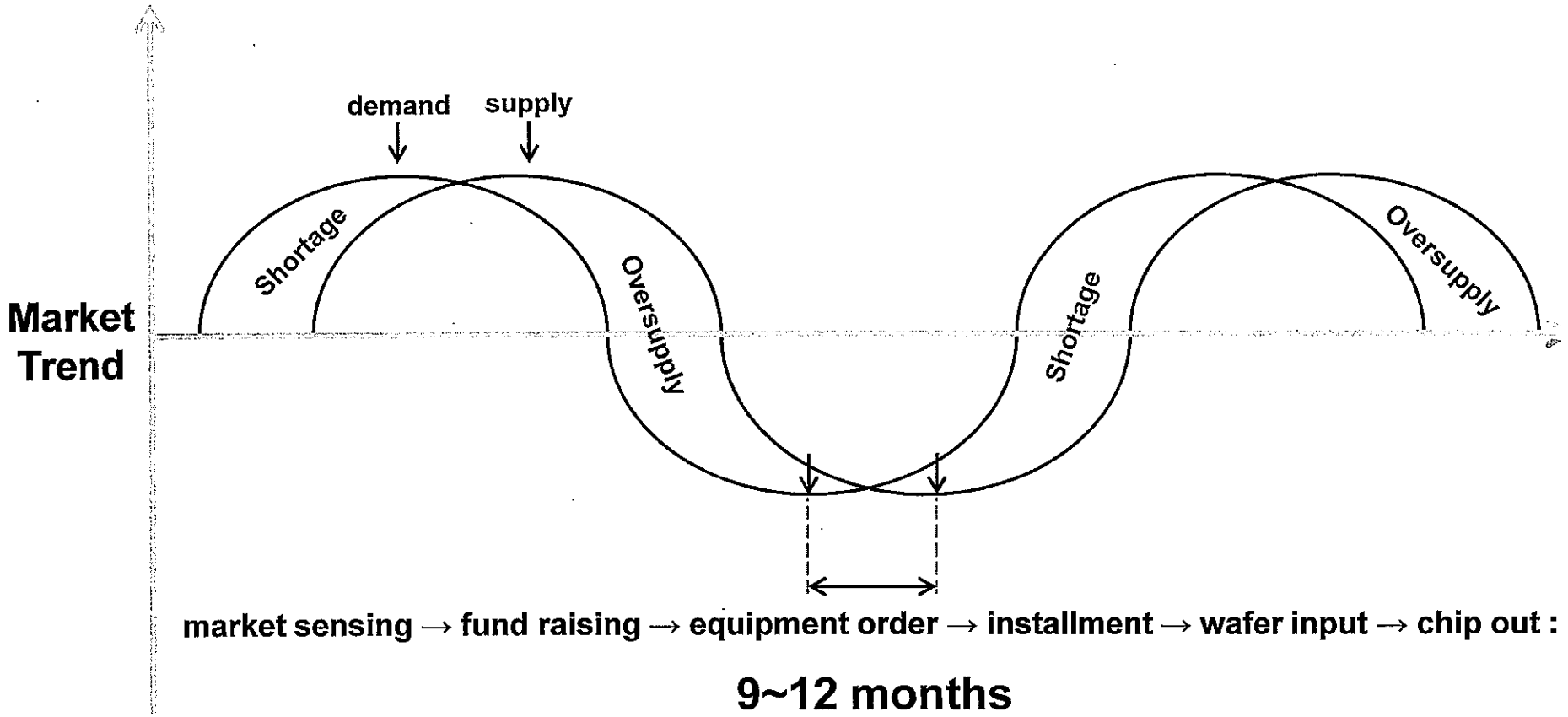
The ratio of supply and demand creates the DRAM cycle.

Order	Year	Circumstances	Growth factor
1st	1980~1984 (Mainframe Cycle)	2nd Oil Shock Japanese entrance	x86 expansion US exit (Intel)
2nd	1984~ 1989 (CPU Cycle)	US stock market WW economy recession	Miniaturization of PC (386/486)
3rd	1989~1995 (Wintel Cycle)	Gulf War Korean entrance	PC Boom (Pentium launch)
4th	1995~2000 (Dot Com Cycle)	Japan recession Chinese Taipei entrance Industry Capacity Increase 200 mm	150mm exit Japanese, US (TI) exit Y2K demand
5th	2000~2006 (NAND Cycle)	Y2K IT Bubble decline	Migration issue(2004) Fab closing NAND transition
6th	2006~2011 (Digital Convergence Cycle)	300mm oversupply	200mm exit smart phone no new fab / Tech. migration

Source : Gartner

Time difference between supply and demand

The time difference between supply and demand creates the cycle.



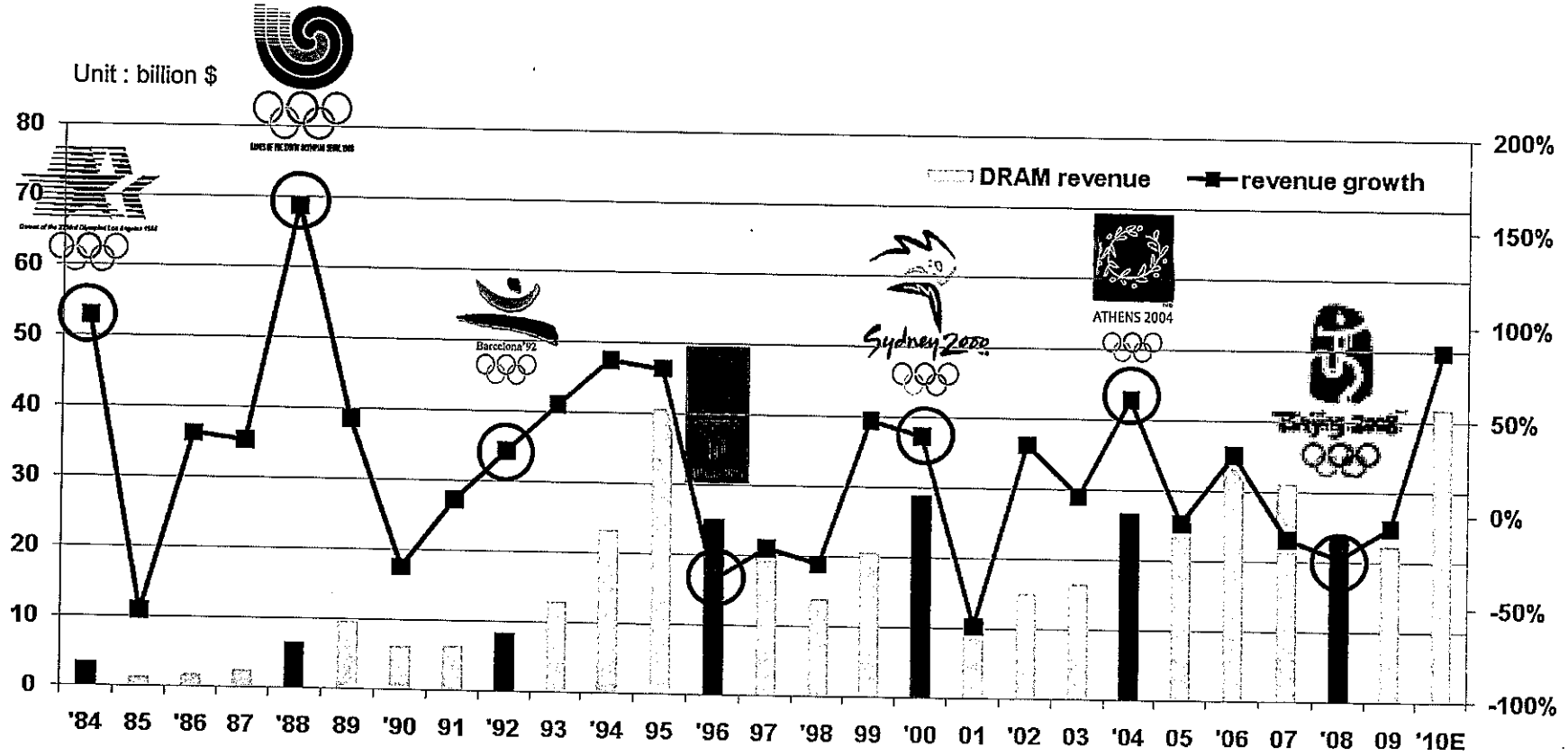
market sensing → fund raising → equipment order → installment → wafer input → chip out :

9~12 months

WSC The DRAM cycle is changing

Before the mid-1990s, DRAM cycle coincided with Olympic cycle.

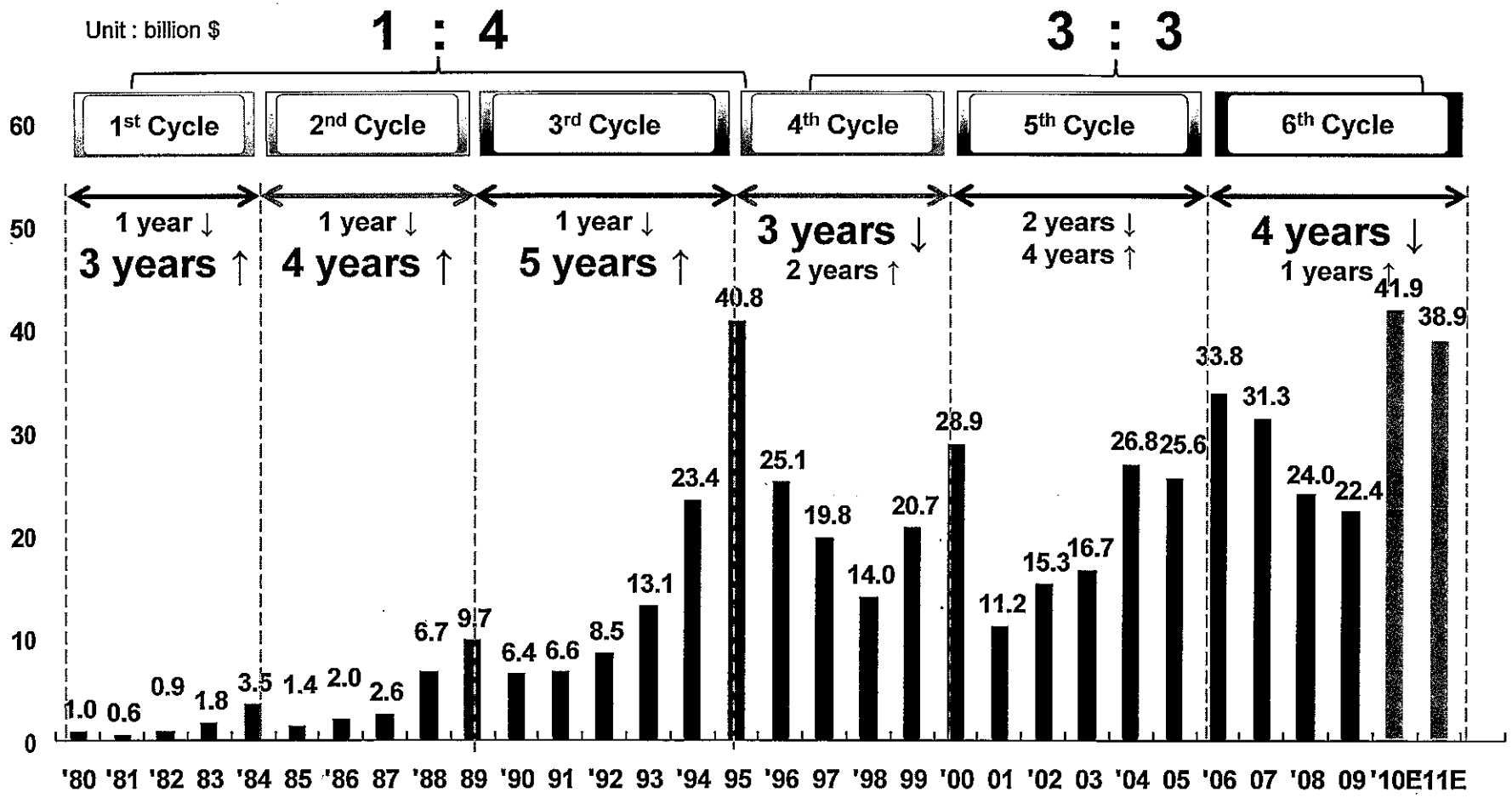
But now, it is no longer in sync due to changes in the DRAM cycle.



Source : Gartner (1980~1990), WSTS (1991~2000), Gartner (2010)

WSC How did the cycle change? : Extended downturns

Contrary to previous cycles,
downturns became longer after the mid-1990s.



Source : Gartner (1980~1990), WSTS (1991~2009), Gartner (2010-2011)

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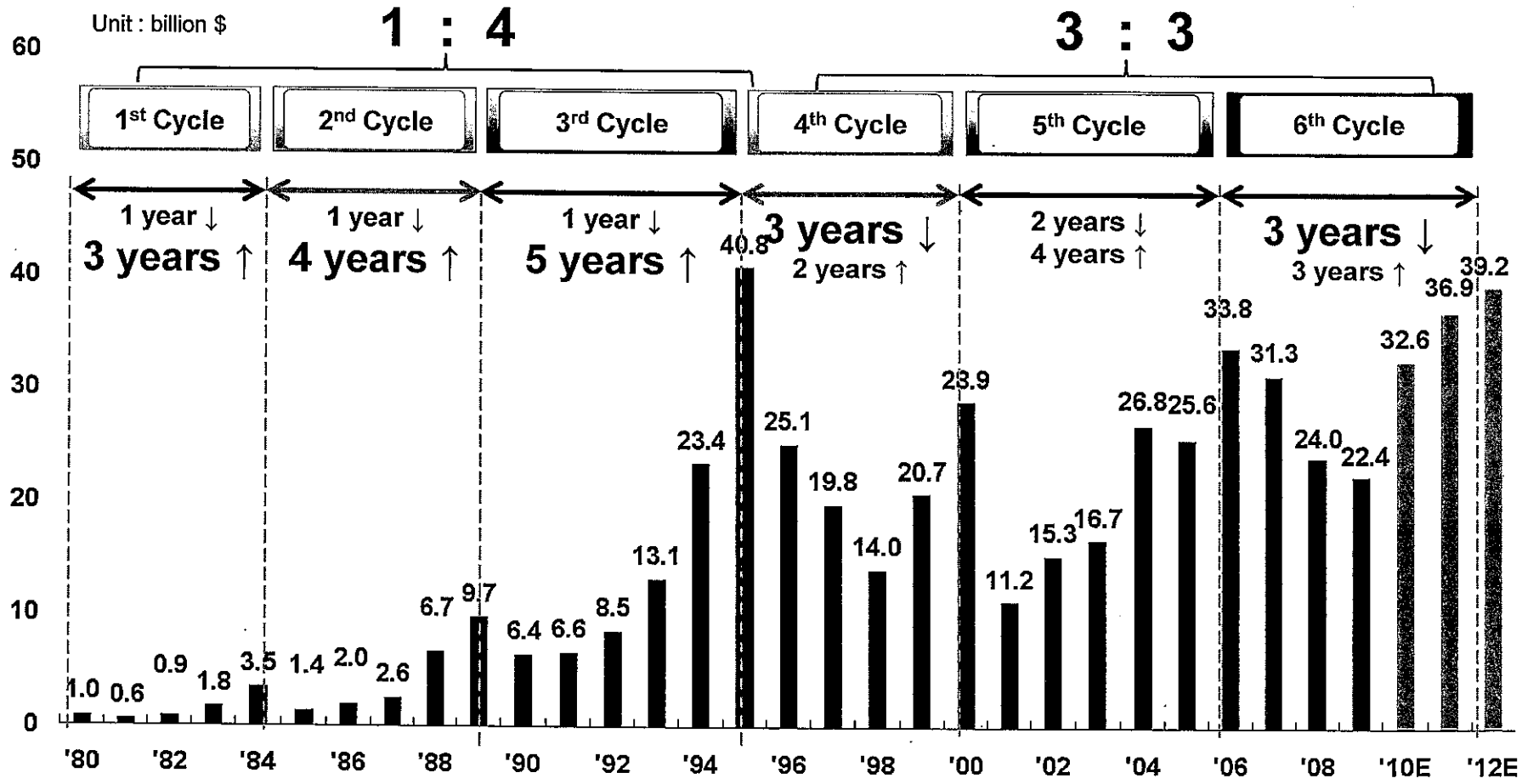
WSC How did the cycle change? : Extended downturns

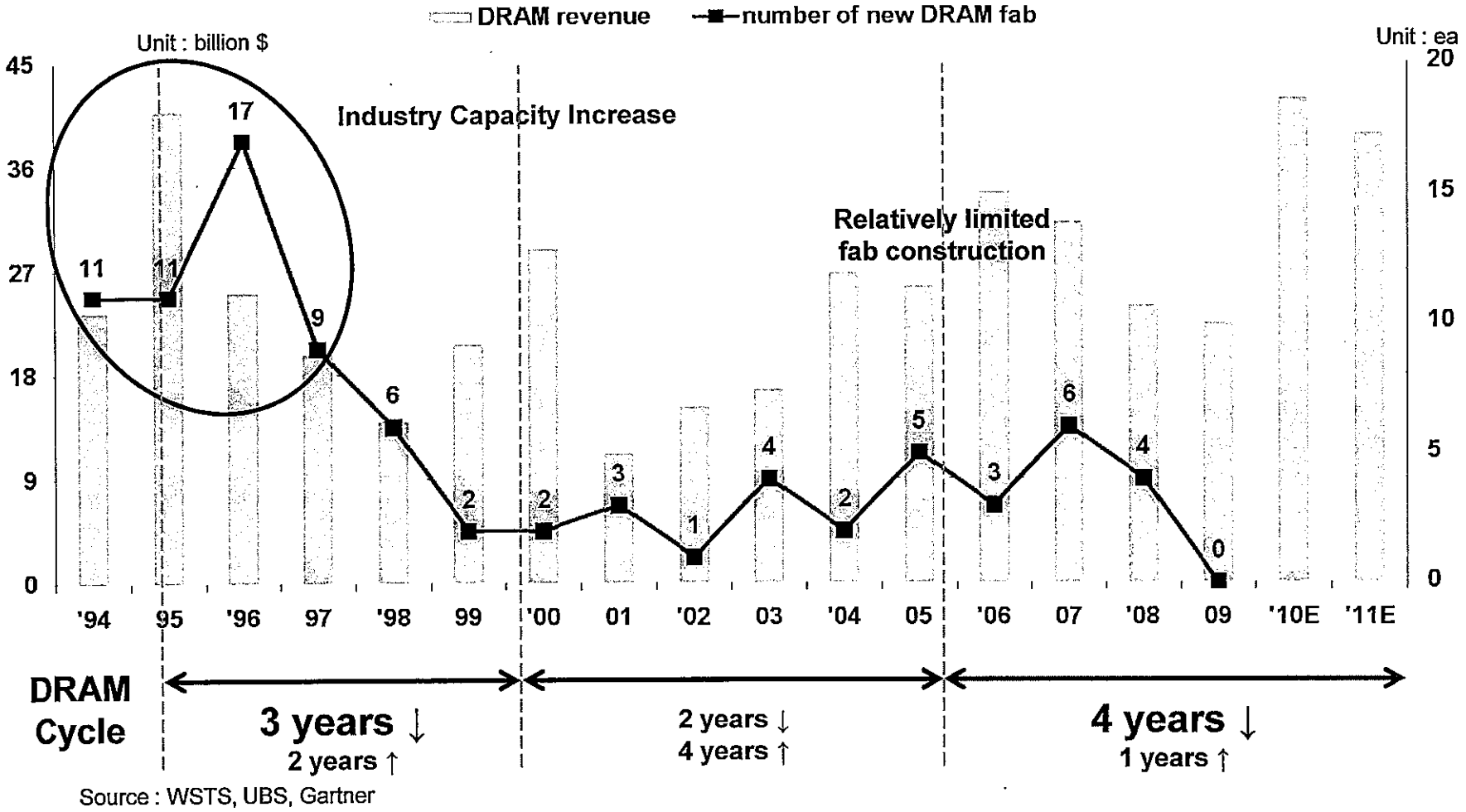
Contrary to previous cycles, downturns became longer after the mid-1990s.



Source : Gartner (1980~1990), WSTS (1991~2012)

WSC Why was the downturn extended? (1995~2000)

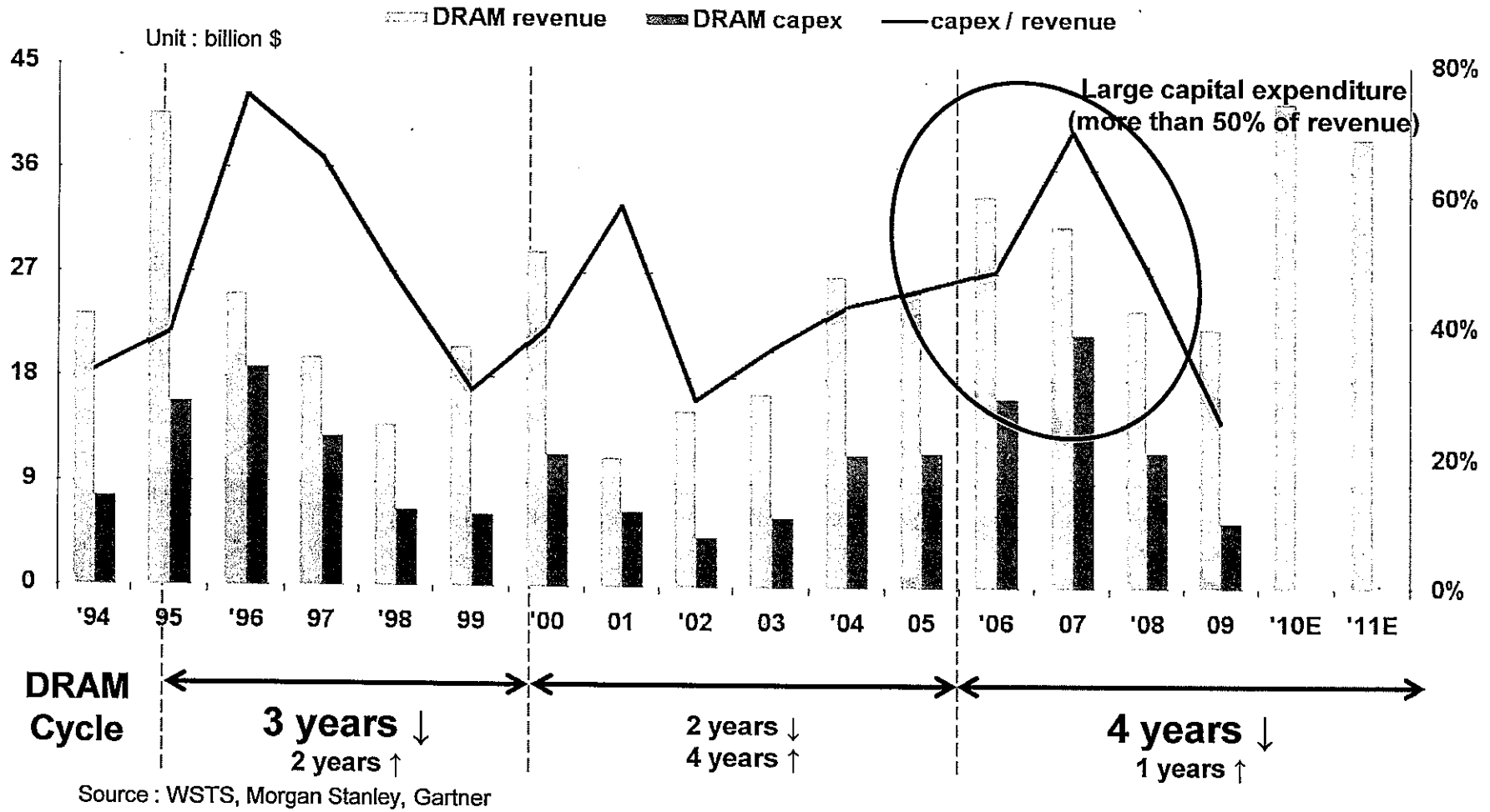
1995~2000 : Supply increase



Source : WSTS, UBS, Gartner

WSC Why was the downturn extended? (2007~2009)

2006~2008 : Large capital expenditure → supply increased

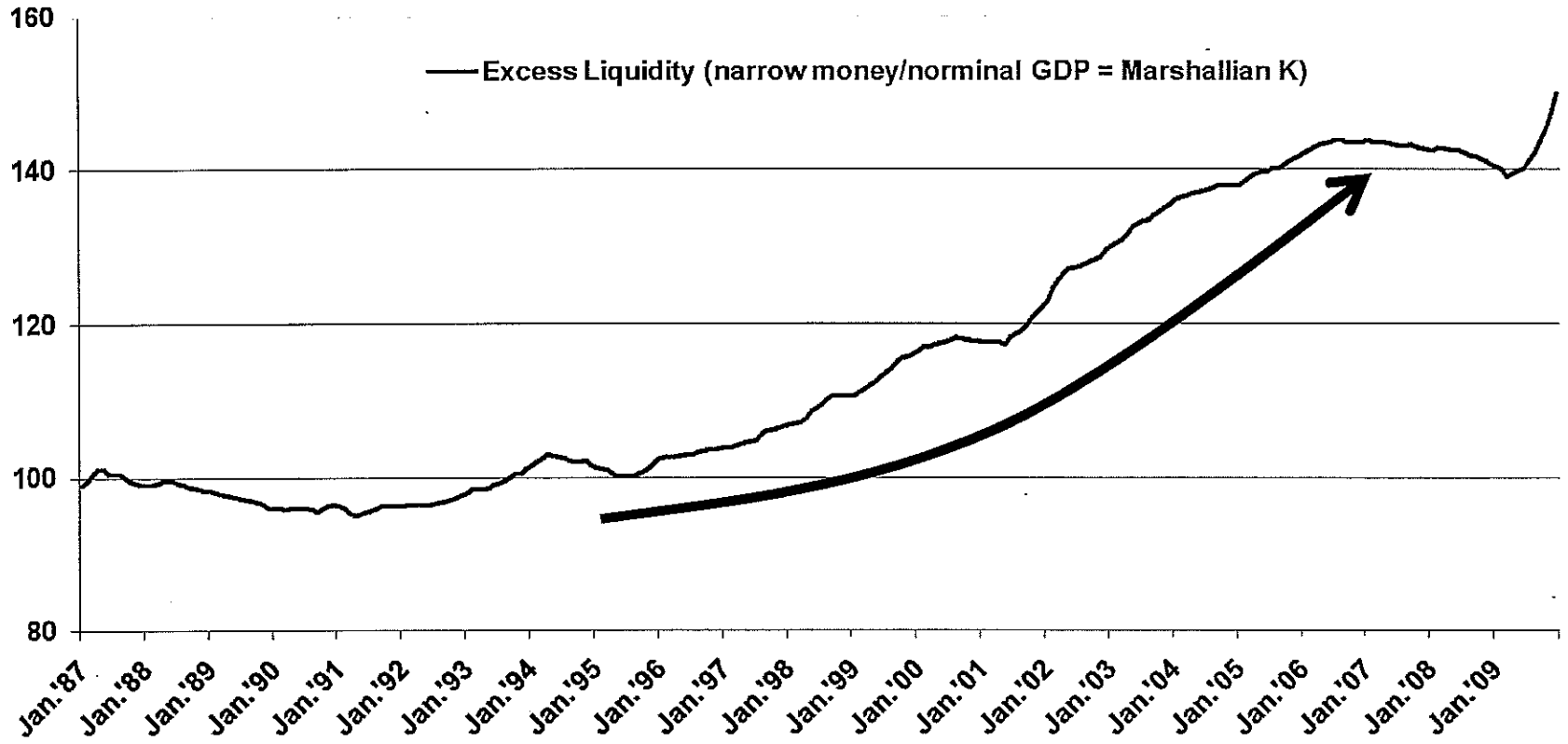


Source : WSTS, Morgan Stanley, Gartner

WSC Capex increase in 2006~2008 came from excess liquidity

Due to global excess liquidity,

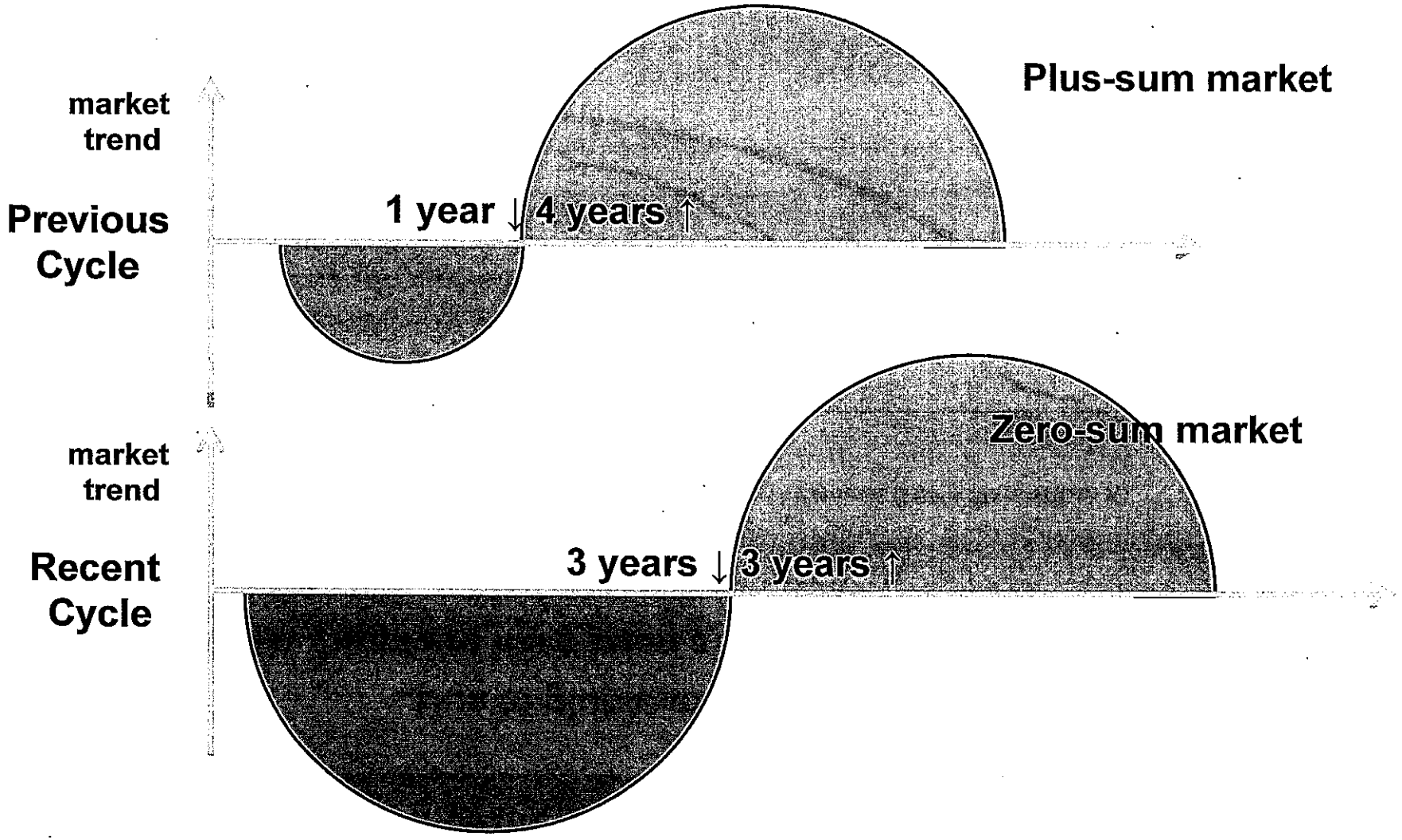
DRAM suppliers have been able to access funds easily.



Source : Morgan Stanley marketing / * Excess Liquidity of G5 (US, Euro Area, Japan, Canada, and UK)

WSC From a plus-sum market to a zero-sum market

Extended downturns have led the DRAM industry to a zero-sum market.



WSC

Encryption certification & licensing regulations
Report to GAMS

Peter Proebster

16th September, 2010
Kobe, Japan

WSC

Encryption certification & licensing regulations

Contents

- Best Practice Statement WSC
- Recommendation to GAMS

WSC Statement on Best Practices in regard to Encryption certification & licensing regulations (1)

- The World Semiconductor Council (WSC) recognizes that it is important to insure that markets will be open and free from any discrimination. The competitiveness of companies and their products should be the principal determinant of industrial success and international trade. Governments and authorities should, therefore, insure full intellectual property protection, full transparency of government policies and regulations, non-discrimination for foreign products in all markets and removal of unreasonable burdens on world commerce.
- The WSC addressed encryption in its 2009 Joint Statement:
  "Semiconductors are overwhelmingly used as building blocks for computers, mobile phones, handheld devices and many other widely available commercial information and communications technology (ICT) products and systems. The functionality of semiconductors constantly evolves in order to meet consumer demands, which have increasingly called for product features such as encryption that better protect security and privacy in and across a variety of ICT products and systems. The use of encryption has thus become widespread in many commercial applications.

WSC Statement on Best Practices in regard to Encryption certification & licensing regulations (2)

Regulations that directly or indirectly favor specific technologies, limit market access or lead to forced transfer of intellectual property stifle domestic innovation and, in the case of encryption, prevent access to the strongest available security technologies in the market place, resulting in less secure products. Both global collaboration and open markets for commercial encryption technologies should therefore be strongly encouraged as they inherently promote more secure and innovative ICT products."

- Encryption regulations shall not be used for the purpose of limiting market access to foreign products. The functionality of semiconductors has constantly evolved in order to meet consumer demands, which have increasingly called for product features that better protect security and privacy in and across a variety of ICT products and systems. The use of encryption thus is not limited to government and military applications but has become widespread, given its ability to help safeguard the integrity and confidentiality of information. As a result, the great majority of applications of encryption involve every day commercial products which are commonly used and traded in the global marketplace.
- To prevent unnecessary restrictions on trade, products with cryptographic capabilities that are, or will be, widely available and deployed -- whether as a result of sales through normal or common retail channels, OEM sales or other means of distribution -- should not be regulated as a general matter except in narrow justifiable circumstances (e.g., resulting out of international conventions such as export controls to prevent proliferation of munitions and weapons of mass destruction to targeted countries or targeted end users).

WSC Statement on Best Practices in regard to Encryption certification & licensing regulations (3)

- To the extent that encryption regulation is necessary, the WSC recommends the following best practices:
  - Regulations should not directly or indirectly favour specific technologies, limit market access or lead to forced transfer of intellectual property to avoid stifling domestic innovation and, in the case of encryption, preventing access to the strongest available security technologies in the market place, resulting in less secure products.
  - Any regulatory requirements must be applied on a non-discriminatory basis and in a manner no less favourable than that granted to domestic producers (consistent with Articles I and III of GATT 1994), and respect intellectual property rights (consistent with Articles 28 and 31 of TRIPS 1994).
  - Global collaboration and open markets for commercial encryption technologies should be strongly encouraged as both inherently promote more secure and innovative ICT products.
  - Regulatory procedures related to the notification, evaluation, approval, or licensing of goods containing encryption technology, and the process for exempting goods, should be transparent, predictable and consistent with international norms and practices. They should not impose unreasonable or burdensome requirements on such goods. JSTC shall discuss applicable international norms and practices.
- The WSC believes that adhering to these practices will allow innovation and the digital economy to flourish, and ensure that the strongest available security technologies will prevail and be available in all the market places to the benefits of all users of commercial products. The WSC requests the governments and authorities participating in GAMS to continue their efforts to ensure that all WTO members observe the principles set forth above.

WSC Encryption Standards and Regulations

- **Recommendation to GAMS**
  - WSC appreciates statement of GAMS made in their summary 2009.
  - WSC requests GAMS to review and consider to endorse "Best practices for Encryption Standards and Regulations".
  - WSC further requests GAMS to work to conclude a GAMS unified position on what constitute international norms.

WSC

WSC Report to GAMS on MCO

September 2010

Kobe

MCO Issue Summary

- After the signature of the 2006 MCPs Agreement there are still many semiconductor products that do not enjoy the zero tariff treatment because they are not configured according to the definitions of HS headings 8541 and 8542
- The WSC is seeking expansion of the product scope with the aim to guarantee trade free of tariff and non-tariff barriers for such semiconductor products (referred to as MCO ICs) and to reduce administrative burden in classifying these products.
- For MCO, this can be achieved through a duty free agreement among GAMS members on the basis of an agreed product definition
- Japanese government and US government put forward definition proposals in 2007 and 2008 to WCO, but WCO decided to defer discussion until a definition would have been agreed among GAMS members

WSC

2009 GAMS Chair summary - MCO

"GAMS welcomes the work achieved so far by industry to define multi-component (MCO) products and notes the WSC's support for GAMS and WCO procedures aimed at rapidly reaching an agreement on a definition for MCO products. GAMS took note that it takes time to reach a mutually agreeable solution and recognized that both from economic and conceptual view, this is a very important issue. All GAMS authorities agreed to work with their customs services and the industry on defining what constitutes multi-component integrated circuits in the terminology of the HS nomenclature, with a view to present such a definition to the next GAMS meeting scheduled for September 2010. GAMS members agreed to decide at this stage on which way forward to take."

WSC

MCO – Milestones as from 2009 GAMS meeting

- 24 September 2009: GAMS agreed to work with their customs services and the industry on defining what constitutes MCO ICs in the terminology of the HS nomenclature, with a view to present such a definition to the next GAMS meeting scheduled for September 2010 and at that time decide how to take this issue forward
- 19 February 2010: the European Commission circulated to GAMS a non-paper with a revised definition based on the Japanese and US-definition reflecting the progress of the discussions among EU and Member State authorities, and with the objective to present a definition agreed by all GAMS members by September 2010
- 26 February 2010: support letter by JSTC Chairs sent to the GAMS delegates, expressing appreciation for the initiative by the EC and calling for further meetings among GAMS including Customs officials from the GAMS regions
- 12 May 2010: meeting on MCO of Customs officials from GAMS regions in Brussels
- 6 August 2010: EC circulated a formal definition proposal for MCOs
- 8 September 2010: meeting on MCO of Customs officials from GAMS regions in Brussels
- 15 September 2010: Informal meeting on MCO by GAMS and Customs representatives in Kobe

WSC

Joint statement/recommendations on MCO

- WSC calls upon GAMS to continue to facilitate the growth of the semiconductor market by ensuring free and open markets by eliminating tariffs and non-tariffs barriers for all semiconductor products including new types of semiconductor products such as multi-components ICs.

- WSC highly appreciates the agreement among all GAMS members in September 2009 to work with their customs services and industry on defining what constitutes multi-component ICs (MCO) in the terminology of the HS nomenclature, with a view to present such a definition to the next GAMS meeting scheduled for September 2010 and based on such a definition to decide which way forward to take. The agreement on a definition for MCO is particularly important in view of a future duty free agreement for this category of products.

WSC

Joint statement/recommendations on MCO

- WSC stresses the importance of short-term technical discussions among customs officials and trade experts of GAMS countries/regions to agree by the deadline of September 2010 on a definition of Multi-component ICs covering current and future semiconductor products. WSC considers it of utmost importance that GAMS expeditiously conduct such discussions in order to meet the September 2010 deadline, taking into full account current proposals.

- Our industry is ready to contribute to such technical discussions and provide further expertise to GAMS and/or Customs officials to be able to meet the September 2010 schedule. WSC is furthermore encouraged by the bi- and multi-lateral exchanges and meetings between GAMS members and Customs officials from GAMS countries/regions which have taken place over the last few months to discuss the MCO definition, and urges all government/authorities from all regions to participate in these.

WSC

WSC Report to GAMS on ESH

Takayuki Ohgoshi
SIA in Japan / Renesas Electronics

Kobe / Japan
September 16, 2010

WSC

Update for GAMS

AGENDA

The ESH Task Force convened from September 13-15 with representation from all regional Semiconductor Industry Associations

- ***Working Groups' Status Reports***
  - ***PFC***
  - ***Energy***
  - ***Quantitative Targets***
  - ***PFOS***
- ***Recommendation to GAMS***

WSC PFC Working Group

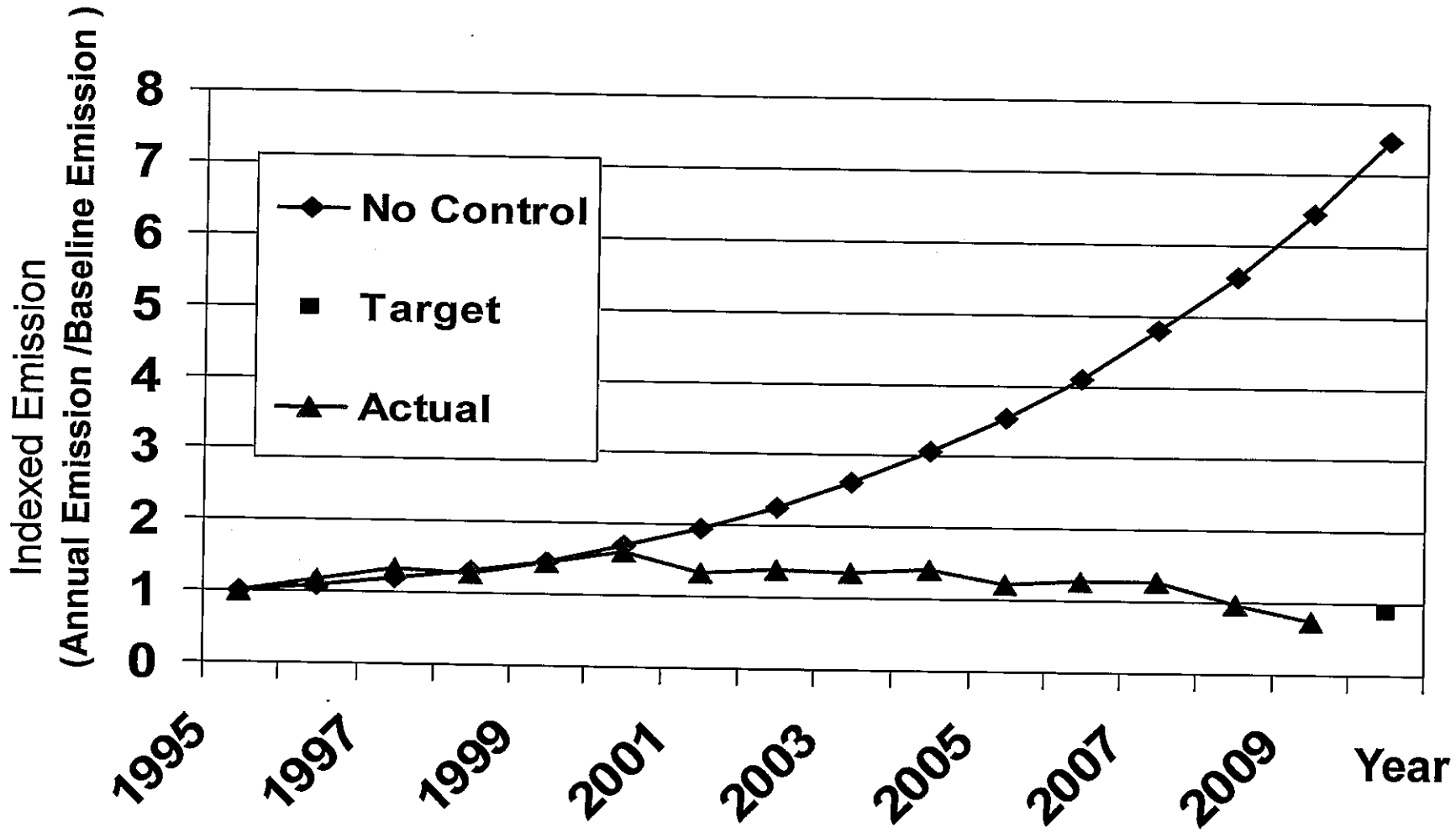
Objectives

- Achieve WSC target PFC Emission Reduction Goal of 10% below baseline by 2010
- Share information on PFC Emission Reduction Technology
- Develop the post-2010 PFC Emission Reduction Program

Project Update

- Total WSC emissions in 2009 dropped below target baseline year for first time
- All associations have high confidence they will achieve their 2010 reduction target
- WG finalized on a normalized emission reduction (NER) metric for WSC post-2010 program and will continue to collect both normalized and absolute emission data

WSC Indexed PFC Emissions



WSC Energy Working Group

Objectives

- Develop a framework for post-2010 energy efficiency strategy
- Define post-2010 target based on total energy metrics

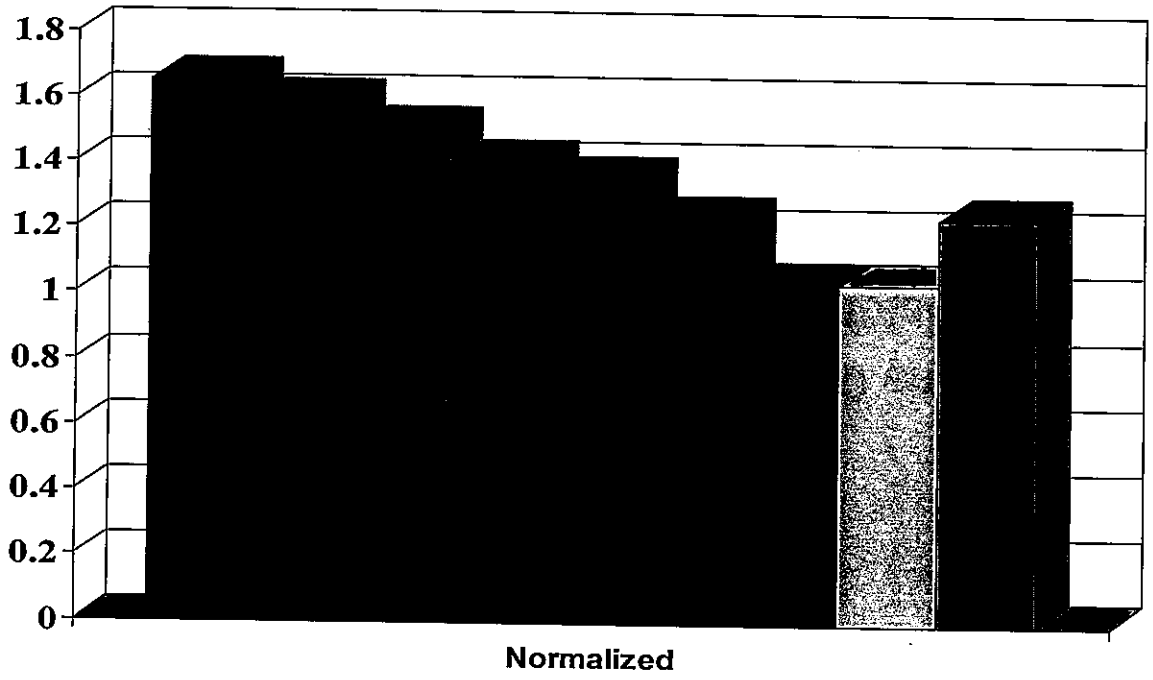
Project Update

- Data showed improvement since 2001 in normalized energy consumption
- Further improvement will require collaboration across the supply chain (facility systems and equipment)
- Discussed post-2010 energy reduction program (target and baseline)
- Discussed and developed Joint Policy Paper Proposal in collaboration with SEMI

WSC Electricity Data: 2001- 2009

- weighted average -

Normalized: Kilowatt-Hours per cm² Silicon



- Subsequent process and facility improvement & invest
- Technical frame-conditions (e.g. 300mm)
- Downturn end 2008, CY2009

The significant variation in 2009 data was under utilization due to economic downturn.

CSIA Data included beginning 2004

WSC Quantitative Targets Working Group

Objectives

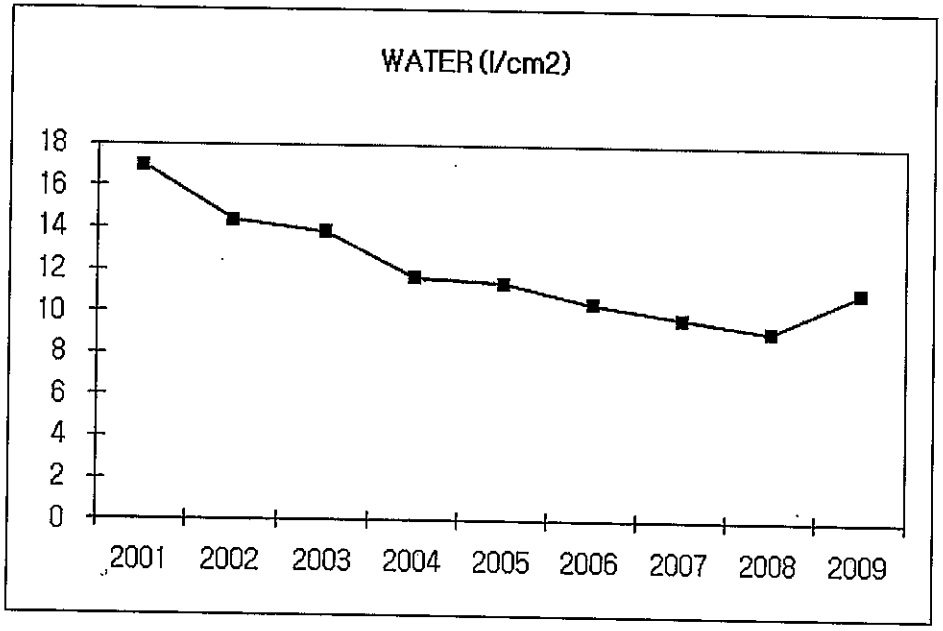
- To collect quantitative targets data in accordance with the WSC expectation levels for the 2001-2010 timeframe
- To adopt quantitative targets for a post-2010 program

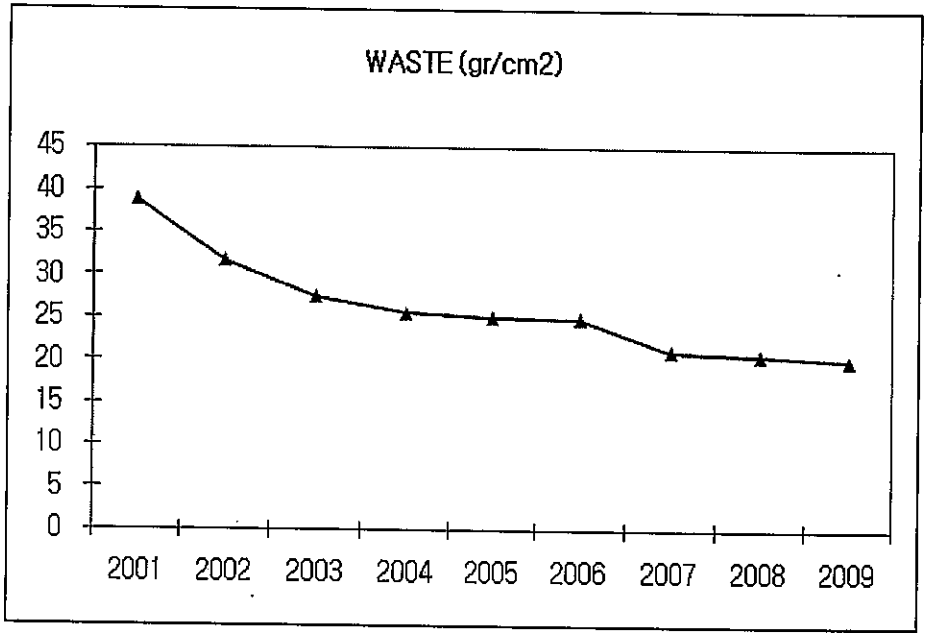
Project Update

- WSC QT results 2001-2009:
  - Electricity normalized reduction (27%)
  - Water normalized reduction (35%)
  - Waste normalized reduction (46%)
- 2009 data was impacted by economic conditions
- Good progress made towards post-2010 QT programs

WSC

Progress in Water and Waste





~ 35% reduction in normalized water consumption

~ 46% reduction in normalized waste generation

The significant variation in 2009 data was under utilization due to economic downturn.

PFOS Working Group

Objectives

- Fulfill the elements of the WSC/SEMI Voluntary Agreement for PFOS
- Continue to monitor important PFOS/PFOA and PFAS developments
- Develop new strategic directions for perfluoro-chemicals if necessary to address threats

Project Update/Next Steps

- 2007 PFOS information was included in the WSC release of information document as an annex to the WSC joint statement published in May 2010
  - High temperature destruction is used by all regions for solvent waste containing PFOS
  - R&D activity to seek chemical replacements and control technologies continues at a high rate
  - Photoresist uses decreased by 35% and non-critical uses decreased by 81% from 2005.
  - Total emissions from these uses decreased by 34%.
- 2009 data has been collected and will be ready to report at the 2011 meeting
  - Preliminary data shows a solid reduction trend
  - Nearly all non-critical uses have ended with only de minimum uses remaining
  - Critical uses have reduced significantly from 2007

WSC Recommendation to GAMS

Product Compliance Recommendations

- *The WSC agrees that responsible stewardship of the content of our electronic products is good for human health and the environment. However, the WSC also recommends that any government/authority developing and implementing any program or supporting systems or programs for RoHS compliance certification would prove most effective when that government/authority works with industry during the program development.*
- *The WSC also recommends harmonization between any mandatory or voluntary certification procedures already in place in the global community. This would include the recommendation for the use of test results from any internationally certified testing laboratory.*
- *The WSC is concerned that production delays could result when mandatory and voluntary programs are established that require compliance certification prior to product shipment. In addition, some of the information describing the material used by our industry are considered to be company specific intellectual property, know how and trade secrets.*

WSC

WSC Report to GAMS on Effective Protection of Intellectual Property

Dr. Nan Xiang Chen
Semiconductor Industry Association in China

Kobe, Japan
Sept.16,2010

2009~2010 IP Task Force Activities

1. Efforts on anti-counterfeiting
2. Improvement of patent quality
3. Regular updating on each regional IP developments
4. Discussions on future topics of IPTF

WSC

1. Efforts on Anti-Counterfeiting

- **WSC has involved in anti-counterfeiting for more than ten years since 1998.**
- **Anti-counterfeiting is one of major 2009-2010 IPTF activities.**
- **IPTF participated the Workshop of Customs Experts on counterfeiting semiconductor held in Jeju, Korea, in Sept. 2009.**
- **IPTF made presentation during the workshop, and it covers**
  - Background of WSC and IPTF
  - Extent of the problem—counterfeiting semiconductor
  - Societal and economic risks
  - Spotting counterfeits
  - Three dimensions of anti-counterfeiting
  - "tool kits to contain the counterfeiting of semiconductor

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WSC

1. Efforts on Anti-Counterfeiting

GAMS chairman summary

"GAMS welcomed and affirmed the conclusions of the Customs Experts meeting … including the participants' agreement to undertake, as appropriate, enforcement measures (which can be national, bilateral or multilateral) against semiconductor counterfeiting, to keep other members informed and to report back on this to the 2011 GAMS meeting. GAMS requested to the industry to follow up the issues raised in the workshop over the next year and to report back to GAMS in 2010. "

WSC

1. Efforts on Anti-Counterfeiting

- **Follow-ups:**

  WSC Joint Statement

  Following the successful Customs Expert's meeting on semiconductor anti-counterfeiting, WSC urges concrete follow-up actions to be taken by all regions in line with the GAMS conclusions to fight the counterfeiting of semiconductors, with each region reporting back to the GAMS in 2011 on their enforcement measures. Furthermore, WSC notes that in some cases, based on number of seizures and customer complaints, the phenomenon of semiconductors being counterfeited has risen with the start of an economic upturn in the semiconductor market, even doubling in numbers since the end of 2009.

WSC

1. Efforts on Anti-Counterfeiting

❖ Follow-ups:

The actions as follows will need more solid information and keep on working offline to seek consensus:

1. **Encourage companies to file trademarks in the various countries so customs agencies can take action when infringements are found**
2. **Work with the six governments to identify semiconductors and electronic products as key items sought by customs officers**
3. **Work with the six governments to develop information that will help them develop joint operations such as those previously conducted**
4. **Encourage semiconductor companies to provide improved materials and training for government customs agencies to enhance their ability to identify trademark infringing semiconductors**
5. **Develop better communications about the effects of counterfeit products with more extensive examples of the potential health and safety impacts as well as the threats to critical infrastructure**

WSC

Report to GAMS 2010

- Within WSC, where applicable, regions provide updates:
  - Raids in Europe and court cases in the US reinforce possibilities and that concrete results are achievable through cooperation between regions and between industry and regional customs authorities.
  - They also emphasize important amounts ('"more than half a million" seized in France plus "significant quantities of further suspected counterfeit semiconductors" identified); and
  - some of the problems arising from operations. E.g. in Europe all ICs without appropriate right-holder recordation have had to be given back to the entity
  - Strengthening of anti-counterfeiting strategies in many regions and openness to training opportunities between customs authorities and industry
  - Increased communication between Customs and industry but also reports that no training needed in other regions
  - Those regions that are seeing increases in seizures are encouraged to share experiences and statistics with other authorities.
  - Note authorized distributors database in US
- Confirmation of increase of counterfeits and seizures based on seizure results and customer complaints in some regions
- WSC continues to work through the agreed 5 points
- WSC emphasizes the need for trade mark registration and customs recordation in all regions
- WSC is working with custom authorities in order to meet the GAMS 2011 deadline
  - JSTC needs GAMS indication of expectations in what form the report in 2011 should be in

2. Improvement of Patent Quality

- Both a quantitative and a qualitative survey was made of the following patent offices by all member associations
  - US Patent and Trademark Office
  - European Patent Office
  - German Patent Office
  - Japan Patent Office
  - China Patent Office
  - Korea Patent Office
  - Chinese Taipei Patent Office

- Analysis of quantitative survey was completed

2. Improvement of Patent Quality

Quantitative survey encompassed ten major areas:

- Number of patent applications and patents per patent office per year
- Workload of patent examiners –applications assigned per year
- Patent office budgets
- Patent examiner efficiency –applications processed per year
- Methodology of patent application examination
- Training, experience and qualification of patent examiners
- Staffing of patent offices – retention and turnover of examiners
- Backlogs and how long it takes to obtain a granted patent
- Collaboration with other patent offices
- Collaboration with industry

2. Improvement of Patent Quality

Chart of Patent Quality Survey highlights:

- *Best Practices*
- *Areas for Improvement*
- *Suggestions*

WSC Patent Quality Survey Result

	EPO	CIPO	US PO	CN PO	KR PO	AT PO	JP PO
Suggestion	1. Keep standardized and transparent metrics, including: a) Number of apps/year. b) Number of patents issued/year. c) Number of apps pending at year end. d) Actual examination time per application (from filing until issuance as patent or abandonment). e) Average first action (from filing to first action. f) Case load per examiner (Patent apps/examiner). g) Average years experience of examiners. h) Full time/part time examiner ratio. i) Examiner turnover ratio.						
	2. Strike the balance between application of procedure and legitimate interest of applicant, as procedural efficiency weighs heavy	2. Actively promote the use of interviews with the examiner and submit auxiliary amendment	2. Switch from first-to-invent system to first-to-file system	2.Require examiners to have industry or relevant technical work experience	2. Examiners' searching lists should be included in the notice of allowance	2. Increase budget and head-count for examiners	1. More detail would be helpful in rejections relating to 'Lack of inventive step'
	3. Actively promote the use of interviews with the examiner and submit auxiliary amendment	3. Published targets on time for first office action and time until decision; office to aim for time until decision in line with best of class	3. Limit the continuation practice	3. Introduce an online database access such as the USPTO PAIR System or Epoline	3. Explanation of continuation application	3.Require examiners to have industry or relevant technical work experience	
	4. Publish targets on time for first office action and time until decision; office to aim for time until decision in line with best of class		4. Harmonize with the Patent Cooperation Treaty (PCT) standard of "unity of invention"	4. Cross check the exam result of other PTOs on the same invention		4.Strengthen prior art search and provide search results in office actions	
	5. More detail would be helpful in rejections relating to 'obviousness' or 'Lack of inventive step'		5. Check the PTA when Notice of Allowance (NOA) is issued	5. Publish targets on time for first office action and time until decision; office to aim for time until decision in line with best of class		5. Introduce an online database access such as the USPTO PAIR System or Epoline	
			6. Ease the IDS regulation amend the regulations to state that there is no duty to submit foreign language Office Actions and the prior art references cited in such foreign Office Actions. This is an unclear issue that is a concern among many practitioners	6. The SIPO should provide clear guidelines/training to the examiners so that they can apply a uniform standard in making the "lack of clarity" or the "beyond the scope of original description" type of rejections. In addition, the new "uniform standard" should be more specific on "lack of clarity" rejections, and should provide ample and clear reasoning in the office actions. The examination process itself should be more transparent. The China PO's first office		6. Improve quality control of examination through more extensive use of senior examiners; improve case assignment	
						7. Cross check the exam result of other PTOs on the same invention	
						8. Using different Examiner in Charge of Re-examination than during original examination	

WSC

2. Improvement of Patent Quality

WSC Joint Statement:

To maximize the beneficial effect that intellectual property protection has on stimulating and sustaining innovation, patent offices around the world should implement examination procedures that result in the granting of the highest quality patents possible in compliance with the statutory requirements of patentability.

The WSC previously has called on the GAMS to ensure adequate funding of domestic patent offices as a way to improve the timely and accurate issuance of patents. Recognizing that budget is but one aspect of patent office function that can affect patent quality, the WSC desires to promote a broader dialogue with each patent office in which the respective semiconductor industry may provide observations and suggestions regarding issuance of quality patents based on the industry's experiences as one of the most patent-intensive and innovative business sectors in the global economy.

2. Improvement of Patent Quality

WSC Joint Statement:

Towards this end, the WSC has collected and studied relevant data on patent examination, issuance and quality, and has observed certain global best practices in issuing patents and formulated suggestions for improving patent quality and harmonization around the world.

Summary of suggestions from our study is attached to this Joint Statement. The WSC expects that this summary would serve as constructive feedback from the WSC and be of great value to all patent offices

Summary suggestions have been or will soon be provided to PTO's of each member, and feedback will be collected on the suggestions. Joint Statement also will be provided to WIPO.

3. Regular updating on each regional IP developments

An Important Activity of the Task Force Is the Regular Exchange of Important Information Among the Associations Relating to All Aspects of IP

- Enactment and Changes in IP Laws
- Key Judicial Decisions
- Operation and Policies of National and Regional Patent and IP Offices
- Government IP Policies
- Intergovernmental Cooperation in the IP Field
- Early Notice of Legislation That May Impact Industry

4. Discussions on future topics of IPTF

Future Topics for IPTF: some potential topics had been risen during discussion on future topic of IPTF.

- **Patents related to green environment**
- **Translation System for WIPO**
- **Non-Practicing Entities (NPE)**

Thank you very much

To: Mr. Francis Gurry, WIPO Director General

September 15, 2010

Dear Mr. Gurry,

On behalf of the World Semiconductor Council, we wanted to be sure you were aware of our recent initiative to open a dialogue with patent and trademark offices to improving patent quality. As you may recall from our meeting at your office in May 2007, the World Semiconductor Council comprises the world's leading semiconductor industry associations- namely the semiconductor industry associations in China, Chinese Taipei, Europe, Japan, Korea, and the United States.

At our meeting last May in Seoul, we recognized that to maximize the beneficial effect that intellectual property protection has on stimulating and sustaining innovation, patent offices around the world should implement examination procedures that result in the granting of the highest quality patents possible in compliance with the statutory requirements of patentability.

In the past, the World Semiconductor Council called on the Government/Authorities Meeting on Semiconductors (GAMS) to ensure adequate funding of domestic patent offices as a way to improve the timely and accurate issuance of patents. At the most recent meeting in Seoul on May 27, 2010, the World Semiconductor Council recognized that budget is but one aspect of patent office function that can affect patent quality, and therefore announced its desire to promote a broader dialogue with patent offices in which the respective semiconductor industry may provide observations and suggestions regarding issuance of quality patents based on the industry's experiences as one of the most patent-intensive and innovative business sectors in the global economy.

Towards this end, the Council collected and studied relevant data on patent examination, issuance and quality, and observed certain global best practices in issuing patents and formulated suggestions for improving patent quality and harmonization around the world.

This initiative was announced in the Joint Statement of the 14th Meeting of the World Semiconductor Council, and a summary of suggestions from our study was attached as Annex 4 to that Joint Statement.

For your reference, we have enclosed the Joint Statement and Annex 4 containing the summary of suggestions for improvement.

The World Semiconductor Council expects that this summary will serve as constructive feedback from the semiconductor industry and be valuable to all patent offices on the crucial issue of improving patent quality.

Please let us know if you have any questions or comments on this initiative.

Sincerely,

Kunihiro Kasai
Kunihiro Kasai, hosting JSTC Delegation Chair
Semiconductor Industry Association in Japan
Chief Specialist Government & Public relation Division, Toshiba Corporation, Semiconductor Company

Enrico Villa
Semiconductor Industry Association in Europe JSTC Delegation Chair
Senior Advisor to the CEO & COO, STMicroelectronics

Cynthia Johnson
Cynthia Johnson
Semiconductor Industry Association in the US JSTC Delegation Co-Chair
Director, Government Relations, Texas Instruments

Min-Goo Choi
Semiconductor Industry Association in Korea JSTC Delegation Chair
Senior Vice President, Hynix Semiconductor

Wei Shaojun
Semiconductor Industry Association in China JSTC Delegation Chair
Board member & CEO, China Key System Co.Ltd.

Stephen T. Tso
Semiconductor Industry Association in Chinese Taipei JSTC Delegation Chair
Senior Vice President and CIO, tsmc

GAMS presentation of Semiconductor Social Contribution through Outreach

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September 16, 2010

Kobe, Japan

World Semiconductor Council

Outreach activities in 2010

- Revision of 2010 Green IT Material
- Introduction of SIRIJ's Social Contribution Report at both WSC of May and GAMS of September.

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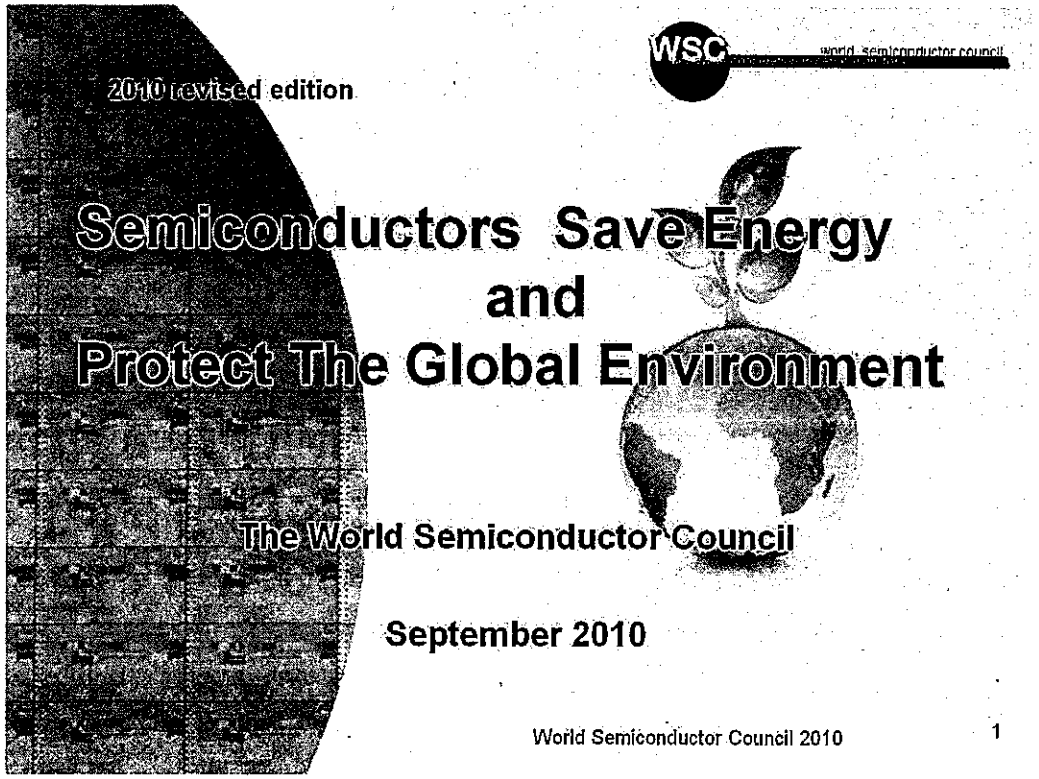
Revision of 2010 Green IT Material

- **The Material is uploaded in both WSC web site and each regional associations' web sites.**



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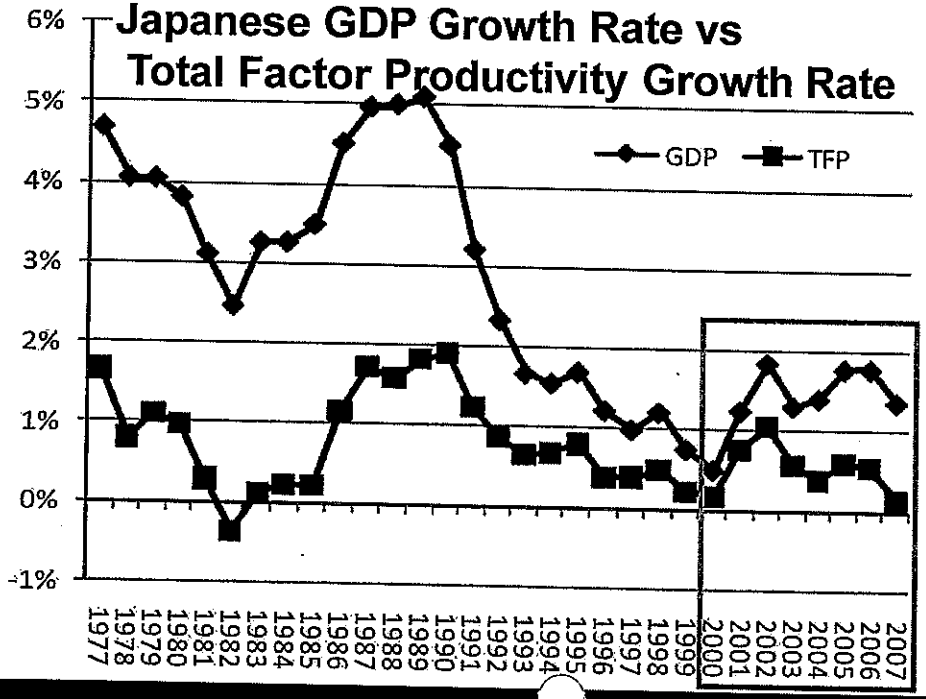
A part of SIRIJ's report is introduced:
Influence on Total Factor Productivity

TFP: Total Factor Productivity

Total Factor Productivity is a variable which accounts for a relation of the output against the input from all production factors including labor, capital, etc. Actually, TFP is calculated as difference between the variation ratio of the output and the sum of the variation ratio to be contributed by labor and capital input. It is understood to reflect the effect of innovation, innovation-originating improvements of labor and capital, and efficiency of management.



< 2000 - 2007 in Japan >

- Average GDP Growth Rate from 2000 to 2007 is 1.45%.
- Average TFP Growth Rate in same period is 0.57%.

(Source) Professor Motohashi, Tokyo University

Semiconductor innovation brings a 23% of TFP growing in Japan

Semiconductor Innovation → Progress of performance in IT & other application → Price down under keeping performance

Semiconductor innovation makes higher progress of performance and less increase of input (price down) simultaneously.
Thus, Semiconductor innovation contributes to TFP growing.

	2000 - 2007
Aggregated TFP Growth Rate	0.57%
Contribution to TFP Growth:	
Information Technology	0.25%
Computers	0.14%
Software	0.01%
Communications Equipment	0.06%
Semiconductors	0.04%
Non-Information Technology	0.32%
Semiconductors	0.09%
(Semiconductors Total)	0.13%

Semiconductor innovation influences a 23% of TFP Growth Rate between 2000 and 2007.

(Source) Professor Motohashi, Tokyo University

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Appendix

Past Activities

- At 2007 WSC, policy paper of energy savings.
- At 2007 GAMS, WSC's challenge on improving energy efficiency throughout our society.
- At 2008 WSC, joint statement of industry's challenge.
- On May 2008, the WSC Chair made a presentation at the Green IT International symposium in Tokyo.
- At 2009 WSC, SIA in US introduced "Semiconductor Opportunities From Recent Energy Studies."
- In December 2009, 2009 Green IT material was finalized.
- In September 2010, 2010 Green IT material was finalized.
- Both at 2010 WSC and at GAMS, SIRIJ's Social Contribution Report was introduced.
- Each SIA reaches out its outreach activities such as:
  - to cooperate with ITRS,
  - to issue environmental brochure,
  - to appeal government/authorities on saving energy, and
  - to reach out to decision makers on energy policy.

WSC recommendations to GAMS:

Semiconductor Social Contribution Through Outreach

- Semiconductors serve an important role in enabling energy efficiency and renewable energy, thereby reducing global warming and promoting energy security. The WSC has been actively engaged in outreach activities jointly and independently since the 2008 Green IT Symposium in Tokyo.

- Given the significant impact that semiconductors have on energy efficiency and renewable energy, the WSC calls on governments and authorities to ensure that semiconductor industries have "a seat at the table" in relevant stakeholder talks on energy policy.

WSC recommendations to GAMS:

Semiconductor Social Contribution Through Outreach

- The WSC also urges governments and authorities to take account of studies which show that increased energy consumed by ICT products can enable substantially lower consumption in the rest of the economy. One such study, prepared by Semiconductor Industry Research Institute Japan (SIRIJ), was presented to the WSC at its 2010 meeting and may be found at http://www.sirij.jp/docs/201002_impact_2.pdf.

- WSC members will reach out to governments and authorities to share the results of recent energy studies and encourage appropriate regional policies to accelerate adoption of energy efficient solutions enabled by semiconductors.

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第 11 屆 GAMS 會議開幕致詞稿

Opening Remarks for the 11th GAMS Meeting

by Deputy Director Chun-Fu Chang, Head of Chinese Taipei delegation
on 16 September 2010, in Kobe, Japan

Good morning, Mr. Chairman, Colleagues, Ladies and Gentlemen,

It is indeed a great pleasure for me to join all of you here today. I would like to first take this opportunity to thank you, Mr. Chairman, and your colleagues for your hospitality and hard work that make this meeting possible.

Although this is my first time participating at this important annual gathering, I had involved to certain extent in GAMS business seven or eight years ago. Looking back, it seems to me that GAMS have achieved quite a lot over the years. The pace might seem too slow for some members, yet you would agree with me that comparing to the WTO Doha Round negotiations which are entering its tenth year with no conclusion in sight, GAMS is really in the fast lane. But it doesn't mean that we GAMS members as a whole cannot achieve even more, especially with the great expectation of us from the industry.

We have a substantive agenda in front of us today. I can assure you Mr. Chairman and colleagues that my delegation will work with you so that concrete results can be achieved at the end of the day.

Before closing my remarks, allow me to introduce members of my delegation.

JOINT STATEMENT CONCERNING SEMICONDUCTORS BY THE EUROPEAN COMMISSION AND THE GOVERNMENTS / AUTHORITIES OF THE UNITED STATES, JAPAN, KOREA, CHINESE TAIPEI AND CHINA[1]

コメント [NN1]: U.S. addition

コメント [NN2]: Korea comment: May consider deleting Footnote 1 in light of text of paragraph 4 and footnote 2.

**** DRAFT REVISION 2010-09-07****

VERSION 7/9/2010 VER. 2

1. Semiconductors are the building blocks of the information age. They are making possible continuing revolutionary progress in all facets of life, including communications, transportation, health care, scientific research, education and commerce, and are critical to raising global standards of living and contributing to sustainable economic growth.

2. The Parties[2] to this Joint Statement have achieved virtually barrier-free trade in semiconductors among themselves, including the elimination of tariffs. They jointly seek a world environment devoid of barriers to trade and investment, and support and co-ordinate initiatives in the World Trade Organization (WTO) – including the Information Technology Agreement (ITA) – to achieve this objective. They endorse policies – including the protection of intellectual property, positive approach to basic scientific research, positive approaches to global environmental protection, and promotion of the information society through appropriate regulatory and other policies – that will foster sound and increased economic growth, and continued expansion of the benefits of the information age. These policies are intended to expand the global demand for semiconductors.

3. Relations among the Parties over issues affecting semiconductors are characterized increasingly by mutual understanding and cooperation, and the absence of friction. Cooperative efforts to respond to global challenges are likely to become more common and more important.

4. Representatives from the Governments / Authorities of the United States, Japan, Korea and the European Commission, constituting the Founding Members, have met together regularly since 1996, since 1999 joined by Chinese Taipei and since 2006 by China, to discuss and agree on issues affecting their semiconductor industries, and to receive and discuss reports and recommendations on policy matters from their industries which meet jointly in the World Semiconductor Council (WSC).

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[1] Chinese Taipei has supported the Joint Statement and been accepted as a Party since 1999. China has supported the Joint Statement and been accepted as a Party since 2006.

[2] Governments / Authorities of the United States, Japan, Korea, the European Commission, Chinese Taipei, and China.

Article I. PRINCIPLES

5. The Parties share the view that cooperation concerning semiconductors should be carried out based on the following principles:

5.1. The Parties should seek barrier-free trade in semiconductors in markets worldwide.

5.2. The competitiveness of companies and their products, not the intervention of governments and authorities, should be the principal determinant of industrial success and international trade.

5.3. Government and Authorities' measures should be fully consistent with the letter and spirit of the WTO Agreements. Government and Authorities should avoid any form of discrimination.

5.4. The Parties recognize that the GATT 1994 condemns injurious dumping, and reaffirm the need to avoid the problem of injurious dumping through fair and effective anti-dumping measures consistent with GATT 1994 and the WTO Agreement on Implementation of Article VI of GATT 1994 (Anti-dumping Agreement). The Parties also recognize that the WTO Agreement on Subsidies and Countervailing Measures ("SCM Agreement") requires the notification of and prohibits or renders actionable certain forms of subsidies. They reaffirm the need for fair and effective countervailing duty measures, consistent with GATT 1994 and the SCM Agreement, to offset injurious subsidization.

5.5. The Parties will promote an open, equitable, rules-based, predictable and non-discriminatory trading system that benefits all Parties in the pursuit of sustainable development.

5.6. The promotion, implementation and adequate enforcement of effective standards for intellectual property rights protection.

Article II. GOVERNMENTS AND AUTHORITIES MEETING ON SEMICONDUCTORS

6. A Governments and Authorities Meeting on Semiconductors (GAMS) composed of representatives from the appropriate economic and trade department of Governments / Authorities each of the Parties [at Director General or lower rank official level] is established. The Parties will notify to the Chair the names and seniority of representatives in advance of the meeting. The GAMS shall meet as often as necessary but not less than once a year for the purpose of affording Parties the opportunity to consult on any matters related to the principles of the Joint Statement and respond to the recommendations elaborated by the WSC.

7. The GAMS will discuss and engage in cooperation concerning global issues related to semiconductors such as standardization, customs nomenclature, environment, health and safety at work, intellectual property rights, trade and investment liberalization, and worldwide market development. In order to increase transparency among GAMS members and in line with the above principles, GAMS members are encouraged to regularly supply information to GAMS on relevant government support programs in the semiconductor sector.

コメント [NN3]: U.S. addition

コメント [NN4]: U.S. deletion:

削除: provisions of the

コメント [NN5]: China comment: This addition (last two sentences) is not necessary. GAMS parties are all WTO members. It is the responsibility for all WTO members to be consistent with WTO rules. Just to reiterate part of WTO rules is easy to cause ambiguity.

コメント [NN6]: U.S. deletion:

削除: , and for effective remedies following appropriate recourse to the WTO dispute settlement process, consistent with Parts II and III of the SCM Agreement.

コメント [NN7]: China addition.

コメント [NN8]: China comment: This part should be kept as its original version. "from the appropriate economic and trade department of government/authorities of the parties" seems missed from the original version and should appear again. Our reason is that to focus on the topic related to semiconductor and to avoid any other possible distuto from political issues are still very important.

コメント [NN9]: Korea comment: This additional sentence appears unnecessary as the existing provision already commits the GAMS members to discuss and cooperate on issues related to trade and investment liberalization, which would encompass the subject of government support programs, among other relevant subjects.

コメント [NN10]: China comment: This sentence needs further discussion.

コメント [NN11]: U.S. edits:

削除: will

削除: report

削除: measures

削除: for

8. The Chair of the GAMS will be held in turn by each Founding Member for a term of twelve months in the order to be decided by consensus. The Chair will invite the Parties to the annual meeting after the annual meeting of the WSC or at the request of any other Party.

9. The Chair will circulate a draft agenda to the Parties, taking account of previous GAMS conclusions and recommendations made by the WSC. The Chair will draft meeting conclusions to be adopted by common agreement of all Parties.

10. The Parties will meet with representatives of the WSC to receive and discuss the recommendations of the WSC regarding policies of governments and authorities which may affect the future outlook of the global semiconductor industry. After receiving the recommendations of the WSC, the parties will meet among themselves to discuss issues affecting semiconductor industries, industry recommendations and appropriate policies and actions of governments and authorities.

11. The Chair may, upon agreement with the other GAMS Members, organise a workshop on a specific issue of impact to the semiconductor industry. The workshop would be open to the participation of representatives from governments, authorities, international organizations, industry, and the scientific / academic world, as appropriate.

Article III. NEW MEMBERSHIP

コメント [NN12]: China addition. This is more accurate

12. Other Governments or Authorities whose national/regional industry associations have joined the WSC may become Parties, if they confirm their support for the objectives of this Joint Statement and conclusions adopted by the GAMS, and their commitment to adhere to any specific agreement concluded among GAMS members and agreed by all current GAMS members.

コメント [NN13]: U.S. edit:
削除: willingness
コメント [NN14]: China addition

Article IV. REVIEW

13. This Joint Statement will be subject to review every five years. It may also be modified in whole or in part at any time by mutual consent of the parties.

Government/Authorities Meeting on Semiconductors

Kobe, September 16, 2010
Chair's Summary

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1. The Government/Authorities Meeting on Semiconductors (GAMS) took place on September 16, 2010 in Kobe, Japan, chaired by Japan. In attendance were delegations of China, Chinese Taipei, the European Commission, Japan, Korea, and the United States.

2. Based on the report of the World Semiconductor Council (WSC) meeting held in Seoul in May 2010 and its recommendations to the GAMS, the GAMS discussed: the social contribution of semiconductors; the implementation of the MCP agreement, the accession of China to the MCP agreement; the definition of multi-component ICs; the objectives of free trade affecting semiconductors including Non-Agricultural Market Access negotiations in the Doha Round (NAMA); encryption standards and regulations; protection of intellectual property rights; environmental safety and health; and other issues of interest to the worldwide semiconductor industry.

3. GAMS recognizes the **social contribution** of semiconductors as one that serves an important role in enabling efficiency and renewable energy, thereby reducing global warming and promoting energy security. GAMS welcomes the report prepared by Semiconductor Industry Research Institute Japan (SIRIJ) which shows that increased energy consumed by ICT products can enable substantially lower consumption in the rest of economy. GAMS encourages WSC to continue conducting similar analysis and sharing the results with GAMS. GAMS noted that members should contribute to the prevention of global warming through the policy of improving energy efficiency both for semiconductors themselves and the rest of economy by using ICT. GAMS has also noted the particular role played by newly developed semiconductors such as MCO in this respect. GAMS welcomes efforts made by industry for outreach on this topic.

4. GAMS agrees with the WSC that the **proliferation of counterfeit semiconductor products** creates risks to public safety and health and to critical infrastructure, and believes that intellectual property rights protection measures should be strengthened. GAMS welcomes the WSC suggestions from their study on improving patent quality and harmonization, and the initiative to provide constructive feedback to the PTOs of GAMS members and WIPO on the crucial issue of improving patent quality. In addition, based on additional and updated information provided by industry, GAMS members will implement appropriate measures (including domestic, bilateral and multilateral countermeasures) to deal with counterfeit semiconductors, share information on these measures with each other's customs agencies, and report the results of these measures at the 2011 GAMS meeting. GAMS took note that the attendance of customs and patent officials is important for fruitful discussion on this topic. Preparation for the report of the results in this meeting should include early coordination with GAMS members' customs authorities.

5. With respect to the **MCP Agreement**, GAMS noted that the WSC considers the accession of all current GAMS members to the MCP Agreement to be a matter of critical importance, also in view of attracting new membership countries. It also noted the substantial efforts made by industry to find an acceptable resolution. GAMS carefully considered the WSC's request that GAMS urgently implement a solution to fulfill this objective. GAMS members recognized the importance of applying zero duties on MCPs, and agreed to work together diligently to resolve any relevant issues.

6. GAMS members reported on their efforts to add to the number of other signatories to the **MCP**

Agreement. GAMS noted that the IT industry will be a driver of economic development and that it is important to create a favorable environment for investors and producers by joining the Agreement. GAMS members agreed to continue their efforts to have other countries join the Agreement.

7. GAMS welcomes the work achieved so far by industry to define **multi-component (MCO) products** and notes the WSC's support for rapidly reaching an agreement on a definition for MCO products. In this context, GAMS noted that the informal meeting on the definition of MCO was held on September 15 in attendance of industry and government/authority of China, Chinese Taipei, the EC, Japan, Korea, and the United States. GAMS noted that the EU proposed a new definition of MCO and welcomed this proposal. GAMS agreed to move forward with this proposal submitted by the United States to the WCO in 2008 as a starting point.

   Based on the social contribution of semiconductors mentioned in paragraph 3, GAMS underlined the importance of facilitating the growth of the market for such semiconductor products through zero duties on MCOs with an appropriate definition that captures these new trends.

   GAMS therefore invites its members to consult their customs experts without delay to start to develop and finalize preferably before April 2011 a definition of what constitutes multi-component (MCO) products as was done for the MCP definition, starting from the above proposal from the US and using appropriate expertise from industry. GAMS agreed to work out the practical details within the next month. Given the urgency to provide a growth oriented and predictable framework for industry and based on the above intermediary timelines, GAMS envisages to reach a consensus on duty free treatment in its GAMS 2011 meeting.

8. With respect to **non-preferential rules of origin**, GAMS members confirmed their continuing efforts to find agreement on harmonized rules of origin within the WTO framework, GAMS noted that the WSC decided to put the topic on hold until relevant issues (such as progress within WTO or changes in legislation in the regions in regard to RoO or marking/labeling) occur.

9. GAMS noted the WSC's strong support for zero tariff treatment on semiconductors and opposition to any tariff and non tariff barriers related to these products. GAMS continues its encouragement of industry to support negotiations aiming at **zero tariffs** and the elimination of tariff barriers on semiconductor products through NAMA or an electronics sectoral agreement.

10. GAMS supported the WSC recommendation on **encryption** and agreed that open markets, free from government discrimination ensuring IPR protection and open to global collaboration for commercial encryption technologies, are critical to the development of secure and innovative ICT products. GAMS also underlined that it was important to prevent unnecessary restrictions on trade, and that therefore, products with cryptographic capabilities that are, or will be, widely available and deployed should, as a general rule, not be regulated. GAMS also expressed that transparency and consistency with international norms and practices are essential in how new regulations are discussed, and that it is important to assuredly put into practice these norms and practices.

11. GAMS took note of its Joint Statement, which stresses that the competitiveness of companies and their products, not the intervention of governments and authorities, should be the principal determinant of industrial success and international trade. While GAMS notes that the adoption and implementation of **stimulus measures** due to the current global economic recession may be considered necessary by governments and authorities, GAMS agreed that such assistance should be provided in a market-oriented fashion to ensure the long-term commercial viability of assisted companies and also agreed to avoid adoption of protectionist measures. GAMS advocates transparency among governments and authorities and suggests the WSC to collect further information on this topic and report it to next year's GAMS meeting in order to promote a favorable environment for the international semiconductor market.

12. With respect to **environment, safety, and health** (ESH) issues, GAMS agreed that the semiconductor industry plays a significant role in improving energy efficiency and protection of the environment which

is shown e.g. in Japan's Green IT initiative. GAMS welcomes the WSC's efforts "to lead by example" by reducing electricity consumption. GAMS encouraged the WSC to report to GAMS on its plans for voluntary reductions post-2010. GAMS also reaffirmed that all environmental measures taken by members of GAMS should be consistent with the members' obligations under multilateral trade agreements and due consideration should be made to all interested parties throughout the industry supply chain.

13. GAMS discussed the **GAMS Joint Statement** in accordance with the provision for review every five years. Due to concerns expressed by China, GAMS members will continue to discuss the content of the joint statement in order to reach a consensus.