



# SEMI Required Meeting Elements

**SEMI Antitrust Reminder**  
**Intellectual Property Reminder**  
**International Meeting Guidelines**

*Full text versions are available upon  
request.*



# SEMI Antitrust Reminder (1/3)

- ❖ **SEMI activities are a coordinated effort among competitors in the semiconductor equipment and materials industry and are, therefore, subject to antitrust laws.**
  - \* Although this coordination is perfectly legal under U.S. antitrust laws, we want to make sure that no antitrust risks are raised by the manner in which the SEMI program is carried out. Accordingly, these guidelines may go somewhat beyond the prohibitions of the law, but that is done in the interest of safety.
- ❖ **The penalties for violating antitrust laws can be quite severe, including large fines and even imprisonment of individuals found guilty of illegal conduct.**
  - \* Contrary to the popular belief that the government has relaxed antitrust enforcement, in recent years the Justice Department has recommended jail sentences for the majority of persons convicted of violating antitrust laws. Moreover, the U.S. Supreme Court has ruled that a trade association may be held legally responsible for the unauthorized, as well as authorized, acts of its members. Accordingly, every effort must be made to avoid even the appearance of impropriety.



# SEMI Antitrust Reminder (2/3)

## ❖ UNLAWFUL ACTIVITIES

- \* The most common violations of the antitrust laws are agreements among competitors to fix prices or allocate customers.
- \* As for SEMI, the most important thing to keep in mind is that its purpose is to promote the semiconductor equipment and materials industry, sponsor education and training, and promote industry standards.
- \* SEMI does not market particular semiconductor equipment or materials products. Accordingly, it is not the business of SEMI to consider or discuss matters relating to product development, marketing, purchasing, or pricing decisions of individual companies.



# SEMI Antitrust Reminder (3/3)

- ❖ **SEMI's policy is to discuss thoroughly with legal counsel any proposed programs or policy decisions before they are implemented.**
- ❖ **If any participant has a question as to the legality of a proposed course of action, the matter should be immediately referred to the SEMI Executive Director who will discuss it with legal counsel.**
  - \* **In this manner, SEMI can ensure continued pursuit of its legitimate objectives with maximum protection for its participants.**



# Intellectual Property Reminder (1/3)

- ❖ **When possible, SEMI standards or safety guidelines should avoid the necessity of using patented technology or copyrighted information in order to comply with the standard or safety guideline.**
  - \* **When the inclusion of such items is technically justified, Section 14 of the Regulations Governing SEMI Standards Committees must be followed.**
- ❖ **Prohibition Against Intentionally Concealing Information**
  - \* **It should be noted that intentional concealing of any intellectual property rights while knowing they could have an effect on the document under development is not only unprofessional, but also it may render the intellectual property rights unenforceable in the future.**



# Intellectual Property Reminder (2/3)

## ❖ Self-Protection

- \* Participants in the SEMI Standards Program should guard against inclusion of technical ideas discussed in these open forums in future applications or in amendments of existing patent applications.

## ❖ Responsibility to Report Relevant Intellectual Property

- \* All participants in the SEMI Standards Program have the responsibility to make known to the group in which they participate any non-confidential patented technology or copyrighted information, including issued patents and published patent applications, of which they have knowledge and which might be required to be used in order to comply with the standard or safety guideline being developed by the group.



# Intellectual Property Reminder (3/3)

## ❖ Recording in Minutes

- \* Contents of discussions relating to intellectual property rights, including patent rights and pending patent applications should be recorded in the minutes of the committee having jurisdiction over the document being developed.
- \* If such discussions take place in a subcommittee or task force, they should be recorded in the report of the subcommittee or task force and appended to the minutes of the committee meeting at which the report is made.
- \* This provides a public record of the discussions and disclosures as well as a basis for any cautionary notes to be added to the document.



# SEMI<sup>®</sup> International Effective Meeting Guidelines

- ❖ **Ground rules should be set at the beginning of the meeting:**
  - \* **Leader or meeting facilitator should formally welcome any international guests**
    - **invite participants to take part in the discussions**
  - \* **Treat each other with respect (no interrupting, talking over another, etc.)**
  - \* **Speak slowly and clearly to allow all participants to hear and understand**
  - \* **Try to understand FIRST, then to BE understood**
  - \* **State your ideas concisely**
  - \* **Summarize your comments with a result or request**