



10 November 2022

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

AUSTRIA: PATENT ACT 1970 STF: FEDERAL LAW GAZETTE NO. 259/1970 (WV)
AS AMENDED BY FEDERAL LAW GAZETTE NO. 137/1971 (DFB)

Notifying Member	AUSTRIA
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Details of the notified legal text

Title	Patent Act 1970 StF: Federal Law Gazette No. 259/1970 (WV) as amended by Federal Law Gazette No. 137/1971 (DFB)
Subject matter	Patents (including plant variety protection)
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2022/IP/AUT/22_7699_00_e.pdf https://ip-documents.info/2022/IP/AUT/22_7699_00_x.pdf
Notification status	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/AUT/P/7 ; IP/N/1/AUT/P/1 ; IP/N/1/AUT/1/Rev.1 ; IP/N/1/AUT/1/Rev.2
Brief description of the notified legal text	
<p>The amendment Federal Law Gazette I No. 149/2004 changed the structure of the patent application procedure (formal grant, publication of patent applications after 18 months) and combined the fee provisions regulated in individual acts into a single act.</p> <p>The amendment Federal Law Gazette I No. 126/2013 changed the system of instances in connection with invention protection rights. The second instance is now the Vienna Higher Regional Court; if a third instance decides, this is the Supreme Court.</p> <p>The amendment Federal Law Gazette I No. 71/2016 abolished the dual structure of the Patent Office and dissolved the partial legal capacity. Furthermore, it was clarified that not only conventional breeding methods of animals and plants are excluded from patenting, but also the conventionally-bred animals and plants themselves.</p>	
Language(s) of notified legal text	English, German
Entry into force	18 August 1970

Other date	
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Notification details

Submission date of notification	9 November 2022
Other information	
Agency or authority responsible	Austrian Patent Office (resp. expert Ms. Raphaela Tiefenbacher) Dresdner Str. 87 1200 Vienna Email: info@patentamt.at Tel.: +43-1-534 24

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.