



10 November 2022

(22-8396)

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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)

<b>Notifying Member</b>	AUSTRIA
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**Details of the notified legal text**

<b>Title</b>	Patent Act 1970 StF: Federal Law Gazette No. 259/1970 (WV) as amended by Federal Law Gazette No. 137/1971 (DFB)
<b>Subject matter</b>	Patents (including plant variety protection)
<b>Nature of notification</b>	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
<b>Link to legal text*</b>	<a href="https://ip-documents.info/2022/IP/AUT/22_7699_00_e.pdf">https://ip-documents.info/2022/IP/AUT/22_7699_00_e.pdf</a> <a href="https://ip-documents.info/2022/IP/AUT/22_7699_00_x.pdf">https://ip-documents.info/2022/IP/AUT/22_7699_00_x.pdf</a>
<b>Notification status</b>	<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)
<b>Previous notification(s) referred to</b>	<a href="#">IP/N/1/AUT/P/7</a> ; <a href="#">IP/N/1/AUT/P/1</a> ; <a href="#">IP/N/1/AUT/1/Rev.1</a> ; <a href="#">IP/N/1/AUT/1/Rev.2</a>
<b>Brief description of the notified legal text</b>	
<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>	
<b>Language(s) of notified legal text</b>	English, German
<b>Entry into force</b>	18 August 1970

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<b>Other date</b>	
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**Notification details**

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

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\* 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.