



25 February 2022

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

Original: French

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

SWITZERLAND: ORDINANCE ON PATENTS FOR INVENTIONS

Notifying Member	SWITZERLAND
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Details of the notified legal text

Title	<i>Ordonnance relative aux brevets d'invention</i> (Ordinance on Patents for Inventions)
Subject matter	Patents (including the protection of plant varieties)
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/CHE/22_0966_00_f.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/CHE/P/20 , IP/N/1/CHE/22

Brief description of the notified legal text

Examination of applications for patents and issue of patents for inventions, right of priority, immunity derived from disclosure, administrative appeal procedure, patents register, applications for European patents and international applications, opposition procedure for preliminary examinations, etc.

Replacement in the Ordinance of the word "Law" by "LBI" (Patents Law). Most recent amendments:

Articles 3.3 and 4.5:

- Amendment of the list of documents that no longer need to be signed
- Translation of documents submitted as supporting evidence into an official language

Articles 14.2; 15.1; 16.2; 18b.1; 20.1; 35.3; 48c.3; 60ca; 62a.2; 124. 3; 63.3; 86; 90.2; 92.2:

- Procedural aspects

Title 10 (concerning supplementary protection certificates for medicinal products)

Section 1: 127a; Section 2: 127b; 127c.1e and f, and 2; 127d Section 3; 127e.2; 127f; Section 4; 127g; Section 5; 127h; 127i.2; 127k.2g-i and o-r, 3; 127l.3-5; 127m Section 8; 127n, 127o; 127p; 127q; 127r; 127s; 127t:

- Change to "inadmissibility" rather than "rejection" (request for the re-establishment of rights and overdue renewal fee, etc.)
- Introduction of the publication of the patent specification at the request of the applicant; clarification of the text; introduction of inadmissibility and five-year conservation period
- Introduction of the extension of the term of protection; clarification of application content; introduction of request content; introduction of published indications

Title 11; Section 1; Article 127u; Section 2; 127v; 127w; 127x; Section 3; 127y; 127z; Section 4; 127z**bis**; Section 5; 127z**ter**; Section 6; 127z**quarter**:

- Introduction of supplementary paediatric protection certificates and "paediatric extensions" (conditions, rights, nullity, deadlines, fees, procedure, register, publications)
- Title general chapter (publication); clarification of the text; introduction of the necessary use; examination of the application, deadline for missed payment, refund of fees, deadline for the mention of the inventor, filing deadline shortened, introduction of a renewal fee for the extension of the term of protection and refund
- Introduction of the revocation of the extension of a certificate's term of protection (form, examination, language etc.)

Title 12; 127z**sexies**; 127z**septies**; 127z**octies**:

- New section for plant protection products (Titles 10 to 12) and definition of "products"

Title 13:

- Transitional provisions

Language(s) of notified legal text	French
Entry into force	1 January 2019
Other date	Adoption: 21 September 2018

Notification details

Submission date of notification	20 January 2022
Other information	
Agency or authority responsible	<i>Institut Fédéral de la Propriété Intellectuelle</i> , IPI (Federal Institute of Intellectual Property) Stauffacherstrasse 65/59g CH - 3003 Berne Switzerland Telephone: +41 31 377 77 77 Email: info@ipi.ch

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