



EXCO MEETING, CAPE TOWN 13 & 18 APRIL 2015

COUNTRY REPORT

TITLE:	Country report for Switzerland	
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TABLED TO:	FICPI delegates	
PURPOSE:	For information and consideration	
SNIPPET:	News from and activities of the FICPI national group in <i>CH</i> since the Barcelona ExCo in November 2014.	

SECTION A: ACTIVITIES OF FICPI ASSOCIATION/SECTION

The information supplied in Section A will remain confidential on FICPI's website after the ExCo (will require a password).

SECTION B: CHANGES IN LAW

Information supplied under Sections B and C will be published on FICPI's website after the ExCo and will be available to the public.

B1. LEGISLATION

- Please provide details of any changes to IP legislation (patent, trade mark, design and other) in your country implemented or due to be implemented since you reported last in October 2014.

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B2. MAJOR CASES

- Please provide brief details of any new case law in the field of patents, trademarks, design or other IP of general interest.

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B3. OFFICIAL PRACTICE

- Please provide details of any changes in official patent and trade mark office practice which would be of general interest to other members.

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B4. PROPOSALS FOR CHANGES

- Please provide details of any proposed changes in IP laws or practice and indicate if your National Association/Section is involved in providing comments to such changes.
Would it be of assistance to have input from the CET on any proposed changes?
Improvement of Swiss Patent Law (e.g. full examination of patents which does not yet exist in Switzerland)



SECTION C: OTHER INFORMATION

Please provide details of any other information pertaining to your country or region that would be of general interest to FICPI members and other IP practitioners browsing FICPI's website.

C1. QUALIFICATION AND THE RIGHT TO REPRESENT CLIENTS BEFORE A COURT

1.1 Please describe the qualification process for becoming a patent attorney in your country/region.

Detailed explanation can be found here: <http://vsp.ch/en/association/education.html>:

Education as a Swiss Patent Attorney

The necessary professional qualifications to be registered in the Swiss Registry of Patent Attorneys are essentially the same as those to be registered as a professional representative before the European Patent Office.

Basic education in engineering or natural science

A basic requirement for registration in the Swiss registry of Patent Attorneys is a recognised university diploma in engineering or natural science. The minimum requirements for these studies essentially correspond to those for the European qualifying procedure. Subjects considered to belong to engineering or natural science are biochemistry, biology, biotechnology, chemistry, construction, electronics, electro-technology, information technology, mathematics, mechanics, medicine, pharmacology, and physics.

Professional education

Basic education is followed by professional education in patents under the direction and supervision of a qualified Patent Attorney. During this time, the candidate must acquire specialised knowledge in the field of Swiss, European and international patent law, as well as of the other fields of intellectual property law, such as trademark, design and copyright law. He must in particular acquire during this period knowledge of the Swiss patent authorities, as well as of the formalities and deadlines of Swiss patent delivery procedure. The IPI, in collaboration with ASPTA, VESPA and VIPS, annually offers an appropriate training course. Contrary to the education as a European Patent Attorney, the minimum period of full-time work depends under the Swiss procedure on the type of academic diploma. The minimum time is of three years for bearers of Masters, diplomas, licence or other title of the same value. For candidates with a Bachelor or equivalent value, this period is of four years.

Professional education as a Swiss Patent Attorney may be obtained concurrently with that as European Patent Attorney.

Examination

A Patent Attorney must pass a four-part Swiss examination, of which two must usually be passed in the framework of the European qualifying examination. The two other parts concern Swiss procedure and general Intellectual Property fields.

More information on the Federal Patent Attorney Examination is available on the website of the relevant Examination Chamber.

1.2 Has the patent attorney qualification process changed in any way in the past 5 years?

Yes, protection of title under the Swiss Patent Attorney Act. Qualification exam necessary. (see above)

1.3 Does qualification as a patent attorney permit you any right of representation before any Court in your



country?

Yes, Federal Patent Court (see <http://www.patentgericht.ch>)

- 1.4 If so are there any special requirements or restrictions?

Swiss Patent Attorneys can represent clients without an attorney at law in nullity proceedings before the Federal Patent Courts. In any other proceedings the parties must be represented by an attorney at law and advantageously also by a patent attorney.

- 1.5 Are qualified lawyers in your country permitted to work in the patent field without any further qualification?

Yes, lawyers may represent clients before the Swiss Patent Office.

If so are there any restrictions on what they may do?

No

If so, please describe those restrictions.

- 1.6 Please describe what privilege attaches to patent attorney communications including any restrictions.

Art. 10 of the Patent Attorney Act stipulates that patent attorneys are obliged to maintain confidentiality concerning all secrets that are entrusted to them in their professional capacity or which come to their knowledge in the course of their professional activities, this obligation being unlimited in time.

- 1.7 Please describe the qualification process for becoming a trade mark attorney in your country/region.

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- 1.8 Has the trade mark attorney qualification process changed in any way in the past 5 years?

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- 1.9 Does qualification as a trade mark attorney permit you any right of representation before any Court in your country?

If so are there any special requirements or restrictions?

- 1.10 Are qualified lawyers in your country permitted to work in the trade mark field without any further qualification?

If so are there any restrictions on what they may do?

If so, please describe those restrictions.

- 1.11 Please describe what privilege attaches to trade mark attorney client communications including any restrictions.

C.2 CET AND PEC SPEAKERS

- 2.1 Would your National Section/Association be interested in obtaining assistance from FICPI, through either the CET Work and Study Group or the Professional Excellence Commission (PEC), in providing speakers for seminars organized by your national group in your country?

Depending on the topic: Yes.

- 2.2 If your group does, or in the future might, require such assistance, please identify topics that might be of interest to your members, with a view to raising FICPI's profile and providing added value from membership of FICPI in your country.

For example: Comparative analysis of code of conducts, attorney client privileges and qualifications for trademark attorneys.

C.3 TOPICS OF INTEREST

- 3.1 Please list three IP topics that are of particular interest to you and/or your national section members.

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