

Von: Newsletter Jurinfo
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An: Newsletter Jurinfo
Betreff: Newsletter no. 3/2011 "Legal Information"

Dear Madam, Dear Sir,

We have the pleasure of sending you herewith no. 3/2011 of our Newsletter "Legal Information". We hope you will enjoy reading it.

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Failure to comply with time limits due to the natural disaster in Japan

In managing industrial property procedures, the IPI will take into account the dramatic impact of the natural disaster in Japan with regard to legal options. This applies specifically to the following granting requests:

- **Extension of a time limit:** time limits which are not specified either in a law or in an ordinance may be extended by the IPI upon request.
Art. 12 Ordinance on Patents in German: http://www.admin.ch/ch/d/sr/232_14/a12.html
or French: http://www.admin.ch/ch/f/rs/232_14/a12.html,
Art. 22 Administrative Procedure Act in German:
http://www.admin.ch/ch/d/sr/172_021/a22.html,
or French: http://www.admin.ch/ch/f/rs/172_021/a22.html.
- **Further processing:** under certain conditions, some time limits may be further processed upon request irrespective of the reason of the failure to comply with the time limit.
Art. 46a Patent Act in German: http://www.admin.ch/ch/d/sr/232_14/a46a.html
or French: http://www.admin.ch/ch/f/rs/232_14/a46a.html,
Art. 41 Trade Mark Act in German: http://www.admin.ch/ch/d/sr/232_11/a41.html
or French: http://www.admin.ch/ch/f/rs/232_11/a41.html,
Art. 31 Design Act in German: http://www.admin.ch/ch/d/sr/232_12/a31.html
or French: http://www.admin.ch/ch/f/rs/232_12/a31.html.
- **Reinstatement:** any applicant or right holder who failed to comply with a time limit due to the current situation in Japan, without any fault on his part, may be subsequently reinstated in the same position as if he had observed the time limit upon request. The IPI will check in each individual case whether the conditions of reinstatement have been met. The detailed requirements and the scope of application of reinstatement are described in the following provisions:
 - in the field of patents: Art. 47 Patent Act in German:
http://www.admin.ch/ch/d/sr/232_14/a47.html or French:
http://www.admin.ch/ch/f/rs/232_14/a47.html;
 - in the field of trade marks, designs and topographies: Art. 24 Administrative Procedure Act in German: http://www.admin.ch/ch/d/sr/172_021/a24.html or French:
http://www.admin.ch/ch/f/rs/172_021/a24.html.

Yours sincerely,

Federal Institute of Intellectual Property

Felix Addor
Deputy Director General