

## Intellectual property rights at a glance

	Trade mark protection	Patent protection	Design protection	Copyright <sup>2</sup>
<b>What is protected?</b>	Registered signs from misuse by others	Inventions i.e. new technical solutions to technical problems	Forms i.e. the exterior appearance of an object	Works of literature and art (including computer programs)
<b>How does it become protected?</b>	Registration in the trade mark register	Granting of the patent	Registration in the design register	Automatically at the moment of creation
<b>Minimum requirements</b>	<ul style="list-style-type: none"> <li>• Does not infringe on others' rights</li> <li>• Distinctive</li> <li>• Not descriptive</li> <li>• Not against public order or public morality</li> </ul>	<ul style="list-style-type: none"> <li>• Novel</li> <li>• Industrially applicable</li> <li>• Inventive step</li> <li>• Disclosure of invention</li> </ul>	<ul style="list-style-type: none"> <li>• Novel</li> <li>• Overall impression must clearly differentiate from existing forms</li> <li>• Not against public order or public morality</li> </ul>	Literary and artistic creations of the mind that possess an individual character
<b>No protection for</b>	<ul style="list-style-type: none"> <li>• Simple signs</li> <li>• Abbreviations</li> <li>• Generic designations</li> <li>• Coats of arms</li> <li>• etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Animal breeds, plant varieties</li> <li>• Diagnostic, therapeutic or surgical procedures on humans or animals</li> <li>• Use in keeping with public order or public morality</li> <li>• Certain biotechnological inventions</li> </ul>	<ul style="list-style-type: none"> <li>• Purely technical functions</li> <li>• Ideas and concepts</li> <li>• Anything that violates federal law (e.g. protection of coats of arms) and treaties</li> </ul>	<ul style="list-style-type: none"> <li>• Content (ideas and concepts)</li> <li>• Laws and official decrees</li> <li>• Decisions by authorities</li> <li>• Means of payment</li> <li>• Patent documents</li> </ul>
<b>What are the exceptions?</b>	When not used as a trade mark	Private use, research and teaching		Private use, citations, back-up copies and reporting of current events
<b>Scope of protection</b>	Defined by the sign and the goods and services classes	Defined in the patent claims	Defined by the representation	Defined by the concrete work
<b>Period of protection</b>	10 years (indefinitely renewable)	Max. 20 years	5 years (renewable thereafter 4 x 5 years up to a maximum of 25 years)	Up to 70 years after the death of the author (50 years for computer programs)
<b>Indications of protection</b>	<ul style="list-style-type: none"> <li>• © = registered trade mark</li> <li>• ™ = trade mark</li> </ul> Use optional, misuse punishable by law	+pat+; pat. pend. (patent pending) Use optional, misuse punishable by law	mod. dep. Use optional, misuse punishable by law	©, "Copyright", "All rights reserved", "Tous droits réservés" or similar Use optional
<b>Application fees (CH)<sup>1</sup></b>	550 CHF	200 CHF (for the application), 500 CHF (optional search), 500 CHF (examination)	200 CHF (basic fee) including publication of one representation	None
<b>Renewal/maintenance fees (CH)<sup>1</sup></b>	700 CHF (10 years)	100 CHF for the 4 <sup>th</sup> year, after which the fee increases annually by 50 CHF (150 CHF for the 5 <sup>th</sup> year, etc.)	200 CHF (5 years)	None
<b>Unique to Switzerland</b>	Infringement of earlier IP rights not examined for (trade mark search recommended)	Novelty and inventive step not examined for (prior art search recommended)	<ul style="list-style-type: none"> <li>• Publication can be deferred for up to 30 months</li> <li>• Novelty not examined for</li> </ul>	Collecting societies: SUISA, SUISSIMAGE, ProLitteris, SSA, SWISSPERFORM

<sup>1</sup> Excludes any costs resulting from involving a specialist.

<sup>2</sup> Copyright law also regulates the related rights of the performing artists, producers of audio and audio-visual media and broadcasting organisations.