

Intellectual property rights at a glance

	Trade mark protection	Patent protection	Design protection	Copyright ¹
What is protected?	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)
How does it become protected?	Registration in the trade mark register	Granting of the patent	Registration in the design register	Automatically at the moment of creation
Minimum requirements	<ul style="list-style-type: none"> Does not infringe on others' rights Distinctive Not descriptive Is contrary to public order or public morality 	<ul style="list-style-type: none"> Novel Industrially applicable Inventive step Disclosure of invention 	<ul style="list-style-type: none"> Novel Overall impression must clearly differentiate from existing forms Is contrary to public order or public morality 	Literary and artistic creations of the mind that possess individual character (photographs are protected regardless of whether they have individual character)
No protection for	<ul style="list-style-type: none"> Simple signs Specific designations Laudatory indications Misleading signs Coats of arms and other protected signs Etc. 	<ul style="list-style-type: none"> Animal breeds, plant varieties Diagnostic, therapeutic or surgical procedures on humans or animals Use in keeping with public order or public morality Certain biotechnological inventions 	<ul style="list-style-type: none"> Purely technical functions Ideas and concepts Anything that violates federal law (e.g. protection of coats of arms) and treaties 	<ul style="list-style-type: none"> Content (ideas and concepts) Laws and official decrees Decisions by authorities Means of payment Patent documents
What are the exceptions?	When not used as a trade mark	Private use, research and teaching		Private use, citations, back-up copies and reporting of current events
Scope of protection	Defined by the sign and the goods and services classes	Defined in the patent claims	Defined by the representation	Defined by the specific work; plus performance, fixation and broadcast
Period of protection	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); 50 years from the taking of a photograph without individual character; 70 years from the performance/publication of a phonogram or audio-visual fixation; 50 years from the transmission of a broadcast.
Indications of protection	<ul style="list-style-type: none"> ® = registered trade mark ™ = trade mark 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
Application fees (CH)	CHF 550	CHF 200 (for the application) CHF 500 (optional search) CHF 500 (examination)	CHF 200 (basic fee) including publication of one representation	None
Renewal fees (CH)	CHF 700 (10 years)	CHF 100 for the 4 th year, after which the fee increases annually up to CHF 960 for the 20 th year	CHF 200 (5 years)	None
Unique to Switzerland	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"> Publication can be deferred for up to 30 months Novelty not examined for 	Collecting societies: SUISA, SUISSIMAGE, ProLitteris, SSA, SWISSPERFORM

¹ Copyright law also regulates the related rights of performing artists, producers of audio and audio-visual media, and broadcasting organisations.