



Press release

Date: 11 May 2011

Entry into force of the Patent Attorney Act and opening of the Federal Patent Court

The Federal Council resolved today to bring the Patent Attorney Act and the Patent Attorney Ordinance into force as of 1 July 2011. With this, the professional title of patent attorney will be protected in Switzerland. The Federal Council further resolved to bring the Federal Patent Court Act fully into force as of 1 January 2012. The new Federal Patent Court will take up its duties at the beginning of 2012 and as a national special court, will contribute to a qualitatively high case-law and thus legal certainty.

The Patent Attorney Act of 20 March 2009 regulates the use of the professional title of "patent attorney" for the first time in Switzerland. Whoever wishes to use this title in future must possess the required professional qualifications, i.e. must have passed the patent attorney exam and hold a university degree in science or engineering as well as have professional experience. Before commencing practicing under this title, a patent attorney must prove that they possess the required professional qualifications in order to be entered into a new patent attorney register. The register is maintained by the Swiss Federal Institute of Intellectual Property. The new Federal Patent Attorney Examination is administered by an examination board comprised of the three Swiss patent attorney associations. For those patent attorneys already practicing under the title, special transitional regulations will apply during the following two years.

Innovative businesses are dependent on professional and competent advice regarding patent protection and its enforcement. Inappropriate advice can have serious and far-reaching negative consequences for the recipient. The new act ensures that patent attorneys meet high professional standards. Furthermore, the new register makes it easier to find competent legal counsel. As such, the new Patent Attorney Act contributes to Switzerland's strength as a centre of innovation.

Opening of the Federal Patent Court on 1 January 2012

The Federal Patent Court Act of 20 March 2009 provides for the creation of a national special court that is competent for patent litigation in the first instance, instead of the 26 cantonal courts currently responsible. The new Federal Patent Court is comprised of judges with both a legal and technical education. This reflects the nature of patent law, which is at the intersection of law and technology. The new Federal Patent Court has the necessary specialist knowledge and as a first instance court of the Federal Supreme Court, assures effective legal protection for inventions.

The Federal Council already brought the organisational and institutional provisions of the Federal Patent Court Act into force on 1 March 2010. This made it possible for the Federal Assembly to elect two of the permanent judges and 31 of the non-permanent judges on 16 June 2010. The court plenum is currently occupied with the necessary preparations for commencement of the court.

Beginning 1 January 2012, the Federal Patent Court will take over cases that are pending before the cantonal courts which fall under its jurisdiction, provided that, according to the referring court, the main hearing has not yet been carried out. The court will take up its activities in a provisional location in St. Gallen and will move to the Federal Administrative Court building in St. Gallen mid-2012.

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