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December 2023

Foreword



Catherine Chammartin, Director General

“Panta rhei – everything flows.”

As early as two and a half thousand years ago, the Greek philosopher Heraclitus formulated a principle that is still relevant today: everything is in motion; nothing stands still. Social and technical changes are turning many things upside down that we used to take for granted. At the same time, they’re opening up possibilities that we didn’t dare to dream of a few years ago.

The buzzwords ‘sustainable business’, ‘digital revolution’, ‘innovation-friendly framework conditions’ and ‘stable (effective) political systems’ all reflect the major challenges we face as a society, which we can only resolve if all stakeholders pull together.

Particularly in times like these, when nothing stands still and one forward leap – be it technological, political or social – follows the next in quick succession, our top priority is to shape the constant and complex developments in a forward-looking and solution-oriented manner.

We can look back on a business year in which the IPI continuously improved the quality of its services to benefit its clients and partners. For example, we expanded and simplified our online services, making them more user-friendly (p. 17/30). We also made considerable progress in our efforts to further reduce the duration of examination procedures for all IP rights. We’ll continue to follow these aims systematically in future.

Furthermore, we had to adapt the framework conditions of the political dossiers that the IPI manages to meet changing needs. By revising the Patents Act (p. 38), we’re modernising the Swiss patent system and creating a fully-fledged alternative to the European patent. For small and medium-sized enterprises in particular, the revision provides more legal certainty – 99 out of 100 companies in Switzerland are SMEs. In our amendments to copyright law (related right for the media, p. 38) and in the dossier on customs assistance (p. 39), we are ensuring that intellectual property protection will continue to fulfil its purpose in future, namely to create value from ideas.

At the international level, the IPI maintained and intensified its dialogue on the subject of IP with various countries. The main focus of this dialogue is on knowledge transfer and legal development. At the institutional level, the IPI also lived up to its role as a reliable and active partner (WIPO, WTO, p. 4/39). And last but not least, one of our aims in the reporting year was to monitor meta topics such as AI, blockchain technology and sustainability from the very beginning and to take action where it makes sense to do so, bearing in mind our clients and their needs.

As our esteemed readers can see, everything’s in flux. Or to return to another Heraclitean saying: “No man ever steps in the same river twice.” But one thing remains the same: as a centre of competence for intellectual property, the IPI continues to see itself as a champion of Switzerland as a key hub for innovation, and it advocates a customer-friendly approach to intellectual property.

An Overview of the Year at the IPI



July 2022

Singapore-Switzerland Memorandum of Understanding

IPI Director General Catherine Chammartin and her counterpart from the Intellectual Property Office of Singapore (IPOS), Rena Lee, signed a Memorandum of Understanding in July. It forms the basis for even closer cooperation between Switzerland and Singapore on intellectual property. The aim is to improve intellectual property protection in both countries and make it more efficient thanks to regular meetings of experts and an exchange of information and experience. As an attractive business location and competitive hub for innovative companies in South East Asia, Singapore is an important destination for investment, especially in the high-tech and pharmaceutical sectors, and is therefore a priority partner for the IPI.



July 2022

Start of the Georgia project

On 1 July 2022, the Sustainable Development and International Cooperation (NEIK) team launched a new project with Georgia. Prior discussions with various Georgian institutions revealed that the economy's intellectual property needs were focused on geographical indications (GIs). It was therefore decided that the project objectives would be to help develop the legal framework, boost administrative capacity and train selected producers on how to implement the GI management system in Georgia. The State Secretariat for Economic Affairs (SECO) is financing the project with a budget of around 596,000 Swiss francs over a period of three years. The project agreement was signed in Georgia in June 2023 during the IPI team's mission there.



5 July 2022

WIPO Director General visited the IPI

Daren Tang, the new Director General of WIPO in Geneva, and other WIPO representatives visited the IPI on 5 July. The aim of the meeting was to exchange ideas with Catherine Chammartin, Director General of the IPI; Felix Addor, Deputy Director

General of the IPI; Johannes Matyassy, Deputy State Secretary at the FDFA; and ambassadors Frank Grütter and Jürg Lauber. In a video interview with the IPI, Daren Tang emphasised Switzerland's close relationship with intellectual property. He commented that the country has an innovative and exemplary economic system.



1 September 2022

Start of the tenth course for Swiss IP specialists and patent attorneys

The tenth preparatory course for Swiss IP specialists and patent attor-

neys began in early September 2022.

The participants on this course, which was held in collaboration with the Association of Patent Attorneys in Swiss Industry, the Association of Swiss and European Patent Attorneys

in Private Practice and the Association of Swiss Patent and Trademark Attorneys, gained comprehensive insights into intellectual property. Through practical case studies and discussions, they acquired a deep understanding of the strategic importance of protecting innovations for companies. They also became familiar with the necessary steps to successfully apply for and defend patents and other IP rights.

22 September 2022

More transparency in the area of patent rights in plant breeding

Breeding new plant varieties, for example to guarantee the food supply, is essential. However, it is currently almost impossible for breeders and researchers to know whether they are infringing a patent when using seeds. This is because seeds themselves cannot be patented, but certain characteristics of seeds can be, for example resistance to rot. A motion submitted by the Science, Education and Culture Committee of the Council of States (SECC-S) therefore called for more transparency in the area of patents in plant breeding. Parliament adopted it on 22 September 2022. The Federal Council was thus tasked with amending the bases of patent law and, if necessary, plant variety protection law. The IPI began examining solutions in discussions with interested parties.



3 and 4 November 2022

First ever participation in Switzerland's largest start-up event

Startup Nights in Winterthur is the biggest event for start-ups in Switzerland. This is where people meet up to inspire each other, network, share experiences and make headway. Carefully considered protection for innovations and creations is central for newly founded companies, which is reason enough for the IPI

to support this event. So it set up an information stand at the seventh edition on 3 and 4 November. Its experts answered numerous and sometimes very specific questions on trade marks, patents and designs. Patent expert Christian Moser held a workshop in which he taught visitors the basics of IP and showed them what start-ups should bear in mind in connection with their own intellectual property and that of others.



12 July 2022

Can I patent my invention? Highly qualified patent experts like Roberto Ortuso conduct complex and extensive research when examining whether an invention fulfils the patentability criteria.

November 2022

Compromise reached on COVID-19 vaccines

In the TRIPS Council debate about therapeutics and diagnostics, Switzerland successfully helped forge a compromise between the parties by means of a written submission in November 2022. Prior to the submission, the 12th WTO Ministerial Conference in Geneva took place in June 2022, which discussed the production and export of COVID-19 vaccines. Instead of the broad suspension of the TRIPS Agreement during the COVID-19 pandemic that was originally called for, it was decided that developing countries should be able to waive patent protection more easily in the event of an actual need. As part of the Swiss delegation, the IPI actively campaigned for this reasonable compromise. It showed that IP is not a barrier to access, but part of the solution when it comes to providing new vaccines and medicines.



January 2023

Second phase of the Peru project initiated

At a seminar on GIs organised by the EUIPO in Peru, the IPI presented its SECO-financed cooperation projects in the region. The IPI supports its partner organisation INDECOPI, the Peruvian intellectual property office, by strengthening the private sector, among other things. In this

way, Peruvian SMEs and producers are empowered to register their products themselves and enforce their IP rights. In addition to a PAO system, Peru now also has a PGI system and a system of traditional specialties guaranteed (TSG), which also count as intellectual property in Peru. The next step is to provide support in the registration of pilot products in these two new systems.

31 January 2023

Start of the deliberations on the partial revision of the Patents Act

The Patents Act is to be adapted to international standards, and the Swiss patent system is to be made more attractive to SMEs and individual inventors, in particular. The bill for a partial revision of the Patents Act was submitted to Parliament for deliberation. The preliminary consultation committee of the first chamber (Council of States), the Science, Education and

Culture Committee (SECC-S), started its deliberations on the topic on 31 January 2023. To this end, it lis-

tened to experts from industry, business and ETH Zurich. The deliberations are to be continued in autumn 2023.



Review of the Year



February 2023

Commissioning of solar panels

The IPI committed itself to the use of renewable energies by signing the RUMBA agreement (Swiss confederation resource and environment management agreement). The commissioning of the solar plant on the roofs of the IPI building was an important milestone in this respect. The plant has an output of around 68,000 kWh, which can cover the IPI's electricity consumption for about one and a half months. If the southern flat roof has to be renovated at some point in the medium term, solar cells will be installed there too.

March 2023

A Serbian delegation visited the IPI

Why is Switzerland the long-standing world champion in innovation? When a Serbian delegation visited the IPI, discussions between the parties revolved around this key question. The delegates talked to experts from science, from the world of start-ups and from public authorities. The focus was on the role of intellectual property in the commercialisation of university research

results (technology transfer). The participants returned home brimming with inspiration and knowledge. The visit

was part of the Technopark Serbia 2 – IP Component project financed by SECO and carried out by the IPI.



March 2023

Moldova: intellectual property enshrined in an agreement

The IPI successfully concluded negotiations on the IP chapter of the free trade agreement between the EFTA countries and the Republic of Moldova. The IPI took the lead with respect to all contractual content relating to intel-

lectual property. The parties also agreed to recognise and protect their respective geographical indications, including their country names. This includes 'Swissness', which is essential for Switzerland. Federal Councillor Guy Parmelin travelled to Moldova to sign the agreement at the EFTA Ministerial Meeting on 27 June 2023.





24 August 2022

One of over 200 per year. Matthias Schmid, Deputy Human Resources Manager, interviews a job candidate. As a centre of competence for patents, trade marks, designs and copyright, the IPI relies on the expert knowledge of a variety of specialists.



6 March 2023
The case of Toblerone and the value of Swissness
The Toblerone manufacturer Mondelez was obliged to remove the Matterhorn from its packaging. The reason is that the chocolate is no longer produced exclusively in Switzerland so the product does not meet the criteria for a Swiss indication of source any more. The removal of the Matterhorn hit the headlines as far away as the United States. David Stärkle, Managing Director of Swissness Enforcement, talked to the New York Times, among other interested parties, about the importance of the ‘Swiss Made’ label and the enormous added value for the Swiss export industry. If the packaging makes ‘Swissness’ claims, then the product must be genuinely Swiss.

13 March 2023
Federal Supreme Court confirms the IPI’s practice for granting supplementary protection certificates
A supplementary protection certificate (SPC) can extend protection for an authorised medicinal or plant protection product for up to five years after

patent protection expiry, provided that the active ingredient is named in the patent claims. For example, the IPI does not grant an SPC for a single active ingredient if it is claimed in the basic patent only in a combination of active ingredients. The Federal Supreme Court fully confirmed this practice in its judgment of 13 March

2023 and summarised the correct interpretation of patent claims at the same time. The case started with an SPC application for the active ingredient safinamide. However, the claims in the basic patent related to the combination of safinamide with another active ingredient. The IPI therefore rejected the application.



21 March 2023
The new Federal Councillor visited the IPI
Elisabeth Baume-Schneider, the new Head of the Federal Department of Justice and Police, paid a first visit to

the IPI with her delegation. Their discussions with Catherine Chammartin and the IPI management team took place in a cooperative and constructive atmosphere, centring on how to jointly boost Switzerland’s innovative

strength in future. It was established that creative ideas, innovation-friendly framework conditions, openness and diversity are needed. Intellectual property protection plays an important role in this.



1 April 2023
Happy Birthday, Trade Mark Protection Act!
On 1 April 1993, the new Trade Mark Protection Act (TmPA) came into force in Switzerland. It was considered a quantum leap from a traditional to a more incisive law. There were numerous new provisions, but three deserve a special mention: the service mark and the 3D mark were launched, an opposition procedure was introduced and the protection period was reduced from 20 to 10 years.



26 April 2023
Greater efficiency sought in the fight against counterfeiting
Counterfeits ordered in Switzerland – from luxury watches to branded handbags – are to be easier to destroy in future, thanks to a new procedure. At its meeting on 26 April, the Federal Council submitted to Parliament the dispatch and draft of the Federal Act on the Introduction of a Simplified Procedure for Destroying Small Consignments in Intellectual Property Law. The IPI is to be responsible for all procedures for the destruction of counterfeit goods in small consignments in future. The Science, Education and Culture Committee of the National Council (SECC-N), a preliminary consultation committee, accepted the bill unanimously on 22 June. The National Council will deliberate on the matter in its autumn session in 2023.



May 2023
Switzerland chaired the Committee of Experts of the Nice Union

On 1–5 May 2023, the annual meeting of the Committee of Experts of the Nice Union took place in Geneva. It focused on the classifica-

tion of goods and services related to virtual environments (metaverse, NFTs, virtual goods). As usual, the agenda also included numerous proposals to include, amend or delete terms in the alphabetical list and change various explanatory notes. The 12th edition (version 2024) of the Nice Classification comes into force on 1 January 2024.



5 September 2022

The Certificate of Advanced Studies (CAS) course in IP Law is jointly offered by the ZHAW and the IPI. The course participants learn about the theory and practice of intellectual property law. The CAS is one of many training courses offered by the IPI.

May 2023
New STOP PIRACY campaign

“Counterfeits cause harm. Even to you.” The STOP PIRACY association launched an online campaign under this slogan to inform consumers about the risks and dangers of counterfeits. The campaign published video and image ads that imitate the advertising for well-known products, thereby mercilessly exposing the potential health and safety risks of fakes in a humorous and also extremely serious manner. The IPI is a founding member of STOP PIRACY and is involved in combating counterfeiting and piracy both at home and within the framework of international organisations.



25 May 2023
Startup Days 2023

At the third Startup Days in Bern’s Kursaal, the IPI once again had a strong presence. It staged a joint information session with Victorinox, STOP PIRACY and Swissness Enforcement, during which visitors learned how the world-famous producer of pocket knives,

bags and watches deals with counterfeiting. Additionally, the IPI ran a well-attended stand, where its in-house experts answered a full range of questions about trade mark protection, patents and designs. The event is always a good opportunity to hear about start-ups’ needs at first hand.



June 2023
Planning of an IP cooperation project with the Republic of Moldova

In June, Alexandra Nightingale and Olga Allemann visited the landlocked country of Moldova on an official

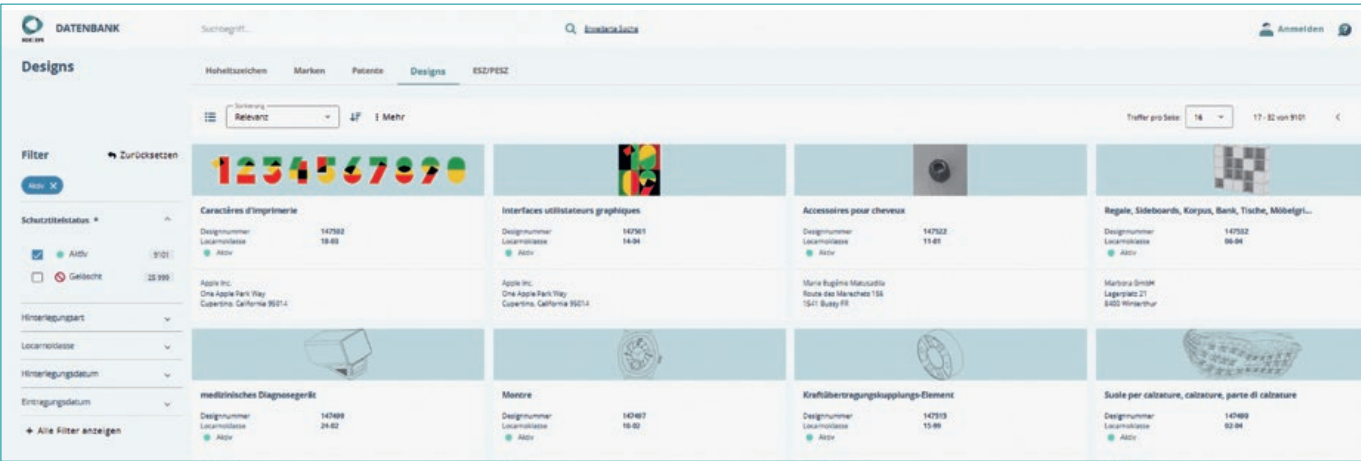
mission. The poorest country in Europe is in the process of harmonising its legislation with the EU’s. Its strategic goal is to join the EU. On behalf of SECO, the IPI is developing a project proposal to support the country, especially in strengthening traditional products

(Moldova has a strong agricultural sector with a long tradition of wine-growing), as well as in promoting new sectors, such as the IT industry. The project also includes the topics of IP commercialisation and IP and innovation.



June 2023
New Communications structure

In today’s fast-paced and highly interconnected world, organisations face the challenge of staying visible amidst the constant flood of information and of providing their customers and stakeholders with the information that is relevant to them. Against this backdrop, corporate newsrooms have developed. They are dynamic, strategic hubs for effective communication, enabling organisations to communicate essential information and tell compelling stories to their target audiences. In June 2023, the IPI newsroom, known as the ‘IPI content room’, became operational.



June 2023
New online services for easy management of IP rights

The IPI’s digital services took a quantum leap forward in June. The widely used online services for trade marks are now also available for patents,

designs and supplementary protection certificates (SPCs). In the new databases (database.ipi.ch), interested parties can search for IP rights registered in Switzerland more easily than ever before. Additionally, clients can now receive communications from the IPI

for all IP procedures electronically instead of by post and request register changes quickly and easily online. Moreover, clients who have a current account with the IPI can pay fees online.

13 September 2022

The Contact Centre welcomes and informs private individuals and organisations about IP rights in various ways. Brice de Montmollin, Contact Centre staff member, in conversation with a customer.



An Interview with Alban Fischer

“We contribute to Switzerland’s role as a country of innovation.”

Hardly anyone knows the Swiss patent system better than this man. Physicist Alban Fischer led the IPI’s Patent Division for nearly 20 years. A conversation about customer service, the Assisted Patent Search, relations with the European Patent Office in Munich, and the proposed fully examined Swiss patent.

What does the number 9,008 mean to you, Mr Fischer?

Alban Fischer: If I’m not mistaken, it’s the number of patent applications from Switzerland filed with the European Patent Office (EPO) in Munich last year.

By contrast, the IPI in Bern received 1,473 applications. Have you not been doing a good job?

(Laughs) These figures need to be looked at in a historical context. Almost exactly 50 years ago, ten countries, including Switzerland, introduced the European patent. It enables centralised filing and examination and can potentially be effective in all contracting states. The offer was primarily targeted at companies with an international focus who practised professional IP management. At the time, it led to a sharp decline in national applications in all participating countries, not just in Switzerland.

Let’s stay with the EPO. The IPI charges companies based in Switzerland the fees for their European patents. Half of the money goes to Munich and the other half stays at the IPI. What are these funds used for?

Fees for European patents actually make up more than one third of the IPI’s gross revenue. Additionally – and this can’t be repeated often enough – the IPI hasn’t received any money from the Swiss government since 2006, even

though it still plays the role of a federal office. My colleagues in the Legal & International Affairs Division prepare dispatches for the Federal Council, write laws and ordinances, and evaluate consultations.

There are currently 60 staff members in the Patent Division. What tasks do they carry out?

Firstly, they conduct our sovereign activities: the patent experts check the correctness of incoming patent applications; for example, they determine whether the patent specification effectively describes a technical invention as defined by law. Secondly, we maintain the national Patent Register on a highly secure data server here at the IPI, and thirdly, by providing training and consultancy services, we act as a gateway to the world of IP, particularly for small and medium-sized enterprises (SMEs), inventors, engineers and scientists.

So that leaves the non-sovereign activities...

Those are our commercial search services for professional patent users. The customers in this case are large Swiss and international companies as well as patent attorneys.

An Interview with...

The IPI’s current strategy in general and that of the Patent Division in particular is based on the Federal Act on the Status and Tasks of the IPI of 1996. It was two years after that when you took up your first position as a patent examiner. How did you find it at the start?

The IPI – which was formerly known as the Federal Office of Intellectual Property – was the first federal office to be granted organisational and financial independence under the new public management approach. There was an incredible sense of optimism. A customer-based approach was set to replace the bureaucratic mentality. The IPI therefore needed new staff. I was part of the first wave of new recruits.

So you responded to an IPI job advertisement?

I was working in environmental consultancy and had been browsing the job market for quite a while.

What did you know about intellectual property back then?

Nothing! I remember when I was writing my dissertation at the Department of Physics at Fribourg University, I never even thought of using international patent databases as a source. I simply had no idea that patent literature contained an enormous treasure trove of scientific and engineering know-how.

That was about to change. You soon became a pioneer in patent searches at the IPI.

At the time, the IPI was operating a public library with a reading room where you could view patent specifications. Our patent experts were also conducting online searches for customers, but without explanatory reports. We could all see that there was untapped potential. We looked for ways to make the technical knowledge in patent literature more readily available, and I was also tasked with evaluating the existing ideas.

What proposal did you come up with?

As well as helping people to formulate search queries, we were particularly interested in increasing the meaningfulness of the results. Thanks to their many years of experience, our experts can very quickly identify where the technical and economic relevance of certain patent data lies. We wanted to share this know-how with our customers. We launched the new service in 2003.

What was the response like from Swiss inventors, scientists and companies?

Positive across the board. However, the prices did not cover costs at the start. We therefore faced a classical business management problem, which I was entrusted with solving as the Head of the Patent Division in 2004.

How did you approach it?

We identified two customer groups and targeted our services at those markets. We maintain a strict separation between our purely commercial services for large corporate customers and our assisted patent search services for inventors, scientists, Swiss SMEs and start-ups. The commercial services, which have been running under the name ip-search for a number of years, are exclusively geared towards customers’ needs and must be self-supporting. The Assisted Patent Search, however, is a standard service which fulfils our legal mandate to provide information and ultimately aims to foster innovation. For half a day, customers can learn about the patent system from one of our experts and examine the areas of patent literature that interest them.

Your employees conducted more than 800 assisted searches in the 2022/23 business year. In addition, your ip-search services generated revenue of 4.2 million Swiss francs. Happy with these results?

Partially. The Assisted Patent Search is a successful model, which is being copied in many countries. We did, however, experience a drop in revenue from commercial services in the 2022/23 business year. This can be largely explained by the strength of the Swiss franc and the economic uncertainty. Our market position is stable: we are the benchmark for patent searches, in Europe at least. When IP conflicts are taken to court, many large companies and corporations rely on our expertise.

Back to Switzerland: Parliament is currently debating the Hefti motion in favour of a modern Swiss patent. If it's passed, the IPI will examine patents for novelty and inventive step in future. What are the key arguments for and against this?

The quality of the Patent Register and the increase in legal certainty for applicants and third parties are arguments in favour of examining novelty. Because of the current Patents Act, we are adding patents to the register that would offer hardly any protection in the event of a legal dispute. On the other hand, examination of novelty would mean an increased workload. I estimate that we would need about ten new examiners.

To wrap up, let's take a look back: in your opinion, what has been the Patent Division's most important achievement in the last 20 years?

We successfully supported and maybe even to some extent promoted the progressive transformation of the Swiss economy into a knowledge and know-how-based economy.

In what way?

Switzerland has been the global leader in innovation for more than ten years. It has an extremely competitive innovation ecosystem consisting of research-oriented large companies, innovation-driven SMEs, higher education institutions, start-ups, venture capitalists, and state support of knowledge and technology transfer. With our search and information services, we can make a small but important contribution to this success.



Alban Fischer, former Head of the Patent Division

Profile

Alban Fischer studied physics at ETH Zurich. After four years as a research assistant at the University of Fribourg, he entered the world of business and worked for five years at an engineering firm specialised in environmental consultancy and process technology. He joined the IPI in 1998, where he was a patent examiner and search expert for four years. In 2002, he was appointed Head of Customers and Products and started an Executive MBA at the University of Zurich. Alban Fischer was in charge of the Patent Division for 19 years. He retired on 1 July 2023. The 63-year-old lives in Lucerne.



23 November 2022

Christian Moser spoke about consistency at the Swiss Innovation Forum in Basel, referring to the importance of a fully thought-out IP strategy that guides the entire innovation process from idea development through to market launch.

Protecting your IP

Patents, Trade Marks, Designs and Copyright

As a centre of competence for patents, trade marks, designs and copyright, the IPI is the first point of contact for individuals and organisations looking to protect the knowledge behind their innovations from an early stage. Having a well-functioning system of intellectual property protection increases Switzerland’s attractiveness as a business location. The innovation- and export-oriented Swiss economy relies on appropriate and enforceable protection of intellectual property.

Patents

In the reporting year, 1,473 national patent applications were filed with the IPI, which corresponds to a decrease of 6.1% (1,569 national applications in 2021) and is below the long-term trend. By contrast, patent applications to the European Patent Office (EPO) from Switzerland rose continually. Following 8,442 applications in the calendar year 2021, the EPO recorded 9,008 applications from Switzerland in the calendar year 2022, representing a 5.9% year-on-year increase. Intellectual property experts agree that this is due to the ever closer interconnections between the Swiss economy and the rest of the world.

Fees from applications and renewals of national patents picked up by a modest 0.3%. However, the fees received by the IPI for Swiss patents at the European Patent Office in Munich declined slightly. This is due to the staff at the EPO in Munich working off pending cases. In the years 2018 to 2022, an above-average number of patents were examined and entered in the register at the EPO. This led to an increase in fee income, which is now coming to an end.

The IPI’s decisions can be challenged in court. In the reporting year, the Federal Supreme Court confirmed the IPI’s approach to supplementary protection certificates for medicinal products.

The cross-divisional unit Training & Sponsoring was attached to the Patent Division in 2021. The IPI has supported a number of events and programmes for many years, such as SEF.Growth – the growth initiative of the Swiss Economic Forum (SEF) – Startup Days, the Swiss Innovation Forum (SIF) and the non-profit organisation Young Enterprise Switzerland (YES), which teaches school-children about entrepreneurship and innovation. The IPI now also sponsors the event Startup Nights, which takes place every November in Winterthur’s Eulachhalle.

The IPI’s in-person training activities largely came to a halt during the corona pandemic. As a result, the training team started developing a parallel online offering in 2020. This includes a digital introductory course for newcomers to IP, in particular for members of academic institutions. In the reporting year, interactive elements were added to the crash course. It was then relaunched in its new form at the beginning of July 2023.

Trade marks

The number of trade mark applications filed with the IPI continued to decrease during the reporting year by approximately 8% (16,266). There were 20% fewer applications compared with the exceptional year of 2020/21 and 5% fewer than the average for the three years prior to the pandemic.

Inflation and the war in Ukraine are possible reasons for the decline in applications. The percentage of applications for accelerated examination (conducted within one month against payment of an additional fee) remained stable.

Applications for international protection of Swiss trade marks went up slightly compared with the 2021/22 business year.

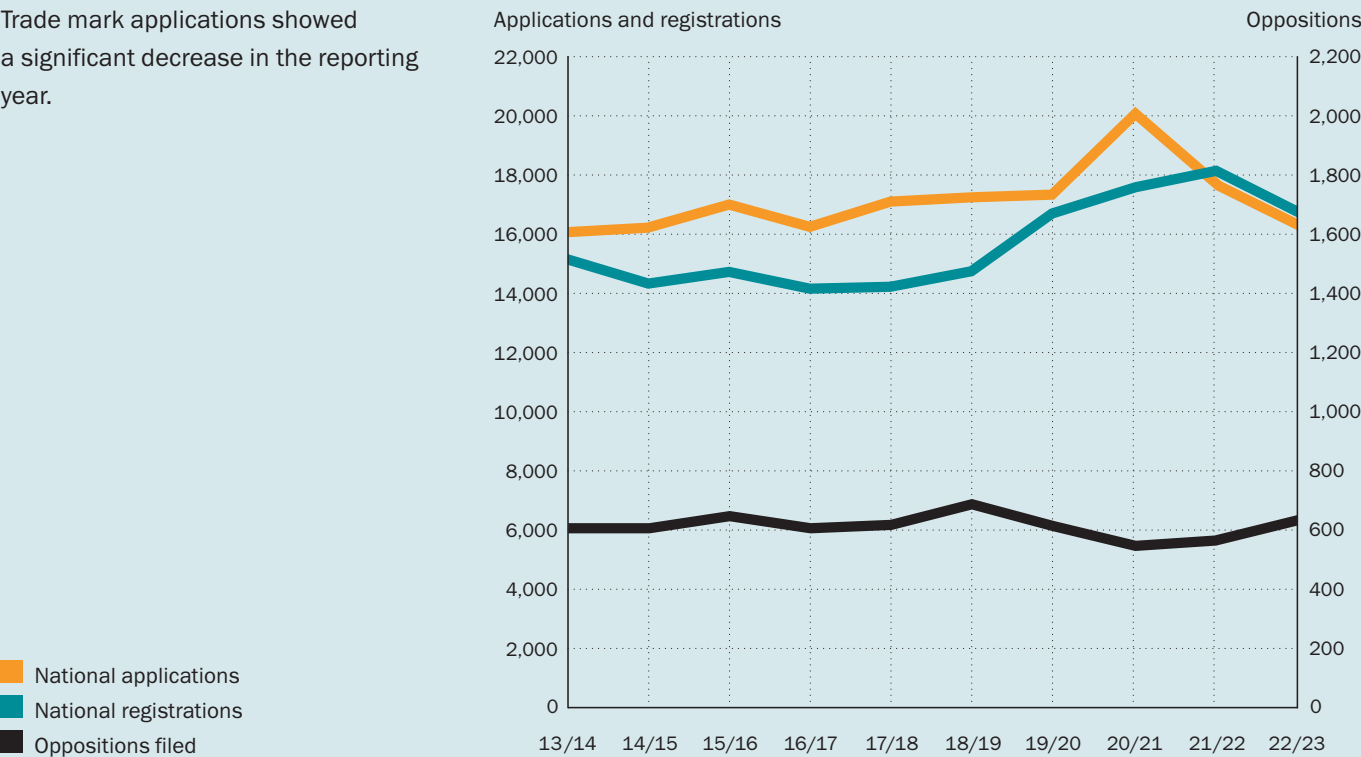
International trade mark registrations for which protection was extended to Switzerland fell marginally (18,038), but settled at a significantly higher level than before the pandemic.

Cancellation proceedings remained stable during the reporting year but opposition proceedings increased by 19%.

Around 65% of applications for registration were examined according to the regular procedure. The time required to register a trade mark or communicate the grounds for refusal was reduced to 12 weeks. Approximately 10% of applications were examined under the accelerated procedure (within a maximum of one month), while 25% of applications were approved within six days after early examination.

Trade Mark Trends

Trade mark applications showed a significant decrease in the reporting year.





1 January 2023

The second phase of the SECO-financed Peru project was launched at the start of 2023. Knowledge transfer in the various areas of intellectual property strengthens the competitiveness of Peru's agricultural products, including the regional, sustainable salt from Maras salt mines, which are being supported as part of the cooperation project.

Financial Year

Trade Marks

National

Trade mark applications	16,266	17,746	−8.3	20,018	17,310	17,231
– expedited service	1,591	1,707	−6.8	1,799	1,496	1,461
– e-filings	15,790	17,291	−8.7	19,451	16,789	16,663
Registrations	16,195	17,527	−7.6	16,981	16,017	14,763
Pending applications	5,587 ¹	7,397	−24.5	9,421	8,621	9,106
Renewals	13,355	11,849	12.7	11,961	11,699	10,914

Oppositions

New cases	678	569	19.2	549	607	684
Closed cases	613	602	1.8	628	699	664
Pending cases	604 ¹	551	9.6	584	667	757

International

International registrations designating Switzerland	18,038 ²	19,358	−6.8	16,150	16,604	16,840
Renewals	15,066 ²	14,273	5.6	14,329	13,513	13,652

Patents

National patent applications and patents

Patent applications submitted	1,473	1,569	−6.1	1,628	1,666	1,658
– Swiss origin	1,223	1,282	−4.6	1,336	1,382	1,285
– foreign origin	264	287	−8.0	292	284	373
Patents granted	747	781	−4.4	745	651	615
Processed patent applications	1,602 ⁴	1,779	−3.0	2,244	1,983	2,048
Pending patent applications	4,748 ¹	4,948	−4.7	5,229	5,761	5,969
Patents in force	5,911 ¹	6,631	−10.8	6,727	6,904	7,127

European patent applications and patents

Submitted to the IPI and forwarded to the EPO	4	33	−87.9	8	32	30
European patents granted designating Switzerland and Liechtenstein ³	81,697	94,515	−13.5	122,418	135,473	136,472
European patents paid designating Switzerland and Liechtenstein	145,890 ¹	141,278	2.9	136,115	127,443	121,695

International patent applications (PCT)

Applications submitted to the IPI and forwarded to WIPO	54	29	86.2	35	50	59
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Designs

Number of filings	637	657	−3.0	795	631	671
– number of objects	2,451	2,378	3.1	3,200	2,398	2,687
Number of second term renewals	419	552	−24.1	491	518	408
Number of third term renewals	332	338	−1.8	327	303	333
Number of fourth term renewals	239	310	−22.9	227	240	218
Number of fifth term renewals	112	93	20.4	58	74	84
Cancellations	781	812	−3.8	855	787	822
Designs in force	9,313 ¹	9,446	−1.4	9,284	9,346	9,500

Changes in the methodology of data collection possible.

¹ Figures as of 30.06.2023 ² Sources: EPO, WIPO; figures as of 08.08.2023 ³ Sources: EPO, WIPO ⁴ The 10.1% decrease in the number of patent applications processed compared with the previous year is largely due to a change in practice with regard to cancellations following refusals.

During the reporting year, the IPI made several changes to its practice regarding the examination of absolute grounds for refusal, largely due to case law. All of these changes were communicated via newsletter. In response to Federal Supreme Court judgment 4A_158/2022 – BUTTERFLY, the IPI changed its practice for the examination of indications relating to the shape or packaging of goods on 1 June 2023. The highest court ruled that a reference to the external appearance only belongs to the public domain if the motif is characteristic or typical of the goods concerned and is also not widely used for other goods. The IPI has adopted these criteria and is thus unlikely to reject signs in this respect in future.

The Committee of Experts of the Nice Union meets every spring in Geneva to decide on a large number of amendments, additions, reclassifications and deletions of terms used in the Nice Classification. This continuous adaptation of the Nice Classification is important because it allows companies to find suitable terms to describe their products when filing trade mark applications. This year’s session of the Committee of Experts was chaired by Switzerland, and it focused on the classification of goods and services used in or associated with virtual environments. Following extensive fundamental discussion and in-depth debate, the committee agreed that virtual goods belong to class nine due to their nature and the classification method, and that they must be described specifically in order to limit the scope of protection. To illustrate this principle, it was decided to add the example of ‘downloadable virtual clothing’ to the alphabetical list of the Nice Classification. Other goods and service terms were also added to the list to make it easier for companies to file their marks.

Geographical indications

The IPI received one application for the international registration of a Swiss geographical indication during the reporting period. This application was rejected on clear grounds. Three applications which were examined during the 2021/22 business year – TÊTE DE MOINE PAO (cheese), EMMENTALER PAO (cheese) and VALAIS/WALLIS AOC (wine) – are still pending at WIPO.

In addition, in the 2022/23 business year, WIPO notified the IPI of 121 geographical indications for which protection was being sought in Switzerland in accordance with the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. In accordance with the Geneva Act, the IPI has a year to check these details and to refuse protection based on an ex officio examination or an application by a third person for refusal of protection (opposition). The IPI publishes these geographical indications in the Federal Gazette to allow the three-month opposition period to run within this one-year period and also because WIPO does not have a regular organ of publication for the Lisbon System. The IPI published 69 of the foreign geographical indications in question in the Federal Gazette during the 2022/23 business year. The ex officio examination of these indications is under way.

Finally, 171 modification requests relating to foreign geographical indications were transmitted to the IPI by WIPO during the 2022/23 business year. These indications had already been granted protection under the Lisbon Agreement but were now to be protected under the Geneva Act as a result of the accession of the member state concerned. WIPO notifies the IPI of the amended legal basis with regard to such geographical indications. The modification requests received by the IPI during the 2022/23 business year have already been examined.

Designs

A total of 637 design rights were registered during the reporting year. This represents a slight decrease of 3% compared with 657 registrations in the previous year. Encouragingly, the number of designs included in applications went up from 2,378 (2021/22) to 2,451 in the 2022/23 business year, which is an increase of 3%. Almost four designs were filed per application on average. The examination period for design applications remains very short at a maximum of five working days. The number of international registrations claiming protection in Switzerland stood at 1,971 in 2022, up slightly from 1,835 in the previous year. This corresponds to a rise of more than 7%.

Harmonisation and partial revision of guidelines as of 1 July 2023

Two years ago, the IPI initiated a project to draft new guidelines. The aim was to harmonise the registration and register maintenance procedures as much as possible for trade marks, designs and patents.

Up until recently, there were only comprehensive and up-to-date guidelines for trade marks. For patents, there were only guidelines on the substantive examination of national applications, and there were no design guidelines.

The ‘General’, ‘Registration/grant procedure’ and ‘Register maintenance’ sections were harmonised for trade marks, patents and designs and submitted to stakeholders for consultation. The numerous responses and comments received were evaluated, and many of the suggestions were implemented by the IPI.

The IPI also partially revised its Trade Mark Guidelines (‘International trade mark registration’, ‘Substantive trade mark examination’, ‘Opposition proceedings’ and ‘Cancellation proceedings due to non-use’). The objective was to take into account the latest changes in practice, as well as developments in the case law of the Federal Administrative Court and the Federal Supreme Court.

Lastly, the IPI updated its guidelines on the substantive examination of national patent applications. Information relating to processes and organisation was generally removed from the guidelines. The same applies for the formal instructions, most of which have been integrated into the harmonised guidelines.

Certain phrases were adapted for the sake of clarity, without changing the content. The latest Swiss court judgments were also added to Chapter 13 on supplementary protection certificates.

All new guidelines came into force on 1 July 2023. The current guidelines for all IP rights have been available on the IPI’s website since that date, increasing the legal certainty and the predictability of the IPI’s decisions.

Digitalisation

Two milestones were reached during the reporting year in regard to digitalisation. The remaining IP rights administration processes were digitalised and migrated to the electronic administration system. New databases and digital services were also launched for all IP rights with the aim of simplifying rights management and fee payments for customers.

The process for creating patent documents was digitalised and largely automated by March 2023. At the same time, the further processing and re-establishment of rights procedures were fully digitalised, and further processing is now automated for clear cases that only require the payment of a fee. All IP rights administration processes have thus been digitalised, and the old technological system can now be replaced.

Following a beta phase, the existing eGov services, namely databases, online register changes and electronic delivery, were expanded in June 2023 to include the remaining IP rights (patents, supplementary protection certificates (SPCs), paediatric supplementary protection certificates and designs). A new online service was also introduced for submitting current account debit orders. This allows holders of a current account with the IPI to quickly and easily initiate the payment of fees. Simple requests are automatically processed, usually on the same day.

In the upcoming business year (2023/24), the focus in eGov will be on migrating the organ of publication to the new databases and permitting data submission for all IP rights. The goal is to gradually incorporate new digital solutions into the eGov services to benefit our customers.

From an organisational point of view, the centralisation of the application and register maintenance procedures in the newly created Applications & Registers Unit was consolidated.

Monitoring Office for Technological Measures

Holders of copyright and related rights may use technological measures such as access control and copy barriers to control the use of their works and other protected subject matter. The Monitoring Office for Technological Measures (OTM) is the specialist authority of the federal government that determines the effects of such measures on legal uses of copyright-protected content. It is affiliated to the IPI.

In the reporting year, the OTM did not receive any reports regarding technological measures. It therefore focused primarily on examining the situation regarding geo-blocking. In its report of 2020, the OTM concluded that consumers are affected by ‘private geo-blocking’ when they travel abroad. This means that when they are abroad, they cannot access all the film or TV subscription services that they are subscribed to. The reasons for using geo-blocking are manifold, for example to help finance films. It is generally not considered as misuse. Moreover, providers of audio-visual online content often make regionally adapted content available abroad. The Federal Council has mandated the OTM to inform it of any developments in this area by the end of 2023. To fulfil this mandate, the OTM contacted various affected groups during the reporting year, sending them questionnaires on the topic. It is now evaluating the responses it received.

6 March 2023

At an event by the University of Zurich on the topic of IP, Managing Director of Swissness Enforcement David Stärkle gave a talk on the significance of 'Made in Switzerland'. In spring, the IPI also provided media around the world with information in connection with the Toblerone case.



Overview of the Swiss Collective Rights Management Organisations

	Year founded	Repertoire	Members	No. of members including principals
SUISA	1923	Non-theatrical musical works	Composers, writers and music publishers	41,263
SUISSIMAGE	1981	Audio-visual works	Script writers, directors, producers and other rights holders of the film industry	4,309
PROLITTERIS	1974	Literary and dramatic works as well as visual works of art	Writers, journalists, visual artists, photographers, graphic artists, book, newspaper and periodical publishers as well as art publishers	>15,500
SSA	1986	Spoken, dramatico-musical, choreographic, audio-visual as well as multimedia works	Dramatists, composers, script writers and directors	3,808
SWISSPERFORM	1993	Related rights	Practising artists, producers of sound carriers and audio-visual carriers as well as broadcasting companies	23,304

Gross income from the management of rights (in Switzerland and abroad) in millions of CHF

	2022	2021	2020
SUISA	157.5	139.0	138.5
SUISSIMAGE	83.5	82.6	77.7
PROLITTERIS	36.5	36.0	35.2
SSA	29.0	20.8	23.9
SWISSPERFORM	61.2	62.3	59.2

Supervision of the collective rights management organisations

Together with the Federal Arbitration Commission for the Exploitation of Copyrights and Related Rights, the IPI supervises the five Swiss collective rights management organisations (CMOs) – Suisa, Swissperform, ProLitteris, SSA and Swissimage. The CMOs collectively administrate the rights of composers, singers, authors, film-makers and producers, in particular where it is not possible for the individual rights owners to manage their own copyright or if it would be impractical for them to do so (e.g. for the playing of background music). The CMOs are required to conduct their business in accordance with the principles of sound, commercially viable administration. The IPI's supervisory duties involve, in particular, dealing with claims, checking and approving changes to the distribution regulations, and examining the CMOs' annual reports.

In turn, the IPI is subject to supervision by the Swiss Federal Audit Office (SFAO). The SFAO supervised the IPI for the second time during the reporting year. It concluded that the IPI had supervised the CMOs well and did not find any errors. However, the SFAO did issue some recommendations. For example, it recommended commissioning external specialists to audit the annual reports. The recommendations of the SFAO were analysed during the reporting year and will be implemented in the next year.

The question of the extent to which the IPI's powers to supervise the business management of the CMOs also includes the authority to object to other rights violations, such as breaches of data protection law or competition law, remains unresolved. The complaint filed by a CMO in the last reporting year is still pending before the Federal Administrative Court.



21 March 2023

Elisabeth Baume-Schneider, the newly elected Head of the Federal Department of Justice and Police, visited the IPI. In addition to the political dossiers, the IPI's most famous employee, Albert Einstein, also caught the Federal Councillor's attention.

Everything from Patent Applications to Customs Assistance

The IPI carries out numerous tasks in very different areas. These include legislation, international trade relations and cooperation, sustainability, indications of source and economics, to name just a few. In doing so, it always focuses on safeguarding the interests of IP rights users and on further developing the intellectual property system in a comprehensive, user-oriented manner.

Related right for the media

The Federal Council opened the consultation on the amendment to the Copyright Act (CopA) on 24 May 2023. It will continue until 15 September 2023. The Federal Council is proposing that large online service providers should be required to remunerate media companies for the use of extracts from newspaper articles ('snippets'). Only online service providers with an average annual number of users amounting to at least 10% of the Swiss population would be obliged to pay remuneration. In particular, small and regional media companies would benefit from the regulation, as would journalists. Alongside the bill, stakeholders were also asked a number of questions about the impact of artificial intelligence on artistic creation, so that any need for regulation could be identified in good time. The Federal Council plans to decide on the results of the consultation and the next steps in the first half of 2024.

Parliament begins its deliberations on the modernisation of the Swiss patent system (Hefti motion)

On 16 November 2022, the Federal Council transferred the IPI's draft revision of the Patents Act to Parliament together with the corresponding dispatch. The preliminary consultation committee of the first chamber (Council of States), the Science, Education and Culture Committee (SECC-S),

started its deliberations on the topic on 31 January 2023 and initially heard the views of industry and academia. Its deliberations were set to continue in the autumn of 2023. As soon as the committee has approved the introduction of the bill and deliberated on it, the matter will be passed to the Council of States.

More transparency desired in plant breeding

On 22 September 2022, Parliament asked the Federal Council to amend the foundations of patent law to improve the transparency of patent rights in the area of plant breeding. Councillor of States Maya Graf had previously withdrawn her more extensive motion on the topic of intellectual property rights in this area. The IPI is now holding talks with all stakeholders so that it can propose solutions to the Federal Council that are as practical as possible. In parallel to this, the IPI is working with all interested parties on non-legislative measures to disseminate information about patent law and patents in agriculture.

Fake products are to be easier to destroy in future

At its meeting on 26 April 2023, the Federal Council submitted the dispatch and draft of the Federal Act on the Introduction of a Simplified Procedure for Destroying Small Consignments in Intellectual Property Law to Parliament. When rights holders apply for customs assistance in

future, they will be able to ask for goods to be destroyed under either the current or the simplified procedure. The latter will allow counterfeits in small consignments to be destroyed more simply if the person who ordered the goods does not object to their destruction. The IPI is to be responsible for both procedures for small consignments. The Federal Office for Customs and Border Security will inform the IPI about suspicious goods, and the IPI will then arrange the next steps in the procedure up to the destruction of the goods.

The draft bill is currently being discussed in Parliament. At its session on 22 June 2023, the National Council's preliminary consultation committee (SECC) approved the introduction of the bill and accepted it unanimously. The topic will be discussed by the National Council in its autumn session in 2023.

Swissness Enforcement

Now in its second year, the association Swissness Enforcement successfully expanded its business activities. It intervened in around 80 cases abroad during the reporting year. This work centred on the IPI's 11 focal countries and regions, such as Brazil, Mexico and Turkey. During the 2022/23 business year, Turkey was the scene of a ruling that sets an encouraging precedent. A Turkish court confirmed Switzerland's special reputation for all the goods it produces – not just for traditionally popular exports like watches, chocolate and penknives. Moreover, the association gradually heightened its cooperation with Swiss representations abroad and chambers of commerce, and it also received an increasing number of reports of misuse by companies and citizens. These developments allowed it to make headway during the reporting year in its fight against the misuse of Swiss indications of source abroad.

Multilateral activities

WIPO

In July 2022, the WIPO Director General Daren Tang (from Singapore) paid an inaugural visit to the IPI. He also met the Deputy State Secretary of the Federal Department of Foreign Affairs (FDFA), who was representing Switzerland as the host country of WIPO. A drinks reception on the platform of Bern Cathedral and dinner in Restaurant Rosengarten rounded off Tang's visit to Bern.

At the WIPO General Assembly, Switzerland agreed to the convening of two diplomatic conferences – one to negotiate a treaty on the international harmonisation and simplification of the application procedure for design protection and one on an agreement on intellectual property, genetic resources and traditional knowledge. The IPI's representatives used the General Assembly to have numerous bilateral discussions on the sidelines, for example with delegations from Australia, Brazil, France, Italy, Canada, the Netherlands, Singapore and the United Kingdom. The event also gave them the opportunity to talk to their partners in ongoing technical cooperation projects (Albania, Benin, Georgia, Columbia, Morocco, Tunisia and South Africa).

The IP attaché from the IPI and Switzerland also took on the challenging and time-consuming task of coordinating the regional group of industrial countries (Group B). In the past year, Switzerland thus drew up the joint positions and statements of Group B for all committee and working group meetings and for the General Assembly.

WTO

In the World Trade Organization, Switzerland took an active part in the discussion by the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS Council) about the role of intellectual property protection in combating the COVID-19 pandemic. It opposed calls for the suspension of international IP rights such as patents. Together with Mexico, it drafted a written submission with facts, figures and data showing that the secure legal framework of the TRIPS Agreement facilitated the efficient transfer of technology and knowledge and thus formed an important basis for the functioning of the many research, development and production partnerships behind the new, effective COVID-19 vaccines and therapeutics.

Switzerland drafted an additional submission for the Friends of Innovation group of states on the topic of 'IP and Financing for Start-ups' and organised a panel discussion with speakers from the field.

WHO

The IPI helped to establish the country's stance in negotiations on an international pandemic agreement in the WHO. Against the background of the controversial international debates on the role of IP in the COVID-19 pandemic, the IPI organised specialist events in November and June in conjunction with the Swiss Agency for Development and Cooperation (SDC) on the topic of 'Voluntary licensing for better access to health technologies'. These events brought together representatives of international organisations, foreign delegations, production partnerships, the private sector and non-governmental organisations.

FAO

Together with the Food and Agriculture Organization of the United Nations (FAO), the Centre de coopération internationale en recherche agronomique pour le développement (Cirad) and the Organization for an International Geographical Indications Network (oriGIn), the IPI organised an international conference on geographical indications in Montpellier, France, attended by over 200 participants from around 50 countries, including specialists and policymakers.

Bilateral activities

Free trade agreement (FTA) negotiations

After the COVID-19 pandemic came to an end, negotiations between the European Free Trade Association (EFTA) and partner countries gained momentum again. Negotiation processes are under way with Argentina, Brazil, Paraguay, Uruguay (Mercosur), Chile, India, Kosovo, Malaysia, Thailand and Vietnam. The IPI is leading the negotiations for Switzerland and the EFTA for the chapter on the protection and enforcement of intellectual property rights. The agreement with Moldova was concluded and will now be submitted to the Swiss parliament for approval. The chapter on protecting intellectual property sets a benchmark. Bilaterally, Switzerland initiated negotiations with the United Kingdom on modernising the current free trade agreement. This is to be supplemented by a chapter on protecting intellectual property.

Meetings took place with two of the IPI's heavyweight partners in Bern. The UK IPO visited the IPI in December for detailed technical discussions, and future areas of cooperation with Singapore's IPOS were explored in summer. The IPI also teamed up with the UK IPO to co-organise a conference on 'IP and the metaverse' in London in April.

International cooperation

International cooperation in the field of intellectual property is one of the IPI's legally mandated tasks. It is currently implementing 11 cooperation projects. One of these is with Iran and is financed by the IPI itself. As this project will reach completion at the end of 2023, the focus in the reporting period was on concluding ongoing activities involving the private sector. Project implementation has slowed in recent months, however, because conditions have become generally more difficult in Iran. Nonetheless, it has been successful overall. Since its start in 2020, almost 60 individual activities have been carried out and more than 3,300 people have received training.

The other ten projects are being conducted on behalf of the State Secretariat for Economic Affairs (SECO). The project partners are Albania, Benin, the occupied Palestinian territory, Georgia, Colombia, Myanmar, Peru, Serbia, South Africa and Tunisia. Additionally, the IPI is planning new projects with Morocco, Moldova and Vietnam. SECO is financing these projects through the Global Program on Intellectual Property Rights (GPIPR).

Physical missions have been possible again since May 2022. As they had been put on hold due to COVID-19, there was a great deal to catch up on, despite temporary virtual solutions working well. Consequently, numerous missions were performed in the reporting year.

The topics to be covered by the projects are decided together with the partners. The wide range of topics includes developing strategies and laws, expanding the capacity of intellectual property authorities, advising customs authorities and courts, and training small and medium-sized enterprises, patent attorneys and producers of local foodstuffs and handcrafted goods. The overarching aim of the projects under way is to boost the sustainable economic development of the project countries by improving their IP protection.

Sustainable development

In 2015, the United Nations adopted the 2030 Agenda with 17 sustainable development goals (SDGs). These goals are intended to ensure that the three dimensions of sustainable development – the economy, society and the environment – are taken into account in a balanced manner. On 23 June 2021, the Federal Council adopted its own national 2030 Sustainable Development Strategy (2030 SDS) for Switzerland together with an associated action plan.

The strategic objectives laid down by the Federal Council for the IPI for 2022–26 refer directly to the SDGs. To implement these strategic objectives, the IPI set up an internal working group, which discussed measures that could be taken in the field of intellectual property to promote green innovation, among other things. The first measures were taken in the year under review. For example, the IPI entered into a new partnership with the Swiss Green Economy Symposium. This annual conference is the most comprehensive event in Switzerland at the interface of business and sustainability. It presents practical examples of how measures to protect the environment can lead to greater prosperity. Furthermore, the IPI participates in the Swiss Confederation's sustainability programmes, such as RUMBA (Resource and Environmental Management of the Federal Administration). In the reporting year, it also continued its sustainability work within the framework of various WIPO committees and its partnership with WIPO GREEN. This WIPO initiative aims to facilitate the development and diffusion of environmentally friendly technologies.

Economics

In the year under review, the IPI initiated various economic studies. The main aim of these studies is to establish an evidence-based foundation for decision-making in politics, business, education and society. Studies were also completed relating to the revision of two laws. One of these focused on potentially introducing a fully examined Swiss patent. The other considered a related right for the media in the field of copyright.

In last year's annual report, we wrote about our workshops on the topic of artificial intelligence (AI) and IP. You can find an overview of the results on our newly revised webpage on this subject. Based on recommendations from the workshops and in-depth examinations of the issue, the IPI has commissioned a study on 'IP and generative AI' and on 'AI and software'. Also in the area of new technologies, a study was completed that looked at the interface between blockchain applications and intellectual property.

The results of all the studies and projects will be available to download on www.ipi.ch once they have been published.



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27 March 2023

At the annual spring meeting, the IPI informed all the important associations who deal with intellectual property and its development about the current political and legal dossiers.

Using IP Knowledge

Imparting Knowledge – Sharing Skills

Intellectual property and its disciplines of patent, copyright, design and trade mark law is becoming increasingly important in our society and influences almost all areas of our lives in some way. With this in mind, the IPI provides a wealth of information to make intellectual property understandable and the data behind it useful. This includes patent information for searches, training courses for those interested in IP and for specialists, and campaigns to raise awareness of product piracy.

Commercial searches

The IPI offers commercial searches, which are aimed at medium-sized and large companies with professional IP management. The main market for the service, which is provided under the brand name ‘ip-search’, is Europe, but customers from every continent have entrusted the IPI with complex searches over the years.

Companies generally come to the IPI’s patent experts with very specific questions. Three different types of request can be seen. Searches on the current state of the art provide clarity about patentability or form the basis for opposing third-party patents. ‘Freedom-to-operate searches’ are important to avoid infringing the rights of third parties. Finally, patent statistics analyses can provide information about technological trends and the development of individual companies or entire countries, including their orientation towards specific markets.

Revenue from commercial searches fell from 4.87 to 4.66 million Swiss francs during the reporting year. The market-related reasons for this were economic uncertainties and the appreciation of the Swiss franc against the key currencies of the dollar and the euro.

Alongside the external situation, an in-house factor also dented revenue during the reporting year. The Patent Division worked off a total of twelve months’ worth of pending examinations in the last three years. In the reporting year alone, the time it took to invoice the examination fees and grant patents from the date of filing was cut by four months. The decision to work off pending applications was made to prepare for the upcoming introduction of a fully examined Swiss patent. It increased patent experts’ workloads, which meant that some commercial search requests had to be turned down.

The objectives set by the Executive Board have now been largely achieved: every patent application filed in Switzerland is now examined no later than half a year from publication. No more negative effects on the business results of ip-search are to be expected.

And there is more good news for ip-search customers for the 2023/24 financial year: the IPI’s patent experts will be switching to the European Patent Office’s newly developed search engine SEARCH. The tool is setting new standards in the world of patent searches.

Using IP Knowledge

Assisted searches

The IPI’s sovereign activities include the promotion of innovation at national level. As part of this task, it has been offering assisted searches since 2005. As well as introducing inventors, researchers and SME representatives to the workings and benefits of the patent system, the IPI also provides them with the opportunity to comb through global patent literature in their fields of interest with an in-house expert.

Recap: The coronavirus outbreak in spring 2020 led to a massive reduction in economic activity. The IPI assumed that many companies would use the forced break to drive forward their innovation plans and that interest in patent literature would thus increase.

To support the Swiss economy during those difficult times, the Executive Board decided in spring 2020 to offer assisted patent searches free of charge for two months. Shortly afterwards, the ordinary fee of 300 Swiss francs was reduced to 100 Swiss francs for the entire 2020/21 financial year.

Overall, these measures led to a significant rise in demand. In the 2019/20 financial year, 967 assisted patent searches were carried out, and in 2020/21, this figure even rose to 1,127.

Since 1 July 2021, a fee of 300 Swiss francs has been payable again for assisted patent searches. Together with the lifting of social distancing and mobility regulations, this has pushed demand back down to its pre-pandemic level.

In total, the IPI carried out 856 assisted patent searches in the reporting year, 18 more than in the previous year.

Combating piracy

STOP PIRACY conference

More and more companies are jumping on the NFT (non-fungible token) bandwagon and selling various NFT items. But what actually are non-fungible tokens? Why are Swiss companies using this new technology? And what role can NFTs play in the fight against counterfeiting? This was the topic of the annual conference of the STOP PIRACY association and the Intellectual Property and Innovation Research Centre [PI]2 on the morning of 15 September 2022. The subject of NFTs was explained, assessed and discussed from various perspectives by a panel that featured Vincent Perriard, co-founder of ORIGYN, Thomas Steinemann, CEO of DuBois et fils, and Luca Brunoni of the ILCE (Institute of Economic Crime Investigation).

In the afternoon, counterfeiting and piracy were on the agenda. The focus was on the situation of counterfeit medicinal products in Switzerland and the EU, in particular, as well as illegal online streaming services, and experiences with enforcing ‘Swissness’ in Switzerland and abroad.

Stand at the Swiss Innovation Forum (SIF)

Together with Aktion Plagiarius, STOP PIRACY curated a stand at the SIF in Basel. The theme was ‘Innovation theft – scale, damage and preventative measures’. Future-oriented companies with promising inventions are often targeted by counterfeiters sooner than expected. A joint exhibit entitled ‘ORIGINAL vs. FAKE’ impressively showed visitors the entire spectrum of product and brand piracy and the unscrupulousness of counterfeiters. The in-depth discussions and many questions from stand visitors showed that there is a great deal of interest in the topic.

Digital STOP PIRACY campaign: “Counterfeits cause harm. Even to you.”

The growth of the counterfeiting industry is becoming more rampant and varied than ever before. For this reason, on 1 May 2023, STOP PIRACY launched an online campaign under the slogan ‘Counterfeits cause harm. Even to you.’ to boost consumers’ awareness and understanding of the dangers and risks of buying counterfeit products online. Honest advertising of fake products: this was the concept behind the digital campaign. It used humour to parody video and image ads of well-known brands with recognisable products, while also revealing the harm that illegal copies can cause. The images and videos ran on YouTube, Instagram, Facebook and the anibis.ch, ricardo.ch and tutti.ch platforms.

Training and sponsorship

The IPI supports organisations and programmes that foster innovation. These generate valuable intellectual capital. Innovators should therefore be informed early on about how they can protect their inventions and creations. As well as continuing our long-standing involvement with Swiss Youth in Science and Young Enterprise Switzerland (YES), the IPI attended Startup Nights in Winterthur for the first time on 3 and 4 November 2022. The IPI provided information to the young start-ups at the night-time event and raised their awareness of intellectual property by giving a workshop.

At the Swiss Innovation Forum on 23 November 2022, the IPI ran an ‘IP strategy challenge’, a game which simulated the consequences of IP-related decisions. The challenge successfully increased the participants’ awareness of IP.

The 48th edition of the International Exhibition of Inventions took place in Geneva at the end of April 2023. After a four-year hiatus, the event attracted more than 22,000 visitors over five days. The attendees had the chance to see a thousand inventions from a total of 40 countries. The IPI had an information stand at the exhibition, where it answered questions about intellectual property. It shared the stand with WIPO.

At the IPI’s Best Practice Event at SEF.Growth on 9 May 2023, two ‘cheese whisperers’ presented their ingenious approach to Swiss cheese-making. The inventors told the host from the IPI about their experiences in an entertaining way, from developing the initial idea to protecting their innovations.

Two weeks later, Startup Days took place in Bern. The IPI was able to engage Victorinox, the law firm Isler & Pedrazzini AG, the STOP PIRACY association and the Swissness Enforcement association for its session at the event. Led by the IPI, the quartet informed the audience about industrial property rights and how to defend them. The information stand was busy throughout the day with people discussing and finding out about IP.

The IPI conducted around 100 training events during the reporting year. These ranged from general introductions to IP, for example for SMEs, primary schools and high schools, to in-depth specific training sessions at universities and law firms. Basic and advanced courses on each of the IP rights also took place at the IPI in Bern. A total of more than 1,900 people attended the courses. The 14-day preparatory course for IP specialists and Swiss patent attorneys was offered in German, with a record 18 participants. The course helps the attendees to get ready for the Swiss patent attorney examination.

25 May 2023

At Startup Days in Bern, patent expert Sibilla Delorenzi spoke to visitors about IP and the dangers and consequences of product piracy.



Organisation

Institute Council



From left: Sara Stalder, Peter Walser, Barbara Hübscher Schmuki, Corina Eichenberger-Walther (President), Luc-E. Amgwerd, Beatrice Renggli (Vice President), Evelyn Zwick, Yves Bugmann; missing from the photo: Oliver Gassmann

The Institute Council – which is elected by Switzerland’s Federal Council – is the IPI’s supreme supervisory body with regard to the operational management of the IPI.

Corina Eichenberger-Walther Attorney-at-Law and Mediator, President	Yves Bugmann lic. iur.	Sara Stalder Swiss Consumer Protection Foundation Manager
Beatrice Renggli lic. iur., Vice President	Oliver Gassmann Full Professor of Technology and Innovation Management, University of St. Gallen	Peter Walser Dr. sc. nat. ETH, Patent Attorney
Luc-E. Amgwerd lic. iur., CEO Gjosa SA	Barbara Hübscher Schmuki lic. rer. pol. (until 13 January 2023; successor – Stefan Hostettler Fischer)	Evelyn Zwick Dipl. Phys. ETH, Patent Attorney

The auditor audits the accounts and reports to the Institute Council. The Federal Council selected the Swiss Federal Audit Office as the auditor.

Executive Board



From left: Jürgen Horwath, Alban Fischer, Catherine Chammartin (Director General), Felix Addor, Eric Meier

The Executive Board is appointed by the Institute Council, with the exception of the Director General, who is elected by Switzerland’s Federal Council.

Catherine Chammartin Director General	Alban Fischer Vice Director General and Head of the Patent Division	Eric Meier Vice Director General and Head of the Trade Mark & Design Division
Felix Addor Deputy Director General, General Counsel of the IPI and Head of the Legal & International Affairs Division	Jürgen Horwath Vice Director General and Head of the Technology & Infrastructure Services Division	



3 June 2023

Team 'Fluoresc' won the IPI's IP Management Award at the final of the Young Enterprise Switzerland programme. Senior IP Trainer Matthias Käch was a member of the jury and advised the teams taking part.

Annual Financial Statements 2022/2023

Robust Growth in Fee Revenue

In the 2022/23 financial year, the IPI recorded an operating profit of CHF 7.7 million with net revenue of CHF 66.5 million.

The total actuarial loss from revaluing pension obligations and pension fund assets in accordance with IAS 19 amounted to CHF 5.6 million. Equity increased from CHF 115.9 million to CHF 118.1 million.

The IPI's fee revenue increased by CHF 2.7 million to CHF 59.2 million in the year under review, which was the IPI's largest revenue item, accounting for 89% of total revenue, followed by revenue from services at 7% or CHF 4.6 million. The latter showed a decrease of CHF 0.8 million during the year under review compared with the previous year.

Third-party expenses remained at the same level as the previous year at CHF 2.1 million, while operating expenses were around CHF 1.2 million higher year-on-year at CHF 57.8 million.

Overall, the IPI posted an operating profit of CHF 7.7 million in its 27th year of business. The revaluation of long-term pension obligations and pension fund assets under IAS 19 led to a total actuarial loss of CHF 5.6 million. The loss in pension obligations is mainly due to changes in financial assumptions and a negative asset performance.

With the actuarial losses, this results in positive comprehensive income of CHF 2.1 million for the 2022/23 business year. As of the end of the financial year, the IPI's equity amounted to CHF 118.1 million.

The statutory auditors have unreservedly confirmed that the financial statements provide a true and fair view.

The full annual financial statements are available in German at www.ipi.ch/afs.

6 June 2023

One of 28,375,802 kilometres.

The IPI took part in the @bike to work campaign this year too. In total, 36 staff members rode 5,331 kilometres, which resulted in a donation of 1,599.30 Swiss francs being made to the nature conservation fund Natur- und Artenschutzfonds Bern.



Statement of Financial Position

(in thousands of CHF)	2022/2023 30.06.2023	2021/2022 30.06.2022
Cash and cash equivalents	141,549	142,548
Receivables from services	776	751
Contract assets	1,223	729
Other receivables	1,460	1,666
Accrued income and prepaid expenses	1,909	2,344
Current assets	146,916	148,037
Tangible assets	18,922	19,351
Intangible assets	915	1,155
Leased assets	18,725	19,166
Fixed assets	38,562	39,672
Total assets	185,478	187,709
Trade accounts payable	928	461
Contract liabilities	14,741	15,292
Customer prepayments (current accounts)	6,430	6,992
Financial liabilities to third parties	654	611
Other liabilities	11,462	9,133
Accrued expenses and deferred income	3,530	3,367
Current provisions	3,037	2,949
Current liabilities	40,782	38,805
Other provisions	3,505	3,250
Leasing liabilities	18,410	18,809
Provisions for pension fund liabilities	4,722	10,935
Non-current liabilities	26,637	32,994
Profit (+) / loss (–)	7,715	5,416
Retained earnings	97,169	91,753
Accumulated actuarial gains (+) / losses (–)	13,175	18,741
Equity	118,059	115,910
Total liabilities	185,478	187,709

Statement of Profit and Loss / Comprehensive Income

(in thousands of CHF)	2022/2023 01.07.2022 to 30.06.2023	2021/2022 01.07.2021 to 30.06.2022
Profit and loss statement		
Fees	59,228	56,501
Services	4,563	5,391
Miscellaneous revenues	2,934	2,660
Gross revenue	66,726	64,552
Other revenue decreases	–196	–329
Net revenue	66,530	64,223
Third-party fees	–151	–167
Third-party services	–1,045	–1,143
Other third-party expenses	–923	–812
Third-party expenses	–2,119	–2,122
Personnel expenses	–46,359	–45,801
IT expenses	–2,038	–2,234
Other operating expenses	–5,562	–4,576
Depreciation, amortisation and impairment loss	–2,389	–2,466
Contributions to the Federal Patent Court	–562	–636
Contributions to the sic! Foundation	–330	–330
Contributions to the STOP PIRACY association	–282	–282
Contributions to the Swissness Enforcement association	–261	–261
Operating expenses	–57,785	–56,587
Operating profit	6,626	5,514
Financial income	1,298	188
Financial expenses	–209	–286
Financial result	1,089	–98
Profit (+) / loss (–)	7,715	5,416
Statement of comprehensive income		
Profit (+) / loss (–)	7,715	5,416
Actuarial gains (+) / losses (–)	–5,566	27,735
Other comprehensive income	–5,566	27,735
Comprehensive income	2,149	33,151

Actuarial gains and losses (other comprehensive income) are not transferred to the profit and loss statement.



14 June 2023

Protecting geographical indications is of particular interest to Moldova – a country with a strong agricultural industry and a long tradition of wine-growing. The IPI had many in-depth discussions with local authorities and institutions during its planning visit to Moldova. The project is financed by SECO.

Cash Flow Statement

(in thousands of CHF)

	2022/2023 01.07.2022 to 30.06.2023	2021/2022 01.07.2021 to 30.06.2022
Income/(expenditure) from operating activities		
Profit	7,715	5,416
Depreciation of tangible assets	1,633	1,708
Amortisation of intangible assets	315	317
Depreciation of leased assets	441	441
Non-cash income/expenses	5	15
Interest accrued on lease obligations	96	98
Increase/decrease in non-current provisions for long-service awards	255	86
Increase/decrease in non-current pension fund provisions	-11,779	1,355
	-1,318	9,436
Increase/decrease in receivables for services	-29	110
Increase/decrease in contract assets	-494	-161
Increase/decrease in other receivables	206	59
Increase/decrease in accrued income and prepaid expenses	435	306
Increase/decrease in trade accounts payable	467	-304
Increase/decrease in contract liabilities	-551	892
Increase/decrease in other liabilities	2,330	-143
Increase/decrease in accrued expenses and deferred income	163	-446
Increase/decrease in current provisions	88	-308
Cash flow from operating activities	1,296	9,442
Investments in tangible assets	-1,205	-985
Divestments in tangible assets	-	-
Investments in intangible assets	-75	-132
Divestments in intangible assets	-	-
Cash flow from investment activities	-1,279	-1,117
Increase/decrease in financial liabilities to third parties	43	53
Repayment of lease obligation	-496	-496
Increase/decrease in customer prepayments (current accounts)	-561	533
Cash flow from financing activities	-1,015	90
Net increase/(decrease) in cash and cash equivalents	-998	8,415
Cash and cash equivalents at start of year	142,547	134,133
Cash and cash equivalents at year end	141,549	142,548

Statement of Changes in Equity

(in thousands of CHF)

	Accumulated actuarial gains/losses	Retained earnings	Total Equity
Opening balance on 01.07.2021	-8,994	91,753	82,759
Profit	-	5,416	5,416
Other comprehensive income	27,735	-	27,735
Comprehensive income	27,735	5,416	33,151
Closing balance on 30.06.2022	18,741	97,169	115,910
Opening balance on 01.07.2022	18,741	97,169	115,910
Profit	-	7,715	7,715
Other comprehensive income	-5,566	-	-5,566
Comprehensive income	-5,566	7,715	2,149
Closing balance on 30.06.2023	13,175	104,884	118,059



29 June 2023

The 'Counterfeits cause harm. Even to you.' campaign by STOP PIRACY reached a successful conclusion. The Head of the Secretariat Eveline Capol gave a video interview to the IPI on the dangers and risks of buying counterfeit products online.



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