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Frequently asked questions (FAQ) regarding entry in the Patent Attorney Register under Art. 12 PatAA and Art. 31 PatAO

In which language can I submit my application?

The application can be made in any of the three official Swiss languages i.e. German, French or Italian. You can use the form Application for Entry in the Patent Attorney Register (in German, French and Italian, 35 KB) for registration entries.

What documentation is needed for the application?

In order to be registered in the Swiss Federal Patent Attorney Register, we need the certificate issued by the Examination Board stating that you passed the Swiss Federal Patent Attorney Examination (Art. 31 para. 1 let. b No. 1 PatAO). If you have not taken this examination, we need the official decision regarding recognition of your foreign patent attorney examination from the Examination Commission, and if applicable, of the passing of a qualifying examination (Art. 31 para. 1 letter b No. 2 PatAO). Should the documentation you submit be incomplete or if there is doubt regarding its accuracy, the IPI may request additional information or proof under Art. 31 para. 3 PatAO.

Can I be entered in the register even if I am not currently working as a patent attorney?

Yes. Based on Art. 12 PatAA, a person who fulfils the requirements for entry in the register can also be entered in the register, even if he or she is not currently working as a patent attorney. However, the person concerned must give an address for service in Switzerland.

Can I have the registration fee of 200 Swiss francs billed directly to my current account or respectively to the account of my law firm?

Yes. In the form "Application for Registration in the Patent Attorney Register", you can select the method of payment yourself (debit the IPI account or invoice).

Do I have to notify the IPI if the information I provided changes after registration?

The IPI modifies or deletes the register entry upon request by the registered person, e.g. in the event of a change of employer or a changed address for service. It can also undertake modifications or deletions in the Patent Attorney Register of its own accord, i.e. ex officio, if it becomes aware that the information for the registered person has changed. For example, the IPI would delete a register entry if the registered person no longer has an address for service in Switzerland.

Would I be informed if the IPI deleted or modified my register entry ex officio?

Yes. The IPI would notify you before it undertook the intended deletion or modification. You would receive a notification of your right to be heard with a time limit by which time you would have to respond regarding the intended modification or deletion. If we do not receive a response from you, the modification or deletion will be carried out. The decision regarding the modification or deletion takes place in the form of an appealable decision and can be disputed before the Federal Administrative Court. The IPI may waive the invitation to respond before the register entry is deleted if:

- the deletion has been ordered by the FDJP (Art. 13 para. 3 PatAA);
- the Examination Commission subsequently declares a patent attorney examination invalid, for example, because it became evident afterwards that a candidate obtained admission to the patent attorney examination under false pretences by providing incorrect information (Art. 22 PatAO); or
- the registered person is deceased.

If my entry in the Patent Attorney Register is deleted at my own request or ex officio, is it possible to make a new application for registration?

In so far as the requirements for registration under Art. 12 PatAA are again fulfilled, for example by establishing a new address for service in Switzerland, a new application for registration may be requested. In this case, it is sufficient for you to submit the certificate of registration from the first registration under Art. 12 para. 1 PatAA.

Must I pay the registration fee again for re-entry in the Patent Attorney Register?

Yes. The full registration fee of 200 Swiss francs must be paid again for re-entry in the register (Art. 33 para. 2 PatAO).

What happens if I use the title of “patent attorney” without being registered in the Patent Attorney Register?

Such an act constitutes an abuse of a professional title, which can be penalised by law (Art. 16 PatAA). The title of patent attorney may only be legally used by persons who are registered in the Patent Attorney Register. If you do not fulfil the requirements for this, you are required to use a different professional title. The abuse of a professional title constitutes a criminal offence that is pursued ex officio by the cantonal authorities (Art. 17 PatAA) and is penalised with a monetary penalty.

What happens if I use the title “European Patent Attorney” without being registered in the list of professional representatives before the EPO?

Such an act is also considered as an abuse of a professional title, which can be penalised by law (Art. 16 PatAA). The title of “European Patent Attorney” may only be used by persons who are listed in the EPO list of professional representatives. Unlike an abuse of the title “Patent Attorney”, in addition, a title that may be confused with the title of “European Patent Attorney” may also not be used. This instance of abuse of a professional title can also be pursued ex officio by the cantonal authorities (Art. 17 PatAA) and penalised with a monetary penalty.