The Swiss Federal Institute of Intellectual Property

Roland J. Tschudin,
Head Training Center
From the Federal Office to the Institute

1. January 1996

Federal Office of Intellectual Property

- No privatisation
- Operationally independent
- Own budget (separate from federal budget)
- Own staff status
- Integrated in the Swiss Confederation
- Political decision-making based on instructions from Federal Council (Department of Justice and Police)
Art. 29 §1 Organisation Ordinance of the Ministry of Justice and Police

The Federal Institute of Intellectual Property is [...] the **competence centre** of the Confederation for intellectual property questions. It fulfils its duties according to authoritative laws and international agreements.
Federal Law on the Statute and Tasks of the Federal Institute of Intellectual Property

Art. 1

1 The Federal Institute of Intellectual Property (Institute) is a public law institution of the Confederation with its own legal personality.

2 The Institute shall be autonomous in its organisation and the conduct of its business; it shall keep its own accounts.

3 The Institute shall be run in accordance with the principles of business administration.
Federal Law on the Statute and Tasks of the Federal Institute of Intellectual Property

Art. 2 (1)

The Institute shall carry out the following tasks:

(a) to prepare all legislative instruments in the field of intellectual property

(b) to implement the legislative instruments

(c) to advise the Federal Council and the other Federal authorities on matters of intellectual property in the area of public economy
Federal Law on the Statute and Tasks of the Federal Institute of Intellectual Property

Cont.

(d) to **represent** Switzerland within the framework of international organisations and conventions in the field of intellectual property

(e) to **collaborate** in representing Switzerland within the framework of other international organisations and conventions

(f) to participate in **technical co-operation**

(g) to provide services on a **private law basis** in its field of competence; **to provide information, in particular, on the systems of protection for intellectual property rights**, on titles of protection and on the state of the art.
Financing

- Institute as **sovereign authority** for the grant of titles of protection (trademarks, patents, designs, topographies)
  - fees

- Political affairs
  - compensation for services to the public economy requested by the Confederation

- Private sector services (trademark searches, patent searches, training, ...)
  - market prices, based on private law
# Our services

## Protection titles
- patents
- trademarks
- industrial design
- topographies
- (copyright)

## Information services
- publication
- technology and patent information
- trademarks

## Training and talks
- universities and polytechnics
- industrial and professional associations
- individuals with interest

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2001

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### Analysis of the situation

<table>
<thead>
<tr>
<th>1999</th>
<th>resources</th>
<th>contacts information</th>
<th>technology</th>
<th>protection</th>
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</thead>
<tbody>
<tr>
<td>+++</td>
<td>???</td>
<td>+++</td>
<td>???</td>
<td>SMI</td>
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</table>
Access through schools ...
### Public Seminars

- **4 blocks with 2 weeks**
- **Single days**
- **Last day - „Event“**
- **All aspects**

#### 1st block
- **Protection titles**

#### 2nd block
- **français**

#### 3rd block
- **Technical aspects**

#### 4th block
- **Legal aspects**

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<tr>
<th>Start</th>
<th>Nummer</th>
<th>Bezeichnung</th>
<th>Kategorie</th>
<th>Ort</th>
<th>Beitrag</th>
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<tr>
<td>31.03.03</td>
<td>B101</td>
<td>Einführung ins Markenwesen</td>
<td>Mark</td>
<td>IGE</td>
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<td>Spezialfälle im Markenbereich</td>
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<td>Krea/URG</td>
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<td>Innovation und Förderung</td>
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<td>IGE</td>
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</table>

#### 2nd block
- **PDM**
- **Patente, Design Marken (Zusammenspiel der SR)**

#### 3rd block
- **Jur**
- **Rechtliche Aspekte**

#### 4th block
- **Jur**
- **Juristisches Thema (Arbeitstitel)**

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**Legende:**
- Admin: Administrative Aspekte für Kanzleipersonal (Paralegal)
- Des: Design (neues Gesetz)
- Jur: Rechtliche Aspekte
- Krea: Kreativität für Werber (URG, MSchG, Tools)
- Mark: Marken
- Pat: Patente
- PDM: Patente, Design Marken (Zusammenspiel der SR)
- Prakt: Praktische Aspekte (insb. Ausland)
- TT: Technologietransfer
- www: Suche auf Internet
Training activities

- Universities, High Schools
  - seminars
  - days for enterprises creation
- entreprises
  - esp@cenet/internet
  - Swissreg
  - IPDL’s
  - seminars professional associations
  - seminars in entreprises
- saq
cooperations

- exhibitions and meetings
  - expositions industrielles
  - ![Swiss Economic Forum](https://example.com)

- internet
  - [www.ipi.ch](https://www.ipi.ch)
  - [www.estarter.ch](https://www.estarter.ch)
  - [www.eduswiss.ch](https://www.eduswiss.ch)
  - [www.kmuinfo.ch](https://www.kmuinfo.ch)
  - [KTI CTI](https://www.kti.ch)
<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
<th>Goals</th>
<th>Themes (e.g.)</th>
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<tr>
<td>Specialised modules</td>
<td>These modules train the special knowledge, necessary for search activity,</td>
<td>High knowledge and experience on crucial steps in the patent filing</td>
<td>TRIPS</td>
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<tr>
<td></td>
<td>international prosecution and maintenance in foreign countries. Specially</td>
<td>procedures, with large experience in regional/international patent</td>
<td>US patent system</td>
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<td>for persons with high competence such as heads of examination.</td>
<td>systems.</td>
<td>licenses</td>
</tr>
<tr>
<td>Technical modules</td>
<td>These modules teach the special knowledge necessary for patent specialists</td>
<td>Knowledge and experience necessary for independent examination of</td>
<td>state of the art</td>
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<td></td>
<td>such as examiners for doing their work. For skilled people these modules</td>
<td>patent applications.</td>
<td>reading of a patent document</td>
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<td></td>
<td>have also an updating function.</td>
<td></td>
<td>“lifetime” of a patent</td>
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<tr>
<td>Administrative</td>
<td>These modules impart the basic skill in filing, procedures and grant of</td>
<td>Good knowledge on procedures, fees and delais, do’s and don’ts,</td>
<td>PCT-procedure</td>
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<tr>
<td>Modules</td>
<td>patents. A particular attention is turned on administration of patents in</td>
<td>recovery possibilities in the filing of a patent.</td>
<td>EP-procedure</td>
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<td>force.</td>
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<td>administrative examination</td>
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<td></td>
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<td>national filing</td>
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<tr>
<td>Basic skill</td>
<td>These modules impart the oversight on the scopes of patents. These are</td>
<td>To sensitize the responsibilities on the problems of Intellectual</td>
<td>inventive step</td>
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<tr>
<td></td>
<td>dedicated to cadres responsibles for a patent or technology policy in</td>
<td>Property. Impart the knowledge tools from protection titles.</td>
<td>novelty</td>
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<td></td>
<td>research an development.</td>
<td></td>
<td>exceptions</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>patentability</td>
</tr>
<tr>
<td>Introduction</td>
<td>For unexperienced people in the field of intellectual property and the</td>
<td>After the initiation modules the trainees are able to distinguish</td>
<td>protection titles in CH</td>
</tr>
<tr>
<td></td>
<td>contained information. The main part of training is devoted to the</td>
<td>the different protection titles, their characteristic features and</td>
<td>terminology in the field of intellectual</td>
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<td>acquisition of the specific terminology and the general legal principles.</td>
<td>the different procedures.</td>
<td>property</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>general legal principles</td>
</tr>
</tbody>
</table>
US - Patent Practice

- Basics on US-System
  - Patentability
  - Novelty
  - Disclosure requirements
  - Patent Specification and Claim Drafting
  - Strategy for Responding on USPTO
  - Correction of Patents, Reissue
  - Patent Infringements and Doctrine of Equivalents
- 3 days (english)
Firm seminars

- Authors rights/software
- Marks, Design
- Patents
  - Patentability
  - Patent information
    - reading patents
    - search on Internet
- general and customized
- 1 day
Access on patent/marks/design documents

- patent/marks/design information
  - access using codes
  - reading protection titles
    - Bibliografic data
    - Technical data
- access using Internet
  - esp@cenet
  - Swissreg
  - IPDL
- 1 day
Actual project: certificate

- serie of modules
- „fil rouge“
- training for professionals
- Conditions
- ...
- ...

Wir bestätigen, dass Frau Paula Botella am 5. April 2001 den Kurs Markenadministration im Eidgenössischen Institut für Geistiges Eigentum besucht hat.

Der Schulungsleiter:

Roland Tschudin
Bern, den 23. April 2001
**Vor einem Projekt**

- **Neue Idee**
  - Neue Ideen generieren
  - Stand der Technologie bestimmen

- **Entwicklung**
  - Eigenentwicklung
  - Fremdentwicklung
  - Patentierbarkeit?
  - Einkaufen
  - Schutzrechtsstrategie
  - Weiterfahren?
  - "need to have"
  - Weiterfahren?
  - "nice to have"
  - Veröffentlichnen?
  - Vertragstypen

- **Lieferanten suchen**

- **Fachliteratur**

- **Aufbau Patentdokument**

- **Stand der Technik**

- **Recht am Patent**

- **Technologie-Trends**

- **Probleme**

- **Messebesuche**

- **Patentschriften**

- **Geheimhaltungsabkommen**

- **"not bad to have"**

- **Konkurrenzanalyse**

- **Entwicklungsaufrag**

- **Auszschlußgründe**

- **bibliographische Technologie Trend**

- **Materials Transfer**

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**Während eines Projekts**

- **Erfindung**
  - Kunden
  - Fachliteratur
  - Lieferanten suchen
  - Vertragstypen

- **Messebesuche**

- **Patentschriften**

- **Geheimhaltungsabkommen**

- **"not bad to have"**

- **Neuheit und erfinderische Tätigkeit**

- **Aufbau Patentdokument**

- **Konkurrenzanalyse**

- **Entwicklungsaufrag**

- **Auszschlußgründe**

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**Special modules/tools**

- Neue Idee Entwicklung Erfindung
- Neue Ideen generieren
- Stand der Technologie bestimmen
- Eigenentwicklung
- Fremdentwicklung
- Patentierbarkeit?
- Einkaufen
- Schutzrechtsstrategie
- Weiterfahren?
- "need to have"
- Weiterfahren?
- "nice to have"
- Veröffentlichnen?
- Vertragstypen
- Kunden
- Fachliteratur
- Lieferanten suchen
- Vertragstypen
- Messebesuche
- Patentschriften
- Geheimhaltungsabkommen
- "not bad to have"
- Neuheit und erfinderische Tätigkeit
- Aufbau Patentdokument
- Konkurrenzanalyse
- Entwicklungsaufrag
- Auschlussgründe
Tout ce qui est parfait en son espèce doit dépasser son espèce
• all protection titles in force in CH
• legal status
• secure connection
Services for your added value chain

Along your added value chain you must answer a series of strategic important questions…

... Our services can give an important decisional base for your answer!
Two aspects of the same services

- Business Development
  - Research & development
  - Production
  - Marketing & Sales

- Services

- Technique
- Legal
- Economic
Modular structure of service packages

Package A
- Module 1
- Module 2
- Module 5
- Analyse

Package B
- Module 3
- Module 4
- Module 5
- Analisis

Package C
- Module 2
- Module 3
- Module 5
- Analisis

Business Development
- Research & development
- Produktion
- Marketing & Sales
- Services
Research & development

How do you decide from idea to start a project?
How do you prioritize current R & D projects?

■ What is the state of the art?
  ■ Subject search, technology search, (Monitoring technology)
■ In which direction a technology is moving?
  ■ R&D Trend, Innovation history
■ Where are your competitors, in which technological field do you have an competitive advantage?
  ■ R&D focus, IP portfolio, (R&D trend)

How do you protect your results?

■ Can you patenting your invention?
  ■ Novelty search, subject-/technology search
■ Are critical patents of your entreprise potentially injured by new published patents?
  ■ Monitoring
Production

Can you find a solution to a technical problem in production?
- **Subject search; technology search**

Can you use novel production procedures?
- **Subject search; family search; legal status; freedom to operate; monitoring (legal status)**
Input for the creation of a new mark?

- **Sequence search**

Can you use a particular mark for a product?

- **Similarity search (word, image, combined)**

Do you have potential collisions between new marks with existing marks of your firm (piracy)?

- **Monitoring (marks); Similarity search (word, image, combined) as spot check**

In which countries can you distribute your product without any infringement of existing protection titles?

- **Subject search; family search; legal status; freedom to operate; monitoring (legal status)**
Business Development

Who can contribute to solve your problem as a licensing partner?

- **subject search; licensing partner**

The attractivity of a IP portfolio of a possible merger/partner in view of technology and legal situation?

- **subject search; legal status; IP portfolio (or patent portfolio); portfolio evaluation**

Can you prepare licensing negociations, with good skill about patent/technology?

- **subject search; licensing evaluation**
Evaluation of a portfolio

**Scope**
Indications about an enterprise and future development

**Content**
Rating of the legal strength and the attractivity of patent categories through the analysis of the patents.

1 Patent  2-5 Patents  6-10 Patentes  10-20 Patents  >20 Patents

I: Development phase  
II: Best position for exploitation  
=> search new fields  
IV: Final phase  
=> field no longer exploitable
Marks: types of searches

- similarity
- identity
- ownership

- images
- sequence
- words and images combined

“monitoring”
## Matrix of services

<table>
<thead>
<tr>
<th>MODULE</th>
<th>Legal status</th>
<th>Name search</th>
<th>Subject search</th>
<th>Novelty evaluation</th>
<th>Overlap analysis</th>
<th>Licencees</th>
<th>Licensing evaluation</th>
<th>IP Portfolio</th>
<th>IP Portfolio evaluation</th>
<th>F&amp;E-Trend</th>
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<td>F&amp;E-Management</td>
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customised contributions

Evolution of a invention

Idea > research > development > Scale-up > production > sale

Business information

Evaluation tecniques > Evaluation patents > Evaluation market > Evaluation finances

milestones

technology search > state of the art > patent examination > licensing partners > market potential > patent evaluation

national filing

1 year

international filing

sale, licence or start-up

enforce a patent

2001