

**SWITZERLAND**

*Status as of May 2005*

<b>FEATURES</b>	<b>STATUS</b>	<b>CHANGES IN LAWS SINCE 1990</b>
<b>Types of protection for inventions</b>	<ul style="list-style-type: none"> <li>• Patents</li> </ul>	N.A
<b>Term of protection</b>	<ul style="list-style-type: none"> <li>• 20 years</li> <li>• Extension of patent term is possible on the following grounds:               <ul style="list-style-type: none"> <li>- Regulatory approval for pharmaceuticals</li> <li>- Regulatory approval for agricultural chemicals</li> </ul> </li> </ul>	<p>May 1, 1999 – Introduction of patent term extension for agrochemical products</p> <p>September 1, 1995 – Introduction of patent term extension for pharmaceutical products</p>
<b>Subject matters excluded from patentability or not considered to be inventions</b>	<ul style="list-style-type: none"> <li>• The following subject matters are excluded from patentability:               <ul style="list-style-type: none"> <li>- Plant and animal varieties</li> <li>- Diagnostic, therapeutic and surgical methods for the treatment of humans and animals</li> <li>- Inventions contrary to morality/public order</li> </ul> </li> <li>• The following subject matters are not considered to be inventions:               <ul style="list-style-type: none"> <li>- Discoveries</li> <li>- Scientific theories/mathematical methods</li> <li>- Aesthetic creations</li> <li>- Mental acts</li> <li>- Presentation of information</li> <li>- Business methods</li> </ul> </li> </ul>	<p>March 1, 2005 – Clarification of inventions contrary to morality/public order in the context of legislation on research with human embryonic stem cells</p>
<b>Filing language</b>	<ul style="list-style-type: none"> <li>• Filing an application in languages other than official languages is not possible.</li> </ul>	No
<b>Certain requirements relating to filing</b>	<ul style="list-style-type: none"> <li>• The inventor rarely waives his right to be mentioned in the patent</li> </ul>	No
	<ul style="list-style-type: none"> <li>• It is not possible to file provisional applications.</li> </ul>	
	<ul style="list-style-type: none"> <li>• The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty).</li> </ul>	

<b>Link between different inventions in the same application</b>	<ul style="list-style-type: none"> <li>The applicable law allows that the claims in a patent application relate to a group of inventions provided that there is a single general inventive concept.</li> </ul>	No
<b>Publication</b>	<ul style="list-style-type: none"> <li>The information related to the application is published or open for public access after the patent is granted.</li> </ul>	No
<b>Classification system</b>	<ul style="list-style-type: none"> <li>The patent classification system used is the International Patent Classification (IPC) system.</li> </ul>	N.A
<b>Search and examination</b>	<ul style="list-style-type: none"> <li>The applicable law does not establish a substantive search and examination system.</li> </ul>	N.A
<b>Specific legal provision regarding ownership of patents derived from public (government) research funding</b>	<ul style="list-style-type: none"> <li>No</li> </ul>	No
<b>Exceptions to exclusive rights conferred by a patent</b>	<ul style="list-style-type: none"> <li>There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> <li>- Private use</li> <li>- Compulsory licenses</li> <li>- Research and/or experimental exception</li> <li>- Prior user's right</li> </ul> </li> </ul>	No
<b>Options to challenge a patent</b>	<ul style="list-style-type: none"> <li>The only option to challenge a patent is the court procedure.</li> </ul>	<ul style="list-style-type: none"> <li>September 1, 1995 – Abolition of the examination procedure for patent applications of a certain technical field.</li> </ul>