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Vienna, July 7, 2000
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Mr.

Klaus-Peter **WITTIG**
Deputy Director
Inter-Office Information Services
World Intellectual
Property Organization
34, chemin des Colombettes
CH-1211 Geneve 20

Dear Deputy Director,

Referring to your letter dated May 31, 2000 dealing with the issue of supplementary protection certificates (SPCs) I have the honour to transmit in the enclosure the comments of the Austrian Federal Ministry for Transport, Innovation and Technology, Supreme Authority of Industrial Property, concerning the "Questionnaire on the grant and publication of „Supplementary Protection Certificates“ for medicinal and phytopharmaceutical products or equivalent industrial property rights (SPCs)“.

Enclosure

Yours sincerely,

Dr. O. Rafeiner

QUESTIONNAIRE
ON THE GRANT AND PUBLICATION OF "SUPPLEMENTARY PROTECTION
CERTIFICATES" FOR MEDICINAL AND PHYTOPHARMACEUTICAL
PRODUCTS OR EQUIVALENT INDUSTRIAL PROPERTY RIGHTS (SPCs)

Question 1a and 1b):

YES

Question 3a:

Council Regulation (EEC) No. 1768/92 of June 18, 1992

And following national legislation:

Federal Law on Supplementary Protection Certificates 1996, No. 11/1997

Question 3b:

Council Regulation (EC) No. 1610/96 of July 23, 1996

And following national legislation:

Federal Law on Supplementary Protection Certificates 1996, No. 11/1997

Question 4a and 4b:

Supplementary Protection Certificate (in German „Ergänzendes Schutzzertifikat“)

Question 5:

Medicinal products and plant protection products

Question 6a and 6b:

YES

Question 7a:

i) to v):

YES

vi):

YES

The Office publishes the date and number of the first authorization to place the product on the market in Austria as a medicinal product and the date, country and number of the first authorization in the EEA.

vii):

YES

See explanation given under question 7(a) vi.

viii):

The publication contains also the following elements: the application number of the basic patent, the application date of the basic patent, the date of granting of the basic patent, the IPC classification symbols of the basic patent, the language of the patent, if the basic patent is an European Patent, the PCT application number (if applicable), the priority of the basic patent (if applicable), the inventor of the basic patent (if applicable).

Question 7b:

i) to v):

YES

vi):

YES

The Office publishes the date and number of the first authorization to place the product on the market in Austria as a plant protection product and the date, country and number of the first authorization in the EEA.

vii):

YES

See explanation given under question 7b) vi.

viii):

See indications given under question 7a) viii.

Question 8a and 8b:

YES

Question 9a:

i) to v):

YES

vi):

YES

See explanations given under question 7a)vi

vii):

YES

viii):

YES

Duration identified by the date of expiry of the maximum period.

ix)

See indications given under question 7a) viii.

Question 9b:

i) to v):

YES

vi):

YES

See explanations given under question 7b)vi.

vii):

YES

viii):

YES

Duration identified by the date of expiry of the maximum period.

ix)

See indications given under question 7a) viii.

Question 10a and 10b:

i)a)d):

YES

i)b),c),e):

NO

ii)a)d)

YES

ii)e):

YES

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ii)b)c):

NO

Question 11 a and b:

The database (SCP Register; in German: „Schutzcertifikatsregister“) of the Office contains all data elements as specified in the replies to question 9.

Question 12 a and b:

The application number and the registration number are prefixed with „SZ“ followed by a continuous number beginning with „1“ each year and the 4-digit number of the year (SZ NNNN/YYYY).

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