

Patent Department

WIPO
Mr. Klaus-Peter Wittig
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September 3, 2001

Direct line +41 31 322 4909
Your reference -

Our reference 731.11/rho
Your message of July 6, 2001

C.SCIT 2539-06 - Comments by the Swiss Federal Institute of Intellectual Property

Dear Mr. Wittig,

Reference is made to circular C.SCIT 2539-06 of July 6, 2001 and your invitation to check the accuracy of the information given in the Survey on the grant and publication of supplementary protection certificates for medicinal and phytopharmaceutical products or equivalent industrial property rights.

Please, receive our comments and correctional remarks relating to the questions in the above-mentioned document as follows:

Question 1:

No remarks

Question 2:

No remarks

Question 3:

(a) No remarks

(b) The following information for CH is missing and must be included:

CH: Federal Law on Patents for Invention of June 25, 1954 (amended on February 3, 1995). Ordinance on Patents for Invention of October 19, 1977 (amended on May 17, 1995). The amendments concerning SPCs entered into force on September 1, 1995. SPCs are granted for Switzerland and for the Principality of Liechtenstein.

Question 4:

(a) No remarks

(b) The following information for CH is missing and must be included:

CH: Supplementary Protection Certificate for Phytopharmaceutical Products (in French: "Certificat complémentaire de protection pour les produits phytopharmaceutiques"; in German: "Ergänzendes Schutzzertifikat für Pflanzenschutzmittel"; in Italian: "Certificato protettivo complementare per prodotti fitosanitari").

Question 5:

(a) No remarks

(b) The following information for CH is missing and must be included:

CH: Active ingredients or combinations of active ingredients of a phytopharmaceutical product.

Question 6:

(a) No remarks

(b) Under „Yes.“ CH is missing and must be included.

Question 7:

(a) No remarks

(b) (i); (ii); (iii); (iv); (v); (vi); (vii); (viii): CH is missing and must be included.

Under (b) (vi) **Remarks:** The following information for CH is missing and must be included:

CH: The Office publishes the number and date of the first authorization to market the product as a phytopharmaceutical product in Switzerland and Liechtenstein.

Under (b) (viii) **Remarks:** The following information for CH is missing and must be included:

CH: The Office also publishes a designation of the product covered by the authorization to market together with the name and address of the representative where applicable.

Question 8:

(a) No remarks

(b) Under „Yes.“ CH is missing and must be included.

Question 9:

(a) (vi): CH is missing and must be included.

(b) (i); (ii); (iii); (iv); (v); (vi); (vii); (viii): CH is missing and must be included.

Under (b) (i) **Remarks:** The following information for CH is missing and must be included:

CH: The Office uses the basic patent number with an addition (“CNNNNNN”).

Under (b) (vi) **Remarks:** The following information for CH is missing and must be included:

CH: The Office publishes the number and date of the first authorization to market the product as a phytopharmaceutical product in Switzerland and Liechtenstein.

Under **(b) (viii) Remarks:** The following information for CH is missing and must be included:

CH: The Office specifies the expiry date of the SPC.

Under **(b) (ix)** The following information for CH is missing and must be included:

CH: The Office also publishes a designation of the product covered by the authorization to market, the filing date of the application and the name and address of the representative where applicable.

Question 10:

Under **(a)(i)(a) Remarks:** The following information for CH is missing and must be included:

CH: The Office also publishes a notice of SPC applications that have been refused.

Under **(a)(i)(b) Remarks:** The following information for CH must be deleted:

~~*CH: The Office also publishes a notice of SPC applications that have been refused.*~~

Under **(a)(i)(d):** CH must appear under Yes and must be deleted under No.

Under **(a)(i)(d) Remarks:** The following information for CH must be amended as follows:

CH: All data on SPCs are contained in the internal BAGIS database and are accessible on the Office's Website through the Online Patentregister Swissreg after grant.

Under **(a)(ii)(d):** CH must appear under Yes and must be deleted under No.

Under **(a)(ii)(d) Remarks:** The following information for CH must be amended as follows:

CH: All data on SPCs are contained in the internal BAGIS database and are accessible on the Office's Website through the Online Patentregister Swissreg after grant.

Under **(b)(i)(a):** The indication of CH is missing and must be included under Yes.

Under **(b)(i)(a) Remarks:** The following information for CH is missing and must be included:

CH: The Office also publishes a notice of SPC applications that have been refused.

Under **(b)(i)(b):** The indication of CH is missing and must be included under No.

Under **(b)(i)(c):** The indication of CH is missing and must be included under Yes.

Under **(b)(i)(d):** The indication of CH is missing and must be included under Yes.

Under **(b)(i)(d) Remarks:** The following information for CH must be included:

CH: All data on SPCs are contained in the internal BAGIS database and are accessible on the Office's Website through the Online Patentregister Swissreg after grant.

Under **(b)(i)(e)**: The indication of *CH* is missing and must be included under Yes.

Under **(b)(i)(e) Remarks**: The following information for *CH* is missing and must be included:

CH: Reference is made to the comment under Question 10(a)(i)(c).

Under **(b)(ii)(a)**: The indication of *CH* is missing and must be included under Yes.

Under **(b)(ii)(a) Remarks**: The following information for *CH* is missing and must be included:

CH: The Office also publishes a notice of SPC applications that have been refused.

Under **(b)(ii)(b)**: The indication of *CH* is missing and must be included under No.

Under **(b)(ii)(c)**: The indication of *CH* is missing and must be included under Yes.

Under **(b)(ii)(d)**: The indication of *CH* is missing and must be included under Yes.

Under **(b)(ii)(d) Remarks**: The following information for *CH* must be included:

CH: All data on SPCs are contained in the internal BAGIS database and are accessible on the Office's Website through the Online Patentregister Swissreg after grant.

Under **(b)(ii)(e) Remarks**: The following information for *CH* is missing and must be included:

CH: Reference is made to the comment under Question 10(a)(i)(c).

Question 11:

(a)(i): The information for *CH* must be amended as follows:

CH: BAGIS (internal database only); Swissreg (Online Patent Register on Office's Website); INPADOC (commercial)

(a)(ii): The following information for *CH* is missing and must be included:

CH: Application number of SPC, application, number of basic patent, title of invention, name and address of SPC holder, number/date of authorization and name of product, IPC main class symbol, duration of the SPC.

(b)(i): The information for *CH* must be amended as follows:

CH: BAGIS (internal database only); Swissreg (Online Patent Register on Office's Website); INPADOC (commercial)

(b)(ii): The following information for *CH* is missing and must be included:

CH: Application number of SPC, application, number of basic patent, title of invention, name and address of SPC holder, number/date of authorization and name of product, IPC main class symbol, duration of the SPC.

Question 12:

(b)(i): The following information for CH is missing and must be included:

CH: The Office uses the basic patent number with an addition (“CNNNNNNN”).

(b)(ii): The following information for CH is missing and must be included:

CH: The Office uses the basic patent number with an addition (“CNNNNNNN”).

Summary:

No remarks

[End of comments by the Swiss Federal Institute of Intellectual Property]

We thank you for the opportunity to review the document in question and the possibility to bring in our comments and remarks.

Yours sincerely,

Rolf Hofstetter
Head of Patent Administration