

SUPPLEMENTARY PROTECTION CERTIFICATES AND PATENT TERM EXTENSIONS

Response ID:93; tckw Data

1. Country code page

1. Please enter the two-letter country code corresponding to your Office or Organization.

CH

2. Questions page

2. 1. Does your Office/Organization provide SPCs or PTEs?

Yes

2. If you have answered "NO" to Question 1, will your Office/Organization start providing SPCs or PTEs in the future?

Comments:

3. 3. Please specify for which products an SPC or PTE can be obtained (or are planned to be introduced):

medicinal products

plant protection products

4. 3a. Please describe the requirements for granting SPCs or PTEs.

Examples:

the product has been protected by a patent,

the product has been subject to a regulatory review procedure before its commercial marketing or use,

an SPC or PTE has never been granted on the product.

If available, please provide a link to guidelines on filing applications for SPCs or PTEs.

Art. 140b Swiss Patents Act: The certificate is granted if, at the time of the application: the product as such, a process for manufacturing it or a use of it is protected by a patent; official authorisation has been granted for placing the product on the market in Switzerland as a medicinal product. It is granted based on the first authorisation. Art. 140c para. 2: Only one certificate shall be granted for each product.

5. 4. Please specify the legal basis for granting SPCs or PTEs. For example, relevant provisions of the national law (article or rule number), regional regulation, decrees, ordinances etc.

If legal grounds are different for the objects indicated in Question 3, please list all of them, indicating corresponding products.

Medicinal products: Art. 140a-140y Patents Act, Art. 127a-127z quinquies. For plant protection products: Art. 140z Patents Act, Art. 127zsexies-127z septies

6. 5. Please give the name(s) of the SPCs or PTEs granted by your Office/Organization in both English and the original language.

Example: DE – Supplementary Protection Certificate (in German: "Ergänzendes Schutzzertifikat").

If names are different for the products indicated in Question 3, please list all of the protections, indicating corresponding products.

DE/FR/IT - Supplementary protection certificates for medicinal products (German: Ergänzende Schutzzertifikate für Arzneimittel; French: Certificats complémentaires de protection par les médicaments; Italian: Certificati protettivi complementari per medicinali). DE/FR/IT -Pediatric supplementary protection certificates for medicinal products (German: Pädiatrische ergänzende Schutzzertifikate für Arzneimittel; French: Certificats complémentaires de protection pédiatriques pour les médicaments; Italian: Certificati protettivi complementari pediatrici per medicinali). DE/FR/IT - Supplementary protection certificates for plant protection products (German: Ergänzende Schutzzertifikate für Pflanzenschutzmittel; French: Certificats supplémentaires de protection pour les produits phytosanitaires; Italien: Certificati protettivi complementari per prodotti fitosanitari)

7. 6. If your Office/Organization assigns (or intends to assign) a specific application and/or grant/registration number to SPCs or PTEs, please give examples and details of:

the numbering system for applications:: [Hilfe und Beispiele aufrufen] C685436/01, C00740668/01

Comments: The letter "C", followed by the Number of the CH or EP Patent, followed by "/" followed by a serial number starting with 01 for the first SPC with the same patent as a base patent

8. 7. Does your Office/Organization or other relevant national authority publish, or intend to publish, one or more of the following events for an SPC or PTE?

	MEDICINAL PRODUCTS	PLANT PROTECTION PRODUCTS	ALL PRODUCTS SUBJECT TO REGULATORY APPROVAL FOR MARKETING	OTHER
Request (application) for an SPC or PTE filed	X	X		
SPC or PTE granted	X	X		
SPC or PTE not granted				
SPC or PTE opposed by third parties				
SPC or PTE came into force				
SPC or PTE ceased because of a lapse or expiry	X	X		
Extension of SPC term requested	X	X		
Extension of SPC term granted	X	X		
Extension of SPC term not granted				

Comments:

9. 8a. In what form is the corresponding event published?

through public online databases (please indicate the name and the URL of the database): Swissreg (URL for SPC: <https://www.swissreg.ch/srclient/faces/jsp/spc/sr1.jsp>)

10. 8b. What are the minimum elements that this publication must contain?

- application number
- filing date
- name and address of the applicant
- number of the relevant patent
- authorization details

title of the invention
name of the product
date of the SPC or PTE authorization
other elements (please specify):: expiration date of the protection

11. 8c. What is the planned timetable for publishing this information?

we are currently changing vom every 14 days to real time

12. 8d. Please attach an example(s) of published events and/or of corresponding announcements.

[2019-01-29_detailansicht_esz.pdf](#)

Comments:

13. 9. Does your Office/Organization or other relevant national authority publish (or intend to publish) the announcement of state changes for an SPC or PTE as defined in WIPO Standard ST.27?

	MEDICINAL PRODUCTS	PLANT PROTECTION PRODUCTS	ALL PRODUCTS SUBJECT TO REGULATORY APPROVAL FOR MARKETING	OTHER
Changed to "Active"				
Changed to "Not active"				
Changed to "Terminated"				

14. 10a. In what form is the announcement related to the state change published?

15. 10b. What are the minimum elements that this publication must contain?

16. 10c. What is the planned timetable for publishing this information?

17. 10d. Please attach a specimen(s) of corresponding announcements.