

## Media release

### **Revision of the Swiss Patent Act: Good for the Swiss innovation hub**

*Zurich, 15 March 2024.* **The Federal Assembly's consultations on the modernisation of Swiss patent law have been concluded. The adoption of the bill in the final vote on 15 March 2024 will lead to greater legal certainty and bring the Swiss patent system into line with international practice.**

The protection of intellectual property is central to Switzerland as a centre of innovation, particularly for the chemical, pharmaceutical and life sciences industries. Our industries account for around 40 per cent of private investment in research and development (R&D) – equivalent to CHF 6.7 billion in 2021.

More than a third of Switzerland's total R&D expenditure flows into biotechnology. These investments can only be economically justified in an environment with strong and enforceable protection of intellectual property rights (IPR). The revision of the Swiss Patent Act serves this objective.

#### **Modern patent system necessary to strengthen Switzerland as a centre of innovation**

The revision of the Patent Act increases the quality of the patent system in Switzerland and gives applicants and third parties more options in the area of patent protection without restricting existing options. Overall, Switzerland's position in the European and international environment will be strengthened.

The European Patent Organisation (EPO) is increasingly aligning itself with the EU member states, while in the case of Switzerland, the possibilities for exerting influence are diminishing. The EU's unitary patent further exacerbates this development. A strong national patent system can complement the existing European and international patent systems on the one hand, and contribute to being able to react adequately to developments at international level on the other.

#### **No suspensive effect for third-party appeals**

The Swiss parliament and its responsible committees have agreed that appeals by third parties should not have a suspensive effect - unless the court expressly orders such an effect. In the case of an automatic suspensive effect, the patent effect would be suspended at the same time as each appeal.

This would have meant that the patent would not have been enforceable during the ongoing proceedings and the actual purpose of patent protection would have been lost. The Swiss parliament's decision leads to clear conditions in the appeal procedure, which results in legal certainty for both the patent holder and any appellants.

#### **Grounds for appeal by third parties**

With regard to the grounds for appeal against patents granted by third parties, the revised Patent Act is based on those of the previous opposition proceedings. Additional grounds for appeal are therefore only possible if the other person is particularly affected in accordance with Art. 48 of the Administrative Procedure Act (APA).

In future, this will ensure that third parties who wish to put forward reasons against the grant of a patent can have this reviewed by the Federal Patent Court in a simple procedure as part of third-party appeal proceedings.

#### **Further information:**

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