

**WORLD TRADE  
ORGANIZATION**

**IP/N/1/CHE/4**  
5 May 2009

(09-2189)

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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: French

**NOTIFICATION OF LAWS AND REGULATIONS  
UNDER ARTICLE 63.2 OF THE AGREEMENT**

SWITZERLAND

The following communication, dated 19 February 2009, is being circulated at the request of the delegation of Switzerland.

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I forward herewith a document containing the notifications that Switzerland is required to provide under Article 63.2 of the TRIPS Agreement. It covers the period 2004 to September 2008.

TITLE DATES OF ADOPTION AND ENTRY INTO EFFECT	BRIEF DESCRIPTION
<p>Article 40<i>d</i></p> <p>Article 40<i>e</i>(5), second sentence</p> <p>Articles 7.3, 7<i>a</i> to 7<i>d</i>, 121.1(c) and 121.2 Articles 109, 111, 127 and 129 Article 138 Articles 75, 77.5 and 145.2 Articles 59<i>d</i>, 61.2, 63<i>a</i>, 72.2, 73.4, 87 to 106<i>a</i> and 139</p>	<p><b>Transposition of the decision adopted on 30 August 2003 by the WTO General Council on compulsory licensing for pharmaceutical products<sup>21</sup></b></p> <ul style="list-style-type: none"> <li>- Article 40<i>d</i> ("compulsory licensing for the export of pharmaceutical products") provides for the possibility of producing in Switzerland, under compulsory licence, patented pharmaceutical products for export to a developing country when conditions are such as established by the WTO decision of 30 August 2003 (paragraph 1)</li> <li>- Beneficiary countries (paragraph 2)</li> <li>- Amount that can be produced under the licence (paragraph 3)</li> <li>- Identification requirement (paragraph 4)</li> <li>- The Federal Council is mandated to establish the conditions for granting the licence (paragraph 5)</li> <li>- Remuneration</li> </ul> <p style="text-align: center;"><b>Other</b></p> <ul style="list-style-type: none"> <li>- Prior right</li> <li>- Private international law</li> <li>- Harmonization with the PCT</li> <li>- Entitlement to act of exclusive licence holder</li> <li>- Repeal of provisions on preliminary examinations</li> </ul>

<sup>21</sup> See document WT/L/540 of 1 September 2003, document IP/C/41 of 6 December 2005, and document WT/L/641 of 8 December 2005.

TITLE DATES OF ADOPTION AND ENTRY INTO EFFECT	BRIEF DESCRIPTION
<p>Editorial amendments; preamble; Articles 1, 4, 4b, 8 to 11, 14, 16, 17a, 18 and 20; heading preceding Article 21; Articles 21, 22, 24, 26 to 28, 30, 31a, 32, 34, 37 to 39, 39a, 40, 43 and 43a; heading preceding Article 45a; Article 45a; heading preceding Article 45b; Article 45b to 45j; heading preceding Article 46; Articles 46, 46a to 46e, 47, 48, 48a to 48d, and 49 to 52; heading preceding Article 53; Articles 53, 53a, 54, 54a, and 55 to 58; heading preceding Article 59; Article 59 and 59a to 59c; heading preceding Article 60; Articles 60, 60a to 60c, 61a, 62, 62a, 63 to 67 and 69; heading preceding Article 70; Article 72; heading preceding Article 73; Articles 73 to 88; heading preceding Article 89; Articles 90, 92, 94, 97, 98a, 101 and 104 to 106; heading preceding Article 108; Article 109; heading preceding Article 111; Article 111 and 111a to 111c; heading preceding Article 112; Articles 112, 112a to 112f, 118, 122, 123, 124, 125a, 126, 127, 127b and 127l; and transitional provision: adopted 21 May 2008, entered into effect 1 July 2008 (RO 2008 2585)</p>	<p>Revision required mainly due to the recent amendments to the Law on Patents, in particular in the following areas (<b>second part</b>):</p> <ul style="list-style-type: none"> <li>- Biotechnological inventions;</li> <li>- approval of the Patent Law Treaty (PLT).</li> </ul> <p>Other amendments aim to provide a better response to users' needs.</p>
<p>Details of amendments adopted on 21 May 2008, by group of provisions:</p> <p>Articles 4.6, 4b, 8, 9.1, 10.2, 14.1, 14.2, 16.2, 18.3 and 24.2</p> <p>Articles 21, 26.1, 26.3, 34, 37.1, 37.2, 38.1 to 38.3, 39.2 to 39.4, 39a(2) and (3), 40.5bis and 43a</p> <p>Articles 46, 46a, 46b, 46c, 46d, 46e, 46f, 47, 48a, 48c, 50, 51, 53, 53a, 54, 56, 57, 59, 59a ff, 60, 60a, 60b, 60c, 60d and 62</p> <p>Articles 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86 and 87</p> <p>Articles 90, 91 and 98a</p> <p>Articles 118, 122, 122a, 124 and 126</p>	<p><b>Amendments to the Swiss patent procedure</b></p> <ul style="list-style-type: none"> <li>- General provisions</li> <li>- Application</li> <li>- Examination of application</li> <li>- Opposition procedure</li> <li>- File and patents register</li> <li>- European patent applications, European patents, and international patent applications</li> </ul>

TITLE DATES OF ADOPTION AND ENTRY INTO EFFECT	BRIEF DESCRIPTION
<p>Article 27 Article 45a  Article 45b to 45j  Article 127b and 127l      Article 111 Article 111a Article 111b Article 111c      Article 112 Article 112a Article 112b Article 112c Article 112d  Article 112e  Article 112f  <b>Layout designs (topographies) of integrated circuits</b>  <u>Federal Law on the Protection of Topographies of Semi-Conductor Products:</u><sup>23</sup> adopted on 9 October 1992, entered into effect on 1 July 1993 (Article 17: entered into effect on 1 January 1994), (Law on Topographies, LTo; RS 31.2, RO 1993 1828).</p>	<p><b>Amendments concerning biotechnological inventions</b></p> <ul style="list-style-type: none"> <li>- Sequence listing</li> <li>- Indications of the source of genetic resources and traditional knowledge</li> <li>- Deposit of biological material</li> </ul> <p><b>Supplementary protection certificate for medicines and phytosanitary products</b></p> <p><b>Compulsory licences for the export of pharmaceutical products</b></p> <ul style="list-style-type: none"> <li>- Content of legal claim</li> <li>- Measures to identify products</li> <li>- Licence holder's duty to publish information</li> <li>- Institute's obligation to inform and notify</li> </ul> <p><b>Intervention of the Customs Administration</b></p> <ul style="list-style-type: none"> <li>- Scope</li> <li>- Request for intervention</li> <li>- Detention of goods</li> <li>- Samples</li> <li>- Protection of manufacturing and business secrets</li> <li>- Conservation of evidence in the event of the destruction of goods</li> <li>- Emoluments</li> </ul> <p>Existence of protection rights, acquisition and scope of rights, term of protection, civil and criminal proceedings, topographies register, Customs measures, etc.</p>

<sup>23</sup> See document IP/N/1/CHE/L/4.