

SWISS CONFEDERATION (SWITZERLAND) *

[EXCHANGE OF LETTERS CONCERNING
MUTUAL RECOGNITION OF PATENT
PRIORITY RIGHTS BETWEEN THE
NATIONAL BUREAU OF STANDARDS OF
THE MINISTRY OF ECONOMIC AFFAIRS
IN TAIPEI AND THE FEDERAL INTEL-
LECTUAL PROPERTY OFFICE IN BERN]

Signed and exchanged on December 11, 1995

Entered into force on December 11, 1995

153772

December 1, 1995

Dr. Roland Grossenbacher
Director General
Swiss Federal Intellectual Property Office
Einsteinstrasse 2
CH-3003 Bern
Switzerland

Dear Director General:

As a follow-up to the meeting held on 1 July 1995 in Bern between your Federal Council for Public Economy, Mr. J.P. Delamuraz, and our Minister of Economic Affairs, Mr. P.K. Chiang, as well as the recent contacts between your Office and my Bureau on the issue of mutual recognition of patent priority rights between Switzerland and the Republic of China (ROC), I have the honor to propose to you the following arrangement:

Provided the Federal Intellectual Property Office (FIPO) in Bern confirms that the first filing, on or after 1st of January 1996, of an application for an invention patent, new utility model patent or new design patent at the National Bureau of Standards

瑞士聯邦*

[台北經濟部中央標準局
與伯恩智慧財產局間關於
相互承認專利優先權之換
函] (中譯文)

八十四年十二月一日及十二月十一日簽換

八十四年十二月十一日生效

153772

局長閣下：

關於中華民國與瑞士相互承認專利優先權乙案，依據八十四年七月一日我國經濟部江部長與 貴國聯邦經濟部迪拉米拉部長在伯恩之晤談以及本局與 貴局最近之聯繫，本人謹提議：

倘伯恩之聯邦智慧財產局證實「中華民國國民或者其他與中華民國相互承認優先權之國民，自八十五年一月一日起，第一次在台北經濟部中央標準

(NBS) under the Ministry of Economic Affairs in Taipei by a ROC national, or a national of another country which mutually recognizes priority rights with the ROC, shall have the same effect as the first filing in a country party to the Paris Convention for the Protection of Industrial Property; the NBS shall recognize that a Swiss national, or a national of another country which mutually recognizes priority rights with the ROC who first files, on or after 1st of January 1996, an application for an invention patent or industrial design with the FIPO or that a Swiss national who first files, on or after 1st of January 1996, an application for an invention patent, utility model or industrial design with the patent offices in another country which mutually recognizes priority rights with the ROC, shall enjoy the right to claim priority based on such filing during the period provided for in the relevant laws and regulations of the ROC. The priority right claimed in application for an invention patent filed at the FIPO may be based on the filing at the NBS of an application for a new utility model patent or an invention patent, and the priority right claimed in an application for a new utility model patent filed at the NBS may be based on the filing at the FIPO of an application for an invention patent.

If the above-mentioned arrangement is acceptable to Switzerland, this letter, together with your confirmation of ROC nationals' patent priority rights in Switzerland, shall constitute an agreement to implement the mutual recognition of patent priority rights. Upon receipt of your confirmation, we will publish an announcement of the mutual recognition of the right to claim patent priority between the FIPO and the NBS in the Official Patent Gazette.

I look forward to your early response.

Sincerely,

局之發明專利、新型專利或新式樣專利申請案具有和第一次在保護智慧財產巴黎公約同盟國之申請案同等之效力」，中央標準局承認瑞士國民或其他與中華民國相互承認優先權之國家的國民自八十五年一月一日起在聯邦智慧財產局之第一次發明專利或工業設計申請案，或者瑞士國民自八十五年一月一日起在其他與中華民國相互承認優先權之國家的專利局之第一次發明專利、新型專利或工業設計申請案，得於中華民國法令所規定之期間內，基於該項申請主張優先權。在中央標準局之新型專利申請案或發明專利申請案得據以向聯邦智慧財產局主張發明專利優先權，且在聯邦智慧財產局之發明專利申請案得據以向中央標準局主張新型專利優先權。

一旦瑞士接受上揭條件，本文連同閣下確認我國國民之瑞士專利優先權的信函，構成履行相互承認專利優先權之協定。在接到閣下之確認信函後，本局將於專利公報上公告雙方相互承認專利優先權。

殷盼早日接到 貴局之答覆。

此致

[Signed]

Tchen Tso-tchen
Director General

cc. Mr. Steve Chen Rney-Long, Representative
Representation of the Separate Customs Territory of
Taiwan, Penghu, Kinmen and Matsu to GATT/WTO,
Geneva

Mr. Tchen Tso-Tchen
Director General
National Bureau of Standards
Ministry of Economic Affairs
185 Hsin-Hai Road Sec. 2
Taipei, 10637 Taiwan

Bern, 11 December 1995

Recognition of the Right to Claim Priority for Patent Applications

Dear Mr. Director General,

I refer to your letter of 1st December 1995 concerning the recognition of the right to claim priority for applications patents for invention, for utility models and for designs and have the honor to inform you that we can accept your proposal. Therefore I have pleasure in informing you of the following:

The Federal Intellectual Property Office (FIPO) in Bern confirms that first applications for patents for inventions, for utility models and for designs which are duly filed at the National Bureau of Standards (NBS) under the Ministry of Economic Affairs in Taipei by its nationals or nationals of another country which mutually recognizes priority rights with the NBS, on or after 1 January 1996, shall have the same effect as first applications in a country party to the

瑞士聯邦智慧財產局局長
郭羅森巴黑爾

一九九五年十二月一日
局長 陳佐鎮〔簽字〕

抄送：我國駐關稅暨貿易總協定聯絡辦事處 陳代表瑞隆

局長閣下：

本（八十四）年十二月一日貴局關於承認發明專利、新型及式樣申請案優先權主張之來函，我方欣然接受 貴方之提議，本人謹告知：

伯恩之聯邦智慧財產局確認「自八十五年一月一日起，第一次在台北經濟部中央標準局之發明專利、新型專利或新式樣專利申請案，凡係由其國民或者其他與台北中央標準局相互承認優先權之國家的國民所提出者，具有和第一次在保護智慧財產巴黎公約同盟國之中

Paris Convention for the Protection of Industrial Property. The priority right claimed in an application for an invention patent filed at the FIPO may be based on the filing at the NBS of an application for a utility model patent or an invention patent, and the priority right claimed in an application for a utility model patent filed at the NBS may be based on the filing at the FIPO of an application for an invention patent.

This information - as well as the information that the NBS will also grant the right to claim priority for applications filed by Swiss nationals and nationals of other countries which mutually recognize priority rights with the NBS in Taipei - will be published in the December issue of our "Feuille suisse des brevets, dessins et marques" (FBDM).

I thank you for your kind cooperation and look forward to hearing from you.

Very truly yours,

Roland Grossenbacher
(Director General)

Copy to Mr. Steve Chen Ruey-Long, Representative, Representation of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu to GATT/WTO, Geneva

請案同等之效力」。在中央標準局之新型專利申請案或發明專利申請案得據以向聯邦智慧財產局主張發明專利優先權，且在聯邦智慧財產局之發明專利申請案得據以向中央標準局主張新型專利優先權。

我方將於十二月份的瑞士官方公報（FBDM）公告上揭內容和貴局亦將授予瑞士國民及其他與台北中央標準局相互承認優先權國家之國民所提出申請案之優先權主張。

感謝 閣下之協助。

此致
經濟部中央標準局局長
陳佐鎮
一九九五年十二月十一日於
伯恩

局長 郭羅森巴黑爾

抄送：台澎金馬獨立關稅領域加對關稅暨貿易總協定／世界貿易組織代表處 陳代表瑞隆