

Annual Report 2025

# **Federal Patent Court**

---



## **Annual Report of the Federal Patent Court 2025**

---

St. Gallen, 27 February 2026

Mister President

Distinguished members of the National Council and the Council of States

Relying on Article 3 paragraph 3 of the Patent Court Act (PatCA), we hereby submit the Annual Report covering our activities in 2025.

Please accept, Mister President and distinguished members of the National Council and the Council of States, the assurance of our highest consideration.

On behalf of the Federal Patent Court

President: Mark Schweizer

First Court Clerk: Sven Bucher

<b>Foreword by the president</b>	<b>5</b>
<b>Executive Summary</b>	<b>7</b>
<b>1. GENERAL</b>	<b>9</b>
<b>Composition of the Court</b>	<b>9</b>
<b>Court organisation</b>	<b>10</b>
<b>Caseload</b>	<b>10</b>
<b>Case law co-ordination</b>	<b>11</b>
<b>Administrative office</b>	<b>12</b>
<b>Co-operation</b>	<b>12</b>
<b>2. CASE LAW</b>	<b>13</b>
<b>3. STATISTICS</b>	<b>15</b>

# Foreword by the President

Development costs for high-technology products cannot be recouped by selling them in single countries. Neither, therefore, can patent protection of technological developments be limited to single countries. This is why some patent protection rules were already being internationally harmonised as far back as 1883. Since the 1970s, the assessment and award of patents in Europe have been centralised through the European Patent Office in Munich. Switzerland is a founding member of the relevant Convention, and Swiss-based companies are among the most active users of the European patent system.

Despite yearslong efforts, however, judiciary enforcement of patents had not been unified, and the national courts retained jurisdiction for infringement and revocation actions.

In 2023, following the creation of the Unified Patent Court, this changed for (so far) 18 Member States of the European Union. The Unified Patent Court issues prohibitions that apply for up to 18 countries and can invalidate patents for all participating countries. Since Switzerland is not a member of the EU, not only is it not a founding member of the Agreement on a Unified Patent Court, it is also entirely precluded from participation.

Nevertheless, the new Court has implications for Switzerland. A product the sale of which has been prohibited by the Unified Patent Court may still be manufactured in Switzerland. However, the fact that it may no longer be sold in Europe will often mean that its manufacture is no longer economically viable.

Only time will tell what impact the new Unified Patent Court will have on patent protection and enforcement in Switzerland. We will then also see whether the decline in patent disputes observed in Switzerland since 2024 is temporary or permanent.

Mark Schweizer,  
President of the Federal Patent Court



# Executive Summary

**14**

---

Cases introduced  
(previous year 20)

The total number of incoming cases to the Federal Patent Court declined again compared with the prior year (14, previous year 20). There were significantly fewer ordinary proceedings (8, previous year 11) and the number of summary proceedings also decreased (6, previous year 9).

**23**

---

Cases handled  
(previous year 25)

Of the 15 ordinary proceedings handled by the Court, seven were adjudicated. Eight cases were dismissed. Eight summary proceedings were handled in the reporting year, of which seven were adjudicated and one was dismissed. The number of cases pending at the end of the year dropped again (15, previous year 24).

**15**

---

Pending at the end of  
the year



# 1. General

## Composition of the Court

---

### Administrative Committee

President:	Mark Schweizer
Second permanent judge:	Tobias Bremi
Vice-President:	Frank Schnyder

### Non-permanent judges with technical training

Natalia Clerc  
Roland Dux  
Susanne Finklenburg  
Giovanni Gervasio  
Barbara Herren  
Michael Kaufmann  
Stephan Kessler  
Alfred Koepf  
Christoph Müller  
Markus A. Müller  
Lorenzo Parrini  
Lorena Piticco  
André Roland  
Werner A. Roshardt  
Susanna Ruder  
Philipp Rüfenacht  
Christophe Saam  
Frank Schager  
Frank Schnyder  
Andreas Schöllhorn Savary  
Martin Sperrle  
Hannes Spillmann  
Kurt Stocker  
Michael Störzbach  
Kurt Sutter  
Daniel Vogel  
Prisca von Ballmoos  
Diego Vergani  
André Werner  
Marco Zardi

### Non-permanent judges with legal training

Daniel M. Alder  
Lara Dorigo  
Philippe Ducor  
Christoph Gasser  
Andri Hess  
Simon Holzer  
Stefan Kohler  
Daniel Kraus  
Thomas Legler  
Rudolf Rentsch  
Ralph Schlosser  
Christoph Willi

Women account for 16% of the Court's judges (7 out of a total of 43). They account for 8% of court officials with legal training (1 out of 13 persons), and 20% of court officials with technical training (6 out of 30 persons).

Of the court judges, 77% are German native speakers, 16% French and 7% Italian.

The system of non-permanent judges with legal or technical training continues to prove extremely effective. Thanks to the combined participation of qualified legal specialists and technical experts from the fields of expertise at issue, the panels have a high level of competence enabling them to hear cases of significant technical complexity in a reasonable time frame and at an acceptable cost.

At the end of the reporting year, Judge Kurt Stocker stepped down and retired. The by-election was held previously, at the same time as the general elections during the autumn session of 2023.

## **Court organisation**

---

The Federal Patent Court has neither chambers nor divisions.

By law, the Administrative Commission is composed of the President, Vice-President and the second permanent judge (Art. 20(2) PatCA). The members of the incumbent Administrative Commission are Mark Schweizer (President), Frank Schnyder (Vice-President), and Tobias Bremi (second permanent judge).

## **Caseload**

---

At the end of the reporting year, eleven ordinary proceedings and four summary proceedings were pending before the Federal Patent Court (previous year: 18 and 6 respectively).

The total number of incoming cases declined again compared with the prior year (14, previous year 20). The number of ordinary proceedings fell significantly and was down to eight (previous year 11); there were also fewer summary proceedings (6, previous year 9). Whether this is attributable to the Unified Patent Court, which opened its doors in June 2023 and can issue bans for up to 18 countries, will be seen if the decline becomes permanent.

The Court heard 15 ordinary proceedings (previous year 16), none of which were concluded by settlement (previous year 9); eight were dismissed following withdrawal or recognition of the claim (previous year 2), and seven were adjudicated (previous year, 5).

Eight summary proceedings were concluded (previous year 9), seven of which by adjudication (previous year 7), and one was dismissed after settlement (previous year 0); there were no dismissals on grounds of withdrawal or recognition of the claim (previous year: 2).

Three judgments on merits were referred to the Federal Supreme Court. In the reporting year, the Federal Supreme Court heard five appeals against decisions by the Federal Patent Court. One appeal was rejected and one was upheld. The Federal Supreme Court did not examine one

appeal, and two were dismissed following their withdrawal. At the end of the reporting year, one appeal was still pending.

In the reporting year, seven of the ordinary proceedings submitted to the Federal Patent Court were heard in German, and one in French. As for the summary proceedings, the language of proceedings was German in all six cases. No cases were heard in Italian. In two ordinary proceedings and one summary proceeding, the parties mutually agreed to avail themselves of their right to use English instead of an official language in their submissions and hearings before the Federal Patent Court. Of the 42 protective briefs overall, 18 were submitted in English. Parties continue to show great interest in pleading their cases in English. This is because English is the working language used not only by the many foreign companies involved in court cases here, but also by the R&D and patent divisions of numerous Swiss companies; moreover, the most important state-of-the-art technical documents are written in English.

### **Case law co-ordination**

---

The legal requirement that one of the two permanent judges – usually the President, who is the only permanent judge working full-time – must always be a member of the panel ensures proper co-ordination of case law.

As a rule, the Federal Patent Court conducts its decision-making through three-member panels, each of which must comprise one member with technical training and another with

legal training. Where appropriate for the further development of the law or in the interest of case-law consistency, the President may order a case to be decided by a five-member panel. Decisions on precautionary measures are decided by the President sitting alone; where the understanding of a technical matter is of particular significance, the decision must be made by a three-member panel.

The panel is formed by the President who participates in all decisions unless there are grounds for recusal. The judges with technical training are assigned depending on their working languages and the subject matter at issue; at the same time, care is taken to ensure as balanced a workload as possible for the judges. In practice, the grounds for recusal play a decisive role in the assignment of the non-permanent judges to the panels, since judges must be impartial to participate in a panel. Given the small overall number of cases and the need to take into consideration the subject matter at issue, case-assignment is not automated.

If it subsequently appears that a judge cannot sit on a panel – e.g. because a ground for recusal is discovered, or the judge is unable to discharge his or her duties for a longer period of time – the composition of the panel may be modified by way of exception. This was never the case in the reporting year.

## **Administrative Office**

---

### **Personnel**

The staff still consists of only two administrative employees (equivalent to 130% full-time posts) and two court clerks (equivalent to 100% of a full-time post). The Second Clerk, whose principal employment is as Clerk in Division II of the Federal Administrative Court, is brought in on a case-by-case basis as required.

### **Premises**

Like the hearing rooms it shares with the Federal Administrative Court, the office premises of the Federal Patent Court satisfy their intended purpose and there is no need to modify the existing arrangement.

When the Federal Patent Court needs to sit somewhere other than in St. Gallen, the host canton provides the hearing rooms. In the reporting year, two main hearings were held in the Salle du Conseil Général of the Hôtel de Ville in Neuchâtel. The Handelsgericht Zürich (Zurich Commercial Court) provided a courtroom for two preparatory hearings.

### **Finances**

At CHF 715,540, income was significantly lower than the prior year (CHF 1,044,494); this was because the prior year's income had been bolstered by several judgments from the year before, which became enforceable last year, and in respect of which high court fees were recognised in accounting. Although expenditure was slightly less than the prior year – CHF 1,496,094 as against CHF 1,508,459 – the deficit

was significantly higher at CHF 780,554 (previous year CHF 463,966). The cost-coverage rate was 48% (previous year 69%). The deficit is covered by the Swiss Federal Institute of Intellectual Property.

## **Co-operation**

---

The supervisory meetings with the Federal Supreme Court took place on 14 April in Lucerne and on 10 October in St. Gallen; the support granted to the Federal Patent Court is well-appreciated.

As in prior years, the co-operation with the Federal Administrative Court was very smooth and pleasant.

## 2. Case law

In the reporting year, the Court adjudicated in the following cases inter alia:

### **Ortovox patent for avalanche transceiver is partially invalid**

The Federal Patent Court has partially upheld a revocation action brought by Swiss outdoor sports equipment manufacturer Mammüt against a patent held by its competitor Ortovox. The Court opines that suppressing the audio signal of an avalanche transceiver or reducing its volume while the transceiver is emitting a voice message is obvious and therefore not patentable. On the other hand, giving the user of an avalanche transceiver additional instructions by voice messages triggered by events associated with the search is an inventive step.

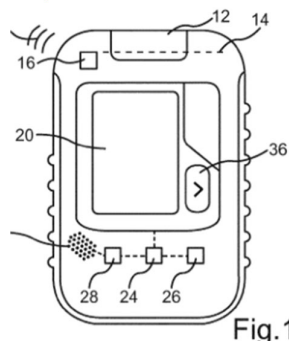


Figure 1 from the patent at issue in the case *Mammüt versus Ortovox*

### **Bayer's patent for a dosing regimen of rivaroxaban for the treatment of thromboembolic diseases is revoked**

In an international dispute, the Federal Patent Court upheld a revocation action lodged by the Swiss pharmaceutical company Sandoz against a patent held by its competitor Bayer. In assessing the inventive step, the Federal Patent Court established two new principles: Firstly, it ruled on the circumstances under which more than one source may be used, in exceptional cases, to determine the closest prior art. Secondly, it was established for the first time that distinguishing features which do not produce a technical effect cannot contribute to a finding of inventive step. Based on these two principles, the Federal Patent Court deemed the patented dosage regimen to be obvious and not patentable.

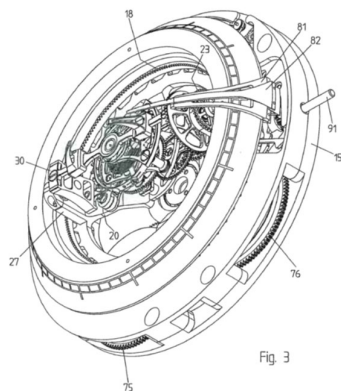
### **Precautionary sales ban against Lisdexamphetamine Spirig HC based on a supplementary protection certificate**

Lisdexamphetamine is approved under the brand name Elvanse® for the treatment of attention deficit hyperactivity disorder. Takeda Pharmaceuticals, the holder of a supplementary protection certificate for lisdexamphetamine, requested that Spirig HealthCare be prohibited from distributing a generic version of Elvanse® as a precautionary measure. In dispute was whether lisdexamphetamine is the same active ingredient as amphetamine. Since amphetamine has already been approved in Switzerland, it would be in-

admissible to grant a protection certificate for the same active ingredient. In this case, the Federal Patent Court found that, while lisdexamphetamine releases amphetamine into the body, it is not the same active ingredient as amphetamine and upheld the injunction. The Federal Supreme Court declined to examine an appeal against the judgment.

**Infringement action against Jacob & Co regarding “tourbillon central”**

Watchmaker and inventor Vianney Halter lodged an infringement action against Jacob & Co and others claiming his rights under two Swiss patents had been infringed by the defendants’ “Mystery Tourbillon” watches. The patents relate to the central mechanism of a multi-axis tourbillon in a watch movement. The Court found that the patents had been unlawfully amended and were not based on inventive steps; it dismissed the claim. Watch movements with a conventional tourbillon in the center already existed. Insofar as replacing a single-axis tourbillon with a multi-axis tourbillon produces any technical effect at all, the Court deemed such replacement to be obvious.



*Figure 3 from the patents at issue in the case Halter versus Jacob & Co*

# 3. Statistics

## 3.1 Number and type of case

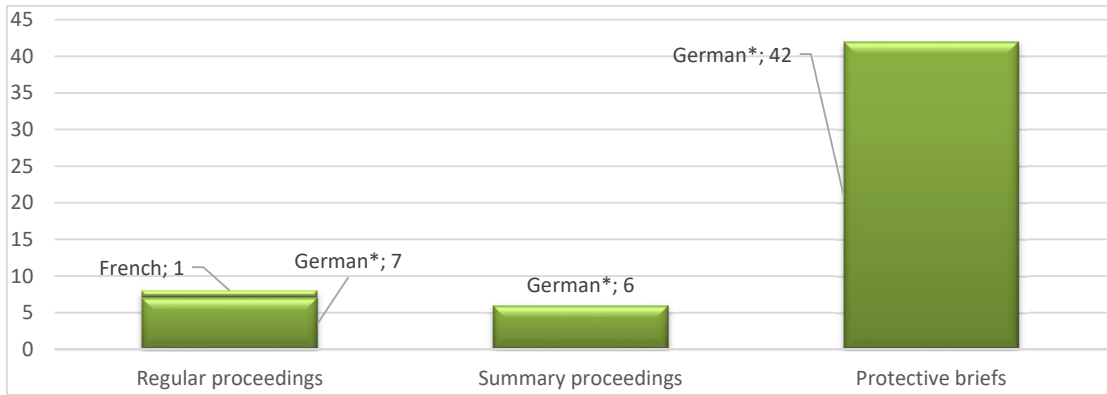
	Action taken				Outcome of proceedings			
	Cases still pending before 01.01.2025	Cases submitted to FPC in 2025	Cases settled	Cases still pending on 31.12.2025	Case settled by judgment	Case settled by compromise	Case declared inadmissible	Case declared groundless *
<b>Regular proceedings</b>								
Infringement of patent without counter-claim of nullity of patent	5	8	3	10	2	-	-	1
Nullity of patent without counter-claim of infringement of patent	8	-	8	-	3	-	-	5
Infringement and nullity of patent	2	-	2	-	-	-	-	2
Right to a patent	1	-	1	-	1	-	-	0
Claim	1	-	-	1	-	-	-	0
Other	1	-	1	-	1	-	-	0
<b>Total</b>	<b>18</b>	<b>8</b>	<b>15</b>	<b>11</b>	<b>7</b>	<b>-</b>	<b>0</b>	<b>8</b>
<b>Summary proceedings</b>								
Injunction/safeguarding of interests	4	3	5	2	5	-	-	-
Description	1	-	1	-	1	-	-	-
Seizure	-	-	-	-	-	-	-	-
Evidence secured	-	2	-	2	-	-	-	-
Description and evidence secured	-	1	1	-	1	-	-	-
Other	1	-	1	-	-	1	-	-
<b>Total</b>	<b>6</b>	<b>6</b>	<b>8</b>	<b>4</b>	<b>7</b>	<b>1</b>	<b>-</b>	<b>-</b>

\* including due to withdrawal of action or acknowledgement of action

	Transfer from 2024	Received in 2025	Period of protection expired	Relevant up to 2026
<b>Protective briefs</b>				
Swiss patents (incl. supplementary protection certificates)	2	3	4	1
European patents (incl. supplementary)	20	40	35	25
Others (applications, other national patents)	-	-	-	-
<b>Total*</b>	<b>22</b>	<b>42</b>	<b>39</b>	<b>25</b>

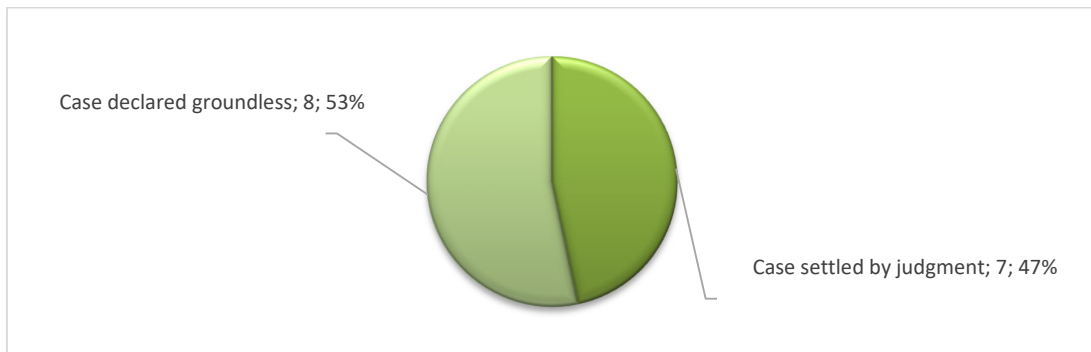
\* in some cases, European and Swiss patents in same protective letter

### 3.1.1 Cases by language of proceedings



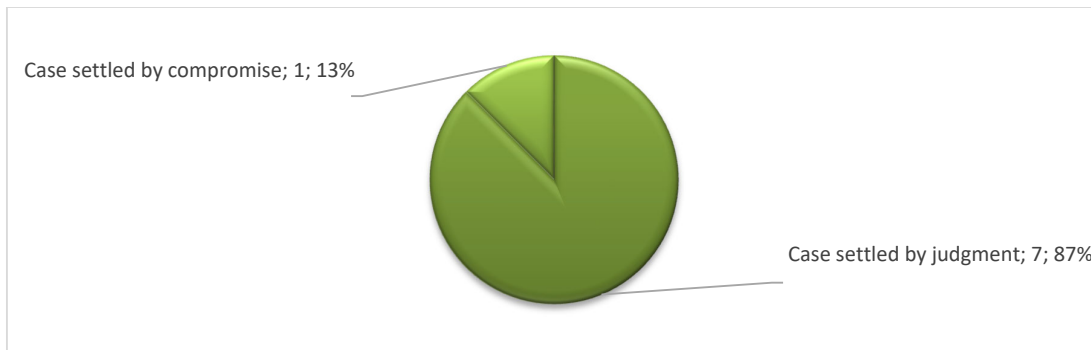
\*including 21 cases where English was used during proceedings (2 regular proceedings, 1 summary proceeding, 18 protective briefs)

### 3.1.2 Approach to settle cases (regular proceedings)



Total 15

### 3.1.3 Approach to settle cases (summary proceedings)

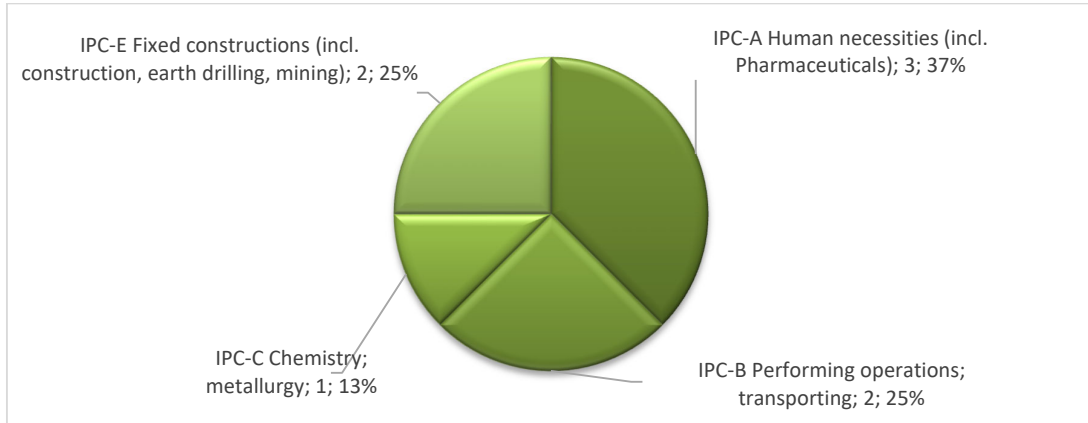


Total 8

## 3.2 Cases by technical field

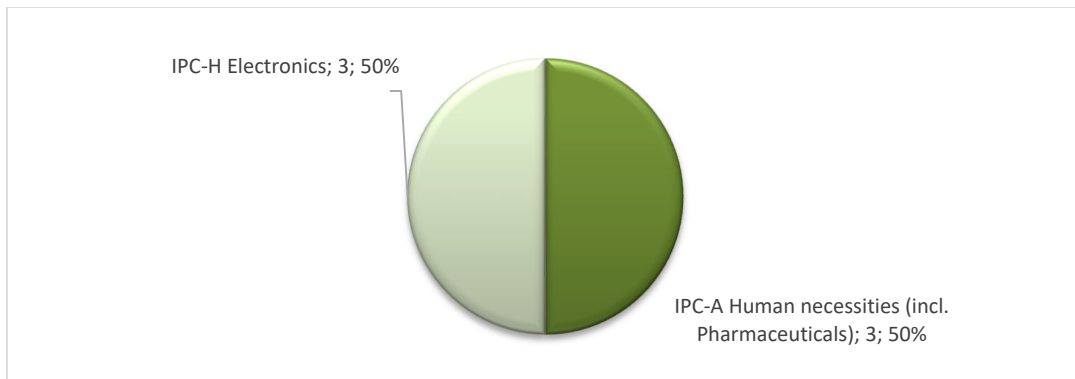
---

### 3.2.1 Regular proceedings



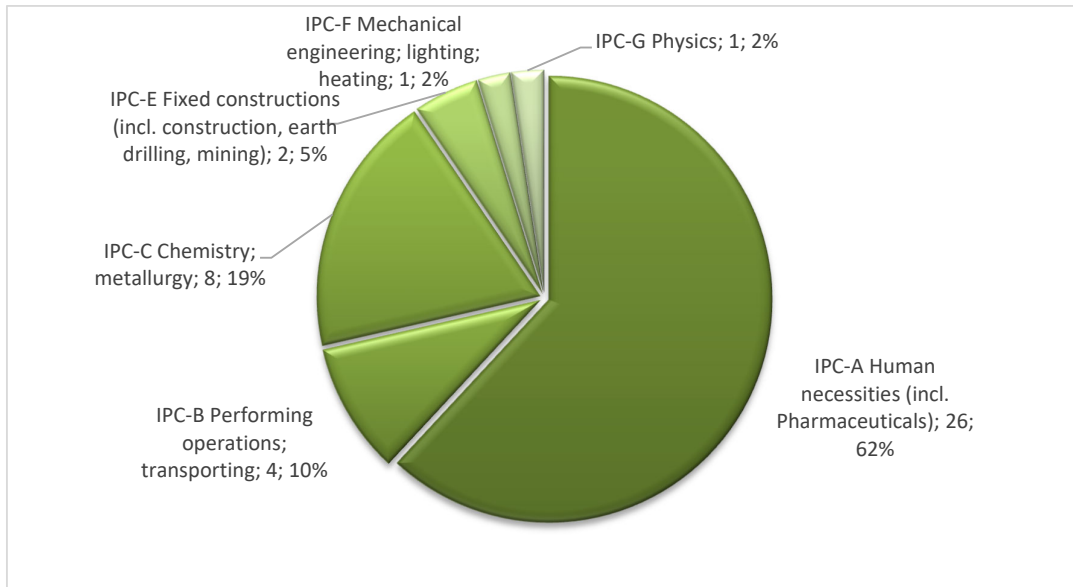
Total 8

### 3.2.2 Summary proceedings

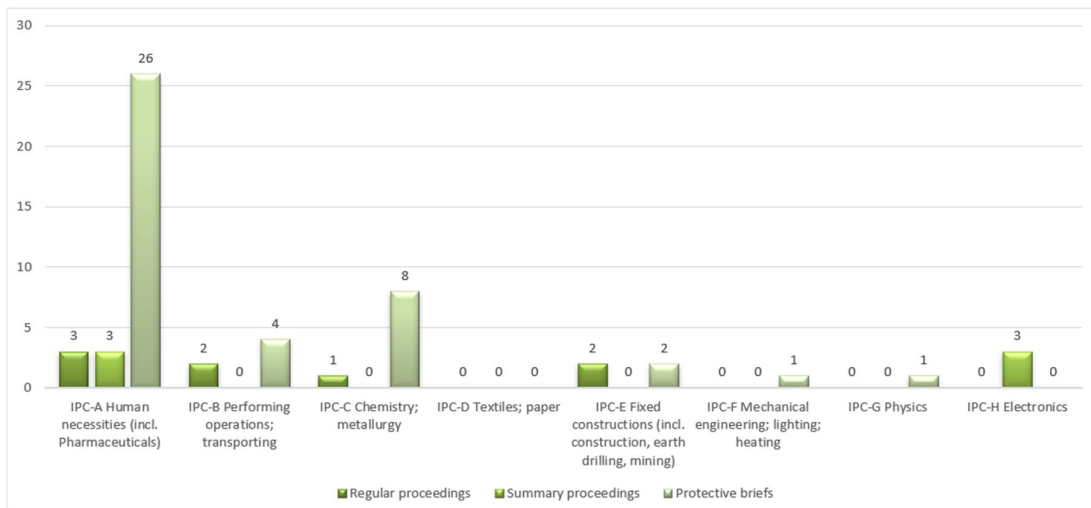


Total 6

### 3.2.3 Protective briefs



Total 42

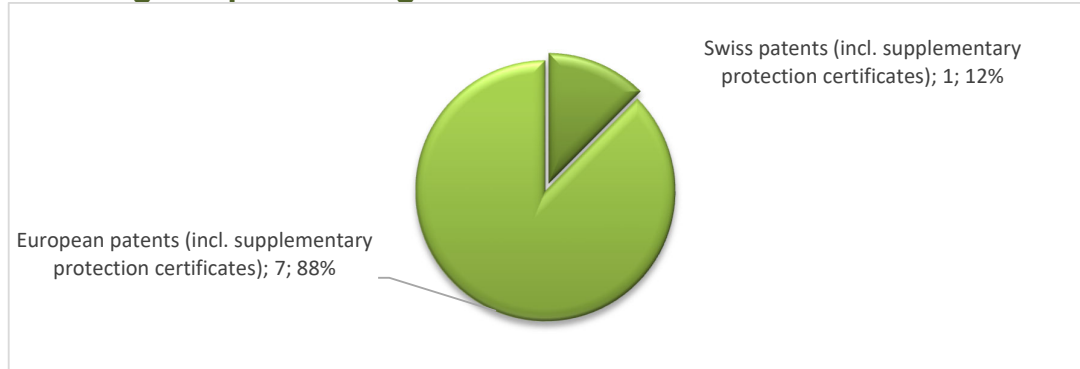


IPC = International Patent Classification

### 3.3 Cases by intellectual property rights

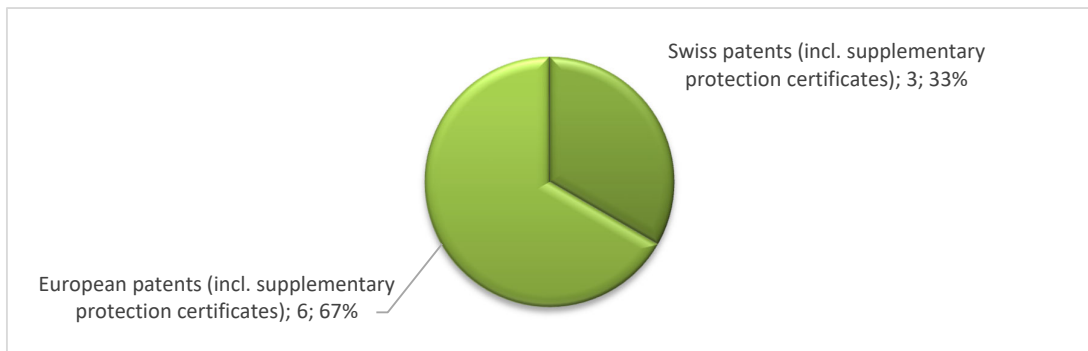
---

#### 3.3.1 Regular proceedings



Total 8

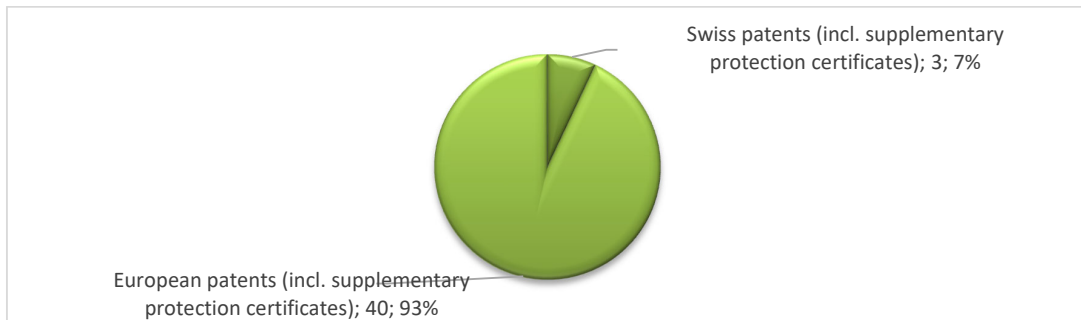
#### 3.3.2 Summary proceedings



Total 6\*

\* some cases related to both a Swiss and European and/or other patent

#### 3.3.3 Protective briefs



Total 42\*

\* some cases related to both a Swiss and European and/or other patent

### 3.4 Duration of cases

	Cases settled						Cases still pending					
	1 to 3 months	4 to 6 months	7 to 12 months	1 to 2 years	over 2 years	Total cases settled in 2025	1 to 3 months	4 to 6 months	7 to 12 months	1 to 2 years	over 2 years	Total cases still pending at the end of 2025
<b>Regular proceedings</b>												
Infringement of patent without counter-claim of nullity of patent	-	-	1	2	-	3	3	3	2	2	-	10
Nullity of patent without counter-claim of infringement of patent	-	-	-	8	-	8	-	-	-	-	-	-
Infringement and nullity of patent	1	1	-	-	-	2	-	-	-	-	-	-
Right to a patent	-	-	-	-	1	1	-	-	-	-	-	-
Claim	-	-	-	-	-	0	-	-	1	-	-	1
Other	-	-	-	1	-	1	-	-	-	-	-	-
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>11</b>	<b>1</b>	<b>15</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>-</b>	<b>11</b>
<b>Summary proceedings</b>												
Injunction/safeguarding of interests	-	1	4	-	-	5	2	-	-	-	-	2
Description	-	-	1	-	-	1	-	-	-	-	-	-
Seizure	-	-	-	-	-	0	-	-	-	-	-	-
Evidence secured	-	-	-	-	-	0	2	-	-	-	-	2
Description and evidence secured	1	-	-	-	-	1	-	-	-	-	-	-
Other	1	-	-	-	-	1	-	-	-	-	-	-
<b>Total</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>8</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4</b>

### 3.5 Average duration of cases

	Cases settled		Cases still pending	
	Average duration (days)		Average duration (days)	
<b>Regular proceedings</b>				
Infringement of patent without counter-claim of nullity of patent		554		208
Nullity of patent without counter-claim of infringement of patent		602		-
Infringement and nullity of patent		97		-
Right to a patent		779		-
Claim		0		265
Other		715		-
<b>Average</b>		<b>544</b>		<b>213</b>
<b>Summary proceedings</b>				
Injunction/safeguarding of interests		265		58
Description		248		-
Seizure		-		-
Evidence secured		-		11
Description and evidence secured		3		-
Other		23		-
<b>Average</b>		<b>200</b>		<b>35</b>

### 3.6 Approach to settle case (panel of judges/decision)

	Single judge	Three-member panel	Five-member panel	Seven-member panel	Total	Instruction hearings	Hearings in relation to preliminary measures	Main hearings	Total hearings
<b>Regular proceedings</b>									
Infringement of patent without counter-claim of nullity of patent	-	3	-	-	3	4		2	6
Nullity of patent without counter-claim of infringement of patent	5	3	-	-	8	-		3	3
Infringement and nullity of patent	2	-	-	-	2	-		-	-
Right to a patent	-	1	-	-	1	-		1	1
Claim	-	-	-	-	-	-		-	-
Other	-	1	-	-	1	-		-	-
<b>Total</b>	<b>7</b>	<b>8</b>	<b>-</b>	<b>-</b>	<b>15</b>	<b>4</b>		<b>6</b>	<b>10</b>
<b>Summary proceedings</b>									
Injunction/safeguarding of interests	1	4	-	-	5		2		2
Description	-	1	-	-	1		-		-
Seizure	-	-	-	-	-		-		-
Evidence secured	-	-	-	-	-		-		-
Description and evidence secured	1	-	-	-	1		-		-
Other	1	-	-	-	1		-		-
<b>Total</b>	<b>3</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>8</b>		<b>2</b>		<b>2</b>
<b>Overall total</b>	<b>10</b>	<b>13</b>	<b>-</b>	<b>-</b>	<b>23</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>12</b>



Issued by Federal Patent Court  
P. O. Box  
CH-9023 St. Gallen

Phone +41 58 465 21 10  
[info@bpatger.ch](mailto:info@bpatger.ch)  
[www.bpatger.ch](http://www.bpatger.ch)

27 February 2026