

Annual Report 2011

Federal Patent Court

Members of the court

Administrative board of judges

President	Dieter Brändle
Second ordinary judge	Tobias Bremi
Vice-President	Frank Schnyder

Non permanent judges with technical training

Natalie Clerc
Roland Dux
Giovanni Gervasio
Barbara Herren
Timothy Holman
Emmanuel Jelsch
Hanny Kjellsaa-Berger
Alfred Koepf
Herbert Laederach
Christoph Müller
Markus A. Müller
Peter Rigling
André Roland
Werner A. Roshardt
Regula Rüedi
Philipp Rüfenacht
Christophe Saam
Frank Schnyder
Kurt Stocker
Kurt Sutter
Daniel Vogel
Prisca von Ballmoos
Erich Wäckerlin
André Werner
Marco Zardi

Non permanent judges with legal training

Daniel M. Alder
Philippe Ducor
Christoph Gasser
Christian Hilti
Simon Holzer
Daniel Kraus
Thomas Legler
Rudolf Rentsch
Ralph Schlosser
Mark Schweizer
Christoph Willi

As of 1 January 2012 the Federal Patent Court has been in charge of adjudicating civil-law disputes concerning patents as the court of first instance, superseding the cantonal courts, previously the competent courts for these cases. The Federal Patent Court is exclusively competent in patent infringement and validity matters. Other civil actions relating to patents can also be brought before the Federal Patent Court, e.g. disputes pertaining to patent license agreements or the rights to a patent.

As of 1 January 2012 the Federal Patent Court assumed all patent proceedings pending before the cantonal courts in which the main hearing had not yet been conducted.

The Federal Patent Court renders its decisions as a lower court of the Federal Supreme Court. It is subject to the administrative supervision of the Federal Supreme Court, and the ultimate supervision of the Federal Assembly.

The Federal Patent Court sits in St. Gallen. It will move into the building of the Federal Administrative Court in St. Gallen in the autumn of 2012. Until then the Federal Patent Court is temporarily housed at St. Leonhardstrasse 49 in St. Gallen.

The judges of the Federal Patent Court are elected by the Federal Assembly for a term of six years. Apart from two permanent judges the Federal Patent Court has 36 non-permanent judges, of whom 25 possess technical training and 11 legal training. All of them have proven knowledge of patent law.

The Administrative Board of Judges consists of the President (Dieter Brändle), the second permanent judge (Tobias Bremi) and the Vice-President (Frank Schnyder).

The individual cases are heard by panels

consisting of three, five or seven judges. Each panel is comprised of legally trained and technically trained specialists. Designation of the members of the panels is done according to expertise criteria.

Decisions on preliminary measures are adopted by the President sitting alone. In cases involving technical issues, the President involves two judges with the requisite technical training.

The parties to a proceeding may use English instead of one of Switzerland's official languages in motions and hearings before the Federal Patent Court, although this is subject to the consent of the other party or parties to the proceeding. However, the decisions handed down by the Federal Patent Court are drafted in one of Switzerland's official languages in any event.

The Federal Patent Court endeavours to conduct proceedings in a prompt, efficient manner. The technical expertise of its judges is designed to enable the Court to adjudicate most cases without having to resort to procuring time-consuming and costly expertises outside of the Court.

All of the necessary preparations were completed in a timely manner so that the Court was able to open its doors on 1 January 2012 and take up its remit. The cantonal courts were given the option of transferring cases to the Federal Patent Court starting already on 15 November 2011 so that the Court could complete the requisite administrative preparations. By 31 December 2011 the cantonal courts had taken advantage of this option in eight regular proceedings and three cases involving the adoption of preliminary measures.