

法規名稱：EXCHANGE OF LETTERS BETWEEN NATIONAL BUREAU OF STANDARDS MINISTRY OF ECONOMIC AFFAIRS IN TAIPEI AND FEDERAL INTELLECTUAL PROPERTY OFFICE IN BERN CONCERNING THE RECOGNITION OF PRIORITY RIGHTS IN PATENT APPLICATIONS FOR THE TERRITORY OF THE PRINCIPALITY OF

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Mr. Chen Ming-bang
Director General
National Bureau of Standards
Ministry of Economic Affairs
3F, 185 Hsinhai Road, Sec. 2
Taipei 106, Taiwan

Vaduz, 28 May 1997

Recognition of Priority Rights in Patent Applications for the Territory of the Principality of Liechtenstein
Exchange of Letters between Switzerland on behalf of Liechtenstein and Taiwan

Mr. Director General,

I have the pleasure to inform you of the following:

For the purposes of patent law Switzerland and the Principality of Liechtenstein form a unified territory of protection. In accordance with the Treaty of 22 December 1978 between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection (Patent Treaty; copy enclosed), patents valid for the unified territory of protection are unified patents and have the same effect in both countries. The applicable law for that unified territory is the Patent Law of Switzerland. Patents can be granted, transmitted, cancelled or lapse only for the whole territory of protection. Both countries are parties to the European Patent Convention of 1973 and to the Patent Cooperation Treaty of 1970. Under these treaties, they can be designated together only. The Swiss Federal Institute of Intellectual Property is the competent authority to carry out with effect for the unified territory of protection the administrative tasks deriving from the patent legislation.

The Office of National Economy in Vaduz confirms that first applications for invention patents 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 July 1997], shall have the same effect in the Principality of Liechtenstein, which is part of the unified territory

for the purposes mentioned above, as first applications in a co-
untry party to the Paris Convention for the Protection of Indus-
trial Property. The priority right claimed in an application for
an invention patent filed at the Swiss Federal Institute of Int-
ellectual Property in Bern may be based on the filing at the NBS
of an application for a utility model patent or an invention pa-
tent, and the priority right claimed in an application for a ut-
ility model patent filed at the NBS may be based on the filing
at the Swiss Federal Institute of Intellectual Property of an a-
pplicatio n for an invention patent.

An Exchange of Letters reflecting the above-mentioned confirmat-
ion will be sent to you by the Swiss Federal Institute of Intel-
lectual Property, which represents the relevant authorities of
the Principality of Liechtenstein in accordance with Article 6 (3)
of the Patent Treaty.

I thank you for your kind cooperation.

Please accept, Mr. Director General, the assurances of my highe-
st consideration.

[Signed]
Hubert Buchel
Director

cc: Swiss Federal Institute of Intellectual Property, Berne

The Director

Mr. CHEN Ming-Bang
Director General
National Bureau of Standards
Ministry of Economic Affairs
3F, 185 Hsinhai Road, Sec. 2

Taipei 106, Taiwan

Bern, 18 August 1997

Direct line +41 31 322 48 46
Your reference

Our reference 711 -Tt
Your message of

Recognition of Priority Rights in Patent Applications for the T-
erritory of the Principality of Liechtenstein

Dear Mr. Director General,

I have the honour to refer to the confirmation letter of 28 May
1997 addressed to you by Mr. Hubert Buchel, Director of the Lie-
chtenstein's Office of National Economy, in connection with the
recognition of priority rights in patent applications for the t-

erritory of the Principality of Liechtenstein.

For the purposes of patent law, Switzerland and the Principality of Liechtenstein form a unified territory of protection. In accordance with the Treaty of 22 December 1978 between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection (" Patent Treaty"), patents valid for the unified territory of protection are unified patents and have the same effect in both countries. The applicable law for that unified territory is the Patent Law of Switzerland. Patents can be granted, transmitted, cancelled or lapse only for the whole territory of protection, that is to say for Switzerland and Liechtenstein at the same time. Both countries are parties to the European Patent Convention of 1973 and to the Patent Cooperation Treaty of 1970. Under these treaties, they can be designated together only. The Swiss Federal Institute of Intellectual Property is, in accordance with Article 7(1) of the Patent Treaty, the one and only authority in charge of carrying out with effect for the unified territory of protection the administrative tasks deriving from the patent legislation. This information has also been communicated by the Delegations of Switzerland and Liechtenstein to all the participants in the TRIPS Council in May 1997. Furthermore, pursuant to Article 6(3) of the Patent Treaty, the Swiss competent authorities are authorized to represent Liechtenstein in bilateral relations with third countries with regard to matters relating to the unitary patent system.

The Swiss Federal Institute of Intellectual Property (Institute) in Bern confirms the legal understanding that first applications for invention patents or for utility model patents 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, not only in Switzerland but also in the Principality of Liechtenstein as part of the unitary territory for the purposes of patent protection, the same effect as first applications in a country party to the Paris Convention for the Protection of Industrial Property. The priority right claimed in an application for an invention patent filed at the Institute 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 Institute of an application for an invention patent.

As indicated in the preceding paragraph, your nationals are enjoying the right to claim priority as from 1 January 1996 not only for Switzerland but also automatically for the Principality of Liechtenstein as part of the unitary territory of protection in the field of patents for invention.

This information-as well as the information that the NBS has al-

so confirmed the right to claim priority for applications filed by Liechtenstein's nationals at the NBS-will be published in Switzerland in the Zeitschrift fur Immaterialguter-, Informations- und Wettbewerbsrecht/Revue du droit de la propri'et'e intellectuelle, de l'information et de la concurrence " sic!" (Review on Intellectual Property, Information and Competition Laws " sic!"). In Liechtenstein, it will be communicated by an official press release of the government.

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

Sincerely yours,

[Signed]

R. Grossenbacher

Copy to: Director R. Marxer, Office for Foreign Affairs, Vaduz,
Principality of Liechtenstein
Director H. Buchel, Office of National Economy, Vaduz,
Principality of Liechtenstein

Taipei, March 23, 1998

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

Your reference: 711-Tt

Dear Director General:

I have the honor to acknowledge receipt of your letter of August 18, 1997 regarding the proposal made by Mr. Huber Buchel, Director of the Liechtenstein Office of National Economy, for the recognition of priority rights in patent applications for the territory of the Principality of Liechtenstein dated May 28, 1997. I have the honor, on behalf of the National Bureau of Standards under the Ministry of Economic Affairs in Taipei, to inform you that Director Buchel's proposal has been found to be agreeable. Therefore, your letter and this replying letter shall constitute an agreement between the National Bureau of Standards in Taipei and the Office in Vaduz on mutual recognition of priority rights in patent applications, and I have pleasure in informing you of the following:

The National Bureau of Standards (NBS) under the Ministry of Economic Affairs in Taipei confirms that, whereas the Treaty of 22 December 1978 between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection remains in force, a Liechtenstein national who first files, on or after April 1, 1998, an application for an invention patent with the Swiss Federal Institute of Intellectual Property (Institute) or an application for an invention patent or utility model with the patent office 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 an application for a utility model patent filed at the NBS may be based on the filing at the Institute of an application for an invention patent, and the priority right claimed in an application for an invention patent filed at the Institute may be based on the filing at the NBS of an application for a utility model patent or an invention patent.

It is also understood that the contents of the letters under reference exchanged between the Institute and the NBS shall be made available to the interested circles and published in their respective gazettes.

Please accept the assurances of my highest consideration.

Sincerely yours,

[Signed]

Ming-Bang Chen

Director General

c.c.: Director Hubert Buchel, office of National Economy, Vaduz,
Principality of Liechtenstein