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Physicists in Industry (16)

Patents and more: know your options

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Physicists in Industry (16)

Patents and more: know your options

Originally a physicist, **Catalin Cris** has been a patent expert at the IPI for many years. In this interview, he explains what inventors should look out for when it comes to intellectual property (IP) rights, such as patents and trade marks.

Why should inventors/start-ups concern themselves with the protection of intellectual property?

Start-ups are based on innovative products and should strive to protect their ideas as one of their main assets. An IPI study¹ draws this conclusion clearly. If you're starting a company, you should protect your IP at an early stage². This will prevent competitors, for example, from registering your ideas as their intellectual property and thereby limiting your scope for doing business.

It's also important to ensure that your products or services don't infringe others' IP rights³. Otherwise, you might receive a formal warning or have your product taken off the market and be obliged to pay damages.

What can I protect?

Swiss laws cover the following IP rights: patents, trade marks and designs, as well as copyright. Patents protect inventions, which are legally defined as things that use technology to solve a technical problem. Examples include corkscrews, which can be used to remove a cork from a bottle, and drugs, which can be administered to treat specific diseases. In the field of physics, technical solutions are often developed that also have a chance of being patented. For example, sensors or microscopes are patentable inventions.

Patents can be costly. What's in it for me as the owner?

Patents give their owners the right to prevent others from commercially using their invention (e.g. manufacturing, selling or importing it). However, patent owners may transfer the rights to someone else, either by selling the patent or through licensing agreements. Therefore, patents represent tangible assets for companies, in particular start-ups.

Patents grant protection for a maximum of 20 years, beginning from the date of the patent application. In return, their owners have to disclose their inventions. This means that patents constitute an immense pool of technical information. In order to maintain protection, the owner must pay annual fees in Switzerland from the fourth year following the date of filing.

¹ <https://www.ige.ch/en/services/newsroom/news/news-details/studie-zeigt-geistige-eigentumsrechte-wie-patente-unterstuetzen-schweizer-kmu-und-start-ups-bei-der-investorensuche>

² <https://www.ige.ch/en/intellectual-property/guide/idea/to-protect-or-not>

³ <https://www.ige.ch/en/intellectual-property/your-intellectual-property/your-competitors-intellectual-property>

Patent attorneys and trade mark consultants play an important part as they support and advise start-ups on how to obtain and manage patents and trade marks.

The IPI provides information on how to protect intellectual property. Where can I find the information?

On our website you can find information on all IP rights and even a list of lawyers who provide free initial consultations. We also offer the IP Academy⁴, a series of workshops and other programmes tailored to the different levels of knowledge of our customers, as well as initial advice from our Contact Centre (031 377 77, info@ipi.ch).

Remember: IP rights are not mandatory⁵. But you'd be well advised to manage your intellectual property wisely.

IPI facts

The Swiss Federal Institute of Intellectual Property (IPI) is the Swiss Confederation's centre of competence for patent, design and trade mark protection, indications of source and copyright. We help innovators and creators to create value out of their ideas, thus promoting innovation, competitiveness, cultural diversity and social progress. The IPI is its own legal entity and is independent from the federal government's budget. Today, it employs about 300 members of staff.

www.ipi.ch



⁴ <https://www.ige.ch/ip-academy>

⁵ <https://www.ige.ch/en/intellectual-property/your-intellectual-property/conditional-protection>