Interview: Dr. Catherine Chammartin – Director General, Swiss Federal Institute of Intellectual Property (IPI), Switzerland



We aim to find the optimal balance of IP protection in order to encourage innovation without stifling development.

15.09.2016

Tags: Switzerland, KOL, Innovation, Regulation

Dr. Catherine Chammartin of the Swiss Federal Institute of Intellectual Property (IPI) describes the strong elements of an IP system and its contributions to innovation within Switzerland. The IPI registers intellectual property, advises on policy, provides IP services to the community, and is involved in educational endeavors.

Could you start by introducing the Swiss Federal Institute of Intellectual Property to our readers?

We are the one stop shop for intellectual property issues within the federal administration. Our primary task is to be the point of contact for customers regarding industrial protective rights (trademarks, patents and designs) in Switzerland and, to some extent, for corresponding international applications. We examine the Swiss national filing applications and grant industrial property rights and administer them. We also take on the role of educating and explaining intellectual property rights to the Swiss community. We take this role seriously because even the best system will not work if people are unaware of how to get the best out of it. Many of the big players (e.g. in the pharmaceutical industry) are well aware of the IP system; however, we fill a great need and a useful resource for the small to medium sized enterprises. We work closely with universities in order to connect with researchers and start-ups early on. While many entrepreneurs

are focused on getting to market as quickly as possible, we raise awareness regarding the importance of the intellectual property aspects as well. Another service that we offer is patents, and trademark research, allowing companies and individuals to find out what is out there already. Furthermore, our mandate differs from many IP offices in other countries because we are also advising on IP policy. In many countries the registration and policy aspects are separated. In terms of policy, we advise the Federal Council and the Swiss Parliament, prepare relevant legislation, and represent Switzerland in IP related negotiations within international forums such as the WIPO (World Intellectual Property Organization), WHO (World Health Organization) and the WTO (World Trade Organization). We aim to find the optimal balance of IP protection in order to encourage innovation without stifling development.

Pharmaceutical companies make up 13 percent of registered trademarks and 16 percent of registered patents in Switzerland. The pharmaceutical industry is an important customer of our services, especially our premium Research Service ip-search. With ip-search we provide different types of products, among others freedom-to-operate and patent landscape analyses. Roughly 20 percent of all searches in the last fiscal year are on pharmaceutical-related topics, and this number rises to 38 percent when narrowed to Swiss-based customers only.

Switzerland boasts particularly robust innovation capabilities. In your opinion, what role does strong IP protection play in such an environment?

[Featured_in]

There are many factors that affect the level of innovation within Switzerland. Although the IP system is an important contributing factor, there are additional key drivers such as the level of economic stability, the legal system, education and excellent living conditions. Switzerland has a small domestic market, so companies have to compete on an international level. This level of constant competition means that they have to be dynamic, efficient and especially innovative. We do not have many natural resources and this also forces the industry to leverage areas that can have added value. We are ranked number one in innovation on the Global Innovation Index, and we are ranked highly on the European Innovation Scoreboard, and the EU Commission of Global Competitiveness Report.

We support key elements that drive a strong intellectual property system. In addition to promoting the intellectual property system as mentioned above, we aim to facilitate the registration and administration of intellectual property rights through procedures that are simple, expeditious and as economical as possible. Another important element is consistency. This refers to the uniformity

of the IP case rulings, and assuring that throughout the system examiners and judges make similar decisions. The experience needs to be predictable for the users. In relation to consistency, we also provide transparency. We make the decision criteria for determining IP cases publicly known. This helps the user experience so that they can position their cases and understand the outcomes, without surprises. Furthermore, the registers for patents, trademarks and designs are public.

How does the Institute support small to medium sized enterprises?

Small to medium sized enterprises are the backbone of Switzerland's economy. A large majority of companies are SMEs and they cover two thirds of jobs in Switzerland. We have developed a specific website that provides information on intellectual property in a way that addresses specific questions and concerns of SMEs. Furthermore, we offer assisted patent searches. For a small fee, SMEs, individual inventors or researchers at university can spend up to a day with a patent expert in their technology sector. The patent expert will answer general questions, but also do a first basic prior art search with the client. At the end of the visit, the client should have a better understanding of the IP protection system, be familiarized with searches in patent databases and be in a better position to evaluate whether his invention is new and worth protecting.

You mentioned earlier how excessive IP laws can also cause negative economic impacts. What are some of the initiatives or methods the IPI uses to strike the right balance?

[related_story]

One of the requisite is to put in place legislation that strikes the right balance. It involves a lot of communication and listening to understand the IP stakeholders and the society's concerns. The Swiss political system is based on frequent and extensive consultations with the public. This is something that we do on a broad basis. Within the political process there are mandatory consultations where the entire public can give input. We are for example currently working on a revision of the copyright law and we had a consultation that lasted for three months. We received 1200 inputs from the public. This is on the higher end of the spectrum, but it does show that some topics bring in a high volume of responses. This includes anyone from individuals, associations, and political parties. The next step consists in analyzing all of these opinions in order to draft the revision. Besides these mandatory consultations, we are on a permanent basis in close connection with IP stakeholders, but also associations that are opposed to IP. This open dialogue allows us to create legislative systems that address a range of interests. Having put in place a legislative system that takes into account the interests of different stakeholders, we also aim to ensure that their application follows a balanced approach.

While in Switzerland we have spoken with research foundations, academics, and industry leaders to better understand Switzerland's success in knowledge transfers from research to industry. What initiatives does the Federal Institute of IP undertake to facilitate this knowledge transfer process?

We have partnerships with foundations such as the Commission for Technology and Innovation and the Swiss National Science Foundation, working directly with start-ups and academics to provide them the information they need to make good IP decisions. We also support the Swiss Innovation Forum, the leading platform for innovation, creativity and design in Switzerland. We offer courses in IP that provide an overview on the subject, and even more in-depth courses such as test preparations for the patent attorney certification. We have partnerships and we are in regular contact with the technology transfer offices in universities. It is our goal to raise awareness regarding the IP system. For example, if a student is conducting research at a university and they publish an article, they cannot patent that invention afterwards. It is important that researchers are aware of that. Furthermore, anyone can call the Institute and ask questions regarding the Swiss IP system. We will answer their questions or refer them to a specialist who can address their issues in-depth.

An important part of the Institute of Intellectual Property´s role is representing Switzerland in negotiation delegations at relevant international forums. What are the greatest challenges you face in these negotiations?

Over time our involvement in the international arena has increased. At first we worked in particular with the WIPO, but now we work with additional forums such as the WTO and the WHO as these organizations also cover IP issues. This involves more coordination and resources from our administration, and sometimes this can be a challenge; however, it is important to ensure that IP issues are dealt with in a coherent manner in the different forums and that Switzerland's interests are represented.

At the same time, Switzerland, respectively the Institute acts as a "bridge builder" between developed and developing countries as is the case for example in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

We take our international commitments very seriously and we assure that Switzerland is complying with IP agreements that we have made. We stay in consistent contact with our partners and keep an open dialogue to maintain our relationships in the international arena.

See more interviews