

## Information Regulations of the Federal Patent Court

(IR-PatC)

of 12.12.2012

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*The Federal Patent Court,*

on the basis of Article 20 paragraph 3 letter a of the Patent Court Act of 20 March 2009<sup>1</sup> (PatCA),

*hereby enacts the following Regulations:*

### Section 1: General Provisions

**Art. 1** Subject matter

These Regulations govern the disclosure of information to the public on the activities of the Federal Patent Court.

**Art. 2** General principles

<sup>1</sup>The Federal Patent Court shall engage in an open and transparent information policy.

<sup>2</sup>The President of the Federal Patent Court is responsible for the disclosure of information.

### Section 2: Disclosure of Information Ex Officio

**Art. 3** Promulgation and publication of decisions

<sup>1</sup>The Federal Patent Court shall publish its final decisions on the Internet ten days upon dispatching same to the parties to the proceeding. Rulings on the conduct of

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<sup>1</sup> SR 173.41

proceedings may be published. The Federal Patent Court may also make its decisions publicly available in printed format.

<sup>2</sup> Key decisions shall be prepended with summaries in the three official languages. Where decisions in Rhaetro-Romanic are adopted, the summaries shall be published in Rhaetro-Romanic as well.

<sup>3</sup> Publication shall take place in non-anonymised form unless the protection of private or public interests necessitates anonymisation. Anonymisation ex officio is possible. In the case of private interests, anonymisation shall be done where this is requested and appears to be justified.

### **Section 3: Disclosure of Information on Request**

#### **Art. 4**

Where an individual would like information, he or she may direct his or her request to the President. The President will disclose the desired information or will forward the request to the competent body.

### **Section 4: Court Reporting**

#### **Art. 5**            General principles

Whoever reports on the adjudication activities of the Federal Patent Court must take into account the interests meriting protection of the participants in the proceeding.

#### **Art. 6**            Accreditation

<sup>1</sup> Journalists who seek to report on a regular basis on the adjudication activities of the Federal Patent Court for media published or domiciled in Switzerland may submit a written application for accreditation to the President.

<sup>2</sup> Accreditation will be issued where the applicant:

- a. is already accredited by the Federal Supreme Court, Federal Criminal Court or Federal Administrative Court; the application is to include confirmation of any such accreditation and a curriculum vitae with a photograph;
- b. wishes to report on a regular basis on the adjudication activities of the Federal Patent Court and satisfies the requirements for registration as a professional journalist; the application is to include a curriculum vitae with a photograph and other credentials such as a press pass, confirmation of the journalist's employer or similar.

<sup>3</sup> Accreditation may be refused where there is reasonable doubt concerning the applicant's credibility.

**Art. 7** Validity period and revocation of accreditation

<sup>1</sup> Accreditation is issued for a period of four years or, when issued during a current four-year period, for the remainder of that period. Journalists are responsible for having their accreditation extended in due time.

<sup>2</sup> The President will revoke accreditation where the prerequisites for the granting thereof are no longer satisfied.

**Art. 8** Press pass

<sup>1</sup> Accredited journalists will receive a press pass.

<sup>2</sup> The press pass shall be surrendered immediately upon expiration or revocation of accreditation.

**Art. 9** Services rendered by the Federal Patent Court

<sup>1</sup> Accredited journalists benefit from the following services of the Federal Patent Court:

- a. notification of the dates on which public hearings take place;
- b. upon request: notification of the facts and circumstances of matters for which a public hearing of the parties has been scheduled;
- c. service of decisions that are published with summaries;
- d. service of decisions that in the view of journalists or in the opinion of the Federal Patent Court are of particular interest for the public;
- e. upon request: notification on the status of a proceeding where the President gives his or her consent;
- f. service of the annual report prior to its publication;
- g. service of press releases.

<sup>2</sup> The service of decisions according to paragraph 1 letter c will be done prior to their publication on the Internet; an embargo will be established as appropriate.

<sup>3</sup> The sending of decisions according to paragraph 1 letter d will generally be done in parallel to service thereof to the parties, subject to the establishment of an embargo.

**Art. 10** Embargo

<sup>1</sup> The Federal Patent Court may provide for an embargo for reporting.

<sup>2</sup> For decisions, the embargo generally lapses at 12 o'clock of the seventh day upon service to the parties, excluding the day of dispatch.

<sup>3</sup> The embargo will become null and void where the content enters the public domain by way of another information source prior to the expiration of the embargo.

**Art. 11** Sanctions

<sup>1</sup> Accredited journalists who commit culpable breaches of the provisions of these Regulations may receive a warning.

<sup>2</sup> In serious cases their accreditation may be suspended temporarily or revoked permanently.

**Section 5: Final Provisions**

**Art. 12**

These Regulations shall enter into force on 1 January 2012.

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In the name of the Federal Patent Court

The President: Dieter Brändle

The Second Ordinary Judge: Tobias Bremi