

AUSTRIA (AT)



I. LEGISLATIVE PROFILE

1. National Legislation

a. Industrial Property

Capital: Vienna
Population: 8,124,000

Patents:

- Patent Law (Federal Law No. 259/1970), as amended by several Laws including the Law of May 1984, amending the Patent Law, the Law Introducing Patent Treaties, by Law No. 175/1998 of 1998, 191/1999 of 1999 and 143/2001 of 2001.

Trade Marks:

- Trademark Protection Law (Federal Law No. 260/1970), as last amended by Law No. I 111/1999.

Industrial Designs:

- Designs Law (Federal Law No. 497/1990, June 1990), as last amended by Law No. 2772/1992 of 1992.

b. Copyright and Related Rights

Copyright:

- Federal Act on Copyright in Works of Literature and Act on Related Rights, April 1936, as last amended by Copyright Amendment Law No. I, January 1998.

Related Rights:

As above, under Copyright.

c. Other Country-Specific Legislation or Activities

Utility Models:

- Utility Model Law 1994 (Federal Law No. 221/1994 on the Protection of Utility Models), as last amended by the Law of December 1998, amending the Patent Law and the Law introducing Patent Treaties and the Utility Model Law.

Layout Designs (Topographics) of Integrated Circuits:

- Semiconductor Protection Right Law 1988 (Federal Law No. 372/88 on the Protection of Topographies of Microelectronic Semiconductor Products), as last amended by Law No. 428/1996 of 1996.

Miscellaneous:

- Supplementary Protection Certificates Law 1996 (Federal Law No. 11/97 of 1997).

d. Sources for Information on National Laws*For Industrial Property:*

Austrian Patent Office

As below, under Industrial Property Office.

For Copyright:

Federal Ministry of Justice

As below, under Supervisory Ministry for Copyright.

2. Membership of International Bodies**a. Membership of WIPO treaties:**

- WIPO Convention, since August 1973.
- Paris Convention (Industrial Property), since January 1909.
- Berne Convention (Literary and Artistic Works), since October 1920.
- Madrid Agreement (International Registration of Marks), since January 1909
- Madrid Protocol (International Registration of Marks), since April 1999.
- PCT (Patents), since April 1979.
- PLT (Patent Law Treaty), Signatory since June 2000.
- Nice Agreement (International Classification of Goods and Services), since November 1969.
- Rome Convention (Performers, Producers of Phonograms and Broadcasting Organizations), since June 1973.
- Locarno Agreement (International Classification for Industrial Design), since September 1990.
- Strasbourg Agreement (International Patent Classification), since October 1975.
- Geneva Convention (Unauthorized Duplication of Phonograms), since August 1982.
- Vienna Agreement (International Classification of the Figurative Elements of Marks), since October 1999.
- Brussels Convention (Distribution of Programme-Carrying Signals Transmitted by Satellite), since August 1982.
- Budapest Treaty (Deposit of Micro-organisms), since April 1984.

b. WTO: Member and Signatory to TRIPS Agreement, since January 1995.**c. Membership of other bodies/treaties: EPO, EU-OHIM, UCC, UPOV.**

- Member of EPO since May 1979.
- Member of EU since January 1995.
- Member of UCC since May 1982.
- Member of UPOV since July 1994.

II. ADMINISTRATION

1. Industrial Property

Supervisory Ministry:

*Bundesministerium für Verkehr, Innovation und
Technologie*
Federal Ministry of Transport, Innovation and
Technology
Radetzkystraße 2
A-1030 Wien
Title of Head: Federal Minister of Transport,
Innovation and Technology

Industrial Property Office:

Austrian Patent Office
Dresdner Straße 87
A-1200 Vienna
Title of Head: President of the Austrian Patent
Office

Tel.: (43.1) 53.42.41.00
Fax: (43.1) 53.42.46.61.00

E-mail:
praesident@patentamt.at
Info@patentamt.at

Internet website:
<http://www.patent.bmwa.gv.at>

Mailing Address:

P.O. Box 95
A-1200 Vienna

2. Copyright and Related Rights

Supervisory Ministry:

Bundesministerium für Justiz
Federal Ministry of Justice
Museumstrasse 7
A-1070 Vienna
Title of Head: Director
Federal Ministry of Justice

Tel.: (43.1) 52.15.20
52.15.22.275
Fax: (43.1) 52.15.22.727

Mailing Address:

Postfach 63
A-1016 Vienna

Copyright Office:

None.

Collective Management Societies:

Information not available.

III. AUTHORITIES ENFORCING INTELLECTUAL PROPERTYIndustrial Property Tribunal*Contact point for industrial property:*

Austrian Patent Office

As above, under Industrial Property Office.

*Nullity:*First instance: Nullity Department in the Austrian
Patent OfficeSecond instance: Austrian Supreme Court of
Patents and Trademarks

As above, under Austrian Patent Office

Title of Head: President*Infringement:*

Handelsgericht Wien

Riemerg 7

A-1010 Vienna

Title of Head: President

Tel.:	(43.1)	51.52.80
		(Operator extension)
Fax:	(43.1)	51.52.85.76

Copyright Tribunal

Federal Ministry of Economic Affairs

As above, under Industrial Property Tribunal

Other*General contact point:*

Federal Ministry of Economic Affairs

European Integration & Multilateral Trade
Affairs

Division I/6 – WTO

Stubenring 1

A – 1011 Vienna

Tel.:	(43.1)	711.00.53.20
Fax:	(43.1)	715.96.51

Contact point for industrial property:

As above, under Industrial Property Office

Contact point border measures:

Federal Ministry of Finance

Integration and Customs

Division III.3a – Prohibitions and Restrictions

Himmelpfortgasse 4 – 8

A-1015 Vienna

Title of Head: Federal Minister of Finance

Tel.:	(43.1)	514.33.12.15
Fax:	(43.1)	512.09.27

IV. EDUCATIONAL INSTITUTIONS TEACHING INTELLECTUAL PROPERTY

University of Vienna Law Faculty Shottenbastei 10-16 A-1010 Vienna		Tel.: (43.1) 42.77
University of Salzburg Law Faculty Churfürststrasse 1 A-5020 Salzburg	_____	Tel.: (43.662) 804.40
University of Graz Law Faculty Universitätsplatz 3 A-8010 Graz	_____	Tel.: (43.316) 380.0 Fax: (43.316) 380.90.30
University of Innsbruck Law Faculty Innrain 52 A-6020 Innsbruck	_____	Tel.: (43.512) 507
University of Linz Law Faculty A-4040 Linz-Auhof	_____	Tel.: (43.732) 246.80

V. INDUSTRIAL PROPERTY STATISTICS

Applications filed and/or registered for 2005:

		Patents (direct filings)	Trade Marks	Industrial Designs (2002)
Applications by:	residents	1,904	7,565	2,021
	non-residents	200	1,018	2,390
Grants to:	residents	766	6,029	2,049
	non-residents	151	844	2,284

PCT (National Phase Entries)

Applications by residents and non-residents: 401
Grants to residents and non-residents:

Madrid System

International Registrations:

Total applications: 7,649 (non-residents only)
Total registrations: 7,255 (non-residents only)