

## COUNTRY REPORTS FROM EXCO DELEGATES

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Association/Section:	<b>Austria</b>	
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Purpose :	<b>For information</b>	Tabled To : <b>All Attendees</b>

### SECTION A: ACTIVITIES OF FICPI ASSOCIATION/SECTION

The information supplied in Section A will remain confidential on FICPI's website after the ExCo (will require a password).

### SECTION B: CHANGES IN LAW

Information supplied under Sections B and C will be published on FICPI's website after the ExCo and will be available to the public.

#### B1. LEGISLATION

*There was no new legislation of interest for IP practitioner introduced in Austria since Florence ExCo; a proposal for the amendment of the Austrian Patent Act according to which i.a. the accession to the London Agreement was foreseen, was taken back.*

### SECTION C: OTHER INFORMATION OF GENERAL INTEREST

#### The "Biopatent Monitoring Committee"

*The European Directive on the legal protection of biotechnological inventions 98/44/EC has been transformed into national law on 10 June 2005. The Austrian Parliament has connected the establishment of a special monitoring committee to this transformation. This committee ("Biopatent Monitoring Committee") had the task to monitor the impact of this transformation into Austrian law on*

- *"human rights, animals, plants and ecological systems"*
- *"monitoring the national granting and decision practice, i.a. on compulsory licenses, the borderline between discoveries and inventions"*
- *"the impact on consumer protection, agriculture and developing countries"*
- *monitoring whether inventions contrary to human rights and morality have been granted and*
- *"the impact on research and economy, especially on SMEs".*

*The Biopatent Monitoring Committee consists of a large variety of representatives of interested circles (e.g. the Patent Attorney's Chamber, the Lawyer's Chamber, the Ministry of Economy, the Chamber of Commerce, the Chamber of Economy, the Ministry of Health, the Ministry of Science,...), some of which had not been identified as active participants in the patent field before the establishment of the Committee so far (such as the Employee's Chamber, the Union, the Society for Consumer Information, ...).*

*This Committee delivered its first report to Parliament in 2006 (only one year after the transformation of the Biotech-Directive into national law), then each three years such a report has to be delivered. Now, the Biopatent Monitoring Committee has delivered its second report to the Parliament in June 2009. The report showed a continuity of positive developments in the economic field, despite the time of crisis which specifically hit the biotech industry with respect to funding with venture capital: Despite these general developments, investments and number of employees have risen in the biotech sector and confidence was expressed by the SMEs in this field, especially because of the expectation of legal certainty for their patents. It*

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*was, again, positively observed that the transformation of university research into commercial projects has delivered significantly rising figures. On the other hand, negative consequences, which had often been worried about in the past, were not observed by the committee, not even with respect to publication activity of university scientists also involved in patenting (which was monitored in detail by the committee).*

*The report of the Austrian Biopatent Monitoring Committee will be available soon under [http://www.patentamt.at/Home/rzbio/17190\\_1.html](http://www.patentamt.at/Home/rzbio/17190_1.html). The next report of the committee is due in summer 2012.*

End of report