

Chapter 4: Jurisdiction

Art. 26

¹ The Federal Patent Court has exclusive jurisdiction over:

- a. validity and infringement disputes and actions for issuing a licence in respect of patents;
- b. ordering preliminary measures before an action as defined in letter a becomes pending;
- c. the enforcement of decisions made under its exclusive jurisdiction.

² It also has jurisdiction in other civil actions that have a factual connection to patents, in particular concerning the right to patents or their assignment. The jurisdiction of the Federal Patent Court does not preclude that of the cantonal courts.

³ Where the nullity or infringement of a patent is to be adjudicated before a cantonal court on a preliminary question or defence basis, the judge shall grant the parties a reasonable period of time for filing the validity or infringement action before the Federal Patent Court. The cantonal court shall stay the proceedings until a final and absolute decision has been made on the action. Where no action is filed before the Federal Patent Court within the specified time limit, the cantonal court shall resume the proceedings and the preliminary question or defence shall be disregarded.

⁴ Where the defendant party files a counter-claim of nullity or infringement of a patent, the cantonal court shall refer both actions to the Federal Patent Court.