

WORLD TRADE
ORGANIZATION

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1 March 1996

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE AGREEMENT

Austria

By means of a communication from the Permanent Delegation of Austria to the WTO, dated 29 January 1996, Austria has notified its laws and regulations under Article 63.2 of the Agreement.

Annex I below sets out the main dedicated intellectual property laws and regulations as notified by Austria and Annex II contains the listing of "other laws and regulations" as notified by Austria.

ANNEX I

**MAIN LAWS AND REGULATIONS DEDICATED TO
INTELLECTUAL PROPERTY TO BE NOTIFIED
UNDER ART. 63.2 OF THE TRIPS AGREEMENT**

TITLE AND NATIONAL SOURCE

Copyright and Related Rights¹

Federal Law concerning copyright in works of literature and art and neighbouring rights 1936 as amended by BGBl. Nos.111/1936, 206/1949, 106/1953, 492/1972, 321/1980, 295/1982, 75/1986, 601/1988, 612/1989, 93/1993.

Federal Law concerning the Prevention of Counterfeit Merchandise. On the date of this notification the national legislation has not been concluded. Currently the EC regulations No. 3295/94 of 11 December 1994 and No. 1367/95 of 16 June 1995 are applied. The text of the Federal Law concerning the Prevention of Counterfeit Merchandise will be submitted immediately after the national legislation has been concluded.

Trademarks²

Trademark Protection Law 1970, BGBl. No. 260/1970, as amended by BGBl. Nos. 350/1977, 526/1981, 126/1984; 653/1987, 418/1992, 773/1992 and 109/1993

Geographical Indications

Amendment of the Trademarks Act in progress

Industrial Designs³

Design Law 1990, BGBl. No. 497/1990 as amended by BGBl. No. 772/1992

¹See document IP/N/1/AUT/C/1

²See document IP/N/1/AUT/T/1

³See document IP/N/1/AUT/D/1

TITLE AND NATIONAL SOURCE

Patents⁴

Patent Law 1970, BGBl. No. 259/1970 as amended by BGBl. Nos. 137/1971, 167/1973, 560/1973, 581/1973, 349/1977, 526/1981, 126/1984, 234/1984; 104/1985, 382/1986, 653/1987, 418/1992, 771/1992, 212/1994, 634/1994, 819/1994

Law Introducing Patent Treaties, BGBl. No. 52/1979 as amended by BGBl. Nos. 234/1984 and 418/1992

Layout Designs of Integrated Circuits⁵

Semi-conductor Protection Law, BGBl. No. 372/1988

⁴See document IP/N/1/AUT/P/1 and 2

⁵See document IP/N/1/AUT/L/1

ANNEX II

**OTHER LAWS AND REGULATIONS DEDICATED TO
INTELLECTUAL PROPERTY TO BE NOTIFIED
UNDER ART. 63.2 OF THE TRIPS AGREEMENT**

TITLE DATE OF ADOPTION ENTRY INTO FORCE	BRIEF DESCRIPTION
<p>Copyright and Related Rights</p> <p><u>Federal Law concerning collecting societies</u> 1936, BGBl. 112/1936</p> <p><u>Provisions for implementation of EC regulations No. 3295/94 of 11 December 1994 and No. 1367/95 of 16 June 1995</u></p>	<p>The Law contains the regulation of assertion of claims.</p> <p>These provisions specify national procedures regarding application.</p>
<p>Prevention of the abuse of intellectual property rights</p> <p><u>Federal Law concerning cartels and other restrictive practices</u> 1988, BGBl. 600/1988</p>	<p>The Law contains restrictive agreements in licensing of intangible property rights by law or by decision of the Restrictive Practices Court prohibited.</p>
<p>Civil judicial procedures and remedies</p> <p><u>Federal Law concerning the exercise of jurisdiction and the competence of the court of general jurisdiction</u> 1895, RGBl. 111/1895 as amended by BGBl. 458/1993</p> <p><u>Federal Law concerning Civil Procedure</u> 1895, RGBl. 111/1895 as amended by BGBl. 624/1994</p>	<p>The Laws together with the subsequent amendments contain basic procedures for civil judicial proceedings.</p>
<p>Provisional judicial measures</p> <p><u>Federal Law concerning security procedure</u> 1896, RGBl. 79/1896, as amended by BGBl. 624/1994</p>	<p>The Law together with the subsequent amendments contains general provisions of preliminary injunctions.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Criminal Procedures</p> <p><u>Federal Law concerning Criminal Procedure</u> 1975, BGBl. 631/1975 and 98/1960</p> <p>Trademarks</p> <p><u>Law against Unfair Competition</u> 1984 as amended by BGBl. 1988/422, 1992/147, 1993/227, 1994/422 (UWG)</p> <p><u>Code of Civil Procedure</u> RGebl. No. 113/1895 as last amended by BGBl. No. 519/1995</p> <p><u>Patent Office Regulation</u>, PBl. (= Austrian Patent Gazette) 1990, 161 as amended by PBl. 1992, 73 and PBl. 1994, 66</p> <p><u>Patent, Utility models, Trademarks, Designs Regulation</u>, BGBl. No. 226/1994</p> <p>Industrial Designs</p> <p><u>Code of Civil Procedure</u></p> <p><u>Patent Office Regulation</u></p> <p><u>Patent, Utility models, Trademarks, Designs Regulation</u></p>	<p>The Law together with the subsequent amendments contains the basic procedures for criminal proceedings.</p> <p>Section 9 grants protection against the misuse of designations (including registered trademarks) of enterprises.</p> <p>Sections of this Code are to be applied in the proceedings of the Nullity- and Appeals-Department of the Patent Office (e.g. for taking of evidence).</p> <p>This regulation concerns internal procedures regarding applications.</p> <p>This act concerns procedures before the Patent Office regarding applications.</p> <p>See above</p> <p>See above</p> <p>See above</p>

TITLE DATE OF ADOPTION ENTRY INTO FORCE	BRIEF DESCRIPTION
Patents <u>Code of Civil Procedure</u> <u>Patent Office Regulation</u> <u>Patent, Utility models, Trademarks, Designs Regulation</u> Layout Designs of Integrated Circuits <u>Code of Civil Procedure</u> <u>Patent Office Regulation</u> <u>Patent, Utility models, Trademarks, Designs Regulation</u>	See above See above See above See above See above See above