

WORLD TRADE ORGANIZATION

ORGANISATION MONDIALE DU COMMERCE

ORGANIZACIÓN MUNDIAL DEL COMERCIO

IP/N/1/AUT/U/1

25 July 1997

(97-3148)

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

Original: English
anglais/
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

Austria

The present document reproduces¹ the text of Articles 1, 11, 12 and 13 of the Federal Act Against Unfair Competition as notified by Austria under Article 63.2 of the Agreement (see document IP/N/1/AUT/1/Rev.2/Add.1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA
PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

Autriche

Le présent document contient le texte des articles 1, 11, 12 et 13 de la Loi fédérale sur la lutte contre la concurrence déloyale¹, notifiée par l'Autriche au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/AUT/1/Rev.2/Add.1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

Austria

En el presente documento se reproduce¹ el texto de los artículos 1, 11, 12 y 13 de la Ley Federal contra la Competencia Desleal notificada por Austria en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/AUT/1/Rev.2/Add.1).

¹English only/anglais seulement/inglés solamente.

ACT AGAINST UNFAIR COMPETITION 1984

as amended

I. CIVIL AND PENAL PROVISIONS

1. Acts of Unfair Competition

Acts Contrary to Public Policy

1. Any person who, in the course of business activity for the purposes of competition, commits acts contrary to public policy may be compelled to refrain from such acts and held liable for damages.

Disclosure of Trade or Industrial Secrets: Misuse of Entrusted Documents

11. (1) Any person who, as an employee of an enterprise, divulges, for the purpose of competition, without authorization trade or industrial secrets confided to him or accessible to him during his term of employment shall be sentenced by the court to a term of imprisonment not exceeding three months or a fine not exceeding 180 times the per diem rate.

(2) The same penalty shall be incurred by any person who, without authorization, exploits or communicates to other persons, for the purposes of competition, trade or industrial secrets of which he has knowledge as a result of one of the communications referred to in paragraph (1) or through an act of his own that is contrary to law or public policy.

(3) Proceedings shall be instituted only at the request of the injured party.

12. (1) Any person who, without authorization, exploits or communicates to other persons, for the purposes of competition, documents or instructions of a technical nature that have been entrusted to him in the course of business activity shall be sentenced by the court to a term of imprisonment not exceeding three months or a fine not exceeding 180 times the per diem rate.

(2) This provision shall not apply where the documents or instructions have been entrusted to the employee by the proprietor of the enterprise.

(3) Proceedings shall be instituted only at the request of the injured party.

Civil Action in the Cases Covered by Sections 10 to 12

13. Proceedings for an injunction and damages may be instituted against persons acting contrary to the provisions of Sections 10 to 12.