

WORLD TRADE ORGANIZATION

RESTRICTED

IP/C/W/207/Add.1
23 November 2000

(00-4997)

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

Original: English

REVIEW OF LEGISLATION

Questions Posed by Switzerland

Addendum

By means of a communication from the Permanent Mission of Switzerland dated 18 September 2000, the Secretariat has received copies of the following questions from Switzerland addressed to Turkey.

TURKEY

A. PATENTS

1. Are all categories of products subject to patent protection under your law or are there any exceptions. If so, please explain in detail what these exceptions are and how they apply.
2. Does your law, in accordance with Article 27.1 in combination with Article 31 of the TRIPS Agreement, recognize importation as "working a patent" (and therefore preclude compulsory licences)?
3. Does your law make compulsory licences subject to the conditions enumerated in Article 31 of the TRIPS Agreement? If exceptions are provided for, please describe in detail what these exceptions are and how they apply in your law.
4. Does your legislation provide for the principle of the reversal of burden of proof in a process patent litigation? Please name the relevant law and explain the relevant sections.

B. PROTECTION OF UNDISCLOSED INFORMATION

5. Please explain in detail if your legislation ensures that undisclosed and confidential test data or other data submitted by an applicant to the responsible State agency in the procedure for market authorization of a pharmaceutical or of an agricultural chemical product is protected against disclosure and against unfair commercial use by a competitor, for example by prohibiting a second applicant from relying on, or from referring to the original data of the first applicant, when applying subsequently for market authorization for his own product. Does your legislation provide for exceptions to this? If yes, under what conditions would such exceptions apply?

C. ENFORCEMENT

6. What remedies does your country foresee against piracy and counterfeiting of trademarks?
-