

Austria (AT) Coverage

Patent Office Details

Austrian Patent Office
Dresdner Strasse 87
Postfach 95
1200 Wien
Austria

Web: www.patentamt.at

Official gazette: *Österreichisches Patentblatt* parts I and II

Kinds of Protection

Patents of Invention	Granted for an unextendable term of 20 years from submission date
Supplementary Protection Certificates	Extensions of up to five years for pharmaceutical patents and plant protection chemicals

Convention & Treaty Membership

Patent Cooperation Treaty	23.04.1979
European Patent Convention	01.05.1979
Signatory of:	Paris Convention (Stockholm wording) Budapest Treaty World Intellectual Property Organization International Convention for the Protection of New Varieties of Plants World Trade Organization

Filing for Patents

Patents are granted for inventions that are new with regard to the state of the art, are not obvious to the person skilled in the art and are susceptible of industrial application.

Applications can be made, in German, by the inventor or his legal successor (i.e. individual, firm or corporation).

Under the International Convention applications claiming priority must be filed within 12 months of the earliest filing in a Convention country. Priority documents must be provided if officially required. For an application under the PCT designating Austria, the international application must be filed with the Austrian Patent Office within 30 months of the priority date. Under the European Patent Convention, a European patent confers the same rights as an Austrian patent from date of publication of the grant in the European Patent Bulletin, provided a German translation of the specification is filed with the Austrian Patent Office within three months of date of the grant.

Applications are examined as to novelty, inventive step and patentability. Once accepted, the application will be published in the patent bulletin. This opens up the opposition period. A three-month postponement of publication may be obtained.

Opposition to the grant of a standard patent may be made within four months from the date of publication of the application. If no opposition is filed, the patent is granted at the end of the four month period.

On July 1, 2005 Austrian patent law changed; all laid open patent applications are now published 18 months after the filing date. Previously, they were only available on request from the Austrian Patent Office.

In addition, the Austrian Patent Office has adopted a post-grant opposition system in which the opposition period expires two months after the date of the grant. The date of the grant will also now be the same as the publication date of the kind 'B' documents.

DWPI Coverage

Kind		DWPI Start Dates
A	Old law application (examined accepted patent application)	15 March 1975
A1	Publication of application with search report	15 October 2005
A2	Publication of application without search report	15 October 2005
A3	Publication of search report	15 January 2006
A4	A2 document published on same day as B document (no A3)	15 December 2005
A5	Supplementary search report	15 April 2006
A8	Corrected first page of A document	15 April 2006
A9	Corrected complete A document	15 January 2007
B	Old law patent (granted patent)	15 December 1992
B1	Granted patent preceded by OPI	12 December 2005
B2	Publication of patent restricted after opposition	15 March 2012
B8	Corrected first page of granted patent	N/A
B9	Corrected complete granted patent	N/A
U1	Utility model with search report	15 January 2010
U2	Utility model without search report	15 January 2010
U3	Utility model search report only	N/A
U8	Corrected first page of utility model	N/A
U9	Corrected complete utility model	N/A

DWPI Data elements online	Notes
✓ Bibliographic data	
✓ English value-add title and abstract	
✓ Manual Codes	Chemical (CPI) Update 199303 onwards Electrical (EPI) Update 199303 onwards if also chemical Update 199519 onwards if only electrical
✓ Chemical Indexing	DCR, Chemical Fragmentation, Polymer and Markush

Numeration

Kind Codes – A, A1, A2, A3, A4, A5, A8, A9

Publication Numbers				
Original Data	Derwent Innovation	Dialog	Questel	STN
<i>Before 2000</i>				
AT Nnnn/YY	ATYYYYNNNNN	AT YNNNNNN	ATYYNNNNN	ATYYNNNNN
AT9601213	AT199601213	AT 9601213	AT9601213	AT9601213
<i>From 2000 to 14 October 2005</i>				
AT Nnnn/YYYY	ATYYYYNNNNN	AT YYYYNNNNN	ATYYNNNNN	ATYYNNnnnnn
AT200408037	AT200408037	AT 200408037	AT200408037	AT200408037
<i>Published from 15 October 2005 onwards</i>				
ATnnnnnn	ATnnnnnn	AT nnnnnn	ATnnnnnn	ATnnnnnn
AT500446	AT500446	AT 500446	AT500446	AT500446

Application Numbers*				
Original Data	Derwent Innovation	Dialog	Questel	STN
<i>Before 2000</i>				
AT Nnnn/YY	ATYYYYNnnnA	AT YYYYNnnn	YYYYAT-Nnnnnnn	ATYYYY-Nnnn
AT 2560/80	AT19802560A	AT 19802560	1980AT-0002560	AT1980-2560
<i>2000 onwards</i>				
AT Nnnn/YYYY	ATYYYYNnnnA	AT YYYYNnnn	YYYYAT-Nnnnnnn	AT YYYY-Nnnn
AT 852/2009	AT2009852A	AT 2009852	2009AT-0000852	AT2009-852

YY or YYYY 2 or 4 digit year
 Nnnn Up to 4 digit serial number
 NNNNN 5 digit serial number
 nnnnnn 6 digit serial number (from 15 October 2005, a continuous series starting at 500001)
 Nnnnnnn 7 digit serial number

*Full coverage of application numbers commenced from DWPI update 199216

Documents originating from PCT (WO) applications are denoted by a 4 digit serial number commencing with 9 to indicate a PCT transfer.

Utility Models are not covered in DWPI, but can be claimed as priorities on patents published outside Austria or transfers in. These are denoted by a 4 digit serial number commencing with 8 to indicate a utility model application.

Kind Codes –B, B1, B2, B8, B9

Publication Numbers				
Original Data	Derwent Innovation	Dialog	Questel	STN
ATnnnnnn	ATnnnnnn	AT nnnnnn	ATnnnnnn	ATnnnnnn
AT397171	AT397171	AT397171	AT397171	AT397171

nnnnnn 6 digit serial number

Kind Codes –U1, U2, U3, U8, U9

Publication Numbers				
Original Data	Derwent Innovation	Dialog	Questel	STN
ATNNNNN	ATNNNNN	AT NNNNN	ATNNNNN	ATNNNNNU
AT11013	AT11013	AT 11013	AT11013	AT11013U

Application Numbers				
Original Data	Derwent Innovation	Dialog	Questel	STN
GM Nnn/YYYY	ATYYYYNnnU	AT YYYYNnn	YYYYAT-Unnnnnn	ATYYYY-NnnU
GM 695/2009	AT2009695U	AT 2009695	2009AT-U000695	AT2009-695U

YYYY 4 digit year
 NNNNN 5 digit serial number
 Nnnnnn 6 digit serial number
 Nnn 1 to 5 digit serial number
 GM or U Denotes utility model