

Newsletter No.

1

Swiss IP News we will provide you with updates on new decisions, the relevant legislative process and other trends in the fields of intellectual property and unfair competition law from a Swiss perspective.



By **Roger Staub**

Dr. iur., Attorney at Law, Partner
Telephone +41 58 658 52 89
roger.staub@walderwyss.com



and **Annemarie Lagger**

M.A. HSG in Law, M.A. HSG in
International Affairs and Governance,
Attorney at Law
Telephone +41 58 658 51 93
annemarie.lagger@walderwyss.com

Swissmedic issues guidelines on product names for medicinal products

The legality of the medicinal product name is one of the requirements examined by the Swiss health authority Swissmedic when granting marketing authorisations for medicinal products. The authority's practice on this regulatory requirement has not been transparent so far, which made it difficult for pharmaceutical companies to anticipate the outcome of the examination.

This deficiency of the Swiss system has now been eliminated by Swissmedic issuing for the first time Guidelines for its examination of product names for medicinal products on 1 January 2020. The Guidelines do not introduce new requirements but rather reflect Swissmedic's current examination practice. This new transparency is very welcomed by pharmaceutical companies as it will allow them to better adapt their branding to the legal examination requirements imposed on Swissmedic and so to avoid a loss of time and costs. It will also allow Swissmedic to examine applications more efficiently.

For trademark owners it is important to know that Swissmedic's practice is completely independent from the assessment of product names and trademarks from a purely trademark and unfair competition perspective. Swissmedic will check the medicinal product name from a health policy standpoint. It examines whether a medicinal product name leads to confusion with other medicinal products, to wrong assumptions regarding the medicinal product itself or encourages abusive consumption.

The Walder Wyss Newsletter provides comments on new developments and significant issues of Swiss law. These comments are not intended to provide legal advice. Before taking action or relying on the comments and the information given, addressees of this Newsletter should seek specific advice on the matters which concern them.

© Walder Wyss Ltd., Zurich, 2020