

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON THE LAW OF PATENTS

Sixth Session
Geneva, November 5 to 9, 2001

SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the Session

1. The session was opened by Mr. Shozo Uemura, Deputy Director General, on behalf of the Director General, who welcomed the participants. Mr. Philippe Baechtold (WIPO) acted as Secretary to the Standing Committee.

Agenda Item 2: Election of a Chair and two Vice-Chairs

2. The Standing Committee unanimously elected, for one year, Mr. Dave Herald (Australia) as Chair and Mr. Volodimir Zharov (Ukraine) and Mr. Chaho Jung (Republic of Korea) as Vice-Chairs.

Agenda Item 3: Adoption of the Revised Agenda

3. The Revised Agenda (document SCP/6/1 Rev.) was adopted as proposed.

Agenda Item 4: Adoption of the Draft Report of the fifth session

4. The draft Report of the fifth session (document SCP/5/6 Prov. 2) was adopted with modifications proposed by the Delegation of the Dominican Republic and the Representative of the Union of Industrial and Employers' Confederations of Europe (UNICE), respectively.

Agenda Item 5: Draft Substantive Patent Law Treaty and Draft Regulations under the Substantive Patent Law Treaty

5. The SCP discussed draft provisions on substantive law harmonization, based on the Draft Substantive Patent Law Treaty (SPLT) (document SCP/6/2), the Draft Regulations and Practice Guidelines Under the Draft Substantive Patent Law Treaty (document SCP/6/3), Notes (document SCP/6/4), Study on the Interface between the SPLT, the PLT and the PCT (document SCP/6/5) and Information Provided by Members of the Standing Committee on the Law of Patents (SCP) Concerning the Definition of Prior Art – Brief Summary (document SCP/6/INF/2).

6. The SCP discussed the draft articles, together with the corresponding draft rules and draft practice guidelines. It gave the mandate to the International Bureau to redraft the provisions based on the discussions held during the present session, and to submit revised provisions for the next session of the SCP. In addition to a substantive amount of discussion on the proposed provisions, the SCP endorsed the principle relating to the interface between the SPLT, the PLT and the PCT contained in document SCP/6/5.

7. Concerning a proposal made by the Delegation of the United States of America concerning the establishment of a Working Group on multiple invention disclosures and complex applications (document SCP/6/6), the SCP agreed that the first session of the Working Group would be held in conjunction with the next SCP meeting during two evening sessions within the same week. The SCP also agreed on the mandate of the Working Group and on the fact that the Working Group would report results and make suggestions to the SCP.

Agenda Item 6: Proposal by the Delegation of the United States of America

8. The SCP discussed immediate and longer-term worldwide relief for patent applicants and owners affected by “*force majeure*” circumstances, based on a proposal made by the Delegation of the United States of America (document SCP/6/7). The SCP exchanged information regarding practices of offices. The International Bureau invited members of the SCP to send any information on this subject to the International Bureau, which would post the information on the SCP Electronic Forum.

Agenda Item 7: Future work

9. Following a suggestion by the Chair, the SCP agreed that the order of discussions on the draft SPLT at the next session would be structured according to the nature of the provisions.

10. The SCP also agreed that its seventh session would tentatively be held in May 2002, in Geneva.

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