

## **Committee on WIPO Standards (CWS)**

**Seventh Session**  
**Geneva, July 1 to 5, 2019**

### **RESULTS OF THE SURVEY ON THE GRANT AND PUBLICATION OF SPCS AND PTES**

*Document prepared by the International Bureau*

#### **INTRODUCTION**

1. At the sixth session of the CWS in 2018, the CWS approved the questionnaire on Supplementary Protection Certificates (SPCs) and Extensions of Patent Term (PTEs). The CWS requested the Secretariat to issue a circular inviting IPOs to participate in the survey on SPCs and PTEs. (See paragraphs 157 and 159 of document CWS/6/34.)
2. In November 2018, the Secretariat issued circular C.CWS.110 requesting IP Offices to designate representatives to participate in the survey.

#### **RESULTS OF THE SURVEY**

3. The present survey was conducted from December 2018 to March 2019 using the questionnaire approved by the sixth session of the CWS. Thirty-six Offices responded to the circular requesting a link to the survey. Twenty-six Offices submitted responses to the survey. The International Bureau analyzed the responses and prepared the following report for consideration by the CWS. The verbatim individual and collective responses are available at [[https://www.wipo.int/edocs/mdocs/classifications/en/cws\\_7/cws\\_7\\_23-related1.zip](https://www.wipo.int/edocs/mdocs/classifications/en/cws_7/cws_7_23-related1.zip)].
4. The questionnaire addressed issues with SPCs and PTEs: whether the IPO grants them, for what types of products, and what kinds of data they publish.

5. The following 26 Offices participated in the Survey:

AU	Australia
BE	Belgium
BR	Brazil
CA	Canada
CH	Switzerland
CN	China
CO	Colombia
CR	Costa Rica
CZ	Czech Republic
DE	Germany
DO	Dominican Republic
EA	Eurasian Patent Organization (EAPO)
EE	Estonia
ES	Spain
FR	France
GB	United Kingdom
HR	Croatia
IT	Italy
JP	Japan
KR	Republic of Korea
MD	Republic of Moldova
RU	Russian Federation
SE	Sweden
SK	Slovakia
UA	Ukraine
US	United States of America

6. Only two respondents (BR and CN) reported that they do not provide SPCs or PTEs and do not plan to provide them in the future. The other 24 respondents (92%) currently provide SPCs or PTEs. The rest of the survey responses only apply to these 24 IPOs.

7. Among those 24 offices, 92% provide SPCs or PTEs for medicinal products, 75% for plant products, and 20% for other types of products, including animal protection products or agricultural products. Common requirements to qualify for protection as reported by IPOs include: the product is protected by a patent; the product was subject to regulatory review or approval before commercial marketing; the product has not previously received supplemental protection; the market approval is the first such approval for the product; or that there was an unreasonable delay in granting the patent or regulatory approval.

8. For publishing SPC or PTE events, between 60% and 80% of IPOs report that they will publish when an SPC or PTE is requested, granted, not granted, lapsed or expired, requested an extension, and granted an extension. Events reported by fewer than 50% of responding offices include oppositions filed, when the protection came into force, and when an extension was not granted. These events are reported to the public in an online database (85%), Official Gazette (70%), by making the document available for public inspection (50%) or by providing a copy on request (20%). Most offices publish this information daily or weekly, while some only publish biweekly or monthly. Between 30% and 40% of IPOs also plan to publish WIPO Standard ST.27 state changes ("active", "not active", "terminated") for SPCs and PTEs.

9. *The CWS is invited to:*

*(a) note the content of the present document;*

*(b) request the International Bureau to prepare and publish the survey results as well as individual and collective responses in Part 7.7 of the WIPO Handbook.*

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