

**Agenda Item 9 (ii)****Report on the Standing Committee on the Law of Patents (SCP)****Doc. WO/GA/55/2**

Madam Chair,

1. The Czech Republic is honoured to take the floor on behalf of the European Union and its Member States. We would like to thank the Chairs, the WIPO Secretariat and the members of the Standing Committee on the Law of Patents for the continuous efforts and progress made since the last General Assembly. There have been constructive discussions and developments on all five main topics on the agenda of the SCP, i.e. (1) exceptions and limitations to patent rights; (2) the quality of patents, including opposition systems; (3) patents and health; (4) the confidentiality of communications between clients and their patent advisors, and (5) transfer of technology.
2. The quality of patents, including opposition systems, is of particular importance to the European Union. High-quality patents can guarantee the proper balance between the interests of inventors, industry, and other stakeholders on one hand and of society on the other hand. We are looking forward to advancing the Committee's work, in particular with regard to the topic of artificial intelligence (AI). The latter will consist inter alia in discussions on a study on the sufficiency of disclosure, as proposed by the distinguished delegations of Brazil and Spain in document SCP/31/8 Rev., on sharing experience and information on the patentability of inventions using AI and by AI following the proposal submitted by the delegations of France and Spain as contained in document SCP/30/9, and on expedited patent examination mechanisms at IP offices, as proposed by the distinguished delegation of the USA in document SCP/33/4. We continue to believe that, in addition to contributing to the technical quality of patents, the SCP should serve as a forum for discussions about the differences between existing patent law systems, as well as the harmonisation of substantive patent law in the future.

3. The EU and its Member States attach great importance to the confidentiality of communications between clients and their patent advisors. We look forward to continuing discussions on recent developments and experiences, as well as to an information-sharing session focusing on cross-border aspects of confidentiality of communications between clients and their patent advisors, to take place at SCP/34.
4. We believe that technology transfer is an important tool that helps foster innovation and development. It can create win-win situations in international economic relations. It remains a topic of great importance for the European Union. Therefore, we are looking forward to an information-sharing session at SCP/34 that will highlight the positive contributions of the patent system in enhancing innovation, technology transfer and industrial development of countries, as well as the challenges therein, through the presentation of concrete cases by various stakeholders.
5. As regards Patents and Health, researchers and the pharmaceutical industry, supported by public funding, have been putting extraordinary efforts into the development of vaccines and treatments against COVID-19. Effective incentives supporting these efforts, as well as licensing of patents, have been crucial. Broad, affordable and equitable global access to safe and effective vaccines, diagnostics and treatments is equally crucial in the fight against COVID-19. A solid, well-functioning, transparent and predictable system for intellectual property rights, including its exceptions and flexibilities, has proven not to be the problem, but part of the solution. We look forward to the exchange of updates on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines and to the updated document by the Secretariat on the “Review of Existing Research on Patents and Access to Medical Products and Health Technologies” at the next SCP session. We also look forward to the presentation by WHO, WIPO and WTO on their patent-related activities with respect to the COVID-19 pandemic in the context of the trilateral cooperation as well as to the presentation by WHO on the C-TAB initiative. Spain has taken part in this initiative with regard to a COVID-19 serological antibody technology.

6. While the European Union and its Member States consider all topics on the agenda important, we would like to reiterate our special interest in enhancing international cooperation and improving technical knowledge on patentability requirements. Ensuring a more efficient, more effective and higher-quality patent system in all Member States is in our view the right way forward in removing trade barriers and can prominently contribute to economic prosperity.
7. The European Union and its Member States are committed to continuing efforts to advance the work of the Committee in accordance with the agreed work plan. We look forward to the interesting discussions and information sharing in the SCP in the hope of achieving tangible results in the future.

Thank you.