

**Agenda Item 13 (ii)**

**Report on the Standing Committee on the Law of Patents (SCP)**

**Doc. WO/GA/56/6**

**Delegation of Spain on behalf of the  
European Union and its Member States**

Chair,

1. Spain 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, namely (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.
1. 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 as a whole 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). Work on this issue will consist *inter alia* of discussions on AI inventorship, AI generated inventions as well as an information sharing session on the use of AI for patent examination procedures. These discussions will, among other things, build on the proposal by 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, and the proposal submitted by the delegations of France and Spain as contained in document SCP/30/9 on AI and patents. 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.

2. 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 recent developments and experiences on cross-border aspects of confidentiality of communications between clients and their patent advisors, to take place at SCP/35.
3. 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 the information-sharing sessions at SCP/35 on international cooperation in respect of technology transfer through the patent system, including technical assistance and capacity building, licensing of technology and collaboration involving both the public and private sectors, as well as on Standard-Essential Patents and licensing.
4. As regards Patents and Health, in the aftermath of the COVID-19 pandemic, it has become clear that effective incentives supporting researchers, patent licensing, as well as broad, affordable and equitable global access to safe and effective vaccines, diagnostics and treatments are equally crucial to fight public health crises. 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. For this reason, we encourage the continuation of the fruitful trilateral collaboration between WIPO, WHO and WTO, which is essential to achieving a comprehensive approach to intellectual property, public health issues and trade, including innovation in health technologies and access to affordable medicines. In particular, the EU and its Member States see value in extending the regular update on publicly accessible databases of patent status information concerning medicines and vaccines. We also look forward to the sharing session among Member States on practices involving licensing of medical technologies for the diagnosis, prevention and treatment of COVID-19, including examples of compulsory and voluntary licensing.

5. 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.
6. 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.