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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON THE LAW OF PATENTS

Fourteenth Session
Geneva, January 25 to 29, 2010

SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the Session

1. The fourteenth session of the Standing Committee on the Law of Patents (SCP) was opened by the Director General, Mr. Francis Gurry, who welcomed the participants and introduced Mr. James Pooley, Deputy Director General. Mr. Philippe Baechtold (WIPO) acted as Secretary.

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

2. The SCP unanimously elected, for one year, Mr. Maximiliano Santa Cruz (Chile) as Chair and Mrs. Dong Cheng (China) and Mrs. Bucura Ionescu (Romania) as Vice-Chairs.

Agenda Item 3: Adoption of the draft Agenda

3. The SCP adopted the draft agenda (document SCP/14/1 Prov.) with the addition of the proposal from the Delegation of Brazil (document SCP/14/7) under agenda item 7(b), to be included in the final version (document SCP/14/1).

Agenda Item 4: Adoption of the Draft Report of the Thirteenth Session

4. The Committee adopted the draft report of its thirteenth session (document SCP/13/8 Prov.1) as proposed, with amendments received from the Delegation of Japan and the Representatives of ALIFAR and CEIPI, which will be included in the final report (document SCP/13/8).

Agenda Item 5: Report on the Conference on Intellectual Property and Public Policy Issues

5. The Chair presented an oral report on the Conference on Intellectual Property and Public Policy Issues, which was held on July 13 and 14, 2009 (document SCP/14/8). Many delegations stated that the Conference had provided a good opportunity to discuss issues and challenges related to the interface of intellectual property and public policy issues.

Agenda Item 6: Report on the International Patent System

6. The discussions were based on documents SCP/14/6 and SCP/12/3 Rev.2. Some delegations requested modifications in document SCP/14/6 with respect to their national laws.

7. The SCP agreed that document SCP/12/3 Rev.2 would remain open for further discussion at the next session of the SCP. Document SCP/14/6 will be updated, based on the comments received, or that will be received, from Member States.

Agenda Item 7: Preliminary Studies on Selected Issues

8. Discussions were based on documents SCP/13/2, 3, 4 and 5, and SCP/14/2, 3, 4, 5 and 7. Many delegations stated that these documents constituted a good basis for discussions, and requested further elaborations and clarifications on various issues contained in the documents. Several delegations expressed the importance of the studies being available in all official UN languages.

9. Concerning agenda item 7(b), a proposal in respect of exceptions and limitations to patent rights was submitted by the Delegation of Brazil (document SCP/14/7), which received broad support in the Committee. Other delegations, however, expressed concern that they had not received the document in advance of the meeting, and therefore had insufficient time to consider the proposal, and expressed a wish to consider the proposal at the following session. Further, the Secretariat presented information on the external experts' study regarding exclusions, exceptions and limitations (document SCP/14/INF/2) to the Committee.

Agenda Item 8: Work Program and Future Work of the Standing Committee on the Law of Patents (SCP)

10. Following a proposal by the Chair, the Committee agreed to carry on discussions at its next session on the basis of the agenda of its fourteenth session. Item 7(b) of that agenda will include the study by external experts on exclusions, exceptions and limitations, as well as the proposal by the Delegation of Brazil on exceptions and limitations to patent rights contained in document SCP/14/7. Member States may submit proposals on the work of the Committee prior to its next session.
11. The International Bureau informed the SCP that its fifteenth session was tentatively scheduled to be held from October 11 to 15, 2010, in Geneva.
12. The SCP noted that the present document was a summary established under the responsibility of the Chair and that the official record would be contained in the report of the session. The report would reflect all the interventions made during the meeting, and would be adopted in accordance with the procedure agreed by the SCP at its fourth session (see document SCP/4/6, paragraph 11), which provided for the members of the SCP to comment on the draft report made available on the SCP Electronic Forum. The Committee would then be invited to adopt the draft report, including the comments received, at its following session.
13. *The SCP noted the contents of this summary by the Chair.*

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