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Standing Committee on the Law of Patents

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PROPOSAL BY THE GROUP OF LATIN AMERICAN AND CARIBBEAN COUNTRIES (GRULAC)

Document prepared by the Secretariat

1. The Annex to this document contains a proposal submitted by the Group of Latin American and Caribbean Countries (GRULAC), entitled "Revision of 1979 WIPO Model Law for Developing Countries on Inventions", for consideration under item 7 of the draft agenda: Other Issues.

2. *The members of the Standing Committee on the Law of Patents (SCP) are invited to consider the contents of the Annex.*

[Annex follows]

PROPOSAL: ENGAGE MEMBER STATES IN THE REVISION OF THE 1979 WIPO MODEL LAW FOR DEVELOPING COUNTRIES ON INVENTIONS

I. BACKGROUND

1. In the two 2014 meetings of the SCP held in January and November last year, the GRULAC proposed to engage in discussions on the revision of the 1979 WIPO Model Law for Developing Countries on Inventions, taking into consideration the following aspects, among other issues:
 - i. The availability of funds in the 2014-2015 Program and Budget to carry out “progress on the revision of the Patent Model Law for developing countries and LDCs”;
 - ii. The relevance of such an exercise in addressing the main chapters related to patent law in a comprehensive and holistic manner;
 - iii. The need to respond to the increasing demand from Member States for legislative and policy assistance in line with the Development Agenda Recommendations 13 and 14;
 - iv. The opportunity to update a document from the 70s to reflect changes occurred after that period in the patent law area, in particular the entry into force of the TRIPS Agreement in 1995 and the implementation of its provisions in national legislations; and
 - v. The usefulness of a revised document that would be the basis for consideration of Member States when updating or reviewing their patent legislations.

II. PROCESS

2. The last summary by the Chair adopted by Member States in the November 2014 meeting provides in its paragraph 22 related to “Future Work” the following:

“(…) GRULAC suggested that the Secretariat prepare draft modalities and terms of reference for the revision of the WIPO Model Law for Developing Countries on Inventions of 1979. Some delegations stated that the current five substantive agenda items that reflected a balance of different priorities should be maintained. The Chair noted that the proposal by GRULAC could be presented and discussed at the next session.”

3. Following this guideline, the GRULAC would like to hear Members’ views on this approach and based on comments received, propose that the SCP 22 take the following decision:

The SCP requested WIPO Secretariat to allocate the funds necessary to carry on the “Revision of the 1979 WIPO Model Law for Developing Countries on Inventions” in the 2016-2017 Program and Budget and to prepare for SCP 23 a proposal for consideration of Member States on the terms of reference and modalities that such a revision could follow.

4. It is worth recalling that Member States will be able to intervene and participate in this process as usual and the final product will not constitute a binding document.

[End of Annex and of document]