

Standing Committee on the Law of Patents

Twenty-Third Session
Geneva, November 30 to December 4, 2015

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The twenty-third session of the Standing Committee on the Law of Patents (SCP) was opened by Mr. John Sandage, Deputy Director General, who welcomed the participants. The session was chaired by Mrs. Bucura Ionescu (Romania). Mr. Marco Aleman (WIPO) acted as Secretary.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

2. The SCP adopted the draft agenda (document SCP/23/1 Prov.) with a modification to the document number under agenda item 3 and inclusion of two new documents under agenda items 6 and 7.

AGENDA ITEM 3: ADOPTION OF THE DRAFT REPORT OF THE TWENTY-SECOND SESSION

3. The Committee adopted the draft report of its twenty-second session (document SCP/22/7 Prov.2) as proposed.

AGENDA ITEM 4: REPORT ON THE INTERNATIONAL PATENT SYSTEM

4. Discussions were based on document SCP/23/2.

5. The SCP agreed that the information concerning certain aspects of national/regional patent laws [http://www.wipo.int/scp/en/annex_ii.html] would be updated based on input received from Member States.

AGENDA ITEM 5: EXCEPTIONS AND LIMITATIONS TO PATENT RIGHTS

6. Discussions were based on documents SCP/14/7, SCP/19/6 and SCP/23/3.

7. Delegations shared their experiences and case studies on the effectiveness of exceptions and limitations, in particular, in addressing development issues. The Committee continued discussion on the issues regarding exceptions and limitations to patent rights. Some delegations suggested activities to be carried out by the Committee under this agenda item.

AGENDA ITEM 6: QUALITY OF PATENTS, INCLUDING OPPOSITION SYSTEMS

8. Discussions were based on documents SCP/17/7, 8 and 10, SCP/18/9, SCP/19/4, SCP/20/11 Rev. and SCP/23/4.

9. The Delegation of the United States of America introduced its proposal on the study of worksharing (document SCP/23/4). The Committee continued discussion on the issues under this agenda item. Some delegations suggested activities to be carried out by the Committee with respect to quality of patents, including opposition systems.

10. In addition, a sharing session on experiences of experts from different regions on inventive step assessment in examination, opposition and revocation procedures was held.

AGENDA ITEM 7: PATENTS AND HEALTH

11. Discussions were based on documents SCP/16/7 and 7 Corr., SCP/17/11 and SCP/21/9.

12. The Committee continued discussion on the feasibility study on disclosure of International Nonproprietary Names (INN) in patent applications and/or patents (document SCP/21/9). The Committee also discussed other issues under this agenda item. Some delegations suggested activities to be carried out by the Committee with respect to patents and health.

13. In addition, a seminar on the relationship between patent systems and, *inter alia*, challenges related to availability of medicines in developing countries and least developed countries (LDCs), including on the promotion of innovation and fostering of the requisite technology transfer to facilitate access to generic and patented medicines in developing countries and LDCs was held.

AGENDA ITEM 8: CONFIDENTIALITY OF COMMUNICATIONS BETWEEN CLIENTS AND THEIR PATENT ADVISORS

14. A sharing session among Member States concerning confidentiality protection applied to different types of patent professionals and to national and foreign patent advisors was held.

15. The Committee continued discussion on confidentiality of communications between clients and their patent advisors. Some delegations suggested activities to be carried out by the

Committee under this agenda item. Some other delegations suggested that discussion on this agenda item be discontinued.

AGENDA ITEM 9: TRANSFER OF TECHNOLOGY

16. Discussions were based on document SCP/22/4.

17. The Committee discussed the issues relating to transfer of technology *vis-à-vis* sufficiency of disclosure. The Committee also discussed other issues under this agenda item. Some delegations suggested activities to be carried out by the Committee with respect to transfer of technology.

AGENDA ITEM 10: OTHER ISSUES – PROPOSAL BY THE GROUP OF LATIN AMERICAN AND CARIBBEAN COUNTRIES (GRULAC)

18. Discussions were based on document SCP/22/5.

19. The Delegation of Brazil on behalf of the Group of Countries of Latin America and the Caribbean (GRULAC) presented the proposal. The Committee continued discussions on the proposal. Some delegations expressed their support on the proposal, while some other delegations expressed their opposition. Following some discussions, the Chair, after consulting with the regional coordinators, suggested continuing discussing the issue at the next session and that the interested delegations may make contributions.

AGENDA ITEM 11: FUTURE WORK

20. The non-exhaustive list of issues will remain open for further elaboration and discussion at the next session of the SCP.

21. Failing agreement otherwise, 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 twenty-third session in document SCP/23/1. Member States may submit proposals on the work of the Committee prior to its next session.

22. The Secretariat informed the SCP that the dates of its twenty-fourth session, to be held in Geneva, would be announced in due course.

23. 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.

24. The SCP noted the contents of this summary by the Chair.

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