



SCP/33/INF/2 REV.
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Standing Committee on the Law of Patents

Thirty-Third Session
Geneva, December 6 to 9, 2021

ANNOTATED DRAFT AGENDA AND PROPOSED TIME TABLE

Document prepared by the Secretariat

1. This information document contains an annotated draft agenda and a proposed timetable of the thirty-third session of the Standing Committee on the Law of Patents (SCP), which will be held in Geneva from December 6 to 9, 2021, in the hybrid format. The Committee will meet for two hours and a half each day, from 12 noon to 2.30 p.m., Geneva time (CET).
2. The document is prepared for the convenience of all participants as requested by Member States. Annex I to this document contains an annotated draft agenda which was prepared on the basis of the future work adopted at the thirty-second session of the SCP, held from December 7 to 10, 2020 (see document SCP/32/7, paragraph 26).
3. Annex II presents an indicative provisional timetable for the thirty-third session of the SCP. Taking into account the progress of the discussions and preferences expressed by delegations during the session, the Chair may propose changes to the timing of discussions on agenda items, as appropriate.
4. In view of the limited working hours available for the session of the SCP and with a view to the efficiency of discussions during the session, SCP members and observers are encouraged to submit written statements with respect to any agenda item to: scp.forum@wipo.int. They will be posted by the Secretariat on the SCP electronic forum at: https://www.wipo.int/scp/en/meetings/session_33/comments_received.html.

[Annexes follow]

ANNOTATED DRAFT AGENDA

1. Opening of the session

The Director General of WIPO (or his representative) will open the session and deliver his welcoming remarks.

2. Election of the Chair and two Vice-Chairs

A Chair and two Vice-Chairs will be elected.

3. Adoption of the agenda

See document SCP/33/1 Prov.

4. Admission of observer

See document SCP/33/2.

This document relates to a request from the Intellectual Property International Forum-Québec (FORPIQ), a non-governmental organization, which seeks ad hoc observer status in the sessions of the SCP. The SCP is invited to take a decision on the admission of FORPIQ as an ad hoc observer.

5. Report on the international patent system: Certain aspects of national/regional patent laws

See document SCP/33/3.

This document provides the status of the updates on the SCP electronic forum website that contains information concerning certain aspects of national/regional patent laws.

6. Exceptions and limitations to patent rights

See document SCP/32/3.

This document contains a Draft reference document on the exception regarding prior use. It covers the objectives and goals of this exception, the international legal framework of the exception, as well as provisions relating to the exception in regional instruments and national laws. In addition, the document illustrates challenges faced by Member States in implementing this exception under the national laws and the results of their implementation. In its Appendix, legal provisions relating to the exception regarding prior use in national and regional legislations are compiled. The document is kept open for discussion by the Committee.

Other related documents: SCP/14/7 and SCP/19/6.

7. Quality of patents, including opposition systems

See documents SCP/31/3 and SCP/33/4.

Document SCP/31/3 contains a study on approaches to the quality of patent grant process. The study illustrates the patent grant process in general, and analyses the high-level principles that might assist in approaching the quality of patent grant process. The study also provides concrete examples of approaches to the quality of patent grant process in some patent offices. The Committee will continue discussion on the document.

Document SCP/33/4 contains a proposal submitted by the Delegation of the United States of America to the thirty-third session of the SCP for an information exchange on expedited patent examination mechanisms at intellectual property offices.

- Sharing session on the use of artificial intelligence for examination of patent applications.

National and regional patent offices will share their experiences and information on the use of artificial intelligence for examination of patent applications.

Other related documents: SCP/17/7, 8 and 10, SCP/18/9, SCP/19/4, SCP/20/11 Rev., SCP/23/4, SCP/24/3, SCP/28/8, SCP/30/9 and SCP/31/8 Rev.

8. Patents and health

See document SCP/31/5.

This document contains review of existing research on patents and access to medical products and health technologies. In accordance with the adopted proposal contained in document SCP/28/9 Rev., the review includes studies prepared by WIPO, WHO and/or WTO, by other relevant intergovernmental organizations (IGOs) and by external researchers commissioned by these organizations, as well as peer-reviewed academic research. The Committee will continue its discussion on the document in order to share considerations and findings on the state of knowledge arising from the review of existing research, and will consider proposals by delegations to extend the period under review of document SCP/31/5.

- Initiatives on publicly accessible databases of patent status information concerning medicines and vaccines: update.

The Committee will continue to receive update on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines, in accordance with document SCP/28/10 Rev.

Other related documents: SCP/16/7 and 7 Corr., SCP/17/11, SCP/24/4, SCP/28/9 Rev. and 10 Rev.

9. Confidentiality of communications between clients and their patent advisors

The Committee will continue discussion on recent developments and experiences with respect to confidentiality of communication between clients and their patent advisors, and on any suggestions/proposals by Member States.

10. Transfer of technology

See document SCP/32/6.

Based on the inputs received from Member States, this document compiles information on patent law provisions and practices that contributed to effective transfer of technology. It contains legal provisions under patent law and technology transfer law, as well as practical tools, programs and initiatives that are based on, or promote the use of, such legal provisions. The Committee will continue discussion on the document.

11. Future work

12. Summary by the Chair
13. Closing of the session

[Annex II follows]

PROPOSED TIME TABLE (12 noon to 2.30 p.m. every day)

Monday, December 6, 2021

1. Opening of the session
2. Election of Chair and two Vice Chairs
3. Adoption of the agenda (SCP/33/1 Prov.)
4. Admission of observer (SCP/33/2)

General statements

5. Report on the international patent system (SCP/33/3)
6. Exceptions and limitations to patent rights
 - *General statements*
 - *Draft reference document on the exception regarding prior use (SCP/32/3)*

Tuesday, December 7, 2021

7. Quality of patents, including opposition systems
 - *General statements*
 - *Study on approaches to the quality of the patent grant process (SCP/31/3)*
 - *Sharing experiences and information on the use of AI for examination of patent applications*

Wednesday, December 8, 2021

8. Patents and health
 - *General statements*
 - *Review of existing research on patents and access to medical products and health technologies (SCP/31/5)*
 - *Update on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines*

Thursday, December 9, 2021

9. Confidentiality of communications between clients and their patent advisors
 - *General statements*
 - *Discussion on recent developments and experiences with respect to confidentiality of communication between clients and their patent advisors, and on any suggestions/proposals by Member States*

10. Transfer of technology
 - *General statements*
 - *Patent law provisions and practices that contributed to effective transfer of technology (SCP/32/6)*
11. Future work
12. Summary by the Chair
13. Closing of the session

[End of Annex II and of document]