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Standing Committee on the Law of Patents

Thirty-Eighth Session
Geneva, November 2 to 6, 2026

REVISED ANNOTATED DRAFT AGENDA AND PROPOSED TIMETABLE

Document prepared by the Secretariat

1. This information document contains a revised annotated draft agenda and a proposed timetable of the thirty-eighth session of the Standing Committee on the Law of Patents (SCP), which will be held in Geneva from November 2 to 6, 2026, in hybrid format. The Committee will meet each day from 10.00 a.m. to 1.00 p.m. and 3.00 p.m. to 6.00 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 a revised annotated draft agenda which was prepared on the basis of the future work adopted at the thirty-seventh session of the SCP, held from November 3 to 7, 2025 (see the Summary by the Chair in document SCP/37/11, paragraph 30).

3. Annex II presents an indicative provisional timetable for the thirty-eighth 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.

[Annexes follow]

REVISED ANNOTATED DRAFT AGENDA

1. Opening of the session

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

2. Adoption of the agenda

See document SCP/38/1 Prov.2.

3. Election of a Chair and two Vice Chairs

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

See document SCP/38/2.

This document contains information on the Secretariat's update, revision and restructuring of the SCP electronic forum website concerning certain aspects of national and regional patent laws. As part of the first phase of this work, new webpages have been developed on prior art, novelty, inventive step (non-obviousness) and grace period (non-prejudicial disclosure mechanisms), based on information provided by Member States and regional patent offices. The updated webpages are available at: https://www.wipo.int/en/web/scp/electronic-forum/certain-aspects-of-national-regional-patent-laws-database.
In addition, existing webpages on sufficiency of disclosure, exclusions from patentable subject matter, and exceptions and limitations to rights have been updated.

5. Exceptions and limitations to patent rights

See document SCP/38/3.

Document SCP/38/3 contains a draft reference document on the exception regarding private and/or non-commercial use of patented inventions. It covers the public policy objectives of this exception, the international legal framework of the exception, as well as provisions relating to the exception in regional instruments and national laws, including court cases. The document also includes sections on the challenges faced by Member States in implementing this exception under the national laws and results of their implementation. In its Appendix, legal provisions relating to this exception in national and regional legislations are compiled.

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

6. Quality of patents, including opposition systems

See documents SCP/38/4, 5 Corr, 6 and 10.

Document SCP/38/4 updates document SCP/36/5 (Background Document on Patents and Emerging Technologies (update of SCP/30/5)) by compiling current laws and practices relating to patentability of artificial intelligence (AI) and related issues. To maintain the integrity and readability of the updated document, it also includes an update and overview of developments in AI technology. The current update is based on information received from Member States and regional patent offices and supplemented with additional research conducted by the Secretariat to provide an overview of the latest developments.

Document SCP/38/5 Corr, updates document SCP/37/5, Annex, Section VI (The "DABUS" Case), based on the information received from Member States and regional patent offices.

The section has been updated to include new cases and decisions on AI as an inventor and academic commentaries.

Document SCP/38/6 contains the report on the expert exchange held during SCP/37 on legal and policy options in the areas of patentability criteria and AI inventorship (Annex 1), along with a summary of the policy options discussed during that exchange as well as in relevant WIPO documents (Annex II). Annex II containing the summary of policy options highlights key policy options at the intersection of AI and patent law by presenting an analysis of issues, current approaches and challenges posed by AI to patentability and inventorship – namely, subject matter eligibility, AI-generated prior art, person having ordinary skill in the art, novelty, inventive step, industrial applicability, sufficiency of disclosure, AI-assisted and AI-generated inventions.

Document SCP/38/10 contains a proposal by the Delegation of China on an information exchange concerning the protection of intellectual property in connection with outer space activities. It proposes gathering and compiling Member States' experiences and practices relating particularly to patent protection, including legislation, ownership, applicable law, jurisdiction, implementation, commercial cooperation, contractual arrangements and dispute resolution. The proposal recommends building on WIPO's earlier studies, collecting relevant information before the thirty-ninth session of the SCP, and organizing a policy exchange or expert seminar involving Member States and relevant stakeholders at that session.

- Sharing session on the use of various tools, including AI, for effective patent examination procedures and challenges faced by IP offices in developing, deploying and using such tools.

Experiences and information on the use of various tools, including AI, for effective patent examination procedures within national and regional patent offices, will be shared within the Committee. In addition, challenges faced by IP Offices in developing, deploying and using such tools, including experiences on new avenues for cooperation in this area will be shared during the session. The Secretariat will also share its initiatives on such tools.

- Expert exchange on legal and policy options in the areas of patentability criteria and AI inventorship based on document SCP/38/6

External experts will be invited to an exchange to discuss Annex II of document SCP/38/6 containing the summary of policy options at the intersection of AI and patent law.

Other related documents: SCP/17/7, 8 and 10, SCP/18/9, SCP/19/4, SCP/20/11 Rev., SCP/23/4, SCP/30/9, SCP/35/8, SCP/36/5 and SCP/37/5

7. Patents and Health

- Updates on the initiatives on publicly accessible databases of patent status information concerning medical products and health technologies

The Committee will continue to receive updates on the initiatives on publicly accessible databases of patent status information concerning medical products and health technologies. In addition, Member States will share their experiences in using such databases. Providers of patent status data to these databases are also invited to participate in discussion.

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

8. Confidentiality of communications between clients and their patent advisors

See document SCP/38/7.

Document SCP/38/7 examines the categories of professionals whose confidential communications with clients are protected against forcible disclosure in court proceedings. It covers the policy rationale underlying such protection, identifies the principal categories of protected professionals, namely, qualified lawyers and patent attorneys or patent agents. It presents the legal basis and conditions of such protection under the national laws and provisions relating to such protection in the regional framework. It considers the extent to which such protection is recognized across jurisdictions, including cross-border challenges.

9. Transfer of technology

See documents SCP/38/8 Corr, and 9.

Document SCP/38/8 Corr, contains a study on the conditions governing foreign patent filings and the related challenges faced by innovators in cross-border collaborative environments. It examines key concepts, regulatory models, connecting factors, restricted acts, procedural requirements, secrecy measures, legal consequences, overlapping national requirements, and potential mitigation practices. The study also outlines the relevant international legal framework and provides information on national and regional laws and practices based on information submitted by Member States and regional patent offices, supplemented by Secretariat research using publicly available legal, administrative and other relevant materials.

Document SCP/38/9 contains a study on best practices and challenges in technology transfer in the health and green technology sectors focusing on industry-academia collaboration, considering national and international regulatory frameworks. The study identifies licensing models and contract structures, including effective clauses for remuneration schemes and IP management and contains practical examples to illustrate successful strategies. The Appendix of the document incorporates case studies. Where relevant, it draws from the expert exchange conducted during the thirty-seventh session on this topic.

- Presentation on the status of the implementation of the “WIPO Strategy on Standard Essential Patents 2024-2026”

- Presentation on the WIPO Arbitration and Mediation Center’s guidance on “WIPO ADR Options for FRAND Dispute Management and Resolution.”

Other related documents: SCP/34/7 Rev, SCP/36/9, and the WIPO Strategy on Standard Essential Patents 2024-2026.

10. Future work

11. Summary by the Chair

12. Closing of the session

[Annex II follows]

	Monday Nov. 2, 2026	Tuesday Nov. 3, 2026	Wednesday Nov. 4, 2026	Thursday Nov. 5, 2026	Friday Nov. 6, 2026
Morning Session 10.00-13.00 (CET)	**1. Opening of the session** **2. Adoption of the agenda** *(SCP/38/1 Prov.2)* **3. Election of a Chair and two Vice-Chairs** [General statements] **4. Report on the international patent system: Certain aspects of national/regional patent laws** *(SCP/38/2)* **5. Exceptions and limitations to patent rights** *[General statements]*	**6. Quality of patents, including opposition systems [continued]** *- Sharing session on the use of various tools, including AI, for effective patent examination procedures and challenges faced by IP offices in developing, deploying and using such tools* *- Report on the expert exchange held during SCP/37 on legal and policy options in the areas of patentability criteria and AI inventorship, along with a summary of the policy options, based on relevant WIPO documents (SCP/38/6)*	**7. Patents and Health [continued]** *- Updates on the initiatives on publicly accessible databases of patent status information concerning medical products and health technologies* **8. Confidentiality of communications between clients and their patent advisors** *[General statements]* *- Study on the categories of professionals who enjoy protection against forcible disclosure of confidential communications between clients and their patent advisors in court proceedings under national/regional laws (SCP/38/7)* **9. Transfer of technology** *[General statements]*	**9. Transfer of technology [continued]** *- Presentation on the status of the implementation of the "WIPO Strategy on Standard Essential Patents 2024-2026"* *- Presentation on the WIPO Arbitration and Mediation Center's guidance on "WIPO ADR Options for FRAND Dispute Management and Resolution"*	**10. Future work [continued]**
Afternoon Session 15.00-18.00 (CET)	**5. Exceptions and limitations to patent rights [continued]** *- Draft reference document on the exception regarding private and/or non-commercial use (SCP/38/3)* **6. Quality of patents, including opposition systems** *[General statements]* *- Update to document SCP/36/5 (SCP/38/4)* *- Update to document SCP/37/5, Annex, Section VI (the "DABUS" case) (SCP/38/5 Corr.)*	**6. Quality of patents, including opposition systems [continued]** *- Expert exchange on legal and policy options in the areas of patentability criteria and AI inventorship based on document SCP/38/6* *- Proposal by the Delegation of China (SCP/38/10)* **7. Patents and Health** *[General statements]*	**9. Transfer of technology [continued]** *- Study on best practices and challenges in technology transfer in the health and green technology sectors focusing on industry-academia collaboration, considering national and international regulatory frameworks (SCP/38/9)* *- Study on the determination of inventorship and conditions of foreign filing, with a view to identifying potential challenges for innovators in the cross-border collaborative environment (SCP/38/8 Corr.)*	**10. Future work**	**11. Summary by the Chair** **12. Closing of the session**