

WIPO



SCP/5/5

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON THE LAW OF PATENTS

Fifth Session **Geneva, May 14 to 19, 2001**

SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the Session

1. The session was opened by Mr. Shozo Uemura, Deputy Director General, who welcomed the participants. Mr. Philippe Baechtold (WIPO) acted as Secretary to the Standing Committee.

Agenda Item 2: Adoption of the Draft Agenda

2. The Draft Agenda (document SCP/5/1) was adopted as proposed.

Agenda Item 3: Draft Substantive Patent Law Treaty and Draft Regulations under the Draft Substantive Patent Law Treaty

3. The SCP discussed, for the first time, draft provisions on substantive patent law harmonization, based on the Draft Substantive Patent Law Treaty (SPLT) (document SCP/5/2), and the Draft Regulations and Practice Guidelines Under the Draft Substantive Patent Law Treaty (document SCP/5/3).

4. The SCP first held a general discussion on the preference of delegations for one of the alternatives A or B contained in document SCP/5/2. Although a majority of delegations spoke in favor, in principle, of alternative A, most indicated that they wish to discuss the matter further and suggested that the drafting style be examined on an article-by-article basis.

5. The SCP then discussed the draft articles, together with the corresponding draft rules. It gave the mandate to the International Bureau to redraft the provisions based on the discussions held during the present session, and to submit revised provisions for the next session of the SCP.

Agenda Item 4: Results of the questionnaire concerning disclosure of information on the Internet

6. As regards the disclosure of information on the Internet and its impact on patentability under the draft SPLT (document SCP/5/4), the SCP agreed that it should first establish general principles concerning prior art that would also cover disclosures on the Internet, and then consider the necessity of special provisions specific to Internet disclosures, possibly under the practice guidelines. Further, the Chair concluded that, although the issue of Internet and enforcement of patents might be premature to discuss at this stage, importance of this issue should be kept in mind for future discussion.

Agenda Item 5: Future work

7. The SCP agreed that its sixth session would tentatively be held during the first half of November 2001 in Geneva, and that the sole item on the agenda would be the draft SPLT, based on revised documents prepared by the International Bureau.

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