

Standing Committee on the Law of Patents (SCP)

With regard to the invitation contained in Circular No. 8261, of April 19, 2013, the Industrial Property Registry of Costa Rica wishes to refer to the points raised:

Exceptions and limitations to patent rights

To date no cases have arisen. The questionnaire concerned was duly completed and sent on November 9, 2001, with the latest version being amended on March 8, 2012.

Quality of patents

In addition to the comments previously submitted, the National Office wishes to add that the Support System for the Management of Patent Applications for the Central American Countries and the Dominican Republic (CADOPAT) tool is currently being used to examine patents in depth. This tool has proven to be extremely useful as it makes it possible to refer to search and examination studies already carried out by the Mexican Institute of Industrial Property (IMPI). As a result, duplication of work can be avoided and response times concerning patent applications awaiting examination can be reduced. Furthermore, in view of the technical nature of the work and the fact that the Office does not currently have a qualified expert, the CADOPAT tool has been used to assess and process applications.

Finally, the National Office recently obtained access to *Minesoft's* private database entitled PatBase, giving both in-house and external examiners a broader range of search options and enabling them to carry out better quality examinations containing more in-depth analysis.

Confidentiality of communications between clients and their patent advisors

The Office has already submitted comments in this regard.

Transfer of technology

The National Office wishes to report that it already has a Technology and Innovation Support Center (TISC), which, among other things, is designed to foster growth in terms of patents, encouraging stakeholders in the sectors concerned to familiarize themselves with the advantages offered by patent

law, thus promoting the transfer of technology and improving the quality of the patents managed by the Office.

In addition, the National Office respectfully requests the Secretariat to up-date the information found at http://www.wipo.int/scp/es/annex_ii.html based on the information contained in document SCP/17/2/Add. Furthermore, the following information must be added to the parts corresponding to Prior Art, Novelty and Inventive Step:

“The disclosure resulting from a publication made by an industrial property office in the process of granting a patent shall be included in the prior art, except for the case of a patent applicant, or when the application in question has been filed by a person who did not have the right to obtain the patent or when the publication has been unduly made (Amended by Law No. 8632 of March 28, 2008. Bulletin No. 80, of April 25, 2008.”

The part corresponding to Exclusions from Patentable Subject Matter must be amended to reflect the information contained in Document SCP/17/2/Add.

In the part corresponding to Exceptions and Limitations of the Rights, point 7 must be corrected to read as follows:

“7. Compulsory licenses and licenses in the public interest”

Thank you,

Industrial Property Registry

Costa Rica