

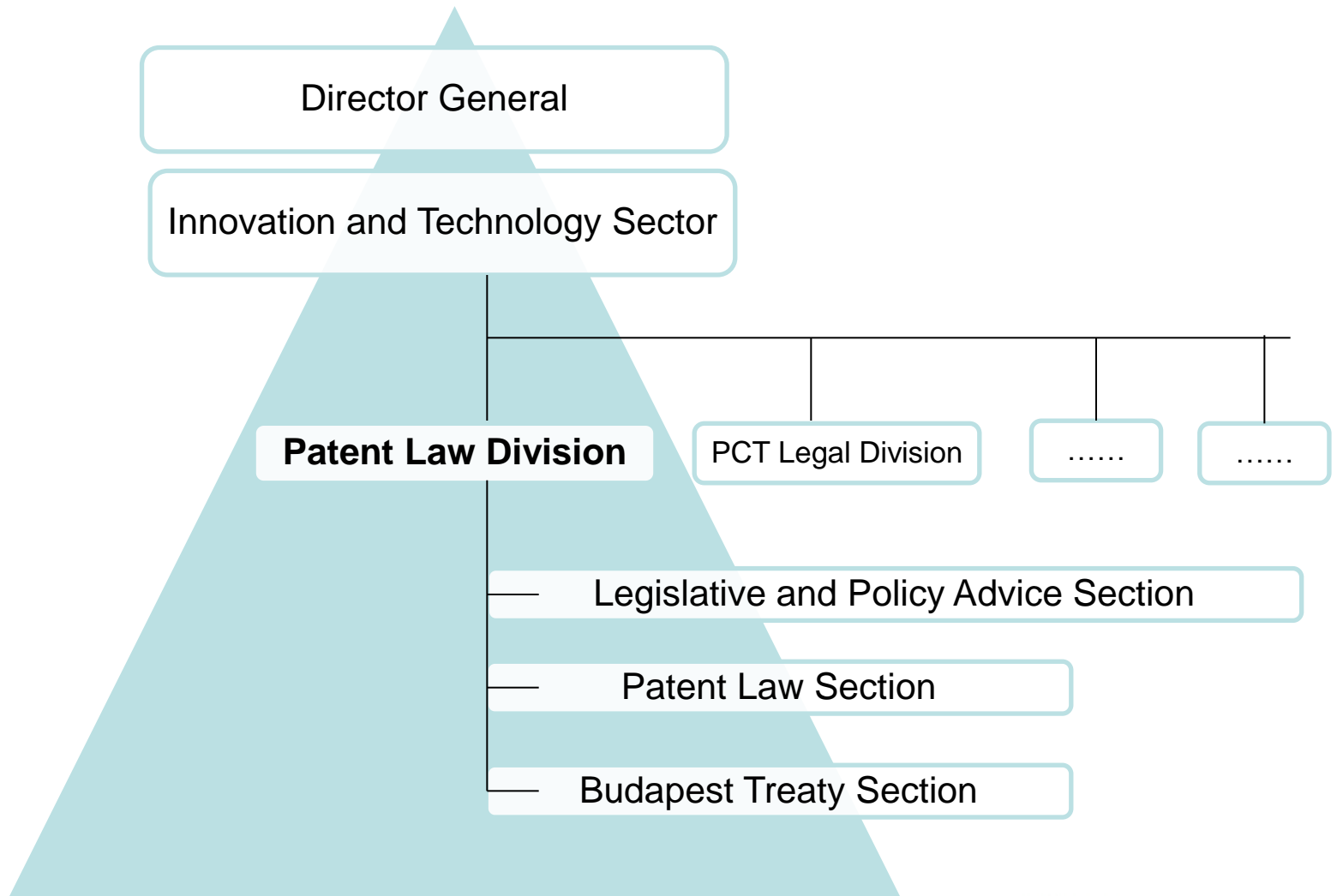
Patent Law Division: Its Activities and Services

**Intellectual Property Focal Persons of the
African Regional Economic Communities and
Executive Bodies of the African Union**

**Geneva
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WIPO Organigramme



Program 1 – Patent Law

Mission: *Progressive development of balanced international patent law and practice that serves Member States, users and society as an instrument to encourage innovation and technology transfer, in particular, in developing countries and countries with economies in transition.*

Development Agenda recommendations

- Cluster A. Technical Assistance and Capacity Building
- Cluster B. Norm-setting, flexibilities, public policy and public domain
- Cluster C. Technology Transfer, Information and Communication Technologies (ICT) and Access to Knowledge

Main areas of work

- Supporting discussions and activities of the Standing Committee on the Law of Patents (SCP) and the Committee on Intellectual Property and Development (CDIP)
- Administration and promotion of WIPO-administered treaties
 - Paris Convention for the Protection of Industrial Property
 - Patent Law Treaty (PLT)
 - Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure
- Capacity building and cooperation with Member States, IGOs and NGOs
 - Seminars and Workshops
 - Patent drafting workshops
 - Legislative and policy advice given to Member States
 - Inventor Assistance Program (Pro bono project)

Also including activities relating to utility models, protection of confidential technical/business information and protection of layout designs of integrated circuits.

SCP

Standing Committee on the Law of Patents (SCP)

Forum to discuss issues, facilitate coordination and provide guidance concerning the progressive international development of patent law, including the harmonization of national laws and procedures

- Policy debates
- Sharing information, experiences and best practices
- Negotiation of international norms

Forum that deals with a cluster of issues rather than each issue in isolation

- Exceptions and limitations to patent rights
- Quality of patents, including opposition systems
- Patents and health
- Transfer of technology
- Confidentiality of advice from patent attorneys/agents

SCP

- Agenda and future work of the Committee set by Member States

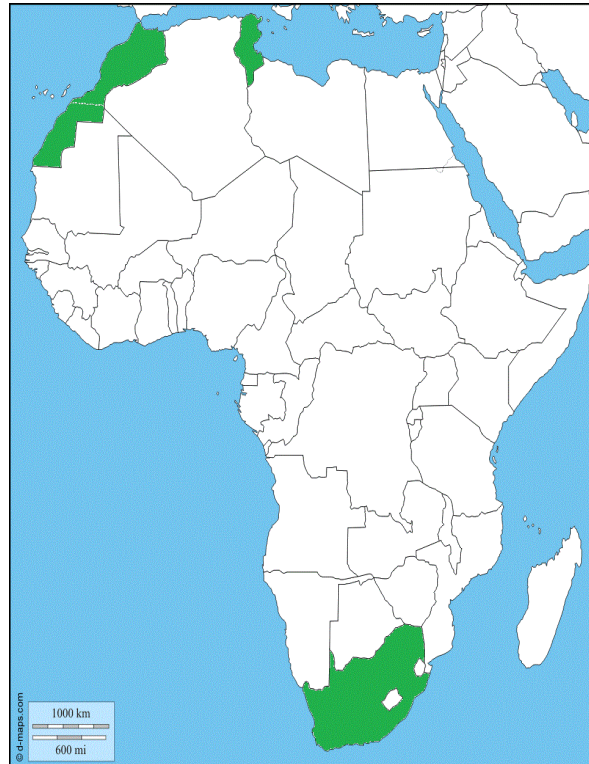
- Recent SCP outcomes
 - Studies
 - Questionnaire on implementation of exceptions and limitations to patent rights in MSs and compilation of the results
 - Seminars inviting external experts
 - Exceptions and limitations to patent rights
 - Confidentiality of advice from patent advisors and experiences of clients and patent advisors
 - Sharing sessions
 - Use of health-related patent flexibilities in MSs
 - Experiences on international work sharing and collaboration

Administration and Promotion of Treaties

Paris Convention
(1883)
176 MSs

Budapest Treaty
(1977)
80 MSs

Patent Law Treaty
(2000)
37 MSs



Purpose and main elements

Budapest Treaty

- Facilitates the international disclosure of biotechnological inventions through the deposit of a microorganism with an international depositary authority (IDA)
- Deposit to any IDA must be recognized by all Contracting States
- Applicants from non-Member States may enjoy the effect of deposits with IDAs in the Member States of the Budapest Treaty

Patent Law Treaty

- Simplify and streamline the formality requirements relating to national/regional patent procedures
- Where practicable, align with the PCT formality requirements
- In principle, maximum requirements (flexibilities)
- Avoid formality traps (particularly for individual and SME applicants)

Patent Drafting Workshops

Patent Drafting Training

Features

- Patent drafting – Innovation enters into a patent system
- Knowledge and skills built on experiences
- Core professionals

Target Groups

- TISC or TTO staff (intermediary between inventors and IP attorneys/agents)
- IP attorneys/agents

How?

- Face-to-face (*in situ*) session
- Follow-up session – further drafting skills
- Mentoring service
- Network effects

Legislative and Policy Advice

WIPO Legislative and Policy Assistance

Features

- Upon request
- Bilateral and confidential
- Neutral and not binding

Types

- Advice on substantive standards of patent law including flexibilities
- Drafting or revising patent laws/regulations/manuals

How?

- Written advice/comments
- Preparation of draft patent laws and regulations
- Consultations in capitals or Geneva

Factors to take into consideration in drafting patent laws

- Patent policies objectives
- Different levels of economic development of countries
- Different development of sectors of industry
- Different international obligations (multilateral, regional or bilateral)

The CDIP and the work on Patent Related flexibilities

1. Elaboration of documents

- CDIP Sessions 3 and 4. A request from a group of Countries
- CDIP Session 5. Document [CDIP/5/4](#) on five flexibilities
- CDIP Session 6. document [CDIP/5/4 Rev](#)
- CDIP Session 7. Document [CDIP/7/3](#) (on five new flexibilities)
- CDIP Session 9. Document [CDIP/7/3 Rev](#)
- CDIP Session 13. [CDIP/13/10](#) on two new flexibilities
- CDIP Session 15. Document [CDIP/15/6](#) on two new flexibilities and [CDIP/13/10 Rev.](#)

The CDIP and the work on Patent Related flexibilities

2. Regional meetings

- WIPO Regional Seminar on the Effective Implementation and Use of Several Patent-Related Flexibilities, March 29 to 31, 2011, Bangkok
- WIPO Regional Seminar on Implementation and Use of Several Patent-Related Flexibilities, February 6 to 8, 2012, Bogota, Colombia
- WIPO Regional Seminar on the Implementation and Use of Several Patent-Related Flexibilities, January 29 to 31, Durban, South Africa
- WIPO Regional Seminar for Certain Caucasian, Central Asian and Eastern European Countries and Central European, Baltic and Mediterranean Countries on the implementation and Use of Several Patent- Related Flexibilities, Astana, Kazakhstan, October 16 to 18, 2013.

LPAS Activities per Region

Region	2009	2010	2011	2012	2013	2014	2015	Total
Africa	0	5	7	2	12	6	6	38
Asia and Oceania	7	12	7	7	14	6	9	63
North, Central, South America and the Caribbean	5	9	7	14	8	7	10	60
Europe	1	2	2	1	1	1	0	8

LPAS Activities in Africa

Kind of activity	2009	2010	2011	2012	2013	2014	2015	Total
Comments on Draft of Law/regulations or IP policies	0	2	3	1	2	3	0	11
Draft Law	0	1	0	0	0	0	0	1
Concepts	0	0	0	0	0	0	0	0
Missions for L.A.	0	1	1	0	0	1	0	3
Missions for Seminar organized by WIPO or other IGOs/entities	0	1	0	1	4	1	2	9
Seminars organized by the LPA	0	0	0	0	1	0	2	3
Study visits in Geneva	0	0	3	0	5	1	1	10

Inventor Assistance Program

<http://www.wipo.int/iap/en/>

Inventor Assistance Program

- The program is a joint initiative of the [World Intellectual Property Organization \(WIPO\)](#) and the [World Economic Forum](#), with support and input from some of the world's leading businesses and law firms.
- A new service to help underresourced inventors and small businesses in developing countries get patent protection for their inventions
- The Inventor Assistance Program matches inventors with patent attorneys who are willing to give them **free legal advice** on how to file a patent to protect their inventions
- The IAP is currently active on a pilot basis in three countries: Colombia, Morocco, and the Philippines

Inventor Assistance Program

To qualify for IAP, inventor must satisfy four criteria:

- **Basic knowledge of the patent system:** inventor must be able to demonstrate a basic knowledge of the patent system in one of two ways:
 - Completion of the online IAP training module.
 - Proof of a current patent application that has been filed at the patent office of an IAP participant country
- **Income level:** income must be below the threshold determined by the country in question
- **Eligible invention:** inventor must have an invention that qualifies for IAP. Decisions on the eligibility of inventions are taken by the IAP screening board of the country in question.
- **Residence:** Inventor must be a resident in the country in which he/she makes the request and that country must be a participant in the IAP.

The IAP benefits to...



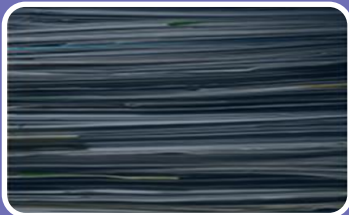
Inventors

- patent protection gives them more scope to profit from their inventions.



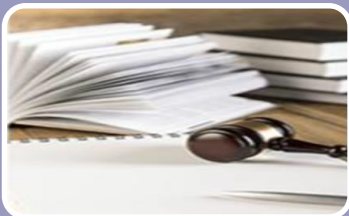
Society in general

- Exploiting opportunities offered by new inventions
- Technological progress



Patent Offices

- More possibilities of interaction with the patent applicant
- Less effort in processing well presented patent applications



Patent Attorneys

- Opportunity to acquire experience in very complex areas
- Future opportunities of contracts

Thank you for your attention.

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