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STANDING COMMITTEE ON THE LAW OF PATENTS

Eleventh Session
Geneva, June 1 and 2, 2005

FUTURE WORK PROGRAM FOR THE STANDING COMMITTEE ON THE LAW OF PATENTS

Document prepared by the Secretariat

1. At its thirty-first (15th extraordinary) session from September 27 to October 5, 2004, the WIPO General Assembly discussed a proposal by the United States of America and Japan for the establishment of a new work plan for the Standing Committee on the Law of Patents (SCP).¹ Subsequent to that discussion, the WIPO General Assembly adopted the following statement:

“(i) The General Assembly considered the proposal submitted by the Delegations of Japan and the United States of America (document WO/GA/31/10). No consensus has been reached thereon.

“(ii) It was decided that the dates of the next Standing Committee on the Law of Patents (SCP) should be determined by the Director General following informal consultations that he may undertake.”²

¹ WIPO document WO/GA/31/10.

² WIPO document WO/GA/31/15.

2. Following the above statement, the Director General of WIPO convened informal consultations concerning future sessions of the SCP on February 16, 2005, in Casablanca, Morocco. The statement adopted at the end of the informal consultations is contained in the Annex to this document.

3. The SCP is invited to consider and adopt the recommendations, the objectives and the work program for the SCP in the statement as contained in the Annex, and to transmit them to the WIPO General Assembly at its meeting in September 2005 for consideration and approval.

[Annex follows]

ANNEX

STATEMENT ADOPTED AT THE END OF INFORMAL CONSULTATIONS
IN CASABLANCA ON FEBRUARY 16, 2005

1. Following the mandate given to him by the WIPO General Assembly in September 2004, the Director General of WIPO convened informal consultations concerning future sessions of the Standing Committee on the Law of Patents (SCP) in Casablanca, Morocco, on February 16, 2005. The consultations were attended by delegates from Brazil, Chile, China, France, Germany, India, Italy, Japan, Malaysia, Mexico, Morocco, Russian Federation, Switzerland, United Kingdom, United States of America, African Regional Intellectual Property Organization (ARIPO), Eurasian Patent Office (EAPO), European Patent Office (EPO), African Intellectual Property Organization (OAPI) and the European Union. Dr. R.A. Mashelkar, Director General of the Council of Scientific and Industrial Research (CSIR) and Secretary of the Department of Scientific and Industrial Research in India, chaired the consultations.
2. The consultations were held in a positive spirit. The delegates strongly endorsed the importance of multilateralism, in particular, in WIPO. The consultations resulted in the development of a proposed action plan for the near future.
3. There was broad agreement that the objectives of the future work program of the SCP should be to address issues with a view to improving the quality of granted patents, thus avoiding unwarranted encroachments on the public domain, and to reducing unnecessary duplication of work among Patent Offices, which should produce benefits by making the patent system more accessible and cost-effective.
4. In order to achieve these objectives, the meeting agreed that the following six issues should be addressed in an accelerated manner within WIPO with a view to progressive development and codification of international intellectual property law: prior art, grace period, novelty, inventive step, sufficiency of disclosure and genetic resources. These issues should be addressed in parallel, accelerated processes, the first four issues (prior art, grace period, novelty and inventive step) in the SCP and the other two issues (sufficiency of disclosure and genetic resources) in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). Each of the SCP and the IGC should agree on a timetable and report progress on the development of their discussions of the issues to the other.
5. The meeting underlined the importance of the continued active pursuit of discussions and work within WIPO on issues related to development and intellectual property so that a robust, effective and actionable WIPO Development Agenda could emerge.
6. The meeting recommended to the Director General of WIPO
 - (a) to call on Member States for proposals on the International Development Agenda for discussion at the April 2005 session of the Intersessional Intergovernmental Meeting (IIM),

(b) to convene the next session of the SCP in May 2005 to consider and endorse the objectives and work program set out above,

(c) to convene the next session of the IGC in June 2005 to consider and endorse the objectives and work program set out above, and

(d) to transmit the decisions of the above meetings to the General Assembly in September 2005 for its consideration, including a time frame for the conclusion of these issues within WIPO.

7. The meeting expressed its warm thanks and gratitude to the authorities of the Kingdom of Morocco for hosting the consultations.

The delegate of Brazil did not associate himself with the foregoing text.

[End of Annex and of document]