

WIPO General Assembly

Forty-Seventh (22nd Ordinary) Session
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REPORT ON THE STANDING COMMITTEE ON THE LAW OF PATENTS (SCP)

prepared by the Secretariat

1. During the period under consideration, the Standing Committee on the Law of Patents (SCP) held two sessions, namely, the twenty-first session from November 3 to 7, 2014, chaired by Mr. Mokhtar Warida from Egypt, and the twenty-second session from July 27 to 31, 2015, chaired by Mrs. Bucura Ionescu from Romania.
2. During these two sessions, the SCP continued to address the following five topics:¹ (i) exceptions and limitations to patent rights; (ii) quality of patents, including opposition systems; (iii) patents and health; (iv) the confidentiality of communications between clients and their patent advisors; and (v) transfer of technology.
3. The discussions at these two sessions were based on a number of proposals submitted by various delegations and documents prepared by the Secretariat. Delegations discussed those proposals and documents from various viewpoints, exchanged their views and experiences which contributed to advance their understanding of each topic. In particular, seminars on exceptions and limitations to patent rights and on the confidentiality of advice from patent advisors, as well as a sharing session regarding Member States' experiences on international work sharing and collaboration, organized during the twenty-first session of the Committee, provided a good opportunity for Member States to share their views and experiences, challenges and solutions on each of those issues.
4. In addition, during its twenty-second session, the Committee discussed two studies, namely (i) study on the inventive step and (ii) study on the sufficiency of disclosure. With respect to these two topics some delegations suggested further activities.

¹ The summaries of the discussions at the twenty-first and twenty-second sessions of the SCP are contained in the respective Summary by the Chair (documents SCP/21/11Rev and SCP/22/6 Prov.2), available at: http://www.wipo.int/edocs/mdocs/scp/en/scp_21/scp_21_11_rev.pdf, http://www.wipo.int/meetings/en/details.jsp?meeting_id=35591, respectively.

5. As regards the item “future work”, at the twenty-second session, the Committee agreed that the non-exhaustive list of issues would remain open for further elaboration and discussion at the twenty-third session of the SCP. In addition, without prejudice to the mandate of the SCP, the Committee agreed that its work for the following session be confined to fact-finding and should not lead to harmonization at that stage.
6. With respect to the topic “exceptions and limitations to patent rights”, the Committee agreed that, the Secretariat would prepare the compilation of Member States’ experiences and case studies on the effectiveness of exceptions and limitations, in particular, in addressing development issues.
7. Regarding the topic “quality of patents, including opposition systems”, it was agreed that a half-day sharing session on experiences of experts from different regions on inventive step assessment in examination, opposition and revocation procedures would be held during the twenty-third session of the SCP. It was also agreed that the Secretariat would improve the WIPO webpage on work sharing and collaborative activities by the following session of the SCP.
8. As regards the topic “patents and health”, it was decided that a half-day seminar would be organized during the twenty-third session of the SCP on the relationship between patent systems and, *inter alia*, challenges related to availability of medicines in developing countries and least developed countries (LDCs), including on the promotion of innovation and fostering of the requisite technology transfer to facilitate access to generic and patented medicines in those countries. In addition, it was agreed that the Committee would continue discussions on the feasibility study on disclosure of International Nonproprietary Names (INN) in patent applications and/or patents (document SCP/21/9).
9. Concerning the topic “confidentiality of communications between clients and their patent advisors”, the SCP agreed that the sharing session among Member States concerning confidentiality protection applied to different types of patent professionals and to national and foreign patent advisors would be organized at the next session.
10. As regards the topic “transfer of technology”, the Committee agreed to hold discussion on transfer of technology *vis-à-vis* sufficiency of disclosure, based on document SCP/22/4, at its twenty-third session.
11. It was also agreed by the Committee that the information concerning certain aspects of national/regional patent laws would be updated, based on input received from Member States.
12. In addition, during the twenty-second session of the SCP, a proposal submitted by the Group of Latin American and Caribbean Countries (GRULAC), entitled “Revision of 1979 WIPO Model Law for Developing Countries on Inventions”, was discussed by the Committee. Following some discussions, the Chair suggested that the Committee reflect on the discussion as well as the explanation given by the Secretariat, and continue discussing the issue at the following session.
13. *The WIPO General Assembly is invited to take note of the “Report on the Standing Committee on the Law of Patents” (document WO/GA/47/6).*

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