

Standing Committee on the Law of Patents

Twenty-First Session
Geneva, November 3 to 7, 2014

SEMINAR ON EXCEPTIONS AND LIMITATIONS TO PATENT RIGHTS

Document prepared by the Secretariat

1. Pursuant to the decision taken at the twentieth session of the Standing Committee on the Law of Patents (SCP), a 1/2 day seminar will be organized during the twenty-first session of the SCP on the following four exceptions and limitations: (i) acts for obtaining regulatory approval from authorities; (ii) exhaustion of patent rights; (iii) compulsory licensing and/or government use; and (iv) exceptions and limitations relating to farmers' and/or breeders' use of patented inventions.

2. The seminar will take place on November 3, 2014, from 15.00 to 18.00, and consists of the following three segments:

- (1) Presentation of documents SCP/21/3 to 7 by the Secretariat

Duration: 30 minutes (including Q&A)

- (2) Effectiveness of exceptions and limitations when addressing developing concerns and how national capacities affect the use of exceptions and limitations

- Mr. Carsten Fink, Chief Economist, WIPO
- Ms. Margaret K. Kyle, Professor, MINES ParisTech, Paris, France
- Ms. Jayashree Watal, Counsellor, Intellectual Property Division, World Trade Organization, Geneva, Switzerland

Duration: 75 minutes (including Q&A)

(3) Case studies on implementation of exceptions and limitations (presentations by Member States)

Duration: 75 minutes (including Q&A)

3. The *curricula vitae* of Ms. Kyle and Ms. Watal are as follows:

Margaret K. Kyle, Professor, MINES ParisTech, Paris, France

Ms. Margaret Kyle studies innovation, productivity and competition. She has a number of papers examining R&D productivity in the pharmaceutical industry, specifically the role of geographic and academic spillovers; the firm-specific and policy determinants of the diffusion of new products; generic competition; parallel trade; and the use of markets for technology. Recent work examines the effect of trade and IP policies on the level, location and direction of R&D investment and competition. She also works on issues of innovation and access to therapies in developing countries. Her papers have been published in various journals of economics, strategy, and health policy, including the RAND Journal of Economics, Review of Economics and Statistics, Journal of Law and Economics, Strategic Management Journal, Health Services Research, and Health Affairs.

Ms. Kyle holds a PhD in economics from the Massachusetts Institute of Technology. She previously held positions at Carnegie Mellon University, Duke University, London Business School, and Toulouse School of Economics. She has also been a visiting scholar at the Center for the Study of Innovation and Productivity at the Federal Reserve Bank of San Francisco, the University of Hong Kong, and Northwestern University. She is a Research Associate at the Centre for Economic Policy Research.

Jayashree Watal, Counsellor, Intellectual Property Division, World Trade Organization

Ms. Jayashree Watal is currently Counsellor in the Intellectual Property Division of the World Trade Organization, and has held this position from February 2001. She also teaches at Georgetown University Law Center, Washington DC, the University of Barcelona, and the World Trade Institute, Bern. She has also taught courses at the Graduate Institute, Geneva and at University of Melbourne Law School.

Ms. Watal holds post-graduate degrees in both Law and Economics and has more than twenty-two years of experience in government in India. She represented India at a crucial stage in the Uruguay Round TRIPS negotiations from 1989–90.

She has researched and published articles on issues related to law/economics of intellectual property rights, including a book Intellectual Property Rights in the WTO and Developing Countries (Oxford University Press, India and Kluwer Law International, 2001). She was a Visiting Scholar at the Center for International Development at Harvard University (2000); the Peterson Institute for International Economics, Washington DC (Oct. 1998–August 2000); and at the George Washington University Law School, Washington, D.C. (1997–2000).

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