

## **Standing Committee on the Law of Patents**

**Twenty-Fifth Session**  
**Geneva, December 12 to 15, 2016**

### **SUMMARY BY THE CHAIR**

#### **AGENDA ITEM 1: OPENING OF THE SESSION**

1. The twenty-fifth session of the Standing Committee on the Law of Patents (SCP) was opened by Mr. Marco Aleman (WIPO), Acting Director, Patent Law Division, who acted as Secretary.

#### **AGENDA ITEM 2: ELECTION OF THE CHAIR AND TWO VICE-CHAIRS**

2. The SCP unanimously elected, for one year, Mrs. Bucura Ionescu (Romania) as Chair and Mrs. Diana Hasbun (El Salvador) and Mr. Nafaa Boutiti (Tunisia), as Vice Chairs.

#### **AGENDA ITEM 3: ADOPTION OF THE AGENDA**

3. The SCP adopted the draft agenda (document SCP/25/1 Prov.).

#### **AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE TWENTY-FOURTH SESSION**

4. The Committee adopted the draft report of its twenty-fourth session (document SCP/24/6 Prov.2) as proposed.

## **AGENDA ITEM 5: REPORT ON THE INTERNATIONAL PATENT SYSTEM: CERTAIN ASPECTS OF NATIONAL/REGIONAL PATENT LAWS**

5. Discussions were based on document SCP/25/2.
6. The SCP agreed that the information concerning certain aspects of national/regional patent laws [[http://www.wipo.int/scp/en/annex\\_ii.html](http://www.wipo.int/scp/en/annex_ii.html)] would be updated based on input received from Member States.

## **AGENDA ITEM 6: EXCEPTIONS AND LIMITATIONS TO PATENT RIGHTS**

7. Discussions were based on documents SCP/14/7, SCP/19/6 and SCP/25/3, 3 Add. and 3 Add.2.
8. Delegations shared their practical experiences on the effectiveness of, and challenges associated to, exceptions and limitations, in particular, in addressing development issues (documents SCP/25/3, 3 Add. and 3 Add.2).
9. A sharing session on case studies, including court cases, on those exceptions and limitations that had proven effective to address development issues and/or economic strengthening was held. The Committee continued discussion on the issues regarding exceptions and limitations to patent rights. Some delegations suggested activities to be carried out by the Committee under this agenda item.

## **AGENDA ITEM 7: QUALITY OF PATENTS, INCLUDING OPPOSITION SYSTEMS**

10. Discussions were based on documents SCP/17/7, 8 and 10, SCP/18/9, SCP/19/4, SCP/20/11 Rev., SCP/23/4 and SCP/24/3.
11. The Secretariat presented the webpage concerning opposition, reexamination, administrative revocation and third party observation systems. As regards a draft Questionnaire on the term "quality of patents" and cooperation between patent offices in search and examination, the Secretariat reported the status of the preparation of the Questionnaire.
12. A sharing session on examples and cases relating to assessment of inventive step was held.
13. The Committee continued discussion on the issues under this agenda item. Some delegations suggested activities to be carried out by the Committee with respect to quality of patents, including opposition systems.

## **AGENDA ITEM 8: PATENTS AND HEALTH**

14. Discussions were based on documents SCP/16/7 and 7 Corr., SCP/17/11, SCP/21/9 and SCP/24/4.
15. A sharing session on national experiences relating to use of health-related patent flexibilities for promoting public health objectives or the challenges thereof was held.
16. The Secretariat made a presentation on the PATENTSCOPE Chemical Structure Search.

17. In addition, the Committee held further discussion on the feasibility study on the disclosure of International Nonproprietary Names (INN) in patent applications and patents (document SCP/21/9). The Committee also discussed other issues under this agenda item. Some delegations suggested activities to be carried out by the Committee with respect to patents and health.

#### **AGENDA ITEM 9: CONFIDENTIALITY OF COMMUNICATIONS BETWEEN CLIENTS AND THEIR PATENT ADVISORS**

18. Discussions were based on document SCP/25/4.

19. The Committee continued discussions on certain aspects of client-patent advisor privilege including limitations or difficulties encountered (document SCP/25/4). Some delegations suggested activities to be carried out by the Committee under this agenda item. Some other delegations suggested that discussion on this agenda item be discontinued.

#### **AGENDA ITEM 10: TRANSFER OF TECHNOLOGY**

20. A sharing session on the relationship between patent systems and transfer of technology as well as examples and cases presented by experts from different regions with a view to deepening the understanding of the impact of sufficiency of disclosure on transfer of technology was held.

21. The Secretariat presented an updated webpage on transfer of technology.

22. The Committee continued discussion on the issues under this agenda item. Some delegations suggested activities to be carried out by the Committee with respect to transfer of technology. Some other delegations suggested that discussion on this agenda item be discontinued.

#### **AGENDA ITEM 11: OTHER ISSUES – PROPOSAL BY THE GROUP OF LATIN AMERICAN AND CARIBBEAN COUNTRIES (GRULAC)**

23. Discussions were based on document SCP/22/5.

24. The Delegation of Chile on behalf of the Group of Countries of Latin America and the Caribbean (GRULAC) presented a revised proposal. The Committee continued discussions on the proposal. Some delegations expressed their support on the proposal, while some other delegations expressed their reservation. Following some discussions, the Chair suggested continuing discussing the issue at the next session and that the interested delegations may make contributions.

#### **AGENDA ITEM 12: FUTURE WORK**

25. Failing agreement otherwise, the Committee decided its future work as agreed at its twenty-fourth session, as follows:

### Quality of Patents, including Opposition Systems

- Based on the responses to the Questionnaire referred to in document SCP/24/5, paragraph 17, Quality of Patents, including Opposition Systems, first bullet point, the Secretariat will submit a compilation of gathered information.

### Patents and Health

- The Secretariat will prepare a study, as referred to in document SCP/24/5, paragraph 17, Patents and Health, second bullet point.

26. Following a proposal by the Chair, the Committee agreed to carry on discussions at its next session on the basis of the topics contained in the agenda of its twenty-fifth session, except agenda item 2, in document SCP/25/1 Prov. Member States may submit proposals on the work of the Committee prior to its next session.

27. The Secretariat informed the SCP that its twenty-sixth session, to be held in Geneva, was tentatively scheduled from June 27 to 30, 2017.

28. The SCP noted that the present document was a summary established under the responsibility of the Chair and that the official record would be contained in the report of the session. The report would reflect all the interventions made during the meeting, and would be adopted in accordance with the procedure agreed by the SCP at its fourth session (see document SCP/4/6, paragraph 11), which provided for the members of the SCP to comment on the draft report made available on the SCP Electronic Forum. The Committee would then be invited to adopt the draft report, including the comments received, at its following session.

29. The SCP noted the contents of this summary by the Chair.

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