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Thirty-Second Session  
Geneva, December 7 to 10, 2020

Honorable delegates, ladies and gentlemen,

It is a great honor and pleasure for me to welcome you to 32<sup>nd</sup> meeting of the Standing Committee on the Law of Patents.

We meet in difficult and unusual circumstances, and I am thankful for your presence at this meeting, whether physically or virtually. Today we anticipate over 230 Members and Observers joining in remotely. On behalf of my colleagues, I would like to thank you for your dedication to the work of this Committee, especially those who are joining us from distant time zones. It is through your personal commitment and resilience of the WIPO community, as a whole, that in-depth technical discussions and progress on issues have been possible at previous meetings, such as the PCT and Madrid Working Groups, SCCR and CWS.

Let me at this juncture remind ourselves that the work of this Committee affects the lives of millions out there. The law of patents has an intimate connection with the development of technology and innovation ecosystems, and with innovation becoming globalized, this forum can influence and impact on the development of patent law worldwide.

This leads me to highlight the importance of the agenda for this week's meeting. Allow me to highlight the following elements:

1. The Committee has collected and shared impressive amount of information in the field of patents

The collection of information itself is a valuable output of the Committee that assists development of national and regional patent systems. For example, the SCP has collected a wide range of information on about nine types of exceptions and limitations (E&L) to patent rights found in Member States – not only the legal provisions, but also the underlining policy considerations and practical implementation challenges.

This comprehensive information has allowed the SCP to move forward producing reference documents. So far, draft reference documents have been produced on four exceptions and limitations, namely, the Regulatory Review Exception, the Research Exception, the

Compulsory Licensing and Government Use and the one that is going to be presented in this session the exception regarding prior use. This is in itself an excellent accomplishment.

2. In view of the increased internationalization of patent filings, the SCP is exploring ways to improve the quality of patents globally

The SCP has looked into various issues, in particular: worksharing on search and examination between patent offices, opposition systems, administrative revocation and third party observation, substantive patentability criteria, such as inventive step and sufficiency of disclosure, are studied and discussed. This shows how the work of the SCP has been helpful for national and regional IP offices on practical issues that they confront daily in implementing the law of their respective countries.

Considerations relating to patent quality cannot ignore technological developments. The Committee's discussion on how artificial intelligence could influence patent administration and examination is a key area of work. In this regard, I would like to highlight the importance of the Sharing session taking place at this session on issues related to the patentability of inventions, such as AI software as computer-implemented inventions, the use of AI as an aid to the creation of inventions or inventions generated independently by AI.

3. The Committee is addressing the role of patent systems in promoting innovation and fostering transfer of technology in health technologies and facilitating access to medicines.

The Committee takes a holistic approach to tackling public health issues. In this regard, the SCP has carefully considered concerns of the African countries about how to use the patent-related flexibilities available in the international patent system in order to advance public health. Although the situation of each country is different, sharing of national experiences and challenges faced by Member States, particularly in developing countries, has been a useful source for reflection not only for delegates but also for the WIPO International Bureau.

Heightened public concern exists about the accessibility of research results and future vaccines, treatments, diagnostics, and devices. In addition, there are urgent needs along the entire medical technology value chain -- including R&D, medical regulation, procurement, distribution and responsible use -- underscoring the importance of innovation across the spectrum. It will also be important to build awareness around the role of IP in supporting countries' economic recoveries from the pandemic.

In this session, the review of the existing publications and peer-reviewed articles on patents and access to medical products and health technologies would further enrich the common knowledge base of the Committee. Additionally, discussions at the Sharing session by Member States on challenges and opportunities in relation to types of patent licensing provisions in the healthcare technologies, would shed some light in these very timely issues.

#### 4. The role of the patent system and its effects on Transfer of Technology

The SCP continues its work on the patent law provisions that contributed to effective transfer of technology (ex. Sufficiency of disclosure, License of rights, Laws supporting public-private partnerships and spin-off). The concrete examples shared by Member States on those provisions, which are listed in document SCP/32/6 is very illustrative of best practices on the use of patents as a tool to promote transfer of technology.

#### 5. With the globalization of business, preserving the confidentiality of advice from patent advisors, particularly in cross-border cases, has proven to be a very timely issue

The issues under discussion reflect acute realities in patenting activities at the global level. Non-lawyer patent agents are increasingly taking care of the prosecution of patent protection in front of patents offices, and in some jurisdictions, in front of courts. When the clients of those patent agents are involved in patent disputes in foreign countries, how the confidential advice from the patent agents should be treated there? The question, which has an international dimension, appears to have no certain answer at this moment. The Secretariat is glad to present a Report of the sharing session held during SCP/31, by practitioners and Member States on recent developments and experiences with respect to confidentiality of communications between clients and their patent advisors (SCP/32/5).

I encourage you to keep the positive environment that many of you have told me is a hallmark of the SCP, which in turn allows you to tackle with many interesting and important questions relevant to all of us.

As always, and even through the pandemic, my colleagues in the Secretariat stand ready to continue our utmost efforts to assist you through various means in advancing discussions. I am confident that this Committee will, through this week's discussions, continue its impactful and meaningful work of developing the global patent ecosystem.

Thank you.