

# WIPO



SCP/IM/GE/06/2  
ORIGINAL: English  
DATE: March 7, 2006

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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## STANDING COMMITTEE ON THE LAW OF PATENTS

**Informal Session**  
**Geneva, April 10 to 12, 2006**

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

*Document prepared by the Secretariat*

1. At its thirty-second (17<sup>th</sup> ordinary) session from September 26 to October 5, 2005, the WIPO General Assembly discussed matters concerning the establishment of a new work plan for the Standing Committee on the Law of Patents in respect of the draft Substantive Patent Law Treaty (SPLT)<sup>1</sup> and adopted the following statement:

“(i) An informal open forum would be held in Geneva in the first quarter of 2006 on all issues that have been raised in the draft of the SPLT or that Member States wish to include in the draft SPLT. The forum will be of a duration of three days. The various issues will be discussed with contributions from speakers reflecting a balance of geographical representation and perspectives, and technical expertise. Member States may submit proposals for issues and speakers for the forum until November 15, 2005. The Chair of the WIPO General Assembly will conduct consultations on the draft program with all interested Member States. The Director General will publish the final program in January 2006.

“(ii) A three-day informal session of the SCP will be held soon after in Geneva to agree on a work program for the SCP, taking into account the discussions of the open forum. WIPO will, in the measure possible, provide financial assistance to facilitate the participation of developing countries.

“(iii) An ordinary session of the SCP will be held for a duration of five days to commence work on the work program of the SCP agreed at the informal session of the SCP.

“(iv) The WIPO General Assembly in September 2006 will consider the progress made with a view to determining a work plan for the following year.”<sup>2</sup>

2. Following the above statement, an Open Forum on the Draft Substantive Patent Law Treaty (SPLT) was held from March 1 to 3, 2006, at the International Conference Center Geneva (CICG) subsequent to consultations with all interested Member States on the program of and the speakers for the Open Forum. The Open Forum was attended by 324 participants including 34 speakers, representatives of 66 Member States, two Observer States, ten intergovernmental organizations and 21 non-governmental organizations, as well as 87 individual participants from 30 countries. The program of the Open Forum is contained in the Annex to this document. Presentations and speakers' biographies are available on WIPO's website at: [http://www.wipo.int/meetings/2006/scp\\_of\\_ge\\_06/en/scp\\_of\\_ge\\_06\\_inf1.html](http://www.wipo.int/meetings/2006/scp_of_ge_06/en/scp_of_ge_06_inf1.html).

3. The informal session of the SCP is being convened in accordance with item (ii) of the statement referred to in paragraph 1 above.

4. *The SCP is invited to consider and agree on a work program for the SCP, taking into account the discussions of the Open Forum.*

[Annex follows]

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<sup>1</sup> WIPO document WO/GA/32/9.

<sup>2</sup> WIPO document WO/GA/32/13.

ANNEX

**WIPO**



**SCP/OF/GE/06/INF/2**

**ORIGINAL:** English

**DATE:** February 24, 2006

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

GENEVA

**OPEN FORUM ON THE DRAFT  
SUBSTANTIVE PATENT LAW TREATY (SPLT)**

**Geneva, March 1 to 3, 2006**

PROGRAM

*Document prepared by the Secretariat*

Wednesday, March 1, 2006

9.00 – 10.00 Registration

10.00 – 10.15 Welcome Addresses

Dr. Kamil Idris, Director General, WIPO

H.E. Ambassador Enrique Manalo, Chair of the General Assembly of WIPO

Theme I: Harmonization of Substantive Patent Law: Purpose, Approaches  
and Limits

10.15 – 10.35 International Patent Law Harmonization, Development and Policy Space for  
Flexibility

Speaker: Sir John Sulston, Vice Chair, Human Genetics Commission,  
London

10.35 – 10.55 The Rationale and Benefits of Patent Law Harmonization

Speaker: Mr. Kenji Kamata, Member, Standing Committee on  
International Patent, Japan Intellectual Property Association,  
Tokyo

10.55 – 11.25 Discussion

11.25 – 11.40 Coffee Break

11.40 – 12.00 International Patent Law Harmonization: The View of Small and Medium-sized  
Enterprises (SMEs)

Speaker: Mr. Jonathan Zuck, President, Association for Competitive  
Technology, Washington, D.C.

12.00 – 12.20 International Patent Law Harmonization and Development: The Experience of the  
Republic of Korea

Speaker: Mr. Daeshik Jeh, Director, Patent Examination Policy Team,  
Korean Intellectual Property Office, Daejeon

12.20 – 12.40 Patent Law Harmonization and the Draft SPLT

Speaker: Mr. Jerome H. Reichman, Bunyan S. Womble Professor of Law,  
Duke Law School, Durham, North Carolina

12.40 – 13.00 Discussion

13.00 – 14.30 Lunch

Theme II: Subjects of Patent Law Proposed for Harmonization

14.30 – 15.10 Prior Art-related Issues (definition of prior art, novelty and inventive step)

Speakers: Ms. Anne Rejnhold Jørgensen, Director, International Affairs,  
Danish Patent and Trademark Office, Taastrup

Mr. Carlos Correa, Director, Faculty of Law and Social Sciences,  
University of Buenos Aires, Buenos Aires

15.10 – 15.30 Discussion

15.30 – 15.45 Treatment of Traditional Knowledge in the Definition of Prior Art

Speaker: Ms. Begoña Venero, Chair, Intellectual Property Board,  
Peruvian Institute for the Defense of the Consumers, Competition  
and Intellectual Property, Lima

15.45 – 16.00 Discussion

16.00 – 16.15 Coffee Break

16.15 – 17.15 Disclosure of Origin of Genetic Resources, Including Compliance with Prior  
Informed Consent and Benefit Sharing

Speakers: Mr. Benjamin Zycher, Senior Fellow in Economics,  
Pacific Research Institute, California

Mr. Joshua Sarnoff, Assistant Director, Glushko-Samuels  
Intellectual Property Law Clinic, Washington College of Law,  
American University, Washington, D.C.

Mr. André Bourgouin, Vice President, Corporate Intellectual  
Property, IPSEN – SCRAS, Paris

Mr. Yin Xintian, Director General, Legal Affairs Department,  
State Intellectual Property Office, Beijing

17.15 – 17.50 Discussion

18.00 Reception at WIPO Lobby

Thursday, March 2, 2006

9.30 – 10.00 Sufficiency of Disclosure (enabling disclosure, disclosure of prior art, best mode)

Speakers: Mr. Carlos Correa

Mr. Tim Roberts, Council Member, The Chartered Institute of Patent Agents, London

10.00 – 10.15 Discussion

10.15 – 10.30 Coffee Break

10.30 – 11.30 Exclusions from Patentability, Industrial Applicability and Technical Effect

Speakers: Mr. Graham Dutfield, Herchel Smith Senior Research Fellow in Intellectual Property Law, Centre for Commercial Law Studies, Queen Mary University of London, London

Mr. Jeffrey Hawley, Immediate Past President, Intellectual Property Owners Association, New York

Mr. Hugh Laddie, IP Consultant, Rouse & Co., International, London

11.30 – 12.00 Discussion

12.00 – 12.40 Exceptions to Patent Rights

Speakers: Mr. Sisule Musungu, Team Leader, Intellectual Property, Investment and Technology Transfer, South Centre, Geneva

Mr. Alain Gallochat, Adviser for Intellectual Property, Ministry for Higher Education and Research, Paris  
Representative of the International Association for the Protection of Intellectual Property

12.40 – 13.00 Discussion

13.00 – 14.30 Lunch

14.30 – 15.10 Effective Mechanisms to Challenge the Validity of Patents (pre- and post-grant opposition, revision of the presumption of validity of patents, etc.)

Speakers: Mr. Walter Holzer, Patent Attorney, Schütz and Partners, Vienna

Mr. Narendra Zaveri, Advocate, Mumbai

15.10 – 15.30 Discussion

15.30 – 15.45 Coffee Break

Theme III: Patents as a Source of Information and Innovation, Transfer of Technology and Licensing Practices

15.45 – 16.05 Accessing the Technology Disclosed in Patent Data and Publications

Speaker: Mr. Johan Amand, Director, International Affairs,  
European Patent Office, Munich

16.05 – 16.25 Freedom to Operate: Patent Landscapes

Speaker: Mr. David Martin, Chief Executive Officer, M CAM, Virginia

16.25 – 16.45 The Role of Patent Statistics

Speaker: Mr. Dominique Guellec, Senior Economist, Organisation  
for Economic Co-operation and Development, Paris

16.45 – 17.00 Discussion

17.00 – 17.40 Contractual Licenses and Transfer of Technology

Speakers: Mr. Francesco Macchetta, Director, Intellectual Property,  
Bracco Imaging SpA, Milan

Mr. Frederick M. Abbott, Edward Ball Eminent Scholar,  
Professor of International Law, Florida State University College  
of Law, Tallahassee, Florida

17.40 – 18.00 Discussion

Friday, March 3, 2006

Theme IV: New Technologies and their Specificities

9.00 – 10.00 Biotechnological Inventions: Patenting of Genes and Life Forms, and the Impact of Patenting on Upstream Science

Speakers: Mr. Joseph Straus, Director and Professor of Law, Max Planck  
Institute for Intellectual Property, Competition and Tax Law,  
Munich

Sir John Sulston

Ms. Nancy Linck, Deputy General Counsel for Intellectual  
Property and Trade, Biotechnology Industry Organization,  
Washington, D.C.

10.00 – 10.30 Discussion

10.30 – 10.45 Coffee Break

10.45 – 11.45 Software Patents

Speakers: Mr. Jonathan Zuck

Mr. Rishab Aiyer Ghosh, Senior Researcher, United Nations  
University-MERIT, Maastricht

Mr. Jules Theeuwes, University of Amsterdam & WRR,  
Amsterdam

11.45 – 12.15 Discussion

12.15 – 12.45 Patents and Standards

Speakers: Mr. Rigo Wenning, World Wide Web Consortium,  
Sophia Antipolis

Mr. Benoît Mueller, Director, Software Policy – Europe,  
Business Software Alliance, Brussels

12.45 – 13.00 Discussion

13.00 – 14.30 Lunch

Theme II continued

14.30 – 14.50 Grace Period

Speaker: Mr. Joseph Straus

14.50 – 15.10 Discussion

Theme V: The Interface of the Patent System with Other Areas of Public Policy

15.10 – 15.50 Patents and Public Health, Including Second Use Patents

Speakers: Mr. James Love, Director, Consumer Project on Technology,  
Washington, D.C.

Mr. Eric Noehrenberg, Director, Intellectual Property and Trade  
Issues, International Federation of Pharmaceutical Manufacturers  
and Associations, Geneva

15.50 – 16.30 Discussion

16.30 – 16.45 Coffee Break



16.45 – 17.25 Scope of the Patent System and Alternative Models to Promote Innovation

Speakers: Mr. Leonardo Burlamaqui, Professor, Candido Mendes  
University, Rio de Janeiro

Mr. Jonathan Zuck

17.25 – 17.40 Discussion

17.40 Closing

[End of Annex and of document]