

Proposal by the African Group & Asian Like-Minded Countries

Agenda Item 8: Future Work

1. Following a proposal by the Chair, the Committee

- (a) reaffirmed that the non-exhaustive list of issues identified at the twelfth session of the SCP held in June 2008, and updated at its 13th session, would remain open for further elaboration and discussion at its next session¹; add to the list:

- Impact of the Patent System on Developing Countries and LDCs;
- Patent and Food Security.

- (b) agreed that the preliminary studies submitted at the 13th and 14th session of the SCP would remain open for further discussion and comments at the next session of the SCP; Comments of Member States and Observers would be reflected in annexures appended to the respective studies.

- (c) decided that the 15th session of the SCP will:

- i. consider the establishment of a commission of independent experts to examine the challenges being posed by the international patent system to the effective international transfer of technology.
- ii. also consider a revised preliminary study on transfer of technology, focusing on how the patent system (supports innovation and) impedes effective international technology transfer;
- iii. consider the expanded preliminary study on patent and standards, examining the issue of IPRs misuse in standardization and suggest measures to mitigate the misuse;
- iv. consider the expanded preliminary study on dissemination of, and access to, complete patent information, including digitization issues;
- v. consider the expanded preliminary study on client-attorney privileges, clarifying conceptual and definitional gaps, including relevant case studies;

¹ See attached revised list.

- vi. discuss the study on exclusions, exceptions and limitations prepared by external experts;
- vii. revert to the proposal by the Delegation of Brazil on exceptions and limitations to patent rights contained in document SCP/14/8, with a view to consider further action on it;
- viii. ~~consider two new preliminary studies (in respect of patent administration) as follows:~~

- ~~• a preliminary study on (patent quality management systems? content of study to be elaborated), and~~
- ~~• a preliminary study on patents and public health.~~

~~(v) consider a document compiling the information received by Members on how national laws and practices apply the client attorney privilege or the professional secrecy obligation, respectively, to foreign patent advisors.~~

2. The SCP could consider a follow up to the 2009 Conference at its next session, suggested that the Director General consider including, in the revised Program and Budget for 2011, provision for a 2nd Conference on Patents and Public Policy Issues [Public Health][Food Security] to be held in the first quarter of 2011.

3. Presentations of the studies will be held at the beginning of the next meeting.

4. The SCP noted the concerns raised by a number of delegations on the continuing unavailability of the Committee's documents and studies in different languages. It calls again for these documents and studies to be made available in other languages.

5. The International Bureau informed the SCP that its fifteenth session was tentatively scheduled to be held from October 11 to 15, 2010, in Geneva.

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6. 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.

Geneva, 29 January 2010