

INFORMAL SUGGESTIONS BY THE CHAIR ON FUTURE WORK

1. Exceptions and Limitations to Patent Rights

- (a) This topic will remain on the agenda of the 18th session of the SCP.
- (b) The deadline for further submissions of, or supplement to, answers by member States and regional offices to the questionnaire (document SCP/16/3 Rev.) is extended to March 9, 2012.
- (c) The Secretariat will post the answers received on the SCP electronic forum.
- (d) The Secretariat will prepare, for SCP/18, a new document which will present the answers contained in document SCP/17/3 and 3 Add, as well as those received by the above deadline, in a revised format, allowing an easier understanding of that information, for example, through the presentation of statistics the material, presenting statistics and reorganizing the information provided in clusters, based on, for example, the sections of the questionnaire.

2. Quality of Patents, including Opposition Systems

- (a) This topic will remain on the agenda of the 18th session of the SCP.
- (b) The Secretariat will prepare a questionnaire on the issue of patents and quality, based on the proposals submitted and the discussions held in the Committee, for distribution. The responses will be discussed at the next session of the SCP.
- (c) The Secretariat will revise document SCP/17/9 (Opposition Systems), taking into account the comments made, and any additional information to be submitted, by Member States, in particular, information on administrative revocation and invalidation mechanisms, and other similar procedures not addressed in the above document.

3. Patents and Health

- (a) This topic will remain on the agenda of the 18th session of the SCP.
- (b) The proposal submitted by the Delegation of South Africa on behalf of the African Group and the Development Agenda Group (document SCP/16/7) was discussed at SCP/17, but no consensus was reached. The proposal will be further discussed at the next session.
- (c) The proposal submitted by the Delegation of the United States of America (document SCP/17/11) will be discussed at the next session.
- (d) The Secretariat will invite member States and observers of the SCP to submit written comments on the two proposals (documents SCP/16/7 and SCP/17/11), and any other comments or submissions, by February 28, 2012. All the comments received will be posted on the SCP electronic forum. Member States' comments will be translated into all working languages of the SCP if they are received not later than February 28, 2012. If such comments are received after that date, best efforts will be made to provide such translations. Comments from observers will be posted in the languages they are received. Observers are

invited to submit their comments in as many working languages of the Committee as possible.

- (e) The Secretariat will prepare, for the 18th session of the SCP, a document listing projects and activities, including their status or outcome, on patents and health both in other WIPO and in non-WIPO fora, and citing the relevant documents.

4. ~~Client-Patent Advisor Privilege~~ Confidentiality of communications between clients and their patent advisors

- (a) This topic will remain on the agenda of the 18th session of the SCP.
- (b) The Secretariat will ~~submit a~~ expand its document suggesting to explain the [issues] [measures] and the [optional and voluntary] approaches optional and voluntary minimum standards to address cross-border issues and possible remedies identified in the area of confidentiality of communications between clients and patent advisors, on the understanding that a number of delegations were of the view that this issue is a matter of national law and that there was no consensus in the Committee on international norm-setting or a set of common principles on this issue at this stage.

5. Transfer of Technology

- (a) This topic will remain on the agenda of the 18th session of the SCP.
- (b) The Secretariat will prepare a document listing the various WIPO activities in the area of technology transfer and expand its study to address practical examples and experiences.
- [(c) The Secretariat will organize a seminar inviting external speakers with practical experience addressing practical aspects of the role of patents, including incentives and impediments, in transfer of technology on the margins of the next session of the SCP.]
- (d) ~~The SCP and the CDIP will coordinate with each other to avoid duplication of work between them, and keep each other informed of progress on their respective projects concerning transfer of technology.~~ The Secretariat will assist Member States in facilitating the complementary and non-duplicative nature of the work undertaken by the SCP and CDIP on the issue of transfer of technology.

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