

Proposed text for the summary by the Chair on paragraph 2(c) of document CDIP/9/11

In respect of paragraph 2(c) of document CDIP/9/11, the Committee decided to proceed as follows:

1. The Secretariat will prepare, for CDIP/10, a document showing which of the four patent-related flexibilities listed in paragraph 2 have already been addressed in the SCP, and whether such work would be addressed from the same or a different perspective than what the CDIP may consider, and containing further explanation on the latter two bullet points in paragraph 2.

2. The Secretariat will invite member States of the CDIP to submit written comments on the list of the following four patent-related flexibilities by August 31, 2012:

- The scope of the exclusion from patentability of plants (TRIPS Art. 27)
- Flexibilities in respect of the patentability, or exclusion from patentability, of software-related inventions (TRIPS Art. 27)
- The flexibility to apply or not criminal sanctions in patent enforcement (TRIPS Art. 61)
- Measures related to security which might result in a limitation of patent rights (so-called "security exception") (TRIPS Art. 73)

The Secretariat will compile the comments received by the above date in a document to be submitted to CDIP/10. The four above flexibilities and the comments received will form the basis for discussions in CDIP/10 on patent-related flexibilities.

3. Additional flexibilities, including those in Article 27 of the TRIPS Agreement, may also be submitted and presented in CDIP/10, and members may submit comments thereon intersessionally between CDIP/10 and CDIP/11 for discussion and decision in CDIP/11.