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Standing Committee on the Law of Patents

Twenty-Second Session
Geneva, July 27 to 31, 2015

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The twenty-second session of the Standing Committee on the Law of Patents (SCP) was opened by Mr. Francis Gurry, Director General, who welcomed the participants. Mr. Marco Aleman (WIPO) acted as Secretary.

AGENDA ITEM 2: ELECTION OF THE CHAIR AND TWO VICE-CHAIRS

2. The SCP unanimously elected, for one year, Mrs. Bucura Ionescu (Romania) as Chair and Mrs. Nahanny Canal Reyes (Mexico) as Vice Chair.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

3. The SCP adopted the draft agenda (document SCP/22/1 Prov.2).

AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE TWENTY-FIRST SESSION

4. The Committee adopted the draft report of its twenty-first session (document SCP/21/12 Prov.2) as proposed.

AGENDA ITEM 5: REPORT ON THE INTERNATIONAL PATENT SYSTEM

5. Discussions were based on document SCP/22/2.

6. The SCP agreed that the information concerning certain aspects of national/regional patent laws [http://www.wipo.int/scp/en/annex_ii.html] would be updated based on input received from Member States.

AGENDA ITEM 6: FIVE ISSUES UNDER CONSIDERATION

(i) QUALITY OF PATENTS, INCLUDING OPPOSITION SYSTEMS

- **Study on inventive step**

7. Discussions were based on document SCP/22/3.

8. Some delegations made comments on the document, elaborated on their national practices with respect to the definition of a person skilled in the art, methodologies employed for evaluating inventive step and the level of the inventive step, and shared their experiences. Some delegations suggested further activities with respect to the inventive step requirement.

- **Study on sufficiency of disclosure**

9. Discussions were based on document SCP/22/4.

10. Some delegations made comments on the document, elaborated on their national practices with respect to the enabling disclosure requirement, support requirement and written description requirement and shared their experiences. Some delegations suggested further activities with respect to sufficiency of disclosure.

- **Related documents**

11. Discussions were based on documents SCP/17/7, 8 and 10, SCP/18/9, SCP/19/4 and SCP/20/11 Rev.

12. The Committee continued discussion on the aspects reflected in the above documents. Some delegations suggested other activities to be carried out by the Committee with respect to quality of patents, including opposition systems.

(ii) EXCEPTIONS AND LIMITATIONS TO PATENT RIGHTS

13. Discussions were based on documents SCP/14/7 and SCP/19/6.

14. The Committee continued discussion on the aspects reflected in the above documents. Some delegations suggested other activities to be carried out by the Committee with respect to exceptions and limitations to patent rights.

(iii) PATENTS AND HEALTH

15. Discussions were based on documents SCP/16/7 and 7 Corr. and SCP/17/11.

16. The Committee continued discussion on the aspects reflected in the above documents. Some delegations suggested other activities to be carried out by the Committee with respect to patents and health.

(iv) CONFIDENTIALITY OF COMMUNICATIONS BETWEEN CLIENTS AND THEIR PATENT ADVISORS

17. The Committee continued discussion on confidentiality of communications between clients and their patent advisors. Some delegations suggested a number of activities to be carried out by the Committee under this agenda item.

(v) TRANSFER OF TECHNOLOGY

18. The Committee continued discussion on transfer of technology. Some delegations suggested a number of activities to be carried out by the Committee under this agenda item.

AGENDA ITEM 7: OTHER ISSUES – PROPOSAL BY THE GROUP OF LATIN AMERICAN AND CARIBBEAN COUNTRIES (GRULAC)

19. Discussions were based on document SCP/22/5.

20. The Delegation of Brazil on behalf of the Group of Countries of Latin America and the Caribbean (GRULAC) presented the proposal. Upon request, the Secretariat explained the history, nature and scope of the 1979 WIPO Model Law for Developing Countries on Inventions. Some delegations expressed their support on the proposal, while some other delegations expressed their opposition. Following some discussions, the Chair suggested that the Committee reflect on the discussion as well as the explanation given by the Secretariat, and continue discussing the issue at the next session.

AGENDA ITEM 8: FUTURE WORK

21. The Committee decided its future work as follows:

- The non-exhaustive list of issues will remain open for further elaboration and discussion at the next session of the SCP.
- Without prejudice to the mandate of the SCP, the Committee agreed that its work for the next session be confined to fact-finding and not lead to harmonization at this stage, and would be carried out as follows:
 - (1) *Exceptions and Limitations to Patent Rights*
 - Compilation by the Secretariat of Member States' experiences and case studies on the effectiveness of exceptions and limitations, in particular, in addressing development issues.
 - (2) *Quality of Patents, including Opposition Systems*
 - ½ day sharing session on experiences of experts from different regions on inventive step assessment in examination, opposition and revocation procedures.
 - The Secretariat will improve the webpage on work sharing and collaborative activities by SCP/24.
 - (3) *Patents and Health*
 - ½ day seminar on the relationship between patent systems and, *inter alia*, challenges related to availability of medicines in developing countries and LDCs, including on the promotion of innovation and fostering of the requisite technology

transfer to facilitate access to generic and patented medicines in developing and least developed countries.

- Continue discussions on the feasibility study on disclosure of International Nonproprietary Names (INN) in patent applications and/or patents (document SCP/21/9).

(4) *Confidentiality of communications between clients and their patent advisors*

- Sharing session among Member States concerning confidentiality protection applied to different types of patent professionals and to national and foreign patent advisors.

(5) *Transfer of Technology*

- Discussion on transfer of technology vis-à-vis sufficiency of disclosure, based on document SCP/22/4.

22. The Secretariat informed the SCP that the dates of its twenty-third session, to be held in Geneva, would be announced in due course.

23. 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.

24. The SCP noted the contents of this summary by the Chair.

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