

AGENDA ITEM 11: FUTURE WORK

1. 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:

Exceptions and Limitations to Patent Rights

- The Secretariat will prepare a document, compiling information to be submitted by members and observers of the SCP, regarding their practical experiences on the effectiveness of, and challenges associated to, exceptions and limitations, in particular in addressing development issues.
- A sharing session among Member States on case studies, including court cases, on those exceptions and limitations that have proven effective to address development issues and/or economic strengthening.

Quality of Patents, including Opposition Systems

- The Secretariat will circulate a draft Questionnaire prior to SCP/25 for comments from Member States and regional patent offices, which will contain the following elements:
 - how each Member State understands "quality of patents"; and
 - implementation of cooperation and collaboration between patent offices in search and examination of patent applications, including experiences, their impacts, exchanging search strategies, tools to share information and capacity building needs in the area of such cooperation and collaboration.Based on the responses to the Questionnaire, a compilation of information by the Secretariat will be submitted to SCP/26.
- Based on input received from Member States and regional patent offices, the Secretariat will update the information contained in document SCP/18/4 (Opposition Systems and other Administrative Revocation and Invalidation Mechanisms), and publish the information on the SCP electronic forum website in more accessible and user-friendly format.
- Continuation of a sharing session on examples and cases relating to assessment of inventive step, including, but not limited to, the topics suggested in document SCP/24/3, paragraph 8.

Patents and Health

- A sharing session among Member States on national experiences relating to use of health-related patent flexibilities for promoting public health objectives or the challenges thereof with a view to explore the issues to be examined in a study to be submitted to SCP/26.
- The study to be submitted to SCP/26 will be prepared by the Secretariat, consulting with independent experts, the WHO and the WTO, and will examine the constraints faced by developing countries and LDCs in making full use of patent flexibilities and their impacts on the access to affordable especially essential medicines for public health purposes in developing countries and least developed countries (LDCs).
- Further discussion on the feasibility study on the disclosure of International Nonproprietary Names (INN) in patent applications and patents (document SCP/21/9), specifically where the INN is known to applicants at the time of filing. Members and regional patent offices are invited to make presentations in order to clarify the issues and their concerns. The Secretariat is invited to make a presentation on the PATENTSCOPE Chemsearch which facilitates patent search using the INN.

Confidentiality of Communications between Clients and Their Patent Advisors