

Standing Committee on the Law of Patents

Twenty-Fifth Session
Geneva, December 12 to 15, 2016

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. The twenty-fifth session of the Standing Committee on the Law of Patents (SCP) was opened by Mr. Marco Aleman (WIPO), Acting Director, Patent Law Division, who 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. Diana Hasbun (El Salvador) and Mr. Nafaa Boutiti (Tunisia), as Vice Chairs.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

3. The SCP adopted the draft agenda (document SCP/25/1 Prov.).

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

4. The Committee adopted the draft report of its twenty-fourth session (document SCP/24/6 Prov.2) as proposed.

AGENDA ITEM 5: REPORT ON THE INTERNATIONAL PATENT SYSTEM: CERTAIN ASPECTS OF NATIONAL/REGIONAL PATENT LAWS

5. Discussions were based on document SCP/25/2.
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: EXCEPTIONS AND LIMITATIONS TO PATENT RIGHTS

7. Discussions were based on documents SCP/14/7, SCP/19/6 and SCP/25/3, 3 Add. and 3 Add.2.
8. Delegations shared their practical experiences on the effectiveness of, and challenges associated to, exceptions and limitations, in particular, in addressing development issues (documents SCP/25/3, 3 Add. and 3 Add.2).
9. A sharing session on case studies, including court cases, on those exceptions and limitations that had proven effective to address development issues and/or economic strengthening was held. The Committee continued discussion on the issues regarding exceptions and limitations to patent rights. Some delegations suggested activities to be carried out by the Committee under this agenda item.

AGENDA ITEM 7: QUALITY OF PATENTS, INCLUDING OPPOSITION SYSTEMS

10. Discussions were based on documents SCP/17/7, 8 and 10, SCP/18/9, SCP/19/4, SCP/20/11 Rev., SCP/23/4 and SCP/24/3.
11. The Secretariat presented the webpage concerning opposition, reexamination, administrative revocation and third party observation systems. As regards a draft Questionnaire on the term "quality of patents" and cooperation between patent offices in search and examination, the Secretariat reported the status of the preparation of the Questionnaire.
12. A sharing session on examples and cases relating to assessment of inventive step was held.
13. The Committee continued discussion on the issues under this agenda item. Some delegations suggested activities to be carried out by the Committee with respect to quality of patents, including opposition systems.

AGENDA ITEM 8: PATENTS AND HEALTH

14. Discussions were based on documents SCP/16/7 and 7 Corr., SCP/17/11, SCP/21/9 and SCP/24/4.
15. A sharing session on national experiences relating to use of health-related patent flexibilities for promoting public health objectives or the challenges thereof was held.
16. The Secretariat made a presentation on the PATENTSCOPE Chemical Structure Search.

17. In addition, the Committee held further discussion on the feasibility study on the disclosure of International Nonproprietary Names (INN) in patent applications and patents (document SCP/21/9). The Committee also discussed other issues under this agenda item. Some delegations suggested activities to be carried out by the Committee with respect to patents and health.

AGENDA ITEM 9: CONFIDENTIALITY OF COMMUNICATIONS BETWEEN CLIENTS AND THEIR PATENT ADVISORS

18. Discussions were based on document SCP/25/4.

19. The Committee continued discussions on certain aspects of client-patent advisor privilege including limitations or difficulties encountered (document SCP/25/4). Some delegations suggested activities to be carried out by the Committee under this agenda item. Some other delegations suggested that discussion on this agenda item be discontinued.

AGENDA ITEM 10: TRANSFER OF TECHNOLOGY

20. A sharing session on the relationship between patent systems and transfer of technology as well as examples and cases presented by experts from different regions with a view to deepening the understanding of the impact of sufficiency of disclosure on transfer of technology was held.

21. The Secretariat presented an updated webpage on transfer of technology.

22. The Committee continued discussion on the issues under this agenda item. Some delegations suggested activities to be carried out by the Committee with respect to transfer of technology. Some other delegations suggested that discussion on this agenda item be discontinued.

AGENDA ITEM 11: OTHER ISSUES – PROPOSAL BY THE GROUP OF LATIN AMERICAN AND CARIBBEAN COUNTRIES (GRULAC)

23. [...]

AGENDA ITEM 12: FUTURE WORK

24. [...]

25. The Secretariat informed the SCP that its twenty-sixth session, to be held in Geneva, was tentatively scheduled from June 27 to 30, 2017.

26. 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.

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

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