

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 draft reference document on exceptions and limitations to patent rights in conjunction with patent protection, which will contain the following elements for each exception and limitation: (i) the description of the exception and limitation; (ii) its objectives and goals; (iii) national/regional implementation; (iv) challenges faced by Member States in its implementation; and (v) results of its implementation. The Secretariat will make use of all information available from the SCP activities. As a first step, the draft reference document will cover the exception regarding acts for obtaining regulatory approval from authorities, and will be submitted to SCP/27. The Secretariat will invite Member States to send any additional inputs for the preparation of the draft reference document.

Quality of Patents, including Opposition Systems

- The Secretariat will update a summary of the responses to the Questionnaire on the term "Quality of Patents" and Cooperation between Patent Offices in Search and Examination, taking into account the additional responses to be submitted by Member States and regional patent offices.
- With a view to preparing a further study on inventive step to be submitted to SCP/28, a sharing session will be held on further examples and cases relating to assessment of inventive step, giving a particular attention to the topics suggested in paragraph 8 of document SCP/24/3 (Proposal by the Delegation of Spain).
- The Secretariat will continue to update and present the webpage on opposition and administrative revocation mechanisms, based on inputs received from Member States and regional patent offices
[http://www.wipo.int/scp/en/revocation_mechanisms/].
- A half-day information exchange session on cooperation between patent offices in search and examination will be held. The session will address, among other issues, the effects of such cooperation on the patent granting process and capacity building.

Patents and Health

- The Secretariat will supplement the study (document SCP/26/5) with inputs from members and observers of the SCP with respect to the constraints faced by developing countries and least developed countries (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 LDCs.
- A half-day information exchange session on publicly accessible databases on patent information status and data on medicines and vaccines will be held. The Chair will invite a representative of the WHO to make a presentation on this topic and a representative of the Medicines Patent Pool (MPP) to make a presentation on its Medicines Patents & Licenses Database (MedsPaL). The session will address, among other issues, practical utilization of those databases and the issues addressed in paragraphs 18 and 19 of document SCP/24/4 (Proposal by the African Group for a Work Program on Patents and Health).
- The Secretariat will update the feasibility study on the disclosure of International Nonproprietary Names (INN) in patent applications and patents (document SCP/21/9), to be submitted to SCP/28.
- A sharing session among Member States on patents and other related issues on access to medicines will be held. The Secretariat will invite experts from the WHO and WTO to present the issues regarding the availability of generic medicines in developing countries and LDCs.

Confidentiality of Communications between Clients and Their Patent Advisors

- A sharing session on the experiences of Member States in implementing the confidentiality of communication between clients and their patent advisors through national legislation, including cross-border issues will be held.

Transfer of Technology

- A sharing session on patent law provisions that contributed to effective transfer of technology will be held.