

Standing Committee on

Patents

2015



Date: 2nd September 2015

REPORT Standing Committee on

Patents

Chair: Koen BIJVANK
Responsible Reporter: John Osha

- 1) Report on the activities of the Standing Committee during the reporting period
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The Committee was asked to prepare a draft position paper for the Bureau regarding the proposed objectives and principles of the Group B+ countries. The topics include those discussed in the Tegernsee project for harmonization of patent law: grace period, publication of applications, conflicting applications, prior user rights and prior art. The draft position paper was provided to the Bureau on July 16, 2015.

Alain Gallochat attended the 22nd SCP session in Geneva from July 27-31, 2015 and provided his report to the Bureau on August 24, 2015. The SCP session addressed several topics including inventive step, sufficiency of disclosure, exceptions and limitations to patent rights, patents and health, confidentiality between clients and patent advisors, and technology transfer. The programme for the 23rd SCP session was set to address exceptions and limitations to patent rights, quality of patents, patents and health, confidentiality between clients and patent advisors, and technology transfer.

At the request of the Reporter General's Team (RGT), the Committee has reviewed and provided comments to a draft summary report related to Q244 and inventorship of multinational inventions. The question concerns the issue of inventorship of inventions where the inventors reside in different countries. The summary report includes a summary of 42 group reports and indicates a desire to provide harmonization related to this area. The summary report proposes international standards for first filing requirements, secrecy review requirements, foreign filing licenses, curing inadvertent failure to comply with the first filing and secrecy review requirements, and other topics, in the context of multinational inventions. The summary report will form the basis for the preparation of a draft resolution to be voted on during the World Congress in Rio de Janeiro in October 2015.

At the request of the Bureau, the Committee is preparing a draft position paper to be provided to the IP5 addressing proposals for harmonization in the areas of unity of invention, the citation of prior art, and the use of certain terms to refer to the written description of the invention in a patent application. The position paper is to be provided during the IP5's public consultation period.

- 2) Key issues/developments relevant to the Terms of Reference of the Standing Committee (arising during the reporting period or coming up)
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See the developments in Section 1. The Committee is also considering the preparation of position papers relating to (1) conflicting applications and (2) priority. These reports could be used to start a wider debate in AIPPI on these issues and possibly form the basis for future working question.

- 3) Any recommendation for AIPPI involvement/action (describe what involvement/action is recommended)
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and why, by whom and relevant time frames)

The Committee proposed a possible workshop or working question at the 2016 Milan Congress related to priority in patent law. The workshop or working question could either address substantive priority rights or issues related to the identity of the applicant.

The Committee would like to achieve a more permanent observer status at the meetings of the Group B+ countries. For example, the Committee would like to increase its involvement in the harmonization issues coming out of the Tegernsee project and perhaps extend the work it did in the 2014 Helsinki Congress with regard to the prior user rights question.

4) Plan for the activities of the Standing Committee for the next reporting period highlighting any priorities

The Committee is considering the preparation of position papers relating to (1) conflicting applications and (2) priority.

The Committee has scheduled a breakfast meeting from 7.30-9.00 on Monday, October 12 at the 2015 Rio Congress to discuss the above-listed issues.

Names and Functions of Committee Members

Chair	Koen BIJVANK	Netherlands
Co Chair(s)	Alain GALLOCHAT	France
Secretary	Andrew MEUNIER	United States
Members	Sabine AGÉ	France
	Martin BENSÁDON	Argentina
	Ted CHWU	Hong Kong
	Maria DEL CARMEN ARANA	Peru
	Johanna FLYTHSTRÖM	Finland
	Takashi FUJITA	Japan
	Enrico GATTI	Italy
	Tim ISERIEF	Netherlands
	Patricia KOCH	Spain
	Karsten KOENIGER	Germany
	Tatjana KUKSHINA	Ukraine
	Lamberto LIUZZO	Italy
	Rogelio C. NICANDRO	Philippines
	Robert O'CONNELL	United States
	Gaye RAMAZANOGLU	Turkey
	Beat RAUBER	Switzerland
	Marc RICHARDS	United States
	Fraser ROWAND	Canada
	Sascha SALOMONOWITZ	Austria
	Daniel SANCHEZ	Mexico
Yali SHAO	China	
Christopher STOTHERS	United Kingdom	
David TADGELL	Australia	
João L. VIANNA	Brazil	
Jonas WESTERBERG	Sweden	