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Standing Committee on the Law of Patents

Thirty-Fourth Session
Geneva, September 26 to 30, 2022

REVISED ANNOTATED DRAFT AGENDA AND PROPOSED TIME TABLE

Document prepared by the Secretariat

1. This information document contains an annotated draft agenda and a proposed timetable of the thirty-fourth session of the Standing Committee on the Law of Patents (SCP), which will be held in Geneva from September 26 to 30, 2022, in hybrid format. The Committee will meet each day from 9.00 a.m. to 1.00 p.m. and 3.00 p.m. to 6.00 p.m., Geneva time (CET).
2. The document is prepared for the convenience of all participants as requested by Member States. Annex I to this document contains an annotated draft agenda which was prepared on the basis of the future work adopted at the thirty-third session of the SCP, held from December 6 to 9, 2021 (see document SCP/33/5, paragraph 24).
3. Annex II presents an indicative provisional timetable for the thirty-fourth session of the SCP. Taking into account the progress of the discussions and preferences expressed by delegations during the session, the Chair may propose changes to the timing of discussions on agenda items, as appropriate.

[Annexes follow]

ANNOTATED DRAFT AGENDA

1. Opening of the session

The Director General of WIPO (or his representative) will open the session and deliver his welcoming remarks.

2. Adoption of the agenda

See document SCP/34/1 Prov.2

3. Report on the international patent system: Certain aspects of national/regional patent laws

See document SCP/34/2.

This document provides the status of the updates on the SCP electronic forum website that contains information concerning certain aspects of national/regional patent laws. Member States and regional patent offices may share information on recent developments of national/regional patent laws with respect to various aspects, such as patentability requirements and related matters as well as exceptions and limitations.

4. Exceptions and limitations to patent rights

See document SCP/34/3.

This document contains a Draft reference document on the exception regarding exhaustion of patent rights. It covers the objectives and goals of this exception, the international legal framework of the exception, as well as provisions relating to the exception in regional instruments and national laws, including court cases. In addition, the document illustrates challenges faced by Member States in implementing this exception under the national laws and the results of their implementation. In its Appendix, legal provisions relating to exhaustion of patent rights in national and regional legislations are compiled.

Other related documents: SCP/14/7 and SCP/19/6.

5. Quality of patents, including opposition systems

See documents SCP/34/4 and SCP/34/5.

Document SCP/34/4 contains a report of the sharing session on the use of artificial intelligence (AI) for examination of patent applications, held on December 7, 2021, during the thirty-third session of the SCP (December 6 to 9, 2021).

Document SCP/34/5 contains a further study on the sufficiency of disclosure, as proposed in document SCP/31/8 Rev. The document constitutes Part I of the further study, and covers the issues regarding sufficient disclosure of: (i) inventions relating to biological materials such as microorganisms; and (ii) inventions that are made using AI and inventions that include the use of AI. A study on the sufficient disclosure of inventions of experimental nature in unpredictable art, such as chemistry and biotechnology, and of any other areas that deserves special attention will be submitted to the thirty-fifth session of the SCP.

- Sharing session on patentability of inventions using artificial intelligence (AI) and by AI.

National and regional patent offices will share their experiences and information on the patentability of inventions using AI and by AI.

- Sharing session on expedited patent examination mechanisms at IP offices.

National and regional patent offices will share their experiences and information on the expedited patent examination mechanisms at IP offices.

Other related documents: SCP/17/7, 8 and 10, SCP/18/9, SCP/19/4, SCP/20/11 Rev., SCP/23/4, SCP/24/3, SCP/28/8, SCP/30/9, SCP/31/8 Rev. and SCP/33/4.

6. Patents and health

See document SCP/34/6.

This document is an update of document SCP/31/5 containing the review of existing research on patents and access to medical products and health technologies. It extends the period under review, covering the period between 2019 and 2021. The document was produced in accordance with the terms set out in document SCP/28/9 Rev. It includes studies prepared by the World Health Organization (WHO), World Intellectual Property Organization (WIPO) and/or World Trade Organization (WTO), by other relevant intergovernmental organizations (IGOs) and by external researchers commissioned by these organizations, as well as peer-reviewed academic research.

- Initiatives on publicly accessible databases of patent status information concerning medicines and vaccines: update.

The Committee will continue to receive updates on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines, in accordance with document SCP/28/10 Rev.

- Presentation by the WHO, WIPO and WTO on the trilateral cooperation relating to COVID-19 pandemic and patents.

The Representatives of the WHO, WIPO and WTO will present the trilateral cooperation activities relating to the COVID-19 pandemic and patents.

- Presentation by the WHO on the C-TAP initiative.

The Representative of the WHO will present its COVID-19 Technology Access Pool (C-TAP) initiative.

- Presentation by MPP on its licensing activities.

The Representative of the Medicines Patent Pool (MPP) will make a presentation on its licensing activities.

Other related documents: SCP/16/7 and 7 Corr., SCP/17/11, SCP/24/4, SCP/28/9 Rev. and 10 Rev.

7. Confidentiality of communications between clients and their patent advisors

- Sharing session focusing on cross-border aspects of confidentiality of communications between clients and their patent advisors.

The Secretariat will organize a sharing session focusing on cross-border aspects of confidentiality of communication between clients and their patent advisors.

8. Transfer of technology

See document SCP/34/7.

This document contains a proposal submitted by the Delegation of Canada for an information exchange on the topic of standard-essential patents. The members of the Committee are invited to consider the proposal.

- Sharing session on the positive contributions of the patent system in enhancing innovation, technology transfer and industrial development of countries as well as challenges therein.

A sharing session will be organized to highlight the positive contributions of the patent system in enhancing innovation, technology transfer and industrial development of countries as well as challenges therein, through presentations of concrete cases by various stakeholders, for example, innovative companies that rely on an IP strategy involving effective use of patent and technology information and enabling effective technology transfer or dissemination on mutually agreed terms.

9. Future work

10. Summary by the Chair

11. Closing of the session

[Annex II follows]

Standing Committee on the Law of Patents (SCP), 34th Session (September 26 to 30, 2022)
TENTATIVE SCHEDULE

	Monday, September 26, 2022	Tuesday September 27, 2022	Wednesday, September 28, 2022	Thursday, September 29, 2022	Friday, September 30, 2022
Morning Session 10.00-13.00 (CET)	<p>1. Opening of the session</p> <p>2. Adoption of the agenda (SCP/34/1 Prov.)</p> <p>General statements</p> <p>3. Report on the international patent system (SCP/34/2)</p> <p>4. Exceptions and limitations to patent rights</p> <ul style="list-style-type: none"> - <i>General statements</i> - <i>Draft reference document on the exception regarding exhaustion of rights</i> (SCP/34/3) 	<p>5. Quality of patents, including opposition systems (continued)</p> <ul style="list-style-type: none"> - <i>Further study on the sufficiency of disclosure</i> (SCP/34/5) - <i>Sharing session on expedited patent examination mechanisms at IP offices</i> 	<p>6. Patents and health (continued)</p> <ul style="list-style-type: none"> - <i>Presentation by the WHO, WIPO and WTO on the trilateral cooperation relating to COVID-19 pandemic and patents</i> - <i>Presentation by the WHO on the C-TAP initiative</i> - <i>Presentation by MPP on its licensing activities</i> - <i>Initiatives on publicly accessible databases of patent status information concerning medicines and vaccines: update</i> 	<p>8. Transfer of technology</p> <ul style="list-style-type: none"> - <i>Sharing session on the positive contributions of the patent system in enhancing innovation, technology transfer and industrial development of countries as well as challenges therein</i> - <i>General statements</i> - <i>Proposal by the Delegation of Canada</i> (SCP/34/7) 	<p>9. Future work (continued)</p>
Afternoon Session 15.00-18.00 (CET)	<p>4. Exceptions and limitations to patent rights (continued)</p> <p>5. Quality of patents, including opposition systems</p> <ul style="list-style-type: none"> - <i>General statements</i> - <i>Report of the sharing session on the use of artificial intelligence (AI) for examination of patent application</i> (SCP/34/4) - <i>Sharing session on patentability of inventions using AI and by AI</i> 	<p>5. Quality of patents, including opposition systems (continued)</p> <p>6. Patents and health</p> <ul style="list-style-type: none"> - <i>General statements</i> - <i>Update of document SCP/31/5 (Review of existing research)</i> (SCP/34/6) 	<p>6. Patents and health (continued)</p> <p>7. Confidentiality of communications between clients and their patent advisors</p> <ul style="list-style-type: none"> - <i>General statements</i> - <i>Sharing session focusing on cross-border aspects of confidentiality of communications between clients and their patent advisors</i> 	<p>9. Future work</p>	<p>10. Summary by the Chair</p> <p>11. Closing of the session</p>