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Standing Committee on the Law of Patents

Thirty-Sixth Session
Geneva, October 14 to 18, 2024

ANNOTATED DRAFT AGENDA AND PROPOSED TIMETABLE

Document prepared by the Secretariat

1. This information document contains an annotated draft agenda and a proposed timetable of the thirty-sixth session of the Standing Committee on the Law of Patents (SCP), which will be held in Geneva from October 14 to 18, 2024, in hybrid format. The Committee will meet each day from 10.00 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-fifth session of the SCP, held from October 16 to 20, 2023 (see document SCP/35/10, paragraph 30).
3. Annex II presents an indicative provisional timetable for the thirty-sixth 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/36/1 Prov. 3

3. Election of a Chair and two Vice-Chairs

In accordance with the new electoral cycle of SCP officers adopted at its thirty-fifth session, the Committee is invited to elect a Chair and two Vice-Chairs for two consecutive sessions. Their term will start immediately after the closure of the thirty-sixth session. The outgoing Chair and Vice-Chairs shall not be immediately eligible for re-election to the office which they have held.

4. Admission of an Observer

See document SCP/36/10.

ACT | The App Association, a non-governmental organization, submitted its request to become an ad hoc observer of the SCP. The Committee is invited to take a decision on the said request.

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

See document SCP/36/2.

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.

6. Exceptions and limitations to patent rights

See document SCP/36/3.

This document contains a draft reference document on the exception regarding extemporaneous preparation of medicines. 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 also contains sections regarding 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 this exception in national and regional legislations are compiled.

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

7. Quality of patents, including opposition systems

See documents SCP/36/4 and 5.

Document SCP/36/4 contains a study on unity of invention. It addresses various substantive and procedural aspects of the unity of invention, including divisional applications, in different fields of technology. It covers, inter alia, the purpose and rationale behind the unity of invention as well as the international legal framework and regional/national laws and practices with respect to unity of invention. It provides a number of examples of claims that comply, or do not comply, the applicable requirement of unity of invention, including those in the Markush format and claims relating to intermediate and final products.

Document SCP/36/5 updates document SCP/30/5 (Background Document on Patents and Emerging Technologies) by compiling current laws and practices relating to the patentability of artificial intelligence (AI)-related inventions. In order to maintain the integrity and readability of the updated document, it also includes an overview of the Generative AI technology and information gathered through the activities of the SCP on patents and AI since the publication of document SCP/30/5.

- Use of AI technology in R&D and for generation of new technical solutions (update by external experts)

External experts are invited to update the Committee on how AI technology is used by researchers to generate new technical solutions and by users of the patent system in their R&D process. Their presentations will further clarify the interaction between humans and AI and how AI may impact the role of humans in the inventive process.

- Sharing session on the use of various tools, including AI, for effective patent examination procedures and challenges faced by IP Offices in developing, deploying and using such tools

Experiences and information on the use of various tools, including AI, for effective patent examination procedures within national and regional patent offices will be shared within the Committee. In addition, challenges faced by IP Offices in developing, deploying and using such tools are also addressed during this sharing session.

- Dedicated webpage on the expedited examination programs

A dedicated webpage on the expedited examination programs of IP Offices was created by the Secretariat (see <https://www.wipo.int/scp/en/expedited-examination-programs.html>).

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 and SCP/30/5.

8. Patents and health

See document SCP/36/6.

This document updates document SCP/26/5 (Constraints Faced by Developing Countries and LDCs in Making Full Use of Patent Flexibilities and their Impact on the Access to Affordable Especially Essential Medicines for Public Health Purposes in those Countries). Maintaining the structure of document SCP/26/5, additional information is included in, inter alia, two main sections of the paper, focusing on constraints encountered by governments at the stage of national implementation of flexibilities and constraints faced by various stakeholders in using a national legal framework that has implemented policy options.

- Initiatives on publicly accessible databases of patent status information concerning medicines and vaccines (updates), including a sharing session on experiences of Member States and data providers in providing data to and/or using these databases

The Committee will continue to receive updates on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines. In addition, Member States will share their experiences in using such databases. Providers of patent status data to these databases are also invited to participate in discussion.

Other related documents: SCP/16/7 and 7 Corr., SCP/17/11, SCP/24/4 and SCP/26/5.

9. Confidentiality of communications between clients and their patent advisors

See document SCP/36/7.

This document updates document SCP/25/4 (Compilation of Court Cases with respect to Client-Patent Advisor Privilege). It compiles further information on court cases with respect to client-patent advisor privilege, submitted by Member States.

Other related document: SCP/25/4.

10. Transfer of technology

See documents SCP/36/8 and 9.

Document SCP/36/8 updates document SCP/32/6 (Patent Law Provisions that Contribute to Effective Transfer of Technology, including Sufficiency of Disclosure). It presents, on a country-by-country basis, information relating to relevant provisions of patent law as well as practical tools, programs and initiatives that are based on, or promote the use of, such legal provisions.

Document SCP/36/9 contains a study on patent inventorship and ownership issues arising from collaborative research and cross-border collaboration and their implications for technology transfer. It highlights international, regional and national legal frameworks that relates to inventorship and ownership issues in collaborative research as well as management of such issues by parties in collaborative research projects. It also discusses implications of inventorship and ownership issues for technology transfer.

- Sharing session by Member States on policy experiences on Standard-Essential Patents (SEPs) and Fair, Reasonable and Non-Discriminatory (FRAND) licensing related issues

Member States will share their policy experiences on Standard-Essential Patents (SEPs) and Fair, Reasonable and Non-Discriminatory (FRAND) licensing related issues, as proposed in document SCP/34/7 Rev.

- Roundtable on patent inventorship and ownership with respect to university inventions and their implications for technology transfer

Technology transfer experts will be invited to address issues relating to patent inventorship and ownership with respect to university inventions as well as their implications for technology transfer, including the creation of e.g., spin-offs and start-ups.

Other related documents: SCP/32/6 and SCP/34/7 Rev.

11. Future work
12. Summary by the Chair
13. Closing of the session

[Annex II follows]

Standing Committee on the Law of Patents (SCP), 36th Session (October 14 to 18, 2024) – Tentative Schedule

	Monday, Oct. 14, 2024	Tuesday, Oct. 15, 2024	Wednesday, Oct. 16, 2024	Thursday, Oct. 17, 2024	Friday, Oct. 18, 2024
Morning Session 10.00-13.00 (CET)	1. Opening of the session 2. Adoption of the agenda <i>(SCP/36/1 Prov. 3)</i> 3. Election of a Chair and two Vice-Chairs 4. Admission of an Observer <i>(SCP/36/10)</i> General statements 5. Report on the international patent system <i>(SCP/36/2)</i> 6. Exceptions and limitations to patent rights <i>[- General statements]</i>	7. Quality of patents, including opposition systems [continued] <i>- Study on unity of inventions (SCP/36/4)</i> <i>- Dedicated webpage on the expedited examination programs</i> <i>- Compilation of laws and practices relating to patentability of AI-related inventions: update of SCP/30/5 (SCP/36/5)</i>	8. Patents and health <i>[- General statements]</i> <i>- Constraints faced by developing countries and LDCs in making full use of patent flexibilities and their impact on the access to affordable especially essential medicines for public health purposes in those countries: update of SCP/26/5 (SCP/36/6)</i> <i>- Update on certain publicly accessible databases of patent status information concerning medicines and vaccines, including sharing of experiences by Member States and providers of patent status data</i>	10. Transfer of technology [continued] <i>- Study on patent inventorship and ownership issues arising from collaborative research (SCP/36/9)</i> <i>- Roundtable by experts on patent inventorship /ownership re. university inventions and their implications for technology transfer</i> <i>- Sharing session by Member States on their policy experience re. SEP and FRAND licensing related issues</i>	11. Future work [continued]
Afternoon Session 15.00-18.00 (CET)	6. Exceptions and limitations to patent rights (continued) <i>- Draft reference document on the exception regarding extemporaneous preparation of medicines (SCP/36/3)</i> 7. Quality of patents, including opposition systems <i>[- General statements]</i>	7. Quality of patents, including opposition systems [continued] <i>- Experts' update on use of AI in R&D and for generating new technical solutions</i> <i>- Sharing session on the use of tools, including AI, for patent examination procedures and on IPOs' challenges in developing, deploying and using such tools</i>	9. Confidentiality of communications between clients and their patent advisors <i>[- General statements]</i> <i>- Compilation of court cases with respect to client-patent advisor privilege (SCP/36/7)</i> 10. Transfer of technology <i>[- General statements]</i> <i>- Patent law provisions that contribute to effective transfer of technology, including sufficiency of disclosure (SCP/36/8)</i>	11. Future work	12. Summary by the Chair 13. Closing of the session