



Date: 5th September 2018

# REPORT

## Standing Committee on

### Patents

Chair: Koen BIJVANK  
Responsible Reporter: John Osha

1)

Report on the activities of your Standing Committee during the reporting period  
Please provide a general overview of the activities of your Standing Committee over the last 12 months, including at least:

a)

internal meetings of the Standing Committee during the reporting period (whether by telephone, video conference or in person);

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*The Committee had a breakfast meeting at the 2017 Sydney Congress on 15 October 2017 to discuss ongoing activities.*

b)

were proposals for panel sessions and study questions submitted and/or did your Standing Committee further contribute in this respect (e.g. by providing input to the draft Study Guidelines)?

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*The Committee addressed the issue of inventor remuneration at the 2017 Sydney Congress. Koen Bijvank, John Osha, and Yali Shao prepared a position statement for discussion at the Congress. The Committee moderated the plenary session at the Congress. The national groups provided input on this issue and the Committee prepared a draft resolution to be presented at the 2018 Cancun Congress.*

*The Bureau asked the Committee to provide comments on the study question relating to Conflicting Applications for the 2018 Cancun Congress and the Committee provided comments by the 15 December 2017 deadline.*

*The Committee will be addressing the issue of inventor remuneration at the 2018 Cancun*

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*Congress. The Plenary Session will be led by John Osha (reporter), Thierry Calame (session chair), Koen Bijvank (question chair), Alain Gallochat (vice chair), and Drew Meunier (vice chair). The Committee prepared a questionnaire that was submitted to the national groups on 17 April 2018 with a request that national groups respond by 15 June 2018. The Committee has reviewed the national reports and prepared a draft summary report of the questionnaire responses. The summary report will form the basis for a summary of principles that will be debated and possibly amended at the 2018 Cancun Congress.*

c)

any external representation and participation in working groups on behalf of AIPPI by any member of your Standing Committee (e.g. at WIPO, EUIPO);

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*Johanna Flythström represented AIPPI at the B+ Group countries meeting in Geneva on 3 October 2017.*

*Alain Gallochat attended the 27<sup>th</sup> SCP WIPO session in Geneva from 11 to 15 December 2017. The SCP session addressed several topics including*

- *exceptions and limitations to patents rights;*
- *quality of patents, including opposition systems;*
- *patents and health;*
- *confidentiality of communications between clients and their patent advisors; and*
- *transfer of technology.*

*Jan Dombrowski accompanied John Osha and other Bureau members on a visit to the Boards of Appeal of the EPO.*

d)

any contribution by your Standing Committee to any external consultations; and

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See above..

e)

any studies or analyses undertaken or position papers prepared by your Standing Committee, with a brief summary of the outcome(s).

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*Beat Rauber worked with the Reporter General's Team (RGT) and specifically Sarah Matheson in providing consultation to the Supreme People's Court of China (SPC) on patent*

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*reform. In particular, the SPC has sought input concerning the trial of administrative cases involving the granting and affirmation of patent rights, including design patents. The SPC is trying to establish its own 'best practice' guidelines based on the law and practice in China, but also what it has drawn from looking at other systems. Comments were provided to the SPC by 1 August 2018.*

2)

Key issues/developments during the reporting period

Please include any significant case law, legislative or regulatory developments, or policy initiatives, including their relevance and/or any implications for the work of your Standing Committee or for AIPPI more generally

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As noted herein, the Committee has worked with AIPPI in addressing the issues of inventor remuneration and conflicting applications.

3)

Any recommendations for AIPPI involvement/action for the next 12 months

This need not be limited to recommendations for your Standing Committee but can be recommendations for AIPPI more broadly. For example, please include:

In each case, please explain why such involvement/action is recommended, by whom it should be undertaken and any relevant time frames.

a)

any recommendations for involvement/action in relation to any upcoming or foreshadowed case law, legislative or regulatory developments, or policy initiatives;

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*The Committee will be addressing the issue of inventor remuneration at the 2018 Cancun Congress. The Plenary Session will be led by John Osha (reporter), Thierry Calame (session chair), Koen Bijvank (question chair), Alain Gallochat (vice chair), and Drew Meunier (vice chair). The Committee prepared a questionnaire that was submitted to the national groups on 17 April 2018 with a request that national groups respond by 15 June 2018. The Committee has reviewed the national reports and prepared a draft summary report of the questionnaire responses. The summary report will form the basis for a summary of principles that will be debated and possibly amended at the 2018 Cancun Congress.*

b)

any other recommendations for AIPPI involvement/action;

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None at this time.

c)

any recommendations for the work programme of your Standing Committee.

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None at this time.

4)

Outline of the work programme of your Standing Committee for the next 12 months

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Please set out specific activities and priorities having regard to the matters in 1) - 3) above, including any relevant time frames.

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The Committee plans to continue to be involved in the 29th and 30th SCP WIPO sessions and in issues before the B+ group, as well as issues being considered in the 2019 AIPPI Congress.

AIPPI

## Names and Functions of Committee Members

|               |   |   |
|---------------|---|---|
| Chair         | Koen BIJVANK  | Netherlands   |
| Vice Chair(s) | Alain GALLOCHAT<br>Andrew T. MEUNIER  | France<br>United States of America  |
| Members       | Seong Tahk AHN<br>Gaëlle BOUROUT<br>Ted CHWU<br>Jan DOMBROWSKI<br>Johanna FLYTHSTRÖM<br>Takashi FUJITA<br>Enrico GATTI<br>Santiago JORDA PETERSEN<br>Hassan Irfan KHAN<br>Karsten KÖNIGER<br>Olivier LEGRAND<br>Lamberto LIUZZO<br>Philip MENDES DA COSTA<br>Tamar MORAG-SELA<br>Rowanie NAKAN<br>Robert J. O'CONNELL<br>Nevin ONER<br>Leticia PROVEDEL<br>Beat RAUBER<br>Marc RICHARDS<br>Fraser D. ROWAND<br>Myriam SCHNUR<br>Yali SHAO<br>Christopher STOTHERS<br>Christopher TEHRANI<br>Anthony TRENTON<br>Cherry TU<br>Neriman Dilek YILDIRIM<br>Nobutaka YOKOTA | Republic of Korea<br>France<br>China Hong Kong - IM<br>Germany<br>Finland<br>Japan<br>Italy<br>Spain<br>Pakistan<br>Germany<br>France<br>Italy<br>Canada<br>Israel<br>Philippines<br>United States of America<br>Turkey<br>Brazil<br>Switzerland<br>United States of America<br>Canada<br>Israel<br>China<br>United Kingdom<br>Sweden<br>United Kingdom<br>Chinese Taipei - IM<br>Turkey<br>Japan |

Piotr ZAWADZKI

Poland

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