

WIPO General Assembly

Fifty-Eighth (27th Ordinary) Session Geneva, July 8 to 17, 2025

REPORT ON THE STANDING COMMITTEE ON THE LAW OF PATENTS (SCP)

prepared by the Secretariat

1. During the period under consideration, the Standing Committee on the Law of Patents (SCP) held its [thirty-sixth session](#) from October 14 to 18, 2024, in a hybrid format. The session was chaired by Ms. Vita Kascėnė (Lithuania).
2. During the session, the SCP continued to address the following five topics: (i) exceptions and limitations to patent rights; (ii) quality of patents, including opposition systems; (iii) patents and health; (iv) confidentiality of communications between clients and their patent advisors; and (v) transfer of technology.
3. The discussions were based on a number of proposals submitted by various delegations and documents prepared by the Secretariat, which served as a basis for the exchange of views and experiences, fostering a deeper understanding of each topic. In addition, sharing sessions held during this session provided Member States with a valuable opportunity to share their views, experiences, challenges, and solutions on specific topics.
4. Specifically, the SCP held discussions on the following documents prepared by the Secretariat: the draft reference document on the exception to patent rights regarding extemporaneous preparation of medicines, a study on the unity of invention, and a study on patent inventorship and ownership issues arising from collaborative research and cross-border collaboration.

5. Furthermore, the Committee also discussed the following four updated documents prepared by the Secretariat, upon request from Member States. The first document is a background document on patents and emerging technologies. The second document addresses the constraints faced by developing countries and least developed countries in making full use of patent flexibilities. The third document is an updated compilation of court cases with respect to client-patent advisor privilege. The fourth document is an update focused on patent law provisions that contributed to effective transfer of technology, including sufficiency of disclosure.

6. Moreover, two sharing sessions were held: (i) a sharing session on the use of various tools, including artificial intelligence (AI), for effective patent examination procedures and challenges faced by IP Offices in developing, deploying and using such tools; and (ii) a sharing session by Member States on policy experiences on Standard Essential Patents (SEPs) and Fair, Reasonable and Non-Discriminatory (FRAND) licensing related issues. The Committee continued to receive updates on the initiatives related to publicly accessible databases of patent status information concerning medicines and vaccines. Members and Observers of the SCP also shared their experiences in operating, using or providing data to such databases. Furthermore, technical experts delivered presentations on the use of AI technology for the generation of new technical solutions or in R&D processes.

7. Regarding the future activities, the SCP will advance its work based on the agreement reached at its thirty-sixth session. It was agreed that the non-exhaustive list of issues would remain open for further elaboration and discussion at the thirty-seventh session. Additionally, without prejudice to its mandate, the SCP agreed that its work for the following session be confined to fact-finding and should not lead to harmonization at this stage. The Committee also agreed that the future work regarding the five topics under the SCP's agenda, is as follows:

(a) With respect to the topic "exceptions and limitations to patent rights", the Secretariat will prepare a draft reference document on the exception regarding farmers' and/or breeders' use of patented inventions, to be submitted to the thirty-seventh session of the SCP, and a draft reference document on the exception regarding private and/or non-commercial use to be submitted to the thirty-eighth session.

(b) On the topic "quality of patents, including opposition systems", the Secretariat will submit to the thirty-seventh session an update of Sections V (National/Regional Legal Frameworks Regarding the Concept of Inventorship) and VI (The "DABUS" Case) of document SCP/35/7, based on the information received from Member States and regional patent offices, including information on new cases and decisions on AI as an inventor. It will also submit a report on the sharing sessions held during the thirty-fifth and thirty-sixth sessions, respectively, on the use of AI for patent examination procedures and on the use of various tools, including AI, for effective patent examination procedures. Additionally, the Secretariat will organize during the thirty-seventh session an expert exchange on legal and policy options in the areas of patentability criteria and AI inventorship, based on documents [SCP/36/5](#), [SCP/35/7](#), and [WIPO's IP Policy Toolkit on "Getting the Innovation Ecosystem Ready for AI"](#). In addition, the Secretariat will organize a 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, to be held during the thirty-eighth session. Finally, the Secretariat will prepare a study on substantive and procedural requirements regarding voluntary division of patent applications by applicants, including prohibition of double patenting to be submitted at the thirty-seventh session.

(c) Regarding the topic "patents and health", at the thirty-seventh session of the SCP, the Secretariat will continue to provide updates on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines. In addition,

the Secretariat will provide a status update on implementation of WIPO's Development Agenda Recommendation 14, as it relates to WIPO's provision of technical assistance to developing countries.

(d) Concerning the topic "confidentiality of communications between clients and their patent advisors", the Secretariat will prepare and submit to the thirty-eighth session a study on the categories of professionals who enjoy protection against forcible disclosure of confidential communications between clients and their patent advisors in court proceedings under national/regional laws. In addition, the Secretariat will continue updating a dedicated webpage on laws and practices relating to confidentiality of communications between clients and their patent advisors.

(e) Regarding the topic "transfer of technology", the Secretariat will prepare two reports: (i) on the roundtable held during the thirty-sixth session on issues relating to patent inventorship and ownership with respect to university inventions and their implications for technology transfer and submit it to the thirty-seventh session; and (ii) on the sharing sessions on SEPs and FRAND licensing related issues held during the thirty-fifth and thirty-sixth sessions. The Secretariat will prepare a compilation of SEP-related legislative and policy measures adopted by Member States, based on information submitted by them, including references to notable case law, where appropriate. This compilation will be presented on a dedicated webpage on the SCP website. In addition to the study on patent inventorship and ownership issues arising from collaborative research and cross-border collaboration, the Secretariat will submit to the thirty-eighth session a further study on the determination of inventorship and conditions of foreign filing, aimed at identifying potential challenges for innovators in the cross-border collaborative environment. Finally, the Secretariat will submit to the thirty-eighth session of the SCP, a study on best practices and challenges in technology transfer in the health technology and green technology sectors focusing on industry-academia collaboration, considering national and international regulatory frameworks. This study should identify licensing models and contract structures, including effective clauses for remuneration schemes and IP management and incorporate case studies and practical examples to illustrate successful strategies. In preparation for this study, an expert exchange on the topic will be held at the thirty-seventh session of the SCP.

8. It was also agreed by the Committee that the information concerning certain aspects of national/regional patent laws would be updated, based on input received from Member States.

9. *The WIPO General Assembly is invited to take note of the "Report on the Standing Committee on the Law of Patents (SCP)" (document WO/GA/58/5).*

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