



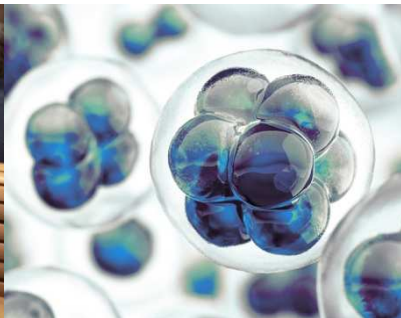
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# Consolidated results of the European consultation on user proposals for SPLH

2022 Summit of Global Network of National IP Practitioner Associations



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14 September 2022

## Introduction

- Currently, work on substantive patent law harmonisation (SPLH) is taking place within **Group B+** and the **Industry Trilateral** (composed of representatives of AIPLA, IPO, BusinessEurope, and JIPA)
- In September 2021, the Industry Trilateral (IT3) released its “Elements Paper”, a work in progress containing proposals for SPLH, allowing its public distribution
- In 2021, at the Group B+ plenary meeting, it was decided that the Group B+ delegations would spend the 2021-2022 work cycle carrying out national consultations
- European delegations decided to conduct a set of coordinated national consultations based on a common consultation document

## The user consultation in Europe

- European common consultation on user proposals for SPLH
  - National consultations on the IT3 “Elements Paper”, FICPI proposal of 2018 and relevant AIPPI resolutions
  - Based on a **Common Consultation Document**
  - 20 participating national delegations:  
**BE, CH, CZ, DE, DK, ES, FI, FR, GR, HR, HU, IE, IS, IT, NL, PL, PT, SE, SI, UK + EPO** (consulted epi)
- Total feedback received : **107** responses from 19 member states
  - **45 user associations** from 16 geographically representative member states
  - **62 individual respondents** from 14 member states

## Responses (I)

### SPLH process

- Stakeholders in Europe support continued efforts on SPLH: **80% of user associations** and 84% of individual respondents consider that SPLH is either “**very important**” or “**important**”
- Harmonisation should occur at a **level of detail sufficient** to ensure that its goal is fulfilled: **consistent** and **predictable** outcomes **across jurisdictions**

### Grace period

- A **majority of user associations** in Europe were in favour of a **grace period** –**provided** it was defined as a **safety-net** (declaration + prior user rights)

## Responses (II)

### Noteworthy

- **None** of the packages considered suitable as a basis for harmonisation “as is”
- But **all** packages considered suitable as a **basis for further work** by a cross-section of users
- **Consistency** in terms of **support** for a **safety-net grace period**: packages did well in the ratings of their norms when they proposed features associated with a safety-net: **prior user rights** protecting third parties, **statement requirement**
- Of interest: proposed **accelerated publication** appears to resonate with users
- High proportion of **non-committal responses**, particularly from user associations: “neutral” or “do not know, no answer”. Complexity? Controversial issues?

## Next steps

- European delegations will **approve** the presentation of the outcomes at a special meeting of the EPO's Patent Law Committee tomorrow
- The European outcomes will be presented to the delegations of the Group B+ at the plenary meeting on 21 September
- The **Consolidated Report** consigning all the **European results**, as well as the original **Common Consultation Document**, containing both **a summary of the proposals** and the **proposals** themselves will be made available in due time on the Group B+ website hosted by the EPO

**Thank you for your attention**

