



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Melbourne, Australia, 12 to 17 October 1986

“Harmonization of Patent Laws”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Melbourne, Australia, 12-17 October 1986, passed the following Resolution:

Referring to the resolution on Harmonization of Patent Laws passed during the Executive Committee Meeting in Funchal from 13 to 17 January 1986,

Expresses its support for the extension of the WIPO Harmonization project to further topics of substantive and procedural patent law, and **having regard** to the new topics proposed by WIPO for future discussion in the Committee of Experts recommends as follows:

1. **Considering** that the patent system in its long tradition has shown that it positively influenced all fields of technology and has in no such field led to disadvantages to the public
 - that no general exceptions to patenting should be made in the whole field of technology.
2. **Considering** that the differences in legislation and jurisdiction between different countries concerning the scope of a claim could only be harmonized on the basis of a compromise between the existing systems, and that a compromise has already been found in the European Patent Convention between the more strict and the more liberal interpretation
 - that the principle of interpretation as laid down in Article 69 EPC and the adjoining protocol should be recommended.
3. **Considering** that in view of the long development time of inventions especially basic inventions a patent duration of 20 years from the filing date has proved to be necessary for giving adequate protection of inventions and is acknowledged by most countries in principle by the granting of such a patent duration
 - that harmonization of patent duration should prescribe a term of not less than 20



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years from the filing date.

- 4.(a) **Considering** that many of the countries have already harmonized their rules for drafting their specifications with those of the PCT
- that harmonization of manner of description should be based on the regulations of the PCT,
- (b) **Considering** that valuable technical information contained in patent documents should be more easily accessible to the public, including by way of computerized searches
- that a regulation requiring an abstract to be published with the patent documents or, if the patent documents are not published, to be published separately should be included in the provisions of harmonization of “manner of description”
 - that such a regulation concerning the abstract is supplemented by a recommendation that the abstract should be drafted in a standard form suitable for computerized searches
 - that selection of a drawing figure and insertion of reference numerals into the abstract should be recommended
 - that an abstract drafted in accordance with such a recommendation shall not be amended by any Patent Office without hearing the applicant, and
- (c) **Considering** that the abstract should be an “abstract of the disclosure” and not an “abstract of the invention” and that patent applicants should be encouraged to use precise language in the preparation of their abstracts
- that nothing in such a proposed abstract may be used in any manner prejudicial to or for the benefit of the patent applicant.