



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Cape Town, South Africa, 13 and 18 April 2015

“Information disclosure requirements from Patent Offices”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its World Congress and Executive Committee held in Cape Town, South Africa, 13 and 18 April 2015, passed the following Resolution:

Noting that for performing their duty of examining patent applications, some Patent Offices have adopted provisions (“disclosure requirements”) requiring applicants to provide information on counterpart applications from other Patent Offices.

Further Noting that the initial rationale for such disclosure requirements was to facilitate examination of patent applications by Patent Offices, in view of difficulties in accessing such information,

Observing that Patent Offices have developed facilities to make accessible, or share, information on their respective patent search and examination processes, and that most of the information requested by Patent Offices is now readily available to them through such facilities,

Further observing that such disclosure requirements from Patent Offices thus place an unnecessary and substantial burden on applicants,

Emphasizing that such burden makes the patent system less accessible to its users, in particular to individual inventors, SMEs and Universities,

Further emphasizing that such requirements from Patent Offices generate legal uncertainty for applicants and for third parties, as it may be difficult for an applicant to be certain to have filed all the required information,

Noting on the other hand that a Patent Office, when acting as an Elected Office and requiring such information, actually breaches Article 42 PCT which prohibits any *“elected Office receiving the international preliminary examination report”* to *“require that the applicant furnish copies, or information on the contents, of any papers connected with the examination relating to the same international application in any other elected Office”*,



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Urges legislators and Patent Offices in jurisdictions with information disclosure requirements to recognize and make use of existing facilities for obtaining such information without putting on the applicant the burden to gather and provide the same, and

Further urges Patent Offices to strictly observe Article 42 PCT in case of patent applications that have been examined under PCT Chapter II.