



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Prague, Czech Republic, 7 to 9 October 2002

“Grace Period”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Prague, Czech Republic, 7-9 October 2002, resolved that:

Having considered the model for possible introduction of a novelty grace period into the European patent system resulting from the expert workshop organized by the European Commission in Brussels, June 24, 2002;

Reiterating its position in favour of a harmonized international grace period covering any form of prior disclosure caused by or derived from the inventor or his successor in title during 12 months preceding the filing or priority date of a patent application, as expressed in resolutions adopted in Edinburgh in 1981, Vienna in 1983, Funchal in 1986 and Hilton Head in 1987;

Resolves that the proposed model for a grace period and in particular the 6-month duration and the proposed mandatory requirement for the applicant to submit a declaration on prior disclosures of the invention when filing a patent application is inconsistent with the grace period concepts as contained in the SPLT and made available by the Community Design Regulation and would be likely to become a trap for an applicant who, in order to avoid the detrimental effect resulting from an incomplete declaration, would be compelled to include in such a declaration any prior disclosure within his knowledge, but may not have complete and detailed information as to the actual extent and scope of the prior disclosure, in particular for a prior disclosure in a non-written form, its potential relevance to the claimed invention and even whether it would be considered to be public.