



FÉDÉRATION INTERNATIONALE DES CONSEILS  
EN PROPRIÉTÉ INTELLECTUELLE  
INTERNATIONAL FEDERATION OF  
INTELLECTUAL PROPERTY ATTORNEYS  
INTERNATIONALE FÖDERATION  
VON PATENTANWÄLTEN

## Resolution of the Executive Committee, Copenhagen, Denmark 7-12 September 1997

### “Substantive Harmonization”

**FICPI**, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee and World Congress held in Copenhagen, Denmark, 7-12 September 1997, passed the following Resolution:

**Noting** the increased international use of patent protection;

**Noting** the efforts to facilitate exchange of information and data between patent offices and between the offices and users of the patent system by increased use of advanced computerized information technology;

**Noting** the recent initiatives of major patent offices to standardise novelty search procedures to avoid unnecessary duplication of work with the aim that the result of a search conducted by any one office should be given full faith and credit by other offices; and

**Noting** that the continuing work within the WIPO Committee of Experts on the Patent Law Treaty, limited to formal and procedural aspects of patent law, is likely to be finalized using the PCT provision as a basis;

**Takes the view** that achievement of the full benefit of these efforts and initiatives will be frustrated while fundamentally different standards of patentability continue to prevail and that such benefit can be fully achieved only by further harmonization of patent laws in order to create common worldwide standards for assessment of patentability; and

**Therefore resolves** that the further work of the Committee of Experts should include harmonization of substantive law on the basis of

- (i) the first-to-file principle possibly with an adequate transitional period,
- (ii) an international grace period, and
- (iii) a harmonized prior art effect of a patent application before publication.
- (iv) sufficiency of disclosure.