



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FEDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Rome, 6-9 November 2011

“Third Party Submissions on Patentability”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Rome, Italy, from 6 to 9 November 2011, passed the following Resolution:

EMPHASISING the importance of patents being granted after the best possible consideration of the applicable prior art;

RECOGNISING that many IP Offices allow for submission of prior art and comments on patentability on published patent applications by third parties;

WELCOMING that some IP Offices now allow for easy and fast online submission of such information;

FURTHER WELCOMING the various pilots of ‘Peer-to-Patent’ systems that have been carried out or that are in progress which harness a new approach to finding and submitting prior art to IP Offices as part of the examination process;

NOTING their potential success in improving the results of patent examination by finding prior art that IP Office examiners may not have found by conventional means;

RECOGNISING that any system that allows third parties to provide information for use in examination should not be detrimental to the effectiveness of the patent system;

URGES all IP Offices providing a pre-grant publication to allow for submission of prior art and comments on patentability on published patent applications, and to further investigate new methods for enabling such submissions to be made, and that such submissions should not significantly increase application pendency or the costs to applicants for obtaining patents.