



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

Resolution of the Executive Committee, Cartagena, Colombia, 20-24 January 2013

Paris Convention Art 4C(4)

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Cartagena, Colombia, passed the following Resolution:

Recognising that an important element of the Paris Convention is the 12 month priority period provided for patents and utility models by Article 4, that priority period being counted from the date of filing the first application in a Paris Convention country;

Noting that applicants often file two or more priority applications during the priority year, possibly in different countries, the subsequent applications building on the disclosure of the previously filed applications;

Noting also that Article 4C(4) of the Paris Convention allows an applicant to reset the 12 month priority period so that it runs from the filing date of a subsequent application;

Acknowledging that Article 4C(4) was introduced into the Paris Convention in 1958, at a time prior to universal 18 month publication, and at a time when there were concerns that a provision allowing the 12 month priority period to be reset could be open to abuse;

Recognising that, due primarily to those concerns, Article 4C(4) includes a number of restrictions on the ability of an applicant to reset the priority period, in particular that the subsequent application must be filed in the same country as the first application, and that multiple earlier applications cannot be simultaneously replaced with a subsequent application, which restrictions are unnecessary in present times to prevent abuse;

Further noting that several countries have implemented provisions for resetting the priority period that are more flexible than those of Article 4C(4), while other jurisdictions have implemented the strict Paris Convention language as such, which can lead to uncertainty and



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inconsistency in cases where an applicant seeks to claim priority from a subsequent filing for its invention, when filing abroad;

Urges countries to amend their provisions implementing Article 4C(4) to remove the same country requirement and to allow more than one earlier application to be replaced with a subsequent application for the purpose of resetting the priority period.