



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the World Congress and Executive Committee Cannes, France, 25 to 29 September 2022

“Test results submitted after the filing date”

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 Cannes, France, 25 to 29 September 2022, passed the following resolution:

NOTING our previous 2010 resolution “Consideration of test results”¹;

OBSERVING that sufficient grounds currently exist to refuse applications or revoke patents where the existence of an invention is not adequately supported by the application as filed;

OBSERVING that objections to allowability or validity of a patent application or patent are by their nature always raised after the date of filing; and

ALSO OBSERVING that such objections are often based on prior art, which prior art was previously unknown to the applicant or patent proprietor, and there are situations that can be addressed by submitting test results, which results might only be obtainable after an application was filed;

URGES all authorities tasked with the examination or evaluation of a patent application or patent to take account of any test results submitted after the filing date of the application in answer to any objections to allowability or validity, regardless of the date of completion of the testing, provided that those results relate to the invention as disclosed in the content of the application as originally filed.

¹ EXCO/DE10/RES/001(GB)