



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Goa, India 15 to 20 March 2024

“Third party observations on patent applications and patents under opposition”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Goa, India, 15 to 20 March 2024, passed the following resolution:

OBSERVING that the number of examined patents, unexamined patents, and utility models is steadily growing;

NOTING that IP Offices do not have the resources to access all relevant disclosures that may have been made available to the public;

FURTHER NOTING that there should be a balance between the interests of an IP right holder and third parties;

ACKNOWLEDGING that many IP Offices provide cost-effective administrative proceedings allowing a third party to file observations on the patentability of a pending patent application and/or an opposition against a patent application or recently granted patent;

URGES IP Offices

- i) to provide a third-party observation system either during examination proceedings or the registration proceedings of unexamined patents and utility models;
- ii) to allow for filing observations during the entire life of patents and utility models;
- iii) to make available to the public any third-party observations; and
- iv) to ensure that third-party observations do not preclude a subsequent post-grant opposition or revocation action by the same third-party before a Court or other relevant authority.