



## Resolution of the Executive Committee, Naples, Italy

13 and 16 October 2025

### *“Controls on Foreign Filing of Patent Applications”*

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee at the World Congress held in Naples, Italy, 13 to 17 October 2025, passed the following resolution:

**OBSERVING** that as part of the process involved in filing patent applications (including those relating to designs and utility models), countries have a legitimate interest in controlling the dissemination of information that is relevant to State security, and therefore some countries impose limitations on the first filing of such patent applications;

**RECOGNISING** that restrictions relating to the first filing of patent applications are typically in relation to, or in addition to, national legislation relating to state security and export control, but can impact applications which are not relevant to State security;

**NOTING** that to date more than 30 countries have made such restrictions known to potential applicants, such as those summarised on the WIPO webpage entitled “International applications and national security considerations”<sup>1</sup>;

**FURTHER NOTING** that for those more than 30 countries at least 6 different criteria are known,

such as

- 1) any inventions made in the country,
- 2) any applications filed by nationals of the relevant State,
- 3) any applications filed by residents of the relevant State,
- 4) any applications by natural persons having a residence in the respective country,

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<sup>1</sup> [https://www.wipo.int/pct/en/texts/nat\\_sec.html](https://www.wipo.int/pct/en/texts/nat_sec.html)



- 5) any applications by legal persons having a principal place of business in the respective country and - independently of the preceding criteria -
- 6) applications containing State secrets;

**OBSERVING** that it is common for inventors from multiple countries to collaborate on devising an invention, and therefore an applicant wanting to first file a patent application may need to fulfil multiple legal requirements, which are in fact not solvable due to their conflicting nature;

**FURTHER OBSERVING** that such situations which are not solvable due to conflicting legal requirements are less likely to arise on applications containing State secrets due to the need to consider and comply with national security legislation in advance when working on such technology;

**NOTING** that in addition to the above, the tailoring of a customised application strategy for each case concerned is time consuming and cost intensive, hindering timely and efficient protection of inventions of the applicant;

**URGES** countries to consider

- A) limiting those restricting criteria to only those cases possibly disclosing inventions related to State security;
- B) publishing information in which IPC classes the possibility of such a State security secret can be expected with a reasonable probability;
- C) reducing the number of different criteria through harmonisation of such requirements when essential;
- D) providing easy, rapid and cost-efficient procedures to obtain a decision on conducting the first filing outside of the jurisdiction concerned; and
- E) providing simple, rapid and cost-efficient procedures to allow for remediation in cases in which a first filing contrary to certain national legislation has been conducted.

*[End of document]*