



Resolution of the Executive Committee, Singapore, 1 to 3 February 2004

“Harmonization not Centralisation”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Singapore, 1-3 February 2004, resolved that:

recognising the potential benefit of international harmonization and cooperation in certain areas of IP law,

but conscious that such increased harmonization risks leading to over-centralisation and a consequent concentration of IP expertise in a limited number of countries and its depletion elsewhere

urges the competent authorities to focus harmonization on areas of practical benefit to the users and especially individual inventors, universities and SMEs, achieving at least:

- harmonized rules for the drafting of patent specifications, and especially the claims,
- agreement on what constitutes prior art, including agreement on a harmonized grace period and an end to the dichotomy between “first to file” and “first to invent” systems, and
- the sharing between patent offices of search and examination results in a non-binding manner;

and urges those authorities to avoid over-centralisation of IP expertise by for example:

- recognising the importance to users and third parties of having IP rights presented in a local language
- recognising that different countries may desire to provide forms of IP protection not required universally, for example, revalidation patents, utility models, petty patents, or *sui generis* systems for the protection of traditional knowledge or genetic resources
- recognising the need for users, especially individual inventors, universities and SMEs, to have at hand local expert advice on IP matters
- recognising the continuing need for national patent offices
- and recognising that national and regional authorities must retain the sole right to decide on the grant of IP rights that will be effective in their own countries and regions.