



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Toronto, Canada, 3-5 & 8 June 2018 “Late objections for lack of unity of invention”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Toronto, Canada from 3 to 5 and 8 June 2018, passed the following Resolution:

Noting that patent applicants facing unity of invention objections generally have a legitimate interest in obtaining patent protection for the various inventions that may be identified within a given set of claims, and which have been disclosed and enabled in the specification of the patent or patent application, and should therefore be afforded the opportunity to pursue protection for these inventions in one or more divisional applications;

Acknowledging that by the time a patent application is allowed for grant after examination it is reasonable to conclude that the patent office or examiner has been satisfied in relation to unity of the claims, and that the subject matter of the claims as allowed has been fully searched and examined;

Believing that following acceptance of a set of claims after search and examination it is unnecessary to revisit the question of unity of invention, particularly during any re-examination, limitation, opposition, nullity or revocation action before the patent office or the courts;

Additionally believing that allowing unity of invention to be revisited after any applicable deadline for filing divisional applications to protect additional inventions has expired is particularly unfair to the applicant or patentee, since it denies the applicant or patentee the opportunity to pursue protection for their additional inventions which have been disclosed and enabled in the specification of the patent or patent application, in one or more divisional applications;

Urges Authorities to remove any provisions or practices that allow unity of invention objections to be raised after the deadline for filing divisional applications has expired, or after a set of claims has been allowed for grant, including any provisions suggesting that lack of unity of invention in respect of a set of claims represents a ground of invalidity.

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