

BUSINESSEUROPE



**Patent Harmonization Expert Panel (PHEP) New Topics
Industry IP5 Update**

Handling First Filing Requirements in Multinational Inventorship Situations

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*IP5 Heads of Office with IP5 Industry Meeting
June 12, 2019*

Handling First Filing Requirements in Multinational Inventorship Situations

- Multinational enterprises operate R&D centres in various countries throughout the world, the very purpose being to take advantage of a multi-cultural approach and multi-education people for finding best solutions to unsolved problems
 - For instance, an R&D project is assigned to a team composed of R&D people operating in Country A and in Country B. They cooperate not only using mail, but exchange views in real time using video conferences, and an invention may likely be reduced to practice in the same time by inventors sitting in two countries, the ideas ignoring the borders
 - Countries A and B have both in their regulations a requirement to file first in the country where an invention is made (e.g. US, FR, ES, CN). They both Countries may also provide for request for Foreign Filing License made before and independent of any filing of a patent application
- However there is no solution to avoid violating the law of either Country A or Country B => Technical information of invention is already known in both Countries. This is an impasse!



Handling First Filing Requirements in Multinational Inventorship Situations

Basic principles for building a solution:

- In such modern and dynamic environment, a solution must be found for creating harmonized procedures in the case of multinational inventorship
- Rapid review of security issues to permit a license for foreign filing in another country
- Clear guidance and user-friendly procedures to permit rapid and cost-efficient resolution of a filing issue

Expected benefits:

- Security issues solved
- Real incentive for developing R&D centres in all the countries of IP5 and promoting true international cooperation in research
- Allowing filing strategies driven by countries where the applicant seeks protection in view of its business strategy, not in view of first filing requirements

