

M I N U T E S

of the
6th meeting of the

COMMITTEE ON PATENT LAW

(Munich, 27 and 28 January 1998)

The attached page replaces page 24 of CA/PL PV 6.

123. The EPO recalled that it had collated the implementing measures of the contracting states in CA/PL 3/97, which still accurately reflected the actual situation of the contracting states. Aside from Belgium and Switzerland, which had amended their national law as a consequence of TRIPs Art. 27(2), all the contracting states took the view that their national law was in line with that provision.

Moreover, once the EU Biotechnology Directive, touching upon the same issue, came into force, the contracting states would have to align their national law on the Directive. While the latter was compatible with the TRIPs Agreement, it was far more detailed, and the EU member states would be faced with the task of ensuring that their national legislation was aligned with the wording of the Directive. The contracting states should take a uniform approach in these matters, and it was therefore desirable to wait until the adoption of the Directive before amending national legislation. At any rate, it would only be a matter of a few months.

124. The Chairman concluded that it might be preferable for the contracting states to wait for the Directive to be adopted before amending their national law in this respect.

IX. WORK PROGRAMME, DATE AND VENUE OF THE NEXT MEETING

125. The Committee agreed to include the following items in its work programme for the next meeting: 1. Implementation of BEST; 2. Alternatives to the package solution.
126. In view of the pending EPC revision work, the Committee agreed to hold 3 meetings in 1998, lasting as a rule 3 days at a time in order to deal with the additional work load. The next meeting was scheduled for 12-14 May 1998. In order to make allowance for flight schedules, it was agreed that the meeting would begin at 11:00 on 12 May.
127. The Chairman thanked the delegations, the colleagues from the EPO as well as the interpreters and closed the meeting.

The Committee on Patent Law approved the draft minutes set out in this document on 12 May 1998.

Munich, 12 May 1998

For the Committee on Patent Law
The Chairman

P. Mühlens