## GROUP B+ PLENARY VIRTUAL MEETING 5 October 2021

## **MEETING STATEMENT**

For publication on the Group B+ website

On 5 October 2021, the Group B+ held its Plenary meeting, which was chaired by the Chair of the Group B+, Mr Peter Strömbäck (SE) and hosted by the Secretariat (JPO). Due to the ongoing Covid-19 pandemic, it was conducted by videoconference.

On behalf of the B+ Core Group, the CH delegation reported the progress of work for reaching a multinational agreement on Client-Patent Attorney Privilege (CAP). Additionally, AIPPI and FICPI expressed their support for the multilateral agreement on CAP.

With regard to the "Policy and Elements for a Possible Substantive Patent Harmonization Package" presented by the Industry Trilateral (IT3) to the Group B+ members in September 2020, the IT3 reported that, despite having lifted the embargo (under which only the IT3 and the Group B+ members were allowed to conduct reviews) at the request of the offices, this version is not the final agreed position of IT3 and it would continue to discuss. Many of the delegations welcomed the lifting of the embargo, since this will help to improve transparency and allow discussions to take place with stakeholders with regard to substantive patent law harmonization.

The JP delegation reported the interim results of its study on the grace period, focused on universities, small and medium-sized enterprises (SMEs), and start-ups. Many of the delegations expressed a strong interest in the final study report. The EPO indicated that it was conducting a study on the grace period, and that it intended to report those study results to the Group B+ members.

As a next step, the Chair proposed the establishment of a time-limited working group to examine the IT3 proposal, the study on grace period conducted by JP, and possibly consider all three user proposals which were on the table (including the FICPI Proposal of 2018 and the set of relevant AIPPI Resolutions). On the other hand, some delegations expressed strong willingness to conduct consultations with domestic stakeholders on the IT3 proposal. The conclusion was therefore that the coming year will be a period of consultations and that the IT3 will continue its work.

Mr. Pascal Faure, Director General of the National Institute of Industrial Property (INPI) of France, was elected as the next Chair of the Group B+. The position of Secretariat will be handed over from the JPO to the USPTO.