GROUP B+ PLENARY VIRTUAL MEETING 21 SEPTEMBER 2020

MEETING STATEMENT

On 21 September 2020, the Group B+ held its Plenary meeting, chaired by the Chair of the Group B+, Mr Peter Strömbäck (SE), and hosted by the Secretariat (EPO). Due to the ongoing Covid-19 pandemic, it was conducted by videoconference—for the first time in the Group's history.

On 7 September 2020, the Industry Trilateral forwarded its latest version of the "Policy and Elements for a Possible Substantive Patent Harmonization Package" paper to the Group B+. The Group B+ wishes to express its deep gratitude to the members of the Industry Trilateral for their efforts, aware of their investment the past few years in terms of time, effort and financial resources.

It was agreed that the B+ Sub-Group would meet with the Industry Trilateral before the end of the year in order to give feedback and seek clarity on their proposal. In addition, the delegations of the Group B+ were invited to submit their written responses to the Industry Trilateral proposal to the Chair and the Secretariat of the Group B+ by 16th October 2020. These responses would be collated and forwarded to the Industry Trilateral.

There was no agreement as to the next steps or an appropriate forum for pursuing substantive work on substantive patent law harmonisation.

At the Plenary meeting in Geneva in September 2019, a discussion had taken place on whether the Group B+ should take up further work, other than SPLH and CAP which would be less difficult and likely to yield quicker benefits for both users and offices, and this issue had been the subject of two Questionnaires circulated to all delegations of the Group B+ since then. On the basis of the responses, the Chair concluded that there was no consensus to engage in other work within the Group B+ at this time, but since a group of delegations appeared to feel strongly about addressing other issues, they should not be stopped from doing so amongst themselves and forming one or more a working groups if they so wished.

On the basis of a proposal by several delegations, the Chair decided to draw up a proposal for next steps as well as for an appropriate forum within the Group B+ in which willing delegations could pursue work on substantive patent law harmonisation, including methodology, the modalities of user involvement and means of keeping the Group B+ at large informed of developments. This proposal will be presented to a special meeting of the Group B+ Plenary which will take place in early 2021 at a date to be determined.

The Swiss delegation informed the Group B+ that the Core Group on the Draft Agreement on Cross-Border Aspects of a Client-Attorney Privilege will continue its work until the fall of 2021, to finish drafting explanatory notes and discuss implementation. For the latter, the Core Group could take advantage of the work accomplished in the Group B+ Implementation Workstream on SPLH and work on the different scenarios. The Core Group was thanked for its efforts.

The delegations were informed that the Secretariat of the Group B+ will be rotating from the EPO to the JPO for the coming year.	n