

GROUP B+ PLENARY MEETING
Geneva, Switzerland
July 9, 2025

MEETING STATEMENT

On Wednesday, July 9, 2025, the Group B+ convened a two-part in-person plenary session. The meeting was chaired by Mr. Pascal Faure, Director General of the National Institute of Industrial Property (INPI, France), and hosted by the Group B+ Secretariat, the United States Patent and Trademark Office (USPTO).

Part I: Meeting of the Group B+ and User Associations

In the first part of the meeting, the Group B+ delegations engaged with representatives of user associations from the Industry Trilateral—namely, the American Intellectual Property Law Association (AIPLA), the Intellectual Property Owners Association (IPO), BusinessEurope, and the Korean Intellectual Property Association (KINPA)—as well as representatives from the International Association for the Protection of Intellectual Property (AIPPI), the International Federation of Intellectual Property Attorneys (FICPI), and the IP Federation.

A. Client-Attorney Privilege Update (Australia)

The Group B+ Core Group provided an update on its activities for the year, including an analysis of the 2025 stakeholder consultations regarding the draft multilateral agreement. Broad support was expressed for the concept of the agreement, subject to certain technical modifications. However, divergence remains concerning the nature of the agreement—specifically, whether it should be binding or non-binding. The Core Group emphasized that resolving this issue is a prerequisite for addressing other textual matters. User associations expressed appreciation and support for the Core Group’s efforts and urged that the outstanding issues be resolved in the coming year. Some stakeholders advocated for explicit inclusion of in-house attorneys within the scope of the draft agreement.

B. Update on SPLH (FICPI and AIPPI)

FICPI and AIPPI presented their positions on Substantive Patent Law Harmonization (SPLH) issues, including grace periods, prior user rights, and conflicting applications. FICPI also shared perspectives on new proposals arising from the SPLH Colloquium held in June 2024 in Munich. Participants expressed gratitude to FICPI and AIPPI for their contributions and highlighted the importance of open, candid dialogue to foster new ideas on these complex and sensitive topics. It was recommended that additional colloquiums be organized to further explore these issues in depth.

C. European Patent Office (EPO) PUR Study

The EPO reported on an extensive review of European case law related to prior user rights, highlighting areas of harmonization regarding conditions of accrual and scope. User associations emphasized the need to harmonize areas where alignment is lacking. The Chair expressed appreciation for the EPO’s efforts.

D. Report on the Voluntary B+ Working Group on SPLH (UK, WG Chair)

The Chair of the Voluntary B+ Working Group on SPLH provided an update on the group’s progress, including the finalization of a Report on options regarding areas of divergence and the initiation of a study on the conditions of accrual and scope of prior user rights. The group reaffirmed strong enthusiasm for SPLH, with emerging areas of

convergence concerning grace periods and conflicting applications, further work being required on prior user rights. User associations expressed appreciation for the group's activities. The Group B+ Chair underscored the importance of ongoing dialogue to identify practical solutions.

Part II: Meeting of the Group B+ Delegations

In the second part of the session, the delegations discussed future work plans.

A. Proposed Workplan by the Core Group on Client-Attorney Privilege (AU)

Supported by Group B+, Australia will lead the Core Group in continuing its work on CAP. The group plans to invite the member states of Group B+ to discuss outstanding issues with their stakeholder groups, consider the member state's preferred approach to those outstanding issues, and report the member's views back to the Core Group. A report summarizing the outcomes will be presented to Group B+ at its next meeting.

B. Proposed Workplan for the Voluntary B+ Working Group on SPLH (UK, WG Chair)

The WG Chair presented the proposed workplan for the second half of 2025 and 2026. The plan involved completing the study of conditions of accrual and scope of prior user rights, including the development of a stakeholder questionnaire to be shared in the fall, followed by stakeholder meetings in early 2026. The B+ WG intended to incorporate stakeholder input and circulate its findings prior to the 2026 Plenary. It was agreed that the options report on divergence issues would be published on the Group B+ website.

C. Updates on SEPs in the Intergovernmental Standards Essential Patents Network (ISN) (Canada, US, UK)

Canada provided updates on SEP-related activities within the ISN. The Group B+ Chair requested that members involved in the ISN continue providing annual updates on the network's activities and outcomes to the Group B+ Plenary.

D. Proposal for Future Work on Emerging Issues

At the request of some members, the Chair indicated that any member with suggestions for future work could submit a written proposal for consideration by Group B+.

The Chair concluded by announcing that the European Patent Office (EPO) would assume the Secretariat of Group B+ for the upcoming year, expressing gratitude to the USPTO for their dedicated service as Secretariat over the past year.