

GROUP B+ PLENARY MEETING

GENEVA, 8th JULY 2026

SUMMARY OF DISCUSSIONS

1. On Wednesday 8 July 2026, the Group B+ held a two-part in-person plenary meeting. The Director General of the National Institute of Industrial Property (INPI), Mr. Pascal Faure (FR), chaired, and the Group B+ Secretariat (EPO), hosted the meeting.

PART I – Meeting of the Group B+ delegations with user associations

2. The Group B+ delegations met with representatives of: AIPPI, FICPI, AIPLA, IPO, BusinessEurope, the IP Federation, JIPA and KINPA.

1. Welcome and introduction by the Chair

3. The Chair of the Group B+ opened the meeting and welcomed the delegations and user association representatives. He thanked the Secretariat for organising the meeting.

2. Client-Attorney Privilege update

4. At the outset, the Chair thanked the AU delegation for chairing the Core Group on Client-Attorney Privilege (CAP), and the Core Group for all their hard work this year.
5. The Chair of the Core Group on CAP (AU), reported on the work achieved this year. A document containing a work update, a Summary of the responses received from Group B+ members on the Draft Agreement on Cross-Border Aspects of CAP and an Explanatory Report on the Draft Agreement were circulated prior to the meeting.
6. Noting that CAP was essential to ensuring that users could receive high-quality IP advice, the Core Group was working on a Draft Multilateral Agreement intended to establish a minimum standard of protection for patent advice across jurisdictions. Having completed two rounds of consultations, the Core Group sought the views of the Group B+ members on the draft agreement, and particularly on the key issue of whether the agreement should be a binding instrument or not. Responses had been received from 8 B+ members, 2 stakeholders who provided views directly, and many members who provided the views of their stakeholders. There were limited Group B+ responses on the issue of whether the agreement should be binding or not. Stakeholders generally preferred a binding instrument, but differed on the timing and pathway, and their approval was usually conditioned on changes to the text, so there was no consensus on this issue.
7. The Draft Agreement received mixed support from Group B+ members. Nonetheless, all the members who supported the Draft Agreement in its current form would also support further revisions. In contrast, few stakeholders indicated support for the Draft Agreement in its current form.

8. Members and stakeholders supported numerous revisions, both clarifications and more substantive changes. For example, these included: covering both professional secrecy and privilege; mandating the areas of advice covered; extending protection to other professionals; amending the text on the minimum standard for communications to be protected; narrowing the flexibilities for national exceptions to privilege; introducing changes to reflect domestic practice and expanding the scope beyond patents to other IP rights. Some proposed amendments would require re-structuring the draft agreement.
9. The AU delegation announced that they were stepping down from the chair's position.

3. Presentation by AIPPI on CAP

10. The Rapporteur General of AIPPI presented the work of AIPPI on CAP, and the association's views. This was a long-standing harmonisation project which went back to AIPPI's Q163 resolution in 2003, strongly advocating for a binding international agreement. AIPPI also submitted a proposal for a treaty to WIPO in 2005. They remained motivated and committed and would welcome seeing this being achieved. It was recalled that in the late 19th century, when AIPPI was founded and started its work, there was no harmonisation, no mutual recognition, no priority. The Paris Convention recognised the latter and showed how successful harmonisation could be. But the state of the law governing CAP remained in the late 19th century. AIPPI was focused on a practical solution: the mutual recognition and protection of the existing privilege of IP advisors in foreign courts and proceedings, i.e. CAP with trans-border effect. An international harmonisation through a binding treaty was necessary. A "soft law"/non-binding treaty would not resolve the issue.
11. AIPPI was working on a model law to support the implementation of treaty principles, which it was hoping to approve during the AIPPI Congress 2026 in Hamburg in the fall, emphasising that it was a complementary and not an alternative approach to a binding international treaty. As to the model law, it would be principle-based and concise and follow the structure and substance of the Core Group's proposal. The most important limitation of the model law protection would be the proposed carve-out of raw facts and data. It was hoped that major progress could be made. Noting all the constraints and obstacles mentioned, the AIPPI invited the B+ Core Group to continue work on the agreement and consider the idea of soft law harmonisation as a segway ultimately leading to a binding treaty.
12. The Chair opened the floor for comments.
13. A representative of the IP Federation presented remarks on behalf of European and US industry, who had contributed to the work of the B+ Core Group. Industry strongly supported that the Core Group continue work on the CAP but had some concerns. CAP should extend to in-house patent lawyers and patent attorneys and be for the benefit of the person seeking advice. In addition, CAP should not be confined to issues of patent law but should extend to advice and communications regarding ancillary issues, such as trade secrets, entitlement and licensing agreements, and should also extend to other IP rights as was the case in the original draft on CAP prior to the work of the group B+. Privilege was found in Common Law countries where discovery existed, whereas in civil law jurisdictions, client-attorney communications were protected under confidentiality rules. Although some aspects of the AIPPI proposal were supported, such as the extension to in-house attorneys, it was argued that it was premature to

reach an agreement on a model law before concluding work on a draft international agreement within the B+ Core Group. Some Common Law countries might prefer to tweak their existing laws rather than have to totally overhaul them.

14. This intervention was supported and complemented by a representative of BusinessEurope, noting that the Confederation of SE enterprise had worked on the issue since 2021 to raise awareness, change SE law and advocate in favour of international harmonisation. In the past, some European companies had been compelled to disclose valuable secret information in foreign proceedings, with some parties engaging in forum shopping to obtain such information through discovery rules. Studies had shown that trade secrets were more important to some users than patents and trademarks, and CAP was an important factor in preserving such assets.
15. A FICPI representative supported the work of the Core Group and stated that if an international treaty were to be concluded, it should be very detailed, and that recognition should be the main aim, as privileges tended to be defined very differently across countries and would likely be difficult to harmonise. A 'model law' approach, combined with the provision of guidance at national level, might be a good idea. Above all, it was important that the work of the Core Group be continued and not be abandoned.
16. A representative speaking on behalf of both IPO and AIPLA underscored the importance of this issue. The IPO had passed a resolution on CAP in February, and AIPLA was working on one. IPO and AIPLA encouraged the Core Group to continue working on this issue.
17. A representative of MOIP reported on recent developments within KR: legislation had been passed providing CAP for attorneys-at-law, and a separate bill to introduce CAP for patent attorneys was under consideration in the National Assembly. It was hoped the delegation could share more positive information on this next year, so that the rights and interests of users could be better protected.
18. The Chair thanked all the user associations for their contributions noting that the project enjoyed support from around the world, will all interventions urging the Core Group to move forward with this work. He then introduced the next topic, Substantive Patent Law Harmonisation (SPLH). The Group B+ was committed to finding a global solution which worked for everyone, but this would only be achieved if the positions of all parties were considered.

4. Presentation by KINPA on SPLH

19. A representative of KINPA presented KR users' perspectives on the three core issues of SPLH: the grace period, conflicting applications and prior user rights (PURs), focusing on how issues affected strategy and commercialisation. It was emphasised that global patenting continued to grow under the PCT, with global filings for KR users no longer being exceptional. As patent landscapes grew denser and technology cycles moved faster, IP strategies were becoming increasingly global. Many companies were operating under significant pressures, in an innovation environment where legal uncertainty could quickly translate into real business costs which could affect decisions relating to investment, licensing and strategic collaboration. KR users preferred systems where they could plan with confidence, consistently favouring objective standards, procedural clarity and predictability over discretion, and administrability over flexibility.

20. Regarding PURs, the key issue was not simply whether the prior user acted in good faith, but whether the invention was acquired through legitimate means. KR users preferred standards tied to objective and verifiable facts, where the issue was whether misappropriation has taken place. Broad PURs could destabilise licensing agreements concluded under an assumption of exclusivity.
21. The same approach prevailed regarding the grace period, which KR users viewed as a safety valve, not a strategic tool. It should be an exceptional safeguard for accidental or unavoidable disclosures, helping to relieve pressure when something unexpected happened, and not a built-in feature of filing strategy. The risks of a too-flexible grace period included disputes on the facts, uncertainty in clearance analysis and strategically delayed filings. KR users preferred predictable triggering rules and procedures. The grace period intersected with PURs regarding applicant pre-filing disclosures (PFDs). Here, KR users opined that the grace period should not backfire. If there were circumstances where PURs could arise, a disclosure made under rules intending to protect the applicant's interests could work against them. In a modern environment, there could be pressures to disclose an invention, to secure commercial partnerships, investment, licensing options. In other areas, the pressures might come from collaboration, requiring technical disclosure and partner audit prior to filing. In practice, PFDs were not always avoidable. It was important to preserve both the predictability and effectiveness of grace period protection.
22. Regarding conflicting applications, the current patenting environment was described as driving in heavy fog. With intensifying density, it became difficult to avoid collisions. KR users preferred a stable first-to-file principle, an objective prior art effect, and administrable collision standards. It was recognised that anti-self-collision might incentivise fragmented filing strategies, contribute to denser patent portfolios, and increase patent thickets. However, KR users believed that a degree of portfolio layering was difficult to avoid. In some industries, it reflected the practical realities of incremental innovation and filing practice, such as unity restrictions, amendment limitations, etc. Thus, the practical question was not whether anti-self-collision should exist, but how it should be applied without encouraging a proliferation of patent thickets.
23. Turning to the secret prior art effects of PCT applications, KR users recognised the benefits of treating certain PCT applications as secret prior art, including objective prior art rules, predictable patent scope boundaries and earlier resolution of priority conflicts. At the same time, KR users had concerns about proportionality. Should an application which never created enforceable local rights prevent subsequent filings in that jurisdiction? KR users might prefer a more calibrated approach rather than a blanket rule recognising the prior art effects of PCT applications regardless of whether they entered the national/regional phase.
24. Finally, the issue of AI-generated technical materials was addressed, and the question raised as to what should count as prior art. As AI lowers the barriers to generating technical disclosures, both the volume of prior art and the likelihood of accidental collision might rise, increasing legal uncertainty, clearance burdens and the cost of innovation. In short, KR users favoured harmonisation which improved predictability, procedural alignment and commercially workable outcomes. At the same time, KR users remained cautious about uncertainty extending beyond clear boundaries, excessive flexibility undermining administrability and predictability, and disproportionate blocking effects in the absence of actual legal exclusivity.
25. The Chair thanked the representative of KINPA for this very valuable contribution.

5. Joint remarks by IPO and AIPLA on SPLH

26. An IPO representative presented the joint remarks of IPO and AIPLA. The B+ Working Group on SPLH (B+ WG) was very diligent, and its work much appreciated. IPO and AIPLA remained committed to work on SPLH within the Industry Trilateral (IT3) but today would be presenting solely their own views, intending to offer a practical approach to harmonisation and a constructive basis for discussion. In the view of the US associations, there were some issues which could be easily agreed upon, some issues might be agreed upon only if there were flexibilities, and some issues where they saw no agreement in the near future, which they argued should be left to national law. In achieving harmonisation, a system was needed which was integrated and balanced. If agreement could be reached on several aspects, they should be advanced together. Legal traditions should be respected. The goal was workable common ground, not necessarily uniformity. All would have to adapt and be flexible but should be able to keep what was important to them. Greater predictability in patent procurement was the objective, for all sectors, from multilateral companies to individual inventors.
27. US users believed strongly that a meaningful 12-month grace period was needed, calculated from the filing or priority date. The priority date was very important for SMEs, who most often needed the grace period because mistakes occurred, but might not have the means to pursue national and PCT filings simultaneously.
28. There was agreement on a comprehensive definition of public prior art, including key exclusions, as well as on mandatory 18-month publication of applications, with limited exceptions.
29. Independent PURs could easily be agreed upon. In the US, they could only accrue up to 12 months prior to the earliest of the first PFD or the filing or priority date, but in a balanced package, independent PURs arising during the grace period could be considered.
30. Conflicting applications were also ripe for agreement. US users were open to consider other systems and considered that as an area of compromise by all. An agreement on this issue would appear possible.
31. Since US users didn't have to file a statement, a mandatory statement listing PDFs was not their preferred approach but could be an accommodation if included in a global package, tied to a robust global grace period. If it was agreed that the statement be filed in time to be published with the application, offices should be able to exercise their own discretion to accept statements filed after that time, guided by an agreed list of factors. There was no consensus on whether it should be possible to file multiple statements, nor on whether it should be possible to make such a statement after the patent application was filed.
32. Regarding derived PURs, i.e. when a PUR could be based on knowledge of an invention derived from a PFD of the applicant during the grace period, US users advocated a calibrated approach, as they could not see agreement on this issue in the near term. It was an enforcement defence not related to patent procurement and was thus best suited left unharmonized, and subject to national/regional determination on a country-by-country basis.

33. The AI dimension was also relevant. There were concerns about AI-generated patent applications, related to volume as well as to speed. AI analysis could dramatically accelerate how parties could identify, develop and implement a PFD. This issue should be studied.
34. Moving forward, balanced compromises and procedural flexibility would be necessary. IPO and AIPLA looked forward to further engagement within the IT3 and Group B+.

6. Remarks by BusinessEurope

35. A representative from BusinessEurope delivered a statement on behalf of their association. For more than a decade, BusinessEurope had been involved in SPLH including within the IT3 and the Group B+. The objective had always been to find a common understanding of these issues and solutions acceptable to Europe. In parallel, its members were committed to discuss within the IT3 possible solutions acceptable to global users of the patent system and intended to continue these substantive discussions.
36. They wished to thank IPO and AIPLA for their clear intervention. It was important to highlight that their statement did not reflect the views of the IT3 and BE. An important clarification was that European users strongly believed that PURs should be harmonised across jurisdictions, as this would be beneficial for users. KR industry also supported these efforts. PURs were not harmonised even within Europe. BusinessEurope encouraged offices to pursue the harmonisation of PURs both in Europe and within the Group B+. Robust and directly derived PURs were important and a necessary counterbalance to the introduction of a harmonised grace period and would serve to ensure that an international grace period was designed as a proper “safety net”.
37. On the statement, it was understood that the position of the US users was that the statement could basically be filed on a voluntary basis and “upon office discretion”, this could be done after filing, arguably even post-grant. BusinessEurope’s position was that the filing of the statement listing PFDs to be graced should be mandatory, in principle filed with the patent application, and intended to ensure early full transparency for all parties. The sanction should also be clear: if the statement is not filed, then PFDs for which the grace period was claimed should not be graced.
38. It was felt appropriate to update the delegations on BusinessEurope’s position on the duration of the grace period: 6-months from the priority date or 12 months from the filing date, noting that 12 months from the filing date aligned with the position of some other users.
39. It was believed that accelerated publication of all patent applications [claiming the grace period] at 18 months from the earliest PFD was important to keep the balance of the current European patent system. Other users also supported accelerated publication, from statements made at the B+ WG stakeholder meeting in February 2026. This feature should be introduced in any SPLH package.
40. For conflicting applications, the position of European industry was that the EPC approach, without anti-self-collision, constituted best practice. At the B+ WG stakeholder meeting in February 2026, it appeared that other user associations from other regions might be open to this approach.

41. BusinessEurope would continue to contribute further to discussions on SPLH within Europe and within the Group B+.
42. The Chair thanked the user associations for their commitment and contributions to this work and encouraged user associations from all regions to dialogue with each other.

7. Presentation by the voluntary Working Group on SPLH

43. The Chair recalled that the B+ Working Group on SPLH (B+ WG) was formed of the delegations of AU, CZ, DE, EPO, JP, KR and TR, with EU, FR and SE as observers, and announced that the US had recently joined as an observer. He thanked the B+ WG for doing a great job under the chairmanship of Julyan Elbro (UK) and his team, having produced a Report on prior user rights and a very interesting and detailed summary of the B+ WG stakeholder meetings held in February 2026.
44. The Chair of the B+ WG (UK) reported on the outcomes of the WG work over the past year, focusing on the main findings and conclusions of the Report on PURs which best demonstrated the fresh insights gained. PURs were only one element within the broader SPLH discussion, but they raised issues which went directly to the balance between legal certainty, fairness to third parties, and the value of the patent right.
45. It was recalled that, due to a limited evidence base, the 2024 Report on areas of divergence did not fully address issues relating to the accrual and scope of prior user rights. To do so, a new approach was adopted, aimed at gaining a more complete understanding of these issues across jurisdictions, through a legal analysis drawing on national practice, legislation, and case law. The aim was both analytical and practical: to understand how existing national systems operate, and to explore stakeholder views, through a questionnaire and stakeholder meetings.
46. The B+ WG built upon earlier work, particularly the 2016 B+ Workstream on Prior User Rights. Further input from B+ jurisdictions was then gathered through a detailed questionnaire covering practice, legislation and case law. The results were analysed in depth, comparing the different national approaches, identifying viable policy options, and integrating insights from the EPO's European case law study where appropriate.
47. This analytical work was complemented by stakeholder engagement over the course of the work-cycle. In 2025, initial findings were used to prepare a background document, covering the state of national case law, legislation and practice, as well as some initial analysis. In November 2025, a questionnaire was sent to stakeholders, along with a background document. In February 2026, stakeholder meetings were held to test views more fully. A total of 19 user associations spanning all B+ regions responded to the questionnaire, all but one of which attended the meetings. Key findings flowed into the report in early 2026. The questionnaire responses were particularly valuable, indicating the issues of greatest practical importance to users. In several areas, responses confirmed expectations based on national law. In others, user preferences did not always map neatly onto existing domestic approaches, itself an important finding for harmonisation work.
48. There were two options regarding the relevant date at which the conditions for PURs to accrue must be met. The first was the filing or priority date of the application claiming the invention, a

norm common to almost all B+ jurisdictions, the second was 1 year before the earliest of the filing or priority date, or the date of publication of the first PFD, which was the norm in the US only. Questionnaire results showed strong support for the prevalent option, and thus a high degree of convergence.

49. The issue of whether PURs should be allowed where the prior user derived the knowledge of the invention from a PFD of the applicant during the grace period was explored in 2024. However, as it remained one of the more polarising issues regarding PURs, it was revisited again in 2026. The 2026 results were broadly consistent with earlier findings. AU users supported “derived PURs”, which reflected AU law. European users viewed them generally favourably as an important safeguard within an international grace period. JP and KR users opposed them, consistent with their national rules prohibiting derivation from the applicant, while US responses were split.
50. Regarding standards of behaviour required of the prior user for PURs to accrue, four different approaches were identified. Three options were drawn from the jurisdictions examined: good faith, a lack of evident abuse of the applicant and a prohibition on derivation of the invention from the applicant. A fourth option was identified: lack of evident abuse in relation to the inventor.
51. Stakeholder responses showed clear regional divergences on the preferred standard of behaviour for PURs. While JP and AU users preferred a prohibition on derivation and KR users preferred a standard tied to objective and verifiable facts. European users were split between “good faith”, “lack of evident abuse” towards the applicant, and “lack of evident abuse” towards the inventor. No association supported having no standard at all. International associations were also divided between good faith and lack of evident abuse towards the applicant. US user associations could not reach a consensus, although mentioned that PURs should not accrue where the invention was obtained through breach of confidence or other unlawful conduct, while another raised concerns about the uncertainty of the definition of “good faith”. Overall, there was no consensus, with the standard of behaviour remaining a significant point of divergence. Attempting to balance flexibility, fairness, and legal certainty, the report suggested a formulation based on “no evident abuse” in relation to the inventor (of the invention used by the prior user), or their successor in title, which then made the objective norm applicable to all third parties from which an invention could be derived, not just applicants.
52. For the minimum threshold of prior activity for accrual of PURs, three options were considered based on the jurisdictions surveyed: (1) knowledge of the invention only; (2) knowledge of the invention and serious and effective preparations to use the invention; and (3) actual use of the invention. Users overwhelmingly supported requiring both knowledge of the invention and serious and effective preparations to use it, aligned with prevailing approach in most B+ jurisdictions. Users appeared to be confident that this standard offered the best balance of interests for the parties involved. This approach also distinguished between a person who merely had knowledge of an invention, and one who had committed resources towards using it, in line with the main policy underpinning for PURs to protect a prior user’s legitimate investment in an invention. That said, users did not show the same support for the criteria allowing to determine that serious and effective preparations to use the invention had taken place.
53. Moving to the scope of PURs, the allowability of changes to volume, embodiments and types of use were explored. The breadth of the scope would practically determine the commercial value

of the PUR. If the rules were too narrow, the PUR might not protect the legitimate investments a prior user made before the relevant date. If the rules were too broad, the prior user might be able to take advantage of the efforts of the patentee. The B+ WG considered that any future options would need to be tested carefully against concrete examples.

54. None of the jurisdictions surveyed imposed a limit on the volume of use of the invention after the relevant date. Most users supported allowing an expansion of volume, but a minority favoured some form of restriction. The only region showing no support for this option was the US, where one association opposed volume changes and another was unable to reach a consensus, a notable outcome since users usually preferred their own national systems, and the US statute expressly allowed changes to the volume of use of the invention.
55. Regarding changes to embodiments, three options were considered: permitting unlimited changes, limited changes, or no changes. There was strong support for allowing limited changes, but users were uncertain about how such limits should be set and concerned about their practical and systemic consequences. The challenge was to define a rule flexible enough to accommodate further normal technical development, but precise enough to avoid uncertainty for patentees and third parties. Existing case law, particularly extensive DE case law, might provide a useful basis for developing a detailed set of criteria, but the user consultation yielded inconclusive results on this point.
56. Finally, user preferences were explored regarding changes in the types of acts of use of the invention after the relevant date, i.e. whether a manufacturer could switch to importing the invention, or a retailer to manufacturing it, etc. The WG identified four approaches. These included both extremes: no changes in the types of use and unlimited changes were considered, neither gaining broad support. Two options between these extremes were also explored: the prior user could begin or continue use for the needs of the business, provided the general character of the business was not changed; and a two-pronged approach, whereby (a) Prior users who had manufactured or prepared to manufacture the invention could undertake any types of act reserved to patentee; whereas (b) Prior users who had not manufactured or prepared to manufacture the invention (e.g. had performed only commercial acts such as import or sale), could do any act done or prepared for prior to the critical date for the needs of their business. However, there was no user consensus. Some preference appeared to emerge for a more general, principle-based approach, but support for the “general character of the business” criterion might be driven by its lack of clear definition, which would then probably lead to variations in approach across jurisdictions, and not harmonisation.
57. Finally, data regarding the frequency of PUR issues across jurisdictions suggested that PURs were relatively rare in practice, as some reported encountering issues every few years. This led users to ask: if these issues arose infrequently, should there be more flexibility in how they are approached?
58. To conclude, PURs across B+ jurisdictions shared common policy objectives: protecting legitimate prior investments, balancing prior users’ and patentees’ interests, and promoting legal certainty. Overall, the B+ WG Report on PURs completed the study of PURs across Group B+ jurisdictions, filling the gaps left by the previous Report on options regarding areas of divergence of 2025. There was strong convergence on core accrual requirements, but greater divergence in

areas such as standards of behaviour and scope, which thus remained live issues for future discussion.

59. The value of this Report was twofold. First, it provided the Group B+ with a comprehensive evidence base regarding all elements within the SPLH package. Second, it identified areas of convergence and divergence regarding the scope and accrual of PURs, essential to define balanced and workable packages which could command cross-regional support, as per the B+ WG's envisaged workplan for 2026-2027.
60. The Chair thanked the B+ WG Chair and the B+ WG for their impressive work, which contributed a wealth of information on many topics, and opened the floor for comments.
61. A FICPI representative reported that their association was working on PURs. At a workshop in April 2026, PURs were found to be strongly related to the grace period, and it was explored whether a PUR in a grace period context could be much broader than the present national ones. Some held the view that it would be impossible to harmonise a PUR globally, even within the members of the Group B+. Overall, the FICPI representative noted that FICPI's work was still in progress and that the report of the workshop would be presented to the Group B+ upon completion.
62. A representative from JIPA thanked the UK Chair and the B+ WG for the comprehensive report and the consultation of users. The stakeholder meeting in February had been very meaningful for JIPA, which was committed to continuing work and discussions on SPLH.

8. Any other business

63. The Chair thanked all the user associations for their attendance. Their contributions were much appreciated and would be considered in the further work of the Group B+.

PART II – Meeting of the Group B+ delegations

1. Introduction

64. The Group B+ Chair welcomed the delegations and introduced the first topic, informing the Plenary that the AU Chair wished to hand over their responsibilities regarding the Core Group, but stressing that it was important that the Core Group continue its work.

2. Proposed workplan by Core Group on CAP – Discussion of future works

65. The AU Chair explained that they could not continue to chair the Core Group, as they regretted not having the resources to build momentum towards a successful agreement, which was what the users clearly wanted.
66. The IS delegation expressed the view that it was important to build on the existing work done within the Core Group, and that they would be interested in leading further development. At the same time, the delegation requested a shared commitment and asked whether there were any other member states willing to participate.

67. The FR delegation stated that they understood that IS might need support and that they could imagine assisting the IS delegation in this respect.
68. The Chair thanked the IS and FR delegations for co-chairing the Core Group moving forward and asked the AU delegation to provide input to facilitate the transition. The AU delegation gladly agreed to do so, thanking IS and FR for continuing this important work.
69. The US delegation thanked the AU Chair for their hard work and pointed out that the recommendation to table the draft agreement to serve as a valuable source of guidance was made by the WG, not one delegation. They also asked what form the work would take going forward, given that there appeared to be a great many differences of opinion.
70. The Chair suggested that the Core Group should continue working on CAP and focus on the question of whether an agreement on CAP should be binding or not, emphasising that more input was needed from the Group B+ for a clear position to be reached. This was the priority for next year.
71. The US delegation expressed its desire to work to find common ground and convergences in what has been developed until this time. Since there was going to be a transition, they suggested that the work be temporarily paused within this group, to allow AIPPI and other user groups to work on CAP.
72. The EPO delegation recalled that it was not active in the Core Group on CAP, since the issue had already been dealt with under the EPC 2000 framework. Extending thanks to the AU delegation for all their hard work as well as to the IS and FR delegation for their willingness to take over the task of co-chairing the Core Group, the EPO delegation supported that the work of the Core Group be continued. This was not a time to make a pause. It was surmised that the Core Group would work in close cooperation with the AIPPI and any other involved user associations, to be able to focus on the aspects indicated by the Chair.
73. The Chair concluded that the chairmanship of the Core Group was transferred to IS and FR; there would be no pause as users were keen for the work to continue; as a priority, the work would focus on whether an agreement should be binding or not through another consultation, and then work could resume on the drafting of the agreement; users should work together and the Core Group should take their views into account and propose a workplan to the Plenary for the next few years.

3. Proposed workplan by Voluntary WG on SPLH – Continuation of mandate (UK)

74. The B+ WG Chair began by requesting that the Group B+ members agree to the publication of the 2026 Report on prior user rights and Summary of stakeholder meetings on the Group B+ website.
75. A document outlining the B+ WG's proposal for future work was circulated prior to the meeting. The B+ WG Chair briefly recapped the work done by the WG to date. The B+ WG on SPLH was created in 2022 to carry out a comparative analysis of the reports on national and regional consultations held by Group B+ members following the publication of the IT3 elements paper on

SPLH. In the 2023 Report, the WG identified key areas of convergence and divergence of stakeholder views across B+ regions on the SPLH topics. Where stakeholder views diverged, options were set out for potential solutions. In 2024, the WG analysed the various options for identified areas of divergence and their acceptance by user associations, identifying a gap in the evidence base on the accrual and scope of PURs. This led to the 2026 Report on prior user rights presented here today. Thus, the Group B+ now had a comprehensive evidence base outlining the options regarding outstanding issues of SPLH, as well as stakeholder views on these options.

76. The goal of the B+ WG was to progress towards a package that can command broad cross-regional support. This was a complex process as there were many strongly held views on the SPLH issues across B+ regions. To reach a harmonisation agreement, it was essential that there be flexibility from all sides. Changes to national patent systems were inevitable.
77. To date, the WG had focused its analysis on individual SPLH topics. This had led to some success in narrowing down the number of options; however, it was now considering whether more flexibility could be achieved by analysing combinations of SPLH issues.
78. The WG was proposing, (1) to succinctly define norms, particularly in areas of convergence, which could form the basis of an SPLH package; and (2) where divergences remain, to propose a limited number of SPLH packages encompassing norms where convergence exists and containing different balanced, coherent and workable combinations of options on remaining areas of divergence, which also balanced the preferences and competing priorities of the different B+ regions. These could be used as tools to test priorities and flexibilities across those regions.
79. Users were consulted on this proposal, and it received broad support, with no suggestions for alternative work. Users requested that the WG focus on a limited number of packages and identify how they balanced the interests of each B+ region. The structure of the work will follow previous work cycles, beginning with internal work to conduct an analysis and define a limited number of balanced and workable packages, then testing stakeholder preferences reporting its findings back to the Plenary meeting in 2027.

4. Discussion of future work on SPLH

80. The DE delegation indicated that in principle, they agreed with the way forward, provided this led to an overall comprehensive and balanced package. The UK Chair agreed that this should be the ultimate outcome.
81. The Group B+ Chair noted that this would mark a shift from analysis to synthesis, with different options and combinations of possibilities which might not be agreed by all, but from which viable branches could be selected. He concluded that the members of the Group B+ agreed to the publication of the Report on PURs and the detailed summary of the stakeholder meeting in February 2026, as well as to the 2026-2027 workplan of the B+ WG.

5. Discussion and approval of Meeting Statement

82. The Group B+ Chair requested that the Secretariat draft a Meeting Statement and a detailed Summary of Discussions, reflecting the overall proceedings and decisions made today, which, once approved by the Chair, would be circulated for approval by the Group B+ members. The Chair thanked the EPO for holding the Group B+ Secretariat this year and stated that the JPO would take over the Secretariat in the coming year. The Chair extended special thanks to Ms Sylvie Strobel (EPO), who was due to retire shortly, for her decades of commitment and hard work on the subject of the SPLH. The EPO confirmed that the Meeting Statement and Summary of Discussions would be drawn up in a timely manner and that they would facilitate the Secretariat hand-over to the JPO, for which the JPO expressed their gratitude.

6. Any other business

83. The Group B+ Chair noted that the foreseen update of the Intergovernmental Standard Network (ISN), co-chaired by the CA/UK/US, was ultimately not on the agenda this year. It was queried whether the ISN members could give a presentation on their progress and outcomes next year. The US delegation stated that from their own perspective, they would be happy to make available to the group any useful information on the ISN's work, during next year's plenary meeting.

84. Mr Pascal Faure then announced that, as he had been nominated (since then: appointed) as Deputy Director General for Copyright, Creative Economy and IP Governance at WIPO, he would no longer be able to serve as Chair of the Group B+. He wished to thank his team and the members of the Group B+ and indicated that a new Chair should be found to lead the Group B+ in the coming year.

85. The UK delegation thanked the Chair for his work and the fantastic progress under his leadership. Although the UK had no mandate at this time to indicate an official interest, the UK was aware of what was needed in this role, having led the Group previously, and would consider it, recognising the importance of the work within this Group.

86. The JP delegation expressed their thanks for the Chair's outstanding leadership. His dedication had been instrumental to the progress of the work, and they congratulated him on his new role and looked forward to working with him further.

87. The EPO delegation also congratulated the Chair on his appointment, a prestigious post at any time, but a particularly challenging and important one in the times of the Artificial Intelligence revolution. They thanked the Chair for his vision, leadership and skilful guidance of the Group B+. His insight and steady hand in creating the voluntary B+ WG on SPLH had resulted in valuable and lasting contributions to the pursuit of SPLH, for which many delegations were deeply grateful.

88. The Chair thanked the delegations and wished the Group B+ well in its future work, expressing satisfaction that packages of norms would be explored and hoping that SPLH efforts would ultimately reach a successful conclusion in the not-too-distant future.