

# GROUP B+ PLENARY MEETING

## Geneva, 16th July 2024

### MEETING STATEMENT

On Tuesday 16 July 2024, 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 (France), chaired, and the Group B+ Secretariat, the Japan Patent Office (JPO), hosted the meeting.

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

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

#### ◆ Client-Attorney Privilege update (Australia (AU))

The Group B+ Core Group gave an update on their work on cross border aspects of client-attorney privilege (CAP) and announced their future work proposal. The delegation of Australia took over the position of leading the Core Group from the delegation of Switzerland and invited B+ members join in progressing work on CAP. The user associations expressed their deep appreciation and support for the work of the Core Group, which dealt with a matter of great importance for users.

#### ◆ Report on the AIPPI-FICPI-AIPLA colloquium on SPLH (AIPLA, AIPPI, FICPI)

The AIPLA, AIPPI and FICPI presented the outcomes of the Substantive Patent Law Harmonization (SPLH) colloquium held in June 2024 in Munich. AIPLA, AIPPI and FICPI announced that they intended to publish a joint statement very soon and expressed the intention to continue to hold similar events to discuss key issues of SPLH. The Group B+ members expressed that they were happy to contribute to the colloquium hosted by the users because it was very productive and encouraged the continuation of those discussions.

#### ◆ Presentation on European alignment exercise (European Patent Office (EPO))

The EPO reported on behalf of the European delegations on the ongoing European alignment process regarding SPLH, designed to allow European delegations to reach common positions on best practice and possible flexibilities on contentious SPLH issues, namely grace period, conflicting applications and prior user rights. The Chair expressed the importance of providing flexibility on the different options and thanked the EPO, the European delegations and European user associations for their efforts in this regard.

- ◆ Report on the work of the voluntary Working Group on SPLH (United Kingdom (UK), WG Chair)  
The Chair of the voluntary Working Group (WG), Mr. Julyan Elbro (UK), presented the current status of the work, namely the analysis of existing studies and the progressing analysis of the consultation with users (meetings and questionnaire). The user associations expressed their appreciation for the activities of the WG and the Chair emphasized the importance of building global solution together through dialogue among the group B+ members and users.

## Part II: Meeting of the Group B+ Delegations

In the second part of the meeting, the Group B+ delegations discussed future work.

- ◆ Proposed workplan for the voluntary Working Group on SPLH – continuation of mandate (UK, WG Chair)  
The Chair of the WG presented the proposed future workplan for the second half of 2024 and 2025. The Chair concluded that the WG would continue their future work effectively and efficiently and refer to the outcomes of other efforts regarding SPLH, such as the European prior user right study and the results and proposals of the SPLH colloquium hosted by users. In the second half of 2024, the WG will incorporate the results of the questionnaire and the analysis of both these results and the feedback received during the user consultations in the report of prior studies and circulate an updated report to all Group B+ members. The WG will also initiate discussions with users, including the associations that organized the colloquium (AIPPI, FICPI and AIPLA) to seek a way to produce synergies between their efforts and the work of the WG, and potentially adjust its work plan for 2025 in consequence. In 2025, the WG will commence a study focused on Prior User Rights (PURs). It will also continue to engage as appropriate with user associations on the substance of the final report, in particular on issues where divergences remain and further exchanges may be helpful.
- ◆ Proposal for work on Standard Essential Patents (Canada (CA))  
The delegation of Canada proposed to pause discussions on Standard Essential Patents in the group B+, in view of the discussions on SEPs launched in collaboration with the delegations of the United States (US) and UK. The Chair requested delegations of CA, US and UK to report progress of those discussions at the next session of the Group B+ plenary meeting next year.

The Chair announced that the USPTO would be taking over the Secretariat of the Group B+ for the upcoming year and thanked the JPO for their dedicated work as Secretariat in the past year.