

B+ Workstream Chairs' Update

Prior User Rights

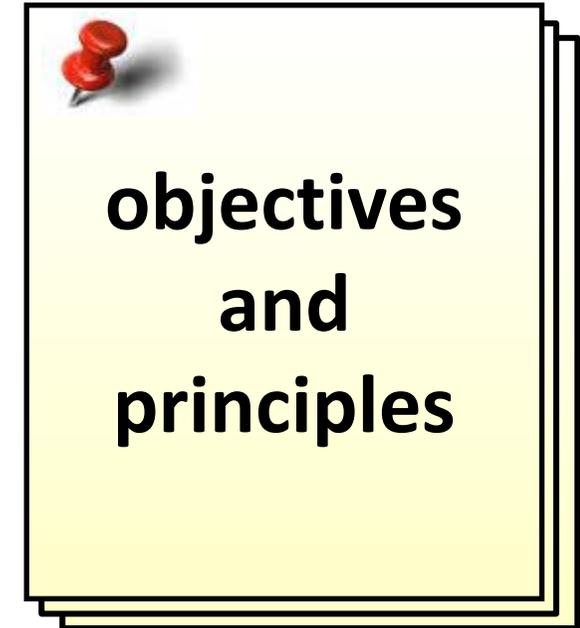
23 February, 2016

JAPAN PATENT OFFICE

□ Group B+ endorsed the objectives and principles, with commentary on potential outcomes produced by B+ sub-group.

□ Group B+ agreed to explore the following areas:

1. Non-prejudicial disclosures/grace period (including relationship to third party rights);
2. Conflicting applications;
3. **Prior user rights issues**
(besides those involving the grace period)
4. Options for implementation.



- ❑ The proposals should be consistent with the objectives and principles endorsed by Group B+
- ❑ The proposals should take into account the views of industry and all other interested stakeholders
- ❑ The proposals should comprise a set of measures which together will have a positive impact on the objectives of the global patent system

1. Based on the “Objectives and Principles,” advance discussions on issues that we did not reach consensus on
2. By making maximum use of the Industry Trilateral Paper, discuss the differences between the “Objectives and Principles” and the Industry Trilateral Paper
3. Present other issues to be discussed

“Objectives and Principles”

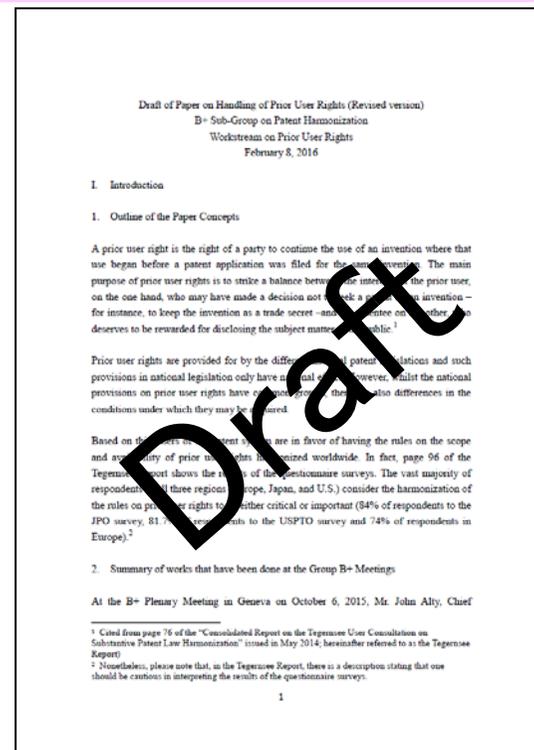
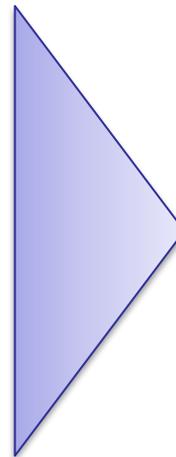
* OBJECTIVES AND PRINCIPLES, WITH COMMENTARY ON POTENTIAL OUTCOMES

prepared by the Chair

Industrial Trilateral Paper

* Policy and Elements for a Possible Substantive Patent Harmonization Package (May 2015)

Others



1. Issues to Be Discussed, on which Consensus Is Not Reached in the “Objectives and Principles”

Issue 1: Requirements for Accrual of Prior User Rights

Issue 2: Critical Date for Accrual of Prior User Rights

2. Issues to be considered based on the “Objectives and Principles” and the Industrial Trilateral Paper

Issue 3: Necessity and Interpretation of Acting “in Good Faith”

Issue 4: Territorial Scope of Prior User Rights

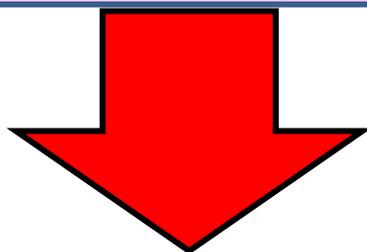
Issue 5: Exceptions to Prior User Rights based on Types of Patent Rights Holders

3. Other Issues

Issue 6: Acts enabling Prior User Rights to be applied

Issue 7: Expansion of Business Activities, Modification of Embodiments of Inventions and Changes in Types of Acts of Working Inventions

- 1. Circulate the results of WS Meeting (Early March)**
- 2. Review the Draft based on member comments and circulate the reviewed Draft (Mid-March)**
- 3. B+ Subgroup Meeting (in London on May 17-18)**



October Group B+ Plenary Meeting

Thank you!