

Standing Committee on the Law of Patents

Seventeenth Session
Geneva, December 5 to 9, 2011

REVISED RULES OF PROCEDURE

Document prepared by the Secretariat

1. The rules of procedure applicable to the Standing Committee on the Law of Patents (SCP) were adopted at its first session, first part, held in Geneva from June 15 to 19, 1998 (see document SCP/1/2, paragraphs 5 to 11), and were amended subsequently at its second session, held in Geneva from April 12 to 23, 1999 (see document SCP/2/2). In essence, the WIPO General Rules of Procedures apply to the SCP, subject to the modifications introduced by the special rules of procedure adopted at the above mentioned sessions of the SCP.

2. At the forty-eighth session of the Assemblies of the Member States of WIPO, which was held from September 20 to 29, 2010, the WIPO language policy was adopted unanimously as follows (see paragraph 250 of document A/48/26):

“The Assemblies of the Member States of WIPO:

- (i) took note with appreciation of the information contained in document WO/PBC/15/9 as a positive step towards the establishment of a policy on languages at WIPO;
- (ii) requested the Secretariat to increase the share of outsourced translation, in particular to developing regions/countries, in accordance with WIPO procurement rules, and take necessary measures to ascertain that the quality of the outsourced translation is up to standard, and submit to the next session of the PBC (Program and Budget Committee) information on the savings that may be derived from such increased outsourcing;

- (iii) requested the Secretariat to establish rigorous criteria with respect to outsourcing options;
- (iv) welcomed the initiatives taken by the Secretariat to introduce electronic recording of conference proceedings and, progressively, webcasting thereof on the WIPO website, and requested that this be extended to all official meetings of WIPO;
- (v) recognizing that more concise working documents would facilitate deliberations, approved the proposal made by the Secretariat to further reduce the average length of the working documents, on the understanding, however, that such further reduction would not be a statutory requirement but an indication of principle, and that while quality of information should be ensured, it would not apply to documents submitted to the Secretariat by Member States;
- (vi) adopted the proposal made by the Secretariat in paragraphs 40 and 41 of document WO/PBC/15/9 (whereby exceptionally voluminous documents and support papers (studies, surveys) that may be commissioned by certain committees will be made available only in the original languages, with a summary to be prepared by the Secretariat in all six languages) on the understanding, however, that if a Member State or a group of Member States were to express specific interest in one of such documents, the Secretariat would translate its full text in the required language;
- (vii) noted with appreciation that through immediate implementation of the provisions of (v) and (vi) above, the Secretariat will be able to extend language coverage to all six official languages of the UN (Arabic, Chinese, English, French, Russian and Spanish) for documentation of the SCCR and SCT as from January 1, 2011. It is understood that, as a first stage, the implementation of the extended six language coverage to other WIPO Committees, as defined in document WO/PBC/15/9, is proposed to begin as of 2012. If resource adjustments are required by the introduction of the new policy, these will be factored into the draft Program and Budget for 2012/13 after consideration by the PBC;
- (viii) noted that the resource adjustments for beginning implementation, as of 2012, of the extended language coverage to WIPO Committees, as defined in (vii) above and in document WO/PBC/15/9, as well as to Working Groups, shall be discussed in the context of the program and budget process for 2012/13. In order to facilitate the discussions under this process, the Secretariat shall, as a first step, provide detailed information on current resources under Program 27 by November 25, 2010. The Chair or Vice-Chair of the PBC shall convene, within this process, a dedicated half-day informal consultation in conjunction with the extraordinary session of the PBC in January 2011 with a view to having a clear understanding of the cost implications as a result of the introduction of the new policy. Based on the financial information provided by the Secretariat, a decision concerning the extended language coverage for the Working Groups shall be taken at the next formal session of the PBC in 2011;
- (ix) decided that the progress made in the implementation of the new policy, and follow-up on the 2000 decision of the Assemblies of the Member States of WIPO (paragraph 14 of document WO/PBC/15/9 refers), will be

discussed at the next formal session of the PBC in 2011, with a view to making recommendations thereon to the September 2011 WIPO General Assembly;

- (x) noted that the extension of language coverage in the WIPO Committees would be reflected in the language section of the rules of procedure of the respective WIPO Committees.”

3. Further, at the forty-ninth session of the Assemblies of the Member States of WIPO, which was held from September 26 to October 5, 2011, the Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation of the PBC made in respect of document WO/PBC/18/15, as recorded in document A/49/16 (see paragraph 183 of document A/49/18 Prov.):

4. Consequently, it is proposed to adopt two special rules of procedure for the SCP concerning the language coverage of SCP documents. Specifically, it is suggested that:

- (i) the working documents of the SCP shall be prepared in the six official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish);
- (ii) notwithstanding subparagraph (i) above, exceptionally voluminous documents and support papers (for example, studies and surveys) shall be made available only in the original language, together with a summary of approximately ten pages to be prepared by the Secretariat in all six official languages, on the understanding that if a Member State expresses specific interest in the translation of one such document, the Secretariat will translate the full document into the required language.

5. It is also suggested that the proposed special rules of procedure will enter into force on January 1, 2012.

6. *The SCP is invited to adopt the special rules of procedure set out in paragraphs 3 and 4, above.*

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