



## **RESOLUTION**

### **Harmonization of Patent Systems**

As the Industry Trilateral comprising representatives of industry from Europe, Japan, and the United States, the Union of Industrial and Employers' Confederations of Europe (UNICE), the Intellectual Property Owners Association (IPO), the American Intellectual Property Law Association (AIPLA), and the Japan Intellectual Property Association (JIPA):

Desiring promotion of the harmonization of the world's patent systems that will reduce costs for applicants and industrial property offices, promote legal certainty, and reduce pendency;

Expecting that the Trilateral Patent Offices (the European Patent Office, the Japan Patent Office, and the United States Patent and Trademark Office) will take the initiative in making efforts to achieve harmonization of patent systems;

Recognizing that the Patent Law Treaty (PLT), which harmonizes certain procedural formalities of patent law, entered into force on April 28, 2005, without the participation of most of the member states represented by the Trilateral Patent Offices, and that there has been a delay in adopting the Substantive Patent Law Treaty (SPLT) due to the divisive discussions on the SPLT;

Believing that phased harmonization starting with the formality aspect is needed to advance toward harmonizing the patent systems;

Further recognizing that the Patent Cooperation Treaty (PCT), one of the treaties for harmonizing the formality requirements, is already in wide use and contributing to patent formality harmonization;

Therefore recommends:

- that patent offices should move towards the adoption of a common patent application standard so that conforming applications can be electronically filed and prosecuted in any patent office without the need for any change to accommodate local rules;
- that a first step towards this goal should be the adoption of a common patent application

format by the Trilateral Patent Offices, based generally on the PCT format, so that conforming applications (i) can be filed, preferably electronically, without the need for any change in the submitted application to accommodate national/regional rules, and (ii) will facilitate machine translation of the application;

- that in support of this first step, the Trilateral Patent Offices give high priority toward ratification of the PLT, particularly to promote harmonization of the description requirements in conformity with the PCT format to enable applicants to submit the filing documents to the Trilateral Patent Offices using the same format; and,
- that the Trilateral Patent Offices continue their efforts to support harmonization of substantive aspects of laws governing the statutory protection of inventions that can permit a common search, particularly in line with the agreement reached during the Informal Consultations convened in Casablanca by the Director General of the World Intellectual Property Organization, and urge the Standing Committee on the Law of Patents to adopt at its meeting on June 1 and 2, 2005 the work program recommended for it in the Statement Adopted at the End of Informal Consultations, contained in the Annex to WIPO Document SCP 11/3.

Philippe de Buck  
UNICE Secretary General



Naoto Kuji  
President of JIPA



J. Jeffrey Hawley  
President of IPO



William C. Rooklidge  
President of AIPLA

