# Towards International Patent System

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## 1. Introduction.

Patents, like other intellectual property rights, are territorial in nature. The scope and content of the rights granted in each country are determined by national law, and the operation of those rights is confined to the territory of the country. As a result - there are currently over 120 national patent systems throughout the world, each challenging inventors with opposing (sometimes diametrically) procedures, examination rules, substantive provisions, and even philosophies.

Unfortunately, because of the very nature of inventions (intangibility, dematerialization, deterritorialization) rights that protect them can be easily infringed; and what's more - not only in the country of origin but also abroad. Globalised, and "digitalised" present-day life make those infringements much more easier; creates new, serious legal, political or technological problems. Technology-based, international focused enterprises as well as common inventors need strict patent protection in a number of countries; on the other hand, countries (and their governments) are providing effective patent systems, because they want to attract foreign investment and encourage technological development.

For many the best solution to all these problems, challenges and aspirations is to create one, common and **unitary, world-wide patent system** with one patent office issuing "world patents" which are valid in all countries, with one set of procedures and unified substantial law, with one system of courts all around the world. This paper will focus on presenting a current state of the global patent system with its most significant "pillars" (Paris Convention, TRIPS Agreement, the PCT System, the PLT). In the second part there will be a discussion about new initiatives and works, conducted under the auspices of the World Intellectual Property Organization (the SPLT, reforms of the PCT system, the "global patent"), and consideration if there is a chance to create such a system.

## 2. A bit of history (Paris Convention and TRIPS)

The history of creating a world-wide patent system is not new. Patent laws have been an area of longstanding and - what's should be emphasised - successful international collaboration for over 100 years. Beginning with the Paris Convention, the international community created a common system, based on the essential insight that an inventor's contribution benefits all people in the world, and that an inventor's right to a patent should not be limited by national boundaries.

The Paris Convention for the Protection of Industrial Property is the oldest international agreement dealing with intellectual property.[1] Convention has built the cornerstones of today's international patent system by introducing the principle of national treatment (under a treaty a state cannot provide preferential treatment under its intellectual property law systems to its own nationals at the expense of non-nationals[2]) and the 12-month priority right for foreign filings (the so-called *right of priority* which provides that an applicant for a patent in any signatory state has a grace period of one year in which to file in any other member state and claim priority to the initial filing date). But the Convention does not deal with issues as subject matter, minimum term of patent protection etc. What many consider as another major shortcoming of this treaty is that "it leaves its implementation up to the discretion of each individual signatory rather than incorporating uniform implementation provisions".[3] Because of that Paris Convention may appear as an elderly (although meritorious) tool of international harmonization, but not as an effective basis for new global system.

Multilateral negotiation efforts in the second halt of the 20th century concentrated on two main fronts. First - countries tried to adjust old treaties (like Paris Conventions) to quickly changing conditions. On the other hand there were completely new initiatives, like for example the TRIPS Agreement. In 1994, the signatories of the General Agreement of Tariffs and Trade (now the World Trade

[1] A. Sabatelli, *Impediments to Global Patent Law Harmonization* (Northern Kentucky Law Review, Vol. 22, 1994-1995), p. 591. The Paris Convention was drafted in 1880, ratified in 1883, became effective in 1884, and then was revised six times (the last time in Stockholm in 1967).
[2] *Id*, at p. 591.
[3] *Id*, at p. 593.

Organization, WTO) signed the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The agreement deals with some fundamental issues: how basic principles of the trading system and international intellectual property agreements should be applied; how to give adequate protection to intellectual property rights; how countries should enforce those rights adequately in their own territories; or how to settle disputes on intellectual property between members of the WTO.[4] Hence it was not surprising that many commentators view the Agreement as the "**most ambitious international intellectual property convention ever attempted**".[5] The TRIPS Agreement is the first international treaty which prescribe minimum standards for central substantial aspects of patent law, such as patentable subject matter[6] and term of protection[7]. But what seems to be the most significant is that the TRIPS requires that all countries should enact domestic legislation to implement the minimum levels of patent protection provided by the Agreement[8] and by doing so, this treaty constitutes a next significant step towards international patent system.

### 3. Patent Cooperation Treaty (PCT)

Concluded in 1970 in Washington, amended in 1979, and modified twice (in 1984 and 2001), the WIPO-administered Patent Cooperation Treaty[9] (PCT) makes possible to seek patent protection for an invention simultaneously in each of a large number of countries (123 in January 2004) by filing an "international patent application". The PCT didn't create a unitary "world patent"; it is only a legal tool of harmonization of formalities. And even more - the PCT process doesn't result directly in the issuance of any national patent in Contracting States.

[4] For more details see: http://www.wto.org/english/tratop_e/trips_e/trips_e.htm.
[5] John A. Guist (in: A. Hasson, *Domestic Implementation of International Obligations: The Quest for World Patent Law Harmonization*, Boston College International & Comparative Law Review, Vol. 25, 2002, p. 374).
[6] Article 27 provides that "patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application".
[7] Art. 33 specifies that "the term of protection available shall not end before the expiration of a period of twenty years counted from the filing date".
[8] A. Hasson, *Domestic Implementation of International Obligations*, p. 376.
[9] All details (legal texts, PCT filing, news, information service and much more) are available on the Internet site http://www.wipo.int/pct/en/index.html.

It provides something different: a swiftly, "efficient, and cost-effective way to enter into the patenting process in may different countries at one time"[10].

The most important reason to conclude the Treaty was to deal with the problem related to the *doctrine of nationality* (or *territoriality*).[11] Accordingly, a patent is effective only within the territory of the state which grants it. This principle is expressed in Article 4-bis (par. 1) of the Paris Convention for the Protection of Industrial Property:

> Patents applied for in the various countries of the Union by nationals of countries of the Union shall be independent of patents obtained for the same invention in other countries, whether members of the Union or not.

Basic legal textbooks also underline this characteristic of patents. For example in "Blacks Law Dictionary" patent is defined as a "the governmental grant of a right, privilege, or authority".[12]

A normal way of obtaining a patent in such: an applicant file in his domestic patent office (for example, in the United States), and - in accordance with special procedure governed by national (U.S.) law, he can obtain a patent which is effective only in this country. But if an applicant wants to apply for foreign patents on his invention (and, consequently, to gain full and better protection of his invention worldwide), he has to file a patent application separately in every country in which he wishes to have that protection. Formal and procedural requirements are determined by national legislations, and differ very often in a number of ways. As s result, this "traditional" way of filing a patent application in foreign countries makes this whole process extremely difficult, time-consuming, and expensive. Sometimes it ends without gaining an expected result - an applicant (e.g. international corporation seeking to establish new business opportunities abroad) after spending money and time has to resign.

This "traditional" mode has another shortcoming (what was mentioned above): in countries which are parties to the Paris Convention (most of the countries in the world are signatories to the Convention) once national patent application is on file, applicant has 12 months to claim the priority of the national

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[10] H. M. Eisenberg, *Patent Law You Can Use. Patent Cooperation Treaty (PCT)*, 2001 (http://www.yale.edu/ocr/invent_guidelines/docs/PCT.pdf), p. 2.
[11] See: Peter D. Rosenberg, *Patent Law Fundamentals*, Clark Boardman Company Ldt. New York, 1975, p. 318.
[12] *Black's Law Dictionary*, p. 1147 (emphasis added).

filing date in foreign countries.[13] One year, however, is not always a sufficient time, especially to examine thoroughly the new sophisticated inventions (by a patent office) and decide about the business strategies (by an inventor). Within one year "it is unlikely that prosecution of the application will have proceeded to the point that a good assessment of the patentability of the invention can be made. Additionally, at this time, the commercial value of the invention might not yet be established"[14]. These are the reasons for which the Patent Cooperation Treaty (and PCT System) was established.

The PCT process consists of several separate stages and works as follows: an application may be filed by anyone who is a national or resident of a Contracting State. It may generally be filed with the national patent office (the so-called "Receiving Office") of the Contracting State of which the applicant is a national or resident or, at the applicant's option, with the International Bureau of WIPO in Geneva[15] immediately or with one year of the filing of a patent application in home-country. In accordance with Article 3 (par. 2) of the Treaty the PCT patent application shall contain: a request, a description, one or more claims, one or more drawings (where required), and an abstract. Of course, as we can read in Article 27 (1):

> No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.

The international application is then subjected to what is called an "international search" (a patentability search). That search is carried out by one of the major patent offices appointed by the PCT Assembly as an International Searching Authority (ISA). The said search results in an "international search report" that is, a listing of the citations of such published documents that might

[13] Art. 4 of the Paris Convention established in Article 4 so-called "right of priority": (par. 1) "Any person who has duly filed an application for a patent (...), in one of the countries of the Union, or his successor in title, shall enjoy, for the purpose of filing in the other countries, a right of priority during the periods hereinafter fixed". It means that if an applicant files in a foreign county within one year of filing in the home-country, he is considered to have filed in this foreign country **on the some day** as he filed in his country.

[14] H. M. Eisberg, *Patent Law You Can Use*..., p. 2.

[15] If the applicant is a national or resident of a Contracting State which is party to the European Patent Convention, the Harare Protocol on Patents and Industrial Designs (Harare Protocol), the revised Bangui Agreement Relating to the Creation of an African Intellectual Property Organization or the Eurasian Patent Convention, the international application may also be filed with the European Patent Office (EPO), the African Regional Industrial Property Organization (ARIPO), the African Intellectual Property Organization (OAPI) or the Eurasian Patent Office (EAPO), respectively.

affect the patentability of the invention claimed in the international application. This report is issued about 16 months after the priority date of the application.[16] Correctly filed international application cause very important legal consequences: an application fulfilling the requirements shall be equivalent to a regular national filing (Art. 11 (4) of the PCT); it means that a date of filing an international application is considered as a date of filing in all countries designated.

At 18 months after the initial filing, the PCT publishes the application[17] and this whole stage ands at 20 months after the priority date (it's usually 8 months after filing the PCT application). But sometimes it is necessary (or just advantageous) to continue the PCT process, so very often it last 30 or even 31 months (!). This additional time is obtained by filing a Demand for the "International Preliminary Examination" (Chapter II of the Treaty). If the additional stage is not used or after it, the whole process is transmitted to the national offices for further examination. In the end, however, these are national patent offices who finally grant (or not) patents.

Taking all abovementioned provisions, procedures and facts into account we can easily indicate meaningful advantages of the PCT System:

(a) it facilities to draw up an uniform application document (one pattern of documents, one language);

(b) it extends considerably the period of time necessary to make profitable decisions (technical as well as business);

(c) it guarantees so-called domestic effect for an international application;

(d) it reduces significantly costs of the application procedure (PCT application is cheaper than the sum of national applications);

(e) it rationalizes obtaining an application date in each designing state (one "international search report");

(f) it helps to avoid duplication of work among offices (the international check is not repeated in each state's patent office).

Because of all that the PCT System is considered as **a great success in the field of harmonization** world patent systems. This system extends to 123

[16] H. M. Eisberg, *Patent Law You Can Use*..., p. 3.
[17] It can be retrieved on the website of the European Patent Office: www.espacenet.com.

Contracting States (status on January 15, 2004), and examines a total of 115.000 international applications.[18] As the *WIPO Patent Agenda*[19] states:

> States overwhelmingly take the PCT not only as an important tool today, but as a key part of any system for international protection of inventions in the future. This does not imply that it is essential that the PCT evolve into a system for granting patents instead of the current system for easing the process of application for patents. Rather, this is an established and trusted system, which gives States and users a solid basis for any further developments which may be desired.

### 4. The Reform of the PCT

There is, however, a strong filling of the indispensability of changes in the Patent Cooperation Treaty (and PCT System as well) in order to make it simpler, more useful, user-friendly, flexible, and - of course - cheaper. Two bodies have been set up to consider proposals for reforms and to make appropriate recommendations: the Committee on Reform of the PCT and the Working Group on Reform of the PCT.

Some of the main objectives are short-termed; they concentrate on simplifying procedures and adjusting them to the new requirements under the Patent Law Treaty (see next point). But there are also tasks which we can characterised as long-termed, and they are connected with much more serious challenges and problems. Some of international experts speak about a state of **crisis in which the global patent system currently is**. Other indicate that existing patent regime is simply an "old" one, for the simple reason that it dates back to the Paris Convention.[20] Bruce A. Lehman, the President of the International Intellectual Property Institute, lists factors which pose this crisis: the increasing complexity of inventions, the expansion of patentable subject matter, the globalization of the patent system, the increased number of applications in many patent offices; Geller adds that this system can no longer adequately process new technologies.[21] As a result, "extremely powerful property rights are granted (...) with minimal scrutiny [because many small patent offices cannot effectively

[18] Now it is WIPO's main activity and... a very profitable business. In 2002 organization generated fees of more than $120 million which is over 80% of WIPO's total income.
[19] *WIPO Patent Agenda*, pt. 119.
[20] P.E. Geller Geller, *An International Patent Utopia?* (Journal of the Patent and Trademark Office Society, Vol. 85, 2003) p. 582.
[21] B. A. Lehman, Lehman, *The Need for A Stronger PCT* (presented to the Conference on the International Patent System, WIPO, Geneva, March 27, 2002; available at http://www.wipo.int/patent/agenda/en/meetings/2002/presentations/lehman.pdf*PCT*), p. 1.

examine technologically sophisticated patent applications] and raises questions of fairness for (...) citizens who will be required to respect those rights under penalty of law"[22]. What, in Lehman's view, the WIPO should do, is to create (under the administration of the PCT) "a 'virtual' search and examining authority"[23] to assess if there is a reasonable likelihood of patentability. This could be achieved by organizing national (even small) offices and by dividing tasks between them in order to avoid duplicative effort under the auspices of the World Intellectual Property Organization. Some of the biggest national/regional patent offices have already organized system of reciprocal exchange of data. For example, U.S. patent examiners have an access to the databases of the European Patent Office and the Japanese Patent Office. The WIPO in the cooperation with these big offices is going to accumulate global collections of all sorts of data (especially of patent and non-patent prior art) and made it available electronically to the examiners wherever located in the world.

Developed countries (in particular the U.S.) go one step further - they want to make the PCT decisions binding on member states, so that there would no longer be total freedom for national/regional patent offices to assess the merits of international patent applications independently. But developing countries oppose that (more detailed view in point 6) .

**5. The Patent Law Treaty (PLT)**

The PLT adopted in 2000 by the WIPO member states[24] is considered as a second "pillar" of international patent system *in statu nascendi*. This agreement harmonizes the formal and procedural requirements involved in patent application process. One common set of rules has been designated to deal with the questions of administrating patent applications: how to prepare, file and manage patents. What seems the most significant under the Treaty provisions is that the

[22] *Id*, at p. 2.
[23] *Id*, at, p. 3.
[24] 43 States signed the Treaty and 104 States, the European Patent Organization (EPO), the Eurasian Patent Office (EAPO) and the African Regional Industrial Property Organization (ARIPO) signed the Final Act of the Treaty. The PLT was open for signature until June 1, 2001 and, as of today, 53 States and one intergovernmental organization have signed the Treaty. The PLT will enter into force three months after ten States have deposited their instruments of ratification or accession with the Director General of WIPO.

requirements on the form of an application are very low that it will be possible to submit it... long before an invention is completed. The PLT requires only something which seems "intended to be an application" (Article 5 par.1-a-i) and contains "a part which on the face of it appears to be a description" (Art. 5 par.1-a-iii). And even more - it will be the patent office that is responsible for collecting further information from an applicant. Problems to comply with some formal requirements will not invalidate the patent, unless the "fraudulent intention" can be proved. All of these provisions prove that the Patent Law Treaty show favor to the patent applicant to a much greater extent than most national patent laws. The PLT was open for signature until June 1, 2001, but only seven of the 54 signatories has ratified the Treaty so far.

**6. Harmonization of substantive patent law**

All of those procedural and administrative simplifications would be of little value if countries maintained differences in substantive patent law. Such differences, like for example the conflict between the "first-to-file" and the "first-to-invent" system, can (according to B. A. Lehman) "create **a balkanized world international property system**"[25].

In order to avoid the state of international legal partition countries embarked on (under the auspices of the World Intellectual Property Organization) discussions on further global harmonization not only in the field of procedural or structural , but also substantive patent law. The Standing Committee of the Law of Patents (SCP) was established and now is working on the draft of the Substantive Patent Law Treaty (SPLT). The main objective of work is "to achieve enhanced legal certainty whilst continuing to streamline and simplify practices and procedures, reduce costs and maintaining quality in the rights granted" . Among the major substantive aspects under discussions we can list: uniform definition of patentable subject matter, definition of prior art, novelty, industrial applicability, inventive non-obviousness, the drafting and interpretation of claims, post-grant

[25] B. A. Lehman, *The Future of the Global Patent System* (a speech presented at a Conference on "Company Management and Intellectual Property - The New Challenge", Copenhagen, Norway, January 19, 2001; available at http://www.iipi.org/newsroom/speeches/Copenhagen%20011901.pdf).
[26] WIPO Patent Agentda, point 48.

opposition, uniform interpretation, examination and grant procedures, remedies, and enforcement.

In the 1980's there was first attempt to create harmonized substantial patent law. Appropriate draft treaty (also negotiated within the WIPO) was proposed, but it was never adopted due to divergences on issues such as the first-to-file vs. the first-to-invent systems (the U.S. refused to give up the first-to-invent principle). This time the U.S. seems to resign with its cherished principle, but it doesn't mean that the creation of the SPLT is easier. The whole process of harmonization faces a great number of challenges, problems, as well as limitations of diverse nature.

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On the legal field we can distinguish some problems which range from fundamental differences in the national patent systems (in particular between American and European systems):

*(a) technical character of invention*

In most of European countries there is an important requirement of "technical progress". In this point EU system differs dramatically from the U.S. patent law, which seems to patent "anything made by man under the sun"[27] and thus enables for example business methods (which cannot be consider as "technical") to be patentable.[28] In the United States patent protection is extended to "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement"[29]. As D. Sabatelli emphasized, "the scope of patent protection has been extended to cover computer programs, when entwined with a patentable process, genetically engineered non-human organisms and therapeutic methods of treating humans"[30]. But in order to expand their commercial opportunities the Americans want recognition of such patens protecting their business (and other) methods not only in the U.S. but in the whole world. European countries (and some other, like Brasil for example) say "no" and wish to retain the requirement that invention present a technical character.[31]

[27] As expressed by Judge Rich in 1979 (in: M.N. Meller, *Planning for a Global Patent System*, Journal of the Patent and Trademark Office Society, Vol. 80 (1998), p. 388).
[28] Such as Amazon.com's one-click patent for ordering online.
[29] 35 U.S.C. § 101 (1988).
[30] A. Sabatelli, *Impediments to Global Patent Law Harmonization*, p. 586 (footnotes omitted).
[31] The SCP discussions on this point have been postponed.

*(b) exclusions of patentability*

In this field there is also a great divergence between American and European position. The Americans want no exclusions to patentability in the SPLT at all, but European countries (and most of the developing countries) wish to incorporate special exception clauses, at least those offered in the TRIPS Agreement (morality or public order). Furthermore, many technological areas, like pharmaceuticals or foods, are considered by the developing countries as being in the public domain and beyond patent protection. [32]

*(c) grace period*

The U.S. patent law provides for a 12-month grace period after public disclosure of an invention during which the inventor can change and optimize the paten application. The rest of the world recognizes no such grace period.[33]

*(d) other issues (e.g. industrial utility, first-to-file controversy)*

Other aspects of substantive patent law seem to be subject of compromise, but there still be a serious problem with issues like these mentioned in (a) and (b). Some even argue that this is advisable to remove such complicated issues from the SPLT. Only one question comes to mind: will the whole harmonization process become then just an illusion?

The reason why these legal divergences are so crucial is because the SPLT, unlike the TRIPS Agreement, is intended to achieve really challenging goal: to establish a maximum standard for all participators and thus ban on additional national criteria. This is a truly revolutionary change: "TRIPS defines a harmonization floor (the minimum standard), but SPLT will raise the floor and add a ceiling (...). While today countries are free to make any additional requirements to grant a patent unless the matter is explicitly regulated by TRIPS, in the future they [participating countries] would only have such options if the SPLT explicitly specifies them".[34]

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[32] The SCP has postponed discussions in this field as well.
[33] A. Sabatelli, *Impediments to Global Patent Law Harmonization*, p. 588.
[34] *One global patent system? WIPO's Substantive Patent Law Treaty* (GRAIN, October 2003; www.grain.org/briefings/?id=159).

Legal problems which stand in the "global patent" way are not the only one. There is also a very strong and - in my opinion - even more challenging impediments connected with various national as well as particular objectives, goal, and interests. Sovereign countries have own national goals to achieve, the user groups pursue different objectives, depending on their fields of activity and interests. There are independent inventors on the one, and large industries on the other hand. There are rich, developed countries (like the U.S., countries of the EU and Japan which create so-called Trilateral[35]) on one side and poor or developing countries on the other. J.C. Rasser in a foreword to A. Sabatelli's publication "Impediments to global patent law"[36] pointed out the three most important impediments toward further patent laws harmonization:

*(1) the reluctance of national governments to give up their current systems which allow them to use their patent laws to favour domestic entrepreneurs*

Today national patent systems, like a hundred years ago, are still among the most significant tools which help governments to stimulate national development, in economy as well as in technology area. There is - in my opinion - no a big chance to change this practice. Some practical and even commercial advantages of harmonization cannot (and in distant future won't) outbalance the loss of political control over crucial public issues. Effective international patent protection is an important factor toward the enhancement of free trade, but it is still equally important factor on domestic level.

*(2) the relinquishment of a portion of national sovereignty for the sake of a global system*

The establishment of unitary worldwide patent system requires from states to cede some portion of sovereignty what, even in the "globalized village" of the 21st century, is not easy. Countries still look after their prerogatives jealously.

*(3) the reconciliation of the different national interests of the developing countries and the developed countries*

Developed countries (the U.S, member states of the European Union, Japan) support the harmonization process in spite of legal differences between

[35] Countries of the "Trilateral" constitute over 90% of the patenting activity of the world.
[36] A. Sabatelli, *Impediments to Global Patent Law Harmonization*, p. 579.

their national legal systems. The United States government is the best mouthpiece of all needs of the rich part of the world:

> Al harmonized world patent system is essential because companies around the world are increasingly reliant on global markets; thus, the differences that exist today among national or regional patent offices may act as an impediment to inventors and hinder opportunities for greater trade among nations[37]

The rich countries are seeking to expand their markets for goods and technologies which are patented, and the one worldwide patent system would be the primary tool of global economic control. Because of this, strong intellectual property rights protection is crucial for the rich. Developing countries, however, have their own interests (e.g. want to protect their borders from foreign influx) and, in my view, they will seek to obtain special concessions even when the agree to create global patent system. The last WTO summit in Cancun proved how hard bargainers the poor countries are...

### 7. How will this journey end?

Over one-hundred-year old tradition towards harmonization of patent laws continues. The global patent "construction" is beginning to take visible shape, with its "pillars" (international treaties), "ceiling" (the maximum standard), and complete roofing. Everyone seems to understand that harmonization of patent systems would eliminate harmful complexity in patent law and benefit international trade and stable development. But today we can see even clearer how difficult is to find an agreement and create harmonized patent law system for the whole world. After six meetings of the WIPO's Standing Committee of the Law of Patents (SCP) it is evident that participants retain positions and show too little will of compromise[38]. The polarization on some legal points between the U.S. and European systems seems to be insurmountable; the same can we say about the political, economic and social impediments. But it's necessary to maintain continuity of all discussions, initiatives and processes.

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[37] U.S. General Accounting Office, *Intellectual Property Rights - U.S. Companies Views On Patent Law Harmonization* 1 (1993) (statement of Allan I. Mendelowitz, Managing Director, International Trade, Finance, And Competitiveness General Government Division; in: A. Sabatelli, *Impediments to Global Patent Law Harmonization*, p. 589).

[38] Due to the failure of the 6th meeting, the next SCP meeting has been cancelled.

Like someone has pointed out, the construction of an international patent system is like a journey. We know (or, at least, we think we know) the destination point (globally valid and enforceable patent), but don't know the result. The only unquestionable thing we can express now is that the unitary patent law system with its effective administration of patents and successful international collaboration require both effort and goodwill, more time, and - of course - patience.

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**OFICIAL DOCUMENTS AND LEGAL TEXTS**

- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)
- Paris Convention for the Protection of Industrial Property
- Patent Cooperation Treaty
- Patent Law Treaty
- *WIPO Patent Agenda: Options for Development of the International Patent System* (A/37/6), available at: http://www.wipo.int/documents/en/document/govbody/wo_gb_ab/pdf/a37_6.pdf