

# AIPPI's Journey on Patent Disclosure Requirements

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## The Role of AIPPI Resolutions in Harmonizing IP Practices

- Promoting International Consistency.
- Guiding National Legislations.
- Provide recommendations for shaping or reforming local IP laws.
- Act as a reference for governments and international organizations in drafting IP policies.
- Advocate for efficient, transparent, and equitable IP systems globally.
- Address conflicts in international IP laws through harmonized approaches.



## From Discussion to Resolution: How AIPPI Shapes Global IP Policy

- **Research and Analysis:** National and Regional Groups submit detailed reports.
- **Study Committee Deliberations and drafts preparation.**
- **Plenary Session Discussions.**
- **Adoption by the Executive Committee.**



## Laying the Foundation: Reports from National and Regional Groups

- 85%: Disclosure requirement is desirable, at the time the patent application filling and/or during prosecution.
- 50%: Disclosure requirement should be spontaneous.
- 50%: Disclosure should be only when ordered by an IP Office.
- 85%: Only actually known information should be disclosed, not information that the person should have known.
- Sanctions for non-compliance: broad support for an opportunity for the applicant to cure non-compliance with further disclosures.
- slim majority of Groups: Non-compliance after requests to cure - withdrawal of the application.



## From Debate to Decision: Considerations in favor of imposing Disclosure Requirement

- Improved Patent Examination Quality
- Benefits to Third Parties
- Global Harmonization
- Efficiency in Prosecution
- Ethical Integrity



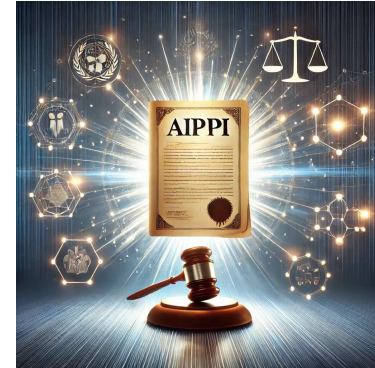
## From Debate to Decision: Considerations against imposing Disclosure Requirement

- Increased Burden on Applicants
- Redundancy in Searches
- Subjective Interpretation
- Complexity and Bureaucracy
- Translation costs
- Shifting Responsibility



## The Resolution

- No Mandatory Disclosure Requirement
- No Obligation to Search for Prior Art
- Limited Disclosure if the National Law provides for a Disclosure Requirement.
- Global Databases for Sharing Prior Art (Global Dossier or CCD).
- No Admission of Relevance
- Sanctions for Intentional Non-Compliance:  
«partially revoke the patent only to the extent that the undisclosed Prior Art is detrimental to the validity of the subject matter of one or more claims of the patent”.



# Thank You for Listening

