

Tegernsee Heads Meeting III Statement

The third "Tegernsee Heads" Meeting, attended by Heads of Offices and representatives from the USA, Denmark, France, Germany, UK, Japan, and the EPO, took place in Geneva on 4 October 2012, to consider the fact-finding work carried out by the Tegernsee Experts Group on issues concerning patent law harmonization, and agree on further steps within this process.

Against this background, the participants considered technical fact-finding studies undertaken by the Tegernsee Experts Group on four issues:

1. Grace period
2. 18-month publication
3. Treatment of conflicting applications
4. Prior user rights

In addition, the participants took note of the ongoing work of the Experts Group in distilling the Aggregate Matrix Document of comparative law and practice regarding key harmonization issues into a comparative table, to serve as a reference document for further discussion.

The European delegations shall report on the work of the Tegernsee Experts Group to the member states of the European Patent Organisation at the earliest opportunity and consult them on the outcome of the studies.

The participants agree that, thereafter, the next step should be wide dissemination of the 4 Tegernsee Expert Group studies and the holding of consultations, including regional roundtables, with a broad cross-section of stakeholders regarding these studies. It was further agreed that the Expert Group would immediately begin work on the development of a basic, non-limiting, questionnaire template to facilitate comparison of stakeholder input.

The participants agree that the results of these consultations will be presented to the Tegernsee Heads at the next meeting, to be considered in informing future decisions regarding the work of the Group.

It was further agreed that EPO will host the next Heads of Offices meeting in the first half of 2013.