

**Third World Network Statement on the Study on Sufficiency of Disclosure (28 July 2015)  
WIPO Standing Committee on the Law of Patents (22<sup>nd</sup> Session)**

Thank you Madam Chair

Disclosure of invention is the fundamental justification for granting a patent monopoly. In other words disclosure is part of the contract that society agrees to: a monopoly in return for the disclosure of the invention.

In recognition of the principle of disclosure, patent legislation of most WIPO Member States requires disclosure of inventions and many national patent laws make it a ground for pre- and post-grant opposition of patents.

While there is recognition of the disclosure requirement, its practical implementation is far from satisfactory. There are no clear guidelines for the disclosure of inventions in specific areas of technologies. There is a need to improve the disclosure standards and the disclosure should enable a person skilled in the art to replicate the innovation. Thus patents can play a role in contributing to the technology catching up process. Therefore we call upon Member States to develop detailed disclosure requirements for patents in each technological field (patent classification).

Patent disclosure standards, which demand full disclosure of the invention, can ensure implementation of a high threshold level of patentability criteria, especially inventive step and novelty. It would thus eliminate the chances of granting patents with trivial claims or the so-called 'follow on' or secondary innovations or the ever greening of patents.

An effective disclosure requirement would complement the proper implementation of the patentability criteria, especially the inventive step. The disclosure requirements should be not only limited to the invention but the information around the claimed invention to facilitate a proper examination of the patents.

In this context we would like to recall the discussion on the disclosure of International Non-Proprietary Names (INN) whenever there is a patent claim on a pharmaceutical substance especially if claims are directly or indirectly on a known pharmaceutical substance.

The current study unfortunately, like the earlier study, focuses mainly on the jurisprudence and procedural requirements in the developed countries and ignores the jurisprudence and procedural requirements in developing countries. For instance, as pointed out in the MSF statement on the previous agenda item, on the study on inventive step, this study ignores the disclosure requirements in certain developing countries with regard to disclosure of geographical origin of biomaterials in case of inventions related to biomaterials.

Against this background we call upon Member States to continue the work on disclosure and its link with patentability criteria and opposition system. There is a need at the national level to develop technology disclosure formats on various fields of technology.

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