



RESOLUTION 1

“PRIOR USER RIGHTS AND A NOVELTY GRACE PERIOD”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee in Amsterdam, The Netherlands, from 3 to 6 June 2007, passed the following Resolution :

Continuing to emphasize that any patent system must provide a fair balance between the rights of patent owners and those of third parties;

Continuing to support the introduction of a harmonised world-wide 12-month novelty grace period, whereby a disclosure of an invention derived directly or indirectly from the inventor during that period shall not be considered as comprised in the state of the art, as urged in earlier FICPI Resolutions;

Stressing that the sole purpose of such a grace period is to provide an equitable remedy in the case of an invention that has been the subject of such a disclosure;

Therefore **urging** that the relief provided to an applicant as a consequence of any such grace period should be limited so as to discourage its deliberate use by a potential applicant wishing to preserve the option later to file a patent application for the disclosed invention;

Resolves that if prior user rights are available in the territory concerned, then these should also be available to persons who have become aware legitimately of an invention as a result of a disclosure excused by such grace period.