



**RESOLUTION**

**EXCO/AU08/RES/2**

**"Grace Period and Declaration for Patents"**

**FICPI**, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Sydney, Australia from 13 April to 17 April, 2008, passed the following Resolution:

**Continuing to support** the introduction of a harmonized world-wide 12-month novelty grace period before the priority date, 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;

**Continuing to oppose** the requirement for a mandatory declaration of such a disclosure in order to benefit from the grace period;

**Recognizing** that in the course of the current discussions on substantive patent law harmonization some countries maintain that any such disclosure should be considered as not comprised in the state of the art only if it is the subject of a mandatory declaration, while other countries are opposed to any kind of declaration;

**Noting** that some countries already impose on applicants the duty to identify prior art;

**Resolves** that any country may adopt procedures to determine whether a specific disclosure drawn to the attention of an applicant/patentee is derived from the inventor, but may not require a general mandatory declaration.