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INFORMATION

From: Presidency

To: Delegations

N° prev. doc.: CM 4628/25

Subject: Presidency Flash - Intellectual Property Working Party meeting

Delegations will find attached a Flash note from the Presidency in relation to the meeting of the Working Party on Intellectual Property taking place on 3 November 2025.

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Flash – Working Party on Intellectual Property #5

03 November 2025

Dear colleagues,

We are pleased to invite you to the fifth meeting of the Working Party on Intellectual Property under the Danish Presidency, which will be held on Monday, 3 November 2025. The meeting will be dedicated to continuing the discussions on Supplementary Protection Certificates (SPCs).

We will start by examining the **revised Presidency texts** issued on the recast proposal for medicinal products (doc. 14639/25) and the unitary proposal for medicinal products (doc. 14638/25). The proposals have been revised based on input provided during the last Working Party and subsequently submitted in writing.

In addition, the Presidency has revised the majority of the procedural provisions in both the unitary and recast proposals in order to align them with the proposed institutional set-up. These articles include *Communications*, *Oral proceedings*, *Taking of evidence*, *Time limits*, *Correction of errors*, *Reinstatement of rights*,

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Interruption of proceedings and the provisions on *Costs* associated with opposition proceedings.

These articles will be discussed in the order set out in the text of the unitary proposal.

Following the examination of the revised text proposals, we will turn to the **Presidency Policy paper** (WK 14455/2025), which further elaborates on the potential conferral of tasks regarding SPCs to the European Patent Office (EPO) and on the feasibility of a binding opinion issued by the network.

Delegations have at previous Working Parties provided valuable input on the institutional set-up for both the recast and unitary proposal, with several delegations expressing a wish for embedding the network within the EPO and for entrusting the EPO with the power to grant and refuse unitary SPCs.

Delegations have also emphasised that if SPC-related tasks are to be delegated to the EPO, these tasks should remain purely administrative, and the EPO itself should not be involved in the substantive examination of unitary SPC applications.

The paper aims at facilitating the discussion of concepts under which the EPO could act as both the managing- and granting office for unitary SPCs, based on the basis of a binding recommendation from either a “*free-floating*” network of competent national authorities (i.e. not embedded within the EPO), or from a network embedded within the EPO.

We look forward to a constructive exchange at the Working Party meeting and, as always, please do not hesitate to reach out to us if you have any questions or comments.

Kind regards,

The Danish Presidency Team