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General Secretariat

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WK 16752/2025 INIT

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**INFORMATION**

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From: Presidency

To: Delegations

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N° prev. doc.: CM 4988/25

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Subject: Presidency Flash - Intellectual Property Working Party meeting

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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 5 December 2025.

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# Flash – Working Party on Intellectual Property #7

05 December 2025

Dear colleagues,

We are pleased to invite you to the final meeting of the Working Party on Intellectual Property under the Danish Presidency, which will be held on Friday, 5 December 2025. The meeting will be dedicated to **WIPO**-related matters and to continuing the discussions on Supplementary Protection Certificates (**SPCs**).

Before the meeting, at 9:50, we will be taking a family photo on the 50<sup>th</sup> floor. When the meeting is finished, we would like to invite delegations for a drink in the room to mark the end of our Presidency.

## **SPCs**

We would like to use this opportunity to inform you that the order in which we will take our agenda points will differ than the one presented in the issued agenda. The meeting will begin on 5 December at 10:00 with the item related to SPCs.

Under this item, we will start by examining the **revised Presidency texts** issued on the recast proposal for medicinal products (doc. 16177/25) and the unitary proposal for medicinal products (doc. 16178/25).

The proposals have been slightly revised based on input provided during the previous meeting in the IP Working Party and subsequently submitted in writing. The proposed changes include:

- Additional information on the role of the network and rapporteur-system in a suggested recital.
- Introduction of a requirement that the rotational principle is to be based on an alphabetical rotation mechanism, but with the modalities to be elaborated in an implementing act.
- The possibility for the deletion of Article 6(2) and para (ca) of both proposals on the consent of the holder of the Marketing Authorisation.

Following the examination of the revised proposals, the Danish Presidency will give a *state of play* (doc. 16248/25) on the outcome on the SPC files during our presidency. The paper summarises the discussions held on the proposals and draw preliminary conclusions on the institutional set-up and examination procedure. Secondly, we will revisit the - political and legal questions still open relating to a potential conferral of tasks to the European Patent Office (EPO), including what exact role the EPO should be conferred.

Finally, we will return the **legal basis question** for the Unitary SPC proposals. The Presidency have held further deliberations with the legal services, and there will be an oral presentation of the result of those discussions.

### ***WIPO-related items***

First, the Presidency and the Commission will debrief from the 37<sup>th</sup> session of the of the Standing Committee on the Law of Patents, held in Geneva from 3 to 7 November 2025. Then the Presidency will debrief on the 35<sup>th</sup> session of the WIPO Committee on Development in Intellectual Property, held in Geneva from 17 to 21 November 2025. Lastly, we will turn to the preparations for the 7<sup>th</sup> session of the Working Group on the Development of the Lisbon System, to be held in Geneva from 17 to 19 February 2026. Delegations will be invited to share their views on the suggested amendments to the Common Regulations prepared by the Commission. Please note that discussions at our Working Party will be based on the *revised* versions of those suggested amendments in WK

16036/2025 **REV 1**, which try to accommodate comments that delegations have made at the Commission Expert Group for Sustainability and Quality of Agriculture and Rural Development (GREX) on 1 December 2025.

**AOBs**

Under AOB, the Commission will provide information about the negotiations on the revision of the International Treaty on Plant Genetic Resources and we will give a debrief on the trilogue negotiations on the NGT file.

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