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INFORMATION

From: To:	Presidency Delegations
N° prev. doc.:	CM 1078/26 REV1
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 21 January 2026.

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PRESIDENCY FLASH NOTE

1st Working Party on Intellectual Property

Wednesday, 21 January 2026, 14:30

Dear Colleagues,

Let us first wish you all a very Happy New Year, filled with happiness, health and prosperity!

It is a great pleasure to invite you to the first meeting of the Working Party on Intellectual Property under the Cyprus Presidency, which will take place on 21 January in the afternoon.

Priorities of the Cyprus Presidency in the field of Industrial Property

The meeting will begin on 21 January at 14:30 with a presentation of the priorities of the Cyprus Presidency in the field of Intellectual Property, which will set the scene for the work of the Working Party on Intellectual Property over the next six months.

WIPO-related matters

The meeting will then continue with WIPO-related matters.

We will begin with the preparations for the 7th session of the **Working Group on the Development of the Lisbon System,** which will be held in Geneva from 17 to 19 February 2026. Building on the discussions held at the last meeting under the Danish Presidency, the Commission will present the amendments to the Common Regulations of the Geneva Act, following the written comments shared by several delegations on the suggested amendments on the modifications of Rules 9,11 and 12 (partial grants and refusals of protection), as well as modifications of rules 5,6 and 16 (management of renunciations following irregularity for a non-payment of the individual fee). Member States will be invited to share their feedback with the aim to approve document **5343/25**, which includes the proposed amendments and relevant questions.

The Commission will subsequently present a short summary of the comments received by Member States on the questionnaire WK 9109/2025 INIT, circulated in July 2025 under the Danish Presidency, related to the assessment on the potential implications for the national intellectual property offices of the ratification and implementation of the **Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge** (GRATK Treaty). The Commission will also outline possible next steps.

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Supplementary Protection Certificates (SPCs)

At the last meeting of the Working Party on Intellectual Property under the Danish Presidency on 5 December 2025, the feasibility of relying on Article 114 TFEU as the legal basis for the proposals on Supplementary Protection Certificates (SPCs) was presented. This discussion aimed to address the legal issues identified by the Council Legal Service (CLS) in relation to the proposals on unitary SPCs, which are based on Article 118 TFEU.

Following the request from Member States, the Cyprus Presidency issued a discussion paper (document **5438/26**) which provides an overview of the key elements of the alternative model presented at that meeting. **The overview presented in the discussion paper should not be understood as a formal Presidency proposal.** Rather, it is intended to offer delegations a concise written summary of the ideas exchanged regarding the potential legal basis, with a view to enabling them to make an initial assessment and to facilitate further discussions.

The purpose of the discussion paper is twofold:

1. To respond to the request from Member States for a brief overview of the key elements of the approach presented in December; and
2. To enable a preliminary assessment of the feasibility of relying on Article 114 TFEU as the legal basis for the unitary SPC proposals, as outlined during the meeting of 5 December 2025.

Member States are invited to examine the newly envisaged model and to pursue discussions on this basis in the forthcoming Working Party meetings.

The Presidency remains committed to further exploring the concepts presented during the Working Party discussions under the CY PCY and will take guidance from Member States when determining the next steps for work on the SPC package.

Any other Business (AOB)

Biotech Act – *Information by the Commission*

Under AOB, the Commission will provide information regarding the recently published proposal for a Regulation on establishing a Framework of measures for strengthening the Union's biotechnology and biomanufacturing sectors ('Biotech Act'), including the relevant provisions on Supplementary Protection Certificates (SPCs).

In particular, the Biotech Act introduces:

- in Article 27 (Chapter IV), a 12-month extension of the SPC for medicinal products developed using biotechnology processes and for Advanced Therapy Medicinal Products (ATMPs); and
- an amendment to Article 40a of Regulation (EU) 2019/6 which provides for an extension of the SPC for biotechnology medicinal products treating zoonoses that are developed and authorised in the Union.

Compulsory licensing for Crisis management Regulation – *Information by the Commission*

On 30 December 2025, the Regulation on Compulsory Licensing for crisis management has been published in the Official Journal of the European Union. The Commission will share information on the implementation of Article 22.

We are looking forward to welcoming you to our first Working Party on IP under the Cyprus Presidency and to a productive six months.

We remain at your disposal for any questions or clarifications you may need.

With kind regards,
The IP Cyprus Presidency team

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