

## **Patent Cooperation Treaty (PCT) Working Group**

**Eighteenth Session**  
**Geneva, February 18 to 20, 2025**

### **FORMAT OF APPLICATIONS FOR EXTENSION OF APPOINTMENT OF AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY**

*Document prepared by the International Bureau*

#### **SUMMARY**

1. This document proposes a format for the application that an International Searching and Preliminary Examining Authority will be required to submit to the PCT Committee for Technical Cooperation for the Committee to provide its advice to the Assembly of the PCT Union on the extension of appointment as an International Authority from January 1, 2028.

#### **BACKGROUND**

2. The Assembly of the PCT Union (“the Assembly”) will be required to approve the extension of appointment of each Office or organization wishing to continue operation as an International Searching and Preliminary Examining Authority from January 1, 2028.

#### **MINIMUM REQUIREMENTS FOR APPOINTMENT**

3. Rule 36 defines the minimum requirements that an Office or organization must satisfy before it can be appointed as an International Searching Authority and must continue to satisfy during its appointment. As of January 1, 2026, Rule 36 reads as follows:

##### **Rule 36**

##### **Minimum Requirements for International Searching Authorities**

###### **36.1 Definition of Minimum Requirements**

The minimum requirements referred to in Article 16(3)(c) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches in the required technical fields;

(ii) that Office or organization must make available for consultation as part of the minimum documentation referred to in Rule 34, in accordance with the requirements specified in the Administrative Instructions, any patent issued, and any patent application published, by it, and where applicable by its legal predecessor(s);

(iii) that Office or organization must have in its possession, or maintain access to, at least the minimum documentation referred to in Rule 34, for search purposes in accordance with the Administrative Instructions;

(iv) that Office or organization must have in place a quality management system and internal review arrangements in accordance with the common rules of international search;

(v) that Office or organization must hold an appointment as an International Preliminary Examining Authority.

4. Rule 63 defines the minimum requirements that an Office or organization must satisfy before it can be appointed as an International Preliminary Examining Authority and must continue to satisfy during its appointment. The wording is similar to Rule 36 but refers to Article 32(3) in place of Article 16(3)(c), examination in place of search, and International Searching Authority in place of International Preliminary Examining Authority in subparagraph (v).

5. Amendments to Rule 34, setting out the minimum documentation that International Searching Authorities must consult during international search, will also enter into force on January 1, 2026. In preparation for these changes, the PCT Minimum Documentation Task Force is working with Offices whose patent collections are expected to be included in the PCT minimum documentation to ensure that their patent documents are available for bulk download by all International Authorities requiring access. Document PCT/WG/18/17 provides a status report on the work of the PCT Minimum Documentation Task Force.

#### **ADVICE OF THE COMMITTEE FOR TECHNICAL COOPERATION**

6. Under Article 16(3)(e), before the Assembly makes a decision on the appointment of a national Office or intergovernmental organization, or on the extension of its appointment, the Assembly shall seek the advice of the Committee for Technical Cooperation (PCT/CTC) referred to in Article 56. Further information on the procedure for extension of appointment is provided in document PCT/WG/18/5.

7. The PCT/CTC will therefore be required to review whether an International Searching and Preliminary Examining Authority meets the minimum requirements for appointment to be able to provide its advice to the Assembly on an extension. Considering these requirements, the annual quality reports submitted under Chapter 21 of the International Search and Preliminary Examination Guidelines (“the Guidelines”) and published on the WIPO website include much of the information that the PCT/CTC will need to assess whether an Office or organization meets the minimum requirements, as explained below (see also paragraph 16 of document PCT/MIA/31/8).

(a) The annual quality reports require each International Authority provides information on human resources to have sufficient staff to deal with the inflow of work which maintains the technical qualifications to search and examine in the required technical fields, as set out paragraph 21.15(i) of the Guidelines. While this covers the staff levels for processing

incoming international searches and preliminary examinations, the reporting under this paragraph does not require absolute numbers of full-time examiners, or their technical qualifications.

(b) The annual quality reports also require International Authorities to describe their infrastructure such as IT hardware and software to support the search and examination process, and to ensure access to at least the minimum documentation, as set out in paragraphs 21.15(iii) and (iv) of the Guidelines.

(c) The annual quality reports describe the quality management system, setting out risk-based practices, quality assurance processes and internal review arrangements in Chapter 21 of the Guidelines.

8. Other than including details of the absolute number of examiners and their qualifications, the requirement in Rules 36.1(ii) and 63.1(ii) for an International Authority to make its patents and patent applications available for consultation as part of the minimum documentation is not part of the annual reporting on quality management systems. This requirement will be new in 2026. The European Patent Office, as co-leader of the PCT Minimum Documentation Task Force, has provided a series of checklists for Offices to prepare for meeting the requirements taking effect from January 1, 2026. These checklists cover establishing an inventory of patent documents that will be part of the minimum documentation from this date, ensuring that the documents are available electronically, producing an Authority File in compliance with version 2.2 of WIPO Standard ST.37 with each individual patent, having a repository to store patents for bulk download by other International Authorities, and having access to documents in the PCT minimum documentation. The International Bureau has also proposed one-on-one clinics to help Offices with these preparations.

9. As Offices in the PCT Minimum Documentation Task Force prepare to meet the requirements from January 1, 2026, each Authority could provide a report for the PCT/CTC on its implementation of the requirements to make its patent collection available as part of the minimum documentation. The application material for the PCT/CTC will be required around December 1, 2025, as explained in paragraph 8(d) of document PCT/WG/18/5 setting out the proposed procedure and timeline for considering the extension of appointment. The report for the PCT/CTC on implementation of the requirements could therefore be based on the work of the PCT Minimum Documentation Task Force and could be assisted by the Task Force, noting the proximity between the submission date to the PCT/CTC and the entry into force of the minimum documentation requirements.

#### **DISCUSSIONS AT THE MEETING OF INTERNATIONAL AUTHORITIES UNDER THE PCT**

10. Paragraph 19 of document PCT/MIA/18/8 presented to the thirty-first session of the Meeting of International Authorities in October 2024, proposed that an application for extension of appointment that each International Searching and Preliminary Examining Authority will be required to submit to the International Bureau around December 1, 2025, for consideration by the PCT/CTC would contain the following elements:

(a) The annual report for 2025 on its quality management system. This report would be made available on the WIPO website and referred to in the application for extension of appointment. The reports are currently discussed by the Quality Subgroup of the Meeting of International Authorities before publication on the WIPO website shortly after the closing of the Meeting of International Authorities. For the PCT/CTC to have the most up-to-date information, the quality reports for 2025 would need to be submitted by December 1, 2025, at the latest and published on the WIPO website upon receipt by the International Bureau.

(b) A report by the Authority on its implementation of the requirements for the PCT minimum documentation that take effect on January 1, 2026.

(c) An application form containing any information required by the PCT/CTC to assess whether the minimum requirements under Rules 36 and 63 have been met that is not present in the annual quality report or the report by the Authority on its implementation of the PCT minimum documentation requirements, and the contact details of an official who could answer any questions or provide further information to any member of the PCT/CTC. This application form would be expected to be brief and less extensive than the application form used by Offices or intergovernmental organizations seeking initial appointment as an International Searching and Preliminary Examining Authority set out in Annex to document PCT/A/50/3. In this way, the application should contain all the necessary elements for the PCT/CTC to perform an effective assessment of the capabilities of International Authorities, while avoiding lengthy documents that create unnecessary burden on International Authorities preparing the applications and the members of the Committee examining them.

11. Discussions of the proposed format for an application for extension of appointment in document PCT/MIA/31/8 are set out in paragraphs 36 and 37 of the Summary by the Chair of the session, document PCT/MIA/31/11, and reproduced in the Annex to document PCT/WG/18/2, as follows:

“36. Authorities supported the proposed outline of the format of the application for extension of appointment to be submitted to the PCT Committee for Technical Cooperation proposed in the document, and agreed to further discussions on the PCT/MIA Quality Subgroup electronic forum to finalize the format of the applications that would be proposed to the PCT Working Group at its next session from February 17 to 20, 2025.

“37. The Meeting agreed to submit the timetable for the extension of appointment proposed in the document for consideration by the PCT Working Group at its next session from February 17 to 20, 2025. The Meeting also agreed to submit a proposed format for applications that International Searching and Preliminary Examining Authorities would be required to submit to the PCT Committee for Technical Cooperation for advice on their extensions of appointment based on the proposals in the document and further discussions on the PCT/MIA Quality Subgroup electronic forum”

#### **PROPOSED FORMAT FOR APPLICATIONS FOR EXTENSION OF APPOINTMENT**

12. Based on discussions at the Meeting of International Authorities and on the Quality Subgroup electronic form, the International Bureau proposes that the application for extension of appointment should contain reference to the reports referred to in paragraphs 10(a) and (b), above, and the application form in the Annex to this document.

13. In the view of the International Bureau, the application form in the Annex contains the information relevant for the PCT/CTC to determine whether an Authority meets the minimum requirements for appointment in Rules 36.1 and 63 when considered alongside the annual report on the quality management system and a report on the implementation of the requirements for the PCT minimum documentation that will enter into force on January 1, 2026. In terms of making its patent collection available to other International Searching Authorities as required in Rule 36.1(ii), the form provides the option of indicating that the PCT Minimum Documentation Task Force has certified that the requirement has been met by November 30, 2025, or for the Authority to report itself on this requirement, including a timetable for any testing and certification that may be necessary after that date.

*14. The Working Group is invited to approve the format for the applications that International Authorities will be required to submit to the Committee for Technical Cooperation as proposed in paragraphs 12 and 13 and the Annex to this document.*

[Annex follows]

APPLICATION FOR EXTENSION OF APPOINTMENT AS AN INTERNATIONAL SEARCHING  
AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

**1 – GENERAL**

**(a) Name of Office or intergovernmental organization:**

**(b) Name and contact details of official for any queries about this application:**

**(c) Date on which application for extension of appointment was received by the Director General:**

*[To be inserted by the International Bureau]*

**2 – MINIMUM REQUIREMENTS FOR APPOINTMENT**

In addition to the annual report on the quality management system by the Office or organization for 2025 (“the QMS Report”) produced in accordance with paragraphs 21.31 and 21.32 of the International Search and Preliminary Examination Guidelines (“the Guidelines”), the Authority submits the following information.

**2.1 – SEARCH AND EXAMINATION CAPACITY**

*Rules 36.1(i) and 63.1(i): The national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches and examinations.*

The QMS Report provides information from the Authority on the infrastructure in place to ensure a sufficient quantity of technically qualified staff under paragraph 21.15(i) of the Guidelines, and on the training and development programs for staff involved in the search and examination process under paragraph 21.15(vi). The Authority also includes the following information on numbers of employees qualified to carry out search and examination.

**Employees qualified to carry out search and examination:**

Technical field	Number (in full-time equivalent)	Average experience as examiners (years)	Breakdown of qualifications
Mechanical			
Electrical/electronic			
Chemistry			
Biotech			
<i>Total</i>			

Other information beyond the QMS Report and the above table (optional):

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## 2.2 – MINIMUM DOCUMENTATION – MAKING AVAILABLE FOR CONSULTATION

*Rules 36.1(ii) and 63.1(ii): That Office or organization must make available for consultation as part of the minimum documentation referred to in Rule 34, in accordance with the requirements specified in the Administrative Instructions, any patent issued, and any patent application published, by it, and where applicable by its legal predecessor(s).*

*The requirements specified in the Administrative Instructions are set out in Circular C. PCT 1672, dated June 19, 2024.*

The making available for consultation as part of the minimum documentation referred to in Rule 34 of the patents issued and patent applications published by the Office or, where applicable, the Offices that are members of the intergovernmental organization in accordance with the Understanding adopted by the PCT Assembly in paragraph 8 of document PCT/A/55/2, is reported as follows:

Either:

The PCT Minimum Documentation Task Force has tested the availability of the patent documentation collections before November 1, 2025, and certifies that the requirements have been met.

Or:

The Authority reports on the availability of its patent documentation collection as follows, including a timetable for when testing and full availability can be certified by the PCT Minimum Documentation Task Force.

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## 2.3 – MINIMUM DOCUMENTATION – ACCESS

*Rules 36.1(iii) and 63.1(iii): That Office or organization must have in its possession, or maintain access to, at least the minimum documentation referred to in Rule 34, for search purposes in accordance with the Administrative Instructions.*

The QMS Report provides information from the Authority on the infrastructure in place to ensure that at least the minimum documentation referred to in Rule 34 is available, accessible, properly arranged and maintained for search and examination purposes under paragraph 21.15(iv) of the Guidelines.

Other information beyond the QMS Report (optional):

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## 2.4 –QUALITY MANAGEMENT

*Rules 36.1(iv) and 63.1(iv): That Office or organization must have in place a quality management system and internal review arrangements in accordance with the common rules of international search,*

The QMS Report provides information from the Authority on the quality management system in place under Chapter 21 of the Guidelines and includes a report under paragraph 21.09 of the internal review arrangements that are further described in paragraphs 21.27 to 21.30 of the Guidelines.

Other information beyond the QMS Report (optional):

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## 3 – SCOPE OF OPERATION

### (a) Current scope of operation

The receiving Offices for which the Office or intergovernmental organization is competent as an International Searching Authority and an International Preliminary Examining Authority, language(s) in which services are offered and other details of scope of operation are listed in the *PCT Applicant's Guide* at the following link: *[To be inserted by the International Bureau]*

### (b) Planned changes to scope of operation as an Authority, such the receiving Offices for which the Authority is competent and languages offered (if any):

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## 4 – OTHER

Any further information relevant to the extension of appointment as an International Searching and Preliminary Examining Authority:

## NOTES ON COMPLETING THE APPLICATION FORM FOR EXTENSION OF APPOINTMENT AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

[As approved by the PCT Working Group at its eighteenth session in February 2025,] all Offices or intergovernmental organizations (“Offices”) applying for extension of appointment as an International Searching and Preliminary Examining Authority under the PCT should use this form. It should be submitted to the International Bureau, preferably by December 1, 2025, and in any case not less than two months prior to the opening of the session of the PCT Committee for Technical Cooperation which is convened to give an opinion on the application.

The application form shall preferably be submitted in DOCX format, using the styles embedded within the template. There should not normally be a need to include any diagrams, but if any are present, any text in diagrams should be limited to a minimum and be embedded or separately provided in a format or presentation which assists translation into the other five languages of documentation for the Committee for Technical Cooperation.

The notes below provide further information on how to complete the different sections of the form. References to the QMS Report refer to the annual report on the quality management system by the Office or organization for 2025.

### *Section 1 – General*

1(b) The contact details of an official should be provided who could be contacted by any member of the PCT Committee for Technical Cooperation about the application:

1(c) The date on which the application for extension of appointment was received should be left blank. This will be filled in by the International Bureau.

### *Section 2 – Minimum Requirements for Appointment*

#### *2.1 – Search and Examination Capacity*

The QMS Report, the completed table and optional additional information should show that the Authority has least 100 full-time employees with sufficient technical qualifications to carry out searches and examinations. The categories in the table are an example to show the technical breakdown, but the table can be edited to include a different categorization if the Authority considers appropriate.

#### *2.2 – Minimum Documentation – Making Available for Consultation*

All International Searching and Preliminary Examining Authorities are preparing to make their patent collections available in bulk for free to all other International Searching and Preliminary Examining Authorities under the amended Rules 36.1(ii) and 63.1(ii) that enter into force on January 1, 2026. For an Authority that is an intergovernmental organization formed as a collaboration between national Offices of States that are part of the organization but the Authority does not itself issue patents or publish patent applications, the requirement to make patent collections available applies to the national Offices of those States.

If the PCT Minimum Documentation Task Force has tested and certified that the patent documents of the Authority have been made available under the requirements of the Administrative Instructions before November 1, 2025, the Authority should check the relevant box and need not provide any further details on this form.

If the certification of the making available of the patent documents of the Authority has not been met by November 1, 2025, the Authority should indicate this on the form and describe the steps that it has taken and the remaining work to achieve this certification, including a timetable. This should include details of establishing an inventory of patent documents in the that belong to the PCT minimum documentation, digitizing patent documents in the collection published on or after January 1, 1991 in line with Annex H of the Administrative Instructions to enter into force on January 1, 2026, establishing a correctly structured and complete Authority File and having a repository where other International Searching and Preliminary Examining Authorities can access the PCT minimum documentation in bulk.

### *2.3 – Minimum Documentation - Access*

The QMS Report and the information from the Authority in this section should show that the Authority has full access to the PCT minimum documentation for searching.

### *2.4 – Quality Management*

The QMS Report and the information from the Authority in this section should show that the Authority has a quality management system and internal review arrangements in place in accordance with Chapter 21 of the International Search and Preliminary Examination Guidelines. The information in the QMS Report and this section may include information on whether the standard is externally reviewed in conformance with ISO 9001 or another international standard.

### *3 – Scope of Operation*

The International Bureau will describe the scope of operation of the Authority including the language(s) in which services are offered. The Authority may provide information to the Committee for Technical Cooperation on any plans it may have relating to changes to its scope of operation such as the receiving Offices that it is competent to perform international search and preliminary examination, languages accepted or offered in its services, or geographical coverage.

### *4 – Other*

This section offers a space for the inclusion of comments which are considered relevant to the application which do not fit elsewhere.

[End of Annex and of document]