

Patent Cooperation Treaty (PCT) Working Group

Eighteenth Session
Geneva, February 18 to 20, 2025

PROCEDURE FOR EXTENSION OF APPOINTMENT OF INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITIES

Document prepared by the International Bureau

SUMMARY

1. This document proposes the procedure for the Assembly to approve the extension of appointment of International Searching and Preliminary Examining Authorities and the associated new agreements between the International Bureau and each Authority.

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.

3. The appointment process for International Searching Authorities is set out in Article 16(3) as follows:

(3)(a) International Searching Authorities shall be appointed by the Assembly. Any national Office and any intergovernmental organization satisfying the requirements referred to in subparagraph (c) may be appointed as International Searching Authority.

(b) Appointment shall be conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly, between such Office or organization and the International Bureau. The agreement shall specify the rights and obligations of the parties, in particular, the formal undertaking by the said Office or organization to apply and observe all the common rules of international search.

(c) The Regulations prescribe the minimum requirements, particularly as to manpower and documentation, which any Office or organization must satisfy before it can be appointed and must continue to satisfy while it remains appointed.

(d) Appointment shall be for a fixed period of time and may be extended for further periods.

(e) Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization, or on the extension of its appointment, or before it allows any such appointment to lapse, the Assembly shall hear the interested Office or organization and seek the advice of the Committee for Technical Cooperation referred to in Article 56 once that Committee has been established.

4. Under Article 32(3), the same requirements apply, *mutatis mutandis*, to the appointment of International Preliminary Authorities.

5. Consequently, the extension of appointments will require:

(a) the PCT/CTC to give its advice;

(b) the PCT Assembly to approve agreements between the Offices and the International Bureau;

(c) the PCT Assembly to extend the appointments; and

(d) the Offices to complete any national formalities required to sign their new agreements by December 31, 2027.

DISCUSSIONS AT THE MEETING OF INTERNATIONAL AUTHORITIES UNDER THE PCT

6. The Meeting of International Authorities, at its thirty-first session in Beijing on October 16 and 17, 2024, discussed the extension of appointments (document PCT/MIA/31/8) and a model agreement between the Offices and the International Bureau (document PCT/MIA/31/3).

7. Regarding the procedure for extension of appointment, document PCT/MIA/31/8 proposed that the Assembly should decide on the extension of appointments at its session in July 2026. This would provide 18 months for States and intergovernmental organizations to complete any domestic procedures required before the new agreements can be signed with the International Bureau, in contrast with the arrangements when appointments were last extended in 2017 when Authorities only had three months and ratify new agreements. Noting the Understanding with regard to the procedures for appointment of International Authorities adopted in 2014 and last modified in 2018 (document PCT/A/50/3) and the procedure followed for the extension of appointments in 2017, document PCT/MIA/31/8 proposed that the PCT/CTC be convened to provide its advice on the extensions of appointment at the same time as the PCT Working Group earlier in 2026. If the PCT Working Group meets in February, as it has each year since 2023, International Authorities will be required to submit their application for extension of appointment and any required documentation preferably by December 1, 2025, and in any case no later than two months before the PCT/CTC takes place.

8. Paragraph 21 of document PCT/MIA/31/8 proposed the following timeline for the procedure and application process:

(a) October to December 2024 – Discussion on PCT Quality Subgroup wiki of application form and other elements in application for extension of appointment.

(b) February 2025 – PCT Working Group approves the timetable for appointment and the format for applications for extension.

- (c) Before December 2025 – PCT Minimum Documentation Task Force works with International Authorities to ensure compliance with the requirements for the minimum documentation requirements from January 1, 2026.
- (d) December 2025 – Deadline for International Searching and Preliminary Examining Authorities to submit applications for extension of their appointments to the International Bureau.
- (e) December 2025 to February 2026 – members of the PCT Committee for Technical Cooperation review the applications for extension of appointment when they are published. Members should provide feedback and ask questions to any individual International Authority on any parts of the applications that might cause concern during the Committee or where they require further information or clarification.
- (f) January 1, 2026 – Entry into force of amendments to Rules 34, 36 and 63 relating to the requirements of the PCT minimum documentation.
- (g) February 2026 – PCT Committee for Technical Cooperation provides its advice on the extensions of appointment of each International Searching and Preliminary Examining Authority and approves a draft model agreement between the International Bureau and International Searching and Preliminary Examining Authorities to be used for preparing each individual draft agreement.
- (h) February 2026 – PCT Working Group considers amendments to the PCT Regulations necessary for any changes to the format of the draft model agreement between the International Bureau and International Searching and Preliminary Examining Authorities approved by the PCT Committee for Technical Cooperation.
- (i) July 2026 – PCT Assembly approves the extensions of appointment of International Searching and Preliminary Examining Authorities for a further 10 years from January 1, 2028, the draft agreements between the International Bureau and each International Searching and Preliminary Examining Authority, and any amendments to the PCT Regulations necessary for the draft model agreement.
- (j) July 2026 to December 2027 – Signature of each agreement following any national ratification required for signing the agreement.
- (k) January 1, 2028 - New agreements between the International Bureau and each International Searching and Preliminary Examining Authority enter into force, expiring on December 31, 2037, along with amendments to the PCT Regulations associated with the format of the agreements.

9. The amendments to Rules 34, 36 and 63 that will enter into force on January 1, 2026, referred to in paragraph 8(f) are set out in document PCT/A/55/2. Document PCT/WG/18/6 provides further information on the draft model agreement between the International Bureau and International Searching and Preliminary Examining Authorities.

10. The discussions on extension of appointment at the thirty-first session of the Meeting of International Authorities are summarized in paragraphs 34 to 37 of the Summary by the Chair, document PCT/MIA/31/11 (reproduced in the Annex to document PCT/WG/18/2). Regarding the proposed timeline, the Meeting agreed to submit the timetable for the extension of appointment proposed in document PCT/MIA/31/8 for consideration by the PCT Working Group at its next session (see paragraph 37 of document PCT/MIA/31/11).

CONSIDERATION BY THE PCT WORKING GROUP

11. The Working Group is invited to approve the proposed procedure and timetable in paragraph 8, above, where the PCT/CTC would provide its advice on the extension of appointment of each International Authority at the same time of the session of the Working Group in 2026. This advice would then be submitted to the Assembly in July 2026, which would decide on the extension of appointment and approve the draft agreements between the International Bureau and each International Searching and Preliminary Examining Authority that would be signed before the end of December 2027.

12. The Working Group is invited to approve the procedure and timeline for extension of appointment of International Searching and Preliminary Examining Authorities set out in this document.

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