

C. PCT 1708

September 1, 2026

Madam,
Sir,

Proposed modifications of the Administrative Instructions under the PCT (“the Administrative Instructions”).

This Circular is addressed to your Office in its capacity as a receiving Office (RO), an International Searching Authority (ISA), an International Preliminary Examination Authority (IPEA), and Authority specified for supplementary search, and/or a designated or elected Office under the Patent Cooperation Treaty (PCT) for the purpose of consultation under PCT Rule 89.2(b). It is also addressed to certain non-governmental organizations representing users of the PCT System.

The main purpose of this Circular is to consult on proposed modifications to the Administrative Instructions clarifying that an Office providing the service under Section 709 (b-*bis*) may transmit documents to applicants exclusively by making them available for retrieval through an electronic system.

I. Background

Since January 1, 2022, Section 709(b-*bis*) has provided a legal basis for Offices to transmit documents to the applicant by making them available for retrieval through a dedicated electronic system at the request of the applicant. In such a case, the document is considered to have been transmitted to the applicant when it was made available for retrieval by the applicant in that electronic system. In addition, Offices are required to alert applicants electronically when a new document becomes available.

To support the implementation of this provision, the deployment of ePCT version 4. 15 in March 2025 introduced an enhanced notification method that enables Offices to provide applicants with links to issued Forms accessible in ePCT, as an alternative to sending a notification to applicants by e-mail or on paper. Subsequently, in December 2025, ePCT version 4. 16 introduced a function that allows the International Bureau (IB) to provide this service on behalf of Offices and Authorities that do not prepare the relevant documents using ePCT, and to deliver alerts to applicants on behalf of any Offices or Authorities that wish to use the service (eNotification service).

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The International Bureau has been informed by several Offices that they would like to make use of this service as their exclusive means of transmitting documents to applicants, thereby facilitating efficient and fully paperless communication.

II. Proposed modifications of the Administrative Instructions

It is proposed to modify Section 709(b-*bis*) to provide a legal basis for Offices to transmit documents to applicants exclusively by making them available for retrieval through a dedicated electronic system. At present, many Offices continue to transmit documents by email as PDF attachments or on paper when requested to do so by applicants, and Offices are permitted to use the method of transmission provided for in Section 709(b-*bis*) at the applicant's request. Under the proposed modification, Offices would be able to use the method provided for in Section 709(b-*bis*) as the exclusive means of transmitting documents and discontinue all other means of transmission. The proposed modification does not affect Offices that continue to offer transmission by email, on paper or other means under Section 709(a), in which case the applicant may request to receive documents by any such means offered by the Office.

Additional text is proposed for Section 709(d) to clarify that an Office may request the International Bureau to promptly notify the applicant, on the Office's behalf, that a new document is available for retrieval through a dedicated electronic system. Where an Office has agreed that the International Bureau will make documents available for retrieval through such a system on its behalf, the Office may also wish to request the International Bureau to fulfil, on its behalf, the corresponding obligation to alert applicants that those documents are available. This additional text would also prepare the way for a future option to allowing applicants to indicate that they do not wish to receive alerts, where they have made arrangements to regularly check for new events through an API to be implemented in their patent management system. It is therefore proposed to add clarifying text to Section 709(d).

III. Comments on the proposed modifications of the Administrative Instructions

Your Office is invited to provide comments or address any questions on this proposal to the PCT Legal and User Relations Division by September 25, 2026, by email at: pct.legal@wipo.int.

Yours sincerely,



Lisa Jorgenson
Deputy Director General
Patents and Technology Sector

Enclosure: Annex — Proposed modifications of the Administrative Instructions

Section 709
Means of Communication with the Applicant

(a) The receiving Office shall, if it provides for such a service, send any notifications, invitations and other correspondence (“documents”) to the applicant by electronic means in accordance with Annex F, unless the applicant requests to receive them by other means offered by the Office.

(b) Where it appears to the receiving Office that a document sent to the applicant by electronic means was not successfully transmitted, the Office shall promptly resend the document by the same or another means.

(b-bis) Where the receiving Office provides for such a service ~~and the applicant so requests~~, the receiving Office may, instead of directly transmitting a document to the applicant, make it available for retrieval by the applicant in an electronic system in accordance with the standard set forth in section 5.1~~ter~~ of Annex F. In this case, the document shall be considered to have been transmitted to the applicant on the day when it was made available for retrieval by the applicant in that electronic system. The receiving Office shall promptly alert the applicant by electronic means whenever a new document has been made available, unless the applicant requests otherwise.

(c) When the electronic systems of the receiving Office are not available for the filing or retrieval of documents in electronic form or by electronic means, the Office shall, if possible, promptly publish information to that effect by reasonably available means.

(d) Where agreed between the receiving Office and the International Bureau, the Office may furnish an electronic copy of a document to the International Bureau for transmission by electronic means to the applicant on its behalf and, where such transmission is effected in the manner referred to in paragraph (b-bis), may request that the International Bureau promptly alert the applicant by electronic means, unless the applicant requests not to receive such alerts.

[End of Annex and of Circular]