

## **International Patent Cooperation Union (PCT Union)**

### **Assembly**

**Forty-Eighth (28<sup>th</sup> Extraordinary) Session**  
**Geneva, October 3 to 11, 2016**

#### **REPORT**

*adopted by the Assembly*

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/56/1): 1, 3 to 6, 9, 10, 19, 30 and 31.
2. The report on the said items, with the exception of item 19, is contained in the General Report (document A/56/17).
3. The report on item 19 is contained in the present document.
4. In the absence of the Chair of the PCT Assembly, Ms. Susanne Ås Sivborg (Sweden), the meeting of the Assembly was presided over by Mr. Sandris Laganovskis (Latvia), Vice-Chair of the PCT Assembly.
5. The Chair welcomed all delegations, especially the three Contracting States which had acceded to the PCT since the previous session of the Assembly in October 2015, namely Cambodia, Djibouti and Kuwait.

#### **REPORT ON THE PCT WORKING GROUP**

6. Discussions were based on document PCT/A/48/1.
7. The Secretariat introduced the document, which set out a report of the ninth session of the PCT Working Group. The session had a full agenda, with 32 agenda items and 26 working documents. This confirmed the great interest in the further development of the PCT System as a cornerstone in the international patent system. A separate working document

(document PCT/A/48/3) setting out changes to the PCT Regulations approved by the Working Group had been submitted to this Assembly for decision. An overview of all items discussed during the session was provided in the Summary by the Chair attached to the document.

8. The Delegation of Chile, speaking on behalf of the Group of States of Latin America and the Caribbean (GRULAC), stated that it valued and supported the proposal by Brazil set out in document PCT/WG/9/25 for fee reductions for universities and publicly funded research institutions in developing countries. GRULAC hoped that the studies requested of the Secretariat would be undertaken as quickly as possible with a view to continuing with the analysis and moving towards a speedy decision on the matter. GRULAC also expressed its pleasure that the PCT Working Group was being chaired by a delegate from one of its member countries.

9. The Delegation of China supported the improvement of the criteria for fee reductions in the PCT to stimulate patent filings from certain countries, notably developing and least developed countries (LDCs). The proposal by Brazil set out in document PCT/WG/9/25 would act as a first step in stimulating patent filing by universities and publicly funded research institutions in these countries. The Delegation believed that the fee reduction would further encourage applicants from all countries to use the PCT System, thereby promoting a sustainable growth in volume of applications. This would be a win/win situation for both Contracting States and the International Bureau. Regarding the extension of appointment of International Searching and Preliminary Examining Authorities, the Delegation agreed with the procedures, timetable and substantive criteria for the extension of appointments, and undertook to provide the relevant documents required for the process on time to the International Bureau.

10. The Delegation of India supported the proposal by Brazil set out in document PCT/WG/9/25 for fee reductions for universities and publicly funded research institutions in developing countries. The number of patent filings had increased in recent years, but the percentage of applications originating from India was low despite the large talent pool based in research and development institutions over the country. There was a need to exploit the technology developed and to stimulate IP applications. As the proposal under consideration would stimulate patent filing by universities and publicly funded research institutions in developing countries and LDCs, it was a welcome step in the right direction in boosting creativity and innovation. Therefore, the Delegation wished to see a positive outcome on this proposal, which was also likely to benefit the public at large.

11. The Delegation of Brazil thanked the Central Asian, Caucasus and Eastern European Countries (CACEEC), GRULAC, China, Cameroon, Egypt and India for their support for the proposal set out in document PCT/WG/9/25 for fee reductions for universities and publicly funded research institutions in developing countries, as well as States that had supported the proposal during the ninth session of the PCT Working Group. The proposal was based on a study of PCT fee elasticity showing that universities and public research organizations were more price-sensitive than other applicants. Considering this fact, document PCT/WG/9/25 proposed the establishment of a reduction in PCT fees of at least 50 per cent for universities and public funded research institutions from certain countries, notably developing countries and LDCs, taking advantage of the current country based criteria used for fee reductions. The adoption of the proposal would, according to estimates by the Secretariat, generate 139 additional filings per year with a decrease in revenue of 1.508 million Swiss francs, in stark contrast to the 70.3 million Swiss franc surplus announced for the 2014-2105 biennium. The decrease in revenue therefore represented a small amount of this surplus. Taking these facts into account, it could be concluded that a fee discount for universities and publicly funded research institutions was the most efficient possible change in the fee policy for WIPO. After formally presenting the proposal at the Working Group, the Delegation had engaged in informal discussions to share ideas on PCT fee policy, and was pleased to hear general support for the proposal. On this aspect, the Delegation understood that the tiered formula was a staged approach, allowing for fine tuning of the fee reduction according to results obtained. The

Delegation called on all Member States to support and approve the proposal that would create a smart fee reduction for the benefit of the international community, promoting use of the patent system and taking a first concrete step on discussions related to PCT fee elasticity.

12. The Delegation of Greece stated its support for the proposed amendments to the PCT Regulations to make the system more responsive to the needs of users and patent Offices. The changing needs of users, third parties and patent Offices should be the guiding force for continuously improving the PCT System. Access to the PCT system needed to be further accommodated for those universities and public research institutes which had restricted resources and could not finance the entry costs. For this reason, the Delegation welcomed the determination of possible fee reductions to stimulate the patent filing on the understanding that the impact to the PCT income would be minimal.

13. The Delegation of South Africa supported the proposal by Brazil set out in document PCT/WG/9/25 for fee reductions for universities and publicly funded research institutions in developing countries.

14. The Delegation of Iran (Islamic Republic of) noted the report and supported the efforts of the PCT Working Group. Concerning proposed amendments to the PCT Regulations, the Delegation believed that amendments needed to observe factors such as disclosure of as much technical information as possible in patents and avoid dealing with the substantive patent law issues. It was important to provide technical and legal assistance and greater access of countries to different data banks and online research tools, assuring maximum equality by the sharing of patent data banks and reducing the related costs of patent examination to encourage developing countries to use the PCT System more.

15. The Delegation of Mongolia supported the proposed amendments to the PCT Regulations as well as the proposal by Brazil for fee reductions for universities and publicly funded research institutions set out in document PCT/WG/9/25, which would have a big impact for the promotion of innovation in developing countries.

16. The Delegation of Kuwait expressed its pleasure in participating at the Assembly for the first time as a PCT Contracting State and thanked the International Bureau for the facilities and assistance to facilitate accession of Kuwait to such an important international treaty given its positive impact on development. Kuwait had deposited its instrument of accession to the Treaty on June 9, 2016, which had entered into force in Kuwait on September 9, 2016. This accession was the result of Kuwait's wish to promote, foster and benefit from country-wide innovation and creativity, building on the successful experience of the Cooperation Council for the Arab States of the Gulf. Kuwait recognized the importance of the role of intellectual property and acknowledged that the Treaty offered many advantages to developing countries. Indeed, it was an international system that allowed eligible inventors under PCT provisions to file their applications in 150 countries and define the desired scope of protection. In that regard, Kuwait's accession could be seen as the embodiment of the country's will to support innovation and creativity conducive to national economic development. Cognizant of the importance of IP in defining a country's level of development, efforts were being made to develop creative skills through outreach and awareness-raising programs targeted at schools, universities and research institutions. In addition, Kuwait looked forward to starting cooperation with PCT Contracting States on patent examination, and continuing working with the International Bureau in the area of technical assistance to fulfill its obligations. In conclusion, the Delegation hoped the Organization's work would be met with success, thanked WIPO experts for their advice and commended the efforts undertaken to enhance the performance of the Kuwait Intellectual Property Office.

17. The Assembly:

- (i) took note of the “Report on the PCT Working Group” (document PCT/A/48/1); and
- (ii) approved the convening of a session of the PCT Working Group as set out in paragraph 6 of that document.

#### **QUALITY-RELATED WORK BY INTERNATIONAL AUTHORITIES**

18. Discussions were based on document PCT/A/48/2.

19. The Secretariat explained that the document set out a brief report on the ongoing quality work by the International Searching and Preliminary Examining Authorities, pursued mainly through the work of the Meeting of International Authorities and, notably, its Quality Subgroup. The main purpose of the document was to report on the outcome of the sixth informal meeting of the Quality Subgroup, which was held in Santiago, Chile in January 2016. During that meeting, International Authorities had continued their discussions on possible measures to improve the overall quality and usefulness of the international work products of the PCT, namely, the international search reports and the international preliminary reports on patentability established by the International Authorities.

20. The Assembly took note of the report “Quality-Related Work by International Authorities” contained in document PCT/A/48/2.

#### **PROPOSED AMENDMENTS TO THE PCT REGULATIONS**

21. Discussions were based on document PCT/A/48/3.

22. The Secretariat introduced the document, which set out proposed amendments of the PCT Regulations. These amendments had been discussed by the PCT Working Group, which had unanimously agreed to recommend that this Assembly should adopt the amendments as proposed. The proposed amendments in Annex I to the document related to the following: extension of the time limit for requesting supplementary international search from 19 to 22 months from the priority date; clarification of the relationship between, on the one hand, Rule 23*bis*.2(a) and, on the other hand, Article 30(2) as applicable by virtue of Article 30(3) in relation to the transmittal by the receiving Office of earlier search and/or classification results to the International Searching Authority; and deletion of “incompatibility provisions” following the withdrawal of the remaining notifications of incompatibility under those provisions.

23. The Assembly:

- (i) adopted the amendments to the Regulations under the PCT set out in Annex I to document PCT/A/48/3; and
- (ii) adopted the decisions set out in paragraph 7 of document PCT/A/48/3 relating to entry into force and transitional arrangements.

24. For ease of reference, Annex I to this report contains a “clean” version of the PCT Regulations as amended by the decision set out in paragraph 23(i), above, and Annex II to this report contains the decisions relating to entry into force and transitional arrangements referred to in paragraph 23(ii), above.

## **APPOINTMENT OF THE TURKISH PATENT INSTITUTE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT**

25. Discussions were based on document PCT/A/48/4.

26. The Chair referred to the twenty-ninth session of the PCT Committee for Technical Cooperation in May 2016, which had unanimously agreed to recommend to the Assembly that the Turkish Patent Institute (TPI) be appointed as an International Searching and Preliminary Examining Authority under the PCT, as stated in paragraph 5 of the document.

27. The Delegation of Turkey extended its gratitude to the Director General, Mr. Francis Gurry, for adding the matter of the proposal of the appointment of the TPI as an International Searching and Preliminary Examining Authority (ISA/IPEA) to the agenda of PCT Union Assembly for decision at the fifty-sixth series of meetings of the Assemblies of the Member States of WIPO, pursuant to letter of the TPI dated December 15, 2015. It was pleased to inform the Assembly that the PCT Committee on Technical Cooperation (PCT/CTC), at its twenty-ninth session, had produced a unanimous recommendation by the Member States to the PCT Assembly that the TPI be appointed as an ISA/IPEA under the PCT. In this context, the Delegation wished to reaffirm the TPI's commitment to remaining in full compliance with the minimum requirements for appointment set out in PCT Rules 36.1 and 63.1. The Delegation introduced its application in three main parts. The first part provided general information about Turkey in terms of economic indicators and the IP system. The second part focused on the institutional capacity of the TPI in performing its functions. The final part gave information on how the TPI met the minimum requirements for appointment.

28. The Delegation of Turkey stated that Turkey, with its high population (around 80 million), historical background, geographical location and economic development, was an advanced country in the region, where the neighborhood of Turkey comprised a variety of countries with different social and cultural background from Europe, Asia and the Middle East. Turkey's geographical location, logistical capabilities and its unique positioning at the intersection of three continents were the major factors contributing to Turkey's role in the region. Turkey's economic performance over the last decade had resulted in an average annual real Gross Domestic Product (GDP) growth rate of around 5 per cent. In addition, research and development (R&D) expenditure in Turkey had gone up around 20 per cent in 2014 to reach more than 6 billion United States dollars and was expected to account for 3 per cent of the country's GDP by 2023. The history of IP in Turkey dated back to the 19<sup>th</sup> century, with initial IP legislation on trademarks coming into force in 1871 and with patent law first being enacted in 1879. In 1994, the TPI had been established as an autonomous body and IP legislation had been revised in line with international standards. Turkey now had a well-functioning IP system, strengthened by specialized IP courts, enforcement bodies and an institutionalized attorney system with around 1000 registered IP attorneys and other stakeholders. A new and modernized draft law, merging all industrial property rights into a single Act, was now on the agenda of the Turkish National Assembly and was currently being elaborated. The Turkish IP infrastructure, particularly the patent system, had shown significant development and expansion at both the national and the international level. According to the IP indicators published by WIPO, resident patent applications had grown by around 20 times in the last 15 years and Turkey had improved its ranking from 45<sup>th</sup> to 15<sup>th</sup> in this period. The number of international patent applications filed under the PCT that originated from Turkey had increased around 13 times over the last 15 years, with 1013 international applications filed in 2015, representing an increase of 25 per cent compared to 2014 figures. Especially, among middle-income countries, notable increases had been seen in 2015, and Turkey ranked first according to the number of PCT applications among middle-income countries.

29. The Delegation of Turkey stated that the TPI had the potential to take a role in enhancing the awareness and wider use of the PCT in its region, as well as fostering innovation, dissemination of knowledge, further harmonization and higher quality services in the patent system, and the transfer of technology. Appointment of the TPI as an ISA/IPEA would be

beneficial not only for local users but also for the PCT System as a whole. With its unique location at the intersection of the continents, the TPI might take the role as a bridge to convey IP knowledge and information between Europe and Asia. In addition, the technology bank, to be established in Turkey under the umbrella of the United Nations and dedicated to LDCs in order to support their technological development through the establishment of a patent bank, a science and technology depository facility and a science technology and innovation supporting mechanism, would take advantage of the expansion in patent services. In this context, Turkey aimed at transforming itself into an IP knowledge and information dissemination hub for the region through sharing and exchanging its experience, parallel to becoming an International Authority.

30. The Delegation of Turkey continued by providing some detailed information about the TPI's institutional capacity. The TPI served as a public institution, responsible for the administration of intellectual property rights under the Ministry of Science, Industry and Technology. Further to its flexible management structure, with its own financial resources, the TPI had made a substantial investment in human resources and IT tools to increase the quality of its services. It had a paperless system and received 99 per cent of applications online. The TPI had started to prepare search and examination reports in 2005, with a limited capacity in certain technical fields. Since 2005, the TPI's search and examination capacity had increased as a result of strategic planning in human resources and other necessary technical infrastructure. Search and examination capacity in terms of human resources had increased more than 10 times; currently, search and examination capacity of the TPI covered all technical fields, with well-trained patent examiners in the respective areas. In order to manage the procedures for obtaining appointment as an International Authority, the TPI had prepared a business plan, listing the priorities and milestones for the necessary tasks to be completed. In the context of this business plan, the TPI had established three working groups dedicated to making necessary preparations and arrangements to carry out the functions and tasks required of an International Authority. The TPI had cooperated with the Korean Intellectual Property Office (KIPO) and the Spanish Patent and Trademark Office (SPTO), with reference to the procedures for appointment of International Authorities as agreed at the forty-sixth session of the PCT Union Assembly, which strongly recommended to obtain the assistance of one or more existing International Authorities. At the end of several study visits with an intensive evaluation process, both KIPO and the SPTO had individually come to the conclusion in their reports that the TPI satisfied the minimum requirements. The Delegation took this opportunity to extend its gratitude to the management and representatives of the respective Offices, for their close cooperation and insightful comments, which had assisted the TPI in implementing its business plan.

31. The Delegation of Turkey continued with a brief overview of how the TPI met the requirements for appointment, in conformity with the evaluation reports by KIPO and the SPTO. Currently, the TPI employed 112 full time examiners with sufficient technical qualifications to carry out search and examination work. Additionally, the TPI planned to recruit 50 more examiners and complete their training by the end of 2018. Currently, the average working experience of the patent examiners was seven years and around 50 per cent of the TPI's examiners had masters or PhD degrees. Almost half of the examiners had more than five years of experience in search and examination work. The requirements for being a patent examiner were strictly regimented through an exhaustive recruitment process, which was followed by an intensive training program related to the skills, knowledge and strategies concerning patent search and examination principles. This procedure was also in line with the requirement to be met in terms of human resources. Furthermore, the TPI cooperated with other national Offices to provide training on the technicalities and procedures of PCT applications. Recently, a training program by two patent examiners from KIPO to the TPI examiners had been conducted on September 26 and October 5, 2016. In order to further raise the capacity of the TPI's examiners, the TPI was pursuing additional training activities with the patent Offices of Japan, the Republic of Korea, Spain and the United States of America, in addition to benefiting from training activities by the European Patent Office and by WIPO. In this context, it was assured

that the TPI met the requirements set out in PCT Rules 36.1(i) and 63.1(i). With regard to the minimum documentation accessible for search and examination, the TPI enjoyed full access to EPOQUE-Net, with Turkey being a Contracting State of the European Patent Convention. Furthermore, fundamental commercial databases were available to the TPI. In addition, the TPI had access to the library and databases of the Turkish Scientific and Technological Research Council, which provided official bulletins, periodicals, journals and books in various fields of science and technology. Therefore, as regards the PCT minimum documentation, the TPI had access to patent and non-patent literature databases, as required under Rule 34 of the PCT Regulations.

32. The Delegation of Turkey continued by highlighting that, with regard to the required quality management system (QMS) for international search and examination purposes, the TPI had obtained the ISO 9001 certification as a normative reference. Studies to meet the criteria for ISO 27001 concerning IT security systems were in the pipeline and expected to be completed in the first half of 2017. The pillars of the TPI's search and examination quality policy were based on reliability, consistency, transparency, legal compliance, timeliness and continual improvement. In this regard, the TPI had adopted the Plan-Do-Check-Act (PDCA) cycle methodology as the basic principle for the implementation of the QMS. In the quality control process, all reports were reviewed by a second examiner in order to ensure high quality results before issuing the reports. Within the planned quality assurance process under operations as an International Authority, 5 per cent of the reports would be randomly selected and controlled according to determined parameters by the quality team. The results would be recorded and reported periodically. In this regard, the TPI ensured that the QMS requirements set out in Chapter 21 of the PCT Search and Examination Guidelines would be met.

33. The Delegation of Turkey added that, globally, there had been a steady increase in the number of PCT applications in recent years, with 218,000 applications filed in 2015, representing an increase of around 2 per cent on 2014 figures, and marking the sixth consecutive year of growth. In parallel to growth in the number of PCT applications, the workload for search and examination activities had been growing each year. In order to meet the demand and strike a balance with the quality standards, an increase in the number of PCT International Authorities and work-sharing among patent Offices was the way forward. With its extensive resources for search and examination work, the TPI was willing to contribute to handle this workload, in cooperation with other national Offices. In this regard, the TPI had recently entered into bilateral agreements for work-sharing with the national patent Offices of China, Japan and Spain to enable patent applicants to request expedited processing in the national phase under the Patent Prosecution Highway (PPH), which would be launched by the TPI as soon as it became functional as an International Authority. Additionally, the TPI was looking forward to starting PPH negotiations with KIPO. The TPI also welcomed the opportunity to contribute to the global system by taking on national search work from other Offices, such as Bosnia and Herzegovina, and was willing to extend its services to other neighboring countries in the region under its existing 30 bilateral cooperation agreements.

34. The Delegation of Turkey concluded by stating that it strongly believed that acting as an International Authority would allow the TPI to function as a bridge between Europe and Asia, and to contribute to the dissemination of PCT knowledge by creating a network between local and regional users and to support the development and promotion of the PCT System in its region. The Delegation reiterated its highest considerations and gratitude to KIPO Office and to the SPTO for their impartial cooperation and assistance. Thanks to their excellent assistance, the TPI stood before the Assembly fully ready for appointment, without any need for additional work or requiring additional time to meet the criteria. The Delegation further extended its thanks to the Secretariat and, in particular, to the staff of the PCT International Cooperation Division for their excellent guidance during the process. The Delegation offered its application up to the professional and objective assessment of the other delegations on the issues of the technical criteria for appointment and stated that it would be pleased to provide any further clarifications that might be requested by the Assembly of the PCT Union.

35. The Delegation of the Republic of Korea expressed appreciation to the Delegation of Turkey for the presentation of the request for the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT. KIPO had been able to confirm that the TPI met the minimum requirements under PCT Rules 36.1 and 63.1 to be appointed to as an International Authority. The TPI had more than the minimum number of 100 patent examiners with sufficient technical qualifications. At the same time, the TPI had a quality management system as specified in the PCT International Search and Preliminary Examination Guidelines. Moreover, the TPI had a strong willingness to improve its quality management system. Experts from KIPO had visited the TPI twice and checked their systems. Based on the observations of these experts, the Delegation was able to determine that the TPI was competent to perform as International Searching and Preliminary Examining Authority. Additionally, examiners at KIPO had been able to pass down their experience of international search by providing training to the TPI examiners last month. Therefore, the Delegation firmly supported the appointment of the TPI as an International Authority and expected that the TPI would contribute to the development of the PCT System in this role, as well as KIPO extending its cooperation with the TPI.

36. The Delegation of Spain stated that it had worked closely with the TPI to provide technical support and to consider its viability as an International Authority. Throughout the process, the SPTO had become familiar with the professionalism of the TPI and recognized that it met the requirements in order to be an International Searching and Preliminary Examining Authority. The Delegation also thanked the Delegation of Turkey for its kind words regarding the SPTO and the advice that it had been able to provide to support the candidacy of the TPI.

37. The Delegation of India supported the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT. The Delegation believed that the TPI fulfilled the criteria provided for acting as an International Searching and Preliminary Examining Authority under the PCT and would offer high quality services to applicants at more attractive costs, which would be especially important for small and medium-sized enterprises (SMEs) and individual inventors.

38. The Delegation of Iran (Islamic Republic of) supported the proposal of the TPI to be appointed as an International Searching and Preliminary Examining Authority under the PCT and stated that neighboring countries could take advantage of this new International Authority.

39. The Delegation of Mongolia supported the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.

40. The Delegation of Saudi Arabia expressed its support for the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.

41. The Delegation of Sudan supported the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT and stated that it was confident that the TPI would play an effective role in this regard.

42. The Delegation of the Philippines believed that, with the expanding role of the patent system, there was a need for a more robust, balanced and strategic presence of International Searching and Preliminary Examining Authorities across the world regions and continents. In this regard, the Delegation manifested its strong support for the appointment of the TPI as an International Searching and Preliminary Examining Authority, which had met the minimum requirements under the PCT. The Delegation welcomed the active role that the TPI could play in the promotion and protection of patentable inventions in the global IP system. The appointment of a new International Authority in one of the emerging market economies would bolster the role of the IP system in sharing economic and technological development and be a rigorous and dynamic channel to a competent, credible search and preliminary examination.



43. The Delegation of Georgia thanked the Delegation of Turkey for its comprehensive report on the activities undertaken by the TPI to fulfil the minimum requirements for appointment as an International Searching and Preliminary Examining Authority under the PCT, and expressed full support for the appointment.

44. The Delegation of Austria stated that the Austrian Patent Office, as an International Authority, had been carefully examining the documentation accompanying the request under consideration and had listened with great interest to the additional information provided by the Representative of the TPI. As the Delegation had already expressed at the twenty-ninth session of the PCT Committee for Technical Cooperation, it supported the proposal to appoint the TPI as an International Searching and Preliminary Examining Authority under the PCT and wished the management of the TPI all the best in this future task and challenge.

45. The Delegation of China believed that the TPI met the requirements set out in the PCT Regulations on the number of examiners, minimum documentation, language skills of examiners as well as having in place a quality management system. The Delegation therefore supported the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.

46. The Delegation of Chile thanked the Delegation of Turkey for the information that it had provided and endorsed the request for the TPI to be appointed as an International Searching and Preliminary Examining Authority under the PCT.

47. The Delegation of Israel stated that it supported the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.

48. The Delegation of Japan supported the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT. The Delegation welcomed any efforts that the TPI could make in terms of enhancing the PCT System, which was an important instrument to all innovators seeking patent protection internationally, and expected the TPI to play an important role in the development of the PCT system between Europe and Asia.

49. The Delegation of Tajikistan supported the request of the Delegation of Turkey for the TPI to be appointed as an International Searching and Preliminary Examining Authority under the PCT.

50. The Delegation of Brazil associated itself the comments of other delegations in supporting the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.

51. The Delegation of Mexico endorsed the proposal made by the TPI to be appointed as an International Searching and Preliminary Examining Authority under the PCT.

52. The Delegation of Tunisia thanked the Delegation of Turkey for the information provided by the TPI and the efforts it had put forward to promote the patent system, and endorsed the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.

53. The Delegation of Oman aligned itself with the interventions made by other delegations in support of the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.

54. The Delegation of Morocco aligned itself with the interventions made by other delegations in support of the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.

55. The Delegation of Senegal endorsed the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.
56. The Delegation of South Africa stated its support for the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.
57. The Delegation of Singapore expressed support for the TPI to become an International Searching and Preliminary Examining Authority under the PCT, as it had previously done during the twenty-ninth session of the PCT Committee for Technical Cooperation. Turkey had historically served as a gateway between east and west and this continued in the modern age, being able to promote PCT services across the boundaries of Europe, Asia, and the Middle East. The Delegation was confident that the TPI complied with the minimum requirements for appointment as an International Authority, which would greatly boost the value of the PCT.
58. The Delegation of Finland thanked the Delegation of Turkey for the comprehensive presentation and noted the hard work that the TPI had carried out in preparing for the role as an International Authority. As the Delegation had already stated in the PCT Committee for Technical Cooperation, it fully supported the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT.
59. The Delegation of Cyprus, in accordance with the General Rules of Procedures of WIPO and the Rules of the PCT Union, stated that the Republic of Cyprus declared its reservations for the decisions referred to in paragraphs 9(ii) and (iii) of document PCT/A/48/4. Turkey questioned the existence of the Republic of Cyprus and refused any contact and cooperation with the Cypriot authorities and services in all matters, including those on the agenda of WIPO. Any decision on the appointment of the TPI as an International Searching Authority and International Preliminary Examining Authority should be considered and interpreted in the context of UN Security Council Resolutions on Cyprus, notably Resolutions 541 (1983) and 550 (1984). In this regard, Cyprus was not joining the consensus concerning the approval of the Draft Agreement between the TPI and the International Bureau of WIPO in relation to the functioning of the TPI as an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty. Consequently, Cyprus was not in agreement with the appointment of the TPI as an International Searching Authority and International Preliminary Examining Authority. The Delegation concluded by requesting these objections to be recorded in the report of the meeting.
60. The Assembly, in accordance with Articles 16(3) and 32(3) of the PCT, having heard the Representative of the Turkish Patent Institute and taking into account the advice of the PCT Committee for Technical Cooperation set out in paragraph 5 of document PCT/A/48/4, and noting the reservations expressed by the Delegation of Cyprus:
- (i) approved the text of the draft Agreement between the Turkish Patent Institute and the International Bureau set out in the Annex to document PCT/A/48/4; and
  - (ii) appointed the Turkish Patent Institute as an International Searching Authority and International Preliminary Examining Authority with effect from the entry into force of the Agreement until December 31, 2017.
61. The Director General of WIPO, Mr. Francis Gurry, on behalf of the International Bureau, congratulated the Delegation of Turkey on the appointment of TPI as an International Searching and Preliminary Examining Authority under the PCT, and stated that the International Bureau looked forward to the commencement of operations and working with TPI in its new capacity as an International Searching and Preliminary Examining Authority.
62. The Delegation of Turkey stated that it appreciated the positive statements by the member States of the PCT Union and expressed its warm thanks to all member States for their objective assessment of the proposal to appoint TPI as an International Searching and Preliminary

Examining Authority. It expressed its special thanks to KIPO and to the SPTO, which had shown a perfectly professional and impartial approach in assessing the TPI's capacity for this function. Thanks to their impartiality in highlighting a number of areas, the TPI had had the chance to improve itself even before submitting its application. In that regard, the TPI's commitment and resolve to provide high quality search and examination services had never been stronger. The Delegation wished to take this opportunity to inform the Members of the PCT Union that the TPI had already entered into bilateral agreements for establishing a Patent Prosecution Highway with the patent Offices of China, Japan and Spain and that it was continuing its negotiations with the patent Office of the Republic of Korea. It had no doubt that the TPI would considerably benefit from working with these Offices and assist the functioning of the global patent system. The Delegation concluded by saying that it felt that the confidence entrusted to the TPI on this day would be its persistent driving force to improve its services even further and by thanking Member States once more for their constructive approach.

63. The Delegation of United States of America welcomed the appointment of TPI as an International Searching and Preliminary Examining Authority under the PCT and congratulated the TPI on this achievement.

64. The Delegation of Sweden congratulated TPI on its appointment as an International Searching and Preliminary Examining Authority under the PCT. The Swedish Patent and Registration Office had had fruitful cooperation with the TPI for almost 20 years and it welcomed and looked forward to continue cooperation within the framework of PCT International Authorities.

65. The Delegation of Romania joined the Delegations of the United States of America and Sweden in congratulating TPI on its appointment as an International Authority.

#### **ePCT**

66. The Director General of WIPO, Mr. Francis Gurry, introduced a short video explaining the new "look and feel" of ePCT to be launched in early 2017. The new "look and feel" marked a substantial improvement to the environment of ePCT and to the PCT System, providing a more comfortable and accessible interface for users, who would be given a time to transition to the new version.

[Annex I follows]

AMENDMENTS TO THE PCT REGULATIONS  
TO ENTER INTO FORCE ON JULY 1, 2017

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**Rule 4**

**The Request (Contents)**

4.1 to 4.9 *[No change]*

4.10 *Priority Claim*

(a) to (c) *[No change]*

(d) *[Deleted]*

4.11 to 4.19 *[No change]*

**Rule 23bis**

**Transmittal of Documents Relating to Earlier Search or Classification**

23bis.1 *[No change]*

23bis.2 *Transmittal of Documents Relating to Earlier Search or Classification for the Purposes of Rule 41.2*

(a) For the purposes of Rule 41.2, where the international application claims the priority of one or more earlier applications filed with the same Office as that which is acting as the receiving Office and that Office has carried out an earlier search in respect of such an earlier application or has classified such earlier application, the receiving Office shall, subject to Article 30(2)(a) as applicable by virtue of Article 30(3) and paragraphs (b), (d) and (e), transmit to the International Searching Authority, together with the search copy, a copy of the results of any such earlier search, in whatever form (for example, in the form of a search report, a listing of cited prior art or an examination report) they are available to the Office, and a copy of the results of any such earlier classification effected by the Office, if already available. The receiving Office may, subject to Article 30(2)(a) as applicable by virtue of Article 30(3), also transmit to the International Searching Authority any further documents relating to such an earlier search which it considers useful to that Authority for the purposes of carrying out the international search.

(b) to (e) *[No change]*

**Rule 45bis**

**Supplementary International Searches**

*45bis.1 Supplementary Search Request*

(a) The applicant may, at any time prior to the expiration of 22 months from the priority date, request that a supplementary international search be carried out in respect of the international application by an International Searching Authority that is competent to do so under Rule 45bis.9. Such requests may be made in respect of more than one such Authority.

(b) to (e) *[No change]*

*45bis.2 to 9 [No change]*

**Rule 51bis**

**Certain National Requirements Allowed under Article 27**

*51bis.1 Certain National Requirements Allowed*

(a) to (e) *[No change]*

(f) *[Deleted]*

*51bis.2 and 51bis.3 [No change]*

[Annex II follows]



DECISIONS RELATING TO THE ENTRY INTO FORCE OF THE AMENDMENTS IN ANNEX I

“The amendment of Rule 45*bis*.1(a) shall enter into force on July 1, 2017, and shall apply to any international application, irrespective of its international filing date, in respect of which the time limit for filing a request for supplementary international search under Rule 45*bis*.1(a) as in force until June 30, 2017, has not yet expired on July 1, 2017.”

“The amendments of Rule 23*bis*.2 shall enter into force on July 1, 2017, and shall apply to any international application whose international filing date is on or after July 1, 2017.”

“The amendments of Rules 4.10 and 51*bis*.1 shall enter into force on July 1, 2017.”

[End of Annex II and of document]