

International Patent Cooperation Union (PCT Union)

Assembly

Fifty-Third (23rd Ordinary) Session
Geneva, October 4 to 8, 2021

REVIEW OF THE SUPPLEMENTARY INTERNATIONAL SEARCH SYSTEM

Document prepared by the International Bureau

SUMMARY

1. The present document sets out a report by the International Bureau on the supplementary international search system and is intended to serve as a basis for a review of the system by the Assembly. Based on a recommendation by the PCT Working Group, the Assembly is invited to adopt a decision to continue to monitor the system, report on significant developments and to review the system again at a time to be recommended by the International Bureau, or on request by a Contracting State, but no later than 2027.

BACKGROUND

2. The PCT Assembly (“the Assembly”), at its thirty-sixth session held in September/October 2007, amended the PCT Regulations to introduce a supplementary international search system. These amendments entered into force on January 1, 2009 (document PCT/A/36/13).

3. The Assembly reviewed the supplementary international system at its forty-third session in October 2012 and again at its forty-seventh session in October 2015. The decision by the Assembly following the second of these reviews is set out in paragraph 17 of document PCT/A/47/9 as follows:

"17. The Assembly, having reviewed the supplementary international search system three years after the date of entry into force of the system and again in 2015, decided:

"(a) to invite the International Bureau to continue to closely monitor the system for a period of a further five years, and to continue to report to the Meeting of International Authorities and the Working Group on how the system is developing;

"(b) to invite the International Bureau, International Authorities and national Offices and user groups to continue their efforts to raise awareness of and promote the service to users of the PCT system;

"(c) to invite the International Authorities which offer supplementary international searches to consider reviewing the scope of their services provided under the system and consequently the levels of fees charged for the services provided, which should be reasonable; and to invite Authorities which currently do not offer the service to reconsider whether to offer the service in the near future;

"(d) to review the system again in 2020, taking into account further developments until then, notably in relation to developments in collaborative search and examination, and in relation to efforts to improve the quality of the 'main' international search."

4. As the Assembly was not able to review the supplementary international search system in 2020 due to the COVID-19 pandemic, the Assembly is invited to undertake this review at the present session.

REVIEW OF THE SUPPLEMENTARY INTERNATIONAL SEARCH SYSTEM BY THE ASSEMBLY

5. To prepare the review of the system by the Assembly, the International Bureau submitted a document to the thirteenth session of the PCT Working Group ("the Working Group") (document PCT/WG/13/4 Rev.) to provide an update on the supplementary search system and to gather further information and feedback on the system by PCT stakeholders.

6. The discussions by the Working Group of document PCT/WG/13/4 Rev. are summarized in paragraphs 11 to 14 of the Summary by the Chair (document PCT/WG/13/14). Paragraphs 11 to 13 of document PCT/WG/13/14 summarize the comments from the delegations and the remarks of the Chair, as follows:

"11. Discussions were based on document PCT/WG/13/4 Rev.

"12. Some delegations stated that the costs of maintaining the supplementary international search (SIS) system were not justified by the level of use and favored discontinuing the service. Some other delegations considered that the system was of benefit to certain applicants and should be maintained pending further developments, such as the outcome of the collaborative search and examination pilot or the making available of further options within the SIS system.

"13. The Chair noted that, in the absence of consensus, it was unlikely that agreement could be reached on amendments to the PCT Regulations and suggested to adopt the proposal in paragraph 21 of the document, noting that doing so maintained the possibility for any Contracting State to request a further review when it deemed that there was consensus for change."

7. In conclusion, the Working Group invited the International Bureau to continue to monitor the system and report on significant developments, and agreed to recommend to the Assembly to adopt the following decision (see paragraph 14 of document PCT/WG/13/14):

“The PCT Assembly, having reviewed the supplementary international search system in 2012, 2015 and 2021, decided:

“(a) to invite the International Bureau to continue to monitor the system and report to the Meeting of International Authorities and the Working Group on significant developments; and

“(b) to review the system again at a time to be recommended by the International Bureau, or on request by a Contracting State, but no later than 2027.”

*8. The Assembly of the PCT
Union is invited:*

*(i) to note the review of the
supplementary international
search system (document
PCT/A/53/2); and*

*(ii) to adopt the proposed
decision set out in paragraph 7 of
that document.*

[End of document]