

Patent Cooperation Treaty (PCT) **Committee for Technical Cooperation**

Thirty-Third Session
Geneva, February 2 to 6, 2026

PROCESS AND REQUIREMENTS FOR APPOINTMENT AND EXTENSION OF APPOINTMENT

Memorandum of the Secretariat

SUMMARY

1. The PCT Committee for Technical Cooperation (“the Committee”) is requested to give advice to the PCT Assembly on the appointment of one new Office as International Searching and Preliminary Examining Authority under the PCT and on the extension of the appointment of all of the existing Authorities. This memorandum sets out the role of the Committee in this process, the timeline for extensions of appointment, and encourages members of the Committee to review the applications for extension of appointment and provide feedback and ask questions to Individual Authorities to facilitate efficient procedures during the session of the Committee.

ROLE OF THE COMMITTEE

2. According to PCT Article 16(e), the Committee is required to give advice to the PCT Assembly concerning the applications for appointment.

3. According to PCT Articles 56(3)(i) and (ii), the aims of the Committee are, *inter alia*, “to contribute, by advice and recommendations: (i) to the constant improvement of the services provided for under this Treaty, [and] (ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports.”

4. Consequently, the advice of the Committee to the Assembly should be based on a technical assessment of whether the Office would be able, if appointed or its appointment extended, to make a positive contribution to the services provided under the Treaty, having particular regard to whether the Office appears to meet (or continues to meet) the minimum requirements for appointment set out in PCT Rules 36 and 63.

5. The decision whether to appoint or extend the appointment of an Office is subsequently taken by the PCT Assembly, taking the Committee's advice into account. The Assembly will also be requested to approve agreements between the International Bureau and each International Authority, which will be drafted based on a model agreement (see Annex I to document PCT/CTC/33/28). The Committee has been invited to comment on the draft model agreement, and amendments to the Regulations under the PCT necessary for any changes to the format of the draft model agreement, as proposed in Annex II to document PCT/CTC/33/28. The Committee is not required to consider the individual agreements for each International Authority.

6. The relevant provisions of the Treaty and Regulations and an Understanding adopted by the Assembly concerning this process are set out in the Annex to this memorandum for reference.

PROCEDURE AND TIMELINE FOR EXTENSION OF APPOINTMENTS

7. The appointments of all International Searching and Preliminary Examining Authorities will expire on December 31, 2027. The Assembly will therefore be required to approve the extension of each Office or organization wishing to continue operation from January 1, 2028.

8. The Meeting of International Authorities under the PCT, at its thirty-first session in October 2024, discussed the extension of appointments (document PCT/MIA/31/8). The Meeting supported the timeline proposed that the Assembly should decide on the extension of appointments at its session in July 2026, which 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 (see paragraph 35 of the Summary by the Chair of that session, document PCT/MIA/31/11, reproduced in the Annex to document PCT/WG/18/2). For the Assembly to decide on the extension of appointments in July 2026, the Committee will be required to provide its advice on the extensions at this session.

9. All International Searching and Preliminary Examining Authorities submitted their application for extension of appointment within the deadline of December 1, 2025, requested in Circular C. PCT 1691 in line with paragraph (e) of the Understanding concerning procedures for appointment of International Authorities (see paragraph 5 of the Annex to this document) along with an annual report on their quality management systems referred to in their applications.

10. Circular C. PCT 1691 contained an application form for extension of appointment available in the six UN languages (Arabic, Chinese, English, French, Russian and Spanish). The application form for extension of appointment is similar to those used for recent applications for appointment of International Authorities but adds a part to refer to compliance with the provisions concerning supply of patent data for the PCT minimum documentation that enter into force on January 1, 2026. However, the form omits information that is less relevant to an extension of appointment, such as the statement of motivation to be appointed, information on the applicant States(s), the profile of patent applications received at the candidate Office, and reports of International Authorities who acted as a partner Office to assist in the assessment of whether a candidate Office meets the requirements for appointment.

11. The applications for extensions of appointment of each International Authority are set out in documents PCT/CTC/33/2 to PCT/33/33/26. As stated in paragraph 21(e) of document PCT/MIA/31/8 on the procedures for appointment, members of the Committee are encouraged to review the applications for extension of appointment when they are published. Members

should provide feedback and ask questions to any individual Authority on any parts of the applications that might cause concern during the Committee or where they require further information or clarification. This will allow Offices to address any concerns, either by providing “Add” documents or by providing additional information when introducing their application. Every application for extension of appointment includes an official who can be contacted by other members of the Committee for this purpose.

12. The advice of the Committee on the extensions of appointment will be provided to the PCT Assembly at its session in July 2026, which will be invited to approve 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.

13. Following the decision of the PCT Assembly on the extensions of appointment of International Authorities up to December 2027, the International Bureau will sign the agreements with each International Searching and Preliminary Examining Authority following any national ratification required for signing the agreement. The new agreements will enter into force on January 1, 2028, along with the amendments to the PCT Regulations associated with the format of the agreements.

APPOINTMENT OF THE MEXICAN INSTITUTE FOR INDUSTRIAL PROPERTY AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY

14. In addition to the extensions of appointment of existing International Authorities, the Mexican Institute for Industrial Property has submitted an application for appointment as an International Searching and Preliminary Examining Authority for the Committee to provide its advice at this session. This application is set out in document PCT/CTC/33/27.

[Annex follows]

RELEVANT LEGAL PROVISIONS AND PROCEDURAL DECISIONS

LEGAL PROVISIONS CONCERNING APPOINTMENT

1. The process of appointment of an Office as International Searching Authority is regulated by PCT Article 16(3). Article 32(3) provides that the same provisions apply, *mutatis mutandis*, to the appointment of International Preliminary Examining Authorities.

Article 16 **The International Searching Authority**

...

(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.

2. The minimum requirements for appointment as an International Searching Authority, referred to in Article 16(3)(c), are set out in PCT Rule 36.1 as follows (and in equivalent terms in Rule 63.1 for International Preliminary Examining Authorities), as in force from January 1, 2026:

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.
3. [Annex H](#) of the PCT Administrative Instructions, to enter into force on January 1, 2026, sets out the requirements related to the inclusion of patent and utility model documents and non-patent literature in the minimum documentation as referred to in Rule 34.

LEGAL PROVISIONS CONCERNING THE AIMS OF THE COMMITTEE FOR TECHNICAL COOPERATION

4. The aims of the Committee for Technical Cooperation are set out in PCT Article 56(3):

Article 56 Committee for Technical Cooperation

...

- (3) The aim of the Committee shall be to contribute, by advice and recommendations:

- (i) to the constant improvement of the services provided for under this Treaty,
- (ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports, and
- (iii) on the initiative of the Assembly or the Executive Committee, to the solution of the technical problems specifically involved in the establishment of a single International Searching Authority.

...

UNDERSTANDING CONCERNING PROCEDURES FOR APPOINTMENT

5. The following Understanding was adopted by the PCT Assembly at its forty-sixth (27th extraordinary) session in 2014 concerning the procedures for appointment of International Authorities. The Assembly modified the Understanding at its fiftieth (29th extraordinary) session in 2018. The Understanding, as modified, which applies to any application for appointment as an International Authority after the closure of the fiftieth session of the PCT Assembly, reads as follows:

“Procedures for Appointment of International Authorities

“(a) A national Office or an intergovernmental organization (“Office”) seeking appointment is strongly recommended to obtain the assistance of one or more existing International Authorities to help in the assessment of the extent to which it meets the criteria, prior to making the application.

“(b) Any application for appointment of an Office as an International Authority is to be made well in advance of its consideration by the PCT Assembly so as to allow time for an adequate review by the Committee for Technical Cooperation (PCT/CTC). The PCT/CTC should meet as a true expert body at least three months in advance of the PCT Assembly, if possible back-to-back with a session of the PCT Working Group (usually convened around May/June of any given year), with a view to giving its expert advice on the application to the PCT Assembly.

“(c) Consequently, a written request to the Director General to convene the PCT/CTC is to be sent by the Office preferably by March 1 of the year in which the application is to be considered by the PCT Assembly and in any case in time to allow the Director General to send out letters of convocation of the PCT/CTC not less than two months prior to the opening of the session.

“(d) Any such application should be made on the understanding that the Office seeking appointment must meet all substantive criteria for appointment at the time of the appointment by the Assembly and is prepared to start operation as an International Authority as soon as reasonably possible following appointment, at the latest around 18 months following the appointment. With regard to the requirement that the Office seeking appointment must have in place a quality management system and internal review arrangements in accordance with the common rules of international search, where such system is not yet in place at the time of the appointment by the Assembly, it shall be sufficient that such system is fully planned and, preferably, that similar systems are already operational in respect of national search and examination work to demonstrate the appropriate experience.

“(e) A complete application for appointment for consideration by the PCT/CTC should be submitted to the Director General at the latest two months prior to the opening of the session of the PCT/CTC using the standard form made available for the purpose by the International Bureau. The application should contain all the information indicated as mandatory within the notes to that form. Where questions in the form are not relevant to the application, the Office should, where appropriate, replace the questions with alternatives which serve an equivalent purpose.

“(f) Any such application is then to be submitted to the PCT Assembly (usually convened around September/October of any given year), together with any advice given by the PCT/CTC, with a view to deciding on the application.”

6. The standard form for making an application for appointment referred to in paragraph (e) of the Understanding was set out in the Annex to document PCT/A/50/3. This form has been modified to take into account the minimum requirements set out in Rules 36 and 63 to take effect from January 1, 2026.

7. Since 2022, the PCT Assembly has met in July each year, and since 2023, the PCT Working Group has met in February each year. Under this meeting schedule, for the Director General to send out letters of convocation for a session of the PCT Committee for Technical Cooperation taking place at the same time as the PCT Working Group no less than two months before the opening of the session, Circular C. PCT 1691 invited written requests to be sent by December 1, 2025, rather than the timing referred to in paragraph (c) of the Understanding.

[End of Annex and of document]