

Meeting of International Authorities under the Patent Cooperation Treaty (PCT)

Twenty-First Session
Tel Aviv, February 11 to 13, 2014

APPOINTMENT OF INTERNATIONAL AUTHORITIES

Document prepared by the International Bureau

SUMMARY

1. As a first stage of a review of the criteria and procedures for appointment of an Office as International Searching and Preliminary Examining Authority under the PCT, as mandated by the PCT Assembly, and for inclusion in the working document to be prepared by the International Bureau for discussion at the next session of the PCT Working Group, the International Bureau seeks the input of International Authorities on the following issues:

- (a) the minimum number of examiners necessary for an International Authority to cover all fields of technology adequately and who should be included in any such count;
- (b) the need for revisions of language requirements for individual examiners and Authorities as a whole;
- (c) the need for substantive changes to the requirements of access to the minimum documentation or need for a quality management system;
- (d) the need for new criteria which might more directly reflect the ability of an Office to perform the tasks of international search and preliminary examination to the necessary standards;
- (e) the need for changes to the procedures for appointment of International Authorities.

BACKGROUND

2. At its 44th session, held from September 23 to October 2, 2013 in Geneva, the PCT Assembly approved a recommendation that the International Bureau should undertake a review of the criteria and procedures for appointment of an Office as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT and make proposals for necessary changes if appropriate, in coordination where appropriate with the Meeting of International Authorities, for discussion by the Working Group at its next session (paragraph 3 of document PCT/A/44/1 and paragraph 19(ii) of document PCT/A/44/5 Prov.).

3. Document PCT/WG/6/4 includes a history of the development of the criteria and procedures for appointment as an International Authority, which is not repeated in the present document.

4. Seventeen national or regional Offices are currently operating as International Authorities and two further Offices have been appointed but not yet begun to act as International Authorities. The existing appointments are all with effect until December 31, 2017. Negotiations for extension of the relevant agreements with the International Bureau are required to begin by July 2016 and the PCT Assembly will need to take a decision on the extension of appointments before they expire, that is, at its September/October 2017 session.

CURRENT CRITERIA AND PROCEDURES

5. The requirements for an Office to be appointed and to operate as an International Authority are¹:

(a) the Office must have at least 100 full-time employees with sufficient technical qualifications to carry out searches and preliminary examinations;

(b) the Office must be in the possession of, or (since July 1, 1992) have access to, the PCT minimum documentation, properly arranged for search and examination purposes;

(c) the Office must have a staff which is capable of searching and examining the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;

(d) (since April 1, 2007) the Office must have in place a quality management system and internal review arrangements in accordance with the common rules of international search; and

(e) (since January 1, 2004) the Office must be appointed both as an International Searching Authority (ISA) and as an International Preliminary Examining Authority (IPEA).

6. The Office must also conclude an agreement with the International Bureau setting out rights and obligations of the parties and formally undertaking to apply and observe all the common rules of international search and preliminary examination, this being taken to mean the PCT Articles and Rules relating to international search and preliminary examination as well as the PCT International Search and Preliminary Examination Guidelines. These agreements all follow a standard format; the main differences lie in the Annexes which indicate the States and languages for which the International Authority agrees to act and the fees and refund policies which apply.

¹ As set out in equivalent terms in Rule 36 for ISAs and Rule 63 for IPEAs.

7. The decision to appoint an Office as an International Authority is made by the PCT Assembly, having heard the interested Office seeking appointment and, in principle, having heard the advice of the PCT Committee on Technical Cooperation (CTC). However, as has been set out in document PCT/WG/6/4, in the past, the advice of the CTC has in practice often been regarded as a mere formality.

POLICY CONSIDERATIONS

HISTORICAL DISCUSSIONS

8. At the Washington Diplomatic Conference, the minimum required number of examiners, which originally had been proposed to be set at 150, was set at 100, mainly—as it would appear from the records of the Diplomatic Conference—so as to enable one particular Office, which at the time had just over 100 examiners, to fulfill all the conditions for appointment and without any apparent analysis of why this number was appropriate. An alternative proposal to not specify a minimum number of examiners but to simply state an Office would need to have “an adequate number” of examiners was eventually withdrawn in favor of the proposal to set the number at 100 examiners.

9. From the records of the Diplomatic Conference, it can be seen that there had been concerns as to whether the criterion of the number of examiners would be a valid one, since much depended on the number of national applications which such examiners would have to handle, and a proposal was made to instead refer to the number of international applications which an Authority must be able to search in a given year, and to set that number at 1000. In light of those discussions, the decision to eventually include a minimum number of 100 examiners can only be seen as an attempt to quantify the minimum number of examiners which could reasonably be expected to understand the full range of technology for which patent applications may be made, with a sufficient general knowledge of the prior art and classification systems in their areas of expertise to ensure that searches are as efficient, effective and complete as possible. Furthermore, it can only be seen as a *de facto* statement of the bottom of the range of number of examiners in what could be considered a medium-sized Office in 1970, with the assumption that smaller Offices would not have the resources or expertise necessary to perform international search and preliminary examination to the standard which was considered necessary to avoid invalid patents being granted by designated Offices which largely relied on the international phase reports.

CURRENT POLICY ISSUES

10. Whether or not any objective assessment was carried out at the time, it is clear that technology has moved on since 1970. While it was difficult at that time and still is difficult today to reliably quantify the complexity of an application from the point of view of search and examination, it would appear fair to state that, with the rapid advance of semiconductor, telecommunication, biotechnology and other fields, the average technical complexity of applications has generally increased. Furthermore, it is undoubtedly the case that the volume of prior art which exists and which can reasonably be considered available for search has increased dramatically. Also, significant volumes of technical disclosures are made in a wider range of languages.

11. Meanwhile, expectations as to the competencies of International Authorities have risen. In the global knowledge-based economy, the asset value of company patent portfolios has increased. The number of patent applications filed worldwide totaled 2.35 million in 2012, more than double the 1995 level of 1.05 million. Patent protection is also being sought to a greater degree in markets beyond those where the inventor is a national or resident. At the same time, concerns have been raised that granting of poor quality patents can stifle competition and innovation across entire sectors rather than merely being bilateral issues between competing

companies. These developments have resulted in patents no longer being considered as a purely technical matter, but as a cross-cutting policy issue of growing importance. The adverse consequences of granting invalid patents because of inadequate search or examination are therefore more strongly recognized than ever before. On the other hand, electronic systems have reduced what might otherwise have become an impossible burden for examiners to handle effectively. Most importantly, search systems have become increasingly sophisticated and comprehensive. Increasingly, searches are able to rely on full text searching, associated meta-data, "intelligent" recognition and correlation of units, chemical and mathematical formulae, and contextual information. Searching of documents in languages not understood by the examiner has become more practical, both by bulk translation of database texts and by assisted translation of search terms, rather than relying mainly on limited abstracts and drawings as in the past.

12. Against this background, it appears particularly important to identify what is really expected of an International Authority, to set criteria for such Authorities to meet which properly reflect those expectations and to ensure that the criteria are met not only at the time of initial appointment, but on an ongoing basis. However, an objective assessment of the true minimum requirements is difficult and might change again over time as expectations of users (applicants, Offices, third parties, governments and civil society interests), complexity of technology, permitted means of describing and claiming inventions, and IT systems for assisting search and examination develop.

13. In the view of the International Bureau, the main underlying policy requirement ought to be that an Office which is appointed as an International Authority is both capable of and willing to conduct international search and preliminary examination in a timely fashion and to a high quality standard sufficient that designated Offices feel confident to exploit that work and to commence their national examination on the basis of that work, with the minimum of additional work necessary to ensure that the particular requirements of their national laws are met. Most importantly, an international search should be at least as extensive and high quality as any national search and this should be reflected not only in terms of the resources that are available to the Office as a whole but in terms of the resources which are being made available by the Office for its PCT work as an International Authority.

TECHNICAL ISSUES FOR CONSIDERATION

CRITERIA

14. Taking the above issues into account, the International Bureau has the following preliminary observations, recommendations and queries concerning the criteria for appointment.

Number and Skill of Examiners

15. The current requirements relating to the number and skill of examiners are as follows (the roman numerals referring to the relevant sub-paragraphs of Rules 36.1 and 63.1):

- (i) at least 100 full-time employees with sufficient technical qualifications to carry out searches and preliminary examinations;
- (iii) a staff which is capable of searching and examining the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;

16. These requirements split into essentially four (interlinked) questions:
- (a) an absolute number of examiners;
 - (b) who should be counted among the relevant examiners and how;
 - (c) the range and depth of skills necessary to perform effective search and examination across all fields of technology – and how to measure whether the requirements are met; and
 - (d) the language skills which are required.

17. *Number of examiners* – It will be difficult to objectively determine the “correct” minimum number of examiners. This will depend on the training and experience of the examiners involved, the tools available to them, the average time which is permitted to them to conduct an international search and the Member States’ degree of expectation of completeness and consistency of the results. Even then, absent an effective agreed method of measuring quality, there will be a large degree of subjectivity. Nevertheless, it is important either to seek an appropriate minimum number or else find alternative criteria which can be accepted as appropriate for ensuring high quality without presenting an unnecessarily high bar.

18. One way of looking at the issue might be to look at the International Patent Classification (IPC), which contains 638 subclasses. An Office with 100 examiners would thus require each examiner, on average, to be skilled in and sufficiently knowledgeable concerning more than 6 subclasses. While there are enormous differences between subclasses in terms of the complexity of the technology, the volume of prior art involved and the number and type of techniques which an examiner would need to be skilled in to conduct a search effectively, this would appear to be a difficult expectation to meet effectively.

19. As an Office which does not itself conduct search and examination, the International Bureau needs expert guidance before it could make any meaningful recommendations in this area. It would thus welcome comments from International Authorities on how many “typical” subclasses and their associated issues an examiner might reasonably be expected to understand to a sufficiently high level to assure effective international search and preliminary examination.

20. As a related matter, the International Bureau would like to invite International Authorities to review whether paragraphs 21.11 to 15 of the PCT International Search and Preliminary Examination Guidelines sufficiently cover all the issues involved (such as knowledge, skills, tools, workloads and distribution of work, including at times when workload is particularly high in some technical fields) in ensuring that international searches and preliminary examinations are always able to be conducted by an examiner with the necessary skills and resources.

21. *Full-time examiners* – The requirement of “full time” employees with sufficient skills raises questions as to who should be eligible to be counted and how.

22. Some International Authorities “outsource” work to commercial search entities either in addition to or else instead of using their own examiners for international search and preliminary examination. Others may have staff trained as examiners who act in management, policy or purely domestic examination roles and who will not be made available for performing international search and preliminary examination. In many cases, normal staff examiners may be working part time. In any of these situations, it would appear that any count of “examiners” and reference to their skills should apply only to those people who will in fact be made available for international search and preliminary examination when required and should exclude those who will not.

23. Some Authorities “outsource” work to individual “part-time external experts”. While those experts may have all the necessary technical skills to understand the inventions described and may also be skilled at technical searching to the extent that they properly understand what they are looking for, there may be concerns as to whether a person who is not a regular examiner can interpret claims sufficiently well to ensure that a search is properly directed and can sufficiently understand the PCT requirements to guarantee the accuracy of written opinions. There also may be concerns as to whether it is possible to ensure that the experts involved are under sufficient obligations of confidence and are, and are seen to be, impartial.

24. While there would appear to be no reason why a part time examiner should not be able to retain the necessary skills and knowledge to count towards the relevant totals (though they will presumably need to have been full time during training or else have significantly longer training before being considered adequately qualified), in general they should probably be counted *pro rata*. Moreover, particularly in the case of external experts, it may be appropriate to consider whether special provisions should be made about the necessary levels of initial training and ongoing training and experience in order to ensure that appropriate quality standards can be expected to be met.

25. *Distribution of skill over different technical fields* – Another issue is the distribution of actual work. Typically, the patent applications (national and international applications combined) processed by an Office are not distributed equally among the different fields of technology. Consequently, an Office might have many specialists in certain fields of technology where many applications are made, permitting them to gain a high degree of competence in those fields, whereas in other areas, examiners might be spread more thinly among technologies. In principle, this might mean that even an Office with more than the minimum required number of examiners might have difficulty demonstrating the required depth of skill across all fields.

26. This might be an issue which is most likely to mainly affect smaller Offices which would in any case struggle to meet the other requirements for appointment. An attempt to measure the technical distribution of existing workload of an Office as an indicator of breadth and depth of expertise would likely be complex and it would not necessarily add sufficiently to the resulting confidence in quality to justify such an indicator. Nevertheless, the International Bureau would welcome any suggestions by International Authorities of effective and practical ways in which the range and depth of skills across different technologies might be measured.

27. *Language skills* – The requirement of “staff ... which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or translated” would appear to be one of the least clear of the existing requirements. This could be taken as meaning that all examiners need to be fluent in all of English, French and German, and in any of Chinese, Japanese, Korean, Russian and Spanish which might be an official language of the Office (or that international searches are conducted by a group of examiners who together have all those languages). However, this is clearly not practical for most Offices. In general, the requirement has tended to be interpreted as having some examiners with good knowledge of those languages and translation services which examiners can call on when needed.

28. Moreover, the practical situation has certainly changed since 1970. English, French and German are now less dominantly the languages of first technical disclosures. Many other languages can be highly significant in conducting a fully effective search. Also, the tools have moved from entirely paper-based searches to mainly computer-assisted searching, which increasingly offers assistance in searching documents in languages with which the examiner is not familiar. The real requirements in this area therefore seem to be a moving target.

29. The International Bureau would thus welcome any suggestions by International Authorities as to how to clarify this requirement so as to better reflect current realities and as to how to periodically review this requirement as inter-language search tools continue to improve. Clearly, wide-ranging language skills are a great advantage for any examiner. However, minimum requirements which would appear to better reflect current realities appear to be:

- (a) that examiners have an excellent knowledge of the languages in which the international applications which they search and examine are filed or translated;
- (b) that examiners have a very good knowledge of English – this is a *de facto* requirement at present, because human-created abstracts of patent documents from a large number of countries are established in that language but not others and, for most language pairs, machine translations are currently of higher quality to and from English than for other languages.
- (c) that International Authorities have access to effective translation facilities available to examiners on demand for at least the languages referred to in Rule 34 (not only English, French and German) – such facilities might take the form of staff with appropriate language skills, commercial translation services or, where the quality was deemed sufficient, machine translation services.

Minimum Documentation

30. Rules 36.1(ii) and 63.1(ii) require International Authorities to have possession of, or have access to, the PCT minimum documentation, properly arranged for search and examination purposes.

31. In the view of the International Bureau, this would appear to be an essential requirement and should not be fundamentally changed. If additions are required to the minimum documentation, this should be dealt with as a separate exercise.

32. However, in this context, it needs to be clear that the individual examiners conducting the international search and preliminary examination work should have full access to and the necessary skills to use the search tools relevant to their field of technology effectively, rather than the tools merely being available to the International Authority as a whole but not necessarily used by every examiner in every case. Arguably, this is already required by virtue of the quality management system requirements in paragraphs 21.12 and 21.13 of the PCT International Search and Preliminary Examination Guidelines. However, it may be desirable to express the point more explicitly as part of the requirements specified in the Rule itself.

Quality Management Systems

33. As with regard to the PCT minimum documentation, in the view of the International Bureau, Rules 36.1(iv) and 63.1(iv)—setting out the requirement to have in place a quality management system and internal review arrangements—are essential and should not be fundamentally changed. If the existing requirements are considered insufficient, this should be addressed by modifying Chapter 21 of the PCT International Search and Preliminary Examination Guidelines as a separate exercise.

34. The only matter in this area which the International Bureau would propose considering is with regard to the procedure of assessing whether an Office seeking appointment has an appropriate quality management system in place at the time of the appointment – see paragraph 48, below.

Appointment as Both ISA and IPEA

35. In view of Rule 43*b/s* requiring the ISA to produce a written opinion which is equivalent to a written opinion of the IPEA and may be used in place of such, Rules 36.1(v) and 63.1(v), requiring simultaneous appointment as ISA and IPEA, are almost essential. In the view of the International Bureau, this requirement should thus not be changed.

Possible New Criteria

36. The International Bureau would welcome suggestions by International Authorities for entirely new criteria which would more directly demonstrate the ability of an Office to perform the tasks of international search and preliminary examination effectively.

37. Ideally, this might take the form of a demonstrated quality of national search and examination. Similarly, reappointment would ideally be subject to demonstrating an appropriate quality of international search and preliminary examination over the preceding years. However, in the absence of agreed measures of quality of search and examination reports, this seems difficult to achieve.

PROCEDURES

38. With regard to the procedures for appointment, the International Bureau has the following preliminary observations and recommendations.

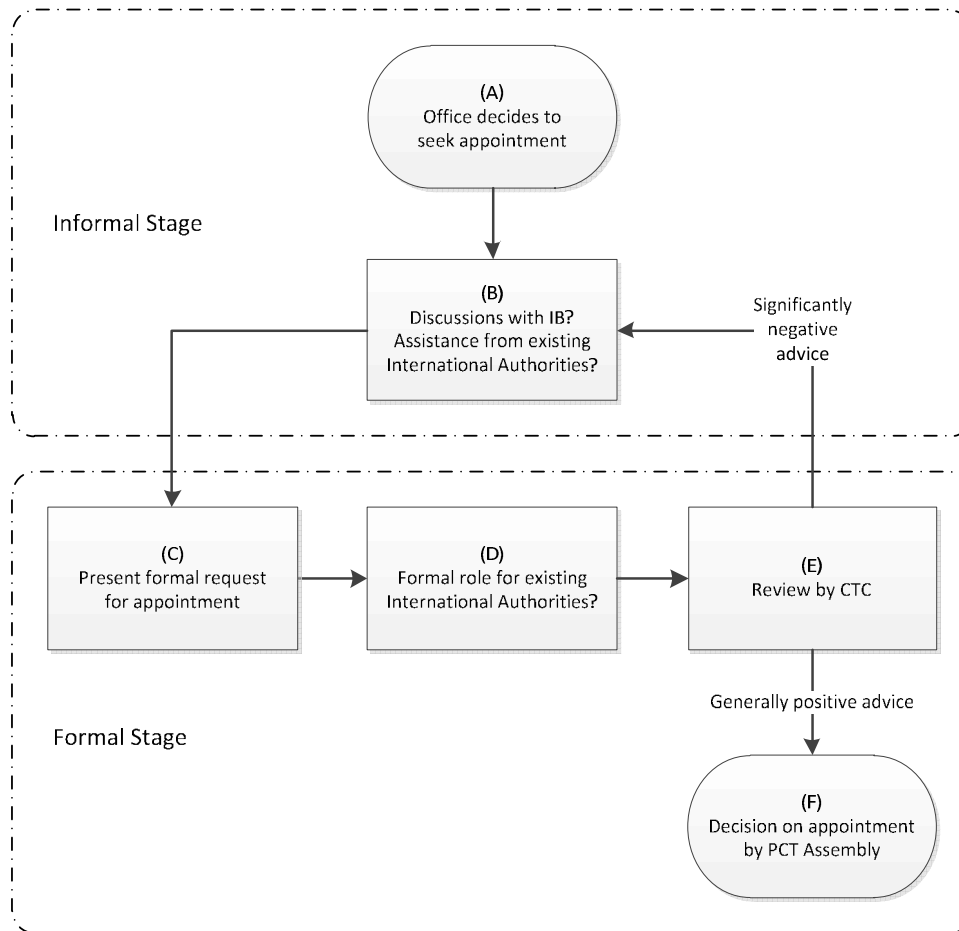
39. In the view of the International Bureau, it would appear that the procedures for appointment would greatly benefit from the inclusion of a proper expert review of the application of an Office prior to a decision being taken by the Assembly. A minimum change would seem to be that the CTC, entrusted by the Treaty to give its advice to the Assembly on any application for appointment, should always meet as a true expert body, well in advance of the PCT Assembly. To ensure that the process leading up to the decision by the PCT Assembly is in fact useful and efficient, the following matters should be considered.

Stages and Timing

40. The following diagram shows a possible normal process for seeking appointment.

41. Stages C (presenting the request), E (review by CTC) and F (decision by the Assembly) appear to be obligatory under the Treaty. The main issues to be further considered would appear to be:

- (a) timing of the different actions; and
- (b) the extent to which review or assistance by existing International Authorities should be offered, recommended or required prior to or as part of the formal processes (stages B and D).



42. Ideally, the CTC ought to meet as a true expert body at least three months in advance of the PCT Assembly. This would allow time for preparation of formal documents for the Assembly taking into account the advice of the CTC with the possibility of correcting any minor defects prior to the submission of the request of the Offices seeking appointment to the PCT Assembly. The PCT Assembly would then be able to appoint a new Authority with confidence in cases where the CTC, following a true expert review, gave generally positive advice. Assuming that appointments would be made at the regular sessions of the PCT Assembly in September/October of a given year, this would imply that the CTC should be convened around June at the latest and could normally be linked with sessions of the PCT Working Group to minimize costs.

43. The timing of presenting a formal request for appointment would depend on whether any additional stages of scrutiny should be required. If the matter would go straight to the CTC, the deadline for making an application would need to be in March of the relevant year in order to meet the timelines for convening the CTC and translating and publishing the relevant documents in time to permit appropriate scrutiny in advance of the meeting.

44. The International Authorities are *ex-officio* members of the CTC and thus able to give their advice in that body. However, it might be useful if International Authorities were able to play a role in advance of the session of the CTC in order to make the discussions more effectively. This might take several forms:

(a) A mandatory formal review by all International Authorities collectively, for example in a session of the Meeting of International Authorities (MIA). This, of course, would increase the length of the process, requiring applications to be made by November or December the year before consideration by the PCT Assembly if the MIA were to meet in time for the candidate Office to have a practical opportunity to respond to any comments. Moreover, it would appear that this would leave the Authorities in no better position to assess the application during such a session than they would be during the session of the CTC.

(b) The candidate Office might be required to have an onsite review by one or more suitably qualified Officers from existing International Authorities, either selected by the International Bureau or invited by the candidate Office, who would be requested to comment on the degree to which the relevant criteria appeared to be met. At present, the International Bureau often visits Offices seeking appointment as an International Authority to offer advice on the criteria against which they will be assessed, but does not itself have the skills to judge the more substantive criteria.

(c) A similar approach might be taken on a voluntary basis, with the Office recognizing that its application will carry more weight if the details were verified as far as possible by an independent expert. Ideally, such work would be undertaken before the formal application for appointment was presented and a report be included as part of the application. In this case, International Authorities would merely need to signal that they were prepared to offer assistance in such a manner.

(d) International Authorities might be strongly recommended to provide a written evaluation of an application in advance of the CTC session.

45. The International Bureau invites International Authorities to comment on the possibilities set out above. In this context, in the view of the International Bureau, the possible role of existing International Authorities in “mentoring” as well as assessing candidate Offices should also take into account the role of established Offices (whether International Authorities or not) in providing technical assistance to Offices in need of developing their examination capacity, irrespective of whether such Offices intend to apply for International Authority status (see also paragraphs 53 and 54, below).

“Provisional” Appointments

46. Most appointments of International Authorities in recent years have been “provisional” in the sense that the Office seeking appointment acknowledged that, at the time of appointment, it did not yet meet one or more of the criteria, such as access to the complete PCT minimum documentation, but stated that it will not begin operation until the relevant defects had been fully addressed.

47. In the view of the International Bureau, in general, this approach should be discouraged. Ideally, an Office should meet all criteria at the time of appointment and be prepared to start operation as soon as reasonably possible afterwards – around 1 year to 18 months might seem a reasonable maximum necessary to prepare IT systems and similar changes where investment in developments could not be justified prior to the appointment being confirmed.

48. One exception to that general requirement might be in the matter of quality management systems, where it would make no sense for the system to be active prior to beginning operation. In this case, the requirement should be that the system should be fully planned and, preferably, that similar systems are already operational in respect of national search and examination work to demonstrate the appropriate experience.

Content of Application

49. Applications which have been submitted in recent years have dealt with different criteria in different levels of detail. In general, matters of quality management systems, minimum documentation and background issues of IT systems have been described at greater length than details of examiner training, experience and breadth and depth of technical expertise. While this may be appropriate and expected, the International Bureau would welcome comments by International Authorities on the matters which International Authorities would like to see in an application to assist effective scrutiny of the criteria.

Negative Comments

50. The Treaty reserves the role of deciding on whether or not to appoint an Office as International Authority to the PCT Assembly. Theoretically, the Assembly can appoint an Office to become an International Authority which has received a highly negative opinion from the CTC, or refuse to appoint an Office which has received an entirely positive opinion. However, in practical terms, this will rarely be the case. It is expected that an Office whose application has received a highly negative opinion from the CTC will itself decide to withdraw or suspend its application without going to the Assembly, and that the Assembly will be happy to accept a statement from an Office that minor issues have been dealt with between the time of the CTC and the Assembly. In the view of the International Bureau it would thus not appear necessary to make specific proposals to regulate the procedure in such cases.

TRANSITIONAL MATTERS

51. If new criteria were agreed which were not met by an existing International Authority, in the view of the International Bureau, there should be no consideration of a “grandfather clause” whereby such an Authority was exempted from meeting the new requirements indefinitely, noting that this would defeat the objective of setting the criteria for appointment in a manner designed to test the presumed ability of an Office to deliver international reports according to the necessary level of quality.

52. On the other hand, it would be necessary to ensure continuity. There will always be a significant delay in the ability of an Office offering skilled professional services such as patent examination to respond to major changes in demand. Against that background, it would seem appropriate to include transitional provisions, allowing Offices to adapt to any new criteria, whether by improving facilities, recruiting additional examiners, joining forces with other Offices in a regional Authority or preparing to give up the status as an International Authority. Thus, depending on the nature of any changes, it would appear appropriate that any new criteria should be applied to existing Authorities only either progressively, or else after a suitably long period of time (such as five years). Should new criteria be agreed upon in time for the reappointment process to take place in 2017, such transitional provisions would need to be taken into account in that reappointment process to take place in 2017.

DEVELOPMENT OF NATIONAL OFFICES

53. Any discussion around the question of what criteria an Office must meet in order to be appointed as an International Authority will inevitably raise questions about technical assistance towards allowing national Offices to search and examine national patent applications effectively, irrespective of any concrete ambitions which an Office may have to seek appointment as an International Authority. In this context, there clearly is scope for improvement in the coordination and delivery of training by established Offices (including, but not limited to those which act as International Authorities). It may also be possible to extend existing national and international programs aimed at access to technological information to ensure that national patent examiners have affordable access to effective search facilities.

54. The International Bureau thus wishes to invite International Authorities to consider how technical assistance activities around examiner training and access to search systems might be improved and the extent to which the International Authorities could assist in this, both individually and collectively.

NEXT STEPS

55. As had been agreed by the Assembly at its forty-fourth session in 2013, the International Bureau will present a review of the criteria and procedures for appointment of an Office as an International Authority and make proposals for necessary changes if appropriate for discussion by the Working Group at its next session, taking into account the comments and suggestions by International Authorities in response to the present document.

56. While improvements to both the substantive criteria for appointment and the procedures for appointment could—in theory—be agreed and adopted at the same time, it would appear more likely that agreement can be achieved more quickly on improvements to the procedures for appointment. If that were the case, and noting that it would appear beneficial to apply any such new procedures with immediate effect pending agreement on new substantive criteria for appointment, the International Bureau intends to structure the working document which will be submitted to the Working Group in a way which would allow the two aspects to be readily separated, potentially allowing a decision by the PCT Assembly in 2014 regarding the procedures for appointment even if there was no agreement yet on any changes to the substantive criteria for appointment.

57. The Meeting of International Authorities is invited to comment on the possible improvements to the criteria and procedures for appointment of an Office as International Searching and Preliminary Examining Authority under the PCT set out in the present document.

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