

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

**Twenty-Third Session
Santiago, January 20 to 22, 2016**

REAPPOINTMENT OF EXISTING INTERNATIONAL AUTHORITIES

Document prepared by the International Bureau

SUMMARY

1. All of the existing International Authorities have been appointed with effect until the end of 2017 and will have to be reappointed by the PCT Assembly for another 10 year term as of January 1, 2018. New agreements will be required between the International Bureau and International Authorities. The process for reappointment should take into account the changes which have been made to the processes for original appointments.

BACKGROUND

2. Each of the existing International Authorities has been appointed until December 31, 2017. Article 10 of each of the agreements with the International Bureau concerning the operation of the various Offices as International Authorities specifies that "The parties to this Agreement shall, no later than July 2016, start negotiations for its renewal."

3. The International Bureau intends to formally begin that renewal process with a Circular to all existing International Authorities in May or June 2016, inviting them to comment on a draft model agreement and to discuss any special provisions which may need to apply to their Office.

4. In addition to the negotiation of a new agreement, the Assembly needs to decide on each reappointment, having first sought the advice of the PCT Committee for Technical Cooperation (PCT/CTC) (PCT Articles 16(3)(e) and 32(3)). Since the last time Authorities were reappointed, the PCT Assembly has approved new procedures for initial appointments, and PCT Rules 36.1 and 63.1 have been amended to include a requirement for quality management systems.

PROCESS FOR REAPPOINTMENT

5. In the view of the International Bureau, the process for reappointment should take into account the changes which have been agreed to the appointment requirements and process. A somewhat abbreviated process may be justified, bearing in mind the obligations of International Authorities to provide annual reports on their quality management systems (which in turn require monitoring of the other requirements). Nevertheless, it would be appropriate for International Authorities to provide documentation broadly based on the requirements for appointment.

6. The International Bureau intends to put a paper to the PCT Working Group or the PCT/CTC in May 2016, setting out a proposed methodology and timetable for the process leading up to a session of the PCT/CTC to be held in May/June 2017 and the reappointment by the PCT Assembly in September/October 2017.

7. In the meantime, the International Bureau would welcome comments from International Authorities concerning:

- (a) changes which may be desirable to the model agreements between the International Bureau and International Authorities;
- (b) the documentation which International Authorities should be required to supply to the PCT/CTC as part of the reappointment process.

8. The Meeting is invited to comment on the issues referred to in paragraph 7, above.

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