

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# PCT Minimum Documentation Task Force Objective D Status Report

Natalie Clewell  
Chief, Electronic Information Centers Division  
Scientific & Technical Information Center  
United States Patent & Trademark Office  
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# Background

- Update the existing PCT Minimum Documentation list given the significant changes in non-patent literature (NPL) over time.
- Develop a process by which the NPL PCT Minimum Documentation list can adapt to on-going changes in the world of information.
- Provide objective guidelines for which NPL can be evaluated for inclusion in the PCT Minimum Documentation list.
- Allow for easier NPL management for ISAs, such that compliance with maintaining titles on the list is clear and straightforward.

# Current Status

- Administrative instructions have been drafted to:
  - Develop criteria to review and recommend NPL for the PCT Min Doc list, including modernized access requirements.
  - Maintain and update the NPL PCT Min Doc list on a continual basis.
- Proposal to make the PCT Min Doc task force permanent.

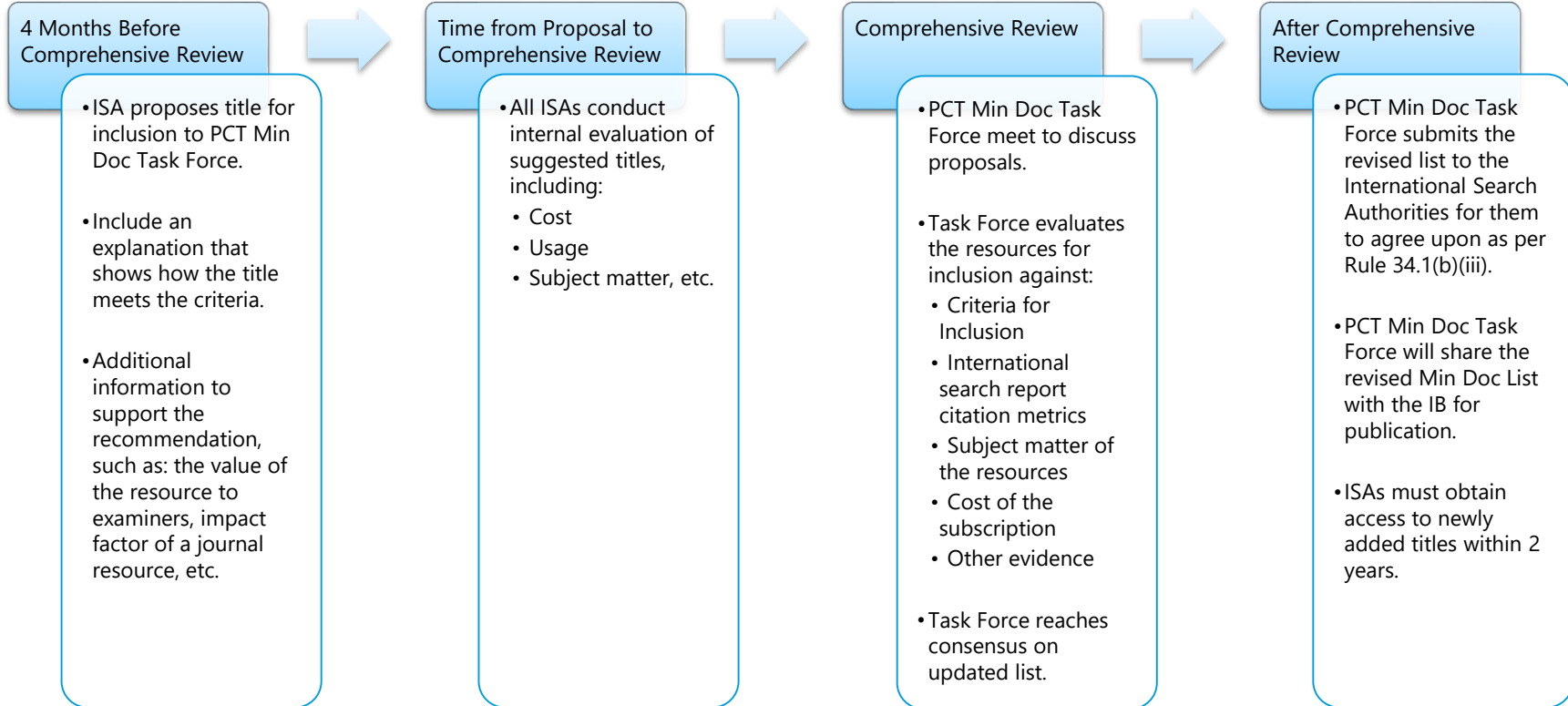
# Criteria for Inclusion

- Evaluating individual titles only (no databases).
- Must be available electronically.
  - To ISAs
  - To the public
- Must be full text and able to be searched.
- Must be institutionally available; personal use subscription resources are not eligible.
- Must allow for copies of cited documents to be distributed to applicants as part of the international search and preliminary examination procedure.

# Process for Evaluation – Comprehensive Review

- PCT Min Doc Task Force meets every 5 years to review existing list:
  - Recommend items to add to the Min Doc list.
  - Recommend items for removal from the Min Doc list.

# Comprehensive Review Timeline



# Process for Evaluation – Annual Update of List

- Remove from the list:
  - Discontinued titles
  - Obsolete titles that no longer meet the criteria
- Update metadata (e.g. title changes, etc.).
- The review is conducted by a volunteer ISA.
- Once the review is complete, the findings will be shared with the Task Force for agreement.
- Upon agreement by the Task Force, the findings will be shared with the IB.



# Requirement for NPL PCT Min Doc Compliance

- ISAs are required, at a minimum, to maintain full-text access to the most recent 5 years of content calculated from the current date.
  - Example – As of June 2022, an ISA should have full-text access of all titles included on the NPL PCT Min Doc List published from June 2017 to June 2022.

# Remaining Point of Discussion

- Proposed Criteria –
  - The NPL Minimum Documentation list resources must be electronically available to both International Authorities and the public.
- Update to Discussion – USPTO met with IPO on June 14, 2022 in regards to TK and the proposed criteria, resulting in the proposed language identified below.
- Proposed New Language for Administrative Instructions –
  - Traditional Knowledge Non-Patent Literature

The present set of criteria applies to all sources of non-patent literature prior art, including Traditional Knowledge resources. Therefore, Offices recommending their Traditional Knowledge as part of the minimum documentation must comply with the present criteria. However, if, in the future, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and other relevant bodies within WIPO decide that Traditional Knowledge prior art should be treated differently than other non-patent literature prior art, then the Task Force shall meet to discuss additional criteria that is specifically directed to Traditional Knowledge resources in line with any new understanding on the treatment of such prior art.

