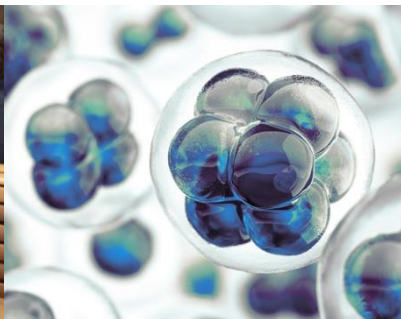




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PCT Minimum Documentation Task Force

Documents PCT/MIA/29/4 and PCT/MIA/29/5



Background (1/2)

- **Task Force's mandate:** to undertake a comprehensive review of the PCT minimum documentation (patent and non-patent literature)

- **Task Force's objectives:**
 - Objective A: up-to-date inventory of the current PCT min doc
 - Objective B: criteria and standards for national patent collections
 - Objective C: bibliographic and text components of patent data
 - Objective D: criteria and standards for NPL and TK

Background (2/2)

- **Objective A:** Discussions were **successfully concluded** in **2017**, i.e. when the Task Force **adopted the up-to-date inventory** of the **current** PCT minimum documentation

=> up-to-date inventory of the patent literature and the NPL part is available on the WIPO website

- **Since 2018**, the Task Force is working on **Objectives B, C and D.**

Fourth Task Force meeting (13-17 December 2021)

- **Rules 34 and 36 PCT:** the Task Force **endorsed** a set of **proposals of amendment** and agreed that the minor outstanding points would be addressed via the wiki;
- **Technical aspects for the patent documentation part:** the Task Force **agreed on most proposed draft provisions** of the PCT Administrative Instructions **and**, in particular, on the **cut-off date (1.1.1991)** as of which the availability of patent data in text-searchable machine-readable form should become mandatory;
- **Technical aspects for the NPL part: except for TK resources,** the Task Force reached **consensus on all aspects** which would be contained in new provisions of the PCT Administrative Instructions.

Doc. PCT/MIA/29/4 – Proposals

- **Proposal to extend** the scope of the **mandate of the current Task Force** in order to facilitate the transition to the proposed requirements for the PCT minimum documentation
=> paragraph 22 of document PCT/MIA/29/4
- **Proposal to set up a standing Task Force** on PCT minimum documentation which would start operating after the entry into force of the revised Rules and Administrative Instructions
 - to follow-up the implementation of the new requirements, and
 - to deal with non-patent literature matters=> paragraph 23 of document PCT/MIA/29/4

Doc. PCT/MIA/29/5 – Rules 34 and 36 : Main proposals

- To **include** in the PCT min doc the patent **collections of all ISAs** and to make it a **requirement for ISAs** to make their patent collections available for consultation under clearly defined technical and accessibility requirements specified in the PCT Administrative Instructions
- To **avoid** any **language-based criteria** in Rule 34 and to **include** in the PCT min doc the patent **collection of any Office not appointed as ISA** under the same requirements as for ISAs (upon request)
- To **include utility model** documents in the PCT min doc as an **optional recommended part** under the same requirements as for patents for both providing Offices and for ISAs

Doc. PCT/MIA/29/5 – Rules 34 and 36 : Main proposals

- To **add** in Rule 34.1 **two new paragraphs**
 - paragraph (d) dedicated to the **tasks** to be performed **by Offices** with regard to the making available of their collections and
 - paragraph (e) dedicated to the **tasks** to be performed in that regard **by the International Bureau**
- **Understanding** of how the requirements in the proposed amendments to **Rule 36** should apply to making patent collections available in the case of an intergovernmental organization that does not itself grant patents or publish patent applications => national Offices of the member States of that organization shall make available for consultation any patent issued and any patent application published by them

Doc. PCT/MIA/29/5 – Proposals for PCT AIs

Part I of proposed new Annex H aim at ensuring that all patent and utility model collections belonging to the PCT min doc be accessible free of charge to each ISA

→ proposed provisions set up a mechanism to allow Offices to publish relevant details about their collections on the one hand, and ISAs to access and effectively search those collections on the other hand

Mechanism to allow Offices to publish relevant details about their collections belonging to the PCT Min Doc

- Offices agreed that, latest 10 years after new Administrative Instructions enter into force, they will make their patents published after 1st January 1991 electronically searchable and available in bulk to ISAs
- Offices agreed to publish Authority Files in a new format containing extra information about their patent collections indicating:
 - Availability or not of searchable full text for the Abstract, Description, and Claims of each patent document
 - The language(s) of publication in which searchable full text of the Abstract, Description, and Claims of each document are available

Benefits of using ST.37 Authority Files in the new format

- **Allows a Patent Office that produces the Authority File to:**
 - provide an inventory of all patents that are present in its patent collection, so other IP offices can assess the completeness of the available patent documentation
 - For each individual patent, the capability to independently indicate:
 1. the availability of any text-searchable abstract, and in which languages such searchable abstracts are available;
 2. the availability of any text-searchable description, and in which languages such searchable descriptions are available;
 3. the availability of and text-searchable claims, and in which languages such searchable claims are available.

- **Allows International Authorities to** quickly identify electronically searchable patents in the new PCT Minimum Documentation patents and to quickly assess the completeness of the prior art consulted for their PCT searches.

Example Authority File in the new format

	Country Code	Publication Number	Kind Code	Publication Date	Text-searchable Abstract as officially published Available? (Language codes/N/U)	Text-searchable Description Available (Language codes/N/U)?	Text-searchable Claims Available (Language codes/N/U)?
1	EP	XXXXXXX	A1	20260108	de	de	de
2	EP	XXXXXXW	A1	20260108	en	en	en
3	EP	XXXXXXV	A1	19901218	U	U	U
4	EP	XXXXXXQ	A1	19901211	U	U	U

- Only **patents published after January 1st (Lines 1 and 2)** must mandatorily be **text-searchable**, i.e. have language codes filled in in the last 3 columns
- it is acceptable for patents published before 1st January 1991 to have “U” in the last 3 columns (see lines 3 and 4)
- Recommended: if available, fill in language codes for patents published before 1st January 1991

Mechanism for ISAs to access and effectively search PCT Min Doc collections

- Offices must establish a repository where other ISAs and IB can access their bulk full text data for free via FTP, SFTP or Web Services
- Offices commit to providing searchable full text data as from the date when the new Administrative Instructions enter into force (on 1st January 2026, all PCT Min Doc patents published after **1.1.2026** must be full text searchable)
- After a 10-year transition period (as from 1st January 2036), all PCT Min Doc patents published after **1.1.1991** must be full text searchable

Entry into force of new proposals: 2 Stages

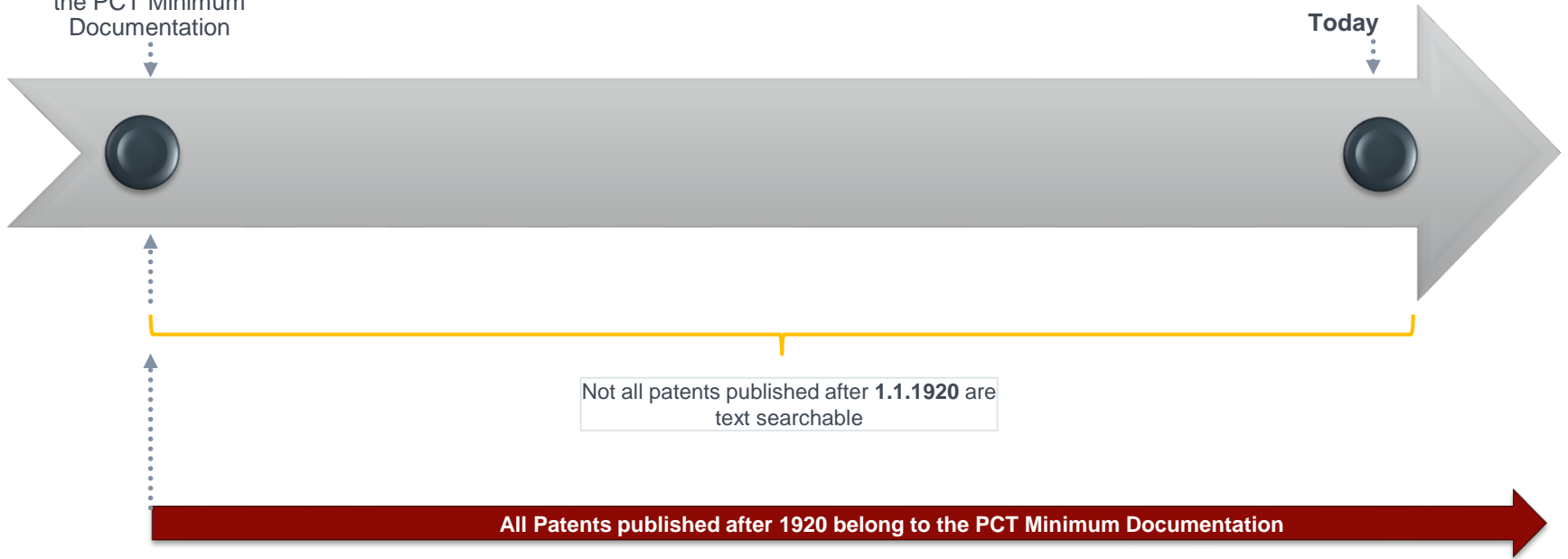
- Offices will be given time to comply with the new Administrative Instructions after they enter into force in 2 distinct Stages:
- Stage 1: Making patents published on or after 1st January 2026 text-searchable according to the new Administrative Instructions
- Stage 2: 10 years after the new Administrative Instructions enter into force, making patents published on or after 1st January 1991 text-searchable according to the new Administrative Instructions

Situation Today

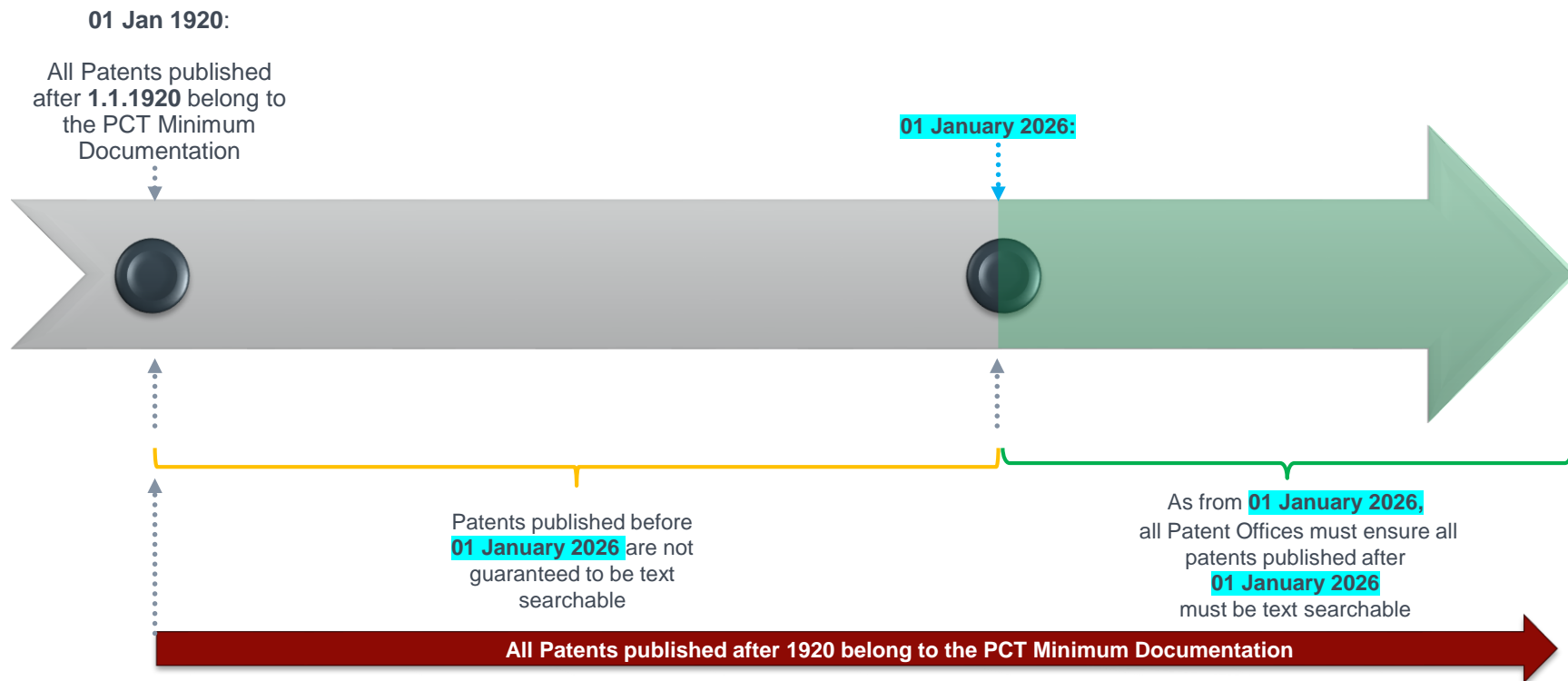
01 Jan 1920:

All Patents published
after **1.1.1920** belong to
the PCT Minimum
Documentation

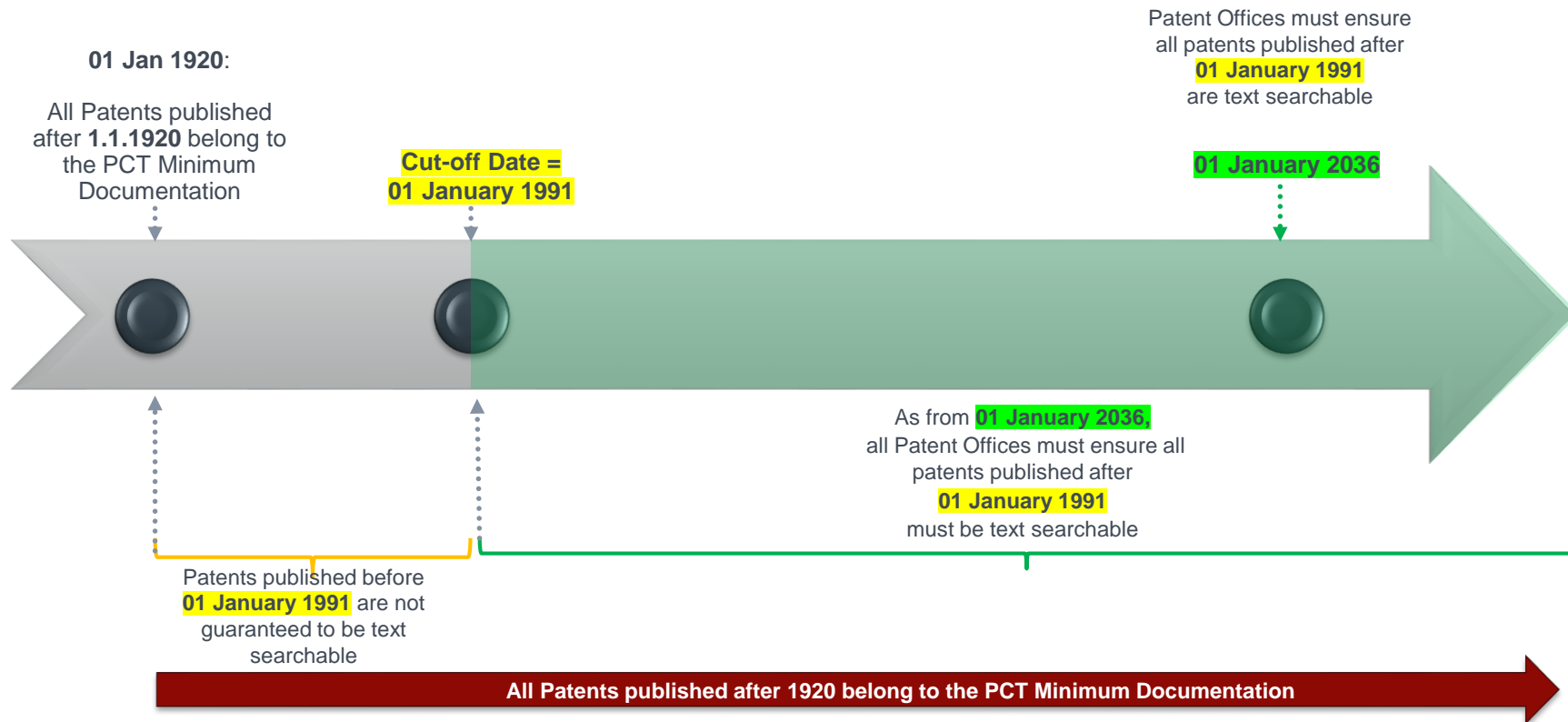
Today



Stage 1: Situation on the Date when new Administrative Instructions are introduced (1.1.2026)



Stage 2: Situation 10 years after new Administrative Instructions are introduced (1.1.2036)



Some Key remarks

- It is proposed to extend the scope of the mandate of the current Task Force to facilitate the 10 year-transition to full implementation of the proposed requirements for the PCT minimum documentation.
- All existing bilateral and multilateral data exchanges between Offices remaining unaffected by the introduction of the proposed new Administrative Instructions. The proposals are not intended to prevent or affect any possible future bilateral or multilateral data exchange agreements that might be agreed between Offices in the future.

Next steps

- Submission of proposals **to the next PCT Working Group (3-7 October 2022)**
- **Fifth Task Force meeting** is tentatively planned for 14-18 November 2022 (2 hours per day)
- **Adoption by the next PCT Assembly (2023)** of Rule amendments for an entry into force before the next ISA reappointment period (on 01.01.2026)

Thank you for your attention

