

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

Thirty-Second Session
Geneva, October 29 to 31, 2025

PROPOSED AMENDMENTS TO THE PCT REGULATIONS FOR USE OF DRAFT MODEL AGREEMENT UNDER ARTICLES 16(3)(b) AND 32(3)

Document prepared by the International Bureau

SUMMARY

1. This document proposes amendments to the PCT Regulations to use the format proposed for agreements between the International Bureau and International Searching and Preliminary Examining Authorities under Articles 16(3)(b) and 32(3) in force from January 1, 2028.

BACKGROUND

2. The Assembly of the PCT Union (“the Assembly”) will be required to approve the extension of appointment of each Office or organization wishing to continue operations as an International Searching and Preliminary Examining Authority from January 1, 2028. For each extension of appointment, the Assembly must approve an agreement under Articles 16(3)(b) and 32(3) relating to the functioning of the Office or organization as an International Searching and Preliminary Examining Authority (“the Agreement”).

3. At its thirty-first session in October 2024, the Meeting discussed a draft model Agreement to be proposed for the Agreements in force from January 1, 2028 (see document PCT/MIA/31/3). As explained in paragraphs 5 to 9 of document PCT/MIA/31/3, the draft model Agreement removes all Annexes. Instead, the operational information in the Annexes of the existing Agreements would be published in the *PCT Gazette* when the Agreements enter into force. When the International Authority wishes to make operational changes, such as setting new fee amounts, the Authority would notify the International Bureau of the modification, which the International Bureau would publish in the *PCT Gazette* and incorporate into the *PCT Applicant’s Guide* when the change takes effect.

4. The discussions of the model draft Agreements are summarized in paragraphs 38 to 40 of the Summary by the Chair of that session, document PCT/MIA/31/11. Comments on the draft model Agreement are contained in paragraph 39 of that document, as follows:

“39. Authorities supported the streamlined format of the draft model agreement proposed in the document and the draft amendments to the PCT Regulations required to support the format. Some Authorities underlined that this would facilitate making updates on operational matters and would avoid duplication of information in the present Annexes to the agreements with the *PCT Applicant's Guide*. One Authority underlined that it was important for the content of the present Annexes to be published in the PCT Gazette for legal purposes and the correct information to be available through the *PCT Applicant's Guide*. With regard to Article 10 of the draft Agreement, two Authorities proposed to bring the latest date to start negotiations forward by one year to July 2035. Another Authority, while supporting the new consistent format across all Authorities, indicated that it would require flexibility in certain wording. The International Bureau observed that all Authorities were expected to undertake the same roles and had the same basic obligations, and so variations should be as few as possible and objectively justified.”

5. As agreed by the Meeting, the International Bureau submitted a revised draft model Agreement to the eighteenth session of the PCT Working Group in February 2025 (see document PCT/WG/18/6). This Agreement is reproduced in Annex II to the present document. The International Bureau will prepare a document for the upcoming session of the PCT Committee for Technical Cooperation to invite comments from the Committee on the revised draft model Agreement before the Agreement is used to prepare the individual Agreements between the International Bureau and each International Searching and Preliminary Examining Authority for approval by the Assembly.

PROPOSED AMENDMENTS TO THE REGULATIONS UNDER THE PCT

6. Annex I to this document proposes amendments to the PCT Regulations that will be required for using the draft model Agreement. As the Agreement no longer contains any operational information specifically applying to an International Searching and Preliminary Examining Authority, in place of referring to details being provided for or stated in the agreements under Articles 16(3)(b) and 32(3), the amended Rules refer to procedures to notify the International Bureau of the various conditions and costs, and to the publication of information in the *PCT Gazette*. The proposed amendments are identical to the provisional draft amendments presented to the PCT Working Group in February 2025 contained in Annex II to document PCT/WG/18/6, except for a clarification in Rules 45*bis*.1(e)(ii) and 45*bis*.9(a) that an International Searching Authority that had previously notified the International Bureau of its preparedness to carry out supplementary international searches would not be competent to carry out supplementary international searches if a notification that it was no longer prepared to carry out this function had taken effect.

7. If supported by PCT Contracting States, the International Bureau will submit the proposed amendments to the same session of the Assembly that will decide on the extension of appointments of International Authorities. This will allow the Assembly to adopt the proposed amendments before extending the appointments and approving the new Agreements with the International Bureau. If adopted, the amendments would enter into force when the new Agreements take effect on January 1, 2028.

8. *The Meeting is invited to comment on the proposed amendments to the PCT Regulations set out in Annex I to the document.*

[Annexes follow]

PROPOSED AMENDMENTS TO THE PCT REGULATIONS¹

TABLE OF CONTENTS

Rule 16 The Search Fee	2
16.1 and 16.2 <i>[No change]</i>	2
16.3 <i>Partial Refund</i>	2
Rule 44 Transmittal of the International Search Report, Written Opinion, Etc.	3
44.1 and 44.2 <i>[No change]</i>	3
44.3 <i>Copies of Cited Documents</i>	3
Rule 45bis Supplementary International Searches	4
45bis.1 <i>Supplementary Search Request</i>	4
45bis.2 <i>[No change]</i>	4
45bis.3 <i>Supplementary Search Fee</i>	4
45bis.4 <i>[No change]</i>	5
45bis.5 <i>Start, Basis and Scope of Supplementary International Search</i>	5
45bis.6 to 45bis.8 <i>[No change]</i>	5
45bis.9 <i>International Searching Authorities Competent to Carry Out Supplementary International Search</i>	5
Rule 71 Transmittal of the International Preliminary Examination Report and Related Documents	7
71.1 <i>[No change]</i>	7
71.2 <i>Copies of Cited Documents</i>	7

¹ Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned.

Rule 16
The Search Fee

16.1 and 16.2 *[No change]*

16.3 *Partial Refund*

Where the International Searching Authority takes into account, under Rule 41.1, the results of an earlier search in carrying out the international search, that Authority shall refund the search fee paid in connection with the international application to the extent and under the conditions ~~provided for~~ [published in the Gazette under the procedure](#) in the agreement under Article 16(3)(b).

Rule 44
Transmittal of the International
Search Report, Written Opinion, Etc.

44.1 and 44.2 *[No change]*

44.3 *Copies of Cited Documents*

(a) [No change] The request referred to in Article 20(3) may be presented any time during seven years from the international filing date of the international application to which the international search report relates.

(b) The International Searching Authority may require that the party (applicant or designated Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be ~~provided for~~ notified to the International Bureau under the procedure in the agreements referred to in Article 16(3)(b) between the International Searching Authorities and the International Bureau.

(c) [Remains deleted]

(d) [No change] Any International Searching Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it

Rule 45bis
Supplementary International Searches

45bis.1 *Supplementary Search Request*

(a) [No change] The applicant may, at any time prior to the expiration of 22 months from the priority date, request that a supplementary international search be carried out in respect of the international application by an International Searching Authority that is competent to do so under Rule 45bis.9. Such requests may be made in respect of more than one such Authority.

(b) to (d) [No change]

(e) The supplementary search request shall be considered not to have been submitted, and the International Bureau shall so declare:

(i) if it is received after the expiration of the time limit referred to in paragraph (a); or

(ii) if the Authority specified for supplementary search has not ~~stated, in the applicable agreement under Article 16(3)(b),~~ notified the International Bureau of its preparedness to carry out such searches, has notified the International Bureau that the Authority is no longer prepared to carry out such searches and that notification has taken effect, or is not competent to do so under Rule 45bis.9(b).

45bis.2 *[No change]*

45bis.3 *Supplementary Search Fee*

(a) to (c) [No change]

(d) [No change] The International Bureau shall refund the supplementary search fee to the applicant if, before the documents referred to in Rule 45bis.4(e)(i) to (iv) are transmitted to the Authority specified for supplementary search, the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or is considered not to have been submitted under Rules 45bis.1(e) or 45bis.4(d).

(e) The Authority specified for supplementary search shall, to the extent and under the conditions ~~provided for~~ published in the Gazette under the procedure in the applicable

agreement under Article 16(3)(b), refund the supplementary search fee if, before it has started the supplementary international search in accordance with Rule 45bis.5(a), the supplementary search request is considered not to have been submitted under Rule 45bis.5(g).

45bis.4 [No change]

45bis.5 *Start, Basis and Scope of Supplementary International Search*

(a) to (e) [No change]

(f) The supplementary international search shall cover at least the documentation that the Authority has notified to the International Bureau for that purpose ~~in the applicable agreement under Article 16(3)(b).~~

(g) [No change] If the Authority specified for supplementary search finds that carrying out the search is entirely excluded by a limitation or condition referred to in Rule 45bis.9(a), other than a limitation under Article 17(2) as applicable by virtue of Rule 45bis.5(c), the supplementary search request shall be considered not to have been submitted, and the Authority shall so declare and shall promptly notify the applicant and the International Bureau accordingly.

(h) [No change]

45bis.6 to 45bis.8 [No change]

45bis.9 *International Searching Authorities Competent to Carry Out Supplementary International Search*

(a) An International Searching Authority shall be competent to carry out supplementary international searches if it has notified the International Bureau of its preparedness to do so ~~is stated~~ under the procedure in the applicable agreement under Article 16(3)(b), subject to any limitations and conditions to the extent set out in that ~~agreement~~ notification, unless a notification from the Authority that it is no longer prepared to carry out supplementary international searches has taken effect.

(b) [No change] The International Searching Authority carrying out the international search under Article 16(1) in respect of an international application shall not be competent to carry out a supplementary international search in respect of that application.

(c) [No change] The limitations referred to in paragraph (a) may, for example, include limitations as to the subject matter for which supplementary international searches will be carried out, other than limitations under Article 17(2) as applicable by virtue of Rule 45*bis*.5(c), limitations as to the total number of supplementary international searches which will be carried out in a given period, and limitations to the effect that the supplementary international searches will not extend to any claim beyond a certain number of claims.

Rule 71
Transmittal of the International Preliminary Examination Report
and Related Documents

71.1 *[No change]*

71.2 *Copies of Cited Documents*

(a) [No change] The request under Article 36(4) may be presented any time during seven years from the international filing date of the international application to which the report relates.

(b) The International Preliminary Examining Authority may require that the party (applicant or elected Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be ~~provided for~~ notified to the International Bureau under the procedure in the agreements referred to in Article 32(2) between the International Preliminary Examining Authorities and the International Bureau.

(c) [Remains deleted]

(d) [No change] Any International Preliminary Examining Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it.

[Annex II follows]

Draft Agreement

between the **PARTY**
and the International Bureau of the World Intellectual Property Organization

in relation to the functioning of the **OFFICE**
as an International Searching Authority
and International Preliminary Examining Authority
under the Patent Cooperation Treaty

Preamble

The **PARTY** and the International Bureau of the World Intellectual Property Organization,

Considering that the PCT Assembly, having heard the advice of the PCT Committee for Technical Cooperation, has appointed the **OFFICE** as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty and approved this Agreement in accordance with Articles 16(3) and 32(3),

Hereby agree as follows:

Article 1
Terms and Expressions

- (1) For the purposes of this Agreement:
 - (a) "Treaty" means the Patent Cooperation Treaty;
 - (b) "Regulations" means the Regulations under the Treaty;
 - (c) "Administrative Instructions" means the Administrative Instructions under the Treaty;
 - (d) "Article" (except where a specific reference is made to an Article of this Agreement) means an Article of the Treaty;
 - (e) "Rule" means a Rule of the Regulations;
 - (f) "Contracting State" means a State party to the Treaty;
 - (g) "the Authority" means the **OFFICE**;
 - (h) "the International Bureau" means the International Bureau of the World Intellectual Property Organization.
- (2) All other terms and expressions used in this Agreement which are also used in the Treaty, the Regulations or the Administrative Instructions have, for the purposes of this Agreement, the same meaning as in the Treaty, the Regulations and the Administrative Instructions.

Article 2 Basic Obligations

(1) The Authority shall carry out international search and international preliminary examination in accordance with, and perform such other functions of an International Searching Authority and International Preliminary Examining Authority as are provided under, the Treaty, the Regulations, the Administrative Instructions and this Agreement.

(2) In carrying out international search and international preliminary examination, the Authority shall apply and observe all the common rules of international search and of international preliminary examination and, in particular, shall be guided by the PCT International Search and Preliminary Examination Guidelines.

(3) The Authority shall maintain a quality management system in compliance with the requirements set out in the PCT International Search and Preliminary Examination Guidelines.

(4) The Authority and the International Bureau shall, having regard to their respective functions under the Treaty, the Regulations, the Administrative Instructions and this Agreement, render, to the extent considered to be appropriate by both the Authority and the International Bureau, mutual assistance in the performance of their functions thereunder.

Article 3 Competence of Authority

(1) The Authority shall act as International Searching Authority for any international application filed with the receiving Office of, or acting for, any of the Contracting States for which the Authority will act, provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international search, is in the language or one of the languages that the Authority will accept and any other requirements regarding international applications published under this Article have been met, and, where applicable, that the Authority has been chosen by the applicant.

(2) The Authority shall act as International Preliminary Examining Authority for any international application filed with the receiving Office of, or acting for, any of the Contracting States for which the Authority will act, provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international preliminary examination, is in the language or one of the languages that the Authority will accept and any other requirements regarding international applications published under this Article have been met, and, where applicable, that the Authority has been chosen by the applicant.

(3) The International Bureau shall publish in the Gazette the Contracting States for which the Authority will act as International Searching Authority and International Preliminary Examining Authority, the languages that the Authority will accept, and any other requirements regarding international applications determining the competence of the Authority to act as International Searching Authority and International Preliminary Examining Authority, applicable at the date of entry into force of this Agreement.

(4) Without prejudice to paragraph (5), modifications may be made to the Contracting States for which the Authority will act as International Searching Authority or International Preliminary Examining Authority, the languages that the Authority will accept and other requirements regarding international applications determining the competence of the Authority to act as International Searching Authority and International Preliminary Examining Authority, by agreement between the Director General of the World Intellectual Property Organization and the Authority; they shall take effect on the date agreed upon by them.

(5) The Authority may, by a notification to the International Bureau, add to the States for which the Authority will act as International Searching Authority or International Preliminary Examining Authority and the languages that the Authority will accept for international applications; any addition shall take effect on the date specified in the notification.

(6) Where a receiving Office specifies the Authority under paragraphs (1) and (2), the Authority shall become competent for international applications filed at that receiving Office from a date to be agreed by the receiving Office and the Authority and to be notified to the International Bureau, that date being at least two months later than the date on which the notification is received by the International Bureau.

(7) Where an international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), paragraphs (1) and (2) apply as if that application had been filed with a receiving Office which would have been competent under Rule 19.1(a)(i) or (ii), (b) or (c) or Rule 19.2(i).

(8) The Authority shall be competent to carry out supplementary international searches in accordance with Rule 45*bis* if it has notified the International Bureau of its preparedness to do so, specifying the documentation that the supplementary international search will cover and any limitations and conditions on the competency of the Authority. The Authority may, at any time, notify the International Bureau that it wishes to modify the documentation and the limitations and conditions, or notify that the Authority is no longer prepared to be competent to carry out supplementary international searches; any modification shall take effect from the date specified in the notification, provided that, in the case that the Authority is no longer prepared to be competent to carry out supplementary international searches, that date is at least six months later than the date on which the notification is received by the International Bureau.

Article 4

Subject Matter Not Required to Be Searched or Examined

The Authority shall not be obliged to search, by virtue of Article 17(2)(a)(i), or examine, by virtue of Article 34(4)(a)(i), any international application to the extent that it considers that such application relates to subject matter set forth in Rule 39.1 or 67.1, as the case may be, with the exception of the subject matter that the Authority has notified to the International Bureau; any changes to the exceptions of the subject matter shall take effect on the date specified in the notification.

Article 5

Fees and Charges

(1) The International Bureau shall publish in the Gazette, the fees of the Authority, and all other charges which the Authority is entitled to make, in relation to its functions as an International Searching Authority and International Preliminary Examining Authority, and, where applicable, as an Authority specified for supplementary search, and any conditions for and the extent of refunds and reductions in fees, as applicable on the date of entry into force of this Agreement.

(2) The Authority may, by a notification to the International Bureau, change the currencies or amounts of the fees of the Authority or of the charges which the Authority is entitled to make, in relation to its functions as an International Searching Authority and International Preliminary Examining Authority, add or remove any fees or charges that may be required by the Authority, add or remove any late fees for which payment may be subjected by the Authority, and make changes in the conditions for and the extent of refunds or reductions of fees permitted under the Treaty and Regulations, provided that any amount paid by mistake, without cause, or in excess of the amount due, for fees shall be refunded. Any notification under this paragraph shall specify the date that the changes shall take effect, provided that that date is at least two months later than the date on which the notification is received by the International Bureau.

Article 6 Classification

For the purposes of Rules 43.3(a) and 70.5(b), the Authority shall indicate the classification of the subject matter according to the International Patent Classification. The Authority may, in addition, in accordance with Rules 43.3 and 70.5, indicate the classification of the subject matter according to any other patent classification that it has notified to the International Bureau to the extent decided by it as set out in that notification; any changes to the other patent classifications shall take effect on the date specified in the notification.

Article 7 Languages of Correspondence Used by the Authority

(1) The International Bureau shall publish in the Gazette the language or languages that the Authority may use for the purposes of correspondence, including forms, other than with the International Bureau, and, where more than one language may be used, any conditions relating to the use of a language.

(2) The Authority may, by a notification to the International Bureau, modify the languages that the Authority may use for the purposes of correspondence other than with the International Bureau, and any conditions relating to the use of a language; any modification shall take effect on the date specified in the notification.

(3) Where more than one language has been indicated under this Article, the Authority shall give regard to the language or languages specified under Article 3 of this Agreement and to the language or languages whose use is authorized by the Authority under Rule 92.2(b).

Article 8 International-Type Search

The Authority shall carry out international-type searches to the extent decided by it.

Article 9 Entry into Force

This Agreement shall enter into force on January 1, 2028.

Article 10
Duration and Renewability

This Agreement shall remain in force until December 31, 2037. The parties to this Agreement shall, no later than July 2035, start negotiations for its renewal.

Article 11
Amendment

(1) Amendments may, subject to approval by the Assembly of the International Patent Cooperation Union, be made to this Agreement by agreement between the parties hereto; they shall take effect on the date agreed upon by them.

(2) The International Bureau shall publish any amendments or notifications provided for under this Agreement in the Gazette.

Article 12
Termination

(1) This Agreement shall terminate before December 31, 2037:

(i) if the PARTY gives the Director General of the World Intellectual Property Organization written notice to terminate this Agreement; or

(ii) if the Director General of the World Intellectual Property Organization gives the PARTY written notice to terminate this Agreement.

(2) The termination of this Agreement under paragraph (1) shall take effect one year after receipt of the notice by the other party, unless a longer period is specified in such notice or unless both parties agree on a shorter period.

In witness whereof the parties hereto have executed this Agreement.

Done at CITY, this DATE, in XX originals in the LANGUAGES language(s) [each text being equally authentic].

For the PARTY by:

For the International Bureau of the World
Intellectual Property Organization by:

[End of Annex II and of document]