

PCT MINIMUM DOCUMENTATION: STATUS REPORT AND NEW PERMANENT TASK FORCE (PCT/MIA/32/5)

32ND SESSION OF THE MEETING OF INTERNATIONAL AUTHORITIES (MIA) UNDER THE PCT

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REVISED PCT MINIMUM DOCUMENTATION – HISTORICAL TIMELINE & CONTEXT

This is the final Status Report before the historic January 1, 2026 implementation of the revised PCT Minimum Documentation framework—the most significant modernization in decades. This multi-year effort began in 2016 and represents intensive collaboration across the PCT community:

- **2016:** Task Force reactivated for comprehensive review
- **2022:** Mandate expanded for technical implementation support
- **July 2023:** PCT Assembly adopted Rule amendments (Rules 34, 36, 63)
- **June 2024:** Administrative Instructions modifications (Annex H) promulgated
- **October 2025:** Final preparations for January 1, 2026 implementation

NEW ERA OF PATENT PRIOR ART REQUIREMENTS (from January 2026)

January 1, 2026 marks a paradigm shift — from image-based to text-searchable documentation, from 20 to 36 patent collections:

- **Expansion:** Increased scope of PCT Minimum Documentation by including the patent collections of all ISAs (20→36 collections)
- **Text-searchable mandate:** All new patent publications must be machine-readable
- **Technical standards:** Authority Files under ST.37 v2.2, repositories with bulk download
- **June 2024:** Administrative Instructions modifications (Annex H) promulgated
- **October 2025:** Final preparations for January 1, 2026 implementation

IMPLEMENTATION PHASE 2 – OPERATIONAL ACTIVITIES

Phase 2 (2026 onwards) balances immediate compliance with realistic transition timelines for comprehensive digitization:

- **New Publications:** All published patents from January 1, 2026 must be in text-searchable format
- **Repository Management:** Making patent publications available within two months of their publication date
- **Bulk Download:** Mandatory capability for International Searching Authorities
- **Backfile Transition:** 10-year period (through 2035) to digitize patents published as from January 1, 1991 onwards

CRITICAL TIMELINE FOR ISAs

Key Milestones (Completed/Upcoming):

- **September 1, 2025:** Testing completion deadline (**33 offices completed to date, 28 certified**)
- **October 1, 2025:** Certification and notification deadline (**just passed**)
- **December 1, 2025:** ISA reappointment application deadline (**approaching**)
- **February 2026:** PCT Committee for Technical Cooperation session
- **July 2026:** PCT Assembly decides on all ISA reappointments

Current Status:

Strong progress with majority of offices on track, some still completing final certification requirements.

IMPLEMENTATION SUCCESS & CURRENT STATUS

Achievements:

- **33 offices** successfully completed testing phase, with 2 more nearing completion
- **28 offices** already certified compliant by Task Force
- **Peer support:** Clinics, wiki collaboration, testing partnerships
- **Clear standards:** Specific technical requirements eliminated ambiguity

Success Factors:

- Realistic 10-year transition balanced ambition with resources
- Flexibility through use of test data when real data was unavailable
- Transparency through wiki-based documentation and certification

NON-PATENT LITERATURE COMPREHENSIVE REVIEW (led by USPTO)

NPL Review Timeline (2026 – 2028):

- **January 2026:** ISAs submit suggested revisions to USPTO
- **May 2026:** Comprehensive review meeting (first permanent Task Force session)
- **October 2026:** Revised list presented to MIA for adoption
- **January 2027:** Updated list published by International Bureau
- **October 2028:** All ISAs must comply (2-year implementation period)

Review Criteria:

- Individual titles (not databases), electronically available, full-text searchable
- Institutionally accessible with terms allowing distribution to applicants
- Annual updates between comprehensive 5-year reviews

PERMANENT TASK FORCE MANDATE

Proposed Mandate Structure for Patent Documentation:

- Monitor 2026+ operations and compliance
- Support backfile digitization through 2035 (1991-2025 publications)
- Perform tasks required by Annex H, Part I

Proposed Mandate Structure for Non-Patent Literature:

- Comprehensive reviews every 5 years
- Annual rotational reviews for updates
- Perform tasks required by Annex H, Part II

Governance:

- Regular reporting to MIA and PCT Working Group, rotating coordination

RECOMMENDATIONS TO MIA

The MIA is respectfully invited to consider the following formal requests:

1. **TAKE NOTE** of implementation progress and current certification status
2. **APPROVE** the proposed mandate for a permanent PCT Minimum Documentation Task Force (as outlined in document paragraph 19)
3. **ENCOURAGE** remaining offices to complete their certification requirements promptly
4. **SUPPORT** the permanent Task Force's ongoing work through continued participation and resources.

CLOSING REMARKS

The revised PCT Minimum Documentation framework represents a collective achievement benefiting the entire PCT community. This modernization provides expanded coverage, improved search quality, and creates a stable technical foundation for next-generation PCT search capabilities.

Acknowledgements:

- **EPO and USPTO** for their leadership and collaborative partnership
- **International Bureau's** exceptional technical and administrative support
- **All participating Offices** for their professionalism and dedication
- **The PCT Working Group and MIA** for their continuous support.