

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

Thirty-Second Session
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PCT MINIMUM DOCUMENTATION: STATUS REPORT AND NEW PERMANENT TASK FORCE

*Document prepared by the European Patent Office and the United States Patent and
Trademark Office*

SUMMARY

1. This document provides an update on the work of the PCT Minimum Documentation Task Force (“the Task Force”) led by the European Patent Office (EPO) and the United States Patent and Trademark Office (USPTO). The Task Force is now focusing on the final preparations required for the timely implementation of the revised legal framework which will govern the PCT minimum documentation as of 2026. This revised legal framework sets up a permanent PCT Minimum Documentation Task Force under the Meeting of International Authorities (MIA). Therefore, this document presents also a draft mandate for the new permanent Task Force.

BACKGROUND

2. In 2016, the MIA reactivated the PCT Minimum Documentation Task Force to undertake a comprehensive review of the PCT minimum documentation under the lead of the EPO and the USPTO. The mandate that was given to the Task Force in 2016 and work endorsed by the MIA in early 2017 (see paragraphs 3 and 4 of document PCT/WG/17/16) can be summarized as follows:

- (a) Create an up-to-date inventory of the patent literature and non-patent literature parts of the current PCT minimum documentation.
- (b) Recommend objective criteria and up-to-date standards for the inclusion in the PCT minimum documentation of both patent documentation and non-patent literature, including traditional knowledge-based prior art.

3. At its twenty-ninth session (June 20 to 22, 2022), the MIA agreed to add the following three objectives to the Task Force's mandate (see paragraph 22 of document PCT/MIA/29/4 and paragraph 51(c) of document PCT/MIA/29/10):

- (a) Guide and support Offices in being technically ready by the date of entry into force of the amended definition of the PCT minimum documentation to make available, in accordance with the technical and accessibility requirements, all patent documents, and where applicable utility model documents, published on or after the said date of entry into force.
- (b) Agree on a roadmap over the 10 years following the date of entry into force of the amended definition of the PCT minimum documentation to support Offices in meeting the technical requirements to make available all patent documents, and where applicable utility model documents, published on or after the cutoff date up until the said date of entry into force.
- (c) Ensure that the implementation of the agreed roadmap is included in the mandate of the (future) standing Task Force on PCT minimum documentation under the PCT MIA that will start operating after the entry into force of the amended Regulations and new provisions of the Administrative Instructions relating to the PCT minimum documentation.

4. Usually, the Task Force conducts its work using an electronic forum made available by WIPO ("the wiki"). In addition, where felt appropriate to facilitate progress in the discussions, the Task Force meets either physically or virtually.

STATE OF PLAY

5. After intensive work in the Task Force as well as discussions at various sessions of the MIA and PCT Working Group, the PCT Assembly, at its fifty-fifth (24th ordinary) session (July 6 to 14, 2023), adopted amendments to Rules 34, 36 and 63, and an Understanding regarding the interpretation of Rules 36 and 63 (document PCT/A/55/2 and paragraph 32 of document PCT/A/55/4). They will enter into force on January 1, 2026.

6. At its sixth session (May 22 to 25, 2023), the Task Force focused on the implementation of the proposed revised legal framework that will govern the PCT minimum documentation as of 2026 and agreed on the implementation roadmap proposed by the EPO for the patent documentation. That roadmap consists of two phases:

- (a) Phase 1 "Preparatory activities" covers actions up to the end of 2025 for patent Offices to be ready to meet the PCT minimum documentation requirements in force from January 1, 2026. This will involve preparing the Authority File under WIPO Standard ST.37 to indicate the availability of the abstract, description and claims in text searchable format for patents published after that date. Each Office with a patent collection belonging to the PCT minimum documentation will also need to create a repository from where an International Searching Authority can bulk download PCT minimum documentation data, requiring all patent documents published on or after January 1, 2026, to be in text searchable format. All International Searching Authorities will also need to ensure that they can bulk download other PCT minimum documentation bulk collections from their repositories.
- (b) Phase 2 "Operational activities" covers actions from 2026 onwards in terms of operational activities to handle patent documents published from January 1, 2026, and transition activities up until the end of 2035 to digitize back file publications published from January 1, 1991. For new publications, an Office will be required to include the additional Authority File information, store patent data in text searchable format in the repository at the latest two months after the publication date, and bulk download other PCT minimum

documentation collections. In terms of transition activities, an Office will need to have included the additional information in its Authority file for patent documents published from January 1, 1991, and digitized these patent documents and stored the data in text searchable format in the repository of the Office before December 31, 2035.

7. At its sixth session, the Task Force also approved the roadmap for the non-patent literature aspects and the review cycle of the future permanent Task Force, which were proposed by the USPTO (document PCT/MD/6/6, attached as an Appendix to document PCT/MIA/30/2). According to the said roadmap, the future permanent Task Force would identify an International Searching Authority coordinator to lead/host a comprehensive review of the list of non-patent literature items in the PCT minimum documentation in November 2025 (the USPTO having volunteered to be the first coordinator, this step is already met), and then meet for the first comprehensive review in May 2026. The Task Force would then present its first revised list of items of non-patent literature for adoption at the Meeting of International Authorities later in 2026 in order for the International Bureau to publish the updated list in January 2027. International Searching Authorities would need to comply with the new list within two years of its adoption. Annual reviews of the list to remove obsolete and discontinued resources, as well as make metadata updates, would take place in May each year, chaired by a volunteer International Searching Authority on a rotational basis. The second comprehensive review would take place in May 2031. The public would also be able to suggest non-patent literature items for the Task Force to consider for inclusion in the PCT minimum documentation at the following comprehensive review.

8. On January 4, 2024, the International Bureau issued Circular C. PCT 1660 to consult the PCT membership on the proposed modifications to the PCT Administrative Instructions, based on the text in Annex III to document PCT/WG/16/6. At the seventeenth session of the PCT Working Group (February 19 to 21, 2024), the EPO and the USPTO provided an update on Task Force's work (document PCT/WG/17/16), which was noted by the Working Group.

9. The Task Force held its seventh session from April 22 to 25, 2024. At that session, the International Bureau provided an update on the replies to Circular C. PCT 1660. The Task Force formally endorsed the new provisions of the PCT Administrative Instructions setting out the technical and accessibility requirements of the renewed PCT minimum documentation, including new Annex H. The modifications to the PCT Administrative Instructions were promulgated on June 19, 2024, through Circular C. PCT 1672 and will enter into force on January 1, 2026. Otherwise, at this session, the Task Force focused on the preparations required for the timely implementation of the new PCT minimum documentation requirements as of 2026. The Task Force reviewed and validated a set of checklists prepared by the EPO to monitor progress with respect to the patent collections that are likely to belong to the renewed PCT minimum documentation. The participating Offices shared their respective preparation plans, progress and questions. Moreover, the Task Force confirmed the time plan proposed by the USPTO regarding the comprehensive review cycle of the future permanent Task Force, which will focus on updating the non-patent literature part of the PCT minimum documentation as from 2026 onwards. For further details on that session, see document PCT/MD/7/6, attached as an Appendix to document PCT/MIA/31/6. At the thirty-first session of the MIA (October 16 and 17, 2024) and the eighteenth session of the PCT Working Group (February 18 to 20, 2025), the EPO and the USPTO provided an update on Task Force's work (documents PCT/MIA/31/6 and PCT/WG/18/17).

10. With the adoption of the PCT Rule amendments in July 2023 and the promulgation of the modifications to the PCT Administrative Instructions in June 2024, the Task Force completed the objectives of its initial mandate of 2016. Hence, since June 2024, the Task Force's work is entirely dedicated to the three objectives that were added to its mandate in 2022 (see paragraph 3, above).

11. The Task Force held its eighth session from May 19 to 22, 2025. It was the last session before the entry into force, on January 1, 2026, of the revised provisions relating to the PCT minimum documentation, and before the submission by International Authorities of their applications for extension of appointment as an International Searching and Preliminary Examining Authority. As part of these applications – which must be submitted by December 1, 2025 – International Authorities are required to demonstrate compliance with the new PCT minimum documentation requirements. This session focused thus on the final preparations required for the timely implementation of the revised PCT minimum documentation provisions.

12. At this session, the Task Force endorsed a certification process to confirm that the Office has met the requirement that it has made its patent collection available to other International Searching Authorities, as referred to in paragraph 13 of document PCT/WG/18/15, ensuring that the compliance with the new PCT minimum documentation requirements be assessed in the same and objective way for all Authorities and Offices. The said certification process consists of the following stages:

- (a) Stage 1 – Documentation: This stage corresponds to the filling out of the checklists to report on the status of the preparations to reach compliance.
- (b) Stage 2 – Verification: This stage corresponds to the testing phase during which the following verifications need to be performed:
 - (i) Compliance of the Authority File with both Annex H of the PCT Administrative Instructions (text-searchable indicators) and version 2.2 of WIPO Standard ST.37 to be checked by the International Bureau.
 - (ii) Availability of full-text in an allowable format on a repository to be checked by at least one International Authority.
 - (iii) Confirmation that full-text can be downloaded in bulk from the repository to be checked by the same International Authority.
- (c) Stage 3 – Certification: An Office is considered as certified compliant by the Task Force if the test results are positive and no other International Authority raises objections within one month from the completion of the first test (in case of tests by several Authorities) and posting the testing results. The certification is documented by the testing results published in dedicated tables on the wiki.

13. At its eighth session, the Task Force also endorsed timelines for timely certification, one for International Authorities and one for Offices not appointed as International Authorities, noting that all Offices should strive to conclude the verification (testing) phase by September 1, 2025. Another common key milestone is October 1, 2025 as the cutoff date for meeting certification requirements and the deadline for the notification to the International Bureau under new Rule 34.1(d)(i).

14. For International Authorities, the key milestones are:

- (a) September 1, 2025: Testing and assessments must be completed.
- (b) October 1, 2025: Cutoff date for meeting certification requirements and deadline for the notification to the International Bureau under new Rule 34.1(d)(i) for patent and utility model documents to be part of the PCT minimum documentation from January 1, 2026.
- (c) December 1, 2025: Deadline for the submission by International Authorities of their applications for extension of appointment as an International Searching and Preliminary Examining Authority.

(d) February 2 to 6, 2026: Dates for the session of the PCT Committee for Technical Cooperation (CTC) convened to provide its advice on the extensions of appointment.

(e) July 7 to 15, 2026: PCT Assembly considers the extension of appointment of all International Authorities.

15. Regarding non-patent literature, the Task Force validated the detailed time plan proposed by the USPTO regarding the work of the future permanent Task Force as well as a draft non-patent literature submission form aiming at capturing all the information an International Searching Authority might need to evaluate a non-patent literature item. For further details on that session, see document PCT/MD/8/6, attached as an Appendix to this document.

16. On September 1, 2025, 25 Offices successfully completed the above-mentioned testing phase, and nine Offices are already considered as certified compliant by the Task Force. On September 9, 2025, to support Offices in their final preparations, the International Bureau issued Circular C. PCT 1690 containing a template for the notification to the International Bureau under new Rule 34.1(d)(i) that an Office is making its patent documents, and where applicable, its utility model documents available in compliance with the technical and accessibility requirements specified in Annex H to the Administrative Instructions.

NEW PERMANENT TASK FORCE

17. The provisions of Annex H of the PCT Administrative Instructions that will enter into force on January 1, 2026, set up a permanent Task Force under the MIA comprising representatives of International Searching Authorities. The said provisions entrust that Task Force with tasks related to the review of the list of items of non-patent literature referred to in new Rule 34.1(b)(ii) with a view to verify that items continue to meet the criteria for inclusion in the PCT minimum documentation and to consider resources for addition to the list.

18. At its twenty-ninth session (June 20 to 22, 2022), the MIA agreed that the current ad hoc Task Force shall ensure that the implementation of the agreed 10-year patent documentation roadmap (see paragraph 6(b), above) is included in the mandate of the (future) standing Task Force on PCT minimum documentation under the PCT MIA that will start operating in 2026 after the entry into force of the amended Regulations and new provisions of the Administrative Instructions relating to the PCT minimum documentation (see paragraph 3(c) above, paragraph 22 of document PCT/MIA/29/4 and paragraph 51(c) of document PCT/MIA/29/10).

19. Therefore, it is proposed to entrust the new permanent Task Force on PCT minimum documentation with the following mandate:

(a) For non-patent literature matters, namely:

(i) Conducting a comprehensive review every five years to verify that the items on the non-patent literature list continue to meet the criteria for inclusion and to consider the inclusion of new resources, in accordance with the adopted comprehensive review cycle.

(ii) Establishing a schedule of volunteer International Searching Authorities to conduct an annual review of the non-patent literature list on a rotational basis for obsolete and discontinued resources, as well as metadata updates.

(iii) Performing any further tasks that might be required by the provisions of Part II of new Annex H of the PCT Administrative Instructions.

(b) For patent documentation matters, namely:

- (i) Monitoring and conducting activities to support the handling of patent documents published from January 1, 2026, in accordance with the new requirements.
- (ii) Monitoring and conducting activities until the end of 2035 to support the transition for back file publications published from January 1, 1991.
- (iii) Performing any further tasks that might be required by the provisions of Part I of new Annex H of the PCT Administrative Instructions.

20. The permanent PCT Minimum Documentation Task Force will report on a regular basis to the MIA and, where relevant, to the PCT Working Group. The first session of this permanent Task Force is tentatively scheduled for May 2026 under the leadership of the USPTO, which volunteered to coordinate the first comprehensive review.

21. The Meeting is invited to take note of the contents of the present document and to approve the proposed mandate of the new permanent Task Force on PCT minimum documentation.

[Appendix follows]

PCT Minimum Documentation Task Force

Eighth session

By videoconference, 19-22 May 2025

Summary of discussions

adopted by the Task Force

1. The PCT Minimum Documentation Task Force (“the Task Force”) held its eighth session by videoconference from 19 to 22 May 2025.
2. The list of participants is contained in the Annex to this document.

Item 1: Opening of the session

3. Mr. Bogliolo, Head of Department, Unitary Patent Division, European Patent Office (EPO) welcomed the participants as Chair of the session. In his opening remarks, the Chair highlighted that this session was attended by a record number of 30 delegations, including all 25 International Searching Authorities (ISAs), the International Bureau of WIPO (“the International Bureau”) and 4 observer Offices (the French, German, Swiss and UK Offices). The Chair expressed his appreciation to the International Bureau and the United States Patent and Trademark Office (USPTO) for their excellent cooperation in organizing the session. He also extended his thanks to all participants who completed the checklists supporting the necessary preparations for implementing the new technical requirements, as well as to those who contributed feedback and insights via the electronic forum (“wiki”).
4. The Chair emphasized that this session represented the final opportunity to address any outstanding questions before the revised provisions on PCT minimum documentation enter into force on 1 January 2026, and ahead of the submission deadline for applications by International Authorities seeking extension of their appointment. As part of these applications – which must be submitted by 1 December 2025 – International Authorities are required to demonstrate compliance with the new PCT minimum documentation requirements. It is therefore essential for International Authorities to ensure they are fully prepared in time. For Offices that are not ISAs, failure to meet the new requirements by the deadline would result in their patent documentation being temporarily excluded from the PCT minimum documentation, until such time as compliance is achieved.
5. The Chair then introduced the proposed agenda and objectives of the session. Following an update on the CWS Authority File Task Force, provided by the International Bureau or the Intellectual Property Office of the United Kingdom (UK IPO), the session would turn its

attention to the preparations required for the timely implementation of the new legal framework governing the PCT minimum documentation, effective from 2026. Based on a presentation by the EPO (document PCT/MD/8/2/REV) and the responses to the checklists, the Task Force will begin by reviewing the status of Offices' preparations. This would be followed by a discussion on the testing phase – an essential step to ensure a timely and seamless implementation of the new requirements, including the certification process. In this context, the International Bureau will present key takeaways from the recent clinics and address questions raised during those sessions or subsequently via the wiki (document PCT/MD/8/4). The International Bureau will also provide information on the notification process and timeline and explain the reporting requirements related to the implementation of the new provisions, which International Searching Authorities must fulfil as part of their applications for extension of appointment. Finally, after addressing the preparations for the new patent documentation requirements, the Task Force will turn to the implementation of the revised non-patent literature requirements, based on a presentation prepared by the USPTO (document PCT/MD/8/5).

6. Mr. Tsuyoshi Isozumi, Senior Director, PCT Services Department, International Bureau, welcomed all participants on behalf of the Director General, Mr. Daren Tang. He thanked the EPO for organising and chairing the Task Force session, and the USPTO for leading the discussions on the non-patent literature aspects. He recalled that Circular C. PCT 1672 promulgating the new provisions of the PCT Administrative Instructions dedicated to the PCT minimum documentation was issued in June 2024, and that the new PCT minimum documentation requirements will enter into force on 1 January 2026. He underlined that the said date was fast approaching, and that, thanks to the above-mentioned checklists prepared by the EPO and the clinics organised by the International Bureau, much progress was made on the implementation of the new requirements, but that some work still needs to be done by many Offices to be ready for 1 January 2026. Mr. Isozumi also recalled the upcoming deadline of 1 December 2025 for the submission by International Authorities of their applications for extension of appointment. He pointed out that the priority for this year is the patent and utility model documentation. He added that the first comprehensive review of the non-patent literature will take place next year.
7. The USPTO welcomed all participants and thanked the EPO and the International Bureau for the good cooperation on these matters. The USPTO encouraged all participants to actively engage in the implementation of the new PCT minimum documentation requirements and underlined that all Offices will benefit from these implementation efforts.
8. The Task Force adopted the agenda as set out in document PCT/MD/8/1.

Item 2: Update on the CWS Authority File Task Force

9. The UK IPO provided an oral update on the CWS Authority File Task Force.
10. The UK IPO reported that the CWS Authority File Task Force had a workshop on 21 February 2025 and a meeting on 10 April 2025 and that it plans to meet again on 26 June 2025. The UK IPO noted that good progress has been made in drafting revisions to WIPO Standard ST.37 with a view to finalizing text of version 2.3 of ST.37 for adoption at the next session of the Committee of WIPO Standards to take place from 10 to 14 November 2025 and helping Offices' understanding of WIPO ST.37 Standard Authority Files (version 2.2). In that regard, one of the main areas of concern was the creation of text-searchable documents.
11. *The Task Force noted the update from the UK IPO.*

Item 3: Preparations for the implementation of the new patent documentation requirements by 2026

12. Discussions were based on the PowerPoint presentation PCT/MD/8/2/REV, its updated version PCT/MD/8/2/REV2, document PCT/MD/8/3/REV and its updated version PCT/MD/8/3/REV2 prepared by the EPO as well as on document PCT/MD/8/4 and an accompanying presentation prepared by the International Bureau.

Status update

13. The EPO presented its PowerPoint (document PCT/MD/8/2/REV). The EPO first recalled the new obligations that will apply as from 1 January 2026 to Offices whose patent collections belong to the PCT minimum documentation, namely:
- Patent collections of all ISAs will be part of the PCT minimum documentation.
 - All PCT minimum documentation publications published on or after 1 January 2026 must be available in text-searchable machine-readable form.
 - Offices must publish an Authority File wherein the languages of publication of the abstracts, description, and claims of their PCT minimum documentation publications are clearly indicated.
 - Offices must have a repository where they store electronic copies of each individual PCT minimum documentation patent in their collection and allow bulk downloading of their PCT minimum documentation data by other ISAs.
14. The EPO underlined that, with the entry into force of the new PCT minimum documentation rules, the scope of the PCT minimum documentation is expected to expand from 20 to 39 patent collections, subject to the new requirements being complied with. Out of these 39 collections, 8 collections are expected to be from non-ISAs (AP, CH, DE, FR, GB, GC, OA and WO), and 31 collections are expected to be from the ISAs (some ISAs contributing with more than one collection). In addition to the expanded coverage, another important change will be the mandatory full-text availability with the text-searchable format being initially required only for all new publications as from 1 January 2026 onwards, and by 2036 also for the publications after 1 January 1991 (retrospective digitization for 1991–2025 publications). A further important change will be the mandatory Authority File compliance. The EPO pointed out that WIPO ST.37 Standard Authority Files (version 2.2) will be required for all Offices. Furthermore, Authority Files will need to indicate text-searchable content and languages of publication of all patents. In version 2.2 of WIPO Standard ST.37, the inclusion of text-searchable content and languages of publication of patents is an optional feature. However, paragraph 8(e) of new Annex H to the PCT Administrative Instructions mandates the use of this feature in the Authority Files of offices whose patent collections belong to the PCT minimum documentation. Therefore, for Authority Files of PCT minimum documentation collections, indication of text-searchable content and languages of publication of all patent documents is mandatory and not optional as in the case of “normal” Authority Files that might otherwise comply with ST.37 version 2.2.
15. The EPO recalled that, as from 1 January 2026, certain technical requirements will also need to be met. Each Office whose patent collection is expected to belong to the PCT minimum documentation shall set up a repository in which all its front-file data as from 1 January 2026 must be in full-text format and made available to ISAs on demand. Regarding the acceptable formats for the full-text data, the EPO pointed out that text-searchable content must be in ST.36 XML, ST.96 XML, or plain text, and that sequence listings must be in ST.26 XML (if filed after 1 July 2022) or as electronically filed by the applicant before that date. It is optional to have the PDF/TIFF for non-textual content. Regarding the quality standard for full-text data, the recommendation would be to have structured XML with tags for bibliographic data, abstract, description, claims, drawings. The EPO pointed out that any OCR used for

production of a document's full-text must be accurate enough to ensure examiners can perform effective searches and referred in that regard to document PCT/MD/8/4.

16. The EPO specified that, patent documents published after 1 January 1920 will continue to belong to the PCT minimum documentation, even if no requirements are specified in the new PCT Administrative Instructions for the format of patent documents published between 1920 and 1991.
17. Several Offices thanked the EPO for its preparatory work supporting the implementation of the new requirements and provided an update on the status of their preparations. The Intellectual Property Office of the Philippines and the Egyptian Patent Office indicated that they posted their completed checklist on the wiki on 19 May 2025. The Japan Patent Office (JPO) and the Spanish Patent and Trademark Office (OEPM) stated that their preparations had progressed beyond what was reported in their checklists on the wiki, and that their collections were now ready for testing. The Austrian Patent Office stated it had also made progress beyond what was reported in its checklist, and it has published an Authority File that complies with Annex H and ST.37 version 2.2. The EPO thanked these Offices for their updates on the status of their preparations.
18. The EPO also provided a summary of the responses to the checklists, and referred to documents PCT/MD/8/3/REV and PCT/MD/8/3/REV2 that summarise the said responses in a table. On 20 May 2025, 30 Offices (covering 31 collections) had filled in their v3 checklists and provided information about their collection's state of readiness in complying with the new PCT minimum documentation rules. The EPO noted that 11 collections claim to be compliant and ready for testing (CA, EA, EP, ES, FI, KR, RU, SK(XV), SU, US, WO), and that three other collections seem to be ready for testing, despite information to the contrary in their checklists (DE, SE, JP). By 20 May 2025, no information had been received about 8 collections (OA, AP, DK, GC, IS, IN, SA, TR). On 21 May 2025, the Danish Patent and Trademark Office posted its checklist on the wiki.
19. The International Bureau reported on the recent clinics and their main takeaways (document PCT/MD/8/4 and accompanying presentation). The International Bureau explained that their aim was to provide pragmatic responses to questions received from Offices regarding the implementation of the new PCT minimum documentation requirements. In particular, the International Bureau pointed out that, as far as the publishing Office requirements are concerned, the new PCT Administrative Instructions did not specifically provide for requirements regarding the format of old documents (published between 1920 and 1991) or the method for making them available. Moreover, the quality standard for full-text format documents is not defined in the new PCT Administrative Instructions while those documents need to be fit for purpose. In that regard, the International Bureau noted that at this stage it was important to identify what the minimum requirements are to be effective for enabling high quality search of the documents. However, it would also be important to seek improving publication quality and consistency over time.
20. The EPO confirmed that it will work with the International Bureau to provide some frequently asked questions and responses to be made available to Offices required or wishing their documentation to be part of the minimum documentation. The said frequently asked questions and responses will be posted on the wiki.
21. The EPO indicated that the average time needed to test the data of another Office would be around two hours if everything works correctly.
22. The Eurasian Patent Office (EAPO) mentioned that they believe that the 99.9% accuracy at character level mentioned in document PCT/MD/8/4 is between search quality and publication

quality. The International Bureau confirmed that this is indeed the case. Otherwise, EAPO was wondering whether they should create index files, and whether they should provide a guidance document on how to navigate their repository. The International Bureau replied that index files would be highly desirable if done consistently, and that they would be happy with any additional information that is easily readable. Moreover, EAPO indicated that they would be supportive of the International Bureau hosting patent data of other Offices and would be ready to upload their own data to WIPO's repository if this were to be set up.

Testing phase

23. The EPO recalled the activities that Offices need to carry out prior to inviting other Offices to test their data. Firstly, Offices need to ensure that their Authority File is in the correct format. Secondly, they need to ensure the electronic availability of their documents. Thirdly, Offices need to establish a means for the ISAs to electronically obtain their PCT minimum documentation data.
24. The EPO also recalled that, as part of their applications for extension of appointment, International Authorities are required to demonstrate compliance with the new PCT minimum documentation requirements. In that context, document PCT/WG/18/15 refers to a "certification" by the Task Force that the new requirements have been met. However, since no formal definition of the said certification exists, for the sake of legal security, the Task Force needs to agree on a certification process. After having informally discussed this matter with the International Bureau, the EPO would propose the following methodology for the certification process:
- Stage 1 – Documentation: It consists in the filling out of the checklists to report on the status of the preparations to reach compliance.
 - Stage 2 – Verification: Since the documentation is a self-disclosure, an independent verification is needed for the sake of objectivity. This verification stage corresponds to the testing phase. For this verification stage, the EPO would propose the following verifications:
 - Authority File's compliance with both Annex H of the PCT Administrative Instructions (text-searchable indicators) and version 2.2 of the ST.37 Standard to be checked by the International Bureau.
 - Availability of full-text in correct format on repository to be checked by at least one ISA.
 - Confirmation that full-text can be downloaded in bulk from repository to be checked by the same ISA.The International Bureau and ISA performing the tests would need to fill in the outcome of their assessment and the date it was performed in a dedicated table on the wiki (see draft table in document PCT/MD/8/2/REV2).
 - Stage 3 – Certification: The EPO would propose that an Office be considered as "certified" compliant by the Task Force if the test results are positive and no other ISA raises objections within one month (of the 1st test, in case of tests by several ISAs).
25. Regarding the one-month deadline for raising objections, the International Bureau suggested that this one month starts from the completion of the 1st test and posting the testing results, not from the start of the 1st test (tests could take several days).
26. In reply to a question from the EAPO and the Brazilian National Institute of Industrial Property (INPI – Brazil), the EPO indicated that, since the compliance with the new requirements need to be checked before their entry into force, test data can be used for the purpose of performing the tests when real data are not otherwise available. The EPO underlined that, even if dummy

data can be used for test purposes, the tests should allow verifying that the Authority Files are generated in the correct format.

27. The EAPO asked what would be the expected volume (number of documents) of full-text data to test the bulk download functionality. The EPO replied that the minimum would be a batch of 50 documents, but that bigger batches could of course also be used.
28. The Indian Patent Office asked whether a shorter Authority File could be used for testing purposes. The EPO replied that this would be possible, and recommended in such case to use an excerpt of the 2025 data.
29. In reply to a question from the Canadian Intellectual Property Office (CIPO), the EPO noted that if an Authority File that was submitted for testing only had valid content structured according to Annex H for patents published from 2025 onwards, then it was best to use a Test Authority File that includes only the content in the valid format. In view of the tight deadlines, it was important at this stage to ensure that Offices can structure their post-2026 Authority files in the correct format. Moreover, CIPO asked whether each Office should individually organise its tests or whether the tests would be centrally organised for all Offices. The EPO replied that each Office needs to individually organise its tests (find a testing partner and suitable dates), but that one Office could act as testing partner for several Offices. The EPO added that it is ready to partner up with whoever would want to partner up with the EPO.
30. The Austrian Patent Office asked whether the recommendation in paragraph 44 of ST.37 v2.2 is to be viewed as a requirement in the PCT minimum documentation requirements. The EPO and IB noted that there was no explicit requirement in the context of the PCT Minimum Documentation but that it was desirable to follow that recommendation, and to include some early 2026 data in their Authority Files.
31. The Hungarian Intellectual Property Office enquired whether an ISA would receive any formal notification of the certification or whether the certification would simply "occur" by the nature of the procedure without any "official" certification notice. The Chair explained that the proposed certification process does not foresee any "official" certification notice issued by another Office or the International Bureau. The Chair added that an ISA would simply be considered as "certified" compliant by the Task Force if the test results are positive and no other ISA raises objections within the said one month time limit. The certification will be documented by the testing results published in a dedicated table on the wiki, and will probably be also reported in the status report for the upcoming Meeting of International Authorities Under the PCT.
32. The Task Force then endorsed the certification process proposed by the EPO. The EPO announced that it will soon create the test results tables on the wiki for each PCT minimum documentation collection in order that the Task Force members could commence reviewing and assessing each other's collections in accordance with the agreed process.
33. The Chair thanked again the International Bureau for its document PCT/MD/8/4 that provides very helpful practical guidance.

Notification to the International Bureau under new Rule 34.1(d)(i) PCT and Reporting on the implementation of the new requirements

34. The EPO presented the timelines for timely certification and ISA re-appointment set out in its PowerPoint document PCT/MD/8/2/REV2. The EPO noted that there are two parallel timelines: one for ISAs and one for non-ISAs.

35. For ISAs, the key milestones will be:

- 1 September 2025: Testing and assessments must be completed.
- 1 October 2025: Cutoff date for meeting Certification requirements and deadline for the notification to the International Bureau under new Rule 34.1(d)(i) PCT.
- 1 December 2025: Deadline for the submission by International Authorities of their applications for extension of appointment.
- 1 February 2026: Earliest tentative date for the PCT Committee for Technical Cooperation (CTC) Meeting.
- July 2026: PCT Assembly considers re-appointment of all ISAs and IPEAs.

36. The EPO noted that, should an ISA not meet the certification requirements by 1 October 2025, there would still be some buffer time before the CTC Meeting that should allow that ISA to be certified in time. The International Bureau added that 1 February 2026 would be the earliest tentative date for the CTC Meeting, but that the exact date was not yet set (it could be in February or March 2026). The International Bureau will inform the Task Force of the exact date as soon as it is set.

37. Regarding the notification to the International Bureau, the International Bureau recalled that “the date from which the patent and utility model documents notified under Rule 34.1(d)(i) will become part of the minimum documentation shall be at least two months later than the date of publication in the Gazette of the details of the patent and utility model documents concerned” (paragraph 23 of new Annex H of the PCT Administrative Instructions). The International Bureau explained that, for the documents to be part of the PCT minimum documentation from 1 January 2026, it needs to publish in the Gazette the details of the documents concerned on 30 October 2025 at the latest (the Gazette is published every Thursday). The International Bureau therefore needs to receive the notification by 1 October 2025 to be able to perform any validations under Rule 34.1(e) PCT and publish the notice.

38. For non-ISAs, the key milestones will just be:

- 1 September 2025: Testing and assessments must be completed.
- 1 October 2025: Cutoff date for meeting Certification requirements and deadline for the notification to the International Bureau under new Rule 34.1(d)(i) PCT.

39. The Chair noted that for non-ISAs, there will be no buffer time after 1 October 2025 to meet the certification requirements. However, for non-ISAs, failure to meet the new requirements by the deadline would simply result in their patent documentation being temporarily excluded from the PCT minimum documentation, until such time as compliance is achieved.

40. The Task Force endorsed both presented timelines, the one for ISAs and the one for non-ISAs.

41. For the sake of clarity, the EPO presented some additional explanatory timelines showing visually the situation before 1 January 2026, on 1 January 2026, and on 1 January 2036 (i.e. 10 years after the entry into force of the renewed PCT minimum documentation). Task Force members thanked the EPO for its very clear presentation and helpful timelines.

42. The Hungarian Intellectual Property Office asked whether there are any plans to make available e.g. on the wiki how and where to access the PCT minimum documentation data

from other Offices (i.e. by providing links or any relevant data of the respective ISA repository). The International Bureau indicated that Offices will have to make this information available on the wiki for the testing to take place.

43. The JPO asked whether it would be possible for the International Bureau to provide a template for the notification or a list of the information that an Office should include in its notification. The International Bureau replied that this would be done. The Chair noted that paragraph 22 of new Annex H of the PCT Administrative Instructions states that “The notification to the International Bureau under Rule 34.1(d)(i) shall specify the date as of which the patent documents and, where applicable, the utility model documents are available in accordance with the requirements set out in this Annex. Each Office shall provide access to its documents made available in text-searchable machine-readable form as described in paragraph 3, as well as provide a link to its authority file and any definition file”.

44. The Task Force took note of documents PCT/MD/8/2/REV, PCT/MD/8/2/REV2, PCT/MD/8/3/REV and PCT/MD/8/3/REV2 as well as of document PCT/MD/8/4 and its accompanying presentation. The Task Force endorsed the proposed certification process to ensure compliance with the new PCT minimum documentation requirements and the corresponding timelines to achieve that goal, noting that Offices should strive to conclude the verification (testing) phase by 1 September 2025.

Item 4: Preparations for the implementation of the new non-patent literature documentation requirements by 2026

45. Discussions were based on the PowerPoint presentation (document PCT/MD/8/5) prepared by the USPTO.
46. The USPTO underlined that the current goal is the preparation of the first comprehensive review of the non-patent literature (NPL) list, and recalled the comprehensive review cycle which comprises the following main steps:
- 6 months before the first meeting of the permanent PCT Minimum Documentation Task Force (November 2025): identification of the ISA coordinator to host the Task Force meeting,
 - 4 months before the Task Force meeting (January 2026): ISAs submit suggested revisions to wiki,
 - comprehensive review meeting is held by the Task Force (May 2026),
 - presentation of the revised non-patent literature list to the Meeting of International Authorities for adoption (October 2026),
 - publication by the International Bureau of the updated non-patent literature list on the WIPO website (January 2027),
 - 2 years after the adoption of the revised non-patent literature list by the Meeting of International Authorities (October 2028): all ISAs must be in compliance with the new list.
47. The USPTO presented the respective responsibilities of the ISA coordinator and of the other Task Force members for the first comprehensive review. The responsibilities of the ISA coordinator will be:
- to work with the International Bureau to set up a dedicated wiki space (completed),
 - to work with the International Bureau to modify the wiki space and the submission form (in progress),
 - to identify non-patent literature titles on the current PCT minimum documentation list that are not compliant with the new Administrative Instructions, to post the results to the wiki,

- to compile all proposed changes and post them to the wiki.
48. The responsibilities of the other Task Force members for this review will be:
- to post to the wiki via the “NPL Submission Form”:
 - titles proposed for removal,
 - titles proposed to be added,
 - to review the proposed changes’ summary posted on the wiki by the ISA coordinator,
 - to prepare to discuss proposals and to update the PCT minimum documentation list at the May 2026 Task Force meeting.
49. The USPTO recalled the criteria for inclusion of non-patent literature in the PCT minimum documentation list, namely:
- an individual title,
 - available electronically to ISAs and the public,
 - available full-text,
 - accessible through a search interface,
 - institutionally accessible,
 - providing terms of use that allow for copies of cited documents to be distributed to applicants.
50. The USPTO presented a preview of the “NPL Submission Form” that was kindly created by the International Bureau on behalf of the USPTO. The USPTO thanked the International Bureau for its precious support. The USPTO noted that this NPL Submission Form is intended to be easily submitted by ISAs. The USPTO indicated that this form aims at capturing all the information an ISA might need to evaluate a non-patent literature item.
51. The USPTO invited the Task Force members to reflect on the following questions:
- In which ways could the Wiki Submission Form be made more intuitive and clear?
 - Are there additional data that Offices would recommend to capture (require) in the Wiki Submission Form?
52. CIPO and the EPO thanked very much the USPTO for its presentation and the proposed NPL Submission Form. They both considered that the form looked very good. The USPTO indicated that Task Force members are welcome to provide their feedback to these questions in the coming days on the wiki.
53. The International Bureau explained that it created some wiki pages facilitating the review process, and made a dummy live demo to show the filling-out and submission of that form. Dummy proposals of changes to the non-patent literature list had been posted on the wiki by the USPTO and the International Bureau.
54. The Chair thanked the USPTO and the International Bureau for the great progress made on this topic. The proposed NPL Submission Form found general support.
55. *The Task Force took note of document PCT/MD/8/5. The Task Force endorsed the proposed draft NPL Submission Form, subject to later improvements suggested via the wiki.*

Item 5: Conclusions of discussions, report, closing remarks

56. The Chair expressed appreciation to the participants for their constructive discussions and valuable contributions. The progress made towards implementing the new legal framework by 1 January 2026 is highly encouraging. Thanks to the comprehensive documentation available

on the wiki, the clarifications provided during the session, and the timeline endorsed by the Task Force, Offices now have the necessary information to finalize their preparations. Offices are encouraged to reach out to the EPO or the International Bureau for further guidance or support, particularly concerning the verification (testing) phase. The Task Force will remain active through the end of the year via the wiki, with a continued focus on monitoring the certification process. As usual, a progress report will be prepared for the upcoming sessions of the Meeting of International Authorities (MIA) and the PCT Working Group.

57. The Chair noted that the next opportunity to review the technical implementation of the new legal framework will be during the first session of the permanent PCT Minimum Documentation Task Force, which is tentatively scheduled for May 2026 under the leadership of the USPTO. He highlighted that the EPO has been honored and privileged to co-lead this strategic initiative—an achievement made possible through the unwavering support of the USPTO and the International Bureau, and the dedication, professionalism and constructive spirit demonstrated by all participants. This initiative has exemplified collaboration, with each participant contributing meaningfully to the progress achieved for the collective benefit of all Offices and users of the PCT system.
58. The International Bureau confirmed its willingness to continue supporting the activities of the Task Force via the electronic forum and thanked the EPO and the USPTO for the good work. The USPTO thanked all participants, the International Bureau and the EPO for the good cooperation.
59. In closing the session, the Chair warmly thanked all participants for their commitment and contributions, and extended his best wishes for continued success in the next steps of implementation.

[Annex follows]

ANNEX
LIST OF PARTICIPANTS

TASK FORCE MEMBERS

AUSTRIAN PATENT OFFICE

AUSTRALIAN PATENT OFFICE

BRAZILIAN NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY

CANADIAN INTELLECTUAL PROPERTY OFFICE

CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION

EGYPTIAN PATENT OFFICE

EURASIAN PATENT OFFICE

EUROPEAN PATENT OFFICE

FEDERAL SERVICE FOR INTELLECTUAL PROPERTY OF THE RUSSIAN
FEDERATION

FINNISH PATENT AND REGISTRATION OFFICE

INDIAN PATENT OFFICE

INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

INTELLECTUAL PROPERTY OFFICE OF SINGAPORE

ISRAEL PATENT OFFICE

JAPAN PATENT OFFICE

KOREAN INTELLECTUAL PROPERTY OFFICE

NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY OF CHILE

NORDIC PATENT INSTITUTE

SAUDI AUTHORITY FOR INTELLECTUAL PROPERTY

SPANISH PATENT AND TRADEMARK OFFICE

SWEDISH INTELLECTUAL PROPERTY OFFICE

TURKISH PATENT AND TRADEMARK OFFICE

UKRAINIAN NATIONAL OFFICE FOR INTELLECTUAL PROPERTY AND
INNOVATIONS

UNITED STATES PATENT AND TRADEMARK OFFICE

VISEGRAD PATENT INSTITUTE

WORLD INTELLECTUAL PROPERTY ORGANIZATION

OBSERVERS

GERMAN PATENT AND TRADE MARK OFFICE

INTELLECTUAL PROPERTY OFFICE (UNITED KINGDOM)

NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (FRANCE)

SWISS FEDERAL INSTITUTE OF INTELLECTUAL PROPERTY

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