

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

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

PROCEDURE FOR EXTENSION OF APPOINTMENT OF INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITIES

Document prepared by the International Bureau

SUMMARY

1. This document summarizes the procedure for the extension of appointment of International Searching and Preliminary Examining Authorities that will take place in 2026, and provides an update on the documentation requested from Authorities that would like to continue operation from January 1, 2028.

LEGAL FRAMEWORK

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 operation as an International Searching and Preliminary Examining Authority from January 1, 2028.

3. The appointment process for International Searching Authorities is set out in Article 16(3) as follows:

(3)(a) International Searching Authorities shall be appointed by the Assembly. Any national Office and any intergovernmental organization satisfying the requirements referred to in subparagraph (c) may be appointed as International Searching Authority.

(b) Appointment shall be conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly, between such Office or organization and the International Bureau. The agreement shall specify the rights and obligations of the parties,

in particular, the formal undertaking by the said Office or organization to apply and observe all the common rules of international search.

(c) The Regulations prescribe the minimum requirements, particularly as to manpower and documentation, which any Office or organization must satisfy before it can be appointed and must continue to satisfy while it remains appointed.

(d) Appointment shall be for a fixed period of time and may be extended for further periods.

(e) Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization, or on the extension of its appointment, or before it allows any such appointment to lapse, the Assembly shall hear the interested Office or organization and seek the advice of the Committee for Technical Cooperation referred to in Article 56 once that Committee has been established.

4. Under Article 32(3), the same requirements apply, *mutatis mutandis*, to the appointment of International Preliminary Authorities.

5. Consequently, the extension of appointments will require:

(a) the PCT/CTC to give its advice;

(b) the PCT Assembly to approve agreements between the Offices and the International Bureau;

(c) the PCT Assembly to extend the appointments; and

(d) the Offices to complete any national formalities required to sign their new agreements by December 31, 2027.

PROCEDURE AND TIMELINE

6. The Meeting of International Authorities, at its thirty-first session in Beijing on October 16 and 17, 2024, discussed the extension of appointments (document PCT/MIA/31/8) and a model agreement between the Offices and the International Bureau (document PCT/MIA/31/3).

7. Regarding the procedure for extension of appointment, document PCT/MIA/31/8 proposed that the Assembly should decide on the extension of appointments at its session in July 2026. This would provide 18 months for States and intergovernmental organizations to complete any domestic procedures required before the new agreements can be signed with the International Bureau. Paragraph 21 of the document proposed the following timeline for the procedure and application process:

(a) October to December 2024 – Discussion on PCT Quality Subgroup wiki of application form and other elements in application for extension of appointment.

(b) February 2025 – PCT Working Group approves the timetable for appointment and the format for applications for extension.

(c) Before December 2025 – PCT Minimum Documentation Task Force works with International Authorities to ensure compliance with the requirements for the minimum documentation requirements from January 1, 2026.

(d) December 2025 – Deadline for International Searching and Preliminary Examining Authorities to submit applications for extension of their appointments to the International Bureau.

- (e) December 2025 to February 2026 – members of the PCT Committee for Technical Cooperation review the applications for extension of appointment when they are published. Members should provide feedback and ask questions to any individual International Authority on any parts of the applications that might cause concern during the Committee or where they require further information or clarification.
- (f) January 1, 2026 – Entry into force of amendments to Rules 34, 36 and 63 relating to the requirements of the PCT minimum documentation.
- (g) February 2026 – PCT Committee for Technical Cooperation provides its advice on the extensions of appointment of each International Searching and Preliminary Examining Authority and approves a draft model agreement between the International Bureau and International Searching and Preliminary Examining Authorities to be used for preparing each individual draft agreement.
- (h) February 2026 – PCT Working Group considers amendments to the PCT Regulations necessary for any changes to the format of the draft model agreement between the International Bureau and International Searching and Preliminary Examining Authorities approved by the PCT Committee for Technical Cooperation.
- (i) July 2026 – PCT Assembly approves the extensions of appointment of International Searching and Preliminary Examining Authorities for a further 10 years from January 1, 2028, the draft agreements between the International Bureau and each International Searching and Preliminary Examining Authority, and any amendments to the PCT Regulations necessary for the draft model agreement.
- (j) July 2026 to December 2027 – Signature of each agreement following any national ratification required for signing the agreement.
- (k) January 1, 2028 - New agreements between the International Bureau and each International Searching and Preliminary Examining Authority enter into force, expiring on December 31, 2037, along with amendments to the PCT Regulations associated with the format of the agreements.

8. The amendments to Rules 34, 36 and 63 that will enter into force on January 1, 2026, referred to in paragraph 7(f) are set out in document PCT/A/55/2. Document PCT/WG/18/6 provides further information on the draft model agreement between the International Bureau and International Searching and Preliminary Examining Authorities. Document PCT/MIA/32/3 sets out the proposed amendments to the PCT Regulations referred to in paragraph 7(k), above.

9. The discussions on extension of appointment at the thirty-first session of the Meeting of International Authorities are summarized in paragraphs 34 to 37 of the Summary by the Chair, document PCT/MIA/31/11 (reproduced in the Annex to document PCT/WG/18/2). As agreed by the Meeting, the International Bureau submitted the timetable for the extension of appointment proposed in document PCT/MIA/31/8 for consideration by the PCT Working Group at its eighteenth session in February 2026 (see document PCT/WG/18/5).

APPLICATIONS FOR EXTENSION OF APPOINTMENT

10. The International Bureau issued Circular C. PCT 1691 on September 18, 2025, to invite Offices and organizations to request extension of appointment as an International Searching and Preliminary Examining Authority. This Circular contains an application form available in the six UN languages (Arabic, Chinese, English, French, Russian and Spanish) for the International Authority to complete and send to the International Bureau by December 1, 2025. The application form includes a link to the annual report on the quality management system

requested in Circular C. PCT 1689, dated September 2, 2025, that the International Bureau will insert when the report is published.

11. For the most part, the application forms are similar to those used for recent applications for appointment, but omitting information that is less relevant to an extension of appointment such as the statement of motivation to be appointed, information on the applicant State(s), the profile of patent applications received at the candidate Office, and reports of International Authorities who acted as a partner Office to assist in the assessment of whether a candidate Office meets the requirements for appointment. For the parts that remain, it is expected that they can be completed in similar ways and should not require much in terms of additional background information, except for references to the annual reports on the quality management system. The significant new requirement is the need to refer to compliance with the provisions concerning supply of patent collections for the PCT minimum documentation.

12. Rules 36.1(ii) and 63.1(ii), as in force from January 1, 2026, require an Office or organization to make available, in accordance with the requirements of the PCT Administrative Instructions, any patent that it has issued or patent application that it has published, for consultation by other International Authorities as part of the minimum documentation under Rule 34. The relevant requirements with effect from January 1, 2026, are set out in Annex H to the PCT Administrative Instructions, promulgated through Circular C. PCT 1672, dated June 19, 2024. The PCT Minimum Documentation Task Force has been testing the availability of the patent documentation collections and certifying the availability of the collections. An Office that has made its patent documents available in accordance with the requirements is required to notify the International Bureau under Rule 34.1(d)(i) of the availability of its documents. The International Bureau issued Circular C. PCT 1690, dated September 9, 2026, to invite Offices to make this notification. For documents to be part of the PCT minimum documentation on January 1, 2026, the International Bureau must publish the details of the documentation in the PCT Gazette by the end of October 2025. The Circular therefore requested International Authorities to send the notification by October 1, 2025. The application form for extension of appointment provides an option for an International Authority to indicate that the availability has been tested with a space for the International Bureau to refer to the publication of the documents in the PCT Gazette, or to describe to the PCT/CTC how availability of patent documents will be met.

13. Paragraph (e) of the Understanding concerning procedures for appointment of International Authorities, as modified by the PCT Assembly in 2018, states that a complete application for appointment should be submitted to the Director General at the latest two months before the opening of the session of the PCT/CTC (see document PCT/A/50/3). The thirty-third session of the PCT Committee for Technical Cooperation, where the Committee will provide its advice on the extensions of appointment, is scheduled to meet from February 2 to 6, 2026. An application for extension and all required supporting material should therefore be sent to the International Bureau by December 1, 2025. To facilitate the preparation of the meeting documents containing the applications in the six UN languages for the PCT/CTC, and publication of the reports on the quality management systems, the application and related material should be sent in electronic form.

14. The Meeting is invited to note the procedure and timeline for extension of appointment of International Searching and Preliminary Examining Authorities set out in this document.

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