

Patent Cooperation Treaty (PCT) Working Group

Nineteenth Session
Geneva, February 2 to 6, 2026

PCT MINIMUM DOCUMENTATION: STATUS REPORT

Document submitted by the European Patent Office and the United States of America

SUMMARY

1. This document provides a concluding report 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 has been focusing on the final preparations required for the timely implementation of the revised legal framework governing 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) that will start operating in 2026. This document also presents the mandate of the new permanent PCT Minimum Documentation Task Force approved by the MIA at its thirty-second session (October 29 to 31, 2025).

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. The Task Force has conducted its work using an electronic forum made available by WIPO ("the wiki") and met either physically or virtually on eight occasions.

STATE OF PLAY AND NEW PERMANENT TASK FORCE

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. Modifications to the PCT Administrative Instructions including a new Annex H, setting out the technical and accessibility requirements and procedure for inclusion of patent and utility model documents and non-patent literature in the minimum documentation, were promulgated on June 19, 2024, through Circular C. PCT 1672. They will enter into force on January 1, 2026, together with the Rule amendments.

7. 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 has been entirely dedicated to the three objectives that were added to its mandate in 2022 (see paragraph 3, above).

8. The Task Force held its eighth session from May 19 to 22, 2025. It was the final session before 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 had to be submitted by December 1, 2025, International Authorities were 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.

9. At this session, the Task Force endorsed a certification process to confirm that an 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.

10. 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 was 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).

11. 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 document PCT/MIA/32/5.

12. On September 1, 2025, 25 Offices successfully completed the above-mentioned testing phase, and nine Offices were 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.

13. At the thirty-second session of the MIA (October 29 to 31, 2025), the EPO and the USPTO provided an update on the testing phase, which had then been successfully completed by 33 Offices. The EPO and the USPTO also presented a draft mandate for the new permanent Task Force set up by the provisions of new Annex H to the PCT Administrative Instructions (document PCT/MIA/32/5). This new permanent Task Force under the MIA comprising representatives of International Searching Authorities will start operating in 2026.

14. At that session, the MIA approved the proposed mandate of the permanent Task Force on PCT minimum documentation that is set out here below (paragraph 19 of document PCT/MIA/32/5 and paragraph 41 of document PCT/MIA/32/10, reproduced in the Annex to document PCT/WG/19/2):

(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.

15. At that session of the MIA, Authorities thanked the EPO, USPTO, International Bureau and all those who had contributed to creating the new framework for the PCT minimum documentation and validating the implementation of the new requirements for patent documentation for IP Offices. It was noted that notifications under new PCT Rule 34.1(d)(i) concerning availability of national and regional patent document collections from all International Authorities had been published in the *Official Notices (PCT Gazette)* (paragraph 38 of document PCT/MIA/32/10). For further details of the discussions at that session, see paragraphs 37 to 41 of document PCT/MIA/32/10, reproduced in the Annex to document PCT/WG/19/2.

16. 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 NPL comprehensive review.

17. *The Working Group is invited to take note of the contents of the present document.*

[End of document]