

## **Patent Cooperation Treaty (PCT) Working Group**

**Nineteenth Session**  
**Geneva, February 2 to 6, 2026**

### **ACCEPTANCE OF DOCUMENTS BY THE INTERNATIONAL BUREAU ON BEHALF OF THE COMPETENT AUTHORITY**

*Document prepared by the International Bureau*

#### **SUMMARY**

1. The Annex contains proposals for a Rule allowing the International Bureau to receive correspondence on behalf of a national Office in its capacity as receiving Office, International Searching Authority, Authority specified for supplementary search or International Preliminary Examining Authority (competent authority), and for that correspondence to be transmitted to the competent authority and be treated as if it had been received by the competent authority on the date of receipt by the International Bureau.

#### **BACKGROUND**

2. At the seventeenth Session of the PCT Working Group, discussions were held on a proposal from Brazil for receiving Offices to require applications to be filed and subsequent documents to be transmitted in electronic form only. The proposal was approved, noting that (among other safeguards) this option was not available to the receiving Office of the International Bureau, which accepted a provision in Rule 89*bis*.1(d-*bis*) requiring it to continue to accept paper applications and documents until such time as the Rule might be further amended. The proposed Rules were approved by the PCT Union Assembly and came into force July 1, 2025.

3. One delegation asked the International Bureau whether it would be willing also to accept paper documents on behalf of national Offices that wished to accept documents furnished after filing of the international application only in electronic form.

4. The International Bureau responded that this service would only be used very occasionally. Consequently, the work of receiving, scanning and transmitting the documents onwards would be insignificant and, in principle, it would be willing to offer that service. However, it was not clear that national Offices in their roles as receiving Office, International Searching Authority or International Preliminary Examining Authority would be able to treat the documents as received on the date that they were received by the International Bureau. It was possible that they might be treated as received only when they were actually received by the Office in question, potentially resulting in the applicant missing a deadline for action.
5. Consequently, the International Bureau would recommend such an arrangement only if a clear legal basis were provided for it.
6. At present, there is a specific legal basis for requiring an Office to treat a document as having been received by them on the date when it was received by the International Bureau or other Office only in one special case. Specifically, Rule 59.3 provides that a demand submitted to any PCT authority (including the International Bureau) that is not competent for the International Preliminary Examination of that international application shall transmit the demand to the competent International Preliminary Examining Authority, which must then treat the demand as having been received on the date that it was received by the non-competent authority.
7. The ePCT system offers a similar and more wide-ranging effect through the document eRouting service that 101 Offices have opted into. Here, documents can be uploaded electronically to the ePCT system, where they are recorded as having been received on a particular date according to the time zone of that Office and are stored on a server for the Office. In some cases, that is the actual server that the Office uses for documents used in its international phase processing work; otherwise, the server is considered to be part of the Office and it is agreed to respect the date as part of the terms of service. However, either way, although the International Bureau is providing the service, the document is legally considered to have been delivered directly to the Office. Moreover, it only applies to document submitted electronically and through the appropriate service and would not be relevant to documents received on paper.

#### **POSSIBLE EXTENSION OF THE PROVISIONS UNDER RULE 59.3 TO OTHER SUBMISSIONS**

8. To address the issue referred to in paragraph 3, it would appear necessary to provide a rule similar to Rule 59.3, but applying to any document type and any type of authority competent for an international phase action. The Annex to this document contains a proposed amendment to Rule 92 to this effect.
9. If the International Bureau received correspondence intended for another Office, it would forward it promptly through the same electronic services used for other correspondence with the relevant Office. Documents received on paper would usually be scanned and transmitted within one or two working days.
10. It should be noted that the ePCT eRouting service would not fall within the scope of the proposed rule and would continue under its existing arrangements. Where an applicant uploads a document to that service expressly indicating that it is directed to a national Office, it is not considered to have been received by the International Bureau but by the Office itself. Such documents would be time-stamped according to the time in that Office and routed in the normal manner for that service. The proposed rule could, however, apply to documents uploaded through ePCT incorrectly addressed to the International Bureau and subsequently forwarded.

*11. The Working Group is invited to consider the proposed amendment to Rule 92 set out in the Annex to document PCT/WG/19/8.*

[Annex follows]

PROPOSED AMENDMENTS TO THE PCT REGULATIONS<sup>1</sup>

Rule 92	Correspondence.....	2
92.1	[No change] <i>Need for Letter and for Signature</i> .....	2
92.2	[No change] <i>Languages</i> .....	2
92.3	[No change] <i>Mailings by National Offices and Intergovernmental Organizations</i> .....	2
92.4	[No change] <i>Use of Telegraph, Teleprinter, Facsimile Machine, Etc.</i> .....	2
92.5	<i>Transmittal of Correspondence to the Competent Authority</i> .....	2

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<sup>1</sup> Proposed additions are indicated by underlining and striking through the text concerned

## Rule 92

### Correspondence

92.1 [No change] *Need for Letter and for Signature*

92.2 [No change] *Languages*

92.3 [No change] *Mailings by National Offices and Intergovernmental Organizations*

92.4 [No change] *Use of Telegraph, Teleprinter, Facsimile Machine, Etc.*

#### 92.5 Transmittal of Correspondence to the Competent Authority

(a) If correspondence is submitted to the International Bureau for which a national Office is competent to act in its role as receiving Office, International Searching Authority, Authority specified for supplementary search, or International Preliminary Examining Authority, the International Bureau shall, subject to paragraph (b), mark the date of receipt on the correspondence and transmit it promptly to the competent authority.

(b) Where more than one Office or the International Bureau is competent to act, the International Bureau shall decide to which Office the correspondence shall be transmitted or, where appropriate, act itself.

(c) Where the correspondence is transmitted to a competent authority under paragraph (a), it shall be considered to have been received on behalf of that authority on the date marked on it under paragraph (a) and the correspondence so transmitted shall be considered to have been received by that authority on that date.

[End of Annex and of document]