

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

**Thirtieth Session**  
**Geneva, November 1 to 3, 2023**

SUMMARY BY THE CHAIR

### **INTRODUCTION**

1. The Meeting of International Authorities under the PCT ("the Meeting") held its thirtieth session as a virtual meeting from November 1 to 3, 2023.
2. The following International Searching and Preliminary Examining Authorities participated remotely in the session: the Austrian Patent Office, the Brazilian National Institute of Industrial Property, the Canadian Intellectual Property Office, the China National Intellectual Property Administration, the Egyptian Patent Office, the Eurasian Patent Office, the European Patent Office, the Federal Service for Intellectual Property of the Russian Federation, the Finnish Patent and Registration Office, the Intellectual Property Office of the Philippines, the Intellectual Property Office of Singapore, IP Australia, the Israel Patent Office, the Japan Patent Office, the Korean Intellectual Property Office, the National Institute of Industrial Property of Chile, the Nordic Patent Institute, the Saudi Authority for Intellectual Property, the Spanish Patent and Trademark Office, the Swedish Intellectual Property Office, the Turkish Patent and Trademark Office, the Ukrainian National Office for Intellectual Property and Innovations, the United States Patent and Trademark Office and the Visegrad Patent Institute.
3. The list of participants is contained in Annex I to this document.
4. Mr. Thomas Marlow (WIPO) acted as Secretary to the Meeting.

## **OPENING OF THE SESSION**

5. Mr. Tsuyoshi Isozumi, Senior Director, PCT Services Department, welcomed the participants on behalf of the Director General of WIPO.

## **ELECTION OF A CHAIR**

6. The session was chaired by Mr. Tsuyoshi Isozumi.

## **ADOPTION OF THE AGENDA**

7. The Meeting adopted the agenda as set out in document PCT/MIA/30/1 Prov. 2.

## **PCT STATISTICS**

8. The Meeting noted the presentation made by the International Bureau on the most recent PCT statistics<sup>1</sup>.

## **MATTERS ARISING FROM THE QUALITY SUBGROUP**

9. The Meeting noted with approval the Summary by the Chair of the Quality Subgroup set out in Annex II to this document, agreed with the recommendations contained in that Summary and approved the continuation of the Subgroup's mandate.

## **PCT ONLINE SERVICES**

10. Discussions were based on document PCT/MIA/30/9.

11. The Israel Patent Office recalled the horrific events of October 7, 2023 and requested Offices to announce the scope of potential relief measures available in respect of patent, designs and trademark applications in their country for the IP community in Israel that suffered from these events.

12. International Authorities expressed appreciation for the convenient services and functionality for applicants and Offices made available by the International Bureau through its various online services, including the ePCT functionality for International Authorities, such as requesting missing documents, the search copy transmission system, and anticipated further improvements through projects working towards enabling electronic communications and full text processing. Several Offices in their role as International Authority advised that they had seen benefits from recent improvements, including providing non-Latin bibliographic data within electronic search copies, increasing transmission of application documents in electronic full text formats, and improvements in the ePCT Office functionality. One Authority expressed a concern that search copies from some receiving Offices had been subject to long delays and requested that improvements in transmission timeliness be made by those receiving Offices.

13. Authorities broadly supported the long-term goal of providing all search reports in XML, though some Authorities advised that their IT modernization work planning would require their implementation of XML reports to be later than 2024. One Authority indicated that it would be ready to start discussions on the technical requirements for the delivery of XML reports.

14. With regard to the proposal towards eliminating paper communications from Offices to applicants, Authorities with this common digitalization goal in mind looked forward to working with the International Bureau on the technical details as soon as possible.

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<sup>1</sup> A copy of the presentation is available on the WIPO website at:  
[https://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=622511](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=622511).

15. The International Bureau noted a suggestion to improve time limit warnings to Office users in ePCT. The International Bureau also appreciated the comments and statements supporting the development of PCT online services, particularly in looking forward to further developments in electronic communications and the upcoming discussions relating to text processing.

16. The Meeting noted the contents of document PCT/MIA/30/9.

## **WORDS IN DRAWINGS**

17. Discussions were based on document PCT/MIA/30/6.

18. International Authorities indicated their support for the proposed new format of front page drawings and the availability of the front page drawing text as a searchable field. One Authority noted that irrespective of any international phase arrangements, it would remain necessary for applicants to provide fully translated drawings on entry into the national phase if text was not in the correct language for its role as designated Office. In response to a query from one Authority, the International Bureau indicated that the intention to discontinue adding markers to the drawings (for example "AA", "BB") to identify text segments was a key part of the arrangement as this would avoid any need to edit the drawing itself.

19. For the longer term, International Authorities agreed on the importance of properly revising Rule 11 to recognize the needs of current electronic processing. Where any difference remained between the Rule and the extent to which it should be enforced in the international phase after this revision, Authorities agreed that the term "reasonably uniform international publication" needed to be properly defined. In identifying the needs for a future Rule 11, applicants' concerns needed to be heard and issues specific to different languages considered.

20. The International Bureau indicated that it was not currently proposing any changes to the actions to be taken by receiving Offices. In particular, it was not desirable to start inviting applicants to provide replacement sheets for drawings to correct a defect of containing words not permitted under Rule 11 since this would typically not be correctable in the international phase (though one Authority noted that in its role as designated Office it does sometimes require such corrections in the national phase). However, the International Bureau would welcome search examiners giving greater consideration to selecting drawings with few or no words for the front page where these would be able to better represent the invention than the drawing selected by the applicant for the front page if that drawing contained many words.

21. The Meeting noted the content of document PCT/MIA/30/6 and encouraged the International Bureau to prioritize work on modernizing PCT Rules 11 and 26, taking the above comments into account.

## **CITATION OF NON-WRITTEN DISCLOSURES**

22. Discussions were based on document PCT/MIA/30/5.

23. International Authorities agreed that extending the definition of prior art to include non-written disclosures was desirable, in line with most national laws, and would generally simplify procedures. Consequently, it would be useful for the PCT Working Group to consider a specific proposal for amendment of PCT Rules 33 and 64 and related provisions for that purpose, recognizing that the decision on when to put a final proposal to the Assembly might depend on additional factors apart from the legal drafting. The International Bureau observed that some comments had been made during consideration of document PCT/MIA/29/2, but that it would welcome any further informal feedback after the meeting on the provisional draft from that document to assist in preparing a high-quality proposal.

24. International Authorities generally considered that a central repository for non-written disclosures was a desirable goal in principle but recognized that there were a large number of barriers to its creation and effective use. Systems were needed for recording the relevant disclosures in a form where the content would remain available for years to come. Copyright and terms of service issues needed to be considered to determine whether the International Authorities had the right to make copies of the disclosures and who would have the right to access the copies (for example, applicants, designated Offices, third parties) and in what circumstances could access be granted (for example, should it make a difference whether the original source remains available or not?). Burdens on examiners needed to be considered in preparing copies of non-written disclosures and any requirements to ensure that tags were applied, such as to indicate whether a disclosure should be publicly available or not. Some International Authorities had, or were developing, systems for recording non-written disclosures and maintaining national repositories with various forms of access control.

25. The International Bureau observed that the core of a central repository already existed – it was already possible for International Authorities to send copies of documents to the International Bureau which would be made available in PDF format through ePCT to applicants and designated Offices, but not to the general public; it was up to the International Searching Authority to determine whether their license for obtaining copies of non-patent literature documents covered public availability under those conditions. Technically, it should not be particularly difficult to extend this arrangement to file formats other than PDF. The main technical and cost issues would be around whether validation of the integrity of such documents was required and determining the likely additional file space needed for other file formats.

26. Furthermore, the questions of non-patent literature copyright had been considered before and there was no complete practical solution. The International Bureau suggested that to make some progress, it would be desirable to identify concrete questions that might help address significant parts of the problems faced. Two specific issues that could be investigated were: (i) systems (whether IT systems or instructions to examiners) used or under development by International Authorities to take forms of non-written disclosure and record them in a way that would allow the content to be viewed sufficiently well to determine relevant aspects of disclosure at a later date, even if the original disclosure was no longer available or it could not be confirmed that the material currently available matched what had been viewed at an earlier date; and (ii) an analysis of the types and origins of non-written disclosures cited in national and international search reports, aimed at determining whether there were large groups of citations for which a satisfactory copyright solution could be found, even if this might not be a full solution covering all cases.

27. The Meeting invited the International Bureau:

(a) to prepare draft amendments to PCT Rules 33, 64 and related provisions for consideration by the PCT Working Group;

(b) to create entries in the quality subgroup wiki seeking information on systems used by International Authorities for recording non-written disclosures and any analysis that the International Bureau or International Authorities could perform concerning types of non-written disclosures allowing copyright issues to be addressed.

## **PROPOSAL TO PROMOTE THE IMPROVEMENT OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINIONS**

28. Discussions were based on document PCT/MIA/30/7.

29. Authorities that took the floor supported the proposal by the China National Intellectual Property Administration to start discussions on the Quality Subgroup electronic forum with the proposals to amend the PCT International Search and Preliminary Examination Guidelines on

how the examiner fills out the international search report (Form PCT/ISA/210) and written opinion (Form PCT/ISA/237). Several Authorities asked for further details on the priority items identified in paragraph 8 of the document concerning the processes that needed to be clarified in items (b) to (d), the “filling position” in item (c) and how the proposals to modify the Guidelines concerning citation of non-patent literature and internet disclosures related to WIPO Standard ST.14. One Authority indicated willingness to share its instructions for examiners on how to complete various parts of these forms, including Boxes No. VII and No. VIII in Form PCT/ISA/237.

30. In response to a question from one Authority about merging Forms PCT/ISA/210 and PCT/ISA/237, the International Bureau stated that this would require major restructuring of IT systems and procedures, including for translation and publication with a risk of high implementation costs, both for Offices and the International Bureau if not properly considered. The International Bureau indicated that it was willing report to a future session of the Meeting with a full analysis of merging the forms.

31. The Meeting noted the contents of document PCT/MIA/30/7 and agreed to start discussions on the Quality Subgroup electronic forum on proposals to modify the PCT International Search and Preliminary Examination Guidelines for the priority items in the document, taking into account the questions that Authorities had raised during the discussions. The Meeting also invited the International Bureau to look further into merging Forms PCT/ISA/210 and PCT/ISA/237 to report to a future session.

#### **IP5 PCT COLLABORATIVE SEARCH AND EXAMINATION: FINAL REPORT**

32. Discussions were based on document PCT/MIA/30/3.

33. The European Patent Office and other IP5 Offices indicated that the PCT Collaborative Search and Examination Pilot had achieved a great deal despite the conclusion being that the arrangement should not be formally introduced into the PCT System for the time being. Authorities that took floor appreciated the work done on this pilot project and outlined the benefits of combining the search results delivered by examiners working for different Offices to enhance the quality of the final international search report and written opinion. However, one Authority noted that the difficulties related to the implementation of the pilot in the PCT framework outweighed the benefits. Another Authority observed that such a collaborative project was nevertheless a good framework to discuss the quality of PCT products and invited the IP5 Offices to provide additional information to support such discussions.

34. The Meeting noted the contents of document PCT/MIA/30/3.

#### **PCT MINIMUM DOCUMENTATION: STATUS REPORT**

35. Discussions were based on document PCT/MIA/30/2.

36. The United States Patent and Trademark Office (USPTO) offered to be the International Searching Authority to coordinate and lead the first comprehensive review of the non-patent literature items in the PCT minimum documentation by the permanent Task Force in May 2026. The USPTO invited the International Bureau to set up a virtual workspace for non-patent literature experts from the International Searching Authorities to collaborate on the preparations for this review, which should be completed by the end of 2025, including the identification by International Authorities of changes which they would intend to submit to the review.

37. The Meeting noted the contents of document PCT/MIA/30/2 and accepted the offer of the United States Patent and Trademark Office to lead the comprehensive review of non-patent literature items in the PCT minimum documentation in May 2026.

## **SEQUENCE LISTINGS TASK FORCE: STATUS REPORT**

38. Discussions were based on document PCT/MIA/30/8.

39. The European Patent Office noted in particular the work done on the development of the WIPO Sequence Suite, for which the next release will be available in early 2024 concentrating on improving the performance of both suite components, as well as the preparation of version 1.7 of the WIPO Standard ST.26 which is expected to be adopted by the eleventh session of the Committee on WIPO Standards (CWS) and enter into force on July 1, 2024.

40. In response to a question from one Authority about paragraphs 16 and 17 of the document, the International Bureau stated that work in the Digital Transformation Task Force on the exchange of priority documents and certified copies in electronic format had resulted in the preparation of a new draft standard, which would be published shortly as a proposal also to be considered and adopted by the eleventh session of the CWS. Regarding the work mentioned in paragraph 17, the International Bureau indicated that the Sequence Listings Task Force had the ongoing mandate to carry out any necessary revision of WIPO Standard ST. 26, which would be considered by future sessions of the CWS when ready.

41. The Meeting noted the contents of document PCT/MIA/30/8.

## **EXTENSION OF APPOINTMENT OF INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITIES**

42. Discussions were based on document PCT/MIA/30/4.

43. International Authorities acknowledged the importance of preparing well in advance for the extension of appointments of International Searching and Preliminary Examining Authorities. Authorities welcomed the possibility of finding ways to streamline the administration of amendments to the agreements under PCT Article 16(3), notably with regard to fee changes. On this matter, two Authorities also expressed interest in increasing flexibility to extend competence of an Authority to work with applications filed at additional receiving Offices. However, one Authority expressed its agreement only as far as changing fee amounts.

44. In relation to timing of the extension procedure, two Authorities noted the time that would be required after the approval of new agreements by the PCT Union Assembly to complete the domestic procedures for ratification by their respective national parliaments before the agreements could be signed and enter into force. One Authority suggested that it might be necessary to introduce a safety net provision in case of a major change in circumstances between the approval by the Assembly and the entry into force of the agreements where further reflection would be required.

45. In response to concerns expressed by one International Authority at the risk of limiting the ability of the PCT Committee for Technical Cooperation to review International Authorities effectively, the International Bureau emphasized that the possibilities outlined in paragraphs 5 to 7 of document PCT/MIA/30/4 were intended to generate discussion. It was the duty of the Committee for Technical Cooperation to review applications for extension of appointment to the extent that members of the Committee were confident that the Committee could provide its advice to the PCT Assembly on the extension of any appointment. It was important to review all the minimum requirements, not only those coming into force in July 2026. The International Bureau was not seeking to limit access to information for the Committee, but to find ways for the necessary information to be presented to the Committee that allowed its members review the applications efficiently without International Authorities expending efforts on producing documents that might not meet the purpose of the review. One Authority indicated that it would be preferable for applications for extension of appointment to contain all the relevant material for each International Authority in a single document, but if it were considered appropriate to refer

to external documents such as annual reports on quality management systems, the International Bureau should provide a table identifying all the relevant material. The International Bureau would welcome further suggestions on how best to prepare the documentation and run the session of the Committee considering the extension of appointments.

46. The Meeting invited the International Bureau, taking into account the comments made:

(a) to give further consideration to how the review of applications for extension of appointment of the International Authorities can be conducted efficiently; and

(b) to begin informal discussions with International Authorities on improving the agreements between the International Bureau and International Authorities, particularly with regard to streamlining the process of making changes to fees and the competence of the Authority.

## **FUTURE WORK**

47. The International Bureau indicated that it was likely that the next session of the Meeting of International Authorities would be held around October or November 2024. One Authority indicated that it would be desirable for in person meetings to be held again. One Authority preferred a hybrid meeting that would allow for both in-person interactions and participation from experts joining remotely. The International Bureau noted these points and indicated that the timing and format of the Quality Subgroup might be varied, depending on the arrangements for the Meeting of International Authorities.

## **CLOSING OF THE SESSION**

48. The Chair closed the session on November 3, 2023.

[Annexes follow]

## LIST OF PARTICIPANTS

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(in the alphabetical order of the names in English)

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Secretary: Thomas MARLOW (Mr.), (WIPO)

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[Annex II follows]

PCT MIA QUALITY SUBGROUP  
THIRTEENTH INFORMAL MEETING  
GENEVA, OCTOBER 30 AND 31, 2023

SUMMARY BY THE CHAIR

1. Mr. Michael Richardson, Director, PCT Business Development Division, World Intellectual Property Organization (WIPO) welcomed participants to the session on behalf of the Director General of WIPO, Mr. Daren Tang.

**1. QUALITY MANAGEMENT SYSTEMS**

**(A) REPORTS ON QUALITY MANAGEMENT SYSTEMS UNDER CHAPTER 21 OF THE PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES**

2. The International Authorities noted that the reporting on quality management systems was now quite mature and had no comments on either the content or format of the reports.

3. The Subgroup agreed that the quality reports should be published and recommended to continue reporting on quality management systems using the present reporting mechanism.

**(B) FEEDBACK FROM PAIRED REVIEW OF QUALITY MANAGEMENT SYSTEMS OF INTERNATIONAL AUTHORITIES**

4. All eight Authorities that had participated in the paired review sessions had found both the standard paired review and the new small group discussion session formats to be beneficial and recommended that other Authorities should participate in future. Both formats had provided for a useful exchange of information in an informal setting on different subjects relevant to quality management, learning more about the work at other Offices beyond what could be included in the written reports on quality management systems. For the standard paired review sessions, 90 minutes was preferred to 60 minutes for the duration, and the communication was often in both directions rather than only from the reviewing Authority to the Authority whose quality management system was being reviewed. For the small group discussions, Authorities considered it useful to share some information or questions beforehand to provide a starting point for the discussions and have a moderator for the session. One Authority considered that the maximum number of participating Authorities should be five for the small group discussions, after which it would become difficult to exchange opinions from all Authorities, while another Authority thought that three participating Authorities could be too few. If the Subgroup met in person in the future, it was suggested that the standard paired review sessions could take place as online discussions during the preceding week to allow more experts to participate.

5. The International Bureau noted the participating Authorities were satisfied with both the standard paired review and the new group discussion formats. Depending on how the Quality Subgroup met in the future, it was willing to consider other possibilities for the review sessions such as meeting in person in the margins of PCT Working Group. The standard bilateral paired review could also be changed to a longer session with a single Authority rather than two separate meetings with different Authorities.

6. The Subgroup noted the feedback from the paired review sessions and agreed that interested International Authorities should participate in sessions to review the Quality Management Systems of other Authorities, in both the bilateral paired review and small group discussion formats. The International Bureau would consider how to hold the review sessions and call for feedback on the timing and format of these sessions.



## **2. BETTER UNDERSTANDING THE WORK OF OTHER OFFICES**

### **(A) SURVEY ON SEARCH STRATEGIES**

7. Authorities thanked the International Bureau for conducting the survey. The results were useful to feed into further work in this area. Several Authorities indicated that they were still reviewing the results and would post further suggestions on the wiki in due course. One Authority noted that it regularly conducted its own surveys on its work as a whole, including search strategies. Its latest report on these surveys was available on its website and indicated that 80 per cent of its users were highly satisfied with its international search work. Furthermore, the Authority recalled that a prerequisite of the search strategy discussion was that the survey should not be used to force harmonization of practice in this area, but was rather intended to provide an opportunity to gather information from the users of search strategies that Authorities could reflect on individually. Search strategies were prepared primarily for the benefit of the Authorities performing the search and their needs might be incompatible with the aims of another Office or users.

8. In response to a suggestion that it would be more convenient if the search strategy formed part of the international search report, the International Bureau observed that devoting significant space to this would have a major impact on the presentation of the report and would result in very large costs if the strategy appeared in the part of the international search report that was required to be translated. It was suggested that this issue should be taken up in the context of the proposal to promote the improvement of PCT international search reports and written opinions, being considered by the Meeting of International Authorities.

9. Although Authorities were not yet ready to take any further active steps in this area, some Authorities considered that it would be useful to present a summary of the survey to the PCT Working Group, for information to its members and observers, as well as users that had participated in the survey, and to enable user groups and designated Offices to give further feedback that could be taken into consideration. However, one Authority considered that this should not be done, especially with regard to the user survey. It would rather be for each Authority to analyze the feedback that their respective users had given in whichever context, and to share this information with their users using their established channels. This Authority believed that no further action should be taken until Authorities had completed their own analysis and potential responses had been considered by the Subgroup.

10. The Subgroup agreed that the International Bureau should prepare a draft document for consideration on the wiki, allowing a consensus to be reached on how best to report the surveys in a way that met the interests and concerns of Authorities.

### **(B) STANDARDIZED CLAUSES**

11. International Authorities noted the completion of the work on developing the “minimum reasoning” methodology in relation to unity of invention within the PCT International Search and Preliminary Examination Guidelines and considered that it was now time to return to the development of standard clauses in this area. This should provide benefits in improving consistent practice, even though it must be recognized that examiners must be free to choose the best way of presenting an argument in specific cases and some International Authorities would continue to develop and use their own standard clauses in this area.

12. The Subgroup recommended that Authorities should work to develop standardized clauses relating to unity of invention and welcomed the offer of the Canadian Intellectual Property Office to lead the work, based on the examples that had been agreed for Chapter 10 of the International Search and Preliminary Examination Guidelines as a starting point.

### **(C) MAKING AVAILABLE INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES ALTERNATIVES SELECTED BY EACH INTERNATIONAL AUTHORITY**

13. International Authorities welcomed the proposal by the Canadian Intellectual Property Office to identify and clearly record the different approaches selected by Authorities where the PCT International Search and Preliminary Examination Guidelines offer options. One Authority also indicated that there may be alternative practices that were not cited as such in the Guidelines, and the Circular issued to identify the different practices among the alternatives offered in the Guidelines could also ask about areas of practice where differences may exist but were not so recognized. It was important that the information on alternative practices under the Guidelines be accurate and up-to-date, but it was recognized that this is not an area that develops quickly, so this was likely to be essentially a one-off effort. The International Bureau nonetheless expressed hope that the action of identifying the different practices might itself trigger some degree of review by Authorities. Some Authorities already indicate their own practices and it was noted that reliable links to descriptions of these on Authorities' websites would be desirable. The International Bureau suggested that it would be best to determine the exact details of the presentation and how reliable links to detailed information could be provided once the basic information was known.

14. The Subgroup recommended that the International Bureau should, with the assistance of the Canadian Intellectual Property Office and others if required, prepare a Circular requesting details of the alternatives chosen by each International Authority for the various issues where differences in practice are recognized by the PCT International Search and Examination Guidelines, as well as indicating any other areas where differences may have been identified to exist that are not so recognized.

### **3. CHARACTERISTICS OF INTERNATIONAL SEARCH REPORTS**

15. International Authorities welcomed the introduction of an interactive service for viewing the characteristics of international search reports. This provided an easier way of looking at the data and making different types of comparison of interest to an Authority. No specific priorities were suggested for substantive developments, but Authorities hoped for the ability to select specific colors for lines to make reading charts easier, as well as the ability to select end dates, in particular, to be able to exclude from charts the final year, for which no data yet existed.

16. The Subgroup invited the International Bureau to continue to develop the interactive views of characteristics that had been made available through the WIPO IP Statistics Data Center.

### **4. OTHER IDEAS FOR QUALITY IMPROVEMENT**

17. One Authority referred to the useful pilot it and several other International Authorities had undertaken to obtain feedback on international search reports from a designated Office and invited the International Bureau to assist in working out how to expand this pilot. The International Bureau agreed that the pilot appeared useful, but that challenges existed in bringing it up to a large scale, with potentially significant costs for both national Offices and the International Bureau. The International Bureau would work with the Offices concerned to consider the issues and whether they could be taken forward either within the existing small group or for broader discussion within the Subgroup.

18. Following an invitation from the International Bureau to suggest new working methods to improve interaction and achieve greater progress, one International Authority noted the dynamic discussions that had been achieved in the small group discussions and suggested that it might be useful to try breakouts into smaller groups for other subjects. The options appropriate would depend on the subjects and whether the meetings were held remotely or in person. One

International Authority observed that keeping a virtual format for at least a part of the discussions would allow the participation of more experts than in a physical setting.

19. The Subgroup recommended that it continue its existing activities, together with the new or modified activities referred to above.

[End of Annex II and of document]