

WIPO



PCT/CTC/23/2

ORIGINAL: English

DATE: August 24, 2007

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Twenty-Third Session
Geneva, September 24 to October 3, 2007

EXTENSION OF APPOINTMENT OF THE INTERNATIONAL SEARCHING AND
PRELIMINARY EXAMINING AUTHORITIES UNDER THE PCT

Document prepared by the International Bureau

SUMMARY

1. All of the thirteen Offices which currently hold an appointment as International Searching and Preliminary Examining Authorities (“International Authorities”) are seeking to extend their appointments, each of which ends on December 31, 2007. The Committee is required to give its advice to the PCT Assembly before it makes a decision on the extension of the appointments.

BACKGROUND

2. Thirteen Offices hold appointments to act as International Authorities: the Offices of Australia, Austria, Canada, China, Finland, Japan, the Republic of Korea, the Russian Federation, Spain, Sweden, and the United States of America, and the European Patent Office and the Nordic Patent Institute. Of these, 12 Offices have been operating as International Authorities for between 2 and nearly 30 years. The Nordic Patent Institute has not yet notified a date from which it intends to commence operations.

3. Each of the International Authorities was appointed by the PCT Assembly for a period ending December 31, 2007. In accordance with PCT Articles 16(3) and 32(3), the Assembly shall hear the interested Offices and seek the advice of this Committee before making a decision on the extension of the appointments.

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REQUIREMENTS TO BE SATISFIED

4. The minimum requirements for an Office to act as an International Searching Authority are set out in PCT Rule 36.1 as follows:

“The minimum requirements referred to in Article 16(3)(c) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches;

(ii) that Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34, properly arranged for search purposes, on paper, in microform or stored on electronic media;

(iii) that Office or organization must have a staff which is capable of searching the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;

(iv) that Office or organization must have in place a quality management system and internal review arrangements in accordance with the common rules of international search;

(v) that Office or organization must hold an appointment as an International Preliminary Examining Authority.”

5. PCT Rule 63.1 sets equivalent minimum requirements for acting as an International Preliminary Examining Authority, save that item (v) requires the Office to hold an appointment as an International Searching Authority, so that, in order to meet the requirements, it is essential to be appointed as both types of Authority.

6. When the Authorities were initially appointed, they presented information concerning their compliance with items (i) to (iii) of the requirements under PCT Rules 36.1 and 63.1. It is understood that all of the Authorities still meet the requirements with respect to number and qualification of examiners and that all Authorities still have access to the minimum documentation, as well as an ever-increasing body of additional documentation, primarily through improved electronic search systems. As to compliance with item (v), all Authorities hold appointments as both International Searching and International Preliminary Examining Authorities.

7. The requirement under item (iv) of PCT Rules 36.1 and 63.1 of having in place a quality management system was introduced to the Regulations by decision of the 35th session of the PCT Assembly, with effect from April 1, 2007. Consequently, the information which the Offices originally presented did not include information relating to this requirement. Since 2004, however, International Authorities have anyway been required to introduce quality management systems in accordance with the framework established under Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (“the Guidelines”) which were introduced at that time. All International Authorities have such quality management systems in place and, in accordance with the Guidelines, have produced annual reports on those systems. Initially, these reports were presented only to other International Authorities and summary reports were provided to the PCT Assembly. However, the Meeting of International Authorities decided at its 14th session that the individual reports should be made available publicly. Accordingly, those reports are now available from the WIPO website (in their original English version only) at <http://www.wipo.int/pct/en/quality/authorities.html>.

8. The International Bureau recommends that the appointment of all of the International Authorities be extended by a period of 10 years, to end December 31, 2017.

9. The Committee is invited to give its advice to the PCT Assembly on the extension of the appointment of the present International Authorities.

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