

International Patent Cooperation Union (PCT Union)

Assembly

Fifty-Fifth (24th Ordinary) Session
Geneva, July 6 to 14, 2023

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items from the Consolidated Agenda (document A/64/1): 1 to 6, 9, 10(ii), 12, 14, 21, 26 and 27.
2. The reports on the said items, with the exception of item 14, are contained in the General Report (document A/64/14).
3. The report on item 14 is contained in the present document.
4. Ms. María Loreto Bresky (Chile) presided over the meeting. Mr. Abdulaziz Algabbaa (Saudi Arabia) was elected Chair of the Assembly; Mr. Shen Changyu (China) and Mr. Konstantinos Georgaras (Canada) were elected Vice-Chairs.

ITEM 14 OF THE CONSOLIDATED AGENDA

PCT SYSTEM

5. The Chair welcomed all delegations to the Assembly, particularly the States that had recently acceded to the Patent Cooperation Treaty (PCT), namely, Jamaica in 2021, and Iraq, Cabo Verde, and Mauritius in 2022, bringing the number of Contracting States to 157.

Appointment of the Saudi Authority for Intellectual Property (SAIP) as an International Searching and Preliminary Examining Authority under the PCT

6. Discussions were based on document [PCT/A/55/1](#).

7. Introducing the document, the Secretariat explained that the Committee for Technical Cooperation met in October 2022 to consider an application for appointment of the Saudi Authority for Intellectual Property (SAIP) as an International Searching and Preliminary Examining Authority under the PCT. The Committee had reviewed the application and unanimously agreed to recommend the appointment to the Assembly. Following the advice of the Committee, Article 16(3)(b) and Article 32(3) of the Treaty required the Assembly first to hear the representative of SAIP, and then to decide on the appointment of the Office and to approve the text of the draft agreement between the Saudi Authority for Intellectual Property and the International Bureau set out in the Annex to document PCT/A/55/1. With regard to the agreement, the proposed draft followed the same form as those in place with the existing International Authorities, and would remain in force until December 31, 2027, in line with the review and renewal of the other agreements.

8. The Delegation of the Saudi Arabia explained that the Kingdom of Saudi Arabia, under the directives of its wise leadership, had drawn a roadmap towards comprehensive and integrated national development through the Kingdom's "Vision 2030". The Vision had been cascaded into strategic goals, most notably supporting and diversifying the economy, creating an attractive competitive environment, and promoting and supporting a culture of innovation and entrepreneurship. As a result, SAIP had been established as the authority concerned with regulating all areas of intellectual property (IP) in the Kingdom and supporting, developing, protecting, enforcing and upgrading them in accordance with international best practices. During the past year, His Highness the Prime Minister had announced the National Strategy for Intellectual Property. The Kingdom was also working on developing laws and regulations related to intellectual property rights (IPRs), in addition to working on registering rights and granting them protection, providing information related to IP and making it available to the public, and playing an effective role in raising awareness of IP. Interest in IP in Saudi Arabia began 82 years ago. The first IP system was introduced in 1939, and Saudi Arabia joined WIPO in 1982. Work then began on enacting laws and regulations for the various fields of IP protection. Saudi Arabia acceded to the Paris Convention and the Berne Convention in 2003, and to the World Trade Organization (WTO) in 2005 and is currently party to 13 treaties administered by WIPO. Saudi Arabia acceded to the PCT in 2013 and received its first international application as a receiving Office in early 2015. SAIP was also considered one of the first IP Offices to use the ePCT system for processing international applications. Preparations for the appointment of SAIP as an International Searching and Preliminary Examining Authority occurred through many important stages in order to meet the minimum requirements. The first criterion was to find highly-qualified employees with sufficient technical qualifications to carry out search and examination where SAIP had put in place appropriate recruitment and training plans, enabling SAIP to have more than 100 qualified examiners producing work in accordance with the required standards in line with international treaties and agreements. The examiners were distributed across five areas of expertise according to their technical files based on the International Patent Classification and had the appropriate language skills and required experience, with an average of 12.9 years across all examiners. All

examiners had access to the most important global databases, enabling them to perform their tasks to the required timeliness and quality in accordance with the standards stipulated in the Regulations under the PCT. SAIP regularly reviewed the used databases to ensure their suitability and efficiency, and considered the importance and appropriateness of new sources. SAIP also enjoyed the existence of a systematic and integrated quality management system that monitored all procedures and ensured their performance was in accordance with the highest standards. SAIP was also committed to continuous improvement in the quality of its work, periodically issuing operational quality reports. The quality management system at SAIP complied with the requirements of Chapter 21 of the PCT International Search and Preliminary Examination Guidelines, and SAIP attained ISO 9001 certification for its operational processes in the past year. The continual growth in the number of patent applications in the region and in the world, including applications filed in the Arabic language, increased the importance of having more International Searching and Preliminary Examining Authorities working in Arabic to increase cooperation and strengthen the role of the PCT. As an International Searching and Preliminary Examining Authority, SAIP hoped that it would have an influential and prominent role in promoting the PCT and the various services that it provided to beneficiaries. The Delegation thanked the Korean Intellectual Property Office (KIPO) for its support over the past year to ensure that SAIP fulfilled all the minimum requirements for appointment. KIPO had reviewed the criteria with accuracy and transparency, making recommendations that would contribute to raising the quality of operational work, and advising on prominent features, including operational quality systems, current technical systems and risk management. SAIP was proud to be recognized by one of the largest IP Offices. The Delegation also extended its thanks to all States that expressed their support for the appointment of SAIP at the thirty-second session of the PCT Committee for Technical Cooperation Committee in October 2022. In conclusion, the Delegation looked forward to the formal appointment of SAIP as an International Searching and Preliminary Examining Authority, and gave assurance that the Authority was fully prepared to carry out its operational tasks in international search and preliminary examination. The appointment would contribute to the promotion of the PCT by meeting the rapid growth in patent applications in the region and the world, increasing the number of applications in the Arabic language, and developing investment in technology in Saudi Arabia and at a regional level.

9. The Delegation of the Republic of Korea stated that KIPO had assessed the capacity of SAIP to be appointed as an International Searching and Preliminary Examining Authority through an onsite visit and online discussions. The Delegation recognized that SAIP satisfied all the minimum requirements for appointment and therefore supported its appointment as an International Searching and Preliminary Examining Authority under the PCT. The Delegation was confident that the appointment would strengthen the PCT System, taking into account Saudi Arabia's research and development capability, global economic standing, and its vision to become a regional IP hub by 2030. The Delegation stated that the Republic of Korea remained committed to cooperating with Member States to develop the PCT System further and welcomed the contribution of SAIP to this endeavor.

10. The Delegation of China recalled the advice of the PCT Committee for Technical Cooperation that SAIP had met all of the requirements for appointment as an International Searching and Preliminary Examining Authority under the PCT. The Delegation supported the approval of the appointment and wished SAIP success in its future work.

11. The Delegation of the Russian Federation supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT, and added that the appointment of SAIP would expand opportunities, particularly for Arab users, by enhancing the quality of expertise and search.

12. The Delegation of Japan supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT and welcomed any efforts from

SAIP to enhance the PCT System. Since signing a Memorandum of Cooperation with SAIP in 2019, the Japan Patent Office (JPO) had established an annual work plan based on the Memorandum, with cooperation taking place in areas such as data exchange and human resources development. As with previous collaborations, the Delegation expressed willingness to share the knowledge of JPO in order to help SAIP grow as an International Searching and Preliminary Examining Authority in the future. Finally, the Delegation stated that it expected that SAIP would play an important role in the development of the PCT System.

13. The Delegation of Tunisia expressed support for the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT.
14. The Delegation of Qatar supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT and wished SAIP all the success in its new function.
15. The Delegation of Iraq supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT. The appointment would help promote the patent system in the region and SAIP could count on the assistance of Iraq's national IP authority.
16. The Delegation of Iran (Islamic Republic of) congratulated SAIP on meeting the criteria for appointment as an International Searching and Preliminary Examining Authority under the PCT and wished SAIP all the success in its future work.
17. The Delegation of Kuwait supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT, which would have positive impact on the region in the short term.
18. The Delegation of Libya supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT and wished SAIP much success.
19. The Delegation of Mauritania supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT and expressed confidence in SAIP carrying out this important role.
20. The Delegation of Egypt supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT and wished their counterparts in Saudi Arabia all the success in their work.
21. The Delegation of Algeria supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT and wished SAIP every success.
22. The Delegation of Syrian Arab Republic supported the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT and wished SAIP much success.
23. The Assembly of the PCT Union, in accordance with Articles 16(3) and 32(3) of the PCT:
 - (i) approved the text of the draft Agreement between the Saudi Authority for Intellectual Property and the International Bureau set out in the Annex to document PCT/A/55/1; and
 - (ii) appointed the Saudi Authority for Intellectual Property as an International Searching Authority and International Preliminary Examining Authority with effect from the entry into force of the Agreement until December 31, 2027.

24. The Secretariat congratulated SAIP on its appointment as an International Searching Authority and International Preliminary Examining Authority under the PCT. Saudi Arabia had joined the Paris Union less than 20 years ago, had become a PCT Contracting State in 2013, and a further 10 years on from joining the PCT, it had reached a new milestone in offering international search and preliminary examination. The Secretariat wished SAIP well in the start of a new journey and looked forward to strengthened cooperation between the International Bureau and SAIP in the years ahead.

25. The Delegation of Saudi Arabia thanked all delegations for supporting the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT and the technical committees at WIPO that had assisted SAIP during the evaluation process to reach this result. This was one of the objectives that SAIP had wished to achieve, and the Delegation promised more services to be provided by SAIP and to become one of the most distinguished bodies in its work.

26. The Representative of the Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office) congratulated the Delegation of Saudi Arabia on the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT. The achievement of SAIP as the first IP Office of a GCC State to be appointed as an International Searching and Preliminary Examining Authority reflected the comprehensive development of IP in Saudi Arabia and the other countries of the GCC. Including the Arabic language as one of the accepted languages at SAIP in its Agreement with the International Bureau of WIPO would provide additional value for Arabic speakers during their use of the PCT, and would strengthen the knowledge base in the Arabic language in the various fields of technology. The GCC Patent Office wished SAIP every success in its new function.

Proposed Amendments to the PCT Regulations

27. Discussions were based on document [PCT/A/55/2](#).

28. The Secretariat introduced the document, which presented two sets of proposed amendments to the PCT Regulations and an amendment to the French text of Rule 82*quater*.3. The proposed entry into force of each of these amendments was set out in paragraph 7 of the document. The amendments proposed in Annex I of the document provided for a procedure where an international application contained parts in different languages and all such languages were accepted by the competent receiving Office. The amendments proposed in Annex II of the document set out a revised definition of the minimum documentation that an International Searching Authority was required to consult during international search, along with changes to the minimum requirements that an International Searching Authority and an International Preliminary Examining Authority needed to satisfy before it could be appointed and had that it would need to continue to satisfy during its appointment. With regard to the amendments in Annex II, paragraph 8 of the document proposed that the Assembly adopt an Understanding with regard to interpretation of one of the minimum requirements in the case of an intergovernmental organization (IGO) established to represent a collaboration between national Offices but did not itself issue patents or publish patent applications. Both sets of proposals in the Annexes and the Understanding had been reviewed and approved by the PCT Working Group. Finally, the proposal to amend the French text of Rule 82*quater*.3(c) in paragraph 6 of the document intended to resolve an inconsistency between the English and French texts of this Rule as adopted by this Assembly in 2021, so the French text would correspond with the intended effect of this Rule.

29. The Delegation of the Russian Federation welcomed the proposals for expansion of the languages used in the PCT System and wished to see further promotion of multilingualism under the PCT. Specifically, the Delegation welcomed the initiative by the International Bureau in the PCT Working Group to expand the number of languages used for communication with the

International Bureau by applicants and national Offices towards using all 10 PCT languages of publication, one of which was Russian. This initiative was in line with the policy of promoting multilingualism at WIPO and the revised linguistic program of the Organization, which was covered by a number of documents including the Medium-Term Strategic Plan (MTSP) 2022-2026. The Delegation considered that this initiative would enhance the quality of services and the convenience of using the PCT System, increasing the number of languages for applicants and Offices. It would also help ensure that applicants had access to PCT services. The Delegation considered that the expansion of the number of languages would have a positive impact on the PCT System as a whole, enhancing its convenience and attractiveness for users. The Russian Federation, together with the Eurasian Patent Office, were continuing work on the translation of templates and improving machine translation tools for the PCT. The Delegation hoped that there would be constructive dialogue at the next session of the PCT Working Group on languages of communication to be able to achieve compromise on this matter.

30. The Representative of the Eurasian Patent Organization (EAPO) congratulated and welcomed the appointment of SAIP as an International Searching and Preliminary Examining Authority under the PCT, and wished it success with its new status. The Representative was thankful that applicants, particularly Arabic speakers, had additional choice in terms of selecting an International Searching Authority and that the use of languages in the PCT System had been expanded. The Representative also stated that EAPO supported the proposed amendments in the document updating the definition of the PCT minimum documentation. EAPO believed that it was important that the International Bureau should act as a single coordinator for the availability of patent data, and the creation of a centralized repository for such data would be the simplest and most effective solution to meet this goal. The Representative also thanked the International Bureau for the proposal discussed in the PCT Working Group to expand the number of languages for correspondence with applicants and national Offices. The proposal to communicate in any of the 10 PCT publication languages in international applications, including the Russian language, was in line with the linguistic policies of WIPO to promote multilingualism. The Representative considered that it was important to facilitate communication with Russian-speaking users, because the Russian language was widely used by the Contracting States of the Eurasian Patent Convention and was the official language of EAPO. The Representative reiterated the readiness of the Eurasian Patent Office to work with the International Bureau regarding translations into Russian.

31. The Representative of Intellectual Property Latin American School (ELAPI) supported the proposed amendments, particularly regarding the language criteria, because that would enable more efficient search and examination of the applications without unnecessary translations or corrections that increase the cost of national phase processing. The Representative also supported the amendments concerning the provision of information by patent Offices. This should improve not only the information available for examiners, but should also feed into the WIPO public database. This would help to democratize and disseminate information coming from the PCT System on a daily basis, allowing scientists, academics, innovators and students to learn of the development of new technologies. ELAPI was fully ready to support any PCT Contracting State and the Assembly with its expertise.

32. The Assembly of the PCT Union:

- (i) adopted the proposed amendments to the Regulations under the PCT set out in Annexes I and II and paragraph 6 of document PCT/A/55/2, and the entry into force and transitional arrangements set out in paragraph 7 of the same document; and
- (ii) adopted the Understanding set out in paragraph 8 of document PCT/A/55/2.

Amendment of the Agreement concerning the Functioning of the Ukrainian Intellectual Property Institute as an International Searching Authority and International Preliminary Examining Authority under the PCT

33. Discussions were based on document [PCT/A/55/3](#).

34. The Secretariat introduced the document, which proposed amendments to the Agreement between the Ministry of Economic Development and Trade of Ukraine and the International Bureau concerning the Functioning of the Ukrainian Intellectual Property Institute as an International Searching and Preliminary Examining Authority under the PCT. With effect from November 8, 2022, the State Organization “Ukrainian National Office for Intellectual Property and Innovations” had taken over responsibility from the “Ukrainian Intellectual Property Institute” for patent processing, including its roles as receiving Office, International Searching Authority and International Preliminary Examining Authority, while retaining the examiners, search facilities, IT systems and other expertise of the Ukrainian Intellectual Property Institute. The document proposed to amend the Agreement to reflect the current names of the Ministry, now the “Ministry of Economy of Ukraine”, and of the Office, respectively.

35. The Delegation of Switzerland, speaking on behalf of Group B, supported the proposed amendments to the Agreement between the Ministry of Economic Development and Trade of Ukraine and the International Bureau as set out in the Annex to the document. The Assembly had approved this Agreement in 2017 and Group B agreed with the proposed updates.

36. The Delegation of Poland, speaking on behalf of the Group of Central European and Baltic States (CEBS), supported the proposed amendments. The CEBS Group perceived the proposed amendments as being of a technical and formal nature, reflecting changes made in the Ukrainian IP regulatory institutional architecture. The document reflected no changes with regard to the existing Agreement concerning all technical and formal criteria required to function as an International Searching and Preliminary Examining Authority. The CEBS Group therefore saw no basis for the Assembly to object to the approval of the amendments. The Delegation reiterated the need to finalize this procedural matter, which was important for compliance of Member States with the existing legal and procedural order within the PCT Union.

37. The Assembly of the PCT Union:

- (i) noted the contents of document PCT/A/55/3; and
- (ii) approved the amendments to the agreement between the Ministry of Economic Development and Trade of Ukraine and the International Bureau as set out in the Annex to document PCT/A/55/3.

38. The Delegation of Ukraine thanked the Delegations of Switzerland and Poland for the supportive statements made on behalf of Group B and the CEBS Group, respectively. The Delegation appreciated their support and thanked all delegations for the decision, which was important for the Ukrainian government and national IP institution.

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