

**AMENDMENTS TO THE REGULATIONS  
UNDER THE PATENT COOPERATION TREATY (PCT)**

Adopted on July 11 2023, by the Assembly of the International Patent Cooperation Union (PCT Union) at its Fifty-Fifth (24<sup>th</sup> Ordinary) Session held from July 6 to 14, 2023, with effect from January 1, 2026

**Rule 34  
Minimum Documentation**

34.1 Definition

- (a) The definitions contained in Article 2(i) and (ii) shall not apply for the purposes of this Rule. For the purposes of this Rule, “patent documents” shall include:
- (i) published international applications,
  - (ii) published regional patents,
  - (iii) published national patents issued by a national Office or its legal predecessor in and after 1920,
  - (iv) utility certificates issued by France in and after 1920,
  - (v) inventors’ certificates issued by the former Soviet Union, and
  - (vi) applications for any of the forms of protection referred to in items (ii) to (v) above, published in and after 1920.
- (b) Notwithstanding paragraph (c), the documentation referred to in Article 15(4) („minimum documentation”) shall consist of:
- (i) the “patent documents” as specified in paragraph (a) that have been made available by or on behalf of the relevant national Office or its legal successor or, as the case may be, by the International Bureau in accordance with the technical and accessibility requirements specified in the Administrative Instructions and, where applicable, with the provisions of Rule 36.1(ii), and
  - (ii) such other published items of non-patent literature as the International Searching Authorities shall agree upon and which shall be published in a list by the International Bureau when agreed upon for the first time and whenever changed.
- (c) In addition to consulting the required documentation set forth in paragraph (b), the International Searching Authority should also preferably consult utility model documents consisting of the utility models issued, and the utility model applications published, in and after 1920 by a national Office or its legal predecessor, provided that the said utility model documents have been made available by or on behalf of the relevant national Office or its legal successor in accordance with the technical and accessibility requirements specified in the Administrative Instructions.

- (d) Each national Office making its patent documents and, where applicable, its utility model documents available in accordance with the requirements specified in the Administrative Instructions shall:
  - (i) notify the International Bureau accordingly,
  - (ii) make newly published patent documents and, where applicable, utility model documents available regularly, and
  - (iii) provide to the International Bureau at least annually an authority file, detailing the current extent of the available patent documents and, where applicable, utility model documents in accordance with the Administrative Instructions.
- (e) The International Bureau shall validate the availability of the patent and utility model documents notified in accordance with paragraph (d) and publish in the Gazette details of the documents concerned and the date from which they will become a part of the minimum documentation. The International Bureau shall administer a repository containing the authority files referred to in paragraph (d)(iii) as specified in the Administrative Instructions.
- (f) Where an application is published more than once, each International Searching Authority shall be obliged to keep in its documentation only the first published version if none of the subsequently published versions contains additional matter.
- (g) For the purposes of this Rule, applications and patents which have only been laid open for public inspection are not considered published applications and patents.

### **Rule 36**

#### **Minimum Requirements for International Searching Authorities**

##### 36.1 Definition of Minimum Requirements

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 in the required technical fields;
- (ii) that Office or organization must make available for consultation as part of the minimum documentation referred to in Rule 34, in accordance with the requirements specified in the Administrative Instructions, any patent issued, and any patent application published, by it, and where applicable by its legal predecessor(s);
- (iii) that Office or organization must have in its possession, or maintain access to, at least the minimum documentation referred to in Rule 34, for search purposes in accordance with the Administrative Instructions;
- (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.

### **Rule 63**

#### **Minimum Requirements for International Preliminary Examining Authorities**

##### 63.1 Definition of Minimum Requirements

The minimum requirements referred to in Article 32(3) 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 examinations in the required technical fields;
- (ii) that Office or organization must make available for consultation as part of the minimum documentation referred to in Rule 34, in accordance with the requirements specified in the Administrative Instructions, any patent issued, and any patent application published, by it, and where applicable by its legal predecessor(s);
- (iii) that Office or organization must have at its ready disposal at least the minimum documentation referred to in Rule 34, properly arranged for examination purposes;
- (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 preliminary examination;
- (v) that Office or organization must hold an appointment as an International Searching Authority.