

APPOINTMENT OF INTERNATIONAL AUTHORITIES
DRAFT DECISION PARAGRAPHS
FOR INCLUSION IN THE SUMMARY BY THE CHAIR

1. Following informal discussions led by the Chair, the Working Group agreed to recommend to the PCT Assembly to adopt the following Understanding:

"Procedures for Appointment of International Authorities"¹:

(a) A national Office or an intergovernmental organization ("Office") seeking appointment is strongly recommended to obtain the assistance of one or more existing International Authorities to help in the assessment of the extent to which it meets the criteria, prior to making the application.

(b) Any application for appointment of an Office as an International Authority is to should be made well in advance of its consideration by the PCT Assembly (say, by March/April in the year it was to be considered by the PCT Assembly) so as to allow time for an adequate review by the Committee for Technical Cooperation (PCT/CTC). The PCT/CTC should meet as a true expert body at least three months in advance of the PCT Assembly, if possible back-to-back with a session of the PCT Working Group (usually convened around May/June of any given year), with a view to giving its expert advice on the application to the PCT Assembly.

(c) Consequently, a written request to the Director General to convene the PCT/CTC is to be sent by the Office preferably by March 1 of the year in which the application is to be considered by the Assembly and in any case in time to allow the Director General to send out letters of convocation of the PCT/CTC not less than two months prior to the opening of the session.

~~(e)(d)~~ Any such application should be made on the understanding that the Office ~~or intergovernmental organization seeking appointment~~ must should meet all substantive criteria for appointment at the time of the appointment by the Assembly and is prepared to start operation as an International Authority as soon as reasonably possible following appointment, at the latest around 18 months following the appointment. With regard to the requirement that the Office seeking appointment must have in place a quality management system and internal review arrangements in accordance with the common rules of international search, where such system is not yet in place at the time of the appointment by the Assembly, it shall be sufficient that such system is fully planned and, preferably, that similar systems are already operational in respect of national search and examination work to demonstrate the appropriate experience.

~~(d)(e)~~ Any document for consideration by the PCT/CTC should be submitted to the Director General at the latest 2 months prior to the opening of the session of the PCT/CTC. Any such application should then be submitted to the PCT/CTC. The PCT/CTC should meet as a true expert body at least three months in advance of the PCT Assembly, if possible back-to-back with a session of the PCT Working Group (usually convened around May/June of any given year), with a view to giving its expert advice on the application to the PCT Assembly.

~~(e)(f)~~ Any such application is would then to be submitted to the PCT Assembly (usually convened around September/October of any given year), together with any advice given by the PCT/CTC, with a view to deciding on the application.

¹ Underline and strikeout mark additions and deletions compared to the proposals set out in Paper No. 5 (Proposal by Hungary).

2. The Working Group further agreed to recommend to the PCT Assembly to adopt the following decision concerning entry into force of the procedures for appointment of International Authorities set out in the above Understanding:

"The procedures for appointment of International Authorities set out in the above Understanding shall apply to any application for appointment as an International Authority submitted after the closure of the present session of the PCT Assembly."

[End of paper]