Supplement to the 2025 Edition of

Annotated PCT

updated until October 2025

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Introduction

This supplement updates the printed version of the Annotated PCT 2025. It contains changes that have been promulgated until September 2025, including Rules and AIs that are in force from January 1, 2026. As far as amendments of Rules are concerned, they are inserted in addition to the prior version. Only changes to content are listed in this supplement. Purely linguistic adjustments, editorial and minor changes that can be found in the electronic version are not listed here. Margin numbers refer to the printed version and are, as far as technically possible, consistent with the electronic version.

Updates

1) Legal amendments and related annotations:

R. 26.3ter (a)(i):

Add after list item (i): "*(in force from July 1, 2024 to June 30, 2025)".*

Add before (ii): "(i) *(in force as from July 1, 2025)* a translation of the international application is required under Rule 12.3(a) *(for international search)*, into the language in which the international application is to be published, or".

Add after the legal text of R. 26.3ter (a)(ii) in mn. 7: "Amendments to R. 26.3ter (a)(ii) are in force as from July 1, 2025, and shall apply to any international application with an international filing date that is on or after that date (PCT Notification No. 226)."

R. 33.1(a):

Add after (a): "*(in force until December 31, 2025)".*

Add after paragraph (a): "(a) *(in force as from January 1, 2026)* For the purposes of Article 15(2), relevant prior art shall consist of everything which has been made available to the public anywhere in the world by any means which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available to the public occurred prior to the international filing date."

Add in annotation to R. 33.1 in mn. 1 before the first sentence: The amendments to R. 33 shall enter into force on January 1, 2026, and shall apply to any international application in relation to which the international search report or declaration under Article 17(2)(a) is established on or after that date (PCT Notification No. 226).

R. 34.1:

Add after list item 34.1: “*(in force until December 31, 2025)”.*

Add after former legal text:

“34.1 (in force as from January 1, 2026) 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."

Add after the new legal text in R. 34.1 mn.1 at the end of the annotation: "The amended R. 34.1 avoids any language-based criteria and includes documentation of any Office not appointed as ISA. Amended paragraph (a) provides a definition of "patent documents" and amended (b)(i) requires ISAs to make their patent collections available under clearly defined technical and accessibility requirements. A reference to R.36.1(ii) has been added. The content of former paragraph (b)(iii) remains unchanged but is now renumbered as (b)(ii) because former paragraph (b)(ii) has been deleted. New paragraph (c) includes utility model documents in the minimum documentation but only as an optional recommended part. New added paragraph (d) is dedicated to the tasks to be performed by Offices with regard to making available of their collections, among other things to notify the IB. New added paragraph (e) is dedicated to the tasks to be performed by the IB. Former paragraph (d) dealing with republication is renumbered as (f) and changed in content, examples in brackets have been deleted and details related to additional matter are clarified. Former paragraph (e) has been deleted, as the official

language(s) of the ISA shall no longer be relevant for the minimum documentation. Former paragraph (f) is renumbered as (g) and clarifies that "published" does not only refer to applications but also to patents. (PCT/WG/16/6)"

Add to cross-reference (shaded in light grey) under AG-IP 7.004 new cross-references:

AIs Sec 116 In force from January 1, 2026 (PCT. Circular 1672, PCT/WG/16/6 p.3) refers to new Annex H

AIs Sec 521 In force from January 1, 2026 (PCT. Circular 1672, PCT/WG/16/6 p.3) refers to new Annex H

R. 36 Minimum requirements for ISAs

R. 63 Minimum requirements for IPEAs

Add in annotation R. 34 mn. 2: "The amendments shall enter into force on January 1, 2026, and shall apply to any international application in relation to which the international search report or declaration under Article 17(2)(a) is established on or after that date (PCT Notification No. 226)."

R. 36.1:

Add after list item 36.1: "(in force until December 31, 2025".

Add after former legal text of R. 36.1:

"36.1 (in force as from January 1, 2026) 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."

Add at the end of annotation R. 36 mn.2: "In adopting the amendments to Rules 36.1 and 63.1 setting out the minimum requirements referred to in Articles 16(3)(c) and 32(3), respectively, the Assembly agreed that, in the case of an intergovernmental organization that has been established for the collaboration between national Offices of the States that are members of that intergovernmental organization and does not itself issue patents or publish patent applications, the requirements in Rules 36.1(ii) and 63.1(ii) for the organization are that the national Offices of those States make available for consultation, as part of the minimum documentation, any patent issued, and any patent application published, by them and, where applicable, by their legal predecessor(s).

A new paragraph (ii) has been inserted to require from ISAs to make available their patent collections. It refers to R. 34, see annotations to R. 34. The requirement for staff to have required language facilities has been deleted and instead in paragraph (i) the requirement for staff to be capable of searching in the required technical fields has been added. In paragraph (iii) just the wording has been updated. (PCT/WG/16/6 p.3)

Add at the end of the annotation new cross-references (shaded in light grey):

AIs Sec 521 In force from January 1, 2026 (PCT. Circular 1672, PCT/WG/16/6 p.3) refers to new Annex H

R. 34 Minimum documentation

R. 63 Minimum requirements for IPEAs

R. 63:

R. 63.1(i):

Add to paragraph (i): "*(in force until December 31, 2025)".*

Add after that paragraph: "(i) *(in force from January 1, 2026)* 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;".

R. 63.1 (ii):

Add to paragraph (ii): "*(in force until December 31, 2025)".*

Add after that paragraph: "(ii) (in force from January 1, 2026) 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);".

R. 63.1(iii):

Add to paragraph (iii): "*(in force until December 31, 2025)".*

Add after that paragraph: "(iii) (in force from January 1, 2026) 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;".

Add to the annotations at the end of R. 63 mn. 4:

"The amendments are aligned with the amendments for ISAs in R. 36. A new paragraph (ii) has been inserted to require from IPEA to make available their patent collections. It refers to R. 34, see annotations to amended R. 34. The requirement for staff to have required language facilities in paragraph (iii) has been deleted and instead in paragraph (i) the requirement for staff to be capable of searching in the required technical fields has been added. (PCT/WG/16/6)"

Add after R. 63 mn.4 new cross-references (shaded in light grey):

R. 34 Minimum documentation

R. 36 Minimum requirements for ISAs

R. 64:

R. 64.1(a)

Add after (a): "*(in force until December 31, 2025)"*

Add after paragraph (a): "(a) *(in force as from January 1, 2026)* For the purposes of Article 33(2) and (3), everything made available to the public anywhere in the world by any means shall be considered prior art provided that such making available occurred prior to the relevant date."

Add in annotation mn.1: "The amendments shall enter into force on January 1, 2026, and shall apply to any international application in relation to which the international search report or declaration under Article 17(2)(a) is established on or after that date (PCT Notification No. 226)."

R. 64.2

Add before the paragraph: "*(in force until December 31, 2025)".*

Add after that paragraph: "*(in force as from January 1, 2026)* In cases where the making available to the public occurred by means of an oral disclosure, use, exhibition or other non-written means ("non-written disclosure") before the relevant date as defined in Rule 64.1(b) and the date of such non-written disclosure is indicated in a written disclosure which has been made available to the public on a date which is the same as, or later than, the relevant date, the international preliminary examination report shall call attention to such non-written disclosure in the manner provided for in Rule 70.9."

R. 89bis:

R. 89bis.1(a)

Add after list item (a): "*(in force until June 30, 2025)"*

Add after list item (a): "(a) *(in force as from July 1, 2025)* International applications may, subject to paragraphs (b) to (e), be filed and processed in electronic form or by electronic means, in accordance with the Administrative Instructions."

Add after (d): "(d-bis) *(in force as from July 1, 2025)* A national Office or intergovernmental organization, other than the International Bureau, that has made a notification under paragraph (d) may notify the International Bureau that it will only receive international applications if they are filed in electronic form or by electronic means. The International Bureau shall publish a notification made under this paragraph in the Gazette."

Add after (d-bis): "(d-ter) *(in force as from July 1, 2025)* A national Office or intergovernmental organization that has made a notification under paragraph (d) but not paragraph (d-bis) may notify the International Bureau that any application filed on paper must be resubmitted by electronic means within two months from the date of an invitation by such Office or organization. If corresponding documents are not timely received, the international application shall be considered withdrawn, and the receiving Office shall so declare. The International Bureau shall publish a notification made under this paragraph in the Gazette."

R. 89bis.2

Add before the legal text: "*(in force until June 30, 2025)".*

Add after the legal text: "*(in force as from July 1, 2025)* Rule 89bis.1 shall apply mutatis mutandis to other documents and correspondence relating to international applications, provided that, where a national Office or intergovernmental organization has made a notification under Rule 89bis.1(d-ter), any such documents or correspondence filed on paper

and not resubmitted by electronic means within two months from the date of a corresponding invitation shall be disregarded.".

R. 92.2(e):

Add after (e): "*(in force until June 30, 2025)".*

Add after that paragraph:" (e) (in force as from July 1, 2025) Any letter or notification from the International Bureau to the applicant or to any national Office shall be in English, French or any other language of publication as may be permitted by the Administrative Instructions.".

2) Further amendments:

Art. 3:

In mn. 64 replace "OJ EPO 2024 A7" with "OJ EPO 2025 A26" twice.

Art. 4(1)(ii):

In cross-reference: add "Lao (LA) since April 1, 2025" at the end.

Art.7:

In mn. 4 add at the end: "The EPO allows electronic filing and processing of drawings in colour and greyscale as from October 1, 2025. For details see OJ EPO 2025 A 57."

Art. 8:

In mn.12 replace "OJ EPO 2028 A78" by "2021 A83".

Art. 10 mn. 17:

Delete the sentence "Additionally, all receiving Offices accept filing on paper, through delivery by hand and by mail (R. 89bis.1(a); AG-IP 6.003)" and insert "Where a receiving Office accepts international applications to be filed on paper, the international application may be deposited with or mailed to the receiving Office. Receiving Offices may allow international applications to be filed on paper and may require resubmission electronically. (R. 89bis.1; AG-IP 6.003). Other means of rapid communication may be allowed.".

Art. 15 mn. 2:

Replace "Prior art is everything available to the public anywhere in the world by means of written disclosure prior to the international filing date (R. 33.1(a))." with "Prior art is everything available to the public anywhere in the world by any means (R. 33.1(a)).".

Art. 20(3):

Add at the end of the cross-reference “Art. 36(4) Application of Art. 20(3) for IPER”

Art. 21:

In cross-reference after mn. 6 replace “R. 34.1(b)(ii)” with “R. 34.1(a)(i)”.

Art. 21 mn. 5 delete the last sentence.

Art. 22:

In mn. 68 after “web-form filing service” add “(until December 31, 2024)”.

In mn. 68 after (OLF) add “until December 31, 2025”.

In the cross-references on p. 148, in the row “GL Exam EPO E-IX, 2.7” replace in the text on the right “GL Exam E-IX, 2.1.2” with “GL Exam E-IX, 2.1.3”.

In the cross-reference on p. 148, in the row “R. 3”: replace “GL Exam E-IX, 2.1.3” with “GL Exam E-IX, 2.1.4” and replace “filed” with “published”.

Art. 31:

In mn. 4 delete the last sentence.

In mn. 22 replace “OJ EPO 2024 A69” with “OJ EPO 2025 A54”.

In mn. 31 after “Web-form filing” add “(until December 31, 2024)”.

Art. 45:

In mn. 7 in second item add “MU (for international applications since August 27, 2025)”.

In mn. 9 fourth item: add “, for Lao (LA, OJ EPO 2025 A22)” at the end.

Art. 39:

In the cross-reference on p. 212, in the row “G 4/08” replace “GL Exam E-IX, 2.1.3” with “GL Exam E-IX, 2.1.4”.

Art. 53 mn. 14:

Delete the text and add “See Art. 64(1)(a).”

Art. 64(1)(a) mn. 4:

Delete the text and insert “There is only a declaration from Uruguay (PCT Notification No. 225) under Art. 64(1)(a), all other PCT Contracting States are bound by Chapter II.“.

R. 5:

In the cross-reference after mn2 in row “DPMA” replace “September” with “June” and delete the link.

R. 11:

Add under the first cross-reference:

“EPO With reference to electronic filing a wrong format that is legible and conform with Art. 11 is a formal deficiency and treated under Art. 14 (OJ EPO 2024 A90).”

R. 17.1(b), R. 82quater, R. 96.1, R. 94.3, R89bis:

In the name “MyEPO Portfolio” the part “Portfolio” has been deleted (April 1, 2025, OJ EPO 2025 A27).

R. 35 mn.4:

Add “SA (since December 15, 2024)” to the list of ISA Offices.

R. 43bis

In mn.1 delete at the end “of the Regulations”.

R. 45bis.9:

Correct the mistake in the cross-reference: delete “EA” and “PH” from the list of SISAs.

R. 49:

In the cross-references on p. 492 replace “GL Exam E-IX, 2.1.2” with “GL Exam E-IX, 2.1.3”.

R. 59.1 mn.2:

Add “SA (since December 15, 2024)” to the list of IPEA Offices.

R. 83 mn. 5, R. 90.1(a) and R. 90.5(a) cross-references:

Add before “OJ EPO 2013 p.535”: “OJ EPO 2025 A48 which replaces part I of”.

Regulations Part F, Introduction: Methods of communication (p. 623):

In mn. 2 delete the first sentence and insert “Where a receiving Office accepts international applications to be filed on paper the international application may be deposited with or mailed to the receiving Office.”

In mn. 2 replace “OJ EPO 2017 A11 Art. 1(3)” with “OJ EPO 2025 A33”.

In mn. 3 delete the first 3 lines and insert “Prior to July 1, 2025 all Offices and International Authorities accepted the filing of international applications and other documents on paper by mail or postal service (AG-IP 6.003). As from July 1, 2025 the PCT Assembly amended the Regulations in”.

R. 89bis Introduction (p. 625):

In mn. 28 delete the items after the first sentence and insert: “See annotations to the Schedule of Fees which is annexed to the Regulations after R. 96”.

In mn. 29 and 30 delete “OJ EPO 2023 A48” and replace with “OJ EPO 2024 A88” (three times).

In mn. 30 at the end of first item add “(OJ EPO 2024 A90)”

In mn.30 in the fourth item after Web-Form Filing “add“(decommissioned December 31, 2024)”.

In mn. 30 delete the fifth item Web-Form Filing.

R. 89bis (p. 629):

Add in mn. 31 at the end: “Consequential amendments of AIs 703 and AIs 705quater are in force as from July 1, 2025 (C. PCT 1684, C. PCT 1680) to allow Offices exceptions as safeguards and to provide a legal basis.”

R. 90:

Add in mn. 28 to the list of countries “JM” and “LU” and delete “GR”.

Add in mn. 31 to the list of countries “JM” and delete “GR”.

R. 96.1:

In the cross-reference in the line EPO replace “OJ EPO 2023 A112” with “OJ EPO 2024 A103” and after “(OLF)” add “until December 31, 2025”.

Schedule of Fees (annexed to Regulations after R. 96, p. 681):

In mn. 2 and 3 add after “web-form filing”: “(until December 31, 2024)”.

In mn. 2 delete “OJ EPO 2023 A48 Art.10” and insert “OJ EPO 2024 A88”.

In mn. 2 and 3 after “(OLF)” add “until December 31, 2025”.

Fee Reduction According to the Schedule of Fees (p. 685):

In the part “Fee Reduction According to the Schedule of Fees” of the book changes as from January 7, 2025 have already been announced on p. 685. Accordingly, shift “Uruguay” from No. 1.(b) to 1.(a) on p. 686.

Annex 1 List of Territories (p. 689):

Add a check mark for Uruguay in column “PCT”.

Add for Lao in column “note”: EP validation.

Add a check mark for Ethiopia in column “Paris”.

Add a check mark for East Timor in column “WTO”.

Annex 2 List of Contracting States (p. 707):

Add a new row: “Uruguay (UY) 7 January 2025 30”.

Add a footnote for Uruguay with the content: “This office has made a declaration under PCT Art. 64(1)(a) and is not bound by Ch. II PCT.”

In footnote 15 for “EPO” add “ME”.

Index (p. 725)

ABSTRACT (PART OF MINIMUM DOCUMENTATION):

In “generally” delete “(e) after “R. 34.1”.

COUNTRY:

After “minimum documentation comprises certain” replace “applications” with “patent document” and delete “and patents issued” after “published”.

In “published in certain country” after “R. 34.1” add “(a)” and delete “, (c)(iii), (vi)”.

INTERNATIONAL SEARCH:

In “international search documentation, file contents” replace “R. 34.1(d)” with “R. 34.1(f)”.

NATIONAL OFFICE:

After “minimum documentation consisting of certain patent” add “documents” and delete “(b)” after “R. 34.1”.

REPUBLICATION

In “republished IAs in minimum documentation” replace “R. 34.1(d)” with “R. 34.1(f)”.

UTILITY CERTIFICATE

In “utility certificate(s) part of minimum documentation” replace after “R. 34.1” “(d)” with “(a)”.

UTILITY MODEL

Add new keyword “minimum documentation” R. 34.1(c).

ELECTRONIC

Delete “electronic minimum documentation for IS on electronic media R. 36.1(ii)”.

MINIMUM DOCUMENTATION

Under “minimum requirements as to minimum documentation for ISA” and after the words “access to or possession” insert “or provision” and in the same row after “R. 36.1(ii)” add “,(iii)”

In the following keyword after “staff with” delete the rest of the sentence and insert “technical qualification”. In the same line after “R. 36.1” replace “(iii)” with “(i)”.

under the keyword “minimum requirements as to minimum documentation for IPEA”:

After “ready disposal of minimum documentation R. 63.1” replace “(ii) with “(iii)”.

In the following line after “staff with” delete the rest of the sentence and insert “technical qualification”.

After “R. 63.1” replace “(iii)” with “(i)”.