

Limited Competency of Certain International Searching Authorities With Respect to Applications Filed in the USPTO

Applicants are hereby reminded that certain International Searching Authorities have limited their competency for applications filed with the United States receiving Office (RO/US). Selecting a non-competent International Searching Authority (ISA) can result in significant delays in the issuance of the International Search Report and Written Opinion of the International Searching Authority.

Please see below the current ISA limitations and information:

- The use of IP Australia is restricted. IP Australia will not act as an ISA if it has received more than 250 international applications from the USPTO during a fiscal quarter, as indicated in the Official Gazette at [1409 O.G. 302](#) on December 30, 2014. IP Australia will act as an IPEA only if it also acted as the ISA.
- The use of the ILPO is restricted. The ILPO may act as an ISA under the PCT for international applications filed with the RO/US provided that: (1) the applications are submitted in the English language; (2) ILPO has not received more than 100 international applications from USPTO during the current fiscal quarter; and (3) the ILPO is designated as a competent searching authority by the applicants of said applications.
- The use of the JPO is restricted. The JPO will not act as an ISA for applications unless: (1) the applications are submitted in the English language; (2) the JPO has not received more than 8,400 international applications from the USPTO during the 5 year period from July 1, 2018 to June 30, 2023, and not more than 300 applications per quarter during the first and second years, and not more than 500 application per quarter during the third, fourth, and fifth years; and (3) the JPO is chosen as a competent authority by the applicants of said applications. The JPO will also act as an International Preliminary Examining Authority if these three requirements are met, and the JPO acted as the ISA.
- The use of the EPO is not restricted. However, the EPO will issue a declaration under PCT Rule 17(2)(a) that no ISR will be established whenever an application relates only to a business method as such. In applications containing claims relating to business methods where the subject matter of the application also contains technical features, the EPO will perform a search for those parts of the application which are more than mere business methods. The announcement appears in the Official Gazette at [1414 O.G. 61](#) on March 10, 2015. The EPO will act as an IPEA only if it also acted as the ISA.