

Using DAS with the PCT

Within the context of the PCT, WIPO's Priority Document Access Service (DAS) enables you to request the International Bureau to retrieve an electronic certified copy of an earlier application for use as the priority document, provided that the Office with which the earlier application was filed is participating in DAS (AU, CN, DK, ES, FI, GB, IB, JP, KR, SE, US).

You can use DAS to meet priority document requirements in relation to PCT applications in the following circumstances:

(a) Your first application was a national application filed in any of the participating Offices (currently Australia, China, Denmark, Finland, Japan, Republic of Korea, Spain, Sweden, United Kingdom, United States) and you are filing an international application under the PCT which claims priority from it, with any receiving Office.

To use the service:

- (i) Register the earlier application with DAS. The exact means for doing this will depend on the requirements of the particular Office with which the earlier application was filed. See the [User Guide](#) and information provided by the participating Offices.
- (ii) Go to the [DAS applicant portal](#) and check the box to give the International Bureau access to the application.
- (iii) Request the International Bureau (not the receiving Office) to retrieve the priority document from DAS. You can do this preferably by selecting the “digital library” checkbox for that Priority claim on the request form, or by sending a separate letter to the International Bureau.

(b) The earlier application was an *international* application filed at RO/DK, RO/FI, RO/IB or RO/SE and you are now filing at a different receiving Office another international application which claims priority from it.

Only RO/DK, RO/FI, RO/IB and RO/SE currently offer this service and will make copies of earlier filed international applications available electronically as priority documents in DAS.

To use the service:

- (i) Send a letter to the receiving Office, clearly identifying the relevant international application (indicate both the international application number and international filing date) and requesting that a copy be made available to DAS as a priority document. You must also provide a contact e-mail address.
- (ii) The receiving Office will prepare an electronic copy of the priority document and register it with DAS. DAS will send you an automated e-mail as soon as this is done, providing you with a DAS access code.
- (iii) Go to the [DAS applicant portal](#). Enter the international application number (use “DK,” “FI,” “IB” or “SE” as appropriate for the country code followed by the PCT application number, for example “PCT/FI2011/055670”) and the access code that was sent to you by e-mail.



Click on the “Update Access Control List” tab, select the International Bureau (IB) as the Office to which you want to make the priority document available and click “Update”.

(iv) Request the International Bureau (not the receiving Office) to retrieve the priority document from DAS. You can do this preferably by selecting the “digital library” checkbox for that Priority claim on the request form, or by sending a separate letter to the International Bureau.

Note: If the earlier application was an international application filed at RO/DK, FI, IB or SE and you are now filing at another DAS participating Office a *national* application which claims priority from it, the steps are the same but you give access to that Office on the DAS portal. Then request that Office to retrieve the priority document from the DAS system.

Making Sure Nothing Goes Wrong

Using DAS is quite complicated and there may be delays before the Office where the first application was filed manages to complete all the required actions and before you receive the access code necessary to give access to the priority document to the International Bureau.

IMPORTANT: We strongly recommend that you proceed in the following order:

1. Contact the Office where the first application was filed and request that a copy of that earlier application be made available to DAS.
2. Once you receive the e-mail confirmation from DAS containing the access control code, go to the [DAS applicant portal](#) and give access to the earlier application to the International Bureau.
3. File the subsequent international application **after** you have performed the first two steps, where possible. That way, the priority document should be able to be retrieved by the International Bureau promptly after receipt of the record copy and even if there are delays in processing which mean that the document is not received until after the 16 month time limit, this will not affect the validity of the priority document.

When Not to Use DAS with the PCT

Trying to use DAS in the wrong circumstances can cause delays and confusion, potentially meaning that you miss the deadline for providing the priority document.

Do not request priority documents to be retrieved using DAS if the Office where the earlier application was filed is **not participating in DAS** or if there is a **limitation** excluding your application from the service (several participating Offices only allow applications filed in electronic form to use the service; for example, the United Kingdom Office only allows applications to be added to DAS if a request to do so was made in the application form at the time of filing).

Do not request priority documents to be retrieved using DAS if the **time limit of 16 months** from the priority date has expired (or is very close). This time limit is a strict one and unless you have completed all the necessary actions before the relevant date, designated Offices may not recognize the document retrieved from DAS as being a valid priority document.

Note: A PCT Rule change was agreed by the PCT Assembly in 2011 and will come into force in July 2012, whereby this time limit is extended to the date of international publication. However, until that Rule change comes into effect, it will usually be more advisable to urgently request a paper certified copy from the Office with which the earlier application was filed and ensure that this is received by the International Bureau before the date of international publication (the rule for conventional priority documents is currently less strict on timing).

We recommend that you do not request priority documents to be retrieved using DAS if you are filing your international application at the receiving Office where the earlier application was filed (whether as an earlier national or international application). It is usually quicker and easier simply to request that the receiving Office prepare and transmit a copy of the earlier application in the “conventional” way under PCT Rule 17.1(b).

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