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WORKING GROUP ON THE DIGITAL ACCESS SERVICE FOR PRIORITY DOCUMENTS

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DRAFT MODEL AGREEMENT BETWEEN A PARTICIPATING
PATENT OFFICE AND THE INTERNATIONAL BUREAU

Document prepared by the Secretariat

1. The draft framework provisions appearing in document WIPO/DAS/PD/WG/1/3 provide for Patent Offices that wish to participate in the digital access service for priority documents, as either an Office of first filing or an Office of second filing or both, to enter agreements with the International Bureau. A proposed draft model agreement is set out on the following pages of the present document.

2. *The Working Group is invited to consider and comment on the draft model agreement set out in this document.*

DRAFT MODEL AGREEMENT

between the [Office]
and the International Bureau of the World Intellectual Property Organization

in relation to the

DIGITAL ACCESS SERVICE FOR PRIORITY DOCUMENTS

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Preamble

The [Office] and the International Bureau of the World Intellectual Property Organization, pursuant to the framework provisions establishing the digital access service for priority documents, hereby agree as follows:

Article 1

Abbreviated Expressions

In this agreement:

- (i) “the Office” means the [name of Office];
- (ii) “International Bureau” means the International Bureau of the World Intellectual Property Organization;
- (iii) “framework provisions” means the framework provisions establishing the digital access service for priority documents established by the International Bureau on [date];
- (iv) “digital access service” and other terms and expressions defined in the framework provisions have the same meanings when used in this agreement.

Article 2

Access To Priority Documents

(1) The Office shall make certified copies of patent applications filed with it available to the International Bureau for the purposes of the framework provisions.¹ The International Bureau shall make copies thereof accessible under the digital access service in accordance with those provisions but not otherwise.

(2) [*Alternative A*] The International Bureau shall, pursuant to Article 3(2) of the framework provisions, recognize the digital library maintained by the Office.²

(2) [*Alternative B*] The International Bureau shall store in a digital library certified copies of patent applications submitted to it by the Office under Article 3(1)(i) of the framework provisions.³

¹ The wording of this sentence anticipates a change in the draft framework provisions which would place greater emphasis on access to priority documents held in any digital library recognized for the purposes of the provisions, and not just in the digital library maintained by the International Bureau.

² The wording of Article 3(2) could, however, be expected to be modified in the course of the change referred to in footnote 1.

³ This provision would benefit Offices that are not in a position to, or do not wish to, maintain their own digital libraries for the purpose of the digital access service.

Article 3
Recognition Of Priority Documents

The Office declares that it applies Article 5(2) of the framework provisions.

[End of document]