

WIPO Digital Access Service (DAS)

10 & 12 May 2022

Q&A Report

No.	Questions	Answers
1	What are the checks that the OFF does when DAS is requested?	For example, that you have the right to file abroad and that national security has been granted. However, it will depend on each OFF. Please refer to the notification of each DAS participating Office .
2	The USPTO does not deposit? Does that mean I can't request priority document of prior application filed in the US?	USPTO is a DAS participating Office which deposits: National industrial design applications and National patent applications. However, as OFF it does not deposit PCT Applications (International Applications) in DAS.
3	DAS and USPTO: Why would you ever want to opt out of participating in DAS?	Just in case you don't want your earlier national application to be registered in the DAS system. For earlier US applications filed as of 30 November 2015: US applicants no longer have to file form SB/39 to allow their documents to be registered in DAS - they have to take action if they don't want their applications to go into DAS, please refer to Opt-out DAS in USPTO . Therefore, upon filing an earlier application at the USPTO, this priority document will automatically be added to DAS unless the applicant requests not to do so. In case the applicant has requested to opt out, he can afterwards request the USPTO to add the P.doc in DAS by filing the appropriate Forms PTO/SB/01 or PTO/SB/39.
4	For a country like France because they are a deposit Office only, there is no way for me in the US to request a copy of the FR priority document via DAS and the paper copy would still be needed since we can't access the document electronically. Is that understanding correct? Do you know if they will eventually provide access?	If you file an application with USPTO claiming the right of priority on an earlier FR application then you can provide the DAS code to USPTO since FR is a depositing Office so FR national application can be registered in DAS upon request and USPTO can retrieve national patent application from DAS. For your information, INPI France informed us that they are working on changes in their system to become an accessing Office. But there is no official date.
5	"USPTO does not deposit PCT applications in DAS only national applications." Does this mean that we have to obtain a certified copy of the PCT application through the USPTO to send to CNIPA in order to file an early CN National Phase application? Why can't the PCT application be added to DAS by the IB once they receive the application from the USPTO RO?	Yes, you have to provide a certified copy of the PCT/US application to CNIPA, as the OFF (USPTO) only deposits national patent applications in DAS. The IB in such a case is not the OFF and cannot therefore deposit that PCT/US application in DAS. The IB can only register PCT/IB applications in DAS.

6	OSF will check that the DAS number and the filing date are ok, but will the OSF check whether the priority document is linked to the DAS code?	When the OSF is requested to retrieve a priority document from DAS by the applicant, the system checks the availability of the document and the validity of the access code. The access code is linked to the application registered in DAS. If the DAS code is incorrect, the system will return an error message to the OSF.
7	Will a DAS Code also be created when filing with EPO Online Filing Software Client 5.0?	<p>Yes, the EPO will deposit applications filed using EPO Online Filing software version 5 to DAS. Please refer to the notification of the EPO and DAS</p> <p>1. European applications</p> <p>Since 1 November 2018, the EPO will, automatically and free of charge, generate a DAS access code if the applicant files a request for the grant of a European patent (EPO Form 1001). DAS access codes are not generated for divisional applications.</p> <p>For European applications filed direct with the EPO via Online Filing or new online filing 2.0, the applicant will receive the DAS access code in a notification added to the acknowledgement of receipt of the request for grant.</p> <p>For European applications filed on paper, online via Web-Form Filing or with a national office, the applicant will receive the DAS access code in a separate notification (EPO Form 1194, see Annex 1).</p> <p>EPO Form 1194 will also be used to provide the DAS access code to those applicants who request that the code be resent to them.</p> <p>2. International applications (PCT)</p> <p>As of 1 April 2019, a DAS access code will also be generated free of charge for any international application filed with the EPO acting as RO/EP.</p> <p>The applicant will automatically receive the code in a notification added to the acknowledgment of receipt issued in response to the electronic submission of the PCT request (Form PCT/RO/101).</p> <p>For international applications filed on paper or online via Web-Form Filing, the applicant will receive the DAS access code in a separate notification (EPO Form 1031, see Annex 2).</p>

		Where a request to resend the DAS access code is filed by the applicant, the EPO acting as RO/EP will provide the code with Form PCT/RO/132 (see Annex 3).
8	Does WIPO provide DAS code automatically in a communication?	<p>The DAS code is provided by the OFF or the International Bureau (IB).</p> <p>OFF who provides the DAS code to the applicant are: CN, EP, FI, JP, KR NZ, US, EUIPO, for US applications, the DAS code is the confirmation number on EFS-Web Electronic Acknowledgement receipt.</p> <p>The International Bureau provides DAS code for the following OFFs: AR, AU, AT, BR, CA, CL, CO, DK, EA, EE, ES, FR, GB, GE, IL, IN, IT, LV, MA, MX, NL, NO, SE</p> <p>For a PCT/IB application, the DAS code is provided by the mean of Form PCT/RO132</p>
9	Is there a party other than the applicant that can request a DAS code from the OFF?	The DAS code is provided to the email for service registered with the OFF, so it can be the applicant, the agent or the filer of the application.
10	If there is a correction made to the priority application like change of applicant but the DAS code would have already been obtained in the name of previous applicant, how to get a DAS code in the name of new applicant?	You should contact the OFF or the IB for the DAS code to be resent to the new applicant, after having requested to update the email address to which the DAS should be sent.
11	Is there a standard way to find the DAS number from publicly available databases (not from applicant)? E.g. the DAS of a Published PCT application?	The DAS code is a confidential code provided by the OFF or the IB to the applicant only. There is no public database of DAS codes regardless of the status of the application. Furthermore, applicants or third parties don't have access to the documents registered in DAS. Only DAS Participating Offices can exchange documents via the system once the applicant has requested an OSF to retrieve a priority document from DAS.
12	For using DAS with PCT, what should we do if we have no ePCT access rights to the specific PCT application? The presentation slides mention General Correspondence.	<p>If you don't have access to that application in your Workbench as eOwner or eEditor when signing in with strong authentication, you can still submit the DAS code to the IB as Office of Second Filing by uploading a "General Correspondence" document type.</p> <p>In order to upload documents online to the IB (including RO/IB), you can sign-in without strong authentication, enter the PCT application number in the 'Search' field, followed by the International Filing Date. Under the "Documents" section, click on "Upload". Select the document type "General correspondence" from the dropdown list and click 'Add document'. The letter should be in PDF format. Clicking 'Upload' completes this action and the documents are displayed in the Documents section.</p>

		For detailed instructions on how to use ePCT, please refer to the Support page available on the ePCT home page.
13	What should I do if I do not have a DAS code at the time of PCT filing but get the code later after filing the PCT application?	If you don't have yet the DAS code when filing the PCT application, it can be provided to the IB as Office of Second Filing via ePCT https://pct.wipo.int/ : preferably by signing in with strong authentication and doing an online action " Obtain priority document from DAS ". For detailed instructions on how to use ePCT, please refer to the Support page available on the ePCT home page.
14	Is it compulsory to request and provide DAS code for PCT national phases when we receive Form PCT/IB304?	The Form PCT/IB304 is issued when the priority document has been received by the IB and it is then made available to designated Offices for the national phase.
15	Could you please advise if we file a PCT application using OLF 2.0 with a priority from another country, but do not have available DAS code, can we request a DAS code when filing PCT application and filling in the form 101 when EPO is a Receiving Office?	If the earlier application claimed in the PCT/EP application is not registered in DAS, you may request the OFF to record it in DAS; once registered you will receive a unique DAS code to be provided to the IB or another Office of Second Filing. The DAS code will be provided either by the OFF or the IB. The procedure to deposit an earlier application in DAS depends on each DAS depositing Office. To check the procedure with the OFF, please refer to the DAS participating Offices webpage and to the notification of that Office.
16	Could you please confirm that we have to indicate the country code (the 2 letters) before the number when filling the forms PCT/101 in order to correspond with the DAS library.	The format of the priority claim number entered in the request Form PCT/RO101 should match the format of the application number as registered by the OFF. The IB publishes the format of the applications registered in DAS if notified by the OFF. For example for FR: The national and international applications hosted in the Institute's digital library use the respective number formats FR YYNNNNN and PCT / FRYYYY / NNNNNN.
17	PCT/RO/132 received with DAS code. Still I have to send priority document from Indian patent office which is OFF.	Form PCT/RO/132 with the DAS code is issued when the applicant has requested the receiving Office of the International Bureau (RO/IB) to deposit a PCT/IB application in DAS. When this PCT/IB application is claimed in another national or international application, then you can request an Office of Second Filing to retrieve the priority document from DAS, by providing the DAS code to the OSF. If IN is the OFF and that earlier application is claimed in a PCT/IB application, you need to provide the DAS code of the IN application to the IB as OSF. If the earlier application is not registered in DAS then a certified copy should be submitted to the IB.

18	Is it possible to use DAS for submitting PCT application's copy to the EPO? We have some cases that the EPO requires certified copy of the PCT application (prio JP application, RO-JP) for EPO divisional application.	Even if EPO and JPO are both DAS participating Offices, JPO as Office of First Filing and depositing Office, only deposits in DAS National Industrial Design Applications, National Patent Applications and National Utility Model Applications. Therefore, this OFF does not deposit PCT applications (international patent applications) in DAS and you cannot request an Office of Second Filing like EPO to retrieve a PCT/JP application from DAS. It's essential to check which IP right the Office of First Filing deposits in DAS and which IP right the Office of Second Filing retrieves from DAS. In your case you have therefore to provide a certified copy of the PCT/JP application to the EPO.
19	I normally use the UKIPO as the OFF, but I am considering filing a PCT application at the IB as the OFF Presumably a request to add this document to DAS is easy?	Yes, you can easily request to add the PCT/IB application to DAS, when creating your new PCT application via ePCT. You can simply tick a box " the receiving Office is requested to make this international application available to the Priority Document Access Services (DAS)". RO/IB will then issue Form PCT/RO132 with the DAS code to be provided to an OSF, to retrieve the PCT/IB application from DAS if that PCT/IB application is claimed in another national or PCT application.
20	How do you obtain a DAS code for a PCT/US application when it has not yet been published?	RO/US does not deposit PCT applications in DAS only national patent applications. Therefore, you cannot have a DAS code for a PCT/US application.
21	What would be the benefit of putting the DAS code for a priority, versus requesting the RO to transmit the priority document to the IB?	Using DAS with the PCT is free of charge, whereas a fee can be requested by the RO to transmit a copy of the priority document to the IB under PCT Rule 17.1(b).
22	Does requesting the IB to obtain the priority document from the DAS library cause problems when the application enters the national phase if the application enters the national phase in a country that is not a participating office? For example, if the priority was filed via the EP, and the PCT application enters the national phase in Qatar?	No, as the IB is considered as Office of Second Filing during the PCT phase. Upon entering into National Phase, national Offices will be able to request a copy of the priority document to IB even if the national Office is not a DAS participating Office. However, when using the Paris Route and not the PCT Route, if the OSF is not a DAS participating Office you cannot request that Office to retrieve a priority document from DAS even if the OFF is a DAS depositing Office.
23	We've encountered an issue on a PCT case - although a DAS code exists for this priority document (which is a US provisional), via the filing receipt, there is apparently a requirement that the USPTO must authorize the use of the DAS code by WIPO, in order for the DAS code to be effective?	There is no need for the Office of First Filing to authorize the use of the DAS code to the International Bureau or another Office of Second Filing. However, as the DAS code is the confirmation number indicated on the EFS-Web Acknowledgment receipt it does not mean that the earlier application is already registered in DAS. It might take several weeks for USPTO to register the application into the library.
24	Can we use DAS for US Design Patent Application via Hague Agreement which claims priority to a Japanese Design Application with ACC to file certified priority document? Should we use application No. D2020-123456 as Design Application?	The JPO (OFF) deposits National Industrial Design Applications, and USPTO (OSF) retrieves this IP Right. Therefore, the answer is yes. Please use this link to check the DAS Participating Offices, which IP Rights they deposit in the system and which IP Rights they retrieve.

25	Does WIPO decide the Japanese application number P as patent, D as Design?	It's up to each DAS participating Office to decide on the format of the applications registered in DAS according to the IP Right. The notification from the Japan Patent Office (JPO) does not indicate the format of the application registered in DAS. Please contact the Office directly.
26	Can we use the DAS for Indian trademark and patent application?	As OFF India deposits: National industrial design applications, National patent applications and PCT international applications. As OSF India retrieves: National industrial design applications and National patent applications. Therefore, you can use DAS with India for patent applications but not for trademark applications.
27	If I filed a trademark in U.S., what should I do with WIPO on trademark?	USPTO as OFF only deposits National industrial design applications and national patent applications in DAS, therefore this Office does not deposit trademark applications in DAS. For further information on DAS and trademark application please contact Madrid Customer Support Section .
28	The UKIPO seems to be very slow with respect to designs. Is there any movement from the UKIPO to submit their priority design documents to DAS?	The United Kingdom Intellectual Property Office as Office of First Filing only deposits in DAS, National Patent Applications. Therefore, this Office does not yet deposit Design applications in the library and we are not aware of a date when this Office will extend its scope to this IP Right in DAS. Please refer to the notification of that Office.
29	Receiving Office to prepare and transmit to the International Bureau - what happens if I select this option while filing e-PCT?	If the OFF is the same as the RO, you may request the receiving Office to transmit a copy of the earlier application to the IB under PCT Rule 17.1(b) . If the OFF is also a DAS depositing Office, you will have two options, RO to transmit or use DAS. However, in order to use DAS, make sure that the earlier application is registered in DAS.
30	Correction of P-docs and availability in DAS? I have two DK Prio Applications to which the office has made corrections, as the Applicant was spelled wrong. But I cannot see the corrected docs in ePCT? How can I get verification that the corrected docs are now available?	If the IB has already retrieved the priority documents from DAS with the wrong applicant name and you have requested the OFF to make the correction, you should request the IB to retrieve again the corrected documents from DAS. Then the corrected priority documents will be reflected in ePCT.
31	Is it planned that the German Patent and Trademark Office joins DAS in the near future?	We encourage each national Office to join DAS, however we don't have a date yet on when the German Patent and Trademark Office will join DAS.

32	Can the applicant use DAS on its own or is it always through an agent? Is an agent mandatory for any application?	The representation by an agent is not mandatory as far as RO/IB is concerned as Office of First Filing and Second Filing. It will be the same for any other Office allowing the filing of an application without the representation by an agent. Please, check with the Office concerned if it's mandatory to have an agent for managing your IP rights.
33	In my experience, Russia is not a participant of the DAS service, however the RUPTO has accepted priority documents sent via this service in the past. Do you have any idea why?	Russia is indeed not a DAS participating Office, neither as Office of First Filing nor as Office of Second Filing, so I do not see how they could retrieve a priority document from DAS. Technically, this is not possible.
34	How come the Workbench is not automatically updated with the information, rather than one have to look up and add manually?	Each application is linked to an application number, filing date and DAS code and not to a WIPO Account holder, it is therefore not automatic.
35	About two years ago, I provided the confirmation number/DAS code to an Argentine law firm for a priority application. The P. application was registered in DAS. The staff person with whom I was working told me that I still needed to send them a paper certified copy of the P. Application. They were not going to be able to retrieve the application through DAS. I was confused and asked for confirmation. That person kept insisting that just because I gave them the DAS code, they couldn't get the P. application themselves. Is this true?	Only OSF can retrieve priority documents from DAS, the system is not designed for law firms to retrieve documents from the library. However, in your scenario the law firm should have provided the DAS code to the OSF.
36	What is the difference between the depositing and accessing office?	A depositing Office acts as an Office of First Filing and deposits applications in DAS. An accessing Office acts as an Office of Second Filing and retrieves priority document from DAS.
37	Is the access to the DAS workbench automatic when we login using strong authentication?	To access the DAS Applicant's Portal you need a WIPO Account which is identical to the account used to access ePCT. However, you don't need a strong authentication to access the DAS portal, only enter your username and password of your WIPO Account.
38	How will we be notified when there are updates to depositing and accessing Offices for DAS?	The best practice is to check the " News " from the WIPO Digital Access Service webpage. All the latest information from DAS participating Offices are published on that page.
39	Could you please expand a bit on digitally signed priority documents, how to create them?	Digitally signed Priority Documents in PDF format are only issued by the following Offices of First Filing: AT, BR, CZ, FR, GR, IT, PL, PT and US since only these Offices have informed the IB that they issue certified copies of priority documents in electronic form. The digital signature is added by the OFF when preparing the priority document in PDF format to confirm that it's a certified copy issued by the OFF. Therefore, our system will check when a priority document is uploaded via ePCT that the digital signature is from one of the above listed Office and is not a digital signature added by the applicant.

