

[Final Draft ver.2]
**Guideline on Use of the Dossier Access System Linked with
One Portal Dossier and WIPO-CASE as a Pilot Case
(Formulated on April 1, 2014)**

1. Introduction

This guideline describes the matters which One Portal Dossier (OPD) participating Offices and WIPO-CASE participating Offices mutually consent to when their dossier information is exchanged using the dossier access system linking One Portal Dossier and WIPO-CASE (hereinafter referred to as the "linkage system"). This guideline will be in effect during a pilot project which will last 12 months from April 1, 2014. At the end of the pilot, the linkage system and the governance framework will be reviewed.

The exchange of dossier information between OPD participating Offices or between WIPO-CASE participating Offices within each system will be excluded from the scope of this Guideline. Therefore, when an OPD participating Office uses OPD, it will comply with the arrangements which were formulated by OPD participating Offices (OPD Governance Policy, etc.) and when a WIPO-CASE participating Office uses WIPO-CASE, it will comply with the arrangements which were formulated by WIPO-CASE participating Offices (WIPO-CASE Framework Provision).

2. Definition of Terms

2.1 OPD and WIPO-CASE

OPD indicates the dossier access system developed by the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), and the United States Patent and Trademark Office (USPTO).

WIPO-CASE indicates the dossier access system developed by the International Bureau of WIPO (IB of WIPO).

2.2 OPD participating Office and WIPO-CASE participating Office

OPD participating Office indicates the EPO, the JPO, KIPO, SIPO and the USPTO, which exchange dossier information via OPD.

WIPO-CASE participating Office indicates IP Australia (IPA), the Canadian Intellectual Property Office (CIPO), the United Kingdom Intellectual Property

Office (UKIPO), and other Intellectual Property Offices (IPOs), which exchange dossier information via WIPO-CASE.

Unless otherwise noted, the IB of WIPO is included in the WIPO-CASE participating Offices.

2.3 Dossier Information

Dossier information indicates documents submitted by applicants such as descriptions, amendments and written opinions of an application; documents dispatched by the Office such as office actions, including notification of reasons for refusal and decisions to grant a patent; documents submitted by third parties such as third party observations; and cited document information which is discovered as a result of a search and cited in an office action.

2.4 Accessing Office

Accessing Office indicates the OPD participating Office or WIPO-CASE participating Office which uses the linkage system, retrieves dossier information from other Offices via the linkage system, and allows its end-users to refer to it.

2.5 Providing Office

Providing Office indicates the OPD participating Office or WIPO-CASE participating Office which uses the linkage system and allows its own dossier information to be made available to an Accessing Office via the linkage system in response to the request from the Accessing Office. This includes providing Offices who indirectly provide their dossier information through another Office or organization (e.g. IB of WIPO).

3. Principles of the Use of the Linkage System

3.1 Principle of Reciprocity

All participating offices consent to become Providing Offices when they are legally, operationally and technically capable.

3.2 Scope of Use

The use of dossier information provided by Providing Offices via the linkage system is limited to examiners and officials of Accessing Offices.

When exchanging dossier information via the linkage system, the identity of the actual Accessing Office will be made known to the Providing Office at the

time of the request.

Information retrieved from a Providing Office that is stored by the Accessing Office is subject to the same scope of use as described above, i.e., its use is limited to examiners and officials of the Accessing Office. (See Section 3.4, Secondary Use of Dossier Information).

3.3 Scope of Data Provision of Dossier Information

Following the confirmation of the linkage between a Providing Office and an Accessing Office, each Providing Office will allow the equivalent dossier information to be made available to the Accessing Office without applying different treatment to each Accessing Office.

However, this does not apply where it is difficult to provide equivalent information, arising from technical differences between OPD and WIPO-CASE.

Dossier information which the Providing Office provides will be limited to that concerned with applications already published and which can be provided by the Providing Office to all Accessing Offices.

3.4 Secondary Use of Dossier Information

Accessing Offices will not allow anyone other than the examiners and the officials of the Office concerned to use all or part of the dossier information retrieved from the Providing Office.

OPD participating offices will not provide to WIPO-CASE participating offices, via the linkage system, dossier information retrieved via OPD from another OPD participating office.

3.5 Independence of Use of Each System

If the terms of use of one system (OPD or WIPO-CASE) are changed, those changes will only apply to the participating offices and the documents exchanged within that system. Any changes to the terms of use of documents exchanged according to this Guideline may only be made by a revision of this Guideline according to Section 5 (Revision of the Guideline).

3.6 Translation

Each Providing Office will make efforts to translate into English (including machine translation) dossier information written in a language other than English and to provide the translation to the Accessing Offices, in addition to the data in

the original language.

3.7 Abusive Use

Access to dossier information at the other Offices via the linkage system will be restricted to real time access by request. Namely, excessive or abusive batch access or access similar thereto will be prohibited. This is intended to prevent incidents, such as access delay by users from the other Offices and system failure, due to excessive communication load by such access.

4. Installation and Operation of the Linkage System

The linkage system will be configured by using OPD and WIPO-CASE and making a linkage of both. The aim is to build the linkage at low cost.

4.1 Development and Maintenance of the Linkage System

Offices will use the linkage system according to the accepted technical specifications of the linkage system. The IB of WIPO will develop and maintain the Gateway which functions as a hub to interconnect OPD and WIPO-CASE in the linkage system.

The linkage system will adopt the security measures (encryption, access control, etc.) which are equivalent to those described in the OPD technical specification.

The Providing Office services will be promptly offered as soon as the linkage system is made available.

4.2 Cost Allocation for the Installation of the Linkage System

Expenses required for the installation and maintenance of the linkage system at each Office will be paid by that Office. Where expenses required for the installation and maintenance of the common equipment arises, they will be determined based on deliberations between the Offices using the linkage system.

5. Revision of the Guideline

The present guideline may be revised with the consent of all of the Offices which use the linkage system in accordance with this guideline.

6. Procedures for the Offices to Newly Participate in the Linkage

System

(1) Application process for use of the linkage system

An OPD participating Office or a WIPO-CASE participating Office (hereinafter referred to as a "newly participating Office"), which wishes to use the linkage system according to this Guideline, after it is formulated, will notify the JPO or the IB of WIPO of its intention to become a participant in the linkage system, as well as the timing of when it expects to become a Providing Office (with reference to section 3.1). Information about the newly participating office's status will be available on the WIPO and JPO websites, in a format such as illustrated in the Annex.

(2) Confirmation by Providing Offices

A newly participating Office must be explicitly validated by the relevant Providing Office before the newly participating Office may access the dossier information of the Providing Office via the linkage system. The confirmations will be coordinated by the JPO (for OPD offices) and the IB of WIPO (for WIPO-CASE offices).

(2-1) A newly participating Office as an OPD participating Office

A newly participating Office will confirm each WIPO-CASE Providing Office's intention, which already uses the linkage system under the coordination of the JPO, of sharing dossier information with the said newly participating Office

(2-2) A newly participating Office as a WIPO-CASE participating Office

A newly participating Office will confirm each OPD Providing Office's intention, which already uses the linkage system under the coordination of IB of WIPO, of sharing dossier information with the said newly participating Office.

(2-3) Recording and sharing of information

Information about the participating Offices and the confirmed linkages between Providing Offices and Accessing Offices will be recorded by the IB of WIPO and JPO and published on the WIPO and JPO websites, in a format such as illustrated in the Annex.

Offices will share with each other information necessary for smooth operation of the linkage system, such as service available hours, contact points and incident handling for the linkage system.

(3) Preparation for starting to use the linkage system

When the said Offices mutually consent to share dossier information between

them, the IB of WIPO will take the necessary technical measures to set the Gateway so that use of the linkage system will be made possible, promptly.

7. Other Procedure

The Providing Office may deny access to dossier information for any reason deemed to be acceptable by the Providing Office, e.g., abuse (deliberate or inadvertent) by an accessing system, failure of an Accessing Office to comply with Principle of Reciprocity as listed in Section 3.1, etc. Consultation between the two Offices concerned should follow to address the denial of access.

8. Settlement of Disputes

Any dispute between Offices arising out of or relating to the use of the linkage system will be settled amicably through negotiations between the participants concerned.

(Annex)

(1) The following Offices will use the linkage system as a Providing Office after a specified timing indicated below.

- CIPO :after mm, YYYY
- IPA :after mm, YYYY
- JPO :after mm, YYYY
- UKIPO :after mm, YYYY

(2) A list of the Offices which use the linkage system according to this Guideline.

		OPD participating Offices				
		JPO				
WIPO- CASE participating Offices	CIPO	mm, YYYY				
	IPA	mm, YYYY				
	UKIPO	mm, YYYY				

[Note: Each cell should be filled out with month and year to start the dossier information sharing which has been agreed between two Offices.]