

Using DAS with the PCT – as of 1 December 2017

Within the context of the PCT, WIPO's Digital 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 earlier application was filed with a DAS participating Office. For an up-to-date list of such Offices, please see http://www.wipo.int/das/en/participating_offices.html.

Note: The time limit to request the International Bureau to retrieve the priority document from DAS is aligned with Rule 17.1(a): the time limit is considered to be met if a valid request is made to the International Bureau before the date of international publication.

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

(a) Your earlier application was a national application filed in any of the participating Offices (currently Australia, Brazil, China, Denmark, Estonia, Finland, Japan, Morocco, New Zealand, Republic of Korea, Spain, Sweden, United Kingdom, and the United States of America) or a regional application filed at EAPO and you are filing an international application under the PCT which claims priority from it, with any receiving Office.

To use the service:

(i) Request the Office of First Filing (OFF) to deposit a copy of the earlier application to DAS. The exact means of doing this will depend on the requirements of the particular Office with which the earlier application was filed. See the DAS home page at <http://www.wipo.int/das/en/> and the PCT Applicant's Guide, Annex B <http://www.wipo.int/pct/en/appguide/index.jsp> for the procedure to be followed at each DAS depositing Office, or contact that Office directly. You will then receive a DAS access code relating to that application. However, for US applications the access code is the confirmation number indicated on the EFS-Web Electronic Acknowledgment Receipt.

(ii) Request the International Bureau to retrieve an earlier application from DAS. When preparing a PCT request form, check the applicable check-box for that priority and indicate its access code. After the application has been filed, such a request can be made via ePCT <https://pct.wipo.int>, preferably signing in with strong authentication and doing an online action "Obtain priority document from DAS", or by uploading a "General Correspondence" document type. For detailed instructions on how to use the ePCT, please refer to the SUPPORT page accessible via the ePCT home page.

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

Only these Offices currently make copies of earlier filed international applications available electronically as priority documents in DAS.

To use the service:

(i) Request the Office of First Filing to register the priority document to DAS at the time of filing or afterwards, according to requirements of the particular Office with which the earlier application is/was filed. See the DAS home page at <http://www.wipo.int/das/en/> and the PCT Applicant's Guide, Annex B <http://www.wipo.int/pct/en/appguide/index.jsp> for the procedure to be followed at each DAS depositing Office, or contact that Office directly. You must also provide a contact e-mail address to the Office of First Filing.

Note: When RO/IB is the Office of First Filing and the application is prepared using ePCT-Filing, the best practice is to check the box: "The receiving Office is requested to make this international application available to the Priority Document Access Service (DAS)." To make such a request after filing, select the action "Make international application available to DAS." It is also possible to request RO/IB to register an application into DAS by means of a letter, preferably uploaded via ePCT. Once the earlier application has been registered, RO/IB will send to the applicant/agent a unique access code via form PCT/RO/132.

(ii) The Office of First Filing will prepare an electronic copy of the priority document and register it with DAS. The DAS access code will be provided by the International Bureau by e-mail from noreply@wipo.int for applications filed at the following Offices AU, BR, DK, EA, EE, ES, GB, IB, MA, SE and by the Office of First Filing for applications filed at CN, FI, JP, KR, US, NZ.

(iii) When preparing a subsequent PCT request form, check the applicable check-box for that priority and indicate its access code to request the International Bureau to retrieve it. After the application is filed, such a request can be submitted to the IB via ePCT <https://pct.wipo.int>, preferably by doing an online action "Obtain priority document from DAS" or by uploading a "General Correspondence" document type. For detailed instructions on how to use the ePCT, please refer to the SUPPORT page accessible via the ePCT home page.

Note: If the earlier application was an international application filed at RO/AU, RO/BR, RO/CN, RO/DK, RO/ES, RO/FI, RO/IB, RO/MA or RO/SE and you are now filing at another DAS participating Office a national or regional application which claims priority from it, then request that Office of Second Filing to retrieve the priority document from the DAS system by providing the access code directly to that Office.

Making Sure Nothing Goes Wrong

There may be delays before the Office of First Filing manages to complete all the required actions and before you receive the access code.

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

1. Contact the Office where the earlier application was filed and request that a copy of it be made available to DAS, or make such a request already at the time of filing it.

2. Once you have the access code, you can indicate that access code on the request form of the subsequent filing and request the International Bureau to obtain that priority document from DAS. After the application is filed, such a request can be made via ePCT <https://pct.wipo.int>, preferably by doing an online action “Obtain priority document from DAS” or by uploading a “General Correspondence” document type.
3. The above steps should ensure that a valid request to retrieve the priority document from DAS has been submitted to the International Bureau prior to the date of international publication.

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 a DAS participating Office** 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 electronically filed applications to be added to DAS).

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).

DAS APPLICANT PORTAL

The DAS portal http://www.wipo.int/das/en/applicant_portal.html provides tracking facilities to view details of the access history of your priority documents by Offices. It requires a WIPO account. If you already have an account used for a WIPO online service such as ePCT (but currently excluding PATENTSCOPE), the same account is used for DAS purposes.

Further instructions on account creation are available on the DAS web portal.

*[End of document, last updated
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