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## WIPO DIGITAL ACCESS SERVICE (DAS) SERVICE LEVEL AGREEMENT

### REVISION HISTORY

Revision	Date	Comments
0.1	27/09/2012	Initial draft
0.1_EPO	18/10/2012	Initial draft 0.1 with EPO comments
0.1_USPTO	24/10/2012	Initial draft 0.1 with USPTO comments
0.2	26/11/2012	<p>Revision including all EPO, JPO and USPTO comments, except the USPTO's proposal for approval of amendments of this SLA, only by IP5 Offices and WIPO which would be the "host office" of non IP5 Offices.</p> <p>WIPO would like to keep the approval of amendments of this SLA by all participating offices, considering the business and technical aspects of the SLA:</p> <ul style="list-style-type: none"> <li>• The availability of the TDA-PDX infrastructure that may affect the delivery of services to all OSFs including non IP5 Offices;</li> <li>• The availability of the PCT-EDI/DAS infrastructure and the DAS Core system that may affect the delivery of services to all OFFs and all OSFs;</li> <li>• the availability of business support provided by participating Offices that may affect the delivery of services to all OSFs and which is covered by this SLA.</li> <li>•</li> </ul> <p>Nevertheless, WIPO agrees that it will essentially become impossible to change the agreement if <i>explicit</i> agreement is required from all participating offices once the membership grows much further. Consequently it is suggested, in effect, that a proposal should require a</p>

		seconded (from amongst the participating Offices, even though a proposal can be initiated by a non-participating Office from the Consultative Group), but that after that silence means consent. It is observed that this procedure provides a greater degree of control for participating Offices than has been required by PCT Contracting States for the PCT Administrative Instructions.
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## 1. PURPOSE

This Service Level Agreement (SLA) specifies the service levels expected from the International Bureau (IB) and the Offices participating in the WIPO Digital Access Service (DAS). DAS is built on existing system architectures used by a number of offices, in particular the PCT Electronic Document Interchange (PCT-EDI) and the Trilateral Document Access Priority Document eXchange (TDA-PDX) systems. It is intended to ensure the reliability of DAS Services among operational production systems and to define the method and format of communication among participating offices to notify other members of planned system maintenance activities, any unexpected operational incidents and follow-up of reported issues.

## 2. DEFINITIONS

(a) DAS Consultative Group

DAS Consultative Group (paragraph 21 of the DAS Framework Provisions) is open to following members:

- IP Offices from which the IB receives a notification under paragraph 10 or 12;
- any other IP Offices that notify the International Bureau that they wish to participate in the Group;
- as observers, interested organizations invited to meetings of the Working Group that notify the International Bureau that they wish to participate in the Consultative Group.

(b) IP5 Offices

"IP5 Offices" in this agreement means European Patent Office (EPO), Japan Patent Office (JPO), Korean Intellectual Property Office (KIPO), State Intellectual Property Office of the People's Republic of China (SIPO), and United States Patent and Trademark Office (USPTO).

(c) Participating office

"Participating office" in this agreement means an office which offers its DAS services using TDA-PDX or PCT-EDI protocol, or an Office which has notified the International Bureau to inform the DAS Consultative Group of the Office's participation and the effective date to commence operation in DAS.

(d) Service Available Hours

"Service Available Hours" in this agreement means time period when an office provides a DAS service and other offices may access that service.

(e) Trilateral Offices

"Trilateral Offices" in this agreement means European Patent Office (EPO), Japan Patent Office (JPO), and United States Patent and Trademark Office (USPTO). Trilateral Offices initially established the TDA services which are now extended to support bilateral exchange of documents and data among the IP5 Offices.

(f) WIPO-DAS

"WIPO-DAS" in this agreement means the centralized services of DAS hosted and operated by WIPO. In the context of document retrieval, it offers the relaying function between two participating offices.

(g) Working Hours

"Working Hours" in this agreement means time period when a contact point of an office, such as helpdesk, is on duty and may respond to reported troubles.

### 3. TERMS OF AGREEMENT

#### 3.1 Period of Agreement

It is proposed to bind this Agreement with participation in DAS: this Agreement will become effective from the date when this document is approved by the current participating Offices, and shall continue in force as long as there are at least two participating offices which offer their services through DAS. the list of participating offices are subject to changes but as of March 1, 2012 it comprises of the following offices:

- IP Australia;
- Danish Patent and Trademark Office;
- State Intellectual Property Office of the People's Republic of China;
- Spanish Patent and Trademark Office;
- National Board of Patents and Registration of Finland;
- United Kingdom Intellectual Property Office;
- International Bureau;
- Japan Patent Office;
- Korean Intellectual Property Office;
- Swedish Patent and Registration Office;
- United States Patent and Trademark Office.

#### 3.2 Termination

This Agreement will automatically be terminated if there are less than two participating offices which offer their services through DAS.

#### 3.3 Amendments

This Agreement may be amended at any point in time in accordance with the following process. Proposal for changes may be made by the International Bureau or by any Office which is a member of the DAS Consultative Group and shall be posted by the International Bureau for reviews and notified to the DAS Consultative Group at least two months in advance of its proposed date of entry into force on the WIPO-DAS wiki space. In addition, an email notification shall be sent by the International Bureau to the points of contacts of the participating offices. The change shall be considered agreed provided [it is explicitly supported by at least one participating office in addition to that proposing the change and is not opposed by the International Bureau or any participating office].

### 4. SERVICE AVAILABILITY

#### 4.1 Types of Services

Two types of services (document registration and retrieval) are provided by participating offices to support exchange of priority documents via DAS. These services may require one to two transactions. Each transaction consists of two asynchronous operations in the form of a service request and a

response between a participating office and WIPO-DAS. Document registration requires one transaction between a participating office and WIPO-DAS, whereas document retrieval may require two transactions involving two participating offices (one accessing office and another depositing office) if the requested document is hosted in the depositing office. It should be understood that the service levels elaborated within this document are designed with the knowledge that all transactions within the DAS services are based on asynchronous data flows.

## **4.2 Measurable Services**

This agreement only covers the availability of services as follows:

- (i) To receive a service request at WIPO-DAS or at the depositing office which holds the requested document
- (ii) To receive the response from the depositing office at WIPO-DAS or to receive the response from WIPO-DAS at the accessing office
- (iii) WIPO-DAS to forward the request from the accessing office to the depositing office or to forward the response from the depositing office to the accessing office.

It should be noted that requests may require manual processing by an operator in the depositing office to provide the requested document.

Over PCT-EDI, a service request or response is considered as received by the relevant recipient at the moment when the request or response file is made available in the appropriate folder under the office's home directory on WIPO PCT-EDI servers.

Over TDA-PDX, a service request or response is considered as "received" from the moment when the providing office has responded with an acknowledge ID or a TDA fault according to the TDA\_PDX fault specifications except the fault message "-2" (System is not available due to backend system problem).

## **4.3 Availability Measurement Metrics**

The availability measurement metrics can be based on the volume of documents exchanged presently outside DAS and between IP5 Offices. Some statistics are provided by KIPO (an average of 20,000 documents per year) and USPTO (an average of 350 documents per day) and the number of operations of a non-IP5 Office is estimated to be lower.

By extrapolation, it would be reasonable to take into account the different time zones amongst participating office locations and to consider the following figures of documents exchanged as the minimum capacity offered by participating Offices and service providers of TDA/PDX and WIPO for PCT-EDI/DAS.

- An average of 500 TDA/PDX operations in total (requests and responses) to be received in WIPO-DAS per day and per IP5 Office.
- An average of 250 TDA/PDX requests and 250 TDA/PDX responses to be received in WIPO-DAS per day and per IP5 Office
- An average of 25 TDA/PDX requests to be received in WIPO-DAS from one IP5 Office within one second every one minute
- An average of 100 concurrent TDA/PDX requests or responses to be received in WIPO-DAS from IP5 Offices.

- An average of 2500 PCT-EDI operations in total (requests and responses) per week and per non-IP5 Office

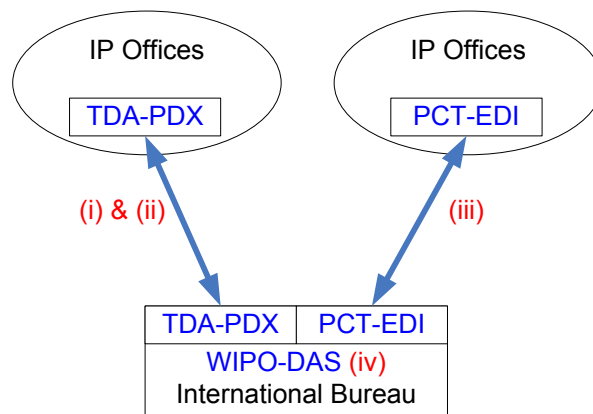
It is proposed to apply the following metrics as soon as the first version of this document is approved by all participating Offices:

Service Availability	Measures*
to receive TDA-PDX (i) service request or (ii) service response	100 concurrent TDA-PDX requests or responses are received in WIPO-DAS in 20 seconds from receipt of the complete requests under normal circumstances. It should be noted that IP5 Offices might choose to send TDA/PDX operations in a sequential manner.
(iii) to receive PCT-EDI service request or response	Requests or responses posted under the home folder of the Office's PCT-EDI account are processed within one hour.
(iv) to forward service request or response	Request or response received over TDA-PDX and PCT-EDI are forwarded to the relevant Office within the next 6 hours after receipt of the original request or response from the requesting Office .  Over-sized documents received on CD/DVD in the format as described in the TDA specifications are forwarded within ten working days. To avoid this manual process of CD/DVD and delay, an alternative solution is to make use of the WIPO PCT-EDI protocol to exchange over-sized document with WIPO-DAS.

\*Note: These measurement metrics do not include the network traffic over TriNET or the internet.

#### 4.4 Relation to underlying components and SLA

The reliability of DAS services (i), (ii), (iii) and (iv) depends on three components (TDA-PDX, PCT-EDI and WIPO-DAS) as follows:



Incidents exclusively relating to TDA-PDX services and TriNET are excluded from this SLA and covered by the TDA SLA.

Incidents caused by the PCT-EDI services and WIPO-DAS should be notified and resolved according to this SLA.

#### 4.5 General Service Hours

General Service hours of TDA-PDX are covered in the TDA-SLA annex.

PCT-EDI services for DAS and WIPO-DAS are available 24/7 except planned system maintenance downtimes which are notified to all participating offices at least one week before.

General Service hours relating to participating Office operational and business support, WIPO-DAS administration and support are published in an annex (i.e. DAS-SLA-Annex) of this document using the same format as TDA-SLA annex. The yearly update of the annex will be notified by 1st December of the previous year to all participating Offices by the International Bureau by e-mail and published in the WIPO-DAS wiki space.

### 5. PCT-EDI AND WIPO-DAS INCIDENT HANDLING

The generic approach for reporting and solving DAS availability and incidents follows the same approach as described in TDA-SLA. The incident handling method and format described in this section shall be used by participating Offices which operate DAS over PCT-EDI, and by WIPO-IB to handle WIPO-DAS related incidents.

Participating offices which operate DAS over TDA-PDX shall follow the method and format of communication as described in the TDA-SLA. It should be noted that the unavailability of PCT-EDI does not affect participating offices which operate DAS over TDA-PDX and vice versa.

#### 5.1 Incident Management Description

In principle, all measures shall be taken to avoid disadvantage for applicants where it is clear the incident was not caused by the applicant him or herself.

For example, if an incident has occurred in regard to DAS Entry, a retroactive date should be attributed for the “das-register-date”, if it has been compromised by an incident out of the applicants control. The retroactive date should be based on the date that would have been attributed had no incident taken place.

Generically, incident handling takes the following steps:

- (a) A participating Office's user of the PCT-EDI or WIPO-DAS Service reports an incident to the local helpdesk, using local Incident Reporting mechanisms.
- (b) The local helpdesk co-ordinates local resolution conforming to local mechanisms. If not solved, then:
- (c) The designated officer reports the incident in English to the Contact Points of the Office to communicate the incident report to the involved Office.
- (d) The Office that is involved in the reported incident confirms the receipt of Incident and indicates the expected resolution time to the reporting Contact Points.

The contact points of participating Offices shall ensure that these processes are implemented and functioning properly.

If an office becomes aware of the fact that an incident could affect any other office or an incident could occur between any other offices, the office shall promptly share that fact with relevant offices unless it compromises their security policy.

## 5.2 Incident Handling Standards

Priorities recognized for TDA Incident Handling are:

**Priority 1:** Unavailability of PCT-EDI services or WIPO-DAS, an incident which makes PCT-EDI or WIPO-DAS almost unavailable or causes a disruption to an urgent degree, and is relating to PCT-EDI or WIPO-DAS.

**Priority 2:** Other PCT-EDI or WIPO-DAS incidents, including response time or data quality issues, or other disruptions including system defects.

**Priority 3:** Notifications (e.g. planned system maintenance downtime)

## 5.3 Contact Points

Contact points for PCT-EDI or WIPO-DAS incidents and questions about DAS related business process are published in the DAS-SLA annex and in the WIPO-DAS wiki space.

## 5.4 Incident Reporting

Incidents shall be reported by email to the contact points of the involved participating Offices described in section 5.6 of this document.

## 5.5 Response to the Reporting

Responses should be provided by email and based on priority.

### **Priority 1**

Response acknowledging receipt of the incident reporting shall be returned immediately after the reporting is read by the involved participating Offices.

If the reporting is received during the Working Hours of the Contact points, second response explaining the situation of recovery engineering shall be done within 6 working hours by email from receipt of the reporting. Further update on the situation shall be reported at least once a day until the service recovers.

### **Priority 2**

First response shall be sent within three working days by email. The situation shall be reported at least once every three days until the problem is solved.

### **Priority 3**

First response shall be sent by email if response is expected within the time indicated in the notification email.



## 5.6 Forms of email

Email exchanged in the Incident handling above should follow forms below:

### **Incident Report Message**

Subject field: DAS Priority 1: Incident Report, or  
DAS Priority 2: Incident Report, or  
DAS Priority 3: Incident Report  
Body: Problem description and if necessary attached file

### **Response Message to Reported Incident**

Subject field: DAS Priority 1: Incident Report - Ticket No: xxx, or  
DAS Priority 2: Incident Report - Ticket No: xxx, or  
DAS Priority 3: Incident Report - Ticket No: xxx  
Body: Response description and if necessary attached file

### **Incident Report Closing Message**

Subject field: DAS Priority 1: Incident Resolved - Ticket No: xxx, or  
DAS Priority 2: Incident Resolved - Ticket No: xxx, or  
DAS Priority 3: Incident Resolved - Ticket No: xxx

Body: Closing description and if necessary attached file

(The unique ticket number will be the same as the one included in the Incident Report Receipt Message.)

## 5.7 PCT-EDI and WIPO-DAS Service Exceptions

Emergency service downtimes may exceptionally occur but shall be notified to all participating Offices with first incident report and followed by one email notice to report on the issue resolution every 6 hours from 9:00 to 18:00 during WIPO working days.

Emergency work will be made only to restore service to one or more of the offices, and with due care for the continued availability of the service to other Offices. Email notice will be provided to the Contact points.

## 6. ANNUAL REPORT

WIPO will produce an annual statistics report of the number of documents requested and provided per participating Office based on operations recorded in DAS.

## 7. FAILURE TO COMPLY

If a participating Office to this Service Level Agreement fails to meet any of the terms and conditions under it, other Offices may demand measures to ensure compliance.