

Using DAS with the PCT

August 2023

1. INTRODUCTION

In the context of the PCT, the WIPO Digital Access Service (DAS) allows the applicant to request the International Bureau to retrieve an electronic certified copy of an earlier application for use as the priority document in a PCT application, provided that the earlier application was filed with a [DAS Participating Office](#) which deposits the type of document (IP right type) concerned in DAS.

In accordance with [PCT Rule 17.1\(a\)](#), the time limit for the applicant to submit the priority document is “... not later than 16 months after the priority date, provided that any copy of the said earlier application which is received by the International Bureau after the expiration of that time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the date of international publication of the international application.” When DAS is used, the applicant may request the International Bureau, prior to the date of international publication, to obtain the priority document from such digital library ([PCT Rule 17.1\(b-bis\)](#)).

The applicant may use DAS to meet the requirement on the submission of the priority document under the [Paris Convention](#) in relation to PCT applications in the following circumstances:

- (i) The earlier application was filed with one of the following DAS participating Offices:¹

For a national application:

Argentina (AR), Australia (AU), Austria (AT), Brazil (BR), Canada (CA), Chile (CL), China (CN), Colombia (CO), Denmark (DK), Estonia (EE), Finland (FI), France (FR), Georgia (GE), India (IN), Iran (Islamic Republic of) (IR), Israel (IL), Italy (IT), Japan (JP), Latvia (LV), Lithuania (LT), Mexico (MX), Monaco (MC), Morocco (MA), Netherlands (NL), New Zealand (NZ), Norway (NO), Poland (PL), Republic of Korea (KR), Spain (ES), Sweden (SE), Türkiye (TR), United Kingdom (GB) and the United States of America (US)

For a regional application: EAPO or EPO

and

The applicant now files a PCT application, which claims the priority of the earlier application.

- (ii) The earlier application is a **PCT application** filed with one of the following PCT receiving Offices:¹

RO/AT, RO/AU, RO/BR, RO/CA, RO/CL, RO/CN, RO/CO, RO/DK, RO/EA, RO/EP, RO/ES, RO/FI, RO/FR, RO/GE, RO/IB, RO/IL, RO/IN, RO/IR, RO/IT, RO/MA, RO/MX, RO/NL, RO/NO, RO/SE and RO/TR

¹ The Offices are listed based on the information available until August 2023. WIPO maintains the DAS Participating Offices related information on the [DAS Participating Offices webpage](#). Using different filters on that webpage, the applicant can always check the latest information including the Offices, the types of documents (IP right types) that an Office deposits in DAS in its capacity as a Depositing Office and/or retrieves from DAS as an Accessing Office.

and

The applicant now files a PCT application, which claims the priority of the earlier PCT application.

2. PROCEDURE FOR USING DAS IN PCT APPLICATIONS

- (i) Request the Office of First Filing (OFF)/Depositing Office to deposit the earlier application in DAS

The specific means for requesting the Office of First Filing, with which the earlier application was filed, to deposit a copy of the earlier application into DAS depend on the requirements of the Office.

The applicant may refer to the [PCT Applicant's Guide](#), Annex B for the procedure to be followed at each DAS depositing Office (see item "is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis)?"), or contact the Office directly.

Relevant information may also be found on the Office's website and/or in the notifications on the [WIPO DAS webpage](#).

- (ii) Receive the DAS access code for the earlier application

The DAS code will be provided by the International Bureau through an e-mail sent from noreply@wipo.int if the earlier application was filed with one of the following Offices:

AR, AU, AT, BR, CA, CL, CO, DK, EA, EE, ES, FR, GB, GE, IB, IL, IN, IR, IT, LT, LV, MA, MC, MX, NL, NO, SE and TR.

The DAS code will be provided by the Office of First Filing itself if the earlier application was filed with CN, EM, EP, FI, JP, KR, NZ or US.

For EP and US applications, the access code will be indicated on/provided together with the electronic acknowledgment receipt of the earlier application.

US application example: confirmation number on Electronic Acknowledgement Receipt

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ATTY. DOCKET NO.	NO. OF CLAIMS	IND. CLAIMS
	7	1

CONFIRMATION NO. 1234

FILING RECEIPT

EP application example: indication of DAS access code

DAS access code

To access and retrieve the priority document from WIPO's Digital Access Service (DAS) in respect of

Application number: PCT/EP2021/140000

Applicant: E. BERTHOUD, CITAF

the European Patent Office has generated the following code:

DAS access code: 95D1

For further information, see OJ EPO 03/2019.

Date and time receipt generated: 14 December 2021, 16:07 (CET)

This unique access code allows the applicant to authorise participating intellectual property offices to retrieve a certified copy of the present application (as priority document) via WIPO DAS. The code will only be valid if the requirements for according a date of filing are met (see OJ EPO 03/2019).

(iii) Request the International Bureau to retrieve the earlier application from DAS²

- At the time of filing the PCT application

When filing using ePCT (<https://pct.wipo.int>), in the Priority section, the applicant can select the option “International Bureau to obtain from a digital library [DAS]” provided that the earlier application has already been deposited in DAS.

The DAS code must be indicated. There is a real-time check in ePCT against DAS system to validate the priority related data and that the priority document is indeed available in DAS for retrieval.

Type * National

Country/Office * US - United States of America

Filing Date * 01/12/2016

Application number 16/123,678
format should be "08/999,999"

Option[s] for providing the priority document to the IB *

Receiving Office to prepare and transmit to the International Bureau

To be provided by the applicant

An electronic copy of the priority document (certified by the issuing Office) will be submitted with this data package at time of filing

International Bureau to obtain from a digital library (DAS)

DAS access code * 2468

The receiving Office is requested to restore the right of priority for this earlier application.

Cancel Update

When preparing the PCT Request using a PDF copy of the Form PCT/RO/101, the applicant may tick the corresponding check-box for the priority and indicate the DAS access code.

² A PCT application deposited in DAS may also be claimed priority in a national or regional application filed with an Office which retrieves PCT applications from DAS. In this case, the DAS retrieval request should be submitted to that Office instead of the International Bureau. The applicant needs to check with the Office concerned for the procedure on how to submit such a request.

Furnishing the priority document(s):

The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application(s) was filed with the receiving Office which, for the purposes of this international application, is the receiving Office) identified above as:

all items item (1) item (2) item (3) other, see Supplemental Box

The International Bureau is requested to obtain from a digital library a certified copy of the earlier application(s) identified above, using, where applicable, the access code(s) indicated below (if the earlier application(s) is available to it from a digital library):

item (1) item (2) item (3) other, see Supplemental Box

access code _____ access code _____ access code _____

► After filing the PCT application

The DAS request can also be made via ePCT after filing. If you have access rights to the PCT application concerned as an eOwner or an eEditor, you can log in ePCT with strong authentication to use the ePCT online action “[Obtain priority document from DAS](#)”. This fully automated ePCT action also verifies the DAS code and cross-checks the priority data.

ACTIONS

REQUEST TO OBTAIN PRIORITY DOCUMENT FROM DAS

Current date and time at recipient Office: Thursday, 08 June 2023, 10:03 CEST

Date of Request 08 Jun 2023

SELECT THE PRIORITY CLAIM[S]

Office/Country US Priority document available in DAS	Application Number 62/999,999 Filing Date 25 May 2022	Priority document Not yet received: expected from DAS [access code - 1255] DAS Request Date 02 May 2023 : pending retrieval
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SAVED CHANGES [1]

Office/Country US	Application Number 62/999,999	DAS Access Code 1255	
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Cancel Save draft **Submit**

If you don't have access rights of the PCT application concerned in ePCT, you can provide the DAS code to the International Bureau by submitting a “General Correspondence” using the [Upload Documents](#) function or by sending an [ePCT Message](#).

(iv) Receive confirmation of the submission of a priority document

Upon successful retrieval of the document from DAS, the International Bureau will confirm the receipt of the priority document for the PCT application concerned via Form PCT/IB/304.

3. REQUEST TO MAKE A PCT APPLICATION AVAILABLE IN DAS

When using ePCT to prepare a PCT application with the following receiving Offices: RO/AT, RO/AU, RO/BR, RO/CA, RO/CL, RO/CO, RO/DK, RO/EA, RO/EP, RO/FI, RO/GE, RO/IB, RO/IL, RO/IN, RO/IR, RO/IT, RO/MA, RO/MX, RO/NO, RO/SE or RO/TR, you can request the Office to make available the PCT application in DAS by checking the box: “The receiving

Office is requested to make this international application available to the Priority Document Access Service (DAS)".³

The screenshot shows the WIPO IP Portal interface for the 'D-DAS' form. The form is titled 'D-DAS' and has a dropdown arrow. Below the title, there are buttons for 'Save draft', 'Preview RO/IOI', 'Close', and 'Review & File'. The form contains several fields:

Applicant/agent's file reference *	Language of Request *
D- DAS	EN - English
Receiving Office	Language of filing of the international application *
IB - International Bureau of WIPO	EN - English
Look up national security requirements	
Filing method	
ePCT-Filing	

Below the form, there is a checkbox that is checked, with the text: "The receiving Office is requested to make this international application available to the Priority Document Access Service (DAS) (provided that an international application number and international filing date is accorded to this purported international application)." At the bottom right, there are buttons for 'Cancel' and 'Update'.

To make such a request after filing, only if the Office is **RO/IB**, the applicant can use the ePCT action "[Make international application available to DAS](#)" or by means of a letter, preferably uploaded via ePCT.

Once the earlier application is registered, RO/IB will send the DAS access code via PCT/RO/132 to the applicant/agent.

4. IMPORTANT INFORMATION ON USING DAS WITH US APPLICATIONS

National US patent applications are automatically deposited in DAS by the USPTO after filing. If the applicant doesn't intend to register such an application in DAS, please refer to [Opt-out of DAS with the USPTO](#). In case the applicant has requested to opt out the earlier application from DAS, the applicant may afterwards request the USPTO to "opt in" the application to DAS by filing the Form PTO/SB/39.

Even though the DAS code (confirmation number) is provided at the time of filing on the electronic acknowledgement receipt, it does not mean that the application is registered in DAS. It may take up to several weeks for the USPTO to register an earlier application in DAS. Furthermore, an application will not be registered in DAS until national security clearance is granted.

Note: For patent applications, the USPTO deposits only national patent applications in DAS and no PCT applications.

Applicants can contact the [Patent Electronic Business Center \(EBC\)](#), by calling 1-866-217-9197 (toll-free) or 571-272-4100 (local), or via e-mail at PDX@uspto.gov for further details.

³ These are the Offices currently offering the applicant this option to make a PCT application available to DAS at the time of filing using ePCT. When a new Office starts providing the same service, this option will be added in ePCT for that Office from the corresponding effective date.

5. SUPPORT

For any DAS related questions, you can contact the PCT Operations Customer Support Section, available Monday to Friday from 09:00 to 18:00 (Central European Time), by phone at +41 22 338 9523 or via email at pct.eservices@wipo.int.

The [Contact Form for DAS](#) is also available on the WIPO's Contact US webpage.

[End of Document]