



UNITED STATES PATENT AND TRADEMARK OFFICE

WIPO DAS 2.0 Access Code Procedure

October 2014

I. Overview

On March 18, 2013, the USPTO implemented the second major version of World Intellectual Property Organization Digital Access Service (WIPO DAS 2.0), also referred to as the Access Code Procedure.

The main objectives of WIPO DAS 2.0 are to simplify the system from the point of view of the applicant, to encourage more use of the system, and to provide the required levels of security and confidence in the system for offices and applicants. The main security mechanism under WIPO DAS 2.0 is the Access Code, which will be generated by the Office of First Filing (OFF), provided by the applicant to the Office of Second Filing (OSF), and used by the OSF to access the priority document.

The USPTO continues to act as both an OFF and OSF under WIPO DAS 2.0. There is no charge for U.S. applicants that wish to take advantage of WIPO DAS, including WIPO DAS 2.0.

Any questions about the Access Code Procedure should be directed to the Patents Electronic Business Center (Patents EBC) at 571-272-4100.

II. USPTO as OFF

A. For U.S. applications filed on or after March 18, 2013

The USPTO will automatically register all U.S. applications, except design applications and international applications under the Patent Cooperation Treaty filed in the RO/US, into WIPO DAS 2.0 when the U.S. application meets one of the following criteria:

- an authorization to permit access by foreign intellectual property office (e.g., Form PTO/SB/39, PTO/SB/01, PTO/AIA/14) has been accepted,
- an application has been published, or
- a patent has been granted.

B. For U.S. applications filed prior to March 18, 2013

Applicants that are unable to use the DAS registration portal to register the U.S. application themselves will be required to request the USPTO to register the U.S. application into the WIPO DAS 2.0. In order to expedite the WIPO DAS 2.0 registration process, the applicant must contact the Patents EBC at 571-272-4100. The request will need to identify the U.S. application number and identify the criteria that permits registration, i.e., an authorization to permit access has been accepted, an application has been published, a patent has been granted, or an application has been cited on a published application or patent.

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C. Other considerations

Applicants are reminded that design applications filed in the USPTO and international applications under the Patent Cooperation Treaty that are filed in the United States Receiving Office are excluded from the Priority Document Exchange (PDX) program.

For applications filed on or after March 18, 2013, the applicant no longer performs the step of registering the U.S. application by using the DAS registration portal because U.S. applications will be automatically registered into WIPO DAS 2.0 by the USPTO at the earliest of:

- an authorization to permit access by foreign intellectual property office (e.g., Form PTO/SB/39, PTO/SB/01, PTO/AIA/14) has been accepted,
- an application has been published, or
- a patent has been granted.

Applicants are reminded that most OSFs require the U.S. priority document to be furnished prior to publication of the U.S. application by the USPTO. Therefore, applicants are encouraged to authorize access by an OSF (i.e., participating foreign intellectual property office) to the U.S. application at the time of filing the U.S. application, unless the applicant does not want to take advantage of the priority document exchange program or will not file a subsequent foreign application. The Application Data Sheet (ADS) (PTO/AIA/14) or Authorization to Permit Access (Form PTO/SB/39) may be used to authorize access by an OSF.

Applicants are advised that in addition to registration by the USPTO as discussed in section II.A, the applicant must provide the Access Code of the U.S. priority application to the OSF when that OSF offers the Access Code Procedure.

An applicant's decision to provide the Access Code to an OSF is part of the enhanced security procedure and may be required in order for the OSF to access the U.S. priority document. Therefore, an applicant that wishes to take advantage of the WIPO DAS should provide the Access Code of the U.S. application to which priority is claimed when filing a subsequent application in an OSF that offers the Access Code Procedure.

NOTE: The International Bureau is the OSF when the International Bureau is requested to obtain a copy of the earlier U.S. application from a digital library, as indicated in Box No. VI of the Request (Form PCT/RO/101) of a PCT international application. Therefore, the Access Code of the earlier U.S. application may be required by the International Bureau.

III. USPTO as OSF

Prior to the March 18, 2013 implementation of the WIPO DAS 2.0 Access Code Procedure, the USPTO plans to attempt retrieval of all outstanding foreign priority documents for applications filed in a foreign intellectual property office that participates in the WIPO DAS.

Applicants are reminded that foreign priority documents that are retrieved via the WIPO DAS are assigned the document description "priority documents electronically retrieved by

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the USPTO from a participating IP Office” and are viewable via the Patent Application Information Retrieval (PAIR) system.

As from March 18, 2013, it is necessary for the USPTO to provide the Access Code of foreign applications filed with a WIPO DAS participating office. Therefore, pursuant to 37 CFR 1.55(h), it is necessary for the applicant to provide the WIPO DAS Access Code for foreign priority applications in order to take advantage of the WIPO DAS under the Priority Document Exchange (PDX) program and to have the USPTO retrieve a foreign priority application via the WIPO DAS. The Application Data Sheet (ADS) or amended ADS is to be used for this purpose. Applicants are encouraged to review the Foreign Applications section of the filing receipt which includes an indication of “Access Code Provided” or “No Access Code Provided” for foreign applications that are filed in a WIPO DAS participating office.

An Access Code is required for foreign applications filed in the following offices:

AU	IP Australia (IPAU)
DK	Danish Patent and Trademark Office (DKPTO)
ES	Spanish Patent and Trademark Office (SPTO)
FI	National Board of Patents and Registration of Finland (NBPR)
GB	United Kingdom Intellectual Property Office (UKIPO)
RO/IB	Receiving Office of the International Bureau (RO/IB)
SE	Swedish Patent and Registration Office (PRV)

A list of the WIPO DAS participating foreign intellectual property offices, and the types of patent documents available for retrieval, is maintained and updated by the WIPO (http://www.wipo.int/das/en/participating_offices.html).