

Addition of World Intellectual Property Office as Participating Foreign Intellectual Property Office in Electronic Exchange of Priority Documents

In January 2007, the United States Patent and Trademark Office (USPTO) implemented a procedure for direct electronic priority document exchange with participating foreign intellectual property offices. *See Changes to Implement Priority Document Exchange Between Intellectual Property Offices*, 72 FR 1664 (January 16, 2007), 1315 *Off. Gaz. Pat. Office* 63 (Feb. 13, 2007) (final rule). The USPTO established agreements to obtain and provide priority documents with the European Patent Office (EPO) as of January 16, 2007, with the Japan Patent Office (JPO) as of July 28, 2007, and with the Korean Intellectual Property Office (KIPO) as of October 14, 2008.

Through the electronic priority document exchange (PDX) system, the USPTO attempts to electronically retrieve a copy of any EPO, JPO, or KIPO priority document to which priority is claimed in a U.S. application filed under 35 U.S.C. 111(a). *See Simplification of the Electronic Exchange of Priority Documents*, 1319 *Off. Gaz. Pat. Office* 150 (June 26, 2007), *Addition of Japan Patent Office as Participating Foreign Intellectual Property Office in Electronic Exchange of Priority Documents*, 1320 *Off. Gaz. Pat. Office* 173 (July 31, 2007), and *Addition of Korean Intellectual Property Office as Participating Foreign Intellectual Property Office in Electronic Exchange of Priority Documents and Further Procedural Information*, 1336 *Off. Gaz. Pat. Office* 94 (Nov. 11, 2008). In these situations, the requirement for the certified copy of the foreign application is considered satisfied if the requirements of 37 CFR 1.55(d)(1)(ii) and (iii) are met.

Effective as of April 20, 2009, the World Intellectual Property Office (WIPO) has become the fourth foreign intellectual property office to participate in the PDX system. *See* 37 CFR 1.14(h) and 1.55(d). The USPTO now has the ability to begin electronically retrieving priority documents from the WIPO through the Digital Access Service (DAS) for Priority Documents. Similarly, the WIPO also has the ability to electronically retrieve U.S. priority documents from the USPTO through the DAS. Offices participating in the DAS may deposit priority documents as an office of first filing and/or may access priority documents as an office of second filing. The WIPO will maintain a list of offices on the WIPO Web site at <http://www.wipo.int/patentscope/en/pdocforum/participating.html>.

Additional information regarding the DAS can be found on the WIPO Web site at <http://www.wipo.int/patentscope/en/pdocforum/index.html>.

Additional guidance and procedures regarding electronic priority document exchange can be found on the USPTO Web site at <http://www.uspto.gov/web/patents/pdx/pdx.html>.


For further information please contact one of the individuals identified below:

Don Levin
TDA Project Manager
United States Patent and
Trademark Office
571-272-3785
PDX@uspto.gov

OR Tamara Graysay
Special Program Examiner
United States Patent and
Trademark Office
571-272-6728
PDX@uspto.gov

OR Mark Polutta
Senior Legal Advisor
United States Patent and
Trademark Office
571-272-7709
PDX@uspto.gov

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JOHN J. DOLL
Acting Under Secretary of Commerce for Intellectual Property and
Acting Director of the United States Patent and Trademark Office