

DAS FAQs

1. What is the priority document Digital Access Service (DAS)?

This digital service provided by USPTO and WIPO will offer a simple and safe alternative to filing paper copies of priority documents with multiple patent Offices. It will enable an applicant claiming priority to request the Offices of second filing to retrieve an electronic copy of the priority document from the Offices of first filing via this DAS service.

2. What are the DAS benefits for applicants?

If an applicant files priority applications in a participating DAS country, the applicant will not have to request and pay for multiple copies of paper certified priority documents, wait for them to arrive and send them to the agents in each country to pass on to the relevant Offices. The applicant will just request the Office of first filing to deposit the patent application through DAS and will then decide to make it available via DAS to any participating Office of second filing.

3. Who are the DAS participating Offices for DAS priority document exchange?

All member countries of the World Intellectual Property Office (WIPO) are potential participants of DAS. As DAS evolves, WIPO will introduce additional member countries into the program. The current list of DAS participating Office is available at <http://www.wipo.int/patentscope/en/pdocforum/participating.html>

4. How do I register my US priority documents to be forwarded to the Offices of second filing (e.g., WIPO and/or DAS participating offices)?

For instructions, please see http://www.uspto.gov/web/patents/pdx/permitting_access.pdf

5. How do I request the USPTO to retrieve a PCT international application filed with the RO/IB (priority document) and/or DAS participating Offices priority document?

For instructions, please see http://www.uspto.gov/web/patents/pdx/document_retrieval.pdf

6. How will priority documents be made available for accessibility to the Office of second filing through DAS?

Applicants must take the following steps:

- a. Submit proper written Authorization (e.g. [Form PTO/SB/39](#) or Form [PTO/SB/01](#)) with the USPTO
- b. Register the priority application with DAS from the DAS Portal website, https://webaccess.wipo.int/priority_documents/services/jsp/user/entry.jsp. Applicants will need to provide US application number and access code (a.k.a. confirmation number).
- c. Applicants will manage the list of Patent Offices authorized to access the US priority document using the Access Control List (ACL) in DAS.

7. What is the “access code”?

The “access code” for a US application is the confirmation number of the US application which can be found on the EFS-Web Electronic Acknowledgment Receipt document and the filing receipt.

8. How do I grant authorization to the USPTO to release my unpublished US priority documents to the WIPO and DAS participating Offices?

Applicant must submit written authorization with USPTO. The USPTO has modified the Declaration (OATH), Form PTO/SB/01 for this purpose to include a checkbox paragraph for authorization. Additionally, applicant can submit Form PTO/SB/39 via-EFS Web select document description “Authorization to access Appl. by Trilateral Office” under the category Priority Documents. Or, applicant can also fax Form PTO/SB/39 to the usual Central Fax number (571-273-8300).

9. Who is authorized to sign the authorization Form PTO/SB/39?

- a. An applicant;
- b. An attorney or agent of record;
- c. An authorized official of an assignee of record (made of record pursuant to 37 CFR 3.71 of this chapter); or
- d. A registered attorney or agent named in the papers accompanying the application papers filed under 37 CFR 1.53 or the national stage documents filed under 37 CFR 1.495, if an executed oath or declaration pursuant to 37 CFR 1.63 or 1.497 has not been filed.

10. Will I receive a notification if my authorization, Form PTO/SB/39 submitted is rejected?

Yes, a notice of improper submission of the authorization will be sent.

11. How do I know if my “Authorization To Permit Access To Application By Participating Offices” (Form PTO/SB/39) has been processed successfully?

The filing receipt will include the following text:

Permission to Access – A proper Authorization to Permit Access to Application by Participating Office (PTO/SB/39 or its equivalent) has been received by the USPTO.

12. What is a depositing office and an accessing office?

A depositing office is the Office of first filing. An accessing office is the Office of second filing.

13. What are the purposes of the DAS accessibility confirmation via the DAS Portal website?

Following are the purposes:

- The applicant verifies document accessibility and existence at the Office of first filing
- The applicant registers and controls access to the priority document at the Office of first filing for retrieval by the WIPO when requested by an Office of second filing.

The DAS Portal website can be found at

https://webaccess.wipo.int/priority_documents/services/jsp/user/entry.jsp

14. What is a non-participating Office priority document?

A non-participating Office priority document is a foreign document that is cited into a participating office document. For example, the applicant cites a Germany application (German Patent Office is not a DAS participating Office) within the WIPO application (WIPO is a DAS participating Office), the Germany application is considered as the non-participating Office priority document.

15. Can I request that the USPTO retrieve a non-participating Office priority document through DAS?

No, accessing Offices can not retrieve a non-participating Office priority document through DAS.

Applicants can only request that the USPTO retrieve PCT applications filed with the RO/IB and other DAS depositing Office applications from the WIPO. The

current list of DAS participating Office is available at
<http://www.wipo.int/patentscope/en/pdocforum/participating.html>.

16. Can a design application be retrieved through DAS?

No, the USPTO can not retrieve design applications through DAS.

17. What is the purpose of the checkbox, “Specify Priority Application Info” on the registered DAS Portal website?

The purpose of the checkbox is for entering the non-participating Office priority document information. Since the USPTO does not support the exchange of non-participating Office priority documents through DAS, applicants should not mark this checkbox and should not complete the non-participating Office priority document information.

18. Why do I need to submit “Request to Retrieve Electronic Priority Application(s)” (Form PTO/SB/38) with the USPTO?

Starting April 20, 2009, the USPTO will automatically attempt to electronically retrieve a copy of any PCT international application filed with the RO/IB (priority document) to which priority is claimed in a US application filed under 35 USC 111(a) without the need for the applicant to file a request to retrieve, Form PTO/SB/38.

Applicant will only need to file Form PTO/SB/38 if the US application is filed prior April 20, 2009 and applicant wishes the USPTO to retrieve a PCT international application filed with the RO/IB.

Additionally, Form PTO/SB/38 is required if the US application is filed prior to the designated date which a DAS participating Office becomes a depositing office, thus permitting exchange between WIPO and the DAS participating accessing Offices, including the USPTO, for the retrieval of the participating depositing Office priority documents. Please refer to the following website for the current list of DAS participating Offices and designated dates for DAS exchange:
<http://www.wipo.int/patentscope/en/pdocforum/participating.html>.

19. When can I expect the USPTO to retrieve my DAS registered priority document from the WIPO?

The USPTO will automatically make a first attempt to retrieve the priority document at PALM status 20 which has a transaction description in PAIR as “Application Dispatched from OIPE” under the “Transaction History” tab. If the first attempt to retrieve fails, the USPTO will automatically make a second attempt to retrieve the priority document one week after making the first attempt.

Applicant is strongly encouraged to check Private PAIR to determine whether the USPTO successfully retrieved the priority document(s). The applicant remains ultimately responsible for the submission of the certified copy of the foreign application under 37 CFR 1.55 before the US application issues as a patent.

20. How do I know if my “Request to Retrieve Electronic Priority Application(s)” (Form PTO/SB/38) has been processed successfully?

The WIPO and the USPTO electronically exchange priority documents that are registered with the DAS. Therefore, the following text will be included on the filing receipt of an application in which: (1) the USPTO successfully retrieves a foreign priority document from the WIPO prior to the mailing of the filing receipt, regardless of whether or not the applicant actually filed a request to retrieve (e.g., form PTO/SB/38); or (2) applicant filed a proper request to retrieve (e.g., form PTO/SB/38), but the USPTO has not retrieved the foreign priority document from the WIPO prior to the mailing of the filing receipt:

Request to Retrieve – This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper Request to Retrieve Electronic Priority Applications(s) (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

21. How do I complete the Form PTO/SB/38 to request the USPTO to retrieve PCT international applications filed with the RO/IB?

On the first column, enter the participating Office as IB. On the second column, enter the PCT application number and its filing date. Please do not enter any information in the third column . Please see below for sample.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request to Retrieve Electronic Priority Application(s)	<i>COMPLETE IF KNOWN</i>	
	Application Number	
	Filing Date	
	First Named Inventor	
	Art Unit	
	Examiner Name	
Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450		Enter

The undersigned hereby requests the USPTO retrieve an electronic copy of each of the following foreign applications for which benefit has been claimed under 35 U.S.C. 119(a)-(d) from a foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement:

Please retrieve (check all that apply)

The following applications originally filed in participating offices (only list the Participating Office and the Participating Office Application Number (columns 1 and 2 below)):

The following applications originally filed in non-participating offices (must list the information for all three columns below):

1. Participating Office with which the Priority Application, or the Copy, was filed (e.g., EPO)	2. Participating Office Application Number in which the Priority Application, or a Copy, was filed (e.g., 03101432)		3. Non-Participating Office Application Number (Priority Application), if applicable	
	App. No.	Filing Date	Office	App. No.
1. IB	PCT/IB09/12345	04/20/2009		

22. How do I complete the Form PTO/SB/38 to request the USPTO to retrieve DAS participating Office priority documents filed with a participating Office (e.g., if the United Kingdom is a DAS depositing office)?

On the first column, enter the DAS participating Office as GB (two-letter country code for the United Kingdom). On the second column, enter the GB application

number and its filing date. Please do not enter any information in the third column . Please see below for sample.

Doc Code: PD.REQ.RETR

PTO/SB/38 (03-09)
 Approved for use through 04/30/2009. OMB 0651-0031
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request to Retrieve Electronic Priority Application(s)	<i>COMPLETE IF KNOWN</i>	
	Application Number	
	Filing Date	
	First Named Inventor	
	Art Unit	
	Examiner Name	
Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450		
Attorney Docket Number		

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Please retrieve *(check all that apply)*

The following applications originally filed in participating offices (only list the Participating Office and the Participating Office Application Number (columns 1 and 2 below)):

The following applications originally filed in non-participating offices (must list the information for all three columns below):

1. Participating Office with which the Priority Application, or the Copy, was filed (e.g., EPO)	2. Participating Office Application Number in which the Priority Application, or a Copy, was filed (e.g., 03101432)		3. Non-Participating Office Application Number (Priority Application), if applicable	
	App. No.	Filing Date	Office	App. No.
1. GB	1234567	09/22/2008		
2.				
3.				

23. What is the purpose of the third column on the Form PTO/SB/38?

The purpose of the third column is for requesting the USPTO to retrieve a non-participating Office priority document contained within a participating Office application. Since the USPTO is not supporting non-participating Office priority document exchange through DAS. Please do not enter any information in the third column.

24. What happens if the request to retrieve the PCT/IB and/or DAS participating Office priority document failed?

When the US application is docketed for examination to the patent examiner and the priority document is missing, the examiner will create an office action to be sent to the applicant indicating that a certified copy of the priority document has

not been received. The applicant remains ultimately responsible for the submission of the certified copy of the foreign application before the US application issues as a patent.

25. How will US document confidentiality be ensured?

The confidentiality of priority documents that are not yet publicly available will be ensured via a secure Access Control List (ACL) in DAS monitored by the applicant. An applicant requesting a certified copy of a priority document to be made available via DAS will require an access code (a.k.a. the confirmation number) from the USPTO. This access code will enable the applicant to maintain control over access to the document to specify which DAS participating Offices should have permission to access the priority document.

26. Can I retrieve priority documents from the EPO, JPO, or KIPO through DAS?

No. Retrieval of priority documents filed with the European Patent Office (EPO), the Japan Patent Office (JPO), and the Korean Intellectual Property Office (KIPO) will continue in accordance with the respective bilateral exchange agreements under the Priority Document Exchange (PDX) system. Therefore, priority documents filed with the EPO, the JPO, and the KIPO need not be “Registered” in the DAS in order for the USPTO to retrieve those documents.

27. What costs will be associated with the DAS service?

The service will be offered for free by the USPTO and WIPO.

28. For DAS support or questions, who can I contact?

EBC Customer Support Center	Hung Vuong	Tamara Graysay
1-866-217-9197 (toll-free)	Computer Specialist	Special Program Examiner
571-272-4100 (local)	571-272-5727	571-272-6728
M-F: 6AM – Midnight (Est. Time)	PDX@uspto.gov	PDX@uspto.gov
PDX@uspto.gov		

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