

TERMS AND CONDITIONS FOR USE OF THE CENTRALIZED ACCESS TO SEARCH AND EXAMINATION SYSTEM

established on June 1, 2015

Definitions and Purpose

1. WIPO CASE refers to the World Intellectual Property Organization system for Centralized Access to Search and Examination.
2. The WIPO CASE system provides participating IP offices with a simple and secure platform to interconnect their systems in order to facilitate communication of dossier information between offices and from offices to public users.
3. The WIPO CASE system is provided free of charge by the International Bureau of WIPO to participating IP offices in accordance with these terms and conditions.
4. The WIPO CASE system is independent of any other system that offices may establish between themselves to share dossier or other information. Such other systems may have their own independent governance systems, terms and conditions, and technical specifications.
5. Dossier information refers to the content of files related to the processing of applications, search, examination, granting and maintenance of IP rights. It may include bibliographic data, document contents, citation data and legal status information relating to published IP applications. Dossier information includes documents submitted by applicants such as specifications and amendments; documents issued by offices such as office actions, search reports, written opinions, notification of reasons for refusal and decisions to grant; documents submitted by third parties such as third party observations; and cited document information which is discovered as a result of a search and cited in an office action.
6. Patent family information refers to application/publication numbers and dates and priority countries, numbers and dates. It is used to build linkages between related applications filed with different offices (patent families).
7. Offices may participate in WIPO CASE as Providing Offices and/or as Accessing Offices.

Providing Offices

8. An office acting as a Providing Office shares with other participating offices its dossier information to the extent possible, including citation data and legal status information where available.
9. All participating offices will endeavor to become Providing Offices when they are legally, operationally and technically ready to do so.

10. The exact scope of the dossier information to be shared is determined by each Providing Office. It may include all available documents in the dossier or only a subset of documents relating to search and examination processes and/or other specific processes.
11. A Providing Office may choose to provide its dossier information to other offices through the International Bureau of WIPO by transferring the dossier information to be hosted by the International Bureau.
12. A Providing Office may establish additional terms and conditions for access to its dossier information and may specify which Accessing Offices are permitted to access its dossier information. Any such additional terms and conditions will in any case be additional to and compliant with the present terms and conditions.

Accessing Offices

13. An office acting as an Accessing Office is permitted to access WIPO CASE to retrieve dossier information from participating Providing Offices who have confirmed such access.
14. When retrieving information through WIPO CASE, the identity of the Accessing Office may be made available to the relevant Providing Office.
15. Accessing Offices should provide patent family information to WIPO in order to build the search indexes that enable applications and documents to be retrieved.

Equal Treatment

16. Each Providing Office will allow the same dossier information to be made available to each Accessing Office, subject to confirmation of provision of information to the Accessing Office.

Dossier Access Portals

17. The International Bureau of WIPO will provide a web portal for the use of Accessing Offices. The portal will provide search functionality, access to all relevant dossier information, and related features.
18. Technical specifications for the web portal will be published by the International Bureau for consultation with participating offices.
19. Participating offices may develop their own web portals to access the WIPO CASE system to retrieve dossier information and make it available to their internal users. Such web portals will comply with the present terms and conditions.

Public Access

20. Each Providing Office will specify whether or not its dossier information may be made available to the public, may specify conditions for such access, and determine the exact scope, nature and date ranges of the dossier information made available to the public and the timing of the public access. The exact scope and nature of the dossier information made available to the public may be different from the dossier information shared with other participating offices.

21. The International Bureau of WIPO will provide a portal for public use, separate from the portal for office use, which will make available all dossier information authorized for public access by the Providing Offices.
22. Technical specifications for the public access portal will be published by the International Bureau for consultation with participating offices. The technical specifications will include security requirements and provisions for controlling abusive use and denial of access.
23. Participating offices may choose to create their own public access portals for dossier information retrieved from WIPO CASE.
24. The minimum terms and conditions for public access are specified in Annex I. Any office making dossier information from WIPO CASE available to the public will include the minimum terms and conditions in its own service.

Secondary Use and Responsibility

25. Dossier information available via WIPO CASE is available only to the Accessing Offices, to the International Bureau, and to the public where applicable.
26. Dossier information available via WIPO CASE will only be used for reference purposes within the participating offices, and by the public where applicable, and will not be modified or redistributed without the consent of the relevant Providing Office.
27. The use of the data and documents retrieved via WIPO CASE is the responsibility of each user. Providing Offices and the International Bureau will not be liable for any damages or losses resulting from the use of data and documents made available via WIPO CASE. The International Bureau bears no responsibility for the content of documents made available via WIPO CASE. The International Bureau does not endorse the accuracy of the content of such documents.

Abusive Use and Denial of Access

28. All Accessing Offices will endeavor to prevent incidents, such as poor response times, denial of service or system failure, due to excessive load on the dossier provision systems by their users or practices.
29. Access to dossier information via WIPO CASE will be restricted to real time access by specific request. Batch access or similar bulk download requests are not permitted.
30. A Providing Office, or the International Bureau acting on behalf of a Providing Office, may deny access to its dossier information for any reason deemed to be acceptable by the Providing Office, e.g., abuse (deliberate or inadvertent) by an accessing system, failure of an Accessing Office to comply with conditions of use, etc. Consultation between the two offices concerned should follow to address the denial of access.

Translations of Dossier Information

31. If not originally in English, the Providing Offices will endeavor to make available English translations of the dossier information made available under WIPO CASE. In any case, Providing Offices will endeavor to make dossier information available in machine-readable format so that it can be translated using machine translation. Providing Offices bear no responsibility for the accuracy or content of English translations or machine translations.

Technical Specifications

32. The International Bureau will consult with all Providing Offices regarding the technical specifications of the WIPO CASE system, operating procedures, service levels and other technical matters.

Publication of Information

33. The International Bureau publishes information on the WIPO website relating to WIPO CASE, including:
- (i) the establishment of these provisions and any subsequent modifications of them;
 - (ii) information about participating Providing and Accessing Offices, including the scope and nature of documents made available from each Providing Office to Accessing Offices and to the public, date ranges of the available dossier information, any special conditions, and other technical details;
 - (iii) operating procedures, including scheduled maintenance windows, and technical requirements related to the operation of WIPO CASE.

Procedure for Joining WIPO CASE

34. WIPO CASE is open to IP offices of all WIPO member states, including regional offices whose members are WIPO member states. An office wishing to participate in WIPO CASE, or to modify or withdraw its participation, will send a notification to the Director General at least six weeks before the expected date of commencement of participation, modification or withdrawal of that office.
35. The notification of participation or modification will specify whether the office wishes to act as a Providing and/or Accessing Office, and will contain details including:
- (i) the scope and nature of the dossier information that will be made available to Accessing Offices;
 - (ii) the scope and nature of the dossier information to be made available to the public;
 - (iii) technical details, such as the mechanism by which data and documents will be made available through WIPO CASE, and the relevant data formats;
 - (iv) one or two contact points for the management of access to WIPO CASE and for technical liaison.
 - (v) any additional terms and conditions for access to its dossier information.
36. The notification will constitute acceptance of the present terms and conditions.
37. Each new Accessing Office will be notified to the Providing Offices so that technical access can be established for the new Accessing Office; if a Providing Office chooses not to share its dossier information with the new Accessing Office, it will notify the International Bureau of this choice within six weeks.

Settlement of Disputes

38. Any dispute between the International Bureau and offices, or between offices, arising out of or relating to the use of WIPO CASE will be settled amicably through negotiations between the offices concerned.

Modification

39. From time to time, the Director General will consult with the participating offices and may update these terms and conditions to reflect new needs or changing technologies. The terms and conditions will be published by the International Bureau and notified to all participating offices.

Languages

40. These provisions are established in the Arabic, Chinese, English, French, Russian and Spanish languages, all texts being equally authentic. The working language for consultations and technical specifications will be English.

Annex I – Minimum Terms and Conditions for Public Access

Any office providing public access may specify its own terms and conditions for the use of its public access system. Offices providing public access to the content retrieved via WIPO CASE will specify at least the following minimum conditions for use of the public dossier access system.

1. Dossier information available via WIPO CASE will only be used for reference purposes and will not be modified or redistributed without the consent of the originating office.
2. The use of the data and documents retrieved via WIPO CASE is the responsibility of the user. Providing Offices and the International Bureau will not be liable for any damages or losses resulting from the use of data and documents made available via WIPO CASE. The International Bureau bears no responsibility for the content of documents made available via WIPO CASE. The International Bureau does not endorse the accuracy of the content of such documents.
3. Access to dossier information via WIPO CASE will be restricted to real time access by specific request. Batch access or similar bulk download requests are not permitted.
4. Providing Offices may deny access to their dossier information via WIPO CASE to any user for any reason deemed to be acceptable by the Providing Office, e.g., abuse (deliberate or inadvertent) by an accessing system, failure to comply with conditions of use, etc.

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