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DIGITAL ACCESS SERVICE FOR PRIORITY DOCUMENTS: STATUS REPORT

prepared by the Secretariat

SUMMARY

1. The establishment of the Digital Access Service for Priority Documents was approved in 2006 by the Paris Union Assembly, the PLT Assembly and the PCT Union Assembly. This document contains a status report on the establishment of the service.
2. Test level applications have been established by the International Bureau for the four main components of the Digital Access Service for Priority Documents. Detailed arrangements for communication of the documents are still under development in coordination with a number of pilot Offices, as are certain associated local systems required by those Offices to ensure that the information needed to administer access rights is transmitted effectively and securely between the Office of first filing, the applicant and the International Bureau. It is envisaged that, following thorough testing, the service will be available for use by applicants on live applications in the first half of 2009.

BACKGROUND

3. Actions to establish the Digital Access Service for Priority Documents ("DAS") were agreed by the Paris Union Assembly, the PLT Assembly and the PCT Union Assembly during the 42nd series of meetings of the WIPO Assemblies in 2006 (document A/42/5 and document A/42/14, paragraphs 205 to 220). This service provided by the International Bureau in cooperation with participating patent Offices will offer a simple and safe digital

alternative to filing paper copies of priority documents with multiple patent Offices. It will enable a patent applicant claiming priority to ask patent Offices of second filing to retrieve a copy of the priority document themselves via the service.

4. The *Ad Hoc* Working Group on the Digital Access Service for Priority Documents, which met twice during 2007, reached agreement on the necessary system architecture, agreed principles and framework provisions, subject to the need for further drafting changes. The results of that work, and progress towards implementation of the new service, were noted during the 43rd series of WIPO Assemblies meetings in 2007 (document A/43/10 and document A/43/16, paragraphs 336 to 339).

IMPLEMENTATION

5. In paragraph 21 of document A/43/10 it was stated that “a first practical implementation of an operational system for the new service is expected to be in place by the end of the first half of 2008”. However, though the main central components of the system have been developed and tested using dummy documents and system messages, further work is needed in cooperation with pilot Offices before the communication components are ready to allow a complete system test. Work on implementation of different aspects of the system has continued along several parallel paths.

6. The International Bureau has established test level applications for the four main central components of the system, comprising:

(a) A Web portal for applicants to manage and track their priority document exchange activity under DAS. The portal allows an applicant to verify his identity using information provided by the Office of first filing, to indicate which Offices should be permitted access to a priority document, to update certain administrative information, to obtain certificates that a document was made available on a certain date and to see when different Offices have actually accessed a priority document through the system. A demonstration version of this portal is available on PATENTSCOPE[®] at www.wipo.int/patentscope/en/priority_documents.

(b) Services enabling the exchange of priority documents under DAS over the PCT (Patent Cooperation Treaty) Electronic Document Interchange (PCT-EDI) system.

(c) Services enabling the exchange of priority documents under DAS over the Trilateral Document Access (TDA) system.

(d) Services enabling the administration and monitoring of the DAS system by staff at the International Bureau. These services allow the registration of documents as being accessible to the system and manage all requests by applicants and Offices. Management includes recording all transactions, dealing automatically with most actions and bringing errors which cannot be resolved automatically, such as failures in communication systems, to the attention of an operator. In addition, the service provides for manual changes to be made on behalf of applicants who are not able to use the web portal.

7. These components have been verified and tested together against the provisional requirements of the system and are ready for a complete system test once the various communication arrangements have been finalized as discussed below.

8. Full testing and opening of the system for practical use depends on completion of work on communication arrangements (including aspects of access management which are handled by the Office of first filing) with at least two Offices between which there are no current arrangements for electronic sharing of priority documents.

9. A new version of the TDA specification making provision for communication of the necessary information to confirm applicant agreement to sharing of unpublished documents was agreed in March 2008 and is currently undergoing development and testing between the International Bureau, the European Patent Office, the Japan Patent Office and the United States Patent and Trademark Office. A first successful document exchange in test conditions was made with the United States Patent and Trademark Office using this service in July 2008.

10. It is currently envisaged that development and testing of communication arrangements between the International Bureau and at least some of the pilot Offices will be completed in early 2009 for services over both the revised TDA system and the existing PCT-EDI system, allowing practical use to begin during the second quarter of 2009.

11. The Offices currently working with the International Bureau on pilot arrangements include the European Patent Office, the Israel Patent Office, the Japan Patent Office, the National Board of Patents and Registration of Finland, the State Intellectual Property Office of the People's Republic of China), the United Kingdom Intellectual Property Office, the United States Patent and Trademark Office and the International Bureau in its capacity as a receiving Office under the PCT.

12. In addition, a scanning system has been set up for paper certified copies received by the International Bureau for inclusion in the system, based on the well-established scanning arrangements for priority documents received under the PCT system, in order to permit the International Bureau to act in place of the Office of first filing in certain cases indicated in the framework provisions where the Office of first filing is unable to provide direct access to a digital library.

13. The Paris Union Assembly, the PLT Assembly and the PCT Union Assembly are invited to note the contents of this status report.

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