



FRAMEWORK PROVISIONS FOR THE WIPO DIGITAL ACCESS SERVICE FOR PRIORITY DOCUMENTS (DAS)¹

Established on March 31, 2009, and modified on July 1, 2012 and on April 1, 2025

DIGITAL ACCESS SERVICE

- 1) These provisions are established by the International Bureau in accordance with a decision of the Paris Union Assembly, the PLT Assembly and the PCT Union Assembly and the recommendations of the Working Group on the Digital Access Service for Priority Documents (“the Working Group”)².
- 2) The digital access service for priority documents (“the service”) operates in accordance with these provisions and having regard to the general principles and system architecture recommended by the Working Group³.
- 3) The aim of the service is to provide applicants and Offices with a simple and secure option whereby priority documents may be furnished for the purposes of the applicable law, having regard to relevant international agreements and understandings⁴.
- 4) The implementation of these provisions by Offices is a matter for the applicable law⁵.
- 5) These provisions come into effect from the date of their publication by the International Bureau on the WIPO website; until then, the service will continue its practical operations under the framework provisions as established on July 1, 2012⁶.
- 6) Words and expressions used in these provisions are to be understood with reference to paragraph 26).

PARTICIPATING DIGITAL LIBRARIES

- 7) The digital libraries of the depositing Offices, as defined in paragraph 26)vi), will participate for the purposes of these provisions (“participating digital library”):
- 8) The criteria referred to in paragraph 23) apply to all participating digital libraries.
- 9) The giving by an Office of a notification under paragraph 11) does not give rise to any obligation on the part of that Office to accept a participating digital library for the purposes of Rule 4(3) of the Regulations under the PLT.

DEPOSITING OFFICES AND AVAILABILITY OF PRIORITY DOCUMENTS VIA THE SERVICE

- 10) An Office acting as a “depositing Office” may notify the International Bureau that copies of applications available from its digital library⁷ are to be made available via the service as priority documents in accordance with these provisions. The notification also informs the International Bureau of relevant operating procedures and technical requirements referred to in paragraph 23), including any specification of options from among those available. An Office may specify that it will only deposit certain types of application in a digital library and may notify different operating procedures and different technical requirements for different types of application.

ACCESSING OFFICES

- 11) An Office acting as an “accessing Office” may notify the International Bureau that, for the purposes of the applicable law⁸ and subject to paragraphs 12) to 14), the Office treats a priority document that is available to it via the service as though it had been furnished to it by the applicant. The notification also informs the International Bureau of relevant operating procedures and technical requirements referred to in paragraph 23), including any specification of options from among those available⁹. An Office may specify in its notification that it will act as an accessing Office only for certain types of application, but it shall accept for use with those types of application any priority document available via the service which is of a type from which priority may validly be claimed for those types of application¹⁰.
- 12) A certificate by the International Bureau that a priority document is available via the service to accessing Offices, including bibliographic details¹¹, the date on which the priority document became available and details of any translations or supporting documents available according to paragraph 17), is made available via the service to the applicant and the Office¹². The certificate is, subject to paragraphs 13) and 14), accepted by the Office for the purposes of the applicable law as proof of the matters it contains.

OPPORTUNITY TO COMPLY

- 13)
- a) Where a certificate referred to in paragraph 12) states that a priority document became available via the service to an accessing Office on a date which is on or before the date (“the relevant date”) by which the priority document is required to be furnished under the applicable law, but the Office finds, whether before, on or after the relevant date, that the priority document is in fact not available to it, the Office so notifies the applicant, giving the opportunity to furnish the priority document to it, or to ensure that the priority document is made available to it via the service, within a time limit of not less than two months from the date of the notification¹³.
 - b) Where the priority document is furnished or becomes available to the Office within that time limit, it is treated as though it had been available on the date stated in the certificate. Where the priority document is not furnished or does not become available to the Office within that time limit, the consequences provided by the applicable law apply¹³.
- 14)
- (a) Paragraph 13) does not apply to an accessing Office whose applicable law provides that it shall notify the applicant where the priority document is not available to it on the date by which it is required to be furnished under that law, giving the opportunity to furnish the

priority document to it, or to ensure that the priority document is made available to it via the service, within a time limit of not less than two months from the date of the notification. Where the priority document is not furnished or does not become available to the Office within that time limit, the consequences provided by the applicable law apply¹³.

(b) An accessing Office need not apply paragraph 13) where, under the applicable law:

- (i) there is no fixed date, calculated from either the filing or the priority date, by which the priority document must be received by or made available to the Office;
- (ii) it is required that the priority document be received by or made available to the Office before grant; and
- (iii) the Office provides an online file inspection service enabling the applicant to monitor whether the priority document has been received by or made available to the Office¹³.

PRIORITY DOCUMENTS BECOMING AVAILABLE VIA THE SERVICE

15) Subject to paragraph 16), a priority document available to the service from a participating digital library is available via the service only the Offices by which access is authorized by the applicant in accordance with the operating procedures and technical requirements referred to in paragraph 23).

16) A trademark priority document available to the service from a participating digital library at the request of the applicant (to the relevant depositing Office) is available to any accessing Office.

FURNISHING TRANSLATIONS OF PRIORITY DOCUMENTS AND SUPPORTING DOCUMENTS

17) The applicant may upload copies of translations of priority documents and any other supporting documents. These documents will be made available to any accessing Office which is authorized by the applicant to retrieve the associated priority document.

18) This service is intended as a convenience for applicants and for accessing Offices and there is no obligation for accessing Offices to accept such documents. Accessing Offices may notify the International Bureau of information regarding the types of documents that they accept and the technical requirements for such documents. The International Bureau shall publish this information in accordance with paragraph 19).

PUBLICATION OF INFORMATION

19) The International Bureau publishes on WIPO's website information relating to the service, including:

- i) the establishment of these provisions, any subsequent modifications of them and any transitional arrangements;
- ii) the commencement of practical operations of the service;
- iii) participating digital libraries¹⁴;
- iv) notifications and information received from Offices¹⁵ under paragraphs 10) and 11);
- v) notifications and information received from Offices under paragraph 18);

- vi) operating procedures and technical requirements referred to in paragraph 23).
- 20) Participating Offices should publish on their respective websites information relating to the service including:
- i) national procedures for applicants to make use of the service, either as a depositing Office or as an accessing Office;
 - ii) the types of IP applications that are supported by the Office as a depositing or accessing Office;
 - iii) the types of translations and/or supporting documents that are accepted by the Office as an accessing Office

CONSULTATIVE GROUP

- 21) The Consultative Group consists of:
- i) Offices from which the International Bureau receives a notification under paragraph 10) or 11);
 - ii) as observers, any other Offices and interested organizations invited to meetings of the Working Group that notify the International Bureau that they wish to participate in the Consultative Group.
- 22) The proceedings of the Consultative Group take place primarily through correspondence and an electronic forum on WIPO's website.

OPERATING PROCEDURES AND TECHNICAL REQUIREMENTS

- 23) The International Bureau may, after consultation with the Consultative Group, establish and modify operating procedures and technical requirements useful for the operation of the service, including:
- i) how applicants authorize access¹⁶ for the purpose of paragraph 15);
 - ii) processes and procedures for ensuring the operational continuity of the service;
 - iii) acceptable formats for priority documents, translations and supporting documents in digital format.

MODIFICATION

- 24) These provisions may be modified by the International Bureau in accordance with recommendations of the Working Group or after consultation with all the members of the Working Group.

LANGUAGES

- 25) These provisions are established in the Arabic, Chinese, English, French, Russian and Spanish languages, all texts being equally authentic¹⁷.

MEANINGS OF WORDS AND EXPRESSIONS

- 26) In these provisions:
- i) "Applicable law" means the national law or regional legal enactments under which an Office operates;

- ii) “applicant” means a person who appears as applicant in the records of the Office with which an application was filed, and includes a representative of the applicant recognized under the applicable law;
- iii) “application” means an application for the grant of a patent, for the grant of a utility model, for the registration or grant of an industrial design, or for the registration of a trademark (including a collective mark or a certification mark)¹⁸;
- iv) “certified” means certified for the purposes of these provisions and Article 4D(3) of the Paris Convention by the Office with which the application concerned was filed and having regard to the agreed understanding of the Paris Union Assembly and the PCT Union Assembly concerning certification of priority documents¹⁹;
- v) “Consultative Group” means the Consultative Group referred to in paragraph 21);
- vi) “Digital library” means the database of a depositing Office, including digital copies of patent, trademark, industrial design, and/or utility model applications, which is managed in such a way that the depositing Office can meet the requirements of Article 4D(3) of the Paris Convention, namely the ability to consistently and reliably produce copies of previously filed applications that are certified as correct;
- vii) “International Bureau” means the International Bureau of WIPO in its capacity as the authority operating the DAS service;
- viii) “Office” means an authority entrusted with the granting of patents or utility models, the registration of trademarks, the granting or registration of industrial designs or the processing of patent applications, trademark applications, industrial design applications or utility model applications by a State that is party to the Paris Convention or is a member of WIPO or by an intergovernmental organization at least one of whose member States is party to the Paris Convention or a member of WIPO²⁰;
- ix) “Paris Convention” means the Paris Convention for the Protection of Industrial Property;
- x) “Paris Union” means the Paris Union for the Protection of Industrial Property;
- xi) “PCT” means the Patent Cooperation Treaty;
- xii) “PCT Union” means the International Patent Cooperation Union;
- xiii) “PLT” means the Patent Law Treaty;
- xiv) “Priority document” means a certified copy of an application²¹;
- xv) “WIPO” means the World Intellectual Property Organization.

EXPLANATORY NOTES

¹ The framework provisions are supplemented by these notes, prepared by the International Bureau for explanatory purposes, which do not form part of the framework provisions themselves but were approved by the Working Group together with the framework provisions (see document WIPO/DAS/PD/WG/4/7, paragraph 25). The explanatory notes may be modified by the International Bureau after consultation, on changes of substance, with the Consultative Group.

² For the Assemblies' decision that the service be established according to the recommendations of the Working Group, see their report, adopted on October 3, 2006, document A/42/14, paragraph 220. For the recommendations of the Working Group, see its report, adopted on July 14, 2011, document WIPO/DAS/PD/WG/3/7, and its report, adopted on March 11, 2025, document WIPO/DAS/PD/WG/4/7.

³ See document WIPO/DAS/PD/WG/2/4, paragraphs 23 and 35 and Annexes I and II and WIPO/DAS/PD/WG/3/3 and document WIPO/DAS/PD/WG/4/3.

⁴ The relevant international agreements and understandings include, in particular:

- i. the Agreed Statement by the Diplomatic Conference for the Adoption of the PLT, adopted on June 1, 2000, urging WIPO to expedite the creation of a digital library system for priority documents and noting that such a system would be of benefit to patent owners and others wanting access to priority documents (see Agreed Statement No. 3 appearing in document PT/DC/47 and in WIPO Publication No. 258);
- ii. the provisions of the Paris Convention, the PLT and the PCT concerning declarations of priority and priority documents (see, in particular: Paris Convention, Article 4D; PLT Article 6 and Rule 4; and PCT Article 8 and Rule 17);
- iii. the agreed understanding adopted by the Paris Union Assembly and the PCT Union Assembly on October 5, 2004, concerning the certification of priority documents provided, stored and disseminated in electronic form (see document A/40/7, paragraph 173, referring to document A/40/6, paragraph 9);
- iv. the obligations of Members of the World Trade Organization that are not party to the Paris Convention to recognize priority rights, for which purpose priority documents may also be deposited and accessed via the service.

⁵ The framework provisions do not create international treaty-style obligations for participating Offices. The provisions are intended to facilitate the furnishing of priority documents for the purposes of the Paris Convention but do not affect the basic rights and obligations established by that Convention, the PLT, the Trademark Law Treaty (TLT) or the Singapore Treaty on the Law of Trademarks (Singapore Treaty) or give rise to any new obligation under the Paris Convention, the PLT, the TLT or the Singapore Treaty; see, in particular, paragraph 9 of the framework provisions.

⁶ This will enable the service to continue its operations without interruption until the time when the modified framework provisions come into effect.

⁷ An Office may notify the International Bureau that it will act as a depositing Office only with respect to priority documents relating to patents or trademarks or industrial designs or utility models or any combination thereof. .

⁸ See notes 4 and 5, above, as to the way in which the provisions operate in the context of the applicable law and the provisions of the Paris Convention and other international agreements and understandings.

[Endnote continued on next page]

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⁹ An Office may notify the International Bureau that it will act as an accessing Office only with respect to priority documents relating to patents and utility models or to trademarks or to industrial designs and utility models or any combination thereof.

¹⁰ For example, an accessing Office may notify that it will access the service only to retrieve priority documents for industrial design applications. However, in this case it must accept priority documents based on earlier utility model applications as well as earlier industrial design applications. Offices which have previously participated in the system as accessing Offices for patent applications would similarly be expected to accept priority documents based on earlier utility model applications.

¹¹ Which bibliographic details would be included is a matter to be addressed by the Consultative Group, having regard, for example, to requirements under applicable laws as to maintaining the confidentiality of unpublished applications.

¹² Certificates would be available to the applicant and the Office concerned (but not to others) for viewing on-line or by transmission on request.

¹³ The purpose of paragraph 13) of the framework provisions is to assure applicants that, if they make use of the service complying with the requirements of the provisions, their priority rights will be protected in a case where the priority document concerned is found not to be available to an accessing Office via the service. The time limit of two months referred to in paragraph 13)a) is consistent with the time limit prescribed in PLT Rule 6(1). An Office which follows in general the practice of sending notifications referred to in paragraph 13)a) before the relevant date may of course do so whether or not the priority document in question is the subject of a certificate referred to in paragraph 12). Paragraph 13) does not apply to an accessing Office whose procedures provide for safeguards of the kind set out in paragraph 14)(a), such as the European Patent Office, and need not be applied by an accessing Office whose procedures provide for safeguards of the kind set out in paragraph 14)(b), such as the United States Patent and Trademark Office. Notifications by accessing Offices given to the International Bureau under paragraph 11), and published under paragraph 19)iv), include details of the applicable procedures under paragraphs 13) and 14).

¹⁴ Published details concerning participating digital libraries would include, for example, the date on which a digital library is to commence operations under the service, document format requirements, etc.

¹⁵ The publication of up-to-date details of notifications and Office requirements, and changes therein, is of course vital to applicants wishing to rely on the service as a secure means of satisfying requirements for the provision of priority documents.

¹⁶ As explained in document WIPO/DAS/PD/WG/3/6, paragraphs 18 to 39, the applicant's authorization of access is by means of an "access code" which is generated by the Office of first filing or the International Bureau and provided by the applicant to the Office of second filing.

¹⁷ Regarding the online service, the International Bureau will seek to support the official languages of participating offices that would encourage use and benefit users working in those languages. .

¹⁸ This includes international applications filed under the PCT and under the Hague Agreement for the International Registration of Industrial Designs.

¹⁹ See note 4(iii), above. This agreed understanding applies to priority documents relating to patents, trademarks, industrial designs and utility models.

²⁰ See also Note 4(iv), above.

²¹ See also the definition of "certified" in paragraph 26)iv) of the framework provisions.