

Question 1 : A

In case a European patent is granted in the German language you have to file either an English translation of the description and a Dutch translation of the claims or a complete Dutch translation of the description and claims. In this case the translator was unable to prepare a complete Dutch translation of the description and claims but he was able to prepare a Dutch translation of the claims. The English translation of the description was already available (Art. 52)

Question 2 : D

Where an international application is filed with the International Bureau as receiving Office (RO/IB), the competent International Searching Authority (ISA) is, in accordance with PCT Rule 35.3, that which would have been competent if the international application had been filed with the national Office of, or acting for, a Contracting State of which the applicant is a resident or national.

The applicant at the time of filing the international application was a sole applicant who is a national and resident of Switzerland, the competent receiving Offices for the application are, in addition to the RO/IB, the Swiss Federal Institute of Intellectual Property or the European Patent Office (EPO), and the competent ISA is therefore the EPO.

PCT Applicant's Guide, Annex C - If both applicants had been included in the international application upon filing, you would have had the choice of the EPO or Rospatent, based on the applicants' Swiss and Russian nationalities, respectively. However, as the Russian applicant was added after the application was filed, it is not possible to subsequently request Rospatent to carry out the international search (even if the search has not yet started) as it is the situation at the time of filing the international application that is taken into account when determining the competent ISA.

Question 3 : C

Statement I is correct, statement II is correct

If missing drawings are filed after the day on which the requirements under PCT Article 11 have been met, that later date would be considered by the receiving Office as the international filing date (PCT Article 14(2))6.

Fortunately you appear to have noticed on the same day that the drawings were missing from the initial filing. When filing an international application with the International Bureau as receiving Office (RO/IB) using ePCT-Filing, you can rectify the situation on the **same day** by using a dedicated function in ePCT.

After filing an international application using ePCT-Filing, you can add documents that were omitted at the time of filing and which affect the according of the international filing date (such as the description, claims and/or drawings) as “same day corrections” up until midnight in the time zone applicable to the receiving Office and be accorded the same day as the international filing date. Once that deadline has passed, the same day correction functionality will no longer be available.

The time limit for furnishing missing drawings is two months from the date on which the rest of the papers constituting the international application were first received by the receiving Office (PCT Rule 20.7). If the missing drawings are furnished within that time limit, the date of their receipt becomes the international filing date, unless the applicant is able to confirm in accordance with Rule 20.6 that the missing part concerned was incorporated by reference under PCT Rule 4.18 (see last paragraph of this “Practical Advice”).

When making a same day correction, you have the option of resubmitting the whole application (including the missing drawings), provided that you make it clear that the previous submission should be disregarded entirely, or of **submitting only the missing drawings in order to complete the international application**. In both cases, you will be accorded today’s date as the international filing date, provided that the new submission of the application including the drawings, or just the drawings, as the case may be, are received by the receiving Office today, and that all the requirements under PCT Article 11 have been met.

Question 4 : D

If your amendments under PCT Article 34 are still not ready and the expiration of the time limit under PCT Rule 54bis.1(a) is imminent, and you wish the international preliminary examination to start on the basis of amendments to the claims, the description and/or the drawings under PCT Article 34, it is important to ensure that at least the demand is filed within that time limit.

You should indicate in the demand that you wish the international preliminary examination to start on the basis of amendments under PCT Article 34 by checking the corresponding box(es) in Box No. IV, item 14. If you have indicated in the demand that you wish the international preliminary examination to start on the basis of amendments under PCT Article 34, but no such amendments have, in fact, been submitted, the IPEA will invite you (using Form PCT/IPEA/431), under PCT Rule 60.1(g), to submit the missing amendments within a time limit fixed in the invitation, and will not start the international preliminary examination before it has received the amendments, or before the expiration of the time limit fixed in the invitation (PCT Rule 69.1(e)).

Question 5 : D

Competency ISA and IPEA with Chilean Institute of Industrial Property as receiving Office

When the International patent application is filed with the Chilean Institute of Industrial Property competent ISAs are the EPO, National Institute of Industrial Property (Chile), the Spanish Patent and Trademark Office, Korean Intellectual Property Office and the United States Patent and Trademark Office

The competent IPEAs are EPO (only if EPO or ES are ISA), National Institute of Industrial Property (Chile) (only if CL is ISA), the Spanish Patent and Trademark, Korean Intellectual Property Office and the United States Patent and Trademark Office
(PCT Applicant's guide, International Phase, Annex C (CL))

Language requirements

USPTO: English; EPO: English, French or German; Chile: English and Spanish; Spanish Patent and Trademark Office: English and Spanish; Korea: English and Korean

PCT Applicant's Guide, Annex D (US, EP, ES, CL, KR)

a : EPO is not competent as IPEA as US is ISA (Annex E (EP) note 1)

b: CL is not competent as IPEA as ES is ISA (Annex E (CL) note 1)

c : IPEA – EP Spanish is not allowed

d: ISA – ES and IPEA – EPO is allowed – both accept English

Question 6 : C

Amendments under Art.19 need to be filed 16 months from the earliest priority date or 2 months from the transmittal date of the International Search report, whichever is later (R. 46.1).

Earliest priority date + 16 months = 3 May 2019 + 16 months = 3 September 2020

2 months from the date of transmittal of the international search report: 25 January 2021 + 2 months = **25 March 2021** (which is later)

2 August 2021 is 16 months after the filing date (not the priority date) and therefore wrong.

28 March 2021 is 2 months after receipt of ISR

Note: as the publication has already taken place in November 2020 (18 months from earliest priority date 3 May 2019) the following wording in R. 46.1 is not relevant: provided that any amendment made under Article 19 which is received by the International Bureau after the expiration of the applicable time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed.

Question 7 : C

Rule 80.6 PCT: Where a period starts on the day of the date of a document or letter emanating from a national Office or intergovernmental organization, any interested party may prove that the said document or letter was mailed on a day later than the date it bears, in which case the date of actual mailing shall, for the purposes of computing the period, be considered to be the date on which the period starts. Irrespective of the date on which such a document or letter was mailed, if the applicant offers to the national Office or intergovernmental organization evidence which satisfies the national Office or intergovernmental organization that the document or letter was received more than seven days after the date it bears, the national Office or intergovernmental organization shall treat the period starting from the date of the document or letter as expiring later by an additional number of days which is equal to the number of days which the document or letter was received later than seven days after the date it bears.

Dispatch date + 2m = 3 May 2021 + 2 months = 3 July 2021 (answer a) which is a Saturday ->

(b) Monday 5 July, however invitation not received within 7 days but within 11 days. 4 days delay, which can be added to this date-> **7 July 2021**.

Answer d is wrong as this date is based on EPO 10-d rule.

Question 8 : B

In Japan, the registration fee covers the first three years of the granted patent, the registration fee was timely paid so the next annuity is for the 4th year, payable at the 3rd anniversary of the grant i.e. on 29 April 2024

EP; none

US: 29 October 2024 (3,5 years after grant)

Question 9 : C

EUIPO – Implementing regulation – Article 13 for the formalities on the assignment itself + Article 14 Processing of applications for partial transfer - 1. Where the application for registration of a transfer relates only to some of the goods or services for which the mark is registered, the applicant shall distribute the goods or services in the original registration between the remaining registration and the application for partial transfer so that the goods or services in the remaining registration and the new registration do not overlap. 2. The Office shall establish a separate file for the new registration, which shall consist of a complete copy of the file of the original registration, including the application for registration of the partial transfer and the correspondence relating thereto. The Office shall assign a new registration number to the new registration. 3. Paragraphs 1 and 2 shall apply mutatis mutandis for the purposes of an application to record a transfer of an EU trademark application. The Office shall assign a new application number to the new EU trademark application.

Question 10 : D

[https://www.boip.int/en/entrepreneurs/trademarks/procedure#acceleratedregistration:](https://www.boip.int/en/entrepreneurs/trademarks/procedure#acceleratedregistration)

In this case, the substantive examination and opposition, if any, take place after registration (rather than after publication, as is the case with the standard procedure). Therefore, it is possible that the accelerated registration will be reversed and that you are left without a registered trademark. The cost of your application will not be refunded.

Rule 1.7 Accelerated registration

1. A request for immediate registration of the trademark as referred to in Article 2.8 (2) BCIP may be made on filing the trademark application or during the registration procedure.
2. The Office will publish accelerated registrations, stating the information set out in Rule 1.6.
3. In relevant cases, the publication as referred to in paragraph 2 will indicate the date on which the period for filing an opposition against a trademark expires. Paragraphs 2 and 3 of Rule 1.5 apply *mutatis mutandis*.
4. The Office will publish its decisions concerning cancellation of a registration pursuant to the provisions set out in Article 2.8 (2) BCIP. Publication will first take place after the decision concerning cancellation of the registration is no longer open to any further appeal.
5. If applicable, the Office shall publish the date of commencement of the use obligation, referred to in Article 2.23bis (2) and (4) BCIP

Question 11 : D

As of 1 January 2019 the BOIP has abolished the need for payment of official fees per image with regard to the filing a Benelux design application – see BOIP design fee schedule.

BOIP Implementing Regulation Rule 2.2: A Benelux application may contain different designs, with a maximum of fifty. In such case, the provisions set out in Rule 2.1 (1) (b), (c) and (d), (2) and (4) apply to each design. A different number should be given to each design for identification purposes.

Question 12 : C

Article 53 paragraph 6 EUTMR : The renewal will take effect from the day following the date on which the existing registration expires.

Question 13 : C

Manual from EUIPO finance department on current account - Should a fee be unsuccessfully debited on a particular date, the EUIPO will proceed with a notification of insufficient funds. The client has one month from receipt of notification to replenish their account with sufficient funds in order to cover the fees and administrative charges.

According to ADA (Arrangements for Deposit Accounts) , point 5.2.4 you will receive a notification of insufficient funds of EPO. Once the deposit account is replenished this date will be considered to be the payment date. Since the payment date will then be outside of the 31 month deadline the notification of insufficient funds will be a noting of loss of rights. The fees will be booked in the following order: 001, 002, 005, 006 and 501, until the funds are exhausted. When the account is replenished, the outstanding fees will be debited with effect from the date of replenishment. However, if the deposit account is not replenished in due time and/or a debit order is filed on the last day for paying the fees due, further processing may be required.

Question 14 : A

I and II are both correct:

I - You have to act for the second EU trademark since this one was not registered in 2020 - Continuity of protection in the UK of registered EU trade marks has to be automatically granted free of charge by the UK as of the end of the transition period, in form of an additional comparable UK trade mark (same sign, same goods and services, same filing/priority date, same UK seniority, Article 54 UK Withdrawal Agreement)

II - You only have to apply for a comparable UK trademark for the second EU trademark.

Article 59 of the withdrawal agreement + EUIPO General Additional Guidance for Right Holders and Representatives: Holders of a EU trade mark application with a date of filing prior to the end of the transition period have the right to keep that application's priority date where they apply for a comparable UK trademark, provided that they file such application at UKIPO within nine months from the end of the transition period i.e. September 30, 2021.

Question 15 : D

I - Not correct, Accelerated examination can be requested at any time once responsibility for the application has passed to the examining division, which is from the time when a request for examination is filed (Rule 10(2))

II - Not correct, a PACE request may be filed only once during each stage of the procedure.

We refer to the Official journal November 2015 A93.

Question 16 : D

Related articles and rules: Priority within 12 months: Art. 87 EPC. Declaration of priority within 16 months Art. 88(1) + R. 52 (2).

Rule 53(1) filing of priority document within 16 months from earliest priority date claimed. If not filed invitation under Rule 59 will be dispatched, e.g. to file within 2 months. If this time limit is not observed and priority document not filed, priority is lost.

Further processing, if applicant fails to observe the time limit in the invitation Rule 59 received from the EPO to file the certified copy is **not** possible = Rule 135(2).
Reestablishment is possible Art. 122.

Translation of copy if not in official language: R. 53(3)

Question 17 : B

Representation is governed by Art. 133 EPC

Representation is not required for acts leading to accordance of date of filing: Art.133(2) EPC

133(2) Natural or legal persons not having their residence or principal place of business in a Contracting State shall be represented by a professional representative and act through him in all proceedings established by this Convention, other than in filing a European patent application; the Implementing Regulations may permit other exceptions.

Authorisation of a representative: Rule 152(1) EPC, Authorisation can be filed by applicant:
GL A-VIII,1.5

Claims fees are due for each claims over 15 (Rule 45 (1) EPC), within one month of filing the first set of claims but can still be paid within one month of a communication concerning the failure to observe the time limit (Rule 45(2) EPC).

Fees may be validly paid by any person (GL A-X,1)

Question 18 : A

Rule 70(1) the applicant may request examination of the European patent application up to six months after the due date on which the European patent bulletin mentions the publication of the European search report. The request may not be withdrawn.

17 December 2020 + 6 months = **17 June 2021**

17 December 2020 + 10 days + 6 months = 27 June 2021 (Sunday) so 28 June 2021

4 January 2021 + 6 months = 4 July 2021 (Sunday) so 5 July 2021

4 January 2021 + 6 months + 10 days = 14 July 2021

Enclosures:

EPO calendar 2019

EPO calendar 2020

EPO calendar 2021

Question 19 : C

Statement I: Rule 64(1) If the European Patent Office considers that the European patent application does not comply with the requirement of unity of invention (Art 82 and Rule 44), it shall draw up a partial search report on those parts of the application which relate to the invention, or the group of inventions within the meaning of Article 82, first mentioned in the claims. It shall inform the applicant that, for the European search report to cover the other inventions, a further search fee must be paid, in respect of each invention involved, within a period of two months. The European search report shall be drawn up for the parts of the application relating to inventions in respect of which search fees have been paid.

Statement II: Rule 62a(1) If the European patent office considers that the claims as filed do not comply with rule 43(2), it shall invite the applicant to indicate, within a period of 2 months, the claims complying with rule 43 on the basis of which the search is to be carried out. If the applicant fails to provide such an indication in due time, the search shall be carried out on the basis of the first claim in each category.

Question 20 : D

- a. Not correct, Notice of opposition must be filed within 9 months after publication of the mention of the grant date, is 8 July 2021. Art. 99(1) EPC. 8 October + 10 days + 9 months = 18 July 2021 (Sunday) so 19 July 2021. Only you don't have 10 days.
- b. Not correct, fee must be paid within 9 months, Art.99(1) EPC
- c. Not correct, The opposition shall apply to the European patent in all the Contracting States in which the patent has effect, Art. 99(2) EPC
- d. Correct, Rule 75 EPC

Enclosures:

EPO calendar 2020

EPO calendar 2021

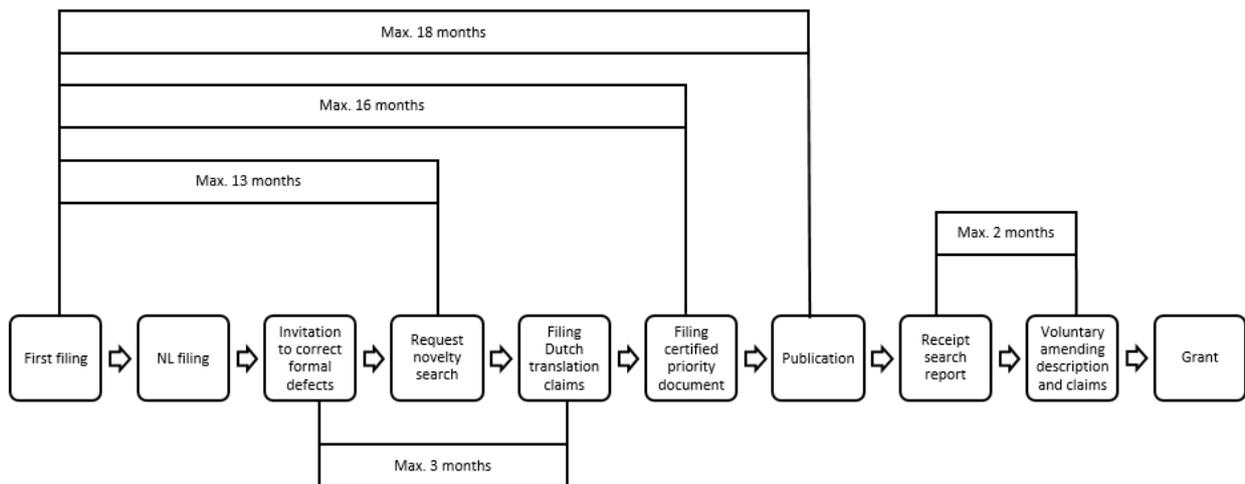
Case 1

Procedural steps:

- A. Filing Dutch translation of the claims (art. 24(3) + art. 30(1+2) ROW)
- B. Filing certified priority document (art. 9(8) ROW)
- C. Filing voluntary amendments to description and claims (art. 28(4) ROW)

Time periods:

- 1. Max. 13 months (art. 32(1b) ROW 1995)
- 2. Max. 3 months (art. 24(3) + art. 30(1+2) ROW)
- 3. Max. 16 months (art. 9(8) ROW)



Case 2

a.

You can use a registration as well as an application as a basis

Guide to the international Registration of Marks under the Madrid Agreement and the Madrid Protocol - Chapter II – BII – 01.01

The Madrid System is founded on the requirement of a basic national or regional registration or application for registration. Under the Agreement, an applicant for the international registration of a mark must have already obtained registration of the mark in the country of origin (basic registration). Under the Protocol, an international application may be based on either a registration with the Office of origin (basic registration) or on an application for registration filed with that Office (basic application). The international application may relate only to goods and services covered by the basic application or registration.

b.

Yes

Guide to the international Registration of Marks under the Madrid Agreement and the Madrid Protocol - Chapter II – BII – 01.02

In most cases, the international application will be based on a single registration or application which covers the goods and services listed in the international application. It is, however, possible to base an international application on several registrations (under the Agreement) or on several applications and/or registrations (under the Protocol) which together cover the goods and services to which the international application relates. The basic applications and/or registrations must all be in the name of the person filing the international application and must have been made with the same Office. For the sake of simplicity, the following text refers only to a basic application or basic registration, it being understood that this includes the possibility of several basic applications and/or registrations.

c.

No

Guide to the international Registration of Marks under the Madrid Agreement and the Madrid Protocol - Chapter II – BII – 07.31

Priority of an earlier filing may be claimed under Article 4 of the Paris Convention. That earlier filing will normally be the basic application or the application which resulted in the basic registration. However it may also be:

– another application made either in a country party to the Paris Convention or in a member of the World Trade Organization (WTO) even if the latter is not a party to the Paris Convention; or

– an application which, under a bilateral or multilateral treaty concluded between countries of the Paris Union, is equivalent to a regular national filing.

d.

BOIP

<https://www.boip.int/en/ip-professionals/registration-maintenance/outside-the-benelux/international-trademark>

International trademarks are registered by the World Intellectual Property Organisation (WIPO) in Geneva, Switzerland. An international application must always be based on a previous basic registration (e.g. a Benelux trademark or an EU trademark). The application is therefore always made via the originating office.

Guide to the international Registration of Marks under the Madrid Agreement and the Madrid Protocol - Chapter II – BII – 07.77

e.

Yes, that is possible:

- 1) A request for continued processing must be filed with the International Bureau
- 2) through official form MM20
- 3) Within two months after the failed time limit has ended
- 4) the fee for continued processing must be paid

Guide to the international Registration of Marks under the Madrid Agreement and the Madrid Protocol – Rule 5bis / 09.23bis If the applicant has failed to meet the time limit of three months to remedy an irregularity, the applicant has the option to request continued processing.

f.

No, it is not possible to subsequently designate both countries (0.5)

It is only possible to successfully subsequently designate the Philippines.

For both countries the exception applies that they can only be subsequently designated when the international trademark registration has been performed after the date of entry of the member state to the Madrid System. See footnote 8 on the list of members to the

Madrid System. The Philippines entered the Madrid System on July 25, 2012. Brazil entered the Madrid System on October 2, 2019.

g.

It is not possible to renew an international trademark registration for less classes by means of the renewal form. First a limitation of goods/services needs to be recorded, after which the renewal request can be filed.

Guide to the international Registration of Marks under the Madrid Agreement and the Madrid Protocol - Chapter II – BII – 85.02 – Article 7(2) - Since renewal is considered to be a simple prolongation of the period of protection of the international registration against payment of the necessary fees, it may not include any change in relation to the international registration in its latest form, that is at the expiry of the current period of protection. Therefore, no change in the name or address of the holder or in the list of goods and services may be made as part of the renewal procedure. Any such changes which the holder wishes to have recorded in the International Register when the registration is renewed must be communicated separately to the International Bureau according to the applicable procedures. They will be included in the data recorded at renewal only if they are recorded in the International Register not later than the date of expiry of the international registration.

h.

A simple request for renewal can be filed. In the renewal form it is possible to indicate for which countries the registration needs to be renewed.

Guide to the international Registration of Marks under the Madrid Agreement and the Madrid Protocol - Chapter II – BII – 85.03 - The following two situations are not regarded as a change to the international registration which, according to Article 7(2) of the Agreement and Article 7(2) of the Protocol, may not be included in the renewal: (i) the international registration may be renewed for some only of the Contracting Parties covered (in that case, the payment of fees must be accompanied by a statement listing the Contracting Parties for which no renewal is to be recorded); and (ii) the international registration is renewed for only those goods and services which are effectively protected in a given designated Contracting Parties and not for those goods and services for which a refusal has been recorded under Rule 18ter(5) of the Common Regulations.

i.

- 1) Basic application/registration of basic mark
- 2) Receipt by office of origin
- 3) Receipt by WIPO
- 4) Formal examination by WIPO
- 5) Registration by WIPO in international trademark register
- 6) Receipt by Designated Office

- 7) Substantive examination by Designated Office
- 8) Grant/refusal by Designated Office

https://www.wipo.int/madrid/en/how_madrid_works.html

How the Madrid System Works

The International Trademark Registration Process



Case 3

a.

Webform filing

CMS

EPOLine

Fax

Post

By hand

Rule 2(1). Guidelines A-II, 1.1; A-II, 1.2. European Patent Guide – How to get a European patent 4.3

b.

Art. 80 + Rule 40(1) EPC

- indication that a European patent is sought
- information identifying the applicant or allowing applicant to be contacted
- description

c.

- request for grant form Art. 78(1)
- one or more claims Art. 78(1)
- abstract Art. 78(1)
- payment of filing fee Art. 78(2) EPC
- payment search fee Art. 78(2) EPC
- payment of page fees Art. 78(2) EPC
- payment of designation fee
- payment of examination fee
- request for examination
- filing a translation
- sequence listing in case of sequence
- meeting the physical requirements (form, paper, lay-out of description and drawings) of Rules 46 and 49, paragraphs 1-9 and 12

d.

Figaro B.V.

Rule 151: first mentioned applicant will be deemed common representative.

e.

Which fees need to be paid for EPA2 to avoid withdrawal or abandonment of the application before examination starts, assuming it will be filed on 12 July 2021 with the same description, claims, drawings and abstract as EPA1?

+

f.

What is the time limit to pay each of these fees, without using further processing and without payment of surcharge?

- Filing fee: 1 month after filing; Rule 36(3) EPC
- Search fee: 1 month after filing; Rule 36(3) EPC
- Designation fee: 6 months of the date on which the European Patent Bulletin mentions the publication of the European search report; Rule 36(4) EPC
- Examination fee: 6 months of the date on which the European Patent Bulletin mentions the publication of the European search report; Rule 70(1) EPC
- Renewal fee (for third year): 4 months of filing; Rule 51(3) EPC

Case 4

a.

Waterpomptang B.V. is a Dutch company, so a resident of The Netherlands. PCT AG-I 5.008, Annexes C indicate for each contracting state the authorities with which its nationals and residents may, as applicants, file international applications. So the following options are available for Waterpomptang B.V. at the choice of the applicant (see Annex C)

- Netherlands Patent Office
- European Patent Office (EPO), or
- International Bureau of WIPO (IB)

b.

Filing fee, page fees for 9 pages; transmittal fee, search fee.

Due date is Monday 19-Apr-21.

AG 5.184: Filing fee, transmittal fee, search fee

AG 5.191 Fees mentioned in AG 5.184 are due one month from receipt of application by rO. Due date is 17-Apr-2021, which is a Saturday, so postponed to first working day: Monday 19 Apr 2021

- Filing fee, incl. page fee for each page over 30
- Transmittal fee
- Search fee

c.

No, it is not needed to file a translation.

AG 5.013: Application must be filed in a language that is accepted by the rO. EPO is rO, French is a language accepted by the EPO (see Annex C EP).

Translation is necessary if language in which the application was filed is not accepted by ISA. EPO is ISA (see Annex C EP), EPO as ISA accepts French (see Annex D EP), so no translation needed have the application searched. Translation is needed if language in which the application is filed is not a publication language.

Note 1: the applicant may suggest an English translation of title and abstract. This then needs to be filed at the latest 14 months after the priority date. The IB will take this suggestion into account in as far as possible.

Note 2: The IB also prepares an English translation of the ISR, but that is not part of the application, so no need to mention in in the answer.

The IB will prepare an English translation of the abstract and title. AG-I 9.017

AG 9.017: French is a publication language, so the application will be published in French. For applications to be published in French (or any other non-English publication language) the IB will prepare a translation of the title, abstract, and ISR.

d.

Yes

The later of 16 months after corrected priority or 4 months after filing date

4 months after filing date PCT-WBV: 17 July 2021

Corrected priority date: filing date of NL-WBV 16 November 2020

16 months after corrected priority date 16 March 2022

Latest date to have priority claim added **16 March 2022**

AG-I 6.038 Any defective priority claim may be corrected and any missing priority claim added by a notice which may be submitted to the receiving Office or the International Bureau of WIPO. The time limit for correcting or adding a priority claim is 16 months from the priority date or, where the correction or addition would cause a change in the priority date, 16 months from the priority date as so changed, whichever 16 month period expires first, provided that a notice correcting or adding a priority claim may in any event be submitted until the expiration of four months from the international filing date.

e.

1. Country of filing / 2. Application date / 3. Application number

AG-I 5.057: (...) The priority claim must contain the necessary indications which allow the earlier application to be uniquely identified. If the earlier application was a national application, it must indicate the country in which it was filed, the date on which it was filed and the number under which it was filed. Where the earlier application was a regional application, the priority claim must indicate the Office with which it was filed; (...)

f.

Receiving Office (EPO) or IB

AG-I 6.038: Any defective priority claim may be corrected and any missing priority claim added by a notice which may be submitted to the receiving Office or the International Bureau of WIPO. (...)

g.

IB of rO (EPO) which will then forward to IB through DAS code of NL-WBV or certified copy

AG-I 5.070: a certified copy of the earlier application (whether it is a national, regional or international application) must be submitted by the applicant either to the International Bureau of WIPO or to the receiving Office

AG-1 5.070: Furthermore, where the priority document is available to the International Bureau of WIPO from a digital library in accordance with Rule 17.1(b-bis) and Section 715(a), the applicant may, prior to the date of international publication, request the International Bureau to obtain the priority document from such a digital library (see paragraph 5.070B).

AG-I 5.070A: The only available “digital library” in the PCT system is the WIPO Digital Access Service (DAS). This offers access to earlier applications filed at the receiving Office of the International Bureau of WIPO and a number of national Offices for use as priority documents.

AG-I 5.070B: The procedural steps that the applicant needs to follow so that the earlier application will be available to the International Bureau of WIPO are set out on the DAS website at the following address: <https://www.wipo.int/das/en/description.html> and on the individual web sites of the participating offices (see the list at https://www.wipo.int/das/en/participating_offices.html)