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## EPO INTRODUCES NEW MECHANISM FOR AUTOMATIC INCLUSION OF PRIORITY DOCUMENTS

The European Patent Office (EPO) has introduced a new and expanded mechanism for the automatic inclusion of priority documents into the file of a European patent application, be it a direct European application or a European application resulting from the EP phase entry of a PCT application.

Up until now, the EPO automatically included a copy of the priority document into the file of a European patent application if the priority document was:

- an earlier European patent application,
- a PCT application filed with the EPO as receiving Office,
- a Chinese patent or utility model application,
- a Japanese patent or utility model application,
- a Korean patent or utility model application, or
- a US provisional or non-provisional patent application.

Only in those rare cases where the EPO was not able to include a copy of the EP, PCT, CN, JP, KR or US priority application in the file of the European patent application would the applicant then have to procure a certified copy of that priority application from the Office where that priority application had been filed, and then file the certified copy with the EPO.

Under the new system, the EPO will automatically include a copy of the priority document into the file history of the European patent application if the applicant files a request for retrieval of that priority document via the WIPO Digital Access Service (DAS) using the indicated access code, and provided that the local Office where the priority application was filed participates in the system.

The WIPO DAS system is very user-friendly, as it simply requires the applicant to request the Office where the priority application is filed to make priority documents available to the system and then to request other Offices (e.g. the EPO in the case of a European patent application) to automatically retrieve that priority application via the system. According to the WIPO DAS system, the exchange of priority documents then takes place electronically between the Offices, without the applicant having to procure a certified copy of the patent application from the Office where it was filed and then filing that certified copy with the EPO.

The WIPO DAS system and the inclusion of the thus retrieved priority documents by the EPO into the European patent application's file history is free of charge.

The reliance of the EPO on the WIPO DAS system thus represents a significant step forward in the direction of intra-Office document exchange, which is of course beneficial for all applicants as it reduces the bureaucratic burden at their end when seeking patent protection via the EPO.