



NEWSLETTER

SEP 10, 2026 NO.20260910-E1

Taiwan and the United States Launch Patent Priority Document Electronic Exchange (PDX), effective as of September 4, 2026

In Taiwan, an Applicant who files a patent application claiming the priority of the same invention (or creation) from the World Trade Organization (WTO) members or countries that mutually recognize priority with Taiwan, must submit a priority document within 16 months (10 months for design patent) from the earliest priority date. If the country or WTO member has an electronic exchange cooperation with Taiwan on patent data, the Applicant can state the electronic exchange or provide access code in the application form. In such a case, the submission of a hardcopy priority document is not required. To facilitate Applicants in claiming priority for patent applications, the Taiwan Intellectual Property Office (TIPO) and the United States Patent and Trademark Office (USPTO) have launched the electronic exchange program for patent priority documents starting September 4, 2026.

The above PDX program applies to all patent types filed in Taiwan (invention, utility model, and design) and national patents (utility patents and design patents) filed in the United States. It does not cover PCT-based patent applications filed in the United States. Although Taiwan is not a contracting state to PCT, Applicants can still claim a PCT priority within 12 months when filing the patent application in Taiwan. Instead of PDX access code, Applicants can submit a certified priority document in paper or an electronic file that meets the TIPO requirements and attest that the electronic file conforms to the original.

According to the Operation Directions Governing Priority Document Exchange (PDX) by Means of Electronic Communication between TIPO and USPTO, this PDX mechanism also applies to patent applications filed before September 4, 2026. Notably, the Directions stipulate that if there are errors in the access code/information submitted by the Applicant, or other factors attributable to the Applicant, causing the TIPO to be unable to retrieve the correct electronic priority document through PDX, the TIPO will notify the Applicant to make a response within two months. The Applicant may reply by either submitting the correct access code/information or supplementing a paper copy of the certified priority document. Failure to respond within the prescribed period may result in the priority document being deemed not to have been submitted.

For a patent application first filed with the TIPO (referred to as the "basic application"), and then filed with the United States by claiming a priority in Taiwan, the Applicant may apply to the TIPO for either an access code or a paper version of the certified priority document for the basic application. If the Applicant only requires the access code of the priority document, no official fee is payable, and the access code is not limited to use in a US patent application. For example, the same access code can also be used for the priority document when the same patent claiming Taiwan priority is filed in Japan (because Taiwan and Japan have implemented PDX program). However, if the applicant chooses to obtain a certified paper copy of the priority document, an official fee of NT \$1,000 is required per copy.

The access code issued by the TIPO is displayed by four digits including a letter (A~F) and three numbers (0~9), such as A123. The access code issued by the USPTO has also four digits, but all are in numeric form, such as 0100. ※