



WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

ADMINISTRATIVE INSTRUCTIONS UNDER THE
PATENT COOPERATION TREATY (PCT)
STANDARD FOR THE ELECTRONIC FILING AND PROCESSING
OF INTERNATIONAL APPLICATIONS

INSTRUCTIONS ADMINISTRATIVES DU
TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS (PCT)
NORME CONCERNANT LE DÉPÔT ET LE TRAITEMENT ÉLECTRONIQUES
DES DEMANDES INTERNATIONALES

PROPOSAL FOR CHANGE FILE DOSSIER RELATIF À LA PROPOSITION DE MODIFICATION			
SUBJECT: Changes to Annex F, Appendix I, section 3.6 (sequence list) SUJET : Modifications de la section 3.6 de l'appendice I de l'annexe F (sequence list)		PROPOSED BY: IB PROPOSÉE PAR :	
HANDLING: Expedited cycle TRAITEMENT : Cycle accéléré		PROPOSED DATE OF ENTRY INTO FORCE: 01.07.2009 DATE PROPOSÉE D'ENTRÉE EN VIGUEUR :	
ANNEX/ ANNEXE	CONTENT/CONTENU	ORIGIN/ ORIGINE	DATE
1	Updates to package-data DTD, request DTD and Fees DTD adding additional sequence listing functionality	IB	20.01.2008
2	Comments by the International Bureau	IB	10.03.2009
3	Comments by the Korean patent Office	KR	19.03.2009
4	Comments by the European Patent Office	EP	27.03.2009
5	Comments by the Intellectual Property Office of New Zealand	NZ	30.03.2009
6	Comments by the Swiss Patent Office	CH	31.03.2009
7	Comments by the Japan Patent Office	JP	31.03.2009
8	Comments by the Russian Patents and Trademark Office	RU	31.03.2009
9	Comments by the Russian Patents and Trademark Office	RU	02.04.2009
10	Comments by the European Patent Office	EP	08.04.2009
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11	Comments by the International Bureau	IB	24.04.2009
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[Annex follows/
L'annexe suit]

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ANNEX I/ANNEXE I

UPDATES TO DTD RELATING TO SEQUENCE LISTINGS AND TABLES

1-1) package-data	<p>Change:</p> <pre> <!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of ST.25 and be an external file --> <!ELEMENT sequence-list EMPTY> <!--ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal- electronic external-electronic paper) #IMPLIED seq-file-type CDATA #FIXED 'ST.25' status CDATA #IMPLIED > </pre> <p>To:</p> <pre> <!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the description part of the application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of Annex C/ST.25 and be an external </pre>
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	<pre> file --> <!ELEMENT sequence-list EMPTY> <!ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal- electronic external-electronic paper) #IMPLIED seq-file-type CDATA #REQUIRED 'ST.25' or 'ST.25 TEXT' status CDATA #IMPLIED part-of-application (yes no) #IMPLIED > </pre>
Items impacted	ST.36 element sequence-list, package-data.dtd
Reason	<p>There are two changes in the element</p> <p>a) update to attribute seq-file-type to permit the differentiation at the file level as to whether the sequence listing is in a ST.25 text format that is processible by applications including PatentIn or in another no-processible format</p> <p>and,</p> <p>b) add an attribute to indicate, again at the file level, whether the specific sequence listing file referenced by each instance of the sequence-list element forms part of the application (yes) , or is furnished for other purposes (no).</p>

1-2) request	<p>Change:</p> <pre> <!-- Checklist; a sequence listing is being furnished quantity - the number of sequence listing files furnished (not including copies) --> <!ELEMENT cl-sequence-listing EMPTY> <!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED for-search-only (yes no) #IMPLIED additional-copies-including-search-copy (yes no) #IMPLIED with-identifying-statement (yes no) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED > </pre> <p>To:</p> <pre> <!-- Checklist; a sequence listing or sequence listings is/are being furnished --> <!ELEMENT cl-sequence-listing EMPTY> </pre>
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Annex I/Annexe I, page 3

	<pre> <!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED for-search-only (yes no) #IMPLIED additional-copies-including-search-copy (yes no) #IMPLIED with-identifying-statement (yes no) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED carriers-type (FD CD DVD) #IMPLIED carriers-quantity CDATA #IMPLIED size CDATA #IMPLIED > </pre>
Items impacted	ST.36 element cl-sequence-list, request.dtd
Reason	<p>This element from July 1, 2009 needs to support 4 cases none of which are available for PAPER filings:</p> <p>a) ST.25 IMAGE FORMAT FILE ONLY (E-FILE) b) ST.25 TEXT FORMAT FILE ONLY (E-FILE) c) BOTH ST.25 IMAGE AND TEXT FORMATS (E-FILE) d) ST.25 TEXT FORMAT ONLY NOT AS PART OF APP (EASY, E-FILE)</p> <p>a) Sequence listing(s) in ST.25 IMAGE format as a separate files as part of the description (not for the purposes of search), but not ST.25/Annex C text format compliant</p> <p>e.g. <cl-sequence-listing quantity 1 page-count 42 > or <cl-sequence-listing quantity 3 page-count 42 ></p> <p>The USPTO support physical medium for ST.25 image format files? - its logical as these will be bigger than the text files!</p> <p>b) Sequence listing(s) file(s) in ST.25/Annex C text format, filed as part of the description of the application, furnished for both this aforementioned purpose, and that of international search</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="no" carriers="internal-electronic" ></p> <p>OR <cl-sequence-listing quantity 1 for-search-only="no" carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes,TOTAL for multiple files)></p> <p>c) Sequence listing(s) in ST.25 format as a separate file(s) as part of the description, but not compliant with ST.25/Annex C text format PLUS sequence listing(s) file(s) in ST.25/Annex C text format furnished for the purpose of international search only</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="yes" (applying only to the text compliant file) with-identifying-statement="yes" page-count 42 (applying to the Description non text compliant file) carriers="external-electronic"</p>

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	<pre> carriers-type="CD" carriers-quantity=1 size=42123 (Bytes, TOTAL for multiple files) > d) sequence listing(s) in ST.25/Annex C text format (files) furnished for the purpose of international search ONLY (Where for the purposes of the description part of the application the sequence listing is embedded in the text of the main part of the description or the application is a PCT-EASY (diskette plus paper filing accompanied by an electronic carrier for transmission to the searching authority). e.g. <cl-sequence-listing quantity 1 (or 2...n) for-search-only="yes" with-identifying-statement="yes" size=42123 (Bytes,TOTAL for multiple files) > or <cl-sequence-listing quantity 1 (or 2...n) for-search-only="yes" with-identifying-statement="yes" carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes,TOTAL for multiple files) > Furthermore there is an additional requirement to record the size in KB for ST.25/Annex C text format files, and support the filing of this format of file using a separate physical carrier to support receiving offices who support this option (EFS WEB).</pre>
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[Annex II follows/
L'annexe II suit]

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ANNEX II/ANNEXE II

Comment by The International Bureau

Changes to cl-sequence-listing also impact the demand element and demand.DTD.

Changes to sequence-list also impact wo-published-application.DTD and the
xx-patent-document DTD as both DTDs contain the element.

[Annex III follows /
L'annexe III suit]

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ANNEX III/ANNEXE III

Comments by the Korean Patent Office

This is in reference to circular C.PCT 1162, note that we have no objection to the proposed changes to the standard for the Electronic filing and processing of international applications under PCT.

[Annex IV follows /
L'annexe IV suit]

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ANNEX IV/ANNEXE IV

Comments by the European Patent Office

The EPO essentially agrees with the PFR.

Proposal 1

The proposed changes include :

```
seq-file-type CDATA #REQUIRED 'ST.25' or 'ST.25 TEXT'
```

Could the IB please clarify the meaning of this line, is it:

```
seq-file-type CDATA #REQUIRED
```

where the text 'ST.25' or 'ST.25 TEXT' is meant to suggest values in the comment of the tag,
or

,

```
seq-file-type ( ST.25 | ST.25.TEXT ) #REQUIRED
```

Both solutions are acceptable for the EPO.

Proposal 2

The field of data carriers is a fast evolving technological area. It appears that limiting the attribute carriers may become a cumbersome source of updates for the DTD.

If the type of data carrier is needed at all, the EPO prefers to leave it open and suggests the following definition:

```
carriers-type CDATA #IMPLIED
```

If the enumeration is kept, the EPO suggests to add a value "online" (or similar) to indicate the sequence listings were filed online.

[Annex V follows /
L'annexe V suit]

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ANNEX V/ANNEXE V

Comment by the Intellectual Property Office of New Zealand

Re your email PFC/EF/009-001

We have no issues to raise with respect to the proposed changes.

[Annex VI follows /
L'annexe VI suit]

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ANNEX VI/ANNEXE VI

Comment by the Intellectual Property Office of Switzerland

Dear TF-members,
we agree with both PFRs.
Kind regards

[Annex VII follows /
L'annexe VII suit]

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ANNEX VII/ANNEXE VII

Comment by the Japan Patent Office

In item 1-1) of PFC09/001, the change to the attribute: “seq-file-type” is proposed. The JPO would like to draw your attention to the fact that the proposed change alters the nature of the value: “ST.25” in it. The attribute proposed to be changed would permit only the sequence listing in a ST.25 non-text (image or paper) format, while the current attribute permits sequence listing in both a ST.25 non-text format and a ST.25 text format. This means the same value: “ST.25” would have a different nature before and after the proposed change became effective. In order to avoid the confusion the difference may incur, the JPO would like to suggest that the same value should maintain the same nature to ensure backward compatibility. In this regard, the JPO would like to propose that the attribute: “seq-file-type” remain unchanged and a new attribute: “electronic-format-type” be added as follows.

<!ELEMENT sequence-list EMPTY>

<!ATTLIST sequence-list

id ID #IMPLIED

file CDATA #REQUIRED

lang CDATA #IMPLIED

carriers (internal-electronic |
external-electronic |
paper) #IMPLIED

seq-file-type CDATA #FIXED 'ST.25' (remain unchanged)

electronic-format-type (text | other) #IMPLIED (proposed to be newly added)

status CDATA #IMPLIED

part-of-application (yes | no) #IMPLIED >

[Annex VIII follows /
L'annexe VIII suit]

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ANNEX VIII/ANNEXE VIII

Comment by The Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT)

As for proposals PFR ST.36-2009-003 and PFR ST.36-2009-004 specialists of the RUPTO have no any objections.

[Annex IX follows /
L'annexe IX suit]

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ANNEX IX/ANNEXE IX

Comment by The Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT)

1-1) Package-data

It seems that the proposed update of **seq-file-type** attribute in **sequence-list** element, namely p.(a) concerning differentiation between the formats processible by PatentIn or not could provide necessity to amend the national DTDs and consequently to change the internal processes within IPOs.

In order to avoid this necessity we would propose to consider adding new optional attribute indicating the data format explicitly, e.g. optional attribute **seq-file-format CDATA #IMPLIED** where the "TEXT" value of the attribute would correspond to "ST.25 TEXT" value of seq-file-type as proposed.

1-2)

We'd propose not to limit the medium types by floppy disc, CD and DVD. The list could be: **carriers-type (FD | CD | DVD | BD | other)**, where BD stands for Blu-Ray Disc.

[Annex X follows /
L'annexe X suit]

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Comment by European Patent Office

From the discussion thread regarding the related PFR ST.36/2009/003:

With respect to the amended Proposal 2 of **PFR ST.36/2009/003**:

The **EPO agrees with the IB proposal**.

The EPO would like nevertheless to have some practical examples, in particular, of the markup of a sequence listing filed online.

[Annex XI follows /
L'annexe XI suit]

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Comments by The International Bureau

Thank you to all contributors to this discussion, either by directly commenting with regards to this PFC, or indirectly, by commenting on the corresponding PFR.

There appear to have been two items in the discussion that require a modification of the proposal. Having reviewed the comments and proposals the following final version is proposed as (for the modified parts):

Proposal 1 – accept proposal from JPO, noting similarity with proposal from ROSPATENT

<!ELEMENT sequence-list EMPTY>

<!ATTLIST sequence-list

id ID #IMPLIED

file CDATA #REQUIRED

lang CDATA #IMPLIED

carriers (internal-electronic |
external-electronic |
paper) #IMPLIED

seq-file-type CDATA #FIXED 'ST.25' (remain unchanged)

electronic-format-type (text | other) #IMPLIED (proposed to be newly added)

status CDATA #IMPLIED

part-of-application (yes | no) #IMPLIED >

Proposal 2 - accept proposal from ROSPATENT

carriers-type (FD | CD | DVD | BD | other) #IMPLIED

The revised proposal, in its entirety follows:

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1-1) package-data	<p>Change:</p> <pre> <!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of ST.25 and be an external file --> <!ELEMENT sequence-list EMPTY> <!ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal- electronic external-electronic paper) #IMPLIED seq-file-type CDATA #FIXED 'ST.25' status CDATA #IMPLIED > To: <!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "The sequence listing as defined in paragraph 2(i) shall, where it is filed together with the application, be placed at the end of the description part of the application. This part shall be entitled Sequence Listing, begin on a new page and preferably have independent page numbering. The sequence listing forms an integral part of the description; it is therefore unnecessary, subject to paragraph 36, to describe the sequences elsewhere in the description." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of Annex C/ST.25 and be an external file --> </pre>
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	<pre> <!ELEMENT sequence-list EMPTY> <!-- file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED seq-file-type CDATA #FIXED 'ST.25' electronic-format-type (text other) #IMPLIED status CDATA #IMPLIED part-of-application (yes no) #IMPLIED --> </pre>
Items impacted	ST.36 element sequence-list, package-data.dtd
Reason	<p>There are two changes in the element</p> <p>b) Add attribute electronic-format-type to permit the differentiation at the file level as to whether the sequence listing is in a ST.25 text format that is processible by applications including PatentIn or in another non-processible format</p> <p>and,</p> <p>b) Add an attribute to indicate, again at the file level, whether the specific sequence listing file referenced by each instance of the sequence-list element forms part of the application (yes) , or is furnished for other purposes (no).</p>

1-2) request	<p>Change:</p> <pre> <!-- Checklist; a sequence listing is being furnished quantity - the number of sequence listing files furnished (not including copies) --> <!ELEMENT cl-sequence-listing EMPTY> <!-- cl-sequence-listing quantity CDATA #REQUIRED for-search-only (yes no) #IMPLIED additional-copies-including-search-copy (yes no) #IMPLIED with-identifying-statement (yes no) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED --> </pre> <p>To:</p> <pre> <!-- Checklist; a sequence listing or sequence listings is/are being furnished For carriers-type the listed values represent: FD - Floppy Disc CD -Compact Disc BD - Blu-Ray Disc DVD - Digital Versatile Disc Other - Other media types --> <!ELEMENT cl-sequence-listing EMPTY> </pre>
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	<pre> <!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED for-search-only (yes no) #IMPLIED additional-copies-including-search-copy (yes no) #IMPLIED with-identifying-statement (yes no) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED carriers-type (FD CD BD DVD other) #IMPLIED carriers-quantity CDATA #IMPLIED size CDATA #IMPLIED > </pre>
Items impacted	ST.36 element cl-sequence-list, request.dtd, demand.dtd
Reason	<p>This element from July 1, 2009 needs to support 4 cases none of which are available for PAPER filings:</p> <p>a) ST.25 IMAGE FORMAT FILE ONLY (E-FILE) b) ST.25 TEXT FORMAT FILE ONLY (E-FILE) c) BOTH ST.25 IMAGE AND TEXT FORMATS (E-FILE) d) ST.25 TEXT FORMAT ONLY NOT AS PART OF APP (EASY, E-FILE)</p> <p>a) Sequence listing(s) in ST.25 IMAGE format as a separate files as part of the description (not for the purposes of search), but not ST.25/Annex C text format compliant</p> <p>e.g. <cl-sequence-listing quantity 1 page-count 42 > or <cl-sequence-listing quantity 3 page-count 42 ></p> <p>The USPTO support physical medium for ST.25 image format files? - its logical as these will be bigger than the text files!</p> <p>b) Sequence listing(s) file(s) in ST.25/Annex C text format, filed as part of the description of the application, furnished for both this aforementioned purpose, and that of international search</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="no" carriers="internal-electronic" ></p> <p>OR <cl-sequence-listing quantity 1 for-search-only="no" carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes, TOTAL for multiple files)></p> <p>c) Sequence listing(s) in ST.25 format as a separate file(s) as part of the description, but not compliant with ST.25/Annex C text format PLUS sequence listing(s) file(s) in ST.25/Annex C text format furnished for the purpose of international search only</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="yes" (applying only to the text compliant file) with-identifying-statement="yes" page-count 42 (applying to the Description non text compliant file) carriers="external-electronic" carriers-type="CD"</p>

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	<pre>carriers-quantity=1 size=42123 (Bytes, TOTAL for multiple files) ></pre> <p>d) sequence listing(s) in ST.25/Annex C text format (files) furnished for the purpose of international search ONLY (Where for the purposes of the description part of the application the sequence listing is embedded in the text of the main part of the description or the application is a PCT-EASY (diskette plus paper filing accompanied by an electronic carrier for transmission to the searching authority).</p> <p>e.g. <cl-sequence-listing quantity 1 (or 2...n) for-search-only="yes" with-identifying-statement="yes" size=42123 (Bytes, TOTAL for multiple files) ></p> <p>or <cl-sequence-listing quantity 1 (or 2...n) for-search-only="yes" with-identifying-statement="yes" carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes, TOTAL for multiple files) ></p> <p>Furthermore there is an additional requirement to record the size in KB for ST.25/Annex C text format files, and support the filing of this format of file using a separate physical carrier to support receiving offices that support this option (EFS WEB).</p>
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[End of Annex and of file/
Fin de l'annexe et du dossier]

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