English Language
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Proposal for the revision of WIPO Standard ST.26

*Document prepared by the Secretariat*

## Summary

1. The Sequence Listings (SEQL) Task Force is proposing a substantive revision to WIPO Standard ST.26 version 1.7. This is considered to be a substantive revision because it will impact how applicants draft their sequence listings and the information that must be provided, and as such is proposed as version 2.0. It is further proposed that the new version comes into force on July 1, 2027, to allow sufficient time for applicants to be made aware and prepare for the change.

## Background

1. The SEQL Task Force is responsible for amendments to WIPO ST.26, under the framework of Task No. 44, whose description reads:

“*Support the International Bureau by testing new releases based on available resources and providing user feedback on the WIPO Sequence Suite; and prepare necessary revisions of WIPO Standard ST.26*”

1. Since the Standard was first adopted by the Committee on WIPO Standards (CWS) in 2016, there have been annual updates resulting in versions 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 1.7. Most recently at the eleventh session, held in December 2023, there were several new examples added to Annex VI of WIPO ST.26, and the Appendix to Annex VI. There has not been a substantive revision to WIPO ST.26 since it came into force.

## Proposal for revision

1. The SEQL Task Force has prepared a proposal for the revision of WIPO Standard ST.26 for consideration and where appropriate approval by the CWS. As was agreed by the CWS at its tenth session, the Secretariat has produced a tracked changes document, where all changes to WIPO ST.26 are indicated in full, which is annexed to the present document, as Annex I. In Annex I to the present document, strike-through text indicates a deletion and underlined text indicates an addition. Annex II to the present document is the updated XML instance that is the Appendix to Annex VI of WIPO ST.26.
2. The proposed revision to WIPO Standard ST.26 can be grouped into the following high-level categories:
   1. Revisions to the Main Body, Annex I and Annex VI of WIPO ST.26 to require certain nucleotide analog residues and peptide analog residues to be represented by the symbol for the corresponding unmodified residue, making them specifically defined. In previous versions, any nucleotide analog sequence or peptide analog sequence consisted entirely of non-specifically defined residues and was not required to be included in a sequence listing. New Examples 29-3, 29-4, 29-5 and 29-6 are also proposed for inclusion;
   2. Revisions to the Main Body, Annex VI and Annex VII of WIPO ST.26 which allow for the optional inclusion of short sequences which do not meet the minimum length requirement: less than four specifically defined amino acids or less than 10 specifically defined nucleotides; and
   3. Revisions relating to editorial changes: either corrections of errors existing in version 1.7 or improvements to clarity.
3. It should be noted while the representation of nucleotide and peptide analog residues using the corresponding unmodified residue symbols is considered to be mandatory, patent Offices are not expected to introduce this as a formal check during examination. Instead, the introduction of this requirement into the Standard provides examiners with a “tool” that can be used to require applicants to include nucleotide and peptide analog sequences in sequence listings to facilitate search and examination.

## Versioning and Transition requirements

1. As there are substantive changes being proposed that impact what can and must be disclosed within a sequence listing, it is proposed that the version number for the next version of WIPO ST.26 is version 2.0. It is further proposed that the new version will enter into force on July 1, 2027, and the current version 1.7 of WIPO ST.26 should continue to be used until this time. The Task Force proposes that all patent Offices use only version 2.0 for a sequence listing filed as part of a patent application on and after July 1, 2027 at national, regional and international levels.
2. The International Bureau considers that there are no technical changes required by Offices to implement version 2.0. Instead, Offices will need to focus on raising awareness of both applicants and examiners of the changes introduced in this new version.
3. The Task Force also discussed the implementation of version 2.0 following its approval. In view of the different implications of the two substantive proposals for revision WIPO ST.26, the Task Force recommends:
   1. As regards the lifting of the minimum length requirement, given that short sequences can be optionally provided, and with a view to avoiding the need for having two parallel versions of WIPO Sequence Suite for creating and validating sequence listings, or even two different tools in parallel, this change should apply as from the date the new version of WIPO Standard ST.26 enters into force, irrespective of the filing date of the patent application concerned. This is considered the most pragmatic solution and allows all the revisions to come into force on the same date.
   2. As regards the mandatory inclusion of subset of nucleotide analogs and peptide analogs and clarifications of a mandatory character, given that this will require applicants to include additional sequences in the sequence listing, this change would apply to all sequence listings filed as part of a patent application with a filing date, on or after the date the new version of WIPO ST.26 enters into force. This will allow the transition to be solely based on the filing date and allow priority dates and the status of an application as a continuation, continuation-in-part or divisional to be ignored. In addition, this will allow the impact to be limited to only those applications which disclose a nucleotide or peptide analog.
4. The International Bureau has prepared an editorial note to capture the proposed implementation plan, which will appear on the first page of the version 2.0 of WIPO ST.26:

"*The Thirteenth Session of the Committee on WIPO Standards decided that version 2.0 of ST.26 will enter into force on July 1, 2027 and apply to all patent applications with a filing date on or after that date.*

*“Exceptionally, paragraph 8 of this Standard will apply as from the date of entry into force of version 2.0, independent of the filing date of the patent application concerned."*

1. The CWS should note that the SEQL Task Force considers that the implementation of the proposed substantive changes will require updates to the WIPO Sequence Suite as the verification rules, which check the number of specifically defined nucleotides and amino acids, should no longer trigger. Development to implement these changes will be scheduled for 2026 after approval of version 2.0 by the CWS.
2. If WIPO Standard ST.26 version 2.0 is approved by the CWS with the proposed implementation date, the Task Force recommends that the WIPO General Assembly in 2026 should be invited to note the contents and the new implementation date of WIPO Standard ST.26 version 2.0, July 1, 2027 at national, regional and international levels.
3. *The CWS is invited to:*
4. *note the contents of the present document and the two Annexes to the present document;*
5. *consider and approve the proposed revisions to WIPO Standard ST.26 as indicated in paragraph 5 and reproduced in Annexes;*
6. *consider and agree to the transitioning option for version 2.0 as indicated in paragraphs 7 to 10 above;*
7. *approve July 1, 2027 as the date for entry into force of the new version of WIPO ST.26; and*
8. *agree to present version 2.0 of WIPO ST.26 to the WIPO General Assembly in 2026, as proposed in paragraph 12 above.*

[Annex I (revised WIPO Standard ST.26) follows]