

Meeting of International Authorities under the Patent Cooperation Treaty (PCT)

Twenty-Seventh Session
Gatineau, February 6 and 7, 2020

PCT SEQUENCE LISTING STANDARD - STATUS REPORT

Document prepared by the European Patent Office

1. The Annex to this document contains a report prepared by the European Patent Office on the work of the Task Force on Sequence Listings created by the Committee on WIPO Standards (CWS) at its first session in October 2010.

2. *The Meeting is invited to note the contents of this document.*

[Annex follows]

TRANSITION FROM WIPO STANDARD ST.25 TO WIPO STANDARD ST.26 FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS

BACKGROUND

1. The Task Force on Sequence Listings was created by the Committee on WIPO Standards (CWS), at its first session (October 25 to 29, 2010), to deal with Task No. 44 (see paragraph 29 of document CWS/1/10):

“Prepare a recommendation on the presentation of nucleotide and amino acid sequence listings based on eXtensible Markup Language (XML) for adoption as a WIPO standard. The proposal of the new WIPO standard should be presented along with a report on the impact of the said standard on the current WIPO Standard ST.25, including the proposed necessary changes to Standard ST.25.”

2. The Task Force was also requested:

“To liaise with the appropriate PCT body with regard to the possible impact of such standard on Annex C to the Administrative Instructions under the PCT.”

3. The European Patent Office (EPO) was assigned the role of Task Force Leader and the new standard, entitled WIPO Standard ST.26, was formally adopted during the reconvened fourth session of CWS (CWS/4BIS) in March 2016.

4. WIPO Standard ST. 26 has been revised on three occasions since its adoption:

(a) Version 1.1, as reproduced in Annex II to document CWS/5/6, consisted in changes to Annex VI (Guidance Document) and to Annex II (DTD);

(b) Version 1.2, as reproduced in the Annexes to document CWS/6/16, consisted in modifications to ST. 26 main body and its Annexes I, II, III, IV and VI, as well as in the addition of a new Annex VII entitled "Transformation of a Sequence Listing from ST.25 to ST.26" to facilitate the transition between the two standards.

(c) Version 1.3, as reproduced in the Annex to document CWS/7/14, consisted in substantive amendments and editorial corrections to Annexes I and VII of ST.26, as proposed by the Task Force.

5. At its fifth session, the CWS agreed on the "big bang" scenario as the option for the transition, which requires all Intellectual Property Offices (IPOs) to transit from ST.25 to ST.26 at the same time. It was decided to consider the international filing date as the reference date and January 2022 as the transition date.

6. At this same session, the International Bureau informed the CWS that it would develop a new common software tool to enable applicants to prepare sequence listings and verify that such sequence listings are in compliance with WIPO Standard ST.26. The CWS therefore agreed to modify the description of Task No. 44:

“Support the International Bureau by providing users’ requirements and feedback on the ST.26 authoring and validation software tool; Support the International Bureau in the consequential revision of the PCT Administrative Instructions; and Prepare necessary revisions of WIPO Standard ST.26 upon request by the CWS.”

7. At the sixth session of the CWS, which took place in October 2018, the Task Force reported on the progress on the ST. 26 tool, indicating that the business analysis, architecture and proof of concept had been successfully carried out and that the development was ongoing.

8. At the same session, the Committee adopted the second revision of ST.26 (version 1.2), as reproduced in the document CWS/6/16. The revision consisted in modifications to ST.26 main body and its Annexes I, II, II, IV and VI, as well as in the addition of a new Annex VII entitled "Transformation of a Sequence Listing from ST.25 to ST.26" to facilitate the transition between the two Standards.

PROGRESS REPORT

WIPO SEQUENCE (TOOL)

9. In March 2019, the International Bureau announced to the Task Force that official names had been adopted to designate the various components of the ST. 26 tool:

- (a) *WIPO Sequence* is now the official name of the authoring and validation tool for applicants (desktop application);
- (b) *WIPO Sequence Validator* designates the validation tool for IPOs as a standalone service in the IPO's network (microservice);
- (c) *WIPO Sequence Server* will provide updates to *WIPO Sequence* and *WIPO Sequence Validator*, and will be deployed in the WIPO network. Registered users will receive an indication when new releases are available.

10. The International Bureau established a dedicated wiki page restricted to Task Force members and the development team to work on the functional specifications and on the graphic user interface (GUI). Task Force members as well as a restricted number of users participated in the testing of the various sprints of the tool and provided feedback to the International Bureau.

11. In November 2019, the International Bureau launched the first beta version of the tools (WIPO Sequence 1.0 Beta). Both installation packages for *WIPO Sequence* and *WIPO Sequence Validator* are available for download at <https://www.wipo.int/standards/en/sequence/>. There is also a User Manual for *WIPO Sequence* and an Operations Manual for *WIPO Sequence Validator* to support their use.

12. The International Bureau continues to welcome feedback to incorporate in further releases of the tool.

REVISION OF THE PCT LEGAL FRAMEWORK

13. Amendments to the PCT Regulations and modifications to the PCT Administrative Instructions are required to implement the transition from current PCT Sequence Listing Standard ST. 25 to new WIPO Standard ST. 26. The International Bureau had prepared a first proposal in 2018 for the eleventh session of the PCT Working Group (see document PCT/WG/11/24) and a revised proposal in 2019 (see document PCT/WG/12/13). It is expected that a further Circular for consultation will be issued by the International Bureau with a refined proposal. The goal is to have those amendments adopted by the PCT Assembly in September 2020 with an entry into force on January 1, 2022.

IMPLEMENTATION OF WIPO STANDARD ST.26 BY IP OFFICES

14. In 2018, the China National Intellectual Property Administration, the EPO, IP Australia, the Japan Patent Office, the Korean Intellectual Property Office, the United Kingdom Intellectual Property Office and United States Patent and Trademark Office had published their IT implementation roadmap in the SEQL Task Force Wiki.

15. In October 2019, the International Bureau invited all remaining IP Offices (IPOs) by way of Circular C.CWS 128 to provide their IT implementation roadmap by November 22, 2019. The

roadmaps should outline how each IPO intends to manage their implementation of the Standard, including all necessary changes to the IT systems as well as any necessary regulatory or legislative amendments required before the implementation date. In response to the Circular, the following IPOs posted their roadmap: the Canadian Intellectual Property Office, the Federal Service for Intellectual Property (Rospatent), the Finnish Patent and Registration Office, the Hungarian Intellectual Property Office, the Industrial Property Office of the Czech Republic, the Industrial Property Office of the Slovak Republic, the Intellectual Property Office of New Zealand, the Intellectual Property Office of the Republic of Serbia, the Ministry of Economic Development and Trade of Ukraine Department for Intellectual Property, the National Center of Intellectual Property (Belarus), the National Institute of Industrial Property (Brazil), the Spanish Patent and Trademark Office, the State Bureau of the Republic of Lithuania, the Superintendence of Industry and Commerce (Colombia) and the Swedish Patent and Registration Office.

ROADMAP

16. The Task Force plans to:

- (a) continue supporting the International Bureau by providing feedback and test the future sprints of *WIPO Sequence* and *WIPO Sequence Validator*,
- (b) support the International Bureau in the consequential revision of the PCT Administrative Instructions; and
- (c) work on any further revision of WIPO Standard ST. 26 if required, to further facilitate the implementation of Standard ST. 26 by Offices and applicants.

[End of Annex and of document]