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SEQUENCE LISTINGS TASK FORCE: 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]

WIPO SEQUENCE ST.26 FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS

BACKGROUND

1. The Sequence Listings Task Force was created by the CWS, at its first session (October 25 to 29, 2010), to perform Task No. 44, that is to 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 EPO was assigned the role of Task Force Leader. The Task Force was also requested to liaise with the appropriate PCT body regarding the possible impact of such a Standard on Annex C to the Administrative Instructions under the PCT (see paragraph 29 of document CWS/1/10).

2. At its reconvened fourth session, WIPO Standard ST.26 was adopted by the CWS in 2016. In October 2021, at the fifty-third session of the PCT Assembly, the amendments to the PCT Regulations to implement WIPO Standard ST.26 in the PCT system were adopted. The WIPO General Assembly approved to delay the “big bang” implementation date of WIPO Standard ST.26 to July 1, 2022, at national, regional and international levels (see document WO/GA/54/14 and paragraphs 178 to 183 of document WO/GA/54/15).

3. At the eleventh session of the CWS in 2023, the CWS approved a revision of the description of Task No. 44, which reads now as follows:

“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”.

4. Since the Standard was adopted in 2016, there have been several updates resulting in versions 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6. The Standard was last revised at the eleventh session, held in December 2023, when the CWS adopted version 1.7 adding new examples to Annex VI of WIPO ST.26 and the Appendix to Annex VI.

5. Since the eleventh session of the CWS, discussions of the Task Force centered on two proposals for substantive revisions of the Standard, in addition to a number of improvements and corrections:

- (a) a proposal to require a subset of nucleotide analogs and peptide analogs to be represented by the corresponding unmodified residue symbol; and
- (b) a proposal to lift the minimum sequence length requirement and allow short sequences - i.e., sequences with less than 10 specifically defined nucleotides or less than 4 specifically defined amino acids - to be included in the sequence listing.

6. No proposal for revision was submitted to the CWS for approval at the twelfth session in September 2024, as further discussions and consultations were considered necessary by the Task Force on the first two proposals. Regarding the proposal to lift the minimum sequence length requirement, the Task Force agreed to collect feedback from the users of WIPO Standard ST.26 through a survey to be launched in early 2025 (see paragraph 32 of document CWS/12/29).

PROGRESS REPORT

7. Since the twelfth session of the CWS, the Task Force met online four times to discuss the proposals for the revision of WIPO Standard ST.26 and related issues, as well as the progress made with the development of the WIPO Sequence Suite, for which the Task Force provided support.

REVISION OF WIPO STANDARD ST.26

8. With a view to obtain user feedback on the minimum length requirement for sequence listings in ST.26, and whether the proposal to lift it would find support, the Task Force approved a user survey, to be conducted by the International Bureau. The user survey was open from January 23 until March 31, 2025. 1114 responses (both complete and incomplete) were received, 61 per cent of the responses expressed support for lifting the minimum length requirement.

9. During the subsequent meetings of the Task Force and through discussions undertaken on the electronic forum (hereinafter referred to as the wiki), members of the Task Force engaged in the analysis of the results of the users' survey and the merits of the proposal. In particular, in light of the broad user support, consensus was reached in the Task Force to propose to the CWS the lifting of the minimum length requirement by making the inclusion of short sequences optional.

10. The Task Force also discussed, during its meetings, on the wiki, and in small group discussions between Task Force members having expressed a position, the proposal to make the representation of a subset of nucleotide analogs and peptide analogs mandatory. Following extensive discussions, consensus was eventually reached to include this proposal in the revised draft Standard.

11. The Task Force thus agreed to submit to the next session of the CWS in November 2025 for approval a proposal for revision of ST.26 in the form of version 2.0 (see document CWS/13/16) comprising:

- amendments aimed at requiring a subset of nucleotide analogs and peptide analogs to be represented by the corresponding unmodified residue symbol;
- amendments aimed at lifting the minimum sequence length requirement;
- improvements and corrections.

IMPLEMENTATION PLAN

12. Document CWS/13/16 also includes a proposal regarding the implementation method for this new version of the Standard. In view of the different implications of the two substantive proposals for revision of the Standard, the Task Force recommends:

- (a) As regards the lifting of the minimum length requirement, given this amendment would merely provide applicants an option, and with a view to avoid the need for having two parallel versions of software tools for creating and validating sequence listings (WIPO Sequence Suite), or even two different tools in parallel, this change should apply as from the date the new version of ST.26 enters into force, irrespective of the filing date of the patent application concerned.
- (b) As regards the mandatory inclusion of subsets of nucleotide analogs and peptide analogs and clarifications of a mandatory character, this change should apply to sequence listings filed for a patent application with a filing date - not a priority date - on or after the date the new version of ST.26 enters into force.

13. With a view to giving sufficient preparation time for applicants and Offices, allowing for any necessary updates to the legal framework being promulgated on time, and ensuring timely updates of the relevant software tools for creating and validating sequence listings, the Task Force recommends July 1, 2027, as the date of entry into force of the new version of the ST.26.

WORK PLAN

14. The following items are considered a priority in the upcoming year for the Sequence Listings Task Force:

- (a) Facilitating preparations for the entry into force of version 2.0 of WIPO Standard ST.26, if adopted, and its implementation, including by liaising with INSDC and its members;
- (b) Collaborating on any further revisions of WIPO Standard ST.26, if required, to further facilitate its implementation by Offices and applicants while remaining aligned with the requirements of INSDC; and
- (c) Supporting the International Bureau by testing new releases and passing on user feedback regarding their use of WIPO Sequence.

[End of Annex and of document]