



C.PCT 1149/C.SCIT 2652  
– 07.2

June 11, 2008

Madam,  
Sir,

**PROPOSED MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS  
UNDER THE PATENT COOPERATION TREATY (PCT)**

1. This Circular is addressed to your Office in its capacity:

(i) as a receiving Office, International Searching Authority, International Preliminary Examining Authority and/or designated or elected Office under the Patent Cooperation Treaty (PCT) with regard to proposed modifications of the Administrative Instructions under the PCT; and/or

(ii) as a member of the Standards and Documentation Working Group of WIPO's Standing Committee on Information Technologies (SCIT) with regard to WIPO Standard ST.25 "Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications" (see paragraphs 27 and 28, below).

2. This Circular is also being sent to certain interested intergovernmental organizations as well as certain non-governmental organizations representing users of the PCT system.

3. This Circular concerns proposed modifications of the Administrative Instructions relating to:

(a) the filing and processing of sequence listings (as further outlined in paragraphs 6 to 21, below);

(b) the use of headings for certain parts of the description and the numbering of claims in the international application (as further outlined in paragraphs 22 to 25, below).

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4. Comments on those proposed modifications are invited by August 15, 2008 (see paragraphs 26 to 28, below).

5. For the present text of the Administrative Instructions and the Annexes thereto, see documents PCT/AI/6 (dated February 7, 2007) and PCT/AI/ANF/2 (dated October 20, 2005) (available from the WIPO Web site at [www.wipo.int/pct/en/texts/index.htm](http://www.wipo.int/pct/en/texts/index.htm)).

#### PROPOSED MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS RELATING TO THE FILING AND PROCESSING OF SEQUENCE LISTINGS

6. In 2005 and 2006, the International Bureau consulted, in accordance with PCT Rule 89.2, with Offices in their capacities as receiving Offices, International Searching Authorities, International Preliminary Examining Authorities and/or designated or elected Offices under the PCT, and as members of the Standards and Documentation Working Group of WIPO's Standing Committee on Information Technologies (SCIT) with regard to WIPO Standard ST.25 "Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications", on proposed modifications of the PCT Administrative Instructions and Annexes C, C-*bis* and F thereto (see Circulars C. PCT 1014/C. SCIT 2609, dated February 7, 2005, and C. PCT 1074/C. SCIT 2624, dated April 24, 2006). Those Circulars were also sent to interested intergovernmental or non-governmental organizations.

7. Following those consultations, certain modifications of the Administrative Instructions (including Annex F) were promulgated with effect from October 1, 2005 (see Circular C. PCT 1044, dated September 6, 2005) and with effect from July 1, 2008 (see Circular C. PCT 1138, dated April 2, 2008). On the other hand, based on the comments and proposals received, it was determined that certain other proposed modifications of the Administrative Instructions related to the filing and processing of sequence listings were not ready for promulgation and required further consultations.

8. The purpose of the present Circular is thus to enter into a third round of consultations under Rule 89.2(b) on some of those proposed modifications. The Annex to this Circular contains further revised proposals, taking into account the comments and proposals received on Circular C. PCT 1074/C. SCIT 2624. The major changes are outlined in the following paragraphs. Further explanations are set out in Annex I under Comments relating to the provisions concerned; editorial and minor drafting changes are not specifically mentioned.

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*Calculation of the International Filing Fee and Fee Reduction; Tables Related to Sequence Listings*

9. As a result of the consultations, it is now proposed to modify the Administrative Instructions (Section 707) so as to include pages containing tables related to sequence listings in the page count to determine any page fees due and to charge the full page fees for such pages, irrespective of whether or not they were submitted in electronic form. Pages containing tables related to sequence listings are not machine-readable in the way that the sequence listings are but rather require manual consideration by the examiner. Furthermore, in view of the absence of a definition of what constitutes “tables related to sequence listings”, if no page fees were to be charged for pages containing such tables, applicants could be tempted to include in such tables all kind of subject matter not related to sequence listings in order to avoid the payment of page fees, also noting the lack of expertise in sequence listing related matters in receiving Offices.

10. Furthermore, in order to give applicants a greater incentive to file the sequence listing in the ST.25 text format in the first place rather than filing it in the ST.25 image format and (simultaneously or subsequently) furnishing a file in ST.25 text format for the purposes of international search only, it is now proposed to modify Section 707(a-bis) so as to provide that, instead of a maximum of 400 page fees payable, no page fees would be payable for a sequence listing filed in ST.25 text format but full page fees would be payable for all pages of a sequence listing filed in an ST.25 image format (as well as for sequence listings filed on paper, as at present).

11. The financial implications of reduced fee income for the International Bureau would be negligible in comparison to the potential improvements in information for third parties and designated Offices, as well as for efficiency of processing in receiving Offices, International Searching Authorities and the International Bureau, noting that only around 3,500 applications are filed each year containing sequence listings, that a large majority of such listings are less than 5 pages in length, and that, already today, the page fees for the extremely long ones are capped at the equivalent of 400 pages.

12. A further benefit would be that this proposal would significantly simplify the fee calculation: fees relating to a sequence listing presented in the ST.25 image format are easily calculated since the images are actual representations of sheets and are directly included into the normal page count; the estimate of the equivalent number of sheets of a sequence listing in the ST.25 text format would no longer be required and such files can simply be ignored for the purpose of the calculation of the page fees.

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13. Consequential on the proposed modifications of Section 707(a-bis), it is no longer proposed, as had been in Circular C. PCT 1074/C. SCIT 2624, Annex I, to require that tables related to sequence listings are to be presented in a separate part of the description and be submitted in a particular document format (ASCII).

*Making Available Copies of Sequence Listings in the ST.25 Text Format Submitted for the Purposes of International Search*

14. It is further proposed to modify Section 513 to enable the International Bureau to make available, through PATENTSCOPE®, any sequence listing provided for the purposes of international search. Modified Section 514(e) would require International Searching Authorities to transmit a copy of any such sequence listing in electronic form to the International Bureau at the same time that the international search report is transmitted.

15. The fact that the ST.25 text file would be made available in any case, whether it was contained in the international application as filed or specifically submitted for the purpose of international search, would eliminate one possible reason that the applicant might want to file the sequence listing in a less useful format.

*Clarification of the Relationship Between Annex C of the Administrative Instructions and WIPO Standard ST.25*

16. As a result of the consultations, it is proposed to make the following further modifications to Sections 101, 513 and 610. Noting that WIPO Standard ST.25 recommends that “Offices apply the provisions set out in the “Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications Under the Patent Cooperation Treaty (PCT)” as set out in Annex C to the Administrative Instructions under the PCT *mutatis mutandis* to all patent applications other than the PCT international applications”, and that many national laws simply refer to WIPO Standard ST.25 with regard to the national requirements for the presentation of sequence listings, the substance of new Sections 208bis and 208ter, which in Circular C. PCT 1074/C. SCIT 2624, Annex I, had been proposed to be added, has been moved back into Annex C (see below) so as to enable Annex C (and thus WIPO Standard ST.25) to operate, to the extent possible, as a “stand alone” standard. The proposal to add new Sections 208bis and 208ter is no longer maintained. Section 101 has been modified accordingly and now refers to Annex C with regard to the definitions of the terms “sequence listing”, “sequence listing forming part of the international application” and “sequence listing not forming part of the application”.

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*Mixed Mode Sequence Listing Applications; Proposed Deletion of Part 8 and of Annex C-bis of the Administrative Instructions*

17. Circular C. PCT 1014/C. SCIT 2609 contained proposals to further consolidate the Administrative Instructions relating to the filing and processing in electronic form of international applications, irrespective of whether they have been filed on paper, or wholly or partly in electronic form, by incorporating the provisions of present Part 8 (allowing for the filing, processing and publication in electronic form of sequence listings and tables related thereto where the remainder of the application is filed and processed on paper, so-called “mixed mode sequence listing applications) into Part 7, and to delete Part 8 and Annex C-bis (Technical Requirements for the Presentation of Tables Related to Nucleotide and Amino Acid Sequence Listings in International Applications Under the PCT) accordingly.

18. As a result of the consultations, these proposals are no longer maintained. It is now proposed to no longer offer applicants the choice of filing mixed mode sequence listing applications and tables related thereto, and to simply delete present Part 8 and Annex C-bis.

19. The option to file “mixed mode” applications, where the body of the description is in paper format and a sequence listing is provided either both on paper and in electronic form on a physical medium, or else only in electronic form on a physical medium, was introduced in 2001 as a temporary solution, pending the wide availability of fully electronic filing systems, to the problem of very large sequence listings being filed on paper, which were both difficult to process and, from the applicant’s perspective, extremely expensive, due to the number of page fees payable. By now, fully electronic filing systems are available to all applicants, either through a national receiving Office or through the receiving Office of the International Bureau. While some online filing systems may not permit very large listings to be filed, applications of any size can be filed at the receiving Office of the International Bureau in electronic form on physical media. Furthermore, it is very unlikely that any applicant filing an international application for an invention relating to a sequence listing would be technically incapable of using this filing route. Consequently, it is proposed to delete the option of mixed mode sequence listing applications.

*Proposed Modifications of Annex C of the Administrative Instructions*

20. As a result of the consultations, further modifications are proposed to be made to Annex C of the Administrative Instructions. Explanations are set out in Annex I under Comments relating to the provisions concerned.

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*Proposed Modifications of Annex F of the Administrative Instructions*

21. As a result of the consultations, further modifications are proposed to be made to Annex F of the Administrative Instructions. Explanations are set out in Annex I under Comments relating to the provisions concerned.

**PROPOSED MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS RELATING TO THE USE OF HEADINGS FOR CERTAIN PARTS OF THE DESCRIPTION AND THE NUMBERING OF CLAIMS IN THE INTERNATIONAL APPLICATION**

22. In November 2007, the European Patent Office, the Japan Patent Office and the United States Patent and Trademark Office (the Trilateral Offices) agreed on the so-called “Common Application Format” (CAF) and publicized the agreement on the Trilateral website (see [www.trilateral.net/news/20071130/index.php](http://www.trilateral.net/news/20071130/index.php)).

23. The Common Application Format rationalizes divergent filing requirements applied in each of the Trilateral Offices. Noting that the Patent Law Treaty (PLT) has not yet come into force for any of the Trilateral Offices, some elements of the Common Application Format harmonize diverging filing requirements for national/regional applications filed in each of the Trilateral Offices by referring to the corresponding PCT provisions, which would apply prior to the PLT coming into effect for all of the Trilateral Offices. Other elements of the Common Application Format address issues not regulated by the PCT for which the Offices have different practices. Still other elements pertain to issues that go beyond the PCT but, in terms of future development, represent what the Offices consider to be appropriate means for addressing those issues.

*Recommended Headings of Parts of the Description*

24. Already at present, an application prepared in accordance with the Common Application Format, if filed as an international application under the PCT, would be in compliance with, and thus acceptable under, the PCT. However, it is to be noted that the present Administrative Instructions (see Section 204) recommend the use of headings for certain parts of the description which are different from those prescribed under the Common Application Format. While only a recommendation, it would appear nevertheless preferable to modify the Administrative Instructions so as to include the headings prescribed under the Common Application Format (“Summary of Invention”; “Description of Embodiments”; and “Title of Invention”) in the list of recommended headings under Section 204 (see Section 204 as proposed to be modified in Annex I).

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*Recommended Use of the Expression “Claim” (for example, “Claim 1”, “Claim 2”, etc.)*

25. Furthermore, the Common Application Format provides that the number of each claim shall be preceded by the expression “Claim” (for example, “Claim 1”, “Claim 2”, etc.), mainly to facilitate the conversion into electronic form (by way of scanning and optical character recognition (OCR)) of applications filed on paper. At present, there is no equivalent provision in the PCT. It is thus proposed to modify the Administrative Instructions to include a recommendation (not a mandatory requirement) along the lines of the provision contained in the Common Application Format (see Section 204*bis* as proposed to be added in Annex I).

#### CONSULTATIONS PURSUANT TO RULE 89.2(b)

26. The International Bureau would appreciate receiving any comments on the other proposed modifications of the Administrative Instructions contained in Annex I to this Circular by August 15, 2008. Comments on those proposed modifications should be sent to Mr. Claus Matthes, Acting Director, PCT International Cooperation Division, (e-mail: [claus.matthes@wipo.int](mailto:claus.matthes@wipo.int); fax: 41-22-338 7150).

#### WIPO STANDARD ST.25

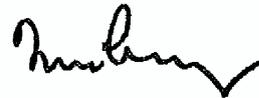
27. Noting that WIPO Standard ST.25 recommends that “Offices apply the provisions set out in the “Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications Under the Patent Cooperation Treaty (PCT)” as set out in Annex C to the Administrative Instructions under the PCT *mutatis mutandis* to all patent applications other than the PCT international applications ...”, comments on the proposed modifications of Annex C to the Administrative Instructions (see Annex I to this Circular) are also invited by August 15, 2008, from Members of the Standards and Documentation Working Group of the WIPO Standing Committee on Information Technologies (SCIT).

28. In addition, comments are also invited by August 15, 2008, from Members of the Standards and Documentation Working Group of the WIPO Standing Committee on Information Technologies (SCIT) on the proposal, consequential on the proposed modifications of paragraph 3 of Annex C to the Administrative Instructions under the PCT (see Annex I to this Circular), to amend the footnote to WIPO Standard ST.25 to read as follows (proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned):

/...

“\* If, on [*date of entry into force of the proposed modifications to Annex C*] ~~July 1, 1998~~, the national law and practice applicable by an Office is not compatible with the provisions of the first sentence of paragraph 3(i) ~~two sentences of paragraph 3~~ of the “Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Patent Applications Under the Patent Cooperation Treaty (PCT)”, that Office may choose not to follow those provisions for as long as that incompatibility continues.”

Sincerely yours,



Francis Gurry  
Deputy Director General

Enclosures: Annex I: Proposed modifications of the Administrative Instructions under the PCT—*marked-up text*

Annex II: Proposed modifications of the Administrative Instructions under the PCT—*clean text*

## ANNEX I

PROPOSED MODIFICATIONS OF THE  
ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT<sup>1</sup>  
(MARKED-UP TEXT)

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<sup>1</sup> For the present text of the Administrative Instructions and the Annexes thereto, see documents PCT/AI/6 (dated February 7, 2007) and PCT/AI/ANF/2 (dated October 20, 2005) (available from WIPO's Web site at <http://www.wipo.int/pct/en/texts/index.htm>). Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned. A "clean" text of the proposed modified provisions (without underlining or striking through) appears in Annex II.

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**Section 101**

**Abbreviated Expressions and Interpretation**

(a) In these Administrative Instructions:

(i) to (x) [No change]

(xi) “electronic” technology includes that having electrical, digital, magnetic, optical or electromagnetic capabilities;

(xii) the expressions “sequence listing”, “sequence listing forming part of the international application” and “sequence listing not forming part of the international application” have the same meaning as in Annex C.

[COMMENT: See paragraph 16 in the main body of this Circular.]

(b) [No change]

**Section 204**

**Headings of the Parts of the Description**

(a) The headings of the parts of the description shall preferably ~~should~~ be as follows:

(i) and (ii) [No change]

(iii) or matter referred to in Rule 5.1(a)(iii), “Disclosure of Invention” or “Summary of Invention”;

(iv) [No change]

(v) for matter referred to in Rule 5.1(a)(v), “Best Mode for Carrying out the Invention,” or, where appropriate, “Mode(s) for Carrying out the Invention” or “Description of Embodiments”;

(vi) to (viii) [No change]

(b) The heading “Title of the Invention” or “Title” shall preferably precede the title of the invention.

[COMMENT: See paragraphs 22 to 24 in the main body of this Circular.]

**Section 204bis**

**Numbering of Claims**

The number of each claim referred to in Rule 6.1(b) shall preferably be preceded by the expression “Claim” (for example, “Claim 1”, “Claim 2”, “Claim 3”).

[COMMENT: See paragraphs 22, 23 and 25 in the main body of this Circular.]

**Section 207**

**Arrangement of Elements and Numbering of  
Sheets of the International Application**

(a) In effecting the sequential numbering of the sheets of the international application in accordance with Rule 11.7, the elements of the international application shall be placed in the following order:

(i) the request~~;~~

(ii) the description (including any sequence listing free text referred to in Rule 5.2(b) but excluding the element of the description referred to in item (vi) of this paragraph ~~other than any sequence listing part thereof~~)~~;~~

(iii) the claims~~;~~

(iv) the abstract~~;~~

(v) if applicable, the drawings~~;~~

(vi) if applicable, the sequence listing ~~part of the description (where applicable)~~.

(b) The sequential numbering of the sheets shall be effected by using the following separate series of numbering:

(i) the first series applying to the request only and commencing with the first sheet of the request~~;~~

*[Section 207(b), continued]*

(ii) the second series commencing with the first sheet of the description ([as referred to paragraph \(a\)\(ii\)](#) ~~other than any sequence listing part thereof~~) and continuing through the claims until the last sheet of the abstract~~;~~;

(iii) if applicable, a further series applying to the sheets of the drawings only and commencing with the first sheet of the drawings; the number of each sheet of the drawings shall consist of two Arabic numerals separated by a slant, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3)~~;~~ ~~and~~

(iv) if applicable, ~~preferably,~~ a further series applying to the sequence listing ~~part of the description,~~ commencing with the first sheet of [the sequence listing](#) ~~that part.~~

[COMMENT: See paragraph 13 in the main body of this Circular.]

**Section 208**

**Sequence Listings**

Any ~~nucleotide and/or amino acid sequence listing~~ (“sequence listing”), whether on paper or in electronic form, whether forming ~~filed as~~ part of the international application, or not forming part of the international application ~~furnished together with the international application or subsequently~~, shall comply with Annex C.

**Section 513**

**Sequence Listings**

(a) [No change]

(b) Where the international search report and the written opinion of the International Searching Authority are based on a sequence listing ~~that was~~ not forming part of the international application contained in the international application as filed but ~~was~~ furnished ~~subsequently to the International Searching Authority~~ for the purposes of the international search, the international search report and the written opinion of the International Searching Authority shall so indicate.

(c) [No change]

(d) The International Searching Authority shall indelibly mark, ~~in the upper right hand corner of~~ on the first sheet of any sequence listing on paper which ~~does~~ was not form part of the international application contained in the international application as filed but was furnished for the purposes of the international search ~~subsequently to that Authority~~, the words “~~SUBSEQUENTLY FURNISHED~~ SEQUENCE LISTING NOT FORMING PART OF THE INTERNATIONAL APPLICATION” or their equivalent in the language of publication of the international application. Where such sequence listing is furnished in electronic form on a physical medium, that Authority shall physically label that medium accordingly.

[COMMENT: The wording of Section 513 has been further modified to clarify labeling requirements for sequence listings furnished in electronic form on physical media.]

*[Section 513, continued]*

(e) The International Searching Authority shall ~~keep in its files~~:

(i) keep in its files one copy of any sequence listing, whether on paper or in electronic form, which ~~does~~ ~~was~~ not form part of ~~contained in~~ the international application ~~as filed~~ but was furnished for the purposes of the international search ~~to that Authority~~; and

(ii) where the sequence listing furnished for the purposes of the international search is in electronic form, transmit one copy thereof to the International Bureau together with the copy of the international search report ~~any sequence listing in electronic form furnished for the purposes of the international search~~. If that listing in electronic form is filed on physical media in less than the number of copies required by the International Searching Authority, that Authority shall be responsible for the preparation of the additional copy and shall have the right to fix a fee for performing that task and to collect such fee from the applicant.

[COMMENT: See paragraphs 14 and 15 in the main body of this Circular.]

(f) Any International Searching Authority which requires, for the purposes of the international search, the furnishing of a sequence listing in electronic form shall notify the International Bureau accordingly. In that notification, the Authority shall specify the means of transmittal of the sequence listing in electronic form accepted by it in accordance with Annex F. The International Bureau shall promptly publish details of the notification in the Gazette.

Section 610

Sequence Listings ~~*{Deleted}*~~

(a) Where the written opinion of the International Preliminary Examining Authority or the international preliminary examination report is based on a sequence listing not forming part of the international application but furnished for the purposes of the international preliminary examination, the written opinion of the International Preliminary Examining Authority and the international preliminary examination report shall so indicate.

(b) Where a meaningful written opinion of the International Preliminary Examining Authority cannot be established or a meaningful international preliminary examination cannot be carried out because a sequence listing is not available to the International Preliminary Examining Authority in the required form, that Authority shall so state in the written opinion and in the international preliminary examination report.

(c) The International Preliminary Examining Authority shall indelibly mark, on the first sheet of any sequence listing on paper which does not form part of the international application but was furnished to it for the purposes of the international preliminary examination, the words “SEQUENCE LISTING NOT FORMING PART OF THE INTERNATIONAL APPLICATION” or their equivalent in the language of publication of the international application. Where such sequence listing is furnished in electronic form on a physical medium, that Authority shall physically label that medium accordingly.

[COMMENT: The wording of Section 610 has been further modified to clarify labeling requirements for sequence listings furnished in electronic form on physical media.]

*[Section 610, continued]*

(d) The International Preliminary Examining Authority shall keep in its files any sequence listing, whether on paper or in electronic form, which does not form part of the international application but was furnished for the purposes of the international preliminary examination.

(e) Any International Preliminary Examining Authority which requires, for the purposes of the international preliminary examination, the furnishing of a sequence listing in electronic form shall notify the International Bureau accordingly. In that notification, the Authority shall specify the means of transmittal of the sequence listing in electronic form accepted by it in accordance with Annex F. The International Bureau shall promptly publish details of the notification in the Gazette.

(f) Where the national Office or intergovernmental organization that acted as the International Searching Authority is also acting as the International Preliminary Examining Authority, any sequence listing not forming part of the international application but furnished to that Office or organization for the purposes of the international search shall be considered to have been furnished to it also for the purposes of the international preliminary examination.

**Section 702**

**Filing, Processing and Communication of International Applications  
in Electronic Form**

(a) and (b) [No change]

(e) ~~[Deleted] This Part and Annex F do not apply to an international application containing a sequence listing part which is filed in electronic form under Section 801(a), except that Section 705bis shall apply *mutatis mutandis* to such an application to the extent that it is filed on paper.<sup>⌘</sup>~~

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<sup>⌘</sup> ~~[Deleted] *Editor's Note:* For example, such a sequence listing is not subject to data format and packaging requirements under Annex F, and the basic fee is calculated under Section 803 rather than Section 707. An application containing a sequence listing may, however, be filed in (fully) electronic form under Part 7 rather than partly on paper and partly in electronic form under Section 801(a), in which case the application would be subject to Part 7 and Annex F and not Part 8. It should be remembered that Section 801 and the other provisions of Part 8 were introduced to deal with an immediate problem, namely, that of extremely large applications which cannot be dealt with practicably on paper. Those provisions will need to be reviewed when electronic filing and processing systems have been more fully implemented.~~

**Section 707**

**Calculation of International Filing Fee and Fee Reduction**

(a) [No change]

(a-bis) Where a sequence listing is contained in an international application filed in electronic form ~~contains a sequence listing as referred to in Rule 5.2(a)~~, the calculation of the international filing fee shall not take into account any sheet of the sequence listing ~~nor any sheet of any tables related thereto in excess of 400 sheets~~ if that listing is presented as a separate part of the description in accordance with Rule 5.2(a) and is in the electronic document format specified in paragraph 40 of Annex C.

[COMMENT: See paragraphs 9 to 12 in the main body of this Circular.]

(b) [No change]

**Section 713**

**Application of Provisions to International Authorities and the International Bureau, and  
to Notifications, Communications, Correspondence and Other Documents**

(a) [No change]

(b) The provisions of this Part, other than Sections 702(c), 703(c), 704(c) to (f), 705, 705bis(b) to (e), 706, 707, 708(b)(iii) to (v) and 710(a)(iv), shall, if they are capable of applying but do not expressly apply to notifications, communications, correspondence or other documents relating to international applications that are filed, processed or communicated in electronic form, ~~shall~~ apply *mutatis mutandis* to such notifications, communications, correspondence or other documents relating to international applications.

**PART 8**

**DELETED**

**~~INSTRUCTIONS RELATING TO  
INTERNATIONAL APPLICATIONS CONTAINING  
LARGE NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTINGS  
AND/OR TABLES RELATING THERETO~~**

**~~Section 801~~**

**~~Filing of International Applications  
Containing Sequence Listings and/or Tables~~**

~~(a) Pursuant to Rules 89bis and 89ter, where an international application contains disclosure of one or more nucleotide and/or amino acid sequence listings (“sequence listings”), the receiving Office may, if it is prepared to do so, accept that the sequence listing part of the description, as referred to in Rule 5.2(a) and/or any table related to the sequence listing(s) (“sequence listings and/or tables”), be filed, at the option of the applicant:~~

~~(i) only on an electronic medium in the computer readable form referred to in Section 802; or~~

~~(ii) both on an electronic medium in that computer readable form and on paper in the written form referred to in Section 802;~~

~~provided that the other elements of the international application are filed as otherwise provided for under the Regulations and these Instructions.~~

*[Section 801, continued]*

~~(b) Any receiving Office which is prepared to accept the filing in computer readable form of the sequence listings and/or tables under paragraph (a) shall notify the International Bureau accordingly. The notification shall specify the electronic media on which the receiving Office will accept such filings. The International Bureau shall promptly publish any such information in the Gazette.~~

~~(c) A receiving Office which has not made a notification under paragraph (b) may nevertheless decide in a particular case to accept an international application the sequence listings and/or tables of which are filed with it under paragraph (a).~~

~~(d) Where the sequence listings and/or tables are filed in computer readable form under paragraph (a) but not on an electronic medium specified by the receiving Office under paragraph (b), that Office shall, under Article 14(1)(a)(v), invite the applicant to furnish to it replacement sequence listings and/or tables on an electronic medium specified under paragraph (b).~~

~~(e) Where an international application containing sequence listings and/or tables in computer readable form is filed under paragraph (a) with a receiving Office which is not prepared, under paragraph (b) or (c), to accept such filings, Section 333(b) and (c) shall apply.~~

~~Section 802~~

~~Format and Identification Requirements Relating to  
International Applications Containing Sequence Listings and/or Tables~~

~~(a) Paragraphs 40 to 45 of Annex C shall apply *mutatis mutandis* to the sequence listing part of an international application filed in computer readable form.~~

~~(b) Tables filed in computer readable form under Section 801(a) shall comply with Annex C-bis.~~

~~(b-bis) Any International Searching Authority which requires that sequence listings be furnished in computer readable form shall select from the technical requirements contained in Annex C-bis those which it will apply and it shall notify the International Bureau accordingly. The International Bureau shall promptly publish any such information in the Gazette.~~

~~(b-ter) Where sequence listings and tables are both filed in computer readable form under Section 801(a), such listings and tables shall, respectively, be contained on separate electronic carriers which shall contain no other programs or files.~~

~~(b-quater) Rule 13ter.1 shall apply *mutatis mutandis* to any tables not complying with Annex C-bis and paragraph (b-ter).~~

~~(c) The label provided for in paragraph 44 of Annex C shall, in respect of the sequence listings and/or tables, also include, as the case may be, the following indications:~~

~~(i) that the sequence listings and/or tables are filed under Section 801(a);~~

*[Section 802(c), continued]*

~~(ii) where the sequence listings and/or tables in computer readable form are contained on more than one electronic carrier, the numbering of each such carrier (for example, “DISK 1/3,” “DISK 2/3,” “DISK 3/3”);~~

~~(iii) where more than one copy of the sequence listings and/or tables in computer readable form has been filed, the numbering of each copy (for example, “COPY 1,” “COPY 2,” “COPY 3”);~~

~~(d) Where any correction under Rule 26.3, any rectification of an obvious error under Rule 91, or any amendment under Article 34 is submitted in respect of the sequence listings and/or tables filed, under Section 801(a)(i) or (ii), in computer readable form, replacement sequence listings and/or tables in computer readable form containing the entirety of the sequence listings and/or tables with the relevant correction, rectification or amendment shall be furnished and the label referred to in paragraph (c) shall be marked accordingly (for example, “SUBMITTED FOR CORRECTION,” “SUBMITTED FOR RECTIFICATION,” “SUBMITTED FOR AMENDMENT”). Where the sequence listings and/or tables were filed both in computer readable form and in written form under Section 801(a)(ii), replacement sheets containing the correction, rectification or amendment in question shall also be submitted in written form.~~

~~Section 803~~

~~Calculation of International Filing Fee for  
International Applications Containing Sequence Listings and/or Tables~~

~~Where sequence listings and/or tables are filed in electronic form under Section 801(a), the international filing fee payable in respect of that application shall include the following two components:~~

~~(i) a basic component calculated as provided in the Schedule of Fees in respect of all pages filed on paper (that is, all pages of the request, description (excluding sequence listings and/or tables if also filed on paper), claims, abstract and drawings), and~~

~~(ii) an additional component, in respect of sequence listings and/or tables, equal to 400 times the fee per sheet as referred to in item 1 of the Schedule of Fees, regardless of the actual length of the sequence listings and/or tables filed in computer readable form and regardless of the fact that sequence listings and/or tables may have been filed both in written form and in computer readable form.~~

**Section 804**

**Preparation, Identification and Transmittal of Copies  
of International Applications Containing Sequence Listings and/or Tables**

~~(a) Where sequence listings and/or tables are filed only in electronic form under Section 801(a)(i), the record copy for the purposes of Article 12 shall, subject to Sections 702(c) and 705bis, consist of those elements of the international application filed on paper together with the sequence listings and/or tables filed in electronic form.~~

~~(b) Where sequence listings and/or tables are filed both in electronic form and on paper under Section 801(a)(ii), the record copy for the purposes of Article 12 shall, subject to Sections 702(c) and 705bis, consist of all the elements of the international application filed on paper, including the sequence listings and/or tables filed on paper.~~

~~(c) Where sequence listings and/or tables are filed in computer readable form under Section 801(a)(i) or (ii) in less than the number of copies required for the purposes of this Section, the receiving Office shall either:~~

~~(i) promptly prepare any additional copies required, in which case it shall have the right to fix a fee for performing that task and to collect such fee from the applicant; or~~

*[Section 804(c), continued]*

~~(ii) invite the applicant to promptly furnish the additional number of copies required, accompanied by a statement that the sequence listings and/or tables in computer readable form contained in those copies are identical to the sequence listings and/or tables in computer readable form as filed;~~

~~provided that, where those sequence listings and/or tables were also filed in written form under Section 801(a)(ii), the receiving Office shall not, notwithstanding Rule 11.1(b), require the applicant to file additional copies of the sequence listings and/or tables in written form.~~

~~(d) Where the sequence listings and/or tables are filed under Section 801(a)(i), the receiving Office shall, subject to Sections 702(e) and 705bis, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:~~

~~(i) mark the words “RECORD COPY—SEQUENCE LISTINGS AND/OR TABLES” on the original electronic medium containing the sequence listings and/or tables in computer readable form and transmit that part of the record copy to the International Bureau together with the paper part of the record copy;~~

*[Section 804(d), continued]*

~~(ii) mark the words “SEARCH COPY—SEQUENCE LISTINGS AND/OR TABLES” on one additional copy of the electronic medium containing the sequence listings and/or tables in computer readable form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13ter.1, together with the paper part of the search copy;~~

~~(iii) mark the words “HOME COPY—SEQUENCE LISTINGS AND/OR TABLES” on the other such copy of the electronic medium containing the sequence listings and/or tables in computer readable form and keep that part of the home copy in its files together with the paper part of the home copy.~~

~~(e) Where the sequence listings and/or tables are filed under Section 801(a)(ii), the receiving Office shall, subject to Sections 702(e) and 705bis, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:~~

~~(i) mark the words “RECORD COPY—SEQUENCE LISTINGS AND/OR TABLES” in the upper left hand corner of the first page of the first sequence listing and of the first page of the first table in written form and transmit that part of the record copy to the International Bureau together with the paper part of the record copy; it shall also mark the words “COPY FOR INTERNATIONAL BUREAU—SEQUENCE LISTINGS AND/OR TABLES” on one copy of the electronic medium containing the sequence listings and/or tables in computer readable form and transmit that copy with the record copy;~~

*[Section 804(e), continued]*

~~(ii) mark the words “SEARCH COPY—SEQUENCE LISTINGS AND/OR TABLES” on one additional copy of the electronic medium containing the sequence listings and/or tables in computer readable form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13ter.1, together with the paper part of the search copy;~~

~~(iii) mark the words “HOME COPY—SEQUENCE LISTINGS AND/OR TABLES” on the other such copy of the electronic medium containing the sequence listings and/or tables in computer readable form and keep that part of the home copy in its files together with the paper part of the home copy.~~

~~(f) The receiving Office may, when marking the copies referred to in paragraphs (d) and (e), use, instead of the words referred to in those paragraphs, the equivalent of those words in the language of publication of the international application.~~

~~Section 805~~

~~Publication and Communication of International Applications~~

~~Containing Sequence Listings and/or Tables; Copies; Priority Documents~~

~~(a) Notwithstanding Section 406, an international application containing sequence listings and/or tables may be published under Article 21, in whole or in part, in electronic form as determined by the Director General.~~

~~(b) Paragraph (a) shall apply *mutatis mutandis* in relation to:~~

~~(i) the communication of an international application under Article 20;~~

~~(ii) the furnishing of copies of an international application under Rules 87 and 94.1;~~

~~(iii) the furnishing under Rule 17.1, as a priority document, of a copy of an international application containing sequence listings and/or tables filed under Section 801(a);~~

~~(iv) the furnishing under Rules 17.2 and 66.7 of copies of a priority document.~~

**Section 806**

**Sequence Listings and/or Tables for Designated Office**

~~(a) Where sequence listings and/or tables were filed only in computer readable form under Section 801(a)(i), any designated Office which does not accept the filing of sequence listings and/or tables in computer readable form may require that the applicant furnish to it, for the purposes of the national phase, a copy on paper of such sequence listings in written form complying with Annex C and a copy on paper of such tables in written form, accompanied by a statement that the sequence listings and/or tables in written form are identical to the sequence listings and/or tables in computer readable form.~~

~~(b) Rule 13ter.2 shall apply *mutatis mutandis* to any tables filed under Section 801(a).~~

~~(c) For the purposes of Rule 49.5, any designated Office may require that the applicant furnish to it a translation of any text matter contained in any tables filed under Section 801(a), if that text matter is not in the language neutral vocabulary referred to in Annex C and if it does not appear in the main part of the description in the language thereof.~~

ANNEX C

STANDARD FOR THE PRESENTATION OF  
NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS  
IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT

INTRODUCTION **Introduction**

1. [No change]

DEFINITIONS **Definitions**

2. For the purposes of this Standard:

(i) the expression “sequence listing” means a nucleotide and/or amino acid sequence listing ~~part of the description of the application as filed or a document filed subsequently to the application,~~ which gives a detailed disclosure of the nucleotide and/or amino acid sequences and other available information;

(i-bis) the expression “sequence listing forming part of the international application” means a sequence listing contained in the international application as filed (as referred to in paragraph 3) or a sequence listing included in the international application by way of a correction under Rule 26, a rectification under Rule 91 or an amendment under Article 34(2)(b) of the description in relation to sequences contained in the application as filed (as referred to in paragraph 3bis);

*[Annex C, paragraph 2, continued]*

(i-ter) the expression “sequence listing not forming part of the international application” means a sequence listing furnished for the purposes of the international search or international preliminary examination (as referred to in paragraphs 4 and 4bis);

[COMMENT: The definitions in paragraph 2 of the terms “sequence listing forming part of the international application” and “sequence listing not forming part of the international application”, which in Circular C. PCT 1074/C. SCIT 2624, Annex I, were proposed to be dealt with in proposed new Sections 208bis(a) and 208ter(a), are proposed to be moved back into Annex C and to be further modified (the proposal to add new Section 208bis and 208ter is no longer maintained, see paragraph 16 in the main body of this Circular).]

(ii) to (vii) [No change]

(viii) “competent Authority” is the International Searching Authority that is to carry out the international search and to establish the written opinion of the International Searching Authority on the international application, or the International Preliminary Examining Authority that is to carry out the international preliminary examination on the international application, ~~or the designated/elected Office before which the processing of the international application has started.~~

## SEQUENCE LISTINGS ~~Sequence Listing~~

### Sequence Listing Forming Part of the International Application

3. A sequence listing which is contained in the international application as filed:

*[Annex C, paragraph 3, continued]*

(i) shall be presented as a separate part of the description, be placed at the end of the application, preferably be entitled “Sequence Listing”, begin on a new page and have independent page numbering\*; preferably, the sequence listing shall not be reproduced in any other part of the application; subject to paragraph 36, it is unnecessary to describe the sequences elsewhere in the description;

(ii) shall present the sequences represented in the sequence listing and other available information in the sequence listing in accordance with paragraphs 5 to 35;

(iii) if contained in an international application filed in electronic form, shall be in an electronic document format and filed by a means of transmittal in accordance with paragraph 37.

~~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.~~

[COMMENT: The contents of Section 208bis(b) and (c), which in Circular C. PCT 1074/C. SCIT 2624, Annex I, were proposed to be added, are proposed to be moved, further modified, to *paragraph 3* of Annex C (the proposal to add new Section 208bis is no longer maintained, see paragraph 16 in the main body of this Circular).]

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\* *Editor’s Note:* No independent page numbering is required where the sequence listing is contained in an international application filed in electronic form and is in the electronic document format referred to in paragraph 40.

3bis. Any correction under Rule 26, rectification under Rule 91 or amendment under Article 34(2)(b) of the description submitted in relation to sequences contained in an international application filed in electronic form shall be submitted in the form of a sequence listing in electronic form, comprising the entire listing with the relevant correction, rectification or amendment. Any such sequence listing:

(i) shall preferably be entitled “Sequence Listing — Correction”, “Sequence Listing — Rectification” or “Sequence Listing — Amendment”, as the case may be, and have independent page numbering\*;

(ii) shall present the sequences represented in the sequence listing and other available information in the sequence listing in accordance with paragraphs 5 to 35; where applicable, the original numbering of the sequences in the international application as filed (as referred to in paragraph 5) shall be maintained; otherwise, the sequences shall be numbered in accordance with paragraph 5;

(iii) shall be in an electronic document format and filed by a means of transmittal in accordance with paragraph 38.

[COMMENT: The contents of Section 208bis(d), which in Circular C. PCT 1074/C. SCIT 2624, Annex I, was proposed to be added, are proposed to be moved, further modified, to paragraph 3bis of Annex C (the proposal to add new Section 208bis is no longer maintained, see paragraph 16 in the main body of this Circular).]

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\* Editor’s Note: No independent page numbering is required where the sequence listing is contained in an international application filed in electronic form and is in the electronic document format referred to in paragraph 40.

**Sequence Listing Not Forming Part of the International Application**

4. A sequence listing furnished under Rule 13ter for the purposes of the international search or international preliminary examination:

(i) shall preferably be entitled “Sequence Listing — Rule 13ter;

(ii) shall present the sequences represented in the sequence listing and other available information in the sequence listing in accordance with paragraphs 5 to 35; where applicable, the original numbering of the sequences in the international application as filed (as referred to in paragraph 5) shall be maintained; otherwise, the sequences shall be numbered in accordance with paragraph 5;

(iii) if furnished on paper, shall have independent page numbering;

(iv) if furnished in electronic form, shall be in an electronic document format and filed by a means of transmittal in accordance with paragraph 39;

(v) if furnished in electronic form together with the international application filed on paper, shall be identical to the sequence listing as contained in the application and be accompanied by a statement that “the information recorded in electronic form is identical to the sequence listing as contained in the international application”;

(vi) if furnished subsequently to the filing of the international application, shall not go beyond the disclosure in the international application as filed and be accompanied by a statement to that effect; any such sequence listing shall contain only those sequences that were disclosed in the international application as filed.

*[Annex C, paragraph 4, continued]*

~~Where the sequence listing as defined in paragraph 2(i) is not contained in the application as filed but is a separate document furnished subsequently to the filing of the application (see paragraph 37), it shall be entitled “Sequence Listing and shall have independent page numbering. The original numbering of the sequences (see paragraph 5) in the application as filed shall be maintained in the subsequently furnished sequence listing.~~

[COMMENT: The contents of Section 208~~ter~~(c) and (d), which in Circular C. PCT 1074/C. SCIT 2624, Annex I, was proposed to be added, are proposed to be moved, further modified, to *paragraph 4* of Annex C (the proposal to add new Section 208~~ter~~ is no longer maintained, see paragraph 16 in the main body of this Circular).]

4bis. Any correction under Rule 26, rectification under Rule 91 or amendment under Article 34(2)(b) of the description submitted in relation to sequences contained in the international application as filed shall be accompanied, for the purposes of the international search or international preliminary examination, by a sequence listing in electronic form comprising the entire listing including any such correction, rectification or amendment, whenever this is required by the competent authority, unless such listing in electronic form is already available to that authority in a form and manner acceptable to it. Any such sequence listing in electronic form:

- (i) shall preferably be entitled “Sequence Listing — Correction — Rule 13~~ter~~”, “Sequence Listing — Rectification — Rule 13~~ter~~” or “Sequence Listing — Amendment — Rule 13~~ter~~”, as the case may be;

*[Annex C, paragraph 4bis, continued]*

- (ii) shall present the sequences represented in the sequence listing and other available information in the sequence listing in accordance with paragraphs 5 to 35; where applicable, the original numbering of the sequences in the international application as filed (as referred to in paragraph 5) shall be maintained; otherwise, the sequences shall be numbered in accordance with paragraph 5;
- (iii) shall be in an electronic document format and filed by a means of transmittal in accordance with paragraph 39;
- (iv) if furnished in addition to a sequence listing comprising the entire listing including any such correction, rectification or amendment filed on paper, shall be identical to such sequence listing filed on paper and be accompanied by a statement that “the information recorded in electronic form is identical to the sequence listing filed on paper”.

Where such sequence listing in electronic form and, where applicable, such statement is not available to the competent authority, any such correction, rectification or amendment need only be taken into account by that authority for the purposes of the international search or preliminary examination to the extent that a meaningful search or preliminary examination can be carried out without such sequence listing in electronic form.

[COMMENT: The contents of Section 208ter(b), which in Circular C. PCT 1074/C. SCIT 2624, Annex I, was proposed to be added, are proposed to be moved, further modified, to *paragraph 4bis* of Annex C (the proposal to add new Section 208ter is no longer maintained, see paragraph 16 in the main body of this Circular).]

[4ter. Any sequence listing furnished for the purposes of the international search or international preliminary examination as referred to in paragraphs 4 and 4bis does not form part of the international application.](#)

[COMMENT: The contents of the last sentence of Section 208ter(b), which in Circular C. PCT 1074/C. SCIT 2624, Annex I, was proposed to be added, are proposed to be moved, further modified, to *paragraph 4ter* of Annex C (the proposal to add new Section 208ter is no longer maintained, see paragraph 16 in the main body of this Circular).]

## **PRESENTATION OF SEQUENCES**

5. to 7. [No change]

### **Nucleotide Sequences**

8. to 15. [No change]

### **Amino Acid Sequences**

16. to 22. [No change]

## **OTHER AVAILABLE INFORMATION IN THE SEQUENCE LISTING** ~~Other~~

### ~~Available Information in the Sequence Listing~~

23. to 25. [No change]

26. In addition to the data elements identified in paragraph 25, above, when a sequence listing is ~~filed at the same time as the application to which it pertains or~~ furnished at any time prior to the assignment of an application number, the following data element shall be included in the sequence listing:

[Annex C, paragraph 26, continued]

<130>	File reference
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27. In addition to the data elements identified in paragraph 25, above, when a sequence listing is furnished ~~filed in response to a request from a competent Authority or~~ at any time following the assignment of an application number, the following data elements shall be included in the sequence listing:

<140>	Current patent application
<141>	Current filing date

28. to 35. [No change]

### REPETITION OF FREE TEXT IN MAIN PART OF DESCRIPTION

36. Where the sequence listing forming part of the international application ~~part of the description~~ contains free text, any such free text shall be repeated in the main part of the description in the language thereof. It is recommended that the free text in the language of the main part of the description be put in a specific section of the description called “Sequence Listing Free Text:”.

[COMMENT: It is proposed to further modify *paragraph 36* to clarify that it not only applies where a sequence listing (containing free text) is contained in the international application as filed but also, for example, where a (replacement) sequence listing (containing free text) is submitted as an amendment under Article 34(2)(b) of the description in relation to a sequence listing contained in an international application as filed: any free text contained in such a replacement sequence listing should also be repeated in the main part of the description in the language thereof.]

**SEQUENCE LISTINGS IN ELECTRONIC FORM ~~Subsequently Furnished Sequence Listing~~**

37. Any sequence listing referred to in paragraph 3 contained in an international application filed in electronic form shall be in an electronic document format and be filed by a means of transmittal that has been specified by the receiving Office for the purposes of filing of international applications in electronic form, provided that any such sequence listing shall preferably be in the electronic document format specified in paragraph 40 and, if possible, be filed by a means of transmittal which has been specified by both the receiving Office and the competent authority.<sup>\*,\*\*</sup>

~~37. Any sequence listing which is not contained in the application as filed but which is furnished subsequently shall not go beyond the disclosure in the application as filed and shall be accompanied by a statement to that effect. This means that a sequence listing furnished subsequently to the filing of the application shall contain only those sequences that were disclosed in the application as filed.~~

[COMMENT: See the Comment following paragraph 41, below.]

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<sup>\*</sup> Editor's Note: Where a sequence listing in electronic form complying with this Standard is not available to the competent authority in a form and manner acceptable to it (that is, in particular, where it is not in the electronic document format specified in paragraph 40), the competent authority may invite the applicant to furnish to it a such sequence listing in electronic form (see Rule 13ter).

<sup>\*\*</sup> Editor's Note: Irrespective of the electronic document format of the sequence listing, the spatial relationship (e.g., columns and rows) of the data elements included in the sequence listing and the format of the actual nucleotide and/or amino acid sequences, as specified in Annex C, shall be maintained.

38. Any sequence listing in electronic form referred to in paragraph 3bis shall be in an electronic document format and be filed by a means of transmittal that has been specified by the receiving Office (in the case of a correction) or by the competent authority (in the case of a rectification or an amendment) for the purposes of filing of international applications in electronic form, provided that any such listing shall preferably be in the electronic document format specified in paragraph 40 and be filed, if possible, by a means of transmittal which has been specified by both the receiving Office and the competent authority.\*

~~38. Any sequence listing not contained in the application as filed does not form part of the application. However, the provisions of PCT Rules 13ter, 26.3 and 91 and PCT Article 34 would apply, so that it may be possible, subject to the applicable provisions, for a sequence listing contained in the application as filed to be corrected under PCT Rules 13ter or 26.3, rectified under PCT Rule 91 (in the case of an obvious error), or amended under PCT Article 34, or for a sequence listing to be submitted under PCT Article 34 as an amendment to the application.~~

[COMMENT: See the Comment following paragraph 41, below.]

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\* Editor's Note: Where a replacement sequence listing in electronic form including any correction, rectification or amendment is not available to the competent authority in a form and manner acceptable to it (that is, in particular, where it is not available to it in the electronic document format specified in paragraph 40), any such correction, rectification or amendment need only be taken into account by that authority for the purposes of the international search or preliminary examination to the extent that a meaningful search or preliminary examination can be carried out without the replacement sequence listing (see paragraph 4bis, above). See also Editor's Note [second Editor's Note on paragraph 37, above], which equally applies to any replacement sequence listing in electronic form referred to in paragraph 3bis.

39. Any sequence listing in electronic form referred to in paragraph 4 and 4bis furnished for the purposes of the international search or international preliminary examination shall be in the electronic document format specified in paragraph 40 and be filed by a means of transmittal which has been specified by the competent authority for the purposes of filing of international applications in electronic form.

~~39. A copy of the sequence listing shall also be submitted in electronic form, in addition to the sequence listing as contained in the application, whenever this is required by the competent Authority.~~

[COMMENT: See the Comment following paragraph 41, below.]

40. ~~41.~~ For the purposes of the international search and international preliminary examination, any ~~The entire printable copy of the~~ sequence listing in electronic form shall be contained within one electronic file ~~preferably on a single diskette or any other electronic medium that is acceptable to the competent Authority. The file recorded on the diskette or any other electronic medium that is acceptable to the competent Authority shall be~~ encoded as a text file using IBM\* Code Page 437, IBM Code Page 932\*\* or a compatible code page to represent the sequence listing as set out in paragraphs 5 to 36 with no other codes included.

A compatible code page, as would be required for, for example, Japanese, Chinese, Cyrillic, Arabic, Greek or Hebrew characters, is one that assigns the Roman alphabet and numerals to the same hexadecimal positions as do the specified code pages.

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\* [No change] *Editor's Note:* IBM is a registered trademark of International Business Machine Corporation, United States of America.

\*\* [No change] *Editor's Note:* The specified code pages are *de facto* standards for personal computers.

*[Annex C, paragraph 40, continued]*

~~40. Any sequence listing in electronic form submitted in addition to the sequence listing as contained in the application shall be identical to the sequence listing as contained in the application and shall be accompanied by a statement that “the information recorded in electronic form is identical to the sequence listing as contained in the application.”~~

[COMMENT: See the Comment following paragraph 41, below.]

41. ~~42.~~ Any sequence listing in the ~~The~~ electronic document format specified in paragraph 40 ~~form~~ shall preferably be created by dedicated software such as PatentIn ~~or other~~ custom computer programs; ~~it may be created by any means, as long as the sequence listing on a submitted diskette or any other electronic medium that is acceptable to the competent Authority is readable under a Personal Computer Operating system that is acceptable to the competent Authority.~~

~~41. The entire printable copy of the sequence listing shall be contained within one electronic file preferably on a single diskette or any other electronic medium that is acceptable to the competent Authority. The file recorded on the diskette or any other electronic medium that is acceptable to the competent Authority shall be encoded using IBM Code Page 437, IBM Code Page 932 or a compatible code page. A compatible code page, as would be required for, for example, Japanese, Chinese, Cyrillic, Arabic, Greek or Hebrew characters, is one that assigns the Roman alphabet and numerals to the same hexadecimal positions as do the specified code pages.~~

[COMMENT: It is proposed to further modify paragraphs 37 to 41 to take account of the following considerations. Present Annex C focuses, with regard to the electronic form of the sequence listings, only on the “competent authority” and its requirement to have available a copy in electronic form of the sequence listing for the purposes of international search and/or

[Annex C, paragraph 41, continued]

preliminary examination (complying with the requirements specified by that authority), not taking into account the fact that a sequence listing in electronic form may already be contained in an international application filed in electronic form or in the form of a mixed mode sequence listing application and thus, first and foremost, has to comply with the requirements of the *receiving Office* (rather than the competent authority) specified for the *purposes of filing* of international applications in electronic form. It is thus proposed to modify Annex C so as to provide, in effect, for two different sets of requirements with regard to allowable electronic document formats and means of transmittal for sequence listings in electronic form, one specified by the receiving Office for the purposes of filing and the other specified by the competent authority for the purposes of international search or preliminary examination, while maintaining the possibility for applicants to comply with both sets of requirements by choosing an electronic document format and a means of transmittal which is accepted by both the receiving Office (for the purposes of filing) and by the competent authority (for the purposes of international search/preliminary examination). Similar considerations apply to the requirements for the furnishing of *replacement* sequence listings in electronic form. On the other hand, sequence listing tables and replacement sequence listing tables in electronic form are not required by the competent authority for the purposes of international search and/or preliminary examination and thus only have to comply with the requirements specified by the receiving Office for the purposes of filing of international applications in electronic form. Finally, sequence listings and replacement sequence listings in electronic form *furnished under Rule 13ter* are furnished solely for the purposes of the international search or preliminary examination (and do not form part of the international application) and thus only have to comply with the requirements as to electronic form and means of transmittal specified by the competent authority for the purposes of international search and/or preliminary examination.]

**PROCEDURE BEFORE DESIGNATED AND ELECTED OFFICES **Electronic Form**  
**of the Sequence Listing****

42. For the purposes of the procedure before a designated or elected Office before which the processing of an international application which contains the disclosure of one or more nucleotide and/or amino acid sequences has started (see Rule 13ter.3):

(i) any reference to the receiving Office or the competent authority shall be construed as a reference to the designated or elected Office concerned;

*[Annex C, paragraph 42, continued]*

(ii) any reference to a sequence listing which is included in the international application by way of a correction under Rule 26, a rectification under Rule 91 or an amendment under Article 34(2)(b) of the description in relation to sequences contained in the application as filed shall be construed to also include any sequence listing included in the application, under the national law applied by the designated or elected Office concerned, by way of a correction (of a formality defect), rectification (of an obvious mistake) or amendment of the description in relation to sequences contained in the application as filed;

(iii) any reference to a sequence listing furnished for the purposes of international search or international preliminary examination shall be construed to also include any such listing furnished to the designated or elected Office concerned for the purposes of national search or examination by that Office;

(iv) the designated or elected Office concerned may invite the applicant to furnish to it, within a time limit which shall be reasonable under the circumstances, for the purposes of national search and/or examination, a sequence listing in electronic form complying with this Standard, unless such listing in electronic form is already available to that Office in a form and manner acceptable to it.

~~42. The electronic form shall preferably be created by dedicated software such as PatentIn or other custom computer programs; it may be created by any means, as long as the sequence listing on a submitted diskette or any other electronic medium that is acceptable to the competent Authority is readable under a Personal Computer Operating system that is acceptable to the competent Authority.~~

[Annex C, paragraph 42, continued]

[COMMENT: It is proposed to modify paragraph 42 so as to ensure that Annex C appropriately covers not only the procedure during the international phase of processing but also the procedure before designated and elected Offices before which national processing of the international application has started. Generally, as at present, no designated or elected Office is permitted to request the applicant to furnish to it a sequence listing (on paper or in electronic form) other than a sequence listing complying with the standard provided for in Annex C (see Rule 13<sup>ter</sup>.3). Where such sequence listing is contained in an international application filed in electronic form or in the form of a mixed mode sequence listing application, any designated or elected Office which has informed the International Bureau that it is prepared to process international applications in electronic form thus will have to accept any such sequence listing in electronic form which complies with the Annex F requirements as to electronic document format or means of transmittal. Where such an Office has *not* so informed the International Bureau, the International Bureau will furnish to that Office a copy on paper of the entire international application (containing the sequence listing) or of the sequence listing only (in the case of the mixed mode sequence listing application). Similar to the procedure available for International Searching and Preliminary Examining Authorities during the international phase, where a sequence listing in electronic form complying with this standard is not available to the designated or elected Office in a form and manner acceptable to it, in particular, for the purposes of national search and/or examination (that is, in particular, where it is not available to it in the electronic document format referred to in paragraph 40 of Annex C, for example, where it is contained in an international application filed in PDF), the designated or elected Office will have the option to invite the applicant to furnish to it a such sequence listing in that electronic document format for the purposes of national search and/or examination.]

~~43. [Deleted] File compression is acceptable when using diskette media, so long as the compressed file is in a self-extracting format that will decompress on a Personal Computer Operating system that is acceptable to the competent Authority.~~

[COMMENT: It is proposed to delete *paragraph 43*. The acceptability of file compression is dependent on the “recipient” of the sequence listing. As far as the receiving Office and the competent authority are concerned, the issue is dealt with in Annex F (in Appendix IV to Annex C, paragraph 2, as proposed to be modified, see below). As far as designated or elected Offices are concerned, the acceptability of file compression is dependent on the requirements of the Office concerned.]

~~44. [\[Deleted\]](#)—The diskette or any other electronic medium that is acceptable to the competent Authority shall have a label permanently affixed thereto on which has been hand-printed, in block capitals or typed, the name of the applicant, the title of the invention, a reference number, the date on which the data were recorded, the computer operating system, and the name of the competent Authority.~~

[COMMENT: See the Comment following paragraph 45, below.]

~~45. [\[Deleted\]](#)—If the diskette or any other electronic medium that is acceptable to the competent Authority is submitted after the date of filing of an application, the labels shall also include the filing date of the application and the application number.~~

[COMMENT: It is proposed to delete paragraphs 44 and 45. The requirements as to labeling etc. of physical data carriers for the submission of a sequence listing in electronic form are dependent on the “recipient” of the sequence listing. As far as the receiving Office and the competent authority are concerned, the requirements are dealt with in Annex F (in Appendix IV to Annex C, paragraph 2, as proposed to be modified, see below). As far as designated or elected Offices are concerned, the requirements are dependent on the requirements specified by that Office.]

~~46. [\[Deleted\]](#)—Any correction of the sequence listing as contained in the application which is submitted under PCT Rules 13ter.1(b) or 26.3, any rectification of an obvious error in the sequence listing as contained in the application which is submitted under PCT Rule 91, or any amendment which includes a sequence listing as contained in the application and which is submitted under PCT Article 34, shall be accompanied by a copy in electronic form of the sequence listing including any such correction, rectification or amendment.~~

[COMMENT: It is proposed to delete *paragraph 46* and to move its contents, further modified, to proposed new paragraph *4bis* (see above).]

**Annex C, Appendices 1 and 2** [No change]

~~ANNEX C-bis~~

~~**[DELETED]**~~

~~**TECHNICAL REQUIREMENTS FOR THE PRESENTATION OF  
TABLES RELATED TO NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS  
IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT**~~

~~**Introduction**~~

~~1. — These technical requirements have been elaborated so as to provide standardization of the presentation of tables related to nucleotide and amino acid sequence listings or computer program listings in international patent applications. These technical requirements are intended to allow the applicant to draw up such tables in a manner which is acceptable to all receiving Offices, International Searching Authorities, International Preliminary Examining Authorities and to the International Bureau for the purposes of the international phase and to all designated and elected Offices for the purposes of the national phase.~~

~~**Definition**~~

~~2. — For the purposes of these technical requirements, “competent Authority” is the International Searching Authority that is to carry out the international search on the international application, or the International Preliminary Examining Authority that is to carry out the international preliminary examination on the international application, or the designated/elected Office before which the processing of the international application has started.~~

*[Annex C-bis, paragraph 2, continued]*

**~~Tables related to sequence listings~~**

~~3. — Tables filed in computer readable form under Section 801(a) shall one of the following character formats:~~

~~(i) — UTF-8 encoded Unicode 3.0; or~~

~~(ii) — XML format conforming to the “Application Body” Document Type Definition referred to in Appendix I of Annex F;~~

~~at the option of the competent Authority.~~

~~4. — The spatial relationships (e.g., columns and rows) of the table elements shall be maintained.~~

~~5. — At the option of the competent Authority, file compression is acceptable, so long as the compressed file is in a self-extracting format that will decompress on a Personal Computer Operating system that is acceptable to the competent Authority and to the International Bureau.~~

~~6.— Each table shall be contained within a separate electronic file on any electronic medium that is acceptable to the competent Authority. The file recorded on the electronic medium that is acceptable to the competent Authority shall be encoded using IBM Code Page 437, IBM Code Page 932 or a compatible code page. A compatible code page, as would be required for, for example, Japanese, Chinese, Cyrillic, Arabic, Greek or Hebrew characters, is one that assigns the Roman alphabet and numerals to the same hexadecimal positions as do the specified code pages.~~

~~7.— Tables filed in computer readable form may be created by any means, as long as the table on an electronic medium that is acceptable to the competent Authority is readable under a Personal Computer Operating system that is acceptable to the competent Authority and to the International Bureau.~~

~~8.— If the electronic medium that is acceptable to the competent Authority is submitted after the date of filing of an application, the labels shall also include the filing date of the application and the application number.~~

**ANNEX F**

**STANDARD FOR THE FILING AND PROCESSING  
IN ELECTRONIC FORM OF INTERNATIONAL APPLICATIONS**

1 and 2 No change]

3. E-PCT SUBMISSION STRUCTURE AND FORMAT

[No change to the introductory text]

*3.1 Allowable electronic document formats*

*3.1 Allowable electronic document formats*

[No change to the first four paragraphs of the introductory text]

Applicants may present a nucleotide and amino acid sequence listing in any of the electronic document formats listed in sections 3.1.1 to 3.1.3 which are allowed under section 3.4 in the Applicant-Office communication sector. However, where the sequence listing is not presented in the electronic document format specified in [paragraph 40 of the Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications under the PCT](#) (see Annex C of the Administrative Instructions [and WIPO Standard ST.25](#), and section 3.1.1.2, below; [hereinafter referred to as “Annex C/ST.25 text file”](#)), the competent International Searching Authority [and the International Preliminary Examining Authority](#) may, for the purposes of the international search [and of the international preliminary examination, respectively](#), invite the applicant to furnish to it a sequence listing in [that an](#) electronic document format ~~complying with that Standard~~ (see Rule 13~~ter~~).

*[Annex F, section 3.1, continued]*

[No change to the fifth paragraph of the introductory text]

*3.1.1 Character coded formats*

*3.1.1.1 XML*

*3.1.1.1.1* [No change]

*3.1.1.2 [Annex C/ST.25 text file](#) ~~Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Patent Applications (Annex C of the Administrative Instructions)~~*

Any [sequence listing presented as an Annex C/ST.25 text file](#) (~~see document created using the paragraph 40 of the~~ [Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Patent Applications](#) (~~see Annex C of the Administrative Instructions~~ [and](#) ~~(WIPO Standard ST.25)~~) must be included as a referenced document.

For the Applicant-Office (international phase) communication sector, receiving Offices must accept this [electronic document](#) format per the basic common standard. For the Office-Office communication sector, Offices must be able to transmit and receive this format.

[COMMENT: It is proposed to further modify *Section 3.1.1.2*, consequential on the modifications of Annex C relating to the requirements for the presentation of sequence listings in electronic form.]

*3.1.1.3* [No change]

*[Annex F, section 3.1, continued]*

3.1.2 PDF

Any file in this format, if present, must be included as a referenced document.

All documents in PDF format must meet the following requirements:

(a) to (e) [No change]

For the Applicant-Office (international phase) communication sector, receiving Offices shall notify the International Bureau whether they will accept documents in this format, including, where applicable, details as to the version(s) that are acceptable. In order to accommodate Offices that do not accept documents in PDF format, any Office that chooses to accept documents in this format must also convert the documents (that is, text and drawings) to TIFF images and transmit the documents in both formats to the International Bureau.

For the Office-Office communication sector, Offices shall notify the International Bureau whether they will transmit or accept documents in this format, including details as to the version(s) in use. For documents originally submitted in PDF format, Offices may request transmission of the original documents in PDF format in addition to the converted documents in ~~XML and~~ TIFF ~~format formats~~.

[COMMENT: It is proposed to further modify the last paragraph of *section 3.1.2 and section 3.4 (see below)*, consequential on modifications of Section 3.1.2 which were promulgated on September 6, 2005, to eliminate the requirement for converting documents originally submitted in PDF to XML format (see Circular C.PCT 1044, dated September 6, 2005).]

3.1.3 and 3.1.4 [No change]

3.2 and 3.3 [No change]

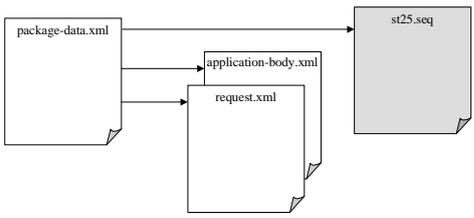
[Annex F, section 3, continued]

3.4 Allowable document formats, by PCT communication sector

[No change to the two introductory paragraphs]

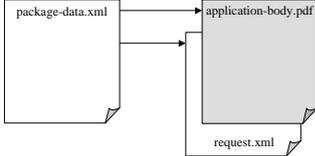
Applicant-Office (international phase) sector

[...]

<p><a href="#">Annex C/ST.25 text file</a></p> <p>See section 3.1.1.2</p>	<p>A receiving Office must accept this format per the basic common standard.</p>	 <p>The diagram illustrates the relationship between four files. On the left is a file named 'package-data.xml'. Three arrows point from this file to three stacked files: 'application-body.xml' (top), 'request.xml' (middle), and another 'request.xml' (bottom). An arrow points from the top 'application-body.xml' file to a file named 'st25.seq' on the right.</p>
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[...]

[Annex F, section 3.4, continued]

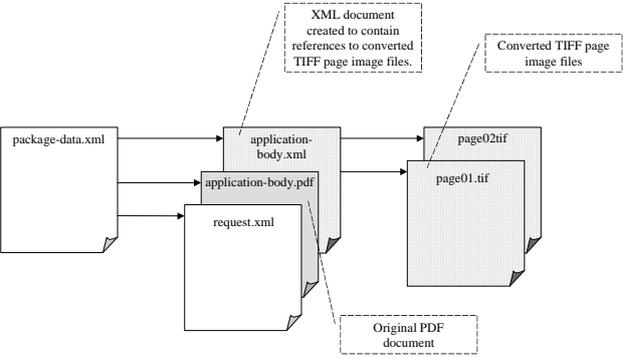
<p><i>PDF</i></p> <p>See section 3.1.2</p>	<p>A receiving Office shall notify the IB whether it will accept documents in this format. In order to accommodate Offices that do not accept PDF documents, any Office that chooses to accept documents in this format must also convert the document text <del>to XML</del> and drawings to TIFF images and transmit those documents in both formats to the IB.</p>	 <p>The diagram shows a box labeled 'package-data.xml' with two arrows pointing to a larger box labeled 'application-body.pdf'. Below the 'application-body.pdf' box is a smaller box labeled 'request.xml'.</p>
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[COMMENT: It is proposed to further modify the last paragraph of *section 3.4 (and section 3.1.2, see above)*, consequential on modifications of Section 3.1.2 which were promulgated on September 6, 2005, to eliminate the requirement for converting documents originally submitted in PDF to XML format (see Circular C.PCT 1044, dated September 6, 2005).]

[...]

*Office-Office sector*

[...]

<p><i>PDF</i></p> <p>See section 3.1.2</p>	<p>Offices shall notify the IB whether they will transmit or accept documents in this format. For documents originally submitted in PDF format, Offices may request transmission of the original PDF documents in addition to the document converted in <del>XML and</del> TIFF format.</p>	 <p>The diagram shows a box labeled 'package-data.xml' with three arrows pointing to three boxes: 'application-body.xml', 'application-body.pdf', and 'request.xml'. From 'application-body.xml' and 'application-body.pdf', arrows point to two boxes labeled 'page01.tif' and 'page02.tif'. A dashed box labeled 'XML document created to contain references to converted TIFF page image files.' points to 'application-body.xml'. Another dashed box labeled 'Converted TIFF page image files' points to 'page01.tif' and 'page02.tif'. A dashed box labeled 'Original PDF document' points to 'application-body.pdf'.</p>
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4. IA DOCUMENTS PACKAGING

4.1 and 4.2 [No change]

4.3 *File naming convention*

[No change to the introductory text]

4.3.1 *Tables*

Tables 1 to 5 [No change]

[Annex F, section 4.3.1, continued]

Table 6

<i>Document and package types currently accepted for initial ePCT filing</i>	
<i>Document type</i>	<i>Code</i>
record copy (package)	reco
home copy (package)	<del>hoco</del> <del>home</del>
package header	pkgh
package data	pkda
request	requ
receiving office information	rrri
declarations	decl
application body	appb
fee sheet	fees
original separate power of attorney	poat
original general power of attorney	gpoa
copy of general power of attorney	cgpa
statement explaining the lack of signature	lacs
priority documents	pdoc
translation of application	tapp
document in pre-conversion format	dpcf
biological deposit	biod
sequence listing ( <del>ST.25</del> )	seql
<u>sequence listing not forming part of the application</u>	<u>seqn</u>
sequence listing table	seqt
table external	tabx
<del>record copy</del>	<del>reco</del>
<del>home copy</del>	<del>hoco</del>
transmission receipt	xmre
application receipt list	aprl
dispatch list	dspl
amendment request	amnd
change of bibliographic material	bibc
ex-officio correction	exoc
correspondence	crsp
notification	noti
demand	dmnd
IPEA demand receiving information	idri
fee-sheet-chapter2	fee2
international search report (ISR)	isre
international preliminary examination report (IPER)	Iper
international search opinion (ISO)	Isop
translation of international search report	Isrt
translation of <u>international</u> preliminary examination report	Ipet
translation of international search opinion	Isot
published application	Papp
office specific document types	[2-position country code]AA
table exceeding fifty printed pages	Mtbl

*[Annex F, section 4.3.1, continued]*

[COMMENT: It is proposed to clarify the use of the codes for the document types “record copy (package)” and “home copy (package)”, noting that, at present, the same code (“reco”) is listed for “record copy (package)” and “record copy”, and that two different codes are listed for the document type “home copy (package)” (“home”) and “home copy” (“hoco”).]

Tables 7 and 8 [No change]

4.3.2 and 4.3.3 [No change]

5 to 9 [No change]

**APPENDICES I and II** [No change]

**APPENDIX III: BASIC COMMON STANDARD FOR ELECTRONIC FILING**

1. [No change]

2. Basic common standard requirements

An international application complies with the basic common standard

– *as to electronic document format, if it meets the following requirements:*

(a) [No change]

*[Annex F, Appendix III, paragraph 2, continued]*

(b) any sequence listing is presented in the electronic document format specified in paragraph 40 of the Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications under the PCT (“Annex C/ST.25 text file”; see paragraph 40 of Annex C of the Administrative Instructions and WIPO Standard ST.25; see also Annex F, section 3.1.1.2, above) ~~complies with Annex C of the Administrative Instructions (WIPO Standard ST.25; see Annex F, section 3.1.1.2);~~

[COMMENT: A clarification is proposed to the provisions of Annex F relating to the electronic document format in which sequence listings filed as part of the application may be submitted. It is proposed to clarify that the “document created using the Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Patent Applications (see Annex C of the Administrative Instructions (WIPO Standard ST.25))” defined in paragraph 3.1.1.2 of Annex F and referred to elsewhere means an ST.25 text file and not TIFF or PDF format ST.25 image files (which, if accepted, would be handled in accordance with paragraphs 3.1.2 and 3.1.3 accordingly). This change would make clear that, in accordance with the basic common standard, a receiving Office accepting applications in electronic format must accept a sequence listing in the ST.25 text file format but is not required to accept electronically filed applications where a sequence listing is included in TIFF or PDF if it does not accept the filing of international applications in such electronic document format. It is to be noted that this is a clarification only and not a change to the present legal situation and practice and, in any case, for the reasons noted above, should not cause any difficulty to applicants, provided that the electronic filing system warns the applicant immediately (either from the client or server side) that the ST.25 text file must be provided where the receiving Office does not accept the filing of international applications (and sequence listings contained therein) in an image format such as PDF.]

[No change to the remainder of paragraph 2]

#### **APPENDIX IV: USE OF PHYSICAL MEDIA FOR THE E-PCT STANDARD**

##### **1. INTRODUCTION**

(a) [No change]

*[Annex F, Appendix IV, paragraph 1, continued]*

(a-bis) This Appendix also defines the requirements for applicants for the submission of sequence listings in electronic form using physical media where the International Searching Authority or the International Preliminary Examining Authority (“Authority”) has notified the International Bureau under AIs Section 513(f) and 610(e), respectively, that it is requiring the furnishing of such listings, for the purposes of international search and preliminary examination, respectively, in electronic form on physical media.

(b) A receiving Office which has notified the International Bureau under AIs Section 710(a) that it is prepared to accept the filing of documents in electronic form on physical media and an Authority which has notified the International Bureau under AIs Section 513(f) or 610(e) that it is requiring the furnishing of sequence listings in electronic form on physical media shall, in addition to the indications required under those Sections, indicate the physical media types, ~~the electronic document formats (including, where applicable, any versions of such electronic document formats)~~ and ~~the electronic packages acceptable to it.~~ ~~The receiving Office shall also indicate~~ the number of copies of the physical media that are required ~~under Rule 11.1(b).~~

~~(c) (b)-cont.~~ The acceptable physical media types and formats shall be limited to those described in section 4 of this Appendix, below, provided that any receiving Office referred to in paragraph (a) shall, where the International Searching Authority or, if applicable, at least one of the International Searching Authorities competent for the international searching of international applications filed with that receiving Office has notified the International Bureau under Section 513(f) that it requires the furnishing of sequence listings in electronic form on physical media for the purposes of the international search, accept at least one physical media type that is accepted by that Authority, or, if applicable, by at least one of those Authorities.

*[Annex F, Appendix IV, paragraph 1, continued]*

(d) ~~(b)-cont.~~ Electronic document formats are limited to those described in the main body of this Annex.

2. REQUIREMENTS FOR ELECTRONIC FILING USING PHYSICAL MEDIA

(a) [No change]

(b) The contents of each physical medium shall:

(i) subject to paragraph (b-bis), be packaged in accordance with section 4.1 or 4.2  
~~be in the form of a package (see section 4~~ of the main body of this Annex); and

(ii) subject to paragraph (c), be contained in ~~as~~ a single file and be located in the root directory of the physical medium.

(b-bis) Where the physical medium contains a sequence listing furnished under Rule 13ter, the contents of the physical medium need not be packaged, unless the file containing such listing is compressed in accordance with paragraph (c-bis).

(c) A receiving Office or an Authority may limit the size of the files written on the physical medium ~~to be no larger than 15 megabytes each~~. If, to comply with this requirement, a single document needs to be split ~~divided~~ into multiple files written on a single physical medium, or if a single document needs to be split into multiple files to be written on multiple physical media, such splitting shall be done such that the files can be rejoined to form one single contiguous file without any repeated or missing contents in accordance with either the ZIP file splitting standard or the Unix/Linux “split” command. In either case, the file names

*[Annex F, Appendix IV, paragraph 2(c), continued]*

shall be in accordance with the defaults in those standards for splitting and recreating a file with a particular original name, for example, for “sequence-list.txt” in the case of ZIP split files: “sequence-list.z01”, “sequence-list.z02”, “sequence-list.zip”; or, in the case of Unix split files: “sequence-listaa.txt”, “sequence-listab.txt”, etc. ~~to comply with this requirement, then the file names shall indicate the sequence of the files in relation to the document (e.g. “Sequence Listing XXX part 4 of 17.txt”).~~

(c-bis) File compression is acceptable if done, in accordance with section 4.1.1 of the main body of this Annex, according to the ZIP standard (that standard allows the compression software to select from among a number of compression algorithms; the compression method must be “deflation” with the normal compression option).

(d) Each physical medium shall be enclosed in a hard case within an unsealed padded and protective mailing envelope and accompanied by a transmittal letter on paper. The transmittal letter shall state the contents of the physical medium (for example: “international application filed under Section 703” or “[*name of other kind of document*] filed under Section 703”). The transmittal letter shall also list for each physical medium the machine format (e.g., IBM-PC), the operating system compatibility (e.g., MS-DOS, MS-Windows, Unix), a list of the files contained on the physical medium including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the physical medium. Physical media submitted to the Office will not be returned to the applicant. ~~If the physical medium contains a backup copy to an international application filed in electronic form under AIs Section 706(a), then the~~

*[Annex F, Appendix IV, paragraph 2(d), continued]*

~~transmittal letter must state that the content of the backup copy is identical to that of the application as filed in electronic form, and indicate the number referred to in AIs Section 704(a)(iii).~~

(e) Where the receiving Office requires under Rule 11.1(b) that an international application filed in electronic form on a physical medium be submitted in two or three copies, or where an Authority so requires in respect of the furnishing of a sequence listing for the purposes of the international search and international preliminary examination, the transmittal letter that accompanies the physical media must include a statement that the copies of the physical media are identical. In the event that the copies of the physical media are not identical, the Office or Authority will use the physical medium labeled “COPY 1” (see paragraph (f)(vi), below) for further processing.

(f) A physical medium must also be physically labeled with the following information:

(i) to (v) [No change]

(vi) where more than one copy of the physical medium is required by the receiving Office or by the Authority, the numbering of each copy submitted, as follows (example: three copies of the physical media are submitted): “COPY 1”, “COPY 2”, “COPY 3” (see also paragraph (e), above); and

*[Annex F, Appendix IV, paragraph 2(f), continued]*

(vii) an indication of the content of the physical medium (for example:

“INTERNATIONAL APPLICATION—SECTION 703”; ~~“BACKUP COPY—  
SECTION 706”~~; “ARTICLE 19 AMENDMENTS”; “ARTICLE 34 AMENDMENTS”;  
“SEQUENCE LISTING—RULE 13<sup>ter</sup>”; “SEQUENCE LISTING—CORRECTION—  
Rule 13<sup>ter</sup>”; “SEQUENCE LISTING—RECTIFICATION—Rule 13<sup>ter</sup>”; “SEQUENCE  
LISTING—AMENDEMENT—Rule 13<sup>ter</sup>” ~~“REPLACEMENT SEQUENCE LISTING”~~).

3. and 4. [No change]

[Annex II follows]

ANNEX II

PROPOSED MODIFICATIONS OF THE  
ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT<sup>2</sup>  
(CLEAN TEXT)

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<sup>2</sup> For the present text of the Administrative Instructions and the Annexes thereto, see documents PCT/AI/6 (dated February 7, 2007) and PCT/AI/ANF/2 (dated October 20, 2005) (available from WIPO's Web site at <http://www.wipo.int/pct/en/texts/index.htm>). A "marked-up" text of the proposed modified provisions (with underlining or striking through) appears in Annex I.

**Section 101**  
**Abbreviated Expressions and Interpretation**

(a) In these Administrative Instructions:

(i) to (x) [No change]

(xi) “electronic” technology includes that having electrical, digital, magnetic, optical or electromagnetic capabilities;

(xii) the expressions “sequence listing”, “sequence listing forming part of the international application” and “sequence listing not forming part of the international application” have the same meaning as in Annex C.

(b) [No change]

**Section 204**  
**Headings of the Parts of the Description**

(a) The headings of the parts of the description shall preferably be as follows:

(i) and (ii) [No change]

(iii) or matter referred to in Rule 5.1(a)(iii), “Disclosure of Invention” or “Summary of Invention”;

(iv) [No change]

(v) for matter referred to in Rule 5.1(a)(v), “Best Mode for Carrying out the Invention,” or, where appropriate, “Mode(s) for Carrying out the Invention” or “Description of Embodiments”;

(vi) to (viii) [No change]

(b) The heading “Title of the Invention” or “Title” shall preferably precede the title of the invention.

**Section 204bis**  
**Numbering of Claims**

The number of each claim referred to in Rule 6.1(b) shall preferably be preceded by the expression "Claim" (for example, "Claim 1", "Claim 2", "Claim 3").

**Section 207**  
**Arrangement of Elements and Numbering of**  
**Sheets of the International Application**

(a) In effecting the sequential numbering of the sheets of the international application in accordance with Rule 11.7, the elements of the international application shall be placed in the following order:

(i) the request;

(ii) the description (including any sequence listing free text referred to in Rule 5.2(b) but excluding the element of the description referred to in item (vi) of this paragraph);

(iii) the claims;

(iv) the abstract;

(v) if applicable, the drawings;

(vi) if applicable, the sequence listing.

(b) The sequential numbering of the sheets shall be effected by using the following separate series of numbering:

(i) the first series applying to the request only and commencing with the first sheet of the request;

(ii) the second series commencing with the first sheet of the description (as referred to paragraph (a)(ii)) and continuing through the claims until the last sheet of the abstract;

(iii) if applicable, a further series applying to the sheets of the drawings only and commencing with the first sheet of the drawings; the number of each sheet of the drawings shall consist of two Arabic numerals separated by a slant, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3);

(iv) if applicable, a further series applying to the sequence listing, commencing with the first sheet of the sequence listing.

**Section 208**  
**Sequence Listings**

Any sequence listing, whether on paper or in electronic form, whether forming part of the international application, or not forming part of the international application, shall comply with Annex C.

**Section 513**  
**Sequence Listings**

(a) [No change]

(b) Where the international search report and the written opinion of the International Searching Authority are based on a sequence listing not forming part of the international application but furnished for the purposes of the international search, the international search report and the written opinion of the International Searching Authority shall so indicate.

(c) [No change]

(d) The International Searching Authority shall indelibly mark, on the first sheet of any sequence listing on paper which does not form part of the international application but was furnished for the purposes of the international search, the words "SEQUENCE LISTING NOT FORMING PART OF THE INTERNATIONAL APPLICATION" or their equivalent in the language of publication of the international application. Where such sequence listing is furnished in electronic form on a physical medium, that Authority shall physically label that medium accordingly.

(e) The International Searching Authority shall:

(i) keep in its files one copy of any sequence listing, whether on paper or in electronic form, which does not form part of the international application but was furnished for the purposes of the international search; and

(ii) where the sequence listing furnished for the purposes of the international search is in electronic form, transmit one copy thereof to the International Bureau together with the copy of the international search report. If that listing in electronic form is filed on physical media in less than the number of copies required by the International Searching Authority, that Authority shall be responsible for the preparation of the additional copy and shall have the right to fix a fee for performing that task and to collect such fee from the applicant.

(f) Any International Searching Authority which requires, for the purposes of the international search, the furnishing of a sequence listing in electronic form shall notify the International Bureau accordingly. In that notification, the Authority shall specify the means of transmittal of the sequence listing in electronic form accepted by it in accordance with Annex F. The International Bureau shall promptly publish details of the notification in the Gazette.

**Section 610**  
**Sequence Listings**

(a) Where the written opinion of the International Preliminary Examining Authority or the international preliminary examination report is based on a sequence listing not forming part of the international application but furnished for the purposes of the international preliminary examination, the written opinion of the International Preliminary Examining Authority and the international preliminary examination report shall so indicate.

(b) Where a meaningful written opinion of the International Preliminary Examining Authority cannot be established or a meaningful international preliminary examination cannot be carried out because a sequence listing is not available to the International Preliminary Examining Authority in the required form, that Authority shall so state in the written opinion and in the international preliminary examination report.

(c) The International Preliminary Examining Authority shall indelibly mark, on the first sheet of any sequence listing on paper which does not form part of the international application but was furnished to it for the purposes of the international preliminary examination, the words "SEQUENCE LISTING NOT FORMING PART OF THE INTERNATIONAL APPLICATION" or their equivalent in the language of publication of the international application. Where such sequence listing is furnished in electronic form on a physical medium, that Authority shall physically label that medium accordingly.

(d) The International Preliminary Examining Authority shall keep in its files any sequence listing, whether on paper or in electronic form, which does not form part of the international application but was furnished for the purposes of the international preliminary examination.

(e) Any International Preliminary Examining Authority which requires, for the purposes of the international preliminary examination, the furnishing of a sequence listing in electronic form shall notify the International Bureau accordingly. In that notification, the Authority shall specify the means of transmittal of the sequence listing in electronic form accepted by it in accordance with Annex F. The International Bureau shall promptly publish details of the notification in the Gazette.

(f) Where the national Office or intergovernmental organization that acted as the International Searching Authority is also acting as the International Preliminary Examining Authority, any sequence listing not forming part of the international application but furnished to that Office or organization for the purposes of the international search shall be considered to have been furnished to it also for the purposes of the international preliminary examination.

**Section 702**

**Filing, Processing and Communication of International Applications  
in Electronic Form**

(a) and (b) [No change]

(c) [Deleted]

**Section 707**

**Calculation of International Filing Fee and Fee Reduction**

(a) [No change]

(*a-bis*) Where a sequence listing is contained in an international application filed in electronic form, the calculation of the international filing fee shall not take into account any sheet of the sequence listing if that listing is presented as a separate part of the description in accordance with Rule 5.2(a) and is in the electronic document format specified in paragraph 40 of Annex C.

(b) [No change]

**Section 713**

**Application of Provisions to International Authorities and the International Bureau, and to Notifications, Communications, Correspondence and Other Documents**

(a) [No change]

(b) The provisions of this Part, other than Sections 702(c), 703(c), 704(c) to (f), 705, 705bis(b) to (e), 706, 707, 708(b)(iii) to (v) and 710(a)(iv), shall, if they are capable of applying but do not expressly apply to notifications, communications, correspondence or other documents relating to international applications that are filed, processed or communicated in electronic form, apply *mutatis mutandis* to such notifications, communications, correspondence or other documents relating to international applications.

**PART 8**  
**[DELETED]**

**ANNEX C**  
**STANDARD FOR THE PRESENTATION OF**  
**NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS**  
**IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT**

INTRODUCTION

1. [No change]

DEFINITIONS

2. For the purposes of this Standard:

(i) the expression “sequence listing” means a nucleotide and/or amino acid sequence listing which gives a detailed disclosure of the nucleotide and/or amino acid sequences and other available information;

(i-*bis*) the expression “sequence listing forming part of the international application” means a sequence listing contained in the international application as filed (as referred to in paragraph 3) or a sequence listing included in the international application by way of a correction under Rule 26, a rectification under Rule 91 or an amendment under Article 34(2)(b) of the description in relation to sequences contained in the application as filed (as referred to in paragraph 3*bis*);

(i-*ter*) the expression “sequence listing not forming part of the international application” means a sequence listing furnished for the purposes of the international search or international preliminary examination (as referred to in paragraphs 4 and 4*bis*);

- (ii) to (vii) [No change]

(viii) “competent Authority” is the International Searching Authority that is to carry out the international search and to establish the written opinion of the International Searching Authority on the international application, or the International Preliminary Examining Authority that is to carry out the international preliminary examination on the international application.

SEQUENCE LISTINGS

**Sequence Listing Forming Part of the International Application**

3. A sequence listing which is contained in the international application as filed:

*[Annex C, paragraph 3, continued]*

(i) shall be presented as a separate part of the description, be placed at the end of the application, preferably be entitled “Sequence Listing”, begin on a new page and have independent page numbering\*; preferably, the sequence listing shall not be reproduced in any other part of the application; subject to paragraph 36, it is unnecessary to describe the sequences elsewhere in the description;

(ii) shall present the sequences represented in the sequence listing and other available information in the sequence listing in accordance with paragraphs 5 to 35;

(iii) if contained in an international application filed in electronic form, shall be in an electronic document format and filed by a means of transmittal in accordance with paragraph 37.

*3bis.* Any correction under Rule 26, rectification under Rule 91 or amendment under Article 34(2)(b) of the description submitted in relation to sequences contained in an international application filed in electronic form shall be submitted in the form of a sequence listing in electronic form, comprising the entire listing with the relevant correction, rectification or amendment. Any such sequence listing:

(i) shall preferably be entitled “Sequence Listing — Correction”, “Sequence Listing — Rectification” or “Sequence Listing — Amendment”, as the case may be, and have independent page numbering\*;

(ii) shall present the sequences represented in the sequence listing and other available information in the sequence listing in accordance with paragraphs 5 to 35; where applicable, the original numbering of the sequences in the international application as filed (as referred to in paragraph 5) shall be maintained; otherwise, the sequences shall be numbered in accordance with paragraph 5;

(iii) shall be in an electronic document format and filed by a means of transmittal in accordance with paragraph 38.

### **Sequence Listing Not Forming Part of the International Application**

4. A sequence listing furnished under Rule 13ter for the purposes of the international search or international preliminary examination:

(i) shall preferably be entitled “Sequence Listing — Rule 13ter”;

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\* *Editor’s Note:* No independent page numbering is required where the sequence listing is contained in an international application filed in electronic form and is in the electronic document format referred to in paragraph 40.

\* *Editor’s Note:* No independent page numbering is required where the sequence listing is contained in an international application filed in electronic form and is in the electronic document format referred to in paragraph 40.

*[Annex C, paragraph 4, continued]*

(ii) shall present the sequences represented in the sequence listing and other available information in the sequence listing in accordance with paragraphs 5 to 35; where applicable, the original numbering of the sequences in the international application as filed (as referred to in paragraph 5) shall be maintained; otherwise, the sequences shall be numbered in accordance with paragraph 5;

(iii) if furnished on paper, shall have independent page numbering;

(iv) if furnished in electronic form, shall be in an electronic document format and filed by a means of transmittal in accordance with paragraph 39;

(v) if furnished in electronic form together with the international application filed on paper, shall be identical to the sequence listing as contained in the application and be accompanied by a statement that “the information recorded in electronic form is identical to the sequence listing as contained in the international application”;

(vi) if furnished subsequently to the filing of the international application, shall not go beyond the disclosure in the international application as filed and be accompanied by a statement to that effect; any such sequence listing shall contain only those sequences that were disclosed in the international application as filed.

*4bis.* Any correction under Rule 26, rectification under Rule 91 or amendment under Article 34(2)(b) of the description submitted in relation to sequences contained in the international application as filed shall be accompanied, for the purposes of the international search or international preliminary examination, by a sequence listing in electronic form comprising the entire listing including any such correction, rectification or amendment, whenever this is required by the competent authority, unless such listing in electronic form is already available to that authority in a form and manner acceptable to it. Any such sequence listing in electronic form:

(i) shall preferably be entitled “Sequence Listing — Correction — Rule 13*ter*”, “Sequence Listing — Rectification — Rule 13*ter*” or “Sequence Listing — Amendment — Rule 13*ter*”, as the case may be;

(ii) shall present the sequences represented in the sequence listing and other available information in the sequence listing in accordance with paragraphs 5 to 35; where applicable, the original numbering of the sequences in the international application as filed (as referred to in paragraph 5) shall be maintained; otherwise, the sequences shall be numbered in accordance with paragraph 5;

(iii) shall be in an electronic document format and filed by a means of transmittal in accordance with paragraph 39;

*[Annex C, paragraph 4bis, continued]*

- (iv) if furnished in addition to a sequence listing comprising the entire listing including any such correction, rectification or amendment filed on paper, shall be identical to such sequence listing filed on paper and be accompanied by a statement that “the information recorded in electronic form is identical to the sequence listing filed on paper”.

Where such sequence listing in electronic form and, where applicable, such statement is not available to the competent authority, any such correction, rectification or amendment need only be taken into account by that authority for the purposes of the international search or preliminary examination to the extent that a meaningful search or preliminary examination can be carried out without such sequence listing in electronic form.

*4ter.* Any sequence listing furnished for the purposes of the international search or international preliminary examination as referred to in paragraphs 4 and *4bis* does not form part of the international application.

#### PRESENTATION OF SEQUENCES

5. to 7. [No change]

#### **Nucleotide Sequences**

8. to 15. [No change]

#### **Amino Acid Sequences**

16. to 22. [No change]

#### OTHER AVAILABLE INFORMATION IN THE SEQUENCE LISTING

23. to 25. [No change]

26. In addition to the data elements identified in paragraph 25, above, when a sequence listing is furnished at any time prior to the assignment of an application number, the following data element shall be included in the sequence listing:

<130>	File reference
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27. In addition to the data elements identified in paragraph 25, above, when a sequence listing is furnished at any time following the assignment of an application number, the following data elements shall be included in the sequence listing:

<140>	Current patent application
<141>	Current filing date

28. to 35. [No change]

#### REPETITION OF FREE TEXT IN MAIN PART OF DESCRIPTION

36. Where the sequence listing forming part of the international application contains free text, any such free text shall be repeated in the main part of the description in the language thereof. It is recommended that the free text in the language of the main part of the description be put in a specific section of the description called "Sequence Listing Free Text".

#### SEQUENCE LISTINGS IN ELECTRONIC FORM

37. Any sequence listing referred to in paragraph 3 contained in an international application filed in electronic form shall be in an electronic document format and be filed by a means of transmittal that has been specified by the receiving Office for the purposes of filing of international applications in electronic form, provided that any such sequence listing shall preferably be in the electronic document format specified in paragraph 40 and, if possible, be filed by a means of transmittal which has been specified by both the receiving Office and the competent authority. \*, \*\*

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\* *Editor's Note:* Where a sequence listing in electronic form complying with this Standard is not available to the competent authority in a form and manner acceptable to it (that is, in particular, where it is not in the electronic document format specified in paragraph 40), the competent authority may invite the applicant to furnish to it a such sequence listing in electronic form (see Rule 13ter).

\*\* *Editor's Note:* Irrespective of the electronic document format of the sequence listing, the spatial relationship (e.g., columns and rows) of the data elements included in the sequence listing and the format of the actual nucleotide and/or amino acid sequences, as specified in Annex C, shall be maintained.

38. Any sequence listing in electronic form referred to in paragraph 3*bis* shall be in an electronic document format and be filed by a means of transmittal that has been specified by the receiving Office (in the case of a correction) or by the competent authority (in the case of a rectification or an amendment) for the purposes of filing of international applications in electronic form, provided that any such listing shall preferably be in the electronic document format specified in paragraph 40 and be filed, if possible, by a means of transmittal which has been specified by both the receiving Office and the competent authority.\*

39. Any sequence listing in electronic form referred to in paragraph 4 and 4*bis* furnished for the purposes of the international search or international preliminary examination shall be in the electronic document format specified in paragraph 40 and be filed by a means of transmittal which has been specified by the competent authority for the purposes of filing of international applications in electronic form.

40. For the purposes of the international search and international preliminary examination, any sequence listing in electronic form shall be contained within one electronic file encoded as a text file using IBM\*\* Code Page 437, IBM Code Page 932\*\*\* or a compatible code page to represent the sequence listing as set out in paragraphs 5 to 36 with no other codes included. A compatible code page, as would be required for, for example, Japanese, Chinese, Cyrillic, Arabic, Greek or Hebrew characters, is one that assigns the Roman alphabet and numerals to the same hexadecimal positions as do the specified code pages.

41. Any sequence listing in the electronic document format specified in paragraph 40 shall preferably be created by dedicated software such as PatentIn.

#### PROCEDURE BEFORE DESIGNATED AND ELECTED OFFICES

42. For the purposes of the procedure before a designated or elected Office before which the processing of an international application which contains the disclosure of one or more nucleotide and/or amino acid sequences has started (see Rule 13*ter*.3):

(i) any reference to the receiving Office or the competent authority shall be construed as a reference to the designated or elected Office concerned;

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\* *Editor's Note:* Where a replacement sequence listing in electronic form including any correction, rectification or amendment is not available to the competent authority in a form and manner acceptable to it (that is, in particular, where it is not available to it in the electronic document format specified in paragraph 40), any such correction, rectification or amendment need only be taken into account by that authority for the purposes of the international search or preliminary examination to the extent that a meaningful search or preliminary examination can be carried out without the replacement sequence listing (see paragraph 4*bis*, above). See also Editor's Note [second Editor's Note on paragraph 37, above], which equally applies to any replacement sequence listing in electronic form referred to in paragraph 3*bis*.

\*\* [No change] *Editor's Note:* IBM is a registered trademark of International Business Machine Corporation, United States of America.

\*\*\* [No change] *Editor's Note:* The specified code pages are de facto standards for personal computers.

*[Annex C, paragraph 42, continued]*

(ii) any reference to a sequence listing which is included in the international application by way of a correction under Rule 26, a rectification under Rule 91 or an amendment under Article 34(2)(b) of the description in relation to sequences contained in the application as filed shall be construed to also include any sequence listing included in the application, under the national law applied by the designated or elected Office concerned, by way of a correction (of a formality defect), rectification (of an obvious mistake) or amendment of the description in relation to sequences contained in the application as filed;

(iii) any reference to a sequence listing furnished for the purposes of international search or international preliminary examination shall be construed to also include any such listing furnished to the designated or elected Office concerned for the purposes of national search or examination by that Office;

(iv) the designated or elected Office concerned may invite the applicant to furnish to it, within a time limit which shall be reasonable under the circumstances, for the purposes of national search and/or examination, a sequence listing in electronic form complying with this Standard, unless such listing in electronic form is already available to that Office in a form and manner acceptable to it.

**Annex C, Appendices 1 and 2** [No change]

**ANNEX C-*bis***

**[DELETED]**

**ANNEX F**  
**STANDARD FOR THE FILING AND PROCESSING**  
**IN ELECTRONIC FORM OF INTERNATIONAL APPLICATIONS**

1 and 2    No change]

3.    E-PCT SUBMISSION STRUCTURE AND FORMAT

[No change to the introductory text]

*3.1 Allowable electronic document formats*

*3.1 Allowable electronic document formats*

[No change to the first four paragraphs of the introductory text]

Applicants may present a nucleotide and amino acid sequence listing in any of the electronic document formats listed in sections 3.1.1 to 3.1.3 which are allowed under section 3.4 in the Applicant-Office communication sector. However, where the sequence listing is not presented in the electronic document format specified in paragraph 40 of the Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications under the PCT (see Annex C of the Administrative Instructions and WIPO Standard ST.25, and section 3.1.1.2, below; hereinafter referred to as “Annex C/ST.25 text file”), the competent International Searching Authority and the International Preliminary Examining Authority may, for the purposes of the international search and of the international preliminary examination, respectively, invite the applicant to furnish to it a sequence listing in that electronic document format (see Rule 13ter).

[No change to the fifth paragraph of the introductory text]

*3.1.1 Character coded formats*

*3.1.1.1 XML*

*3.1.1.1.1*    [No change]

*3.1.1.2 Annex C/ST.25 text file*

Any sequence listing presented as an Annex C/ST.25 text file (see paragraph 40 of the Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Patent Applications (Annex C of the Administrative Instructions and WIPO Standard ST.25)) must be included as a referenced document.

*[Annex F, section 3.1.1.2, continued]*

For the Applicant-Office (international phase) communication sector, receiving Offices must accept this electronic document format per the basic common standard. For the Office-Office communication sector, Offices must be able to transmit and receive this format.

3.1.1.3 [No change]

3.1.2 *PDF*

Any file in this format, if present, must be included as a referenced document. All documents in PDF format must meet the following requirements:

(a) to (e) [No change]

For the Applicant-Office (international phase) communication sector, receiving Offices shall notify the International Bureau whether they will accept documents in this format, including, where applicable, details as to the version(s) that are acceptable. In order to accommodate Offices that do not accept documents in PDF format, any Office that chooses to accept documents in this format must also convert the documents (that is, text and drawings) to TIFF images and transmit the documents in both formats to the International Bureau.

For the Office-Office communication sector, Offices shall notify the International Bureau whether they will transmit or accept documents in this format, including details as to the version(s) in use. For documents originally submitted in PDF format, Offices may request transmission of the original documents in PDF format in addition to the converted documents in TIFF format.

3.1.3 and 3.1.4 [No change]

3.2 and 3.3 [No change]

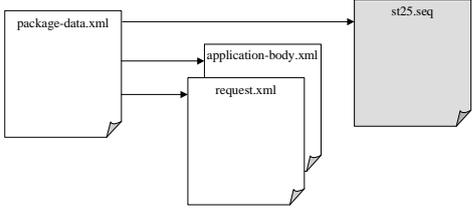
3.4 *Allowable document formats, by PCT communication sector*

[No change to the two introductory paragraphs]

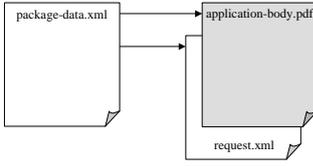
[Annex F, section 3.4, continued]

Applicant-Office (international phase) sector

[...]

<p><i>Annex C/ ST.25 text file</i></p> <p>See section 3.1.1.2</p>	<p>A receiving Office must accept this format per the basic common standard.</p>	 <pre> graph LR     package-data.xml --&gt; application-body.xml     package-data.xml --&gt; request.xml     application-body.xml --&gt; st25.seq     request.xml --&gt; st25.seq     </pre>
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[...]

<p><i>PDF</i></p> <p>See section 3.1.2</p>	<p>A receiving Office shall notify the IB whether it will accept documents in this format. In order to accommodate Offices that do not accept PDF documents, any Office that chooses to accept documents in this format must also convert the document text and drawings to TIFF images and transmit those documents in both formats to the IB.</p>	 <pre> graph LR     package-data.xml --&gt; application-body.pdf     package-data.xml --&gt; request.xml     application-body.pdf --&gt; request.xml     </pre>
--	---	---

[...]

[Annex F, section 3.4, continued]

Office-Office sector

[...]

<p><i>PDF</i></p> <p>See section 3.1.2</p>	<p>Offices shall notify the IB whether they will transmit or accept documents in this format. For documents originally submitted in PDF format, Offices may request transmission of the original PDF documents in addition to the document converted in XML and TIFF format.</p>	<p>The diagram illustrates the document conversion process. It shows three input files: 'package-data.xml', 'application-body.xml', and 'request.xml'. Arrows from these files point to 'application-body.pdf', which is labeled as the 'Original PDF document'. From 'application-body.pdf', arrows point to 'page01.tif' and 'page02.tif', labeled as 'Converted TIFF page image files'. A separate arrow points from 'application-body.pdf' to an 'XML document created to contain references to converted TIFF page image files'.</p>
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#### 4. IA DOCUMENTS PACKAGING

4.1 and 4.2 [No change]

#### 4.3 File naming convention

[No change to the introductory text]

#### 4.3.1 Tables

Tables 1 to 5 [No change]

[Annex F, section 4.3.1, continued]

Table 6

<i>Document and package types currently accepted for initial ePCT filing</i>	
<i>Document type</i>	<i>Code</i>
record copy (package)	reco
home copy (package)	hoco
package header	pkgh
package data	pkda
request	requ
receiving office information	rrri
declarations	decl
application body	appb
fee sheet	fees
original separate power of attorney	poat
original general power of attorney	gpoa
copy of general power of attorney	cgpa
statement explaining the lack of signature	lacs
priority documents	pdoc
translation of application	tapp
document in pre-conversion format	dpcf
biological deposit	biod
sequence listing	seql
sequence listing not forming part of the application	seqn
sequence listing table	seqt
table external	tabx
transmission receipt	xmre
application receipt list	aprl
dispatch list	dspl
amendment request	amnd
change of bibliographic material	bibc
ex-officio correction	exoc
correspondence	crsp
notification	noti
demand	dmnd
IPEA demand receiving information	idri
fee-sheet-chapter2	fee2
international search report (ISR)	isre
international preliminary examination report (IPER)	Iper
international search opinion (ISO)	Isop
translation of international search report	Isrt
translation of international preliminary examination report	Ipet
translation of international search opinion	Isot
published application	Papp
office specific document types	[2-position country code]AA
table exceeding fifty printed pages	Mtbl

*[Annex F, section 4.3.1, continued]*

Tables 7 and 8 [No change]

4.3.2 and 4.3.3 [No change]

5 to 9 No change]

**APPENDICES I and II** [No change]

### **APPENDIX III: BASIC COMMON STANDARD FOR ELECTRONIC FILING**

1. [No change]

2. Basic common standard requirements

An international application complies with the basic common standard

– *as to electronic document format, if it meets the following requirements:*

(a) [No change]

(b) any sequence listing is presented in the electronic document format specified in paragraph 40 of the Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in International Applications under the PCT (“Annex C/ST.25 text file”; see paragraph 40 of Annex C of the Administrative Instructions and WIPO Standard ST.25; see also Annex F, section 3.1.1.2, above);

[No change to the remainder of paragraph 2]

### **APPENDIX IV: USE OF PHYSICAL MEDIA FOR THE E-PCT STANDARD**

1. INTRODUCTION

(a) [No change]

(a-bis) This Appendix also defines the requirements for applicants for the submission of sequence listings in electronic form using physical media where the International Searching Authority or the International Preliminary Examining Authority (“Authority”) has notified the International Bureau under AIs Section 513(f) and 610(e), respectively, that it is requiring the furnishing of such listings, for the purposes of international search and preliminary examination, respectively, in electronic form on physical media.

[Annex F, Appendix IV, paragraph 1, continued]

(b) A receiving Office which has notified the International Bureau under AIs Section 710(a) that it is prepared to accept the filing of documents in electronic form on physical media and an Authority which has notified the International Bureau under AIs Section 513(f) or 610(e) that it is requiring the furnishing of sequence listings in electronic form on physical media shall, in addition to the indications required under those Sections, indicate the physical media types and the number of copies of the physical media that are required.

(c) The acceptable physical media types and formats shall be limited to those described in section 4 of this Appendix, below, provided that any receiving Office referred to in paragraph (a) shall, where the International Searching Authority or, if applicable, at least one of the International Searching Authorities competent for the international searching of international applications filed with that receiving Office has notified the International Bureau under Section 513(f) that it requires the furnishing of sequence listings in electronic form on physical media for the purposes of the international search, accept at least one physical media type that is accepted by that Authority, or, if applicable, by at least one of those Authorities.

(d) Electronic document formats are limited to those described in the main body of this Annex.

## 2. REQUIREMENTS FOR ELECTRONIC FILING USING PHYSICAL MEDIA

(a) [No change]

(b) The contents of each physical medium shall:

(i) subject to paragraph (b-*bis*), be packaged in accordance with section 4.1 or 4.2 of the main body of this Annex; and

(ii) subject to paragraph (c), be contained in a single file and be located in the root directory of the physical medium.

(b-*bis*) Where the physical medium contains a sequence listing furnished under Rule 13ter, the contents of the physical medium need not be packaged, unless the file containing such listing is compressed in accordance with paragraph (c-*bis*).

(c) A receiving Office or an Authority may limit the size of the files written on the physical medium. If, to comply with this requirement, a single document needs to be split into multiple files written on a single physical medium, or if a single document needs to be split into multiple files to be written on multiple physical media, such splitting shall be done such that the files can be rejoined to form one single contiguous file without any repeated or missing contents in accordance with either the ZIP file splitting standard or the Unix/Linux “split” command. In either case, the file names shall be in accordance with the defaults in

*[Annex F, Appendix IV, paragraph 2(c), continued]*

those standards for splitting and recreating a file with a particular original name, for example, for “sequence-list.txt” in the case of ZIP split files: “sequence-list.z01”, “sequence-list.z02”, “sequence-list.zip”; or, in the case of Unix split files: “sequence-listaa.txt”, “sequence-listab.txt”, etc.

(c-*bis*) File compression is acceptable if done, in accordance with section 4.1.1 of the main body of this Annex, according to the ZIP standard (that standard allows the compression software to select from among a number of compression algorithms; the compression method must be “deflation” with the normal compression option).

(d) Each physical medium shall be enclosed in a hard case within an unsealed padded and protective mailing envelope and accompanied by a transmittal letter on paper. The transmittal letter shall state the contents of the physical medium (for example: “international application filed under Section 703” or “[*name of other kind of document*] filed under Section 703”. The transmittal letter shall also list for each physical medium the machine format (e.g., IBM-PC), the operating system compatibility (e.g., MS-DOS, MS-Windows, Unix), a list of the files contained on the physical medium including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the physical medium. Physical media submitted to the Office will not be returned to the applicant.

(e) Where the receiving Office requires under Rule 11.1(b) that an international application filed in electronic form on a physical medium be submitted in two or three copies, or where an Authority so requires in respect of the furnishing of a sequence listing for the purposes of the international search and international preliminary examination, the transmittal letter that accompanies the physical media must include a statement that the copies of the physical media are identical. In the event that the copies of the physical media are not identical, the Office or Authority will use the physical medium labeled “COPY 1” (see paragraph (f)(vi), below) for further processing.

(f) A physical medium must also be physically labeled with the following information:

(i) to (v) [No change]

(vi) where more than one copy of the physical medium is required by the receiving Office or by the Authority, the numbering of each copy submitted, as follows (example: three copies of the physical media are submitted): “COPY 1”, “COPY 2”, “COPY 3” (see also paragraph (e), above); and

*[Annex F, Appendix IV, paragraph 2(f), continued]*

(vii) an indication of the content of the physical medium (for example: “INTERNATIONAL APPLICATION—SECTION 703”; “ARTICLE 19 AMENDMENTS”; “ARTICLE 34 AMENDMENTS”; “SEQUENCE LISTING—RULE 13ter”; “SEQUENCE LISTING—CORRECTION—Rule 13ter”; “SEQUENCE LISTING—RECTIFICATION—Rule 13ter”; “SEQUENCE LISTING—AMENDEMENT—Rule 13ter”).

3. and 4. [No change]

[End of Annex II and of document]