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GOVERNING BODIES OF WIPO AND THE UNIONS ADMINISTERED BY WIPO

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PROGRAM OF THE 1996-97 BIENNIUM

Memorandum by the Director General

Introduction

1. The present document contains information on, and proposals concerning certain matters related to, the program of the current (1996-97) biennium, taking into account developments that occurred since that program was adopted (in September-October 1995). It is to be noted that the new activities that are proposed to be undertaken will either have no budgetary implications at all or be easily absorbed within the approved budget.

Treaty on the International Registration of Industrial Designs or Revision of the Hague Agreement on the Same Subject

2. According to the program of the 1996-97 biennium (item 03(3)), a diplomatic conference for the adoption of a new treaty on the international registration of industrial designs should take place in 1997, it being understood that the new treaty may take the form of a revision of the Hague Agreement Concerning the International Deposit of Industrial Designs.
3. The Committee of Experts dealing with the matter will meet in November 1996. However, it is clear that the November session will not be the last one of the Committee, so that the Diplomatic Conference will not be held before 1998.

Treaty on Intellectual Property in Respect of Integrated Circuits

4. In May 1989, a WIPO Diplomatic Conference held in Washington adopted the Treaty on Intellectual Property in Respect of Integrated Circuits. This Treaty has not entered into force and is unlikely to attract enough adherence to ever enter into force.
5. The TRIPS Agreement incorporates by reference most of the substantive provisions of the Washington Treaty but, for certain provisions, it provides different requirements (see Articles 35 to 38 of that Agreement).
6. It is proposed that the International Bureau prepare the draft of a new treaty which would replace the Washington Treaty and which would be in conformity with the TRIPS Agreement. As a first step, the International Bureau would convene a preparatory meeting in the first half of 1997, and would ask the WIPO General Assembly when it meets in September 1997 whether a diplomatic conference for the adoption of a new treaty should be convened by WIPO and, if so, when.

Nucleotide and/or Amino Acid Sequence Listings

7. With the growth of the biotechnology industry there have been significant changes in the research, development and commercialization of biotechnological inventions. There is a growing number of patent applications disclosing nucleotide and/or amino acid sequences—the hugely complicated chemicals which make up, for example, DNA and proteins. These sequences are presented in the form of “listings,” that is, highly specialized technical descriptions, including the chemical structure written in the universally accepted genetic alphabet (for DNA and other nucleotides) or three-letter code (for the amino acids that make up proteins). Sequence listings, when written down, can run to tens or even hundreds of pages. This raises problems for applicants in preparing and filing patent applications, and for patent offices which have to process, publish and, for those offices which have search and substantive examination systems, search and examine the applications.

8. In order to facilitate the preparation of sequence listings, the searching of prior art and the examination of patent applications involving sequences, the WIPO Permanent Committee on Industrial Property Information (PCIPI) has formulated standards for the presentation of sequence listings disclosed in patent applications, namely, WIPO Standard ST.23 (“Recommendation for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications and in Published Patent Documents”) and WIPO Standard ST.24 (“Recommendation for the Presentation of Nucleotide and Amino Acid Sequence Listings in Computer-readable Form”). Mostly based on these Recommendations, a few of the larger patent offices have prescribed certain standards for the presentation of sequence listings on paper, which, however, are not uniform and differ from office to office.

9. An improvement of this unsatisfactory situation would be the establishment of a uniform international standard for the presentation of sequence listings for the purposes of patent procedure which would allow applicants to draw up a single sequence listing on paper and in machine-readable form which would be acceptable to all national and regional Offices as well as all PCT Authorities and designated and elected Offices under the PCT. Work is already being done on establishing a common standard by the European Patent Office, the Japanese Patent Office and the United States Patent and Trademark Office in the course of their trilateral cooperation, with the participation of the International Bureau.

10. As a next step, it would be desirable to develop a system under which sequence listings could be held in electronic form on a widely accessible computerized database in a standardized format suitable for patent search purposes. Such a data bank, which could be established in cooperation with existing (private) sequence database producers, could then serve as the data repository for all requests for electronic copies of the sequence listings for the purpose of patent procedures.

11. Eventually, this work could result in the establishment of an international “deposit” system for sequence listings, similar to that which operates under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, whereby applicants could, for the purpose of disclosing a sequence in a national or international application, simply refer to the listing “deposited” with the data bank, that reference replacing the disclosure of the sequence listing in the application itself. National Offices could, for search and examination purposes, access any sequence listing so deposited, which would allow great savings for all parties involved and increase the accuracy of coded listings and searches based thereon.

12. It is proposed that the International Bureau continue its efforts towards the establishment of a uniform international standard and study the feasibility of an international “deposit” system for sequence listings whereby the requirements of any office for a sequence listing in computer-readable form would be satisfied by access to the listing stored in a computerized data bank.

International Centralized System for the Recording of Assignments of Patent Applications and of Patents

13. In the May 1996 meeting of the Committee of Experts on the Patent Law Treaty it was suggested by some participants that an international centralized system for the recording of assignments of patent applications and of patents be established under the auspices of WIPO. The Director General stated that this matter did not seem to be an appropriate item for the Patent Law Treaty but could be studied separately.

14. Consequently, and as a first exploratory step, it is proposed that the International Bureau study, with the help of consultants, the need for and the feasibility of the establishment of such a system. Further proposals, if any, would be included in the draft program for the next biennium which will be considered by the September 1997 session of the Governing Bodies.

15. The Governing Bodies are invited to note the information given, and to approve the proposals contained, in the present document.

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