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REVISION OF WIPO STANDARD ST.25 (TASK No. 33)

Document prepared by the Secretariat

Background

1. WIPO Standard ST.25 (“Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications”) 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 [hereinafter referred to as the ‘PCT Sequence Listing Standard’] *mutatis mutandis* to all patent applications other than the PCT international applications”.

2. Following extensive consultations with PCT Member States and users of the PCT system, as well as Members of the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT) (see the joint PCT and SCIT Circulars C. PCT 1014/C. SCIT 2609, dated February 7, 2005; C. PCT 1074/C. SCIT 2624, dated April 24, 2006; and C. PCT 1149/C. SCIT 2652, dated June 11, 2008), a number of modifications to the PCT Administrative Instructions have been made in relation to the filing of international applications containing nucleotide and/or amino acid sequence listings. These modifications have entered into force on July 1, 2009, and consist of modifications to the PCT Sequence Listing Standard as set out in Annex C of the PCT Administrative Instructions, as

well as modifications to Sections 101, 207, 208, 513, 610, 702, 707 and 713, and Annex F, as well as the deletion of Part 8 and Annex C-*bis* of the PCT Administrative Instructions.

3. As a consequence to these modifications:

- “mixed mode” (paper form and electronic form) sequence listing filings will no longer be possible;
- there will no longer be a page fee payable for sequence listings filed in accordance with Annex C/WIPO Standard ST.25 *text format* as part of an international application filed in electronic form, but full page fees will be payable for all pages of a sequence listing filed in *image format* (for example, PDF format) or on paper; and
- there will no longer be any page fee benefits for tables relating to sequence listings – pages containing such tables will count as regular pages of description, irrespective of how they are submitted.

4. Other modifications that were made include, in particular:

- the arrangement and numbering of sheets of the international application;
- the availability of copies of sequence listings in the Annex C/WIPO Standard ST.25 text format submitted for the purposes of international search; and
- defining the requirements for the submission of sequence listings in electronic form using physical media.

5. While the above modifications to the PCT Sequence Listing Standard do not require a revision of the main body of WIPO Standard ST.25, there is a need to revise the footnote to that Standard, consequential on modifications to paragraph 3 of the PCT Sequence Listing Standard, as further explained in the following paragraphs.

Proposed revision of the footnote to WIPO Standard ST.25

6. The first two sentences of paragraph 3 of the PCT Sequence Listing Standard as in force before July 1, 2009, referred to in the present footnote to WIPO Standard ST.25, read as follows:

“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.”

7. In the PCT Sequence Listing Standard as in force from July 1, 2009, the content of those two sentences has been moved to new paragraph 3(i), which now reads as follows:

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

“(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;

“(ii) [...].”

8. At present, the footnote to WIPO Standard ST.25 reads as follows:

“If, on July 1, 1998, the national law and practice applicable by an Office is not compatible with the provisions of the first 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.”

9. It is thus proposed to revise 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 July 1, 2009 ~~July 1, 1998~~, the national law and practice applicable by an Office is not compatible with the provisions of paragraph 3(i) ~~the first 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)”, requiring that a sequence listing which is contained in the international application as filed “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”, that Office may choose not to follow those provisions for as long as that incompatibility continues.”

10. The copy of Annex C to the Administrative Instructions under the PCT that is reproduced in WIPO Standard ST.25 will be replaced with the current version of the Annex, which is available on WIPO’s website at <http://www.wipo.int/pct/en/texts/index.htm> in PDF and HTML formats.

11. The SDWG is invited to consider and adopt the proposed revision of the footnote to WIPO Standard ST.25 as set out in paragraph 9, above.

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