

Patent Cooperation Treaty (PCT) Working Group

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IMPLEMENTATION OF WIPO STANDARD ST.26

Document prepared by the International Bureau

SUMMARY

1. WIPO Standard ST.26 came into effect on July 1, 2022 and is the required format for sequence listings in international applications filed on or after that date. The system appears to be operating as expected. Some additional services are envisaged to improve arrangements for applicants, Offices and third parties in the future. It is recommended that a new format be developed for priority documents to allow the exchange of machine-readable data including sequence listings in WIPO Standard ST.26 format.

BACKGROUND

2. The Committee on WIPO Standards (CWS), at its first session (October 25 to 29, 2010), approved Task No. 44 (see paragraph 29 of document CWS/1/10), to:

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

3. At its fifth session, the CWS agreed on a “big bang” scenario as the option for the transition, which requires all Intellectual Property Offices (IPOs) to change from ST.25 to ST.26 at the same time. At this same session, the International Bureau informed the CWS that it would develop a new common software tool to enable applicants to prepare sequence listings and verify that such sequence listings are in compliance with WIPO Standard ST.26.

4. In October 2021, the Fifty-Fourth session of the WIPO General Assembly finalized the “big bang” implementation date of WIPO Standard ST.26 as July 1, 2022, at national, regional and international levels. During the same set of meetings, the Fifty-Third session of the Assembly of the PCT Union adopted the required amendments to the Regulations under the PCT (see paragraph 25 of document [PCT/A/53/4](#)) set out in Annexes I and II of document [PCT/A/53/3](#).

WIPO SEQUENCE

5. In line with the decision referred to in paragraph 3, above, the International Bureau has developed and made available tools for Offices and applicants namely “WIPO Sequence” and “WIPO Sequence Validator”. “WIPO Sequence” is a standalone desktop application available for Windows, Linux and MacOS provided to assist applicants in generating their compliant sequence listings. “WIPO Sequence Validator” is a service that runs in patent office environments to check filed sequence listings for compliance with WIPO Standard ST.26.

6. The version of the software initially implemented contained a number of bugs. The most serious of these have been resolved and it is strongly recommended that applicants update immediately to the latest version of the software (version 2.1.2 at time of writing). Also, a number of applications were filed with sequence listings created with versions of the software already out of date before the “big bang” date. The ePCT-Filing system checks the version used for sequence listings uploaded in that environment and provides a warning to applicants using outdated versions.

IMPLEMENTATION OF ST.26

7. The International Bureau has updated the PCT electronic filing and process available through the ePCT portal system for both applicants and Offices, and the stylesheets used by the International Bureau and other Offices to produce PCT forms taking into account the International filing date of the relevant international application in accordance with the updated Administrative Instructions. Accordingly, PCT-EDI and the International Bureau’s internal processing systems have been updated to enable the receipt and processing of sequence listings in WIPO Standard ST.26 format in record copies of international applications. ST.25 sequence listings continue to be accepted and processed as subsequently-filed documents relating to international applications filed before July 1, 2022.

8. The International Bureau is monitoring the filing of international applications with sequence listings prior to, during and after the transition period. Insufficient record copies have yet been received to draw final conclusions, but it would appear that the number of international applications with sequence listings has remained roughly constant. There was no significant surge of applications prior to July 1 to allow filing of sequence listings in ST.25 format to match the listing used in an earlier application. The rate of filing of sequence listings after the “big bang” date appears very similar to that before.

PRIORITY DOCUMENTS AND CERTIFIED COPIES

9. In the provision of priority documents and certified copies of documents prior to the “big bang”, Offices had typically chosen to use either a page printout of, or the insertion of a cover sheet giving information on how to obtain, the relevant sequence list for a patent application. This relied on the layout feature of a sequence listing in WIPO Standard ST.25 format making a simple page printout possible for inclusion in a PDF file, or the acceptance and the provision by that Office of a process by which a sequence listing in text format could be obtained by the recipient of the priority document.

10. In the case of sequence listings in WIPO Standard ST.26 format, the simple page printout of the sequence listing produces pages that are potentially much less readable than those previously produced for the sequence listings received in WIPO Standard ST.25 format. This has led to Offices seeking to provide a page printout of the sequence listing in a

“human-friendly” format, rather than showing the XML or inserting a sheet indicating how the sequence listing text file could be obtained.

11. The International Bureau has observed that this rendering process is not always reliable using the current rendering platform and that there is variability in the supply of priority documents and certified copies. Irrespective of this technical point, the International Bureau recommends that a standard solution be developed to enable the transmission of sequence listings in WIPO ST.26 format as part of priority documents and other certified copies. Having the sequence listings (and other material) from the earlier applications in machine-readable format instead of as images will enable Offices to benefit from further automation when processing priority documents. The International Bureau recommends that the Working Group propose this action as a task in the Committee on WIPO Standards and invites the Working Group to comment on any PCT-specific issues that should be taken into account in developing such a standard.

12. The WIPO Digital Access Service for Priority Documents (DAS) should then also be updated to permit exchange of documents in the new format.

VISUALISATION OF SEQUENCE LISTINGS

13. Similar to the points regarding priority documents, while for sequence listings filed in ST.25 their visualization when downloaded was satisfactory for human review purposes with listings of residues in tabular form, this is not the case for sequence listings filed in WIPO Standard ST.26 format where the display of the residues is held in XML markup. Consequently, the International Bureau plans to provide a viewer that uses a stylesheet for the display of such sequence listings in the PATENTSCOPE system to enable viewing of the sequence listings in an optimal manner.

14. *The Working Group is invited:*

(i) to note the status of the use of WIPO Standard ST.26 for international applications; and

(ii) to recommend to the Committee on WIPO Standards that a new standard be developed to enable the transmission of sequence listings in WIPO Standard ST.26 format as part of priority documents and certified copies.

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