

AGREEMENT REGARDING PFR ST.36/2009/003

Agreement regarding PFR ST.36/2009/003 was reached by the ST.36 Task Force on May 11, 2009 as proposed in PFR ST.36/2009/003 **Rev.1** on May 1, 2009.

PFR ST.36/2009/003 **Rev.1** and the initial proposal submitted by the WO/IB Office on March 10, 2009 are reproduced as Annexes to this Agreement.

[Annex follows]

ANNEX 1

PROPOSAL FOR REVISION (PFR) OF WIPO XML STANDARD ST.36

Identifier: <i>(to be completed by the IB)</i>	PFR ST.36/2009/003 Rev.1
Procedure for handling this proposal: <i>(to be completed by the IB)</i>	Fast-Track Procedure by ST.36 Task Force

Submitted by: (Office)	WO/IB	Date Submitted	March 10, 2009 Rev.1, May 1, 2009
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Subject	
<i>(i.e., brief indication of the changes to be considered)</i>	Revision and addition of some elements in Annex C (ICEs) to reflect PCT 2009 Rule Changes.

WIPO Standard & Items impacted	
<i>(e.g., main body of the Standard, Appendices / Annexes to the Standard, DTD/Schema, Element/Type Name, etc)</i>	<p>WIPO Standard ST.36</p> <p>Items impacted:</p> <ul style="list-style-type: none"> - Annex A : xx-patent-document.dtd - Annex C : International Common Elements (ICEs) <ul style="list-style-type: none"> o elements sequence-list, cl-sequence-listing.

Detailed description (i.e., proposed solution)	
<i>(If necessary, please attach further explanation sheet, e.g., a part of ICE table to be changed if a proposal impacts ST.36 ICEs, comments to be added to DTD/Schema if a proposal is related to elements/type, etc.)</i>	<p>The proposed solution is to modify package-data DTD, request DTD and Fees DTD adding additional sequence listing functionality (note that wo-published-application.DTD and demand.DTD will both be impacted as the modified elements are also used in these DTDs:</p> <ul style="list-style-type: none"> • Package-data - update to attribute seq-file-type to permit the differentiation at the file level as to whether the sequence listing is in a ST.25 text format that is processible by applications including PatentIn or in another no-processible format; and add an attribute to indicate, again at the file level, whether the specific sequence listing file referenced by each instance of the sequence-list element forms part of the application (yes) , or is furnished for other purposes (no); • Request.dtd – modify the cl-sequence-list element to handle a) ST.25 IMAGE FORMAT FILE ONLY (E-FILE); b) ST.25 TEXT FORMAT FILE ONLY (E-FILE); c) BOTH ST.25 IMAGE AND TEXT FORMATS (E-FILE); d) ST.25 TEXT FORMAT ONLY NOT AS PART OF APP (EASY, E-FILE). <p>This PFR corresponds to PCT/EF/PFC 09/001.</p> <p>Please refer to Appendix I for a full description of the revisions proposed.</p>

Reasons	
<p><i>(e.g., clear indication of the problem, how the need was determined, objectives of the revision, expected benefits, etc.)</i></p>	<p>PCT 2009 July rule changes eliminate Section 801 mixed mode filings for PCT and while in principle should have simplified the filing process, the practice is that for on-line filings using the paper form the request form has had to be extended to hand applications where sequence listings are sent on media as part of an on-line electronic filing.</p> <p>The corresponding PFC is in process through the Annex F consultative process.</p>

[Appendix 1 follows]

Note: The newly added texts are in blue, and removed text in red and struck. In general, the strikethrough texts propose to be deleted from WIPO Standard ST.36 and/or this PFR.

Annex 1
APPENDIX 1

List of Detailed Proposals

	Proposal	Detailed Description
1	Modify ST.36 element sequence-list used in package-data.dtd, wo-published-application.dtd and xx-patent-document.dtd	<p>Change: <!ELEMENT sequence-list EMPTY> <!ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED seq-file-type CDATA #FIXED 'ST.25' status CDATA #IMPLIED ></p> <p>To: <!ELEMENT sequence-list EMPTY> <!ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED seq-file-type CDATA #FIXED REQUIRED 'ST.25' or 'ST.25-TEXT' status CDATA #IMPLIED electronic-format-type (text other) #IMPLIED part-of-application (yes no) #IMPLIED ></p> <p>DETAILED REASONINS: There are two changes in the element</p> <p>a) update to attribute seq-file-type to permit the differentiation at the file level as to whether the sequence listing is in a ST.25 text format that is processible by applications including PatentIn or in another no-processible format</p> <p>and,</p> <p>b) add an attribute to indicate, again at the file level, whether the specific sequence listing file referenced by each instance of the sequence-list element forms part of the application (yes) , or is furnished for other purposes (no).</p>
	Modifications to comments of sequence-list element	<p>Change: <!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "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." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of ST.25 and be an</p>

	Proposal	Detailed Description
		<p>external file</p> <pre>--> To: <!-- SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html "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 description part 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." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of Annex C/ST.25 and be an external file --></pre>
2	<p>Checklist; a sequence listing is being furnished, used in request.DTD and demand.DTD</p>	<p>NOTE: This element is not used in model DTD and thus this change does not impact on the current ST.36. However the XML codes will be inserted in the Description of the element in ICEs according to the TF agreement for future changes. Thus this change must be discussed by the PFR process.</p> <p>Change:</p> <pre><!ELEMENT cl-sequence-listing EMPTY> <!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED for-search-only (yes no) #IMPLIED additional-copies-including-search-copy (yes no) #IMPLIED with-identifying-statement (yes no) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic external- electronic paper) #IMPLIED ></pre> <p>To:</p> <pre><!ELEMENT cl-sequence-listing EMPTY> <!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED for-search-only (yes no) #IMPLIED additional-copies-including-search-copy (yes no) #IMPLIED with-identifying-statement (yes no) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic external- electronic paper) #IMPLIED carriers-type (FD CD DVD BD other) #IMPLIED carriers-quantity CDATA #IMPLIED size CDATA #IMPLIED ></pre>

	Proposal	Detailed Description
2	(continued)	<p>DETAILED REASONINS</p> <p>This element from July 1, 2009 needs to support 4 cases none of which are available for PAPER filings:</p> <p>a) ST.25 IMAGE FORMAT FILE ONLY (E-FILE) b) ST.25 TEXT FORMAT FILE ONLY (E-FILE) c) BOTH ST.25 IMAGE AND TEXT FORMATS (E-FILE) d) ST.25 TEXT FORMAT ONLY NOT AS PART OF APP (EASY, E-FILE)</p> <p>a) Sequence listing(s) in ST.25 IMAGE format as a separate file as part of the description (not for the purposes of search), but not ST.25/Annex C text format compliant</p> <p>e.g. <cl-sequence-listing quantity 1 page-count 42 > or <cl-sequence-listing quantity 3 page-count 42 > (The USPTO do not support physical medium for ST.25 image format files? - it is logical as these will be bigger than the text files!)</p> <p>b) Sequence listing(s) file(s) in ST.25/Annex C text format, filed as part of the description of the application, furnished for both this aforementioned purpose, and that of international search</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="no" carriers="internal-electronic" > OR <cl-sequence-listing quantity 1 for-search-only="no" carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes,TOTAL for multiple files)></p> <p>c) Sequence listing(s) in ST.25 format as a separate file(s) as part of the description, but not compliant with ST.25/Annex C text format PLUS sequence listing(s) file(s) in ST.25/Annex C text format furnished for the purpose of international search only</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="yes" (applying only to the text compliant file) with-identifying-statement="yes" page-count 42 (applying to the Description non text compliant file) carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes, TOTAL for multiple files) ></p>

[Appendix 2 follows]

Annex 1
APPENDIX 2

Proposal for Revision of ICEs

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
sequence-list	<p>SEQUENCE LISTING According to WIPO ST.25: STANDARD FOR THE PRESENTATION OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS IN PATENT APPLICATIONS: see http://www.wipo.int/scit/en/index.html</p> <p>"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 description part 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." Therefore we create here a separate sub-document for sequence listings, it should follow any drawings or the claims. It should follow the format of ST.25 and be an external file.</p> <pre><!ELEMENT sequence-list EMPTY> <!ATTLIST sequence-list id ID #IMPLIED file CDATA #REQUIRED lang CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED seq-file-type CDATA #FIXED 'ST.25' status CDATA #IMPLIED electronic-format-type (text other) #IMPLIED part-of-application (yes no) #IMPLIED ></pre>		sequence-list-doc, package-data	package-data, wo-published-application, xx-patent-document			Communication		

Element Name	Description	Uses	Used By	In DTD	INID Code (ST9)	ST32	Category	Entry(E) / Revision Date	Remarks (Deprecated Date, PFR no., etc.)
cl-sequence-listing	<p>Checklist; a sequence listing is being furnished</p> <pre><!-- Checklist; a sequence listing or sequence listings is/are being furnished. BD is for Blue-Ray media submission. --> <!ELEMENT cl-sequence-listing EMPTY> <!ATTLIST cl-sequence-listing quantity CDATA #REQUIRED for-search-only (yes no) #IMPLIED additional-copies-including-search- copy (yes no) #IMPLIED with-identifying-statement (yes no) #IMPLIED page-count CDATA #IMPLIED carriers (internal-electronic external-electronic paper) #IMPLIED carriers-type (FD CD DVD BD other) #IMPLIED carriers-quantity CDATA #IMPLIED size CDATA #IMPLIED ></pre>		check-list, demand-check-list	request, demand			Communication		

[Annex 2 follows]

ANNEX 2

INITIAL PFR

Identifier: <i>(to be completed by the IB)</i>	PFR ST.36/2009/003
Procedure for handling this proposal: <i>(to be completed by the IB)</i>	Fast-Track Procedure by ST.36 Task Force

Submitted by: <i>(Office)</i>	WO/IB	Date Submitted	March 10, 2009
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Subject	
<i>(i.e., brief indication of the changes to be considered)</i>	Revision and addition of some elements in Annex C (ICEs) to reflect PCT 2009 Rule Changes.

WIPO Standard & Items impacted	
<i>(e.g., main body of the Standard, Appendices / Annexes to the Standard, DTD/Schema, Element/Type Name, etc)</i>	<p>WIPO Standard ST.36</p> <p>Items impacted:</p> <ul style="list-style-type: none"> - Annex A : xx-patent-document.dtd - Annex C : International Common Elements (ICEs) <ul style="list-style-type: none"> o elements sequence-list, cl-sequence-listing.

Detailed description <i>(i.e., proposed solution)</i>	
<i>(If necessary, please attach further explanation sheet, e.g., a part of ICE table to be changed if a proposal impacts ST.36 ICEs, comments to be added to DTD/Schema if a proposal is related to elements/type, etc.)</i>	<p>The proposed solution is to modify package-data DTD, request DTD and Fees DTD adding additional sequence listing functionality (note that wo-published-application.DTD and demand.DTD will both be impacted as the modified elements are also used in these DTDs:</p> <ul style="list-style-type: none"> • Package-data - update to attribute seq-file-type to permit the differentiation at the file level as to whether the sequence listing is in a ST.25 text format that is processible by applications including PatentIn or in another no-processible format; and add an attribute to indicate, again at the file level, whether the specific sequence listing file referenced by each instance of the sequence-list element forms part of the application (yes) , or is furnished for other purposes (no); • Request.dtd – modify the cl-sequence-list element to handle a) ST.25 IMAGE FORMAT FILE ONLY (E-FILE); b) ST.25 TEXT FORMAT FILE ONLY (E-FILE); c) BOTH ST.25 IMAGE AND TEXT FORMATS (E-FILE); d) ST.25 TEXT FORMAT ONLY NOT AS PART OF APP (EASY, E-FILE). <p>This PFR corresponds to PCT/EF/PFC 09/001.</p> <p>Please refer to Appendix I for a full description of the revisions proposed.</p>

Reasons	
<i>(e.g., clear indication of the problem, how the need was determined, objectives of the revision, expected benefits, etc.)</i>	<p>PCT 2009 July rule changes eliminate Section 801 mixed mode filings for PCT and while in principle should have simplified the filing process, the practice is that for on-line filings using the paper form the request form has had to be extended to hand applications where sequence listings are sent on media as part of an on-line electronic filing.</p> <p>The corresponding PFC is in process through the Annex F consultative process.</p>

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Annex 2
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List of Detailed Proposals

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2	(continued)	<p>DETAILED REASONINS</p> <p>This element from July 1, 2009 needs to support 4 cases none of which are available for PAPER filings:</p>

Proposal	Detailed Description
	<p>a) ST.25 IMAGE FORMAT FILE ONLY (E-FILE) b) ST.25 TEXT FORMAT FILE ONLY (E-FILE) c) BOTH ST.25 IMAGE AND TEXT FORMATS (E-FILE) d) ST.25 TEXT FORMAT ONLY NOT AS PART OF APP (EASY, E-FILE)</p> <p>a) Sequence listing(s) in ST.25 IMAGE format as a separate file as part of the description (not for the purposes of search), but not ST.25/Annex C text format compliant</p> <p>e.g. <cl-sequence-listing quantity 1 page-count 42 > or <cl-sequence-listing quantity 3 page-count 42 > (The USPTO do not support physical medium for ST.25 image format files? - it is logical as these will be bigger than the text files!)</p> <p>b) Sequence listing(s) file(s) in ST.25/Annex C text format, filed as part of the description of the application, furnished for both this aforementioned purpose, and that of international search</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="no" carriers="internal-electronic" > Or <cl-sequence-listing quantity 1 for-search-only="no" carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes,TOTAL for multiple files)></p> <p>c) Sequence listing(s) in ST.25 format as a separate file(s) as part of the description, but not compliant with ST.25/Annex C text format PLUS sequence listing(s) file(s) in ST.25/Annex C text format furnished for the purpose of international search only</p> <p>e.g. <cl-sequence-listing quantity 1 for-search-only="yes" (applying only to the text compliant file) with-identifying-statement="yes" page-count 42 (applying to the Description non text compliant file) carriers="external-electronic" carriers-type="CD" carriers-quantity=1 size=42123 (Bytes, TOTAL for multiple files) ></p>

[Appendix 2 follows]

Annex 2
APPENDIX 2

PROPOSAL FOR REVISION OF ICEs

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