

Committee on WIPO Standards (CWS)

Seventh Session
Geneva, July 1 to 5, 2019

REPORT ON TASK NO.44

Document prepared by the Sequence Listing Task Force Leader

BACKGROUND

1. The Task Force on Sequence Listings was created by the Committee on WIPO Standards (CWS), at its first session in October 2010, to deal with Task No. 44 (see paragraph 29 of document CWS/1/10):

“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.”

2. The Sequence Listing Task Force was also requested:

“To liaise with the appropriate PCT body with regard to the possible impact of such standard on Annex C to the Administrative Instructions under the PCT.”

3. The European Patent Office (EPO) was assigned the role of Task Force Leader and the new Standard, entitled WIPO Standard ST.26, was formally adopted at the reconvened fourth session of CWS (CWS/4BIS) in March 2016.

4. At its fifth session of the CWS in 2017, the CWS approved the revised WIPO ST.26, version 1.1 and noted the document regarding potential added or deleted matter presented by the Delegation of the United States of America.

5. Based on the recommendation for the transition provisions from Standard ST.25 to ST.26 presented by the Task Force at the fifth session (see document CWS/5/7), the CWS also reached an agreement on:

- a) the “big bang” scenario as the option for the transition (i.e. all PCT Contracting States transition simultaneously);
- b) the international filing date as the reference date; and
- c) January 2022 as the transition date.

6. The International Bureau informed the CWS that it would develop the new common software tool, WIPO Sequence, to enable applicants to prepare sequence listings and verify that such sequence listings are in compliance with WIPO ST.26 (to the extent determinable by a computer). This tool would also facilitate the processing of applications containing a sequence listing in Intellectual Property Offices (IPOs).

7. At the sixth session of CWS in October 2018, the CWS approved the revised WIPO ST.26, version 1.2, which included modifications to ST.26 main body and its Annexes I, II, III, IV and VI, and added a new Annex VII (Recommendation for the Transformation of a Sequence Listing from ST.25 to ST.26).

8. A modified description of Task No. 44 was approved by the CWS at its sixth session (in October 2018), which reads:

“Support the International Bureau by providing users’ requirements and feedback on the ST.26 authoring and validation software tool; support the International Bureau in the consequential revision of the PCT Administrative Instructions; and prepare necessary revisions of WIPO Standard ST.26.”

PROGRESS REPORT

9. During the sixth session of the CWS, the Sequence Listing Task Force met in person to discuss outstanding issues, including the IPOs implementation plans, translation of free text qualifiers in ST.26, handling of large sequence listing files on multiple physical media, the WIPO Sequence authoring and validation tool, and future work plans.

10. Subsequent to the sixth session of the CWS, the Task Force has had one WebEx meeting to discuss progress on Task No. 44. During this meeting, the Task Force members provided any necessary updates required to the Standard that should be presented for consideration at the seventh session of the CWS.

11. The Task Force has used the WIPO Sequence tool wiki page and held two demonstrations, which included participants from IPOs and end users, to support the development of the WIPO Sequence tool. Online meetings have been arranged as required to help resolve any questions regarding the proposed functionality of the tool.

12. The Task Force has participated in all the Sprints of the agile development of the WIPO Sequence tool, by providing new requirements and/or fine tuning existing ones, as well as by functionally testing intermediate software versions deployed. Since the sixth session of the CWS, there has been three sprints with the final sprint, Sprint 10, being the version used for formal acceptance testing.

13. The Task Force carried on the Round 10 of discussions on the SEQL Task Force wiki and held three online meetings, focused on the identification and correction of minor issues, which have been consolidated into a third proposed revision of ST.26, submitted to the seventh session of the CWS for approval. A summary of these revisions can be found in document CWS/7/14.

14. The Task Force took note of the document PCT/WG/11/24 prepared and submitted by the International Bureau to the eleventh session of the PCT Working Group in June 2018 on the PCT legal framework (Rules, Administrative Instructions and Annex C) regarding sequence listings.

OUTSTANDING ISSUES

15. There are still a number of issues which remain outstanding after the discussions of the Sequence Listing Task Force. The following two issues should be noted at the seventh session of the CWS:

- Translation of free text qualifiers: ST.26 indicates in paragraph 85 and 86 that the free text qualifiers, provided as a short descriptive phrase by applicants, should be provided in English. However, it is a legal requirement in some jurisdictions, such as Spain, that the entire patent application be filed in the native language. If, however, applicants were required to translate these qualifiers into English, this represents a translation overhead for the applicant. The WIPO Sequence tool allows applicants to export these qualifiers as a .TXT file but has no capability to translate itself. In addition, under new draft Rule 5.2(a) of the PCT Administrative Instructions, the sequence listing is to be filed as a single electronic file, which would imply that the XML instance itself would need to be edited to include the translated fields.
- Document PCT/WG/11/24 contains a proposal for amending the PCT legal framework (Rules, Administrative Instructions and Annex C) to permit the filing and process of international applications with sequence listings in compliance with new WIPO ST.26. The outstanding issue is that Annex C currently provides instruction on submission of sequence listings in WIPO ST.25 format, and this format should be supported up until December 31, 2021. There will need to be a decision on how the Administrative Instructions, and in particular Annex C, can be amended to support applicants in implementing both ST.25 and ST.26 during the transition period.

ROADMAP

16. Obtain approval for the third revision of WIPO ST.26 by the CWS during the seventh session.

17. Support the International Bureau by continuing to participate in the development and testing of the new WIPO Sequence tool.

18. IPOs which have not yet provided the International Bureau with a roadmap for their transition from ST.25 to ST.26, should consider how they will most efficiently conduct this task in advance of 1 January 2022. Implementation plans for IPOs who have already provided them are posted here on the SEQL Task Force wiki page:

<https://www3.wipo.int/confluence/display/ST26software/ST.26+Implementation+Plan>

19. Provide support to the International Bureau for the consequential revision of the PCT Administrative Instructions. Currently Annex C of the Administrative Instructions indicates the use of WIPO ST.25.

20. Work on any further revision of WIPO ST.26, if required, to further facilitate its implementation by Offices and Applicants.

21. *The CWS is invited to:*

(a) note the contents of this present document; and

(b) encourage IPOs to share their implementation plan, as referred to in paragraph 18 above.

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