

Patent Cooperation Treaty (PCT) Working Group

Seventeenth Session
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TRANSMISSION OF SEQUENCE LISTINGS AS PART OF PRIORITY DOCUMENTS

Document prepared by the International Bureau

1. Confirming the content of nucleotide and amino acid sequences contained in priority documents has been a problem for many years. However, the problem has become more critical with the entry into force of WIPO Standard ST.26 on July 1, 2022, for the presentation of sequence listings in patent applications filed on or after that date. WIPO Standard ST.25 that applied before July 1, 2022, was based on text layout, so that an image-based view of the listing was meaningful, even if effective comparison with the sequence listing of a later filed application was difficult in most cases. WIPO Standard ST.26 is XML-based, intended for machine consumption.
2. For sequence listings in priority documents to be useful, it is necessary that they be exchanged in their original, machine-readable formats - WIPO Standard ST.26 XML for applications filed on or after July 1, 2022; or WIPO Standard ST.25 text for applications before that date. In this way, a comparison between the sequence listing which forms part of the priority application, and the later-filed application can be automated, at least to some extent.
3. Following discussions in the Digital Transformation Task Force, a proposal to adopt a new Standard was made at the eleventh session of the Committee on WIPO Standards, that took place from December 4 to 8, 2023 (see document CWS/11/20 Rev.). This proposal aimed to provide a priority document in electronic format consisting of a ZIP file containing the main body of the relevant application in PDF format and, where relevant, a sequence listing in WIPO Standard ST.25 or ST.26 format. The ZIP file might also contain further contents, such as bibliographic data, classification data or a copy of the international application in alternative formats, such as DOCX or XML under WIPO Standards ST.36 or ST.96 when the relevant application is an international application. An XML index file would detail the relevant application and identify the nature of all the documents contained in the ZIP file. The proposal

was described in terms of patent priority document requirements, but was intended also to be usable for design and trademark priority documents.

4. The Committee agreed that further work was needed before the draft Standard could be adopted and invited the Task Force to continue its work (see paragraphs 43 to 48 of the Summary by the Chair of the session, document CWS/11/27). Suggestions for improvement of the main body of the Standard included:

- (a) A clearer definition of the term “certification”, including a clarification of what the difference is between “technical certification” and “certification by a certifying Office”;
- (b) Provision of a list of mandatory and supplementary documents which are allowable;
- (c) List of file formats for allowable documents so that Offices can determine what to expect;
- (d) Image-based PDF should also be considered as well as text-based PDF file; and
- (e) Some examples related to trademark and industrial design priority documents should be added, like the example provided in Annex I of the draft Standard for patent priority documents.

5. The International Bureau intends to organize monthly Task Force meetings for the Digital Transformation Task Force with a view to preparing a draft for presentation to the twelfth session of the Committee on WIPO Standards, provisionally scheduled for September 16 to 20, 2024. However, the preparation of the Standard necessarily involves preparation for corresponding IT development and the International Bureau stands ready to begin such development work once the Task Force has completed a draft Standard considered likely to be adopted.

6. The Committee on WIPO Standards also expressed concern regarding the proposed implementation plan. Several delegations indicated they would need more lead time to implement the new Standard once it had been adopted and that January 1, 2026, should be seen as a “goal” rather than a deadline.

7. The Working Group is invited to note the contents of document PCT/WG/17/4.

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