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# Committee on WIPO Standards (CWS)

# Eighth Session

# Geneva, November 30 to December 4, 2020

## PROPOSAL FOR THE REVISION OF WIPO STANDARD ST.26 (TASK NO. 44)

### *Document prepared by the Sequence Listings Task Force Leader*

### BACKGROUND

The Sequence Listings Task Force was created by the Committee on WIPO Standards (CWS), at its first session held 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.”

The Task Force was also requested to perform the following:

“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.”

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

Based on the recommendation for the transition provisions from WIPO Standard ST.25 to ST.26 presented by the Task Force (see the Annex to document CWS/5/7 Rev.1), the CWS, at its fifth session in May/June 2017, reached an agreement on (see paragraph 44 of document CWS/5/22):

* 1. the “big bang” scenario as the option for the transition (i.e., all Intellectual Property Offices (IPOs) to transition simultaneously);
  2. the international filing date as the reference date; and
  3. January 2022 as the transition date.

At the fifth session of the CWS, the International Bureau also gave a presentation on the development of an authoring and validation software tool for WIPO Standard ST.26. The International Bureau informed the CWS that, after being requested by Intellectual Property Offices, it would develop the new common software tool. This software tool should 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 software tool should also facilitate the processing of applications containing a sequence listing in IPOs (see paragraph 47 of document CWS/5/22).

Further revisions to WIPO Standard ST.26, versions 1.1 and 1.2, were approved by the CWS at the fifth and sixth sessions, respectively (see paragraph 41 of document CWS/5/22, and paragraph 112 of document CWS/6/34).

A modified description of Task No. 44 was approved by the CWS at its sixth session, held in October 2018, which reads (see paragraph 110 of document CWS/6/34):

“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.”

At the seventh session of the CWS, held in July 2019, a further revision to the Standard, version 1.3, was approved by the CWS (see paragraph 133 of document CWS/7/29).

The CWS, at its seventh session, also discussed a Report on Task No. 44 (document CWS/7/13). With regard to translation of free text qualifiers, the CWS noted that: “…the translation of free text qualifiers, which form part of the ST.26 sequence listing, remains one of the outstanding issues for ST.26, and will affect the necessary amendments to the PCT legal framework” (see paragraph 127 of document CWS/7/29). The CWS noted the proposal by the Task Force to classify the 51 free-text qualifiers in Annex I of ST.26 as either ‘language-independent’ or ‘language-dependent’. The CWS also noted that a first draft of the new Annex I would be provided by the Task Force in the third quarter of 2019 and a final draft of the revised Annex I for consideration at the eighth session of the CWS (see paragraph 130 of document CWS/7/29).

The CWS, at its seventh session, further discussed a document providing a progress report on development of the WIPO Sequence tool (see document CWS/7/15). The CWS noted the contents of the document, including the official name of the ST.26 tool, ‘WIPO Sequence’. The CWS also encouraged IPOs and users to trial the official release of the tool when provided in the second half of 2019 and provide feedback to the International Bureau (see paragraph 135 of document CWS/7/29). The CWS also requested the Secretariat to issue a circular inviting IPOs to provide their implementation plans for transitioning to WIPO Standard ST.26 to the International Bureau in 2019 (see paragraph 138 of document CWS/7/29).

### PROGRESS REPORT

During the seventh session of the CWS, the Task Force met to discuss outstanding issues, including the IPOs implementation plans, translation of free text qualifiers in WIPO ST.26 and open issues related to the WIPO Sequence tool.

The revision to WIPO Standard ST.26 accepted by the CWS at its seventh session (see paragraph 7, above) was published as version 1.3 in September 2019.

Subsequent to the seventh session of the CWS, the Task Force carried out discussions on the wiki and met five times online to discuss further revisions to WIPO ST.26 for proposal for approval at the eighth session of the CWS. In particular, two important areas of discussion were the provision of free-text qualifiers in a language other than English and allowable feature location formats in light of the requirements of database providers, such as UniProt.

In October 2019, the International Bureau issued Circular C. CWS 128, requesting Offices to provide their implementation plans for transitioning to WIPO Standard ST.26. Twenty-two Offices responded to the Circular and four Offices had provided this information previously. In response to the Circular, the following IPOs posted their roadmap: the Canadian Intellectual Property Office, the Federal Service for Intellectual Property (Rospatent), the Finnish Patent and Registration Office, the Hungarian Intellectual Property Office, the Industrial Property Office of the Czech Republic, the Industrial Property Office of the Slovak Republic, the Intellectual Property Office of New Zealand, the Intellectual Property Office of the Republic of Serbia, the Ministry of Economic Development and Trade of Ukraine Department for Intellectual Property, the National Center of Intellectual Property (Belarus), the National Institute of Industrial Property (Brazil), the Spanish Patent and Trademark Office, the State Bureau of the Republic of Lithuania, the Superintendence of Industry and Commerce (Colombia) and the Swedish Patent and Registration Office.

At the twenty‑seventh session of the Meeting of International Authorities under the PCT that took place in February 2020, the International Bureau prepared a document on the implementation of WIPO Standard ST.26 (see document PCT/MIA/27/8). This document provided an update on how WIPO Sequence would handle language‑dependent free text in a sequence listing. The Meeting recommended that the International Bureau should consult with the Task Force concerning the technical options to be used for language‑dependent free text, considering a proposal would be presented at the next session of the PCT Working Group (see paragraph 92 of document PCT/MIA/27/16, reproduced in the Annex to document PCT/WG/13/2 Rev.).

The Task Force met online in July 2020 to discuss draft revisions to the PCT Regulations and Administrative Instructions (AIs). Amendments to the PCT Regulations and modifications to the main body and Annex C of the Administrative Instructions will be necessary to permit the filing and processing of international applications with WIPO ST.26-compliant sequence listings from January 1, 2022.  WIPO Standard ST.25 recommends the application of the provisions in Annex C for the submission of sequence listings, which should be supported until December 31, 2021.

The PCT Working Group, at its thirteenth session from October 5 to 8, 2020, discussed proposals to amend the PCT Regulations, as set out in the Annex to document PCT/WG/13/8. The Working Group approved the amendments to the PCT Regulations with a view to their submission to the PCT Assembly for consideration at its next session in the first half of 2021 (see paragraph 5 of document PCT/WG/13/14). The International Bureau will continue work on the modifications to the Administrative Instructions and to consult IPOs through a PCT Circular in order for the legal provisions to enter into force on January 1, 2022.

### PROPOSED REVISION TO WIPO STANDARD ST.26

Under the framework of Task No. 44, the Sequence Listing Task Force has prepared a proposal for revision to WIPO ST.26. The revised WIPO ST.26 (version 1.4) is provided as the Annex to the present document. The CWS should note the following major changes:

(a) the inclusion of new data elements in the DTD related to the use of free-text qualifiers to facilitate the implementation of WIPO Standard ST.26 either under the PCT or national procedures;

(b) identification of the free-text qualifiers that are mandatory and language dependent;

(c) update of Annex I for alignment with the new version 10.9 of the INSDC Feature Table Definition;

(d) inclusion of a separate table of contents for Annex VI for easier navigation;

(e) substitution of "application identification of the earliest priority claim" by the "identification of the earliest priority application" in a sequence listing; and

(f) update of the location descriptor to comply with UniProt format for locations.

The CWS is invited to consider the proposal for the revision of ST.26, which is reproduced as the Annex to the present document. It should be noted that the proposed additions to the Standard are highlighted in yellow and the proposed deletions are highlighted in purple.

### WIPO SEQUENCE DEVELOPMENT

With regard to the development of the WIPO Sequence tool, the Task Force has participated in the testing of all the sprints during the agile development of the tool, by providing new requirements and/or fine tuning existing ones, as well as by functionally testing intermediate software versions deployed. In November 2019, WIPO Sequence 1.0.0-beta was launched on the WIPO website by the International Bureau. The latest version of the software tools, including the first stable release, are made available on the WIPO website at: <https://www.wipo.int/standards/en/sequence/>. Offices are encouraged to participate by trialing both the WIPO Sequence desktop and the WIPO Sequence Validator software tools.

The International Bureau will perform another round of development of the tool in order to provide improvements proposed by members of the Task Force during the previous development project, known as the WIPO Sequence Improvement project. In particular, the improvements implemented will provide the functionality to support free-text qualifiers in a language other than English and support the most recent updates to WIPO Standard ST.26. The second stable version, version 2.0.0, is planned for release in July 2021.

### WIPO ST.26 AND WIPO SEQUENCE TRAINING

In order to support IPOs and applicants in the use of WIPO Standard ST.26 and WIPO Sequence tools, the International Bureau plans to provide a series of online training, in close collaboration with the Sequence Listings Task Force. In order to provide well-tailored content, IPOs are invited to inform the International Bureau of the training requirements of both their staff and applicants before the end of 2020. Taking into account these training requests by IPOs, the International Bureau will provide a training schedule in January 2021.

### WORK PLAN

The Task Force has outlined the following tasks as part of its work plan:

* working on any future necessary revisions to WIPO Standard ST.26, if required, to further facilitate its implementation by Offices and applicants;
* supporting the International Bureau by continuing to participate in the development and testing of the WIPO Sequence tool, and by contributing to training of WIPO Standard ST.26 and WIPO Sequence; and
* encouraging IPOs that have not yet provided the International Bureau with a roadmap for their transition from WIPO Standard ST.25 to ST.26, to outline how they will conduct this task in advance of January 1, 2022.

*The CWS is invited to:*

1. *note the contents of this present document and the work plan of the Sequence Listing Task Force;*
2. *consider and approve the proposal to revise WIPO Standard ST.26, as outlined in paragraphs 18 to 19 above, and reproduced in the Annex to the present document;*
3. *note the intention of the International Bureau to provide online training covering both WIPO Standard ST.26 and WIPO Sequence, and to encourage IPOs to inform the International Bureau of their training requirements, as outlined in paragraph 22; and*
4. *encourage IPOs to share their implementation plan for transition from WIPO Standard ST.25 to ST.26, as indicated in paragraph 23 above.*

[Annex follows]