E

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

PCT/MIA/19/8 ADD.
ORIGINAL: ENGLISH
DATE: JANUARY 31, 2012

Meeting of International Authorities under the Patent Cooperation Treaty (PCT)

Nineteenth Session
Canberra, February 8 to 10, 2012

PCT SEQUENCE LISTING STANDARD

Document prepared by the International Bureau

1. Annex I to this document contains a status report by the European Patent Office (EPO) on the work of the Task Force on Sequence Listings, created by the Committee on WIPO Standards at its first session, held in Geneva from October 25 to 29, 2010.

2. Annex II to this document contains comments by the EPO on the International Bureau's proposals in document PCT/MIA/19/8.

3. The Meeting is invited to note the contents of the Annexes to this document.

[Annexes follow]

ANNEX I

TASK FORCE ON SEQUENCE LISTINGS STANDARD:
STATUS REPORT BY THE EUROPEAN PATENT OFFICE

1. BACKGROUND

The Task Force on Sequence Listings was created by the Committee on WIPO Standards (CWS), at its first session (October 25-29, 2010)[1], to deal with Task 44:

> "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 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 EPO was assigned the role of Task Force Leader and has since then held five rounds of discussions on WIPO's wiki. The principle of differentiating the technical aspects of ST.25 from Annex C (PCT Administrative Instructions) was agreed upon at last PCT MIA 2011[2] and at the PCT Working Group 2011[3]. A second session of the CWS is scheduled for April 2012 where the EPO will report on the status of discussions.

2. PROGRESS REPORT

The Task Force started operating in February 2011 on the basis of drafts prepared by the EPO. Many Offices participated in the process and posted useful comments on WIPO's related wiki. After nearly one year of intensive discussions, the Task Force achieved substantial progress and the EPO is currently preparing the draft of the main body and its various annexes that will be submitted for final comments by all members. If ready, that draft could be made available upon request at the MIA meeting.

In a nutshell, the differences with current ST.25 are the following :

- All (PCT) procedural issues are transferred to Annex C: the new standard would concentrate on technical aspects only that is the way sequence listings ought to be presented (that is, the biotech part) and the format of the submission (namely XML).

- The biotech part has been considerably improved to reflect modern industry standards, for example:

---

1 See http://www.wipo.int/edocs/mdocs/cws/en/cws_1/cws_1_10_prov.pdf paragraphs 26-28.

2 PCT/MIA/18/16, para. 90.

3 PCT/WG/4/9 and 17, para. 180 ff; please note para. 181 in particular.

– inclusion of modified nucleic acids and amino acids (e.g. D-amino acids, PNA, morpholinos etc.) which have gained importance in industry and have to be electronically searchable

– clear instructions for gapped sequences and sequence variants

– clarification with regard to features and annotations

– alignment with latest public biological sequence repositories consortia requirements (INSDC and UniProt)

- The XML definition will be self-contained and ST.26 would neither rely on ST.36 nor on ST.96.

3. TRANSITION FROM ST.25 TO ST.26

The mandate of Task 44 clearly indicates that the proposal of a new XML standard should be submitted along with a report on its impact on ST.25 and any necessary revisions of that standard and Annex C of the PCT Administrative Instructions. It follows that a solution with respect to transition from one standard to another need to be agreed upon at the time of adoption of the new standard.

So far discussions on this issue have been limited within the Task Force as it was decided to concentrate efforts on the contents of ST.26. A number of solutions have been tabled such as the parallel use of both ST.25 and ST.26 for a limited period of time or the complete switch from ST.25 to ST.26, as now proposed by the International Bureau in its document PCT/MIA/19/8. It is planned to start discussions on this matter within the Task Force in February and comments made at the MIA will be duly noted.

4. CONCLUSION

The EPO expects the new standard to be adopted at the following session of the CWS and asks the CWS to support the continuation of the Task.

[Annex II follows]

ANNEX II

COMMENTS OF THE EUROPEAN PATENT OFFICE ON DOCUMENT PCT/MIA/19/8

1. The EPO welcomes the attempt of the International Bureau to make proposals regarding the matter of transition from current ST.25 to new ST.26 within the framework of the PCT.

2. It is noted that current ST.25 provides in particular for the presentation of sequence listings in text format (PDF) while ST.26 would only support the presentation of such listings in XML. Some Offices might find difficulties to receive and process sequence listings in such format within a reasonable time. The EPO has therefore concerns that the actual process for implementation of the new ST.26 could be delayed for years if we were to opt for a complete shift from ST.25 to ST.26 as suggested in the document.

3. The proposal by the EPO, which remains to be further assessed, was initially to rather let Offices decide when they wish to accept sequence listings presented under ST.26 in addition of ST.25 (applicant's choice), and only after some time, e.g. 2 or 3 years, have Offices which selected ST.26 be authorised not to accept ST.25 anymore. This would leave some time for applicants to adapt their practice by using new tools supportive of ST.26 and let Offices remain flexible with regard to their timing.

4. The EPO may confirm that the biotech part of ST.26 has been considerably improved in comparison with ST.25 and aligned with public standards. This should be seen as an incentive for Offices to accept that new standard, and for applicants to use it, as quickly as possible.

5. Applications filed during the international phase with sequence listings presented in one or the other standard would enter the national/regional phase with Offices which do not necessary support that standard. If this is the case, applicants could resubmit the sequence listing in the other standard for the purpose of search only noting that the actual sequence listing part of the application is the one published (international publication) and transmitted by the International Bureau. Alternatively, as a service to the applicants, the receiving Office could perform an automatic conversion[1] from one to the other standard, wherein the filed documents remains the legal source should questions be raised when processing the converted file.

[End of Annex II and of document]

[1] The tool developed by the EPO, BiSSAP, can perform such transformations. The EPO is currently working on a server implementation to be used as a back-end system.