

UNITED STATES
PATENT AND TRADEMARK OFFICE



WIPO Standard ST.26 Update

**Recommended Standard for the
Presentation of Nucleotide and Amino Acid
Sequence Listings using XML
(eXtensible Markup Language)**

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Background

- First Federal Register Request for Comments
 - 16 May 2012
- Comments reflected in the draft standard
- CWS/4 (Committee on WIPO Standards)
 - May 2014
 - Standard *informally* adopted
- CWS/4BIS – reconvened 4th session of the CWS
 - March 2016
 - *Formally* adopted WIPO Standard ST.26 (text from CWS/4)

Revision of WIPO Standard ST.26

- CWS Sequence Listing Task Force continued discussions
 - To improve the Standard following adoption
- Second Federal Register Request for Comments
 - 27 October 2016
- Revisions reflect comments and further include
 - Main Body modifications
 - Definition of “nucleotide” clarified to include nucleotide analogues
 - Further guidance provided on representation of variant sequences
 - Addition of a Guidance Document Annex
 - To ensure that all applicants and IPOs understand and agree on ST.26 requirements
 - Contains an explanation of 44 examples
 - Whether sequence inclusion in a sequence listing (SL) is required
 - The manner of representation of the sequence

Re-adoption of WIPO Standard ST.26

- CWS/5 took place 29 May to 2 June 2017
 - Revised WIPO ST.26 (version 1.1) was adopted
 - CWS/5/6 contains the revised sections of WIPO ST.26 with tracked changes
 - http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=371008
 - Finalized documents are *not yet available* on WIPO's website - currently only includes WIPO ST.26 (version 1.0)
 - http://www.wipo.int/standards/en/part_03_standards.html
 - CWS/2/22 PROV. contains the Draft Report
 - http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=377116



Transition to WIPO Standard ST.26

- The CWS agreed that
 - All IPOs would transition simultaneously
 - The reference date for transition would be international filing date (not the priority date)
 - The transition date would be Jan 2022

WIPO ST.26 Authoring/Validation Tool

- WIPO informed the CWS
 - It would develop a new common software tool
 - With expert support from the Sequence Listing Task Force
 - User's requirements and feedback to be provided to WIPO
 - To enable applicants to prepare SLs and verify WIPO ST.26 compliance (to the extent determinable by a computer)
 - To facilitate SL validation in IPOs for WIPO ST.26 compliance
 - The International Bureau of WIPO plans to complete tool development by the end of 2018
 - The tool will be distributed to applicants and IPOs worldwide



USPTO Preparation

- USPTO has initiated changes necessary for processing of WIPO ST.26 sequence listings
 - Requires modification to over 20 systems
 - Changes will be phased in over multiple years
- USPTO plans to use the WIPO validation tool
 - To determine compliance with WIPO ST.26, along with human review
 - Other IPOs also plan to use the WIPO validation tool

Any questions?

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