



WIPO Standard ST.26 PCT Requirements

AIPLA
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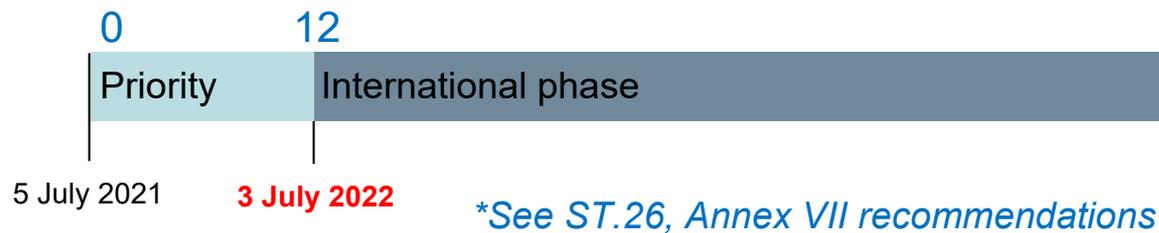


PCT Rule changes as of 1 July 2022

- Amendment of PCT Rules 5, 12, 13*ter*, 19.4 and 49
- ST.26 replaces ST.25 as the standard on sequence listings (IFD on or after 1 July)
 - All sequence listings must be provided in ST.26 XML format
 - Free text no longer required to be repeated in the main part of the description
 - Language-dependent free text may be provided in two languages within a single listing
- If the language of the free text or the electronic format is not accepted by the receiving Office, the application will be transmitted to RO/IB

ST.26 applicability

- ST.26 applies to all patent applications having a *filing date* on or after 1 July 2022.
 - NOT based on the priority date!



- ST.25 continues to apply to applications filed on or before June 30, 2022



PCT requirements (Rule 5.2(a))

- Where the international application contains disclosure of nucleotide and/or amino acid sequences that, pursuant to the Administrative Instructions, are **required to be included in a sequence listing**, the description shall include **a sequence listing part of the description** complying with the standard provided for in the Administrative Instructions (WIPO Standard **ST.26**)

Sequence listing filed on IFD

- Can only be considered a sequence listing part of the description if filed in the correct format (XML)
 - Application filed electronically
 - Separate XML file containing sequence listing
 - Application filed on paper
 - sequence listing in XML on physical media
- RO only required to confirm the correct file type (XML)
- If filed in ST.25, cannot simply replace with ST.26
 - Applicant may only add the content as sheets of the description

Non-compliant file type submissions

- RO informs the applicant that the sequence listing must be filed in XML under ST.26
- Invites the applicant to confirm addition of the content as sheets of the main part of the description
 - May require additional fee (sheets in excess of 30)
- If no confirmation/payment, the submission will not be part of the international application

Subsequently furnished sequence listing

- To complete (Rule 20.5(a)(i)) or correct (Rule 20.5*bis*(a)(i)) the international application
 - Results in a change in international filing date
- Incorporation by reference after July 1, 2022
 - Priority contains ST.25 → pages of description
 - Priority contains ST.26 → ST.26 sequence listing part of the description
- Furnished for search purposes only (Rule 13*ter*)?

Sequence listing language requirements (Rule 12)

- Only applies to the language-dependent free text
- Each RO determines the language(s) it accepts
 - May be different from the language of the main body of the application
 - RO/IB accepts any language
- RO may permit more than one language
 - English + another
- Possible transmittal to RO/IB under Rule 19.4

Sequence listing for search purposes (Rule 13*ter*.1)

- International Authorities may invite the applicant to furnish a standard-compliant sequence listing
 - in a language accepted by the ISA
- A sequence listing furnished for search (Rule 13*ter*) does not form part of the international application

International publication

- Sequence listing published as a separate XML file
- WIPO to develop a sequence listing reader integrated into PATENTSCOPE

National phase requirements (Rules 13ter.3 and 49.5(a-bis))

- No DO/EO may require a sequence listing other than one complying with WIPO Standard ST.26
- Offices may require translation of the sequence listing:
 - into a language the Office accepts for sequence listings
 - may also require translation into English if required by the sequence database providers

Practical implications (1)

1. PCT application was filed on February 3, 2022. Should the applicant furnish an ST.26 XML sequence listing as a follow-on submission after July 1, 2022? For search purposes? For national phase entry after July 1, 2022?

No, ST.25 applies to applications filed before July 1, 2022

2. If a PCT application claims priority to an application with an ST.25 sequence listing, is it necessary to transform that sequence listing to WIPO ST.26 XML format if the PCT application is filed on July 7, 2022?

Yes

Practical implications (2)

3. Are receiving Offices responsible for verifying sequence listings?

*ROs may but are not required to check for ST.26 compliance;
Standard compliance will be checked by the ISA*

4. If after July 1, 2022, the PCT application is filed with a ST.25 TXT listing, can you subsequently furnish ST.26 XML to form part of the description?

It will affect the international filing date, unless incorporation by reference applies or later amended (Art. 34 or at national phase)

Practical implications (3)

- 5.** Does a sequence listing furnished for search (Rule 13ter) form part of the international application?

No, the description should be later amended

- 6.** Are sequence listings furnished for search under Rule 13ter transmitted to DO/EOs?

Rule 13ter sequence listings are not published as part of the international application, but they are made available to Offices on PATENTSCOPE as part of the file.

ST.26 Training & Resources

- [WIPO Standard ST.26](#)
- [WIPO Sequence software download](#)
- Training webinars
 - [WIPO ST.26: Introduction](#)
 - [WIPO ST.26: Advanced](#)
 - [WIPO Sequence](#)
- [WIPO Standard ST.26 FAQs](#)
- [WIPO Sequence and ST.26 Knowledge Base](#)

Need more help?

- For ST.26 technical questions:

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- General PCT questions:

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Questions?

