

TAIWAN NEWSLETTER

UNION PATENT SERVICE CENTER

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[TIPO adopts WIPO ST.26 Sequence Listing for Taiwan Invention Patent Application filed on/after August 1, 2022]

For an invention patent relating to biological materials, if the patent application contains nucleotide or amino acid sequences, it is required to disclose the sequence listings by separately stating the same in the description of a patent specification, and may also submit the relevant electronic data thereof. Starting from July 1, 2022, World Intellectual Property Organization (WIPO) requires the use of a new format of ST.26 sequence listing (using the software of WIPO Sequence), replacing the old format of ST.25 sequence listing (using PatentIn or other software). The main difference between ST.25 and ST.26 is the change from TXT to XML format, and the latter of which has better function and aims to ease the transfer of sequence data to the database and the search for the listed sequences.

Taiwan is not a member of WIPO, but to bring the patent system in line with the international standards, Taiwan Intellectual Property Office (TIPO) began to accept ST.26 format of sequence listings from July 1, 2022, and fully implemented ST.26 sequence listings from August 1, 2022. Namely, if a Taiwan invention patent application was filed during the transition period from July 1, 2022 to July 31, 2022, the applicant could choose to use the old format ST.25 or the new format ST.26. For an invention patent application filed on or after August 1, 2022, the applicant must use the new format ST.26 when submitting the sequence listings.

In Taiwan, a foreign applicant can file a patent application using a foreign language specification to obtain the filing date, and claim a priority of the foreign basic application at the same time, thereafter supplement the Chinese translation of the specification within four months (extendable to six months at maximum). It should be noted that, even if the sequence listing of the priority case was in the ST.25 format, the sequence listing for a Taiwan patent application filed on/after August 1, 2022 must comply with the ST.26 requirement. In case the Applicant provides ST.25 sequence listing for a Taiwan patent application filed on/after August 1, 2022, TIPO will notify the Applicant to submit the correct format using ST.26 sequence listing within a prescribed time limit. For format conversion from ST.25 to ST.26 sequence listing of a TW patent application, without any substantial change or new matter, it will not affect the original filing date of said Taiwan patent application.

For a Taiwan patent application filed before July 1, 2022 using ST.25 sequence listing, or selected the use of ST.25 sequence listing when filing during the transition period from July 1, 2022 to July 31, 2022, the Applicant can maintain the same format of ST.25 sequence listing for subsequent prosecution of said patent application, avoiding the possibility of Office Action issued due to the format conversion of sequence listing. Also, if the Applicant files a divisional patent application on/after August 1, 2022 while retaining the filing date of the original patent application, said divisional application could still use the old format of ST.25 sequence listing, and it is not required to change into the new format of ST.26 sequence listing.

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