

TABLE OF CONTENTS

INTRODUCTION TO THE BUDAPEST TREATY

	<u>Paragraphs</u>
(a) <u>Deposit of Microorganisms for the Purposes of Patent Procedure</u>	
(i) Disclosure and the Requirement for Deposit	1
(ii) Need for a Uniform International Deposit System	2 & 3
(iii) The Budapest Treaty	4 & 5
(b) <u>Main Features of the Budapest Treaty</u>	
(i) International Depositary Authorities and Recognition of Single Deposit	6 & 7
(ii) Deposit and Furnishing of Samples	8
(iii) Safeguard of Deposits	9
(iv) Meaning of the Term “Microorganism”	10

PART I: GENERAL REQUIREMENTS FOR DEPOSIT AND FURNISHING OF SAMPLES

Section A: Making the Original Deposit

(a) <u>Obligations of the Depositor</u>	
(i) Universal Requirements	11 - 16
(ii) Requirements of IDAs	17 - 22
(b) <u>Obligations of the IDA</u>	
(i) Kinds of Microorganisms Accepted	23
(ii) Extension or Limitation of the Kinds of Microorganisms Accepted	24
(iii) Refusal to Accept a Microorganism	25 - 28
(iv) Acceptance of the Original Deposit	29
(v) Conversion of Deposits Made Outside the Budapest Treaty	30 & 31
(vi) Issuance of Receipt	32
(vii) Viability Testing and Statement	33 - 39
(viii) Storage of Microorganisms	40 & 41
(c) <u>Guidelines for Making the Original Deposit</u>	
(i) General	42
(ii) Problems to Be Avoided	43 - 52
(iii) Guide to Procedures	53 - 64

II

Section B: Making a New Deposit

	<u>Paragraphs</u>
(a) <u>Circumstances in Which a New Deposit May Be Made</u>	65
(b) <u>Requirements to Be Met</u>	
(i) Statement by the Depositor	66
(ii) Date of Deposit	67 & 68
(iii) Time Limit	69 & 70
(iv) Receipt and Viability Statement	71 - 74
(c) <u>Guidelines for Making a New Deposit</u>	75 - 82
(d) <u>Transfer of Deposited Microorganisms</u>	
(i) Reasons for Transfer	83
(ii) Obligations of the Contracting State	84
(iii) Obligations of the Substitute IDA	85
(iv) Position of the Depositor	86

Section C: Furnishing of Samples

(a) <u>General Conditions for Requesting Samples</u>	87 & 88
(b) <u>Requests from Interested Industrial Property Offices</u>	89
(c) <u>Requests from or with the Authorization of the Depositor</u>	90
(d) <u>Requests from Parties Legally Entitled</u>	
(i) Requests Requiring Industrial Property Office Certification	91
(ii) Requests not Requiring Industrial Property Office Certification	92
(e) <u>Common Procedures</u>	93 & 94
(f) <u>Procedures for Furnishing Samples</u>	
(i) Indications Provided by the IDA	95
(ii) Notification of the Depositor	96
(iii) Fees	97 & 98
(g) <u>Guidelines to Making a Valid Request for a Sample</u>	
(i) General	99 & 100
(ii) Obtaining Samples with the Authorization of the Depositor	101
(iii) Obtaining Samples with Industrial Property Office Certification	102 & 103
(iv) Obtaining Samples of Deposits Cited in US Patents	104 & 105
(v) Obtaining Samples under Rule 11.3(b)	106
(vi) Health and Safety Requirements	107

III

PART II: SPECIFIC REQUIREMENTS OF INDIVIDUAL INTERNATIONAL DEPOSITARY AUTHORITIES AND INDUSTRIAL PROPERTY OFFICES

Section D: Requirements of International Depositary Authorities (IDAs)

- (a) Culture Collections Currently Holding IDA Status
- (b) List of Kinds of Microorganisms Accepted by IDAs
- (c) Detailed Requirements and Practices of IDAs
 - (i) General
 - (ii) Information on IDAs

Australia (AU)

Lady Mary Fairfax CellBank Australia (CBA)
The National Measurement Institute (NMI)

Belgium (BE)

Belgian Coordinated Collections of Microorganisms (BCCM™)

Bulgaria (BG)

National Bank for Industrial Microorganisms and Cell Cultures (NBIMCC)

Canada (CA)

International Depositary Authority of Canada (IDAC)

Chile (CL)

Colección Chilena de Recursos Genéticos Microbianos (CChRGM)

China (CN)

China Center for Type Culture Collection (CCTCC)
China General Microbiological Culture Collection Center (CGMCC)
Guangdong Microbial Culture Collection Center (GDMCC)

Czech Republic (CZ)

Czech Collection of Microorganisms (CCM)

Finland (FI)

VTT Culture Collection (VTTCC)

France (FR)

Collection nationale de cultures de micro-organismes (CNCM)

Germany (DE)

Leibniz-Institut DSMZ – Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ)

Note: The two-letter code after each country name conforms with WIPO Standard ST.3 (Recommended Standard Two-Letter Code for the Representation of Countries).

IV

Hungary (HU)

National Collection of Agricultural and Industrial Microorganisms (NCAIM)

India (IN)

Microbial Culture Collection (MCC)

Microbial Type Culture Collection and Gene Bank (MTCC)

National Agriculturally Important Microbial Culture Collection (NAIMCC)

Italy (IT)

Ospedale Policlinico San Martino IRCCS

Collection of Industrial Yeasts DBVPG

Istituto Zooprofilattico Sperimentale della Lombardia e dell'Emilia Romagna "Bruno Ubertini" (IZSLER)

Japan (JP)

International Patent Organism Depository (IPOD), National Institute of Technology and Evaluation (NITE)

National Institute of Technology and Evaluation, Patent Microorganisms Depository (NPMD)

Latvia (LV)

Microbial Strain Collection of Latvia (MSCL)

Morocco (MA)

Moroccan Coordinated Collections of Microorganisms (CCMM)

Mexico (MX)

Colección de Microorganismos del Centro Nacional de Recursos Genéticos (CM-CNRG)

Netherlands (Kingdom of the) (NL)

Westerdijk Fungal Biodiversity Institute (CBS)

Poland (PL)

IAFB Collection of Industrial Microorganisms

Polish Collection of Microorganisms (PCM)

Collection of Plasmids and Microorganisms (KPD)

Republic of Korea (KR)

Korean Agricultural Culture Collection (KACC)

Korean Cell Line Research Foundation (KCLRF)

Korean Collection for Type Cultures (KCTC)

Korean Culture Center of Microorganisms (KCCM)

Russian Federation (RU)

All-Russian Collection of Industrial Microorganisms (VKPM)

Russian Collection of Microorganisms (VKM)

Slovakia (SK)

Culture Collection of Yeasts (CCY)

Spain (ES)

Banco Español de Algas (BEA)

Colección Española de Cultivos Tipo (CECT)

Switzerland (CH)

Culture Collection of Switzerland (CCOS)

United Kingdom (GB)

CABI Bioscience, UK Centre (IMI)

Culture Collection of Algae and Protozoa (CCAP)

European Collection of Cell Cultures (ECACC)

National Collection of Type Cultures (NCTC)

National Collection of Yeast Cultures (NCYC)

National Collections of Industrial, Food and Marine Bacteria (NCIMB)

National Institute for Biological Standards and Control (NIBSC)

United States of America (US)

Agricultural Research Service Culture Collection (NRRL)

American Type Culture Collection (ATCC)

Provasoli-Guillard National Center for Marine Algae and Microbiota (NCMA)

Agricultural Research Service Culture Collection (NRRL)

Section E: Requirements of Industrial Property Offices of States Party to the Budapest Treaty
and of Intergovernmental Industrial Property OrganizationsIntroduction

(i) General

(ii) Information on Industrial Property Offices

AL Albania

AE United Arab Emirates

AG Antigua and Barbuda

AM Armenia

AT Austria

AU Australia

AZ Azerbaijan

BA Bosnia and Herzegovina

BE Belgium

BG Bulgaria

Note: The two-letter code after each country name conforms with WIPO Standard ST.3 (Recommended Standard Two-Letter Code for the Representation of Countries).

BH Bahrain
BN Brunei Darussalam
BY Belarus
CA Canada
CH Switzerland
CL Chile
CN China
CO Colombia
CR Costa Rica
CU Cuba
CZ Czech Republic
DE Germany
DK Denmark
DO Dominican Republic
EE Estonia
ES Spain
FI Finland
FR France
GB United Kingdom
GE Georgia
GR Greece
GT Guatemala
HN Honduras
HR Croatia
HU Hungary
ID Indonesia
IE Ireland
IL Israel
IN India
IS Iceland
IT Italy
JO Jordan
JP Japan
KG Kyrgyzstan

VII

KP	Democratic People's Republic of Korea
KR	Republic of Korea
KZ	Kazakhstan
LI	Liechtenstein
LT	Lithuania
LU	Luxembourg
LV	Latvia
MA	Morocco
MC	Monaco
MD	Republic of Moldova
ME	Montenegro
MK	North Macedonia
MX	Mexico
MY	Malaysia
NI	Nicaragua
NL	Netherlands (Kingdom of the)
NO	Norway
NZ	New Zealand
OM	Oman
QA	Qatar
PA	Panama
PE	Peru
PH	Philippines
PL	Poland
PT	Portugal
PY	Paraguay
RO	Romania
RS	Serbia
RW	Rwanda
RU	Russian Federation
SA	Saudi Arabia
SE	Sweden
SG	Singapore

Note: The two-letter code after each country name conforms with WIPO Standard ST.3 (Recommended Standard Two-Letter Code for the Representation of Countries).

VIII

SI	Slovenia
SK	Slovakia
SV	El Salvador
TJ	Tajikistan
TN	Tunisia
TR	Türkiye
TT	Trinidad and Tobago
VN	Viet Nam
UA	Ukraine
US	United States of America
UZ	Uzbekistan
ZA	South Africa

AP	African Regional Intellectual Property Organization (ARIPO)
EA	Eurasian Patent Organization (EAPO)
EP	European Patent Organization (EPO)
OA	African Intellectual Property Organization (OAPI)

APPENDIX 1: CHECKLISTS OF POINTS TO BE ATTENDED TO WHEN DEPOSITING MICROORGANISMS AND REQUESTING SAMPLES UNDER THE BUDAPEST TREATY

APPENDIX 2: TEXT OF THE BUDAPEST TREATY AND OF THE REGULATIONS UNDER THE TREATY

APPENDIX 3: FORMS UNDER THE BUDAPEST TREATY AND REGULATIONS