

## **GB – UNITED KINGDOM**

### CABI BIOSCIENCE, UK CENTRE (IMI)

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### 1. Requirements for Deposit

#### (a) Kinds of Microorganisms that May Be Deposited

Nematodes, fungal isolates (including yeasts) and bacteria (including actinomycetes), other than known human and animal pathogens that can be preserved without significant change to their properties by methods of preservation in use. Organisms up to and including ACDP Category 2 deposits are accepted by the Collection. Genetically modified microorganisms are accepted on a case-by-case basis only.

Notwithstanding the foregoing, IMI reserves the right to refuse to accept any material for deposit which in the opinion of the Curator presents an unacceptable risk or is technically unsuitable to handle. IMI will accept organisms which do not significantly change after long-term nitrogen freezing or freeze-drying. A statement regarding potential pathogenicity and storage conditions is required when a deposit is made.

#### (b) Technical Requirements and Procedures

##### (i) Form and Quantity

The IMI prefers fungi, yeast and bacteria to be submitted as healthy, clean, sporing (in the case of fungi) cultures on agar slants suitable for preparing suspensions for freeze-drying and liquid nitrogen storage. The minimum number of replicates to be supplied by the depositor when making their deposit should be six. Lyophilized or cryopreserved stocks are also accepted, in such cases only two vials are required.

##### (ii) Time Required for Viability Testing

The average length of time required for testing the viability of strains accepted by the IMI of yeast and bacteria is 4 days, filamentous fungi 14 days, but depositors should be aware that in some cases viability testing may take longer.

(iii) Depositor Checks and Renewal of Stocks

Depending on the number and conditions of the cultures sent for deposit, the IMI either prepares frozen and lyophilized batches direct from the depositor's material or from subcultures derived from it. New batches are prepared as necessary for the renewal of diminishing stocks. The depositor is required to test for authenticity of samples from all batches of their microorganism prepared by the IMI.

(c) Administrative Requirements and Procedures

(i) General

*Language.* The official language of the IMI is English. Communications in any other language are not accepted.

*Contract.* The IMI Patent application form which the depositor is required to complete, constitutes a contract by which they are bound:

- to provide all necessary information requested by the IMI;
- to replace the microorganism at their expense if the IMI is no longer able to furnish samples of it;
- to pay all necessary fees;
- to indemnify the IMI against any claims which may be brought against it as a consequence of the release of samples, unless such claims result from negligence on the part of the IMI;
- not to withdraw their deposit during the required storage period;
- to authorize the IMI to furnish samples according to the appropriate patent requirements.

*Import and/or Quarantine Regulations.* Plant pathogenic fungi not indigenous to the United Kingdom are subject to import regulations. The IMI holds a permit for the import of such organisms and will advise the depositor of any necessary procedures.

(ii) Making the Original Deposit

*Requirements to Be Met by the Depositor.* As well as the IMI Patent application form referred to in (i), above, depositors are required to complete BP/1 which is the deposition form used for making the Original deposit under the regulations of the Budapest Treaty deposits. In the event of a later indication or amendment of the scientific description and/or proposed taxonomic designation the depositor must complete BP/7, in such cases the depositor is sent BP/8.

*Official Notifications to the Depositor.* The receipt is issued on the mandatory “international form” BP/4. The viability statement is issued on the mandatory “international form” BP/9. A standard IMI form is used for notifying the depositor of refusal to accept a microorganism for deposit.

*Unofficial Notifications to the Depositor.* The IMI acknowledges delivery of cultures, but this does not constitute acceptance. The IMI does not communicate accession numbers to the microorganism until it has been shown to be viable and accepted. After a positive result of the viability test has been obtained, the IMI will, if requested, email this information along with the accession number before the issue of the official documentation.

*Supply of Information to a Patent Agent.* The IMI does not routinely ask the depositor for the name and address of their patent agent. However, if requested, the IMI will supply copies of the receipt and viability statement to both the depositor and their patent agent.

(iii) Converting a Previous Deposit

The IMI permits the conversion of deposits not originally made for patent purposes to Budapest Treaty deposits. Deposits previously made for patent purposes outside the provisions of the Treaty may be converted provided that the depositor supplies the IMI with a new sample of the deposited microorganism or authorizes existing stocks to be used for the generation of new batches and checks the authenticity of all batches prepared from it. The administrative requirements for conversion are similar to those to be met in respect of an original deposit made under the Treaty. All conversions are subject to the storage fee normally levied for Budapest Treaty deposits, regardless of whether any fees had been paid previously in respect of those deposits.

(iv) Making a New Deposit

The depositor is required to complete BP/2 for patents already held by IMI and to send with it copies of the relevant documents required by Rule 6.2. The receipt and viability statement for a new deposit are issued on mandatory “international forms” BP/5 and BP/9, respectively.

## 2. Furnishing of Samples

### (a) Requests for Samples

The IMI advises third parties to submit BP/12 to a competent intellectual property office. However, in the case of requests requiring proof of entitlement, the IMI does not supply copies of request forms; these must be obtained from the relevant industrial property office.

Notwithstanding any entitlement to receive samples under patent regulations, the IMI will furnish samples of plant pathogens that require a permit to be worked with in the United Kingdom only to third parties in the United Kingdom who have such a permit. The IMI will furnish samples when the requesting party confirms that they have obtained a permit and supplies the IMI with a copy of the permit or confirmation that no permit is required. For requestors within certain jurisdictions, formal confirmation of no permit may be required from the NPPO. For requests to the United States of America, samples of plant pathogens are sent via the United States Department of Agriculture quarantine authority.

All samples furnished by the IMI are from batches of its own preparations which, whenever possible, have been made direct (i.e., without subculture) from material supplied by the depositor.

### (b) Notification of the Depositor

Depositors are notified using BP/14, sent via e-mail when samples of their microorganism have been furnished to third parties, if IMI is not confident that they were fully aware of the request.

### (c) Cataloguing of Budapest Treaty Deposits

The IMI does not list Budapest Treaty deposits in its published catalog.

## 3. Schedule of Fees

1.	Storage	<u>GBP</u>
1.1	Storage of each strain, including the initial viability check, preservation and 30+5 years of storage	1,000
1.2	Prolongation of the duration of the storage to an additional 5 years over the one provided by Rule 9 of the Regulations under the Budapest Treaty.	200
2.	Viability	
2.1	Issuance of a viability statement on the basis of the most recent viability test	80
2.2	Issuance of a viability statement based on a new viability test	150
3	Furnishing of a sample	
3.1	Furnishing of a freeze dried sample	230
3.2	Furnishing of a sample, active on agar	360
4.	Communication of information regarding the strain	80
5.	Issuance of an Attestation	80

6.	Other charges	
6.1	Administration of import and export permits	200
6.2	Assessment of acceptance of genetically modified organisms	300

The fees paid in the United Kingdom are subject to Value Added Tax at the current rate and other charges such as postage and packing and customs fees.

#### 4. Guidance for Depositors

The IMI makes available detailed notes for the guidance of depositors.