

**KR – REPUBLIC OF KOREA**

KOREAN COLLECTION FOR TYPE CULTURES (KCTC)

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1. Requirements for Deposit

(a) Kinds of Microorganisms that May Be Deposited

Algae, animal embryos, bacteria (including actinomycetes), bacteria containing plasmids (either in hosts or not in hosts), bacteriophages, RNA, cell cultures (including hybridoma lines), eukaryotic DNA, fungi (including yeasts), human cell cultures, molds, murine embryos, plant cell cultures, plant seeds, protozoa (non-parasitic), and animal and plant viruses, EXCEPT:

- microorganisms having properties which are or may be dangerous to human health and/or the environment;
- microorganisms which require special containment for experimentation.

(b) Technical Requirements and Procedures

(i) Form and Quantity

Whenever possible, cultures submitted to the KCTC for deposit should be lyophilized. Viruses that cannot be lyophilized and bacteriophages should be frozen. All replicates of the microorganisms to be deposited should be from the same batch of lyophilized or frozen preparations.

The minimum number of replicates that must be submitted by the depositor is as follows:

Actinomycetes, bacteria, fungi, yeasts, bacteria containing plasmid	10
Plasmids, algae, protozoa, animal and plant cell lines, hybridomas, viruses, bacteriophages	25

(ii) Time Required for Viability Testing

The average length of time required for testing the viability of the microorganisms accepted by the KCTC is given below, but depositors should realize that in some cases it may take longer:

Bacteria	7 days (or up to 14 days)
Fungi, yeasts, actinomycetes, algae, protozoa	10 days (or up to 20 days)
Plasmids, bacteria containing plasmids viruses, bacteriophages, animal and plant cell lines, hybridomas	14 days (or up to 30 days)

(iii) Depositor Checks and Renewal of Stocks

The KCTC prepares its own batches in lyophilized or frozen form at the time of deposit by subculturing the microorganism supplied by the depositor. New batches are prepared from these as necessary thereafter for the renewal of diminishing stocks. The depositor is required to test for authenticity samples of all batches of his microorganisms prepared by the KCTC.

Whichever method is used for preparing batches of samples for distribution, the KCTC nevertheless stores a portion of the original material supplied by the depositor.

(c) Administrative Requirements and Procedures

(i) General

*Language.* Korean is the official language of the KCTC. However, correspondence may also be carried out in English.

*Contract.* The KCTC does not enter into a written contract with the depositor defining the liabilities of either party. However, by signing the KCTC deposit form the depositor surrenders any right to withdraw his deposit during the required storage period.

*Import and/or Quarantine Regulations.* Overseas depositors must contact the KCTC in advance for advice about the shipping of their microorganisms. Certain pathogens are subject to import and/or quarantine regulations. The KCTC advises prospective depositors of such microorganisms of the procedures that must be followed to obtain the necessary permits.

(ii) Making the Original Deposit

*Requirements to Be Met by the Depositor.* Depositors are required to complete the equivalent of model form BP/1, which is used by the KCTC as its accession form for Budapest Treaty deposits. In the event of a later indication or amendment of the scientific description and/or proposed taxonomic designation, and a request for attestation that the KCTC has received such information, the depositor must complete the equivalent of model form BP/7.

*Official Notifications to the Depositor.* The receipt and viability statement are issued on mandatory “international forms” BP/4 and BP/9, respectively. Attestation of receipt of a later indication or amendment of the scientific description and/or proposed taxonomic designation is issued on the equivalent of model form BP/8. Notification of furnishing of a sample to a third party is issued on form BP/14. The KCTC has its own standard forms for other official notifications.

*Unofficial Notifications to the Depositor.* If requested, the KCTC will telephone the date of deposit and accession number after the microorganism has been received, but before the official receipt is issued. The KCTC will similarly communicate the result of the viability test before the viability statement is issued.

*Supply of Information to a Patent Agent.* The KCTC does not routinely ask the depositor for the name and address of his patent agent. The KCTC will send copies of the receipt and viability statement either to the depositor or to his agent if requested, but not to both.

(iii) Converting a Previous Deposit

Deposits made outside the provisions of the Budapest Treaty may be converted by the original depositor to Budapest Treaty deposits only if they were originally made for patent purposes. The administrative requirements for conversion are similar to those to be met in respect of an original deposit made under the Treaty, except that the depositor is also required to supply a copy of the receipt for the previous deposit. All conversions are subject to the normal storage fee levied for Budapest Treaty deposits, regardless of whether any fees have been paid previously in respect of those deposits.

(iv) Making a New Deposit

The depositor is required to complete model form BP/2 when making a new deposit and to supply 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 KCTC advises third parties of the correct procedures to follow in order to make a valid request. In the case of requests requiring proof of entitlement, the KCTC will provide requesting parties with copies of model request form BP/12 and/or request forms used by individual industrial property offices (where it has been supplied with such forms).

The KCTC furnishes samples on the basis that it is the responsibility of the requesting party to ensure that he complies with any relevant health and safety requirements. When responding to requests from overseas, the KCTC assumes that the requesting party has met the import requirements of his own country.

All samples of microorganisms furnished by the KCTC are from batches of its own preparations of the microorganisms.

(b) Notification of the Depositor

Depositors are notified on model form BP/14 when samples of their microorganisms have been furnished to third parties.

(c) Cataloguing of Budapest Treaty Deposits

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

### 3. Schedule of Fees

Services	<u>KRW</u>
1. Deposit (including initial viability check, preservation and storage for 30 years)	
- Original deposit (bacteria, fungi, yeasts, bacteriophages, molds, animal and plant viruses, eukaryotic DNA, RNA, plasmids, seeds)	800.000
- Original deposit (human, animal and plant cell cultures, embryos, murine embryos, hybridomas, algae, non-parasitic protozoa)	900.000
- New deposit	70.000
2. Furnishing of a sample	
- Bacteria, fungi, yeasts, bacteriophages, molds, animal and plant viruses, eukaryotic DNA, RNA, plasmids, seeds	100.000
- Human, animal and plant cell cultures, embryos, murine embryos, hybridomas, algae, non-parasitic protozoa	150.000
3. Issuance of a viability statement	
- Where a viability test is requested	70.000
- On the basis of the most recent viability test	10.000
4. Issuance of an attestation under Rule 8.2	10.000
5. Communication of information under Rule 7.6	10.000

Fees do not include transport costs or bank fees.

### 4. Guidance for Depositors

The KCTC does not at present produce specific written notes for the guidance of prospective depositors, but is always ready to give advice by telephone or letter.