



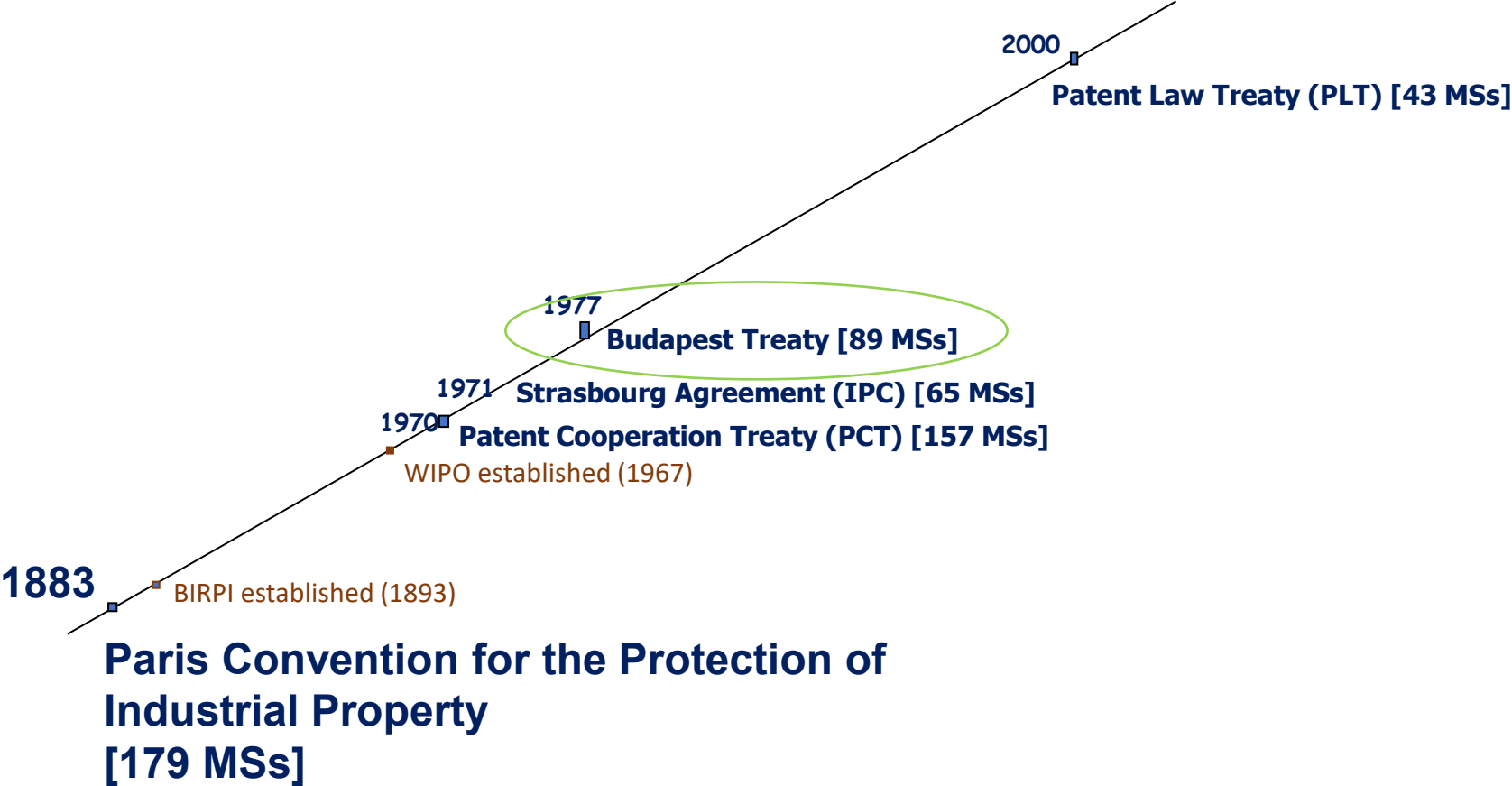
# Topic 1 Recent developments in the Budapest System

Meeting of Member States and International Depositary  
Authorities under the Budapest Treaty

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Patents and Treaties Law Section, WIPO

**Geneva, November  
13 to 14, 2023**

# WIPO Administered Treaties in the Field of Patents



# Budapest System

*Why the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure ?*

An invention must comply with **patentability requirements**.

**Sufficiency of disclosure** = An invention must be described in sufficient detail to enable a person skilled in the art to carry it out.

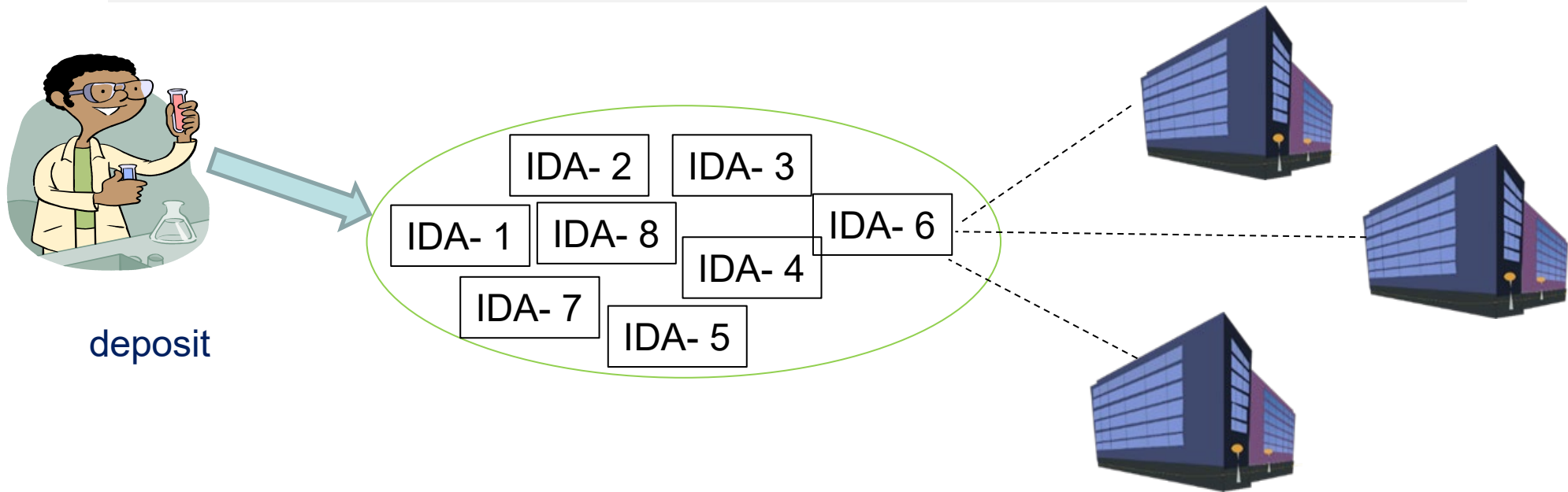
An invention that **uses/concerns a new microorganism** which is not yet publicly available may be difficult to be fully disclosed in a written form.

**Deposit of the microorganism** to a culture collection to **compliment** the written disclosure.

# Budapest System – Main Features

**One** deposit with any of the **International Depository Authorities (IDAs)** is **recognized** by **all MSs** of the Budapest Treaty

- Cost reduction for applicants
- IP offices can rely on IDAs
- Reduction of biosafety risks



# Budapest Treaty Member States

## 89 Contracting Parties

### Recent Accessions from

- Rwanda, December 4, 2023 (entry into force)
- Paraguay, August 5, 2023
- Indonesia, October 13, 2022
- Malaysia, June 30, 2022
- Viet Nam, June 1, 2021
- United Arab Emirates, May 17, 2021
- Saudi Arabia, January 16, 2021

## 4 Intergovernmental Industrial Property Organizations

### Recent declarations of acceptance filed under Article 9(1) of the BT

African Intellectual Property Organization (OAPI), March 15, 2023

# Budapest Treaty IDAs

## 49 IDAs

### Status acquired recently

- Collection of Plasmids and Microorganisms (KPD), January 26, 2023, Poland
- National Agriculturally Important Microbial Culture Collection (NAIMCC), July 28, 2020, India
- Moroccan Coordinated Collections of Microorganisms (CCMM), February 20, 2018, Morocco

-Conditions to qualify for the status of IDA: Article 6 and Rule 2 of the BT

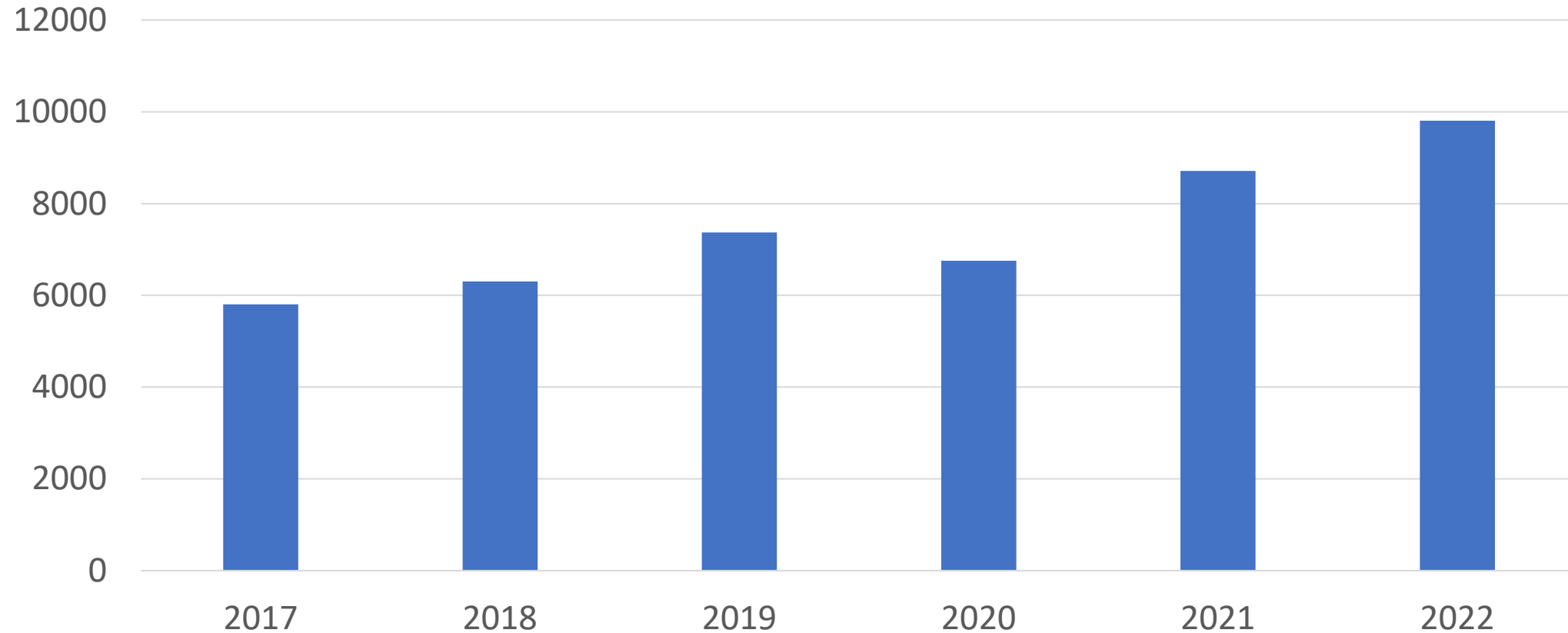
-Acquisition of the status of IDA: Article 7 and Rule 3 of the BT

# Budapest Treaty IDAs

- United Kingdom: 7 IDAs
- Republic of Korea: 4 IDAs
- China, India, Italy, Poland, United States of America: 3 IDAs
- Australia, Japan, Russian Federation, Spain: 2 IDAs
- Belgium, Bulgaria, Canada, Chile, Czech Republic, Finland, France, Germany, Hungary, Latvia, Mexico, Morocco, Netherlands (Kingdom of the), Slovakia, Switzerland: 1 IDA

# Budapest System – Statistics

Overall Total Deposits of Microorganisms per year (2017-2022)

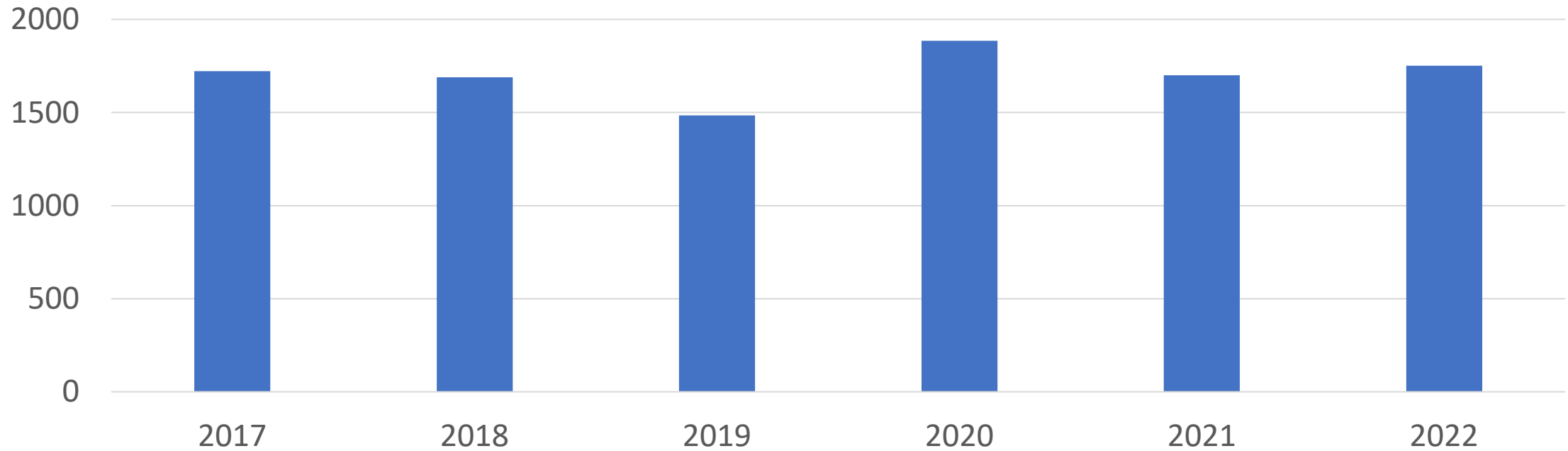


Based on information received by WIPO from IDAs in annual surveys



# Budapest System – Statistics

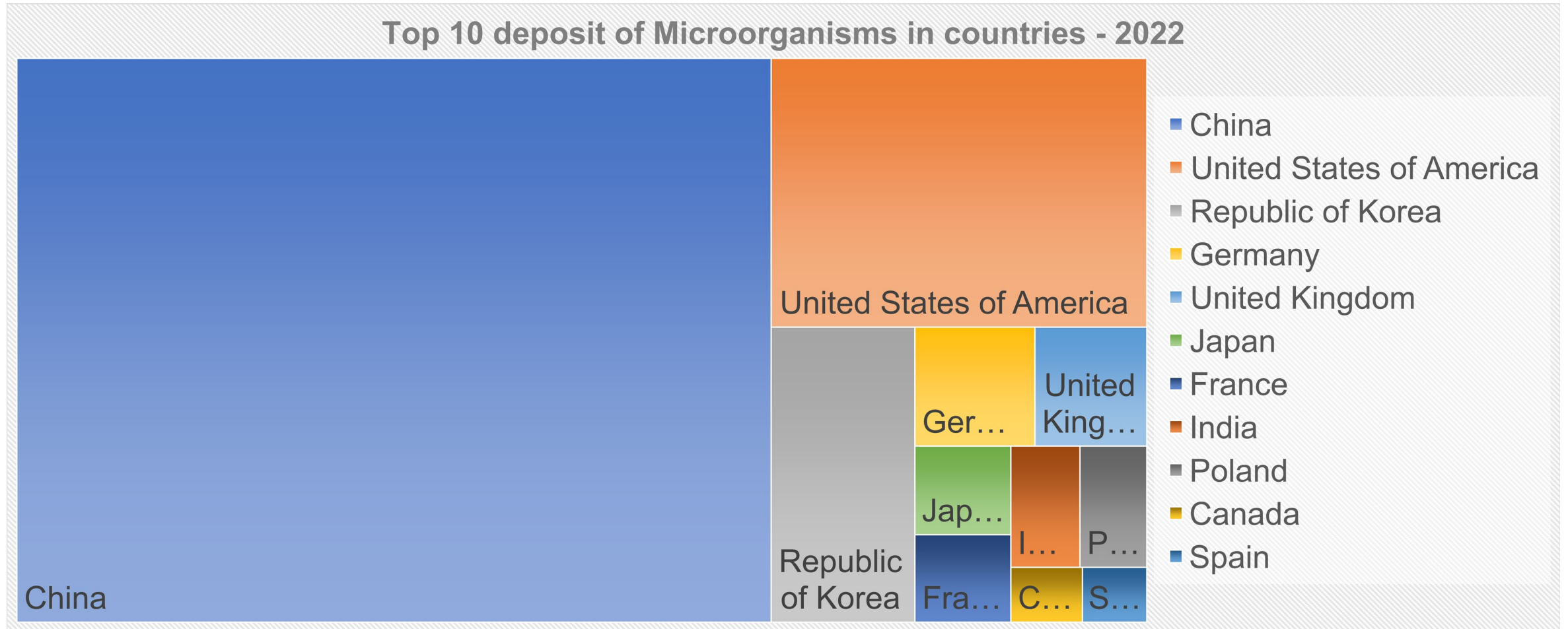
Overall Total Samples of Microorganisms per year (2017-2022)



	2017	2018	2019	2020	2021	2022
Total Samples Rule 11.1	5	1	3	8	100	87
Total Samples Rule 11.2	1243	1275	1174	1619	1354	1377
Total Samples Rule 11.3	467	413	307	259	246	287

Based on information received by WIPO from IDAs in annual surveys

# Budapest System – Statistics



Based on information received by WIPO from IDAs in annual surveys

NB: some countries have more than one IDA located in their territory

# Budapest System – Statistics

Total Deposits 2022	
Countries	No, of deposits
1. China	6396
2. USA	1517
3. Rep. of Korea	638
4. Germany	215
5. United Kingdom	200
6. Japan	128
7. France and India	126
8. Poland	122
9. Canada	59
10. Spain	53
<b>Others</b>	<b>354</b>
<b>Total</b>	<b>9808</b>

Based on information received by WIPO from IDAs in annual surveys

NB: some countries have more than one IDA located in their territory

# Budapest System – Statistics

## Top 10 IDAs (No. of deposits)

2022			2021		
1	CGMCC (CN)	2,910	1	CGMCC (CN)	2,853
2	CCTCC (CN)	2,564	2	CCTCC (CN)	2,106
3	NCMA (US)	1,108	3	GDMCC (CN)	761
4	GDMCC (CN)	922	4	NCMA (US)	624
5	KCTC (KR)	421	5	KCTC (KR)	421
6	ATCC (US)	229	6	ATCC (US)	288
7	DSMZ (DE)	215	7	DSMZ (DE)	267
8	KCCM (KR)	212	8	NCIMB (GB)	204
9	NCIMB (GB)	184	9	KACC (KR)	185
10	NRRL (US)	180	10	KCCM (KR)	177

Based on information received by  
WIPO from IDAs in annual surveys

# Budapest Websites



## [Budapest Treaty Webpage](https://www.wipo.int/treaties/en/registration/budapest/index.html)

- ❖ Treaty, Regulations
- ❖ Contracting Parties and List of IDAs
- ❖ Notification of Communications received by the Contracting States



## [Budapest System Webpage](https://www.wipo.int/budapest/en/)

- ❖ General Information on the Budapest Treaty (incl. Treaty, Reg.)
- ❖ News
- ❖ Contact information and Kinds of microorganisms accepted by each IDAs
- ❖ Budapest Guide
- ❖ Statistics (xls)

# Guide to the Deposit of Microorganisms under the Budapest Treaty

Note [PDF](#)

Table of Contents [PDF](#)

Introduction to the Budapest Treaty [PDF](#)

**Part I: General requirements for deposit and furnishing of samples** [PDF](#)

**Section A:** Making the Original Deposit

**Section B:** Making a New Deposit

**Section C:** Furnishing of Samples

**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 [PDF](#)

(b) List of Kinds of Microorganisms Accepted by IDAs [PDF](#)

(c) Detailed Requirements and Practices of IDAs

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

**Appendices**

**Appendix 1:** Checklists of points to be attended to when depositing microorganisms and requesting samples under the Budapest Treaty [PDF](#)

**Appendix 2:** Text of the Budapest Treaty and of the Regulations under the Treaty

**Appendix 3:** Forms under the Budapest Treaty and Regulations

# Guide to the Deposit of Microorganisms under the Budapest Treaty

## Section D: Requirements of International Depository Authorities (IDAs)

### (c) Detailed Requirements and Practices of IDAs

This subsection describes in detail the requirements and practices of each IDA as they relate to the deposit of microorganisms and the furnishing of samples under the Budapest Treaty.

[Read full introduction](#)

Country	International Depository Authorities (IDAs)
Australia (AU)	Lady Mary Fairfax CellBank Australia (CBA) <a href="#">PDF</a> National Measurement Institute (NMI) <a href="#">PDF</a>
Belgium (BE)	Belgian Coordinated Collections of Microorganisms (BCCM <sup>TM</sup> ) <a href="#">PDF</a>
Bulgaria (BG)	National Bank for Industrial Microorganisms and Cell Cultures (NBIMCC) <a href="#">PDF</a>
Canada (CA)	International Depository Authority of Canada (IDAC) <a href="#">PDF</a>
Chile (CL)	<i>Colección Chilena de Recursos Genéticos Microbianos</i> (CChRGM) <a href="#">PDF</a>
China (CN)	China Center for Type Culture Collection (CCTCC) <a href="#">PDF</a> China General Microbiological Culture Collection Center (CGMCC) <a href="#">PDF</a> Guangdong Microbial Culture Collection Center (GDMCC) <a href="#">PDF</a>
Czech Republic (CZ)	Czech Collection of Microorganisms (CCM) <a href="#">PDF</a>

# Guide to the Deposit of Microorganisms under the Budapest Treaty

## Guide to the Deposit of Microorganisms under the Budapest Treaty

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

This section describes the statutory requirements and the practices of the industrial property offices of the States party to the Budapest Treaty and of the African Intellectual Property Organization (OAPI), the African Regional Intellectual Property Organization (ARIPO), the European Patent Organisation (EPO) and the Eurasian Patent Organization (EAPO) as regards the deposit of microorganisms for the purposes of patent procedure.

[Read full introduction](#)

#### Requirements of Industrial Property Offices

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#)

#### A

- Albania [PDF](#)
- Antigua and Barbuda
- Armenia [PDF](#)
- Australia [PDF](#)
- Austria [PDF](#)
- Azerbaijan [PDF](#)

#### B

- Bahrain [PDF](#)
- Belarus [PDF](#)
- Belgium [PDF](#)
- Bosnia and Herzegovina [PDF](#)
- Brunei Darussalam [PDF](#)
- Bulgaria [PDF](#)

#### C

- Canada [PDF](#)
- Chile [PDF](#)
- China [PDF](#)
- Colombia [PDF](#)
- Costa Rica [PDF](#)
- Croatia [PDF](#)
- Cuba [PDF](#)
- Czech Republic [PDF](#)

#### D

- Democratic People's Republic of Korea [PDF](#)
- Denmark [PDF](#)
- Dominican Republic [PDF](#)

#### H

- Honduras [PDF](#)
- Hungary [PDF](#)

#### I

- Iceland [PDF](#)
- India [PDF](#)
- Indonesia
- Ireland [PDF](#)
- Israel [PDF](#)
- Italy [PDF](#)

#### J

- Japan [PDF](#)
- Jordan [PDF](#)

#### K

- Kazakhstan [PDF](#)
- Kyrgyzstan [PDF](#)

#### L

- Latvia [PDF](#)
- Liechtenstein [PDF](#)
- Lithuania [PDF](#)
- Luxembourg [PDF](#)

#### M

- Malaysia [PDF](#)
- Mexico [PDF](#)
- Monaco [PDF](#)

#### P

- Panama [PDF](#)
- Peru [PDF](#)
- Philippines [PDF](#)
- Poland [PDF](#)
- Portugal [PDF](#)

#### Q

- Qatar [PDF](#)

#### R

- Republic of Korea [PDF](#)
- Republic of Moldova [PDF](#)
- Romania [PDF](#)
- Russian Federation [PDF](#)

#### S

- Saudi Arabia
- Serbia [PDF](#)
- Singapore [PDF](#)
- Slovakia [PDF](#)
- Slovenia [PDF](#)
- South Africa [PDF](#)
- Spain [PDF](#)
- Sweden [PDF](#)
- Switzerland [PDF](#)

#### T

- Tajikistan [PDF](#)
- Trinidad and Tobago [PDF](#)
- Tunisia [PDF](#)



# Budapest Guide - Forms

## Guide to the Deposit of Microorganisms under the Budapest Treaty





























### Appendix 3: Forms under the Budapest Treaty and Regulations

Fourteen forms, numbered BP/1 to BP/14, are available. They have been drawn up by the International Bureau of WIPO on the basis of the discussions held by the Assembly of the Budapest Union and the Interim Advisory Committee for the preparation of the entry into force of the Budapest Treaty.

All forms are available in the six United Nations languages (Arabic, Chinese, English, French, Russian and Spanish).

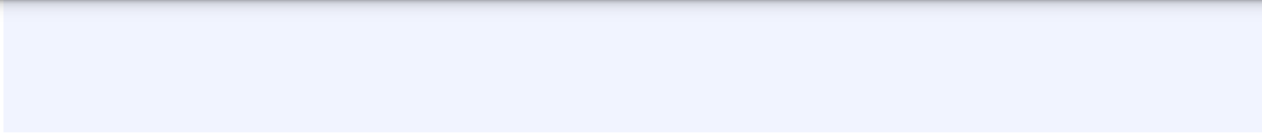
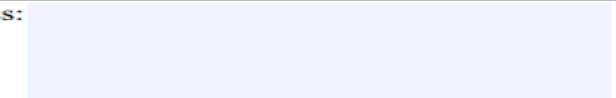




[Read full introduction](#)

[Download all Budapest forms](#)

Form	Description	Downloadable versions
BP/1	Statement in the Case of an Original Deposit (Rule 6.1)	 
BP/2	Statement in the Case of a New Deposit with the Same International Depository Authority (Rule 6.2)	 
BP/3	Statement in the Case of a New Deposit with Another International Depository Authority (Rule 6.2)	 
BP/4*	Receipt in the Case of an Original Deposit (Rule 7.1) (International Form)	 
BP/5*	Receipt in the Case of a New Deposit (Rule 7.1) (International Form)	 
BP/6*	Receipt in the Case of a Transfer (Rule 7.1) (International Form)	 
BP/7	Communication of the Later Indication or an Amendment of the Scientific Description and/or Proposed Taxonomic Designation (Rule 8.1)	 
BP/8	Attestation Concerning the Later Indication or an Amendment of the Scientific Description and/or Proposed Taxonomic Designation (Rule 8.2)	 
BP/9*	Viability Statement (Rule 10.2) (International Form)	 
BP/10	Request for the Furnishing of Samples of Deposited Microorganisms (Rule 11.1)	 
BP/11	Request for the Furnishing of Samples of Deposited Microorganisms (Rule 11.2(ii))	 
BP/12*	Request for the Furnishing of Samples of Deposited Microorganisms (Rule 11.3(a))	 
BP/13	Request for the Furnishing of Samples of Deposited Microorganisms (Rule 11.3(b))	 
BP/14	Notification of the Furnishing of Samples of Deposited Microorganisms (Rule 11.4(g))	 

\* In the situation to which it relates, the use of the form is mandatory.

# Forms under the Budapest Treaty

	
VIII. ADDITIONAL DATA <span style="float: right;"><input type="checkbox"/> <sup>6</sup></span>	
IX. DEPOSITOR	
Name and Address: 	Signature <sup>8</sup> 
E-mail Address <sup>7</sup> : 	Date: 
Telephone No. <sup>7</sup> : 	

<sup>3</sup> Mark with a cross if additional information is given on an attached sheet.

<sup>4</sup> Mark with a cross the applicable box.

<sup>5</sup> It is strongly recommended that the scientific description and/or proposed taxonomic designation of the microorganism be indicated.

<sup>6</sup> Mark with a cross if additional information (other than the information referred to in footnote <sup>3</sup>) is given on an attached sheet, such as the source of the microorganism, the name(s) and address(es) of any other depositary institution(s) with which the microorganism has been deposited, or the criterion used when drafting the proposed taxonomic designation. (The supplying of such information is optional.)

<sup>7</sup> While such information is optional, it may facilitate subsequent communication between the depositor and the International Depositary Authority.

<sup>8</sup> Where the signature is required on behalf of a legal entity, the typewritten name(s) of the natural person(s) signing on behalf of the legal entity should accompany the signature(s).

Form BP/1 (third and last page) (01/01/2023)

3

## Regulations under the Budapest Treaty (as in force from January 1, 2023)

Modification of Rule 11.4 (a) and (b) to expand the languages in which the communications in relation with the furnishing of samples of microorganism deposited may be addressed to the IDAs.

Thank you

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