

Topic 3

Furnishing of samples of the deposited biological material



Dr. Felizitas Bajerski & Dr. Kathrin Felsch



**Meeting of Member States and International Depositary Authorities under the Budapest Treaty
Geneva, November 13 to 14, 2023**



DSMZ - German Collection of Microorganisms and Cell Cultures GmbH

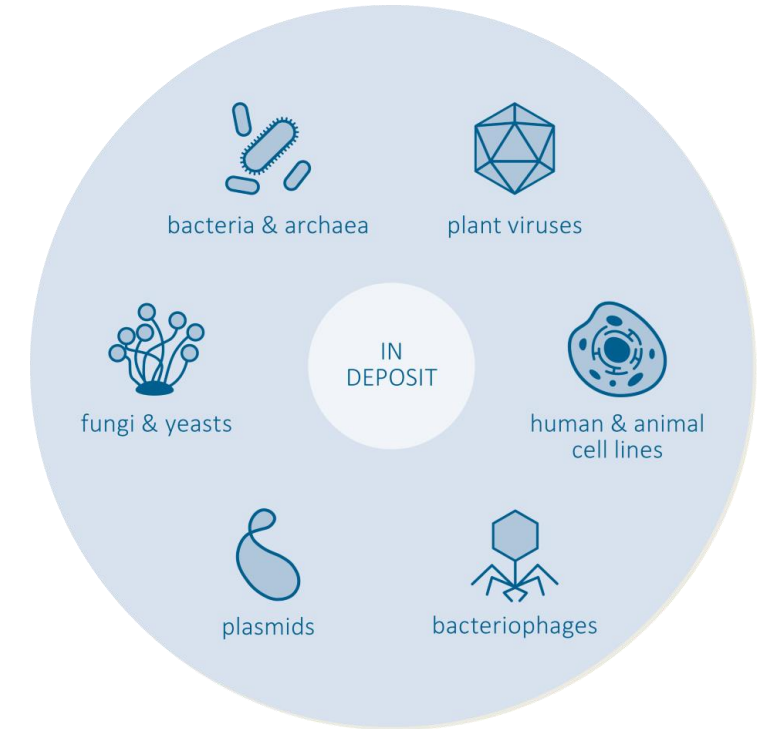


- DSMZ = both
 - **Research infrastructure (active collection)** used by science and industry for non-commercial purposes
 - **Research institution** in the field of microbial biodiversity research
- The most **diverse biological resource center** in the world
- One of the largest **collections of microorganisms and cell cultures** worldwide
- DSMZ was the first "**Registered Collection**" under the EU Regulation 511/2014 for the **Nagoya Protocol**
- The only recognized **international depository** in Germany under the **Budapest Treaty**

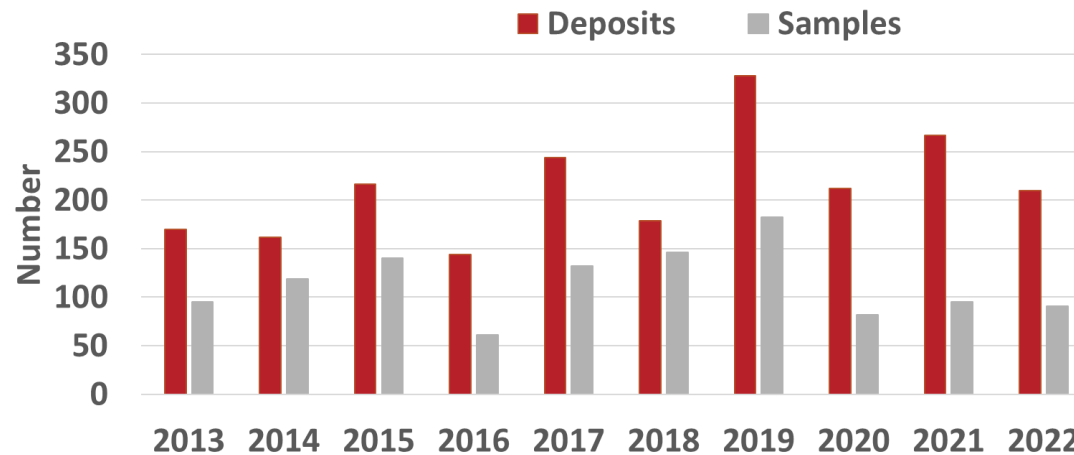


DSMZ as Patent Depository

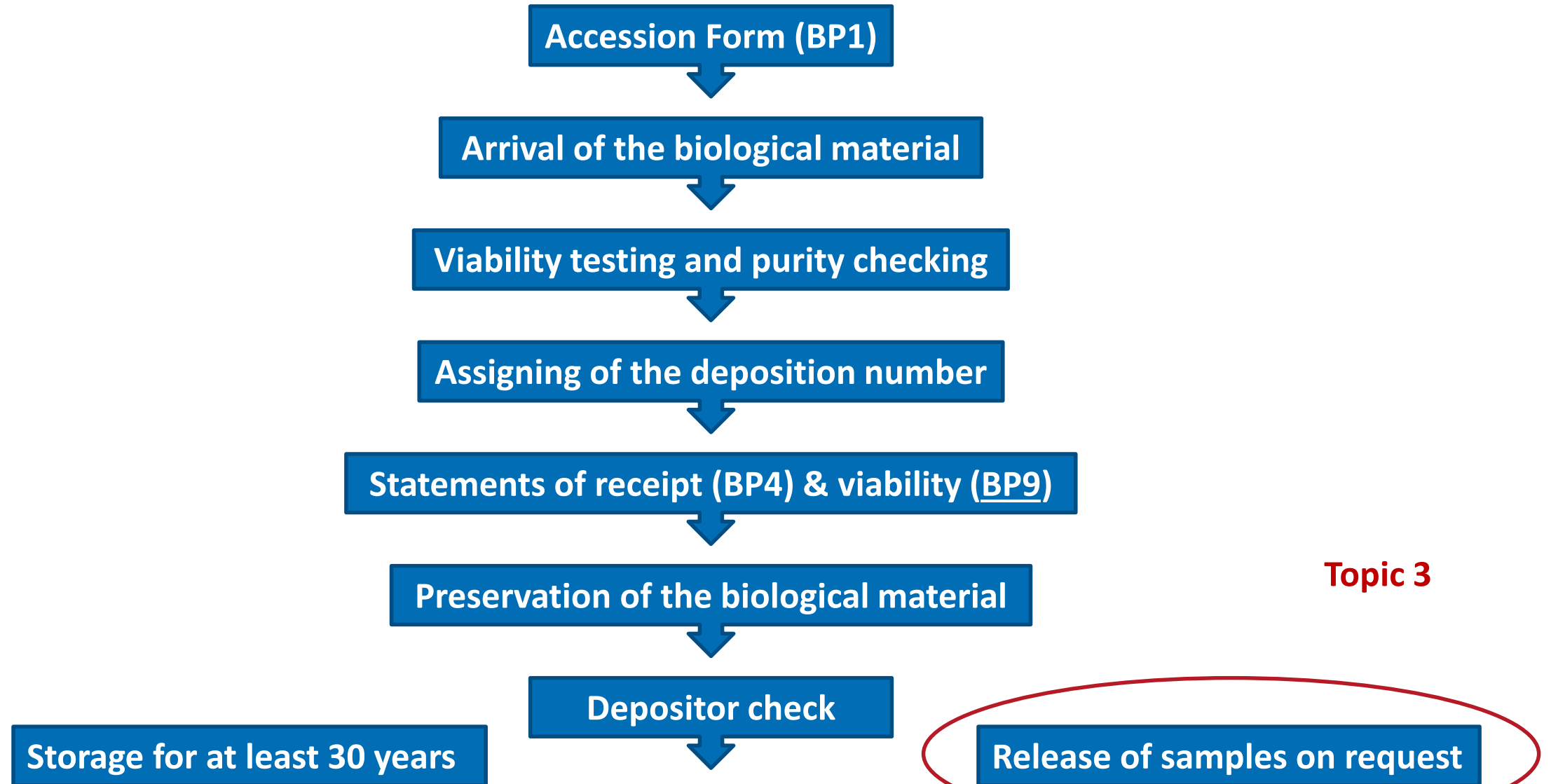
- > 45 years
- First patent strain in 1972
- Recognized as **International Depository Authority (IDA)** according to the Budapest Treaty **since 1981**
- Total > 9000 patent deposits



Patent Deposit in Numbers



Providing Safe Storage & Controlled Access



Furnishing of Samples – When? To Whom?

Budapest Treaty Rule 11

11.1 To Interested **industrial property offices**

When?

- At **any time** on request to the DSMZ

11.2 To **Depositor** and with the authorisation of the depositor to third parties

When?

- At **any time** on request to the DSMZ

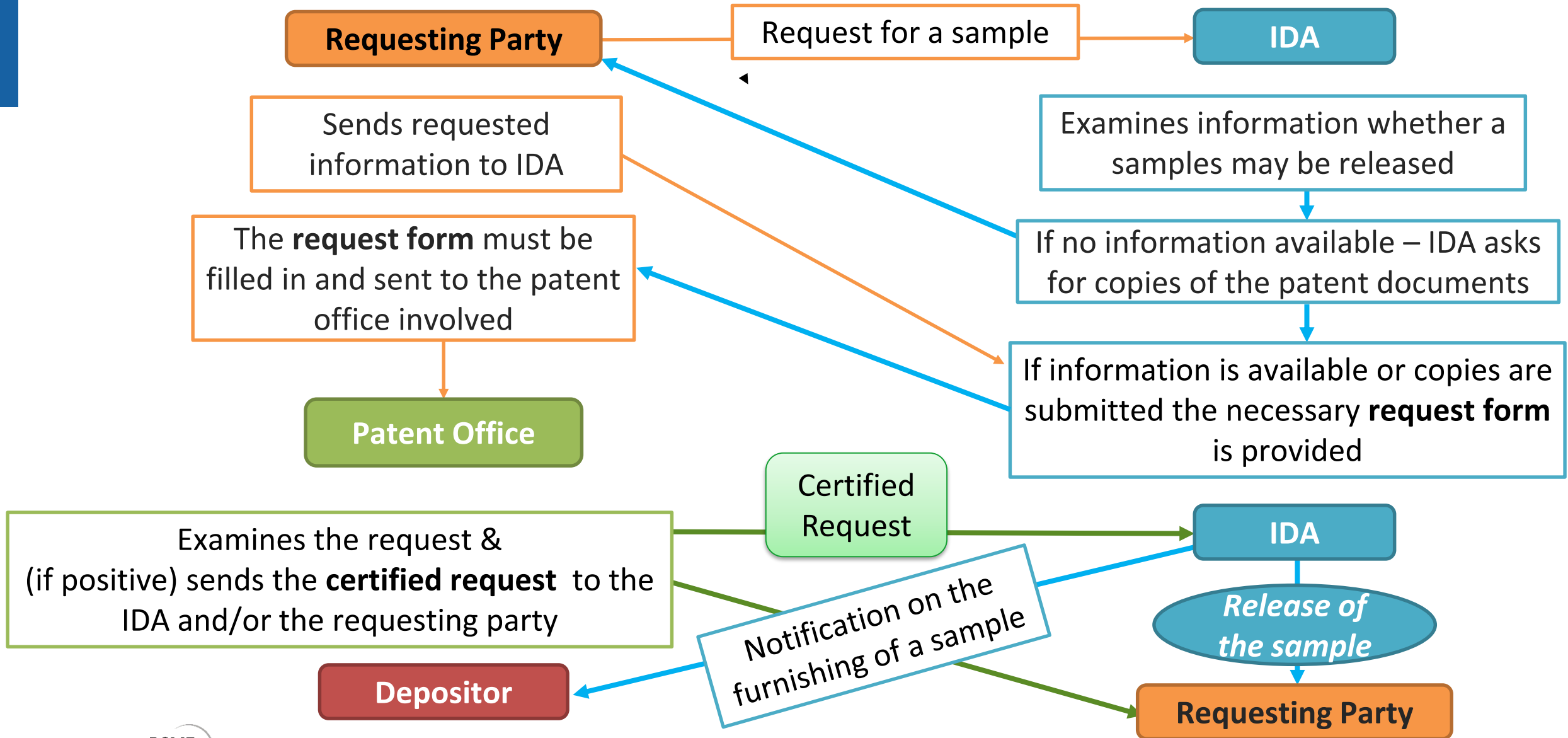
11.3 To Parties **legally entitled**

When?

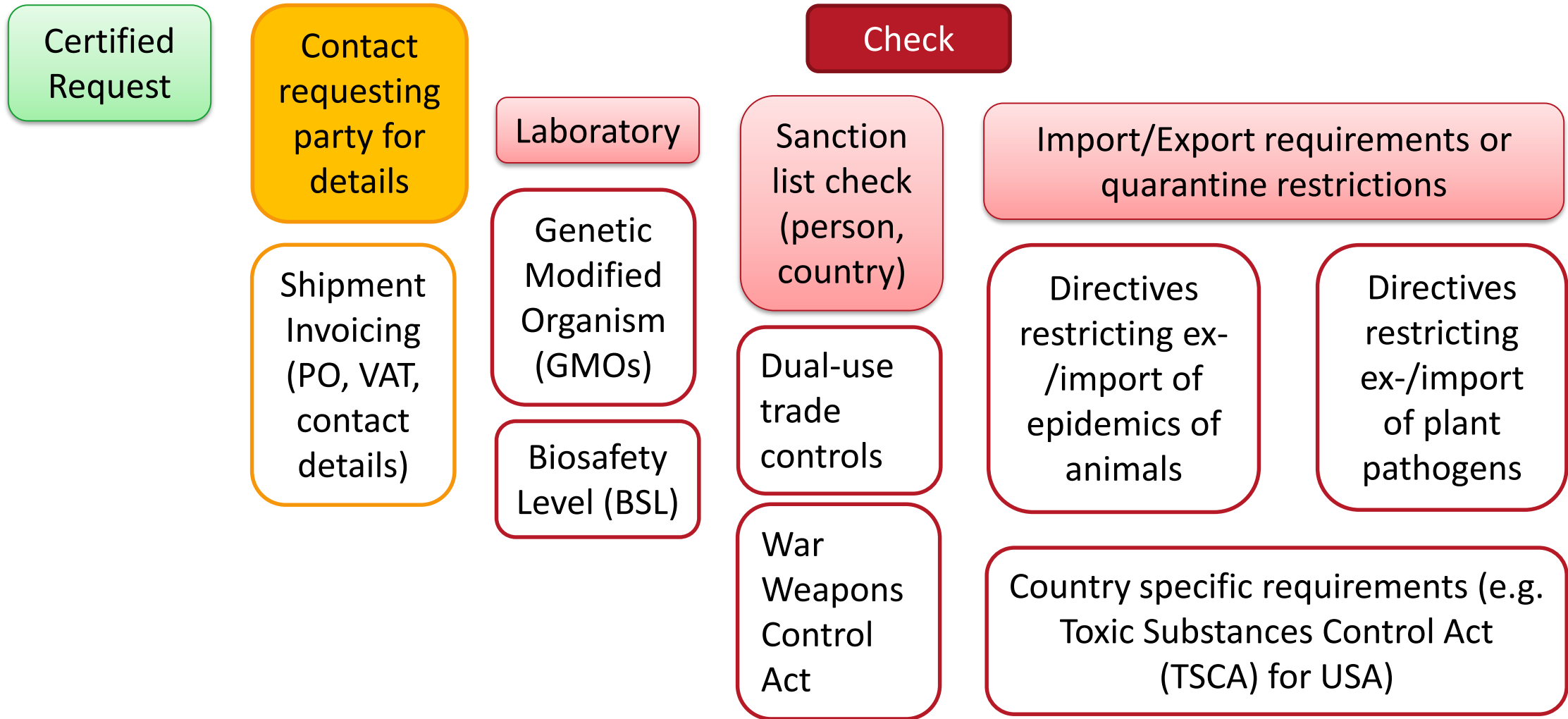
- A) By **confirmation** of the request **by** the responsible **patent office**
- B) In respect of **patents granted** and **published** by any industrial property office



Release of Patent Samples to Certified Third Parties



Furnishing of Samples – Process I Check



Furnishing of Samples – Process II Material

Certified Request

Check OK

Material

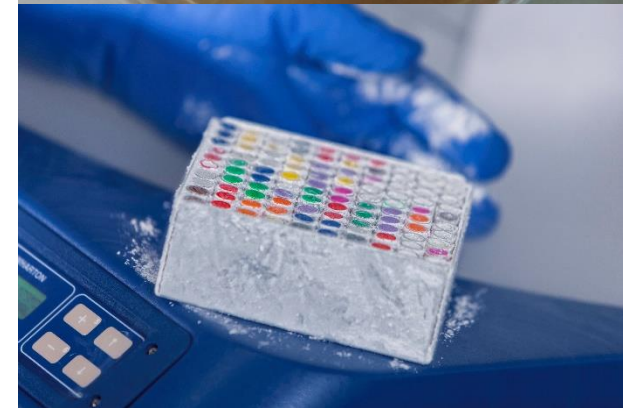
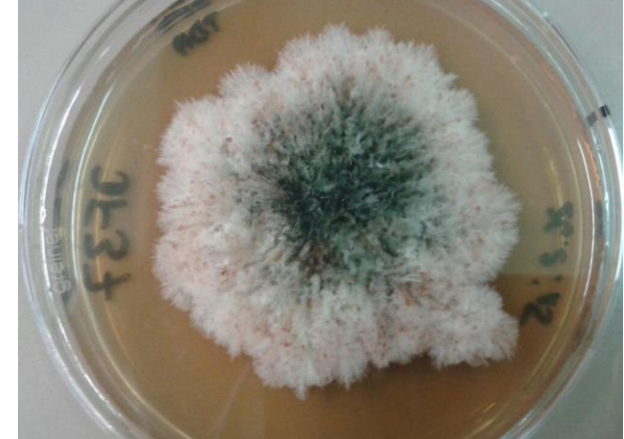
Freeze Dried (Ampoule) for Bacteria, Fungi

Check viability at certain intervals

Active culture (from liquid nitrogen storage)

Check availability + new preservation + request new material, if necessary

Frozen Sample (cell lines)



Furnishing of Samples – Process III Shipment

Certified Request

Check OK

Material OK

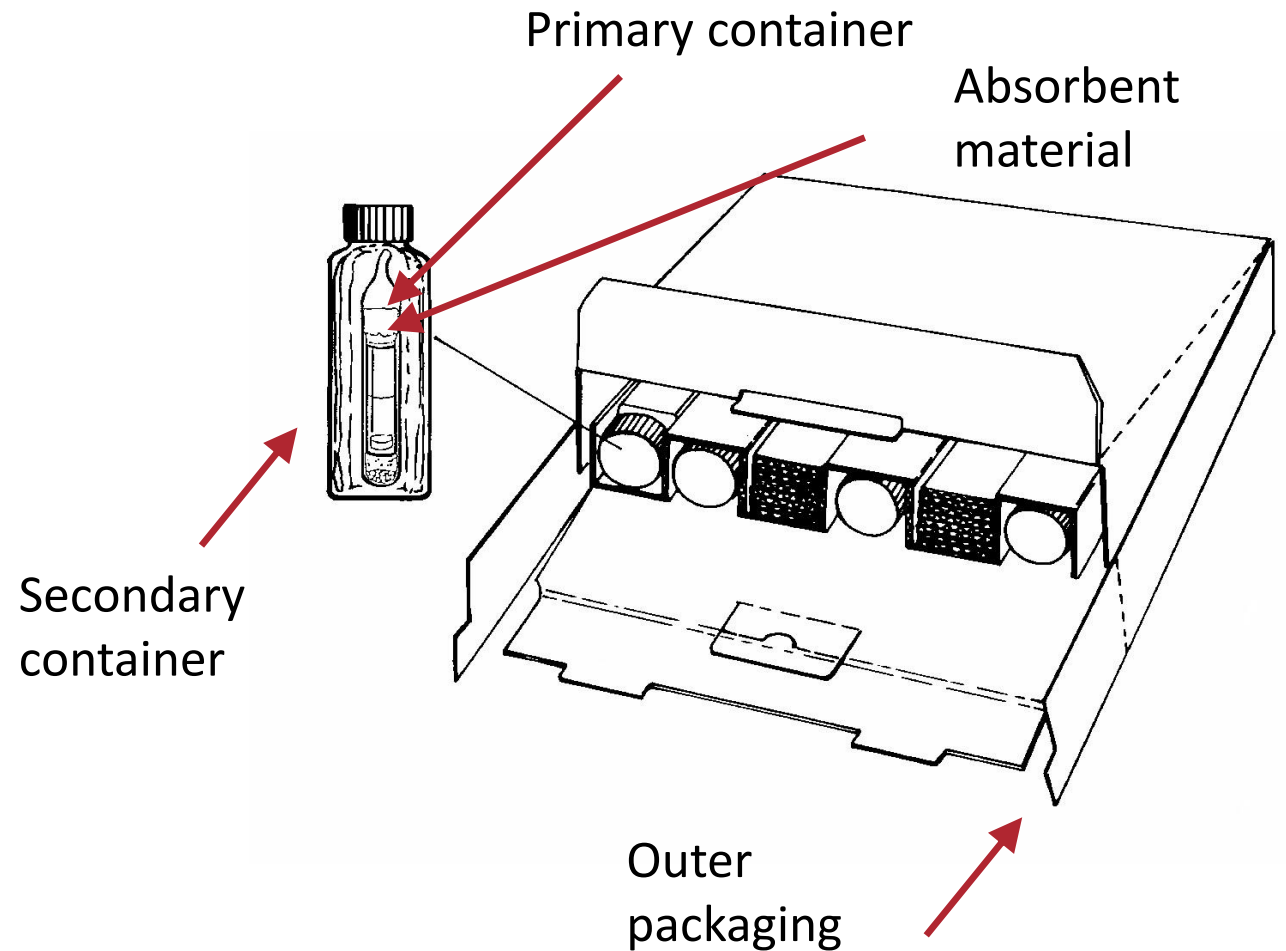
Shipment

At room temperature

Courier Service (mandatory for BSL2)

RG2/BSL2 UN3373
Biological Substances,
Category B

Dry ice (UN1845)



For Discussion

- Communication IPO-IDA (Topic 4)
 - Information whether a strain has been filed for a patent + status of the patent application
 - Furnishing of samples
 - Notification according to rule 11.3b
 - Who informs whom, all POs – all IDAs?
 - After request?
 - Important for Topic 5: Handling after the expiry of the storage period
- Suggestion: Create/use a database (via WIPO?), accessible to all patent offices, IDAs
- Contacting depositor
 - Who has the rights on the deposit (company change, company split)
 - Who can receive samples (11.2)?
 - Who needs to be informed (11.4g)?
- Furnishing after 30 years period (Topic 5)

The DSMZ IDA Team

Technical Assistance:
Lisa Schröder,
Carola Henze,
Anna Barheine



Head Tandem:
Dr. Felizitas
Bajerski, Dr.
Kathrin Felsch

Office Assistance:
Isabelle Müller

patentdeposit@dsmz.de

<https://www.dsmz.de/collection/deposit/patent-deposit>

