

KR – REPUBLIC OF KOREA

KOREAN AGRICULTURAL CULTURE COLLECTION (KACC)

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1. Requirements for Deposit

(a) Kinds of Microorganisms that May Be Deposited

The KACC will accept bacteria (non-pathogenic including actinomycetes), fungi (non-pathogenic), yeasts (non-pathogenic), mushroom, plasmids in hosts, plant viruses, bacteriophages and plant seeds.

KACC accepts only those organisms belonging to risk groups 1 or 2, in accordance with Directive 2000/54/EC on the protection of workers from job risks related to exposure to biological agents.

KACC reserves the right to refuse the deposit of any material which in its view represents an unacceptable hazard or which it cannot process.

KACC must be consulted in advance about the conditions for acceptance.

(b) Technical Requirements and Procedures

(i) Form and Quantity

The KACC accepts microorganisms submitted for deposit as lyophilized or 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 provided by the depositor is as follows:

- | | |
|--|-------|
| - Bacteria, fungi, yeasts, mushroom, bacteria containing plasmid | 10 |
| - Bacteriophages (at least 10^9 pfu/ml) | 10 ml |

Viruses should be deposited in the form of lyophilized or dried material along with the host. The minimum of number of replicates that must be provided by the depositor is as follows:

- | | |
|-----------------|------|
| - Plant viruses | 10 g |
|-----------------|------|

In all cases, seeds should be fresh, healthy, undamaged, and free from soil or plant-derived debris. Less than 5 % of the deposit should contain empty seeds.

Normally, a germination rate of at least 85 % is required, but deposits may be accepted in certain circumstances where such a regeneration rate is impossible to achieve.

- Plant seeds 1000

(ii) Time Required for Viability Testing

The average length of time required for testing the viability of the various kinds of biological material accepted by KACC is given below; however depositors should realize that in some cases viability testing may take longer, as indicated by the figures in brackets:

- Bacteria, fungi, yeasts, mushroom, bacteria containing plasmid, plant viruses, bacteriophages	14 days (or up to 30 days)
- Plant seeds	Depends entirely on the kind of seed

(iii) Depositor Checks and Renewal of Stocks

The KACC 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 KACC generally does not prepare its own batches of viruses, bacteriophages and seeds. In such cases, the depositor is responsible for replenishing the stock to ensure that there is sufficient stock to make the deposit available to the general public for the required period of deposit.

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

(c) Administrative Requirements and Procedures

(i) General

Language. The official languages of the KACC are Korean and English. Communications in any other language are not accepted.

Contract. The KACC does not enter into any written contract with the depositor defining the liabilities of either party. Also, by completing the KACC BP/1 deposit form, the depositor foregoes any right to withdraw his deposit during the required storage period and accepts that the material will be distributed according to the relevant patent requirements.

Import and/or Quarantine Regulations. It is essential that the depositor contact the KACC in advance of submitting a deposit which may be subject to these regulations to ensure that the appropriate documentation is obtained. This is particularly important for deposits made from outside of Korea. Failure to do so could result in the deposit being refused entry into the country.

(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 KACC 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 KACC 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 KACC has its own standard forms for other official notifications.

Unofficial Notifications to the Depositor. If requested, the KACC will write an e-mail the date of deposit and accession number after the microorganism has been received, but before the official receipt is issued. The KACC will similarly communicate the result of the viability test before the viability statement is issued.

Supply of Information to a Patent Agent. The KACC does not routinely ask the depositor for the name and address of his patent agent. The KACC 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 KACC advises third parties about the correct procedures to follow in order to make a valid request. In the case of requests requiring proof of entitlement, the KACC 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 KACC furnished 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 KACC assumes that the requesting party has met the import requirements of his own country.

All samples of microorganisms furnished by the KACC 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 KACC does not list Budapest Treaty deposits in its published catalog.

3. Schedule of Fees

<u>Services</u>	<u>KRW</u>
1) Deposit (including initial viability check, preservation and storage for 30 years):	
- original deposit	800,000
- new deposit	70,000
2) Furnishing of a sample	100,000
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

At Present, the KACC does not produce specific written notes for the guidance of prospective depositors, but is always ready to give advice by telephone or letter.