

Section D: Requirements of International Depositary Authorities (IDAs)

(c) Detailed Requirements and Practices of IDAs

Introduction

(i) General

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. Information is based on communications and notifications published on WIPO's website (<http://www.wipo.int/budapest>), and on the replies to letters sent to all IDAs by WIPO. The IDAs are listed alphabetically by country and the information on each is arranged in the format given in (ii), below. Reference to "model forms" and "international forms" means those forms designed by the International Bureau of WIPO, published in WIPO documents BP/A/II/12 (1981) and BP/A/VIII/1 (1990), and which are reproduced in Appendix 3.

(ii) Information on IDAs

For each IDA, information is arranged as follows:

country, name of international depositary authority and acronym, address, telephone and fax numbers, electronic and Internet addresses, if any.

IDAs are listed according to the two-letter country code in accordance with WIPO Standard ST.3.

1. Requirements for Deposit

(a) Kinds of Microorganisms that May Be Deposited

The different types of biological entities accepted for deposit and any specific exclusions are given. The maximum hazard rating and/or physical containment requirements acceptable to the IDA in respect of microorganisms that may be deposited are stated.

(b) Technical Requirements and Procedures

(i) Form and Quantity

The state in which cultures must be submitted is given, e.g., lyophilized, frozen, liquid suspension, agar slant, etc. The minimum number of replicates that must be supplied by the depositor and the minimum titre of each culture (where appropriate) are stated.

(ii) Time Required for Viability Testing

The average and maximum length of time (in days) needed by the IDA to carry out viability tests is given for each kind of microorganism accepted.

(iii) Depositor Checks and Renewal of Stocks

Information is given whether the IDA subcultures material supplied by the depositor to provide stocks of samples for storage; whether it stores samples originally supplied by the depositor; how it replenishes diminishing stocks; and whether it requires the depositor to test for authenticity samples of its own preparations.

(c) Administrative Requirements and Procedures

(i) General

Language. The official language(s) and any other language(s) in which the IDA accepts communications are given.

Contract. Information is given about the kind of contract (if any) that the IDA enters into with the depositor.

Import and/or Quarantine Regulations. Information is given whether any of the microorganisms accepted by the IDA are subject to import and/or quarantine regulations; the requirements for compliance with such regulations; and the government departments where further advice may be obtained.

(ii) Making the Original Deposit

Requirements to Be Met by the Depositor. Reference is made to any forms that must be completed; any information that must be given to the IDA in advance of deposit; and any special transport and/or delivery arrangements.

Official Notifications to the Depositor. Reference is made to any forms that the IDA uses to issue official notifications to the depositor.

Unofficial Notifications to the Depositor. An indication is given whether the IDA will communicate information to the depositor in advance of any official notifications.

Supply of Information to a Patent Agent. An indication is given whether the IDA will supply copies of documents to the depositor's patent agent.

(iii) Converting a Previous Deposit

Information is given about the requirements of the IDA that the depositor must meet and the extent to which he is permitted to convert a deposit previously made outside the Budapest Treaty to one made under the Treaty.

(iv) Making a New Deposit

Any requirements of the IDA additional to those that must be met when making an original deposit are indicated.

2. Furnishing of Samples

(a) Requests for Samples

Information is given whether the IDA advises third parties of the correct procedures to follow in order to make a valid request; whether the IDA supplies the requesting party with the appropriate forms; whether the requesting party must meet any health and safety requirements; whether samples furnished by the IDA are from its own preparations or from those supplied by the depositor.

(b) Notification of the Depositor

The means whereby the IDA notifies the depositor of the furnishing of samples is given.

(c) Cataloguing of Budapest Treaty Deposits

It is stated whether, and under what conditions, the IDA lists deposits under the Budapest Treaty in its published catalogs.

3. Schedule of Fees

The fees payable to the IDA for procedures carried out under the Budapest Treaty are listed.

4. Guidance for Depositors

Reference is made to any publications that the IDA makes available for the guidance of prospective depositors.