

# Deposits of Microorganisms and Other Biological Material

## Requirements of designated and elected Offices

Only Offices whose applicable national law contains provisions concerning the deposits of microorganisms and other biological material are listed in this table. Unless otherwise indicated in the table, deposits may be made for the purposes of patent procedure before these Offices with any depository institution having acquired the status of international depository authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (these institutions are indicated further in this Annex and notifications related thereto may be consulted under [www.wipo.int/treaties/en/registration/budapest/](http://www.wipo.int/treaties/en/registration/budapest/)). Further information concerning the requirements of international depository authorities under the Budapest Treaty is available at [www.wipo.int/treaties/en/registration/budapest/guide/](http://www.wipo.int/treaties/en/registration/budapest/guide/).

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Albania</b> Albanian Patent Office	None	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the Albanian Patent Office with any depository institution specialized for that purpose.			
<b>Australia</b> Australian Patent Office	None	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
An applicant may give notice that the furnishing of a sample of a microorganism shall only be effected prior to the grant of a patent, or to the lapsing, refusal or withdrawal of an application, to a person who is a skilled addressee without an interest in the invention (Regulation 3.25(3) of the Australian Patents Regulations). The applicant must give notice directly to the Australian Patent Office before the application is made available under Section 90 of the Australian Patents Act (which occurs at the international publication date).			
<b>Austria</b> Austrian Patent Office	Before completion of technical preparations for international publication	At the time of filing (as part of the application)	To the extent available to the applicant, all significant information on the characteristics of the microorganism
<b>Belarus</b> National Center of Intellectual Property (Belarus)	The name of the depository institution and the accession number at the time of filing (must be in the description)	None	None
For the purposes of patent procedure before the National Center of Intellectual Property, a deposit may be made not later than the priority date of the international application with any international or Belarusian depository institution specialized for that purpose.			

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices [*Continued*]

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Bosnia and Herzegovina</b> Institute for Intellectual Property of Bosnia and Herzegovina  Deposits may be made for the purposes of patent procedure before the Institute for Intellectual Property of Bosnia and Herzegovina with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (these institutions are indicated further in this Annex and notifications related thereto may be consulted under <a href="http://www.wipo.int/treaties/en/registration/budapest/">www.wipo.int/treaties/en/registration/budapest/</a> ).	At the time of filing, either in the description or separately	At the time of filing, either in the description or separately	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<b>Brazil</b> National Institute of Industrial Property  Deposits may also be made for the purposes of patent procedure before the National Institute of Industrial Property with any depositary institution authorized by the Institute.	None	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the biological material
<b>Bulgaria</b> Bulgarian Patent Office	Within three months after the filing date	At the time of filing (as part of the application)	None
<b>Canada</b> Canadian Intellectual Property Office  If an applicant wishes that, until either a Canadian patent has been issued on the basis of an application or the application has been refused, or is abandoned and no longer subject to reinstatement, or is withdrawn, the Commissioner of Patents only authorizes the furnishing of a sample of deposited biological material referred to in the application to an independent expert nominated by the Commissioner, the applicant must, by a written statement, inform the International Bureau accordingly before completion of technical preparations for publication of the international application. Such statement must be separate from the description and claims of the international application and must preferably be made on Form PCT/RO/134, referred to in Section 209 of the Administrative Instructions under the PCT and reproduced in Annex Z of International Phase of the <i>PCT Applicant's Guide</i> .	Where applicant requests publication earlier than 16 months from the priority date, not later than that request	None	None
<b>Chile</b> National Industrial Property Institute (Chile)	At the time of filing, either in the description or separately	At the time of filing, either in the description or separately	To the extent available to the applicant, relevant information on the characteristics of the microorganism

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices *[Continued]*

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>China</b> State Intellectual Property Office of the People's Republic of China	None	None	The scientific name (with its Latin name) of the microorganism, relevant information on the characteristics of the microorganism, a receipt of deposit and the viability proof from the depositary institution of a sample of the microorganism
<p>Deposits may be made for the purposes of the patent procedure before the State Intellectual Property Office of the People's Republic of China with CGMCC or CCTCC (see further in this Annex), or with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. Deposits shall be made for the purposes of the patent procedure before, or at the latest on, the date of filing (or the priority date where priority is claimed).</p>			
<b>Colombia</b> Superintendence of Industry and Commerce (Colombia)	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<b>Croatia</b> State Intellectual Property Office (Croatia)	Where applicant requests publication earlier than 18 months from the priority date, not later than that request	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<p>Deposits may also be made for the purposes of patent procedure before the State Intellectual Property Office (Croatia) with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty.</p> <p>Samples shall be, upon request, made available between the publication of the application and the granting of the patent to anyone requesting them, or, if the applicant so requests, only to an independent expert, or to, after the patent has been granted, and notwithstanding cancellation or revocation of the patent, anyone requesting them.</p> <p>Samples shall be made available only if the person requesting them undertakes, for the term during which the patent is in force:</p> <ol style="list-style-type: none"> <li>1. not to make them or any material derived from them available to third parties;</li> <li>2. not to use them or any material derived from them except for experimental or research purposes, unless the applicant for or owner of the patent, as applicable, expressly waives such undertaking.</li> </ol>			

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices [*Continued*]

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Cuba</b> Cuban Industrial Property Office	None	None	None
<b>Czech Republic</b> Industrial Property Office (Czech Republic)	The name of the depository institution and the accession number at the time of filing (as part of the application)	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the biological material
<b>Denmark</b> Danish Patent and Trademark Office	Where applicant requests publication earlier than 16 months from the priority date, not later than that request	At the time of filing (as part of the application)	To the extent available to the applicant, all significant information on the characteristics of the microorganism
<p>The applicant may request that, until the application has been laid open to public inspection (by the Danish Patent and Trademark Office), or has been finally decided upon by the Danish Patent and Trademark Office without having been laid open to public inspection, the furnishing of a sample shall only be effected to an expert in the art. The request to this effect shall be filed by the applicant with the Danish Patent and Trademark Office not later than at the time when the application is made available to the public under Sections 22 and 33(3) of the Danish Patents Act. If such a request has been filed by the applicant, any request made by a third party for the furnishing of a sample shall indicate the expert to be used. That expert may be any person entered on a list of recognized experts drawn up by the Danish Patent and Trademark Office or any person approved by the applicant in the individual case.</p>			
<b>Ecuador</b> Ecuadorian Institute of Intellectual Property	At the time of filing for notification of the fact that a deposit was made on or before the filing date	None	None
<b>El Salvador</b> National Center of Registries	None	None	To the extent available to the applicant, a description of the characteristics and an indication of the usefulness of the microorganism and/or other biological material
<p>Deposits may also be made for the purposes of patent procedure before the National Center of Registries with any depository institution having acquired the status of international depository authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.</p>			

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## Deposits of Microorganisms and Other Biological Material

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### Requirements of designated and elected Offices *[Continued]*

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Finland</b> National Board of Patents and Registration of Finland	Where applicant requests publication earlier than 16 months from the priority date, not later than that request	At the time of filing (as part of the application)	To the extent available to the applicant, all significant information on the characteristics of the biological material
<p>The applicant may request that, until the publication of the mention of the grant of a patent by the National Board of Patents and Registration of Finland or for 20 years from the date of filing if the application has been finally decided upon without resulting in the grant of a patent by the National Board of Patents and Registration of Finland, the furnishing of a sample shall only be effected to an expert in the art. The request to this effect shall be filed by the applicant with the International Bureau before the expiration of 16 months from the priority date (preferably on Form PCT/RO/134 reproduced in Annex Z of International Phase of the <i>PCT Applicant's Guide</i>). If such a request has been filed by the applicant, any request made by a third party for the furnishing of a sample shall indicate the expert to be used. That expert may be any person entered on a list of recognized experts drawn up by the National Board of Patents and Registration of Finland or any person approved by the applicant in the individual case.</p>			
<b>Georgia</b> National Intellectual Property Center of Georgia (SAKPATENTI)	None	None	None
<p>Deposits may also be made for the purposes of patent procedure before the National Intellectual Property Center of Georgia (SAKPATENTI) with “any scientifically recognized institution at home and abroad” and that includes all institutions published further in this Annex.</p>			

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices *[Continued]*

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Germany</b> German Patent and Trade Mark Office	Sections 1(1), No. 3 and 3(2) of the Ordinance on the Deposit of Biological Material <i>[BioMatHintV]</i> : The name and address of the depository institution at the time of filing (as part of the application) Where the applicant requests publication earlier than 16 months from the priority date, the accession number not later than that request Where the applicant has been notified that a right to inspection of files exists, the accession number, one month from that notification	Section 1(1), No. 2, of the Ordinance on the Deposit of Biological Material: At the time of filing (as part of the application)	Section 1(1), No. 2, of the Ordinance on the Deposit of Biological Material: To the extent available to the applicant, relevant information on the characteristics of the biological material

Deposits may also be made for the purposes of patent procedure before the German Patent and Trade Mark Office with all institutions published further in this Annex and with any scientifically recognized institution at home or abroad that is legally, economically and organizationally independent of the applicant and of the depositor and ensures the proper storage and furnishing of samples in accordance with the Ordinance on the Deposit of Biological Material of 24 January 2005.

The applicant may request that, until the grant of a patent or for 20 years from the date of filing if the application is refused or withdrawn, a sample shall only be issued to an independent expert nominated by the applicant. The request shall be filed with the German Patent and Trade Mark Office before technical preparations for publication of the international application are considered to be completed.

At the time of filing, the applicant shall give his unreserved and irrevocable authorization to the depository institution to issue samples in accordance with the Ordinance on the Deposit of Biological Material of 24 January 2005, and shall furnish documentary evidence that the depositor has given an undertaking to that effect, where the biological material has been deposited by a third party.

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices *[Continued]*

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Guatemala</b> Registry of Intellectual Property (Guatemala)	None	None	To the extent available to the applicant, a description of the characteristics of the microorganism and/or other biological material
<p>Deposits may be made for the purposes of patent procedure before the Registry of Intellectual Property (Guatemala) with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (these institutions are indicated further in this Annex and notifications related thereto may be consulted under <a href="http://www.wipo.int/treaties/en/registration/budapest/">www.wipo.int/treaties/en/registration/budapest/</a>).</p>			
<b>Honduras</b> Directorate General of Intellectual Property	At the time of filing, either in the description or separately	At the time of filing, either in the description or separately	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<p>Deposits may be made for the purposes of patent procedure before the Directorate General of Intellectual Property with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (these institutions are indicated further in this Annex and notifications related thereto may be consulted under <a href="http://www.wipo.int/treaties/en/registration/budapest/">www.wipo.int/treaties/en/registration/budapest/</a>).</p>			
<b>Hungary</b> Hungarian Intellectual Property Office (HIPO)	At the time of filing for notification of the fact that a deposit was made on or before the filing date	None	To the extent available to the applicant, the characteristics of the microorganism and a taxonomic description
<p>Deposits may also be made for the purposes of patent procedure before the Hungarian Intellectual Property Office (HIPO) with “any internationally well-known depositary institution in case of reciprocity.”</p>			
<b>Iceland</b> Icelandic Patent Office	Where applicant requests publication earlier than 16 months from the priority date, not later than that request	At the time of filing (as part of the application)	To the extent available to the applicant, all significant information on the characteristics of the microorganism
<p>The applicant may request that, until a patent has been granted or a final decision taken by the Icelandic Patent Office concerning an application which has not resulted in a patent, the furnishing of a sample shall only be effected to an expert in the art. The request to this effect shall be filed by the applicant with the Icelandic Patent Office not later than at the time when the application is made available to the public under Sections 22 and 33(3) of the Icelandic Patent Act. If such a request has been filed by the applicant, any request made by a third party for the furnishing of a sample shall indicate the expert to be used. That expert may be any person entered on a list of recognized experts drawn up by the Icelandic Patent Office or any person approved by the applicant in the individual case.</p>			

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices [*Continued*]

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>India</b> Patent Office (India)	At the time of filing, either in the description or separately	At the time of filing, either in the description or separately	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may be made for the purposes of patent procedure before the Patent Office (India) with any depository institution having acquired the status of international depository authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (these institutions are indicated further in this Annex and notifications related thereto may be consulted under <a href="http://www.wipo.int/treaties/en/registration/budapest/">www.wipo.int/treaties/en/registration/budapest/</a> ). See also Indian Patents Act, Section 10(4)(d)(ii).			
<b>Indonesia</b> Directorate General of Intellectual Property (Indonesia)	None	None	To the extent available to the applicant, a description of the characteristics of the micro- organism
<b>Israel</b> Israel Patent Office	None	At the time of filing (must be in the description)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<b>Japan</b> Japan Patent Office	At the time of filing (must be in the description) (furnishing of the date of deposit of the biological material is not necessary)	At the time of filing (must be in the description)	To the extent available to the applicant, relevant information on the characteristics of the biological material
<b>Kazakhstan</b> Ministry of Justice of the Republic of Kazakhstan, Committee of Intellectual Property Rights, National Institute of Intellectual Property (NIIP Republic of Kazakhstan)	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the Ministry of Justice of the Republic of Kazakhstan, Committee of Intellectual Property Rights, National Institute of Intellectual Property (NIIP Republic of Kazakhstan) with any depository institution.			

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices *[Continued]*

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Kenya</b> Kenya Industrial Property Institute	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<b>Latvia</b> Latvian Patent Office	None	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<b>Lithuania</b> State Patent Bureau of the Republic of Lithuania	None	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the State Patent Bureau of the Republic of Lithuania with any depositary institution.			
<b>Luxembourg</b> <b>Intellectual Property</b> Directorate (Luxembourg)	None	None	None
<b>Mexico</b> Mexican Institute of Industrial Property	None	At the time of filing (must be in the description)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<b>Nicaragua</b> Registry of Intellectual Property (Nicaragua)	None	None	To the extent available to the applicant, all relevant information on the characteristics of the biological material

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices [*Continued*]

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Norway</b> Norwegian Industrial Property Office	Where applicant requests publication earlier than 16 months from the priority date, not later than that request	At the time of filing (as part of the application)	To the extent available to the applicant, all significant information on the characteristics of the microorganism
<p>The applicant may request that, as from the time when the application has been laid open to public inspection by the Norwegian Patent Office until a patent has been granted, the application has been finally decided upon without a patent having been granted, or for 20 years from the date of filing if the application is refused or withdrawn, the furnishing of a sample shall only be effected to an expert in the art. The request to this effect shall be filed by the applicant with the Norwegian Patent Office not later than at the time when the application is made available to the public under Section 33(3) of the Norwegian Patents Act. If such a request has been filed by the applicant, any request made by a third party for the furnishing of a sample shall indicate the expert to be used. That expert may be a person entered on a list of recognized experts drawn up by the Norwegian Patent Office or any person approved by the applicant in the individual case.</p>			
<b>Oman</b> Intellectual Property Department, Ministry of Commerce and Industry	None	None	None
<b>Peru</b> National Institute for the Defense of Competition and Intellectual Property Protection	At the time of filing, either in the description or separately	At the time of filing, either in the description or separately	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<p>Deposits may be made for the purposes of patent procedure before the National Institute for the Defense of Competition and Intellectual Property Protection with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (these institutions are indicated further in this Annex and notifications related thereto may be consulted under <a href="http://www.wipo.int/treaties/en/registration/budapest/">www.wipo.int/treaties/en/registration/budapest/</a>).</p>			
<b>Philippines</b> Intellectual Property Office (Philippines)	At the time of filing (as part of the application)	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<p>Deposits may be made for the purposes of patent procedure before the Intellectual Property Office (Philippines) with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.</p>			

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices *[Continued]*

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<p><b>Poland</b> Patent Office of the Republic of Poland</p> <p>Deposits may also be made for the purposes of patent procedure before the Patent Office of the Republic of Poland with the national depositary authorities—Institute of Agricultural and Food Biotechnology and Serum and Vaccine Research Laboratory.</p>	None	None	Name and address of the depositor
<p><b>Portugal</b> National Institute of Industrial Property (Portugal)</p> <p>For the purposes of the patent procedure before the National Institute of Industrial Property (Portugal), a deposit is required not later than at the date of filing the international application with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.</p>	None	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<p><b>Republic of Korea</b> Korean Intellectual Property Office</p> <p>For the purposes of patent procedure before the Korean Intellectual Property Office, a deposit is required not later than at the date of filing the international application. A receipt attesting the deposit and its acceptance issued by the depositary institution with which the microorganism was deposited must be submitted to the Korean Intellectual Property Office within the time limit applicable under PCT Article 22 or 39(1).</p>	At the time of filing (must be in the description)	None	None
<p><b>Republic of Moldova</b> State Agency on Intellectual Property (Republic of Moldova)</p> <p>The deposit may be made with a depositary institution designated by the Government or with institutions which have the status of international depositary authority not later than the filing date of the international application.</p>	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<p><b>Romania</b> State Office for Inventions and Trademarks (Romania)</p>	None	None	To the extent available to the applicant, all significant information on the characteristics of the microorganism

# Deposits of Microorganisms and Other Biological Material

## Requirements of designated and elected Offices [*Continued*]

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Russian Federation</b> Federal Service for Intellectual Property, Patents and Trademarks (Rospatent)	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the Federal Service for Intellectual Property, Patents and Trademarks (Rospatent) with any depositary institution.			
<b>Serbia</b> Intellectual Property Office (Serbia)	None	None	To the extent available to the applicant, a description of the characteristics of the micro- organism
<b>Singapore</b> Intellectual Property Office of Singapore	Where applicant requests publication earlier than 16 months from the priority date, not later than that request	None	None
The applicant may request that the furnishing of a sample of a microorganism shall only be made available to an expert. The request to this effect must be filed by the applicant with the International Bureau before the completion of the technical preparations for international publication of the application.			
<b>Slovakia</b> Industrial Property Office (Slovakia)	The name and address of the depositary institution and accession number at the time of filing (as part of the application)	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the biological material
<b>South Africa</b> Companies and Intellectual Property Commission (South Africa)	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the Companies and Intellectual Property Commission (South Africa) with any depositary institution.			

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices *[Continued]*

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Spain</b>  Spanish Patent and Trademark Office	Where applicant requests publication earlier than 16 months from the priority date, two months from notification of the Office	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the biological material
<p>For the purposes of patent procedure before the Spanish Patent and Trademark Office a deposit is required not later than at the date of filing the international application with any legally recognized institution and, in any case, with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms (Article 25.2.a) SPL).</p> <p>If the applicant wishes that, until the publication of the mention of the grant of a Spanish patent or for 20 years from the date of filing if the application is refused or withdrawn, the biological material shall be made available as provided in Article 45 SPL only by the issue of a sample to an independent expert, the applicant must, by a written statement, inform the International Bureau accordingly before completion of technical preparations for publication of the international application. Such statement must be separate from the description and claims of the international application and must preferably be made on Form PCT/RO/134, referred to in Section 209 of the Administrative Instructions under the PCT and reproduced in Annex Z of International Phase of the <i>PCT Applicant's Guide</i>.</p>			
<b>Sweden</b>  Swedish Patent and Registration Office	Where applicant requests publication earlier than 16 months from the priority date, not later than that request	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
<p>The applicant may request that, until the patent has been granted by the Swedish Patent and Registration Office or if the application has been finally decided upon without resulting in the grant of the patent, the furnishing of a sample shall only be effected to an expert in the art. The same is applied to rejected or withdrawn applications within a period of 20 years from the filing date. The request to restrict the furnishing of a sample to an expert in the art shall be filed by the applicant with the Swedish Patent and Registration Office, at the latest, by the day upon which technical preparations for publication of the application are considered to be completed.</p>			
<b>Switzerland</b>  Swiss Federal Institute of Intellectual Property	None	None	None
<p>Deposits may also be made for the purposes of patent procedure before the Swiss Federal Institute of Intellectual Property with FIB, IFO and IAM (see further in this Annex). The furnishing of samples to a third party may be subject to the condition that that party indicates to the depositary institution its name and address for the purpose of information of the depositor and undertakes: (a) not to make available the deposited culture or a culture derived from it to a third party; (b) not to use the culture outside the purview of the law; (c) to produce, in case of a dispute, evidence that the obligations under items (a) and (b) have not been violated.</p>			

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices [*Continued*]

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>Tajikistan</b> Tajik Patent Office	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the Tajik Patent Office with any depositary institution.			
<b>The former Yugoslav Republic of Macedonia</b> State Office of Industrial Property (the former Yugoslav Republic of Macedonia)	None	At the time of filing (as part of the application)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the State Office of Industrial Property with any international depositary institution recognized by the Office (a list is published in the official journal of the Office). The furnishing of samples to a third party may be subject to the condition that that party: (a) has a right to demand that a sample of the viable biological or microbiological material be made available; (b) has undertaken to ensure that the applicant does not authorize access to the sample of the deposited viable biological or microbiological material to any third party before the expiry of the prescribed period of validity of the patent.			
<b>Turkey</b> Turkish Patent Institute	None	At the time of filing (must be in the description)	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the Turkish Patent Institute with any depositary institution specialized for that purpose.			
<b>Turkmenistan</b> Patent Department, Ministry of Economy and Finance of Turkmenistan	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the Patent Department, Ministry of Economy and Finance of Turkmenistan, with any depositary institution.			
<b>Ukraine</b> State Department of Intellectual Property (SDIP), Ministry of Education and Science of Ukraine	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the State Department of Intellectual Property (SDIP), Ministry of Education and Science of Ukraine, with any depositary institution.			

## Deposits of Microorganisms and Other Biological Material

### Requirements of designated and elected Offices *[Continued]*

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>United Kingdom</b> United Kingdom Intellectual Property Office (an operating name of the Patent Office)	Where applicant requests publication earlier than 16 months from the priority date, not later than that request	None	None
<p>Deposits may also be made for the purposes of patent procedure before the United Kingdom Intellectual Property Office with “any depositary institution anywhere in the world.” It is the responsibility of the applicant to select the depositary institution with which he wishes to make his deposit and to ensure that samples of the culture deposited will be made available in accordance with Rule 13(1) and Schedule 1 of the UK Patents Rules 2007. The applicant may give notice in writing to the International Bureau before technical preparations for publication of the international application are completed that a sample should be made available only to an expert.</p> <p><b>WARNING:</b> Where the invention involves the use of or concerns biological material which is not available to the public at the date of filing the application and which has been deposited by a person other than the applicant, the applicant must supply, earlier than 16 months from the priority date (or, if earlier, not later than a request for early publication), the name and address of the depositor and must file a statement by the depositor authorising the applicant to refer to the deposited material in the application and giving his unreserved and irrevocable authorisation to the deposited material being made available to the public in accordance with Schedule 1 to the UK Patents Rules 2007.</p>			
<b>United States of America</b> United States Patent and Trademark Office (USPTO)	The name and address of the depositary institution at the time of filing	At the time of filing	(a) A statement that the deposit was made on or before the priority date of the international application (where a date of deposit prior to that date has not been indicated, pursuant to Rule 13bis.3(a)(ii)) (b) To the extent feasible, a taxonomic description of the microorganism
<p>Deposits may also be made for the purposes of patent procedure before the USPTO with “any foreign or domestic depositary institution obligated by law, treaty or contract to accept, store and release specimens under the conditions specified in the United States jurisprudence.” In the USPTO, if the same indications concerning the name and address of the depositary institution are not also included in an earlier application the priority of which is claimed, the priority of the earlier application will not be accorded in the national processing of the application.</p>			

# L Deposits of Microorganisms and Other Biological Material L

## Requirements of designated and elected Offices [*Continued*]

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>African Regional Intellectual Property Organization (ARIPO)</b> ARIPO Office	None	At the time of filing	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the ARIPO Office with any depositary institution.			
<b>Eurasian Patent Organization</b> Eurasian Patent Office (EAPO)	None	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism
Deposits may also be made for the purposes of patent procedure before the Eurasian Patent Office with any depositary institution.			

# Deposits of Microorganisms and Other Biological Material

## Requirements of designated and elected Offices *[Continued]*

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
<b>European Patent Organisation</b> European Patent Office (EPO)	None	At the time of filing	To the extent available to the applicant, relevant information on the characteristics of the biological material

Deposits with CNCM can be made under the Budapest Treaty or, as far as the deposits of cell cultures, mycoplasma and rickettsiae are concerned, under a bilateral agreement with the EPO.

If the applicant wishes that, until the publication of the mention of the grant of a European patent or for 20 years from the date of filing if the application is refused or withdrawn or deemed to be withdrawn, the biological material shall be made available as provided in Rule 33(1) EPC only by the issue of a sample to an expert nominated by the requester (Rule 32(1) EPC), the applicant must, by a written statement, inform the International Bureau accordingly before completion of technical preparations for publication of the international application where such publication takes place in one of the EPO official languages (English, French or German). Such statement must be separate from the description and the claims of the international application and must preferably be made on Form PCT/RO/134, referred to in Section 209 of the Administrative Instructions under the PCT and available on the WIPO website at [www.wipo.int/pct/en/forms/ro/editable/ed\\_ro134.pdf](http://www.wipo.int/pct/en/forms/ro/editable/ed_ro134.pdf).

If the international application was not published in an official language of the EPO (English, French, German), the statement under Rule 32(1) EPC can still be submitted in the European phase until completion of the technical preparations for publication of the translation of the international application under Article 153(4) EPC. The fact that the expert option has been chosen will then be published on the front page of the published translation of the application. Information received under Rule 32(1) EPC after completion of the technical preparations for publication of the international application – or, where applicable, of the translation of the application pursuant to Article 153(4) EPC – cannot be taken into account with the consequence that the biological material will be available to any person as provided for in PCT Rule 13bis.6 and Rule 33(1) EPC without an expert acting as intermediary (see Notice from the European Patent Office dated 7 July 2010 concerning inventions which involve the use of or concern biological material, OJ EPO 10/2010, page 498 *et seq.*).

**WARNING:** Where the invention involves the use of or concerns biological material which is not available to the public at the date of filing the application and which has been deposited by a person other than the applicant, the reference to such a deposit must include the name and address of the depositor and a statement that the latter has authorized the applicant to refer to the deposited biological material in the application and has given his unreserved and irrevocable consent to the deposited material being made available to the public in accordance with Rule 31(1)(d) of the European Patent Convention (EPC). If any of these indications (the name and address of the depositor, and the statement) is not included in a reference to deposited biological material in the international application as filed, it may still be furnished to the International Bureau within a period of 16 months after the date of filing of the international patent application or, if priority is claimed, after the priority date; this time limit is deemed to have been met if the indication reaches the International Bureau before the technical preparations for international publication have been completed (PCT Rule 13bis.4(a)). Where the applicant makes a request for early publication under PCT Article 21(2)(b), the indications must be furnished to the International Bureau at the latest before the completion of the technical preparations for international publication (PCT Rule 13bis.4(c)). The failure to meet this time limit cannot be remedied upon entry into the European phase neither by re-establishment of rights nor by further processing. As a result, the application may have to be refused under Article 97(2) EPC in the course of examination proceedings for insufficient disclosure (Article 83 EPC).

# Deposits of Microorganisms and Other Biological Material

## List of depositary institutions

**Note:** This table does not indicate in relation to depositary institutions the kinds of microorganisms or other biological material which may be deposited with and the fees charged by them. This information may be obtained directly from the institutions. For information concerning depositary institutions which have acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, see the *Guide to the Deposit of Microorganisms under the Budapest Treaty* or consult [www.wipo.int/treaties/en/registration/budapest/](http://www.wipo.int/treaties/en/registration/budapest/).

Advanced Biotechnology Center (ABC)<sup>1</sup>  
Interlab Cell Line Collection (Biotechnology Dept)  
Largo Rossana Benzi, 10  
16132 Genova  
Italy

Agricultural Research Service Culture Collection (NRRL)<sup>1</sup>  
1815 North University Street  
Peoria, Illinois 61604  
United States of America

American Type Culture Collection (ATCC)<sup>1</sup>  
10801 University Blvd.  
Manassas, Virginia 20110-2209  
United States of America

Banco **Español** de Algas (BEA)  
Marine Biotechnology Center  
University of Las Palmas, Gran Canaria  
Muelle de Taliarte s/n  
35214 Telde  
Las Palmas  
Spain

Belgian Coordinated Collections of  
Microorganisms (BCCM<sup>TM</sup>)<sup>1</sup>

*Headquarters:*

Belgian Coordinated Collections of  
Microorganisms (BCCM<sup>TM</sup>)  
Federal Public Planning Service Science Policy  
8, rue de la Science  
B-1000 Brussels  
Belgium

*Collections:*

Institut scientifique de Santé publique  
Section Mycologie (BCCM<sup>TM</sup>/IHEM)<sup>1</sup>  
14, rue J. Wytsman  
B-1050 Brussels  
Belgium

Université catholique de Louvain  
Mycothèque de l'Université catholique de Louvain  
(BCCM<sup>TM</sup>/MUCL)<sup>1</sup>  
Croix du Sud, 3 – bte 6  
B-1348 Louvain-la-Neuve  
Belgium

Universiteit Gent  
Laboratorium voor Microbiologie –  
Bacteriëncollectie (BCCM<sup>TM</sup>/LMG)<sup>1</sup>  
K.L. Ledeganckstraat, 35  
B-9000 Gent  
Belgium

Universiteit Gent  
Vakgroep Moleculaire Biologie –  
Plasmidecollectie (BCCM<sup>TM</sup>/LMBP)<sup>1</sup>  
Technologiepark 927  
B-9052 Zwijnaarde  
Belgium

CABI BIOSCIENCE, UK Centre (IMI)<sup>1</sup>  
Bakeham Lane  
Englefield Green  
Egham, Surrey TW20 9TY  
United Kingdom

Centraalbureau voor Schimmelcultures (CBS)<sup>1</sup>  
Uppsalalaan 8  
NL-3584 CT Utrecht  
or  
P.O. Box 85167  
NL-3508 AD Utrecht  
Netherlands

China Center for Type Culture Collection (CCTCC)<sup>1</sup>  
Wuhan University  
Wuhan 430072  
China

China General Microbiological Culture Collection  
Center (CGMCC)<sup>1</sup>  
Institute of Microbiology, Chinese Academy of  
Sciences  
No. 1, West Beichen Road  
Chaoyang District  
Beijing 100101  
China

Colección Española de Cultivos Tipo (CECT)<sup>1</sup>  
Edificio 3 CUE. Parc Científic Universitat de Valencia  
Catedrático Agustín Escardino, 9  
46980 Paterna (Valencia)  
Spain

<sup>1</sup> Depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

# Deposits of Microorganisms and Other Biological Material

## List of depositary institutions [*Continued*]

Collection nationale de cultures de micro-organismes (CNCM) <sup>2</sup> Institut Pasteur 28, rue du Dr Roux 75724 Paris Cedex 15 France	International Patent Organism Depository (IPOD) <sup>2</sup> National Institute of Advanced Industrial Science and Technology (AIST) AIST Tsukuba Central 6, 1-1, Higashi 1-chome Tsukuba-shi, Ibaraki-Ken 305-8566 Japan
Collection of Industrial Microorganisms <sup>2</sup> Institute of Agricultural and Food Biotechnology (IAFB) Ul. Rakowiecka 36 02-532 Warsaw Poland	Korean Cell Line Research Foundation (KCLRF) <sup>2</sup> Cancer Research Institute Seoul National University College of Medicine 28 Yungon-dong, Chongno-gu Seoul 110-799 Republic of Korea
Collection of Industrial Yeasts (DBVPG) <sup>2</sup> Department of Applied Biology Borgo XX Giugno, 74 06121 Perugia Italy	Korean Collection for Type Cultures (KCTC) <sup>2</sup> 52, Oun-dong, Yusong-Ku, Taejon 305-333 Republic of Korea
Culture Collection of Algae and Protozoa (CCAP) <sup>2</sup> Scottish Association for Marine Science Dunstaffnage Marine Laboratory Oban, Argyll PA37 1QA Scotland United Kingdom	Korean Culture Center of Microorganisms (KCCM) <sup>2</sup> 361-221, Yurim B/D Honje 1, Sodaemun Seoul 120-091 Republic of Korea
Culture Collection of Yeasts (CCY) <sup>2</sup> Institute of Chemistry Slovak Academy of Sciences Dúbravská cesta 9 842 38 Bratislava Slovakia	Laboratorium voor Microbiologie (NLM) Julianalaan 67a Delft Netherlands
Czech Collection of Microorganisms (CCM) <sup>2</sup> Tvrdeho 14 602 00 Brno Czech Republic	Lady Mary Fairfax CellBank Australia (CBA) 214 Hawkesbury Rd Westmead, N.S.W., 2145 Australia
DSMZ—Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ) <sup>2</sup> Inhoffenstr. 7B D-38124 Braunschweig Germany	Microbial Culture Collection (MCC) <sup>3</sup> National Centre for Cell Science (NCCS) University of Pune Campus, Ganeshkhind Pune—411007, Maharashtra India
European Collection of Cell Cultures (ECACC) <sup>2</sup> Health Protection Agency – Porton Down Salisbury, Wiltshire SP4 0JG United Kingdom	Microbial Strain Collection of Latvia (MSCL) Kronvalda Blvd. 4 Riga LV-1586 Latvia
International Depository Authority of Canada (IDAC) <sup>2</sup> National Microbiology Laboratory Public Health Agency of Canada 1015 Arlington Street Winnipeg, MB Canada R3E 3R2	Microbial Type Culture Collection & Gene Bank (MTCC) <sup>2</sup> Institute of Microbial Technology (IMTECH) Sector 39 A Chandigarh 160 036 (Union Territory) India

<sup>2</sup> See footnote 1.

<sup>3</sup> Depository institution which will acquire the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure on 9 April 2011.

# Deposits of Microorganisms and Other Biological Material

## List of depositary institutions [*Continued*]

National Bank for Industrial Microorganisms and Cell Cultures (NBIMCC) <sup>4</sup> 125 "Tzarigradsko shaussee" Blvd. Block 2, et. 5 1113 Sofia	Polish Collection of Microorganisms (PCM) <sup>4</sup> Institute of Immunology and Experimental Therapy Polish Academy of Sciences Ul. Weigla 12 53-114 Wroclaw Poland
Bulgaria National Collection of Agricultural and Industrial Microorganisms (NCAIM) <sup>4</sup> Faculty of Food Sciences Corvinus University of Budapest Somló út 14-16 1118 Budapest	Russian Collection of Microorganisms (VKM) <sup>4</sup> G.K. Skryabin Institute of Biochemistry and Physiology of Microorganisms Russian Academy of Sciences Prospekt Nauki No. 5 Pushchino 142290 (Moscow Region) Russian Federation
Hungary National Collection of Type Cultures (NCTC) <sup>4</sup> HPA Centre for Infections 61 Colindale Avenue London NW9 5HT United Kingdom	Russian National Collection of Industrial Microorganisms (VKPM) <sup>4</sup> FGUP GosNII Genetika 1 Dorozhny proezd, 1 Moscow 117545 Russian Federation
National Collection of Yeast Cultures (NCYC) <sup>4</sup> Institute of Food Research Norwich Laboratory Norwich Research Park Colney Norwich NR4 7UA United Kingdom	The National Measurement Institute (NMI) <sup>4</sup> 1, Suakin Street Pymble, N.S.W. 2073 Australia
National Institute for Biological Standards and Control (NIBSC) <sup>4</sup> Blanche Lane South Mimms Potters Bar Herts., EN6 3QG United Kingdom	VTT Culture Collection (VTTCC) <sup>4</sup> VTT Technical Research Centre of Finland Tietotie 2 FI-Espoo Finland
National Institute of Technology and Evaluation, Patent Microorganisms Depositary (NPMD) <sup>4</sup> 2-5-8 Kazusakamatari Kisarazu-city Chiba 292-0818 Japan	
National Research Center of Antibiotics (NRCA) <sup>4</sup> Nagatinskaya Street 3-a Moscow 113105 Russian Federation	
NCIMB Ltd. <sup>4</sup> Ferguson Building Craibstone Estate Bucksburn Aberdeen AB21 9YA United Kingdom	
Phabagen Collection (PC) Rijksuniversiteit Utrecht Vakgroep Moleculaire Celbiologie Padualaan 8 3584 CH Utrecht Netherlands	

<sup>4</sup> See footnote 1.