

## FORMS

### UNDER THE BUDAPEST TREATY AND REGULATIONS

#### Introduction

1. 14 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 Interim Advisory Committee for the preparation of the entry into force of the Budapest Treaty at its second session (April 30 to May 3, 1979) and on the basis of the discussions held by the Assembly of the Budapest Union at its second session (January 12 to 20, 1981), its eighth session (September 24 to October 2, 1990) and thirty-ninth session (July 14 to 22, 2022).
2. The forms are not all provided for in the Regulations under the Budapest Treaty. The Regulations in fact provide only for the forms for the receipt in the case of an original deposit (BP/4), for the receipt in the case of a new deposit (BP/5) and for the receipt in the case of a transfer (BP/6) (see rule 7.2(a) of the Regulations), the form for the viability statement (BP/9) (see Rule 10.2(d)) and the form relating to the furnishing of samples to parties legally entitled (BP/12) (see Rule 11.3)).
3. As for the other forms, which bear the numbers BP/1, 2, 3, 7, 8, 10, 11, 13 and 14, the Assembly considered it useful to have these drawn up as models. It should be noted that, in the situations to which they relate, the use of forms will not be mandatory, and still less the use of the models that appear in this document.
4. Forms BP/4, 5, 6, and 9, called “international forms,” relate to the receipt and the viability statement. In each of the situations to which they relate, the use of an “international form” is mandatory. Each “international form” is issued by the competent international depositary authority on the basis of a model established by the Director General of WIPO in the languages designated by the Assembly. With regard to the language question, the Assembly decided that the model “international forms” should be established in the six United Nations languages (Arabic, Chinese, English, French, Russian and Spanish) (see paragraph 14 of document BP/A/39/2). It was understood that an international depositary authority whose official language or one of whose official languages, as indicated under Rule 3.1(b)(v), was a language other than any of the languages designated by the Assembly, could draw up the “international forms” in that language (see paragraph 38 of document BP/A/II/11).
5. Finally, Form BP/12, which relates to the furnishing of samples to parties legally entitled, is a form whose contents were fixed by the Assembly of the Budapest Union. In the situation to which it relates, the use of a form is mandatory. Each industrial property office may either use Form BP/12 (in other words, with the same layout) or draw up its own form (in other words, with a different layout, but with contents corresponding to the contents fixed by the Assembly). In the latter case, the industrial property office is responsible for the conformity of the contents of its form with the contents of Form BP/12, on the understanding that no international depositary authority is required to verify such conformity.