

Guide to the Deposit of Microorganisms under the Budapest Treaty



NOTE

The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (hereinafter referred to as the “Budapest Treaty” or the “Treaty”) was concluded on April 28, 1977, and entered into force on August 19, 1980.

The fundamental principle of the Budapest Treaty is that all States party to it recognize a deposit made in any one of certain culture collections (“international depositary authorities”) as sufficient for the purposes of their own patent procedure. The Treaty and the Regulations thereunder establish rules on deposits with international depositary authorities, storage and furnishing of samples of deposited microorganisms.

The purpose of this Guide is to present in a systematic manner information on the procedures and requirements concerning the deposit of microorganisms and to give practical advice to persons depositing microorganisms for patent purposes, on the one hand, and to anyone wishing to obtain samples of such microorganisms, on the other hand.

Following an introduction and a summary of the main features of the Budapest Treaty, the Guide is divided into two parts dealing, respectively, with the general requirements of the Treaty as they relate to the deposit of microorganisms and the furnishing of samples thereof (Part I), and the specific requirements of each of the international depositary authorities and of each of the industrial property offices of the States party to the Budapest Treaty as well as the African Regional Intellectual Property Organization (ARIPO), the Eurasian Patent Organization (EAPO) and the European Patent Organization (EPO) (Part II). Appendices to the Guide give a checklist of the points to be attended to when depositing microorganisms or requesting the furnishing of samples (Appendix 1); the full text of the Budapest Treaty and the Regulations (Appendix 2) and copies of the models of forms used under the Budapest Treaty and the Regulations (Appendix 3).

It is hoped that this Guide will assist depositors of microorganisms, international depositary authorities, industrial property offices and in general all concerned with the protection of biotechnological inventions to better understand and take advantage of the system of deposit of microorganisms provided for under the Budapest Treaty.

With the exception of Part II, which has been prepared by the International Bureau, the original text of the Guide has been written by Dr. Ivan Bousfield, former Executive Director and Curator of the National Collections of Industrial, Food and Marine Bacteria (NCIMB), Aberdeen, United Kingdom, to whom WIPO expresses its sincere appreciation.

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