JP – JAPAN

INTERNATIONAL PATENT ORGANISM DEPOSITARY (IPOD)

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1. Requirements for Deposit

(a) Kinds of Microorganisms that May Be Deposited

Protozoa, plant cell cultures, seeds and algae, EXCEPT:

- microorganisms classified as biological safety level (BSL) 3 or 4 according to the Guidelines for the Handling of the Experiment of Microorganisms in NITE;
- microorganisms that require the containment measure levels P3 or P3P for experiments, as described in the Ministerial Ordinance stipulating Containment Measures to be Taken in Type 2 Use of Living Modified Organisms for Research and Development (2004), which is based on the Law concerning the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms (2003);
- mixtures of undefined and/or unidentifiable microorganisms.

IPOD reserves the right to refuse to accept deposit that is technically or legally too difficult to manage.

(b) Technical Requirements and Procedures

(i) Form and Quantity

Microorganisms should be submitted for deposit as frozen samples or as agar stab or slant cultures. The minimum number of replicates that must be supplied by the depositor when making his deposit, and the form in which they must be submitted, are as follows:

Plant cell cultures	5 slant cultures
Protozoa and algae	10 tubes or 5 agar stabs or 5 slant cultures
Seed	100 packs / 25 seeds per 1 pack

(ii) Time Required for Viability Testing

The average length of time required for testing the viability of the various kinds of microorganisms accepted by the IPOD is 20 days, but depositors should realize that in some cases viability testing may take as long as 60 days.

(iii) Depositor Checks and Renewal of Stocks

The IPOD prepares its own batches of the microorganism at the time of deposit by subculturing material supplied by the depositor. New batches are prepared from these as necessary thereafter for the renewal of diminishing stocks. For seeds and samples supplied by depositor as frozen samples, the IPOD stores samples originally supplied by the depositor.

(c) Administrative Requirements and Procedures

(i) General

Language. The official language of the IPOD is Japanese. However, the power of attorney and other attached documents can be in another language, but must be accompanied by a Japanese translation. Requests for samples may be in Japanese or English.

Contract. The IPOD does not enter into a written contract with the depositor defining the liabilities of either party but, by signing the IPOD deposit form, the depositor surrenders any right to withdraw his microorganism during the required storage period.

Import and/or Quarantine Regulations. Certain plant and animal pathogens are subject to import and/or quarantine regulations. The IPOD advises prospective depositors of such microorganisms of the procedures that must be followed to obtain the necessary permits. On average, obtaining a permit takes about three weeks. Further information can be obtained from the Yokohama Plant Protection Station, Ministry of Agriculture, Forestry and Fisheries, 5-57 Kitanankadori, Naka-ku, Yokohama, Japan, and from the Animal Quarantine Service, Ministry of Agriculture, Forestry and Fisheries, 11-1 Hara-machi, Isogo-ku, Yokohama, Japan.

(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 IPOD as its accession form for Budapest Treaty deposits. In the event of later indication or amendment of the scientific description and/or proposed taxonomic designation, and a request for attestation that the IPOD 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 release of a sample to a third party is issued on form BP/14. The IPOD has its own standard forms for other official notifications.

Unofficial Notifications to the Depositor. The IPOD will inform the date of deposit and "provisional" accession number before the official receipt is issued, but the depositor must recognize that this information becomes official only on completion of the viability test and the payment.

Supply of Information to a Patent Agent. The IPOD does not routinely ask the depositor for the name and address of his patent agent. The IPOD 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 of the previous deposit. Conversions are subject to the normal storage fee levied for Budapest Treaty deposits in cases where any fee was previously charged in respect of their deposit for patent purposes outside the provisions of the Treaty.

(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 are issued on mandatory "international forms" BP/5 and BP/9, respectively.

2. Furnishing of Samples

(a) Requests for Samples

The IPOD advises third parties of the correct procedures to follow in order to make a valid request. In the case of requests requiring proof of entitlement, the IPOD 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).

Requesting parties are required to complete the IPOD form BP/14 (Acknowledgement and Agreement for Furnishing and Use of Samples) to comply with health and safety requirements. When responding to requests from overseas, the IPOD assumes that the requesting party has met the import requirements of his own country.

All samples of microorganisms furnished by the IPOD are from batches of its own preparations of the microorganism, with the exception of seeds and samples supplied by depositor as lyophilized or frozen samples.

(b) Notification of the Depositor

Depositors are notified on model form BP/14 when samples of their microorganism have been furnished to third parties.

(c) Cataloguing of Budapest Treaty Deposits

The IPOD does not list Budapest Treaty deposits in its published catalog.

3. Schedule of Fees

	JPY
(a) Storage	
(i) refrigerated or frozen	
- original deposit (for 30 years)	113,700
- new deposit	50,500
- extension of storage duration (per year)	13,700
(ii) subculturing of active culture	
- original deposit (for 30 years)	2,496,900
- new deposit	50,500
- extension of storage period (per year)	93,100
(b) Issuance of an attestation under Rule 8.2	2,900
(c) Issuance of a viability statement	
(i) when a viability test is carried out	35,100
(ii) based on the last viability test	2,900
(d) Furnishing of a sample (shipping fee excluded)	52,100
(e) Issuance of a communication under Rule 7.6	2,900
(f) Issuance of some kinds of certification	2,900

Fees do not include tax.
For each of the above items, a transaction fee of 4,300 JPY will be applied to all orders placed outside Japan.

4. Guidance for Depositors

The IPOD produces notes for the guidance of prospective depositors.