PT – PORTUGAL

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1. Requirements for Deposit

(a) Kinds of Microorganisms that May Be Deposited

Bacteria and archaea (including those containing plasmids), fungi (including filamentous fungi and yeasts), plasmids in hosts, deoxyribonucleic acids (DNAs). MUM accepts for deposit microorganisms of Risk Group 1 & 2.

MUM does not accept microorganisms restricted or prohibited by EU or Portuguese laws or administrative regulations.

As a rule, MUM will only accept the deposit of materials that can be preserved by lyophilization or by some other long-term preservation method **in use** and without significant changes in their characteristics.

The biological material indicated above cannot be accepted if it is contaminated. Mixtures of microbial cultures of more than two components can be accepted depending on the original sample and the preservation conditions.

The MUM reserves the right to refuse to accept for deposit material that in its view represents an unacceptable hazard or which it is not in a position to process.

(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 titer of each culture (where appropriate) are stated.

MUM has the following special requirements for the form in which the microorganisms should be submitted for deposit.

Bacteria, archaea and fungi should be submitted to deposit in the form of two actively growing cultures (plate, agar slant, liquid suspensions, etc). Lyophilized cultures are also accepted. The material for deposit must be free from contamination. Cultures should be sent in appropriate containers to ensure the sample integrity.

(ii) Time Required for Viability Testing

The average time required for testing the viability of the various kinds of microorganisms accepted by MUM is given below, but depositors should realize that in some cases, especially with slow growing microorganisms, viability testing may take longer, as indicated by the figures in brackets: Bacteria, archaea, yeasts	4 days (or up to 3 weeks)
Filamentous fungi	7 days (or up to 4 weeks)

(iii) Depositor Checks and Renewal of Stocks

The MUM prepares its own lyophilized batches of bacteria, archae, yeasts and filamentous fungi, at the time of deposit by subculturing material supplied by the depositor (but not from plasmids and DNA). New batches are prepared from these as necessary thereafter for the renewal of diminishing stocks. The depositor is required to test for authenticity samples from all batches of his microorganism prepared by MUM. Despite the methods used for preparing batches of samples for distribution, MUM nevertheless stores a portion of the original material supplied by the depositor, if the culture supplied allows this.

(c) Administrative Requirements and Procedures

(i) General

Language. The official language of the MUM is Portuguese. Communications are also accepted in English.

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

Import and/or Quarantine Regulations. In very few cases import regulations and embargo sanctions to the kinds of microorganisms accepted by MUM. In such cases, the depositor must supply the species name of the microorganism, whereupon the MUM will supply the information to obtain the necessary permits. The kinds of microorganisms accepted by MUM are not subject to quarantine regulations.

(ii) Making the Original Deposit

Requirements to Be Met by the Depositor. Depositors are required to complete form MUM-BP/1 (the equivalent of model form BP/1) which is the deposition form used for Budapest Treaty deposits. In the event of a later indication or amendment of the scientific description and/or proposed taxonomic designation, and a request for attestation that MUM has received such information, the depositor must complete the equivalent of model form MUM-BP/7.

Official Notifications to the Depositor. The receipt and viability statement are issued on mandatory "international forms" MUM-BP/4 and MUM-BP/9, respectively, both in Portuguese and English. 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 MUM-BP/8. Notification of the furnishing of samples to third parties is issued on model form MUM-BP/14. Standard forms are not used for other official notifications.

Unofficial Notifications to the Depositor. MUM will communicate by e-mail the date of deposit and deposition number before the official statements of receipt and viability are issued, but only after the viability and purity test has been done and has given a positive result.

Supply of Information to a Patent Agent. If requested, MUM will send copies of the receipt and viability statement to both the depositor and his patent agent.

(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, having been originally deposited for patent purposes or not. However, any deposits previously made free of charge are subject on conversion to the storage fees normally imposed for Budapest Treaty deposits. The administrative requirements for conversion are the same as those required for an original deposit made under the Treaty, except for the requirements relating to import and/or quarantine procedures do not apply.

(iv) Making a New Deposit

New deposit: In the event that MUM determines that a biological material is no longer viable, although originally found viable upon initial deposit, the depositor may replace the nonviable deposit with a new deposit. The deposit will retain its initial deposit number and date as long as (1) the replacement deposit is viable, (2) MUM receives the replacement deposit within three months of receipt by the depositor of the notification of nonviability, and (3) MUM receives a statement signed by the depositor alleging that the newly deposited biological material is the same as that originally deposited. No charges are due.

Supplemental deposit: In the event that MUM determines that the deposit, although still viable, no longer retains the original characteristics, the depositor will be asked to provide a Supplemental Deposit. This deposit will obtain a new date and a new accession number. All the normal forms for deposit must be filled out. No charges are due.

The depositor is requested to complete form MUM-BP/2 when making a new deposit, and to furnish copies of the documents required by Rule 6.2. The receipt and the viability statement with respect to a new deposit are issued on mandatory "international forms" MUM-BP/5 and MUM-BP/9, respectively.

2. Furnishing of Samples

(a) Requests for Samples

MUM will inform third parties of the correct procedures to follow to make a valid request. For those requests requiring proof of the right to receive samples, MUM will provide the requesting parties with copies of request form MUM-BP/12 and/or request forms used by a given industrial property office (in as much as such office has transmitted the relevant forms to MUM).

Notwithstanding any entitlement by a third party to receive samples under patent regulations, MUM will conserve the samples of potentially hazardous microorganisms until the requesting party has proven that it holds an authorization to handle such organisms. Likewise, they will only furnish samples of a microorganism to recognized microbiological laboratories and not to private addresses. In the case of requests from abroad, the requesting party must satisfy its own country's requirements with regard to importation.

All samples of microorganisms furnished by MUM will be taken from the batches, its own preparations, or from the batches furnished by the depositor.

(b) Notification of the Depositor

Depositors are notified on form MUM-BP/14 when samples of their microorganism have been furnished to third parties, unless the depositor has waived his right to receive such notification.

(c) Cataloguing of Budapest Treaty Deposits

In accordance with Rule 9.2 of the Treaty, MUM does not list Budapest Treaty deposits in its published catalogue.

3. Schedule of Fees

	Schedule of fees(*) per unit	EUR
(a)	30 years storage of original deposits	800
(b)	New deposits	150
(c)	Extension of 5 years the duration of the storage beyond 30 years	150
(d)	Issuance of a viability statement:	
	(i) Where a viability test is requested	120
	(ii) Based on the most recent viability test	50
(e)	Furnishing of samples	150
(f)	Communication of information under Rule 7.6	100

(g)	Issuance of an attestation under Rule 8.2	50
(h)	Duplicate or translation of Form BP/4	50
(i)	Surcharge to cover dispatch, bank and administrative costs	40

(*): To the amounts from (a) to (h) the current VAT (23%) is applied. Item (i) VAT is excluded.

4. Guidance for Depositors

MUM provides specific written notes for the guidance of potential depositors as well as the necessary forms on its home page (http://www.micoteca.deb.uminho.pt/). In addition, it is always ready to give any detailed information by telephone or by e-mail.