

## **PL - POLAND**

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### **1. Requirements for Deposit**

Where an invention involves the use of biological material which is not available to the public and which cannot be described in the description in such a manner as to enable the invention to be reproduced by a person skilled in the art, the disclosure thereof may be made by reference to the material deposited, at the latest at the filing date, in a depositary institution recognized under an international agreement or in a national depositary institution, which is mentioned by the President of the Patent Office in an announcement published in the Official Gazette of the Republic of Poland "Monitor Polski".

Where the deposit referred to in paragraph above has been made, the application must be accompanied by an attestation issued by the depositary institution, furnished by the applicant. The attestation should include at least the name of the institution, the date of the deposit and the accession number given to the biological material.

The attestation issued by a depositary institution may be furnished within six months from the filing date. In case of late furnishing of the said attestation the deposit of the biological material shall not be considered equivalent to its disclosure in the application.

(Polish Industrial Property Law – Article 93(6))

The following depositary authorities operate in the Republic of Poland and are authorized to receive and store microbial samples for the purposes of patent proceedings:

1. Institute of Agricultural and Food Biotechnology State Research Institute Collection of Industrial Microorganisms, <https://kkp.ibprs.pl/index.html>, Rakowiecka 36, 02-532 Warszawa (Patent Office News No. 10/93, item 264);
2. Polish Collection of Microorganisms PCM, Institute of Immunology and Experimental Therapy, Polish Academy of Sciences, <https://www.pcm.org.pl/home>; Rudolfa Weigla 12, 53-114 Wrocław (Patent Office News No. 8/00, item 218);

3. Collection of Plasmids and Microorganisms KPD Faculty of Biology, University of Gdańsk, <https://biology.ug.edu.pl/EN/kpd>; Wita Stwosza 59, 80-308 Gdańsk (Patent Office News 14/2023 p. 101);
4. National Medicines Institute, Chełmska 30/34, 00-725 Warszawa (created from the merger of the Central Laboratory of Serums and Vaccines and the Medicines Institute; Patent Office News No. 5/99, item 123).

The first three have international status, and the fourth only has a national status.

The requirements for the deposit of microorganisms with the above depositary authorities are in accordance with the Budapest Treaty.

## 2. Time of Deposit

The deposit must be made by the filing date of the patent application, at the latest.

## 3. Duration of Storage

The samples are retained for the duration of the patent's validity.

## 4. Conditions for the Furnishing of Samples

Access to the deposit before the publication of the patent application shall be limited to: (i) applicants and their representatives; (ii) prosecution agencies and courts, in connection with cases handled by them; (iii) other persons, with the applicant's consent given in writing.

At the applicant's request submitted to the Patent Office before the publication of the patent application, the above limitation shall extend for the entire term during which the application is processed (Polish Industrial Property Law - Article 93(6)).

The samples of deposited microorganisms are readily available to any interested party upon request, subject to the communication of the request to the depositor and the declaration by the requesting party that the sample will solely be utilized for experimental purposes and will not be made available to any third parties.