

KR – REPUBLIC OF KOREAKOREAN COLLECTION FOR TYPE CULTURES (KCTC)

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1. Existence of a practice regarding the handling of deposited microorganisms after the expiration of the period of storage prescribed in Rule 9.1 of the Regulations under the Budapest Treaty

Yes.

2. Description of the practice

The handling of deposited microorganisms after the expiration of the storage period is governed by the MOIP regulations (Articles 21–22 of the “Notification on the Registration and Operation of Microorganism Depository Authorities” of the Ministry of Intellectual Property), and the samples whose storage period has expired are currently being kept by the depository institution.

Relevant provisions:

Return upon request by the depositor (Article 21).

Conversion to a general deposit with the consent of the depositor.

If it is difficult to obtain the depositor’s consent, disposal is permitted after service by public notice and the lapse of a specified period (Article 22).

Article 21(2):

If the depositor wishes to request the return of a microorganism whose storage period has expired under Paragraph (1), the request for return must be made no later than one month before the expiration date of the storage period.

Article 22(2) and (3):

(2) The depository institution may, with the consent of the depositor, convert a patent deposit into a general deposit for microorganisms whose storage period has expired under Article 21(1).

(3) If the depositor's address or place of business is unknown and consent under Paragraph (2) cannot be obtained, the depository institution shall provide service by public notice, and may dispose of the microorganism at its discretion after three months have elapsed.

3. Documentation and links

<https://law.go.kr/LSW/admRulLsInfoP.do?admRulSeq=2100000266058>