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MICROBIOTA (NCMA)

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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

Process exists. It is articulated on our website.

2. Description of the practice

Process is articulated on our website. The text is as follows:

“Handling of Deposited Samples After the Expiration of the Storage Term.

On the 29<sup>th</sup> anniversary of a deposit, or 34<sup>th</sup> if a furnishing request is made during the final year of original term, the NCMA IDA will reach out to the original depositor to confirm handling of any remaining deposited materials. The options for handling are 1) return of any remaining material to the original depositor or successor; 2) certified destruction of remaining deposit material by NCMA; 3) transfer of the remaining deposited material from the patent holding to a public collection holding subject to the terms and conditions applied to all public collections held by the NCMA; or 4) continued holding of the remaining material in a patent deposit for the fee in force at the time of continuance. Regardless of the option chosen, NCMA will provide written and signed documentation of the chosen dispensation option to the original depositor or successor.”

3. Documentation and links

IDA webpage containing information on the handling of deposited materials after the expiration of the period of storage.

<https://ncma.bigelow.org/patent-deposit?page=7>