

GR – GREECE

Industrial Property Organization (OBI)
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1. Requirements for Deposit

If an invention relates to biological material not available to the public nor can it be described in the patent application in a manner that a person skilled in the art is able to carry out the invention or entails the use of such material, the description is considered adequate only if:

- a) the biological material has been deposited with a recognized depositary authority,
- b) the application contains information on the characteristic features of the deposited biological material,
- c) the depositary authority and the reference number of the deposit are specified.

All international depositary authorities recognized by virtue of article 7 of the Budapest Treaty of April 28, 1997 are considered recognized depositary authorities.

(Article 11 par. 1 of Presidential Decree No. 321/2001)

2. Time of Deposit

The biological material shall be deposited with a recognized depositary authority no later than the date of filing of the patent application.

(Article 11 par. 1 a of Presidential Decree No. 321/2001)

3. Duration of Storage

As provided in Rule 9.1 of the Budapest Treaty i.e. five years after the most recent request for the furnishing of a sample, and, in any case, thirty years after the date of deposit.

(Law no. 2128/1993)

4. Conditions for the Furnishing of Samples

(i) Time of Availability of Samples

- a) Samples are furnished to anyone authorized under international treaties or under national patent law up to the first publication of the patent application.
- b) Between publication and grant of the patent, samples can be furnished to anyone or to an independent expert only, if the applicant requests so. Such requests can be made before completion of the technical preparations for the publication of the patent application.
- c) Samples are available to anyone upon grant of the patent.

(Article 11 par. 2 and par. 5 of Presidential Decree No. 321/2001)

In case of a withdrawn or refused patent application, following an applicant's request, samples are available only to independent experts for 20 years from the date of filing of the patent application. Such requests can be made before completion of the technical preparations for the publication of the patent application.

(Article 11 par. 4 and 5 of Presidential Decree No. 321/2001)

(ii) Restrictions Concerning the Furnishing of Samples

The person requesting the sample undertakes the following during the term of the patent:

- a) not to make the biological material or any material derived from it available to third parties,
- b) not to use the biological material or any material derived from it, except for experimental purposes, unless the applicant or proprietor of the patent expressly grant a waiver.

(Article 11 par. 3 of Presidential Decree No. 321/2001)

If the biological material deposited in accordance with Article 11 ceases to be available from the recognized depositary authority, a new deposit of the material shall be permitted on the same terms as those laid down in the Budapest Treaty. Following such a deposit, a statement signed by the depositor certifying that the newly deposited biological material is the same as that originally deposited, should be filed before the Industrial Property Organization.

(Article 12 of Presidential Decree No. 321/2001)