

## AU – AUSTRALIA

### THE NATIONAL MEASUREMENT INSTITUTE (NMI)

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#### 1. Requirements for Deposit

##### (a) Kinds of Microorganisms that May Be Deposited

Bacteria (including actinomycetes), yeasts and fungi other than known human and animal pathogens, that can be preserved without significant change to their properties by the methods of preservation in use (freezing and freeze-drying).

Nucleic acid preparations and phages may be accepted if the depositor certifies that they pose no hazard when handled by normal laboratory procedures and the depositor supplies suitable material for preservation.

At present, the NMI does not accept for deposit animal, plant, algal and protozoal cultures, cultures of viral, rickettsial and chlamydial agents, microorganisms which may require, in the view of the curator, special attention to handling and preparation for storage.

##### (b) Technical Requirements and Procedures

###### (i) Form and Quantity

Microorganisms must be submitted for deposit as lyophilized preparations or on culture media. The minimum number of replicates that must be provided by the depositor when making his deposit and the form in which they must be submitted are as follows:

Bacteria, fungi and yeasts	6 lyophilized or on culture media
Phages and plasmids	sufficient quantity and titre for preservation

###### (ii) Time Required for Viability Testing

The average length of time required for testing the viability of the various kinds of microorganisms accepted by the NMI is given below:

Bacteria	5 days
Fungi	10 days
Yeasts	10 days

(iii) Depositor Checks and Renewal of Stocks

The NMI prepares its own batches of bacteria, fungi and yeasts by subculturing material supplied by the depositor. New batches are prepared by asking the depositor to make a new deposit under Article 4, by subculturing NMI's own preparation with the approval of the depositor, or by subculturing material originally supplied by the depositor. The depositor is asked to check the authenticity of batches prepared by the NMI from material supplied by him at the time of deposit and thereafter. The NMI stores original material supplied by the depositor.

(c) Administrative Requirements and Procedure

(i) General

*Language.* The official language of the NMI is English.

*Contract.* At present, the NMI does not enter into a written contract with the depositor defining the liabilities of either party.

*Import and/or Quarantine Regulations.* Certain kinds of microorganisms accepted for deposit by the NMI are subject to import and quarantine regulations. The NMI will arrange the necessary permits for importation of biological materials and clearing any quarantine requirements. The depositor must contact the NMI before depositing any microorganisms. The time required to obtain the permit may vary depending on the kinds of microorganisms to be deposited. Further information may be obtained from the Australian Quarantine Inspection Service, GPO Box 858, Canberra, A.C.T., 2601 Australia.

(ii) Making the Original Deposit

*Requirements to Be Met by the Depositor.* The depositor is requested to complete model form BP/1. In the event of a later indication or amendment of the scientific description and/or proposed taxonomic designation, the depositor must complete model form BP/7.

*Official Notifications to the Depositor.* The receipt and viability statement are issued, respectively, on mandatory "international forms" BP/4 and BP/9. Attestation of receipt of a later indication or amendment of the scientific description and/or proposed taxonomic designation is issued on model form BP/8. Notification to the depositor that a sample of the deposited microorganism has been furnished to an entitled party is issued on model form BP/14. Standard forms are not used for other notifications.

*Unofficial Notifications to the Depositor.* If requested, the NMI will telephone or e-mail the date of deposit and accession number after the microorganism has been received, but before the official receipt is issued. Similarly, the NMI will communicate the result of the viability test before the viability statement is issued.

*Supply of Information to a Patent Agent.* The NMI asks the depositor at the time of deposit to supply the name and address of his patent agent and, if requested, it will send copies of the receipt and the 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 to deposits under the Budapest Treaty, whether or not they were originally deposited for patent purposes. In addition to the administrative requirements for conversion, which are the same as those to be met in respect of an original deposit under the Budapest Treaty, the NMI requests the depositor to verify the authenticity of his deposited material at the time of conversion.

(iv) Making a New Deposit

When making a new deposit, the depositor is required to complete model form BP/2 and to supply copies of the documents specified under Rule 6.2; otherwise, the procedure is similar to that when making an original deposit.

## 2. Furnishing of Samples

(a) Requests for Samples

The NMI advises requesting parties of the correct procedure to follow to make a valid request. In the case of requests requiring proof of entitlement, the NMI will provide requesting parties with copies of model request form BP/12 and/or requests forms used by individual industrial property offices. It will also advise requesting parties on the requirements provided for under the Australian Patent Act.

The NMI furnishes a sample of a dangerous microorganism only after having received confirmation that the requesting party is capable of handling the microorganism safely.

(b) Notification of the Depositor

Depositors are notified when samples of their microorganism have been furnished to third parties.

(c) Cataloguing of Budapest Treaty Deposits

At present, the NMI does not publish a catalog.

## 3. Schedule of Fees

	<u>AUD</u>
(a) Storage	1,000
(b) Issuance of a viability statement on an existing deposit	270
(c) Furnishing of a sample	270

## 4. Guidance for Depositors

Guidance notes for prospective depositors are in preparation.