

## ES – SPAIN

### BANCO ESPAÑOL DE ALGAS (BEA)

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#### 1. Requirements for Deposit

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

Freshwater, marine, hypersaline and soil microalgae and cyanobacteria and marine macroalgae which can be preserved by means of subcultures without change of their properties.

BEA will shortly accept microalgae, cyanobacteria and macroalgae (tissue or spores) which can be preserved by means of cryopreservation.

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

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

Organisms must be submitted for deposit as liquid cultures or in agar. The minimum number of identical copies that must be supplied for deposit is five. The cultures of microalgae and cyanobacteria shall contain a minimum of  $10^2$  to  $10^4$  cells per millilitre, depending on the species and three plants in the case of macroalgae.

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

The average time required for analyzing viability of microalgae, cyanobacteria and macroalgae accepted by the BEA is seven days, but depositors must take into account that in some cases analysis can take up to 35 days.

###### (iii) Depositor Checks and Renewal of Stocks

The BEA will prepare its own lots of organisms at the time of deposit, and will make a subculture of the material supplied by the depositor. The new lots are prepared according to the needs for renewal of lots which have been exhausted. Where the original material has been cryopreserved, the lots will be renewed by means of a subculture thereof or by

requesting a new deposit from the depositor. The depositor will be required to analyze the authenticity of the samples of the first lot (not of subsequent lots) of the organisms prepared by the BEA. Except for the cryopreserved material, the BEA shall not store the material supplied by the depositor.

(c) Administrative Requirements and Procedure

(i) General

*Language.* The official languages of the BEA are Spanish and English.

*Contract.* The depositor will be required to complete the BEA application form, which constitutes a contract by means of which the depositor agrees to:

- supply all the information requested by the BEA;
- pay all the requisite fees;
- compensate the BEA for any claim that may arise as a result of the dispatch of samples, unless such claims are due to negligence on the part of the BEA;
- not withdraw his deposit during the period required for its due storage;
- authorize the BEA to supply samples, in accordance with the patent procedure requirements in force at that time.

Where an organism has been accepted for deposit, the BEA will notify the depositor accordingly and will remind him that he is subject to the terms and conditions of the contract.

*Import and/or Quarantine Regulations.* The type of organisms accepted by the BEA is not subject to import and/or quarantine regulations.

(ii) Making the Original Deposit

*Requirements to Be Met by the Depositor.* Depositors must complete the application and access forms used by the BEA for deposits, according to the Budapest Treaty, equivalent to model BP/1.

*Official Notifications to the Depositor.* Receipt and declaration of viability are published in the compulsory *international models* BP/4 and BP/9 respectively. The certificate of receipt of information or a subsequent amendment of the scientific description and/or proposal for taxonomic designation is published in model BP/8. Notification of submission of samples to third parties is published in model BP/14. For other official notifications standard models will not be used.

*Unofficial Notifications to the Depositor.* If requested, the BEA will communicate by telephone, fax or electronic mail the date of deposit and entry number after the organism has been received, but before the official receipt is published. However, the depositor will be informed that the information is provisional and that it depends on the result of the viability

tests. The BEA will also communicate the result of the viability analysis before the certificate therefor is published.

*Supply of Information to a Patent Agent.* As a matter of course, the BEA will ask the depositor for the name and address of his patent agent. If required, the BEA will supply copies of the receipt of the samples, the state of viability and any other information to the depositor and to his patent agent.

(iii) Converting a Previous Deposit

Deposits made outside the provisions of the Budapest Treaty may be converted by the original depositor to deposits under the Budapest Treaty, whether or not they were originally made for patent purposes. Any deposit previously made free of charge is subject, on conversion, to the payment of the storage fee specified in this technical memorandum, and also to whatever fees may be payable for successive updating. With the above exceptions, the administrative requirements for conversion are the same as those to be met for an original deposit effected under the Treaty. The date of deposit for such samples will then be that of the conversion.

(iv) Making a New Deposit

When the depositor makes a new deposit, he will be asked to complete the model form BP/2 and to attach the most relevant documents required by Rule 6.2. The receipt and certificate of viability for a new deposit will be published as a matter of course in the international models BP/5 and BP/9.

## 2. Furnishing of Samples

(a) Requests for Samples

The BEA will inform third parties of the procedures for the correct filing of applications. In the case of requests where supporting authorization is required, the BEA will provide the requesting parties with the application forms used by industrial property offices.

Where requests are received from abroad, the BEA assumes that the depositor is familiar with the requirements for import from his country.

All the samples sent by the BEA come from lots containing its own preparations.

(b) Notification of the Depositor

The depositor will be informed, by letter and electronic mail, when samples of his organisms have been sent to third parties.

(c) Cataloguing of Budapest Treaty Deposits

The BEA will publish the lists of deposits under the Budapest Treaty in its catalogues only with the written authorization of the depositor.

### 3. Schedule of Fees

|   |                         |
|---|-------------------------|
| (a) Storage:                                    | Euros                   |
| - Cryopreserved strains (Rule 6.1)              | 800                     |
| - Other methods                                 | case-by-case            |
| (b) Issuance of viability statement (Rule 10.2) | 50                      |
| (c) Furnishing of samples (Rule 11)             | 60 (plus dispatch cost) |
| (d) Communication of information (Rule 7.6)     | 50                      |

### 4. Guidance for Depositors

No provision.