

MX – MEXICO

COLECCIÓN DE MICROORGANISMOS DEL CNRG (CM-CNRG)

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1. Requirements for Deposit

(a) Kinds of Microorganisms that May Be Deposited

The CM-CNRG accepts the following deposits of microorganisms and materials: microalgae, animal viruses, plant viruses, bacteria (non-pathogenic), bacteria (pathogenic), bacteriophages, mammalian embryos and gametes, eukaryotic DNA, hybridomas, fungi (pathogenic), fungi (non-pathogenic), human cell cultures, yeasts (non-pathogenic), nematodes, viroids, animal cell cultures, plant cell cultures, mycoplasmas, plasmids (in host), plasmids (without host), protozoa (non-parasitic), DNA of microorganisms, RNA of microorganisms, genomic libraries, microbial consortia.

(b) Technical Requirements and Procedures

(i) Form and Quantity

The CM-CNRG will accept deposits which can be preserved by freezing, cryogenic preservation in liquid nitrogen or freeze-drying without significant change to their properties. Deposits which cannot be preserved in this manner or can only be maintained in active culture may be accepted on an individual basis, with prior negotiation and determination of associated fees.

Depositors are encouraged to supply frozen or freeze-dried material. Nevertheless, the CM-CNRG will accept actively growing material, and preserve it by freezing or freeze-drying upon request for an additional charge. In these cases, a sample of the preserved material will be returned to the depositor who shall check and confirm authenticity of the preserved materials and verify of properties. However, if the preserved material is viable but not acceptable (e.g. properties altered), a new deposit must be made, and the original deposit date will be void. Depositors are therefore urged to supply frozen or freeze-dried material prepared in their laboratory in order to avoid the possibility of this occurring.

Materials for deposit should be pure (uncontaminated) and should be sent the quantity of material required according the type of deposits as follows:

Types of deposits	Quantity of material required
Microorganisms (including bacteria (either containing a plasmid/vector or not containing a plasmid/vector), mycoplasmas, bacteriophages, fungi and yeast).	¹ 25 frozen (1 ml each) or freeze-dried samples
DNA and RNA (eukaryotic and prokaryotic), Plasmids and vectors not in host (e.g., purified DNA, libraries and associated rDNA material)	25 vials (min. 100 ng each)
Animal and plant viruses and viroids	25 frozen (1 ml each) or freeze-dried samples
Cell lines (human, animal and plant) and hybridomas	25 frozen samples (2-6 million cells each)
Mammalian embryos and gametes	¹ 10 frozen embryos ¹ 10 frozen straws (0.5 ml/20 million sperm) ¹ 10 frozen straws (10 ovules each)
Microalgae	¹ 25 frozen samples (1 ml each)
Protozoa	¹ 25 frozen samples (1 ml each)
Nematodes	¹ 25 frozen samples (1 ml each)
Microbial consortia	25 vials (10 g or 10 ml each)

¹ The CM-CNRG may prepare, as deemed necessary or upon request, lots of samples for preservation by freezing, liquid nitrogen or lyophilization from available materials.

The deposit should be accompanied by appropriate forms duly completed by the depositor. These forms can be obtained from the CM-CNRG. Separate forms need to be used for each deposit.

A fee for storage (Rule 12.1(a) (i) of the Regulations under the Budapest Treaty) must be paid for each deposit.

The CM-CNRG reserves the right to refuse to accept a deposit if, in its view, the deposit may be an unacceptable hazard or the CM-CNRG may not be in a position to process it. Deposit of bacteria and fungi pathogenic to plants and animals will be accepted from other countries only if cleared by the appropriate authority in Mexico.

(ii) Time Required for Viability Testing

The CM-CNRG will test viability as quickly as possible. Since growth rate of microorganisms vary the time required for viability testing for different microorganisms may accordingly vary. Time required for testing the viability of the different types of deposits is indicated below. However, depositors should be aware that in certain cases viability testing may take longer.

Types of deposits	Time required for testing
Bacteria	3-7 days
Fungi and yeast	7-15 days
Protozoa	7-15 days
Animal and plant viruses and viroids	30 or more days
Cell lines (human, animal and plant, hybridomas and	30 or more days

bacteriophages	
Mammalian embryos and gametes	30 or more days
Microalgae	30 or more days
Nematodes	30 or more days
Plasmid, phages and other rDNA	7-10 days
² Microbial consortia	Does not apply

²It is the responsibility of the depositor to characterize the microbial consortium and verify their viability prior to deposit. The CM-CNRG is not responsible for changes in the characteristics of the properties of the consortium once they have been deposited.

(iii) Depositor Checks and Renewal of Stocks

It is the responsibility of the depositor to furnish a sufficient quantity of the material for the specified period of time. If a culture or other biological material should become non-viable or be destroyed during the effective term of the deposit, it is the responsibility of the depositor to replace it with viable material. The CM-CNRG may consider, for a fee, to replenish the material on behalf of the depositor, however, it is the responsibility of the depositor to authenticate the material prepared and to inform the CM-CNRG of the results. Whichever method is used for renewal of stocks the CM-CNRG will maintain a portion of the material originally submitted for deposit.

(c) Administrative Requirements and Procedures

(i) General

Language. The official languages of the CM-CNRG are Spanish and English. Communications in any other language are not accepted.

Contract. The CM-CNRG does not enter into any written contract with the depositor defining the liabilities of either party, except in the case of certain dangerous organisms, where the depositor must agree to accept and handle them at his own risk. Also, by completing the CM-CNRG BP/1 deposit form (Statement in the case of an original deposit pursuant to Rule 6.1), the depositor foregoes any right to withdraw his deposit during the required storage period. The depositor also accepts that the material will be distributed according to the relevant patent requirements and agree to provide all information required by the CM-CNRG.

When an organism has been accepted as a deposit, the CM-CNRG will notify the depositor, recalling the obligations set out in the terms and conditions of the Treaty.

Import and/or Quarantine Regulations. The CM-CNRG does not administer the import/export procedures nor the quarantine process required for the deposit of material. Biological materials from outside Mexico may require import clearance and/or be subjected to quarantine regulations of Mexico.

The depositor from outside Mexico should communicate with the Mexican authorities regarding such deposits before dispatching biological materials. It is essential that the depositor contact the CM-CNRG in advance of submitting a deposit which may be subject to these regulations to ensure that the appropriate documentation is obtained. Failure to do so could result in the deposit being refused entry into the country.

(ii) Making the Original Deposit

Requirements to Be Met by the Depositor. Depositors must meet the formal request and access requirements employed by the CM-CNRG for deposits under the Budapest Treaty, analogous to Form BP/1 (Statement in the case of an original deposit pursuant to Rule 6.1).

Official Notifications to the Depositor. Receipts and viability statements are published using the compulsory international Forms BP/4 (Receipt in the case of an original deposit issued pursuant to rule 7.1) and BP/9 (Viability statement issued pursuant to rule 10.2) respectively. Attestations concerning later indications or amendments of the scientific description and/or proposed taxonomic designation are published using Form BP/8 (attestation concerning the later indication or an amendment of the scientific description and/or proposed taxonomic designation pursuant to rule 8.2). Notifications of the furnishing of samples of deposited microorganisms are published using Form BP/14 (notification of the furnishing of samples of deposited microorganisms issued pursuant to rule 11.4(g)). Other notifications will not be carried out using standard forms.

Unofficial Notifications to the Depositor. The CM-CNRG will honor requests for unofficial notifications by telephone, fax or email, providing the date of the deposit and the entry number, during the period between receipt of the organism and the issuance of the official receipt. Nevertheless, the depositor will also be informed that any such information is provisional and dependent on the outcome of viability/identity tests. The CM-CNRG will also communicate the results of the viability analysis before they are published by means of the corresponding certificate.

Supply of Information to a Patent Agent. The CM-CNRG may request the depositor to inform it of the names and addresses of legal representatives or patent attorneys. Upon request, the CM-CNRG will supply copies of sample receipts, viability states and any other information to the depositor, legal representative and/or patent attorney.

(iii) Converting a Previous Deposit

The CM-CNRG does not permit the conversion of deposits not originally made for patent purposes for Budapest Treaty deposits. The procedures outlined above for making a deposit must be followed in all cases.

(iv) Making a New Deposit

In the case that a new deposit is submitted the CM-CNRG requires that the Form BP/2 (Statement in the Case of a New Deposit with the Same International Depositary Authority (Rule 6.2)) be completed. The deposit will retain its initial deposit number and date as long as the replacement deposit is viable, the deposit is made within three months of receiving notification from the CM-CNRG.

The depositor must send to the CM-CNRG a statement signed by the depositor alleging that the newly deposited material is the same as that originally deposited. Charges for viability testing are required for new deposits.

2. Furnishing of Samples

(a) Requests for Samples

The CM-CNRG makes available samples of deposited material only to parties who are so entitled under the terms of the Budapest Treaty and its Regulations. The CM-CNRG will inform third parties of the correct procedure for requests. Where requests require proof of authorization, the CM-CNRG will supply the requesting party with the request forms used by intellectual property offices.

The CM-CNRG accepts deposits of organisms which are potentially hazardous and may be subject to health and safety regulations (only for storage, not for handling nor viability test). When such organisms are requested the CM-CNRG will withhold issuing samples until it has confirmed that the requesting party can comply with such regulations. In certain cases, the CM-CNRG may also require that the requesting party sign an assurance of acceptance of responsibility before agreeing to release a sample. In order to expedite the release of such samples it is therefore advisable that all requests be accompanied by documentation attesting to the fact that the requesting party has the facilities required for, and agrees to the regulations governing, the handling of the requested material.

For requests coming from abroad, the CM-CNRG will assume that the requesting party is familiar with the requirements for importation to its country. All samples sent by the CM-CNRG will be prepared as individual lots.

(b) Notification of the Depositor

The depositor will be informed officially, in writing on form BP/14 (notification of the furnishing of samples of deposited microorganisms issued pursuant to rule 11.4(g)) and by email, when a sample of a deposited organism has been sent to a third party.

(c) Cataloguing of Budapest Treaty Deposits

The CM-CNRG will publish lists of Budapest Treaty deposits in its catalogues only with prior written authorization from the depositor under terms established by the CM-CNRG (Webpage under construction).

3. Schedule of Fees

The CM-CNRG sets its tariffs (see the following table), for preservation services, sending certificates, declaring viability, delivering samples, etc.

Fees established by CM-CNRG

<u>Type of service</u>	<u>Cost</u>
Deposit of cell cultures (Rule 6.1)	\$ 12,650
Deposit of other types of microorganism (Rule 6.1)	\$ 10,450/strain
New deposit	\$ 1,430/strain
Storage extension beyond the period provided for by the Budapest Treaty (Rule 9)	\$ 440/year and strain

Issuance of viability certificates (upon request)	\$ 2,145/certificate and strain
Reissuance of viability certificates	\$ 1,870
Furnishing of samples (Rule 11)	\$ 2,145
Providing information (Rule 7.6)	\$ 2,145/communication and strain

All fees are in Mexican pesos.

Prices do not include value added tax (IVA), which will be added to the final amount.

4. Guidance for Depositors

1. The depositor must contact the CM-CNRG by e-mail/telephone about the acceptability of the material(s) before sending. Please e-mail the CM-CNRG at cm.cnrng@inifap.gob.mx; arteaga.ramon@inifap.gob.mx or contact at +52 5538718700 ext. 84830, 84805, 84828, +52 3781065020 5202.
2. Once the CM-CNRG agrees to accept the microorganism(s) or any other material(s) it sends Form BP/1 (Statement in the case of an original deposit pursuant to Rule 6.1) by email or personal delivery to the depositor.
3. The depositor sends the microorganism(s) or any other material(s) along with the properly completed Form BP/1 (Statement in the case of an original deposit pursuant to Rule 6.1) and the copy of required fee.
4. The depositor must take proper care in packing the microorganism(s) or any other material(s) samples (tube, plate, box, flask, etc.) so that they are not damaged during transit. This is necessary to ensure safety of persons who may come in contact of the material. Samples received in damaged condition are not processed by CM-CNRG.
5. The microorganism(s) or any other material(s) are processed for checking viability, purity and identity. Time required for viability testing (refer to page 2: (b) Technical Requirements and Procedures, (ii) Time Required for Viability Testing):
6. Pure and viable microorganism(s) or material(s) are assigned an accession number by the CM-CNRG and preserved at -80 °C, in liquid nitrogen and/or by freeze-drying. In case of microorganism(s) or material(s) are not pure or non-viable, the depositor is informed immediately by e-mail. If the depositor does not contact the CM-CNRG prior to shipping your biological materials there could be delays in processing your patent deposit.
7. The CM-CNRG will send to the depositor an unofficial notification about CM-CNRG accession number.
8. Two samples of preserved microorganism(s) or material(s) are sent to the depositor. The depositor opens one sample and must check if the preserved material represents the original deposit. He/She sends depositor's confirmation form.
9. CM-CNRG accession number, the receipt and viability statement will be officially issued in Spanish (or English upon request) on the mandatory international Forms BP/4

(Receipt in the case of an original deposit issued pursuant to rule 7.1) and BP/9 (Viability statement issued pursuant to rule 10.2), respectively.