

RS – SERBIA

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1. Requirements for Deposit

If the invention concerns a biological material and cannot be carried out on the basis of the description of the invention, the description shall be deemed to fulfil the conditions laid down in paragraph 1 of this Article if a sample of the naturally reproducible biological material is deposited with a recognized depository institution not later than the filing date of the application.

The recognized institution referred to in paragraph 2 of this Article shall mean the institution established in accordance with the Budapest Treaty on the international recognition of the deposit of microorganisms for the purposes of patent procedure.

(Patent Law, Article 82 (2) and (3))

If an invention involves the use of or concerns biological material which is not available to the public and which cannot be described in a patent application in such a manner as to enable the invention to be reproduced by a person skilled in the art, it shall be considered that the invention is clearly and completely described:

- 1) If the application as filed contains such relevant information as is available to the applicant on the characteristics of the biological material deposited, and
- 2) If the patent application states the name and address of the depository institution, the accession number of the deposited biological material and the date of depositing.

The data referred to in paragraph 1(2) of this Article may be submitted later, three months from the date of filing the request for priority right to be granted but at the latest until the date of filing the request for the earlier publication, according to Article 102, paragraph 1(2) of the Patent Law.

On the request of any interested person, the competent authority shall forward the information on recognized depository institutions.

(Rules of Patent Grant Procedure, Article 25)

2. Time of Deposit

The deposit must be made not later than the date of filing of the application.

(Patent Law, Article 82(2))

3. Duration of Storage

No provision.

4. Conditions for the Furnishing of Samples

(i) Time of Availability of Samples

No provision

(ii) Restrictions Concerning the Furnishing of Samples

No provision