

UA – UKRAINE

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Requirements concerning the procedure of the deposit of microorganisms for the purposes of patent procedure pursuant to the national legislation of Ukraine are established in the Instructions on the procedure of the deposit of microorganisms strains in Ukraine for the purposes of patent procedure approved by the Order of the State Patent Office of Ukraine, the National Academy of Sciences of Ukraine on June 26, 1995 No. 106/115 and in the Rules on drafting and filing of an application for invention and utility model approved by the Ministry of Education and Science of Ukraine on January 22, 2001, No. 22.

1. Requirements for Deposit

Ukraine recognizes the deposit of microorganisms for the purposes of patent procedure in any international depositary authority. Such recognition includes the fact and date of the deposit referred to by the International Depositary Authority, as well as recognition of the fact that, what is passed off as a pattern, is a pattern of the deposited microorganism.

Information on deposit of microorganism strain should include:

- name and location of the depositary authority where deposit was performed;
- date of the deposit in this depositary;
- registration number assigned to the deposited strain of microorganism.

(Article 3 Budapest Treaty; items 2.1.-2.2., 4.2. Instructions on the procedure of the deposit of microorganisms strains in Ukraine for the purposes of patent procedure; item 12.2.5. Rules on drafting and filing of an application for invention and utility model).

2. Time of Deposit

The time of deposit of a strain, line of cells, consortium or strains of consortium should be not later than the date of filing of the application or the priority date if priority is claimed.

(item 1.2. Instructions on the procedure of the deposit of microorganisms strains in Ukraine for the purposes of patent procedure and item 12.2.4. Rules on drafting and filing of an application for invention and utility model).

3. Duration of Storage

For depositing with an international depositary authority under the Budapest Treaty, the provisions of the Rule 9 of the Regulations under the said Treaty are applied.

A deposit must be made for a term of at least 30 years after the date of deposit and at least five years after the most recent request for furnishing a sample of the deposit.

(items 2.3. and 5.6. Instructions on the procedure of the deposit of microorganisms strains in Ukraine for the purposes of patent procedure).

4. Conditions for the Furnishing of Samples

(i) Time of Availability of Samples

Under the existing practice, samples of the deposited microorganism become available as from the date of publication of the application under the conditions provided for in Rule 11 of the Regulations under the Budapest Treaty.

(ii) Restrictions concerning the Furnishing of Samples

In conformity with Rule 11 Regulations under the Budapest Treaty.

(items 6.1.-6.3. Instructions on the procedure of the deposit of microorganisms strains in Ukraine for the purposes of patent procedure).