

A GUIDE TO DEPOSITING MICROORGANISMS WITH THE CULTURE COLLECTION OF ALGAE AND PROTOZOA (CCAP) UNDER THE TERMS OF THE BUDAPEST TREATY

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1 REQUIREMENTS FOR DEPOSIT

(a) Kinds of microorganisms that may be deposited

Freshwater and terrestrial algae and all free-living protozoa, with the exception of parasitic protozoa, ie not pathogenic to man or domestic animals, which can be maintained by *in vitro* culture; marine algae, other than large seaweeds. Microorganisms containing recombinant DNA molecules must not require physical containment levels higher than level II as defined by the UK Advisory Committee on Genetic Manipulation, Guidance Note 15 (Health and Safety Executive, Baynards House, 1 Chepstow Place, London W2 4TF). Other microorganisms must not require containment facilities more stringent than those appropriate to Hazard Group 2 as defined by the UK Advisory Committee on Dangerous Pathogens (ACDP), 1995, A Categorisation of biological agents according to hazard and categories of containment (HMSO, London).

(b) Technical requirements and procedures

(i) Form and quantity

Microorganisms should be submitted for deposit as liquid or agar slope cultures. The minimum number of replicates that must be provided by the depositor when making his deposit is 6. Algal cultures must contain a minimum of 10^2 to 10^4 cell/ml, depending on the species, and 3 plants in the case of seaweeds. The minimum number of cells in cultures of protozoa must be decided by negotiation.

(ii) Time required for viability testing

The average length of time required for testing the viability of algae and protozoa accepted by the CCAP is 7 days, but depositors should realize that in some cases viability testing may take as long as 35 days.

(iii) **Depositor checks and renewal of stocks**

Except where the depositor's original material is preserved by freezing as is the case with some algae, the CCAP prepares its own batches of the microorganism at the time of deposit by subculturing material supplied by the depositor. New batches are prepared from these as necessary thereafter for the renewal of diminishing stocks. In cases where original material has been cryopreserved, stocks are renewed by subculturing these or by asking the depositor for a new deposit. The depositor is required to test for authenticity samples for the first (but not any subsequent) batch of his microorganism prepared by the CCAP.

Except for cryopreserved strains, the CCAP does not store original material supplied by the depositor.

(c) **Administrative requirements and procedures**

(i) **General**

Language: The official language of the CCAP is English. Communications are not accepted in any other language.

Contract: The CCAP Application Form which the depositor is required to complete constitutes a contract by which he is bound:

- to provide all necessary information requested by the CCAP;
- to replace the microorganism at his expense if the CCAP is no longer able to furnish samples of it;
- to pay all necessary fees;
- to indemnify the CCAP against any claims which may be brought against it as a consequence of the release of samples, unless such claims result from negligence on the part of the CCAP;
- not to withdraw his deposit during the required storage period;
- to authorize the CCAP to furnish samples according to the applicable patent requirements.

When a microorganism has been accepted for deposit, the CCAP notifies the depositor and reminds him that he is bound by the terms and conditions of its contract.

Import/quarantine regulations: The kinds of microorganisms accepted by the CCAP are not subject to import or quarantine regulations.

(ii) Making an original deposit

Requirements to be met by the depositor: As well as the CCAP application form referred to in (i) above, depositors are required to complete the CCAP accession form for patent deposits. The CCAP does not require a special form to be completed in the event of a later indication or amendment of the scientific description and/or proposed taxonomic designation, or for a request for attestation that the CCAP has received such information.

Official notifications to the depositor: The receipt and viability statement are issued on mandatory "international forms" BP/4 and BP/9 respectively. The CCAP has its own standard forms notifying the depositor of acceptance of a microorganism (see (i) above) or of refusal to accept a microorganism, but standard forms are not used for other official notifications.

Unofficial notifications to the depositor: If requested, the CCAP will email or fax the date of deposit and accession number after the microorganism has been received, but before the official receipt is issued. The CCAP will similarly communicate the result of the viability test before the viability statement is issued.

Supply of information to patent agent: The CCAP routinely asks the depositor for the name and address of his patent agent. If requested the CCAP will supply copies of the receipt and viability statement to both the depositor and his patent agent.

(iii) Converting a previous deposit

The CCAP does not have any deposits made for patent purposes outside the provisions of the Budapest Treaty, and does not consider Rule 6.4(d) applicable in other cases.

(iv) Making a new deposit

The CCAP does not require the depositor to complete a standard form when making a new deposit, but he must supply copies of the relevant documents and declarations required by Rule 6.2. The receipt and viability statement for a new deposit are issued on mandatory "international forms" BP/5 and BP/9 respectively.

2 FURNISHING OF SAMPLES

(a) Requests for samples

The CCAP advises third parties of the correct procedures to follow in order to make a valid request. In the case of requests requiring proof of entitlement, the CCAP will provide requesting parties with copies of the model request form BP/12 and/or request forms used by individual industrial property offices (where it has been supplied with such forms).

The CCAP furnishes samples in the belief that it is the responsibility of the requesting party to ensure that he complies with any relevant health and safety requirements. When responding to requests from overseas, the CCAP assumes that the requesting party has met

the import requirements of his own country.

Except where material originally supplied by the depositor has been cryopreserved, as is the case with some algae, samples of microorganisms furnished by the CCAP are from batches of its own preparations of the microorganism.

(b) **Notification of the depositor**

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

(c) **Cataloguing of Budapest Treaty deposits**

The CCAP does not list Budapest Treaty deposits in its published catalogue.

3 SCHEDULE OF FEES

	<u>GB pounds</u>
(a) Storage	
(i) cryopreserved strains	£1600
(ii) other methods of maintenance	fee to be decided on an individual basis
(b) Issuance of viability statement	£100
(c) Furnishing of samples	£200 + actual cost of carriage
(d) Issuance of an attestation under Rule 8.2	£20

Fees are subject to Value Added Tax (VAT) where applicable. Depositors in EU countries must supply their VAT registration number in order to be exempt from payment of VAT.

Last updated November 2024