

INTERNATIONAL DEPOSITARY AUTHORITY (IDA)

DEPOSIT UNDER THE BUDAPEST TREATY ON INTERNATIONAL RECOGNITION OF DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

The NAIMCC receives for long-term deposit of microorganisms for agricultural, forestry, environmental, biotechnological and industrial use. More specifically, NAIMCC will accept for deposit of bacteria, actinomycetes, fungi (molds, filamentous fungi, yeast, and higher fungi) and cyanobacteria of BSL-1 and BSL-2 levels by means of sub-culturing, freeze drying and cryopreservation. It also accepts microorganisms of veterinary and dairy origin of BSL-1 and BSL-2 categories as per NIH Guidelines (<http://www.osp.od.nih.gov/oba>, page 35 onwards of [NIHGuidelines2002Recomoinant.pdf](http://www.nih.gov/ohrt/NIHGuidelines2002Recomoinant.pdf)). Apart from microorganisms, MGRR accepts genetic materials like, DNA/RNA, plasmids, vectors, clones etc. of microbial origin. The import of cultures of microorganisms from outside India may require import clearance from DPPQ&S and NBA (<http://www.ppqg.gov.in>; <http://www.nbaindia.org>). The depositors from abroad should communicate with NAIMCC/ICAR-NBAIM regarding such deposits before dispatch of cultures. NAIMCC is also accepting microorganisms pathogenic to plants, antagonists of phytopathogens, entamopathogens, nematophagous fungi, plant endophytes, bioremediators and microorganisms producing hydrolytic enzymes for agricultural and industrial use. The NAIMCC reserves its rights to refuse a deposit of microbial material whose conservation involves hazards or received in bad conditions or too difficult to handle or restricted from import by Indian Law.

Microorganisms deposited in an IDA fulfil the requirement of deposit for the purpose of patent procedures in all states signatory to the Budapest Treaty. As of now there are 85 states who signed the Budapest Treaty and there are 48 IDAs in 25 countries in the world. NAIMCC is the third IDA in India. All IDAs operate as per Rules and Regulations of the Budapest Treaty. Advantage of deposit of microorganisms in an IDA is that almost similar forms are used and uniform procedures are followed in dealing with such deposits. Confidentiality and security of such deposits are maintained by NAIMCC. These microorganisms are not listed in NAIMCC catalogue (Printed or Electronic). NAIMCC is obliged to keep cultures deposited under IDA for the period of 30 years from the dated of deposit. NAIMCC will be happy to provide advice to the depositors on matters related to such deposits. Detailed guidelines for a depositor are available at WIPO website. Please contact the In-Charge well in advance before sending cultures for deposit in an IDA.

Requirements for deposition

In general, NAIMCC accepts only strains that may be cultivated and preserved under technically feasible conditions. However, NAIMCC does not accept any microorganisms pathogenic to humans and animals.

In accordance with Rule 6.3(a) of the Regulations under the Budapest Treaty, NAIMCC will accept microorganisms that would meet the following requirements:

- ❖ The microorganisms must be deposited in active or preserved forms and quantity necessary to fulfil the requirements of the Regulations under the Budapest Treaty. The deposited cultures should be pure without any contamination and deposited as lyophilized vial or active cultures. The NAIMCC will generally take six to eight weeks for viability test depending upon growth of cultures.

- ❖ The requisite form developed by NAIMCC is needed to be completed by the depositor. Different forms such as BP/1, BP/7, BP/14 would be used by the depositor and NAIMCC in accordance with Budapest Treaty.
- ❖ The written statement referred to in Rule 6.1 (a) or 6.2(a) of the Regulations under the Budapest Treaty must be drafted correctly either in English or Hindi or bilingual as mentioned in section 7, above.
- ❖ The fee must be paid in accordance with Rule 12.1 (a) of the Regulations under the Budapest Treaty.
- ❖ The depositor must obtain necessary permission for transportation and deposit as per applicable law.
- ❖ The depositor must sign document pertinent to "Patent Deposit" contracted with NAIMCC defining the liabilities of party.

In accordance with the Regulations under the Budapest Treaty, NAIMCC will:

- ❖ Verify the viability of each deposit and store it.
- ❖ Issue receipt, viability statement and other requisite official notice.
- ❖ Confirm to the secrecy required by Rule 9.2 of the Regulations under the Budapest Treaty.
- ❖ Furnish the samples under the conditions as per procedure provided in the Rule 11 of the Regulations under the Budapest Treaty.

Schedule of Fees

Microbial and genetic materials		Indian Rupees (INR)
(a)	Storage under Rule 12.1(a)(i)	20,000
(b)	Conversion of a deposit from non-Budapest Treaty to a deposit in Budapest Treaty	20,000
(c)	Prolongation of the duration of the storage over the one provided by Rule 9 of the Regulations under Budapest Treaty, per year	2,000
(d)	Issue of viability statement on the basis of test	3,000
(e)	Issue of viability statement on the basis of last viability test	1,000
(f)	Furnishing of samples	3,000
(g)	Communication of information under Rule 7.6	1,000
(h)	Attestation referred to in Rule 8.2	1,000