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**Published on the website on May 2024**

**Law No. (4) of 2012 Approving Accession to the Budapest Treaty regarding the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution;

And upon Budapest Treaty regarding the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure adopted in Budapest on 28 April 1977 and amended on 26 September 1980;

The Shura Council and the Council of Representatives have approved the following Law, which we have ratified and enacted:

**Article One**

The accession to Budapest Treaty regarding the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure adopted in Budapest on 28 April 1977 and amended on 26 September 1980, and annexed to this Law, has been accepted.

**Article Two**

The Prime Minister and the ministers – each within his jurisdiction– shall implement this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

**King of Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

Issued at Riffa Palace:

On: 14 Rabi' al-awwal 1433 A.H.

Corresponding to: 6 February 2012

**Budapest Treaty regarding the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure**

Done at Budapest on 28 April 1977, and amended on 26 September 1980

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**Preliminary Provisions**

**Article (1)**

**Establishment of a Union**

The States parties to this Treaty (hereinafter called “the Contracting States”) constitute a Union for the international recognition of the deposit of micro-organisms for the purposes of patent procedure.

**Article (2)**

**Definitions**

For the purposes of this Treaty and the implementing Regulation:

1- The word “patent” means: any patents for inventions, inventors, certificates, utility certificates, utility models, patents or certificates of addition, inventors’ certificates of addition, and utility certificates of addition;

2- The term ”deposit of a micro-organism” means, according to the context in which these words appear, the following acts effected in accordance with this Treaty and the Regulations: the transmittal of a micro-organism to an international depositary authority, which receives and accepts it, or the storage of such a micro-organism by the international depositary authority, or both the said transmittal and the said storage;

3- The term ”patent procedure” means any administrative or judicial procedure relating to a patent application or an invention;

4- The term ”publication for the purposes of patent procedure” means the official publication, or the official laying open for public inspection, of a patent application or a patent;

5- The term ”intergovernmental industrial property organization” means an organization that has filed a declaration under Article 9 (1);

6- The term ”industrial property office” means an authority of a Contracting State or an intergovernmental industrial property organization competent for the grant of patents;

7- The term “depositary institution” means an institution that provides for the receipt, acceptance, and storage of micro-organisms and the furnishing of samples thereof;

8- The term “international depositary authority” means a depositary institution that has acquired the status of international depositary authority as provided in Article 7;

9- The term ”depositor” means the natural person or legal entity transmitting a micro-organism to an international depositary authority, which receives and accepts it, and any successor in title of the said natural person or legal entity;

10- The term ”Union” means the Union referred to in Article 1;

11- The term ”Assembly” means the Union referred to in Article 10;

12- The term “Organization” means the World Intellectual Property Organization;

13- The term “International Bureau” means the International Bureau of the Organization and, as long as it subsists the United International Bureaux for the Protection of Intellectual Property (BIRPI);

14- The term “Director General” means the Director General of the Organization;

15- The term ”Implementing Regulation” means the Implementing Regulation referred to in Article 12.

**Part One**

**Substantive Provisions**

**Article (3)**

**Recognition and Effect of the Deposit of Micro-organisms**

(1) (a) Contracting States that allow or require the deposit of micro-organisms for the purposes of patent procedure shall recognise, for such purposes, the deposit of a micro-organism with any international depositary authority. Such recognition shall include the recognition of the fact and date of the deposit as indicated by the international depositary authority, as well as the fact that what is furnished as a sample is a sample of the deposited micro-organism.

(b) Any Contracting State may require a copy of the receipt of the deposit referred to in Clause (a), issued by the international depositary authority.

(2) As far as matters regulated in this Treaty and the Regulations are concerned, no Contracting State may require compliance with requirements different from or additional to those which are provided in this Treaty and the Implementing Regulation.

**Article (4)**

**New Deposit**

(1) (a) Where the international depositary authority cannot furnish samples of the deposited micro-organism for any reason, in particular:

"1" where such a micro-organism is no longer viable; or

"2" Where the furnishing of samples would require that they be sent abroad and the sending or the receipt of the samples abroad is prevented by export or import restrictions, that authority shall, promptly after having noted its inability to furnish samples, notify the depositor of such inability, indicating the cause thereof, and the depositor, subject to Paragraph (2) and as provided in this Paragraph, shall have the right to make a new deposit of the micro-organism which was originally deposited.

(b) The new deposit shall be made with the international depositary authority with which the original deposit was made, provided that:

"1" It shall be made with another international depositary authority where the institution with which the original deposit was made has ceased to have the status of international depositary authority, either entirely or in respect of the kind of micro-organism to which the deposited micro-organism belongs, or where the international depositary authority with which the original deposit was made discontinues, temporarily or definitively, the performance of its functions in respect of deposited micro-organisms.

"2" It shall be made with another international depositary authority in the case referred to in Clause (a) "2".

(c) Any new deposit shall be accompanied by a statement signed by the depositor alleging that the newly deposited micro-organism is the same as that originally deposited. If the allegation of the depositor is contested, the burden of proof shall be governed by the applicable law.

(d) Taking into account the provisions of Paragraphs (a) to (c) and Paragraph (e), the new deposit shall be treated as if it had been made on the date on which the original deposit was made where all the preceding statements concerning the viability of the originally deposited micro-organism indicated that the micro-organism was viable and where the new deposit was made within three months after the date on which the depositor received the notification referred to in Paragraph (a).

(e) Where Paragraph (b) "1" applies and the depositor does not receive the notification referred to in Paragraph (a) within six months after the date on which the termination, limitation, or discontinuance referred to in Clause (b) "1" was published by the International Bureau, the three-month time limit referred to in Subparagraph (d) shall be counted from the date of the said publication.

(2) The right referred to in Clause (1) (a) shall not exist where the deposited micro-organism has been transferred to another international depositary authority as long as that authority is in a position to furnish samples of such micro-organism.

**Article (5)**

**Export and Import Restrictions**

Each Contracting State recognises that it is highly desirable that, if and to the extent to which the export from or import into its territory of certain kinds of micro-organisms is restricted, such restriction should apply to micro-organisms deposited or destined for deposit under this Treaty only where the restriction is necessary in view of national security or the dangers to health or the environment.

**Article (6)**

**Status of International Depositary Authority**

(1) In order to qualify for the status of international depositary authority, any depositary institution shall be located on the territory of a Contracting State and shall benefit from assurances furnished by that State to the effect that the said institution complies with and will continue to comply with the requirements specified in Paragraph (2). The said assurances may also be furnished by an intergovernmental industrial property organization; in that case, the depositary institution must be located on the territory of a State member of the said organization.

(2) The depositary institution must, in its capacity of an international depositary authority:

"1" Have a continuous existence;

"2" Have the necessary staff and facilities, as prescribed in the Implementing Regulation, to perform its scientific and administrative tasks under this Treaty;

"3" Be impartial and objective

"4" Be available, for the purposes of deposit, to any depositor under the same conditions;

"5" Accept for deposit any or certain kinds of micro-organisms, examine their viability; and store them, as prescribed in the Implementing Regulation;

"6" Issue a receipt to the depositor and any necessary statement concerning validity, as prescribed in the Implementing Regulation;

"7" Comply, in respect of the deposited micro-organisms, with the requirement of secrecy, as prescribed in the Implementing Regulation;

"8" Furnish samples of any deposited micro-organism under the conditions and in conformity with the procedure prescribed in the Implementing Regulation;

(3) The Implementing Regulation shall provide the measures to be taken:

"1" Where an international depositary authority discontinues, temporarily or definitively, the performance of its functions in respect of deposited micro-organisms or refuses to accept any of the kinds of micro-organisms that it should accept under the assurances furnished.

"2" In case of the termination or limitation of the status of international depositary authority of a depositary institution.

**Article (7)**

**Acquisition of the Status of International Depositary Authority**

(1) (a) A depositary institution shall acquire the status of international depositary authority by virtue of a written communication addressed to the Director General by the Contracting State on the territory of which the depositary institution is located, including a declaration of assurances to the effect that the said institution complies with and will continue to comply with the requirements specified in Article 6, Paragraph (2). The said status may also be acquired by virtue of a written communication addressed to the Director General by an intergovernmental industrial property organization, including the said notification.

(b) The communication shall also contain information on the depositary institution as provided in the Implementing Regulation and shall indicate the date on which the status of international depositary authority should take effect.

(2) (a) If the Director General finds that the communication includes the required notification and that all the required information has been received, the communication shall be promptly published by the International Bureau.

(b) The status of international depositary authority shall be acquired as from the date of publication of the communication or, where a date has been indicated under Paragraph (1)(b) and such date is later than the date of publication of the communication, as from such date.

(3) The details of the procedure under Paragraphs (1) and (2) are provided in the Implementing Regulation.

**Article (8)**

**Termination and Limitation of the Status of International Depositary Authority**

(1) (a) Any Contracting State or any intergovernmental industrial property organization shall request the Assembly to terminate, or to limit to certain kinds of micro-organisms, any authority’s status as an international depositary authority on the ground that the requirements specified in Article (6) have not been or are no longer complied with. However, such a request shall not be made by a Contracting State or intergovernmental industrial property organization regarding an international depositary authority for which it has made the notification referred to in Clause (1) (a) of Article (7).

(b) Before Submission of Request under Clause (a), the Contracting State or the intergovernmental industrial property organization shall, through the intermediary of the Director General, notify the reasons for the proposed request to the Contracting State or the intergovernmental industrial property organization that has made the communication referred to in Paragraph (1) of Article (7) so that that State or organization shall, within six months from the date of the said notification, take appropriate action to obviate the need for making the submitted requests.

(c) Where the Assembly finds that the request is well founded, it shall decide to terminate or limit to certain kinds of micro-organisms the status of international depositary authority of the authority referred to in Clause (a). The decision of the Assembly shall require that a majority of two-thirds of the votes cast be in favour of the request.

(2) (a) The Contracting State or intergovernmental industrial property organization having made the notification referred to in Clause (1) (a) of Article (7), by a communication addressed to the Director General, shall withdraw its notification either entirely or regarding certain kinds of micro-organisms and in any event shall do so when and to the extent that its assurances are no longer applicable.

(b) Such a communication shall, from the date provided for in the Implementing Regulation, entail, where it relates to the entire declaration, the termination of the status of international depositary authority or, where it relates only to certain kinds of micro-organisms, a corresponding limitation of such status.

(3) The details of the procedure under Paragraphs (1) and (2) are provided in the Implementing Regulation.

**Article (9)**

**Intergovernmental Industrial Property Organizations**

(1) (a) Any intergovernmental organization to which several States have entrusted the task of granting regional patents and of which all the Member States are members of the International (Paris) Union for the Protection of Industrial Property may file with the Director General a declaration that it accepts the obligation of recognition provided for in Clause (1) (a) of Article 3, the obligation concerning the requirements referred to in Clause (2) in Article (3), and all the effects of the provisions of this Treaty and the Implementing Regulations applicable to intergovernmental industrial property organizations. If filed before the entry into force of this Treaty according to Clause (1) of Article 16, this Declaration shall take effect from the date of entry into force of the Treaty. If deposited after such entry into force, the said declaration shall take effect three months after its deposit, unless a later date is set in the declaration. In the latter case, the declaration would enter into force from the date on which it had been fixed.

(b) The said organization shall have the right provided for in Clause (1) (b) of Article (3).

(2) Where any provision of this Treaty or of its Implementing Regulation affecting intergovernmental industrial property organizations is revised or amended, any intergovernmental industrial property organization may withdraw its notification referred to in Paragraph (1) by notification addressed to the Director General. The withdrawal shall take effect:

"1” Where the notification has been received before the date on which the revision or amendment enters into force, starting on that date;

"2" Where the notification has been received after the date referred to in Clause "1", on the date indicated in the notification or, in the absence of such indication, three months after the date on which the notification was received;

(3) In addition to the case referred to in Paragraph (2), any intergovernmental industrial property organization may withdraw its notification referred to in Clause (1) (a) by notification addressed to the Director General. The withdrawal shall take effect two years after the date on which the Director General has received the notification. No notification of withdrawal under this Paragraph shall be receivable during a period of five years from the date on which the notification took effect.

(4) The withdrawal referred to in Paragraph (2) or (3) by an intergovernmental industrial property organization whose communication under Paragraph (1) of Article (7) has led to the acquisition of the status of international depositary authority by a depositary institution shall entail the termination of such status one year after the date on which the Director General has received the notification of withdrawal.

(5) The declaration referred to in Paragraph (1) (a) and the withdrawal notification referred to in Paragraph (2) or (3), and the guarantees provided in accordance with the second sentence of Clause (1) of Article (6), which is contained in the declaration made under Clause (1) (a) of Article (7), the request under Clause (1) of Article (8) and the written withdrawal letter referred to in Clause (2) of Article (8), shall require the express prior approval of the supreme administrative organ of the International Industrial Property Organization, of which all States Parties are members of the said Organization and in which decisions are taken by official representatives of the Governments of these States.

**Part Two**

**Administrative Provisions**

**Article (10)**

**Assembly**

(1) (a) The Assembly shall consist of the Contracting States.

(b) Each Contracting State shall be represented by one delegate and may be assisted by alternate delegates, advisers, and experts.

(c) Each intergovernmental industrial property organization shall be represented by special observers at meetings of the Assembly and any committee or working group established by the Assembly.

(d) Any State that is not a member of the Union but is a member of the Organization or of the International Federation for the Protection of Industrial Property (Paris Union) and any intergovernmental organization specialising in patents except for any intergovernmental organization for industrial property within the meaning of Clause (5) of Article (2) may be represented at meetings of the Assembly by observers, as well as at meetings of any committee or working group established by the Assembly if the Assembly so decides.

2 (a) The Assembly shall: "1". Address all matters related to the preservation and development of the Union and the implementation of the provisions of this Treaty;

"2" Exercise the rights conferred upon it and the discharge of the functions specified to it in particular or entrusted to it under this Treaty;

"3" Provide the Director General with guidance for the preparation of audit conferences;

"4" Consideration and adoption of the reports and activities of the Director General of the Federation and provision of all necessary instructions on matters within the Union's competence;

"5" Form such committees and working groups as it deems appropriate to facilitate the work of the Federation;

"6" Decide, taking into account the provisions of Paragraph (1)(d), who is authorised to attend its meetings as an observer from a non-Contracting State, from intergovernmental organizations other than intergovernmental industrial property organizations within the meaning of Clause (5) of Article (2), from international non-governmental organizations and to determine to what extent international depositary authorities are authorised to attend meetings of the Assembly as observers;

"7" Take any other appropriate action for the purposes of the Union;

"8" Perform any other appropriate functions under this Treaty.

(b) With respect to matters that are also of interest to other Unions administered by the Organization, the Assembly shall make its decisions after reviewing the advice of the Coordination Committee of the Organization.

(3) A delegate shall represent and vote in the name of one State only.

(4) Each Contracting State shall have one vote.

(5) (a) In the absence of the quorum, the Assembly may make decisions, but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence as provided in the Implementing Regulation.

(6) (a) Subject to Articles 8 Clause (1)(c), 12 Clause (4), and 14 Clause (2)(b), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of one-fourth of the Contracting States.

(8) The Assembly shall adopt its own Procedures Regulation.

**Article (11)**

**International Bureau**

(1) The International Bureau shall:

"1" Perform the administrative tasks concerning the Union, in particular such tasks as are specifically assigned to it under this Treaty and the Implementing Regulation or by the Assembly.

"2" Provide the secretariat of revision conferences, of the Assembly, of committees and working groups established by the Assembly, and of any other meeting convened by the Director General and dealing with matters of concern to the Union.

(2) The Director General shall be the Chief Executive Officer of the Union and shall represent the Union.

(3) The Director General shall convene all meetings dealing with matters of concern to the Union.

(4)

(a) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meeting convened by the Director General and dealing with matters of concern to the Union.

(b) The Director General, or a staff member designated by him, shall be ex officio secretary of the Assembly and of the committees, working groups, and other meetings referred to in Clause (a).

(5)

(a) The Director General shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.

(b) The Director General shall consult with intergovernmental and international non-governmental organizations regarding the preparations for revision conferences.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(d) The Director General, or a staff member designated by him, shall be ex officio secretary of any revision conference.

**Article (12)**

**Implementing Regulation**

(1) The Implementing Regulation provide for rules concerning:

"1" Matters regarding this Treaty expressly refer to the Implementing Regulation or expressly provide that they are or shall be prescribed;

"2" Any administrative requirements, matters, or procedures;

"3" Any details useful in the implementation of this Treaty.

(2) The implementing Regulation adopted at the same time as this Treaty is annexed to this Treaty.

(3) The Assembly shall amend the Implementing Regulation.

(4)

(a) Subject to Subparagraph (b), adoption of any amendment to the Implementing Regulations shall require two-thirds of the votes cast.

(b) Adoption of any amendment concerning the furnishing of samples of deposited micro-organisms by the international depositary authorities shall require that no Contracting State vote against the proposed amendment.

(5) In the case of conflict between the provisions of this Treaty and those of the Implementing Regulations, the provisions of this Treaty shall prevail.

**Part Three**

**Revision and Amendment**

**Article (13)**

**Revision of the Treaty**

(1) This Treaty shall be revised from time to time by conferences of the Contracting States.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Articles (10) and (11) shall be amended either by a revision conference or according to the provisions of Article 14.

**Article (14)**

**Amendment of Certain Provisions of the Treaty**

(1)

(a) Proposals under this Article for the amendment of Articles (10) and (11) may be initiated by any Contracting State or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting States at least six months in advance of their consideration by the Assembly.

(2)

(a) Amendments to the Articles referred to in Paragraph (1) shall be adopted by the Assembly.

(b) Adoption of any amendment to Article (10) shall require four-fifths of the votes cast; adoption of any amendment to Article (11) shall require three-fourths of the votes cast.

(3)

(a) Any amendment to the Articles referred to in Paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the Contracting States members of the Assembly at the time the Assembly adopted the amendment.

(b) Any amendment to the said Articles thus accepted shall bind all the Contracting States that were Contracting States at the time the amendment was adopted by the Assembly, provided that any amendment creating financial obligations for the said Contracting States or increasing such obligations shall bind only those Contracting States that have notified their acceptance of such amendment.

(c) Any amendment that has been accepted and that has entered into force in accordance with Subparagraph (a) shall bind all States that become Contracting States after the date on which the amendment was adopted by the Assembly.

**Part Four**

**Final Provisions**

**Article (15)**

**Becoming a Party to the Treaty**

(1) Any State member of the International (Paris Union) for the Protection of Industrial Property may become a party to this Treaty by:

"1" Signature followed by the deposit of an instrument of ratification.

"2" Deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

**Article (16)**

**The Entry into Force of the Treaty**

(1) This Treaty shall enter into force, with respect to the first five States that have deposited their instruments of ratification or accession, three months after the date on which the fifth instrument of ratification or accession has been deposited.

(2) This Treaty shall enter into force with respect to any other State three months after the date on which that State has deposited its instrument of ratification or accession, unless a later date has been indicated in the instrument of ratification or accession. In the latter case, this Treaty shall enter into force with respect to that State on the date thus indicated.

**Article (17)**

**Denunciation of the Treaty**

(1) Any Contracting State may denounce this Treaty by notification addressed to the Director General.

(2) Denunciation shall take effect two years after the day on which the Director General has received the notification.

(3) The right of denunciation provided for in Paragraph (1) shall not be exercised by any Contracting State before the expiration of five years from the date on which it becomes a party to this Treaty.

(4) The denunciation of this Treaty by a Contracting State that has made the notification referred to in Clause (1) (a) of Article (7) with respect to a depositary institution that has thus acquired the status of international depositary authority shall entail the termination of such status one year after the day on which the Director General received the notification referred to in Paragraph (1).

**Article (18)**

**Signature and Languages of the Treaty**

(1)

(a) This Treaty shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) Official texts of this Treaty shall be established by the Director General, after consultation with the interested Governments and within two months from the date of signature of this Treaty, in the other languages in which the Convention Establishing the World Intellectual Property Organization was signed.

(c) Official texts of this Treaty shall be established by the Director General, after consultation with the interested Governments, in the Arabic, German, Italian, Japanese, and Portuguese languages, and in such other languages as the Assembly shall designate.

(2) This Treaty shall remain open for signature in Budapest until 31 December 1977.

**Article (19)**

**Deposit of the Treaty; Transmittal of Copies; Registration of the Treaty**

(1) The original of this Treaty, when no longer open for signature, shall be deposited with the Director General.

(2) The Director General shall transmit two copies, certified by him, of this Treaty and the Regulations to the Governments of all the States referred to in Article 15 Clause (1), to the intergovernmental organizations that shall file a declaration under Article (9) Clause (1) (a), and, on request, to the Government of any other State.

(3) The Director General shall register this Treaty with the General Secretariat of the United Nations.

(4) The Director General shall transmit two copies, certified by him, of any amendment to this Treaty and its Implementing Regulation to all Contracting States, to all intergovernmental industrial property organizations and, on request, to the Government of any other State and to any other intergovernmental organization that shall file a notification under Article (9) Clause (1).

**Article (20)**

**Notifications**

The Director General shall notify the Contracting States, the intergovernmental industrial property organizations and those States not members of the Union that are members of the International (Paris Union) for the Protection of Industrial Property of:

"1" Signatures under Article (18);

"2" Deposits of instruments of ratification or accession under Article (15) Clause (2);

"3" Declarations filed under Article (9) Clause (1) (a) and notifications of withdrawal under Article (9) Clause (2) or (3);

"4" The date of entry into force of this Treaty under Article (16) Clause (1);

"5" The communications under Articles (7) and (8) and the decisions under Article (8);

"6" Acceptance of amendments to this Treaty under Article (14) Clause (3).

"7" Any amendment of the Implementing Regulation;

"8" The dates on which amendments to the Treaty or its Implementing Regulation enter into force;

"9" Denunciations received under Article (17).

**Implementing Regulation of the Budapest Treaty regarding International Recognition of Deposits of Micro-organisms for Patent Procedures, adopted on 28 April 1977 and amended on 20 January 1981 and 1 October 2002**

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**Rule 1**

**Abbreviated Expressions and Interpretation of the Word “Signature”**

**1/1 "Treaty"**

In these Regulations, the word “Treaty” means the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure.

**1/2 "Article"**

In these Regulations, the word “Article” refers to the specified Article of the Treaty.

**3/1 "signature"**

In these Regulations, whenever the word “signature” is used, it shall be understood that, where the law of the State on the territory of which an international depositary authority is located requires the use of a seal instead of a signature, the said word shall mean “seal” for the purposes of that authority.

**Rule 2**

**International Depositary Authorities**

**2/1 Legal Status**

Any international depositary authority may be a government agency, including any public institution attached to a public administration other than the central government, or a private entity.

**2/2 Staff and Facilities**

The requirements referred to in Article (6) (2) (2) shall include, in particular, the following:

(1) The staff and facilities of any international depositary authority shall enable the said authority to store the deposited micro-organisms in a manner that ensures that they are kept viable and uncontaminated.

(2) Any international depositary authority must, for the storage of micro-organisms, provide for sufficient safety measures to minimise the risk of losing micro-organisms deposited with it.

**2/3 Furnishing of Samples**

The requirements referred to in Article (6) (2) (8) shall include, in particular, the requirement that any international depositary authority furnish samples of deposited micro-organisms in an expeditious and proper manner.

**Rule 3**

**Acquisition of the Status of International Depositary Authority**

**3/1**

(a) The communication referred to in Article (7) (1) shall be addressed to the Director General, in the case of a Contracting State, through diplomatic channels or, in the case of an intergovernmental industrial property organization, by its chief executive officer.

(b) The communication shall:

1- Indicate the name and address of the depositary institution to which the communication relates.

2- Contain detailed information as to the said institution’s capacity to comply with the requirements specified in Article (6) (2), including information on its legal status, scientific standing, staff, and facilities.

3- Where the said depositary institution intends to accept for deposit only certain kinds of micro-organisms, specify such kinds.

4- Indicate the amount of any fees that the said institution will, upon acquiring the status of international depositary authority, charge for storage, viability statements, and the furnishing of samples of micro-organisms.

5- Indicate the official language or languages of the said institution.

6- Where applicable, indicate the date referred to in Article (7) (1) (b).

**3/2 Processing of the Communication**

If the communication complies with Article (7) (1) and Rule 3/1, it shall be promptly notified by the Director General to all Contracting States and intergovernmental industrial property organizations and shall be promptly published by the International Bureau.

**3/3 Extension of the List of Kinds of Micro-organisms Accepted**

The Contracting State or intergovernmental industrial property organization having made the communication referred to in Article (7) (1) may, at any time thereafter, notify the Director General that its assurances are extended to specified kinds of micro-organisms to which, so far, the assurances have not extended. In this case, Article (7) and Rules 3/1 and 3/2 apply, with the necessary substitution, to additional types of micro-organisms.

**Rule 4**

**Termination or Limitation of the Status of International Depositary Authority**

**4/1 Request; Processing of Request**

(a) The request referred to in Article (8) (1) (a) shall be addressed to the Director General as provided in Rule 3/1 (a).

(b) The request shall:

1- Indicate the name and address of the international depositary authority concerned;

2- Where it relates only to certain kinds of micro-organisms, specify such kinds;

3- Indicate in detail the facts on which it is based.

(c) If the request complies with Paragraphs (a) and (b), it shall be promptly notified by the Director General to all Contracting States and intergovernmental industrial property organizations.

(d) Subject to Paragraph (e), the Assembly shall consider the request not earlier than six and not later than eight months from the notification of the request.

(e) Where, in the opinion of the Director General, respecting the time limit provided for in Paragraph (d) could endanger the interests of actual or potential depositors, he may convene the Assembly for a date earlier than the date of the expiration of the six-month period provided for in Paragraph (d).

(f) If the Assembly decides to terminate or limit to certain kinds of micro-organisms, the status of international depositary authority, the said decision shall become effective three months after the date on which it was made.

**4/2 Communication; Effective Date; Processing of Communication**

(a) The communication referred to in Article (8) (2) (a) shall be addressed to the Director General as provided in Rule 3/1 (a).

(b) The communication shall:

1- Indicate the name and address of the international depositary authority concerned;

2- Where it relates only to certain kinds of micro-organisms, specify such kinds;

3- Where the Contracting State or intergovernmental industrial property organization making the communication desires that the effects provided for in Article (8) (2) (b) take place on a date later than the expiration of three months from the date of the communication, indicate that later date.

(c) Where Paragraph (b) (3) applies, the effects provided for in Article (8) (2) (b) shall take place on the date indicated under that Paragraph in the communication; otherwise, they shall take place at the expiration of three months from the date of the communication.

(d) The Director General shall promptly notify all Contracting States and intergovernmental industrial property organizations of any communication received under Article (8) (2) and of its effective date under Paragraph (c). A corresponding notice shall be promptly published by the International Bureau.

**4/3 Consequences for Deposits**

In the case of a termination or limitation of the status of international depositary authority under Articles (8) (1), (8) (2), (9) (4), or (17) (4), Rule 5/1 shall apply.

**Rule 5**

**Defaults by the International Depositary Authority**

**5/1 Discontinuance of Performance of Functions in Respect of Deposited Micro-organisms**

(a) If any international depositary authority temporarily or definitively discontinues the performance of any of the tasks it should perform under the Treaty and these Regulations in relation to any micro-organisms deposited with it, the Contracting State or intergovernmental industrial property organization that, in respect of that authority, has furnished the assurances under Article (6) (1) shall:

1- Ensure, to the fullest extent possible, that samples of all such micro-organisms are transferred promptly and without deterioration or contamination from the said authority (“the defaulting authority”) to another international depositary authority (“the substitute authority”);

2- Ensure, to the fullest extent possible, that all mail or other communications addressed to the defaulting authority and all files and other relevant information in the possession of that authority in respect of the said micro-organisms are promptly transferred to the substitute authority;

3- Ensure, to the fullest extent possible, that the defaulting authority promptly notifies all depositors affected of the discontinuance of the performance of its functions and the transfers effected;

4- Promptly notify the Director General of the fact and the extent of the discontinuance in question and of the measures that have been taken by the said Contracting State or intergovernmental industrial property organization under Clauses (1) to (3).

(b) The Director General shall promptly notify the Contracting States and the intergovernmental industrial property organizations as well as the industrial property offices of the notification received under Paragraph (a) (4); the notification of the Director General and the notification received by him shall be promptly published by the International Bureau.

(c) Under the applicable patent procedure, it may be required that the depositor, promptly after receiving the receipt referred to in Rule 7/5, notify any industrial property office with which a patent application was filed with reference to the original deposit the new accession number given to the deposit by the substitute authority.

(d) The substitute authority shall retain in an appropriate form the accession number given by the defaulting authority, together with the new accession number.

(e) In addition to any transfer effected under Paragraph (a) (1), the defaulting authority shall, upon request by the depositor, transfer, as far as possible, a sample of any micro-organism deposited with it together with copies of all mail or other communications and copies of all files and other relevant information referred to in Paragraph (a) (2) to any international depositary authority indicated by the depositor other than the substitute authority, provided that the depositor pays any expenses to the defaulting authority resulting from the said transfer. The depositor shall pay the fee for the storage of the said sample to the international depositary authority indicated by him.

(f) On the request of any depositor affected, the defaulting authority shall retain, as far as possible, samples of the micro-organisms deposited with it.

**5/2 Refusal To Accept Certain Kinds of Micro-organisms**

(a) If any international depositary authority refuses to accept for deposit any of the kinds of micro-organisms that it should accept under the assurances furnished, the Contracting State or intergovernmental industrial property organization that, in respect of that authority, has made the declaration referred to in Article (7) (1) (a) shall promptly notify the Director General of the relevant facts and the measures that have been taken.

(b) The Director General shall promptly notify the other Contracting States and intergovernmental industrial property organizations of the notification received under Paragraph (a); the notification of the Director General and the notification received by him shall be promptly published by the International Bureau.

**Rule 6**

**Submitting the Original Deposit or New Deposit**

**6/1 Original Deposit**

(a) The micro-organism transmitted by the depositor to the international depositary authority shall, except where Rule 6/2 applies, be accompanied by a written statement bearing the signature of the depositor and containing:

1- An indication that the deposit is made under the Treaty and an undertaking not to withdraw it for the period specified in Rule 9/1;

2- the name and address of the depositor;

3- Details of the conditions necessary for the cultivation of the micro-organism, for its storage, and for testing its viability; and also, where a mixture of micro-organisms is deposited, descriptions of the components of the mixture and at least one of the methods permitting the checking of their presence;

4- An identification reference (number, symbols, etc.) given by the depositor to the micro-organism;

5- An indication of the properties of the micro-organism that are or may be dangerous to health or the environment, or an indication that the depositor is not aware of such properties.

(b) It is strongly recommended that the written statement referred to in Paragraph (a) contain the scientific description and/or proposed taxonomic designation of the deposited micro-organism.

**6/2 New Deposit**

(a) Subject to Paragraph (b), in the case of a new deposit made under Article (4), the micro-organism transmitted by the depositor to the international depositary authority shall be accompanied by a copy of the receipt of the previous deposit, a copy of the most recent statement concerning the viability of the micro-organism that was the subject of the previous deposit, indicating that the micro-organism is viable, and a written statement bearing the signature of the depositor and containing:

1- The indications referred to in Rule 6/1 (a) (1) to (5);

2- A declaration stating the reason relevant under Article (4) (1) (a) for making the new deposit; a statement alleging that the micro-organism that is the subject of the new deposit is the same as that which was the subject of the previous deposit; and an indication of the date on which the depositor received the notification referred to in Article (4) (1) (a) or, as the case may be, the date of the publication referred to in Article (4) (1) (e);

3- Where a scientific description and/or proposed taxonomic designation was/were indicated in connection with the previous deposit, the most recent scientific description and/or proposed taxonomic designation as communicated to the international depositary authority with which the previous deposit was made.

(b) Where the new deposit is made with the international depositary authority with which the previous deposit was made, Paragraph (a) (1) shall not apply.

(c) For the purposes of Paragraphs (a) and (b) and of Rule 7/4, “previous deposit” means:

1- Where the new deposit has been preceded by one or more other new deposits, the most recent of those other new deposits.

2- Where the new deposit has not been preceded by one or more other new deposits, the original deposit.

**6/3 Requirements of the International Depositary Authority**

(a) Any international depositary authority may require:

1- That the micro-organism be deposited in the form and quantity necessary for the purposes of the Treaty and these Regulations;

2- That a form established by such authority and duly completed by the depositor for the purposes of the administrative procedures of such authority be furnished;

3- That the written statement referred to in Rule 6/1 (a) or 6/2 (a) be drafted in the language, or in any of the languages, specified by such authority, it being understood that such specification must at least include the official language or languages indicated under Rule 3/1 (b) (5);

4- that the fee for storage referred to in Rule 12/1 (a) (1) be paid; and

5- That, to the extent permitted by the applicable law, the depositor enter into a contract with such authority defining the liabilities of the depositor and the said authority.

(b) Any international depositary authority shall communicate any such requirements and any amendments thereof to the International Bureau.

**6/4 Acceptance Procedure**

(a) The international depositary authority shall refuse to accept the micro-organism and shall immediately notify the depositor in writing of such refusal and of the reasons therefore:

1- Where the micro-organism is not of a kind of micro-organism to which the assurances furnished under Rule 3/1 (b) (3) or 3/3 extend;

2- Where the properties of the micro-organism are so exceptional that the international depositary authority is technically not in a position to perform the tasks in relation to it that it must perform under the Treaty and these Regulations;

3- Where the deposit is received in a condition that clearly indicates that the micro-organism is missing or that precludes, for scientific reasons, the acceptance of the micro-organism.

(b) Subject to Paragraph (a), the international depositary authority shall accept the micro-organism when all the requirements of Rule 6/1 (a) or 6/2 (a) and Rule 6/3 (a) are complied with. If any of those requirements are not complied with, the international depositary authority shall immediately notify the depositor in writing of that fact and invite him to comply with those requirements.

(c) When the micro-organism has been accepted as an original or new deposit, the date of that original or new deposit, as the case may be, shall be the date on which the micro-organism was received by the international depositary authority.

(d) The international depositary authority shall, on the request of the depositor and provided that all the requirements referred to in Paragraph (b) are complied with, consider a micro-organism, deposited before the acquisition by such authority of the status of international depositary authority, to have been received, for the purposes of the Treaty, on the date on which such status was acquired.

**Rule 7**

**Receipt**

**7/1 Issuance of Receipt**

The international depositary authority shall issue to the depositor, in respect of each deposit of micro-organism effected with it or transferred to it, a receipt in attestation of the fact that it has received and accepted the micro-organism.

**7/1 Form; Languages; Signature**

(a) Any receipt referred to in Rule 7/1 shall be established on a form called an "International Form", a model of which shall be established by the Director General in those languages which the Assembly shall designate.

(b) Any words or letters filled in in the receipt in characters other than those of the Latin alphabet shall also appear therein transliterated in characters of the Latin alphabet.

(c) The receipt shall bear the signature of the person or persons having the power to represent the international depositary authority or that of any other official of that authority duly authorised by the said person or persons.

**7/3 Contents in the Case of the Original Deposit**

Any receipt referred to in Rule 7/1 and issued in the case of an original deposit shall indicate that it is issued by the depositary institution in its capacity as international depositary authority under the Treaty and shall contain at least the following indications:

1- The name and address of the international depositary authority;

2- The name and address of the depositor;

3- The date of the original deposit as defined in Rule 6/4 (c);

4- The identification reference (number, symbols, etc.) given by the depositor to the micro-organism;

5- The accession number given by the international depositary authority to the deposit;

6- Where the written statement referred to in Rule 6/1 (a) contains the scientific description and/or proposed taxonomic designation of the micro-organism, a reference to that fact.

**7/4 Contents in the Case of the New Deposit**

Any receipt referred to in Rule 7/1 and issued in the case of a new deposit effected under Article 4 shall be accompanied by a copy of the receipt of the previous deposit (within the meaning of Rule 6/2 (c)) and a copy of the most recent statement concerning the viability of the micro-organism that was the subject of the previous deposit (within the meaning of Rule 6/2 (c)) indicating that the micro-organism is viable, and shall at least contain:

1- The name and address of the international depositary authority;

2- The name and address of the depositor;

3- The date of the new deposit as defined in rule 6/4 (c);

4- The identification reference (number, symbols, etc.) given by the depositor to the micro-organism;

5- The accession number given by the international depositary authority to the new deposit;

6- An indication of the relevant reason and the relevant date as stated by the depositor in accordance with Rule 6/2 (a) (2);

7- Where Rule 6/2 (a) (3) applies, a reference to the fact that a scientific description and/or a proposed taxonomic designation has/have been indicated by the depositor;

8- The accession number given to the previous deposit (within the meaning of Rule 6.2(c)).

**7/5 Receipt in the Case of Transfer**

The international depositary authority to which samples of micro-organisms are transferred under Rule 5/1 (a) (1) shall issue to the depositor, in respect of each deposit in relation to which a sample is transferred, a receipt indicating that it is issued by the depositary institution in its capacity of international depositary authority under the Treaty and containing at least:

1- The name and address of the international depositary authority;

2- The name and address of the depositor;

3- The date on which the transferred sample was received by the international depositary authority (date of the transfer);

4- The identification reference (number, symbols, etc.) given by the depositor to the micro-organism;

5- The accession number given by the international depositary authority;

6- The name and address of the international depositary authority from which the transfer was effected;

7- The accession number given by the international depositary authority from which the transfer was effected;

8- Where the written statement referred to in Rule 6/1 (a) or 6/2 (a) contained the scientific description and/or proposed taxonomic designation of the micro-organism, or where such scientific description and/or proposed taxonomic designation was/were indicated or amended under Rule 8/1 at a later date, a reference to that fact.

**7/6 Communication of the Scientific Description and/or Proposed Taxonomic Designation**

On request of any party entitled to receive a sample of the deposited micro-organism under Rules 11/1, 11/2, or 11/3, the international depositary authority shall communicate to such party the most recent scientific description and/or proposed taxonomic designation referred to in Rules 6/1(b), 6/2(a) (3), or 8/1 (b) (3).

**Rule 8**

**Later Indication or Amendment of the Scientific Description and/or Proposed Taxonomic Designation 8.1 Communication**

(a) Where, in connection with the deposit of a micro-organism, the scientific description and/or taxonomic designation of the micro-organism was/were not indicated, the depositor may later indicate or, where already indicated, amend such description and/or designation.

(b) Any such later indication or amendment shall be made in a written communication bearing the signature of the depositor, addressed to the international depositary authority, and containing:

1- The name and address of the depositor;

2- The accession number given by the said authority;

3- The scientific description and/or proposed taxonomic designation of the micro-organism;

4- In the case of an amendment, the latest preceding scientific description and/or proposed taxonomic designation.

**8/2 Attestation**

The international depositary authority shall, on the request of the depositor having made the communication referred to in Rule 8/1, deliver to him an attestation showing the data referred to in Rule 8/1 (b) (1) to (5) and the date of receipt of such communication.

**Rule 9**

**Storage of Micro-organisms**

**9/1 Duration of the Storage**

Any micro-organism deposited with an international depositary authority shall be stored by such authority, with all the care necessary to keep it viable and uncontaminated, for a period of at least five years after the most recent request for the furnishing of a sample of the deposited micro-organism was received by the said authority and, in any case, for a period of at least 30 years after the date of the deposit.

**9/2 Confidentiality**

No international depositary authority shall give information to anyone about whether a micro-organism has been deposited with it under the Treaty. Furthermore, it shall not give any information to anyone concerning any micro-organism deposited with it under the Treaty except to an authority, natural person, or legal entity that is entitled to obtain a sample of the said micro-organism under Rule 11 and subject to the same conditions as provided in that Rule.

**Rule 10**

**Viability Test and Statement**

**10/1 Obligation to Test Procedure**

The international depositary authority shall test the viability of each micro-organism deposited with it:

1- Promptly after any deposit referred to in Rule 6 or any transfer referred to in Rule 5/1;

2- At reasonable intervals, depending on the kind of micro-organism and its possible storage conditions, or at any time, if necessary for technical reasons;

3- At any time, on the request of the depositor.

**10/2 Viability Statement**

(a) The international depositary authority shall issue a statement concerning the viability of the deposited micro-organism:

1- To the depositor, promptly after any deposit referred to in Rule 6 or any transfer referred to in Rule 5/1;

2- To the depositor, on his request, at any time after the deposit or transfer;

3- To any industrial property office, other authority, natural person, or legal entity, other than the depositor, to whom or to which samples of the deposited micro-organism were furnished in conformity with Rule 11, on his or its request, together with or at any time after such furnishing of samples.

(b) The viability statement shall indicate whether the micro-organism is or is no longer viable and shall contain:

1- The name and address of the international depositary authority issuing the statement;

2- The name and address of the depositor;

3- The date referred to in Rule 7/3 (3) or, where a new deposit or a transfer has been made, the most recent of the dates referred to in Rules 7/4 (3) and 7/5 (3);

4- The accession number given by the said authority;

5- The date of the test to which it refers;

6- The information on the conditions under which the viability test has been performed, provided that the said information has been requested by the party to which the viability statement is issued and that the results of the test were negative.

(c) In the cases of Paragraph (a) (2) and (3), the viability statement shall refer to the most recent viability test.

(d) As to form, languages, and signature, Rule 7/2 shall apply to the viability statement, with the necessary substitution**.**

(e) In the case of Paragraph (a) (1) or where the request is made by an industrial property office, the issuance of the viability statement shall be free of charge. Any fee payable under Rule 12/1 (a) (3) in respect of any other viability statement shall be chargeable to the party requesting the statement and shall be paid before or at the time of making the request.

**Rule 11**

**Furnishing of Samples**

**11/1 Furnishing of Samples to Interested Industrial Property Offices**

Any international depositary authority shall furnish a sample of any deposited micro organism to the industrial property office of any Contracting State or of any intergovernmental industrial property organization on the request of such office, provided that the request shall be accompanied by a declaration to the effect that:

1- An application referring to the deposit of that micro-organism has been filed with that office for the grant of a patent, and the subject matter of that application involves the said micro-organism or the use thereof;

2- Such an application is pending before that office or has led to the grant of a patent;

3- The sample is needed for the purposes of a patent procedure having effect in the said Contracting State or in the said organization or its Member States;

4- The said sample and any information accompanying or resulting from it will be used only for the purposes of the said patent procedure.

**11/2 Furnishing of Samples to or with the Authorization of the Depositor**

Any international depositary authority shall furnish a sample of any deposited micro-organism:

1- To the depositor, upon his request;

2- To any authority, natural person, or legal entity (hereinafter referred to as "the authorized party"), on the request of such party, provided that the request is accompanied by a declaration of the depositor authorizing the requested furnishing of a sample.

**11/3 Furnishing of Samples to Parties Legally Entitled**

(a) Any international depositary authority shall furnish a sample of any deposited micro-organism to any authority, natural person, or legal entity (hereinafter referred to as "the certified party") on the request of such party, provided that the request is made on a form whose contents are fixed by the Assembly and that on the said form the industrial property office certifies:

1- An application referring to the deposit of that micro-organism has been filed with that office for the grant of a patent, and the subject matter of that application involves the said micro-organism or the use thereof;

2- That, except where the second phrase of Clause (3) applies, publication for the purposes of patent procedure has been effected by that office.

3- Either that the certified party has a right to a sample of the micro-organism under the law governing patent procedure before that office and, where the said law makes the said right dependent on the fulfilment of certain conditions, that that office is satisfied that such conditions have actually been fulfilled or that the certified party has affixed his signature on a form before that office and that, as a consequence of the signature of the said form, the conditions for furnishing a sample to the certified party are deemed to be fulfilled in accordance with the law governing patent procedure before that office; where the certified party has the said right under the said law prior to publication for the purposes of patent procedure by the said office and such publication has not yet been effected, the certification shall expressly state so and shall indicate, by citing it in the customary manner, the applicable provision of the said law, including any court decision.

(b) In respect of patents granted and published by any industrial property office, such office may from time to time communicate to any international depositary authority lists of the accession numbers given by that authority to the deposits of the micro-organisms referred to in the said patents. The international depositary authority shall, on the request of any authority, natural person, or legal entity (hereinafter referred to as “the requesting party”), furnish to it a sample of any micro-organism where the accession number has been so communicated. In respect of deposited micro-organisms whose accession numbers have been so communicated, the said office shall not be required to provide the certification referred to in Rule 11/3 (a).

**11/4 Common Rules**

(a) Any request, declaration, certification, or communication referred to in Rules 11/1, 11/2 and 11/3 shall be:

1- In English, French, Russian, or Spanish where it is addressed to an international depositary authority whose official language is or whose official languages include English, French, Russian, or Spanish, respectively, provided that, where it must be in Russian or Spanish, it may be instead filed in English or French, and, if it is so filed, the International Bureau shall, upon the request of the interested party referred to in the said Rules or the international depositary authority, establish, promptly and free of charge, a certified translation into Russian or Spanish;

2- in all other cases, it shall be in English or French, provided that it may be, instead, in the official language or one of the official languages of the international depositary authority.

(b) Notwithstanding paragraph (a), where the request referred to in Rule 11/1 is made by an industrial property office whose official language is Russian or Spanish, the said request may be in Russian or Spanish, respectively, and the International Bureau shall establish, promptly and free of charge, a certified translation into English or French upon the request of that office or the international depositary authority that received the said request.

(c) Any request, declaration, certification, or communication referred to in Rules 11/1, 11/2, and 11/3 shall be in writing, bear a signature, and be dated.

(d) Any request, declaration, or certification referred to in Rules 11/1, 11/2, and 11/3 (a) shall contain the following indications:

1- The name and address of the industrial property office making the request, or of the authorized party or of the certified party, as the case may be.

2- The accession number given to the deposit;

3- In the case of Rule 11/1, the date and number of the application or patent referring to the deposit,

4- In the case of Rule 11/3 (a), the indications referred to in (3) and the name and address of the industrial property office that has made the certification referred to in the said Rule.

(e) Any request referred to in Rule 11/3 (b) shall contain the following indications:

1- The name and address of the requesting party;

2- The accession number given to the deposit;

(f) The container in which the sample furnished is placed shall be marked by the international depositary authority with the accession number given to the deposit and shall be accompanied by a copy of the receipt referred to in Rule 7, an indication of any properties of the micro-organism that are or may be dangerous to health or the environment, and, upon request, an indication of the conditions that the international depositary authority employs for the cultivation and storage of the micro-organism.

(g) The international depositary authority having furnished a sample to any interested party other than the depositor shall promptly notify the depositor in writing of that fact, as well as of the date on which the said sample was furnished and of the name and address of the industrial property office, of the authorized party, of the certified party, or of the requesting party, to whom or to which the sample was furnished. The said notification shall be accompanied by a copy of the pertinent request, of any declarations submitted under Rules 11/1 or 11/2 (2) in connection with the said request, and of any forms or requests bearing the signature of the requesting party in accordance with Rule 11/3.

(h) The furnishing of samples referred to in Rule 11/3 shall be free of charge. Where the furnishing of samples is made under Rule 11/2 or 11/3, any fee payable under Rule 12/1 (a) (4) shall be chargeable to the depositor, to the authorized party, to the certified party, or to the requesting party, as the case may be, and shall be paid before or at the time of making the said request.

**11/5 Changes in Rules 11/1 and 11/3 when Applying to International Applications**

Where an application was filed as an international application under the Patent Cooperation Treaty, the reference to the filing of the application with the industrial property office in Rules 11/1 (1) and 11/3 (a) (1) shall be considered a reference to the designation, in the international application, of the Contracting State for which the industrial property office is the “designated Office” within the meaning of that Treaty, and the certification of publication which is required by Rule 11/3 (a) (2) shall, at the option of the industrial property office, be either a certification of international publication under the said Treaty or a certification of publication by the industrial property office.

**Rule 12**

**Fees**

**12/1 Kinds and Amounts**

(a) Any international depositary authority may, with respect to the procedure under the Treaty and these Regulations, charge a fee:

1- For storage;

2- For the attestation referred to in Rule 8/2;

3- Subject to Rule 10/2 (e), first sentence, for the issuance of viability statements;

4- Subject to Rule 11/4 (h), first sentence, for the furnishing of samples; and

5- For the communication of information under Rule 7/6.

(b) The fee for storage shall be for the whole duration of the storage of the micro-organism as provided in Rule 9/1.

(c) The amount of any fee shall not vary on account of the nationality or residence of the depositor or on account of the nationality or residence of the authority, natural person, or legal entity requesting the issuance of a viability statement or the furnishing of samples.

**12/2 Change in the Amounts**

(a) Any change in the amount of the fees charged by any international depositary authority shall be notified to the Director General by the Contracting State or intergovernmental industrial property organization that made the declaration referred to in Article 7 (1) in respect of that authority. The notification may, subject to paragraph (c), contain an indication of the date from which the new fees will apply.

(b) The Director General shall promptly notify all Contracting States and intergovernmental industrial property organizations of any notification received under Paragraph (a) and of its effective date under Paragraph (c); the notification of the Director General and the notification received by him shall be promptly published by the International Bureau.

(c) Any new fees shall apply as of the date indicated under Paragraph (a), provided that, where the change consists of an increase in the amounts of the fees or where no date is so indicated, the new fees shall apply as of the thirtieth day following the publication of the change by the International Bureau.

**Rule 12 bis**

**Calculation of Time Limits**

**12 bis/1 Periods Expressed in Years**

When a period is expressed as one year or a certain number of years, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

**12 bis/2 Periods Expressed in Months**

When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day that has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

**12 bis/3 Periods expressed by days**

When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached.

**Rule 13**

**Publication by the International Bureau**

**13/1 Form of Publication**

Any publication by the International Bureau referred to in the Treaty or these Regulations shall be made on paper or in electronic form.

**13/2 Contents**

(a) At least once a year, preferably in the first quarter of the year, an up-to-date list of the international depositary authorities shall be published, indicating in respect of each such authority the kinds of micro-organisms that may be deposited with it and the amount of the fees charged by it.

(b) Full information on any of the following facts shall be published once, promptly after the occurrence of the fact:

1- Any acquisition, termination, or limitation of the status of international depositary authority, and the measures taken in connection with that termination or limitation;

2- Any extension referred to in Rule 3/3;

3- Any discontinuance of the functions of an international depositary authority, any refusal to accept certain kinds of micro-organisms, and the measures taken in connection with such discontinuance or refusal;

4- Any change in the fees charged by an international depositary authority;

5- Any requirements communicated in accordance with Rule 6/3 (b) and any amendments thereof.

**Rule 14**

**Expenses of Delegations**

**14/1 Coverage of Expenses**

(a) In the case provided for in Article (10) (5) (b), the Director General shall communicate any decision of the Assembly (other than decisions relating to the Assembly’s own procedure) to the Contracting States that were not represented when the decision was made and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication.

(b) If, at the expiration of the said period, the number of Contracting States having thus expressed their vote or abstention attains the number of Contracting States that was lacking for attaining the quorum when the decision was made, that decision shall take effect, provided that at the same time the required majority still obtains.