Needs of a Patent
- **New or novel** and non-obvious
- **Useful** purpose (commercial applicability),
- Must be disclosed in the application in a manner sufficiently clear and complete for an expert to be able to carry it out
- Disclosure by depositing microorganism with a specialized institution

DSMZ as Patent Depositary
- > 45 years
- First patent strain in 1972
- Recognized as International Depositary Authority (IDA) according to the Budapest Treaty since 1981
- Total > 9000 patent deposits

Tasks of an IDA
- 48 depositary institutions in 26 countries
- Deposit of microorganisms and the furnishing of samples under the Budapest Treaty
- Secrecy, impartiality and objectivity

DSMZ as Safe for Microorganisms
- Safe deposit as a special service for the long-term preservation and safe storage
- Not included in the DSMZ catalogue
- Only passed on with a written request by the depositor

Providing Safe Storage & Controlled Access

**Furnishing of Samples - When? To Whom?**

- **Budapest Treaty Rule 11**
  11.1 To whom?
  - Interested industrial property offices
  - At any time on request to the DSMZ
  11.2 To whom?
  - Depositor and with the authorisation of the depositor to third parties
  - At any time on request to the DSMZ
  11.3 To whom?
  - Parties legally entitled
  - When?
  - A) By confirmation of the request by the responsible patent office
  - B) In respect of patents granted and published by any industrial property office

**Way of Deposit**
- Accession Form
- Arrival of the biological material
- Viability testing and purity checking
- Assigning of the deposition number
- Statements of receipt (BP4) & viability (BP9)
- Confirmation of Safe Deposit
- Preservation of the biological material
- Storage for at least 30 years
- Unlimited storage (yearly fee)
- Depositor check
- Release of samples on request

**Patent Deposit in Numbers**

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**Safe Deposit**

- **Biobanking**
  - Maintain valuable biological resources for future research, public health and the bioeconomy
  - Potential risks: pandemic situations as recently experienced during the Covid-19 outbreak, crisis, disasters
  - Aim: Avoid the loss of material via staff shortage, infrastructure-related supply problems and disasters
  - Spatially separated back-up solutions strongly recommended and often mandatory for biobanks

- **DSMZ as Safe for Microorganisms**
  - Safe deposit as a special service for the long-term preservation and safe storage
  - Not included in the DSMZ catalogue
  - Only passed on with a written request by the depositor

Learn more about Patent Deposit
Learn more about Safe Deposit
The DSMZ IDA Team
patentdeposit@dsmz.de