

GB – UNITED KINGDOM

NATIONAL COLLECTION OF TYPE CULTURES (NCTC)

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1. Requirements for Deposit

(a) Kinds of Microorganisms that May Be Deposited

Bacteria that can be preserved without significant change to their properties by freeze-drying and which are pathogenic to man and/or animals.

(b) Technical Requirements and Procedures

(i) Form and Quantity

Cultures of bacteria are accepted by the NCTC either lyophilized or in agar slabs. The depositor is required to provide only one culture when making his deposit.

(ii) Time Required for Viability Testing

The average length of time required for testing the viability of bacteria accepted by the NCTC is four days, but depositors should realize that in some cases viability testing may take as long as 14 days.

(iii) Depositor Checks and Renewal of Stocks

The NCTC prepares its own lyophilized batches of bacteria 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. The depositor is required to test for authenticity samples of the first batch of his microorganism (but not subsequent batches) prepared by the NCTC.

The NCTC does not store material originally supplied by the depositor.

(c) Administrative Requirements and Procedures

(i) General

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

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

A supplement to the NCTC application form requires the depositor to state whether he is acting on his own behalf or on behalf of the Organisation employing him.

Import and/or Quarantine Regulations. Animal pathogenic bacteria being sent from overseas are subject to import regulations (Importation of Animal Pathogens Order 1980; Statutory Instrument 1980 No. 1212). The HPA Centre for Infections, of which the NCTC is part, has a general license to cover the import of animal pathogens, but the depositor is required to give the NCTC his name and address and the scientific name of the organism to be deposited. Further information about the import of animal pathogens may be obtained from The Pathogens Licensing Team, DEFRA, Area 607, 1A Page Street, London SW1P 4PQ, United Kingdom.

The kinds of microorganisms accepted for deposit by the NCTC are not subject to quarantine regulations.

(ii) Making the Original Deposit

Requirements to Be Met by the Depositor. As well as the NCTC application form referred to in (i), above, depositors are required to complete the NCTC accession form for Budapest Treaty deposits. The NCTC 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 NCTC 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. Letters, rather than standard forms, are used for all other official notifications.

Unofficial Notifications to the Depositor. The NCTC does not telephone or fax the date of deposit, accession number or result of the viability test in advance of the relevant official notifications.

Supply of Information to a Patent Agent. The NCTC does not routinely ask the depositor for the name and address of his patent agent. However, if requested, it will send copies of the receipt and viability statement to both the depositor and his patent agent.

(iii) Converting a Previous Deposit

The NCTC does not accept deposits for patent purposes outside the provisions of the Budapest Treaty, nor does it permit the conversion of deposits previously made for scientific purposes to Budapest Treaty deposits. In the latter case, the NCTC requires the same organism to be redeposited under the terms of the Treaty. Thus Rule 6.4(d) does not apply.

(iv) Making a New Deposit

The depositor is required to complete model form BP/2 when making a new deposit, and to send copies of the relevant documents (Rule 6.2).

2. Furnishing of Samples

(a) Requests for Samples

The NCTC 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 NCTC will provide requesting parties with copies of model request form BP/12 and/or request forms used by individual industrial property offices (where it has been supplied with such forms).

Notwithstanding any entitlement to receive samples under patent regulations, in the case of potentially dangerous microorganisms of ACDP Hazard Group 3, the requesting party must previously have been authorized by his head of department as being competent to request such organisms. This authorization, which must be made out on a special NCTC form, is required only once in respect of any one individual. When responding to requests from overseas, the NCTC assumes that the requesting party has met the import requirements of his own country.

The NCTC reserves the right to withhold the supply of samples to parties having outstanding debts in respect of any previous transactions with the NCTC until such debts have been settled.

All samples furnished by the NCTC are from batches of its own preparations.

(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 NCTC does not list deposits made under the Budapest Treaty in its published catalog.

3. Schedule of Fees

	<u>GBP</u>
(a) Storage	450
(b) Issuance of a viability statement	60
(c) Furnishing of a sample (plus expedition cost)	45
(d) 30-year declaration for already deposited collection strains	50

Item (a) refers to Hazard Group 2 (fees for Hazard Group 3 increase by 50%). For items (c) and (d) the fees are subject to Value Added Tax at the current rate where appropriate.

4. Guidance for Depositors

The NCTC makes available to prospective depositors copies of *Industrial Property*, 1982, pp. 219 and 220, which contains information furnished by the United Kingdom Government in respect of the NCTC immediately prior to its acquisition of IDA status.