

DK – DENMARK

Danish Patent and Trademark Office
Helgeshøj Allé 81
2630 Taastrup

Telephone: (+45) 43 50 80 00
Telefax: (+45) 43 50 80 01
E-mail: pvs@dkpto.dk
Internet: <http://www.dkpto.org>

1. Requirements for Deposit

A sample of biological material must be deposited if the carrying out of the invention involves the use of biological material which is neither available to the public nor describable in the documents of the patent application in such a manner as to enable a person skilled in the art to carry out the invention.

(Consolidated Patents Act No. 90 of 2019, Section 8a (1))

2. Time of Deposit

A sample of biological material shall be deposited not later than on the date of filing of the patent application.

(Consolidated Patents Act, Section 8a (1))

3. Duration of Storage

4. Conditions for the Furnishing of Samples

(i) Time of Availability of Samples

A sample of biological material becomes available from the date on which the application is made available to the public.

(Consolidated Patents Act, Section 22 (6))

(ii) Restrictions Concerning the Furnishing of Samples

The applicant may request that, until a patent has been granted, the furnishing of a sample shall only be affected to an expert in the art. If an application is refused, withdrawn or deemed to be withdrawn, the applicant may request that a sample of the deposited material shall only be furnished to an expert in the art for 20 years from the date on which the patent application was filed.

(Consolidated Patents Act, Section 22 (7))

The request for the furnishing of a sample shall be filed with the Patent Authority and shall contain a declaration to observe the restrictions on the use of the sample which appear from rules laid down by the Minister of Business and Growth. If the sample is to be furnished to an expert in the art, the declaration shall instead be given by the latter.

(Consolidated Patents Act, Section 22 (8))