

DISTRIBUTION CNCM

Resume of the distribution procedure

A sample or a piece of information related to biological material deposited at the CNCM, can be furnished only with:

- (1) An Authorization by the depositor or**
- (2) A Certification by a competent Industrial Property Office.**

AUTHORIZATION: Where you intend to use the requested microorganism for research work, development, or industrial application, you should address your demand to the depositor for a declaration authorizing the CNCM to furnish the requested material. Prior to any declaration the depositor may demand that an agreement is signed with your company. Only the depositor can provide the details relating to such requirement.

CERTIFICATION: Where the microorganism you are looking for is referred to in a patent, you may address your demand to the relevant Industrial Property Office for a certification that you have the right to get a sample of this material under the law governing patent procedure before the Office.

You should make your request with the international **WIPO form BP/12**. You should complete the two first pages of the form BP/12 and send the entire form (3 pages) to the relevant Industrial Property Office. Some Offices may require additional forms to be completed to comply with their own national procedures; they will inform you about that and send you the relevant documents. When the paper bearing the appropriate certification is returned, you should send it to the CNCM, together with a purchase order.

Based on a certification, samples are furnished to allow you to reproduce the object of the patent application indicated on the form.

Detailed distribution procedure

Parties entitled to obtain samples of a deposited microorganism

At any time

Where no patent application is in process, samples and information related to the microorganism and to its deposit can be given by the CNCM to no one, except:

1. to the depositor (Rule 11.2.i),
2. and to a party authorized by the depositor (Rule 11.2.ii).

After patent application

Where an application referring to the deposit of the microorganism or the use of it has been filed with an Industrial Property Office of a Contracting State for the grant of a patent:

1. the samples are available to that Office (Rule 11.1),
2. and where all the conditions are fulfilled or deemed to be fulfilled in accordance with the Law governing patent procedure before that Office, the samples are available to public subject to a

certification of the request by the said Office (Rule 11.3).

The depositor has no right to prevent the furnishing of samples to a competent Office or to a party certified by such Office.

Recommendations for requesting the furnishing of samples

Requests from the depositor

When the microorganism is accepted and the receipt is issued, samples are furnished to the depositor, on his request, at any time during the period of storage.

The written request must:

1. clearly indicate the CNCM accession number of the microorganism,
2. and be signed by an Official of the depositor.

The requested samples are promptly sent by the CNCM either to the address of the depositor or, according to the request, to the address of a third party.

Requests from a third party

A third party must address his demand,

- either to the depositor for a written declaration authorizing the CNCM to furnish the requested sample,
- or to a competent Industrial Property Office for a certification that an application referring to the microorganism or the use of it has been filed and that the requester has the right to get such sample under the Law governing patent procedure before the Office.

Certification by an industrial property office

The request must be made on the international form BP/12. Some Offices may require additional forms to be completed to comply with their National Regulations.

The requester should:

- complete the two first pages of the form BP/12;
- send the entire form (3 pages) to the relevant Industrial Property Office ;
- when the form bearing the appropriate certification is returned, send it to the CNCM along with a purchase order.

The CNCM informs anyone about the requirements to be met to make a valid request and provides copies of the international form BP/12, but does not provide the additional forms that may be required by a particular Industrial Property Office.

Health and safety requirements

Notwithstanding any entitlement of a requester to obtain samples under the Regulations of the Budapest Treaty, the CNCM withhold the samples of hazardous microorganisms until the requester has signed a statement indicating that he has proceeded to all the announcements required by the Regulations in force in his country for the handling, use and storage of the said microorganisms and that he has received any necessary authorization for those purposes.

Prevention of uncontrolled use: some biological materials which are supposed to be possibly used for warfare or terrorism require a special authorization for the prevention of uncontrolled transportation in France or outside France. Where the case arises, the requester must furnish any indication required by the competent authorities to which the CNCM promptly addresses its demand to obtain the necessary authorization.

Import regulations: Where samples must be furnished abroad, requesters are asked to provide an import permit or a declaration indicating that such permit is not required to ensure smooth transit of the microorganism through the Customs services.

Fee for the furnishing of a sample

The fee for the furnishing of a sample amounts to **106.71 € (plus shipping costs)**; the relevant invoice is sent to the person who signed the request.

Deadlines

The average time for delivery is **15 days minimum for shipping to France or Europe** and **may exceed 1 or 2 months for shipping outside the European territory** according to the import regulations of each country.

Information to the depositor

The CNCM promptly notifies the depositor in writing of any request by a third party in connection with the microorganism or its deposit.