

Meeting of the Member States and IDAs under the Budapest Union

Topic 4: Cooperation between IDAs and IP Offices

**General problems IDAs encounter
possible ideas to improve and discuss**

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Cooperation between IDAs and IP Offices: approved patent applications

Challenging for IDAs to be sure if a strain was mentioned in approved patent applications; official lists of strains from IPOs are needed to send strains under Rule 11.3(b). This slows down the proper operation of the IDAs.

IPOs communicate/publish lists of strains mentioned in approved/published patent applications regularly to IDAs.

For some countries such lists are available on their IPO websites and IDAs do receive information when needed, however in most cases it is not sufficient and time consuming even for IDAs with limited number of patent strains.

Cooperation between IDAs and IP Offices: Contact details IP Offices

As strains in IDAs are from patent applications from diverse countries it is not easy to find the contact details of the correct IP Offices when furnishing requests come in.

A general list of the representatives of the IP Offices will be a solution in order to establish open communication with them.

Cooperation between IDAs and IP Offices: Information on Furnishing of samples Rule 11.3(a)

Some IDAs have received certified requests in accordance with Rule 11.3(a) from IPOs:

1. without the full and correct addresses and contact information for the parties on the certified requests
2. requests for granted patents in name of a company who is not the depositor of the microorganism(s)

1. Minimal mandatory information is needed:

Current contact details of both parties should include:

The contact persons that should receive formal documents/strains; current addresses; e-mail address

2. IDAs should receive information confirming the depositor is aware the a patent application is made with his approval/knowledge

Cooperation between IDAs and IP Offices: Additional comments

Even though some IPOs finance the IDAs in their country; validate the contracts and important documents, the communication/cooperation between these IPOs and IDAs is still not sufficient.

More and better communication is preferred, but is often problematic due to the diverse backgrounds of the people working at IPOs (legal) and IDAs (scientific).

A few IDAs and IPOs meet at least once a year to discuss topics requested by both parties; share experiences and discuss improvement measures.

Discussion