Request for the issue of a sample of deposited biological material
(Rule 33 EPC)

To
(name und address of recognised depositary institution)

The undersigned hereby requests the issue of a sample of the biological material identified hereunder in accordance with Rule 11.3(a) of the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure or under a bilateral agreement (Rule 33 EPC).

I. Identification of the biological material

Accession number of the deposit

II. Patent application or patent which refers to the deposited biological material

☐ European patent application No. filed on by

☐ International (PCT) application No. filed on by

☐ European patent No. granted on to

III. Request for information

The undersigned requests does not request an indication of the conditions under which the recognised depositary institution cultivates and stores the biological material.

IV. Certified party

Name

Address

Date Signature

Please read the notes to this form
Certification (Rule 33(4) EPC)

This is to certify that:

1. the patent application/patent which is specified in Section II above and refers to the deposit of the biological material identified in Section I above

☐ has been filed with this Office

☐ designates for the grant of a European patent at least one state party to the PCT for which this Office is the designated Office within the meaning of the said treaty

☐ has been granted by this Office

and its subject-matter involves the said biological material or the use thereof.

2. ☐ publication for the purposes of patent procedure has been effected

☐ by this Office

☐ internationally under the PCT by the International Bureau of WIPO

or

☐ the certified party has a right to a sample before publication under Rule 33(1), first sentence, in conjunction with Article 128(2) EPC.

3. the certified party has a right to a sample of the biological material identified in Section I above under the law governing patent procedure before this Office, and this Office is satisfied that the conditions prescribed by the said law for the issue of such samples have been fulfilled.

4. ☐ this certification concerns a deposit pursuant to a bilateral agreement.

European Patent Office

Date Signature Official stamp
Declaration for the purpose of obtaining a sample of deposited biological material (Rule 33 EPC)

This declaration accompanies the request for the issue of a sample of the deposited biological material identified hereunder:

I. Identification of the biological material

Accession number of the deposit

Depositary institution

II. Patent application or patent which refers to the deposited biological material

☐ European patent application No. filed on by

☐ International (PCT) application No. filed on by

☐ European patent No. granted on to

III. The undersigned, identified in the request and hereunder as the certified party, undertakes vis-à-vis the applicant for or proprietor of the patent referred to in Section II not to make the biological material identified in Section I, or any biological material derived therefrom, available to any third party, and to use that material for experimental purposes only, until such time as the patent application identified in Section II is refused, withdrawn or deemed to be withdrawn, or until the European patent granted on the basis of that application has expired in all the designated states.

Where the sample of the biological material identified in Section I is to be made available to an expert only¹, the above undertaking applies

• until the date on which the European patent granted on the basis of the patent application identified in Section II expires in all the designated states, or

• where the application is refused, withdrawn or deemed to be withdrawn, for twenty years from the date of filing of the application.

IV. Certified party

Name

Address

Date Signature

Note: ¹ Where the sample is to be made available to an expert only, the undertaking applies for a period of twenty years from the date of filing of the application or, if earlier, for twenty years from the date on which the European patent granted on the basis of the patent application referred to in Section II expires in all the designated states.