

# **Application Manual for “Notification of Acquisition of the Genetic Resources in Japan”**

Pursuant to Chapter 5 of the Guidelines on Access to Genetic Resources and the Fair and  
Equitable Sharing of Benefits Arising from their Utilization



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v. 3.0.1

CBD Administration Division, Biological Resource Center,  
National Institute of Technology and Evaluation

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## 1. Introduction

The National Institute of Technology and Evaluation (NITE) is authorized by the Ministry of Economy, Trade and Industry as the organization that issues the document concerning the acquisition of genetic resources in Japan pursuant to Chapter 5 of the Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Public Notice of the Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 1 of 2017) (hereinafter “ABS Guidelines”). Under such authorization, NITE issues the Notification of Acquisition of the Genetic Resources in Japan (hereinafter “Notification”).

This manual will guide you through the application process of the Notification with examples and detailed instructions.

All inquiries about this manual and the Notification should be addressed to the following:

Contact:	Address:	E-mail Address
CBD Administration Division, Biological Resource Center, National Institute of Technology and Evaluation	2-49-10 Nishihara, Shibuya-ku, Tokyo 151-0066 Japan	E-mail: <a href="mailto:abs-chap.5@nite.go.jp">abs-chap.5@nite.go.jp</a>

## 2. Issuance of Notification

### 2-1. Format

The Notification is issued electronically, in PDF format. If you wish to receive it in printed version as well, please mention it when providing application(s) via e-mail.

### 2-2. Fees

The handling fee for issuance is 20,700 JPY per Notification (tax excluded).

If the applicant resides in Japan, 10% consumption tax will be added.

If a printed version of Notification is sent outside Japan upon your request, the overseas shipping fee will be added.

### 2-3. Required Documents

- (1) Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan
- (2) Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan
- (3) Attachment (If any genetically modified organism is involved)

### 2-4. The Process of Issuance of Notification

\* If you have any questions about whether your genetic resources satisfy the conditions for issuance or how to fill out the required documents, please feel free to contact: [abs-chap.5@nite.go.jp](mailto:abs-chap.5@nite.go.jp).

Step by step process is as follows:

- (1) Download the application and the agreement and fill out referring to the instructions and examples.
- (2) Send the application and the agreement to NITE ([abs-chap.5@nite.go.jp](mailto:abs-chap.5@nite.go.jp)) by e-mail.
- (3) NITE will check whether the conditions for issuance are satisfied (\*approximately within 10 business days after the arrival of the application and the agreement).
- (4) If the conditions are satisfied, NITE will send you an invoice.
- (5) Please make the wire transfer of the fees.
- (6) NITE will confirm the payment.
- (7) NITE will issue the Notification and send it to you (approximately within 10 business days after confirmation of the payment).
- (8) Upon your request, NITE will post a copy of the Notification on NITE's website in PDF format.

\*This is our standard processing time. Please note that it does not include the time for you to correct errors in the documents or any time for you to submit additional information or documents.

### 3. Re-issuance of Notification

#### 3-1. About the Re-issuance of Notification

Re-issuance of the Notification is the procedure to reacquire the Notification that was issued once before.

#### 3-2. Fees

The handling fee for re-issuance is 6,000 JPY per Notification (tax excluded).

If the applicant resides in Japan, 10% consumption tax will be added.

If a printed version of Notification is sent outside Japan upon your request, the overseas shipping fee will be added

#### 3-3. Required Documents

<When there is no change to applicant's information>

- (1) Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan

<When there is change to applicant's information>

- (1) Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan
- (2) Application for Revision of the Notification
- (3) Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan

#### 3-4. The process of Re-issuance of Notification

\* If you have any questions about re-issuance process or how to fill out the documents, please feel free to contact: [abs-chap.5@nite.go.jp](mailto:abs-chap.5@nite.go.jp).

Step by step re-issuance process is as follows:

- (1) Download the application(s) and fill out referring to the instructions and examples.
- (2) Send the required document(s) to NITE ([abs-chap.5@nite.go.jp](mailto:abs-chap.5@nite.go.jp)) by e-mail.
- (3) NITE will check the contents of the document(s).
- (4) NITE will send you an invoice.
- (5) Please make the wire transfer of the fees.
- (6) NITE will issue the Notification and send it to you (approximately within 10 business days after confirmation of the payment).
- (7) Upon your request, NITE will post a copy of the Notification on NITE's website in PDF format.

## **4. Change of Intent for Posting of Copy of the Notification on NITE's Website**

### **4-1. About Changing the Intent for Posting**

At the time of applying for the Notification, you can choose whether to post a copy of the Notification on NITE's website. When such intention has changed at a later time, you may withdraw a copy of Notification from the website or newly post a copy on the website.

No fee is required.

### **4-2. Required Document**

Application for Change of Intent: Posting of a Copy of the Notification on NITE's Website

### **4-3. The process for Change of Intent for Posting**

- (1) Download the application and fill out referring to the instruction and example.
- (2) Send the application to NITE (abs-chap.5@nite.go.jp) by e-mail.
- (3) NITE will change the posting of the website according to your request.
- (4) Please check for yourself if the website has changed accordingly.  
Please note that NITE will not give you any notice in regard to the change.

## **5. Invalidation of Notification**

### 5-1. About the Invalidation of Notification

NITE will accept your request to invalidate the Notification for reasons such as: (1) you no longer intend to use the Notification, (2) there is an error in the Notification.

No fee is required.

### 5-2. Required Document

Application for Invalidation of Notification of Acquisition of the Genetic Resource in Japan

### 5-3. The process of Invalidation of Notification

- (1) Download the application and fill out referring to the instruction and example.
- (2) Please send the application to NITE ([abs-chap.5@nite.go.jp](mailto:abs-chap.5@nite.go.jp)) by e-mail. Please return the printed version of the Notification if you have one.
- (3) NITE will change the status of the validity on the website and withdraw the copy of the Notification from the website (if posted).
- (4) Please check for yourself if the status of the validity has changed and the copy has been withdrawn from the website.

Please note that NITE will not give you any notice regarding the invalidation.

## **6. Submission of Applications and Agreement**

### 6-1. Prior Check

- A prior check of draft applications and consultation are available. Please send inquiries to: abs-chap.5@nite.go.jp.

#### **! Maximum file size**

The maximum file size receivable by us in a single e-mail is 10 MB.

For any file exceeding the above limitation, please send the file through multiple e-mails or contact us for assistance.

### 6-2. Submission of Applications

- Submit the documents in PDF format. Please contact us if you have any difficulty.
- Attach an electronic signature to the Agreement for the proof of identity of the applicant. No seal or signature is required on other documents.
- No application or attached document shall be returned once submitted.
- NITE will contact you if the submitted documents are incomplete.

#### **! Submit all documents to:**

CBD Administration Division, Biological Resource Center,

National Institute of Technology and Evaluation

E-mail: abs-chap.5@nite.go.jp

## **7. Examples and Instructions for Filling Out Applications**

The following are the examples and instructions for filling out various documents relating to the Notification.

## Example for Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan

Sample 1: Microorganism

### Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan

To the President of  
The National Institute of Technology and Evaluation (NITE)

#### Applicant [Instruction 1]

Hanako Iroha, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

0-0-0 XXXX, XXXX-ku, Tokyo, Japan

*Address*

(Month) (Day), (Year)

*Date [Instruction 2]*

The Applicant agrees to each provision of the "Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan", and hereby applies for the issuance of Notification of Acquisition of the Genetic Resource in Japan ("Notification") with respect to the genetic resource and related information below.

Type of request:

[Instruction 3]

New issuance

Re-issuance

(Reference number: \_\_\_\_\_ )

Name of the genetic resource:

[Instruction 4]

Bacillus ABC123

Scientific name of the genetic resource:

[Instruction 5]

*Bacillus thuringiensis*

Person who collected the genetic resource:

[Instruction 6]

Taro Naito (B Inc.)

Origin and history of the genetic resource:

[Instruction 7]

Taro Naito isolated the genetic resource from the soil collected from the collection site (in October 2008) --> The genetic resource was assigned to A Corporation (in December 2016).

Keywords to describe the genetic resource:

[Instruction 8]

Check one

Plant

Animal

Microorganism

Other ( \_\_\_\_\_ ) \*

\* If you select "Other", please provide a brief description of the genetic resource in the parenthesis.

Check any of the following, if applicable:

- Mutant
- Genetically modified organism  
(Name: \_\_\_\_\_ )

Location where the genetic resource was collected: [\[Instruction 9\]](#) On the premises of the B Inc. located in 100 Kazusakamatari, Kisarazu-shi, Chiba, Japan

Date on which the genetic resource was collected: [\[Instruction 10\]](#) October 28, 2008

Purpose of use: [\[Instruction 11\]](#) Production of raw material for a reagent

Posting of a copy of the Notification on NITE's website: [\[Instruction 12\]](#)  Required  
 NOT required

Contact person: [\[Instruction 13\]](#) Name: [Kentaro Maeda](#)  
Affiliation: [XXXX Division, XXXX Department, A Corporation](#)  
Address: [0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
Telephone: [03-0000-0000](#)  
E-mail: [00001111@aaa.co.jp](#)

Billing address: [\[Instruction 14\]](#) Name: [Hanako Iroha, President, A Corporation](#)  
Address: [0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
Telephone: [03-1111-1111](#)

Sample 2: Microorganism (Acquired from Culture Collection)

**Application for Issuance of  
Notification of Acquisition of the Genetic Resource in Japan**

To the President of  
The National Institute of Technology and Evaluation (NITE)

**Applicant** [Instruction 1]

Hanako Iroha, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

0-0-0 XXXX, XXXX-ku, Tokyo, Japan

*Address*

(Month) (Day), (Year)

*Date* [Instruction 2]

The Applicant agrees to each provision of the "Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan", and hereby applies for the issuance of Notification of Acquisition of the Genetic Resource in Japan ("Notification") with respect to the genetic resource and related information below.

Type of request:

[Instruction 3]

New issuance

Re-issuance

(Reference number: )

Name of the genetic resource:

[Instruction 4]

NBRC 12345

Scientific name of the genetic resource:

[Instruction 5]

*Amycolatopsis helveola*

Person who collected the genetic resource:

[Instruction 6]

Shiro Naito (The National Institute of Technology and Evaluation)

Origin and history of the genetic resource:

[Instruction 7]

Shiro Naito isolated the genetic resource from the soil collected from the collection site (in November 2008) --> The genetic resource was deposited to the Biological Resource Center of The National Institute of Technology and Evaluation (NBRC) (in December 2016) --> A Corporation acquired the genetic resource (in January 2017).

Keywords to describe the genetic resource:

[Instruction 8]

Check one

Plant

Animal

Microorganism

Other ( ) \*

\* If you select "Other", please provide a brief description of the genetic resource in the parenthesis.

Check any of the following, if applicable:

- Mutant  
 Genetically modified organism  
(Name: \_\_\_\_\_ )

Location where the genetic resource was collected: [\[Instruction 9\]](#) On the premises of the Biological Resource Center of the National Institute of Technology and Evaluation located in 2-5-8 Kazusakamatari, Kisarazu-shi, Chiba, Japan

Date on which the genetic resource was collected: [\[Instruction 10\]](#) November 6, 2008

Purpose of use: [\[Instruction 11\]](#) Production of raw material for a reagent

Posting of a copy of the Notification on NITE's website: [\[Instruction 12\]](#)  Required  
 NOT required

Contact person: [\[Instruction 13\]](#) Name: Kentaro Maeda  
Affiliation: XXXX Division, XXXX Department, A Corporation  
Address: 0-0-0 XXXX, XXXX-ku, Tokyo, Japan  
Telephone: 03-0000-0000  
E-mail: 00001111@aaa.co.jp

Billing address: [\[Instruction 14\]](#) Name: Hanako Iroha, President, A Corporation  
Address: 0-0-0 XXXX, XXXX-ku, Tokyo, Japan  
Telephone: 03-1111-1111

## Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan

To the President of  
The National Institute of Technology and Evaluation (NITE)

### Applicant [Instruction 1]

Hanako Iroha, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

0-0-0 XXXX, XXXX-ku, Tokyo, Japan

*Address*

(Month) (Day), (Year)

*Date [Instruction 2]*

The Applicant agrees to each provision of the "Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan", and hereby applies for the issuance of Notification of Acquisition of the Genetic Resource in Japan ("Notification") with respect to the genetic resource and related information below.

Type of request:

[Instruction 3]

New issuance

Re-issuance

(Reference number: \_\_\_\_\_ )

Name of the genetic resource:

[Instruction 4]

gene from XX sp.

Scientific name of the genetic resource:

[Instruction 5]

Since the genetic resource is DNA, there is no scientific name.

gene originates from XX sp. .

Person who collected the genetic resource:

[Instruction 6]

Taro Naito (B Inc.)

Origin and history of the genetic resource:

[Instruction 7]

Taro Naito isolated XX sp.  from the soil collected from the collection site (in October 2008) --> Taro Naito isolated  gene from XX sp.  and prepared the recombinant *Escherichia coli*. (in December 2008) --> The recombinant *E. coli* was assigned to A Corporation (in February 2017).

Keywords to describe the genetic resource:

[Instruction 8]

Check one

Plant

Animal

Microorganism

Other ( \_\_\_\_\_ )\*

\* If you select "Other", please provide a brief description of the genetic resource in the parenthesis.

Check any of the following, if applicable:

Mutant

Genetically modified organism

(Name: recombinant *E. coli* with  gene of *XX* sp. )

Location where the genetic resource was collected: [On the premise of the B Inc. located in 100 Kazusakamatari, Kisarazu-shi, Chiba, Japan](#)  
[\[Instruction 9\]](#)

Date on which the genetic resource was collected: [October 28, 2008](#)  
[\[Instruction 10\]](#)

Purpose of use: [Production of raw material for a reagent](#)  
[\[Instruction 11\]](#)

Posting of a copy of the Notification on NITE's website:  Required  
 NOT required  
[\[Instruction 12\]](#)

Contact person: [Name: Kentaro Maeda](#)  
[\[Instruction 13\]](#) [Affiliation: XXXX Division, XXXX Department, A Corporation](#)  
[Address: 0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
[Telephone: 03-0000-0000](#)  
[E-mail: 00001111@aaa.co.jp](#)

Billing address: [Name: Hanako Iroha, President, A Corporation](#)  
[\[Instruction 14\]](#) [Address: 0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
[Telephone: 03-1111-1111](#)

## Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan

To the President of  
The National Institute of Technology and Evaluation (NITE)

### Applicant [Instruction 1]

Hanako Iroha, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

0-0-0 XXXX, XXXX-ku, Tokyo, Japan

*Address*

(Month) (Day), (Year)

*Date [Instruction 2]*

The Applicant agrees to each provision of the "Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan", and hereby applies for the issuance of Notification of Acquisition of the Genetic Resource in Japan ("Notification") with respect to the genetic resource and related information below.

Type of request:

[Instruction 3]

New issuance

Re-issuance

(Reference number: )

Name of the genetic resource:

[Instruction 4]

Vanda falcata Kazusahime

Scientific name of the genetic resource:

[Instruction 5]

*Vanda falcate*

Person who collected the genetic resource:

[Instruction 6]

Jiro Naito (Chiba Research Laboratory of A Corporation)

Origin and history of the genetic resource:

[Instruction 7]

Jiro Naito collected *Vanda falcata* from the collection site and named it Kazusahime (in May 2017) --> Transferred to the head office of A Corporation (in May 2017)

Keywords to describe the genetic resource:

[Instruction 8]

Check one

Plant

Animal

Microorganism

Other ( ) \*

\* If you select "Other", please provide a brief description of the genetic resource in the parenthesis.

Check any of the following, if applicable:

- Mutant
- Genetically modified organism  
(Name: \_\_\_\_\_ )

Location where the genetic resource was collected: [200 Kazusakamatari, Kisarazu-shi, Chiba, Japan](#)  
[Instruction 9]

Date on which the genetic resource was collected: [May 8, 2017](#)  
[Instruction 10]

Purpose of use: [Development of fragrance for cosmetics.](#)  
[Instruction 11]

Posting of a copy of the Notification on NITE's website:  Required  
 NOT required  
[Instruction 12]

Contact person: [Name: Kentaro Maeda](#)  
[Instruction 13] [Affiliation: XXXX Division, XXXX Department, A Corporation](#)  
[Address: 0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
[Telephone: 03-0000-0000](#)  
[E-mail: 00001111@aaa.co.jp](#)

Billing address: [Name: Hanako Iroha, President, A Corporation](#)  
[Instruction 14] [Address: 0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
[Telephone: 03-1111-1111](#)

## Instructions

1. For the “Applicant”, fill in the name of the representative in the Name section, the name of the entity in the Organization section, and the location of the head office in the Address section.

- The Applicant shall be the person who can explain in detail the location and date for the collection of the genetic resource from its habitat.
- If there is more than one Applicant, indicate all the Applicants in the Applicant section or separately provide a list of Applicants.

2. For the “Date”, indicate the date of filing application.

3. For the “Type of request”, check “ New issuance.”

4. For the “Name of the genetic resource”, specify the name that can be clearly distinguished from other genetic resources. Please note that a single application may specify only a single genetic resource.

- “The name that can be clearly distinguished from other genetic resources” is, for example, a name allocated with the identification number (e.g., strain number) that can identify the genetic resource.
- The Notification may be issued only to the genetic resource that meets both of the following: (1) the country of origin of the genetic resource is Japan, and (2) the country providing the genetic resource is Japan.
- Genetic resources that are utilized under “The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)” and “The Pandemic Influenza Preparedness Framework (PIPF)” are not subject to the issuance of the Notification since they are outside the scope of the ABS Guidelines.
- When using the name of the genetically modified organism as the name of the genetic resource, the host, the inserted DNA, and all other components must meet the conditions for the issuance.

5. For the “Scientific name of the genetic resource”, fill in the scientific name of the genetic resource.

6. For the “Person who collected the genetic resource”, specify the person who collected the genetic resource from its habitat.

- If the genetic resource is a microorganism, specify the person who collected the source from which the microorganism is isolated, not the person who isolated the microorganism.
- If the genetic resource is gene or plasmid, specify the person who collected the living organism from which gene or plasmid originate.
- If the genetic resource is a genetically modified organism, specify the person who collected the living organism from which the host, the vector, and the inserted DNA originate. (see Section 8 of this instruction for the description).

7. For the “Origin and history of the genetic resource”, describe the movement history from the collector to the Applicant.

- If the Applicant is an entity and the collector belongs to such entity, please describe so.
- The “flow from the collector to the Applicant,” is expected to specify the name and affiliation of the collector and the time of assignment (if applicable).
- When applying for the genetic resource acquired from the culture collection, describe the history information listed in the database of the culture collection.

8. For the “Keywords to describe the genetic resource”, check the applicable type of the organism.

- If there is no applicable box for the genetic resource (e.g., virus), check “ Other” and specify the type of genetic resource in parentheses.
- If the genetic resource is a gene and utilized as the genetically modified organism, check the box of the type of organism from which the gene originates. Also, check “ Genetically modified organism,” and specify the name of the genetically modified organism. The name of the genetically modified organism is expected, for example, “XX bacteria with XXX gene derived from XXXX.”
- If the genetic resource is a genetically modified organism, specify on the attachment to the application the “Scientific name”, “Person who collected the genetic resource”, “Location where

the genetic resource was collected” and “Date on which the genetic resource was collected” of the living organism from which the host, the vector, and the inserted DNA originate.

9. For the “Location where the genetic resource was collected”, specify the location of the habitat from which the genetic resource was collected. Provide as detailed information as possible.

- Use an expression to show that the genetic resource was acquired in a specific place within Japan (e.g., Mount XXX in XXX city of XXX prefecture).
- When applying for the genetic resource acquired from the culture collection, describe the location where the genetic resource was collected as indicated in the database of the culture collection.
- If the genetic resource is gene or plasmid, specify the location where the living organism from which the gene or plasmid originate was collected.
- If the genetic resource is a genetically modified organism, specify on the attachment as instructed in Instruction 8 above.

10. For the “Date on which the genetic resource was collected”, specify the date on which the genetic resource was collected from the habitat.

- If the genetic resource is a gene or plasmid, specify the date when the living organism from which the gene or plasmid originate was collected.
- If the genetic resource is a genetically modified organism, specify on the attachment as instructed in Instruction 8 above.

11. For the “Purpose of use”, specifically describe the purpose of use for the genetic resource.

- The Notification may be issued only to the utilization that satisfies all of the following: (1) the genetic resource is utilized for business under the jurisdiction of the Minister of Economy, Trade and Industry of Japan; (2) the genetic resource is NOT utilized under “The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)”, which is outside the scope of the ABS Guidelines; and (3) the genetic resource is NOT utilized under “The Pandemic Influenza Preparedness Framework (PIPF)”, which is outside the scope of the ABS Guidelines.
- Examples of (1) above include “production of raw material for cosmetics,” “production of medicine intermediate and raw material for reagent” and “production of industrial alcohol.” If the specific purpose of use is yet to be determined, please list out all possible purposes of use.

12. For the “Posting of a copy of the Notification on NITE’s website”, check “ Required” if it is necessary to post a copy of the Notification on NITE’s website, and check “ NOT required” if not necessary.

- If the posting on the website is requested, a copy of the Notification will be posted in PDF format.
- Please note that even if the posting on the website is not requested, reference number, issue date and validity of the Notification will be posted.

13. For the “Contact person”, indicate the person capable of responding to the inquiries from NITE regarding the contents of the application.

- The Notification will be sent to the “Contact person”.

14. For the “Billing address”, specify the name, address, and telephone number to be indicated on the invoice.

- An advanced payment of the fees is required for the issuance of Notification.
- Please note that no quotation or delivery note shall be issued.

Attachment (related to Instruction 6, 8, 9 and 10)

	Scientific name	Person who collected the genetic resource	Location where the genetic resource was collected	Date on which the genetic resource was collected
Host				
Vector				
Inserted DNA				

## Example for Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan

### Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan

To the President of  
The National Institute of Technology and Evaluation (NITE)

**Applicant** [Instruction 1]

Hanako Iroha, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

[Instruction 2]

In submitting a request to the National Institute of Technology and Evaluation ("NITE") for the issuance of Notification of Acquisition of the Genetic Resources in Japan ("Notification") dated (Month) (Day), (Year), the Applicant agrees to the terms and conditions set forth below.

#### Article 1 (Definitions)

The definitions of the terms used in this agreement are based on the "Convention on Biological Diversity" ("CBD"), the "Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity", and the "Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization" (Public Notice of the Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No.1 of 2017) ("ABS Guidelines").

#### Article 2 (Scope of application)

2.1 For the issuance of the Notification, the genetic resource shall meet all the following conditions:

- (i) The "country of origin of genetic resources" is Japan.
- (ii) The "country providing genetic resources" is Japan.

2.2 The Notification shall be issued only for the utilization of the genetic resource set forth in Article 2.1 and shall meet all the following conditions:

- (i) The genetic resource is utilized for businesses that are under the jurisdiction of the Minister of Economy, Trade and Industry of Japan.
- (ii) The genetic resource is NOT utilized under "The International Treaty on Plant Genetic Resources for Food and Agriculture"(ITPGRFA), which is outside the scope of the ABS Guidelines, as provided for in Chapter 1, No 3, 2 of the ABS Guidelines.
- (iii) The genetic resource is NOT utilized under "The Pandemic Influenza Preparedness Framework (PIPF) ", which is outside the scope of the ABS Guidelines, as provided for in Chapter 1, No.3, 2 of the ABS Guidelines.

#### Article 3 (Implementation of the Service)

3.1 After receiving an Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan ("Application") from the Applicant, NITE shall confirm whether issuance is possible, issue the Notification, and report the issuance to the Minister of Economy, Trade and Industry of Japan.

3.2 NITE shall ensure the validity of the Notification by posting the reference number of the Notification on NITE's website.

3.3 When re-issuance of the Notification is required, the Applicant shall make a request by submitting the prescribed document to NITE. Upon submission of the document, NITE shall issue the Notification based on the latest registered information held by NITE.

- 3.4 When the content of the Notification needs to be revised, the Applicant shall submit the prescribed document to NITE. NITE shall then update the information and issue the Notification with the updated information.
- 3.5 If the Applicant wishes to make changes as to whether a copy of the Notification is to be posted on NITE's website, the Applicant shall submit the prescribed document to NITE. Upon submission of the document, NITE shall make the necessary changes.
- 3.6 The procedures mentioned from 1 to 5 above, are generically referred to as the "Service".

**Article 4 (Handling fee)**

- 4.1 The Applicant shall pay the handling fee to NITE prior to the implementation of the Service under Article 3.1, 3.3 and 3.4.
- 4.2 NITE shall not, under any circumstances, refund the handling fee once received.

**Article 5 (Warranty by the Applicant)**

- 5.1 The Applicant shall warrant that there is no false or omitted information in the Application and other documents set forth in Article 3.
- 5.2 When the Application and other documents set forth in Article 3 have false information, or the content which needs to be written is not written, or when the Applicant has violated this agreement, the Applicant agrees that NITE shall not be held responsible for any damage due or related to any of these reasons.
- 5.3 The Applicant shall give answers to queries from NITE with regard to the Service in good faith.
- 5.4 If it turns out that there is an error(s) in the Application and other documents set forth in Article 3, the Applicant shall promptly notify NITE.

**Article 6 (Handling of information by NITE)**

NITE shall not disclose any information submitted by the Applicant except for the following cases;

- (a) Information necessary for the implementation of the Service that Applicant agrees to disclose.
- (b) When the Ministry of Economy, Trade and Industry requests for the disclosure of information related to the issuance of Notification.
- (c) When a written request for disclosure of information is submitted by the Applicant.

**Article 7 (NITE's exclusion of liability)**

NITE shall not assume any responsibility whatsoever with respect to the Applicant and third parties, concerning the genetic resource and related information described in the Application and the Notification.

**Article 8 (Assignment or transfer of the Service)**

NITE may comprehensively assign the Service to a third party, and assign all or part of its contractual status, rights and obligations which NITE has as the Service Trustee with respect to the Applicant.

**Article 9 (Governing law and the court of agreed jurisdiction)**

This agreement shall be governed by the laws of Japan. The Tokyo District Court shall have exclusive jurisdiction in the first instance to adjudicate any dispute arising out of or relating to this agreement.

**Article 10 (Discussion)**

NITE and the Applicant shall discuss in good faith about matters not set forth in this agreement and for any ambiguities that arise in the interpretation of this agreement.

## Instructions

1. For the “Applicant”, fill in the name of the representative in the Name section and the name of the entity in the Organization section.

- The Applicant in the Application and Agreement must be the same person.
- If there is more than one Applicant, indicate all the Applicants in the Applicant section or separately provide a list of Applicants.
- Please attach an electronic signature to the Agreement for the proof of identity of the Applicant.

2. The “Date” must be the same as the date in the Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan.

## Example for Application for Re-issuance of Notification of Acquisition of the Genetic Resources in Japan

Sample 1: Re-issuance of Notification of Acquisition of the Genetic Resources in Japan (where there is no change to the Applicant)

### Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan

To the President of  
The National Institute of Technology and Evaluation (NITE)

#### Applicant [Instruction 1]

Hanako Iroha, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

0-0-0 XXXX, XXXX-ku, Tokyo, Japan

*Address*

(Month) (Day), (Year)

*Date [Instruction 2]*

The Applicant agrees to each provision of the "Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan", and hereby applies for the issuance of Notification of Acquisition of the Genetic Resource in Japan ("Notification") with respect to the genetic resource and related information below.

Type of request:

[Instruction 3]

New issuance

Re-issuance

(Reference Number: NITE-NP990001 )

Name of the genetic resource:

[Instruction 4]

Bacillus ABC123

Scientific name of the genetic resource:

Person who collected the genetic resource:

Origin and history of the genetic resource:

Keywords to describe the genetic resource: Check one

Plant

Animal

Microorganism

Other ( ) \*

\* If you select "Other", please provide a brief description of the genetic resource in the parenthesis.

Check any of the following, if applicable:

- Mutant
- Genetically modified organism

(Name: \_\_\_\_\_ )

Location where the genetic resource was collected:

Date on which the genetic resource was collected:

Purpose of use:

Posting of a copy of the Notification on NITE's website:  Required  
 NOT required  
[\[Instruction 5\]](#)

Contact person:  
[\[Instruction 6\]](#)

Name: [Kentaro Maeda](#)  
Affiliation: [XXXX Division, XXXX Department, A Corporation](#)  
Address: [0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
Telephone: [03-0000-0000](#)  
E-mail: [00001111@aaa.co.jp](mailto:00001111@aaa.co.jp)

Billing address:  
[\[Instruction 7\]](#)

Name: [Hanako Iroha, President, A Corporation](#)  
Address: [0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
Telephone: [03-1111-1111](#)

Sample 2: Re-issuance of Notification of Acquisition of the Genetic Resources in Japan (where there is a change to the Applicant)

## Application for Issuance of Notification of Acquisition of the Genetic Resource in Japan

To the President of  
The National Institute of Technology and Evaluation (NITE)

### Applicant [Instruction 1]

Taro Yamada, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

0-0-0 XXXX, XXXX-ku, Tokyo, Japan

*Address*

(Month) (Day), (Year)

*Date [Instruction 2]*

The Applicant agrees to each provision of the "Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan", and hereby applies for the issuance of Notification of Acquisition of the Genetic Resource in Japan ("Notification") with respect to the genetic resource and related information below.

Type of request:

[Instruction 3]

New issuance

Re-issuance

(Reference Number: NITE-NP990001)

Name of the genetic resource:

[Instruction 4]

Bacillus ABC123

Scientific name of the genetic resource:

Person who collected the genetic resource:

Origin and history of the genetic resource:

Keywords to describe the genetic resource: Check one

Plant

Animal

Microorganism

Other ( ) \*

\* If you select "Other", please provide a brief description of the genetic resource in the parenthesis.

Check any of the following, if applicable:

Mutant

Genetically modified organism

(Name: \_\_\_\_\_ )

Location where the genetic resource was collected:

Date on which the genetic resource was collected:

Purpose of use:

Posting of a copy of the Notification on the NITE's website:  Required  
 NOT required  
[\[Instruction 5\]](#)

Contact person:  
[\[Instruction 6\]](#)

Name: [Kentaro Maeda](#)  
Affiliation: [XXXX Division, XXXX Department, A Corporation](#)  
Address: [0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
Telephone: [03-0000-0000](#)  
E-mail: [00001111@aaa.co.jp](mailto:00001111@aaa.co.jp)

Billing address:  
[\[Instruction 7\]](#)

Name: [Taro Yamada, President, A Corporation](#)  
Address: [0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
Telephone: [03-1111-1111](#)

## Instructions

1. For the “Applicant”, fill in the name of the representative in the Name section, the name of the entity in the Organization section, and the location of the head office in the Address section.

[Where there is no change to the Applicant]

- The Applicant must be the same as the Applicant in the issued Notification. If there is any change to the representative or the address, submit the “Application for Revision of the Notification” separately.

[Where there is a change to the Applicant]

- Reflect the change and new information with regard to the Applicant in the application. Additionally, submit the “Application for Revision of the Notification”, and check whether the information on the two applications matches.
- If there is more than one Applicant, indicate all the Applicants in the Applicant section or separately provide a list of Applicants.

2. For the “Date”, indicate the date of filing application.

3. For the “Type of request”, check “ Re-issuance,” and specify the reference number of the Notification for which the re-issuance is requested.

- If the Notification has been re-issued more than once, specify the reference number of the initially issued Notification.

4. For the “Name of the genetic resource”, specify the name of the genetic resource as indicated in the Notification for which the re-issuance is requested.

5. For the “Posting of a copy of the Notification on NITE’s website”, check “ Required” if it is necessary to post a copy of the Notification on NITE’s website, and check “ NOT required” if not necessary.

- If the posting on the website is requested, a copy of the Notification will be posted in PDF format.
- Please note that even if the posting on the website is not requested, the reference number, issue date and validity of the Notification will be posted.
- If you wish to withdraw the posting of the issued Notification on the website, submit the “Application for Change of Intent: Posting of a Copy of the Notification on NITE's Website” separately.

6. For the “Contact person”, indicate the person capable of responding to the inquiries from NITE regarding the contents of the application.

- The Notification will be sent to the “Contact person”.

7. For the “Billing address”, specify the name, address, and telephone number to be indicated on the invoice.

- An advanced payment of the fees is required for the re-issuance of Notification..
- Please note that no quotation or delivery note shall be issued.

## Example for Application for Revision of the Notification

### Application for Revision of the Notification

To the President of  
The National Institute of Technology and Evaluation (NITE)

#### Applicant [Instruction 1]

Taro Yamada, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

0-0-0 XXXX, XXXX-ku, Tokyo, Japan

*Address*

(Month) (Day), (Year)

*Date [Instruction 2]*

The Applicant agrees to each provision of the "Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan", and hereby applies for the revision of applicant's information contained in the notification shown in item 2 below due to the following reason. Also, the Applicant attaches the document with respect to the revision. [Instruction 8]

1. Reason for revision: [Instruction 3] Due to the change of the President of A Corporation.
  2. Reference number of the notification : NITE-NP990001  
Date of issuance of the notification : (Month) (Day), 2017  
[Instruction 4]
  3. Applicant's information before revision: [Instruction 5] Name (of the representative): Hanako Iroha, President  
Organization (if applicable): A Corporation  
Address: 0-0-0 XXXX, XXXX-ku, Tokyo, Japan
  4. Contact person: [Instruction 6] Name: Kentaro Maeda  
Affiliation: XXXX Division, XXXX Department, A Corporation  
Address: 0-0-0 XXXX, XXXX-ku, Tokyo, Japan  
Telephone: 03-0000-0000  
E-mail: 00001111@aaa.co.jp
- Billing address: [Instruction 7] Name: Taro Yamada, President, A Corporation  
Address: 0-0-0 XXXX, XXXX-ku, Tokyo, Japan  
Telephone: 03-1111-1111

## Instructions

1. For the “Applicant”, fill in the name of the representative in the Name section, the name of the entity in the Organization section, and the location of the head office in the Address section.
  - Reflect the change and new information with regard to the Applicant in the application.
  - If there is more than one Applicant, indicate all the Applicants in the Applicant section or separately provide a list of Applicants.
2. For the “Date”, indicate the date of filing application.
3. For the “Reason for revision”, describe the reason for revision.
  - In the case of a change of the representative, the reason for the revision would be, for example, “Due to the change of the President.”
  - In the case of a name change of the Organization and the representative due to merger, consolidation or any other cause, the reason for the revision would be, for example, “Because of the transfer of all rights related to the Notification to XX due to the merger of companies.”
4. For the “Reference number of the notification” and the “Date of issuance of the notification”, specify the information as indicated in the Notification for which the revision is requested.
5. For the “Applicant’s information before revision”, indicate the name, name of the organization and the address of the Applicant as indicated in the Notification for which the revision is requested.
6. For the “Contact person”, indicate the person capable of responding to the inquiries from NITE regarding the contents of the application.
7. For the “Billing address”, specify the name, address, and telephone number to be indicated on the invoice.
8. As the “document with respect to the revision,” attach the document with information that identifies the Applicant or the document that verifies the change or the succession of the position from the previous Applicant.
  - Example of the document includes the notice of the change to the company name and the president, a copy of the web page announcing the change of the president, or a copy of the letter of appointment.
  - Example of the document also includes a letter of consent signed by the previous Applicant for authorizing the change of the Applicant.

## Example for Application for Change of Intent: Posting of a Copy of the Notification on NITE's Website

### Application for Change of Intent: Posting of a Copy of the Notification on NITE's Website

To the President of  
The National Institute of Technology and Evaluation (NITE)

#### Applicant [Instruction 1]

Hanako Iroha, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

0-0-0 XXXX, XXXX-ku, Tokyo, Japan

*Address*

(Month) (Day), (Year)

*Date [Instruction 2]*

The Applicant agrees to each provision of the "Agreement on Issuance of Notification of Acquisition of the Genetic Resource in Japan", and hereby expresses a change of intent with regard to the posting of a copy of the Notification shown in item 2 below, on NITE's website. The reason for the change of intent is provided in item 1.

- Reason for the intent change: [Since the patent was registered, we would like to post it on the website.](#)  
[Instruction 3]
- Reference number of the notification: [NITE-NP990001](#)  
Date of issuance of the notification: [\(Month\) \(Day\), 2017](#)  
[Instruction 4]
- New intent; Posting of a copy of the Notification on NITE's website:  Required  
 NOT required  
[Instruction 5]

Contact person:  
[Instruction 6]

Name: [Kentaro Maeda](#)  
Affiliation: [XXXX Division, XXXX Department, A Corporation](#)  
Address: [0-0-0 XXXX, XXXX-ku, Tokyo, Japan](#)  
Telephone: [03-0000-0000](#)  
E-mail: [00001111@aaa.co.jp](#)

## Instructions

1. For the “Applicant”, fill in the name of the representative in the Name section, the name of the entity in the Organization section, and the location of the head office in the Address section.

- The Applicant must be the same as the Applicant indicated in the Notification.

2. For the “Date”, indicate the date of filing the application.

3. For the “Reason for the intent change,” describe the reasons for requesting the change.

4. For the “Reference number of the notification” and the “Date of issuance of the notification”, specify the information as indicated in the Notification.

5. For the “New intent; Posting of a copy of the Notification on NITE’s website”, check either of the boxes to express your intention.

6. For the “Contact person”, please indicate the person capable of responding to the inquiries from NITE regarding the contents of the application.

## Example for Filling Out Application for Invalidation of Notification of Acquisition of the Genetic Resources in Japan

### Application for Invalidation of Notification of Acquisition of the Genetic Resources in Japan

To the President of  
The National Institute of Technology and Evaluation (NITE)

#### Applicant [Instruction 1]

Hanako Iroha, President

*Name (of the representative)*

A Corporation

*Organization (if applicable)*

0-0-0 XXXX, XXXX-ku, Tokyo, Japan

*Address*

(Month) (Day), (Year)

*Date [Instruction 2]*

The Applicant hereby applies for the invalidation of the Notification of Acquisition of the Genetic Resources in Japan shown in item2 as below;

1. Reason for invalidation: Because of the termination of the use of the genetic resource as indicated in the Notification of Acquisition of the Genetic Resources in Japan.  
[Instruction 3]
2. The reference number of the notification that the Applicant requests to invalidate: NITE-NP990001  
Date of issuance of the notification: (Month) (Day), 2017  
[Instruction 4]

## Instructions

1. For the “Applicant”, fill in the name of the representative in the Name section, the name of the entity in the Organization section, and the location of the head office in the Address section.

- The Applicant must be the same as the one written in the Notification that you wish to invalidate.

2. For the “Date”, indicate the date of filing application.

3. For the “Reason for invalidation”, clearly describe the reason for requesting the invalidation.

- Examples: “Due to destruction of the genetic resource and termination of the utilization.” “Due to the discovery of errors in the description of the Notification.”

4. For the “reference number of the notification that the Applicant requests to invalidate” and “Date of issuance of the notification”, specify the information as indicated in the Notification for which the invalidation is requested.