

Support to ensure the unrestricted international distribution of bacterial type cultures

The International Committee on Systematics of Prokaryotes (ICSP), a committee of the International Union of Microbiological Societies, regulates the validation of all new prokaryotic species names by means of the “International Code of Nomenclature of Prokaryotes” (the Code), administered through the Validation Lists published in the International Journal of Systematic and Evolutionary Microbiology. According to Rule 30 of the Code the type culture representing a new species “must be deposited in at least two publicly accessible culture collections in different countries from which subcultures must be available” and “organisms deposited in such a fashion that access is restricted may not serve as type strains.” This is to allow all type strains to be utilised as reference material for future identification and taxonomic studies. Having regulations that restrict the free access to the type strains deposited in culture collections will be in conflict with the Code. When these restrictions are in place, it will not be possible to validate the species name. Similarly, restrictions on the use of a type strains’ genome sequence data also contradict the spirit of the Code and would be considered a barrier to validation.

Based on the “Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization” a number of countries have restricted the free distribution of all biological material, including the bacterial cultures designated as type material. This will severely affect the efforts of bacterial taxonomists in these countries to describe and publish their research on the microbial biodiversity associated with their country. The ICSP strongly supports all efforts from microbiologists in these countries to obtain permission from their regulatory authorities to allow the deposit of type strains in recognised overseas culture collections with the understanding that these collections will be allowed to distribute such cultures to third parties for research, without prior consent.

The ICSP strongly supports the vision of the Nagoya protocol to ensure fair benefit sharing but strongly believes that the measure proposed above will not infringe on the benefit sharing rights of any country as outlined in the Convention on Biological Diversity. All internationally recognised culture collections require that third parties should sign Material Transfer Agreements. Typically these agreements clearly stipulate that “any use for commercial research or applications are excluded and require prior written permission”. These restrictions on commercial use of type cultures are in line with the requirements of the Code and will not impact on the validity of any new species descriptions.

Scientists with specific enquiries relating to the impact of the Nagoya protocol on their taxonomic work are encouraged to contact the ICSP via the Secretary.