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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Ninth Extraordinary Session

Geneva, April 27, 1990

CONFORMITY OF THE LEGISLATION OF THE CZECHOSLOVAK
SOCIALIST REPUBLIC WITH THE UPOV CONVENTIONDocument prepared by the Office of the UnionIntroduction

1. By letter, dated January 31, 1990, Mr. Emil Cakajda, Vice-Minister for Agriculture and Food of the Czechoslovak Socialist Republic requested, pursuant to Article 32(3) of the 1978 Act of the UPOV Convention (hereinafter referred to as the "Convention") the advice of the Council of UPOV on the conformity of the legislation of Czechoslovakia with the provisions of the Convention. The letter is reproduced at Annex I to this document.

2. It is recalled that, to become a member of UPOV, Czechoslovakia must deposit an instrument of accession, in accordance with Article 32(1)(b) of the Convention, since it has not signed the Convention. The condition to be satisfied before such a deposit can be made is that Czechoslovakia must ask the Council to give an advice on the conformity of its legislation with the provisions of the Convention and that the decision of the Council embodying the advice must be positive.

3. It is further recalled that Dr. D. Böringer (Federal Republic of Germany) and an official of the Office of the Union visited the competent authorities of Czechoslovakia in Prague on December 8 and 9, 1987, to study a first draft of an outline law on the protection of new plant varieties and to give advice thereon. On September 11 and 12, 1989, Mr. Peter Slimák, Director of the Principal Division for Legislative Affairs of the Federal Ministry for Agriculture and Food, visited the Office of the Union to discuss the compatibility with the provisions of the Convention of the draft of the law now officially submitted for advice.

Legal Basis for the Protection of New Plant Varieties in Czechoslovakia

4. The protection of new plant varieties in Czechoslovakia is based:

i) on the Law of November 15, 1989, on the Legal Protection of New Plant Varieties and Animal Breeds, which is reproduced at Annex II to this document;

ii) on the Decree of November 20, 1989, of the Federal Ministry for Agriculture and Food Concerning the Implementation of Certain Provisions of the above-mentioned Law, an extract of which is reproduced at Annex III to this document;

iii) on the Decree of November 20, 1989, of the Federal Ministry for Agriculture and Food Establishing the List of Economically Important Plant and Animal Species and Genera, which is reproduced at Annex IV to this document.

Persons Entitled to Protection (Article 1(1) of the Convention)

5. Article 1(1) of the Convention provides that "the purpose of this Convention is to recognise and to ensure to the breeder of a new plant variety or to his successor in title ... a right." The breeder is defined in Article 2(g) of the law by reference to the right of ownership or an economic right in the variety. According to Article 3(1) of the law, the successor in title may be granted a Breeder's Certificate. The provisions of Article 11 on the transfer of the Breeder's Certificate show that the transfer to a successor in title may be by contract or as provided by law.

6. The case of joint breeding is dealt with in Article 9, and the right of preemption in the case where a share in the breeder's right is to be transferred in Article 11(2). Natural persons who have created a variety in the framework of their activities for a Czechoslovak organisation are entitled to a remuneration, as the originators of the variety; the remuneration is calculated on the basis of the financial benefits from the commercial exploitation or the transfer of the variety (Article 7).

7. Altogether those provisions are completely standard and conform to the Convention.

Forms of Protection (Article 2(1) of the Convention)

8. The protection provided by the law under consideration is accorded in the form of a special title (Breeder's Certificate). Neither the law under consideration nor the Law No. 84 of November 1, 1972, on Discoveries, Inventions, Rationalization Proposals and Industrial Designs contain provisions on the patentability or exclusion from patentability of plant varieties. In this respect, Czechoslovakia is in the same legal situation as several member States. A comparison between the law of November 1, 1972, and similar laws of certain neighboring countries leads to the conclusion, however, that varieties are not protectable by patents or inventors' certificates.

9. That fact was confirmed by a representative of the Office for Inventions and Discoveries of Czechoslovakia at the session which the (joint UPOV/WIPO) Committee of Experts on the Interface Between Patent Protection and Plant Breeders' Rights held from January 29 to February 2, 1990. She added on that occasion that a new patent law was under preparation and that that law would

exclude plant varieties, animal breeds and breeding processes from patentability (see paragraph 55 of document WIPO/UPOV/CE/I/4.)

National Treatment; Reciprocity (Article 3 of the Convention)

10. Article 15 of the law sets out the principle of reciprocity in conformity with Article 3(3) of the Convention and makes an exception for international agreements; it also provides a possibility for making derogations in special cases. That article is in conformity with Article 3 of the Convention.

Botanical Genera and Species Which Must or May be Protected (Article 4 of the Convention)

11. Protection currently applies to 104 plant taxa (and 19 animal taxa) considered to be economically important. That number is well above the minima set out by Article 4(3) of the Convention.

Rights Protected; Scope of Protection (Article 5 of the Convention)

12. The law confers on the holder of a Breeder's Certificate an exclusive right to the commercial exploitation of the variety (Article 8(1)). According to Article 2(h) of the law "commercial exploitation of the variety" means the production for sale, offer for sale and sale of propagating material (i.e., according to Article 2(b), seeds, planting materials, nursery products and plants and their parts to be used for further propagation). The law contains no provision covering the case considered in the third sentence of Article 5(1) of the Convention; however, that case should be covered by an extensive interpretation of the notion of propagating material (where plants or parts of plants referred to in the third sentence of Article 5(1) of the Convention are sold for purposes of propagation) and by Article 27(1)(a)1 (where such plants or parts of plants are used commercially).

13. Article 5(3) of the Convention has its equivalent in Article 8(3) of the law, so that the Czechoslovak law essentially conforms to Article 5 of the Convention.

Conditions Required for Protection (Article 6 of the Convention)

14. The technical and legal conditions for the granting of a Breeder's Certificate are set out in Article 4 of the law in terms which, although somewhat different from those used in Article 6 of the Convention, enable Czechoslovakia to conform to the Convention. It is to be noted in that respect that a one-year "grace period" is provided for commercialization of the variety in Czechoslovakia before the filing of the application. The obligation to give a denomination to the variety results from Article 6. The denomination must be stated in the application for protection pursuant to Article 1(b) of the Decree of November 20, 1989, of the Federal Ministry for Agriculture and Food for the Implementation of Certain Provisions of the Law.

15. The formalities provided in the third part of the law, in particular in Article 16, do not give rise to any comment in relation to Article 6(2) of the Convention.

Official Examination of Varieties (Article 7(1) and (2) of the Convention)

16. The provisions relating to the prior examination of varieties are to be found in Article 20 in terms similar to those of Article 7(1) and (2) of the Convention. As in several member States, the service responsible for the administration of the protection system (the Federal Ministry for Agriculture and Food) will rely on the expertise of other authorities and organizations. The possibility of taking into account results of tests performed in other countries is provided in Article 20(3).

Provisional Protection (Article 7(3) of the Convention; Duration of Protection (Article 8 of the Convention)

17. According to Article 12 of the law, the duration of protection--and therefore also its effects--is computed from the date of filing of the application. It is 25 years in the case of hop, grapevine and fruit, ornamental and forest woody species and woodstocks thereof; it is 20 years for other plant species. Those durations enable Czechoslovakia to conform to the Convention.

18. It is noteworthy that, for animal breeds, protection is granted for the whole duration of existence of the breed concerned.

Restrictions in the Exercise of Rights Protected (Article 9 of the Convention)

19. Article 10 of the law enables the Federal Ministry for Agriculture and Food to grant a compulsory licence, in the public interest, where the owner of the Breeder's Certificate does not exploit the variety or exploits it insufficiently. Paragraph (2) of that article guarantees equitable remuneration to the owner. The provisions of that article conform to Article 9 of the Convention.

Nullity and Forfeiture of the Rights Protected (Article 10 of the Convention)

20. The nullity and the forfeiture of the Breeder's Certificate are dealt with in Articles 13 and 23 of the law. The first article covers the case of non-payment of the administrative fee (Article 10(3)(b) of the Convention). The second article covers the circumstances contemplated in Article 10(1), (2) and (3)(a) of the Convention.

21. Article 23(1)(a) of the law relates to nullity. Contrary to Article (1) of the Convention, it does not expressly limit annulment to a lack of distinctness or novelty. That limitation results, however, from subparagraph (b) which corresponds in more concise form to Article 10(2) of the Convention and relates to a lack of homogeneity or stability established subsequently. Subparagraphs (c) and (d) correspond to Article 10(3)(a) of the Convention, that is, relate to the incapability or reticence of the holder of the Breeder's Certificate to provide the authority with plant material corresponding to the variety; the forfeiture in the case of non-payment of the costs of the verification tests of the variety appears to be perfectly natural in the context of that Article, although it is not expressly provided for by Article 10 of the Convention: the payment may indeed be assimilated to a fee under Article 10(3)(b) or a measure with a view to "allow inspection of the measures which have been taken for the maintenance of the variety."

22. In total, the law conforms to Article 10 of the Convention.

Free Choice of the Member State in Which the First Application is Filed; Application in Other Member States; Independence of Protection in Different Member States (Article 11 of the Convention)

23. Article 19(1) provides the obligation to file the first application for the protection of a Czechoslovak variety or breed in Czechoslovakia; however, it sets out an exception in favor of international agreements. Article 11 of the Convention will therefore prevail once Czechoslovakia becomes a member State of UPOV.

24. The obligation to notify to the Federal Ministry for Agriculture and Food the filing abroad of applications in respect of Czechoslovak varieties is an administrative measure which is not prevented by Article 11 of the Convention.

Right of Priority (Article 12 of the Convention)

25. Article 16(3) of the law sets out the principle of a right of priority and also the basic rules for claiming that right, so that Czechoslovakia will be able to conform to Article 12 of the Convention as concerns both its law and its administrative practice.

Variety Denomination (Article 13 of the Convention)

26. Article 6 of the law sets out the main conditions which must be fulfilled by a variety denomination in a way which is in conformity with the corresponding provisions of Article 13 of the Convention. The obligation to use the denomination in the commercial exploitation of the variety--as defined in Article 2(h)--and in relation to subsequent breeding work is stated in Article 14. That article also provides for the protection of the denomination against further use in relation to other varieties of the same class for denomination purposes. A penal sanction of non-utilisation of the denomination is provided in Article 27(1)2.

27. The law does not contain all provisions of Article 13 of the Convention, in particular the administrative rules and the provision on the simultaneous use of another indication. This does not, however, prevent Czechoslovakia from applying all provisions of Article 13 of the Convention.

Protection Independent of Measures Regulating Production, Certification and Marketing (Article 14 of the Convention)

28. None of the provisions of the law raise doubts as to the independence of protection from measures regulating production, certification and marketing of seeds and propagating material. The provision in Article 30(3) is a transitional one which applies to varieties benefiting from the transitional limitation of the requirement of novelty and which, in addition, merely sets out a classical legal relationship. In that respect, the law is also in conformity with Article 14 of the Convention.

Legal Remedies (Article 30(1)(a) of the Convention)

29. Article 24 (which provides that the procedure before the Federal Ministry for Agriculture and Food is essentially governed by the general rules of administrative procedure), Article 25 (which defines the competence for deciding

disputes arising from the law) and Articles 26 to 28 (which define the civil law and penal law remedies in case of infringement of the breeder's right) testify that Czechoslovakia provides, pursuant to Article 30(1)(a) of the Convention, for "appropriate legal remedies for the effective defence of the rights provided for in this Convention".

Special Authority for the Protection of New Varieties of Plants (Article 30(1)(b) of the Convention)

30. The administration of the plant variety protection system is entrusted to the Federal Ministry for Agriculture and Food.

Publication of Information Concerning Protection (Article 30(1)(c) of the Convention)

31. Information concerning protection will be published in the Bulletin of the Federal Ministry for Agriculture and Food.

Transitional Limitation of the Requirement of Novelty (Article 38 of the Convention)

32. Article 30 of the law provides for the possibility of protecting "original varieties that have been entered in the (Czechoslovak) State Variety Book before the entry into force of the law (January 1, 1990) and commercially exploited for less than ten years on that date. Applications for the protection of such varieties have to be filed before January 1, 1991.

Protection of Animal Breeds

33. The law under consideration also provides for the protection of animal breeds, like the Hungarian Law on the Protection of Patents for Inventions. However, whereas the Hungarian law simply provides for an extension mutatis mutandis to animal breeds of the provisions governing the protection of new plant varieties (Article 71 of the law), the Czechoslovak law contains some special provisions. For certain animal species, the protection system is partly based on the existing legal provisions concerning animal breeding (in particular on the herd books). For the others, the protection system is similar to that for plant varieties. The following are the most important differences:

(i) The stability of a breed is also assessed by reference to the conditions of the environment in which the breed is maintained (Article 5(2)(c));

(ii) To be protected, a variety must be represented by a number of animals that is sufficient to ensure the perpetuation of the breed (Article 5(2)(e));

(iii) The duration of protection is equal to the duration of existence of the breed (Article 12(c));

(iv) The reduction of the population beyond the survival threshold of the breed is a ground for forfeiture of the right (Articles 22(1) and 23(1)(c)).

Conclusion

34. The legislation of Czechoslovakia appears to essentially conform to the 1978 Act of the Convention.

35. The Council is invited:

i) to take a decision on the conformity of the legislation of the Czechoslovak Socialist Republic with the provisions of the 1978 Act of the Convention in accordance with Article 32(3) of that Act;

ii) to authorize the Secretary-General to inform the Government of the Czechoslovak Socialist Republic of that decision.

[Annexes follow]

ANNEX I

Ing. Emil Č a k a j d a

Prague, January 31, 1990
Ref.No. FM 2-108 /1990

Mr. Chairman,

referring to our previous talks concerning the accession of the Czechoslovak Socialist Republic to the International Convention on the Protection of New Varieties of Plants I would like to inform you that on the 15th of November 1989 the Federal Assembly of the Czechoslovak Socialist Republic passed the Act on Legal Protection of New Varieties of Plants and Breeds of Animals which thus became a Law. At the same time, the Assembly was informed on the intention that Czechoslovak Socialist Republic was to become Party to the above-mentioned Convention.

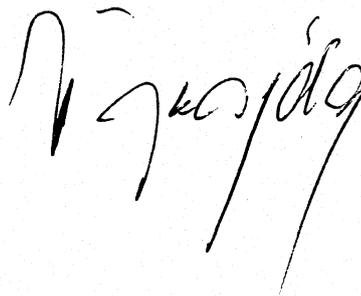
I send enclosed the authentic text of Law No. 132/1989 of the Collection of Laws of the Czechoslovak Socialist Republic concerning the legal protection of new varieties of plants and breeds of animals, together with its English translation, and Bulletin No. 134/1989 of Col., containing the list of economically important species and genera of plants and animals to which the said Law applies.

Another legal regulation which is contained in the enclosed part of the Collection of Laws and which is related to the given range of problems, is Bulletin No. 133/1989 of Col. with executive regulations for some provisions of Law 132/1989 of Col. on Legal Protection of New Varieties of Plants and breeds of Animals; this Bulletin also contains a model application form to be used for filing in respect of the protection of a variety or breed.

I would like to ask you to submit Czechoslovak Law No. 132/1989 of Col. on Legal Protection of New Varieties of Plants and Breeds of Animals to UPOV Council to consider it

and to issue their opinion whether this legal regulation meets UPOV requirements and whether the Czechoslovak Socialist Republic may send the document on accession to the International Convention on the Protection of New Varieties of Plants.

Yours faithfully,



Mr. Arpád B o g s c h
Chairman of UPOV Council
Geneva

[Annex II follows]

ANNEX II

LAW ON THE LEGAL PROTECTION OF NEW VARIETIES OF PLANTS
AND BREEDS OF ANIMALSNo. 132 of November 15, 1989

The Federal Assembly of the Czechoslovak Socialist Republic has passed the following Law:

PART ONE

GENERAL PROVISIONS

Article 1Purpose and Scope of Application of the Law

(1) The purpose of this Law is to regulate the rights and duties arising for physical and legal persons from the creation of new varieties of plants (hereinafter referred to as "varieties") and breeds of animals (hereinafter referred to as "breeds") and from their commercial exploitation.

(2) This Law applies to those varieties and breeds of economically important species of plants and animals which will be listed in a generally binding regulation.

Article 2Definitions

For the purposes of this Law:

(a) "Variety" shall mean a set of cultivated plants exhibiting characteristic properties and traits which it maintains during propagation and normal cultivation; lines, hybrids, components of varieties and hybrids, and clones shall also be deemed to be varieties;

(b) "Propagating material of varieties" shall mean seeds, planting materials, nursery products and plants and their parts to be used for further propagation;

(c) "Breed" shall mean a population of animals having the same origin and exhibiting characteristic morphological and physiological properties, which is capable of reproducing itself; lines and hybrids of animals, and production stocks of poultry shall also be deemed to be breeds;

(d) "Propagating material of breeds" shall mean embryos, sperm, as well as living animals and ova to be used for further propagation;

(e) "Originator" shall mean a physical person who created a variety or a breed through his/her own creative work; if several persons contributed through their creative work to the creation of a variety or a breed, those persons shall also be deemed to be an originator;

(f) "Creation of a variety or a breed in the framework of the activities of a Czechoslovak organization" shall mean the creation of a variety or a breed in the performance of tasks under an employment, membership or other relationship of a similar nature to such an organization or with the material assistance therefrom;

(g) "Breeder" shall mean:

1. a legal person who holds the right of ownership or an economic right in respect of a variety or a breed as the product of his breeding activity;
2. an originator who created a variety or a breed outside the framework of his activity within a Czechoslovak organization;
3. a legal or physical person who is not a Czechoslovak national and who holds the right in respect of a variety or a breed;

(h) "Commercial exploitation of a variety or a breed" shall mean the production for sale, offer for sale and sale of propagating material of a variety or of propagating material of a breed;

(i) "Owner of the Breeder's Certificate" shall mean the person to whom the Breeder's Certificate has been granted, or his successor in title.

PART TWO

THE GRANTING OF THE BREEDER'S CERTIFICATE AND THE RIGHTS AND DUTIES OF BREEDERS AND ORIGINATORS

Article 3

(1) The breeder or his successor in title (hereinafter referred to as "applicant") shall be granted, on the basis of his application, a Breeder's Certificate in respect of a variety or a breed which complies with the conditions laid down in Articles 4 to 6.

(2) The Breeder's Certificate is to certify :

- (a) the creation of a variety or a breed;
- (b) the name of the variety or the breed with the indication of the species (genus);
- (c) originatorship;
- (d) the right of the owner of the Breeder's Certificate to exploit the variety or the breed commercially;
- (e) the dates of commencement and termination of the protection of the rights in respect of the variety or the breed.

Article 4Conditions for the Granting of the Breeder's Certificate
in Respect of a Variety

(1) The conditions for the granting of the Breeder's Certificate in respect of a variety shall be deemed to be complied with if the variety is:

(a) distinct by at least one major trait or property from any other variety that is commonly known at the date of filing of the application;

(b) homogeneous to a level that is adequate to the biological properties of the material concerned;

(c) stable in its major traits while respecting the peculiarities of its requirements during propagation;

(d) new.

(2) The condition of novelty shall be deemed to be complied with if the variety has not been sold or offered for sale:

(a) in the territory of the Czechoslovak Socialist Republic for more than one year before the date of filing of the application (Article 16);

(b) in the territory of any other State:

1. for longer than six years before the date of filing of the application if it is a variety of fruit tree, of a forest or an ornamental woody species, or of grapevine;

2. for longer than four years before the date of filing of the application if it is a variety of any other species.

(3) The fact that the variety has been sold or offered for sale without the approval of its breeder shall not be considered detrimental to its novelty.

Article 5Conditions for the Granting of the Breeder's Certificate
in Respect of a Breed

(1) The conditions for the granting of the Breeder's Certificate in respect of a breed to which special provisions¹ apply shall be deemed to be complied with if the breed has been certified or released pursuant to the said special provisions less than one year before the filing of the application (Article 16).

(2) The conditions for the granting of the Breeder's Certificate in respect of a breed to which special provisions¹ do not apply shall be deemed to be complied with if the breed is:

¹ Law of the Czech National Council No. 86/1972 of Zbírka zákonu (Collection of Laws) on the Breeding of Farm Animals; Law of the Slovak National Council No. 110/1972 of Coll. on the Breeding of Farm Animals; Law No. 102/1963 of Coll. on Fishery. [The footnotes are repeated in the text below in accordance with the original text.]

(a) distinct by at least one major trait or property from any other breed that is commonly known at the date of filing of the application;

(b) homogeneous to a level that is adequate to the biological properties of the breed concerned;

(c) stable in its major traits, while respecting the peculiarities ensuing from the environment in which the animals are bred;

(d) new;

(e) sufficiently large in number for reproduction.

(3) The condition of novelty shall be deemed to be complied with if the breed has not been sold or offered for sale:

(a) in the territory of the Czechoslovak Socialist Republic for longer than one year before the date of filing of the application;

(b) in the territory of any other State for longer than six years before the date of filing of the application.

(4) The fact that the breed has been sold or offered for sale without the approval of its breeder shall not be considered detrimental to its novelty.

Article 6

Denomination of the Variety or the Breed

(1) If a variety or a breed has been released in the Czechoslovak Socialist Republic pursuant to special provisions,² it shall bear the name established in accordance with the said provisions.

(2) The denomination of a variety or a breed shall not:

(a) consist solely of figures;

(b) be identical or liable to cause confusion with a denomination used in the Czechoslovak Socialist Republic or abroad for a variety or a breed of the same or a related genus, or otherwise infringe the rights of other breeders;

(c) be liable to mislead concerning the value, characteristics or origin of the variety or the breed, or the identity of the breeder or originator;

(d) be identical or liable to cause confusion with the trademark, indication of source or geographical designation used for the same or similar products, with a famous trade mark irrespective of the kind of product, or otherwise infringe upon the rights and protected interests of other persons;

(e) be contrary to public interests;

(f) be unsuitable for linguistic reasons.

² Law No. 61/1964 of Coll. on the Development of Crop Production; Law of the Czech National Council No. 86/1972 of Coll.; Law of the Slovak National Council No. 110/1972 of Coll.

(3) Foreign varieties or breeds shall retain their original denomination, or be given a translation thereof into the Czech or Slovak language, on the condition that this denomination complies with the provisions of Paragraph 2.

Article 7

Rights of the Originator

(1) Originatorship shall arise from the creation of a variety or a breed and shall be non-transferable.

(2) If an application is filed in respect of a Czechoslovak variety or breed, the originator shall be indicated in both the application and the Breeder's Certificate.

(3) An originator who created a variety or a breed while being employed or otherwise engaged by a Czechoslovak organization shall have a right, in relation to the Czechoslovak owner of the Breeder's Certificate, to a share of the financial benefits derived from the commercial exploitation of the variety or the breed, including from the transfer of the Breeder's Certificate to a foreign person. If not otherwise agreed, the share shall always fall due on 1 April for the preceding calendar year in which the financial benefit was achieved.

(4) If more than one originator contributed through their creative work to the creation of a variety or a breed, they shall share their rights in proportion of their participation in the creation of the variety or the breed. If the shares of the originators cannot be determined, they shall be deemed to be equal.

(5) The procedure for the determination of the financial benefits derived from the commercial exploitation of a variety or a breed, the determination of the originator's share in the financial benefits and the modalities for its payment shall be laid down in a generally binding regulation.

Rights and Duties Arising from the Breeder's Certificate

Article 8

(1) The owner of the Breeder's Certificate shall have the exclusive right to exploit the variety or breed commercially; the variety or breed shall not be commercially exploited during the period of protection without his consent.

(2) Czechoslovak organizations which are engaged in the State system of the care of the development of animal breeding on the basis of a licence issued pursuant to special provisions¹ shall not be required to obtain such consent if the owner of the Breeder's Certificate in respect of a breed is a Czechoslovak legal or physical person.

(3) The consent of the owner of the Breeder's Certificate shall not be required if the variety or the breed serves for the breeding of another variety or breed; this shall not apply to cases where such a variety or breed is used repeatedly as a component for the production of another variety or the formation of another breed for purposes of sale.

(4) The right to commercially exploit a variety or a breed shall also include the right to authorize such commercial exploitation to other persons. Such

authorization (licence) shall be granted by means of a written contract which shall include the conditions of use and the agreement on the licence fees.

Article 9

(1) If a variety or a breed has been created by several originators in the framework of their activity for several Czechoslovak organizations, those organizations shall, as co-owners of the Breeder's Certificate, share the rights and duties in respect of the variety or the breed at the same ratio as the originators share their rights.

(2) The rights and duties of the co-owners of the Breeder's Certificate shall, in relation to third persons, be joint and several. As for their mutual claims, they shall settle accounts according to their shares.

Article 10

Compulsory Licences

(1) If the owner of a Breeder's Certificate refuses to authorize the commercial exploitation of the variety or the breed, or refuses to do so to the extent necessary, the Federal Ministry of Agriculture and Food (hereinafter referred to as "the Ministry") may substitute for his authorization, in the public interest, a compulsory licence.

(2) In the case where a compulsory licence is granted, the owner of the Breeder's Certificate shall be entitled to compensation through licence fees. If the owner of the Breeder's Certificate fails to reach agreement in respect of the value of the compensation with the organization to the benefit of which the compulsory licence has been granted, the decision shall be made, upon the proposal of either of them, by an authority referred to in Article 25, due account being taken of the costs of the breeding of the variety or the breed and of the financial benefits expected from its commercial exploitation.

Article 11

Transfer of the Breeder's Certificate

(1) The owner of the Breeder's Certificate may transfer the Certificate to any other person by written contract. All the rights and duties ensuing from the Breeder's Certificate, except the rights of the originator, are thus passed on to the new owner. The owner of the Breeder's Certificate shall be entitled to request the transferee to pay a financial compensation for the transfer.

(2) A co-owner of the Breeder's Certificate may transfer his share to any other co-owner. The Breeder's Certificate may be transferred to a third person only if none of the co-owners accepts a written offer of transfer within a period of one month.

(3) The contract relating to the transfer of the Breeder's Certificate shall come into force on the day of its entry in the Register of Protected Varieties

or in the Register of Protected Breeds, both Registers being kept by the Ministry; the entry shall be made upon payment of an administrative fee.³

(4) Any change in the person of the owner of the Breeder's Certificate other than through transfer in accordance with paragraphs (1) to (3) may only occur in cases determined by Law.

(5) Any change in the person of the owner of the Breeder's Certificate shall be entered in the Register of Protected Varieties or in the Register of Protected Breeds.

Article 12

Term of Validity of the Breeder's Certificate

The Breeder's Certificate shall be in force from the day of the filing of the application:

(a) for 25 years in the case of varieties of hop, grapevine, fruit, ornamental and forest woody species and rootstocks thereof;

(b) for 20 years in the case of varieties of other species;

(c) throughout the duration of the breed in the case of breeds.

Article 13

Termination of Validity of the Breeder's Certificate

(1) The Breeder's Certificate shall cease to be in force if:

(a) its term of validity has elapsed;

(b) the owner of the Breeder's Certificate has failed to pay in due course the administrative fee³;

(c) the owner (all co-owners) of the Breeder's Certificate renounces the Breeder's Certificate by a written declaration;

(d) the Breeder's Certificate is annulled (Article 23).

(2) The termination of the validity of a Breeder's Certificate shall be entered in the Register of Protected Varieties or the Register of Protected Breeds and shall be published in the Bulletin of the Federal Ministry of Agriculture and Food (hereinafter referred to as "Bulletin").

³ Decree of the Federal Ministry of Finance, the Ministry of Finance, Prices and Wages of the Czech Socialist Republic and the Ministry of Finance, Prices and Wages of the Slovak Socialist Republic No. 231/1988 of Coll. on Administrative Fees.

Article 14

Protection of the Denomination

The denomination of a variety or a breed shall be used in the commercial exploitation of the variety or the breed and in further breeding. The denomination of the variety or the breed shall not be used for any other variety or breed of the same or a related genus, not even after the termination of the validity of the Breeder's Certificate.

Article 15

Relationships with Other Countries

(1) Under the condition of reciprocity, any foreign physical and legal person shall have the same rights and duties as Czechoslovak nationals, provided that, if the rights of the owners of Breeder's Certificates are involved, this shall apply only where the State whose national such a person is or in which such a person has its seat, provides protection in respect of the species of plants or animals concerned. The Breeder's Certificate may be granted, despite the fact that this condition is not complied with, in cases deserving special consideration.

(2) Provisions of international agreements binding on the Czechoslovak Socialist Republic shall remain unaffected.

PART THREE

PROCEDURE IN RELATION TO THE PROTECTION OF VARIETIES AND BREEDS

Article 16

Filing of the Application

(1) The applicant (Article 3) shall be entitled to file an application for the protection of a variety or a breed.

(2) The application shall be filed with the Ministry; the filing shall confer a right of priority on the applicant.

(3) The right of priority, as it may be derived from an international agreement, shall be claimed already in the application and shall be proved by due evidence within three months, failing which such a right of priority shall not be taken into consideration. The application shall contain the date and the name of the State of the first filing abroad from which the applicant derives his right of priority.

(4) The Ministry shall enter the applications, in the order in which they are received, in the Register of Applications in Respect of New Varieties or the Register of Applications in Respect of New Breeds.

Article 17Examination of the Application

(1) If an application does not conform to the prescribed requirements, the Ministry shall request the applicant to remedy the insufficiencies within a prescribed period. In cases deserving special attention the Ministry may assist in remedying the insufficiencies. If the insufficiencies are not remedied within the prescribed period, the procedure shall be discontinued. The applicant shall be notified of this eventuality at the time when the period is prescribed.

(2) If the applicant remedies the insufficiencies in due course, his right of priority shall remain unaffected.

(3) The requirements for the application shall be laid down by a generally binding regulation.

Article 18Publication of the Application

(1) The Ministry shall publish information on the filing of applications in its Bulletin. Justified objections against a filed application may be raised, with the Ministry, within three months from its publication. They may be raised by any legal or physical person. The decision on the objections shall be made by the Ministry. If an expert opinion is required for the decision on the objections (Article 20), the decision shall be made by the Ministry within three months from the receipt of the said expert opinion.

(2) A change in the applicant may be made:

(a) with the approval of the applicant;

(b) without his approval, on the basis of a valid decision of an authority referred to in Article 25.

(3) If, during the course of the processing of the application, an argument arises as to whether the application has been filed by an entitled person, the Ministry shall continue to process the application, but the decision on the Breeder's Certificate shall only be issued after the decision of an authority referred to in Article 25 has come into force.

(4) Any change in the applicant shall be entered in the Register of Application in Respect of New Varieties or Register of Applications in Respect of New Breeds.

Article 19Applications for the Protection of
Czechoslovak Varieties and Breeds in Other Countries

(1) An application for the protection of a Czechoslovak variety or breed may only be filed in another country after the filing in the Czechoslovak Socialist Republic; the Ministry may grant a derogation from this obligation where important trade policy interests are involved. This provision shall apply unless otherwise provided in an international agreement binding on the Czechoslovak Socialist Republic.

- (2) The person who files an application in respect of a Czechoslovak variety or breed in another country shall notify the Ministry of the filing.

Article 20

Determination of the Traits and Properties of Varieties and Breeds

- (1) Compliance with the conditions laid down in Articles 4 to 6 shall be examined by the Ministry on the basis of opinions of competent specialist authorities and organizations and, in the case of breeds to which special provisions apply,¹ on the basis of the decision of an appropriate authority.
- (2) The competent specialist authorities and organizations shall, if requested to do so by the Ministry, determine the traits and properties of the varieties and breeds within a period determined upon agreement between them and the Ministry. For this purpose the applicant shall provide free of charge biological material and documentation to the competent specialist authority or organization.
- (3) When examining varieties and breeds, the competent specialist authorities and organizations may also use the results of tests performed in other countries.
- (4) The competent specialist authorities and organizations shall be entitled, in relation to the applicant, to compensation for the operations associated with the examination of varieties and breeds, pursuant to the valid price regulations.

Article 21

The Granting of the Breeder's Certificate

- (1) The Ministry shall decide on the granting of Breeder's Certificate within three months from the receipt of the opinion of the competent specialist authority or organization, or from the receipt of the decision of the appropriate authority.
- (2) The decision on the granting of the Breeder's Certificate shall be entered in the Register of Protected Varieties or the Register of Protected Breeds. A Czechoslovak originator who is not the applicant shall be given a copy of the Breeder's Certificate.
- (3) The Breeder's Certificate shall be published in the Bulletin; the Breeders' Certificates in respect of varieties shall also be entered in the State Variety Book.⁴

Article 22

Verification Tests

- (1) While the Breeder's Certificate is in force, the owner of the Breeder's Certificate shall maintain the variety or the breed. If doubts arise as to whether the variety or the breed still complies with the conditions laid down

⁴ Law No. 61/1964 of Coll.

in Article 4(1)(b) and (c) or in Article 5(2)(b), (c) and (e), the owner of the Breeder's Certificate shall have the obligation, when requested to do so by the Ministry, to provide free of charge the biological material and documentation for the verification of the compliance with the said conditions.

(2) The verification shall be performed by authorities and organizations entrusted with the tests by special provisions.⁵ In the case of breeds to which no special provisions¹ apply the verification shall be performed by authorities and organizations entrusted by the Ministry.

(3) The authorities and organizations referred to in paragraph (2) shall be entitled, in relation to the owner of the Breeder's Certificate, to compensation for the operations associated with the performance of the verification tests, pursuant to the valid price regulations. This provision shall not apply to the verification tests of breeds to which special provisions¹ apply.

Article 23

Decision on Annulment of the Breeder's Certificate

(1) The Ministry shall or may annul the Breeder's Certificate if:

(a) it is subsequently proved that the conditions for its granting were not complied with; in such cases it shall be deemed that no such Certificate was ever granted;

(b) the variety or the breed no longer exhibits the traits which it exhibited when the Breeder's Certificate was granted;

(c) the biological material and the documentation necessary for the verification tests have not been delivered properly and on time (Article 22);

(d) the owner of the Breeder's Certificate fails to defray the charges for the verification tests within the prescribed period.

(2) The annulment of the Breeder's Certificate shall be entered in the Register of Protected Varieties or the Register of Protected Breeds and shall be published in the Bulletin. The annulment of Breeders' Certificates in respect of varieties shall also be entered in the State Variety Book.⁴

PART FOUR

JOINT, TRANSITIONAL AND FINAL PROVISIONS

Article 24

Administrative Procedure

The procedure before the Ministry shall be governed by the General Administrative Rules,⁶ unless otherwise provided in this Law.

⁵ Law No. 61/1964 of Coll.; Law of the Czech National Council No. 86/1972 of Coll.; Law of the Slovak National Council No. 110/1972 of Coll.; Law No. 102/1963 of Coll.

⁶ Law No. 71/1967 of Coll. on Administrative Procedure (Administrative Order).

Article 25

Settlement of Disputes

Civil courts and boards of arbitration in economic affairs shall, each within their jurisdiction, be competent to decide disputes concerning legal relationships based on this Law.

Article 26

Protection of Rights

In cases of infringement of a right protected under this Law, the owner of the Breeder's Certificate, or the originator if he is not the owner of the Breeder's Certificate, whose right has been infringed, may claim the infringement to be enjoined and the consequences of the infringement to be removed. If damage has been caused by the infringement, the person who suffered the damage shall be entitled to compensation. In cases of harm other than damage to property, the injured person shall be entitled to adequate satisfaction, which may also take the form of monetary compensation.

Article 27

Penal Sanctions to Organizations

(1) Any organization which:

(a) infringes this Law during the term of validity of the Breeder's Certificate by:

1. commercially exploiting a variety or a breed without the approval of the owner of the Breeder's Certificate, or
2. not using the registered name while commercially exploiting a variety or a breed, or using the registered name for another variety or breed of the same or a related genus;

(b) files an application for protection in respect of a Czechoslovak variety or breed in another country without being entitled to do so (Article 19(1)); or

(c) fails to notify the Ministry of its application for the protection of a Czechoslovak variety or breed in another country (Article 19(2))

shall be liable to a fine, imposed by the Ministry, not exceeding 500,000 Czechoslovak crowns.

(2) In determining the fine, the Ministry shall consider mainly the seriousness, manner, duration and consequences of the infringement.

(3) The fine may only be imposed within one year from the day on which the Ministry learned of the infringement and within three years from the day on which the infringement was committed. The fine shall be paid within 30 days from the day on which the decision on its imposition came into force.

(4) Monies drawn from the fines shall be paid into the State Budget of the Federation.

Article 28Misdemeanor

Any person who, without being entitled to do so, commercially exploits a variety or a breed for which a Breeder's Certificate has been issued or files an application for protection in respect of a Czechoslovak variety or breed in another country (Article 19(1)) or fails to notify the Ministry of his application for the protection of a Czechoslovak variety or breed in another country (Article 19(2)) shall be deemed to have committed a misdemeanor for which he may be liable to a fine not exceeding 5,000 Czechoslovak crowns.

Article 29Enabling Provisions

(1) The Ministry, upon agreement with the Ministry of Agriculture and Food of the Czech Socialist Republic, the Ministry of Agriculture and Food of the Slovak Socialist Republic, the Ministry of Forestry, Water Management and Woodworking Industry of the Czech Socialist Republic, the Ministry of Forestry, Water Management and Woodworking Industry of the Slovak Socialist Republic and the Federal Ministry of Foreign Trade, shall issue a generally binding regulation for the implementation of Article 1(2).

(2) The Ministry, upon agreement with the Ministry of Agriculture and Food of the Czech Socialist Republic and the Ministry of Agriculture and Food of the Slovak Socialist Republic, shall issue a generally binding regulation for the implementation of Article 7(5) and Article 17(3).

Article 30Transitional Provision

(1) The varieties which, on the basis of special provisions,⁴ have been entered as original varieties in the State Variety Book before the entry into force of this Law and have not been commercially exploited for longer than 10 years before the entry into force of this Law, as well as the existing breeds which have been certified or released pursuant to special provisions,¹ may be the subject of applications for protection in accordance with this Law. The provisions of Article 7(3) shall not apply to those varieties.

(2) The applications referred to in paragraph (1) shall be filed within 12 months from the day on which this Law enters into force.

(3) The owner of a Breeder's Certificate may commercially exploit the variety or the breed only if the variety or the breed for which the Breeder's Certificate has been issued has also been released pursuant to special provisions.² In such cases the owner shall be regarded as if he were an entrusted organization pursuant to the said special provisions.

Article 31

Article 2(1), second sentence, of Notice No. 62/1964 of Coll. of the Ministry of Agriculture, Forestry and Water Management and the Ministry of Justice, containing implementing regulations to the Law on the Development of Crop Protection, is hereby amended so as to substitute "are submitted" for the words "are submitted by entrusted organizations (Article 1(1))".

Article 32

Abolishing Provisions

The following are hereby abolished:

1. Article 4(2) and (4) of Law No. 61/1964 of Coll. on the Development of Crop Production;
2. Article 1 and Article 2, third sentence, of Notice No. 62/1964 of Coll. of the Ministry of Agriculture, Forestry and Water Management and the Ministry of Justice, containing implementing regulations to the Law on the Development of Crop Production.

Article 32

Entry into Force

This Law shall enter into force on January 1, 1990.

[Annex III follows]

C(Extr)/9/2

ANNEX III

DECREE OF THE FEDERAL MINISTRY OF AGRICULTURE AND FOOD
CONCERNING THE IMPLEMENTATION OF CERTAIN PROVISIONS
OF LAW No. 132/1989 OF THE COLLECTION OF LAWS
ON THE LEGAL PROTECTION OF NEW VARIETIES OF PLANTS
AND BREEDS OF ANIMALS

No. 133 of November 20, 1989

The Federal Ministry of Agriculture and Food, upon agreement with the Ministry of Agriculture and Food of the Czech Socialist Republic and the Ministry of Agriculture and Food of the Slovak Socialist Republic, has decreed:

PART ONE

REQUIREMENTS FOR THE APPLICATION

Article 1

The application for the protection of a new variety or breed shall contain:

(a) the following information relating to the applicant:

1. in the case a legal person: the commercial name, the address of the seat and the State in which the seat is located,
2. in the case of a natural person: the first name, the surname, the place of residence and the date of birth.

If the application for the protection of a variety or a breed is made by several persons, information relating to all applicants, including the distribution of their shares, shall be given in the application;

(b) the denomination of the variety or the breed and its provisional designation; in the case of a variety or a breed that has been released or certified in the Czechoslovak Socialist Republic pursuant to special provisions,^{1,2} the denomination to be indicated shall be the denomination entered on the Certificate of Release;

(c) the plant or animal species, as well as the genus where relevant, to which the variety or the breed which is the subject of the application for protection belongs;

¹ Law No. 61/1964 of Zbírka zákonu (Collection of Laws) on the Development of Crop Production. [The footnotes are repeated in the text below in accordance with the original text.]

² Law of the Czech National Council No. 86/1972 of Coll. on the Breeding of Farm Animals; Law of the Slovak National Council No. 110/1972 of Coll. on the Breeding of Farm Animals.

(d) the first name, surname, place of residence and date of birth of all originators, and the proposed distribution of their shares;

(e) the description of the variety or of the breed, which must include all important traits, properties and differences of the variety (Article 4 of the Law) or of the breed (Article 5 of the Law);

(f) in the case of a breed:

1. the outcome of the certification or release procedure undertaken pursuant to special provisions,^{2,3}

2. the size of the breed;

(g) the signature of the applicant.

Article 2

(1) The application shall be filed in two copies using the form for which the model is given at Annex 1.* It shall be filled in in the Czech or the Slovak language.

(2) If the application is filed by a Czechoslovak national, it shall contain an affidavit that the variety or the breed has not been created in the framework of the activities of a Czechoslovak organization (Article 2(f) of the Law).

(3) If protection has already been applied for in a foreign country for the variety or the breed, the applicant shall state the country and the date of filing of the first application.

(4) The mention in the application of the originators and their shares shall be countersigned by all originators (Article 7(2) of the Law).

PART TWO

THE SHARE IN THE FINANCIAL BENEFITS DERIVED FROM THE
COMMERCIAL EXPLOITATION OF THE VARIETY OR THE BREED

Article 3

(1) Financial benefits derived from the commercial exploitation of the variety or the breed and from the transfer of the Breeder's Certificate to a foreign person within the meaning of Article 7(3) of the Law (hereinafter referred to as "financial benefits") shall be understood as the totality of the financial revenues drawn in the respective calendar year:

(a) from the sale of propagating material;

(b) from the consent given to the commercial exploitation (license fees);

³ Law No. 102/1963 of Coll. on Fishery.

* Not reproduced here.

- (c) from the compensation from a compulsory license;
- (d) from the transfer of the Breeder's Certificate to a foreigner.

(2) Revenues in the meaning of paragraph (1)(a) shall be understood:

(a) in the case of a variety: as the revenues drawn from the sale of seeds, planting materials, nursery products and plants and their parts to be used for further propagation;

(b) in the case of a breed: as the revenues drawn from the sale of breeding stock, embryos, ova and sperm to be used for further propagation.

Article 4

A Czechoslovak organization which is the owner of a Breeder's Certificate shall keep separate records of the financial benefits for each variety or breed.

Article 5

(1) A share of the financial benefits shall accrue to originators during the whole term of validity of the Breeder's Certificate, as from the beginning of the year in which the variety or the breed produces financial benefits for the first time after the granting of the Breeder's Certificate (Article 3 of the Law).

(2) The shares of the financial benefits shall be paid directly to the originators and shall be excluded from the taxable income of the organization.

Article 6

(1) In the case of a variety, the value of the share of the financial benefits shall be established by reference to the plant species or genus to which the variety belongs and to the number of years of commercial exploitation; it shall be calculated on the basis of the percentages set out in the table in Annex 2* to this Decree.

(2) In the case of a breed, the value of the share of the financial benefits shall be set at 2% up to a maximum of 200,000 Czechoslovak crowns.

Article 7

The share relating to any calendar year shall fall due three months after the end of the year in which the financial benefits have been made.

Article 8

Where the financial benefits or a part of such benefits have been made in a foreign currency, the originator shall be entitled to payment of his share of the financial benefits or of the said part in the said currency.

* Not reproduced here.

PART THREE

TRANSITIONAL AND FINAL PROVISIONS

Article 9

The provisions of Articles 5 to 9 shall not apply to the shares of the financial benefits drawn from varieties or breeds which have been the subject of an application for protection under Article 30 of the Law.

Article 10

This Decree shall enter into force on January 1, 1990.

[Annex IV follows]

ANNEX IV/ANNEXE IV/ANLAGE IV

LIST OF THE ECONOMICALLY IMPORTANT SPECIES OF PLANTS AND ANIMALS*

LISTE DES ESPECES VEGETALES ET ANIMALES ECONOMIQUEMENT IMPORTANTES*

VERZEICHNIS DER WIRTSCHAFTLICH WICHTIGEN PFLANZEN- UND TIERARTEN*

1. List of the economically important plant species / Liste des espèces végétales économiquement importantes / Verzeichnis der wirtschaftlich wichtigen Pflanzenarten

<u>Cesky</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Jedle	<i>Abies Mill.</i>	Fir	Sapin	Tanne
Psinecek vybezkaty	<i>Agrostis stolonifera L. (incl. A. palustris Huds.)</i>	Creeping Bent	Agrostide blanche, Agrostide stolonifère	Flechtstrausgrass
Psinecek tenky	<i>Agrostis tenuis Sibth.</i>	Brown Top, Common Bent	Agrostide commune	Rotes Strausgrass
Cibule	<i>Allium cepa L.</i>	Onion	Oignon	Zwiebel
Cesnek	<i>Allium sativum L.</i>	Garlic	Ail	Knoblauch
Urocník bolhoj	<i>Anthyllis vulneraria L.</i>	Kidney Vetch	Anthyllide vulnéraire, Trèfle jaune des sables	Echter Wundklee, Tannenklee
Celer	<i>Apium graveolens L.</i>	Celery, Celeriac	Céleri, Céleri-rave	Sellerie
Ovsík vyvyseny	<i>Arrhenatherum elatius (L.) P. Beauv. ex J.S et K.B. Presl</i>	Tall Oatgrass, False Oatgrass	Fromental, Avoine élevée	Glatthafer
Oves sety	<i>Avena sativa L.</i>	Oats	Avoine	Hafer
Repa cukrová	<i>Beta vulgaris L. var. altissima Doell</i>	Sugar Beet	Betterave sucrière	Zuckerrübe
Repa krmná	<i>Beta vulgaris L. var. crassa Mansf.</i>	Fodder Beet	Betterave fourragère	Runkelrübe
Repka (brukev repka)	<i>Brassica napus L.</i>	Swede Rape (incl. Oilseed Rape)	Colza	Raps
Brukev	<i>Brassica oleracea L. convar. acephala (DC.) Alef. var. gongylodes</i>	Kohlrabi	Chou-rave	Kohlrabi
Kapusta krmná	<i>Brassica oleracea L. convar. acephala (DC.) Alef. var. medullosa Thell. + var. viridis L.</i>	Fodder Kale	Chou fourrager	Futterkohl
Kveták	<i>Brassica oleracea L. convar. botrytis (L.) Alef. var. botrytis L.</i>	Cauliflower	Chou-fleur	Blumenkohl
Zelí hlávkové	<i>Brassica oleracea L. convar. capitata (L.) Alef.</i>	Cabbage	Chou pommé	Kopfkohl

* In the alphabetical order of the Latine names of the taxa. The Czechoslovak list is arranged according to the groups of plants or animals, without titles or subdivisions. The indications in square brackets have been added by the Office of the Union.

Dans l'ordre alphabétique des noms latins des taxons. La liste tchécoslovaque est fondée sur un groupement des végétaux ou animaux, mais sans titres ni subdivisions. Les indications entre crochets ont été ajoutées par le Bureau de l'Union.

In der alphabetischen Reihenfolge der lateinischen Namen der Taxa. Die Tschechoslowakische Liste beruht auf eine Gruppierung der Pflanzen oder Tieren; die Gruppen sind aber nicht mit Titel versehen oder sonstwie aufgeteilt. Die Angaben in eckigen Klammern sind vom Verbandsbüro hinzugefügt worden.

<u>Cesky</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Kapusta hlávková	<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy Cabbage	Chou de Milan	Wirsing
Kapusta ruzicková	<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussels Sprouts	Chou de Bruxelles	Rosenkohl
Vodnice	<i>Brassica rapa</i> L. var. <i>rapa</i>	Turnip	Navet	Herbstrübe
Konopí seté	<i>Cannabis sativa</i> L.	Hemp	Chanvre	Hanf
Paprika	<i>Capsicum annum</i> L.	Sweet Pepper, <i>Capsicum</i> , Chili	Poivron, Piment	Paprika
Tresen	<i>Cerasus avium</i> (L.) Moench [<i>Prunus avium</i> (L.) L.]	Sweet Cherry	Cerisier (cerises douces: guignes, bigarreaux)	Süsskirsche
Chrysantéma	<i>Chrysanthemum</i> spp.	Chrysanthemums, Daisies	Chrysanthèmes, Marguerites	Chrysanthemen, Margueriten
Meloun vodní	<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone
Okurka	<i>Cucumis sativus</i> L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
Tykev	<i>Cucurbita</i>	Pumpkin, Marrow, Courgette, Vegetable Marrow	Courge, Courgette, Pâtisson, Citrouille	Gartenkürbis, Oelkürbis, Zucchini
Pohánka hrebenitá	<i>Cynosurus cristatus</i> L.	Crested Dog's-tail	Crételle	Kammgras
Srha ríznacka	<i>Dactylis glomerata</i> L.	Cocksfoot, Orchard Grass	Dactyle	Knaulgras
Mrkev	<i>Daucus carota</i> L.	Carrot	Carotte	Möhre
Metlice trstnatá	<i>Deschampsia cespitosa</i> (L.) Beauv.	Tufted Hairgrass	Canche flexueuse	Drahtschmiele
Hvozdík	<i>Dianthus</i> L.	Carnation, Pink, Sweet William	Oeillet	Nelke
Kostrava ovčí	<i>Festuca ovina</i> L. sensu lato (incl. <i>F. tenuifolia</i> Sibth.)	Hard Fescue, Sheep's Fescue	Fétuque durette, Fétuque ovine, Fétuque des moutons, Poil de chien	Schafschwingel
Kostrava lucní	<i>Festuca pratensis</i> Huds.	Meadow Fescue	Fétuque des prés	Wiesenschwingel
Kostrava červená	<i>Festuca rubra</i> L.	Red Fescue, Creeping Fescue	Fétuque rouge	Rotschwingel
Jahodník	<i>Fragaria</i> L.	Strawberry	Fraisier	Erdbeere
Frézie	<i>Freesia</i> Eckl. ex Klatt	Freesia	Freesia	Freesie
Mecík	<i>Gladiolus</i> L.	Gladiolus	Glaïeul	Gladiole
Soja	<i>Glycine max</i> (L.) Merrill	Soya Bean, Soybean	Soja	Sojabohne
Slunecnice (roční)	<i>Helianthus annuus</i> L.	Common Sunflower	Tournesol, Soleil	Sonnenblume
Jecmen setý	<i>Hordeum vulgare</i> L. sensu lato	Barley	Orge	Gerste
Chmel	<i>Humulus lupulus</i> L.	Hop	Houblon	Hopfen
Orech vlašský	<i>Juglans regia</i> L.	Walnut	Noyer	Walnuss
Salat	<i>Lactuca sativa</i> L. var. <i>capitata</i> L.	Head Lettuce	Laitue pommée	Kopfsalat
Cocka jedlá (kuchynská)	<i>Lens culinaris</i> Medik.	Lentil	Lentille	Linse

<u>Cesky</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Lilie	Lilium L.	Lily	Lis	Lilie
Len sety	Linum usitatissimum L.	Flax, Linseed	Lin	Lein
Jílek jednoletý	Lolium multiflorum Lam. var. westerwoldicum Wittm.	Westerwold Ryegrass	Ray-grass de Westerwold	Welsches Weidelgras
Jílek mnohokvětý	Lolium multiflorum Lam. ssp. italicum (A. Br.) Volkart	Italian Ryegrass	Ray-grass d'Italie	Italienisches Raygras
Jílek hybridní	Lolium multiflorum Lam. x Lolium perenne L.	Hybrid Ryegrass	Ray-grass hybride	Bastardweidelgras, Oldenburgisches Weidelgras
Jílek mnohokvětý x kostrava rákosovitá	Lolium multiflorum Lam. x Festuca arundinacea Schreb.	Italian Ryegrass x Tall Fescue	Ray-grass d'Italie x Fétuque élevée	Italienisches Raygras x Rohrschwengel
Jílek vytrvalý	Lolium perenne L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidelgras
Stírovník ruzkatý	Lotus corniculatus L.	Bird's Foot Trefoil	Lotier corniculé	Hornschotenklee
Rajce	Lycopersicon lycopersicum (L.) Karst. ex Farwell	Tomato	Tomate	Tomate
Jablon	Malus Mill.	Apple	Pommier	Apfel
Hermánek pravý	Matricaria recutita L.	German Chamomile, Wild Chamomile	Matricaire camomille	Echte Kamille
Vojteska setá	Medicago sativa L.	Lucerne, Alfalfa	Luzerne (cultivée)	Blaue Luzerne
Meloun cukrový	Melo sativus Sarg. [Cucumis melo L.]	Melon	Melon	Melone
Tabák	Nicotiana tabacum L.	Tobacco (common)	Tabac	Tabak
Vicenec ligrus	Onobrychis viciifolia Scop.	Sainfoin	Sainfoin, Esparcette	Esparssette
Mák setý	Papaver somniferum L.	Opium Poppy	Oeillette, Pavot	Mohn
Svazenka vraticolistá	Phacelia tanacetifolia Benth.	Scorpion Weed	Phacélie à feuilles de tanaïs	Phazelie
Fazol obecný	Phaseolus vulgaris L.	(Field) French Bean	Haricot (de grande culture)	Gartenbohne (Feldanbau)
Fazol zahradní	Phaseolus vulgaris L. var. nanus (L.) Aschers. Phaseolus vulgaris L. var. vulgaris	(Garden) French Bean	Haricot (de jardin)	Gartenbohne
Bojínek cibulkatý	Phleum nodosum L.	Timothy	Fléole diploïde, Petite fléole	Zwiebellieschgras
Bojínek lucní	Phleum pratense L.	Timothy	Fléole des prés	Wiesenlieschgras
Hrách setý	Pisum sativum L. sensu lato	Pea	Pois	Erbse
Peluska jarní	Pisum sativum L. convar. speciosum (Dierb.) Alef.	Field Pea	Pois fourrager	Futtererbse, Peluschke
Lipnice hajní	Poa nemoralis L.	Wood Meadow-grass	Pâturin des bois	Hainrispengras
Lipnice lucní	Poa pratensis L.	Kentucky Blue-grass, Smooth Stalked Meadow-grass	Pâturin des prés	Wiesenrispengras
Topol	Populus L.	Poplar	Peuplier	Pappel

<u>Cesky</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Merunka obecná	<i>Prunus armeniaca</i> L.	Apricot	Abricotier	Aprikose
Svestka	<i>Prunus domestica</i> L.	Plum	Prunier	Pflaume
Broskvon	<i>Prunus persica</i> (L.) Batsch	Peach	Pêcher	Pfirsich
Hrusen	<i>Pyrus communis</i> L.	Pear	Poirier	Birne
Redkev setá	<i>Raphanus sativus</i> L. var. <i>major</i> A. Voss [var. <i>niger</i> (Mill.) S. Kerner]	Black Radish	Radis d'été, d'automne et d'hiver	Rettich
Redkvicka	<i>Raphanus sativus</i> L. var. <i>radicula</i> Pers.	Radish	Radis de tous les mois	Radieschen
Penisník	<i>Rhododendron</i> L.	Rhododendron, Azalea, Azaleodendron	Rhododendron, Azalée	Rhododendron, Azalee
Rybíz černý	<i>Ribes nigrum</i> L.	Black Currant	Cassis	Schwarze Johannisbeere
Rybíz červený a bílý	<i>Ribes sylvestre</i> (Lam.) Mert. et W. Koch & <i>Ribes niveum</i> Lindl.	Red and White Currants	Groseillier à grappes	Rote und weisse Johannisbeeren
Angrest	<i>Ribes grossularia</i> L. <i>Ribes uva-crispa</i> L.	Gooseberry	Groseillier à maquereau	Stachelbeere
Ruže	<i>Rosa</i> L.	Rose	Rosier	Rose
Maliník	<i>Rubus idaeus</i> L. & <i>hybrides</i>	Raspberry	Framboisier	Himbeere
Jonátka africká (Kapská fialka)	<i>Saintpaulia ionantha</i> H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen
Vrba	<i>Salix</i> L.	Willow	Saule	Weide
Zito seté	<i>Secale cereale</i> L.	Rye	Seigle	Roggen
Horcice bílá	<i>Sinapis alba</i> L.	White Mustard	Moutarde blanche	Weisser Senf
Brambory	<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel
Jeráb obecný	<i>Sorbus</i> L.	Mountain Ash, Rowan, Whitebeam	Sorbier	Eberesche, Mehl- beere, Elsbeere
Spenát	<i>Spinacia oleracea</i> L.	Spinach	Epinard	Spinat
Jetel zvrhly	<i>Trifolium hybridum</i> L.	Alsike Clover	Trèfle hybride	Schwedenklee
Jetel lucní	<i>Trifolium pratense</i> L.	Red Clover	Trèfle violet	Rotklee
Jetel plazivý	<i>Trifolium repens</i> L.	White Clover	Trèfle blanc	Weissklee
Trojstet zlutavý	<i>Trisetum flavescens</i> (L.) Beauv.	Golden Oatgrass	Avoine jaunâtre	Goldhafer
Tritikale ozimé	x <i>Triticosecale</i> Wittmack	Triticale	Triticale	Triticale
Pšenice setá (nadurelá)	<i>Triticum aestivum</i> L. emend. Fiori et Paol.	Wheat, Soft Wheat, Bread Wheat	Blé tendre, Froment	Weichweizen
Pšenice tvrdá	<i>Triticum durum</i> Desf.	Durum Wheat, Macaroni Wheat, Hard Wheat	Blé dur	Hartweizen
Tulipán	<i>Tulipa</i> L.	Tulip	Tulipe	Tulpe
Jilm	<i>Ulmus</i> L.	Elm	Orme	Ulme
Bob obecný (vikev bob)	<i>Vicia faba</i> L.	Broad Bean, Horse Bean, Field Bean, Tick Bean	Fève, Féverole	Ackerbohne, Dicke Bohne (Puffbohne)

<u>Cesky</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Vikev panonská	Vicia pannonica Crantz	Hungarian Vetch	Vesce de Pannonie	Ungarische Wicke
Vikev setá	Vicia sativa L. (incl. Vicia angustifolia Reichard)	Common Vetch	Vesce commune	Saatwicke
Vikev hunatá	Vicia villosa Roth (incl. Vicia dasycarpa Ten.)	Hairy Vetch	Vesce velue	Zottelwicke
Vinná réva	Vitis spp.	Vine	Vigne	Rebe
Kukurice setá	Zea mays L.	Maize	Maïs	Mais

1. List of the economically important animal species / Liste des espèces animales économiquement importantes /
Verzeichnis der wirtschaftlich wichtigen Tierarten

<u>Cesky</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Pesec	Alopex lagopus	Arctic Fox	Renard polaire	Polarfuchs, Eisfuchs
Kachna domácí	Anas platyrhyncha	Duck	Canard	Ente
Husa domácí	Anser anser	Goose	Oie	Gans
Vcela medonosná	Apis mellifera	Honey-bee	Abeille	Biene
Skot (tur) domácí	Bos taurus	[Bull, Cow, Calf]	[Taureau, vache, veau]	[Stier, Kuh, Kalb]
Koza domácí	Capra hircus domestica	Goat	Chèvre	Ziege
Kapr obecný	Cyprinus carpio	Carp	Carpe	Karpfen
Kun domácí	Equus caballus	Horse	Cheval	Pferd
Kur domácí	Gallus gallus	Cock, Hen	Coq, poule	Hahn, Huhn
Norek	Lutreola vison	Vison, American Mink	Vison	Nerz
Krocán domácí	Meleagris gallopavo	Turkey	Dindon	Truthan, Puter
Nutrie	Myocastor coypus	Coypu, Coypou	Ragondin	Koipu, Nutria, Biberratte, Sumpfbiber
Králik domácí	Oryctolagus cuniculus L.	Tame Rabbit	Lapin	Kaninchen
Ovce domácí	Ovis aries	Sheep	Mouton	Schaf
Pstruh duhový	Salmo gairdneri irideus	Rainbow Trout	Truite arc-en-ciel	Regenbogenforelle
Prase domácí	Sus scrofa ferus (domestica)	Pig	Porc	Schwein
Lín obecný	Tinca tinca	Tench	Tanche	Schlei, Schleie
Liska obecná	Vulpes vulpes	Common Fox	Renard commun	Gemeiner Fuchs

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