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GAZETTE**ACCESSION TO THE 1991 ACT OF THE UPOV CONVENTION****POLAND**

On July 15, 2003, the Government of the Republic of Poland deposited its instrument of accession to the 1991 Act of the International Convention for the Protection of New Varieties of Plants with the Secretary-General of UPOV.

The 1991 Act of the Convention entered into force for the Republic of Poland one month after the deposit of its instrument of accession, i.e., on August 15, 2003.

According to the notification deposited with the Secretary-General together with the instrument of accession, protection is available to all plant genera and species.

SPAIN INCREASES NUMBER OF CONTRIBUTION UNITS

By letter of December 10, 2003, of His Excellency Mr. Joaquín Pérez-Villanueva y Tovar, Ambassador and Permanent Representative, Permanent Mission of Spain to the United Nations Office at Geneva and other International Organizations in Switzerland, addressed to the Secretary-General of UPOV, Spain declared its decision to increase the number of its units of contribution to the Budget of the Union from one and a half units to two units. This declaration will take effect on January 1, 2004.

NEW MEMBERS OF UPOV**TUNISIA**

On July 31, 2003, the Government of Tunisia deposited its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991, with the Secretary-General of UPOV.

The Convention entered into force for Tunisia one month after the deposit of its instrument of accession, i.e., on August 31, 2003. Tunisia became the fifty-third member of the Union.

According to the notification deposited with the Secretary-General together with the instrument of accession, protection is available to the genera and species indicated in the Order of the Minister for Agriculture of June 24, 2000, on page 73 of this publication.

NEW MEMBERS OF UPOV

LITHUANIA

On November 10, 2003, the Government of Lithuania deposited its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991, with the Secretary-General of UPOV.

The Convention entered into force for Lithuania one month after the deposit of its instrument of accession, i.e., on December 10, 2003. Lithuania became the fifty-fourth member of the Union.

According to the notification deposited with the Secretary-General together with the instrument of accession, protection is available to the following genera and species.*

No.	Genus	Species
Agricultural field plants		
1.	Oats (<i>Avena</i> L.)	Oats (<i>Avena sativa</i> L.)
2.	Potatoes (<i>Solanum</i> L.)	Potatoes (<i>Solanum tuberosum</i> L.)
3.	Clover (<i>Trifolium</i> L.)	Red Clover (<i>Trifolium pratense</i> L.)
		Alsike clover (<i>Trifolium hybridum</i> L.)
4.	Buckwheat (<i>Fagopyrum</i> Mill.)	Buckwheat (<i>Fagopyrum esculentum</i> Moench)
5.	Wheat (<i>Triticum</i> L.)	Wheat (<i>Triticum aestivum</i> L.)
6.	Triticale (x <i>Triticosecale</i> Wittmack)	Triticale (x <i>Triticosecale</i> Wittmack)
7.	Flax (<i>Linum</i> L.)	Flax (<i>Linum usitatissimum</i> L. convar. <i>usitatissimum</i>)
8.	Barley (<i>Hordeum</i> L.)	Barley (<i>Hordeum vulgare</i> L.)
9.	Meadowgrass (<i>Poa</i> L.)	Smooth Stalked Meadow Grass (<i>Poa pratensis</i> L.)
		Swamp Meadow Grass (<i>Poa palustris</i> L.)
10.	Timothy (<i>Phleum</i> L.)	Timothy (<i>Phleum pratense</i> L.)
11.	Rape (<i>Brassica napus</i> L.)	Rape (<i>Brassica napus</i> L. emend. Metzg. ssp. <i>napus</i>)
12.	Rye (<i>Secale</i> L.)	Rye (<i>Secale cereale</i> L.)
13.	Cocksfoot (<i>Dactylis</i> L.)	Cocksfoot (<i>Dactylis glomerata</i> L.)
14.	Vetch (<i>Vicia</i> L.)	Common Vetch (<i>Vicia sativa</i> L.)
15.	Pea (<i>Pisum</i> L.)	Field Pea (<i>Pisum sativum</i> L.)
Vegetable plants		
16.	Cucumber (<i>Cucumis</i> L.)	Cucumber (<i>Cucumis sativus</i> L.)
17.	Beet (<i>Beta</i> L.)	Red Beet (<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> convar. <i>vulgaris</i> var. <i>vulgaris</i>)
18.	Carrot (<i>Daucus</i> L.)	Carrot (<i>Daucus carota</i> L. ssp. <i>sativus</i> Röhl.)
Nursery plants		
19.	Strawberry (<i>Fragaria</i> L.)	Strawberry (<i>Fragaria x ananassa</i> Duch.)
20.	Pear (<i>Pyrus</i> L.)	Pear (<i>Pyrus communis</i> L.)
21.	Currant (<i>Ribes</i> L.)	Currant (<i>Ribes nigrum</i> L.)
22.	Plum (<i>Prunus</i> L.)	Plum (<i>Prunus domestica</i> L.)

* This list of plant genera and species has been approved by Order No. 288 of August 1, 2002, of the Minister of Agriculture of the Republic of Lithuania.

MODIFICATION OF FEES

SOUTH AFRICA

GOVERNMENT NOTICES

PLANT BREEDERS' RIGHTS ACT, 1976 (ACT No. 15 of 1976)

REGULATIONS RELATING TO PLANT BREEDERS' RIGHTS: AMENDMENT

The following table is hereby substituted for Table 2 of the Regulations with effect from 1 April 2003:

TABLE 2/TABEL 2

No.	Purpose/Doel	Amount/Bedrag
1.	An application for the grant of a plant breeder's right / 'n Aansoek om die toestaan van 'n planttelersreg [Reg. 3(2)(f)]	R800,00 each/elk
2.	A claim to give priority in terms of section 8(2) of the Act to an application for the grant of a plant breeder's right/ 'n Aansoek om ingevolge artikel 8(2) van die Wet voorrang te verleen aan 'n aansoek om die toestaan van 'n planttelersreg [Reg. 4(2)(c)]	R600,00 each/elk
3.	An objection to the grant of a plant breeder's right/ 'n Beswaar teen die toestaan van 'n planttelersreg [Reg. 8(1)(e)]	R3200,00 each/elk
4.	Examination fee for a plant breeder's right: Category A (agronomic, vegetable and pasture crops and annual ornamentals)/ Ondersoekgeld vir 'n planttelersreg: Kategorie A (akkerbou-, groente- en wendingagewasse en eenjarige sierplante) [Reg. 3(2)(g) and/en 9(1)]	R1400,00 each/elk
5.	Examination fee for a plant breeder's right: Category B (fruit, vines, citrus and perennial ornamentals)/ Ondersoekgeld vir 'n planttelersreg: Kategorie B (vrugte, rankplante, sitrus en meerjarige slerplante) [Reg. 9(3)]	R1800,00 each/elk
6.	Provision of results of tests and trials undertaken by the registrar, to the appropriate authority in a convention country or an agreement country/ Voorslening van reultate van toetse en proewe deur die registrateur onderneem aan die toepaslike gesag in 'n konvensleland of 'n ooreenkomsland [Reg. 9(3)(g) and/en 9(1)]	R3000,00 each/elk

No.	Purpose/Doel	Amount/Bedrag
7.	Annual fee for a plant breeder's right/ Jaargeld vir 'n planttelersreg [Reg. 10(1)]	R170,00 each/elk
8.	An application for the issue of a compulsory licence in respect of a plant breeder's right/ 'n Aansoek om die uitreiking van 'n verpligte lisensie ten opsigte van 'n planttelersreg [Reg. 13(1)(d)]	R3200,00 each/elk
9.	Notice of the transfer of a plant breeder's right/ Kennisgewing van die oordrag van 'n planttelersreg [Reg. 14(2)(b)]	R600,00 each/elk
10.	An application for the alteration or supplementation of the denomination approved for a variety/ 'n Aansoek om die wyaiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(1)(b)]	R1100,00 each/elk
11.	An objection against the intended approval of an alteration or supplementation of the denomination approved for a variety/ 'n Beswaar teen die beoogde goedkeuring van 'n wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(3)(e)]	R600,00 each/elk
12.	An objection against the intended termination of a plant breeder's right/ 'n Beswaar teen die voorgenome beëindiging van planttelersreg [Reg. 16(1)(f)]	R600,00 each/elk
13.	A notice of the voluntary surrender of a plant breeder's right/ 'n Kennisgewing van die vrywillige afstanddoening van 'n planttelersreg [Reg. 17(1)(b)(i)]	Free/Gratis
14.	Inspection of the register of plant breeders' rights/ Insae in die register van planttelersregte [Reg. 20(2)]	Free/Gratis
15.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/ Insae in 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)]	R250,00 per occasion/Geleentheid

No.	Purpose/Doel	Amount/Bedrag
16.	A certificate of any particulars in the register or of any document in connection with an application for the grant of a plant breeder's right/ 'n Sertifikaat van enige besonderhede in die register of van enige dokument in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)]	R250,00 per certificate/sertifikaat
17.	A copy of any particulars in the registry or of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/ 'n Afskrif van enige besonderhede in die register of van 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)]	R7,00 per page/bladsy plus R0,87 per photocopy/fotokopie
18.	Submission of appeal against any decision or action taken by the registrar in terms of the Act/ Voorlegging van appel teen enige beslissing van of stappe gedeon deur die registrateur ingevolge die Wet [Reg. 22(1)(d)]	R3000,00 each/alk

NEWSLETTER

WIPO-UPOV SYMPOSIUM ON INTELLECTUAL PROPERTY RIGHTS IN PLANT BIOTECHNOLOGY

OCTOBER 24, 2003

Progress in plant biotechnology is important for all countries, developed and developing, and requires appropriate protection of intellectual property rights. In this regard, patents and plant breeders' rights are both needed and often combined in protection and promotion of plant biotechnology.

The Symposium also identified important policy considerations and driving forces in the management of intellectual property rights in this area.



Ambassador Jara from Chile, who chaired the Symposium, concluded that “The two systems have co-existed out of necessity. This relationship of co-existence needs to improve over time in the light of some grey areas which will have to be settled and defined by legislators or by regulators or by the Courts, depending on the particular national system in which you are operating. At the end of

the day we have an evolving world, we have big challenges that we have to convert into big opportunities.”

This WIPO-UPOV Symposium attracted some 200 participants, including representatives of governments, international organizations, academics and legal experts, as well as companies active in biotechnology and plant breeding.

The presentations given at the Symposium as well as the transcription of the discussions have been posted in the WIPO and UPOV Websites.

<http://www.wipo.int/news/en/conferences.html>

<http://www.upov.int/en/news/index.html>

THIRD TRAINING COURSE FOR THE PROTECTION OF VARIETIES OF PLANTS FOR IBERO-AMERICAN COUNTRIES

From June 30 to July 11, 2003, UPOV organized, in cooperation with the Spanish Plant Variety Office (OEVV), the National Institute for Agricultural and Food Research and Technology (INIA) and the World Intellectual Property Organization, the third Training Course for the Protection of Varieties of Plants for Ibero-American Countries. The training course was held in Madrid, Valencia and Sevilla. One participant from each of the following nineteen Ibero-American countries was invited by the organizers: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela, financed by UPOV, WIPO and the Government of Spain. Another ten participants from Ibero-America, whose trip was financed by

their government and accommodation by the Government of Spain, one participant from France and ten local participants also attended the training course. The activity focused on technical examination of new varieties of plants and included field visits to plant variety testing stations in the above mentioned locations bringing the possibility to see DUS testing in different crops and regions. A round of questions and answers was scheduled at the end of each visit. Country reports demonstrated the progress of plant breeder's right (PBR) in the region.



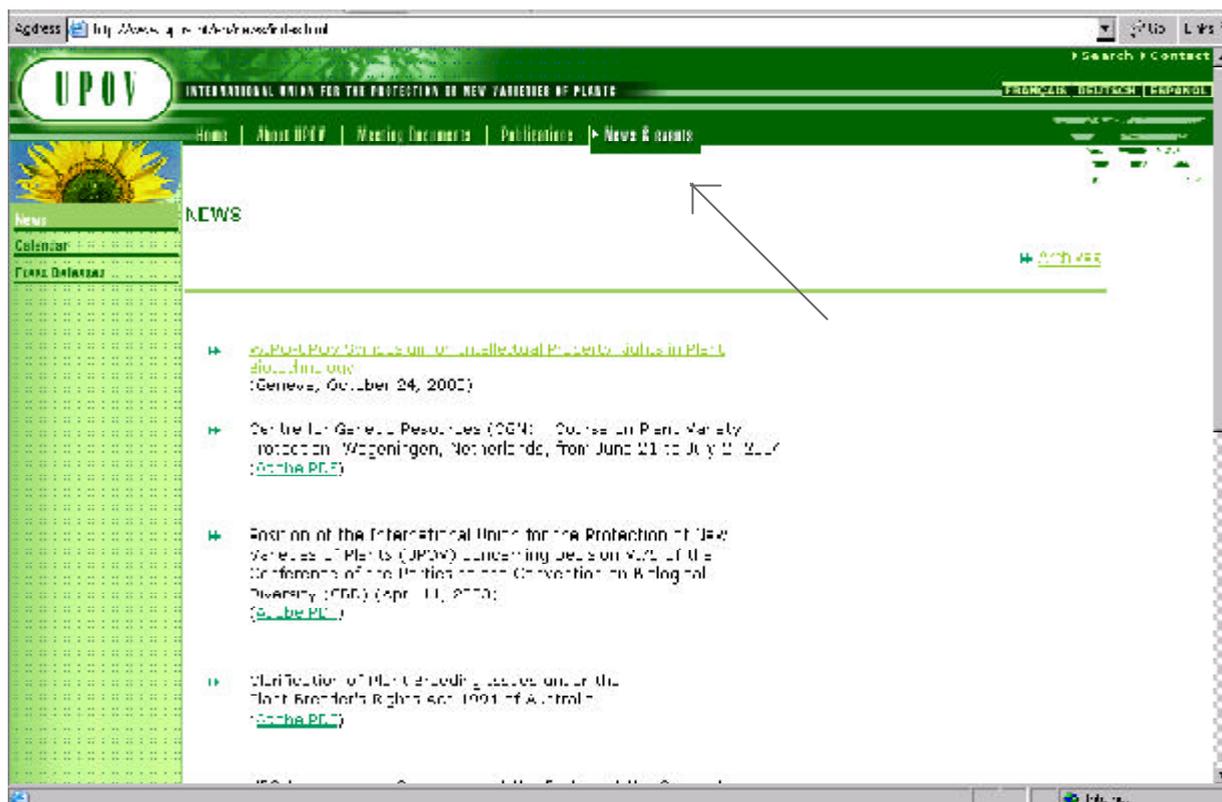
The Alhambra, Granada, Spain

WWW.UPOV.INT

UPOV WEBSITE

The new UPOV Website has been operational since December 2002. In order to facilitate your use of the new Website, a section of each edition of the Newsletter will provide information on a particular part of the UPOV Website.

In this edition, the focus will be “News & Events.”



Highlights

WIPO-UPOV Symposium on Intellectual Property Rights in Plant Biotechnology (Geneva, October 24, 2003)

The papers and powerpoint presentations from this WIPO-UPOV Symposium are available free-of-charge. Just click on the paper you are interested in and download directly.

CGN Course on Plant Variety Protection 2004

Information is available on the 2004 Course on PVP run by the Centre for Genetic Resources in Wageningen, Netherlands.

Clarification of Plant Breeding Issues Under the Plant Breeder's Rights Act 1994 of Australia

This report focuses on clarifying issues relating to “breeding” and “essential derivation” in the *Plant Breeder's Rights Act 1994 (PBRA)* of Australia, as proposed by the Standing Committee on Agriculture and Resource Management (SCARM).

10-Year Review of Canada's Plant Breeders' Rights Act

An overview of PVP activities in Canada over the last 10 years.

News & Events are updated on the UPOV Website regularly.

CASE LAW

AUSTRALIA

AUSTRALIAN COURT ENJOINS FALSE REPRESENTATIONS IN SALES OF TURF
UNDER NAME OF PROTECTED VARIETY

Federal Court Decision - *Buchanan Turf Supplies Pty Ltd vs Premier Turf Supplies Pty Ltd* [2003] FCA 230 (March 2003)

Buchanan Turf Supplies Pty Ltd, the owner of a Plant Breeder's Right in 'Sir Walter' variety of buffalo grass, undertook proceedings in the Federal Court alleging that Premier Turf Supplies Pty Ltd was misrepresenting the turf it was supplying as being 'Sir Walter' when it was not. Misleading and deceptive conduct was alleged pursuant to section 52 of the *Trade Practices Act 1974* (Cwth) (the TPA) and for breach of section 53(1)(c) of the *Plant Breeder's Rights Act 1994* (the PBRA). Buchanan Turf Supplies Pty Ltd sought injunctive relief and damages, including exemplary damages.

In their defence, Premier Turf Supplies Pty Ltd did not challenge the validity of the Plant Breeder's Right grant in relation to 'Sir Walter'.

On 25 March 2003, Justice Hely handed down the decision in the Federal Court that there had been infringement of section 53(1)(c) of the PBRA as well as contravention of section 52 of the TPA. Justice Hely ordered that Premier Turf Supplies be restrained from representing that they were authorised to sell 'Sir Walter' and from representing to anyone that other grass turf sold by them was of the 'Sir Walter' variety. Justice Hely dismissed the claim for damages because insufficient evidence was presented to assess the loss to Buchanan Turf Supplies Pty Ltd. There was no claim for loss of reputation or goodwill.

The detailed judgment is available at:

<http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/federal%5fct/2003/230.html?query=title+%28+%22buc%2a%22+%29>

ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 2002

I. COMPOSITION OF THE UNION

Members

1. On December 31, 2002, the Union had 52 members. The following States became members of the Union in 2002:

- (a) On July 30, 2002, Latvia deposited its instrument of accession to the Convention. The 1991 Act of the Convention entered into force with respect to Latvia on August 30, 2002.
- (b) On December 5, 2002, Belarus deposited its instrument of accession to the Convention. The 1991 Act of the Convention entered into force with respect to Belarus on January 5, 2003.

2. The following members of the Union acceded to the 1991 Act:

- (a) On October 24, 2002, the Czech Republic deposited its instrument of accession to the 1991 Act of the Convention. The 1991 Act entered into force with respect to the Czech Republic on November 24, 2002.
- (b) On December 1, 2002, Hungary deposited its instrument of accession to the 1991 Act of the Convention. The 1991 Act entered into force with respect to the Hungary on January 1, 2003.

3. The 52 members of the Union are the following: Argentina, Australia, Austria, Belgium, Belarus, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Ukraine, United Kingdom, United States of America, Uruguay. Annex I details the membership status of the Union as of December 31, 2002.

Situation in Relation to the Various Acts of the Convention

4. On December 31, 2001, the situation was as follows:

- (a) two States were bound by the 1961 Act as amended by the 1972 Act;
- (b) the 1978 Act was the most recent Act binding 29 States;
- (c) the 1991 Act was the most recent Act binding 19 States.

5. In addition to the accessions of Belarus and Latvia mentioned above, the Czech Republic and Hungary, which had deposited their instruments of accession to the 1991 Act, became bound by that Act on November 24, 2002, and January 1, 2003, respectively.

6. On December 31, 2002, the position of the members of the Union in relation to the various Acts of the Convention was thus as follows:

- (a) two States were bound by the 1961 Act as amended by the 1972 Act, namely Belgium and Spain;
- (b) the 1978 Act was the most recent Act binding 27 States, namely Argentina, Austria, Bolivia, Brazil, Canada, Chile, China, Colombia, Ecuador, France, Ireland, Italy, Kenya, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Slovakia, South Africa, Switzerland, Trinidad and Tobago, Ukraine, Uruguay.
- (c) the 1991 Act was the most recent Act binding 23 States, namely: Australia, Belarus, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Israel, Japan, Kyrgyzstan, Latvia, Netherlands, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovenia, Sweden, United Kingdom, United States of America.

7. Article 30(2) of the 1991 Act provides as follows:

“(2) [*Conformity of laws*] It shall be understood that, on depositing its instrument of ratification, acceptance, approval or accession, as the case may be, each State or intergovernmental organization must be in a position, under its laws, to give effect to the provisions of this Convention.”

8. In 2002, to the knowledge of the Office of the Union, Ukraine passed a law to adapt its system of protection to the 1991 Act. The law entered into force on July 1, 2002. Most other members of the Union adopted amendments in line with the 1991 Act or have drawn up draft laws.

9. The Table reproduced in Annex I* of this report is a synopsis of the position of the various States in relation to the various Acts of the Convention as of December 31, 2002.

Future Members

10. Under Article 34(3) of the 1991 Act, “any State which is not a member of the Union and any intergovernmental organization shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Convention.”

11. In line with decisions taken by the Council of UPOV in its fourteenth extraordinary session, on April 29, 1997, and in its thirty-third ordinary session on October 20, 1999, to accept, under certain conditions, an instrument of accession to the 1978 Act by India after the coming into force (April 24, 1998) of the 1991 Act, by letter of June 11, 2002, India submitted a request which was preliminarily examined by the Consultative Committee in its sixty-fourth session on October 23, 2002.

12. The Consultative Committee concluded that with regard to conformity with the 1978 Act of the

Convention, further clarification was needed concerning the “The Protection of Plant Varieties and Farmers’ Rights Act of India” and its implementing regulations.

13. By December 2002, the following 16 States, the European Community (EC) and the African Intellectual Property Organization (OAPI), had initiated the procedure for accession to UPOV: Azerbaijan, Costa Rica, Egypt, Georgia, Honduras, India, Kazakhstan, Lithuania, Morocco, Yugoslavia (now Serbia and Montenegro), Tajikistan, The former Yugoslav Republic of Macedonia, Tunisia, Venezuela, and Zimbabwe. OAPI and its member States will be in a position to accede to the 1991 Act once Annex X of the revised *Accord de Bangui*, which came into effect on February 28, 2002, is fully operational.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

14. The Council held its nineteenth extraordinary session on April 19, 2002, under the chairmanship of Mr. Karl Olov Öster (Sweden). It extended the contract of the Vice Secretary-General. It adopted document C(Extr.)/19/2 “The Notion of Breeder and Common Knowledge in the Plant Variety Protection System Based upon the UPOV Convention” as a UPOV position paper and the revised “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants” as document TG/1/3.

15. The Council held its thirty-sixth ordinary session on October 24, 2002, again under the chairmanship of Mr. Karl Olov Öster. The session was ~~attended by observers from 10 non-member States~~¹ and eight international organizations². The World

* The original Annex I may be found on the UPOV Website (http://www.upov.int/en/documents/c/37/c_37_2.pdf). An updated version of this table is available in this publication on page 21.

¹ Algeria, Belarus, Cuba, Egypt, Greece, Philippines, Yugoslavia (now Serbia and Montenegro), Thailand, Tunisia, and Turkey.

² Food and Agriculture Organization of the United Nations (FAO), Organization for Economic Co-operation and Development (OECD), European Community (EC), European Seed Association (ESA), International Seed Testing Association (ISTA), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), International Seed Federation (ISF), *Federación Latinoamericana de Asociaciones de Semillas* (FELAS).

Intellectual Property Organization (WIPO) was also represented.

16. At that session, the Council took the following main decisions:

- (a) It approved the report of the Secretary-General on the activities of the Union in 2001 and noted the report on the activities in the first nine months of 2002;
- (b) It approved the report of the Secretary-General on the financial situation of the Union at December 31, 2001;
- (c) It noted the report on the auditing of the accounts of the 2000-2001 biennium;
- (d) It noted the progress reports of its various subsidiary bodies and approved their workplans;
- (e) It approved the calendar of meetings in 2003;
- (f) It elected, in each case for a term of three years ending with the thirty-ninth ordinary session of the Council:
 - (i) Mr. Carlos Gómez-Etchebarne (Uruguay), Chairman of the Technical Working Party for Agricultural Crops;
 - (ii) Mr. Uwe Meyer (Germany), Chairman of the Technical Working Party on Automation and Computer Programs;
 - (iii) Mr. Erik Schulte (Germany), Chairman of the Technical Working Party for Fruit Crops;
 - (iv) Mr. Chris Barnaby (New Zealand), Chairman of the Technical Working Party for Ornamental Plants and Forest Trees;
 - (v) Mr. Kees van Ettehoven (Netherlands), Chairman of the Technical Working Party for Vegetables;
 - (vi) Mr. Gerhard Deneken (Denmark), Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular.
- (g) It noted documents and oral reports on the situation in the legislative, administrative and technical fields related to plant variety protection, as presented by members and observers.

Consultative Committee

17. The Consultative Committee held its sixty-third session on April 19, 2002, under the chairmanship of Mr. Karl Olov Öster (Sweden). It discussed the developments in the World Trade Organization (WTO) Council for TRIPS concerning the review of Article 27.3(b) of the TRIPS Agreement and the developments concerning biodiversity, plant genetic resources and plant variety protection. It agreed to use the text of the Annex to document CC/63/3 Add., after amendments, to explain UPOV's position in relation to access to, and benefit-sharing in the use of, plant genetic resources and with regard to the disclosure of countries of origin or geographical origin of genetic resources.

18. The Consultative Committee held its sixty-fourth session on October 23, 2002, also under the chairmanship of Mr. Karl Olov Öster. The Consultative Committee conducted a preliminary examination of the conformity of "The Protection of Plant Varieties and Farmers' Rights Act of India" with the 1978 Act of the UPOV Convention. It considered the financial situation of the Union. It received a report on the progress of work on a study of the impact of plant breeders' rights. It took note of a report on the organization of a WIPO-UPOV Symposium on the Co-existence of Patents and Plant Breeders' Rights in the Promotion of Biotechnological Developments, which was scheduled for October 25, 2002. The Consultative Committee considered recent developments in the field of biodiversity, plant genetic resources and plant variety protection, and it received presentations from officials of the Office of the Union concerning developments in plant variety protection on a regional basis.

Administrative and Legal Committee, Technical Committee, Technical Working Parties and Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

19. For the work of the Administrative and Legal Committee and the Technical Committee, reference is made to documents C/36/9 and C/36/10. The twentieth session of the Technical Working Party on Automation and Computer Programs (TWC) was held in Texcoco, Mexico, from June 17 to 20, 2002. The Technical Working Party for Vegetables

(TWV) held its thirty-sixth session in Tsukuba, Japan, from September 9 to 13, 2002. The Technical Working Party for Agriculture Crops (TWA) held its thirty-first session in Rio de Janeiro, Brazil, from September 23 to 27, 2002. The thirty-fifth session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO) was held in Quito, Ecuador, from November 18 to 22, 2002. The Technical Working Party for Fruit Crops (TWF) held its thirty-third session in San Carlos de Bariloche, Argentina, from November 25 to 29, 2002. A crop-specific *Ad hoc* Subgroup on Molecular Techniques on Mushrooms, established by the Technical Committee, held its first meeting in connection with the thirty-sixth session of the TWV. Crop-specific *Ad hoc* Subgroups on Molecular Techniques for Sugarcane and Soybean met in connection with the thirty-first session of the TWA.

III. COURSES, SEMINARS, WORKSHOPS

20. From February 18 to March 1, UPOV implemented four national workshops in India (New Delhi, Cuttak, Hyderabad and Pune). The UPOV mission, in which two officials of the Office of the Union and two experts (from Germany and New Zealand, respectively) participated as speakers, was effected at the request of and co-funded by the Government of India after the Protection of Plant Varieties and Farmers' Rights Act had been enacted by the Parliament of India. The aim was to acquaint key Indian personnel with technical approaches to plant variety protection based on the UPOV Convention. The four workshops had a remarkable outreach (around 350 leading persons involved in plant breeding participated).

21. On February 26 and 27, UPOV participated in a Symposium of the German Farmers' Association (DBV) under the title "The Future of Biotechnology in Germany." UPOV presented a paper on "Plant variety protection between farmers' rights and patents." Some 200 participants represented practical agriculture, consumers, scientists, administrators and politicians. Widely varying views on present status and future developments of genetic engineering in agriculture were expressed.

22. From March 27 to 29, UPOV participated in the Second Annual Congress of the African Seed Trade Association (AFSTA) and gave a presenta-

tion on plant variety protection according to the UPOV Convention. The AFSTA Congress is the most important annual meeting of the African seed and breeding industry. Given the demand for more information about basic principles and the effects of plant variety protection in Africa, the presence of some 100 leading representatives of seed companies and government institutions offered an opportunity to promote plant variety protection in Africa.

23. From April 8 to 10, UPOV participated in a regional symposium on Intellectual Property and the Protection of Expressions of Folklore and Traditional Knowledge in Abidjan, Côte d'Ivoire. The regional symposium was organized by WIPO, in cooperation with the African Intellectual Property Organization (OAPI). UPOV explained plant variety protection according to the UPOV Convention and presented its position on issues of access to, and benefit-sharing in the use of, plant genetic resources. UPOV also clarified its views with regard to the draft African Model Law for the Protection of the Rights of Local Communities, Farmers and Breeders and for Regulation of Access to Biological Resources (African Model Law). Some 80 participants were present.

24. On April 15, UPOV participated in the West Africa Rice Development Association (WARDA) Network Review and Planning Meeting, in Bouaké, Côte d'Ivoire. UPOV gave a presentation on plant variety protection according to the UPOV Convention, including the revised Bangui Agreement, and commented on the draft African Model Law. The presentation raised considerable interest in West African rice breeding circles.

25. From May 8 to 10, UPOV participated in a Regional Meeting on Intellectual Property and the Protection of Expressions of Folklore and Traditional Knowledge, organized by WIPO, in cooperation with the Government of the Republic of Zambia and the National Institute for Scientific and Industrial Research of Zambia, in Lusaka. The objective of the meeting was to strengthen the ability of officials, indigenous and local communities and other stakeholders from English-speaking African countries to participate effectively in WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. UPOV's presentation had the aim to

raise awareness on the role of plant variety protection as a tool for economic development for the benefit of society. UPOV also commented on the draft African Model Law.

26. On May 9 and 10, UPOV participated in an informal Consultation Meeting on the Global Information System on Plant Genetic Resources as provided for by the International Treaty on Plant Genetic Resources for Food and Agriculture at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome. Representatives of the Convention on Biological Diversity (CBD) Secretariat, of the International Seed Trade Federation (FIS) / International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), the International Plant Genetic Resources Institute (IPGRI), the Organization for Economic Co-operation and Development (OECD), the Consultative Group on International Agricultural Research (CGIAR) system, as well as representatives from non-governmental organizations and FAO staff participated. UPOV explained the databases which are operated by the Office of the Union and expressed the view that UPOV's participation in the global information system will largely depend on whether the global information system will potentially develop into a tool which is supportive of plant breeding and to the UPOV system of plant variety protection.

27. On May 13, UPOV participated in a Briefing Seminar organized by the European Patent Office (EPO) in Munich, Germany, for a delegation of experts from the Philippines and Thailand. The UPOV representative gave a lecture on plant variety protection based on the UPOV system. The briefing seminar was the first phase of a mission by experts, which included visits to the *Bundessortenamt* in Hanover, Germany, and to the Community Plant Variety Office (CPVO) in Angers, France.

28. On May 13 and 14, UPOV participated in an Expert Meeting on Intellectual Property and the Protection of Expressions of Folklore and Traditional Knowledge, in Addis Ababa, Ethiopia. The meeting was hosted by the Secretariat of the African Union (AU)* and co-organized by WIPO. The

objective of the meeting was to merge positions which had been developed in three regional symposiums held in March 2002: Portuguese and Spanish-speaking African States met at São Luis do Maranhão, Brazil, English-speaking African States met in Lusaka, Zambia, and French-speaking African States in Abidjan. UPOV's contribution was based on the principles of the UPOV Convention and referred to the International Treaty on Plant Genetic Resources for Food and Agriculture and to the Convention on Biological Diversity. The meeting developed a position paper of the African Group, which was presented to the Third Session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, in June 2002.

29. From May 20 to 22, 2002, UPOV and the Ministry of Legal Affairs of Trinidad and Tobago organized a Regional Seminar on the Protection of New Varieties of Plants Under the UPOV Convention. About 100 participants, representing the local government and judicial sector, researchers and plant breeders were present. Representatives from Antigua and Barbuda, Dominica, Grenada, Guyana, Haiti, Jamaica and St. Kitts & Nevis also attended. The objective of the meeting was to create awareness of the benefits of the PBR system between potential users to encourage them to apply. During the discussion, the participants expressed their needs for better information on plant breeder's rights, the relationship between the UPOV Convention, the CBD and FAO Treaty and the differences between the Act of 1978 and the Act of 1991 of the UPOV Convention.

30. On June 10 and 11, UPOV and the University of Colima, the Autonomous University of Nayarit, and the Technological Institute of Tepic, organized in Tepic, Mexico, a workshop on intellectual property on the subject of "Plant Breeders' Teaching, Research, Commercialization and Legal Protection." Some 40 participants, experts and professors from universities and agricultural research institutes of Mexico were present. The objective was to provide information about plant breeders' rights based on the UPOV Convention and to raise awareness of its benefits for universities and scientific institutions.

* Previously the Organization of African Unity (OAU).

31. On June 11, UPOV provided a lecturer for the Sixth Course on Plant Variety Protection, organized by the Plant Research International (PRI) in Wageningen, Netherlands. There were a total of 19 participants, and UPOV was invited to lecture on the first day of the 11-day course on "Introduction to Plant Variety Protection." The day was made up of presentations combined with a question-and-answer session and a group exercise. The group exercise used different case studies to encourage the participants to consider the various different arrangements for organizing the examination of distinctness, uniformity and stability (DUS).

32. On June 12 and 13, UPOV participated in a national seminar on Biotechnology and Intellectual Property organized by WIPO, in cooperation with the State Department of Intellectual Property, Ministry of Education and Science of Ukraine and the Government of the Autonomous Republic of Crimea. The seminar was attended by 125 participants, representing government officials, staff of the State Department of Intellectual Property and bodies within its jurisdiction, patent attorneys, plant breeders, biotechnology researchers and other scientists. A UPOV presentation raised particular attention because, under the Ukrainian legislation on plant variety protection, the Patent Office was responsible for the granting of plant breeders' rights based on test results produced by the State Commission on Plant Variety Testing.

33. On June 14, UPOV and the State Services for Plant Variety Rights Protection of Ukraine (former State Commission on Plant Variety Testing), organized a National Workshop on Plant Variety Protection, which was held in the conference room of the State Services for Plant Variety Rights Protection in Kyiv. The workshop was attended by some 60 participants, representing government officials, staff of the State Services for Plant Variety Rights Protection, plant breeders and scientists. The UPOV presentations raised considerable interest and enhanced the understanding of basic principles of the UPOV Convention and approaches to technical examination of plant varieties. UPOV was informed that the "Amending Law of Ukraine on the Protection of Plant Variety Rights" had been adopted by Parliament and would come into force on July 1, 2002. Ukraine would then be in a position to give effect to the provisions of the 1991 Act of the UPOV Convention.

34. On June 30, UPOV participated in a meeting organized by the United Nations University Institute of Advanced Studies (UNU/IAS) which was entitled "In Search of Biosecurity Best Practices, Awareness-Raising and Capacity-Building on Access to Genetic Resources, Benefit-Sharing, Biosafety in Central Asian Countries and Mongolia." UPOV gave a presentation entitled "Plant Variety Protection as an Effective Tool for Development." This was the first occasion for UPOV to speak about plant variety protection in Mongolia. Officials of the Government of Mongolia expressed the wish to collaborate with UPOV.

35. From July 1 to 3, UPOV participated in the XVIIIth Pan-American Seed Seminar on "Transgenic Varieties: The Future," in Santa Cruz de la Sierra, Bolivia. Some 400 participants represented the private seed sector and government services from Latin-American countries. UPOV gave a lecture on the enforcement of breeders' rights based on the UPOV Convention.

36. From July 1 to 5, UPOV participated in an international seminar on "Cereal Varieties Testing under Distinctness, Uniformity and Stability," in Egoryevskaya State Variety Testing Station, Moscow area, which was organized by the State Commission of the Russian Federation for Selection Achievements, Tests and Protection, at the request of the International Maize and Wheat Improvement Centres Office (CIMMYT) in Kazakhstan, with the support of the *Deutsche Gesellschaft für Technische Zusammenarbeit* (GTZ). Some 25 participants representing government officials and plant breeders and representatives of plant variety protection offices from Kazakhstan, the Russian Federation, Tajikistan and Uzbekistan were present. The seminar was an important step to further the accession of the three Central Asian States to the UPOV Convention.

37. From July 2 to 5, UPOV organized, in cooperation with the Ministry of Agriculture and Forestry of the Republic of Korea, the Third Asian Regional Technical Meeting for Plant Variety Protection in Seoul, Republic of Korea. The meeting was attended by 19 experts from 13 Asian countries (Bangladesh, Cambodia, China, India, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Pakistan, the Philippines, Sri Lanka, Thailand, Viet Nam). There were also some 70

participants from the Republic of Korea, five experts from Japan and one participant each from Poland and Spain, who participated as lecturers. The meeting gave an overview on plant variety protection in the Asia and Pacific region and offered an insight into the plant variety protection system of the Republic of Korea. It focussed on principles for technical examination of candidate varieties and cooperation in testing for distinctness, uniformity and stability (DUS) of plant varieties. Particular attention was given to the redrafting of UPOV Test Guidelines for Rice and Chinese Cabbage.

38. From July 8 to 10, UPOV, in cooperation with the Ministry of Agriculture, Sugar and Land Resettlement of Fiji, organized a national seminar in Suva, Fiji. A representative of New Zealand participated as a lecturer. Some 30 persons were present, including government officials, researchers, breeders and a representative from the World-wide Fund for Nature (WWF). The Secretariat of the Pacific Community (SPC) and the Pacific Islands Forum Secretariat were also present. The participants showed a high level of interest in plant variety protection. The importance of regional cooperation was stressed. The presence of UPOV officials in Fiji offered an opportunity to meet Mr. Jimmy Rogers, Senior Deputy Director General of the Secretariat of the Pacific Community. It was agreed that all member States of the Community should seek a common starting point with respect to the introduction of plant variety protection. The Secretariat of the Pacific Community will inform the other members of the Community of the experience made with the seminar in Fiji.

39. On September 10 and 11, UPOV and the Selection Achievements Tests, Protection and Seed Quality Checking Center of the Republic of Armenia, organized a National Seminar on Plant Variety Protection and Plant Breeders' Rights under the UPOV Convention in Yerevan, Armenia. Some 45 participants from government institutions, the Selection Achievements Tests, Protection and Seed Quality Checking Center, plant breeders, scientists, the Armenian Technology Group Foundation, the European Union and the United States Department of Agriculture, participated. The Chairman of the State Commission of the Russian Federation for Selection Achievements, Tests and Protection participated on behalf of UPOV. The seminar pro-

vided an opportunity to raise awareness on plant variety protection and to further the procedure of the drafting of Armenian legislation on plant variety protection as a step to accede to the UPOV Convention. The Armenian Selection Achievements Tests, Protection and Seed Quality Checking Center and the Russian State Commission for Selection Achievements, Tests and Protection agreed on a training program of Armenian experts in the examination of DUS.

40. On September 13 and 14, UPOV and the State Patent Office of the Republic of Uzbekistan, in cooperation with the Agro-Industrial Committee of the Parliament of the Republic of Uzbekistan, organized a national seminar on plant variety protection and plant breeders' rights under the UPOV Convention in Tashkent, Uzbekistan. Some 45 participants from the Agro-Industrial Committee of the Parliament of the Republic of Uzbekistan, government institutions, the State Patent Office, the State Committee on Plant Variety Testing, breeders and scientists participated. The Chairman of the State Commission of the Russian Federation for Selection Achievements, Tests and Protection, gave a lecture on behalf of UPOV. The seminar improved the understanding of basic principles of the UPOV Convention within the State Patent Office and the State Committee on Plant Variety Testing, which are both involved in the granting of breeders' rights and DUS examination, respectively. The Amended Law on Plant Variety Protection, which was recently adopted by Parliament, was introduced and will soon be sent to the Council of UPOV for advice on the conformity with the 1991 Act of the UPOV Convention.

41. On September 17, UPOV participated in a meeting of the "Enlarged Variety Denominations Working Group of the Community Plant Variety Office," in Angers, France. The aim was to facilitate coordination with the ongoing review of the UPOV Recommendations on Variety Denominations.

42. On October 1 and 2, UPOV organized, in cooperation with the *Secretaría de Integración Económica Centroamericana* (SIECA) and the United States Agency for International Development (USAID) a Seminar on the Protection of Forms of Life in Guatemala. Some 30 government officials from Costa Rica, El Salvador, Guatemala,

Honduras and Nicaragua participated. Lectures were given by government officials from Guatemala, representatives of SIECA, USAID, United States Patent Office, UPOV, the Argentinean and the Mexican Offices for Plant Variety Protection, the University of Costa Rica, Michigan State University and the Directorate of Industrial Property Registration of Nicaragua.

43. From October 1 to 4, UPOV organized, in cooperation with the Government of the Kingdom of Cambodia, and with financial assistance of the Ministry of Agriculture, Forestry and Fisheries (MAFF) of Japan, a National Briefing Seminar on Plant Variety Protection in Phnom Penh, Cambodia. The National Briefing Seminar was followed by a consultation meeting with officials of the Industrial Property Office of the Department of Industrial Techniques of the Ministry of Industry, Mines and Energy of Cambodia. The National Briefing Seminar was attended by some thirty officials of the Government of the Kingdom of Cambodia. It was opened by H.E. Mr. Suy Sem, Minister for Industry, Mines and Energy. The mission prepared the ground for reflections within the Government of the Kingdom of Cambodia on an appropriate approach to plant variety protection and to further request advice from the Office of the Union.

44. From October 9 to 11, UPOV participated in the first meeting of the Commission on Genetic Resources for Food and Agriculture, acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty). Some 280 participants from 103 countries, 10 intergovernmental organizations, 10 non-governmental organizations and three international agricultural research centers attended the meeting. The Interim Committee took decisions on administrative matters and adopted the terms of reference for an Expert Group on the Standard Material Transfer Agreement, which is to be established in accordance with Article 12(4) of the International Treaty. It was decided that UPOV be invited to send a representative to provide technical assistance.

45. From October 14 to 18, UPOV participated in the Ninth Regular Session of the Commission on Genetic Resources for Food and Agriculture (the

Commission) in Rome, Italy. Some 290 participants from 103 countries, intergovernmental and non-governmental organizations attended the meeting. With regard to plant genetic resources, the Commission discussed the implementation and monitoring of the Global Plan of Action (GPA), the preparation of the second Report on the State of the World's Plant Genetic Resources and elements of a Material Transfer Agreement (MTA) which is aimed to be applied to plant genetic resources held in trust by the International Agricultural Research Centers and which covers plant genetic material which was acquired before the entry into force of the International Treaty.

46. From November 5 to 7, UPOV participated in a Sub-regional Workshop on the Use of the Intellectual Property System for the Promotion of Innovation and Technology Transfer for Agriculture and Food Production in West Africa, which was held in Abuja, Nigeria. The meeting was organized by the *Centre régional africain de la technologie* (CRAT), in cooperation with WIPO and with financial support from the International Fund for Agricultural Development and with cooperation from several other intergovernmental organizations. One of six sessions was dedicated to plant variety protection. Some thirty high-ranking officials from seven West African States and nine organizations participated.

47. On November 7, UPOV participated in the Intellectual Property Committee meeting in Königswinter (near Bonn), Germany, organized by the International Seed Federation (ISF).

48. On November 12 and 13, UPOV participated in the meeting of the CPVO Examination Offices in Angers, France.

49. From November 16 to 23, UPOV participated in Asian Seed 2002, which was held in Ho Chi Minh City, Viet Nam, and which was organized by the Asian Pacific Seed Association (APSA). There were some 400 registered participants. Twenty-one companies and other bodies, including UPOV, had exhibition booths, whilst 37 seed companies had their trading tables in the Trading Room. Asian Seed 2002 was opened by Mr. Bui Ba Bong, Vice Minister for Agriculture and Rural Development of Viet Nam. UPOV gave presentations dur-

ing the Standing Committee on Intellectual Property Rights of APSA and chaired a plenary session on the Status of Plant Variety Protection Issues in the Asia and Pacific Region. At the fringes of the Conference, a meeting was held with Mr. Bui Ba Bong.

50. On November 20 and 21, UPOV organized, in cooperation with the Ministry of Agriculture and Rural Development of Viet Nam and with financial assistance of the Ministry of Agriculture, Forestry and Fisheries (MAFF) of Japan, a National Seminar on the Protection of New Varieties of Plants Under the UPOV Convention. The National Seminar was attended by some 90 participants encompassing officials of the Government of Viet Nam, researchers of governmental research institutes, patent attorneys and breeders from seed companies. Mr. Bui Ba Bong, Vice Minister for Agriculture and Rural Development of Viet Nam opened the Seminar, the sessions of which were chaired by leading agricultural scientists of Viet Nam.

51. On December 17 and 18, UPOV organized, in cooperation with the Arab Organization for Agricultural Development (AOAD), a National Seminar on Intellectual Property in the Field of Agriculture, which was held in Khartoum, Republic of Sudan. Some 50 participants from the Agricultural Research Cooperation of Sudan, the Judiciary, the Ministry of Agriculture and Forestry, the Ministry of Economy and Finance, the Ministry of Industry, the Ministry of Justice, the Ministry of Science and Technology, from universities and national professional associations, participated. The Seminar provided major inputs for the current work on the enforcement of intellectual property rights in Sudan. In Khartoum, the UPOV representatives were received by the Minister for Justice, the Minister for Agriculture and the Director General of AOAD.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

52. A major part of the activities of the Union, and the Office of the Union, in particular, was focussed on advice and assistance on plant variety protection legislation and the procedure to accede

to the Convention by potential members of the Union, or members of the Union that intended to accede to the 1991 Act of the Convention. The Office of the Union provided written or oral comments, paid visits to national authorities or received representatives of the respective States in order to give the required advice. In this respect, the Office of the Union had contacts with Algeria, Armenia, Bangladesh, Cambodia, China, Costa Rica, Egypt, El Salvador, Fiji, India, Indonesia, Kingdom of Bahrain, Lao People's Democratic Republic, Latvia, Lebanon, Lithuania, Malaysia, Mauritius, Mongolia, Myanmar, Pakistan, Philippines, Romania, Saudi Arabia, Sri Lanka, Suriname, Thailand, Ukraine, Uzbekistan, Viet Nam and Yugoslavia (now Serbia and Montenegro).

53. The Office of the Union maintained close contact with the CPVO, the OECD and met with representatives of international organizations to coordinate activities or to explain UPOV's position. Of particular importance was the ongoing discussion on biological diversity, plant genetic resources and traditional knowledge, and the consideration of the draft African Model Law. The Office of the Union participated in the consideration of these issues with the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA), OAPI, the African Regional Industrial Property Organization (ARIPO), SPC, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of WIPO, the African Union, the Arab Organization for Agricultural Development (AOAD), and the WTO Council for TRIPS.

54. The Office of the Union provided guidance with explanations of the provisions of the Convention to members of the Union and individuals.

55. The Office of the Union met regularly with professional associations in order to follow developments in the practical application of plant variety protection on a global and regional level. Of particular relevance were meetings with the International Seed Federation (ISF), the African Seed Trade Association (AFSTA), the Asia and Pacific Seed Association (APSA), the European Seed Association (ESA), the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), and the International Seed Testing Association (ISTA).

56. The Office of the Union held meetings with other non-governmental organizations in order to explain the main features of the UPOV Convention.

V. SELECTED RESULTS OF UPOV IN 2002

57. Annex II* to this document contains an overview of Selected Results of UPOV in 2002 obtained on the basis of the work of the Council, its subsidiary bodies and the Office of the Union.

VI. PUBLICATIONS

58. The Office of the Union published:

(a) two issues of “Plant Variety Protection,” the Gazette and Newsletter of UPOV;

(b) updated editions, covering every event affecting the composition of the Union, of the information leaflet, on UPOV and plant variety protection, in English, Arabic, Chinese, French, German, Russian and Spanish;

(c) six updated discs in the series constituting the “UPOV-ROM Plant Variety Database.”

* The original Annex II may be found on the UPOV Website (http://www.upov.int/en/documents/c/37/c_37_2.pdf).

MEMBERS OF THE UNION
(December 31, 2003)

State	Date of Signature 1	Date of Deposit of Instrument ^{1, 2}	Date Upon Which State Became Bound ¹
Argentina	- - - -	- - November 25, 1994 -	- - December 25, 1994 -
Australia	- - - -	- - February 1, 1989 December 20, 1999	- - March 1, 1989 January 20, 2000
Austria	- - - -	- - June 14, 1994 -	- - July 14, 1994 -
Belarus	- - - -	- - - December 5, 2002	- - - January 5, 2003
Belgium	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	November 5, 1976 November 5, 1976 - -	December 5, 1976 February 11, 1977 - -
Bolivia	- - - -	- - April 21, 1999 -	- - May 21, 1999 -
Brazil	- - - -	- - April 23, 1999 -	- - May 23, 1999 -
Bulgaria	- - - -	- - - March 24, 1998	- - - April 24, 1998
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -

1 *1st line:* International Convention for the Protection of New Varieties of Plants of December 2, 1961

2nd line: Additional Act of November 10, 1972

3rd line: Act of October 23, 1978

4th line: Act of March 19, 1991

2 of ratification, acceptance, approval or accession.

State	Date of Signature	Date of Deposit of Instrument	Date Upon Which State Became Bound
Chile	- - - -	- - December 5, 1995 -	- - January 5, 1996 -
China	- - - -	- - March 23, 1999 -	- - April 23, 1999 -
Colombia	- - - -	- - August 13, 1996 -	- - September 13, 1996 -
Croatia	- - - -	- - - August 1, 2001	- - - September 1, 2001
Czech Republic ¹	- - - -	- - - October 24, 2002	- - January 1, 1993 November 24, 2002
Denmark	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 6, 1968 February 8, 1974 October 8, 1981 April 26, 1996	October 6, 1968 February 11, 1977 November 8, 1981 April 24, 1998
Ecuador	- - - -	- - July 8, 1997 -	- - August 8, 1997 -
Estonia	- - - -	- - - August 24, 2000	- - - September 24, 2000
Finland	- - - -	- - March 16, 1993 June 20, 2001	- - April 16, 1993 July 20, 2001
France	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	September 3, 1971 January 22, 1975 February 17, 1983 -	October 3, 1971 February 11, 1977 March 17, 1983 -
Germany	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	July 11, 1968 July 23, 1976 March 12, 1986 June 25, 1998	August 10, 1968 February 11, 1977 April 12, 1986 July 25, 1998
Hungary	- - - -	- - March 16, 1983 December 1, 2002	- - April 16, 1983 January 1, 2003

3 Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991); State bound on December 4, 1991.

State	Date of Signature	Date of Deposit of Instrument	Date Upon Which State Became Bound
Ireland	- - September 27, 1979 February 21, 1992	- - May 19, 1981 -	- - November 8, 1981 -
Israel	- - - October 23, 1991	November 12, 1979 November 12, 1979 April 12, 1984 June 3, 1996	December 12, 1979 December 12, 1979 May 12, 1984 April 24, 1998
Italy	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	June 1, 1977 June 1, 1977 April 28, 1986 -	July 1, 1977 July 1, 1977 May 28, 1986 -
Japan	- - October 17, 1979 -	- - August 3, 1982 November 24, 1998	- - September 3, 1982 December 24, 1998
Kenya	- - - -	- - April 13, 1999 -	- - May 13, 1999 -
Kyrgyzstan	- - - -	- - - May 26, 2000	- - - June 26, 2000
Latvia	- - - -	- - - July 30, 2002	- - - August 30, 2002
Lithuania	- - - -	- - - November 10, 2003	- - - December 10, 2003
Mexico	- - July 25, 1979 -	- - July 9, 1997 -	- - August 9, 1997 -
Netherlands	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	August 8, 1967 January 12, 1977 August 2, 1984 October 14, 1996	August 10, 1968 February 11, 1977 September 2, 1984 April 24, 1998
New Zealand	- - July 25, 1979 December 19, 1991	- - November 3, 1980 -	- - November 8, 1981 -
Nicaragua	- - -	- - August 6, 2001 -	- - September 6, 2001 -

State	Date of Signature	Date of Deposit of Instrument	Date Upon Which State Became Bound
Norway	- - - -	- - August 13, 1993 -	- - September 13, 1993 -
Panama	- - - -	- - April 23, 1999 -	- - May 23, 1999 -
Paraguay	- - - -	- - January 8, 1997 -	- - February 8, 1997 -
Poland	- - - -	- - October 11, 1989 July 15, 2003	- - November 11, 1989 August 15, 2003
Portugal	- - - -	- - September 14, 1995 -	- - October 14, 1995 -
Republic of Korea	- - - -	- - December 7, 2001	- - January 7, 2002
Republic of Moldova	- - - -	- - September 28, 1998	- - October 28, 1998
Romania	- - - -	- - February 16, 2001	- - March 16, 2001
Russian Federation	- - - -	- - March 24, 1998	- - April 24, 1998
Slovakia ³	- - - -	- - - -	- - January 1, 1993 -
Slovenia	- - - -	- - June 29, 1999	- - July 29, 1999

³ Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991); State bound on December 4, 1991.

State	Date of Signature	Date of Deposit of Instrument	Date Upon Which State Became Bound
South Africa	- - October 23, 1978 March 19, 1991	October 7, 1977 October 7, 1977 July 21, 1981 -	November 6, 1977 November 6, 1977 November 8, 1981 -
Spain	- - - March 19, 1991	April 18, 1980 April 18, 1980 - -	May 18, 1980 May 18, 1980 - -
Sweden	- January 11, 1973 December 6, 1978 December 17, 1991	November 17, 1971 January 11, 1973 December 1, 1982 December 18, 1997	December 17, 1971 February 11, 1977 January 1, 1983 April 24, 1998
Switzerland	November 30, 1962 November 10, 1972 October 23, 1978 March 19, 1991	June 10, 1977 June 10, 1977 June 17, 1981 -	July 10, 1977 July 10, 1977 November 8, 1981 -
Trinidad and Tobago	- - - -	- - December 30, 1997 -	- - January 30, 1998 -
Tunisia	- - - -	- - - July 31, 2003	- - - August 31, 2003
Ukraine	- - - -	- - October 3, 1995 -	- - November 3, 1995 -
United Kingdom	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 17, 1965 July 1, 1980 August 24, 1983 December 3, 1998	August 10, 1968 July 31, 1980 September 24, 1983 January 3, 1999
United States of America	- - October 23, 1978 October 25, 1991	- - November 12, 1980 January 22, 1999	- - November 8, 1981 February 22, 1999
Uruguay	- - - -	- - October 13, 1994 -	- - November 13, 1994 -

Total : 54 members

UPOV CALENDAR OF MEETINGS FOR 2004Council

October 21

Consultative Committee

April 2

October 20

Administrative and Legal Committee

April 1

October 18 and 19

Technical Committee

March 29 (afternoon) to 31

[Editorial Committee: March 29 (morning and evening), March 30 (evening)]

Technical Working Party for Agricultural Crops

June 28 to July 2, Slupia Wielka, Poland

Technical Working Party on Automation and Computer Programs

June 14 to 17, Tsukuba or Tokyo, Japan

Technical Working Party for Fruit Crops

July 19 to 23, Marquardt (Potsdam), Germany

Technical Working Party for Ornamental Plants and Forest Trees

July 12 to 16, Hanover, Germany

Technical Working Party for Vegetables

June 7 to 11, Seoul, Republic of Korea

Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

No meeting planned in 2004.

**ADDRESSES OF PLANT VARIETY PROTECTION OFFICES
IN MEMBERS OF THE UNION****ARGENTINA**

Área Semillas
Secretaría de Agricultura, Ganadería, Pesca y
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Ministerio de la Producción
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AUSTRALIA

The Registrar
Plant Breeder's Rights Office
Australian Government
Department of Agriculture, Fisheries and For-
estry (DAFF)
P.O. Box 858
Canberra, ACT 2601

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website: www.affa.gov.au/pbr

AUSTRIA

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BELARUS

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BELGIUM

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LEGISLATION

CROATIA

THE PLANT VARIETY PROTECTION LAW*

I BASIC PROVISIONS

Article 1

This Law regulates methods and procedures of protection of plant varieties, of the grant of plant breeder's rights and of the protection of plant breeder's rights.

Article 2

For the purposes of this Law:

1. Agricultural plant variety (hereinafter: "*the variety*") is a plant grouping within a single botanical taxon of the lowest known rank, defined by the expression of the characteristics resulting from a given genotype or combination of genotypes; distinguished from any other plant grouping by the expression of at least one of the said characteristics considered as a unit with regards to its suitability for being propagated unchanged.

2. The breeder of the agricultural plant variety (hereinafter: "*the breeder*") is natural or legal person who has been engaged in the breeding process of a new variety; who created or developed the new variety.

3. The breeder's right is the right of the breeder or the right of breeder's legal successor provided for in this Law.

Article 3

1. Breeders right is granted to the breeder.
2. Common (joint) breeder's right can be granted to more breeders, if they have been working together in the breeding process of the new variety.
3. If several breeders were engaged in the breeding process of the new variety independently of each other, the breeder's right will be granted to the breeder who has first submitted the application for the grant of breeder's right.

Article 4

1. The breeder's right is granted to:
 - a) natural person – national or resident of the Republic of Croatia;
 - b) legal person with the seat in the Republic of Croatia.

2. Considering the breeder's right protection, foreign natural or legal person has the same rights as nationals of the country, if regulated so by the international Agreements in force in the Republic of Croatia.

3. Considering all due proceedings before the Variety Protection body, state administration bodies and court proceedings, foreign legal and natural persons can protect their rights regulated by this Law through their designated representative, who carries out representation in the variety protection proceedings. The representative can be domestic, legal or natural persons.

Article 5

1. Activities related to plant variety protection regulated by this Law will be carried out by the Institute for Seed and Plant Material Production (hereinafter referred to as "*the Institute*").

2. The Commission for Agricultural Plant Variety Protection will be established within the Ministry for Agriculture and Forestry, in order to monitor the situation in variety protection, and to issue professional opinions and proposals.

3. The Commission will be established, and Chairman, Secretary and members of the Commission will be appointed by the Minister of Agriculture and Forestry (hereinafter: "*the Minister*") by the Official Decision published in the "Official Gazette".

4. Chairman, Secretary and Members of the Commission are entitled to a payment regulated by the Minister.

5. The Minister can establish other working bodies for the implementation of specific activities from Para. (2) of this Article.

Article 6

1. The Institute will manage for following Registers:
 - The Register of Applications for breeder's right;
 - The Register of Transferred breeders' rights;
 - The Register of Contractual Licenses of breeders' rights;
 - The Register of Designated Representatives.

* Text provided by the Croatian Authorities on September 15, 2003. Adopted by the Parliament of the Republic of Croatia on November 28, 1997, and published in the Official Gazette No. 131/97, on December 5, 1997.

2. Registers from the Para. (1) are public.
3. Content, form and proceedings of Registers from the Para. (1) of this Article will be regulated by the Minister.
4. The Official Gazette published by the Institute will inform about the rights granted to breeders registered in Registers from the Para. (1) of this Article.

II PLANT VARIETY PROTECTION

Article 7

1. The variety is protected by the award of the breeder's right.
2. Breeder's right shall be granted if the variety is: new, distinct, uniform, stable and designated (named).
3. The Minister will establish the List of Plant Species which can be protected by the award of breeder's right.

Article 8

1. The variety shall be deemed to be new if, at the date of filing of the application for plant breeder's right, has not been sold or ceded for economic purposes by the breeder not longer than one year before that date in the Republic of Croatia and outside the Republic of Croatia not longer than four years before that date.
2. In the case of trees and vines, the term from the Para. (1) of this Article is six years.
3. The variety shall be deemed to be distinct if it is clearly distinguishable from any other entered variety whose existence is a matter of common knowledge at the time of the filing of the application. This provision is applicable as well to those varieties which are undergoing the process of registration or protection in the Republic of Croatia or in the foreign countries.
4. The variety shall be deemed to be uniform if it is uniform in its relevant characteristics.
5. The variety shall be deemed to be stable if its relevant characteristics remain unchanged after repeated propagation or at the end of each particular cycle of propagation.

Article 9

1. The variety denomination from the Article 9, Para. (2) may notably consist of one word or of several words up to a maximum of three, or a combination of figures and letters, or a combination of words and letters, or of a combination of words and figures.
2. Grounds for the exclusion shall exist when the variety denomination:
 1. renders impossible the identification of the variety;

2. causes confusion or misunderstanding related to the origin, creation, characteristics, value or identity of the variety, or the identity of the breeder;
3. is identical or can be confused with a variety denomination under which a variety of the same or of a related species is entered in an official list of varieties in the Republic of Croatia or in another member State of the International Union for the Protection of New Varieties of Plants (hereinafter: UPOV);
4. is the same or can be confused with a designation in which a third party enjoys a prior right;
5. refers solely to attributes which are also common in other varieties of the species concerned;
6. consists of a botanical or common name of the genus or species, or includes such a name where this is likely to cause confusion;
7. suggests that the variety is derived from another known or related variety;
8. includes words such as "variety", "cultivar", "form", "hybrid", "cross" or their translations.

1. If the variety is already registered in another member State of the UPOV, or if an application for the protection of the same variety has been already submitted in such State, only the variety denomination which has been proposed or already registered in that other State may be proposed and registered as a denomination for the variety.

2. If the variety denomination used in the other State is inappropriate for linguistic reasons, the applicant will propose another variety denomination in three months time.

Article 10

Any person who offers for sale or markets propagating material of a protected variety must, even after the expiration of the protection, use the same registered variety denomination.

III SCOPE AND DURATION OF BREEDER'S RIGHT

1. The establishment of breeder's right

Article 11

Breeder of the variety is granted with the breeder's right from the date of the registration in the Register of Breeder's Rights.

2. Scope of breeder's Right

Article 12

1. The following acts in respect of the propagating material of the protected variety shall require the authorization of the breeder:

1. production or reproduction (multiplication)
2. conditioning for the purpose of propagation
3. offering for sale
4. importing, exporting
5. stocking and processing.

1. Protection from Para. (1) of this Article is valid from the date of submission of the application for the grant of breeder's right.

2. Breeder's authorization is not needed for breeding of new varieties and for use for experimental purposes.

Article 13

The provisions of Para. (1) from Article 12 of this Law shall also apply in relation to:

1. varieties which are essentially derived from the protected variety, and genetically close to the protected variety;
2. varieties which are not clearly distinguishable from the protected variety;
3. varieties whose production requires the repeated use of the protected variety.

3. Period of breeder's right protection

Article 14

Breeder's right protection shall last:

1. for vines, fruit trees, ornamental trees including their rootstocks, until the end of the twentieth year following the grant of plant breeder's right;
2. for all other genera or species, until the end of the fifteenth year following the grant of plant breeder's right.

Article 15

1. For the grant and maintenance of the breeder's rights the fees will be paid in accordance with this Law and regulations based on this Law.

2. Fees from the Para. (1) will be established by the Minister.

3. If the fees for the grant of breeder's right will not be paid, the application for the breeder's right will be rejected.

Article 16

The breeder's right ceases:

1. if the holder of the breeder's right waives that right;
2. after the period of protection of the breeder's right has expired;
3. if the breeder's right has been declared null;
4. if the holder does not pay the renewal fee that is due, even after six months of prolonged payment period.

IV PROCEEDING FOR THE GRANT OF BREEDER'S RIGHT

1. Starting the Proceedings

Article 17

1. The breeder's right is realized in the administrative proceeding led by the Institute.
2. "The Law on General Administrative Proceedings" is applicable for all issues not regulated by this Law.

Article 18

1. The proceeding for the grant of breeder's right is initiated by the submission of the application to the Institute.
2. The Institute can accept the application for the grant of breeder's right in foreign country(ies), if this is in accordance with the international agreements signed by the Republic of Croatia.
3. The proceeding for the grant of the breeder's right can be initiated by the submission of the application in foreign country, if this is regulated by the international agreement signed by the Republic of Croatia. Legal impact of granted rights based on such applications is the same as for rights granted for domestic applications, if not regulated differently by the international agreement.
4. The application from the Para. (1) of this Article is accompanied with certain quantity of propagating material of the variety for which the grant of breeder's right has been requested.
5. The language of the application is Croatian.
6. The method and proceedings for the grant of breeder's right are to be established by the Minister.

Article 19

1. The Application from the Article 18 will be marked by date and hour of its submission; the applicant will get the confirmation of receipt with date and hour of submission.
2. The submission date is the date of a receipt of application which complies with the conditions for the registration in the Register of Applications for the Grant of Breeder's Rights (hereinafter: *Register of Applications*).

3. Reproduction material of the variety for which the grant of breeder's right has been requested, as well as attached documents, shall be kept in confidence.

Article 20

The application, as well as the withdrawal or rejection of the application will be published by the Institute in its Gazette.

Formal examination of the Application for the Grant of Breeder's Right

Article 21

1. After the receipt of the application for the breeder's right, the Institute will analyze it to verify if it complies with the conditions of the registration in the Register of Applications.
2. The Minister is authorized to establish the conditions for the registration of the application in the Register of Application.

Article 22

1. If the application complies with the conditions, it will be entered in the Register of Applications with the date of its submission. The applicant will receive written confirmation of the receipt.
2. If the application does not comply with the conditions set forth in this Law, the Institute will request in a written form the applicant to complete his application. The deadline to complete the application is three months after the submission date of written request.
3. If the applicant completes the application at time from the Para. (2) of this Article, the application will be entered in the Register of Applications with the date of receipt of completed application.
4. If the applicant does not complete the application in granted period, his application will be rejected.

Article 23

1. Correct application for the grant of breeder's right for which the fee has been paid, will be published in the Gazette within three months after the application date.
2. The published notice from the Para. (1) of this Article will contain: date of submission; name and address of the applicant; variety denomination and main characteristics of variety.
3. The published notice from Para. (2) of this Article has to be made available to any interested person.

Article 24

1. After the registration in the Register of Applications, the Institute will examine the compliance with the conditions for the grant of the breeder's right.
2. For the examination of the conditions from Para. (1) of this Article, the Institute will examine the variety, if it does not already detain proof that the variety complies with the conditions from the Article 7, Para. (2) of this Law.
3. The Institute may request from the applicant to submit required amount of propagating material on due date.
4. The Institute can entrust the examination of the variety from Para. (2) of this Article to specialized institutions in foreign countries and accept the results of such examinations.
5. The Institute will accept the results of the examination of proceedings for variety registration (both new created domestic varieties and foreign (varieties) if the conditions from Article 7, Para.(2) are fulfilled.

Grant of Breeder's Right

Article 25

1. If the examination shows that application satisfies the conditions from Article 24 of this Law, the Institute shall issue the Official Decision on the Grant of Breeder's Right. The breeder's right will be entered in the Register of Breeder's Right.
2. The date of registration in the Register from Para. (1) of this Article is the date of the Official Decision on the grant of the breeder's right.
3. If the examination shows that the variety does not comply with regulated conditions, the Institute will reject the grant of breeder's right.
4. The Official Decision on the grant of breeder's right, as well as the rejection of the application will be published in the Official Gazette of the Institute.

Article 26

1. The opposition (complaint) may be filed against Official Decisions and other Acts issued in the proceedings of the grant of breeder's right within three months after a delivery date of Decision or other Act.
2. The complaint has to be submitted to the Board for Complaints, established in the Ministry. The Board has three members.
3. The Minister is authorized to establish the Board and to nominate its members.

4. Members of the Board are entitled to receive the payment set by the Minister.

Article 27

1. Every holder of breeder's right shall ensure that, throughout the period for which the right is exercisable, he is in a position to provide the Institute with propagating material of the protected variety.

2. The holder of the breeder's right shall pay a renewal fee for the maintenance of his breeder's right. The fee will be determined by the Minister.

Article 28

1. When the decision on the grant of breeder's right has been published, the "Breeder's Right Document" will be issued.

2. Based on the request of the breeder, the Breeder's Right Document can be accompanied by the list of granted breeder's right.

3. The Minister is authorized to establish form and content of the Document from the Para. (1) of this Article.

Article 29

1. The Official Decision on the grant of breeder's right will be issued to the breeder who has first submitted the Application for the grant of breeder's right.

2. If the Application for the grant of breeder's right has been submitted by more breeders jointly, breeder's right will be granted to all breeders.

3. The Official Decision on the grant of breeder's right from Para. (2) of this Article does not regulate mutual rights of applicants (breeders).

Special provision for the proceedings of the grant of breeders' rights

Article 30

Within six months after the publication of the Official Decision on the grant of breeder's right, any person with the legal interest may file an opposition against the grant. The opposition can be based on the claim that the applicant is not the breeder of the variety, or that the variety does not comply with the conditions from Articles 7-9, and 25 of this Law.

Article 31

1. After the proceedings in case of the opposition, the Official Decision on the adoption or rejection of the opposition will be issued by the Institute.

2. If the opposition is adopted, the Official Decision will amend or cancel the Official Decision on the grant of breeder's right.

Article 32

The Official Decision on the grant of breeder's right will be declared null, if it will be proven that the conditions for the grant of breeder's right regulated by this Law have not been respected.

Article 33

If the applicant of the request for the annulment of the Official Decision on the grant of breeder's right abandons his claim, the Institute can proceed following its official duty.

V TRANSFER OF BREEDER'S RIGHT AND CESSION OF THE USE OF RIGHT

Transfer of breeder's right

Article 34

1. The holder of the breeder's right can transfer his right completely or partially to other persons under the contract.

2. The provision of Para. (1) of this Article is also valid for the applicant of the Application for the grant of breeder's right.

Article 35

1. The contract referred to in Article 34 of this Law has to be in a written form.

2. The contract from the Para. (1) of this Article will be entered in the Register of Transferred Breeder's Rights.

3. The contract which is not in a written form has no legal effect towards third parties.

Grant of breeder's right to exploit the variety

Article 36

1. For the contractual grant of breeder's right, license contract has to be concluded in accordance with this Law and other regulation.

2. License contract has to be in written form.

3. Para. (1) of this Article is also valid for the applicant for the grant of breeder's right.

4. If the Application has been submitted by more persons or if the breeder's right has been granted to more persons, the accord of all those persons is needed for the license contract.

Article 37

1. License contract has to contain the following data: licence duration, scope of license, the royalty.
2. The Contract from Para. (1) of this Article will be entered in the Register of Contractual Licenses of Breeders' Rights.
3. License contract not entered in the Register from Para. (2) of this Article has no legal effects towards third parties.

Compulsory licenses

Article 38

1. If the holder of the breeder's right himself, or through other person, does not use or uses insufficiently his right, other person can obtain his right upon the payment of royalty to the holder of the breeder's right.
2. The Institute shall grant the compulsory licenses upon request, if:
 1. the holder of the breeder's right does not produce or sell on his own or through other licence user sufficient amount of propagating material or product;
 2. the use of breeder's right has public importance.
1. A compulsory license can be granted to the person who proves that he disposes of propagating material, as well as of production -, technical- and financial facilities for the use of breeder's right.
2. A compulsory license will not be granted for more than three years; this period can be extended if the conditions for additional grant of the licence exist.

Article 39

The owner of the compulsory license must pay the royalty to the holder of the plant breeder's right in the amount agreed jointly. If parties can not agree upon the royalty fee, the fee and the way of payment will be determined by the Institute.

Article 40

1. The Institute takes the decision on the application for the grant of a compulsory license.
2. Application for the grant of compulsory license may be submitted after the period of five years following the grant of the breeder's right.

VI COURT PROTECTION

Complaint against the violation of breeder's right

Article 41

1. Any person violating the breeder's right, which derives from application or from already granted right, is responsible for the damage according to general provisions for indemnification.
2. A person whose right has been violated is entitled, apart from indemnification, to request the prohibition of further activities of the person who has violated his right, and to request the sentence declaring the violation to be published at the expenses of the defendant.
3. The violation of breeder's right is every unauthorized economical exploitation of the breeder's right.

Article 42

1. The complaint against the violation of the breeder's right may be filed within three years after the date when the prosecutor has become aware of the violation.
2. The complaint can not be filed after five years following the violation.
3. Proceedings for the complaint against the violation of the breeder's right are urgent, and will be done by competent Court.

Dispute of granted breeder's right

Article 43

During the period of granted breeder's right, the holder of breeder's right can file the request before the competent Court in order to be proclaimed the holder of breeder's right, if the same right had been granted and registered to another person.

Article 44

1. Within three months from the submission of a legally valid court decision which approves the request filed, the prosecutor has the right to demand from the Institute to enter his right in the Register of Breeder's Rights and to issue an appropriate document.
2. If the person from Para. (1) of this Article does not submit the application, breeder's right will be deleted from the Register of Breeders' Rights.

Article 45

Rights obtained by the third person from previous holder of rights are valid for the new holder of rights, if they have been registered in the appropriate Register, or if the application for the registration has been submitted before the notice of court proceedings.

Breeder's complaint for the grant of breeder's right

Article 46

1. The breeder can file a complaint before the competent court in order to be mentioned in all documents related to the grant of breeder's rights.
2. In the case of death of a breeder, his successors will have the right to file the complaint.
3. The complaint from Para. (1) of this Article can be filed during the proceedings for the grant of breeder's right and during the validity of the breeder's right.

VII REPRESENTATION

Article 47

1. Natural and legal persons who represent the applicant in the proceedings of the grant of breeder's right have to be registered in the Register of Representatives, managed by the Institute.
2. The Minister is authorised to establish the method and proceedings for the registration, and conditions for natural and legal persons who act as representatives.

VIII THE CONTROL OF IMPLEMENTATION
OF THE LAW

Article 48

The Ministry is authorised to carry out the administrative control of the implementation of this Law. The Ministry is responsible for administrative proceedings carried out by the Institute.

IX TRANSITIONAL AND FINAL PROVISIONS

Article 49

Acts and regulations for the implementation of this Law will be established by the Minister within one year after the entry into force of this Law.

Article 50

As an exception of Article 8, Para. (1) of this Law, plant breeders of those varieties which have been protected according to former regulations, and their legal successors, can submit an application for the grant of breeder's right within one year after entry into force of this Law.

Article 51

Prior to the establishment of the Institute referred to in Article 5 of this Law, but no longer than one year after the entry into force of this Law, activities of the Institute will be carried out according to former legal acts valid prior to entry into force of this Law.

Article 52

This Law shall enter into force on the eighth day after its publication in the "Official Gazette" of the Republic of Croatia.

**THE LAW OF ALTERATIONS AND AMENDMENTS ON
THE PLANT VARIETY PROTECTION LAW***

Article 1

In the Plant Variety Protection Law (published in the "Official Gazette" of the Republic of Croatia No. 131/97) in Article 5 paragraph (2) after "and issue professional opinions and proposals" there shall be inserted "and give consent in the procedures of grant of Breeders' Rights."

Article 2

In Article 8 paragraph (1) shall be substituted with – "The variety is new if, at the date of filing of application for a breeders' rights, propagating or harvested material of the variety has not been sold or otherwise disposed of to others, by or with consent of the breeder for purposes of exploitation of the variety in the territory of the Republic of Croatia for longer than one year or, in a territory other than the Republic of Croatia for longer than four years".

In paragraph (3) of the same article the word "registered" shall be deleted.

Article 3

In Article 9 paragraph (3) the word "may" shall be substituted with the word "must".

Article 4

In Article 12 after paragraph (1) shall be inserted two new paragraphs (2) and (3):

"(2) The acts referred to in paragraph (1) in respect of harvested material, including entire plants and parts of plants, obtained through the unauthorised use of propagating material of the protected variety shall require the authorisation of the breeder, unless the breeder has had reasonable opportunity to exercise his right in relation to the said propagating material.

(3) The acts referred to in paragraph (1) in respect of product made directly from harvested material of the protected variety falling within the provisions of paragraph (2) through the unauthorised use of the said harvested material shall require the authorisation of the breeder, unless the breeder has had reasonable opportunity to exercise his right in relation to the said harvested material."

The previous paragraphs (2) and (3) shall become paragraphs (4) and (5).

Article 5

In Article 13 item 1 shall be substituted with -

"1. varieties which are essentially derived from the protected variety, where the protected variety is not itself an essentially derived variety."

Article 6

Article 14 shall be substituted as follows:

"(1) The breeders' right shall be granted for a fixed period.

(2) Minimum period shall not be shorter than 20 years from the date of grant of the breeders' right and for trees and vines shall not be shorter than 25 years."

Article 7

In Article 16 item 3 the words: "declared null" shall be substituted with the word: "cancelled".

Article 8

After Article 18 shall be inserted the new Article 18a. as follows:

"Article 18a.

(1) Any breeder who has duly filed an application for the protection of a variety in one of the Contracting Parties (the "first application") shall, for the purpose of filing an application for the grant of breeders' rights for the same variety with the authority of any other Contracting Party, enjoy a right of priority for a period of 12 months. This period shall be computed from the date of filing of the first application.

(2) In order to avail himself of the right of priority, the applicant shall submit to the Institute, within three months from the filing date of the application at the Institute, a copy of the first application, certified to be a true copy by the authority with which that application was filed together with an application specified in Article 18 paragraph (1).

(3) The breeder shall be allowed a period of two years after the expiration of the period of priority from paragraph (1), in which to furnish the Institute with any necessary information, documents or material required for the purpose of examination under Article 24.

(4) The breeder shall be allowed where the first application is rejected or withdrawn, an appropriate time after such rejection or withdrawal, in which to furnish the Institute with any

* Text provided by the Croatian Authorities on September 15, 2003. Adopted by the Parliament of the Republic of Croatia on June 14, 2000, and published in the Official Gazette No. 62/00, on June 16, 2000.

necessary information, documents or material required for the purpose of examination under Article 24. They shall be furnished within the period specified for the species concerned and shall be regulated by the Minister.”

Article 9

In Article 25 paragraph (1) after the word “Institute” shall be inserted: “with the previous consent of the Commission mentioned in Article 5 paragraph (2) of this Law:”

Article 10

After Article 31 shall be inserted a new sub-heading as follows:

“5. Special cases for cancellation and nullity of the official decision on the breeders’ rights.”

Article 11

Article 32 shall be substituted as follows:

“(1) The Institute shall annul an Official Decision on the breeders’ rights where it is established:

1. that the variety was not new or distinct at the date of filing of the application specified in Article 18 paragraph (1) or, where relevant, at the date of priority;
2. that, where the breeder’s right has been granted essentially on the basis of information and documents submitted by the applicant, the variety was not uniform or stable at the date referred to in 1;
3. that the breeder’s right has been granted to a person who is not entitled to it and the entitled person has not brought an action under Article 43.

(2) An Official Decision from paragraph (1) shall be published in the Official Journal of the Institute.”

Article 12

After Article 33 shall be inserted a new Article 33a. as follows:

“Article 33a.

(1) The Institute shall cancel an Official Decision on the breeder’s right where it is established that:

1. the variety is no longer uniform or stable.
2. the owner of the right within 1 month period:
 - does not provide the Institute with the information, documents or material deemed necessary for verifying the maintenance of the variety;

- does not propose a suitable denomination to replace the existing one, where the Institute proposes to cancel the latter after the breeder’s right has been granted.

(2) An Official Decision from paragraph (1) shall be published in the Official Journal of the Institute.”

Article 13

Article 38, paragraph (2), shall be substituted with -

“(2) The Institute shall grant a compulsory license on request if the exercise of the breeder’s right is in the public interest.”

Article 14

Article 43 shall be substituted as follows:

“Where the breeder’s right has been granted to a person who was not entitled to that right, the entitled person may apply to the competent court to be declared as the person to be granted the breeder’s right.”

Article 15

In the title and all provisions of the Law the words “agricultural plant variety” shall be substituted with “plant variety”.

Article 16

This Law shall enter into force on the eighth day after its publication in the Official Gazette of the Republic of Croatia.

**REGULATIONS ON THE PROCEDURE AND THE CONDUCT OF TESTS FOR
DISTINCTNESS, UNIFORMITY AND STABILITY (DUS) OF NEW VARIETIES OF PLANTS
FOR THE PURPOSE OF GRANTING THE BREEDERS' RIGHT***

Based on Article 18 paragraph (6) and Article 18a (4) of the Plant Variety Protection Law ("Official Gazette" No 131/97 and No 62/00), the Minister of Agriculture and Forestry issues the following

REGULATIONS

on the procedure and the conduct of tests for distinctness, uniformity and stability (DUS) of new varieties of plants for the purpose of granting the Breeder's Right.

I. BASIC PROVISIONS

Article 1

These Regulations determine the procedure and the conduct of tests for distinctness, uniformity and stability (hereinafter: *DUS*) of new varieties of plants for the purpose of granting the Breeders' Right and the period for providing the material required for the purpose of examination in the case when the right of priority has been claimed and when the first application has been rejected or withdrawn.

II. PROCEDURE FOR THE CONDUCT OF TESTS

Article 2

The Procedure of DUS testing of new varieties includes testing in the trial field and laboratory that must be conducted according to general procedural guidelines and in accordance with requirements of the International Union for the Protection of New Varieties of Plants (hereinafter: *UPOV*). The Technical Guidelines for conducting the DUS testing for those species tested by the Institute for Seed and Seedlings (hereinafter: *Institute*), are published in the Official Gazette of the Institute.

DUS-testing of the varieties in the trial field and laboratory are conducted by the Institute or competent institution (hereinafter: *Examiner*), determined by the Institute.

For the conduct of DUS tests of new varieties, the Institute can also determine the examiner in a foreign signatory country, that has signed international agreements or conventions, that the Republic of Croatia has also signed and become member. That is the case only when the examiner has already been named for that by the national authorities for the protection of new varieties in that country. In the case of the DUS testing of new varieties in a foreign country, the Institute must previously determine, if agroecological conditions in the country where testing is going to be conducted is comparable with agroecological conditions in the Republic of Croatia.

Mutual responsibilities and cooperation between the Institute and the examiner shall be determined by the Contract.

The Institute shall sent to the examiner a copy of the Technical Questionnaire and the application for the protection of the new variety.

Article 3

In the case when the Institute for a new variety cannot determine the examiner for DUS testing in the Republic of Croatia or in a signatory country, the applicant or someone else authorised by the applicant can organise DUS testing for a new variety at the Institutes' request.

Where neither practical testing experience nor national test guidelines are available in other countries for the species or variety grouping concerned, the Institute should develop its own testing procedures (Technical Guidelines) in accordance with the principles set out in the General Introduction. The Institute should inform UPOV of these developments. In addition, the Institute should published Technical Guidelines and approve the examiner before the DUS testing of a new variety.

Article 4

The Institute should inform the applicant when, where and in what quantity and quality the plant material required for testing the variety is to be delivered to the examiner. The applicant submitting material from a State other than the one in which the testing takes place must make sure that all customs formalities are completed.

In the cases when the right of priority has been claimed and when the first application has been rejected or withdrawn, the material required for the purpose of examination should be delivered within 6 months, for agricultural plants, and one year, for trees and vine, claimed from the day of rejection or withdrawing in the country of first application.

Article 5

The plant material must not have undergone any treatment unless the competent authorities allow or request such treatment. If it has been treated, full details of the treatment must be given.

Article 6

The minimum duration of tests should normally be two similar growing periods. The test period may be extended into a third year to resolve distinctness.

* Text provided by the Croatian Authorities on September 15, 2003. Published in the Official Gazette No. 63/01, and entered into force on July 13, 2001.

The tests should normally be conducted at one place. If any important characteristics of the variety cannot be seen at that place, the variety may be tested at an additional place.

The trial for DUS testing consists of new varieties in tests (hereinafter: candidate varieties) and varieties of reference collections. Candidate varieties are compared with varieties of reference collections for the purpose of determination of distinctness.

The reference collection consists of:

1. varieties grown in the Republic of Croatia,
2. any other variety of common knowledge grown in comparable geographical area,
3. varieties nominated by the applicant as close controls,
4. in the case of hybrids all parental lines of common knowledge,
5. other varieties in tests,
6. UPOV example varieties.

Article 7

A variety is defined by its characteristics and those characteristics are therefore the basis on which a variety can be examined for DUS. DUS tests determine those characteristics of new varieties (listed in the Technical Guidelines) that are important for determination of distinctness or distinguish one variety from another and for examination of uniformity and stability, not considering characteristics for value for cultivation and use.

After the first year of testing the examiner produces a Preliminary Report of testing of distinctness, uniformity and stability. The Preliminary Report gives information of results from DUS test after the first year and possible problems in conducting of trials. The form of the Preliminary Report (PI-DUS Form) is published with these Regulations and it is an integral part.

At the end of the test period, a Final Report is produced by the Institute based upon the UPOV model which, if positive, contains a variety description in the annex. The form of the Final Report (I-DUS Form) is published with these Regulations and it is an integral part.

If the examiner is someone else, not the Institute, the examiner is obliged to deliver the Report and the description of the variety to the Institute as soon as possible as DUS testing is finished.

III. CONDUCT OF DUS TESTING

Article 8

The conduct of DUS tests for new varieties is based on visual assessments, giving marks and measuring of certain characteristics of a variety.

Environmental influences can more or less influence and modify the expression of genetic conditioned qualitative and quantitative characteristics. Normally, it should be determined on which environmental influences have the smallest influence.

A list of characteristics, that are observed are listed in the Technical Guidelines published by the Institute in the Official Gazette. The Technical Guidelines for certain species and plant groups are based on the UPOV Test Guidelines.

The mandatory and additional characteristics are listed in the Technical Guidelines. An applicant could require additional characteristics to be determined by written request and explanation. The Institute will decide whether those characteristics shall be determined.

Article 9

Visually assessed and measured characteristics, determined by DUS testing of new varieties are qualitative and quantitative characteristics.

Qualitative characteristics are those that are expressed in discontinuous states. These states are self-explanatory and independently meaningful. All states are necessary to describe the full range of characteristics, and every form of expression can be described by a single state. The states do not have any logical order. As a rule, the characteristics are not influenced by environment. The state of expression of certain characteristics is determined in comparison to example varieties and similar varieties.

Quantitative varieties are those, which are measurable and those that show continuous variation from one extreme to the other. The range of expression is divided into a number of states of expression for the purpose of description. Number of states of expression is determined.

Qualitative characteristics are normally recorded visually, whereas quantitative characteristics can be measured. If measuring of quantitative characteristics, especially sensory observation like taste and smell, is demanding, those characteristics can be determined as qualitative ones on the basis of recording.

Article 10

To enable varieties to be tested and a variety description to be established, the characteristics in Test Guidelines are subdivided into their different states of expression, or "states" for short, and the wording of each state is attributed a numerical "Note". Where appropriate, example varieties are provided in the Test Guidelines to clarify the states of expression of characteristics.

Characteristics which are assessed separately may be subsequently be combined, for example the length/width ratio. Combined characteristics have to be assessed in the same way as the other characteristics.

Article 11

Two varieties have to be considered distinct if the difference:

- has been determined at least in one testing place,
- is clear, and
- is consistent.

Article 12

In the case of true qualitative characteristics the difference between two varieties has to be considered clear if the respective characteristics show the expression which fall into two different states. In the case of other qualitatively handled characteristics an eventual fluctuation has to be taken into account with respect to year and testing place in establishing distinctness. Varieties should not be considered distinct for a qualitative characteristic if they have the same state of expression.

Article 13

When distinctness depends on measured characteristics the difference has to be considered clear if it occurs with one percent probability of an error, on the basis of the suitable statistic method.

Article 14

If normally visually observed quantitative characteristic is the only distinguishing characteristic in relation to another variety, in the case of doubt, it should be measured if this is possible with reasonable effort. For determination of clear distinctness of varieties, direct comparison between two similar varieties is used. In each comparison it is acceptable to note a difference between two varieties as soon as this difference can be seen with the eye and can be measured.

Article 15

The differences are consistent, if they occur with the same sign in two consecutive, or in two out of three, growing seasons.

The simplest criterion for establishing distinctness is that of consistent differences (significant differences with the same sign) in pair-wise comparisons, provided that they can be expected to recur in the following trials. The number of comparisons has to be sufficient to allow a comparable reliability as for measured characteristics.

Article 16

If it is the case that for two varieties differences may be observed in several separately assessed characteristics, and if combination of such data is used to establish distinctness, it should be ensured that the degree of reliability is comparable with those provided in Articles 13, 14 and 15 of these Regulations.

Article 17

The variety must be sufficiently uniform, having regard to the particular features of its sexual reproduction or vegetative propagation. To be considered uniform, the variation shown by a variety, depending on the breeding system of that variety and off-types due to occasional mixture, mutation or other causes, must be as limited as necessary to permit accurate description and assessment of distinctness and to ensure stability. This requires a certain tolerance which will differ according to the reproductive system of the variety—vegetatively propagated, self-fertilized or cross-fertilized. The number of off-types appearing, that is, plants which differ in their expression from that of the variety, should not—unless otherwise indicated in the appropriate Test Guidelines—exceed the tolerance indicated in the following Article.

Article 18

For vegetatively propagated varieties and truly self-pollinated varieties the maximum acceptable number of off-types in samples of various sizes is the following:

Number of plants in the sample	Maximum number of Off-types
< 5	0
6 - 35	1
36 - 82	2
83 - 137	3

The sample size for certain plant varieties is different and defined in the Technical Guidelines.

Article 19

Mainly self-pollinated varieties which are not fully self-pollinated but which are treated as such for testing, a higher tolerance is required and the maximum number of off-types allowed in the table of Article 18 for vegetatively propagated varieties and for truly self-pollinated varieties is double.

Article 20

Cross-pollinated varieties including synthetic varieties normally exhibit wider variations within the variety than vegetatively propagated or self-pollinated varieties and it is sometimes difficult to distinguish off-types. Therefore, no fixed tolerance can be determined but relative tolerance limits are used through comparison with comparable varieties already known.

In the case of measured characteristics a variety is considered not to be uniform if variance of measured characteristics exceeds 1.6 times the average of the varieties used for comparison.

Visually assessed characteristics have to be handled in the same way as a measured one. The number of plants visually different from those of the variety should not significantly (on the level of 5 % probability) exceed the number found in comparable and similar varieties.

Article 21

Single cross hybrids have to be treated mainly as self-pollinated varieties referred to in Article 19 of these Regulations.

Other categories of hybrids have to be treated according to species and breeding methods. Allowed aberration for certain hybrids considering species and breeding methods are published in the Technical Guidelines for DUS-testing.

Article 22

Stability of a variety can be determined by careful observation of maintaining the variety in next years comparing it with the first year and with the sample kept in the Institute.

Stability of a variety can be determined with lower reliability than distinctness or uniformity. Normally, once the sample shows uniformity, material can be considered as stable.

If it is necessary, stability can be determined with parallel sowing of the new sample and the sample that has been kept in the Institute with the purpose of confirmation whether both samples show the same characteristics.

Article 23

In the Official Gazette, the Institute should publish Technical Guidelines for DUS testing for certain plant varieties not later than 30 days after applying for the first Application for variety protection.

Technical Guidelines followed the UPOV Test Guidelines.

Until the publication of Technical Guidelines for DUS testing of the Institute in the Official Gazette, UPOV Test Guidelines should be used.

Article 24

These Regulations shall enter into force on the day of their publication in the Official Gazette.

REGULATIONS ON THE REGISTRATION IN THE REGISTERS FOR THE PROTECTION OF NEW VARIETIES OF PLANTS*

Based on Article 6 paragraph (3); Article 18 paragraph (6); Article 21 paragraph (2), Article 28 paragraph (3) and Article 47 paragraph (2); the Plant Variety Protection Law ("Official Gazette" No 131/97 and No 62/00), the Minister of Agriculture and Forestry issues the following

REGULATIONS

on the registration in the Registers for the Protection of New Varieties of Plants.

I. BASIC PROVISIONS

Article 1

These Regulations determine the contents, form and proceedings of the Register of Applications for Breeders' Rights, the Register of Breeders' Rights, the Register of Transferred Breeders' Rights, the Register of Contractual Licenses of Breeders' Rights, the Register of Representatives; conditions that legal and natural persons, who deal with representation, must comply for registration in the Register and also contents of the application for registration and form and contents of the Certificate of the Grant of Plant Breeders' Rights.

Article 2

Registers from Article 1 of these Regulations should be recorded on the prescribed forms published with these Regulations as its integral part and can be recorded in electronic format.

Article 3

Beside these Registers the following is established:

1. the collection of the documents, separate for each registered legal and natural person, in the form of files, documents and other official papers connected to registration should be registered,
2. the directory of registered legal and natural persons should be recorded by an application order, in electronic format.

Article 4

Registration in the Register and the directory, as well as registration of documents and other official papers in the collection of documents will be done by an employee of the Institute for Seed and Seedlings (hereinafter: "the Institute") and the named employee is responsible for the correct recording and correct keeping of the document collection.

Data recorded in the Register kept in the computer should be stored on appropriate medium as a safety copy.

The authorised person is obligated to keep the register, the directory and the collection of documents in order to protect them from misuse, damage and destruction.

Article 5

Legal and natural persons registered in the Register have the obligation to inform the Institute and submit evidence about every change of data recorded in the Register, not later than 30 days after the change has been made.

II. REGISTER OF APPLICATIONS FOR THE GRANT OF THE BREEDERS' RIGHT

Article 6

The Register of Applications for Breeders' Right shall contain the following:

1. unique number,
2. number of registration,
3. date and hour of the application,
4. date and hour of acceptance of the complete application,
5. in the case where the right of priority is claimed: the country in which the first complete application was filed and the filing date in that country,
6. publication date of the application in the Institute's Official Gazette,
7. data of the applicant: name, surname, name of the firm and address,
8. data of the breeder or breeders: name, surname and address,
9. data of the representative: surname, name and address,
10. plant species (botanical taxon and Croatian name),
11. proposed denomination for the variety,
12. temporary breeder's mark of the variety,
13. changes of data in the application for variety protection,
14. date of the decision for a suspension of the procedure,

* Text provided by the Croatian Authorities on September 15, 2003. Published in the Official Gazette No. 63/01, and entered into force on July 13, 2001.

15. date of valid decision for protection of the variety,
16. date of valid decision for rejecting the application,
17. notification of the courts' decision in relation to the right to file an application.

A form of the Register of Application for the Grant of the Breeders' Right (ZSOP) is published with these Regulations and forms an integral part.

Article 7

A registration in the Register of Application for the Grant of the Breeders' Right is done on the basis of a written request submitted to the Institute. An application form for the Grant of Plant Breeders' Right is published with these Regulations and forms an integral part.

With the application for registration in the Register of Applications for Breeders' Right the following should be enclosed:

1. Technical Questionnaire (in accordance with UPOV requirements), which could be obtained from the Institute,
2. Authorisation (for authorised person that represents foreign legal and natural persons in the Republic of Croatia).

Enclosures should be either the originals or certified copies.

Article 8

The Institute will make the registration in the Register of Applications for Breeders' Right if the following conditions are fulfilled:

1. that Technical Questionnaire is enclosed,
2. that application fee is paid.

III. REGISTER OF BREEDERS' RIGHT

Article 9

The Register of Breeders' Right shall contain the following:

1. unique number,
2. number of registration,
3. number and date of issuing the decision of granted Breeders' Right,
4. number and date of issuing the Certificate of the grant of Plant Breeders' Right,
5. date of publication of granted Breeders' Right in the Institute's Official Gazette,
6. plant species (botanical taxon and Croatian name),

7. registered denomination of protected variety and meaning of that denomination,
8. an official description of the variety or reference from the document file which includes the official description of the variety,
9. in the case of the varieties whose production requires repeated use of certain components for the production of seed material of the protected variety, these components are to be listed,
10. data of the holder of Breeders' Right: name, surname, name of the firm and address,
11. data of the breeder or breeders: name, surname and address,
12. data of the representative: surname, name and address,
13. data of the third party; on which Breeders' Right are partly or completely transferred: name, surname, firm, address, content of transferred rights,
14. type of document on which basis the transfer is made,
15. data of the person, to whom compulsory license was assigned: name, surname, firm or address, conditions for the assignment, date of expiration of that right,
16. date of expiration of variety protection,
17. number and date of the decision, when the cancellation of the Breeders' Right is done,
18. notification of the courts' decision in relation to the Breeders' Right,
19. changes of data, registered in the Register of Breeders' Right.

A form of the Register of Breeders' Right (OP) is published with these Regulations and forms an integral part.

Article 10

The Institute issues the Certificate of the grant of Plant Breeders' Right to the holder of the Breeders' Right, which is valid from the day of validity of the decision.

A form of the Certificate of the grant of Plant Breeders' Right is published with these Regulations and forms an integral part.

IV. REGISTER OF TRANSFERRED BREEDERS' RIGHT

Article 11

The Register of Transferred Breeders' Right shall contain the following:

1. unique number,

2. number of registration,
3. number and date of issuing the decision of granted Breeders' Right,
4. number and date of issuing the Certificate of the grant of Plant Breeders' Right,
5. date of publication of granted Breeders' Right in the Institutes' Official Gazette,
6. number and date of the Contract which the Breeders' Right is partly or completely transferred to the third person,
7. data on whether the Breeders' Right is transferred to the third person partly or completely,
8. plant species (botanical and Croatian name),
9. registered denomination of protected variety and meaning of that denomination,
10. an official description of the variety or reference from the document file which includes the official description of the variety,
11. in the case of the varieties whose production requires repeated use of certain components for the production of seed material of the variety, these components are to be listed,
12. data on the holder of Breeders' Right who is transferring the Breeders' Right: name, surname, firm and address,
13. data on the breeder or breeders: name, surname and address,
14. data on the third person, to which the Breeders' Right is partly or completely transferred: name, surname, firm, address, content of transferred right,
15. number of the Contract of Transferred Breeders' Right,
16. date of expiration of protection of variety,
17. number and date of the decision, when the cancellation of the Breeders' Right is done,

A form of the Register of Transferred Breeders' Right (POP) is published with these Regulations and forms an integral part.

Enclosures should be either original or certified copy.

Article 12

The registration in the Register of Transferred Breeders' Right is made on the basis of written request submitted to the Institute.

With the request for registration in the Register of Transferred Breeders' Right the following should be enclosed:

1. Contract of Transferred Breeders' Right.

V. REGISTER OF THE CONTRACTUAL LICENSES OF BREEDERS' RIGHT

Article 13

The Register of Contractual Licenses of Breeders' Right shall contain the following:

1. unique number,
2. number of registration,
3. number and date of issuing the decision of granted Breeders' Right,
4. number and date of issuing the Certificate of the grant of Plant Breeders' Right,
5. date of publication of granted Breeders' Right in the Institute's Official Gazette,
6. number and date of the Contractual Licenses of the Breeders' Right,
7. duration of license,
8. volume of license,
9. compensation for the Contractual Licenses of Breeders' Right,
10. plant species (botanical and Croatian name),
11. registered denomination of protected variety and meaning of that denomination,
12. official description of the variety or reference from the document file which includes the official description of the variety,
13. in the case of the varieties whose production requires repeated use of certain components for the production of seed material of the variety, these components are to be listed,
14. data of the holder of Breeders' Right who licensed Breeders' Right: name, surname, firm, and address,
15. data of the breeder or breeders : name, surname and address,
16. data of the person to whom Breeders' Right is licensed: name, surname, firm, and address,
17. data of the person that has assigned a compulsory license: name, surname, firm, and address, condition of assignment and date of expiration,
18. date of expiration of the protection of variety,
19. number and date of the decision, when the cancellation of the Breeders' Right is done,

A form of the Register of Contractual Licenses of Breeders' Right (UOP) is published with these Regulations and forms an integral part.

Article 14

The registration in the Register of Contractual Licenses of Breeders' Right is made on the basis of written request submitted to the Institute.

With the request for registration in the Register of Contractual Licenses Breeders' Right the following should be enclosed:

1. Contractual licence.

Enclosures should be either originals or certified copies.

VI. REGISTER OF REPRESENTATIVES

Article 15

The Register of Representatives shall contain the following:

1. number of registration,
2. number and date of contract representation,
3. data of the representative: name, surname, firm and address,
4. data of the breeder or breeders: name, surname and address,
5. subject and contents of representation
6. changes of data, registered in the Register of Representatives.

A form of the Register of Representatives (ZOP) is published with these Regulations and forms an integral part.

Article 16

The registration in the Register of Representatives is made on the basis of a written request submitted to the Institute.

With the request for registration in the Register of Representatives the following should be enclosed:

1. authorisation (for the authorised person who is representing foreign legal and natural persons in the Republic of Croatia).

Enclosures should be either originals or certified copies.

Article 17

These Regulations shall enter into force on the day of publication in the "Official Gazette."

DECREE ON THE (AMOUNT OF) FEES RELATING TO PLANT VARIETY PROTECTION*

Based on Article 15 paragraph (2) of the Plant Variety Protection Law ("Official Gazette" No 131/97 and No 62/00), the Minister of Agriculture and Forestry issues the following:

Article 1

This Decree lays down the amount of fees to be paid by the applicant with regard to the implementation of the procedure for the protection of new varieties of plants and the maintenance of the plant breeder's right, the technical examination of the distinctness, uniformity and stability of the variety (hereinafter: DUS testing) or acquisition of the results of the DUS testing of the variety from another country signatory of the "International Convention for the Protection of New Varieties of Plants" (UPOV Convention).

Article 2

The amount of fees for the implementation of the procedure for the protection of new varieties of plants and the maintenance of the plant breeder's right shall be as follows:

1. application fee including the publication of the registration in the Official Gazette of the Institute for Seed and Seedlings (hereinafter: Institute)	200,00 Kn
2. fee for the issuance of the Certificate of the Grant of the Plant Breeder's Right	550,00 Kn
3. fee for lodging an objection against the grant	150,00 Kn
4. fee for the entry of changes in the registers	150,00 Kn
5. fee for granting the compulsory license	550,00 Kn
6. fee for the surrender of the plant breeder's right at the request of the holder of the right	150,00 Kn
7. annual fee for the maintenance of the breeder's right:	
· first three years	250,00 Kn
· 4 th year	300,00 Kn
· 5 th year	350,00 Kn
· 6 th year	400,00 Kn
· 7 th year	450,00 Kn
· 8 th year	500,00 Kn
· 9 th year	550,00 Kn
· 10 th year	600,00 Kn
· 11 th year	650,00 Kn
· 12 th year	700,00 Kn
· 13 th year	750,00 Kn
· 14 th year	800,00 Kn
· 15 th year and every following year until the end of the period of protection	1.000,00 Kn

* Text provided by the Croatian Authorities on September 15, 2003. Published in the Official Gazette No. 63/01, and entered into force on July 13, 2001.

Article 3

The amount of fees for the technical examination of the distinctness, uniformity and stability of the variety (DUS testing) or acquisition of the results of the DUS testing of the variety from another country signatory of the UPOV Convention shall be as follows:

	KN PER VARIETY	
	1 st year	2 nd year
1. winter and spring wheat	2.800,00	2.800,00
2. winter and spring barley	2.800,00	2.800,00
3. maize	2.800,00	2.800,00
4. sugar beet, soya bean, oil rape, sunflower, forage crops and potatoes	3.500,00	3.500,00
5. acquisition of the results of the DUS testing of the variety from the Office responsible for the variety protection in another country of UPOV	2.000,00 Kn	
6. for the verification of DUS testing, carried out by the applicant	800,00 Kn	

Article 4

Fees referred to in Article 2 and Article 3 of this Decree shall be paid to the account no. of the Institute of Seed and Seedlings, Osijek with the indication "Fees relating to Plant Variety Protection."

Article 5

The annual fee for the maintenance of the plant breeder's right under Article 2 of this Decree shall be paid at the beginning of the calendar year, for the current year of protection, no later than 31 of January.

Article 6

This Decree shall enter into force on the day of publication in the "Official Gazette".

LITHUANIA

LAW ON THE PROTECTION OF PLANT VARIETIES

November 22, 2001. No. IX - 618

CHAPTER ONE

GENERAL PROVISIONS

Article 1

Purpose of the Law

1. The Law shall regulate the relations of natural and legal persons with respect to breeder's right and use of varieties of plants.

2. The Law shall apply to the varieties of plant genera and species, included on the list approved by the Minister of Agriculture.

Article 2

Basic Definitions of the Law

1. "Plant material" means entire plants or parts of plants.

2. "Plant genus" means a taxonomic group uniting closely related plant species possessing a common ancestor.

3. "Plant species" means a grouping of related organisms constituting a systematic unit, occupying a certain permanent and relatively constant place in nature and fulfilling its functions in the universal biological metabolism in the manner specific only for the grouping.

4. "Plant variety (hereinafter - variety)" means a plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a breeder's right are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, can be distinguished from any other plant grouping by the expression of at least one of the said characteristics, and can be considered as a unit with regard to its suitability for being propagated unchanged.

5. "List of plant genera and species" means the list approved by the Minister of Agriculture, which includes the plant genera and species, to the varieties whereof this Law applies.

6. "Botanical taxon" means any taxonomic group of plants (class, rank, family, genus, species, subspecies, variety, form).

7. "Propagating material" means plants or parts thereof used for reproduction and propagation of plants of the same variety.

8. "Genotype" means the basis of heredity of organisms.

9. "Licence contract" means a written agreement drawn up between the breeder and a natural or legal person, granting that person the right to propagate and disseminate the propa-

gating material of the variety whereof a breeder's right shall be applied.

10. "Licence fee" means the fee payable under the licence contract.

11. "Application" means a set of documents submitted to the Administrator of the List of Protected Varieties in the Republic of Lithuania, required for granting of the breeder's right of a variety.

12. "Breeder" means:

1) one or several natural persons who bred or discovered and developed a new plant variety;

2) a legal person who is the employer of one or several natural persons who, working under employment contract or implementing the assigned task, have bred or discovered and developed a new plant variety;

3) a person who has acquired the property rights to the variety from the persons indicated in subparagraphs items 1 or 2 of this paragraph;

13. "Remuneration" means the fee payable to the breeder of the variety for the propagating material of the protected variety produced from plants grown, on one's own holding, and used for further reproduction or multiplication purposes on one's own holding

14. "Protected variety of significance for the national economy" means the variety required for guaranteeing supply to the market of propagating material possessing certain characteristics.

15. "Common knowledge variety" is a variety, whose existence is a matter of common knowledge. In particular, the filing of an application for the granting of a breeder's right or for the entering of another variety in an official register of varieties, in any country, shall be deemed to render that other variety a matter of common knowledge from the date of the application, provided that the application leads to the granting of a breeder's right or to the entering of the said other variety in the official register of varieties, as the case may be.

Article 3

Conditions for the Breeder's Right of Plant Varieties

The breeder's right of a plant variety shall be granted upon establishing that the variety satisfies the criteria of novelty, distinctness, uniformity and stability and has been designated by a denomination in accordance with the provisions of Article 18 of this Law.

* English text provided by the Lithuanian Authorities. The Law was adopted on November 22, 2001, entered into force on April 1, 2002, and was published in the Official Gazette, No. 104-3701 of 2001.

Article 4
Novelty

1. The variety shall be deemed to be new if, at the date of filing of the application, propagating or harvested material of the variety has not been sold or otherwise disposed of to others, by the initiative or with the consent of the breeder:

- 1) in the Republic of Lithuania earlier than one year before the above-mentioned date;
- 2) in the territory of another state earlier than four years or, in the case of trees, vines or of berry shrubs earlier than six years before the said date.

2. Novelty shall not be lost as a result of any sale or disposal to others if:

- 1) that is the result of an abuse to detriment of the breeder or his successor in title;
- 2) that forms part of an agreement for the transfer of the rights in the variety;
- 3) that forms part of an agreement under which a person multiplies propagating material of the variety concerned on behalf of the breeder or his successor in title, provided that the property in the multiplied material is not used for the production of another variety;
- 4) that forms part of an agreement under which a person undertakes field test or laboratory trials, with a view to evaluating the variety;
- 5) that forms part of the fulfilment of statutory or administrative obligation, in particular those in relation to biological safety or inclusion of the variety in the list of plant varieties admitted to trade in the Republic of Lithuania;
- 6) in creating the variety or implementing the operations indicated in sub-paragraphs 3-5 of this paragraph, plant material of the variety obtained as a by-product or surplus product shall be sold or disposed of without variety identification for purposes of consumption.

Article 5
Distinctness

1. The variety shall be deemed to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of the filing of the application.

2. In particular, the filing of an application for the granting of a breeder's right or for the entering of another variety in an official register of varieties, in any country, shall be deemed to render that other variety a matter of common knowledge from the date of the application, provided that the application leads to the granting of a breeder's right or to the entering of the said other variety in the official register of varieties, as the case may be.

Article 6
Uniformity

The variety shall be deemed to be uniform if, subject to the variations that may be expected from the particular features of its propagation, it is sufficiently uniform in its relevant characteristics.

Article 7
Stability

A variety shall be deemed to be stable if its relevant characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

Article 8

List of Plant Varieties Protected in the Republic of Lithuania

1. The List of Plants Varieties Protected in the Republic of Lithuania (hereinafter - the List of Protected Varieties) is the principal document for recording varieties of plants that have been granted the breeder's right in Lithuania.

2. The List of Protected Varieties shall be comprised and administered by the Administrator of List of Protected Varieties, the institution authorised by the Ministry of Agriculture.

CHAPTER TWO

APPLICATION FOR GRANTING OF A
BREEDER'S RIGHT TO A PLANT VARIETY

Article 9
Filing of the Application

1. The breeder or the person authorised by him (hereinafter - the applicant) who wishes to receive the breeder's right for the variety bred or discovered and developed by him, shall file an application to the Administrator of the List of Protected Varieties for granting the breeder's right to a plant variety.

2. The application shall consist of a request for granting of the breeder's right to a plant variety and other documents, the list, form and filing procedure whereof shall be established by the Administrator of the List of Protected Varieties.

3. A separate application shall be filed with respect to every variety. The request for granting of the breeder's right to a plant variety and the other documents of the application shall be filed in the Lithuanian or other language prescribed by the Administrator of the List of Protected Varieties. In this case, an official translation thereof shall be submitted in the Lithuanian language.

4. Where the variety has been bred or discovered and developed by several natural or legal persons, one application shall be filed indicating therein the share of ownership of each one of them. Foreign state natural or legal persons shall file the applications through their authorised representative in the Republic of Lithuania.

5. Filing of the application with a state Member of the International Union for the Protection of New Varieties of Plants or with a Member State of the European Union, shall not restrict the applicant's right to file an application to the Administrator of the List of Protected Varieties without waiting for reply concerning granting of the breeder's right to a variety.

6. The date when the Administrator of the List of Protected Varieties received and registered an application for a breeder's right to a plant variety, which meets the requirements indicated in paragraph 2, shall be deemed to be the date of filing of the application.

Article 10 Right of Priority

1. The priority of an application shall be computed from the date of filing of the application.

2. An applicant shall have the right to file the first application with a competent institution of any Member State of the International Union for the Protection of New Varieties of Plants or in a Member State of the European Union. If, prior to filing an application with the Administrator of the List of Protected Varieties in Lithuania, the applicant has already filed an application for granting of a breeder's right to the same variety with a Member of the International Union for the Protection of New Varieties of Plants or in a Member State of the European Union, at the applicant's request the right of priority of the application may be determined by the date of filing of the first application. In this case the application must be filed with the Administrator of the List of Protected Varieties within 12 months from the date of filing of the first application. The day of the filing of the application shall not enter into this time frame.

3. In order to benefit from the right of priority of the first application in the case referred to in paragraph 2 of this Article, the applicant shall, within a period of not less than three months from the filing date of the subsequent application, furnish the Administrator of the List of Protected Varieties a copy of the first application, certified to be a true copy by the foreign state competent institution with which that application was filed. The Administrator of the List of Protected Varieties may request the applicant to furnish additional documents or other evidence that the variety, which is the subject matter of both applications, is the same.

4. The breeder shall be granted the right for a period of two years after the expiration of the period of priority specified in paragraph 2 of this Article or, where the first application is rejected or withdrawn, within the period prescribed by the Administrator of the List of Protected Varieties, in which to furnish, according to the procedure laid down in this Law, to the Administrator of the List of Protected Varieties with which he has filed the subsequent application, any necessary documents or material required for the purpose of the examination under Articles 11, 12, and 13 of this Law.

5. Events, occurring within the period provided for in paragraph 2 of this Article, such as the filing of another application or the publication or use of the new variety that is the subject of the first application, shall not constitute a ground for the Administrator of the List of Protected Varieties for re-

jecting the subsequent application. Such events shall also not give rise to any third-party right.

6. After the breeder has, in accordance with the procedure established in Article 36 of this Law, filed an appeal against an applicant, who was not the breeder, and the Administrator of the List of Protected Varieties has taken a decision to refuse granting of a breeder's right on the basis thereof, the breeder shall have the right to request the date of the refused application be deemed to be the date of filing of his application. In this case, the breeder must file the application with the Administrator of the List of Protected Varieties within one month from the date of taking the decision to refuse the grant of the breeder's right.

CHAPTER THREE

EXAMINATION OF THE APPLICATION AND TECHNICAL EXAMINATION OF THE VARIETY

Article 11

Preliminary Examination of the Application

1. The Administrator of the List of Protected Varieties shall carry out preliminary examination of the application within one month from the date of filing of the application. In the course of the examination priority of the application shall be determined, fullness of the set of documents filed and their compliance with the requirements set by the Administrator of the List of Protected Varieties shall be assessed.

2. Having determined within the period of one month that the submitted documents do not comply with the prescribed requirements, the Administrator of the List of Protected Varieties shall notify the applicant thereof in writing. If the stipulated deficiencies are corrected within the time limit indicated by the Administrator of the List of Protected Varieties, the application shall be deemed to have been filed on the day wherein the Administrator of the List of Protected Varieties received the application for the breeder's right. Should the shortcomings fail to be corrected, the application shall be deemed not to have been filed and the applicant shall be informed thereof in writing.

3. If the application and the filed documents comply with the prescribed requirements, the Administrator of the List of Protected Varieties shall notify the applicant thereof in writing.

Article 12

Substantive Examination of the Application

1. The Administrator of the List of Protected Varieties shall carry out substantive examination of the application within the period prescribed by the Administrator of the List of Protected Varieties, which is counted from the day of filing of the application.

2. It shall be established in the course of substantive examination whether the variety indicated in the application for the grant of a breeder's right is new, whether the applicant is entitled to file this application and whether the proposed variety denomination is suitable pursuant to Article 18 of this Law.

3. Having established that the plant variety does not comply with the requirements set in paragraph 2 of this Article, the Administrator of the List of Protected Varieties shall notify the applicant thereof in writing. Should the applicant fail to correct the deficiencies that might have been identified, the Administrator of the List of Protected Varieties shall take a decision to reject the application and shall notify the applicant thereof in writing.

Article 13 Technical Examination of the Variety

1. After the preliminary and substantive examinations of the application have been carried out, technical examination of the variety shall be performed. In the course of the examination tests may be carried in order to establish whether the variety complies with the requirements of distinctness, uniformity and stability.

2. Upon the decision of the Administrator of the List of Protected Varieties, the technical examination of the variety shall also be deemed to have been completed if the distinctness, uniformity and stability of the variety has been assessed and recognised by the competent institution of any foreign state and the applicant has furnished all documents confirming the fact and the consent of the institution for the use of the data of technical examination carried out by it.

Article 14 Arrangement of the Technical Examination of a Variety and Examination Results

1. Responsibility for the technical examination of a variety shall rest with the Administrator of the List of Protected Varieties. The Administrator of the List of Protected Varieties may conduct technical examination of the variety on his own or avail himself of the services of competent institutions of foreign states.

2. The applicant shall pay the Administrator of the List of Protected Varieties a fee charged by him for the conduct of the technical examination.

3. If the results of the technical examination of the variety comply with the requirements of distinctness, uniformity and stability, set by this Law and the applicant has paid the fee for the technical examination of the variety according to the procedure laid down in paragraph 2 of this Article, the Administrator of the List of Protected Varieties shall produce the official description of the variety and take a reference sample of the propagating material of the variety for safekeeping.

4. Having established that the variety does not comply with the requirements specified in paragraph 3 of this Article and/or the applicant has not paid the fee charged for the technical examination of the variety, the Administrator of the List of Protected Varieties shall take a decision to reject the application and shall notify the applicant thereof in writing.

5. The Administrator of the List of Protected Varieties shall keep the documents relating to the examination of the appli-

cation and the technical examination of the variety for the entire period of validity of the breeder's right.

Article 15 Provisional Protection

The breeder's interests shall also be protected during the period from the day of the filing of the application for granting of a breeder's right until the variety is granted protection. The holder of a breeder's right shall at least be entitled to equitable remuneration from any person who, during the said period, has carried out acts which have infringed upon his rights as provided in Article 26 of this Law.

Article 16 Publication of Information

The Administrator of the List of Protected Varieties shall publish information relating to:

- 1) received, withdrawn and rejected applications;
- 2) variety denominations proposed in the applications;
- 3) varieties afforded protection under the breeder's right, their breeders and/or authorised representatives of the breeders;
- 4) varieties afforded provisional protection;
- 5) change of the breeders and/or their authorised representatives;
- 6) decisions to declare a breeder's right null and void, to cancel or to extend a breeder's right;
- 7) other information specified by the Administrator of the List of Protected Varieties.

CHAPTER FOUR

VARIETY DENOMINATION

Article 17 Variety Denomination

1. The variety shall be designated by a denomination in accordance with its generic designation. The denomination shall be indicated in the application filed by an applicant.

2. After the variety has been entered in the List of Protected Varieties, it shall in all cases be referred to by the designated denomination. This same denomination must be used also after the expiration of the breeder's right in that variety.

Article 18 Characteristics of the Denomination

1. The denomination of a variety must enable the variety to be identified. It may not consist solely of figures except

where this is an established practice for designating varieties. The denomination must not be liable to mislead or to cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder. It must be different from every denomination which designates, in the territory of the Republic of Lithuania or any other state, an existing variety of the same plant species or of a closely related species.

2. Prior rights of third persons shall not be affected. The new variety must not be given the denomination of a variety whose right of ownership term has expired.
3. The denomination must comply with the norms of the state language.

Article 19

Changing the Denomination of a Variety

The denomination of a variety may be changed at the breeder's request or on the court decision.

CHAPTER FIVE

BREEDER'S RIGHT FOR A PLANT VARIETY: GRANTING, DURATION AND CANCELLATION OF THE BREEDER'S RIGHT

Article 20

Entry into Force of Breeder's right for a Plant Variety

1. Upon establishing that a plant variety satisfies the conditions for a breeder's right laid down in Article 3 of this Law, the Administrator of the List of Protected Varieties shall take a decision to enter the variety in the List of Protected Varieties under the proposed denomination and shall inform the applicant thereof in writing. The denomination of the variety, the breeder thereof, the variety description, and the duration of the breeder's right shall be specified in the decision.
2. Having entered the variety in the List of Protected Varieties, a certificate of the breeder's right shall be issued to the breeder. The Administrator of the List of Protected Varieties shall determine the form of the certificate.
3. The breeder's right shall be granted on the same day as the denomination of the variety is entered in the List of Protected Varieties.

Article 21

Refusal to Grant the Breeder's Right to a Plant Variety

Where the variety does not satisfy the requirements set by this Law, the Administrator of the List of Protected Varieties shall take a decision to refuse entering the variety in the List of Protected Varieties and shall notify the applicant thereof in writing.

Article 22

Duration of the Breeder's Right of Plant Varieties

1. The breeder's right to a plant variety shall be granted for a period of 25 years, whereas for potatoes, trees, berry shrubs and vines the said period shall be 30 years from the date of entry thereof in the List of Protected Varieties.
2. The Administrator of the List of Protected Varieties shall have the right to extend the duration of the breeder's right upon the request of the breeder or his authorised representative, but for not longer than five years. The duration of the breeder's right may be extended if the breeder or his authorised representative files with the Administrator of the List of Protected Varieties a written request for the extension of duration of the breeder's right before the expiry thereof.
3. The breeder's right shall lapse before the expiry of the time periods set in this Article if the breeder surrenders it in writing to the Administrator of the List of Protected Varieties. The date of expiry of the breeder's right may be indicated in the breeder's application. Where there is no indication of the date, the surrender shall be with effect from the day following the day of receipt of the application.

Article 23

Declaring the Breeder's Right of Plant Variety Null and Void

1. The breeder's right shall be declared null and void from the day of entry of the variety in the List of Protected Varieties:
 - 1) when it is established that a variety did not comply with the requirements of novelty or distinctness at the time of the granting of a breeder's right to a plant variety;
 - 2) if the breeder's right to a plant variety has been based upon information and documents furnished by the breeder only, but at the moment of the granting of a breeder's right did not comply with the requirements of uniformity or stability under the provisions of Articles 6 and 7 of this Law.
 - 3) when it is established that the breeder's right has been granted to a person, who is not entitled to it.
2. Having established the reasons referred to in paragraph 1 of this Article, the Administrator of the List of Protected Varieties shall take a decision to declare the breeder's right null and void and shall notify the breeder thereof in writing.

Article 24

Cancellation of Breeder's Right of Plant Variety

1. The breeder's right of a variety shall be cancelled if:
 - 1) the Administrator of the List of Protected Varieties establishes that the conditions of uniformity and stability laid down in Articles 6 and 7 of this Law are not fulfilled by a variety;

- 2) the breeder has not provided the Administrator of the List of Protected Varieties at the latter's request with the information, documents or other material necessary for verifying the maintenance of the variety;
- 3) where the Administrator of the List of Protected Varieties establishes that the denomination no longer complies with the requirements of this Law, the breeder does not propose another suitable denomination;
- 4) the breeder fails to pay such state fees as may be payable to keep his right in force.

2. The Administrator of the List of Protected Varieties shall notify the breeder in writing that his right may be cancelled for reasons specified in paragraph 1 of this Article and shall set the time limit for eliminating the reasons.

3. If the breeder fails to eliminate the reasons within the time limit, specified in Paragraph 2 of this Article, the Administrator of the List of Protected Varieties shall take a decision to cancel the breeder's right and shall inform the breeder thereof in writing.

4. The breeder shall forfeit his rights provided in Article 26 of this Law as from the day of cancellation of the breeder's right.

Article 25 State Fees

State fees shall be payable for services provided by the Administrator of the List of Protected Varieties according to the procedure laid down in the Republic of Lithuania Law on State Fees and Charges and the procedure prescribed by the Government.

CHAPTER SIX

RIGHTS AND OBLIGATIONS OF THE BREEDER

Article 26 Rights of the Breeder

1. Subject to Articles 28 and 29, the following acts in respect of the propagating material of the protected variety shall require the authorisation of the breeder:

- 1) production and reproduction;
- 2) conditioning for the purpose of propagation;
- 3) offering for sale;
- 4) selling or other marketing;
- 5) exporting;
- 6) importing;
- 7) stocking for any of the purposes mentioned subparagraphs 1 to 6 of this paragraph.

2. Persons who are using the variety under a licence contract must notify the breeder of the reproduced, sold or in other way marketed propagating material, unless the licence contract provides otherwise.

3. In using plant material obtained through the unauthorized use of propagating material, it is necessary to obtain the authorisation of the breeder, unless the breeder has had reasonable opportunity to exercise his rights in relation to the said propagating material.

Article 27

Application of the Breeder's Right to Essentially Derived Varieties and Some Other Varieties

1. The provisions of Article 26 of this Law shall also apply in relation to:

- 1) varieties which are essentially derived from the protected variety where the protected variety is not itself an essentially derived variety;
- 2) varieties which are not clearly distinguishable in accordance with paragraph 1 of Article 5 of this Law from the protected variety;
- 3) varieties whose production requires only the repeated use of the protected variety.

2. A variety shall be deemed to be essentially derived from another variety, hereinafter referred to as "the initial variety", when:

- 1) it is predominantly derived from the initial variety, or from a variety that is itself predominantly derived from the initial variety, preserving the characteristics of the initial variety, which are the result of this variety's genotype or combination of genotypes;
- 2) it is clearly distinguishable from the initial variety but it conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety, except for the differences which result from the act of derivation of this variety.

3. For example, essentially derived varieties may be obtained by the selection of a natural or induced mutant, or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, or transformation by genetic engineering.

Article 28

Exceptions to the Breeder's Rights

1. A variety may be used without the breeder's authorisation if:

- 1) the acts are done privately and for non-commercial purposes;
- 2) the acts are done for experimental purposes;

3) the acts are done for the purposes of breeding other varieties and acts to be carried out with these varieties as specified in Article 26 of this Law, except where the provisions of Article 27 of this Law apply.

2. Farmers and other land users may use the protected variety without the breeder's authorisation when:

- 1) they use the propagating material from the harvest of a protected variety raised on their farm or on holdings used by them for their farm needs;
- 2) they pay the remuneration to the breeder. The amount of the remuneration and the procedure of payment thereof shall be established by mutual agreement between the breeder or his authorised representative and the farmer or other land user. In the absence of such an agreement, the remuneration shall amount to at least 50% of the average licence fee which would be payable in Lithuania for the lowest category propagating material of the same plant species, subject to certification.

3. The provisions of paragraph 2 of this Article shall apply to farmers and other land users only in cases:

- 1) if they are growing on their own holdings or plots of land they are using plants of the following species: oats, barley, rye, spelt wheat and durum wheat, triticale, rape, linseed (with the exclusion of flax), peas, beans, vetch, lupine, lucerne, potatoes;
- 2) if they use, for further propagating purposes on their holdings, the product of the harvest which they have obtained by planting, on their own holdings or cultivated plots of land, the propagating material of a protected variety in Lithuania (except a hybrid or synthetic variety) of the species referred to subparagraph 1 of this Article.

4. The farmers and other land users may be exempt from the payment of the fee indicated in subparagraph 2 of paragraph 2 of this Article when the area of their own holdings or plot of the land used is not larger than the area prescribed by the Minister of Agriculture.

5. Farmers and other land users who are propagating the certified propagating material of protected varieties must, at the breeders' request, submit to them data relating to the use of propagating material of the protected variety.

Article 29

Exhaustion of the Breeder's Right

The breeder's right shall not extend to acts concerning any propagating or plant material of the protected variety, or of a variety covered by the provisions of Article 27, which has been sold or otherwise marketed by the breeder or with his consent in the territory of the State which is a member of the International Union for the Protection of New Varieties of Plants, or any material derived from the said material, unless such acts:

- 1) involve further production of the propagating and plant material of the variety in question;

- 2) involve an export of the propagating or plant material of the variety into a country which does not protect varieties of the plant genus or species to which the variety belongs, except where the exported plant material is for final consumption purposes.

Article 30

Assignment of the Breeder's Rights

1. Natural and legal persons, who have acquired the property right to a variety, must submit to the Administrator of the List of Protected Varieties documents confirming the fact.

2. The Administrator of the List of Protected Varieties shall examine the received documents and register the new breeder within one month from the receipt of the application.

Article 31

The Breeder's Obligations

1. Upon the request of the Administrator of the List of Protected Varieties the breeder shall submit samples of propagating material of the protected variety for renewing the reference sample or for checking the conformity and other characteristics of the propagated variety.

CHAPTER SEVEN

LICENCE CONTRACTS

Article 32

Conclusion of Licence Contracts

1. The breeder of a protected variety (licenser) may authorise another person (licensee) to perform the acts specified in Article 26 of this Law. A licence contract shall be concluded.

2. The licensee may not assign the rights to perform the acts specified in Article 26 to a third person, unless the licence contract provides otherwise.

3. Having concluded the licence contract, the holder of the breeder's right shall submit it to the Administrator of the List of Protected Varieties for registering.

Article 33

Types of Licence Contracts

1. The breeder shall have the right to conclude:

- 1) an exclusive licence contract;
- 2) a regular licence contract.

2. The conclusion of an exclusive licence contract shall restrict the breeder's right to use the variety in the sphere in which the rights have been transferred to the licensee.

3. The conclusion of a regular licence contract shall not restrict the breeder's rights provided for by this Law.

Article 34 Requirements of Licence Contracts

A licence contract shall be concluded in writing. The following shall be specified in the licence contract:

- 1) the requisites of the parties to the contract;
- 2) the denomination of the plant species and variety;
- 3) purposes, ways or methods of use of the variety;
- 4) the territory of use of the variety;
- 5) period of validity of the licence contract;
- 6) rights, obligations and liability of the parties to the contract;
- 7) amount of the licence fee, dates and procedure of payment thereof;
- 8) dispute settlement procedure;
- 9) other conditions which comply with laws and other legal acts.

Article 35 Compulsory Licence Contract

1. A compulsory licence contract may be concluded where there is a lack in the State of the protected variety of significance for the national economy and if the breeder has not been propagating the variety for a three-year period after the entry thereof in the List of Protected Varieties. A natural or legal person who wishes to conclude a compulsory licence contract may apply to the Administrator of the List of Protected Varieties.

2. A compulsory licence contract shall be concluded and rescinded upon the decision of the Administrator of the List of Protected Varieties.

3. The licence fee payable for the use of a variety under a compulsory licence contract shall be fixed by the decision of the Administrator of the List of Protected Varieties and shall amount to the average licence fee for the propagating material of the plant species payable in Lithuania.

4. The breeder must sell to the licensee the initial propagating material required for the propagation of the variety charging for it the price payable on the average for the propagating material of other varieties of the plant species.

5. A compulsory licence contract may be concluded for a maximum period of four years. The breeder may apply to the Administrator of the List of Protected Varieties with a request

to curtail the period of the compulsory licence contract or to rescind the contract, if the reasons for which it has been concluded no longer exist or the licensee does not comply with the conditions laid down in the contract.

6. Conclusion of a compulsory licence contract shall not restrict the breeder's right established by this Law.

7. Disputes arising in relation to the compulsory licence contract shall be settled by court.

CHAPTER EIGHT

DECISION MAKING, APPEALING AGAINST THE DECISIONS AND DECIDING ON APPEALS

Article 36 Appealing the Application

1. After the publication of the application every interested person shall have the right to be granted access to the application documents, results of technical examination of the variety and description of the variety.

2. Until the taking of decision either to grant the breeder's right or to refuse granting the right, the interested persons may apply to the Administrator of the List of Protected Varieties with an appeal against the ineligible applicant as well as against the fact that the variety does not satisfy the conditions for the grant of the breeder's right, specified in Article 3 of this Law. Appeals against the variety denomination may be filed within three months from the day of publication of the application. Documents or other material justifying the appeal must accompany the appeal. The person who filed the appeal shall have the right to withdraw it at any time.

3. The Administrator of the List of Protected Varieties must notify the applicant in writing of the received appeal or withdrawal thereof.

Article 37 Board of Appeal

1. For deciding on appeals from the decisions of the Administrator of the List of Protected Varieties, also on appeals against inadequate performance of examination of applications and technical examination of varieties as well as for considering and deciding on other issues relating to the breeder's right of varieties, the Minister of Agriculture shall form the Board of Appeal composed of five persons and shall appoint the chairman of the Board. The Board of Appeal shall be formed for three years and comprised by representatives of the Ministry of Agriculture, farmers', non-profit organisation and scientific institution.

2. The Board of Appeal shall function in accordance with the Regulations approved by the Minister of Agriculture.

3. Decisions of the Board of Appeal shall be binding to the Administrator of the List of Protected Varieties.

Article 38

Procedure of Decision Making, Appealing Against the Decisions and Considering the Appeals

1. The time limits and procedure for appealing against the decisions of the Administrator of the List of Protected Varieties, as well as the time limits for eliminating the established deficiencies of the application, for decision making and for notifying of the decisions made, for filing the received and withdrawn applications shall be set out in the Statute of the List of Protected Varieties.
2. The decisions of the Administrator of the List of Protected Varieties shall be appealable to the Board of Appeal, whereas appeals against the decisions of the Board of Appeal shall be lodged to court.

CHAPTER NINE

INTERNATIONAL COOPERATION

Article 39

International Agreements

If international agreements to which the Republic of Lithuania is a party establish other requirements for the breeder's right of plant varieties than those laid down in this Law, the requirements of international agreements shall be complied with.

Article 40

International Cooperation

The Administrator of the List of Protected Varieties shall cooperate with the institutions of other States, exchange information and documents relating to breeder's rights, perform other acts for the fulfilment of international obligations.

CHAPTER TEN

LIABILITY FOR INFRINGEMENT OF PLANT BREEDERS' VARIETIES PROTECTION

Article 41

Liability for Violation of this Law

Natural and legal persons who violate the requirements of this Law shall be held liable under the laws of the Republic of Lithuania.

CHAPTER ELEVEN

FINAL PROVISIONS

Article 42

Coming into Force of the Law

This Law shall come into force from April 1, 2002.

Article 43

Acknowledgement of Laws as having been Repealed

The following shall be acknowledged as having been repealed as of April 1, 2002:

- 1) Republic of Lithuania Law on the Protection of Plant Varieties and Seed Cultivation;
- 2) The Law on the Amendment of Articles 3, 6, 17, 18, 19, 20, 24, 25, and 27 of the Republic of Lithuania Law on the Protection of Plant Varieties and Seed Cultivation;
- 3) Law on the Amendment of Article 23 of the Republic of Lithuania Law on the Protection of Plant Varieties and Seed Cultivation.

TUNISIA

LAW NO. 99-42 OF MAY 10, 1999 ON SEED, SEEDLINGS
AND NEW PLANT VARIETIES*

TITLE I

GENERAL PROVISIONS AND DEFINITIONS

Article 1

This Law applies to all seed, seedlings and new plant varieties used in the production of plants.

It lays down the conditions for their production, propagation, import, marketing and the protection of the relevant rights.

Article 2

For the purposes of this Law:

- (1) "Seed and seedlings" means all seeds, plants, parts of plants such as grafts, tubers, bulbs and stubs.
- (2) "Nurseries" means planted plots and fields reserved for the production of seed and seedlings of fruit trees, ornamental trees, forestry trees and vegetables and others.
- (3) "Reproduction plots" means fields reserved for the production of selected seed.
- (4) "New plant varieties" means new plant varieties created or discovered and resulting from a particular genetic process or a particular composition of hereditary processes and different from all other plant groups and which constitute a unit from the standpoint of their suitability for multiplication.
- (5) "Variety" means the group of plants from a plant varietal unit of the lowest known rank.
- (6) "Breeder" means any natural or legal person who breeds, discovers or creates one of the plant varieties or his successor in title.
- (7) "Breeder's right" means the exclusive right of the breeder to exercise the rights afforded by this Law in relation to new plant varieties.
- (8) "New plant variety certificate" means the certificate issued by the competent authority to the holder of the plant variety.
- (9) "Competent authority" means the services responsible for the protection of plants and new plant varieties under the Ministry of Agriculture.

TITLE II

SEED AND SEEDLINGS

CHAPTER I

CLASSIFICATION OF SEED AND SEEDLINGS AND
ENTRY OF THEIR VARIETIES

Article 3

Seed and seedlings of all species and varieties of agricultural plants shall be classified in the following categories:

- basic seed and seedlings
- certified seed and seedlings
- standard seed and seedlings.

The conditions for classifying seed and seedlings in the above categories shall be laid down by decree.

Article 4

An official catalogue is created in which shall be entered plant varieties that are distinct, stable, uniform and have considerable agricultural value.

The competent authority shall keep the official catalogue.

Entry in the catalogue shall be made on a request submitted by the person concerned to the competent authority, accompanied by a detailed description of the variety and a sample of its seed or seedlings.

The form of the catalogue and the procedure for entry shall be laid down by decree.

Article 5

The official catalogue shall record the principal morphological and physiological specific features and the other characteristics enabling a distinction to be made between the various plant varieties entered.

However, the basic elements of hybrid plants and of compound varieties shall remain secret if their breeders so request.

Article 6

A Technical Committee for Seed, Seedlings and New Plant Varieties is established.

* Adopted on May 10, 1999. Translation from French prepared by the Office of the Union.

This Committee shall have the following tasks:

- Propose measures suitable to develop and guide the seed, seedlings and new plant variety sector.
- Issue opinions on requests for entry of varieties and new plant varieties in the official catalogue.
- Issue opinions on applications for the granting of ownership of new plant varieties.

The composition and working procedures of the aforementioned Committee shall be laid down by decree.

CHAPTER II

PRODUCTION OF SEED AND SEEDLINGS

Article 7

Any person may produce seed and seedlings and propagate them directly or through third persons in accordance with specifications approved by decree.

Article 8

To ensure the quality of seed and seedlings and protect them from diseases and insects that are liable to be propagated within their environment, each producer or propagator shall be required to have a disease-free woodyard and to establish a protection area around the nursery or the fields reserved for the production and propagation of seed and seedlings, of which the width shall be laid down by order of the Minister responsible for agriculture.

The nurseries and production and propagation fields shall also be subject to inspection by the competent authority to ensure that they are free of quarantine organisms and any other plant disease and to ensure the purity and originality of the variety.

In addition, the Minister responsible for agriculture may, by order and each time required by the need, specify special methods for the production of certain seed and seedlings in accordance with the nature and degree of their affection by their production environment.

CHAPTER III

MARKETING OF SEED AND SEEDLINGS

Article 9

Only those seed and seedlings of plant varieties entered in the official catalogue in one of the categories referred to in Article 3 of this Law may be marketed.

The use of any notice or sign or any other signal such as to cause confusion in the mind of the acquirer with regard to the designation of seed and seedlings or their purity or their origin or their age or their phytosanitary status shall be prohibited.

Article 10

The Minister responsible for agriculture may, during exceptional circumstances, authorize the marketing of seed and seedlings meeting special conditions laid down following the opinion of the Technical Committee for Seed, Seedlings and New Plant Varieties.

The Minister responsible for agriculture may also authorize the marketing of seed and seedlings that have been recently bred on condition that they be entered on a waiting list held by the competent authority.

Entry in that list shall be made under conditions laid down by decree.

Article 11

Subject to the statutory provisions in force, the importing and marketing of seed and seedlings shall be effected in accordance with the specifications approved by decree.

Article 12

Marketed seed and seedlings shall satisfy the general standards for storing, packaging and labeling laid down by decree.

CHAPTER IV

INSPECTION OF SEED AND SEEDLINGS

Article 13

Produced seed and seedlings shall be subject to inspection by the competent authority to ensure their quality and their phytosanitary status.

To that end, and in addition to the measures laid down by the legislation on the protection of plants, the competent authority shall inspect the nurseries and fields and shall carry out laboratory tests to check compliance with the standards for each category of seed and seedlings.

Those standards and the inspection procedures shall be laid down by decree.

Article 14

The sworn agents of the competent authority designated by the Minister responsible for agriculture shall be empowered to visit all nurseries, propagating plots and premises for processing, storage and marketing in order to carry out the necessary inspection.

However, access to living premises effectively reserved for living shall be carried out in accordance with the search procedures laid down by the code of penal procedure.

TITLE III

NEW PLANT VARIETIES

CHAPTER I

PROTECTION OF NEW PLANT VARIETIES

Article 15

The competent authority shall ensure the protection of new plant varieties where their breeders or successors in title so request.

Protection for a new plant variety may be requested by any person of Tunisian nationality, by any foreign person subject to application of the principle of reciprocity.

The application for protection shall be filed by the breeder, by his representative or by his successor in title directly with the competent authority or by registered letter with acknowledgement of receipt.

Article 16

The application for protection shall be accompanied by a detailed description of the new plant variety, its proposed denomination, a sample for conservation and by all the data liable to assist the competent authority in taking the measures of protection.

Article 17

Where there is agreement as to the application, the applicant shall receive a new plant variety certificate.

Article 18

The competent authority shall keep a national catalogue of new plant varieties, comprising two parts:

- A first part in which shall be entered the applications for new plant variety certificates.
- A second part in which shall be entered the new plant variety certificates.

The lists of plants eligible for protection, the data and the method of entry of applications and certificates in the aforementioned catalogue shall be laid down by an order of the Minister responsible for agriculture.

Article 19

The new plant varieties, the relevant applications and the new plant variety certificates issued in respect of them shall be published in the Official Journal of the Tunisian Republic.

CHAPTER II

RIGHTS ARISING FROM APPLICATIONS AND PLANT VARIETY CERTIFICATES

Article 20

An application for a new plant variety certificate filed with the competent authority in accordance with the provisions of this Law shall afford the following rights:

- priority for obtaining a new plant variety certificate in the event of more than one application for that variety;
- transfer of the application to third parties;
- provisional protection of the variety against infringement;
- exploitation of the variety that is the subject matter of the application.

Article 21

A new plant variety certificate shall afford to its holder the right to produce the variety that has been bred and to dispose of it.

Article 22

The breeder's right shall cover:

- the protected plant variety;
- any variety that is not clearly different from the protected variety;
- any variety essentially derived from the protected variety if the latter is not predominantly essentially derived from another variety;
- any variety whose production requires the repeated use of the protected variety.

Article 23

The breeder's right shall not extend to:

- acts done privately for experimental purposes without being of a commercial nature;
- operations carried out as part of teaching or scientific research for the purpose of the creation of new varieties.

Article 24

Notwithstanding the provisions of Articles 21 and 22 of this Law, certain new plant varieties of extreme importance for the life of man or animals may be subject to a compulsory authorization to exploit.

A compulsory authorization to exploit shall be given by an order of the Minister responsible for agriculture.

As from publication of the order concerned, the competent authority may allocate exploitation of the new plant variety that is the subject matter of the certificate to specialized public establishments or to organisms or to private persons having the necessary technical and professional capabilities in that field.

The holder of the breeder's right shall be awarded equitable compensation for the exploitation of the variety concerned or the transfer of revenue received from private persons in that same respect.

In either case, the amounts shall be agreed amicably. In the event of disagreement, the competent judicial authority shall lay down the amounts concerned.

Article 25

The breeders' rights shall subsist for 20 years for ordinary varieties and for 25 years for varieties where development of the production elements necessitates longer timescales.

Those periods shall begin to run as from the grant of the new plant variety certificate.

Article 26

Ownership of a new plant variety created by a public research official in the execution of his duties shall belong to the State, represented by the public establishment to which he belongs. The name of the official who has created the variety shall be entered on the new plant variety certificate.

The public establishment alone shall be entitled to file a request for entry of the new plant variety in the national catalogue referred to in Article 18 of this Law.

Article 27

In the event of joint ownership of a new plant variety certificate, the provisions of the code of rights *in rem* concerning joint ownership shall be applied.

CHAPTER III

TRANSFER AND LOSS OF RIGHTS

Article 28

The rights relating to an application for a new plant variety certificate or to a new plant variety certificate may be transferred in whole or in part.

Transfer of rights in whole or in part shall be established in writing on pain of absolute nullity.

Article 29

Rights shall be transferred with the exception of the right to the amounts accruing from the compulsory authorization to exploit under Article 24 of this Law.

Article 30

Rights may be transferred to others on expiry of a period of three years as from grant of the new plant variety certificate or a period of four years as from the filing of the application to obtain the certificate in the event of the owner of the certificate or applicant or his successor in title omitting, without good reason, to do the following:

- to begin to exploit the plant variety that is the subject matter of the certificate or make serious and effective preparation for so doing.
- to market the plant variety.
- to relinquish exploitation of the plant variety for a period of more than 3 years.

Article 31

Transfer of rights in the manner referred to in Article 30 of this Law may be made for the benefit of any person satisfying the conditions laid down in Article 15 of this Law on a request submitted to the competent authority and in which the requester proves that he has not been able to obtain an authorization to exploit from the owner of the certificate or from the applicant and that he is in a position to exploit the plant variety concerned in a serious and effective manner.

Article 32

The State may, at any time and for reasons of general interest, obtain authorization to exploit the plant variety that is the subject matter of the certificate or the application, directly or on its behalf.

The compensation arising therefrom shall be computed in accordance with Article 24 of this Law.

Article 33

The holder of a plant variety certificate shall forego his right in the following cases:

- 1.- where the competent authority ascertains that the protected variety no longer satisfies the conditions on the basis of which the new plant variety certificate was issued;
- 2.- where the holder of the certificate is no longer able to prove at any time the plant components used for the production or propagation of the plant variety and which are such as to reproduce the protected variety with its morphological and physiological characteristics that have been specified in the new plant variety certificate;

- 3.- where the holder of the certificate does not permit inspections carried out by the competent authority with a view to checking the precautions taken to safeguard the variety;
- 4.- where the annual fee laid down in Article 47 of this Law has not been paid within the prescribed time limits.

Article 34

Cancellation shall be pronounced by an order of the Minister responsible for agriculture after hearing the person concerned and on the basis of a reasoned opinion from the Technical Committee for Seed, Seedlings and New Plant Varieties. The order shall be published in the Official Journal of the Tunisian Republic.

The holder of the new plant variety certificate may file an appeal against the cancellation order within a period of one month as from the date of its publication.

To that end, he shall be required to support his appeal, where appropriate, with the results of an expert examination carried out by a reference laboratory within a period of one month as from filing of the appeal.

In the event of the expert opinion being favorable to the petitioner, the latter shall recover all his rights in the plant variety that is the subject matter of the cancellation order.

A list of the reference laboratories shall be laid down by an order of the Minister responsible for agriculture.

Article 35

The holder of a new plant variety certificate may relinquish, at any time, all or a part only of his rights deriving from the plant variety that is the subject matter of the new plant variety certificate.

Relinquishment shall be effected by means of a written declaration to be transmitted to the competent authority.

However, relinquishment concerning a certificate encumbered with third party rights may not be accepted unless accepted by the holders of the rights concerned.

CHAPTER IV

PROTECTION OF BREEDERS' RIGHTS

Article 36

Any violation of the rights of a holder of a new plant variety certificate shall be qualified as infringement liable to sanctions in accordance with the applicable legislation and shall further imply the civil liability of the offender.

However, such violation may not be considered as such unless it has been committed knowingly.

Thus, the use of the protected variety for basic variation for the breeding of a new variety shall not be deemed a violation.

Article 37

The holder of the new plant variety certification is entitled to institute civil proceedings. The beneficiary of a compulsory authorization to exploit or any person entitled to appeal may also institute such proceedings if the holder of the certificate does not do so, following formal notice served by a notarial bailiff.

Article 38

Any beneficiary of an authorization to exploit a plant variety that is the subject matter of a plant variety certificate may join the liability proceedings that the holder of the certificate institutes in order to obtain damages for any prejudice he has personally suffered.

Article 39

The applicant or holder of a new plant variety certificate may request the territorially competent court to permit him to seize all propagating elements and any other product resulting from the use of those elements obtained in violation of his rights, after presentation of a detailed description of such elements.

This right shall also apply to the beneficiaries of the exploitation right and the compulsory authorization.

The request shall be made after producing a copy of the new plant variety certificate or a copy of the application for the grant of a new plant variety certificate or of transfer of the rights deriving therefrom.

Article 40

Where infringement has been established, the court shall order transfer of the ownership of the plants, of their parts or of propagating elements obtained in infringement of the rights of the holder of the new plant variety certificate to such holder and, where appropriate, confiscation of the instruments used to that end.

TITLE IV

ESTABLISHMENT OF CRIMES AND SANCTIONS

CHAPTER I

ESTABLISHMENT

Article 41

Crimes relating to seed, seedlings and new plant varieties shall be established by reports drawn up by judiciary police officers as provided in Article 10 of the Code of Penal Procedure, by agents of the competent authority sworn in for that purpose and by economic control agents.

Article 42

All reports, drawn up and signed by the agents referred to in Article 41 of this Law, shall be addressed to the Minister responsible for agriculture, who shall transmit them to the public prosecutor.

CHAPTER II

SANCTIONS

Article 43

Notwithstanding the penalties provided in the Decree of 3 June 1889 relating to trademarks, by the Decree of 10 October 1919 on the repression of fraud in trade with merchandise and falsification of foodstuffs or of agricultural and natural produce, by Law No. 91-44 of 1 July 1999 on the organization of the distribution trade, as amended and supplemented by Law No. 94-38 of 24 February 1991 and by Law No. 92-117 of 7 December 1992 on the protection of consumers:

- any person infringing the provisions of Articles 8, 12 and 13 of this Law shall be liable to a fine of between 1,000 and 10,000 dinars;
- any person infringing the provisions of Articles 7, 9 and 14 of this Law shall be liable to imprisonment of between one month and one year and a fine of between 1,000 and 20,000 dinars or one only of those two penalties.

Article 44

Notwithstanding the penalties provided by the Decree of 3 June 1889, any infringement made knowingly of the rights of an applicant or of a holder of a new plant variety certificate and any claim in a capacity as applicant or holder of a new plant variety certificate shall be punishable by a fine of between 5,000 and 50,000 dinars.

Article 45

In the event of a repeated offense, the penalties provided in Articles 43 and 44 of this Law shall be doubled.

Article 46

In addition to the sanctions provided in Articles 43, 44 and 45 of this Law, the Minister responsible for agriculture may order the seizure of seed and seedlings of plant species subjects of an infringement of the provisions of this Law, destroy them, declassify them or withdraw their approval either temporarily or definitively.

TITLE IV

MISCELLANEOUS

Article 47

The entry of varieties, seed and seedlings and the approval of their production or propagation, together with the entry of applications and new plant variety certificates in the relevant catalogues shall be subject to payment of a fee of which the amount and conditions of payment and utilization shall be laid down by decree.

In addition, after entry, new plant variety certificates shall be subject to the payment of an annual fee of which the amount and conditions of payment and utilization shall be laid down by decree.

Article 48

Contracts for assignment and exploitation of new plant variety certificates shall be registered subject to a fixed fee.

Article 49

Contrary to the provisions of Article 2, item 4, of this Law and for a period of one year as from the entry into force of the latter, the protection of plant varieties offered for marketing or already marketed or distributed inside or outside the country may be requested.

Where protection is granted, the period that has elapsed between the time at which the plant variety concerned was offered for marketing, marketed or distributed for the first time and the time at which the application for protection was filed shall be deducted from the term of protection.

Article 50

Law No. 76-113 of 25 November 1976 on the organization, inspection of production and of marketing of seed and seedlings is hereby repealed.

This Law shall be published in the Official Journal of the Tunisian Republic and executed as a law of the State.

DECREE No. 2000-102 of January 18, 2000

ESTABLISHING THE MEMBERSHIP AND WORKING METHODS OF THE
TECHNICAL COMMISSION FOR SEEDS AND PLANT VARIETIES*

The President of the Republic,

Article 2

On a proposal by the Minister of Agriculture,

The Technical Commission for Seed, Seedlings and Plant Varieties shall meet, on convocation by its President, at least twice a year and whenever circumstances require.

Taking into consideration Law No. 99-42 of May 10, 1999, relating to Seed, Seedlings and Plant Varieties, *inter alia* Article 6;

Its deliberations shall be valid only when at least half of its members are present. It shall issue opinions supported by a majority of its members and, where it is divided, its President shall have the deciding vote.

Taking into consideration Decree No. 78-479 of May 2, 1978, Establishing the Tasks, Membership and Working Methods of the National Advisory Committee on Seeds and Seedlings;

The Directorate General for Plant Production attached to the Ministry of Agriculture shall provide the secretariat of the Commission.

Taking into consideration the opinion of the Administrative Tribunal;

Hereby decrees:

Article 3

Article 1

~~Specialized sectoral commissions for different groups and plant species shall be set up within the Technical Commission for Seed, Seedlings and Plant Varieties.~~

The Technical Commission for Seeds, Seedlings and Plant Varieties shall comprise:

~~These specialized sectoral commissions shall be set up and their membership established by decision of the Minister of Agriculture on a proposal by the President of the Technical Commission for Seed, Seedlings and Plant Varieties; these specialized commissions shall be responsible for studying technical aspects specific to varieties and species within their competence, plant varieties and certification, and for communicating the results of their work to the President of the Technical Commission.~~

- the Director General for Plant Production within the Ministry of Agriculture: President;
- the President of the Agricultural Research and Higher Education Institution: member;
- a representative of the Directorate General for Plant Production: member;
- a representative of the Tunisian Agriculture and Fisheries Union: member;
- a representative of seedling producers: member;
- a representative of seed producers: member;
- a representative of seed and seedling distributors;
- the Presidents of the Sectoral Technical Commissions specified in Article 4 of this Decree: members.

~~The Technical Commission shall consider these results in accordance with the procedures specified in Article 2 of this Decree.~~

Article 4

~~Decree No. 78-479 of May 2, 1978, which establishes the tasks, membership and working methods of the National Advisory Committee on Seed and Seedlings, is repealed.~~

Article 5

Members of the Commission other than those appointed as a result of their status shall be designated by decision of the Minister of Agriculture following proposals by the parties concerned.

~~The Minister of Agriculture shall be responsible for implementing this Decree, which shall be published in the Official Gazette of the Republic of Tunisia.~~

The President of the Commission may call on any person among those noted for their competence, expertise or experience to participate in the work of the Commission in an advisory capacity, or to carry out tasks of an advisory nature for the Commission's benefit.

* Translation from French prepared by the Office of the Union.

**ORDER OF THE MINISTER FOR AGRICULTURE OF 24 JUNE 2000,
ESTABLISHING THE LIST OF PLANTS ELIGIBLE FOR PROTECTION,
THE DATE AND METHOD OF ENTRY OF APPLICATIONS
AND NEW PLANT VARIETY CERTIFICATES IN THE
NATIONAL LIST OF NEW PLANT VARIETIES**

CHAPTER I

Applications for Protection

Article 1

Applications for protection of new plant varieties shall be filed by the breeder, his representative or his successor in title directly with the Directorate General of Plant Production at the Ministry of Agriculture or addressed to it by registered mail with acknowledgement of receipt.

Article 2

Applications for protection shall include the following elements:

- the duly completed forms as provided by the competent authority
- a description of the method by which the plant variety has been bred or discovered
- a detailed description of the plant variety mentioning the characteristics that enable it to be distinguished from varieties already known
- a sworn statement confirming, in particular, that the variety for which protection is sought constitutes a new plant variety within the meaning of Law No. 99-42 of 10 May 1999 referred to above and of this Order
- payment of the prescribed fees at the time of filing the application
- written authorization from the title holder or holders if the application refers to a variety of which the commercial production requires the repeated use of a protected variety.

Article 3

The filing date of the application for protection shall be deemed to be the date on which the applicant has duly filed all the elements referred to in Article 2 of this Order. An acknowledgement of receipt confirming the day and time of filing of the application and bearing a registration number shall be issued to the applicant.

Article 4

The applicant shall be required to provide all the information, documents or material required for the technical examination of the variety on the dates laid down in the table annexed to this Order.

Unless the applicant is able to present a good reason that is accepted by the competent authority, failure to supply the above shall lead to rejection of the application.

Article 5

The applicant shall be required to propose a denomination for the variety that is the subject matter of the application for protection.

A denomination may consist of any word, combination of words, combination of words and figures or combination of letters and figures, with or without an existing meaning, provided that such denominations allow the variety to be identified.

The denomination shall be filed at the same time as the application. Filing may be postponed on payment of a special fee.

Any concerned person may submit observations on the proposed denomination within three months of its publication.

The applicant may either justify his proposal or propose a new denomination within a period of 30 days as from the day on which he has been contacted by the competent authority to that end.

Where such new denomination is not accepted, the applicant shall be given official notice to propose a denomination that is in compliance, on penalty of rejection of the application.

The denomination shall be registered at the same time as the grant of the right of protection.

Article 6

For each application for protection, the registration shall contain the following particulars:

- the registration number
- the filing date of the application for protection
- the genus and species to which the variety belongs
- the name and address of the applicant and, where appropriate, of his representative
- the name and address of the breeder, if the breeder is not the applicant
- the proposed denomination or, failing that, the reference of the variety and, possibly, a claim to priority right.

* Translation from French prepared by the Office of the Union.

The description of the variety given by the applicant and that of the breeding process shall be entered in the National Catalogue of Plant Varieties with a reference to the application.

Where appropriate, the following shall also be entered in the National Catalogue of New Plant Varieties:

- the date of withdrawal of the application by the breeder
- the date of rejection of the application by the Minister for Agriculture and any relevant appeals.

Article 7

An application shall be registered in the first part of the National Catalogue of New Plant Varieties, in the order of filing and under the number communicated to the applicant and which shall be shown on all notifications provided for by this Order.

CHAPTER II

Plant Variety Certificates

Article 8

Plant variety certificates shall be entered in the second part of the catalogue of new plant varieties in their order of grant.

The entry shall contain, in particular:

- the number of the application
- the date and serial number under which the certificate has been granted
- the genus or species to which the variety belongs
- the variety denomination
- a botanical description of the variety
- the name and address of the owner of the new plant variety certificate
- the name and address of the breeder if the breeder is not the owner of the new plant variety certificate
- the name and address of the representative, where appropriate
- any actions claiming ownership
- the dates on which protection begins and expires.

The entry shall be supplemented by notice of all acts relating to the transfer of ownership of the new plant variety certificate, such as assignment, licensing, *ex officio* licensing, waiver, lapse, nullity or any act transmitting or modifying the rights deriving from such certificate.

Article 9

A new plant variety certificate shall be granted if, following prior examination, the variety is acknowledged to be new, distinct, uniform and stable in accordance with the following conditions:

- (a) a variety shall be deemed new if, at the date of filing of the application for a breeder's right, propagating material or harvested material of the variety has not been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety:
 - in Tunisia for more than one year
 - abroad for more than four years or, in the case of trees and vine, for more than six years.
- (b) the variety shall be deemed to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of the filing of the application.

In particular, the filing of an application for the granting of a new plant variety certificate for another variety or the entering of another variety in an official catalogue of varieties, in any country, shall be deemed to render that other variety a matter of common knowledge from the date of the application, provided that the application leads to the granting of a breeder's right or to the entering of such other variety in the official catalogue of varieties, as the case may be.

- (c) The variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in its relevant characteristics.
- (d) The variety shall be deemed to be stable if its relevant characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

Article 10

As from publication of applications for new plant variety certificates, provided for in Article 19 of Law No. 99/42 of 10 May 1999 referred to above, any person may submit to the competent authority, within a period of three months, observations on the grant of such certificates.

Such observations shall be made in writing and shall be reasoned. The documents serving as proof shall be attached thereto.

The above mentioned observations permit only to assert that a variety is not new, distinct, uniform or stable or that the applicant is not entitled to protection.

Article 11

The applicant may enjoy the priority of a earlier application that has been regularly filed for the same variety.

Where the application has been preceded by more than one application, priority may be based only on the earliest application.

Priority must be expressly claimed. It may be claimed only during a period of 12 months as from the filing date of the first application. The day of filing shall not be comprised in that period.

To enjoy the priority right, the applicant shall provide to the competent authority, within a period of three months as from the filing date, a certified copy of the first application.

As a result of priority, the application shall be deemed to have been filed on the filing date of the first application with regard to the conditions of protection deriving from the variety.

In addition, the applicant shall have the faculty of requesting that examination of the variety be deferred for two years at most as from the expiry date of the term of priority (three years as from the filing date of the first application). However, if the first application is rejected or withdrawn, the competent authority may initiate the examination of the variety before the date stated by the applicant and in such case shall afford the applicant an appropriate period of time for providing the information, documents or material required for the examination.

Article 12

A new plant variety certificate that has been granted may not be cancelled unless:

- the novelty, distinctness, uniformity and stability requirements were not satisfied at the time the certificate was granted in cases where grant of the certificate was based on the information and documents provided by the applicant
- the new plant variety certificate was granted to a person not entitled thereto, unless it is transferred to the person entitled thereto.

Nullity may be invoked by any person with an interest in taking action, including the competent authority.

Article 13

The new plant variety certificate shall be granted by decision of the Minister for Agriculture after receiving the opinion of the Technical Committee for Seed, Seedlings and New Plant Varieties. It shall be drawn up in the name of the holder of the application and recorded in the National Catalogue of New Plant Varieties in the part concerning new plant variety certificates. Where the holder of the application is not the breeder, the name of the latter shall be mentioned on the certificate.

The new plant variety certificate shall contain the denomination of the variety, its botanical description, the filing date of the application, the grant date of the certificate and the term of protection.

Article 14

The Minister for Agriculture may determine equivalence of an entry in a foreign catalogue of new plant variety protection if the conditions and procedure for entry in such catalogue are equivalent to those applied in Tunisia and if the variety is new within the meaning of Article 9(a) of this Order.

CHAPTER III

Tasks of the Competent Authority

Article 15

In addition to the tasks provided in Law No. 99-42 of 10 May 1999, referred to above, the competent authority shall be responsible for:

- receiving, recording and prosecuting applications for the grant of new plant variety certificates and for opposition to the grant of such certificates,
- keeping the National Catalogue of New Plant Varieties and effecting registration of all acts concerning the right of protection
- examining the varieties submitted for protection or entrusting other bodies in Tunisia or abroad with so doing
- assuring or having assured the conservation of the reference samples of varieties for which an application for protection has been filed
- ensuring the publication of the list of protected new varieties, the applications for protection and the new plant variety certificates in the Official Journal of the Tunisian Republic
- conserving the files of applications for new plant variety certificates
- transferring exploitation of a variety in the general interest in application of Article 30 of Law No. 99-42 of 10 May 1999, referred to above, and after having obtained the opinion of the Technical Committee for Seed, Seedlings and New Plant Varieties.

CHAPTER IV

SPECIES ELIGIBLE FOR PROTECTION

Article 16

The list of genera and species eligible for protection, the term of protection, together with the time limit for filing applications for protection and the quantities of propagating material required for the examination of the varieties shall be laid down in accordance with the tables annexed to this Order.

Genera/species (Latin names)	Period of protection (years)
(1) CEREALS	
Durham wheat (<i>Triticum durum</i> Desf)	20
Wheat (<i>Triticum aestivum</i> L.)	“
Barley (<i>Hordeum vulgare</i> L.)	“
Oats (<i>Avena sativa</i> L.)	“
Triticale (X <i>Triticosecale</i>)	“
(2) LEGUMES	
Bean (<i>Vicia faba</i> var <i>major</i>)	20
Lentil (<i>Lens culinaris</i>)	“
Chic pea (<i>Cicer arietinum</i> L.)	“
Pea (<i>Pisum sativum</i>)	“
French bean (<i>Phaseolus vulgaris</i> L.)	“
Field bean (<i>vicia. faba</i> var <i>minor</i>)	“
(3) FODDER CROPS	
Fodder beet (<i>Beta vulgaris</i>)	20
Maize (<i>Zea mays</i> L.)	“
Fodder sorghum (<i>Sorghum bicolor</i>)	“
Sudan grass (<i>Sorghum Sudanese</i>)	“
Italian ryegrass (<i>Lolium multiflorum</i>)	“
Perennial ryegrass (<i>Lolium perenne</i>)	“
Phalaris <i>ssp</i>	“
Coxfoot (<i>Dactylis glomerata</i>)	“
Tall fescue (<i>Festuca arundinacea</i> schreb)	“
Couchgrass (<i>Agropyrum</i>)	“
Fodder pea (<i>Pisum arvense</i> L.)	“
Common vetch (<i>Vicia Sativa</i>)	“
Perennial Luzerne (<i>Medicago sativa</i> L.)	“
Annual Luzerne (<i>Medicago ssp</i>)	“
Clover (<i>Trifolium ssp</i>)	“
Hedysarum (<i>Hedysarum coronarium</i>)	“
Lathyrus (<i>Lathyrus ssp</i>)	“
(4) INDUSTRIAL CROPS	
Peanut (<i>Arachis hypogaea</i> L.)	20
Sunflower (<i>Helianthus annuus</i> L.)	“
Colza (<i>Brassica napus</i>)	“
Sugar beet (<i>Beta vulgaris</i>)	“
(5) VEGETABLE CROPS	
Tomato (<i>Lycopersicum Lycopersicum</i>)	20
Carott (<i>Daucus carota</i> L.)	“
Aubergine (<i>Solanum melongena</i> L.)	“
Melon (<i>Cucumis melo</i> L.)	“
Water melon (<i>Citrullus vulgaris</i>)	“
Sweet pepper (<i>capsicum ssp</i>)	“
Cabbage, cauliflower (<i>Brassica oleracea</i>)	“
Beetroot (<i>Beta vulgaris</i> L.)	“
Cucumber, Gherkin (<i>Cucumis Sativus</i> L.)	“
Vegetable Marrow, Squash (<i>Cucurbita pepo</i> L.)	“
Lettuce (<i>lactuca sativa</i> L.)	“
Turnip (<i>brassica rapa</i> L.)	“
Onion (<i>Allium cepa</i> L.)	“
Radish (<i>Raphanus sativus</i> L.)	“
Potato (<i>Solanum tuberosum</i> L.)	“
Strawberry (<i>Fragaria</i> L.)	“

Genera/species (Latin names)	Period of protection (years)
(6) ORNAMENTAL AND FLORAL SPECIES	
Rose (<i>Rosa</i> ssp)	25
Carnation (<i>Dianthus</i> ssp)	20
Gladiolus (<i>Gladiolus</i> ssp)	“
Geranium (<i>Pelarganium</i> ssp)	“
Chrysanthemum (<i>Chrysanthemum</i> . ssp)	“
Strelitzia	“
Iris	“
Hibiscus trionum.	“
Laurier (<i>Nerium oleander</i>)	“
(7) TREE AND VINE SPECIES	
Citrus ssp	25
Peach (<i>Prunus persica</i> L.)	“
Plum (<i>Prunus domestica</i> L.)	“
Apricot (<i>Prunus armeniaca</i> L.)	“
Almond (<i>Prunus amygdalus</i>)	“
Cherry (<i>Prunus cerasus</i> , <i>avium</i>)	“
Apple (<i>Malus pumila</i> Mill)	“
Pear (<i>Pyrus communis</i> L.)	“
Vine (<i>Vitis vinifera</i> L.)	“
Fig (<i>Ficus carica</i>)	“
Pomegranate (<i>Punica Granatum</i>)	“
Olive (<i>Oléa europaea</i> L.)	30
Date palm (<i>Poenix dactylifera</i>)	“
Loquat (<i>Eriobotrya Japonica</i>)	“
Walnut (<i>Juglans Regia</i>)	“
Hazelnut (<i>Corylus Avellana</i>)	“
Nopal (<i>Oluntia – Ficus – Indica</i>)	“
Pistachio (<i>Pistacia vera</i>)	“

Final dates for filing applications for protection and the quantity of production of propagating material required for variety examination

Genera/species (Latin names)	Final dates for application filing	Quantity of production or propagation material to be supplied	
1) CEREALS			
Durham wheat (<i>Triticum durum</i> Desf) Wheat (<i>Triticum aestivum</i> L.)	1 September 1 September	3 kgs of basic seed each year during the examination period	
Barley (<i>Hordeum vulgare</i> L.) Oats (<i>Avena sativa</i> L.) Triticale (<i>X Triticosecale</i>)	1 September 1 September 1 September		
(2) LEGUMES			1 kg of basic seed (at least 1000 seeds) each year during the examination period
Bean (<i>Vicia faba</i> var <i>major</i>) Lentil (<i>Lens culinaris</i>)	1 September 1 September		
Chic pea (<i>Cicer arietinum</i> L.) Pea (<i>Pisum sativum</i>) French bean (<i>Phaseolus vulgaris</i> L.) Field bean (<i>vicia. faba</i> var <i>minor</i>)	1 November 15 August 15 January 1 September		
(3) FODDER CROPS		1 kg of basic seed each year during the examination period	
Fodder beet (<i>Beta vulgaris</i>)	1 August		
Maize (<i>Zea mays</i> L.)	1 January		- 1000 viable seeds from each parent - 3 kgs seed of the commercial hybrid each year during the examination period
Fodder sorghum (<i>Sorghum bicolor</i>) Sudan grass (<i>Sorghum Sudanese</i>)	1 January 1 January	1 kg basic seed and 50 panicles if necessary each year during the examination period	
Italian ryegrass (<i>Lolium multiflorum</i>) Perennial ryegrass (<i>Lolium perenne</i>) Phalaris ssp Coxfoot (<i>Dactylis glomerata</i>) Tall fescue (<i>Festuca arundinacea</i> schreb) Couchgrass (<i>Agropyrum</i>)	1 September	1.5 kg of basic seed each year during the examination period	

Genera/species (Latin names)	Final dates for application filing	Quantity of production or propagation material to be supplied
Fodder pea (<i>Pisum arvense</i> L.)	15 August	1 kg of basic seed each year during the examination period
Common vetch (<i>Vicia Sativa</i>)	15 August	
Perennial Luzerne (<i>Medicago sativa</i> L.)	1 September	
Annual Luzerne (<i>Medicago</i> ssp)	1 September	1 kg of basic seed each year during the examination period
Clover (<i>Trifolium</i> ssp)	1 September	
Hedysarum (<i>Hedysarum coronarium</i>)	1 September	
Lathyrus (<i>Lathyrus</i> ssp)	1 Septembrer	
(4) INDUSTRIAL CROPS		
Peanut (<i>Arachis hypogaea</i> L.)	15 January	2 kgs of basic seed each year during the examination period
Sunflower (<i>Helianthus annuus</i> L.)	1 January	1 kg of basic seed each year during the examination period for hybrids and free fertilization varieties
Colza (<i>Brassica napus</i>)	15 September	
Sugar beet (<i>Beta vulgaris</i>)	1 August	- 2 kgs of basic seed
		- 1 Unit
		Each year during the examination period
(5) VEGETABLE CROPS		
Tomato (<i>lycopersicum lycopersicum</i>)		
- autumn growing	15 June	10 g of standard seed for hybrids
- indoor growing	20 August	25 g of standard seed for varieties
- culture de saison	- 30 novembre	Each year during the period of examination
- seasonal growing	30 November	
Carott (<i>daucus carota</i> L-)		
- autumn/winter	30 June	50 g of standard seed each year during the examination period
- spring/wummer growing	31 December	
Aubergine (<i>solanum melongena</i> L.)	15 June	15 g of standard seed each year during the examination period
Melon (<i>cucumis melo</i> L.)	15 December	30 g of standard seed for fixed varieties
		20 g of standard seed for hybrids each year during the examination period
Water melon (<i>citrullus vulgaris</i>)	31 December	100 g of standard seed for fixed varieties
		50 g of standard seed for hybrid varieties each year during the examination period
Sweet pepper (<i>capsicum lycopersicum</i>)		10 g of standard seed each year during the examination period
Autumn growing	15 June	
Indoor	20 August	
Seasonal	30 November	
Cabbage, cauliflower (<i>brassica oleracea</i>)		50 g of standard seed for fixed varieties
Autumn/winter growing	30 June	
Spring/summer growing	31 December	50 g of standard seed for hybrid varieties each year during the examination period
Beetroot (<i>beta vulgaris</i> L.)	30 June	200 g dof standard seed each year during the examination period
Cucumber (<i>cucumis sativus</i> L.)~	31 July	20 g of standard seed each year
Gherking		during the examination period
Vegetable Marrow, Squash (<i>Cucurbita pepo</i> L.)	15 September	20 g of standard seed for hybrid varieties each year during the examination period

Genera/species (Latin names)	Final dates for application filing	Quantity of production or propagation material to be supplied
Lettuce (<i>lactuca sativa</i> L.)	31 August	30 g of standard seed each year during the examination period
Turnip (<i>brassica rapa</i> L.)	31 July	50 g of standard seed each year during the examination period
Onion (<i>allium cepa</i> L.) - short days - long days	30 June 31 December	100 g of standard seed each year during the examination period
Radish (<i>raphanus sativus</i> L.)	30 August	50 g of standard seed each year during the examination period
Potato (<i>solanum. tuberosum</i> L.) - early growing - seasonal growing	15 November 15 January	150 certified category seed potatoes each year during the examination period
Strawberry (<i>fragaria</i> L.)	15 December	100 seedlings each year
6) FLORAL AND ORNAMENTAL SPECIES Rose (<i>rosa</i> ssp)	30 January	6 one-year grafts with at least 3 shoots not resulting from micropropagation
Carnation (<i>dianthus</i> ssp)	30 January	50 rooted cuttings
Gladiolus (<i>gladiolus</i> ssp)	30 January	30 horns
Geranium (<i>pelarganium</i> ssp)	30 January	15 young plants
Chrysanthemum (<i>chrysanthemum. ssp</i>)	30 January	50 cuttings of all season varieties and 25 cuttings for perennial varieties
Strelitzia	30 January	15 rooted fragments
Iris	30 January	30 bulbs
Hibiscus trionum.	30 January	15 young plants
Laurier (<i>nerium oleander</i>)	30 January	25 young plantss
(7) TREE AND VINE SPECIES Citrus ssp	30 January 31 March	5 certified one-year grafted seedlings
Peach (<i>prunus persica</i> L.)	31 December	“
Plum (<i>prunus domestica</i> L.)	31 December	“
Apricot (<i>prunus armeniaca</i> L.)	31 December	“
Almond (<i>prunus amygdalus</i>)	31 December	“
Cherry (<i>prunus cerasus, avium</i>)	31 December	“
Apple (<i>malus pumila</i> mill)	31 December	“
Pear (<i>pyrus communis</i> L.)	31 December	“
Vine (<i>vitis vinifera</i> L.)	31 December	“
Fig (<i>ficus carica</i>)	31 December	5 rooted cuttings
Pomegranate (<i>punica granatum</i>)		“
Olive (<i>oléa europaea</i> L.)	31 December	5 rooted seedlings
Date palm (<i>poenix dactylifera</i>)	31 March	5 young plants
Loquat (<i>eriobotrya Japonica</i>)	31 March	“
Walnut (<i>juglans regia</i>)	31 March	
Hazelnut (<i>corylus avellana</i>)	31 March	“
Nopal (<i>oluntia - ficus - indica</i>)	31 December	5 rooted cuttings
Pistachio (<i>pistacia vera</i>)	31 December	“

N.B : * Seed should comply with the norms applicable to the category requested.

* The provision of seed or seedlings required each year is limited to the examination period.

* Additional quantities of seeds and seedlings may be requested for the reference collections.

**INDEX OF LEGISLATION
PUBLISHED IN PLANT VARIETY PROTECTION
- UPOV GAZETTE AND NEWSLETTER**

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Andean Community</u>		
Decision 345 of the Subregional Integration Agreement (Cartagena Agreement), Common Provisions on the Protection of the Rights of Breeders of New Plant Varieties, of October 21, 1993	75	Dec. 1994
<u>Argentina</u>		
Measures adopted in connection with the “farmer’s privilege” provided for in Article 27 of Law No. 20.247	94	Dec. 2002
Implementing Decree No. 2183/91 to the Law on Seed and Phytogenetic Creations	70	Feb. 1993
Resolution No. 35/96 of February 28, 1996	81	Apr. 1997
<u>Australia</u>		
Plant Breeder’s Rights Act 1994 (Consolidated text) (Dec. 2002)	95	April 2003
Plant Breeder’s Rights Act 1994 (No. 110 of 1994) (amend. 1999)	88	June 2000
Taxa Covered by Plant Variety Protection Legislation (All species of plants including fungi and algae, but excluding bacteria, bacterioids, mycoplasmas, viruses, viroids and bacteriophages)	77	May 1995
Miscellaneous Information		
Tariff of Fees	64	Aug. 1991
Accession to the 1991 Act of the UPOV Convention	87	Mar. 2000
<u>Austria</u>		
Federal Law on the Protection of Plant Varieties (Variety Protection Law 2001)	92	Dec. 2001
Federal Law on the Protection of Plant Varieties (Variety Protection Law) as amended by the Federal Law BGB1.I No. 72/1997	84	Apr. 1998
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	92	Dec. 2001
Taxa Covered by Plant Variety Protection Legislation	79	July 1996
Tariff of Fees	78	June 1995
<u>Belarus</u>		
Plant Variety Patent Law (of July 1, 1995)	94	Dec. 2002

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Belgium</u>		
Law on the Protection of New Plant Varieties (of May 20, 1975)	59	Jan. 1990
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	74	July 1994
Tariff of Fees	42	Mar. 1985
<u>Bolivia</u>		
Regulations on Protection of Plant Varieties (April 2001)	95	April 2003
Secretariat Resolution No. 064/96	87	Mar 2000
Decision 345 (see “Andean Community”)	75	Dec. 1994
General Regulations on Seed Certification and Inspection		
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation (All botanical genera and species)	85	Oct. 1999
<u>Brazil</u>		
Law No. 9,456 (April 28, 1997)	89	Sept. 2000
Decree No. 2,366 (November 5, 1997)	89	Sept. 2000
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
<u>Bulgaria</u>		
Law on the Protection of New Plant Varieties and Animal Breeds	84	Apr. 1998
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	84	Apr. 1998
<u>Canada</u>		
The Plant Breeders’ Rights Act	62	Apr. 1991
Regulations Respecting Plant Breeders’ Rights	69	Nov. 1992
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	78	June 1995
(All species of the plant kingdom, except bacteria, algae and fungi)	85	Oct. 1999
Tariff of Fees	69	Nov. 1992

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Chile</u>		
Law No. 19.342 on the Rights of Breeders of New Varieties of Plants	81	Apr. 1997
Decree approving Regulations under Law No. 19.342	81	Apr. 1997
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation (All botanical genera and species)	79	July 1996
<u>People's Republic of China</u>		
Regulations of the People's Republic of China on the Protection of New Varieties of Plants	85	Oct. 1999
Decree No. 3 – Implementing Rules for Regulation of the Protection of New Varieties of Plants (Forestry Part)	90	Dec. 2000
Decree No. 13 – Implementing Rules for Regulation of the Protection of New Varieties of Plants (Agriculture Part)	90	Dec. 2000
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
<u>Colombia</u>		
Decision 345 (see "Andean Community")	75	Dec. 1994
Decree No. 533 of March 8, 1994, introducing Regulations to the Common Provisions on the Protection of the Rights of Breeders of New Plant Varieties as Amended by Decree No. 2468 of November 4, 1994	83	Dec. 1997
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation (All botanical genera and species)	80	Dec. 1996
<u>Croatia</u>		
The Plant Variety Protection Law (1997)	96	Dec. 2003
The Law of Alterations and Amendments on the Plant Variety Protection Law (2000)	96	Dec. 2003
Regulations on the procedure and the conduct of tests for distinctness, uniformity and stability (DUS) of new varieties of plants for the purpose of granting the Breeder's Right	96	Dec. 2003
Regulations on the registration in the Registers for the Protection of New Varieties of Plants (2001)	96	Dec. 2003
Decree on the (amount of) fees relating to Plant Variety Protection	96	Dec. 2003

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Czech Republic</u>		
Protection of Plant Variety Rights Act No. 408/2000	93	June 2002
Declaration of Continued Application	70	Feb. 1993
Law on the Legal Protection of the Varieties of Plants and Breeds of Animals ¹	64	Aug. 1991
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 ¹	64	Aug. 1991
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	94	Dec. 2002
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
<u>Denmark</u>		
The Danish Plant Variety Protection Act Order No. 51 of 5 February, 1996	87	Mar. 2000
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation (All plant genera and species)	79	July 1996
Modification of Fees	73	April 1994
<u>Ecuador</u>		
Decision 345 (see “Andean Community”)	75	Dec. 1994
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation (All botanical genera and species)	82	Aug. 1997
<u>Estonia</u>		
Plant Variety Rights Act	89	Sept. 2000
Miscellaneous Information		
Taxa covered by Plant Variety Protection Legislation (all botanical genera and species)	89	Sept. 2000

¹ Enacted by Czechoslovakia

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>European Union</u>		
Council Regulation (EC) No. 2100/94 of July 27, 1994 on Community Plant Variety Rights	77	May 1995
Commission Regulation (EC) No. 1238/95 of May 5, 1995 Establishing implementing rules for the application of Council Regulation (EC) No. 2100/94 as regards the fees payable to the CPVO	89	Sept. 2000
Commission Regulation (EC) No. 1239/95 of May 5, 1995 Establishing implementing rules for the application of Council Regulation (EC) No. 2100/94 as regards proceedings before the CPVO	89	Sept. 2000
Commission Regulation (EC) No. 1768/95 of July 24, 1995 Implementing rules on the agricultural exemption provided for in Article 14(3) of Council Regulation (EC) No. 2100/94 on Community Plant Variety Rights	89	Sept. 2000
Council Regulation (EC) No. 2470/96 of December 17, 1996 Providing for an extension of the terms of a Community plant variety right in respect of potatoes	89	Sept. 2000
Commission Regulation (EC) No. 2605/98 of December 3, 1998 Amending Regulation (EC) No 2100/94 on Community plant variety rights	89	Sept. 2000
<u>Finland</u>		
The Act on Plant Breeder's Right (No. 789/1992) as amended (No. 238/1999, 5.3.1999)	88	June 2000
Decree on the Plant Variety Board (No. 906 of October 9, 1992)	71	July 1993
Decree on Breeders' Rights (No. 907 of October 9, 1992)	71	July 1993
<u>France</u>		
Law on the Protection of New Plant Varieties (No. 70-489 of June 11, 1970)	33	Apr. 1983
Decree Concerning the Committee for the Protection of New Plant Varieties (No. 71-454 of June 7, 1971)	33	Apr. 1983
Order Concerning the Denomination of Plant Varieties in respect of which either an Entry has been made in the Catalogue of Species and Varieties of Cultivated Plants or a New Plant Variety Protection Certificate has been Issued (of September 1, 1982)	34	June 1983
Decree No. 95-1047 of December 28, 1995 amending the Intellectual Property Code (Regulatory Part) with respect to the scope of application of New Plant Variety Certificates and the Term and Scope of Breeders' Rights	81	Apr. 1997
<u>Miscellaneous Information</u>		
Taxa Covered by Plant Variety Protection Legislation (All species of the plant kingdom)	80	Dec. 1996
Tariff of Fees	55	June 1988

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Germany</u>		
The Plant Variety Protection Law (Consolidated text of the Plant Variety Protection Law of December 11, 1985, as amended by: Article 7 of the Law of March 7, 1990 (entered into force on July 1, 1990); Article 1 of the Law of March 27, 1992 (entered into force on April 8, 1992); Article 2 of the Law of July 23, 1992 (entered into force on July 31, 1992); Article 72 of the Law of April 27, 1993 (entered into force on January 1, 1994); Article 18 of the Law of September 2, 1994 (entering into force partly on January 1, 2000, and partly on January 1, 2005); Article 40 of the Law of October 25, 1994 (entered into force on January 1, 1995); Article 1 of the Law of July 17, 1997 (entered into force on July 25, 1997))	86	Dec. 1999
Order on the Procedure Before the Federal Office of Plant Varieties of December 30, 1985	51	Sept. 1986
Miscellaneous Information		
Reunification	61	Feb. 1991
Tariff of Fees	78	June 1995
<u>Hungary</u>		
Law No. XXXIII on the Protection of Inventions by Patents of April 25, 1995 (Part IV Patent Protection for Plant Varieties and Animal Breeds)	84	Apr. 1998
Joint Decree Relating to the Execution of the Law on the Protection of Inventions by Patents (No. 4/1969 XII. 28) OMFb-IM of the President of the National Committee for Technical Development and the Minister of Justice, as Amended by Decree No. 4/1983 (V.12) IM of the Minister of Justice	49	Jan. 1986
<u>Ireland</u>		
Plant Varieties (Proprietary Rights) Act, 1980	32	Feb. 1983
Plant Varieties (Proprietary Rights) (Amendment) Act, 1998 No. 41, 1998	88	June 2000
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	78	June 1995
Tariff of Fees	72	Nov. 1993
<u>Israel</u>		
Law on the Rights of the Breeders of Plant Varieties (Consolidated Text of the Plant Breeders' Rights Law, 5733-1973, as Amended by the Plant Breeders' Rights (Amendment) Law, 5744-1984 and as Amended by the Plant Breeder's Rights (Amendment No. 2) 5756-1996)	86	Dec. 1999
Miscellaneous Information		
Tariff of Fees	67	Feb. 1992

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Italy</u>		
Legislative Decree No. 455 (November 3, 1998)	91	June 2001
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	76	Feb. 1995
	79	July 1996
Tariff of Fees	70	Feb. 1993
<u>Japan</u>		
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
Tariff of Fees	66	Dec. 1991
<u>Kenya</u>		
The Seeds and Plant Varieties Act of 1972 (as amended in 2002)	94	Dec. 2002
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
<u>Kyrgyz Republic</u>		
Law on the Legal Protection of Selection Achievements (May 26, 1998)	90	Dec. 2000
Miscellaneous Information		
Accession to the 1991 Act of the UPOV Convention	88	June 2000
<u>Latvia</u>		
Plant Varieties Protection Law (May 2002)	95	April 2003
<u>Lithuania</u>		
Law on the Protection of Plant Varieties No. IX-618	96	Dec. 2003
<u>Mexico</u>		
Federal Law on Plant Varieties	82	Aug. 1997
Regulations of the Federal Plant Variety Law (Sept. 24, 1998)	87	Mar. 2000
<u>Netherlands</u>		
Territorial Extension of the Application of the UPOV Convention	52	June 1987
Seeds and Planting Material Act (Consolidated Text of the Act of October 6, 1966, as Last Amended by the Act of January 28, 1999)	88	June 2000
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation (All taxa of the plant kingdom)	61	Feb. 1991
Tariff of Fees	71	July 1993

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>New Zealand</u>		
Plant Variety Rights Act 1987, as Amended by the Plant Variety Rights Amendment Act 1990 of August 1, 1990, and the Plant Variety Rights Amendment Act of July 1, 1994	78	June 1995
Plant Variety Rights Amendment, an Act to Amend the Plant Variety Rights Act 1987, 2 September 1996	82	Aug. 1997
Plant Variety Rights Amendment Regulations 1997	82	Aug. 1997
Act No. 122 - Plant Variety Rights Amendment	90	Dec. 2000
Miscellaneous Information		
Tariff of Fees	85	Oct. 1999
<u>Nicaragua</u>		
Law for the Protection of New Varieties of Plants No. 318	93	June 2002
<u>Norway</u>		
Act of March 12, 1993, Relating to the Plant Breeder's Rights	74	July 1994
Regulations concerning the Plant Breeder's Right as amended on February 6, 1995 and July 16, 1997	90	Dec. 2000
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation (All plant genera and species)	80	Dec. 1996
Tariff of Fees	72	Nov. 1993
<u>Panama</u>		
Law No. 23 of July 15, 1997 on Industrial Property, Title V	90	Dec. 2000
Executive Decree No. 13 Regulating Title V of Law No. 23	90	Dec. 2000
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
<u>Paraguay</u>		
Law 385/94 on Seeds and Cultivar Protection	83	Dec. 1997
Decree No. 7797/00 enacting Regulations under Law 385/94	90	Dec. 2000
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	81	Apr. 1997

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Poland</u>		
Extract from Decree of the Minister for Agriculture, Forestry and Food Economy Concerning the Register of Varieties, the Role of Exclusive Rights on Varieties and the Control of Propagating Materials of April 14, 1988, as Amended on September 25, 1990	68	Apr. 1992
Miscellaneous Information		
Tariff of Fees	94	Dec. 2002
Taxa Covered by Plant Variety Protection Legislation	80	Dec. 1996
<u>Portugal</u>		
Decree-Law No. 213/90 of June 28, 1990	83	Dec. 1997
Ministerial Order No. 940/90 of October 4, 1990, as Amended by Ministerial order No. 351/91 of April 20, 1990	66	Dec. 1991
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	79	July 1996
Tariff of Fees	66	Dec. 1991
<u>Republic of Korea</u>		
Seed Industry Law of January 26, 2001, under Law No. 6374	92	Dec. 2001
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	92	Dec. 2001
<u>Republic of Moldova</u>		
Law on the Protection of Plant Varieties No. 915/1996	94	Dec. 2002
Law on the Protection of Plant Varieties	85	Oct. 1999
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
<u>Romania</u>		
Law on the Protection of New Varieties of Plants No. 255/1998	91	June 2001
Implementing Regulations of the Law on the Protection of New Varieties of Plants No. 255/1998	91	June 2001

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Russian Federation</u>		
Law on the Protection of Selection Achievements (of August 6, 1993)	76	Feb. 1995
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
Taxa Covered by Plant Variety Protection Legislation	87	Mar. 2000
Taxa Covered by Plant Variety Protection Legislation	92	Dec. 2001
<u>Slovakia</u>		
Declaration of Continued Application	70	Feb. 1993
Law on the Protection Rights of New Varieties and Animal Breeds No. 132/1989 Coll. Laws, dated 15 Nov. 1989 (amended 22/1996 Coll. Laws)	87	Mar. 2000
<u>Slovenia</u>		
Law on Plant Variety Protection	86	Dec. 1999
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
<u>South Africa</u>		
Plant Breeder's Rights Act No. 15 of 1976 as amended by Plant Breeder's Amendment Act No. 5 of 1980, Plant Breeder's Amendment Act No. 14 of 1981, Plant Breeder's Amendment Act No. 38 of 1983, Transfer of Powers and Duties of the State President, Act. No. 97 of 1983 and Plant Breeder's Amendment Act, No. 15 of 1996	82	Aug. 1997
Regulations Relating to Plant Breeder's Rights No. R 1186 of 12 September, 1997	87	Mar. 2000
Genetically Modified Organisms Act No. 15 of 1997	93	June 2002
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	85	Oct. 1999
Tariff of Fees	85	Oct. 1999

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Spain</u>		
Law on the Protection of Plant Varieties No. 12/1975 of March 12, 1975	67	Feb. 1992
General Rules on the Protection of Plant Varieties (Approved by Royal Decree No. 1674/1977 of June 10, 1977)	67	Feb. 1992
Law 3/2000 Governing the Protection of Plant Varieties	91	June 2001
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation (All plant genera and species)	72	Nov. 1993
	90	Dec. 2000
<u>Sweden</u>		
Act of the Protection of Plant Breeders' Rights	91	June 2001
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation (All botanical genera and species)	81	Apr. 1997
Tariff of Fees	85	Oct. 1999
<u>Switzerland</u>		
Federal Law on the Protection of New Plant Varieties (Consolidated Text of the Federal Law of March 20, 1975, as Amended by the Federal Law of October 10, 1980)	56	July 1988
Ordinance on the Protection of Plant Varieties	61	Feb. 1991
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	61	Feb. 1991
Tariff of Fees	75	Dec. 1994
Tariff of Fees (Corrigendum)	76	Feb. 1995
<u>Trinidad and Tobago</u>		
The Protection of New Plant Varieties Regulations, 2000	92	Dec. 2001
The Protection of New Plant Varieties Act, 1997	85	Oct. 1999
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	84	Apr. 1998
<u>Tunisia</u>		
Law No. 99-42 on Seed, Seedlings and New Plant Varieties (May 10, 1999)	96	Dec. 2003

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Ukraine</u>		
Amendment to the Law on the Protection of Plant Variety Rights (July 1, 2002)	95	April 2003
Law on the Protection of Plant Variety Rights (of April 21, 1993)	76	Feb. 1995
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	86	Dec. 1999
<u>United Kingdom</u>		
Plant Varieties Act 1997	85	Oct. 1999
The Plant Breeder's Rights (Information Notices) (Extension to European Community Plant Variety Rights Regulations 1998)		
Statutory Instrument No. 1023 of 1998	87	Mar. 2000
The Plant Breeders' Rights (Information Notices) (Extension to European Community Plant Variety Rights) Regulations 1998		
Statutory Instrument No. 1024 of 1998	87	Mar. 2000
The Plant Breeders' Rights (Information Notices) Regulations 1998		
Statutory Instrument No. 1025 of 1998	87	Mar. 2000
The Plant Breeders' Rights (Farm Saved Seed) (Specification of Species and Groups) Order 1998		
Statutory Instrument No. 1026 of 1998	87	Mar. 2000
The Plant Breeders' Rights (Farm Saved Seed) (Specified Information) Regulations 1998		
Statutory Instrument No. 1027 of 1998	87	Mar. 2000
The Plant Breeders' Rights Regulations 1998		
The Patents and Plant Variety Rights (Compulsory Licensing) Regulations 2002	93	June 2002
<u>United States of America</u>		
Plant Variety Protection Act (Consolidated Text of Public Law 91-577 of December 24, 1970, as Amended by Public Law 96-574 of December 22, 1980, Public Law 97-164 of April 2, 1982, Public Law 100-203 of December 22, 1987, Public Law 102-560 of October 28, 1992, Public Law 103-349 of October 6, 1994 and Public 104-127 of April 4, 1996)	80	Dec. 1996
Regulations and Rules of Practice, 7 CFR, Part 97, as of January 4, 1996	80	Dec. 1996
Plant Patent Amendments Act of 1998	91	June 2001

State Title of Law, etc.	Plant Variety Protection	
	Issue No.	Date
<u>Uruguay</u>		
Law No. 15.173, Enacting Provisions to Regulate the Production Certification, Marketing, Export and Import of Seed (Extract)	76	Feb. 1995
Decree No. 84/983, Introducing Law No. 15.173, Regulating the Production, Certification and Marketing of Seed, as Amended by Decree No. 418/987 of August 12, 1987, and Decree No. 519/991 of September 17, 1991 (Extract)	76	Feb. 1995
Law No. 16.811	82	Aug. 1997
Miscellaneous Information		
Taxa Covered by Plant Variety Protection Legislation	76	Feb. 1995