

ROMANIA

Contribution received in reply to UPOV Circular E-24/047 of April 22, 2024

From: Enescu Teodor Dan <enescu_teodor@istis.ro>
Sent: Thursday, May 9, 2024 1:47 PM
To: mail, Upov <upov.mail@upov.int>
Subject: Replies to questions by the WG-SHF (UPOV Circular E-24/047)

Dear all,
Behalf of Mr. Mihai POPESCU, Director of the State Institute for Testing and Registration of Varieties (ISTIS)

Refer to the questions of the Working Group on Guidance concerning Smallholder Farmers in relation to private and non-commercial use about "*acts done privately and for non-commercial purposes*" :

In Romania the authority which granting patents for plant varieties is State Institute for Testing and Registration of Varieties.

In the Law No 255/1998 republished, are provided and explained the acts done privately and for non-commercial purposes at Chapter VI – Right of the Holder, in Article 31- Exceptions to the Rights of the Variety Patent Holder and in Article 32 – Farmer’s Privilege.

In these articles are explained for which situations shall not extend the rights of the variety patent holder.

At the Annex of this Law are presented the species of agricultural plants to which the provisions relating to farmer’s privilege shall apply.

If there is any other detail that I can help you with,

Respectfully,

Teodor-Dan ENESCU, counselor

State Institute for Testing and Registration of Varieties (ISTIS)

Bucharest, Romania