

AZERBAIJAN

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

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Sent: Wednesday, May 29, 2024 9:29 AM

To: mail, Upov <upov.mail@upov.int>

Subject: RE: GENTLE REMINDER: Action by May 20, 2024: call for replies to questions by the WG-SHF (UPOV Circular E-24/047)

Dear UPOV Secretariat,

Please see the below the responses from Azerbaijan.

1. *Is your country/intergovernmental organization implementing the exception “acts done privately and for non-commercial purposes”? If so, how is it implemented?*

Answer: Yes. According to Article 16 of the Law of the Republic of Azerbaijan “On Selection Achievements,” (<https://e-qanun.az/framework/3733>) the rights of the patent holder are not considered violated when the selection achievement is used for the following purposes:

1. Personal and non-commercial use;
2. Experimental-use purposes.

When using the selection achievement for the above-mentioned purposes, permission from the patent holder is not required.

2. *Concerning this exception, are there definitions for the following term: “acts done privately and for non-commercial purposes”?*

Answer: No specific terminology or definitions are used for the exception. Only the phrase “use for personal and non-commercial purposes” is mentioned in Section 7 of Article 16 of the Law of the Republic of Azerbaijan “On Selection Achievements.”

3. *Please specify legislation/regulation and jurisprudence concerning this exception.*

Answer: The Law of the Republic of Azerbaijan “On Selection Achievements.” (<https://e-qanun.az/framework/3733>)

4. *Are there any challenges and/or opportunities in implementing this exception in your jurisdiction? Please explain.*

So far we have not met these challenges in our experience. But it would be interesting to see other countries' experiences to have a clear view and be ready for possible issues in the future.

With kind regards,

Jafar Maharramov