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PLANT VARIETY PROTECTION

Gazette and Newsletter
of the International Union
for the Protection of
New Varieties of Plants
(UPOV)



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The International Union for the Protection of New Varieties of Plants (UPOV)—an international organization established by the International Convention for the Protection of New Varieties of Plants—is the international forum for States interested in plant variety protection. Its main objective is to promote the protection of the interests of plant breeders—for their benefit and for the benefit of agriculture and thus also of the community at large—in accordance with uniform and clearly defined principles.

Plant Variety Protection is a UPOV publication that reports on national and international events in its field of competence and in related areas. It is published in English only—although some items are quadrilingual (English, French, German and Spanish)—at irregular intervals, usually at a rate of four issues a year. Requests for addition to the mailing list may be placed with:

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The picture on the front cover shows the species
Erythrina lysistemon,
painted by Mrs. Elise Buitendag (South Africa)

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GAZETTE

ACCESSION TO THE 1978 ACT OF THE UPOV CONVENTION

PEOPLE'S REPUBLIC OF CHINA

On March 23, 1999, the Government of the People's Republic of China 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 and on October 23, 1978, with the Secretary-General of UPOV.

The 1978 Act of the UPOV Convention entered into force in respect of the People's Republic of China on April 23, 1999.

According to the notification filed with the Secretary-General together with the instrument of accession, protection is available to the following genera and species (the Latin names have been communicated by the Chinese authorities; the English, French, German and Spanish common names have been added, without guarantee of concordance, by the Office of the Union).

Latin	English	Français	Deutsch	Español
<i>Brassica campestris</i> L. ssp. <i>pekinensis</i> (Lour.) Olsson	Chinese Cabbage	Chou de Chine, Pétsai	Chinakohl	Col china, Repollo chino
<i>Camellia</i>	Camellia	Camélia	Kamelie	Camelia
<i>Chrysanthemum</i>	Chrysanthemum	Chrysanthème	Chrysantheme	Crisantemo
<i>Cunninghamia lanceolata</i>	Chinese fir	Sapin de Chine	Spießtanne	Abeto de China
<i>Cymbidium goeringii</i> Rchb. f.	Cymbidium	Cymbidium	Cymbidie	Cymbidium
<i>Dianthus</i> L.	Carnation	Oeillet	Nelke	Clavel
<i>Gladiolus</i> L.	Gladiolus	Glaïeul	Gladiole	Gladiolo
<i>Magnolia</i>	Magnolia	Magnolia	Magnolie	Magnolia
<i>Medicago sativa</i> L.	Lucerne, Alfalfa	Luzerne	Blaue Luzerne	Alfalfa, Mielga
<i>Oryza sativa</i> L.	Rice	Riz	Reis	Arroz
<i>Paeonia suffruticosa</i> Andr.	Moutan Paeony	Pivoine en arbre	Strauchpäonie	-
<i>Paulownia</i>	Royal Paulownia	Paulownia	Paulownia	Paulonia
<i>Poa pratensis</i>	Kentucky Bluegrass	Pâturin des prés	Wiesenrispengras	Poa de los prados
<i>Populus tomentosa</i> Carr.	Chinese White Poplar	Peuplier blanc de Chine	Chinesische Weißappel	Álamo blanco de China
<i>Prunus mume</i>	Mume (Japanese Apricot)	Abricotier japonais	Japanische Aprikose	Albaricoquero japonés
<i>Rosa</i>	Rose	Rosier	Rose	Rosal
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel	Patata, Papa
<i>Zea mays</i> L.	Maize	Maïs	Mais	Maíz

KENYA

On April 13, 1999, the Government of the Republic of Kenya 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 and on October 23, 1978, with the Secretary-General of UPOV.

The 1978 Act of the UPOV Convention entered into force in respect of the Republic of Kenya on May 13, 1999.

According to the notification filed with the Secretary-General together with the instrument of accession, protection is available to the following genera and species (the Latin names have been communicated by the Kenyan authorities; the English, French, German and Spanish common names have been added, without guarantee of concordance, by the Office of the Union).

Latin	English	Français	Deutsch	Español
<i>Alstromeria</i> sp.	Alstroemeria, Herb Lily	Alstroèmère, Lis des Incas	Inkalilie	Alstromeria
<i>Aster</i> sp.	Aster	Aster	Aster	Aster
<i>Capsicum annuum</i>	Sweet Pepper	Poivron, Piment	Paprika	Pimiento
<i>Chrysanthemum</i> sp.	Chrysanthemum	Chrysanthème	Chrysantheme	Crisantemo
<i>Chrysanthemum coccineum</i>	Pyrethrum	Pyrèthre	Kaukasische Insektenblume	Flor de pelitre
<i>Coffea arabica</i> sp.	Coffee	Caféier	Kaffee	Cafeto
<i>Dianthus</i> sp.	Carnation	Oeillet	Nelke	Clavel
<i>Eryngium</i> sp.	Eryngo	Panicaut	Edeldistel, Mannstreu	Eringio, Cardo corredor
<i>Gossypium hirsutum</i> sp.	Cotton	Cotonnier	Baumwolle	Algodón
<i>Hordeum vulgare</i>	Barley	Orge	Gerste	Cebada
<i>Limonium</i> sp.	Statice	Limonium, Statice	Widerstoß, Meerlavendel	Statice
<i>Macadamia integrifolia</i>	Macadamia	Macadamia	Macadamia	Macadamia
<i>Passiflora edulis</i>	Passion Fruit, Granadilla	Barbadine	Passionsfrucht, Purpurgrana- dilla	Granadilla, Pasióñaria
<i>Phaseolus vulgaris</i> sp.	French Bean	Haricot	Gartenbohne	Judía común, Alubia, Poroto
<i>Rosa</i> sp.	Rose	Rosier	Rose	Rosal
<i>Saccharum</i> sp.	Sugarcane	Canne à sucre	Zuckerrohr	Caña de azúcar
<i>Solidago</i> sp.	Golden Rod	Verge d'or	Goldrute	Vara de oro, Vara de San José
<i>Triticum aestivum</i>	Wheat	Blé	Weizen	Trigo
<i>Zantedeschia</i>	Calla, Arum-lily	Calla	Kalla, Zantedeschia	Cala
<i>Zea mays</i> sp.	Maize	Maïs	Mais	Maíz

BOLIVIA

On April 21, 1999, the Government of the Republic of Bolivia 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 and on October 23, 1978, with the Secretary-General of UPOV.

The 1978 Act of the UPOV Convention entered into force in respect of the Republic of Bolivia on May 21, 1999.

According to the legislation of Bolivia, protection is available in respect of all botanical genera and species.

BRAZIL

On April 23, 1999, the Government of the Federative Republic of Brazil 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 and on October 23, 1978, with the Secretary-General of UPOV.

The 1978 Act of the UPOV Convention entered into force in respect of the Federative Republic of Brazil on May 23, 1999.

According to the notification filed with the Secretary-General together with the instrument of accession, protection is available to the following genera and species (the Latin names and Spanish common names have been communicated by the Brazilian authorities; the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union).

Latin	English	Français	Deutsch	Español
<i>Glycine max</i> (L.) Merrill	Soya Bean	Soja	Sojabohne	Soja
<i>Gossypium</i> L.	Cotton	Cotonnier	Baumwolle	Algodón
<i>Oryza sativa</i> L.	Rice	Riz	Reis	Arroz
<i>Phaseolus vulgaris</i> L.	French Bean	Haricot	Gartenbohne	Judía común, Alubia, Poroto
<i>Sacharum</i> spp.	Sugarcane	Canne à sucre	Zuckerrohr	Caña de azúcar
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel	Papa, Patata
<i>Sorghum</i> spp.	Sorghum	Sorgho	Mohrenhirse	Sorgo
<i>Triticum aestivum</i> L.	Wheat	Blé	Weizen	Trigo
<i>Zea mays</i> L.	Maize	Maïs	Mais	Maíz

PANAMA

On April 23, 1999, the Government of the Republic of Panama 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 and on October 23, 1978, with the Secretary-General of UPOV.

The 1978 Act of the UPOV Convention entered into force in respect of the Republic of Panama on May 23, 1999.

According to the notification filed with the Secretary-General together with the instrument of accession, protection is available to the following genera and species (the Latin and English names have been communicated by the Panamanian authorities; the French, German and Spanish common names have been added, without guarantee of concordance, by the Office of the Union).

Latin	English	Français	Deutsch	Español
<i>Capsicum annuum</i>	Sweet Pepper	Poivron, Piment	Paprika	Pimiento
<i>Cucurbita moschata</i>	Vegetable Marrow, Squash	Courgette	Gartenkürbis, Zucchini	Calabacín, Zapallito alargado
<i>Lycopersicon esculentum</i>	Tomato	Tomate	Tomate	Tomate
<i>Oryza sativa</i>	Rice	Riz	Reis	Arroz
<i>Phaseolus vulgaris</i>	French Bean	Haricot	Gartenbohne	Judía común, Frijol
<i>Zea mays</i>	Maize	Maïs	Mais	Maíz

ACCESSION TO THE 1991 ACT OF THE UPOV CONVENTION

REPUBLIC OF MOLDOVA

On September 28, 1998, the Government of the Republic of Moldova 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 1991 Act of the UPOV Convention entered into force in respect of the Republic of Moldova on October 28, 1998.

According to the notification filed with the Secretary-General together with the instrument of accession, protection is available to the following genera and species (the Latin and English names have been communicated by the Moldovan authorities; the French, German and Spanish common names have been added, without guarantee of concordance, by the Office of the Union).

Latin	English	Français	Deutsch	Español
<i>Callistephus chinensis</i> (L.) Nees	China Aster	Aster, Aster de Chine, Reine-marguerite	Sommeraster	-
<i>Canna</i> L.	Canna	Canna, Balisier	Blumenrohr	Achira
<i>Capsicum annuum</i> L.	Sweet Pepper	Poivron, Piment	Paprika	Pimiento
<i>Chrysanthemum</i> L.	Chrysanthemum	Chrysanthème	Chrysantheme	Crisantemo
<i>Galtonia candicans</i> (Bac.) Decne	Galtonia	-	Riesenhyaazinthe	Galtonia
<i>Gladiolus</i> L.	Gladiolus	Glaïeul	Gladiole	Gladiolo
<i>Helianthus annuus</i> L.	Sunflower	Tournesol	Sonnenblume	Girasol
<i>Hemerocallis</i> L.	Day-lily	Hémérocalle	Taglilie	Hemerocala
<i>Iris</i> L.	Iris	Iris	Iris, Schwertlilie	Lirio
<i>Narcissus</i> L.	Narcissus	Narcisse, Jonquille	Narzisse	Narciso, Junquillo
<i>Paeonia</i> L.	Paeony	Pivoine	Päonie, Pfingstrose	Peonia, Saltajos

JAPAN

On November 24, 1998, the Government of Japan 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 1991 Act of the UPOV Convention entered into force in respect of Japan on December 24, 1998.

Protection is available to all genera and species of spermatophyte, pteridophyte, bryophyte and multicellular algae and other plants as noted in

the table below (the Latin and English names have been communicated by the Japanese authorities; the French, German and Spanish common names

have been added, without guarantee of concordance, by the Office of the Union).

Latin	English	Français	Deutsch	Español
<i>Agaricus bisporus</i> (Lange.) Sing.	Mushroom	Champignon de couche	Champignon	Champiñón
<i>Agaricus blazei</i> Murr.	-	-	-	-
<i>Agrocybe cylindracea</i> (Fr.) Gill.	Yanagimatsutake	Pholiote du peuplier, Pivoulade	Südlicher Schüppling	-
<i>Auricularia polytricha</i> (Mont.) Sacc.	Jew's Ear	Oreille de Judas	Judasohr, Holunderschwamm	-
<i>Auricularia auricula-judae</i> (Fr.) Quel.				
<i>Flammulina velutipes</i> (Fr.) Quel	Velvet-footed collybia	-	-	-
<i>Grifola frondosa</i> (Fr.) S.F. Gray	Hen of the Woods	Poule de bois	Laubporling, Klapperschwamm	
<i>Hericium eranaceum</i> (Fr.) Pers.	-	-	-	-
<i>Hypsizigus ulmarium</i> (Bull.:Fr.) Redhed (syn.) <i>Lyophyllum ulmarium</i> (Fr.) Kuhn.	-	-	-	-
<i>Hypsizigus marmoreus</i> (Peck) Bigelow (syn.) <i>Lyophyllum ulmarium</i> (Fr.) Kuhn.	-	-	-	-
<i>Lentinus elodes</i> (Berk.) Sing.	Shiitake	Shiitake	Shiitake, Pasaniapilz	-
<i>Lyophyllum decastes</i> (Fr.) Sing.	Fried Chicken Mushroom	Tricholome agrégé	-	-
<i>Naematoloma sublateralitium</i> (Fr.) Karst.	Brick Tops	Hypholome couleur de brique	-	-
<i>Panellus serotinus</i> (Fr.) Kuhn.	Mukitake	-	Zwergknäuling	-
<i>Pholiota adiposa</i> (Fr.) Quel.	Fat Pholiota	-	-	-
<i>Pholiota nameko</i> (T. Ito) S. Ito et Imai	Nameko	Pholiote du peuplier	Nameko, Japanischer Schüppling	-
<i>Pleurotus abalonus</i> Han, Chen et Cheng	-	-	-	-
<i>Pleurotus cornucopiae</i> (Pers.) Rolland	Tamogitake	Pleurote corne d'abondance, Pleurote de l'orme, Oreille d'orme	Rillstieliger Seitling	Pleuroto
<i>Pleurotus cystidiosus</i> O.K. Miller.	-	-	-	-
<i>Pleurotus eryngii</i> (Dc.:Fr.) Sing.	-	-	-	-
<i>Pleurotus ostreatus</i> (Fr.) Quel.	Hiratake, Oyster Mushroom	Pleurote en forme d'huître, Pleurote écailloux, Pleurote en coquille	Austenseitling, Drehling	Pleuroto
<i>Pleurotus pulmonarius</i> (Fr.) Quel.	-	-	-	-

SLOVENIA

On June 29, 1999, the Government of the Republic of Slovenia 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 1991 Act of the UPOV Convention entered into force in respect of the Republic of Slovenia on July 29, 1999.

According to the notification filed with the Secretary-General together with the instrument of accession, protection is available to the following genera and species (the Latin names and English common names have been communicated by the Slovenian authorities; the French, German and Spanish common names have been added, without guarantee of concordance, by the Office of the Union).

Latin	English	Français	Deutsch	Español
<i>Allium ascalonicum</i> L.	Shallot	Échalote	Schalotte	Chalote
<i>Avena sativa</i> L.	Oats	Avoine	Hafer	Avena
<i>Brassica rapa</i> L. var. <i>rapa</i>	Turnip	Navet	Herbstrübe, Mairübe	Nabo
<i>Capsicum annuum</i> L.	Sweet Pepper	Poivron, Piment	Paprika	Pimiento
<i>Cichorium intybus</i> L.	Chicory	Chicorée, En- dive	Wurzelzichorie, Salatzichorie	Achicoria
<i>Daucus carota</i> L.	Carrot	Carotte	Möhre, Karotte	Zanahoria
<i>Fragaria x ananassa</i> Duch.	Strawberry	Fraisier	Erdbeere	Fresa
<i>Hordeum vulgare</i> L.	Barley	Orge	Gerste	Cebada
<i>Lactuca sativa</i> L.	Lettuce	Laitue	Salat	Lechuga
<i>Pelargonium</i> L'Hérit. ex Ait.	Geranium, Pelargonium, Stork's Bill	Géranium, Pélargonium	Pelargonie	Geranio, Pelargonia
<i>Phaseolus vulgaris</i> L.	French Bean	Haricot	Gartenbohne	Judía Común, Alubia, Poroto
<i>Pisum sativum</i> L.	Pea	Pois	Erbse	Guisante, Arveja
<i>Primula</i> L.	Auricula	Primevère	Primel, Schlüsselblume	Primavera, Prímula
<i>Prunus avium</i> L.	Cherry	Cerisier	Süßkirsche	Cerezo dulce
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel	Patata, Papa
<i>Triticum aestivum</i> L. emend. Fiori et Paol.	Wheat	Blé	Weizen	Trigo
<i>Valerianella locusta</i> (L.) Laterr.	Cornsalad	Mâche	Feldsalat	Hierba de los canónigos
<i>Zea mays</i> L.	Maize	Maïs	Mais	Maíz

RATIFICATION OF THE 1991 ACT OF THE UPOV CONVENTION**GERMANY**

On June 25, 1998, the Government of the Federal Republic of Germany deposited its instrument of ratification of 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 1991 Act entered into force for the Federal Republic of Germany one month after the deposit of its instrument of ratification, i.e., on July 25, 1998.

UNITED KINGDOM

On December 3, 1998, the Government of the United Kingdom deposited its instrument of ratification of 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 1991 Act entered into force for the United Kingdom one month after the deposit of its instrument of ratification, i.e., on January 3, 1999.

UNITED STATES OF AMERICA

On January 22, 1999, the Government of the United States of America deposited its instrument of ratification of 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 instrument was accompanied by the following: "Pursuant to Article 35(2), the United States will continue to provide protection for asexually

reproduced varieties by an industrial property title other than a breeder's right and will not, therefore, apply the terms of this Convention to those varieties."

The 1991 Act entered into force for the United States of America one month after the deposit of its instrument of ratification, i.e., on February 22, 1999.

EXTENSION OF PROTECTION TO FURTHER GENERA AND SPECIES

CZECH REPUBLIC

By virtue of Decree No. 118 of April 15, 1998, of the Federal Minister for Agriculture and Food amending the Decree No. 134/1989 of Coll., setting out the list of the economically important species and genera of plants and animals, in wording of the Decree of the Federal Ministry of Economy No. 515/1991 of Coll., protection was extended to further genera and species with effect from

April 15, 1998. The consolidated list of species and genera is reproduced below as it appears in the Decree (the Latin names and English common names appear in the Decree, whereas the French, German and Spanish common names have been added, without guarantee of concordance, by the Office of the Union):

Latin	English	Français	Deutsch	Español
<i>Abies</i> Mill	Fir	Sapin	Tanne	Abeto
<i>Acer</i> L.	Maple	Érable, Sycomore	Ahorn	Arce
<i>Actinidia</i> L.	Actinidia	Actinidia	Strahlengriffel	Actinidia
<i>Agrostis capillaris</i> L.	Brown Top, Common Bent	Agrostide commune	Rotes Straußgras	Agróstide común
<i>Agrostis stolonifera</i> L. (incl. <i>A. paulustris</i> Huds.)	Creeping Bent	Agrostide blanche, Agrostide stolonifère	Flechtstraußgras	Agróstide estikibufera
<i>Allium cepa</i> L.	Onion	Oignon	Zwiebel	Cebolla
<i>Allium porrum</i> L.	Leek	Poireau	Porree	Puerro
<i>Allium sativum</i> L.	Garlic	Ail	Knoblauch	Ajo
<i>Alstroemeria</i> L.	Alstroemeria, Herb Lily	Alstroemère, Lis des Incas	Inkalilie	Alstormeria
<i>Amaranthus</i> L.	Amaranth	Amarante	Amarant, Fuchsschwanz	Amaranto
<i>Anthyllis vulneraria</i> L.	Kidney Vetch	Anthyllide vulnéraire, Trèfle jaune des sables	Echter Wundklee, Tannenklee	Vulneraria
<i>Apium graveolens</i> L.	Celery	Céleri	Sellerie	Apio
<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J.S. et K.B. Presl	Tall Oatgrass, False Oatgrass	Fromental, Avoine élevée	Glatthafer	Avena alta, Avena elevada, Fromental
<i>Avena sativa</i> L.	Oats	Avoine	Hafer	Avena
<i>Beta vulgaris</i> L. var. <i>altissima</i> Döll	Sugar Beet	Betterave sucrière	Zuckerrübe	Remolacha azucarera
<i>Beta vulgaris</i> L. var. <i>crassa</i> Mansf.	Fodder Beet	Betterave fourragère	Runkelrübe	Remolacha forrajera
<i>Brassica napus</i> L.	Swede, Oilseed Rape	Colza	Raps	Colza
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC) Alef. var. <i>medullosa</i> Thell+var. <i>viridis</i> L.	Fodder Kale	Chou fourrager	Futterkohl	Col forrajera
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i>	Cauliflower	Chou-fleur	Blumenkohl	Coliflor

Latin	English	Français	Deutsch	Español
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy Cabbage	Chou de Milan	Wirsing	Col de Milán
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef.	Cabbage	Chou pommé	Kopfkohl	Col, Repollo
<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussels Sprouts	Chou de Bruxelles	Rosenkohl	Col de Bruselas
<i>Brassica rapa</i> L. var. <i>rapa</i> (L.)	Turnip	Navet	Herbstrübe, Mairübe	Nabo
<i>Callistephus chinensis</i> (L.) Nees.	China Aster	Aster, Aster de Chine, Reine-marguerite	Sommeraster	-
<i>Cannabis sativa</i> L.	Hemp	Chanvre	Hanf	Cáñamo
<i>Capsicum annum</i> L.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika	Pimiento
<i>Carum carvi</i> L.	Caraway	Carvi, Cumin des prés	Kümmel	Alcaravera
<i>Castanea sativa</i> Mill.	Chestnut	Châtaignier	Kastanie	Castaña
<i>Chrysanthemum</i> sp.	Chrysanthemum	Chrysanthème	Chrysantheme	Crisantemo
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone	Sandía
<i>Cornus mas</i> L.	Cornelian Cherry	Cornouiller mâle	Kornelkirsche	Cornejo, Cerezo silvestre, Sanguino
<i>Coronilla varia</i> L.	Crown Vetch	Coronille variée, Faucille	Bunte Kronwicke	Coletuy multicolor, Ruda inglesa
<i>Cotoneaster</i> Medik.	Cotoneaster	Cotoneaster	Cotoneaster, Zwergmispel	Cotoneaster
<i>Cucumis melo</i> L.	Melon	Melon	Melone	Melón
<i>Cucumis sativus</i> L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke	Pepino, Cohombro
<i>Cucurbita</i> L.	Pumpkin	Potiron, Giraumon	Kürbis	Calabaza, Zapallo
<i>Cynosurus cristatus</i> L.	Crested Dog's-tail	Crételle	Kammgras	Cola de perro
<i>Dactylis glomerata</i> L.	Cocksfoot	Dactyle	Knautgras	Dactilo
<i>Dahlia</i> Cav.	Dahlia	Dahlia	Dahlie	Dalia
<i>Daucus carota</i> L.	Carrot	Carotte	Möhre, Karotte	Zanahoria
<i>Deschampsia caespitosa</i> (L.) P. Beauv.	Tufted Hairgrass	Canche cespitouse	Rasenschmiele	Aira de césped
<i>Dianthus</i> sp.	Carnation, Pink, Sweet William	Oeillet	Nelke	Clavel
<i>Digitalis lanata</i> Ehrh.	Grecian Foxglove	Digitale laineuse	Wolliger Fingerhut	Digital lanosa

Latin	English	Français	Deutsch	Español
<i>Euphorbia pulcherrima</i> Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie	Flor de Pascua
<i>Fagopyrum esculentum</i> Moench	Buckwheat	Sarrasin, Blé noir	Buchweizen	Alforfón
<i>Festuca arundinacea</i>	Tall fescue	Fétuque élevée	Rohrschwengel	Cañuela alta, festuca alta
<i>Festuca ovina</i> L. <i>sensu lato</i> (incl. <i>F. tenuifolia</i> Sibth.)	Sheep's Fescue	Fétuque ovine	Schafschwingel	Festuca ovina
<i>Festuca pratensis</i> Huds.	Meadow Fescue	Fétuque des prés	Wiesenschwingel	Festuca de los prados
<i>Festuca rubra</i> L. <i>sensu lato</i>	Red fescue, Creeping Fescue	Fétuque rouge	Rotschwengel	Cañuela rojo, Festuca rojo
x <i>Festulolium</i>	Festulolium	Festulolium	Festulolium	Festulolium
<i>Fragaria</i> L.	Strawberry	Fraisier	Erdbeere	Fresa, Frutilla
<i>Freesia</i> Eckl. ex Klatt	Freesia	Freesia	Freesie	Fresia
<i>Fuchsia</i> L.	Fuchsia, Ladies' Eardrops	Fuchsia	Fuchsie	Fucsia
<i>Gerbera</i> L.	Gerbera	Gerbera	Gerbera	Gerbera
<i>Gladiolus</i> L.	Gladiolus	Glaïeul	Gladiole	Gladiolo
<i>Glycine max</i> (L.) Merr.	Soya Bean	Soja	Sojabohne	Soja, Soya
<i>Helianthus annuus</i> L.	Sunflower	Tournesol	Sonnenblume	Girasol
<i>Hordeum vulgare</i> L. <i>sensu lato</i>	Barley	Orge	Gerste	Cebada
<i>Humulus lupulus</i> L.	Hop	Houblon	Hopfen	Lúpulo
<i>Hypericum perforatum</i> L.	Common Saint John's Wort	Millepertuis perforé	Johanniskraut	Corazoncillo, Hierba de San Juan
<i>Impatiens</i> L.	Balsam, Busy Lizzie, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine	Balsamina
<i>Juglans regia</i> L.	Walnut	Noyer	Walnuß	Nogal
<i>Kalanchoë</i> Adans.	Kalanchoë	Kalanchoë	Kalanchoë	Kalanchoë
<i>Lactuca sativa</i> L.	Lettuce	Laitue	Salat	Lechuga
<i>Lens culinaris</i> Medik.	Lentil	Lentille	Linse	Lenteja
<i>Lilium</i> L.	Lily	Lis	Lilie	Lirio
<i>Linum usitatissimum</i> L.	Flax, Linseed	Lin	Lein	Lino
<i>Lobelia</i> L.	Lobelia, Cardinal Flower	Lobélie	Lobelia	Lobelia
<i>Lolium multiflorum</i> Lam. subsp. <i>italicum</i> (A. Br.) Volkart	Italian Ryegrass	Ray-grass d'Italie	Italienisches Raygras	Ballico italiano, Raygrás italiano
<i>Lolium multiflorum</i> Lam. var. <i>westerwoldicum</i> Wittm.	Westerwold Ryegrass	Ray-grass de Westerwold	Welsches Weidelgras	Ballico de Westerwold, Raygrás de Westerwold

Latin	English	Français	Deutsch	Español
<i>Lolium perenne</i> L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidelgras	Ballico perenne, Raygrás inglés
<i>Lolium x boucheanum</i> Kunth	Hybrid Ryegrass	Ray-grass hybride	Bastardweidelgras, Oldenburgisches Weidelgras	Ballico híbrido, Raygrás híbrido
<i>Lotus corniculatus</i> L.	Bird's Foot Trefoil	Lotier corniculé	Hornschoten- klee	Loto de los prados
<i>Lycopersicon lycopersicum</i> (L.) Karst. ex Farw.	Tomato	Tomate	Tomate	Tomate
<i>Malus</i> Mill.	Apple	Pommier	Apfel	Manzano
<i>Malva</i> L.	Mallow	Mauve	Malve	Malva
<i>Matricaria recutita</i> L.	German Chamomile, Wild Chamomile	Matricaire camomille	Echte Kamille	Camomila, Manzanilla
<i>Medicago sativa</i> L.	Alfalfa, Lucerne	Luzerne (cultivée)	Blaue Luzerne	Alfalfa, Mielga
<i>Nicotiana tabacum</i> L.	Tobacco	Tabac	Tabak	Tabaco
<i>Onobrychis viciifolia</i> Scop.	Sainfoin	Sainfoin, Esparcette	Esparssette	Esparceta, Pipirigallo
<i>Papaver somniferum</i> L.	Opium Poppy, Seed Poppy	Oeillette, Pavot	Mohn	Adormidera, Amapola
<i>Pelargonium</i> L'Hér. ex Ait.	Geranium, Pelargonium, Stork's Bill	Géranium, Pélargonium	Pelargonie	Geranio, Pelargonia
<i>Petunia</i> Juss.	Petunia	Pétunia	Petunie	Petunia
<i>Phacelia tanacetifolia</i> Benth.	Scorpion Weed	Phacélie à feuilles de tanaïs	Phazelie	Phazelia
<i>Pharbitis purpurea</i>	Common Morning Glory	Ipomée volubilis	Purpurwinde	Dondiego de día
<i>Phaseolus vulgaris</i> L.	French Bean	Haricot	Gartenbohne	Judía común, Alubia, Poroto
<i>Phleum bertolonii</i> DC.	Timothy	Fléole diploïde, Petite fléole	Zwiebel- lieschgras	Fleo
<i>Phleum pratense</i> L.	Timothy	Fléole des prés	Wiesenliesch- gras	Fleo de los prados
<i>Pisum sativum</i> L. <i>sensu lato</i>	Pea	Pois	Erbse	Guisante, Arveja
<i>Poa nemoralis</i> L.	Wood Meadow Grass	Pâturin des bois	Hainrispen- gras	Poa de los bosques
<i>Poa pratensis</i> L.	Kentucky Bluegrass, Smooth Stalked Meadow Grass	Pâturin des prés	Wiesenrispen- gras	Poa de los prados

Latin	English	Français	Deutsch	Español
<i>Polymnia sonchchifolia</i> Poepp. et Endl.	Leaf Cup	Polymnie	Polymnie	Polymnia
<i>Populus</i> L.	Poplar	Peuplier	Pappel	Álamo, Chopo
<i>Potentilla</i> L.	Cinquefoil	Potentille	Fingerkraut	Cincoenrama, Quinquelfolio
<i>Prunus amygdalus</i> Bartock	Almond	Amandier	Mandel	Almendro
<i>Prunus armeniaca</i> L.	Apricot	Abricotier	Aprikose	Albaricoquero
<i>Prunus avium</i> (L.) L.	Sweet Cherry	Cerisier (cerises douces : guignes, bigarreaux)	Süßkirsche	Cerezo dulce
<i>Prunus cerasifera</i> Ehrh.	Myrobalan, Cherryplum	Myrobolan	Kirschpflaume Myrobalane	Mirobolán
<i>Prunus cerasus</i> L.	Morello, Sour Cherry	Cerisier	Sauerkirsche	Cerezo ácido, Guindo
<i>Prunus domestica</i> L.	Plum	Prunier	Pflaume	Ciruelo, Cirolero
<i>Prunus persica</i> (L.) Batsch	Peach	Pêcher	Pfirsich	Durazno, Melocotonero
<i>Prunus x amygdalo-persica</i> (Weston)	Peach x Almond	Pêcher x prunier	Pfirsich x Pflaume	Melocotonero x Ciruelo
<i>Pyrus communis</i> L.	Pear	Poirier	Birne	Peral
<i>Raphanus sativus</i> L. var. <i>niger</i> (Mill.) S. Kerner	Black Radish	Radis d'été, d'automne et d'hiver	Rettich	Rábano de invierno, Rábano negro
<i>Raphanus sativus</i> L. var. <i>sativus</i>	Radish	Radis de tous les mois	Radieschen	Rabanito, Rabanillo
<i>Rhododendron</i> L.	Rhododendron, Azalea, Azaleodendron	Rhododendron, Azalée	Rhododendron, Azalee	Rododendro, Azalea
<i>Ribes nigrum</i> L.	Black Currant	Cassis	Schwarze Johannisbeere	Casis, Grosellero negro
<i>Ribes niveum</i> Lindl.	White Currant	Groseillier blanc	Weiße Johannisbeere	Grosellero blanco
<i>Ribes sylvestre</i> (Lam.) Mert. & W.Kloch	Red Currant	Groseillier rouge	Rote Joannisbeere	Grosellero rojo
<i>Ribes uva-crispa</i> L.	Gooseberry	Groseillier à maquereau	Stachelbeere	Grosellero silvestre, Agrazón, Uva crespa
<i>Rosa</i> L.	Rose	Rosier	Rose	Rosal
<i>Rubus idaeus</i> L. et <i>hybridi</i>	Raspberry	Framboisier	Himbeere	Frambueso, Sangüeso
<i>Saintpaulia ionantha</i> H. Wendl.	African Violet	Saintpaulia	Usambaraveil- chen	Saintpaulia

Latin	English	Français	Deutsch	Español
<i>Salix</i> L.	Willow	Saule	Weide	Sauce
<i>Scaevola</i> L.	Scaevola	Scaevola	Fächerblume	Scaevola
<i>Secale cereale</i> L.	Rye	Seigle	Roggen	Centeno
<i>Silybum marianum</i> (L.) Gaertn.	Milk Thistle, Saint Mary's Thistle	Chardon-Marie	Mariendistel	Cardo de Maria
<i>Sinapis alba</i> L.	White Mustard	Moutarde blanche	Weißer Senf, Gelbsenf	Mostaza blanca
<i>Solanum melongena</i> L.	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine	Berenjena
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel	Papa, Patata
<i>Sorbus</i> L.	Mountain Ash, Rowan, Whitebeam	Sorbier	Eberesche, Mehlbeere, Elsbeere	Mostajo, Mostellar, Serbal
<i>Spinacia oleracea</i> L.	Spinach	Épinard	Spinat	Espinaca
<i>Tagetes</i> L.	Marigold	Tagète, Oeillet d'Inde, Rose d'Inde	Sammetblume	Clavel de las Indias, Clavelón
<i>Trifolium hybridum</i> L.	Alsike Clover	Trèfle hybride	Schwedenklee	Trébol híbrido
<i>Trifolium pratense</i> L.	Red Clover	Trèfle violet	Rotklee	Trébol violeta
<i>Trifolium repens</i> L.	White Clover	Trèfle blanc	Weißklee	Trébol blanco
<i>Trisetum flavescens</i> (L.) P. Beauv.	Golden Oatgrass	Avoine jaunâtre	Goldhafer	Avena amarilla
x <i>Triticosecale</i> Wittm.	Triticale	Triticale	Triticale	Triticale
<i>Triticum aestivum</i> L. emend. Fiori et Paol.	Wheat, Soft Wheat, Bread Wheat	Blé tendre, Froment	Weichweizen	Trigo blando
<i>Triticum durum</i> Desf.	Durum Wheat	Blé dur	Hartweizen	Trigo duro
<i>Triticum spelta</i> L.	Spelt	Épeautre	Spelz, Dinkel	Espelta
<i>Tulipa</i> L.	Tulip	Tulipe	Tulpe	Tulipán
<i>Ulmus</i> L.	Elm	Orme	Ulme	Olmo
<i>Verbena</i> L.	Vervain	Verveine	Verbene, Eisenkraut	Verbena
<i>Vicia faba</i> L.	Broad Bean, Field Bean	Fève, Féverole	Ackerbohne, Dicke Bohne (Puffbohne)	Haba
<i>Vicia pannonica</i> Crantz	Hungarian Vetch	Vesce de Pannonie	Ungarische Wicke	Veza de Hungria
<i>Vicia sativa</i> L. (incl. <i>Vicia angustifolia</i> Reichard)	Common Vetch	Vesce commune	Saatwicke	Veza común
<i>Vicia villosa</i> Roth (icl. <i>Vicia dasycarpa</i> Ten.)	Hairy Vetch	Vesce velue	Zottelwicke	Veza vellosa
<i>Vitis</i> sp.	Grapevine	Vigne	Rebe	Vid
<i>Weigela</i> Thunb.	Diervilla	Weigela	Weigelia	Weigela
<i>Zea mays</i> L.	Maize	Maïs	Mais	Maíz

SOUTH AFRICA

Protection was extended to plant genera and species by virtue of the amendments to Regulations referred to below (the Latin and English names appear in the Regulation, whereas the French, German and Spanish common names have been added, without guarantee of concordance, by the

Office of the Union):

By virtue of Regulations Relating to Plant Breeders' Rights: Amendment No. R. 604 of May 14, 1999, with the effect from the same day, to:

Latin	English	Français	Deutsch	Español
<i>Gaura</i> L. (All spp.)	Gaura	-	Prachtkerze	-
<i>Hippeastrum</i> Herb. (All spp.)	Amaryllis	Amaryllis	Ritterstern, Amaryllis	Amarilis
<i>Juglans</i> L. (All spp.)	Walnut	Noyer	Walnuß	Nogal;
<i>Medicago polymorpha</i> L.	Bur Clover, Rough Medic	-	-	-

By virtue of Regulations Relating to Plant Breeders' Rights: Amendment No. R. 323 of

March 19, 1999, with the effect from the same day, to:

Latin	English	Français	Deutsch	Español
<i>Lonicera</i> L.	Honeysuckle	Lonicéra, Chèvrefeuille	Heckenkirsche, Geißblatt	Madreselva
<i>Malva</i> L.	Mallow	Mauve	Malve	Malva
<i>Ornithopus sativus</i> Brot.	Serradella	Serradelle	Serradella	Serradella, Pie de pájaro
<i>Pistacia</i> L. (All spp.)	Pistachio	Pistachier	Echte Pistazie	Pistachero, Alfóncigo
<i>Salvia</i> L. (excluding <i>S. coccinea</i> Etlinger, <i>S. reflexa</i> Hormen., <i>S. runcinata</i> L.f., <i>S. sclarea</i> L., <i>S. stenophylla</i> Burch. ex Bent., <i>S. tiliifolia</i> Vahl and <i>S. verbenaca</i> L.)	Sage	Sauge	Salbei	Salvia
<i>Skimmia</i> Thunb. (all spp.)	Skimmia	Skimmia	Skimmia	Skimmia
<i>Trifolium balansae</i> Boiss	Balansa clover	-	-	-
<i>Vicia villosa</i> Roth (including <i>Vicia dasycarpa</i> Ten.)	Hairy vetch	Vesce velue	Zottelwicke	Veza vellosa

By virtue of Regulations Relating to Plant Breeders' Rights: Amendment No. R. 1285 of

October 16, 1998, with the effect from the same day, to:

Latin	English	Français	Deutsch	Español
<i>Cichorium intybus</i> L.	Chicory	Chicorée, Endive	Wurzelzichorie, Salatzichorie	Achicoria
<i>Hypoestes</i> Soland. ex R. Br	Ribbon bush	Hypoestes	Hypoestes	Hypoestes

By virtue of Regulations Relating to Plant
Breeder's Rights: Amendment No. R. 867 of

July 3, 1998, with the effect from the same day, to:

Latin	English	Français	Deutsch	Español
<i>Lamium maculatum</i> L.	Spotted deadnettle	Lamier maculé	Gefleckte Taubnessel	Ortiga maculata
<i>Phalaris arundinacea</i> L.	Reed canary grass, Ribbon grass	Alpiste roseau	Rohrglanzgras	Hierba cinta, Alpiste arundináceo

By virtue of Regulations Relating to Plant
Breeder's Rights: Amendment No. R. 1582 of

28 November, 1997, with the effect from the same
day, to:

Latin	English	Français	Deutsch	Español
<i>Antirrhinum</i> L.	Snapdragon	Muflier	Löwenmaul	Boca de dragón
<i>Melia azedarach</i> L.	Persian lilac, Bead tree	Margousier	Zedrachbaum	Paraiso
<i>Potentilla</i> L.	Cinquefoil	Potentille	Fingerkraut	Cincoenrama, Quinquefolio
<i>Saccharum officinarum</i> L.	Sugar cane	Canne à sucre	Zuckerrohr	Caña de azúcar

By virtue of Regulations Relating to Plant
Breeder's Rights: Amendment No. R. 1186 of

12 September, 1997, with the effect from the same
day, to:

Latin	English	Français	Deutsch	Español
<i>Abutilon</i> Mill. (All spp.)	Flowering maple, Chinese lantern	Abutilon	Abutilon	Abutilon
<i>Acacia podalyriifolia</i> A. Cunn. ex. G. Don	Queensland silver wattle, Pearl acacia	-	-	-
<i>Actinidia chinensis</i> Planch	Kiwifruit	Actinidia, Groseille de Chine	Kiwifruit	Kiwi
<i>Agapanthus</i> L'Hérit. (All spp.)	Agapanthus, Blue lily	Agapanthe, Fleur d'amour	Agapanthus, Schmucklilie	Agapanto, Estrella de mar
x <i>Agrotriticum</i> Ciferri et Giacom (<i>Agropyron</i> x <i>Triticum</i>)	Agrotriticum	Agrotriticum	Agrotriticum	Agrotriticum
<i>Allium cepa</i> L.	Onion	Oignon	Zwiebel	Cebolla
<i>Aloe</i> L. (All spp.)	Aloe	Aloès	Aloe, Bitterschopf	Aloe
<i>Alstroemeria</i> L. (All spp.)	Peruvian lily, Inca lily	Alstroemère, Lis des Incas	Inkalilie	Alstomeria
<i>Ananas comosus</i> (L.) Merrill	Pineapple	Ananas	Ananas	Piña
<i>Antheophora pubescens</i> Nees	Bottle brush grass	-	-	-
<i>Anthurium</i> Schott (All spp.)	Anthurium, Tail flower	Anthurium	Flamingoblume	Anthurium

By virtue of Regulations Relating to Plant Breeders' Rights: Amendment No. R. 1186 of September 12, 1997, protection was extended, with the effect from the same day, to further genera and species. The list of genera and species covered by plant variety protection as of

September 12, 1997, is reproduced below as it appeared in the Regulation (the Latin names and English common names appear in the Regulation, whereas the French, German and Spanish common names have been added, without guarantee of concordance, by the Office of the Union):

Latin	English	Français	Deutsch	Español
<i>Arachis</i> L. (All spp.)	Groundnut, Peanut	Arachide	Erdnuß	Cacahuete, Maní
<i>Arctotis</i> L. (All spp.)	Arctotis	Arctotis	Bärenohr	Arctotis
<i>Argyranthemum</i> Webb ex Sch. Bip. (All spp.)	Daisy bush, White marguerite	-	-	-
<i>Aster</i> L. (All spp.)	Michaelmas daisy, Star wort, Frost flower	Aster	Aster	Aster, Reina Margarita
<i>Aulax</i> Berg.	Aulax	Aulax	Aulax	Aulax
<i>Avena</i> L. (All spp.)	Oats	Avoine	Hafer	Avena
<i>Barleria</i> L. (All spp.)	Barleria	Barleria	Barleria	Barleria
<i>Begonia</i> L. (All spp.)	Begonia	Bégonia	Begonie	Begonia
<i>Bergenia</i> Moench. (All spp.)	Elephant's ear, Siberian saxifrage	-	-	-
<i>Beta vulgaris</i> L. subsp. <i>vulgaris</i> var. (All spp.) <i>conditiva</i> Alef.	Garden beet	Betterave potagère	Rote Rübe	Remolacha de mesa
<i>Bougainvillea</i> Comm. ex Juss. (All spp.)	Bougainvillea	Bougainvillier	Bougainvillea	Buganvilla
<i>Brachiaria brizantha</i> (Hochst. ex A.Rich) Stapf	Bread grass	-	-	-
<i>Brachycome</i> Cass. (All spp.)	Swan river daisy	Brachycome	Brachycome	Brachycome
<i>Brassica napus</i> L.	Forage rape	-	-	-
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Reichb.	Swede	Chou-navet, Rutabaga	Kohlrübe	Colinabo
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef.	Fodder kale	Chou fourrager	Futterkohl	Col forrajera
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i> L.	Cauliflower	Chou-fleur	Blumenkohl	Coliflor
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>capitata</i> (L.) Alef.	Cabbage	Chou pommé	Kopfkohl	Repollo
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy cabbage	Chou de Milan	Wirsing	Col de Milán
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>sabellica</i> L.	Curly kale	Chou frisé	Grünkohl	Col rizada
<i>Brassica rapa</i> L. var. <i>rapa</i> (L.) Thell	Turnip	Navet	Herbstrübe, Mairübe	Nabo

Latin	English	Français	Deutsch	Español
<i>Bromus catharticus</i> Vahl.	Rescue grass	Brome de Schrader	Horntrespe	Cebadilla, Triguillo
<i>Brunia</i> Lam. (All spp.)	Brunia	Brunia	Brunia	Brunia
<i>Callistemon</i> R.Br. (All spp.)	Bottle brush	Callistemon	Zylinderputzer	-
<i>Camellia</i> L. (All spp.)	Camellia, Japonica	Camélia	Kamelie	Camelia
<i>Camellia sinensis</i> (L.) O. Kuntze (= <i>Thea sinensis</i> L.)	Tea	Théier	Tee	Te
<i>Canna</i> L. (All spp.)	Canna	Canna, Balisier	Blumenrohr	Achira
<i>Capsicum</i> L. (All spp.)	Pepper, Paprika	Poivron, Piment	Paprika	Pimiento
<i>Carica papaya</i> L.	Papaya, Pawpaw	Papayer, Arbre à melon	Melonenbaum, Papaya	Papayo
<i>Carya illinoensis</i> (Wangenh.) K. Koch	Pecan Nut	Pacancier	Pekan, Pekannuß	Pecán, Nogal pacanero
<i>Cenchrus ciliaris</i> L.	Blue buffalo grass	Cenchrus cilié	Büffelgras	Pasto de búfalo, Zacate de búfalo
<i>Chamelaucium</i> Desf. (All spp.)	Wax flower, Wax plant	Chamelaucium	Chamelaucium	Chamelaucium
<i>Cheiranthus</i> L. (All spp.)	Wall flower	Giroflée	Goldlack	Alelí
<i>Chloris gayana</i> Kunth	Rhodes grass	Herbe de Rhodes	Rhodesgras	Hierba de Rhodes
<i>Chrysanthemum</i> L. (All spp.)	Chrysanthemum	Chrysanthème	Chrysantheme	Crisantemo
<i>Citharexylum</i> Mill. (All spp.)	Fiddlewood	Bois de guitare	Geigenholz, Leierholz	-
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone	Sandía
<i>Citrus</i> L. (All spp.)	Sweet orange, Lemon, Grapefruit, Loose skin citrus types, Othercitrus (Bitter Seville, Lime, Kumquat)	Agrumes	Zitrus	Cítricos
<i>Clivia</i> Lindl. (All spp.)	Bush lily	Clivia	Klivie, Riemenblatt	Clivia
<i>Coffea arabica</i> (All spp.)	Coffee	Caféier	Kaffee	Cafeto
<i>Coprosma</i> J.R. Forster et G.Forster (All spp.)	Mirror plant	Coprosma	Coprosma	Coprosma
<i>Cordyline</i> Comm. ex Juss. (All spp.)	Dragon tree	Cordyline	Cordyline, Keulenlilie, Keulenbaum	Cordyline
<i>Cucumis</i> L. (All spp.)	Sweet melon, Cucumber	Melon, Concombre	Melone, Gurke	Melón, Pepino
<i>Cucurbita</i> L. (All spp.)	Pumpkin, Squash	Potiron, Giraumon, Courge, Pâtisson, Citrouille	Kürbis	Calabaza, Zapallo
<i>Cupressus</i> L. (All spp.)	Cypress	Cyprès	Zypresse	Ciprés

Latin	English	Français	Deutsch	Español
<i>Cyathea</i> Sm. (All spp.)	Tree fern	Fougère en arbre	Becherfarn	-
<i>Cydonia</i> Mill. (All spp.)	Quince	Cognassier	Quitte	Membrillero
<i>Cynodon</i> L. (All spp.)	Bermuda grass, Couch grass	Chiendent	Bermudagrass, Hundszahngras	Gramma de Bermuda
<i>Cyrtanthus</i> L. f. (All spp.)	Fire lily	Cyrtanthe	Bogenlilie	Cyrtanthus
<i>Dactylis glomerata</i> L.	Cocksfoot	Dactyle	Knaulgras	Dactilo
<i>Daucus carota</i> L.	Carrot	Carotte	Möhre, Karotte	Zanahoria
<i>Dendranthema</i> (DC.) Desm. (All spp.)	Chrysanthemum	Chrysanthème	Chrysantheme	Crisantemo
<i>Dianthus caryophyllus</i> L.	Carnation	Oeillet	Nelke	Clavel
<i>Diascia</i> Link et Otto (All spp.)	Twinspur	Diascie	Diascie	Diascia
<i>Dieffenbachia</i> Schott (All spp.)	Dieffenbachia, Dumb Bane	Dieffenbachia	Dieffenbachia	Diefenbachia
<i>Digitaria eriantha</i> Steud.	Smuts finger grass	-	-	-
<i>Dimorphotheca</i> Vaill. ex Moench (All spp.)	Bitou, Daisy	Dimorphotheca	Kapkörbchen	-
<i>Dipladenia</i> A. DC. (See <i>Mandevilla</i> Lindl.)	-	-	-	-
<i>Duranta</i> L. (All spp.)	Forget-me-not tree	Duranta	Duranta	Duranta
<i>Eragrostis curvula</i> (Schrud.) Nees.	Weeping lovegrass	Eragrostis courbé	Behaartes Liebegras	Eragrostis, Pasto limón
<i>Eragrostis tef</i> (Zucc.) Trotter	Teff	Teff, Teff d'Abyssinie	Abessinische Zwerghirse, Teff	Tef
<i>Erica</i> L. (All spp.)	Heath	Bruyère	Glockenheide	Brezo
<i>Eucalyptus</i> L'Hér. (All spp.)	Eucalypt, gumtree	Eucalyptus	Eukalyptus	Eucalipto
<i>Euonymus</i> L. (All spp.)	Spindle tree	Fusain	Pfaffenhütchen, Spindelstrauch	Bonetero, Evónimo
<i>Eupatorium</i> L. (All spp.)	Eupatorium	Eupatoire	Wasserdost	Eupatorio
<i>Euphorbia pulcherrima</i> Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern	Flor de Pascua
<i>Festuca arundinacea</i> Schreber	Tall fescue	Fétuque élevée	Rohrschwengel	Cañuela alta, Festuca alta
x <i>Festulolium</i> Aschers. et Graebn. (<i>Festuca</i> x <i>Lolium</i>)	Festulolium, Hybrid fescue	Festulolium	Festulolium	Festulolium
<i>Ficus</i> L.	Fig tree, Rubber plant	Figuier	Feigenebaum	Higuera
<i>Fragaria ananassa</i> x Duchesne	Strawberry	Fraisier	Erdbeere	Fresa
<i>Freesia</i> Klatt (All spp.)	Freesia	Freesia	Freesie	Fresia
<i>Fuchsia</i> L. (All spp.)	Fuchsia, Ladies' eardrops	Fuchsia	Fuchsie	Fucsia
<i>Gardenia</i> Ellis (All spp.)	Gardenia	Gardénia	Gardenia	Gardenia
<i>Gazania</i> Gaertn. (All spp.)	Gazania	Gazania	Gazania	Gazania
<i>Gerbera</i> L. (All spp.)	Barberton daisy, Gerbera	Gerbera	Gerbera	Gerbera

Latin	English	Français	Deutsch	Español
<i>Gladiolus</i> L. (All spp.)	Gladiolus	Glaïeul	Gladiole	Gladiolo
<i>Glycine max</i> (L.) Merrill	Soya bean	Soja	Sojabohne	Soja
<i>Gossypium hirsutum</i> L.	Cotton	Cotonnier	Baumwolle	Algodón
<i>Grevillea</i> R.Br. (All spp.)	Grevillea	Grevillea	Grevillea	Grevillea
<i>Gypsophila</i> L. (All spp.)	Gypsophila, Baby's breath	Gypsophile	Gipskraut, Schleierkraut	Gipsófila
<i>Haemanthus</i> L. (All spp.)	Haemanthus	-	Blutblume	
<i>Hardenbergia</i> Benth (All spp.)	Australian lilac	Hardenbergia	Hardenbergia	Hardenbergia
<i>Hebe</i> Comm. ex Juss. (All spp.)	Shrubby veronica	Véronique	Strauchveronika	Verónica
<i>Hedera</i> L. (All spp.)	Ivy	Lierre	Efeu	Hiedra
<i>Helianthus annuus</i> L.	Sunflower	Tournesol, Soleil	Sonnenblume	Girasol
<i>Helianthus tuberosus</i> L.	Jerusalem artichoke, Girasole	Topinambour	Topinambur	Topinambur, Aguaturma, Patata de caña
<i>Hemerocallis</i> L. (All spp.)	Day lily	Hémérocalle	Taglilie	Hemerocala
<i>Hibiscus</i> L. (All spp.)	Hibiscus, Rosemallow	Hibiscus	Eibisch	Hibisco
<i>Hordeum</i> L. (All spp.)	Barley	Orge	Gerste	Cebada
<i>Hosta</i> Tratt. (All spp.)	Plaintain lily	Hémérocalle du Japon, Funkia	Funkie	-
<i>Humulus lupulus</i> L.	Hop	Houblon	Hopfen	Lúpulo
<i>Hydrangea</i> L. (All spp.)	Hydrangea	Hortensia	Hortensie	Hidrangea, Hortensia
<i>Hypericum</i> L. (All spp.)	Saint John's wort	Millepertuis	Johanniskraut	Corazoncillo, Hierba de San Juan
<i>Iberis</i> L. (All spp.)	Candy tuft	Ibérís, Thlaspi	Schleifenblume	Carraspike
<i>Impatiens</i> L. (All spp.)	Snapweed	Balsamine, Impatiente	Springkraut, Balsamine	Balsamina
<i>Ipomoea batatas</i> (L.) Lam.	Sweet potato	Patate	Süßkartoffel, Batate	Batata, patata dulce
<i>Jamesbrittenia</i> O. Kuntze (All spp.)	Jamesbrittenia	-	-	-
<i>Juniperus</i> L. (All spp.)	Juniper, Cedar	Genévrier	Wacholder	Junípero
<i>Koeleria</i> Pers. (All spp.)	Hair grass	Koelérie	Schillergras	-
<i>Lachenalia</i> Jacq. f. ex J.Murr. (All spp.)	Lachenalia, Cowslip	Lachenalia, Coucou du Cap	Lachenalia	Lachenalia
<i>Lactuca sativa</i> L.	Lettuce	Laitue	Salat	Lechuga
<i>Lantana montevidensis</i> (Sprengel) Briq.	Weeping lantana	-	-	-
<i>Lathyrus tingitanus</i> L.	Tangier scarlet pea, T.sweet pea, Gypsy sweet pea	Gesse du Maroc	Purpurbühende Platterbse	Almorta tangerina, Chicharraca

Latin	English	Français	Deutsch	Español
<i>Lavandula</i> L. (All spp.)	Lavender	Lavande, Lavandin	Lavendel	Lavándula, Lavanda
<i>Leptospermum</i> J.R. Forster et G.Forster (All spp.)	Myrtle	Leptosperme	Südseemyrte	Leptospermum
<i>Leucadendron</i> R.Br. (All spp.)	Conebush, Yellowbush	Leucadendron	Leucadendron	Leucadendron
<i>Leucospermum</i> R.Br. (All spp.)	Pincushion	Leucospermum	Leucospermum	Leucospermum
<i>Lilium</i> L. (All spp.)	Lily	Lis	Lilie	Lirio
<i>Litchi chinensis</i> Sonn.	Litchi	Litchi	Litschi	Lichi
<i>Lolium</i> L. (All spp.)	Rye grass	Ray-grass	Weidelgras	Ballico, Raygrás
<i>Lupinus</i> L. (All spp.)	Lupin	Lupin	Lupine	Altramuz, Lupino
<i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farwell	Tomato	Tomate	Tomate	Tomate
<i>Lysimachia</i> L. (All spp.)	Money wort	Lysimaque	Felberich	-
<i>Macadamia</i> F. Mueller (All spp.)	Macadamia	Macadamia	Macadamia	Macadamia
<i>Malus</i> Mill. (All spp.)	Apple	Pommier	Apfel	Manzano
<i>Mandevilla</i> Lindl. (= <i>Dipladenia</i> A.DC.) (All spp.)	Chilean jasmine	Mandevilla	Mandevilla	Mandevilla
<i>Mangifera indica</i> L.	Mango	Manguier	Mango	Mango
<i>Medicago murex</i> Willd. (See <i>M. sphaerocarpos</i> Bertol.)	-	-	-	-
<i>Medicago sativa</i> L.	Lucerne	Luzerne	Blaue Luzerne	Alfalfa, Mielga
<i>Medicago sphaerocarpos</i> Bertol. (= <i>M. murex</i> Willd.)	Sphere medic	-	-	-
<i>Medicago truncatula</i> Gaertn.	Barrel medic	-	-	-
<i>Mimetes</i> Salisb. (All spp.)	Cape bottlebrush	Mimetes	Mimetes	Mimetes
<i>Monarda</i> L. (All spp.)	Wild bergamot	Monarde	Monarde, Bienenbalsam, Pferdeminze	Monarda
<i>Musa acuminata</i> Colla.	Banana	Bananier	Banane	Banano, Plátano
<i>Narcissus</i> L. (All spp.)	Narcissus	Narcisse, Jonquille	Narzisse	Narciso, Junquillo
<i>Nemesia</i> Vent. (All spp.)	Nemesia	Nemesia	Nemesia	Nemesia
<i>Nephrolepis</i> Schott (All spp.)	Sword fern	Nephrolepis	Nephrolepis	Helecho de frondas ensiformes
<i>Nerine</i> Herb. (All spp.)	Nerine	Nerine	Nerine	Nerine
<i>Nerium</i> L. (All spp.)	Oleander	Laurier rose	Oleander	Adelfa, Laurel rosa
<i>Nicotiana tabacum</i> L.	Tobacco	Tabac	Tabak	Tabaco
<i>Olea</i> L. (All spp.)	Olive	Olivier	Ölbaum, Olive	Olivio

Latin	English	Français	Deutsch	Español
<i>Ophiopogon</i> Ker-Gawl. (All spp.)	Lilyturf, Mondo, Snake's-beard	Barbe de serpent	Schlangenbart	-
<i>Ornithogalum</i> L. (All spp.)	Chincherinchee	Ornithogale, Dame d'onze heures	Milchstern, Vogelmilch, Stern von Bethlehem	Ornitogala, Leche de gallina
<i>Orothamnus</i> Pappe ex Hook. (All spp.)	Marsh rose	Orothamnus	Orothamnus	Orothamnus
<i>Oryza sativa</i> L.	Rice	Riz	Reis	Arroz
<i>Osteospermum</i> L. (All spp.)	Bitou	Ostéospermum	Osteospermum	Osteospermum
<i>Pandorea</i> Spach. (All spp.)	Pandorea	Pandorea	Pandorea	Pandorea
<i>Panicum antidotale</i> Retz	Giant Panicum, Blue panicum	Panic antidote	-	-
<i>Panicum deustum</i> Thunb.	Broad-leaved panicum	-	-	-
<i>Panicum maximum</i> Jacq.	White buffalo grass	Herbe de Guinée	Guineagrass	Mijo de Guinea, Hierba de Guinea
<i>Paranomus</i> Salisb. (All spp.)	Paranomus	Paranomus	Paranomus	Paranomus
<i>Passiflora edulis</i> Sims.	Granadilla	Barbadine	Purpurgranadilla, Passionsfrucht	Granadilla
<i>Pelargonium</i> L'Hérit. (All spp.)	Geranium, Pelargonium	Géranium, Pélargonium	Pelargonie	Geranio, Pelargonia
<i>Pennisetum glaucum</i> (L.) R. Br. emend. Stuntz	Pearl millet	Pénicillaire, Mil à chandelle	Federborstengras	Panizo de Daimiel, Panizo mamozo
<i>Pentas</i> Benth. (All spp.)	Pentas	Pentas	Pentas	Pentas
<i>Persea americana</i> Mill.	Avocado	Avocatier	Avocado	Aguacate
<i>Petunia</i> Juss. (All spp.)	Petunia	Pétunia	Petunie	Petunia
<i>Phalaris aquatica</i> Hack.	Phalaris	Herbe de Harding, Alpiste tubéreux	Knolliges Glanzgras	Rabillo de cordero, Alpiste bulboso
<i>Phaseolus coccineus</i> L.	Kidney bean	Haricot d'Espagne	Prunkbohne	Judía de España, Judía escarlata
<i>Phaseolus vulgaris</i> L.	Bean	Haricot	Gartenbohne	Judía común, Alubia, Poroto
<i>Philodendron</i> Schott. (All spp.)	Philodendron, Elephant's ear	Philodendron	Philodendron	Filodendron
<i>Phlox</i> L. (All spp.)	Phlox	Phlox	Phlox, Flammenblume	Flox
<i>Phoenix dactylifera</i> L.	Date palm	Palmier dattier	Dattelpalme	Palma datilero, Palmera datilera, Datilera
<i>Phormium</i> J.R. Forster et G. Forster (All spp.)	Flax	Lin de Nouvelle- Zélande	Neuseeländer Flachs	Lino de Neuva Zelanda
<i>Photinia</i> Lindl. (All spp.)	Photinia	Photinia	Glanzmispel	Photinia

Latin	English	Français	Deutsch	Español
<i>Pimelea</i> Banks et Soland. (All spp.)	Riceflower	Pimelea	Glazstrauch	Pimelea
<i>Pinus</i> L. (All spp.)	Pine	Pin	Kiefer	Pino
<i>Pisum</i> L. (All spp.)	Pea	Pois	Erbse	Guisante, Arvejo
<i>Pletranthus</i> L'Hérit. (All spp.)	Spurflower, Coleus	-	Harfenstrauch	-
<i>Plumbago</i> L. (All spp.)	Leadwort	Plombago	Bleiwurz	Belesa, Dentelaria
<i>Polypodium</i> L. (All spp.)	Polypody	Polypode	Tüpfelfarn	Polipodio
<i>Protea</i> L. (All spp.)	Protea, Sugarbush	Protea	Protea	Protea
<i>Prunus amygdalus</i> Batsch. (see <i>Prunus dulcis</i> (Mill.) D. Webb.)	-	-	-	-
<i>Prunus armeniaca</i> L.	Apricot	Abricotier	Aprikose	Albaricoquero
<i>Prunus avium</i> (L.) L.	Sweet cherry	Cerisier (cerises douces : guignes, bigarreaux)	Süßkirsche	Cerezo dulce
<i>Prunus cerasus</i> L.	Sour cherry	Cerisier (cerises acides : griottes, amarelles)	Sauerkirsche	Cerezo ácido, Guindo
<i>Prunus domestica</i> L.	European plum	Prunier	Pflaume	Ciruelo, Cirolero
<i>Prunus dulcis</i> (Mill.) D. Webb (= <i>Prunus amygdalus</i> Batsch)	Almond	Amandier	Mandel	Almendro
<i>Prunus persica</i> (L.) Batsch	Peach	Pêcher	Pfirsich	Durazno, Melocotonero
<i>Prunus persica</i> (L.) Batsch var. <i>nucipersica</i> Schneid.	Nectarine	Nectarine	Nektarine	Nectarina
<i>Prunus salicina</i> Lindl.	Japanese plum	Prunier japonais	Japanische Pflaume	Ciruelo japonés
<i>Psidium guajava</i> L.	Guava	Goyavier	Guayave	Guayabo
<i>Pyrus</i> L. (All spp.)	Pear	Poirier	Birne	Peral
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder radish	Radis oléifère, Radis chinois	Ölrettich	Rábano oleaginoso
<i>Rhododendron</i> L. (All spp.)	Rhododendron, Rosebay, Azalea	Rhododendron, Azalée	Rhododendron, Azalee	Rododendro, Azalea
<i>Ribes</i> L. (All spp.)	Currants, Gooseberry	Cassis, Groseillier	Johannisbeeren, Stachelbeere	Casis, Groselleros
<i>Ricinus communis</i> L.	Castor bean, Castor-oil-plant	Ricin	Wunderbaum, Palma Christi	Ricino
<i>Rosa</i> L. (All spp.)	Rose	Rosier	Rose	Rosal
<i>Rosmarinus</i> L. (All spp.)	Rosemary	Romarin	Rosmarin	Romero, Rosmarino
<i>Rubus</i> L. (All spp.)	Raspberry, Bramble	Framboisier, Ronce	Himbeere, Brombeere	Frambueso, Sangüeso, Zarza
<i>Saintpaulia ionantha</i> H. Wendl.	African violet	Saintpaulia	Usambaraveilchen	Saintpaulia

Latin	English	Français	Deutsch	Español
<i>Scabiosa</i> L. (All spp.)	Pincushion flower	Scabieuse	Grindkraut, Skabiose	Escabiosa
<i>Scaevola</i> L. (All spp.)	Scaevola	Scaevola	Fächerblume	Scaevola
<i>Schlumbergera</i> Lem. (All spp.)	Crab cactus, Christmas cactus	Cactus de Noël	Weihnachtskaktus	-
<i>Sclerocarya birrea</i> (A.Rich) Hochst. subsp. <i>caffra</i> (Sond.) Kokwaro	Marula	-	-	-
<i>Secale cereale</i> L.	Rye	Seigle	Roggen	Centeno
<i>Serruria</i> Salisb. (All spp.)	Spider bush, Blushing Bude	Serruria	Serruria	Serruria
<i>Setaria nigrirostris</i> (Nees.) Dur. et Schinz	Black seed bristle grass	-	-	-
<i>Setaria sphacelata</i> (Schum.) Stapf et C.E. Hubb.	Common setaria	-	-	Pasto nandi
<i>Solanum melongena</i> L. var. <i>esculentum</i> Nees.	Egg fruit, Aubergine, Brinjal	Aubergine	Eierfrucht, Aubergine	Berenjena
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel	Papa, Patata
<i>Sorghum bicolor</i> (L.) Moench	Grain sorghum	Sorgho	Mohrenhirse	Sorgo
<i>Sorghum</i> spp. [<i>S. almum</i> Parodi, <i>S. sudanense</i> (Piper) Stapf and hybrids]	Forage sorghum	-	-	-
<i>Spathiphyllum</i> Schott. (All spp.)	Spathe flower, White sail	Spathiphyllum	Spathiphyllum	Spathiphyllum
<i>Strelitzia</i> Ait. (All spp.)	Strelitzia	Strelitzia, Oiseau du paradis	Strelitzie, Paradiesvogelblume	Ave del paraíso
<i>Sutera</i> Roth (All spp.)	Sutera	Sutera	Sutera	Sutera
<i>Syzygium</i> Gaertn. (All spp.)	Waterwood trees	Syzygium	Syzygium	Syzygium
<i>Thea sinensis</i> L. [see <i>Camellia sinensis</i> (L.) O. Kuntze]	-	-	-	-
<i>Tibouchina</i> Aubl. (All spp.)	Glory bush tree	Tibouchina	Tibouchina	Tibouchina
<i>Trifolium hybridum</i> L.	Alsike clover	Trèfle hybride	Schwedenklee	Trébol híbrido
<i>Trifolium pratense</i> L.	Red clover	Trèfle violet	Rotklee	Trébol violeta
<i>Trifolium repens</i> L.	White clover	Trèfle blanc	Weißklee	Trébol blanco
<i>Trifolium resupinatum</i> L.	Persian clover	Trèfle de Perse	Persischer Klee	Trébol de Persia
<i>Trifolium subterraneum</i> L.	Subterranean clover	Trèfle souterrain	Bodenfrüchtiger Klee	Trébol subterráneo
x <i>Triticosecale</i> Witt. (<i>Triticum</i> x <i>Secale</i>) (All spp.)	Triticale	Triticale	Triticale	Triticale
<i>Triticum</i> L. (All spp.)	Wheat	Blé	Weizen	Trigo
<i>Tropaeolum</i> L. (All spp.)	Nasturtium	Capucine	Kapuzinerkresse	Tropeoláceas
<i>Tulbaghia</i> L. (All spp.)	Wild garlic	Tulbaghia	Kranzlauch	Tulbaghia
<i>Vaccinium</i> L. (All spp.)	Blueberry, Cranberry	Airelle, Canneberge, Myrtille	Heidelbeere, Preiselbeere, Moosbeere	Arándano, Mirtillo

Latin	English	Français	Deutsch	Español
<i>Verbena</i> L. (All spp.)	Vervain	Verveine	Verbene, Eisenkraut	Verbena
<i>Vicia faba</i> L. var. <i>major</i> Harz	Broad bean	Fève, Féverole	Ackerbohne, Dicke Bohne (Puffbohne)	Haba
<i>Vigna unguiculata</i> (L.) Walp. [including <i>V. sinensis</i> (L.) Savi ex Hassk., <i>Dolichos biflorus</i> L.	Cowpea	Dolique de Chine	Catjanbohne, Spargelbohne, Augenbohne	Judía de vaca, Caupí
<i>Vinca</i> L. (All spp.)	Periwinkle	Pervenche	Immergrün	Vinca
<i>Viola</i> L. (All spp.)	Violet	Violette, Pensée	Veilchen, Stiefmütterchen	Viola, Violeta, Pensamiento, Trinitaria
<i>Vitis</i> L. (All spp.)	Grape	Vigne	Rebe	Vid
<i>Zantedeschia</i> Sprengel (All spp.)	Arum lily	Calla	Zantedeschia, Kalla	Cala
<i>Zea mays</i> L.	Grain maize	Maïs	Mais	Maíz
<i>Zea mays</i> L. var. <i>saccharata</i> Bailey	Sweetcorn	Maïs sucré	Zuckermais, Süßmais	Maíz dulce

CANADA

By virtue of Regulations No. P.C. 1998-2144 of December 3, 1998, (Canada Gazette Part II, Vol. 132, No. 26), amending the Plant Breeder's

Rights Act with the effect from the same day, protection was extended to all species of plants, excluding algae, bacteria and fungi.

LIST OF GENERA AND SPECIES TO WHICH PROTECTION IS AVAILABLE

RUSSIAN FEDERATION

According to the State Commission of the Russian Federation for Selection Achievements Test and Protection, as of September 14, 1999,

protection is available in respect of the following botanical general and species.

Latin	English	Français	Deutsch	Español
<i>Actinidia chinensis</i> Pl.	Kiwifruit	Actinidia, Groseille de Chine	Kiwifrucht	Kiwi
<i>Agrostis canina</i> L.	Velvet Bent	Agrostis des chiens	Hundsstraußgras	Agróstide canina, Agróstide de perro, Agróstide perruna
<i>Agrostis capillaris</i> L.	Fine bent- grass, Black couch, Common bent grass	Agrostis vulgaire, Agrostide capillaire	Straußgras, Straußgras gemeines	Agrostis común
<i>Agrostis gigantea</i> Roth.	Red Top (Black Bent)	Agrostide blanche, Agrostide géante	Weißes Straußgras	Agróstide blanca, Pastoquilla
<i>Agrostis stolonifera</i> L.	Creeping Bent	Agrostide blanche, Agrostide stolonifère	Flechstraußgras	Agróstide estelonífera
<i>Allium cepa</i> L.	Onion	Oignon	Zwiebel	Cebolla
<i>Allium porrum</i> L.	Leek	Poireau	Porree	Puerro
<i>Alstroemeria</i> L.	Alstroemeria, Herb Lily	Alstroemère, Lis des Incas	Inkalilie	Alstromeria
<i>Anethum graveolens</i> L.	Dill	Aneth	Dill	Eneldo
<i>Anthurium</i> Schott	Anthurium, Tail Flower	Anthurium	Flamingoblume	Anthurium
<i>Apium graveolens</i> L. var. <i>dulce</i> (Mill.) Pers.	Celery	Céleri	Bleich-, Stielsellerie	Apio
<i>Apium graveolens</i> L. var. <i>rapaceum</i> (Mill.) Gaud.	Celeriac	Céleri-rave	Knollensellerie	Apio nabo, Apirrábano
<i>Arachis hypogaea</i> L.	Groundnut, Peanut	Arachide	Erdnuß	Cacahuete, Mani
<i>Asparagus officinalis</i> L.	Asparagus	Asperge	Spargel	Espárrago
<i>Aster</i> L.	Aster, Michaelmas Daisy	Aster	Aster	Aster, Reina Margarita
<i>Avena nuda</i> L.	Naked Oats	Avoine nue	Nackthafer	Avena desnuda
<i>Avena sativa</i> L.	Oats	Avoine	Hafer	Avena

Latin	English	Français	Deutsch	Español
<i>Begonia Elatior</i> hybrids	Elatior Begonia	Bégonia elatior	Elatior-Begonie	Begonia elatior
<i>Begonia x tuberhyrida</i> Voss	Tuberous Begonia	Bégonia tubéreux	Knollenbegonie	Begonia tuberosa
<i>Berberis</i> L.	Berberis, Barberry	Berberis, Épine-vinette	Berberitze	Bérbero
<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>alba</i> DC.	Fodder Beet	Betterave fourragère	Runkelrübe	Remolacha forrajera
<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>conditiva</i> Alef.	Garden Beet, Beetroot	Betterave rouge, Betterave potagère	Rote Bete, Rote Rübe	Remolacha roja, Remolacha de mesa
<i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>vulgaris</i>	Mangel, Leaf Beet, Spinach Beet	Bette commune, Poirée	Mangold	Acelga
<i>Bouvardia</i> Salisb.	Bouvardia	Bouvardia	Bouvardie	Bouvardia
<i>Brassica juncea</i> (L.) Czern. et Coss in Czern	Brown mustard	Moutarde brune	Sareptasenf	Mostaza de Sarepta
<i>Brassica napus</i> L. ssp. <i>oleifera</i> (Metzg.) Sinsk	Rape Seed	Colza	Raps	Colza
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede	Chou-navet, Rutabaga	Kohlrübe	Colinabo
<i>Brassica oleracea</i> convar. <i>botrytis</i> (L.) Alef. var. <i>botritis</i> L.	Cauliflower	Chou-fleur	Blumenkohl	Coliflor
<i>Brassica oleracea</i> convar. <i>botrytis</i> (L.) Alef. var. <i>cymosa</i> Duch.	Sprouting Broccoli, Calabrese	Brocoli à jets	Brokkoli, Spargelkohl, Sprossenbrokkoli	Brócoli
<i>Brassica oleracea</i> convar. <i>capitata</i> (L.) Alef. var. <i>capitata</i> L.f. <i>alba</i> DC	White Cabbage	Chou cabus	Weißkohl, Weißkraut	Repollo Blanco
<i>Brassica oleracea</i> convar. <i>capitata</i> (L.) Alef. var. <i>capitata</i> L.f. <i>rubra</i> (L.) Thell.	Red cabbage	Chou rouge	Rotkohl	Lombarda
<i>Brassica oleracea</i> convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy Cabbage	Chou de Milan	Wirsing	Col de Milán
<i>Brassica oleracea</i> convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussels Sprouts	Chou de Bruxelles	Rosenkohl	Col de Bruselas
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>gongylodes</i> L.	Kohlrabi	Chou-rave	Kohlrabi	Colirrábano
<i>Brassica oleracea</i> L. var. <i>sabellica</i> L.	Curly Kale	Chou frisé	Grünkohl	Berza
<i>Brassica pekinensis</i> (Lour.) Rupr.	Chinese Cabbage	Chou de Chine, Pétsai	Chinakohl	Col china, Repollo chino
<i>Brassica rapa</i> L. var. <i>rapa</i> (L.) Thell.	Turnip	Navet	Herbstrübe, Mairübe	Nabo
<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs	Turnip rape	Navette	Rübsen	Nabina
<i>Calendula officinalis</i> L.	Pot Marigold	Souci des jardins	Gartenringel-blume	Caléndula, Maravilla
<i>Callistephus chinensis</i> (L.) Nees.	China Aster	Aster, Aster de Chine, Reine-marguerite	Sommeraster	-
<i>Calluna vulgaris</i> (L.) Hull.	Heather, Ling	Callune	Besenheide	Brezo

Latin	English	Français	Deutsch	Español
<i>Capsicum annuum</i> L. var. <i>grossum</i> (L.) Sendt.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika	Pimiento
<i>Capsicum annuum</i> L. var. <i>longum</i> (DC.) Sendt.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika	Pimiento
<i>Carthamus tinctorius</i> L.	Safflower	Carthame, Safran bâtard	Saflor, Färberdistel	Alazor, Azafrán bastardo, Cártamo
<i>Castanea sativa</i> Mill.	Chestnut	Châtaignier	Kastanie	Castaña
<i>Chrysanthemum</i> L.	Chrysanthemums, Daisies	Chrysanthèmes, Marguerites	Chrysanthemen, Margeriten	Crisantemo, Margarita
<i>Cicer arietinum</i> L.	Chick-Pea	Pois chiche	Kichererbse	Garbanzo
<i>Cichorium endivia</i> L.	Endive	Chicorée frisée, Scarole	Winterendivie	Escarola
<i>Cichorium intybus</i> L. <i>partim</i>	Chicory	Chicorée	Zichorie	Achicoria
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone	Sandía
<i>Citrus limon</i> (L.) Burm.	Lemon	Citronnier	Zitrone, Limone, Sauerzitrone	Limón, Limonero
<i>Citrus reticulata</i> Blanco	Mandarine	Mandarinier	Mandarine	Mandarino
<i>Citrus sinensis</i> (L.) Pers.	Orange	Oranger	Apfelsine, Orange	Naranja
<i>Citrus x paradisi</i> Macfad.	Grapefruit	Pomelo	Grapefruit	Toronjo, Pomelo
<i>Corylus avellana</i> L.	Hazelnut, Filbert	Noisetier, Coudrier	Haselnuß	Avellano, Avellanera, Nochizo
<i>Cucumis melo</i> L.	Melon	Melon	Melone	Melón
<i>Cucumis sativus</i> L.	Cucumber, Gherkin	Concombre, Cornichon	Gurken	Pepino, Cohombro
<i>Cucurbita maxima</i> Duch.	Pumpkin	Potiron, Giraumon	Riesenkürbis	Calabaza
<i>Cucurbita pepo</i> L. var. <i>pepo</i>	Vegetable Marrow, Squash	Courgette	Gartenkürbis, Zucchini	Calabacín, Zapallito alargado
<i>Cucurbita pepo</i> L. var. <i>giraumonas</i> Duch.	Vegetable Marrow, Squash	Courgette	Gartenkürbis, Zucchini	Calabacín, Zapallito alargado
<i>Cucurbita pepo</i> L. var. <i>melopepa</i> d.	Vegetable Marrow, Squash	Courgette	Gartenkürbis, Zucchini	Calabacín, Zapallito alargado
<i>Cydonia</i> Mill.	Quince	Cognassier	Quitte	Membrillero
<i>Cyrtanthus</i> Ait.	Ifafa Lily, Fire Lily	Cyrtanthe	Bogenlilie	Cyrtanthus
<i>Dactylis glomerata</i> L.	Cocksfoot, Orchard Grass	Dactyle	Knaulgras	Dactilo
<i>Daucus carota</i> L.	Carrot	Carotte	Möhre, Karotte	Zanahoria

Latin	English	Français	Deutsch	Español
<i>Dendranthema</i> (DC) Desmoul.	Chrysanthemum	Chrysanthème	Chrysantheme	Crisantemo
<i>Dianthus</i> L.	Carnation, Pink, Sweet William	Oeillet	Nelke	Clavel
<i>Dieffenbachia</i> Schott	Dieffenbachia, Tuft Root, Dumb Bane	Dieffenbachia	Dieffenbachia	Dieffenbachia
<i>Diospyros</i> L.	Japanese Persimmon, Kaki	Plaqueminier, Kaki	Kakipflaume	Caqui
<i>Euphorbia fulgens</i> Karw. ex Klotzsch	Euphorbia fulgens	Euphorbia fulgens	Korallenranke	-
<i>Euphorbia milii</i> Desmoulins & its hybrids	Crown of Thorns	Épine du Christ	Christusdorn	Espina santa
<i>Euphorbia pulcherrima</i> Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie	Flor de Pascua
<i>Exacum</i> L.	Exacum	Exacum	Exacum	Exacum
<i>Festuca arundinacea</i> Schreber	Tall fescue	Fétuque élevée	Rohrschwengel	Cañuela alta, Festuca alta
<i>Festuca ovina</i> L.	Hard Fescue, Sheep's Fescue	Fétuque durette, Fétuque ovine, Fétuque des moutons, Poil de chien	Schafschwengel	Cañuela de oveja, Cañuela ovina, Festuca ovina
<i>Festuca pratensis</i> Huds.	Meadow Fescue	Fétuque des prés	Wiesenschwengel	Cañuela común, Cañuela de los prados, Festuca de los prados
<i>Festuca rubra</i> L.	Red fescue, Creeping Fescue	Fétuque rouge	Rotschwengel	Cañuela roja, Festuca roja
<i>Forsythia</i> Vahl	Forsythia	Forsythia	Forsythie	Forsitia
<i>Fragaria</i> L.	Strawberry	Fraisier	Erdbeere	Fresa
<i>Freesia</i> Eckl. ex Klatt.	Freesia	Freesia	Freesie	Fresia
<i>Gentiana</i> L.	Gentian	Gentiane	Enzian	Genciana
<i>Gerbera</i> L.	Gerbera	Gerbera	Gerbera	Gerbera
<i>Gladiolus</i> L.	Gladiolus	Glaïeul	Gladiole	Gladiolo
<i>Glycine max</i> (L.) Merrill	Soya Bean	Soja	Sojabohne	Soja
<i>Gossypium</i> L.	Cotton	Cotonnier	Baumwolle	Algodón
<i>Helianthus annuus</i> L. & <i>H. debilis</i> Nutt.	Sunflower	Tournesol	Sonnenblume	Girasol
<i>Hordeum vulgare</i> L. <i>sensu lato</i>	Barley	Orge	Gerste	Cebada
<i>Hydrangea</i> L.	Hydrangea	Hortensia	Hortensie	Hidrangea, Hortensia
<i>Impatiens</i> L.	Balsam, Busy Lizzie, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine	Balsamina
<i>Juglans regia</i> L.	Walnut	Noyer	Walnuß	Nogal
<i>Juniperus</i> L.	Juniper	Genévrier	Wacholder	Junípero
<i>Kalanchoe blossfeldiana</i> v. Poelln.	Kalanchoë	Kalanchoë	Kalanchoë	Kalanchoë

Latin	English	Français	Deutsch	Español
<i>Lachenalia</i> Jacq. f. ex Murray	Lachenalia, Cape Cowslip	Lachenalia, Coucou du Cap	Lachenalia	Lachenalia
<i>Lactuca sativa</i> L.	Lettuce	Laitue	Salat	Lechuga
<i>Lagerstroemia indica</i> L.	Crape Myrtle	Lagerstrœmia	Lagerstroemia	Lagestroemia
<i>Lepidium sativum</i> L.	Cress	Cresson alénois	Gartenkresse	Mastuerzo, Berro de jardin, Lepidio
<i>Leucadendron</i> R.Br.	Conebush, Yellowbush	Leucadendron	Leucadendron	Leucadendron
<i>Leucospermum</i> R.Br	Pincushion	Leucospermum	Leucospermum	Leucospermum
<i>Lilium</i> L.	Lily	Lis	Lilie	Lirio
<i>Linum grandiflorum</i> Desf.	-	Lin à grande fleur	-	-
<i>Linum usitatissimum</i> L. F. <i>elongata</i>	Flax, Linseed	Lin	Lein	Lino
<i>Linum usitatissimum</i> L. var. <i>intermedia</i> Vav. et Ell.	Oil flax	-	-	-
<i>Lolium multiflorum</i> Lam. ssp. <i>Italicum</i> (A. Br.) Volkart	Italian Ryegrass	Ray-grass d'Italie	Italienisches Raygras	Ballico italiano, Raygrás italiano
<i>Lolium multiflorum</i> Lam. var. <i>westerwoldicum</i> Witm.	Westerwold Ryegrass	Ray-grass de Westerwold	Welsches Weidelgras	Ballico de Westerwold, Raygrás de Westerwold
<i>Lolium perenne</i> L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidelgras	Ballico perenne, Raygrás inglés
<i>Lupinus albus</i> L.	White Lupin	Lupin blanc	Weißlupine	Altramuz blanco
<i>Lupinus angustifolius</i> L.	Blue Lupin	Lupin bleu	Blaue Lupine	Altramuz azul
<i>Lupinus luteus</i> L.	Yellow Lupin	Lupin jaune	Gelbe Lupine	Altramuz amarillo
<i>Lycopersicon lycopersicum</i> (L.) Karst ex Farw.	Tomato	Tomate	Tomate	Tomate
<i>Macadamia integrifolia</i> Maiden et Betche, <i>Macadamia tetraphilaa</i> L.A.S. Johnsten	Macadamia	Macadamia	Macadamia	Macadamia
<i>Malus domestica</i> Borkh.	Apple	Pommier	Apfel	Manzano
<i>Mangifera indica</i> L.	Mango	Manguier	Mango	Mango
<i>Matricaria chamomilla</i> L.	German Chamomile, Wild Chamomile	Matricaire camomille	Echte Kamille	Camomila, Manzanilla
<i>Medicago sativa</i> L.	Lucerne, Alfalfa	Luzerne (cultivée)	Blaue Luzerne	Alfalfa, Mielga
<i>Medicago x varia</i> Martyn.	(Hybrid) Lucerne	Luzerne hybride	Bastardluzerne	Alfalfa hibrida, Alfalfa de las arenas
<i>Musa acuminata</i> Colla	Banana	Bananier	Banane	Banano, Plátano
<i>Narcissus</i> L.	Narcissus, Daffodil, Jonquil	Narcisse, Jonquille	Narzisse	Narciso, Junquillo

Latin	English	Français	Deutsch	Español
<i>Nerine</i> Herb.	Nerine	Nerine	Nerine	Nerine
<i>Ocimum basilicum</i> L.	Basil	Basilic	Basilikum	Albahaca
<i>Oenothera</i> L.	Oenothera, Evening Primrose	Onagre	Nachtkerze	Hierba del asno, Enotera, Onagra
<i>Olea europaea</i> L.	Olive	Olivier	Ölbaum, Olive	Olivo
<i>Ornithogalum</i> L.	Chinkerin- chee, Star of Bethlehem	Ornithogale, Dame d'onze heures	Milchstern, Vogelmilch, Stern von Bethlehem	Ornithogalum, Leche de gallina
<i>Oryza sativa</i> L.	Rice	Riz	Reis	Arroz
<i>Panicum miliaceum</i> L.	Common Millet	Millet commun, Panic millet, Panic faux millet	Rispenhirse	Mijo común
<i>Pelargonium grandiflorum</i> hort. non (L.) Wild.	Show and Fancy Pelargonium	Pélargonium des fleuristes	Edelpalargonie	-
<i>Pelargonium peltatum</i> hort. non (L.) L'Hérit. ex Ait.	Ivy-leaved Pelargonium	Géranium- lierre	Efeupelargonie	-
<i>Pelargonium zonale</i> hort. non (L.) L'Hérit. ex Ait.	Zonal Pelargonium	Pélargonium zonal	Zonalpelargonie	-
<i>Persea americana</i> Mill.	Avocado	Avocatier	Avocado	Aguacate
<i>Petroselinum crispum</i> (Mill.) Nym. ex. A.W. Hill	Parsley	Persil	Petersilie	Perejil
<i>Phaseolus coccineus</i> L.	Runner Bean, Kidney Bean	Haricot d'Espagne	Prunkbohne	Judía de España, Judía escarlata
<i>Phaseolus vulgaris</i> L.	French Bean	Haricot	Gartenbohne	Judía común, Alubia, Poroto
<i>Phleum bertolonii</i> DC	Timothy	Fléole diploïde, Petite fléole	Zwiebelliesch- gras	Fleo
<i>Phleum pratense</i> L.	Timothy	Fléole	Lieschgras	Fleo
<i>Picea abies</i> (L.) Karst.	Norway Spruce, Common Spruce	Épicéa commun	Gemeine Fichte, Rote Fichte	Abeto, Picea común
<i>Pisum sativum</i> L.	Pea forgreen, Field pea, Garden pea	Pois	Erbse	Guisante, Arveja
<i>Poa pratensis</i> L.	Kentucky Bluegrass, Smooth Stalked Meadow Grass	Pâturin des prés	Wiesenrispe	Poa de los prados
<i>Populus</i> L.	Aspen, Poplar	Peuplier	Pappel	Álamo, Chopo

Latin	English	Français	Deutsch	Español
<i>Protea L.</i>	Protea, Sugarbush	Protea	Protea	Protea
<i>Prunus amygdalus</i> Batsch	Almond	Amandier	Mandel	Almendro
<i>Prunus armeniaca</i> L.	Apricot	Abricotier	Aprikose	Albaricoquero
<i>Prunus avium</i> (L.)	Sweet Cherry	Cerisier	Süßkirsche	Cerezo dulce
<i>Prunus cerasifera</i> Ehrh.	Myrobalan, Cherry-plum	Myrobolan	Kirschpflaume, Myrobalane	Mirobolán
<i>Prunus cerasus</i> L.	Morello, Sour Cherry	Cerisier (cerises acides: griottes, amarelles)	Sauerkirsche	Cerezo ácido, Guindo
<i>Prunus domestica</i> L.	Plum	Prunier	Pflaume	Ciruelo, Cirolero
<i>Prunus insititia</i> L.	Damson, Bullace, Mirabelle	Prunier de Damas, Mirabelle	Haferpflaume, Mirabelle	Ciruelo de San Julián, Ciruelo mirabel
<i>Prunus persica</i> (L.) Batsch	Peach	Pêcher	Pfirsich	Melocotonero, Duraznero
<i>Prunus salicina</i> Lindl.	Japanese Plum	Prunier japonais	Japanische Pflaume	Ciruelo japonés
<i>Psidium guajava</i> L.	Guava	Goyavier	Guayave	Guayabo
<i>Pyracantha</i> M.J. Roem	Pyracantha, Firethorn	Pyracantha, Buisson ardent	Feuerdorn	Arbusto ardiente, Espino de fuego
<i>Pyrus communis</i> L.	Pear	Poirier	Birne	Peral
<i>Pyrus pyrifolia</i> (Burm. F.) Nakai var. <i>culta</i> (Mak.) Nakai	Chinese Pear, Japanese Pear, Sand Pear	Poirier japonais	Japanische Birne	Peral japonés
<i>Raphanus sativus</i> L. ssp. <i>acanthiformis</i> (Morel) Stankev	-	-	-	-
<i>Raphanus sativus</i> L. convar. <i>lobo</i> Sazon. et Stankev. var. <i>lobo</i>	-	-	-	-
<i>Raphanus sativus</i> L. var. <i>niger</i> (Mill.) S. Kerner	Black Radish	Radis d'été, d'automne et d'hiver	Rettich	Rábano negro
<i>Raphanus sativus</i> L. var. <i>radicula</i> Pers.	Radish	Radis de tous les mois	Radieschen	Rabanito, Rabanillo
<i>Rheum</i> L.	Rhubarb	Rhubarbe	Rhabarber	Ruibarbo
<i>Rhipsaladopsis</i> Britt. et Rose	Easter Cactus	Cactus de Pâques	Osterkaktus	-
<i>Rhododendron</i> L.	Rhododendron, Azalea, Azaleodendron	Rhododendron, Azalée	Rhododendron, Azalee	Rododendro, Azalea
<i>Ribes nigrum</i> L.	Black Currant	Cassis	Schwarze Johannisbeere	Casis, Grosellero negro

Latin	English	Français	Deutsch	Español
<i>Ribes niveum</i> L.	White Currant	Groseillier blanc	Weiß Johannisbeere	Grosellero blanco
<i>Ribes sylvestre</i> (Lam.) Mert. et W. Koch	Red Currant	Groseillier rouge	Rote Johannisbeere	Grosellero rojo
<i>Ribes uva-crispa</i> L.	Gooseberry	Groseillier à maquereau	Stachelbeere	Grosellero silvestre, Agrazón, Uva crespá
<i>Ricinus communis</i> L. [Ricinus L.]	Castorbean	Ricin	Wunderbaum, Palma Christi	Ricino
<i>Rosa</i> L.	Rose, Dog-rose	Rosier	Rose	Rosal
<i>Rubus</i> L.	Raspberry, Bramble	Framboisier, Ronce	Himbeere, Brombeere	Frambueso, Sangüeso, Zarza
<i>Rubus</i> subgenus Eubatus Sect. Moriferi & Ursini	Blackberry	Ronce fruitière	Brombeere	Zarza
<i>Saintpaulia ionantha</i> H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen	Saintpaulia
<i>Salix</i> L.	Willow	Saule	Weide	Sauce
<i>Schlumbergera</i> Lem.	Christmas Cactus	Cactus de Noël	Weihnachtskaktus	Cactus de Navidad
<i>Scorzonera hispanica</i> L.	Black Salsify	Scorsonère, Salsifis noir	Schwarzwurzel	Escorzonera, Salsifi negro
<i>Secale cereale</i> L.	Rye	Seigle	Roggen	Centeno
<i>Serruria</i> Salisb.	Spider Bush, Blushing Bude	Serruria	Serruria	Serruria
<i>Solanum melongena</i> L.	Egg-plant, Aubergine	Aubergine	Eierfrucht, Aubergine	Berenjena
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel	Pap, Patata
<i>Sorghum bicolor</i> (L.) Moench	Sorghum	Sorgho	Mohrenhirse	Sorgo
<i>Spathiphyllum</i> Schott	Spathiphyllum	Spathiphyllum	Spathiphyllum	Spathiphyllum
<i>Spinacia oleracea</i> L.	Spinach	Épinard	Spinat	Espinaca
<i>Streptocarpus x hybridus</i> Voss	Streptocarpus, Cape Primrose	Streptocarpus	Streptocarpus, Drehfrucht	Streptocarpus
<i>Thuja occidentalis</i> L.	Thuja	Thuya	Lebensbaum	Tuya
<i>Trifolium pratense</i> L.	Red Clover	Trèfle violet	Rotklee	Trébol violeta
<i>Trifolium repens</i> L.	White Clover	Trèfle blanc	Weißklee	Trébol blanco
<i>Triticosecale</i> Wittmack	Triticale	Triticale	Triticale	Triticale
<i>Triticum aestivum</i> L. emend. Fiori et Paol.	Wheat, Soft Wheat, Bread Wheat	Blé tendre, Froment	Weichweizen	Trigo blando
<i>Triticum durum</i> Desf.	Durum Wheat, Macaroni Wheat, Hard Wheat	Blé dur	Hartweizen	Trigo duro

Latin	English	Français	Deutsch	Español
<i>Tulipa</i> L.	Tulip	Tulipe	Tulpe	Tulipán
<i>Vaccinium corymbosum</i> L.	Blueberry	Myrtille	Kulturheidel- beere	Arándano americano
<i>Vaccinium myrtillus</i> L.	Bilberry, Whortleberry, Blueberry	Myrtille	Kulturheidel- dbeere	Arándano, Mirtillo
<i>Vaccinium vitis-idaea</i> L.	Cowberry, Red Bilberry	Airelle rouge	Preiselbeere	Arándano encarnado
<i>Valeriana officinalis</i> L.	Common Valerian	Valériane officinale	Gemeiner Baldrian	Valeriana menor, Valeriana oficinal
<i>Valerianella locusta</i> L. & <i>V. eriocarpa</i> Desv.	Cornsalad, Lamb's lettuce	Mâche, Doucette	Feldsalat	Hierba de los canónigos, Lechuga de campo

NEWSLETTER

THE SIXTEENTH EXTRAORDINARY SESSION OF THE COUNCIL

The Council held its sixteenth extraordinary session in Geneva, on March 26, 1999, under the chairmanship of Mr. Ryusuke Yoshimura (Japan), President of the Council. At that session, the Council took the following decisions:

Examination of the Conformity of the Legislation with the Convention (1991 Act)

REPUBLIC OF SLOVENIA

(a) It decided to advise the Government of the Republic of Slovenia that the Protection of New Varieties of Plants Act conformed in all respects with the Convention and to request the Secretary-General to inform the Government of the Republic of Slovenia of its decision.

ROMANIA

(b) It decided to advise the Government of Romania that the Law on the Protection of New Plant Varieties, after adoption of suitable regulations, provided the basis for an Act conforming with the Convention, and that it may then deposit an instrument of accession to the Convention;

(c) It decided to further advise the Government of Romania that it may wish to correct the (possible) deviations and inconsistencies recorded in the said document when an opportunity arises;

(d) It decided to request the Secretary-General to inform the Government of Romania of its decision.

GEORGIA

(e) It decided to advise the Government of Georgia that the Law on the Protection of Selection Achievements, after adoption of suitable regulations, provided the basis for an Act conforming with the Convention, and that it may then deposit an instrument of accession to the Convention;

(f) It decided to further advise the Government of Georgia that it may wish to correct the (possible) deviations and inconsistencies in respect of minor aspects at the earliest opportunity;

(g) It decided to request the Office of the Union to offer its assistance to the Government of Georgia for the drafting of any regulations (if still required), the correction of the Law, and the preparation of a more satisfactory translation into one or more of the official languages of UPOV;

(h) It decided to request the Secretary-General to inform the Government of Georgia of its decision.

COSTA RICA

(i) It decided to advise the Government of Costa Rica that the Bill on the Protection of New Plant Varieties provided the basis for a law conforming with the Convention;

(j) It decided to further advise the Government of Costa Rica that after the enactment into law of the Bill with no substantial alterations, and after the adoption of suitable regulations, it may deposit an instrument of accession to the Convention.

(k) It decided to request the Secretary-General to inform the Government of Costa Rica of its decision.

THE INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS IN 1998

I. ENTRY INTO FORCE OF THE 1991 ACT OF THE CONVENTION

1. Article 37(1) of the 1991 Act of the Convention provides as follows:

“(1) [*Initial entry into force*] This Convention shall enter into force one month after five States have deposited their instruments of ratification, acceptance, approval or accession, as the case may be, provided that at least three of the said instruments have been deposited by States party to the Act of 1961/1972 or the Act of 1978.”

2. The deposit of instruments of accession to the 1991 Act by Bulgaria and the Russian Federation on March 24, 1998, brought the number of States having ratified or accepted the 1991 Act, or acceded to it, to six. Consequently the 1991 Act entered into force on April 24, 1998. As from that date it is binding on the following States: Bulgaria, Denmark, Israel, Netherlands, Russian Federation, Sweden.

3. Article 37(3) of the 1991 Act of the Convention provides as follows:

“(3) [*Closing of the 1978 Act*] No instrument of accession to the Act of 1978 may be deposited after the entry into force of this Convention according to paragraph (1) [...]”

4. It will be recalled that the Council decided at its fourteenth extraordinary session, held on April 29, 1997, that those States that had requested the Council's advice on the conformity of their legislation with the 1978 Act prior to the entry into force of the 1991 Act might, subject to their fulfilling the conditions set by the Council, deposit an instrument of accession to the 1978 Act before the first anniversary of the entry into force of the 1991 Act. As the latter event occurred on April 24, 1998, the cut-off date for the deposit of instruments of accession to the 1978 Act is thus April 24, 1999.

II. COMPOSITION OF THE UNION

Number of Members

5. On December 31, 1998, the membership of the Union was 38, namely four more than on December 31 of the previous year. That is due to the following events:

- (a) The accession of Trinidad and Tobago, as a result of the deposit of its instrument of accession to the 1978 Act on December 30, 1997, came into effect on January 30, 1998.
- (b) On March 24, 1998, Bulgaria and the Russian Federation deposited their instruments of accession to the 1991 Act. The latter entered into force for Bulgaria and the Russian Federation on April 24, 1998.

- (c) On September 28, 1998, the Republic of Moldova deposited its instrument of accession to the 1991 Act. The latter entered into force for the Republic of Moldova on October 28, 1998.

6. The 38 member States are the following: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Mexico, Netherlands, New Zealand, Norway, Paraguay, Poland, Portugal, Republic of Moldova, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Ukraine, United Kingdom, United States of America, Uruguay.

Position in Relation to the Various Acts of the Convention

7. In 1998 three States that were already members of the Union on the basis of the 1978 Act expressed their consent to be bound by the 1991 Act:

- (a) Germany, by the deposit of an instrument of ratification on June 25 (the 1991 Act therefore entered into force for Germany on July 25);
- (b) Japan, by the deposit of an instrument of accession on November 24 (the 1991 Act therefore entered into force for Japan on December 24);
- (c) the United Kingdom, by the deposit of an instrument of ratification on December 3 (the 1991 Act therefore entered into force for the United Kingdom on January 3, 1999).

8. On December 31, 1998, the position of the member States 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, Australia, Austria, Canada, Chile, Colombia, Czech Republic, Ecuador, Finland, France, Hungary, Ireland, Italy, Mexico, New Zealand, Norway, Paraguay, Poland, Portugal, Slovakia, South Africa, Switzerland, Trinidad and Tobago, Ukraine, United Kingdom (but only until January 3, 1999), United States of America, Uruguay;
- (c) the 1991 Act was the most recent Act binding nine States, namely Bulgaria, Denmark, Germany, Israel, Japan, Netherlands, Republic of Moldova, Russian Federation, Sweden.

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

“(2) [*Conformity of laws*] It shall be understood that, on depositing its instru-

ment 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.”

10. In 1998, to the knowledge of the Office of the Union, Italy adopted a law authorizing the Government to adapt the national legal system to the 1991 Act by decree, and also a legislative decree. The number of member States having laws conforming fully to the 1991 Act was 15 at the end of the reference year, while four non-member States (and the European Union) were in a position to accede to the Act at any time. The majority of the other member States had adopted amendments in line with the Act or had drafted draft legislation to that end.

11. The table annexed to 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, 1998¹.

Future Members

12. Under Article 32(3) of the 1978 Act,

“Any State which is not a member of the Union and which has not signed this Act 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 Act.”

There is a similar provision in Article 34(3) of the 1991 Act.

13. At its thirteenth extraordinary session, held on April 18, 1996, the Council had examined a draft law of Brazil for conformity with the 1978 Act. It had decided that, if that draft law were adopted after the incorporation of certain amendments suggested by the Office of the Union but without any other substantive change, the Brazilian Government could deposit an instrument of accession to the 1978 Act. The law, having been promulgated with certain substantive changes, was submitted to the Council at its fifteenth extraordinary session, held

¹ The table is omitted.

on April 3. The Council reached a positive conclusion on its conformity with the 1978 Act.

14. Five requests for the advice of the Council were filed in the course of the period under review:

- (a) by Nicaragua, in a letter dated February 7, based on the 1978 Act;
- (b) by Venezuela, in a letter dated March 23, based on the 1978 and 1991 Acts;
- (c) by Zimbabwe, in a letter dated April 23, based on the 1978 Act;
- (d) by Estonia, in a letter dated October 5, based on the 1991 Act;
- (e) by Kyrgyzstan, in a letter dated October 20, based on the 1991 Act.

15. At its fifteenth extraordinary session, held on April 3, the Council examined the legislative texts adopted or proposed by Croatia (in response to a request filed by letter dated December 11, 1997, based on the 1991 Act), Nicaragua and Venezuela. It asked the Office of the Union to offer assistance to the Governments of those States in the drafting of the final versions of their texts, and took the decisions reported in the following three paragraphs.

16. With regard to Croatia, the Council decided

- (a) to advise the Government of Croatia that its law, when supplemented by regulations and with the incorporation of suitable amendments, would provide the basis for a law conforming with the 1991 Act;
- (b) to further advise the Government of Croatia that
 - (i) after the enactment of a law on the revision of its law in accordance with the suggestions of the Office of the Union, but without other substantial changes, and the making of necessary regulations, and
 - (ii) after consultation of the Office of the Union as to whether the amendments to its law and the regulations were adequate,

it would be able to deposit an instrument of accession to the 1991 Act.

17. With regard to Nicaragua, the Council decided

- (a) to advise the Government of Nicaragua that its Bill, when supplemented by implementing regulations and after elimination of its Article 69, provided the basis for a law conforming with the 1978 Act;
- (b) to further advise the Government of Nicaragua that
 - (i) after the enactment into law of the Bill incorporating the amendments suggested by the Office of the Union, but without other substantial changes, and the making of necessary regulations, and
 - (ii) after consultation of the Office of the Union as to whether the amendments and regulations were adequate,

it would be able to deposit an instrument of accession to the 1978 Act by April 24, 1999, at the latest.

18. With regard to Venezuela, the Council decided

- (a) to take a positive decision on the conformity of its legislation with the provisions of the 1978 Act and the 1991 Act, subject to some amendments being made to the draft regulations;
- (b) to further advise the Government of Venezuela that
 - (i) after consultation with the Office of the Union as to whether the amendments to the regulations were adequate, and
 - (ii) after adoption of the regulations incorporating such amendments, but without other substantial changes,

it would be able to deposit an instrument of accession to the 1978 Act prior to April 24, 1999, or to the 1991 Act at any time.

19. It will be recalled that, at its thirtieth ordinary session, held on October 23, 1996, the Council had decided that requests for advice on the conformity of legislative texts with the 1978 Act of the Convention might be examined in an expedited procedure by correspondence. The Council used that procedure to deal with Zimbabwe's request for advice. It decided that the law of Zimbabwe, after incorporation of the substantive changes suggested by the Office of the Union, would conform to the 1978 Act, and asked the Secretary-General to inform the Government of Zimbabwe that, after it had incorporated the suggested changes to the satisfaction of the Office of the Union, it might deposit its instrument of accession to the 1978 Act at any time up to April 24, 1999.

20. At its twenty-second ordinary session, held on October 28, the Council considered the legislative texts of Estonia and Kyrgyzstan. It asked the Office of the Union to offer its assistance to the Governments of those States so that the texts might be improved and made to conform fully to the Convention, and took the decisions mentioned in the following two paragraphs.

21. In the case of Estonia, the Council decided

- (a) to advise the Estonian Government that its law, with the incorporation of suitable amendments, constituted the basis of

a law conforming to the 1991 Act;

(b) to further advise it that,

- (i) after the adoption of a law on the revision of the law in accordance with the suggestions of the Office of the Union, but without any other substantial changes, and
- (ii) after consultation of the Office of the Union as to whether the amendments made to the law were adequate,

it might deposit an instrument of accession to the 1991 Act.

22. In the case of Kyrgyzstan, the Council decided to inform the Kyrgyz Government that its law formed the basis of a legal protection system conforming to the 1991 Act, and that it might deposit an instrument of accession to that Act.

23. On December 31, 1998, the following 13 States and the European Community had initiated the procedure for accession to UPOV: Belarus, Bolivia, Brazil, China, Croatia, Estonia, Kenya, Kyrgyzstan, Morocco, Nicaragua, Panama, Venezuela, Zimbabwe.

III. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

24. The Council held its fifteenth extraordinary session on April 3, under the chairmanship of Mr. Ryusuke Yoshimura (Japan), in response to the requests for advice submitted by Croatia, Nicaragua and Venezuela under Article 32(3) of the 1978 Act or Article 34(3) of the 1991 Act, and in order to reexamine the laws of Brazil.

25. On the basis of preparatory work by the Consultative Committee, it also adopted an amendment

to the UPOV program and budget for the 1998-1999 biennium, creating a new item authorizing expenditure under the heading of technical assistance to countries seeking to introduce plant variety protection laws.

26. The Council held its thirty-second ordinary session on October 28, again under the chairmanship of Mr. Ryusuke Yoshimura. The session was attended by observers from 13 non-member States¹ and nine international organizations.²

¹ Bolivia, Brazil, Côte d'Ivoire, Croatia, Egypt, Estonia, Greece, Guinea, Indonesia, Kenya, Philippines, Republic of Korea, Tunisia.

² World Trade Organization (WTO), European Community (EC), Organization for Economic Co-operation and Development (OECD), International Seed Testing Association (ISTA), International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Association of Plant Breeders of the European Economic Community (COMASSO), International Federation of the Seed Trade (FIS).

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

- (a) It pronounced on the conformity of the legislation of Estonia and Kyrgyzstan with the 1991 Act.
- (b) It approved the report by the Secretary-General on the activities of the Union in 1997 and noted the report on activities during the first nine months of 1998.
- (c) It approved the report by the Secretary-General on the management of the Union during the 1996-1997 biennium and noted the report by the auditor of the UPOV accounts for the same biennium.
- (d) It approved the progress reports of its various subsidiary bodies and either drew up or approved their work plans for the coming year.
- (e) It unanimously elected for a three-year term in each case, which will expire at the close of the thirty-fifth ordinary session of the Council in 2001,
 - (i) Mr. John V. Carvill (Ireland) and Mrs. Nicole Bustin (France), Chairman and Vice-Chairman respectively of the Administrative and Legal Committee;
 - (ii) Mrs. Elise Buitendag (South Africa) and Mr. Michael Camlin (United Kingdom), Chairman and Vice-Chairman respectively of the Technical Committee.
- (f) It unanimously elected
 - (i) Mrs. Francoise Blouet (France) for a four-year term as Chairman of the Technical Working Party for Agricultural Crops;
 - (ii) Mr. Michael Camlin (United

Kingdom) for a three-year term as Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA Profiling in Particular.

Consultative Committee

28. The Consultative Committee held its fifty-fifth session on April 3, under the chairmanship of Mr. Karl Olov Öster (Sweden). It heard reports by the representatives of member States on developments with respect to application of the 1991 Act, approved the idea of certain States having special observer status and authorized the conclusion of a cooperation agreement between UPOV and the World Intellectual Property Organization (WIPO) under which WIPO would among other things underwrite the technical assistance given to developing countries for the introduction of plant variety protection systems.

29. The Consultative Committee held its fifty-sixth session on October 27, also under the chairmanship of Mr. Karl Olov Öster. The work of the Committee was essentially devoted to preparing the thirty-second ordinary session of the Council.

Administrative and Legal Committee

30. A Working Group met on February 12 to work out a discussion basis for consideration of the question of the characteristics used in distinctness testing.

31. The Administrative and Legal Committee held its thirty-eighth session on April 2 under the chairmanship of Mr. H. Dieter Hoinkes (United States of America). The session was attended by observers from seven non-member States³ and three international organizations.⁴

32. The Committee had an exchange of views on the review, in 1999, of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property ("TRIPS Agreement"). It also embarked on the question of the use of variety denominations

³ Brazil, Burkina Faso, India, Kenya, Republic of Korea, Romania, Venezuela.

⁴ European Community (EC), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA).

and the concept of tree and vine in the provisions on novelty and duration of protection. It examined thoroughly the question of the characteristics used in distinctness testing, and the following conclusions emerged:

- (a) The use of molecular tools in distinctness testing should not be rejected out of hand.
- (b) It was not possible, at least at the present stage, to allow information obtained with the aid of a molecular tool to serve alone as the basis for a conclusion on the clear distinctness of two varieties.
- (c) The use of molecular tools was only to be contemplated if there was a guarantee that the minimum distances between varieties would not be made smaller.
- (d) The risk of “minisystems of protection” evolving from different examination practices, mentioned at the previous session of the Committee, could not be ruled out, but everything should be done to avoid them.
- (e) To that end, it was particularly appropriate that the Working Group on Biochemical and Molecular Techniques, and DNA Profiling in Particular, should continue its work.

Technical Committee

33. The Technical Committee held its thirty-fourth session from March 30 to April 1 under the chairmanship of Mr. Joël Guiard (France). The session was attended by observers from four non-member States⁵ and three international organizations.⁶

34. On the basis of the preparatory work done by the Technical Working Parties, the Committee adopted Test Guidelines for the following six taxa: Japanese apricot; *Bouvardia*; Welsh onion, Cornsalad (revision); Loquat (revision); Soya bean (revision).

35. The Committee also had before it progress reports from the Technical Working Parties, and it

outlined the Working Parties' future work. It then considered questions raised by the Working Parties on the basis of the experience of member States in the conduct of distinctness, uniformity and stability tests on new plant varieties. Among other things it:

- (a) approved a revised version of the document on the uniformity testing of self-pollinated species and vegetatively propagated species;
- (b) confirmed the application of the COYD and COYU analysis to all cross-fertilized species;
- (c) noted the plan to revise the General Introduction to the Test Guidelines;
- (d) agreed to the following definition of an off-type: “Any plant is to be considered an off-type if it can be clearly distinguished from the variety in the expression of any characteristic of the whole plant or of part of the plant, used in the testing of distinctness, taking into consideration the particular species,” on the understanding that “Plants being very different from those of the variety could be disregarded as long as their number does not interfere with the test.”

Technical Working Parties

36. The Technical Working Parties held the following sessions outside Geneva:

- (a) The Technical Working Party on Automation and Computer Programs (TWC) held its sixteenth session in Melle (Belgium) from June 16 to 19 under the chairmanship of Mr. J. Law (United Kingdom).
- (b) The Technical Working Party for Agricultural Crops (TWA) held its twenty-seventh session in Angers (France) from June 23 to 26 under the chairmanship of Mr. A. Bould (United Kingdom).

⁵ Brazil, Greece, Republic of Korea, Romania.

⁶ European Community (EC), Organization for Economic Co-operation and Development (OECD), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL).

- (c) The Technical Working Party for Vegetables (TWV) held its thirty-second session in Slupia Wielka (Poland) from June 29 to July 3 under the chairmanship of Mr. B. Bar-Tel (Israel).
 - (d) The Technical Working Party for Fruit Crops (TWF) held its twenty-ninth session in Caloundra (Australia) from November 9 to 14 under the chairmanship of Mr. C. Barnaby (New Zealand).
 - (e) The Technical Working Party on Ornamental Plants and Forest Trees (TWO) held its thirty-first session in Christchurch (New Zealand) from October 16 to 21 under the chairmanship of Mr. J. Barendrecht (Netherlands).
37. The basic task of four of the Working Parties consists in drawing up Test Guidelines. In addition to the drafts submitted to the Technical Committee for adoption, they produced others for the following taxa, to be submitted to the professional organizations for comment: Sunflower (TWA); Pear (revision) (TWF); Gerbera (revision), Iris, Kangaroo paw, *Osteospermum* (TWO).

38. The Technical Working Party for Agricultural Crops also started a discussion on the problems associated with the various male sterility systems used on oilseed rape for the production of hybrid or complex varieties.

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

39. The Working Group held its fifth session in Beltsville (United States of America) from September 28 to 30 under the chairmanship of Mr. Joël Guiard (France).

40. At the session, presentations were given on a series of molecular marking techniques and on their advantages and limitations, and also on statistical methods of making use of the data obtained by means of those techniques, notably from the point of view of the analysis of genetic distance and the prediction of morphological differences. The results of the work on the assessment of variability within varieties and between varieties in ryegrass and rose were also presented.

IV. COURSES, SEMINARS AND WORKSHOPS

41. From April 29 to May 1 UPOV organized, in Port of Spain, a regional seminar on the protection of plant varieties under the UPOV Convention, in cooperation with the Ministry of Legal Affairs of Trinidad and Tobago and WIPO, for the benefit of the following Caribbean countries: Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname. Canada and the United Kingdom provided one speaker and two speakers respectively.

42. From June 8 to 19 UPOV organized, in Cambridge (United Kingdom), in cooperation with the National Institute of Agricultural Botany (NIAB) and with the support of the Ministry of Agriculture, Forestry and Fisheries of Japan and WIPO, a briefing workshop on plant variety protection under the UPOV Convention. The participants in the work-

shop came from the following countries: Bangladesh, China, India, Indonesia, Kenya, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Thailand, Viet Nam, Zimbabwe. France, Japan, the United Kingdom and the Community Plant Variety Office provided speakers.

43. From June 8 to 24 UPOV organized, in Madrid, a training course on plant variety protection for the benefit of Latin American countries, in cooperation with the Spanish Ministry of Agriculture, Fisheries and Food and WIPO. The participants in the course were from the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain, Uruguay, Venezuela. Argentina, Spain and Uruguay provided speakers.

V. RELATIONS WITH MEMBER STATES

44. South Africa.— On April 1 the Vice Secretary-General received a visit from Mr. Martin Joubert, Assistant Director of Variety Control at the Department of Agriculture, and Mrs. Elise Buitendag, from the same Department, with whom he spoke of the implementation of farmers' rights in South Africa.

45. Germany.— On June 25 Mr. Thomas Kessler, First Counsellor (Economic Affairs) of the Permanent Mission of Germany in Geneva, deposited the instrument of ratification by Germany of the 1991 Act with the Office of the Union.

46. Bulgaria.— On March 24, Mr. Mircho Rachev Mirchev, President of the Patent Office of the Republic of Bulgaria, deposited his country's instrument of accession to the 1991 Act with the Secretary-General.

47. Chile.— On April 24 the Office of the Union supplied documentation on the 1991 Act to Mr. Marino Porzio, attorney at Porzio, Ríos and Associates and Government expert on intellectual property questions.

48. Spain.— On February 20 the Secretary-General wrote to Mrs. Loyola de Palacio del Vallesundi, Minister of Agriculture and Fisheries, to thank her for her contribution of ten million pesetas to the cost of organizing a course on plant variety protection in Spain.

49. Ecuador.— On March 11 the Vice Secretary-General wrote to Mrs. Alba Cabrera, Head of the Inputs Division of the Ministry of Agriculture and Livestock, to convey to her the comments of the Office of the Union on a draft intellectual property law.

50. On April 1 the Vice Secretary-General received a visit from Mr. José Antonio Ruíz Enríquez, National Director of Agriculture at the Ministry of Agriculture and Livestock, Mrs. Alba Cabrera and Mr. Federico Meneses, Counsellor at the Permanent Mission of Ecuador in Geneva, with whom he had talks on training matters.

51. Russian Federation.— On March 24 Mr. Alexandr E. Bavykin, Deputy Director of the Legal Department of the Ministry of Foreign Affairs, deposited the instrument of accession, of his country to the 1991 Act with the Secretary-General.

52. From October 5 to 7 the Vice Secretary-General visited Moscow. He met Mr. B.I. Alginin, Deputy Minister of Agriculture and Food, Mr. Sergey N. Salenkov, Director of the Plant Production Department of the same Ministry, Mr. Valery Shmal, Acting Chairman, and Mr. Yuriy Rogovsky, Deputy Chairman of the State Commission of the Russian Federation for Testing and Protection of Selection Achievements, and also Mr. Alexandr A. Kalinin, Director of the Agriculture Reform Implementation Support Project (ARIS) of the World Bank, and Mr. Evgeny Saranin, who was responsible for the seed segment of that project. He also visited the Timiryazev Agriculture Academy on the outskirts of Moscow to participate in a seminar on plant breeders' rights organized under the direction of the TACIS Program on the Federal Seed Certification and Testing System funded by the European Union.

53. Finland.— On November 20 the Office of the Union wrote to Mr. Argo Vuori, Director, Plant Variety Rights Office, enclosing comments on the draft law amending the Plant Variety Protection Law.

54. France.— On January 22 the Vice Secretary-General wrote to Mr. Alain Perrin, Head of the Plant Breeding and Seed Office of the Ministry of Agriculture and Fisheries on the subject of the activities that were to be financed by the Ministry.

55. On September 7 the Vice Secretary-General wrote to Mr. Alain Perrin on the subject of the organization and financing of roving seminars in member States of OAPI.

56. On September 9 the Vice Secretary-General wrote to Mr. Alain Perrin on the subject of the organization and financing of a training course for French-speaking countries which was to be held in 1999.

57. Japan.— On November 24 Mr. Yasuhiro Hamura, First Secretary, Permanent Mission of Japan at Geneva, deposited the instrument of accession of Japan to the 1991 Act.

58. Netherlands.— On May 13 the Vice Secretary-General wrote to Mr. Adrian Doko, of the Crop Production Department of the Ministry of Agriculture and Food of Albania, and to Mr. F.E. Mwakitwange, of the National Seed Testing Laboratory of Tanzania, in order to offer fellowships that would enable them to take part in the second International Course on Plant Variety Protection, which was being organized by the Center for Plant Improvement and Reproduction Research (CPRO-DLO) and was to take place in Wageningen from May 18 to 29, 1998.

59. On May 18 and 19 an official of the Union gave a lecture at the above course.

60. Republic of Moldova.— On January 6 Mr. Adrian Calmâc, Deputy Permanent Representative of the Republic of Moldova in Geneva, paid a visit to the Vice Secretary-General and brought him the instrument of accession of his country to the 1991 Act. It transpired that additional documents had to be submitted before the actual deposit could take place.

61. On September 28 Mr. Adrian Calmâc deposited the instrument of accession of the Republic of Moldova to the 1991 Act with the Secretary-General.

62. United Kingdom.— On March 23 the Vice Secretary-General visited the National Institute of Agricultural Botany (NIAB) and the Plant Variety Rights Office in Cambridge, where he discussed the organization of a briefing workshop on plant variety protection, which was to take place in Cambridge in June.

63. On December 3 the United Kingdom deposited its instrument of ratification of the 1991 Act.

64. Ukraine.— On October 9 the Vice Secretary-General visited Kyiv. He met Mr. Victor Volkodav, Chairman, State Commission for Testing and Protection of Plant Varieties, and the staff of the Commission, and also the Chairman of the Agricultural Committee of the Supreme Council of Ukraine. He visited the State Patent Office of Ukraine where he met its Chairman, Mr. Valery Petrov, and Deputy Chairmen, Mr. Volodymyr Zharov and Mr. Leonid J. Nikolayenko. Topics discussed during the visit included the draft legislation currently before the Supreme Council designed to bring the Ukrainian law into conformity with the 1991 Act.

VI. RELATIONS WITH NON-MEMBER STATES AND REGIONAL ORGANIZATIONS

States of North Africa and Western Asia

65. Algeria.— On February 10 the Vice Secretary-General wrote to Mr. Amor Bouhnik, Director General of the Algerian Institute of Industrial Property (INAPI), enclosing a draft plant variety protection law drawn up by the Office of the Union.

66. On March 25 the Office of the Union received a visit from Mr. Hocine Hassissi, Director General of Industrial Development, and Mr. Amor Bouhnik. They had a discussion on the draft law.

67. On May 14 an official of the Union wrote to Mr. Amor Bouhnik enclosing comments on a draft explanatory memorandum for the draft plant variety protection law.

68. On November 19 the Vice Secretary-General received a visit from Mr. Mohamed Younsi, Assistant to the Director General of INAPI, with whom he discussed developments in plant variety protection in the latter's country.

69. Egypt.— On July 29 the Vice Secretary-General wrote to Mr. Fawzy Zaky Shaheen, Under-Secretary to the Ministry of Agriculture and Land Reclamation and Head of the Central Administration for Seed Testing and Certification, enclosing the comments of the Office of the Union on a draft seed law and a draft decree on plant variety protection.

70. On September 18 an official of the Union received a visit from Mr. Fawzi A. Elrefaie, Vice-President of the Academy of Scientific Research

and Technology at the Ministry of Scientific Research, with whom he discussed Egypt's evolving plan to introduce a plant variety protection system.

71. On October 29, the Vice Secretary-General received a visit from Mr. Mohamed Ibrahim El Hawary, Director-General, Measures and Seed Development, Central Administration for Seed Testing and Certification, who passed to him a draft of a decree introducing plant variety protection in Egypt, the enactment of which was proposed under a new Seed Law which was currently under discussion.

72. Iran (Islamic Republic of).— On September 22 an official of the Union conveyed information on plant variety protection and UPOV to Mr. Mohsen Baharvand, Legal Adviser at the Permanent Mission of the Islamic Republic of Iran in Geneva.

73. Jordan.— On July 20 the Office of the Union received a visit from Mr. Mohammed Khreisat, Director of Trade Registration and Industrial Property Protection, Ministry of Industry and Trade, and Mr. Hashem Shboul, Secretary-General at the Ministry of Agriculture, who were seeking information on UPOV and its membership.

74. Tunisia.— On September 11 an official of the Union received a visit from Mr. Mokhtar Hamdi, in charge of the Industrial Property Department at the National Institute for Standardization and Industrial Property (INNORPI), and discussed with him Tunisia's plan to introduce a plant variety protection system.

States and Organizations of Sub-Saharan Africa

75. Burkina Faso.— On March 12 the Vice Secretary-General wrote to Mr. Ablassé Ouedroago, Minister for Foreign Affairs, on the subject of a request for assistance sent by the latter with a view to the drafting of a national plant variety protection law.

76. On April 1 the Office of the Union received a visit from Mr. Der Kogda, Head of the United Nations and Specialized Agencies Service at the Ministry of Foreign Affairs, with whom he discussed a draft program for the writing of a national law on the protection of plant varieties pending the entry into force of the revised Bangui Agreement.

77. In the course of the Meeting of Experts on a draft annex to the Bangui Agreement relating to the protection of plant varieties, organized by the African Intellectual Property Organization (OAPI) from July 7 to 10, an official of the Union met Mr. Der Kogda and presented him with a draft national law.

78. On July 29 an official of the Union conveyed a new, slightly rearranged draft to various Burkina Faso personalities.

79. Côte-d'Ivoire.— On February 4 the Prime Minister, Mr. Daniel Kablan Duncan, paid a visit to the Secretary-General and expressed interest in UPOV and the UPOV Convention.

80. On July 13 and 14 an official of the Union visited Abidjan. At the Ministry in charge of the National Plan and Industrial Development, he met Mr. Nagolo Soro, Director of Industrial Development, Mr. Kidio Coulibaly, Head of the Industrial Property Service, and Mr. Kouakou Avi. At the Ministry of Agriculture and Animal Resources he met the Minister, Mr. Lambert Kouassi Konan, and the Director of the Minister's Private Office, Mr. Joachim Nagnan Toure, and also Mr. Abel Atékébrai Vangah, Director of Agricultural Production, and Mr. Paul Sia, Deputy Director in charge of Seeds and Plants. He also visited other offices and institutions. It was agreed that Côte-d'Ivoire would draft a national plant variety protection law pending the results of the work on the annex to the Bangui Agreement.

81. On August 6 an official of the Union sent a draft plant variety protection law to Mr. Soro Nagolo.

82. On September 1 an official of the Union received a visit from Mr. Kidio Coulibaly, who informed him that the draft law had been submitted to the various ministries concerned.

83. Gabon.— On September 17 an official of the Union wrote to Mr. Malem Tidzani, Director General of Industry at the Ministry of Trade, Industry, Smaller Businesses, Smaller Industries and Handicraft, sending him a copy of the draft plant variety protection law that had been written earlier for Côte-d'Ivoire.

84. Kenya.— From March 18 to 20 the Vice Secretary-General visited Nairobi, where he met Mr. T. Tuei, Director of Agriculture, Prof. Norah Olembo, Director of the Kenya Intellectual Property Office, Mrs. Lucy Waithaka, Chief Executive of the Fresh Produce Exporters' Association of Kenya, Mr. Mboya, representing the Minister of Justice, Mr. C.J. Kadera, Managing Director of the Kenya Plant Health Inspectorate Service (KEPHIS), and Mr. Evans Sikinyi, Officer-in-Charge of the Plant Breeders' Rights Office, with whom he had talks on the action that should be taken to bring Kenya's law into line with the 1978 Act. The Plant Breeders' Rights Office of Kenya is under the authority of KEPHIS.

85. The Vice Secretary-General also visited the premises of the Fresh Produce Exporters' Association of Kenya, which is a strong supporter of plant variety protection. He visited *Hortec 98*, East Africa's fifth international horticultural trade exhibition, which brought together a number of exhibitors interested in plant improvement and the supply of planting material to the ornamental plant industry; he delivered a lecture on the implications of the UPOV Convention for flower exporters.

86. Lesotho.— On February 25 the Vice Secretary-General wrote to Mr. L.F. Maema, Minister of Law and Constitutional Affairs, enclosing information and documentation on UPOV.

87. Madagascar.— On December 8 the Vice Secretary-General received a visit from Mr. Mamy Ratovomalala, Minister for Industrialization and Crafts, who was accompanied by Mr. Maxime Zafera, Permanent Representative of Madagascar in Geneva.

88. Mauritius.— On May 26 the Vice Secretary-General wrote to Mr. G. Narainen, Principal Agriculture Planning Officer at the Ministry of Agriculture, Fisheries and Cooperatives, concerning the procedure for acceding to the UPOV Convention.

89. Mauritania.— On November 29, while in Nouakchott for the Meeting of Experts on the revision of the Bangui Agreement, an official of the Union met, at the Ministry of Mines and Industry, Mr. Salem Ould Mamoune, Director of Industry, Mr. Mohamed Yacoub Ould Boumediana, Assistant Director of Industry, and Mr. Sidi Ali Ould Tayeb, Head of the Department for Technology and In-

dustrial Property. He later met Mr. Sheikh Ould Dih, Director General, National Centre for Agricultural Research and Rural Development.

90. Sudan.— On April 23 the Vice Secretary-General received a visit from Mr. Mohammed Izzat Babiker Eldeeb, Ambassador and member of a Sudanese delegation that visited WIPO.

91. On December 15 the Vice Secretary-General received a visit from Mr. Nafi Ali Nafi, Minister of Agriculture of Sudan, who was accompanied by Mr. Qasim A. Idris, Ambassador and Permanent Representative of Sudan in Geneva. The Minister, a former plant breeder, expressed interest in the UPOV Convention.

92. Zimbabwe.— On May 8 the Office of the Union received a letter dated April 23, 1998, from Mr. N.R. Gata, Director of the Department of Research and Specialist Services of the Ministry of Agriculture, requesting the advice of the Council of UPOV on the conformity of the Plant Breeders' Rights Act 1973 with the 1978 Act.

93. On July 30 the Secretary-General wrote to Deputy K.M. Kangai, Minister of Lands and Agriculture, in response to the letter that Mr. Kangai had sent to him confirming that the Zimbabwean Government had requested an opinion on the conformity of its national laws with the 1978 Act.

94. Conference of the Ministers for Agriculture of Western and Central Africa.— On June 25 the Secretary-General wrote to Mr. Baba Dioum, General Coordinator, offering the assistance of UPOV in relation to plant variety protection.

95. African Intellectual Property Organization (OAPI).— From July 7 to 10 an official of the Union took part in a Meeting of Experts in Ougadougou (Burkina Faso) on a draft annex to the Bangui Agreement relating to the protection of plant varieties, which was organized by OAPI.

96. On July 27 an official of the Union wrote to Mr. Maurice Batanga, Head of the Cooperation and Legal Affairs Service, enclosing suggested amendments to the above-mentioned draft annex.

97. From November 26 to 28 an official of the Union participated, in Nouakchott (Mauritania), in

a Meeting of Experts on the revision of the Bangui Agreement.

States and Organizations of Latin America and the Caribbean

98. Bolivia.— On September 2 the Vice Secretary-General wrote to Mrs. Isabel Canedo Rocha, Coordinator of the National Seed Program, in response to her letter informing the Office of the Union that the Ministry of Agriculture, Livestock and Rural Development had authorized Bolivia's accession to the 1978 Act.

99. Brazil.— On January 5 the Vice Secretary-General wrote to Mr. Manoel Olímpio de Vasconcelos Neto, Head of the National Service for the Protection of Cultivars at the Ministry of Agriculture and Development, informing him of the action being taken to complete the Council's examination of the law of Brazil for conformity with the 1978 Act.

100. On May 4 and 5 an official of the Union took part in a national Seminar on International Aspects of Intellectual Property, organized by WIPO and held in São Paulo, and gave a lecture.

101. From May 6 to 8 the same official of the Union took part in a seminar on intellectual property and the mechanics of technology transfer, organized by WIPO and held in Porto Alegre, and presented a paper.

102. On May 25 the Secretary-General, in the course of a visit to Brasília, visited the Brazilian Agricultural Research Cooperation (EMBRAPA) and met Mr. Alberto Duque Portugal, its President, Mrs. Elza A.B.B da Cunha, Executive Director, Mrs. Maria José Amstalden Sampaio, Counsellor, and Mr. Manoel Olímpio de Vasconcelos Neto.

103. On September 22 an official of the Union sent information on the relations between the UPOV Convention and the TRIPS Agreement to Mr. Luis C. Gasser, Second Secretary of the Permanent Mission of Brazil in Geneva.

104. On October 29 the Vice Secretary-General received a visit from Dr. Manoel Olímpio de Vasconcelos Neto, Head of the National Service for the Protection of Cultivars, and Mr. Juan

Carlos Bresciani, Adviser, and discussed developments in Brazil.

105. Costa Rica.— On February 11, in the course of the First Central American Seminar on Intellectual Property and its Relationship with Biotechnology and Biodiversity, organized by the Central American Economic Integration Secretariat (SIECA), an official of the Union had talks with Mrs. Ana Lorena Guevara, Executive Director of the National Seeds Office of Costa Rica, who informed her that amendments were being made to the draft national plant variety protection law to bring it into conformity with the 1991 Act.

106. Cuba.— On November 18 the Office of the Union received a visit from Mrs. América N. Santos Riveras, Director General, Cuban Industrial Property Office (OCPI), for discussions concerning UPOV and her country's proposals for legislation.

107. Dominica.— On February 2 the Vice Secretary-General wrote to Mrs. S.M.A. Segopolo, Chief Parliamentary Draftsman at the Ministry of Legal Affairs, Immigration and Labor, concerning assistance in the drafting of a plant variety protection Bill.

108. On August 18 the Vice Secretary-General wrote to Mrs. S.M.A. Segopolo, enclosing suggested amendments to the Bill that would bring it into conformity with the 1991 Act.

109. On September 21 an official of the Union wrote to Mr. Reginald Winston, Registrar at the Ministry of Legal Affairs, Immigration and Labor, on the advantages of the 1991 Act over the 1978 Act.

110. Honduras.— On August 27 the Vice Secretary-General wrote to Mr. Carlos Almendares, Head of the Seed Certification Department of the Secretariat for Agriculture and Livestock, concerning technical assistance in the drafting of a national plant variety protection law.

111. Nicaragua.— On January 12 the Vice Secretary-General wrote to Mr. Gustavo Mercado Sánchez, Director General of Industry at the Ministry of Economy and Development, on the drafting of a national plant variety protection law.

112. On February 9 an official of the Union visited Managua to examine a draft plant variety protection law. She met Mr. Gustavo Mercado Sánchez and Dr. Ambrosia Lezama, Head of the Industrial Property Office.

113. On February 23 the Vice Secretary-General wrote to Mr. Gustavo Mercado Sánchez, enclosing his comments on the conformity of the draft law with the 1978 Act.

114. On June 30 an official of the Union wrote to Mr. Gustavo Mercado Sánchez on the amendments to be made to the draft law.

115. On November 30 the Office of the Union sent its comments on the draft law to Mrs. María Soledad Pérez de Ramírez, Director of the Industrial and Intellectual Property Registry.

116. Panama.— On February 11, in the course of the first Central American Seminar on Intellectual Property and its Relationship with Biotechnology and Biodiversity, which had been organized by the Central American Integration Secretariat (SIECA), an official of the Union had talks with Mrs. Jeane Johnson, Head of the Patents Department of the Directorate General of the Industrial Property Registry, and with Mr. Vidal Aguilera of the National Seeds Committee of the Ministry of Agriculture, who informed her that a law authorizing the Panamanian Government to accede to the UPOV Convention was currently before the national parliament.

117. On November 19 Mrs. Emérita López Cano, Industrial Property Adviser, Directorate General of the Industrial Property Registry, visited the Office of the Union and handed over a draft regulatory decree.

118. Peru.— On March 18 Mr. Manuel Ruíz Muller, a member of the Peruvian Society for Environmental Law, visited the Office of the Union.

119. Suriname.— On May 26 the Vice Secretary-General wrote to Mrs. Yvonne Roeplal-Soeratram, Head of the Industrial Property Office, and to Mr. Johan Pieter Pluim Mentz, Secretary of the Board of Plant Breeders' Rights of the Netherlands, on the subject of the ratification by the Netherlands of the 1961 and 1972 Acts and the effects that it would have for Suriname.

120. On August 11 an official of the Union wrote to Mrs. Yvonne Roeplal-Soeratram on the subject of the territories of the Kingdom of the Netherlands to which the 1961 Act applied as a result of the deposit on August 8, 1967, of the instrument of ratification by the Netherlands (that ratification did not extend to Suriname).

121. Venezuela.— On August 18 the Vice Secretary-General wrote to Mr. Francisco Astudillo Gómez, Director General of the Industrial Property Registry (SARPI), in response to the request for consultancy services that Mr. Astudillo Gómez had made for the implementation of the national plant variety protection law; Dr. José María Elena, Vice-President of the Community Plant Variety Office (CPVO), was authorized by the Office to undertake that mission.

122. Central American Integration Secretariat (SIECA).— On February 11 an official of the Union travelled to San José (Costa Rica) to take part as a speaker in the First Central American Seminar on Intellectual Property and its Relationship with Biotechnology and Biodiversity, organized by SIECA in cooperation with the National Seeds Office of Costa Rica.

States of Asia and the Pacific

123. Bangladesh.— On August 7 the Vice Secretary-General wrote to Mr. Md. Nurul Islam, Director General of the Seed Wing of the Ministry of Agriculture, concerning a draft plant variety protection law.

124. China.— On February 18 the Vice Secretary-General wrote to Mr. Li Yukun, Deputy Director of the Department of Science and Technology of the Ministry of Forestry, enclosing information and the publications that he needed in order to set up a separate office to administer the protection of varieties of forest trees and ornamental plants.

125. On May 19 the Vice Secretary-General wrote to Professor Duan Ruichun, Deputy Secretary General of the Ministry of Science and Technology, on the action that China would have to take in order to accede to the 1978 Act.

126. Fiji.— On October 6 the Office of the Union received a visit from Mrs. Banuve J. Kaumaitotoya, Manager, Commodity Development, and Mr. Paula

Jukei, Chief Economist, Economic Planning and Statistics Division, Ministry of Agriculture and Fisheries, and from Mr. Grant Vinning, Asian Development Bank Technical Assistance, who wished to discuss how to add value to their native biological resources.

127. India.— On April 22 the Office of the Union received a letter from Mr. Sunil Sud, Joint Secretary at the Ministry of Agriculture, announcing that the Indian Government intended to accede to the 1978 Act.

128. On August 7 the Vice Secretary-General spoke to Mr. Sunil Sud by telephone and discussed the current status of the proposal to legislate on plant variety protection.

129. Philippines.— On August 6 the Vice Secretary-General wrote to Mr. Nerius I. Roperos, Director of the Bureau of Plant Industry of the Department of Agriculture, enclosing suggestions for amendments to be made to House Bill No. 7951 and its Senate equivalent in order that both might conform to the 1991 Act.

130. On September 23, following the events organized by the Asia and Pacific Seed Association (APSA), the Vice Secretary-General met Dr. Nerius I. Roperos, other officials of the Department of Agriculture and former Congressman Socorro O. Acosta whose son, also a Congressman, was sponsoring the plant variety protection Bill currently before the Philippine Congress. Discussions took place on the amendments that would have to be made to the Bill before it conformed to the 1991 Act.

131. Democratic People's Republic of Korea.— On September 1 the Vice Secretary-General wrote to Mr. Ro Hye Suk, Chief of the Trade Information Section of the State External Economic Affairs Committee, responding to the latter's request for information on UPOV.

132. Sri Lanka.— On February 26 the Vice Secretary-General sent information to Mr. Athula Perera of the University of Peradeniya, in response to the message that the latter had sent by electronic mail to inform him that the Sri Lankan Government planned to introduce a plant variety protection system conforming to the UPOV Convention.

133. On May 12 the Vice Secretary-General corresponded with Mr. Dissanayake Mudiyansele Karunaratna, Director of the Sri Lankan Intellectual Property Office, on the subject of UPOV and the UPOV Convention.

134. On July 1 the Vice Secretary-General wrote to Mr. T.P.G.N. Leelaratne, Secretary of the Ministry of Internal and International Commerce and Food, in reply to a letter that Mr. Leelaratne had sent to him asking for assistance in the drafting of a plant variety protection law.

135. From September 17 to 19 the Vice Secretary-General visited Sri Lanka. In Colombo he met Mr. T.P.G.N. Leelaratne, Mrs. R.S. Athukorale, Additional Secretary to the same Ministry, Mr. D.N. Karunaratna and Mr. Dushyantha Perera, Assistant Registrar of Patents and Trade Marks, with whom he discussed the Sri Lankan Government's proposal to legislate on plant variety protection. Travelling to Kandy, he visited the Rice Research Institute, the Field Crops Research and Development Institute and the Horticultural Research and Development Institute, all three within the Department of Agriculture. In Kandy he met Mr. Sarath Amarasiri, Director General of the Department of Agriculture, Mr. S.D.G. Jayawardena, Director of the Horticultural Research and Development Institute, Mr. Sarath L. Weerasena, Deputy Director of Seed Certification, and Mr. O.P.K. Chandrasiri, Assistant Director of Agriculture at the Seed Certification Department. Their discussions had to do with the present status of agriculture in Sri Lanka and the potential role of plant variety protection in the future. The Vice Secretary-General then met Mr. Ranjit Kularatne, Director of the Department of Export Agriculture within the Agriculture Ministry. They spoke of the role of plant variety protection in relation to the crops for which the Department was responsible, namely for the most part internationally traded spices (tea, rubber and other estate crops being the responsibility of the Ministry for Estate Crops, which is separate from the Ministry of Agriculture).

136. Thailand.— On June 3 the Office of the Union received a visit from Mr. Sek Wannamethee, First Secretary, and Miss Quanchai Sasivanij, Third Secretary, of the Permanent Mission of Thailand in Geneva, with whom he discussed the matter of *Jasmine* rice.

137. Viet Nam.— On August 3 and 4 the Office of the Union was visited by Mr. Nguyen Thi Thanh Ha, Deputy Director, and Mr. Ta Quang Minh, Expert, from the Legislation and Management Department of the National Office of Industrial Property, who wished to learn more about systems of intellectual property protection for plants. Their visit was financed by the European Union under a specific aid project for Viet Nam.

States and Organizations of Europe and Central Asia

States in transition to market economy

138. Kyrgyzstan.— On March 24 the Vice Secretary-General received a visit from Mr. Roman O. Omorov, Director of the State Agency of Intellectual Property, who informed him that the national plant variety protection law was before Parliament.

139. Tajikistan.— On November 19 the Vice Secretary-General received a visit from Mr. Assadoulo Abdoullaev, Head of the Division of State Examination of Industrial Property, with whom he discussed developments in plant variety protection in the latter's country.

140. Turkmenistan.— On November 19 the Vice Secretary-General received a visit from Dr. Muhamed A. Eminov, Head of the Turkmenistan Patent Office, with whom he discussed developments in plant variety protection in the latter's country.

Other States and Organizations

141. Croatia.— On April 2 the Office of the Union received a visit from Mrs. Kruna Ćermak-Horbec, Expert to the Ministry of Agriculture and Forestry, and Mr. Vinko Kozumplik, Professor at the Zagreb Agriculture Faculty. Discussions took place on the national plant variety protection law.

142. On April 24 an official of the Union wrote to Mrs. Kruna Ćermak-Horbec, enclosing suggestions for the adaptation of the national law to the 1991 Act. Those suggestions were subsequently translated and sent to Mr. Vinko Kozumplik on May 11.

143. Estonia.— From December 9 to 11 an official of the Union visited Tallinn for discussions on the text of the plant variety protection law of Estonia

and its implementing regulations with Mrs. Raina Möttus, Deputy Director of the Plant Production Inspectorate, Mrs. Pille Ardel, Head of the Variety Control Department of the same Inspectorate, and Mrs. Eike Lepmets, Chief Inspector. Subsequently, at the Ministry of Agriculture, he met Mr. Ivar Sikk, Head of the Agriculture Department, Mr. Andres Oopkaup, Head of the External Relations Department, and Mr. Roland Nyman, Director General of the Plant Production Inspectorate.

144. Iceland.— On December 3, the Vice Secretary-General spoke to Mr. Thordu Ingvi Gudmundsson, Deputy Permanent Representative of Iceland to the World Trade Organization, who informed him that a draft plant variety protection law would be submitted to the Parliament of Iceland in the coming months.

145. Slovenia.— On November 27 the Vice Secretary-General sent the comments of the Office of the Union on a draft plant variety protection law to Ms. Marina Peènik, Adviser to the Minister of Agriculture.

146. European Community.— On March 16 the Office of the Union received a visit from Mr. Gerasimos Apostalatos, Principal Administrator at the Commission of the European Communities, Mrs. Linda Brown, Senior Environment Adviser to the Department for International Development of the United Kingdom, Mrs. Sue Buckenham, Head of the Plant Genetic Resources Branch at the Ministry of Agriculture, Fisheries and Food of the United Kingdom, and Mr. Peter A. Vermeij, Deputy Director of the Department of Agriculture of the Ministry of Agriculture, Environment and Fisheries of the Netherlands; views were exchanged on various issues concerning the interaction between plant variety protection and plant genetic resources.

147. Community Plant Variety Office (CPVO).— On May 18 the Vice Secretary-General took part in a conference entitled "Community Plant Variety Rights, the European Approach," which was organized by the CPVO in Angers (France). He gave a lecture on plant variety protection under the 1991 UPOV Convention.

148. On December 17 the Vice Secretary-General participated in an observer capacity in a meeting of the Administrative Council of the CPVO.

VII. RELATIONS WITH INTERNATIONAL ORGANIZATIONS

Governmental and semi-governmental organizations

149. World Intellectual Property Organization (WIPO).— On June 16 an official of the Union gave a lecture on plant variety protection for the benefit of countries of Asia and the Pacific at the WIPO Worldwide Academy.

150. On July 17 an official of the Union gave a lecture for policy-level officials at the WIPO Worldwide Academy.

151. On November 11 the Vice Secretary-General and an official of the Union conducted an information meeting in Geneva for representatives of the member States of the Andean Community of Nations.

152. On November 26 the Vice Secretary-General lectured at a session of the WIPO Worldwide Academy for Arab countries.

153. United Nations Food and Agriculture Organization (FAO).— On May 27 the Vice Secretary-General received a visit from Mr. Umberto G. Minini, Chief of the Seed and Plant Genetic Resources Service of FAO. They discussed cooperation in the organization of a series of regional meetings.

154. From June 8 to 12 an official of the Union took part in the fourth extraordinary session of the Commission on Genetic Resources for Food and Agriculture, at which the revision of the International Undertaking on Genetic Resources for Food and Agriculture was discussed.

155. On November 16 the Vice Secretary-General and an official of the Union conducted a seminar for staff of FAO and of the International Plant Genetic Resources Institute (IPGRI). The seminar took place on the premises of FAO in Rome, and was opened by Mr. Abdoulaye Sawadogo, Assistant Director General, responsible for the Agriculture Department of FAO. Participants included Mr. Geoffrey Hawtin, Director General, and Mr. Masa Iwanaga, Deputy Director, of IPGRI, Mr. Gerald Moore, Legal Counsel of FAO, Mrs. María José Timmerman, Director, Sustainable Development Department, Mr. José Esquinas-Alcázar,

Secretary, Commission on Genetic Resources for Food and Agriculture, and Mr. Umberto Menini. A total of some 30 individuals participated.

156. On November 17 the Vice Secretary-General and an official of the Union had a meeting with Mr. Gerald Moore, Mr. Luis M. Bombín, Assistant Legal Counsellor, and members of their staff, and also with Mr. José Esquinas-Alcázar and some of his staff.

157. From November 23 to 28 an official of the Union officiated at a meeting on policies and seed programs in Sub-Saharan Africa organized by FAO in Abidjan (Côte-d'Ivoire).

158. World Trade Organization (WTO).— On December 2 the Vice Secretary-General attended a session of the TRIPS Council at which the review of the provisions of Article 27.3(b) of the TRIPS Agreement was discussed.

159. Consultative Group on International Agricultural Research (CGIAR).— On March 4 the Secretary-General wrote to Mr. Ismail Serageldin, Chairman of CGIAR and Vice-President of the World Bank (Environment and Sustainable Development), on the subject of a CGIAR press release calling for a moratorium on the grant of intellectual property titles for certain plant germplasm.

Non-governmental organizations

160. International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) and Fleuroselect.— On May 13 the Vice Secretary-General received a visit from Mr. Patrick Heffer, Assistant Secretary-General of ASSINSEL, with whom he discussed the subject of genetic resources. They then had lunch with Mr. Marcel Bartels, Executive Director of Fleuroselect, to discuss the testing of seed-reproduced ornamental varieties.

161. ASSINSEL and the International Federation of the Seed Trade (FIS).— From May 31 to June 5 the Vice Secretary-General took part in the World Congresses of ASSINSEL and FIS. At the ASSINSEL Congress he gave a brief report on developments within UPOV and an introductory

paper on the concept of farm-saved seed in relation to the UPOV Convention.

162. Asia and Pacific Seed Association (APSA).—

On September 21 and 22 the Vice Secretary-General took part in a workshop on plant patents organized by APSA in Manila (Philippines). On the morning of September 23 he gave a welcoming address at the opening ceremony of *Asian Seed '98*, the Annual Congress of APSA.

163. Fleuroselect.— On July 31 and August 1 the

Vice Secretary-General took part in the Annual Convention of Fleuroselect and in the Annual General Meeting of its members, which were held in Berne (Switzerland).

164. Panamerican Seed Seminars.— On October

19 an official of the Union chaired the session on intellectual property rights and presented a paper on plant variety protection in Latin America at the XVI Panamerican Seed Seminar held in Buenos Aires (Argentina). The Vice Secretary-General

presented a paper on the general nature of protection under the UPOV Convention at the same session. During the seminar he had discussions with Mr. Joseph E. Cortes, Coordinator, International Seed Program, Seed Science Center, Iowa State University, concerning possible cooperation with the Regional International Organization for Plant and Animal Health (*Organismo Internacional Regional de Sanidad Agropecuaria (OIRSA)*) in the organization, with World Bank funding, of a series of seminars for Central American States on the introduction of plant variety protection systems. Discussions also took place with Mrs. Adelaida Harries, President of the National Seed Institute of Argentina (INASE), concerning a seminar to be organized by INASE in cooperation with UPOV in Buenos Aires in 1999 on the subject of the 1991 Act.

165. Latin American Federation of Seed Producers Associations (FELAS).— On October 21, the Vice Secretary-General attended the Annual General Meeting of the *Federación Latinoamericana de Asociaciones de Semillistas*.

VIII. OTHER EXTERNAL RELATIONS ACTIVITIES

166. On January 28 the Vice Secretary-General wrote to Mr. Bruce M. Bedford, Deputy Managing Director of Agricultural Biotechnology for Sustainable Productivity (ABSP), headquartered at Michigan State University (United States of America), concerning a proposed regional workshop on intellectual property and plants, which was to take place in Nairobi in March 1998.

167. On March 20 an official of the Union took part as an expert in a roundtable entitled “TRIPS and Biodiversity: towards the 1999 Review,” organized by the International Center for Trade and Sustainable Development (ICTSD) in Geneva.

168. On April 28 the Office of the Union held a press conference at the Palais des Nations in Geneva on the entry into force of the 1991 Act.

169. On May 14 the Vice Secretary-General took part in an Internet think tank on intellectual property for plants, jointly organized by the World Bank and the World Trade Organization (WTO).

170. On May 19 the Vice Secretary-General received a visit from Mr. Brewster Grace, representative of the Society of Friends of Geneva, and Mr. Patrick Mulwany of the Intermediate Technology Development Group. They discussed various aspects of the interrelationship between certain biodiversity issues and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

171. On June 15 an official of the Union gave a lecture on plant variety protection in a course on intellectual property organized by the Federal Institute of Technology of Zurich (Switzerland).

172. On July 13 the Vice Secretary-General received a visit from Mr. Ivan I. Kuzmin, President of the Interstate Industrial and Scientific Seed-Growing Association (SIMANA) of the Russian Federation.

173. On July 16 the Vice Secretary-General took part in a meeting in Paris of the Organizing Committee of the World Seed Conference, which will be held in 1999.

174. The Vice Secretary-General and an official of the Union took part in the sessions of the Third International Symposium on the Taxonomy of Cultivated Plants, which was held in Edinburgh (United Kingdom) from July 20 to 24. The Vice Secretary-General presided over a session on intellectual property rights and plants; the official of the Union and an official of the International Bureau of WIPO gave presentations.

175. On August 12 the Vice Secretary-General received a visit from Mr. Anatole F. Krattiger, Executive Director of the International Service for the Acquisition of Agri-Biotech Applications (ISAAA), and Mr. H. Walter Haeussler, President of Cornell Research Foundation, Inc. and adviser to ISAAA on technology transfer issues.

176. On October 12 the Vice Secretary-General participated in a Colloquium in Paris on the Protection and Exploitation of Biotechnological Inventions

organized by the Henri-Desbois Intellectual Property Research Institute (IRPI) and the Trier European Law Academy (ERA). He presented a paper on the relationship between the patent and plant variety rights systems and compulsory licensing.

177. On October 13 the Vice Secretary-General participated in a meeting of the Organizing Committee of the World Seed Conference 1999, held in the Council Chamber of the National Institute of Agricultural Botany in Cambridge (United Kingdom).

178. On October 30, the Vice Secretary-General received a visit from Mr. Edwin H. Baker, Counsel to the Regents of the University of California (United States of America).

179. On November 30 the Vice Secretary-General participated in a workshop on TRIPS and the Patenting of Plants sponsored by the South Centre Pilot Project on WTO and the Institute for Agriculture and Trade Policy (IATP), which was held in the Palais des Nations in Geneva.

IX. PUBLICATIONS

180. The Office of the Union published:

- (a) updated editions, each time there was an 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;
- (b) one issue of the periodical *Plant Variety Protection*;
- (c) one supplement to Part I of the collection Important Texts and Documents in English, French, German and Spanish;
- (d) six updated discs in the series constituting the UPOV central database (*UPOV-ROM Plant Variety Database*).

STATES PARTY TO THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

UPOV Convention (1961), as revised at Geneva (1972, 1978 and 1991)
Status on June 29, 1999

State	Date on which State became member of UPOV	Number of contribution units	Latest Act ¹ of the Convention to which State is party and date on which State became party to that Act
Argentina	December 25, 1994	0.5	1978 Act..... December 25, 1994
Australia	March 1, 1989	1.0	1978 Act..... March 1, 1989
Austria	July 14, 1994	1.5	1978 Act..... July 14, 1994
Belgium ²	December 5, 1976	1.5	1961/1972 Act..... December 5, 1976
Bolivia	May 21, 1999	0.2	1978 Act..... May 21, 1999
Brazil	May 23, 1999	0.25	1978 Act..... May 23, 1999
Bulgaria	April 24, 1998	0.2	1991 Act..... April 24, 1998
Canada	March 4, 1991	1.0	1978 Act..... March 4, 1991
Chile	January 5, 1996	0.2	1978 Act..... January 5, 1996
China	April 23, 1999	0.5	1978 Act ³ April 23, 1999
Colombia	September 13, 1996	0.2	1978 Act..... September 13, 1996
Czech Republic	January 1, 1993	0.5	1978 Act..... January 1, 1993
Denmark ⁴	October 6, 1968	1.5	1991 Act..... April 24, 1998
Ecuador	August 8, 1997	0.2	1978 Act..... August 8, 1997
Finland	April 16, 1993	1.0	1978 Act..... April 16, 1993
France ⁵	October 3, 1971	5.0	1978 Act..... March 17, 1983
Germany	August 10, 1968	5.0	1991 Act..... July 25, 1998
Hungary	April 16, 1983	0.5	1978 Act..... April 16, 1983
Ireland	November 8, 1981	1.0	1978 Act..... November 8, 1981
Israel	December 12, 1979	0.5	1991 Act..... April 24, 1998
Italy	July 1, 1977	2.0	1978 Act..... May 28, 1986
Japan	September 3, 1982	5.0	1991 Act..... December 24, 1998
Kenya	May 13, 1999	0.2	1978 Act..... May 13, 1999
Mexico	August 9, 1997	0.75	1978 Act..... August 9, 1997
Netherlands	August 10, 1968	3.0	1991 Act ⁶ April 24, 1998
New Zealand	November 8, 1981	1.0	1978 Act..... November 8, 1981
Norway	September 13, 1993	1.0	1978 Act..... September 13, 1993
Panama	May 23, 1999	0.2	1978 Act..... May 23, 1999
Paraguay	February 8, 1997	0.2	1978 Act..... February 8, 1997
Poland	November 11, 1989	0.5	1978 Act..... November 11, 1989
Portugal	October 14, 1995	0.5	1978 Act..... October 14, 1995
Republic of Moldova	October 28, 1998	0.2	1991 Act..... October 28, 1998
Russian Federation	April 24, 1998	0.5	1991 Act..... April 24, 1998
Slovakia	January 1, 1993	0.5	1978 Act..... January 1, 1993
Slovenia	July 29, 1999	0.2	1991 Act..... July 29, 1999
South Africa	November 6, 1977	1.0	1978 Act..... November 8, 1981
Spain ⁷	May 18, 1980	1.5	1961/1972 Act..... May 18, 1980
Sweden	December 17, 1971	1.5	1991 Act..... April 24, 1998
Switzerland	July 10, 1977	1.5	1978 Act..... November 8, 1981
Trinidad and Tobago	January 30, 1998	0.2	1978 Act..... January 30, 1998
Ukraine	November 3, 1995	0.5	1978 Act..... November 3, 1995
United Kingdom	August 10, 1968	5.0	1991 Act..... January 3, 1999
United States of America	November 8, 1981	5.0	1991 Act ⁸ February 22, 1999
Uruguay	November 13, 1994	0.2	1978 Act..... November 13, 1994

(Total: 44 States)

¹ "1961/1972 Act" means the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as amended by the Additional Act of November 10, 1972; "1978 Act" means the Act of October 23, 1978, of the Convention; "1991 Act" means the Act of March 19, 1991, of the Convention.

² With a notification under Article 34(2) of the 1978 Act.

³ With a declaration that the 1978 Act is not applicable to the Hong Kong Special Administrative Region.

⁴ With a declaration that the Convention of 1961, the Additional Act of 1972 the 1978 Act and the 1991 Act are not applicable to Greenland and the Faroe Islands.

⁵ With a declaration that the 1978 Act applies to the territory of the French Republic, including the Overseas Departments and Territories.

⁶ Ratification for the Kingdom in Europe.

⁷ With a declaration that the Convention of 1961 and the Additional Act of 1972 apply to the entire territory of Spain.

⁸ With a reservation pursuant to Article 35(2) of the 1991 Act.

MEMBER STATES

MODIFICATION OF FEES

SWEDEN

By virtue of Regulation SFS 1996:153, the annual maintenance fees were amended with effect from January 1, 1997. The main fees are now as follows (in Swedish Crowns):

Item	Amount
1. Application fee	
- where examination is ordered by the National Plant Variety Board and performed	
- Sweden	2 000
- in another UPOV member State	2 500
- where an examination report is purchased from an examination, which is in progress or has been performed in another UPOV member State	2 500
2. Annual fee	
- if paid on due date	2 000
- if paid within six months from due date	2 500
- if the variety also is granted European Community Plant Variety Rights	50% of the above fee
3. New entries into the Variety Register	200
4. Administrative fee for forwarding an application for European Community Plant Variety Rights	300
5. Examination fee	
- examination of agricultural species in Sweden (Regulation SJVFS 1995:130)	6 900
- examination in another UPOV member State	Fee charged by this State
- purchase of examination report (to be paid by the applicant)	Corresponding to 350 CHF

NEW ZEALAND

By virtue of Plant Variety Rights (Fees) Order 1999 of May 31, 1999, pursuant to section 38 of the Plant Variety Rights Act 1987, the annual maintenance fees were amended with effect from July 1, 1999. The main fees are now as follows (in New Zealand dollars):

FEES PAYABLE UNDER PLANT VARIETY RIGHTS ACT 1987 (EXCLUDING GST)

Item	Herbage, agricultural crops, vegetables, fungi	Fruit or nut plants	Other plants
	Fee (\$)	Fee (\$)	Fee (\$)
Application for grant	500	500	350
Examination of date (including any material supplied by applicant)	600	300	230
Test trial by Plant Variety Rights Office – grasses, white clover (per year)	3,200	-	-
wheat, barley, oats, garden peas, forage, brassicas (per year)	2,300	-	-
potatoes - first year	1,600	-	-
each later year	500	-	-
Annual grant fee	160	160	160
Request under section 21(1) of the Act (compulsory licences and sales)	600	600	600

SOUTH AFRICA

By virtue of Government Gazette No. R.1285 of October 16, 1998, the fees were amended with immediate effect. The main fees are now as follows (in South African Rand):

No.	Purpose	Amount
1.	An application for the grant of plant breeder's	R565,00 each
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	R126,00 each
3.	An object to the grant of a plant breeder's right	R126,00 each
4.	Examination fee for a plant breeder's right: Category A (Agronomic, vegetable, pasture crops and annual ornamentals)	R1045,00 each
5.	Examination fee for a plant breeder's right: Category B (Fruit, vines, citrus and perennial ornamentals)	R1485,00 each
6.	Provision of results of tests and trials undertaken by the registrar, to the appropriate authority in a convention country or an agreement country	R1509,00 each
7.	Annual fee for a plant breeder's right	R132,00 each
8.	An application for the issue of a compulsory licence in respect of a plant breeder's right	R254,00 each
9.	Notice of the transfer of a plant breeder's right	R363,00 each
10.	An application for the alteration or supplementation of the denomination approved for a variety	R3300,000 each
11.	An objection against the intended approval of an alteration or supplementation of the denomination approved for a variety	R126,00 each
12.	An objection against the intended termination of a plant breeder's right	R126,00 each
13.	A notice of voluntary surrender of a plant breeder's right	R126,00 each
14.	Inspection of the register of plant breeder's right	Free
15.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right	R66,00 per occasion
16.	A certificate of any particulars in the register or of a document in connection with an application for the grant of a plant breeder's right	R66,00 per certificate
17.	A copy of any particulars in the register or of a document submitted to the registrar in connection with the application for the grant of a plant breeder's right.	R4,40 per page
18.	Submission of appeal against any decision or action taken by the registrar in terms of the Act	R550,00 each

**ADDRESSES OF PLANT VARIETY PROTECTION OFFICES IN
UPOV MEMBER STATES****ARGENTINA**

Instituto Nacional de Semillas (INASE)
Secretaría de Agricultura, Ganadería y Pesca
Ministerio de Economía y Obras
y Servicios Públicos
Avda. Paseo Colón 922 - 3. Piso
1063 Buenos Aires
Tel. (54-11) 4349 24 97
Fax. (54-11) 4349 24 17
e-mail: inase@sagyp.mecon.ar

AUSTRALIA

Registrar
Plant Breeders' Rights Office
P.O. Box 858
Canberra, A.C.T. 2601
Tel. (61-2) 6272 3888
Telex 61 289
Fax. (61-2) 6272 36 50
website: www.daff.gov.au/agfor/pbr/pbr.html

AUSTRIA

Bundesamt und Forschungszentrum für
Landwirtschaft
Sortenschutzamt
Postfach 400
Spargelfeldstrasse 191
A-1226 Wien
Tel. (43-1) 732 16 40 00
Fax. (43-1) 732 16 42 11

BELGIUM

Ministère des classes moyennes et de
l'agriculture
Service de la protection des obtentions
végétales et des catalogues nationaux
Tour WTC/3 - 6ème étage
Avenue Simon Bolivar 30
B-1000 Bruxelles
Tel. (32-2) 208 37 28, 208 37 22
Fax. (32-2) 208 37 05

BOLIVIA

Dirección Nacional de Semillas
Secretaría Nacional de Agricultura y Ganadería
Avda. 6 de Agosto 2006, Edif. V. Centenario
Casilla 4793
La Paz
Tel. (591-2) 391 953 / 391 608
Fax. (591-2) 391 953 / 391 608
e-mail: semillas@mail.entelnet.bo

BRAZIL

Serviço Nacional de Proteção de Cultivares –
SNPC
(*National Plant Varieties Protection Service*)
Secretaria de Desenvolvimento Rural - SDR
Ministério da Agricultura e do Abastecimento
Esplanada dos Ministérios, Bloco D, Anexo A,
Térreo, sala 1-12
CEP 70043-900, Brasília, DF
Tel. (55-61) 218-2433 / 2163 / 2557 /
2549 / 218 24 13
Fax. (55-61) 224 28 42 / 224 5647
e-mail: snpc@agricultura.gov.br

BULGARIA

Patent Office of the Republic of Bulgaria
52 B, Dr. G.M. Dimitrov Blvd.
BG-1113 Sofia
Tel. (359-2) 710 152, 717 044
Fax. (359-2) 708 325

CANADA

Plant Breeders' Rights Office
Canadian Food Inspection Agency (CFIA)
3rd Floor, East Court
Camelot Court
59 Camelot Drive
Nepean, Ontario K1A 0Y9
Tel. (1-613) 225-2342
Fax. (1-613) 228-6629

CHILE

Ministerio de Agricultura
Servicio Agrícola y Ganadero
Departamento de Semillas
Casilla 1167-21
Santiago de Chile
Tel. (56-2) 696 29 96, 698 22 44
Fax. (56-2) 696 64 80

CHINA

The Office for the Protection of New
Varieties of Plants
Ministry of Agriculture
11, Nong Zhan Guan Nan Li
Beijing 100026
Tel. (86-10) 641 930 29 / 641 916 77
Fax. (86-10) 641 930 82 / 641 916 78
e-mail: cnpvp@agri.gov.cn

Department of Science and Technology
Office for the Protection of New Varieties
of Forest Plants
State Forestry Administration
Hepingli
Beijing 100714
Tel. (86-10) 642 14 714
Fax. (86-10) 642 13 084 / 642 14 904
e-mail: lybpxz@ihw.com.cn
lyjxpx@public.east.cn.net

COLOMBIA

Instituto Colombiano Agropecuario (ICA)
División de Semillas
Calle 37 No. 8-43
Santa Fe de Bogotá
Tel. (57-1) 232 4697, 232 8643
Fax. (57-1) 232 4695
e-mail: semilla@impsat.net.co

CZECH REPUBLIC

Ministry of Agriculture
Department of European Integration
Tešnov 17
117 05 Prague 1
Tel. (420-2) 2181 2474
Fax. (420-2) 2181 2970

DENMARK

Plantenyhedsnaevnet
(*The Danish Institute of Plant and Soil
Science*)
Teglvaerksvej 10
Tystofte
DK-4230 Skaelskoer
Tel. (45) 5359 6141
Fax. (45) 5359 0166

ECUADOR

Instituto Ecuatoriano de la Propiedad Intelectual
Dirección Nacional de Obtenciones Vegetales
Eloy Alfaro y Amazonas
Edificio MAG, 3^{er} piso
Quito
Tel. (593-2) 566 686 / 541 852
Fax. (593-2) 562 258
E-mail: sectagro@impsat.net.ec

FINLAND

Plant Variety Board
Plant Variety Rights Office
Box 232
00171 Helsinki
Tel. (358-9) 160 3316
Fax. (358-9) 160 2443

FRANCE

Comité de la protection des obtentions
végétales
11, rue Jean Nicot
F-75007 Paris
Tel. (33-1) 42 75 93 14
Telex 250 648
Fax. (33-1) 42 75 94 25

GERMANYPostanschrift:

Bundessortenamt
Postfach 61 04 40
D-30604 Hannover

Hausanschrift:

Bundessortenamt
Osterfelddamm 80
D-30627 Hannover
Tel. (49-511) 95 66-5
Telex 921 109 bsaha d
Fax. (49-511) 56 33 62

HUNGARY

Hungarian Patent Office
Magyar Szabadalmi Hivatal
Garibaldi-u.2 - B.P. 552
H-1370 Budapest
Tel. (36-1) 312 44 00
Telex 224 700 oth h
Fax. (36-1) 311 48 41, 331 25 96

IRELAND

Controller of Plant Breeders' Rights
Department of Agriculture and Food
Backweston
Leixlip
Co. Kildare
Tel. (353) 1-628 0608
Fax. (353) 1-628 0634
E-mail: backwest@indigo.ie

ISRAEL

Plant Breeders' Rights Council
The Volcani Center
P.O. Box 6
Bet-Dagan 50 250
Tel. (972-3) 968 36 69
Telex 381 476 arovc il
Fax. (972-3) 968 34 92
E-mail: ilpbr_tu@netvision.net.il

ITALY

Ufficio Italiano Brevetti e Marchi
Ministère dell'Industria, del Commercio
e dell'Artigianato
19, via Molise
I-00187 Roma
Tel. (39-06) 47 05 1, 488 43 54 (Div. IV)
Fax. (39-06) 47 05 30 35

JAPAN

Seeds and Seedlings Division
Agricultural Production Bureau
Ministry of Agriculture, Forestry and Fisheries
1-2-1 Kasumigaseki - Chiyoda-ku
Tokyo 100
Tel. (81-3) 35 91 05 24
Fax. (81-3) 35 02 65 72

KENYA

Plant Breeders' Rights Office
Kenya Plant Health Inspectorate Service
(KEPHIS)
Headquarters
Waiyaki Way
P.O. Box 49592
Nairobi
Tel (254-2) 44 40 29 / 44 40 31
Fax (254-2) 44 89 40 / 44 00 87
e-mail kephis@nbnet.co.ke

MEXICO

Servicio Nacional de Inspección y
Certificación de Semillas – SNICS
Secretaría de Agricultura, Ganadería y
Desarrollo Rural
Lope de Vega 125-8 , 2 piso
Col. Chapultepec Morales
11570 México, D.F.
Tel. (52-5) 203 9427, 203 9667
Fax. (52-5) 250 6483

NETHERLANDSPostal address:

Raad voor het Kwekersrecht
(Board for Plant Breeders' Rights)
Postbus 104
NL-6700 AC Wageningen

Visitors' address:

Marijkeweg 24
NL-6709 PG Wageningen
Tel. (31-317) 47 80 90
Telex 75 180 rikilt
Fax. (31-317) 42 58 67

NEW ZEALAND

Commissioner of Plant Variety Rights
Plant Variety Rights Office
P.O. Box 130
Lincoln
Canterbury
Tel. (64-3) 325 63 55
Fax. (64-3) 325 29 46

NORWAY

Plantesortsnemnda
(The Plant Variety Board)
Frøkontrollen
N-1432 Ås
Tel. (47) 64 94 75 04
Fax. (47) 64 94 02 08

PANAMA

Dirección General del Registro
de la Propiedad Industrial (DIGERPI)
Ministerio de Comercio e Industrias
Apartado 9658 - Zona 4
Panamá 4
Tel (507) 227 39 87 / 227 25 35
Fax (507) 227 21 39 / 275 604
e-mail: digerpi@sinfo.net

PARAGUAY

Ministerio de Agricultura y Ganadería
Dirección de Semillas (DISE)
Gaspar R. de Francia No. 685
c/ Mcal. Estigarribia
San Lorenzo
Tel. (595) 21 58 22 01
Fax. (595) 21 58 46 45

POLAND

Research Center for Cultivar Testing
(COBORU)
63-022 Slupia Wielka
Tel. (48-61) 285 23 41
Fax. (48-61) 285 35 58
e-mail: coboru@bptnet.pl

PORTUGAL

Centro Nacional de Registo de Variedades
Protegidas (CENARVE)
Edificio II da DGPC
Tapada da Ajuda
P-1300 Lisboa
Tel. (351-1) 362 16 07, 363 36 01/02
Fax. (351-1) 362 16 06
e-mail: ed2.tapada@dgpc.mailpac.pt

REPUBLIC OF MOLDOVA

State Commission for Crops Variety Testing
and Registration
Ministry of Agriculture
Bul. Stefan cel Mare 162
C.P. 1873
2004 Chisinau
Tel. (373-2) 24 62 22
Fax. (373-2) 24 69 21

RUSSIAN FEDERATION

State Commission of the Russian Federation
for Selection Achievements Test
and Protection
Orlicov per., 3a
107139 Moscow
Tel. (7-095) 204 49 26, 204 42 97
Fax. (7-095) 207 86 26
e-mail: desel@agro.aris.ru

SLOVAKIA

Ministry of Agriculture
Dobrovicova 12
812 66 Bratislava
Tel. (421-7) 306 62 90
Fax. (421-7) 306 62 94

SLOVENIA

Ministrstvo za kmetijstvo, gozdarstvo in prehrano
(MKGP)
Urad RS za varstvo in registracijo sort rastlin
(*Plant Variety Protection and Registration
Office*)
Parmova 33
1000 Ljubljana
Tel. (386-61) 136 33 44 / 136 34 82
Fax. (386-61) 136 33 12
e-mail: UVRSR@gov.si

SOUTH AFRICA

National Department of Agriculture
Directorate: Genetic Resources
Private Bag X 973
Pretoria 0001
Tel. (27-12) 319 72 02
Fax. (27-12) 319 72 79

SPAIN

Oficina Española de Variedades Vegetales
(OEVV)
Instituto Nacional de Investigación y Tecnología
Agraria y Alimentaria
Ministerio de Agricultura, Pesca y Alimentación
José Abascal, 4-7ª pl.
E-28003 Madrid
Tel. (34-91) 347 66 00
Telex 47 698 insm e
Fax. (34-91) 594 27 68

SWEDEN

Postal address:
Statens växtsortnämnd
Box 1247
S-171 24 Solna

Visitors' address:

Sundbybergsvägen 9
S-171 73 Solna
Tel. (46-8) 783 12 60, 783 12 61
Fax. (46-8) 83 31 70

SWITZERLAND

Bundesamt für Landwirtschaft
Büro für Sortenschutz
Mattenhofstr. 5
CH-3003 Bern
Tel. (41-31) 322 25 24
Telex 913 162
Fax. (41-31) 322 26 34

TRINIDAD AND TOBAGO

Controller (Ag)
Intellectual Property Office
Ministry of Legal Affairs
34 Frederick Street
Port of Spain
Tel. (1-868) 625 9972, 627 95 67
Fax. (1-868) 624 1221
E-mail: Controller.IPOffice@opus.co.tt

UKRAINE

State Patent Office of Ukraine
8 Lvov Square
254655 Kiev 53, GSP-655
Tel. (880-44) 212 50 82
Fax. (880-44) 212 34 49

UNITED KINGDOM

The Plant Variety Rights Office
White House Lane
Huntingdon Road
Cambridge CB3 0LF
Tel. (44-1223) 34 23 81
Telex 817 422 pvscam g
Fax. (44-1223) 34 23 86

UNITED STATES OF AMERICA

The Commissioner of Patents and Trademarks
Patent and Trademark Office
Box 4
Washington, D.C. 20231
Tel. (1-703) 305 93 00
Telex 710 955 06 71
Fax. (1-703) 305 88 85

The Commissioner
Plant Variety Protection Office
Agricultural Marketing Service
Department of Agriculture
Beltsville, Maryland 20705-2351
Tel. (1-301) 504 55 18
Fax. (1-301) 504 52 91

URUGUAY

Ministerio de Ganadería, Agricultura y Pesca
Dirección General – Servicios Agrícolas
Unidad de Semillas
Avda. Millán 4703
12.900 Montevideo
Tel. (598-2) 309 79 24, 309 78 32
Fax. (598-2) 39 60 53
E-mail: inasepre@adinet.com.uy

Not yet member of UPOV:

EUROPEAN UNION

Postal address:
Community Plant Variety Office
P.O. Box 2141
F-49021 Angers Cedex 02
France

Visitors' address:
Les Plateaux du Maine
45, avenue de Greeille
F-49004 Angers
France
Tel. (33-2) 41 36 84 50
Fax. (33-2) 41 36 84 60

LEGISLATION

TRINIDAD AND TOBAGO

THE PROTECTION OF NEW PLANT VARIETIES ACT, 1997^{1,2}

Act No. 7 of 1997

AN ACT to provide for the protection of new varieties of plants and for matters incidental thereto.

Enacted by the Parliament of Trinidad and Tobago as follows:-

PART I

PRELIMINARY

Section 1

This Act may be cited as the Protection of New Plant Varieties Act, 1997.

Section 2

Interpretation and administration

(1) For the purposes of this Act-

“applicant” means the person who has filed an application for the grant of a breeder’s right;

“Authority of a Contracting Party” means the Authority entrusted with the implementation of the law on the protection of new varieties of plants for that Party;

“breeder” means the person who has bred, or discovered and developed, a variety;

“Contracting Party” means a State other than Trinidad and Tobago or intergovernmental organization party to the Convention;

“Controller” means the Controller of the Intellectual Property Office appointed under section 3(2) of the Patents Act, 1996³;

“Convention” means the International Convention for the Protection of New Varieties of Plants 1978 and 1991;

“Court” means the High Court established by the Supreme Court of Judicature Act⁴;

“holder” means the holder of a breeder’s right;

“Minister” means the Minister to whom responsibility for Legal Affairs is assigned;

“Office” means the Intellectual Property Office established under section 3(1) of the Patents Act, 1996;

“periodical” includes the Gazette, daily newspapers circulating in Trinidad and Tobago or other publication issued by the Intellectual Property Office;

“protected variety” means any variety that is the subject of a breeder’s right;

“Register” means the book, file, document or other instrument in which certain facts are required to be recorded in accordance with section 47;

“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 –

- (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
- (b) distinguished from any other plant grouping by the expression of at least one of the said characteristics; and
- (c) considered as a unit with regard to its suitability for being propagated unchanged.

(2) For the purposes of this Act, the Office shall be responsible for all matters concerning the administration of this Act.

PART II

PLANT BREEDER’S RIGHTS

Section 3

The breeder’s rights

Subject to this section and any other formal requirements of this Act, a right to be known as a plant breeder’s rights shall be granted in respect of plant varieties of those genera or species listed in the Schedule, where the variety is-

¹ Published in Legal Supplement Part A to the “Trinidad and Tobago Gazette” Vol. 36, No. 75, 23 rd April, 1997

² Assented to 21st April, 1997

³ Act No. 21 of 1996

⁴ Chap. 4:01

- (a) new;
- (b) distinct;
- (c) homogenous;
- (d) stable; and
- (e) given a variety denomination which is acceptable for registration in accordance with section 23.

Section 4

Novelty

(1) Subject to subsections (2) and (3), a variety shall be considered new, where the variety itself has not been offered for sale or marketed with the approval of the breeder or his successor in title-

- (a) in Trinidad and Tobago, for longer than one year before the date on which protection is applied from under this Act; and
- (b) abroad for longer than four years, before the effective national filing date.

(2) In the case of vines, forest trees, fruit trees and ornamental trees, including their root stocks, the fact that the variety itself may have been offered for sale or marketed abroad for up to six years before the effective national filing date, shall not be considered detrimental to its novelty.

(3) It shall not be considered detrimental to the novelty of a variety if that variety has been offered for sale or marketed in the country with the approval of its breeder or his successor in title, for up to four years prior to the inclusion of the genus or species to which the variety, belongs in the List of Genera and Species published pursuant to section 8 and for a maximum of six months after such inclusion where the application is filed within that six month period.

Section 5

Distinctness

(1) The variety is 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 or where relevant, at the priority date identified under section 21.

(2) Common knowledge may be established by reference to various factors such as the exploitation of the variety already in progress, grant of a breeder's right in the variety, entry of the variety in a catalogue of varieties admitted to trade or entry in the register of varieties kept by a recognized professional association, or inclusion of the variety in a reference collection.

(3) The filing, in any state, of an application for a breeder's right, or for entry in a catalogue of varieties admitted to trade, shall be deemed to render the variety being the subject of the application a matter of common knowledge from the date of the application, provided that the application leads to the grant of the plant breeder's right or the entry in the catalogue, as the case may be.

Section 6

Homogeneity

The variety shall be considered homogeneous if its plants show the same expression of the characteristics, subject to the variation which may be expected in view of the particular features of its sexual reproduction, or vegetative propagation.

Section 7

Stability

The variety is 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.

Section 8

List of Genera and Species to which this Act applies

(1) The Minister may by Order, subject to subsection (2), publish a list of those genera and species to which this Act applies and may also amend such list by adding new genera or species to it, modifying the names of the genera or species already published or by deleting such names, with effect from any prospective date specified in the Order.

(2) In compiling the list of genera or species, the Minister may exclude all varieties of that genus or species which are not characterised by a particular manner of reproduction or multiplication or by a certain end-use.

(3) Where a genus or species is deleted from the list of genera and species to which this Act applies with effect from a given date, the deletion shall not affect the rights of applicants who have filed applications for the protection of varieties of that genus or species before that date.

PART III

ENTITLEMENT TO PROTECTION

Section 9

Right to apply protection

(1) Subject to this Part, the breeder of the variety or his successor in title is entitled to apply for protection under this Act.

(2) The breeder or his successor in title may be a natural or a legal person.

(3) Where two or more persons have bred, or discovered and developed, a variety jointly, entitlement to protection shall vest in them jointly, and subject to any agreement to the contrary between the joint breeders, their shares in the property of the breeder's rights shall be equal.

(4) Where a variety has been bred, or discovered and developed, by several persons independently of each other, the entitlement to apply for the grant of the breeder's right belongs to the person who has first applied for protection or filed an application with an earlier priority date at the Office.

(5) Where a variety has been bred or discovered and developed, in execution of a commission or an employment contract, the entitlement to apply for protection shall belong in the absence of contractual provisions to the contrary, to the person who commissioned the work or to the employer.

Section 10

Presumption of title

The applicant shall be considered entitled to protection, in the absence of proof to the contrary, but where the application is made by a successor in title, it shall be accompanied by sufficient proof of succession.

Section 11

Application by person other than owner

(1) Where an application is filed by a person who is not entitled to protection, the person entitled, may bring action before the Court for the assignment of the application to him or if the application is already granted, for the assignment of the plant breeder's right.

(2) The action shall be statute barred after five years from publication of the grant of the plant breeder's right, save that action brought against a defendant who has acted in bad faith shall not be subject to any limitation period.

Section 12

Persons entitled to file applications

(1) An application for the grant of a plant breeder's right may be filed by the owner of the variety who is a –

- (a) national or resident of Trinidad and Tobago;
- (b) national or resident of a Contracting Party;
- (c) national or resident of any State which, without being a Contracting Party grants reciprocity of treatment to Trinidad and Tobago.

(2) For the purposes of subsection (1)(b), "national" means where the Contracting Party is a State, the nationals of that State and where the contracting Party is an intergovernmental organization, the nationals of the States that are members of that organization.

(3) Any person having neither residence nor registered office in Trinidad and Tobago may be party to an action instituted pursuant to this Act and assert rights deriving therefrom only if he has an agent resident or with an office in the country.

(4) The Agent shall be given the power to act on his principal's behalf before the office and in legal proceedings relating to the protection of new varieties of plant.

(5) For the purpose of instituting legal proceedings by or against any person represented in the manner defined in subsection (3), the place which the Office identifies as the address of the representative, or where there are several representatives, the address of the main representative, or representative

first designated, is deemed to be the place where the right in the variety is located.

PART IV

ASSIGNMENT AND TRANSFER OF THE APPLICATION OR OF THE PLANT BREEDERS' RIGHT

Section 13

Assignment and transfer

(1) An application for the grant of a plant and a plant breeder's right may be assigned or may otherwise be transferred.

(2) The assignment or transfer shall be in writing and shall be signed by the parties.

(3) An assignment or transfer shall be registered in the Register on request and on payment of the prescribed fee.

(4) No assignment or transfer to a successor in title shall have effect against a third party until after such registration.

Section 14

Joint applicants and joint holders of rights

(1) Where there are two or more applicants for the grant of a plant breeder's right or where there are two or more holders of such a right in any protected variety, in the absence of any agreement to the contrary, each applicant or holder may separately transfer his shares, or exploit the variety as the case may be, or subject to this Act, exclude others from exploiting it.

(2) In the case of the grant of an exclusive licence however, the holders of the plant breeder's licence may only jointly grant an exclusive licence to a third party to exploit the variety.

Section 15

Scope of the Breeder's Right

(1) The effect of the plant breeder's right is that the prior authorization of the holder of that right shall be required for –

- (a) the production for purposes of commercial marketing;
- (b) the offering for sale; or
- (c) the marketing,

of the reproductive or vegetative propagating material, as such, of the variety.

(2) In the case of an ornamental variety, prior authorization of the holder of that right shall also be required where plants of the protected variety or parts thereof, normally marketed for purposes other than propagation, are used commercially as propagating material in the production of ornamental plants or cut flowers of that variety.

(3) Authorization by the holder of the plant breeder's right shall not be required for the utilization of the variety protected by that right, as an initial source of variation for the purpose of creating other varieties or for the marketing of such other varieties, but shall, however, be required when the repeated use of the variety protected by a plant breeder's right is necessary for the commercial production of another variety.

Section 16

Maintenance of propagating material

(1) The holder of a plant breeder's right shall be under an obligation to provide the Office with propagating material capable of producing plants which correspond to the characteristics defined for the variety when the right was granted, throughout the period for which the right is exercisable.

(2) The holder of a plant breeder's right shall also provide the Office with all such information and assistance as the Office may request for the purpose of ensuring that the holder of the plant breeder's right is fulfilling his obligations under subsection (1), including facilities for the inspection by or on behalf of the Office of the measures taken for the maintenance of the variety.

Section 17

Period of Protection

(1) Subject to subsection (2), the plant breeder's right shall expire at the end of the eighteenth calendar year following the grant thereof, in respect of vines, forest trees, fruit trees and ornamental trees including in each case, their rootstocks.

(2) Protection for all other genera or species shall expire at the end of the fifteenth year following the grant thereof.

(3) Where in the cases under section 4(3), the variety has already been offered for sale or marketed in Trinidad and Tobago for a period of more than one year before the date of the filing of the application, the duration of the protection shall be reduced by the number of full years minus one year that have elapsed since the beginning of the offering for sale or the marketing, with the approval of the breeder or his successor in title, before the filing of the application.

Section 18

Renewal fees

The holder shall pay an annual fee for the whole period of protection which fee shall fall due at the beginning of the calendar year to which it relates and shall be payable by 31st January of each year.

PART VI

TERMINATION, ANNULMENT AND FORFEITURE

Section 19

Termination of protection Annulment - Annulment and forfeiture of Rights

(1) The plant breeder's right shall terminate before the term expires where the holder of that right renounces

it by written declaration addressed to Office. The date of termination shall be that specified, in the declaration or, if none is specified, the date on which the declaration is received by the office

(2) The Controller shall declare a plant breeder's right null and void at the request of any person, where it is established that –

- (a) the variety is not new or distinct within the meaning of, and on applicable dates referred to in sections 4 and 5; or
- (b) the holder of the right is not the owner of the variety.

(3) The request for the annulment of the plant breeder's right shall be addressed to the Office save, however, that where the prescribed fee is not paid within three months after the request has been filed, that request shall be deemed never to have been filed.

(4) The Controller shall declare the plant breeder's right forfeit where the holder of the right –

- (a) is no longer in a position to provide the Office on request with the propagating material capable of producing plants which correspond to the characteristics defined for the variety when the right was granted;
- (b) does not fulfil his obligation under section 12(2); and
- (c) does not pay the renewal fee that is due, having been reminded to do so by the Office, and after three months have elapsed since the date of the reminder.

(5) An appeal shall lie to the Court against any decision of the Office under this section.

(6) A licence agreement made under this Act, becomes ineffective if the plant breeder's right under which it was granted is declared null and void or forfeit, save however that no payment of any royalty which was due before the date of annulment or forfeiture can be demanded by the licensee in view of that annulment or forfeiture.

PART VII

PROCEDURES BEFORE THE OFFICE

Section 20

Application

(1) An applicant for the protection of a variety shall file an application with the Office in the prescribed form and the application fee shall be paid at the same time.

(2) The application form shall be accompanied by the technical questionnaire in the prescribed form, for the relevant genus or species, which shall be completed by the applicant to the best of his knowledge.

(3) At the request of the Office, the applicant shall submit the amount of propagating material determined by it, on the date and at the place fixed by the Office.

(4) Every application received by the Office and completed in accordance with this section, shall be published in a periodical, including the date of filing, the name and address of the applicant and the original breeder, the variety denomination proposed under section 24 and the main characteristics of the variety as indicated in the application.

(5) The rejection or withdrawal of an application shall also be published in a periodical.

Section 21

Priority

(1) The applicant may avail himself of the priority of an earlier application (hereinafter referred to as the "right of priority") that has been duly filed for the same variety, by himself or by his predecessor in title, with the Authority of a Contracting Party.

(2) Where the application filed with the Office is preceded by several applications, priority may be based only on the earliest application.

(3) The right of priority shall be expressly claimed in the application filed with the Office and may only be claimed within a period of twelve months from the date of filing of the earliest application, but the day of filing shall not be included in the said period.

Section 22

Documents and material to be furnished for priority

(1) In order to avail himself of the right of priority, the applicant shall submit to the Office, within three months from filing the application in Trinidad and Tobago, a copy of the documents that constitute the earlier application, certified to be a true copy by the Authority with which that application was filed.

(2) The Office may request that a translation of the earlier application, be produced within three months from the date of receipt of the request.

(3) The effect of the right of priority shall be that, with respect to the conditions of protection attached to the variety, the application shall be deemed to have been filed at the date of the filing of the earlier application.

(4) The applicant shall be entitled to declare that he will submit the material mentioned in section 20(3) or any additional documents required by the Office at a later date, but no later than four years after the end of the priority period, unless the earlier application mentioned in subsection (1), has been withdrawn in the country in which it was filed or has been rejected there.

(5) If any of the provisions of this section are not complied with, the application shall be dealt with as if no priority had been claimed.

Section 23

Application to be in English

Every application and all other supporting documents shall be submitted in the English language.

PART VIII

VARIETY DENOMINATION

Section 24

Application and procedure for variety denomination

(1) The applicant for a plant breeder's right must, within three months after the filing of the application, propose in accordance with subsection (4), a variety denomination, which should be made on the form issued by the Office for that purpose.

(2) A variety denomination may consist of one word, combination of words subject to a maximum of three, combination of words and figures, of words and letters or of letters and figures, but shall not consist wholly of figures save however that in a word/figure combination, the figures shall have a meaning in relation to the words.

(3) No person shall use as a variety denomination a designation which –

- (a) does not enable the variety to be identified;
- (b) is liable to mislead a person of average attentiveness or to cause confusion concerning the origin, derivation, characteristics, value or identity of the variety, or the identity of the breeder;
- (c) is identical or can be confused with a variety denomination which in the country or in another State party to the Convention designates an existing variety of the same or of a related botanical species, save however that the denomination is admissible, if the other variety is not registered and has not been grown for some considerable time;
- (d) is identical or can be confused with a designation in which a third party enjoys a prior right which would prohibit the use of the designation as a variety denomination;
- (e) is contrary to public policy or morality;
- (f) refers solely to attributes which are also common in other varieties of the species concerned;
- (g) consists of a botanical or common name of a genus or species, or includes such a name, where this is likely to mislead or cause confusion;
- (h) suggests that the variety is derived from or related to another variety when this is not the case;

- (i) includes words such as "variety", "cultivar", "form", "hybrid", "cross" or translation of such words;
- (j) is, for reasons other than those mentioned above, not suitable as a generic designation of the variety.

(4) Where a variety is already protected by a contracting party or where an application for the protection of the same variety is filed in such State, only the variety denomination which has been proposed or registered in that other State, may be proposed and registered and the Controller shall not register any other designation as a denomination for the variety, save however, that where the variety denomination used in the other State is inappropriate for linguistic reasons, or for any of the reasons mentioned in the preceding paragraph, the applicant may be requested to propose another variety denomination.

Section 25

Publication

The Controller shall publish in a periodical the variety denominations which have been proposed to it or registered or cancelled by it.

Section 26

Use of the variety denomination

- (1) Any person who offers for sale or markets propagating material of a variety protected in Trinidad and Tobago shall, even after the expiration of the protection, use the registered variety denomination in so far as prior rights do not prevent such use.
- (2) When a protected variety is offered for sale or marketed, a trademark, trade name or other similar indication may be associated with the registered variety denomination provided that the denomination is easily recognizable.
- (3) The holder of a plant breeder's right may not invoke any trademark, trade name or other right in his possession against a variety denomination legitimately used in the offering for sale or marketing of the variety by another person, even after the expiration of the protection.

Section 27

Prior rights of third parties

Prior rights of third parties in a designation are not affected by this Act.

Section 28

Cancellation of a registered variety denomination

- (1) The Controller shall cancel any registered variety denomination at the request of –
 - (a) any person or on his own initiative, if the denomination should not have been registered or if subsequently, facts become known which would have justified the rejection of the denomination;

- (b) the holder of the plant breeder's right or of a third person, if a final court decision is delivered according to which the variety denomination must be cancelled or if it is established that a third-party right exists in the denomination and the holder of the plant breeder's right agrees to the cancellation;
- (c) a person who is obliged to use the variety denomination under section 26(1), if he is prohibited by a final court decision from using that denomination, provided that the holder of the plant breeder's right had participated or had been given the possibility to participate in the court proceedings.

(2) In the case of the cancellation of the variety denomination, the Office shall request the holder of a plant breeder's right to submit, within an appropriate period fixed by it, a proposal for a new variety denomination, which shall be registered if it is considered admissible for that Office but where the proposal is not acceptable, the request for submission shall be repeated.

(3) The Office shall establish, at the request of the holder or a third person, a provisional variety denomination where the holder or the third person demonstrates a legitimate interest.

(4) Where, after the period for submitting a proposal for a new variety denomination has expired, the holder of the plant breeder's right has not submitted the requested proposal, the Office may establish on its own initiative, a provisional variety or permanent variety denomination.

Section 29

Filing date

The filing date of the application is fixed by the Office as the day on which the application form and the technical questionnaire, duly completed, are received.

PART IX

EXAMINATION OF THE APPLICATION

Section 30

Formal examination of application; consequences of defects

- (1) The Controller shall examine whether the application and its supporting documents contain all indications required under this Act and whether the required amount of propagating material has been submitted on the due date and at the proper place.
- (2) Where any of the requirements under subsection (1) has not been complied with, the application for the grant of a plant breeder's right shall be rejected, unless the Controller grants to the applicant a further period to complete the application or to submit the propagating material, but no such further period may be granted which will expire later than three months after the application date or the date fixed for submission of the material as the case may be.

Section 31Examination of novelty, distinctness,
homogeneity and stability

(1) The Controller shall examine the variety to determine whether it fulfills the conditions of novelty and where that condition is not fulfilled, the Controller shall reject the application.

(2) The Controller shall invite the applicant, on a date fixed by him before the beginning of each year or testing period, to pay the prescribed fee, for that year or testing period and failure to do so, shall cause the application to be rejected.

(3) The Controller shall, after having received the testing fee for the first year or for the first testing period, examine whether the variety fulfills the conditions of distinctness, homogeneity and stability.

(4) Where the Controller determines that it is expedient to do so, he may arrange to have the examination done by another national or foreign governmental authority and shall base his decision on the results of that examination.

(5) The Controller may treat examination results obtained from, and expert opinions given by foreign governmental institutions, as results obtained from and opinions given by the Controller himself.

(6) Subject to section 22(4), the Controller may where necessary for the examination, request the applicant to submit additional material or documents within the period fixed by the Controller and where the applicant fails to do so, without giving valid reasons for such failure, the application shall be rejected.

(7) Where the examination shows that the application satisfies the conditions of novelty, distinctness, homogeneity and stability and that the proposed denomination of the variety can be registered, the Controller shall grant a plant breeder's right.

(8) Where examination shows that the variety is neither distinct, homogenous nor stable, the Controller shall reject the application.

(9) Where the examination shows that the proposed denomination of the variety cannot be registered, the Controller shall request the applicant to submit another denomination within a period fixed by him, failing which the application shall be rejected.

(10) Where the decision to grant a plant breeder's right or to reject an application is made, such decision shall be published in a periodical.

PART X**OPPOSITION**Section 32Opposition

(1) Within three months after the date of publication in a periodical any person may file an opposition against the grant of the right on payment of the prescribed fee.

(2) The opposition shall be based on the following grounds, namely that:

- (a) the applicant is not the owner of the variety;
- (b) the variety is not new or distinct at the pertinent dates in accordance with sections 4, 5 and 22(3);
- (c) it is neither homogenous nor stable;
- (d) the variety denomination that the office intends to register is inadmissible.

(3) Where the opposition is justified the decision that a plant breeder's right is to be granted shall, subject to subsection (5), be revoked and the application rejected.

(4) Where the opposition is not justified, it shall be rejected.

(5) Where the opposition based on the claim that the variety denomination is inadmissible is justified, the Controller shall revoke the decision that a plant breeder's right is to be granted and reopen the granting procedure by requesting the applicant to submit another denomination, failing which the application shall be rejected.

(6) Where no opposition is filed within a period mentioned in subsection (1) or if all oppositions filed within that period have been rejected, the Controller shall grant the plant breeder's right and register the variety denomination.

(7) The grant of a plant breeder's right shall be published in a periodical.

PART XI**PROCEDURE IN CASES OF REQUESTS FOR
ANNULMENT AND FORFEITURE**Section 33Procedure in cases of requests for annulment

(1) A request for annulment of a plant breeder's right may be filed by any person and shall not be deemed to have been filed unless the fee prescribed is paid.

(2) A request shall be filed in a written reasoned statement and it may be filed even after the plant breeder's right has expired.

(3) The request may not be filed during the period within which an appeal may still be made against the grant of the plant breeder's right or while proceedings on such appeal are still pending before the Court.

(4) The Controller shall declare the request inadmissible if it is not accompanied by a reasoned statement, or if it was filed during the period within which an appeal could still be made against the grant of the plant breeder's right, or while proceedings on such an appeal are still pending before the Court.

(5) If the request is admissible, the Controller shall hear the holder of the plant breeder's right and may obtain any other evidence and shall conduct the hearing on his own initiative; he

shall continue the hearing if the request for the annulment is withdrawn.

(6) If the Controller finds that the request is not justified, he shall reject it.

(7) Where the Controller finds that the request is justified, he shall declare the plant breeder's right null and void.

(8) An appeal shall lie to the Court against any decision taken under this Section.

Section 34

Procedure for forfeiture of a plant breeder's right

(1) Proceedings for forfeiture of a plant breeder's right shall be initiated by the Controller on his own initiative if the condition under section 19(4)(a) is fulfilled or may be initiated by the Controller or a third person if any of the conditions under section 19(4)(b) and (c) is fulfilled.

(2) A request shall not be necessary for the commencement of such proceedings but where any such request is filed, the Controller shall treat it as a suggestion to initiate official proceedings.

(3) Before declaring a plant breeder's right forfeit, the Controller shall hear the holder of that right.

(4) Where after having heard the holder of the plant breeder's right, the Controller finds that there is no reason to declare the right forfeit, he shall declare the proceedings terminated and inform the holder of the right accordingly.

(5) Where the Controller declares a plant breeder's right forfeit, he shall also inform the holder, giving reasons therefor and shall state the date of forfeiture.

(6) An appeal shall lie to the Court against any decision by which a plant breeder's right is declared forfeit and such appeal may be filed only by the holder of the plant breeder's right.

PART XII

RULES ON THE PROCEEDINGS BEFORE THE OFFICE

Section 35

Proceedings before the Office

(1) The Office may in any proceedings under this Act, conduct an oral hearing.

(2) Hearings in proceedings concerning the assignment of an application, the transfer of a plant breeder's right or the annulment or forfeiture of such right shall be public, unless the legitimate interests of any person might be prejudiced thereby.

(3) In proceedings before the Office evidence may be obtained either by hearing any of the parties to the proceedings or experts or witnesses or by requesting the competent court of the country of residence of the person concerned to take such evidence.

(4) Evidence may also be obtained by requesting the submission of documents and other information by, or in the possession of any party in the proceedings, or information from another government authority, an expert opinion, by inspecting the installations of any party to the proceedings with that party's consent, or by requesting the submission of a sworn statement in writing by any party to the proceedings or by any witness or expert.

(5) A decision of the Controller may be based only on grounds or evidence on which any party to the proceedings whose rights are affected by that decision has had an opportunity to submit his comments.

(6) Facts or evidence which are not submitted in due time by any of the parties to the proceedings may be disregarded by the Office.

(7) Unless stated to the contrary in this Act, the Office may commence the necessary investigations on its own motion and in these investigations, it shall not be restricted to the facts, evidence and arguments provided by any of the parties to the proceedings.

(8) Any person may submit observations or suggestions to the Office concerning any proceedings pending before the Office, but that person shall not become party to those proceedings by the mere fact of such submission.

(9) Observations and suggestions thus submitted shall be communicated to the applicant or the holder of the plant breeder's right as the case may be.

(10) The Controller shall confirm the receipt of such observations or suggestions but need not inform the person having submitted them of any steps taken by it or of its opinion on the observations or suggestions submitted.

(11) The Controller shall apply the same rules of procedure established for the hearing of an application under the Patents Act, 1996 to the hearing of an application under this Act, with such adaptations as may be necessary.

PART XIII

APPEALS AND ENFORCEMENT PROCEEDINGS

Section 36

Appeal

(1) An appeal shall lie to the Court against any decision of the Controller by which –

- (a) an application for the grant of a plant breeder's right was rejected;
- (b) a plant breeder's right is granted;
- (c) a plant breeder's right is declared null and void or forfeit;
- (d) an opposition is rejected; or
- (e) a request to have the plant breeder's right declared null and void is rejected.

(2) An appeal shall also lie to the Court against any decision of the Controller by which –

- (a) a proposal for registration of a variety denomination is rejected;
- (b) the decision that a plant breeder's right is to be granted is revoked for inadmissibility of the variety denomination and the granting procedure is reopened.
- (c) a variety denomination is registered or cancelled;
- (d) the submission of a new variety denomination is requested; or
- (e) a new variety denomination is registered.

(3) An appeal shall also lie to the Court against any decision of the Controller concerning a compulsory licence, a licence of right or any application for the grant of a compulsory licence.

(4) The appeal may be filed by any person aggrieved by the decision of the Controller.

(5) The appeal shall be filed within three months after notice of the decision against which the appeal is made has been served on that person or, where no such service of notice has taken place, within three months after the publication of the decision in the periodical.

Section 37

Civil proceedings

(1) Subject to this Act, infringements of the right of the holder of a plant breeder's right shall be actionable in the Court at the suit of the holder of that right and in any action for such an infringement all such relief by way of damages, injunction, accounts or otherwise shall be available in any corresponding proceedings in respect of infringements of other proprietary rights.

(2) The Court shall have the authority –

- (a) to grant injunctions to prohibit the committing, or continuation of committing, of an infringement of the holder of the plant breeder's right, pursuant to section 15;
- (b) to order the forfeiture, seizure and destruction of propagating material which has been produced in contravention of a plant breeder's right;
- (c) to fix the amount of damages taking into account the pecuniary and non-pecuniary loss suffered by the holder of the plant breeder's right.

(3) Where the person alleged to have infringed a right did not know or could not reasonably be expected to know that he was engaged in activity, that infringed a right the Court may limit damages to the profits attributable to the infringement.

(4) The Court shall not, in respect of the same infringement, both award the holder of the plant breeder's right damages and order that he be given an account of profits.

Section 38

Criminal liability for non compliance or misuse of variety denomination

(1) Any person who willfully offers for sale or markets propagating material of a variety protected in Trinidad and Tobago without using the registered variety denomination, commits an offence and on summary conviction shall be liable to a fine of ten thousand dollars.

(2) Any person who willfully makes use of the registered variety denomination of a variety protected in Trinidad and Tobago, or a denomination likely to cause confusion therewith, or another variety of the same botanical or a related species commits an offence and on summary conviction shall be liable to a fine of ten thousand dollars.

PART XIV

LICENSES AND LEGAL PROCEEDINGS BY LICENSEE

Section 39

Licence contracts

(1) The applicant for or the holder of a plant breeder's right may grant to any person an exclusive or a non-exclusive licence relating to all or any of the rights provided for under this Act.

(2) The licence contract shall be in writing and shall require the signatures of the parties thereto.

(3) A licence contract shall be registered at the Office on request and on payment of the prescribed fee, but the licence shall have no effect against a third party until after its registration.

(4) The grant of an exclusive licence shall be published in a periodical.

Section 40

Rights of licensor to grant further licences or to exploit the variety

In the absence of any provision to the contrary in the licence contract, the grant of a licence shall not prevent the licensor from granting further licences to third parties or from exploiting the variety himself.

Section 41

Non-assignability of licences

In the absence of provisions to the contrary in the licence contract, rights granted therein shall not be assignable to a third party by the licensee, who shall not be entitled to grant a sub-licence.

Section 42Certain clauses in contract void

A clause in a licence contract or relating to such a contract shall be null and void, in so far as it imposes upon the licensee, restrictions that do not derive from the rights conferred by the plant breeder's right or are unnecessary for the safeguarding of the right.

Section 43Licences of Right

(1) Any holder of a plant breeder's right or any applicant for the grant of a plant breeder's right may declare that any person prepared to pay a royalty is entitled to use his variety, as from the date on which he has informed the holder or applicant accordingly.

(2) The declaration shall be addressed to the Office and a remark to that effect shall be entered in the Register.

(3) The royalty payable by the licensee of right shall be stated in the declaration to which subsection (1) refers, and shall also be entered in the Register.

(4) After the entry in the Register, the holder of the plant breeder's right shall pay only half of the prescribed renewal fees.

(5) Where all beneficiaries agree, the Office may cancel the entry under subsection (2), at the request of the holder of the plant breeder's right.

(6) An appeal shall lie to the Court against any refusal to cancel the entry under subsection (2).

Section 44Compulsory Licences

(1) At any time after the expiration of three years from the date of grant of a plant breeder's right under this Act, any person interested may apply to the Court for the grant of a compulsory licence, in respect of any plant breeder's right on the ground that it is necessary to safeguard the public interest in Trinidad and Tobago.

(2) Subject to subsections (4), (5) and (6), where the Court is satisfied that the ground referred to in subsection (1) is established, the Court may make an Order for the grant of the licence in accordance with the application on such terms as it thinks fit.

(3) A licence granted under this section, shall confer on the owner the non-exclusive right to perform all or any of the activities referred to in section 15.

(4) Any person to whom a licence is granted under this section shall pay such remuneration to the licensor as may be agreed, or as may be determined by a method agreed upon between that person and the licensor, or in the default of agreement, as is determined by the Court on the application of either party.

(5) The Court may require the holder of the plant breeder's right to hold available for the owner of the compulsory licence, the amount of propagating material necessary for making reasonable use of the compulsory licence, against payment of adequate remuneration to the holder of the right and under conditions which are economically acceptable to him.

(6) A licence shall not be granted under this section unless –

(a) the applicant for the licence is financially able and otherwise in a position to exploit the plant breeder's right in a competent and business like manner, and must be prepared to do so;

(b) the holder of the plant breeder's right has refused to permit the applicant for the licence to produce or market propagating material for the protected variety in a manner sufficient for the needs of the general public as referred to in subsection (1) above or is not prepared to give such permission under reasonable terms;

(c) no conditions exist under which the holder of the plant breeder's right cannot be expected to permit the use of his variety in the manner requested;

(d) the applicant for the compulsory licence has paid the prescribed fee for the grant of such licence.

(7) The duration of the licence shall be fixed by the Court and shall not, except under extraordinary circumstances, be granted for less than two or for more than four years but the period may be extended if the Court is satisfied, on the basis of a new application, that the conditions for granting a compulsory licence continue to exist after the expiration of the first period.

(8) Before granting a compulsory licence, the Court may hear the national non-governmental organizations in the field of plant breeding and the seed trade.

(9) Where the Court is satisfied that the grounds on which any licence granted under this section have ceased to exist or that its owner has failed to comply with the conditions under which it was granted, it may, on the application of any interested party, terminate such licence.

Section 45Legal proceedings by licensees

(1) Any licensee under a contractual or compulsory licence or a licensee of right may, by registered letter, require the licensor to institute legal action necessary to obtain civil remedies or criminal penalties, in respect of any infringement of the plant breeder's right indicated by the licensee.

(2) Where the licensor refuses or neglects to institute the said legal action within three months after the request has been made, the licensee may institute such action in his own name, without prejudice to the right of the licensor to intervene in such actions.

PART XV**REGULATIONS AND REGISTER**Section 46Regulations

The Minister may make regulations for any matter required to be prescribed by this Act, in addition to the following matters:

- (a) the procedure of the Office in respect of the receiving and handling of applications, the conduct of the examination of varieties and of variety denominations, the handling of opposition, the grant of plant breeder's rights, and the rejection of applications;
- (b) the annulment or forfeiture of plant breeder's rights, the assignment of an application or the transfer of a plant breeder's right to the owner of the variety and the cancellation of variety denominations;
- (c) the maintenance and conservation of samples, the cooperation with germ-plasm banks or other institutions for the conservation of genetic material;
- (d) the establishing and maintenance of a plant variety register and the receiving and filing of any documents concerning plant breeder's rights;
- (e) the amounts and the collection of all fees provided for under this Act;
- (f) the making of additional rules to prevent the use of the same or confusing denominations for more than one variety and to regulate the relationship between variety denominations and trademarks;
- (g) the administration of the Register provided for under section 47 including the determination of the facts to be registered;
- (h) any other matters relating to the administration of this Act.

Section 47Register

(1) The Office shall have a register, to be known as the Register of Plant Breeder's Rights in which the following shall be entered:

- (a) any grant of a plant breeder's right;
- (b) any change in the holder of that right;
- (c) any annulment or forfeiture of the right;
- (d) any submission, registration, change or cancellation of the variety denomination;
- (e) any licence of right or compulsory licence granted, with an indication of the conditions of such licences; and
- (f) the conclusion of any licence contract at the request of one of the parties to such contract.

Section 48Examination of Register

A person who has paid the prescribed fee, is entitled during normal business hours, to examine the Register kept in accordance with section 47, and to make copies of or extracts from the information contained therein.

Section 49Commencement

This Act shall commence on a date to be proclaimed by the President⁵.

⁵ December 1, 1997

REPUBLIC OF MOLDOVA

LAW ON THE PROTECTION OF PLANT VARIETIES

This Law shall govern both the economic and the personal non-economic relations arising out of the creation, use and legal protection of plant varieties and shall apply to botanical genera and species of plants the list of which shall be approved by the Government of the Republic of Moldova.

CHAPTER I

GENERAL PROVISIONS

Article 1Basic Terms

For the purposes of this Law:

“*variety*” means a plant grouping created by selection, which grouping:

- conforms to the criteria of patentability;
- presents the characteristics of a given genotype or combination of genotypes;
- can be distinguished from any other plant grouping of the same botanical taxon by the expression of at least one of the said characteristics;
- may be represented by a single plant or plants, or by a single part or parts thereof provided that such part or parts may be used for the reproduction of entire plants of the variety;

“*categories of a variety*” means clone, line, hybrid, population;

“*material of a variety*” means whole plants, seeds, seedlings, bulbs or parts of plants intended for reproduction or for marketing for purposes other than reproduction of the variety;

“*applicant*” means a natural person or a legal entity who has filed an application for the grant of a variety patent under this Law;

“*patent owner*” means a person to whom a variety patent has been granted;

“*Register of Plant Varieties*” means the register containing the plant varieties that have been approved by the National Council for Plant Varieties of the Republic of Moldova and recommended for cultivation in the Republic of Moldova;

“*Register of Variety Patents*” means the register containing the plant variety patents in which the rights are protected in the Republic of Moldova;

“*Member State*” means a State party to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised on November 10, 1972, October 23, 1978, and March 19, 1991.

Article 2Legal Protection of a Variety

- (1) Rights in a variety shall be recognized and protected on the territory of the Republic of Moldova and shall be certified by the grant of a variety patent (hereinafter referred to as “the patent”).
- (2) The patent shall certify the priority of the variety, the authorship of the breeder and the exclusive right of the patent owner to use the variety.
- (3) The term of the patent shall be
 - (a) 25 years from the date of the decision to grant the patent for varieties of trees, fruit trees and grapevine;
 - (b) 20 years from the date of the decision to grant the patent for varieties of other species.
- (4) At the request of the patent owner the term of the patent may be extended for a period of 10 years.

Article 3Scope of the Legal Protection of a Variety

The scope of the legal protection of a variety conferred by a patent shall be determined by the sum of essential characteristics of the variety as specified by the applicant in the description thereof.

Article 4Authorities Responsible for the Legal Protection of Varieties

- (1) The following authorities, established by the Government, shall carry out the State policy in the field of legal protection and use of varieties in the Republic of Moldova: the National Council of the Republic of Moldova for Plant Varieties (hereinafter referred to as “the Council”), the State Commission of the Republic of Moldova for Variety Testing (hereinafter referred to as “the State Commission”), and the State Agency of the Republic of Moldova for the Protection of Industrial Property (hereinafter referred to as “the Agency”).
- (2) The Council shall be the principal authority in determining the State policy in the field of plant variety approval. Its

decisions shall constitute the basis for the authorizations to use the varieties in the Republic of Moldova.

(3) The State Commission shall be the working body of the Council and an expert body to the Agency, in charge of carrying out tests in order to determine the economic value of the varieties and their compliance with the conditions of patentability prescribed in this Law. The State Commission shall keep the Register of Plant Varieties.

(4) The Agency shall receive and process applications for the grant of variety patents (hereinafter referred to as "the application"), carry out the examination thereof, effect registration, publish official information, grant patents and keep the Register of Variety Patents.

CHAPTER II

PATENTABILITY OF VARIETIES

Article 5

Conditions of Patentability of Varieties

(1) The plant variety shall be patentable only where it is

- (a) new,
- (b) distinct,
- (c) uniform and
- (d) stable.

(2) The plant variety shall have a denomination in compliance with the conditions laid down in Article 18.

Article 6

Novelty

(1) A plant variety shall be deemed to be new if, at the date of filing of the application for the grant of a patent with the Agency, material of the variety has not been sold or otherwise disposed of to others, by or with the consent of the breeder, for the purposes of commercial exploitation of the variety:

- (a) in the territory of the Republic of Moldova, earlier than one year before that date;
- (b) in the territory of any other State, earlier than six years in the case of varieties of trees, fruit trees and grapevines, or, in the case of varieties of other species, earlier than four years before the said date.

Article 7

Distinctness

(1) A plant 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 with the Agency.

(2) The existence of a variety may be established by the fact that it has been used, entered in an official register or a refer-

ence collection, or has been the subject of a precise description in a publication or in an application for the grant of a patent, provided that the application leads to the grant of a patent.

Article 8

Uniformity

A plant variety shall be deemed to be uniform if, subject to the particular features of its propagation, it is sufficiently uniform in its relevant characteristics.

Article 9

Stability

A plant 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.

CHAPTER III

VARIETY AUTHORS AND PATENT OWNERS

Article 10

Author of a Variety

(1) A person whose creative work resulted in the breeding, discovery or improvement (hereinafter referred to as "breeding") of a variety shall be recognized as the author (the breeder) thereof.

(2) Where a new variety is the result of joint creative work of two or more breeders, all such breeders shall be recognized as joint authors thereof. The conditions for exercising the rights in the variety shall be determined by agreement between them.

(3) The authorship of a variety shall be an inalienable personal right. That right shall enjoy protection of unlimited duration.

(4) The breeder shall have the right to be identified in the application for the grant of a patent, in the granted patent and in all publications relevant to his variety.

Article 11

Right to Obtain a Patent

(1) The right to obtain a patent shall belong to the breeder or his successor in title.

(2) Where the variety has been bred by several breeders, the right to obtain a patent shall belong to all breeders jointly. The waiving of the right to obtain a patent by one or more of the breeders shall not affect the right of the others, provided that they take the actions specified in this Law.

(3) The right to obtain a patent for a variety bred under the

conditions specified in Article 12 shall belong to the employer unless otherwise provided in the employment contract.

Article 12

Varieties Bred in the Line of Duty

(1) A variety shall be deemed to have been bred in the line of duty if, in breeding the variety, the breeder:

- (a) carried out duties entrusted to him by virtue of his position;
- (b) carried out duties specifically entrusted to him for the purpose of breeding a new variety;
- (c) made use of material or financial means made available to him by the employer or a person who commissioned the breeding of the variety, as well as of knowledge and expertise gained during the employment.

(2) Where the notion that a variety has been bred in the line of duty is applicable only with regard to one or several breeders, the provisions of this Article shall only apply to such breeders, their employers or the persons who commissioned the breeding of the variety.

(3) Where the employer, within 60 days after having been notified by the breeder of the breeding of the new variety, has not filed an application for a patent, has not assigned his right to file an application to another person or has not instructed the breeder in writing to keep the new variety secret, the breeder shall acquire the right to file an application and to be granted a patent in his own name. The employer shall in that case be entitled on a preferential basis to be granted a non-exclusive license to use the variety.

(4) The right of a staff member of the State Commission or the Agency either to obtain a patent or to be identified as a co-author shall require confirmation by a decision of the Council for the duration of his employment contract with these organizations and one year thereafter.

(5) The person who has bred a new variety in the line of duty shall be entitled to be identified as author in conformity with Article 10 and shall have the right to an equitable remuneration. The amount of remuneration shall be determined on the basis of the profits derived from the use of the new variety during the term of the patent, as well as the economic value of the variety.

(6) The amount of remuneration shall be stipulated in a contract between the breeder and the employer or the patent owner and may not be less than 15% from any proceeds derived by the employer or the patent owner from the use of the new variety, including earnings derived from the sale of licenses.

(7) The remuneration shall be paid to the breeder by the employer or, where the employer is not the patent owner, by the employer and the patent owner jointly. Where the amount of remuneration has been found unreasonably inadequate in relation to the actual contribution by the breeder and the actual

value of the variety, the amount of remuneration may be increased at the breeder's request. Where the employer fails to increase the remuneration, the dispute shall be referred to the courts.

Article 13

The Exclusive Right of the Patent Owner

(1) The effect of the exclusive right of the patent owner is that no person shall perform the following acts with respect to material of the variety without the authorization of the patent owner:

- (a) production or reproduction (multiplication),
- (b) conditioning for the purpose of propagation,
- (c) offering for sale,
- (d) selling or other marketing,
- (e) exporting,
- (f) importing,
- (g) stocking for any of the purposes mentioned in items (a) to (f).

(2) The provisions of paragraph (1) of this Article shall also apply to:

- (a) varieties which are essentially derived from the protected variety, where the protected variety is not itself an essentially derived variety;
- (b) varieties which are not sufficiently distinguishable from the protected variety;
- (c) varieties whose seed production requires the repeated use of the protected variety.

(3) A variety shall be deemed to be essentially derived from another (initial) variety when, being clearly distinguishable from the initial variety,

- (a) it is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;
- (b) 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 caused by the use of such methods as selection of a natural or induced mutant, selection of a variant plant from the initial variety, backcrossing, or transformation by genetic engineering.

(4) Where there are several owners of the same patent, their relations with regard to the use of the protected variety shall be determined by agreement between them. Where no such

agreement exists, each of the owners shall be entitled to use the variety at his discretion and to institute infringement proceedings against any person who uses the variety without the authorization of the patent owners, but may not renounce, assign or license the patent without the consent of the other owners.

Article 14

Limitation of Patent Owner's Rights

(1) The right of the patent owner shall not extend to the use of the material of the protected variety:

- (a) for private and non-commercial purposes;
- (b) for experimental purposes;
- (c) as initial material for the purpose of breeding other varieties, and, except where the provisions of Article 13(1) and (2) apply, acts in respect of such other varieties.

(2) The right of the patent owner shall not extend to the material of the protected variety, or of a variety referred to in Article 13(2), or any part of the plants of such a variety obtained directly from the material of that variety, which has been sold or otherwise marketed by the breeder or with his consent, unless such acts

- (a) involve further propagation of the variety in question, or
- (b) involve an export of material of the variety which enables propagation of the variety in a country which does not protect the varieties of the genus or species to which the variety belongs, except where the exported material is intended for processing for final consumption purposes.

Article 15

Assignment of Rights

(1) The right to obtain a patent, the right to own a patent, the rights arising out of the registration of a patent application with the Agency and the rights afforded by a patent may be assigned to any natural person or legal entity.

(2) The rights specified in paragraph (1) may be transmitted on the basis of a contract of assignment or a license contract, or may be inherited by right or will.

(3) The contract of assignment of rights shall enter into force from the date of its signature by the parties thereto.

(4) The contract of assignment as well as the license contract shall be registered with the Agency. The rights of third parties in relation to the said contracts shall only arise where the contracts have been registered with the Agency.

CHAPTER IV

OBTAINING A PATENT

Article 16

Filing of the Patent Application

(1) The application shall be filed with the Agency by the person entitled to obtain a patent under Article 11 of this Law.

(2) The applicant may file a patent application with the competent authorities of other member States prior to the grant of a patent by the competent authority of the member State where he filed the first application.

(3) Applications may be filed in person or through representatives.

Article 17

Patent Application

(1) The patent application shall relate to one variety only. It shall be filed on an official form and shall state the particulars of the breeder and the applicant.

(2) The patent application shall include:

- (a) a proposal for a denomination for the variety;
- (b) the description of the variety (technical questionnaire);
- (c) the applicant's declaration, on his responsibility, that the claimed variety satisfies the requirements of Article 6;
- (d) an evidence of the priority claimed, where relevant;
- (e) a power of attorney, where the application is filed through a representative;
- (f) proof of payment of the prescribed fee.

(3) The filing date of an application shall be deemed to be the date of receipt by the Agency of the request and the documents specified in paragraph (2)(a) and (b) of this Article.

(4) The documents specified in paragraph (2)(c) to (f) of this Article may be submitted by the applicant within two months from the filing date of the patent application.

(5) The patent application and the documents shall be written in Moldavian.

Article 18

Variety Denominations

(1) The variety shall be designated by a denomination which will be its generic designation.

(2) The denomination must enable the variety to be identified. It

- (a) may not consist solely of figures except where this is an established practice for designating varieties;
- (b) must not be liable to be misleading or to cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder;
- (c) must be different from every denomination which designates an existing variety of the same plant species or of a closely related species;
- (d) must be used even after the expiration of the term of the patent.

(3) Where a patent application is filed for the same variety in the Republic of Moldova and in other countries, the variety must be submitted under the same denomination to all the countries concerned.

(4) If, by reason of a prior right, the use of the denomination of a variety is forbidden to a person who, in accordance with the provisions of paragraph (5) of this Article, is obliged to use it, the Agency may require the breeder to submit another denomination for the variety.

(5) Any person who, within the territory of one of the member States, offers for sale or makes the material of a variety protected within the said territory shall be obliged to use the denomination of that variety, even after the expiration of the term of the patent protecting that variety, except where the provisions of paragraph (4) of this Article apply.

(6) When a variety is offered for sale or otherwise marketed, it shall be permitted to associate a trademark, trade name or other similar indication which enables the variety to be identified.

(7) The denomination of the variety shall be entered into the Register of Plant Varieties at the same time as the patent is granted.

Article 19

Right of Priority

(1) The priority of the variety shall be determined by the filing date of the application with the Agency.

(2) Priority may be determined by the filing date of the first application in a member State where the application for which priority is claimed (subsequent application) has been filed with the Agency within 12 months from the said date.

(3) In order to establish priority, the applicant shall have to furnish to the Agency, within three months from the filing date of the subsequent application, a copy of the documents which constitute the first application, certified to be a true copy by the authority with which that application was filed, and samples or other evidence that the variety which is the subject matter of both applications is the same.

(4) Failure to comply with the time limits provided for in paragraphs (2) and (3) of this Article or to pay the prescribed priority fee shall cause the priority claim not to be recognized.

(5) The filing of another patent application, the publication of information on the variety or the use of the variety that is the subject of the first application, within the period provided for in paragraph (2) of this Article, shall not constitute a ground for rejecting the subsequent application and shall not give rise to any third-party right.

Article 20

Examination of the Patent Application

(1) The Agency shall, within the framework of the examination of the patent application, carry out a preliminary examination of the application.

(2) Within the framework of the preliminary examination, the Agency shall, within a period of three months following the filing date of the patent application:

- (a) verify that the application includes all the documents specified in Article 17;
- (b) verify that the documents comply with the prescribed conditions;
- (c) verify that the claimed variety complies with the conditions prescribed in Article 6;
- (d) verify that the variety denomination complies with the conditions prescribed in Article 18;
- (e) determine the priority attaching to the variety, if applicable.

(3) The Agency may invite the applicant to furnish the missing documents or further elements of information, and the applicant shall be obliged to furnish them within two months from the date of receipt of the invitation. If the applicant fails to do so within the prescribed time limit and does not file a request for extension of the said time limit, the application shall be deemed to have been withdrawn.

(4) Where the preliminary examination finding is that the denomination of the variety does not comply with the conditions prescribed in Article 18, the applicant shall be invited to submit to the Agency another denomination within two months.

(5) If the patent application complies with the prescribed conditions, the Agency shall register it and the applicant shall be notified accordingly.

(6) Where the applicant disagrees with the decision taken by the preliminary examiners, he may, within three months following the date of receipt of the decision, lodge an appeal with the Board of Appeals of the Agency.

(7) The Agency shall publish the particulars of the application in the Official Gazette of Industrial Property (hereinafter referred to as "the Official Gazette") after the expiration of

three months from the date of registration of the patent application. The list of the particulars to be published shall be determined by the Agency.

(8) The Agency shall, within one month from the date of registration of the patent application, submit the documents thereof to the State Commission.

Article 21

Testing of the New Variety

(1) The State Commission shall carry out the testing of the new variety as to its compliance with the conditions of distinctness, uniformity and stability in its variety testing centers, experimental stations, specialized institutes, laboratories and specialized services in accordance with methodologies and within the periods prescribed by the State Commission in conformity with international standards.

(2) The applicant shall furnish to the State Commission, free of charge, any seeds and propagating material required for the purposes of testing.

(3) The applicant shall be required to pay the prescribed fee for carrying out the testing of the variety.

(4) Where the testing finding is that the new variety does not comply with the conditions prescribed in Articles 7 to 9, the State Commission shall decide not to recognize the variety; the breeder and the Agency shall be notified of the decision in writing. The breeder shall have the right to lodge, within three months from the date of receipt of the notification, an appeal with the Council, stating reasons therefor, against the decision of the State Commission.

(5) If the applicant fails to lodge the appeal within the prescribed time limit, the decision of the State Commission shall become final. In that case the Agency shall take the decision to reject the patent application.

(6) Where the new variety complies with the conditions prescribed in Articles 7 to 9, the State Commission shall provide the applicant with a precise official description of the new variety and a certificate attesting the compliance of the variety with the conditions of patentability. The State Commission may, wherever necessary, correct the official description of the variety within the entire life of the patent. Requirements as to layout and contents of the certificate shall be specified by the State Commission.

(7) The State Commission may, for the purposes of variety testing, use the results of other official tests which have already been carried out.

Article 22

Publication of the Decision to Grant a Patent

(1) The Agency shall, within three months from the date of receipt of the certificate issued by the State Commission, and on the basis of the said certificate, take the decision to grant a patent.

(2) The Agency shall publish the decision to grant a patent in the Official Gazette.

Article 23

Provisional Legal Protection

(1) During the period between the date of publication of the patent application and the date of publication of the decision to grant a patent, the variety shall be afforded provisional legal protection.

(2) Any person who, during the period of the provisional legal protection, uses the variety without the authorization of the patent owner, shall be liable to sanctions under Article 35.

(3) The patent owner shall be entitled to equitable compensation for damages from any person who, during the period of the provisional legal protection, has carried out without the authorization of the patent owner, any acts set out in Article 13.

(4) The provisional legal protection shall be deemed to have existed only where the patent has been granted.

Article 24

Withdrawal of the Patent Application

(1) The patent application may be withdrawn by the applicant by means of a written request before a decision to grant or to refuse to grant a patent has been taken.

(2) Where there are several applicants, the patent application may be withdrawn only with the consent of all applicants.

Article 25

Extension of the Time Limits

(1) The time limits prescribed for the examination of the patent application by the Agency may, at the request of the applicant, be extended for a period of three months; such extension shall not be granted more than twice.

(2) The request for extension of the time limits shall be subject to the payment of the prescribed fee.

Article 26

Grant of the Patent

(1) At the same time as it publishes the decision to grant a patent, the Agency shall enter the patent into the Register of Variety Patents and shall, within three months, issue the patent to the person in whose name it was sought.

(2) The layout of the patent shall be established by the Agency in agreement with the State Commission.

(3) After the decision to grant a patent has been taken, the patent owner shall deposit the quantity of material of the

protected variety that is required for deposit at the address indicated by the State Commission.

CHAPTER V

LAPSE OF THE PATENT

Article 27

Invalidation of the Patent

- (1) A patent shall be invalidated where:
 - (a) the conditions prescribed in Articles 6 and 7 were not complied with at the time of the grant of the patent;
 - (b) the name of the breeder or that of the patent owner contained in the patent is not correct.
- (2) No patent shall be invalidated for other reasons.

Article 28

Premature Termination of the Patent

- (1) The validity of the patent shall expire prematurely where
 - (a) the variety no longer complies with the conditions of uniformity and stability;
 - (b) the patent owner refuses to provide, at the request of the State Commission, the information, documents or material of the variety deemed necessary for verifying the maintenance of the protected variety;
 - (c) the patent owner does not propose, where the denomination of the variety is cancelled after the grant of the patent, another denomination;
 - (d) the patent owner fails to pay the prescribed maintenance fee.
- (2) Where a patent is cancelled owing to failure to pay the prescribed maintenance fee, the patent may be restored provided that, within six months from the date of cancellation, the maintenance fee is paid.

Article 29

Surrender of the Patent

- (1) The patent owner may surrender the patent by means of a written request.
- (2) The surrender of the patent by one or more of the owners shall not terminate the validity of the patent, which shall remain the property of the other owners.
- (3) The surrender of the patent shall take effect on the date of receipt by the Agency of the written request. A record of the surrender of the patent shall be entered into the Register of Variety Patents and published in the Official Gazette.

(4) The patent owner shall be obliged to notify the breeder of his intention to surrender the patent. In such a case the breeder shall, for a period of three months from the date of the notification, have a preferential right to obtain the patent in his name.

(5) Where the patent is the subject of a license contract, the surrender of the patent shall only be possible with the agreement of the license holder unless otherwise provided in the license contract.

CHAPTER VI

THE USE OF THE PROTECTED VARIETY

Article 30

License Contract

- (1) A variety for which a patent application has been filed or a patent has been granted may be the subject of a license contract (exclusive or non-exclusive license contract).
- (2) Under a license contract the patent owner (the licensor) grants, within the limits specified in the contract, the right to use the protected variety to another natural person or legal entity (the licensee). In such a case the licensee undertakes to make payments to the licensor and perform any other acts specified in the contract.
- (3) Under an exclusive license the licensor transfers to the licensee the exclusive right to use the variety, within the limits specified in the license contract, beyond which the licensor retains the said right.
- (4) Under a non-exclusive license the licensor, while granting the licensee the right to use the variety, retains all rights afforded by the patent, including the right to grant licenses to third parties.

Article 31

Compulsory License

- (1) Where the patent owner has failed to use the protected variety in the Republic of Moldova within five years following the date of the grant of the patent and has refused to conclude a license contract, and where it affects public interest, any person wishing to use the variety may apply with the Council for the grant of a compulsory non-exclusive license.
- (2) The compulsory license shall only be granted to a person who is in a position to use the variety in a competent manner and within the scope specified in the license contract, which shall confer on its owner the right to receive initial material from the patent owner.
- (3) The grant of a compulsory license shall not prejudice the right of the patent owner to use the protected variety or to grant licenses to others.

(4) The Council shall fix the limits of the use of the variety and the amount of compensation payable to the patent owner, as well as the other terms and conditions of the license contract.

(5) If warranted by the circumstances, the Council may, on the proposal of the patent owner, either cancel the compulsory license or grant a new license.

(6) The Agency shall enter the particulars of the grant of a compulsory license into the Register of Variety Patents and publish them in the Official Gazette.

CHAPTER VII

DISPUTES

Article 32

Settlement of Disputes

(1) Disputes between natural persons and legal entities arising from the implementation of this Law shall be examined by the Board of Appeals of the Agency, the Council or in court.

(2) The Board of Appeals of the Agency shall consider appeals against:

- (a) the decision to grant or to refuse to grant a patent;
- (b) the decision determining the priority date;
- (c) the decision to invalidate a patent;
- (d) the decision to prematurely terminate a patent.

(3) The appeals shall be examined within three months from the date of their lodging.

(4) The Board of Appeals of the Agency shall notify the parties to the dispute of its decision within 15 days from the date thereof.

(5) The decision of the Board of Appeals of the Agency may be challenged, within three months from the date of its notification, in court.

(6) Any appeal against the decision taken by the State Commission under Article 21 of this Law shall be considered by the Council in accordance with the procedures and within the time limits established by the Council.

(7) The decision of the Council may be challenged in court.

(8) The competence of the court shall extend to disputes arising from:

- (a) the authorship of a variety;
- (b) varieties bred in the line of duty;
- (c) the identification of the patent owner;

(d) the conclusion and execution of license contracts;

(e) infringements of the exclusive right of the patent owner;

(f) the establishment of the act of unauthorized use;

(g) the payment of compensation under this Law;

(h) other disputes arising out of the protection of rights conferred by a patent.

CHAPTER VIII

LIABILITY FOR INFRINGEMENT OF THE RIGHTS OF THE PATENT OWNER

Article 33

Infringement of the Exclusive Right of the Patent Owner

Any act in respect of the protected variety for which the authorization of the patent owner is required under Article 13 and which is done without such authorization shall be deemed to constitute an infringement of the exclusive right of the patent owner.

Article 34

Action for Infringement of the Exclusive Right of the Patent Owner

(1) The patent owner or the owner of an exclusive license may bring an action for infringement of the exclusive right of the patent owner.

(2) The owner of a compulsory license may bring an action for infringement of the exclusive right of the patent owner where the latter has not exercised his right to bring an action within six months after having been notified by the licensee.

(3) Any licensee shall have the right to participate in the infringement proceedings if the action has been brought by the patent owner. The same shall apply to any patent owner where the action has been brought by a licensee.

(4) The action for infringement of the exclusive right of the patent owner may include:

- (a) an action for establishment of the act of infringement,
- (b) an action for compensation for damages sustained,
- (c) an action for identification of the infringer.

(5) Damages may be claimed within a period of five years from the date on which the prejudice was sustained, beyond which the right to claim damages shall cease to exist, except where the said time limit has been extended.

Article 35Liability for Infringement of the Rights
of the Patent Owner

- (1) Whoever infringes the rights of the patent owner shall be liable therefor in accordance with the legislation in force.
- (2) At the request of the patent owner, the infringer shall cease the infringement and compensate the owner for the damages sustained, including lost profits.
- (3) In the course of court proceedings concerning the infringement of the rights of a patent owner, the court may, at the request of any party or on its own initiative, decide to apply the following measures in support of the suit:
 - (a) to order the seizure of the infringing seeds or any other plant material, or of the property of the infringer,
 - (b) to prohibit the use, production or sale of material of the protected variety.
- (4) The following acts shall be deemed to infringe the rights of the patent owner:
 - (a) the disclosure of information constituting a trade secret in relation to any variety for which an application has been filed if the information is acquired in the performance of acts under this Law, except where such information is disclosed by the Board of Appeals of the Agency or a person carrying out his official duties with a view to secure protection for the variety under this Law;
 - (b) the use, for material of the variety that is produced and sold, of a denomination which is different from the registered denomination of the variety;
 - (c) the use, for material of a variety that is produced and sold, of the denomination of a registered variety, where it is known that the said material is not from the registered variety;
 - (d) the use, for material that is produced and sold, of a denomination which corresponds so closely to a registered denomination that it is misleading;
 - (e) the sale of material of a variety in respect of which a patent has not been granted, thus willfully misleading the user.
- (5) The following acts shall also be deemed to infringe the rights of the patent owner, where they are committed willfully:
 - (a) making a false statement;
 - (b) making a false entry in the Register of Variety Patents or in reporting documents or causing it to be made therein,
 - (c) forging or causing forgery of the documents required under the provisions of this Law,

- (d) furnishing documents containing false information.

CHAPTER IX**INTERNATIONAL COOPERATION**Article 36Rights of Foreign Natural Persons
and Legal Entities

Foreign natural persons and legal entities from States which are party to international conventions to which the Republic of Moldova is party shall enjoy the rights provided for in this Law on the same footing as natural persons and legal entities from the Republic of Moldova. The provisions of this Law shall also apply to bilateral agreements or on the basis of reciprocity.

Article 37Testing and Protection of New Varieties Abroad

- (1) Natural persons and legal entities from the Republic of Moldova shall have the right to choose the State in which they wish to file an application for the grant of a variety patent.
- (2) The State Commission may decide that the variety for which protection is sought will be tested in another State or by an international organization provided that a corresponding bilateral or international agreement has been concluded with such State or organization.
- (3) The applicant who has filed his first application in a foreign State shall be required to furnish information on the tests carried out in conformity with the conditions for protection prescribed by the legislation of that State.
- (4) The cost of protection of a new variety abroad shall be borne by the applicant.

Article 38International Treaties

Where an international treaty to which the Republic of Moldova is party contains provisions different from those specified in this Law, the former shall prevail.

CHAPTER X**FINAL PROVISIONS**Article 39Representation

- (1) Natural persons and legal entities having their permanent residence in the Republic of Moldova shall act either on their own or through an authorized representative in all proceedings concerning the protection of varieties.

(2) Natural persons and legal entities having their residence or seat outside the territory of the Republic of Moldova, and foreign legal entities and their representatives, shall be required to act through patent agents registered in the Republic of Moldova in all proceedings concerning the protection of varieties, unless otherwise provided in the treaties to which the Republic of Moldova is party.

(3) The activities of the patent agents shall be governed by the Statute approved by the Government.

Article 40

Fees

(1) The performance of any legal acts under this Law shall be subject to the payment of fees.

(2) The list of acts for which fees are payable, the amounts of fees and the time limits for the payment thereof, and also the conditions governing exemption from fees and the reduction or reimbursement of fees, shall be determined by the Government.

(3) The fees shall be payable by the applicant, the patent owner or any other natural person or legal entity concerned.

(4) Foreign natural persons or legal entities shall be required to pay the fees in foreign currency.

Article 41

Maintenance of the Variety

(1) The patent owner shall, throughout the life of the patent, maintain the variety in such a way that all characteristics defined in the description of the variety at the date of the grant of the patent are maintained.

(2) The State Commission may, for the purposes of testing the uniformity and stability of the protected variety, require the patent owner to furnish material of the variety, documents or any other necessary information.

Article 42

Use of the Variety for Production Purposes

Varieties shall be used for production purposes only in conformity with the provisions of this Law and where the prescribed certificate has been issued by the State Commission after the official testing of the variety has been carried out and where the variety has been entered in the Register of Plant Varieties.

Article 43

Promotion by the State of the Breeding and Use of Protected Varieties

The State shall promote the breeding and use of new plant varieties. The methods and means for the promotion shall be defined in the relevant legislative acts.

CHAPTER XI

TRANSITIONAL PROVISIONS

Article 44

This Law shall enter into force on the date of its publication.

Article 45

For the period until the legislation is brought into line with the provisions of this Law, the existing normative acts shall apply, provided that they are not contrary to the said provisions.

Article 46

It is hereby determined that:

- (a) authors' certificates granted in respect of varieties in the former Soviet Union shall be recognized as valid in the Republic of Moldova in accordance with the legislation in force on the date of the grant;
- (b) any person who uses in the Republic of Moldova, for his entrepreneurial purposes or for the purposes of his enterprise, a variety protected by an author's certificate granted in the former Soviet Union may proceed with such use. In such a case the breeder shall be entitled to remuneration according to the procedure and in the amount specified in Article 12 of this Law;
- (c) applications for the grant of a variety patent with respect to which the office procedure has not been completed on the date of entry into force of this Law shall be processed in accordance with the procedure prescribed by this Law;
- (d) patents for the varieties of the protected genera and species granted in the Republic of Moldova prior to the entry into force of this Law shall have a legal status equivalent to that of the patents granted under this Law.

Article 47

The Government of the Republic of Moldova shall:

- submit to the Parliament proposals on bringing the existing legislation into line with this Law,
- ensure the revision or abrogation by the ministries and departments concerned of the existing normative acts that are contrary to the provisions of this Law,
- approve the list of botanical genera and species the varieties of which are protected under this Law,

- approve the Statute and composition of the National Council of the Republic of Moldova for Plant Varieties, as well as the Statute and composition of the State Committee of the Republic of Moldova for Variety Testing,
- approve a list of acts for which fees are payable, the amounts of the fees and the time limits for the payment thereof.

PEOPLE'S REPUBLIC OF CHINA
REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA ON THE PROTECTION
OF NEW VARIETIES OF PLANTS

CHAPTER I
GENERAL PROVISIONS

Article 1

These Regulations are formulated to protect the rights in new varieties of plants, to encourage the breeding and use of new varieties of plants, and to promote the development of agriculture and forestry.

Article 2

The new plant variety referred to in these Regulations means a cultivated plant variety, or a developed one based on a discovered wild plant, which is new, distinct, uniform and stable, and whose denomination is adequately designated.

Article 3

The administrative departments of agriculture and forestry under the State Council (both referred to hereinafter as the "examining and approving authorities") are jointly responsible, according to the division of their job responsibilities, for the receipt and examination of applications for rights in new varieties of plants, and for the grant of rights in new varieties of plants (hereinafter referred to as "variety rights") in respect of those new varieties of plants that conform to the provisions of these Regulations.

Article 4

The people's governments at county level or above or other relevant departments shall reward the entity which or the person who has accomplished the breeding of a new plant variety that has a bearing on the national or the public interest, and is of great value for use.

Article 5

The production, sale and dissemination of a new plant variety in respect of which variety rights have been granted (hereinafter referred to as the "protected variety") is subject to review and approval under the provisions of relevant national laws and regulations on seeds.

CHAPTER II
CONTENT AND OWNERSHIP OF VARIETY RIGHTS

Article 6

The entity which or the person who has accomplished the breeding has an exclusive right in their protected variety. Except otherwise provided in these Regulations, no other entity or person shall, without the consent of

the holder of the variety rights (hereinafter referred to as the "variety rights holder"), produce or sell for commercial purposes the propagating material of the said protected variety, or use for commercial purposes the propagating material of the protected variety in a repeated manner in the production of the propagating material of another variety.

Article 7

In the case of job-related breeding accomplished by any person in undertaking tasks for the entity to which he belongs, or primarily by using the facilities of that entity, the right to file an application for variety rights in respect of the new plant variety shall belong to the entity in question; for breeding that is not job-related, the right to file such an application shall belong to the person accomplishing the breeding. Upon approval of the application, the variety rights shall belong to the applicant.

For commissioned breeding or jointly-conducted breeding, the ownership of the variety rights shall be agreed upon by the parties in a contract; failing such an event, the variety rights shall belong to the entity or person commissioned to conduct or jointly conducting the breeding.

Article 8

One new plant variety shall be granted only one set of variety rights. If two or more applicants apply separately for variety rights in respect of the same new plant variety, the variety rights shall be granted to the person who applies first; in the case of a simultaneous application, the variety rights shall be granted to the person who has first accomplished the breeding of the new plant variety concerned.

Article 9

The right to file an application for variety rights in respect of a new plant variety and the variety rights may be assigned in accordance with the law.

If a Chinese entity or person wishes to assign to a foreigner the right to file an application or the variety rights in respect of a new plant variety bred in China, such assignment shall be approved by the examining and approving authorities.

In the case of an assignment within China of the right to file an application or of the variety rights by a State-owned entity, it shall be submitted in accordance with the relevant national regulations for approval by the competent administrative departments concerned.

The parties involved in the assignment of the right to file an application or of the variety rights shall conclude a written contract, and shall register the assignment before the examining and approving authorities, which in turn shall published the assignment.

Article 10

Without prejudice to other rights of the variety rights holder under these Regulations, the exploitation of the protected variety shall not require authorization from, or payment of royalties to, the variety rights holder for the following purposes:

- (i) exploitation of the protected variety for breeding and other scientific research activities;
- (ii) the use for propagating purposes by farmers, on their own holdings, of the propagating material of the protected variety harvested on their own holdings.

Article 11

The examining and approving authorities may, in the national or the public interest, decide to grant a compulsory license to exploit new plant varieties, which should be subsequently registered and published.

The entity which or the person who is granted a compulsory license for exploitation shall pay the variety rights holder a reasonable exploitation fee, the amount of which shall be fixed by consultation between the two parties. Where the parties fail to reach an agreement, the examining and approving authorities shall adjudicate.

Where the variety rights holder is not satisfied with the decision to grant a compulsory license or is not satisfied with the adjudication regarding the fee payable for exploitation, he or it may, within three months from the date of receiving the notification, file a suit with the People's Court.

Article 12

Regardless of whether or not the term of the protection of the protected variety has expired, the denomination of the protected variety as used in its registration must be used for sales thereof.

CHAPTER III CONDITIONS FOR THE GRANT OF VARIETY RIGHTS

Article 13

The new plant variety in respect of which variety rights have been applied for shall be part of the botanical genera and species included in the national list of protected plant varieties. This list of protected plant varieties shall be determined and published by the examining and approving authorities.

Article 14

Any plant variety in respect of which variety rights are granted shall have the characteristic of novelty. Novelty means that the propagating material of the new plant variety in respect of which variety rights are applied for has not been sold prior to the filing date of the application, or has not been for sale, with the consent of the breeder, for more than one year within the territory of China; the propagating material of vines, forest trees, fruit trees and ornamental plants must not have been for sale for more than six years, or the propagating

material of other plant varieties for more than four years, in a foreign territory.

Article 15

Any plant variety in respect of which variety rights are granted shall have the characteristic of distinctness. Distinctness means that the plant variety in respect of which variety rights are applied for must noticeably distinguish it from any other plant variety known prior to the filing of the application.

Article 16

Any plant variety in respect of which variety rights are granted shall have the characteristic of uniformity. Uniformity means that the plant variety in respect of which variety rights are applied for is uniform, subject to the variation that may be expected, in its relevant features or characteristics after propagation.

Article 17

Any plant variety in respect of which variety rights are granted shall have the characteristic of stability. Stability means that the plant variety in respect of which variety rights are applied for keeps its relevant features or characteristics unchanged after repeated propagation or at the end of a particular cycle of propagation.

Article 18

Any plant variety in respect of which variety rights are granted shall have an adequate denomination, which shall be distinguishable from that for any other known plant variety of the same or similar botanical genus or species. The denomination, after its registration, shall be the generic designation of the new plant variety in question.

The following shall be avoided in the selection of a denomination for a new variety:

- (a) those consisting of only numbers;
- (b) those violating social morals;
- (c) those that are liable to mislead as to the features or characteristics of the new plant variety, or the identity of the breeder.

CHAPTER IV APPLICATION FOR VARIETY RIGHTS AND RECEIPT THEREOF

Article 19

Where Chinese entities and persons apply for variety rights, they may file an application with the examining and approving authorities directly or through a representative agency commissioned for the purpose.

Where the new plant variety in respect of which Chinese entities and persons apply for variety rights involves national security or major interests and therefore needs to be kept confidential, it shall be dealt with in accordance with the relevant national regulations.

Article 20

If a foreigner, a foreign enterprise or any other foreign institution files an application for variety rights in China, the application shall be handled under these Regulations in accordance with any agreement concluded between the country to which the applicant belongs and the People's Republic of China, or any international convention to which both countries are party, or on the basis of the principle of reciprocity.

Article 21

For the purposes of applying for variety rights, an application and specification conforming to the prescribed forms as well as a photograph of the variety shall be submitted to the examining and approving authorities.

The application documents shall be written in Chinese.

Article 22

The date on which the examining and approving authorities receive the variety rights application documents shall be the filing date of the application. Where the application documents are filed by mail, the postmark date shall be the filing date of the application.

Article 23

Where, within 12 months from the date on which any applicant has first filed an application for variety rights in a foreign country, the said applicant files an application for variety rights in China in respect of the same new plant variety, he or it may, in accordance with any agreement concluded between the said foreign country and the People's Republic of China or any international treaty to which both countries are party, or on the basis of the principle of mutual recognition of the right of priority, enjoy a right of priority.

Any applicant who claims the right of priority shall make a written statement when the application is filed, and shall submit, within three months, a copy of the variety rights application documents that were first filed, as confirmed by the original receiving authority; if the applicant fails to make the written statement or fails to submit a copy of the variety rights application documents under the provisions of these Regulations, the claim to the right of priority shall be deemed not to have been made.

Article 24

Where the variety rights application conforms to Article 21 of the Regulations, the examining and approving authorities shall accept it, assign the filing date and a filing number and serve notice on the applicant within one month from the receipt of the application to pay an application fee.

Where the variety rights application does not, or after amendment still does not, conform to Article 21 of the Regulations, the examining and approving authorities shall not accept it and shall notify the applicant accordingly.

Article 25

An applicant may amend or withdraw his or its variety rights application at any time before the variety rights are granted.

Article 26

Any application filed by a Chinese entity or person with a foreign country for variety rights in respect of a new plant variety that has been bred in China shall be registered before the examining and approving authorities.

CHAPTER V EXAMINATION AND APPROVAL OF VARIETY RIGHTS

Article 27

Upon payment of the application fee, the examining and approving authorities shall carry out a preliminary examination on the variety rights application to determine the following:

- (a) whether it is part of the botanical genera or species included in the list of protected plant varieties;
- (b) whether it conforms to the provisions of Article 20 of the Regulations;
- (c) whether it conforms to the provisions on novelty;
- (d) whether the denomination of the new plant variety is adequate.

Article 28

The examining and approving authorities shall complete the preliminary examination within six months after the variety rights application is formally received. Where the variety rights application is found acceptable on preliminary examination, the examining and approving authorities shall have it published and serve notice on the applicant to pay the examination fee within three months.

Where the variety rights application is found unacceptable on preliminary examination, the examining and approving authorities shall invite the applicant to state his observations or make amendments; where an applicant fails to respond within the time limit or the application is still unacceptable after amendment, the application shall be refused.

Article 29

After the applicant has paid the prescribed examination fee, the examining and approving authorities shall carry out a substantive examination of the distinctness, uniformity and stability of the variety in respect of which variety rights are applied for.

Where the applicant has not paid the pre-scribed examination fee, the variety rights application shall be deemed to have been withdrawn.

Article 30

The examining and approving authorities shall conduct the substantive examination on the basis of application documents and other relevant written information. Where they deem it necessary, the examining and approving authorities may entrust a designated testing institution with undertaking

tests or with inspecting the results of growing tests or other trials that have already been carried out.

For the purposes of examination, the applicant shall, at the request of the examining and approving authorities, furnish necessary information and the propagating material of the new plant variety in question.

Article 31

Where the variety rights application is found to be in conformity with the provisions of these Regulations on substantive examination, the examining and approving authorities shall take a decision to grant the variety rights, issue the new variety rights title, and have it registered and published.

Where the variety rights application is found not to be in conformity with the provisions of these Regulations on substantive examination, the examining and approving authorities shall refuse the application and notify the applicant accordingly.

Article 32

The examining and approving authorities shall set up a Re-Examination Board for New Varieties of Plants.

Where any applicant is not satisfied with the decision of the examining and approving authorities refusing a variety rights application, that applicant may, within three months from the date of receiving the notification, request the Re-Examination Board for New Varieties of Plants to carry out a re-examination. The Re-Examination Board for New Varieties of Plants shall, within six months from the date of receiving the request for re-examination, take a decision and notify the applicant accordingly.

Where any applicant is not satisfied with the re-examination decision of the Re-Examination Board for New Varieties of Plants, that applicant may, within 15 days from the date of receiving the notification, file a suit with the People's Court.

Article 33

After the variety rights have been granted, for the period beginning on the date on which an acceptable application is published on preliminary examination and ending on the date of grant of variety rights, the variety rights holder is entitled to claim compensation from an entity which, and a person who, has produced or sold the propagating material of the protected variety in question for commercial purposes without his consent.

CHAPTER VI

TERM, TERMINATION AND INVALIDITY

Article 34

The term of protection of variety rights, counted from the date of grant thereof, shall be 20 years for vines, forest trees, fruit trees and ornamental plants and 15 years for other plants.

Article 35

The variety rights holder shall pay annual fees from the year in which the variety rights are granted, and shall furnish propagating material of the protected variety for the purposes of control as required by the examining and approving authorities.

Article 36

Variety rights shall be terminated prior to the expiration of the term thereof in any of the following cases:

- (a) where the variety rights holder makes a written statement renouncing his variety right;
- (b) where the variety rights holder has not paid the annual fees as prescribed;
- (c) where the variety rights holder has not furnished, in the manner required by the examining and approving authorities, such propagating material of the protected variety necessary for control;
- (d) where, on control, the protected variety no longer conforms to the features and characteristics that existed when the variety rights were granted.

The termination of the variety rights shall be registered and published by the examining and approving authorities.

Article 37

From the date on which the examining and approving authorities publish the grant of variety rights, the Re-Examination Board for New Varieties of Plants may, *ex officio* or on the basis of a written request made by any entity or person, revoke the variety rights in any variety that is not in conformity with the provisions of Articles 14, 15, 16 and 17 of these Regulations, or change the denomination of any variety that is not in conformity with the provisions of Article 18 of these Regulations. The decision to revoke variety rights and the decision to change the denomination shall be registered and published by the examining and approving authorities, and shall be communicated to the parties concerned.

Where any party is not satisfied with the decision of the Re-Examination Board for New Varieties of Plants, he or it may, within three months from the date of receiving such communication, file a suit with the People's Court.

Article 38

The variety rights that have been revoked shall be deemed non-existent from the outset.

The decision to revoke variety rights shall have no retroactive effect on any judgment or ruling pronounced and enforced by the People's Court concerning the infringement of a new plant variety, or on any decision made and enforced by the administrative departments of agriculture and forestry of the People's Governments at provincial level or above concerning the infringement of a new plant

variety, or on any executed license contract for exploitation of a new plant variety or any executed contract of assignment of the rights in a new plant variety. However, any damage caused to any other person due to bad faith on the part of the variety rights holder shall be equitably compensated.

If no repayment of the fees for the exploitation of the new plant variety or of the price for the assignment of the variety rights, pursuant to the provisions of the preceding paragraph, is made by the variety rights holder or the assignor of the variety rights to the licensee or the assignee, and if this is obviously contrary to the principle of equity, the variety rights holder or the assignor of the variety rights shall repay the whole or part of the fees for the exploitation of the variety or of the price for assignment of the variety rights to the licensee or the assignee.

CHAPTER VII

PENALTY PROVISIONS

Article 39

Where the propagating material of the protected variety is produced or sold for commercial purposes without the consent of the variety rights holder, the variety rights holder or the party having an interest therein may request the administrative departments of agriculture and forestry of the People's Governments at provincial level or above to handle it in accordance with their respective competence, or directly file a suit with the People's Court.

The administrative departments of agriculture and forestry of the People's Governments at provincial level or above may, according to their respective competence and based on the principle of free will of the parties, mediate the compensation of damages caused by the infringement. Where accord has been reached through mediation, it should be executed by the parties concerned; where no accord has been reached through mediation, the variety rights holder or the party having an interest therein may file a suit with the People's Court according to civil action procedures.

In handling cases of infringement of variety rights in accordance with their respective competence, the administrative departments of agriculture and forestry of the People's Governments at provincial level or above may, for the purposes of safeguarding the public interest of the society, order the infringer to stop the infringing act, confiscate the unlawful earnings and punish him with a fine five times more than the unlawful earnings.

Article 40

Where any new plant variety is counterfeited, the administrative departments of agriculture and forestry of the People's Governments at county level or above shall order the party concerned to stop the counterfeiting act, confiscate the unlawful earnings and the propagating material of the plant variety, and punish him with a fine at least one but not exceeding five times more than the unlawful earnings; where the circumstances of the case are so serious as to constitute a crime, the party concerned shall be subjected to criminal liability investigation in accordance with the law.

Article 41

Both the administrative departments of agriculture and forestry of the People's Governments at provincial level or above in handling cases concerning infringement of variety rights in accordance with their respective competence, and the administrative departments of agriculture and forestry of the People's Governments at county level or above in handling cases concerning counterfeited variety rights in accordance with their respective competence, may, as appropriate, seal up or detain the propagating material of the plant variety relevant to the cases, have access to, make copies of and seal up contracts, account books and other relevant documents related to the cases.

Article 42

Where the protected variety is sold without using the denomination as used in its registration, the administrative departments of agriculture and forestry of the People's Governments at county level or above shall, in accordance with their respective competence, order a correction within a specified time limit, and may impose a fine not exceeding 1,000 yuan.

Article 43

Where disputes arise as to the right to apply for a new variety of plant and the ownership of the variety rights, the parties concerned may file a suit with the People's Court.

Article 44

Where any staff member of the administrative departments of agriculture and forestry of the People's Governments at county level or above and of other departments abuses his power, neglects his duty, engages in any malpractice for private gain, or extorts or receives bribes, that staff member shall be subjected to criminal liability investigation in accordance with the law if the case constitutes a crime; or he shall be punished with administrative sanctions in accordance with the law if it does not constitute a crime.

CHAPTER VIII

SUPPLEMENTARY PROVISIONS

Article 45

The examining and approving authorities may provide for flexible provisions on novelty requirement for the genera or species first included in the list of protected plant varieties before the entry into force of these Regulations and that for the genera or species included in the list of protected plant varieties after the entry into force of the Regulations.

Article 46

These Regulations shall enter into force as from October 1, 1997.

UNITED KINGDOM

PLANT VARIETIES ACT 1997

ARRANGEMENT OF SECTIONS

PART I		22.	Cancellation.
PLANT VARIETIES		23.	Suspension.
<i>Preliminary</i>		<i>Proceedings before the Controller</i>	
<u>Section</u>		24.	Right to be heard: general.
1.	Plant breeders' rights.	25.	Right to be heard: applications for compulsory licences.
2.	The Plant Variety Rights Office.	26.	Appeals to the Tribunal.
<i>Grant of plant breeder's rights</i>		<i>Discharge of the Controller's functions</i>	
3.	Grant on application.	27.	Ministerial guidance.
4.	Conditions for the grant of rights.	28.	Regulations.
5.	Rights in relation to application period.	29.	Fees.
<i>Scope of plant breeders' rights</i>		30.	Use of outsiders.
6.	Protected variety.	<i>False information and representations as to rights</i>	
7.	Dependent varieties.	31.	False information.
<i>Exceptions</i>		32.	False representations as to rights.
8.	General exceptions.	<i>Miscellaneous</i>	
9.	Farm saved seed.	33.	Exclusion from Restrictive Trade Practices Act 1976.
10.	Exhaustion of rights.	34.	Disclosure of information obtained under section 14 or 15.
<i>Duration and transmission of plant breeders' rights</i>		35.	Reference collections of plant material.
11.	Duration.	<i>General</i>	
12.	Transmission.	36.	Offences by bodies corporate, etc.
<i>Remedies for infringement</i>		37.	Jurisdiction in relation to offences.
13.	Remedies for infringement.	38.	Interpretation of Part I.
14.	Presumptions in proceedings relating to harvested material.	39.	Application of Part I to the Crown.
15.	Presumptions in proceedings relating to products made from harvested material.	40.	Application of Part I to existing rights.
<i>Duties of holder of plant breeders' rights</i>		<i>Transition</i>	
16.	Maintenance of protected variety.	41.	Varieties of recent creation.
17.	Compulsory licences.	PART II	
<i>Naming of protected varieties</i>		THE PLANT VARIETIES AND SEEDS TRIBUNAL	
18.	Selection and registration of names.	42.	The Tribunal.
19.	Duty to use registered name.	43.	Jurisdiction under arbitration agreements.
20.	Improper use of registered name.	44.	Statutory jurisdiction: regulations.
<i>Termination and suspension of plant breeders' rights</i>		45.	Appeals from the Tribunal.
21.	Nullity.	46.	Interpretation of Part II.

PART III**MISCELLANEOUS AND GENERAL***Miscellaneous*

47. Extension of time limit for institution of proceedings for contravention of seeds regulations.

General

48. Regulations and orders.
 49. General interpretation.
 50. Receipts.
 51. Consequential amendments.
 52. Repeals.
 53. Extent.
 54. Short title and commencement.

SCHEDULES:

- Schedule 1 - The Plant Variety Rights Office.
 Schedule 2 - Conditions for the grant of plant breeders' rights.
 Part I - Criteria for grant of rights.
 Part II - Priorities between applicants for rights.
 Schedule 3 - The Plant Varieties and Seeds Tribunal.
 Schedule 4 - Repeals.

**PLANT VARIETIES ACT 1997^{1 2 3}**

An Act to make provision about rights in relation to plant varieties; to make provision about the Plant Varieties and Seeds Tribunal; to extend the time limit for institution of proceedings for contravention of seeds regulations; and for connected purposes.

PART I**PLANT VARIETIES***Preliminary*Section 1Plant breeders' rights

- (1) Rights, to be known as plant breeders' rights, may be granted in accordance with this Part of this Act.

- (2) Plant breeders' rights may subsist in varieties of all plant genera and species.

- (3) For the purposes of this Act, "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 plant breeders' rights (which are laid down in section 4 below) are met, can be-

- (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes,
 (b) distinguished from any other plant grouping by the expression of at least one of those characteristics, and

- (c) considered as a unit with regard to its suitability for being propagated unchanged.

Section 2The Plant Variety Rights Office

- (1) The office known as the Plant Variety Rights Office shall continue in being for the purposes of this Part of this Act under the immediate control of an officer appointed by the Ministers and known as the Controller of Plant Variety Rights ("the Controller").
 (2) Schedule 1 to this Act (which makes further provision about the Plant Variety Rights Office) shall have effect.

*Grant of plant breeders' rights*Section 3Grant on application

- (1) Subject to this Part of this Act, plant breeders' rights shall be granted to an applicant by the Controller on being satisfied that the conditions laid down in section 4 below are met.
 (2) The Controller may by notice require an applicant for the grant of plant breeders' rights to provide him, within such time as may be specified in the notice, with such information, documents, plant or other material, facilities or test or trial results relevant to the carrying out of his function under subsection (1) above as may be so specified.

¹ 1997 Chapter 66

² Enacted on November 27, 1997

³ This Act, other than sections 49, 53 and 54(b), entered into force on May 8, 1998.
 (Sections 49, 53 and 54 were brought into force on November 27, 1997)

(3) If an applicant fails to comply with a notice under subsection (2) above within the period specified in the notice, the Controller may refuse the application.

Section 4

(1) The conditions which must be met in relation to an application for the grant of plant breeders' rights are-

- (a) that the variety to which the application relates is a qualifying variety, and
- (b) that the person by whom the application is made is the person entitled to the grant of plant breeders' rights in respect of the variety to which it relates.

(2) For the purposes of subsection (1) above, a variety is a qualifying variety if it is-

- (a) distinct,
- (b) uniform,
- (c) stable, and
- (d) new;

and Part I of Schedule 2 to this Act has effect for the purpose of determining whether these criteria are met.

(3) Subject to subsections (4) and (5) below, the person entitled to the grant of plant breeders' rights in respect of a variety is the person who breeds it, or discovers and develops it, or his successor in title.

(4) If a person breeds a variety, or discovers and develops it, in the course of his employment, then, subject to agreement to the contrary, his employer, or his employer's successor in title, is the person entitled to the grant of plant breeders' rights in respect of it.

(5) Part II of Schedule 2 to this Act shall have effect as respects priorities between two or more persons who have independently bred, or discovered and developed, a variety.

(6) In this section and Schedule 2 to this Act, references to the discovery of a variety are to the discovery of a variety, whether growing in the wild or occurring as a genetic variant, whether artificially induced or not.

Section 5

Rights in relation to application period

(1) If an application for plant breeders' rights is granted, the holder of the rights shall be entitled to reasonable compensation for anything done during the application period which, if done after the grant of the rights, would constitute an infringement of them.

(2) In subsection (1) above, "application period", in relation to a grant of plant breeders' rights, means the period-

- (a) beginning with the day on which details of the appli-

cation for the grant of the rights are published in the gazette, and

- (b) ending with the grant of the rights.

Scope of plant breeders' rights

Section 6

Protected variety

(1) Plant breeders' rights shall have effect to entitle the holder to prevent anyone doing any of the following acts as respects the propagating material of the protected variety without his authority, namely-

- (a) production or reproduction (multiplication),
- (b) conditioning for the purpose of propagation,
- (c) offering for sale,
- (d) selling or other marketing,
- (e) exporting,
- (f) importing,
- (g) stocking for any of the purposes mentioned in paragraphs (a) to (f) above, and
- (h) any other act prescribed for the purposes of this provision.

(2) The holder of plant breeders' rights may give authority for the purposes of subsection (1) above with or without conditions or limitations.

(3) The rights conferred on the holder of plant breeders' rights by subsections (1) and (2) above shall also apply as respects harvested material obtained through the unauthorised use of propagating material of the protected variety, unless he has had a reasonable opportunity before the harvested material is obtained to exercise his rights in relation to the unauthorised use of the propagating material.

(4) In the case of a variety of a prescribed description, the rights conferred on the holder of plant breeders' rights by subsections (1) and (2) above shall also apply as respects any product which-

- (a) is made directly from harvested material in relation to which subsection (3) above applies, and
- (b) is of a prescribed description,

unless subsection (5) below applies.

(5) This subsection applies if, before the product was made, any act mentioned in subsection (1) above was done as respects the harvested material from which the product was made and either-

- (a) the act was done with the authority of the holder of the plant breeders' rights, or

- (b) the holder of those rights had a reasonable opportunity to exercise them in relation to the doing of the act.
- (6) In this section-
 - (a) "prescribed" means prescribed by regulations made by the Ministers, and
 - (b) references to harvested material include entire plants and parts of plants.

Section 7

Dependent varieties

- (1) The holder of plant breeders' rights shall have, in relation to any variety which is dependent on the protected variety, the same rights as he has under section 6 above in relation to the protected variety.
- (2) For the purposes of this section, one variety is dependent on another if-
 - (a) its nature is such that repeated production of the variety is not possible without repeated use of the other variety, or
 - (b) it is essentially derived from the other variety and the other variety is not itself essentially derived from a third variety.
- (3) For the purposes of subsection (2) above, a variety shall be deemed to be essentially derived from another variety ("the initial variety") if-
 - (a) it is predominantly derived from-
 - (i) the initial variety, or
 - (ii) a variety that is itself predominantly derived from the initial variety,
 while retaining the expression of the essential characteristics resulting from the genotype or combination of genotypes of the initial variety,
 - (b) it is clearly distinguishable from the initial variety by one or more characteristics which are capable of a precise description, and
 - (c) except for the differences which result from the act of derivation, 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.
- (4) For the purposes of subsection (3) above, derivation may, for example, be by-
 - (a) the selection of-
 - (i) a natural or induced mutant,
 - (ii) a somaclonal variant, or

- (iii) a variant individual from plants of the initial variety,

- (b) backcrossing, or
- (c) transformation by genetic engineering.

- (5) Subsection (1) above shall not apply where the existence of the dependent variety was common knowledge immediately before the coming into force of this Act.

Exceptions

Section 8

General exceptions

Plant breeders' rights shall not extend to any act done-

- (a) for private and non-commercial purposes,
- (b) for experimental purposes, or
- (c) for the purpose of breeding another variety.

Section 9

Farm saved seed

- (1) Subject to subsection (2) below, plant breeders' rights shall not extend to the use by a farmer for propagating purposes in the field, on his own holding, of the product of the harvest which he has obtained by planting on his own holding propagating material of-
 - (a) the protected variety, or
 - (b) a variety which is essentially derived from the protected variety.
- (2) Subsection (1) above only applies if the material is of a variety which is of a species or group specified for the purposes of this subsection by order made by the Ministers.
- (3) If a farmer's use of material is excepted from plant breeders' rights by subsection (1) above, he shall, at the time of the use, become liable to pay the holder of the rights equitable remuneration, which shall be sensibly lower than the amount charged for the production of propagating material of the same variety in the same area with the holder's authority.
- (4) Subsection (3) above shall not apply to a farmer who is considered to be a small farmer for the purposes of Article 14(3) third indent of the Council Regulation.
- (5) Subsection (3) above shall not apply if-
 - (a) before the day on which this Part of this Act comes into force, the farmer has, in relation to the variety concerned, engaged in use of the kind to which subsection (1) above applies, and
 - (b) no remuneration was payable in respect of that use.

(6) The Ministers may by order provide that, on such date after 30th June 2001 as may be specified in the order, subsection (5) above shall cease to have effect in relation to a variety so specified, or varieties of a species or group so specified.

(7) The Ministers may by regulations-

(a) make provision enabling-

(i) holders of plant breeders' rights to require farmers or seed processors, and

(ii) farmers or seed processors to require holders of plant breeders' rights,

to supply such information as may be specified in the regulations, being information the supply of which the Ministers consider necessary for the purposes of this section,

(b) make provision restricting the circumstances in which the product of a harvest of a variety which is subject to plant breeders' rights may be moved, for the purpose of being processed for planting, from the holding on which it was obtained, and

(c) make provision for the purpose of enabling the Ministers to monitor the operation of any provision of this section or regulations under this section.

(8) Regulations under subsection (7)(a) above may include provision imposing obligations of confidence in relation to information supplied by virtue of the regulations.

(9) Subsections (3) and (4) of section 7 above shall apply for the purposes of subsection (1)(b) above as they apply for the purposes of subsection (2) of that section.

(10) For the purposes of subsection (3) above, remuneration shall be taken to be sensibly lower if it would be taken to be sensibly lower within the meaning of Article 14(3) fourth indent of the Council Regulation.

(11) In this section, references to a farmer's own holding are to any land which he actually exploits for plant growing, whether as his property or otherwise managed under his own responsibility and on his own account.

(12) The Ministers may by order amend this section as they think fit for the purpose of securing that it corresponds with the provisions for the time being of the law relating to Community plant variety rights about farm saved seed.

Section 10

Exhaustion of rights

(1) Plant breeders' rights shall not extend to any act concerning material of a variety if the material-

(a) has been sold or otherwise marketed in the United Kingdom by, or with the consent of, the holder of the rights, or

(b) is derived from material which has been so sold or otherwise marketed.

(2) Subsection (1) above shall not apply where the act involves-

(a) further propagation of the variety, or

(b) the export of material which enables propagation of the variety to a non-qualifying country, otherwise than for the purposes of final consumption.

(3) For the purposes of subsection (2)(b) above, a non-qualifying country is one which does not provide for the protection of varieties of the genus or species to which the variety belongs.

(4) In this section, "material", in relation to a variety, means-

(a) any kind of propagating material of the variety,

(b) harvested material of the variety, including entire plants and parts of plants, and

(c) any product made directly from material falling within paragraph (b) above.

Duration and transmission of plant breeders' rights

Section 11

Duration

(1) A grant of plant breeders' rights shall have effect-

(a) in the case of potatoes, trees and vines, for 30 years from the date of the grant, and

(b) in other cases, for 25 years from that date.

(2) The Ministers may by regulations provide that, in relation to varieties of a species or group specified in the regulations, subsection (1) above shall have effect with the substitution in paragraph (a) or (b), as the case may be, of such longer period, not exceeding-

(a) in the case of paragraph (a), 35 years, and

(b) in the case of paragraph (b), 30 years,

as may be so specified.

(3) The period for which a grant of plant breeders' rights has effect shall not be affected by the fact it becomes impossible to invoke the rights-

(a) because of Article 92(2) of the Council Regulation (effect of subsequent grant of Community plant variety right), or

(b) because of suspension under section 23 below.

Section 12Transmission.

Plant breeders' rights shall be assignable like other kinds of proprietary rights, but in any case rights under section 6 above and rights under section 7 above may not be assigned separately.

*Remedies for infringement*Section 13Remedies for infringement

(1) Plant breeders' rights shall be actionable at the suit of the holder of the rights.

(2) In any proceedings for the infringement of plant breeders' rights, all such relief by way of damages, injunction, interdict, account or otherwise shall be available as is available in any corresponding proceedings in respect of infringements of other proprietary rights.

Section 14Presumptions in proceedings relating to harvested material.

(1) This section applies to any proceedings for the infringement of plant breeders' rights as respects harvested material.

(2) If, in any proceedings to which this section applies, the holder of the plant breeders' rights proves, in relation to any of the material to which the proceedings relate-

- (a) that it has been the subject of an information notice given to the defendant by or on behalf of the holder, and
- (b) that the defendant has not, within the prescribed time after the service of the notice, supplied the holder with the information about it requested in the notice,

then, as regards the material in relation to which the holder proves that to be the case, the presumptions mentioned in subsection (3) below shall apply, unless the contrary is proved or the defendant shows that he had a reasonable excuse for not supplying the information.

(3) The presumptions are-

- (a) that the material was obtained through unauthorised use of propagating material, and
- (b) that the holder did not have a reasonable opportunity before the material was obtained to exercise his rights in relation to the unauthorised use of the propagating material.

(4) The reference in subsection (2) above to an information notice is to a notice which-

- (a) is in the prescribed form,

(b) specifies the material to which it relates,

(c) contains, in relation to that material, a request for the supply of the prescribed, but no other, information, and

(d) contains such other particulars as may be prescribed.

(5) In this section, "prescribed" means prescribed by regulations made by the Ministers.

Section 15Presumptions in proceedings relating to products made from harvested material

(1) This section applies to any proceedings for the infringement of plant breeders' rights as respects any product made directly from harvested material.

(2) If, in any proceedings to which this section applies, the holder of the plant breeders' rights proves, in relation to any product to which the proceedings relate-

- (a) that it has been the subject of an information notice given to the defendant by or on behalf of the holder, and
- (b) that the defendant has not, within the prescribed time after the service of the notice, supplied the holder with the information about it requested in the notice,

then, as regards the product in relation to which the holder proves that to be the case, the presumptions mentioned in subsection (3) below shall apply, unless the contrary is proved or the defendant shows that he had a reasonable excuse for not supplying the information.

(3) The presumptions are-

- (a) that the harvested material from which the product was made was obtained through unauthorised use of propagating material,
- (b) that the holder did not have a reasonable opportunity before the harvested material was obtained to exercise his rights in relation to the unauthorised use of the propagating material, and
- (c) that no relevant act was done, before the product was made, as respects the harvested material from which it was made.

(4) An act is relevant for the purposes of subsection (3)(c) above if it is mentioned in section 6(1) above and is-

- (a) done with the authority of the holder, or
- (b) one in relation to the doing of which he has a reasonable opportunity to exercise his rights.

(5) The reference in subsection (2) above to an information notice is to a notice which-

- (a) is in the prescribed form,
 - (b) specifies the product to which it relates,
 - (c) contains, in relation to that product, a request for the supply of the prescribed, but no other, information, and
 - (d) contains such other particulars as may be prescribed.
- (6) In this section, "prescribed" means prescribed by regulations made by the Ministers.

Duties of holder of plant breeders' rights

Section 16

Maintenance of protected variety

- (1) The holder of any plant breeders' rights shall ensure that, throughout the period for which the grant of the rights has effect, he is in a position to produce to the Controller propagating material which is capable of producing the protected variety.
- (2) The holder of any plant breeders' rights shall give to the Controller, within such time as he may specify, all such information and facilities as he may request for the purpose of satisfying himself that the holder is fulfilling his duty under subsection (1) above.
- (3) The facilities to be given under subsection (2) above include facilities for the inspection by or on behalf of the Controller of the measures taken for the preservation of the protected variety.

Section 17

Compulsory licences

- (1) Subject to subsections (2) and (3) below, if the Controller is satisfied on application that the holder of any plant breeders' rights-

- (a) has unreasonably refused to grant a licence to the applicant, or
- (b) has imposed or put forward unreasonable terms in granting, or offering to grant, a licence to the applicant,

he may grant to the applicant in the form of a licence under this section any such rights as might have been granted by the holder.

- (2) The Controller shall not grant an application for a licence under this section unless he is satisfied-

- (a) that it is necessary to do so for the purpose of securing that the variety to which the application relates-
 - (i) is available to the public at reasonable prices,

- (ii) is widely distributed, or
- (iii) is maintained in quality,

- (b) that the applicant is financially and otherwise in a position to exploit in a competent and businesslike manner the rights to be conferred on him, and

- (c) that the applicant intends so to exploit those rights.

- (3) A licence under this section shall not be an exclusive licence.

- (4) A licence under this section shall be on such terms as the Controller thinks fit and, in particular, may include-

- (a) terms as to the remuneration payable to the holder of the plant breeders' rights, and
- (b) terms obliging the holder of the plant breeders' rights to make propagating material available to the holder of the licence.

- (5) In deciding on what terms to grant an application for a licence under this section, the Controller shall have regard to the desirability of securing-

- (a) that the variety to which the application relates-

- (i) is available to the public at reasonable prices,
- (ii) is widely distributed, and
- (iii) is maintained in quality, and

- (b) that there is reasonable remuneration for the holder of the plant breeders' rights to which the application relates.

- (6) An application for a licence under this section may be granted whether or not the holder of the plant breeders' rights to which the application relates has granted licences to the applicant or any other person.

- (7) If and so far as any agreement purports to bind any person not to apply for a licence under this section, it shall be void.

- (8) If-

- (a) a licence under this section is granted as respects a variety of a species or group in relation to which a period is specified for the purposes of this provision by regulations made by the Ministers, and
- (b) the grant takes place before a period of that length has passed since the date of grant of the plant breeders' rights to which the licence relates,

the licence shall not have effect until a period of that length has passed since that date.

(9) The Controller may, at any time, on the application of any person, extend, limit or in any other respect vary a licence under this section, or revoke it.

Naming of protected varieties

Section 18

Selection and registration of names

(1) The Ministers may by regulations-

- (a) make provision for the selection of names for varieties which are the subject of applications for the grant of plant breeders' rights,
- (b) make provision about change of name in relation to varieties in respect of which plant breeders' rights have been granted, and
- (c) make provision for the keeping of a register of the names of varieties in respect of which plant breeders' rights have been granted.

(2) Regulations under subsection (1) above may, in particular-

- (a) make provision enabling the Controller to require an applicant for the grant of plant breeders' rights to select a name for the variety to which the application relates,
- (b) make provision enabling the Controller to require the holder of plant breeders' rights to select a different name for the protected variety,
- (c) prescribe classes of variety for the purposes of the regulations,
- (d) prescribe grounds on which the registration of a proposed name may be refused,
- (e) prescribe the circumstances in which representations may be made regarding any decision as to the name to be registered in respect of any variety,
- (f) make provision enabling the Controller-
 - (i) to refuse an application for the grant of plant breeders' rights, or
 - (ii) to terminate the period for which a grant of plant breeders' rights has effect,

if the applicant or holder fails to comply with a requirement imposed under the regulations,

- (g) make provision for the publication or service of notices of decisions which the Controller proposes to take, and

(h) prescribe the times at which, and the circumstances in which, the register may be inspected by members of the public.

(3) The Controller shall publish notice of all entries made in the register, including alterations, corrections and erasures-

- (a) in the gazette, and
- (b) in such other manner as appears to the Controller to be convenient for the publication of these to all concerned.

(4) For the purposes of subsection (1) above, the variety in respect of which plant breeders' rights are granted is the protected variety.

Section 19

Duty to use registered name

(1) Where a name is registered under section 18 above in respect of a variety, a person may not use any other name in selling, offering for sale or otherwise marketing propagating material of the variety.

(2) Subsection (1) above shall have effect in relation to any variety from the date on which plant breeders' rights in respect of that variety are granted, and shall continue to apply after the period for which the grant of those rights has effect.

(3) Subsection (1) above shall not preclude the use of any trade mark or trade name (whether registered under the Trade Marks Act 1994 or not) if-

- (a) that mark or name and the registered name are juxtaposed, and
- (b) the registered name is easily recognisable.

(4) A person who contravenes subsection (1) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) In any proceedings for an offence under subsection (4) above, it shall be a defence to prove that the accused took all reasonable precautions against committing the offence and had not at the time of the offence any reason to suspect that he was committing an offence.

Section 20

Improper use of registered name

(1) If any person uses the registered name of a protected variety in offering for sale, selling or otherwise marketing material of a different variety within the same class, the use of the name shall be a wrong actionable in proceedings by the holder of the rights.

(2) Subsection (1) above shall also apply to the use of a name so nearly resembling the registered name as to be likely to deceive or cause confusion.

(3) In any proceedings under this section, it shall be a defence to a claim for damages to prove that the defendant took all reasonable precautions against committing the wrong and had not, when using the name, any reason to suspect that it was wrongful.

(4) In this section-

"class" means a class prescribed for the purposes of regulations under section 18(1) above,

"registered name", in relation to a protected variety, means the name registered in respect of it under section 18 above.

Termination and suspension of plant breeders' rights

Section 21

Nullity

(1) The Controller shall declare the grant of plant breeders' rights null and void if it is established-

- (a) that when the rights were granted the protected variety did not meet the criterion specified in paragraph (a) or (d) of section 4(2) above,
- (b) where the grant of the rights was essentially based upon information and documents furnished by the applicant, that when the rights were granted the protected variety did not meet the criterion specified in paragraph (b) or (c) of that provision, or
- (c) that the person to whom the rights were granted was not the person entitled to the grant of the rights and the rights have not subsequently been transferred to him, or his successor in title.

(2) If, because of paragraph 6 of Schedule 2 to this Act, priority is established for an application for the grant of plant breeders' rights after such rights have been granted in pursuance of an application against which priority is established, subsection (1)(c) above shall only apply to the grant if the Controller decides that the application for which priority is established should be granted.

(3) Where the grant of plant breeders' rights is declared null and void under this section, it shall be deemed never to have had effect.

Section 22

Cancellation

(1) The Controller may terminate the period for which a grant of plant breeders' rights has effect if-

- (a) he is satisfied that the protected variety no longer meets the criterion specified in paragraph (b) or (c) of section 4(2) above,

(b) it appears to him that the holder of the rights is no longer in a position to provide him with the propagating material mentioned in section 16(1) above,

(c) he is satisfied that the holder of the rights has failed to comply with a request under section 16(2) above, or

(d) on application by the holder of the rights, he is satisfied that the rights may properly be surrendered.

(2) Before determining an application under subsection (1)(d) above, the Controller shall-

- (a) give notice of the application in the manner prescribed by regulations made by the Ministers, and
- (b) follow the procedure so prescribed for hearing any person on whom the right to object is conferred by such regulations.

(3) If the Controller is satisfied, not only that the protected variety no longer meets the criterion specified in paragraph (b) or (c) of section 4(2) above, but also that it ceased to do so at some earlier date, he may make the termination retrospective to that date.

Section 23

Suspension

(1) The Controller may suspend the exercise of any plant breeders' rights if, on application by the holder of a licence under section 17 above, he is satisfied that the holder of the rights is in breach of any obligation imposed on him by the licence.

(2) The Controller shall terminate a suspension under subsection (1) above if, on application by the holder of the plant breeders' rights concerned, he is satisfied that the holder is no longer in breach of the obligation whose breach led to the suspension.

(3) Subsection (1) above is without prejudice to the remedies available to the holder of a licence under section 17 above by the taking of proceedings in any court.

Proceedings before the Controller

Section 24

Right to be heard: general

The Ministers shall by regulations make provision for any decision of the Controller against which an appeal lies to the Tribunal to be made only after an opportunity of making representations to him, and of being heard by him or by a person appointed by him for the purpose, has been afforded-

- (a) to the person entitled to appeal to the Tribunal against that decision, and

- (b) to persons of such other descriptions as may be prescribed by the regulations.

Section 25

Right to be heard: applications for compulsory licences

(1) This section applies to an application for the grant of a licence under section 17 above if the holder of the plant breeders' rights to which the application relates is, or includes, or is represented by, a society or other organisation falling within subsection (2) below.

(2) A society or other organisation falls within this subsection if it has as its main object, or one of its main objects, the negotiation or granting of licences to exercise plant breeders' rights, either as the holder of the rights or as agent for holders.

(3) If-

- (a) any organisation or person applies to the Controller for an opportunity of making representations concerning an application to which this section applies, and
- (b) the Controller is satisfied that the conditions mentioned in subsection (4) below are met,

he shall afford to the organisation or person by whom the application under this subsection is made an opportunity of making representations to him and of being heard by him or by a person appointed by him for the purpose.

(4) The conditions referred to in subsection (3) above are-

- (a) that the organisation or person has a substantial interest in the application for a licence under section 17 above,
- (b) that that application involves issues which may affect other applicants for licences under that section, and
- (c) where the application under subsection (3) above is made by an organisation, that the organisation is reasonably representative of the class of persons which it claims to represent.

(5) The rights conferred by this section are in addition to any rights which may be conferred under section 24 above.

Section 26

Appeals to the Tribunal

(1) An appeal shall lie to the Tribunal against the following decisions of the Controller-

- (a) a decision to allow or refuse an application for the grant of plant breeders' rights,
- (b) any decision preliminary to the determination of such an application as to the conditions laid down in section 4 above,

- (c) a decision to allow or refuse an application under section 17(1) or (9) above,

- (d) any decision under section 21 or 22(1)(a), (b) or (c) above,

- (e) a decision to refuse an application under section 22(1)(d) above, and

- (f) a decision to allow or refuse an application under section 23(1) or (2) above.

(2) The Ministers may by regulations confer a right of appeal to the Tribunal against-

- (a) a decision of the Controller to refuse an application under section 25(3)(a) above, or
- (b) any decision of the Controller under regulations made under section 18 above or section 28 or 29 below.

Discharge of the Controller's functions

Section 27

Ministerial guidance

The Controller shall, in exercising his functions, act under the general direction of the Ministers, except in relation to the taking of a decision from which an appeal lies to the Tribunal.

Section 28

Regulations

(1) The Ministers may by regulations make such provision as they think fit as respects the manner in which the Controller is to discharge his functions under this Part of this Act, in particular as respects applications for the grant of plant breeders' rights and other applications to the Controller under this Part of this Act.

(2) Regulations under subsection (1) above may, in particular-

- (a) make provision for restricting the making of repeated applications on the same subject,
- (b) prescribe the circumstances in which representations may be made regarding any decision on an application or in connection with the charging of fees,
- (c) make provision as to the keeping of registers and records by the Controller and their rectification, and prescribe the circumstances in which they may be inspected by members of the public,
- (d) make provision for the publication or service of notice of applications and of the Controller's decisions,
- (e) prescribe the manner of dealing with objections to applications.

Section 29Fees

(1) The Ministers may make regulations as respects the charging of fees by the Controller, including periodical fees payable by persons holding plant breeders' rights.

(2) Regulations under subsection (1) above may authorise the Controller-

- (a) in the case of a failure to pay any fees payable in connection with any application to him under this Part of this Act, to refuse the application, and
- (b) in the case of a failure by a holder of plant breeders' rights to pay any fees payable in connection with those rights, to terminate the period for which the grant of those rights has effect;

and may provide for the restoration of the application or the rights if the failure to pay fees is made good.

Section 30Use of outsiders

The Controller may use the services of persons who are not appointed as officers or servants of the Plant Variety Rights Office-

- (a) in carrying out the tests and trials which he considers expedient for the purposes of this Part of this Act, and
- (b) in assessing the results of any tests and trials (whether carried out by him or not) which he considers relevant for those purposes.

*False information and representations
as to rights*

Section 31False information

(1) If any information to which this section applies is false in a material particular and the person giving the information knows that it is false or gives it recklessly, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) The information to which this section applies is-

- (a) information given in an application to the Controller for a decision against which an appeal lies to the Tribunal,
- (b) information given by or on behalf of the applicant in connection with such an application, and
- (c) information given in pursuance of a request under section 16(2) above.

Section 32False representations as to rights

(1) If, in relation to any variety, a person falsely represents that he is entitled to exercise plant breeders' rights, or any rights derived from such rights, and he knows that the representation is false, or makes it recklessly, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) It is immaterial for the purposes of subsection (1) above whether or not the variety to which the representation relates is the subject of plant breeders' rights.

*Miscellaneous*Section 33

Exclusion from Restrictive
Trade Practices Act 1976

The Restrictive Trade Practices Act 1976 shall not apply-

- (a) to any licence granted by the holder of plant breeders' rights or by any other person authorised to grant a licence in respect of such rights,
- (b) to any assignment of plant breeders' rights or of the title to apply for the grant of such rights, or
- (c) to any agreement for such a licence or assignment,

being a licence, assignment or agreement under which no such restrictions as are described in section 6(1) of that Act are accepted, except in respect of goods which are plants or parts of plants of a variety to which the plant breeders' rights relate, or a variety to which those rights will relate if they are granted.

Section 34

Disclosure of information obtained
under section 14 or 15

(1) If the holder of plant breeders' rights obtains information pursuant to a notice given for the purposes of section 14 or 15 above, he shall owe an obligation of confidence in respect of the information to the person who supplied it.

(2) Subsection (1) above shall not have effect to restrict disclosure of information-

- (a) for the purposes of, or in connection with, establishing whether plant breeders' rights have been infringed, or
- (b) for the purposes of, or in connection with, any proceedings for the infringement of plant breeders' rights.

Section 35Reference collections of plant material

(1) The Controller may establish and maintain reference collections of plant material.

(2) The Controller may by means of grants of such amounts as he may determine defray or contribute towards the expenses incurred by any other person in maintaining any reference collection of plant material.

*General*Section 36Offences by bodies corporate, etc.

(1) Where an offence under this Part of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Where an offence under this Part of this Act committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he, as well as the partnership, shall be guilty of the offence and liable to be proceeded against and punished accordingly.

Section 37Jurisdiction in relation to offences

(1) Proceedings for an offence under this Part of this Act may be taken against a person before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(2) Subsection (1) above is without prejudice to any jurisdiction exercisable apart from that subsection.

Section 38Interpretation of Part I

(1) In this Part of this Act-

“the Council Regulation” means Council Regulation (EC) No 2100/94 of 27th July 1994 on Community plant variety rights, and references to particular provisions of the Council Regulation shall be construed as references to those provisions, or provisions of any Community instrument replacing them, as amended from time to time;

“gazette” means the gazette published under section 34 of the Plant Varieties and Seeds Act 1964;

“name” includes any designation;

“protected variety”, in relation to any plant breeders’ rights, means the variety which was the basis of the application for the grant of the rights;

“variety” has the meaning given by section 1(3) above.

(2) In this Part of this Act references to an applicant for the grant of plant breeders’ rights, or to the holder of plant breeders’ rights, include, where the context allows, references to his predecessors in title or his successors in title.

(3) For the purposes of this Part of this Act, the existence of a variety shall be taken to be a matter of common knowledge if-

- (a) it is, or has been, the subject of a plant variety right under any jurisdiction,
- (b) it is, or has been, entered in an official register of plant varieties under any jurisdiction, or
- (c) it is the subject of an application which subsequently leads to its falling within paragraph (a) or (b) above.

(4) Otherwise, common knowledge may be established for those purposes by reference, for example, to-

- (a) plant varieties already in cultivation or exploited for commercial purposes,
- (b) plant varieties included in a recognised commercial or botanical reference collection, or
- (c) plant varieties of which there are precise descriptions in any publication.

Section 39Application of Part I to the Crown

(1) If-

- (a) any servant or agent of the Crown infringes any plant breeders’ rights or makes himself liable to civil proceedings under section 20 above, and
- (b) the infringement or wrong is committed with the authority of the Crown,

civil proceedings in respect of the infringement or wrong shall lie against the Crown.

(2) Except as provided by subsection (1) above, no proceedings shall lie against the Crown by virtue of the Crown Proceedings Act 1947 in respect of the infringement of plant breeders’ rights or any wrong under section 20 above.

(3) This section shall have effect as if contained in Part I of the Crown Proceedings Act 1947.

Section 40Application of Part I to existing rights

(1) Subject to the following provisions of this section, this Part of this Act applies in relation to existing rights as it applies in relation to plant breeders' rights granted under this Part of this Act.

(2) Section 5 above shall not apply in relation to existing rights.

(3) Section 11 above shall only apply to existing rights if the effect is to extend the period for which the rights are exercisable.

(4) In this section, "existing rights" means plant breeders' rights granted under Part I of the Plant Varieties and Seeds Act 1964 which are exercisable on the coming into force of this Part of this Act.

TransitionSection 41Varieties of recent creation

(1) This section applies where, before the end of the period of 12 months beginning with the day on which this Part of this Act comes into force, an application for the grant of plant breeders' rights is made in respect of a variety-

- (a) which was in existence on the coming into force of this Part of this Act,
- (b) which is of a species or group which was not, immediately before the coming into force of this Part of this Act, prescribed by a scheme under Part I of the Plant Varieties and Seeds Act 1964 (grant of plant breeders' rights), and
- (c) to which paragraph 4(2) of Schedule 2 to this Act does not apply.

(2) The variety to which the application relates shall, for the purposes of section 4(2) above, be deemed to be new if no sale or other disposal of propagating or harvested material of the variety for the purposes of exploiting the variety has, with the consent of the applicant, taken place earlier than 4 years, or, in the case of trees or vines, 6 years, before the day on which this Part of this Act comes into force.

(3) Paragraph 4(4) and (10) of Schedule 2 to this Act shall also apply for the purposes of subsection (2) above.

(4) If plant breeders' rights are granted by virtue of this section, the period for which the grant of those rights has effect shall be reduced by the period before the application since the first date on which a sale or other disposal of propagating or harvested material of the variety for the purposes of exploiting the variety took place in the United Kingdom with the consent of the applicant, less one year.

PART II**THE PLANT VARIETIES AND SEEDS TRIBUNAL**Section 42The Tribunal

(1) There shall continue to be a tribunal known as the Plant Varieties and Seeds Tribunal ("the Tribunal").

(2) Schedule 3 to this Act (which makes provision about the Tribunal) shall have effect.

Section 43Jurisdiction under arbitration agreements

(1) The Tribunal shall hear and determine any matters agreed to be referred to the Tribunal by any arbitration agreement relating to the infringement of plant breeders' rights, or to matters which include the infringement of plant breeders' rights.

(2) The fees payable to the Tribunal for acting under any arbitration agreement shall be such as the Tribunal may determine.

(3) Nothing in section 4 of the Arbitration (Scotland) Act 1894 (power to name oversman) shall be taken as applying to the Tribunal.

(4) In the application of this section to England and Wales or Northern Ireland, "arbitration agreement" has the same meaning as in Part I of the Arbitration Act 1996.

Section 44Statutory jurisdiction: regulations

The Ministers may, as respects appeals to the Tribunal under their statutory jurisdiction, by regulations-

- (a) make provision for determining in which part of the United Kingdom an appeal is to be heard,
- (b) make provision authorising persons other than the person by whom an appeal is made and the authority whose decision is appealed against to appear and be heard as parties to the appeal,
- (c) make provision for suspending, or authorising or requiring the suspension of, the operation of a decision pending final determination of an appeal against it, or
- (d) make provision for the publication of notices or the taking of other steps for securing that the persons affected by the suspension of the operation of a decision appealed against will be informed of its suspension.

Section 45Appeals from the Tribunal

(1) In relation to any decision of the Tribunal on an appeal under their statutory jurisdiction, section 11 of the Tribunals and Inquiries Act 1992 (appeal on point of law) shall apply as if the Tribunal were included among the tribunals mentioned in subsection (1) of that section.

(2) Subject to any right of appeal by virtue of subsection (1) above, any decision of the Tribunal on an appeal under their statutory jurisdiction shall be final and conclusive.

Section 46Interpretation of Part II

In this Part of this Act, references to the statutory jurisdiction of the Tribunal are to any jurisdiction of the Tribunal under Part I of this Act, Part II of the Plant Varieties and Seeds Act 1964 or the Seeds Act Northern Ireland) 1965.

PART III**MISCELLANEOUS AND GENERAL***Miscellaneous*Section 47Extension of time limit for institution of proceedings for contravention of seeds regulations

In section 28 of the Plant Varieties and Seeds Act 1964 (institution of criminal proceedings), after subsection (2) there shall be inserted-

“(2A) Notwithstanding anything in section 127(1) of the Magistrates’ Courts Act 1980 or section 136 of the Criminal Procedure (Scotland) Act 1995, proceedings for contravening a provision contained in seeds regulations may be brought at any time not more than one year from the time when the contravention occurred.”

*General*Section 48Regulations and orders

(1) Any regulations or order under this Act made by the Ministers-

- (a) may make different provision for different cases or circumstances, and
- (b) may contain such supplemental, incidental and transitional provisions as appear to the Ministers to be expedient.

(2) Any regulations or order under this Act made by the Ministers shall be made by statutory instrument.

(3) A statutory instrument containing any regulations or order under this Act made by the Ministers, other than an order under section 9(12) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) No order shall be made under section 9(12) above unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

(5) Before making any regulations or order under this Act, the Ministers shall consult such organisations as appear to them to be representative of persons likely to be substantially affected by the regulations or order.

(6) Nothing in this section applies to an order under section 54(3) below.

Section 49General interpretation

(1) In this Act-

“the Controller” has the meaning given by section 2(1) above;

“the Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland acting jointly; and

“the Tribunal” has the meaning given by section 42 above.

(2) In this Act, references to plant breeders’ rights include rights under section 7 above.

Section 50Receipts

Any fees received by virtue of this Act by the Controller or the Tribunal shall be paid into the Consolidated Fund.

Section 51Consequential amendments

(1) In section 34 of the Plant Varieties and Seeds Act 1964-

- (a) in subsection (1), at the end there shall be inserted “or Part I of the Plant Varieties Act 1997”, and
- (b) in subsection (2), for “section 5 of this Act” there shall be substituted “section 18 of the Plant Varieties Act 1997”.

(2) In section 38 of that Act, for the definition of the expression “the Tribunal” there shall be substituted-

“‘the Tribunal’ means the Plant Varieties and Seeds Tribunal;”.

(3) In Schedule 4 to the Parliamentary Commissioner Act 1967, in the entry relating to the Plant Varieties and Seeds Tribunal, for the words after "Tribunal" there shall be substituted "(referred to in section 42 of the Plant Varieties Act 1997)".

(4) In section 2(4) of the Trade Descriptions Act 1968, after paragraph (g) there shall be inserted-

"(h) the Plant Varieties Act 1997;".

(5) In Schedule 1 to the Tribunals and Inquiries Act 1992, in paragraph 36-

- (a) in sub-paragraph (a), for "section 11(5) of the Plant Varieties and Seeds Act 1964 (c. 14)" there shall be substituted "paragraph 3 of Schedule 1 to the Plant Varieties Act 1997", and
- (b) in sub-paragraph (b), for "established by section 10 of that Act" there shall be substituted "(referred to in section 42 of that Act)".

Section 52

Repeals

The enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Section 53

Extent

(1) This Act, except section 47 above, extends to Northern Ireland.

(2) Her Majesty may by Order in Council direct that any of the provisions of this Act shall, subject to such modifications as appear to Her Majesty to be appropriate, extend to any of the Channel Islands or the Isle of Man.

(3) An Order in Council under subsection (2) above may contain such transitional and consequential provisions as appear to Her Majesty to be expedient.

Section 54

Short title and commencement

- (1) This Act may be cited as the Plant Varieties Act 1997.
- (2) This section and sections 49 and 53 above shall come into force on the day on which this Act is passed.
- (3) The remaining provisions of this Act shall come into force on such day as the Ministers may by order made by statutory instrument appoint; and different days may be so appointed for different purposes.
- (4) An order under subsection (3) above may contain such transitional provisions and savings as appear to the Ministers to be expedient.

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SCHEDULES

SCHEDULE 1

THE PLANT VARIETY RIGHTS OFFICE

Staff

Paragraph 1

The Ministers may appoint a deputy controller and such other officers and servants to act in the Plant Variety Rights Office as the Ministers may determine.

Remuneration

Paragraph 2

There shall be paid to the Controller and any other officers or servants appointed under paragraph 1 above such remuneration and allowances as the Ministers may with the consent of the Minister for the Civil Service determine.

Authority of officers

Paragraph 3

Any act or thing directed to be done by or to the Controller may be done by or to any officer authorised by the Ministers.

Proof of documents

Paragraph 4

Prima facie evidence, or in Scotland sufficient evidence, of any document issued by the Controller may be given in all legal proceedings by the production of a copy or extract certified to be a true copy or extract by an officer appointed under paragraph 1 above and authorised to give a certificate under this paragraph.

Paragraph 5

Any document purporting to be certified in accordance with paragraph 4 above shall, unless the contrary is proved, be deemed to have been duly certified without proof of the official character or handwriting of the person appearing to have certified the document.

SCHEDULE 2

CONDITIONS FOR THE GRANT OF PLANT BREEDERS' RIGHTS

PART I

CRITERIA FOR GRANT OF RIGHTS

Distinctness

Paragraph 1

The variety shall be deemed to be distinct if it is clearly distinguishable by one or more characteristics which are capable of a precise description from any other variety whose existence

is a matter of common knowledge at the time of the application.

Uniformity

Paragraph 2

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 those characteristics which are included in the examination for distinctness.

Stability

Paragraph 3

The variety shall be deemed to be stable if those characteristics which are included in the examination for distinctness, as well as any others used for the variety description, remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

Novelty

Paragraph 4

(1) The variety shall be deemed to be new if sub-paragraphs (2) and (3) below apply.

(2) This sub-paragraph applies if no sale or other disposal of propagating or harvested material of the variety for the purposes of exploiting the variety has, with the consent of the applicant, taken place in the United Kingdom earlier than one year before the date of the application.

(3) This sub-paragraph applies if no sale or other disposal of propagating or harvested material of the variety for the purposes of exploiting the variety has, with the consent of the applicant, taken place elsewhere than in the United Kingdom earlier than 4 years, or, in the case of trees or vines, 6 years, before the date of the application.

(4) For the purposes of sub-paragraphs (2) and (3) above, there shall be disregarded any sale or other disposal to which sub-paragraph (5), (6), (8) or (9) below applies.

(5) This sub-paragraph applies to any sale or other disposal of a stock of material of the variety to a person who at the time of the sale or other disposal is, or who subsequently becomes, the person entitled to the grant of plant breeders' rights in respect of the variety.

(6) This sub-paragraph applies to-

- (a) any sale or other disposal of propagating material of the variety to a person as part of qualifying arrangements, and
- (b) any sale or other disposal to the applicant, by a person who uses propagating material of the variety under any such arrangements, of the material produced directly or indirectly from the use.

(7) For the purposes of sub-paragraph (6) above, qualifying arrangements are arrangements under which-

(a) a person uses propagating material of the variety under the applicant's control for the purpose of increasing the applicant's stock, or of carrying out tests or trials, and

(b) the whole of the material produced, directly or indirectly, from the material becomes or remains the property of the applicant.

(8) This sub-paragraph applies to any sale or other disposal of material of the variety, other than propagating material, produced in the course of-

- (a) the breeding of the variety,
- (b) increasing the applicant's stock of material of the variety, or
- (c) carrying out tests or trials of the variety,

which does not involve identifying the variety from which the material is produced.

(9) This sub-paragraph applies to any disposal of material of the variety, otherwise than by way of sale, at an exhibition or for the purposes of display at an exhibition.

(10) For the purposes of sub-paragraphs (2) and (3) above, any sale or other disposal of propagating or harvested material of a variety for the purposes of exploiting the variety shall, if the variety is related to another variety, be treated as being also a sale or other disposal of propagating or harvested material of the other variety for the purposes of exploiting that variety.

(11) For the purposes of sub-paragraph (10) above, a variety is related to another if its nature is such that repeated production of the variety is not possible without repeated use of the other variety.

PART II

PRIORITIES BETWEEN APPLICANTS FOR RIGHTS

Paragraph 5

(1) If a variety is bred, or discovered and developed, by two or more persons independently, the first of those persons, and any successors in title of theirs, to apply for the grant of plant breeders' rights in respect of it shall be the person entitled to the grant.

(2) As between persons making applications for the grant of plant breeders' rights in respect of the same variety on the same date, the one who was first in a position to make an application for the grant of plant breeders' rights in respect of that variety, or who would have been first in that position if this Part of this Act had always been in force, shall be the person entitled to the grant.

Paragraph 6

(1) If the following conditions are met, an application for the grant of plant breeders' rights shall be treated for the purposes of paragraphs 1, 4 and 5 above as made, not on the date on which it is in fact made, but on the earlier date mentioned in sub-paragraph (7) below.

(2) The first condition is that, in the 12 months immediately preceding the application under this Part of this Act, the applicant has duly made a parallel application under the law of-

- (a) the European Community,
- (b) any other intergovernmental organisation, or any State, which is, and was at the time of the application, a member of the Union as defined by Article 1(xi) of the Convention, or
- (c) any country or territory which is, and was at the time of the application, designated for the purposes of this provision by order made by the Ministers.

(3) The second condition is that the applicant has not duly made such a parallel application earlier than 12 months before the application under this Part of this Act.

(4) The third condition is that the application under this Part of this Act includes a claim to priority under this paragraph by reference to the parallel application.

(5) The fourth condition is that the application by reference to which priority is claimed has not been withdrawn or refused when the application under this Part of this Act is made.

(6) The fifth condition is that, within 3 months from the date of the application under this Part of this Act, the applicant submits to the Controller a copy of the documents constituting the parallel application, certified as a true copy by the authority to whom it is made.

(7) The earlier date referred to in sub-paragraph (1) above is the date of the parallel application mentioned in sub-paragraph (2) above.

(8) If more than one parallel application has been duly made as mentioned in sub-paragraph (2) above, the references in sub-paragraphs (4) to (7) above to the parallel application shall be construed as references to the earlier, or earliest, of the applications.

(9) In this paragraph-

- (a) "the Convention" means the International Convention for the Protection of New Varieties of Plants done on 2nd December 1961 and revised at Geneva on 10th November 1972, 23rd October 1978 and 19th March 1991, and
- (b) references to a parallel application, in relation to an application for the grant of plant breeders' rights, are to an application for the grant of plant variety rights in respect of the variety to which the application under this Part of this Act relates.

Paragraph 7

(1) Any priority which an application for the grant of plant breeders' rights enjoys by virtue of paragraph 6 above shall be forfeited if the applicant does not, before the end of the relevant period, satisfy all the requirements which are to be satisfied by an applicant before plant breeders' rights can be granted to him.

(2) For the purposes of sub-paragraph (1) above, the relevant period is the period of 2 years beginning with the day after the last day on which the applicant could have claimed priority under paragraph 6 above for his application.

(3) Where-

- (a) an application for the grant of plant breeders' rights enjoys priority by virtue of paragraph 6 above, and
- (b) the application by reference to which it enjoys priority is withdrawn or refused before the applicant has satisfied all the requirements which are to be satisfied by an applicant before plant breeders' rights can be granted to him,

sub-paragraph (1) above shall have effect with the substitution for "the relevant period" of "such period as the Controller may specify".

SCHEDULE 3

THE PLANT VARIETIES AND SEEDS TRIBUNAL

Constitution of the Tribunal

Paragraph 1

In any case, the jurisdiction of the Tribunal shall be exercised by-

- (a) the relevant chairman,
- (b) a member of the panel constituted under paragraph 7(1)(a) below, and
- (c) a member of the panel constituted under paragraph 7(1)(b) below;

and references to the Tribunal in this Act or the Plant Varieties and Seeds Act 1964 shall be construed accordingly.

Chairman

Paragraph 2

(1) The Lord Chancellor shall appoint a person to be chairman of the Tribunal for the purpose of proceedings brought before them in England and Wales.

(2) A person may only be appointed under this paragraph if he has a seven year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.

Paragraph 3

(1) The Lord President of the Court of Session shall appoint a person to be chairman of the Tribunal for the purpose of proceedings brought before them in Scotland.

(2) A person may only be appointed under this paragraph if he is an advocate or solicitor in Scotland of at least 7 years' standing.

Paragraph 4

(1) The Lord Chief Justice of Northern Ireland shall appoint a person to be chairman of the Tribunal for the purpose of proceedings brought before them in Northern Ireland.

(2) A person may only be appointed under this paragraph if he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing.

Paragraph 5

(1) Subject to sub-paragraph (2) below, a person's appointment under paragraph 2, 3 or 4 above shall be for such term as the appointing authority may determine before the person's appointment.

(2) No appointment of a person under paragraph 2, 3 or 4 above shall be such as to extend beyond the day on which he attains the age of 70.

(3) A person who ceases to hold office under paragraph 2, 3 or 4 above shall be eligible for re-appointment.

(4) A person may resign his appointment under paragraph 2, 3 or 4 above by notice in writing to the appointing authority.

(5) The appointing authority may revoke a person's appointment under paragraph 2, 3 or 4 above if satisfied that the person is unfit to continue in office or incapable of discharging his duties.

(6) Sub-paragraph (2) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).

Paragraph 6

(1) In the case of the temporary absence or inability to act of a person appointed under paragraph 2, 3 or 4 above, the appointing authority may appoint another person to act as deputy for that person.

(2) A person may only be appointed to act as deputy for a person appointed under paragraph 2, 3 or 4 above if he has the qualification required for appointment under that paragraph.

(3) A person appointed under sub-paragraph (1) above shall, when acting as deputy for a person appointed under paragraph 2, 3 or 4 above, have all the functions of that person.

*The two panels*Paragraph 7

(1) The Ministers shall draw up and from time to time revise-

(a) a panel of persons who have wide general knowledge in the field of agriculture, of horticulture or of forestry, and

(b) a panel of persons who have specialised knowledge

of particular species or groups of plants or of the seeds industry.

(2) The power to revise the panels drawn up under this paragraph shall include power to terminate a person's membership of either of them, and shall accordingly to that extent be subject to section 7 of the Tribunals and Inquiries Act 1992 (which makes it necessary to obtain the concurrence of the Lord Chancellor and of certain judicial officers in Scotland and Northern Ireland to dismissals in certain cases).

*Selection from the panels*Paragraph 8

(1) The members of the panels who are to deal with any case shall be selected as follows-

(a) the Ministers may select a member or members to deal with that particular case or class or group of cases, or

(b) the Ministers may select for a class or group of cases members from amongst whom members to deal with any particular case shall be selected, and the selection from amongst those members of a member or members to deal with the particular case shall then be made either by the Ministers, or, if they so direct, by the relevant chairman.

(2) The member from the panel constituted under paragraph 7(1)(b) above shall be selected for his knowledge of the subject matter of a particular case or class or group of cases.

*Sittings of the Tribunal*Paragraph 9

The Tribunal may, for the purpose of hearing proceedings brought before them in any part of the United Kingdom, sit anywhere in the United Kingdom.

*Decisions of the Tribunal*Paragraph 10

(1) Any decision of the Tribunal in exercise of their jurisdiction shall be taken, in the event of a difference between members dealing with the case, by the votes of the majority.

(2) If, after the commencement of the hearing of any proceedings before the Tribunal, one of the three members of the Tribunal becomes incapable of continuing to hear the proceedings on account of sickness or for any other reason, the proceedings may, with the consent of all parties to the proceedings, be continued before the remaining two members of the Tribunal and heard and determined accordingly.

(3) If, in the case of proceedings continued under sub-paragraph (2) above, the two members differ in opinion, the case shall, on the application of any party to the proceedings, be re-argued and determined by the Tribunal as ordinarily constituted.

(4) A decision of the Tribunal shall not be questioned on the ground that a member was not validly appointed or selected.

Costs

Paragraph 11

(1) In any proceedings brought before the Tribunal in England and Wales or Northern Ireland under their statutory jurisdiction, the Tribunal may order any party to the proceedings to pay to any other party to the proceedings-

- (a) a specified sum in respect of the costs incurred in the proceedings by the second-mentioned party, or
- (b) the taxed amount of those costs.

(2) In the case of an order under sub-paragraph (1) above relating to proceedings brought in England and Wales, any costs required by the order to be taxed may be taxed in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as may be directed by the order or, if the order gives no direction, by the county court.

(3) In the case of any order under sub-paragraph (1) above relating to proceedings brought in Northern Ireland, any costs required by the order to be taxed may be taxed by the taxing master of the Supreme Court of Judicature of Northern Ireland according to such of the scales provided for equity suits or proceedings in the county courts under the County Courts (Northern Ireland) Order 1980 as may be directed by the order or, if the order gives no direction, by the taxing master.

Paragraph 12

In any proceedings brought before the Tribunal in Scotland under their statutory jurisdiction, the Tribunal may order any party to the proceedings to pay to any other party to the proceedings any expenses incurred in the proceedings by the second-mentioned party and may tax or settle the amount of any expenses to be paid under any such order or direct in what manner they are to be taxed.

Rules

Paragraph 13

(1) The Lord Chancellor may make rules as to the procedure in connection with proceedings brought before the Tribunal in exercise of their statutory jurisdiction and as to the fees chargeable in respect of those proceedings, and the rules may in particular make provision-

- (a) as to the circumstances in which the Tribunal need not sit, or are not to sit, in public,
- (b) as to the form of any decision of the Tribunal,
- (c) as to the time within which any proceedings are to be instituted,
- (d) as to the evidence which may be required or admitted in any proceedings,

(e) as to the examination of the parties, and of witnesses, on oath or affirmation in any proceedings,

(f) as to the procedure for securing the attendance of witnesses and the production of documents in any proceedings.

(2) Rules under sub-paragraph (1) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Remuneration of Tribunal members

Paragraph 14

The Ministers may pay to members of the Tribunal such remuneration and allowances as the Ministers may determine.

Officers and servants

Paragraph 15

(1) The Ministers may appoint such officers and servants of the Tribunal as the Ministers may determine.

(2) There shall be paid to the officers and servants appointed under this paragraph such remuneration and allowances as the Ministers may determine.

Interpretation

Paragraph 16

16. In this Schedule-

“appointing authority” means-

- (a) in relation to an appointment under paragraph 2 above, the Lord Chancellor,
- (b) in relation to an appointment under paragraph 3 above, the Lord President of the Court of Session, and
- (c) in relation to an appointment under paragraph 4 above, the Lord Chief Justice of Northern Ireland; and

“relevant chairman” means-

- (a) in relation to proceedings brought before the Tribunal in England and Wales, the person appointed under paragraph 2 above,
- (b) in relation to proceedings brought before the Tribunal in Scotland, the person appointed under paragraph 3 above, and
- (c) in relation to proceedings brought before the Tribunal in Northern Ireland, the person appointed under paragraph 4 above.

SCHEDULE 4

REPEALS

Chapter	Short title	Extent of repeal
1964 c. 14.	The Plant Varieties and Seeds Act 1964.	Part I. In section 37, in subsection (1), paragraphs (a) to (c), and, in subsection (2), the words "or the Controller or the Tribunal". In section 38(1), the definitions of the expressions "the Controller", "plant variety" and "variety". In section 39, in subsection (2), paragraph (a) and the word "and" immediately following it, and subsection (3)(b). Schedules 1 to 4.
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	Section 43. Schedule 7.
1972 c. 68.	The European Communities Act 1972.	In Schedule 4, paragraph 5(5).
1976 c. 34.	The Restrictive Trade Practices Act 1976.	In Schedule 5, the third paragraph.
1976 c. 53.	The Resale Prices Act 1976.	In section 10(4)(b), the words from "or" to the end.
1983 c. 17.	The Plant Varieties Act 1983.	The whole Act.
1990 c. 41.	The Courts and Legal Services Act 1990.	In Schedule 10, paragraph 21.
1992 c. 53.	The Tribunals and Inquiries Act 1992.	In Schedule 3, paragraph 2.
1993 c. 8.	The Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraph 54.
1994 c. 26.	The Trade Marks Act 1994.	In Schedule 4, in the table in paragraph 1(2), the entry relating to the Plant Varieties and Seeds Act 1964.
1996 c. 23.	The Arbitration Act 1996.	In Schedule 3, paragraph 18.

CALENDAR**UPOV MEETINGS IN 2000**

March 1 to 3 (Angers, France)	Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular
April 3 to 5 (Geneva, Switzerland)	Technical Committee
April 6 (Geneva, Switzerland)	Administrative and Legal Committee
April 7 (Geneva, Switzerland)	Consultative Committee
June 12 to 15 (Kyiv, Ukraine)	Technical Working Party on Automation and Computer Programs
June 26 to 30 (Uppsala, Sweden)	Technical Working Party for Agricultural Crops
June 26 to 30 (Budapest, Hungary)	Technical Working Party for Ornamental Plants and Forest Trees
July 3 to 7 (Budapest, Hungary)	Technical Working Party for Fruit Crops
September 11 to 15 (Angers, France)	Technical Working Party for Vegetables
October 23 and 24 (Geneva, Switzerland)	Administrative and Legal Committee
October 25 (Geneva, Switzerland)	Consultative Committee
October 26 (Geneva, Switzerland)	Council