

BOLIVIA

REGULATIONS ON PROTECTION OF PLANT VARIETIES

CHAPTER I GENERAL

Article 1. Object

I. Pursuant to:

- (a) The Agreement on Trade-Related Aspects of Intellectual Property (TRIPS), signed by Bolivia, which requires each of the signatory countries to recognize the intellectual property rights of plant varieties;
- (b) Decision 345 of the Andean Community of Nations, former Board of the Cartagena Agreement (JUNAC), which establishes the protection of the rights of the breeders of varieties, regulated by Supreme Decree No. 23069;
- (c) National Law No.1968 of March 24, 1999, through which our country requests accession to the International Union for the Protection of New Varieties of Plants (UPOV);

These regulations are established and govern the above Decision of the Andean Community of Nations.

II. The aim of this Resolution is to:

- (a) recognize and guarantee the intellectual right known as a “breeder’s right” for the breeder of a plant variety, by granting an Ownership Title of the variety;
- (b) promote agricultural research activities; and
- (c) promote technology transfer activities.

Article 2. Additional objective.

To incorporate into domestic legislation the provisions contained in the international agreements to which the country has acceded and has ratified in that regard.

Article 3. Sphere of application.

This Resolution shall apply to all plant genres and species, apart from those specified by express resolution of the Competent National Authority or those whose cultivation, possession or use are prohibited for reasons of human, animal or plant health.

Article 4. Beneficiaries of rights

Beneficiaries of the rights granted to the breeder shall be:

- I. Domestic individual and collective persons.
- II. Foreign individual and collective persons which have indicated that they are domiciled or have legal representation in the national territory, provided that rights similar to those established in our country be granted in their own country.

Article 5. Competent National Authority.

The National Seeds Program shall be designated as the Competent National Authority, and shall administer and apply, in operative terms, the protection of plant varieties, through its corresponding bodies.

Article 6 – [Request] The application for the protection of a variety shall be filed, using the appropriate special form, by the breeder of the variety or his legal representative domiciled in the country, with the relevant documentation and the individual confirmation of payment for services being attached.

Article 7 – [Plant Material] When filing his application, the applicant shall file a sample of the plant material (seeds, tubers, rhizomes, runners and so on) to be protected. The quantity thereof shall be indicated by the Competent National Authority. The applicant shall be obliged to submit samples of plant material, as many times as required.

Article 8 – [Documentation] As a general rule, the application for protection shall include at least the information contained in the special form for this purpose. In cases where part of the documentation is issued abroad, the documentation shall be legalized by the corresponding authority of the country of origin. The documents for the varieties of national origin shall be similarly authenticated.

Article 9 – [Sworn statement] The applicant shall file a sworn statement indicating the features of the variety and specifying that it is novel, different, uniform and stable.

Article 10. Definitions.

For the purposes of this Resolution, the following terms mean:

- I. Protection:** The right of exclusivity granted to the breeder over a variety, subject to the regulations established in this Resolution.
- II. New Plant Variety:** A variety which can be the subject of the breeder's right.
- III. Variety:** A group of plants which belong to a single botanical taxon, of the lowest known range, which may be:

- (a) defined by the expression of the resulting features of a particular genotype or of a particular combination of genotypes;
 - (b) distinguished from any other group of plants by the expression of at least one of the relevant features;
 - (c) considered to be a unit, taking into account its capacity to be propagated without change, and;
 - (d) in short, defined as a distinct, uniform and stable group.
- IV. Breeder:** The individual or collective person which has created or discovered and developed a plant variety.
- V. Discovery:** This shall be the application of the human intellect to any activity, the aim of which is to make known features or properties of the new variety, insofar as this complies with the requirements of novelty, distinctness, uniformity and stability provided for in this Resolution. A simple find shall not be covered by the previous definition.
- VI. Ownership Title:** The document granted by the Competent National Authority, which recognizes the right of the breeder to a variety.
- VII. Owner:** This shall be the individual or collective person who owns the right to a variety;
- VIII. Plant Material:** The living sample of the variety supplied by the breeder applicant, which may be whole plants or parts thereof, and which will be used to carry out the tests of novelty, distinctness, uniformity and stability.
- IX. Essentially Derived Variety:** A variety shall be deemed to be essentially derived from another variety, hereinafter an initial variety, when it is predominantly derived from the initial variety that is itself predominantly derived from the initial variety, while retaining the expressions of the essential characteristics resulting from the genotype or the combination of genotypes of the initial variety; it is clearly distinguishable from the initial variety and, except from the differences which result from the act of derivation, it conforms with the initial variety in the expression of the essential characteristics resulting from the genotype or the combination of its genotypes.

CHAPTER II

BREEDER'S RIGHT

CONDITIONS FOR THE GRANT OF THE BREEDER'S RIGHT

Article 11. Conditions.

The breeder's right shall be granted where the variety is:

- I. novel,
- II. distinct,
- III. uniform,
- IV. stable, and
- V. has received a denomination established in accordance with the provisions of articles 18 to 29 of this Resolution.

Article 12. Novelty.

A variety is considered novel if the reproduction or propagation material, or a product of its harvest, has not been sold or otherwise lawfully disposed of to third parties by the breeder or his rightful successors, or with his consent, for purposes of commercial exploitation of the variety.

Article 13. Loss of Novelty

Novelty is lost, where:

- I. The exploitation referred to in the previous article has begun at least one (1) year prior to the filing date of the application for the grant of an Ownership Title or of the claimed priority; if the sale or dispose has been made within the national territory or,
- II. The exploitation established in the previous article has begun at least four (4) years or, in the case of trees and vines, at least six (6) years prior to the filing date of the application for the grant of an Ownership Title or of the claimed priority, if the sale or disposal has been made in a territory other than the national territory.

Article 14. Novelty is not lost.

The condition of novelty is not lost through sale or disposal to third parties, where such acts:

- I. are the result of an infringement to the detriment of the breeder or his successor in title;
- II. are part of an agreement to transfer the right to the variety, provided that this has not been transferred physically to a third party;

- III. are part of an agreement in accordance with which a third party increased, on behalf of the owner, the existing reproduction or propagation material;
- IV. are part of an agreement in accordance with which a third party carried out field or laboratory tests, or small-scale processing tests in order to assess the variety;
- V. relate to the harvest material which had been obtained as a secondary product or surplus of the variety or the activities mentioned in parts III and IV of this article, or,
- VI. are produced in any unlawful form.

Article 15. Distinction.

- I. A variety shall be considered distinct, if it is clearly distinguishable from any other variety whose existence was commonly known at the time of the filing of the application or of the claimed priority.
- II. The filing in any country of an application for the grant of the Ownership Title, or for the entry of the variety in an official register of varieties, will have made commonly known said variety from that date, if such an act were to lead to the grant of rights or the registration of the variety, as the case may be.

Article 16. Uniformity.

A variety is considered to be uniform if its relevant characteristics are sufficiently uniform, taking into account the variations that may be expected from its form of reproduction, multiplication or propagation.

Article 17. Stability.

A variety is considered to be stable if its relevant characteristics remain unchanged from generation to generation and, in the case of a particular cycle of reproductions or multiplications, at the end of each cycle.

Article 18. Denomination.

The variety will be known by a denomination intended to serve as a generic designation.

Article 19. Identity.

The denomination shall be different from any designation of an existing variety of the same species of plant or similar species, and shall allow it to be identified without confusion.

Article 20. Composition of the denomination

A variety may be denominated as an imaginary name or by means of a code.

Article 21. Impediments

- I. Use excluded by the previous right of a third party;
- II. Difficulties regarding recognition or reproduction;
- III. Denominations which are identical or may be confused with a denomination of another variety.
- IV. Denominations which are identical or may be confused with other designations.
- V. Risk of error or confusion as regards the features of the variety or other particularities.

Article 22. Reasons for the refusal of a denomination

A denomination shall serve as a reason for refusal, where it is considered that it causes difficulties for users, as regards recognition or reproduction, taking into account the following:

- I. A denomination which has an “imaginary name:” consists of a single letter;
 - (a) consists of a series of letters which do not form a word that can be pronounced or contains a series of letters as a separate entity, except where this series is an established abbreviation;
 - (b) contains a number, except where this is an integral part of a number, or where it indicates that the variety forms, or will form, part of a numbered series of biologically related varieties;
 - (c) includes or consists of an excessively long word;
 - (d) contains a script, a blank space distinct from that which exists between the entities which form them, another type of sign, a mixture of capital and small letters within the entities, a subscript, superscript, symbol or drawing;
- II. A denomination, which is in the form of a “code:”
 - (a) consists only of a number or numbers, except in the case of pure lines or of a type of similarly specific varieties, where it consists of a single letter;
 - (b) contains more than ten letters, or letters and numbers;
 - (c) contains more than four alternative groups of a letter or letters and a number or numbers;

- (d) contains a script, blank space distinct from that of the separation of a word that can be pronounced, another type of sign, subscript, superscript, symbol or drawing.
- III. Similarly, it will be considered that a variety denomination leads to error or causes confusion, if it:
- (a) conveys the false impression that it possesses special features or values;
 - (b) conveys the false impression that the variety is related to another specific variety, or is derived therefrom;
 - (c) refers to a specific feature or value such that it gives the false impression that only that variety possesses it, when in reality other varieties of that same species can possess the same feature or value;
 - (d) owing to its similarity with a well-known trade name which differs from a registered trademark or from the variety denomination, evokes the variety or conveys a false impression as to the identity of the applicant, person responsible for maintaining the variety, or the breeder.
- IV. Consists of or contains:
- (a) comparatives or superlatives;
 - (b) the botanical name or part thereof, a genus or species of the plant kingdom;
 - (c) the common name of a genus or species within the plant kingdom belonging to the group of species of plants to which the variety belongs;
 - (d) the name of a natural or legal person, or a reference thereto, such that it conveys a false impression as to the identity of the applicant, person responsible for maintaining the variety, or breeder.

When the proposal relating to the variety denomination is submitted, the applicant shall state whether the proposed denomination adopts the form of an “imaginary name” or a “code.”

If the applicant does not make a statement as to the form of the proposed denomination, this shall be regarded as an imaginary name.

The plant denominations which have been accepted in the form of a code shall be clearly identified as such in the official register of varieties with the explanation “variety denomination accepted in the form of a code.”

Article 23. Free use of a denomination

No right relating to the designation registered as a denomination of the variety shall hinder the free use thereof in relation to the variety, including after the breeder's right has expired.

Article 24. Denomination proposed by the breeder

The denomination of the variety shall be proposed by the breeder to the Competent National Authority.

If it is verified that said denomination does not meet the requirements detailed above, the Authority shall decline registration and shall request the breeder to propose another denomination within a fixed period, contrary to which registration shall be permanently declined.

Article 25. Time of registration of the denomination

The denomination shall be registered by the Competent National Authority, at the time the breeder's right is granted.

Article 26. Preservation of the denomination of origin.

A variety may only be the subject of applications for the grant of a breeder's right under the same denomination, registered in the territory where it originated. It shall be registered prior to verification.

Article 27. Prohibition of the use of an accepted denomination

Once the variety denomination has been accepted, it shall be forbidden to use an identical or similar designation. This prohibition shall remain in force after the variety has ceased to be used, since the denomination has acquired a particular meaning in relation to the variety.

Article 28. Obligation to use the denomination

Any person offering for sale, marketing or in any way transferring the plant reproduction or propagation material of a protected variety, shall be obliged to use the denomination of that variety, including after the breeder's right relating to that variety has expired.

Article 29. Combination of the denomination with a distinctive sign

When a variety is offered for sale, marketed or in any way transferred, the Competent National Authority may authorize the combination of a factory or trademark, trade name or other distinctive sign with the denomination of the registered variety.

If such an indication is combined in this way, the denomination shall, however, be easily recognizable.

CHAPTER III OWNERS OF THE RIGHT TO PROTECTION AND RIGHTS OF THE OWNER

Article 30. Ownership

The owner of a breeder's right shall be the natural or legal person who has developed and perfected a variety, and to whom the Competent National Authority has granted the individual Ownership Title, subject to the requirements of this Resolution being met. The breeder or his successor in title shall have the right to apply for an Ownership Title.

Article 31. Joint ownership

In cases where a number of persons have created or discovered and jointly developed a variety, the right to protection shall accrue to them jointly and equally, unless otherwise specified.

CHAPTER IV OWNER'S RIGHTS SCOPE OF THE BREEDER'S RIGHT

Article 32. Acts requiring authorization.

- I. The grant of an Ownership Title shall confer on its owner the right to prevent third parties from carrying out, without the owner's consent, the following acts relating to the reproduction, propagation or multiplication material for the protected variety:
 - (a) Production, reproduction, multiplication or propagation;
 - (b) Conditioning for reproduction, multiplication or propagation purposes;
 - (c) Offer for sale;
 - (d) Sale or any other act which involves the introduction into the market of the reproduction, propagation or multiplication material for commercial purposes;
 - (e) Export;
 - (f) Import;
 - (g) Possession for any of the purposes mentioned in the previous subparagraphs;

- (h) Commercial use of ornamental and fruit plants, or parts thereof, as multiplication material in order to produce ornamental and fruit plants, or parts of ornamental or fruit plants, or cut flowers;
 - (i) The performance of acts indicated in the previous paragraphs in relation to the harvested material, including whole plants and parts thereof, obtained for the unauthorized use of the reproduction or multiplication material for the protected variety, unless the owner could reasonably have exercised his exclusive right in relation to said reproduction or multiplication material.
- II. Express authorization shall be required from the owner of the right to protection, in accordance with the provisions of Articles 43 to 47 of this Resolution.

Article 33. Relationship with non-distinguishable varieties

The Ownership Title for a variety shall also confer on its owner the exercise of the rights provided for in previous articles in relation to the varieties which are not clearly distinguished from the protected variety, pursuant to Article 15 and with respect to the varieties whose production requires the repeated use of the protected variety.

Article 34. Relationship with essentially derived varieties

The Ownership Title for a variety shall also confer on its owner the exercise of the rights provided for in relation to the varieties essentially derived from the protected variety.

**CHAPTER V
EXCEPTIONS TO THE BREEDER'S RIGHT**

Article 35. Researcher's right.

The breeder's right shall not confer on its owner the right to prevent third parties from using the protected variety, where such use is in the form of the following acts:

- I. in the private sector for non-commercial purposes;
- II. for experimental purposes, and;
- III. in order to create and use a new variety, except where this is a variety essentially derived from a protected variety. Said new variety may be registered on behalf of its breeder.

Article 36. Farmer's right and own use

- I. The right of the breeder shall not be infringed by those who reserve as seed or sow for their own use the product obtained on their own holdings. This exception shall be extended only to producers with an agricultural holding equal to or less than 200 hectares which may be cultivated, wherein the following maximum parameters are

permissible: 100 hectares for soya, wheat, maize, sorghum, sunflower or cotton; 50 hectares for rice and 20 hectares for other species. Who sells as raw material or food the product obtained from the cultivation of the protected variety, irrespective of the cultivated extension, shall not infringe the right of the breeder,.

- II. Those producers not covered by paragraph I of this article and who wish to reserve and sow, in their own holding for their own use, the product obtained from the cultivation of the protected variety may do so, provided that the breeder's right is exercised reasonably with respect to said product of the protected variety.
- III. In order to establish a transparent system, the owner of a variety shall deposit, on an annual basis, with the Competent National Authority, and up to July 31 of each year, the conditions subject to which it considers that its rights to the variety shall be reasonably exercised under paragraph II. Said information shall be published by the Competent Authority.
- IV. The owner of a breeder's right shall be obliged to grant a license for exploiting the protected variety to those producers who, under paragraph II of this article, wish to reserve and sow, in their own holding for their own use, the product obtained from the cultivation of said variety, for crops whose production shall be intended for industry or consumption purposes, provided that the producer has lawfully acquired the variety on at least one occasion and the owner of the breeder's right has reasonably exercised his rights over the material which gave rise to said product. The Competent National Authority shall act as an arbitration body in the case of dispute.
- V. In cases where the breeder refuses the exploitation license for contractual reasons, on the basis of the information deposited with the competent authority under paragraph III the applicant shall exercise the breeder's rights, by means of a judicial deposit.
- VI. This article shall not cover the commercial use of material, including whole plants and parts thereof, for the multiplication, reproduction or propagation of fruit, ornamental and forest species.

CHAPTER VI EXTENSION OF THE BREEDER'S RIGHT

Article 37. Extension.

The breeder's right shall be extended for the purposes of the following acts:

- I. A new reproduction, multiplication or propagation of the protected variety;
- II. Export of the material of the protected variety, allowing the variety to be reproduced, to a country which does not grant protection for the varieties of the plant species to which the exported variety belongs, apart from where said material is intended for human or animal consumption, or industry.

- III. The purchase, sale or use of grain, or any other harvested product, for sowing purposes shall be regarded as acts performed with reproduction or multiplication material under Article 24 of Decision No. 345 of the Andean Community of Nations (formerly JUNAC).

CHAPTER VII INDEPENDENCE AND RELATIONSHIP OF THE BREEDER'S RIGHT WITH CERTIFICATION AND INSPECTION

Article 38. Independence.

The breeder's right shall be independent of the regulations adopted for certification and inspection of seeds, production, control, import, export and marketing of protected varieties. Said regulations may not repudiate the breeder's rights nor hinder their exercise.

Article 39. Relationship.

Materials of varieties which have been protected may not be certified or supervised, without the authorization of the owner of the right to the protected variety being verified.

CHAPTER VIII DURATION OF THE BREEDER'S RIGHT; PROVISIONAL PROTECTION

Article 40. Duration.

The period of duration of the "Ownership Title" shall be twenty-five (25) years in the case of vines, forest and fruit trees, including their graft-holders, and twenty (20) years for other species, starting from the application filing date.

Article 41. Provisional protection.

- I. The breeder shall enjoy provisional protection during the period from the filing of the application to the grant of the Ownership Title.
- II. An action for damages may only be taken once the Ownership Title has been granted, but may cover the damage caused by the respondent after the filing date.

CHAPTER IX SUCCESSION AND TRANSFERS

Article 42. Succession and transfer.

- I. Since it is an intellectual property right, the “Ownership Title” shall be transferable between living persons or as the result of death, since it is the subject of any type of contract or license.
- II. In case of disputes, the parties may refer the matter to the ordinary courts.
- III. Amendments to ownership shall be registered with the Competent National Authority.

Article 43. Contractual licenses.

The owner of the breeder’s right may grant licenses for the exploitation of a variety.

Article 44. Registration of licenses

All license contracts shall be in writing and shall be registered with the Competent National Authority.

Article 45. Free availability

In order to ensure appropriate exploitation of the protected variety, in exceptional cases of national security or public interest, the State may declare a variety to be freely available, on the basis of equitable compensation for the breeder.

The Competent National Authority shall determine the amount of the compensation, subject to a hearing with the parties and an expert report, based on the scope of the exploitation of the variety which is the subject of the license.

Article 46. Accreditation of the beneficiaries of a compulsory license

During the validity of the declaration of free availability, the Competent National Authority shall allow the exploitation of the variety by the persons concerned who offer sufficient technical guarantees and are registered for this purpose by the Competent National Authority.

Article 47. Duration of the compulsory license.

The declaration of free availability shall remain valid for a maximum period of two (2) years, extendable once only for an equal period, if the conditions of its declaration have not disappeared when the first term expires.

CHAPTER X
EXPIRY OF THE BREEDER'S RIGHT

Article 48. Expiry.

The Ownership Title shall expire for the following reasons:

- I. At the end of the lawful period of the breeder's right, in which case the variety shall be of public use.
- II. Renunciation by the breeder of his right, thereby placing the variety from that time on in the "public domain."

Article 49. Nullity.

The Ownership Title granted shall remain null and void, if it is verified that:

- I. at the time the Ownership Title is granted, the established conditions of novelty and distinguishability are not satisfied effectively;
- II. where the grant of the Ownership Title was based essentially on the information and documents provided by the breeder, and the fixed requirements of uniformity and stability established were not satisfied effectively at the time the Ownership Title was granted; or
- III. The Ownership Title was granted to a person who did not have the right thereto, unless the Title has been transferred to the appropriate person.

No breeder's right may be declared null and void for reasons other than those mentioned in the previous paragraphs.

Article 50. Cancellation.

The Ownership Title granted shall remain cancelled, if it is verified that:

- I. The requirements of uniformity and stability established in this Resolution are no longer satisfied.
- II. If, within an established period and after a request has been submitted:
 - (a) the breeder does not submit to the authority the information, documents or material considered necessary for verifying the maintenance of the variety.
 - (b) the breeder does not propose another appropriate denomination, where the denomination of the variety is revoked once the right has been granted.

- (c) the annual fee for entry in the Register of Ownership of Varieties has not been paid, within a period of three (3) months since its notification.

The breeder's right may not be revoked for reasons other than those mentioned in the previous subparagraphs.

CHAPTER XI ORGANIZATION AND PROCEDURES GENERAL REGULATIONS

Article 51. Right to be heard.

Any individual or collective person who believes that he or she has been harmed by a decision of the Competent National Authority shall be entitled to appeal in writing to that Authority, within 30 days of the date of receipt of the official communication.

Article 52. Notifications.

Any communication between the Competent National Authority and an applicant or Owner shall be made by means of written notification.

Article 53. Registrations.

The Competent National Authority shall keep a Public Register on the Protection of Breeders of Varieties, which shall be retained for a period of five (5) years from the date of withdrawal, rejection of the application or expiry of the breeder's right, according to the individual case.

The tests to which the variety is subject, for the purposes of its protection or the maintenance of rights, shall be public and may be verified by any interested party.

Article 54. Opening of the Register.

The National Register of Protected Varieties of a particular genus or species shall be considered open from the time the first application for protection of a variety of the genus or species mentioned is accepted by the Competent National Authority.

Article 55. Regulation of procedures.

The Competent National Authority shall regulate:

- I. the form and content of the application;
- II. the examination of form and substance of the application;
- III. the technical examination of the variety;

- IV. the procedure for challenges;
- V. other procedures relating to the grant of the breeder's right.

Article 56. Grant of the right or rejection of the application.

The Competent National Authority shall grant the breeder's right, by means of the "Ownership Title," as a result of the technical examination of the variety, and shall verify that the variety satisfies the requirements of this Resolution. Where the opposite is proven, the application shall be rejected.

**CHAPTER XII
OBLIGATIONS OF THE APPLICANT AND BREEDER**

Article 57. Obligations of the applicant.

The applicant shall:

- I. supply any information, documentation or necessary material, requested by the Competent National Authority, for the purposes of examining the application and the variety;
- II. supply appropriate samples of the variety to be protected, for the purposes of the technical examination which may consist of field and laboratory tests, and
- III. pay for the services relating to the acquisition of the right.

Article 58. Obligations of the breeder.

The owner shall:

- I. pay the annual fee for maintaining the right in force, during the period of protection;
- II. maintain the protected variety, with the features with which it was protected or, where appropriate, its hereditary components, while the breeder's right is valid;
- III. submit additional documentation, at the request of the Competent National Authority; and,
- IV. where required, transfer to the Competent National Authority, necessary material of the protected variety, for inspection purposes. The material shall possess and maintain the same features by means of which it is defined as subject matter for protection.

CHAPTER XIII RIGHT OF PRIORITY

Article 59. Priority.

The applicant for a breeder's right who has duly filed an application for protection of a new variety in a State shall enjoy a priority right for a period of twelve (12) months in order to file his application for protection in another State, with respect to the same variety. This period shall be calculated from the filing date of the first application. The day of filing shall not be included in that period.

Article 60. Priority claim.

In order to benefit from the priority right, the interested party shall claim expressly in the subsequent application his priority right for the first application and, within a three-month period, submit copies, certified by the corresponding Competent National Authority, of the documents contained in said application.

Article 61. Additional period.

The applicant shall be authorized to request a postponement, of a maximum of two (2) years from the date on which the priority period expires [three (3) years from the filing date of the first application], for the examination of the variety. Notwithstanding, if the first application is rejected or withdrawn, the Competent National Authority may start the examination of the variety before the date indicated by the applicant; in that case, the applicant shall be granted an appropriate period to supply the information, documents or material necessary for the examination.

CHAPTER XIV PUBLICATIONS AND GAZETTE

Article 62. Publication of protection.

Once an application for registration has been filed and subject to the study of the case record, the Competent National Authority shall publish, once only in three national daily newspapers, a summary of the application, and from that date shall make available a period of thirty (30) working days for third parties to lodge any appropriate appeals. Once said period has expired and provided that no objection has been raised, the Ownership Title shall be transferred, subject to the requirements of the law being satisfied.

If, within this period, an appeal is lodged, the applicant shall have sixty (60) working days to provide the appropriate evidence. With the case record, the Competent National Authority shall grant the title or shall reject the application filed.

Article 63. Publication of expiry.

Any expiry, nullity or cancellation, transfer or loss of a breeder's right, shall be published once only in three national daily newspapers, following which the variety shall enter the public domain.

Article 64. Gazette.

The Competent National Authority shall publish at least once a year details of the relationship between applications, denominations, expiries, rejections, grants of rights, licenses, transfers and other appropriate matters, in a Gazette specifically designed for this purpose.

**CHAPTER XV
ADMINISTRATIVE PROCEDURE IN THE PROTECTION OF
BREEDERS' RIGHTS**

Article 65. Competent National Authority.

The Competent National Authority shall be responsible for defending and protecting the breeder's right in administrative terms. It shall settle, in the first and second instance, the administrative cases, excluding disputes, that are referred to it by means of a denunciation by a party or *ex officio*. The National Seeds Program shall, together with all its components and relevant bodies, be designated as the Competent National Authority.

Article 66. Offences and penalties.

The Competent National Authority shall punish, by means of a fine and where appropriate confiscation of multiplication material or closure of the institution, any person performing acts contrary to the owner's rights, without his consent or authorization and infringing the provisions of this Resolution.

**CHAPTER XVI
TRANSITIONAL PROVISIONS**

Article 67. Protection of known varieties.

A variety, which was not novel on the date on which the National Register of Protected Varieties remained open for the filing of applications, may be registered, notwithstanding the provisions of Articles 12, 13 and 14, provided that it meets the following requirements:

- I. The application is filed within two years of the first grant of an Ownership Title for the genus or species corresponding to the variety, and,

- II. The variety has been entered in a Register of Varieties, be it for protection purposes or otherwise, of any country which has legislation relating to protection and which grants reciprocal treatment.

The validity of the Ownership Title, granted subject to this provision, shall be proportionate to the period which has already elapsed since the entry or registration in the country to which reference is made in paragraph II of this article. Where the variety has been registered in various countries, the oldest date of entry or registration shall apply.

Article 68. Previous regulations.

The rights granted to breeders under the rules established in Secretariat Resolution No. 064/96, of August 9, 1996, issued by the National Secretariat of Agriculture and Livestock, shall be recognized. Issues of suitability and disputes relating to this recognition shall be considered by the Competent National Authority.

[End of document]