

In the Name of God

Unofficial Translation

Act of Plant Varieties Registration, Control and Certification of Seeds and Seedlings

(Islamic Republic of Iran)

Article 1

According to this Act and for the purpose of safeguarding national interests and organizing the process of controlling and certifying seeds and seedlings and for protection of breeders' intellectual properties, the Ministry of Jihad-e-Agriculture shall be responsible to identify and register the newly produced plant varieties and take Actions to control and monitor the affairs related to the state's seed and seedling.

Article 2

For the implementation of the provisions of this Act, the Seed and Seedling Registration & Certification Research Institute hereinafter referred as "Institute" shall be established within the Agricultural Research & Education Organization and is entitled to benefit from physical facilities and staff available in the Ministry of Jihad-e-Agriculture and under auspices of the Trustee Board of the Agricultural Research & Education Organization. The Institute shall exclusively carry out all nation wide Activities related to the identification and registration of plant varieties and control and certification of seeds and seedlings.

Note 1) The Trustee Board of the Agricultural Research & Education Organization will be comprised of:

- Minister of Jihad-e-Agriculture;
- Minister of Science, Research & Technology;
- Head of the State Management & Planning Organization;
- Head of the Environment Protection Organization;
- Deputy Minister and Head of the Agricultural Research & Education Organization and one of the administrative deputies introduced by the Minister of Jihad-e-Agriculture;
- Two outstanding members of scientific board of the universities introduced by the Minister of the Science, Research & Technology;
- Three distinguished researchers of the Ministry of Jihad-e-Agriculture selected by the concerned Minister

Note 2) Head of Agricultural Research & Education Organization shall act as the Secretary of the Trustee Board.

Note 3) Within maximum three months after the ratification of this Act, the organizational chart of the Institute shall be prepared by the Ministry of Jihad-e-Agriculture and forwarded to the Trustee Board. The organizational chart shall take effect after being ratified by the State Management and Planning Organization.

Note 4) All parallel units and establishments to the above mentioned Institute within the Ministry of Jihad-e-Agriculture shall be dissolved at the very date of ratification of the organizational chart and their facilities and tasks shall be transferred to the Institute.

Note 5) The head of the Institute will be appointed upon the proposal of the Deputy Minister and Head of Agricultural Research & Education Organization and through the formal decree of Minister of Jihad-e-Agriculture.

Note 6) The fiscal, administrative and organizational Activities of the Institute shall fall under jurisdiction and regulations of Agricultural Research & Education Organization.

Article 3

In case the new plant varieties fully comply with the following conditions and requirements, they are eligible to be registered:

A) The new cultivars should have distinct genetic characteristics and features as compared to previously registered or identified cultivars. The transgenic varieties shall be subject to the provisions of this Clause.

B) The new varieties shall be identical from genetic, and morphological aspects or both of these features.

C) The specification of the variety, whether a hybrid or non-hybrid one shall remain unchanged during the years of production and propagation.

Note 1) Non-improved and wild plant genetic resources shall be considered as national genetic resources and by any means, the private sector is not allowed to patent them. Pursuant to the request of public sector, such resources can be patented in the name of the Government of Islamic Republic of Iran.

Note 2) The by-laws pertaining to the introduction and patent of plant varieties shall be formulated by the Institute and following approval of the Trustee Board these by-laws are enforceable.

Note 3) In case of the reception of proposals from universities, research institutes or legal and natural persons, the Institute shall register the prevalent varieties, pure and promising lines as well as sterile male and inbred lines which possess key and fundamental role in production of varieties.

Note 4) The Institute shall give priority to registration of the state's prevalent varieties.

Article 4

For the purpose of attaining reliance on the specification of seeds and seedlings and their full compliance with the characteristics of the original seeds at the time of registration and to ensure that the expected specification will remain unchanged and healthy while bearing the needed standards during propagation, cleaning and distribution, the Institute shall monitor the following measures so as to control and certifies the seeds and seedlings:

- A) Determination of genetic authenticity of reproduced seeds and seedlings;
- B) Health and sanitation of produced seeds and seedlings;
- C) Compliance with national and international standards, which are officially or legally accepted by the Islamic Republic of Iran and is being applied for production of seeds and seedlings; The level for national standards will be set higher than those of international levels.

Article 5

By receiving the patent for the improved plant varieties, the breeder (legal or natural person) is entitled to intellectual property rights and shall be the sole commercial beneficiary of the variety for a period of maximum 18 years. Any commercial use of the registered variety by any person other than the patentee is subject to the written consent of the breeder.

Note) The breeder who has already registered the patent of a variety in his/ her name may assign his/ her exclusive economic and commercial privilege to any other natural or legal person.

Article 6

The Institute is authorized:

- A) To issue permit for the competent units and legal or natural persons to perform monitoring controlling and certifying seeds and seedlings at all stages of production and processing under the supervision and obtaining the permit of the institute.
- B) To give production permit to competent units and legal or natural persons for the production of seeds and seedlings under supervision of related bodies.
- C) To collect part of the costs of identifying and registering plant varieties and all costs of controlling and certifying the seeds and seedlings in order to render technical services, identify the varieties, control seeds and seedlings quality, accomplish the designated task as well as to promote scientific and research capabilities of the Institute. For this purpose, the Board shall determine the tariffs as well as to open a specified account at Treasury in which the received charges shall be deposited and the equivalence will be determined as annual budget of the Institute.

Note) Registration of non-improved genetic resources in the name of the Islamic Republic of Iran shall be done free of charge.

- D) To specify the standard seed's category (super elite, elite, breeder, certified and hybrid seeds and so forth) and lay it down after the approval of the Trustee Board.

Article 7

The following cases will be considered as violations and infringements of the Act and the violators will be treated in accordance with the prevailing laws and regulations,

- I) Fraudulent patent and introduction of other varieties belonging to other legal or natural patentees;
- II) Non-observance of technical principles announced by the Institute pertaining to propagation of seeds and seedlings, and consequent loss and damage to the legal and natural beneficiaries;
- III) Non-compliance with the Phytosanitary Act;
- IV) Utilization of the registered patented varieties without obtaining the respective legal permits from the legal or natural persons in the name of who the varieties have already been registered.

- V) Production and propagation of seeds and seedlings to be supplied to the market without obtaining of the certificate from the Institute;
- VI) By virtue of expert evidence of the Institute (provision of expert evidence is only within the jurisdiction ambit of the Institute) and legal Action made by the Institute or any beneficiary, the judiciary shall pursue the case and if any breach of law is proved, the violator, by operation of law, shall pay cash penalty equivalent to three times of loss and damage and also compensate for the loss and damage incurred to the plaintiff and based on the prevailing rates of the time of legal verdict.

Article 8

For prevention of genetic crossing, the Institute shall identify and introduce the regions suitable for the production of quality seeds and seedlings of various varieties.

Article 9

The Ministry of Jihad-e-Agriculture is responsible for the provision of necessary facilities for development, encouragement, and support of private sector and investment in the areas of improvement, propagation, distribution and export of seeds and seedlings.

Article 10

Export of seeds and seedlings in commercial quantities shall be subject to the obtainment of certificate from the Institute and full compliance with phytosanitary quarantine regulations.

Article 11

From the very date of ratification of the present Act, any commercial import of seeds and seedlings shall be subject to obtainment of permit from the Ministry of Jihad-e-Agriculture and observance of the quarantine and phytosanitary regulations and seed & seedling standards as well.

Note) The entry of foreign sample plant varieties for the purpose of research and study of their adaptability in either governmental or non-governmental research institutes and centers is exempted from the present Act.

Article 12

In order to achieve modern technology and utilize the scientific potentialities at international level as well as to exchange information and pave the necessary ground for research Activities, the Institute is authorized to attain the membership of the following organizations through the observance of the respective regulations:

- International Seed Testing Association (ISTA)
- Asian Pacific Seed Association (IPSA)
- Organization for Economic Cooperation & Development, Seed Scheme
- International Union for Protection of Plant New Varieties (UPOV)
- West Asia & North Africa Seed Networks (WANA Seed Networks)

Article 13

The Ministry of Jihad-e-Agriculture shall prepare annual performance reports which is subject of this Act and submit them to the Government and the Commission for Agriculture, Water and Natural Resources of the Islamic Consultative Assembly.

Article 14

The executive by-laws pertaining to the present Act shall be formulated by the Ministry of Jihad-e-Agriculture and shall be forwarded to the Cabinet for ratification within maximum three months after this Act has come into force.

This Act which is comprised of fourteen articles and fourteen notes has been ratified by the Islamic Consultative Assembly and endorsed and certified by the Council of guardians on Sunday 30, July 2003.