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Text consolidated by Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre) with amending laws of:

28 September 1995;

21 October 1999.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The Supreme Council of the Republic of Latvia has adopted a
Law:

On the Protection of Plant Varieties

Chapter One General Provisions

Section 1. Scope of Application of this Law

The plant varieties which have been registered in accordance with this Law and belong to the botanical genera and species referred to in the Annex to this Law shall be protected by a breeder's right.
[21 October 1999]

Section 2. Conditions for Variety Registration

(1) A plant variety may only be registered, if it is:

- 1) new;
- 2) distinct;
- 3) sufficiently uniform; and
- 4) stable.

(2) In order to register a variety, it shall be assigned a denomination in accordance with the provisions of Section 12 of this Law. Furthermore, the applicant shall comply with the formalities provided for by this Law and pay the relevant fees. No other conditions shall be proposed in addition to the granting of exclusive rights to the breeder.

Section 3. Novelty (Innovation) of a Variety

(1) A variety shall be deemed to be new if, by the date of submitting an application for registration, the applicant or someone else with his or her consent has not sold, or in any other way transferred the propagating material or any part of the plant to a third party for commercial use:

- a) in Latvia – earlier than one year before the submission of the application for registration;
- b) outside of Latvia – earlier than six years before the submission of the application for registration in respect of vines, fruit trees, ornamental trees and bushes or forest trees; and
- c) outside of Latvia – earlier than four years before the submission of the application for registration in respect of other plants which are not referred to in Paragraph one, Clause b) of this Section.

(2) If this Law is applied to plant genera or species to which it was not previously applied, then the recently developed variety which already exists at the commencement date of the period of protection shall be deemed to be new even in those cases when the said sale or transfer to third parties has occurred prior to the term referred to in Paragraph one of this Section.

Section 4. Distinctness of a Variety

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(1) A variety shall be deemed to be distinct if it clearly differs from any other variety that has become a matter of common knowledge before the date of submission of the application.

(2) Starting from the date when an application for the granting of breeder's right or the inclusion of a variety in the official register of varieties has been submitted in any state, the variety shall be deemed to be a matter of common knowledge, if after such submission the breeder's right has been granted, or the variety has been included in the official register of varieties.

[21 October 1999]

Section 5. Uniformity of a Variety

A variety shall be deemed to be uniform if plants thereof which have been propagated observing the particular features of the variety propagation are sufficiently uniform in respect of the relevant characteristics of the variety.

[21 October 1999]

Section 6. Stability of a Variety

A variety shall be deemed to be stable if, after repeated propagation by the method recommended by the breeder, the characteristics of the variety do not differ substantially.

Section 7. Breeder

(1) In accordance with this Law, a breeder may be:

- 1) a person who has bred, or discovered and developed the relevant variety in Latvia;
- 2) a person who is the employer of the aforementioned person or who has commissioned the latter's work unless other provisions are provided for in the employment contract or by-law of the plant breeding station; or
- 3) the successor in title of the aforementioned persons.

(2) If a variety has been developed as a result of the joint activities of several breeders, they shall have joint breeder's right. Their mutual relations shall be defined on the basis of a written agreement. If an agreement is not entered into, each of them may exercise breeder's right at his or her own discretion, with the exception of granting licences, as well as of transferring the breeder's right to another person. The joint owners of the breeder's right may carry out such activities only by mutual agreement or in accordance with a court decision.

Section 8. Breeder's Right to a Variety that has been Developed in Another State

(1) Breeder's right may also be acquired by the following:

- 1) a breeder who has bred, or discovered and developed a variety in another state that is a member state of the International Union for the Protection of New Varieties of Plants (UPOV) (hereinafter – a member state), or his or her successor in title; and
- 2) a breeder – a citizen of a member state or a permanent resident of such who has bred, or discovered and developed the variety in another state, or his or her successor in title.

(2) Any other person may also acquire breeder's right, if the variety, according to the opinion of the National Plant Variety Council of the Republic of Latvia, is important to the economy of Latvia.

[21 October 1999]

Section 9. The National Plant Variety Council and the State Plant Protection Service

(1) The National Plant Variety Council (hereinafter – the Council) shall be established by the Cabinet in order to provide for the development of a scientifically and economically substantiated structure for plant varieties in Latvia.

(2) The Council shall decide matters regarding the registration of plant varieties, prepare proposals for the inclusion of varieties in the Latvian Catalogue of Plant Varieties, and decide other matters provided for by the by-law of the Council which are related to the introduction and protection of plant varieties.

(3) The By-law on the Latvian Catalogue of Plant Varieties which includes varieties subject to certification, and this catalogue shall be approved by the Cabinet.

(4) The State Plant Protection Service shall carry out decisions of the Council and on its behalf shall:

- 1) accept and examine variety registration applications and other related documents;
- 2) carry out an expert-examination of the conditions for variety registration;
- 3) organise the examination of varieties;
- 4) issue and cancel variety registration certificates;
- 5) register licences for the transfer of breeder's right;
- 6) maintain the Latvian State Register of Protected Plant Varieties; and
- 7) carry out other functions provided for by this Law and the By-law of the State Plant Protection Service.

Service.

[21 October 1999]

Section 10. The Latvian State Register of Protected Plant Varieties

In accordance with this Law, the new varieties under protection shall be registered in the Latvian State Register of Protected Plant Varieties (hereinafter – the Register), which shall be maintained by the State Plant Protection Service. Concurrently with the variety, the denomination of the variety shall also be registered. All amendments related to the change of the holder of the breeder's right and the denomination of the variety, licences, cancellation and renewal of registration shall be noted in the Register.

[21 October 1999]

Chapter Two Application for Variety Registration and Examination of It

Section 11. Application for Variety Registration

(1) An application for the registration of a variety (hereinafter – application) shall be submitted by the breeder, or his or her successor in title, or their authorised person, to the State Plant Protection Service. A separate application shall be submitted for the registration of each variety.

(2) The application shall include the following:

- 1) an application for the registration of the variety, where the applicant certifies that the variety complies with the requirements of Sections 3-6 and 13 of this Law;
- 2) an indication of the name and address of the applicant;
- 3) an indication of the name and address of the author;
- 4) if the applicant is a successor in title of the breeder, a document certifying the right of the applicant to submit an application;
- 5) if the application is submitted by an authorised person, an authorisation;
- 6) a comprehensive description of the variety, where one or more relevant characteristics by which the variety differs from other varieties are described;
- 7) a proposal for the denomination of the variety;
- 8) a document that certifies the payment of the application fee; and
- 9) if necessary, a convention priority request.

(3) If necessary, after submission of the application, the applicant shall provide a sufficient quantity of seeds or planting material, documentation and other information in order to evaluate the variety.

(4) An application for the registration of a variety shall be submitted in the Latvian language. Other application documents may also be submitted in Russian, English or German. If application documents are not submitted in Latvian, they shall be supplemented with a translation into Latvian within a two-month period.

[21 October 1999]

Section 12. Denomination of a Variety

(1) The denomination of a variety and spelling of it shall ensure the distinction of the variety from other varieties and shall comply with the UPOV requirements in respect of international nomenclature of cultivated plants.

(2) The denomination of a variety shall not be registered, if it:

1) consists only of figures, unless this is common (recognised) practice in the designation of denominations to varieties;

2) has potential to mislead the public, may cause confusion in respect of the relevant characteristics of the variety, significance of such, value for cultivation and use, or, also, in respect of the breeder himself or herself;

3) is in conflict with the law or other regulatory documents or, also, it has an offensive meaning;

4) may be confused with the denomination of a variety which has been registered for the same plants (a related plant species or the seed material of such plants), or which has been proposed to be registered in the Register or another official list of varieties;

5) may be confused with a trademark, name, firm name or other marking protected by another person; or

6) may be confused with the trademark of seed material or similar material of an already protected variety of the applicant. The State Plant Protection Service may allow a denomination applied for abroad to be registered in the Republic of Latvia without taking into account the restrictions referred to in Clauses 1 and 2 of this Section.

[21 October 1999]

Section 13. Convention Priority

(1) A breeder or his or her successor in title in any member state may submit the first application. If the breeder submits an application for the same variety in another member state within a 12-month period after the first application, the second application shall have the right of priority from the date of submission of the first application. The day of submission of the first application shall not be included in this term.

(2) In order to certify priority, the applicant shall, within a three-month period from the submission of an application to the State Plant Protection Service, submit a document confirming the priority date and samples or other evidence proving that the variety referred to in both applications is one and the same. If there are substantial grounds, the State Plant Protection Service may extend this term pursuant to the request of the applicant.

(3) For three years after the priority date, the breeder has the right to submit to the State Plant Protection Service additional information, documents or materials which are required for the expert-examination of the application and the examination of the variety.

(4) The submission of another application, the utilisation of a new variety or the publishing of information regarding this may not be a reason for the rejection of such an application for which priority has been requested if such facts apply to the object of the first application and the application has been submitted within a 12-month period of the priority date. The same facts may not serve as basis for the arising of any rights to the variety for third parties.

[21 October 1999]

Section 14. Registered Authorised Person

Natural persons whose place of residence is outside Latvia and legal persons which are located in foreign states shall use services of the authorised persons registered with the State Plant Protection Service.

[21 October 1999]

Section 15. Application Examination

(1) Within a one-month period from the day of submission of an application, the State Plant Protection Service shall check whether the application complies with the requirements of Sections 2 and 12 of this Law and notify the applicant of the acceptance of the application for examination, or of the necessity to

supplement the application with any missing materials or additional materials, or of the refusal to accept the application for examination.

(2) The requested material shall be submitted within a two-month period from the day of receipt of the request. If there is a sufficiency of reasons, the State Plant Protection Service may extend this term upon the request of the applicant by one month. If the applicant violates the specified time period, does not eliminate the indicated deficiencies or does not reply to the expert-examination request, the application shall be regarded as withdrawn. The applicant shall be sent notification thereof.

(3) In a case when the application is rejected, the applicant is entitled, within a two-month period, to submit objections to the Appeals Commission established by the Government. A decision on the objections shall be taken within a two-month period from the day of receipt of such.

[21 October 1999]

Section 16. Renewal of Breeder's Right

If it is established by a court that a third party and not the applicant has the right to register a variety, upon request of such party, the application shall be reregistered to it. The successor in title shall pay a new application fee.

Section 17. Publication of an Application and Submission of Objections

If in the previous examination it has been established that all the necessary documents included in an application have been correctly drawn up and there are no other obstacles to the registration of the documents of the variety, the State Plant Protection Service shall publish information regarding the application in the newspaper *Latvijas Vēstnesis* [official Gazette of the Government of Latvia]. After publication, any person may become acquainted with the application materials in the State Plant Protection Service and receive copies of these materials for a fee. This shall be noted in the application. Objections to the registration shall be submitted in writing within a six-month period from the day of publication of the information.

[21 October 1999]

Section 18. Examination of a Variety for Registration

The State Plant Protection Service shall organise the examination of the distinctness, uniformity and stability of a variety in accordance with the guidelines of the UPOV. The guidelines for cultivated plants, regarding which no guidelines of the UPOV exist, shall be approved by the Minister for Agriculture.

[21 October 1999]

Section 19. Decision on the Registration of a Variety

(1) After the expiration of the term for submitting objections and the examination of a variety has been completed (if such was necessary), the applicant shall be sent notification of the objections received and the examination results and shall be given an opportunity to notify the State Plant Protection Service within a two-month period of his or her opinion on any examination or objection made.

(2) The decision to register a variety shall be taken by the Council in accordance with the provisions of Sections 2-6 of this Law.

[21 October 1999]

Section 20. Appeals

If a decision of the Council is negative, the applicant is entitled to submit an appeal to the Appeals Committee.

Section 21. Terms and Fees for Appeals

In accordance with Section 20 of this Law, an appeal shall be submitted to the Appeals Committee within a two-month period from the date of receipt of a decision of the Council, concurrently paying the prescribed fee for an appeal. If the fee has not been paid, the appeal shall not be examined. The Appeals Committee shall examine the appeal within a three-month period.

Section 22. Contesting a Decision of the Appeals Commission

If a decision of the Appeals Commission does not satisfy the applicant, he or she may bring an action in a court within a two-month period from the day of receipt of the decision.

Section 23. Registration of a Variety

If the Council has taken a decision to register a variety, the State Plant Protection Service shall include this variety in the Register, issue a variety registration certificate to the holder of the breeder's right (applicant), as well as publish the decision of the Council in the newspaper *Latvijas Vēstnesis*.
[21 October 1999]

Section 24. Publications

The State Plant Protection Service shall publish in the newspaper *Latvijas Vēstnesis* information concerning:

- 1) applications submitted;
- 2) the registration of varieties and cancellation thereof;
- 3) changes in denominations of varieties;
- 4) decisions of the Appeals Commission and courts;
- 5) licences issued; and
- 6) other information related to the protection of varieties.

[21 October 1999]

Section 25. Fees

(1) In accordance with this Law, in the amount set by the Cabinet, the following fees shall be paid for the protection of breeder's right and activities related to such:

- 1) for the submission of an application (Section 11, 16);
- 2) for the examination of a variety (Section 18, 30);
- 3) for an appeal (Section 20);
- 4) for the registration of a licence (Section 32);
- 5) an annual fee during the period of protection of a variety;
- 6) an additional fee for the failure to pay an annual fee in a timely manner; and
- 7) for other legally significant operations.

(2) An annual fee shall be paid for each calendar year from the beginning of the year which directly follows the year in which the decision on registration has been taken.

The fee shall be paid not earlier than six months before the beginning of the calendar year, but together with the additional fee, not later than six months after the beginning of the calendar year.

[21 October 1999]

Chapter Three Breeder's right

Section 26. Breeder's right

(1) In accordance with breeder's right, no other person may turn a variety into a source of income without the permission of the holder of the breeder's right and, in compliance with the requirements of Section 27 of

this Law, permission of the holder of the breeder's right is required for the performance of the following activities with the seed material of protected varieties:

- 1) production and propagation;
- 2) processing in conformity with the sowing requirements for the purpose of multiplication of the variety;
- 3) offering for sale;
- 4) sales or other types of marketing;
- 5) export and import; and
- 6) stocking for the realisation of the objectives referred to in Clauses 1, 2, 3, 4 and 5 of this Paragraph.

(2) In compliance with the requirements of Section 27 of this Law, for the activities referred to in Paragraph one, Clauses 1, 2, 3, 4, 5 and 6 of this Section with the harvested products obtained from the protected variety, in respect of the entire plant and parts of the plant, also, those which have been obtained by unauthorised use of the protected propagating material, a permit from the holder of the breeder's right is required unless he or she has had no opportunity to exercise his or her right in relation to the said propagating material.

(3) The provisions of Paragraphs one and two of this Section shall also apply to such a plant variety:

- 1) which is essentially derived from a protected variety if this protected variety is not itself an essentially derived variety;
- 2) which, complying with the requirements of Section 4 of this Law, is not clearly distinguishable from the protected variety; and
- 3) the production of which requires the repeated use of the protected variety.

(4) The variety referred to in Paragraph three, Clause 1 of this Section shall be deemed to be essentially derived from another (initial) variety, if it:

- 1) is predominantly derived from the initial variety, or from a variety that is itself predominantly derived from the initial variety, while retaining the essential characteristics that result from the genotype or combination of genotypes of the initial variety;
- 2) is clearly distinguishable from the initial variety; and
- 3) conforms to the essential characteristics of the initial variety that result from the genotype or combination of genotypes of the initial variety, except for the differences that have arisen from the act of derivation.

(5) A variety may essentially be obtained by selecting natural or induced mutants or somaclonal variants, or by selecting individuals that differ from the initial variety, as well as by utilising backcrossing or transformation by genetic engineering or other methods.

[21 October 1999]

Section 27. Restrictions of Breeder's right

(1) Agricultural production producers are allowed, without a permit from the holder of the breeder's right, for the purpose of ensuring agricultural production, to use for propagation the harvested products obtained in the fields in their ownership or use from a variety protected in Latvia (which is not a hybrid or synthetic variety) they have sown themselves.

(2) The conditions of Paragraph one of this Section shall only apply to the following plant species grown in Latvia:

- 1) fodder crops: *Lupinus luteus* L. – yellow lupine, *Medicago sativa* L. – lucerne, *Pisum sativum* L. – peas, *Vicia faba* L. – field beans, *Vicia sativa* L. – common vetch;
- 2) cereals: *Avena sativa* L. – oats, *Hordeum vulgare* L. – barley, *Secale cereale* L. – rye, *X triticosecale* Wittm. – triticale, *Triticum aestivum* L. emend. Fiori et Paol. – soft wheat, *Triticum durum* Desf. – hard wheat;
- 3) potatoes: *Solanum tuberosum* L. – potatoes; and
- 4) oil plants and fibre plants: *Brassica napus* L. (partim.) – turnip rape, *Brassica rapa* L. (partim.) – swede rape, *Linum usitatissimum* L. – flax, with the exception of fibre flax.

(3) In accordance with Paragraphs one and six of this Section, agricultural production producers whose sown area which is in their ownership or use does not exceed the area determined pursuant to the methods

approved by the Minister for Agriculture shall not pay remuneration to the holder of the breeder's right for the utilisation of variety seeds in their sown fields.

(4) For protected variety seeds used in their own farms, other agricultural production producers shall pay the holder of the breeder's right remuneration for the utilisation of the variety seeds, but it must be considerably lower than that for licensed seed material of the same variety in the same area.

The Minister for Agriculture shall approve the aforementioned remuneration, in accordance with a mutually co-ordinated proposal from the holders of the breeder's right and producers.

(5) Upon request of a holder of the breeder's right, agricultural production producers, seed processors and other service providers shall provide him or her with the necessary information concerning the production, propagation, processing and sale of seeds of protected varieties. The Ministry of Agriculture, its institutions and the State Plant Protection Service may also provide holders of the breeder's right with such information.

(6) Breeder's right shall not apply during a process of utilisation of protected varieties in respect of activities:

1) which have been carried out privately and for non-commercial purposes;

2) which have been carried out for experimental purposes; or

3) the purpose of which is the breeding of new varieties, except in cases when the provisions of Section 26, Paragraph three of this Law apply in respect of such activities with varieties which have been referred to in Paragraphs one and two of this Section.

(7) Breeder's right shall not apply to the activities referred to in Section 26, Paragraphs one and two of this Law in respect of seed material of the protected variety, or of the variety referred to in Paragraph three of the same Section, or the product of the harvest, or in respect of any material which has been obtained from the product of the harvest which the breeder has sold or otherwise released for circulation, or which has been sold or released for circulation with the consent of the breeder, unless such activities involve:

1) further propagation of the aforementioned variety; or

2) an export of material of this variety, which enables the propagation of the variety in a state which does not protect varieties of the genus or species to which the said variety belongs, except in instances when the exported material is intended for final consumption purposes.

[21 October 1999]

Section 28. Term of Validity of Breeder's Rights

(1) Breeder's rights shall be acquired on the day when a decision on the registration of the variety is taken and shall be in effect until the end of the twenty-fifth calendar year, or, in the case of plantations of vine and tree varieties, until the end of the thirtieth calendar year since the year of granting the right.

(2) In respect of specific genera or species, the Council may extend the term referred to in Paragraph one of this Section by another five years.

[21 October 1999]

Section 29. Rights of an Author of a Variety

An author of a variety, that is, a natural person who has bred, or discovered and developed a variety, has the right to:

1) be named the author of the variety and be mentioned as such in all materials and publications of the relevant variety;

2) submit a proposal for the name of the variety, without prejudice to the interests of the breeder; and

3) request the making of a provision, in a contract with an employer, for reasoned compensation for the utilisation of the variety. If the author is not a citizen or a permanent resident of Latvia, his or her right to compensation shall be determined by the employment contract during the performance of which the relevant variety has been bred, or discovered and developed.

[21 October 1999]

Chapter Four Utilisation of a Registered Variety

Section 30. Examination of a Variety During its Protection Period

In order to examine the uniformity and stability of a registered variety during its protection period, the State Plant Protection Service may request the holder of the breeder's right to deliver the seed material, documentation and other information required for the examination.
[21 October 1999]

Section 31. License Contract

- (1) Holder of the breeder's right may transfer his or her right to use the registered variety as a source of income to another person by issuing an exclusive licence or a non-exclusive licence, or by announcing a free right of use.
 - (2) A holder of an exclusive licence (a licensee) shall acquire the exclusive right to use a variety in accordance with the conditions provided by a license contract. The issuer of the licence (licenser) shall retain the right to use the variety to the extent provided for by the contract.
 - (3) When issuing a non-exclusive licence, that is, when granting the right to use a variety to a licensee, a licenser shall retain the right to grant a licence for the same variety to third parties. The licensee may not transfer his or her right to another person unless such agreement is provided for by the licence. Parties to the transaction shall guarantee the implementation of provisions of the licensing agreement.
 - (4) Holder of the breeder's right may publish a notice in the newspaper *Latvijas Vēstnesis* that any person is entitled to use the variety of the breeder for a relevant fee, from the day the holder of the breeder's right and the State Plant Protection Service have been notified thereof in writing, however, with a condition that the amount indicated in the notice will be paid.
 - (5) The State Plant Protection Service shall make a note in the Register of the granting of a free right of use.
 - (6) In the case of an announcement of free right of use, the fee for the protection of a variety shall be reduced by 50 per cent as of 1 January of the following year.
 - (7) In accordance with an application from the holder of the breeder's right and with the consent of all holders right of free use, the State Plant Protection Service may cancel the granting of a right of free use.
- [21 October 1999]

Section 32. Registration of a Licence Contract and of a Holder of a Licence

A licence (also, a compulsory licence) contract and the change in a holder of a licence shall be registered with the State Plant Protection Service, by making an entry in the Register and paying a relevant fee. An unregistered licence contract shall not be in effect. If the validity of a licence is terminated, the entry in the Register shall be cancelled.
[21 October 1999]

Section 33. Compulsory Licence

If a market is not sufficiently provided with the material of a registered variety which is significant for the interests of the State economy or the public, any person who intends to produce and sell such a variety in Latvia, may submit to a court a claim for the granting of a compulsory licence. The compulsory licence shall also include the right to receive the seed material from the holder of the breeder's right.

Section 34. Granting of a Compulsory Licence

A compulsory licence shall be issued on the basis of a court adjudication by the State Plant Protection Service, making a relevant entry in the Register. The court shall also determine the extent to which the variety may be used, the amount of compensation and other licensing agreements. Depending on the circumstances of the case, upon the initiative of the injured party, the court may cancel the compulsory licence or determine a new agreement.
[21 October 1999]

Section 35. Restrictions in Respect of a Compulsory Licence

A compulsory licence shall only be issued to a person who may ensure the utilisation of the variety in a permissible manner and in accordance with the licence. The compulsory licence shall not create obstacles for the holder of the breeder's right himself or herself to use the variety or to grant a licence. Parties to the transaction shall guarantee the implementation of provisions of the licensing agreement.

Section 36. Production and Marketing of Materials of Protected Varieties

Seeds of protected varieties, planting or other types of propagating material (hereinafter – seed material) may be produced, processed for sale and marketed only by holders of the breeder's right, as well as holders of licences who have acquired such rights in accordance with Sections 31-35 of this Law and have been registered in accordance with the procedures prescribed by law with the State Plant Protection Service.
[21 October 1999]

Section 37. Certification of Seed Material of Plant Varieties

(1) In Latvia, the certification of seed material for all plant varieties shall be carried out by the State Plant Protection Service.

(2) Only the seed material of the plant varieties included in the Latvian Catalogue of Plant Varieties or in a special permit of the Minister for Agriculture shall be subject to certification.

(3) The certification of seed material of protected varieties shall only be carried out if the cultivator or the processor of the seed material is a holder of the breeder's right or has been issued a licence registered with the State Plant Protection Service.

[21 October 1999]

Chapter Five Cancellation of Registration and Other Amendments to the Register

Section 38. Deletion of a Variety from the Register before Term

The Council shall take a decision on the deletion of a variety from the Register, if:

1) the holder of the breeder's right has not made annual payments in accordance with Section 25 of this Law. The breeder's right shall be cancelled from the beginning of the year for which payments have not been made;

2) the holder of the breeder's right does not provide the seed or planting material, documentation or other materials required for the post-control;

3) in the post-examination of the variety it has been determined that the variety has not retained the characteristics which it possessed at the moment of registration;

4) the holder of the breeder's right himself or herself provides notification in writing that he or she renounces the breeder's right;

5) after the granting of the breeder's right the denomination of the variety has been cancelled, and the breeder has not proposed a new denomination complying with the provisions of Section 12 of this Law within a three-month period; and

6) there is a special court decision regarding this.

Section 39. Procedures for Nullity and Re-registration

(1) If, when registering a variety, the provisions of Sections 3 and 4 of this Law have not been complied with or the registration of the variety is principally based on the information and documents submitted by the breeder and, consequently, the provisions of Sections 5 or 6 of this Law have not been complied with, the registration may be declared null and void by judicial process.

(2) An action for the re-registration of a variety in the name of another person may only be brought in court by a person who requests that he or she be recognised as the holder of the breeder's right. The proceeding

shall be initiated within a one-year period from the day the plaintiff has become aware of the registration and other circumstances of the case and has paid the relevant fee. If, at the time of registration of the variety or the transfer of the breeder's right to him or her, the holder of the breeder's right has acted in good faith, the proceeding may not be initiated later than within a three-year period from the day of registration.

(3) Other claims may be submitted by any person who, as a result of registration, has suffered losses, but if this is required in the interests of the public, also, by a relevant official.

[21 October 1999]

Section 40. Change of the Denomination of a Variety

If in accordance with this Law there are grounds for changing the denomination of a variety, the Council shall propose that the applicant for the variety offer a new denomination of the variety which, upon co-ordination, shall be registered with the State Plant Protection Service. Information concerning the change of the denomination shall be published in the newspaper *Latvijas Vēstnesis*.

[21 October 1999]

Chapter Six

Liability for Violation of the Rights of an Owner of a Variety and Procedural Provisions

Section 41. Compensation for Losses Caused as a Result of Infringement of the Breeder's Right

(1) A person who has infringed the breeder's right must pay the holder of the breeder's right adequate compensation for the utilisation of the variety, as well as compensate for other losses caused as a result of the violation of law.

(2) A claim for compensation of losses shall be raised within a five-year period from the day the losses have been caused. If the term is not extended, the right to compensation lapses.

Section 42. Transfer of Plant Material to Holders of Breeder's Rights

(1) In order to prevent further violation of law, a court may, for reasonable compensation, transfer illegally obtained plant material to the person (if he or she so requests) whose rights have been violated.

(2) This provision is not applicable to a person, who has obtained material or special rights in good faith and himself or herself has not infringed the breeder's right.

Section 43. Restrictions in Compensation for Losses Caused in Connection with the Temporary Protection of a Variety

(1) In cases, where a third party uses in entrepreneurial activity a variety for which an application has been submitted and which has been registered on the basis of such application, the provisions of this Law in respect of violation of the rights of a holder of breeder's right shall apply from the day of publication of the application. In such case, losses shall be compensated only for the part, which concerns the remuneration for the utilisation of the variety, unless the holder of the breeder's right has warned the relevant persons of the submission of the application prior to its publication. Then, temporary protection shall enter into effect from the day of receipt of the warning, however, not earlier than from the day of submitting the application to the State Plant Protection Service.

(2) Section 41, Paragraph two of this Law is not applicable if a claim for compensation is raised within a one-year period from the day of registration of the breeder's right.

[21 October 1999]

Section 44. Liability for Infringement of the Breeder's Right

Persons who have infringed the breeder's right shall be subject to administrative and criminal liability in accordance with the procedures prescribed by law.

Section 45. Recognition or Approval of the Breeder's right

- (1) A holder of the breeder's right or a licensee may bring an action in court for the recognition of his or her right to the variety in cases determined by civil procedural legislation.
- (2) Breeder's right may be contested in court upon a submission of the party concerned.

Section 46. Notifying the Council of Court Adjudications

Court adjudications made regarding the issues referred to in Sections 16, 33, 39, and 41-44 shall be forwarded to the Council within a one-month period from the day of coming into effect of such.

Chapter Seven International Agreements

Section 47. International Agreements

If the provisions of international agreements entered into by the Republic of Latvia differ from the Republic of Latvia laws regarding plant variety protection, the provisions of the international agreements shall be applicable within the territory of the Republic of Latvia.

Section 48. Examination of a Variety in Foreign States

Upon a decision of the Council, a variety submitted for registration may be examined in another state or by an international organisation, if a respective international agreement regarding this has been entered into. The applicant for the registration of a variety, who has previously submitted the same variety for registration in another state, shall submit information concerning the verification of registration requirements in such state.

Transitional Provisions

1. The list of plant varieties recommended and with potential for cultivation in the Republic of Latvia shall apply until the approval of the Latvian Catalogue of Plant Varieties.
 2. Until the making of relevant amendments to the Administrative Violations Code of Latvia, the rights provided for the State Seed Inspection and the Latvian State Plant Variety Testing Centre shall be exercised by the State Plant Protection Service.
- [21 October 1999]

Chairperson of the Supreme Council of the Republic of Latvia A. Gorbunovs

Secretary of the Supreme Council of the Republic of Latvia I. Daudišs

Riga, 6 April 1993

Annex
Law On the Protection of Plant Varieties

Botanical Genera and Species of Plants to which the Republic of Latvia Law On the Proteciton of Plant Varieties is Applicable

Name				
Latin	Latvian	English	German	Russian

A. Field Crops

Avena sativa L.	auzas	oat	Hafer	овес
Beta vulgaris L. var.altissima Doll.	cukurbietes	sugar beet	Zuckerrübe	свекла сахарная
Beta vulgaris L. var.crassa (Alef.) Wittm.	lopbarības	fodder beet	Runkerrübe	свекла кормовая
Brassica napus L.	rapsis	swede rape, oilseed rape	Raps	рапс
Brassica oleracea L.convar.acephala DC.	Lopbarības kāposti	fodder kale	Futterkohl	капуста кормовая
Dactylis	kamolzāle	cocksfoot,	Knaulgras	ежа сборная

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glomera- ta L.		orchard		
Carum carvi L	ķīmenes	caraway	Kummel	тмин
Poa spp	skārenes	meadow-grass	Rispengrass	мятник
Fagopyrum				
escu- lentum	griķi	buckweat	Buchweizen	гречиха
Moench				
Festuca praten- sis Huds.	pļavas auzene	meadow fescue	Wiesen- schwingel	овсяница луговая
Festuca rubra L.	sarkanā auzene	red fescue, creeping fescue	Rot-schwingel	овсяница красная
Hordeum vulgare L.	mieži	barley	Gerste	ячмень
Linum	lini	flax, linseed	Lein	лен
usitatissimum L.				
Lolium perenne L.	ganību airene	perennial ryegrass	Deutsches Weidelgras	плевен пастбищный
Lolium multiflorum	viengadīgā airene	Italian ryegrass, westerwold ryegrass	Italienisches Raygras	райграсс однолетний
Lam. var westerwoldi- cum Mansh.				
Medicago sativa L.	lucerna	alfalfa, lucerne	Luzerne	люцерна посевная
Phleum pratense L.	timotiņš	timothy	Wiesen- lieschgras	тимофеевка луговая
Pisum sativum L.	zirņi	peas	Erbse	горох посевной
Secale cereale L.	rudzi	rye	Roggen	рожь посевная
Solanum tuberosum L.	kartupeļi	potato	Kartoffel	картофель
Trifolium hybridum L.	bastarda āboliņš	alsike clover	Schwedenklee	клевер розовый, гибридный, шведский
Trifolium pratense L.	sarkanais āboliņš	red clover	Rotklee	клевер красный, луговой
Trifolium repens L.	baltais āboliņš	white clover	Weissklee	клевер белый, ползучий
Triticum aesti- vum L.	mīkstie kvieši	soft weat, common weat, bread weat	Weicheweizen	пшеница мягкая
Vicia faba L.	lauka pupas	field bean, broad bean	Ackerbohne, Dicke Bohne	бобы
Vicia sativa L.	vīķi	common vetch	Saatwicke	вика посевная
Zea mays L.	kukurūza tritikale	maize	Mais	кукуруза тритикале

B. Vegetables

Allium spp.	sīpoli, ķiploki	onion, garlic	Zwiebel, Knoblauch	лук, чеснок
Apium grave- olens L.	selerijas	celery	Sellerie	сельдерей

Beta vulgaris L. var.conditiva Alef.	galda bietes	garden beet	Rote Rüben	свекла столовая
Brassica oleracea L.var.spp. Brassica napus L.	kāposti	cabbage	Kohl	капуста
var.napobrassica (L.)Rchb.	kāļi	swede	Kohlrübe	брюква
Capsicum annum L.	pipari	pepper	Paprika	перец
Cucumis sativus L.	gurķi	cucumber	Gurke	огурец
Cucurbita spp.	ķirbji, kabači	pumpkin, squash	Kürbis	тыква, кабачки
Daucus carota L.	burkāni	carrot	Mohren	морковь
Lactuca sativa L.	salāti	lettuce	Salat	салат
Lycopersicon lycopersicum (L.) Karst. ex Farwell	tomāti	tomato	Tomate	томат
Phaseolus vulgaris L.	pupiņas	french beans, pole beans	Gartenbohne	фасоль
Raphanus sativus L.	rutki, redīsi	winter radish, radish	Rettich, Radies	редька, редис
Rheum rhabarba- rum L.	rabarberi	rhubard	Krauser Rhabarber	ревень
Spinacia olera- cea L.	spināti	spinach	Spinat	шпинат

C. Fruit Crops and Small Fruits

Cerasus spp.	ķirši	cherry	Kirsche	вишня
Cheanomeles japonica (Thunb.) Lindl. ex Spach	krūmcidonijas	japanese (flowering) quince	Japanische Quitte	айва японская
Cydonia spp.	cidonijas	quince	Quitte	цидония
Fragaria spp.	zemenes	strawberry	Erdbeere	земляника
Gorbus spp.	pīlādži	mountain ash	Ebereschen	рябина
Grossularia spp.	ērķšķogās	gooseberry	Stachel- beere	крыжовник
Hippophae spp.	smilšērķšķi	sea buck- thorne	Sanddorn	облепиха
Malus spp.	ābeles	apple	Apfel	яблоня
Oxycoccus spp.	dzērvenes	cranberry	Moosbeere	клюква
Prunus spp.	plūmes	plum	Pflaume	слива
Pyrus spp.	bumbieres	pear	Birne	груша
Rhodococcum spp.	brūklenes	lingonberry	Preiselbeere	брусника

Ribes spp.	jānogas, upenes	currant, black currant	Johannisbeere, Schwarze Johannisbeere	смородина красная, смородина черная
Rubus spp.	avenes, kazenes	raspberry, bramble	Himbeere, Brombeere	малина, ежевика
Vaccinium spp.	dzērvenes, zīlenes	cranberry, blueberry	Heidelbeere, Garten-heidelbeere	клюква, голубика
Vitis spp.	vīnogas	grapes	Weintrauben	виноград

D. Ornamental Plants

Begonia spp.	begonijas	begonia	Begonie	бегония
Clematis spp.	mežvītenī	clematis	Waldrebe	ломонос
Cymbidium spp.	cimbidijas	cymbidium	Cymbidie	
Dendranthema spp.	krizantēmas	chrysanthemum	Chrysanteum	хризантема
Dahlia spp.	dālijas	dahlia	Dahlie	георгина
Dianthus spp.	neļķes	carnation, pink	Nelke	гвоздика
Gerbera spp.	gerberas	gerbera	Gerbera	гербера
Gladiolus spp.	gladiolas	gladiolus	Gladiole	гладиолус
Lilium spp.	lilijas	lily	Lilie	лилия
Matthiola spp.	matiolas	stock	Levkoje	маттиола
Narcissus spp.	narcises	narcissus, daffodil, jonquil	Narzisse	нарцисс
Phalaenopsis spp.	falenopši	moth orchid, phalaenopsis	Phalaenopsis	фаленопсис
Rhododendron spp.	rododendri	rhododendron	Rhododendron, Azalee	рододендрон
Rosa spp.	rozes	rose	Rose	роза, шиповник
Syringa spp.	ceriņi	lilac	Flieder	сирень
Tulipa spp.	tulpes	tulip	Tulpe	тюльпан

E. Trees

Abies spp.	baltegles	fir	Tanne	пихта
Alnus spp.	alkšņi	alder	Erle	ольха
Betula spp.	bērzi	birch	Birke	береза
Chamaecyparis	pacīpreses	chamaecy- paris	Scheinzy- presse	кипарисовник
Crataegus spp.	vilkābeles	hawthorn	Weissdorn	бояришник
Fraxinus spp.	oši	ash	Esche	ясень
Juniperus spp.	paegli	juniper	Wacholder	можжевельник
Larix spp.	lapegles	larch	Larche	лиственница
Quercus spp.	ozoli	oak	Eiche	дуб
Padus spp.	ieva	black cherry	Faulbaum	чермуха
Picea spp.	egles	spruce	Fichte	ель
Pinus spp.	priedes	pine	Kiefer	сосна
Populus spp.	apses, papeles	aspen, poplar	Pappel	осина, тополь
Pseudotsuga spp.	duglāzija	douglas fir	Dauglasie	лжетсуга, дугласия
Salix spp.	vītols	willow	Weide	ива
Taxus spp.	īve	yew	Eibe	тис
Thuja spp.	tūja, dzīvības koks	thuya	Lebensbaum	туя

Tsuga spp.	hemlokegle	hemlock	Hemlockfichte, Hemlokstanne, Schierlingstanne	тсуга
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Secretary of the Supreme Council of the Republic of Latvia

I. Daudišs