

LAW OF THE REPUBLIC OF AZERBAIJAN

Based on the remarks and proposals of UPOV experts council

About alterations and additions to the Law of the Republic of Azerbaijan “on Selection achievements”

National Assembly of Azerbaijan Republic decides:

To be made the following alterations and additions to the law of Azerbaijan Republic “On selection achievements” (Legislation collective of Azerbaijan Republic, 1997, No 4, article 269):

1. Item “b” of the article 3 to be given in the following redaction:

“Article 3. Patent ability terms of selection achievements.

b) differentness;

Selection achievement should differ from other known selection achievements.

Known selection achievements should have correct description in official catalogue, information fund and one of publications.

Patented selection achievement is considered known after the date of applying for patent.

Different and typical peculiarities of characteristics of selection achievements should give opportunities for comparison and accurate description.”

2. To be given article 4 in the following redaction:

“Article 4. Objects and subjects of selection achievements.

The objects of the selection achievements are sorts of plants, animal breeds, their hybrids, genotypes, lines crosses, clones, eggs, embryos and other plant materials and breed reserves...

The subjects of selection activity are the owners of selection achievements and all juridical and fiscal persons who lead selection activity.”

3. Article 16 to be given in the following redaction:

“Article 16. Rights Patent Owner:

Patent gives exceptional right for using patent to its owner and this right is preserved by the state. Using of selection achievements without owner’s permission is prohibited.

Patent right could be alienated fully or partially under the order, determined by the legislation of the Azerbaijan Republic. In this case the contract is concluded by patent owner and appropriate people are registered in authorized organs.

All juridical and fiscal persons had to get the right to use selection achievements:

Production and reproduction;

To convey the semen sowing standard, with aim to increase.

To make the sale proposal

To include into the purchase and commercial turnover.

To export from Azerbaijan

To import into Azerbaijan republic

To keep for purposes mentioned above.

Without permission of owner for patent rights during turnover of guarded selection achievements, plant materials and animals for production gained from patent achievement concern to the owner of patent right.

It should be get permission from owner of patent rights for all kind of activities connected with the semen of plant kinds and breeding material of animals indicated in the article 3, if select achievement:

Does not carry implicit peculiarities of selection achievements by reflecting its peculiarities in itself;

If it is not sharply differentiated from protected sorts, semens;

If it is needed reproduction of protected selection achievements;

It is accepted as sort, semen, that are differentiated from sorts, semens, and that reflect features of first sort, semens, if:

If it reflects peculiarities of genotype or genotypic combinations by keeping main inheritance peculiarities of first sort, semen in itself;

If first sort, semen are proper to genotype or genotypic combinations exception differences created by the effect of methods individual choosing, choosing from mutants, beccross and gene engineering.

When selection achievements are used for the following purposes, then the right of patent owner is not considered broken.

Utilization for personal and non-commercial purposes;

Utilization for practice-testing purposes.”

President of Azerbaijan Republic
Baku city, February 8, 2000
No 808 – 1QD

Heydar Aliyev