

法規名稱(Title) : The Regulations of the Organization of Plant Variety Evaluation Committee and the Review Procedures)

公發布日(Date) : 2005.06.29

法規沿革(Legislative) : 1.Promulgated on March 2, 1990.
2.Amendment to all Articles promulgated June 29, 2005

法規內文(Content) : Article 1

These Regulations are enacted in accordance with Article 21, Paragraph 2 of the Plant Variety and Plant Seed Act (hereinafter referred to as "this Act").

Article 2

The central competent authority may establish various Plant Variety Evaluation Committees (hereinafter referred to as "evaluation committees") in accordance with plant category in order to review plant variety right application, nullification, and cancellation cases.

Article 3

Evaluation committees shall have the following missions:

- 1.review of plant variety right application, nullification, and cancellation cases;
- 2.deliberation of appointment or entrustment cases involving plant variety characteristics examination and follow-up testing;
- 3.deliberation of follow-up testing of characteristics in nullification or cancellation cases;
- 4.deliberation of various plant characteristics tables

and testing and examination

methods determined or revised in accordance with these Regulations; and

5. deliberation of other matters connected with plant variety right application,

nullification, and cancellation.

Article 4

Various evaluation committees may be established with from five to seven members. The central competent authority shall invite experts or specialists who have extensive researches or experiences concerning plant variety examination regulations, plant cultivating techniques, or other fields, to serve as members of a committee, and shall appoint one person from among them to serve as the chairman.

Article 5

An evaluation committee chairman shall convene and chair meetings upon requirement. The chairman shall appoint another committee member to chair a meeting if the chairman is unable to attend that meeting. The chairman may, when deemed necessary, invite the plant characteristics examination and follow-up testing agency or institution appointed or entrusted by the central competent authority in accordance with Article 34 of this Act (hereinafter referred to as the "examination organization") and relevant scholars, specialists, or enterprises to attend meetings in a non-voting capacity.

A quorum of at least two-thirds of evaluation committee

members shall be present at review cases, and decisions shall be made by a majority of those members present.

Article 6

Evaluation committee members shall recuse themselves under any of the following circumstances:

- 1.The member or the member's spouse, former spouse, or unwed spouse is the case's applicant or agent.
- 2.The member is a blood relative of the case's applicant or agent within fourth degree of kinship or a marital relative within the third degree of kinship, or once had such a relationship.
- 3.The member's spouse, former spouse, or unwed spouse has joint rights, joint obligations, or repayment obligations with regard to the case and the applicant.
- 4.The member is currently or has formerly been the statutory agent of the applicant in this case.
- 5.The member is currently or has formerly been the litigation agent or assistant of the applicant in this case.
- 6.The member is currently or has formerly been a witness, appraiser, or dissenter with regard to this case.

Article 7

Evaluation committee members shall receive no salary.

Article 8

The central competent authority shall stipulate various plant characteristic tables and test and examination methods in accordance with plant category in order to facilitate implementation of variety characteristics examination and follow-up testing.

Article 9

When the valuation committee reviews variety characteristics, a documentary review of the characteristics examination report attached by the applicant may be performed if the plant variety for which a variety right is being applied for variety conforms to any of the following situations:

- 1.The variety has received a plant variety right overseas.
- 2.The variety was bred with funding from a government agency.

If the evaluation committee feels that it cannot assess the distinctness, uniformity, and stability of the characteristics examination report provided as in the preceding Paragraph, the central competent authority may appoint or entrust a designated examination organization to perform another characteristics examination.

Article 10

The central competent authority may appoint or entrust a designated examination organization to perform characteristics follow-up testing after accepting a plant variety right nullification or cancellation case

for review in accordance with Paragraph 1, Subparagraph 1 and Paragraph 2, Subparagraph 1 under Article 37 of this Act; the investigation items and implementation methods of characteristics follow-up testing shall be as resolved by the evaluation committee.

The evaluation committee may when reviewing plant variety right nullification or cancellation cases notify the applicant and the holder of a plant variety right to attend a committee meeting in a non-voting capacity to provide explanations.

Article 11

These Regulations shall take effect on the day this Act is enforced.