

Resolution of the Cabinet of Ministers
December 18, 1997. N 553

On approval of the Regulation "On State Seed Certification and Quality Control Center of the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan " and the Regulation "On the State Register of agricultural plants recommended in the Republic of Uzbekistan"

In order to implement the Law of the Republic of Uzbekistan "On seed breeding" the Cabinet of Ministers orders:

1. To approve:

- the Regulation "On State Seed Certification and Quality Control Center of the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan " in accordance with annex #1;
- the Regulation "On the State Register of agricultural plants recommended in the Republic of Uzbekistan", in accordance with annex #2.

2. In section III of annex #5 decisions of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, dated November 26, 1996 #419 the words "the Uzbek State Seed Center" shall be replaced by the words "State Seed Certification and Quality Control Center".

3. Define, that financing of State Seed Certification and Quality Control Center shall be carried out from the state budget and payments collected from testing services and certification, and other means.

Prime Minister
of the Republic of Uzbekistan

U.Sultanov

Annex #1
to the Resolution of the Cabinet of Ministers
№553, dated 18 December, 1997

REGULATION
on State [Agricultural Plants] Seed Certification
and Quality Control Center of the Ministry of
Agriculture and Water Resources of the Republic of
Uzbekistan

I. General provisions

1. State Seed Certification and Quality Control Center of the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan (hereinafter referred to as "SSCQCC") was established in accordance with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 31 October, 1995 #421.

The status of SSCQCC is equal to main department of the Ministry of Agriculture and Water Resources.

2. SSCQCC shall be a state body on seed certification and quality control with its divisions on sites.

3. SSCQCC shall contain of apparatus divisions of the State Seed Certification and Quality Control Center of the Republic of Uzbekistan, Seed Certification and Quality Control Center of the Republic of Karakalpakstan, regional centers on seed certification and quality control, district and inter-district inspections (laboratories) on agricultural plants seed quality control and carry out general administration over these divisions.

4. SSCQCC shall have the status of legal entity, bank accounts, seal, stamp, forms with the name on Uzbek and English languages.

5. SSCQCC in its activity shall be guided by the Constitution and laws of the Republic of Uzbekistan, resolutions of Oliy Majlis (Supreme Council), decrees and orders of the President of

the Republic of Uzbekistan, resolutions and orders of the Cabinet of Ministers, orders of the Minister of Agriculture and Water Management and resolutions of the Board of the Ministry of Agriculture and Water Resources, basic documents of National certification system, other legal acts, and this Regulation.

6. Activity of SSCQCC shall be financed at the expense of state budget and assets collected from testing services and certification, and other assets.

7. Structure of management and list of the SSCQCC staff shall be approved by the Ministry of Agriculture and Water Resources.

II. Basic tasks and functions of SSCQCC

8. Tasks of SSCQCC shall be as follow:

- control over implementation of state policy in the field of agricultural plants varieties genetic purity of and seed quality;
- activity on seed certification, determining and controlling over seed quality irrespective of seed producers and consumers, in accordance with accreditation region.

9. According to the assigned tasks, SSCQCC shall carry out the following functions:

- administering activity of local divisions on organizing control over seed quality of all agricultural plants;
- defining varietal and sowing characteristics of seeds and planting material in farms, corporations and other enterprises, establishments;
- developing, perfecting and approving methods of seed quality determination;
- methodical supervision over Seed Certification and Quality Control Center of

the Republic of Karakalpakstan, regional centers on seed certification and quality control, district and inter-district inspections (laboratories) on agricultural plants seed quality control;

- direct participation in development of state standards, new techniques and instructions on production and determination of seed quality;
- controlling over production of highest-quality seeds, first and subsequent reproductions, storage, preparing for sowing, determining of seed quality and economical spending of seeds in compliance with state standards, existing instructions and rules irrespective of ownership status of farms and enterprises;
- implementing world achievements in seed breeding, defining and controlling seed quality based on international standards, issuing quality certificates to standard seeds;
- assisting in participation of all interested legal entities and natural persons in defining sowing and varietal characteristics of seeds;
- recruiting and arranging experts, training and accrediting of these experts;
- ordering (on contract basis) development of working plans, new technological lines and equipment, together with research institutes, selection, seed breeding, design and project organizations, on the basis of the contracts on development of the working plans new technological lines and equipment, within the limits of competence;
- controlling over performance of plans on variety distribution, variety zoning and storing varietal seeds in amounts approved

by the Ministry of Agriculture and Water Resources;

- testing [on contractual basis] and defining efficiency of new methods, chemical preparations, and other proposals used in seed breeding and seed-control activity, and recommending for introduction;
- checking [in ground analysis] of varietal purity of zoned and perspective varieties of agricultural plants and presenting of results to interested organizations, controlling correct realization of approbation of agricultural plants sowing;
- maintaining seed archive of plants and rendering of practical assistance to regional seed centers and regional laboratories on correctness of bookmarking and conducting seed archives;
- conducting activity in direct connection with the Ministry of Agriculture and Water Resources of the Republic of Karakalpakstan, regional departments of agriculture and water management, Uzbek Scientific-Production Center of Agriculture and other interested organizations;
- prohibiting distribution of not certified and non-standard seeds;
- recommending on punishment of liable persons violated rules on production, purchase, storage, processing and sowing seeds of agricultural plants;
- attracting experts of research institutes and other organizations to work on checking and analysis of seeds;
- performing other functions according to legislation.

III. Rights of SSCQCC

10. Inspectors of the SSCQCC and all of its divisions shall carry out control over use and production of agricultural plants seeds in accordance with legislation.

11. Head of the SSCQCC shall be chief state inspector of the Republic of Uzbekistan on agricultural plants seed quality control.

Head of Seed Certification and Quality Control Center of the Republic of Karakalpakstan, and heads of the regional centers on seed certification and quality control accordingly shall be the state inspectors on agricultural plants seed quality control of the Republic of Karakalpakstan and regions.

12. Chief state inspector of the Republic of Uzbekistan on agricultural plants seed certification and quality control, inspectors of the SSCQCC, regional state inspectors, inspectors of districts on agricultural plants seed certification and quality control within the limits of powers may:

- collect sample seeds for necessary analyses with the purpose of checking reliability of parameters of seed quality and conformity to state standards;
- forbid illegal use of protected seeds varieties;
- enter premises of any seed producer or supplier or trade organization;
- obtain necessary information, documents and samples on seed breeding fields and parties of seeds;
- suspend or forbid production, storage, sale of seeds, undertaken in violation of legislation;
- forbid transportation of parties of seeds without certificate on varietal and sowing quality, and phytosanitary certificate;
- prevent import of seeds without certificate on varietal and sowing quality, and

phytosanitary certificate and import quarantine permission.

IV. Administration of the SSCQCC

13. The SSCQCC shall be managed by the Head, nominated by the Minister of Agriculture and Water Resources a village and water facilities (economy) of Republic of Uzbekistan heads.

14. The chief bears responsibility for performance of functions assigned on SSCQCC.

15. Head shall dispose and be responsible for safety of property and assets of SSCQCC, open current and other bank accounts, issue orders, recruit employees, acts on behalf of the SSCQCC without power of attorney and represents it in judicial and other entities and organizations.

16. In accordance with employment legislation Head of the SSCQCC shall:

- hire and discharge his deputies, department chiefs and laboratory managers of the SSCQCC;
- hire and discharge head of Seed Certification and Quality Control Center of the Republic of Karakalpakstan based on the recommendation of the Ministry of Agriculture and Water Resources of the Republic of Karakalpakstan;
- hire and discharge heads of the regional, district and inter-district centers on seed certification and quality control.

Annex 2 to the Resolution of the Cabinet of Ministers from December 18,
1997 №553

Regulation
on the State Register of Agricultural Plants
recommended for cropping in the Republic of
Uzbekistan

1. Regulation on the State Register of Agricultural Plants recommended for cropping in the Republic of Uzbekistan (hereinafter - Regulation), has been adopted with the purpose of realization of procedures related to conducting of the State register of agricultural plants, recommended for cropping (further - Register).

2. The State Commission on Testing Agricultural Plants Varieties under the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan (hereinafter - State Commission) shall conduct the Register and carry out procedures related to conducting of the Register, accept applications for selection attainments, including those that do not comply with not adequate to criteria legal protection by the legislation on selection attainments, examine declared plants, register and publish information about plants recommended for cropping.

3. State Commission at realization of procedures related to conducting of the Register, shall be guided by the laws "On Selection Attainments", "On Seed Breeding", other acts of the Republic of Uzbekistan and present Regulation.

4. Maintaining of the Register shall be financed from the state budget, registration fees, and fees for services and materials rendered by the State Commission, approved by the Ministry of Agriculture and Water Resources with the consent of the Ministry of Finance of the Republic of Uzbekistan.

5. Basic tasks of the State Commission at conducting the Register shall be:

a) registration and granting recommendations for cropping agricultural plants protected by the patenting documentation, at will of patenter;

б) registration and granting recommendations for cropping agricultural plants which have not been protected by patenting documentation;

в) organization and realization of informing activity in the field of selection attainments recommended for cropping in the Republic of Uzbekistan;

г) assisting in development of research and creative attainments in the field of selection in the Republic of Uzbekistan.

6. The State Commission at conducting the Register may:

a) register and present recommendations cropping agricultural plants protected by patenting documentation, at will of patenter;

б) accept applications, carry out testing of agricultural plants which have not been protected by patenting documentation;

в) register and present recommendations for cropping agricultural plants which have not been protected by patenting documentation, at the request of the owner;

г) enter into the Register agricultural plants which do not comply with the protectability criteria, but tested for economic utility, with the purpose of recommending for cropping. Tests for economic utility shall establish the following characteristics:

productivity, disease and pest resistance, reaction to environment conditions (cold and drought resistance), product quality. Registered selection attainment shall possess one or two economic and biological characteristics that are better than those already entered into the Register, and shall be at the same level or

unsignificantly concede selection attainments available in the Register. Tests shall be carried out not less than for two years, and not less than for two years of full cropping in relation with longstanding plants;

д) establish common forms of necessary documents in conducting the Register;

е) develop, accept and issue rules and comments on realization of procedures related to conducting the Register;

ж) examine objections and complaints on conclusions of departments and decision of expert commission submitted by owners and patenters;

з) charge registration fees, and fees for services and materials rendered by the State Commission;

и) in accordance with current legislation and tasks of this Regulation:

· possess copyright for publishing and advertising activity, release and distribution of scientific and methodological, information materials, periodic editions, audiovisual printed production;

· open bank accounts, including in foreign currency, for transfer of registration fees, fees for rendering various services and materials and their subsequent use;

к) attract domestic and foreign experts for realization of procedures related to conducting of the Register;

л) register contracts on transfer of the rights of use [licensing contract], contracts on assignation related to agricultural plants recommended for cropping.

7. The Register shall be conducted by the State Commission in single copy and represents several files, each of which reflects certain actions made with selection attainments during its existence. Final decision taken on entering and excluding of a variety from the Register shall be attached to

strung, numbered and sealed book subject to constant storage in the Department of registration and new [agricultural plants] varieties and hybrids. All information necessary for clear distinction of a selection attainment from other selection attainment shall be entered into the Register.

8. The following information shall be entered into the Register while registering agricultural plants recommended for cropping:

- sort, kind of a plant;
- name of a variety;
- applicant, address, code of the country;
- number of the application;
- date of priority;
- date of registration of varieties of agricultural plants in the Register;
- authors [creators] of agricultural plants varieties;
- name and address of originator of agricultural plants varieties;
- name and address of an intermediary.

9. Registration of varieties in the Register shall be carried out not later **than 6 months** after approval of the decision taken by the State Commission on recommending agricultural plants for cropping and payment of appropriate registration fees.

10. Persons that do not agree with the decisions of the State Commission at realization of procedures related to conducting of the Register, have the right to the appeal of actions of the State Commission in the order, established by the legislation.

11. Exclusion of a selection attainment from the Register shall take place if:

- at realization of control tests it is established that the selection attainment does not correspond to its description;

- the selection attainment has lost its economic utility;
- registration fees for maintaining selection attainments in the Register;
- selection attainment has not been used for more than 4 years;
- requested by the applicant.

APPENDIX 6

THE LAW OF THE REPUBLIC OF UZBEKISTAN ON SELECTION ATTAINMENTS (new edition) dated 29 August 2002

I. General provisions

Article 1. Objectives of the Law

The objectives of this Law shall be the regulation of affairs in the field of creation, legal protection and use of attainments in selection.

Article 2. Basic definitions

The following definitions shall be used in this Law:

Breed - group of animals (including birds, insects, silkworms) or their hybrids, which is determined by genetically caused biological and morphological characteristics and characteristics, and some of them are specific for the given group and distinguish it from other groups of animals.

Protected objects of a breed are breed group, in-breed (zonal)

type, pedigree type, pedigree line, familia, parthenoclones, line, hybrids;

Employer - legal entity or natural person requesting generation of selection attainment and financing the request;

Licensors - patenters, conveying the right for use of selection attainment to the licensee on the basis of licensing agreement;

Licensee - legal entity or natural person, who has obtained the right for use of selection attainment from the licensor on the basis of licensing agreement;

Variety - group of plants, which is determined by characteristics, rigidly

inherited, characterizing the given genotype or combination of genotypes, and differs from other plant groups of the same botanical taxon by one or several characteristics. Protected objects of variety are a clone, line, hybrid of the first generation, population;

Patenter - owner of the patent on selection attainment;

Selection attainment - new variety of plants, new breed of animals;

Applicant - legal entity or natural person that submitted the application for patenting selection attainment.

Article 3. Legislation on selection attainments

The legislation on selection attainments shall consist from this Law and other acts of the legislation.

If the International agreement of the Republic of Uzbekistan stipulates other rules, than that, which are stipulated by the legislation of the Republic of Uzbekistan on selection attainments,

the rules of the international agreement shall be applied.

Article 4. Organizational fundamentals for legal protection of selection attainments

The State the Patent Department of the Republic of Uzbekistan (hereinafter - The Patent Department) shall provide realization of the state policies in the field of legal protection of selection attainments.

The Patent Department shall carry out reception and consideration of the applications on issuing of patents on selection attainments (hereinafter - application for patenting), formal examination, conduct the State Register of plants varieties and the State Register of animal breeds (hereinafter - The Register), shall issue patents for a selection attainment, officially publish information about filing materials and registered selection attainments, protected in the Republic of Uzbekistan, adopt rules and comment on application of the legislation on selection attainments.

The State Commission on Agricultural Plants Variety Tests, the Main State Inspection on Livestock Breeding of the Ministry of Agriculture and Water Management of the Republic of Uzbekistan (hereinafter - the specialized organizations) shall carry out examination on patentability of the declared selection attainments.

Article 5. Author of a selection attainment

A natural person who created (bred or nurtured) new variety of plant or new breed of animals shall be an author of selection attainment.

Natural persons participated in creation of a selection attainment shall be admitted as co-authors. The order of using the rights belonging to

co-authors, shall be determined by the legislation and the agreement among them.

Intellectual property rights shall be an inalienable personal right and shall be protected for perpetual term.

The author (co-authors) may be mentioned in the application for patenting, in the patent and in all publications, concerning selection attainment.

Article 6. Patenter

A patent for a selection attainment shall be issued to:

- author (co-authors) of a selection attainment or his (their) successor (successors);
- legal entities and(or) natural persons (at their consent), indicated as author or his successor in application for patenting or in the application for change of the applicant, submitted to the Patent Department prior to registration of a selection attainment;
- employer, in cases, stipulated by the Article 7 of this law.

Article 7. Patenter of selection attainment, created in service

Selection attainment shall be considered as created in service, if at its creation the author (co-authors):

- has been carried out duties inherent in a post, occupied by him (them);
- has been carried out duties, specially assigned to him with the purpose of creating selection attainment;
- used material or financial means, rendered by the employer;

- used knowledge and experience, composing specificity of the employer organization, acquired by him during the employment.

If the employer will not submit patenting application to the Patent Department within four months from the date of the notification by author (co-authors) about created selection attainment, will not concede the right to apply for a patent to other person and will not inform the author (co-authors) about preservation of a selection attainment in secret, the author (co-authors) shall have the right to submit the patenting application and obtain a patent for his (their) name.

In this case employer may use selection attainment in own production with payment of royalty to patenter in accordance with a contract.

In case of preservation by the employer of a selection attainment in secret, it shall pay proportional reward to the author (co-authors) as defined by a contract.

The author (co-authors) of selection attainment, not being a patenter shall have the right for reward for use or licensing of a selection attainment, in size and order of payment determined by a contract with patenter or its successor.

The reward to the author (co-authors) shall be paid by the patenter or his successor during validity of the patent, if other has not been stipulated by a contract on order and terms of reward payment for use of a selection attainment.

The reward shall be paid to the author (co-authors) not later than six months after expiration of the reporting period, during which a selection attainment had been used.

II. Patentability of selection attainment

Article 8. Conditions of granting of legal protection selection attainment

Legal protection shall be rendered to selection attainment which complies with the following criteria: novelty, distinctness, homogeneity and stability.

Selection attainment shall have the title in accordance with requirements of the Article 13 of this Law.

Article 9. Novelty

Selection attainment shall be considered as new, if to the date of submitting patenting application seeds, planting material of a variety or pedigree (breeding) material of a breed have not been sold or transferred by author, his successor or eligible third parties, for use:

- in the territory of the Republic of Uzbekistan - one year prior to the date of submission of application;

- in territory of other country - four years or, in case of grapes, wood, decorative, fruit plants and forest plants, six years prior to the specified date.

Article 10. Distinctness

Selection attainment shall be obviously distinguished from any other notorious selection attainment on the date of patenting application.

Selection attainment shall be considered notorious on the date of submitting patenting application, if the patenting application for this attainment has been submitted and this attainment has been patented in any other country or any other similar form of protection has been rendered, or selection attainment has been included into the

official register of selection attainments of this country.

Notoriety shall be established in relation to:

- selection attainment, which has become a part of notorious knowledge level as a result of its development, reproduction, bringing to varietal or breeding condition with the purpose of further propagation, storage and maintaining for above mentioned purposes;

- selection attainment that has been offered for sale, sold, imported or exported.

Article 11. Homogeneity

Selection attainment shall be considered homogeneous, if plants of certain variety or animals of certain breed are homogeneous by selective factors, taking into account their propagating specifics.

Article 12. Stability

Selection attainment shall be considered as stable, if its basic characteristics remain constant after numerous propagation or, in case of special propagation cycle, at the end of each propagation cycle.

Article 13. Name of selection attainment

Selection attainment shall have the name, offered by the applicant and accepted by the Patent Department.

The name of selection attainment shall allow to identify selection attainment, shall be brief, differ from the names of the existing selection attainments of the same or, close botanical or zoological kind. It shall not consist of only

figures, mislead in relation to characteristics, origin, value of selection attainment, personality of the author (co-authors), contradict to principles of humanity and morality.

The name of selection attainment shall be registered in the appropriate register simultaneously with including of information about protected selection attainment.

If patenting application submitted in the Republic of Uzbekistan and other countries, the name of selection attainment in these applications shall be identical.

While offering for selling or marketing in the Republic of Uzbekistan or in the territory of a country, which has an agreement with the Republic of Uzbekistan on legal protection of selection attainments, seeds, varietal planting material or pedigree material of a breed, any person shall use the name of selection attainment even after the expiration of the patent on selection attainment, except for cases where third persons do not interfere with such use.

III. Obtaining patent on selection attainment

Article 14. Patent for selection attainment

Patent shall be issued for selection attainment, complying with criteria of patentability and related to botanical and zoological sorts and kinds protected in the Republic of Uzbekistan.

Patent for selection attainment (hereinafter - the Patent) shall certify novelty, distinctness, homogeneity and stability of selection attainment, and right of Patenter for name, possession, usage and dispose of selection attainment.

The right of Patenter shall be effective from the date of the publication of information on registration of selection attainment in the official bulletin the Patent Department.

The patent shall be effective within twenty years from the date of registering selection attainment in the appropriate register. The patent for varieties of grapes, wood, decorative, fruit plants and forest plants, including their tree sticks, shall be effective within twenty five years.

Validity of the patent may be prolonged under the petition of the Patenter, but for a term not exceeding ten years.

Article 15. The right for the patent

The right for the patent shall belong to the author (co-authors) or his successor (successors).

If a number of persons have jointly created one selection attainment, right for the patent shall belong to all of them. Waiver of the right for the patent by one or several of them shall not affect others in acting and participating in procedure for obtaining the patent.

The right for the patent on selection attainment created by the author (co-authors) in connection with performance of his (their) official duties, definite task or through knowledge and experience, component of the employing organization's specificity, shall belong to the employer, if stipulated by the contract between them.

If a number of persons have created selection attainment independently from each other, the right for the patent shall belong to the that person, whose patenting application has been submitted to the Patent Department earlier, provided that the application was not withdrawn or rejected.

The author (co-authors), whose selection attainment has been illegally impersonated and applied for the patent or patented, may dispute the issued patent or claim the patent right as a patenter in legal form.

Employees of the Patent Department and specialized organizations may not obtain the patent, and be mentioned as author (co-author) during their employment, and within one year after dismissal.

Article 16. Application for the patent

Patenting application shall be submitted to The Patent Department by the author (co-authors), employer or their assignee.

Patenting application may be submitted personally, through the patent agent registered in the Patent Department, or through the authorized delegate. Citizens of other countries, not having permanent residence, and legal persons of other countries, not having permanent site in the Republic of Uzbekistan, their patent agents or authorized delegates shall conduct businesses on obtaining the patent and keeping effective through the patent agents of the Republic of Uzbekistan. The powers of the patent agent shall be verified by the power of attorney issued to the agent by the applicant or authorized delegate.

Article 17. Contents of patenting application

Patenting application shall contain:

- request for the patent indicating the author (co-authors) and person (persons), to which the patent will be issued, and information about their residence or site;
- offer for the name of selection attainment;
- description of selection attainment (technical questionnaire);
- photos of selection attainment samples;

- documents on tests of selection attainment, carried out by the applicant;
- declaration of the applicant confirming that selection attainment was not used, was not on sale, was not transferred and corresponds to the requirements of novelty;
- document confirming priority of selection attainment (if necessary);
- commitment of the applicant to submit a material to specialized organization when due hereunder for tests of selection attainment;
- power of attorney in case of applying through patent agent or authorized delegate;
- document, confirming payment of a patent fee in established amount or proof of release from paying patent fee, and for reduction of its amount.

Patenting application shall be related to one selection attainment.

The date of patenting application shall be the date of receiving documents by the Patent Department in accordance with requirements of paragraph one of this Article.

Documents, specified in indentions seven and eight of the paragraph one of this article, shall be submitted by the applicant within three months from the date of patenting application. If the applicant will not submit these documents within specified term or will not submit the petition for prolongation of the specified term, the application shall be considered as not submitted.

Requirements for patenting application documents shall be established by the Patent Department jointly with specialized organizations.

Materials of patenting applications shall be kept confidential by the Patent Department and information about applications shall not be

disclosed without the consent of the applicant during the formal examination of the applications.

Article 18. Priority of selection attainment

Priority of selection attainment shall be established by the date of submitting patenting application to the Patent Department, filled out in accordance with the requirements of this Law.

If identical patenting applications have the same date of priority, the patent shall be issued for application with earlier date of sending to the Patent Department or with earlier date of receiving application.

If patenting application, submitted to the Patent Department, preceded by application, submitted by the applicant in another country (hereinafter - first application), which has an agreement on legal protection of selection attainments with the Republic of Uzbekistan, the applicant has the right for priority under the first application within twelve months from the date of submitting application.

The applicant shall specify the date of the first application priority in patenting application submitted to the Patent Department. The applicant shall submit a copy of the first application and its translation within three months from the date of submitting application to the Patent Department. While performing these conditions the applicant has the right not to submit additional documentation and material, necessary for test, within three years from the date of submitting the first application.

Non-observance of the term specified in paragraph three of this Article, and non-payment of the established patent fees shall be followed by non-recognition of requested priority.

Submission of subsequent patenting application, publication or use of selection attainment, being

subject of the first application, in case they occur during the term, stipulated in paragraph three of this Article, may not be basis for rejection of subsequent application. Such facts may not be basis for occurrence of any rights of third parties.

Article 19. Public examination of selection attainment

Public examination of declared selection attainment shall include formal examination of application and examination on patentability, consisting of an expert examination as for novelty and tests on distinctness, homogeneity and stability.

Article 20. Formal examination of the application

Formal examination of the application shall be carried out after two months from the date of application. During examination the date of priority shall be established, and checking of necessary documents on compliance with qualifying standards carried out.

The applicant may by his own initiative expand, adjust or correct materials of application within two months from the date of application.

If necessary additions, adjustments or corrections have not been made on time or documents missing at the date patenting application have not been submitted, the application shall not be accepted for processing.

Term missed by the applicant, may be restored by the Patent Department based on the petition of the applicant, submitted not later than six months after expiration of the term.

The applicant shall be informed about the decision of the Patent Department based on the results of formal examination of the application.

If the applicant disagrees with the decision of the Patent Department he may appeal to the Board of Appeal of the Patent Department (hereinafter - the Board of Appeal) within three months from the date of sending decision. The appeal shall be heard by the Board of Appeal within two months from the date of its receipt.

Decision of the Board of Appeal may be disputed in court within six months from the date of its pronouncing.

Patenting application that passed formal examination shall be sent the Patent Department to the appropriate specialized organization for examination on patentability.

Article 21. Temporary legal protection of selection attainment

Temporary legal protection shall be rendered to declared selection attainment from the date of publishing information about patenting application until the date of including selection attainment in appropriate register.

The applicant shall have the right of the Patenter during the period of temporary legal protection of selection attainment in accordance with Article 30 of this Law.

Temporary legal protection shall be considered effective, if patenting application has been refused, and appealing potentialities have been exhausted.

A person, using selection attainment, declared for protection during its temporary legal protection, shall pay compensation to Patenter after reception of the patent by the latter, size of which shall be defined by agreement with Patenter.

Article 22. Examination of selection
attainment for novelty

Examination of selection attainment for novelty shall be carried out by the specialized organization based on available documents and the proofs, including information, received by its own initiative, and report to the Patent Department about compliance or inadequacy to criterion of novelty of the declared selection attainment. The Patent Department shall notify in writing the applicant about presence or absence of novelty.

Any interested person may claim regarding novelty of the declared selection attainment in appropriate specialized organization within six months from the date of publishing information about patenting application.

Appropriate specialized organization shall notify in writing the applicant about receipt of the claim. The applicant may direct motivated objection to specialized organization within three months from the date of receiving notification, in case he disagrees with claim. Specialized organization shall inform interested person and applicant about decision taken regarding documents received.

If the declared selection attainment does not correspond to criterion of novelty, the Patent Department shall refuse in issuing a patent.

The applicant may appeal the decision of the Patent Department on refusing in issuing a patent in the Board of Appeal within three months.

The appeal shall be considered by the Board of Appeal within two months from the date of receiving.

Decision of the Board of Appeal may be disputed in court within six months from the date of its pronouncing.

Article 23. Testing of the declared selection attainment

Tests of the declared selection attainment shall consist of distinctness, homogeneity and stability tests.

Tests of the declared selection attainment shall be carried out in accordance with methods and within the terms, established by specialized organizations on state variety testing stations, state variety testing sites, other organizations, the list of which shall be approved by the Cabinet of Ministers of the Republic of Uzbekistan.

The applicant shall supply seeds, planting or breeding material in amount necessary for realization of tests, to an address and within the terms established by specialized organization.

Specialized organization may use test results presented by the applicant, and by enterprises, establishments, organizations of the Republic of Uzbekistan and competent bodies of other countries.

Specialized organization shall make decision on compliance of selection attainment to Patentability criteria based on test results.

If selection attainment meets patentability criteria, and its name complies with established requirements, specialized organization shall prepare official description of selection attainment, and the Patent Department shall make a decision on issuing a patent.

If selection attainment does not meet patentability criteria, the Patent Department shall make decision on refusing to issue a patent.

The applicant may appeal to decision of the Patent Department in the Board of Appeal within three months. The appeal shall be considered by the Board of Appeal within two months from the date of its receipt, if there is no necessity for additional testing of selection attainment.

Decision of the Board of Appeal may be disputed in court within six months from the date of its pronouncing.

Article 24. Withdrawal of patenting application

Patenting application may be withdrawn by written petition of the applicant before making decision on patenting or refusal in patenting.

In case of several joint applicants patenting application may be withdrawn only with the consent of each of them.

Article 25. Registration of selection attainment

The Patent Department shall register selection attainment in appropriate register after the decision on patenting.

Article 26. Official publication of information about selection attainment

Information about patenting applications received, registered selection attainments, legal actions of the Patent Department, complete descriptions of selection attainments, registered agreements on concession of rights and licensing, and other information related to selection attainments, shall be published in the official bulletin of the Patent Department.

Article 27. Issuing a patent

Patent shall be issued by the Patent Department on behalf of the Republic of Uzbekistan.

Any person may submit objection against issuing of a patent within six months from the date of

publishing information about registration of selection attainment.

Objection against issuing of a patent shall be considered by the Board of Appeal with participation of representatives from appropriate specialized organizations, within six months from the date of submitting an objection.

The Patent Department shall carry out patenting after expiration of six months from the date of publishing information about registration of selection attainment, if objections against issuing of a patent have not been submitted or objections have been rejected.

One patent shall be issued for persons jointly applied for patenting.

The form of a patent and structure of information, indicated in it shall be established by the Patent Department.

Obvious and technical mistakes in issued patent shall be corrected by the Patent Department on request of the Patenter.

The Patenter shall deposit necessary material on protected selection attainment after obtaining the patent.

Article 28. Preservation of selection attainment

Patenter shall maintain variety, breed during validity of the patent so that the characteristics specified in the official description of variety, breed, compiled at the date of their registration in appropriate register, will be preserved.

Patenter shall, on inquiry of specialized organizations and/or the Patent Department, supply seeds of a variety or breeding material for realization of control testing and allow to carry out on-site inspection.

Article 29. Patent fees

Fees shall be collected for submitting patenting application, examinations and tests of the declared selection attainment, issuing of a patent, validity maintenance, and taking others legal actions related to legal protection of selection attainment. Patent fees shall be paid to the Patent Department.

Amount and terms of paying patent fees, basis for exemption from paying fees, reduction of amount or repayment, and order of use of patent fees shall be established by the Cabinet of Ministers of the Republic of Uzbekistan.

Patent fees shall be paid by the applicant, patenter and other interested person.

Payment of patent fees for validity maintenance may be carried out six months later in case of additional patent fee is paid.

If patent fee for validity maintenance and additional patent fee have not been paid during preferential term, then the patent shall be invalid from the date of non-payment of patent fee within the established term.

IV. Patenter's right

Article 30. Exclusive right of the Patenter

Patenter shall be entitled for exclusive right of use of selection attainment at his own discretion.

Any interested person shall obtain permission from the Patenter to carry out the following actions regarding seed, planting or breeding material of protected selection attainment:

- production and reproduction (propagation);
- adjustment to varietal or breeding condition;

- offer for sale;
- sale and other kinds of marketing;
- export from the Republic of Uzbekistan;
- import to the Republic of Uzbekistan;
- storage for above mentioned purposes.

Patenter may at his own discretion stipulate any conditions and/or restrictions in granting of permission.

The right of the Patenter shall be distributed on vegetative material, produced from seeds of varietal planting material or on industrial animals, produced from pedigree animals, entered into transaction without permission of the Patenter.

Any person shall obtain permission of the Patenter for actions specified in paragraph two of this Article, regarding seed, planting material of a variety or pedigree material of a breed, which:

- essentially inherits characteristics of protected variety, breed, except for case when this protected variety or breed is not a variety or breed essentially inheriting characteristics of other variety or breed;
- has not obvious difference from protected variety or breed in accordance with Article of 10 this Law;
- require numerous use of protected variety or breed.

Variety or breed shall be admitted as essentially inheriting characteristics of other variety or breed (initial), if they:

- inherit the most essential characteristics of an initial variety or breed, which inherit the most essential characteristics of other initial variety or breed, preserving basic characteristics,

reflecting genotype or combination of genotypes of an initial variety or breed;

- obviously differ from an initial variety or breed and correspond to genotype or combination of genotypes of an initial variety or breed, except for deviations caused by use of various methods - selection of natural or induced mutant, selection of separate mutant from plants or animals of an initial variety, breed, backcross, modification of variety or breed by methods genetic engineering.

Mutual relations in use of selection attainment, protected by the patent belonging to several Patenters, shall be defined by agreement between them. In case of absence of such agreement every patenter may use protected selection attainment at his own discretion, but may not issue exclusive license or concede the patent to another person without the consent of other Patenters.

Article 31. Exceptions from the Patenter's right

The following actions taken with protected selection attainment shall not be considered as violations of the Patenter's right:

- use for personal and non-commercial purposes;
- use for experimental purposes;
- use as initial material for creation of other varieties or breeds;
- use of varietal or breeding material received from the Patenter by an enterprise, farm for reproduction purposes in this enterprise or farm within two years.

Article 32. Exhaustion of the Patenter's right

The Patenter's right shall not applied to actions in relation with any material of a protected variety or breed after their entering into transaction by selling or other way of marketing in the Republic of Uzbekistan by the Patenter or by his consent, or by exporting for the processing and consuming purposes to countries, where varieties or breeds of the appropriate botanical or zoological kind are not protected.

Clauses of paragraph one of this Article shall not be applied to varieties or breeds, if selling and other way of marketing are directed for further propagation of the given variety or breed or related to exporting of vegetative material of a variety or pedigree material of a breed with the propagation purpose in countries, where varieties or breeds of the appropriate sort either kind are not protected.

Article 33. Violation of the Patenter's right

The following non-authorized actions shall be considered as violation of the Patenter's right:

- production and reproduction (propagation) of selection attainment;
- adjustment of selection attainment to varietal or breeding condition;
- offering for sale, sale and other marketing of a product, created with use of protected selection attainment;
- storage, import, export;
- disclosing of information, representing commercial secret about selection attainment, except for cases, when information is disclosed to the Board of Appeal or a person, performing official

procedures for protecting the applicant's or Patenter's rights.

V. Cancellation of the patent

Article 34. Cancellation of the patent

The patent may be disputed and cancelled during its validity period in cases, if:

- on the date of patenting, selection attainment was not in compliance with novelty or distinctness;
- the patent was issued on the basis of uncorroborated information on homogeneity and stability of selection attainment, submitted by the applicant.

Any person may appeal to the Board of Appeal to cancel the patent in accordance with paragraph one of this Article.

The Board of Appeal shall send a copy of the appeal to the Patenter, which shall give well-reasoned answer within three months.

The Board of Appeal make decision on the appeal within six months, if there is no necessity for additional tests of selection attainment.

Decision of the Board of Appeal may be disputed against in court within six months from the date of its pronouncement.

Article 35. Pre-term cancellation of the patent

Validity of the patent shall be cancelled in the following cases:

- non-payment of due patent fees for validity maintenance of the patent;
- submission to the Patent Department of the patent waiving application by the Patenter.

Information about pre-term cancellation of the patent shall be published in the official bulletin of the Patent Department.

Article 36. Annulment of the patent

The patent shall be annulled, if:

- selection attainment does not meet homogeneity and stability to criteria now;
- Patenter, on inquiry of specialized organizations or the Patent Department, has not supplied seeds, planting, breeding material, documents and information necessary for check of integrity of selection attainment, or not afforded an opportunities to carry out on-site inspection for these purposes;
- name of selection attainment was annulled and the Patenter has not offered other suitable name.

Information on annulment of the patent shall be published in the official bulletin of the Patent Department.

Article 37. Waiver of the patent

Patenter by written application may waive the patent.

Waiver of the patent by one of several patenters shall not result in termination of the patent.

Waiver of the patent comes into effect from the date of receipt of by the Patent Department of written application from Patenter.

Patenter shall inform author on intention to waive the patent. In this case author has the right of priority on possession of the patent.

If the patent is object of the licensing agreement, waiver of the patent shall be possible

only with the consent of the owner of the license, if other is not stipulated by the agreement.

VI. Final provisions

Article 38. Transfer of the rights on selection attainment

The right to obtain the patent, rights implied by registration of patenting application in the Patent Department, and rights implied by the patent, may be transferred to any legal entity or natural person.

Transfer of the rights may be accomplished on the basis of agreement on concession of the rights or licensing agreement, and by inheritance in accordance with legislation.

Agreement on concession of the rights on selection attainment and licensing agreement shall be registered in the Patent Department.

Article 39. Granting of the right for using selection attainment

Variety or breed, on which the patent has been issued, may be subject of licensing agreement.

Any legal entity or natural person, not being a Patenter, may use selection attainment protected by the patent, only after permission by the Patenter on the basis of licensing agreement.

Patenter may submit to the Patent Department the application on granting to any person the right of using selection attainment (open license). In this case patent fee for validity maintenance of the patent shall be reduced to fifty percents.

Application of the Patenter for granting open license may not be withdrawn.

Any person willing to obtain open license, shall conclude a licensing agreement with Patenter.

Patenter may transfer the right of using selection attainment, granting exclusive or non-exclusive (ordinary) license.

According to exclusive license the Licensee shall be entitled for exclusive use of selection attainment in limits, stipulated by licensing agreement, with reserving the right on use of selection attainment in part, not transmitted to the licensee by the licensor.

According to non-exclusive (ordinary) license the licensor, while granting the right of using selection attainment to the licensee, shall reserve all rights implied by the patent, including granting license to other persons.

Article 40. Compulsory license

If a patenter does not use selection attainment in the Republic of Uzbekistan within three years from the date of issuing a patent and refuses to grant a licensing by agreement and if disuse of the given selection attainment affects public interests, any person willing to use this selection attainment, may initiate legal action in court with the petition to grant compulsory license for him.

Compulsory license shall be granted as non-exclusive (ordinary) license and allows its holder to obtain from the Patenter initial seed, planting or breeding material.

Compulsory license shall be granted only to a person that may ensure the use of selection attainment with a permissible way and in accordance with license.

Compulsory license shall not interfere the Patenter in using protected selection attainment or granting license to other person.

Article 41. Use of selection attainment

Selection attainment shall be considered as used, if produced, reproduced, adjusted to varietal or breeding condition or subsequent propagation of seed, planting or breeding material by morphological, physiological and another characteristics complies with information, contained in the official description of the protected selection attainment.

Article 42. Patenting of selection attainment in others countries

Legal entities and natural persons of the Republic of Uzbekistan may patent selection attainment in other countries in order established by the legislation.

Article 43. The rights of foreign legal entities and natural persons

Foreign legal entities and natural persons shall be entitled for the rights, stipulated by this Law, equally with legal entities and natural persons of the Republic of Uzbekistan or on the basis of reciprocity principle.

Article 44. Dispute resolution

Disputes in the field of creation, legal protection and use of selection attainment shall be resolved in order, established by the legislation.

Article 45. Responsibility for violation of legislation on selection attainment

Persons, violating legislation on selection attainment, shall bear responsibility in accordance with established order.