

REGULATIONS

on the registration in the **Registers for the Protection of New Varieties of Plants**

Zagreb, May 2001.

Based on Article 6 paragraph (3); Article 18 paragraph (6); Article 21 paragraph (2), Article 28 paragraph (3) and Article 47 paragraph (2); the Plant Variety Protection Law (“Official Gazette” No 131/97 and No 62/00), the Minister of Agriculture and Forestry issues the following

REGULATIONS

on the registration in the **Registers for the Protection of New Varieties of Plants.**

I. BASIC PROVISIONS

Article 1

These Regulations determine the contents, form and proceedings of the Register of Applications for Breeders' Rights, the Register of Breeders' Rights, the Register of Transferred Breeders' Rights, the Register of Contractual Licenses of Breeders' Rights, the Register of Representatives; conditions that legal and natural persons, who deal with representation, must comply for registration in the Register and also contents of the application for registration and form and contents of the Certificate of the Grant of Plant Breeders' Rights.

Article 2

Registers from Article 1 of these Regulations should be recorded on the prescribed forms published with these Regulations as its integral part and can be recorded in electronic format.

Article 3

Beside these Registers the following is established:

1. the collection of the documents, separate for each registered legal and natural person, in the form of files, documents and other official papers connected to registration should be registered,
2. the directory of registered legal and natural persons should be recorded by an application order, in electronic format.

Article 4

Registration in the Register and the directory, as well as registration of documents and other official papers in the collection of documents will be done by an employee of the Institute for Seed and Seedlings (hereinafter: "*the Institute*") and the named employee is responsible for the correct recording and correct keeping of the document collection.

Data recorded in the Register kept in the computer should be stored on appropriate medium as a safety copy.

The authorised person is obligated to keep the register, the directory and the collection of documents in order to protect them from misuse, damage and destruction.

Article 5

Legal and natural persons registered in the Register have the obligation to inform the Institute and submit evidence about every change of data recorded in the Register, not later than 30 days after the change has been made.

II. REGISTER OF APPLICATIONS FOR THE GRANT OF THE BREEDERS' RIGHT

Article 6

The Register of Applications for Breeders' Right shall contain the following:

1. unique number,
2. number of registration,
3. date and hour of the application,
4. date and hour of acceptance of the complete application,
5. in the case where the right of priority is claimed: the country in which the first complete application was filed and the filing date in that country,
6. publication date of the application in the Institute's Official Gazette,
7. data of the applicant: name, surname, name of the firm and address,
8. data of the breeder or breeders: name, surname and address,
9. data of the representative: surname, name and address,
10. plant species (botanical taxon and Croatian name),
11. proposed denomination for the variety,
12. temporary breeder's mark of the variety,
13. changes of data in the application for variety protection,
14. date of the decision for a suspension of the procedure,
15. date of valid decision for protection of the variety,
16. date of valid decision for rejecting the application,
17. notification of the courts' decision in relation to the right to file an application.

A form of the Register of Application for the Grant of the Breeders' Right (ZSOP) is published with these Regulations and forms an integral part.

Article 7

A registration in the Register of Application for the Grant of the Breeders' Right is done on the basis of a written request submitted to the Institute. An application form for the Grant of Plant Breeders' Right is published with these Regulations and forms an integral part.

With the application for registration in the Register of Applications for Breeders' Right the following should be enclosed:

1. Technical Questionnaire (in accordance with UPOV requirements), which could be obtained from the Institute,
2. Authorisation (for authorised person that represents foreign legal and natural persons in the Republic of Croatia).

Enclosures should be either the original or certified copy.

Article 8

The Institute will make the registration in the Register of Applications for Breeders' Right if the following conditions are fulfilled:

1. that Technical Questionnaire is enclosed,
2. that application fee is paid.

III. REGISTER OF BREEDERS' RIGHT

Article 9

The Register of Breeders' Right shall contain the following:

1. unique number,
2. number of registration,
3. number and date of issuing the decision of granted Breeders' Right,
4. number and date of issuing the Certificate of the grant of Plant Breeders' Right,
5. date of publication of granted Breeders' Right in the Institute's Official Gazette,
6. plant species (botanical taxon and Croatian name),
7. registered denomination of protected variety and meaning of that denomination,
8. an official description of the variety or reference from the document file which includes the official description of the variety,
9. in the case of the varieties whose production requires repeated use of certain components for the production of seed material of the protected variety, these components are to be listed,
10. data of the holder of Breeders' Right: name, surname, name of the firm and address,

11. data of the breeder or breeders: name, surname and address,
12. data of the representative: surname, name and address,
13. data of the third party; on which Breeders' Right are partly or completely transferred: name, surname, firm, address, content of transferred rights,
14. type of document on which basis the transfer is made,
15. data of the person, to whom compulsory license was assigned: name, surname, firm or address, conditions for the assignment, date of expiration of that right,
16. date of expiration of variety protection,
17. number and date of the decision, when the cancellation of the Breeders' Right is done,
18. notification of the courts' decision in relation to the Breeders' Right,
19. changes of data, registered in the Register of Breeders' Right.

A form of the Register of Breeders' Right (OP) is published with these Regulations and forms an integral part.

Article 10

The Institute issues the Certificate of the grant of Plant Breeders' Right to the holder of the Breeders' Right, which is valid from the day of validity of the decision.

A form of the Certificate of the grant of Plant Breeders' Right is published with these Regulations and forms an integral part.

IV. REGISTER OF TRANSFERRED BREEDERS' RIGHT

Article 11

The Register of Transferred Breeders' Right shall contain the following:

1. unique number,
2. number of registration,
3. number and date of issuing the decision of granted Breeders' Right,
4. number and date of issuing the Certificate of the grant of Plant Breeders' Right,
5. date of publication of granted Breeders' Right in the Institute's Official Gazette,
6. number and date of the Contract which the Breeders' Right is partly or completely transferred to the third person,

7. data on whether the Breeders' Right is transferred to the third person partly or completely,
8. plant species (botanical and Croatian name),
9. registered denomination of protected variety and meaning of that denomination,
10. an official description of the variety or reference from the document file which includes the official description of the variety,
11. in the case of the varieties whose production requires repeated use of certain components for the production of seed material of the variety, these components are to be listed,
12. data on the holder of Breeders' Right who is transferring the Breeders' Right: name, surname, firm and address,
13. data on the breeder or breeders: name, surname and address,
14. data on the third person, to which the Breeders' Right is partly or completely transferred: name, surname, firm, address, content of transferred right,
15. number of the Contract of Transferred Breeders' Right,
16. date of expiration of protection of variety,
17. number and date of the decision, when the cancellation of the Breeders' Right is done,

A form of the Register of Transferred Breeders' Right (POP) is published with these Regulations and forms an integral part.

Enclosures should be either original or certified copy.

Article 12

The registration in the Register of Transferred Breeders' Right is made on the basis of written request submitted to the Institute.

With the request for registration in the Register of Transferred Breeders' Right the following should be enclosed:

1. Contract of Transferred Breeders' Right.

V. REGISTER OF THE CONTRACTUAL LICENSES OF BREEDERS' RIGHT

Article 13

The Register of Contractual Licenses of Breeders' Right shall contain the following:

1. unique number,
2. number of registration,
3. number and date of issuing the decision of granted Breeders' Right,
4. number and date of issuing the Certificate of the grant of Plant Breeders' Right,
5. date of publication of granted Breeders' Right in the Institute's Official Gazette,
6. number and date of the Contractual Licenses of the Breeders' Right,
7. duration of license,
8. volume of license,
9. compensation for the Contractual Licenses of Breeders' Right,
10. plant species (botanical and Croatian name),
11. registered denomination of protected variety and meaning of that denomination,
12. official description of the variety or reference from the document file which includes the official description of the variety,
13. in the case of the varieties whose production requires repeated use of certain components for the production of seed material of the variety, these components are to be listed,
14. data of the holder of Breeders' Right who licensed Breeders' Right: name, surname, firm, and address,
15. data of the breeder or breeders : name, surname and address,
16. data of the person to whom Breeders' Right is licensed: name, surname, firm, and address,
17. data of the person that has assigned a compulsory license: name, surname, firm, and address, condition of assignment and date of expiration,
18. date of expiration of the protection of variety,
19. number and date of the decision, when the cancellation of the Breeders' Right is done,

A form of the Register of Contractual Licenses of Breeders' Right (UOP) is published with these Regulations and forms an integral part.

Article 14

The registration in the Register of Contractual Licenses of Breeders' Right is made on the basis of written request submitted to the Institute.

With the request for registration in the Register of Contractual Licenses Breeders' Right the following should be enclosed:

1. Contractual of licence.

Enclosures should be either original or certified copy.

VI. REGISTER OF REPRESENTATIVES

Article 15

The Register of Representatives shall contain the following:

1. number of registration,
2. number and date of contract representation,
3. data of the representative: name, surname, firm and address,
4. data of the breeder or breeders: name, surname and address,
5. subject and contents of representation
6. changes of data, registered in the Register of Representatives.

A form of the Register of Representatives (ZOP) is published with these Regulations and forms an integral part.

Article 16

The registration in the Register of Representatives is made on the basis of a written request submitted to the Institute.

With the request for registration in the Register of Representatives the following should be enclosed:

1. authorisation (for the authorised person who is representing foreign legal and natural persons in the Republic of Croatia).

Enclosures should be either original or certified copy.

Article 17

These Regulations shall enter into force on the day of publication in the “Official Gazette.”