

Draft

REPUBLIC OF ARMENIA  
THE LAW  
ON  
PROTECTION OF SELECTION ACHIEVEMENTS

CHAPTER I  
General Provisions

Article 1

Legislation on the Protection of  
Selection Achievements

The legal relations in the field of utilisation and protection of plant varieties and animal breeds shall be regulated on the basis of the present law and other legislative acts of the Republic of Armenia.

Article 2

Subject of the Law

Selection Achievement: a licensed plant variety; a licensed animal breed.

Seed (plant): a plant or some parts of it, used for plant variety reproducing.

Plant: plants or parts of them used for other purposes besides those for plant variety reproducing.

Pedigree animal: an animal providing the reproduction of breed.

Breed matter: pedigree animal, its gametes and zygotes (embryos).

Marketable animal: an animal used for other purposes besides those for breed reproducing.

Protected selection achievement

In the field of agriculture, on the basis of the data presented by the State administrative body authorised by the Government of the Republic of Armenia, the licensor shall ensure the permanent protection of

legal successors (assignees).

The application may be submitted by the applicant's representative that shall be entitled by attorney to carry out activities required for obtaining the license.

The application for a selection achievement license shall contain:

- Application
- Description of the Selection Achievements
- Tax-payment receipt

The application should concern only one selection achievement.

Where the applicant is an employer the agreement concluded with the author of selection achievement shall be presented.

The application shall be in Armenian. Other documents may be presented in any language, with the Armenian translation attached.

The licensor shall set requirements for the documents to be submitted.

## Article 8.

### Title of Selection Achievement



carried out jointly with the State testing of economic expediency of selection achievement.

The licensor shall make a final decision on granting the license on the basis of test results of the protection standards of selection achievement and draw up a description of selection achievement.

## CHAPTER V

### Protection of Selection Achievement

#### Article 13

##### Registration of Selection Achievement

The licensor shall register the selection achievement in the State Register where the following data shall be recorded:

- Plant variety, animal breed;
- Name of plant variety and animal breed;
- Registration number and date of selection achievement;
- Name and address of the applicant;
- Family name, first name and address of the selection achievement author (authors);
- Data on the assignment of a license to other person;
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- further reproduction of the above variety and breed;
- exportation of the variety, marketable animal to other county (saved further processing) for reproduction purposes.

## Article 17

### Temporary Legal Protection of Selection Achievement

Selection achievement shall be considered under the temporary legal protection from the releasing date of official information about license application through the date of granting the license.

Having obtained the license, the licensee shall have the right to compensation from the person that,



The procedure of license agreement registration and dispute settlement shall be established in compliance with the Legislation of the Republic of Armenia.

## CHAPTER VI

### Selection Achievement Author's Rights

#### Article 19

##### Author's Certificate

The licensor shall grant an author, who does not possess the license for selection achievement, the author's certificate confirming his authorship of the given selection achievement and the right to receive adequate remuneration from the licensee for the utilisation of selection achievement.

#### Article 20

##### Payment to Selection Achievement Author Not Possessing Licence

Terms and amount of payment to the author of selection achievement shall be established in compliance with the agreement concluded between the licensee and the author of selection achievement.

Terms of payment to the co-authors of selection achievement shall be established in compliance with the agreement concluded between them.

## CHAPTER VII

### Government Regulation of Selection Achievement Creation and Utilisation

#### Article 21

##### Government Promotion of the Creation and Utilisation of Selection Achievement

Selection activities shall be considered of paramount importance and financed from the budgetary funds and other financial sources.

#### Article 22

## Protection of Selection Achievement

During license period the licensee shall be liable to secure permanent protection of the characters of plant variety and animal breed indicated in the State Register, as well as provide the licensor with variety seeds and breed matter required for check test and furnish necessary facilities to make inspection at site.

### Article 23

#### License Contest and Invalidation Grounds

During license period a person shall have the right to appeal against license genuineness, about which the licensor shall inform the licensee. The latter shall be entitled to lodge a well-founded protest within a period of 3 months. Should an additional test not be required the Authorised Body shall make a final decision within a period of 6 months.

The license shall be invalid in the event of:

- non-conformity of selection achievement with the protection standards at the date of granting the license;
- lack of legal grounds required for granting the license;
- the licensee's failure to provide required seeds, breed matter, relevant documents ensuring protection of selection achievement, as well as furnish necessary facilities for the inspection at site within a period of 12 months;
- the licensee's failure to pay license validity annual tax within a specified period of time;
- invalidity of selection achievement title that has not been replaced by other adequate title.

### Article 24

#### Amenability for Violation of Rights of Licensee and Selection Achievement Author

Natural and legal persons shall incur liability of infringement of the rights of licensee and selection achievement author in compliance with the Legislation of the Republic of Armenia. The violator of rights shall compensate for damages on demand of the licensee and selector.

The possessor of exclusive or ordinary license shall have the right to lodge a complaint against the violator of the licensee's rights provided it is stipulated by the license agreement.

Licensee and author's rights shall be considered violated in the event of:

- renaming the selection achievement being produced and on sale;
- deliberate entitling the selection achievement being produced and on sale by the well-known name of other selection achievement;
- entitling the produced or sold seeds and breed matter by the confusing name similar to the title of other registered selection achievement;
- giving orders to make inaccurate records or doing it in the State Register and reports;
- submitting forged documents or their falsification in pursuit of conformity with the requirements of the present Law;
- submitting documents containing inaccurate information on selection achievement;

- marketing seeds and breed matter without certificates of quality and origin.

In the event of infringement defined in the third part of the present Article legal steps shall be taken against the violator in compliance with the procedure established by the Legislation of the Republic of Armenia.

## Article 25

### Publication of Official Information

The licensor shall periodically publish official bulletin and provide the list of data published in the bulletins.

After the publication of information on license application and relevant rendered decisions, a person shall reserve the right to familiarise himself with the content of applications.

## Article 26

### Appeal against Licensor's Decision

The applicant shall be entitled, in due course of law, to appeal against the decision on granting or refusing the license, or declaring the license unlawful or invalid.

## Article 27

### Selection Achievement Utilisation

The licensed selection achievement to be utilised for production purposes shall be subject to the obligatory State testing of economic expediency.

The State testing of economic expediency of selection achievement shall be carried out by the State Administration Body authorised by the Government of the Republic of Armenia, which on the basis of test results shall draw up and publish monthly the list of plant varieties and animal breeds (variety list, breed list) available in agricultural regions of the Republic of Armenia.

The utilisation of selection achievement that has been licensed but not entered in the above list shall be prohibited in the Republic of Armenia.

Certificates of quality and origin shall be issued for the seeds and breed matter marketed in the Republic of Armenia.

## Article 28

### Licensed Variety

State taxes shall be imposed on the activities associated with the legal protection of selection achievement and performance of State testing of selection achievement economic expediency in compliance with the size and procedure established by the Legislation of the Republic of Armenia.

## CHAPTER VIII

### International Co-operation

#### Article 29

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Selection Achievements primary experimentation is done by the official-supervisor within one month. During the primary experimentation the primary date is decided, the validity of the application documents is checked. If necessary, the supervisor asks for other required materials to submit. If the mentioned materials are not provided on time, for the document complement, the application is considered 'called back', about which the applicant is being notified. During the primary experimentation the applicant has the right to correct the materials of the application. If the primary experimentation results are positive, the applicant is being informed about its further discussion.

Information about the application is being published in the official's bulletin.