

RESOLUTION OF THE CABINET OF MINISTERS OF UKRAINE

PROCEDURE

for payment of duties for actions related to the acquisition, effectuation and protection of intellectual property rights to plant varieties

General part

1. The Procedure for payment of duties for actions related to the acquisition, effectuation and protection of intellectual property rights to plant varieties (the “Procedure”) shall determine terms and mechanisms for payment of duties for actions related to the acquisition, effectuation and protection of intellectual property rights to plant varieties as well as the amounts of the said duties in accordance with the Annex.

If, on behalf of the Government of Ukraine, an agreement has been concluded on payment of duties for actions related to the acquisition, effectuation and protection of intellectual property rights to plant varieties stipulating a different procedure for payment of such duties, the provisions of this agreement shall apply.

2. Individuals permanently residing in states where gross domestic income per capita is less than USD 3 thousand a year (in accordance with the latest data publicized by the World Bank) and legal entities located in these states shall pay the duties in the amounts stipulated in line 3 of the Annex to this Procedure.

Other persons shall pay duties in the amounts stipulated in accordance with line 4 of the Annex to this Procedure.

Individuals permanently residing outside Ukraine and legal entities located outside Ukraine may pay duties in the national currency of Ukraine or in Euro at the official NBU rate as of the date of paying the duty.

The amount of the duty shall not include the value of services related to its payment.

If there are several payers of the duty, the amount of the duty established for each of them in accordance with line 3 or line 4 of the Annex to this Procedure, shall be distributed in accordance with the agreement concluded between them on dissemination of property rights to the brand and/ or the agreement on the use of the brand, which copy shall be provided to the State Service for Protecting Rights to Plant Varieties (the “Derzhsortsluzhba”) or to the authorized expert institution (the “expert institution”) designated by Derzhsortsluzhba.

If an expert opinion, prepared by a competent authority of any member-state of the International Union for the Protection of New Plant Varieties is attached to the materials of the application for the plant brand, but pursuant to the opinion of the expert institution, additional qualified inspection is required, the difference shall be paid between the amount of the duty stipulated in subparagraph “a” of paragraph 3 and the amount of the duty stipulated in subparagraph “b” of paragraph 3 of the Annex to this Procedure. This difference may be paid in the national currency of Ukraine or in Euro at the official NBU rate as of the date of paying the duty.

Duties and actions related to the acquisition, effectuation and protection of intellectual property rights to plant varieties shall be mandatory contributions to the special fund of the State Budget of Ukraine made by applicants for the fulfillment of the state functions related to the exercise of rights and lib

property and personal intellectual non-property rights to plant varieties and shall not be included in payments for commercial services that may be provided by expert institutions.

3. The duties shall be paid through banking

14. The document confirming payment of the duty for the issuance of the author's certificate on the plant brand must be submitted to Derzhsortsluzhba together with the application for such a certificate.

15. The document confirming payment of the duty for the issuance of plant brand state registration certificate and of a notarized copy of the plant brand state registration certificate must be submitted to Derzhsortsluzhba together with the application for such a certificate.

16. The document confirming payment of the duty for the issuance of a notarized copy of the plant brand patent must be submitted to Derzhsortsluzhba together with the application for the issuance of a copy.

17. The document confirming payment of the duty for introducing changes to the State Registry of Intellectual Property Rights to plant varieties regarding intellectual property rights to the plant brand on the initiative of the person who holds the rights and publishing the information in the official bulletin of Derzhsortsluzhba must be submitted to Derzhsortsluzhba at the same time the application for the introduction of changes is submitted.

18. The document confirming payment of the duty for reinstating the validity of intellectual property rights to the plant brand after eliminating the grounds for which it was terminated must be submitted to Derzhsortsluzhba at the same time the application is submitted.

19. The document confirming payment of the duty for receiving intellectual property rights to the plant brand and the patent by the person entitled to it, if the holder of the patent waives such right, and publishing the information in the official bulletin of Derzhsortsluzhba must be submitted to Derzhsortsluzhba at the same time the application is submitted.

20. The document confirming payment of the duty for inputting onto the State Registry of Intellectual Property Rights to Plant Varieties, information and changes thereto regarding the issuance of a license for the use of the brand and assignment of intellectual property rights to the plant brand on the initiative of the parties to the license agreement or an agreement on assignment of intellectual property rights to the plant brand and publishing the information in the official bulletin of Derzhsortsluzhba must be submitted to Derzhsortsluzhba at the same time the application is submitted.

21. The document confirming payment of the duty for the consideration of the application to issue a forced license for the use of the plant brand must be submitted to Derzhsortsluzhba together with the application.

22. The document confirming payment of the duty for the introduction of changes to the State Registry of Plant Varieties Suitable for Dissemination in Ukraine on the initiative of the person who holds the intellectual property right to disseminate the brand and publishing the information in the official bulletin of Derzhsortsluzhba must be submitted to Derzhsortsluzhba at the same time the application is submitted.

The duty for maintaining the validity of intellectual property rights to the plant brand (the validity of a patent) may be paid during twelve months after the expiration of the established term. In this case, the amount of the duty increases by 50 per cent and the document confirming its payment must be received by Derzhsortsluzhba or the authorized expert institution during the said twelve months.

24. . The document confirming payment of the annual duty for the first year of maintaining the validity of intellectual property rights to the plant brand dissemination in the State Registry of Plant Varieties Suitable for Dissemination in Ukraine must be received by Derzhsortsluzhba or the expert institution during the last four months of the year of state registration of the plant brand or the first two month of the following year.

The duty for maintaining the validity of inte ~~lectual property~~ rights to the plant brand