

**Administration, DUS Testing
and Granting of Plant
Breeder's Rights
in Bosnia and Herzegovina**

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Plant Breeder's Rights (PBR)

- PBR granted by the Administration is exercisable **exclusively on the territory of Bosnia and Herzegovina (BiH)**
- Register of Varieties Protected by national Plant Breeders' Rights (PBR) is an official list of protected varieties and their breeders as well as licenses who were granted a compulsory license

Conditions for Grant of PBR

Plant Breeder's Right refers to varieties of all plant genera and species, which can be protected if they, at the time of the grant of protection are:

- distinct
- sufficiently uniform
- stable
- new

Conditions for Grant of PBR

Other conditions:

- Variety denomination in accordance with the provision of Art.20 of UPOV Convention, 1991
- Applicant complies with the formalities provided for by the Law
- Application has been filed
- The required fee paid

Task of Administration (in relation to PBR)

- Administration of plant variety protection system
- Keeping the Register of Varieties Protected by national PBR
- Verification of the application documents
- Examination as to formal requirements, filing date,
- Examination of the application as to substance,
- Administration of fees (application fee, examination fee, annual renewal fees etc.)

Task of Administration (in relation to PBR)

- Preparation documents for the Commission for the Protection of New Varieties Plants
- Decision on Grant of Provisional PBR
- Arrangement of DUS tests for purpose of the variety listing and/or granting of the PBR
- Decision on Grant of PBR (after taking an opinion of the Commission for the Protection of New Varieties of Plants)
- Publication of information relating to PBR by the Administration

Task of Administration (in relation to PBR)

- Co-operation with the International Union for the Protection of New Varieties of Plants (UPOV) in the field of DUS examination and implementation of UPOV Convention on the BiH territory
- Co-operation with the registration authorities and the Examination Offices in the EU Member States and with the Community Plant Variety Office (CPVO)
- Co-operation with organizations and institutions in the field of plant breeding and seed production
- Implementation of other tasks arising from the Law on the Legal Protection of Plant Variety of Plant Varieties and the Law on the Administration

DUS arrangements

Growing trials, as a rule, conducted by
other Authorities

(on the basis of an agreement)

- UPOV test guidelines
- test protocols adopted by the CPVO AC
- national protocols based on the UPOV guidelines

DUS arrangements

Administration can also take into account the results of growing tests which have already been carried out – **purchasing of DUS reports**

- ↗ *The breeder is obliged to deliver to the Examination Offices free of charge, a variety seed (plant)material for the purpose of the DUS testing and the seed (plant)material for renewal of the standard sample*
- ↗ *Harmonization of DUS testing in the Community listing system and PBR system according to the UPOV guidelines*

Cooperation between Authorities TGP/5

- Agreements with other Authorities

DUS testing can be carried out on behalf of BiH in other states, if DUS testing is already underway, or has been carried out in another state then a report may be purchase if requested by the applicant (breeder or representative of breeder)

- DUS reports takeover (from other Authorities)

DUS reports takeover

- ✓ UPOV Request for Examination Results and UPOV Answer to the Request – TGP/5 Section 5
- Purchase of DUS reports from other countries without formal agreements
- Agreed UPOV fee: 350 CHF or 240 EUR
- Grant of PBR title on the basis of the Report on Technical Examination

Results of DUS Test

- Preliminary Report
- Interim Report on Technical Examination (after each year or season)
- Report on Technical Examination (Final) and the Variety Description
(in the end of DUS examination)

Granting of PBR Certificates

- **The decision** concerning the granting of PBR is taken by the Administration after the opinion of: the Commission for the Protection of New Varieties of Plants

Regulations and Documents on PBR

Existing and drafts of regulations:

- The Law on PBR
- Rulebook on the Content and Maintenance of the Register and the Enforcement of Protection of New Varieties of Plants in BiH
- Authorization for a Representative of the breeder - in case a variety is applied by the representative

Regulations and Documents on PBR

Existing and drafts of regulations:

- Rulebook on the Registration Fees and the Variety Protection Fees
- Guidelines for Granting of Plant Breeders' Rights in Bosnia and Herzegovina
- Rulebook on the Farm Saved Seed (FSS)

PBR Regulations and Documents

Recommended other regulations concerning:

- Form of the Technical Questionnaire (TQ) (model for all species)
- Minimal quantities and quality as well as terms of supply of seed material to the DUS tests
- Species for which DUS tests are conducted according the CPVO protocols or the UPOV guidelines
- Model of Agreements about the DUS test co-operation
- Rulebook about Commission for the Protection of New Varieties of Plants (the Commission)

List of materials recommended for analysis before preparation of the documents

- **Model Form for the Application for Plant Breeders' Rights**

TGP/5: Section 2/3

- **Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights**

TGP/5: Section 3/1

- **UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results**

TGP/5: Section 5/2

List of materials recommended for analysis before preparation of the documents

- **Examples of Arrangements for DUS Testing**

TGP/6: Section 2/1

- **Cooperation in Examination**

TGP/5: Section 8/1

- **Model Administrative Agreement for International Cooperation
in the Testing of Varieties**

TGP/5: Section 1/2

TGP/5: Section 9/1

- **Examples of Policies and Contracts for Material Submitted by
the Breeder and submission of plant material**

TGP/5: Section 11/1

List of materials recommended for analysis before preparation of the documents

- UPOV Interim Report on Technical Examination

TGP/5: Section 7/2

- UPOV Report on Technical Examination and UPOV Variety Description

TGP/5: Section 6/2

Information on PBR

(as an example)

Information on PBR

- www.upov.int
- www.cpvo.europa.eu
- www.coboru.pl;
http://www.coboru.pl/English/Ochrona_eng/ochrona_KO_eng.aspx

Information on PBR

There are needed :

Information relating to the enforcement of plant variety rights for all intellectual property practitioners specialized in PBR in particular:

- *Officials responsible for legislation on the enforcement of plant variety rights*
- *Breeders and representatives of the breeders' organizations, seed producers, growers and propagators and farmers*

