

Statutory Order on royalty for reproduction of certain plant novelty for commercial use in own enterprise

No. 670 of October the 16th. 1987

After art. 14a in act on protection of breeder rights for plants, cf. act no. 172 of May the 17th 1968, as amended latest by act no. 131 of March the 25th 1981, is established:

Article 1

- 1) The breeder of a plant novelty of the undermentioned species can demand a fee of anybody who reproduces the plant novelty with a view to commercial use in own enterprise for the undermentioned purpose:
 - 1) *Fragaria x ananassa* Duch. (gardenstrawberries), *Malus sylvestris* Mill. (apple), *Ribes nigrum* L. (black currant) and *Rubus idaeus* L. (raspberry): production of fruit for sale or industrial use,
 - 2) *Euphorbia fulgens* Karw. (scarlet plume), *Euphorbia pulcherrima* Willd. ex. Klotzsch. (poinsettia) and *Rosa* L. (rose): production of cut flowers for sale.
- 2) The fee is charged on the basis of the number of reproduced plants that is planted out.
- 3) The fees size is laid down by the breeder. The fee must be equitable. The provisions in art. 15c.2 in act on protection of breeder rights for plants do correspondingly apply.
- 4) The fee is due to payment at the planting out, unless a later time of payment is agreed.

Article 2

The person, who reproduces the plant novelty, which is included in art. 1.1, has to notify the breeder about the number of reproduced plants that are planted out. The notification has to be given latest at the same time as the planting out.

Article 3

When the cut flowers mentioned in art. 1.1, no. 2 is being sold, they have to be named with the spiciesname that they are ascribed to after art. 11 in act on protection of breeder rights for plants.

Article 4

Infringements of art. 2 and 3 is punished with a fine after art. 20 in act on protection of breeder rights for plants.

Article 5

- 1) This statutory order enters into force on November the 1. 1987.
- 2) At the same time the statutory order no. 1 of January the 7th 1970 of the Ministry for Agriculture is repealed.

The Ministry of Agriculture October the 16th 1987

LAURITS TØRNÆS

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