

Ordinance on Entry in the Registers in Carrying Out the Plant Variety Protection Activities of May 13, 2011³

(adoption date: May 13, 2011; entry into force: June 4, 2011)

THE MINISTRY OF AGRICULTURE, FISHERIES AND RURAL DEVELOPMENT

1271

Pursuant to Article 6, paragraph 3, Article 21, paragraph 2, Article 28, paragraph 3 and Article 47, paragraph 2 of the Plant Variety Protection Act (Official Gazette 131/97, 62/00 and 67/08), the Minister of Agriculture, Fisheries and Rural Development hereby issues the

ORDINANCE

ON ENTRY IN THE REGISTERS IN CARRYING OUT
THE PLANT VARIETY PROTECTION ACTIVITIES

I. BASIC PROVISIONS

Article 1

This Ordinance lays down the contents, the form and the manner of keeping the Register of Applications for the Grant of a Plant Breeder's Right, the Plant Breeder's Rights Register, the Transferred Plant Breeder's Rights Register, the Assigned Plant Breeder's Rights Register, the Register of Authorised Procedural Representatives, the contents of a certificate on the grant of a plant breeder's right including the form and contents of the forms.

Article 2

The registers referred to in Article 1 of this Ordinance shall be kept on prescribed forms which are printed along with this Ordinance and form an integral part thereof, and can be kept in electronic form.

Article 3

In addition to the registers there shall be also formed:

(1) a variety dossier to be kept by the Croatian Centre for Agriculture, Food and Rural Affairs (hereinafter: the Croatian Centre), which shall keep **an archive of stored variety's** documentation. The variety dossier shall be kept for additional ten years after the variety in question has been removed from the corresponding register;

(2) a list of registered legal and natural persons, kept electronically and arranged according to the date of registration.

Article 4

(1) Entry in the registers, the list and entry of other files shall be carried out by the ministry competent for agriculture (hereinafter: the Ministry) and by the Croatian Centre, which shall be responsible for keeping document collections correctly and in a duly manner.

(2) Data entered in the registers kept electronically shall be stored on an appropriate medium as a safe copy.

(3) Authorised persons shall keep the registers, the list and the dossier in a manner as to protect them against misuse, damage or destruction.

³ Translation provided by the Croatian Authorities.

Article 5

Legal and natural persons entered in the registers shall notify the Ministry and the Croatian Centre of any changes in the data kept in the registers, within 30 days at the latest from the day when the change has occurred and shall provide proof thereof.

II. REGISTER OF APPLICATIONS FOR THE GRANT OF A PLANT BREEDER'S RIGHT

Article 6

(1) The Register of Applications for the Grant of a Plant Breeder's Right shall contain the following particulars:

1. the unique registration number,
2. the **applicant's code**,
3. the date and hour on which the application was received,
4. the date and hour on which the complete application was received,
5. in the cases where the right of priority is claimed: in respect of the country in which the application was already submitted, the date and hour when complete application was received in that country,
6. **the date of application's publication in the Croatian Centre's official gazette**,
7. information identifying the applicant: name, surname or legal person's name, its address and the seat,
8. information identifying the breeder(s): name, surname and address,
9. information identifying the agent: name, surname and address,
10. the plant species (botanical taxon and Croatian name),
11. proposed denomination(s) for the variety,
12. breeder's designation of the variety,
13. changes of particulars contained in the Application for Variety Protection,
14. the date of the decision on suspension of the procedure,
15. **the date of valid decision on the grant of a plant breeder's right**,
16. the date of valid decision on refusal of the application,
17. denotation of court decisions pertaining to the right to apply.

(2) **Form 2**. Register of Applications for the Grant of a Plant Breeder's Right (ZDOP) is printed along with this Ordinance and forms and integral part thereof.

Article 7

(1) An entry in the Register of Applications for the Grant of a Plant Breeder's Right shall be carried out on the basis of a written application submitted to the Croatian Centre. **Form 1** Application for the Grant of a Plant Breeder's Right is printed along with this Ordinance and forms and integral part thereof.

(2) An application for entry in the Register of Applications for the Grant of a Plant Breeder's Right shall be accompanied by the following documents:

1. Technical Questionnaire (in accordance with UPOV or CPVO technical guidelines),
2. Authorisation of Agent (for an agent who represents foreign legal and natural persons in the Republic of Croatia).

(3) Accompanying documents shall be either originals or certified copies.

Article 8

The Centre shall carry out an entry in the Register of Applications for the Grant of a Plant Breeder's Rights provided that the following conditions have been met:

1. the Technical Questionnaire is enclosed,
2. an application fee has been paid.

III. PLANT BREEDER'S RIGHTS REGISTER

Article 9

(1) The Plant Breeder's Rights Register shall contain the following particulars:

1. the unique registration number,
- 2. the applicant's code,**
3. the number and date of issuing the decision on the grant of a plant breeder's right,
4. the number and date of issuing the certificate on the grant of a plant breeder's right,
5. the date of publication of granted plant breeder's right in the Croatian Centre's official gazette,
6. the plant species (botanical taxon and Croatian name),
7. the registered denomination of protected variety and the meaning of that denomination,
8. the official description of the variety or the reference to documents containing its description,
9. the reference of components of the protected variety if its production requires a repeated **use of certain components for the production of the variety's seed material,**
10. information identifying the holder of **plant breeder's right**: name, surname or legal person's name, its address and the seat,
11. information identifying the breeder(s): name, surname and address,
12. information identifying the agent: name, surname and address,
13. information identifying **the third person to whom the plant breeder's right has been partly or entirely transferred**: name, surname or legal person's name, its address and the seat, the content of transferred right,
14. the document type on the basis of which the transfer has been made,
15. information identifying the person holding compulsory licence: name, surname or legal person's name, its address and the seat, the conditions for holding this licence, the date of expiry of that right,
16. the expiry date of the variety protection,
17. **the number and date of the decision on revoking the granted plant breeder's right,**
18. **a denotation of court decisions pertaining to the plant breeder's right,**
19. a reference to **changes of the particulars entered in the Plant Breeder's Rights Register.**

(2) **Form 3. Plant Breeder's Rights Register** (OP) is printed along with this Ordinance and forms and integral part thereof.

Article 10

(1) **The Ministry shall issue a certificate on the grant of a plant breeder's right to the holder of plant breeder's right,** which is considered valid from the day of validity of the decision.

(2) **The certificate on the grant of a plant breeder's rights is printed along with this Ordinance and forms and integral part thereof.**

IV. TRANSFERRED PLANT BREEDER'S RIGHTS REGISTER

Article 11

(1) The Transferred Plant Breeder's Rights Register shall contain the following particulars:

1. the unique registration number,
2. **the applicant's code,**
3. **the number and date of issuing the decision on the grant of a plant breeder's right,**
4. **the number and date of issuing the certificate on the grant of a plant breeder's right,**
5. the date of publication of the granted plant breeder's right in the Croatian Centre's official gazette,
6. the number and date of the contract on transferred plant breeder's right to the third person,
7. the particulars on the transfer of plant breeder's right partly or entirely to the third person,
8. the plant species (botanical taxon and Croatian name),
9. the registered denomination of protected variety and the meaning of that denomination,
10. the official description of the variety or reference to documents containing its description,
11. a reference of components of the protected variety if its production requires a repeated use of certain components for the production of **the variety's** seed material,
12. **information identifying the holder of plant breeder's right** who is transferring the plant breeder's right: name, surname or legal person's name, its address and the seat,
13. information identifying the breeder(s): name, surname and address,
14. **information identifying the third person to whom the plant breeder's right has been partly or entirely transferred:** name, surname or legal person's name, its address and the seat, the content of transferred right,
15. the number of the contract on the transferred **plant breeder's** right,
16. the expiry date of the variety protection,
17. **the number and date of the decision revoking the granted plant breeder's right.**

(2) **Form 4. Transferred Plant Breeder's Rights Register** (POP) is printed along with this Ordinance and forms and integral part thereof.

Article 12

(1) An entry in the Transferred Plant Breeder's Rights Register shall be carried out on the basis of a written application submitted to the Ministry.

(2) An application for entry in the Transferred Plant Breeder's Rights Register shall be accompanied by:

– the Contract on Transferred Plant Breeder's Right.

(3) Accompanying documents shall be either originals or certified copies.

V. ASSIGNED PLANT BREEDER'S RIGHTS REGISTER

Article 13

(1) The Assigned Plant Breeder's Register shall contain the following particulars:

1. the unique registration number,
2. **the applicant's code,**
3. **the number and date of issuing the decision on the grant of a plant breeder's right,**
4. **the number and date of issuing the certificate on the grant of a plant breeder's right,**

5. the date of publication of the granted plant breeder's right in the Croatian Centre's official gazette,
 6. the number and date of the licence contract,
 7. the duration of the licence,
 8. the scope of the licence,
 9. **the amount of compensation for assigned plant breeder's right**,
 10. the plant species (botanical taxon and Croatian name),
 11. the registered denomination of protected variety and the meaning of that denomination,
 12. the official description of the variety or reference to documents containing its description,
 13. a reference of components of the protected variety if its production requires a repeated use of certain components for the production of **the variety's** seed material,
 14. **information identifying the holder of plant breeder's right** who is assigning the plant breeder's right: name, surname or legal person's name, its address and the seat,
 15. information identifying the breeder(s): name, surname and address,
 16. **information identifying the third person to whom the plant breeder's right has been assigned**: name, surname or legal person's name, its address and the seat, the content of assigned right,
 17. information identifying the third person holding compulsory licence: name, surname or legal person's name, its address and seat, the conditions for assignment, the date of expiry of that right,
 18. the expiry date of the variety protection,
 19. the number and date of the decision revoking the granted plant breeder's right.
- (2) **Form 5.** Assigned Plant Breeder's Rights Register (UOP) is printed along with this Ordinance and forms and integral part thereof.

Article 14

- (1) An entry to the Assigned Plant Breeder's Rights Register shall be carried out on the basis of a written application submitted to the Ministry.
- (2) An application for entry in the Assigned Plant Breeder's Rights Register shall be accompanied by:
 - the licence contract.
- (3) Accompanying documents shall be either originals or certified copies.

VI. REGISTER OF AUTHORISED AGENTS

Article 15

- (1) The Register of Authorised Agents shall contain the following particulars:
 1. the registration number,
 2. the number and date of the contract on representation,
 3. information identifying the agent: name, surname or legal **persons'** name, its address and seat,
 4. information identifying the breeder(s): name, surname and address,
 5. the subject and contents of representation,
 6. changes of particulars entered in the Register of Authorised Procedural Representatives of the Varieties.

(2) **Form 6.** The Register of Authorised Agents (ZOP) is printed along with this Ordinance and forms and integral part thereof.

Article 16

1) An entry to the Register of Authorised Agents shall be carried out on the basis of a written application submitted to the Ministry.

2) The application for an entry in the Register of Authorised Procedural Representatives shall be accompanied by:

– Authorisation (for the agent who represents foreign legal and natural persons in the Republic of Croatia).

(3) Accompanying documents shall be either originals or certified copies.

Article 17

The provisions of the Ordinance on entry in the registers in carrying out the plant variety protection activities (Official Gazette 63/01) shall cease to apply with the entry into force of this Ordinance.

Article 18

This Ordinance shall enter into force on the eighth day after the day of its publication in the Official Gazette.

Class: 011-02/11-01/93

Reg. No.: 525-02-1-0004/11-1

Zagreb, 13 May 2011

Deputy Prime Minister and
the Minister of Agriculture, Fisheries and Rural Development
Petar Čobanković, m. p

Form 1 – Form 6

FORM 1.

ZAHTEJEV ZA DODJELJIVANJE OPLEMENJIVAČKOG PRAVA U REPUBLICI HRVATSKOJ
Application for the grant of plant breeders' right in the Republic of Croatia

1. Podnositelj zahtjeva
The Applicant

Ime (<i>First name</i>):	
Prezime (<i>Last name</i>):	
Tvrtka: (<i>Organisation</i>):	
Adresa: (<i>Address</i>):	
Poštanski broj (<i>ZIP code</i>):	Mjesto (<i>Place</i>):
Država (<i>Country</i>):	
Telefon (<i>Phone Nr.</i>):	
Telefaks (<i>Fax Nr.</i>):	
E-mail (<i>e-mail</i>):	

2. Zastupnik (Uz zahtjev priložite punomoć o zastupanju u postupku priznavanja sorti poljoprivrednog bilja)
Procedural representative (Please attach the completed form of the authorization of the procedural representative)

Ime (<i>First name</i>):	
Prezime (<i>Last name</i>):	
Tvrtka: (<i>Organisation</i>):	
Adresa: (<i>Address</i>):	
Poštanski broj (<i>ZIP code</i>):	Mjesto (<i>Place</i>):
Država (<i>Country</i>):	
Telefon (<i>Phone Nr.</i>):	
Telefaks (<i>Fax Nr.</i>):	
E-mail (<i>e-mail</i>):	

3. Oplemenjivači sorte
The breeder of the variety

- Oplemenjivač sorte je podnositelj zahtjeva (*breeder of variety is applicant*)
 Oplemenjivač sorte nije podnositelj zahtjeva (*breeder of variety is NOT applicant*)

Ime (<i>First name</i>):	
Prezime (<i>Last name</i>):	
Tvrtka: (<i>Organisation</i>):	
Adresa: (<i>Address</i>):	
Poštanski broj (<i>ZIP code</i>):	Mjesto (<i>Place</i>):
Država (<i>Country</i>):	
Telefon (<i>Phone Nr.</i>):	
Telefaks (<i>Fax Nr.</i>):	
E-mail (<i>e-mail</i>):	

10. Postupak ispitivanja različitosti, ujednačenosti i postojanosti (DUS):

The procedure for testing the distinctness, uniformity and stability (DUS):

je završen, navedite državu/e (*has already been completed in the following country*):

se trenutno provodi, navedite državu/e (*is underway in the following country*):

nije proveden (*has not been done*)

11. Sorta je stvorena uz pomoć genetske tehnologije ili sadrži genetski modificirane organizme
The variety is or includes genetically modified organisms (GMO)

DA (YES) NE (NO)

Ako DA, priložite dozvolu za puštanje GMO u okolinu. (*In case of YES enclose permission to release GMO into the environment*)

12. Je li genetski materijal sorte prodavan ili na drugi način komercijalno korišten u Hrvatskoj ili izvan Hrvatske prije podnošenja zahtjeva? (*Was the genetic material of the variety on the market or in any other manner commercially exploited in Croatia or abroad before the filing date of the application?*)

DA (YES) NE (NO)

Ukoliko je odgovor DA navedite datum prve prodaje ili komercijalizacije:
(*If the answer YES, give the date of first sale or commercial use:*)

a) u Hrvatskoj (*in Croatia*): _____

b) u drugoj zemlji (*in foreign country*): _____

c) je li podnositelj odobrio prodaju ili komercijalizaciju?
(*has the applicant approved the sale or commercial use?*) DA (YES) NE (NO)

13. Prilozi (*Enclosures*)

- tehnički upitnik (*Technical Questionnaire*)
 punomoć za zastupanje (*Authorization of the Representative*)
 dokaz o prenošenju oplemenjivačkog prava (*transfer of breeders's rights*)
 ostalo, navedite priloge (*other, specify*):

14. Izjava (*Statement*)

Podnosim zahtjev za zaštitu sorte u Republici Hrvatskoj (*I apply for protection of the variety in the Republic of Croatia.*)

Izjavljujem da su svi podaci u prijavi i priložima potpuni i točni (*I declare that all data stated in the application and attachments are, to the best of my knowledge, complete and correct.*)

Suglasan/a sam da se Centar može savjetovati i razmjenjivati podatke sa drugim uredima za zaštitu u drugim zemljama vezano za zaštitu ove sorte (*I agree that the Centre may consult and exchange data with other office for the protection of varieties in other countries in connection with the protection of this variety.*)

Izjavljujem da ću platiti sve troškove i pristojbe u postupku zaštite sorte u predviđenim rokovima. (*I agree to pay all the costs and fees for protection of the variety within the deadlines set.*)

Mjesto (Place): _____ Datum (Date): _____

Potpis podnositelja zahtjev (*Applicant's signature*): _____

REGISTER OF APPLICATIONS FOR THE GRANT OF A PLANT BREEDER'S RIGHT

Unique registration number:

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Page:

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Applicant's code:	
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	Date:	Hour:
Application was received on:		
Complete application was received on:		
(where the right of priority is claimed) in respect of the country in which the application was already submitted, receipt of complete application in that country		

Date of application's publication in the Centre's official gazette:	
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INFORMATION IDENTIFYING THE APPLICANT

Name and surname or legal person's name:	
Address / seat:	

INFORMATION IDENTIFYING THE BREEDER(S)

Name and surname:	
Address:	

INFORMATION IDENTIFYING THE PROCEDURAL REPRESENTATIVE

Name and surname:	
Address:	

INFORMATION IDENTIFYING THE PLANT SPECIES-VARIETY

Plant species (botanical taxon and Croatian name):	
Proposed denomination(s) for the variety:	
Temporary breeder's designation of the variety:	
Changes of particulars contained in the application for variety protection:	
Date of the decision on suspension of the procedure:	
Date of the valid decision on the grant of a plant breeder's right:	
Date of the valid decision on refusal of the application:	
Denotation of court decisions pertaining to the right to apply:	

 Authorised person

PLANT BREEDER'S RIGHTS REGISTER

Unique registration number:

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Applicant's code:	
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INFORMATION IDENTIFYING THE HOLDER OF PLANT BREEDER'S RIGHT

Name and surname or legal person's name:	
Address / seat:	

INFORMATION IDENTIFYING THE BREEDER(S)

Name and surname:	
Address:	

INFORMATION IDENTIFYING THE REPRESENTATIVE

Name and surname:	
Address:	

INFORMATION IDENTIFYING THE THIRD PERSON to whom the plant breeder's right has been partly or entirely transferred

Name and surname or legal person's name:	
Address / seat:	
The contents of transferred right:	
Document type on the basis of which the transfer has been made:	

INFORMATION IDENTIFYING THE PERSON holding compulsory licence

Name and surname or legal person's name:	
Address / seat:	
Conditions for holding the licence:	
Date of expiry of that right:	

	Number:	Date:
Decision on the grant of a plant breeder's right		
Certificate on granted plant breeder's right		
Published in the Centre's official gazette		

INFORMATION ON THE PLANT SPECIES-VARIETY

Plant species (botanical taxon and Croatian name):	
Registered denomination of protected variety and the meaning of that denomination:	
Official description of the variety or reference to documents containing its description:	
Please, provide the protected variety's components if its production requires a repeated use of certain components for the production of the variety's seed material:	

Date of expiry of the variety protection:		
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	Number:	Date:
Decision revoking the decision on the grant of a plant breeder's right:		
Denotation of court decisions pertaining to the plant breeder's right:		
Note on the changes in the particulars entered in the Plant Breeder's Rights Register:		

Authorised person

TRANSFERRED PLANT BREEDER'S RIGHTS REGISTER

Unique registration number:

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Applicant's code:

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INFORMATION IDENTIFYING THE HOLDER OF PLANT BREEDER'S RIGHT WHO IS TRANSFERRING THE PLANT BREEDER'S RIGHT

Name and surname or legal person's name:	
Address / seat:	

INFORMATION IDENTIFYING THE BREEDER(S)

Name and surname:	
Address:	

	Partly	Entirely
The plant breeder's right is transferred to the third person:		

INFORMATION IDENTIFYING THE THIRD PERSON to whom the plant breeder's right has been partly or entirely transferred

Name and surname or legal person's name:	
Address / seat:	
The contents of the transferred right:	
Number of the contract of the transferred right	

	Number:	Date:
Decision on the grant of a plant breeder's right		
Certificate on granted plant breeder's right		
Published in the Centre's official gazette		
Contract by the which the plant breeder's right is partly or entirely transferred to the third person		

INFORMATION ON THE PLANT SPECIES-VARIETY

Plant species (botanical taxon and Croatian name):	
Registered denomination of the protected variety and the meaning of that denomination:	
Official description of the variety or reference to documents containing its description:	
Please, provide the protected variety's components if its production requires a repeated use of certain components for the production of the variety's seed material:	

Date of expiry of the variety protection:	
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	Number:	Date:
Decision revoking the decision on the grant of a plant breeder's right:		

 Authorised person

ASSIGNED PLANT BREEDER'S RIGHTS REGISTER

Unique registration number:

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Applicant's code:	
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INFORMATION IDENTIFYING THE HOLDER OF PLANT BREEDER'S RIGHT WHO ASSIGNS HIS PLANT BREEDER'S RIGHT

Name and surname or legal person's name:	
Address / seat:	

INFORMATION IDENTIFYING THE BREEDER(S)

Name and surname:	
Address:	

INFORMATION IDENTIFYING THE THIRD PERSON, to whom the plant breeder's right has been assigned

Name and surname or legal person's name:	
Address / seat:	

INFORMATION ON THE THIRD PERSON holding compulsory licence

Name and surname or legal person's name:		
Address / seat:		
Assignment conditions:		
Date of expiry of that right:		

	Number:	Date:
Decision on the grant of a plant breeder's right		
Certificate on granted plant breeder's right		
Published in the Centre's official gazette		
Licence contract		
Duration of the licence:		
Scope of the licence:		
Amount of the compensation for assigned plant breeder's right:		

INFORMATION ON THE PLANT SPECIES-VARIETY

Plant species (botanical taxon and Croatian name):	
Registered denomination of the protected variety and the meaning of that denomination:	
Official description of the variety or reference to documents containing its description:	
Please, provide the protected variety's components if its production requires a repeated use of certain components for the production of the variety's seed material:	
Date of expiry of the variety protection:	

	Number:	Date:
Decision revoking the decision on the grant of a plant breeder's right:		

 Authorised person

REGISTER OF AUTHORISED PROCEDURAL REPRESENTATIVES

Unique registration number:

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	Number:	Date:
Contract or representation		

INFORMATION IDENTIFYING THE PROCEDURAL REPRESENTATIVE:

Name and surname, or legal person's name:	
Address / seat:	

INFORMATION IDENTIFYING THE BREEDER(S)

Name and surname:	
Address:	

SUBJECT AND CONTENT OF REPRESENTATION:

Subject of representation:	
Contents of representation:	

Please note the changes in the particulars, entered in the register of Authorised Agents of the Varieties:	
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Authorised person