

## **RULES**

### **on the procedure for granting the plant breeders' rights**

(Official Gazette of the Republic of Slovenia, No. 85/99)

#### *Article 1*

These Rules define the form and contents of the application for the protection of a new plant variety (hereinafter referred to as: application) and the proofs which shall be attached to this application, the conditions for the registration of the denomination of a new plant variety and the related plant species, the contents and method of maintaining the register of applications for protection of a variety and the register of protected varieties, the form and contents of the certificate of granted breeder's rights for protection of a variety and of the official journal for publications by the Plant Variety Protection and Registration Office of the Republic of Slovenia (hereinafter referred to as: Office).

#### *Article 2*

The application shall be filed with the Office.

#### *Article 3*

The application shall be filed in two copies on forms:

- „Application for the Protection of a Variety in the Republic of Slovenia“;
- „Technical Questionnaire“.

An evidence of payment of the application fee must be attached to the application.

The forms laid down in the first paragraph of this Article are Annexes 1 and 2 of these Rules and are an integral part of these Rules.

#### Article 4

If the applicant is a foreign natural or legal person he/she shall attach the application by an authorisation of the representative on the form laid down in Annex 3 of these Rules, which is its integral part.

If the applicant filing the application is not the breeder of the variety, he/she shall attach to the application the contract on the transfer of the right to file the variety protection application.

#### Article 5

If the applicant explicitly demands the right to priority, he/she shall attach to the application a proof of having filed a complete application for the same variety in another State.

#### Article 6

If the application is complete and the application fee paid, the Office shall certify the second copy of the application “Application for the Protection of a Variety in the Republic of Slovenia” with the inscribed registration number of the application, the classification code, the filing date of the application and the date of reception of the complete application. The certified second copy of the application shall be deemed the certificate of a filed application.

The Office shall enter the complete application in the register and publish it in the official journal.

#### Article 7

The Office shall review the contextual adequacy of the application by verifying the novelty of the variety and whether the applicant is entitled to be granted a breeder's right on the basis of the data given in the application. If the Office concludes, after reviewing the application, that the prescribed conditions for being granted a breeder's right have not been fulfilled, it shall refuse the application.

The Office shall make an expert assessment on the basis of the results of field trials and laboratory tests.

The applicant shall be obliged to submit the necessary data, documents and seeds and propagating material for conducting an expert assessment of the variety within a time limit determined by the Office.

The Office may demand from the expert commission for variety protection to give its opinion, in the case that there exists a doubt that the variety fulfils the conditions for protection, by the deadline prescribed by the Office at the latest .

#### Article 8

The Office shall assess the appropriateness of the proposed variety denomination.

Related plant species shall be classified in a list of related species, which is Annex 4 of these Rules and their integral part.

#### Article 9

The applicant shall propose a denomination for a protected variety. The variety denomination shall be the designation for a precisely defined group of plants and shall be written with a capital first letter.

#### Article 10

The register of applications and the register of protected varieties shall be maintained in a uniform manner on electronic media.

#### Article 11

The applicant or the holder of the breeder's right shall be obliged to notify the Office of any changes in the data entered in the register of applications or in the register of protected varieties, within 30 days from the occurrence of the change at the latest.

#### Article 12

The Office shall enter the following data in the register of applications:

- the classification code;
- the application's registration number;
- the application's filing date;
- the date of reception of the complete application;
- in the case of the reference to the priority right: the country where the application has already been filed and the date of its reception of the complete application;

- the date of publication of the application in the official journal;
- data concerning the applicant: name and surname, company or the address, registered office;
- data about the breeder or breeders: name, surname and address;
- data about the procedural representative: name, surname, company or address, registered office;
- the plant species (and common name);
- the proposal for variety denomination;
- the breeder's provisional variety designation;
- changes of data in the application for variety protection;
- the date of issuing a resolution on a stay of the procedure;
- the date of the final decision on the protection of the variety;
- the date of the final decision on the refusal of the application;
- the note on the decisions of courts concerning the right to file the application.

### Article 13

The Office shall enter the following data in the register of protected varieties:

- the registration code;
- the number and date of issuing the decision on protection of the variety;
- the number and date of issuing the certificate of granted breeder's right;
- the date of the publication of the granted breeder's right in the official journal;
- the plant species (scientific and common name);
- the designated denomination of the protected variety and the synonyms of such denomination;
- the official description of the variety or reference to the documents which contain the official description of the variety;
- list of the components for a protected variety for which the use of specific components is permanently necessary in their cultivation for the production of the seeds and propagating material;
- data on the holder of the breeder's rights: name, surname, company or address, registered office;
- data on the breeder or breeders: name, surname and address;
- data on the procedural representative: name, surname and address;
- data on a third person to whom the breeder's rights have been partially or fully transferred: name, surname, company or address, registered office, the contents of the transferred right, the type of document on the basis of which the rights were transferred;
- data on the person to whom a compulsory licence was granted: name, surname, company or address, registered office, the conditions under which it was granted and the date of expiration of this right;
- the expiration date of protection of the variety;
- the number and date of the decision in the case of an early termination of the protection, and the reason for such early termination;
- notes on the decisions of the court in relation to breeder's rights;

- changes of data entered into the register of protected varieties.

#### Article 14

When the decision on the protection of a variety is final the Office shall issue a certificate on granting the breeder's rights, which shall apply from the date of entry into force of such final decision.

The form "Certificate on Granted Breeder's Rights" is Annex 5 of these Rules and is its integral part.

#### Article 15

The Office shall publish the official journal Objave Urada Republike Slovenije za varstvo in registracijo sort rastlin (Publications of the Office of the Republic of Slovenia for Protection and Registration of Plant Varieties) (hereinafter referred to as: journal).

#### Article 16

The Office shall publish the following information in the journal:

- on the entry of applications and any changes of entries occurring in the register of applications;
- on complete applications for the protection of a variety from the register of applications for the protection of a variety;
- on proposals for variety denominations;
- on the changes of variety denominations;
- on the withdrawal or refusal of an application for the protection of a variety;
- on granting of breeder's rights and entry into the register of protected varieties;
- on changes referring to the applicant, breeder or procedural representative in the procedure for variety protection;
- on decisions concerning the variety protection;
- on the entry and changes referring to a protected varieties;
- on final decisions concerning the termination of a breeder's rights at the request of the holder of breeder's rights;
- on the termination of the protection of a variety and deletion from the register of protected varieties.

The journal shall also publish:

- a list of all protected varieties (once a year);
- technical instructions for testing the distinctness, uniformity and stability;
- notifications in relation to the testing of distinctness, uniformity and stability of varieties;
- other notifications relating to the protection and registration of plant varieties.

#### Article 17

These Rules shall come into force on the day after its publication in the Official Gazette of the Republic of Slovenia.

**Annex 1**

Date of submitting the application:
Classification code:
Registration code of the application:
Date of reception of the complete application:

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**APPLICATION FOR THE PROTECTION OF A VARIETY IN THE REPUBLIC OF SLOVENIA**

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1. The applicant (I): Name and surname, company or address, registered office:

Phone:
Fax:

2. Procedural representative: Name and surname, company or address, registered office:

*(The application should be attached by the „Authorisation for representation in the procedure of varietal protection“, as a prescribed form)*

Phone:
Fax:

3. Address, if other than in items 1 or 2 of this form:

Phone:
Fax:

4. Plant species (genus, species or plant grouping), of the variety:

*(scientific and common name)*

5. a) Proposed variety denomination: \_\_\_\_\_

b) Breeder's provisional variety designation: \_\_\_\_\_

The breeder of the variety is the following person:

Phone:
Fax:

If the breeder is not also the applicant, in which manner was the breeder's right or the variety transferred to the applicant:

- by contract
- by succession
- otherwise (provide a detailed explanation)

*(Attach proof of the transfer of breeder's rights or the variety to the applicant)*

7. Country in which the variety was bred or discovered and developed: \_\_\_\_\_

8. Has an application for protection of the variety been made, or has it been protected in any other country?

Country	Registration number of application/ protection	Date of application	Date of protection	Proposed denomination or breeder's provisional variety designation

9. a) Do you refer to the priority right?  YES  NO

b) In the case of referring to the priority right, the country in which the first application had been filed: \_\_\_\_\_ and the date of reception of the first application in this country: \_\_\_\_\_

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

has been completed in the following country: \_\_\_\_\_

is underway in the following country: \_\_\_\_\_

10. Was the variety created by genetic technology or does it contain genetically modified organisms?

YES  NO

11. Was the genetic material of the variety on the market or in any other manner commercially exploited in Slovenia or abroad before the filing date of the application?

YES  NO

If the answer is YES, give the date of first sale or commercial use:

a) in Slovenia: \_\_\_\_\_

b) in a foreign country: \_\_\_\_\_

c) has the applicant approved the sale or commercial use?  YES  NO

#### ANNEXES

technical questionnaire

transfer of breeder's rights

authorisation for representation

other (explain) \_\_\_\_\_

#### STATEMENT

- I (we) apply for protection of the variety in the Republic of Slovenia.
- I (we) declare that the information in the application and the annexes are to my (our) best knowledge complete and correct.
- I (we) agree that the Office consults and exchanges information with offices for the protection of varieties in other countries in connection with the protection of this variety.

Place and date: \_\_\_\_\_

Applicant's signature: \_\_\_\_\_

**Annex 2**

Date of reception of the full application:

Registration number of the application:

**TECHNICAL QUESTIONNAIRE**

1. Plant species (genus/plant grouping) of the variety: \_\_\_\_\_  
(scientific and common name)

2. a) Applicant's name and surname, company or address, register office:

b) Authorised representative's name and surname, company or address, registered office:

c) Name and surname, company or address, registered office of the breeder of the variety, if the applicant is not the breeder:

3. a) Proposed denomination of the applied variety: \_\_\_\_\_

b) Breeder's provisional variety designation: \_\_\_\_\_

4. Origin of the applied variety:

a) Geographic origin of the variety: \_\_\_\_\_

b) Parent plants (first the female plant): \_\_\_\_\_

Should the data on the parent plants be kept confidential?  YES  NO

c) Breeding method: \_\_\_\_\_

d) Method of maintenance and propagation of the variety: \_\_\_\_\_

5. Was the variety obtained by genetic technology or does it contain genetically modified organisms (GMO)?  YES  NO

6. Description of the applied variety:

(Describe the variety in accordance with the technical instructions for DUS testing for each individual species or plant grouping)

Serial number	Characteristic	Standard variety	Level of expression

7. Variety /varieties most similar to applied variety

Name of a similar variety	Different property of the similar variety	Level of expression of the characteristic for the similar variety/ the applied variety

8. Additional data on the properties by which the applied variety can be best distinguished from other varieties

8.1 Resistance to pests and diseases:

8.2 Special conditions for testing the variety:

8.3 Other data (pictures, photographs, etc.):

I (we) declare that the information given in the application and in the annexes is to my (our) best knowledge complete and correct.

Place and date: \_\_\_\_\_

Signature:

**Annex 3****AUTHORISATION FOR REPRESENTATION  
IN THE PROCEDURE FOR PROTECTION OF A VARIETY**

Name and surname, company or, registered office of the applicant:

Phone:  
Fax:**I a u t h o r i s e**

Name and surname, company or address, registered office:

Phone:  
Fax:

for representation in the procedure for protection of a variety in the Republic of Slovenia.

The authorisation shall apply for:

 applied varieties, as listed below:

(name of the variety or the breeder's designation; species (scientific and common name))

 all applied varieties all applied varieties of the following species or plant groupings:  
(*scientific and common name*)

If the authorisation refers to an already existing application or to an already protected variety, note the registration number of the application: \_\_\_\_\_

Place and date:

Place and date:

Representative's signature:

Applicant's – entitled person's signature:



**Annex 4****LIST OF SIMILAR PLANT SPECIES**

Note: groupings of similar plants with listed taxonomic units lower than the genus lead to the existence of additional group of related plant species in which there are other taxonomic units lower than the genus of the genus in question.

- Group 1: *Avena, Hordeum, Secale, Triticale, Triticum;*
- Group 2: *Panicum, Setaria;*
- Group 3: *Sorghum, Zea;*
- Group 4: *Agrostis, Alopecurus, Arrhenatherum, Bromus, Cynosurus, Dactylis, Festuca, Lolium, Phalaris, Phleum, Poa, Trisetum;*
- Group 5: *Brassica oleracea;*
- Group 6: *Brassica napus, Brassica campestris, Brassica rapa, Brassica juncea, Brassica nigra, Sinapis;*
- Group 7: *Lotus, Medicago, Ornithopus, Onobrychis, Trifolium;*
- Group 8: *Lupinus albus L., Lupinus angustifolius L., Lupinus luteus L.;*
- Group 9: *Vicia faba L.;*
- Group 10: *Beta vulgaris L. ssp. Vulgaris var. alba DC., Beta vulgaris L. ssp. Vulgaris var. altissima Döll.;*
- Group 11: *Beta vulgaris ssp. vulgaris var. conditiva Alef. (synonym: Beta vulgaris L. var. rubra L.), Beta vulgaris L. var. cicla L., Beta vulgaris L. ssp. vulgaris var. vulgaris;*
- Group 12: *Lactuca, Valerianella, Cichorium;*
- Group 13: *Cucumis sativus L.;*
- Group 14: *Citrullus. Cucumis melo, Cucurbita;*
- Group 15: *Anthriscus, Petroselinum;*
- Group 16: *Daucus, Pastinaca;*
- Group 17: *Anethum, Carum, Foeniculum;*
- Group 18: *Bromeliaceae;*
- Group 19: *Picea, Abies, Pseudotsuga, Pinus, Larix;*
- Group 20: *Calluna, Erica;*
- Group 21: *Solanum tuberosum L.;*

Group 22: *Nicotiana rustica* L., *Nicotiana tabacum* L.;

Group 23: *Helianthus tuberosus* L.;

Group 24: *Helianthus annuus* L.;

Group 25: *Orchidaceae*;

Group 26: *Epiphyllum*, *Rhipsalidopsis*, *Schlumbergera*, *Zygocactus*;

Group 27: *Proteaceae*.