

Unofficial translation

LAW OF THE REPUBLIC OF UZBEKISTAN

ON INTRODUCING AMENDMENTS AND ADDITIONS TO THE LAW OF THE REPUBLIC OF UZBEKISTAN «PLANT VARIETIES AND ANIMAL BREEDS»

The Oliy Majlis of the Republic of Uzbekistan decides:

to make amendments and additions to the Law of the Republic of Uzbekistan dated August 30, 1996 "On plant varieties and animal breeds" (Oliy Majlis of the Republic of Uzbekistan, 1996, No. 9, Art. 133; 1997, No. 4-5, Art. 126; 1999, No. 1, Art. 20) by approving its new version.

President of the Republic of Uzbekistan I. KARIMOV

Tashkent,
29 august 2002 y.,
№ 395-II

LAW OF THE REPUBLIC OF UZBEKISTAN **On Plant Varieties and Animal Breeds**

(new edition)

I. General provisions

Article 1: Purpose of this Law

The purpose of this Law is to regulate relations in the field of creation, legal protection and use of plant varieties and animal breeds.

Article 2: Basic concepts

The following basic concepts shall be applied in this Law:

breed - a group of animals (including birds, insects, mulberry silkworms) or their hybrids, which is defined by genetically determined biological and morphological properties and traits, some of which are specific to this group and distinguish it from other groups of animals. Protected objects of a breed are breed group, intra-breed (zonal) type, plant type, plant line, family, parthenoclones, lines, hybrids;

employer - a legal or natural person who has given a task for the creation of plant varieties or animal breeds and finances this task;

licensor - a patentee who transfers the right to use plant varieties or animal breeds to a licensee on the basis of a license agreement;

licensee - a legal or natural person who has obtained the right to use plant varieties or animal breeds from the licensor on the basis of a license agreement;

variety - a group of plants, which is defined by traits that are persistently inherited and characterize a given genotype or combination of genotypes, and differs from other groups of plants of the same botanical taxon by one or more traits. Protected objects of a variety are a clone, line, first generation hybrid, population;

patentee - the owner of a patent for plant varieties or animal breeds;

plant varieties and animal breeds - a new variety of plants, a new breed of animals;

applicant - a legal or natural person who has applied for a patent for plant varieties or animal breeds.

Article 3: Legislation on plant varieties and animal breeds

The legislation on plant varieties and animal breeds shall consist of this Law and other legislative acts.

If an international treaty of the Republic of Uzbekistan establishes rules other than those provided for by the legislation of the Republic of Uzbekistan on plant varieties and animal breeds, the rules of the international treaty shall apply.

Article 4: Organizational Basis of Legal Protection of Plant varieties and animal breeds

The Agency for Intellectual Property under the Ministry of Justice of the Republic of Uzbekistan (hereinafter referred to as the Agency) shall ensure the implementation of a unified state policy in the field of legal protection of plant varieties and animal breeds;

The Agency accepts and examines applications for patents for plant varieties and animal breeds (hereinafter referred to as patent applications), conducts formal examination thereof, maintains the State Register of Plant Varieties and the State Register of Animal Breeds (hereinafter referred to as the Register), issues patents for plant varieties and animal breeds, officially publishes information on application materials and registered plant varieties and animal breeds protected in the Republic of Uzbekistan, adopts rules and gives explanations on the application of the legislation on plant varieties and animal breeds, and provides information on the application of the legislation on plant varieties and animal breeds.

The Center for Crop Variety Testing under the Ministry of Agriculture of the Republic of Uzbekistan, the State Committee for Veterinary and Livestock Development of the Republic of Uzbekistan (hereinafter referred to as specialized organizations) shall conduct examination of patentability of the claimed plant varieties and animal breeds.

Article 5: Author of plant varieties or animal breeds

The author of plant varieties or animal breeds shall be a natural person whose creative work has created (bred or discovered) a new variety of plants or a new breed of animals.

If several natural persons participated in the creation of plant varieties or animal breeds, all of them shall be recognized as its co-authors. The procedure for exercising the rights belonging to co-authors shall be determined by law and agreement between them.

The right of authorship is an inalienable personal right and is protected indefinitely.

The author (co-authors) shall have the right to be mentioned in the patent application, in the patent and in all publications concerning the plant varieties and animal breeds.

Article 6: Patentee

A patent for plant varieties or animal breeds shall be granted:

- to the author (co-authors) of the plant varieties and animal breeds or his (their) heir(s);
- legal and (or) natural persons (subject to their consent) who are indicated by the author or his heir in the application for a patent or in the application for change of the applicant submitted to the Agency prior to registration of the plant varieties and animal breeds;
- to the employer in cases provided for in Article 7 of this Law.

Article 7: Patentee of plant varieties or animal breeds created under the official procedure

Plant varieties or animal breeds shall be deemed to have been created for official purposes, if during its creation the author (co-authors):

- performed the duties of his position;
- performed duties specifically assigned to him for the purpose of creating the plant varieties or animal breeds;
- used material or financial resources provided to him by his employer;
- used the knowledge and experience that are specific to the employer organization, acquired in the course of work.

If the employer, within four months from the date of written notification by its author (co-authors) of the created plant varieties or animal breeds, does not file an application for a patent with the Agency, does not assign the right to apply for a patent to another person and does not inform the author (co-authors) about keeping the plant varieties or animal breeds secret, the author (co-authors) shall have the right to apply for and obtain a patent in his own name. In this case, the employer shall have a priority right to use the plant varieties or animal breeds in its own production with payment to the patentee of compensation determined by the contract.

If the employer keeps the plant varieties or animal breeds secret, he shall be obliged to pay the author (co-authors) a commensurate remuneration, the amount of which shall be determined by the contract.

The author (co-authors) of plant varieties or animal breeds who is not the patentee shall be entitled to remuneration for the use or sale of a license for the plant varieties or animal breeds, the amount and procedure for payment of which shall be determined by the contract with the patentee or his legal successor.

Remuneration to the author (co-authors) shall be paid by the patentee or his legal successor during the term of validity of the patent, unless otherwise provided by the agreement on the procedure and terms of payment of remuneration for the use of the plant varieties or animal breeds.

Remuneration shall be paid to the author (co-authors) not later than six months after the expiration of the reporting period in which the plant varieties or animal breeds was used.

II. Patentability of the plant varieties or animal breeds

Article 8: Conditions for Granting Legal Protection of plant varieties or animal breeds

Plant varieties or animal breeds shall be granted legal protection if it meets the following criteria: novelty, distinctiveness, uniformity and stability.

The plant varieties or animal breeds shall have a name in accordance with the requirements of Article 13 of this Law.

Article 9. Novelty

Plant varieties or animal breeds shall be deemed new if, as of the date of filing an application for a patent, seeds, planting material of a variety or pedigree material of a breed have not been sold or transferred to other persons by the author, his heir or with their consent for use:

in the territory of the Republic of Uzbekistan - earlier than one year before this date;

in the territory of another state - earlier than four years or, in the case of grapes, woody, ornamental, fruit crops and forest species - earlier than six years before the specified date.

Article 10. Distinguishability

The plant varieties or animal breeds as of the date of filing of the application for the grant of a patent shall be clearly different from any other commonly known plant varieties or animal breeds.

Plant varieties or animal breeds shall be deemed to be generally known as of the date of filing an application if an application for a patent for it has been filed in any country and a patent or any similar form of protection has been granted for that application, or the plant varieties or animal breeds is included in the official register of plant varieties or animal breeds of that country.

Common knowledge is established:

in respect of plant varieties or animal breeds that has become part of the state of common knowledge as a result of its production, reproduction, varietal or pedigree development for subsequent breeding, storage and maintenance for the above purposes;

in respect of plant varieties or animal breeds that was offered for sale, sold, imported or exported.

Article 11. Homogeneity

Plant varieties or animal breeds shall be considered homogeneous if, taking into account the peculiarities of reproduction, plants of a certain variety or animals of a certain breed are homogeneous in terms of the traits to be selected.

Article 12. Stability

Plant varieties or animal breeds is considered stable if its main traits remain unchanged after repeated breeding or, in the case of a special breeding cycle, at the end of each breeding cycle.

Article 13. Title of plant varieties or animal breeds

The plant varieties or animal breeds shall have a name proposed by the applicant and accepted by the Agency.

The name of the plant varieties or animal breeds shall allow identification of the plant varieties or animal breeds, be brief, and differ from the names of existing plant varieties or animal breeds of the same or similar botanical or zoological species. It shall not consist of single digits, mislead as to the properties, origin, significance of the plant varieties or animal breeds, identity of the author (co-authors), contradict the principles of humanity and morality.

The name of plant varieties or animal breeds shall be registered in the relevant Register simultaneously with the entry of information on the protected plant varieties or animal breeds in the Register.

If an application for a patent is filed in the Republic of Uzbekistan and other states, the name of the plant varieties or animal breeds in these applications shall be the same.

Any person offering for sale or marketing in the Republic of Uzbekistan or in the territory of a country with which the Republic of Uzbekistan has concluded an agreement on legal protection of plant varieties or animal breeds, seeds, planting material of a variety or pedigree material of a breed, shall be obliged to use the name of the plant varieties or animal breeds even after the expiration of the patent for the plant varieties or animal breeds, unless the rights of third parties prevent such use.

III. Obtaining a patent for plant varieties or animal breeds

Article 14. Patent for plant varieties or animal breeds

A patent shall be granted for plant varieties or animal breeds that meets the patentability criteria and belongs to botanical and zoological genera and species protected in the Republic of Uzbekistan.

A patent for plant varieties or animal breeds (hereinafter referred to as a patent) shall certify the novelty, distinctiveness, homogeneity and stability of the plant varieties or animal breeds, as well as the right of the patentee to name, own, use and dispose of the plant varieties or animal breeds.

The right of the patentee shall be deemed effective from the date of publication of information on registration of the plant varieties or animal breeds in the official bulletin of the Agency.

The term of validity of a patent shall be twenty years from the date of registration of the plant varieties or animal breeds in the relevant register. For varieties of grapes, tree, ornamental, fruit crops and forest species, including their rootstocks, this term shall be twenty-five years.

The term of validity of a patent may be extended at the request of the patentee, but not for more than ten years.

Article 15. Right to a patent

The right to a patent belongs to the author (co-authors) or his heir(s).

Where several persons have jointly created one plant varieties or animal breeds, the right to a patent shall belong to all of them. The waiver of the right to a patent by one or more of them shall not apply to the others in their acts and participation in the procedure for obtaining a patent.

The right to a patent for plant varieties or animal breeds created by the author (co-authors) in connection with the performance of his (their) official duties, a specific assignment or with the help of knowledge and experience which is specific to the employer organization shall belong to the employer, if it is provided for in the agreement between them.

Where several persons have independently created plant varieties or animal breeds, the right to a patent shall belong to the person whose application for the grant of a patent was filed with the Agency earlier, provided that it has not been withdrawn or rejected.

The author (co-authors), whose plant varieties or animal breeds has been applied for or obtained a patent as a result of unlawful borrowing, shall have the right to challenge the granting of a patent or demand that the patent be transferred to him as a patentee in court.

Employees of the Agency and specialized organizations shall not have the right to receive a patent, as well as to be mentioned as an author (co-authors) both during the entire period of their work therein and during one year after its termination.

Article 16. Filing of an application for the grant of a patent

An application for a patent shall be filed by the author (co-authors), employer or their assignee with the Agency.

An application for a patent may be filed in person, through a patent attorney registered with the Agency, or through a proxy. Citizens of other states without permanent residence and legal persons of other states without permanent residence in the Republic of Uzbekistan, their patent attorneys or authorized persons shall conduct the business of obtaining and maintaining a patent through patent attorneys of the Republic of Uzbekistan. The powers of a patent attorney shall be certified by a power of attorney issued to him by the applicant or the authorized person.

Article 17. Contents of an application for the grant of a patent

An application for a patent must contain:

an application for the grant of a patent specifying the author (co-authors) and the person(s) in whose name the patent is sought, as well as information on their residence or location;

proposal for the name of the plant varieties or animal breeds;

description of the plant varieties or animal breeds (technical questionnaire);

photographs of samples of the plant varieties or animal breeds;

documents on tests of the plant varieties or animal breeds conducted by the applicant;

the applicant's declaration confirming that the plant varieties or animal breeds has not been used, sold, transferred and meets the requirements of novelty;

document confirming the priority of the plant varieties or animal breeds (if necessary);

obligation of the applicant to submit to the specialized organization within the established time limit the material for testing the plant varieties or animal breeds;

power of attorney in case of filing the application through a patent attorney or authorized person;

a document confirming payment of the patent fee in the prescribed amount or grounds for exemption from payment of the patent fee, as well as for reduction of its amount.

The patent application must relate to a single plant varieties or animal breeds.

The filing date of the application for the grant of a patent shall be determined by the date of receipt by the Agency of the documents in accordance with the requirements of part one of this Article.

The requirements to the documents of an application for the grant of a patent shall be established by the Agency jointly with specialized organizations.

The materials of patent applications shall be kept secret by the Agency and no information about them shall be provided without the applicant's consent during the period of formal examination of applications.

Article 18. Priority of plant varieties or animal breed

The priority of plant varieties or animal breeds shall be established by the date of filing with the Agency of a patent application executed in accordance with the requirements of this Law.

If identical applications for the grant of a patent have the same priority date, the patent shall be granted on the application with the earlier date of dispatch to the Agency or with the earlier incoming registration number.

If an application for the grant of a patent received by the Agency was preceded by an application filed by the applicant in another state (hereinafter referred to as the first application) with which the Republic of Uzbekistan has concluded a treaty on legal protection of plant varieties or animal breeds, the applicant shall be entitled to priority under the first application within twelve months from the date of its filing.

In the application for the grant of a patent sent to the Agency, the applicant shall indicate the priority date of the first application. Within three months from the date of submission of the application to the Agency, the applicant shall submit a copy of the first application and its translation. If these conditions are met, the applicant shall have the right not to submit additional documentation and the material required for testing for three years from the date of filing of the first application.

Failure to comply with the time limits specified in paragraphs three and four of this article shall result in non-recognition of the required priority.

The filing of a subsequent application for the grant of a patent, publication or use of plant varieties or animal breeds which is the subject of the first application, if they occur within the time limit provided for in paragraph three of this Article, may not serve as grounds for rejection of the subsequent application. Nor may such facts serve as a basis for the emergence of any rights of third parties.

Article 19. State Expert Review of plant varieties or animal breeds

The state examination of the claimed plant varieties or animal breeds includes formal examination of the application and examination for patentability, consisting of examination for novelty and tests for distinctiveness, uniformity and stability.

Article 20. Formal examination of the application

Formal examination of the application shall be conducted after two months from the date of filing of the application. At the applicant's request, formal examination may be started before the expiration of this period. In the course of the examination, the priority date shall be established and the necessary documents shall be checked for compliance with the requirements.

Within two months from the date of submission of the application, the applicant has the right to supplement, clarify or correct the application materials on his/her own initiative.

If in the process of formal examination of the application it is established that the application is executed in violation of the requirements established by the legislation, the applicant shall be sent a notice on the need to submit missing or corrected documents within three months from the date of sending the relevant notice.

If the necessary additions, clarifications or corrections have not been made within the prescribed time limit, documents that were missing on the date of receipt of the application for the grant of a patent have not been submitted, or a request for extension of the time limit specified in paragraph three of this Article has not been filed, the application shall be deemed withdrawn.

A time limit missed by an applicant may be reinstated by the Agency at the request of the applicant filed not later than six months after its expiration.

Based on the results of the formal examination of the application, the applicant is informed of the Agency's decision.

In case of disagreement with the Agency's decision, the applicant has the right to appeal to the Appeal Board of the Ministry of Justice of the Republic of Uzbekistan (hereinafter - the Appeal Board) within three months from the date of sending the decision. The appeal must be considered by the Appeal Board within two months from the date of its receipt.

The decision of the Board of Appeal may be appealed to the court within six months from the date of its adoption.

The Agency sends the application for a patent, which has passed formal examination, to the appropriate specialized organization for patentability examination.

Article 21. Temporary Legal Protection of plant varieties or animal breeds

Temporary legal protection shall be granted to plant varieties or animal breeds claimed for protection from the date of publication of information on the application for a patent until the date of registration of the plant varieties or animal breeds in the relevant register.

For the period of temporary legal protection of plant varieties or animal breeds, the applicant shall be subject to the right of the patentee in accordance with Article 30 of this Law.

Provisional legal protection shall be deemed not to have occurred if a decision is taken to refuse to grant a patent, the possibilities of appeal against which have been exhausted.

A person using the claimed plant varieties or animal breeds during the period of its provisional legal protection shall be obliged, at the request of the patentee, to pay monetary compensation to the latter after obtaining the patent, the amount of which shall be determined by agreement with the patentee.

Article 22. Examination of plant varieties or animal breeds for novelty

A specialized organization shall carry out an expert examination of plant varieties or animal breeds for novelty on the basis of available documents and evidence, including information obtained on its own initiative, and shall submit a conclusion to the Agency on compliance or non-compliance of the claimed plant varieties or animal breeds with the novelty criterion. The Agency shall notify the applicant in writing on the presence or absence of novelty.

Any interested person may, within six months from the date of publication of information on the application for grant of a patent, file a claim with the relevant specialized organization regarding the novelty of the claimed plant varieties or animal breeds.

On receipt of a claim the relevant specialized organization shall notify the applicant in writing. In case of disagreement with the claim, the applicant has the right to send a reasoned objection to the specialized organization within three months from the date of receipt of the notification. The specialized organization shall take a decision on the received materials and inform the interested person and the applicant about it.

If the claimed plant varieties or animal breeds does not meet the novelty criterion, the Agency shall take a decision to refuse to grant a patent.

The applicant may appeal against the Agency's decision to refuse to grant a patent to the Board of Appeal within three months. The appeal shall be considered by the Board of Appeal within two months from the date of its receipt.

The decision of the Board of Appeal may be appealed to the court within six months from the date of its adoption.

Article 23: Tests of the claimed plant varieties or animal breeds

Tests of the claimed plant varieties or animal breeds consist of tests for distinctiveness, uniformity and stability.

Tests of the declared plant varieties or animal breeds shall be conducted according to the methods and within the time limits established by specialized organizations at the state variety testing stations, state variety testing plots, other organizations, the list of which is approved by the Cabinet of Ministers of the Republic of Uzbekistan.

The applicant shall be obliged to submit seeds, planting or pedigree material in the quantity required for testing to the address and within the time limits established by the specialized organization.

The specialized organization has the right to use the results of tests provided by the applicant, as well as enterprises, institutions, organizations of the Republic of Uzbekistan and competent authorities of other states.

Based on the results of the tests, the Specialized Organization shall make a conclusion on the compliance of the plant varieties or animal breeds with the patentability criteria.

If plant varieties or animal breeds meets the patentability criteria and its name meets the established requirements, a specialized organization shall prepare an official description of the plant varieties or animal breeds and the Agency shall take a decision on granting a patent.

If the plant varieties or animal breeds does not meet the patentability criteria, the Agency shall take a decision to refuse to grant a patent.

The applicant may appeal against the Agency's decision to the Board of Appeal within three months. The appeal shall be considered by the Appeal Board within two months from the date of its receipt, unless there is a need for additional tests of the plant varieties or animal breeds.

The decision of the Board of Appeal may be appealed to the court within six months from the date of its adoption.

Article 24. Revocation of an application for the grant of a patent

An application for the grant of a patent may be withdrawn at the written request of the applicant before a decision is made to grant or refuse to grant the patent.

Where there is more than one applicant, a patent application may be withdrawn only with the consent of each of them.

Article 25. Registration of plant varieties or animal breeds

The Agency, after taking a decision to grant a patent, shall register the plant varieties or animal breeds in the relevant register.

Article 26. Official Publication of Information on plant varieties or animal breeds

Information on patent applications accepted for consideration, on registered plant varieties or animal breeds, on legally significant actions of the Agency, full descriptions of plant varieties or animal breeds, registered assignment and license agreements, as well as other reports related to plant varieties or animal breeds shall be published in the official bulletin of the Agency.

Article 27. Issuance of patent

The patent is issued by the Agency on behalf of the Republic of Uzbekistan.

The Agency shall issue a patent after ten working days from the date of publication of information on registration of plant varieties or animal breeds.

Where there is more than one person in whose name a patent is sought, one patent shall be granted to them.

The Agency shall determine the form of the patent and the composition of the information to be specified therein.

The Agency shall correct obvious and technical errors in the granted patent at the request of the patentee.

After obtaining a patent, the patentee shall send the necessary material of the protected plant varieties or animal breeds for deposit.

Article 28. Preservation of plant varieties or animal breeds

The patentee shall be obliged to maintain the variety or breed during the term of validity of the patent in such a way that the features specified in the official description of the variety or breed drawn up on the date of its registration in the relevant register are preserved.

The patentee shall be obliged, at the request of specialized organizations and (or) the Agency, to send seeds of the variety or breeding material for control tests and to provide an opportunity for on-site inspection.

Article 29. Patent fees

Patent fees shall be charged for filing an application for a patent, conducting examinations and tests of the claimed plant varieties or animal breeds, granting a patent, keeping it in force, as well as performing other legally significant actions related to legal protection of plant varieties or animal breeds.

The amount and terms of payment of patent fees, grounds for exemption from payment, reduction or refund thereof, as well as the procedure for utilization of patent fees shall be established by law.

Patent fees shall be paid by the applicant, patentee and other interested person.

The patentee shall be given a grace period of six months to pay patent fees for maintaining the patent in force, subject to the payment of an additional patent fee.

If the patent fee for maintaining the patent in force and the additional patent fee are not paid within the grace period, the patent shall be terminated from the date of non-payment of the patent fee within the prescribed period.

IV. Right of the patentee

Article 30. Exclusive Right of the Patentee

The patentee shall have the exclusive right to use the plant varieties or animal breeds at his discretion.

The interested person shall obtain permission from the patentee to perform the following actions with seed, planting or pedigree material of the protected plant varieties or animal breeds:
production and reproduction (reproduction);

to grade or pedigree condition;
offer for sale;
sales and other types of marketing;
export from the territory of the Republic of Uzbekistan;
importation into the territory of the Republic of Uzbekistan;
storage for the purposes listed above.

The patentee shall have the right, at its discretion, to subject the granting of authorization to any conditions and/or limitations.

The right of the patentee shall also extend to plant material which has been produced from seeds of planting material of a variety or marketable animals which have been produced from breeding animals introduced into civil circulation without the authorization of the patentee.

It is necessary to obtain the patentee's authorization to perform the acts referred to in paragraph two of this Article with seed, planting material of a variety or breeding material of a breed, which:

substantially inherit the traits of a protected variety or breed, unless that protected variety or breed is a variety or breed that substantially inherits the traits of another variety or breed;

not clearly different from a protected variety or breed in accordance with Article 10 of this Law;

require repeated use of the protected variety or breed.

A variety or breed is recognized as having substantially inherited the characteristics of another variety or breed (the original) if:

inherit the most significant traits of the original variety or breed, which themselves inherit the most significant traits of the original variety or breed, while retaining the main traits reflecting the genotype or combination of genotypes of the original variety or breed;

clearly differ from the original variety or breed and correspond to the genotype or combination of genotypes of the original variety or breed, except for deviations caused by the application of different methods - selection of natural or induced mutants, selection of a single mutant from plants or animals of the original variety or breed, backcross, modification of the variety or breed by genetic engineering methods.

Mutual relations in the use of plant varieties or animal breeds protected by a patent and owned by several patentees shall be determined by agreement between them. In the absence of such an agreement, each patentee may use the protected plant varieties or animal breeds at its own discretion, but shall not be entitled to grant an exclusive license for it or assign the patent to another person without the consent of the other patentees.

Article 31: Exceptions to the right of the patentee

The following actions performed with the protected plant varieties or animal breeds shall not be recognized as infringement of the patentee's right:

use for personal and non-commercial purposes;

use for experimental purposes;

use as a starting point for the development of other varieties or breeds;

use by an enterprise, farm of varietal seed and pedigree material obtained from the patentee for reproduction within two years in the territory of this enterprise, farm.

Article 32. Exhaustion of the Right of the Patentee

The right of the patentee shall not extend to actions in respect of any material of the protected variety or breed after its introduction into civil circulation through sale or other types of marketing in the territory of the Republic of Uzbekistan by the patentee himself or with his consent, or export for processing and consumption to countries where varieties or breeds of the corresponding botanical or zoological species are not protected.

The conditions of paragraph one of this Article shall not apply to varieties or breeds if the sale and other marketing are intended for the subsequent propagation of the variety or breed in question or involve the exportation of plant material of the variety or pedigree material of the breed

for the purpose of propagation in countries where varieties or breeds of the genus or species concerned are not protected.

Article 33. Infringement of the right of the patentee

Unauthorized infringement of the patentee's right is recognized as an infringement of the patentee's right:

- production and reproduction (multiplication) of plant varieties or animal breeds;
- bringing plant varieties or animal breeds to varietal or pedigree condition;
- offer for sale, sale and other introduction into civil turnover of a product created with the use of a protected plant varieties or animal breeds;
- storage, importation, exportation;
- disclosure of information constituting a trade secret about plant varieties or animal breeds, except for cases when the information is disclosed to the Board of Appeal or to a person performing official procedures aimed at protecting the rights of the applicant or the patentee.

V. Termination of the patent

Article 34. Recognition of a patent as invalid

A patent during its entire term of validity may be challenged and recognized as invalid in cases where:

- as of the date of granting the patent, the plant varieties or animal breeds did not meet the criterion of novelty or distinctiveness;
- the patent was granted on the basis of unsupported data on homogeneity and stability of the plant varieties or animal breeds submitted by the applicant;
- the person named in the patent as the patentee did not have legal grounds for obtaining the patent.

Any person may appeal to the Board of Appeal against the invalidation of a patent on the grounds provided for in paragraph one of this Article.

The Board of Appeals sends a copy of the appeal to the patentee, who must file a reasoned response within three months.

The Board of Appeal shall consider appeals and take decisions on them with the participation of representatives of the relevant specialized organization within six months, unless there is a need for additional tests of the plant varieties or animal breeds.

The decision of the Board of Appeal may be appealed to the court within six months from the date of its adoption.

Article 35. Early termination of the patent

The patent shall be terminated early:

- failure to pay patent maintenance fees within the prescribed period of time;
- when the patentee's application for rejection of the patent is submitted to the Agency.

Information on early termination of the patent shall be published in the official bulletin of the Agency.

Article 36. Revocation of patent

A patent is revoked if:

- the plant varieties or animal breeds no longer meets the criteria of homogeneity and stability;
- the patentee has failed to provide, at the request of specialized organizations or the Agency, within twelve months, seeds, planting, breeding material, documents and information that are necessary to verify the safety of the plant varieties or animal breeds, or has failed to provide an opportunity to conduct an on-site inspection of the plant varieties or animal breeds for these purposes;
- the name of the plant varieties or animal breeds is canceled and the patentee has not proposed another suitable name.

Information on patent revocation shall be published in the official bulletin of the Agency.

Article 37. Revocation of patent

The patentee, upon written request, shall have the right to abandon the patent.

The abandonment of a patent by one of several patentees does not terminate the patent.

The rejection of a patent shall take effect from the date of receipt by the Agency of a written request from the patentee.

The patentee is obliged to notify the author of his intention to abandon the patent. The author in this case shall have a priority right to own the patent.

If a patent is the subject of a license agreement, a patent may be abandoned only with the consent of the license holder, unless otherwise provided for in the agreement.

Article 37¹ . Reinstatement of the validity of a patent for plant varieties or animal breeds

The validity of a patent for plant varieties or animal breeds which has been terminated due to non-payment of patent fees for maintaining the patent in force within the prescribed period of time may be restored at the request of the patentee.

Such petition may be filed with the Agency within three years from the date of termination of the patent, but before the expiration of the patent term provided for in this Act.

The patentee's petition shall be accompanied by a document confirming the payment of the patent fee in the amount established for the restoration of the patent validity.

Information on restoration of the validity of a patent for plant varieties or animal breeds shall be published in the official bulletin of the Agency.

A person who, in the period between the date of termination of a patent for plant varieties or animal breeds and the date of publication of information on the restoration of the patent validity, has started using the plant varieties or animal breeds or has made the necessary preparations therefor, shall retain the right to further use it free of charge.

VI. Final provisions

Article 38: Transfer of Rights to plant varieties or animal breeds

The right to obtain a patent, the rights arising from the registration of an application for a patent with the Agency, as well as the rights arising from a patent may be transferred to any legal or natural person.

The transfer of rights may be made on the basis of an assignment or license agreement or through inheritance in accordance with the law.

The agreement on assignment of rights to plant varieties or animal breeds, as well as the license agreement shall be registered with the Agency.

Article 39. Granting the Right to Use plant varieties or animal breeds

A variety or breed for which a patent has been granted may be the subject of a license agreement.

Any legal or natural person who is not a patentee shall be entitled to use plant varieties or animal breeds protected by a patent only with the permission of the patentee on the basis of a license agreement.

The patentee may submit to the Agency an application for granting to any person the right to use the plant varieties and animal breeds (open license). In this case, the patent fee for keeping the patent in force shall be reduced by fifty percent.

A patentee's application for an open license right shall not be revocable.

A person who wishes to acquire an open license shall be obliged to conclude a license agreement with the patentee.

The patentee may transfer the right to use the plant varieties and animal breeds by granting an exclusive or non-exclusive (simple) license.

Under an exclusive license, the licensee receives the exclusive right to use the plant varieties and animal breeds within the limits specified in the license agreement, with the licensor retaining the right to use the plant varieties and animal breeds to the extent not transferred to the licensee.

Under a non-exclusive (simple) license, the licensor, granting the licensee the right to use the plant varieties and animal breeds, retains all rights arising from the patent, including the right to grant the license to other persons.

Article 40. Compulsory license

If the patentee does not use plant varieties or animal breeds in the Republic of Uzbekistan within three years from the date of grant of the patent and refuses to conclude a license agreement, and if the non-use of this plant varieties and animal breeds affects public interests, a person wishing to use this plant varieties and animal breeds may apply to the court with a petition for a compulsory license.

A compulsory license is granted in the form of a non-exclusive (simple) license and gives its holder the right to receive from the patentee the original seed, planting or breeding material.

A compulsory license shall be granted only to a person who can ensure the use of the plant varieties and animal breeds in a permissible manner and in accordance with the license.

A compulsory license shall not prevent the patentee from using the protected plant varieties and animal breeds or granting a license for its use to another person.

Article 41. Use of plant varieties or animal breeds

Plant varieties or animal breeds shall be deemed used if the seed, planting or breeding material produced, reproduced, brought to varietal or pedigree condition or further propagation corresponds to the information contained in the official description of the protected plant varieties and animal breeds in terms of morphological, physiological and other characteristics.

Article 42. Patenting of plant varieties and animal breeds in Other States

Legal and natural persons of the Republic of Uzbekistan shall have the right to patent plant varieties and animal breeds in other states in accordance with the procedure established by the legislation.

Article 43. Rights of foreign legal and natural persons

Foreign legal and natural persons shall enjoy the rights provided for in this Act on an equal footing with legal and natural persons of the Republic of Uzbekistan or on the basis of the principle of reciprocity.

Article 44. Settlement of disputes

Disputes in the field of creation, legal protection and use of plant varieties and animal breeds shall be resolved in accordance with the procedure established by law.

Article 45. Responsibility for Violation of the Legislation on plant varieties and animal breeds

Persons guilty of violating the legislation on plant varieties and animal breeds shall be held liable in accordance with the established procedure.