

RULES ON THE FORM AND CONTENT OF THE APPLICATION FOR GRANTING PLANT BREEDER'S RIGHT AND THE DOCUMENTS, WHICH SHALL BE ATTACHED WITH THIS APPLICATION, AS WELL AS THE QUANTITY AND MANNER OF SUBMITTING SAMPLES OF PROPAGATING MATERIAL OF A VARIETY ("Official gazette RS" No. 82/2009 and 20/16)

I INTRODUCTORY PROVISIONS

Article 1

These Rules define the form and content of the Application for granting plant breeder's right and the documents, which shall be attached with this application, as well as the quantity and manner of submitting samples of propagating material of a variety, for the purposes of determining fulfillment of conditions for granting breeders' rights.

Article 2

Certain terms used in this Regulation have the following meanings:

- 1) confidential part of the Technical questionnaire shall be part of the technical questionnaire with the data on parental lines of hybrid varieties including data related to their cultivation; filed by the breeder who wants these information be considered confidential;
- 2) technical questionnaire shall be the document on creation of plant variety, type of reproduction of the variety, characteristics that are essential for determining of distinctness of the variety and other data that are important for testing of varieties, which is, depending on the plant species, harmonized with technical questionnaires UPOV or CPVO, and published on the official website of the Ministry in charge of Agriculture (hereinafter: Ministry) for each plant species
- 3) *CPVO is Community Plant Variety Office*
- 4) *WIPO is World Intellectual Property Organization*

II FORM AND CONTENT OF THE APPLICATION FOR GRANTING PLANT BREEDER'S RIGHT AND THE DOCUMENTS SUBMITTED WITH THIS APPLICATION

1. Form and content of the Application for granting plant breeder's right

Article 3

A breeder or his authorized representative shall submit the application for granting plant breeder's right to the Ministry, on the form - Application for granting plant breeder's right, which is attached to this Regulation and is its integral part.

The application referred to in paragraph 1 of this Article shall contain:

- 1) Number of application;

- 2) Date of submitting the application;
- 3) Latin and Serbian name of the plant species;
- 4) Proposed variety denomination and provisional designation (breeder's reference)
- 5) Information on the breeder, or breeders (name and surname / name of legal entity and address/ seat, name and surname of the responsible person in legal person, phone, fax, e-mail address);
- 6) Information on the authorized representative, if appointed (name and surname/ name of legal entity and address/ seat, name and surname of the responsible person in legal person, phone, fax, e-mail address);
- 7) If the applicant did not create or discover and develop the variety, information on:
 - the person who created or discovered and developed the variety (name and surname/ name of legal entity and address/ seat)
 - the manner in which the person who created or discovered and developed the variety transferred the ownership of the variety to the applicant or applicants (the contract, inheritance or other);
- 8) Information on the country where the variety was created or discovered and developed (name of state);
- 9) information on previous applications (to be indicated if the application was made for granting plant breeder's right, for official variety list, or for patent), as follows: date of the previous application, name of the state and the competent authority to whom this application was submitted, the number of application, status of application, denomination and breeders reference;
- 10) in the case of claiming the right of priority, date of the application for granting plant breeder's right duly filed with the competent body of other UPOV member (hereinafter referred to as the first application), the name of the state in which the first application was filed and denomination and breeder's reference;
- 11) Information on
 - a) whether the reproduction or harvested material of the variety was sold or otherwise disposed of to others in the territory or outside the territory of the Republic of Serbia (date of first sale or disposal by other means of reproduction or harvested material of the variety and variety denomination that was used, and in the case that it was sold or otherwise disposed of to others outside the territory of the Republic of Serbia, the name of state);
 - b) Whether the variety is used in the production of one or more hybrid varieties (date of the first disposal of reproductive or harvested material of the hybrid variety, breeders or denomination of the hybrid variety and the state in which the disposal was),

c) has the reproductive or harvested material of the variety been disposed of under other circumstances than those mentioned in a) and b) by the breeder or with his consent;

12) Information on the official technical examination of the variety (if the technical examination of variety has been carried out - the name of the state in which it is done and in what period, if the technical examination of variety is in progress - the name of the state in which it is in progress and starting date of examination, if the technical examination of variety has not been carried out - information that it is not done) and the designation of hybrid variety and the state where the variety was examined or is being examined, if the variety is a parental variety of hybrid variety;

13) Information on whether the variety is genetically modified organism in accordance with the regulations of the Republic of Serbia regulating the genetically modified organisms;

14) List of documents submitted with the application;

15) Statement confirming that all data specified in the application for granting plant breeder's right are correct; and that the material delivered with the first application and the application for granting plant breeder's right are the same, in the case of claiming the right of priority; as well as giving authorization to the Ministry to exchange all necessary information and material of the variety with the competent authorities of other members of UPOV, provided that the rights of the breeder are safeguarded.

2. Documents submitted with the Application for granting plant breeder's right

Article 4

Breeder or his authorized representative shall submit with the Application for granting plant breeder's right the following:

- 1) Completed technical questionnaire;
- 2) Proposed variety denomination;
- 3) Documentary evidence proving ownership of the variety (original or certified copy)
- 4) Certified copies of documents submitted when the first application had been filed, in the case of claiming the right of priority;
- 5) Copy of the decision on the approval of the use of genetically modified organisms in closed systems and intentional introduction into the environment;
- 6) Photographs (in case of fruit and ornamental varieties);
- 7) In ten case the authorized representative has been appointed, form of authorization to represent, which includes information on breeder's reference, plant species and variety;
- 8) Proof of payment of administrative fee

9) Other documents that may be of interest to determine the prescribed conditions, with stating that documentation

Proposal of variety denomination as referred in paragraph 1 point 2) of this article shall contain:

- 1) Breeders reference;
- 2) Plant species;
- 3) Proposal of variety denomination;
- 4) If any, the preceding proposals for a variety denomination;
- 5) Proposed or registered denomination in a member of UPOV;
- 6) Proposed or registered denomination as a trademark in a member of UPOV or with the WIPO in respect of products that is identical or similar within the meaning of trademark law;
- 7) Statement confirming that all data specified in the proposal of variety denomination are correct.

III THE QUANTITY AND MANNER OF SUBMITTING SAMPLES OF PROPAGATING MATERIAL OF A VARIETY

Article 5

In the process of examination of the application for granting plant breeders' right the variety shall be examined if it is necessary and the Ministry shall notify the breeder or his authorized representative of this in writing.

By written notification referred to in paragraph 1 of this article, breeder or his authorized representative should be notified about the quantity of samples of propagating material of the variety that need to be submitted for examination (hereinafter referred to as samples), the period in which samples are submitted, as well as the name and address of the legal person entrusted with examination of the variety.

Quantity of samples submitted for examination shall be determined according to official guidelines of UPOV depending on the plant species.

Article 6

Breeder or his authorized representative shall submit samples to the legal person entrusted with examination of the variety.

Samples are submitted by the appropriate means of transportation, depending on the plant species in a manner, which ensures that the samples are delivered undamaged.

Samples are delivered applying regulation governing the quality and health of plants, and if the examination of the variety is carried out in another country, applying customs and phytosanitary regulations of that other country.

IV FINAL PROVISION

Article 7

This Rulebook shall enter into force on the eight day following its publication in the “Official Gazette of the Republic of Serbia”.

Ministry of Agriculture and Environmental Protection
Plant Protection Directorate
Omladinskih brigada 1, 11070 Novi Beograd

Obrazac
Form

Broj zahteva/ <i>Application number</i>	
Datum podnošenja zahteva: / <i>Filing date</i>	
<i>(ne popunjava podnosilac zahteva/ not filed by the applicant)</i>	

ZAHTEV ZA DODELJIVANJE PRAVA OPLEMENJIVAČA BILJNE SORTE
APPLICATION FOR GRANTING PLANT BREEDER'S RIGHT

1.	Biljna vrsta (latinski i srpski naziv) / <i>Plant species (Latin and Serbian name)</i>
2.	a) Predloženo ime sorte / <i>Proposed variety denomination</i>
	b) Oplemenjivačka oznaka / <i>Breeders reference</i>
3.	Oplemenjivač(i) / <i>Breeder(s)</i> ¹
	ime i prezime/naziv / <i>name and surname/ name of legal entity</i>
	adresa/sedište / <i>address / seat</i>
	ime i prezime odgovornog
	lica u pravnom licu / <i>name and surname of the responsible person in a legal entity</i>
	Telefon/ <i>phone</i> :
	Faks/ <i>fax</i> :
	e-mail adresa/ <i>e-mail address</i> :
	Ako postoji više oplemenjivača, molimo nastavite na novoj strani./ <i>If necessary, continue on a separate sheet.</i>

¹ "oplemenjivač" jeste:

- lice koje je stvorilo, ili otkrilo i razvilo sortu,
- lice koje je poslodavac napred navedenog lica ili po čijem ovlašćenju je napred navedeno lice obavilo navedene poslove u slučaju kada je to predviđeno zakonima date ugovorne strane, ili
- pravni sledbenik prvog ili drugog navedenog lica;

/"breeder" means:

- *the person who bred, or discovered and developed, a variety,*
- *the person who is the employer of the aforementioned person or who has commissioned the latter's work, where the laws of the relevant Contracting Party so provide, or*
- *the successor in title of the first or second aforementioned person, as the case may be;*

Ovlašćeni zastupnik / <i>Authorized representative</i>	
4.	<p>ime i prezime/naziv / <i>name and surname/ name of legal entity</i> adresa/sedište / <i>address/seat</i></p>
	<p>ime i prezime odgovornog lica u pravnom licu / <i>name and surname of the responsible person in a legal person</i> Telefon/ <i>phone</i>: Faks/fax: e-mail adresa/ <i>e-mail address</i>:</p>
5.	<p>a) Ime i prezime/naziv i adresa/sedište lica* koje je stvorilo ili otkrilo i razvilo sortu (ukoliko se razlikuje od podnosioca zahteva)/ <i>name and surname/name of legal entity and address/seat of the person who bred or discovered and developed the variety (if different from applicant)</i>:</p>
	<p>b) Vlasništvo nad sortom je preneto sa lica koje je stvorilo ili otkrilo i razvilo sortu na/ <i>Ownership of variety was transferred from a person who has created or discovered and developed a variety to</i>:</p>
	<p><input type="checkbox"/> Ugovorom/ <i>by contract</i> <input type="checkbox"/> Nasledstvo/ <i>succession</i> <input type="checkbox"/> Drugo (navesti)/ <i>other (specify)</i></p>
	<p>Priložiti originalnu dokumentaciju o prenosu vlasništva ili overenu fotokopiju te dokumentacije./ <i>please provide relevant documentary evidence in original or officially certified form.</i></p>
6.	<p>Država u kojoj je sorta stvorena ili otkrivena i razvijena/ <i>Country where the variety has been created, or discovered and developed</i></p>

* odnosi se na fizička pravna lica / *refers to natural and legal persons*

Podaci o ranijim zahtevima/ <i>Information on earlier applications</i>																																																	
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8.	<p>Pozivam se na pravo prioriteta shodno prvom zahtevu za dodeljivanje prava oplemenjivača koji je podnet/ <i>Priority is now claimed in respect of the earliest application for a breeder's right filed:</i></p> <p>u (država)/ <i>in (country):</i></p> <p>na dan (datum podnošenja prvog zahteva)/ <i>on (date of application):</i></p> <p>ime sorte, odnosno oplemenjivačka oznaka/ <i>variety denomination or the designation</i></p>																																																

Da li je reprodukcioni ili ubrani materijal sorte prodat ili na neki drugi način otuđen?/ *Has the propagated or harvested material of the variety been sold or otherwise exploited?*

- na teritoriji Republike Srbije/ *within the territory of the Republic of Serbia:*

Da/yes

Ne/no

Ako jeste, navesti/ *if yes, please, specify:*

- datum prve prodaje ili otuđenja reprodukcionog ili ubranog materijala sorte/ *date of the first disposal of the reproductive or harvested material of variety*

-oznaku, odnosno ime sorte koje je korišćeno/ *designation, or the denomination used*

- van teritorije Republike Srbije/ *Outside the territory of the Republic of Serbia:*

Da/yes

Ne/no

Ako jeste, navesti/ *if yes, please specify:*

-datum prve prodaje ili otuđenja reprodukcionog ili ubranog materijala sorte/ *date of first disposal of reproductive or harvested material of the variety*

-oznaku, odnosno ime sorte koje je korišćeno/ *designation, or the denomination used*

9. -državu u kojoj je reprodukcioni ili ubrani material sorte prodat ili otuđen/ *state where the reproductive or harvested material of the variety was disposed of*

b) Da li se sorta upotrebljava u proizvodnji jedne ili više hibridnih sorti?/ *Has the variety been used in the production of one or more of hybrid varieties?*

Da/yes

Ne/no

Ako jeste, navesti/ *if yes, please specify:*

-datum prve prodaje ili otuđenja reprodukcionog ili ubranog materijala hibridne sorte/ *date of first disposal of reproductive or harvested material of the hybrid variety*

-oznaku, odnosno ime hibridne sorte koje je korišćeno/ *designation, or the denomination used*

-državu u kojoj je reprodukcioni ili ubrani material hibridne sorte prodat ili otuđen/ *state where the reproductive or harvested material of the hybrid variety was disposed of*

v) Da li je reprodukcioni ili ubrani material sorte prodat ili otuđen, od strane oplemenjivača ili uz njegovu saglasnost, na neki drugi način koji se razlikuje od navedenih pod a) i b)?/ *Has the variety been disposed of under other circumstances than those mentioned under 1) and b) by the breeder or with his consent?*

Da/yes

Ne/no

Detaljnije objašnjenje/ *please specify:*

10.	<p>Zvanično tehničko ispitivanje sorte/ <i>official technical examination of the variety:</i></p> <p>- je obavljeno (navesti u kojoj državi i u kom periodu)/<i>has been carried out (where, when)</i> - je u toku (navesti u kojoj državi i datum početka ispitivanja)/ <i>is in process (where, since when)</i> - nije obavljeno/ <i>has not yet been carried out</i></p> <p>Ako sorta predstavlja roditeljsku liniju hibridne sorte a ispitana je ili se ispituje zajedno sa hibridnom sortom, navesti ime hibridne sorte i državu u kojoj je ispitana ili se ispituje. /<i>If the candidate variety is a parental line of a hybrid variety and is being (has been) examined in connection with the examination of the hybrid variety, please indicate the denomination of the hybrid variety and the country in which the examination is being (has been) carried out:</i></p>																				
11.	<p>Da li je sorta genetički modifikovan organizam (u skladu sa propisima Republike Srbije kojima se uređuje oblast genetički modifikovanih organizama)?/ <i>Is the variety a Genetically Modified Organism within the meaning of the legislation of the Republic of Serbia which regulates GMO?</i></p> <p>Da/yes <input type="checkbox"/> Ne/no <input type="checkbox"/></p>																				
12.	<p>U prilogu se nalazi sledeća dokumentacija/ <i>The following forms or documents are attached to thi application:</i></p> <table border="1" data-bbox="233 1066 1513 1799"> <tr> <td data-bbox="233 1066 289 1150"></td> <td data-bbox="289 1066 1513 1150">Tehnički upitnik (original i jedna kopija)/ <i>technical questionnaire (original and one copy)</i></td> </tr> <tr> <td data-bbox="233 1150 289 1234"></td> <td data-bbox="289 1150 1513 1234">Poverljivi deo tehničkog upitnika (original i jedna kopija) / <i>technical questionnaire, confidential part (original and one copy)</i></td> </tr> <tr> <td data-bbox="233 1234 289 1276"></td> <td data-bbox="289 1234 1513 1276">Ovlašćenje za zastupanje/ <i>authorization to represent</i></td> </tr> <tr> <td data-bbox="233 1276 289 1360"></td> <td data-bbox="289 1276 1513 1360">Dokumentacija kojom se dokazuje vlasništvo nad sortom/ <i>Documents proving the ownership of the variety</i></td> </tr> <tr> <td data-bbox="233 1360 289 1402"></td> <td data-bbox="289 1360 1513 1402">Predlog imena sorte/ <i>Proposal for variety denomination</i></td> </tr> <tr> <td data-bbox="233 1402 289 1486"></td> <td data-bbox="289 1402 1513 1486">Overena kopija dokumentacije podnete prilikom podnošenja prvog zahteva/ <i>Certified copy of the documents submitted with the first application</i></td> </tr> <tr> <td data-bbox="233 1486 289 1528"></td> <td data-bbox="289 1486 1513 1528">Dokaz o uplati administrativne takse/ <i>Proof of payment of administrative fee</i></td> </tr> <tr> <td data-bbox="233 1528 289 1570"></td> <td data-bbox="289 1528 1513 1570">Fotografija (u slučaju voća i ukrasnog bilja)/ <i>photographs (in case of fruit and ornamentals)</i></td> </tr> <tr> <td data-bbox="233 1570 289 1728"></td> <td data-bbox="289 1570 1513 1728">Kopija rešenja o odobrenju upotrebe genetički modifikovanih organizama u zatvorenim sistemima i namernom uvođenju u životnu sredinu/ <i>Copy of the decision on the approval of the use of genetically modified organisms in closed systems and intentional introduction into the environment</i></td> </tr> <tr> <td data-bbox="233 1728 289 1799"></td> <td data-bbox="289 1728 1513 1799">Druga dokumentacija koja može biti od značaja za utvrđivanje propisanih uslova. Navesti/ <i>Other documents that may be of interest to determine the prescribed conditions, please specify</i></td> </tr> </table>		Tehnički upitnik (original i jedna kopija)/ <i>technical questionnaire (original and one copy)</i>		Poverljivi deo tehničkog upitnika (original i jedna kopija) / <i>technical questionnaire, confidential part (original and one copy)</i>		Ovlašćenje za zastupanje/ <i>authorization to represent</i>		Dokumentacija kojom se dokazuje vlasništvo nad sortom/ <i>Documents proving the ownership of the variety</i>		Predlog imena sorte/ <i>Proposal for variety denomination</i>		Overena kopija dokumentacije podnete prilikom podnošenja prvog zahteva/ <i>Certified copy of the documents submitted with the first application</i>		Dokaz o uplati administrativne takse/ <i>Proof of payment of administrative fee</i>		Fotografija (u slučaju voća i ukrasnog bilja)/ <i>photographs (in case of fruit and ornamentals)</i>		Kopija rešenja o odobrenju upotrebe genetički modifikovanih organizama u zatvorenim sistemima i namernom uvođenju u životnu sredinu/ <i>Copy of the decision on the approval of the use of genetically modified organisms in closed systems and intentional introduction into the environment</i>		Druga dokumentacija koja može biti od značaja za utvrđivanje propisanih uslova. Navesti/ <i>Other documents that may be of interest to determine the prescribed conditions, please specify</i>
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	Dokaz o uplati administrativne takse/ <i>Proof of payment of administrative fee</i>																				
	Fotografija (u slučaju voća i ukrasnog bilja)/ <i>photographs (in case of fruit and ornamentals)</i>																				
	Kopija rešenja o odobrenju upotrebe genetički modifikovanih organizama u zatvorenim sistemima i namernom uvođenju u životnu sredinu/ <i>Copy of the decision on the approval of the use of genetically modified organisms in closed systems and intentional introduction into the environment</i>																				
	Druga dokumentacija koja može biti od značaja za utvrđivanje propisanih uslova. Navesti/ <i>Other documents that may be of interest to determine the prescribed conditions, please specify</i>																				

Podnosim/o zahtev za dodeljivanje prava oplemenjivača. / *I (we) hereby apply for the grant of plant breeder's right.*

Izjavljujem da su, prema mojim saznanjima, svi podaci navedeni u zahtevu i priloženoj dokumentaciji kompletni i tačni.

Izjavljujem da je materijal sorte dostavljen uz prvi zahtev verodostojan sorti i u skladu sa ovim zahtevom.

Izjavljujem da druga lica, izuzev onih koji su pomenuti u ovom zahtevu, nisu učestvovali u stvaranju ili otkrivanju i razvijanju sorte.

13. Ovim je dato ovlašćenje Ministarstvu poljoprivrede, šumarstva i vodoprivrede da razmenjuje sve neophodne informacije i materijal sorte sa nadležnim organima drugih članica (UPOV-a, uz zaštitu interesa oplemenjivača. / *I declare that, to the best of my knowledge, the information in the application and submitted documents is complete and correct.*

I declare that the material of the variety submitted with this and the first application are the same.

I(We) hereby declare that, no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery and development, of the variety.

Authorisation is hereby given to the Ministra of agriculture, forestry and water management to exchange with other competent authorities of other UPOV members all necessary information and material related to the variety provided that the rights of the applicant are safeguarded.

Mesto/place

Datum/date

Potpis/signature