

STATE REGISTRATION OF THE PLANT VARIETIES AND PLANT VARIETIES PROTECTION (PVP) IN RUSSIA

The issues related with the registration and with protection of a plant variety in Russia are regulated by the Russian Federation Civil Code (Part Four), current law came into force in December 1, 2007. Before this time PVP regulated by the Law "About the selection achievements", date of entry into force - August 6, 1993. From the April 24, 1998 Russia the member of the International Union for the Protection of New Varieties of Plants and also on 1993 joined to International Convention for the Protection of New Varieties of Plants - UPOV Convention.

In accordance with the said documents the plant variety is the group of plants, that is identified by features characterizing the given genotype or the combination of the genotypes, and is distinct from other groups of plants of the same botanical taxon by one or more features irrespectively from the protectability.

The variety can be introduced by one or several plants as well as by the part or several parts of plant provided that such part or such parts can be used to produce the whole plants of the variety.

The protected categories of the plant variety are considered clone, line, F₁ hybrid, population.

In accordance with the Russian legislation upon plant breeder's rights registration there may occur the following rights:

- personal non-property rights on plant variety;
- property rights on plant variety;

- property rights to distribute the plant variety.

As the evidence of the above-indicated rights on plant variety acts the Certificate about the authorship on plant variety, the Patent on the plant variety and the Certificate of state registration of plant variety correspondingly.

For plant breeder's rights registration in Russia the following documents should be filed with the State Commission of Russian Federation for Selection Achievements Test and Protection:

- application form for the patent on plant variety, containing general information as for the variety as well as about the breeder(s), applicant(s), representative, etc.;
- application form to use the variety, containing general information as for the variety as well as about the breeder(s), applicant(s), representative, etc;
- description of the variety with general information;
- variety questionnaire, containing detailed information about the variety characteristics, method of propagation of the variety, indexes of distinctiveness of the variety from similar variety(ies), special conditions for growing the variety, main use of the variety, breeding scheme, information on plant material to be examined, etc.;
- copy of the priority application, if any;
- power of attorney, that should be signed and stamped by the applicant and also certified by notary and be legalized by Apostile;
- document evidencing the applicant's right for application filling if the applicant and the breeder are not the same;

- photographs of the plant and its organs, which indicates the variety main characteristics.

Besides, in some cases the State Commission may request additional documents for registration of the plant variety.

The plant variety registration procedure in Russia is the following:

After completion of the filing procedure the application undergoes preliminary examination for about 1-2 months. On condition that the applicant submits all required documents the notification about positive results of the formal examination is issued and the application data is published in the Official Bulletin.

After the preliminary examination is completed the substantive examination starts. The substantive examination includes the following steps:

- 1) Examination of novelty of the variety (a plant variety or animal breed shall be deemed to be new if, at the date of filing of the application for the grant of a patent, the seeds or breeding material of the given selection achievement has not been sold or otherwise disposed of to others, by or with the consent of the breeder or his successor in title, for purposes of exploitation of the selection achievement in the territory of the Russian Federation, earlier than one year before that date; in the territory of any other State, earlier than four years or, in the case of grapevines and ornamental, fruit and forest trees, earlier than six years before the said date.);
- 2) Examination of the denomination of the variety;
- 3) Compliance of the variety with the criteria of distinctiveness, uniformity and stability;
- 4) Examination on the economic utility of the plant variety.

In case of the positive result of the substantive examination and after payment of the Registration fee Patent on plant variety, the Certificate of state registration of plant variety as well as the Certificate about the authorship on plant variety are issued.

If the variety does not meet the requirement of novelty, but the positive result of the substantive examination is issued based on the rest of the requirements of patentability, the applicant obtains the Certificate of state registration of plant variety.