

DRAFT LAW

ON THE PROTECTION OF NEW PLANT VARIETIES

CHAPTER I

GENERAL PROVISIONS

Article 1

This Law and its respective executive regulations shall constitute the basic provisions for the protection of new plant varieties.

Article 2

For implementing this Law the following terms shall have the corresponding meanings unless the text prescribes otherwise:

The Minister: Minister of Agriculture and Fisheries

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Variety:

A plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a breeder's right are fully met, can be

- defined by the expression of the characteristics resulting from a given genotype or combination of genotypes,
- distinguished from any other plant grouping by the expression of at least one of the said characteristics and
- considered as a unit with regard to its suitability for being propagated unchanged.

Propagating material for the production of plants:

- reproductive material such as seed and fruit;
- vegetable propagating material such as plants or parts of plants, cuttings, tubers, bulbs, rhizomes.

Breeder:

- the person who has 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, except where otherwise agreed by contract;
- the successor in title of the first or second aforementioned person, as the case may be.
- **breeder's right:** the right of the breeder provided for in this law.
- **Competent Office:** the government authority as determined in the executive regulations.

CHAPTER II

CONDITIONS OF THE BREEDER'S RIGHTS

Article 3

The grant of the breeder's right shall not be subject to any conditions other than those laid down in Article 5 of this Law, provided that the variety is designated by a denomination in accordance with the provisions of Article 14 below, that the applicant complies with the formalities provided for by this Law and its implementing regulation and that he pays the imposed fees.

Article 4

This Law shall be applied to the Plant genera and species referred to in the executive regulations.

Article 5

A breeder's right shall be granted if following the prior examination referred to in Article 43 below, the variety is recognized to be new, distinct, uniform and stable.

Article 6

The variety shall be deemed to be new if, at the date of filing of the application for a breeder's right, propagating or harvested material of the variety has not been sold or otherwise disposed of to others, by or with the consent of the breeder, for the purposes of exploitation of the variety for more than one year in the Sultanate of Oman or for more than four years or, in the case of trees and vines, for more than six years abroad.

Article 7

The variety shall be deemed to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of the filing of the application.

In particular, any other variety shall be deemed a matter of common knowledge if there exists for that variety in any other country an application for protection or for entry in an official variety register, provided that such application leads to the granting of a breeder's right, or an entry in an official variety register, as of the date of the application or of the entry, as the case may be. A variety may also be deemed a matter of common knowledge by reference to various factors such as cultivation or marketing already in progress, inclusion in a reference collection, or precise description in a publication.

Article 8

The variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in its relevant characteristics.

Article 9

The variety shall be deemed to be stable if its relevant characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

Article 10

Any plant variety may be granted a title of protection known as a "plant variety certificate".

The right to protection for a variety shall belong to the first to file an application, unless proved otherwise.

Article 11

A breeder's right may be applied for by:

- Omani nationals or legal entities;
- foreign persons or legal entities having their native home or place of residence in the Sultanate of Oman;
- nationals of States whose legislation affords to Omani nationals protection that is at least equivalent to that provided by this Law and natural and legal persons having their place of residence or registered offices on the territory of such States.

Article 12

Any breeder who has duly filed an application for the protection of a variety with a State that affords to Omani nationals protection at least equivalent to that provided by this Law (the "first application") shall, for the purpose of filing an application for the grant of a plant breeder's right for the same variety with the **Competent Office** (the "subsequent application"), enjoy a right of priority for a period of 12 months. This period shall be computed from the date of filing of the first application. The day of filing shall not be included.

Article 13

In order to benefit from the right of priority referred to in Article 12 above, the breeder shall, in the subsequent application, claim the priority of the first application. The breeders shall also furnish within a period of three months as from the filing date of the subsequent application a copy of the documents that constitute the first application, certified to be a true copy by the authority with which that application was filed. The **Competent Office** may require the breeder to furnish within a period laid down by the **Competent Office** together with samples or any other evidence that the variety which is the subject matter of both applications is the same.

The breeder shall be allowed a period of two years after the expiration of the period of priority or, where the first application is rejected or withdrawn, a period laid down by the **Competent Office** as from the rejection or withdrawal, in which to furnish to the **Competent Office** any information, document or material required by this Law for the purpose of the examination referred to in Article 43 below.

Events occurring within the period referred to in Article 12 above, such as the filing of another application or the publication or use of the variety that is the subject matter of the first application, shall not constitute a ground for rejecting the subsequent application. Such events shall also not give rise to any third party right.

Article 14

A variety shall be designated by a denomination which will be its generic designation. Such denomination shall not:

- (One) be liable to mislead or to cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder, or be liable to cause confusion with any other denomination that has already been filed or registered for an

existing variety of the same botanical species or of a similar species;

(Two) be contrary to public policy, morality or international conventions in which the Sultanate is taking part;

(Three) consist solely of figures except where this is an established practice for designating varieties of the species concerned.

If the same variety has already been filed or registered in another State, the denomination that has been used must be adopted unless it is not suitable for reasons of a linguistic nature, of public policy or of morality, or unless the denomination does not satisfy the requirements of the first paragraph above. Where such is the case, the breeder shall be required to propose another denomination in accordance with Article 37 below.

Article 15

Any person who offers for sale or markets propagating material of a protected variety on the territory of the Sultanate of Oman shall be required to use the denomination of that variety, even after the end of the term of protection, subject to third-party rights.

Prior rights of third parties shall not be affected. If, by reason of a prior right, the use of a variety denomination is forbidden to a person who, under the provisions of the first paragraph above, is obliged to use the denomination, the **Competent Office** shall require the breeder to propose another denomination for the variety.

When a variety is offered for sale or marketed, it shall be permitted to associate a trademark, trade name or other similar indication with a registered variety denomination. If such an indication is so associated, the denomination must nevertheless be easily recognizable.

CHAPTER III

SCOPE OF PROTECTION

Article 16

The breeder's right shall cover:

(One) The protected variety,

(Two) Any variety that is not clearly distinguishable in accordance with Article 7 above from the protected variety,

(Three) Any variety that is essentially derived from the protected variety, where the protected variety is not itself an essentially-derived variety and

(Four) Any variety whose production requires the repeated use of the protected variety.

Subject to the provisions of Articles 17 and 18 below, the following acts in respect of the propagating material of the protected variety and of the varieties referred to in the first paragraph above shall require the authorization of the breeder:

- production or reproduction (multiplication);
- conditioning for the purpose of propagation;
- offering for sale;
- selling or other marketing;
- exporting;
- importing;
- stocking for any of the purpose mentioned above.

Subject to the provisions of Article 17 and 18 below, if the breeder has not had reasonable opportunity to exercise his right with respect to the propagating material, he may exercise his right concerning the acts referred to in the second paragraph above with respect to the harvested material or the transformed produce.

For the purposes of item (c) above, a variety is "essentially derived from another variety (initial variety)" if

(One) the variety is predominantly derived from the initial variety, or from a variety that is itself predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotype of the initial variety,

(Two) the variety is clearly distinguishable from the initial variety and,

(Three) except for the differences which result from the act of derivation, the variety conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

Article 17

The breeder's right shall not extend to:

- acts done privately and for non-commercial purposes;
- acts done for experimental purpose;
- acts done for the purpose of breeding other varieties, and also acts referred to in the second and third paragraphs of Article 16 above in respect of such other varieties on condition that:
 - * the protected variety is not used repeatedly in order to produce the new variety;
 - * the new variety is not essentially-derived from the protected variety where the latter variety is not itself an essentially-derived variety;
 - * the new variety is clearly distinguishable from the protected variety;
- The applicant shall enjoy all rights provided for in the Chapter as from the filing of the application.

Article 18

The breeder's right shall not extend to acts concerning material of the protected variety or a variety essentially derived from the protected variety which has been sold or marketed by the breeder or with his consent, unless such acts:

- (One) Involve further propagation of the variety in question or
- (Two) Involve an export of material of the variety, which enables the propagation of the variety, into a country which does not protect varieties of the plant genus or species to which the variety belongs, except where the exported material is for final consumption purposes.

For the purposes of the first paragraph above, "material" means in relation to a variety:

- (One) propagating material of any kind,

- (Two) harvested material, including entire plants and parts of plants, and
- (Three) any product made directly from the harvested material.

Article 19

The term of protection shall be determined by the administration for each species. It may not be less than 20 years for agricultural crops and not less than 25 years for trees and vines.

CHAPTER IV

TRANSFER AND LOSS OF RIGHTS

Article 20

The rights deriving from an application for a certificate or from a certificate may be transferred in whole or in part.

They may be the subject, in whole or in part, of the grant of an exclusive or non-exclusive exploitation license.

The rights afforded by an application for a certificate or a certificate may be invoked with respect to a licensee who fails to comply with the limits set out in the license in accordance with the proceeding paragraph.

Subject to the case referred to in Article 52 below, transfer of the rights referred to in the first paragraph shall not affect rights acquired by third parties prior to the date of the transfer.

The acts comprising a transfer or a license as referred to in the first two paragraphs shall be set out in writing, on pain of nullity.

Article 21

Any public or private law person may, on expiry of three years after the issue of a certificate or of four years after the filing date of an application, obtain a compulsory license under that certificate, subject to the conditions set out in Articles 22, 23 and 24 below, if at the time of the request, and save for legitimate reasons, the holder of the certificate or his successor in title:

- (One) has not begun to exploit the subject matter of the certificate on the territory of the Sultanate of Oman nor has made effective and serious preparation to exploit it or

- (Two) has not marketed the product which is the subject matter of the certificate in a quantity sufficient to satisfy the needs of the domestic market or
- (Three) if exploitation or marketing of the variety in the Sultanate of Oman has been abandoned for more than three years.
- (Four) A compulsory license may only be granted where this is necessary to safeguard the public interest.

Article 22

The application for a compulsory license shall be presented to the **Competent Office**. It shall be accompanied by proof that the applicant was unable to obtain a license from the holder of the certificate and that he is in a position to exploited the variety in a serious and effective manner.

A compulsory license may only be non-exclusive. It shall be granted under specific conditions, particularly as to its duration, its scope and the amount of the royalties thereunder.

Such conditions may be modified by a decision of the **Competent Office**, at the request of the holder of the certificate or of the license.

Article 23

Any transfer of the rights under a compulsory license shall be subject, on pain of nullity, to authorization from the **Competent Office**.

Article 24

If the holder of a compulsory license does not comply with the conditions on which the license was granted, the holder of the certificate and, where appropriate, the other licensees may request the **Competent Office** to withdraw that license.

Article 25

A variety essential to human or animal life or which involves public health may be exploited *ex officio* by any person who can give the necessary technical and professional guarantees.

Ex officio exploitation shall be decided by an administrative order.

Article 26

As from the day of publication of the administrative act which decides the *ex officio* exploitation of a plant variety certificate, any person who has the necessary technical and professional qualifications may request the grant of a license known as n "*ex officio* license".

Such license may only be no-exclusive. It shall be applied for and granted subject to the conditions laid down by regulation.

An *ex officio* license shall be granted under specific conditions, particularly as to its duration and its scope.

The royalties under an *ex officio* license shall be agreed by the parties or, failing agreement between them, their amount shall be laid down by the **Competent Office**.

An *ex officio* license shall take effect as of the date of notification to the parties of the act granting the license.

Article 27

If the holder of an *ex officio* license fails to comply with the required conditions, forfeiture may be declared in accordance with the conditions laid down by regulation.

Article 28

The State may at any time obtain *ex officio* for the needs of defense a license to exploit a plant variety that is the subject matter of any application for certificate or of a plant variety certificate, whether exploitation is to be carried out by the State itself or on its behalf according to national interest requirements.

The *ex officio* license shall be granted by means of an administrative order under the conditions laid down by regulation.

The administrative order shall lay down the conditions under the license. The royalties under the *ex officio* license shall be agreed by the parties or, failing agreement between them, their amount shall be laid down by the **Competent Office**.

The license shall take effect as of the date of the application for an *ex officio* license.

Article 29

The rights deriving from an *ex officio* license may be neither assigned nor transferred.

Article 30

The rights of the owner of a plant variety certificate shall be cancelled:

- (1). If it is established that the protected variety no longer fulfills the conditions set out in Article 8 and 9,
- (2). if he is unable to furnish to the **Competent Office** the information, documents or plant material deemed necessary for verifying the maintenance of his variety,
- (3). if he fails to propose, in the event of cancellation of the denomination of the variety after grant of the title, another denomination,
- (4). if he does not pay the fees for services rendered, where appropriate, for maintaining his right.

Cancellation shall be ordered in accordance with the conditions established by regulation.

If cancellation is ordered on the grounds of item 4 above, the holder of the certificate may, within six months following the expiry of the prescribed period, lodge an appeal for reinstatement of his rights if he can give legitimate reasons for his failure to pay the fees for services rendered. However, such appeal shall not prejudice any rights acquired by third parties.

A breeder whose rights are liable to be cancelled under items 2 or 3 above shall be summoned to remedy the situation by means of a notice served on him by the **Competent Office**. If such summons has remained without effect on expiry of a period of two months as from receipt of the notice, the breeder's rights shall be cancelled.

Article 31

The cancellation of a breeder's right shall be notified to the holder of the certificate. It shall be entered in the Register of Plant Variety Certificates and shall be published.

Article 32

The holder of a certificate may at any time surrender in whole or in part the rights deriving from the certificate.

Surrender shall be effected by a written statement addressed to the **Competent Office**. It shall take effect on the day of its publication.

However, surrender may be withdrawn prior to publication.

Where real property rights, under a pledge or license, have been entered in the Register of Plant Variety Certificates, surrender shall only be admissible if accompanied by the consent of the holders of such rights.

CHAPTER V

JOINT OWNERSHIP OF CERTIFICATES

Article 33

Joint ownership of an application for a certificate or of a certificate shall be governed by the following provisions:

- (One) Each joint owner may exploit the new plant variety for his own benefit, subject to equitable compensation for the other joint owners who do not personally exploit the variety or who have not granted licenses. Failing amicable agreement, such compensation shall be laid down by the **Competent Court**.
- (Two) Each joint owner may take action for infringement for his own exclusive benefit. The other joint owners shall be notified of the action for infringement. Judgement shall be deferred until such notification has been proved.
- (Three) Each joint owner may grant to a third party a non-exclusive license for his own benefit subject to equitable compensation for the other joint owners who do not personally exploit the new variety or who have not granted a license. Failing amicable agreement, such compensation shall be laid down by the **Competent Court**.

However, the draft licensing agreement shall be notified to the other joint owners, accompanied by an offer for transfer of the share at a specified price.

Within three months of such notification, any joint owner may oppose the granting of a license on condition that he acquires the share of the joint owner wishing to grant the license.

Failing agreement within the time limit laid down in the preceding paragraph, the price shall be set by the **competent court**. The parties shall have one month from notification of the court decision to forego the granting of a license or

the purchase of the joint ownership share, without prejudice to any damages that may be due. Costs shall be borne by the renouncing party.

(Four) An exclusive license may only be granted with the agreement of all the joint owners or with the authorization of the **Competent Court**.

(Five) Each joint owner may, at any time, assign his share. The joint owners shall have the right of pre-emption during a period of three months as from notification of the intended assignment. Failing agreement on the price, such price shall be set by the **competent court**. The parties shall have a period of one month as from notification of the court's decision to forego the sale or the purchase of the joint ownership share, without prejudice to any damages which may be due; the costs shall be borne by the renouncing party.

Article 34

The joint owner of an application for a certificate or of a certificate may notify the other joint owners that he relinquishes his share in their favour. Once the relinquishment has been entered in the Register of Plant Variety Certificates or, in the case of an unpublished application for certificate, as from its notification to the **Competent Office**, such joint owner shall be relieved of all obligations towards the other joint owners. The latter shall divide the relinquished share between them in proportion to their rights in the joint property, except where otherwise agreed.

CHAPTER VI

FILING OF APPLICATIONS FOR PLANT VARIETY CERTIFICATES

Article 35

Applications for plant variety certificates shall be filed with the **Competent Office** in the form and subject to the conditions laid down by regulation.

Personal and legal entities not having a place of residence or social quarter in the Sultanate of Oman shall be required to appoint a representative having a place of residence in the Sultanate of Oman.

Except as otherwise stipulated, the power of attorney of the representative appointed in accordance with the preceding paragraph shall extend to all acts that relate to exercise of the breeder's right and to receipt of all notifications referred to in this Law, with the exception of withdrawal of

the application for a plant variety certificate or renunciation in whole or in part of the rights deriving from such certificates.

Article 36

The benefit of the filing date of the application shall be acquired if all elements required by regulation in accordance with the first paragraph of Article 35 above have been furnished on filing and if the fees for services rendered established in accordance with Article 51 of this Law have been paid.

If the filing does not contain the above mentioned elements, the application shall be declared inadmissible and returned to the applicant. Any fee that has been paid will be refunded to the applicant.

Any material errors are to be remedied within two months following notification made to the applicant, failing which the application shall be rejected and returned to the applicant.

Article 37

A provisional reference may be given at the time of filing of the application in place of a denomination in order to designate the variety which is the subject matter of the application. In such case, the denomination shall be proposed, on pain of inadmissibility of the application, within two months of the notification addressed to the holder of the application by the **Competent Office**.

Article 38

Up to issue of a plant variety certificate, the applicant may request correction of any material errors ascertained in the filed elements.

The request shall be submitted in writing and shall contain the wording of the modifications proposed by the applicant. It shall be entered in the Register of Applications for Plant Variety Certificates and shall only be admissible if accompanied by evidence of payment of the required fee for services rendered.

CHAPTER VII

PROSECUTION OF APPLICATIONS FOR PLANT VARIETY CERTIFICATES

Article 39

Each duly filed application for a plant variety certificate shall be published.

As from the day of publication referred to in the preceding paragraphs, all persons may inspect the application as entered in the Register of Applications for Plant Variety Certificates.

Article 40

Within a period of three months as from the date of publication referred to in the preceding Article, any person having an interest therein may submit observations in writing to the **Competent Office**.

Such observations shall be reasoned and may only concern the fact that the variety applied for is not eligible for protection in accordance with the provisions of Articles 5 and 14 of this Law.

Article 41

Where the variety denomination proposed by the breeder or his successor in title was not included in the initial application or where the breeder proposes, at the request of the **Competent Office**, a new denomination, such denomination shall be published.

Article 42

Any observations submitted shall be notified by the **Competent Office** to the holder of the application.

The holder shall have a peirod of one month as from the day on which he confirms receipt of the notification to submit his arguments or his defense.

Article 43

Once the application has been duly registered, **the Competent Office** shall prosecute the application for a plant variety certificate and, where appropriate, examine the observations relating thereto.

During prosecution, a prior examination of the variety shall be effected to ascertain whether the variety is new, distinct, uniform and stable in accordance with Article 5 of this Law.

The **Competent Office** shall determine the list of domestic or foreign technical bodies authorized to carry out the prior examination of the varieties for which a plant varity certificate is sought.

Article 44

Prosecution shall be suspended at the written request of any person who furnishes proof that he or she has instituted before the **Competent Court** proceedings to claim ownership of the application for the plant variety certificate. However, the tests ordered by the administration may be carried out.

Prosecution shall be resumed once the court decision on the proceedings referred to in the first paragraph above becomes final. It may also be resumed at any time with the written consent of the person who has instituted the proceedings claiming ownership. Such consent shall be irrevocable. During that period, the holder of the application may not withdraw the application without the written consent of the person who has instituted the proceedings to claim ownership. Further, such person shall be required to participate in the prosecution of the application in the same way as the holder of the application.

Article 45

When the various measures of the prosecution have been completed, a summary report of the results of the prosecution shall be notified to the holder of the application. The applicant shall have two months to submit his observations. He may, during that period, inspect the complete examination file at the relevant service of the **Competent Office**.

Any person who has submitted observations in accordance with the provisions of this Law shall be informed of the conclusions of the report which concern his intervention. At his request, the **Competent Office** may authorise him to inspect the file concerning that intervention. He may submit further observations within the same period of time as referred to above.

CHAPTER VIII

ISSUE OF PLANT VARIETY CERTIFICATES

Article 46

On expiry of the time limit referred to in the preceding Article 45, the Competent Office shall take a decision on the application. It may decide an additional examination in accordance with the conditions and time limits that it shall determine.

Its decision shall be reasoned. It shall be notified to the applicant and, where appropriate, to persons having made observations.

Article 47

The plant variety certificate shall be issued by the **Competent Office** in accordance with the conditions set out by

regulation. It shall be drawn up in the name of the holder of the application for a plant variety certificate. If the holder of the application is not the breeder, the name of the latter shall be included in the plant variety certificate.

The plant variety certificate shall take effect as of the date of issue.

The certificate shall be entered in the Register of Applications for Plant Variety Certificates.

The issue of a plant variety certificates shall be published within a period of three months as from the date of notification of issue made to the holder of the plant variety certificate.

Article 48

As from the date of publication referred to in Article 56 above, any person may inspect the plant variety certificate as entered in the Register of Applications for Plant Variety Certificates.

CHAPTER IX

MISCELLANEOUS

Article 49

The Competent Office shall keep a Register of Applications for Plant Variety Certificates and a Register of Plant variety Certificates.

Applications for plant variety certificates shall be entered in chronological order in the respective Register.

Additional particulars or information relating to each application for a certificate, of which the list shall be laid down by regulation, shall also be entered in that Register.

Plant variety certificates shall be entered in the respective Register of Applications for Plant Variety Certificates in their order of issue.

The list of additional particulars or acts to be entered in that Register shall be laid down by regulation.

Article 50

The executive regulations shall determine the method for publishing the notices and decisions and their contents issued according to this Law.

Acts concerning grant of a certificate, transfer of ownership, grant of a right of exploitation or a pledge, in relation to a plant variety certificate, cancellation of a certificate, surrender in whole or in part of the rights under a certificate may only be invoked against other persons if they have been duly published as per the above paragraph.

Article 51

The Minister of Agriculture and Fisheries shall lay down the fees for services rendered by the State in application of this Law and its implementing texts.

CHAPTER X

LEGAL PROCEEDINGS

Article 52

If a plant variety certificate has been sought either for a plant variety appropriated from the person who has bred or discovered and developed the variety, or his successors in title, or in violation of a statutory or contractual obligation, the injured person may claim ownership of the application for the certificate or of the plant variety certificate.

Proceedings shall be statute-barred three years after the publication of the issue of the certificate.

However, in the event of bad faith at the time of grant or of acquisition of the certificate, the time limit shall be of three years after the expiry of such certificate.

Article 53

Any violation of the rights of the owner of a plant variety certificate as set out in Article 16 of this Law shall constitute an infringement implying the civil liability of the person committing the violation.

The holder of a compulsory or *ex officio* license as referred to in Article 21, 26 or 28 of this Law and, unless otherwise agreed, the holder of an exclusive right of exploitation may institute the liability proceedings referred to in the first paragraph above if, after notification, the owner of the certificate has not instituted such proceedings.

The holder of a certificate shall be entitled to take part in proceedings instituted by a licensee under the preceding paragraph.

Any holder of a license shall be entitled to take part in proceedings instituted by the holder of the certificate in

order to obtain damages for any prejudice he has personally suffered.

Article 54

At the request of any person who can prove a legitimate interest, the **Competent Court** may be requested to declare a plant variety certificate null and void.

If it is established that the variety was not new and distinct at the time the breeder's right was granted or

If it is established that the information and documents concerning uniformity and stability furnished by the breeder were not effectively satisfied at the time the breeder's right was granted or

If it is established that the breeder's right was granted to a person not entitled thereto, unless it is transferred to the person entitled thereto.

Article 55

The owner may request the **competent court** or its deputed judge to issue an order for enforcing the necessary provisional remedy procedures particularly withholding the variety reproduction and propagating material which will be applied for compensation as a protection to the breeder from damages that may be done.

The claim with regard to the principal dispute shall be submitted to the **competent court** within fifteen days from the date of the order otherwise the action which has been taken shall not be effective.

Article 56

The court shall address to the **Competent Office** a full and gratuitous copy, for entry of the additional notices subsequent to a court decision, of those decisions that concern the existence, scope and exercise or rights deriving from the protection afforded by this law.

Article 57

Where a variety that is the subject matter of an application for a certificate or a plant variety certificate is exploited for the needs of National Interest of the State or its contractors, subcontractors and subsidiary suppliers, without a license having been granted to them the court hearing the case may not order either cessation or interruption of exploitation nor confiscation.

Article 58

Without prejudice to a severe penalty stipulated by other law, any one who deliberately violates the plant variety owner rights as determined in article (16) of this law or falsely claimed the right of the certificate owner or applicant for plant variety certificate shall be liable to a fine not less than RO. 1000/- (Rials Omani One Thousand only) and not exceeding RO. 2000/- (Rials Omani Two Thousand only).

Further the court may issue an order to destroy the disputed product or reproduction material or both. The fine shall be doubled if the violation is repeated.