

Summary of the Laws of Ukraine “On Protection of Rights for Inventions and Useful Models”, “On Protection of Rights for Industrial Samples”, “On Protection of Rights for Trade and Service Marks”, “On Protection of Rights for Sorts of Plants”.

**The Law of Ukraine**  
**On Protection of Rights for Sorts of Plants**  
*Summary*

The Law of Ukraine “On Protection of Rights for Sorts of Plants” (hereinafter - “Law”) No3116-XII, dated April 21, 1993 and introduced since October, 1, 1993 by the Decree of the Verchovnaya Rada of Ukraine “On Protection of Rights for Sorts of Plants” No3117-XII dated April 21, 1993.

This Law regulates relations in connection with obtaining, utilising, protection, alienation and suspension of validity of the right for sorts of plants in Ukraine.

The Law **corresponds to the requirements of the Paragraph #(b) of the Article 27 of the Part 5 “Patents” TRIPs Agreement.**

The Law includes 30 Articles, divided into 7 Parts.

**Part I** “General Provisions” includes Articles 1-5, in which determine:

- terms that are being used in the Law;
- object of the law protection;
- subject of the right for sort;
- protection document (patent for sort);
- main functions of the State Patent Authority of Ukraine (hereinafter - Derzhpatent of Ukraine) and of the State Committee of Ukraine on Testing and Protection of the Sorts of Plants attached to the Ministry of Agriculture and Food of Ukraine.

**Part II** “Patentability of Sort” includes the Article 6 in which the conditions of patentability of sort are determined;

**Part III** “The Author of Sort and Owner of the Patent for Sort” includes the Articles 7-10 in which:

- determined the person which can be the author of sort;
- determined the person which can be the owner of the patent for sort;
- established the rights of the owner of the patent for sort;
- determined the conditions of alienation of the right for the patented sort.

**Part IV** “Obtaining of the Patent for Sort” includes the Articles 11 - 23 in which determined:

- procedure of application for sort;
- requirements for application on granting the patent for sort;
- requirements to the name of sort;
- conditions of determining the priority of sort;
- basic provisions on formal expertise and expertise of the application for patentability;
- conditions of the temporary protection of the rights for sort;
- procedure of registration, publishing and granting of the patent;

- rights of applicant for withdrawal of the application;
- conditions of maintaining of sort.

**Part V** “Suspending of the Patent Validity” includes the Articles 24, 25 in which determined the conditions of recognition of the patent for sort as ineffective and conditions of advance suspending of the patent validity.

**Part VI** “Responsibility for Violation of the Law” includes the Articles 26, 27 in which determined responsibility of the persons who violate the Law and the procedure of dispute settlement.

**Part VII** “Final Provisions” includes the Articles 28 - 31 which determine:

- procedure of utilisation of sorts in production;
- duty and payment for services;
- conditions of patenting of sorts in foreign countries;
- priority of the provisions of international Agreements of Ukraine, if that provisions establish another rules than ones of this Law.

The above Decree of the Verchovna Rada of Ukraine “On Introduction of the Law of Ukraine “On Protection of Rights for Sorts of Plants” establishes the transition provisions, connected with introduction of the Law.