

**Council for Trade-Related Aspects of
Intellectual Property Rights**

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inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

OMAN

The present document reproduces the text¹ of Royal Decree No. 92/2000 promulgating the Law on the Protection of New Plant Varieties, as notified by Oman under Article 63.2 of the Agreement (see document IP/N/1/OMN/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

OMAN

Le présent document contient le texte¹ du Décret royal n° 92/2000 promulguant la Loi sur la protection des obtentions végétales, notifiée par l'Oman au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/OMN/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD
INTELLECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2
DEL ARTÍCULO 63 DEL ACUERDO**

OMÁN

En el presente documento se reproduce el texto¹ del Real Decreto N° 92/2000 de promulgación de la Ley de Protección de Nuevas Obtenciones Vegetales, que Omán ha notificado en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/OMN/1).

¹ In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

ROYAL DECREE

No. 92/2000

**PROMULGATING THE LAW
ON THE PROTECTION OF NEW PLANT VARIETIES**

We, QABOOS BIN SAID, SULTAN OF OMAN

After viewing the Basic Law of the Country, promulgated by Royal Decree
No. 101/96, and
For the public interest.

Decreed the following:

- Article 1: The enclosed law on the protection of new plant varieties is to be implemented.
- Article 2: The Minister of Agriculture & Fisheries shall issue the executive bylaws and decision for this law.
- Article 3: Whatever contradicts this law, or is in conflict with its provisions is null and void.
- Article 4: This Decree is to be published in the Official Gazette and implemented as from the date of publication.

Qaboos bin Said
Sultanate of Oman

Issued on : 10 Rajab 1421 AH.
Corresponding to : 8 October 2000 AD.

LAW ON THE PROTECTION OF NEW PLANT VARIETIES
CHAPTER ONE
DEFINITIONS AND GENERAL PROVISIONS

Article (1): In implementing this law, the following words and expressions shall have the meaning specified for it, unless otherwise specified.

The Ministry: The Ministry of Agriculture & Fisheries

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Authority Concerned: The official authority stipulated in the bylaws.

Variety: The plant grouping within a botanical unit which can be:

- i) Defined by the expression of the characteristics resulting from a given genotype, or combination of genotypes, and distinguished from any other grouping by the expression of one of the said characteristics, or
- ii) Considered as an independent unit with regard to its capability for identical propagation.

Propagation element for the production of plants: Seeds, fruits or plants or parts of plants, cuttings, tubers, bulbs and rhizomes.

Breeder: The person who has bred a variety, his employer or the successor of either of them.

Breeder's Right: The powers stipulated in article (10) of this law.

Article (2): This law is applicable on the propagation types and elements for the production of plants, the bylaws shall stipulate these types and elements.

Article (3): The Minister shall decide the fees for plants breeding applications, certificates and licenses issued by the authority concerned, in conjunction with the Ministry of Finance.

Article (4): The competent court shall expedite the settlement of disputes relating to the application of the provisions of this law and its executive bylaws and decisions.

Breeder's right owner, or whomsoever was assigned part or all the legally protected rights, may request the court to issue precautionary measures that ensure prevention of irretrievable damages.

Article (5): Anyone requesting precautionary measures should deposit a bond, as estimated by the court, prior to pronouncing the order, and raise the relevant case within eight days from the court's order, otherwise it shall be considered as null and void.

The said bond shall not be refunded until after the final verdict in the case of the measures' applicant.

Article (6): Without prejudice to any greater penalty stipulated by another law, anyone, intentionally infringing on the breeding right, registered in accordance with this law, and its bylaws, or providing false information to obtain it, shall be punished by imprisonment for not more than two months and/or a fine not exceeding RO 2,000 (Rial Omani two thousand). The penalty shall be doubled in the event of repeated violation.

The court may order the destruction of the offending propagation types and/or elements, on the offender's expenses.

CHAPTER TWO BREEDER'S RIGHT

Article (7): The breeder's right, in accordance with this law, is enjoyed by Omani nationals, Omani juridical persons, residing expatriates and foreign juridical persons located in Oman and subjects of countries that provide in its legislation protection for Omani citizens, not less than the protection stipulated in this law, provided that they have a legally residing agent.

Article (8): Propagation types and elements, to produce plants intended for protection, in accordance with the provisions of this law, should be new, distinct, homogeneous and constant, as stipulated in the bylaws.

- Article (9): Breeder's protection right shall be twenty Gregorian years for all types, other than trees and grapevines' protection period which is twenty five Gregorian years, starting from the second day from awarding the right in accordance with this law and its bylaws.
- Article (10): Breeder's right empowers its holder the following powers:
- i) Utilization of propagating types and elements for the commercial production of plants.
 - ii) Transfer all or part of the utilization right to third parties, with or without compensation.
 - iii) Prevent third parties from utilizing the right, and suspend transgression through legal actions.
 - iv) Legal compensation against intentional transgression.
- Article (11): Third parties may not utilize registered propagation types/elements without the written approval from the breeder's right holder, or compulsory license from the authority concerned.
- Article (12): Breeder's right holder shall apply to the authority concerned, to register the type, on the form prescribed, to obtain plant-breeding certificate. Registration application and breeding certificate, together with all its related decision, requests or sentences shall be published as stipulated in the bylaws.
- Article (13): In the event of more than one person jointly breed one type, the returns from the breeding right shall be specified as per the participation of each person, unless otherwise agreed in writing.
- Article (14): The breeder's right shall be to the employer when the breeding is carried out in accordance with his directions, using his tools and during working hours, without prejudice to the employee's right for a financial reward to be agreed upon.
- Article (15): Priority to register the same type, in the event of multiple registration applications, shall be given to the first application submitted, in accordance with the dates registered with the authority concerned.

Article (16): The authority concerned, in accordance with the conditions and procedures stipulated in the bylaws, may:

- i) Re-register a plant breeding certificate, issued and approved by a country that guarantees protection for Omani citizen of not less than the protection stipulated in this law.
- ii) Award temporary protection, for no more than one year from the date of application to the authority concerned, for a variety applied for protection in a certain country that awards protection to Omani citizens of not less than the protection prescribed in the law.

Article (17): The name of the variety should indicate its type and its characteristics, and should not be similar to a variety's name that has been applied for registration, or awarded plant breeding certificate, and it should not differ from its registered name in another country, unless it is contradicting the public order or conflicting with the Shari'a laws.

Article (18): Anyone offering for sale, or marketing the propagating type or elements to produce plants should use the name specified for it.

Article (19): Breeder's right shall be assigned to others in any of the following cases:

- i) The breeder's right holder surrendering part or all of it in writing.
- ii) Inheritance or will.
- iii) Final legal verdict.

The assignment shall be registered and made public in accordance with the conditions and procedures stipulated in the bylaws.

Article (20): Breeder's right shall lapse in the following cases

- i) Expiry of its duration without renewal.
- ii) Defaulting in one of the conditions specified for awarding the right.
- iii) Passing of three years since registration without utilizing the variety.
- iv) Non payment of specified fees within one month from becoming due.

The lapsing of the right shall result in suspending the protection awarded to the variety from the date of establishing any of the said cases by the authority concerned.

Article (21): Compulsory license shall be restricted to the applicant who can submit sufficient assurances for the utilization of the breeder's right.

Compulsory license shall award the licensee to carry out some, or all the powers awarded to the breeder's right holder, as specified by the license. The party being awarded compulsory license may not assign, or approve, entirely or partially, for the others to utilize the breeder's right. Compulsory license shall be cancelled upon the elimination of its reason.

This shall not prejudice the right of the variety owner for suitable compensation.

Article (22): The authority concerned may license governmental authorities, with suitable technologies, to utilize the registered variety for non-commercial purposes, necessary for the human life or plant health.

The decision for the license shall specify its duration, and the compensation due to the variety owner.

Article (23): Applications for breeder's right and licenses issued via plant breeding certificate, together with its related decisions, verdicts, et. Should be registered in a special register with the authority concerned, anyone having an interest may view the register, in accordance with the regulations and provisions stipulated in the bylaws.

Article (24): The authority concerned should decide on the application to register a variety within one month from submitting the complete application, supported by the necessary documents. Applicant shall be notified of refusing the application via a registered mail.

Anyone having an interest may complain against the decision on the application within fifteen days from being aware of it, the complaint should be submitted to a committee to be formed and empowered as stipulated in the bylaws. The committee's decision shall not be final until after being approved by the Minister.
