

**LAW  
OF THE RUSSIAN FEDERATION  
NO. 5605-1 OF AUGUST 6, 1993  
ON ACHIEVEMENTS IN SELECTION**

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Resolution of the Supreme Soviet of the RF No. 5606-1 of August 6, 1993  
on the Procedure for Carrying into Effect the Law of the RF on Selection  
Achievement

The present Law and the legislative acts of the Republics within the Russian Federation to be adopted on its basis regulate the property and related personal non-property relations arising from the creation, legal protection and use of selection achievement.

**Section 1. General Provisions**

**Article 1. Basic Concepts**

Concepts used in this Law denote the following:

The selection achievement is a variety of plants or a breed of animals;

the variety is a group of plants, which is determined, regardless of protective ability, according to the properties characterizing the given genotype or a combination of genotypes and differs from other groups of plants of the same botanical taxon by one or several signs.

The variety can be represented by one or several plants, by some part or several parts of a plant, provided such part or parts can be used for the reproduction of whole plants of the variety.

The protected categories of the variety include the clone, line, and hybrid of the first generation and population;

The seeds are a plant or part thereof, applicable for the reproduction of a variety;

The plant material is a plant or parts thereof, used for purposes different from those of the reproduction of a variety;

The breed is a group of animals, which possessed, regardless of protective ability, the genetically conditioned biological and morphological properties and signs, some of them specific to the given group and distinguishing it from other groups of animals. The bred can be represented by a female or male specimen of breeding material.

The protected categories of the breed include the type and cross of lines;

The pedigree animal is an animal designed for the reproduction of the breed;

the breeding material is a pedigree animal, its gametes or zygotes (embryo);

the marketable animal is an animal used for purposes different from those of reproduction of

the breed;

the protected selection achievement is a variety of plants or breed of animals registered in the State Register of Protected Selected Achievements;

the applicant is a juridical or natural person who has filed an application for the issue of a patent for a selection achievement.

## **Article 2.** The Legislation of the Russian Federation on Selected Achievements

The legislation of the Russian Federation on selection achievements consists of this Law and the legislative acts adopted on its basis by the Republics within the Russian Federation and published by the normative legal bodies of state power and administrations within their terms of reference.

## **Article 3.** The Legal Protection of a Selected Achievement

The right to a selection achievement shall be protected and confirmed by a patent for the selection achievement.

The patent shall certify the exclusive right of a patent holder to the use of a selection achievement.

In accordance with this Law, the State Commission of the Russian Federation for Testing and Protecting Selected Achievements (hereinafter referred to as the State Commission) shall pursue a single policy in the sphere of legal protection of selection achievements in the Russian Federation. It shall accept, for its consideration, applications for selection achievements, conduct expert examinations and trials, maintain the State Register of Protected Selected Achievements and the State Register of Selected Achievements Admitted for Use, issue patents and author's certificates, publish official information about the protection of selection achievements, publish rules and explanations on the application of this Law, and discharge other functions in keeping with the regulations for the Commission, approved by the Government of the Russian Federation.

The resources of the Republican budget of the Russian Federation, patent fees, and payments for the Commission's services and materials shall be the sources financing its activity.

A selected achievement, on which the State Commission has issued a patent, shall be registered in the State Register of protected selection achievements.

The scope of the legal protection provided for by a patent for a selection achievement shall be a totality of essential features fixed in the description of the selection achievement.

The term of validity of a patent for a selection achievement shall be 30 years as of the date of registration of the achievement in the State Register of Protected Selected Achievements. The term of validity of patents for grape varieties, woody, decorative, fruit and forest trees, including their rootstock, shall be 35 years.

## **Section II. The Conditions for the Protective Ability of a Selected Achievement and the Procedure for the Registration of an Application for the Issue of a Patent**

### **Article 4.** The Conditions for the Protective Ability of a Selected Achievement

**1.** A patent shall be issued for a selection achievement that meets the criteria of protective ability and relates to botanical and zoological species, the list of which is established by the State Commission with due account of the commitments of the Russian Federation.

**2.** The criteria of the protective ability of a selection achievement include:

a) novelty.

A variety or breed shall be regarded as new if the seeds or pedigree seeds of a given selection achievement have not been sold or transferred to other persons in any other way by a plant breeder or his legal successor, or with their consent for the use of the selection achievement

on the date of filing and application for the issue of a patent;

on the territory of the Russian Federation - earlier than one year before this date;

on the territory of another State - earlier than four years or earlier than six years before this date as this concerns grapes, woody, decorative, forest and fruit trees;

b) distinctiveness.

A selection achievement shall patently differ from any other generally known selection achievement existing by the time of the filing of an application.

A selection achievement kept in official catalogues, reference stock or strictly described in a publication may be a generally known as a selection achievement.

The filing of an application for a patent or access to use shall also make a selection achievement generally known since the date of its filing, provided that a patent has been issued for this selection achievement or that a selection achievement has been admitted for use.

c) homogeneity.

Variety plants and animal breeds shall be sufficiently homogeneous in their characteristics with account of some deviations which can take place in connection with their specific reproduction.

d) stability.

A selection achievement shall be considered stable if its basic signs remain invariable after the repeated propagation or in case of a special cycle at the end of each cycle of propagation.

**3.** Varieties and breeds which have been registered in the State Register of Selected Achievement Admitted for Use on the date of the inclusion of corresponding species in the list of protected selection achievements, may be recognized as capable of protection without making the demands of [Subitem \(a\)](#) of Item 2 of this Article on variety or breed. In this case, the date of priority shall be fixed according to the date of receipt of an application for access to use by the State Commission. The term of validity of the patent, indicated in [Article 3](#), shall be reduced for such selection achievements for a period from a year of access to use to a year of the issue of a patent; the provisional legal protection, stipulated by [Article 15](#), shall not be effective with regard to such selection achievements.

### **Article 5.** An Application for the Issue of a Patent

The right to the presentation of an application for a patent shall belong to a plant breeder or his legal successor. The application shall be presented to the State Commission.

If a selection achievement has been bred, created or revealed during the official assignment or the performance of official duties, the right to file an application for patent shall belong to the employer, unless the contrary is provided by the contract concluded between the breeder and the employer.

The application may be presented by several applicants if they have bred, created or revealed the selection achievement in common or are the legal successors to the authors.

The application may be filed through the intermediary who on account of the powers based on the letter of attorney deals with cases associated with the receipt of patents.

The employees of the State Commission, its subdivisions in the Republics within the Russian Federation, in the autonomous formation, territories and regions shall have no right to file applications for patents for selection achievements during the entire period of their work in these institutions.

The application for a patent shall contain:

- the request for a patent;

- the inquiry form of a selection achievement;

- the document that confirms the payment of a fixed [duty](#) or exempts from the duty, or provides grounds for the reduction of its amount.

*For patent fee concessions, see the [Decision](#) of the Government of the Russian Federation No. 918 of August 12, 1994*

Demands on said documents shall be instituted by the State Commission.

An application shall concern one selection achievement.

If the application is an employer, he shall be obliged to confirm the presence of the contract that meets the requirement of the second part of this Article and has been concluded with the author of the selection achievement.

Documents shall be presented in Russian or any other language. If documents are submitted in a different language, the application shall be appended with translations into Russian.

#### **Article 6. The Name of a Selected Achievement**

A selection achievement shall have its name offered by the applicant and approved by the State Commission.

The name of a selection achievement shall make it possible to identify this achievement. It shall be brief and differ from the names of the existing selection achievements of the same or related botanical or zoological species. It shall not consist of figures only, mislead about its properties and origin, its significance, the breeder's personality; it shall not contradict the principles of humanity and morality.

If the name offered by the applicant does not satisfy the requirements of this Article, the applicant shall be obliged to change the name within the period fixed by the State Commission.

Any person who makes use of the protected selection achievement shall employ the name which has been registered in the State Register of Protected Selected Achievements.

If there are good reasons, the name of a selection achievement may be altered with the consent of the State Commission.

#### **Article 7. Priority of a Selected Achievement**

The priority of a selection achievement shall be established according to the date of the receipt by the State Commission of the application for a patent or request for access to its use.

If two or more applications for one and the same selection achievement are received by the State Commission on one and the same day, a priority shall be fixed according to the earlier date of the dispatch of the application. If experts have established that these applications have one and the same date of dispatch, the patent may be issued according to the application that has the earlier registration number of the State Commission, provided the agreement between the applicants stipulated otherwise.

If the application received by the State Commission was preceded by the application filed by the applicant with one of the foreign States with which the Russian Federation had concluded an agreement on the protection of selection achievements, the applicant shall enjoy the priority of the first application during the twelve months since the date of the presentation.

In his application addressed to the State Commission, the applicant shall indicate the date of priority of the first application. During the six months since the date of receipt of the application by the State Commission, the applicant shall be obliged to submit the copy of the first application, certified by the competent body of the respective State and its translation into Russian. With the fulfillment of these conditions, the applicant shall have the right not to submit additional documents and the material needed for tests for three years as of the date of the presentation of the first application.

### **Section III. Appraisal of the Protective Ability of a Selected Achievement**

#### **Article 8. Preliminary Expert Examination of the Application for a Patent**

A preliminary expert examination of the application for a patent shall be carried out within a month. During this examination, the experts shall fix the date of priority and verify whether the necessary documents comply with current requirements.

The State Commission may request missing documents or more closely defined materials,

which the applicant shall be obliged to submit within the fixed period.

During the preliminary expert examination, the applicant shall have the right, at his own initiative, to supplement, clarify or correct the application materials.

If the necessary clarifications have not been introduced within the fixed period or the documents missing on the date of receipt of the application have not been submitted, the application shall not be accepted for consideration, and the applicant shall be notified about this.

If the applicant disagrees with the decision taken according to the results of the preliminary expert examination, he shall have the right to appeal it in court within three months as of the date of receipt of the decision.

If the preliminary expert examination has positive results, the applicant shall be notified about the receipt of his application.

Information about the accepted applications shall be published in the official bulletin.

#### **Article 9.** The Expert Examination of a Selected Achievement as to Its Novelty

During the six months since the date of publication of information about the application, any interested person may send to the State Commission his claim about the novelty of the stated selection achievement.

The State Commission shall notify the applicant about the receipt of the grounded claim that sets forth its substance. If the applicant disagrees with the claim, he shall have the right to send to the State Commission his motivated objection within three months since the day of receipt of the notification.

The State Commission shall make a decision based on available materials and inform the interested person about it.

If a selection achievement fails to comply with the novelty criterion, a decision shall be made taken to refuse to issue a patent.

#### **Article 10.** Tests of a Selected Achievement for Its Distinctiveness, Homogeneity and Stability

Tests of a selection achievement for its distinctiveness, homogeneity and stability shall be carried out according to methods and within the periods fixed by the State Commission.

The applicant shall be obliged to submit for tests the necessary quantity of seeds or pedigree materials and to send at the address and within the period indicated by the State Commission.

The State Commission shall have the right to make use of the results of the tests, carried on by the competent bodies of other States with which appropriate agreements have been concluded, and by other organizations of the Russian Federation under the agreement concluded with the State Commission, and also to apply the data submitted by the applicant.

If the selection achievement corresponds to the protective ability criteria and the name of this achievement meets the conditions provided for by [Article 6](#) of this Law, the State Commission shall make a decision on the issue of a patent and describe the selection achievement.

### **Section IV. Protection of a Selected Achievement**

#### **Article 11.** Registration of a Selected Achievement

The following records shall be kept in the State Register of Protected Selected Achievements:

the species of a plant or animal;

the name of a variety or breed;

the date of registration of a selection achievement and its registration number;

the name of a patent holder and his address;

the surname, name and patronymic of the author of a selection achievement and his address;

the data on exclusive, open and compulsory licenses;

the date of termination of the patent's validity with an indication of reasons.

## **Article 12.** The Patent

A patent shall be handed over to its applicant. If the application for a patent indicates several applicants, the patent shall be handed over to the applicant indicated as the first one in the application and shall be used by all the applicants jointly according to the agreement reached between them.

In the event of the loss of or damage to a patent, a duplicate may be issued, provided a [patent fee](#) has been paid.

## **Article 13.** The Right of the Patent Holder

**1.** The exclusive right of the patent holder implies that any person shall be obliged to receive a license from the patent holder for the implementation of the following actions with the help of seeds and pedigree material:

- a) production and reproduction;
- b) adjustment of the sowing conditions for subsequent propagation;
- c) offer for sale;
- d) sale and marketing;
- e) exportation from the Russian Federation;
- f) importation to the Russian Federation;
- g) storage for the purposes listed above.

**2.** The right of a patentee shall also extend to the vegetative material obtained from seeds and to the marketable animals produced from pedigree cattle, which have been introduced into the economic turnover without the permission of the patentee.

**3.** It is necessary to obtain the permission of a patentee for a protected selection achievement in order to perform the actions referred to in [Item 1](#) of this Article with the seeds of a variety and the pedigree material of a breed, which:

- a) essentially inherit the signs of protected (initial) varieties or breeds, if these protected varieties or breeds are not selection achievements in themselves, which essentially inherit the signs of other selection achievements;
- b) do not differ patently from protected varieties or breeds;
- c) require the repeated use of protected varieties for the production of seeds.

A selection achievement shall be recognized as a selection achievement essentially inheriting the signs of another (initial) protected selection achievement, if in patent difference from the initial achievement:

it inherits the most essential signs of the initial achievement or the selection achievement which itself inherits the essential signs of the initial selection achievement, preserving, as it does, the basic signs reflecting the genotype or the combination of the genotypes of the initial selection achievement;

it corresponds to the genotype or the combination of genotypes of the initial selection achievement, with the exception of deviations caused by the use of such methods as the individual selection from the initial variety or breed, the selection of an induced mutant, backcross, or genetic engineering.

## **Article 14.** Actions Which Are Not Recognized as a Breach of the Patentee's Right

The following actions performed with a protected selection achievement shall not be recognized as a breach of the right of a patentee:

- a) actions performed for personal and non-profit purposes;
- b) actions performed for experimental purposes;
- c) the use of a protected selection achievement as initial material for creating other varieties or breeds, actions in respect of these varieties and breeds, indicated in [Item 1](#) of Article 13 of this

Law, except for the cases provided for by [Item 3](#) of Article 13;

d) the use of vegetative material obtained in an enterprise for two years as seeds for growing a variety on its territory (the list of species of plants shall be determined by the Government of the Russian Federation);

*The said [list](#) was approved by the [Decision](#) of the Government of the Russian Federation No. 918 of August 12, 1994*

e) reproduction of marketable animals for their use at a given enterprise;

f) any actions with seeds, vegetative material, pedigree material and marketable animals which have been introduced into the economic turnover by the patentee or by other person with his consent, barring the following actions:

subsequent propagation of said varieties or breeds;

the exportation from the Russian Federation of vegetative material or marketable animals, which make it possible to propagate varieties or breeds, to the country where these varieties and breeds are not protected, except for exportation with the aim of processing them for subsequent consumption.

#### **Article 15. Temporary Legal Protection of a Selected Achievement**

Temporary legal protection of a selection achievement shall be granted to the applicant for the period between the date his application is received to the date a patent is issued.

After the receipt of a patent, the patentee shall have the right to receive compensation from the person who has performed actions listed in [Item 1 of Article 13](#) of this Law without the permission of the applicant during the period of the temporary legal protection of the selection achievement.

In the period of the temporary legal protection of a selection achievement, the applicant shall be permitted to sell or transfer seeds, pedigree material for scientific purposes only and in cases if the sale and any other transfer are associated with the assignment of the right to a selection achievement or with the production of seeds, pedigree material by the order of the applicant with the aim of creating their stocks.

If the applicant or another person with his consent breach the said requirements, temporary legal protection shall not be provided.

### **Section V. The Use of a Selected Achievement**

#### **Article 16. License Agreement**

Under the license agreement (exclusive or non-exclusive license) the patent holder (licensor) shall transfer the right to the use of a selection achievement to another person (licensee) by way of payments stipulated by the agreement or free of charge.

In case of an exclusive license, the licensee shall be given the exclusive right to the use of a selection achievement within the limits stipulated by the agreement with the retention of his right to the use of the selection achievement in the part that is not transferable to the license.

In case of a non-exclusive license, the licensor shall preserve all the rights given by the patent for a selection achievement, including the right to the submission of licenses to third persons.

The license agreement shall be concluded in written form.

The exclusive license shall be valid after its registration by the State Commission.

#### **Article 17. The Licensee's Right**

The licensee shall have the right to use a selection achievement on the territory of the Russian Federation during the period of the patent's validity and perform actions envisaged by [Item 1](#) of Article 13 of this Law, unless otherwise specified by the license agreement.

The licensee may not assign a license to third persons and shall not have the right to submit sublicenses unless this is provided for in the license agreement.

#### **Article 18.** The Terms of the License Agreement on the Limitation of the Licensee's Rights

The terms of a license agreement imposing limitations on the licensee that do not follow from the patent rights or are not necessary for the preservation of the patent shall be null and void.

#### **Article 19.** Open License

The license holder may publish in the State Commission's official bulletin a statement to the effect that any person shall have the right to use his selection achievement since the date of notifying the patent holder about this, provided he has made payments stipulated in the application.

The State Commission shall make a record of granting an open license with an indication of the amount of payments in the State Register of Protected Selected Achievements.

The [amount of the fee](#) for keeping the patent in force shall be reduced by 50 per cent as of January 1 of the year that succeeds the year of the publication of the application for granting an open license.

Upon the application of the patent holder and given the consent of all the owners of the open license, the State Commission shall make a record about the termination of the validity of the open license in the State Register of Protected Selected Achievements.

#### **Article 20.** Compulsory License

Any person may send to the State Commission his application with the request that a compulsory license for a selection achievement should be given to him.

The State Commission may issue a compulsory license, provided only the following conditions are observed:

- a) the application for the issue of a compulsory license has been received upon the expiration of three years since the date of the issue of a patent;
- b) the patent holder denied the applicant the right to produce or sell seeds, pedigree material or is not ready to grant such rights;
- c) there are no reasonable excuses that prevent the patent holder from granting to the applicant the right to the use of his selection achievement;
- d) the person who requests a compulsory license has proved that financially and in other respects he is competent to make effective use of the license;
- e) a fixed [fee](#) has been paid for the compulsory license.

The compulsory license may grant to the licensee the right to perform actions referred to in [Item 1](#) of Article 13 of this Law. In this case, the patent holder shall retain all the rights granted by the patent for a selection achievement.

When a compulsory license is issued, the State Commission shall fix the payments which the owner of the compulsory license is obliged to make to the patent holder.

On the demand of the State Commission, the patent holder shall be obliged to give to the owner of a compulsory license variety seeds and breed pedigree material in the quantity sufficient for the use of the compulsory license for cash payment and on terms acceptable to him.

The term of validity of the compulsory license shall be fixed at four years by the State Commission. This term may be prolonged, if the inspection confirms that the conditions for the issue of the compulsory license continue to exist.

The State Commission shall annul the compulsory license if its owner violates the conditions for its issue.

A decision made by the State Commission on the issue or annulment of a compulsory license may be appealed in court.

When the court of law passes its decision, it shall have the right to change the terms of the



issue of a compulsory license established by the State Commission.

**Article 21.** The Licensee's Right to Bring an Action

In case of breaching the patent holder's right, the licensee shall have the right to bring an action in the established order.

**Section VI. The Rights of the Author of a Selected Achievement**

**Article 22.** The Author's Certificate

The author's certificate shall certify authorship, and also the author's right to receive remuneration from the patent holder for the use of a selection achievement.

The author's certificate shall be issued by the State Commission to every author who is not a patent holder.

The natural person whose creative labour was used to create, breed or reveal a selection achievement may be the author of the selection achievement.

Disputes over authorship shall be settled in court.

**Article 23.** Remuneration for the Author of a Selected Achievement Who Is Not a Patent Holder

The author of a selection achievement shall have the right to receive remuneration from the patent holder for the use of the bred, created or revealed selection achievement during the period of the patent's validity. The amount and terms of the payment of remuneration shall be determined by the agreement concluded between the patent holder and the author; in this case, the amount of remuneration shall not be less than two per cent of the sum of annual receipt by the patent holder for the use of a selection achievement, including receipts from the sale of licenses.

If a variety or breed has been created or revealed by several authors, remuneration shall be distributed among them in keeping with their agreement.

Remuneration shall be paid to the author during the six months after the expiration of every year in which the selection achievement has been used.

For the delayed payment of remuneration, the patent holder shall pay to the author a penalty for every day of default of payment in an amount fixed by the agreement.

**Section VII. The State Regulation of the Creation and Use of Selected Achievements**

**Article 24.** The Stimulation by the State of the Creation and Use of Selected Achievement

The State shall stimulate the creation and use of selection achievements and grant to the authors and transactor units using said achievements easy terms of taxation and crediting and other concessions in accordance with the legislation of the Russian Federation.

Selection jobs shall have priority significance and shall be carried on basically at the expense of the resources of the Republican budget of the Russian Federation.

Profit (income) and foreign currency earnings received by the patent holder and licensees from the use of a selection achievement shall not be subject to taxation during the two years after the admission of the selection achievement to use. The period for grapes, woody, decorative, forest and fruit trees, including their rootstocks, shall cover five years.

Income received by a state-financed organization from the use of a selection achievement shall remain at its disposal.

**Article 25.** The Preservation of a Selected Achievement

The patent holder shall be obliged to sustain the variety or breed during the term of the patent's validity in order to preserve the signs indicated in the description of the variety or breed made on the date of their registration in the State Register of Protected Selected Achievements.

Upon the inquiry of the State Commission, the patent holder shall be obliged to send variety seeds or pedigree material for control tests and make it possible to perform inspections on the spot.

#### **Article 26.** Recognizing the Patent as Null and Void

Any person may address to the State Commission, with an application for recognizing the patent as null and void.

The State Commission shall send a copy of the application to the patent holder, who may provide a motivated reply within three months as of the day of sending the said copy.

The State Commission shall be obliged to make a decision on this matter during six months, unless additional tests are required.

The State Commission shall recognize the patent as null and void, if it establishes that:

- a) it was issued on the basis of unconfirmed data on the homogeneity and stability of a selection achievement, submitted by the applicant;
- b) the selection achievement failed to comply with the novelty or distinctiveness criterion on the date of the issue of the patent;
- c) the person referred to in the patent as a patent holder had no legal grounds for the receipt of the patent.

#### **Article 27.** Cancellation of a Patent

A patent shall be cancelled by the State Commission, if:

the selection achievement no longer complies with the conditions of homogeneity and stability;  
the patent holder has failed to submit within 12 months, at the request of the State Commission, seeds and pedigree material, documents and information needed to verify the safety of the selection achievement or has failed to make it possible to carry on inspection of the selection achievement on the spot;

the patent holder has failed to pay a [fee](#) for keeping the patent in force within the fixed period;

the name of the selection achievement is being cancelled, but the patent holder has failed to offer another suitable name.

#### **Article 28.** Liability for Breaching the Patent Holder 's Rights

Any natural or juridical person who used a selection achievement and violated the requirements of this Law shall be deemed to be guilty of breaching the patent holder's right.

On the demand of a patent holder or the State Commission, a breach shall be stopped and the losses caused to him compensated by the person who has made the breach.

Demands on the patent breeder may also be stated by the holder of an exclusive or non-exclusive license, unless the contrary is stipulated by the license agreement.

#### **Article 29.** Responsibility for Breaching the Other Rights of a Patent Holder and Plant or Stock Breeder

**1.** A natural or juridical person shall be deemed to be guilty of breaking the other rights of a patent holder and plant or stock breeder, if he:

- a) confers on the produced and (or) sold seeds and pedigree material a name that differs from the registered name of this selection achievement;
- b) confers on the produced and (or) sold seeds and pedigree material the name of the registered selection achievement, although the produced and sold seeds and pedigree material are not the seeds and pedigree material of this selection achievement;

- c) confers on the produced and (or) sold seeds and pedigree material a name so similar to the name of the registered selection achievement that they could be confused;
  - d) makes unreliable records in the State Register of Protected Selected Achievements and in the accounting documents or gives instructions on their entry;
  - e) forges documents or issues false documents for the implementation of the provisions of this Law or gives instructions on forging or making fake documents;
  - f) submits documents containing inauthentic information about selection achievements;
  - g) sells seeds and pedigree material without certificates.
- 2.** Person performing actions provided for by [Item 1](#) of this Article shall bear responsibility in keeping with current legislation.
- 3.** Disputes over the implementation of this Law shall be examined in court.

### **Article 30.** Publications

- 1.** The State Commission shall issue its official bulletin, which publishes the following information:
- a) about the received applications for patents with an indication of the date of priority of a selection achievement, the name of the applicant offering the name for the selection achievement, the surname and initials of the author, unless the latter has refused to be mentioned as such author;
  - b) about decisions made on applications;
  - c) about changes in the names of selection achievements;
  - d) about the recognition of patents as invalid and their cancellation;
  - e) other data on the protection of selection achievements.
- 2.** After the publication of information about the received applications for patents and the decisions made on these applications, any person shall have the right to familiarize himself with the application materials.

### **Article 31.** Appealing the State Commission's Decisions

The State Commission's decision on the issue or refusal to issue a patent, on the recognition of the patent as invalid or on the cancellation of the patent may be appealed in court.

### **Article 32.** The Use of Selection Achievements

The varieties of plants and breeds of animals shall be included in the State Register of Selection Achievements Admitted for Use by the State Commission according to the results of state tests for economic utility.

The varieties of plants and breeds of animals shall be included according to particular species fixed by the State Commission in the State Register of Selection Achievements Admitted for Use on the basis of expert judgements or the data supplied by the applicant.

Seeds and pedigree material sold in the respective region of the Russian Federation shall be supplied with the certificate certifying their varieties and breeds, origin and quality. A certificate shall be issued for the seeds of the variety and the pedigree material of the breed that have been admitted for use in the given region.

No access to use in the given region shall be required for the reproduction of seeds and pedigree material with the aim of their exportation beyond the respective region.

As regards the selection achievements included in the State Register of Protected Selection Achievements, certificates shall be issued only for the seeds and pedigree material received on legal grounds.

An application for use of varieties of plants and breeds of animals shall be presented to the State Commission with the appended description of the selection achievement, the guarantee of the gratuitous submission of the necessary quantity of seeds and pedigree material for testing, the document on the payment of the [duty](#) for filing the application and the guarantee of the payment of

the [duty](#) for carrying out state tests for economic utility.

The application for the state tests of the variety of plants for economic utility in the regular agricultural season shall be received within the period fixed by the State Commission.

#### **Article 33. Patent Fees**

Patent fees shall be collected for legally significant actions associated with patents for selection achievements. Patent fees shall be paid to the State Commission. The list of Actions liable to patent fees, the amounts and terms of their payment, and also the basis for the exemption from the fees and for the reduction of their amounts or the return of the fees shall be established by the Government of the Russian Federation.

*See the [Regulations](#) for patent fees for selection achievements, approved by the [Decision](#) of the Government of the Russian Federation No. 918 of August 12, 1994*

### **Section VIII. International Cooperation**

#### **Article 34. The Right to the Presentation to Other States**

A plant or stock breeder and his legal successor shall have the right to file his application for the protection of a selection achievement to the competent bodies of another State.

Expenses incurred in the protection of rights to selection achievements beyond the bounds of the Russian Federation shall be borne by the applicant.

#### **Article 35. The Rights of Foreign Nationals and Legal Entities**

Foreign nationals and legal entities shall enjoy the rights provided for by this Law and other legislative acts of the Russian Federation in the sphere of the protection of selection achievements on a par with the citizens and legal entities of the Russian Federation in virtue of the international agreements of the Russian Federation or on the principle of reciprocity.

#### **Article 36. The Operation of International Agreements**

If the international agreement with the participation of the Russian Federation has established rules other than those contained in the present Law, the rules of the international agreement shall be applicable.

President  
of the Russian Federation

Boris Yeltsin