

Plant Breeder's Right - EG

Overview

In a provisional prospect, all regulations & procedures for protecting and/or registering a new plant variety in Egypt are governed by the:

- ❖ **Egyptian Intellectual Property Law No. 82/2002 - Book 4.**

In addition to:

- ❖ **The Council of Ministers Resolution No. 1366 of 2003** issuing Implementing regulations for Law No. 82 of 2002 on the Protection of Intellectual Property Rights Books 1, 2 & 4.

Treaties & Agreements

Egypt is already a member state in many IP related agreements & protocols. However, in respect to the Plant Breeder's rights and related issued, Egypt is a member at the following:

Treaty - Protocol	In Force Since
* International Plant Protection Convention	Oct 02, 2005
* International Treaty on Plant Genetic Resources for Food and Agriculture	Jun 29, 2004
* Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)	Jan 01, 2005
* Convention on Biological Diversity	Dec 29, 1993
* Cartagena Protocol on Bio-safety to the Convention on Biological Diversity	Mar 21, 2004
* Paris Convention for the Protection of Industrial property	Jul 01, 1951

## Required Documents

- ✓ Power of Attorney for the applicant, legalized up to the Egyptian Consulate (*attached*).
- ✓ A duly filled in **Technical Questionnaire** form (*attached*).
- ✓ **DUS & VCU** Reports for the subject species (*original certified certificates*).

**Note:** In case the plant variety has not been examined yet and there are no DUS & VCU reports for the same; the Egyptian **Central Administration for Seed Testing & Certification (CASC)** will conduct the examination & issue their reports within (2) years from the application's filing date.

\* **DUS:** Distinct, Uniform & Stable

\* **VCU:** Value for Cultivation & Use

## Official Authorities

The competent authorities responsible for issuing the DUS & VCU tests are the:

- ❖ Egyptian Central Administration for Seed Testing & Certification (CASC)
- ❖ Agricultural Economy Research Institution (AERS)
- ❖ Genetic Engineering Research Institution (GERI)
- ❖ Plant Preservation Research Institution (PPRI)
- ❖ Plant Disease Research Institution (PDRI)
- ❖ Agricultural Research Center (ARC)

## Protection Period

If the plant variety fulfills the (4) technical requirements of:

1- Distinct      2- Uniform      3- Stable      4- Novel

A Plant breeder will be granted a total protection period for his variety as follows:

- For Trees & Vines: **25 years**
- For other crops: **20 years**

## Total Protection Costs

- |  |            |
|--|------------|
| ▪ Filing an application (including examination fees)     | USD 180.00 |
| ▪ Publication Fees for the variety                       | USD 70.00  |
| ▪ Obtaining a certified protection certificate of the PV | USD 400.00 |
|  | -----      |

**Total Cost: USD 650.00**

### Total Registration Costs

In case the Plant breeder would like to protect his Variety in Egypt, however, he is still unable to furnish a duly certified certificates of the DUS & VCU reports from his country of origin; a registration procedure must be fulfilled through the **EG Ministry of Agriculture & Land Reclamation**; procedures & costs are as follows:

❖ **For Crops** (costs are in USD):

Procedure	Official Fees	Professional Fees	Total Costs
Cultivation for the 1 <sup>st</sup> year	1000.00	300.00	1300.00
Cultivation for the 2 <sup>nd</sup> year	1000.00	300.00	1300.00
Cultivation for the 3 <sup>rd</sup> year	690.00	210.00	900.00
DNA Test for the P. variety	87.00	113.00	200.00
P.V. National Registration	430.00	370.00	800.00
			<b>4500.00</b>

❖ **For Vegetables** (costs are in USD):

Procedure	Official Fees	Professional Fees	Total Costs
Cultivation for the 1 <sup>st</sup> year	585.00	415.00	1000.00
Cultivation for the 2 <sup>nd</sup> year	585.00	415.00	1000.00
Cultivation for the 3 <sup>rd</sup> year	345.00	205.00	750.00
DNA Test for the variety	87.00	113.00	200.00
PV National Registration	430.00	370.00	800.00
			<b>3750.00</b>

**Important Notes:**

- ✓ For Corn only, the cultivation is only two years (i.e. no need for the 3rd year).
- ✓ Cultivation costs are payable stage by stage (i.e. on two or three installments)

Enc. 2 forms

Technical Questionnaire Form

Ministry of Agriculture and Land Reclamation
Agricultural Services Department
Central Administration for Seed Testing & Certification (CASC)
Office of Plant Variety Protection

Technical Questionnaire
For the Protection of a New Plant Variety

Variety Reference Number: .....

1) Technical Questionnaire Subject:

- a- Variety Denomination in English : .....
b- Variety Common Name : .....

2) The Applicant:

- \* Name : .....
\* Address : .....
\* Tel : .....
\* Fax : .....
\* Email : .....
\* Breeder's name (in case the applicant is not the breeder): .....

3) Proposed Denomination & Reference Number of the Variety:

- \* Proposed name (if any) : .....
\* Reference number : .....

4) Breeding & Propagation Program Information:

- \* Breeding Program : .....
\* Propagation Methods : .....
\* The Genetic Source used for developing the variety: .....
\* Traditional information & domestic experiences based upon for developing the Variety: .....

5) The Basic & Obvious Characteristics of the Variety (to be defined):

.....
.....
.....

**6) Similar Varieties and the differences between these varieties and the applied variety:**

Please use the schedule illustrated herein under in order to indicate how the applied variety differs from the other similar varieties, based on the best knowledge you acquire.

This information may assist the official Testing Authority in conducting the Distinction Test accurately.

Denomination(s) of Varieties Similar to the applied variety	Distinctive Characteristics in the applied variety that differ from the similar ones	Define Characteristics of the similar varieties	Define Characteristics of the applied variety
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

**7) Further information that may assist in testing the applied variety:**

A- In addition to the information provided in the items (5) & (6), are there any further distinctive characteristics for the variety?

Yes ( ) No ( )

\* If yes, please indicate the same in details:

B- Special conditions for testing the variety:

Are there any special conditions for cultivating the variety or for conducting its relevant test(s)?

Yes ( ) No ( )

\* If yes, please indicate the same in details:

\* Please add any further information if any:

**8) Permission for launching the variety:**

A- For the variety to be launched, does it require an advance-permission under the Laws of Environment Protection, Human Health Protection, and Animal Protection?

Yes ( ) No ( )

B- Have you obtained this advance-permission?

Yes ( ) No ( )

\* If yes, please attach a copy of this permission.

**9) Information on the plant material in order to be "Tested / Applied for Test":**

- a- Expression of the characteristic or number of characteristics of the applied variety might be affected by any factors; like plant epidemics, diseases, chemical treatments (such as: growth frustrates & insecticides); the effects of tissue culture, or grafting sources; grafts derived from various growth phases of trees, etc...
- b- The plant material should be void of any treatment that affects the expression of characteristics of the applied variety, unless the respective authorities approve these kinds of treatments.

Based upon, please mention herein below -based on your knowledge- whether the testable variety material has been subject to either of the following:

❖ Micro organisms; like: viruses, bacteria, or phytoplasma	Yes ( )	No ( )
❖ Chemical treatments; like: growth frustrates or insecticides	Yes ( )	No ( )
❖ Tissue Culture	Yes ( )	No ( )
❖ Other factors	Yes ( )	No ( )

\* If yes, please indicate the same in details:

**10) Declaration:**

I admit, based on the best knowledge I acquire, that all information provided in this application is correct.

Applicant name : .....

Signature : .....

Date : .....

-- End of Technical Questionnaire --

## Application Form

## Application for Protecting a New Plant Variety in Egypt

This page shall be completed by the Office

Application Number : .....

Filing Date : .....

Filing Time : ..... Day .....Month ..... Year .....

Receiving Officer : .....

Application Filed at : Office of Plant Variety Protection.

**Office of Plant Variety Protection**  
***Egyptian Central Administration for Seed Testing & Certification (CASC)***

8 Gamaa St., Giza 12211  
P.O. Box 147 Rabie Al Gizy  
Tel: 02-35728962/ 02-35720839  
Fax: 02-35725998 ~ Email: [casc@casc.gov.eg](mailto:casc@casc.gov.eg)  
Web: [www.casc.gov.eg](http://www.casc.gov.eg)

*Enc: 4 pages*

Form no: (1)

## Applicant Details

 Breeder Agent Legal Person

To be filled by the Office									
1	<table border="1"> <tr> <td>Applicant Name: .....</td> <td>Location: .....</td> </tr> <tr> <td>Nationality : .....</td> <td>Tel: .....</td> </tr> <tr> <td>Address : .....</td> <td>Fax: .....</td> </tr> <tr> <td>Mailing Address: .....</td> <td>Email: .....</td> </tr> </table>	Applicant Name: .....	Location: .....	Nationality : .....	Tel: .....	Address : .....	Fax: .....	Mailing Address: .....	Email: .....
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Applicant Name: .....	Location: .....								
Nationality : .....	Tel: .....								
Address : .....	Fax: .....								
Mailing Address: .....	Email: .....								
If Breeders are more than 4, please attach a list of the same									
3	<p><b>Transferring the Variety to the Applicant:</b></p> <ul style="list-style-type: none"> <li>• If the applicant is not the breeder, their legal relationship must be indicated, supported with the formal documents proving the same.</li> </ul> <p>By Contraction : .....</p> <p>By Succession : .....</p> <p>By Attorneyship : .....</p> <p>Other : .....</p>								



	<b>Variety Data</b>	
4	Variety Scientific Name : ..... Variety Gender : ..... Type : ..... Common Denomination: ..... Proposed Denomination: .....	
	<b>Applications of the same Variety applied at foreign Countries for Protection</b>	
5	Country	
	Application number	
	Location	
	Variety Name (reference)	
	Application date	
	If more than one country, please attach a list of the same	
	<b>Has the variety been marketed inside Egypt?</b>	
6	<input type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span>	
	Variety Denomination Name: ..... 1 <sup>st</sup> Circulation Date: ...../...../.....	
	<b>Has the variety been marketed outside Egypt?</b>	
7	<input type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span>	
	First Country Marketed in: ..... Variety Denomination Name: ..... 1 <sup>st</sup> Circulation Date: ...../...../.....	
	<b>Is the Variety Genetically Modified?</b>	
8	<input type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span>	
	Type of this genetic modification: .....	
9	Procedures or Methods of Submitting documents attesting to the DUS tests for protection purposes:	
	<ol style="list-style-type: none"> <li>1- Samples of the applied variety will be submitted within (3) months as of the date of acceptance of the Central Administration for Seed Testing &amp; Certification (CASC).</li> <li>2- Documents attesting to the same will be submitted within (3) months as of the acceptance date.</li> <li>3- A request will be submitted for conducting the DUS tests outside Egypt.</li> </ol>	
10	Had the breeder used an Egyptian genetic material, any traditional information, or any domestic experience as a base for deriving this new variety?	
	<input type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span>	

	<p>* If the answer is <b>No</b>: The applicant shall admit that he has never used an Egyptian genetic material, any traditional information, or domestic experience as a base for deriving this variety.</p> <p>* If the answer is <b>Yes</b>: Please indicate the same in the concerned application form.</p>
11	<p><b>If the applicant is a company:</b> Does the companies' capital exceed 50 thousand Pounds</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
12	<p>Application's Attachments:</p> <ul style="list-style-type: none"> <li>a) Technical Specifications (data) – in duplicate.</li> <li>b) Representative's Power of Attorney (if any).</li> <li>c) Official Fees Payment Receipt.</li> <li>d) Any further relevant documents.</li> </ul>
13	<p style="text-align: center;"><u>Declaration</u></p> <p>I, the undersigned, personally or acting as the agent for/ .....</p> <p>Declares my desire to obtain a Breeder's right certificate of protection for myself personally or as the agent-representative for/ .....</p> <p>And that all information mentioned in this form is correct and on my personal responsibility.</p> <p>Name: ..... Signature: .....</p> <p>Signed on: ..... /..... /.....</p>
14	<p>Application Fees: .....</p> <p>Payment receipt no.: ..... Dated: ..... /..... /.....</p> <p>Amount: .....</p>
	<p><b>Office Decision with respect to the application</b></p> <p><input type="checkbox"/> Acceptance <input type="checkbox"/> Rejection</p>
15	<p>Rejection Basis:</p> <p>1- .....</p> <p>2- .....</p> <p>3- .....</p>

16	Application Received by (officer): ..... Office Seal: <span style="float: right;">Attestation (Office Manager):</span>
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-- End of Filing Application --