

Plant Breeders Right

Overview

In Egypt, all protocols, regulations & procedures pertaining to the protection 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 Convention for the Protection of New Varieties of Plants (UPOV))	Nov 01, 2019
* 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 Biosafety 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 (*form attached*).
- ✓ Deed of Assignment, duly signed by the assignor (breeder) and the assignee (applicant), and legalized up to the EG consulate, at your kind end.
- ✓ A duly filled in **Application Form & Technical Questionnaire** (*forms attached*).
- ✓ **DUS / VCU** Reports for the subject species (*original certified certificates*); and
- ✓ If the plant variety had been previously filed/registered in any other country, it would be required to provide scanned copy of the application at that country.

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)

PV Protection Costs

Procedures	Official Fees	Professional Fees	Total Costs
Filing an application (including examination)	4.10	175.90	180.00
DUS request form (applying & following up)	00.00	100.00	100.00
Publication fees for the variety	2.05	107.95	110.00
Obtaining a certified protection certificate	45.00	175.00	220.00
Official validation for the DUS test	205.00	205.00	410.00
Grand Total in USD			1.020.00

PV Protection Term

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**

PV Annual Maintenances

According to Egyptian IP law no. 82/2002, all protected plant varieties are subject to annual maintenance fees; payable starting from the 2nd year after protection's grant-date till the end of protection period, supported with an annual DUS maintenance report, which could be issued by the Egyptian Plant Variety Protection Office (PVPO), or by any foreign Plant Variety Protection Office.

If we already hold an applicable legalized POA for the variety holder, it will suffice to attend maintenance services. While if we were not the initial agents for protection, we shall be supported with a legalized copy of a POA duly signed and legalized up to the Egyptian consulate.

PV Annual Maintenance Costs

Our costs are **fixed** for attending annual maintenance fees at the EGPVPO, starting from the 2nd year of protection till the **year 25th** (*for trees and vines*), or the **year 20th** (*for other crops*); as follows:

Procedure	Official Fees	Professional Fees	Total Costs
Reporting, settling, and following-up PV annual maintenance fee at EGPVPO	41.00	359.00	400.00
Grand Total in USD			400.00

PV Importing Authorization Letters

According to Egyptian IP law no. 82/2002, for any local consignee (i.e., either a local distributor, whole or retail seller) who wishes to import a locally protected plant variety into Egypt, an official authorization letter shall be obtained at first by the consigner (i.e., the PV holder), duly signed & stamped by his local representative supported with a legalized POA copy and submitted at the Egyptian PVPO. No need for notarizing or legalizing the required authorization letters.

PV Authorization Letters Cost

Our costs are **fixed** for signing & stamping an authorization letter for importing a locally protected PV into Egypt as follows:



Procedure	Official Fees	Professional Fees	Total Costs
Preparing & signing authorization letter	00.00	210.00	210.00
Submission at Egyptian PV Importation Section	00.00	140.00	140.00
Grand Total in USD			350.00

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:

❖ For Crops (costs are in USD):

Procedure	Official Fees	Professional Fees	Total Costs
Cultivation for the 1 st year	1000.00	300.00	1,500.00
Cultivation for the 2 nd year	1000.00	300.00	1,400.00
Cultivation for the 3 rd 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
Grand Total in USD			4,800.00

❖ For Vegetables (costs are in USD):

Procedure	Official Fees	Professional Fees	Total Costs
Cultivation for the 1 st year	585.00	415.00	1,100.00
Cultivation for the 2 nd year	585.00	415.00	1,100.00
Cultivation for the 3 rd year	345.00	205.00	800.00
DNA Test for the variety	87.00	113.00	200.00
PV National Registration	430.00	370.00	800.00
Grand Total in USD			4,000.00

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 lunching the variety:

A- For the variety to be lunched, 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 : DayMonth 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
Web: www.casc.gov.eg

* * *

Enc: 4 pages

Form no: (1)

Applicant Details

Breeder

Agent

Legal Person

To be filled by the Office		
1	Applicant Name: Nationality : Address : Mailing Address:	Location: Tel: Fax: Email:
	Applicant Name: Nationality : Address : Mailing Address:	Location: Tel: Fax: Email:
2	Applicant Name: Nationality : Address : Mailing Address:	Location: Tel: Fax: Email:
	Applicant Name: Nationality : Address : Mailing Address:	Location: Tel: Fax: Email:
	Applicant Name: Nationality : Address : Mailing Address:	Location: Tel: Fax: Email:
f Breeders are more than 4, please attach a list of the same		
3	Transferring the Variety to the Applicant: • If the applicant is not the breeder, their legal relationship must be indicated, supported with the formal documents proving the same. By Contraction : By Succession : By Attorneyship : Other :	
Variety Data		

4	Variety Genus : Variety Species : Type : Common Denomination: Proposed Denomination:														
5	<table border="1"> <tr> <th colspan="2" data-bbox="527 420 1479 472">Applications of the same Variety applied at foreign Countries for Protection</th> </tr> <tr> <td data-bbox="527 472 1003 510">Country</td> <td data-bbox="1003 472 1479 510"></td> </tr> <tr> <td data-bbox="527 510 1003 548">Application number</td> <td data-bbox="1003 510 1479 548"></td> </tr> <tr> <td data-bbox="527 548 1003 585">Location</td> <td data-bbox="1003 548 1479 585"></td> </tr> <tr> <td data-bbox="527 585 1003 623">Variety Name (reference)</td> <td data-bbox="1003 585 1479 623"></td> </tr> <tr> <td data-bbox="527 623 1003 661">Application date</td> <td data-bbox="1003 623 1479 661"></td> </tr> <tr> <td colspan="2" data-bbox="527 661 1479 690" style="text-align: center;">If more than one country, please attach a list of the same</td> </tr> </table>	Applications of the same Variety applied at foreign Countries for Protection		Country		Application number		Location		Variety Name (reference)		Application date		If more than one country, please attach a list of the same	
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6	<table border="1"> <tr> <th colspan="2" data-bbox="527 690 1479 741">Has the variety been marketed inside Egypt?</th> </tr> <tr> <td data-bbox="527 741 1003 825"><input type="checkbox"/> Yes</td> <td data-bbox="1003 741 1479 825"><input type="checkbox"/> No</td> </tr> <tr> <td colspan="2" data-bbox="527 825 1479 882">Variety Denomination Name: 1st Circulation Date:/...../.....</td> </tr> </table>	Has the variety been marketed inside Egypt?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Variety Denomination Name: 1 st Circulation Date:/...../.....									
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7	<table border="1"> <tr> <th colspan="2" data-bbox="527 882 1479 932">Has the variety been marketed outside Egypt?</th> </tr> <tr> <td data-bbox="527 932 1003 1016"><input type="checkbox"/> Yes</td> <td data-bbox="1003 932 1479 1016"><input type="checkbox"/> No</td> </tr> <tr> <td colspan="2" data-bbox="527 1016 1479 1098">First Country Marketed in: Variety Denomination Name: 1st Circulation Date:/...../.....</td> </tr> </table>	Has the variety been marketed outside Egypt?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	First Country Marketed in: Variety Denomination Name: 1 st Circulation Date:/...../.....									
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8	<table border="1"> <tr> <th colspan="2" data-bbox="527 1098 1479 1148">Is the Variety Genetically Modified?</th> </tr> <tr> <td data-bbox="527 1148 1003 1232"><input type="checkbox"/> Yes</td> <td data-bbox="1003 1148 1479 1232"><input type="checkbox"/> No</td> </tr> <tr> <td colspan="2" data-bbox="527 1232 1479 1289">Type of this genetic modification:</td> </tr> </table>	Is the Variety Genetically Modified?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type of this genetic modification:									
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<input type="checkbox"/> Yes	<input type="checkbox"/> No														
Type of this genetic modification:															
9	<p data-bbox="540 1325 1414 1383">Procedures or Methods of Submitting documents attesting to the DUS tests for protection purposes:</p> <ol data-bbox="589 1423 1455 1612" style="list-style-type: none"> 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 & Certification (CASC). 2- Documents attesting to the same will be submitted within (3) months as of the acceptance date. 3- A request will be submitted for conducting the DUS tests outside Egypt. 														
10	<table border="1"> <tr> <th colspan="2" data-bbox="527 1644 1479 1728">Had the breeder used an Egyptian genetic material, any traditional information, or any domestic experience as a base for deriving this new variety?</th> </tr> <tr> <td data-bbox="527 1728 1003 1787"><input type="checkbox"/> Yes</td> <td data-bbox="1003 1728 1479 1787"><input type="checkbox"/> No</td> </tr> </table>	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	<input type="checkbox"/> No										
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<input type="checkbox"/> Yes	<input type="checkbox"/> No														

	<p>* If the answer is No: 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 Yes: Please indicate the same in the concerned application form.</p>
11	<p>If the applicant is a company: 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> <p>a) Technical Specifications (data) – in duplicate. b) Representative's Power of Attorney (if any). c) Official Fees Payment Receipt. d) Any further relevant documents.</p>
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 style="text-align: center;">Office Decision with respect to the application</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: Attestation (Office Manager):
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-- End of Filing Application --