

No. R. 104

19 February 2010

PLANT BREEDERS' RIGHTS ACT, 1976 (ACT No. 15 VAN 1976)**REGULATIONS RELATING TO PLANT BREEDERS' RIGHTS: AMENDMENT**

The Minister of Agriculture, Forestry and Fisheries, acting under section 44 van the Plant Breeders' Rights Act, 1976 (Act No. 15 van 1976), has made the regulations in the Schedule.

SCHEDULE***Definition***

1. In this Schedule "the Regulations" means the Regulations published by Government Notice No. R. 1186 of 12 September 1997, as amended by Government Notices Nos. R. 1582 of 28 November 1997, R.867 of 3 July 1998, R. 1285 of 16 October 1998, R. 323 of 19 March 1999, R. 604 of 14 May 1999, R. 1271 of 29 October 1999, R. 392 of 20 April 2000, R. 690 of 14 July 2000, R. 1078 of 3 November 2000, R. 387 of 18 May 2001, R. 667 of 27 July 2001, R. 548 of 10 May 2002, R. 409 of 28 March 2003, R. 465 of 8 April 2004, R. 511 of 3 June 2005, R. 128 of 17 February 2006; R. 40 of 26 January 2007, R. 299 of 13 March 2008 and R. 286 of 13 March 2009.

Substitution of Table 2 van the Regulations

2. The following table is hereby substituted for Table 2 van the Regulations with effect from 1 April 2010:

TABLE 2/TABEL 2

**FEES PAYABLE W.R.T. PLANT BREEDERS' RIGHTS: 1 April 2010/
GELDE BETAALBAAR M.B.T. PLANTTELEERSREGTE: 1 April 2010**

No.	Purpose/Doel	Amount/Bedrag
1.	An application for the grant of a plant breeder's right/ 'n Aansoek om die toestaan van 'n planttelersreg [Reg. 3(2)(f)]	R1 500,00 each/elk
2.	Examination fee for a plant breeder's right: Category A (agronomic, vegetable and pasture crops and annual ornamentals)/ Ondersoekgeld vir 'n planttelersreg: Kategorie A (akkerbou-, groente- en weidingsgewasse en eenjarige sierplante) [Reg. 3(2)(g) and/en (9)(1)]	R2 500, 00 each/elk
3.a	Examination fee for a plant breeder's right: Category B (fruit, vines, citrus and perennial ornamentals)/ Ondersoekgeld vir 'n planttelersreg: Kategorie B (vrugte, rankplante, sitrus en meerjarige sierplante) [Reg. 3(2)(g) and/en 9(1)]	R3 300,00 each/elk
3.b	Examination fee for a plant breeder's right: Category B (white and yellow maize)/ Ondersoekgeld vir 'n planttelersreg: Kategorie B (wit en geel mielies) [Reg. 3(2)(g) and/en 9(1)]	R2 800,00 each/elk
4.	A claim to give priority in terms of section 8(2) of the Act to an application for the grant of a plant breeder's right/ 'n Aansoek om ingevolge artikel 8(2) van die Wet voorrang te verleen aan 'n aansoek om die toestaan van 'n planttelersreg [Reg. 4(2)(c)]	R800,00 each/elk
5.	An objection to the grant of a plant breeder's right/ 'n Beswaar teen die toestaan van 'n planttelersreg [Reg. 8(1)(e)]	R4 900,00 each/elk
6.	Provision of results of tests and trials undertaken by the registrar, to the appropriate authority in a convention country or an agreement country/ Voorsiening van resultate van toetse en proewe deur die registrateur onderneem aan die toepaslike gesag in 'n konvensieland of 'n ooreenkomsland [Reg. 9(3)]	Tariff to fluctuate with exchange rate. 350 CHF
7.	Annual fee for a plant breeder's right/ Jaargeld vir 'n planttelersreg [Reg. 10(1)]	R270,00 each/elk
8.	An application for the issue of a compulsory licence in respect of a plant breeder's right/ 'n Aansoek om die uitreiking van 'n verpligte lisensie ten opsigte van 'n planttelersreg [Reg. 13(1)(d)]	R4 100,00 each/elk
9.	Notice of the transfer of a plant breeder's right/ Kennisgewing van die oordrag van 'n planttelersreg [Reg. 14(2)(b)]	R670,00 each/elk

No.	Purpose/Doel	Amount/Bedrag
10.	An application for the alteration or supplementation of the denomination approved for a variety/ 'n Aansoek om die wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(1)(b)]	R1 600,00 each/elk
11.	An objection against the intended approval of an alteration or supplementation of the denomination approved for a variety/ 'n Beswaar teen die beoogde goedkeuring van 'n wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(3)(e)]	R670,00 each/elk
12.	An objection against the intended termination of a plant breeder's right/ 'n Beswaar teen die voorgename beëindiging van 'n planttelersreg [Reg. 16(1)(f)]	R670,00 each/elk
13.	A notice of the voluntary surrender of a plant breeder's right/ 'n Kennisgewing van die vrywillige afstanddoening van 'n planttelersreg [Reg. 17(1)(b)(i)]	Free/Gratis
14.	Inspection of the register of plant breeders' rights/ Insae in die register van planttelersregte [Reg. 20(2)]	Free/Gratis
15.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right	R390, 00 per occasion/ per geleentheid
16.	A copy of any particulars in the register or of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/ 'n Afskrif van enige besonderhede in die register of van 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)]	R8,00 per application plus R1,15 per photocopy / R8,00 per aansoek plus R1,15 per fotokopie
17.	Submission of appeal against any decision or action taken by the registrar in terms of the Act/ Voorlegging van appèl teen enige beslissing van of stappe gedoen deur die registrateur ingevolge die Wet [Reg. 22(1)(d)]	R4 000,00 each/elk.
18.	Examination of samples to determine varietal purity/ Ondersoek van monsters om variëteitsegtheid te bepaal	R2 500,00 (cat./ kat. A) R3 300,00 (cat./ kat. B) R2 800,00 (cat./ kat. B maize/mielies)