

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

No. R. 1100**28 December 2012**

PLANT BREEDERS' RIGHTS ACT, 1976 (ACT No. 15 OF 1976)

REGULATIONS RELATING TO PLANT BREEDERS' RIGHTS: AMENDMENT

The Minister of Agriculture, Forestry and Fisheries acting under section 44 of the Plant Breeders Rights Act, 1976 (Act No. 15 of 1976), has made the regulations set out 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. 512 of 3 June 2005, R. 545 of 15 June 2006, R. 1272 of 25 November 2008, R. 287 of 13 March 2009, R.103 of 19 February 2010 and R.517 of 17 June 2011.

Substitution of Table 2 of the Regulations

2. The following table is hereby substituted for Table 2 of the Regulations with effect from 1 April 2013.

TABLE 2

FEES PAYABLE W.R.T. PLANT BREEDERS' RIGHTS: 1 APRIL 2013

No.	Purpose	Amount
1.	An application for the grant of a plant breeder's right [Reg. 3(2)(f)]	R 1 890, 00 each
2.	Examination fee for a plant breeder's right Category A [Agronomic, vegetable, pasture crops and annual ornamentals] [Reg. 3(2)(g) and 9(1)]	R 3 100, 00 each
3a.	Examination fee for a plant breeder's right Category B [Fruit, vines, citrus and perennial ornamentals] [Reg. 3(2)(g) and 9(1)]	R 4 200, 00 each
3b.	Examination fee for a plant breeder's right Category B (White and yellow maize) [Reg. 3(2)(g) and 9(1)]	R 3 540, 00 each
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 [Reg. 4(2)(c)]	R 980, 00 each
5.	An objection to the grant of a plant breeder's right [Reg. 8(1)(e)]	R 6 100, 00 each
6.	Provision of results of tests and trials undertaken by the registrar to the appropriate authority in a convention country or an agreement country [Reg. 9(3)]	Tariff to fluctuate with exchange rate. CHF 350 (Swiss Francs)
7.	Annual fee for a plant breeder's right [Reg. 10(1)]	R 300, 00 each
8.	An application for the issue of a compulsory license in respect of a plant breeder's right [Reg. 13(1)(d)]	R 4 930, 00 each
9.	Notice of the transfer of a plant breeder's right [Reg. 14(2)(b)]	R 820, 00 each
10.	An application for the alteration or supplementation of the denomination approved for a variety [Reg. 15(1)(b)]	R 1 990, 00 each
11.	An objection against the intended approval of an alteration or supplementation of the denomination approved for a variety [Reg. 15(3)(e)]	R 820, 00 each
12.	An objection against the intended termination of a plant breeder's right [Reg. 16(1)(f)]	R 820, 00 per plant breeder's right
13.	A notice of voluntary surrender of a plant breeder's right [Reg. 17(1)(b)(i)]	Free
14.	Inspection of the register of plant breeders' rights	Free
15.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right [Reg. 21(2)]	R 500, 00 per occasion
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	R 9, 00 per application plus photocopy charge of R 1, 40 per copy
17.	Submission of an appeal against any decision or action taken by the Registrar in terms of the Act [Reg. 22(1)(d)]	R 4 220, 00 each

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18.	Examination of samples to determine varietal purity	R 3 100, 00 (Category A) and R 4 200 (Category B) and R 3 540, 00 (Category B maize)