

LAW No 1564
“Organization of Production and Marketing
of propagating Material of Plant Species”

Article 8
Creator and Protection of his Rights

1. The creator of a variety of plant species is very natural or legal entity which discover or create a variety of plant species of natural or technical origin, which is new, original, homogenous and stable.
2. The creator of a variety of plant species has the exclusive right to:
 - a) Produce and marketing the propagating material of the relevant variety of plant species.
 - b) Exploitate or transfer his production and marketing rights.
3. The rights referred to the above mentioned paragraph are recognized and protected as far as the creator or his successor owns a certificate of plant species creation, issued, for each new variety of plant species, by the Minister of Agriculture after the concurrent opinion of the committee of article 20.
4. Any person interested to obtain a certificate of plant species creation, lodges an application to the Ministry of Agriculture, which furnish such a certificate according to dispositions of paragraphs 2, 3 and 4 of article 6 of the present law.
5. The certificate of plant species creation is furnished as long as the variety:
 - a) Is new and fulfill all requirements of paragraph 1 of the present article, certified by an experimental control of the Ministry of Agriculture or on the basis of the results of controls curried out by other – domestic or forcing – authority, as far as the results considered to be valid.
 - b) It is declared that it will remain within the national area by a maintainer who meets the requirements of article 10 of the present law.
 - c) It is registered in the specific list for genus and species of paragraph 6 of the present article.
6. The competent service of the Ministry of Agriculture is keeping:
 - a) A special list for genus and species where registered, by a decision of the Minister of Agriculture following the opinion of the committee of article 20, all the genus and species of plants and plant varieties for which the protection of the creator’s rights is possible.

Using the above procedure, the special list may be modified once a year or certain groups of varieties may be excluded whensoever, regardless they belong to genus and species register there-in.

In case that a genus or species of plant is deleted from the special list, the rights of those who have, before the date of deletion, lodged an application to obtain a certificate of plant creation for the varieties of the genus or species which have been deleted, are not affected.
 - b) A register of the creator’s rights of plant varieties in which the following are recorded: the varieties for which a certificate of plant creation has been granted, as well as their names, the legal status of the creator’s rights and especially the protection of his rights, the opening and the expiration date of the protection of the rights, any change in the right, in the entitled entity or in the name of variety, the terms of assignment and generally any relevant evidence laid down in the decision of paragraph 11 of the present article.

The register of the creator’s rights constitutes a means of publicity for every third person who presumed that he knows all the evidence.
7. The creator’s rights are protected for a total period of time up to 18 years, in the case of vineyards as well as in the cases of fruit-trees and ornamental-trees and up to 15 years for all other genus and species of plants, from the date of granting the certificate of plant creation.
8. By a decision of the Minister of Agriculture, issued after the opinion of the committee of article 20, the licence of the exploitation of creator’s right is assigned to the agency of article 21 of the present law, as far as the following requirements are cumulatively fulfilled:
 - a) The assignment is imposed for reasons of Public Interest.

b) The legal owner of the certificate of plant creation refuses to allow the production or marketing of the propagating material of his variety, as well as its exploitation in the proper way,

c) Three years have been passed since the date of granting the certificate of plant creation.

By the same decision the following are determined:

i) the duration of compulsory assignment, ranged from 2 to 4 years the possibility of extension as far as the requirements of initial assignment remain valid.

ii) the extent of the rights of agency and the price ought to be paid to the owner of certificate.

iii) the necessary quantity of the propagating material that the owner has to deliver into the agency as well as the price of the material.

9. Against the decisions published in the register of rights of creators of plant varieties, regarding the assignment, the refusal, recall for any reason of the certificate of plant creation, the assignment of the right of exploitation of the creator right in any possible way and generally for each decision issued according to the provisions of the decree referred in paragraph 10 of the present article, the interested persons can appeal to the competent courts according to the provisions in force.

10. By presidential decrees issued after a proposal of the Minister of Agriculture following the opinion of the committee of article 20, are determined:

a) The determination of the meaning of the properties of plant varieties of par. 1, the criteria of selection of the name as well as the conditions for its assignment and recall.

b) The extension or restriction of the creator's rights of par. 2 for certain varieties of plant species or part of their plants according to the restriction in their use and issues concerning the transfer of the creator's rights and of the co-beneficiaries, the rights of the person to whom the relevant obligations of the creator have been transfer in any way.

c) The determination of the foreign natural and legal entities entitled to demand a certificate of plant creation, the terms and conditions for granting such a certificate, based on international arrangements, to the foreign natural and legal entities as well as their representation in Greece.

d) The reasons for which the protection of the creator's rights is ceased before the expiration of the time period referred in par. 7, the reasons and the procedure for forfeiting the creator's rights as well as the future relations between the forfeited creators and third partners.

11. Matters referring to the procedures and the details concerning the receipt and the management of applications, the form of these, as well as the documents and the information accompanying them, the controlling of varieties and their names, the issuing of a certificate of plant creation, the preservation and maintenance of the samples, the cooperation with foreign organizations and institutions competent for the preservation of genetic material, the type, the keeping and the use of the special list for genus and species, and of the register for the creator's rights of plant varieties, the varieties of plant species for which the extension and the restriction of the creator's rights is possible according the provisions of decrees of paragraph 10 b and any other procedural details necessary for the implementation of this article are determined by decisions of the Minister of Agriculture, issued after the opinion given by the committee of article 20 of the present law, published in the Official Gazette.