
**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English/
anglais/
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

BELIZE

The present document reproduces the text¹ of the Protection of New Plant Varieties Bill, 2000, as notified by Belize under Article 63.2 of the Agreement (see document IP/N/1/BLZ/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

BELIZE

Le présent document contient le texte¹ du projet de loi sur la protection des nouvelles variétés végétales, de 2000, notifié par le Belize au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/BLZ/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

BELICE

En el presente documento se reproduce el texto¹ de la Ley de Protección de las Nuevas Obtenciones Vegetales, 2000, que Belice ha notificado en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/BLZ/1).

¹ In English only./En anglais seulement./En inglés solamente.

BELIZE:

PROTECTION OF NEW PLANT VARIETIES BILL, 2000
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MAY 19 2000

BELIZE:

BILL

for

**AN ACT to provide for the protection of new varieties
of plants and for matters related thereto.**

(Gazetted 18th March, 2000.)

*BE IT ENACTED, by and with the advice and consent
of the House of Representatives and the Senate of
Belize and by the authority of the same as follows:-*

1. This Act may be cited as the

Short title.

**PROTECTION OF NEW PLANT VARIETIES
ACT, 2000.**

Interpretation.

2. (1) In this Act, unless the context otherwise requires:-

“Authority of a Contracting Party” means the Authority entrusted with the implementation of the law on the protection of new varieties of plants for that Party;

“breeder” means the person who has bred or discovered and developed a variety;

“Contracting Party” means a State other than Belize or an intergovernmental organisation party to any of the following Acts of the International Convention for the Protection of New Varieties of Plants - the Act of December 2, 1961 as amended by the additional Act of November 10, 1972, the Act of October 23, 1978 and the Act of March 19, 1991;

“Convention” means the International Convention for the Protection of New Varieties of Plants of 1978 as last revised;

CAP. 82.

“Court” means the Supreme Court of Judicature established under the Supreme Court of Judicature Act;

“holder” means the holder of a breeder's right;

“Minister” means the Attorney General and Minister of Justice;

“Office” means the Office of Companies, Corporate Affairs and Intellectual Property established under section 3 of the Patents Act, 2000;

“periodical” includes the *Gazette*, daily newspapers circulating in Belize or other publication issued by the Office;

“protected variety” means any variety that is the subject of a breeder's right;

“Register” means the register of breeder's rights in which the matters specified in section 3 are required to be recorded;

“Registrar” means the Registrar of Companies, Corporate Affairs and Intellectual Property; and

“variety” means a plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a breeder's right are fully met, can be-

- (a) defined by the expression of the characteristics resulting from a given genotype or combination of genotypes;
- (b) distinguished from any other plant grouping by the expression of at least one of the said characteristics; and
- (c) considered as a unit with regard to its suitability for being propagated unchanged.

3. (1) For the purposes of this Act, the Office shall be responsible for all matters concerning the administration of this Act.

Administration.

(2) The Registrar shall maintain a register, to be known as the Register of Plant Breeder's Rights, in which the following shall be entered-

- (a) any grant of a breeder's right;
- (b) any change in the holder of that right;
- (c) any invalidation or forfeiture of the right;
- (d) any submission, registration, change or cancellation of the variety denomination;

- (e) any licence of right or compulsory licence granted, with an indication of the conditions of such licences; and
- (f) the conclusion of any licence contract at the request of one of the parties to such contract.

Examination of Register.

4. A person who has paid the prescribed fee shall be entitled, during normal business hours, to examine the Register kept in accordance with section 3, and to make copies of or extracts from the information contained therein.

PART II

BREEDER'S RIGHTS

Criteria for protection.

5. Subject to this section and any other formal requirements of this Act, right to be known as a breeder's right shall be granted in respect of plant varieties of those genera or species specified in the Regulations where the variety is-

- (a) new;
- (b) distinct;
- (c) homogenous;
- (d) stable; and
- (e) given a variety denomination which is acceptable for registration in accordance with section 32.

Novelty.

6. (1) Subject to subsection (2), a variety shall be new if the propagating or harvested material of the variety has not been sold or otherwise disposed of to others with the authorisation of the plant breeder or his successor in title-

- (a) in Belize, for longer than one year before the date on which protection is applied for under this Act; and
- (b) outside Belize, for longer than six years in the case of trees or vines or longer than four years in the case of other plants, before the effective filing date in Belize.

(2) It shall not be considered detrimental to the novelty of a variety if the propagating or harvested material of that variety has been sold or otherwise disposed of to others in Belize with the authorization of its breeder or his successor in title for up to four years prior to the inclusion of the genus or species to which the variety belongs in the list of genera and species specified in the Regulations, and for a maximum of six months after such inclusion where the application is filed within that six month period.

7. (1) A variety shall be considered to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of the filing of the application or where relevant, at the priority date.

Distinctness.

(2) Common knowledge may also be established by reference to various factors such as the exploitation of the variety already in progress, grant of a breeder's right in the variety, entry of the variety in a catalogue of varieties admitted to trade or entry in the register of varieties kept by a recognised professional association, or inclusion of the variety in a reference collection.

(3) The filing, in any State, of an application for a breeder's right, or for entry in a catalogue of varieties admitted to trade, shall be deemed to render the variety the subject of the application a matter of common knowledge