

**WORLD TRADE ORGANIZATION**

**ORGANISATION MONDIALE DU COMMERCE**

**ORGANIZACIÓN MUNDIAL DEL COMERCIO**

**IP/N/1/SWE/P/2**

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

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

Sweden

The present document reproduces<sup>1</sup> the text of the Act (1971:392) on the Protection of Plant Breeder's Rights, as notified by Sweden under Article 63.2 of the Agreement (see document IP/N/1/SWE/1).

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

PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA  
PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD

Suède

Le présent document contient le texte<sup>1</sup> de la Loi (1971:392) sur la protection des droits des obtenteurs de variétés végétales, notifiée par la Suède au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/SWE/1).

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**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

Suecia

En el presente documento se reproduce<sup>1</sup> el texto de la Ley (1971:392) de Protección de los Derechos de los Obtentores, notificada por Suecia de conformidad con el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/SWE/1).

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<sup>1</sup>English only/anglais seulement/inglés solamente.

**THE MINISTRY OF JUSTICE  
Stockholm**

**ACT ON THE PROTECTION OF PLANT BREEDER'S RIGHTS  
(Act 1971:392, as amended and in force on January 1, 1996)**

**General Provisions**

**Article 1.** This Act is applicable to those plant varieties which belong to such botanical genus or species which are indicated in the Annex to this Act.

The Act is applicable also to such species which are hybrids between those genus or species which are indicated in the Annex.

**Article 2.** A plant breeder who has, in this country, produced a plant variety, or his successor in title, may obtain, through registration, an exclusive right to commercially exploit that variety according to the provisions of this Act (plant breeder's right).

A plant breeder who is a Swedish national, or has his domicile in Sweden, or the successor in title of such a plant breeder, may obtain a plant breeder's right also in respect of a variety produced abroad.

A plant breeder's right may be obtained also

1. by a plant breeder who has produced a plant variety in a foreign State party to the Convention of December 2, 1961, on the Protection of Plant Varieties, or by the successor in title of such a plant breeder,
2. by a plant breeder who is a national of, or has his domicile in, such a State and who has, in cases other than those referred to in item 1. produced a plant variety, or by the successor in title of such a plant breeder.

A plant breeder's right may be obtained also in other cases where the Government considers this to be of specific importance for the supply of the Swedish market or for Swedish plant breeding activities.

**Article 3.** A plant variety may be registered only if it

1. in respect of at least one important feature differs distinctly from any other variety which is known before the date of the filing of the application for registration,
2. it is sufficiently homogenous with respect to the distinctive features that are determined by its sexual or vegetative reproduction,
3. after a reproduction carried out in accordance with the plant breeder's instructions is stable as regards its essential features.

A plant variety is to be considered as known, if material thereof has been, on a commercial basis, offered for sale or otherwise made available, or if it has been included in, or applied for inclusion into, an official sort list, or appears in a publicly available reference collection or has been described in detail in a publicly available document or has otherwise become known by the public.

Registration may not be effected, if plant material of the variety has been commercially brought on the market by the breeder or his successor in title,

1. in this country before the date of the filing of the application for registration,
2. in a foreign country earlier than six years before the date of the application, where this relates to a vine, a fruit tree, a forest tree or an ornamental tree, or its root stocks,

3. in a foreign country earlier than four years before the date of the application, where this concerns a plant other than one referred to under 2.

**Article 4.** A plant breeder's right implies, with the exceptions indicated below, that nobody may, without the authorization of the owner of the plant breeder's right (the variety owner) commercially exploit the variety through

1. producing, or importing into Sweden, plant material of the variety with the intention that the material shall be offered for sale for reproduction purposes or made available in any other manner for such purposes,
2. offering for sale or in any other manner making available plant material of the variety for reproduction purposes,
3. in cases where a repeated utilization of plant material of the variety is necessary for the production of plant material of another sort, using plant material of the variety for such production and with the intention that the material produced shall be offered for sale for reproduction purposes or in any manner be made available for such purposes.

As regards ornamental plants the plant breeders right includes, in addition, that nobody may, without the authorization of the variety owner, use plants or parts of plants as reproduction material for commercial production of cut flowers or of other material for ornamental purposes.

The plant breeder's right does not include exploitation of such material of a plant variety which has brought on the market within the European Economic Area by the plant breeder or with his consent.

**Article 5.** Where a plant variety has been included in an application for protection in a State party to the Convention of December 2, 1961, on the Protection of Plant Varieties and where registration is sought in this country within twelve months from the day when the application was filed in the foreign State (the priority period), the application filed here shall, for the purposes of the application of Article 3, first paragraph, item 1. and third paragraph, be considered as having been filed at the same time as the application in the foreign State, if the applicant claims such priority. Such priority may be enjoyed also on the basis of an application for protection which relates to another foreign State, where a corresponding priority from a Swedish application for the protection of a plant variety, would be admitted in the State where the earlier application was filed and where the legislation in force in that country corresponds in its main features to the Convention. Where an application for protection has been filed in several foreign States, the twelve month period is calculated from the day when the first application for protection was filed.

The Government, or a Public Authority as decided by the Government, issues provisions on the way in which a claim for priority shall be made and which documents shall be filed in support of the claim. Where such provisions are not followed, priority shall not be enjoyed.

#### **Application for Registration and its Processing**

**Article 6.** Registration in accordance with this Act is effected in the Plant Variety Register, which is kept by the National Plant Variety Board.

In connection with the registration of a plant variety, also the denomination given to the variety shall be registered.

**Article 7.** An application for registration of a plant variety shall be made in writing to the National Plant Variety Board.

The application shall contain a clear description of the variety with a special indication of the characteristic feature or features which distinguishes or distinguish the variety from other varieties and a proposal for a denomination of the variety. The plant breeder's name shall be indicated in the application. If registration is sought for a person other than the plant breeder, the applicant shall prove his right in the variety.

To the application document shall be attached a declaration, signed by the applicant himself, to the effect that the variety, to the best knowledge of the applicant, has not, before the date on which the application was filed or, according to Article 5, shall be considered as having been filed, been made known in such a way which according to Article 3, third paragraph, would prevent the registration.

The applicant shall, in connection with the application, make available plant material sufficient to allow testing of the variety.

The applicant shall pay the prescribed application fee.

**Article 8.** The variety denomination shall make it possible to distinguish the plant variety from other varieties.

A variety denomination shall not be accepted, where it

1. consists solely of numerals, if it is not established practice to denominate the variety concerned in this way,
2. obviously is likely to deceive the public,
3. is contrary to laws or regulations or to public order or is likely to cause offence to the public,
4. may be confused with a variety denomination which has, for the same or a similar plant species, been recorded, or proposed to be recorded, in the Plant Variety Register or another official variety species list, and which is used for reproduction material of such a species,
5. may be confused with a trademark, name, trade name or another denomination for which a person other than the applicant enjoys protection and which would have been an obstacle to the registration of the variety denomination as a trademark, for material of a plant species or for goods of a similar kind,
6. may be confused with such a trademark for material of a plant species or for goods of a similar kind, for which the applicant enjoys protection.

The Government may, on the condition of reciprocity, prescribe that a variety denomination which has been recorded, or for which an application for registration has been filed, in a foreign State shall, notwithstanding the provisions in the first and second paragraphs, be registered in Sweden, where there are not extraordinary reasons against it.

**Article 9.** A request for registration of two or more plant varieties may not be included in the same application.

**Article 10.** An applicant who does not have his domicile in Sweden shall have a representative resident here who is empowered to represent him in all matters relating the application.

**Article 11.** Where the applicant has not fulfilled the requirements relating to the application or where there are other obstacles to the approval of the application, the applicant shall be invited to submit, within a determined period of time, either a statement or a correction.

Where the applicant does not, within the prescribed period of time, submit a statement or take measures to remedy the deficiency indicated, the application shall be removed from the files. This possibility shall be indicated in the invitation.

**Article 12.** If there is an obstacle to the approval of the application even after the applicant has submitted a statement and if the applicant has been given an opportunity to file a statement concerning the obstacle, the application shall be rejected, unless there is a reason for issuing a new invitation to the applicant.

**Article 13.** If anyone claims, before the National Plant Variety Board, that he has a better title to the plant variety than the applicant and the matter is doubtful, the Board may invite him to file an action in Court within a certain time, failing which his claim may be disregarded in the course of the continued examination of the application.

Where a dispute concerning a better title to the plant variety is under consideration by a Court, the application for registration may be declared suspended pending a final decision of the case.

**Article 14.** If anyone proves before the National Plant Variety Board that he has a better title to the plant variety than the applicant, the Board shall transfer the application to him, if he so requests. The person to whom an application is transferred shall pay a new application fee.

If a transfer is requested, the application may not be altered, removed from the files, rejected or accepted until the claim has been finally considered.

**Article 15.** If the application documents are complete and there is no obstacle to the registration, the National Plant Variety Board shall publish a notice of the application in order to give the public an opportunity to file an opposition against the application.

Any opposition shall be filed in writing to the National Plant Variety Board within the period determined by the Board.

**Article 16.** The National Plant Variety Board shall arrange for a test of material of the plant variety, unless this is, for special reasons, considered as unnecessary. For such a test a special fee shall be paid.

**Article 17.** Where the period for submitting an opposition against the application has expired and the tests of material from the plant variety have been finalized, the examination of the application shall continue. As regards this examination, Articles 11 to 14 shall apply.

The applicant shall be given an opportunity to file observations concerning oppositions filed and concerning tests carried out.

**Article 18.** A final decision by the National Plant Variety Board in a matter concerning the registration of a plant variety may be appealed by the applicant if the decision goes against him. A decision under which an application has been accepted notwithstanding an opposition filed according to what is prescribed in this respect, may be appealed by the person who has filed the opposition. Even if the opponent withdraws his appeal, the case may still be brought to a decision where special reasons for this exist.

A decision according to which a request for transfer as prescribed in Article 14 has been accepted, may be appealed by the applicant. Any person who has filed a request for a transfer may appeal a decision according to which the request has been rejected.

**Article 19.** Decisions by the National Plant Variety Board according to Article 18 may be appealed to the National Board of Agriculture within two months from the date of the decision.

Decisions by the National Board of Agriculture may be appealed by the applicant if the decision has gone against him. Decisions by that Board may be appealed to the Supreme Administrative Court within two months from the date of the decision.

**Article 20.** If the application for the registration of a plant variety is approved and the decision has taken legal force, the variety shall be entered into the Plant Variety Register and a notice of the registration be published.

Decisions to remove an application from the files or to reject an application which has been published according to Article 15, shall be published, when the decision has taken legal force.

### **The Term of Validity of a Plant Variety Registration**

**Article 21.** The right in a plant variety subsists from the date when the application for registration was approved and may be maintained for 20 years from the commencement of the year after that when the decision on the registration obtained legal force.

### **The Use of a Variety Denomination**

**Article 22.** Any person who commercially offers for sale or otherwise makes available reproduction material of a plant variety for which registration has been effected, shall use the denomination which has been registered for the variety even after the term of protection for the variety has expired or the plant variety right has otherwise expired.

### **Annual Fees**

**Article 23.** A prescribed annual fee shall, unless otherwise prescribed on the basis of Article 49, be paid for a plant breeders right for each calendar year calculated from, and including, the year after the one when the application for registration was approved.

The annual fee shall be payable on the first day of the calendar year to which it relates. An annual fee for a year which commenced before the plant variety was registered or within two months thereafter, shall, however, be payable only two months after the date of the registration. The annual fee may not be paid before the registration has been effected or earlier than six months before the calendar year to which the fee relates.

The annual fee may, with the prescribed increase, be paid within six months after the date on which it is payable.

### **Subsequent Control**

**Article 24.** The National Plant Variety Board may request the owner of a plant variety to submit to the Board reproduction material of the variety, as well as documents and information necessary, for the purpose of controlling the stability of the registered plant variety.

### **Licenses, Assignments, etc.**

**Article 25.** If the owner of the plant variety has granted someone else a right to commercially exploit the registered plant variety (license), the licensee may transfer his right further only if there is an agreement to this effect.

Where the license forms part of a business activity, it may, however, be transferred together with the activity or part thereof, unless there is an agreement to the contrary. In such a case the transferor remains liable for the fulfilment of the license agreement.

**Article 26.** Where a plant breeder's right has been transferred to another person, or a license has been granted or transferred, an entry of this fact shall, upon request and against the payment of the prescribed fee, be made in the Plant Variety Register. Where it is shown that a license recorded in the Register has expired, the entry shall be removed.

The provisions of the first paragraph apply correspondingly to compulsory licenses.

As the plant variety owner shall, for the purpose of lawsuits or other legal cases relating to the plant variety, be considered the person who has last been entered into the Register in this capacity.

**Article 27.** Where there is not a supply of reproduction material on the market on reasonable terms and to the extent necessary for the national economy or otherwise from the point of view of public interest, a compulsory license may be granted to any person who wants to exploit the plant variety in this country, where there is no acceptable reason for the lack of supply. The compulsory license also includes a right to obtain reproduction material from the plant variety owner to the extent reasonable.

**Article 28.** Compulsory licenses may not be granted to persons other than those who can be presumed to be able to exploit the plant variety in an acceptable manner and in conformity with the terms of the license.

A compulsory license does not prevent the plant variety owner from exploiting the plant variety himself or from granting a license in this respect. A compulsory license may be transferred only together with the business activity in which it is exploited or intended to be exploited.

**Article 29.** A compulsory license may be granted by a Court which also decides the extent to which a plant variety may be exploited and decides about the remuneration and other conditions for the license.

#### **The Termination of the Plant Breeder's Right, Etc.**

**Article 30.** Where the annual fee according to Article 23, is not paid, the plant variety right shall be void as from the commencement of the year for which the fee has not been paid.

**Article 31.** Where a plant variety has been registered contrary to the provisions of Articles 1 or 2 or to Article 3, first paragraph, item 1, or third paragraph, and the ground for refusing the registration still exists, the Court shall, upon the filing of an action in this respect, invalidate the registration. A registration may, however, not be invalidated on the ground that the person who has obtained the registration is entitled only to a part of the plant breeder's right.

An action based on the fact that a registration has been effected for a person other than the one who is entitled to it under Article 2 may be brought only by the person who claims to be the holder of the right in the plant variety. The action shall be brought within one year from the date on which the plaintiff became aware of the registration and of the other circumstances on which the action is based. If the plant variety owner was in good faith when the plant variety was registered or when the right in the plant variety was transferred to him, the action may not be brought later than three years from the registration.

In other cases an action may be brought by anyone who suffers an injury from the registration, and, where this is called for in the public interest, by a Public Authority as decided by the Government.

**Article 32.** If a plant variety has been registered for a person other than the one entitled to it under Article 2, the Court shall, following an action in this respect by the person entitled to it, transfer the registration to him.

Any action in this respect shall be brought within the period prescribed in Article 31, second paragraph.

**Article 33.** Where the plant variety owner has not complied with a request by the National Plant Variety Board and where this non-compliance is an obstacle to a reliable subsequent control of the plant variety, the Board shall remove the variety from the Register.

Where it is found that a registered plant variety has not kept the significant feature or features which, at the time of the registration, distinguished the variety from other varieties, the National Plant Variety Board shall remove the variety from the Register.

**Article 34.** If the plant variety owner renounces, in writing to the National Plant Variety Board, his right in the plant variety, the Board shall remove the plant variety from the Register.

If the right in a plant variety is sequestered for debt, seized or kept for securing the payment of a debt, or if a dispute is pending concerning the transfer of a registration, the plant variety may not, at the request of the plant variety owner, be removed from the Register as long as the sequestering, seizure or the keeping for the payment of a debt is still valid or the dispute has not been finally decided.

**Article 35.** Where a variety denomination has been registered contrary to this Act and the obstacle for the registration still exists, the National Plant Variety Board shall register a new denomination for the plant variety. The same applies where a registered variety denomination obviously has become liable of deceiving the public or contrary to public order or liable to cause offence.

In cases referred to in the first paragraph, the variety owner shall be given the possibility to propose a new denomination.

A registered variety denomination for which the term of protection has expired or the plant variety right has otherwise lapsed, may, at the request of the variety owner or where there is otherwise a reason in this respect, following a consideration by the National Plant Variety Board, be removed from the Plant Variety Register, where the denomination is no longer used.

### **Sanctions and Damages, Etc.**

**Article 36.** Where a person commits an infringement of a plant breeder's right and the infringement is committed wilfully or with gross negligence, he shall be punished by fines or imprisonment for not more than two years. A person who has violated a prohibition under the penalty of a fine under Article 36 a. may not be adjudicated to criminal liability for the infringement covered by the prohibition.

Attempts to commit an infringement under the first paragraph as well as the preparation of such acts shall be punishable according to the provisions of Chapter 23 of the Criminal Code.

A public prosecutor is entitled to bring an action for a violation as mentioned in the first and second paragraphs only if there is a complaint from the injured party and such an action is called for in the public interest.

**Article 36 a.** At the request of the owner of the plant breeder's right or of a person who, on the basis of a license, has the right to exploit a plant variety, the Court may issue an injunction prohibiting, under penalty of a fine, a person who commits an act constituting an infringement of the plant variety right to continue that act.

If the plaintiff shows a probable case that an act constituting an infringement takes place and it can reasonably be assumed that the defendant, through the continuation of the act, diminishes the value of the exclusive right in the plant variety, the Court may issue an injunction for the time until the case has been finally adjudicated or otherwise is decided. No injunction may be issued before the defendant has been given an opportunity to respond, unless a delay would entail a risk for injury.

An injunction as mentioned in the second paragraph may be issued only if the plaintiff deposits a security with the Court for the injury which may be caused to the defendant. If the plaintiff is not capable of depositing such a security, the Court may liberate him from making a deposit. As regards the type of security, the provisions of Chapter 2, Article 25, of the Enforcement Code shall apply. The security shall be examined by the Court unless the defendant has accepted it.

When the case is adjudicated, the Court shall decide whether a prohibition under the second paragraph shall continue to apply.

The provisions on appeal against decisions prescribed in Chapter 15 of the Code on Judicial Procedure shall apply as regards appeals against decisions under the second and third paragraphs and as regards proceedings in higher Courts.

A request for the imposition of a fine may be made by the person who has requested the injunction. In connection with such an imposition, a request may be made for a new injunction to be issued under penalty of a fine.

As regards the contents of wireless broadcasts and broadcasts by wire, the provisions of the Radio Act (1966:755) shall apply.

**Article 37.** Anyone who wilfully or with negligence commits an infringement of a plant breeder's right shall pay an equitable compensation for the exploitation of the plant variety and compensation for the further injury caused by the infringement. In the determination of the amount of the compensation also the interest of the owner of the variety that an infringement not be committed and to other circumstances of other than purely economic importance shall be taken into account.

Anyone who without intention or negligence commits an infringement of a plant breeder's right shall pay a compensation for the exploitation of the variety, if and to the extent that this is considered reasonable.

The right to compensation for an infringement in a plant breeder's right is lost where the action is not brought within five years from the date of the injury.

**Article 38.** At the request of a person who has suffered an infringement of a plant breeder's right, the Court may, to the extent considered reasonable in order to prevent the continuation of the infringement, decide that the plant material in respect of which an infringement occurs, or an object the use of which would constitute an infringement, shall be surrendered, against compensation, to the injured party or be altered in a specified manner, or be destroyed. This does not apply in relation to a person who has in good faith acquired the property or a specific right in it and who has not himself committed an infringement of the plant variety right.

Property as referred to in the first paragraph may be seized, where it can reasonably be assumed that a violation under Article 36 has been committed. As regards such seizure, the provisions on seizure in criminal cases in general shall apply.

Notwithstanding the provisions of the first paragraph the Court may, decide, upon request, that the owner of a property referred to in the first paragraph may have the right to exploit the property against an equitable compensation and subject to other reasonable conditions.

The provisions of the first to third paragraphs apply also in relation to acts of attempts or of planning referred to in Article 36, second paragraph.

**Article 39.** Where anyone commercially exploits a plant variety covered by an application for registration, the provisions on infringement of a plant breeder's right shall apply accordingly to the extent that the application results in a registration. A criminal penalty may, however, not be adjudicated, and a compensation for injury on the basis of an exploitation which has taken place before a notice of the registration was published according to Article 15, may be decided only according to the provisions in Article 37, second paragraph.

The provision of Article 37, third paragraph, does not apply where the action for compensation is brought no later than one year from the registration of the plant variety right.

**Article 40.** Where the registration of a plant variety has been invalidated through a judgement having legal force, no criminal penalty, compensation or security measure as provided for in Articles 36 to 39 may be adjudicated.

Where an action is brought for an infringement of a plant breeder's right and the person against whom the action is brought claims that the registration be invalidated, the Court shall, upon his request, order the proceedings to be suspended until the question of the invalidation of the registration has been finally decided. Where the action in this respect has not been brought, the Court shall, in connection with the order for suspension, prescribe a certain time for him within which such an action shall be brought.

**Article 41.** A fine shall be imposed on any person who wilfully or with negligence violates the provisions of Article 22. He shall also pay a compensation for any injury caused. In case the negligence is insignificant no criminal liability may be adjudicated. In such a case, the compensation may be adjusted.

### **Provisions on Proceedings**

**Article 42.** A plant variety owner or a person who has, on the basis of a license, the right to exploit the plant variety, may bring an action to resolve the question on whether or not he enjoys, on the basis of the registration, protection in relation to another person, where an uncertainty exists in this respect and the uncertainty causes injury to the plaintiff.

Under the same conditions, a person who is engaged in, or intends to engage in, a business activity may bring an action against the plant variety owner to resolve the question whether an obstacle against the activity would exist on the basis of a certain plant variety registration.

The provisions of Article 40, second paragraph, apply correspondingly where it is claimed, in a case referred to in the first paragraph, that the registration be invalidated.

**Article 43.** Anyone who wishes to bring an action concerning the invalidation of a registration of a plant variety, concerning the transfer of a registration or concerning the granting of a compulsory license shall notify this fact to the National Plant Variety Board and inform any person who, according to the Plant Variety Register, holds a license for the exploitation of that variety. A licensee who wishes to bring an action for infringement of a plant breeders right or for the resolution of a question referred to in Article 42, first paragraph, shall inform the owner of the plant variety about this fact.

The obligation to furnish information referred to in the first paragraph shall be considered to have been met when a notice has been sent in registered, pre-paid mail to the address recorded in the Plant Variety Register.

Where it is not shown, at the time when the action is brought, that a notification has been made or information furnished under the provisions in the first paragraph, the plaintiff shall be given sufficient time for this purpose. If he fails in this respect, his action shall not be taken up for consideration.

**Article 44.** Where there is not, under the Code of Judicial Procedure, a Court competent to consider an action concerning a better title to a plant variety, concerning the invalidation of a registration of a variety, concerning the transfer of such a registration, concerning the granting of a compulsory license or concerning the resolution of a question referred to in Article 42, the action shall be brought at the District Court in Stockholm.

**Article 45.** Copies of judgements or final decisions in cases referred to in Articles 13, 29, 31, 32, 36 to 39 or 42 shall be transmitted to the National Plant Variety Board.

### **Special Provisions**

**Article 46.** An owner of a plant variety who does not have his domicile in Sweden shall have an representative resident here who is empowered to receive notice of writs, summons and other documents relating to court cases and other matters concerning the plant breeders right, with the exception, however, as regards writs in criminal cases and as regards invitations for a party to appear personally in the Court. The representative shall be notified to the Plant Variety Register and recorded there.

Where a plant variety owner has not notified a representative according to the first paragraph, a summon may instead be served through the transmission of the document in a pre-paid letter to the address recorded in the Plant Variety Register. Where a complete address is not recorded in the Register, the summon may, instead, be effected through the making available of the document at the National Plant Variety Board and through the entry of a notice about this fact and about the essential contents of the document in a publication as decided by the Government. A summon shall be considered as effected when the actions now mentioned have been carried out.

**Article 47.** The Government may, on condition of reciprocity, prescribe that the provisions of Article 10 or Article 46 shall not apply in relation to such an applicant or a plant variety owner who is domiciled in a specific foreign State or who has a representative resident there who has been notified to the National Plant Variety Board and who is empowered as prescribed in those Articles.

**Article 48.** Decisions by the National Plant Variety Board other than those referred to in Article 21 may be appealed through the lodging of an appeal to the National Board of Agriculture within two months from the date of the decision.

A final decision by the National Board of Agriculture may be appealed to the Supreme Administrative Court (Regeringsrätten) within two months from the date of the decision.

**Article 49.** The fees prescribed in this Act are decided by the Government or, as regards fees for tests referred to in Article 16, by a Public Authority as decided by the Government. In the determination of the annual fees, the Government may prescribe that one or more of the first years shall be free from fees.

**Article 50.** The Government may prescribe that the testing of a plant variety for which registration is sought may be carried out in another State or at an international institution and that the person applying for the registration of a variety shall be obliged to provide information about what the Authority in that State has notified him concerning the examination of the conditions for registration.

(Annex, not included in the translation)

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This Act enters into force on July 1, 1971.