

## **SUBSIDIARY LEGISLATION**

*to the Gazette of the United Republic of Tanzania No. 21 Vol 99 dated 25<sup>th</sup> May, 2018*  
Printed by the Government Printer, Dar es Salaam by Order of Government

GOVERNMENT NOTICE NO. 228 published on 25/05/2018

### **THE PLANT BREEDERS' RIGHTS ACT (CAP.344)**

### **REGULATIONS**

*(Made under section 58)*

### **PLANT BREEDERS' RIGHTS REGULATIONS**

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THE PLANT BREEDERS' RIGHTS ACT  
(CAP.344)

REGULATIONS

*(Made under section 58)*

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PLANT BREEDERS' RIGHTS REGULATIONS

PART I

PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Plant Breeders' Rights Regulations 2018.

Interpretations

2. In these Regulations, unless the context otherwise requires:-

Cap.344

"Act" means the Plant Breeders' Rights Act;

"assignee" in relation to a new variety means:-

(a) a person who derives a title to that variety directly or indirectly from the breeder or owner by a sign-writing or inheritance or operation of law; or

(b) a legal representative of such person;

"approved depository gene bank" means a gene bank recognized under any written law;

"commissioning" means engaging the services of developing a new plant variety in exchange for monetary or any other material consideration;

"denomination" means the generic name of that variety;

"DUS test " means test of Distinctness, Uniformity and Stability of a plant variety;

"description" means a narrative statement that defines the characteristics of a plant variety for the purpose of demonstrating that the variety in question is a new variety;

## *Plant Breeders' Rights*

*GN. No. 228 (contd...)*

"harvested material" means any part of the plant with potential economic value or any product made from that plant;

"Plant Breeders' Rights Certificate" means a document issued by the Registrar as evidence of grant of a Plant Breeder's Right;

"Plant Breeders' Rights Office" mean an office established under section 3 of the Act;

"registry" means Registry of Plant Breeders' Rights;

Cap.308 "seed" shall carry the same meaning as defined in the Seeds Act.

### PART II PLANT BREEDERS' RIGHTS OFFICE

Officers of the  
Plant Breeders  
Rights Office

3. A person who is appointed as a Registrar, Deputy Registrar or any other officer working under the Plant Breeders' Rights Office shall not, during the period of holding the office or serving as an officer, apply for the grant of breeder's right.

Register  
Inspection

4.-(1) A person who wishes to inspect a register of breeders' rights, shall submit in writing his request to the Registrar, indicating clearly the information he wishes to inspect and the purpose thereof.

(2) The Registrar shall have a discretion to determine which information is open to the public for inspection.

(3) The discretion shall be diligently exercised with due regard to the confidentiality of a particular information.

(4) Inspection of the Register shall be made upon payment of prescribed inspection fees as prescribed in the Second Schedule to these regulations.

Plant  
Breeders'  
Rights  
Advisory  
Committee

5.-(1) Members of the Plant Breeders' Rights Advisory Committee shall be appointed by the Minister upon recommendation from their respective organizations or Association.

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*GN. No. 228 (contd....)*

(2) Tenure of office, proceedings and other matters relating to the Plant Breeders' Rights Advisory Committee shall be as prescribed in the Third Schedule to these regulations.

### PART III APPLICATION FOR PLANT BREEDERS' RIGHTS

Application

6.-(1) An application for grant of Plant Breeders' Rights shall be submitted to the Registrar in Form PBR I as prescribed in First Schedule to these Regulation.

(2) The application shall be accompanied with the prescribed application fees as set out the Second Schedule to these Regulations.

Minimum  
requirements  
for application

7.-(1) The application shall be submitted to the Registrar during official business hours or sent by registered mail.

(2) The application shall consist of the following:-

- (a) one copy of the completed application form signed by or on behalf of the Applicant; and
- (b) untreated viable seeds at such quantity as may be prescribed in the guidelines issued by the Registrar.

(3) For vegetatively propagated plants, the application shall be accompanied by:-

- (a) a certification that a viable culture has been deposited with an approved depository gene bank; or
- (b) a certification that a plot of vegetative material has been established in an approved depository and will be maintained for the required period.

(4) The Applicant shall state clearly:-

- (a) whether priority is being claimed as a result of a preceding application made by the Applicant in



one of the members of an international organization dealing with plant breeders rights matter which Tanzania is a party; and

- (b) whether the breeder or a legal representative of the breeder sold or consented the sale of the plant variety within or outside Tanzania, and the date of the sale.

(5) The Registrar may, at any time after receiving an application, require the Applicant to submit additional propagating materials as may be required for purposes of substantive examination.

(6) The applications shall be typed or printed and any cancellation or alterations shall be made in indelible ink, initialed and dated by the Applicant to confirm knowledge of such modifications.

Application  
by an assignee  
or successor  
in title

8. Where an application is made by an assignee or successor in title of the breeder, it shall be accompanied by-

- (a) proof of assignment or succession;  
(b) the original or certified copy of the deed of grant of letters of administration; or  
(c) such documentary evidence which in the opinion of the Registrar is sufficient to establish title of the Applicant.

Application  
by a  
partnership  
firm

9. The application made by a partnership firm shall be signed by all partners.

Application  
by a body  
corporate, a  
society or  
corporation

10. The application made by a body corporate, a society or any other organisation, shall be signed by the secretary or principal officer or authorised representative.

Application  
by non  
residents and  
recognition of  
agents

11.-(1) The application by a person who is not a resident of Tanzania, or who does not have a registered office in Tanzania, shall be submitted only through an agent legally residing in Tanzania.

## *Plant Breeders' Rights*

*GN. No. 228 (contd....)*

(2) The Registrar shall recognize a person as an agent if he is satisfied that such person has been authorized to act as an agent in Form PBR II as set out in the First Schedule to these Regulations.

### Examination

12. The Registrar shall examine the application and supporting documents within five working days from the date of receipt and after being satisfied, he shall give a filing date corresponding to the date and time of which the application was received.

### Notification

13. The Registrar shall within ten days from receipt of the application, acknowledge in writing receipt of the application to the Applicant.

### Amendment

14.-(1) The Registrar shall if there is any defect, inform the Applicant to correct it and re-submit the application to the Registrar within thirty days, upon receipt of notification of the deficiency.

(2) The Applicant may request for an extension of time to make corrections or complete the application.

(3) Where the Applicant fails to complete the application or correct the defect within the time given by the Registrar, the application shall be considered as abandoned.

### Voluntary withdrawal

15. The application may be voluntarily withdrawn by a written notice to the Registrar signed by the Applicant.

### Record keeping

16. The Registrar for the purpose of maintaining records shall, monitor development of plant breeders' rights application and grant made in the Mainland Tanzania.

### Issuance of certificate

17.-(1) The Registrar upon being satisfied that the application has complied with all the requirements, shall issue a certificate of breeder's right in Form PBR III as specified in the First Schedule to these Regulations.

**PART IV**  
**REJECTION AND OBJECTION OF AN APPLICATION**

Rejection of  
an application

18.-(1) The Registrar shall reject the application which does not comply with the requirements specified in these Regulations.

(2) Where the application is rejected, the Registrar shall notify the Applicant in writing within fourteen days, stating reasons for such rejection.

(3) The following information may be used to support the reasons for rejection:-

- (a) where prior grant is cited as a reason for rejection, the particulars for such grant including name of holder, granting authority and date of grant shall be stated in the notice of rejection;
- (b) where printed or electronic publications are cited as a reason for rejection, the author, title, date, pages and places of publication, or place where a copy of the publication can be found shall be provided to the Applicant; and
- (c) where the rejection is based on facts known to the Registrar, and upon request by the Applicant, the rejection shall be supported by an affidavit of the Registrar.

Objection

19.-(1) The objection shall be made in Form PBR IV as set out in the First Schedule to these Regulations.

(2) At the hearing of an objection:-

- (a) each party shall be allowed to call witness and to cross-examine the other party;
- (b) the onus shall rest with a party to notify his witness on the date, place and time of the hearing and to ensure his presence at the hearing; and



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(c) a person who lodged an objection against an application shall be allowed to present his case first.

(3) After hearing of the evidence, the Registrar shall reach a decision and inform in writing the person objecting and the person who applied for the grant of the breeder's right.

(4) A person who is aggrieved by the decision of the Registrar may appeal to the Appeal Board.

### PART V DENOMINATION

Variety  
denomination  
Act. No.  
12 of 1986

20.-(1) The denomination which is proposed for a variety shall not be:-

(a) identical or similar to a mark which enjoys protection under the Trade and Services Marks Act; and

Cap.326

(b) inimical to public order or contrary to morality.

(2) Notwithstanding anything to the contrary contained in this Regulation, a mark referred to in subregulation (1)(a) may only be approved as a denomination for a variety if the Applicant submits documentary proof that the holder of the mark concerned has renounced his right to such mark as from the date on which a Plant Breeder's Right is granted.

Rejection

21. Where the denomination does not comply with the requirements, its registration may be rejected and the Registrar shall require the Applicant to propose another denomination within thirty days from the date of notification.

Right of  
priority

22.-(1) The use of a denomination shall not be granted to a breeder if such denomination has already been registered for another plant variety or is being used by a third party in relation to the sale of a particular variety prior to the filing date of an application.

(2) In case two or more Applicants apply for registration of the same denomination, the Applicant who has the earliest filing date shall have the right to register the same to the exclusion of the other Applicant.

Denomination  
previously  
used

23.-(1) Where the subject matter of an application filed in Tanzania, is the same as that of an application previously filed abroad by the same Applicant, the Applicant shall submit the same denomination.

(2) The Registrar may approve the use of denomination submitted in accordance with sub regulation (1) if such denomination does not contravene the requirements provided under section 20 of the Act.

Change of  
denomination

24.-(1) The approved variety denomination may be changed where:

- (a) the denomination approved by the Registrar due to an error is not the denomination proposed by the holder;
- (b) additional information that becomes available after the grant of breeder's right justifies a change of denomination; or
- (c) an objection has been filed pursuant to section 25 and 26 of the Act.

(2) Where a change in denomination is requested by the holder, it shall be in writing describing the reasons thereof.

(3) A change of denomination shall come into effect on the date on which the Registrar approves.

## PART VI INFRINGEMENT OF PLANT BREEDER'S RIGHT

Infringement

25.-(1) Unless otherwise provided in the Act, infringement of Plant Breeders' Rights shall include but not limited to the following:-

- (a) sell, offer for sale, deliver, consign, exchange, or solicit an offer to buy it, or any other transfer of title or possession of the protected variety without consent or authorization by the holder of the breeder's right; or
- (b) multiply the protected variety without consent or authorization by the holder of the breeder's right; or
- (c) instigate or actively induce performance of any of the acts described under paragraphs (a) and (b) of this regulation.

(2) In any proceedings for the infringement of breeder's right, all such relief by way of damages, injunction, prohibition, account of profits or otherwise shall be available in any corresponding proceedings in respect of infringements of other proprietary rights.

Defenses  
against  
infringement

26. The defenses against infringement cases shall include but not limited to the following:-

- (a) the plant variety has not met criterion of novelty or distinctness at the time of application for breeder's right; or
- (b) the alleged infringement was performed under a right adverse to it, prior to the notice of infringement.

Power of the  
court

27.-(1) In addition to any other remedy for infringement, a court may make an order in respect of the custody, surrender for disposal of any book, document, plant, propagating material, product, substance or other article.

(2) Where the court orders for the confiscation of infringing materials, may cause:-

- (a) their distribution to charitable organizations; or
- (b) the sale and provide the proceeds thereof to research organizations; or



(c) materials be returned to the petitioner.

**PART VII**  
**NULLIFICATION, CANCELLATION AND SURRENDER**  
**OF PLANT BREEDERS' RIGHTS**

Nullification  
and  
cancellation

28.-(1) The Registrar may investigate conformity of the conditions of grant of breeder's right in order to make a decision regarding nullification or cancellation of breeder's right.

(2) An interested person may, upon payment of the required fees, petition to nullify or cancel a breeder's right on any of the grounds respectively specified under Section 36 (1) of the Act.

(3) Petition to nullify or cancel breeder's rights shall:-

- (a) be in writing and verified by petitioner or any other person on his behalf;
- (b) specify the grounds on which it is based; and
- (c) be attached with the copies of documents that may be relied upon.

(4) A petition to nullify or cancel a breeder's right shall be instituted at any time within the term of protection of such right.

Objection

29. An objection against nullification or cancellation of a breeder's right shall:-

- (a) state the grounds on which the objection is based;
- (b) indicate the published particulars of the breeder's right concerned;
- (c) state the name and address of the person objecting; and
- (d) be accompanied by the fees as specified in the Second Schedule to these Regulations.

Returning  
certificate

30.-(1) A holder of certificate upon nullification or cancellation of the Plant Breeder's Right, shall return the

certificate to the Registrar not later than fourteen days from the date of the publication of nullification or cancellation notice

(2) A person who:-

(a) fails to return a nullified or cancelled certificate;  
or

(b) uses the certificate knowingly that the said certificate has been nullified or cancelled,  
commits an offence and, is liable on conviction, to a fine not less than ten million shillings or to imprisonment for a term not exceeding one year or both such fine and imprisonment.

Notice to  
surrender

31.-(1) A notice to surrender the breeder's right shall be submitted to the Registrar in form PBR V as set out in the First Schedule to these Regulations.

(2) The notice shall be accompanied by:-

(a) the fees as specified in the Second Schedule to these Regulations; and

(b) the original copy of the breeder's right certificate.

Liability for  
an outstanding  
fees

32. Surrender of the breeder's right shall not affect any liability for any fees due and payable in respect of those rights before the surrender.

Record

33. In case of amendment, surrender or cancellation of certificate of breeder's right, the Registrar shall:-

(a) record in the appropriate register of the Plant Breeders' Rights; and

(b) notify the holder.

## PART VIII AUTHORIZATION AND ASSIGNMENT

Petition

34. A petition for the issuance of a compulsory authorization shall:

(a) be submitted in writing to the Registrar in Form PBR VI as set out in the First Schedule to these Regulations;

- (b) contain the name and address of the petitioner and holder of the Plant Breeders' Rights;
- (c) indicate ~~the published particulars of~~ the application concerned;
- (d) state the denomination of the plant variety and the statutory grounds upon which compulsory authorization is sought;
- (e) state the ultimate facts constituting the petitioner's cause of action, and the relief prayed for; and
- (f) be accompanied by the fees as prescribed in Second Schedule to these Regulations.

Scope of  
compulsory  
authorization

35. The Registrar, upon petition by any interested party and proof of reasonable grounds, may issue a decision:-

- (a) allowing the petitioner to produce in commercial quantity and distribute the variety protected or any part thereof;
- (b) requiring the holder to ensure the availability of the propagating materials of the variety so protected;
- (c) requiring the petitioner to pay the holder with the authorization fees in the form of reasonable royalties; or
- (d) any other additional remedies as the Registrar may determine to be consistent with appropriate circumstances.

Terms and  
condition

36.-(1) The Registrar shall fix the terms and conditions including the rate of royalties of the compulsory authorization subject to the following conditions:-

- (a) scope and duration of such authorization shall be limited to the purpose of application;
- (b) the authorization shall be non-exclusive;
- (c) the authorization shall be non-assignable; and
- (d) the authorization may be terminated upon properly showing that circumstances that led to its grant have ceased to exist and are unlikely to recur.



(2) The holder shall be paid adequate remuneration taking into account the economic value of the grant or authorization, except that in case where the authorization was granted to remedy a practice which was determined after judicial or administrative process to be against fair trade practices may be taken into account in fixing the amount of remuneration.

(3) A compulsory authorization shall be effective until the ground for its issuance have been terminated as determined by the Registrar on *suo moto* or upon petition to the Registrar by any interested party.

Cancellation  
of a  
compulsory  
authorization

37.-(1) The Registrar may cancel the compulsory authorization upon request by the holder of that authorization.

(2) The Registrar may cancel or terminate the compulsory authorization on the following grounds:-

- (a) if reasons for the grant of the compulsory authorization no longer exist and are unlikely to recur;
- (b) if the authorized has neither begun to exploit the authorization nor made serious preparation thereof; or
- (c) if after six months from the date of being granted a compulsory authorization the authorized has not complied with the prescribed terms of the authorization.

## PART X MISCELLANEOUS PROVISIONS

Extension of  
time

38.-(1) The Registrar may grant extension of time for submission of any applications.

(2) The application for extension and reasons thereof shall be submitted in writing to the Registrar and shall be accompanied by a fees as prescribed in the Second Schedule to these Regulations.

## *Plant Breeders' Rights*

*GN. No. 228 (contd...)*

Consideration  
of similar  
variety  
developed  
independently

39. Where two or more persons breed a new plant variety separately and independently of each other, on application for the Plant Breeders' Rights, consideration shall be made to the person who has the earliest filing date.

Joint  
Ownership.

40.-(1) Where two or more persons contribute to the breeding of a new plant variety, all of them shall be named in the Plant Breeders' Rights certificate and shall be entitled to such rights as agreed upon in writing or in the absence thereof, the rights in proportion to their contribution in the development of the plant variety.

(2) Where there is no such written agreement and their respective contributions in the development of the plant variety cannot be established, the co-owners shall be deemed to have equal rights to the new plant variety.

Employer and  
employee  
relationship

41.-(1) Where an employee breeds a plant variety in the course of his employment as a result of the performance of his regular duties, the breeder's right shall belong to the employer unless there is a written agreement to the contrary.

(2) If the employee breed the plant variety outside of his regular duties, the plant variety protection shall belong to the employee.

(3) The Employee employer relationship regarding the variety breed discovered and developed in course of employment shall continue to exist even after termination of employment.

(4) Nothing in this regulation shall prohibit the employer and employee from entering into an agreement for the recognition of the employee's work or for the authorization of the employee to use any information or knowledge relating to the employee's employment.

Commissioned  
work

42. A person who commissions the breeding, and discovery development of a new plant variety shall own the breeder's right, if so provided in a written agreement.



## *Plant Breeders' Rights*

*GN. No. 228 (contd...)*

Change of  
address

43.-(1) Change of the address for purposes of correspondence which is specified in an application for the grant of a breeder's right, or an address entered in the register as the case may be, shall be furnished to the Registrar by:-

- (a) the person who applied for the grant of the breeder's right;
- (b) the holder of the breeder's right;
- (c) the legal representative or agent of such Applicant or holder; or
- (d) the person to whom an authorization or compulsory authorization was issued in respect of the breeder's right concerned.

(2) Change of address shall be submitted to the Registrar within thirty days from the date on which such change come into effect.

Prohibition of  
trafficking by  
officers.

44.-(1) The Registrar, or an officer who under the delegation, control or direction of the Registrar, exercises the powers and carries out the duties assigned to or imposed upon the Registrar under the Act and these Regulations, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to an imprisonment for a term not exceeding one year or to both such fine and imprisonment if:-

- (a) he buys, sells, acquires or traffics in any breeder's right or an interest therein;
- (b) he acquires, otherwise than in the course of his duties, or sells any propagating material of a variety in respect of which a breeder's right has been granted or applied for.

(2) Any purchase, sale, acquisition or assignment of any breeder's right by or to the Registrar or any officer of the Registry shall be null and void.

(3) A reproductive material acquired by the Registrar or an officer of the Registry shall be forfeited.

## *Plant Breeders' Rights*

*GN. No. 228 (contd...)*

(4) Nothing in this Regulation shall apply to the person who breed, or discovered and developed, a variety of a plant prior to assignment or appointment to the Plant Breeders' Rights Office or to any acquisition by inheritance.

Destroyed or  
lost certificate

45. Where a certificate of the Plant Breeder's Right issued is destroyed or lost, a certified copy may be issued in lieu thereof on payment of fees as prescribed in the Second Schedule to these Regulations.

Preservation  
and proof of  
documents

46. All documents lodged with the Registrar in connection with Plant Breeders' Rights shall be preserved.

Right to  
representation

47.-(1) A person who is entitled to make representation concerning any matter that affects his interest may apply in writing to the Registrar to make such a representation.

(2) The Registrar shall, on receipt of an application under this Regulation, afford the Applicant an opportunity to be heard.

(3) In appointing the date and place for hearing, the Registrar shall take into consideration:-

- (a) convenience of the Applicant and any witness;
- (b) the situation of any land or premises to be viewed in connection with the application; and
- (c) any other relevant circumstances.

(4) The Applicant shall, at least within fourteen days before the date appointed for the hearing, deliver to the Registrar two copies of any document intended to be relied on or tendered as evidence at the hearing.

(5) The Applicant may appear in person at the hearing or be represented by a person of his own choice.

(6) At the hearing, the Applicant or his representative may:-

- (a) give evidence;
- (b) call witness;

## *Plant Breeders' Rights*

*GN. No. 228 (contd...)*

- (c) produce any document; and
- (d) cross-examine any witness called.

(7) A document shall not be relied on or produced in evidence unless copies thereof are delivered to the Registrar in accordance to sub -regulation (4).

(8) The Registrar may require any person appearing before him at the hearing to give evidence on oath, affirmation or otherwise and may for that purpose administer oaths or affirmations.

(9) The Registrar in consultation with the Applicant may give direction on the hearing procedures.

(10) The Registrar shall make his decision in writing, stating the reason for his decision and notify his decision to the parties.

Application  
for extension  
of grant

48.-(1) An application for extension of the period of a breeder's right granted shall be in Form VII appearing in the First Schedule to these Regulations and shall be accompanied by a fee prescribed in the Second Schedule to these Regulations.

(2) Without prejudice to the requirement of Section 33(2) of the Act, the Registrar may accept a late application if satisfied that the Applicant's failure to lodge the application within the prescribed period was due to circumstances beyond his control:-

Provided that the application is lodged at least three months before the date of expiry of the grant.

Offences and  
penalties

49. A person who contravenes the provision of these Regulations commits an offence and upon conviction, shall be liable to a penalty as provided for under Section 49(2) of the Act.

Registrar to  
make  
guidelines

50. The Registrar may make Guidelines, prescribing the propagating material requirements, procedures for conducting of tests, methods and observations, set of



## *Plant Breeders' Rights*

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*GN. No. 228 (contd...)*

descriptors or table of characteristics and such other information as the Registrar may deem necessary.

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Revocation  
GN. No.  
69 of 2008

51. The Plant Breeders' Rights Regulations are hereby revoked.



**FIRST SCHEDULE**

**FORMS**

FORM No. PBR I

S/No.....

**UNITED REPUBLIC OF TANZANIA  
PLANT BREEDERS RIGHTS OFFICE  
THE PLANT BREEDERS' RIGHTS ACT  
(CAP.344)**

**APPLICATION FOR PLANT BREEDERS' RIGHTS**

*(Made under Regulation 6(1))*

**PART I:**

**A: (Particulars of the Applicant)**

1. Applicant's name(s):

Physical Address:

Telephone No:

Fax No:

Email address:

Country:2.

*(As it is to appear on the certificate and for the purpose of service)*

*(If the Applicant is an assignee or successor title, please attach the proof of assignment or succession)*

Phone no. (include area  
code).....

Fax no.

E-mail):

Country b

2. Name of a person who bred, or discovered the variety (if different from the Applicant):

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Physical Address:

P. O. Box .....

City:

Country:

*(As it is to appear on the Register and for the purpose of service)*

Phone no. (include area  
code).....

Fax no. and E-mail (if  
available):.....

3. Name of Agent (if any) .....

4. Physical Address:

P. O. Box .....

City:

Country:...

*(As it is to appear on the Register and for the purpose of service )*

Phone no. (include area  
code).....

Fax no.

E-mail:

### B: (Details of the variety)

4. Specie or group to which the plant variety belongs:

5. Proposed denomination:

6. Country in which the variety was bred and or developed:

*(To be completed by all Applicants)*

7. Have the plant of the variety or any material forming part of, or derived from them been offered for sale locally or abroad?  
(YES/NO)

8. If (yes) give the following particulars:

(a) Country of  
sale:.....

(b) Date of first sale or offer for  
sale:.....

(c) Terms and conditions of  
sale:.....

(a) Has the Breeders consented to sale?.....(YES/NO).

**PART II**

*(To be completed by the Applicants from Outside Tanzania)*

9. Please give the details of application for rights in other countries:

- (a) Country name(s):
- (b) Application number:
- (c) Date of Application:
- (d) Name or denomination applied for:
- (e) Breeder's reference

10. Is priority claimed in Tanzania with respect to an application made outside of Tanzania?  
( YES/NO) if "Yes", which of the applications detailed above is subject of your claim:.....

11. If DUS tests are being conducted or have been completed in another country, do you want its report be purchased from a foreign country? (YES/NO)

12. If DUS test is conducted in more than one country, which country do you wish this report be purchased?  
.....

**C: Origin and nature of candidate variety:**

(a) 13. Is the candidate variety a hybrid variety? (YES/NO),  
if "Yes", state type of hybrid (eg .male sterile, restored, 2way, 3way etc)  
.....

14. If the candidate variety is a hybrid do you wish to details and data relating to the components to be treated as confidential?

(YES/ NO)

15. if "Yes" give the parentage information on separate Confidential sheet and annex with this application.

**NB: (DUS test may only be purchased if Tanzania has an agreement with that country for exchange of DUS reports )**

**PART III**

*(To be completed by all Applicants/Agents*

16. If "No" give the details of parentage herein below to ensuring you provide details of all lines necessary for maintenance of the variety.

(a)

Parentage:.....

(c) Breeding

methods:.....

(d) Method of

maintenance:.....

(e) Description of candidate variety (DUS information for National variety Catalogue and Plant Breeders' Rights):  
.....  
.....

(f) Similar variety and differences between the variety applied:-  
.....



(g) Special distinguishing characteristics: .....

PART IV

*(Information on the breeding scheme and propagation of the variety)*

17. Breeding scheme (information on breeding scheme) Method of propagating the variety (information on method of propagating the variety) (Information on method of propagation of hybrid varieties)

PART V

*(Similar /Comparing varieties and differences from varieties)*

18. Denomination of Similar / Comparing variety (ies) Similar to your candidate variety

Characteristic(s) in which your candidate  
Variety differs from the similar variety (ies)

Describe the expression of the characteristic(s)  
Characteristics(s) for the similar variety

Describe the expression of the characteristics of  
The candidate variety

Comments /attachment of descriptions /technical questionnaire including photos that can not be filled in this form

PART V

*(Authorization for release)*

- a) Does the variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health? YES/NO
- b) Has such authorization been obtained? YES/ NO

PART VI

19. (Information on plant material to be examined or submitted for examination )

19.1 The expression of characteristics or several characteristics of a variety may be affected by factors, such as pests and disease, chemical treatment (eg growth retardants or pesticides), effects of tissue culture, different rootstocks, scions taken from different growth phases of a tree etc

19.2 The plant material should not have undergone any treatment which would affect the expression of the characteristics of the variety, unless the competent authorities allow or request such treatment. If the plant material has undergone such treatment, full details of the treatment must be given. In this respect, please indicate below, to the best of your knowledge, if the plant material to be examined has been subject to:-

- a) Microorganism (e.g virus, bacteria, phytoplasma) YES/NO
- b) Chemical treatment (e.g growth retardant, pesticide) YES /NO
- c) Tissue culture YES /NO
- d) Other factors YES/NO

Please provide details for where you have indicated "Yes "

## *Plant Breeders' Rights*

*GN. No. 228 (contd...)*

### **PART VII**

**(To be completed by all Applicants/agents)**

#### **D: DECLARATION:**

I/we.....  
am (are) the owner (s) / acting on behalf of the owner (s) / of this new plant variety, and believe that the variety is distinct, uniform and stable as required in Section 13 of the Plant Breeders' Rights Act. *No 22 of 2012*. I/We understand that test results shall be carried out using acceptable scientific procedures.

I/We certify that the sample of propagating material supplied (where applicable) is representative of the variety.

I/we declare that no Tanzanian trademark or similar indication has been, nor will be, applied for or received for the denomination or any part of the denomination. Making a false representation is an offence and may result in a loss of the Plant Breeders' Right and prosecution.

Signature

(s):.....

Capacity or title: ):.....

Date: .....

*Plant Breeders' Rights*

*GN. No. 228 (contd...)*

FORM PBR II

S/No.....

UNITED REPUBLIC OF TANZANIA  
PLANT BREEDERS RIGHTS OFFICE  
THE PLANT BREEDERS' RIGHTS ACT  
(CAP.344)

AUTHORIZATION OF AGENT

*(Made under Regulation 11(2))*

I/We .....  
*(Name and address of Applicant (or person signing on behalf of Applicant))*

hereby authorize.....  
*(Name and address of agent)*

to act, for all purposes of the Plant Breeders' Rights Act, on behalf of / me/us /as my/our agent,  
for..... variety entitled .....  
*(Kind of plant)* *(Variety name/denomination)*

Signature: .....Date ...../...../ 20.....

**Note:-** The following may serve as a standard form to be completed for the authorization of an agent. The agent will be the main contact person for the office and has the ability to change the status of the application. For example, the agent has the ability to withdraw the application for Plant Breeders Rights.

**Please submit a separate authorization for each variety.**



S/No.....

UNITED REPUBLIC OF TANZANIA  
PLANT BREEDERS RIGHTS OFFICE



THE PLANT BREEDERS' RIGHTS ACT,

(CAP.344)

PLANT BREEDERS' RIGHTS CERTIFICATE

\_\_\_\_\_  
(Made under Regulation 17(1))  
\_\_\_\_\_

I hereby certify that.....

(Name of the grantee)

of.....

(Address) (Telephone Number)

has been granted Plant Breeders' Rights in respect of .....  
(Variety Name/ Denomination)

.....of .....  
(Kind of plant)

for a period of ..... years, commencing on ...../...../ 20.....

Issued at .....this.....day of .....20.....

Registration No.....

.....  
**REGISTRAR OF PLANT BREEDERS' RIGHTS**

FORM PBR IV

S/No.....

TO:  
THE REGISTRAR OF PLANT BREEDERS RIGHTS  
PLANT BREEDERS RIGHTS OFFICE  
P.O. BOX 9192  
DAR ES SALAAM

OBJECTION AGAINST APPLICATION FOR PLANT BREEDERS' RIGHTS

(Made under Regulation 19(1))

I/We .....  
of.....

[Name of the Objector(s)]

[Address of the Objector(s)]

do hereby object an application for the grant of the Plant Breeders' Rights made  
by.....

(Name of the Applicant)

notified in the Gazette vide Government Notice No.....of  
.....20.....I am a person/ organization entitle to make  
representation concerning this matter and grounds of my / Our objections are as set  
herein below :

.....  
.....  
.....

\*Enclosed herewith is the fees/verification of fees paid to the Registrar in respect of this  
objection.

Dated this .....day of.....20.....

.....  
Signature of the Objector

\*(Attach any document you may wish to rely on)

*Plant Breeders' Rights*

GN. No. 228 (contd...)

FORM PBR V

S/No.....

TO:  
THE REGISTRAR OF PLANT BREEDERS' RIGHTS

NOTIFICATION TO SURRENDER THE PLANT BREEDERS' RIGHTS

*(Made under Regulation 31(1))*

I/We.....  
*(Name of holder)*

of.....  
*(Address)*

being the grantee of Plant Breeders' Rights in respect of .....of  
*(Variety name/ denomination)*

.....vide certificate of grant no.  
*(plant specie)*

issued on ..... due to  
expire on ..... hereby notify the surrender the Plant Breeders'  
Rights for the following reasons:-

.....  
.....  
.....  
.....

Dated this .....day of.....20.....

.....  
*Signature*



# Plant Breeders' Rights

GN. No. 228 (contd...)

FORM PBR VI

S/No.....

TO:  
THE REGISTRAR OF PLANT BREEDERS' RIGHTS

## PETITION FOR COMPULSORY AUTHORIZATION

(Made under Regulation 34(a))

1. Applicant's name and full postal address:  
(as it is to appear on the certificate and for the purpose  
of service )

Phone no. (include area code):

Fax no. (if available):

2. Name and full address of holder of Plant  
Breeders' Rights:

Phone no. (include area code)

Fax no. (if available):

3. Name and address of Society or organization  
negotiating or granting authorization in respect of the  
plant variety (if different from 2 above):

Phone no. (include area code):

Fax no. (if available):

4. Name of plant variety and kind of plant for which  
compulsory authorization is required

5. Purpose for which compulsory  
authorization is required (tick where  
appropriate):

(a) production or reproduction (multiplication) [ ];

(b) conditioning for the purpose of  
propagation [ ];

(c) sale or any other form of marketing [ ];

(d) exporting [ ];

(f) stocking for any of the purposes [ ]

6. Date of application to the holder of rights for an authorization and date of any authorization already in the  
Applicant's possession

7. Ground (s) for application:

### ☐ DECLARATION

I/We apply for compulsory authorization in respect of the variety named above, and I/We declare that to the  
best of my/our knowledge and belief the statements made in this application are correct and no information  
material to the Controller assessment of application has been withheld.

Applicant's signature (for and on behalf of)

Date

*Plant Breeders' Rights*

*GN. No. 228 (contd...)*

FORM PBR VII

S/No.....

TO:  
THE REGISTRAR OF PLANT BREEDERS' RIGHTS  
PLANT BREEDERS RIGHTS OFFICE  
P.O. BOX 9192  
DAR ES SALAAM

APPLICATION FOR EXTENSION OF PLANT BREEDER'S RIGHT

*(Made under Regulation 48(1))*

I/We.....  
of.....  
*(Name of Applicant)* *(Address)*  
*(Telephone Number)*

apply for extension of My/Our grant of Plant Breeders' Rights vide certificate of grant  
No.....issued on..... in respect of .....variety entitled

.....  
*(Plant species)* *(Variety name/denomination)*  
due to expire on....., for further period of  
..... year(s)

The following persons/organizations are, by virtue of the provisions of the Plant  
Breeders' Rights Act No.9 of 2012 and Plant Breeders' Rights Regulations, interested in  
this application:-

1. ....
2. ....
3. ....
4. ....

Enclosed herewith is the fees/verification of fees paid to the Registrar in respect of this  
application.

Dated this .....day of.....20.....

.....  
*Signature of the Applicant*

SECOND SCHEDULE

FEES AND RELATED CHARGES

S/No	TYPE OF FEES	US\$
1.	Application for a grant of PBR	200
2.	Application for a Provisional Protection	300
3.	Technical evaluation of a variety	600
4.	Annual maintenance fees	200
5.	Purchase of a report from a testing authority in another country	320
6.	Replacement of lost or destroyed certificate	40
7.	Claim of priority from a preceding application outside Tanzania	20
8.	Change of denomination	80
9.	Reinstatement of an abandoned application on petition	80
10.	Surcharge for late payment	60
11.	Application for a compulsory license	70
12.	Application for extension of the period of a grant	100
13.	Inspection of register and documents	20
14.	Duplicate page of register or documents	10
15.	Grant for Plant Breeders Rights certificate	240
16.	Application for extension of the time limit	50

(2) A member of the Plant Breeders' Rights Advisory Committee shall hold office for a period of three years from the date of appointment and shall be eligible for re-appointment.

(3) In the case of a member, who is a member by virtue of his holding office he shall cease to be a member upon his ceasing to hold that office.

(4) Any member of the Committee may at any time resign from the Committee by giving notice in writing to the Minister and from the date specified in the notice or, if no date is so specified, from the date of receipt of the notice by the Minister, he shall cease to be a member.

(5) Where a person ceases to be a member of the Committee for any reason before the expiration of his term of office, the Minister shall appoint another person in his place and that person so appointed shall hold office for the remaining term of the Committee.

Dodoma,  
19<sup>th</sup> April, 2018

CHARLES J. TIZEBA,  
*Minister for Agriculture*