



Statutory Order No. 701 of 22 July 1996

Statutory Order on Propagation of Plant Varieties for Commercial Use in Own Holding

Pursuant to section 16(2) and section 26(3) of Act on Plant Variety Protection, cf. Consolidation Act No. 51 of 5 February 1996, and by authority, the following is laid down:

1.—(1) The holder of rights in a plant variety (owner of the variety) may charge remuneration from anyone, who as part of the commercial exploitation of his holding propagates the plant variety, and plants, sows or lays the harvested material on his holding.

(2) For species mentioned in the Annex, subsection (1) shall apply only if the propagation is made with a view to application for the purposes mentioned in the Annex.

(3) The holder shall fix the remuneration which shall be equitable and uniform. The remuneration for varieties of the plant species mentioned in nos. 2-6 of the Annex must not, however, exceed 50 per cent of the remuneration for certified seed, respectively certified seed pieces of the same variety. The remuneration for varieties of species mentioned in the Annex shall be fixed as an amount for each planted area unit or per kilo used seeds, respectively seed pieces.

(4) The remuneration is due for payment at the time of planting, sowing or laying, unless any other due date is agreed with the holder.

(5) Section 19(1) of the Act on referral to the Terms Board for Plant Novelties of terms and conditions found to be unreasonable, etc., shall apply correspondingly.

2.—(1) Anyone who propagates a plant variety shall at the latest at the time of planting, sowing or laying of the propagating material provide the holder with the information necessary for calculation and collection of the remuneration.

(2) Notwithstanding subsection (1), anyone who propagates a plant variety of the species mentioned in nos. 2-4 of the Annex, shall only at the request of the holder provide him with the information necessary for calculation and collection of the remuneration.

3.—(1) Anyone who commits violation of section 2 hereof shall be liable to pay a fine. Violation is according to section 26(3) of the Act subject to private prosecution.

(2) In the event of violations committed by limited liability companies (A/S), private limited companies (ApS), co-operative societies or the like, the company or society as such may according to section 26(4) of the Act be held liable to pay the fine. If the violation was committed by a local authority or authorities jointly, cf. section 60 of the Local Administration Act, the local authority or authorities jointly may be held liable to pay the fine.

4.—(1) Sections 1 through 3 shall apply only to propagation of plant varieties of species of cereals, species of oil and fibre plants, and species of fodder plants mentioned in nos. 2-4 of the Annex, if the propagation takes place at a farm which, irrespective of other



crops, has a total area of more than 17.6 hectare covered with those crops. Areas receiving subsidies or compensatory set-aside payment shall be included in the said area.

(2) Sections 1 through 3 shall apply only to propagation of plant varieties of species of fodder plants mentioned in no. 5 in the Annex, if the propagation is made at a farm which, irrespective of other crops, has a total area of more than 17.6 hectare covered with those crops.

(3) Sections 1 through 3 shall apply only to propagation of plant varieties of *Solanum tuberosum* L. (potato), cf. no. 6 in the Annex, if the propagation takes place at a farm which, irrespective of other crops, has a total area covered with potato growing of more 5.3 hectare.

5.—(1) This Statutory Order enters into force on 1 August 1996.

(2) Notwithstanding subsection (1), sections 1 and 2 shall only apply from 1 July 2001 for farmers who before 1 August 1996 and without paying remuneration to the holder in this respect made use, as mentioned in section 1(1), of a plant variety of the species mentioned in nos. 2-6 of the Annex, and who after that date continue to use plant varieties in such a manner.

(3) Statutory Order No. 670 of 16 October 1987 concerning breeder licence for propagation of certain plant varieties for commercial use in own holding is repealed.

The Plant Directorate, 22 July 1996

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