

Council Regulation (EC) No 2100/94 of 27
July 1994 on Community plant variety rights

PART TWO

SUBSTANTIVE LAW

CHAPTER IV

DURATION AND TERMINATION OF COMMUNITY PLANT VARIETY RIGHTS

Article 19

Duration of Community plant variety rights

- 1 The term of the Community plant variety right shall run until the end of the 25th calendar year or, in the case of varieties of vine and tree species, until the end of the 30th calendar year, following the year of grant.
- 2 The Council, acting by qualified majority on proposal from the Commission, may, in respect of specific genera or species, provide for an extension of these terms up to a further five years.
- 3 A Community plant variety right shall lapse before the expiry of the terms laid down in paragraph 1 or pursuant to paragraph 2, if the holder surrenders it by sending a written declaration to such effect to the Office, and with effect from the day following the day on which the declaration is received by the Office.

Article 20

Nullity of Community plant variety rights

- 1 The Office shall declare the Community plant variety right null and void if it is established:
 - a that the conditions laid down in Articles 7 or 10 were not complied with at the time of the Community plant variety right; or
 - b that where the grant of the Community plant variety right has been essentially based upon information and documents furnished by the applicant, the conditions laid down in Articles 8 and 9 were not complied with at the time of the grant of the right; or
 - c that the right has been granted to a person who is not entitled to it, unless it is transferred to the person who is so entitled.
- 2 Where the Community plant variety right is declared null and void, it shall be deemed not to have had, as from the outset, the effects specified in this Regulation.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 2100/94, CHAPTER IV. (See end of Document for details)

Article 21

Cancellation of Community plant variety rights

1 The Office shall cancel the Community plant variety right with effect in futurum if it is established that the conditions laid down in Article 8 or 9 are no longer complied with. If it is established that these conditions were already no longer complied with from a point in time prior to cancellation, cancellation may be made effective as from that juncture.

2 The Office may cancel a Community plant variety right with effect in futurum if the holder, after being requested to do so, and within a time limit specified by the Office:

- a has not fulfilled an obligation pursuant to Article 64 (3); or
- b in the case referred to in Article 66, does not propose another suitable variety denomination; or
- c fails to pay such fees as may be payable to keep the Community plant variety right in force; or
- d either as the initial holder or as a successor in title as a result of a transfer pursuant to Article 23, no longer satisfies the conditions laid down in Articles 12 and 82.

Status:

Point in time view as at 31/01/2020.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 2100/94, CHAPTER IV.