

April 20, 2005

ADMINISTRATIVE ORDER No. 12

Series of 2005

Subject: Fees and Related Charges of the Plant Variety Protection Offices

WHEREAS Republic Act 9168, is An Act to Provide Protection to New Varieties, Establishing a National Plant Variety Protection Board and for Other Purposes;

WHEREAS Republic Act 9168 is also known as the Plant Variety Protection Act of 2002;

WHEREAS, Department of Agriculture's Administrative Order No. 7, Series of 2003, Implementing Rules and Regulations (IRR) of the "Philippine Plant Variety Protection Act of 2002", Chapter V, THE PLANT VARIETY PROTECTION OFFICE provide as follows:

ARTICLE 1. The Plant Variety Protecting Office – There shall be established a Plant Variety Protection Office under the Department of Agriculture, which shall be headed by the Registrar.

ARTICLE 2. Functions of the PVP Office – The PVP Office shall be receive and conduct examination of applications for plant variety protection; receive petitions for compulsory license for transmittal to the Board; and maintain a systematic record of all Certificates of Plant Variety Protection, a database of existing plant varieties collected from both local and foreign sources, and samples of the propagating materials of the protected variety.

WHEREAS, RA 9168 SECTION 68. Fees provide as follows – *The Board shall prescribe a schedule of fees to be charged against any applicant/breeder in the course of the application for a Certificate of Plant Variety Protection or in the maintenance therefore;*

WHEREAS Chapter XVI, Fees and Related Charges, Article 104. *Fees and Related Charges, states that – Fees and other shall be paid by the applicant for the following services and actions: (a) Filing of the application, (b) Publication of the application, (c) Substantive Examination Search, (d) DUS Testing, (e) Publication of Certificate, (f) Revival of an abandoned application, (g) Reproduction of records, drawings, certificates, exhibits or printed material (copy per page of material), (h) Authentication (each page), (i) Amendment of the Certificate of Plant Variety Registration, unless the mistake be on the part of the PVP Office, (j) Re-issuance of a certificate, (k) Additional fee for reconsideration, (l) Additional fee for late payment, (m) Appeal to Board, (n) Field inspections by a representative of the PVP Office made at the request of the applicant shall be reimbursable in full (including travel, per diem or subsistence) in accordance with standard government travel regulations, (o) Filing of extensions to comply with PVP Board requirements, (p) Any other service not covered above will be charged for at rates prescribed by the Registrar;*

The schedule of fees shall be approved by the Board upon recommendation of the Registrar. It shall be reviewed, and may be adjusted, by the Board periodically every two years to take into account any increase or decrease in the cost of implementing the Act;

NOW, THEREFORE, I ARTHUR C. YAP, Secretary of the Department of Agriculture and Chair of the Plant Variety Board, do hereby order the Bureau of Plant Industry-Plant Variety Protection Office to collect the fees and charges anent to the implementation of Republic Act 9168 otherwise known as the Plant Variety Protection Act of 2002.

Section 1. *Fees and Charges.* The following are the fees and charges to be collected.

Fees	Amount (P)
a. Filing of the application	1,200.00
Gene bank fee	5,100.00
b. Publication of the application	5,700.00
c. Substantive Examination	17,200.00
Issuance of Certificate per copy	200.00
d. Publication of certificate	5,700.00
e. Grow Out Testing	Actual production or grow out test cost
f. Revive an abandoned application	3,700.00
g. Reproduction of records, drawings, certificates, exhibits or printed material (copy per page of material)	2.00 black and white 50.00 colored
h. Authentication (each page)	2.00
i. Amendment of the Certificate of Plant Variety Registration, unless the mistakes be on the part of the PVP Office	1,200.00
j. Re-issuance of a certificate	180.00
k. Additional fee for reconsideration	12,700.00
l. Additional fee for late payment	1% of fee first 5 days + one half of 1% of fee per day thereafter
m. Appeal to Board	6,700.00
n. Field inspections by a representative of the PVP office made at the request of the applicant shall be reimbursable in full (including travel, per diem or subsistence) in accordance with existing government laws and regulations	Actual Cost
o. Filing for extensions to comply with PVP Board requirements	1,000.00
p. Annual fees	3,200.00

Section 2. *Where and When to Pay.* – *All fees and other related charges shall be paid at the PVP Office and deposited in the PVP Fund. The application and examination fees shall be paid by the applicant at the time of filing the application. The search fee shall be paid upon request. The testing fee shall be paid within 30 days from date of notice to pay. All other fees and related shall be paid upon availment of such service or action.* (Article 105, PVP IRR)

Section 3. *Method of Payment.* – *Fees shall be paid in cash, money order, or cashier's checks payable to the PVP Office.* (Article 106, PVP IRR).

Section 4 *Annual Fees* – *To maintain the validity of the Certificate of Plant Variety Protection, the holder shall pay an annual fee to be prescribed by the Board. Annual fee shall be paid starting from the fourth anniversary of the issuance of the certificate and every year thereafter within the first three (3) months of said years. The holder has the option to pay in advance this annual fee for a maximum of twenty (20) years; provided, that any such payment is deemed non-refundable.*

The Certificate of Plant Variety Protection shall expire and cease to have force and effect upon the holder's failure to pay the annual fees within the prescribed period. A notice of such cancellation shall be published in the Plant Variety Gazette one (1) year after the term of

protection has expired. Before such publication, any holder who fails to pay the annual fees may request for a reinstatement of his or her certificate. Provided, that he or she settles his unpaid accounts including surcharges to be determined by the Board. (Article 107, PVP IRR).

Section 5. Receipts. All fees and charges collected shall be evidenced by official receipts (OR) issued and signed by the collecting officer. The OR shall be prepared in three copies: Original-Payor, second copy-attached to the Collections and Deposits Report, and third copy-collecting officer file; and

Section 6. Deposits. The collecting officer shall deposit to the PVP Fund bank account all fees and charges collected in relation to PVP not later than the next banking day after receipt of said fees and charges. He or she shall prepare a weekly Report of Collections and Deposits submitted to the Accountant of the Bureau of Plant Industry.

Section 7. Effectivity. This order shall take effect fifteen days (15) after publication in a newspaper of general circulation or at the National Administrative Register of the UP Law Center.

ARTHUR C. YAP
Secretary