

Public Law 96-574
96th Congress

An Act

Dec. 22, 1980
[H.R. 999]

To amend the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) to clarify its provisions, and for other purposes.

Plant Variety
Protection Act,
amendment.

Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Plant Variety Protection Act (7 U.S.C. 2321) is amended by striking out "a bureau" and inserting in lieu thereof "an office".

SEC. 2. Section 5 of such Act (7 U.S.C. 2325) is repealed.

SEC. 3. Section 8 of such Act (7 U.S.C. 2328) is amended by striking out "officers" and inserting in lieu thereof "examiners".

SEC. 4. Section 9 of such Act (7 U.S.C. 2329) is amended by (1) striking out "published specifications" and inserting in lieu thereof "descriptions" and (2) striking out "and a file of such other scientific and technical information as may be necessary or practicable".

SEC. 5. Section 10(a)(1) of such Act (7 U.S.C. 2330(a)(1)) is amended by striking out "specifications for plant variety protection" and inserting in lieu thereof "descriptions of plant varieties protected".

SEC. 6. Section 10(b) of such Act (7 U.S.C. 2330(b)) is repealed.

SEC. 7. Section 10(c) of such Act (7 U.S.C. 2330(c)), is redesignated as section 10(b) and is amended by striking out "the useful arts" and inserting in lieu thereof "plant breeding".

SEC. 8. Section 10(d) of such Act (7 U.S.C. 2330(d)) is redesignated as section 10(c) and is amended by striking out "specifications" from the second sentence each time it appears and inserting in lieu thereof "descriptions".

SEC. 9. Section 11 of such Act (7 U.S.C. 2331) is amended by striking out "specifications" and inserting in lieu thereof "descriptions".

SEC. 10. Section 31 of such Act (7 U.S.C. 2371) is amended by striking out all after the first sentence and inserting in lieu thereof the following: "Such fees shall be deposited into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as may be necessary to carry out the provisions of this Act."

SEC. 11. Section 52(3) of such Act (7 U.S.C. 2422(3)) is amended by striking out the last sentence.

SEC. 12. Section 56 of such Act (7 U.S.C. 2426) is amended by changing the period at the end of the second sentence to a comma and adding immediately thereafter the following: "the name of the applicant, and whether the applicant specified that the variety is to be sold by variety name only as a class of certified seed."

SEC. 13. Section 57 of such Act (7 U.S.C. 2427) is amended by inserting "information regarding" immediately after "for the publication of".

SEC. 14. Section 83(b) of such Act (7 U.S.C. 2483) is amended by striking out "seventeen years" in the first sentence and inserting in lieu thereof "eighteen years".

SEC. 15. Section 84 of such Act (7 U.S.C. 2484) is amended to read as follows:

“Sec. 84. Correction of Plant Variety Protection Office mistake.

7 USC 2484.

“Whenever a mistake in a certificate of plant variety protection incurred through the fault of the Plant Variety Protection Office is clearly disclosed by the records of the Office, the Secretary may issue, without charge, a corrected certificate of plant variety protection, stating the fact and nature of such mistake. Such certificate of plant variety protection shall have the same effect and operation in law as if the same had been originally issued in such corrected form.”

SEC. 16. Section 85 of such Act (7 U.S.C. 2485) is amended to read as follows:

“Sec. 85. Correction of applicant’s mistake.

“Whenever a mistake of a clerical or typographical nature, or of minor character, or in the description of the variety, which was not the fault of the Plant Variety Protection Office, appears in a certificate of plant variety protection and a showing has been made that such mistake occurred in good faith, the Secretary may, upon payment of the required fee, issue a corrected certificate if the correction could have been made before the certificate issued. Such certificate of plant variety protection shall have the same effect and operation in law as if the same had been originally issued in such corrected form.”

SEC. 17. Section 91(b) of such Act (7 U.S.C. 2501(b)) is amended by striking out “specification” in the second sentence and inserting in lieu thereof “description”.

SEC. 18. Section 93(a) of such Act (7 U.S.C. 2503(a)) is amended by striking out “Specifications” and inserting in lieu thereof “description”.

SEC. 19. (a) Section 111(5) of such Act (7 U.S.C. 2541(5)) is amended by striking out “propagation prohibited” and inserting in lieu thereof “Unauthorized Propagation Prohibited” or “Unauthorized Seed Multiplication Prohibited”.

(b) Section 127 of such Act (7 U.S.C. 2567) is amended by striking out “the words ‘Propagation Prohibited’” and inserting in lieu thereof “either the words ‘Unauthorized Propagation Prohibited’ or the words ‘Unauthorized Seed Multiplication Prohibited’”.

(c) Section 128(a)(3) of such Act (7 U.S.C. 2568(a)(3)) is amended by striking out "Use of the phrase 'propagation prohibited' or similar phrase without reasonable basis, a statement of this basis being promptly filed with the Secretary if the phrase is used beyond testing and no application has been filed." and inserting in lieu thereof "Use of either the phrase 'Unauthorized Propagation Prohibited' or 'Unauthorized Seed Multiplication Prohibited' or similar phrase without reasonable basis."

Repeal.

Sec. 20. Section 144 of such Act (7 U.S.C. 2583) is repealed.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1115 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 17, considered and passed House.
Dec. 8, considered and passed Senate.