

## Rules of Variety Registration

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### ○Rules of Variety Registration

[Extra edition Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 86 of December 11, 1998]

[Full revision of the Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 18 of December 22, 1978 (Rules of Variety Registration)]

Ministerial Ordinance for a full revision of Rules of Variety Registration (Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 18 of December 22, 1978) shall be prescribed as set forth hereunder, pursuant to and for the enforcement of the following Articles of the Plant Variety Protection and Seed Act (Act No. 83 of 1998): Article 18 paragraph (2) item (vii), Article 32 paragraph (2) and Article 45 paragraph (3) [currently Article 52 paragraph (2), as revised by Act No. 152 of December 2002 and Act No. 49 of May 2007].

## Rules of Variety Registration

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Supplementary Provisions

Chapter 1 General Provisions

(Provisional Registration)

Article 1 Provisional registration shall be filed in cases set forth below:

- (i) if requirement for procedures necessary for registration application is not yet fully prepared
- (ii) if the applicant wishes to conserve his/her claim rights relating to Breeder's Rights; exclusive exploitation rights or non-exclusive exploitation rights; or establishment, transfer, modification or lapse of pledge of which such rights are to be the purpose, or if such claim rights has a commencement period or condition precedent or other conditions to be determined in the future  
(Appended Registration)

Article 2 Registrations of matters set forth below shall be made by appended registration.

- (i) modification or correction of indication of the registration title holder
- (ii) transfer of pledge, or modification of pledge by trust
- (iii) restoration of a partly obliterated registration

Article 3 Registration of matters set forth below shall be made by appended registration only for cases of the following: (i) if there are no interested third parties concerned in such registration; or, (ii) if either a written approval of such interested third parties or a transcript or extract of a court trial to counter such third party is attached to the application form.

- (i) modification of rights other than the Breeder's Rights (precluding modification of rights other than Breeder's Rights by trust)
- (ii) registration (precluding the correction of indication of the registration title holder) for correction of the Breeder's Rights Record Section, Exploitation Rights Record Section (hereinafter collectively referred to as "Matter Sections" except in this clause), and Trust Section, specified in Article 11 paragraph (1).

(Order of priority)

Article 4 With regard to order of priority among the rights registered on identical Breeder's Rights and other rights related to Breeder's Rights, unless otherwise prescribed in laws or ordinances thereof, such orders shall be in order of registration.

Article 5 With regard to order of priority of appended registrations, such shall be in order of the principal registration, and orders among the appended registrations shall be by order thereof.

Article 6 With regard to order of priority of provisional registrations that have filed formal registration, such order shall be in order of provisional registration.

Article 7 Provisions in the preceding clause shall apply to provisional registration by provisional measures (hereinafter, the "conserved provisional registration") provided in Article 53 paragraph (2) of the Civil Provisional Remedies Act (Act No. 91 of 1989), to which Article 54 of the said Act is applied.

## Chapter 2 Registry of Plant Varieties

(Location of Registry of Plant Varieties)

Article 8 Registry of Plant Varieties shall be located in the Food Industry Affairs Bureau

(Loss)

Article 9 If all or part of the Registry of Plant Varieties should be lost, the Minister of Agriculture, Forestry, and Fisheries shall take necessary measures to restore the registration.

2 Procedures for the previous clause shall be provided separately by Ministerial Ordinance.

(Registry of Acceptance of Application)

Article 10 Registry of Acceptance of Application shall be prepared with appended form No. 1.

(Record of Registry of Plant Varieties)

Article 11 Registry of Plant Varieties shall record matters separately in sections as follows:

Indication, Registration Fee Record, Priority Rights Record, Record of Characteristics of the Registered Variety Plant, Record of Breeder's Rights, Record of Exploitation Rights, and Trust.

2 Breeder's rights shall be indicated in the Indication Section.

3 Registration fee and payment date of such fee shall be recorded in the Registration Fee Record Section.

4 Priority Rights Record Section shall record the name of the country (or name of the organization, for cases of inter-governmental organizations) of first application of a State Party and the date of such application, or the name of the country of first application of Designated State (application in the Designated State to which the applicant belongs, if the applicant belongs to one of the Designated States; hereinafter, the "application in the concerned Designated State") and the date of such application.

5 Record of Characteristics of the Registered Variety Section shall record matters on distinguishable characteristics of the plant of the registered variety.

6 Breeder's Rights Record Section shall record matters on establishment, transfer, and restriction of measures for breeders' rights, as well as matters on pledge to which Breeder's Rights shall be the purpose.

7 Exploitation Rights Record Section shall record exclusive exploitation rights and non-exclusive rights, and pledge to which such rights shall be the purpose.

8 Trust Section shall indicate rights that belong to trust property, and record matters set forth in Article 46 and such modification, and termination of such trust of the concerned rights.

9 Registry of Plant Variety shall be prepared with appended form No. 2

### Chapter 3 Procedures for Application

#### Section 1 General Rules (Articles 12-25)

(Registration Application)

Article 12 Registration application shall be filed by the registration rights holder and the person bound in duty of registration, unless otherwise prescribed in laws or ordinances thereof.

Article 13 Registration application may, with a written approval of the person bound in duty of registration attached to the application form, be filed independently by the registration rights holder.

Article 14 Registration application due to court decision or inheritance or other general successions may be filed independently by the registration rights holder.

Article 15 Registration application on modification or correction of indication of the registration title holder may be filed independently by such title holder.

(Languages for Documents)

Article 16 Documents of the application for registering the Breeder's Rights shall be written in Japanese, except matters specified in the next clause and paragraph (3). However, with regard to name(s) and domicile(s) or residence(s) of the applicant or other people in the documents, and for the title of the registered variety, Romaji (Roman alphabet) may be used.

2 With regard to documents of the application for registering the Breeder's Rights, the technical name of the agricultural, forestry, or aquatic plants shall be written in Romaji (Roman alphabet).

3 Documents such as letter of attorney that are written in foreign languages shall have their translation attached.

(Matters to be stated in the Application Form)

Article 17 Application form shall state matters set forth below:

- (i) date of application
- (ii) variety registration number
- (iii) genus or species of agricultural, forestry, or aquatic plants of the variety, and the title of the registered variety
- (iv) name and domicile or residence of the applicant, or name of representative if the applicant is a corporate body
- (v) if the application is filed through an agent, the name and domicile or residence of such agent, or name of representative if such agent is a corporate body
- (vi) if the applicant is an alien, his/her nationality
- (vii) purpose of the registration and the date of such occurrence
- (viii) purpose of registration, and indication of the specific rights if purpose of the registration is related to rights other than the breeder's right
- (ix) list of attached documents

(Matters to be stated on Expiration of the Right)

Article 18 If purpose of the registration has provisions for lapse of rights to which it is the purpose of registration, matters on such lapse shall be stated in the application form.

(Statement on Divisions)

Article 19 If there are provisions for the purpose of the registration for division, such shares shall be stated in the application form.

2 If purpose of the registration has provisions subject to Article 23 paragraph (2) of the Plant Variety Protection and Seed Act (hereinafter, the "Act") (including provisions applied in Article 25 paragraph (5) and Article 29 paragraph (4) of the Act), or, has contract subject to proviso clause of Article 256 paragraph (1) applied in Article 264 of the Civil Code (Act No. 89 of 1896), such matters shall be stated in the application form.

(Documents to be attached to the Application Form)

Article 20 Application Form specified in Article 17 shall attach documents set forth below:

- (i) documents proving the purpose of registration
- (ii) documents proving consent or approval by a third person, if such consent or approval is required for the purpose of registration
- (iii) documents proving authority of an agent, if the registration application is filed through an agent
- (iv) for cases set forth below, documents proving the relevant facts such as transcript or extract of Family Registration, Certificate of Residence, or Certificate of Registered Matters:
  - A if purpose of registration is due to inheritance or other general succession
  - B if the applicant is the heir/heirress or general successor of either the registration rights holder or person bound in duty of registration
  - C registration on modification or correction of the indication of registration title holder

2 The Minister of Agriculture, Forestry, and Fisheries may, where he/she finds it necessary for the registration application procedures, may order submission of documents set forth below, by designating a reasonable period for such submission:

- (i) if the applicant is a corporate body, document proving such state
- (ii) if the applicant is an alien, document proving his/her nationality or any one of the documents set forth below,:
  - A if the applicant has domicile or residence (or business office, if the applicant is a corporate body) within Japan, document proving such state
  - B if the applicant has domicile or residence (or business office, if the applicant is a corporate body) within State Parties or Member States outside Japan, document proving such state
  - C if the country to which the applicant belongs (precluding the State Party and Member State) approves of protection pursuant to the same terms and conditions of their country as to breeding of varieties for the Japanese, or if such countries approve of such protection on condition that Japan approves of enjoyment of Breeder's Rights and other rights relating to Breeder's Rights for the people of such countries, document proving such state and document proving that the concerned countries approve of protection relating to breeding of the applied registration variety

3 If the documents provided in paragraph (1) item (i) are executable court decisions, attachment of documents set forth in item (ii) of the said paragraph is not required.

4 For cases provided in paragraph (1) item (ii), if the said third person has signed and sealed on the application form, attachment of documents set forth in the said item is not required.

(Omission of Attached Documents)

Article 21 For cases of applying for registration with two or more application forms simultaneously, if the required documents to be attached for each of the application are identical, such documents shall be attached onto the first application form and the rest of the forms may omit such attachment by stating such effect on their application forms.

2 With regard to other matters for registration, for cases where necessary documents have already been submitted to the Minister of Agriculture, Forestry, and Fisheries, and no change has been made to matters in the documents, attachment of the relevant document may be omitted by stating such effect on the application form. However, the Minister of Agriculture, Forestry, and Fisheries is entitled to request for submission of the relevant documents if he/she acknowledges it necessary.

(Joint Application)

Article 22 Two or more registrations for the Breeder's Rights and other rights relating to Breeder's Rights may be made in one application form, only when the cause and purpose of registration is identical.

(Subrogation of the debtor)

Article 23 The creditor shall, when applying for registration by subrogation of the debtor subject to Article 423 of the Civil Code, state matters set forth in the items of Article 17 as well as matters set forth below onto the application form, and attach document proving the purpose of such subrogation.

- (i) name and domicile or residence of the creditor and debtor
- (ii) purpose of subrogation

(Rejection)

Article 24 The Minister of Agriculture, Forestry, and Fisheries shall reject the registration application for cases set forth below:

- (i) if the matters to be registered are not suitable for registration
- (ii) if the form of the application does not qualify for the procedures
- (iii) if the variety registration number, the genus or species of the agricultural, forestry, or aquatic plants, or the title of registered variety do not match the content of Registry of Plant Variety
- (iv) precluding the cases provided in Article 20 paragraph (4) item (iv) – B, if the indication of person bound in duty of registration does not match such indication in the Registry of Plant Variety
- (v) precluding the cases provided in Article 20 paragraph (1) item (iv) – C, if the applicant does not match such indication in the Registry of Plant Variety, for cases where the applicant is the registration title holder
- (vi) if matters stated in the application form do not match documents proving the purpose of registration
- (vii) if documents required for application form are not attached
- (viii) if registration license tax is not paid

2 The Minister of Agriculture, Forestry, and Fisheries shall, when rejecting an application due to the preceding clause, notify the applicant of statement to such effect without delay, presenting the season for such rejection.

Article 25 Filing procedures specified in Article 32 paragraph (2) of the Act shall be carried out in the method of applying for transfer registration.

Chapter 2 Procedures for Exclusive Exploitation Rights and Non-exclusive Exploitation Right  
(Registration Application for establishment and other matters on Exclusive Exploitation Right)

Article 26 Upon registration application of establishment of exclusive exploitation rights, matters set forth below shall be stated in the application form:

- (i) scope of the exclusive exploitation rights to be established
- (ii) any provisions if there are provisions for amount of consideration or payment method or time for such consideration in the purpose of registration

2 Upon registration application for transfer of exclusive exploitation rights, scope of such exclusive exploitation rights to be transferred shall be stated on the application form.

3 Upon transfer of exclusive exploitation rights together with the business using the concerned variety, document proving such state shall be attached to the application form.

(Registration Application for establishment of Non-Exclusive Exploitation Right)

Article 27 Upon registration application of establishment of non-exclusive exploitation rights, matters set forth below shall be stated on the application form:

- (i) scope of the non-exclusive exploitation rights to be established
- (ii) any provisions if there are provisions for amount of consideration or payment method or time for such consideration, in the purpose of registration

2 Upon registration application of conservation or transfer of non-exclusive exploitation rights, scope of the non-exclusive exploitation rights to be conserved or transferred shall be stated on the application

form.

3 Provisions in paragraph (3) of the preceding clause shall apply to cases of transfer of non-exclusive exploitation rights together with the business using the concerned variety.

Section 3 Procedures relating to Pledge

(Registration Application for establishment of Pledge)

Article 28 Upon registration application of establishment of a pledge, matters set forth below shall be stated in the application form:

- (i) indication of the specific rights which are the purpose of such pledge
- (ii) amount of pledge
- (iii) any provisions or conditions if they exist in the following cases: provisions on terms, due, interest, penalty or compensation in the purpose of registration; provisions in Article 30 paragraph (1); provisions in Article 346 proviso clause of the Civil Code; or, conditions on the concerned pledge
- (iv) name and domicile or residence of the debtor

2 Notwithstanding the provisions in the preceding clause, upon registration application of establishing pledge to secure, at the maximum amount, unspecified pledge under a fixed range, matters set forth below shall be stated in the application form:

- (i) indication of the specific rights which are the purpose of such pledge
- (ii) scope of pledge to be secured
- (iii) maximum amount of pledge
- (iv) any provision for determination date of the principal to be secured
- (v) name and domicile or residence of the debtor

Article 29 Upon registration application of establishing pledge that is secured for loans not purposed for a fixed amount, valued amount of such pledge shall be stated on the application form

Article 30 Upon registration application of establishing two or more pledges secured for one loan, indication shall be made on the application form to state the rest of the rights that are the purpose of such loan.

2 For cases of registration application of pledge establishment, if a pledge to secure the same loan is already registered, indication shall be made on the application form to state such effect.

(Registration Application for modification of Pledge)

Article 31 Pursuant to the provisions in the Civil Code, registration application for the change of order, for cases of such change based on creditors' approval, shall be filed jointly by the creditors that have approved of such state.

Article 32 Provisions in Article 28 shall, pursuant to provisions in the Civil Code, be applied to registration application for cases of securement of pledge for other loans, or transfer or waiver of such pledge.

(Registration Application for transfer of Pledge)

Article 33 Upon registration application of transfer of part of a loan, or, transfer of pledge by subrogation, the amount of loan for which it is the purpose of transfer or subrogation shall be stated in the application form.

(Registration Application for subrogation)

Article 34 Upon registration application of subrogation for cases of subrogating pledge to the first-file pledger pursuant to provisions in the Civil Code, indication of Breeder's Rights and other rights related to Breeder's Rights that have been paid to the concerned first-file pledger shall be stated on the application form, along with its price and the amount paid.

2 Provisions in Article 28 shall be applied in the registration application specified in the preceding clause.

#### Section 4 Procedures for Obliteration and Restoration

(Obliteration of registration by waiver)

Article 35 Obliteration of registration by waiver of Breeder's Rights and other rights related to Breeder's Rights may be applied independently by the registration title holder.

(Obliteration by death)

Article 36 For cases of rights other than the Breeder's Rights which have lapsed due to death of the person concerned, the registration title holder may apply independently for such obliteration if the application form is attached with transcript or extract of Family Register or relevant documents to prove such death.

(Obliteration of Provisional Registration)

Article 37 Obliteration of provisional registration may be applied independently by the provisional registration title holder.

2 Obliteration of provisional registration may be applied independently by the interested parties of such registration if the application form is attached with either a written approval of the provisional registration title holder, or transcript or extract of court trial to counter the title holder.

(Obliteration of registration with interested third party)

Article 38 For cases of registration application for obliteration, if any third party of interest to the registration exists, either a written approval of such party, or transcript or extract of a court trial to counter the said party shall be attached to the application form.

(Obliteration of registration subsequent to provisional measures)

Article 39 With regard to Breeder's Rights, for cases where, after registration of provisional measures subject to paragraph (1) Article 53 of Civil Provisional Remedies Act, for which Article 54 of the said Act is applied (precluding such registrations made with provisional temporary registration; the same shall apply in this clause and the following clause), the creditor of such provisional measures place the debtor of such provisional measures as person bound for duty of registration and apply for registration of Breeder's Rights (precluding provisional registration), the creditors may independently apply for obliteration of registration subsequent to such provisional measure registration.

2 Upon applying for obliteration of registration subject to provisions in the preceding clause, document proving completion of notification specified in Article 59 paragraph (1) of Civil Provisional Remedies Act to which Article 61 of the said Act is applied, shall be attached to the application form.

Article 40 The provisions in the preceding clause shall, after registration of provisional measures, rights other than the Breeder's Rights subject to Article 53 paragraph (1) of Civil Provisional Remedies Act to which Article 54 of the said Act is applied also apply to registration application



(precluding provisional temporary registration) of transfer or obliteration filed by creditors of the provisional measures who place the debtor of such provisional measures as person bound for duty of registration.

Article 41 For cases of formal registration subsequent to conservation provisional registration on exclusive exploitation rights, the creditors of provisional measures of such conservation provisional registration may independently apply for obliteration of matters registered after such provisional measure registration, of which are the pledge purposed for exclusive exploitation rights and/or non-exclusive exploitation rights or other rights.

2 Provisions in Article 39 paragraph (2) shall apply to obliteration application specified in the preceding clause.

(Restoration of Obliterated Registration)

Article 42 For cases of filing for restoration of an obliterated registration, if any interested third party should exist on the registration concerned, either a written approval of such third party or a transcript or extract of court trial to counter such third party shall be attached to the application form.

Section 5 Procedures for Provisional Registration

(Formal Registration based on Provisional Registration)

Article 43 Provisions in Article 38 shall apply to filing of formal registration subsequent to provisional registration on transfer of Breeder's Rights.

Section 6 Procedures for Trust

(Method for Registration Application of Trust)

Article 44 Registration on trust of Breeder's Rights and other rights may be applied independently by the trustee.

(Exception of Registration Application of transfer of rights)

Article 45 Registration on transfer of Breeder's Rights and other rights related to Breeder's Rights by trust in the method specified in Article 3 paragraph (3) of the Trust Act (Act 108 of 2006) may be applied for registration independently by the trustee.

(Procedures for Registration Application of Trust)

Article 46 Upon registration application of Trust, matters set forth below shall be stated on the application form:

- (i) name and domicile or residence of the settlor, trustee, and beneficiary
- (ii) any provisions on designating a beneficiary or methods of determining a beneficiary
- (iii) name and residence or domicile of the trust administrator (or a representative rights holder or specific trust administrator for cases of "specific purpose borrowing" specified in Article 2 paragraph (13) of the Act on Securitization of Assets (Act 105 of 1998))
- (iv) name and residence or domicile of the beneficiary's agent if there are any
- (v) if it is a beneficial interest of the trust with the certificate of beneficial interest specified in Article 185 paragraph (3) of the Trust Act, a statement to such effect
- (vi) if it is a trust with no provision for beneficiary specified in Article 258 paragraph (1) of the Trust Act, a statement to such effect
- (vii) if it is a charitable trust specified in Article 1 of the Act on Charitable Trust (Act No. 62 of 1922), a statement to such effect

- (viii) the purpose of the trust
- (ix) method of administering the trust property
- (x) reasons for termination of the trust
- (xi) any other provisions of the trust

2 If any one of the matters listed in items (ii) through (vi) of the preceding clause are stated on the application form specified in the said clause, description of name or domicile or residence of the beneficiary as of item (i) of the said clause (for cases of statement of matters set forth in item (iv), only for beneficiary whom the concerned beneficiary's agent represents) is not required.

Article 47 Beneficiary or settlor may apply for trust registration in subrogation of the trustee.

2 Provision in Article 23 shall also apply to filing for registration specified in the preceding clause. For such cases, application form shall bear document proving that the Breeder's Rights and other rights relating to Breeder's Rights, of which it is the purpose of registration, is a trust property.

Article 48 Registration application of Trust shall be made simultaneously with the registration application on transfer or modification of Breeder's Rights of the trust, or, establishment, transfer, or modification of rights other than the Breeder's Rights of the trust.

Article 49 Application for obliteration of registration on trust that is to be carried out for cases where the Breeder's Rights and other rights relating to Breeder's Rights have become free from trust property due to transfer or modification, shall be made simultaneously with application of registration of transfer or modification of Breeder's Rights and rights other than the Breeder's Rights.

2 Obliteration of registration of trust may be applied independently by the trustee.

(Transfer of trustee)

Article 50 For cases of transfer of trustee, when applying for registration of transfer of Breeder's Rights and rights other than the Breeder's Rights, the application form shall bear document proving such transfer.

2 Provision in the preceding clause shall also apply to registration of transfer to be made for cases in Article 86 paragraph (4) main text of the Trust Act.

Article 51 For cases where duties of the trustee are terminated due to the following reasons, registration specified in paragraph (1) of the preceding clause may be applied for independently by the new trustee: death, order of commencement of bankruptcy proceedings, ruling for commencement of guardianship or commencement of curatorship, dissolution of a corporate body by reasons other than merger, or order of dismissal by court or competent authorities (including administrative agencies that belong to the country to which such authority is assigned, or executive bodies of prefectures that enforce part of such authority).

2 For cases where there are more than two trustees, if some of the trustee's duties are terminated due to provisions in the preceding clause, registration specified in paragraph (2) of the preceding clause may be applied by the remaining trustees.

(Registration Application of modification of Trust)

Article 52 Excluding the cases provided in Article 84, upon modification of matters set forth in Article 46 paragraph (1) and its items, the trustee shall, without delay, apply for registration on modification of such trust attached with document proving such modification.

2 The beneficiary or the settlor may file for application specified in the preceding clause as subrogation

of the trustee.

3 Provisions in Article 23 shall also apply to application specified in the preceding clause.

(Special Provision on Registration of modification of rights)

Article 52-2 With regard to registration application of obliteration of trust, of which the Breeder's Rights and rights other than Breeder's Rights that had belonged to the first trust as a trust property has become the trust property of another trust due to consolidation or split, and with regard to registration of the concerned other trust, such application shall be made simultaneously with the registration application of modification of Breeder's Rights and rights other than the Breeder's Rights due to such consolidation or split of trust. Same shall apply to cases where the Breeder's Rights and rights other than the Breeder's Rights that had belonged to the first trust as a trust property has become the trust property of another trust of the same trustee, due to consolidation or split of trust.

2 With regard to registration (precluding registrations subject to Article 45) on modification of rights concerning Breeder's Rights and rights other than the Breeder's Rights for cases in the upper column of the chart below, which describes rights relating to Breeder's Rights and rights other than the Breeder's Rights, person described in the middle column of the chart shall be the registration rights holder, and person described in the lower column of the chart shall be the person bound for duty of registration:

1 For cases where Breeder's Rights and other rights relating to Breeder's Rights that had been individual property, shall become trust property	Beneficiary (or trust administrator, if there is any: the same applies throughout this chart)	Trustee
2 For cases where Breeder's Rights and other rights relating to Breeder's Rights that had been trust property, shall become individual property	Trustee	Beneficiary
3 For cases where Breeder's Rights and other rights relating to Breeder's Rights that had been trust property of the first trust, shall become trust property of another trust	Beneficiary or trustee of another trust concerned	Beneficiary or trustee of the first trust concerned

#### Chapter 4 Procedures for Registration

##### Section 1 General Rules

(Registration)

Article 53 Registration shall not be made without application or commission, unless otherwise

prescribed in laws or ordinances thereof.

2 Provisions for registration by application shall also apply for registration procedures by commission.  
(Registration by Authority)

Article 54 Registration of matters set forth below shall be made by authority of the Minister of Agriculture, Forestry, and Fisheries:

- (i) establishment or lapse of the Breeder's Rights (precluding lapse by waiver)
- (ii) lapse of exclusive exploitation rights/ non-exclusive exploitation rights or pledge due to merger
- (iii) establishment of non-exclusive exploitation rights due to court decision as specified in Article 28 paragraph (2) of the Act
- (iv) for cases of obliteration of registration of provisional measures subsequent to provisional measure registration as specified in Article 39 paragraph (1) (including application of Article 40), the obliteration of such provisional measure registration
- (v) for cases of registration set forth in Article 84 and its items on Breeder's Rights that belong to trust property and other rights relating to Breeder's Rights, the registration of transfer of such trust  
(Order for registration)

Article 55 Registration by application shall be carried out in the order of acceptance.

2 Registration by authority shall be carried out in the order of occurrence of the purpose of registration.  
(Changes in administrative districts)

Article 56 For cases of changes in administrative districts or name of a land, such administrative districts or names described in the Registry of Plant Variety shall be deemed changed accordingly.  
(Correction)

Article 57 The Minister of Agriculture, Forestry, and Fisheries shall, when after completion of a registration there has been identified a mistake or drop-out within such registration, notify the registration rights holder and the person bound for duty of registration of the statement to such effect without delay.

2 The Minister of Agriculture, Forestry, and Fisheries shall, for cases of the preceding clause, if the concerned registration is subject to application provided in Article 23, also notify the concerned debtors of such state specified in the said clause without delay.

3 With regard to notifications specified in the above two clauses, if there are two or more registration rights holders, or persons bound in duty of registration, or creditors, it is sufficient to notify one of each of the concerned party.

Article 58 With regard to the Minister of Agriculture, Forestry, and Fisheries, for cases of provisions in paragraph (1) of the preceding Article, any mistake or drop-out of registration due to negligence of the Minister shall be corrected without delay, and notification to such effect shall be made to the registration rights holder, or person bound in duty of registration without delay, precluding the cases where an interested third person of such registration exists. Notification provided in the said clause is not required in such cases.

2 Provisions in paragraph (2) and paragraph (3) of the preceding Article shall be applied in the preceding clause.

(Record of Numbers)

Article 59 When registering on Matter Sections and Trust Section, precluding the cases that are of (i)

an appended registration, (ii) formal registration of a provisional registration, (iii) obliteration registration of a provisional registration, (iv) formal registration of a conservation provisional registration, or (v) obliteration registration of conservation provisional registration, such registrations shall be recorded in order of such registered matters, placing the ordering numbers at the front of the concerned registered matters.

(Method of Appended Registration)

Article 60 For cases of appended registration, when stating the ordering numbers on the appended registration, the number of the principal registration shall be written first, and the appended numbers in order of each appended registration shall be written under it.

2 For cases in the preceding clause, appended numbers shall be written in abbreviated marks under the principal registration ordering number.

(Record of obliteration marks of modified registration matters)

Article 61 For cases of registration of modification or correction, obliteration marks shall be recorded on the registered matters that have been modified or corrected.

(Method of Obliteration Registration)

Article 62 For cases of registering for obliteration, obliteration marks shall be recorded on the concerned registration after recording the purpose of obliteration, the date of such occurrence, and the statement to that effect of obliterating such registration.

2 For cases in the preceding clause, if there is any registration on the rights of a third party for which it is the purpose of obliteration, such registration shall be recorded with obliteration marks, after recording statement of such obliteration in the relevant parts of Matter Sections or Trust Section.

(Method of Restoring Registration)

Article 63 For cases of restoring a registration after a registration of lapse of Breeder's Rights, the cause and date of restoration and the statement of such effect shall be recorded at the bottom of the Indication Section, after filing for another identical registration as the one that had lapsed.

2 Except for cases provided in the preceding clause, when restoring a registration, an identical registration to the one obliterated shall be filed after recording the cause and date of restoration and the statement of such effect.

(Record of Registered Date)

Article 64 Upon registering on the Registry of Plant Variety, the date of registration shall be recorded at the end of such registration.

(Demarcation)

Article 65 When registering on the Indication Section, the Priority Rights Section, Record of Characteristics of the Registered Variety Plant, the Matters Sections, and Trust Section, a horizontal line shall be ruled after each of the recorded dates of registration to demarcate the blanks.

Section 2 Procedures for Registration by Application

(Statements in the Registry of Acceptance of Application)

Article 66 Upon filing of an application, the following matters shall be stated on the Registry of Acceptance of Application : the date of acceptance, reference number of acceptance, variety registration number, purpose of registration, the amount of fee for registration license tax, and the name of the applicant. The date of acceptance and the reference number of acceptance shall be stated

on the application form.

2 The reference number specified in the preceding clause shall be in sequence as in the order of acceptance. However, if two or more applications for the same Breeder's Rights and other rights relating to Breeder's Rights are being filed simultaneously, they shall bear the same reference number.

3 When stating the name of the applicant in the Registry of Acceptance of Application subject to paragraph (1), if the application is for two or more persons, it is sufficient to state only the name of the representative or the head of the applicants listed on the application form, together with the number of people other than the name stated.

4 Reference number of acceptance shall be renewed every year.

(Statement of same ordering number)

Article 67 For cases of registration by application form with the same reference number of acceptance as specified in paragraph (2) proviso clause, if such registered matters are to be registered in the same section, the same ordering number for such matters shall be used and recorded.

(Method of registration in Indication Section and other sections)

Article 68 When registering on the Indication Section of the Registry of Plant Variety, the following matters shall be recorded: date of acceptance of the application form, reference number of acceptance, and the purpose of registration.

2 When registering on the Matter Sections and Trust Section of the Registry of Plant Variety, the following matters shall be recorded: date of acceptance of the application form, reference number of acceptance, name and domicile or residence of the registration rights holder, purpose of registration and the date of such occurrence, and the purpose of registration or other matters listed on the application form concerning rights that should be registered.

3 When registering on the Matter Sections and Trust Section of the Registry of Plant Variety by applications specified in Article 23, Article 47 paragraph (1) or Article 52 paragraph (2), apart from matters specified in the preceding clause, the following matters shall also be recorded: names and domiciles or residence of the creditor or beneficiary, and the purpose of subrogation.

(Method of registration of lapse of Breeder's Rights by waiver)

Article 69 When registering for lapse to Breeder's Rights due to waiver, registration of such Breeder's Rights shall be obliterated.

(Registration of two or more pledges securing one loan)

Article 70 For cases of registering establishment of two or more pledges that secure one loan based on application, subject to Article 30 paragraph (1), each registration of pledge shall record indication of rights which are the purpose of pledge other than the registered pledge.

2 For cases of registering establishment of another new pledge to secure one loan, subject to Article 30 paragraph (2), registration of such new pledge shall record indication of rights for which it is the purpose of pledge that is already established, and registration of the already established pledge shall record indication of rights for which it is the purpose of the new pledge.

Article 71 When registering for lapse of one of the rights which are the purpose of pledge that secures one loan, obliteration mark shall be recorded as the indication of the specific rights upon lapse of registration of the establishment of pledge which is the purpose of other rights. Same shall apply to

lapse registration of such loan.

(Record of ordering number for cases of change of order in loan)

Article 72 When registering for change of order in loan, such changed registered ordering number shall be recorded under the ordering number of the established registration that has changed orders.

(Record of ordering number for cases of transfers of orders in pledge)

Article 73 When registering for modification of pledge due to transfer or waiver of orders in pledge, such modified registered ordering number shall be recorded under the ordering number of such established registration.

(Method of Provisional Registration)

Article 74 Provisional registration shall be recorded in the relevant parts in the Matter Sections or the Trust Section.

2 When registering a provisional registration subject to the provision in the preceding clause, a horizontal line shall be ruled in the registered matters column only, leaving ample blank space for a formal registration, and another horizontal line shall be ruled in the ordering number column and the registered matter column.

(Registration subsequent to Provisional Registration)

Article 75 When an application of formal registration is filed subsequent to provisional registration, such formal registration shall be made underneath the provisional registration. The same shall apply to application of obliteration of provisional registration.

2 For cases of application specified in Article 43, the Minister of Agriculture, Forestry, and Fisheries shall obliterate the registration of an interested third person upon formal registration.

(Formal Registration subsequent to Conservation Provisional Registration)

Article 76 Provisions in paragraph (1) of the preceding clause shall apply for cases of conservation provisional registration.

(Registration Notification)

Article 77 Upon completion of a registration, the applicant shall be notified of the following matters (notification made to the registration rights holder for cases of the applicants consisting of registration rights holder and person bound in duty of registration): the Plant Variety number, date of acceptance of the application form, reference number of acceptance, ordering number, purpose of registration and the date of such occurrence, purpose of registration, date of registration, and the statement of completion of registration.

2 Upon completion of a registration by application specified in Article 23, Article 47 paragraph (1), or Article 52 paragraph (2), the registration rights holder shall be notified, apart from matters provided in the preceding clause, of the name of the creditor, the beneficiary, and the settlor.

3 For cases provided in the preceding clause, paragraph (2), person bound in duty of registration shall be notified of the following matters: Plant Variety number, name of the registration rights holder, purpose of registration and the date of such occurrence, purpose of registration, date of registration, and the statement of completion of registration. For this case, if the person bound in duty of registration is one of the joint holders of the rights on Breeder's Rights and rights other than the Breeder's Rights of the registration concerned, all of the other joint holders shall be notified of the statement of such effect.

### Section 3 Procedures for Registration by Commission

(Method of Conservation Provisional Registration)

Article 78 Provisions in Article 74 shall apply to conservation provisional registration.

(Registration Notification)

Article 79 Upon completion of a registration by commission, notification of such completion shall be made pursuant to provisions in Article 77, to which Article 53 paragraph (2) is applied. Notification shall also be made to the holder of Breeder's Rights and the holder of rights related to Breeder's Rights (precluding person bound in duty of registration) of the following matters: indication of Breeder's Rights or rights related to Breeder's Rights; purpose of registration and the date of such occurrence; name and domicile or residence of the registration rights holder; purpose of registration; date of registration; and statement of completion of such registration.

### Section 4 Procedures for Registration by Authority

(Method on Variety Registration)

Article 80 Matters specified in the Ordinance of the Ministry of Agriculture, Forestry, and Fisheries as of Article 18 paragraph (2) item (vii) of the Act are as follows:

- (i) date of application
- (ii) date of publication of application
- (iii) name of the breeder of the variety that is being applied for
- (iv) for cases where the concerned variety registration application involves priority rights claim as specified in Article 11 paragraph (2) of the Act, the name of the country of the first application of State Party (or name of the organization for cases of inter-governmental organization) and the date of such application; or, the name of the country of the first application of Designated State (application in the designated state to which the applicant belongs, if the applicant belongs to one of such states) and the date of such application
- (v) statement of such effect if there are provisions and matters as follows: provisions in the application form of the shares on Breeder's Rights arising from variety registration; provisions in Article 23 paragraph (2) of the Act; or, existence of a contract subject to Article 256 paragraph (1) proviso clause of the Civil Code, to which Article 264 of the said Code is applied; or, any statements of facts concerning matters in paragraph (3) of the said Article made in the notification specified in Article 9 paragraph (1) of the Order for Enforcement of the Plant Variety Protection and Seed Act (Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 83 of 1998)

2 Matters subject to item (v) of the preceding clause shall be recorded in Breeder's Rights Section.

(Method of Registration of Lapse of Breeder's Rights)

Article 81 Upon registration of lapse of Breeder's Rights (precluding such lapse by waiver), registration of the concerned Breeder's Rights shall be obliterated.

(Method of Registration of Lapse of Exclusive Exploitation Rights due to Merger)

Article 82 When registering for lapse of exclusive exploitation rights, non-exclusive exploitation rights, or pledge due to merger, registrations of such rights shall be obliterated.

(Method of Registration of Non-Exclusive Exploitation Rights Establishment due to Court Decision)

Article 83 When registering for establishment of non-exclusive exploitation rights by court decision



as specified in Article 28 paragraph (2) of the Act, the Exploitation Rights Record Section of the Registry of Plant Variety, to which Breeder's Rights of the non-exclusive exploitation rights or exclusive exploitation rights establishment are registered, shall state the following matters: the date of court decision; scope of non-exclusive exploitation rights to be established; amount of consideration; method and time of payment; and the name and domicile or residence of non-exclusive exploitation rights holder.

(Registration of Modification of Trust by Authority)

Article 84 The Minister of Agriculture, Forestry, and Fisheries shall, when registering for matters set forth below for the rights relating to Breeder's Rights and rights other than the Breeder's Rights that belong to trust property, also register modification of Trust by the Minister's authority:

- (i) registration of transfer of rights specified in Article 75 paragraph (1) or paragraph (2) of the Trust Act
- (ii) registration of modification or rights specified in Article 86 paragraph (4) main text of the Trust Act
- (iii) registration of modification or correction of name and domicile or residence of the registration rights holder who is the trustee

Supplementary Provision

(Effective Date)

1 This Ministerial Ordinance shall come into effect as of the date of enforcement (December 24, 1998) of the Act

(Transition measures relating to Registry of Plant Variety)

2 Registry of Plant Variety subject to the Rules of Plant Variety prior to its revision (hereinafter, the "Old Rules") shall be deemed equivalent to Registry of Plant Variety subject to the Rules of Plant Variety after its revision (hereinafter, the "New Rules"). For this case, the terms "register number" refers to "variety registration number", "significant form" refers to "column of significant form", "characteristics of significant form" refers to "column of characteristics of significant form", "Variety Registration Owner Record Section" refers to "Breeder's Rights Record Section", "Approval Record Section" refers to "Exploitation Rights Record Section". Upon enforcement of this Ministerial Ordinance, matters recorded in the Variety Registration Owner Record Section and Approval Record Section shall be deemed to be numbered accordingly in sequences and orders specified in Article 11 of the Old Rules.

3 After the enforcement of this Ministerial Ordinance, for cases of applying for registration of matters that should be recorded in Breeder's Rights Record Section or Exploitation Rights Record Section of the Registry of Plant Variety by the New Rules with regard to rights stated in the Old Rules Registry of Plant Variety, Breeder's Rights Record Section or Exploitation Rights Record Section shall be made, respectively, subsequent to the Variety Registration Owner Record Section or the Approval Record Section, as provided in examples in appended form No. 2 of the New Rules.

4 After the enforcement of this Ministerial Ordinance, for cases of registering Trust on rights stated in the Old Rules Registry of Plant Variety of the Old Rules, Trust Section shall be newly made subsequent to the Approval Record Section, as provided in examples in appended form No. 2 of the New Rules.

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 42 of March 31, 2000]

This Ministerial Ordinance shall come into effect as of April 1, 2000.

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 82 of September 1, 2000 (excerpt)]

(Effective date)

Article 1 This Ministerial Ordinance shall come into effect as of the date of enforcement (January 6, 2001) of the Act on Partial Revision of the Cabinet Act (Act No. 88 of 1999). [the rest omitted]

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 100 of November 29, 2000]

This Ministerial Ordinance shall come into effect as of the date of enforcement (March 7, 2005) of Partial Revisions Act on Acts on Mobility of Specified Assets by Specified Purpose Companies (Act No. 97 of 2000).

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 3 of January 29, 2002]

This Ministerial Ordinance shall come into effect as of April 1, 2002.

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 100 of December 17, 2004]

This Ministerial Ordinance shall come into effect as of January 1, 2005.

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 18 of March 7, 2005]

This Ministerial Ordinance shall come into effect as of the date of enforcement (March 7, 2005) of the Real Property Registration Act [Act No. 123 of June 2004].

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 75 of June 17, 2005]

This Ministerial Ordinance shall come into effect as of the date of promulgation.

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 54 of May 30, 2006]

This Ministerial Ordinance shall come into effect as of August 1, 2006.

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 77 of September 28, 2007(excerpt)]

(Effective date)

Article 1 This Ministerial Ordinance shall come into effect as of the date of enforcement (September 30, 2007) of the Trust Act [Act No. 108 of December, 2006].

(Transition measures in accordance with partial revision of the Rules of Variety Registration)

Article 4 With regard to procedures for registration application that have been filed before the enforcement of this Ministerial Ordinance under provisions in the Rules of Variety Registration prior to revision provided in Article 5, provisions then in force shall prevail, notwithstanding the provisions in the revised Rules of Variety Registration provided by the said Article.

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 11 of March 18, 2009]

This Ministerial Ordinance shall come into effect as of April 1, 2009.

Supplementary Provision [Ordinance of the Ministry of Agriculture, Forestry, and Fisheries No. 52 of August 31, 20118 (excerpt)]

(Effective date)

Article 1 This Ministerial Ordinance shall come into effect as of September 1, 2011.

[Transition measures]

Article 3 With regard to actions such as delivery to previous organizations of the Ministry of Agriculture, Forestry, and Fisheries under provisions in relevant Ministerial Ordinances prior to this Ministerial Ordinance revision, such actions shall, after the enforcement of this Ministerial Ordinance, be deemed equivalent to relevant Ministerial Ordinances under relevant provisions in relevant Ministerial Ordinances after the revision.