

The Impact of Joining Jordan to the International Agreement for the Protection of New Varieties of Plants (UPOV)

1) **Dr. Bassam Al-Trawneh**
(Philadelphia University)

2) **Dr. Ali Al-Zubi**
(Al-Balqa Applied University)

Abstract

The subject of legal protection of the new varieties has got lots of attention especially at the international and national level because of the great impact in developing and increasing the agricultural crops. This research sheds the lights on the aspects of the legal protection of the new varieties of plants in the different legal systems, whether by joining the UPOV agreement (the convention to the protection of the new varieties of plant – UPOV) or through the patent protection by mentioning the new varieties of plant as a patent protection , or by dual protection, by integration between the legal protection for the patent and the law of protection the new varieties of plant. And it concentrating on the legal protection for the new varieties of plant in Jordanian law in a particular, and the development of this protection and showing the impact of joining Jordan to the UPOV convention in the two sides (positive and negative). Finally the research enhances some results which mentioned in the conclusion of the research.

Key words: new varieties of plant, plant patent invention, the plant of genetic principles, UPOV convention and TRPS convention.

Introduction

The first appearance of stable societies in the world when the agriculture was discovered, which was formed as a first nucleus for the human societies stability. Since that date agriculture had played a very important role in the economical social system for these communities. It formed the human thought and civilization which continued of developing over the centuries. For along time agriculture was remained the food stability for the man and it attend with the presence of some simple handicraft – because of industrial revolution- , it quickly turned to a huge industrial and tremendous, in addition of that it transferred nations from the simple primitive communities to a big countries which have a big power and great abilities which are reflected positively on all fields like agriculture that developed in agriculture industrial starting from the simple agriculture to produce a big varieties of agriculture products which were unknown before . this variety was appeared in agriculture products as a result of genetic technology developing , so lots of people either single or groups or companies to develop a new suitable varieties for the environment conditions which protect human from the food shortage or famine and to ensure the continuity of the variety in the plant environment to keep them from the extinction , in the field of grain, legumes and fruit trees and pasture crops as well as the importance of plant diversity and the abundance of it in the field of medicine and the pharmaceutical industries , food industries and among other. After that the appearing of revolution in the legal legislation which organized all fields and areas such as agriculture and the new varieties of plant and genetic assets , as a result of that there are many international agreements and treaties which are signed for that. To establish the rules of protection the new varieties and genetic resources of plants and developing it. Therefore many countries created a new legislation to protect their genetic capabilities and the rights of the farmers and the producers too. The subject of protection of new varieties of plant got a new attention to a lot of people because of its large impact in evolving and increasing agricultural produce.

In this research we will discuss in details all aspects of legal of protection of new varieties of plants and we will give some notices about the legal texts which mentioned the protection of the new varieties of plants by following the interpretation and analyzing and comparing with the different legal systems in the subject of the protection and the legislation and roles which was earlier approved the legislation of the protection of new varieties of plants.

So that we classified this study in to three sections, namely:

The primer topic : the emergence of legal protection for the new varieties of plants

First requirement: the marks of growth of legal protection for the new varieties of plants and their reasons.

Second requirement: the international convention and legal trends in the protection of new varieties of plants.

First topic: the concept of new varieties of plants and their roles

First requirement : the definition of new varieties of plant and the finder of the plant.

First : the definition of plant variety

Second : the definition of the finder of the variety of plant

Second requirement : the condition of legal protection for the new variety of plants.

First : the objective conditions for the registration of the new varieties of plant

Second : the formal requirements to regist the new varieties of plant.

Third requirement: the scope of the legal protection to the new varieties of plant and the receiving exception of it.

First: the rights which were acquired by the finder of the new varieties of plants

Second : the exception of legal protection for the new varieties of plants

Third topic : the effects and results of joining Jordan to the UPOV convention.

First requirement: the evolve of legal protection for the new varieties of plants in the Jordanian law

Second requirement : the impact of joining Jordan to the UPOV agreement in the term of positive and negative sides.

Conclusion

First topic : the emergence of legal protection for the new varieties of plants, in this part of the research we will focus on signs of the legal emergence to the new varieties of plants and their reasons in the first requirement and the international conventions ,legal trends in the protection of new types of plants in the second requirement too.

First requirement : the signs of emergence for the legal protection of new varieties of plants and causes.

The new varieties of plants did not obtain the legal protection until a late time and the reason behind that was this protection became very important particularly after come a cross the importance of new varieties of plants for agricultural and food items and entering it to another scope which is more important and it call a commercial and industrial framework especially in the field of medicine and food industry , most of it concern in developed countries which have made these countries accelerated and consolidating this protection through the international conventions and domestic legislation

1 Dr hala Ahmed Mekdad Galilee: the legal protection for the new varieties of plants (comparison study) published research in the future research magazine. No. XVI. 2008 pp. 118-119.

Perhaps the need of this protection became very urgent after a lots of evidences that indicate the advanced countries have been exploited the poverty and ignorance of the developing countries and robbery their resources and traditional knowledge and unique plants 1.

So that lots of countries in the world rushed to protect their unique plants or at least protect the new varieties of plants which are created by the scientists. The matter at the end led to compatibility these efforts and meeting to put a first conceived about the plants protection and the negotiation began for a long time then it approved the agreements which conceived the protection and put the celebration to achieve this protection such as the TRIPS 2 agreement , which has worked on consolidating this protection through a special protection system by patents it , then this protection has been amended to include the new varieties of plants 3 which has several legislation of most countries of the world in the field of protection a new varieties of plants.

Second requirement : the international agreements and legal trends in the protection of new varieties of plants

Lots of international conventions have concluded in the field of protection the new varieties of plants beginning from Protection of intellectual property

Sides which contact of TRIPS trade, in 1961 till the UPOV agreement 4 and to the convention of the biological diversity to keep on the survival of the biological varieties and face the threat that the new varieties of plants could be exposed to it, also animal and environment too because of the expansion of using the genetic engineering 5.

1 Dr Hussam Al Dine Al Saghir : the protection of new varieties of plants. Working paper submitted by the WIPO episode training for the national intellectual property for the diplomats which organized by the “ world intellectual property organization WIPO with the diplomatic studies institute , which held in Cairo from 13-16 /12 /2004

2 this agreement called the aspects of intellectual property rights (TRIPS) and it call in English : related aspects on intellectual property rights ,including trade in counterfeit goods agreement on trade. The accession of this agreement started in 01/01/1995 and contains 73 materials in seven parts.

3 explanation and commercial legislation . Dr Salah Zain edine , Jordan , house of culture ,publishing and distribution 2005. second edition p.273.

4 this agreement is the international protection for the new varieties of plants and it has been shorted to the UPOV as in French name and the member of this agreement in that date was 33 countries including the united states, Britain , France and Japan .

Dr Hala Mekdad , former source , p.120 the number of members reached until 2004 to 58 countries were working to join to the agreement like Egypt, morocco Tunisia , and Jordan which joined in 2004.

In addition to the genetic resource agreement and heredity materials for plants (OBD) and signed in 3/11/2011 under the supervision of food agricultural organization (FAO) which followed to the united nation. Among this agreements which mentioned the subject of protection the new varieties of plants (TRIPS) agreement which began in 01/01/1995 and it emphasizes with the various areas of intellectual property like the author rights , copy rights, trademarks, geographical indication , industrial design, trade secrets, patents, and it includes the protection of the new varieties of plants and it grew out of this agreement the main convention of world intellectual property organization (WIPO) and the Paris convention for the protection of industrial property, Berne convention for the protection of literary and artistic works, the agreement dealt with the text on the minimum standard of protection and the members adopt the roles and rights in this agreement ,also this agreement includes some roles, procedures and issues of the settlement of intellectual property disputes and the most important thing in this agreement is the patents subject in all technical areas especially the text of article 27 from this agreement is to committed the countries which excluded the new varieties of plants from the field of patents work and provide a legal protection for these new varieties of plants either by patents or from a special system for these varieties or from both. One of the important agreement in this topic is the UPOV agreement which allocate the protection of new varieties of plants and it signed in 24/10/2004 and it amended several times and the last one was in 19/03/1991 3 Jordan has joined this convention after agreement of issuance of royal decree approving of resolution council ministers No 648. date:13/01/2004 which including the agreement of joining Jordan to this agreement and the last accession to the convention in 24/10/2004 and it setup office in the ministry of agriculture to protect the new varieties of plants and this office has many several tasks follow issues in a relationship to Jordanian membership in the UPOV , receiving and studying the registration of new varieties of plants and objection on the requests. This agreement contains ten chapters on the various topics like the definition and the conditions of legal protection and their procedures and the result of this condition was called the international union for the protection of new varieties of plants.

5 Dr. Hussam al-Saghir. Former source .p 6

Dr Majd Joratla : the importance of economical environmental of protection of the hereditary plants . article published on the internet and it indicates that it has been making a use of one genetic (barely Ethiopian) in the protection of the barely crop in America from the yellow dwarf virus and this is has made more than (160) million \$ every year for the farmer in addition to protect the genetic resources which contribute to the manufacturer of medicine ,where the value of human medicines derived from wide plant in the world about 40 billion \$ yearly.

2 this agreement was amended in to following date: 10/11/1972 to23/10/1978.

Its independent international organization which locate in Geneva , Switzerland and the convention entered in to the force as a last modified on 24/04/1998 , it aimed to ensure the new varieties of plants rights of producers and this agreement is a great benefit to the countries that are home for a lots of new species of plants and genetic

resources, lots of countries take in to consideration the of UPOV agreement which concerning of the protection of the new varieties of plants and not taking the patent system for many reasons like TRIPS , to devote the monopoly of patent for the new varieties of plants and don't give any exception for research. And not allow to use the protected varieties of plants and develop it without the consent of the owner (patent owner) which means it gives the right to the owner of protected varieties to monopoly it and prevent the other from benefiting it.

The convention of UPOV in the last amendment in 1991 devoted some gains to the developed countries like restricting the rights of farmers and taking priority in the convention system ,which made others¹ see that the protection which offered by the UPOV is less power than the TRIPS convention because the latest offered the same protection to patents and it is a strong protection while the protection from the UPOV is only for the privilege without take the permission from the owner of protected plants (breeder privilege) and (farmer privilege).

In spite of that somebody believes that the difference is in favor of UPOV because it cant monopoly the new varieties of plants which prevented their developing by plants breeders or use it by farmers in non commercial sides.

General outlook to overall agreements and legislation to protect a new varieties of plants we find out that the there is no unified legal system for the new varieties of plants , also there is a difference in the legislation of this field of protection ,so the trend of protection go in different ways 2 :

1 the legal protection of the new varieties of plants through the conventions , roles in protecting patents , considering the new varieties of plants became a creative elements and it applies on the rest of inventions as in the case of TRIPS convention , Iraqi legislation, and Saudi Arabia 2

1 Dr. Hussam al-Saghir. Former source p. 4

2 Look at other trends: roles of Jordan progress of protection an ew varieties of plants ,based on the international protection of the new varieties of plants , world patent information (2005) .p.232-243

www.elsevier.com/locate/worptain

- special reference protection of new varieties of plants 1991 TRIPS AGREEMENT .

university of ratmalana srilanka padmaja,wijesooriya@kdu.ac.ik

- the role of international union for the protection of new varieties of plants (UPOV) .Graham Dutfield . February 2011. quaker uniteed nation office

Second trend : legal protection for the new varieties of plants through a special agreements to this type of protection and provision including UPOV agreement , Jordanian law came to protect the new varieties of plants , which was taken from it and it called the protection law of new varieties of plants No24 , year 2000 , and it is also the Egyptian intellectual property law No.82 year2002. which allocated title IV of the legal text of protection of new varieties of plants 3 . (articles189/206) these texts were organized similar as UPOV convention, as well as federal law of the UAE No17. year 2009 on the protection of the new varieties of plants4.

Third trend: protecting the new varieties of plant which called the dual protection , the united states present this trend by double protection by patents and by special legal system of new protection for the varieties of plants and it is the same system which are provide from the UPOV convention 6.

1 Iraqi patent law was amended . No65 year 1970. order No 81 , year 2004 includes the protection of new varieties of plants Dr. Hala Mekdad. Former source. Pp. 122-123.

2 The protection of new varieties of plants in Saudi Arabia were organized through the patent system and layout designs of integrated circuits and the variety of plants , industrial design which issued by royal decree No 27 .date: 28/05/1425 AH in chapter IV / materials 54-58.

3 The protection of Egyptian intellectual property No82. year2002, and published in the official newspaper No.22 bis , date: 02/06/2002. , this intellectual property law allocated the fourth book for the new varieties of plants and this law was amended recently in the issuance of presidential decree law No .26 year 2015 , and it entered a

multiple amendments to the texts of the new varieties of plants to conform with the provision of the international of the protection of the new varieties of plants (UPOV).

4 The publication of this law in the Official newspaper.No503,p13

5 Dr. Hala Mekdad. Former source p 121

6 Dr. Hussam al-Saghir. Source former p. 4, he referred to the US patent law and it was amended in 1930 to allow the protection of the new varieties of plant by plant patents, for plants which are produced by other ways nor sexual re production and in 1970 ,it released in the united states of America the protection of the new varieties of plants by sexual reproduction.

First topic : the concept of new varieties of plant and variety of plant finder

The definition of plants in general is all kind of implants , grasses, seeds, leaves and roots and all other part as come in the Jordanian agricultural law No.13 ,year 2015 1 , also it known the plants products as any material of origin plant which keeps of their plant nature until it consumption , and it is known that the plants maintain it presence through the reproduction of some sophistication of it or changing in their characteristics as result of nature environmental changeable or even a result of genetic mutation in the genetic characteristics without intervention of human , but in many cases which change the prosperities of these plants to create a new varieties of it or to improve their abilities to resist the diseases and the agricultural pests too, to increase their productions or develop a new varieties with different characteristics. And it cal (cultivated varieties) and it fall under these varieties of genetic modifies which have become often repeatedly.2

Its know that the process of finder a new varieties of plants became a very important process because it achieve a development and creating for it as follows :

1 article 2 from Jordanian agricultural No 13, year 2015 published on page number 1868 of the official gazette No5337 date 16/05/2016.

2 it is needless to say of what the science had reached in the field of engineering at all levels especially in the genetic engineering for the plants which results to reach of more than hundred or thousands of new varieties of plants with a unique features , its noticeable that the new varieties of plants have a new color , anew format , ,size or fruit too.

1 The process of finding a new varieties of plants includes of creating a new types which are not exist before, so it leads to propagate available variety and to improve the quality and characteristics of plants and resist the diseases and insects of various agricultural pests.

2 the process of finder of new varieties of plants leads to abundance in production quantities , which is important foundation in the provision of food for a human. , improved plants are often develop a large amount of fruit , and it overcome what the plants produced it of natural fruit and vegetables, in addition to increase in production of market fruit and get more financial for the agricultural countries which could be use in developing the economy and avoid poverty.

3 the importance of this topic is to abundance in the field of production new varieties of plant in general and in particular in the field of medicine.

So it is known that there are many diseases became threat a human life such as epidemics diseases which caused by bacteria, viruses and the presence of these plants with distinctive medical proprieties that contain antibiotic resistance viruses which helps in reducing the spread of epidemic and diseases.

First : the definition of new variety of plant

Article 2 identify the new varieties of plants in Jordanian law as the advance of plants in the plant kingdom to the rank of the group to the sex to the type of finder, article 2 identify the plants variety as a group of plant which come on the lowest part of rank in the plant whether filled or unfilled the conditions of protecting rights of plants , this type of plants have a new different features which make it able to re production, this plants became a one unit because it has the ability to re production without any changing in their features. The same article of the protected variety has been defined : the type which has been registered accordance to the provisions of the law.

The UPOV agreement identify the variety of plant in the sixth paragraph from the first material , for the purposes of the convention , the variety means any group of variety of plant which are belong to the variety of plants whether filled or not the condition of granting of plants:

- knowing the characteristics which are resulting from the installation of the certain hereditary or a group of the same genetic.
- To distinguish it from other group of plants by mentioned some properties
- Making it one unit because of their abilities on the reproduction without any change.

In article 2 from the international agreement of treaty of food and agriculture planet genetic resources , which means any group of plant from the lowest part , and it known through their special genetic features and other on re production, as it reported that the food and agriculture plants genetic resources means any genetic material which belong to the plant side and has a large value to the food and agriculture.

It is noticeable that the definition of the new variety of plants in the Jordanian law come as same in the definition in the UPOV convention , according to the Egyptian legislator , he did not define the variety of plant but gave the condition which should be available in it in the plant variety for the purpose of accepting registration and protection it.

Second : the definition of the new varieties of plants finder

The Jordanian new varieties of plants law protection dealt with the subject of production a new varieties of plants or discovering or developing it and it called (finder), article 2 from this law define the finder as plant breeding or discover it or developing it. And the person who creating or discovering a new varieties of plants called the finder(breeder). The UPOV convention stipulate from the fourth paragraph article one that the plant finder is the person who demand the protection of plant variety and the plant finder come as :

- the person who discovered the variety of plants and evolving it
- the person who is the owner of the work or someone who has signed on the work as the legislation of contracting stipulated or concerned
- the mentioned person in the previous points as in case

it is noticeable that the from the previous definition that there is no difference between the person (finder) if he is natural ,moral, farmer or scientist, also the previous definition did not differentiate between the methods and the techniques which are practiced by the inventor to create a new types, sometimes it could used the traditional methods in breeding a new methods like hybridism and maybe they use the modern styles like the genetic engineering but the finder of the plant provides the application for the registration and give description details for the breeder process by expressing in details about the breeder operation and express the steps that he/she did for the choosing the type and propagation. According to article 6 from the Jordanian protection of new varieties of plants : its is the right to regist the new types as follows:

first : the breeder or finder who discovered the new varieties of plant or those who abeyance for the breeder or finder rights as the finder is a farmer and he tried to breed a new type of plants so he has the right to regist the and take advantage of these right which are granted by the law.

1 See Article 192 of the Egyptian intellectual property protection law

2 see Article 9 of the registration of new varieties of plant Jordan Regulation No. 76 of 2002, issued on the basis of the text of Article 30 of the law and published a number Official Gazette No. 4561 of 2002 on page 4153.

2 several names came for the breeder of plant , the Jordanian legislator use the finder but the Egyptian legislator plant breeder.

If he died , their heirs will take the right to advantage from the decease including the registration of new types , so if the finder is a moral as a company which work in the agriculture field or more , they could breeding a new different of types of new plants and breed a new variety of plant. So there is no legal objection to regist the new types for the company , because the Jordanian law registration for the new varieties of plants has been cited in item 2 paragraph c, article 9 it must presenting data and official documents which defined the applicant if he is a natural , or a registration certificate company or a photo copy on it which proves that is for a legal person.

For all persons who are involved in the development of the new type even if this product created as a result of joining effort for company, so they have the right to regist the company in equal way for themselves, even though if they don't agree on that , they would register it for one person or if they want to regist it in a different level too, it is noticed that the sign of legislator in the last paragraph b in article 6 (even if they don't agree on that) they don't specify whether the agreement should have in writing or not 1 perhaps the best in this situation to have written the agreement and includes a clear statement in all participants in the development in breeding the type by abandon on the right of the type to one of them or some of them ,it is best to have the agreement on the documents of the registration application in order to avoid any legal problems later or if the partners returns on their agreements later. 2

The previous finder in filling the application of registration, this is in case if the new types is breed by more than one person in the same time as a result of independent efforts for each one of them, so the problem start in this stage , the date of registration , so the law in this case approved the earlier application in the history of demand, we noticed in paragraph a from the article 8 (the date of registred application for registration product was delivered date for filling) but with conditions : collection of legal requirements attached with the whole documents that have known the registration applicant and a sample of the product which is going to be registred.) in the sense of these requirements are not available , the delivery date of the application date for the filling are not counted for the submission of the application because it is not completed according to the law , paragraph b from the same article (if the registrar finds that the application does not fulfill the requirements in the preceding paragraph a , he must invite the applicant and ask him to complete his documents with thirty days from the date of notification and the date of completion the papers is going to be the date of registration or filling the application) if the applicant did not submitted the papers in the specified period ,the registrar could consider the application is abandon by his request and he has the decision to appeal it to the supreme court of justice.

1 it is notice from the paragraph c from the article 19 from the Jordanian protection of the new varieties of plants which stipulates on the procedures of ownership of the protected type and mortgage and booking it and other legal action is determined and the instruction issued by the minister of agriculture, paragraph d from the same article is necessitated in register the publication or it wont be mortgage the new type or face it of other .

2 See Article 820 of the Jordanian Civil Law No. 43 of 1976 and Article 20 of the Jordanian Labor Law No. 8 of 1996.

Within sixty days of the date notification , it is clear from the text reported about the appeal to the supreme court , so the law is issued in 2014No 27 on the organization of administrative law and the elimination of administrative Fourth : if the employer breed the new types by their employees as a result of the implementation of the labor contract which make the employees restricted of submitting the breeding, in this case the legal text considered that the right registration of the type is for the owner if the contract mentioned this point , if the worker restrict of submitting new types, for the owner , but if the contract mentioned that the right of breeding a new types for worker so it should be registred for the worker name , and maybe the worker and the owner deal to regist the new types for both names. But what is the solution if the contract employment verbally ? its probably works to the general rules in this area , in this field , it should be approved by the plaintiff if the worker says that the agreement is to get his right he has to approve that and vice versa for the employer.

Second requirement : the legal protection conditions for the new varieties of plants, from the legal text these conditions are classified in to two items, the first one is objection condition and the other one is formal condition and we will classify the objection condition in details then the formal too .

The objective condition for the registration of new varieties of plant

According to article 5 from the new varieties of plants it is required for the registration of new varieties of plants the following conditions :

1 the new types should not be registred or not fulfilled in a date of registration or the date of priority which are text it in the law , selling the reproduction material or vegetative reproduction for the crops types , or transfer it to the other by the finder or by his consent for the purpose of exploiting the types as follows:

- more than one year inside the king dome and more than 4 years outside the kingdom

3 the law is issued No 27 year 2014 which belong to the organization of administrative law and the elimination of administrative in Jordan , which had become consisting of administrative tribunal and supreme court too. So the legislature should modify this provision to be compatible with the amendments that have been in the administrative law and it applies to what came on article 11 from the protection of new varieties of plants.

1 paragraph 1 from the article 1 of UPOV stipulates : (the criteria to be satisfied , the breeders right shall be granted where the variety should be : new, distinct, uniform and stable.

More than six years outside the kingdom for the trees or vines.

According to the law this is mean that it is not selling breeding materials or vegetative reproduction of the variety or crop variety , or the product of the variety or transfer it to the other in other way, by the finder or his consent for the purpose of utilizing the variety in the date of filling the registration application or the date of priority in paragraph a from article 9 from this law with exception of selling the reproduction materials, or the products type , or transfer it to the other in a specified period namely:

- more than one year inside the kingdom and more than 4 years outside the kingdom
- more than six years outside the kingdom if it belongs to the trees and vines

this is means that the legislator has set a standard for the new varieties of plant which is the plants breeder has not subtracting the reproduction materials by himself or by other or crop breed for selling or trading or transfer it to other in anyway in the paragraph which precedes the date of filling the application for the registrar of new varieties of plants or the date of priority alleged which stipulate that it provisions of article nine of the act.

For the first case , the finder types has not derived the reproduction material for the type or crop breed products for selling or trading before the date of resurrection of deposit of the application for registration, it is clear issue because it means the date of filling the registration application for the registrar of new varieties of plants in Jordan with exception that we would refer to it later. The second case is the finder has not derive the reproduction materials for the new types or the crops of the type for sale and trading before the date priority according to the text of article 9 of the law, it point out that the applicant of registration the type ensures the application claim the right of the priority of his request and registered in a previous date, to any country which belong to the kingdom in the protection of intellectual property subject in one condition to deposit the application for registration in the kingdom during a period not exceeding twelve month calculated from the day next of the first application (m9/a/1) , if the request include a date of deposit of the right priority according to the earlier statement , the registrar has the right to ask the applicant within three months to present a photocopy of the documents which belong to the first request to the office which he requested in , and the registrar has the right to ask the applicant to present any samples or evidences approved that this type has the subject of the first request , which means that this type is the same type in the application. And the date of the application in this case is the same date that filled the application in other item (9/A/b).we notice from the text in article 9 that the legislator organized the right of the breeder in registration in claiming the priority so the verification of this claim is to be in the adoption in the date of deposit of the application in the registration for the state and the applicant claimed that he deposited his request in it. The selling of breeding materials or vegetative reproduction of the variety of plants or crops product or transfer it in one way or other by the breeder or his consent for the purposes of utilizing the variety of plants which does not negate the recipe for the type of serious but in condition as it come in the paragraph a from the article 5 by specified a period of these action as follows:

1 One criticism in considering the priority system contained in the UPOV convention which put the Jordanian varieties of plant law on the right way , and this is criticism represent the considering the priority system which devote additional gains for the developed countries at the expense of developing countries as it always precedes the innovation and the deposit of the new varieties.

- one year if these act were inside Jordan,
- four years if these act were outside Jordan
- six years if these act were outside Jordan and if it belong to the trees and vines.

If the breeding materials or the vegetative reproduction or the variety productive have sold or transfer it to others in another way inside Jordan before more than one year from the date of filling the application of registration or being outside Jordan before more than 4 years or 6 years for trees and vines , the required registration type has to lost the modernity required condition and somebody 2 indicates that this exception come to serve the new varieties owners who have launched their categories for trading before they have known what the law offer to them in protection if the type has registred and it is worth mentioning that there is a texts in other laws of the intellectual property includes the same roles about the modernity condition such as article 3 from the patent Jordanian law No 32, year 1999 3 and paragraph (b) from article 4 of industrial designs No14 , year 2000 ,as well as the text of paragraph (b) from the article 4 of Jordanian protection law designing for the whole departments No 10 year 2000.

1 the plant type should be distinctive , so that the distinctly should be different on other known type in the date of filling the application and in a particular way the filling of any application or registring it officially for any plant type in any country which make this type has known the date of filling the application and registring the type and granting the right to the finder.

1 See also Article 192 of the Egyptian Intellectual Property Law and text of paragraph 8 of Iraqi law

2 See Dr. Hala Mekdad. Former source. P 130

3 article 3 from Jordanian patent law (an invention capable of protecting as in following conditions) : 1 if it is new industrial technology which is unprecedented to disclose to the public in anyplace in the world by written or by using in anyway that achieved by knowing the content of patent before the date of filling the application of patent or the date of priority registration alleged accordance to the role , 2 and it is not considered of the patent for the public before it happened during the last months of the date of filling the application for the registration .

The criteria of excellence standard is what the Jordanian legislator considered it is what transferred from the UPOV agreement 1 and the standard clear differences between the registerd plant and the other known types or common upon filling of the application for registration as paragraph (B) of article 5 from the Jordanian law that the standard of registration type make this type known or popular is to be registred officially in one of the countries of UPOV agreement or record it for registration of the variety in one country of UPOV agreement and provide the right to the owner of the types in registring it from the date of filling the application.2

3 the type should be homogeneous which means that the basic qualities be homogeneous enough with taking in to account any expectation varieties as a result of the special features that characterized the propagation process and this requirement is stated in article 8 from the UPOV agreement. A report is prospectus by UPOV (take the advantage of a new variety of plant) in page eight , which express that the advantage of variety of plant should be homogeneous if there features adequately homogeneous and taking in to account the expectation the changeable and evolving of characterized the propagation process and the purpose of that is the homogenous and to ensure to define the type to the extent required protection, which means that the homogenous standard is not to take account the nature of the type only, it is required on the features which influence on the protection of the type itself. Somebody believe that the features and characteristics of the new plant should not be homogeneous but it could be that if there is s simple characteristics appeared as a result of propagation process

4 the plant type is fixed , which means that the basic characteristics should not change as a result of breeding sequential or at the end of each particular cycle of reproduction and this requirement is stated in article 9 of UPOV agreement and paragraph (d) of article 5 from the Jordanian law as stated in paragraph fifth of article 192 of Egyptian intellectual property law. It is known that the plant type could be exploited many times in agriculture , so if the produced plant type has appeared after agricultural cycle or different cycle , so it is cleared differe4nce in their features of the original product, it make the original product non static due to of the changes of the basic features but if the change is simple and does not influence of the original product features it could be acceptable.

1 this condition is stated in article 7 of UPOV agreement

2 see Dr. Hussam al-Saghir. Former source p. 11

3 see Dr. Hussam al-Saghir. Former source p. 11

It is known that the plant is changeable as a result of evolving or because of many factors like the rest of creatures on the earth and it is expectable to make a change in their features but the question is for how long this condition is going to be fixable ? seems to be that the UPOV agreement has not expose to this issue also Jordanian law too , but the Egyptian project was cited in the regulation to the intellectual property law in article 164 1 the stability would be in two years or two agricultural cycles and which is less or at the end of each cycle of reproduction in case that there is a certain cycle to multiplication of variety of plant. 2

These are the fourth subjectivity conditions of registration plant type and it is noticed that paragraph 2 from article 5 of UPOV add another condition belongs to the name of the new type which are different on the previous one which are available in any country of countries which signed on the UPOV agreement but in the Jordanian law, it is not add this requirement but it add to the article 5 from the law but it come on the text of naming the new types in article 26 from the law , which oblige the breeder to name the type in the registration process because it come in the material that it is obligatory to regist each type which is a definition to it(M26/A) , and it could be a word or a combination of words numbers or group of letters in all conditions (M26/B). The law oblige to name the type , even if it offer it in any country or state after expired the date of protection(M26/d) with no harm for other in naming the types, the registrar in this case asked to breeder to name the types another time 3. The law was prevent to use or registration matching names which are define of the name of the type which leading to confusion with other types which was existed in the same plant type or any kind which are close to it , whether this name registered or if it known in the kingdom or any other country , the ban remains in place until after the end of exploitation of the type , also if the name has a meaning which belong to the type (M-26-C) Also the law prohibit the product if it misinformation and confusion or geographical origin or the breeder personally (M27) 1

1 See Regulations for the Law of the Egyptian intellectual property protection issued by the President of the Council of Ministers No. 1366 of 2002

2 the booklet which are issued on the UPOV agreement in a title (to take advantage from the variety of plant) and it referred to it earlier, the standard of homogeneity and stability (technical standard) this agreement put a document , tg/1/3 some guidance on this case and you can see it on the following address:
<http://www.upov.int/en/publication/tg-rom/tg001/tg-1-3.pdf>

<http://www.upov.int/en/publications/index.htm>

3 it is noticeable that it is acceptable to combine between the trademark and the trade name or any report like that for the protection type , when the type is marketing or offer for sale it is easy to know the label name (M/26C) and it is suppose to name the type in the registration application (28M)

Second : The formal requirements for the registration of new varieties of plants

Article two from the protection law of the new varieties of plants that the registrar of new varieties of plants called the minister while the record is a record of new varieties of plant , it is a record which are organized in the ministry under control of registrar and called(the record of new varieties of plants) it keep all data which are belong to the new varieties of plants and the names of it and the names of the breeder too and their addresses , registration certificate, and the procedures , action and what is transferred assignment, transfer ownership or license from the owner to the other and taking in to the account the licensing of confidentiality as well as the mortgage contract or attachment placed on the protected variety or any limitation in use , what are the condition that should be abundance in registration the new varieties of plants? Articles 7-14 from the Jordanian protection of the new varieties law dealt with the formal subject conditions of registering plant types and mentioned a way with specified conditions for the registration , so the steps of registration types includes the following procedures:
 1 submission of the application : in this step the registration of application is filed to the registrar2 on the prepared form 3, showing in it the whole details and the naming of the type and any other data which are specified by the system(m7) usually the application of registration presented with the whole official documents which come in article (9) from the registration system , article (8) of registration system that the date of registred the application for registration of product is the date for the filling and provide the whole official documents specially the legal one with the data for identifying the applicant of the registration and the sample of the new type which is going to be registered (m/8/a) and the application should be limited on one person , the application

should not include many types of plants and the applicant should pay the whole official documents (m7) if the applicant is not Jordanian , he has to put a legal agent inside the kingdom(7m/c)

1 regarding of the identification of procedures of registration , publication, and their periods ,it is recognized under a regulation issued on the basis of the provisions of the law (m 28)

2 article ten stipulate on that in UPOV agreement

3 See Articles 5-8 of the registration of new varieties of plant Jordan Regulation No. 76 of 2002 and published on page 4153 of the Official Gazette 4561 Date 28/08/2002

2 acceptance of the application : according to the text of article 8 if the registrar find out the application meets all the legal requirements and accompanied by the data which is known the applicant of the registration and a sample of the type which is going to be registered , the application is going to be accepted until make the test and the date of registration is the date of filing.

3 rejection of the application : if the registrar find out the application does not fulfill the textual requirements in the law , in this case the registrar invite the applicant to complete the whole official documents or make the necessary adjustments during thirty day from the date of registration and the date of completing these documents is the date of registration , the registrar considered the applicant abandon on his application based on his request 1 and the decision is being appealed to the supreme court of justice within sixty days from the date of notification 3 (8m/b)

4 testing , according to the article 10 of the law , the type should make a technical check in the following steps:

A to specify the new types in the plant classification categories in his application

B meet the standard condition of excellence , uniformity and stability and the test would be under the ministry of agriculture controlling in two steps :

1 it is noticed from the text that the applicant was not submitted the documents in the specified date (thirty day) and there is no roles for this case

2 the text should be amended so the text is alerted in the term of supreme court definition to the administrative court according to the administrative judiciary act No 27 year 2014

3. See articles 10-16 of the registration of varieties of plant system

A dependence on the growth and germination tests and any other tests with the values inside the kingdom or outside , if these test or examination were made in environmental conditions with environmental condition in the kingdom

B the ministry make the tests and specified examination by any party and cost it the contriver expense (10m/b) 1 article eleven of the law , the registrar ask the applicant to present the whole information and data for the specific technical test in the law during the period depending on the law , and in the case of non submission the documents , the registrar has the right to decide the end of the applicant registration by abandoned it and his decision shall be subject to the appeal to the supreme court of justice within sixty days of the date of notification (m/11/a) and the purpose of the test is to accept on the registration application (m-11-b) but it could make the test after the registration to ensure and keep the type , and to make the test ,paragraph C stipulate from the article 10, to form a technical committee from experts people , their mission is to present the results of the testing to continue the procedures of the registration of the type , , and the committee is formed by instruction of the minister of agriculture , these instruction includes and defining the other tasks of this committee and the way to work2.

5 initial approval and temporary protection , article twelve from the law says if the applicant meet all conditions and the requirements in this law, the registrar announces on accepting the application and the applicant granting a temporary acceptance by announced it in the official gazette after the paid the whole official fees and it include on the name of the type and plant classification (m/12/a) the law granted the applicant during the ninety days the temporary protection because the article thirteen of the law stipulates that the applicant of the registration granted a temporary protection between the date of publishing the application in the official gazette and the date of registration the type and he has the right during this period to exploit the type and take measures to prove any infringement 4

- 1 See Articles 17-18 of the registration of varieties of plants
- 2 See Article 32 of the registration of varieties plant system
- 3 See: Dr. Hala Mekdad. Former source. Pp. 144 and that the Iraqi and Jordanian lawmakers have granted the plant breeder during the period of temporary protection are fully protected as they are for the owner of the class
- 4 See Articles 19-21 of the registration of plant varieties system

6 objection , article (12/b) stipulate that any person can be objected to the registrar on the registration the new type during ninety days of the announcement date of the temporary acceptance in the official gazette , and the law has said about the periods of the publishing through it and the data the should be published and the procedures of the objection by accepting the registration and the extension of the objection periods and other things that issued by the system (m12/c)

7 the registration of the type and granting a certificate , article 14 of the law mentioned that the if there is no objection presented on the registration of the type or refuse the objection on the registering , the registrar himself and granted the breeder a certificate of that after paying the official fees of that²
For the term of protection period , article 18 of the law , make the period of protection twenty years of the date of registration , according to the trees and vines , it would be twenty five years.

Third requirements : the scope of the legal protection of new varieties of plants and the exception that come on it

The law specified the items that come under it , the Jordanian law in article 3 stated that the provision of this act shall apply to items that come under the plants varieties which are specified of the issuance system , by the law roles and it come in the appendix 1 and contain 19 types of the plants , we will deal with the scope rights that the law granted to the breeder of plants , then the exception of the legal protection of the plants second.

First : the rights that acquired by the finder of the new varieties of plants

Article 15 from the law mentioned these rights and these rights as follows:

1 the exclusive right to the owner of the new varieties of plants : in other word , the owner of the types has the right and authority to do what ever like the disposition,, the usage, and exploitation , so the owner of this types has the full right to sell or transfer this type for other , or even mortgage it , article 19 of the law gives the right to the breeder to buy or sell the types with or without money.

1 See Articles 23-29 of the registration of varieties plant system

2 See Article 22 of the registration of varieties plant system

3 See Appendix (1) attached to the Protection of New Plant Varieties Act

Also it approved these rights or mortgage it , (m 19/a) , also these rights can be transferred to the heirs in the term of death the owner of the protected types, (m19/b) about the usage , h has all right to use the new types in any way like grow it, reproduction it and evolve it. And he has the right to exploit the plant type like renting it , and this is what the law mentioned it, like the optional license , by giving the breeder the authorization to exploit the protected type by written contract and regist it to the registrar by paying a number of money and it agreed between the two sides , according to the obligatory license it allow to the minister to grant the non breeder the permission and without his agreement to exploit the protected type , if the public services need that , and give the breeder a number of money with the economical values and the minister has the right to cancel the registration application for the breeder ,

- 3 according to the exclusive right the owner of protected type has the right to prevent the other of doing any action which belong to the reproduction to the protected types for trade purposes , like production and obstetrics (multiplication) to the protected type, or configured it for reproductive purposes or offering for sale, export or import it, and store it without the permission of the owner . these action if not reproduce materials that have been harvested or picked, including the whole plants, or part of it, and through it we can use of the multiplication products material , which are protected.
- 4 legal protection is not only limited on the protected type only, it extend to the varieties, these types could not distinguish it on the protected one, the types that should produce it or use the protected type repeatedly, and

the means of derived types from the protected type, is the derivation type from the original protected, and it keeps on their features, which are exposed, on the features of genetic or on the group of genetic product for the original product, in addition to the distinguishing of the original product. In the exception of difference of derivation (m15/c)

and the action of other on the right of the breeder is infringement of the right of the breeder under the responsibility of law, if he know or if he should know that the infringes of the right of the breeder. (m15-h)

second : the exception of the legal protection of the new varieties of plants

the protection of the new varieties law in article 16 cited many exception on the protection of the new varieties of plant and these exceptions as follows:

1 the right of the owner of the protected type, , which does not cover the act for personal purposes not trade one ,or a trial, or evolving anew types.

1 See Articles 20-21 of the Variety of plant Protection Act of Jordan

2 the owner of the protected type does not include preventing farmers to use their lands for the purposes of reproduction harvest product that they had received it through growing any protected type from the derived types, or any type which could be distinguish it easily on the protected type.

3 the protection does not include the business which related to the material of protected type, or the derived material, or the breeder could mark it by himself inside the kingdom, but this protection get back to the breeder if the business only on the additional reproduction for the type, or export the material of the type, to a country which could not protect the type, or the kinds of plants itself, if the purpose of the export is the consumption. The text of paragraph d from article 15 of the law, it could be got the derived varieties of plant in any way if the who fully text does not mention it but it cited in any cases specially, and these cases : if the derived product getting as a result of natural picking, or stimulating, or selecting a different unit, of the original breed unit, or getting the derived product by hybridization or transfer it through the genetic engineering.

According to the invalidity of legal protection, and deletion the record : the law shows that the record application is deleted in the following cases:

1-it is proved that the product was not new or special about the date of filing the application or the date of priority as appropriate.

2. If it is proved that the variety is not homogeneous or fixed the filing date, or the date of priority, as appropriate, in the case of registration based mainly on information and documents that provided by the inventor on that date.

3-if registration is inferred in violation of the law. (m22)

The deletion of the plant record in the following cases :

1 if the result of the technical inspection and the variety constancy and homogeneity was not considered or achieved.

2 if the breeder was not provide the registrar, of the necessity data to ensure of the keeping the features of the types

3 if the breeder was not pay the official fees

4 if the name of the protected type is deleted, after the registration, and the breeder doesn't present a new name for the type, (m23-a) in the last four cases the registrar should announce the breeder of the cancellation of work till the end of the period (m23b) the type and advertise it in the official gazette (m23-c) and the whole decision is being appeal to the supreme court of justice within sixty days of the notified date.

Third topic, the effects and consequences of the joining Jordan t the UPOV agreement (Positives and negatives)

Joining Jordan to the UPOV agreement has many results which the researcher will mention it later and the researcher will talk about the development of protection for the varieties of plant in the Jordanian law, then the research will specified the impact of joining Jordan to the upov convention (the positive and negative too)

The evolving of the legal protection for the new varieties of plant in the Jordanian law.

The status of the legal protection to the new varieties of plant in Jordan before joining the world intellectual property organization swip according to the general roles in the law, the civil responsibility (contractual and tort) confers on this protection on the whole property intellectual items including the new varieties of plant but this protection has not a big impact and it need to restrict of the general roles and assault action, and check damage and link damage to the action (causation) so this protection is limited inside Jordan , on the external level, it has no prophet when a western company impersonate any new variety form in Jordan and take the advantages of it , and register it to their advantage and it make Jordan far a way on the purpose and it surrounded with many legal complications, but joining Jordan to the world intellectual property swip and signing on the strips convention which includes a legal system to protect the patents and make this agreement as a fact and has a special nature and it is very strong protection, and it belong to protect the patent although this agreement was protect the patent but its not include the planet , as a result of that some countries make efforts between 1986-1993 and it restrict some countries to protect the planet varieties(Uruguay round) which signed in morocco which reported in article 23/7/b of the agreement to not include the patent . and it called the plant acquittal to include the new varieties of plant , also there are many agreement mention the protection of the new varieties of plant³ like paris agreement for the protection of industrial property 1883⁴ and Madrid agreement for repression the source of data for 1891.

1-World Intellectual Property Organization, dating to the 1883 play currently running about 23 Treaty and the Convention on the number of members are currently 179 countries. See Bulletin WIPO (General Information) issued in 2003

2 one of the applications that the US Supreme Court ruled in 1980 in the case See: Hossam small. Former source. P. 20

3 See: Hossam small. Former source p. 2

4 paris intellectual industrial protection property

The Jordanian patent law is issued and it is the law No32 year 1999 1 the article four of this law contain that the patent not to be granted in the following cases:

D – plants, animals except the microbiology.

E – biological ways to produce the plants and animals , except the non biological ways and biological.

Which means that the patent law protect the whole patents in general , but it not cover the patent which belong to the plants , so the law was not grant the protection to the new planet just in one case , by non biological way which means the genetic engineering but the biological way(general reproduction) in breeding the plant but it not protect by the law.

The situation become like that till the Jordan sign on the UPOV convention , and issued the Jordanian protection law for the new varieties of plants, so the UPOV agreement specialized to protect the new varieties of plants and it signed on 24/12/1961 and it amended several times , the last one was on 19/3/1991³ and there is office in the ministry of agriculture to protect the new varieties of plants and his mission , follow up the related issues of Jordan memberships in the UPOV , studying and receiving the registration application of the new varieties of plants and objection on it .

Much of the world countries has gone in taking in to the UPOV agreement which concerning the protection of the new varieties of plants and not take the attention of the patent system for many reason like TRIPS agreement which devote monopoly patent and don't give any exception to the researches and it does not allow to use the protect type and develop it just by taking the consent of the owner of any type , which means the owner of the patent has the right to monopoly and prevent other from the benefiting from it,

1 Patents Act No. 32 of 1999, published on page 4256 of the Official Gazette No. 4389 Date 1/11/1999 and which came into force on 12.01.1999

2 In 1970, the United States issuing a law for the protection of plant varieties and has become even protect plant varieties derived by way of sexual reproduction

3 The amended agreement also dates 11/10/1972 and 23/10/1978

4 See Dr. Hala Mekdad source earlier pp 160-161 and the multiplicity of criticism on the legal protection of plant varieties under patent

The purpose of this agreement is to abundance effective system for the new varieties of plant but some criticized the legal protection of the new varieties of plant under the UPOV agreement and give privilege to the farmers but the previous one is to find the difference for the UPOV agreement because there is not monopoly of the new varieties of plant.

The protection which are provided by the UPOV in many sides such as the patent and the patent is designed to protect the patent in the field of industrial techniques and it give a long period for the trees and vines and make it for 25 years , while the patent is only for twenty years in addition of the system of the UPOV agreement and it is a simple system and no complication in the patent too.

Second requirement : the effect of joining Jordan to the UPOV agreement in the term of positive and negative

First : the positive joining to the agreement :

1 the joining to the upov led to issue the new variety of plant and this law is specialized to deal with the protection ,therefore the law was clear and specified in this field and it opened a wide door to the breeders whether they are individuals or companies to develop a new varieties of physical and take the advantage of their presence in this area

2 the UPOV agreement ensured the continued and develop and improve the new varieties of plant and inspite of the afforded to the plant breeder and it allow to the non farmers to grow the protected plant and take the advantage of it , and the right pf the plant breeder does not include :

The direct business for personal business not trade one which the farmer grow the crops to save his day without reasonable scale.

5 see Dr. Hussam al-Saghir. Former source. P. 4

- direct business as experiment
- direct business for breeding a new variety of pant in one condition : the new types should basic of the protected type,

3 the upov agreement confess of the right of the plant breeders (the breeder privilege and the farmer right in using the reproduction for the protective type (farmer privilege)

4 the convention and the law of the new varieties of plants granted the protection of the breeder of the new plant especially the plant which are famous in Jordan , like grass or plant which are used in the medicine, which is extensive industry in Jordan

5 joining Jordan to the upov agreement avoid it in many complications that would a rise from the modification of the patent law to become a comprehensive plant patent , also to led the alleviation of legal text which gave away some exception that would not have been applied if the protection patent law under that would not give exception to the owner of the type.

6 in fact there was a question about the returns of joining Jordan to the upov agreement and their issuance of the protection of the new varieties of plant and the reflection of that on the Jordanian breeders from the farmers, agricultural companies, and on the agricultural sector , which suffered many problems , the wide impact to this agreement reflects the feature of this agreement and the kept of the new varieties of plant and the impact on several levels.

Second : the negative point of joining the agreement

1 joining to the agreement like that is going to be useful to countries which companies are working in the investment sector and flourish in the field of growing anew varieties of plant , but in Jordan is different , simply because the agricultural sector , suffers a lot from endless problem which some companies reluctance on the investment in this sector, except some small farmer association and the benefits is very limited but in fact the development countries could reach about sixty thousand of the new plant

2 it is noticeable that inspite of issuance the law since fifteen years ago that the protected new varieties of plants by Jordanian protection law , does not exceed 22 type but the convention oblige their members to protect 5 types at least in joining the agreement and not reach 24

1 See: Bulletin (to take advantage of a new plant variety) previous source. P. 9

2 one of these problem is the desertification and the decline of the agricultural area because of construction and the water shortage too. And the lack material support for the agricultural side and many people who are reluctant on work in this sector.

3 the Jordanian protection law to the new varieties of plant is limited on the civil protection only without a partial protection and the law referring to the right breeder of plant of compensation, confiscation and destruction and some precautionary measures and it is clear through the text of article 29 from the law which talk about the civil protection and the lawsuit protection and the a precautionary measure without referring to any punishment in the law.

Laws, regulations and appendices

1 Jordanian Civil Law No. 43 of 1976

2 Jordanian Labour Law No. 8 of 1996

3 Protection of New Varieties of Plants Jordanian Law No. 24 of 2000 published on Health No. 2635 of the Official Gazette No. 4443 Date 7/2/2000

4 Jordanian Agriculture Law No. 13 of 2015 published on page 1868 of the Official Gazette No. 5337 Tarih 16.04.2016 and the effective date 16/05/2016

5 Law No. 27 of 2014 on the organization of administrative law and the elimination of administrative

6 invention patents Jordanian Law No. 32 of 1999

7 Industrial Industrial Designs Act No. 14 of 2000

8 protect designs of integrated circuits Jordanian Law No. 10 of 2000

9 competition law illicit published on page 1316 of the number Gazette No. 4423 Date 4/2/2000

10 Egyptian Intellectual Property Protection Act No. 82 of 2002 and published in the Official Gazette No. 22 bis dated 02/06/2000 and the issuance of a presidential decree amended by Law No. 26 of 2015

11 invention patents Iraqi Law No. 65 of 1970 Order No. 81 teeth in 2004

12 of the Federal Law of the UAE No. 17 of 2009 on the Protection of New Varieties of Plants, published in the Official Gazette No. 503, p 13

13 registration of new plant varieties Jordan Regulation No. 76 of 2002 and published on page 4135 of the Official Gazette 4561 Date 08/28/2002

14 patents and layout designs of integrated circuits and plant varieties industrial designs issued by Royal Decree No. 27 dated 05/29/1425 AH system

15 Regulations for the Law of the Egyptian intellectual property protection of the decision of the Prime Minister Aqm 1366 to 2002

16 Supplement No. 1 to the Protection of New Plant Varieties Act

The books

1 Khalid Rashid Alian conflict of laws on copyright. Cairo first edition 2011 Arab Renaissance Publishing House, p 188-190

2 Salah Zainuddin. Explanation of industrial and commercial legislation. Jordan. House of Culture for Publishing and Distribution, 2005. The first edition release second p 273

3 Hala Ahmed Mekdad Galilee. Legal protection for new plant varieties "compared to" research published in the Journal of future research study. Issue XVI 2006 pp 118-119

Conventions and treaties

1 aspects of intellectual property rights related to the trade agreement. Arabic text

2 International Convention on the protection of new plant varieties. Arabic text

3 Paris Convention for the Protection of Industrial Property in 1883

4 Convention on Biological Diversity to conserve ensure the survival of biodiversity

5 genetic resources and genetic resources of plants agreement and concluded on 3/11/2001 under the supervision of the Food and Agriculture Organization and the food of the UN body

Conclusion: we classified in this research the subject of the protection of the new varieties of plant and the creation of the protection on the international level and its entry in to the national legislation of the states, as we pointed out to the international legislation for the countries and the modern legal trends in the protection and some of strength and weak points of this agreement and the special things in both agreement , UPOV and STRPS , which belong to the convention aspect of the intellectual property right and the position of the Jordanian legislator in the protection of the new varieties of law with some comparison between the texts of law and the agreement

1 many agricultural studies suggest a comparison between the agriculture situation in the current time and before a couple of decades , so Jordan is originally agricultural country and it was exploited agricultural area in a better way , but that has begun to taper off , Dr.. Aida Najjar article published in the newspaper the Constitution, as well as the agricultural sector, which live in a state of tension to the large number of problems which the report. Posted on agricultural site on 26/5/2010 Net as well as the case of the agricultural sector and the role of the state: Report recorder.

2 While Egyptian law to ensure the protection of intellectual property No. 82 of 2002 to protect criminal / stipulating Article 203 of the law on the death penalty in the case of repetition the penalty to imprisonment, as well as federal law of the United Arab Emirates No. 17 of 2009 on the Protection of New Varieties of Plants stipulated in Article 33 him to imprisonment and a fine

3 See Article 256 of the Jordanian civil law, as well as see the conflict of laws in the right Almaalv Khalid Rashid Alian. Cairo first edition 2011 Arab Renaissance Publishing House, p 188-190

4 Unfair Competition Law, published on page 1316 of the Official Gazette No. 4423 Date 4/2/2000

Results :

Work on the revision Law on the Protection of New Plant Varieties and ordinances to make the appropriate adjustments within permitted by the Convention, which provides the best new plant varieties, such as the protection of the introduction of penal sanctions to be a strong deterrent to violators of the rights guaranteed by law to developers of new varieties

2 urged government agencies to pay attention to the official verdicts that came out of the Convention and take the necessary measures to apply the provisions of the law and take advantage of the benefits offered to join this agreement and follow-up efforts and developments Thzt in this area

3 to work on improving the agricultural sector and its workers, especially in the field of development and propagation of new plant varieties and take advantage of that in the economic sphere and marketing of Jordanian products and export promotion movement

References

Articles and bulletins and reports

1 economic and environmental importance to the protection of plant germplasm. Dr.. Jratla majd . An article published on the Internet

2 Protection of New Varieties of Plants. Hossam little debt.? A working paper submitted by the WIPO training ring around the national intellectual property for diplomats organized by the World Intellectual Property Organization (WIPO) with the Institute of Diplomatic Studies and held in Cairo from 13. 12/16/2004

3 importance of the agricultural sector in Jordan .dr aidh Nagar - an article published in The New Constitution

4 of the agricultural sector in a state of tension to the large number of problems in it. A published report on the agricultural site Net on 26/5/2010

5 If the agricultural sector and the state's role in it - self-recorder

Prospectus issued by UPOV Banonn (to take advantage of a new plant variety)

6 World Intellectual Property Organization, WIPO publications

Agreement in the English language

1 agreement on trade, related aspects on intellectual property ,rights includes trade in counterfeit goods

2 international convention for the protection of new varieties of plant