

**Achievement of Market-Friendly Initiatives and Results Program  
(AMIR 2.0 Program)**

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***Institutional Strengthening at the Ministry of Agriculture -  
Plant Variety Protection Office and the Trade Agreement Unit***

**Final Report**

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# Acronyms

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GOJ	Government of Jordan
HRD	Human Resources Development
IPR	Intellectual Property Rights
IT	Information Technology
MIT	Ministry of Industry and Trade
MOA	Ministry of Agriculture
MOH	Ministry of Health
MTP	Medium Term Plan
PVP	Plant Variety Protection
PVPO	Plant Variety Protection Office
SPS	Sanitary and Phyto-Sanitary
TAU	Trade Agreement Unit (of MOA)
TRIPPS	Trade Related Intellectual Property Rights
UPOV	Union for Protection of Plant Varieties
USPTO	United States Patent & Trademark Office
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

## **Executive Summary**

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This report focuses on two primary tasks, the implementation of the Plant Variety Protection (PVP) Office as a WTO compliance element as it relates to plant varieties, and a variety of matters surrounding the establishment of a Trade Agreements Unit within the Ministry of Agriculture.

The breeding of new plant varieties is an economically important activity that contributes in many different ways to the social and economic well being of society, through research, commercialization and wealth creation. The implementation of PVP in Jordan will serve as a stimulus to investment in plant breeding research and agricultural development and productivity.

Experience worldwide has shown that it is difficult for a breeder to recover his financial investment if he must sell his initial product without protection in the first years of a new variety's life. Under this scenario the breeder's competitors could secure supplies of propagating material and in a short time compete directly with him profiting from the many years of breeding effort. It may take between 10 and 20 years to develop new varieties in most plant species.

Plant variety protection regimes are implemented in order to:

- Provide breeders (including institutions of the State) with an opportunity to receive a reasonable return on past investments,
- Provide an incentive for continued or increased investment in the future,
- To recognize the legal right of the innovator to be recognized as such and his economic right to remuneration for his efforts.

Harmonizing these laws and agreements within the global economy is the mandate of the International Union for the Protection of New Varieties of Plants (UPOV).

During the period of the consultancy substantial progress was made in respect to the implementation and day to day running of the Jordanian PVP Office. This included the

preparation of an examiners manual, a manual of receiving, handling and storing seed and biological deposits, and a short workshop to train the Registrar and other key PVP Office staff in examining and office management procedures. There was also discussion on the process for accession to UPOV by the Kingdom of Jordan as a mechanism for complying with TRIP's requirements and as part of the US/Jordan Free Trade Agreement.

The consultancy also allowed an evaluation of the status, issues and opportunities associated with the Trade Agreements Unit of the MOA. The report evaluates the issues facing the office, implementation matters, strategic policy matters and an analysis of future needs of the Unit. The unit while composed of very able staff lacked a clear vision and direction to its actions. The short workshop conducted under the consultancy played a key role in assisting the group to develop and implement a clear three year strategy plan and annual plan of work and budget.

The Hashemite Kingdom of Jordan has recently enacted a New Agriculture Law that contains a wide range of far reaching sub components. The next year will call upon the MOA to make sweeping changes as it develops and implements the Bylaws and Regulations required for the enforcement of the new law. There will be a need both for increased capacity at the MOA and for more outreach by the MOA to the private sector and farming communities and associations to explain the implications of the new law.

It is hoped that this report will help the government of the Hashemite Kingdom of Jordan not only with compliance issues of WTO, but perhaps more importantly how to use these new laws, regulations, and best business practices to create an enabling environment for growth of the agricultural sector, particularly in areas of strategic importance for the creation of wealth, creation of employment and growth of expert led initiatives, in addition to providing more and better food to the people of Jordan.

Immediately below, as a part of the executive summary is a prioritized list of recommendations, the impact of such recommendations and suggestions as to lead agencies for implementation of the recommendations.

RECOMMENDATION	BENEFIT	AGENCY
<b><u>URGENT MATTERS</u></b>		
<b>RECOMMENDATION 2.4</b>		
<p>(i) It is recommended that the PVP Office develops and signs an official Memorandum of Agreement with the other governmental institutions that are designated to serve as repositories for maintaining seed.</p>	Safe keeping of seed samples that are the evidence of the new variety.	MOA
<b>RECOMMENDATION 2.5</b>		
<p>(i) It is recommended that the Hashemite Kingdom of Jordan opens discussions with UPOV as soon as possible in order to seek accession to the Union. A draft letter is attached as Appendix 4 that would be appropriate to commence the accession process.</p>	Membership of UPOV is a requirement of the FTA and is a favored WTO mechanism for TRIPS compliance.	MOA / AMIR
<b>RECOMMENDATION 2.6</b>		
<p>(viii) It is recommended that the PVP office develops contractual agreements relating to the maintenance of biological deposits. The maintenance of the seed / tissue culture samples will be in essence “sub contracted” by the PVPO Office to other branches of the MOA, and in some cases with private sector entities, particularly for maintenance of tree crop species.</p>	Safe maintenance of both seed samples and other specimen samples such as trees for long term reference purposes.	MOA

<p><b>RECOMMENDATION 3.1</b></p> <p>(iv) <b>It is recommended that the TAU complete and submit to the MOA its 3-5 year strategic plan and 2003 program of work and budget.</b></p>	<p>A clear medium term set of goals and aims for the TAU.</p>	<p>MOA</p>
<p><b>RECOMMENDATION 3.3(A)</b></p> <p>(i) <b><u>Further technical assistance will be required in the first year or two of the full implementation of both the PVP Office and the Patent &amp; Trademark Office. This assistance should focus on the technical process of application examination. This will be of particular importance in the areas of new technology such as IT and Agricultural - Biotechnology.</u></b></p>	<p>Further technical strengthening of the regulatory offices to make valued analysis of technical applications. This has both a development and examining credibility aspect.</p>	<p>AMIR / MOA/ MIT</p>
<p><b>RECOMMENDATION 3.3(B)</b></p> <p>(i) <b><u>It is recommended that the MOA is supported and encouraged to quickly develop/refine the regulations required for implementation of the New Agriculture Law.</u></b></p>	<p>There are WTO compliance requirements in terms of implementation of the new agriculture law.</p>	<p>AMIR/MOA/MIT /MOH</p>
<p><b>RECOMMENDATION 3.3(C)</b></p> <p>(i) <b>It is recommended that increased attention is given to finalization of legislative reforms in the MOA. This will primarily be in the area of regulations for implementation of the New Agricultural Law.</b></p> <p>(ii) <b>Additional technical and process training will be needed, particularly with respect to SPS measures and notifications.</b></p>	<p>This is related to 3.3B but is more focused on the implementation of the new bylaws of the Ag law.</p> <p>SPS will be the most crucial trade related aspect of the Ag law</p>	<p>AMIR/MOA</p> <p>AMIR/MOA</p>

<p><b>HIGH PRIORITY MATTERS</b></p> <p><b>RECOMMENDATION 2.6</b></p> <p>(i) <b><u>An additional in country 7-10 day workshop focusing on examiners and examination procedures. This workshop should be held in the spring of 2003 so as to allow for field evaluation at the appropriate season to instruct examiners on appropriate examination procedures for plant grow out trials.</u></b></p> <p>(vi) <b>Appropriate software for database management (and training on use of same) is an important requirement for the office. It is also a wonderful opportunity when an office is just starting to get the database system correctly functioning, thus avoiding expensive re-engineering of systems at a later date.</b></p> <p><b>RECOMMENDATION 3.1</b></p> <p>(i) <b><u>It is recommended that the TAU enhance it skills in basic legal drafting and language interpretation.</u></b></p> <p>(ii) <b><u>It is recommended that the TAU take additional training in contract and agreement negotiation skills.</u></b></p> <p><b>RECOMMENDATION 3.3(A)</b></p> <p>(ii) <b><u>More effort is required to foster economic growth and investment, using the property rights tools as a basis for such investment.</u></b></p>	<p>This will allow the completion of the PVP in country training process as it cover the field inspection process.</p> <p>Allowing PVP staff to search and build databases so that there are clear indications that the plant material that is being certified is truly novel.</p> <p>To allow TAU staff to play a more direct role in negotiating WTO positions</p> <p>The improved and enhanced framework of laws and bylaws MUST be used as a vehicle for economic</p>	<p>AMIR/MOA</p> <p>AMIR/MOA</p> <p>AMIR/MOA</p> <p>AMIR/MOA/MIT</p>
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<p><b><u>Additional Public Awareness events are needed that will involve investors and entrepreneurs from both within and outside the Kingdom of Jordan.</u></b></p> <p>(iii) <b>Additional capacity building will be needed for attorneys and agents licensed within the Kingdom on the preparation of applications for these two IP offices. These training events must be led and organized by the respective offices, with external expertise only being used in specific areas as identified above. Given that the attorney's and agents are from the private sector this activity should be primarily funded through a for fee basis, with AMIR support of government spending being limited to specific external inputs.</b></p>	<p>growth and development. Part of this process is making the new enabling environment known.</p> <p>In order to ensure that PVP applications are high quality it is of value for the PVP office to train those local persons who will prepare and submit the applications</p>	<p>MOA</p>
<p><b>RECOMMENDATION 3.3(D)</b></p>		
<p>(i) <b>It is recommended that a process engineering study, including revised process adoption be a high priority activity coordinated between at least the MOA, MIT and MOH. Clear procedures and flow charts should be an agreed outcome of this activity. It is also recommended that better database and e-Government solutions are a component of this activity.</b></p>	<p>The enhancing of the processes of operation of the TAU can also be used as a mechanism to facilitate inter-ministerial cooperation.</p>	<p>MOA/MIT/MOH/AMIR</p>
<p><b>MEDIUM PRIORITY MATTERS</b></p>		
<p><b>RECOMMENDATION 2.2</b></p>		
<p>(i) <b>It is recommended that the Examiners Manual be printed in Arabic and distributed so as to be used by the PVP Office, in close relation to the approved</b></p>	<p>Clear dissemination of the standards used for giving PVP protection.</p>	<p>MOA/AMIR</p>

<p><b>PVP Regulations. The manual should be evaluated at least once annually for updating and improvement.</b></p>		
<p><b>RECOMMENDATION 2.3</b></p>		
<p><b>(i) It is recommended that additional training be provided to the Registrar, the senior examiners, plant breeders and attorney's on the completion of PVP application forms and on the examination process. This training must be in the form of practical experience.</b></p>	<p>There is a need for some 'confidence building' in the first few months of the office operation. It is also strategic to have at least two highly trained persons.</p>	<p>AMIR/MOA</p>
<p><b>(ii) There is a need to give a more superficial form of training, more public awareness, to a wide range of potential users both in the Governmental Research Institutes, Universities and Private Sector.</b></p>	<p>Public awareness of the new PVP office is vital for the new laws to translate into investment and growth.</p>	<p>AMIR/MOA</p>
<p><b>RECOMMENDATION 2.6</b></p>		
<p><b>(iii) <u>The PVP Registrar should participate in a 1 month internship in Washington. The person could be housed at Chemonics in Washington DC and participate in individual training through the office of consultant and the US PVP Office.</u></b></p>	<p>This again is a way to 'build confidence' of the Registrar. It is crucial that the office handles the first few applications effectively. This will help.</p>	<p>AMIR/MOA</p>
<p><b>(iv) <u>There is a need to develop knowledge and human capacity about the operations of this office both within other departments of the MOA, in other branches of the government, and within civil society within and outside of Jordan. The consultant suggests a 1 day public information seminar in the spring of 2003 to engage both the governmental and</u></b></p>	<p>This is again focused on the translation of an MOA move to get an 'enabling environment' in place.</p>	<p>AMIR/MOA</p>

<p><b><u>private sectors in a dialog as to how to use the new PVP office as a driver for economic investment in plant breeding and an indigenous seed industry within Jordan.</u></b></p> <p>(v) <b>Database Management &amp; Access is a very important element of the infrastructure of the PVP Office. It is access to data (prior art) that in large part allows an examiner to perform the examination process and determine whether an application meets the standard of distinctiveness to award a certificate.</b></p>		AMIR/MOA
<b>RECOMMENDATION 3.1</b>		
<p>(iii) <b>It is recommended that the TAU are trained in basic and enhanced database management and searching skills.</b></p>	As above with PVP the TAU must be able to search for data in order to prepare arguments and positions.	AMIR/MOA
<b>RECOMMENDATION 3.2</b>		
<p>(i) <b>It is recommended that additional focused training be provided to the Head of the TAU, the senior staff and other members of the MOA closely associated with the TAU activities. This training must be in the form of practical experience.</b></p>	The requirement here is good management practices and priority setting skills. The benefit will be a better run unit.  “mentoring” is needed	AMIR/MOA
<b>RECOMMENDATION 3.3(C)</b>		
<p>(iv) <b>The MOA has indicated its concerns on the trade implications of some non-tariff issues such as GMO (Genetically Modified Organisms). These areas are sensitive and</b></p>	A clear position on this matter will help Jordan avoid a potential sensitive situation with WTO	AMIR/MOA

<p>it would be valuable for Jordan to have a defined position on the matter.</p> <p>(v) <b><u>Significant additional capacity is needed within the MOA as it relates to negotiation skills and marketing skills. As WTO continues the ‘Agriculture Round’ of negotiations drafting and an ability to clearly define and state a position will be increasingly important.</u></b></p>	<p>The benefit to Jordan in having skilled WTO negotiators and clearly defined positions is clear and vital if WTO accession is to benefit Jordan</p>	<p>AMIR/MOA</p>
<p><b>RECOMMENDATION 3.3(E)</b></p>		
<p>(i) <b>It is recommended that an integrated training and process workshop is organized to discuss and resolve these matters. Such a workshop should also play a role in final “fine tuning” of the SPS regulations and handbooks. Only once the policy and regulatory position is clear will be appropriate to discuss possible infrastructure needs.</b></p>	<p>The benefit of a workshop based around the SPS Bylaws will be an excellent way to ensure effective Ag law regulations that are truly produced in partnership mode with the MOA.</p>	<p>AMIR/MOA</p>
<p><b>RECOMMENDATION 3.3(F)</b></p>		
<p>(i) <b>It is recommended that additional training be provided to MOA and other Ministerial staff on the overall requirements under WTO in relation to SPS matters. Such training must not be stand alone but must be oriented towards an overall process goal of ensuring improved review and notification procedures.</b></p>	<p>As above the benefit of having clear and effective SPS rules is crucial to WTO compliance. This training is a tool to assist that happens.</p>	<p>AMIR/MOA</p>
<p><b>RECOMMENDATION 3.3(G)</b></p>		
<p>(i) <b>It is highly recommended that an investor road map be developed reviewing the role</b></p>	<p>A clear set of Ag investment plans and opportunities would be</p>	<p>AMIR</p>

<p>that a revised and improved agricultural legislative enabling environment can have on both National and Foreign investment. This study should also review priority areas for such investment in order to stimulate economic growth and social development within the agricultural sector.</p>	of great value.	
<p><b>LOW PRIORITY MATTERS</b></p>		
<p><b>RECOMMENDATION 2.1</b></p>		
<p>(i) It is recommended that the law, regulations and examiners handbook be printed in English as a handbook and be made broadly available.</p>	Transparency on the application process.	MOA/AMIR
<p>(ii) It is recommended that the Regulations are reviewed after a two year period of trial and amendments made as needed.</p>	After some years of experience these rules can clearly be improved.	MOA
<p><b>RECOMMENDATION 2.6</b></p>		
<p>(ii) Participation of the PVP Registrar and the Head of the Plant Production Division of the MOA in a one week workshop on IPR in Agriculture. The consultant is aware of, and participates in such courses. The next round will be held in Costa Rica in January 2003.</p>	Improve the linkage between PVP and the seed sector. Also to improve interactions with, and understanding of, the private sector.	AMIR/MOA
<p>(vii) It is recommended that the PVP Office have access to vehicles in order to perform field visits for evaluation of material undergoing field testing.</p>	Field evaluation will help determine novelty of material.	MOA
<p><b>RECOMMENDATION 3.1</b></p>		
<p>(v) It is recommended that the TAU develop some strategic WTO trade related sector</p>	The benefit here is a proactive stance on	MOA

<p><b>studies and negotiating position documents on issues such as GMOs, land use studies etc. These should be developed as outputs from group training exercises.</b></p>	<p>important WTO matters in Agriculture. But the unit needs strengthening to have a skill package to deliver this. The low priority is due to timing.</p>	
<p><b>RECOMMENDATION 3.2</b></p>		
<p><b>(ii) There is a need to give a more superficial form of training, more public awareness, to a wide range of potential users both in the Governmental Research Institutes, Universities and Private Sector.</b></p>	<p>There are multiple benefits from more smooth interdepartmental cooperation.</p>	<p>MOA</p>
<p><b>RECOMMENDATION 3.3(B)</b></p>		
<p><b>(ii) It is recommended that the MOA plays a more proactive role in using the new legislative framework as a vehicle for entrepreneurship and investment in the agricultural sector. Shifting the focus towards higher value crops that will increase income per drop of water and address the poverty issues associated with small farmers. This can be fostered through more public awareness events that will stimulate investment within the Kingdom and that will foster entrepreneurship and new business development, such as an indigenous seed industry.</b></p>	<p>As above this is the matter of turning an enabling environment into agricultural sector investment and job creation.</p>	<p>MOA/AMIR</p>
<p><b>RECOMMENDATION 3.3(C)</b></p>		
<p><b>(iii) Further effort is required from the MOA to enhance cooperation with other groups such as MIT and MOH as they relate to</b></p>	<p>Better coordination within the government helps to put forward a clear national position</p>	<p>MOA</p>

<p><b>overlapping mandates. To then end a process engineering study on issues such as WTO notifications could assist in ensuring better coordination and avoid ‘mixed messages’ or outright failure to comply.</b></p> <p><b>OUTSIDE THE SCOPE OF AMIR MATTERS</b></p> <p><b>RECOMMENDATION 3.3(F)</b></p> <p><b>(ii) Through WTO the MOA and other Ministries should be seeking direct technical assistance in relation to SPS examination and laboratory procedure matters.</b></p>	<p>with respect to WTO.</p> <p>Implementation of SPS bylaws at the technical level is crucial on WTO compliance and notification matters</p>	<p>MOA/WTO</p>
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## Chapter 1: PVP Introduction

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### 1.1 Background

As indicated in the executive summary this report deals with two primary subject areas, firstly the implementation of the Plant Variety Protection Law in Jordan, and secondly, the full implementation and operation of a Trade Agreements Unit within the Ministry of Agriculture.

### 1.2 The rationale for a PVP system

The Government of Jordan is actively engaged in the process of reviewing its governmental administrative procedures to ensure compliance with the World Trade Organization (WTO). This requires, *inter-alia*, that the government meets the technical agreements requirements for plant variety protection under TRIPPS through the adoption of a formal system of Plant Variety Protection (PVP) through accession to the Union for the Protection of New Varieties of Plants (UPOV) of some form of *sui-generis* plant variety protection.

Experience worldwide has shown that it is difficult for a breeder to recover his financial investment if he must sell his initial product without protection in the first years of a new variety's life. Under this scenario the breeder's competitors could secure supplies of propagating material and in a short time compete directly with him profiting from the many years of breeding effort. It may take between 10 and 20 years to develop new varieties in most plant species.

Plant variety protection regimes are implemented in order to:

- Provide breeders (including institutions of the State) with an opportunity to receive a reasonable return on past investments,
- Provide an incentive for continued or increased investment in the future,
- To recognize the legal right of the innovator to be recognized as such and his economic right to remuneration for his efforts.

Harmonizing these laws and agreements within the global economy is the mandate of the International Union for the Protection of New Varieties of Plants (UPOV).

The Government of Jordan as part of its entry into the global economy through accession to the World Trade Organization, has enacted plant variety protection legislation which is compatible to those of other UPOV member states.

This should open the doors to increased investment in plant breeding and the development of new markets for its innovative plant products.

### **1.3 International System of Plant Variety Protection (UPOV)**

Plant varieties are developed for and are adapted to areas with particular agro-ecological conditions. The borderlines of such areas frequently do not correspond with national frontiers.

Consequently, it is usual for plant breeders to be interested in seeking protection in all States where the agro-ecological conditions are sufficiently similar. In the period prior to 1961, a number of States provided limited rights to plant breeders but the criteria for the grant of rights differed from State to State and even the concept of variety was not seen in the same light in all States. There was no guarantee that the rights that a State was prepared to grant to its own nationals would be extended to the nationals of other States.

Where varieties are protected in one State but not in another, distortion of trade may result. Difficulties of these kinds caused a number of European States to come together between 1957 and 1961 to prepare and adopt the International Convention for the Protection of New Varieties of Plants. The Convention was signed on December 2, 1961 (the 1961 Act). It was revised on November 10, 1972, and on October 23, 1978. The Convention thus revised is hereinafter referred to as "the 1978 Act." The Convention was further revised on March 19, 1991. The Convention, thus further revised, is hereinafter referred to as "the 1991 Act." When any statement is equally valid for the 1978 Act and the 1991 Act, the term "Convention" is used.

The main aim of the Convention is to promote the protection of the rights of the breeder in new plant varieties. The Convention not only requires the member States to provide protection for new varieties of plants, but also contains explicit and detailed rules on the conditions and arrangements for granting protection. It furthermore contains rules on the scope, the possible restrictions and exceptions, and the forfeiture of protection. It establishes, subject to certain limitations, the principle of national treatment for plant breeders from other member States; this means that in any member State nationals or residents of another member State enjoy the same treatment as nationals or residents of that State. Finally, it introduces a right of priority.

The member States constitute the International Union for the Protection of New Varieties of Plants. The objective of the Union is to promote the protection of plant breeders' rights. On the day that the 1961 Act was opened for signature, the Diplomatic Conference which adopted that Act recommended the States represented at the Conference to study the possibility of organizing the examination of plant varieties for protection purposes on an international basis and for concluding special contracts with a view to the joint utilization of services entrusted with the examination of new plant varieties and with assembling the necessary reference collections and documents.

The reasons for the 1991 revision of the Convention were:

- (a) To clarify certain provisions in the light of the experience of the UPOV member States in operating the Convention since 1961;
- (b) To strengthen the protection offered to the breeder in certain specific ways;

(c) To reflect technological changes.

Given the above international framework for protecting plant varieties the Hashemite Kingdom of Jordan adopted a new PVP Law in 2000. New regulations were approved in 2001 and the next step in the process is the implementation and full launch of the new office. The present consultancy was focused on final review of laws and regulations, and then assisting in the initial steps of full implantation and operation of the office. In order to achieve this, a final level of operations steps, manuals, needed to be produced and beta tested. The staff of the new PVP Office also needed to receive initial training on the examination and office management steps.

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## Chapter 2: Jordan's Plant Variety Protection Office

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### 2.1 PVP Regulations

During the period of the consultancy the regulations were published in the Official Gazette and should come into force on or around October / November 2002. The consultant had the opportunity to review an 'unofficial' translation of the regulations (See **Annex B**)

The regulations are well drafted and fit consistently with the PVP Law. Upon detailed review the following issues are worthy of comment, but nothing in the regulations is perceived as causing any compliance problems with WTO. Note the following comments:

Article 12. There may be translational problems here, as I am not sure what is meant by 12.1.

Article 27. This article vests substantial decision powers with the Registrar. While there is always a risk inherent with this type of language in relation to discretion power that vest in the Registrar, the subsequent right of appeal manages this. It is my understanding that a similar type of provision rests with the Patent & Trademark regulations.

Article 35. The concept of a compulsory license being applicable to an 'individual' is potentially problematic. This type of provision is usually reserved for 'national interest' situations where the government seeks to compulsory license a technology. This section of the regulations must be viewed very narrowly, and may be worthy of detailed review and potential re-interpretation.

Article 36. The charging of an annual fee is acceptable under WTO, however there must be consistency of this with the agreed fee structure, and an operational mechanism to maintain this data will be important.

Article 42. This is consistent with the Patent & Trademark Office and regulations. There will be the need for a formal agreement between the Patent & Trademark Office and the PVP office to interact on a range of issues, including review and information on registration to practice matters.

Article 45. Section 7 of this article forces the decision of the application within three months from the date of submission. This may need some 'tweaking' since in some cases if the material needs grow out and field testing this could not possibly be done within the time frame stated. In the short term the use of article 41 will allow the Registrar to get around this by providing for time extensions.

## **RECOMMENDATION 2.1**

- (i) It is recommended that the law, regulations and examiners handbook be printed in English as a handbook and be made broadly available.**
- (ii) It is recommended that the Regulations are reviewed after a two year period of trial and amendments made as needed.**

## **2.2 PVP Examiners Manual**

The Regulations pertaining to the PVP Law were submitted for publication in the official gazette in September 2002 and should shortly enter into operation.

After approval of the Law and the Regulations the next usual step is for the delegated organization to establish a set of working guidelines for day to day implementation, this is usually in the form of a handbook or manual.

There was no examiners manual available for review when the consultant arrived, so the decision was reached that the consultant would work closely with the recently appointed PVP Registrar to develop such a manual. Furthermore, the process developed allowed for the use of the manual during the training workshop, so that as a result of the workshop further refinements could be added to the manual.

A copy of the manual is attached as an integral part of this report and is to be found in **Annex A**.

The manual should be used as part of the day to day examining procedure and should be revised and updated on a regular basis.

## **RECOMMENDATION 2.2**

- (i) It is recommended that the Examiners Manual be printed in Arabic and distributed in order to be used by the PVP Office, in close relation to the approved PVP Regulations. The manual should be evaluated at least once annually for updating and improvement.**

### 2.3 PVP Office Standard Forms and Letters

There were no form letters available for review when the consultant arrived, so the decision was reached that the consultant would work closely with the recently appointed PVP Registrar to develop such a set of forms and form letters. Again, the process developed allowed for the use of the forms and form letters during the training workshop, so that as a result of the workshop further refinements could be added to the format.

A copy of the forms and form letters are included in the manual that is attached as an integral part of this report and is to be found in **Annex A**.

The forms and form letters should be used as part of the day to day office procedure and should be revised and updated on a regular basis.

### 2.4 PVP Examination Training

As per of the consultancy a short term workshop was held on September 16-17 aimed primarily at the newly appointed PVP Registrar and persons who may be identified as examiners within the PVP Office.

The program for the short term training program is attached as **Annex C**.

In addition, a comprehensive manual for training was prepared by the consultant prior to travel to Amman. Copies of the training manual were provided to each of the participants and a copy was left with the training office of the AMIR program for reference purposes.

It has no value to attach the 200 plus pages of this training manual to the final report.

The training workshop was able to give the participants an insight and some initial practical training into the examination process and the handling of applications within a regulatory office environment. There will however be a need for much more individual practical training (on job type training) for the Registrar and senior examiners. This will be directed towards field examination and as a confidence building exercise as the initial applications are received and examined. There may also be a need to develop such hands on training for plant breeders and licensed attorney's within Jordan.

### RECOMMENDATIONS 2.4

- (i) It is recommended that additional training be provided to the Registrar, the senior examiners, plant breeders and attorney's on the completion of PVP application forms and on the examination process. This training must be in the form of practical experience.**
- (ii) There is a need to give a more superficial form of training, more public awareness, to a wide range of potential users both in the Governmental Research Institutes, Universities and Private Sector.**

## 2.5 Receipt and Storage of Biological Samples

There was no manual available on this topic for review when the consultant arrived, so the decision was reached that the consultant would work closely with the recently appointed PVP Registrar to develop such a manual. Furthermore, the process developed allowed for the use of the manual during the training workshop, so that as a result of the workshop further refinements could be added to the manual.

A copy of the manual is attached as an integral part of this report and is to be found in **Annex D**.

It is recommended that the PVP Office develops and signs an official Memorandum of Agreement with the other institutions that are designated to serve as repositories for maintaining seed and bud samples.

The liability involved with this activity is long term (life of the certificate) and it is important therefore that an agreement is reached that binds the parties as to their duties and responsibilities.

Cost issues associated with this operation are also not yet clear to the consultant, and become important since costs of the PVP office procedures are paid out of applicant fees and must be clearly transparent and not a tax, tariff or subsidy.

The manual should be used as part of the day to day examining procedure and should be revised and updated on a regular basis.

### RECOMMENDATION 2.5

**It is recommended that the PVP Office develops and signs an official Memorandum of Agreement with the other Governmental institutions that are designated to serve as repositories for maintaining seed.**

## 2.6 Jordanian Accession to UPOV

UPOV is the International agency that serves to coordinate PVP legislative matters under the wing of the WIPO (World Intellectual Property Organization).

Interactions with UPOV will take a number of forms, and will evolve with time. A suggested set of interactions may be as follows:

1. Initial contact to UPOV President to express interest in membership for the Kingdom of Jordan.
2. Probable request from UPOV to submit legislation to UPOV for review to ensure compliance with UPOV norms.

3. Use of UPOV guidelines for PVP examination procedures
4. Interactions with UPOV regarding the specifics of the Jordanian situation, i.e. Regulations, Office status, Choice of Plant Species Included etc.
5. Request of submission of formal instrument of membership.
6. Participation in UPOV regional and multinational fora
7. Interaction with other UPOV member states, particularly in relation to reciprocity arrangements.
8. Interaction with other UPOV member states in terms of examination advice.
9. Interaction with UPOV on topics of importance to PVP matters that may lead to new legislative initiatives
10. Maintenance of Membership arrangements / fees

Below is some general information as to how a member state becomes a member of the Union:

#### The Union; Becoming a Member of the Union

The parties to the Convention constitute what is called the International Union for the Protection of New Varieties of Plants. It is usually referred to as UPOV, an abbreviation based on the initials of its name in French: Union pour la Protection des Obtentions Végétales. Only a State can be a party to the 1978 Act (Article 1(2)). The 1991 Act, however, also provides for the possibility of accession by any intergovernmental organization which has competence in the field of plant breeders' rights with its own legislation providing for the grant and protection of breeders' rights binding upon all its member States. This provision could, at a future date, permit, for example, the European Community, which has established a Community-wide breeders' rights system, to become a member of UPOV.

According to established practice in the field of intellectual property, member States are not obliged to ratify a revised Act or to adhere to it. The UPOV membership thus comprises States bound by the 1961 Act as revised in 1972, States bound by the 1978 Act and States bound by the 1991 Act (see under Membership for details). Almost all States bound by earlier Acts are in the process of ratifying the 1991 Act or adhering to it; that process takes time since a national law has to be modified and since Parliamentary approval is required in many States before the instrument of ratification or accession may be deposited.

Non-member States and intergovernmental organizations may become a member of UPOV only by depositing an instrument of accession only by the most recent Act which is in force, that is, the 1991 Act. Before doing so, they must ask the Council of UPOV to advise (Article 34(3)) them as to the conformity of their laws with the provisions of the 1991 Act. Only if the decision of the Council embodying the advice is positive, may an instrument of accession be deposited.

Instruments of ratification or accession must be deposited with the Secretary-General of UPOV, who is the depository of both Acts of the Convention (Article 42).

The Union has legal personality (Article 24) and enjoys on the territory of each Member State of the Union, in conformity with the laws of that State, such legal capacity as may be necessary for the fulfillment of the objectives of the Union and for the exercise of its functions. The Union has concluded a headquarters agreement with the Swiss Confederation, on whose territory the Union has its headquarters.

The entry process to UPOV is slow, and involves a review by the UPOV general counsel of the PVP law that has been enacted to ensure compliance with the principles of UPOV. There is then a formal development of an instrument of accession that needs to go to the UPOV Council for final approval and ratification.

Given the above time frame it is important that the Hashemite Kingdom of Jordan opens a process is attached in **Annex E**.

## RECOMMENDATION 2.6

**It is recommended that the Hashemite Kingdom of Jordan opens discussions with UPOV as soon as possible in order to seek accession to the Union. A draft letter is attached as Appendix 4 that would be appropriate to commence the accession process.**

## 2.7 PVP Office Establishment Needs

For the establishment and effective functioning of a new regulatory office a number of crucial components must be in place. The components comprise:

- A. Well trained Human Resources.
- B. Adequate Infrastructure
- C. Adequate Operational Funding

The analysis of the existing resources in these areas, coupled to the requirement to meet an acceptable international standard, leads to the recommendation of the following technical assistance requirements for the next six month period:

### (A) Human Resource Development (HRD) / Human Capital Investment

The MOA has already identified a generally well prepared and able individual to serve in the capacity as Head of the Plant Variety Protection Office (Registrar) (Mr. Mohammad S. Al-Fawair). While the individual concerned has a good level of preparation in the area of Plant Production, he is clearly newly exposed to the area of Plant Variety Protection (PVP) and the consequent legal and administrative elements of such a position.

An initial “overview” workshop was performed in 2001 under the AMIR program to allow a broad range of individuals from various Jordanian institutions to gain a conceptual understanding of PVP.

During this consultancy a 2 day workshop was delivered to a small group of individuals identified by the MOA as potential staff members/examiners within the PVP Office. This workshop was very applied, and focused on the principle process steps that are required to prepare and examine a PVP application.

There will however still be HRD needs for a number of persons associated with the implementation and day-to-day running of the PVP Office. I offer the following as suggestions for appropriate mechanisms for increasing both technical and administrative capacity within the PVP Office:

- (i) An additional in country 7-10 day workshop focusing on examiners and examination procedures. This workshop should be held in the spring of 2003 so as to allow for field visits at the appropriate season to instruct examiners on appropriate examination procedures and grow out trials. The purpose of this workshop is to show how field examinations are performed. This type of training has not been possible to date because of the timing of the consultancies that have not yet fallen into the growing season.
- (ii) Participation of the PVP Registrar and the Head of the Plant Production Division of the MOA in a one week workshop on IPR in Agriculture. The consultant is aware of, and participates in such courses. The next round will be held in Costa Rica in January 2003. These courses focus on the integration of PVP into the overall activities of the seed industry. It also would allow the participants to see success stories on PVP and the private seed sector in Latin America.
- (iii) The PVP Registrar should participate in a 1 month internship in Washington. The person could be housed at Chemonics in Washington DC and participate in individual training through the office of consultant and the US PVP Office. This primarily to foster confidence in the Registrar and the competency of the office in its initial examinations.
- (iv) There is a need to develop knowledge and human capacity about the operations of this office both within other departments of the MOA, in other branches of the government, and within civil society within and outside of Jordan. The consultant suggests a 2 day public information seminar in the spring of 2003 to engage both the governmental and private sectors in a dialog as to how to use the new PVP office as a driver for economic investment in plant breeding and an indigenous seed industry within Jordan.
- (v) Database Management & Access is a very important element of the infrastructure of the PVP Office. It is access to data (prior art) that in large part allows an examiner to perform the examination process and determine whether an application meets the standard of distinctiveness to award a certificate.
- (vi) X Software for database management (and training on use of same) is an important requirement for the office. It is also a wonderful opportunity when an office is just starting to get the database system correctly

functioning, thus avoiding expensive re-engineering of systems at a later date.

### (B) Adequate Infrastructure

The nature of the work of the PVP Office, as with the management of documents at the patent & trademark office, requires a certain level of security and confidentiality. This requirement for security of documentation means that at a minimum the space allocated for the PVP office should be:

- Self contained
- Lockable
- Maintained in a building with reasonable 24hr security measures

The space itself should have the following characteristics:

- Independent phone / facsimile access
- Separate Offices so phone conversations are not public
- Internet Access

In terms of infrastructure, the space should have:

1. Reasonable furniture
2. Lockable filing cabinets
3. Internet access
4. Computers / Printers / Copiers

Database Management & Access is a very important element of the infrastructure of the PVP Office. It is access to data (prior art) that in large part allows an examiner to perform the examination process and determine whether an application meets the standard of distinctiveness to award a certificate.

Software for database management (and training on use of same) is an important requirement for the office. It is also a wonderful opportunity when an office is just starting to get the database system correctly functioning, thus avoiding expensive re-engineering of systems at a later date.

The office clearly needs to have access to vehicles in order to perform field visits for evaluation of material undergoing field testing.

There is an infrastructure issue relating to the maintenance of seed / biological deposits. The maintenance of the seed / tissue culture samples will be in essence “sub contracted” by the PVPO Office to other branches of the MOA. See the section in consultant’s report that specifically relates to storage of biological samples for more information.

### (C) Adequate Operational Funding

Operational funding for the PVP Office is a crucial and WTO sensitive matter. The office may not be subsidized by the government; neither may it form a tariff or revenue source. Rather the cost structure of the office should be over a period of time break even.

The generation of fees for services, and the assessment of such fees have been addressed in the PVP regulations. Fees should be reviewed on a periodic basis to ensure that costs are being adequately recuperated.

## **RECOMMENDATIONS 2.7**

**It is recommended that attention be given to addition capacity building both technical and administrative, within the PVP Office. This may include:**

- (i) An additional in country 7-10 day workshop focusing on examiners and examination procedures. This workshop should be held in the spring of 2003 so as to allow for field evaluation at the appropriate season to instruct examiners on appropriate examination procedures for plant grow out trials.**
- (ii) Participation of the PVP Registrar and the Head of the Plant Production Division of the MOA in a one week workshop on IPR in Agriculture. The consultant is aware of, and participates in such courses. The next round will be held in Costa Rica in January 2003.**
- (iii) The PVP Registrar should participate in a 1 month internship in Washington. The person could be housed at Chemonics in Washington DC and participate in individual training through the office of consultant and the US PVP Office.**
- (iv) There is a need to develop knowledge and human capacity about the operations of this office both within other departments of the MOA, in other branches of the government, and within civil society within and outside of Jordan. The consultant suggests a 1 day public information seminar in the spring of 2003 to engage both the governmental and private sectors in a dialog as to how to use the new PVP office as a driver for economic investment in plant breeding and an indigenous seed industry within Jordan.**
- (v) Database Management & Access is a very important element of the infrastructure of the PVP Office. It is access to data (prior art) that in large part allows an examiner to perform the examination process and determine whether an application meets the standard of distinctiveness to award a certificate.**
- (vi) X Software for database management (and training on use of same) is an important requirement for the office. It is also a wonderful opportunity when an office is just starting to get the database system**

**correctly functioning, thus avoiding expensive re-engineering of systems at a later date.**

- (vii) It is recommended that the PVP Office have access to vehicles in order to perform field visits for evaluation of material undergoing field testing.**
- (viii) It is recommended that the PVP office develops contractual agreements relating to the maintenance of biological deposits. The maintenance of the seed / tissue culture samples will be in essence “sub contracted” by the PVPO Office to other branches of the MOA, and in some cases with private sector entities, particularly for maintenance of tree crop species.**

## **Chapter 3: Trade Agreement Unit**

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### **3.1 Background**

The Trade Agreement Unit was established in the Ministry of Agriculture about a year ago. A previous AMIR consultant was instrumental in fostering the opening of this Unit. It is seen as being an efficient mechanism to ensure that a critical mass of knowledge on WTO compliance and trade related strategic thinking is existent in the MOA.

The previous consultant was instrumental in identifying candidates to join the Unit and to assist in the examination of these candidates and their final selection.

During the first few months of existence of the Unit the head of the Unit left and an interim was appointed. Shortly after the arrival to Amman of the consultant the acting Head of the Unit was confirmed into the position.

This Unit should play a crucial role within the MOA. Properly focused and directed it can be an extraordinary tool not just as a Trade Agreement Monitoring group, but as a proactive body that helps to develop long terms strategic planning within the MOA on trade related matters.

Upon early interviews with the staff the consultant realized that there was a relatively able group of people appointed to the unit, but many issues that needed to be addressed in order for the unit to fulfill a meaningful strategic role.

The evolving role and finely focused strategic goals of this unit are crucial to the agricultural sector in the Kingdom of Jordan as it moves forward with a wide range of trade agreements, both with WTO and non -WTO member states. Many of the best management practices that the unit can foster within the MOA have benefits that go far beyond trade compliance issues.

My initial reviews of the issues that will need addressing over the coming year are as follows:

- Scope of Mandate and Mission of TAU
- Communication of Mandate within and outside of MOA
- Vision and Strategy for TAU
- Short-Medium-Long term work plans for TAU
- Sector Studies
- Program Studies
- WTO interactions
- Database management
- Negotiation skills
- Prioritization skills
- Communications skills
- Risk Analysis
- Documentation

- Public Awareness

As part of exploiting the potential that is created in the evolution and growth of the unit, I would suggest that the following opportunities are explored:

- Communication of clear mandate, mission and a well explained strategic role for TAU
- Development and communication of a clear medium term plan (MTP) for TAU
- Development of an effective database management system relating to Agricultural trade issues.
- Development of a web based access system to review the activities and outputs of the TAU
- Development of a critical mass of negotiation skills within TAU
- A proactive approach to trade related analysis of sectors and technologies through the commissioning of studies with specific reference to trade agreements and negotiations.

To achieve these goals, I would expect that the following programmatic activities should be considered:

- ✚ Training program on Trade Agreement prioritization and planning. This will be supplemented by some form of mentoring role from a senior trade economist.
- ✚ Training program on Database design and management. Primarily focused on how to access data of others and develop a sort of GIS 'layered system' that will allow the TAU to have the facts upon which to base its advice.
- ✚ Internship programs on managing agreements and negotiations
- ✚ Preparation of a TAU medium term plan
- ✚ Preparation of a limited number of commissioned studies
- ✚ Preparation of a 1-3 year plan of work and budget
- ✚ Development and implementation of a public awareness workshop for both MOA and non MOA, public and private sector entities on the role and function of the TAU

### RECOMMENDATION 3.1

- (i) **It is recommended that the TAU enhance its skills in basic legal drafting and language interpretation.**
- (ii) **It is recommended that the TAU take additional training in contract and agreement negotiation skills.**
- (iii) **It is recommended that the TAU are trained in basic and enhanced database management and searching skills.**
- (iv) **It is recommended that the TAU complete and submit to the MOA its 3-5 year strategic plan and 2003 program of work and budget.**
- (v) **It is recommended that the TAU develop some strategic WTO trade related sector studies and negotiating position documents on issues such as GMOs, land use studies etc. These should be developed as outputs from group training exercises.**

### 3.2 Staff Training

This component was added to the terms of reference by the consultant after discussions with AMIR. It was clear that the TAU needed further basis training on IPR matters as they related to TRIPPS. As per of the consultancy a short term workshop was held on September 18-19 aimed primarily at the newly appointed Head of the TAU and persons who are staff members in the TAU Office.

The program for the short term training program is attached as **Annex F**.

In addition, a comprehensive manual for training was prepared by the consultant while in Amman. Copies of the training manual were provided to each of the participants and a copy was left with the training office of the AMIR program for reference purposes.

There is no value to attach the 200 plus pages of this training manual to the final report, it is available from AMIR Training Office.

The training workshop was able to give the participants an insight and some initial practical training into the IPR management process. There will however be a need for much more individual practical training (on job type training) for the Head of the Unit and senior staff.

One of the outputs from the workshop was a first draft of a TAU strategy plan. This plan was primarily developed by the TAU members with only some oversight and facilitation by the consultant. That report is attached an **Annex G**:

#### RECOMMENDATIONS 3.2

- (i) **It is recommended that additional focused training be provided to the Head of the TAU, the senior staff and other members of the MOA closely associated with the TAU activities. This training must be in the form of practical experience.**
- (ii) **There is a need to give a more superficial form of training, more public awareness, to a wide range of potential users both in the Governmental Research Institutes, Universities and Private Sector.**

### 3.3 Other WTO Requirements of MOA

In order to review the ability of the MOA to meet WTO requirements beyond the Plant Variety Protection area the consultant used prior AMIR reports as a scoping tool to cover a number of areas. These reports were then enlarged upon during multiple visits and interviews with relevant staff within the MOA and in related organizations such as the Patent & Trademark Office. The report focuses on delivering an opinion on consultancy work provided to date to AMIR coupled to identification of issues still of importance to the MOA and to overall WTO compliance of the Kingdom of Jordan.

These AMIR reports that were reviewed and the subject areas that they encompassed are as given below. Each topic analysis is divided into three sections:

- *Report Analysis*
- *Meetings and Discussions with Governmental Staff*
- *Conclusions and Recommendations*

#### (A): AMIR Deliverable 4.3.5: Laws on Patents, Industrial Designs and Plant Variety Protection (M. Ryan)

##### *Report analysis*

This particular set of documents were somewhat superficial, but probably played an important role in ‘setting the scene’ for legislative reform in these important subject areas. Little could be gleaned from the reports of substance, but again this may reflect the fact that these reports are somewhat dated in relation to the progress that has been made by both the MOA and the Ministry of trade on these matter.

One element of the report (p10) indicates that to date relatively little attention has been given to the courts (judicial system). As the likelihood increases that additional IPR matters will come in for inter-party dispute resolution, or more enforcement on IP is pressed by the government, judges will have to have greater familiarity both with the law and with the technical subject matter associated with it. Future training exercises on the examination procedures would benefit from the inclusion of judicial staff.

##### *Meetings and Discussions with Government Staff*

The consultant made multiple visits to the MOA and discussed these points in detail with the staff at all levels of the organization. The consultant also visited on a couple of occasions with the Jordanian Office of Patents & Trademarks. The new Laws in all of these subject areas is approved and enacted. In all these subject areas regulations have been developed by the government (with input from AMIR) and have been published in the Official Gazette. It must be remembered that the PVP office is a new entity with no experience in this type of activity, while the Patent and Trademark Office has been functioning for several decades.

The consultant tried to foster close interactions between the Patent & Trademark Office and the PVP office. There are also many commonalities in how documentation is managed that should help the PVP office overcome initial ‘teething’ problems. In all cases the crucial area is related to ‘operational’ or ‘technical’ matters associated with the implementation of the new Laws & Regulations as they relate to applicants. A good example of this is in the interface between the PVP and Patent Office as it relates to applications for utility patents on ‘living’ material, such as microbes or DNA markers etc.

### *Conclusions and Recommendations*

Clearly much has been achieved through support from the AMIR program in terms of assistance in drafting of Laws and Regulations. In the case of PVP and Patents & Trademarks this aspect of the work is essentially completed. The next phase of action, which is arguably as important, if not more important, is the effective implementation of such legislation.

Much progress has been made in terms of assisting the PVP office to establish effective examining procedures. The Patent & Trademark Office director was clear that he still faces deficiencies in the office in terms of effective skills for examining patent applications in certain art areas. This will be increasingly true as the FTA fosters greater patent protection within the Kingdom of relatively sophisticated high technology inventions, both in information technology, and food and agriculture.

### **RECOMMENDATIONS 3.3 (A)**

- (i) Further technical assistance will be required in the first year or two of the full implementation of both the PVP Office and the Patent & Trademark Office. This assistance should focus on the technical process of application examination. This will be of particular importance in the areas of new technology such as IT and Agricultural - Biotechnology.**
- (ii) More effort is required to foster economic growth and investment, using the property rights tools as a basis for such investment. Additional Public Awareness events are needed that will involve investors and entrepreneurs from both within and outside the Kingdom of Jordan.**
- (iii) Additional capacity building will be needed for attorneys and agents licensed within the Kingdom on the preparation of applications for these two IP offices. These training events must be led and organized by the respective offices, with external expertise only being used in specific areas as identified above. Given that the attorney’s and agents are from the private sector this activity should be primarily funded through a for fee basis, with AMIR support of government spending being limited to specific external inputs.**

(B): AMIR Deliverable 4.4.10: Conformity to the WTO Agreement on Agriculture (K. Hjort)

*Report Analysis*

This report is extremely well prepared, and should be read in close relation to the report 4.4.12 also analyzed below. It is noteworthy that despite repeated requests from multiple sources it has not been possible for the consultant to review an English copy of the Agriculture Law in the form that currently is before the counsel of ministers for final approval. Most of the comments are therefore based on the draft laws and draft regulations.

The draft law on Agriculture contains provisions that will be problematic vis-à-vis WTO compliance. Several of these were eloquently addressed in this report, which also included very effective language for the resolution of these matters.

Of particular concern to the consultant were the following:

Article 8 where language was included in the draft law relating to ‘protection of small producers’. This then purported to grant to the minister rights to prohibit import and export of plant or animal products. It also speaks to setting dates for entry of products and defining their qualitative fees. This type of language would clearly raise multiple compliance issues with the letter and the spirit of WTO.

Article 13 as drafted confers broad powers to the minister of agriculture on the entry to the Kingdom of a wide range of products. Putting to one side the WTO compliance matters, this also raises issues as to multiple ministry regulation of a wide range of products, since the list includes “drugs... for commercial and personal use”

Articles 30 and 31 again appear to go beyond the scope of the Agriculture ministry by requiring permits from the MOA on coal extraction.

Attached to the draft of the Agriculture Law was a copy of a memorandum suggesting alternative legislative language that could be used at a later stage. This language was very well drafted and would have effectively dispelled many of the WTO compliance matters cited above. Again the difficulty of obtaining a current version of the New Law confounds the ability to see if many of the suggested changes have been incorporated.

*Meetings and Discussions with Governmental Staff*

The New Agricultural Law was discussed on multiple occasions with staff at the MOA, including a number of discussions with H.E. the Minister. It was clear that the MOA realizes that it has a substantial task in front of it upon approval of the law to develop, refine and implement the various sets of regulations associated with the law. The New Law is very comprehensive covering areas such as rangelands and biodiversity issues, to matters such as plant and animal quarantine, fishing, hunting etc. There will be an urgent

need to prioritize the overall set of components and ensure that adequate resources are directed to those agricultural components that will be most impacted in relation to trade matters.

The MOA has established and staffed a Trade Agreements Unit as was suggested by the consultant involved with the Agriculture Law implementation. This group is aware of the broad policy and legislative issues surrounding these matters and should be able to implement a strategy to backstop in this area.

### *Conclusions and Recommendations*

The Agriculture Law is one of the major pillars for reform within the MOA. The ministry is now much more active in trying to address the WTO compliance issues and to get its legislative matters fully implemented. The major problem in the short term will be the volume of regulations that need to be developed and/or refined and implemented. As with other legislative areas there will also be a need to foster a better relationship between the legislative changes and the use of these changes as a vehicle to foster economic growth, development and job and wealth creation.

Agriculture is still a large sector in terms of employment in the Jordanian economy, even though its contribution to GDP is relatively modest. More can be done to stimulate investment in 'water scarce agricultural development' and in the areas of agri-business and value added production, using these new laws.

### **RECOMMENDATIONS 3.3 (B)**

- (i) It is recommended that the MOA is supported and encouraged to quickly develop/refine the regulations required for implementation of the New Agriculture Law.**
- (ii) It is recommended that the MOA plays a more proactive role in using the new legislative framework as a vehicle for entrepreneurship and investment in the agricultural sector. Shifting the focus towards higher value crops that will increase income per drop of water and address the poverty issues associated with small farmers. This can be fostered through more public awareness events that will stimulate investment within the Kingdom and that will foster entrepreneurship and new business development, such as an indigenous seed industry.**

### (C) AMIR Deliverable 4.412: Implementation of the Law on Agriculture (K. Hjort)

#### *Report Analysis*

This report again interacts closely with the report cited immediately above. The report is far more current since it was produced in December 2001. The report is divided into a number of task subsections that will be used here for convenience. Before addressing the

subsections it is worth commenting on some of the comments in the initial pages of the report document.

The report discusses “Starting Over on the TAU”. It would appear that many of the suggestions raised by the earlier consultant have now been implemented in this area. The TAU has been officially started and staffed, a director for the unit was appointed in early September of 2002. The Unit has 7 staff members, and has worked diligently over the last few weeks to define a scope of work.

The report lay’s out in clear language the prior consultant’s clear frustration with the MOA, and indeed the Minister. It is noteworthy that many changes have taken place within the MOA over the last 6 months. In essence a ‘turf battle’ between the old school and the new school has come to an end, with the new school clearly winning the battle. The responsibility is now on the TAU within the MOA to show that they can deliver on the new responsibilities they have won.

The report indicated some areas for recommended follow up. It is I believe valuable to try and assess where those matters stand:

1. WTO Implementation: The role and Responsibilities of the Ministry of Agriculture (Document). This has now apparently been translated into Arabic as suggested.
2. The New Agricultural Law still needs to be passed to fulfill Jordan’s commitment to WTO. It is the consultants understanding that this law is now “close” to approval and publication.
3. Various WTO compliant regulations need to be issued. Until the final Agriculture Law is passed this phase of legislative action is still on hold. The consultant was repeatedly asked by the MOA staff and the Minister for additional assistance in these matters. The consultant deferred the requests to AMIR depending on the priorities that are established. It is noteworthy that Mr. Mobeideen who was the identified principle party for much of this work is now no longer serving this role and the TAU will be the primary contact (see not on old school vs. new school dispute above). Hopefully this change in responsibility will assist in facilitating timely closure on these matters.
4. The prior consultant correctly states: “MOA’s WTO-related commitments and obligations are more extensive than any other entity in the Government of Jordan. MOA must comply with Agreements on Agriculture, SPS measures, Technical Barriers to Trade, Import Licensing, Dumping, Subsidies and Countervailing measures, Safeguards and Intellectual Property Rights with respect to plant varieties. This is a formidable task in a developed country, let alone a developing country”. The prior consultant clearly indicates that additional and substantial technical assistance will be required on these matters. It is also noted that such consultancies must have the full support of the MOA at the highest levels in order to be beneficial.

5. The prior consultant focuses more on issues of agriculture health and quarantine, in particular for animals as an area that will elicit complaints from other WTO member countries.
6. The prior consultant emphasizes the need for awareness of the costs and requirements for compliance to WTO. This should be highlighted by training directed at the highest levels of the MOA. The present consultant concurs with this and suggests it is linked to awareness issues of using the new legislation to achieve agricultural development goals within the Kingdom.

## WTO IMPLEMENTATION MANUAL

As indicated above this document is supposed to be under translation and distribution by the TAU. The consultant was unable to find any record of this output and wonders if there is a communication gap with the MOA on this. A WTO implementation manual for the MOA would be highly valuable. It is the current consultant's position that this document should be produced after the New Agriculture Law is fully enacted, including Bylaws.

## AMS PREPERATION

The status of this is still unclear. It would appear that data collection is still underway but is disorganized. The appointment of a director to the TAU and clearer definition of work responsibilities should help to resolve this.

## IMPORT/EXPORT REGULATIONS

There is still a need to review the language of proposed regulations in this area to ensure consistency with other regulations prepared by MIT. The consultant supports the identification of additional work outlined by the prior consultant, except that this will not be performed by Mr. Mobeideen.

## SPS NOTIFICATION TRAINING

The issue of SPS notifications and in particular the coordination of these notifications between various ministries is a fundamental issue that needs to be addressed. A manual not only indicating the technical requirements, but agreeing a process would help resolve some of these matters.

## ANIMAL HEALTH SPS MEASURES

Clearly there are training requirements in this area. These requirements must however be linked to a more comprehensive approach that deals with process as well as substance. As correctly noted by the prior consultant there is also a deficit of trained personnel in the animal health area. Closer ties are also needed between the MOH and the MOA. An SPS Handbook would be an invaluable tool for use by MOA and WTO officials

## PLANT HEALTH SPS MEASURES

It would appear that this element has progressed well. The issue will be primarily focused around process and notification / inspection rather than technical substance. Given the stronger showing in this area it is valuable to see how much “skill” can be passed directly from the plant quarantine staff to their colleagues in the animal science area. An SPS Handbook would be an invaluable tool for use by MOA and WTO officials

## SPECIAL REQUESTS BY GOJ OFFICIALS

Requests were made for assistance in Agricultural Negotiations and Marketing. The present consultant identifies urgent needs in these areas for many staff in the MOA and in the TAU in particular. Since the prior consultant drafted the report the AMO has been abandoned.

### *Meetings and Discussions with Governmental Staff*

The TAU staff and the consultant were able to discuss much of this material in various meetings and during the TAU training workshop. There are clearly concerns from TAU staff who are aware of the work they need to perform and somewhat overwhelmed by the volume of actions that will be required to bring MOA into full compliance.

H.E. the Minister I believe understands the magnitude of the tasks ahead and is also concerned as to the training needs and the time and personnel constraints associated with these matters. The Minister also raised his own concerns regarding GMO materials that might impact on trade related matters involving the MOA. He believed that the TAU should seek guidance on these matters.

### *Conclusions and Recommendations*

The conclusions in this area are primarily two. Firstly, there is still a large amount of pending legislative work associated with the MOA. Given the current focus of WTO on Agriculture and IPR this will be an area where the MOA must ‘catch up’ and get WTO compliant legislation in place. Secondly, there is a need to look at the broader issue of Marketing and using the New Agriculture Law as a driver for economic and social growth and development. This will require broadening the base of these new developments beyond the current narrow focus on the MOA.

## RECOMMENDATIONS 3.3 (C)

- (i) **It is recommended that increased attention is given to finalization of legislative reforms in the MOA. This will primarily be in the area of regulations for implementation of the New Agricultural Law.**
- (ii) **Additional technical and process training will be needed, particularly with respect to SPS measures and notifications.**

- (iii) **Further effort is required from the MOA to enhance cooperation with other groups such as MIT and MOH as they relate to overlapping mandates. To then end a process engineering study on issues such as WTO notifications could assist in ensuring better coordination and avoid ‘mixed messages’ or outright failure to comply.**
- (iv) **The MOA has indicated its concerns on the trade implications of some non-tariff issues such as GMO (Genetically Modified Organisms). These areas are sensitive and it would be valuable for Jordan to have a defined position on the matter.**
- (v) **Significant additional capacity is needed within the MOA as it relates to negotiation skills and marketing skills. As WTO continues the ‘Agriculture Round’ of negotiations drafting skills and an ability to clearly define and state a position will be increasingly important.**

(D) AMIR Deliverable 4.4.13: Establishing Enquiry Point on Notification Procedures (K.Bergholm)

*Report Analysis*

This report was extraordinarily superficial in both length and depth of analysis. I think that once again the key issue that comes to light is primarily a process issue of linking the actions of the MOA with other related ministries such as the MOH. This raises a need for closer technical cooperation between the MOA and the MOH. It also raises the need for a process engineering review as to the flow of notification procedures and ensuring that the correct technical staffs in the appropriate ministries coordinate an effective response.

*Meetings and Discussions with Governmental Staff*

In the consultant’s interactions with the TAU one of the recurrent themes was poor coordination between the various ministries as it relates to receipt and emission of notifications.

*Conclusions and Recommendations*

It can easily be concluded that unless corrective action is taken the continued miscommunications between various ministries will continue to exacerbate the situation and will lead to non compliance actions, many of which potentially can be avoided.

**RECOMMENDATION 3.3(D)**

**It is recommended that a process engineering study, including revised process adoption be a high priority activity coordinated between at least the MOA, MIT and MOH. Clear procedures and flow charts should be an agreed outcome of this activity. It is also recommended that better database and e-Government solutions are a component of this activity.**

(E) AMIR Deliverable 4.4.14 SPS Technology Assessment (J. Weatherwax)*Report Analysis*

As a technical review document this study was quite comprehensive. It reviews in some detail (perhaps too much) physical and human capacity which is currently available in the Kingdom of Jordan for Food and Pesticide Residue testing.

I am hesitant about recommendations that involve construction of new facilities and substantial new equipment requests. While perhaps well founded I find it inappropriate for a policy based study that should focus more on the legal obligations vis-à-vis testing standards than on physical infrastructure.

The document does little to answer the question as to whether Jordan is meeting its obligations under WTO in relation to comply with SPS, and TBT requirements and standards.

*Meetings and Discussions with Governmental Staff*

In meetings with MOA staff at all levels the issues of SPS standards and compliance came up. Some of the discussion focused on the process issues of standards and notification. Some were more proactive such as the potential impact of GMOs in this area and whether Jordan had a clear position on the matter, as it relates to trade commodities.

*Conclusions and Recommendations*

The SPS area is one of the most crucial WTO compliance issues for the MOA. It is an area that brings together a number of sensitive and problematic areas, including inter-ministry coordination matters. The area has fundamental economic, trade, social and health policy matters intertwining with strictly technical scientific detection matters. Part of the problem is having an integrated approach to the topic without burdening people with areas of expertise that are well beyond their daily scope of work.

**RECOMMENDATION 3.3 (E)**

**It is recommended that an integrated training and process workshop is organized to discuss and resolve these matters. Such a workshop should also play a role in final “fine tuning” of the SPS regulations and handbooks. Only once the policy and regulatory position is clear will be appropriate to discuss possible infrastructure needs.**

(F) AMIR Deliverable 4.4.28: Conformity with the WTO Agreement on Sanitary and Phytosanitary Measures (A. Whitehead)

*Report Analysis*

This report deals specifically with the “Food Law” aspects and therefore the headline title could be very misleading. The report is very well drafted and presented. It again gives an example of subject matter that sits between the MOH and the MOA. Although there is mention in the report on ‘labeling’ provisions this is an area that has become increasingly contentious over the last 18 months.

Again the report is from 1999 and relies heavily on data from before 1998 so there are many aspects of the report that are frankly obsolete at this point.

*Meetings and Discussions with Governmental Staff*

As indicated previously, there were extensive discussions by the consultant with staff at all levels of the MOA on this topic. There is still a massive need for additional action in this area, both in a legislative sense (i.e. approved Regulations) and in a technical sense, application of the law to the scientific facts.

There will also be a need to foster cooperation between, and ensure transparency of, all ministries that have a role in the integration of SPS matters.

*Conclusions and Recommendations*

Unfortunately the conclusion here is that much more support is needed at the MOA. That support must cover a number of different areas:

- Technical Support. The good news is that WTO has provisions to assist in this area, where industrial countries are required to provide technical assistance in SPS matters.
- Legislative Support. This is much along the lines that AMIR has supported in the past. It will be aimed at developing an appropriate set of workable Regulation, and effectively implementing such Regulations.
- Process support. Novel techniques of information flow and development of clear process lines will be important to help ensure effective inter-ministerial cooperation on these issues. There must be a mechanism for explaining the comprehensive nature of these WTO provisions and the non-compliance risks of not coordinating and thus ‘dropping the ball’.

**RECOMMENDATIONS 3.3 (F)**

- (i) It is recommended that additional training be provided to MOA and other Ministerial staff on the overall requirements under WTO in relation to SPS matters. Such training must not be stand alone but must**

- be oriented towards an overall process goal of ensuring improved review and notification procedures.**
- (ii) Through WTO the MOA and other Ministries should be seeking direct technical assistance in relation to SPS examination and laboratory procedure matters.**

(G) AMIR Deliverable 4.6.4: Investor Roadmap- Environmental Clearance (P. Whitten)

*Report Analysis*

This was a very interesting and well prepared document. Given its tight focus on environmental clearances it did not seem to impact directly on the present study. There is great impact however in the sense that a similar type of study linked to investment in Agriculture would be extraordinarily useful.

*Meetings and Discussions with Governmental Staff*

Multiple discussions were held with many staff from the MOA at all levels, including with H.E the Minister on the importance of

**RECOMMENDATION 3.3 (G)**

**It is highly recommended that an investor road map be developed reviewing the role that a revised and improved agricultural legislative enabling environment can have on both National and Foreign investment. This study should also review priority areas for such investment in order to stimulate economic growth and social development within the agricultural sector.**

(H) AMIR Deliverable 4.6.5 Impediments Facing the Foodstuff Importer in Jordan (A. Whitehead)

*Report Analysis*

This report yet again highlights the issues associated with multi-ministerial matters associated with Food Health. The report is well drafted and highlights issues that needed to be addressed in relation to the new law. The report presents an excellent example of how jurisdictional boundaries can be established between the MOH and the MOA. It uses as an example the similar kinds of lines of authority and responsibility that exist between the USDA and FDA.

*Meetings and Discussions with Governmental Staff*

As stated above, prior discussions of multi-ministerial information flow and authority were discussed.

*Conclusions and Recommendations* in this matter have already been outlined.

## **Chapter 4: Summary & Recommendations**

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### **4.1 Prioritization Criteria**

This report has led to the development to a number of recommendations for the AMIR program and the Ministry of Agriculture of Jordan in order to ensure compliance with WTO requirements, ensure good practices, and provide an enabling environment for both public institutions and the private sector to be able to show improved outputs and development in their respective activities.

In order to attempt a prioritization of the various recommendations the consultant took a range of different criteria into account. These included:

- Contractual Obligations under WTO that require compliance.
- Potential overall impact on Agricultural Development in Jordan.
- Complexity and Novelty of the Subject Matter
- Comparative Advantage of MOA to act in the subject area
- Cost-Benefit Ration in terms of efficiency and outputs
- Enhanced value to the end user
- Other

### **4.2 Concerns**

The PVP Office and the implementation of the activities of the office seem on a good track. Decisions have been taken within the MOA that lay a clear path as to the tasks involved and the skills that are required to enable fulfillment of the tasks. My comment on this element of the work is one of optimism. The major concern would be that the Registrar may lack initial confidence in making decisions when faced with ‘real life’ not imaginary applications. There may be value in some limited additional training linked to the evaluation of actual applications as a way of building confidence and ensuring credibility and image of the office application procedure during its first months of operations.

The TAU and other MOA issues raise far more complex issues and many more concerns.

The key concerns are as follows:

1. Volume of Legislative matters still pending (i.e. Essentially all Bylaws/Regulations for implementation of the New Agricultural Law)
2. Time frames for the development, revision, and approval of such Bylaws, given compliance timeframes with WTO.
3. Identification of appropriate skilled experts who have working knowledge of both legal and technical skills.
4. Once Bylaws are in place the effective adoption and implementation of these by MOA staff who will need training.
5. Public Awareness to the farming communities and trade groups as to the implications of the new law.

6. Ability of the TAU to act strategically in relation to Trade Matters.
7. Ability of Jordan to use this new legislative environment to foster investment, growth and development in the agriculture sector, which is crucial to the employment of many citizens.
8. Current lack of negotiation and marketing skills in the TAU, and within the MOA in general.
9. Interactions between staff of the TAU and other MOA staff (now greatly improved, but sensitive)
10. Interactions of MOA with other Ministries, in particular MOH on Health and Food Issues, and MIT on Notification / Negotiation positions in Agriculture.

My comment is that many of these concerns can be addressed through consistent support to the MOA, but linking such support to identifiable deliverables. The training of all staff should also be linked to on the ground actions and activities, not to hypothetical situations. For example drafting of SPS Regulations must be linked to enhancing cooperation between MOA and MOH, and should include practical examples such as animal disease issues related to required changes in livestock import requirements etc.

#### **4.3 General Conclusions**

In general terms the PVP office is on a good track, what is left before the new office is the task of establishing the operation and administrative steps such as file management. The Bylaws and Law seem to be fully compliant, UPOV accession will be a required step, but one that should be quite smooth.

The Trade Agreement Unit and the Implementation of the New Agricultural Law is far more foreboding and will require substantial effort on behalf of the MOA, and continued technical/legal support. The New Agriculture Law is large with many sub-components. It will be a Herculean task to draft and pass the required Bylaws in a timely manner.

The greatest long term concern to the consultant is the pervasive attitude that the focus of the legislative actions is to 'get the house in order' or 'comply with WTO'. If conscious and profound measures are not taken to step up the awareness of the implications of this new legislative environment for investment, economic growth and social change then a true national opportunity will be lost.

More activities around investment sectors in Agriculture could be of value. For example a workshop on the seed industry would bring together multiple legislative and regulatory matters such as the Agriculture Law / PVP / Quarantine / Competition / Patent and Trademark issues etc. This can also be framed as a way of promoting investment opportunities and options for cooperation under the FTA.

This is indeed an exciting and somewhat watershed moment for Agriculture in the Kingdom of Jordan.

#### **4.4 Recommendations**

Recommendations in direct collated form are attached in **Annex G**.

Below is a prioritized list of recommendations having categorized them from the overall list using the criteria that were previously described.

The list is prioritized in several categories, those being:

- URGENT
- HIGH PRIORITY
- MEDUIM PRIORITY
- LOW PRIORITY
- OF PRIORITY BUT OUTSIDE OF AMIR SCOPE

Within each category the highest priority elements are underlined for emphasis

#### **URGENT MATTERS**

##### **RECOMMENDATION 2.4**

- (ii) **It is recommended that the PVP Office develops and signs an official Memorandum of Agreement with the other governmental institutions that are designated to serve as repositories for maintaining seed.**

##### **RECOMMENDATION 2.5**

- (ii) **It is recommended that the Hashemite Kingdom of Jordan opens discussions with UPOV as soon as possible in order to seek accession to the Union. A draft letter is attached as Appendix 4 that would be appropriate to commence the accession process.**

##### **RECOMMENDATION 2.6**

- (ix) **It is recommended that the PVP office develops contractual agreements relating to the maintenance of biological deposits. The maintenance of the seed / tissue culture samples will be in essence “sub contracted” by the PVPO Office to other branches of the MOA, and in some cases with private sector entities, particularly for maintenance of tree crop species.**

##### **RECOMMENDATION 3.1**

- (v) **It is recommended that the TAU complete and submit to the MOA its 3-5 year strategic plan and 2003 program of work and budget.**

##### **RECOMMENDATION 3.3(A)**

- (ii) **Further technical assistance will be required in the first year or two of the full implementation of both the PVP Office and the Patent & Trademark Office. This assistance should focus on the technical process of application examination. This will be of particular importance in the areas of new technology such as IT and Agricultural - Biotechnology.**

#### RECOMMENDATION 3.3(B)

- (ii) **It is recommended that the MOA is supported and encouraged to quickly develop/refine the regulations required for implementation of the New Agriculture Law.**

#### RECOMMENDATION 3.3(C)

- (iii) It is recommended that increased attention is given to finalization of legislative reforms in the MOA. This will primarily be in the area of regulations for implementation of the New Agricultural Law.
- (iv) Additional technical and process training will be needed, particularly with respect to SPS measures and notifications.

## HIGH PRIORITY MATTERS

#### RECOMMENDATION 2.6

- (ii) **An additional in country 7-10 day workshop focusing on examiners and examination procedures. This workshop should be held in the spring of 2003 so as to allow for field evaluation at the appropriate season to instruct examiners on appropriate examination procedures for plant grow out trials.**
- (vii) Appropriate software for database management (and training on use of same) is an important requirement for the office. It is also a wonderful opportunity when an office is just starting to get the database system correctly functioning, thus avoiding expensive re-engineering of systems at a later date.

#### RECOMMENDATION 3.1

- (iii) **It is recommended that the TAU enhance its skills in basic legal drafting and language interpretation.**
- (iv) **It is recommended that the TAU take additional training in contract and agreement negotiation skills.**

#### RECOMMENDATION 3.3(A)

- (iv) **More effort is required to foster economic growth and investment, using the property rights tools as a basis for such investment. Additional Public Awareness events are needed that will involve investors and entrepreneurs from both within and outside the Kingdom of Jordan.**
- (v) Additional capacity building will be needed for attorneys and agents licensed within the Kingdom on the preparation of applications for these two IP offices. These training events must be led and organized by the respective offices, with external expertise only being used in specific areas as identified above. Given that the attorney's and agents are

from the private sector this activity should be primarily funded through a for fee basis, with AMIR support of government spending being limited to specific external inputs.

#### RECOMMENDATION 3.3(D)

- (ii) It is recommended that a process engineering study, including revised process adoption be a high priority activity coordinated between at least the MOA, MIT and MOH. Clear procedures and flow charts should be an agreed outcome of this activity. It is also recommended that better database and e-Government solutions are a component of this activity.

## MEDIUM PRIORITY MATTERS

#### RECOMMENDATION 2.2

- (ii) It is recommended that the Examiners Manual be printed in Arabic and distributed so as to be used by the PVP Office, in close relation to the approved PVP Regulations. The manual should be evaluated at least once annually for updating and improvement.

#### RECOMMENDATION 2.3

- (iii) It is recommended that additional training be provided to the Registrar, the senior examiners, plant breeders and attorney's on the completion of PVP application forms and on the examination process. This training must be in the form of practical experience.
- (iv) There is a need to give a more superficial form of training, more public awareness, to a wide range of potential users both in the Governmental Research Institutes, Universities and Private Sector.

#### RECOMMENDATION 2.6

- (vi) The PVP Registrar should participate in a 1 month internship in Washington. The person could be housed at Chemonics in Washington DC and participate in individual training through the office of consultant and the US PVP Office.
- (vii) There is a need to develop knowledge and human capacity about the operations of this office both within other departments of the MOA, in other branches of the government, and within civil society within and outside of Jordan. The consultant suggests a 1 day public information seminar in the spring of 2003 to engage both the governmental and private sectors in a dialog as to how to use the new PVP office as a driver for economic investment in plant breeding and an indigenous seed industry within Jordan.
- (viii) Database Management & Access is a very important element of the infrastructure of the PVP Office. It is access to data (prior art) that in large part allows an examiner to perform the examination process and determine whether an application meets the standard of distinctiveness to award a certificate.

#### RECOMMENDATION 3.1

- (iv) It is recommended that the TAU are trained in basic and enhanced database management and searching skills.

#### RECOMMENDATION 3.2

- (ii) It is recommended that additional focused training be provided to the Head of the TAU, the senior staff and other members of the MOA closely associated with the TAU activities. This training must be in the form of practical experience.

#### RECOMMENDATION 3.3(C)

- (vi) The MOA has indicated its concerns on the trade implications of some non-tariff issues such as GMO (Genetically Modified Organisms). These areas are sensitive and it would be valuable for Jordan to have a defined position on the matter.
- (vii) Significant additional capacity is needed within the MOA as it relates to negotiation skills and marketing skills. As WTO continues the 'Agriculture Round' of negotiations drafting skills and an ability to clearly define and state a position will be increasingly important.

#### RECOMMENDATION 3.3(E)

- (ii) It is recommended that an integrated training and process workshop is organized to discuss and resolve these matters. Such a workshop should also play a role in final "fine tuning" of the SPS regulations and handbooks. Only once the policy and regulatory position is clear will be appropriate to discuss possible infrastructure needs.

#### RECOMMENDATION 3.3(F)

- (ii) It is recommended that additional training be provided to MOA and other Ministerial staff on the overall requirements under WTO in relation to SPS matters. Such training must not be stand alone but must be oriented towards an overall process goal of ensuring improved review and notification procedures.

#### RECOMMENDATION 3.3(G)

- (ii) It is highly recommended that an investor road map be developed reviewing the role that a revised and improved agricultural legislative enabling environment can have on both National and Foreign investment. This study should also review priority areas for such investment in order to stimulate economic growth and social development within the agricultural sector.

## LOW PRIORITY MATTERS

#### RECOMMENDATION 2.1

- (iii) It is recommended that the law, regulations and examiners handbook be printed in English as a handbook and be made broadly available.
- (iv) It is recommended that the Regulations are reviewed after a two year period of trial and amendments made as needed.

#### RECOMMENDATION 2.6

- (iii) Participation of the PVP Registrar and the Head of the Plant Production Division of the MOA in a one week workshop on IPR in Agriculture. The consultant is aware of, and participates in such courses. The next round will be held in Costa Rica in January 2003.
- (viii) It is recommended that the PVP Office have access to vehicles in order to perform field visits for evaluation of material undergoing field testing.

**RECOMMENDATION 3.1**

- (vi) **It is recommended that the TAU develop some strategic WTO trade related sector studies and negotiating position documents on issues such as GMOs, land use studies etc. These should be developed as outputs from group training exercises.**

**RECOMMENDATION 3.2**

- (iii) **There is a need to give a more superficial form of training, more public awareness, to a wide range of potential users both in the Governmental Research Institutes, Universities and Private Sector.**

**RECOMMENDATION 3.3(B)**

- (iii) **It is recommended that the MOA plays a more proactive role in using the new legislative framework as a vehicle for entrepreneurship and investment in the agricultural sector. Shifting the focus towards higher value crops that will increase income per drop of water and address the poverty issues associated with small farmers. This can be fostered through more public awareness events that will stimulate investment within the Kingdom and that will foster entrepreneurship and new business development, such as an indigenous seed industry.**

**RECOMMENDATION 3.3(C)**

- (iv) **Further effort is required from the MOA to enhance cooperation with other groups such as MIT and MOH as they relate to overlapping mandates. To then end a process engineering study on issues such as WTO notifications could assist in ensuring better coordination and avoid 'mixed messages' or outright failure to comply.**

**OUTSIDE THE SCOPE OF AMIR MATTERS**

**RECOMMENDATION 3.3(F)**

- (iii) **Through WTO the MOA and other Ministries should be seeking direct technical assistance in relation to SPS examination and laboratory procedure matters.**

## **Chapter 5: Future Action**

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### **5.1 Overview**

It is clear that future actions should be focused in some well determined areas:

- (A) Final issues support to the PVP Office. This will primarily be continued training for examiners and the Registrar. It is also primarily focused on confidence building than on substantive examining skills.
- (B) Much more support will be needed in the MOA as it relates to drafting and review of regulations. The MOA already has a list of the Regulations/ Bylaws that are required.
- (C) Much more will be needed in terms of Public Awareness surrounding both the PVP and Agriculture Law. Highlighting new opportunities that are created by these changes.
- (D) Multiple new skills are still required by the TAU group. This training must be focused on “project oriented” action. Use the required tasks as ways to do on the job training of this group of bright individuals.
- (E) In future actions TAU must be inclusive so as to help develop bridges between the MOA and other Ministries such as MOH and MIT.

### **5.2 Other Sources of Assistance**

The MOA is clear after repeated comments from the consultant and AMIR staff that the AMIR program does not provide infrastructure support to the GOJ.

There are also some technical training programs such as SPS implementation matters on testing for certain diseases or pesticide residues that can be directly funded from other member countries via request to the training staff at WTO.

The consultant has attempted to prioritize the many recommendations so that AMIR can move forward in a coherent manner and deploy resources to those areas which are highest priority.

As part of the Strategy Plan and the plan of work the TAU should be able to identify the needs for specific infrastructure development and seek funding for these from appropriate non AMIR sources.

# **ANNEXES**

**Annex A: PVP Examiner's Manual**

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**Hashemite Kingdom of Jordan**

**Ministry of Agriculture**

**A Plant Variety Protection (PVP) Office Manual**

**EXAMINER'S MANUAL**

**A PROCESS MANUAL FOR THE JORDANIAN  
PLANT VARIETY PROTECTION OFFICE**

**October 2002 (Version 1.1)**

## **INTRODUCTION**

The PVP law was passed in Jordan in the year 2000. The law provides the basic legal instrument under which protection may be afforded to a breeder for novel plant varieties for a limited period of time.

The Regulations to the Law provide a framework under which the examination procedure may be performed in order to determine whether the materials reach the required standard to be granted a plant variety protection certificate.

This manual should serve as a PVP office examiners guide in order to assist examiners in day to day operational decisions regarding the examination process and office procedures. No part of this manual shall be interpreted in a way that is inconsistent with the Regulations and Law which are the governing legal instruments for operation of the Office.

## **RELATION OF MANUAL TO LAW & REGULATIONS**

This manual is an office aid that should assist examiners in day-to-day decisions regarding process matters relating to the PVP examination process. Nothing in this manual shall supercede or overrule the Law & Regulations of the PVP Act.

## **RECEIPT OF AN APPLICATION**

An application will be deemed as received (but not necessarily filed) under the following circumstances:

1. When the application is received to the PVP Office by certified mail and listed in the received mail sheet.
2. When the application is received to the PVP Office by courier mail and listed in the received mail sheet.
3. When the application is hand delivered to the PVP Office and listed in the received mail sheet.

## **COMPLETENESS OF AN APPLICATION**

An application shall be deemed complete for purposes of granting a filing date with reference to the following sections of the Regulations:

Sec. 8 Parts of an application to be filed together.

All parts of an application, including exhibits, should be submitted to the Office together, otherwise, each part shall be accurately and clearly referenced to the application.

Sec. 9 Application accepted and filed when received.

(a) An application, if materially complete when initially submitted, shall be accepted and filed to await examination.

(b) If any part of an application is so incomplete, or so defective that it cannot be handled as a completed application for examination, as determined by the Registrar, the applicant will be notified. The application will be held a maximum of 3 months for completion. Applications not completed at the end of the prescribed period will be considered abandoned. The application fee in such cases will not be refunded.

In order for an application to be “materially complete” the following factors will be evaluated and a judgment made by the examiner.

- All required forms have been submitted
- All material elements of the forms are completed and understandable
- All biological samples have been provided
- Fees have been paid and cleared

## **THE REGISTER**

The register is the physical embodiment of the PVP certificate listing. Such register may be available both in electronic and /or hard copy version.

The register shall be used to record any and all pertinent information regarding the history and status of any and all PVP certificates.

The register shall contain as a minimum the following entries:

- Name(s) of Breeder(s)
- Address of Breeder(s)

- Contact data for Breeder(s) such as phone/fax /email.
- Name of Owner(s)
- Address of Owner(s)
- Contact data for Owner(s) such as phone/fax/email.
- Name of Assignee(s)
- Address of Assignee(s)
- Number of Certificate
- Name of Variety
- Genera and species of Variety
- Date of Filing of Application
- Date of Issue of Certificate
- Name of Examiner(s)
- Name of registrar
- Key pertinent points of the examination.

### **DATE STAMPING**

**ALL** incoming PVP Office mail shall be date and time stamped as **RECEIVED**

**ALL** incoming PVP applications, or parts thereof, shall be date stamped as **“RECEIVED”**

Applications once deemed materially complete for purposes of filing shall be stamped **“FILED as of \_\_\_\_”** and the date completed.

**The filing date shall be the actual date where the examiner decides that the application is materially complete** and is entitled to such an allowance.

In determination as to the awarding of a filing date the examiner shall take into consideration the following:

Applications shall not be “filed” on weekends, public holidays, official holidays, and any other time period designated by the government as periods at which the governmental office is closed for business.

Should a deadline date fall on any such official governmental closure date as indicated in the paragraph above, the deadline date shall be the next official open date of the PVP Office.

## **THE EXAMINATION PROCESS**

The examiner shall be afforded reasonable discretion in terms of the examination process.

The examiner shall be guided by the Regulations in this process, and with particular attention to:

Sec. 100 Examination of applications.

Examinations of applications shall include a review of all available documents, publications, or other material relating to varieties of the species involved in the application, except that if there are fundamental defects in the application, as determined by the examiner, the examination may be limited to an identification of such defects and notification to the applicant of needed corrective action.

However, matters of form or procedure need not, but may, be raised by an examiner until a variety is found to be new, distinct, uniform, and stable and entitled to protection.

The primary role of the examiner is to use his skill and experience to determine whether the material for which a certificate is sought meets the statutory requirements of being Distinct, Uniform & Stable:

Determination as to whether material is Distinct, Uniform and Stable:

### **Proof:**

The provision of proof of the distinctness, uniformity, and stability of the new variety lies with the owner. It is the applicant that is required to prove these matters to the judgment of the examiner.

### **Distinctness:**

The applicant may:

1. List the single variety he or she believes is the one most similar to the new variety and describe how the new variety differs from it;
2. List a group of varieties to which the new variety is similar, and describe how it differs from that group; or,
3. Describe how the variety differs from all other known varieties in the crop kind.

Additionally, the PVP Office maintains or accesses databases for crops of both public and private varieties. The examiner uses those and other sources to determine which, if any, varieties are indistinguishable from the new one. If the examiner finds varieties that appear to be indistinguishable from the application variety, the applicant will be notified that supplemental data are necessary. To obtain additional data, applicants may perform additional field or greenhouse replications and may use DNA profiling other analyses to substantiate distinctness.

**Uniformity:**

A statement of uniformity must report the level of variability in any characteristic of the variety. Variation which is predictable, describable, and commercially acceptable may be allowed.

**Stability:**

A statement of genetic stability is required, showing the number of cycles of seed reproduction for which the variety has remained unchanged in all distinguishing characteristics.

## HANDLING OF BIOLOGICAL MATERIALS

As a part of the application for a certificate of protection, voucher samples of seed must be deposited.

These seed samples are a part of the application process and are not distributed while the certificate of protection is in effect. From time to time the Laboratory will test the seed samples for viability and, when necessary, the owner of the variety will be required to replenish the sample. The purpose of the replenishment requirement is to assure the continued deposit of viable seed for any needs of the Plant Variety Protection Office and to assure the long-term availability of the plant variety sample for research. It would not be appropriate to distribute the seed samples and then require the owner to replenish the samples.

PVP seed storage facility managers have the responsibility to provide conditions which will maintain the viability of each accession held within the PVP seed storage facility above a minimum value. Hence accession viability must be monitored.

Viability will usually be assessed by means of a germination test, although other test procedures (such as the topographical tetrazolium test) may be required in order to clarify whether the non-germinating seeds in these tests are non-viable or whether their dormancy has not been broken during the test. Empty seeds not already removed before storage should be removed before beginning the germination test.

The minimum standard is that accession viability monitoring tests be carried out at, or soon after, receipt and subsequently at intervals during storage. The initial germination test should be carried out on a minimum of 200 seeds drawn at random from the accession.

Seed samples are held by the PVP for reference identification purposes. These samples are NOT available on request from the public.

Seed samples at the date of expiration of the certificate may be returned to the owner or destroyed at the discretion of the Registrar.

### **FIELD INSPECTIONS**

The Regulations provide that the PVP Office may perform inspection of materials under field conditions.

The reasonable costs associated with such inspections shall be borne by the applicant.

The field inspection shall be performed specifically to determine whether the material reaches the statutory requirement to determine whether a plant variety protection certificate may be issued.

It is NOT the role of the examiner to comment on agricultural characteristics of the material such as yield, or any character that is not an essential character claimed for protection under the statute.

The plant health status of the material is also not relevant to the application, unless such an element is a material part of the PVP application.

The purpose of the field examination is to determine Distinctness, Uniformity & Stability of the material as required by Law.

#### **Distinctness:**

The applicant may:

1. List the single variety he or she believes is the one most similar to the new variety and describe how the new variety differs from it;
2. List a group of varieties to which the new variety is similar, and describe how it differs from that group; or,
3. Describe how the variety differs from all other known varieties in the crop kind.

Additionally, the PVP Office maintains or accesses databases for crops of both public and private varieties. The examiner uses those and other sources to determine which, if any, varieties are indistinguishable from the new one. If the examiner finds varieties that appear to be indistinguishable from the application variety, the applicant will be notified that supplemental data are necessary. To obtain additional data, applicants may perform additional field or greenhouse replications and may use DNA profiling or other analyses to substantiate distinctness.

**Uniformity:**

A statement of uniformity must report the level of variability in any characteristic of the variety. Variation which is predictable, describable, and commercially acceptable may be allowed.

**Stability:**

A statement of genetic stability is required, showing the number of cycles of seed reproduction for which the variety has remained unchanged in all distinguishing characteristics.

**THE PVP BOARD**

The PVP office shall receive oversight from a PVP Board. Any examiner encountering problems that cannot receive resolution of that matter by the Registrar may bring such matter to the attention of the PVP board where appropriate.

**CONFIDENTIALITY ISSUES**

Confidentiality and security are crucial issues to the integrity of the process and credibility of the PVP Office.

General rules of good management practices will be applied to the handling of all documentation within the PVP Office.

Particular attention is drawn to the application of the following regulations:

Sec. 16 Applications handled in confidence.

(a) Pending applications shall be handled in confidence. Except as provided below, no information may be given by the Office respecting the filing of an application, the dependency of any particular application, or the subject matter of any particular application. Also, nor will access be given to or copies furnished of any pending application or papers relating thereto, without written authority of the applicant, or his or her assignee or attorney or agent. Exceptions to the above may be made by the Registrar upon a finding that such action is necessary to the proper conduct of the affairs of the Office.

(b) Abandoned applications shall not be open to public inspection. However, if an abandoned application is directly referred to in an issued certificate and is available, it may be inspected or copies obtained by any person on written request, and with written authority received from the applicant. Abandoned applications shall not be returned.

(c) Decisions of the Registrar on abandoned applications not otherwise open to public inspection (see paragraph (b) of this section) may be published or made available for publication at the Registrar's discretion. When it is proposed to release such a decision, the applicant shall be notified directly or through the attorney or agent of record, and a time, not less than 30 days, shall be set for presenting objections.

#### Sec. 17 Publication of pending applications.

Information relating to pending applications shall be published in the Official Journal periodically as determined by the Registrar to be necessary in the public interest. With respect to each application, the Official Journal shall show only:

- (a) Application number and date of filing;
- (b) The name of the variety or temporary designation;
- (c) The name of the kind of seed; and
- (d) Whether the applicant specified that the variety is to be sold by variety name only as a class of certified seed, together with a limitation in the number of generations that it can be certified.

Additional information, such as the name and address of the applicant or a brief description of the distinctive features of the variety, may be published only upon request or approval received from the applicant, at the time the application is filed or at any time before the notice of allowance of a certificate is issued.

### **OFFICE SECURITY**

ALL staff of the PVO Office shall bear appropriate responsibilities for Office security procedures. This shall include, but is not limited to:

- Keeping all file cabinets locked after working hours.
- Keeping all external doors and windows locked after working hours
- File a Report any suspicious activity
- Maintain a sign in list of visitors to the office and require ALL visitors to sign into the office
- Keep a log of all phone and fax transmissions
- Keep a record of ALL email transmissions
- Maintain some form of 24 hour security presence on the site of the office.
- Ensure that all staff is screened as free of any criminal wrongdoing.

- Maintain high standards of safety awareness in the PVP Office, in particular fire safety.
- Maintain duplicate records, backed up at regular intervals in a different and secure location.

### **CONFLICT OF INTEREST**

**ALL** staff associated with the PVP Office shall avoid and declare conflict of interest situations.

A conflict of interest shall be determined both by reference to rules of procedure, or where a potential conflict is identified by a staff member or other governmental official.

Where a conflict of interest is identified the staff member shall withdraw for any and all matters associated with the area of conflict.

Special attention will be applied in this area where examiners are working under contract arrangements from the MOA.

An example:

Professor X is the Dean of a local University. He is requested by the PVP Office to evaluate a PVP application for a tomato variety because of his expert knowledge as a tomato breeder. The applicant is a Dutch seed firm. The Dutch seed firm also has used Professor X as a consultant to evaluate its cooperating partner's tomato production facility in Lebanon.

Under these facts the Professor will declare a conflict, and the PVP Office will identify an alternative examiner for this application.

### **FORMS:**

Following are the basic forms used in the PVP process

- **Plant Variety Protection Application Form**
- **Plant Variety Protection Fees Form**
- **Plant Variety Protection Attachment A form (Origin & Breeding History)**
- **Plant Variety Protection Attachment B form (Uniformity, Distinctness, Stability Declaration)**
- **Plant Variety Protection Attachment C form (Description of Variety)**
- **Plant Variety Protection Sample Deposit Form**

*Implementation of the Plant Variety Protection Law*  
**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
 Ministry & Agriculture, Amman Jordan

1. NAME OF OWNER.	2. NAME OF VARIETY (OR TEMPORARY DESTINATION)	
3. ADDRESS OF OWNER.	4. PHONE No.	
	5. FACSIMILE No.	
	6. E MAIL ADDRESS.	
7. IF OWNER IS NOT A PERSON, THEN NAME OF CORPORATION OR PARTNERSHIP.	8. DATE OF INCORPORATION (day / month/ year)	
9. NAME & ADDRESS OF OWNERS REPRESENTATIVES		
10. IF OUTSIDE OF KINGDOM OF JORDAN, NAME LOCAL IN 9 AND INTERNATIONAL IN 10.		
<b>FOR OFFICIAL USE ONLY</b>		
PVPO No. #	DATE OF FILING (day/month/year)	FILING FEE PAID
11. GENUS & SPECIES OF PLANT.	12. BOTANICAL FAMILY NAME.	13. COMMON NAME OF PLANT.
14. IS THIS VARIETY A FIRST GENERATION HYBRID?  Yes      No	15. DOES SEED NEED TO BE SOLD AS CERTIFIED SEED?  Yes      No	16. HAS THE VARIETY BEEN SOLD, DISPOSED OF, TRANSFORM OR USED IN JORDAN OR OTHER COUNTRY?  Yes      No
17. ATTACHMENTS ARE (Check appropriate box).  Origin and Breeding History. Statement of Distinctness. Description of Variety. Statement of Ownership.		
18. SIGNATURE	19. DATE (day/month/year)	

<b>APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (FEES FORM)</b>			
Ministry & Agriculture; Amman Jordan			
1. NAME OF OWNER.		2. NAME OF VARIETY (OR TEMPORARY DESTINATION)	
3. ADDRESS OF OWNER.		4. PHONE No.	
		5. FACSIMILE No.	
		6. EMAIL ADDRESS.	
7. IF OWNER IS NOT A PERSON, THEN NAME OF CORPORATION OR PARTNERSHIP.		7. DATE OF INCORPORATION (day / month / year)	
8. NAME & ADDRESS OF OWNERS REPRESENTATIVES			
9. IF OUTSIDE OF KINGDOM OF JORDAN, NAME LOCAL IN 9 AND INTERNATIONAL IN 10.			
FOR OFFICIAL USE ONLY			
PVPO No. #	DATE OF FILING (day/month/year)	FILING FEE PAID	
SUBJECT MATTER			FEES
(a) Filing the application and notifying the public of filing.	<input type="checkbox"/>		
(b) Search or examination.	<input type="checkbox"/>		
(c) Allowance and issuance of certificate and notifying public of issuance.	<input type="checkbox"/>		
(d) Revive an abandoned application.	<input type="checkbox"/>		
(e) Reproduction of records, drawings, certificates, exhibits or printed material (copy per page of material)	<input type="checkbox"/>		
(f) Authentication (each page)	<input type="checkbox"/>		
(g) Correcting or re-issuance of a certificate.	<input type="checkbox"/>		
(h) Recording assignments (per certificate/application)	<input type="checkbox"/>		
(i) Copies of 8 x 10 photographs in color.	<input type="checkbox"/>		
(j) Additional fee for reconsideration	<input type="checkbox"/>		

(k) Additional fee for late payment	<input type="checkbox"/>		
(l) Additional fee for late replenishment of seed	<input type="checkbox"/>		
(m) Appeal to Minister (refundable if appeal overturns the Registrar's decision)	<input type="checkbox"/>		
(n) Granting of extension for responding to a request.	<input type="checkbox"/>		
(o) Field inspections by a representative of the Plant Variety Protection Office made at the request of the applicant shall be reimbursable in full (including travel, per diem or subsistence, and <input type="checkbox"/> salary) in accordance with Customary Government Travel Regulations.			
(p) Any other service not covered above will be charged for at rates prescribed by the Registrar.			

<b>APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (EXHIBIT A)</b>		
Ministry & Agriculture; Amman Jordan		
1. NAME OF OWNER.		2. NAME OF VARIETY (OR TEMPORARY DESTINATION)
3. ADDRESS OF OWNER.		4. PHONE No.
		5. FACSIMILE No.
		6. E MAIL ADDRESS.
7. IF OWNER IS NOT A PERSON, THEN NAME OF CORPORATION OR PARTNERSHIP.		8. DATE OF INCORPORATION (day / month/ year)
9. NAME & ADDRESS OF OWNERS REPRESENTATIVES		
10. IF OUTSIDE OF KINGDOM OF JORDAN, NAME LOCAL IN 9 AND INTERNATIONAL IN 10.		
FOR OFFICIAL USE ONLY		
PVPO No. #	DATE OF FILING (day/month/year)	FILING FEE PAID
	EXHIBIT A: ORIGIN & BREEDING	
10. ORIGIN & BREEDING HISTORY (SEE TECHNICAL GUIDE BY CROP FOR MORE DETAILS)		
11. SIGNATURE		12. DATE (day/month/year)

<b>APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (EXHIBIT B)</b>		
Ministry & Agriculture; Amman Jordan		
1. NAME OF OWNER.	2. NAME OF VARIETY (OR TEMPORARY DESTINATION)	
3. ADDRESS OF OWNER.	4. PHONE No.	
	5. FACSIMILE No.	
	6. E MAIL ADDRESS.	
7. IF OWNER IS NOT A PERSON, THEN NAME OF CORPORATION OR PARTNERSHIP.	8. DATE OF INCORPORATION (day / month/ year)	
9. NAME & ADDRESS OF OWNERS REPRESENTATIVES		
10. IF OUTSIDE OF KINGDOM OF JORDAN, NAME LOCAL IN 9 AND INTERNATIONAL IN 10.		
FOR OFFICIAL USE ONLY		
PVPO No. #	DATE OF FILING (day/month/year)	FILING FEE PAID
	EXHIBIT B: STATEMENT OF DISTINCTIVENESS, UNIFORMITY AND STABILITY	
11. STATEMENT OF DISTINCTNESS, UNIFORMITY & STABILITY. SEE UPOV TECHNICAL GUIDE BY CROP FOR MORE DETAILS. (Add sheet as required)		
12. SIGNATURE		13. DATE (day/month/year)

<b>APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (EXHIBIT C)</b>		
Ministry & Agriculture; Amman Jordan		
1. NAME OF OWNER.	2. NAME OF VARIETY (OR TEMPORARY DESTINATION)	
3. ADDRESS OF OWNER.	4. PHONE No.	
	5. FACSIMILE No.	
	6. E MAIL ADDRESS.	
7. IF OWNER IS NOT A PERSON, THEN NAME OF CORPORATION OR PARTNERSHIP.	8. DATE OF INCORPORATION (day / month/ year)	
9. NAME & ADDRESS OF OWNERS REPRESENTATIVES		
10. IF OUTSIDE OF KINGDOM OF JORDAN, NAME LOCAL IN 9 AND INTERNATIONAL IN 10.		
FOR OFFICIAL USE ONLY		
PVPO No. #	DATE OF FILING (day/month/year)	FILING FEE PAID
	EXHIBIT C: DESCRIPTION OF VARIETY	
11. DESCRIPTION OF VARIETY. (SEE UPOV TECHNICAL GUIDE BY CROP FOR MORE DETAILS) IF COLOR IS CLAIMED AS A CHARACTER SUPPLY 3 COPIES OF COLOR PHOTOGRAPHS.		
12. SIGNATURE	13. DATE (day/month/year)	

<b>APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (SAMPLE DEPOSITION)</b>		
Ministry & Agriculture; Amman Jordan		
1. NAME OF OWNER.	2. NAME OF VARIETY (OR TEMPORARY DESTINATION)	
3. ADDRESS OF OWNER.	4. PHONE No.	
	5. FACSIMILE No.	
	6. E MAIL ADDRESS.	
7. IF OWNER IS NOT A PERSON, THEN NAME OF CORPORATION OR PARTNERSHIP.	8. DATE OF INCORPORATION (day / month/ year)	
9. NAME & ADDRESS OF OWNERS REPRESENTATIVES		
10. IF OUTSIDE OF KINGDOM OF JORDAN, NAME LOCAL IN 9 AND INTERNATIONAL IN 10.		
FOR OFFICIAL USE ONLY		
PVPO No. #	DATE OF FILING (day/month/year)	FILING FEE PAID
<b>SAMPLE DEPOSITION FORM</b>		
11. SAMPLE NAME		
12. NUMBER OF SEEDS OR CULTURES		
13. DEPOSIT DATE		
14. DEPOSIT LOCATION		
15. SIGNATURE	16. DATE (day/ month/ year)	

## FORM LETTERS

### **For Fully Compliant Application:**

#### LETTERHEAD

{Name & Address}

{Date}

{Reference Number}

Dear Applicant,

Thank you for your Plant Variety Protection Application.

Your application has been given a filing number of \_\_\_\_\_ and a filing date of \_\_\_\_\_ Please use this information in relation to any further correspondence you have with this office in relation to this application.

Your application will in due course go through a technical examination. Once an examiner has been identified for this application he or she will be in contact with you to inform you of the outcome of the examination. He or she may contact you for further information in regards to the application.

It is expected that you will receive the first office action on this matter within \_\_\_\_ days of receipt of this letter. If you do not receive any communication from this office by that time please contact us again requesting an update on the file, and citing the filing number and filing date given above.

Thank you for your interest in submitting a plant variety protection application to this office.

Yours truly,

\_\_\_\_\_

Registrar PVP Office

CC: File

**For Incomplete /Missing Component Application**

LETTERHEAD

{Name & Address}

{Date}

{Reference Number}

Dear Applicant,

Thank you for your Plant Variety Protection Application.

I regret to inform you that your application is incomplete and cannot be afforded a filing date at this time.

Please review the list of required materials that are needed to constitute a complete application and submit to us in a period of no more that 60 days the missing parts or information.

We are returning all materials that were submitted to this office.

When returning the complete package please return with this letter on top of the application package indicating that omissions have been corrected.

Thank you for your interest in submitting a plant variety protection application to this office.

Yours truly,

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Registrar PVP Office

Attachment: Check List

CC: File

CHECK LIST FOR PVP APPLICATION:

Your application has been returned to you as incomplete. Please review carefully and return having attached the following items:

- **Plant Variety Protection Application Form**
- **Plant Variety Protection Fees Form**
- **Plant Variety Protection Attachment A form (Origin & Breeding History)**
- **Plant Variety Protection Attachment B form (Uniformity, Distinctness, Stability Declaration)**
- **Plant Variety Protection Attachment C form (Description of Variety)**
- **Plant Variety Protection Sample Deposit Form**
- **Biological Sample (Seeds or Bud Cultures)**
- **Fee**
- **Proof of Ownership**
- **Other**

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**Re: Request for Additional Information / Documentation / Clarification**

LETTERHEAD

{Name & Address}

{Date}

{Reference Number}

{Filing Number}

{Filing Date}

Dear Applicant,

Thank you for your Plant Variety Protection Application.

I have now commenced the examination of your application. In order to determine whether your application meets the statutory requirement to be issued with a plant variety protection certificate I need to obtain from you additional information.

Please return to me, within a period no later than ninety days (90 days) from the date of this office action, the following information:

[PLEASE FILL OUT APPLICATION SPECIFIC INFORMATION HERE]

Thank you for your interest in submitting a plant variety protection application to this office.

Yours truly,

\_\_\_\_\_

Registrar PVP Office

CC: File

**Notice of denial Letter**

LETTERHEAD

{Name & Address}

{Date}

{Reference Number}

{Filing Number}

{Filing Date}

Dear Applicant,

Thank you for your Plant Variety Protection Application.

I have now completed the examination of your application. It is with regret that I must inform you of my decision to deny the issuing of a plant variety protection permit on this material.

The reasons for the denial of the certificate are:

[EXPLAIN HERE SPECIFIC RESONING FOR THE DENIAL]

You are of course entitled to appeal this decision. Such appeal must be filed within 90 days of this office action or such right will be deemed as waiver by this office.

Thank you for your interest in submitting a plant variety protection application to this office.

Yours truly,

\_\_\_\_\_

Registrar PVP Office

CC: File

## Letter of Approval of an Application

### LETTERHEAD

{Name & Address}

{Date}

{Reference Number}

{Filing Number}

{Filing Date}

Dear Applicant,

Thank you for your Plant Variety Protection Application.

I have now completed the examination of your application. It is with pleasure that I must inform you of my decision to approve the issuing of a plant variety protection permit on this material.

You will receive in due course a Plant Variety Protection Certificate on this Application.

If you do not receive the certificate within 180 days of this Office Notice please contact me again citing the filing number and filing date, for a further update on the Certificate.

Thank you for having submitted this plant variety protection application to this office.

Yours truly,

\_\_\_\_\_

Registrar PVP Office

CC: File

## Letter enclosing Certificate

### LETTERHEAD

{Name & Address}

{Date}

{Reference Number}

{Filing Number}

{Filing Date}

Dear Applicant,

Thank you for your Plant Variety Protection Application.

I am following up in relation to my earlier correspondence on your successful application for a plant variety protection certificate.

Please find enclosed with this cover letter your original Plant Variety Protection Certificate on the above cited application.

Let me thank you again for having submitted this plant variety protection application to this office.

Yours truly,

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Registrar PVP Office

Attachment: PVP Certificate

CC: File

## Annex B: Informal Translation of PVP Regulations

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Regulations / Bylaws (Prepared and Formatted by AMIR Translator)

### **By-law No. (24) for the year 2002**

#### **By-law of New Plant Variety Registration Issued in compliance with Article (30) of the Law of New Plant Variety Protection**

##### **Article 1:**

This by-law shall be called “By-law of New Plant Variety Registration for the year 2002 and shall be enforced after thirty days as from the date of being published in the Official Gazette.

##### **Article 2:**

Wherever they should occur herein, the following words and expressions shall have the meanings designated hereunder unless otherwise connoted by the context:

<b>Law</b>	: Valid Law of New Plant Variety Protection.
<b>Committee</b>	: Functional (Technical) Committee formed in compliance with Paragraph (c) of Article (10) of the Law.
<b>Office</b>	: Office of registering new plant varieties at the Ministry
<b>Applicant</b>	: Applicant for registration for protection purposes.
<b>Agent</b>	: Agent of industrial property registration chartered according to the provisions of this by-law or the lawyer listed in the registry of practicing lawyers.
<b>Certificate</b>	: Registration certificate given to the protected variety
<b>Person</b>	: Any natural or corporate person

##### **Article 3:**

The provisions of this By-law shall be applied to the plant varieties specified in Annex No. (1) in this By-law. This annex shall be considered an integral part thereof and the Minister shall have the right to decide the addition of other varieties thereto. However, this decision must be published in the Official Gazette.

##### **Article 4:**

The Ministry shall collect fees specified for each service included in Annex No. (2) herein. This annex shall be considered and integral part of this By-law.

##### **Article 5:**

One- The Minister shall issue regulations to define the format of forms used to submit applications, objections, notices, notifications, statements, pledges and any other instrument submitted upon the provisions of the Law and this By-law as

well as all the matters and conditions related thereto. However, matters that do not have any approved forms must be submitted in written to the Registrar.

Two- Applications, objections, notices, notifications, statements, and pledges stipulated in Paragraph (a) in this Article shall be submitted in written or typed in Arabic in a duplicate copy. The Registrar, however, shall have the right to request additional copies thereof.

**Article 6:**

- One- (i)-** Any applications, permits, notices, and any other documents that the Law or this By-law permits or requires to be submitted, deposited, delivered or notified shall be delivered in hand or sent by registered mail.
- (ii)** The date and time of submitting, depositing, delivering or serving any of the documents stipulated in Clause (i) in this Paragraph shall be considered the date and time of receiving them in hand or the date and time of receiving them by registered mail.
- (iii)** In order to prove the event of dispatch or delivery, the sender must prove that he has delivered the document in hand or has sent it by registered mail. He must prove that it has been sent to the address of the office or to the address provided in the application, in the pleading (objection) list, or to the address provided for service (of mail) according to the provisions of Article (7) herein as should be the case.

**Two-** Applications, permits, notices and any other documents that the Law or this By-law allows or requires to be submitted, deposited, delivered, or served shall be entered into the in-coming or out-going mail register kept at the Office. Registration must be in serial numbers and showing the date and time of receipt of dispatch as should be the case.

**Article 7:**

This who is required to provide his address according to the provisions of Law or provisions herein must provide the Office with his address in the Kingdom. However, this address must be adopted for all pertinent proceedings and correspondence.

**Article 8:**

- One-** The variety registration application must be submitted to the Office using the approved form with the documents, data and requirements stipulated in Article (9) herein enclosed therewith.
- Two-** The registration form shall be entered into the relevant register at the Office under a serial number and according to the date and time of receipt whether in hand or by registered mail.
- Three-** The Office shall serve a notice to the applicant to the effect that the application has been received. The notice must show the registration number and the date and time of receipt.

**Article 9:**

While observing the provisions of Article (10) herein, the applicant must enclose with the registration form the following documents, data and requirements:

One- A document including a detailed description of the process of deriving the variety to be registered. The document must provide for the following:

- a) a full disclosure of the origin of the variety and the method of its derivation.
- b) A precise description of successive stages of the processes of selection and increase used in developing the variety.
- c) Proof of homogeneity showing the difference rate in any of the characteristics of the variety.
- d) Statement of genetic stability of the variety showing the number of increase cycles when any of the distinct features of the variety has not changed. It must also show the nature of variations monitored during the increase and recurrence processes. The recurrent mix that has been monitored or is expected to occur must be shown as well.

Two- A brief abstract on the variety distinction clearly showing the method of distinguishing the variety to be registered from other varieties produced from the same type. In case of similarity between the type to be registered and other type (types), the applicant must:

- a) specify these varieties with a precise description of difference among them.
- b) Enclose digital statistical data showing the existence of a clear difference between the characteristics of the variety to be registered and those of other types.
- c) Submit samples of the increase materials or other plant samples of the variety. Photographs can be provided if they help show distinction of the variety very clearly.

Three- The following documents and statements:

- a) A precise and detailed statement of the variety description as stated in the approved form.
- b) Official statements and documents to introduce the applicant if a natural person or a certificate of company registration or a true copy thereof.
- c) The document introducing the right of the applicant to the variety if the applicant is other than the producer of the derived variety. However, the document must be legalized by the competent governmental parties.
- d) The power of attorney document if the applicant is another person rather than the producer or he is other than the registration applicant. However, the document must be duly legalized.
- e) A copy of the previous application and the enclosed documents supported with a certificate to show the date and number of deposit and the country where the deposit has been placed. This applies in case the application includes a claim to the right of precedence to register an application that was previously submitted in a country related with the Kingdom by means of an international agreement to protect intellectual property according to Article (9) of the Law.

- f) Illustrations of the variety if necessary to know it with a brief description thereof, if any. Provisions of Article (12) herein must be observed.

Four- The plant classification of the type and the proposed name.

#### **Article 10-**

One

- a) The application cannot be admitted (accepted) if lacking the documents and statements stipulated in Paragraphs (a) and (b) and in Clause (1) of Paragraph (c) of Article (9) herein.
- b) If any of the statements, documents, and requirements stated in Paragraph I(d) of Article (9) herein and in Clauses (2), (3), (4) and (6) of Paragraph (c) of Article (9), the Council can admit the application. However, the applicant must submit a written pledge on the approved form committing himself to complete the required statements, documents and requirements within thirty days as from the date of approving his application.
- c) If the statements, documents and requirements are not completed during the period stipulated in Clause (2) in this Paragraph, the applicant shall be deemed as abandoning his right and the Registrar shall issue a resolution to the effect.
- d) If the document stipulated in Clause (5) of Paragraph (c) of Article (9) herein is one of the required documents and has not been submitted with the application or during the period stipulated in Clause (2) in this paragraph, the applicant's right to claim precedence shall be nullified. It shall be entered in the register that the applicant is no more eligible for the application or that his right to claim precedence has been nullified as the case should be.

Two- The Registrar shall have the right to request the applicant or permit him to submit any data, information, illustrations or any additional forms if deemed necessary.

#### **Article 11:**

Documents submitted with the application upon the provisions of the Law and this By-laws must be written in Arabic. Should they be written in English, they must be supported with a sworn translation into Arabic or a sworn translation into Arabic and English if written in any of the other languages.

#### **Article 12:**

One- The illustrations submitted in compliance with Clause (6) of Paragraph (c) of Article (9) herein must reveal the distinct attributes of the variety and must observe the following:

- a) They must be drawn in fixed lines and clear manner and in one harmony.
- b) Figures must be vertically drawn on the drawing paper.
- c) Letters and numbers used in indicating the parts of the drawing must be set in a clear form. The same letters and numbers must be used in the different settings of the drawing. In case those letters and numbers have been written outside the figure, they must be linked with the parts they indicate using thin lines.

- d) In case of drawing more than one illustration in the same paper, a sufficient distance must be left between illustrations and figures must be given serial numbers.

Two- The illustrations can be photos and can be drawn in black ink; they must be colored if colors constitute a distinct attribute of the variety.

**Article 13:**

One- The applicant must provide the Registrar with the sample representing the variety that must be registered according to regulations issued by the Minister whereby he specifies the nature of the sample; its quantity, packaging and depositing at the office as well as the method of disposing therewith whether by destruction or by returning it to the applicant.

Two- The Registrar can order the sample to be planted before making the final decision in terms of the application. However, costs of the plantation process must be defined ahead and notified to the applicant in order to pay them during sixty days maximum as from the date of the notification. Otherwise, the applicant shall be deemed as abandoning his application.

**Article 14:**

One- The applicant shall have the right to introduce an amendment to the registration form and any of its enclosures before publishing it in the Official Gazette.

Two- The application stipulated in Paragraph (a) herein must be submitted using the approved form. As necessary, the new illustrations, new samples, plant classification or the new name...etc must be enclosed with the application including the amended data. The date of amendments shall be deemed as the date of deposit and registration approved for the application.

**Article 15:**

The Registrar or this who he authorizes from the Office employees shall formally study the application and its enclosures in order to verify the following:

One- The application and the variety samples and illustrations fulfill the conditions stipulated in Article (9), (12) and (13) herein.

Two- The proposed name for the variety fulfills the conditions stipulated in Articles (26) and (27) of the Law.

**Article 16:**

If the application study reveals that it has not fulfilled the requirements or is in violation of any of the conditions stipulated in the Law or in this By-law or not fulfilling some of them, the Registrar shall have the right to serve a notice to the applicant requesting him to provide the missing documents and introduce the required amendments. All requirements, however, must be fulfilled within sixty days as from the date of being served the notice. In case of failure to or abstention from doing so during this period, the applicant shall be deemed as abandoning his application. The Registrar must issue a decision to the effect. The decision will be served to the applicant and kept in the Register.

**Article 17:**

If the application study reveals that it has fulfilled the conditions and requirements stipulated in the Law and herein, the technical test of the variety is done by the Ministry according to the provisions of Article (10) of the Law after paying the required fees. However, the applicant must be informed of these fees in order to pay them during sixty days as from the date of receiving the notification. Should the applicant fail to do so, the application shall be considered as abandoned and is documented in the Register.

**Article 18:**

If the tests and examinations done by a technical party other than the Ministry whether inside or outside the Kingdom have been adopted when doing the technical test of the variety, the applicant must provide the Office therewith during a period of sixty days maximum as from the date of receiving the notification to submit them. In case of failure to do so within this period, the application shall be deemed as abandoned. The Registrar must issue a resolution to this effect and inform the applicant of it.

**Article 19:**

If the application study reveals that the requirements stipulated in the Law and herein have not been met, the Registrar shall issue a vindicated resolution in rejection of the application. The applicant will be informed of this.

**Article 20-**

One-

- a) If the application study reveals that the formal and objective requirements and conditions stipulated in the Law and herein have been met, the Registrar shall issue a resolution with a preliminary approval of the application. The decision will be documented in the Register.
- b) The applicant is notified with the preliminary approval of his application in written. In the notification, he shall be requested to pay the fees of publishing the approval in the Official Gazette within sixty days as from the date of being served the notification. If he does not do so, the application shall be deemed as abandoned and the Registrar shall issue a resolution to the effect.

Two- If the applicant pays the fees of publication, the Registrar shall issue a certificate of preliminary approval to protect the variety. This approval shall be valid for one year as from the date of publishing it. The Registrar shall have the right to extend this certificate for a period or periods not exceeding another year.

Three- The Registrar shall publish an announcement of the preliminary approval to protect the variety in the Official Gazette. However, such an announcement must include the following:

- a) Name, nationality, and address of the producer.
- b) Name of agent, his nationality and address.
- c) Name of the variety
- d) Plant classification of the variety

**Article 21:**

The preliminary approval certificate shall be issued to the applicant using the approved form in order to guarantee for him all the rights stipulated in Article (13) of the Law.

**Article 22:**

One- If no objection has been submitted in relation with the variety registration during the period stipulated in Article (12) of the Law or if an objection has been submitted and refused, the Registrar shall issue a resolution to grant the certificate after collecting the required fees. He shall enter the certificate into the Register and deliver it to the applicant or his agent according to the duly followed practices.

Two- The certificate and the record in the Register must include the following data:

- (a) Number of application and date of its filing.
- (b) Name, nationality and address of producer.
- (c) Name of variety and its plant classification.
- (d) Number of the certificate record in the Register.
- (e) Date of certificate issuance.
- (f) Statement of fee payment.
- (g) Period of protection; date of its commencement and date of expiry.
- (h) Number and date of the precedence application and the country where it has been submitted in case the certificate is based on this precedence.

**Article 23:**

One- The objection to the application of the variety registration shall be submitted according to the approved form. However, the application must mention the reason or reasons on which the objector bases his objection and he must pay the required fee.

Two- The objector or his agent must sign the objection form which must be submitted with a pleading of two copies to provide details of the right that the objector claims, events and reasons for objection.

Three- The Registrar must notify the applicant of the objection related to his application and provide him with a copy of the objection and the pleading attached therewith.

**Article 24:**

If the objection is made to the applicant's application, the applicant shall have the right to object within thirty days as from the date of receiving the pleading. In this case, the applicant must file a response pleading of two copies at the Office including his response to the objection. The Registrar must provide the objector with a copy of the pleading submitted by the applicant.

**Article 25:**

Within thirty days as from the date of receiving a copy of the response pleading, the objector shall have the right to file at the office evidence in the form of statements under oath and any other proofs that he deems as supporting his claim. The Registrar must provide the applicant with a copy thereof.

**Article 26:**

- One-** The applicant whose application has been objected to must submit at the office statements under oath and any other proofs within thirty days as from the date of receiving a copy of the evidence and the enclosures stated in Article (25) herein. The Registrar must provide the objector with a copy thereof.
- Two-** The objector must file at the office statements under oath and any other proofs in response of what the registration applicant submits. This must be done within thirty days as from the date of receiving a copy of the statements and proofs stipulated in paragraph (a) in this Article. The Registrar must provide the registration applicant with a copy thereof. However, the statements and proofs submitted by the objector must be limited to the matters that require response.

**Article 27:**

- One-** The Registrar shall fix a date to consider the case upon the completion of evidence. He shall give the two parties fifteen days at least as from the set date.
- Two-** The Registrar shall issue his resolution to consider the case after hearing both parties or the party wishing to express his sayings or to submit a hearing. Should none of the parties wish to do so, the Registrar can settle the case without the hearing and in all cases, shall serve the parties with the decision he makes.

**Article 28:**

- One-** Statements under oath required by the provisions herein or used for any procedures thereof must begin by stating the topic or topics related thereto. It must use the first person structure (*I, We*) and must be divided into successive bulleted (numbered) paragraphs each of which is limited to one topic only. The statement must be printed (typed).
- Two-** The statement under oath must include the name of the person who issues it, his capacity, his usual residence, and the name and address of the person on whose behalf the statement has been organized.

**Article 29:**

Statements under oath made in the Kingdom shall be organized and signed before the Notary Public or the Conciliation Judge. Outside the Kingdom, however, they must be produced and signed before the Notary Public or this who acts for him or before a judge on condition that they are duly legalized by the competent references.

**Article 30:**

- One-** The application to nullify registration of a protected variety shall be submitted according to the approved form along with the stipulated drawing. However, it must state the reason or reasons for the applicant to request registration nullification.
- Two-** The applicant or his agent must sign the nullification application which must be supported with a two-copy pleading to clarify in details the right of the applicant and the reasons for his application. The Registrar shall serve a copy of the nullification application to the producer.

**Article 31:**

Procedures stipulated in Articles (24) and (29) herein shall be applied to the nullification application when submitted and a copy thereof is served to the producer.

**Article 32:**

**One-** The Registrar shall have the right to conduct a technical test on the protected variety in the time he shall deem as convenient. This test is meant to assure stability and homogeneity of the variety according to the provisions of Paragraph (b) of Article (11) of the Law.

**Two-** If the producer fails to provide the Registrar with the tests and examinations conducted by a technical party other than the Ministry according to the provisions of Article (18) within a period of sixty days maximum as from the date of receiving a notification to this effect from the Registrar, the latter (Registrar) shall have the right to cancel (delete) the registration of the protected variety. The Producer will be informed of that and the Registrar shall enter the cancellation resolution in the Register and publish it in the Official Gazette.

**Three-** If the technical test of the variety reveals that the variety is not stable or homogeneous, the Registrar must issue the cancellation resolution of that variety. The cancellation resolution will be entered into the Register and published in the Official Gazette.

**Article 34:**

The contractual license record shall be removed from the Register in any of the following cases:

**One-** Upon an application submitted by the contract parties to the Registrar along with the supporting documents.

**Two-** When the period of the contract expires and the Registrar has not been informed of its renewal within thirty days as from the date of expiry.

**Three-** When dissolving the contract before the end of its period and upon the agreement between the two parties.

**Four-** Upon a judicial resolution that has become final.

**Article 35:**

**One-** Any person can submit a written application to obtain a compulsory license to invest the protected variety according to the provisions of Article (21) of the Law.

**Two-** Upon a recommendation by the Registrar, the Minister shall have the right to decide to fulfill the request if a public interest is deemed in that. However, he must define in his resolution the licensing conditions; its field, and the indemnity that must be paid by the applicant for the compulsory license to the producer. The compulsory license and all its relevant matters, however, must be entered into the Register after having the person who has been licensed pay the required fee.

**Three-** The relevant parties shall be served the resolutions taken by the Minister in relation with the application submitted thereto.

**Article 36:**

**One-** The producer must pay the annual protection fee stipulated in Annex No. (2) herein during January of each year. If the fee has not been paid by April of each year maximum, the Registrar shall issue a resolution to cancel registration of the protected variety. Rights granted by the certificate shall be nullified and the Producer shall be notified to the effect.

**Two-** The Registrar shall serve the Producer with the resolution taken upon Paragraph (a) in this Article and it shall be published in the Official Gazette.

**Article 37:**

**One-** If any change has been introduced to the name, address or service address of the Producer, he must send a notification to the Registrar using the form set for this purpose. The Registrar must insert that change in the Register after paying the stipulated fees according to the provisions of this By-law. The change must be published in the Official Gazette on the expense of the Producer.

**Two-**

1- If the Registrar finds out that the name (of the variety) violates provisions of the Law, the Producer shall be requested to change the name of the variety using another adequate name during sixty days as from the date of receiving the notice in written. If the producer does not change the name, the Registrar shall cancel the variety registration and inform the Producer to the effect. The cancellation resolution shall be entered into the Register and published in the Official Gazette.

2- Provisions of Clause No. (1) in this Paragraph shall be applied to the application submitted by the Producer to change name of the variety.

**Article 38:**

**Either** by himself or upon an application submitted thereto, the Registrar shall have the right to correct any physical mistakes in the registration forms submitted, in their enclosures, in the certificate or in any record in the Register. Correction must use the form set for this purpose.

**Article 39:**

**One-** An application shall be submitted to the Registrar using the designated form to obtain a certificate in relation with any record or matter permitted by the Law or by this By-law.

**Two-** The concerned person shall submit an application to the Registrar using the designated form and paying the stipulated fees in order to obtain a copy of the certificate if lost or damaged.

**Three-** The Registrar shall issue certified copies for each record in the Register or for any certificate, data, or statements under oath...etc of the documents he keeps. This issuance will be upon a written application by the concerned people and after paying the required fees.

**Article 40:**

If not stipulated in this By-law and affects the ownership of the certificate, any application for a document registration shall be submitted using the form set for this purpose. A true copy of the document to be registered must be enclosed with the application and duly legalized.

**Article 41:**

- One- The Registrar shall have the right to extend any of the periods stipulated in this By-law to do any job or take any procedure stipulated therein for similar periods for any of them if he shall deem this as convenient.
- Two- If the last day of the period stipulated in the Law or in this By-law to take any step or procedure occurs on an official holiday, the first working day following the set period shall be deemed as the last day thereof.

**Article 42:**

No person can practice the job of a registration agent unless chartered in the Register of the Industrial Property Registration agents kept at the Registrar's.

**Article 43:**

- One- The Registrar shall set a register for the applications by the agents of industrial property registration. This Register, however, must include the following in particular:
- a) Number and date of application.
  - b) Name of applicant; his qualifications, residence and address. If the applicant is a company, it must state the name, type, purposes, headquarters and the addresses of its branches and offices registered in the Kingdom.
  - c) Resolution issued in relation with the application; its issuance date and date of notification therewith.
  - d) Number and date of the record in the Register of Industrial Property Registration Agents.
- Two- In order to be entered in the Register of Industrial Property Registration Agents, the applicant must be:
- a) Jordanian national.
  - b) Of full civil competence
  - c) Not sentence with a misdemeanor or offense against honesty and trust.
- Three- Companies specialized in the industrial property protection shall be entered into the table of registration agents at the Registrar's.

**Article 44:**

The application to register Industrial property agents shall be submitted to the Registrar with documents and instruments proving the fulfillment of conditions stipulated in this By-law. The application shall be documented with serial numbers according to the date of submittal and entered into the Register of Industrial Property Registration Agents. The

applicant will be served a receipt including the serial number of the application, the date of application and a statement of the attached documents and instruments.

**Article 45:**

- One- The Registrar shall examine the registration application along with the attached documents and instruments in order to assure fulfillment of conditions stipulated herein. The Registrar shall have the right to request the applicant to submit other documents and clarifications before issuing his resolution.
- Two- 1- If the application is complete and the applicant fulfills the requirements stipulated herein, the Registrar shall issue a resolution to enter name of the applicant in the Register of Industrial Property Registration Agents. The applicant will be served a notice to this effect.
- Three- The period of registration will be one year starting on the date of the applicant paying the registration fee stipulated herein.
- Four- The registration shall be renewable year by year if the agent submits an application within one month as from the date of the registration expiry with the registration conditions fulfilled therein.
- Five- If the examination done by the Registrar proves that the applicant and the application do not fulfill conditions stipulated herein, the Registrar shall issue a vindicated resolution to the effect of rejecting the application. The applicant will be served a notice to this effect.
- Six- Upon paying the registration fee, name of the applicant will be entered in the Register of the Industrial Property Registration Agents with serial numbers according to the date of fee payment.
- Seven- The Registrar must decide upon the registration applications within a period of three months maximum as from the date of being submitted thereto. However, the application must fulfill all the requirements and conditions.

**Article 46:**

- One- The Registrar shall have the right to cancel the registration of any agent of the Industrial Property Registration Agents if this agent has become no more in fulfillment of any of the conditions stipulated in this By-law.
- Two- There shall be removed from the Register of the Industrial Property Registration Agents name of the deceased or this whose registration has been cancelled or has requested the cancellation of his name from the Register; or failed to pay the incurred fees.

**Article 47:**

- One- The Minister shall issue the regulations necessary to implement the provisions herein.
- Two- Regulations issued by the Minister shall be published in the Official Gazette.

**Annex No. (1)**  
**Plant varieties covered with the provisions of the Law and this By-la**

No.	Plant Species	Scientific Name	Plant Family
1-	Tomato	Lycopersicon esculantum	Solanaceae
2-	Eggplant	Solanum melongeno	Solanaceae
3-	Pepper	Capsicum frutescens	Solanaceae
4-	Cucumber	Cuticus sativus	Cucurbitaceae
5-	Snake cucumber	Tricosanthes anguina	Cucurbitaceae
6-	Squash	Cucurbita pepo	Cucurbitaceae
7-	Okra	Abelomashus esculentus	Malvaceae
8-	Onion	Allium cepa	Amaryllidaceae
9-	Durum wheat	Triticum durum	Gramineae
10-	Bread wheat	Triticum aestivum	Gramineae
11-	Barley	Hordium vulgare	Gramineae
12-	Vetch	Vicia ervillia	Leguminosae
13-	Broad bean	Vicia faba	Leguminosae
14-	Lentil	Lens culinaris	Leguminosae
15-	Chick pea	Cicer arietinum	Leguminosae
16-	Olive	Olea europea	Oleaceae
17-	Grape	Vitis vinifera	Rosaceae
18-	Peach	Prunus persica	Rosaceae
19-	apple	Pyrus malus	Rosaceae

No.	Fee	Amount	
		Dinar	Fils
1-	Registration application	1	--
2-	Registered mail of any notice inside the Kingdom	5	--
3-	Registered mail of any notice outside the Kingdom	10	--
4-	Provision of approved forms (per form)	1	--
5-	Technical examination of documents of growth and plantation tests and other tests done by a party other than the Ministry/one variety	200	--
6-	Technical test (growth, plantation, and other tests done by the Ministry) per variety	2000	--
7-	Technical test of the protected variety done by a party other than the Ministry/per variety (technical examination of documents)	200	--
8-	Technical test of the protected variety done by the Ministry/per variety (test implementation)	2000	--
9-	Publication in the Official Gazette	100	--
10-	Preliminary registration for the one variety	25	--
11-	Annual registration for the one variety	100	--
12-	Nullification, objection, compulsory licensing, change	25	--
13-	Ratified (legalized) certification	5	--
14-	Certificate for the lost or damaged one	5	--
15-	Registration of industrial property agent	25	--
16-	Renewal of registration for an industrial property agent	10	--

## **Annex C: PVP Training Program Agenda**

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### **PROGRAM FOR PVP OFFICE STAFF (16-17 SEPTEMBER 2002)**

**Sessions to be held at The Intercontinental Hotel.**

#### **DAY 1**

**9.00AM**

#### **Morning Session**

- An Introduction to Intellectual Property Protection**
- An Introduction to Plant Patents**
- An Introduction to Plant Variety Protection**
- UPOV Membership & Relations**

#### **Coffee Break**

- The Jordanian Plant Variety Protection Law**
- Status and Context of the Law**
- Interface of PVP law with other Legal Instruments.**
- Question & Answer Session**

#### **Lunch**

#### **Afternoon Session**

- The Jordanian Plant Variety Protection Regulations**
- An Examiners Manual**
- The Plant Variety Protection Office**
- Establishment of the Office**
- Infrastructure of the Office**
- Operations of the Office**
- Interactions of Office with other Government Agencies**
- Plant Variety Protection Application Process**
- The forms**
- How to distribute forms**
- How to “file”**

**Coffee Break**

- Use of the UPOV technical guides
- The examination process
- Uniformity analysis
- Distinctiveness Analysis
- Stability Analysis

**Approximately 5.00pm finish**

**DAY 2**

**9.00am start**

**Morning Session**

- Examples Session
- Preparing an Application for examination

**Coffee Break**

- PVP and the private sector
- PVP and the governmental sector
- Round table discussion

**Lunch**

**Afternoon Session**

- Perform an examination

**Coffee Break**

- The field Inspection Process
- Public Awareness of PVP
- Questions & Answer
- Closure

**Finish around 5.00pm**

## **Annex D: Manual on Seed Receipt, Processing and Storage**

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### **A PVP Office Manual**

# **SEED RECEIPT, PROCESSING AND STORING: A PROCESS MANUAL FOR THE JORDANIAN PLANT VARIETY PROTECTION OFFICE**

**October 2002 version**

<b>APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (SAMPLE DEPOSITION)</b>		
Ministry & Agriculture; Amman Jordan		
1. NAME OF OWNER.	2. NAME OF VARIETY (OR TEMPORARY DESTINATION)	
3. ADDRESS OF OWNER.	4. PHONE No.	
	5. FACSIMILE No.	
	6. E MAIL ADDRESS.	
7. IF OWNER IS NOT A PERSON, THEN NAME OF CORPORATION OR PARTNERSHIP.	8. DATE OF INCORPORATION (day / month/ year)	
9. NAME & ADDRESS OF OWNERS REPRESENTATIVES		
10. IF OUTSIDE OF KINGDOM OF JORDAN, NAME LOCAL IN 9 AND INTERNATIONAL IN 10.		
<b>FOR OFFICIAL USE ONLY</b>		
PVPO No. #	DATE OF FILING (day/month/year)	FILING FEE PAID
<b>SAMPLE DEPOSITION FORM</b>		
11. SAMPLE NAME		
12. NUMBER OF SEEDS OR CULTURES		
13. DEPOSIT DATE		
14. DEPOSIT LOCATION		
15. SIGNATURE	16. DATE (day/ month/ year)	

## **SEED RECEIPT, PROCESSING AND STORING: A PROCESS MANUAL FOR THE JORDANIAN PLANT VARIETY PROTECTION OFFICE.**

### **INFORMATION PROVIDED TO SEED SUPPLIER**

The seed supplier will have filled out a seed deposition form when the materials are provided as part of the PVP application process.

The supplier may also be provided with the information below regarding preparation and submission of seed samples:

### **METHOD FOR SHIPPING OF SEED SAMPLE**

The seeds are to be submitted to the PVP Office as part of the complete application packed. The materials may be sent by registered or certified mail, courier service or hand delivered to the office.

Seed samples must meet the requirements of the shipping company and must be in fully compliance with other governmental regulations such as health and quarantine permits for both import and export as required by laws of the jurisdiction of dispatch and the Kingdom of Jordan.

Care must be exercised in the packaging of the seed material, including the need to prepare samples in a way that will facilitate their long term storage (see below)

### **SIZE OF SEED SAMPLE**

The size of the seed sample shall be 2500 seeds unless prior written approval has been obtained from the office to supply a greater or smaller number based on technical constraints.

### **FEES FOR DEPOSIT**

Applicant shall be responsible for all reasonable fees for the maintenance of the material as designated by the PVP office and agreed and outlined in the fees element of the regulations, procedures, or manual.

### **ACCESS TO SEED DEPOSIT:**

As a part of the application for a certificate of protection, voucher samples of seed are deposited. These seed samples are a part of the application process and are not distributed while the certificate of protection is in effect. From time to time the Laboratory will test the seed samples for viability and, when necessary, the owner of the variety will be required to replenish the sample. The purpose of the replenishment requirement is to assure the continued deposit of viable seed for any needs of the Plant Variety Protection Office and to assure the long-term availability of the plant variety sample for research. It would not be appropriate to distribute the seed samples and then require the owner to replenish the samples.

#### INITIAL SEED RECEPTION STEP:

Upon receipt of seed samples, information is verified, serial numbers are assigned, germination cards and bar code labels are printed. After unpacking, samples are placed in an equilibration room with 23% relative humidity at 5° C. Samples are equilibrated for a few weeks to achieve the optimum moisture content for storage.

#### SEED CLEANING:

After optimal moisture content is achieved, seed analysts remove inert material, empty seeds and contaminating seeds (i.e. weed seeds). Seed blowers remove all light material and chaff, leaving only the heavy seed. Seed may also be cleaned through the use of sieves and/or rubbing boards.

#### SEED VIABILITY ASSESSMENT:

Viability assessment means testing the sample to determine how many seeds are alive. Analysts assess viability using the germination and tetrazolium tests. Analysts may select appropriate conditions and plant a sub-sample of the pure seed on standard germination blotters or towels. The number of seeds tested is dependent on the size of the sample.

#### PRACTICAL MATTERS RELATING TO SEED STORAGE:

Seed samples may be in conventional storage at -18° C and/or cryogenic storage using liquid nitrogen at -196° C (-160° C in the vapor phase). Storage method is determined by the type of seed, the size of the seed, the number of seeds in the sample, the viability of the sample, and sometimes the instructions from the donor.

Samples to be stored by conventional methods are transferred to heat sealable, moisture-proof, foil laminated bags. Locations are assigned and barcodes for the location and serial numbers are placed inside and on the outside of the bags. The bags are then heat sealed and placed in trays in the cold storage vault.

Samples stored by cryogenic methods are transferred to clear polyolefin tubes, bar-coded, and closed with plugs. There is no free water in liquid nitrogen, so samples are not in danger of increasing their moisture content. Filled tubes are then placed in metal boxes, labeled with serial numbers and locations, and stored in the LN<sub>2</sub> tanks.

#### SEED STORAGE STANDARDS

In 1991, the Commission on Plant Genetic Resources considered it "essential that appropriate standards be developed for gene-banks operating within the international network". These standards are useful not only for storage of genetic resources, but also for PVP seed deposits.

These PVP seed storage facility Standards are concerned solely with the storage of seeds of orthodox species: that is those species whose seed can survive very considerable desiccation, and in which longevity is dramatically improved by reducing seed storage moisture content and/or temperature.

Standards are essential in order to provide targets for institutes to aim at. However, the problems inherent in setting standards should be noted. On the one hand, there is the problem that the standards set now may limit future technological advances; in other words, a PVP seed storage facility may become fixed at one level. On the other hand, there is the problem that some institutes may be unable to meet the standards specified herein.

In view of these problems, in some cases two standards are specified:

- (i) Acceptable - in many cases minimal but considered adequate (at least in the short-term); and
- (ii) Preferred - a higher and thus safer standard.

Recent research on seed storage and archaeological findings have indicated the potential of storing seeds of many crop species and retaining viability for more than a century at a seed moisture content of around 5% under a storage temperature of about +5° C. This storage standard is considered acceptable for conserving plant variety sample, although there are alternative standards, based on different combinations of storage temperature and seed moisture content, to realistically achieve the purpose of long-term plant variety sample preservation. An attempt has been made to propose standards that can preserve plant variety sample for a reasonable period. However, all PVP seed storage facilities are encouraged to try to achieve the preferred standard recommended.

#### CONTROL OF ENVIRONMENTAL STORAGE CONDITIONS

There is a need to maintain seeds under the best possible conditions before storage, to maintain high levels of viability of plant variety sample entering active and base collections. The seeds should be held for the minimum amount of time under temporary conditions that do not meet acceptable standards for conservation.

There is no known benefit in chemically treating seeds during storage at the preferred conditions of storage for base collections to control pests and diseases. Such chemicals may even cause chromosomal damage or be against health and safety regulations for personnel. Chemicals may be necessary during regeneration to ensure that healthy seeds are produced, or for post-harvest treatment, especially in tropical countries.

Attention should be given to the environmental conditions of the seed processing area. In tropical areas with high ambient humidity, it may be necessary to have an ancillary room with controlled humidity and temperature to avoid condensation on the seeds during packing. Use of psychometric charts is recommended to decide which action is required to avoid condensation.

#### SEED DRYING PROCEDURES

The objective in drying seeds is to reduce the moisture content to a level which prolongs longevity during storage and therefore increase the regeneration interval. A variety of

methods can be used for seed drying, the most common being the use of a desiccant or dehumidified drying chamber. The methods chosen will depend on the available equipment, number and size of the samples to be dried, local climatic conditions and cost considerations.

- (i) Drying at 10-25°C and 10-15% relative humidity (r.h.) using either a desiccant or drying chamber is preferred.
- (ii) Silica gel is suitable for seed drying and can be used to reach the very low moisture contents of ultra dry seed.
- (iii) Seeds need to be dried as soon as possible after reception to avoid substantial deterioration. The length of the drying period will depend on the size of the seed, the quantity being dried, the initial seed moisture content and the relative humidity in the drying room.

PVP seed storage facility personnel should note that dry, and especially very dry, seeds are often brittle and thus prone to mechanical damage. Hence, seeds in PVP seed storage facilities should always be handled with care.

## SEED CLEANING AND HEALTH

Seeds for storage in plant variety sample collections should be as clean and free from weed seeds, pests and diseases as possible. It has been reported that seed borne diseases affect longevity during storage. Curators should be aware of this potential problem, although no specific recommendations could be given at this time.

## STORAGE CONTAINERS

A range of containers is now available which are moisture-proof and sealable. Choice of container will depend on availability and quality to withstand the storage conditions in the long term without leaks. When in doubt about the vapor exchange properties of containers, it is recommended that tests should be done to ensure that no moisture exchange occurs. It should be noted that many plastics are not moisture proof.

The use of any type of sealed moisture-proof containers, which are tested regularly to ensure quality of both material and seal, is acceptable. Storage of seeds of individual accessions in multiple containers for extra security is preferred. Some concern has been expressed that toxic gases may be produced in long-term storage which may affect the longevity of the seeds. However, at the low moisture contents and temperatures preferred for storage of base collections, metabolic and autocatalytic activity would be reduced to such low levels that the release of toxic gases would not reach a level at which there is any significant effect on seed longevity.

## SEED STORAGE CONDITIONS FOR ACTIVE COLLECTIONS

Active collections should be kept in conditions which would ensure that accession viability remain above at least 65% for 10 to 20 years, being the only standard which

should be provided. The precise storage regimes used to fulfill this objective will vary depending upon the species stored, the prevailing ambient environment and the relative local costs of (principally) electricity and labor. As indicated in the preceding section, different combinations of storage temperature and moisture can provide the same longevity. However, it could be emphasized that, in most locations, the reduction and control of seed storage moisture content will be a more cost-effective approach than controlling temperature.

## VIABILITY MONITORING

PVP seed storage facility managers have the responsibility to provide conditions which will maintain the viability of each accession held within the PVP seed storage facility above a minimum value. Hence accession viability must be monitored.

Viability will usually be assessed by means of a germination test, although other test procedures (such as the topographical tetrazolium test) may be required in order to clarify whether the non-germinating seeds in these tests are non-viable or whether their dormancy has not been broken during the test. Empty seeds not already removed before storage should be removed before beginning the germination test.

The minimum standard is that accession viability monitoring tests be carried out at, or soon after, receipt and subsequently at intervals during storage. The initial germination test should be carried out on a minimum of 200 seeds drawn at random from the accession.

The period between viability monitoring tests will vary among species and will also depend upon the seed storage conditions. PVP seed storage facilities should regularly conduct monitoring tests. Under the preferred storage conditions for base collections, the first monitoring test should normally be conducted after 10 years for seeds with high initial germination percentage. Species known to have poor storage life or accessions of poor initial quality should be tested after 5 years. The interval between later tests should be based on experience, but in many cases may well be greater than 10 years. Note that where the preferred conditions of storage are not being met, then monitoring may need to be more frequent. Where a PVP seed storage facility has been operating for some years under the preferred conditions and has obtained sufficient information from their own monitoring tests on the range of material they work with to justify more extended monitoring intervals then this should be done.

The objective of the viability monitoring test is to decide whether regeneration is required. It is recommended that, in order to save seeds, 50 - 100 seeds are drawn at random from the accession for each monitoring test. The simplest method of determining whether substantial loss in viability is occurring, and distinguishing between this and the fluctuation in test results which is largely a consequence of sampling error, is to plot the results of successive monitoring tests against the period of storage and to see whether a progressive trend of loss in viability can be detected.

Where such an indication is obtained, it is recommended that, provided sufficient seeds are available, a further sample of 100 seeds are drawn at random for a further test to reduce the probability that regeneration is initiated prematurely. Once it has been decided that an accession should be regenerated, further germination tests should be suspended to save valuable seeds.

It is essential that PVP seed storage facilities have, or have access to, sufficient laboratory equipment to enable viability monitoring tests to be carried out in a regulated, uniform and timely manner. In some cases the particular problems of the species maintained will require the provision of more specialized equipment, e.g. X-ray equipment to test for empty seeds and/or insect-damaged seeds.

## INFORMATION MANAGEMENT

Information about the accessions in the collection is an essential part of the collection because good information will enhance the usefulness of the plant variety sample. Data on any accession should be as complete as possible in order to identify it as a distinct accession.

There are five major types of data relating to accessions held in collections:

- i. Passport
- ii. Management
- iii. Characterization
- iv. Evaluation
- v. Mode of reproduction

As a minimum, each accession should be accompanied by available passport and management data and mode of reproduction (if known). In many cases individual accessions will vary with regard to mode of reproduction within a species. It is preferred that characterization and evaluation data on the accessions should also be held by base collections or be readily available from other sources.

## SAFETY AND SECURITY

Every effort must be made to ensure the safety and security of the plant variety sample in collections through adequate construction, maintenance and security controls of the installation. Equipment should undergo regular preventative maintenance and trained personnel are essential for this. PVP seed storage facility personnel should also be trained in safety procedures to minimize the risk to the plant variety sample in base collections.

The following points should be noted:

- (i) Power Supply to the Seed Store: A stable and continuous power supply is acceptable. An alternative power supply is preferred; normally this would be a back-up generator with adequate fuel supply.

(ii) Fire Precautions: All reasonable fire precautions should be taken and equipment tested from time to time. Particular attention should be paid to maintaining appropriate fire fighting equipment and training personnel in its use. The installation of a lightning conductor rod, alarm system and high temperature cut out for the cooling system (mounted behind a wall) is recommended.

(iii) Security: The installation should be designed for high security and adequate security arrangements should be made for the protection of the facility.

(iv) Refrigeration Standards and Equipment: Refrigeration standards and equipment should conform to the Design of Seed Storage Facilities for Genetic Conservation ("DSSF") (IBPGR 1982) specifications. There should be trained personnel and spare parts available for repair and maintenance. Routine preventative maintenance should be carried out. A back-up refrigeration system is preferred.

(v) Construction and Insulation: The construction and insulation standards should follow the guidance given in "DSSF", taking into account the local conditions and, wherever possible, using locally available material. The size of the store should reflect the numbers and sizes of plant variety sample samples to be stored for efficiency. The use of modular units to increase flexibility and safety is appropriate.

(vi) Safety of Personnel: Protective clothing should be provided and used in the store. Personnel should be aware of and trained in safety procedures. Adequate precautions should be taken and safety equipment including alarms and devices to open doors from inside drying rooms and refrigerated rooms should be installed.

## DISPOSAL OF SEED DEPOSIT

Upon expiration of the Plant Variety Protection Certificate, or if the application is unsuccessful, the materials may be returned to the applicant or destroyed at the discretion of the Registrar.

## INTERACTION WITH SEED SUPPLIER

The PVP Registrar may request from time to time additional material or information about the seed deposit. The PVP Registrar may choose to contact the seed supplier at the end of the life of the certificate, or if the application is unsuccessful to either arrange for return of the seed deposit or to notify the seed supplier of the destruction of the material.

## VEGETATIVE MATERIALS: BUD AND TISSUE CULTURE:

Seed of certain kinds of plants do not produce a plant that is genetically identical to the parent. To preserve this plant material, it may be required to store buds or meristematic tissue that will later be grafted onto other plants or grown in a petri dish to produce small plantlets. Fruit trees, potatoes, and sweet potatoes are examples of species that can be stored this way. Buds are more sensitive than seeds to rapid cooling so special protocols

have been developed to bring the buds down to the low temperature of liquid nitrogen vapor without harm to the buds.

Deposit of such material is more complex than the handling of seeds and is usually arranged by prior consent with the Registrar or Examiner. NO material shall be submitted in this form without prior consent of the Registrar. When pre agreed upon samples arrive to the PVP Office by mail, courier or hand delivery, the office shall make best efforts to move this material to an appropriate storage facility in a period not to exceed 72 hours.

## CONFIDENTIALITY AND DATA SECURITY PROVISIONS

Confidentiality and security are crucial issues to the integrity of the process and credibility of the PVP Office.

General rules of good management practices will be applied to the handling of all documentation within the PVP Office, including at seed and plant storage facilities.

Particular attention is drawn to the application of the following regulations:

### Applications handled in confidence.

(a) Pending applications shall be handled in confidence. Except as provided below, no information may be given by the Office respecting the filing of an application, the dependency of any particular application, or the subject matter of any particular application. Also, nor will access be given to or copies furnished of any pending application or papers relating thereto, without written authority of the applicant, or his or her assignee or attorney or agent. Exceptions to the above may be made by the Registrar upon a finding that such action is necessary to the proper conduct of the affairs of the Office.

(b) Abandoned applications shall not be open to public inspection. However, if an abandoned application is directly referred to in an issued certificate and is available, it may be inspected or copies obtained by any person on written request, and with written authority received from the applicant. Abandoned applications shall not be returned.

(c) Decisions of the Registrar on abandoned applications not otherwise open to public inspection (see paragraph (b) of this section) may be published or made available for publication at the Registrar's discretion. When it is proposed to release such a decision, the applicant shall be notified directly or through the attorney or agent of record, and a time, not less than 30 days, shall be set for presenting objections.

## STORAGE FACILITIES /OFFICE SECURITY

ALL staff (including sub contracted staff) of the PVO Office shall bear appropriate responsibilities for facility security procedures. This shall include, but is not limited to:

- Keeping all seed storage and file cabinets locked after working hours.
- Keeping all external doors and windows locked after working hours

- File a Report any suspicious activity
- Maintain a sign in list of visitors to the office and require ALL visitors to sign into the office
- Maintain some form of 24 hour security presence on the site of the storage facility.
- Ensure that all staff has been through a screening procedure as being free of any criminal wrongdoing.
- Maintain high standards of safety awareness in the PVP Office storage facilities, in particular fire safety.
- Maintain duplicate records, backed up at regular intervals in a different and secure location. If feasible a second back up seed storage facility would be ideal.

#### PEST / DISEASE / QUARANTINE MATTERS

Applicants must ensure that seed deposits are submitted in a way that is fully consistent with all Kingdom of Jordan Laws and Regulations that relate to quarantine and plant movement. Further information may be obtained from the Jordanian plant quarantine office, or through the PVP Registrar.

END

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## Annex E: Draft Letter RE: Accession to UPOV

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DRAFT LETTER TO UPOV

Mr. Rolf Jordens  
Vice Secretary-General  
UPOV  
PO Box 18  
34, chemin des Colombettes  
CH-1211  
Geneva 20  
Switzerland

{Date}

**RE: Interest in Membership to UPOV (Union for the Protection of Plant Varieties)**

**RE: {as per local numbering protocol}**

Dear Vice Secretary-General:

As you may be aware the Hashemite Kingdom of Jordan is currently revising a wide range of its legislation as a result of its accession to the World Trade Organization (WTO) in 2000.

As part of this economic transformation process the Hashemite Kingdom of Jordan has passed legislation in the form of a Plant Variety Protection Act. Regulations to enact this Law were recently approved by publication in the official gazette and a Registrar for the new Plant Variety Protection (PVP) Office has been appointed.

The Hashemite Kingdom of Jordan is excited about the possibility of gaining accession to the Union and thus being able to benefit from reciprocity provisions and having a voice in this esteemed international body.

I attach for your consideration a copy of the Hashemite Kingdom of Jordan Plant Variety Protection Act in both Arabic and English.

Please accept this letter as an initial interest in Membership of the Union and begin the formal interactions and processes that are required for Accession.

I await your reply.

Yours truly,

\_\_\_\_\_  
Minister of Agriculture  
Hashemite Kingdom of Jordan

CC: {as per local protocol}

## **Annex F: TAU Training Program Agenda**

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### **PROGRAM FOR TAU STAFF (18-19 SEPTEMBER 2002)**

#### **The Inter-Continental Hotel.**

#### **DAY 1**

#### **9.00AM**

#### **Morning Session**

- An Introduction to Intellectual Property Protection
- TRIPPS & Agriculture
- An Introduction to Plant Variety Protection
- UPOV as a WTO / TRIPP'S tool

#### Coffee Break

- The Jordanian PVP & Agriculture Laws
- Status /Context and IP provisions
- Interface with other Legal Instruments.
- Question & Answer Session

#### Lunch

#### **Afternoon Session**

- Infrastructure of the TAU Office
- Operations of the TAU Office
- Interactions of TAU Office with other Government Agencies
- TAU Office Data and Process Management
- Managing IPR in a Commercial / Governmental Setting

Finish around 5.00pm

## **DAY 2**

9.00am start

### Morning Session

- IPR's/ TRIPPS/ WTO Examples Session
- Preparing a business plan / Factoring in WTO / TRIPPS issues

Coffee Break

- Work on business plan / TAU issues Memo

Lunch

### Afternoon Session

- Continue work on business plan

Coffee Break

- Public Awareness of TAU
- Questions & Answer
- Closure

Finish around 5.00pm

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## Annex G: Summary of Recommendations

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### RECOMMENDATION 2.1

- (i) It is recommended that the law, regulations and examiners handbook be printed in English as a booklet and be made broadly available.
- (ii) It is recommended that the Regulations are reviewed after a two year period of trial and amendments made as needed.

### RECOMMENDATION 2.2

- (i) It is recommended that the Examiners Manual be printed in Arabic and distributed in order to be used by the PVP Office, in close relation to the approved PVP Regulations. The manual should be evaluated at least once annually for updating and improvement.

### RECOMMENDATIONS 2.3

- (i) It is recommended that additional training be provided to the Registrar, the senior examiners, plant breeders and attorney's on the completion of PVP application forms and on the examination process. This training must be in the form of practical experience.
- (ii) There is a need to give a more superficial form of training, more public awareness, to a wide range of potential users both in the Governmental Research Institutes, Universities and Private Sector.

### RECOMMENDATION 2.4

- (i) It is recommended that the PVP Office develops and signs an official Memorandum of Agreement with the other government institutions that are designated to serve as repositories for maintaining seed.

### RECOMMENDATION 2.5

- (i) It is recommended that the Hashemite Kingdom of Jordan opens discussions with UPOV as soon as possible in order to seek accession to the Union. A draft letter is attached as Appendix 4 that would be appropriate to commence the accession process.

### RECOMMENDATIONS 2.6

It is recommended that attention be given to addition capacity building both technical and administrative, within the PVP Office. This may include:

- (i) An additional in country 7-10 day workshop focusing on examiners and examination procedures. This workshop should be held in the spring of 2003 so as to allow for field evaluation at the appropriate season to instruct examiners on appropriate examination procedures for plant grow out trials.**
- (ii) Participation of the PVP Registrar and the Head of the Plant Production Division of the MOA in a one week workshop on IPR in Agriculture. The consultant is aware of, and participates in such courses. The next round will be held in Costa Rica in January 2003.**
- (iii) The PVP Registrar should participate in a 1 month internship in Washington. The person could be housed at Chemonics in Washington DC and participate in individual training through the office of consultant and the US PVP Office.**
- (iv) There is a need to develop knowledge and human capacity about the operations of this office both within other departments of the MOA, in other branches of the government, and within civil society within and outside of Jordan. The consultant suggests a 1 day public information seminar in the spring of 2003 to engage both the governmental and private sectors in a dialog as to how to use the new PVP office as a driver for economic investment in plant breeding and an indigenous seed industry within Jordan.**
- (v) Database Management & Access is a very important element of the infrastructure of the PVP Office. It is access to data (prior art) that in large part allows an examiner to perform the examination process and determine whether an application meets the standard of distinctiveness to award a certificate.**
- (vi) Appropriate software for database management (and training on use of same) is an important requirement for the office. It is also a wonderful opportunity when an office is just starting to get the database system correctly functioning, thus avoiding expensive re-engineering of systems at a later date.**
- (vii) It is recommended that the PVP Office have access to vehicles in order to perform field visits for evaluation of material undergoing field testing.**
- (viii) It is recommended that the PVP office develops contractual agreements relating to the maintenance of biological deposits. The maintenance of the seed / tissue culture samples will be in essence “sub contracted” by the PVPO Office to other branches of the MOA, and in some cases to private entities, particularly for tree crops.**

### **RECOMMENDATION 3.1**

- (i) It is recommended that the TAU enhance its skills in basic legal drafting and language interpretation.**
- (ii) It is recommended that the TAU take additional training in contract and agreement negotiation skills.**

- (iii) It is recommended that the TAU are trained in basic and enhanced database management and searching skills.**
- (iv) It is recommended that the TAU complete and submit to the MOA its 3-5 year strategic plan and 2003 program of work and budget.**
- (v) It is recommended that the TAU develop some strategic WTO trade related sector studies and negotiating position documents on issues such as GMOs, land use studies etc. These should be developed as outputs from group training exercises.**

### **RECOMMENDATIONS 3.2**

- (i) It is recommended that additional training be provided to the Head of the TAU, the senior staff and other members of the MOA closely associated with the TAU activities. This training must be in the form of practical experience.**
- (ii) There is a need to give a more superficial form of training, more public awareness, to a wide range of potential users both in the Governmental Research Institutes, Universities and Private Sector.**

### **RECOMMENDATIONS 3.3 (A)**

- (i) Further technical assistance will be required in the first year or two of the full implementation of both the PVP Office and the Patent & Trademark Office. This assistance should focus on the technical process of application examination. This will be of particular importance in the areas of new technology such as IT and Agricultural Biotechnology.**
- (ii) More effort is required to foster economic growth and investment, using the property rights tools as a basis for such investment. Additional Public Awareness events are needed that will involve investors and entrepreneurs from both within and outside the Kingdom of Jordan.**
- (iii) Additional capacity building will be needed for attorneys and agents licensed within the Kingdom on the preparation of applications for these two IP offices. These training events must be led and organized by the respective offices, with external expertise only being used in specific areas as identified above. Given that the attorney's and agents are from the private sector this activity should be primarily funded through a for fee basis, with AMIR support of government spending being limited to specific external inputs.**

### **RECOMMENDATIONS 3.3 (B)**

- (i) It is recommended that the MOA is supported and encouraged to quickly develop/refine the regulations required for implementation of the New Agriculture Law.**

- (ii) **It is recommended that the MOA plays a more proactive role in using the new legislative framework as a vehicle for entrepreneurship and investment in the agricultural sector. Shifting the focus towards higher value crops that will increase income per drop of water and address the poverty issues associated with small farmers. This can be fostered through more public awareness events that will stimulate investment within the Kingdom and that will foster entrepreneurship and new business development, such as an indigenous seed industry.**

#### **RECOMMENDATIONS 3.3 (C)**

- (i) **It is recommended that increased attention is given to finalization of legislative reforms in the MOA. This will primarily be in the area of regulations for implementation of the New Agricultural Law.**
- (ii) **Additional technical and process training will be needed, particularly with respect to SPS measures and notifications.**
- (iii) **Further effort is required from the MOA to enhance cooperation with other groups such as MIT and MOH as they relate to overlapping mandates. To then end a process engineering study on issues such as WTO notifications could assist in ensuring better coordination and avoid ‘mixed messages’ or outright failure to comply.**
- (iv) **The MOA has indicated its concerns on the trade implications of some non-tariff issues such as GMO (Genetically Modified Organisms). These areas are sensitive and it would be valuable for Jordan to have a defined position on the matter.**
- (v) **Significant additional capacity is needed within the MOA as it relates to negotiation skills and marketing skills. As WTO continues the ‘Agriculture Round’ of negotiations drafting skills and an ability to clearly define and state a position will be increasingly important.**

#### **RECOMMENDATION 3.3(D)**

- (i) **It is recommended that a process engineering study, including revised process adoption be a high priority activity coordinated between at least the MOA, MIT and MOH. Clear procedures and flow charts should be an agreed outcome of this activity. It is also recommended that better database and e-Government solutions are a component of this activity.**

#### **RECOMMENDATION 3.3 (E)**

- (i) **It is recommended that an integrated training and process workshop is organized to discuss and resolve these matters. Such a workshop should also play a role in final “fine**

**tuning” of the SPS regulations and handbooks. Only once the policy and regulatory position is clear will be appropriate to discuss possible infrastructure needs.**

**RECOMMENDATIONS 3.3 (F)**

- (i) It is recommended that additional training be provided to MOA and other Ministerial staff on the overall requirements under WTO in relation to SPS matters. Such training must not be stand alone but must be oriented towards an overall process goal of ensuring improved review and notification procedures.**
- (ii) Through WTO the MOA and other Ministries should be seeking direct technical assistance in relation to SPS examination and laboratory procedure matters.**

**RECOMMENDATION 3.3 (G)**

- (i) It is highly recommended that an investor road map be developed reviewing the role that a revised and improved agricultural legislative enabling environment can have on both National and Foreign investment. This study should also review priority areas for such investment in order to stimulate economic growth and social development within the agricultural sector.**

## Annex H: Draft TAU Strategic Plan

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DRAFT

### Strategic Plan Trade Agreement Unit (TAU)

The Trade Agreement Unit (TAU) met on September 17-18 to attend a short term workshop on Intellectual Property Rights in relation to trade matters.

As part of the workshop a brief draft strategy plan was developed. This plan outlines the mission, goals and activities of the TAU over the next three years. It also will serve to assist the TAU in developing its detailed work and budget plan for the coming year, including identification of deliverables.

#### Mission

To serve as a focal point within the Ministry of Agriculture for all Agricultural Trade Issues. To work actively with colleagues in the MOA and other governmental and non governmental organizations in order to have a proactive role for the MOA in *revealing opportunities and identifying risks*. To further foster interdepartmental cooperation and information flow on Agricultural Trade Issues.

In order to achieve the mission, the TAU will set itself a number of goals that are realistic and achievable in the medium term. These goals include, but are not limited to the following:

#### Goals

- 1- Assisting decision makers on identification of risks and on revealing opportunities through research reports, memoranda and ensuring fulfillment of terms and conditions of all agricultural agreements.
- 2- Exchange notifications with relevant authorities as a focal inquiry point
- 3- Assist in drafting and reviewing agreements, contracts and regulations which related to agriculture sector.
- 4- Exchange of pertinent agricultural trade data and processing data with all concern parties.
- 5- Reveal potential opportunities and drawbacks in relevant agriculture activity policies and agreements.

In order to ensure the implementation of the above stated goals a number of specific activities were identified as being of high priority to the TAU.

This list is by no means viewed as being exhaustive and will require further refinement. It does however serve to provide a flavor of the overall day-to-day activities of the group.

The specific activities identified by the group were:

1. Producing the required notification according to relevant agreements
  - ✓ Reports

- ✓ Notifications
- 2. Review, analyze and draft agreements in such a way that they fulfill the needs of Jordan Agricultural sector within the scope of international agreements
- 3. Aid decision makers through predefined specific channels and appropriate authority within a time bounded system via reports and memos produced through:
  - ✓ Risk assessments on SPS issues
  - ✓ Risk analysis identification of problems
  - ✓ Risk alert
  - ✓ Reports and memo on evaluations of international and bilateral agreements
  - ✓ Report on proposal, cooperation projects, ...
  - ✓ Reports on agricultural policies analysis review
- 4. Research: reports and memos to:
  - ✓ Decision maker
  - ✓ Overlapped unit in MOA
  - ✓ Other relative authorities
  - ✓ Opportunities
    - a. Management of data and information
      - ✓ Reviewing , Classifying, processing, filing, (documents, data, statistics, report, regulations) in order to produce report or memo
      - ✓ Regulation, Review drafts, Participate in drafting of legal documents.
    - b. Aid decision maker in final Decision and Negotiations:
      - ✓ Preparing proposals
      - ✓ Participation in relevant Agricultural negotiations (WTO, GAFTA, IFTA etc.)
    - c. Launch Public Awareness Campaign
      - ✓ Workshops, Press releases, Seminars, Trade opportunities etc.)

As a result of the above listed activities it is expected that over a reasonable time frame the TAU will deliver a number of outputs, including but not limited to the following list:-

### Expected out puts

- 1- Drafting reports that include the followings:
  - ✓ Advice that helps decision makers
  - ✓ Comments on agreements, laws, regulations, draft legislation etc.
- 2- Reviewed and processed data and suggestions on proposals regarding trade related issues
- 3- Sharing information with the ministry staff in related departments in trade contracts with other countries
- 4- Helping the other department that issue input licenses in the ministry upon their request whether they can approve the import of certain product or not, in reference to the previously signed agreement.
- 5- Preparing for the future rounds of WTO negotiations through reviewing the proposal of different member countries and find out if there is any similarities in the situation with Jordan, and depending on our local analyses data, , suggest the Jordanian position
- 6- Predict potential risks through:
  - ✓ Continuous reviewing of data (export, import local production of agricultural products, production in the neighbor countries.
  - ✓ Analysis of market prices

- ✓ Determining if other countries subsidize their exports in certain criteria or if there is any dumping cases
  - ✓ Market studies to review the potential export products in export markets and compare with other similar products from competing countries
  - ✓ Taking into consideration the special physiological and physical properties of agricultural products.
  - ✓ Determine the risk of ignoring other related ministries when the industry is involved in private sector decision making.
- 7- Notifications:
- ✓ Analyzing notifications, presented by other countries and taking into consideration the Jordanian national interest.
  - ✓ Preparing and issuing our notifications regarding Jordan's interests in certain conditions, any changes or modifications for our regulations, legislation, laws or bylaws.
- 8- Send information to other ministers or public entities, voluntarily and/or upon their request

In order to perform the above activities and define the outputs, the unit performed its own staffing analysis. This task was undertaken so as to identify:

- A The best way to use existing skills
- B Identify gaps in skills
- C Determine additional staff needs
- D Identify training needs

The identified training needs that were seen as imperative to the current and future activities of the TAU unit were the following:

### Staffing analysis and training needs

- ✓ Negotiations skills
- ✓ Computer skills
- ✓ The need of experience in the field of dispute settlement, risk management & analysis (expecting & monitoring potential risk)
- ✓ Economic analysis
- ✓ Communication skills
- ✓ Public administration skills
- ✓ Data base establish met management
- ✓ Interpersonal skills to help create a trustful and transparent relationship with other departments

This strategy plan should be supplemented by a detailed program of work and budget that will lay out on an annual basis the priorities for each year.