

Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this chapter in the same manner and to the same extent as any nongovernmental entity.

(Pub. L. 91-577, title III, §111, Dec. 24, 1970, 84 Stat. 1554; Pub. L. 96-574, §19(a), Dec. 22, 1980, 94 Stat. 3351; Pub. L. 102-560, §3(a), Oct. 28, 1992, 106 Stat. 4231; Pub. L. 103-349, §§9, 13(q), Oct. 6, 1994, 108 Stat. 3141, 3144.)

REFERENCES IN TEXT

The effective date of this provision, referred to in subsec. (b)(3), probably means the effective date of subsec. (b)(3), which was added by Pub. L. 103-349, effective 180 days after Oct. 6, 1994. See Effective Date of 1994 Amendment note set out under section 2401 of this title.

The Plant Variety Protection Act Amendments of 1994, referred to in subsec. (b)(3), is Pub. L. 103-349, Oct. 6, 1994, 108 Stat. 3136. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 2321 of this title and Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-349, §9(1)(A), substituted “protected” for “novel” in two places in introductory provisions.

Subsec. (a)(1). Pub. L. 103-349, §9(1)(B), substituted “or market the protected” for “the novel”.

Subsec. (a)(2). Pub. L. 103-349, §9(1)(C), struck out “novel” before “variety”.

Subsec. (a)(3). Pub. L. 103-349, §9(1)(C)–(E), inserted “, or propagate by a tuber or a part of a tuber,” after “multiply”, struck out “novel” before “variety”, and struck out “or” at end.

Subsec. (a)(4) to (6). Pub. L. 103-349, §9(1)(C), (E), struck out “novel” before “variety” and struck out “or” at end.

Subsec. (a)(7). Pub. L. 103-349, §9(1)(G), added par. (7). Former par. (7) redesignated (9).

Pub. L. 103-349, §9(1)(C), struck out “novel” before “variety”.

Subsec. (a)(8). Pub. L. 103-349, §9(1)(G), added par. (8). Former par. (8) redesignated (10).

Subsec. (a)(9), (10). Pub. L. 103-349, §9(1)(F), redesignated pars. (7) and (8) as (9) and (10), respectively.

Subsecs. (b) to (e). Pub. L. 103-349, §9(3), added subsecs. (b) to (e). Former subsec. (b) redesignated (f).

Subsec. (f). Pub. L. 103-349, §§9(2), 13(q), redesignated subsec. (b) as (f) and in first sentence substituted “the official capacity of the officer or employee” for “his official capacity”.

1992—Pub. L. 102-560 designated existing provisions as subsec. (a) and added subsec. (b).

1980—Par. (5). Pub. L. 96-574 substituted “‘Unauthorized Propagation Prohibited’ or ‘Unauthorized Seed Multiplication Prohibited’” for “‘propagation prohibited’”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-349 effective 180 days after Oct. 6, 1994, see section 15 of Pub. L. 103-349, set out as a note under section 2401 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-560, §4, Oct. 28, 1992, 106 Stat. 4232, provided that: “The amendments made by this Act [enacting section 2570 of this title and section 296 of Title 35, Patents, and amending this section and section 271 of Title 35] shall take effect with respect to violations that occur on or after the date of the enactment of this Act [Oct. 28, 1992].”

§ 2542. Grandfather clause

Nothing in this chapter shall abridge the right of any person, or the successor in interest of the

person, to reproduce or sell a variety developed and produced by such person more than one year prior to the effective filing date of an adverse application for a certificate of plant variety protection.

(Pub. L. 91-577, title III, §112, Dec. 24, 1970, 84 Stat. 1555; Pub. L. 103-349, §13(r), Oct. 6, 1994, 108 Stat. 3144.)

AMENDMENTS

1994—Pub. L. 103-349 substituted “the successor in interest of the person” for “his successor in interest”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-349 effective 180 days after Oct. 6, 1994, see section 15 of Pub. L. 103-349, set out as a note under section 2401 of this title.

§ 2543. Right to save seed; crop exemption

Except to the extent that such action may constitute an infringement under subsections (3) and (4) of section 2541¹ of this title, it shall not infringe any right hereunder for a person to save seed produced by the person from seed obtained, or descended from seed obtained, by authority of the owner of the variety for seeding purposes and use such saved seed in the production of a crop for use on the farm of the person, or for sale as provided in this section. A bona fide sale for other than reproductive purposes, made in channels usual for such other purposes, of seed produced on a farm either from seed obtained by authority of the owner for seeding purposes or from seed produced by descent on such farm from seed obtained by authority of the owner for seeding purposes shall not constitute an infringement. A purchaser who diverts seed from such channels to seeding purposes shall be deemed to have notice under section 2567 of this title that the actions of the purchaser constitute an infringement.

(Pub. L. 91-577, title III, §113, Dec. 24, 1970, 84 Stat. 1555; Pub. L. 103-349, §§10, 13(s), Oct. 6, 1994, 108 Stat. 3142, 3144.)

REFERENCES IN TEXT

Subsections (3) and (4) of section 2541 of this title, referred to in text, probably means paragraphs (3) and (4) of section 2541 of this title, which were redesignated subsection (a)(3) and (4) of section 2541 of this title by Pub. L. 102-560, §3(a), Oct. 28, 1992, 106 Stat. 4231.

AMENDMENTS

1994—Pub. L. 103-349, §§10, 13(s)(1), in first sentence substituted “produced by the person” for “produced by him”, “the farm of the person” for “his farm”, and “section.” for “section: *Provided*. That without regard to the provisions of section 2541(3) of this title it shall not infringe any right hereunder for a person, whose primary farming occupation is the growing of crops for sale for other than reproductive purposes, to sell such saved seed to other persons so engaged, for reproductive purposes, provided such sale is in compliance with such State laws governing the sale of seed as may be applicable.”

Pub. L. 103-349, §13(s)(2), substituted “the actions of the purchaser” for “his actions” in third sentence.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-349 effective 180 days after Oct. 6, 1994, see section 15 of Pub. L. 103-349, set out as a note under section 2401 of this title.

¹ See References in Text note below.