

ducer's membership in or contract with an association of producers, nor require a handler to deal with an association of producers.

(Pub. L. 90-288, § 5, Apr. 16, 1968, 82 Stat. 95.)

**§ 2305. Enforcement provisions**

**(a) Civil actions by persons aggrieved; preventive relief; attorneys' fees; security**

Whenever any handler has engaged or there are reasonable grounds to believe that any handler is about to engage in any act or practice prohibited by section 2303 of this title, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved. In any action commenced pursuant hereto, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs. The court may provide that no restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

**(b) Civil actions by Attorney General; Federal jurisdiction; complaint; preventive relief**

Whenever the Secretary of Agriculture has reasonable cause to believe that any handler, or group of handlers, has engaged in any act or practice prohibited by section 2303 of this title, he may request the Attorney General to bring civil action in his behalf in the appropriate district court of the United States by filing with it a complaint (1) setting forth facts pertaining to such act or practice, and (2) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the handler, or handlers, responsible for such acts or practices. Upon receipt of such request, the Attorney General is authorized to file such complaint.

**(c) Suits by persons injured; Federal jurisdiction; amount of recovery; attorneys' fees; limitation of actions**

Any person injured in his business or property by reason of any violation of, or combination or conspiracy to violate, any provision of section 2303 of this title may sue therefor in the appropriate district court of the United States without respect to the amount in controversy, and shall recover damages sustained. In any action commenced pursuant to this subsection, the court may allow the prevailing party a reasonable attorney's fee as a part of the costs. Any action to enforce any cause of action under this subsection shall be forever barred unless commenced within two years after the cause of action accrued.

**(d) Federal jurisdiction; exhaustion of other remedies; State laws and jurisdiction unaffected**

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

The provisions of this chapter shall not be construed to change or modify existing State law nor to deprive the proper State courts of jurisdiction.

(Pub. L. 90-288, § 6, Apr. 16, 1968, 82 Stat. 95.)

**§ 2306. Separability**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 90-288, § 7, Apr. 16, 1968, 82 Stat. 95.)

**CHAPTER 57—PLANT VARIETY PROTECTION**

**SUBCHAPTER I—PLANT VARIETY PROTECTION OFFICE**

**PART A—ORGANIZATION AND PUBLICATIONS**

- |       |   |
|-------|---|
| Sec.  |   |
| 2321. | Establishment.  |
| 2322. | Seal.   |
| 2323. | Organization.   |
| 2324. | Restrictions on employees as to interest in plant variety protection. |
| 2325. | Repealed.   |
| 2326. | Regulations.  |
| 2327. | Plant Variety Protection Board.                                       |
| 2328. | Library.  |
| 2329. | Register of protected plant varieties.                                |
| 2330. | Publications.   |
| 2331. | Copies for public libraries.  |

**PART B—LEGAL PROVISIONS AS TO THE PLANT VARIETY PROTECTION OFFICE**

- |       |  |
|-------|--|
| 2351. | Day for taking action falling on Saturday, Sunday, or holiday. |
| 2352. | Form of papers filed.  |
| 2353. | Testimony in Plant Variety Protection Office cases.            |
| 2354. | Subpoenas; witnesses.  |
| 2355. | Effect of defective execution.                                 |
| 2356. | Regulations for practice before the Office.                    |
| 2357. | Unauthorized practice.   |

**PART C—PLANT VARIETY PROTECTION FEES**

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|-------|---|
| 2371. | Plant variety protection fees.                                      |
| 2372. | Payment of plant variety protection fees; return of excess amounts. |

**SUBCHAPTER II—PROTECTABILITY OF PLANT VARIETIES AND CERTIFICATES OF PROTECTION**

**PART D—PROTECTABILITY OF PLANT VARIETIES**

- |       |   |
|-------|---|
| 2401. | Definitions and rules of construction.                          |
| 2402. | Right to plant variety protection; plant varieties protectable. |
| 2403. | Reciprocity limits.   |
| 2404. | Public interest in wide usage.                                  |

**PART E—APPLICATIONS; FORM; WHO MAY FILE; RELATING BACK; CONFIDENTIALITY**

- |       |  |
|-------|--|
| 2421. | Application for recognition of plant variety rights. |
| 2422. | Content of application.                              |
| 2423. | Joint breeders.                                      |
| 2424. | Death or incapacity of breeder.                      |
| 2425. | Benefit of earlier filing date.                      |
| 2426. | Confidential status of application.                  |
| 2427. | Publication.   |

**PART F—EXAMINATIONS; RESPONSE TIME; INITIAL APPEALS**

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|-------|-----------------------------|
| 2441. | Examination of application. |
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