

§ 2325. Repealed. Pub. L. 96-574, § 2, Dec. 22, 1980, 94 Stat. 3350

Section, Pub. L. 91-577, title I, § 5, Dec. 24, 1970, 84 Stat. 1542, required employees designated by Secretary to give bond before entering upon their duties.

§ 2326. Regulations

The Secretary may establish regulations, not inconsistent with law, for the conduct of proceedings in the Plant Variety Protection Office after consultations with the Plant Variety Protection Board.

(Pub. L. 91-577, title I, § 6, Dec. 24, 1970, 84 Stat. 1542.)

§ 2327. Plant Variety Protection Board

(a) Appointment

The Secretary shall appoint a Plant Variety Protection Board. The Board shall consist of individuals who are experts in various areas of varietal development covered by this chapter. Membership of the Board shall include farmer representation and shall be drawn approximately equally from the private or seed industry sector and from the sector of government or the public. The Secretary or the designee of the Secretary shall act as chairperson of the Board without voting rights except in the case of ties.

(b) Functions of Board

The functions of the Plant Variety Protection Board shall include:

- (1) Advising the Secretary concerning the adoption of Rules and Regulations to facilitate the proper administration of this chapter;
- (2) Making advisory decisions on all appeals from the examiner. The Board shall determine whether to act as a full Board or by panels it selects; and whether to review advisory decisions made by a panel. For service on such appeals, the Board may select, as temporary members, experts in the area to which the particular appeal relates; and
- (3) Advising the Secretary on all questions under section 2404 of this title.

(c) Compensation of Board

The members of the Plant Variety Protection Board shall serve without compensation except for standard government reimbursable expenses.

(Pub. L. 91-577, title I, § 7, Dec. 24, 1970, 84 Stat. 1543; Pub. L. 103-349, § 13(a), Oct. 6, 1994, 108 Stat. 3142.)

Editorial Notes

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-349 substituted “the designee of the Secretary shall act as chairperson” for “his designee shall act as chairman” in last sentence.

Statutory Notes and Related Subsidiaries

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.

§ 2328. Library

The Secretary shall maintain a library of scientific and other works and periodicals, both

foreign and domestic, in the Plant Variety Protection Office to aid the examiners in the discharge of their duties.

(Pub. L. 91-577, title I, § 8, Dec. 24, 1970, 84 Stat. 1543; Pub. L. 96-574, § 3, Dec. 22, 1980, 94 Stat. 3350.)

Editorial Notes

AMENDMENTS

1980—Pub. L. 96-574 substituted “examiners” for “officers”.

§ 2329. Register of protected plant varieties

The Secretary shall maintain a register of descriptions of United States protected plant varieties.

(Pub. L. 91-577, title I, § 9, Dec. 24, 1970, 84 Stat. 1543; Pub. L. 96-574, § 4, Dec. 22, 1980, 94 Stat. 3350.)

Editorial Notes

AMENDMENTS

1980—Pub. L. 96-574 substituted “descriptions” for “published specifications”, and struck out provisions requiring maintenance of a file for other information.

§ 2330. Publications

(a) The Secretary may publish, or cause to be published, in such format as the Secretary shall determine to be suitable, the following:

- (1) The descriptions of plant varieties protected including drawings and photographs.
- (2) The Official Journal of the Plant Variety Protection Office, including annual indices.
- (3) Pamphlet copies of the plant variety protection laws and rules of practice and circulars or other publications relating to the business of the Office.

(b) The Secretary may (1) establish public facilities for the searching of plant variety protection records and materials, and (2) from time to time, as through an information service, disseminate to the public those portions of the technological and other public information available to or within the Plant Variety Protection Office to encourage innovation and promote the progress of plant breeding.

(c) The Secretary may exchange any of the publications specified for publications desirable for the use of the Plant Variety Protection Office. The Secretary may exchange copies of descriptions, drawings, and photographs of United States protected plant varieties for copies of descriptions, drawings, and photographs of applications and protected plant varieties of foreign countries.

(Pub. L. 91-577, title I, § 10, Dec. 24, 1970, 84 Stat. 1543; Pub. L. 96-574, §§ 5-8, Dec. 22, 1980, 94 Stat. 3350; Pub. L. 103-349, § 13(b), Oct. 6, 1994, 108 Stat. 3143.)

Editorial Notes

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-349 substituted “the Secretary” for “he” before “shall” in introductory provisions.