

Hanoi December 24th 2007

DECISION

For adding plant species into the List of protected species and the assignment of the agencies to conduct of DUS Test

MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT

Base on the Decree No 86/2003/ND-CP on 18th July, 2003 of the Government on stipulation of functions, duties and scope and organizations of Ministry of Agriculture and Rural Development (MARD);

Based on the Intellectual Property Law No 50/2005/QH11 on 29th November, 2005;

Based on the Decree No 104/2006/ND-CP on 22nd September, 2006 of the stipulation in detail of some Articles of the Intellectual Property Law on the Rights for Plant Variety;

For the demand of the Breeders as well as agriculture production;

Pursuant to the proposal of Director of the Department of Crop Production.

DECISION:

Article 1. Supplement of following species into the List of protected species:

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| 1. Rubber (<i>Hevea</i> Aubl) | 2. Pomelo (<i>Citrus grandis</i> L.) |
| 3. Apple (<i>Malus domestica</i> Borkh) | 4. Papaya (<i>Carica papaya</i> L.) |
| 5. Banana (<i>Musa acuminata</i> Colla;
<i>Musa xparadisiaca</i> L.) | 6. Bitter gourd (<i>Momordica Charantia</i>
L.) |
| 7. Marigold (<i>Tagetes</i> L.) | 8. Dragon fruit (<i>Hylocereus</i> (Haw.);
<i>Hycleoreus Costaricensis</i> (F.A.C
Weber); <i>Hylocereus Polyrhizus</i> (F.A.C
Weber) |
| 9. Onion, Shallot and hybrids between
them (<i>Allium Cepa</i> ; <i>Allium Oschaninii</i>
O.Fedtsch) | 10. Coffee (<i>Coffea arabica</i> L; <i>C.</i>
<i>Canephora Pierre</i> ex.A.Froehner and
hybrids between them). |

Article 2. The following agencies are responsible to conduct of the Test for Distinctness, Uniformity and Stability (DUS Test) of the species at Article 1:

1. National Center for Testing of Variety, Crop Products and Fertilizer conduct DUS Test for Dragon Fruit; Apple, Pomelo, Papaya, Banana, Bitter Gourd, Marigold, Onion and Shallot;

2. Research Institute for Agriculture, Forestry of Central Highland is in charge to conduct of DUS Test for Coffee and Rubber.

Article 3. This Decision enter into force after 15 days (fifteen days) from the date which publicized on National Gazette.

Article 4. Head of Office of the MARD, Director of Department of Crop Production, Director of Department of Science and Technology, Director of Department of Agriculture and Rural Development in provincials, cities under Government, Chief of Plant Variety Protection Office, Head of the relevant offices and individual are responsible to implement this Decision./.

To:

- As article 4;
- National Gazette;
- Ministry of Science and Technology;
- People's Committee in provincials;
- Department of Legislation;
- Website of the Government;
- Ministry of Justice;
- DCP and PVPO.

**FOR MINISTER
VICE MINISTER**

Bui Ba Bong