

the retention of the certificate shall result in cancellation of the plant variety certificate thereon and notice thereof shall be endorsed on copies of the description of the protected plant variety thereafter distributed by the Plant Variety Protection Office.

(c) If a person acting under subsection (a) makes a *prima facie* showing of facts needing proof, the Secretary may direct that the reexamination include such interparty proceedings as the Secretary shall establish.

(Pub. L. 91-577, title II, § 91, Dec. 24, 1970, 84 Stat. 1552; Pub. L. 96-574, § 17, Dec. 22, 1980, 94 Stat. 3351; Pub. L. 103-349, § 13(o), Oct. 6, 1994, 108 Stat. 3144.)

#### Editorial Notes

##### AMENDMENTS

1994—Subsec. (c). Pub. L. 103-349 substituted “the Secretary” for “he”.

1980—Subsec. (b). Pub. L. 96-574 substituted “description” for “specification”.

#### 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.

#### § 2502, 2503. Repealed. Pub. L. 103-349, § 8(a), Oct. 6, 1994, 108 Stat. 3140

Section 2502, Pub. L. 91-577, title II, § 92, Dec. 24, 1970, 84 Stat. 1553, related to priority contest.

Section 2503, Pub. L. 91-577, title II, § 93, Dec. 24, 1970, 84 Stat. 1553; Pub. L. 96-574, § 18, Dec. 22, 1980, 94 Stat. 3351, related to effect of adverse final judgment or of nonaction.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

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

#### § 2504. Interfering plant variety protection

(a) The owner of a certificate of plant variety protection may have relief against another owner of a certificate of the same variety by civil action, and the court may adjudge the question of validity of the respective certificates, or the ownership of the certificate.

(b) Such suit may be instituted against the party in interest as shown by the record of the Plant Variety Protection Office at the time of the decision complained of, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same State, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia, or any United States district court to which it may transfer the case, shall have jurisdiction and may issue summons against the adverse parties directed to the marshall of any district in which any adverse party resides. Summons against adverse parties residing in foreign countries may be served by publication or otherwise as the court directs. The Secretary shall not be made a party but the Sec-

retary shall have the right to intervene. Judgment of the court in favor of the right of an applicant to plant variety protection shall authorize the Secretary to issue a certificate of plant variety protection on the filing in the Plant Variety Protection Office of a certified copy of the judgment and on compliance with the requirements of this chapter.

(Pub. L. 91-577, title II, § 92, formerly § 94, Dec. 24, 1970, 84 Stat. 1553; renumbered § 92 and amended Pub. L. 103-349, §§ 8(b), (c)(1), 13(p), Oct. 6, 1994, 108 Stat. 3140, 3144.)

#### Editorial Notes

##### CODIFICATION

The text of subsec. (b) of section 2463 of this title, which was transferred to subsec. (b) of this section by Pub. L. 103-349, § 8(c)(1), was based on section 73(b) of Pub. L. 91-577, title II, Dec. 24, 1970, 84 Stat. 1550.

##### PRIOR PROVISIONS

A prior section 92 of Pub. L. 91-577 was classified to section 2502 of this title prior to repeal by Pub. L. 103-349.

##### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-349, § 8(b)(2), designated existing provisions as subsec. (a) and struck out at end “The provisions of section 2463(b) of this title shall apply to actions brought under this section.”

Subsec. (b). Pub. L. 103-349, §§ 8(c)(1), 13(p), transferred subsec. (b) of section 2463 of this title to subsec. (b) of this section, and substituted “the Secretary” for “he” before “shall have” in fourth sentence. See Codification note above.

#### 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.

#### SUBCHAPTER III—PLANT VARIETY PROTECTION AND RIGHTS

##### PART J—OWNERSHIP AND ASSIGNMENT

#### § 2531. Ownership and assignment

(a) Subject to the provisions of this subchapter, plant variety protection shall have the attributes of personal property.

(b) Applications for certificates of plant variety protection, or any interest in a variety, shall be assignable by an instrument in writing. The owner may in like manner license or grant and convey an exclusive right to use of the variety in the whole or any specified part of the United States.

(c) A certificate of acknowledgment under the hand and official seal of a person authorized to administer oaths within the United States, or in a foreign country, of a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States, shall be *prima facie* evidence of the execution of an assignment, grant, license, or conveyance of plant variety protection or application for plant variety protection.

(d) An assignment, grant, conveyance or license shall be void as against any subsequent