

Federal Law No. (8) of 2025
Regarding the Protection of New Plant Varieties

We, Mohamed bin Zayed Al Nahyan, President of the United Arab Emirates,

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 Regarding the Competences of the Ministries and the Powers of the Ministers, as amended;
- Federal Law No. (17) of 2009 Regarding the Protection of New Plant Varieties; and
- Upon the proposal of the Minister of Climate Change and Environment, and the approval of the Cabinet and the Federal National Council, and the ratification of the Federal Supreme Council;

Hereby promulgate the following Law:

Article (1)

Definitions

For the purpose of implementing the provisions of this Decree by Law, the following terms and expressions shall have the meanings assigned to each of them, unless the context otherwise requires:

- | | | |
|-----------------|---|---|
| State | : | The United Arab Emirates. |
| Ministry | : | The Ministry of Climate Change and Environment. |
| Minister | : | The Minister of Climate Change and Environment. |
| Variety | : | Any plant grouping within a single botanical taxon of the lowest known rank, irrespective of whether the conditions for the grant of a breeder's right are fully met, which can be defined by the expression of characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by at least one of the said characteristics, and considered as a unit with regard to its suitability for being propagated unchanged. |

Plant Breeder	:	<ol style="list-style-type: none"> 1. The person who bred, or discovered and developed, a Variety. 2. The employer of the person referred to in item (1) above, or the person who commissioned such work. 3. The legal successor of the person referred to in items (1) and (2) above, as the case may be.
Plant Breeder's Certificate	:	A document evidencing the grant of a Plant Breeder's Right.
Plant Breeder's Right	:	The Plant Breeder's Right stipulated in this Law.
The Register	:	The Register of the Protection of New Plant Varieties and Plant Breeder's Rights.
The Registrar	:	The competent organizational unit within the Ministry responsible for the registration of new plant Varieties and Plant Breeders' Rights, as determined by a Resolution of the Minister.
Protected Variety	:	A Variety for which protection has been granted under a Plant Breeder's Right pursuant to the provisions of this Law.
Applicant	:	The person who files an application for Plant Breeder's Right.
Holder of the Plant Breeder's Right	:	The Plant Breeder to whom the Registrar has granted a Plant Breeder's Right.
Holder of the Plant Breeder Certificate	:	Any person to whom a Plant Breeder's Certificate has been granted.
Propagating Material	:	Any plant material, parts, cells, tissues, organs, or plant genetic material that may be used for plant propagation or reproduction by seedlings, cultivation, grafting, or budding.

- UPOV** : The International Union for the Protection of New Varieties of Plants established pursuant to the 1961 Act of the International Convention for the Protection of New Varieties of Plants, as also referred to in the 1972 Act, the 1978 Act, and the 1991 Act.
- Member of UPOV** : A State party to the 1961 Act (UPOV)/1972 Act, or the 1978 Act, or a Contracting Party under the 1991 Act.
- Legislation** : The Ministerial Resolutions issued for the implementation of the provisions of this Law.

Article (2)

Objectives of the Law

This Law aims to regulate the grant and protection of Plant Breeders' Rights.

Article (3)

Scope of Application

The provisions of this Law shall apply to all plant genera and species in the State.

Article (4)

Register of the Protection of New Plant Varieties

A Register to be known as the "Register of the Protection of New Plant Varieties" shall be established at the Ministry, in which new plant Varieties and Plant Breeders' Rights shall be recorded in accordance with the provisions of this Law. The Legislation issued in implementation thereof shall determine the data of the Register and the procedures for registration.

Article (5)

The Registrar and Its Competences

The Registrar shall supervise the Register and exercise the following competences:

1. Coordination with international, regional, and local entities relevant to the work of the Registrar.
2. Any other tasks stipulated in this Law or in the Legislation issued in implementation thereof.
3. Any other tasks assigned thereto by the Minister in connection with the objectives of this Law.

Article (6)

Conditions for Protection

1. A Plant Breeder's Right shall be granted if the Variety is:
 - a. New;
 - b. Distinct;
 - c. Uniform; and
 - d. Stable.
2. The grant of a Plant Breeder's Right shall not be subject to any additional or different conditions that contradict the provisions of this Law, provided that the denomination of the Variety complies with the provisions of Article (19) of this Law, the Plant Breeder has fulfilled all the conditions stipulated herein, and that the prescribed fees have been paid.

Article (7)

New Variety (Novelty)

1. A Variety shall be deemed new if, at the filing date of the application for a Plant Breeder's Right, Propagating Material of the Variety or harvested material thereof has not been sold or otherwise disposed of to others by the breeder, or with their consent, for purposes of exploitation of the Variety, in the State earlier than one (1) year before the filing date, or outside the State earlier than four (4) years before the filing date of the application, or earlier than six (6) years before that date in the case of trees or vines.
2. This Law shall apply to any plant genus or species to which it has not previously been applied. Varieties belonging to such genus or species shall be deemed to satisfy the novelty condition set forth in clause (1) of this Article, even if the sale or disposal to others

described in the said clause occurred within the territory of the State within four (4) years before the filing date, or within six (6) years before the said date in the case of trees or vines.

3. The provisions of clause (2) of this Article shall apply only to applications for Plant Breeder's Rights filed within one (1) year from the date on which the provisions of this Law become applicable to the concerned genus or species.

Article (8)

Distinct Variety

1. A Variety shall be deemed distinct if it is clearly distinguishable from any other Variety whose existence is a matter of common knowledge at the filing date of the application.
2. The filing of an application for the grant of a Plant Breeder's Right or for the entry of another Variety in an official register of plant Varieties in any State shall render that other Variety a matter of common knowledge from the filing date of the application, provided that the application results in the grant of a Plant Breeder's Right or the entry of that Variety in the official register of plant Varieties, as the case may be.

Article (9)

Uniform Variety

A Variety shall be deemed uniform if it is sufficiently uniform in its basic characteristics, subject to the variation that may be expected from the particular features of its propagation.

Article (10)

Stable Variety

A Variety shall be deemed stable if its basic characteristics remain unchanged after repeated propagation, or, in the case of a particular cycle of propagation, at the end of each such cycle.

Article (11)

Person Entitled to a Plant Breeder's Right

The person entitled to a Plant Breeder's Right shall be any person to whom the definition set forth in Article (1) of this Law applies.

Article (12)

Filing of an Application for the Grant of a Plant Breeder's Right

1. The filing date of an application for a Plant Breeder's Right shall be the date of receipt of the application in accordance with the procedures determined by the Legislation issued in implementation of this Law.
2. The Ministry shall not refuse to grant a Plant Breeder's Right or determine the term of its protection on the ground that protection for the same Variety has not been applied for, has been refused, or has lapsed in any other State or intergovernmental organization.

Article (13)

Right of Priority

1. A Plant Breeder who has duly filed an application for the protection of a Variety with a Member of UPOV (the "first application") shall enjoy, a right of priority for a period of twelve (12) months for the purpose of filing an application for the grant of a Plant Breeder's Right in respect of the same Variety in the State. This period shall be calculated from the filing date of the first application, and the day of filing shall not be included in the calculation.
2. Events occurring within the period provided for in clause (1) of this Article, such as the filing of another application, or the publication or use of the Variety that is the subject of the first application, shall not constitute grounds for rejecting the subsequent application, nor shall such events give rise to any rights in favor of third parties.
3. In order to benefit from the right of priority, the Plant Breeder shall claim the priority of the first application in the application filed with the Registrar. The Registrar may, within a period of not less than three (3) months from the filing date of the application, require the

Plant Breeder to submit a copy of the documents constituting the first application, certified by the authority with which the first application was filed, as well as samples or other evidence proving that the Variety which is the subject of both applications is the same.

4. The Plant Breeder shall be granted a period of two (2) years after the expiration of the priority period, or an appropriate period after the first application has been rejected or withdrawn, to furnish the Registrar with the necessary information, documents, and material required for the examination referred to in Article (20) of this Law.

Article (14)

Transfer of Applications and Rights

1. Applications for Plant Breeder's Rights and such rights may be transferred to third parties, provided that the Registrar is notified thereof.
2. Any changes relating to Applicants or holders of rights shall be published in accordance with the Legislation issued pursuant to this Law.

Article (15)

Scope of the Plant Breeder's Right

1. Subject to the provisions of Articles (16) and (17) of this Law, the authorization of the Plant Breeder shall be required for the performance of any of the following acts in respect of Propagating Material of a Protected Variety:
 - a. Production or reproduction (multiplication);
 - b. Conditioning for the purpose of propagation;
 - c. Offering for sale;
 - d. Sale or other marketing;
 - e. Export;
 - f. Import; and
 - g. Stocking for any of the purposes referred to in paragraphs (a) to (f) above.
2. The Plant Breeder may impose restrictions and conditions on the authorization referred to in clause (1) above.

3. Subject to the provisions of Articles (16) and (17) of this Law, the authorization of the breeder of the Protected Variety shall also be required for the performance of the acts referred to in paragraphs (a) to (g) of clause (1) of this Article in the following cases:
 - a. Harvested material, including entire plants and parts of plants, obtained through the unauthorized use of Propagating Material of the Protected Variety, unless the Plant Breeder has had reasonable opportunity to exercise their right in relation to the said Propagating Material.
 - b. Products made directly from harvested material of the Protected Variety covered by the provisions of paragraph (a) of this clause through unauthorized use of such harvested material, unless the Plant Breeder has had reasonable opportunity to exercise their right in relation to the said harvested material.
4. The provisions of clauses (1) and (2) of this Article shall apply to:
 - a. Varieties essentially derived from the Protected Variety, where the Protected Variety is not itself an essentially derived Variety.
 - b. Varieties that are not clearly distinguishable from the Protected Variety pursuant to Article (8) of this Law.
 - c. Varieties whose production requires the repeated use of the Protected Variety.
5. For the purposes of applying clause (4)(a), a Variety shall be deemed essentially derived from another Variety (the “initial Variety”) in the following cases:
 - a. It is predominantly derived from the initial Variety, or from a Variety that is itself predominantly derived from the initial Variety, while retaining the expression of the basic characteristics that result from the genotype or combination of genotypes of the initial Variety;
 - b. It is clearly distinguishable from the initial Variety; and
 - c. It conforms to the initial Variety in the expression of the basic characteristics that result from the genotype or combination of genotypes of the initial Variety, except for the differences which result from the act of derivation.

Essentially derived Varieties may be obtained, for example, by the selection of a natural or induced mutant, or a clone, the selection of a variant individual from plants of the initial Variety, backcrossing, or transformation through genetic engineering.

Article (16)

Exceptions to the Plant Breeder's Right

1. The Plant Breeder's Right shall not extend to:
 - a. Acts done privately for non-commercial purposes.
 - b. Acts done for experimental purposes.
 - c. Acts done for the purpose of breeding other Varieties, except where the provisions of Clauses (4) and (5) of Article (15) apply, as well as the acts referred to in Clauses (1) to (3) of Article (15) for the purpose of breeding such other Varieties.
2. Small farmers shall not be deemed to infringe the Plant Breeder's Right in respect of Varieties included in the list of agricultural plants, where they use such Varieties on their lands for propagation purposes, or where the product harvested on their lands results from the cultivation of a Protected Variety or any Variety falling within Clause (4)(a) and (b) of Article (15) of this Law, provided that such use is within reasonable limits and takes into consideration the legitimate interests of the Plant Breeder.
3. Fruit Varieties, ornamental plants, vegetable crops, and forest plants shall be excluded from the application of Clause (2) of this Article.
4. The Legislation issued in implementation of this Law shall determine the procedures for applying the provisions of Clause (2) of this Article with respect to the list of agricultural plants and the information to be provided by the farmer to the Plant Breeder.

Article (17)

Exhaustion of the Plant Breeder's Right

1. The Plant Breeder's Right shall not extend to acts concerning material of a Protected Variety, or material of any Variety falling within Clauses (4) and (5) of Article (15) of this Law, or any material derived therefrom, which has been sold or otherwise marketed by the Plant Breeder or with their consent within the State, unless such acts consist of:
 - a. Further propagation of the Variety in question; or

- b. Exporting material of the Variety that enables its propagation into a State that does not provide legal protection for the Varieties of the plant species to which the Variety belongs, unless the purpose of such export is consumption.
2. For the purposes of Clause (1) of this Article, the term “material”, in relation to a Variety, means:
 - a. Propagating Material of any kind.
 - b. Harvested material, including entire plants and parts of plants.
 - c. Any product made directly from harvested material.

Article (18)

Term of Protection

A Plant Breeder’s Right shall be granted for a term of (20) twenty years, and (25) twenty-five years in respect of vines and trees. The term of protection shall commence from the date of the grant of the Plant Breeder’s Right.

Article (19)

Denomination of the Variety

1. The Variety shall be designated by a denomination that shall serve as its generic designation, subject to Clause (4) of this Article. Rights attached to a registered denomination shall not prevent the free use of the denomination in connection with the Variety, even after the expiration of the Plant Breeder’s Right.
2. The denomination shall enable the Variety to be identified and shall not consist solely of figures, except where this is an established practice for designating Varieties. The denomination shall not mislead or cause confusion concerning the characteristics, value, or identity of the Variety, or the identity of the Plant Breeder, and shall, in particular, be different from any other denomination designating a Variety of the same plant species or of a closely related species in the territory of any Member of UPOV.
3. The Plant Breeder shall file the denomination with the Registrar. Where the denomination does not comply with the requirements of Clause (2) of this Article, the Registrar shall refuse its registration and require the Plant Breeder to propose another denomination

within a period determined by the Registrar. The denomination shall be registered concurrently with the grant of the Plant Breeder's Right.

4. Prior rights of third parties shall not be prejudiced. Where a prior right prevents the use of the denomination by a person who, pursuant to Clause (7) of this Article, is obliged to use it, the Registrar shall require the Plant Breeder to propose another denomination for the Variety in accordance with Clause (7) of this Article.
5. The Variety shall be filed under the same denomination with all Members of UPOV. The Registrar shall register the denomination filed, unless it is unsuitable, in which case the Plant Breeder shall be required to propose another denomination.
6. The Registrar shall notify the authorities of all Members of UPOV of matters concerning Variety denominations, particularly the filing, registration, and cancellation thereof. Any Member may submit observations regarding the registration of denominations to the Registrar.
7. Any person who offers for sale or markets Propagating Material of a Protected Variety in the State shall be obliged to use the denomination of the Variety, even after the expiration of the Plant Breeder's Right, provided that prior rights do not prevent such use pursuant to Clause (4) of this Article.
8. When a Variety is offered for sale or is marketed, it shall be permitted to associate a trademark, trade name, or similar indication with the registered denomination of the Variety, provided that such association does not impair the easy recognition of the denomination.

Article (20)

Examination of the Application

1. Prior to issuing a decision granting a Plant Breeder's Right, the Registrar shall conduct an examination to verify that the conditions set forth in Articles (6) to (10) of this Law have been fulfilled.
2. In the course of the examination, the Registrar may grow the Variety or carry out any necessary tests, or entrust a third party with such tasks. The Registrar may take into account the results of growing tests or other tests previously conducted. The Registrar may

require the Plant Breeder to provide all information, documents, and materials necessary in accordance with the Legislation issued in implementation of this Law.

Article (21)

Publication

The public shall be informed of the following:

1. Applications for Plant Breeder's Rights and the grant thereof.
2. Denominations submitted for Varieties and accepted.

Article (22)

Provisional Protection

1. The Plant Breeder shall be granted provisional protection to safeguard their interests during the period between the publication of the application for a Plant Breeder's Right and the issuance of the decision granting the right.
2. The Applicant shall be entitled to the rights of a Holder of a Plant Breeder's Right against any person who, during the period referred to in Clause (1) of this Article, has performed acts which, upon the grant of the right, would require the authorization of the breeder pursuant to Article (15) of this Law.
3. The Applicant shall enjoy the same rights to enter into licensing agreements and to take legal action as if the Plant Breeder's Right had been granted on the date of publication of the application in respect of the Variety concerned. Where the right is not granted, the rights conferred thereunder shall lapse.

Article (23)

Waiver of the Plant Breeder's Right

The Plant Breeder's Right shall be deemed terminated where the Holder thereof waives the right prior to the expiration of the term of protection. The Holder shall notify the Registrar in writing in accordance with the procedures and time limits determined by the Legislation. The waiver shall take effect from the date of notification.

Article (24)

Nullity of the Plant Breeder's Right

1. The Plant Breeder's Right shall be declared null and void in the following cases:
 - a. Where the conditions set forth in Article (7) or Article (8) of this Law were not fulfilled at the time of the grant of the Plant Breeder's Right.
 - b. Where the Plant Breeder's Right was granted on the basis of the information and documents submitted by the breeder and the conditions set forth in Article (9) or Article (10) of this Law were not fulfilled at the time of the grant of the Plant Breeder's Right.
 - c. Where it is established that the Plant Breeder's Right was granted to a person not entitled thereto, unless it is transferred to the person who is so entitled.
2. The Plant Breeder's Right shall not be declared null and void on any grounds other than those referred to in Clause (1) of this Article.

Article (25)

Cancellation of the Plant Breeder's Right

1. The Plant Breeder's Right shall be cancelled in the following cases:
 - a. Where it is established that the conditions set forth in Article (9) or Article (10) of this Law are no longer fulfilled.
 - b. Where, within a specified period, the Holder fails to:
 1. Provide the Registrar with the information, documents, or materials deemed necessary to verify the maintenance of the Variety.
 2. Pay the prescribed fees.
 3. Propose another suitable denomination where the previous denomination has been cancelled after the grant of the right.
2. The Plant Breeder's Right shall not be cancelled on any grounds other than those referred to in Clause (1) of this Article.

Article (26)

Compulsory License by the Minister

1. The exercise of the Plant Breeder's Right within the State shall not be restricted unless required by the public interest.
2. The Minister, in furtherance of the public interest and upon a recommendation from the Ministry of Defense or the Ministry of Interior, may grant a compulsory license to a third party to perform any act requiring the authorization of the Plant Breeder, without prejudice to the Plant Breeder's Right to obtain fair compensation.

Article (27)

Penalties

1. The penalties prescribed in this Law shall not prejudice any more severe penalty provided for in any other law.
2. A penalty of imprisonment for a term of not less than (2) two months and a fine of not less than (AED 10,000) ten thousand Dirhams and not exceeding (AED 250,000) two hundred and fifty thousand Dirhams, or either of these two penalties, shall be imposed upon:
 - a. Any person who, without obtaining authorization from the Plant Breeder, undertakes activities of production or reproduction (multiplication), conditioning for the purpose of propagation, offering for sale, sale or other marketing, export, import, or stocking for the purposes of production or reproduction (multiplication) or import of Propagating Material of a Protected Variety.
 - b. Any person who, without obtaining the consent of the Plant Breeder, performs the activities referred to in Paragraph (a) of this Clause in respect of the following materials and Varieties:
 1. Harvested material.
 2. Products made directly from harvested material of the Protected Variety.
 3. Varieties essentially derived from the Protected Variety, where the Protected Variety is not itself an essentially derived Variety.
 4. Varieties not clearly distinguishable from the Protected Variety pursuant to Article (8) of this Law.

5. Varieties whose production requires repeated use of the Protected Variety.
 - c. Any person who, without obtaining the consent of the Plant Breeder, carries out further propagation of the Variety concerned or exports material of the Variety enabling its propagation into a State that has no legislation protecting Varieties of the plant genera or species to which the Variety belongs, unless the purpose of export is consumption.
3. The penalty shall be doubled in the event of recidivism.
 4. The Court may order the confiscation of the infringing materials and their destruction at the expense of the offender. Where the offence is committed in the name of or for the account of a legal person or a commercial or professional establishment, the Court may order the closure of the establishment for a period not exceeding (180) one hundred and eighty days. A summary of the conviction judgment shall be published in one or more daily newspapers at the expense of the convicted party.

Article (28)

Administrative Violations and Sanctions

The administrative violations and sanctions for acts committed in contravention of the provisions of this Law and the resolutions issued in implementation thereof, the mechanism for grievance thereagainst, and the competent authority for the enforcement of such administrative sanctions and the collection of the prescribed administrative fines shall be determined by a resolution of the Cabinet based upon proposal from the Minister.

Article (29)

Death of the Plant Breeder Without Heir or Legatee

The Plant Breeder's Right in respect of the Protected Variety granted thereto shall devolve upon the Ministry where the breeder dies without an heir or a legatee.

Article (30)

Trade-Regulating Measures

Without prejudice to the application of the provisions of this Law, the Plant Breeder's Right shall be independent of any measures taken to regulate the production, certification, marketing, import, or export of materials of plant Varieties.

Article (31)

Appeal Against Administrative Decisions

Administrative decisions issued in implementation of the provisions of this Law may be appealed in accordance with the applicable Legislation within (60) sixty days from the date of their publication in the Official Gazette or from the date of notification thereof, as the case may be.

Article (32)

Judicial Enforcement Officers

Employees designated by a resolution issued by the Minister of Justice or the Head of the competent local judicial authority, in agreement with the Minister or the Head of the competent authority, as the case may be, shall have the capacity of judicial enforcement officers in establishing violations of the provisions of this Law and the Legislation issued in implementation thereof.

Article (33)

Payment of Annual Fees

The Holder of a Plant Breeder's Right shall pay the prescribed annual fees within the first (30) thirty days of each year of the term of protection.

Article (34)

Fees

The Cabinet shall, upon the proposal of the Minister and upon submission by the Minister of Finance, issue a resolution determining the fees prescribed for the implementation of the provisions of this Law.

Article (35)

Implementation of the Law

The Minister shall issue the necessary Legislation for the implementation of the provisions of this Law in coordination with the competent authorities.

Article (36)

Repeals

1. Federal Law No. (17) of 2009 Regarding the Protection of New Plant Varieties is hereby repealed. Any provision that contradicts or conflicts with the provisions of this Law shall also be repealed.
2. The resolutions and regulations issued in implementation of Federal Law No. (17) of 2009 shall remain in force until the issuance of the necessary regulations and resolutions for the implementation of this Law, to the extent that they do not contradict its provisions.

Article (37)

Publication and Entry into Force

This Law shall be published in the Official Gazette and shall enter into force on the day following the date of its publication.

Mohamed bin Zayed Al Nahyan
President of the United Arab Emirates

Issued by Us at the Presidential Palace in Abu Dhabi:

On: 6 Rajab 1447 A.H.

Corresponding to: 26 December 2025 A.D.