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| 发文机关Promulgator | ：: | 全国人民代表大会常务委员会The Standing Committee of the National People's Congress |
| 发布日期Date of Issue | ：: | 2015.11.042015.11.04 |
| 生效日期Effective Date | ：: | 2016.01.012016.01.01 |
| 时效性Effectiveness | ：: | 现行有效Current |
| 文号No.  | ：: | 主席令第三十五号Presidential Decree No. 35 |

# 中华人民共和国种子法（2015修订）

# Seed Law of the People's Republic of China (Revision 2015)

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主席令第三十五号

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《中华人民共和国种子法》已由中华人民共和国第十二届全国人民代表大会常务委员会第十七次会议于2015年11月4日修订通过，现将修订后的《中华人民共和国种子法》公布，自2016年1月1日起施行。

The Seed Law of the People's Republic of China, revised and adopted at the 17th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on 4 November 2015, is hereby promulgated, effective on 1 January 2016.

中华人民共和国主席 习近平

President Xi Jinping

2015年11月4日

4 November 2015

中华人民共和国种子法

Seed Law of the People's Republic of China

（2000年7月8日第九届全国人民代表大会常务委员会第十六次会议通过根据2004年8月28日第十届全国人民代表大会常务委员会第十一次会议《关于修改〈中华人民共和国种子法〉的决定》第一次修正根据2013年6月29日第十二届全国人民代表大会常务委员会第三次会议《关于修改〈中华人民共和国文物保护法〉等十二部法律的决定》第二次修正 2015年11月4日第十二届全国人民代表大会常务委员会第十七次会议修订）

(Adopted at the 16th Meeting of the Standing Committee of the Ninth National People's Congress on July 8, 2000; amended for the first time according to the Decision on Amending the Seed Law of the People's Republic of China at the 11th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2004; amended for the second time according to the Decision on Amending 12 Laws Including the Cultural Relics Protection Law of the People's Republic of China at the 3rd Meeting of the Standing Committee of the 12th National People's Congress on June 29, 2013; and revised at the 17th Meeting of the Standing Committee of the 12th National People's Congress on November 4, 2015)

第一章 总 则

Chapter 1 General Provisions

第一条   为了保护和合理利用种质资源，规范品种选育、种子生产经营和管理行为，保护植物新品种权，维护种子生产经营者、使用者的合法权益，提高种子质量，推动种子产业化，发展现代种业，保障国家粮食安全，促进农业和林业的发展，制定本法。

Article 1 This Law is enacted for the purpose of protecting and making rational use of germ plasm resources, standardizing the variety selection and the production of, trading in and management of seeds, protecting the right of a new plant variety, safeguarding the lawful rights and interests of seed producers, traders in and users, improving seed quality, pushing forward the industrial management of seeds, developing the modern seed industry, ensuring national food security and promoting the development of agriculture and forestry.

第二条   在中华人民共和国境内从事品种选育、种子生产经营和管理等活动，适用本法。

Article 2 This law applies to the breeding, production, operation, and management of seeds in China.

本法所称种子，是指农作物和林木的种植材料或者繁殖材料，包括籽粒、果实、根、茎、苗、芽、叶、花等。

For purposes of this Law, seeds mean the materials for planting or propagating crops and forest trees, including grains, fruits, roots, stems, seedlings, sprouts, leaves and flowers.

第三条   国务院农业、林业主管部门分别主管全国农作物种子和林木种子工作；县级以上地方人民政府农业、林业主管部门分别主管本行政区域内农作物种子和林木种子工作。

Article 3 The administrative departments for agriculture and for forestry under the State Council shall be respectively in charge of the work related to crop seeds and forest tree seeds throughout the country. The administrative departments for agriculture and for forestry under the local people's governments at or above the county level shall be in charge of the work related to crop seeds and forest tree seeds within their respective administrative regions.

各级人民政府及其有关部门应当采取措施，加强种子执法和监督，依法惩处侵害农民权益的种子违法行为。

People's governments at all levels and the relevant departments under them shall take measures to strengthen law enforcement and supervision in the seed industry, and penalize in accordance with law the illegal acts violating the rights or interests of farmers.

第四条   国家扶持种质资源保护工作和选育、生产、更新、推广使用良种，鼓励品种选育和种子生产经营相结合，奖励在种质资源保护工作和良种选育、推广等工作中成绩显著的单位和个人。

Article 4 The State supports the efforts to protect germ plasm resources and to select, produce, replace and popularize improved varieties, encourages the combination of variety selection with seed production and trading in seeds, and rewards the entities and individuals that achieve outstanding successes in the protection of germ plasm resources and in the selection and popularization of improved varieties.

第五条   省级以上人民政府应当根据科教兴农方针和农业、林业发展的需要制定种业发展规划并组织实施。

Article 5 People's governments at or above the provincial level shall make plans for seed development in accordance with the guidelines of developing agriculture through science and education and in light of the need for the development of the agriculture industry, and organize the implementation of such plans.

第六条   省级以上人民政府建立种子储备制度，主要用于发生灾害时的生产需要及余缺调剂，保障农业和林业生产安全。对储备的种子应当定期检验和更新。种子储备的具体办法由国务院规定。

Article 6 People's governments at or above the provincial level shall establish a system for reserving seeds, mainly to meet the need of production and regulate supply and demand in times of calamities, and to ensure the safety of agricultural and forestry production. The reserved seeds shall be checked and replaced on a regular basis. The State Council shall provide detailed measures for the seed reserve.

第七条   转基因植物品种的选育、试验、审定和推广应当进行安全性评价，并采取严格的安全控制措施。国务院农业、林业主管部门应当加强跟踪监管并及时公告有关转基因植物品种审定和推广的信息。具体办法由国务院规定。

Article 7 The selection, experiment, verification and popularization of transgenic plant varieties shall be subject to security assessment, and strict security control measures shall be taken. The competent agriculture and forestry departments under the State Council shall enhance the tracking and supervision and release the information on examination, approval and popularization of transgenic plant varieties in a timely manner. The specific measures shall be formulated by the State Council.

第二章 种质资源保护

Chapter 2 Protection of Germ Plasm Resources

第八条   国家依法保护种质资源，任何单位和个人不得侵占和破坏种质资源。

Article 8 The State protects germ plasm resources in accordance with law, and no individual or entity may seize or impair germ plasm resources.

禁止采集或者采伐国家重点保护的天然种质资源。因科研等特殊情况需要采集或者采伐的，应当经国务院或者省、自治区、直辖市人民政府的农业、林业主管部门批准。

Wild seed resources are also subject to the special protection of the State and shall be prohibited from collection or felling. Where such collecting or cutting is required for scientific research or other special purposes, the matter shall be subject to approval by the administrative department for agriculture or for forestry under the State Council or under the people's government of the relevant province, autonomous region or centrally-administered municipality.

第九条   国家有计划地普查、收集、整理、鉴定、登记、保存、交流和利用种质资源，定期公布可供利用的种质资源目录。具体办法由国务院农业、林业主管部门规定。

Article 9 The State censuses, collects, sorts out, appraises, records, conserves, exchanges and uses seed resources in a planned way, and regularly releases the catalogue of available seed resources. The specific measures shall be formulated by the competent agriculture and forestry departments under the State Council.

第十条   国务院农业、林业主管部门应当建立种质资源库、种质资源保护区或者种质资源保护地。省、自治区、直辖市人民政府农业、林业主管部门可以根据需要建立种质资源库、种质资源保护区、种质资源保护地。种质资源库、种质资源保护区、种质资源保护地的种质资源属公共资源，依法开放利用。

Article 10 The administrative departments for agriculture and for forestry under the State Council shall establish germ plasm resources banks, conservation zones or germ plasm resources reserves. The administrative departments for agriculture and for forestry under the people's governments of provinces, autonomous regions or centrally-administered municipalities may, in light of their needs, establish germ plasm resources banks, conservation zones or germ plasm resources reserves. The germ plasm resources at the germ plasm resources banks, conservation zones or reserves, as the public resources, shall be opened and utilized according to law.

占用种质资源库、种质资源保护区或者种质资源保护地的，需经原设立机关同意。

Where germ plasm resources banks, protection zones or germ plasm resources reserves are occupied, the consent from the authority that originally established them must be obtained.

第十一条   国家对种质资源享有主权，任何单位和个人向境外提供种质资源，或者与境外机构、个人开展合作研究利用种质资源的，应当向省、自治区、直辖市人民政府农业、林业主管部门提出申请，并提交国家共享惠益的方案；受理申请的农业、林业主管部门经审核，报国务院农业、林业主管部门批准。

Article 11 The State has sovereignty over the germ plasm resources. Any entity or individual that provides germ plasm resources to foreign countries or conducts cooperation with foreign institutions or individuals in terms of the research and utilization of germ plasm resources shall file an application with the administrative department for agriculture or for forestry under the people's government of the relevant province, autonomous region or centrally-administered municipality, and submit a plan on sharing benefits with the State. The administrative department for agriculture or for forestry that accepts the application shall, upon review, submit it to the administrative department for agriculture or for forestry under the State Council for approval.

从境外引进种质资源的，依照国务院农业、林业主管部门的有关规定办理。

The introduction of germ plasm resources from abroad shall be handled in accordance with the relevant provisions of the competent agriculture and forestry departments under the State Council.

第三章 品种选育、审定与登记

Chapter 3 Selection, Verification and Registration of Varieties

第十二条   国家支持科研院所及高等院校重点开展育种的基础性、前沿性和应用技术研究，以及常规作物、主要造林树种育种和无性繁殖材料选育等公益性研究。

Article 12 The State supports scientific research institutions, colleges and universities to focus on carrying out the basic and frontier research on applied technology for breeding, the breeding of conventional crop seeds or main afforestation tree seeds, the selection and breeding of asexual propagation materials and other non-profit research.

国家鼓励种子企业充分利用公益性研究成果，培育具有自主知识产权的优良品种；鼓励种子企业与科研院所及高等院校构建技术研发平台，建立以市场为导向、资本为纽带、利益共享、风险共担的产学研相结合的种业技术创新体系。

The State encourages seed enterprises to make full use of the results from non-profit researches, cultivate fine varieties with proprietary intellectual property rights, encourage seed enterprises, research institutes and institutions of higher learning to build technology research and development platforms, and establish a market- oriented, capital-linked, benefit-sharing and risk-sharing technology innovation system for the seed industry with the integration of production, study and research.

国家加强种业科技创新能力建设，促进种业科技成果转化，维护种业科技人员的合法权益。

The State strengthens the building of the scientific and technological innovation capacity of seed industry, promotes the commercialization of research findings of seed industry, and protects the legal rights and interests of scientific and technical personnel in seed industry.

第十三条   由财政资金支持形成的育种发明专利权和植物新品种权，除涉及国家安全、国家利益和重大社会公共利益的外，授权项目承担者依法取得。

Article 13 The patent for invention of breeding and the right of new plant variety generated due to the support of financial funds shall be obtained by the undertaker of the authorized project in accordance with the law, except for those involving national security, national interests or major public interests.

由财政资金支持为主形成的育种成果的转让、许可等应当依法公开进行，禁止私自交易。

The transfer or licensing of the breeding achievements which are generated mainly due to the support of financial funds shall be publicly carried out according to law. Any transaction without permission is prohibited.

第十四条   单位和个人因林业主管部门为选育林木良种建立测定林、试验林、优树收集区、基因库等而减少经济收入的，批准建立的林业主管部门应当按照国家有关规定给予经济补偿。

Article 14 Where the earnings of entities or individuals are reduced because the administrative departments for forestry establish testing stands, experimental stands, fine tree collection areas or gene banks for selection of improved varieties of forest trees, the administrative departments for forestry that give the approval shall make economic compensation to the entities or individuals in accordance with the relevant regulations of the State.

第十五条   国家对主要农作物和主要林木实行品种审定制度。主要农作物品种和主要林木品种在推广前应当通过国家级或者省级审定。由省、自治区、直辖市人民政府林业主管部门确定的主要林木品种实行省级审定。

Article 15 The State adopts a verification system for main crop and forest tree varieties. Main crop and forest tree varieties shall be subject to verification at the national or provincial level prior to their popularization. Main forest tree varieties determined by the administrative departments for forestry under the people's governments of provinces, autonomous regions and centrally-administered municipalities shall be subject to verification at the provincial level.

申请审定的品种应当符合特异性、一致性、稳定性要求。

Varieties under the application for verification shall comply with the requirements of specificity, consistency and stability.

主要农作物品种和主要林木品种的审定办法由国务院农业、林业主管部门规定。审定办法应当体现公正、公开、科学、效率的原则，有利于产量、品质、抗性等的提高与协调，有利于适应市场和生活消费需要的品种的推广。在制定、修改审定办法时，应当充分听取育种者、种子使用者、生产经营者和相关行业代表意见。

The measures for verifying main crop and forest tree varieties shall be formulated by the competent agriculture and forestry departments under the State Council. The verification measures shall embody the principles of fairness, openness, scientificalness and efficiency, and shall be conducive to improvement and coordination of production volume, quality, resistance, etc., and conducive to the popularization of the varieties which meet the market and living consumption needs. At the time of formulating and revising the verification measures, the opinions of the breeders, users of seeds, producers, traders in seeds and representatives of relevant industries shall be fully solicited.

第十六条   国务院和省、自治区、直辖市人民政府的农业、林业主管部门分别设立由专业人员组成的农作物品种和林木品种审定委员会。品种审定委员会承担主要农作物品种和主要林木品种的审定工作，建立包括申请文件、品种审定试验数据、种子样品、审定意见和审定结论等内容的审定档案，保证可追溯。在审定通过的品种依法公布的相关信息中应当包括审定意见情况，接受监督。

Article 16 The administrative departments for agriculture and for forestry under the State Council and those under the people's governments of provinces, autonomous regions, and centrally-administered municipalities shall respectively set up crop and forest tree varieties verification committees composed of professionals. The varieties examination and approval committee will undertake the examination and approval of main crop and forest tree varieties, establish the examination and approval files, including application documents, testing data of varieties examination and approval, seed samples, examination and approval opinions and examination and approval conclusions. Relevant examination and approval opinions shall be included in the information on varieties which have passed the examination and received the supervision.

品种审定实行回避制度。品种审定委员会委员、工作人员及相关测试、试验人员应当忠于职守，公正廉洁。对单位和个人举报或者监督检查发现的上述人员的违法行为，省级以上人民政府农业、林业主管部门和有关机关应当及时依法处理。

The challenge system shall be adopted in the verification of varieties. Members and staffs of variety examination and approval committee and related testing staffs shall be devoted to their duties, and shall be fair and honest. The competent agriculture and forestry departments of the people's governments at or above the provincial level and relevant authorities shall, in a timely manner, handle the illegal behaviors of the above personnel that are reported by entities and individuals or discovered through the supervision and inspection.

第十七条   实行选育生产经营相结合，符合国务院农业、林业主管部门规定条件的种子企业，对其自主研发的主要农作物品种、主要林木品种可以按照审定办法自行完成试验，达到审定标准的，品种审定委员会应当颁发审定证书。种子企业对试验数据的真实性负责，保证可追溯，接受省级以上人民政府农业、林业主管部门和社会的监督。

Article 17 For the main crop and forest tree varieties researched and developed independently by seed enterprises that integrate the selection, breeding, production and business operations of seeds and conform to conditions stipulated by the competent agriculture and forestry departments under the State Council, they can, on their own, complete the experiments according to the examination and approval measures and those that reach the standards for examination and approval shall be issued by the varieties examination and approval committees. Seed enterprises shall be responsible for the authenticity and traceability of the test data, and accept the supervision by the competent agriculture and forestry departments of the people's governments at or above the provincial level and the society.

第十八条   审定未通过的农作物品种和林木品种，申请人有异议的，可以向原审定委员会或者国家级审定委员会申请复审。

Article 18 Where applicants have objections to the decision that their crop or forest tree varieties fail to pass the verification, they may apply for review to the original verification committee or to the national verification committee.

第十九条   通过国家级审定的农作物品种和林木良种由国务院农业、林业主管部门公告，可以在全国适宜的生态区域推广。通过省级审定的农作物品种和林木良种由省、自治区、直辖市人民政府农业、林业主管部门公告，可以在本行政区域内适宜的生态区域推广；其他省、自治区、直辖市属于同一适宜生态区的地域引种农作物品种、林木良种的，引种者应当将引种的品种和区域报所在省、自治区、直辖市人民政府农业、林业主管部门备案。

Article 19 The crop varieties and improved forest tree varieties that have passed the national examination and received the approval shall be announced to the public by the competent agriculture and forestry departments under the State Council, and may be popularized in suitable ecological regions throughout the country. The information about crop varieties and improved forest tree varieties that have passed the provincial examination and received the approval shall be released by the administrative departments for agriculture and for forestry under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and such varieties may be popularized in suitable ecological regions in their own administrative regions; where other provinces, autonomous regions and municipalities directly under the Central Government that are located in the same suitable ecological region introduce the crop varieties and improved forest tree varieties, the introducer shall report the introduced varieties and regions to the administrative departments for agriculture and for forestry under the people's government of the province, autonomous region and municipality directly under the Central Government for the record.

引种本地区没有自然分布的林木品种，应当按照国家引种标准通过试验。

To introduce a forest tree variety that is not distributed naturally in the region, the forest tree variety shall pass the test according to the national introduction standard.

第二十条   省、自治区、直辖市人民政府农业、林业主管部门应当完善品种选育、审定工作的区域协作机制，促进优良品种的选育和推广。

Article 20 The competent agriculture and forestry departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall improve the regional coordination mechanism for variety selection, breeding, examination and approval to promote the selection, breeding and popularization of improved varieties.

第二十一条   审定通过的农作物品种和林木良种出现不可克服的严重缺陷等情形不宜继续推广、销售的，经原审定委员会审核确认后，撤销审定，由原公告部门发布公告，停止推广、销售。

Article 21 If the crop varieties and improved forest tree varieties that have passed the examination and received the approval should not be popularized or sold continuously because they have serious defects that cannot be overcome, the original examination and approval committee shall revoke the approval, and the original announcement department shall make a public announcement on stopping the popularization and sale.

第二十二条   国家对部分非主要农作物实行品种登记制度。列入非主要农作物登记目录的品种在推广前应当登记。

Article 22 The State adopts a registration system for some non- main crops. Varieties that are included in the registration catalogue of non- main crops shall be registered prior to their popularization.

实行品种登记的农作物范围应当严格控制，并根据保护生物多样性、保证消费安全和用种安全的原则确定。登记目录由国务院农业主管部门制定和调整。

The scope of crops subject to variety registration shall be controlled strictly and determined in line with the principles of protecting biological diversity and ensuring consumption safety and seed use safety. The registration catalogue shall be formulated and adjusted by the competent agriculture department under the State Council.

申请者申请品种登记应当向省、自治区、直辖市人民政府农业主管部门提交申请文件和种子样品，并对其真实性负责，保证可追溯，接受监督检查。申请文件包括品种的种类、名称、来源、特性、育种过程以及特异性、一致性、稳定性测试报告等。

To apply for variety registration, applicants shall submit application documents and seed samples to the administrative departments for agriculture under the people's governments of provinces, autonomous regions and centrally-administered municipalities, be responsible for the authenticity thereof, ensure the traceability and accept supervision and inspection. Application documents shall include the type, name, source, characteristics and breeding process of the variety in question as well as a test report on specificity, consistency and stability.

省、自治区、直辖市人民政府农业主管部门自受理品种登记申请之日起二十个工作日内，对申请者提交的申请文件进行书面审查，符合要求的，报国务院农业主管部门予以登记公告。

The competent agriculture departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall conduct the written review on application documents submitted by applicants within 20 working days as of the date of accepting the applications for variety registration, and report the eligible documents to the competent agriculture department under the State Council for registration and announcement.

对已登记品种存在申请文件、种子样品不实的，由国务院农业主管部门撤销该品种登记，并将该申请者的违法信息记入社会诚信档案，向社会公布；给种子使用者和其他种子生产经营者造成损失的，依法承担赔偿责任。

If there are false application documents or seed samples for the registered varieties, the administration department for agriculture under the State Council shall revoke the registration of such varieties, include the applicants' illegal information into social credit files, and make public such information; and if losses are caused to seed users or other seed producers and operators, compensation liability shall be assumed in accordance with the law.

对已登记品种出现不可克服的严重缺陷等情形的，由国务院农业主管部门撤销登记，并发布公告，停止推广。

Where a registered variety has any serious and insurmountable defects or falls under any other circumstances, the competent agriculture department under the State Council shall revoke the registration of such a variety, and release a notice on stopping the popularization thereof.

非主要农作物品种登记办法由国务院农业主管部门规定。

The measures for registration of non- main crop varieties shall be formulated by the administrative department for agriculture under the State Council.

第二十三条   应当审定的农作物品种未经审定的，不得发布广告、推广、销售。

Article 23 The crop varieties that are subject to verification but fail to be verified shall not be advertised, popularized or sold.

应当审定的林木品种未经审定通过的，不得作为良种推广、销售，但生产确需使用的，应当经林木品种审定委员会认定。

No forest tree varieties that are subject to verification but fail to pass the verification may be popularized or sold as improved varieties. However, where such varieties are really needed for production, they shall be subject to verification by the forest tree varieties verification committee.

应当登记的农作物品种未经登记的，不得发布广告、推广，不得以登记品种的名义销售。

Without registration, the crop varieties which ought to be registered shall not be released by advertisements or popularized, nor be sold in the name of the registered varieties.

第二十四条   在中国境内没有经常居所或者营业场所的境外机构、个人在境内申请品种审定或者登记的，应当委托具有法人资格的境内种子企业代理。

Article 24 Where foreign organizations or individuals that have no regular domiciles or business places in China apply for verification or registration of their varieties in China, they shall entrust Chinese seed enterprises with the status of legal persons to serve as their agents.

第四章 新品种保护

Chapter 4 Protection of New Varieties

第二十五条   国家实行植物新品种保护制度。对国家植物品种保护名录内经过人工选育或者发现的野生植物加以改良，具备新颖性、特异性、一致性、稳定性和适当命名的植物品种，由国务院农业、林业主管部门授予植物新品种权，保护植物新品种权所有人的合法权益。植物新品种权的内容和归属、授予条件、申请和受理、审查与批准，以及期限、终止和无效等依照本法、有关法律和行政法规规定执行。

Article 25 The State implements the protection system for new plant varieties. The plant varieties listed in the national list of protected plant varieties that are improved from the artificial selection and breeding or discovered wild plants, possess the novelty, specificity, consistency and stability, and have been named properly shall be granted the title of new plant variety by the competent agriculture and forestry departments under the State Council, and the lawful rights and interests of the owners of such plant varieties shall be protected. The content and ownership, granting conditions, application and acceptance, review, approval, duration, termination, invalidity and other matters relating to the right of new plant variety shall be governed by the Law, relevant laws and administrative regulations.

国家鼓励和支持种业科技创新、植物新品种培育及成果转化。取得植物新品种权的品种得到推广应用的，育种者依法获得相应的经济利益。

The State encourages and supports the scientific and technological innovation, cultivation of new plant varieties and achievement transformation in the seed industry. Where the varieties that have been granted the title of new plant variety are popularized, the breeders are entitled to obtain corresponding economic benefits according to law.

第二十六条   一个植物新品种只能授予一项植物新品种权。两个以上的申请人分别就同一个品种申请植物新品种权的，植物新品种权授予最先申请的人；同时申请的，植物新品种权授予最先完成该品种育种的人。

Article 26 One new plant variety shall be granted only one right of new plant variety. Where two or more applicants apply separately for the right of new plant variety for the same variety, the right shall be granted to the one who applies first; if the applications are submitted simultaneously, the right shall be granted to the one who first completes the breeding of the variety concerned.

对违反法律，危害社会公共利益、生态环境的植物新品种，不授予植物新品种权。

The new plant variety that violates laws or regulations, or harms public interests or the ecological environment shall not be granted the title of new plant variety.

第二十七条   授予植物新品种权的植物新品种名称，应当与相同或者相近的植物属或者种中已知品种的名称相区别。该名称经授权后即为该植物新品种的通用名称。

Article 27 The name of the new plant variety which has been granted with the title of new plant variety shall be different from that of any known variety in the same or similar botanical genera or species. After the designation is granted, the designation shall be the common name of the new plant variety.

下列名称不得用于授权品种的命名：

The following designations shall not be used in the denomination of protected varieties:

（一）仅以数字表示的；

1. they are expressed only in numbers;

（二）违反社会公德的；

2. those violating social morals;

（三）对植物新品种的特征、特性或者育种者身份等容易引起误解的。

3. those that are liable to mislead as to the features or properties of the new variety of plant, or as to the identity of the breeder.

同一植物品种在申请新品种保护、品种审定、品种登记、推广、销售时只能使用同一个名称。生产推广、销售的种子应当与申请植物新品种保护、品种审定、品种登记时提供的样品相符。

The same plant variety can only use the same name in applying for the protection of new variety, variety examination and approval, variety registration, popularization and sales. The seeds that are produced, popularized and sold shall be in consistent with the samples provided in applying for the protection of new plant variety, variety examination and approval, and variety registration.

第二十八条   完成育种的单位或者个人对其授权品种，享有排他的独占权。任何单位或者个人未经植物新品种权所有人许可，不得生产、繁殖或者销售该授权品种的繁殖材料，不得为商业目的将该授权品种的繁殖材料重复使用于生产另一品种的繁殖材料；但是本法、有关法律、行政法规另有规定的除外。

Article 28 The entity which or the person who has accomplished the breeding has an exclusive right in their protected variety. No entity or individual may, without the consent of the owner of the title of new plant variety, produce, reproduce or sell the propagation materials of the protected variety in question, or repeatedly use the propagation materials of the protected variety in the production of the propagation materials of another variety for commercial purposes, unless otherwise provided for in this Law or relevant laws or administrative regulations.

第二十九条   在下列情况下使用授权品种的，可以不经植物新品种权所有人许可，不向其支付使用费，但不得侵犯植物新品种权所有人依照本法、有关法律、行政法规享有的其他权利：

Article 29 To use a title-granted variety in the following circumstances, an entity or individual is not required to obtain permission from or pay royalties to the owner of the title of new plant variety, but shall not infringe upon other rights enjoyed by the owner of the title of new plant variety in accordance with the Law, relevant laws and administrative regulations:

（一）利用授权品种进行育种及其他科研活动；

1. use of the protected variety for breeding and other scientific research activities;

（二）农民自繁自用授权品种的繁殖材料。

(II) propagating materials of authorized varieties bred and used by farmers themselves.

第三十条   为了国家利益或者社会公共利益，国务院农业、林业主管部门可以作出实施植物新品种权强制许可的决定，并予以登记和公告。

Article 30 For the sake of national interests or public interests, the competent agriculture and forestry departments under the State Council may make the decision on granting a compulsory license for exploitation of new plant varieties, which shall be subsequently registered and announced.

取得实施强制许可的单位或者个人不享有独占的实施权，并且无权允许他人实施。

Any entity or individual that is granted a compulsory license for exploitation shall not have an exclusive right to exploit and shall not have the right to authorize exploitation by any others.

第五章 种子生产经营

Chapter 5 Production of and Trading in Seeds

第三十一条   从事种子进出口业务的种子生产经营许可证，由省、自治区、直辖市人民政府农业、林业主管部门审核，国务院农业、林业主管部门核发。

Article 31 The seed production and operation license used for engaging in seed import and export business shall be reviewed by the competent agriculture and forestry departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and be approved and issued by the competent agriculture and forestry departments under the State Council.

从事主要农作物杂交种子及其亲本种子、林木良种种子的生产经营以及实行选育生产经营相结合，符合国务院农业、林业主管部门规定条件的种子企业的种子生产经营许可证，由生产经营者所在地县级人民政府农业、林业主管部门审核，省、自治区、直辖市人民政府农业、林业主管部门核发。

The seed production and trading license for a seed enterprise that engages in the production of and trading in major crop hybrid seeds and parent seeds or forest tree seeds of improved varieties, combines the seed selection and breeding with the production of and trading in seeds and meets the conditions specified by the administrative departments for agriculture and for forestry under the State Council shall be subject to examination by the administrative departments for agriculture and for forestry at the county level in the place where the producer or trader is located, and be issued by the administrative departments for agriculture and for forestry under the people's government of the relevant province, autonomous region or centrally-administered municipality.

前两款规定以外的其他种子的生产经营许可证，由生产经营者所在地县级以上地方人民政府农业、林业主管部门核发。

The seed production and operation licenses for the seeds other than those stipulated by the preceding two paragraphs shall be issued by the competent agriculture and forestry departments of the people's governments at or above the county level at the places where the producers and operators are located.

只从事非主要农作物种子和非主要林木种子生产的，不需要办理种子生产经营许可证。

The only engagement in the production of non- main crop seeds and non- main forest tree seeds requires no seed production and operation license.

第三十二条   申请取得种子生产经营许可证的，应当具有与种子生产经营相适应的生产经营设施、设备及专业技术人员，以及法规和国务院农业、林业主管部门规定的其他条件。

Article 32 To apply for the seed production and operation license, an entity or individual shall possess production and operation facilities, equipment and professionals that are suitable for seed production and operation, and meet other conditions stipulated by the laws and regulations and by the competent agriculture and forestry departments under the State Council.

从事种子生产的，还应当同时具有繁殖种子的隔离和培育条件，具有无检疫性有害生物的种子生产地点或者县级以上人民政府林业主管部门确定的采种林。

For those who engage in seed production, there shall also be isolation and cultivation conditions for seed propagation, as well as seed production sites free of quarantine pests or nurse-crop stands designated as such by the administrative department for forestry under the people's government at or above the county level.

申请领取具有植物新品种权的种子生产经营许可证的，应当征得植物新品种权所有人的书面同意。

To apply for a seed production and operation license for a seed variety that has been granted with the title of new plant variety, the written consent of the owner of the title of new plant variety shall be obtained.

第三十三条   种子生产经营许可证应当载明生产经营者名称、地址、法定代表人、生产种子的品种、地点和种子经营的范围、有效期限、有效区域等事项。

Article 33 A seed production and trading license shall state the name and address of the producer or trader, the legal representative, the variety and location of the seeds produced, the scope, validity period and valid area, etc. for seed trading.

前款事项发生变更的，应当自变更之日起三十日内，向原核发许可证机关申请变更登记。

In case of any change in the above matters, an application for change registration shall be submitted to the original permit issuing authority within 30 days from the date of change.

除本法另有规定外，禁止任何单位和个人无种子生产经营许可证或者违反种子生产经营许可证的规定生产、经营种子。禁止伪造、变造、买卖、租借种子生产经营许可证。

Unless otherwise provided in the Law, it is prohibited for any entity or individual to produce or operate seeds without the seed production and operation license or in violation of the provisions stated in the seed production and operation license. Forging, altering, trading in and leasing of seed production and trading licenses are prohibited.

第三十四条   种子生产应当执行种子生产技术规程和种子检验、检疫规程。

Article 34 Seeds shall be produced in compliance with technical regulations on seed production and the rules on seed inspection and quarantine.

第三十五条   在林木种子生产基地内采集种子的，由种子生产基地的经营者组织进行，采集种子应当按照国家有关标准进行。

Article 35 The collection of seeds at the production site shall be organized by the operator of the site, and shall be carried out in accordance with relevant national standards.

禁止抢采掠青、损坏母树，禁止在劣质林内、劣质母树上采集种子。

It is forbidden to pick immature seed, damage the parent trees, and to collect seeds from low quality forests or trees.

第三十六条   种子生产经营者应当建立和保存包括种子来源、产地、数量、质量、销售去向、销售日期和有关责任人员等内容的生产经营档案，保证可追溯。种子生产经营档案的具体载明事项，种子生产经营档案及种子样品的保存期限由国务院农业、林业主管部门规定。

Article 36 Seed producers and traders shall establish and keep the production and trading files indicating the seed source, origin, quantity, quality, sales destination, sales date, and responsible personnel to ensure the traceability. The detailed matters specified in the seed production and operation file and the storage life of the production and operation file and seed samples shall be provided by the competent agriculture and forestry departments under the State Council.

第三十七条   农民个人自繁自用的常规种子有剩余的，可以在当地集贸市场上出售、串换，不需要办理种子生产经营许可证。

Article 37 The remainder of conventional seeds propagated by peasants themselves for their own use may be sold and exchanged at local rural fairs without seed production and operation licenses.

第三十八条   种子生产经营许可证的有效区域由发证机关在其管辖范围内确定。种子生产经营者在种子生产经营许可证载明的有效区域设立分支机构的，专门经营不再分装的包装种子的，或者受具有种子生产经营许可证的种子生产经营者以书面委托生产、代销其种子的，不需要办理种子生产经营许可证，但应当向当地农业、林业主管部门备案。

Article 38 The effective areas covered by a seed production and trading license shall be determined by the authority that issues the license within its jurisdiction. Where a seed producer or trader establishes any branch within the effective area specified in the seed production and trading license, or trades specially in packed seeds that are not to be divided into smaller packages, or produces/sells seeds on the basis of written commission as the agent of a seed producer/trader that has the seed production and trading license, the seed producer or trader is not required to obtain a seed production and trading license, but shall file with the local administrative departments for agriculture and for forestry for the record.

实行选育生产经营相结合，符合国务院农业、林业主管部门规定条件的种子企业的生产经营许可证的有效区域为全国。

The valid area of the seed production and operation license issued to a seed enterprise that integrates the selection, breeding, production and operation, and meets conditions stipulated by the competent agriculture and forestry departments under the State Council is the whole country.

第三十九条   未经省、自治区、直辖市人民政府林业主管部门批准，不得收购珍贵树木种子和本级人民政府规定限制收购的林木种子。

Article 39 Without the approval of the administrative departments for forestry under the people's governments of provinces, autonomous regions or centrally-administered municipalities, no seeds of rare trees or forest tree seeds the purchase of which is restricted in accordance with the regulations of the people's government at the same level may be purchased.

第四十条   销售的种子应当加工、分级、包装。但是不能加工、包装的除外。

Article 40 The seeds to be sold should be processed, classified and packed. However, exception applies to those that cannot be processed or packed.

大包装或者进口种子可以分装；实行分装的，应当标注分装单位，并对种子质量负责。

Seeds in large package or imported may be divided and repacked; in such cases, the repackaging entities shall be clearly stated and they shall be responsible for the quality of such seeds.

第四十一条   销售的种子应当符合国家或者行业标准，附有标签和使用说明。标签和使用说明标注的内容应当与销售的种子相符。种子生产经营者对标注内容的真实性和种子质量负责。

Article 41 The seeds to be sold shall meet the national or industrial standards and bear labels and instructions. The contents of labels and instructions shall be consistent with the seeds to be sold. Seed producers and operators shall be responsible for the authenticity of labels' contents and the seed quality.

标签应当标注种子类别、品种名称、品种审定或者登记编号、品种适宜种植区域及季节、生产经营者及注册地、质量指标、检疫证明编号、种子生产经营许可证编号和信息代码，以及国务院农业、林业主管部门规定的其他事项。

Such label shall indicate the seed family, variety name, serial number of variety examination and approval or registration, suitable planting areas and seasons for the variety, producer/trader and registered place, quality index, serial number of quarantine certificate, serial number of the seed production and operation license and information code, as well as other matters stipulated by the competent agriculture and forestry departments under the State Council.

销售授权品种种子的，应当标注品种权号。

For the sale of authorized varieties of seeds, the number of variety rights shall be indicated.

销售进口种子的，应当附有进口审批文号和中文标签。

For the sale of imported seeds, the serial number of import approval and a label in Chinese are required.

销售转基因植物品种种子的，必须用明显的文字标注，并应当提示使用时的安全控制措施。

To sell gene-transfer plant seeds, it must be showed with obvious written language and the safety control methods must also be provided.

种子生产经营者应当遵守有关法律、法规的规定，诚实守信，向种子使用者提供种子生产者信息、种子的主要性状、主要栽培措施、适应性等使用条件的说明、风险提示与有关咨询服务，不得作虚假或者引人误解的宣传。

Seed producers and traders shall observe the provisions of relevant laws and regulations, be honest and trustworthy, provide seed users with the explanation on the information of seed producers, main characteristics of seeds, main cultivation measures, adaptation and other use conditions, risk warning and relevant consulting services, and may not make false or misleading publicity.

任何单位和个人不得非法干预种子生产经营者的生产经营自主权。

No entity or individual may illegally interfere in the right of seed producers or traders to carry out independent production or trading.

第四十二条   种子广告的内容应当符合本法和有关广告的法律、法规的规定，主要性状描述等应当与审定、登记公告一致。

Article 42 The contents of seed advertisements shall be conform to the provisions of this Law and laws, rules and regulations on advertisements, and the descriptions of the main properties shall be in conformity with those in the announcement on verification or registration.

第四十三条   运输或者邮寄种子应当依照有关法律、行政法规的规定进行检疫。

Article 43 The seeds transported or posted shall be quarantined in accordance with relevant laws and administrative regulations.

第四十四条   种子使用者有权按照自己的意愿购买种子，任何单位和个人不得非法干预。

Article 44 Seed users shall have the right to purchase the seeds of their own free will. No entities or individuals may illegally interfere in such purchases.

第四十五条   国家对推广使用林木良种造林给予扶持。国家投资或者国家投资为主的造林项目和国有林业单位造林，应当根据林业主管部门制定的计划使用林木良种。

Article 45 The State supports afforestation that promotes the use of improved forest tree varieties. For the afforestation projects invested by the State or invested mainly by the State and for afforestation by State-owned forestry units, improved forest tree varieties shall be used in accordance with the plans worked out by the competent forestry departments.

第四十六条   种子使用者因种子质量问题或者因种子的标签和使用说明标注的内容不真实，遭受损失的，种子使用者可以向出售种子的经营者要求赔偿，也可以向种子生产者或者其他经营者要求赔偿。赔偿额包括购种价款、可得利益损失和其他损失。属于种子生产者或者其他经营者责任的，出售种子的经营者赔偿后，有权向种子生产者或者其他经营者追偿；属于出售种子的经营者责任的，种子生产者或者其他经营者赔偿后，有权向出售种子的经营者追偿。

Article 46 Where a seed user suffers losses due to seed quality problems, or inauthentic information on seed label and instructions, the seed user may claim compensation from the trader who has sold the seeds, or claim compensation from the seed producer or any of the other traders. The compensation amount includes the purchase price, the anticipated lost profit and other losses. Where the liability rests on the seed producer or any of the other traders, the trader who has sold the seeds shall have the right to recover the paid compensation from the producer or trader. Where the liability rests on the trader who has sold the seeds, the seed producer or any of the other traders who have paid the compensation shall have the right to recover the paid compensation from the trader who has sold the seeds.

第六章 种子监督管理

Chapter 6 Supervision and Administration on Seeds

第四十七条   农业、林业主管部门应当加强对种子质量的监督检查。种子质量管理办法、行业标准和检验方法，由国务院农业、林业主管部门制定。

Article 47 The competent agriculture and forestry departments shall strengthen the supervision and inspection on the seed quality. The competent agriculture and forestry departments under the State Council shall formulate the administrative measures for seed quality, industrial standards and inspection methods.

农业、林业主管部门可以采用国家规定的快速检测方法对生产经营的种子品种进行检测，检测结果可以作为行政处罚依据。被检查人对检测结果有异议的，可以申请复检，复检不得采用同一检测方法。因检测结果错误给当事人造成损失的，依法承担赔偿责任。

The competent agriculture and forestry departments may detect the seed varieties produced and operated by adopting the rapid detection method stipulated by the State, and the detection result may be used as the basis of administrative penalty. If the person under inspection disagrees with the inspection result, he may apply for re-inspection, and the same inspection method shall not be adopted for re-inspection. If losses are caused to the party concerned due to the wrong detection results, liability for compensation shall be assumed in accordance with the law.

第四十八条   农业、林业主管部门可以委托种子质量检验机构对种子质量进行检验。

Article 48 The administrative departments for agriculture and for forestry may entrust seed quality inspection authorities with the inspection of seed quality.

承担种子质量检验的机构应当具备相应的检测条件、能力，并经省级以上人民政府有关主管部门考核合格。

The authorities for inspection of seed quality shall have the necessary testing facilities and capabilities, and shall be regarded as qualified for the job through assessment by the competent departments under the people's government at or above the provincial level.

种子质量检验机构应当配备种子检验员。种子检验员应当具有中专以上有关专业学历，具备相应的种子检验技术能力和水平。

Seed quality examination inspection authorities shall be manned with inspectors. Seed inspectors shall have the educational background of the relevant technical secondary school or higher, and have the relevant seed inspection capacity and level.

第四十九条   禁止生产经营假、劣种子。农业、林业主管部门和有关部门依法打击生产经营假、劣种子的违法行为，保护农民合法权益，维护公平竞争的市场秩序。

Article 49 Production of and trading in false and inferior seeds are prohibited. The competent agriculture and forestry departments and relevant departments shall strike the illegal behaviors of producing and operating false or low-quality seeds in accordance with the law, protect the legitimate rights and interests of farmers and maintain the market order with fair competition.

下列种子为假种子：

The following are false seeds:

（一）以非种子冒充种子或者以此种品种种子冒充其他品种种子的；

1. Use non-seeds to imitate seeds, or use one kind of seed to imitate another kind of seed; and

（二）种子种类、品种与标签标注的内容不符或者没有标签的。

(II) varieties and types of seeds are not consistent with the contents of labels or no labels are available.

下列种子为劣种子：

The following are inferior seeds:

（一）质量低于国家规定标准的；

1. the quality is lower than the standards prescribed by the State;

（二）质量低于标签标注指标的；

2. The quality failing to meet the indicators as labeled;

（三）带有国家规定的检疫性有害生物的。

(III) containers carrying quarantine pests specified by the State.

第五十条   农业、林业主管部门是种子行政执法机关。种子执法人员依法执行公务时应当出示行政执法证件。农业、林业主管部门依法履行种子监督检查职责时，有权采取下列措施：

Article 50 The competent agriculture and forestry departments are the law enforcement authorities. When seed law enforcers perform their official duties in accordance with law, they shall show their administrative law enforcement certificates. When performing duties of seed supervision and inspection according to the law, the competent agriculture and forestry departments have the right to take measures as follows:

（一）进入生产经营场所进行现场检查；

1. Entering production and business operation sites for on-site inspection;

（二）对种子进行取样测试、试验或者检验；

2. carry out sampling test, trial or examination of seeds;

（三）查阅、复制有关合同、票据、账簿、生产经营档案及其他有关资料；

(III) consulting and copying relevant contracts, notes, account books, production and operation files and other relevant materials; and

（四）查封、扣押有证据证明违法生产经营的种子，以及用于违法生产经营的工具、设备及运输工具等；

(IV) seal up and detain seeds that have been proved to be produced and operated illegally, as well as tools, equipment, means of transportation and so on used for the illegal production and operation; and

（五）查封违法从事种子生产经营活动的场所。

(V) seal up places used for illegal seed production and operation activities.

农业、林业主管部门依照本法规定行使职权，当事人应当协助、配合，不得拒绝、阻挠。

When the administrative departments for agriculture and for forestry exercise their functions and powers in accordance with this Law, the parties concerned shall give assistance and cooperation, and shall not refuse to do so or create obstacles.

农业、林业主管部门所属的综合执法机构或者受其委托的种子管理机构，可以开展种子执法相关工作。

The comprehensive law enforcement organs under the competent agriculture and forestry departments, or the seed management organs entrusted thereby, may carry out the work related to seed law enforcement.

第五十一条   种子生产经营者依法自愿成立种子行业协会，加强行业自律管理，维护成员合法权益，为成员和行业发展提供信息交流、技术培训、信用建设、市场营销和咨询等服务。

Article 51 Seed producers and operators may voluntarily establish seed industry associations in accordance with the law to strengthen the industry self-discipline management, safeguard the legitimate rights and interests of their members and provide information exchange, technical training, credit building, marketing, consulting and other services for members and industry development.

第五十二条   种子生产经营者可自愿向具有资质的认证机构申请种子质量认证。经认证合格的，可以在包装上使用认证标识。

Article 52 Seed producers and traders may voluntarily apply to qualified certification authorities for seed quality certification. The qualified ones may use the certification marks on packages.

第五十三条   由于不可抗力原因，为生产需要必须使用低于国家或者地方规定标准的农作物种子的，应当经用种地县级以上地方人民政府批准；林木种子应当经用种地省、自治区、直辖市人民政府批准。

Article 53 Where, due to force majeure, it is necessary to use the crop seeds that are lower than the standards of the State or local authorities, the matter shall be subject to approval by the local people's government at or above the county level where the seeds are to be used; where forest tree seeds are concerned, the matter shall be subject to approval by the people's government of the province, autonomous region or municipality directly under the Central Government where the seeds are to be used.

第五十四条   从事品种选育和种子生产经营以及管理的单位和个人应当遵守有关植物检疫法律、行政法规的规定，防止植物危险性病、虫、杂草及其他有害生物的传播和蔓延。

Article 54 Units or individuals engaged in variety selection, in seed production or trade, or in seed management shall observe the provisions of the laws, rules and regulations on plant quarantine in order to prevent dangerous plant diseases, insect pests and weeds and other harmful organisms from spreading.

禁止任何单位和个人在种子生产基地从事检疫性有害生物接种试验。

No entity or individual may conduct inoculation experiments on quarantine pests in seed production bases.

第五十五条   省级以上人民政府农业、林业主管部门应当在统一的政府信息发布平台上发布品种审定、品种登记、新品种保护、种子生产经营许可、监督管理等信息。

Article 55 The competent agriculture and forestry departments of the people's governments at or above the provincial level shall publish the information about variety verification, variety registration, protection of new variety, seed production and operation license, supervision and management on the uniform government information platform.

国务院农业、林业主管部门建立植物品种标准样品库，为种子监督管理提供依据。

The administrative departments for agriculture and for forestry under the State Council shall establish a bank of standard samples for plant varieties so as to provide the basis for seed supervision and administration.

第五十六条   农业、林业主管部门及其工作人员，不得参与和从事种子生产经营活动。

Article 56 The competent agriculture and forestry departments as well as the staff thereof shall not participate or engage in the seed production and operation activities.

第七章 种子进出口和对外合作

Chapter 7 Import, Export and Foreign Cooperation for Seed

第五十七条   进口种子和出口种子必须实施检疫，防止植物危险性病、虫、杂草及其他有害生物传入境内和传出境外，具体检疫工作按照有关植物进出境检疫法律、行政法规的规定执行。

Article 57 Any seeds imported or exported shall be subject to inspection and quarantine for the purpose of preventing dangerous plant diseases, insect pests and weeds from spreading into or out of the country, and inspection and quarantine shall be carried out in accordance with the provisions of the laws, rules and regulations on entry or exit plant inspection and quarantine.

第五十八条   从事种子进出口业务的，除具备种子生产经营许可证外，还应当依照国家有关规定取得种子进出口许可。

Article 58 For engagement in seed import and export business, the seed import and export license shall be obtained in accordance with relevant national provisions, in addition to the seed production and operation license.

从境外引进农作物、林木种子的审定权限，农作物、林木种子的进口审批办法，引进转基因植物品种的管理办法，由国务院规定。

The State Council shall fix the limits of authority for examining and approving the introduction of the seeds of crops and forest trees from abroad, and formulate measures for examination and approval of the import of such seeds and administrative measures for the introduction of transgenic plant varieties.

第五十九条   进口种子的质量，应当达到国家标准或者行业标准。没有国家标准或者行业标准的，可以按照合同约定的标准执行。

Article 59 The quality of the seeds imported shall reach the standards of the State or of the industry. Where there are no such standards to go by, the standards agreed upon in a contract may be applied.

第六十条   为境外制种进口种子的，可以不受本法第五十八条第一款的限制，但应当具有对外制种合同，进口的种子只能用于制种，其产品不得在境内销售。

Article 60 Where seeds are imported for producing hybrid seeds for other countries, such imports may be exempt from the restriction laid down in the provisions of the first paragraph of Article 58 of this Law, provided that a contract is signed for the production of hybrid seeds for foreign countries, the imported seeds are only to be used for the production of hybrid seeds, and the products are not to be sold in the country.

从境外引进农作物或者林木试验用种，应当隔离栽培，收获物也不得作为种子销售。

The crop seeds or forest tree seeds introduced from abroad for experiment shall be planted in isolation, and no cuttings therefrom may be sold as seeds.

第六十一条   禁止进出口假、劣种子以及属于国家规定不得进出口的种子。

Article 61 The import and export of false and inferior seeds and of the seeds the import and export of which are prohibited by State regulations are prohibited.

第六十二条   国家建立种业国家安全审查机制。境外机构、个人投资、并购境内种子企业，或者与境内科研院所、种子企业开展技术合作，从事品种研发、种子生产经营的审批管理依照有关法律、行政法规的规定执行。

Article 62 The State shall establish a national security review mechanism for seed industry. Where a foreign institution or individual invests in or acquires a domestic seed enterprise, or conducts technical cooperation with a domestic scientific research institute or seed enterprise, the engagement in variety research and development or seed production and operation shall be examined and approved in accordance with the relevant laws and administrative regulations.

第八章 扶持措施

Chapter 8 Supporting Measures

第六十三条   国家加大对种业发展的支持。对品种选育、生产、示范推广、种质资源保护、种子储备以及制种大县给予扶持。

Article 63 The State increases support for the development of the seed industry. Support will be given to large counties involved in seed selection, breeding, production, demonstration, popularization, protection of germ plasm resources and seed reserves.

国家鼓励推广使用高效、安全制种采种技术和先进适用的制种采种机械，将先进适用的制种采种机械纳入农机具购置补贴范围。

The State encourages and promotes the use of efficient and safe techniques of seed production and collection, and advanced and applicable machines for seed production and collection, and includes the advanced and applicable machines for seed production and collection into the scope of subsidies for agricultural implements purchase.

国家积极引导社会资金投资种业。

The State actively guides the investment of social funds in the seed industry.

第六十四条   国家加强种业公益性基础设施建设。

Article 64 The State strengthens the construction of infrastructure for the public welfare in the seed industry.

对优势种子繁育基地内的耕地，划入基本农田保护区，实行永久保护。优势种子繁育基地由国务院农业主管部门商所在省、自治区、直辖市人民政府确定。

The arable land in the advantageous seed breeding bases shall be protected permanently as the basic farmland protection zones. The advantageous seed breeding bases shall be determined by the administrative departments for agriculture under the State Council after consultation with the local people's governments of provinces, autonomous regions and centrally-administered municipalities.

第六十五条   对从事农作物和林木品种选育、生产的种子企业，按照国家有关规定给予扶持。

Article 65 Support will be given to seed enterprises engaging in selection, breeding and production of crop varieties and forest tree varieties according to the relevant national provisions.

第六十六条   国家鼓励和引导金融机构为种子生产经营和收储提供信贷支持。

Article 66 The State encourages and guides financial institutions to provide credit support to seed production and operation, collection and storage.

第六十七条   国家支持保险机构开展种子生产保险。省级以上人民政府可以采取保险费补贴等措施，支持发展种业生产保险。

Article 67 The State supports insurance institutions to provide seed production insurance. The people's governments at or above the provincial level may take measures such as insurance premium subsidies to support and develop the production insurance in seed industry.

第六十八条   国家鼓励科研院所及高等院校与种子企业开展育种科技人员交流，支持本单位的科技人员到种子企业从事育种成果转化活动；鼓励育种科研人才创新创业。

Article 68 The State encourages scientific research institutes and institutions of higher learning to carry out the exchange of breeding talents with seed enterprises and support their scientific and technical personnel to engage in the commercialization of breeding achievements in seed enterprises. Scientific research talents in seed breeding are encouraged to make innovation and start business.

第六十九条   国务院农业、林业主管部门和异地繁育种子所在地的省、自治区、直辖市人民政府应当加强对异地繁育种子工作的管理和协调，交通运输部门应当优先保证种子的运输。

Article 69 The administrative departments for agriculture and for forestry under the State Council and the people's governments of provinces, autonomous regions and centrally-administered municipalities where seeds are propagated in different soil shall improve management and coordination in this regard, and the transportation departments shall give priority to the transport of such seeds.

第九章 法律责任

Chapter 9 Legal Liabilities

第七十条   农业、林业主管部门不依法作出行政许可决定，发现违法行为或者接到对违法行为的举报不予查处，或者有其他未依照本法规定履行职责的行为的，由本级人民政府或者上级人民政府有关部门责令改正，对负有责任的主管人员和其他直接责任人员依法给予处分。

Article 70 If the administrative departments for agriculture and for forestry fail to make administrative licensing decisions in accordance with the law, fail to investigate and punish illegal activities found or reported, or fail to perform other duties in accordance with this Law, the people's governments at the same level or the relevant departments of the people's governments at a higher level shall order them to make corrections, and impose penalties on the persons directly in charge and other persons directly liable in accordance with the law.

违反本法第五十六条规定，农业、林业主管部门工作人员从事种子生产经营活动的，依法给予处分。

The staff of the competent agriculture and forestry departments shall be given sanctions in accordance with the law if they violate Article 56 of the Law and engage in the seed production and operation activities.

第七十一条   违反本法第十六条规定，品种审定委员会委员和工作人员不依法履行职责，弄虚作假、徇私舞弊的，依法给予处分；自处分决定作出之日起五年内不得从事品种审定工作。

Article 71 Members and staff of the varieties examination and approval committee shall be given sanctions in accordance with the law if they, in violation of Article 16 of the Law, fail to perform their duties according to the law, practice fraud and practice favoritism for personal gains; and they shall not work on variety examination and approval within five years as of the date on which the decision on sanctions is made.

第七十二条   品种测试、试验和种子质量检验机构伪造测试、试验、检验数据或者出具虚假证明的，由县级以上人民政府农业、林业主管部门责令改正，对单位处五万元以上十万元以下罚款，对直接负责的主管人员和其他直接责任人员处一万元以上五万元以下罚款；有违法所得的，并处没收违法所得；给种子使用者和其他种子生产经营者造成损失的，与种子生产经营者承担连带责任；情节严重的，由省级以上人民政府有关主管部门取消种子质量检验资格。

Article 72 If an institution engaged in variety testing, experimenting or seed quality inspection forges test, experiment or inspection data or issues false certificates, the competent agriculture or forestry department of the people's government at or above the county level shall order it to make corrections, impose a fine of not less than CNY50,000 but not more than CNY100 ,000 on the institution, and a fine of not less than CNY10,000 but not more than CNY50,000 on the person directly in charge and other persons directly liable; the illegal gains, if any, shall be confiscated; if losses are caused to seed users or other seed producers or traders, joint liability shall be assumed with the seed producer or trader; if the circumstances are serious, the qualifications for seed quality inspection will be cancelled by the competent department of the people's government at or above the provincial level.

第七十三条   违反本法第二十八条规定，有侵犯植物新品种权行为的，由当事人协商解决，不愿协商或者协商不成的，植物新品种权所有人或者利害关系人可以请求县级以上人民政府农业、林业主管部门进行处理，也可以直接向人民法院提起诉讼。

Article 73 If anyone, in violation of Article 28 of this Law, commits an act infringing upon the title of new plant variety, the matter shall be settled through negotiations by the parties concerned; if the parties are unwilling to negotiate or unable to reach an agreement through negotiations, the owner of the title of new plant variety or any interested party may request the competent agriculture or forestry department of the people's government at or above the county level to handle the matter, or may directly file a suit with the people's court.

县级以上人民政府农业、林业主管部门，根据当事人自愿的原则，对侵犯植物新品种权所造成的损害赔偿可以进行调解。调解达成协议的，当事人应当履行；当事人不履行协议或者调解未达成协议的，植物新品种权所有人或者利害关系人可以依法向人民法院提起诉讼。

The competent agriculture or forestry department of the people's government at or above the county level may conduct conciliation on compensation for damages caused by the infringement of the right of new plant variety on the principle of voluntariness of the parties concerned. Where an agreement is reached through mediation, the parties concerned shall perform the agreement; where the parties concerned fail to perform the agreement or no agreement is reached through mediation, the owner of the title of new plant variety or the interested parties may file a lawsuit with a people's court in accordance with the law.

侵犯植物新品种权的赔偿数额按照权利人因被侵权所受到的实际损失确定；实际损失难以确定的，可以按照侵权人因侵权所获得的利益确定。权利人的损失或者侵权人获得的利益难以确定的，可以参照该植物新品种权许可使用费的倍数合理确定。赔偿数额应当包括权利人为制止侵权行为所支付的合理开支。侵犯植物新品种权，情节严重的，可以在按照上述方法确定数额的一倍以上三倍以下确定赔偿数额。

The compensation amount for the infringement of the right of new plant variety shall be determined according to the actual losses suffered by the right holder due to the infringement; if the actual losses are difficult to be determined, the compensation amount shall be determined according to the benefits gained by the infringer from the infringement. If it is difficult to determine the losses of the right holder or benefits obtained by the infringer, the compensation amount may be reasonably determined according to the relevant multiple of the royalty of the right of new plant variety. The compensation amount shall include the reasonable expenses incurred by the rights holder to stop the infringement act. If the title of new plant variety is seriously infringed upon, the amount of compensation shall be one to three times the amount of compensation determined according to the above-mentioned method.

权利人的损失、侵权人获得的利益和植物新品种权许可使用费均难以确定的，人民法院可以根据植物新品种权的类型、侵权行为的性质和情节等因素，确定给予三百万元以下的赔偿。

Where the right holder's losses, infringer's benefits, and the royalty for the title of new plant variety are all difficult to be determined, the people's court may determine the compensation of less than 3 million yuan in accordance with the type of the title of new plant variety, nature and circumstances of the infringing act, and other factors.

县级以上人民政府农业、林业主管部门处理侵犯植物新品种权案件时，为了维护社会公共利益，责令侵权人停止侵权行为，没收违法所得和种子；货值金额不足五万元的，并处一万元以上二十五万元以下罚款；货值金额五万元以上的，并处货值金额五倍以上十倍以下罚款。

When settling a case regarding infringement upon the rights to new plant varieties, the administrative department for agriculture or for forestry under the people's government at or above the county level shall order the infringer to stop the infringing act and confiscate the illegal gains and the seeds involved to safeguard public interests; if the value of seeds involved is less than 50,000 yuan, a fine of not less than 10,000 yuan but not more than 250,000 yuan will be imposed; if such value is more than 50,000 yuan, a fine of five times to ten times the value of seeds involved will be imposed.

假冒授权品种的，由县级以上人民政府农业、林业主管部门责令停止假冒行为，没收违法所得和种子；货值金额不足五万元的，并处一万元以上二十五万元以下罚款；货值金额五万元以上的，并处货值金额五倍以上十倍以下罚款。

If any entity or individual counterfeits the authorized varieties, the competent agriculture or forestry department of the people's government at or above the county level shall order the entity or individual to stop the counterfeiting act, and confiscate the illegal gains and seeds; if the value of seeds is less than 50,000 yuan, a fine of not less than 10,000 yuan but not more than 250,000 yuan will be imposed; if the value of seeds is more than 50,000 yuan, a fine of five times to ten times the value of seeds will be imposed.

第七十四条   当事人就植物新品种的申请权和植物新品种权的权属发生争议的，可以向人民法院提起诉讼。

Article 74 Where disputes arise as to the right to apply for a new variety of plant and the ownership of the right of new variety of plant, the parties concerned may file a suit with the People's Court.

第七十五条   违反本法第四十九条规定，生产经营假种子的，由县级以上人民政府农业、林业主管部门责令停止生产经营，没收违法所得和种子，吊销种子生产经营许可证；违法生产经营的货值金额不足一万元的，并处一万元以上十万元以下罚款；货值金额一万元以上的，并处货值金额十倍以上二十倍以下罚款。

Article 75 If anyone, in violation of Article 49 of this Law, produces or trades false seeds, the administrative department for agriculture or for forestry under the people's government at or above the county level shall order him/her to cease the production or trading, confiscate the illegal gains and the seeds involved, and the seed production and trading license will be revoked. If the value of seeds illegally produced or traded is less than 10,000 yuan, a fine of not less than 10,000 yuan but not more than 100,000 yuan will be imposed; if such value is more than 10,000 yuan, a fine of 10 times to 20 times the value of seeds involved will be imposed.

因生产经营假种子犯罪被判处有期徒刑以上刑罚的，种子企业或者其他单位的法定代表人、直接负责的主管人员自刑罚执行完毕之日起五年内不得担任种子企业的法定代表人、高级管理人员。

If the legal representative or the person directly in charge of a seed enterprise or any other relevant entity is sentenced to a fixed-term imprisonment or above penalty for production or trading of false seeds, he/she will not be allowed to hold the position of legal representative or senior manager in any seed enterprise within five years from the date when the penalty is served.

第七十六条   违反本法第四十九条规定，生产经营劣种子的，由县级以上人民政府农业、林业主管部门责令停止生产经营，没收违法所得和种子；违法生产经营的货值金额不足一万元的，并处五千元以上五万元以下罚款；货值金额一万元以上的，并处货值金额五倍以上十倍以下罚款；情节严重的，吊销种子生产经营许可证。

Article 76 If anyone, in violation of Article 49 of this Law, produces or trades low-quality seeds, the administrative department for agriculture or for forestry under the people's government at or above the county level shall order him/her to cease the production or trading, confiscate the illegal gains and the seeds involved. If the value of seeds illegally produced or traded is less than 10,000 yuan, a fine of not less than 5,000 yuan but not more than 50,000 yuan will be imposed; if such value is more than 10,000 yuan, a fine of five times to ten times the value of seeds involved will be imposed; in serious cases, the seed production and trading license will be revoked.

因生产经营劣种子犯罪被判处有期徒刑以上刑罚的，种子企业或者其他单位的法定代表人、直接负责的主管人员自刑罚执行完毕之日起五年内不得担任种子企业的法定代表人、高级管理人员。

If the legal representative or any directly responsible person in charge of a seed enterprise or any other relevant entity is sentenced to a fixed-term imprisonment or above penalty for production or trading of low-quality seeds, he/she will not be allowed to hold the position of legal representative or senior manager in any seed enterprise within five years from the date when the penalty is served.

第七十七条   违反本法第三十二条、第三十三条规定，有下列行为之一的，由县级以上人民政府农业、林业主管部门责令改正，没收违法所得和种子；违法生产经营的货值金额不足一万元的，并处三千元以上三万元以下罚款；货值金额一万元以上的，并处货值金额三倍以上五倍以下罚款；可以吊销种子生产经营许可证：

Article 77 If anyone, in violation of Article 32 or Article 33 of this Law, commits any of the following acts, the administrative department for agriculture or for forestry under the people's government at or above the county level shall order him/her to make corrections and confiscate the illegal gains and the seeds involved. If the value of seeds illegally produced or traded is less than 10,000 yuan, a fine of not less than 3,000 yuan but not more than 30,000 yuan will be imposed; if such value is more than 10,000 yuan, a fine of three times to five times the value of seeds involved will be imposed; the seed production and trading license may be revoked:

（一）未取得种子生产经营许可证生产经营种子的；

1. produce or operate seeds without seed production and operation license;

（二）以欺骗、贿赂等不正当手段取得种子生产经营许可证的；

(II) obtain the seed production and operation license through improper means such as cheating and bribery;

（三）未按照种子生产经营许可证的规定生产经营种子的；

(III) Cannot produce or operate seeds according to the stipulations of the seed-production and operation license.

（四）伪造、变造、买卖、租借种子生产经营许可证的。

(IV) Forging, altering, trading in or leasing seed production and operation licenses.

被吊销种子生产经营许可证的单位，其法定代表人、直接负责的主管人员自处罚决定作出之日起五年内不得担任种子企业的法定代表人、高级管理人员。

If the seed production and operation license of an entity is revoked, the legal representative or the person directly in charge of the entity will not be allowed to hold the position of legal representative or senior manager in any seed enterprise within five years from the date when the decision on punishment is made.

第七十八条   违反本法第二十一条、第二十二条、第二十三条规定，有下列行为之一的，由县级以上人民政府农业、林业主管部门责令停止违法行为，没收违法所得和种子，并处二万元以上二十万元以下罚款：

Article 78 If anyone, in violation of Article 21, Article 22 or Article 23 of this Law, commits any of the following acts, the administrative department for agriculture or for forestry under the people's government at or above the county level shall order him/her to cease the illegal act, confiscate the illegal gains and the seeds involved, and shall impose a fine of not less than 20,000 yuan but not more than 200,000 yuan:

（一）对应当审定未经审定的农作物品种进行推广、销售的；

1. generalize or sell crop varieties that should have been examined and approved;

（二）作为良种推广、销售应当审定未经审定的林木品种的；

2. generalize or sell forest tree varieties which should have been examined and approved as the improved varieties;

（三）推广、销售应当停止推广、销售的农作物品种或者林木良种的；

3. generalize or sell crop varieties or improved forest tree varieties whose popularization or sales should have been stopped;

（四）对应当登记未经登记的农作物品种进行推广，或者以登记品种的名义进行销售的；

(IV) generalize the crop varieties which should have been registered, or sell the crop varieties in the name of registered varieties; or

（五）对已撤销登记的农作物品种进行推广，或者以登记品种的名义进行销售的。

(V) generalize the crop varieties which have been deregistered, or sell the crop varieties in the name of registered varieties.

违反本法第二十三条、第四十二条规定，对应当审定未经审定或者应当登记未经登记的农作物品种发布广告，或者广告中有关品种的主要性状描述的内容与审定、登记公告不一致的，依照《中华人民共和国广告法》的有关规定追究法律责任。

Where, in violation of Article 23 and Article 42 of the Law, any advertisement on crop varieties which should have been examined and approved or registered is released, or the content of main characters of relevant varieties described in the advertisement is not consistent with that in the announcement on examination and approval and registration, relevant legal liabilities shall be investigated in accordance with the Advertising Law of the People's Republic of China.

第七十九条   违反本法第五十八条、第六十条、第六十一条规定，有下列行为之一的，由县级以上人民政府农业、林业主管部门责令改正，没收违法所得和种子；违法生产经营的货值金额不足一万元的，并处三千元以上三万元以下罚款；货值金额一万元以上的，并处货值金额三倍以上五倍以下罚款；情节严重的，吊销种子生产经营许可证：

Article 79 If anyone, in violation of Article 58, Article 60 or Article 61 of this Law, commits any of the following acts, the administrative department for agriculture or for forestry under the people's government at or above the county level shall order him/her to make corrections and confiscate the illegal gains and the seeds involved. If the value of seeds illegally produced or traded is less than 10,000 yuan, a fine of not less than 3,000 yuan but not more than 30,000 yuan will be imposed; if such value is more than 10,000 yuan, a fine of three times to five times the value of seeds involved will be imposed; in case of a serious violation, the seed production and trading license will be revoked:

（一）未经许可进出口种子的；

1. import or export seeds without permission;

（二）为境外制种的种子在境内销售的；

2. The seeds produced for foreign countries are sold within the territory of PRC;

（三）从境外引进农作物或者林木种子进行引种试验的收获物作为种子在境内销售的；

(III) selling the yields from the introduction experiments of crop seeds or forest tree seeds introduced from abroad as seeds within the territory of PRC; or

（四）进出口假、劣种子或者属于国家规定不得进出口的种子的。

(IV) import and export false or low-quality seeds, or seeds that are not allowed to be imported and/or exported by national provisions.

第八十条   违反本法第三十六条、第三十八条、第四十条、第四十一条规定，有下列行为之一的，由县级以上人民政府农业、林业主管部门责令改正，处二千元以上二万元以下罚款：

Article 80 In the event of any of the following acts violating Article 36, Article 38, Article 40 and Article 41 hereof, the competent agriculture or forestry department of the people's government at or above the county level shall order the violator to make corrections and impose the fine not less than CNY2,000 but not more than CNY20,000:

（一）销售的种子应当包装而没有包装的；

1. seeds to be sold are not packed as they should be;

（二）销售的种子没有使用说明或者标签内容不符合规定的；

(II) seeds to be sold have no instructions or contents of labels fail to meet provisions;

（三）涂改标签的；

3. Altering the label;

（四）未按规定建立、保存种子生产经营档案的；

(IV) The files of seed production and operation are not established and stored;

（五）种子生产经营者在异地设立分支机构、专门经营不再分装的包装种子或者受委托生产、代销种子，未按规定备案的。

(V) seed producers and operators who establish branches in other places, specialize in packaged seeds which need not be divided into smaller packages, or produce and sell seeds as entrusted, fail to report the matter to relevant authorities for record as stipulated.

第八十一条   违反本法第八条规定，侵占、破坏种质资源，私自采集或者采伐国家重点保护的天然种质资源的，由县级以上人民政府农业、林业主管部门责令停止违法行为，没收种质资源和违法所得，并处五千元以上五万元以下罚款；造成损失的，依法承担赔偿责任。

Article 81 If anyone, in violation of Article 8 of this Law, occupies or damages germ plasm resources, or collects or cuts the natural germ plasm resources under special protection of the State, the administrative department for agriculture or for forestry under the people's government at or above the county level shall order him/her to cease the illegal act, confiscate the illegal gains and the seeds involved, and shall impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; and such person shall be liable for any loss caused thereby according to law.

第八十二条   违反本法第十一条规定，向境外提供或者从境外引进种质资源，或者与境外机构、个人开展合作研究利用种质资源的，由国务院或者省、自治区、直辖市人民政府的农业、林业主管部门没收种质资源和违法所得，并处二万元以上二十万元以下罚款。

Article 82 If anyone, in violation of Article 11 of this Law, provides germ plasm resources to foreign countries or introduces germ plasm resources from foreign countries; conducts cooperative research using germ plasm resources with a foreign entity or individual, the administrative department for agriculture or for forestry under the State Council or under the people's government of the relevant province, autonomous region or centrally-administered municipality shall confiscate the germ plasm resources and the illegal gains therefrom, and impose a fine not less than 20,000 yuan but not more than 200,000 yuan.

未取得农业、林业主管部门的批准文件携带、运输种质资源出境的，海关应当将该种质资源扣留，并移送省、自治区、直辖市人民政府农业、林业主管部门处理。

Where germ plasm resources are being taken or transported out of the country without the approval of the administrative departments for agriculture and for forestry, the Customs shall seize the said resources and transfer them to the administrative departments for agriculture and for forestry under the people's governments of provinces, autonomous regions or centrally-administered municipalities for disposition.

第八十三条   违反本法第三十五条规定，抢采掠青、损坏母树或者在劣质林内、劣质母树上采种的，由县级以上人民政府林业主管部门责令停止采种行为，没收所采种子，并处所采种子货值金额二倍以上五倍以下罚款。

Article 83 If anyone, in violation of Article 35 of this Law, plunders unripe seeds, damages mother trees or collects seeds in inferior forest stands or from inferior mother trees, the administrative department for forestry under the people's government at or above the county level shall order him/her to stop the seed collection act, confiscate the seeds collected, and impose a fine of not less than two times but not more than five times the value of the seeds collected.

第八十四条   违反本法第三十九条规定，收购珍贵树木种子或者限制收购的林木种子的，由县级以上人民政府林业主管部门没收所收购的种子，并处收购种子货值金额二倍以上五倍以下罚款。

Article 84 If anyone, in violation of Article 39 of this Law, purchases valuable tree seeds, or forest seeds that are restricted from purchase, the administrative department for forestry under people's government at or above the county level shall confiscate the seeds purchased and impose a fine of not less than two times but not more than five times the value of the seeds purchased.

第八十五条   违反本法第十七条规定，种子企业有造假行为的，由省级以上人民政府农业、林业主管部门处一百万元以上五百万元以下罚款；不得再依照本法第十七条的规定申请品种审定；给种子使用者和其他种子生产经营者造成损失的，依法承担赔偿责任。

Article 85 Where a seed enterprise commits any fraud behaviors which violate Article 17 of the Law, the competent agriculture or forestry department of the people's government at or above the provincial level shall impose the fine not less than CNY1 million but not more than CNY5 million; the seed enterprise shall not apply for the variety examination and approval according to Article 17 of the Law; where seed users and other seed producers and operators suffer from any losses caused by such fraud behaviors, the seed enterprise shall undertake the liability of compensation according to the law.

第八十六条   违反本法第四十五条规定，未根据林业主管部门制定的计划使用林木良种的，由同级人民政府林业主管部门责令限期改正；逾期未改正的，处三千元以上三万元以下罚款。

Article 86 Where entities or individuals fail to use the improved forest tree varieties according to the plans developed by the competent forestry departments, in violation of Article 45 of the Law, the competent forestry departments of the people's governments at the same level shall order them to make corrections within a specified time limit; if they fail to do so within the specified time limit, a fine of not less than CNY3,000 but not more than CNY30,000 shall be imposed.

第八十七条   违反本法第五十四条规定，在种子生产基地进行检疫性有害生物接种试验的，由县级以上人民政府农业、林业主管部门责令停止试验，处五千元以上五万元以下罚款。

Article 87 If anyone, in violation of Article 54 of this Law, conducts inoculation experiments on quarantine pests in the seed production base, the administrative department for agriculture or for forestry under people's government at or above the county level shall order him/her to cease the experiments and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan.

第八十八条   违反本法第五十条规定，拒绝、阻挠农业、林业主管部门依法实施监督检查的，处二千元以上五万元以下罚款，可以责令停产停业整顿；构成违反治安管理行为的，由公安机关依法给予治安管理处罚。

Article 88 Where any entity or individual refuses to accept or obstructs the supervision and inspection conducted by the competent agriculture or forestry department in accordance with the law, which violates Article 50 hereof, a fine of not less than CNY2,000 but not more than CNY50,000 shall be imposed, and the relevant entity or individual may be ordered to suspend production or business for rectification; in case of constituting any violation of public security administration, public security administration punishment shall be imposed by the public security organ in accordance with the law.

第八十九条   违反本法第十三条规定，私自交易育种成果，给本单位造成经济损失的，依法承担赔偿责任。

Article 89 If anyone, in violation of Article 13 of this Law, privately trades the breeding result, and if economic losses are caused to the entity he/she belongs to, he/she shall undertake liability of compensation.

第九十条   违反本法第四十四条规定，强迫种子使用者违背自己的意愿购买、使用种子，给使用者造成损失的，应当承担赔偿责任。

Article 90 Those who, in violation of Article 44 of this Law, force seed users to buy or use seeds against their own free will, and thus cause losses to such users, shall bear the liability for compensation.

第九十一条   违反本法规定，构成犯罪的，依法追究刑事责任。

Article 91 Where a violation of the provisions of this Law constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第十章 附 则

Chapter 10 Supplementary Provisions

第九十二条   本法下列用语的含义是：

Article 92 For the purpose of this Law, the definitions of the following terms are:

（一）种质资源是指选育植物新品种的基础材料，包括各种植物的栽培种、野生种的繁殖材料以及利用上述繁殖材料人工创造的各种植物的遗传材料。

1. "Seed resources" refer to the basic materials selected to cultivate new varieties, including planting seeds of various flora wild seeds and the genetic materials fabricated with the above materials;

（二）品种是指经过人工选育或者发现并经过改良，形态特征和生物学特性一致，遗传性状相对稳定的植物群体。

(II) "Variety" refers to a plant colony whose shape and biological characteristics are uniform, and whose genetic characteristics are relatively stable that has been selected, cultivated, found and improved by human;

（三）主要农作物是指稻、小麦、玉米、棉花、大豆。

(III) "Main crops" refer to rice, wheat, maize, cotton and soybean;

（四）主要林木由国务院林业主管部门确定并公布；省、自治区、直辖市人民政府林业主管部门可以在国务院林业主管部门确定的主要林木之外确定其他八种以下的主要林木。

(IV) The main forest trees shall be determined and published by the competent forestry authority of State Council; other less than eight kinds of main forest trees excluding those determined by the competent forestry authority of State Council may be determined by the competent forestry authority of people's government of province, autonomous region, municipality directly under the Central Government.

（五）林木良种是指通过审定的主要林木品种，在一定的区域内，其产量、适应性、抗性等方面明显优于当前主栽材料的繁殖材料和种植材料。

(V) "Improved forest tree variety" refers to those main forest tree varieties that are examined and approved, and whose output, adaptability and resistance are significantly better than the propagation materials and planting materials;

（六）新颖性是指申请植物新品种权的品种在申请日前，经申请权人自行或者同意销售、推广其种子，在中国境内未超过一年；在境外，木本或者藤本植物未超过六年，其他植物未超过四年。

(VI) "Novelty" refers to the case that, prior to the date of filing an application for the right of new plant variety for a variety, the seeds of the variety have been sold and popularized by the applicant or others approved by the applicant for not more than one year in China, while the woody or vine plants not more than six years and the rest plants not more than four years outside China.

本法施行后新列入国家植物品种保护名录的植物的属或者种，从名录公布之日起一年内提出植物新品种权申请的，在境内销售、推广该品种种子未超过四年的，具备新颖性。

With regard to the botanical genera and species which are included in the national list of protected plant varieties after the implementation of this Law, if an application for the right of new plant variety is filed within one year as of the date of the publication of the list, or the seed of such variety has been sold or popularized for not more than four years, such variety shall possess the novelty.

除销售、推广行为丧失新颖性外，下列情形视为已丧失新颖性：

Except for the sales and popularization behaviors resulting in the loss of the novelty, the varieties under the following circumstances shall be deemed as losing the novelty:

1．品种经省、自治区、直辖市人民政府农业、林业主管部门依据播种面积确认已经形成事实扩散的；

1. the varieties have been determined by the competent agriculture and forestry departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government on the basis of the sowing area and have been spread as a fact; and

2．农作物品种已审定或者登记两年以上未申请植物新品种权的。

2. crops varieties have been examined and approved or registered for more than two years but the rights of new plant varieties have not been applied for.

（七）特异性是指一个植物品种有一个以上性状明显区别于已知品种。

(VII) Specificity refers to that one plant variety has one or more characters obviously different from those of the known varieties.

（八）一致性是指一个植物品种的特性除可预期的自然变异外，群体内个体间相关的特征或者特性表现一致。

(VIII) "Consistency" means that, except for the predictable natural variations of properties of one plant variety, relevant features or characteristics are consistent among individual plants within the colony;

（九）稳定性是指一个植物品种经过反复繁殖后或者在特定繁殖周期结束时，其主要性状保持不变。

(IX) "Stability" refers to the case that main characters of one plant variety remain unchanged after repeated propagation or at the end of a specific propagation cycle;

（十）已知品种是指已受理申请或者已通过品种审定、品种登记、新品种保护，或者已经销售、推广的植物品种。

(X) "Known varieties" refer to the plant varieties whose applications have been accepted or which have passed the variety examination and approval, variety registration, and protection of new variety, or which have been sold or popularized.

（十一）标签是指印制、粘贴、固定或者附着在种子、种子包装物表面的特定图案及文字说明。

(XI) "Label" refers to the specific patterns and written descriptions printed, pasted, fixed on or attached to the surface of seeds or packages of seeds.

第九十三条   草种、烟草种、中药材种、食用菌菌种的种质资源管理和选育、生产经营、管理等活动，参照本法执行。

Article 93 This Law applies as a reference to the activities such as management and selection, production and operation, and administration of the germ plasm resources of grass seeds, tobacco seeds, seeds of traditional Chinese medicinal materials and edible fungus seeds.

第九十四条   本法自2016年1月1日起施行。

Article 94 This Law shall come into force as of January 1, 2016.