

## Agricultural Marketing Service, USDA

§ 97.200

### FEES AND CHARGES

#### § 97.175 Fees and charges.

The following fees and charges apply to the services and actions specified in this section:

(a) Filing the application and notifying the public of filing—\$432.00.

(b) Search or examination—\$3,220.00.

(c) Allowance and issuance of certificate and notifying public of issuance—\$432.00.

(d) Revive an abandoned application—\$432.00.

(e) Reproduction of records, drawings, certificates, exhibits, or pointed material (copy per page of material)—\$1.50.

(f) Authentication (each page)—\$1.50.

(g) Correcting or re-issuance of a certificate—\$432.00.

(h) Recording assignments (per certificate/application)—\$38.00.

(i) Copies of 8 x 10 photographs in color—\$38.00

(j) Additional fee for reconsideration—\$432.00.

(k) Additional fee for late payment—\$38.00.

(l) Additional fee for late replenishment of seed—\$38.00.

(m) Appeal to Secretary (refundable if appeal overturns the Commissioner's decision)—\$4,118.00.

(n) Granting of extensions for responding to a request—\$74.00.

(o) Field inspections by a representative of the Plant Variety Protection Office, made at the request of the applicant, shall be reimbursable in full (including travel, per diem or subsistence, and salary) in accordance with Standardized Government Travel Regulation.

(p) Any other service not covered in this section will be charged for at rates prescribed by the Commissioner, but in no event shall they exceed \$89.00 per employee-hour.

[68 FR 1360, Jan. 10, 2003]

[65 FR 47244, Aug. 2, 2000]

#### § 97.176 Fees payable in advance.

Fees and charges shall be paid at the time of making application or at the time of submitting a request for any action by the Office for which a fee or

charge is payable and established in this part.

#### § 97.177 Method of payment.

Checks or money orders shall be made payable to the Treasurer of the United States. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of the prescribed fee. Money sent by mail to the Office shall be sent at the sender's risk.

#### § 97.178 Refunds.

Money paid by mistake or excess payments shall be refunded, but a mere change of plans after the payment of money, as when a party decides to withdraw an application or to withdraw an appeal, shall not entitle a party to a refund. However, the examination or search fee shall be refunded if an application is voluntarily abandoned pursuant to § 97.23(a) before a search or examination has begun. Amounts of \$1 or less shall not be refunded unless specifically demanded.

#### § 97.179 Copies and certified copies.

(a) Upon request, copies of applications, certificates, or of any records, books, papers, drawings, or photographs in the custody of the Office and which are open to the public, will be furnished to persons entitled thereto, upon payment of the prescribed fee.

(b) Upon request, copies will be authenticated by imprint of the seal of the Office and certified by the official, authorized by the Commissioner upon payment of the prescribed fee.

### AVAILABILITY OF OFFICE RECORDS

#### § 97.190 When open records are available.

Copies of records, which are open to the public and in the custody of the Office, may be examined in the Office during regular business hours upon approval by the Commissioner.

### PROTEST PROCEEDINGS

#### § 97.200 Protests to the grant of a certificate.

Opposition on the part of any person to the granting of a certificate shall be