

Agricultural Marketing Service, USDA

§ 97.176

operate as a revocation of authorization previously given, but the assignee of the entire interest may revoke previous authorizations and be represented by an attorney or agent of his or her own selection.

§ 97.153 Persons recognized.

Unless specifically authorized as provided in § 97.151, no person shall be permitted to file or advance applications before the Office on behalf of another person.

§ 97.154 Government employees.

Officers and employees of the United States who are disqualified by statute (18 U.S.C. 203 and 205) from practicing as attorneys or agents in proceedings or other matters before government departments or agencies, shall not be eligible to represent applicants, except officers and employees whose official duties require the preparation and prosecution of applications for certificates of variety protection.

§ 97.155 Signatures.

Every document filed by an attorney or agent representing an applicant or party to a proceeding in the Office shall bear the signature of such attorney or agent, except documents which are required to be signed by the applicant or party.

§ 97.156 Addresses.

Attorneys and agents practicing before the Plant Variety Protection Office shall notify the Office in writing of any change of address. The Office shall address letters to any person at the last address received.

§ 97.157 Professional conduct.

Attorneys and agents appearing before the Office shall conform to the standards of ethical and professional conduct, generally applicable to attorneys appearing before the courts of the United States.

FEES AND CHARGES

§ 97.175 Fees and charges.

The following fees and charges apply to the services and actions specified below:

(a) Filing the application and notifying the public of filing—\$518.00.

(b) Search or examination—\$3,864.00.

(c) Submission of new application data, after notice of allowance, prior to issuance of certificate—\$432.00.

(d) Allowance and issuance of certificate and notifying public of issuance—\$768.00.

(e) Revive an abandoned application—\$518.00.

(f) Reproduction of records, drawings, certificates, exhibits, or printed material (cost per page of material)—\$1.80.

(g) Authentication (each page)—\$1.80.

(h) Correcting or re-issuance of a certificate—\$518.00.

(i) Recording an assignment, any revision of an assignment, or withdrawal or revocation of an assignment (per certificate or application)—\$41.00.

(j) Copies of 8 × 10 photographs in color—\$41.00.

(k) Additional fee for reconsideration—\$518.00.

(l) Additional fee for late payment—\$41.00.

(m) Fee for handling replenishment seed sample (applicable only for certificates issued after June 20, 2005)—\$38.00.

(n) Additional fee for late replenishment of seed—\$41.00.

(o) Filing a petition for protest proceeding—\$4,118.00.

(p) Appeal to Secretary (refundable if appeal overturns the Commissioner's decision)—\$4,942.00.

(q) Granting of extensions for responding to a request—\$89.00.

(r) 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.

(s) Any other service not covered above will be charged for at rates prescribed by the Commissioner, but in no event shall they exceed \$107.00 per employee-hour. Charges also will be made for materials, space, and administrative costs.

[70 FR 54612, Sept. 16, 2005]

§ 97.176 Fees payable in advance.

Fees and charges shall be paid at the time of making application or at the