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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COMMITTEE OF EXPERTS ON
INTERNATIONAL COOPERATION IN EXAMINATION

Third Session

Geneva, April 15 to 17, 1975

HARMONIZATION OF APPLICATION FORMS

Document prepared by the Office of the Union

1. During its second session (March 1973), the Technical Steering Committee proposed that the Council discuss the possibility of establishing one application form for use by all member States (see document UPOV/ST/II/6, paragraph 124).
2. During its seventh session (October 1973), the Council asked the member States to send the Office of the Union a copy of all the forms the breeder had to complete for applications regarding wheat, roses and peas, including the technical questionnaire, the application form and any other annexes which might be required by some countries (see document UPOV/C/VII/21, paragraph 51).
3. The Technical Steering Committee discussed the forms for the technical questionnaires and established a model for the preparation of those questionnaires for species for which test guidelines had so far been approved by it.
4. As it was difficult to discuss the harmonization of technical questionnaires without taking into account the possibility of harmonizing the application forms since the technical questionnaires normally constitute an annex to these forms, it was agreed to discuss, in a joint meeting of the Committee of Experts on International Cooperation in Examination and the Technical Steering Committee, how the application forms could be harmonized (see documents ST/V/9, paragraph 57, and ICE/II/6, paragraph 30).
5. To facilitate a comparison of the different application forms used, the Office of the Union has established a summary table of the information requested by the different member States in their application forms, indicating in each case the State in which the information is requested. The table forms Annex I to this document. Annex II contains a copy of the application forms and the additional forms sent to the Office of UPOV by the different member states: for Germany, pages 1 to 3 plus a draft application form on page 4; for Denmark, pages 5 to 8; for France, pages 9 to 14; for the Netherlands, pages 15 to 18; for Sweden, pages 19 to 25; for the United Kingdom, pages 26 to 28.
6. The Committee of Experts on International Cooperation in Examination and the Technical Steering Committee are invited to decide which items listed in the summary table should be included in the harmonized forms and to give other relevant guidance to the Office of the Union.

[Two Annexes follow]

Summary Table of Information Requested from the Breeders
by the Offices of the Member States of UPOV in their
Application Forms for Plant Breeders' Rights

Information Requested	State in which information is requested					
	D	DK	F	NL	S	UK
Reference number	x				x	
<u>Applicant:</u>						
Name and address	x	x	x	x	x	x
State (if other than State of application)	x					
Nationality (for natural persons only)	x					
If not breeder, indication of transfer of title	x			x	x	x
If not breeder, document proving transfer of title to applicant		x			x	x
Proof that applicant is eligible to apply (if foreign citizen or without domicile in State of application)					x	
<u>Co-applicants:</u>						
If co-applicants, person entrusted with task of receiving correspondence on behalf of others	x			x	x	x
If co-applicants, power of attorney for person receiving correspondence	x					
<u>Proxy:</u>						
Name and address	x	x	x	x	x	x
Power of attorney	x	x	x	x	x	x
<u>Breeder or discoverer:</u>						
Name and address	x	x	x	x	x	x
Statement that no other persons were involved in breeding	x			x		
Genus or species					x	x
Species	x	x	x	x		
Subspecies	x					
Name/mark		x				
Provisional designation				x	x	
Proposed name or reference			x	x	x	x
Denomination	x					
<u>Trademark:</u>						
Filed or registered (State, date of application, name, proof of trademark)		x				
Filed in State of application (number)	x					
Registered in State of application (number)	x		x			
Registered in member State of UPOV			x			
Registered with WIPO, Geneva			x			
Priority of filing claimed	x					
Statement that rights are waived	x		x		x	
Document proving cancellation of rights			x		x	
<u>Commercialization:</u>						
None in State of application	x	x	x	x	x	x
Not more than four years in other States	x	x	x	x	x	x
Name of State where commercialized, date of first commercialization, variety denomination	x	x	x	x		x
Terms of sale		x				x
With consent of breeder						x
<u>Application in other States:</u>						
State, date, denomination	x	x	x	x	x	x
Proving document and translation, references			x			
Objections in other States (to be enclosed)		x			x	

Information Requested	State in which information is requested					
	D	DK	F	NL	S	UK
<u>Grant of rights in other States:</u>						
State, date, denomination	x	x	x	x	x	
Proving document and translation, references			x			
<u>Priority right requested:</u>						
First application, State, date	x		x	x	x	x
Denomination	x		x	x		x
Proving document			x	x	x	
Translation of proving document			x			
Denomination proposed or approved in other States					x	
Application for inclusion in national list (date, number, denomination)	x					
<u>Undergoing official tests:</u>						
State		x	x			
Station, date			x			
Earlier application in State of present application (number)		x				
<u>Variety description:</u>						
The variety is similar to ...	x			x	x	
but distinct by ...		x				
Origin, breeding history		x	x			
Variety bred or discovered in which State		x	x			x
Statement that variety is new and distinct from others			x	x	x	
Repeated use of protected varieties is necessary for maintaining variety			x			
Promise to pay fees and send propagating material			x			
Promise to send hereditary components (if applicable)			x			
Authorization to exchange information on the variety with foreign boards for plant breeders' rights		x	x	x		
Possibility of restricting exchange of information to certain member States				x		
Possibility of deciding whether examination starts at once or after further notice				x		
Possibility of applying for a protective direction, in which case breeder promises not to commercialize variety before final decision is taken						x
Other information	x	x		x	x	
Statement that information is correct and no important information suppressed		x	x	x		x

Explanation of abbreviations used in headings of columns:

D = Federal Republic of Germany
 DK = Denmark
 F = France
 NL = Netherlands
 S = Sweden
 UK = United Kingdom

[End of Annex I;
Annex II follows]

ANNEX II

An das

Bundessortenamt**3011 Bemerode/Hannover**

Rathausplatz 1

Eingangsbuch-Nr.	Kenn-Nr. S		Bemerkungen:
------------------	--------------------------	--	--------------

(Nicht vom Anmelder auszufüllen)

Anmeldung**einer Sorte zur Erteilung des Sortenschutzes.**

Art: Unterart (gegebenenfalls):	Sortenbezeichnung:
--	--------------------

1. Anmelder

Firma bzw. Name:

.....

(Genau Firmenbezeichnung bzw. Vor- und Zuname, bei Frauen auch Geburtsname)

Sitz der Firma bzw. Wohnort:

Staat und Bezirk (nur bei ausländischen Orten):

.....

Straße und Hausnummer:

Bahnhof: Fernruf:

Staatsangehörigkeit (nur bei natürlichen Personen):

2. Vertreter nach § 23 Abs. 2 Sortenschutzgesetz

(nur ausfüllen, falls der Anmelder weder Wohnsitz noch Niederlassung im Geltungsbereich des Sortenschutzgesetzes hat)

Name:

Wohnort:

Straße und Hausnummer: Fernruf:

Vollmacht ist beigelegt.

3. Zustellungsbevollmächtigter

(nur ausfüllen, falls mehrere Personen ohne einen gemeinsamen Vertreter anmelden)

Name:

Wohnort:

Straße und Hausnummer: Fernruf:

Vollmacht ist beigefügt.

4. Ursprungszüchter oder Entdecker(hier sind in jedem Falle eine oder mehrere **natürliche Personen** anzugeben)

Name(n) und Wohnort(e):

.....

.....

Es wird versichert, daß weitere Personen meines/unseres Wissens an der Züchtung oder Entdeckung der Sorte nicht beteiligt sind.

Die Sorte ist durch – **Dienstvertrag – Gesellschaftsvertrag – Übertragungsvertrag – Erbfolge** – auf den Anmelder übergegangen.

(Nichtzutreffendes ist zu streichen; sind Anmelder und Ursprungszüchter dieselbe natürliche Person, so entfällt diese Angabe.)

5. Sortenbezeichnung (Nichtzutreffendes ist zu streichen)

a) Die Sortenbezeichnung ist als Warenzeichen bei dem Deutschen Patentamt für mich/uns angemeldet am (Nr.) und eingetragen am (Nr.).

b) Für die Sortenbezeichnung wird die Priorität des zu a) genannten Warenzeichens beansprucht (§ 9 Abs. 2 Sortenschutzgesetz) –

Ich/Wir verzichte(n) vom Zeitpunkt der Erteilung des Sortenschutzes an darauf, für die Sorte und jede andere Sorte derselben botanischen oder einer botanisch verwandten Art Rechte aus Warenzeichen geltend zu machen, die mit der Sortenbezeichnung übereinstimmen oder verwechselt werden können und für mich/uns in einem anderen Verbandsstaat, der für Sorten dieser Art Sortenschutz gewährt, geschützt sind.

6. Gewerbsmäßiger Vertrieb vor der Anmeldung

Ich/Wir erkläre(n), daß Vermehrungsgut oder sonstiges Erntegut der Sorte im Geltungsbereich des Sortenschutzgesetzes nicht vor der Anmeldung und außerhalb dieses Gebietes nicht seit mehr als vier Jahren vor der Anmeldung mit meiner/unserer Zustimmung oder der meines/unseres Rechtsvorgängers gewerbsmäßig vertrieben worden ist. Vermehrungsgut oder sonstiges Erntegut der Sorte wird seit in gewerbsmäßig vertrieben.

(Nichtzutreffendes ist zu streichen)

7. Anmeldung und Sortenschutzerteilung in anderen Verbandsstaaten

Die Sorte wurde mit der Bezeichnung am
 in zur Erteilung des Sortenschutzes angemeldet und
 am unter der Sortenbezeichnung
 geschützt. (Nichtzutreffendes ist zu streichen)

8. Prioritätsrecht auf Grund einer früheren Anmeldung in einem anderen Verbandsstaat

Die Sorte wurde erstmalig am in
 mit der Bezeichnung
 zur Erteilung des Sortenschutzes angemeldet. Ich/Wir beantrage(n) das Prioritätsrecht gemäß § 33
 Sortenschutzgesetz. (Nichtzutreffendes ist zu streichen)

9. Anmeldung zur Eintragung in die Sortenliste

Die Sorte wurde am beim Bundessortenamt zur Eintragung in die Sortenliste
 angemeldet. (Kenn-Nr. des Bundessortenamtes) (Nichtzutreffendes ist zu streichen)

10. Sortenbeschreibung s. Anlage

11. Bemerkungen

Ich/Wir beantrage(n), mir/uns für die Sorte den Sortenschutz zu erteilen.

Ort: Datum:

.....
 (Unterschrift)

Bundessortenamt, 3011 Hannover-Bemerode

Geschäftszeichen:

Bitte beachten:

Zutreffendes ankreuzen:
Stark umrandete Felder freilassen.

Die Spalten ① bis ⑭ sind umstehend erläutert.

Anmeldung

einer Sorte zur Erteilung des Sortenschutzes.

K.A.

1	2	3
---	---	---

Jahr

4	5
---	---

S.

29

Sendungen des Bundessortenamtes sind zu richten an:
(Anschriftenfeld)

①

②

Art:
(gegebenenfalls auch Unterart)

6	7
---	---

8	9	10
---	---	----

③

Kenn-Nr.:

Anmeldebezeichnung:

11	12	13	14
----	----	----	----

④

Nebenstehende Anschrift ist die des

Anmelders Vertreters Zustellungsbevollmächtigten

⑤

Anmelder (falls nicht bereits im Anschriftenfeld angegeben)

21	22	23	24	25
----	----	----	----	----

⑥

Staatsangehörigkeit:

26	27	28
----	----	----

⑦

Vertreter (falls nicht bereits im Anschriftenfeld angegeben)

21	22	23	24	25
----	----	----	----	----

⑧

Vollmacht
liegt an - wird nachgereicht (s.u.)

⑨

Ursprungszüchter oder Entdecker ist (sind) der (die) Anmelder.

Weitere Personen sind an der Züchtung oder Entdeckung der Sorte nicht beteiligt.

Die Sorte ist durch <Dienst-Gesellschafts-Übertragungs-Vertrag/Erbfolge> auf den Anmelder übergegangen.

⑩

Die Sorte ist bereits am in in (Verb. Staat) unter der Bezeichnung

zum Sortenschutz angemeldet worden

geschützt worden

⑪

Für die Anmeldung beim Bundessortenamt wird der Zeitvorrang der ersten Hinterlegung in am beansprucht.

⑫

Die Sorte wurde am: zur Eintragung in die Sortenliste angemeldet.
Anmeldebezeichnung/Sortenbezeichnung:

Kenn-Nummer:

⑬

Anbaumaterial oder sonstiges Erntegut der Sorte wird seit in gewerbsmäßig vertrieben.

Anbaumaterial oder sonstiges Erntegut der Sorte ist

(bei Sorten einer neu in das Artenverzeichnis aufgenommenen Art)

seit mehr als 4 Jahren vor der Aufnahme der Art in das Artenverzeichnis bis zum Ablauf von 6. Monaten nach der Aufnahme nicht durch den Sorteninhaber oder seinen Rechtsvorgänger gewerbsmäßig vertrieben worden.

(bei anderen Sorten)

im Geltungsbereich des Sortenschutzgesetzes vor der Anmeldung und außerhalb dieses Gesetzes seit mehr als 4 Jahren vor der Anmeldung nicht mit Zustimmung des Sorteninhabers oder seines Rechtsnachfolgers gewerbsmäßig vertrieben worden.

Antrag: Ich/Wir (als Unterzeichner des Formulars)

⑭

beantrage (n) - für -
für die in der Anlage beschriebene Sorte
den Sortenschutz zu erteilen.

(Ort):

Datum:

.....
(Unterschrift)

Anmeldesskema

for

plantenyhed i henhold til lov om beskyttelse af
forædlerrettigheder for planter.

1. Anmelder: navn og bopæl
(Såfremt anmelderen ikke er ejer og/eller forædler, skal
anmelderen godtgøre sin adkomst til at foretage
anmeldelsen)
2. Ejer: navn og bopæl
3. Forædler: navn og bopæl
4. Plantens art
5. Plantenyhedens navn/mærke
6. Plantenyhedens oprindelse
7. I hvilket land er nyheden frembragt
8. **Beskrivelse af plantenyheden**
 - a) På hvilke områder afviger den anmeldte
plantenyhed fra lignende kendte planter
 - b) er plantenyheden i besiddelse af
særlige kendetegn

ICE/III/5
Annex II, page 6

<p>9. Har plantenyheden tidligere været anmeldt til plantenyhedsnævnet.</p> <p>I bekræftende fald under hvilket nr.</p>		
<p>10. Har plantenyheden deltaget eller deltager den i officielle afprøvninger</p> <p>I bekræftende fald: hvor:</p>		
<p>11. Beskyttelse i udlandet</p> <p>a) Er der ansøgt om beskyttelse af den anmeldte plantenyhed i udlandet</p>		
<p>I hvilke lande</p>	<p>Dato for ansøgning</p>	<p>Under hvilket navn/mærke</p>
<p>b) Er der opnået beskyttelse i udlandet</p>		
<p>I hvilke lande</p>	<p>Dato for beskyttelse</p>	<p>Under hvilket navn</p>
<p>c) Er der fra nogle af de lande, hvor der er søgt om beskyttelse, rejst indsigelser mod plantenyheden</p> <p>I bekræftende fald må sådanne indsigelser i afskrift vedlægges anmeldelsen</p>		

12. Er der søgt og/eller opnået varemærke-registrering:

I hvilke lande	Dato for ansøgning	Dato for registrering	Navn eller varemærke

Bevis for varemærke-registrering fremsendes i fotokopi

13. Er den anmeldte plantenyhed bragt i handelen	a. Danmark	
	b. Udlandet	
I hvilke lande	Hvornår	Salgsbetingelser
14. Andre oplysninger		

Plantenyhedsnævnet har på mine vegne ret til hos udenlandske myndigheder at indhente oplysninger om alle forhold vedrørende den anmeldte plantenyhed.

Undertegnede erklærer herved, at foranstående oplysninger er korrekte, og at der i denne ansøgning om beskyttelse af forædlerrrettigheder ikke er tilbageholdt oplysninger over for plantenyhedsnævnet, der kan have indflydelse på nævnets bedømmelse af anmeldelsen.

..... den 19.....

.....
underskrift

Indført i plantenyhedsnævnets dagbog den 19.....

.....
underskrift

COMITE DE LA PROTECTION
DES OBTENTIONS VEGETALES

Secrétariat général
II, rue Jean Nicot
75007 PARIS

REPUBLIQUE FRANCAISE

Tel. 551.53.92

DECLARATION A PRESENTER
A L'APPUI D'UNE DEMANDE
DE CERTIFICAT D'OBTENTION VEGETALE

JE SCOSSIGNE :

agissant comme demandeur d'un certificat d'obtention végétale pour une variété de :
désignée provisoirement sous la dénomination ci-après proposée par moi (ou sous ma référence provisoire d'obtenteur) : certifie :

1° - Que ladite variété constitue à ma connaissance une obtention végétale au sens de l'article 1 de la loi du 11 juin 1970 et qu'elle diffère en particulier de toute autre variété appartenant à la même espèce par un ou plusieurs caractères qui sont énumérés dans la feuille de description de ladite variété (formulaire IB).

2° - Que ladite variété n'a jamais été vendue ou offerte à la vente avec mon autorisation en FRANCE.

3° - Que ladite variété n'a jamais été vendue ou offerte à la vente avec mon autorisation depuis plus de 4 ans à l'étranger (1).

4° - Que ladite variété a été vendue ou offerte à la vente avec mon autorisation, dans ce délai de 4 ans, dans les pays suivants et pour la première fois à la date indiquée après le nom de chaque pays (1).

Par ailleurs, si le Comité de la protection des obtentions végétales décide de procéder à une expérimentation sur ladite variété, je m'engage par avance à faire parvenir à mes frais dans le délai au lieu et dans les conditions qui me sont prescrits, la quantité de matériel de reproduction ou de multiplication qui me seront demandés y compris s'il y a lieu, les différents composants héréditaires.

Il est entendu que l'inexécution de cet engagement vaudrait de ma part abandon de la demande de certificat d'obtention végétale.

Fait à PARIS, le

(1) rayer le paragraphe inutile

(2) faire précéder la signature de la mention manuscrite : "LU ET APPROUVE"

MINISTERE DE L'AGRICULTURE
ET DU DEVELOPPEMENT RURAL

Formulaire IH

=====

COMITE DE LA PROTECTION
DES OBTENTIONS VEGETALES

REPUBLICQUE FRANCAISE

=====

Secrétariat général

=====

POUVOIR DONNE A UN MANDATAIRE

pour l'obtention, la délivrance et le
maintien en vigueur du certificat
d'obtention végétale concernant la

variété de _____
dénommée (ou référence provisoire) : _____

dossier n° _____

Le soussigné (nom ou raison sociale et adresse) :

Elisant domicile auprès du mandataire ci-après :
(nom ou raison sociale et adresse)

déclare autoriser celui-ci

sauf stipulations contraires qui seraient précisées ci-
dessous, à accomplir tous actes et à recevoir toutes no-
tifications prévues par la loi du 11 juin 1970 et ses
décrets d'application à l'exclusion du retrait de la de-
mande ou de la renonciation au certificat d'obtention
pour lesquels un pouvoir distinct devra être établi.

Le présent pouvoir est dispensé de légalisation.

Fait à _____, le

SIGNATURE (1)

(1) La signature doit être précédée de la mention manus-
crite : "LU et APPROUVE - Bon pour pouvoir".

MINISTÈRE DE L'AGRICULTURE
ET DU DÉVELOPPEMENT RURAL

Formulaire IF

COMITÉ DE LA PROTECTION
DES OBTENTIONS VÉGÉTALES

REPUBLIQUE FRANÇAISE

75014 PARIS

Tel : 551.41.09

REVENDIGATION DE PRIORITE
d'un dépôt antérieur d'une demande
de protection du droit de
l'obtenteur

Je soussigné -

agissant comme demandeur d'un certificat
d'obtention végétale pour une variété de -
désignée sous la dénomination (ou référence provisoire) -

déclare avoir déposé ladite variété selon la loi de
protection en vigueur dans l'Etat désigné ci-après -
à la date du -

ainsi que l'atteste la copie des documents constituant cette demande
certifiée par l'administration qui l'a reçue et à laquelle est annexée
une traduction,

- ci-jointe,

- que je m'engage à fournir A PEINE D'IRRECEVABILITE dans un délai de
trois mois à compter de ce jour (1)

(1) Rayer la mention inutile.

En conséquence,

Je sollicite le bénéfice des dispositions de l'article 12 de la Convention
de Paris du 2 décembre 1961.

En outre je sollicite également de bénéficier du délai maximum de QUATRE ans
institué par l'article 12 précité pour fournir les documents, autres que la
requête en protection (formulaire IA) et le matériel végétal destiné à
l'expérimentation. (2)

(2) A rayer si l'obtenteur est en mesure
de fournir immédiatement le dossier complet.

Fait à, le,

Signature.

Aan de Raad voor het Kwekersrecht
Postbus 104
Wageningen

AANVRAGE
tot verlening van het kwekersrecht

1. GEWAS: voorlopige aanduiding:
voorgestelde benaming:
2. AANVRAGER(S)
a. naam en voornamen, resp. benaming (bij rechtspersonen):
b. adres:
c. mede-aanvrager(s):
d. namens alle aanvragers is bevoegd om t.o. de Raad op te treden:
3. GEMACHTIGDE IN NEDERLAND
(alleen invullen indien de aanvraag via een gemachtigde wordt ingediend;
tevens dan ook volmachtformulier 5 meezenden)
a. naam en voornamen, resp. benaming (bij rechtspersonen):
b. adres:
4. KWEKER
(sub b alleen invullen indien de aanvrager niet de kweker is)
a. Aanvrager(s) verkla(a)r(t)(en) het ras door eigen kweekarbeid gewonnen te hebben, resp. dat naar zijn (hun) weten geen andere (rechts)personen dan hieronder vermeld, bij het kweken van het ras betrokken waren.
b. 1 naam en voornamen, resp. benaming (bij rechtspersonen):
2 adres (ook land vermelden):
3 de aanspraak van de kweker is op de aanvrager(s) overgegaan krachtens:
5. IN HET VERKEER BRENGEN VOOR HET TIJDSTIP VAN DE AANVRAGE
(doorhalen wat niet van toepassing is)
a. aanvrager(s) verkla(a)r(t)(en), dat met toestemming van hem (hen) of van zijn (hun) rechtsvoorganger(s) vóór het tijdstip van indiening van deze aanvraag, noch in Nederland, noch daarbuiten langer dan 4 jaar geleden teeltmateriaal van het ras in het verkeer is gebracht.
b. sedert is in onder de naam van dit ras, met toestemming als sub a vermeld, teeltmateriaal in het verkeer gebracht.

Z.O.Z.

HET ONDERSTAANDE NIET INVULLEN

aanvraag nr.	:	reg.blad	:	form. 51.1/4 verz.:
form.ontv.	:	voortg.krt	:	publ.lijst :
betaling ontv.	:	kwekerskrt	:	form. 51.3/4 ontv.:
tijdstip aanvraag:	:	naamkrt	:	form. 51.3 verz. :

Application for the grant of a plant breeders' right.

1. Species provisional designation:
proposed name:

2. Applicant(s)
 - a. name and christian names resp. sc.appellation (for corporations)
 - b. address
 - c. co-applicants
 - d. person entitled to act before the Board on behalf of all applicants

3. Proxy in the Netherlands
(to be filled up only, when the application is made through a proxy;
the proxy form 5 has to be sent in at the same time)
 - a. name and christian name resp. appellation (for corporations)
 - b. address

4. Breeder
(Sub b is to be filled up only when the applicant is not the breeder)
 - a. Applicant(s) declare(s) that the variety is developed by his (their)
own breeding work resp. that to his (their) best knowledge no other
(juridical) persons than named hereafter were involved in the breeding
work of the variety
 - b. 1. name and christian name resp. appellation (for corporations)
2. address (mention also the country)
3. the title did pass to the applicant(s) by virtue of:

5. Commercialisation before the time of the application
(cross out what does not apply)
 - a. applicant(s) declare(s) that no propagating material of the variety
has been put on the market before the time of the application with
the consent of himself (themselves) or of his (their) predecessor(s)
in title in the Netherlands or more than 4 years previously elsewhere
 - b. since with the consent as meant under a propaga-
ting material of the variety has been put on the market in (name of
country) under the name

6. Application and protection outside the Netherlands
(cross out when not applicable)

An application for the grant of a plant breeders' right has been made on
(date) in (country) for the name of ...
..... and a plant breeders' right has been granted on
(when in more countries specify hereunder)

7. Claim of priority because of prior application in another Member-State
of the Union (cross out when not applicable)

An application for the grant of a plant breeders' right has been made
for the first time on (date) in the Member-State of the
Union under the designation in the
name of

On this ground in accordance with article 34 of the Seeds and Planting Materials Act the right of priority is claimed. Certified copies of the documents submitted in said Member-State have been added resp. will be forwarded within three months.

The request is for the examination to start at once
to be hold up till further notice

8. Further particulars

9. Authorisation of the Board to the Exchange of the testing results

Applicant(s) declare(s) that the Board and its appointed experts will be authorised to call in from the authorities appointed for granting plant breeders' rights in other Member-States of the Union, in which for the variety in question a grant of plant breeders' right has been or will be made, all the information wanted concerning the results of the tests made and furthermore to supply on their side to these authorities all information asked for about the results of the trials in this country.

The authorisation holds only for the Member-States of the Union:
.....

10. The applicant(s) request to grant according to article 35 resp. 34 of the Seeds and Planting Materials Act a plant breeders' right to the variety referred to in this application and further defined in the description form belonging to it.

Thus made up in full and truthfully at on 19..

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To A P P L I C A T I O N
THE NATIONAL PLANT VARIETY BOARD for a Grant of Plant Breeders' Rights
171 73 SOLNA
Date

Reference No. and date of application

THE APPLICANT, PROXY AND BREEDER

1. Name and address of the applicant. (In case of joined applicants, information whether one of them is entrusted to receive documents from the Board on behalf of the others)

2. Name and address of the proxy in Sweden

3. Name and address of the breeder

THE VARIETY

4. Genus or species

5. Proposed denomination (or preliminary designation)

6. Description of the variety, origin and results from conducted tests (to be submitted in an annex)

REGISTRATION IN OTHER COUNTRIES

7.	Country	Date
a) Application in		
b) Granted in		

VARIETY DENOMINATION PROPOSED OR APPROVED IN OTHER COUNTRIES

8.	Country	Date

REQUEST FOR PRIORITY

9.	Country	Date	Reference No.

ANNEXES

10 Application fee 400 SwC	11 Power of Attorney for proxy	12 Variety description	13 Objection and test results in other countries
14 Novelty declaration	15 Relation to own trade mark	16 Assignment	17 Propagation material
18 Other documents			

Signature

.....

OMBUDSFULLMAKT
Växtförädlarrätt

POWER OF ATTORNEY
Plant Breeders' Rights

Fullmakt för envar av

Authorization for each one of

eller den någon av dem i sitt
ställe förordnar,

or any one that anyone of them may
appoint in his stead,

att för mig/oss söka registre-
ring i Sverige av en växtsort
av släktet/arten

to obtain for me/us registration
in Sweden of a plant variety of
the genus/species

benämnd

denominated

och att företräda mig/oss i
allt som rör ansökningen och
därpå beviljade registreringar
innefattande rätt att mottaga
delgivningar och andra medde-
landen rörande växtförädlar-
rätten.

and to act on my/our behalf in
everything concerning the appli-
cation and registrations granted
thereon, including the right of
receiving notifications or other
documents concerning the plant
breeder right.

att företräda mig/oss i allt
som rör följande i Sverige be-
viljade växtsortregistreringar
innefattande rätt att mottaga
delgivningar och andra medde-
landen rörande växtförädlar-
rätten, nämligen nr

to act on my/our behalf in every-
thing concerning the following
plant variety registrations
granted in Sweden, including the
right of receiving notifications
or other documents concerning
the plant breeder right, viz.No.

Ort och datum
Place and date

Underskrift (behörig firmateckning)
Signature (plus firm)

Adress

ICE/III/5
Annex II, page 22

NYHETSFÖRSÄKRAN
Växtförädlarrätt

NOVELTY DECLARATION
Plant Breeders' Rights

Jag/Vi, som ansöker om registrering av en växtsort av släktet/
/arten

I/We, the undersigned, applying for registration of a plant variety of the genus/species

benämnd

denominated

försäkrar härmed på heder och samvete, att sorten, såvitt är mig/oss bekant, inte blivit känd före ansökningsdagen resp. den dag, från vilken prioritet begäres, på sådant sätt, att registreringshinder föreligger jämlikt bestämmelserna i 3 § tredje stycket växtförädlarrättslagen nedan.

hereby solemnly declare that to my/our knowledge the plant variety was not known prior to the application date and the date from which priority is claimed, respectively, in a manner constituting a bar to registration according to Section 3, third paragraph of the Act on Plant Breeders' Rights quoted below.

Ort och datum
Place and date

Underskrift (behörig firmateckning)
Signature (plus firm)

Adress

Växtförädlarrättslagen 1971,
3 § tredje stycket:

Act on Plant Breeders' Rights 1971,
Section 3, third paragraph:

Registrering får ej ske, om växtmaterial av sorten med samtycke av förädlaren eller hans rättsinnehavare yrkesmässigt förts i handeln här i riket före dagen för registreringsansökningsdagen eller utom riket mer än fyra år före nämnda dag.

Registration shall not be granted when material of the plant variety has been commercialized by the breeder or his successor in title or with his consent, in this country prior to the filing date, or in a foreign country more than four years before said date.

ÖVERLÅTELSE
Växtförädlarrätt

ASSIGNMENT
Plant Breeders' **Rights**

Härmed förklarar jag/vi att
jag/vi har överlåtit till

I/We hereby declare that I/we have
assigned to

alla rättigheter till/
alla rättigheter till registrering
i Sverige av
en växtsort framställd av

all rights to/
all rights to registration in Sweden of
a plant variety bred by

av släktet/arten

of the genus/species

benämnd

denominated

varå ansökan om växtförädlarrätt
skall inges till statens växt-
sortnämnd

for which an application for plant
breeders' rights shall be presented
to the National Plant Variety Board

innefattande den rätt till skade-
stånd, som kan hänföras till in-
träng begånget före växtsortre-
gistreringen

including the right to accrued dama-
ges, if any, referring to infringe-
ment during the time preceding the
grant of a plant variety registration

prioritet i Sverige enligt den
internationella växtförädlarkon-
ventionen på grund av min/vår an-
sökan om växtsortregistrering

priority in Sweden pursuant to the
provisions of the International Con-
vention for the Protection of New
Varieties of Plants and based on
my/our application for plant variety
registration

i nr av den
in No. of

Ort och datum
Place and date

Överlåtarens underskrift
Signature of assignor

A form available on request from the Plant Variety Board should be used for application for Grant of Plant Breeders' Rights. Two copies should be submitted. The application documents shall be in either the Swedish, Danish or Norwegian languages.

Space for date of application in upper right corner.

The top frame is intended for Reference Number and date when application is received. To be filled in by the Board.

The following figures refer to the corresponding points of the form.

2. An applicant who has not domicile in Sweden shall appoint a proxy. Only a natural person will be accepted as a proxy.

5. The application shall include a proposed variety denomination or a preliminary variety designation. In the latter case, the applicant shall propose a variety denomination within a certain time limit, fixed by the Board.

6. Annexed to the application there shall be a distinct variety description particularly indicating characters distinguishing the new variety from other varieties publicly known at the time of application deposit. The description should report obvious similarities and important, striking differences to other comparable varieties. In addition the description shall include information on the origin of the new variety and results of tests conducted.

9. Provided an application for protection of a variety has been deposited in a Convention Member State and protection is applied for in Sweden within twelve months from the application deposit in the foreign State (period of priority), the application in Sweden is considered as deposited at the same time as the first application in the foreign State. At its own discretion the Board may under special circumstances apply the same provisions for considering grant of priority in consequence of an application in a non-member State.

To benefit from the provisions of the preceding section the applicant shall claim priority in his application to the Board and in addition

- (i) within three months from application deposit submit true copies of the documents constituting the first application (verified by the receiving authority)

- (ii) within four years from the expiration of the priority period submit additional documents necessary for considering the grant of priority.

10. Application fee is 400 Swedish crowns. The application will not be tried unless the fee is paid. Preferably the fee should be transferred by postal giro to account No. 68944-4.

11. If the applicant is represented by a proxy a power of attorney in original and other documents to authorize the proxy shall be annexed.

13. Refers to objections to the variety or variety denomination in an other State and resolutions issued by the competent authority in an other State regarding compliance with requirements for the grant of protection.

14. Annexed to the application there shall be a Novelty Declaration, signed with the Holder's own hand and solemnly declaring to the best of his knowledge, that the variety has not been publicly known (in terms of Section 3 of Article 3 in Plant Breeders' Rights Act preventing the grant of protection) before the deposit of application or deposit in terms of the provisions in Article 5 of the same Act.

15. If the proposed variety denomination is confusable with a trade mark, belonging to the applicant, for plant variety material or similar commodities, the applicant shall submit

- (i) regarding a registered trade mark a document issued by the Board for Patents and Registration, proving that the trade mark registration is cancelled
- (ii) regarding a non-registered trade mark a declaration signed with the applicant's own hand stating that he waives entitled trade mark rights if the proposed variety denomination becomes registered for protection of the variety.

16. An Assignment of Plant Breeders' Rights to the Holder shall be annexed provided the breeder and the applicant are not identical persons.

17. Tests are conducted by i.a. the State Seed Testing Institute (agricultural and vegetable crops). Separate instructions are prescribed by the concerned authorities.

18. An applicant being a citizen of or having domicile in another State should prove that he is eligible to benefit from the grant of protection in Sweden if the relevant information cannot otherwise be extracted from submitted documents.

Plant Varieties and Seeds Act 1964

APPLICATION FOR PLANT BREEDERS' RIGHTS

Particulars of Applicant

1. Name and address of applicant.	
2. Address for service if different from that above. This address must be in the United Kingdom or the Isle of Man.	
3. Name and address of breeder or discoverer if different from 1 above. (See Note 1.)	

Details of Plant Variety

4. Species or group of plant varieties to which the plant variety belongs.	
5. Proposed name or other designation.	
6. Country in which the variety was bred or discovered.	
7. Have plants of the variety, or material forming part of or derived from them, been sold or offered for sale, either in the United Kingdom or the Isle of Man or abroad, prior to the date of this application?	<p>(i) State YES or NO _____ If YES give the following particulars:-</p> <p>(ii) Country _____</p> <p>(iii) Date of first sale or offer for sale _____</p> <p>(iv) On what terms or conditions _____</p> <p>(v) Has the breeder or discoverer given his consent? State YES or NO _____</p>

Applications outside the United Kingdom or the Isle of Man

8. (a) Give details of similar applications for rights in other countries	Country	Date	Name or designation applied for
8. (b) Is priority claimed in respect of an application or applications made in a designated country or countries in the 12 months preceding the date of this application?	<p>State YES or NO _____</p> <p>If YES, indicate below which of the applications detailed above are the subject of your claim.</p>		

I/WE declare that to the best of my/our knowledge and belief the statements made in this application are correct.

I/WE apply for the grant of plant breeders' rights.

Signature of applicant (See Note 2)

Date

To be completed by applicants requiring a Protective Direction

I/WE request that a protective direction be given in respect of the plant variety covered by this application. I/WE undertake that no plants of the plant variety, and no material forming part of, or derived from, plants of that variety, will be offered or exposed for sale or sold in the United Kingdom or the Isle of Man by me/us, or with my/our consent, in the period between the making of this application and the time when it is finally determined whether the application for plant breeders' rights is to be allowed or refused (or until this undertaking ceases to be binding under Schedule 1 of the Act whichever is the earlier).

I/WE understand that breach of this undertaking will render me/us liable to prosecution under the Act and may lead to the refusal of this application for the grant of plant breeders' rights or to termination of the period for which plant breeders' rights are exercisable, as the case may be.

Signature of applicant (See Note 2)

Date

NOTES

1. (i) Where the application is made by a person claiming to be the successor in title of the breeder, it must be accompanied by the assignment, the original or an official copy of the grant of probate, letters of administration or confirmation or such other documentary evidence as is, in the opinion of the Controller of Plant Variety Rights, sufficient to establish the title of the applicant.
- (ii) Where the application is made by or through an agent it must be accompanied by an authority completed by the person on whose behalf the agent is authorised to act.
2. Where this application is completed by:-
 - (i) an individual person it must be signed by him;
 - (ii) a partnership firm it must be signed either by all the partners or by one of them on behalf of the firm;
 - (iii) a body corporate it must be signed by a director or by the secretary or other principal officer of the body corporate or by any other person satisfying the Controller that he is authorised to sign on behalf of the body corporate;
 - (iv) a society or other similar organisation it must be signed by someone satisfying the Controller that he is qualified to do so.
3. This application must be accompanied by the fee of £10.

The fees payable on application for plant breeders' rights have been amended with effect from 26 April 1972, the date on which the Plant Breeders' Rights (Fees) Amendment Regulations 1972 came into operation. The application fees are now:-

- | | | |
|----|---|-----|
| a) | for a cereal, potato, ryegrass or lucerne variety | £30 |
| b) | for a vegetable, fruit, perennial chrysanthemum, rose, perpetual flowering carnation or rhubarb variety | £20 |
| c) | all other varieties | £15 |

Attention is also drawn to the provisions of S.2(2) of the Plant Varieties and Seeds Act 1964 which stipulates that the applicant for rights must be the breeder or discoverer of the variety or his successor in title.

[End of Annex II and
of document]