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UPOV

ICE / III/5 Add.

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

**COMMITTEE OF EXPERTS ON
INTERNATIONAL COOPERATION IN EXAMINATION**

First Session

Geneva, April 15 to 17, 1975

HARMONIZATION OF APPLICATION FORM

Document prepared by the Office of the Union

1. To facilitate the discussion on the possible harmonization of the application forms used by member States, the Office of the Union has, in addition to the summary table and the documentation presented in document ICE/III/5, prepared a draft of an application form which contains all items being part of the national application form of at least one member State.
2. The draft is attached in the Annex.

[Annex follows]

Annex

DRAFT

Application State	Species Code	Examining State and Station	Registration Number
			Date / Code

Reference (for use of plant breeders' rights Offices)

APPLICATION FOR THE GRANT
OF PLANT BREEDERS' RIGHTS

1 SPECIES TO WHICH VARIETY BELONGS

1.1 Botanical name _____
 Genus Species Sub-species

1.2 Common name _____

2 ADDRESS TO WHICH CORRESPONDENCE HAS TO BE MAILED

2.1 Name _____
 Surname / First Name(s)

or _____
 Firm name

2.2 Address _____
 Country Postal Code Town

 Street Number

2.3 Telephone _____
 Code Number

3 APPLICANT

3.1 Name _____
 Surname / First Name(s)

or _____
 Firm name

3.2 Address _____
 Country Postal Code Town

 Street Number

3.3 Telephone _____
 Code Number

3.4 Nationality (natural persons only) _____

3.5 If applicant is not a citizen or domiciled in the State of application, proof that he is entitled to file an application for the variety of the species indicated under 1:

4 CO-APPLICANTS

In case of joint applicants complete Annex 1

5 PROXY

- 5.1 Name _____
Surname / First Name(s)
- or _____
Firm name
- 5.2 Address _____
Country Postal Code Town
- _____ Street Number
- 5.3 Telephone _____
Code Number
- 5.4 Power of Attorney: Complete Annex 2

6 BREEDER

- 6.1 Natural person(s) involved in breeding or discovery of the variety:
Natural person(s) is(are) applicant(s) yes No
If no, indicate names and addresses of persons:

- 6.2 Breeding undertaken for a firm Yes No
If yes, firm is applicant Yes No
If no, indicate firm:
Name _____
Address _____
Country Postal Code Town
_____ Street Number
- Telephone _____
Code Number
- 6.3 Transfer of variety to applicant (if any) :
 Employment contract Deed of partnership Contract of transfer Succession by inheritance
Attach proof of transfer of variety (and translation if necessary)
Proof attached Yes No Translation attached Yes No
- 6.4 The applicant(s) hereby declare(s) that, to his (their) knowledge, no person other than the above-mentioned was involved in the breeding or discovery of the variety.

7 VARIETY DENOMINATION

- 7.1 Provisional designation (if any) _____
- 7.2 Proposed denomination (if already available) _____
- 7.3 Proposed variety denomination already registered Yes No
If yes, indicate State(s) in which registered _____
- 7.4 Objections already formulated to variety denomination Yes No
If yes, attach relevant documents (and translations if necessary)
Documents attached Yes No Number of documents _____
Translations attached Yes No Number of translations _____

8 PRIOR APPLICATIONS FOR THE SAME VARIETY

- 8.1 In State of application
- 8.1.1 Prior application for plant breeders' rights filed
 Yes No
If yes, indicate application number(s) _____
- 8.1.2 Variety filed for inclusion in national list or catalogue
 Yes No Date of application _____
Application number _____
Denomination _____
 Decision not yet taken; Variety under test Yes No
Station _____
 Decision taken Date _____
Variety registered Yes Registration _____
 No Reason _____
- Attach relevant documents (application certificate or, if decision taken, certificate of inclusion and variety description or decision of rejection)
Documents attached Yes No Number of documents _____

- 8.2 In other States
- 8.2.1 Plant breeders' rights
Application filed Yes No
(a) State _____ Date of application _____
Application number _____
Denomination _____
 Decision not yet taken Variety under test Yes No
Station _____

Decision taken
 Rights granted Yes
 No

Date _____
 Registration number _____
 Reason _____

(b) State _____

Date of application _____
 Application number _____
 Denomination _____

Decision not yet taken

Variety under test Yes No

Decision taken
 Rights granted Yes
 No

Station _____
 Date _____
 Registration number _____
 Reason _____

Attach relevant documents (application certificate or, if decision taken, certificate of grant and variety description or decision of rejection), if necessary with translation

Documents attached Yes No Number of documents _____

Translations attached Yes No Number of translations _____

8.2.2 National list or catalogue

Application filed Yes No

State _____

Date of application _____
 Application number _____
 Denomination _____

Decision not yet taken

Variety under test Yes No

Decision taken
 Variety registered Yes
 No

Station _____
 Date _____
 Registration number _____
 Reason _____

(b) State _____

Date of application _____
 Application number _____
 Denomination _____

Decision not yet taken

Variety under test Yes No

Decision taken
 Variety registered Yes
 No

Station _____
 Date _____
 Number _____
 Reason _____

Attach relevant documents (application certificate or, if decision taken, certificate of registration and variety description or decision of rejection), if necessary with translation

Documents attached Yes No Number of documents _____
 Translations attached Yes No Number of translations _____

8.2.3 Objections formulated to applications mentioned above Yes No
 If yes, attach relevant documents (and translations if necessary)

Documents attached Yes No Number of documents _____
 Translations attached Yes No Number of translations _____

9 PRIORITY CLAIM

9.1 Priority claimed Yes No If yes, answer the following questions:

9.2 Claim in respect of the priority by virtue of application filed in _____ State
 on _____ under the denomination _____

9.3 A copy of the application certificate, certified to be true by the authority which received the application

- is attached
- will be mailed within a period of three months from the date of issue of the application

9.4 A translation

- is also enclosed
- will also be mailed

10 COMMERCIALIZATION

10.1 The applicant(s) hereby declare(s) that the variety has **not** been offered for sale or marketed in the State(s) of application or, for longer than four years in the territory of any other State with the agreement of the breeder(s), his (their) successor(s) in title of the applicant(s).

10.2

<u>Variety already commercialized in (State)</u>	<u>Date of first commercialization</u>	<u>Terms of sale</u>	<u>Denomination of the variety</u>

11 TRADEMARK

11.1 Has the proposed variety denomination been filed or registered as a trademark in the State of application, in a UPOV member State or with WIPO?

Yes No

If yes, complete the following:

State and/or WIPO	Date of application	Date of registration	Registration number

Attach relevant documents (application certificate or registration certificate), if necessary with translation.

11.2 The priority of the trademark mentioned under 11.1 is hereby claimed for the variety denomination

Yes No

11.3 The applicant(s) hereby declare(s) that, from the date of grant of the plant breeder's rights, he(they) will renounce, for the variety and for any other variety of the same botanical species or of another related species, to the rights provided by any trademark, which, in the opinion of the Plant Variety Protection Office, is similar to or can be confused with the variety denomination. This renouncement applies to the application State and to other member States in which the species to which the variety belongs is eligible for protection.

12 VARIETY DESCRIPTION

12.1 Origin of the Variety and breeding history.

12.2 If the variety requires the repeated use of other protected varieties for its reproduction, indicate these protected varieties.

Attach authorization of such use by the owners of the protected varieties (Annex III).

Authorizations attached Yes No Number of authorizations _____

12.3 State in which the variety has been bred or discovered _____

12.4 The applicant(s) hereby declare(s) that to the best of his(their) knowledge, the variety is newly bred and distinct from other varieties.

12.5 Technical information: complete and attach technical questionnaire issued by the Office for the species to which the variety belongs.

13 MISCELLANEOUS

13.1 It is hereby declared:

- that the fees will be paid in due course, at the request of the competent Office
- that the material requested for examination will be furnished in due course after approval by the competent Office.

13.2 Authorization to ask foreign plant breeders' rights Offices for exchange of information on the variety is:

- not given
- given
- given, but restricted to _____
State

Notwithstanding the above-mentioned authorizations, the plant breeders' rights Offices of the States of application may request other offices to undertake the examination of the variety.

13.3 The examination can start on _____

13.4 Other information _____

I hereby state that, to the best of my knowledge, and of the co-applicants' knowledge, the aforementioned information is correct and that no important information has been omitted.

Place

Date

Signature of Applicant

APPLICATION FOR THE GRANT OF PLANT BREEDERS' RIGHTS

ANNEX I

(CO-APPLICANTS)

POWER OF ATTORNEY

We, the undersigned, co-applicants for the grant of plant breeders' rights for a variety of

()

Genus	Species	Sub-species	Common Name
-------	---------	-------------	-------------

denomination _____

hereby appoint

Surname	First Name(s)
---------	---------------

Country	Postal Code	Town
---------	-------------	------

Street	Number
--------	--------

Telephone	Code	Number
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to act on our behalf in all dealings relating to the application and to the granting procedure, including the right to receive notifications or other documents concerning the plant breeders' rights.

Place	Date
-------	------

Addresses and signatures
of co-applicants:

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APPLICATION FOR THE GRANT OF PLANT BREEDERS' RIGHTSANNEX II

(AGENT)

POWER OF ATTORNEY

I, the undersigned, applicant/representative of the co-applicants and acting on their behalf, for the grant of plant breeders' rights for a plant variety of

()

Genus	Species	Sub-species	Common Name
Denomination _____,			

appoint

Surname	First Name (s)
Country _____ Postal Code _____ Town _____	
Street _____ Number _____	
Telephone _____	
Code _____	Number _____

to act on my behalf in all dealings relating to the application and to the granting procedure, including the right to receive notifications or other documents concerning the plant breeders' rights.

Place_____
DateAddress and signature:

APPLICATION FOR THE GRANT OF PLANT BREEDERS' RIGHTS

ANNEX III

AUTHORIZATION FOR REPEATED USE
OF VARIETIES

I/We, the undersigned, owner (s) of plant breeders' rights for the variety
named _____ of the species _____
granted by the Office of _____ on _____
serial number _____ State _____ Date _____
of title _____, hereby authorize the repeated use of
the above mentioned variety by:

Surname/first name(s) (of the applicant)

or _____
firm name

Country Postal Code Town

Street Number

for the purpose of producing the variety named /provisionally named
_____, for which plant breeders' rights are sought,
under the following terms of contract _____

Place Date

Address(es) and signature(s):

APPLICATION FOR THE GRANT OF PLANT BREEDERS' RIGHTSANNEX IVUNITED KINGDOM ONLYPROTECTIVE DIRECTIONTo be completed by applicants requiring a Protective Direction

The applicant(s) request (s) that a protective direction be given in respect of the plant variety covered by this application. The applicant(s), undertake(s) 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 him/them, or with his/their 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).

The applicant(s) understand (s) that breach of this undertaking will render him/them 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 applicant¹⁾ _____

Date _____

1) 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 authorized to sign on behalf of the body corporate;
- (iv) a society or other similar organization it must be signed by someone satisfying the Controller that he is qualified to do so.

[End of Annex
and of document]