

CHECKLIST

The items in bold print are required at application time. Those in normal print should be supplied at application or as soon as possible afterwards.

FOR ALL VARIETIES

application form completed fully, signed and dated.

application fee - include GST if variety is New Zealand owned.

technical questionnaire.

authorisation of agent (if applicable).

evidence of ownership (if applicable).

certified correct copy of the overseas application for which priority is claimed (if applicable).

FOR CROP, PASTURE, AMENITY GRASS AND VEGETABLE VARIETIES

seed sample and germination test certificate (see instruction - Section 9).

FOR FRUIT, ORNAMENTAL AND TREE VARIETIES

colour photographs (see instruction - Section 9).

INSTRUCTIONS

General Instructions

Under the Act the application can only be accepted if completed, signed and accompanied by the correct application fee, the completed technical questionnaire and any other required attachment. The checklist above indicates the attachments which are required at application.

Send the original of the application, the attachments and fee payment by:

- post to - The Commissioner, Plant Variety Rights Office
P O Box 9241, Marion Square, Wellington 6141, New Zealand.
- self or courier to - The Commissioner, Plant Variety Rights Office
Ministry of Economic Development, 205 Victoria Street, Wellington, New Zealand.

Retain a copy for your own reference.

Any authorisation of agent, evidence of assignment of ownership, etc, must be the copy containing the original signature, or be an original legally certified true copy.

Specific Instructions

Section 1 Where the application is made by an agent (including also an application made by a joint owner acting for all owners) it must be accompanied by an authorisation completed by the person(s) on whose behalf the agent is authorised to act. A model authorisation is given in the "Guide to Plant Variety Rights" or available from the Plant Variety Rights (PVR) Office.

Section 4 The denomination is the designation or name under which the grant of PVR will be registered. Where application is made in more than one country the same denomination must be used. Applicants may defer proposing a denomination until after application but if so must give a breeder's reference or some sort of temporary designation.

With some species it is common practice for the variety denomination to be in the form of a breeder's code name. The term commercial synonym is used to refer to the fancy name that may be added to such a denomination when the variety is marketed. For example the rose variety with denomination 'Macauck' has the commercial synonym "Olympiad".

Section 5 Where the owner of the variety is other than the original breeder, ie the owner is the successor in title to the breeder, the application must be accompanied by documentary evidence sufficient to establish present ownership.

Section 6 Indicate in chronological order all prior applications for protection (eg plant variety rights, plant variety protection certificate, plant patent) without exception, including those filed in countries which are not members of UPOV. In the "Stage" column indicate whether - pending, rejected, withdrawn, or rights granted.

(Instructions on reverse side)

7. Priority is claimed in respect of the application filed in (country)

on (date) _____ under the denomination

8. (answer both (a) and (b))

(a) The variety -

has not been offered for sale or sold in New Zealand.

was offered for sale or sold in NZ for the first time on (date) _____

under the denomination _____

(b) The variety -

has not been offered for sale or sold abroad.

was offered for sale or sold abroad for the first time in -

(country) _____

on (date) _____ under the denomination _____

9. ▪ Plant material.

I/We declare that the material provided, or to be provided, in relation to this variety is, or will be, representative of the variety.

(Important: With certain kinds of plants a specified quantity of seed or colour photographs must be supplied at the time of application. See instructions.)

▪ I/We apply for Plant Variety Rights.

▪ I/We declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in any attachments is complete and correct.

Signature(s): _____ Date: _____

(Refer to checklist on reverse of first page before lodging application.)

Section 7 Priority may be claimed in respect of an earlier application for plant variety protection in another UPOV member State. If there has been more than one such application, priority may be claimed only in respect of the first. A further proviso is that this overseas application should have been no earlier than one year before the date of the application in New Zealand. The advantage of claiming priority is that the date of application overseas becomes regarded in effect as the application date in New Zealand. This may give you precedence over competitors that you would not otherwise have enjoyed. If you do claim priority, you must supply to the PVR Office, within 3 months of the application date in NZ, a copy of the documents constituting the first application certified as being correct by the overseas authority.

Section 9 Seed to accompany application (as from 1 January 2002) For the plants listed below a seed sample as specified must accompany the application. It is in the interest of the applicant to ensure that the seed sample is representative of the variety to be used in commerce while being of the highest grade possible having regard to the number of generations required to achieve genotypic and phenotypic stability for that species. Seed from the earliest stage breeding multiplications is often not suitable and may not represent the commercial variety in later generations. Applicants should be aware that the submitted seed sample will be used in trial comparisons and to provide the definitive description for that variety. For these reasons a sample equivalent to certified "Basic" generation is recommended.

Seed also should:

- be fresh and of the highest possible viability. The table below gives the minimum germination level required. Supply a germination test certificate (including a vigour test in the case of peas) no more than three months old;
- not have been subject to any chemical treatment;
- be free of disease and insect contamination;
- meet basic seed standards for purity.

<i>Kind of Plant</i>	<i>Seed (g)</i>	<i>No. of ears %</i>	<i>Minimum germination</i>
<i>Arable crops and vegetables</i>			
Peas	3000	-	90*
Barley, oats, ryecorn, triticale and wheat	2000	100	90
Beans, lentils, lupins and maize	2000	-	90
Linseed	1000	-	90
Sunflower	1000	-	85
Beets	500	-	85
Asparagus	100	-	90
Borage	100	-	70
Cucurbits	100	-	contact PVRO
Allium, amaranthus and phacelia	50	-	85
Capsicum and radish	50	-	contact PVRO
Chicory	50	-	60
Forage brassicas	50	-	90
Brassicas (other than forage brassicas)	30	-	90
Carrot, lettuce, parsnip and tomato	30	-	contact PVRO
Evening primrose	10	-	75
<i>Grasses</i>			
Brome	500	-	75
Ryegrass	500	-	85
Cocksfoot, crested dogtail, fescue, koeleria and paspalum	50	-	75
Bents and yorkshire fog	10	-	90
Phalaris	10	-	70
<i>Other pasture plants</i>			
Serradella and sulla	100	-	85**
Plantain	50	-	90
Lotus, lucerne and red clover	50	-	85**
Yarrow	25	-	85
White clover	10	-	85**

* Also vigour (conductivity) must not exceed 24 microsiemens/g

** Includes hard seed.

Section 9 Colour photographs In the case of every application for fruit, ornamental or tree variety you should supply a photograph as specified below:

- any form of photographic colour print is acceptable provided it is of good quality. Do not supply slides.
- it should be of reasonable size, ideally about 15 cm x 10 cm
- the photograph should be representative of the variety and display as well as possible its chief distinguishing feature(s). The photograph may be of the whole plant of the new variety and/or of plant parts such as the fruit or the flowers, whichever is most appropriate
- The photograph should not be of the original bred or discovered plant of the variety, or in the case of a new mutation or sport the plant part from which the variety originated. Instead the photograph should be based upon plants or trees propagated from the original plant or plant part.