

Notes on the completion of the Application Form

GENERAL

Please print or type the information to be filled in. It is important to fill in all fields of the forms, if not applicable, please state so.

COVER Page

Please indicate the botanical taxon and the provisional designation of the candidate variety.

The following notes refer to the numbering of the points in the application form:

POINT 1

The natural person duly authorised to represent a legal person should be the person legally entitled to act on behalf of the legal person and whose signature is binding on the legal person.

POINT 2

Where a procedural representative is obligatory (applicants not having a domicile, seat or establishment within the territory of the European Union), the procedural representative may not be an employee of the applicant.

If a procedural representative is not obligatory in your case, you may nevertheless appoint one. The person appointed may be an employee.

You may make use of the Office's form "Designation of a procedural representative". Please note that this form needs to be signed by the duly authorized person.

POINT 5

The proposal for a variety denomination NEEDS NOT be made at the time of application ; however, if it is not made at that time, it is recommended that it be made as soon as possible thereafter. In any event it should be proposed **using** the form "Proposal for a variety denomination". An indication just in the application form is not sufficient. A proposal for a variety denomination MUST be filed at the Office before receipt by the Office of the final results of the technical examination.

However, a provisional designation (breeder's reference) MUST be made at the time of application.

POINT 6

If the breeder is an employee, the entitlement to the Community plant variety right must be determined in accordance with the national law applicable to the employment relationship.

The relevant documentary evidence referred to should be attached, either in the form of the original or a copy certified by the issuing authority.

POINT 7

Please fill in all columns (if applicable)

“**State**” should be entered using the following codes:

EU member states:

AT = Austria, BE = Belgium, CY = Cyprus, CZ = Czech Republic,
DK = Denmark, EE = Estonia, FI = Finland, FR = France, DE = Germany,
GR = Greece, HU = Hungary, IE = Ireland, IT = Italy, LV = Latvia,
LT = Lithuania, LU = Luxembourg, MT = Malta, NL = Netherlands, PL = Poland,
PT = Portugal, SK = Slovakia, SI = Slovenia, ES = Spain, SE = Sweden,
UK = United Kingdom.

UPOV member states non EU members:

AR = Argentina, AU = Australia, BY = Belarus, BO = Bolivia, BR = Brazil,
BG = Bulgaria, CA = Canada, CL = Chile, CN = China, CO = Colombia,
HR = Croatia, EC = Ecuador, IL = Israel, JP = Japan, KE = Kenya,
KG = Kyrgyzstan, MX = Mexico, NZ = New Zealand, NI = Nicaragua,
NO = Norway, PA = Panama, PY = Paraguay, KR = Republic of Korea,
MD = Republic of Moldova, RO = Romania, RU = Russian Federation,
ZA = South Africa, CH = Switzerland, TT = Trinidad and Tobago, TN = Tunisia,
UA = Ukraine, US = United States of America, UY = Uruguay.

“**Date**” should be written in DAY/MONTH/YEAR format e.g. 02.03.95 = second of March 1995. Please indicate the date of the application, not the date of the granting or listing or patenting of the variety.

“**Authority**” you may indicate the authority by using the relevant abbreviation, e.g.:

CPOV = Comité de la Protection des Obtentions Végétales / FR

BSA = Bundessortenamt / DE

PVRO = Plant Variety Rights Office / UK

RvhK = Raad voor het Kwekersrecht / NL etc.

For the “**Stage**” column, please use the following abbreviation:

A – application pending

B – application rejected

C – application withdrawn

D – plant breeders’ rights or patents granted ; or variety entered in official variety list.

POINT 8

A claim for priority must be based on the earliest previous application for a property right, filed by you or your predecessor in title, in a Member State of the EU or in a Member of UPOV. In order to qualify for a right of priority, this earliest previous application must have been filed within the 12 months prior to this application and must still exist. Copies of the previous application, certified by the responsible authority, must be received by the Office within 3 months of the date of application.

POINT 9

Please tick the box ‘yes’ or ‘no’ of **all three** questions 9a, 9b and 9c. If the question 9c is not applicable, please state so. In the case of a ‘yes’, please specify the exact date and country. The indication of a year only, e. g. “1999”, is not sufficient.

A CPVR can be granted only if the variety is novel. The variety will not be novel if it has been sold, or otherwise disposed of, or with the breeder’s consent:

- within the European Union earlier than one year before the date of application;
- outside the European Union earlier than four (4) years or, in the case of trees and vines six (6) years, prior to the date of application.

The applicant is expected to have taken reasonable precautions to ensure that sales or comparable disposals have not taken place earlier than allowed.

The following types of disposal of material of the variety will not damage novelty:

- Disposals to an official body for statutory purposes, or to others on the basis of a legal relationship, solely for production, reproduction, multiplication, conditioning

or storage, provided that the breeder preserves the exclusive right of disposal and that no further disposal is made to others.

- Disposals of material which has been produced from plants grown for experimental purposes or for the purpose of breeding, or discovering and developing, other varieties and which is not used for further reproduction or multiplication, unless reference is made to the variety for purposes of disposal ;
- Disposals due to, or in consequence of, the fact that the breeder has displayed the variety at an official or officially recognised exhibition.

POINT 10

If a technical examination either in relation to national listing or an application for a national property right in a Member State has already been carried out or is in the process of being carried out, such examination reports may be considered by the Office.

POINT 13 - APPLICATION FEE

The Application Fee of 650 EURO should be transferred to the bank account of the Office. Payment should be made **prior** to or **on** the date on which the application is filed. The payment should be detailed on the attached form “Details of payment” individually for each variety. Please be aware that the Office will not allocate a definitive application date when the payment has not reached the Office bank account or if the payment has not been identified by the Office due to incomplete information. A further consequence will be that the application will not be published in the CPVO’s Gazette.

POINT 14 - CHECKLIST OF FORMS / DOCUMENTS

Please tick the boxes to indicate which documents are enclosed.