

## **Notes on the completion of the application form**

### **GENERAL**

Please print or type on line the information to be filled in the form. It is important to fill in all fields of the form, if not applicable, please state so. Mandatory fields or sections are marked with an asterisk (\*).

Please fill in for the whole document never using capital letters, except in the cases strictly provided where an initial capital is necessary (e.g. at the beginning of the sentence, first letter of forename and surname, etc.).

The following notes refer to the numbering of the points in the Application Form:

### **POINT 01 - APPLICANT(S)**

The natural person duly authorized 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 02 – PROCEDURAL REPRESENTATIVE**

Where a procedural representative is mandatory (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 the appointment of a procedural representative is not mandatory in your case, you may nevertheless appoint one. The person appointed may not 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 person duly authorized by the applicant.

### **POINT 03 – BOTANICAL TAXON**

Please indicate the botanical taxon of the candidate variety in full Latin name of the genus, species or subspecies to which the variety belongs.

Please indicate also the common name of the botanical taxon as above.

### **POINT 04 – DESIGNATION OF THE VARIETY**

The proposal for a variety denomination **needs not** be submitted at the time of application; however, if it is not made at that time, it is recommended that it be submitted as soon as possible thereafter.

In case it is made at a later stage, it should be proposed using the form "*Proposal for a variety denomination*". 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 submitted at the time of application.

Please be informed that the CPVO changed the format of variety denominations in order to be more in line with the International Code of Nomenclature of Cultivated Plants (ICNCP).

In practice, this means that each word of a variety denomination in the form of a fancy name will be written with an initial capital and that established abbreviations (at the beginning or at the end of the denomination) will be written entirely in capitals. Denominations in the form of a code remain entirely in capitals at all times.

We kindly ask you to adopt this new format in the application form (online or on paper) and in the form "Proposal for a variety denomination" too.

This form may be provided via [MyPVR](#) or by email at [cpvo@cpvo.europa.eu](mailto:cpvo@cpvo.europa.eu).

### **POINT 05 – BREEDER(S)**

If the person of the breeder is not the same as the person of the applicant:

- either the breeder **is** an employee and the entitlement to the Community plant variety right must be determined in accordance with the national law applicable to the employment relationship, details of the national law must be given.
- either the breeder **is not** an employee, the relevant documentary evidence referred to should be attached, either in the form of the original or a copy certified by the issuing authority.

If the applicant and the original breeder are different persons, please note that the necessary documentary evidence as to how the entitlement got vested in the applicant has to be attached. It can be provided as a copy of the original.

Please note that should the copy of the original deed leave a doubt, the Office would require an original paper deed of assignment or a certified copy thereof.

**POINT 06 – DETAILS OF ALL OTHER APPLICATIONS FOR PLANT VARIETY RIGHTS OR OFFICIAL VARIETY LISTS CONCERNING THIS VARIETY MADE IN A MEMBER STATE OF THE EU OR OUTSIDE THE EU**

All prior applications made for the same variety with other authorities even with the CPVO (in case of re-filing) are concerned.

Please fill in all columns (if applicable). The information provided under this point might enable applicants to save some costs (take-over instead of technical examination).

Please note that:

For the “**Country**” column should be entered using the following [ISO](#) codes:

EU member states:

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

On 29<sup>th</sup> July 2005, the European Union became a [UPOV](#) member.

UPOV member states non-EU members:

OAPI = African Intellectual Property Organization	GE = Georgia	PA = Panama
AL = Albania	IL = Israel	PE = Peru
AR = Argentina	IS = Iceland	PY = Paraguay
AU = Australia	JO = Jordan	RU = Russian Federation
AZ = Azerbaijan	JP = Japan	RS = Serbia
BA = Bosnia and Herzegovina	KE = Kenya	SG = Singapore
BO = Bolivia	KG = Kyrgyzstan	TN = Tunisia
BR = Brazil	KR = Republic of South Korea	TR = Turkey
BY = Belarus	MA = Morocco	TT = Trinidad and Tobago
CA = Canada	MD = Republic of Moldova	TZ = United Republic of Tanzania
CH = Switzerland	ME = Montenegro	UA = Ukraine
CL = Chile	MK = The Former Yugoslav Republic of Macedonia	US = United States of America
CN = China	MX = Mexico	UY = Uruguay
CO = Colombia	NZ = New Zealand	UZ = Uzbekistan
CR = Costa Rica	NI = Nicaragua	VN = Vietnam
DO = Dominican Republic	NO = Norway	ZA = South Africa
EC = Ecuador	OM = Oman	

“**Date**” should be written in DAY/MONTH/YEAR format e.g. 02.05.2018 = second of May 2018.

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.:

INOV = *Instance Nationale des Obtentions Végétales* / FR  
 BSA = *Bundessortenamt* / DE  
 PVRO = *Plant Variety Rights Office* / UK  
 RvP = *Raad voor Plantenrassen* / NL, etc.

### **POINT 07 - PRIORITY**

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.

Please note that copies of the previous application, certified by the responsible authority, must be received by the Office within 3 months of the date of application. They may be provided via [MyPVR](#) or by email at [cpvo@cpvo.europa.eu](mailto:cpvo@cpvo.europa.eu)

### **POINT 08 – HAS THE VARIETY BEEN EXPLOITED OR OTHERWISE EXPLOITED?**

Please tick the box 'yes' or 'no' of **all three questions** 08.01, 08.02 and 08.03. If the question 08.03 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. "2017", is not sufficient.

A CPVR can only be granted 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 that disposal.
- Disposals due to, or in consequence of, the fact that the breeder has displayed the variety at an official or officially recognized exhibition.

Please be informed that the first disposal information provided in the application form amount to a declaration. If you were to request the Office to amend said information, you would need to fulfil the conditions for entries in the Registers and such requests must be made in writing accompanied by supporting documents.

### **POINT 09 – TECHNICAL EXAMINATION**

Please note that if a technical examination either in relation to national listing or an application for a national property right has already been carried out or is in the process of being carried out, the information about the place of such examination is mandatory.

### **POINT 10 – LANGUAGE**

Please note that both for communication in the proceedings with the Office and for the certificate issued in the event of the grant of a Community Plant Variety Right, the selected language can be chosen amongst the 24 official languages of the EU.

### **POINT 11 - APPLICATION FEE**

The application fee (either €650 for a paper application or €450 for an online application) 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.

A formal debit note will be available on [MyPVR](#) after you have received the formal acknowledgement of receipt of your application. 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 Official Gazette.

**POINT 12 - ATTACHED DOCUMENTS**

Please indicate which documents are enclosed to the application.

**POINT 13 – GENERAL REMARK**

Please feel free to add any additional information that could help to process the file in relation to the application. The additional remarks can be linked either to technical, administrative or financial matters.