

## **APPLICATION FOR COMMUNITY PLANT VARIETY RIGHT TO THE COMMUNITY PLANT VARIETY OFFICE**

### **Paper version**

Please be informed that you also have the possibility to submit applications online via the restricted area of the Office's website [www.cpvo.europa.eu](http://www.cpvo.europa.eu)

For use of National Agency only, if necessary

Via National Agency:

File No:

For Office's use only

Date of application:

Priority date:

File number of application:

To be filled in by the applicant<sup>1</sup>

Botanical Taxon\*:

Provisional designation (breeder's reference)\*:

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<sup>1</sup> **Mandatory fields or sections are marked with an asterisk (\*)**

**01. Applicant(s)****01.01 Applicant(s) name(s)\***

*If a natural person, please indicate the official name – in case of several applicants, please add a supplementary sheet. If there are two or more parties to proceedings acting in common, which have not notified a procedural representative to the Office, the party to the proceedings first named in an application for a Community plant variety right (CPVR) shall be deemed to be designated as the procedural representative of the other party or parties to the proceedings for all proceedings before the Office (including surrenders) unless specified to the contrary by the parties to proceedings. In such a case there is no need to provide a procedural representative form.*

Name\*

Official address\*

Post Code\*

City\*

Country\*

Telephone

Fax

Email

*An e-mail address is required for service.*

*Your e-mail address is compulsory if you are a party to proceedings and if your address is needed for service, i.e. as the officially registered correspondence address. Your e-mail address is needed:*

- *if you are the applicant and you have not appointed a representative,*
- *if, in case of co-applicants, you are the first named applicant and you are based in the EU.*

**01.02 Correspondence address** (to be filled in only if different from the address indicated in 01.01)

*Please note that the applicant's correspondence address does not mean the mail address of the procedural representative. All information regarding the procedural representative must be indicated at point 02 of the application form.*

Name

Address

Post Code

City

Country

Telephone

Fax

Email

**01.03 The applicant is\*:**

[...] A natural person, please indicate your nationality:

[...] A legal entity, please fill in sections 01.04 and 01.05.

**01.04** If a legal entity, indicate the address of its seat or establishment if different from 01.01:

Official address

Post Code

City

Country

**01.05** Indicate the name and address (if different from 01.01) of the natural person, being an employee of the legal entity, who is duly authorised to represent the legal person\* (e.g. director of a company or a partner of a firm):

*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.*

Name\*

Position

Official address

Post Code

City

Country

Telephone

Email

If there are more than one applicant, please make use of this form:

Add an applicant

## 02. Procedural Representative

*Where a procedural representative is mandatory, the procedural representative may not be an employee of the applicant. If 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 duly authorized person. In order to join the form "designation of a procedural representative", please attach the document to the complete set of documents to be sent to the Office.*

*If there are two or more co-applicants, the first named applicant in an application for a Community plant variety right shall be deemed to be designated as the procedural representative. In such a case there is **no need** to provide a procedural representative form. The Office will register the first named applicant as representative. Provided the first named is based in the EU, the first named will be appointed as representative before the Office for all proceedings unless specified to the contrary by the parties to proceedings.*

### 02.01 Is there a procedural representative?\*

*For applicants not having a domicile, seat or establishment within the territory of the European Union, a procedural representative with a domicile, seat or establishment therein is required.*

[...] Yes, please fill in points 02.02, 02.03, 02.04, 02.05

[...] No, please continue with point 03

**02.02 If a procedural representative has been designated, please indicate their name and address and file the relevant signed credentials (see instructions):**

If natural person, please indicate:

Name\*

Official address\*

Post Code\*

City\*

Country\*

Telephone

Fax

Email\*

**02.03 Address to which correspondence is to be sent** if different from point 02.02:

Address

Post Code

City

Country

**02.04 The procedural representative is:**

A natural person

A legal entity

**02.05 If a legal entity, indicate the name and address** (if different from 02.02) of the natural person, being an employee of the legal entity, who is duly authorised to represent the legal entity:

Name

Position

Official address

Post Code

City

Country

Telephone

Fax

Email

**02.06 Designation of procedural representative**

Please attach the form "designation of a procedural representative" signed in ink by the applicant(s).

**03. Botanical taxon**

**03.01 Latin name of the genus, species or subspecies\*** to which the variety belongs

**03.02 Common name**

**04. Designation of the variety**

**04.01 The provisional designation (breeder's reference) for the variety\*:**

*There should be corroboration of breeder's references amongst registers: the same breeder's reference should be used for all official procedures.*

**04.02 Variety denomination proposal:**

*Please be informed that the Office developed a special section of its website in order to test the suitability of denomination proposals for similarity: [CPVO Variety Finder](#)*

*The proposal for a variety denomination **need 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 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 made at the time of application.*

Variety denomination

**04.03 A denomination may be in the form of a "Fancy Name" or a "CODE":**

*Variety denominations can be either Fancy Names (pronounceable) or CODE names (mixing numbers and letters with a maximum of 10 characters; a blank space is not considered to be a character).*

[...] Fancy Name

[...] CODE

**05. Breeder(s)****05.01 The original breeder(s) is (are)\*:**

[...] the applicant(s)

[...] the following person(s)

**05.02 Name(s) and address(es):**

Name\*

Address\*

Post Code\*

City\*

Country\*

Telephone

Fax

Email

**05.03 If the original breeder(s) is (are) not the applicant(s), how was the variety transferred to the applicant(s)?**

[...] contract

[...] succession

[...] employment contract (*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, please provide a separate declaration quoting the relevant national law/contractual provisions*).

[...] other (please specify)

If there are co-breeders, please make use of this form:

Add a breeder

**05.04 Assignment documents** (mandatory if applicant and original breeder are different persons)*If the applicant and the original breeder are different persons, please attach the necessary documentary evidence as to how the entitlement got vested in the applicant. It can be provided as a copy of the original. 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.***05.05 Geographical origin of the variety\*:** the region and the country in which the variety was bred or discovered and developed

**06. Details of all other applications for plant variety rights of Official variety lists concerning this variety made in a Member State of the EU or outside the EU:**

**06.01 Other applications concerning this variety have been made\*:**

*If the subject of your application is a parental line for which no previous application in its own name has been made but which entered into a DUS examination in the framework of the DUS test of an hybrid variety in which it is involved, please tick "no" and provide the relevant information under points 09.01 and 09.02.*

[...] Yes, please fill in the table below

[...] No.

**06.02 Please specify:**

Procedure <sup>2</sup>	Filing date	Filing country	Authority	Application n°	Stage <sup>3</sup>	Variety denomination or breeder's reference

<sup>2</sup> PVR = Applications for Plant Variety Rights (including previous CPVO applications for the same variety); OVL= Applications for Official Variety List; P = Applications for Patent

<sup>3</sup> A = application pending; B = application rejected; C = application withdrawn; D= plant breeders' rights or patents granted, or variety entered in official variety list

**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.*

**07.01 Is there a claim for priority?\***

[...] Yes, please fill in point 07.02

[...] No, please go to the point 08

**07.02 Priority is now claimed in respect of the earliest application for a property right filed:**

*The applicant with the CPVO must be the same person or the successor in title of the applicant with the other authority. If applicants are different persons, a deed of entitlement must be provided to show the succession in title.*

In\* (country)

On\* (date of application)

By\*(name of applicant)

Under the denomination\*

**07.03 Priority documents**

Copies of the earliest application, certified by the responsible authority, must be received by the Office within 3 months of the date of application, you may either, if available now, annex it to your paper application or send a digital copy later at [cpvo@cpvo.europa.eu](mailto:cpvo@cpvo.europa.eu).

**08. Has the variety been sold or otherwise exploited?**

Please tick the box 'yes' or 'no' of all three questions 08.01.01, 08.02.01 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. "2008", 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 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.

**08.01.01 Within the territory of the European Union\*:**

Yes

No

**08.01.02** If yes, please indicate date and country of the first disposal of the variety and the designation used:

Date\* (DD/MM/YYYY)

Country\*

Denomination\*

**08.02.01 Outside the territory of the European Union\*:**

Yes

No

**08.02.02** If yes, please indicate date and country of the first disposal of the variety and the designation used:

Date\* (DD/MM/YYYY)

Country\*

Denomination\*

**08.03 Has the variety been disposed of under other circumstances than those mentioned by the breeder or with his consent?\***

Yes, please give details

No

## 09 Technical examination of the variety

*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.*

### 09.01 A technical examination for official purposes\*

[...] has already been carried out in (country)

[...] is in the process of being carried out in (country)

[...] has not yet been carried out.

**09.02 If the candidate variety is a parental line of a hybrid variety** and is being (has been) examined in connection with the examination of the hybrid variety, please indicate the denomination of the hybrid variety and the country in which the examination is being (has been) carried out:

If confidential, please use the confidential part:

Application form confidential part

## 10 Language

**10.01 In the event of the grant of a Community Plant Variety Right**, the certificate will be issued in the language in which the application was filed, unless an indication is given below of the desire to have the certificate issued instead in the following official language of the EU:

Since April 2014 certificates are only served electronically.

**10.02** Please state your preferred language of communication in the proceedings with the Office:

## 11 Application fee

### 11.01 Information about payment

The Application Fee should be transferred to the bank account of the Office:

**CREDIT AGRICOLE DE L'ANJOU ET DU MAINE**

IBAN International Bank Account Number: FR76 1790 6000 3215 8665 4800 044  
Bank Identification Code / SWIFT: AGRIFRPP 879

Payment should be made prior to or on the date on which the application is filed.

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

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 Publication.

Therefore, please attach your bank proof of payment; and/or send us an email to

[CpvoBank@cpvo.europa.eu](mailto:CpvoBank@cpvo.europa.eu) with the following information:

Date of payment, Name of the company, Total amount transferred with any useful reference.

Any attached document under this item will be treated as confidential.

### 11.02 Purchase order number or other financial reference

The Office can manage a purchase order number or other financial reference.

Please note that the reference will appear on all notes of this application:

## 12. Attached documents

The following **forms or documents** are attached to this application:

Please tick the relevant boxes

- 1. Application form, confidential part (original only)
- 2. Technical questionnaire (original only)
- 3. Technical questionnaire, confidential part (original only)
- 4. Form of designation of a procedural representative
- 5. Documentary evidence of entitlement to file an application
- 6. Priority claim (certified copy of the first application)
- 7. Form "Details of payment"
- 8. Photographs (in case of fruit and ornamental varieties)
- 9. Copy of the relevant written release consent (for GMOs)
- 10. Others: please specify

**13. General remark**

Please enter below any additional comment you might have in relation to this application:

**14. DECLARATIONS\***

- ✎ **I(We) hereby apply for the grant of a Community Plant Variety Right.**
- ✎ **Authorisation is hereby given to the Community Plant Variety Office to exchange with the Examination Offices and other competent authorities all necessary information and material related to the variety provided that the rights of the applicant are safeguarded.**
- ✎ **I(We) hereby declare that, to the best of my(our) knowledge, the information necessary for the examination of the application, given in this form and the annexes, is accurate and complete.**
- ✎ **I(We) hereby declare that, no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery and development, of the variety.**

Place:

Date:

Name

Signature:

[...] I/we accept to receive all communication electronically.

[End of document]