

## ASSIGNMENTS - VALIDITY

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Please note that:

1. There is no official assignment form.
2. In view of its *laissez-faire* approach, the Office respects the contractual will of the parties involved.
3. The Office does not encourage anyone to renounce to their rights.

Please bear in mind that there are 3 types of assignments:

1. Assignment of the entitlement to apply for a Community Plant Variety Right and to hold the intellectual property rights in the variety called in question.
2. Assignment of the CPVR application.
3. Assignment of the registered CPVR.

The deed of assignment required consists of any valid act of disposal of a right by its holder, as, for instance, a contract, a declaration of assignment, a letter, a will or any other document that serves the purpose of transfer of a right from its rightful owner to another party.

The deed of assignment will be considered valid provided that it contains the following elements:

1. The names of the assignor (original owner) and of the assignee (new owner). If dealing with a legal person (e.g. companies) do not forget to mention the name of the natural person who has the right to legally represent the company. Said information enables the Office to assess the validity of the signature(s) present on the document filed.
2. The breeder's reference or the denomination of the plant variety.
3. The botanical taxon of the plant variety.
4. The territory concerned, namely where the title is valid (European Union).
5. A clearly worded transfer of the entitlement to apply for Plant Breeders' rights or of the application for registration or of the registered Plant Breeders' right, if it was already granted. Please, bear in mind that a mere licence is not a valid assignment for our purposes, as it provides a permission to benefit from a certain right without any transfer of ownership.
6. The deed of assignment shall be dated.
7. If the breeder is an employee, the entitlement to the Community plant variety right shall be determined in accordance with the national law applicable to the employment relationship in the context of which the variety was bred, or discovered and developed, as indicated under Article 11(4) of Council Regulation 2100/94. To that effect, the relevant national law applicable should be precisely cited.
8. A digital copy of the relevant document is sufficient. However, the original or a certified copy of the deed will be required in case of doubt.
9. The assignment must also contain the signatures of both parties if it is made during the application procedure or after a title has been granted (Articles 23 and 26 Council Regulation 2100/94). If the assignment is carried out before an application for a Plant Variety right is filed to the CPVO, the obligation of signature should be assessed pursuant to the national law applicable to the assignment. It is, in any case, advisable that both parties sign the assignment.

Please do not hesitate to get in touch with the Office if you have further queries.

**Nadege Grantham**

Register Officer