watermark
Intellectual Asset Management

IAM: more than patents, beyond trade marks, way past IP. Fresh thinking from Watermark.

Filing requirements for plant breeders' rights in Australia.

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Plant Breeders

Watermark needs the following information to meet the documentary filing requirements for plant breeders' rights in Australia.

An application for Plant Breeder's Rights in Australia is made in two parts. In the initial application (Part 1) the applicant must establish a prima facie case that the new plant variety is eligible for PBR and is distinct from all other varieties of common knowledge. If the Part 1 application is accepted, the plant variety is subject to provisional protection in Australia. The Part 2 application (a detailed written description of the variety) due within 12 months of the Part 1 application must evidence that the new plant variety is eligible for PBR and this second part is typically prepared and verified by an approved/accredited "Qualified Person" in Australia. The Part 2 application must be filed, approved and published in order to obtain grant of the PBR in Australia.

To proceed with the filing of a PBR application (Part 1) in Australia, we require the following:

a the name and address of the applicant; and

b name and address details of the breeder (if the applicant is not the breeder of the variety—details of particulars of the assignment, or transmission by will or by operation of law, of the right to make the application); and

c a brief description (including photograph) of a plant of the variety sufficient to establish a prima facie case that the variety is distinct from other varieties of common knowledge; and

d the name of the variety and any proposed synonym for that name; and

e the name of the location at which the variety was bred; and

f details of each of the parent varieties used in the breeding program including,

(i) particulars of the names (including synonyms) by which the parent variety is known or sold in Australia; and

(ii) particulars of any PBR granted in Australia or in any other country; and

(iii) a brief description of the manner in which the variety was bred; and

g particulars of any application for, or grant of, rights of any kind in the variety in any other country; and

h nominate an accredited/approved Qualified Person (QP) who:

(i) will verify the particulars in the application; and

(ii) will supervise any test growing or further test growing of the variety if required; and

(iii) will verify a detailed description of the variety.

i nominate a Genetics Resource Centre (GRC) in Australia

j Signed Authorisation of Agent Form

* A government application fee is payable

** The Part 1 application Form is available - Please click **here.**

For more information on Watermark's comprehensive range of intellectual property services contact mail@watermark.com.au