

Plant Varieties Protection Rules 2004

Table of Contents

Enacting Formula

Part I PRELIMINARY

1 Citation and commencement

2 Definitions

3 Fees

3

4 Forms

5 Filing of documents

6 Signature on documents

7 Service of documents

8 Furnishing of address

9 Address for service

10 Procedural representatives

Part II grant of protection

Division 1 — Application

11 Application for grant of protection

12 Representation of plant variety

13 Claim to priority

14 Samples or specimens

15 Deficiencies in applications

16 Publication of application

17 Amendment of application or document

18 Withdrawal of application

Division 2 — Objections

19 Objections to application or registration of denominations

20 Contents of notice of objection

21 Counter-statement

22 Evidence in support of objection

23 Evidence in support of application or registration

24 Evidence in reply by objector

25 Further evidence

26 Exhibits

27 Pre-hearing review

28 Objection hearing

29 Technical advisor

30 Registrar's decision in objection proceedings

31 Extension of time in objection proceedings

32 Costs in uncontested objection

33 No registration of denomination pending outcome of objection hearing

Division 3 — Examination

34 Request for examination

35 Examination by local prescribed examination authority

36 Corresponding examination report

37 Examination report

38 Removal of material

Division 4 — Making and publication of grant of protection

39 Making of grant of protection

40 Publication of grant of protection

Division 5 — Exceptions to infringement of grant of protection

41 Use of harvested material for farming activities

Division 6 — Replacement denominations

42 Submission and registration of replacement denominations

Part III REGISTER

43 Entry in register of particulars of application, grant of protection and other matters

44 Application for registration of transactions, instruments, etc.

45 Rectification of error or omission in register

46 Application to change name and address in register

Part IV annual fee and information

47 Payment of annual fee and submission of information

48 Extension of time for payment of annual fee or submission of information

49 Cancellation of grant of protection upon failure to provide information or pay annual fee

Part V CANCELLATION AND RENUNCIATION

50 Application to cancel grant of protection

51 Counter-statement

52 Further procedure

53 Intervention by third parties

54 Application for renunciation of grant of protection

55 Publication and entry into register of cancellation or renunciation

Part VI EVIDENCE AND PROCEDURE

56 Right of affected party to be heard

57 Hearing before Registrar to be in public

58 Evidence in proceedings before Registrar

59 Statutory declarations

60 Notice of seal of officer taking declaration

Part VII costs

61 Application for costs

62 Taxation of costs

63 Taxation proceedings

64 Scale of costs

65 Certificate

Part VIII EXTENSION OF TIME

66 Request for extension of time

67 Where non-compliance with time caused by Registry

68 Change of commencement date of period for filing evidence

Part IX MISCELLANEOUS PROVISIONS

69 Hours of business and excluded days

70 Extension of period where interruption in postal service, etc.

71 Certificates and copies

72 Irregularities

73 Case management conference

74 Registrar's power to require documents, information or evidence

75 Address altered by public authority

76 Application to Court

77 Filing of court orders, declarations and certificates

78 Plant Varieties Protection Journal