
14. HAS THE VARIETY BEEN SOLD OUTSIDE OF CANADA?

YES (IF "YES" GIVE NAMES OF COUNTRIES AND DATES)

NO

15. HAS THE VARIETY BEEN SOLD IN CANADA?

YES (IF "YES" GIVE DATES)

NO

16. IS AN EXEMPTION FROM COMPULSORY LICENSING REQUESTED?

YES (IF "YES" GIVE REASONS)

NO

17. CHECK APPROPRIATE BOX FOR EACH ITEM SUBMITTED (NOTE: ITEMS 17A TO 17E, INCLUSIVE, MUST BE SUBMITTED FOR ALL APPLICATIONS TO SECURE A FILING DATE)

A. ORIGIN AND BREEDING HISTORY OF THE VARIETY

B. STATEMENT OF UNIFORMITY AND STABILITY

C. DISTINCTNESS STATEMENT

D. METHODS FOR MAINTAINING THE VARIETY

E. FEE(S) (COMPLETE FEE PAYMENT FORM)

F. SAMPLE OF PROPAGATING MATERIAL (WHERE APPLICABLE)

G. AUTHORIZATION OF AN AGENT (WHERE APPLICABLE, SEE AUTHORIZATION OF AGENT FORM)

H. EVIDENCE ESTABLISHING THE APPLICANT AS THE LEGAL REPRESENTATIVE
(WHERE APPLICABLE, SEE LEGAL REPRESENTATIVE STATEMENT/ASSIGNMENT BEFORE THE ISSUE OF PLANT BREEDERS' RIGHTS FORM)

TO BE COMPLETED BY APPLICANTS/AGENTS REQUESTING A PROTECTIVE DIRECTION

(A PROTECTIVE DIRECTION FEE OF \$50 MUST BE ENCLOSED TO VALIDATE THIS SIGNATURE)

I/We request that a protective direction be given in respect of the plant variety covered by this application. I/We undertake while the protective direction is in force, that no propagating material of the plant variety will be sold in Canada by me/us, or with my/our consent, except as provided in subsection 19(2) of the Plant Breeders' Rights Act, in the period between the making of this application and the time when the Plant Breeders' Right is granted, or refused.

Signature _____

Date _____

TO BE COMPLETED BY ALL APPLICANTS/AGENTS

I/We am(are) the owner(s) or acting on behalf of the owner(s) of this novel plant variety, and believe that the variety is distinct, uniform and stable as required in subsection 4(2) of the Plant Breeder's Rights Act. I/We understand that test results must be carried out using acceptable scientific procedures. I/We certify that the sample of propagating material supplied (where applicable) is representative of the variety. I/We declare that no Canadian Trademark or similar indication has been, nor will be, applied for or received for the denomination or any part of the denomination.

Making a false representation is an offence and may result in a loss of the Plant Breeders' Right and prosecution.

SIGNATURE(S) (please print name)	CAPACITY OR TITLE	DATE

SOME INFORMATION MAY BE ACCESSIBLE OR PROTECTED AS REQUIRED UNDER THE PROVISIONS OF THE ACCESS TO INFORMATION ACT. INFORMATION THAT COULD CAUSE YOU OR YOUR ORGANIZATION INJURY IF RELEASED IS PROTECTED FROM DISCLOSURE AS DEFINED IN SECTION 20 OF THE ACCESS TO INFORMATION ACT.

INSTRUCTIONS FOR FILING A PLANT BREEDERS' RIGHTS APPLICATION

GENERAL:

The effective date of an application for Plant Breeders' Rights (PBR) is when all items listed in the Filing Requirements are received in the PBR Office (PBRO). Facsimiles of the application form and other documents are acceptable provided original signed copies are submitted to the PBRO within 60 days of the filing date.

Please mail applications and other documents to:

Plant Breeders' Rights Office
Canadian Food Inspection Agency
2 Constellation Crescent
Ottawa, Ontario, K1A 0Y9, CANADA
Telephone: (613) 225-2342
Fax: (613) 228-4552
Website: www.inspection.gc.ca/english/plaveg/pbrpov/pbrpove.shtml

Filing Requirements:

1. Completed application form
2. Submissions requested in item 17 of the application form:
 - origin and breeding history of the variety;
 - statement of uniformity and stability;
 - distinctness statement;
 - methods for maintaining the variety;
 - sample of propagating material (where applicable);
 - authorization of agent (where applicable);
 - evidence establishing the applicant to be the legal representative (where applicable).
3. Fees
 - Filing fee (\$250)
 - Protective direction fee (\$50, where applicable)
 - Fee for claiming priority (\$50, where applicable)

ITEMS:

1. **APPLICANT:** State the name as it will appear on the PBR Certificate. The applicant must be either the breeder or his/her employer, or the legal representative. Applicants resident outside of Canada must appoint an agent in Canada.
- 17H. **LEGAL REPRESENTATIVE:** Include documentation (letters of administration or confirmation) to support the claim that the applicant is the legal representative of the breeder. The documentation should include: the name and address of the breeder of the variety; the crop kind and denomination of the plant variety; a letter of assignment signed by both the breeder and the assignee, each in the presence of a witness and the effective date of the assignment. A generic form (Legal representative statement/assignment before the issue of Plant Breeders' Rights) may be used for this purpose. Please submit a separate form for each variety.
3. **PROPOSED DENOMINATION (Variety name):** Provide a variety denomination at the time of application. It may be a temporary designation or experimental numbers. A final denomination is required prior to publication of the variety description in the Plant Varieties Journal. When the variety is protected in other UPOV (International Union for the Protection of New Varieties of Plants) member countries, it should be designated with the same variety denomination in Canada. The denomination or any part of the denomination must not be a trademark or similar indication in Canada.
4. **OTHER DESIGNATIONS:** List trade names, synonyms and any other name used to identify the variety.
5. **AGENT:** The agent for Plant Breeders' Rights must be a Canadian resident and is required for all foreign applicants. An agent is optional for Canadian applicants. Please note that the agent is the main contact person for the office and has the ability to change the status of the application. For example, the agent has the ability to withdraw the application for PBR.
- 17G. **AUTHORIZATION OF AN AGENT:** A generic form (Authorization of Agent) may be used for this purpose. Please submit a separate form for each variety.

7. **BREEDER:** Indicate the breeder of the candidate variety. If the breeder is not the applicant and is not an employee of the applicant, then the application must be supported by an assignment (evidence of legal representation) from the breeder to the applicant (see item 17H above).
13. **CLAIMING PRIORITY:** Priority may be claimed only when the application has been accepted for filing in Canada within 12 months of the filing date of the first application made in another UPOV member country. A fee (\$50) for claiming priority must be submitted at the time of application.
16. **EXEMPTION FROM COMPULSORY LICENSING:** Exemptions from compulsory licensing will only be granted to allow the applicant sufficient time to multiply and distribute propagating material of the variety. They may be granted for up to two years from the date of grant of rights.
- 17A. **ORIGIN AND BREEDING HISTORY OF THE VARIETY:** The information submitted under this item establishes the origin of the variety and provides a history of how the variety was derived. Where applicable, the following points should be included in the description of the origin and breeding history of the variety:
 1. Pedigree or genealogy, including varieties, lines, or clones used;
 2. Method of origination, breeding technique, selection criteria used and stage of selection and multiplication, and the propagation method for crops asexually reproduced;
 3. Location where breeding was conducted, when and where the initial cross and final cross(es) were conducted/or the variety discovered.
- 17B. **STATEMENT OF UNIFORMITY AND STABILITY:** Provide a statement that the variety is uniform and stable. Include description and frequency of any off-types, variants or mutations. Variation may be regarded as part of the variety if it is predictable, capable of being described and commercially acceptable.
- 17C. **DISTINCTNESS STATEMENT:** Provide a brief summary of the characteristics which distinguish the candidate variety from all varieties of common knowledge. For more details on choosing reference varieties please see the document, Guidelines for Conducting PBR Comparative Tests and Trials. Test results substantiating the distinctness statement are not required at the time of filing. The following items should be included in the distinctness statement:
 1. Names of reference variety(ies) that the candidate variety is most similar to;
 2. Comparison between the candidate and reference variety(ies) using the major distinguishing characteristics.
- 17D. **METHODS FOR MAINTAINING THE VARIETY:** The holder of the right is responsible for ensuring that propagating material representative of the variety is maintained for the duration of the right. Provide a brief statement which includes the following:
 1. How the propagating material will be maintained throughout the duration of the right;
 2. Complete address where the variety will be maintained.
- 17E. **FEES:** All fees must be paid in Canadian funds. A fee payment form is available for your convenience.
- 17F. **SAMPLE OF PROPAGATING MATERIAL:** Supply a seed sample of crops propagated by seed to the PBRO at the time of filing an application. For seed sample sizes see the sample requirements in Appendix IV of the Guide to Plant Breeders' Rights or contact the Plant Breeders' Rights Office. Vegetatively propagated crops are exempt from this requirement.

PROTECTIVE DIRECTION: This must be applied for at the time of filing the application. Sign and date the designated area on the application form and include an additional \$50.00 with your payment. The protective direction serves as a means to protect the candidate variety for a time period extending from when the applicant files for protection and the date when rights are granted. With a protective direction, the applicant is permitted to initiate legal action against any infringements which may occur while the application is pending. Please note, the variety can not be sold commercially while the protective direction is in force, unless it is for scientific research, for multiplying stock for sale back to the applicant, or for part of a transaction involving the sale of a right (see section 19(2) of the PBR Act). The protective direction can be removed at any time by contacting the office.

SIGNATURE: The application must be signed and dated by the applicant, an agent, or legal representative. In the case of a corporation the capacity of the signing officer must be included (e.g. director).