



Australian Government

IP Australia

November 2023

## PBR Reform Program

- PBR Program Introduction,
- Status of PBR applications
- Four examples (scenarios)

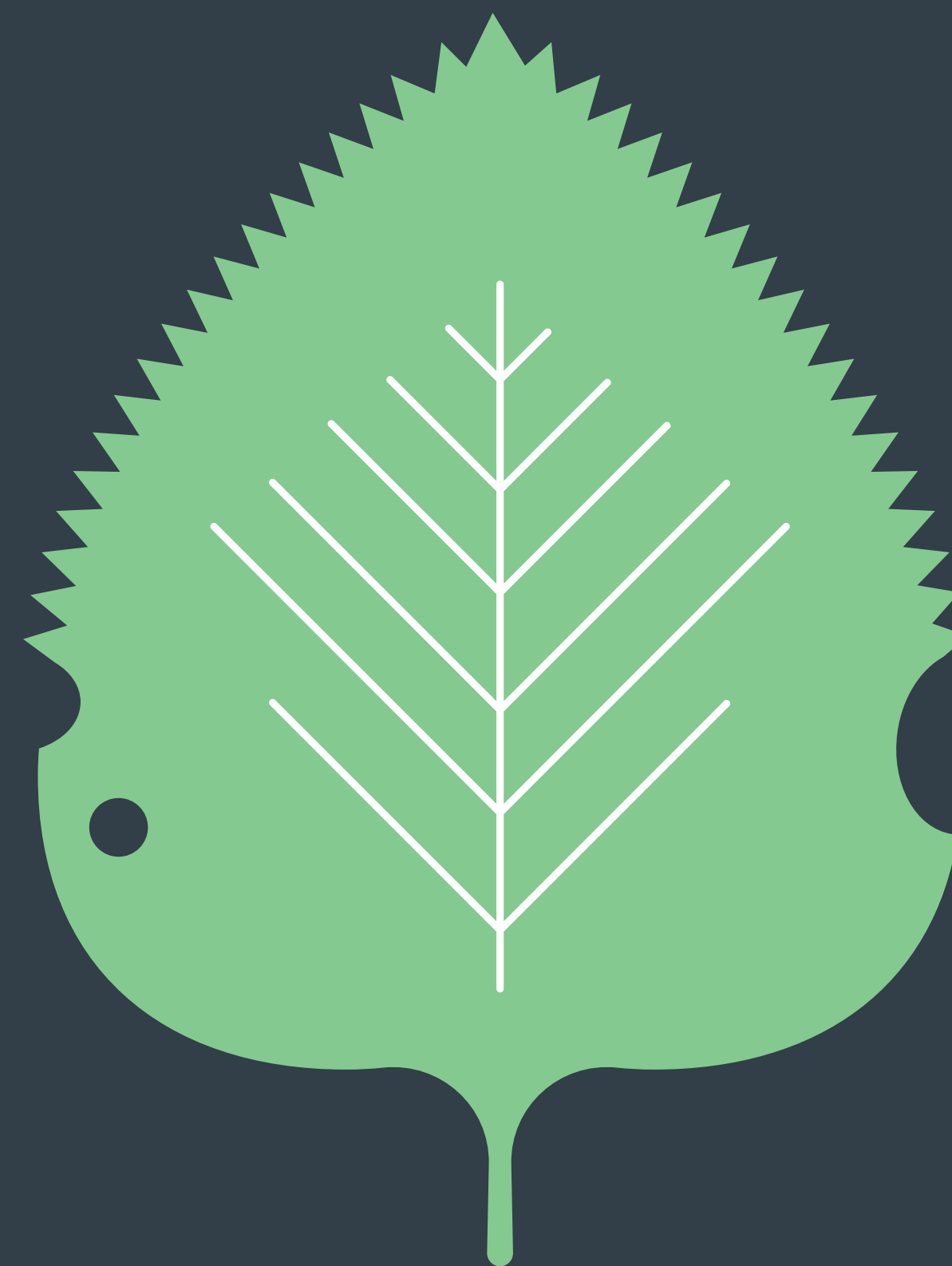


# IP Australia's PBR Reform Program 2023

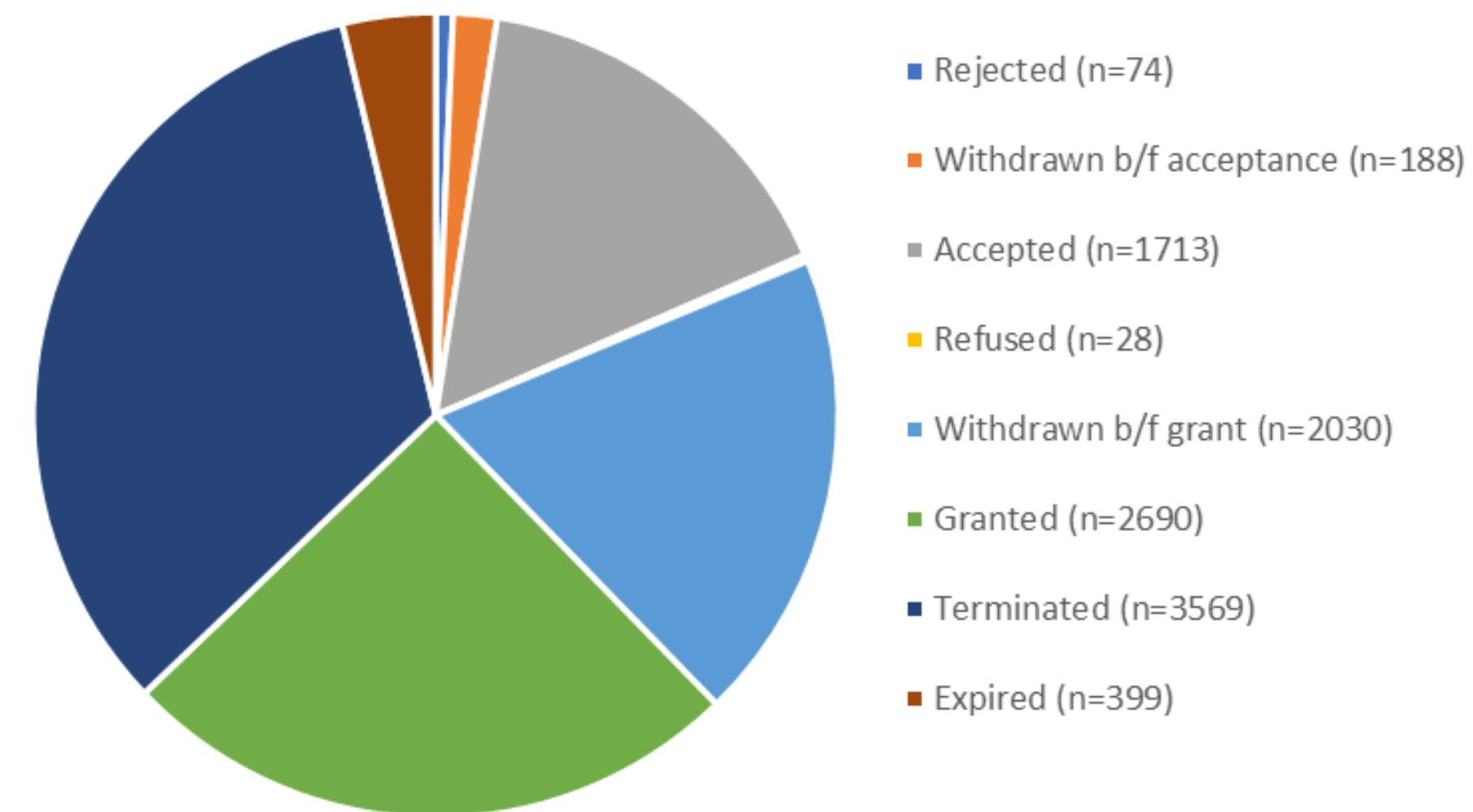
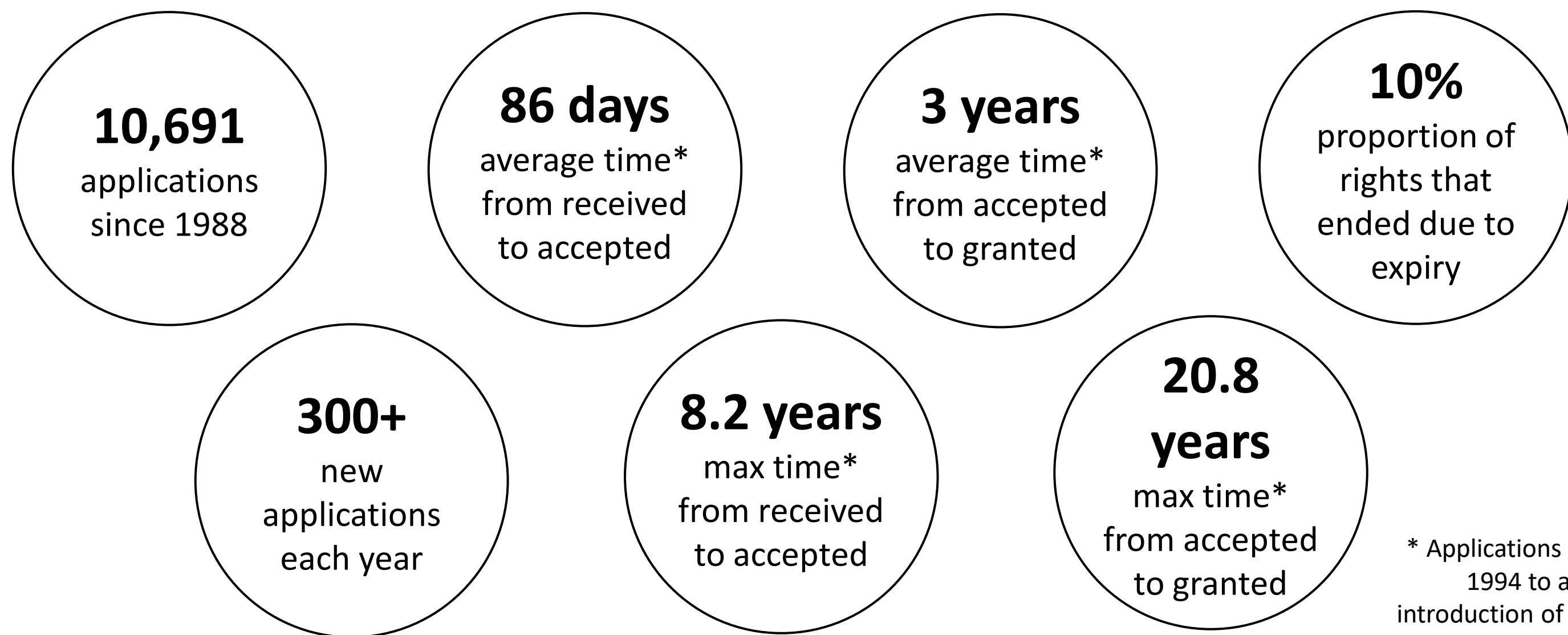
## Program Objective

To ensure PBR system is:

- Fit for purpose
- Supporting plant breeding industries
- Connected with the government's priorities relating to agriculture and growth

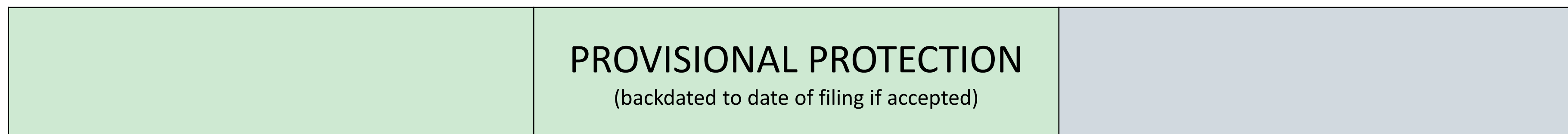


# Current status of Australian PBR applications



## PRE-GRANT PERIOD

## POST-GRANT PERIOD

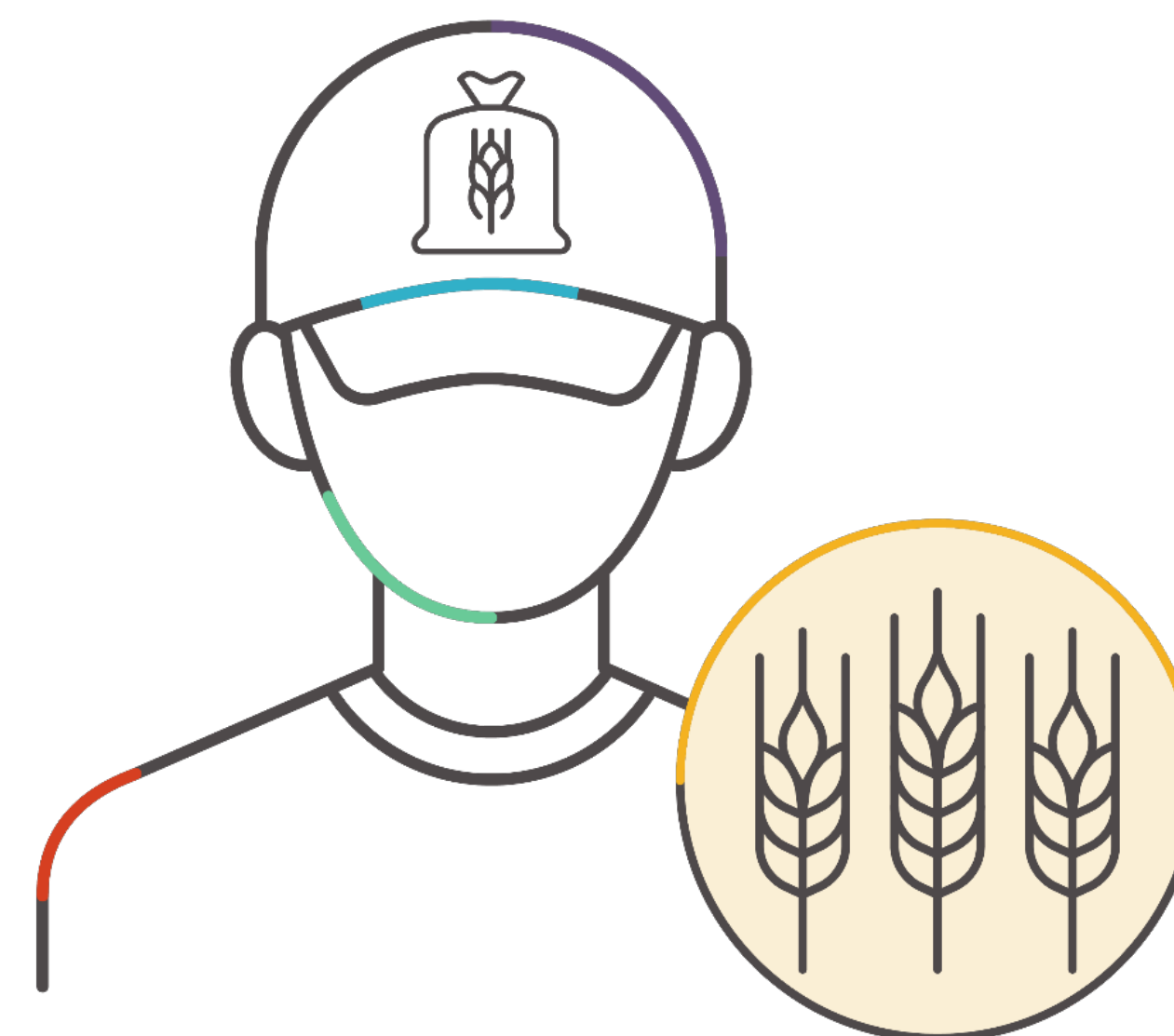


## Example Scenarios

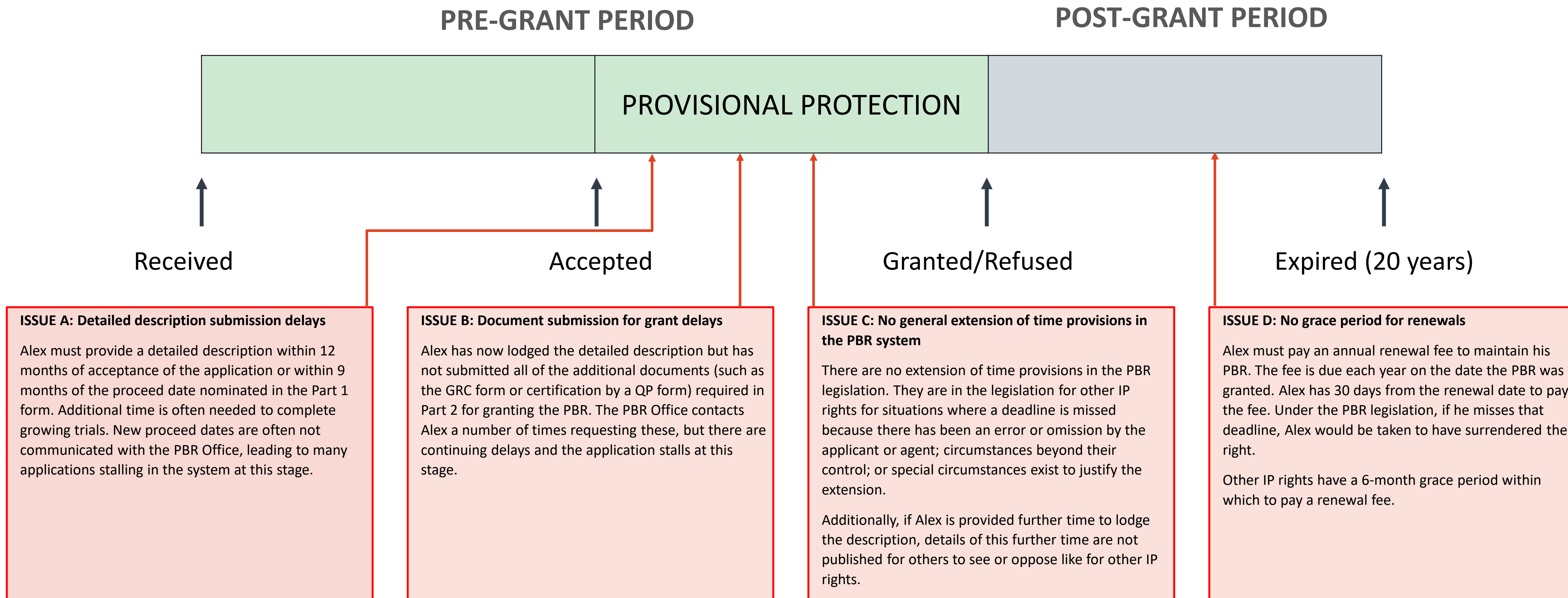
### Scenario 1: Alex

#### Alex the Aussie plant breeder with a barley variety

- Experienced with the PBR system and aware of application requirements
- Accredited as a QP and can oversee PBR application and growing trial
- Files a PBR application with IP Australia for new barley variety
- Pays examination fee within 12 months of acceptance
- Closest comparators required for trial are from own breeding lines
- Unavoidable delays occur with the growing trial and the detailed description of the new variety can't be provided within the required period



# Scenario 1: List of Issues



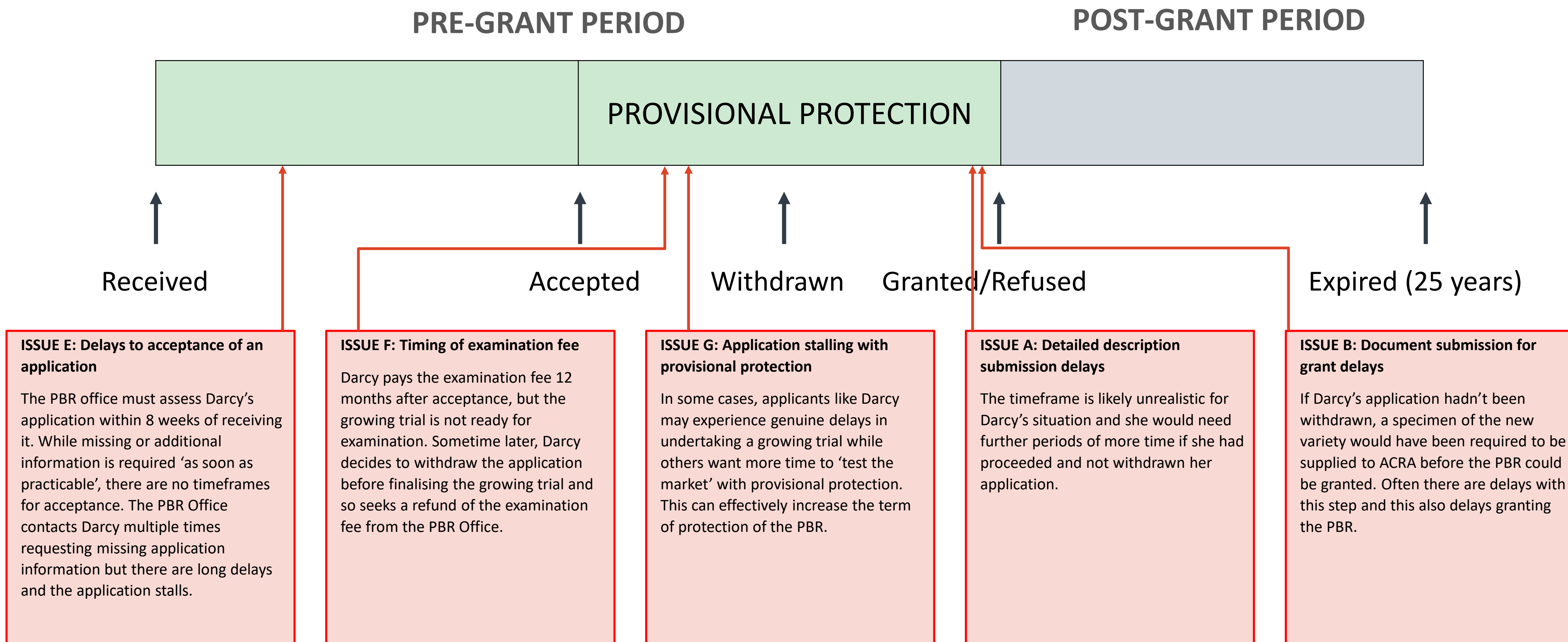
# Scenario 2: Darcy

## Darcy the Aussie grower of native wattle varieties

- New to the PBR system and engages a consultant QP
- Starts selling a new wattle variety to 'test the market' in Australia
- Rushes to submit PBR application within 12 months of the first sale
- Difficulties establishing the growing trial and needs further time to lodge the detailed description
- Decides to withdraw the application before the trial has been examined by PBR office



## Scenario 2: List of Issues



## Scenarios 3 and 4: Overseas Applicants

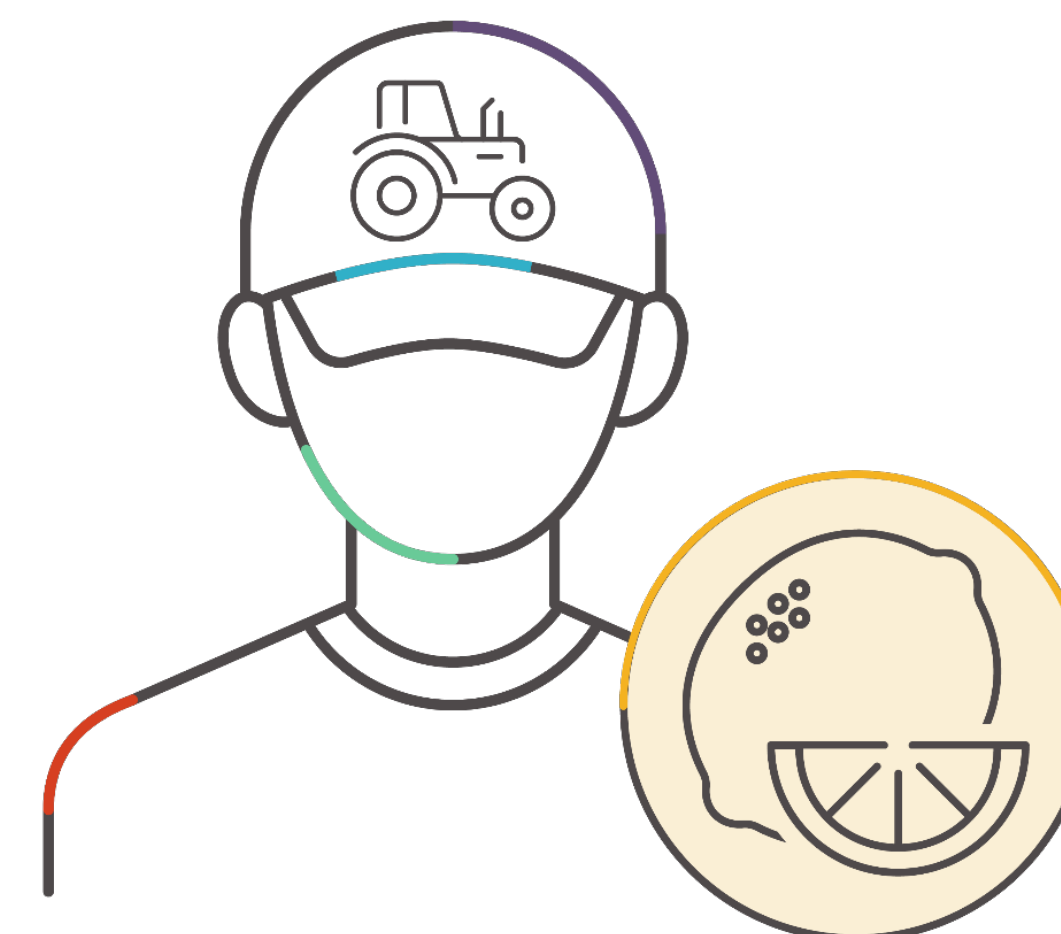
### Tanya the international tulip breeder from the Netherlands

- Breeds a new ornamental tulip variety in the Netherlands
- Applies for plant variety right in the EU and growing trials are established overseas
- Engages a QP in Australia and submits application for PBR to IP Australia
- Intends to use the results from her overseas DUS trial to secure PBR in Australia, rather than conducting another growing trial in Australia



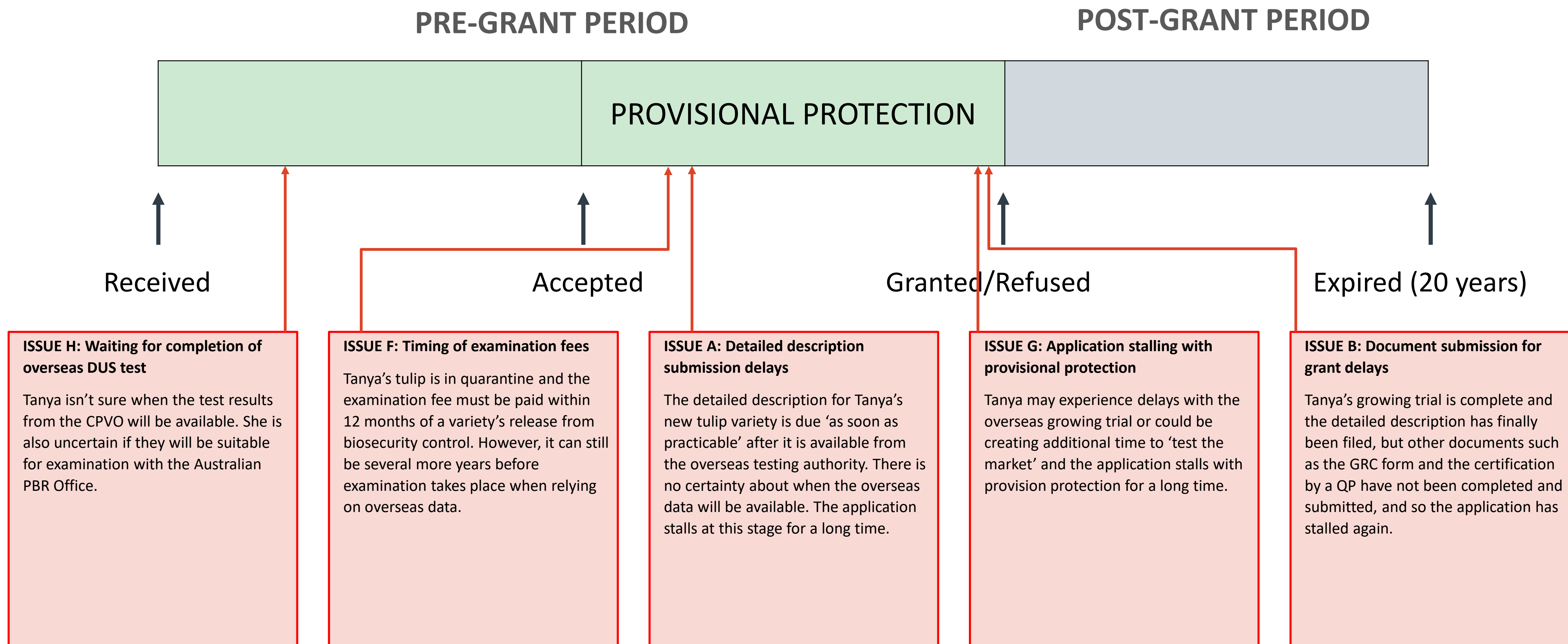
### Barry the international fruit breeder with a US Plant Patent

- Applies for a US plant patent for new fruit variety
- Partners with Australian agent and submits PBR application to IP Australia and includes US plant patent data and variety description hoping this will meet application requirements
- Informed by IP Australia he can't use that data to be granted an Australian PBR
- Required to do an Australian growing trial and may need to import comparative varieties from the US, which will be subjected to Australian biosecurity conditions

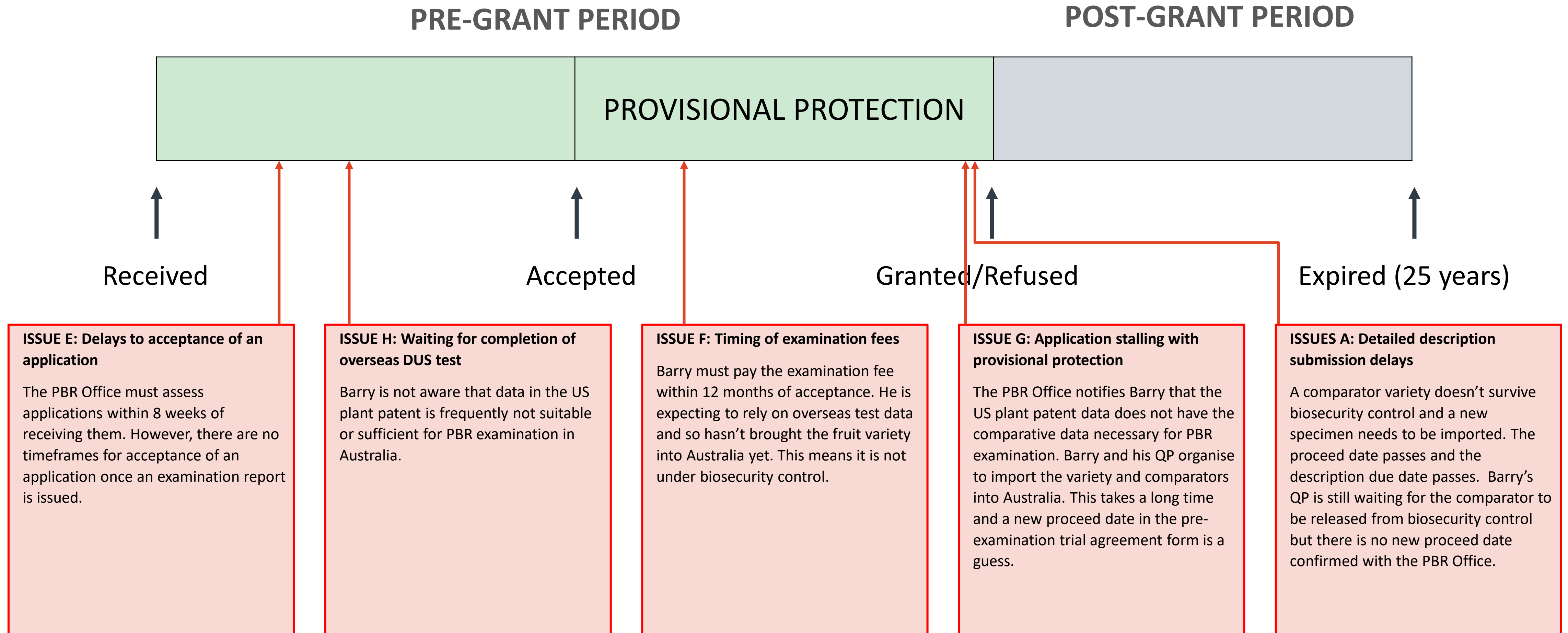




# Scenario 3: List of Issues



# Scenario 4: List of Issues





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# Thank you

