



Plant Breeder's Rights (Means of Lodging or Giving Documents) Determination 2018

I, Frances Roden, Registrar of Plant Breeder's Rights, make the following determination.

Dated *24 November 2018*

Frances Roden

Frances Roden
Registrar of Plant Breeder's Rights

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1 Name

This determination is the *Plant Breeder's Rights (Means of Lodging or Giving Documents) Determination 2018*.

2 Commencement

This determination commences on 24 February 2019.

3 Authority

This determination is made under section 72B and subsection 72C(1) of the *Plant Breeder's Rights Act 1994*.

4 Definitions

In this determination:

Act means the *Plant Breeder's Rights Act 1994*.

Application Programming Interface (API) system means any transactional interface, application, mobile application, website or the like that utilises an application programming interface provided by IP Australia.

Alternative Lodgement Service (ALS) means the backup function accessible from IP Australia's website that can be invoked during outages of the digital lodgement systems.

Digital lodgement systems means any website, mobile application or other similar system provided by IP Australia to lodge transactions.

Note: As at the date of the instrument, the only Digital lodgement system is the website known as eServices.

Emergency Facsimile Service (EFS) means the facsimile service that is provided by IP Australia when digital lodgement systems and ALS are unavailable due to planned or unplanned outage.

IP Lodgement Counter means a facility provided by IP Australia for the processing of transactions in person.

Note: The only IP Lodgement Counter is at 47 Bowes Street, Phillip, ACT.

PRISMA means the electronic PBR application tool maintained by the International Union for the Protection of New Varieties of Plants (UPOV).

Regulations means the *Plant Breeder's Rights Regulations 1994*.

5 Approved means of lodging or giving documents

- (1) For the purposes of subsection 72C(2) of the Act, the electronic means for lodging a document with, or giving a document to, the Registrar are by using:
 - (a) Digital lodgement services; or
 - (b) ALS; or
 - (c) PRISMA; or
 - (d) an API system; or
 - (e) EFS.

Note: EFS must not be used to lodge or give a document when a person has access to the digital lodgement services or ALS, and that lodging means is available.

- (2) For the purpose of subsection 72C(2) of the Act, the other means for lodging a document with, or giving a document to, the Registrar are by:
 - (a) Post;
 - (b) By providing in person to the IP Lodgement Counter.

Note: The postal address of the Registrar is PO Box 200, Woden, ACT, 2606.

6 Preferred means of lodging or giving documents

- (1) For the purposes of subsection 72C(4) of the Act, the preferred means for lodging a document with, or giving a document to, the Registrar are by using:
 - (a) Digital lodgement services; or
 - (b) an API system; or
 - (c) PRISMA.
- (2) If the digital lodgement services is unavailable due to maintenance, the preferred means of lodging a document with, or giving a document to, the Registrar is by ALS.
- (3) If the digital lodgement services and ALS are unavailable due to a planned or unplanned outage, the preferred means of lodging or giving a document is by EFS.
- (4) Where subsection (3) applies, the person must complete and file a Declaration for use of Emergency Fax form.

Note 1: The Declaration for use of Emergency Fax form is available on IP Australia's website.

Note 2: Under the regulations, reduced fees may be payable for filing a document by preferred means.