



Plant Breeder's Rights (Approved Forms) Instrument 2026

I, Charlotte Iggulden, Registrar of Plant Breeder's Rights, make this
instrument.

Dated 7/10/2026

Charlotte Iggulden
Registrar of Plant Breeder's Rights



Part 1—Preliminary

1 Name

This instrument is the *Plant Breeder's Rights (Approved Forms) Instrument 2026*.

2 Commencement

This instrument commences the day after it is signed.

3 Authority

This instrument is made under subsection 3(1B) of the *Plant Breeder's Rights Act 1994*.

4 Repeals

The *Plant Breeder's Rights (Approved Form) Approval 2018* is repealed.

Part 2—Approved Forms

5 Approved form – Application for an Australian plant breeder's right – Part 1 (PBR/00/001(0926))

For the purposes of section 26(1) of the Act, the approved form to apply for an Australian plant breeder's right is the form at Schedule 1.

6 Approved form – Application for an Australian plant breeder's right – Part 2 (PBR/00/002(0621))

For the purposes of section 34(3) of the Act, the approved form to give the registrar a detailed description of the plant variety is the form at Schedule 2.

7 Approved form – Certification by a Qualified Person (PBR/00/006(1119))

For the purposes of section 34(4) of the Act, the approved form for a certificate verifying the particulars of the detailed description is the certificate at Schedule 3.

8 Approved form – Application for a Declaration of Essential Derivation (PBR/00/011(1119))

For the purposes of section 40(4)(a) and s41A(3)(a) of the Act, the approved form to apply for a declaration of essential derivation is the form at Schedule 4.

9 Approved form – Application to Rectify the PBR Register (*PBR/00/016(1119)*)

For the purposes of section 62A(2) of the Act, the approved form to apply for rectification of the Register is the form at Schedule 5.

10 Digital forms

A digital version of a form approved in this instrument will be taken to be an approved form if:

- a) it is in substantially the same form as the form approved in this instrument; and
- b) the form is available on a website hosted by IP Australia or the International Union for the Protection of New Plant Varieties.

Note: Applications for the purposes of s26(1) of the Act may be made through the PRISMA application tool hosted by the International Union for the Protection of New Plant Varieties.

Schedule 1— *PBR/00/001(0926)*



Application for an Australian plant breeder's right - Part 1

A plant breeder's right (PBR) gives you the exclusive commercial rights over a new plant variety.

Before you continue

Is this the right type of intellectual property (IP) for you? Read about different [types of IP](#).

It's important that you understand the:

- basics of plant breeder's rights
- examination process for plant breeder's rights applications
- costs of applying for and maintaining a plant breeder's right.

What you'll need

- Applicant and ownership details
- Breeder details
- Agent details (optional)
- Qualified person details
- Plant variety details
- Details of any overseas filings or previous sales of your variety
- Parentage and breeding process
- Preliminary evidence for distinctiveness
- Initial comparison with parents and varieties of common knowledge (VCKs)
- Proposed approach for establishing DUS
- Proposed location for storing propagating material of your variety
- Payment method

How to apply

For more information on how to complete and submit your application, see: [How to apply for a Plant breeders' right](#)



Privacy notice

The personal information collected on this form is collected for the purposes of the *Plant Breeder's Rights Act 1994* and the *Plant Breeder's Rights Regulations 1994* (www.ipaustralia.gov.au/about-us/publications/ip-legislation/) and is protected by the *Privacy Act 1988* (www.comlaw.gov.au/series/c2004a03712).

All personal information you provide on this form will be handled in accordance with IP Australia's Privacy Policy (www.ipaustralia.gov.au/about-us/corporate/privacy-policy/).

The Privacy Policy contains relevant information, including:

- how you may seek access to and correction of the personal information we hold;
- how you may make a complaint about a breach of the Privacy Act and how we will deal with your complaint;
- and IP Australia's Privacy Contact Officer details.

Any personal information you provide will be used for the purposes of processing this form. IP Australia may also contact you, using the contact details you have provided, to request your feedback on our products and services.

In accordance with the PBR Act, IP Australia may make this completed form available to any person, upon request and payment of a fee.

IP Australia will publish the:

- Applicant name, phone and fax numbers;
- Agent name, phone and fax numbers;
- Town, State and Country of the applicant's address;
- and full address of the Genetic Resource Centre

in the Register of Plant Varieties, the Plant Varieties Journal and the Plant Breeder's Rights Database.

Once information is available on the internet, IP Australia has no control over its subsequent use and disclosure.

You should be aware that the information (including personal information) held in IP Australia's online IP Rights databases is also available on request, subject to our terms and conditions.

You should also be aware that under the International Union for Protection of New Varieties of Plants (UPOV) (www.upov.int/portal/index.html.en) Convention, IP Australia is required to disclose information regarding plant breeder's rights applications (including the name of the applicant) to the UPOV in Geneva, Switzerland. Once information is provided to UPOV, IP Australia has no control over its subsequent use and disclosure.

If you do not provide the personal information required on the form, IP Australia may not be able to process this form.

IP Australia will not otherwise use or disclose your personal information without your consent, unless authorised or required by or under law.

Consent

By completing this form, in addition you provide your consent to your personal information being handled in accordance with this privacy notice, including being disclosed as provided above.

When you provide your consent to your personal information being disclosed to overseas recipients, including publication online, you understand that IP Australia will not be accountable for any subsequent use under the Privacy Act, nor are you able to seek redress under that Act, for the actions of any overseas recipient.

Nominating a qualified person

A qualified person is accredited by IP Australia and authorised to supervise the distinctiveness, uniformity and stability (DUS) trial after your application has been accepted.

You must nominate a qualified person in this application. IP Australia strongly encourages you to discuss the proposed application with a relevant qualified person before you nominate them. A qualified person must be nominated even if you intend to rely on an overseas DUS test report.

Finding and contacting a suitable qualified person

IP Australia's [list of qualified persons](#) has the most current contact details for each variety.

If you have not already spoken with a qualified person in regards to this application, we recommend you do so immediately. If agreed, the qualified person may also undertake other functions on your behalf for this application.

Self-nominating and seeking simultaneous accreditation

If you or your agent is a qualified person for this variety, you can self-nominate in your application.

It is also possible to seek accreditation in order to self-nominate for this application. Costs apply and you will need to gather referees and documentation.

Nomination of an accredited qualified person is required for acceptance of your application. If you are not accredited before your application is reviewed by an examiner, this may delay acceptance or require you to make alternate arrangements with an accredited qualified person.

Role of the qualified person

In this trial, your nominated qualified person must undertake some responsibilities:

- determine the most similar varieties of common knowledge and the need to include source or parental material in trial
- provide a detailed description of variety in the PBR approved format
- complete the Part 2 application form
- certify the Part 2 application form.

You can also empower your qualified person to undertake other responsibilities, though they may not agree to each.

They can agree to complete other actions for this application, however these must be agreed to in advance. These can include:

- Completion of this application form (part 1)
- Choice of trial site(s)
- Planning the test growing trial
- Recommending the most appropriate trial site for the varieties in trial
- Supervision of the layout and planning of the trial
- Care and maintenance of the trial
- Instruction to applicant on the timing and nature of observations and measurements needed
- Provide observations, data and statistical analysis of the DUS trial for the applicant to complete Part 2 of the application form
- Verification of the field trial, observations, data and statistical analysis

1. Applicant and breeder

List all applicants you intend to be owners of this plant breeder's right.

The applicant must be the original breeder of the variety, unless ownership has been transferred. The original breeder is the person who carried out or directed the breeding work. If two or more persons jointly bred the plant variety there may be more than one original breeder.

If the breeder is an employee or member of an organisation and the variety was bred in the course of performing duties as an employee or member of that organisation, then consider the organisation as the breeder.

List all applicants using the fields below. You can list up to three applicants in this form. A supplementary form is required to list additional applicants.

First applicant's name and contact details

Name **(Required)**

Email address **(Required)**

Phone number **(Required)**

Address **(Required)**

City **(Required)**

State **(Required)**

Post code **(Required)**

Country **(Required)**

Is this applicant an original breeder? **(Required)**

☐ Yes

☐ No

If you select this option, you **must** attach proof of ownership transfer to this application or explain why you can't provide it.

Have you provided evidence of ownership transfer?

Only answer if this applicant is not an original breeder.

☐ Yes

☐ No

If you select this option, you **must** explain why you can't provide evidence of ownership.

Explain why you cannot provide evidence of transfer

Only answer if this applicant is not an original breeder and you cannot provide evidence of ownership transfer.

1. Applicant and breeder (continued)

List all applicants you intend to be owners of this plant breeder's right.

Second applicant's name and contact details

Name

Email address

Phone number

Address

City

State

Post code

Country

Is this applicant an original breeder?

☐ Yes

☐ No

If you select this option, you **must** attach proof of ownership transfer to this application or explain why you can't provide it.

Have you provided evidence of ownership transfer?

Only answer if this applicant is not an original breeder.

☐ Yes

☐ No

If you select this option, you **must** explain why you can't provide evidence of ownership.

Explain why you cannot provide evidence of transfer

Only answer if this applicant is not an original breeder and you cannot provide evidence of ownership transfer.

1. Applicant and breeder (continued)

List all applicants you intend to be owners of this plant breeder's right.

Third applicant's name and contact details

Name

Email address

Phone number

Address

City

State

Post code

Country

Is this applicant an original breeder?

☐ Yes

☐ No

If you select this option, you **must** attach proof of ownership transfer to this application or explain why you can't provide it.

Have you provided evidence of ownership transfer?

Only answer if this applicant is not an original breeder.

☐ Yes

☐ No

If you select this option, you **must** explain why you can't provide evidence of ownership.

Explain why you cannot provide evidence of transfer

Only answer if this applicant is not an original breeder and you cannot provide evidence of ownership transfer.

1. Applicant and breeder (continued)

List all original breeders who are not applicants to this application.

Are there any original breeders who are not applicants to this application?

☐ Yes

If you select this option, you **must** provide details below.

☐ No

Other original breeder's name and contact details

Name

Email address

Phone number

Address

City

State

Post code

Country

1. Applicant and breeder (continued)

List all original breeders who are not applicants to this application.

Other original breeder's name and contact details

Name

Email address

Phone number

Address

City

State

Post code

Country

1. Applicant and breeder (continued)

List all original breeders who are not applicants to this application.

Other original breeder's name and contact details

Name

Email address

Phone number

Address

City

State

Post code

Country

1. Applicant and breeder (continued)

List any other interested parties who may be related to this application.

Other interested parties

Are there any parties entitled to file for a Plant Breeder's Right for the variety who are not listed in this application?

This may include any agreements with your employer, funding agency, supplier of original plant materials or any other relevant party.

(Required)

☐ Yes

If you select this option, you **must** provide details below.

☐ No

Provide details

Are you required to inform another party of your intention to acquire rights to this variety? (Required)

This may include any agreements with your employer, funding agency, supplier of original plant materials or any other relevant party.

☐ Yes

If you select this option, you **must** provide details below.

☐ No

Who are you required to inform?

Select all that apply

☐ Employer

☐ Funding agency

☐ Supplier of original plant materials (germplasm, etc.)

☐ Other

If you select this option, you **must** specify below.

Have you informed all required parties?

Failure to inform all required parties may lead to ownership disputes for this intellectual property.

☐ Yes

☐ No

2. Agent and correspondence details

You may nominate someone who may act on your behalf during your application. You can also self-represent.

Will you nominate an agent to act on your behalf? **(Required)**

- ☐ Yes
If you nominate an agent you **must** complete the 'agent's details' section.
- ☐ No, I will self-represent

Agent's details

Name

Email address

Address

City

State

Post code

Country

Authorisation

Authorisation allows you to submit an application for Plant Breeder's Rights in the applicants' name and to act as their agent in Australia under the Plant Breeder's Rights Act 1994.

Has the agent (or you, if self-representing) been authorised, by all applicants, to act on their behalf? **(Required)**

- ☐ Yes
- ☐ No

Has the agent (or you, if self-representing) been authorised, by all applicants, to withdraw or surrender the application? **(Required)**

- ☐ Yes
- ☐ No

2. Agent and correspondence details (continued)

Contact details for correspondence

You must nominate an Australian or New Zealand address to receive all correspondence for this application. Complete the fields below or elect to use the address of an applicant or agent.

Specify an address to receive all correspondence for this application? (Required)

Select from the options below or manually add a new address in the fields below.

- ☐ Applicant 1's email and address
- ☐ Applicant 2's email and address
- ☐ Applicant 3's email and address
- ☐ Agent's email and address
- ☐ Add a new email and address manually

If you select this option, you **must** complete the 'nominated address' section

Nominated contact details

Name

Email address

Address

City

State

Post code

Country

3. Plant variety

Using the fields below, describe your plant variety.

You will be asked to provide:

- its names and species type
- details of any overseas plant breeder's right or equivalent that exist overseas
- when this variety was first sold in Australia and overseas.

Names

Botanical name of the variety **(Required)**

The formal scientific name for the variety, including the lowest known taxon (i.e. Genus, species). This name must comply with the International Code of Nomenclature for algae, fungi, and plants (ICBN) and its subsidiary codes.

Common name

The everyday name for the species if it has one.

Is this variety an interspecific or intergeneric hybrid?

☐ Yes

☐ No

Protected names

When accepted, the nominated variety name and synonym will be protected under the PBR Act. To be protected the proposed variety name and synonym must conform with section 27 of the PBR Act.

Proposed variety name **(Required)**

If PBR has been granted for this variety in another UPOV member country then you must propose the same name.

Synonym

A synonym is an optional, alternative name for a variety.

3. Plant variety (continued)

Using the fields below, continue to describe your plant variety.

Non-protected names

Other names under which the variety has been known in Australia or overseas.

Breeder's code

A breeder's code is an optional, short alphanumeric identifier created by the breeder to label the variety.

Trade name

A trade name is an optional, marketing name or brand name used to sell the plant variety commercially.

Other name(s)

If the variety is known by any other names or identifiers, add them below.

Type

Is the variety a tree or a vine? (Required)

Trees and vines are treated differently under the PBR Act because they take much longer to breed, test and reach commercial maturity. Australia accepts five genera as vines: Actinidia (Kiwifruit), Bougainvillea, Campsis, Hedera and Vitis (grapevine).

- ☐ Tree
- ☐ Vine
- ☐ Neither

Is the variety an Australian native species? (Required)

- ☐ Yes
If you select this option, you must specify a time to submit a herbarium specimen to the Australian Cultivar Registration Authority (ACRA)
- ☐ No

When is the ideal time for an Australian native species specimen to be collected and supplied?

You must supply a specimen to ACRA before your application is granted.

3. Plant variety (continued)

Using the fields below, continue to describe your plant variety.

Type (continued)

Has the species ever been declared a noxious weed in any Australian state or territory? **(Required)**

If yes, you **must** provide specific details about any declaration.

☐ Yes

☐ No

Is the variety a genetically modified organism (GMO)? **(Required)**

If yes, you **must** answer the specify your licence number and when it was issued.

☐ Yes

☐ No

Provide details

What is your gene technology regulator licence number?

If not known now, this will be required prior to the grant of the application.

When was the licence issued?

3. Plant variety (continued)

Using the fields below, continue to describe your plant variety.

Overseas plant breeder's rights (or overseas equivalent)

Have you applied for any plant breeder's right (or an equivalent) for this variety in another country? **(Required)**

If yes, you **must** answer the following questions and provide specific details about any applications.

- ☐ Yes
- ☐ No

Country 1

Country filed

Date of lodgement

Application number

Current status

- ☐ Granted
- ☐ Submitted
- ☐ Accepted
- ☐ Surrendered
- ☐ Withdrawn

Is this country a UPOV member state?

You may be able to use the earlier application date as the priority date for this application if it was filed in a [UPOV member country](#) within the last 12 months.

- ☐ Yes
- ☐ No

Under what variety name

Country 2

Country filed

Date of lodgement

Application number

Current status

- ☐ Granted
- ☐ Submitted
- ☐ Accepted
- ☐ Surrendered
- ☐ Withdrawn

Is this country a UPOV member state?

You may be able to use the earlier application date as the priority date for this application if it was filed in a [UPOV member country](#) within the last 12 months.

- ☐ Yes
- ☐ No

Under what variety name

3. Plant variety (continued)

Using the fields below, continue to describe your plant variety.

Overseas plant breeder's rights (or overseas equivalent) (continued)

Country 3

Country filed	Date of lodgement	Application number
Current status ☐ Granted ☐ Submitted ☐ Accepted ☐ Surrendered ☐ Withdrawn	Is this country a UPOV member state? You may be able to use the earlier application date as the priority date for this application if it was filed in a UPOV member country within the last 12 months. ☐ Yes ☐ No	Under what variety name

Country 4

Country filed	Date of lodgement	Application number
Current status ☐ Granted ☐ Submitted ☐ Accepted ☐ Surrendered ☐ Withdrawn	Is this country a UPOV member state? You may be able to use the earlier application date as the priority date for this application if it was filed in a UPOV member country within the last 12 months. ☐ Yes ☐ No	Under what variety name

Would you like to use the earliest, eligible overseas filing date as the priority date for your Australian application?

The priority date is the official date your PBR application is assessed against other varieties. You can only claim the priority date for the earliest, relevant application in a [UPOV member country](#). This application must have been submitted in the last 12 months.

- ☐ Yes
☐ No



To claim, complete the following after this application is submitted

If you claim priority, you must provide a certified copy of the application from the issuing foreign IP rights office within 3 months of lodging this Australian application. You must also provide any additional information requested by the Registrar within 5 years of the foreign filing date.

3. Plant variety (continued)

Using the fields below, continue to describe your plant variety.

Sale of the variety

Under the PBR Act, a sale does not include situations where plant material of the variety was sold:

- as a part of sale of the right of the breeder to apply for PBR for the variety
- for the sole purpose of evaluating the variety via tests, trials
- for multiplication of the variety where the multiplied material vests in the breeder
- where the plant material is the by-product of breeding, multiplication, or evaluation and is sold without variety identification for the purpose of final consumption

Has the variety been sold in Australia with the breeder's consent? (Required)

If yes, you **must** answer the following questions and provide specific details about any sales.

☐ Yes

☐ No

Date of first sale

Under what variety name

Has the variety been sold overseas with the breeder's consent? (Required)

If yes, you **must** answer the following questions and provide specific details about any sales.

☐ Yes

☐ No

Date of first sale

Under what variety name

Which country?

4. Origin and parentage

Using the fields below, describe the origin of your variety and its parent material.

Origin of the variety

What is the origin of your variety?

- ☐ Controlled pollination
- ☐ Open pollination
- ☐ Spontaneous mutation or sport
- ☐ Induced mutation or sport
- ☐ Genetic manipulation
- ☐ Selected from source material (source material includes heterogeneous populations such as uncultivated populations, landrace varieties, unnamed plants or heterogeneous material supplied by a Genetic Resource Centre (GRC))
If you select this option, you **must** answer questions about the selection from source material
- ☐ Other origin
If you select this option, you **must** specify below

Selection from source material

If you selected the option above regarding source material, you **must** explain any further information below.

Which of these best describes the source material?

- ☐ A cultivated or obsolete variety
- ☐ Collected from the wild
- ☐ A landrace variety (one which has been traditionally cultivated by farmers for their own use)
- ☐ Special genetic stock (e.g. breeding lines)

Have you attached a copy of the material transfer agreement or FAO trust?

- ☐ Yes
- ☐ No
If you select this option, you **must** explain
- ☐ Not applicable

Is the source material subject to any of the following?

- ☐ A material transfer agreement
If you select this option, you **must** attach a copy to this application
- ☐ FAO trust and/or a material transfer agreement
If you select this option, you **must** attach a copy to this application
- ☐ Still available for inclusion in a comparative trial

Explain why you cannot attach a copy

4. Origin and parentage (continued)

Using the fields below, continue to describe the origin of your variety and its parent material.

Maternal or seed parent

The plant variety used as the female parent or source material in the breeding of the candidate variety.

Name of maternal parent, source germplasm or variety? **(Required)**

Name of the breeder

Australian plant breeder's rights

Is this parent protected by a plant breeder's right in Australia **(Required)**

If yes, you **must** provide the plant breeder's right number.

☐ Yes

☐ No

Plant breeder's right number

Overseas plant breeder's rights

Is this parent protected by a plant breeder's right overseas?

If yes, you **must** provide the country, date of lodgement and application number.

☐ Yes

☐ No

Country

Date of lodgement

Application number

Sale of the parent variety

Has this parent been sold in Australia?

If yes, add the variety name if known.

☐ Yes

☐ No

Under what variety names?

4. Origin and parentage (continued)

Using the fields below, continue to describe the origin of your variety and its parent material.

Other parents

If other parent varieties were used in the breeding of this variety, detail them below.

Other parent 1

Name of other parent, source germplasm or variety

Australian plant breeder's rights

Is this parent protected by a plant breeder's right in Australia

If yes, you **must** provide the plant breeder's right number.

☐ Yes

☐ No

Plant breeder's right number

Overseas plant breeder's rights

Is this parent protected by a plant breeder's right overseas?

If yes, you **must** provide the country, date of lodgement and application number.

☐ Yes

☐ No

Country

Date of lodgement

Application number

Sale of the parent variety

Has this parent been sold in Australia?

If yes, add the variety name if known.

☐ Yes

☐ No

Under what variety names?

4. Origin and parentage (continued)

Using the fields below, continue to describe the origin of your variety and its parent material.

Other parents (continued)

If other parent varieties were used in the breeding of this variety, detail them below.

Other parent 2

Name of other parent, source germplasm or variety

Australian plant breeder's rights

Is this parent protected by a plant breeder's right in Australia

If yes, you **must** provide the plant breeder's right number.

☐ Yes

☐ No

Plant breeder's right number

Overseas plant breeder's rights

Is this parent protected by a plant breeder's right overseas?

If yes, you **must** provide the country, date of lodgement and application number.

☐ Yes

☐ No

Country

Date of lodgement

Application number

Sale of the parent variety

Has this parent been sold in Australia?

If yes, add the variety name if known.

☐ Yes

☐ No

Under what variety names?

5. Breeding

Describe the breeding system and procedures used to create your variety. This will help to assess whether these activities qualify under section 5(1) of the PBR Act.

Breeding system

What is the breeding system of the species? **(Required)**

- ☐ Self-pollinated
- ☐ Often self-pollinated
- ☐ Cross-pollinated
- ☐ Apomixis
- ☐ Other
If you select this option, you **must** specify
- ☐ Breeding system not known

Specify the breeding system

If you selected 'Other', you **must** specify the breeding system below.

Procedures used to create your variety

When did you first make observations of the new variety?
(Required)

Where were observations first made? **(Required)**

Include the country, region and property address (if known).

Was work conducted in another location? If so, where?

Include the country, region and property address (if known).

Number of cycles of selection **(Required)**

Main selection criteria used to develop the variety **(Required)**

5. Breeding (continued)

Continue to describe the breeding system and procedures used to create your variety. This will help to assess whether these activities qualify under section 5(1) of the PBR Act.

Procedures used to create your variety (continued)

Mode of propagation of the variety between generations (Required)

- ☐ Seed
- ☐ Vegetative
- ☐ Other (Specify below)

Vegetative propagation method

If you selected 'Vegetative', specify.

- ☐ Cuttings
- ☐ In-vitro propagation
- ☐ Grafting
- ☐ Other (Specify below)

Seed propagation method

If you selected 'Seed', specify.

- ☐ Self-pollination
- ☐ Cross-pollination
- ☐ Open pollination
- ☐ Other (Specify below)

For how many generations has the variety been maintained in its present form? (Required)

A generation is a cycle of propagation. This includes vegetative propagation via cutting or culture. A generation can also be marked by a single pollination event or cross.

How frequently do any off-types occur? (Required)

Express as a percentage of plants or as a ration (X off-types per Y plants).

Briefly outline the breeding procedures used to develop the variety? (Required)

You can attach additional documents relevant to breeding to your application. Text and diagrams are acceptable

6. Prima facie case for distinctiveness

List the characteristics or combination of characteristics which make your variety distinct from:

- its parental or source material; and
- the most similar varieties of common knowledge (VCKs).

Characteristics must be precisely defined to establish a prima facie case. You must attach photographs of the variety showing its distinguishing features (if possible).

Photographic evidence

Attach photographs to your application that capture your variety. If possible, include its distinctive features. You must label all photos with the variety name, plant part and context. For example:

- *Dionaea muscipula* Akai Ryu - Petiole length
- *Dionaea muscipula* Royal Red - Petal colour

Comparison to maternal parent

Using the fields below, add comparisons between your variety and its maternal parent material (named in your previous answers).

Characteristic which your variety differs	Expression of the characteristic in the parent	Expression of the characteristic in your variety

Comparison to other parent material

Using the fields below, add comparisons between your variety and any other parent material (that were named in your previous answers).

[illegible]

6. Prima facie case for distinctiveness (continued)

Comparison to varieties of common knowledge (VCKs)

Is this the first variety of the species or hybrid? **(Required)**

If your variety is the first of its kind it may not be comparable to other known varieties. Your variety will only be compared to populations, such as a parental population.

- ☐ Yes
- ☐ No
If no, you **must** add comparisons below.

Preliminary comparison to most similar varieties of common knowledge (VCKs)

Using the fields below, add known varieties which are the most similar to your variety.
Describe characteristics in which they differ from your variety. You may create multiple comparisons for a single VCK.

Name of the VCK	Characteristic which your variety differs	Expression of the characteristic in the VCK	Expression of the characteristic in your variety

7. Proposed approach to establish distinctiveness, uniformity and stability (DUS)

A DUS trial establishes the claims that your variety is distinct uniform and stable. DUS trials can take the form of a comparative trial grown in Australia, a verification trial grown in Australia based on an overseas report, or be based solely on an overseas DUS test report.



Some varieties must be trialled in Australia

Due to previously observed variability in genotype-by-environment interactions, the following taxa must be trialled in Australia:

- *Solanum tuberosum* (Potato)

Your proposed trial

What is your proposed approach for establishing the DUS of your variety? (Required)

Based on your selection, you **must** complete the relevant section(s).

- ☐ a comparative trial in Australia, including the candidate variety and the most similar varieties of common knowledge
If you select this option, you **must** complete the qualified person and trial details sections
- ☐ a verification trial in Australia, including the candidate variety only, grown to confirm the states of expression provided in an overseas DUS test report
If you select this option, you **must** complete the qualified person, trial details section and overseas report sections
- ☐ based solely on an overseas DUS test report
If you select this option, you **must** complete the qualified person and overseas report sections

Nominating a qualified person

Qualified person details

An accredited qualified person is required to supervise the distinctiveness, uniformity and stability (DUS) trial after your application has been accepted.

List the qualified person using the fields below.

Use IP Australia's list of qualified persons for the most current contact details of your chosen qualified person.

If you have not already spoken with a qualified person in regards to this application, we recommend you do so immediately. If your qualified person is already accredited, you only need to provide their full name below.

Name

Email address

Phone number

Address

City

State

Post code

Country

7. Proposed approach to establish distinctiveness, uniformity and stability (DUS) (continued)

Nominating a qualified person (continued)

Qualified person responsibilities

Your nominated qualified person is required to perform the following functions in relation to this application:

- determine the most similar varieties of common knowledge and the need to include source or parental material in trial
- completion and certification of the Part 2 application form
- provide a detailed description of variety in the PBR approved format.

You can also empower your qualified person to undertake other responsibilities, though they may not agree to each.

What responsibilities do you propose the qualified person undertake?

Select all that apply

- | | |
|---|--|
| ☐ Planning the growing trial | ☐ Provide observations, data and statistical analysis of the DUS trial for the applicant to complete Part 2 of the application form |
| ☐ Recommending the most appropriate trial site for the varieties in trial | ☐ Verification of the field trial, observations, data and statistical analysis |
| ☐ Choice of trial site(s) | ☐ Perform the necessary statistical analysis of the measurements to determine DUS |
| ☐ Supervision of the layout and planning of the trial | ☐ Provide a comparative slide or a colour print of the variety Care and maintenance of the trial showing distinctness characters |
| ☐ Care and maintenance of the trial | ☐ Make observations/take measurements to comply with approved DUS test guidelines |
| ☐ Instruction to applicant on the timing and nature of observations and measurements needed | |
| ☐ review the application documents related to the above variety first filed in another UPOV member country and make recommendations to the PBR Office on their suitability for examination without a DUS test growing in Australia | |

Trial details

Proposed Australian trial location

If you have already discussed with the nominated qualified person (QP) when and where trials will take place, detail these below.

Additional locations can be added in the pre-examination trial agreement (PETA) by the qualified person.

Location address

City

State

Post code

Country

Number of plants

Starting date

Growth stage at which the distinguishing characteristics can be observed

7. Proposed approach to establish distinctiveness, uniformity and stability (DUS) (continued)

Trial details (continued)

Examination of the trial

The estimated examination date should be the time when the examiner can verify the distinguishing characteristics claimed in this application.

This date should consider all outcomes from your planned DUS trials with your nominated qualified person. It is mandatory to provide a date, even if you have not organised trials with the QP. If necessary, this date can be changed later in consultation with IP Australia.

Estimated date when trial outcome is ready for examination (Required)

Overseas DUS test report

Access to the overseas DUS test report

At the applicant, agent or qualified person's request, IP Australia will obtain the overseas test report from the relevant authority. Costs may apply and will be covered by the applicant.

Once supplied, it is the qualified person's responsibility to assess the overseas DUS test report to determine whether it is suitable for this application.

Testing country

When did the trial start?

Is the report available now?

- ☐ Yes
- ☐ No
If not, state when it will be available

When will the report be available?

Add a date if the report is not currently available.

Storage location for propagating material

A genetic resource centre (GRC) is a suitable place for the storage and maintenance of germplasm material and may include part of a nursery set aside for the purpose of maintaining stock plants.

Nominate your preferred genetic resource centre

- ☐ At address of the applicant (only if resident in Australia or New Zealand)
- ☐ At address of the Australian or New Zealand agent
- ☐ Other
If you select this option, you **must** specify an address

Specify an address you are planning on storing the propagating material

Include the street address including country

8. Authorisation and declaration

In order to complete this form, you must declare that you agree to the below terms and conditions as well as having the authority to file this application as the signatory of an applicant or an agent.



Penalties apply to false statements

Under section 75(1) of the *Plant Breeder's Rights Act 1994*, the penalty for intentionally or recklessly making a false statement in support of an application is six months imprisonment.

Who has completed this application

Which of these best describes you?

- ☐ One of the listed applicants or a signatory thereof
- ☐ The listed agent or a signatory thereof

Your name

Declaration

- ☐ You are applying for Plant Breeder's Rights to the variety described in this application
- ☐ You authorise IP Australia's Plant Breeder's Rights Office, for the purposes of examination, to exchange with the Plant Breeder's Rights Authorities of other countries all necessary information and material related to the variety, provided that the rights of the applicant (you) are safeguarded
- ☐ You agree to the release of propagative material prior to the granting of PBR if required for comparative testing or scientific purposes, providing the material is used for no other purpose and all material relating to the variety is returned when the trials are complete
- ☐ You declare that the information given in all parts of and attachments to this application is true and correct

Schedule 2— *PBR/00/002(0621)*

Application for Plant Breeder's Rights

Privacy Notice

The personal information collected on this form is collected for the purposes of the Plant Breeder's Rights Act 1994 (PBR Act) and the Plant Breeder's Rights Regulations 1994 (www.ipaustralia.gov.au/about-us/publications/ip-legislation/) and is protected by the *Privacy Act 1988* (www.comlaw.gov.au/series/c2004a03712).

All personal information you provide on this form will be handled in accordance with IP Australia's Privacy Policy (www.ipaustralia.gov.au/about-us/corporate/privacy-policy/).

The Privacy Policy contains relevant information, including:

- how you may seek access to and correction of the personal information we hold;
- how you may make a complaint about a breach of the Privacy Act and how we will deal with your complaint; and
- IP Australia's Privacy Contact Officer details.

Any personal information you provide will be used for the purposes of processing this form. IP Australia may also contact you, using the contact details you have provided, to request your feedback on our products and services.

In accordance with the PBR Act, IP Australia may make this completed form available to any person, upon request and payment of a fee.

IP Australia will publish the:

- Applicant name;
- Agent name;
- Qualified Person name; and
- Town, State and Country of the applicant's address

in the Register of Plant Varieties, the Plant Varieties Journal and the Plant Breeder's Rights Database. Once information is available on the internet, IP Australia has no control over its subsequent use and disclosure. You should be aware that the information (including personal information) held in IP Australia's online IP Rights databases is also available on request, subject to our terms and conditions.

If you do not provide the personal information required on the form, IP Australia may not be able to process this form.

IP Australia will not otherwise use or disclose your personal information without your consent, unless authorised or required by or under law.

Consent

By completing this form, in addition you provide your consent to your personal information being handled in accordance with this privacy notice, including being disclosed as provided above.

When you provide your consent to your personal information being disclosed to overseas recipients, including publication online, you understand that IP Australia will not be accountable for any subsequent use under the Privacy Act, nor are you able to seek redress under that Act, for the actions of any overseas recipient.

Application for Plant Breeder's Rights

DESCRIPTION OF NEW VARIETY (the candidate variety)

The purpose of Part 2 is to present the results from the growing trial and/or information arising from a certified overseas test report - and in particular to present evidence of **Distinctness, Uniformity and Stability**.

The evidence of **Distinctness** will be published on the web in *Plant Varieties Journal* and must be submitted through the online **Interactive Variety Description System (IVDS)**.

The evidence of **Uniformity** and **Stability** is generally not for publication and can be presented in the format outlined on the following pages. Where necessary attach additional pages. Uniformity and Stability information can be provided on disk or hard copy. Please read this form before entering information.

Part 2 must be accompanied by completed forms PBR/00/006 - Certification by a Qualified Person and PBR/00/009 - Confirmation of submission of propagating material to a genetic resource centre (GRC).

1. Application number

2. Name and synonym of the candidate variety as accepted by the PBR Office Australia

Name	synonym

3. Botanical name

4. The candidate variety will be maintained by (Tick)

☐ Seed ☐ Vegetative propagation

If it is also a grafted/budded variety, please provide the name of the rootstock to which the candidate is grafted/budded

5. Stress Status of candidate variety (Tick)

Stress Status of comparator varieties (Tick)

(Tick 'n/a' only for varieties subject to post entry quarantine)

☐ Pathogen/pest free	☐ Not free	☐ n/a	☐ Pathogen/pest free	☐ Not free
☐ Virus indexed	☐ Not indexed	☐ n/a	☐ Virus indexed	☐ Not indexed
☐ Stress free	☐ Not free	☐ n/a	☐ Stress free	☐ Not free

Important: If disease, pest or stress observed, provide a full explanation of the factors and effects on a separate page.

DECLARATION BY ACCREDITED QUALIFIED PERSON

The information in and attached to this form was obtained from: a) a scientifically conducted trial, collated and analysed under my supervision, and faithfully represents the expressions of the characteristics of these varieties; and/or b) a certified overseas test report obtained from a International Union for the Protection of New Varieties of Plants (UPOV) member state with any additional data presented being used to supplement and verify the overseas test report.

A list of my functions as agreed with the applicant/agent is set out in the attached form PBR/00/006. In addition, I certify that this variety is distinct from the most similar varieties of common knowledge and meets the criteria of uniformity and stability appropriate for propagation of the variety.

☐ By ticking this box I declare myself to be the person identified in this form and the information supplied to be true and correct.*

Name (please print)

Date

(DD/MM/YYYY)

*THE PENALTY UNDER SECTION 75(1) FOR MAKING A FALSE STATEMENT IN SUPPORT OF AN APPLICATION IS SIX MONTHS IMPRISONMENT.

Distinctness

Evidence for distinctness is included in the detailed description of the variety and is usually based on a comparative trial grown in Australia. In some cases and subject to conditions*, the detailed description can be drawn from an official overseas test report, obtained from a UPOV member state.

- While preparing a description based on an overseas test report the distinctive characteristics of the variety must be confirmed under Australian conditions and appropriate Australian comparators should be considered and included in the description. Details of how the confirmation was conducted should be included in the 'Conditions' section of the detailed description.

The Qualified Person uses information from the comparative trial (or from the overseas test report) to prepare a Detailed Description of the variety. This detailed description **must** be submitted through the Interactive Variety Description System (IVDS). The IVDS is a secure system which needs individual username and password for access. All PBR accredited Qualified Persons are provided with their individual username and password. Please contact the PBR office if you do not have a username and password. IVDS can be accessed from PBR website at (www.ipaustralia.gov.au/pbr).

The IVDS allows Qualified Persons to complete and submit detailed descriptions online by accessing relevant test guidelines and selecting specific characteristics with their various states of expressions from the options provided. The IVDS incorporates all of the approved UPOV test guidelines (and some additional national equivalents where a UPOV test guideline is not available) in interactive forms with easy to use drop-down menus. Qualified Persons can "build" their own additional/special characteristics if suitable options are not available in the guideline. The IVDS also accepts statistical information.

The IVDS emphasises the use of "grouping characteristics" in selecting comparator varieties. It allows Qualified Persons to lodge the completed variety descriptions with minimum typing.

To claim distinctness, the Qualified Person must nominate one or more characteristic(s) which distinguishes the candidate from the comparator variety(ies). Inbuilt check boxes are provided for this purpose.

There are **step by step on-screen instructions with examples in each step of IVDS**, which will assist the Qualified Person to complete the process smoothly. In addition, PBR Office (PBRO) is ready to help Qualified Persons, if they encounter any problems. Please send an email to pbr@ipaustralia.gov.au if there is a problem in completing the description using IVDS.

Requirement to supply a photograph

A photograph must be provided for publication purposes. A good quality digital image depicting one or more distinguishing features of the candidate variety along with the comparators is preferred. The digital image should be well-labelled to avoid any confusion with the variety names. Please upload your digital photograph in the attachments section within online services (<https://portal.ipaustralia.gov.au/login/>).

In absence of a digital photograph you can also supply a good quality colour transparency or a colour print. In special cases, composite photographs can be produced by the PBR office.

Briefly describe the subject of your photograph. Indicate the position of the candidate and the comparators.

Indicate the distinct characters of the candidate variety that can be observed in the photograph.

Uniformity

Each candidate variety must be uniform. A variety is taken to be uniform, if subject to the variation that may be expected from the particular features of its propagation, it is uniform in its distinctive characteristics. For many species the level of uniformity required is specified in the relevant UPOV Technical Guideline (UPOV Technical guidelines are available at (www.upov.int/en/publications/tg-rom/index.html)).

Observed characteristics

For observed characteristics (ie not measured characteristics), uniformity is usually assessed using the off-type method. Qualified Persons should submit information recording the number of off-types (ie number of plants or samples which have a state of expression different from that claimed for the candidate) for the relevant distinctive characteristics. For example the candidate variety might be distinctively red flowered but occasionally there is a yellow flower (in the example below, one yellow flower in each ten flowers sampled).

*Please contact the PBR office to discuss any detailed requirements

OFF TYPE METHOD TABLE

Characteristic	Normal state for candidate	Total number of plants/samples assessed for this characteristic	Total number of off-types for this characteristic	Abnormal expressions observed
Example: Flower colour	Red	10	1	Yellow

Requirement to supply uniformity information for each distinct characteristic

Usually off-type or relative variance data must be provided for each distinctive characteristic claimed for the candidate variety. However, where the Qualified Person has not recorded any off-types for distinctive characteristics assessed by observation, then a statement to that effect can be made by checking the box (see under) in lieu of completing the off-type data table. For distinctive characteristics assessed by measurement, relative variance information should always be provided, (see under).

☐ No off-types have been recorded for any of the distinctive characteristics of the candidate variety assessed by observation.

Measured characteristics

When assessing and recording uniformity for measured characteristics (where it is often difficult to clearly identify what is or is not an off-type), Qualified Persons can use the relative variance method. Here, the variance for a measured distinctive characteristic of the candidate is compared with the mean variance of the comparator varieties for the same characteristic.

Using the following table, for each distinctive measured characteristic, calculate the "combined mean variance" by averaging the individual variances of the comparator varieties. Then calculate the "variance ratio" by dividing the variance of the candidate by the combined mean variance of the comparators (see example). All measured characteristics used to show distinctness must be included in this table unless otherwise agreed with the PBRO. **The table may need to be expanded for trials with a large number of comparators or where the candidate has many distinctive characteristics.**

continue on Page 4 of 5 for Relative Variance Table

RELATIVE VARIANCE TABLE

Characteristic	Variance of candidate variety	Variance of comparator variety	Variance of comparator variety	Variance of comparator variety	Variance of comparator variety	Variance of reference variety	Combined mean variances of comparator varieties	Ratio candidate/ mean of comparators
<i>Example:</i> <i>Plant: height (cm)</i>	5.1	6.5	5.5	4.3	5.3	6.2	5.56	0.917

Stability

A variety is taken to be stable if its distinctive characteristics remain unchanged after repeated propagation. There is no need to provide stability data for comparator varieties.

Stability - for candidate varieties maintained by seed

Plants grown from a minimum of two seed generations of the candidate variety should be so alike that they could not be declared distinct from each other for any characteristic used to show distinctness of the candidate variety from the comparator or varieties.

- 'state' refers to the state of expression of a characteristic recorded in words
- for observed characteristics (ie not measured characteristics), leave columns 4 and 5 blank

STABILITY TABLE

Characteristic	Mean or state Generation 1	for	Mean or state Generation 2	for	Difference between the means	LSD* (P ≤ 0.01) (measured characteristics only)	Same (S) or Different (D)?
<i>Example:</i> <i>Plant: height (cm)</i>	127.1		130.2		3.1	3.5	S

*Least Significant Difference (LSD) test preferred though other appropriate statistical tests can also be used.

Stability - for candidate varieties maintained by vegetative means

Where no instability between generations for distinctive characteristics has been observed, then it is generally sufficient for the Qualified Person to make a statement to that effect by checking the box (see under) in lieu of completing a stability table.

☐ The distinctive characteristics of the candidate variety are stable (ie have remained unchanged) after repeated propagation.

Where instability of distinctive characteristics is present in a vegetatively propagated candidate variety, the Qualified Person will need to contact the PBRO.

Checklist of Attachments - Part 2 Application

Have you included the following?

- ☐ One completed original Part 2 Application form (PBR/00/002) for Plant Breeder's Rights
- ☐ A completed Certification by a Qualified Person form (PBR/00/006)
- ☐ A completed Confirmation of submission of propagating material to a genetic resource centre form (PBR/00/009)
- ☐ Has evidence of distinctness been submitted via the online Interactive Variety Description System (IVDS)?
- ☐ Photograph or photographs showing the distinguishing characteristics of the new variety
- ☐ Have ALL questions been answered?
- ☐ Has the Qualified Person completed the declaration on page 1 of this form?

If you are submitting this form to IP Australia via email, please print to PDF prior to attaching to your email. If not printed to PDF prior to attachment, your email may be blocked by ICT security policy.

Schedule 3— *PBR/00/006(1119)*



Certification by a Qualified Person (QP)

Privacy Notice

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The Privacy Policy contains relevant information, including:

- how you may seek access to and correction of the personal information we hold;
- how you may make a complaint about a breach of the Privacy Act and how we will deal with your complaint; and
- IP Australia's Privacy Contact Officer details.

Any personal information you provide will be used for the purposes of processing this form. IP Australia may also contact you, using the contact details you have provided, to request your feedback on our products and services.

In accordance with the PBR Act, IP Australia may make this completed form available to any person, upon request and payment of a fee.

IP Australia will publish the:

- Applicant name;
- Agent name;
- Qualified Person name and contact details; and
- Town, State and Country of the applicant's address

in the Register of Plant Varieties, the Plant Varieties Journal, the Plant Breeder's Rights Database and/or on our website. Once information is available on the internet, IP Australia has no control over its subsequent use and disclosure. You should be aware that the information (including personal information) held in IP Australia's online IP Rights databases is also available on request, subject to our terms and conditions.

If you do not provide the personal information required on the form, IP Australia may not be able to process this form.

IP Australia will not otherwise use or disclose your personal information without your consent, unless authorised or required by or under law.

Consent

By completing this form, in addition you provide your consent to your personal information being handled in accordance with this privacy notice, including being disclosed as provided above.

When you provide your consent to your personal information being disclosed to overseas recipients, including publication online, you understand that IP Australia will not be accountable for any subsequent use under the Privacy Act, nor are you able to seek redress under that Act, for the actions of any overseas recipient.



Certification by a Qualified Person (QP)

- To be completed by the applicant or the applicant's agent and the Qualified Person.
- The Qualified Person must be officially accredited for the species, in writing, by the PBR Office (PBRO).
- This completed form should be attached to, and submitted with, Part 2 of the application form PBR/00/002.

Name of variety:	
Application number:	
Applicant's or Agent's name:	
Qualified Person's name:	

Answer all questions by ticking the appropriate box

I am accredited with the Plant Breeders Rights Office for this taxon as a:

- ☐ consultant Qualified Person
- ☐ non-consultant Qualified Person

As the Qualified Person I have:

reviewed the application documents related to the above variety first filed in another UPOV member country and recommend to the PBRO that they are suitable for examination without a comparative test growing in Australia, and/or

Yes ☐ No ☐

performed those functions ticked in the box below as part of the application process, the results of which are reported in Part 2 of the application form

Yes ☐ No ☐

Tick only those functions that the QP performed in relation to this application

Completion of Part 1 of the application form.	☐	Certification of the Part 2 application form.	☒
Determine the most similar varieties of common knowledge and the need to include source or parental material in trial.	☒	Provide observations, data and statistical analysis of the DUS trial for the applicant to complete Part 2 of the application form.	☐
Planning the test growing trial.....	☐	Completion of Part 2 of the PBR application.	☒
Recommending the most appropriate trial site for the varieties in trial.	☐	Verification of the field trial, observations, data and statistical analysis.	☐
Choice of trial site.....	☐	Perform the necessary statistical analysis of the measurements to determine DUS.	☐
Supervision of the layout and planting of the trial	☐	Provide a detailed description of variety in the PBR approved format.	☒
Care and maintenance of the trial.....	☐	Provide a comparative slide or a colour print of the variety showing distinctness characters.	☐
Instruction to applicant on the timing and nature of observations/measurements needed.	☐	Make observations/take measurements to comply with approved DUS test guidelines.	☐

Declaration by Qualified Person

☐ By ticking this box I declare myself to be the Qualified Person identified in this form and the information supplied to be true and correct.*

Name (please print):

Date:

(DD/MM/YYYY)

The applicant or agent for the applicant should complete the section below to confirm that there is an agreed understanding on the respective roles of the applicant/agent and QP in this application.

Applicant/Agent

☐ By ticking this box I declare myself to be an authorised signatory for the Applicant/Agent identified in this form and the information supplied to be true and correct.*

Name (please print):

Date:

(DD/MM/YYYY)

Name of Company or Department
(if applicable)

For joint applicants where an agent has not been authorised, the name of each of the joint applicants is required.

☐ By ticking this box I declare myself to be the person identified below and am authorised to sign. The information is true and correct.*

Name (please print):

Date:

(DD/MM/YYYY)

Name of Company or Department
(if applicable)

***THE PENALTY UNDER SECTION 75(1) FOR MAKING A FALSE STATEMENT IN SUPPORT OF AN APPLICATION IS SIX MONTHS IMPRISONMENT.**

If you are submitting this form to IP Australia via email, please print to PDF prior to attaching to your email. If not printed to PDF prior to attachment, your email may be blocked by ICT security policy.

Schedule 4— *PBR/00/011(1119)*

Application for a Declaration of Essential Derivation

Privacy Notice

The personal information collected on this form is collected for the purposes of the Plant Breeder's Rights Act 1994 and the Plant Breeder's Rights Regulations 1994 (www.ipaustralia.gov.au/about-us/publications/ip-legislation/) and is protected by the Privacy Act 1988 (www.comlaw.gov.au/series/c2004a03712).

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- IP Australia's Privacy Contact Officer details.

Any personal information you provide will be used for the purposes of processing this form. IP Australia may also contact you, using the contact details you have provided, to request your feedback on our products and services.

In accordance with the PBR Act, IP Australia may make this completed form available to any person, upon request and payment of a fee.

IP Australia will publish the:

- Applicant name;
- Agent name; and
- Town, State and Country of the applicant's address

in the Register of Plant Varieties, the Plant Varieties Journal and the Plant Breeder's Rights Database. Once information is available on the internet, IP Australia has no control over its subsequent use and disclosure. You should be aware that the information (including personal information) held in IP Australia's online IP Rights databases is also available on request, subject to our terms and conditions.

You should also be aware that the Registrar for Plant Breeder's Rights may need to:

- contact the grantee of the Plant Breeders Right for which you are seeking a declaration, regarding your application; and
- disclose the contents of your application to the grantee of the Plant Breeder's Right.

If you do not provide the personal information required on the form, IP Australia may not be able to process this form.

IP Australia will not otherwise use or disclose your personal information without your consent, unless authorised or required by or under law.

Consent

By completing this form, in addition you provide your consent to your personal information being handled in accordance with this privacy notice, including being disclosed as provided above.

When you provide your consent to your personal information being disclosed to overseas recipients, including publication online, you understand that IP Australia will not be accountable for any subsequent use under the Privacy Act, nor are you able to seek redress under that Act, for the actions of any overseas recipient.

Application for a Declaration of Essential Derivation

Sections 1 to 3 to be completed by the Applicant

Note: This application must be accompanied by the prescribed fee.

Section 1: General information about the Applicant and varieties concerned

Name of Applicant:			
	(person making this request for declaration of essential derivation)		
Address (can be a PO Box):			
	State	Postcode	
	Country (if not Australia)		
Contact Details			
Contact person: (if different from applicant)			
Telephone	()	Fax	()
Mobile Number:			
Email address:			

Initial Variety (details of your granted PBR variety)

PBR Application No.	
PBR Certificate No.	
Variety name:	
Botanical name:	
Has the initial variety itself been declared to be essentially derived from another variety?	
☐ Yes	
☐ No	

Second Variety (details of the variety you are claiming is essentially derived)

If the second variety is the subject of an existing PBR then provide details:

PBR Application No.	
PBR Certificate No. (if granted)	
Variety name:	
Botanical name:	

Second Variety (continued)

If the second variety is not the subject of an existing PBR then provide details:

Variety name:	
Botanical name:	
Breeder:	
Breeder Address:	

The above information must be sufficient to enable the Registrar to notify the breeder of the second variety of the application for essential derivation.

If you are unable to reasonably identify the breeder of the second variety then outline steps you have undertaken to attempt to obtain the information

Note: To further consider the application, the information provided must be sufficient to satisfy the Registrar that reasonable steps have been undertaken in an attempt to identify the breeder of the second variety.

Section 2: Reasons for requesting a declaration of essential derivation

Provide all information relevant to establishing a *prima facie* case that the second variety is an essentially derived variety of the initial variety. Without limiting what might be included in this application, each matter raised in Section 4 of the *Plant Breeder's Rights Act 1994*, must be individually addressed (attach additional pages if required). Note when assessing the application for essential derivation the Registrar may seek further correspondence from either party, order a test growing or consider any other relevant information.

[illegible]

Section 3: Declaration by the Applicant

As the grantee or an exclusive licensee of the grantee of the initial variety stated in this application, I apply under Section 40 or 41 of the *Plant Breeder's Rights Act 1994* for a declaration that the second variety stated in this application is essentially derived from the aforementioned variety.

By ticking this box ☐

I/We:

Date:

--

(DD/MM/YYYY)

declare to be authorised to complete this application and that the information given in all parts of and attachments to this form are true and correct.*

*** THE PENALTY UNDER SECTION 75(1) FOR MAKING A FALSE STATEMENT IN SUPPORT OF AN APPLICATION IS SIX MONTHS IMPRISONMENT.**

If you are submitting this form to IP Australia via email, please print to PDF prior to attaching to your email. If not printed to PDF prior to attachment, your email may be blocked by ICT security policy.

Print to PDF

Section 4 to be completed by IP Australia

Section 4: Process for assessing an application for essential derivation

Note: Grantee also includes an exclusive licensee of the grantee.

Prior declarations affecting initial variety

Has the initial variety been declared essentially derived from another variety?

Yes ☐

No ☐

If yes, then refuse application for essential derivation and notify applicant

Application must contain *prima facie* case of essential derivation

Has a *prima facie* case been established?.....

Yes ☐

No ☐

If no, has the applicant been notified with reasons for the decision?.....

Yes ☐

No ☐

If yes, has notification been sent to grantee of second variety allowing 30 days (or other such period as allowed by the delegate) in which to establish that the second variety is not an essentially derived variety of the initial variety?

Yes ☐

No ☐

Final Declaration

After considering all relevant information, is the delegate satisfied that the grantee or breeder of the second variety has rebutted the *prima facie* case?

Yes ☐

No ☐

If yes, notify both the applicant and grantee or breeder of the second variety of result; and provide reasons to the applicant.

If no, declare that the second variety **is** essentially derived from the initial variety; notify both the applicant and grantee or breeder of the second variety, and provide reasons to the grantee or breeder of the second variety.

Reason:

Written notification of the declaration has been provided to the grantee of the initial variety and the grantee or breeder of the second variety

Yes ☐

No ☐

Delegate of Registrar of Plant Breeder's Rights

Date:

Schedule 5— *PBR/00/016(1119)*



Application to Rectify the PBR Register

Privacy Notice

The personal information collected on this form is collected for the purposes of the Plant Breeder's Rights Act 1994 and the Plant Breeder's Rights Regulations 1994 (www.ipaustralia.gov.au/about-us/publications/ip-legislation/) and is protected by the Privacy Act 1988 (www.comlaw.gov.au/series/c2004a03712).

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The Privacy Policy contains relevant information, including:

- how you may seek access to and correction of the personal information we hold;
- how you may make a complaint about a breach of the Privacy Act and how we will deal with your complaint; and
- IP Australia's Privacy Contact Officer details.

Any personal information you provide will be used for the purposes of processing this form. IP Australia may also contact you, using the contact details you have provided, to request your feedback on our products and services.

In accordance with the PBR Act, IP Australia may make this completed form available to any person, upon request and payment of a fee.

IP Australia will publish the:

- Applicant name, phone and fax numbers;
- Agent name, phone and fax numbers;
- Town, State and Country of the applicant's address; and
- Details of any amendment to the PBR Register

in the Register of Plant Varieties, the Plant Varieties Journal and the Plant Breeder's Rights Database. Once information is available on the internet, IP Australia has no control over its subsequent use and disclosure. You should be aware that the information (including personal information) held in IP Australia's online IP Rights databases is also available on request, subject to our terms and conditions.

You should also be aware that under the International Union for Protection of New Varieties of Plants (UPOV) (www.upov.int/portal/index.html.en) Convention, IP Australia is required to disclose information regarding plant breeder's rights applications (including the name of the applicant) to the UPOV in Geneva, Switzerland. Once information is provided to UPOV, IP Australia has no control over its subsequent use and disclosure.

If you do not provide the personal information required on the form, IP Australia may not be able to process this form.

IP Australia will not otherwise use or disclose your personal information without your consent, unless authorised or required by or under law.

Consent

By completing this form, in addition you provide your consent to your personal information being handled in accordance with this privacy notice, including being disclosed as provided above.

When you provide your consent to your personal information being disclosed to overseas recipients, including publication online, you understand that IP Australia will not be accountable for any subsequent use under the Privacy Act, nor are you able to seek redress under that Act, for the actions of any overseas recipient.



Australian Government
IP Australia

Plant Breeder's Rights Act 1994 - Section 62A



Application to Rectify the PBR Register

Personal Details of Applicant

(* denotes mandatory fields)

*Name			
	ACN/ARBN/ABN		
*Address			
(can be a PO Box)	Country (if not Australia)	State	Postcode

*Address for Service (if different from the above address)

Address for Service of documents in Australia or New Zealand (can be a PO Box)

Address			
	Country	State	Postcode

OR

Agent Details (only complete if you are being represented by an Agent authorised to act on your behalf)

Name			
Address			
	Country (if not Australia)	State	Postcode

Optional Details:

Telephone	()	Fax	()	Mobile Number	
Email Address				Customer Number	

By completing this form you consent to your personal information being handled in accordance with the Privacy Notice provided on page 1 of this form.

IP Australia publishes address details in our online databases and bulk data products. Please provide a post office box if you do not want your residential address to be published.



Australian Government
IP Australia



Application to Rectify the PBR Register

THIS FORM SHOULD BE USED FOR AMENDMENTS TO RECTIFY THE PBR REGISTER UNDER S62A of the PBR Act

Part 1 Formality Details

If more room is required than is provided on the following pages you can attach your request to the back of this form

PBR Certificate Number(s)	Variety name

Current proceedings

The Register cannot be rectified while relevant proceedings in relation to the PBR are pending or proceedings in a court or in the ART, relating to a decision under s21 of the PBR Act to amend or refuse to amend, the Register in relation to the PBR, are pending.

Complete the following:

- ☐ I am not aware of any current proceedings in relation to the PBR varieties identified in this application
- OR
- ☐ I am aware of the following current proceedings in relation to the PBR varieties identified in this application

Details of current proceedings

Part 2 Amendment Details

Tick the appropriate box(s) and provide reasoning.

Type of amendment requested

- ☐ omission of an entry from the register
- ☐ an entry made in the Register without sufficient cause
- ☐ an entry wrongly existing in the Register
- ☐ an error or defect in any entry in the Register

Note: If the reason is not sufficient the Registrar may seek further information from any person



Details of the amendment(s) requested and reasoning

[illegible]

ABN 38 113 072 755



Type or attach a copy of details in the box as to how you wish the Register to be rectified.

[illegible][illegible]

ABN 38 113 072 755