



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

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)

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

- | | | |
|---|--------------------------------------|------------------------------|
| <input type="checkbox"/> Pathogen/pest free | <input type="checkbox"/> Not free | <input type="checkbox"/> n/a |
| <input type="checkbox"/> Virus indexed | <input type="checkbox"/> Not indexed | <input type="checkbox"/> n/a |
| <input type="checkbox"/> Stress free | <input type="checkbox"/> Not free | <input type="checkbox"/> n/a |

Stress Status of comparator varieties (Tick)

- | | |
|---|--------------------------------------|
| <input type="checkbox"/> Pathogen/pest free | <input type="checkbox"/> Not free |
| <input type="checkbox"/> Virus indexed | <input type="checkbox"/> Not indexed |
| <input type="checkbox"/> Stress free | <input type="checkbox"/> 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 eServices (www.ipaustralia.gov.au/get-the-right-ip/eservices/).

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
<i>Example:</i> 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> Plant: height (cm)	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> Plant: height (cm)	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?