



Australian Government

IP Australia

Plant Breeder's Rights Act 1994 – Sub-Section 19 (11)

## Application for Exemption from Reasonable Public Access



### 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 (<https://www.ipaustralia.gov.au/about-us/ip-legislation-in-australia>) and is protected by the *Privacy Act 1988* ([www.comlaw.gov.au/series/c2004a03712](http://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 (<https://www.ipaustralia.gov.au/about-us/our-agency/privacy>).

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](http://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.



# Application for Exemption from Reasonable Public Access



Section 19 of the *Plant Breeder's Rights Act 1994* (the Act) ensures reasonable public access to PBR protected varieties. Reasonable public access means that reasonable quality propagating material of the variety is available at reasonable prices or as gifts in sufficient quantities to meet public demand within two years from the date of PBR grant.

The only exemption to section 19 is stated in subsection 19(11): "This section does not apply in relation to a plant variety in respect of which the Secretary certifies, in writing, at the time of the grant of PBR, that he or she is satisfied that plants of that variety have no direct use as a consumer product".

(A decision under this subsection is reviewable by the AAT under section 77.)

## In order to apply for exemption under subsection 19(11), please complete the statement below:

Application number:

Botanical name:

Variety name:

I/We wish to declare that:

- The variety has never been sold\*.
- The variety will be used solely for the purpose of hybrid seed production.
- The variety has no direct use as a consumer product.

\*Other than as an assignment in which ownership of the variety is transferred from one party to another.

## Declaration by Agent or Applicant/s

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 use by other joint applicants where required.

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)