

# **APPLICATION FOR RECOGNITION OF A VARIETY IN TERMS OF THE PLANT IMPROVEMENT ACT, 1976 (ACT NO 53 OF 1976)**

## **INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM:**

1. ***PLEASE DO NOT CHANGE THE FORMAT of the application form and technical questionnaire.***

*The application form and technical questionnaires have been specifically designed to contain certain information per page. The paper size is Letter size to provide for users in different countries and different printers.*

2. ***If the space provided for information is insufficient, please attach a separate page with the required information, indicating the applicable paragraph number for ease of reference.***

***IF THE FORMAT OF THE FORM IS CHANGED, THE APPLICATION WILL BE RETURNED.***

3. *Application forms and technical questionnaires must be submitted with **original signatures** of the applicant/authorized person to be valid.*
4. *If an application is submitted on behalf of the breeder/owner of a variety, the application will not be accepted or processed without the proxy. If a copy of the proxy is submitted with the application, the original document must be submitted as soon as possible.*
5. *No application will be accepted or processed without a proxy and proof of payment.*
6. *When a GMO variety is submitted for registration, the applicant is required to submit proof of approval for general release of the event for the specific crop in South Africa.*
7. *Please note that if the application does not meet all the requirements before the planting date, the variety will not be included in the trials for the particular growing season.*

**APPLICATION FOR THE RECOGNITION OF A VARIETY**  
**PLANT IMPROVEMENT ACT, 1976 (ACT NO 53 OF 1976)**

VL Ref No:

**1(a). Full name and address of applicant** (if more than one person applies jointly, provide the name and address of each person, use separate page if space is not sufficient):

Contact person:

Tel. no.:

E-mail:

Fax no.:

**1(b). Address for correspondence purposes** (if the applicant is not a RSA resident)

Contact person:

Tel. no.:

E-mail:

Fax no.:

**1(c). Name and address of maintainer** (if different from (b) above)

Contact person:

Tel. no.:

E-mail:

Fax no.:

**2. Kind of plant:**

Botanical name:

Common name:

**3. Variety Denomination:** Proposed

Breeder's reference:

Trade name/Trade mark:

Variety denomination:																												
<p><b>4. The breeder of the variety is:</b></p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> The applicant         </div> <div style="width: 45%;"> <input type="checkbox"/> The following persons (full names &amp; addresses of all other persons):         </div> </div>   <p>No other person participated in the breeding of the variety.</p> <p>Country where the variety was bred:</p>																												
<p><b>The variety was transferred to the applicant by means of:</b> (if applicant is not the breeder)</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;"> <input type="checkbox"/> Contract:         </div> <div style="width: 30%;"> <input type="checkbox"/> Succession:         </div> <div style="width: 30%;"> <input type="checkbox"/> Other (specify):         </div> </div>																												
<p><b>5. The variety originated by means of:</b></p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <table border="1" style="width: 45%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td>Conventional breeding</td></tr> <tr><td></td><td>Selection from an existing variety or species</td></tr> <tr><td></td><td>Spontaneous mutation</td></tr> </table> <table border="1" style="width: 45%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td>Induced mutation</td></tr> <tr><td></td><td>Genetic manipulation (non-conventional breeding)</td></tr> <tr><td></td><td>Other (provide details below)</td></tr> </table> </div>						Conventional breeding		Selection from an existing variety or species		Spontaneous mutation		Induced mutation		Genetic manipulation (non-conventional breeding)		Other (provide details below)												
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<p><b>6. Particulars of all previous applications in any other country in connection with the variety:</b></p> <p>For the purposes of this paragraph:</p> <p>(i) all <b>plant breeders' rights, plant patents, trade marks</b> and any other special <b>titles of protection</b> in respect of plants must be indicated; and</p> <p>(ii) "Official Variety List" means any list of varieties of which commercialisation has been authorised by an appropriate authority.</p> <p>(iii) Underline the denomination in the last column if it has been approved by an appropriate authority.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 20%;">Kind of application</th> <th style="width: 20%;">Dates of applications and countries of submissions</th> <th style="width: 20%;">Application numbers</th> <th style="width: 20%;">Stages and dates (use symbols given below)</th> <th style="width: 20%;">Denomination or breeder's reference</th> </tr> </thead> <tbody> <tr> <td>Plant Breeders' Rights</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Official Variety List</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other (specify)</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 25%; vertical-align: top;"> <b>A:</b> application submitted to and being considered by an appropriate authority         </td> <td style="width: 25%; vertical-align: top;"> <b>B:</b> Application rejected by an appropriate authority         </td> <td style="width: 25%; vertical-align: top;"> <b>C:</b> Application withdrawn by applicant         </td> <td style="width: 25%; vertical-align: top;"> <b>D:</b> Plant Breeders' Rights granted or denomination of variety included in official variety list         </td> </tr> </table>					Kind of application	Dates of applications and countries of submissions	Application numbers	Stages and dates (use symbols given below)	Denomination or breeder's reference	Plant Breeders' Rights					Official Variety List					Other (specify)					<b>A:</b> application submitted to and being considered by an appropriate authority	<b>B:</b> Application rejected by an appropriate authority	<b>C:</b> Application withdrawn by applicant	<b>D:</b> Plant Breeders' Rights granted or denomination of variety included in official variety list
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Variety denomination:															
<p>7. <b>The variety:</b></p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> has not yet been offered for sale or marketed  in (names of countries)  on (dates):  under the denomination(s): </div> <div style="text-align: center;"> <input type="checkbox"/> has been offered for sale or marketed: </div> </div>															
<p>8. <b>Trademarks:</b> if the proposed denomination indicated in paragraph 4 above, is a designation in respect of a mark within the meaning of the Trade Marks Act, 1963 (Act no. 62 of 1963), the following particulars must be furnished in respect of that designation: (If the space is insufficient, attach a separate page with the details)</p>															
Country in which protected	Date of application	Date of registration	Registration number												
<p><b>If a trade mark designation is to be registered as the variety denomination, the holder of the mark has to renounce his/her right. Attach documentary proof that the holder of the mark has renounced his/her right.</b></p>															
<p>9. <b>The following forms and documents are attached:</b> (indicate with an X)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td>Description of a typical plant of the variety on the technical questionnaire which is available from the Registrar.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Documentary proof of the title or authority of a legal representative or an agent who submits the application on behalf of a breeder, or of a joint applicant thus authorised if he/she submits the application on behalf of the applicants</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Documentary proof of the transfer of the variety to the applicant.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>The application and examination fees which are payable in terms of Section 16 &amp; Regulation 16 of the Plant Improvement Act</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Propagating material * See (i) and (ii) below.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>An application for a Plant Breeder's Right has been submitted simultaneously with this application for the recognition of a variety</td> </tr> </table>				<input type="checkbox"/>	Description of a typical plant of the variety on the technical questionnaire which is available from the Registrar.	<input type="checkbox"/>	Documentary proof of the title or authority of a legal representative or an agent who submits the application on behalf of a breeder, or of a joint applicant thus authorised if he/she submits the application on behalf of the applicants	<input type="checkbox"/>	Documentary proof of the transfer of the variety to the applicant.	<input type="checkbox"/>	The application and examination fees which are payable in terms of Section 16 & Regulation 16 of the Plant Improvement Act	<input type="checkbox"/>	Propagating material * See (i) and (ii) below.	<input type="checkbox"/>	An application for a Plant Breeder's Right has been submitted simultaneously with this application for the recognition of a variety
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<p>* (i) <b>Particulars of propagating material:</b></p> <div style="margin-left: 40px;"> Identifying mark on sample: _____  Place where cultivated: _____  Grower: _____  Year of cultivation: _____ </div> <p>Seed treatment: (indicate all treatments – insecticides, fungicides, trace elements, etc. as well as dosages and dates of treatment.)</p> <p><b>NB: Seed packets must be marked with the kind of plant and variety denomination.</b></p>															

Variety denomination:			
<p>* (ii) In case where the propagating material does not accompany the application, please indicate when submission of the material can be expected. In the case of trees/vines that are already established, please indicate the locality.  In terms of Section 18(5) of the Plant Improvement Act, the applicant has to <b>furnish propagating material</b> for examination <b>within 12 months</b> from lodging of the application, unless exemption for a specified period of time is obtained from the Registrar in writing.</p>			
<p>10. I, the undersigned:</p> <p>(a) hereby apply for the recognition of the above-mentioned variety in terms of the Plant Improvement Act, 1976 (Act 53 of 1976)</p> <p>(b) declare that, to the best of my knowledge, the information furnished in this application and the attached forms and documents is correct, and that no relevant information has been omitted;</p> <p>(c) declare that the propagating material submitted herewith or as arranged, is a representative sample of propagating material of the variety</p> <p>(d) authorise the Registrar to exchange any useful information in connection with the variety with the appropriate authority in another country.</p>			
<p><b>IMPORTANT</b></p> <p><b>Any person who is guilty of an offence, as defined in terms of Section 35 of the Plant Improvement Act, 1976 (Act 53 of 1976) is liable on conviction to-</b></p> <p><b>a fine or imprisonment for a period of up to two years for a first offence; and</b></p> <p><b>a fine or imprisonment for a period of four years for a second offence.</b></p>			
Signed at		on this (date)	
(place)			
day of (month)		of (year)	
Signature of applicant/agent			

All documentation (application form, technical questionnaire, fees, proxy, etc) must be sent to:

Registrar of Plant Improvement, Directorate Plant Production, Private Bag X250, Pretoria 0001

or

Harvest House room 358, 30 Hamilton Street, Arcadia, Pretoria 0001