Guide to the proposed new Plant Variety Rights Regulations

The current regulations

Plant Variety Rights Regulations 1988

General provisions
Reg 19 Payment of annual grant (renewal) fee
Reg 15 Applications by agents

PVR Register
Regs 9–11 Content, inspection and copies

Provisions relating to PVR applications
Regs 3–7 What must be supplied with, and in relation to, a PVR application (information, photos, denomination, propagating material), including prescribed times for provision of those things

Growing trials
Reg 16 Provisions relating to growing trials

Surrender of PVR grant
Reg 14 Date of surrender of grant

Other matters
Reg 8 Content of PVR Journal
Regs 12–13 Commissioner may correct mistakes in the register and any document, and replace any document if lost

Compulsory licences
Regs 17, 18 Provision of information and notice of action

Plant Variety Rights Regulations 2022 – the proposed new regulations

Key matters that apply to all applications or grants

General provisions
Reg 3 Definitions
Regs 7–12 Fees, including amounts (listed in **Schedule 3**), timing and when renewal fees are due
Regs 13–23 Forms and documents, including use of the IPONZ case management facility
Regs 24–27 Requirements for addresses
Regs 28–34 Requirements relating to agents

Provisions relating to PVR applications
Regs 35–41 What must be supplied with, and in relation to, a PVR application (information, photos, denomination, propagating material), including prescribed times for provision of those things and quantities of seed to accompany applications (listed in **Schedule 4) [clauses 36, 38, 46]**
Regs 42–44 Provisions relating to growing trials and time limits for payment of trial and examination fees **[clauses 47, 48]**
Reg 48 Prescribed times for provision of information or propagating material by owners and PVR applicants **[clause 69]**

Key matters that only apply to applications or grants in certain circumstances

Non-indigenous species of significance
Reg 6 provides that the non-indigenous plant species of significance defined in **clause 54** of the Bill are listed in **Schedule 2**

Opposition to grant of a PVR
Regs 45–47 Provisions relating to filing a notice of opposition to the grant of a PVR **[clauses 49, 50]**

Cancellation, nullification and surrender of PVRs
Regs 52–54 Procedures relating to application for cancellation or nullification of a PVR and filing of counter-statements **[clause 80]**
Regs 55–58 Procedures relating to notification of surrender of a PVR and filing a notice of opposition **[clause 85]**

Restoration of lapsed applications and cancelled PVRs
Regs 59–64 Procedures relating to restoration of PVR applications lapsed because of failure to provide information or propagating material, or failure to pay a fee **[clause 87]**
Regs 65–70 Procedures relating to restoration of PVRs cancelled because of failure to pay renewal fee **[clause 94]**

Compulsory licences
Regs 71–75 Provisions relating to application for, opposition to, and amendment/revocation of, a compulsory licence **[clauses 105, 107 and 112]**

Proceedings before the Commissioner (hearings)
Reg 95 Sets out the processes to which these proceedings apply (opposition to grant, nullification. cancellation, surrender, restoration, exercise of discretion, compulsory licenses)
Regs 96–118 Cover all other matters relating to hearings: filing documents, case management, Commissioner's powers in relation to proceedings, evidential requirements, form of hearing, costs

Other matters

Substitution and assignments
Regs 49–51 deal with substitution of applicants **[clause 70]**, registration of assignments and other interests **[clause 72]**, vesting of PVRs or PVR applications when a PVR owner or applicant dies **[clause 74]**

PVR register [clauses 128–137]
Regs 76–78 Content of the register
Regs 79–81 Search of the register
Regs 82–88 Changes to the register

Other matters
Reg 89 Content of the PVR Journal **[clause 145]**
Reg 90 Evidence must be filed by statutory declaration or affidavit
Reg 91 Commissioner may permit any documents filed in proceedings to be amended
Regs 92–93 Commissioner may waive requirements in certain circumstances
Reg 94 Commissioner must maintain electronic copies of all documents and information

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa
New Zealand Government

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