

# Submission template

## Review of the Plant Variety Rights Act 1987: Exposure Draft of the Plant Variety Rights Regulations 2022

### Your name and organisation

Name	Joy Lin
Email	
Organisation/Iwi	Grasslanz Technology Ltd

The PVR Regulations have been divided up into a number of subsections as set out in the accompanying A3 poster and Guide. You are asked to comment below on each of these subsections. The final comment box is for you to provide comment on the proposed new seed quantities required with an application.

### PVR Regulations 2022

Key matters that apply to all applications or grants	
1	<p><b>General provisions [Regulations 3 and 7-34 and Schedule 3]</b></p> <p>These regulations cover definitions, fees (listed in <b>Schedule 3</b>), forms and documents, addresses and agents. Please provide any comments you have on these regulations in the box below.</p> <hr/> <p><i>As the PVR variety extends benefits across the whole seed industry, agriculture sector and economy the PVR applicant should not be expected to incur the increased cost of the new fees structure.</i></p> <p><i>In view of this, we agree with the preferred option of having Government level funding for the new fees structure, as discussed in the fees discussion document.</i></p> <hr/>
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## Key matters that only apply to applications or grants in certain circumstances

- 3 **Non-indigenous species of significance [Regulation 6 and Schedule 2]**  
This regulation provides that the non-indigenous plant species of significance defined in **clause 54** of the Bill are listed in **Schedule 2** of the regulations. Please provide any comments you have on these regulations in the box below.
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- We appreciate the clarity that this regulation provides.*
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- 4 **Opposition to grant of a PVR [Regulations 45-47]**  
These regulations set out the provisions for filing a notice of opposition to the grant of a PVR and prescribed timeframes. Please provide any comments you have on these regulations in the box below.
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- We agree with setting out a procedure for opposing grants. We also suggest in that process particular attention is given to allowing sufficient time and reasonable access to the plant material under opposition, and that any evidence submitted is validated by independent parties, or sufficient opportunity is provided to the opponent to determine the validity of the evidence, especially if a new characteristic is the basis for a grant.*
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- 5 **Cancellation, nullification and surrender of PVRs [Regulations 52-58]**  
These regulations set out the procedures relating to application for cancellation or nullification of a PVR and the procedures relating to notification of surrender of a PVR. Please provide any comments you have on these regulations in the box below.
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- We agree with providing clarity around the process*
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- 6 **Restoration of lapsed applications and cancelled PVRs [Regulations 59-70]**  
These regulations set out the procedures relating to restoration of lapsed PVR applications and restoration of a PVR cancelled because of non-payment of the renewal fee. Please provide any comments you have on these regulations in the box below.
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- Good to see a detailed process outlined.*
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- 7 **Compulsory licences [Regulations 71-75]**  
These regulation set out the provisions relating to application for, opposition to, and amendment/revocation of, a compulsory licence. Please provide any comments you have on these regulations in the box below.
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- We appreciate the clarity that this regulation provides.*
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- 8 **Proceedings before the Commissioner (hearings) [Regulations 95-118]**  
These regulations set out the processes to which these proceedings apply and all other matters relating to the conduct of hearings. Please provide any comments you have on these regulations in the box below.

*While we agree with aligning the hearing process with the wider IPONZ process, we suggest there be provisions made to accommodate the uniqueness of PVRs. This includes access to plant materials, sufficient time for assessment of plant materials or DUS characteristics under question, and validation of evidence by an independent party where applicable.*

## **Other matters**

### **9 Substitution and assignments [Regulations 49-51]**

These regulations deal with substitution of applicants, registration of assignments and other interests, and vesting of PVRs or PVR applications. Please provide any comments you have on these regulations in the box below.

*We appreciate the clarity that this regulation provides.*

### **10 PVR Register [Regulations 76-88]**

These regulations deal with matters relating to the PVR register (content, search and changes). Please provide any comments you have on these regulations in the box below.

*We appreciate the clarity that this regulation provides.*

### **11 Other matters [Regulations 89-94]**

These regulations cover a handful of other, mainly administrative matters. Please provide any comments you have on these regulations in the box below.

## PVR Regulations: proposal to amend quantities of seed required with an application

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### Quantities of seed required

The accompanying document **PVR Regulations: proposal to amend quantities of seed required with an application** sets out a proposal for increasing the quantities of seed required to be provided with a PVR application. Please provide any comments you have on this proposal in the box below.

*Increasing the required quantity of seed for some species could prove problematic for plant breeders when seed quantity is still limited immediately post breeding.*

**If you have any other comments you wish to make on matters relevant to this consultation, please make them in the box below**

*[Insert response here]*