

# Submission template

---

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

### Instructions

This is the template for those wanting to submit by Word document a response to the release of the exposure draft of the PVR Regulations 2002 for consultation.

The Ministry of Business, Innovation and Employment (MBIE) seeks written submissions on the issues raised by 5pm on Friday, 20 May 2022. Please make your submission as follows:

1. Fill out your name and organisation in the table, “Your name and organisation”.
2. Fill out your comments on each section of the regulations in the comment box. You may comment on any or all of these sections. Where possible, please include evidence to support your views, for example relevant examples.
3. If you would like to make any other comments that are not covered by any of the questions, please provide these in the “Other comments” section.
4. When sending your submission, please:
  - a. Delete this first page of instructions.
  - b. Include your e-mail address and telephone number in the e-mail accompanying your submission – we may contact submitters directly if we require clarification of any matters in submissions.
  - c. If your submission contains any confidential information:
    - i. Please state this in the e-mail accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 that you believe apply. MBIE will take such objections into account and will consult with submitters when responding to requests under the Official Information Act.
    - ii. Indicate this on the front of your submission (eg the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).

Note that submissions are subject to the Official Information Act and may, therefore, be released in part or full. The Privacy Act 1993 also applies.

5. Send your submission as a Microsoft Word document to [PVRActReview@mbie.govt.nz](mailto:PVRActReview@mbie.govt.nz)

Please direct any questions that you have in relation to the submissions process to [PVRActReview@mbie.govt.nz](mailto:PVRActReview@mbie.govt.nz).

# Submission template

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

### Your name and organisation

<b>Name</b>	Astrid Schenkeveld
<b>Email</b>	a.schenkeveld@rijkszwaan.nl
<b>Organisation/lwi</b>	Rijk Zwaan Zaadteelt en Zaadhandel B.V.

[Double click on check boxes, then select 'checked' if you wish to select any of the following.]

The Privacy Act 1993 applies to submissions. Please check the box if you do not wish your name or other personal information to be included in any information about submissions that MBIE may publish.

MBIE intends to upload submissions received to MBIE's website at [www.mbie.govt.nz](http://www.mbie.govt.nz). If you do not want your submission to be placed on our website, please check the box and type an explanation below.

I do not want my submission placed on MBIE's website because... [Insert text]

### Please check if your submission contains confidential information:

I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

I would like my submission (or identified parts of my submission) to be kept confidential because...  
[Insert text]

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	<b>General provisions [Regulations 3 and 7-34 and Schedule 3]</b> 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. <hr/> <i>[Insert response here]</i>
	<b>Provisions relating to PVR applications [Regulations 35-48 (excl. 45-47)]</b> These regulations provide 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. They also cover provisions relating to growing trials and payment of trial and examination fees. Please provide any comments you have on these regulations in the box below. <hr/> <i>[With reference to par. 37: A PVR application for a variety of a kind of plant described in column 1 of schedule 3 must be accompanied by the quantity of propagating material specified in column 2 of schedule 4. And par. 41: prescribed times for supply by applicant of propagating material, we have the following remarks: 1) The PVP application is made online, so cannot be accompanied by propagating material. Is the timeline under par. 41 applicable to all kinds of plants or only for kinds of plants not mentioned in schedule 3, so only after request of the Commissioner 2) Lettuce is not mentioned in schedule 3, but is specified in schedule 4 – we assume that for species not mentioned in schedule 3 section 47(2)d of the Act applies and a growing trial will be undertaken by an authority of another state. If so, should lettuce then still be mentioned in schedule 4. 3) In case a kind of plant is neither mentioned in schedule 3 nor schedule 4, can we assume that section 47(2)d of the Act applies and a growing trial will be undertaken by an authority of another state and the applicant does not need to submit propagating material? Would be good to clarify.]</i>
Key matters that only apply to applications or grants in certain circumstances	
3	<b>Non-indigenous species of significance [Regulation 6 and Schedule 2]</b> This regulation provides that the non-indigenous plant species of significance defined in <b>clause 54</b> of the Bill are listed in <b>Schedule 2</b> of the regulations. Please provide any comments you have on these regulations in the box below. <hr/> <i>[Insert response here]</i>

**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.

*[Insert response here]*

**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.

*[Insert response here]*

**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.

*[Insert response here]*

**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.

*[Insert response here]*

**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.

*[Insert response here]*

## **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.

*[Insert response here]*

**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.

*[Insert response here]*

**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

12

## 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.

*See our reply to question 2. Furthermore, for vegetables nowadays it is common to state the amount in number of seeds instead of grammes*

**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]*