

S.I. 2001 No. 133

**Protection of New Plant Varieties Act
(Act 2001 - 17)**

**PROTECTION OF NEW PLANT VARIETIES
REGULATIONS, 2001**

The Minister in exercise of the powers conferred on him by section 56 of the *Protection of New Plant Varieties Act*, makes the following Regulations:

1. These Regulations may be cited as the *Protection of New Plant Varieties Regulations, 2001*. Short title.

2. In these Regulations:

"fee" means the fee specified in the *First Schedule*;

Interpreta-
tion.

"form" means the form set out in the *Second Schedule*.

First
Schedule.

Second
Schedule.

3. (1) The appointment of an agent under section 4 of the Act shall be made by an authorization of agent which shall be signed by the applicant or, if there is more than one, by each applicant.

Agency.

(2) The authorization of agent may be filed together with the application or within 2 months from its filing date and, if the appointment is not so made, or is not in accordance with section 4 of the Act and paragraph (1), any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

Signatures
by
partnerships,
companies
and
associations.

4. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed

- (a) by all the parties or by any partner qualified to sign, stating that he signs on behalf of the partnership, or
- (b) by any other person who satisfies the Director that he is authorized to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the Secretary or other principal officer of the body corporate or by any other person who satisfies the Director that he is authorized to sign the document.

(3) A document purporting to be signed for or on behalf of a person or an association, may be signed by any person who satisfies the Director that he is duly authorized.

Application
for grant.
Form 1.

5. (1) An application for the grant of a plant breeder's right must be in the *Form 1* and shall be accompanied by the specified fee.

Form 2.

(2) A technical questionnaire filed pursuant to section 22(2) of the Act must be in the *Form 2*.

Variety
denomina-
tion.
Form 3.

6. A proposal for a variety denomination made pursuant to section 27 of the Act must be in the *Form 3* and must be accompanied by the specified fee.

Withdrawal
of applica-
tion for
grant.

7. (1) The withdrawal of an application pursuant to the Act shall be addressed to the Director in writing and signed by each applicant or agent.

(2) The application fee shall not be refunded if the application is withdrawn.

8. (1) Upon receipt, the Director shall mark on each document making up the application for grant of a plant breeder's right, the actual date of receipt, and the application number consisting of the letters BB, slant, the letters PBR, slant, the numbers of the year in which the initial papers were received, slant, and a five-digit number allotted in the sequential order in which applications are received, and where any corrections or other later filed documents are received on different dates, the Director shall also mark their actual date of receipt in the appropriate place on the application.

Marking of application for grant.

(2) The application number allotted under paragraph (1) shall be quoted in all subsequent communications concerning the application.

9. Where an action is filed under section 46 of the Act, the person filing the action shall notify the Director in writing and upon the furnishing of proof to the satisfaction of the Director, the Director shall, immediately upon receipt thereof, defer any decision on the application until the Court has made a final order.

Notification of action for assignment or transfer.

10. (1) A request for the registration of an assignment or transfer pursuant to section 13(3) of the Act must be in the *Form 4*, and shall be accompanied by an original or a certified copy of the document which establishes the assignment or transfer, together with the specified fee.

Request for registration of assignment or transfer. Form 4.

(2) Where in the case of a request under paragraph (1), the successor in title does not claim under any document or instrument which is capable in itself of establishing the assignment or transfer, he shall, unless the Director otherwise directs, either upon or with the request, set out the circumstances under which his claim to be the owner of the variety is based.

(3) Where the Director so requires, the circumstances shall be verified by a statutory declaration in the *Form 5*.

Form 5.

11. (1) The annual fees payable under section 20 of the Act are set out in the *Second Schedule*.

Annual fees. Second Schedule.

(2) Upon payment of the annual fee, the Director shall, within 2 weeks from the date payment is received, furnish or send to the applicant or to the owner of the plant breeder's right, a receipt of payment.

(3) The annual fee is not refundable.

Surrender of plant breeder's right.
Form 6. **12.** A declaration by the holder of a plant breeder's right of the surrender of his right pursuant to section 34 of the Act must be in the *Form 6*.

Cancellation of plant breeder's right. **13.** Where the Director cancels a plant breeder's right under section 21 of the Act, he shall notify the holder of the plant breeder's right in writing of the cancellation.

Cancellation of registered variety denomination.
Form 7. **14.** A request for the cancellation of a registered variety denomination pursuant to section 30(1) of the Act shall be in the *Form 7* and must be made in duplicate.

Notification of non-compliance. **15.** (1) Where any of the requirements under section 31(1) of the Act have not been complied with, the Director shall notify the applicant or his agent in writing of the non-compliance, specifying the actions to be taken to complete the application.

(2) A notice under paragraph (1) shall be sent to the applicant, not later than one month from the date of the application or the date fixed for submission of the propagating material, as the case may be.

(3) Where the applicant or his agent does not comply with the notification under paragraph (1), or where despite the corrections made by the applicant or his agent the Director is of the opinion that the requirements under section 31(1) of the Act have still not been complied with, he shall reject the application pursuant to section 31(1) and notify the applicant or his agent in accordance with regulation 17.

16. The Director shall give the applicant or the holder of the plant breeder's right, reasonable notice in writing of the due date for the payment of the fees referred to under section 32 of the Act.

Notification
in respect of
fees.

17. (1) A rejection of any application or request under the Act shall be in writing and shall specify the reasons therefor.

Rejections.

(2) Where the Director rejects an application for non-compliance with section 33(1), the rejection shall be accompanied by a copy of any examination report upon which the rejection of the application was based.

18. A request for the registration of a licence-contract pursuant to section 35(3) of the Act must be in the *Form 8* and shall be accompanied by

Request for
registration
of licence-
contract.
Form 8.

(a) an original or a certified copy of the licence-contract, including all amendments, annexes, riders and other supplements thereto or modifications thereof; and

(b) the specified fee.

19. (1) A request for the cancellation of a registered licence of right pursuant to section 39(5) of the Act must be in the *Form 9*, and shall state the name of each beneficiary and whether or not they have agreed to the cancellation.

Cancellation
of registered
licence of
right.
Form 9.

(2) A request under paragraph (1) must be accompanied by such evidence as the Director may require.

20. (1) Any person to whom a compulsory licence has been granted pursuant to section 40 of the Act may, in writing, notify the Director of the grant of a licence and request in the *Form 8*, the registration of such grant in the register.

Request for
registration
of compul-
sory licence.
Form 8.

(2) A request made pursuant to paragraph (2) must be accompanied by an office copy of the order of the court and by the specified fee.

Register of
plant
breeders'
rights.

21. The register of plant breeder's rights shall contain, in addition to the matters required under section 49 of the Act, the following information:

- (a) the names and addresses of the holders of plant breeders' rights;
- (b) the names and addresses of any agents of the holders of plant breeders' rights;
- (c) a description of the characteristics of the plant variety;
- (d) if available, the reference number under which the plant variety is recorded in any register of varieties kept by a recognized professional association or in any reference collection of plant material accepted by the Director;
- (e) the date upon which such rights expired or were otherwise terminated or declared null and void, as the case may be.

Requests for
copies or
extracts
from
register.

22. Requests made pursuant to section 49(2) of the Act for copies of, or for extracts from the information contained in the register, shall be made to the Director in writing, and shall be subject to payment of the specified fee.

Address for
service.

23. (1) There shall be furnished to the Director

- (a) by every applicant for the grant of a plant breeder's right;
- (b) by every person concerned in any proceedings to which the Act or these Regulations relate, including the applicant for, or the owner of the plant breeder's right

an address for service in Barbados, and the address so furnished, or where another address has been furnished in place thereof, that address, shall be treated for the purposes of the application or those proceedings, as the address of that applicant or, of that person as the case may be.

(2) Where an attorney-at-law has been appointed, the address of the attorney-at-law shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person who appointed the attorney-at-law shall be transmitted.

24. The time or periods prescribed by these Regulations for doing any act or taking any proceedings thereunder, other than times or periods prescribed in regulation 15(2), may be extended by the Director if he thinks fit, upon such terms as he may direct, and such extensions may be granted although the time or period for doing such act or taking such proceeding has already expired.

Extension of
time limits.

25. Any application, notice, request or other document required by these Regulations, may be corrected by the Registrar on his own initiative or upon receipt of a request in writing, and upon such terms as he may direct, if in the opinion of the Director, the correction would be without detriment to the interests of any other person.

Amendment
of docu-
ments and
correction
of the
irregulari-
ties.

26. Where, under these Regulations, any person is required to do any act or thing, or any document or evidence is required to be produced or filed, and it is shown to the satisfaction of the Director that for any reasonable cause, that person is unable to do that act or thing, or that that document or evidence cannot be produced or filed, the Director may, upon the production of such evidence and subject to such terms as he thinks fit, dispense with the doing of such act or thing, or the production or filing of such document or evidence.

Dispensa-
tion by
Director.

27. The publication of any matter required to be published under the Act shall contain such details of the matter as the Director considers appropriate.

Publication.

28. Where no provision is made in the Act or these Regulations in respect of any matter arising in the administration of the Act, the Director may give such directions in respect thereof as he considers necessary in the circumstances.

Administra-
tive
directions.

29. The Director may acknowledge inquiries made to the Office, but need not furnish the applicant or any other person with information which would require a search of the public records of the Office, or provide advice on matters concerning the interpretation of the Act or Regulations, or concerning other questions of law.

Inquiries at
the Office.

30. The fees in the *Second Schedule* are payable in respect of the matters to which they relate.

Fees.
Second
Schedule.

STATUTORY INSTRUMENT**FIRST SCHEDULE***(Regulation 2)***FORMS****FORM 1***(Regulation 5(1))**Application for Grant of a Plant Breeder's Right***BARBADOS****Protection of New Plant Varieties Act
(Act 2001-17)****APPLICATION FOR GRANT OF A PLANT BREEDER'S RIGHT***(Note: Please consult the instructions before completing this form)*

To: The Director
Corporate Affairs and Intellectual Property Office
BARBADOS

For Official Use

Application No.:

Date of Filing:

Date of Filing of corrections
or later documents:

Application is hereby made for the grant of a plant breeder's right in respect of a new plant variety (details of which appear in this Form) in the name of the Applicant(s) who claim(s) to be the owner thereof.

The particulars required for the purposes of the Application are set out below.

PARTICULARS

1. (a) Applicant(s) name(s) and address(es)
- (b) Nationality(ies)

2. (a) Address to which correspondence is to be sent:

(b) Address // of the applicant // of one of the applicants
// of the agent/representative // for service

FIRST SCHEDULE - *Cont'd*

3. Species and crop					
4. (a) Proposed denomination: (in block letters)					
(b) Breeder's reference:					
5. (a) The original breeder(s) is/are // the (all) applicant(s)					
// the following person(s)					
To the best of my/our knowledge there is no other original breeder.					
(b) The variety was transferred to the applicant(s) by:					
// contract					
// succession					
// other (specify)					
(c) The variety was bred in:					
(State(s))					
6.	Further applications	State(s)	Filing Date	Application No.	Stage
Denomination or breeder's reference:					
Type of Protection					
Official variety list					
7. Priority is claimed in respect of the application filed in (State)					
on (date) under the denomination					

FIRST SCHEDULE - *Cont'd*

<p>8. The variety has been offered for sale // not yet // for the first time (date) or marketed in (State of application) under the denomination and in other States // not yet // for the first time in (State) under the denomination</p>
<p>9. (a) The technical examination of the variety // has already been completed // is in progress // will be carried out in (State(s))</p>
<p>(b) I/We declare that the material provided with the first application is representative of the variety and relevant to this application.</p>
<p>(c) // Authorization is hereby given to the Intellectual Property Office to exchange with the competent authorities of such states provided for under the Act, all necessary information and material related to the variety, provided that the rights of the applicant(s) is/are safeguarded.</p>
<p>Other forms and documents attached:</p> <p>/1/ /2/ /3/ /4/ /5/</p>
<p>10. An official copy of the submitted application showing the date of filing is requested as a certification of priority for an application in the following states:</p>
<p>I/We hereby apply for the grant of a plant breeder's right and declare that to the best of my /our knowledge the information necessary for the examination of the application given in this Form and in the annex(es) is complete and correct.</p> <p>Signature(s)</p> <p>..... (Applicant/Agent†)</p> <p>..... Date/place</p> <p>..... (Applicant/Agent††)</p> <p>..... Date/place</p>

INSTRUCTIONS

Form No. 1

General

This form must be accompanied by the specified fee

† State name (in block letters) under signature(s) and delete whichever is not applicable.

†† This Form must be signed by the applicant or by the agent where an authorization of agent exists.

Please refer to section 22 and 24 of the *Protection of New Plant Varieties Act, 2001* before completing this Form.

Item 1(a)

State the full name and address (including the country/State) of the applicant whether an individual or a firm. Where there is more than one applicant, state the name and address of all of them. If the space under Item 2(a) is insufficient, state only the name(s) of the applicant(s). Add the address(es) on a separate page annexed to this Form. Where the applicant wishes to have correspondence sent to his own address, the address must be sufficiently complete to ensure delivery by post. Telephone and fax numbers would be appreciated.

Item 1(b)

If the applicant is an individual, nationality shall be indicated by the name of the State of which the person is a national.

If the applicant is a legal entity, indicate the name of the State under whose laws they have been constituted and the location of their registered office.

Residence shall be indicated by the name of the State of which the person is a resident.

Item 2

This must be an address in Barbados and must be sufficiently complete to ensure delivery by post. Telephone and fax numbers would also be appreciated. If there is no address in Barbados an address for service must be given. Please refer to regulation 24 of the *Protection of New Plant Varieties Regulations, 2001*.

Where one joint applicant has been authorized to act or an agent or representative has been named, attach a power of attorney issued by the applicant(s) on whose behalf the joint applicant, agent or representative is authorized to act.

Item 3

The particulars stated must allow for the exact identification of the variety under both its botanical and technical aspects. The Latin name of the most suitable taxonomical unit (genus, specie, subspecies) should be stated together with the common name.

Item 4

The variety must be filed in each State of a Contracting Party under the same denomination. Accents may not be deleted from a variety denomination. Please state the breeder's reference, whether or not a proposal for a variety denomination (as in *Form No. 3*) has been filed together with this application.

Item 5(b)

If the first box has been marked under Item 5(a) enter nothing under this Item.

Item 6

Specify all prior applications without exception, in chronological order.

In the column headed "Stage" use the following abbreviations

- A - application pending
- B - denomination rejected
- C - denomination withdrawn
- D - plant breeder's right granted or variety entered in official variety list.

The term "type of protection" comprises special titles of protection, plants and industrial patents.

"Official variety list" means any list of varieties whose marketing is authorized by the competent authorities.

Item 7

A right of priority may only be claimed within a period of 12 months from the date of filing of the earliest application duly filed for the same variety, either by the applicant himself or the predecessor in title, but the day of filing shall not be included in that period.

Item 8

"State of application" means the State in which the application was filed.

Item "Other forms and documents attached"

Mark a cross in the box if any of the following documents is attached to this application:

- /1/ Technical Questionnaire as in *Form No. 2*.
- /2/ Proposal for a Variety Denomination as in *Form No. 3*.
- /3/ Authorization of agent/representative.
- /4/ Under section 24 of the Act, if the priority of the first application is claimed, a certified copy of the documents which constitute that application must be forwarded to the Intellectual Property Office within 3 months of the date of filing this application. Mark a cross in box 4 if that copy is attached.

The additional boxes marked with letters have been added to allow for the attachment of additional documents/information.

FIRST SCHEDULE – *Cont'd*

FORM 2

(Regulations 5(2))

Technical Questionnaire in respect of the Grant of a Plant Breeder's Right

BARBADOS Protection of New Plant Varieties Act (Act 2001 – 17) TECHNICAL QUESTIONNAIRE IN RESPECT OF THE GRANT OF A PLANT BREEDER'S RIGHT			
<i>(This form must be completed together with an application for the grant of a plant breeder's right)</i>			
1. Species:	For Official Use Application No.:		
2. Applicant(s) name(s) and address(es):			
3. Proposed denomination or breeder's reference:	Date of Filing:		
4. Information on origin, maintenance and reproduction of the variety:			
5. Characteristics of the variety (the number in brackets refers to the corresponding characteristic in the Test guidelines). Please mark the state of expression which best corresponds.			
Characteristics	Example Varieties	Note	
6. Similar varieties and differences from these varieties:			
Denomination of similar variety	Characteristic in which the similar variety is different†	State of expression of similar variety	State of expression of candidate variety
† In the case of identical states of expression of both varieties, please indicate the size of the difference.			

FIRST SCHEDULE - *Cont'd*

7.	Additional information which may help to distinguish the variety:
7.1	Resistance to pests and diseases (Please specify races/strains, if possible):
7.2	Special conditions for the examination of the variety:
7.3	Other information:

INSTRUCTIONS

Form No. 2

General

Dates should be written in the year, month, date order (for example 99-01-10).

Please consult section 20 of the *Protection of New Plant Varieties Act, 2001* before filling in this Form.

Item 1

The particulars stated must allow for the exact identification of the variety under both its botanical and technical aspects. The Latin name of the most suitable taxonomical unit (genus, specie, subspecies) should be stated together with the common name.

Item 2

If the address is the same as that used in the application for plant breeder's right (*Form No. 1*), add only the name(s) of the applicant(s) under this Item.

Item 3

The variety must be filed in each State of a Contracting Party under the same denomination. Accents may not be deleted from a variety denomination. Please state the breeder's reference.

FIRST SCHEDULE - Cont'd

FORM 3

(Regulation 6)

Proposal for a Variety Denomination

BARBADOS Protection of New Plant Varieties Act (Act 2001 - 17) PROPOSAL FOR A VARIETY DENOMINATION <i>(Note: Please consult the instructions before completing)</i>	
1. (a) This proposal refers to the variety filed under application number: (b) Initially proposed denomination or breeder's reference:	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">For Official Use</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">Application No.:</div> <div style="border: 1px solid black; padding: 5px;">Date of Receipt:</div>
2. (a) Proposer(s) name(s) and address(es): (b) Address to which correspondence is to be sent: (c) This is the address // of the proposer // of one of the proposers // of the agent/representative (authorization of agent form attached // for service	
3. Species and crop:	
4. Proposed denomination (in block letters):	
5. Denomination submitted or registered in other States of a Contracting Party: <div style="display: flex; justify-content: space-between;"> State Stage Denomination (if different from Item 3 above) </div>	

6. // The proposed denomination has been filed or registered for the proposer(s) as a trademark in the State of application, in a State of a Contracting Party or with the International Bureau of the World Intellectual Property Organization (WIPO) in respect of products that are identical or similar within the meaning of trademark law.

State and/or WIPO	Date of application	Date of registration	Registration number
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7. Trademark renunciation in accordance with section 26 of *the Patents Act, 2001*.

I/We hereby propose the variety denomination and declare that to the best of my/our knowledge the information given in this Form and in the annex(es) is complete and correct.

Signature(s)†

.....
(Applicant/
Agent/Representative††)

.....
Date/place

.....
(Applicant/
Agent/Representative††)

.....
Date/place

INSTRUCTIONS

Form No. 3

General

Dates should be written in the year, month, date order (for example 99-01-10).

"State of application" means the State in which the application was filed.

† State name (in block letters) under signature(s) and delete whichever is not applicable.

†† This Form must be signed by the applicant or by the agent or representative where an authorization of agent exists.

Please refer to section 27 of the *Protection of New Plant Varieties Act, 2001* before completing this Form.

Item 1

Where this Form is filed simultaneously with the application for grant of a plant breeder's right (*Form No. 1*), nothing is to be entered under this Item. However, where this Form is filed at a later stage the number which the Intellectual Property Office has allotted for a plant breeder's right is to be stated under Item 1(a).

Item 2

If the address(es) is/are the same as that used in the application for grant of a plant breeder's right, add only the name(s) of the proposer(s). Please refer to the Instructions for *Form No. 1*, Item 2.

Item 3

The particulars stated under this Item must allow for the exact identification of the variety under both its botanical and technical aspects. The Latin name of the most suitable taxonomical unit (genus, specie, subspecies) should be stated together with the common name.

Item 4

The variety must be filed in each State of a Contracting Party under the same denomination. Accents may not be deleted from a variety denomination.

Item 5

Specify all prior variety denominations without exception in chronological order. The variety denominations used are to be stated at the end of the list.

In the column headed "Stage" use the following abbreviations

- A - application pending
- B - denomination rejected
- C - denomination withdrawn
- D - denomination accepted

FIRST SCHEDULE – *Cont'd*

FORM 4

(Regulation 10(1))

Request for Registration of an Assignment or Transfer

<p>BARBADOS</p> <p>Protection of New Plant Varieties Act (Act 2001 – 17)</p> <p>REQUEST FOR REGISTRATION OF AN ASSIGNMENT OR TRANSFER</p> <p><i>(This form must be accompanied by an original or a certified copy of the deed of assignment or transfer or other document which establishes title or by a statement of claim to ownership of the variety and by the specified fee)</i></p> <p>REQUEST IS HEREBY MADE for the registration of the assignment or transfer of :</p> <table style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <p>// grant of a plant breeder's right application number†</p> <p>// plant breeder's right registration number†</p> </td> <td style="width: 40%; vertical-align: top;"> <p>For Official Use</p> <p>File No.:</p> <hr/> <p>Date of Filing:</p> </td> </tr> </table>		<p>// grant of a plant breeder's right application number†</p> <p>// plant breeder's right registration number†</p>	<p>For Official Use</p> <p>File No.:</p> <hr/> <p>Date of Filing:</p>		
<p>// grant of a plant breeder's right application number†</p> <p>// plant breeder's right registration number†</p>	<p>For Official Use</p> <p>File No.:</p> <hr/> <p>Date of Filing:</p>				
<p>1. Name(s) and address(es) of person(s) making the request:</p>					
<p>2. (a) The application/right was assigned/transferred by/to the person(s) making this request by:</p> <table style="width: 100%;"> <tr> <td style="width: 50%;">// contract</td> <td style="width: 50%;">// court</td> </tr> <tr> <td>// succession</td> <td>// other</td> </tr> </table> <p>(b) State particulars of contract etc.</p>		// contract	// court	// succession	// other
// contract	// court				
// succession	// other				
<p>3. Name(s) and address(es) of assignor(s):</p>					
<p>4. Name(s) and address(es) of assignee(s):</p>					
<p>5. My/Our address for service in Barbados is:</p>					

FIRST SCHEDULE - *Cont'd*

6. Documents attached:

// Original or certified copy of deed of assignment or transfer.
// Original or certified copy of contract.
// Other document establishing title.
// Statement of claim to ownership of the variety.
// *Form No. 5.*

I/We declare that to the best of my/our knowledge the information given in this Form and in the annex(es) is complete and correct.

Signature(s) ††

.....

.....
(place/date)

.....

.....
(place/date)

To: The Registrar
Corporate Affairs & Intellectual Property Office

INSTRUCTIONS

Form No. 4

General

† State the number which has been allotted to the application for the plant breeder's right or under which the plant breeder's right has been registered by the Intellectual Property Office.

†† State name (in block letters) under signature(s).

Dates should be written in the year, month, date order (for example 99-01-10).

Both the person(s) making the request, as well as the assignor(s) or assignee(s) are required to sign this request.

Where the Intellectual Property Office so requests, this Form must be followed by the filing of *Form No. 5*.

Please refer to sections 8 to 10 and to section 13 of the *Protection of New Plant Varieties Act, 2001* before filling in this Form.

Item 1

State the name(s) and address(es) of the person(s) making the request who may either be the assignor(s)/transferor(s) of the plant breeder's right or its assignee(s)/transferee(s).

Item 2

State by what means the application for the grant of a plant breeder's right was assigned or transferred and give particulars. If by the court, please state High Court action number and date of judgement.

Item 3

State the name(s) and address(es) of the assignor(s) or person(s) making the assignment or transfer, if different from Item 1.

Item 4

State the name(s) and address(es) of the assignee(s) or person(s) in whose favour the assignment or transfer was made, if different from Item 1.

Item 5

Please refer to regulation 24 of the *Protection of New Plant Varieties Regulations, 2001*.

Item 6

A successor in title must prove his title, whether it was obtained by assignment or succession. If it is proposed to attach a statement of claim, please consult regulation 10 (2) of the *Protection of New Plant Varieties Regulations, 2001*.

FIRST SCHEDULE - *Cont'd*

FORM 5

*(Regulation 10(3))**Declaration***BARBADOS****Protection of New Plant Varieties Act
(Act 2001 - 17)****DECLARATION***(This form must be accompanied by a statement of claim to ownership of the variety)*I/We †
of

For Official Use

Date of Filing:

do hereby solemnly and sincerely declare that the particulars set out in the Statement of Claim to Ownership of the Variety exhibited and marked _____ and filed by me/us in connection with my/our request to be registered as the successor(s) in title or new owner(s) of application number _____ for the grant of a plant breeder's right/plant breeder's right registration number† are true and correct in every material fact and document affecting the present ownership of the above mentioned application/plant breeder's right†.

And I/we make this solemn declaration conscientiously believing the same to be true and I am/we are aware that if there is any statement in this declaration which is false in fact which I/we know or believe to be false or do not believe to be true that I am/we are liable to a penalty.

Declared at _____
by the above named _____ } ††
and the above named _____ }
this _____ day of _____, 20 _____ }
Before me†††

To: The Registrar
Corporate Affairs & Intellectual Property Office

INSTRUCTIONS:

† Delete whichever is not applicable.

†† This declaration may be made and, if made, must be signed by the person(s) making the request in *Form No. 4*.

††† If made in Barbados, this declaration must be made before a Judge, Notary Public, Justice of the Peace or other officer authorized in law to administer an oath, for the purpose of legal proceedings. If made outside of Barbados it must be made before a Barbados Consul or Notary Public.

FIRST SCHEDULE – *Cont'd*

FORM 6

(Regulation 12)

Declaration of Surrender

BARBADOS Protection of New Plant Varieties Act (Act 2001 – 17) DECLARATION OF SURRENDER	
IN THE MATTER OF plant breeder's right registration number:	For Official Use Date of Filing:
1. I/We† of being the holder(s) of the above mentioned plant breeder's right hereby declare that I/We surrender all interest in said plant breeder's right.	
2. The date of termination of my/our interest is:	
3. The date of expiration of the above mentioned plant breeder's right is:	
4. Is the plant breeder's right held jointly? If so, please state the name(s) and address(es) of the other holder(s) of the right:	
I/We declare that to the best of my/our knowledge the information given in this form is complete and correct. Signature(s) ††† <div style="display: flex; justify-content: space-between;"> <div>.....</div> <div>..... (place/date)</div> </div> <div style="display: flex; justify-content: space-between;"> <div>.....</div> <div>..... (place/date)</div> </div>	
To: The Registrar Corporate Affairs & Intellectual Property Office	

INSTRUCTIONS

Form No. 6

General

† Delete whichever is not applicable.

†† State the number under which the plant breeder's right has been registered by the Intellectual Property Office.

††† State name (in block letters) under signature(s).

Date(s) should be written in the year, month, date order (for example 99-01-10).

Item 1

State the name(s) and address(es) of the person(s) making this declaration. Such person(s) may be one or more of the holders of the plant breeder's right.

Item 2

If the renunciation is to take effect from or on a specific date, please state date, otherwise, in accordance with section 34(1) of the *Protection of New Plant Varieties Act, 2001*, the date of termination shall be the date of receipt of this Form by the Intellectual Property Office.

Item 3

The date of expiration of the plant breeder's right shall be stated under this Item.

FIRST SCHEDULE – *Cont'd*

Form 7

(Regulation 14)

Request for Cancellation of Registered Variety Denomination

BARBADOS Protection of New Plant Varieties Act (Act 2001 – 17) REQUEST FOR CANCELLATION OF REGISTERED VARIETY DENOMINATION	
<i>(This Form must be made in duplicate)</i>	
REQUEST IS HEREBY MADE that the variety denomination registered as number† be cancelled.	For Official Use File No.: Date of Receipt:
1. Name(s) and address(es) of person(s) making the request:	
2. Nature of the right(s)/interest(s) of person(s) making the request: // entitled to offer for sale or market the variety // holder(s) of plant breeder's right // other (please specify)	
3. (a) The grounds for the request are as follows: (b) // A written statement of the grounds for my/our request is attached. (c) // Evidence in support of the grounds for this request is attached.	
4. Name(s) and address(es) of owner(s) of variety:	
I/We declare that to the best of my/our knowledge the information given in this Form is complete and correct. Signature(s)††	
..... (place/date)
..... (place/date)
To: The Registrar Corporate Affairs & Intellectual Property Office	

INSTRUCTIONS

Form No. 7

General

† State the number under which the plant breeder's right has been registered by the Intellectual Property Office.

†† State name (in block letters) under signature(s).

Dates should be written in the year, month, date order (for example 99-01-10).

Item 1

State the name(s) and address(es) of the person(s) making the request.

Item 2

The nature of the right(s) or interest(s) of the person(s) making this request should be stated. If the person making the request is not the holder of the registered right, please state whether the right holder has agreed to the cancellation of the right or has participated in cancellation proceedings.

Item 3

Details of the ground(s) relied on for making this request should be stated. Alternatively, if a statement or evidence of the grounds is attached, please state. Please refer to section 30 of the *Protection of New Plant Varieties Act, 2001*.

Item 4

The name(s) and address(es) of the owner(s) of the variety should be stated, if different from Item 1.

FORM 8

(Regulations 18 and 20)

Request for the Registration of a Licence-Contract or Compulsory Licence

BARBADOS Protection of New Plant Varieties Act (Act 2001 - 17) REQUEST FOR THE REGISTRATION OF A LICENCE-CONTRACT OR COMPULSORY LICENCE	
REQUEST IS HEREBY MADE for the registration of a <div style="display: flex; justify-content: space-between;"> // Licence-Contract // Compulsory Licence, </div> the particulars of which are as follows:	For Official Use Date of Receipt:
1. Name(s) and address(es) of person(s) making the request:	
2. Applicant(s)/Rightholder(s) name(s) and address(es):	
3. Number of // application for the grant of a plant breeder's right <div style="text-align: center;">// registered plant breeder's right</div>	
4. Document(s) attached: // original or certified copy of licence-contract // office copy of the Order of the Court // other documents relating to the licence	
I/We declare that to the best of my/our knowledge the information given in this Form and in the annex(es) is complete and correct. Signature(s)†† <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p style="text-align: center;">Applicant/Holder</p> <p>.....</p> <p style="text-align: center;">Applicant/Holder</p> </div> <div style="width: 45%; text-align: right;"> <p>..... (Place/date)</p> <p>..... (Place/date)</p> <p>..... (Place/date)</p> <p>..... (Place/date)</p> </div> </div>	
To: The Registrar Corporate Affairs & Intellectual Property Office	

INSTRUCTIONS

Form No. 8

General

This Form must be accompanied by the specified fee.

- † State name (in block letters) under signature(s). This request must be signed both by the person(s) making the request and the applicant(s) or holder(s) of the plant breeder's right.

This Form may be used to request registration of any of the types of licences mentioned in this Form. For the particular legal provisions relevant to each type of licence, please consult Part VI of the *Protection of New Plant Varieties Act, 2001*, particularly sections 35 to 38 and section 40 of the Act.

Dates should be written in the year, month, date order (for example 99-01-10).

Item 1

State the name(s) and address(es) of the person(s) making the request.

Item 2

Delete whichever is not applicable. Where the request is made of an application for a plant breeder's right, state the name(s) and address(es) of the applicant(s). Where the request is made in respect of a plant breeder's right, state the name(s) and address(es) of the holder(s) of the right.

Item 3

State either the number which has been allotted to the application for plant breeder's right or the number under which the plant breeder's right has been registered by the Intellectual Property Office.

Item 4

If the request is in respect of a licence-contract, the Form should be accompanied by an original or certified copy of the licence-contract together with all relevant annexes. If the request is in respect of a compulsory licence, the Form should be accompanied by an office copy of the order of the court. The specified fee is payable in respect of both requests.

FIRST SCHEDULE – *Concl'd*

FORM 9

(Regulation 19(1))

Request for Cancellation of Registered Licence of Right

BARBADOS Protection of New Plant Varieties Act (Act 2001 – 17) REQUEST FOR CANCELLATION OF REGISTERED LICENCE OF RIGHT	
REQUEST IS HEREBY MADE that entry number† in the register be cancelled. 1. Name(s) and address(es) of person(s) making the request:	For Official Use File No.: Date of Receipt:
2. Number of // registered plant breeder's right // application for plant breeder's right	
3. (a) The grounds for the request are as follows: (b) // A written statement of the grounds for my/our request is attached (c) // Evidence in support of the grounds for the request is attached 4. Name(s) and address(es) of beneficiary(ies) and whether or not they have agreed to the cancellation of the entry. // Evidence of agreement is attached	
I/We declare that to the best of my/our knowledge the information given in this Form and in the annex(es) is complete and correct. Signature(s)†† <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> </div> <div style="width: 45%; text-align: center;"> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"></div> <div style="width: 45%; text-align: center;"> (Place/date) (Place/date) </div> </div>	
To: The Registrar Corporate Affairs & Intellectual Property Office	

INSTRUCTIONS

Form No. 9

General

This Form must be accompanied by the specified fee.

† State the number of the entry in the register of plant breeder's right which is to be cancelled.

†† State name (in block letters) under signature(s).

Dates should be written in the year, month, date order (for example 99-01-10).

Please refer to section 39 of the *Protection of New Plant Varieties Act, 2001* and regulation 19 of the *Protection of New Plant Varieties Regulations, 2001* before completing this Form.

Item 1

State the name(s) and address(es) of the person(s) making this request. Where the request is made in respect of an application for a plant breeder's right, state the name(s) and address(es) of the applicant(s). Where the request is made in respect of a plant breeder's right, state the name(s) and address(es) of the holder(s) of the right.

Item 2

State the number which has been allotted to the application for the plant breeder's right or under which the plant breeder's right has been registered by the Intellectual Property Office.

Item 3

Details of the ground(s) relied on for making this request should be stated. Alternatively, if a statement or evidence of the grounds is attached, please state.

Item 4

If the person making the request is not the holder of the plant breeder's right, please signify the name(s) and address(es) of each beneficiary and whether or not they have agreed to this request. The Director may request evidence of agreement. If so, please state whether such evidence is attached.

SECOND SCHEDULE

(Regulations 2 and 30)

FEEES

(Regulations 2 and 30)

Matter	Amount of Fee \$
1. Filing of application for grant of plant breeder's right	1,000.00
2. Filing of proposal for a Variety Denomination	150.00
3. Filing of request for registration of assignment or transfer	150.00
4. Filing of Declaration of Surrender	150.00
5. Renewal of protection	
1st year	No fee
2nd year - 5th year	150.00 per year
6th year - 10th year	500.00 per year
11th year - 25th year	1,000.00 per year
6. Testing for distinctiveness, conformity and stability	500.00 plus the Amount payable to The Testing Authority
7. Filing of request for cancellation of registered variety denomination	150.00
8. Registration of a licence-contract and grant of a compulsory licence	150.00
9. Examination of register	40.00
10. Provision of certified copies/extracts from register	5.00 per page plus 50.00 certification
11. Filing of request for cancellation of Registered Licence of Right	150.00

Made by the Minister this 22nd day of November, 2001.

REGINALD FARLEY

Minister responsible for the Protection of New Plant Varieties.