

REGULATIONS¹

MADE BY THE MINISTER UNDER SECTION 46 OF THE PROTECTION OF NEW PLANT
VARIETIES ACT, 1997

THE PROTECTION OF NEW PLANT VARIETIES REGULATIONS, 2000

Citation

1. These Regulations may be cited as the Protection of New Plant Varieties Regulations, 2000.

Interpretation of Act, No. 7 of 1997

2. In these Regulations, “the Act” means the Protection of New Plant Varieties Act, 1997.

Fees, First Schedule

3. The fees to be paid in respect of matters arising under the Act or these Regulations shall be those specified in the First Schedule.

Forms, Second Schedule

4. (1) The Forms referred to in these Regulations shall be those set out in the Second Schedule.
(2) A requirement under these Regulations to use a Form is satisfied by the use of a replica of that Form or of a Form which is acceptable to the Controller and contains the information required by the Form set out in the Second Schedule.

Agency

5. (1) The appointment of a agent or representative under section 12 of the Act shall be by an authorisation of agent which shall be signed by the applicant or person making the application or, if there are more than one, by each applicant or person making the application.
(2) The authorisation of agent appointing an agent or representative may be filed together with the application of within two months from the date such application is filed, and if the appointment is not thus made or is not in accordance with section 12 of the Act and subregulation (1), any procedural steps taken by the agent or representative, other than the filing of the application, shall be deemed not to have been taken.

Application for grant

6. (1) An application for the grant of a plant breeder’s right filed pursuant to section 20(1) of the Act shall be made on Form No. 1 and shall be accompanied by the prescribed fee.
(2) A technical questionnaire filed pursuant to section 20(2) of the Act shall be in the form set out as Form No. 2.

Variety denomination

7. A proposal for a variety denomination made pursuant to section 24 of the Act shall be in the form set out as Form No. 2.

¹ Published in Legal Notice No. 298, Legal Supplement Part B – Vol. 39, No. 244 – 5th December, 2000.

Withdrawal of application for grant

8. (1) The withdrawal of an application pursuant to the Act shall be addressed to the Controller in writing and signed by each application, agent or representative.

(2) The application fee shall not be refunded if the application is withdrawn.

Marketing of application for grant

9. (1) Upon receipt, the Controller 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 TT, slant, the letter B, 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 Controller shall also mark their actual date of receipt in the appropriate place on the application.

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

Notification of action for assignment or transfer

10. Where an action is filed under section 11 of the Act the person filing the action shall notify the Controller in writing and upon the furnishing of proof to the satisfaction of the Controller, the Controller shall, immediately upon receipt thereof, defer any decision on the application until the Court has made a final order.

Request for registration of assignment or transfer

11. (1) A request for the registration of an assignment or transfer pursuant to section 13(3) of the Act shall be made on Form No. 4 and shall be accompanied by an original or a certified copy of the document which establishes the assignment or transfer and by the prescribed fee.

(2) Where in the case of a request under subregulation (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 Controller otherwise directs, either upon or with the request, set out the circumstances under which his claim to be the proprietor of the variety is based.

(3) If the Controller so requires the circumstances shall be verified by a statutory declaration made on Form No. 5.

Annual fees

12. (1) The annual fees payable under section 18 of the Act are set out in the First Schedule.

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

(3) Annual fees shall not be refundable.

Renunciations

13. A declaration by the holder of a plant breeder's right of the renunciation of his right pursuant to section 19(1) of the Act shall be on Form No. 6.

Request for annulment

14. (1) A request for an annulment of a plant breeder's right filed pursuant to section 19(3) of the Act shall be on Form No. 7 and shall include a full statement of the grounds upon which the person making the request relies and be accompanied by –

- (a) a duplicate of the request; and
- (b) the prescribed fee.

(2) Upon receipt of a request referred to in subregulation (1) the Controller shall forthwith send the duplicate of the request, together with any annexes, to the holder of the plant breeder's right.

(3) The withdrawal, under section 33(4) of the Act, of a request for an annulment shall be addressed to the Controller, in writing.

Declaration of forfeiture

15. (1) Where the Controller declares a plant breeder's right forfeit pursuant to section 19(4) of the Act, the declaration shall be in writing and a duplicate thereof shall forthwith be sent to the holder of the plant breeder's right.

(2) A request for the forfeiture of a plant breeder's right filed pursuant to section 34 of the Act shall be, in duplicate, on Form No. 8 and shall include a statement setting out fully the grounds upon which the person making the request relies.

Cancellation of registered variety denomination

16. A request for the cancellation of a registered variety denomination pursuant to section 28(1) of the Act shall be on Form No. 9 and shall be made in duplicate.

Notification of non-compliance

17. (1) Where any of the requirements under section 30(1) of the Act have not been complied with, the Controller shall notify the applicant, his agent or representative in writing of the non-compliance specifying the actions to be taken to complete the application.

(2) A notice under subregulation (1) shall be sent to the applicant, his agent or representative where possible, 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, his agent or representative does not comply with the notification under subregulation (1), or where, despite the corrections made by the applicant, his agent or representative, the Controller is of the opinion that the requirements under section 30(1) of the Act have still not been complied with he shall reject the application pursuant to section 30(2) of the Act and notify the applicant, his agent or representative in accordance with regulation 19.

Invitations

18. An invitation under section 31(2) of the Act shall –

- (a) be in writing; and
- (b) specify the fee to be paid.

Rejections

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

(2) Where the Controller rejects an application under section 31(8) of the Act, the rejection shall be accompanied by a copy of the examination report, if any, upon which the rejection of the application was based.

Oppositions

20. (1) An opposition to the grant of a plant breeder's right pursuant to section 32(1) of the Act shall be made, in duplicate, on Form No. 10 and shall be accompanied by the prescribed fee.

(2) The Controller shall forthwith send to the applicant for the grant of the plant breeder's right a duplicate of the Form in subregulation (1).

Procedure upon receipt of request for annulment, etc.

21. (1) Upon receipt of any request for annulment or forfeiture or of any opposition, the holder of the plant breeder's right or the applicant, as the case may be, shall, within three months from the receipt of such request or such opposition, file a counter-statement, in duplicate, setting out fully the grounds upon which he contests such request or opposition and the Controller shall send a copy of the counter-statement to the person making the request or to the opponent.

(2) Subject to the provisions of the Act, the Controller may give such directions as he may think fit with regard to the subsequent procedure.

Request for registration of licence contract

22. A request for the registration of a licence contract pursuant to section 39(3) of the Act shall be on Form No. 11 and shall be accompanied by-

- (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 prescribed fee.

Cancellation of registered licence of right

23. (1) A request for the cancellation of a registered licence of right pursuant to section 43(5) of the Act shall be on Form No. 12 and shall state the name of each beneficiary and whether or not they have agreed to the cancellation.

(2) A request under subregulation (1) shall be accompanied by such evidence as the Controller may require.

Request for registration of compulsory licence

24. (1) Any person to whom a compulsory licence has been granted pursuant to section 44 of the Act may, in writing, notify the Controller of the grant of the licence and request on Form No. 11 the registration of such grant in the Register.

(2) A request made pursuant to subregulation (1) shall be accompanied by an office copy of the order of the Court and by the prescribed fee.

Register of Plant Breeder's Rights

25. The Register of Plant Breeder's Rights shall contain, in addition to the matters required under section 47 of the Act, at least the following information-

- (a) the names and addresses of the holders of plant breeder's rights;
- (b) the names and addresses of the agents or representatives, if any for the time being, of the holders of plant breeder's 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 recognised professional association or in any reference collection of plant material accepted by the Controller;

(e) the date upon which and the period for which plant breeder's rights in the plant variety were granted; and

(f) the date upon which such rights expired or were otherwise terminated or declared null and void, as the case may be.

Examination of Register

26. (1) The fee for the examination of the Register under section 48 of the Act shall be set out in the First Schedule.

(2) Subject to the payment of the prescribed fee, the Register shall be made available to the public for examination between the hours of 8.30 a.m. and 3.30 p.m. on any weekday other than Saturdays, Sundays and public holidays.

Requests for copies or extracts from Register

27. Requests made pursuant to section 48 of the Act for copies of, or for extracts from the information contained in the Register, shall be made to the Controller in writing and shall be subject to payment of the prescribed fee.

Address for service

28. (1) There shall be furnished to the Controller-

(a) by every applicant for the grant of a plant breeder's right; and

(b) by every person (including the applicant for, or the owner of the plant breeder's rights, as the case may be) concerned in any proceedings to which the Act or these Regulations relate,

an address for service in Trinidad and Tobago and the address so furnished or, where another address (being an address in Trinidad and Tobago) 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, as the case may be, of that person.

(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 or persons who appointed the attorney-at-law shall be transmitted.

Excluded days

29. When the last day for doing any act or taking proceedings falls on a day when the office is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the office is next open for business.

Service by mail

30. (1) Any notice, request or other document sent to the Controller by mail shall be deemed to have been given, mailed or filed at the time when it would be delivered in the ordinary course of the mail and in providing such sending, it shall be sufficient to prove that the letter containing such notice, request or other document was properly addressed and sent by registered mail.

(2) Subregulation (1) does not apply to the accordance of a filing date.

Extension of time limits

31. 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 17(2), may be extended by the Controller if he thinks fit, upon such notice to the parties and 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.

Amendment of documents and correction of irregularities

32. Any application, notice, request or other document required by these Regulations may be amended and any irregularity in procedure may be excused by the Controller, upon receipt of a request in writing or on his own initiative and upon such terms as he may direct, if in the opinion of the Controller such amendment or correction would be without detriment to the interest of any other person.

Dispensation by Controller

33. 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 Controller 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 Controller 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.

Publication

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

FIRST SCHEDULE

FEES

<i>Matter</i>	<i>Amount of fee</i>	<i>Form No.</i>
1. Filing of application for grant of plant breeder's right [section 20(1); regulation 6]	\$1,000.00	1
2. Filing of request for registration of assignment or transfer [section 13(3); regulation 11]	\$150.00	4
3. Renewal of protection 1 st year 2 nd year – 5 th year 6 th year – 10 th year 11 th year – 18 th year [section 18; regulation 12]	No fee \$150.00 per year \$500.00 per year \$1000.00 per year	-
4. Filing of request for annulment [sections 19(3) and 33(1); regulation 14]	\$150.00	7
5. Testing for distinctness, conformity and stability [section 31(2)]	\$500.00 plus the amount payable to the Testing Authority	-
6. Filing of opposition [section 32(1); regulation 20]	\$150.00	10
7. Registration of licence contract and grant of compulsory licence [sections 39(3) and 44; regulations 22 and 24]	\$150.00	11
8. Examination of Register [section 48; regulation 26]	\$40.00	-
9. Provision of certified copies/extracts from Register [section 48; regulation 27]	\$5.00 per page plus \$50.00 certification	-

SECOND SCHEDULE

FORMS

(Regulation 4)

[Regulation 6(1)]

Form No. 1.	
Protection of New Plant Varieties Act, 1997	
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
	For Official use
	Application No. Date of Filing:
	Date of Filing of corrections or later documents:
APPLICATION FOR GRANT OF A PLANT BREEDER'S RIGHT (To be accompanied by the prescribed fees) (Note: Please consult the instructions before completing)	
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:	
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	
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	

FORMS

Form No. 1 -Continued		
(b)	The variety was transferred to the applicant(s) by: // contract // succession // other (specify)	
(c)	The variety was bred in: [State(s)]	
6.	Further State(s) applications 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	
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	
9.(a)	The technical examination of the variety // has already been completed // is in progress // will be carried out in (State(s))	

FORMS

Form No. 1 –Continued	
<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 any UPOV member State all necessary information and material related to the variety, provided that the rights of the applicant(s) are safeguard.</p>	
<p>Other forms and documents attached</p> <p>/1/ /2/ /3/ /4/ /5/</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>.....</p> <p style="text-align: center;">(Applicant/ Agent/Representative)</p> <p>.....</p> <p style="text-align: center;">(Applicant/ Agent/Representative)</p>	<p>.....</p> <p style="text-align: center;">Date/place</p> <p>.....</p> <p style="text-align: center;">Date/place</p>

INSTRUCTIONS

FORM No. 1

Item 1(a)

State the full name and address (including the country/State) of the applicant whether a natural person or a firm. Where there is more than one applicant, state the names and addresses 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 a person, 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 their registered office.

Residence shall be indicated by the name of the State under whose laws they have been constituted and their registered office.

Item 2

This must be an address in Trinidad and Tobago and must be sufficiently complete to ensure delivery by post. Telephone and fax numbers would also be appreciated. If there is no address in Trinidad and Tobago an address for service must be given. Please refer to regulation 28 of the Protection of New Plant Varieties Regulations, 2000.

Where one joint applicant has been authorised to act for the other joint applicants 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 authorised 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, species subspecies) should be stated together with the common name.

Item 4

The variety must be filed in each member State 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(a)

Mark the first box with a cross if the applicant(s) are the breeders of the variety. Mark the second box with a cross if the applicant(s) is/are not the breeder(s) of the variety and/or if a third person(s) is/are the breeder(s) of the variety. State the name(s) and address(es) of the breeder(s) on a separate page, if necessary and if not stated under Item 2.

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, including those filed in States that are not members of the International Union for the Protection of New Varieties of Plants (UPOV).

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, plant patents 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 twelve months from the date of filing of the earliest application duly filed for the same variety either by the applicant himself or his 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/ Authorisation of agent/representative
- /4/ Under section 21 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 three months of the date of filing this application. Mark a cross in box 4 if that copy is attached.

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

General

- * 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 authorisation of agent exists.

Please refer to section 20 and 21 of the Protection of New Plant Varieties Act, 1997, before completing this Form.

SECOND SCHEDULE – Continued

FORMS

(Regulation 6(2))

Form No. 2 –Continued						
Protection of New Plant Varieties Act, 1997						
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO						
		For Official use:				
		Application No.:				
		Date of Filing:				
TECHNICAL QUESTIONNAIRE (To be completed together with an application for the grant of a plant breeder's right)						
1.	Species:					
2.	Applicant(s) name(s) and address(es):					
3.	Proposed denomination or breeder's reference:					
4.	Information on origin, maintenance and reproduction of the variety:					
5.	Characteristics of this variety (the number in brackets refers the corresponding characteristics in the Test guidelines). Please mark the state of expression which best corresponds. <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">Characteristics</td> <td style="width: 33%;">Example Variety</td> <td style="width: 33%;">Note</td> </tr> </table>	Characteristics	Example Variety	Note		
Characteristics	Example Variety	Note				
6.	Similar varieties and differences from these varieties: <table border="0" style="width: 100%;"> <tr> <td style="width: 25%;">Denomination of similar</td> <td style="width: 25%;">Characteristics in which the similar variety is different*</td> <td style="width: 25%;">State of expression of similar variety</td> <td style="width: 25%;">State of expression of candidate variety</td> </tr> </table>	Denomination of similar	Characteristics in which the similar variety is different*	State of expression of similar variety	State of expression of candidate variety	
Denomination of similar	Characteristics in which the similar variety is different*	State of expression of similar variety	State of expression of candidate variety			
*In case of the identical states of expression of both varieties, please indicate the size of the difference.						

SECOND SCHEDULE – Continued

FORMS

(Regulation 6(2))

Form No. 2 –Continued	
7.	Additional information which may help to distinguish the variety.
7.1	Resistance to pests and disease (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 examples 99-01-10).

Please consult section 20 of the Protection of New Plant Varieties Act, 1997, before filing 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, species, 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 member State under the same denomination. Accents may not be deleted from a variety denomination. Please state the breeder's reference.

SECOND SCHEDULE – Continued

FORMS

(Regulation 7)

Form No. 3									
Protection of New Plant Varieties Act, 1997									
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO									
	For Official use:								
	Application No.:								
	Date of Receipt:								
<p>PROPOSAL FOR A VARIETY DENOMINATION (Note: Please consult the instructions before completing)</p>									
<p>1.(a) This proposal refers to the variety filed under application number:</p> <p>(b) Initially proposed denomination or breeder's reference:</p>									
<p>2.(a) Proposer(s) name(s) and address(es):</p> <p>(b) Address to which correspondence is to be sent:</p> <p>(c) This is the address // of the proposer // of one of the proposers // of the agent/representative (authorization of agent from attached // for service)</p>									
3. Species and crop:									
4. Proposed denomination (in block letters):									
<p>5. Denomination submitted or registered in other member States of UPOV:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 25%;">State</th> <th style="text-align: left; width: 25%;">Stage</th> <th style="text-align: left; width: 50%;">Denomination (if different from (Item 3 above))</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	State	Stage	Denomination (if different from (Item 3 above))						
State	Stage	Denomination (if different from (Item 3 above))							
<p>6. // The proposed denomination has been filed or registered for the proposer(s) as a trademark in the State of application, in a UPOV member State 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.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 33%;">State and/or WIPO</th> <th style="text-align: left; width: 33%;">Date of application</th> <th style="text-align: left; width: 33%;">Date of registration</th> <th style="text-align: left; width: 33%;">Registration Number</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	State and/or WIPO	Date of application	Date of registration	Registration Number					
State and/or WIPO	Date of application	Date of registration	Registration Number						

SECOND SCHEDULE – Continued

FORMS

(Regulation 7)

Form No. 3	
7. Trademark renunciation in according with section 26 of the Protection of New Plant Varieties Act, 1997	
<p>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.</p> <p>Signature(s)*</p> <p>.....</p> <p>(Applicant/ Agent/Representative*</p> <p>.....</p> <p>(Applicant/ Agent/Representative*</p> <p>.....</p> <p>Date/place</p> <p>.....</p> <p>Date/place</p>	

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.

“UPOV” means the International Union for the Protection of New Varieties of Plants.

*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 authorisation of agent exists.

Please refer to section 24 of the Protection of New Plant Varieties Act, 1997, before completing this Form.

Item 1

Where this Form is filed simultaneously with the application for the 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 the application for 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 rights, 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 member State 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 is rejected

C- denomination withdrawn

D- denomination accepted

SECOND SCHEDULE – Continued

FORMS

(Regulation 11(1))

Form No. 4	
Protection of New Plant Varieties Act, 1997	
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
	For Official use
	File No.:
	Date of filing:
REQUEST FOR REGISTRATION OF AN ASSIGNMENT OR TRANSFER (to 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 prescribed fee)	
REQUEST IS HEREBY MADE for the registration of the assignment or transfer of: // grant of a plant breeder's right application number* // plant breeder's right registration number*	
1. Name(s) and address(es) of person(s) making the request:	
2.(a) The application/right was assigned/transferred by/to the person(s) making this request by: // contract // court // succession // other 2.(b) State particulars of contract, etc.	
3. Name(s) and address(es) of assignor(s):	
4. Name(s) and address(es) of assignee(s):	
5. My/Our address for service in Trinidad and Tobago is:	
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)** Date/place Date/place	
To: The Controller, Intellectual Property Office Ministry of the Attorney General and Legal Affairs, Port-of-Spain	

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

Please refer to sections 9 to 11 and to section 13 of the Protection of New Plant Varieties Act, 1997, 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) or the 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 favor the assignment or transfer was made, if different from item 1.

Item 5

Please refer to regulation 28 of the Protection of New Plant Varieties Regulations, 2000.

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 11(2) of the Protection of New Plant Varieties Regulations, 2000.

Form No. 5	
Protection of New Plant Varieties Act, 1997	
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
	For Official use
	Date of filing:
<p style="text-align: center;">DECLARATION</p> <p>(To be accompanied by a statement of claim to ownership of the variety)</p> <p>I/We</p> <p style="text-align: center;">of</p> <p>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*.</p> <p>And I/We make this solemn declaration conscientiously believing the same to be true and according to the Statutory Declarations Act, Chap. 7:04 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 fine and imprisonment.</p> <p>Declared at</p> <p>By the above named **</p> <p>The above named</p> <p>This Day of, 20 ***</p>	
To: The Controller, Intellectual Property Office Ministry of the Attorney General and Legal Affairs, Port-of-Spain	
<p>INSTRUCTIONS</p> <p>* Delete whichever is not applicable</p> <p>** This declaration may be made and, if made, must be signed by the person(s) making the request in Form No. 4.</p> <p>*** If made in Trinidad and Tobago this declaration must be made before a Commissioners of Affidavit, Notary Public, Justice of the Peace or other officer authorised in law to administer an oath for the purpose of legal proceedings. If made outside of Trinidad and Tobago it must be made before a Trinidad and Tobago Consul or Notary Public.</p>	

Form No. 6		
Protection of New Plant Varieties Act, 1997		
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO		
		For Official use
		Date of receipt:
DECLARATION OF RENUNCIATION (IN MATTER OF plant breeder's right registration number)		
1.	I/We* of being the holder(s) of the above mentioned plant breeder's right hereby declare that I/we renounce and 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 of my/our knowledge the information given in this Form is complete and correct. Signature(s)*** Date/place Date/place	
To:	The Controller, Intellectual Property Office Ministry of the Attorney General and Legal Affairs, Port-of-Spain	

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 persons 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 19(1) of the Protection of New Plant Varieties Act, 1997, 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.

Form No. 7	
Protection of New Plant Varieties Act, 1997	
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
	For Official use
	File No.:
	Date of Receipt:
REQUEST FOR ANNULMENT OF PLANT BREEDER'S RIGHT (To be accompanied by a duplicate and the prescribed fee)	
REQUEST IS HEREBY MADE that plant breeder's right registration number* be declared null and void.	
1. The right // is subsisting // has expired.	
2. Name(s) and address(es) of person(s) making the request	
3. Name(s) and address(es) of // rightholder(s) // former rightholder(s)	
4.(a) The ground(s) for the request is/are as follows: (b) // A written statement of the ground(s) for my/our request is attached.	
5. My/Our address for service in Trinidad and Tobago is:	
I/We declare that to the of my/our knowledge the information given in this Form is complete and correct. Signature(s)** Date/place Date/place	
To: The Controller, Intellectual Property Office Ministry of the Attorney General and Legal Affairs, Port-of-Spain	

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).

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

Item 1

State whether to the best of your knowledge the plant breeder's right is subsisting or has expired. If expired, state also the date of expiration, if known.

Item 2

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

Item 3

Where the right is subsisting state the name(s) and address(es) of the rightholder(s). Where the right is expired the name(s) and address(es) of the former rightholder(s) should be stated.

Item 4

Details of the ground(s) relied on for making this request should be stated under this Item. Alternatively, if a statement of the grounds is attached, please state. Please refer to sections 19 and 33 of the Protection of New Plant Varieties Act, 1997.

Item 5

Please refer to regulation 28 of the Protection of New Plant Varieties Regulations, 2000.

Form No. 8	
Protection of New Plant Varieties Act, 1997	
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
	For Official use
	File No.:
	Date of Receipt:
REQUEST FOR FORFEITURE OF PLANT BREEDER'S RIGHT (To be accompanied by a duplicate)	
1. Name(s) and address(es) of person(s) making the request:	
2. Name(s) and address(es) of rightholder(s):	
3.(a) The ground(s) for the request is/are as follows:	
(b) // A written statement of the ground(s) for my/our request is attached.	
4. My/Our address for service in Trinidad and Tobago is:	
I/We declare that to the of my/our knowledge the information given in this Form is complete and correct.	
Signature(s)**	
..... Date/place
..... Date/place
To: The Controller, Intellectual Property Office Ministry of the Attorney General and Legal Affairs, Port-of-Spain	

INSTRUCTIONS

FORM No. 8

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).

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 the request.

Item 2

State the name(s) and address(es) of the rightholder(s).

Item 3

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

Item 4

Please refer to regulation 28 of the Protection of New Plant Varieties Regulations, 2000.

Form No. 9	
Protection of New Plant Varieties Act, 1997	
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
	For Official use
	File No.:
	Date of Receipt:
REQUEST FOR CANCELLATION OF REGISTERED VARIETY DENOMINATION (To be made in duplicate)	
REQUEST IS HEREBY MADE that the variety denomination registered as number* be cancelled.	
1. Name(s) and address(es) of person(s) making this 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 ground(s) for the request is/are as follows: (b) // A written statement of the ground(s) for this request is attached. (c) // Evidence in support of the ground(s) for this request is attached.	
4. Name(s) and address(es) of owner(s) of variety:	
I/We declare that to the of my/our knowledge the information given in this Form is complete and correct. Signature(s)** Date/place Date/place	
To: The Controller, Intellectual Property Office Ministry of the Attorney General and Legal Affairs, Port-of-Spain	

INSTRUCTIONS

FORM No. 9

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).

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 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 ground(s) is attached, please state. Please refer to section 28 of the Protection of New Plant Varieties Act, 1997.

Item 4

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

INSTRUCTIONS

FORM No. 10

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).

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

Please refer to section 32(2) of the Protection of New Plant Varieties Act, 1997, before filling in this Form.

Item 1

State the name(s) and address(es) of the person(s) filing this opposition. State also the particulars of the periodical in which the application for plant breeder's right was published by the Intellectual Property Office.

Item 2

State in detail the grounds on which the application is opposed. Alternatively, attach a statement of the grounds. If evidence in support of the ground(s) is attached, please state.

Item 3

Please refer to regulation 28 of the Protection of New Plant Varieties Regulations, 2000.

Form No. 11	
Protection of New Plant Varieties Act, 1997	
INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
	For Official use
	Date of Receipt:
REQUEST FOR THE REGISTRATION OF A LICENCE CONTRACT OR COMPULSORY LICENCE (To be accompanied by the prescribed fee)	
REQUEST IS HEREBY MADE for the registration of a // Licence Contract // Compulsory Licence the particulars of which are as follows:	
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 // registered plant breeder's right	
4. Document(s) attached: // original or certified copy of licence // office copy of the Order of the Court // other documents relating to the licence	
I/We declare that to the 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) Applicant/Holder (Place/date) Applicant/Holder (Place/date)	
To: The Controller, Intellectual Property Office Ministry of the Attorney General and Legal Affairs, Port-of-Spain	

INSTRUCTIONS

FORM No. 11

General

- * 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 the Form. For the particular legal provisions relevant to each type of licence, please consult Part XIV of the Protection of New Plant Varieties Act, 1997, particularly sections 39 to 42 and section 44 of the Act.

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 the request.

Item 2

Delete whichever is not applicable. 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 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 prescribed fee is payable in respect of both requests.

INSTRUCTIONS

FORM No. 12

General

* 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).

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

Please refer to section 43 of the Protection of New Plant Varieties Act, 1997, and regulation 23 of the Protection of New Plant Varieties Regulations 2000, 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 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 Controller may request evidence of agreement. If so, please state whether such evidence is attached.

Made by the Minister this 24th day of October, 2000.

R.L. MAHARAJ
Attorney General and
Minister of Legal Affairs