

# Applying for Plant Breeders' Rights - A Three Part Process

## Part One – Filing an Application

Persons interested in protecting a new plant variety under Plant Breeders' Rights must first complete an application form. The effective date of an application is the date the completed application form, application fee and supporting documentation are received by the Office. Original copies of the application form and supporting documentation are required, but facsimiles are acceptable to establish a filing date.

### Instructions for filing a Plant Breeders' Rights application

- Plant Breeders' Rights - Application for Filing Purposes
- Plant Breeders' Rights Fee Payment Form
- Seed Sample Requirements (vegetatively propagated crops are exempt from this requirement)
- Authorization of Agent form (where applicable)
- Legal Representative Statement/Assignment before the issue of PBR form (where applicable)

## Part Two – Examination

To proceed to examination a request for site examination form must be submitted with the appropriate fee. The examination of an application determines whether the candidate variety meets the requirements for distinctness, uniformity and stability (DUS).

- Guidelines for Conducting Plant Breeders' Rights Comparative Tests and Trials
- Purchasing foreign test results in lieu of conducting tests and trials in Canada
  - Plant Breeders' Rights - Request for Site Examination Form

## Part Three – Grant of Rights

The Office will notify the applicant when the variety is eligible for grant of rights and will require that a confirmation of grant of rights information form be completed at that time. A variety will be eligible for grant of rights after the examination process has been completed and all of the criteria for Plant Breeders' Rights have been met.

- Part Three Confirmation of Grant of Rights Information
- Assignment of Plant Breeders' Rights form (to be used after the variety has been granted)

rights in Canada, where applicable)