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PLANT VARIETIES PROTECTION ACT
(CHAPTER 232A)

PLANT VARIETIES PROTECTION
(AMENDMENT) RULES 2014

In exercise of the powers conferred by section 54 of the Plant Varieties Protection Act, the Minister for Law hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Plant Varieties Protection (Amendment) Rules 2014 and shall come into operation on 30th July 2014.

Amendment of rule 2

2. Rule 2 of the Plant Varieties Protection Rules (R 1) (referred to in these Rules as the principal Rules) is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) In these Rules, unless the context otherwise requires, “Plant Varieties Protection Journal” means the journal by that name published under rule 78.”.

Deletion and substitution of rule 3

3. Rule 3 of the principal Rules is deleted and the following rule substituted therefor:

“Fees

3.—(1) The fees specified in the Second Schedule shall be payable to the Registrar in respect of the matters specified in the Schedule.

(2) Unless otherwise provided for in the Act or these Rules, or the Registrar permits or directs otherwise in any particular case —

- (a) any fee specified in the Second Schedule in respect of a matter shall be paid at the same time as —
 - (i) the filing of the form for that matter; or
 - (ii) if no form is prescribed for the matter, the request for the matter is made; and
- (b) if the fee is not paid, the form or request shall not be treated as filed or made (as the case may be).”.

Amendment of rule 9

4. Rule 9(4) of the principal Rules is amended —

- (a) by inserting, immediately after the words “is filed on” in sub-paragraph (a), the words “Form PVP 3 or”;
- (b) by deleting the word “and” at the end of sub-paragraph (a); and
- (c) by deleting the full-stop at the end of sub-paragraph (b) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(c) where the address for service is filed on Form PVP 11, the filing of the address for service shall be effective for the purposes of —

- (i) the payment of the annual fee and submission of information under section 24(3) of the Act for each anniversary of the date of the grant of protection for the plant variety in relation to which that form is filed; and
- (ii) any related proceedings.”.

Amendment of rule 15

5. Rule 15(1) of the principal Rules is amended by deleting the word “registration” and substituting the words “a grant of protection”.

Amendment of rule 29

6. Rule 29(1) of the principal Rules is amended by deleting the words “an officer of a prescribed examination authority” and substituting the words “an Examiner or officer thereof”.

Amendment of rule 34

7. Rule 34 of the principal Rules is amended —

- (a) by deleting the words “together with the appropriate fee specified in the Third Schedule” in paragraph (1);
- (b) by deleting the words “a local prescribed examination authority” in paragraph (2) and substituting the words “an Examiner”; and
- (c) by inserting, immediately after paragraph (2), the following paragraph:

“(3) The applicant shall pay to the Examiner such charges as the Examiner may reasonably require in respect of the applicant’s request for examination.”.

Amendment of rule 35

8. Rule 35 of the principal Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraphs:

“(1) The applicant shall submit to the Examiner which receives a request for examination under rule 34(2), at the address specified by that Examiner, propagating material, descriptions, drawings or photographs of the plant variety in respect of which the examination is to be conducted, or any other material or document that is necessary for conducting an examination.

(1A) The submission to an Examiner under paragraph (1) must be made —

- (a) in any case where that Examiner is in Singapore, within one month after any written request of that Examiner; or
 - (b) in any other case, within 3 months after any written request of that Examiner.”;
- (b) by deleting the words “local prescribed examination authority” wherever they appear in paragraphs (2), (4), (7) and (9) and the rule heading and substituting in each case the word “Examiner”;
 - (c) by deleting the word “registration” in paragraph (2)(b) and substituting the words “a grant of protection”; and