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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

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- (d) by deleting the words “local prescribed examination authority’s” in paragraphs (4)(a) and (6) and substituting in each case the word “Examiner’s”.

Amendment of rule 36

9. Rule 36 of the principal Rules is amended —

- (a) by deleting the words “a prescribed examination authority” in paragraph (1) and substituting the words “an Examiner”;
- (b) by deleting the words “together with the fee specified in item 5 of the Third Schedule” in paragraph (1);
- (c) by deleting the words “prescribed examination authority” in paragraph (3) and substituting the word “Examiner”;
- (d) by deleting paragraph (4) and substituting the following paragraph:

“(4) The Registrar shall —

- (a) consider any corresponding examination report received under paragraph (2) or (3); or
- (b) forward the corresponding examination report to an Examiner appointed by the Registrar for the purposes of this paragraph, for consideration by the Examiner for the purposes of the examination report issued under rule 37.”; and
- (e) by deleting the words “a local prescribed examination authority” in paragraph (6) and substituting the words “the Registrar in Form PVP 9”.

Amendment of rule 37

10. Rule 37 of the principal Rules is amended by deleting the words “local prescribed examination authority” and substituting the word “Examiner”.

Amendment of rule 38

11. Rule 38 of the principal Rules is amended —

- (a) by deleting the words “local prescribed examination authority” in paragraph (1) and substituting the words “Examiner referred to in rule 35 or 36(4)”; and

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- (b) by deleting the words “local prescribed examination authority” in paragraph (2) and substituting the word “Examiner”.

Deletion and substitution of rule 41

12. Rule 41 of the principal Rules is deleted and the following rule substituted therefor:

“Plant genera and species exempt from rights of grantee under section 31(2) of Act

41. All plant genera and species are prescribed under section 31(2) of the Act as exempt from the rights of a grantee.”.

Amendment of rule 54

13. Rule 54 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) A notice under paragraph (1) shall have no effect unless the grantee certifies in that notice that every other person having a right in the protected variety concerned (if any) —

(a) has been given not less than 3 months’ notice of the grantee’s intention to renounce the grant of protection; and

(b) is not affected by or consents to the renunciation.”.

Amendment of rule 66

14. Rule 66 of the principal Rules is amended —

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

“(1) The Registrar may upon receiving a request in Form PVP 15 extend, by such period and upon such terms as the Registrar considers fit, any period of time —

(a) prescribed by these Rules; or

(b) specified by the Registrar for doing any act or taking any proceedings.”; and

(b) by deleting “35(1)” in paragraph (6)(a) and substituting “35(1A)”.

Amendment of rule 70

15. Rule 70 of the principal Rules is amended —

- (a) by inserting, immediately after the words “Registrar may” in paragraph (1), the words “issue practice directions to”; and
- (b) by deleting paragraph (2).

Deletion of rule 75

16. Rule 75 of the principal Rules is deleted.

Deletion of First Schedule

17. The First Schedule to the principal Rules is deleted.

Amendment of Second Schedule

18. The Second Schedule to the principal Rules is amended —

- (a) by deleting “(2)” in the Schedule reference and substituting “(2)(a)”;
- (b) by deleting the item relating to Form PVP 3 and substituting the following item:

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PVP 3	Application for grant of protection under section 13 of the Act	Rules 9(4)(a) and 11(1)	\$1,600
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”;

- (c) by deleting the items relating to Forms PVP 9, PVP 10 and PVP 11 and substituting the following items:

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PVP 9	Request for examination by Examiner under section 17 of the Act	Rules 34(1) and 36(6)	\$20
PVP 10	(a) Request to submit examination report by an Examiner in any UPOV member other than Singapore	Rule 36(1)	\$20
	(b) Request to rely on examination report by an Examiner in any UPOV member other than Singapore		\$570

PVP 11	Payment of annual fee and submission of information under section 24(3) of the Act	Rules 9(4)(c), 47(2) and 49(1)	\$100
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”;

(d) by deleting the item relating to Form PVP 15 and substituting the following item:

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PVP 15	Request for an extension of time	Rules 19(3), 21(4), 48(1), 51(3) and 66(1)	\$30
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”; and

(e) by deleting the item relating to “Inspection of register under section 40(2) of the Act and obtaining of copies of documents and computer print-outs under section 40(4) of the Act” and substituting the following item:

“

—	Inspection of register under section 40(2) of the Act, for each search per file	Rule 80	\$6.
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Deletion of Third and Fourth Schedules

19. The Third and Fourth Schedules to the principal Rules are deleted.

[G.N. No. S 742/2013]

Made this 29th day of July 2014.

BEH SWAN GIN
*Permanent Secretary,
 Ministry of Law,
 Singapore.*

[LAW 06/011/055 Vol. 2; AG/LLRD/SL/232A/2012/1 Vol. 1]