PLANT VARIETIES PROTECTION ACT (CHAPTER 232A, SECTION 54)

PLANT VARIETIES PROTECTION RULES

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[1st July 2004]

PART I

PRELIMINARY

Citation

1. These Rules may be cited as the Plant Varieties Protection Rules.

Definitions

2.—(1) In these Rules, unless the context otherwise requires —

"electronic online system" means the electronic online system established under rule 68A;

"Plant Varieties Protection Journal" means the journal by that name published under rule 78.

[S 401/2022 wef 26/05/2022]

(2) Unless the context otherwise requires, the word "month", wherever it occurs in any decision, direction or other document issued by the Registrar, means calendar month.

(3) Any period of time fixed by these Rules or by any decision, direction or other document for the doing of any act shall be reckoned in accordance with paragraphs (4) and (5).

(4) Where the act is required to be done within a specified period from or after a specified date, the specified period begins immediately after that date.

(5) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

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).

(3) Subject to paragraph (4), a fee must be paid using the mode of payment permitted or directed by the Registrar.

[S 401/2022 wef 26/05/2022]

(4) Where the electronic online system is used to carry out an act mentioned in rule 68A, the fee payable in connection with that act must, unless otherwise permitted or directed by the Registrar, be paid using the mode of payment designated by the electronic online system.

[S 401/2022 wef 26/05/2022]

[S 504/2014 wef 30/07/2014]

Forms

4.—(1) The Registrar shall publish in the Plant Varieties Protection Journal —

(*a*) the forms to be used for any purpose relating to the making of a grant of protection or any other proceedings before the Registrar under the Act;

(*b*) the Registrar's directions relating to the use of any form; and

(*c*) any amendment or modification of any such form or direction.

(2) The Registrar may modify any form in any particular case or class of cases.

[S 437/2020 wef 05/06/2020]

(3) Any reference in these Rules to a numbered form shall be construed as a reference to the current version of the form bearing the corresponding number which is published in the Plant Varieties Protection Journal.

Filing of documents

5.—(1) The Registrar may refuse to accept or process any document filed at the Registry that fails to comply with the Act or these Rules.

(2) Every document filed at the Registry shall —

(*a*) be in English or where the document is not in English, be accompanied by an English translation of the document in accordance with rule 79; and

[S 437/2020 wef 05/06/2020]

(*b*) be filed in accordance with the requirements relating to its size, durability, legibility or format specified in any practice direction issued by the Registrar.

[S 437/2020 wef 05/06/2020]

(*c*) [*Deleted by S 437/2020 wef 05/06/2020*]

(3) Where the Registrar refuses to accept any document that does not comply with paragraph (2), the Registrar must give the person that filed the document a notice stating the manner in which the document does not comply with that paragraph.

[S 437/2020 wef 05/06/2020]

(4) Where any document filed at the Registry is a copy, the Registrar may —

(*a*) decide whether to accept or process the document; and

(*b*) require the original to be filed with the Registry.

(5) The Registrar may require the filing of a hard copy of any document filed using the electronic online system.

[S 401/2022 wef 26/05/2022]

Signature on documents

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

(*a*) all the partners;

(*b*) any partner stating that he signs on behalf of the partnership; or

(*c*) any other person who satisfies the Registrar that he is authorised to sign the document on behalf of the partnership.

(2) A document to be signed for or on behalf of a body corporate shall be signed by a director, the company secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorised to sign the document on behalf of the body corporate.

(3) A document to be signed for or on behalf of an unincorporated body or association of persons may be signed by any person who appears to the Registrar to be qualified to so sign.

(4) In this rule, "document" means any document to be given or sent to, filed with or served on the Registrar in any manner in respect of any matter under the Act or these Rules.

Service of documents

7.—(1) Where the Act or these Rules authorise or require any document to be given or sent to, filed with or served on the Registrar, the giving, sending, filing or service must be effected on the Registrar by sending an electronic communication of the document using the electronic online system.

[S 401/2022 wef 26/05/2022]

(2) Where the Act or these Rules authorise or require a party to give or send a document to, or serve a document on, another party (other than the Registrar), the giving, sending or service may be effected —

(*a*) by post;

(*b*) by hand;

(*c*) by courier;

[S 401/2022 wef 26/05/2022]

(*ca*) by sending an electronic communication using the electronic online system; or

[S 401/2022 wef 26/05/2022]

(*d*) subject to paragraph (5), by sending an electronic communication of the document by any other electronic means.

[S 401/2022 wef 26/05/2022]

(3) Where the Act or these Rules authorise or require any notice or other document to be given or sent to or served on any party by the Registrar, the Registrar may send the notice or other document to that party —

(*a*) by post;

(*b*) by hand;

(*c*) by courier; or

(*d*) by sending an electronic communication of the notice or other document using the electronic online system or, subject to paragraph (5), by any other electronic means.

[S 401/2022 wef 26/05/2022]

(4) Subject to paragraph (5), the Registrar may, in a particular case, permit the giving, sending, filing or serving of a document in a manner other than provided by paragraph (1) or (2).

(5) However, the use of electronic means under paragraph (2)(*d*), (3)(*d*) or (4) must be with the consent (express or implied) of —

(*a*) the party; or

(*b*) the Registrar,

to whom the notice or other document is being given or sent, filed with or served by those means.

(6) Where any notice or other document is sent by post under paragraph (2) or (3), the giving, sending or serving (as the case may be) of the notice or document is treated (until the contrary is proved) as occurring at the time at which the notice or document would have been delivered in the ordinary course of post.

(7) For the purposes of paragraphs (2) and (3), a notice or other document is sent to a party by post if the notice or other document is sent by prepaid post to the party at the party's address for service mentioned in rule 9.

(8) Despite the availability of an address for service provided under rule 9, where any document is given or sent to, filed with or served on a person by sending an electronic communication in the manner permitted by paragraph (2)(*ca*) or (*d*), (3)(*d*) or (4), that document is

taken to have been duly given or sent to, filed with or served on the person.

[S 401/2022 wef 26/05/2022]

(9) Service of any notice or other document under the Act or these Rules on a person by electronic communication using the electronic online system may be effected only if the person is registered as an account holder in accordance with any practice directions issued by the Registrar under rule 68A(5).

[S 401/2022 wef 26/05/2022]

(10) A notice or other document sent, filed or served by means of an electronic communication (other than the electronic online system) is treated as sent, filed or served —

(*a*) if the time and the day the electronic communication becomes capable of being retrieved by the person to whom the notice or document is sent, filed or served does not fall on an excluded day for the business of sending, filing or serving the notice or document — at that time and on that day; or

(*b*) if that time falls on such excluded day — on the next following day that is not such excluded day.

[S 401/2022 wef 26/05/2022]

(11) A notice or other document that is —

(*a*) transmitted to the Registrar or a party by means of the electronic online system; and

(*b*) received, by the server of that system set up to receive such transmissions, at any time before midnight on any day,

is treated as sent to, filed with or served on, and received by, the Registrar or the party —

(*c*) if that day is not an excluded day for the business of sending to, filing with or serving on the Registrar or the party the notice or document by means of that system — at that time and on that day; or

(*d*) if that day is such excluded day — on the next following day that is not such excluded day.

[S 401/2022 wef 26/05/2022]

(12) For the purposes of paragraph (11), the notice or other document is treated as sent to, filed with or served on, and received by, the Registrar or the party if and only if the last byte of the transmission containing the notice or document is received by the server mentioned in that paragraph.

[S 401/2022 wef 26/05/2022]

(13) Any person who sends, files or serves a notice or other document by means of the electronic online system may produce a record of transmission issued through that system as evidence of —

(*a*) the sending, filing or service of that notice or document; and

(*b*) the date and time when the sending, filing or service took place.

[S 401/2022 wef 26/05/2022]

(14) This rule does not apply to notices and documents to be served in proceedings in court.

[S 401/2022 wef 26/05/2022]

[S 437/2020 wef 05/06/2020]

Furnishing of address

8.—(1) Where the Act or these Rules require that an address be furnished, the address furnished shall be as full as possible for the purpose of enabling any person to easily find the place indicated by the address.

[S 689/2021 wef 01/10/2021]

(2) The Registrar may require the address to include the name of the street, the number of the block of building, the number of the premises or name of premises, if any, and the postal code.

Address for service

9.—(1) For the purposes of any proceedings before the Registrar, an address for service in Singapore shall be filed in accordance with paragraph (2) or (5) by or on behalf of —

(*a*) every applicant in respect of an application for a grant of protection;

(*b*) every person objecting to the making of a grant of protection or the registration of a proposed denomination;

(*c*) every applicant applying to the Registrar for the rectification of the register under section 41 of the Act;

(*d*) every grantee in respect of a protected plant variety which is the subject of the grant of protection to the Registrar for the renunciation of the grant of protection or the rectification of the register under section 41 of the Act; and

(*e*) every other party to any proceedings before the Registrar.

(2) Where a form is required to be filed under these Rules for any matter in relation to the proceedings, being a form which requires the furnishing of an address for service, the address for service shall be filed on that form.

(3) The filing of an address for service in accordance with paragraph (2) shall be effective only for the matter for which the form is filed.

(4) Notwithstanding paragraph (3) —

(*a*) where the address for service is filed on Form PVP 3 or Form PVP 12, the filing of the address for service shall be effective for the purposes of all proceedings in respect of the plant variety in relation to which that form is filed;

[S 504/2014 wef 30/07/2014]

(*b*) where the address for service is filed on Form PVP 6, the filing of the address for service shall be effective for the purposes of the proceedings in relation to which that form is filed and any related proceedings; and

[S 504/2014 wef 30/07/2014]

(*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.

[S 504/2014 wef 30/07/2014]

(5) In a case where paragraph (2) or (4) does not apply, the address for service shall be filed on Form PVP 1.

(6) Where an address for service is not filed by or on behalf of a person as required by paragraph (1), and no address for service is effective for the purposes of any of the proceedings mentioned in paragraph (4), the Registrar may, subject to paragraph (6A), treat the person's trade or business address in Singapore as that person's address for service for the purposes of those proceedings.

[S 401/2022 wef 26/05/2022]

(6A) Where the trade or business address of the person is not known to the Registrar, the Registrar may send to the person, at an alternative address of the person, a notice to furnish an address for service for the purposes of those proceedings, within 2 months after the date of the notice.

[S 401/2022 wef 26/05/2022]

(6B) Where the Registrar does not have any alternative address of the person to send the notice under paragraph (6A) or where the Registrar has sent a notice under that paragraph but no address for service is provided within 2 months after the date of the notice —

(*a*) in the case of an applicant mentioned in paragraph (1)(*a*) or (*c*) — the application is treated as withdrawn;

(*b*) in the case of a person mentioned in paragraph (1)(*b*) — the person is treated as having withdrawn from the proceedings in question; and

(*c*) in the case of a grantee mentioned in paragraph (1)(*d*) or a party mentioned in paragraph (1)(*e*) — the grantee or party is not permitted to take part in the proceedings in question.

[S 401/2022 wef 26/05/2022]

(7) An application requesting the Registrar to alter an address for service shall be made on Form PVP 1.

(8) Any thing sent to or served on a person at his address for service shall be taken to have been duly sent to or served on the person.

(9) In paragraphs (6A) and (6B), "alternative address" means —

(*a*) any address (not being an email address) that was previously provided by the person to the Registrar in relation to a matter under these Rules concerning the person that is the same as the matter at hand; or

(*b*) any email address that was previously provided by the person to the Registrar in relation to a matter under these Rules that is the same as the matter at hand, where the person had given prior consent for that email address to be used for correspondence with the person for such matter.

[S 401/2022 wef 26/05/2022]

Procedural representatives

10.—(1) A breeder shall notify the Registrar of the appointment of a procedural representative in Form PVP 2.

(2) The Registrar may, in dealing with any matter under the Act or these Rules in respect of which a person has been appointed to act as a procedural representative on behalf of a breeder (referred to in this rule as the procedural representative's principal), require the personal signature or presence of either the procedural representative or his principal.

(3) The Registrar may, by notice in writing sent to a procedural representative, require the procedural representative to produce evidence of his appointment.

(4) Where a breeder substitutes one procedural representative for another, the newly appointed procedural representative shall file with

the Registrar Form PVP 2 on or before the first occasion he acts as the procedural representative.

(5) Where there is a change in the name of a procedural representative and the procedural representative remains the same legal entity after such change, the procedural representative may file one Form PVP 2 in respect of such change in name for all the matters under the Act for which the procedural representative has been appointed.

(6) Any act required or authorised by the Act in connection with the making of a grant of protection, or any procedure relating to a grant of a protection, may not be done by or to the newly appointed procedural representative referred to in paragraph (4) until after he has complied with that paragraph.

(7) Where a procedural representative for a breeder to any matter intends, on or after 26 May 2022, to cease to so act, the procedural representative —

(*a*) must file with the Registrar in Form PVP 2 —

(i) a notice of such intention;

(ii) the breeder's latest address, including any email address, on the procedural representative's records; and

(iii) a statement that the procedural representative has given reasonable notice to the breeder of such intention, and informed the breeder of the consequences set out in rule 9(6B) as applied by paragraph (10); and

(*b*) must serve such form on the breeder at the same time the form is filed with the Registrar.

[S 401/2022 wef 26/05/2022]

(8) On receipt of the form mentioned in paragraph (7)(*a*), the Registrar must send to the breeder a notice requesting the breeder to provide an address for service within 3 months after the date of the notice.

[S 401/2022 wef 26/05/2022]

(9) The notice in paragraph (8) must be sent to the address of the breeder filed under paragraph (7)(*a*)(ii) or any alternative address of the breeder.

[S 401/2022 wef 26/05/2022]

(10) Rule 9(6B)(*a*), (*b*) or (*c*) (whichever is applicable) applies, with the necessary modifications, if —

(*a*) the Registrar does not have any alternative address of the breeder to which to send a notice under paragraph (8); or

(*b*) the Registrar sent a notice under paragraph (8) and no address for service was provided within 3 months after the date of the notice.

[S 401/2022 wef 26/05/2022]

(11) In paragraphs (9) and (10), "alternative address" has the meaning given by rule 9(9).

[S 401/2022 wef 26/05/2022]

PART II

GRANT OF PROTECTION

Division 1 — Application

Application for grant of protection

11.—(1) An application under section 13 of the Act shall be made on Form PVP 3 and shall be accompanied by —

(*a*) the technical questionnaire in Form PVP-TQ; and

(*b*) payment of the application fee specified in the Second Schedule.

(2) Where any of the requirements specified in the Forms are not satisfied, the Registrar shall send a notice to the applicant stating the omission, error or deficiency, and the applicant shall have 2 months in which to rectify the omission, error or deficiency in the application, failing which his application shall lapse in accordance with section 19 of the Act.

Representation of plant variety

12.—(1) An application may be accompanied by a representation of the plant variety in respect of which the application is made, which may be in the form of a drawing or photograph.

(2) The drawings or photographs shall be —

(*a*) suitable for reproduction; and

(*b*) of a size and presentation as may be specified by the Registrar in practice directions.

Claim to priority

13.—(1) If a right of priority is claimed under section 14 of the Act, particulars of that claim shall be included in the application made under rule 11(1).

(2) The particulars which shall be given, in respect of a foreign application referred to in section 14 of the Act, are —

(*a*) the serial or application number allocated to the foreign application on filing;

(*b*) the date of filing of the foreign application; and

(*c*) any other information, documents or material that is necessary for the making of a grant of protection in Singapore, as set out in the Act and these Rules.

(2A) For the purposes of section 14(2) of the Act, the prescribed period is 3 months.

[S 401/2022 wef 26/05/2022]

(3) The Registrar may require the applicant to file a certificate by the registering or other competent authority concerned certifying or verifying to the satisfaction of the Registrar —

(*a*) the date of filing of the foreign application;

(*b*) the registering or competent authority;

(*c*) the country or territory of the registering or competent authority (where applicable); and

(*d*) the full particulars of the plant variety (including but not limited to a description of the plant variety and the proposed denomination).

(4) Where the certificate referred to in paragraph (3) is not in the English language, there shall be annexed to the certificate a translation in English of the contents of the certificate, certified or verified to the satisfaction of the Registrar.

Samples or specimens

14.—(1) Unless otherwise required by the Act or the Registrar, no samples of live biological material or plant specimens shall be lodged with the Registrar.

(2) The Registrar may, in his discretion, refuse to accept any sample or specimen.

Deficiencies in applications

15.—(1) Where an application for a grant of protection does not satisfy the requirements of rule 11(1), the Registrar shall send notice of this to the applicant requiring the applicant to remedy any such deficiency.

[S 504/2014 wef 30/07/2014]

(2) Where the Registrar refuses to approve a proposed denomination under section 36(3) of the Act which has been submitted in the application, the Registrar shall send a notice to the applicant requiring the applicant to propose another denomination.

(3) If the applicant fails to remedy all deficiencies set out in the notice referred to in paragraph (1), or propose another denomination in accordance with paragraph (2) within 2 months from the date of the notice, the application shall lapse in accordance with section 19 of the Act.

Publication

16. For the purposes of section 15 of the Act, the Registrar must publish information on the following matters:

(*a*) any application for grant of protection containing the following particulars:

(i) the date of application;

(ii) the priority date (if any) accorded pursuant to a claim to a right to priority under section 14 of the Act and the name of the UPOV member concerned;

(iii) the name, address and address for service of the applicant;

(iv) the proposed plant variety;

(v) the proposed denomination for the plant variety;

(vi) a representation of the plant variety, if submitted in the application;

(vii) any other matters that the Registrar thinks fit;

(*b*) any registration of a denomination for a protected variety;

(*c*) any withdrawal of an application for grant of protection;

(*d*) any rejection of an application for grant of protection;

(*e*) any grant of protection made;

(*f*) any change in a breeder or procedural representative in respect of a plant variety;

(*g*) any lapse of a grant of protection;

(*h*) any grant of a licence in relation to a grant of protection, where applicable;

(*i*) any other matters that the Registrar thinks fit.

[S 401/2022 wef 26/05/2022]

Amendment of application or document

17.—(1) Subject to paragraph (2), an applicant may apply to amend an application for a grant of protection and such application shall be made on Form PVP 4.

(2) An application to amend an application for a grant of protection to correct or change the name or other particulars of the applicant shall be made on Form PVP 1.

(3) An application to amend an application for a grant of protection to correct or change the name of the applicant shall be accompanied by relevant documentary evidence of such change.

(4) Before acting on an application to amend an application for a grant of protection, the Registrar may require the applicant to furnish such proof as the Registrar thinks fit.

(5) Where an application is made for amendment of an application for a grant of protection which has been published, and the amendment affects any of the particulars specified in rule 16, the amendment or a statement of the effect of the amendment shall be published.

(6) A request for amendment of any error in any document filed at the Registry in connection with an application shall be made on Form PVP 4 and the correction shall be clearly identified on a document and filed together with the form or, if not, on the form itself.

Publication of and objection to application for correction

17A.—(1) This rule applies where a person (*X*) makes an application under rule 17 on or after 26 May 2022 for the correction in an application for a grant of protection of an error or a mistake in —

(*a*) the name or other particular of an applicant; or

(*b*) any information pertaining to a priority application.

(2) If the Registrar determines that the interests of any person may be affected by the proposed correction, the Registrar may publish the application and the nature of the proposed correction in the Plant Varieties Protection Journal and in any other manner that the Registrar determines.

(3) Any person (*Y*) may, at any time within 2 months after the date of the publication, give a written notice to the Registrar of objection to the application in Form PVP 6.

(4) The notice of objection must be accompanied by a supporting statement setting out fully the facts on which *Y* relies.

(5) *Y* must, at the time the notice and the statement are filed, serve on *X* a copy of the notice and a copy of the statement.

(6) If *Y* does not comply with paragraph (5), *X*'s objection to the application is treated as not having been filed.

(7) If *X* desires to proceed with the application, *X* must —

(*a*) within 2 months after the date on which *X* is served the copies of the notice and the statement, file a counter-statement on Form PVP 7 setting out fully the grounds on which *X* contests the objection; and

(*b*) at the time the counter-statement is filed, serve on *Y* a copy of the counter-statement.

(8) If *X* does not comply with paragraph (7), *X*'s application under rule 17 is treated as withdrawn.

(9) The Registrar may give such directions as the Registrar thinks fit with regard to any aspect of the procedure for the application or the objection to the application.

(10) The Registrar must consider the objection in deciding whether to grant the application.

[S 401/2022 wef 26/05/2022]

Withdrawal of application

18.—(1) An applicant may, before a grant of protection is made, withdraw his application by submitting a notice of withdrawal on Form PVP 5.

(2) Upon receipt of Form PVP 5, the Registrar shall make all necessary rectifications and corrections to the register or in any other document or publication as is necessary to reflect the withdrawal.

Division 2 — Objections

Objections to application or registration of denominations

19.—(1) A person (referred to in this Division as the objector) may, within 2 months from the date of publication of an application or a denomination proposed for registration, file with the Registrar a notice objecting to the application or the denomination in Form PVP 6 (referred to in this Division as a notice of objection).

(2) The objector shall serve on the applicant a copy of the notice of objection at the same time as the notice is filed with the Registrar.

(3) A request for an extension of time to file the notice of objection shall be made by filing with the Registrar Form PVP 15 within 2 months from the date of publication of the application or denomination.

(4) The total extension of time for which the Registrar may allow to file the notice of objection shall not exceed 4 months from the date of publication of the application or denomination.

(5) Before making a request for an extension of time, the person seeking the extension shall serve a notice on the applicant and every other person likely to be affected by the extension, which shall contain —

(*a*) a statement of the person's intention to request for the extension, the extension requested for, and the reason for the extension; and

(*b*) a request for the consent of the applicant or other person to the extension.

(6) The request for the extension shall be supported by a copy of the notice referred to in paragraph (5) and the consent in writing, if this is given.

(7) The Registrar may refuse to grant the extension —

(*a*) if the person requesting the extension fails to show a good and sufficient reason for the extension; or

(*b*) if the person fails to show, to the Registrar's satisfaction, that a notice referred to in paragraph (5) has been served on

the applicant and every person likely to be affected by the extension.

(8) Where a person on whom a notice referred to in paragraph (5) is served fails or refuses to give his consent to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension; and the Registrar may do so without having to conduct a hearing in accordance with rule 56.

Contents of notice of objection

20. The notice of objection shall, in addition to any other requirement in these Rules, contain a statement of the grounds and the facts upon which the objector objects to the making of a grant of protection or the registration of the denomination.

Counter-statement

21.—(1) Within 2 months from the date of receipt of the copy of the notice of objection from the objector, the applicant shall file with the Registrar a counter-statement in Form PVP 7 (referred to in this Division as the counter-statement) setting out —

(*a*) the grounds on which the applicant relies as supporting his application or the registration of the proposed denomination; and

(*b*) the facts alleged in the notice of objection which the applicant admits, if any.

(2) The applicant shall serve a copy of the counter-statement on the objector at the same time as the counter-statement is filed with the Registrar.

(3) If the applicant does not comply with paragraph (1) or (2), he shall be deemed to have withdrawn his application for a grant.

(4) A request for an extension of time to file the counter-statement shall be made by the applicant to the Registrar in Form PVP 15 within 2 months from the date of receipt of the notice of objection from the objector.

(5) The total extension of time for which the Registrar may allow to file the counter-statement shall not exceed 4 months from the date of receipt by the applicant of the notice of objection.

(6) Before making a request for an extension of time, the applicant shall serve a notice on the objector and every other person likely to be affected by the extension, which shall contain —

(*a*) a statement of the applicant's intention to request for the extension, the extension requested for, and the reason for the extension; and

(*b*) a request for the consent of the objector or other person to the extension.

(7) The request for the extension shall be supported by a copy of the notice referred to in paragraph (6) and the consent in writing, if this is given.

(8) The Registrar may refuse to grant the extension —

(*a*) if the applicant fails to show a good and sufficient reason for the extension; or

(*b*) if the applicant fails to show, to the Registrar's satisfaction, that a notice referred to in paragraph (6) has been served on the objector and every person likely to be affected by the extension.

(9) Where a person on whom a notice referred to in paragraph (6) is served fails or refuses to give his consent to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension; and the Registrar may do so without having to conduct a hearing in accordance with rule 56.

Evidence in support of objection

22.—(1) Within 2 months from the date of receipt of the counter-statement from the applicant, the objector shall file with the Registrar such evidence by way of a statutory declaration as he may desire to adduce in support of his objection and shall, at the same time, send to the applicant a copy of that evidence.

(2) If the objector does not file any evidence in accordance with paragraph (1), he shall, unless the Registrar otherwise directs, be deemed to have withdrawn his objection.

Evidence in support of application or registration

23.—(1) Within 2 months from the date of receipt by the applicant of the copy of the objector's evidence referred to in rule 22, the applicant shall file with the Registrar such evidence by way of a statutory declaration as he may desire to adduce in support of his application or the registration of the proposed denomination and shall, at the same time, send to the objector a copy of that evidence.

(2) If the applicant does not file any evidence in accordance with paragraph (1), he shall, unless the Registrar otherwise directs, be deemed to have withdrawn his application.

Evidence in reply by objector

24.—(1) Within 2 months from the date of receipt of the copy of the applicant's evidence referred to in rule 23, the objector may file with the Registrar evidence in reply by way of a statutory declaration and shall, at the same time, send to the applicant a copy of that evidence.

(2) Evidence in reply shall be confined to matters strictly in reply to the applicant's evidence.

Further evidence

25. No further evidence may be filed by either party except that, in any proceedings before the Registrar, the Registrar may at any time, if he thinks fit, give permission to either party to file further evidence upon such terms as to costs or otherwise as the Registrar thinks fit.

[S 261/2022 wef 01/04/2022]

Exhibits

26.—(1) Where there are exhibits to any evidence filed in an objection, the party who is relying on the exhibits in support of his case shall, at the request of the other party and at that other party's expense, send a copy of each exhibit to that other party.

(2) If such copy cannot conveniently be furnished, the originals shall be filed with the Registrar in order that they may be open to inspection.

(3) Notwithstanding any provision in these Rules, the Registrar shall not accept as an exhibit any live biological material or plant specimens, unless such exhibit is requested.

Pre-hearing review

27.—(1) At any time after the completion of the filing of evidence by the parties, the Registrar may direct the parties to attend a pre-hearing review at which he may give such directions as he considers necessary or desirable for securing the just, expeditious and economical disposal of the proceedings.

(2) At the pre-hearing review, the Registrar may consider any matter including the possibility of settlement of all or any of the issues in the proceedings and may require the parties to furnish him with such information as he may require.

(3) If any party fails to comply with any direction given under paragraph (1) or (2), the Registrar may dismiss the proceedings or make such other order as he thinks fit.

(4) Any direction or order by the Registrar may be set aside or varied by him on such terms as he thinks fit.

(5) If, at any time during the pre-hearing review, the parties are agreeable to a settlement of all or some of the matters in dispute in the proceedings, the Registrar may give his decision in relation to the proceedings or make such order as he thinks just to give effect to the settlement.

(6) If any party does not appear at the pre-hearing review, the Registrar may dismiss the proceedings or make such other order as the Registrar thinks fit, or he may adjourn the review.

(7) An order made by the Registrar in the absence of a party may be set aside by the Registrar, on the application of that party, on such terms as the Registrar thinks fit.

Objection hearing

28.—(1) Upon completion of the filing of evidence by the parties, the Registrar shall give notice to the parties of a date on which he will hear arguments on the case.

(2) The parties shall file with the Registrar their written submissions and bundles of authorities at least one month before the date of hearing, and shall at the same time exchange with one another their respective written submissions and bundles of authorities.

(3) Any party who intends to appear at the hearing shall file with the Registrar Form PVP 8 before the hearing.

(4) Any party who does not file with the Registrar Form PVP 8 before the hearing may be treated as not desiring to be heard, and the Registrar may proceed with the hearing in the absence of that party or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

(5) If, after filing with the Registrar Form PVP 8, a party does not appear at the hearing, the Registrar may proceed with the hearing in the absence of that party, or may, without proceeding with the hearing, give his decision or dismiss the proceedings, or make such other order as he thinks fit.

(6) If neither party appears at the hearing, the proceedings may be struck out of the list except that it may thereafter be restored on the direction of the Registrar.

(7) Any decision made by the Registrar pursuant to a hearing in which any party does not appear may, on the application of that party, be set aside by the Registrar on such terms as he thinks fit.

(8) An application under this rule to restore any proceedings or to set aside any decision under paragraph (6) or (7) shall be made within 7 days after the proceedings have been struck out of the list or after the hearing, as the case may be.

Technical advisor

29.—(1) The Registrar may appoint an Examiner or officer thereof as a technical advisor to any objection proceedings to render an opinion on the evidence provided by the parties.

[S 504/2014 wef 30/07/2014]

(2) A technical advisor to any objection proceedings shall, within a reasonable time and after having sight of all the evidence and exhibits provided by the parties, provide the Registrar a report as to the merits of both the application and the objection, as well as a recommendation on whether to allow or disregard the objection.

Registrar's decision in objection proceedings

30. The Registrar shall, within 3 months from the date of the hearing, inform the parties of his decision and the grounds thereof.

Extension of time in objection proceedings

31. Unless expressly stated otherwise in these Rules, where any extension of time is granted to any party, the Registrar may, if he thinks fit, without giving the party a hearing, grant a reasonable extension of time to the other party in which to take any subsequent step.

Costs in uncontested objection

32. Where an objection is uncontested by the applicant, the Registrar shall, in deciding whether costs should be awarded to the objector, consider whether proceedings might have been avoided if reasonable notice had been given by the objector to the applicant before the notice of objection was filed.

No registration of denomination pending outcome of objection hearing

33. The Registrar shall not register any denomination where an objection in relation to that denomination is pending under this Division.

Division 3 — Examination

Request for examination

34.—(1) Subject to rule 36(1), upon receipt of notification from the Registrar that the application is in order, an applicant shall, within 3 months from the date of the notification, submit a request for an examination to the Registrar in Form PVP 9.

[S 504/2014 wef 30/07/2014]

[S 401/2022 wef 26/05/2022]

(2) The Registrar shall forward such request for examination to an Examiner referred to in section 17 of the Act for the conduct of the examination.

[S 504/2014 wef 30/07/2014]

(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.

[S 504/2014 wef 30/07/2014]

Examination by Examiner

35.—(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.

[S 504/2014 wef 30/07/2014]

(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.

[S 504/2014 wef 30/07/2014]

(2) If during an examination, the Examiner is of the opinion that the plant variety —

(*a*) is not distinct, stable or uniform within the meaning of section 22 of the Act; or

(*b*) is unsuitable for a grant of protection for any other reason which, in the opinion of the Examiner, is relevant to the grant of protection in respect of the plant variety,

[S 504/2014 wef 30/07/2014]

the Examiner shall notify the applicant in writing of that opinion and shall state fully the reasons for the opinion.

[S 504/2014 wef 30/07/2014]

(3) A copy of the written opinion referred to in paragraph (2) shall be sent to the Registrar.

(4) The applicant may respond to the written opinion referred to in paragraph (2) by submitting to the Registrar, and to the Examiner at the same time —

(*a*) written arguments disagreeing with the Examiner's opinion;

[S 504/2014 wef 30/07/2014]

(*b*) supporting documents for the further consideration of the Examiner; or

(*c*) an amendment to the description of the application for plant variety rights.

[S 504/2014 wef 30/07/2014]

(5) Where the applicant wishes to file written arguments and an amendment to the description of the application under paragraph (4), he shall submit both at the same time.

(6) Any response by the applicant to a written opinion referred to in paragraph (5) shall be made within 2 months from the date of the Examiner's letter enclosing the written opinion.

[S 504/2014 wef 30/07/2014]

(7) Where the applicant has filed an argument or amendment under paragraph (4), the Examiner may, in its discretion, issue a further written opinion to the Registrar stating fully the reasons for the opinion referred to in paragraph (2) and the requirement to notify the applicant in paragraph (2) and the right of the applicant to respond in

accordance with paragraph (4) shall apply to such further written opinion.

[S 504/2014 wef 30/07/2014]

(8) Any response by the applicant to the further written opinion referred to in paragraph (7) shall be made within 2 months from the date of the further written opinion.

(9) A further written opinion issued by the Examiner to the Registrar referred to in paragraph (7) need not take into account any argument or amendment filed by the applicant under paragraph (4) after it has commenced drawing up its opinion.

[S 504/2014 wef 30/07/2014]

Corresponding examination report

36.—(1) An applicant may, in lieu of submitting a request for an examination under rule 34(1), submit to the Registrar, within 3 months from the date of the notification referred to in that rule, in Form PVP 10, a request to rely on an examination report issued and certified by an Examiner in any UPOV member other than Singapore (referred to in this rule as a corresponding examination report).

[S 504/2014 wef 30/07/2014]

(2) Subject to paragraph (3), the applicant referred to in paragraph (1) shall submit to the Registrar the corresponding examination report within 3 years from the date of the foreign application referred to in section 14 of the Act.

(3) Where a corresponding examination report has been issued but the applicant is unable to submit the corresponding examination report, the applicant shall, if he intends to rely on the corresponding examination report, ensure that the Examiner which issued that report delivers a copy of the report to the Registrar within 3 years from the date of the foreign application.

[S 504/2014 wef 30/07/2014]

(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.

[S 504/2014 wef 30/07/2014]

(5) Notwithstanding paragraph (4), where the Registrar rejects a corresponding examination report under section 18(2) of the Act, the Registrar shall notify the applicant in writing of the rejection and the reasons why the report was rejected.

(6) Where the Registrar rejects a corresponding examination report, the applicant shall submit a request for examination to the Registrar in Form PVP 9 and, for the purposes of determining the time within which a request for examination is to be submitted, the date of the notification of rejection referred to in paragraph (5) shall be taken to be the date of notification that the application is in order under rule 34(1).

[S 504/2014 wef 30/07/2014]

Examination report

37. The Examiner referred to in rule 35 or 36(4) shall issue an examination report to the Registrar upon conclusion of —

(*a*) its examination under rule 35; or

(*b*) its consideration of a corresponding examination report under rule 36,

as the case may be, consisting of a report on whether the plant variety which is the subject of the application is distinct, stable and uniform within the meaning of section 22 of the Act.

[S 504/2014 wef 30/07/2014]

Removal of material

38.—(1) The applicant shall effect the removal or disposal of any propagating or other material of any plant variety submitted to the Examiner referred to in rule 35 or 36(4) —

(*a*) in a case where the application has been withdrawn before the examination has been concluded, within 2 months of the date of withdrawal; or

(*b*) in a case where the examination has been concluded, within 2 months from the date the applicant has been notified by the Registrar as to whether a grant of protection has been made.

[S 504/2014 wef 30/07/2014]

(2) If the applicant does not comply with paragraph (1), the Examiner may remove or dispose of any propagating or other material of any plant variety and recover the expenses reasonably incurred in so doing from the applicant.

[S 504/2014 wef 30/07/2014]

Division 4 — Making and publication of grant of protection

Making of grant of protection

39.—(1) Where the Registrar makes a grant of protection in respect of an application, he shall notify the applicant accordingly and send a certificate of grant of protection to the applicant.

(2) Where the Registrar declines to make a grant of protection in respect of an application, he shall notify the applicant accordingly.

Publication of grant of protection

40. A grant of protection or the rejection of an application shall be published at such time and in such manner as the Registrar may direct.

Division 5 — Exceptions to infringement of grant of protection

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.

[S 504/2014 wef 30/07/2014]

Division 6 — Replacement denominations

Submission and registration of replacement denominations

42.—(1) For the purposes of section 38(2) of the Act, where a grantee is required by the Registrar to submit a suitable replacement denomination, the grantee shall do so within 3 months from the date the Registrar notifies him in writing of the requirement to do so.

(2) The Registrar shall publish every replacement denomination submitted under section 15 of the Act.

(3) Any person who wishes to object to the registration of a replacement denomination shall, within 2 months from the date of publication of the replacement denomination referred to in paragraph (1), file with the Registrar a notice of objection in Form PVP 6.

(4) The notice of objection shall contain a statement of the grounds upon which the person objects to the registration of the denomination.

(5) Rules 19(2) to (8) and 21 to 33 shall apply, with the necessary modifications, to any proceedings arising from the notice of objection.

(6) For the purposes of the application of the rules referred to in paragraph (5) —

(*a*) any reference to the registration of a denomination shall be read as a reference to the registration of a replacement denomination referred to in paragraph (1);

(*b*) any reference to the notice of objection shall be read as a reference to the notice of objection referred to in paragraphs (3) and (4); and

(*c*) any reference to the objector shall be read as a reference to the person referred to in paragraphs (3) and (4).

PART III

REGISTER

Entry in register of particulars of application, grant of protection and other matters

43.—(1) No entry shall be made in the register in respect of any application for a grant of protection before the application has been published in accordance with section 15 of the Act.

(2) Upon the publication of an application for a grant of protection, the Registrar shall cause to be entered in the register —

(*a*) the name and address of the applicant or applicants;

(*b*) the date of filing and the file reference of the application;

(*c*) the address for service of the applicant or applicants;

(*d*) the date on which the application was published;

(*e*) the details, descriptions and drawings or photos, or both, of the plant variety in respect of which the application is made; and

(*f*) where applicable, the date of filing and the file reference of any foreign application referred to in section 14 of the Act and the country or territory in which the foreign application was made.

(3) The Registrar shall, in addition to the matters referred to in paragraph (2), cause to be entered in the register —

(*a*) the date on which the application has lapsed, has been withdrawn or treated as having been withdrawn, or rejected;

(*b*) where a grant of protection has been made in respect of an application, the date on which the grant of protection is made;

(*c*) the address for service, if different from the entry made in accordance with paragraph (2)(*c*);

(*d*) the cessation of the grant of protection, where applicable;

(*e*) particulars of any decision to revoke the grant of protection;

(*f*) particulars of any decision to change the particulars as recorded in the register with regards to the grant of protection; and

(*g*) particulars of any court order in relation to the grant of protection.

(4) Any person may apply to the Registrar in Form PVP 18 for any matter to be entered in the register, and the Registrar may, in his discretion, enter such matter in the register.

[S 401/2022 wef 26/05/2022]

Application for registration of transactions, instruments, etc.

44.—(1) An application to register, or to give notice to the Registrar of —

(*a*) any grant of licence;

(*b*) any change in ownership of the rights in relation to the grant of protection;

(*c*) any transfer of a grant of protection; or

(*d*) any transfer of a licence,

shall be made on Form PVP 12.

(2) The application shall, unless the Registrar otherwise directs, be accompanied by —

(*a*) a certified copy of any document which establishes the transaction or matter referred to in paragraph (1); or

(*b*) a certified copy of such extracts from such document as suffice to establish the transaction or matter referred to in paragraph (1).

(3) The Registrar may require such other information to be furnished for an application under paragraph (1) as he thinks necessary before entering the particulars of such transaction or matter in the register.

Rectification of error or omission in register

45.—(1) An application to rectify an error or omission in the register under section 41(1) of the Act shall be made on Form PVP 4.

(2) Where a request is sought to correct the same error in both the register and any document filed at the Registry in connection with the registration, the request may be made on a single form.

(3) Subject to paragraph (5), the Registrar may call for such written explanation of the reasons for the request or evidence in support of it as he may require in order to satisfy himself that there is an error and shall, upon being so satisfied, make such correction as may be agreed between the applicant and the Registrar.

[S 401/2022 wef 26/05/2022]

(4) This rule is without prejudice to the power of the Registrar to correct any irregularity in the register which is attributable wholly or in part to an error, a default or an omission on the part of the Registry.

(5) Rule 17A applies with the necessary modifications in relation to an application made on or after 26 May 2022 to rectify an error or omission in the name or other particular of a grantee, or in any information pertaining to a priority application, in the register as it applies in relation to an application to correct an error or a mistake in the name or other particular of an applicant, or in any information pertaining to a priority application, in an application for a grant of protection.

[S 401/2022 wef 26/05/2022]

Application to change name and address in register

46.—(1) A request by a grantee for the alteration of his name or address or address for service entered in the register or on any application or other document filed at the Registry shall be made on Form PVP 1.

(2) If the Registrar is satisfied that a request to alter a name or an address or address for service may be allowed, he shall cause the register, application or other document to be altered accordingly.

PART IV

ANNUAL FEE AND INFORMATION

Payment of annual fee and submission of information

47.—(1) At any time not less than 2 months but not more than 3 months before each anniversary of the date of the grant of protection (called in this rule the anniversary date), the Registrar must send a written notice to the grantee at the grantee's address for service, notifying the grantee that the anniversary date is approaching.

(2) For the purposes of section 24(3) of the Act, the prescribed period starts at the beginning of 3 months before the anniversary date and ends at the end of 6 months after the anniversary date.

(3) If the grantee pays the annual fee within the period of 6 months after the anniversary date as described in paragraph (2), the grantee must pay the late fee set out in the Second Schedule.

(4) Payment of the annual fee and any late fee must be made to the Registry together with Form PVP 11.

[S 401/2022 wef 26/05/2022]

48. [*Deleted by S 401/2022 wef 26/05/2022*]

Form for providing information, etc.

49. For the purposes of section 26(2)(*a*) of the Act, the grantee must provide the information, documents or material mentioned in that section in Form PVP 11.

[S 401/2022 wef 26/05/2022]

PART V

CANCELLATION AND RENUNCIATION

Application to cancel grant of protection

50.—(1) An application to the Registrar to cancel a grant of protection under section 26(2) of the Act shall be made on Form PVP 13.

(2) The application shall be accompanied by a statement of the grounds on which the application is made.

(3) The applicant shall, if he is not the grantee, serve a copy of the application and statement on the grantee at the same time as he files these documents with the Registrar.

Counter-statement

51.—(1) Within 2 months from the date of receipt of the copies of the application and statement, the grantee may file with the Registrar a counter-statement in Form PVP 7 setting out —

(*a*) the grounds on which he relies as supporting his grant of protection; and

(*b*) the facts alleged in the application which he admits, if any.

(2) The grantee shall serve on the applicant a copy of the counter-statement at the same time as he files the counter-statement with the Registrar.

(3) A request for an extension of time to file the counter-statement shall be made to the Registrar on Form PVP 15 within 2 months from the date of receipt of the copies of the application and statement.

(4) The total extension of time for which the Registrar may allow to file the counter-statement shall not exceed 4 months from the date of receipt of the copies of the application and statement.

(5) Before making a request for an extension of time, the grantee shall serve a notice on the applicant and every other person likely to be affected by the extension, which shall contain —

(*a*) a statement of the grantee's intention to request for the extension, the extension requested for, and the reason for the extension; and

(*b*) a request for the consent of the applicant or other person to the extension.

(6) The request for the extension shall be supported by a copy of the notice referred to in paragraph (5) and the consent in writing, if this is given.

(7) The Registrar may refuse to grant the extension —

(*a*) if the grantee fails to show a good and sufficient reason for the extension; or

(*b*) if the grantee fails to show, to the Registrar's satisfaction, that a notice referred to in paragraph (5) has been served on the applicant and every other person likely to be affected by the extension.

(8) Where a person on whom a notice referred to in paragraph (5) is served fails or refuses to give his consent to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been shown for the extension, grant the extension; and the Registrar may do so without having to conduct a hearing in accordance with rule 56.

(9) Where no counter-statement has been filed within the time allowed, the application for cancellation referred to in rule 50 shall be granted.

Further procedure

52.—(1) Upon an application being made under rule 50 and a counter-statement being filed under rule 51, rules 22 to 32 shall apply, with the necessary modifications, to further proceedings thereon.

(2) For the purposes of the application of rules 22 to 32 —

(*a*) references in those rules to the applicant shall be treated as references to the grantee;

(*b*) references in those rules to the application shall be treated as references to the grantee's grant of protection;

(*c*) references in those rules to the objector shall be treated as references to the applicant for cancellation; and

(*d*) the reference in rule 23(2) to the withdrawal of the application shall be treated as a reference to the admission by the grantee to the facts alleged by the applicant in his application for cancellation.

Intervention by third parties

53.—(1) Any person, other than the grantee, claiming to have an interest in a grant of protection which is the subject of an application under rule 50 may apply to the Registrar in writing for permission to intervene.

[S 261/2022 wef 01/04/2022]

(2) The Registrar may, after hearing the parties concerned if he so required, refuse permission to intervene, or grant permission to intervene upon such terms (including any undertaking as to costs) as he thinks fit.

[S 261/2022 wef 01/04/2022]

(3) Any person granted permission to intervene shall, subject to the terms and conditions imposed in respect of the intervention, be treated as a party to the proceedings in question.

[S 261/2022 wef 01/04/2022]

Application for renunciation of grant of protection

54.—(1) The grantee may apply for the renunciation of his grant of protection under section 27(1) of the Act by filing with the Registrar a notice in Form PVP 14.

(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.

[S 504/2014 wef 30/07/2014]

Publication and entry into register of cancellation or renunciation

55. Where the Registrar —

(*a*) cancels a grant of protection pursuant to an application referred to in rule 50; or

(*b*) is satisfied that a notice of application for the renunciation of a grant of protection referred to in rule 54 complies with paragraph (2) of that rule and is otherwise regular,

the Registrar shall publish the cancellation or renunciation, as the case may be, and make the appropriate entry in the register.

PART VI

EVIDENCE AND PROCEDURE

Right of affected party to be heard

56.—(1) Without prejudice to any of the provisions of the Act or these Rules requiring the Registrar to hear any party to proceedings under the Act or these Rules, or to give such party an opportunity to be heard, the Registrar shall, before exercising any power given to the Registrar by the Act or these Rules adversely to any party, give that party an opportunity to be heard.

(2) The Registrar shall give that party at least 10 days' notice of the date on which he may be heard.

(3) The Registrar shall notify that party of his decision made in the exercise of his power.

Hearing before Registrar to be in public

57. The hearing before the Registrar of any dispute between 2 or more parties relating to any matter under the Act or these Rules shall be in public unless the Registrar, after consultation with those parties who appear in person or are represented at the hearing, otherwise directs.

Evidence in proceedings before Registrar

58.—(1) In any proceedings before the Registrar under the Act or these Rules, evidence shall be given by way of a statutory declaration, unless otherwise provided by the Act or these Rules or directed by the Registrar.

(2) Subject to the provisions of these Rules and the Oaths and Declarations Act (Cap. 211), Division 2 of Order 15 of the Rules of

Court 2021 (G.N. No. S 914/2021) shall apply, with the necessary modifications, in relation to a statutory declaration filed or used in any proceedings before the Registrar as it applies to an affidavit filed or used in any proceedings before the Court.

[S 261/2022 wef 01/04/2022]

(3) Any such statutory declaration may, in the case of an appeal to the Court, be used before the Court in lieu of evidence by affidavit, and if so used, shall have all the incidents and consequences of evidence by affidavit.

(4) The Registrar may, in any particular case, take oral evidence in lieu of or in addition to a statutory declaration and shall, unless the Registrar otherwise directs, allow any witness to be cross-examined on his statutory declaration or oral evidence.

Statutory declarations

59. Any statutory declaration filed under the Act or these Rules, or used in any proceedings under the Act or these Rules, shall be made and subscribed as follows:

(*a*) in Singapore, before any justice of the peace, or any commissioner for oaths or other officer authorised by law to administer an oath for the purpose of any legal proceedings;

(*b*) in any other part of the Commonwealth, before any court, judge, justice of the peace, notary public or any officer authorised by law to administer an oath there for the purpose of any legal proceedings; and

(*c*) elsewhere, before a Consul, Vice-Consul, or other person exercising the functions of a Singapore Consul, or before a notary public, judge or magistrate.

Notice of seal of officer taking declaration

60. Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by rule 59 to take a declaration may be admitted by the Registrar without proof of the genuineness of the seal or signature or

of the official character of the person or his authority to take the declaration.

PART VII

COSTS

Application for costs

61.—(1) For the purposes of section 12 of the Act, a party to proceedings before the Registrar who desires to obtain costs shall apply to the Registrar for an award of costs in relation to the proceedings —

(*a*) during the proceedings; or

(*b*) within one month from —

(i) the day on which the Registrar makes a decision in the proceedings that ends those proceedings; or

(ii) the date of the Registrar's notice to the party that the proceedings have been withdrawn, discontinued or dismissed,

as the case may be.

(2) Before awarding costs in respect of the proceedings, the Registrar shall give each party to the proceedings an opportunity to be heard in relation to the award of costs.

Assessment of costs

62.—(1) Where the Registrar has awarded party and party costs to a party to proceedings before the Registrar and the party wishes to have the costs assessed by the Registrar, the party must, within 6 weeks after the relevant date mentioned in paragraph (1A) —

(*a*) apply for the costs to be assessed by filing a copy of the bill of costs with the Registrar; and

(*b*) send at the same time a copy of the bill of costs to every other person having an interest in the assessment proceedings.

[S 261/2022 wef 01/04/2022]

[S 689/2021 wef 01/10/2021]

[S 261/2022 wef 01/04/2022]

(1A) For the purposes of paragraph (1), the relevant date is —

(*a*) subject to sub-paragraph (*b*), the date of the award for costs made by the Registrar; or

(*b*) where any appeal is brought in respect of that award for costs, the date on which the appeal is finally disposed of.

[S 689/2021 wef 01/10/2021]

(2) Every bill of costs shall set out the following:

(*a*) the work done in the cause or matter;

(*b*) all disbursements made in the cause or matter;

(*c*) the sum claimed for each item; and

(*d*) in chronological order and with dates, all events in the cause or matter which are relevant to the assessment proceedings.

[S 261/2022 wef 01/04/2022]

(3) Where costs have already been awarded for any of the items set out in the bill of costs, this fact and the amount awarded shall be indicated.

(4) Any party on whom a copy of the bill of costs has been served in accordance with paragraph (1) shall, if he wishes to dispute the bill or any part thereof, within one month from the receipt of the copy of the bill, mark the copy in accordance with paragraph (5) and send copies of the marked copy to the Registrar and the party requesting for assessment.

[S 261/2022 wef 01/04/2022]

(5) The marking of a copy of a bill of costs shall be effected by writing on the right hand margin against each item the word "Agree" if the party concerned agrees with the cost claimed for that item, or

the word "Disagree" if the party concerned disagrees with the cost claimed for that item.

(6) Upon expiry of the period referred to in paragraph (4), the Registrar shall give to the parties having an interest in the assessment proceedings notice of the date and time appointed for assessment.

[S 261/2022 wef 01/04/2022]

[S 261/2022 wef 01/04/2022]

Assessment proceedings

63.—(1) If any party entitled to be heard in any assessment proceedings does not attend at the time appointed for assessment, the Registrar may proceed with the assessment.

[S 261/2022 wef 01/04/2022]

(2) The Registrar may, if he thinks it necessary to do so, adjourn the proceedings.

[S 261/2022 wef 01/04/2022]

Scale of costs

64.—(1) The provisions in the Fifth Schedule shall apply in relation to assessment proceedings.

[S 261/2022 wef 01/04/2022]

(2) Costs awarded in these proceedings are not intended to compensate the parties for the expense to which they may have been put.

Certificate of assessment

65. When a bill of costs has been assessed, the Registrar must make the Registrar's certificate for the amount of the assessed costs.

[S 689/2021 wef 01/10/2021]

[S 261/2022 wef 01/04/2022]

PART VIII

EXTENSION OF TIME

Request for extension of time

66.—(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.

[S 504/2014 wef 30/07/2014]

(2) Before making a request for an extension of time, the person seeking the extension shall serve a notice on every person or party likely to be affected by the extension, which shall contain —

(*a*) a statement of his intention to request for the extension, the extension requested for, and the reason for the extension; and

(*b*) a request for the consent in writing of the person or party to the extension.

(3) The request for extension shall be made before the expiry of the period of time in question and shall be supported by a copy of the notice referred to in paragraph (2) and the consent in writing, if this is given.

(4) The Registrar may refuse to grant the extension —

(*a*) if the person requesting the extension fails to show a good and sufficient reason for the extension; or

(*b*) if the person fails to show, to the Registrar's satisfaction, that a notice referred to in paragraph (2) has been served on every person or party likely to be affected by the extension.

(5) Where a person or party on whom a notice referred to in paragraph (2) is served fails or refuses to give his consent to the extension within 2 weeks from the date of the notice, the Registrar may, if he is satisfied that a good and sufficient reason has been

shown for the extension, grant the extension; and the Registrar may do so without having to conduct a hearing in accordance with rule 56.

(6) Paragraphs (1) to (5) shall not apply to the following matters:

(*a*) the doing of any act referred to in rules 9(6B), 28(8), 35(1A), (6) and (8), 38(1), 61(1)(*b*) and 62(1) and (4);

[S 504/2014 wef 30/07/2014]

[S 401/2022 wef 26/05/2022]

(*b*) the filing of a notice of objection under rule 19 or 42;

[S 401/2022 wef 26/05/2022]

(*c*) the filing of a counter-statement under rule 21 or 51;

[S 401/2022 wef 26/05/2022]

(*d*) the submission of a copy of a document constituting a foreign application under section 14(2) of the Act (which is to be done within the period prescribed in rule 13(2A)).

[S 401/2022 wef 26/05/2022]

Extension of time limits in special circumstances

66A.—(1) Despite anything in these Rules, where the Registrar is of the opinion that there are —

(*a*) circumstances beyond the control of a party concerned; or

(*b*) other special circumstances,

the Registrar may, before the expiration of the period of time prescribed or allowed by or under these Rules for —

(*c*) the giving, sending, filing or serving of any notice, application or other document; or

(*d*) the doing of any act,

extend that period for one or more periods of time, and subject to conditions, as the Registrar thinks fit.

(2) Paragraph (1) does not apply where the Act specifies the circumstances in which the period of time for any matter referred to in paragraph (1)(*c*) or (*d*) may be extended.

[S 437/2020 wef 05/06/2020]

Where non-compliance with time caused by Registry

67.—(1) Where, by reason of an act or omission of any person employed in the Registry, an act or step in relation to an application for the grant of plant varieties right or any other proceedings before the Registrar, required to be done or taken within a period of time, has not been so done or taken, the Registrar may, notwithstanding the provisions of these Rules, extend the period for doing the act or taking the step by such period as the Registrar thinks fit.

(2) Notwithstanding the provisions of these Rules, the period of time for doing an act or taking a step under paragraph (1) may be extended although the period has expired.

Change of commencement date of period for filing evidence

68. Where the period within which any party to any proceedings before the Registrar may file evidence under these Rules is to begin upon the expiry of any period in which any other party may file evidence and that other party notifies the Registrar that he does not wish to file any, or any further, evidence, the Registrar may direct that the period within which the first-mentioned party may file evidence shall begin on such date as may be specified in the direction, and the Registrar shall notify all parties to the dispute of that date.

PART VIIIA

ELECTRONIC ONLINE SYSTEM

[S 401/2022 wef 26/05/2022]

Establishment of electronic online system

68A.—(1) An electronic online system is established for the purposes of these Rules.

(2) Unless the Registrar permits otherwise in a particular case, the electronic online system must be used by any person for giving or sending to, filing with or serving on the Registrar any document (other than a notice or document to be served in proceedings in court).

(3) The electronic online system may be used —

(*a*) by the Registrar for giving or sending to or serving on any person any notice or other document; and

(*b*) by a party for the giving or sending to or serving on another party (other than the Registrar) of any document required to be given, sent to or served on that other party under the Act or these Rules.

(4) To avoid doubt, paragraph (3) does not apply to the service of any notice or document to be served in proceedings in court.

(5) The Registrar may issue practice directions specifying —

(*a*) the manner in which any document is to be given or sent to, filed with or served on the Registrar under paragraph (2);

(*b*) the manner in which the Registrar may give, send or serve any notice or document under paragraph (3);

(*c*) the procedures and conditions for the setting up, operation and use of the electronic online system; and

(*d*) in the event of any interruption in the operation of the electronic online system, the manner in which any document is to be given or sent to, filed with or served on the Registrar under paragraph (2), or in which the Registrar may give, send or serve any notice or document under paragraph (3).

(6) The Registrar —

(*a*) may correct any error or omission in any document or information that has occurred or arisen as a result of any interruption in the operation of the electronic online system; and

(*b*) must maintain a record of the correction so made.

[S 401/2022 wef 26/05/2022]

Duty of person using electronic online system

68B. A person may only use the electronic online system in accordance with these Rules and any practice directions issued by the Registrar.

[S 401/2022 wef 26/05/2022]

PART IX

MISCELLANEOUS PROVISIONS

Hours of business and excluded days

69.—(1) Any business done under the Act or these Rules —

(*a*) on any day after the hours of business of the Registry for that class of businesses; or

(*b*) on any day which is an excluded day for that class of business,

shall be taken to have been done on the next following day which is not an excluded day for that class of business.

(2) Where the time for doing any business under the Act or these Rules expires on an excluded day for the doing of that class of business, that time shall be extended to the next following day which is not an excluded day for the doing of that class of business.

(3) To avoid doubt, where the time for —

(*a*) giving, sending to, filing with or serving on the Registrar any notice or other document mentioned in rule 68A; or

(*b*) giving, sending to, filing with or serving on any person by the Registrar any notice or other document mentioned in rule 68A,

expires on an excluded day for the business of sending, filing or serving the notice or document, that time is extended to the next following day that is not such excluded day, despite the availability of the electronic online system.

[S 401/2022 wef 26/05/2022]

Extension of period where interruption in postal service, etc.

70.—(1) Where, on any day, there is an interruption in —

(*a*) the postal service of Singapore;

(*b*) the operation of the Registry; or

(*c*) the operation of the electronic online system,

the Registrar may issue practice directions to declare that day as one on which there has been such interruption.

[S 401/2022 wef 26/05/2022]

(2) Where any period of time specified in the Act or these Rules for the giving, sending, filing or serving of any notice, application or other document expires on a day so declared, the period is extended to the next following day (not being an excluded day for such business) which is not so declared.

[S 401/2022 wef 26/05/2022]

(2) [*Deleted by S 504/2014 wef 30/07/2014*]

(3) If in any case the Registrar is satisfied that the failure to give, send, file or serve any notice, application or other document within the period specified in the Act or these Rules was wholly or mainly attributable to a failure of or delay in the postal service of Singapore or the electronic online system, the Registrar may, if he thinks fit and upon such terms as he may direct, extend the period so that it ends on the day of the receipt by the addressee of the notice, application or other document or, if the day of such receipt is an excluded day, on the first following day which is not an excluded day.

[S 401/2022 wef 26/05/2022]

(4) The Registrar shall give notice of an extension referred to in paragraph (3) to all parties to the matter.

Certificates and copies

71. An application under section 40(3) of the Act for —

(*a*) a certified copy of an entry in the register; or

(*b*) a certified extract from the register,

shall be made on Form PVP 16.

Irregularities

72.—(1) Any irregularity in procedure which, in the opinion of the Registrar, is not detrimental to the interests of any person or party may be corrected on such terms as the Registrar may direct.

[S 401/2022 wef 26/05/2022]

(2) Where the irregularity in procedure in connection with any proceedings (other than proceedings with notice) is attributable, wholly or in part, to an omission or other error by the party to the proceedings and the irregularity has been corrected under paragraph (1) on or after 26 May 2022, the Registrar must publish a notification of the decision in the register.

[S 401/2022 wef 26/05/2022]

Case management conference

73. Notwithstanding anything in these Rules, at any stage of any application to or proceedings before the Registrar, the Registrar may direct the applicant or parties to attend a case management conference in order that the Registrar may make such order or give such direction as he thinks fit for the just, expeditious and economical disposal of the matter.

Registrar's power to require documents, information or evidence

74. At any stage of any proceedings before the Registrar, the Registrar may direct that such documents, information or evidence as he may reasonably require shall be filed within such period as he may specify.

75. [*Deleted by S 504/2014 wef 30/07/2014*]

Application to Court

76. A person who makes an application to the Court under the Act shall, as soon as practicable, file a copy of the application with the Registrar.

Filing of court orders

77.—(1) Where an order is made by the Court in any matter under the Act, the person or persons in whose favour the order is made shall, as soon as practicable, file a copy of the order with the Registrar on Form PVP 17.

(2) If the order is to rectify or alter the register, the person in whose favour the order is made or, if there is more than one person, such one of them, as the Registrar may direct, shall file with the Registrar Form PVP 17.

(3) The Registrar shall rectify or alter the register in accordance with such order.

Plant Varieties Protection Journal

78. For the purposes of section 15 of the Act, the Registrar must publish a journal, to be called the Plant Varieties Protection Journal, which shall contain —

(*a*) all such matters as are required to be published in that Journal under rules 4(1) and (3), 16, 18(2), 40, 42(2) and 55; and

(*b*) such other information as the Registrar thinks fit.

[S 401/2022 wef 26/05/2022]

Translations

79.—(1) Unless otherwise provided for in these Rules, where any document or part of a document which is in a language other than English is filed at the Registry or sent to the Registrar in pursuance of the Act or these Rules, it shall be accompanied by a translation into English of the document or that part, verified to the satisfaction of the Registrar as corresponding to the original text.

(2) Where the document is or forms part of an application, the Registry shall not, in the absence of such a translation, take any further action in relation to that document, unless the Registrar otherwise directs.

(3) Where more than one copy of the document referred to in paragraph (1) or (2) is required to be so filed or sent, a corresponding number of copies of the translation shall accompany it.

(4) The Registrar may refuse to accept any translation which is in his opinion inaccurate and thereupon another translation of the document in question verified as aforesaid shall be furnished, together with the appropriate number of copies thereof.

Inspection of register, etc.

80. Any person may, upon request and payment of the applicable fee referred to in the Second Schedule —

(*a*) inspect the register; or

(*b*) search and retrieve —

(i) information on applications for the grant of protection; and

(ii) any other information as the Registrar may allow, in his absolute discretion, to be retrieved from the register.

FIRST SCHEDULE

[*Deleted by S 504/2014 wef 30/07/2014*]

SECOND SCHEDULE

Rules 3(1) and (2)(*a*), 11(1)(*b*), 47(3) and 80

FEES

Form No.	*Matter*	*Corresponding Rule(s)*	*Fees*
PVP 1	(*a*) Request to change the name and/or address of an applicant for a grant of protection	Rules 9(5) and (7), 17(2) and 46(1)	$20

SECOND SCHEDULE — *continued*

	(*b*) Request to change the name and/or address of a grantee		
	(*c*) Request to change an address for service		
PVP 2	(*a*) Filing of a notice of appointment of, substitution of or intention to cease to act as procedural representative	Rule 10(1), (4), (5) and (7)	$8.50
	(*b*) Change in name of procedural representative		
PVP 3	Application for grant of protection under section 13 of the Act	Rules 9(4)(*a*) and 11(1)	$1,600
PVP-TQ	[*Deleted by S 689/2021 wef 01/10/2021*]		
PVP 4	(*a*) Application to amend an application for a grant of protection	Rules 17(1) and (6) and 45(1)	$40
	(*b*) Application for rectification of an error or omission in the register under section 41 of the Act		
PVP 5	[*Deleted by S 689/2021 wef 01/10/2021*]		
PVP 6	Filing of a notice of objection	Rules 9(4)(*b*), 17A(3), 17A(3) as applied by rule 45(5), 19(1) and 42(3)	$340
PVP 7	Filing of a counter-statement	Rules 17A(7), 17A(7) as applied by rule 45(5), 21(1) and 51(1)	$325

SECOND SCHEDULE — *continued*

PVP 8	Attending hearing and obtaining decision	Rule 28(3), (4) and (5)	$650
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	Rules 36(1)	$20
	(*b*) Request to rely on examination report by an Examiner in any UPOV member other than Singapore		$570
PVP 11	(*a*) Payment of annual fee and submission of information under section 24(3) of the Act	Rules 9(4)(*c*) and 47	$150
	(*b*) Payment of late fee under section 24(4) of the Act —	Rule 47(3) and (4)	
	(i) within one month after anniversary of the date of grant of protection mentioned in that section;		$15
	(ii) within 2 months but after one month after that anniversary;		$45

SECOND SCHEDULE — *continued*

	(iii) within 3 months but after 2 months after that anniversary;		$75
	(iv) within 4 months but after 3 months after that anniversary;		$105
	(v) within 5 months but after 4 months after that anniversary; or		$135
	(vi) within 6 months but after 5 months after that anniversary		$165
PVP 12	(*a*) Application to register particulars of a transaction or matter under section 42 of the Act	Rules 9(4)(*a*) and 44(1)	$80
	(*b*) Application to cancel or amend the particulars of a transaction or matter under section 42 of the Act		
PVP 13	[*Deleted by S 401/2022 wef 26/05/2022*]		
PVP 14	[*Deleted by S 401/2022 wef 26/05/2022*]		
PVP 15	Request for an extension of time	Rules 19(3), 21(4), 51(3) and 66(1)	$30
PVP 16	Application for a certified copy of an entry in the	Rule 71	$40

SECOND SCHEDULE — *continued*

	register or a certified extract from the register under section 40(3) of the Act		
PVP 17	Filing of an order of the Court with the Registrar (other than in relation to an application under PVP 12 or PVP 13)	Rule 77(1) and (2)	$80
PVP 18	Request for publication of matters under section 15 of the Act	Rule 43(4)	$100
PVP 19	[*Deleted by S 689/2021 wef 01/10/2021*]		
—	Inspection of register under section 40(2) of the Act, for each search per file	Rule 80	$6.

[S 401/2022 wef 26/05/2022]

[S 689/2021 wef 01/10/2021]

[S 504/2014 wef 30/07/2014]

THIRD SCHEDULE

[*Deleted by S 504/2014 wef 30/07/2014*]

FOURTH SCHEDULE

[*Deleted by S 504/2014 wef 30/07/2014*]

FIFTH SCHEDULE

Rule 64(1)

SCALE OF COSTS

	Matter	*Amount*

FIFTH SCHEDULE — *continued*

1.	Drawing and filing notice of objection, application for cancellation of a grant of protection, or application for rectification of an entry in the register, all including a statement of grounds	$200
2.	Drawing and filing counter-statement	$200
3.	Preparing and filing evidence for objection and revocation, invalidation or rectification proceedings	$200 — $1,000 per statutory declaration
4.	Perusing any document referred to in items 1, 2 and 3	$100 — $500 per document
	INTERLOCUTORY HEARINGS	$50 — $300
5.	Preparing for all interlocutory proceedings	
6.	Attending all interlocutory proceedings	$50 — $300
	FULL HEARINGS	$500 — $2,000
7.	Preparing for hearing	
8.	Attendance at hearing	$200 an hour or $800 a day
9.	General expenses and travelling of each witness required to attend the hearing	$100 — $200 per day (Expert) $50 — $100 per day (Non expert)
	ASSESSMENT	$3 per page
10.	Drawing bill of costs	
11.	Attending assessment	$100-$300.

[S 261/2022 wef 01/04/2022]

[S 689/2021 wef 01/10/2021]

[G.N. No. S 368/2004]

LEGISLATIVE HISTORY

PLANT VARIETIES PROTECTION RULES
(CHAPTER 232A, R 1)

This Legislative History is provided for the convenience of users of the Plant Varieties Protection Rules. It is not part of these Rules.

1. **G. N. No. S 368/2004 — Plant Varieties Protection Rules 2004**

   Date of commencement : 1 July 2004

2. **2006 Revised Edition — Plant Varieties Protection Rules**

   Date of operation : 31 August 2006

3. **G.N. No. S 742/2013 — Plant Varieties Protection (Amendment) Rules 2013**

   Date of commencement : 9 December 2013

4. **G.N. No. S 504/2014 — Plant Varieties Protection (Amendment) Rules 2014**

   Date of commencement : 30 July 2014

5. **G.N. No. S 437/2020 — Plant Varieties Protection (Amendment) Rules 2020**

   Date of commencement : 5 June 2020

6. **G.N. No. S 689/2021 — Plant Varieties Protection (Amendment) Rules 2021**

   Date of commencement : 1 October 2021

7. **G.N. No. S 261/2022 — Plant Varieties Protection (Amendment) Rules 2022**

   Date of commencement : 1 April 2022

8. **G.N. No. S 401/2022 — Plant Varieties Protection (Amendment No. 2) Rules 2022**

   Date of commencement : 26 May 2022