



Plant Varieties Act 1997

1997 CHAPTER 66

PART I

PLANT VARIETIES

Naming of protected varieties

20 Improper use of registered name

- (1) If any person uses the registered name of a protected variety in offering for sale, selling or otherwise marketing material of a different variety within the same class, the use of the name shall be a wrong actionable in proceedings by the holder of the rights.
- (2) Subsection (1) above shall also apply to the use of a name so nearly resembling the registered name as to be likely to deceive or cause confusion.
- (3) In any proceedings under this section, it shall be a defence to a claim for damages to prove that the defendant took all reasonable precautions against committing the wrong and had not, when using the name, any reason to suspect that it was wrongful.
- (4) In this section—

“class” means a class prescribed for the purposes of regulations under section 18(1) above,

“registered name”, in relation to a protected variety, means the name registered in respect of it under section 18 above.