
STATUTORY INSTRUMENTS

1998 No. 1027

The Plant Breeders' Rights Regulations 1998

Register of plant variety names and records of plant varieties

12.—(1) The Controller shall keep a register of the names of plant varieties in respect of which plant breeders' rights have been granted.

(2) The Controller shall keep records of plant varieties which shall contain—

- (a) in respect of varieties for which applications for grants of plant breeders' rights are under consideration, the information set out in paragraph (3); and
- (b) in respect of varieties for which plant breeders' rights have been granted, the information set out in paragraph (4).

(3) The information referred to in paragraph (2)(a) is—

- (a) the date on which the application was received;
- (b) the date on which details of the application were published in the gazette;
- (c) the name and address of the applicant;
- (d) the description of the characteristics of the plant variety provided by the applicant;
- (e) the reference number allotted to the plant variety by the Controller when the application was published in the gazette;
- (f) the names of the plant variety as published from time to time in the gazette; and
- (g) such other particulars as shall appear to the Controller to be desirable.

(4) The information referred to in paragraph (2)(b) is—

- (a) the name and address of the holder of rights;
- (b) a description of the characteristics of the plant variety;
- (c) the names of the plant variety as published from time to time in the gazette;
- (d) the date upon which and the period (including any extended period) for which plant breeders' rights in the plant variety were granted, and the date upon which such rights expired or were otherwise terminated or were declared null and void, as the case may be;
- (e) the information recorded against the variety pursuant to paragraph (2)(a) prior to the grant of rights; and
- (f) such other particulars as shall appear to the Controller to be desirable.

[^{F1}(4A) If a variety name is accepted in the form of a code, that fact must be noted in the register.]

(5) Any person who has become a holder of rights in succession to another person may apply to the Controller to be entered in the plant varieties records and upon being satisfied that such person is so entitled the Controller shall amend the plant varieties records accordingly.

(6) Any person whose name and address are entered on the plant varieties records and who has changed his name or address shall apply to the Controller for amendment of the plant varieties records accordingly.

(7) The Controller may, without prejudice to any other powers vested in him, either upon the application of any person or without such an application, rectify any error or omission in the register or the plant varieties records.

(8) Before rectifying the register or the plant varieties records the Controller shall (unless he considers that the correction is so trifling that it is not necessary for him to do so) give notice of his proposal to do so to the holder of rights in the plant variety in respect of which the register or plant varieties records are proposed to be corrected and shall advertise his proposal in the gazette, and shall invite written observations to be made within a specified period in regard to the proposal, and he shall not make the correction until he has considered any observations so made to him.

(9) Subject to regulation 13(2), the register and the plant varieties records shall be available for inspection by any member of the public at the Office.

Textual Amendments

- F1** [Reg. 12\(4A\)](#) inserted (31.12.2020) by [The Plant Breeders' Rights \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/204\)](#), regs. 1(1), **17(2)**; 2020 c. 1, Sch. 5 para. 1(1)
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Commencement Information

- I1** [Reg. 12](#) in force at 8.5.1998, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Plant Breeders' Rights Regulations 1998, Section 12.