

## STATUTORY INSTRUMENTS

### 2006 No. 648

## The Plant Breeders' Rights (Naming and Fees) Regulations 2006

### [<sup>F1</sup>Selection of plant variety names: liability to mislead or cause confusion

**3G.**—(1) This Regulation applies for the purposes of regulation 3(2A)(e).

(2) The Controller must not accept a proposed name as suitable, on the ground that it is liable to mislead or cause confusion, if he considers that—

- (a) it conveys the false impression that the variety has a particular characteristic or value;
- (b) it conveys the false impression that the variety is related to, or derived from, another specific variety;
- (c) it refers to a specific characteristic or value in a way which conveys the false impression that only that variety possesses it, when other varieties of the same species may possess the same characteristic or value;
- (d) by reason of its similarity to a well-known trading name other than a registered trademark or variety denomination, it suggests that the variety is another variety, or conveys a false impression concerning the identity of the applicant, the person responsible for the maintenance of the variety or the breeder;
- (e) it consists of or contains—
  - (i) comparatives or superlatives;
  - (ii) the botanical or common names of species within the group either of agricultural plants species or vegetable species to which the variety belongs;
  - (iii) the name of a natural or legal person, or a reference to such a name, so as to convey a false impression concerning the identity of the applicant, the person responsible for the maintenance of the variety or the breeder;
- (f) it includes a geographical name that would be likely to deceive the public as to the characteristics or the value of the variety.]

#### Textual Amendments

- F1** Regs. 3A-3G inserted (31.12.2020) by [The Plant Breeders' Rights \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/204\)](#), regs. 1(1), **19(6)** (as amended by [S.I. 2019/1220](#), regs. 1(2)(b), **8(7)**); 2020 c. 1, **Sch. 5 para. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Breeders' Rights (Naming and Fees) Regulations 2006, Section 3G.