



agriculture

Department:  
Agriculture  
REPUBLIC OF SOUTH AFRICA



## APPLICATION FOR RECOGNITION OF A VARIETY IN TERMS OF THE PLANT IMPROVEMENT ACT, 2018 (ACT NO. 11 OF 2018)

### INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM:

1. **PLEASE DO NOT CHANGE THE FORMAT** of the application form and technical questionnaire.

The application form and technical questionnaires have been specifically designed to contain certain information per page. The paper is letter size to provide for users in different countries and different printers.

**IF THE FORMAT OF THE FORM IS CHANGED, THE APPLICATION WILL BE RETURNED.**

2. If the space provided for information is insufficient, please attach a separate page with the required information, indicating the applicable paragraph number for ease of reference.
3. Application forms and technical questionnaires must be submitted with signatures of the applicant/authorized person to be valid.
4. The effective filing/acceptance date of the application will be the date on which all compliance requirements are met, and all required documents and information is received [copies of documents may be submitted electronically to secure a filing/acceptance date but the **ORIGINAL documents must be submitted to the Registrar's office with 3 months** of the filing date and failure to do so will result in the application lapsing].
5. If an application is submitted on behalf of the breeder/owner of a variety, the application will not be accepted or processed without the proxy. If a copy of the proxy is submitted with the application, the original document must be submitted as soon as possible. **The proxy should be less than a year old.**



6. If the applicant is not a South African resident domiciled in the RSA, then the application must be submitted through a locally appointed agent
7. No application will be accepted or processed without a proxy and proof of payment.
8. When a GMO variety is submitted for registration, the applicant is required to submit proof of approval for general release of the event for the specific crop in South Africa.
9. In case of a variety that may not be used without prior approval in terms of other legislation, the application must be accompanied by the relevant permit or proof of general release of the variety
7. Please note that if the application does not meet all the requirements before the planting date, the variety will not be included in the trials for the particular growing season.
8. Applicants are required to **obtain an invoice** from the office of the Registrar: Plant Improvement Act before making payment of the required fees (email: [AshikaK@nda.gov.za](mailto:AshikaK@nda.gov.za)).



**APPLICATION FOR THE RECOGNITION OF A VARIETY**  
**PLANT IMPROVEMENT ACT, 2018 (ACT NO. 11 OF 2018)**

VL REF NO.:

1(a). **Full name and address of applicant** (if more than one person applies jointly, provide the name and address of each person, use separate page if space is not sufficient):

Contact person:

Tel. no.:

E-mail:

1(b). Address for correspondence purposes (if submitted on behalf of applicant who is not a resident of the RSA)

Contact person:

Tel. no.:

E-mail:

1(c). Name and address of the maintainer of the plant material (if different from (b) above)

Contact person:

Tel. no.:

E-mail:

2. **Kind of Plant:**

Botanical name:

Common name:

3. **Variety Denomination:** Proposed

Breeder's Reference (if any):

Trade name/Trademark (if any):

|  |   |   |  |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
|--|---|---|--|---|--|-----------------------|--|------------------|--|---|--|--|--|----------------------|--|-------------------------------|
| <b>VARIETY DENOMINATION/NAME:</b>  |   |   |  |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
| <p>4. <b>The breeder of the variety is:</b></p> <p><input type="checkbox"/> The applicant                      <input type="checkbox"/> The following persons (full names &amp; addresses of all other persons):</p><br><br><p>No other person participated in the breeding of the variety.</p> <p>Country where the variety was bred:</p>   |   |   |  |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
| <p><b>The variety was transferred to the applicant by means of:</b> (if applicant is not the breeder)</p> <p><input type="checkbox"/> Contract:                      <input type="checkbox"/> Succession:                      <input type="checkbox"/> Other (specify):</p>   |   |   |  |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
| <p>5. <b>The variety originated by means of:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; height: 20px;"></td> <td style="width: 50%; height: 20px;">Conventional breeding</td> <td style="width: 50%; height: 20px;"></td> <td style="width: 50%; height: 20px;">Induced mutation</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;">Selection from an existing variety or species</td> <td style="height: 20px;"></td> <td style="height: 20px;">Genetic manipulation (non-conventional breeding)</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;">Spontaneous mutation</td> <td style="height: 20px;"></td> <td style="height: 20px;">Other (provide details below)</td> </tr> </table> |   |   |  |   |  | Conventional breeding |  | Induced mutation |  | Selection from an existing variety or species |  | Genetic manipulation (non-conventional breeding) |  | Spontaneous mutation |  | Other (provide details below) |
|  | Conventional breeding                         |   | Induced mutation                                 |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
|  | Selection from an existing variety or species |   | Genetic manipulation (non-conventional breeding) |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
|  | Spontaneous mutation                          |   | Other (provide details below)                    |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
| <p>6. <b>Particulars of all previous applications in any other country in connection with the variety:</b></p> <p>For the purposes of this paragraph:</p> <p>(i) all <b>plant breeders' rights, plant patents, trademarks</b> and any other special <b>titles of protection</b> in respect of plants must be indicated; and</p> <p>(ii) "Official Variety List" means any list of varieties of which commercialisation has been authorised by an appropriate authority.</p> <p>(iii) <u>Underline the denomination in the last column if it has been approved by an appropriate authority.</u></p>   |   |   |  |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
| Kind of application  | Dates of applications and countries of        | Application numbers   | Stages and dates (use symbols given below)       | Denomination or breeder's reference   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
| Plant Breeders' Rights   |   |   |  |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
| Official Variety List  |   |   |  |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
| Other (specify)  |   |   |  |   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
| <p><b>A:</b> application submitted to and being considered by an appropriate authority</p>   |   | <p><b>B:</b> Application rejected by an appropriate authority</p> |  | <p><b>C:</b> Application withdrawn by applicant</p>   |  |                       |  |                  |  |   |  |  |  |                      |  |                               |
|  |   |   |  | <p><b>D:</b> Plant Breeders' Rights granted, or denomination of variety included in official variety list</p> |  |                       |  |                  |  |   |  |  |  |                      |  |                               |

|   |   |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
|---|---|-------------------|---------------------|--------------------------|---|--------------------------|---|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|---|
| <b>VARIETY DENOMINATION/NAME:</b>   |   |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <p>7. <b>The variety:</b></p> <p><input type="checkbox"/> has not yet been offered for sale or marketed      <input type="checkbox"/> has been offered for sale or marketed:</p> <p style="text-align: center;">in (names of countries):</p> <p style="text-align: center;">on (dates):</p> <p style="text-align: center;">under the denomination(s):</p>   |   |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <p>8. <b>Trademarks:</b> if the proposed denomination indicated in paragraph 4 above, is a designation in respect of a mark within the meaning of the Trademarks Act, 1963 (Act no. 62 of 1963), the following particulars must be furnished in respect of that designation: (If the space is insufficient, attach a separate page with the details)</p>  |   |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| Country Where Protected   | Application Date  | Registration Date | Registration Number |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
|   |   |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <p><b>If a trademark designation is to be registered as the variety denomination, the holder of the mark must renounce his/her right. Attach documentary proof that the holder of the mark has renounced his/her right.</b></p>   |   |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <p>9. <b>The following forms and documents are attached:</b> (indicate with an X)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td>Description of a typical plant of the variety on the technical questionnaire which is available from the Registrar.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Documentary proof of the title or authority of a legal representative or an agent who submits the application on behalf of a breeder, or of a joint applicant thus authorised if he/she submits the application on behalf of the applicants</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Documentary proof of the transfer of the variety to the applicant.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>The application and examination fees which are payable in terms of Section 28(1)(e) &amp; Regulation 57(2) of the Plant Improvement Act, 2018 (Act No. 11 of 2018)</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Propagating material * See (i) and (ii) below.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>An application for a Plant Breeder's Right has been submitted simultaneously with this application for the recognition of a variety</td> </tr> </table> |   |                   |                     | <input type="checkbox"/> | Description of a typical plant of the variety on the technical questionnaire which is available from the Registrar. | <input type="checkbox"/> | Documentary proof of the title or authority of a legal representative or an agent who submits the application on behalf of a breeder, or of a joint applicant thus authorised if he/she submits the application on behalf of the applicants | <input type="checkbox"/> | Documentary proof of the transfer of the variety to the applicant. | <input type="checkbox"/> | The application and examination fees which are payable in terms of Section 28(1)(e) & Regulation 57(2) of the Plant Improvement Act, 2018 (Act No. 11 of 2018) | <input type="checkbox"/> | Propagating material * See (i) and (ii) below. | <input type="checkbox"/> | An application for a Plant Breeder's Right has been submitted simultaneously with this application for the recognition of a variety |
| <input type="checkbox"/>  | Description of a typical plant of the variety on the technical questionnaire which is available from the Registrar.   |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <input type="checkbox"/>  | Documentary proof of the title or authority of a legal representative or an agent who submits the application on behalf of a breeder, or of a joint applicant thus authorised if he/she submits the application on behalf of the applicants |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <input type="checkbox"/>  | Documentary proof of the transfer of the variety to the applicant.  |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <input type="checkbox"/>  | The application and examination fees which are payable in terms of Section 28(1)(e) & Regulation 57(2) of the Plant Improvement Act, 2018 (Act No. 11 of 2018)  |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <input type="checkbox"/>  | Propagating material * See (i) and (ii) below.  |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <input type="checkbox"/>  | An application for a Plant Breeder's Right has been submitted simultaneously with this application for the recognition of a variety   |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |
| <p>* (i) <b>Particulars of Propagating Material:</b></p> <p style="text-align: center;">Identifying mark on sample: _____</p> <p style="text-align: center;">Place where cultivated: _____</p> <p style="text-align: center;">Grower: _____</p> <p style="text-align: center;">Year of cultivation: _____</p>   |   |                   |                     |                          |   |                          |   |                          |  |                          |  |                          |  |                          |   |

|   |  |
|---|--|
| <b>VARIETY DENOMINATION/NAME:</b>   |  |
| Seed treatment: (indicate all treatments – insecticides, fungicides, trace elements, etc. as well as dosages and dates of treatment.)   |  |
| <b>NB: Seed packets must be clearly labelled with the kind of plant and variety denomination/name, breeder's reference, company name, seed quantity as well as to indicate whether VL or PBR or both were applied for. If a trademark is used such mark and denomination must be clearly distinguishable.</b> |  |

\* (ii) In a case where the propagating material does not accompany the application, please indicate when submission of the material can be expected. In the case of trees/vines that are already established, please indicate the locality.  
In terms of Section 35(2)(a) and Regulation 60(1) of the Plant Improvement Act, 2018 an applicant/agent must provide **propagating material** for tests and trials **within the prescribed period** from lodging of the application, unless exemption for a specified period is obtained from the Registrar in writing. For potatoes, trees and vines, the required amount of material must be provided **within 5 years from the filing date** and for all other crops **within 24 months of the filing date**.

10. I, the undersigned:

(a) hereby apply for the recognition of the above-mentioned variety in terms of the Plant Improvement Act, 2018 (Act No.11 of 2018)

(b) declare that, to the best of my knowledge, the information furnished in this application and the attached forms and documents is correct, and that no relevant information has been omitted;

(c) declare that the propagating material submitted herewith or as arranged, is a representative sample of propagating material of the variety

(d) authorise the Registrar to exchange any useful information in connection with the variety with the appropriate authority in another country.

**IMPORTANT**

**In terms of Section 60 of the Plant Improvement Act, 2018 (Act No.11 of 2018) any person who is found guilty of an offence, as defined in terms of Section 59 is liable upon conviction to-**

**(a) a fine or to imprisonment for a period not exceeding six years in the case of conviction of an offence referred to in section 59(a), (b), (f), (g), (h), (i), (j), (m), (n), (o), (p) or (q)**

**(b) a fine or imprisonment for a period not exceeding four years for an offence referred to in Section 59(c), (d), (e), (k) or (l).**

|                                   |  |                |  |
|-----------------------------------|--|----------------|--|
| <b>VARIETY DENOMINATION/NAME:</b> |  |                |  |
| Signed at<br>(place)              |  | on this (date) |  |
| day of (month)                    |  | of (year)      |  |
| Signature of applicant/agent      |  |                |  |

All documentation (application form, technical questionnaire, proof of fee payment, proxy) together with material for evaluation must be sent to: PIA Registrar (Ashika Kistnasamy), Directorate Plant Production, Harvest House, Office 358, 3<sup>rd</sup> Floor, 30 Hamilton Street, Arcadia, Pretoria.

For all enquiries and assistance please contact Mr Phaladi Lediga ([PhaladiL@nda.gov.za](mailto:PhaladiL@nda.gov.za) or 012 319 6169) and Ms Shoki Tshesane ([ShokiT@nda.gov.za](mailto:ShokiT@nda.gov.za)).