Plant Varieties Act 1997

1997 CHAPTER 66

PART I

PLANT VARIETIES

Naming of protected varieties

18 Selection and registration of names

(1) The Ministers may by regulations—

(a) make provision for the selection of names for varieties which are the subject of applications for the grant of plant breeders' rights,

(b) make provision about change of name in relation to varieties in respect of which plant breeders' rights have been granted, and

(c) make provision for the keeping of a register of the names of varieties in respect of which plant breeders' rights have been granted.

(2) Regulations under subsection (1) above may, in particular—

(a) make provision enabling the Controller to require an applicant for the grant of plant breeders' rights to select a name for the variety to which the application relates,

(b) make provision enabling the Controller to require the holder of plant breeders' rights to select a different name for the protected variety,

(c) prescribe classes of variety for the purposes of the regulations,

(d) prescribe grounds on which the registration of a proposed name may be refused,

(e) prescribe the circumstances in which representations may be made regarding any decision as to the name to be registered in respect of any variety,

(f) make provision enabling the Controller—

(i) to refuse an application for the grant of plant breeders' rights, or

(ii) to terminate the period for which a grant of plant breeders' rights has effect,

if the applicant or holder fails to comply with a requirement imposed under the regulations,

(g) make provision for the publication or service of notices of decisions which the Controller proposes to take, and

(h) prescribe the times at which, and the circumstances in which, the register may be inspected by members of the public.

(3) The Controller shall publish notice of all entries made in the register, including alterations, corrections and erasures—

(a) in the gazette, and

(b) in such other manner as appears to the Controller to be convenient for the publication of these to all concerned.

(4) For the purposes of subsection (1) above, the variety in respect of which plant breeders' rights are granted is the protected variety.