



Plant Varieties Act 1997

1997 CHAPTER 66

PART I

PLANT VARIETIES

Naming of protected varieties

19 Duty to use registered name

- (1) Where a name is registered under section 18 above in respect of a variety, a person may not use any other name in selling, offering for sale or otherwise marketing propagating material of the variety.
- (2) Subsection (1) above shall have effect in relation to any variety from the date on which plant breeders' rights in respect of that variety are granted, and shall continue to apply after the period for which the grant of those rights has effect.
- (3) Subsection (1) above shall not preclude the use of any trade mark or trade name (whether registered under the Trade Marks Act 1994 or not) if—
 - (a) that mark or name and the registered name are juxtaposed, and
 - (b) the registered name is easily recognisable.
- (4) A person who contravenes subsection (1) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In any proceedings for an offence under subsection (4) above, it shall be a defence to prove that the accused took all reasonable precautions against committing the offence and had not at the time of the offence any reason to suspect that he was committing an offence.