



# IP roadmap

## Your path to protect plant varieties



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### Filing an application

Fee: \$250

You may file an application for a plant breeders' rights (PBR) certificate with the Plant Breeders' Rights Office (PBRO) at the Canadian Food Inspection Agency (CFIA).

To obtain a filing date, your application must include the following:

- i. A completed and signed PBR application form;
- ii. Payment of an application fee of \$250;
- iii. An origin and breeding history statement;
- iv. A uniformity and stability statement;
- v. A distinctness statement;
- vi. The address and method(s) for maintaining the variety;
- vii. If required, a completed and signed authorization of agent form;
- viii. If required, a completed and signed legal representative document (i.e. assignment documentation);
- ix. If the variety is seed-reproduced, the required quantity of the seed.



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### Applying for protection

Individuals and corporations can apply.

If the applicant resides outside of Canada, an agent residing in Canada is required.

### Claiming priority (if applicable)

Fee: \$50

### What is it and what is required to claim priority?

- You may request a claim for priority at the time of application, if within 12 months from the date an application was first filed in another member country of the International Union for the Protection of New Varieties of Plants (UPOV).
- Provide a certified copy of the application that was filed with the first UPOV member country, within 3 months following the date the application was accepted in Canada.



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### Examination request

Fee: \$750

Examination is the process the CFIA uses to determine whether you should be granted a PBR certificate for your variety. Examinations are only conducted upon request.



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### Examination to verify compliance

The PBRO examiner will determine whether your candidate variety meets the requirements under the *Plant Breeders' Rights Act*.



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### Publication

The PBRO publishes the *Plant Varieties Journal (PVJ)*, which contains information concerning PBR. The details of every PBR application filed or under examination, every grant of right and any changes to the details of a variety, including changes of ownership or variety denomination, are published in the PVJ.

Following the examination, the examiner drafts a description of your candidate variety, including a summary of its distinguishing characteristics for publication in the PVJ.

### To initiate the examination process, you must submit to the PBRO:

- A request for site examination form;
- An examination fee of \$750;
- A request to purchase a foreign examination report (if you decide to purchase the examination report from another UPOV member country).



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### Will I have a chance to review the description of my variety prior to the publication?

Yes, a draft of the variety description will be sent to you or your agent for review prior to publication.



### Granting of rights

Fee: \$500

If no objection has been filed during the six-month objection period after publication of the description in the PVJ, your variety will be eligible for protection.

The PBRO will notify you that the variety is eligible for grant of rights and you will need to submit the following:

- A completed confirmation of grant-of-rights information form;
- The grant-of-rights fee.



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### Annual renewal

Fee: \$300

You must pay an annual fee on the anniversary date when the PBR certificate was issued so that the rights remain valid. Failure to pay the annual renewal fee will result in the rights being revoked.