



IP roadmap

Your path to protect plant varieties



1

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, you must include the following in your application:

- a completed and signed PBR application form
- an application fee of \$250
- an origin and breeding history statement
- a uniformity and stability statement
- a distinctness statement
- the address and method(s) for maintaining the variety
- if required, a completed and signed authorization of agent form
- if required, a completed and signed legal representative document (i.e. assignment documentation)
- if the variety is seed-reproduced, the required quantity of the seed

Applying for protection

Individuals and corporations can apply.

If the applicant resides outside 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 priority when you apply if it is within 12 months of the date an application was first filed in another member country of the International Union for the Protection of New Varieties of Plants (UPOV).
- You must provide a certified copy of the application that was filed with the first UPOV member country, within 3 months of the date the application was accepted in Canada.



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Application processing

The PBRO will process your application and send you a notice that your application has been accepted if it meets the requirements of the *Plant Breeders' Rights Act* or that it is incomplete if it does not meet the requirements.

What happens after I receive the notice?

If your notice states that your application is incomplete, you must submit all outstanding information within the required timeframe.



3

Examination request

Fee: \$750

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



4

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 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.

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 the following 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 before the publication?

Yes, the PBRO will send you or your agent a draft of the variety description for review before publication.



Grant of rights

Fee: \$500

If no one files an objection during the 6-month objection period after the description is published in the PVJ, your variety will be eligible for protection.

The PBRO will notify you that the variety is eligible for a 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 of the PBR certificate's issuance so that the rights remain valid. If you fail to pay the annual renewal fee, the rights will be revoked.