



Norwegian implementation on the Novelty provisions



Foto Linda Kristin Skogeng

Novelty

UPOV -78 article 6(1)(b)

Norwegian Act relating to the Plant Breeder's Right section 2:

The Plant Breeder's right may only be granted in respect of varieties which have not been sold or offered for sale with the consent of the variety owner,

- *in this Realm before the date of application, or*
- *abroad more than six years before the date of application in the case of vines, trees and their rootstock or more than four years before the date of application in the case of other plants.*

Norwegian Act relating to the Plant Breeder's Right section 4:

The application must disclose such prior exploitation of the variety as may be an obstacle to the granting of the Plant Breeder's Right ... or state that the variety has not been so exploited.



Novelty

Regulation concerning the Plant Breeder's Right section 4 h):

... The application shall contain:

h) Information on the previous exploitation of the variety which according to ... Section 2 of the Act relating to Plant Breeder's Right may hinder the granting of breeder's rights.

Example: The Canadian variety



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Norwegian implementation on the Priority provisions



Norwegian Ministry of Agriculture and Food

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Priority

UPOV -78 article 12

Norwegian Act relating to the Plant Breeder's Right section 2:

If the variety owner has applied for a breeder's right or a patent for a variety in one or more other UPOV-member States, and applies within twelve months from the date of filing of the first application for a plant breeder's right in respect of the variety in this Realm, the application in this Realm shall be deemed, [...], if the variety owner so requests, as having been filed on the same date as the first application.



Priority

Regulation concerning the Plant Breeder's Right:

- The priority claim must be in writing
- The application must give information of the country where the application upon which the priority claim is based was filed, the date for the filing and the application number. This information shall also be furnished in the register of application for plant Breeder's Rights and the Public Notice .
- A copy of this application, certified by the relevant authority, must be furnished to the Plant Variety Board within three months of filing a priority claim.
- The Plant Variety Board can not direct the applicant to provide the information and the plant material required to consider the application earlier than four years after the expiry of the time limit for priorities
- If the application upon which the priority claim is based is rejected or withdrawn the Plant Variety Board may set a new deadline for supplying information and plant material.

Example: The German variety





Norwegian implementation on implementing ways to mutually recognize documents



Mutually recognized documents

Regulation concerning the Plant Breeder's Right

Section 4:

A written application in Norwegian shall be submitted to the Plant Variety Board. The application shall be signed by the applicant or by his agent if the applicant is so represented.

- We accept signed documents scanned and sent electronic.
- No electronic signature for the Plant Variety Board.
- Food Safety Authority print and sign DUS-reports for varieties tested in Norway.



Mutually recognized documents

Norwegian Act relating to the Patent section 8b

And

Act relating to Plant Breeder's Right section 2:

If an invention/variety concerns or uses biological material or traditional knowledge, *the application shall include information on the country from which the inventor/breeder collected or received the material or the knowledge (the providing country).*

When the biological material is acquired in accordance with Art. 12 No. 2 and 3 of the International Treaty on Plant Genetic Resources for Food and Agriculture of November, 3, 2001, *a copy of a standard material transfer agreement according to Art 12.4 of the Treaty shall accompany the application instead of the information mentioned.*

