Submission template

### Review of the Plant Variety Rights Act 1987: Proposed Regulations

### Instructions

This is the template for those wanting to submit by Word document a response to the *Review of the Plant Variety Rights Act 1987: Proposed Regulations*discussion document.

The Ministry of Business, Innovation and Employment (MBIE) seeks written submissions on the issues raised by 5pm on Wednesday, 25 August 2021. Please make your submission as follows:

1. Fill out your name and organisation in the table, “Your name and organisation”.
2. Fill out your responses to the discussion document questions in the table, “Responses to discussion document questions”. Your submission may respond to any or all of the questions in the discussion document. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples.
3. If you would like to make any other comments that are not covered by any of the questions, please provide these in the “Other comments” section.
4. When sending your submission, please:
	1. Delete this first page of instructions.
	2. Include your e-mail address and telephone number in the e-mail accompanying your submission – we may contact submitters directly if we require clarification of any matters in submissions.
	3. If your submission contains any confidential information:
		1. Please state this in the e-mail accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 that you believe apply. MBIE will take such objections into account and will consult with submitters when responding to requests under the Official Information Act.
		2. Indicate this on the front of your submission (eg the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).

Note that submissions are subject to the Official Information Act and may, therefore, be released in part or full. The Privacy Act 1993 also applies.

1. Send your submission as a Microsoft Word document to [PVRActReview@mbie.govt.nz](https://mako.wd.govt.nz/otcsdav/nodes/88429918/mailto_PVRActReview%40mbie.govt.nz)

Please direct any questions that you have in relation to the submissions process to [PVRActReview@mbie.govt.nz](https://mako.wd.govt.nz/otcsdav/nodes/88429918/mailto_PVRActReview%40mbie.govt.nz).

Submission template

### Review of the Plant Variety Rights Act 1987: Proposed Regulations

### Your name and organisation

|  |  |
| --- | --- |
| **Name** |  |
| **Email** |  |
| **Organisation/Iwi** |  |

[Double click on check boxes, then select ‘checked’ if you wish to select any of the following.]

[ ]  The Privacy Act 1993 applies to submissions. Please check the box if you do not wish your name or other personal information to be included in any information about submissions that MBIE may publish.

[ ]  MBIE intends to upload submissions received to MBIE’s website at [www.mbie.govt.nz](http://www.mbie.govt.nz). If you do not want your submission to be placed on our website, please check the box and type an explanation below.

I do not want my submission placed on MBIE’s website because… [Insert text]

### Please check if your submission contains confidential information:

[ ]  I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

I would like my submission (or identified parts of my submission) to be kept confidential because… [Insert text]

### Responses to questions in the discussion document

#### The Regulations

|  |  |  |
| --- | --- | --- |
|  **2.1**  | **PVR regulations - general**Do you agree with MBIE’s proposal that the new PVR regulations be adapted, as far as possible, from corresponding provisions in the Patents Regulations 2014? |  |
|  | *[Insert response here]* |  |

#### Regulations adapted from the Patents Regulations

|  |  |  |
| --- | --- | --- |
|  **3.1**  | **Regulations adapted from the Patents Regulations** Do you agree with the outline of regulations to be adapted from the Patents Regulations set out in the table above? If not, please explain which aspects of the outline you disagree with, and why? |  |
|  | *[Insert response here]* |  |

#### PVR specific regulations

|  |  |
| --- | --- |
|  **4.1**  | **Denominations** Which of the two options for the time limit for submitting a replacement denomination do you support? Please explain why. |
|  **4.2**  | *[Insert response here]* |
| **Denominations** If you favour option (i) should the prescribed period for submitting a denomination be extendible? If so how long should any extension be, and on what grounds? |
|  | *[Insert response here]* |
|  **4.3**  | **Examination**Do you agree with MBIE’s proposals for the time limits for providing information and propagating material in relation to a PVR application? If not please explain why. |
|  | *[Insert response here]* |
|  **4.4**  | **Examination**If you disagree with MBIE’s proposal, what alternative time limit regime should be adopted? |
|  | *[Insert response here]* |
|  **4.5**  | **Examination**Do you consider that the two month period for paying trial or examination fees is reasonable? If not, please explain why. |
|  **4.6**  | *[Insert response here]* |
| **Examination**MBIE proposes that the prescribed period be extendible only under genuine and exceptional circumstances. Do you agree with this? If not, what extension (if any) should be available, and under what criteria? |
|  | *[Insert response here]* |
|  **4.7** | **Examination**MBIE has proposed that the regulations empower the Commissioner to set the conditions of a growing trial. Do you agree with the conditions proposed by MBIE? Are there any other conditions that you think the Commissioner should have the power to set? |
|  | *[Insert response here]* |
|  **4.8** | **Examination** MBIE proposes that where the Commissioner chooses to rely on a growing trial conducted by an overseas authority, and two more such reports are available, the Commissioner should determine which report to rely on. Do you agree with this proposal? If not please explain why. |
|  | *[Insert response here]* |
|  **4.9** | **Compulsory licenses** Do you agree with the proposed procedure for dealing with compulsory license applications? If not please explain why. |
| *[Insert response here]* |
|  **4.10** | **Compulsory licenses** If you disagree with the proposed procedure, what other procedure could be used? |
|  | *[Insert response here]* |

#### Other Issues

|  |  |
| --- | --- |
|  **5.1**  | **Objections before grant**Do you agree with the procedure proposed for objections before grant? If not please explain why. |
|  | *[Insert response here]* |
|  **5.2**  | **Objections before grant**If you disagree with the proposed procedure, what alternative procedure do you suggest be adopted? |
|  | *[Insert response here]* |
| **Requests for propagating material or information from PVR owners**Do you agree with the proposed time periods for providing information or propagating material relating to a granted PVR? If not please explain why. |
|  **5.3**  |
|  | *[Insert response here]* |
|  **5.4**  | **Requests for propagating material or information from PVR owners**MBIE proposes that the proposed time periods not be extendible. Do you agree with this proposal? If not what extensions should be available and under what grounds should extensions be provided? |
| *[Insert response here]* |
|  **5.5**  | **Non-indigenous species of significance** When should the regulations listing non-indigenous species of significance enter into force? Should they enter into force with the Bill’s non-Treaty provisions, or be left until the Treaty provisions come into force? Please give reasons for your response. |
|  | *[Insert response here]* |
|  | **Non-indigenous species of significance** Do you have any other comments on the list and the entries in it? |
|  **5.6**  |
| *[Insert response here]* |

### Other comments

*[Insert response here]*