

Notes on Application for National Listing

General information

- The published forms (application which contains the technical questionnaire) have to be used.

pt. 1

- If the applicant is already registered with an applicant number, this number has to be used for the application. Otherwise the complete address of the applicant is needed in the form.
- In case that several applicants want to apply the same variety, one of them has to do the application and the other ones can apply for registration as "Further Breeder".
- A legal entity or business partnership which is part of a commercial register and applies at the Bundessortenamt for the first time has to add a certificate of registration. The same conditions count for a one-man-business, if the person applies under a name that differs from the business name.

pt. 2

- Who does not have a residence or a place of business in a contracting state concerning the contract about the European Economic Area, can only apply, if he has got a representative with residence or a place of business in a contracting state. A power of attorney for a representative has to be signed by all principals. Only individual persons or a limited company which is accredited as lawyer or patent attorney company can be appointed as representative.

pt. 3

- Botanical Denomination

pt. 4

- Preliminary denomination for application procedure
You can decide whether this is a preliminary denomination for the application procedure or already the final denomination. The form for the final denomination is part of the application and can also be found under the following path for late submission:
<https://www.bundessortenamt.de/bsa/antragshysteller/sonstige-formulare/>

pt 5

- The definition "National List" contains the variety list according to § 47 SaatG and the equal catalogues of other countries.
- Every former application for protection or national list in other countries must be named in chronological order.
- In column "Stand" the following abbreviations have to be used:
A = application pending
B = application rejected
C = application withdrawn
D = Plant Breeder's Rights granted or registration in National List

pt. 6

- Testing with genetically modified varieties can only start, when the admission for release or circulation according to the genetic engineering law is available and proof is provided to the Bundessortenamt.
Concerning the legal status related with the „new breeding-/mutagenesis-engineering“ the Bundessortenamt refers explicitly to the judgement of European Court from 25th of July 2018.

pt. 7

- Circulation of seeds according to SaatG is offering seeds, keeping seeds for transfer or delivery and any transfer of seeds to others.

pt. 8

- Complete address of the company which in fact does the conservation breeding.

pt. 9

- Only to fulfill, if the applicant wants a designation according § 30 Abs. 2 SaatG.
In case of letter "c)" an official certified proof has to be added. The proof must be issued by the country in which the variety is registered with specific value.

The conditions for the exchange of results with other testing stations result especially from § 44 SaatG.

Additionally to the application for the National List the following documents have to be added - if necessary:

1. Technical questionnaire (included in the application form)
2. Power of attorney: If there is authorized a new representative, the power of attorney has to be added.
3. Proof: If the variety fulfills the conditions for a specific value in another contracting state and was registered in a list equal to the German National List, there is need of proof. Otherwise the application is not complete.