

# PROTECTION OF NEW PLANT VARIETIES REGULATIONS, 2023

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# PROTECTION OF NEW PLANT VARIETIES ACT (No. of 2015)

## PROTECTION OF NEW PLANT VARIETIES REGULATIONS, 2023

The Minister in exercise of the powers conferred by section 19 of the Integrated Circuits Act, 2015 (*No. 43 of 2015*) hereby makes the following regulations —

### PART I - PRELIMINARY

#### 1. Citation.

These Regulations may be cited as the Protection of New Plant Varieties Regulations, 2023.

#### 2. Interpretation.

In these Regulations —

“**Agent**” means a counsel or attorney admitted to practice in The Bahamas in accordance with section 2 of the Legal Profession Act;

“**declaration**” means a declaration under the Oaths Act;

“**Committee**” means the Committee, tasked by the Intellectual Property Office and Minister responsible for the administration of the Act, with evaluating an application for plant protection under the Plants Protection Act;

“**Office**” means the Intellectual Property Office referred to in section 3 of the Patents Act, 2015.

#### 3. Document format.

Subject to any other directions that may be given by the Registrar, all applications, notices, counter-statements, papers having representations affixed, or other documents in writing required by the said Act or by these Regulations to be left with or sent to the Registrar shall be upon A4 paper of a size approximately 11 inches by 8 inches, and shall have on the left hand part thereof a margin of not less than one inch, or shall be in any mandated electronic format permitted or adopted by the Office.

#### 4. Registrar may adopt electronic means of communication.

(1) At the Registrar's discretion, the Registrar may adopt and authorise the use of electronic means of communication in place of communications in

writing, provided that the Registrar may in such cases also communicate in writing with any persons or their Agents on any matters that the Registrar is required to communicate.

- (2) In all cases in these Regulations where in writing communications are required, the Registrar may permit electronic delivery of communications subject to proof of service requirements that apply to written communications.

## **5. Service by post or electronic means.**

- (1) Any application, statement, notice, or other document authorised or required to be left, made or given at the Office, or to or with the Registrar, or with or to any other person may be sent through the post by a prepaid or official-paid letter and any document so sent shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.
- (2) A letter addressed to a registered proprietor of a new plant variety at the address that appears on the Register, or address for service, or to any applicant for or person opposing the registration of a new plant variety at the address appearing in the application, or notice of opposition or given for service as hereinafter provided shall be deemed to be sufficiently addressed.
- (3) The Registrar may permit service by electronic means subject to proof of service requirements that apply to written communications.

## **6. Obligation to furnish Registrar with address.**

Where any person is by the Act or these Regulations bound to furnish the Registrar with an address —

- (a) the address given shall in all cases include the street address and any other information necessary for the purpose of enabling any person easily to find the place of business or location of the person whose address is given;
- (b) the address may be supplemented with an electronic address for service.

## **7. Address for service within The Bahamas.**

- (1) Every applicant for the registration of any new plant variety and every opponent to such registration, who does not reside or carry on business in The Bahamas shall, if so required, give an address for service in The Bahamas, which may include an Agent's address, and such address may

be treated as the actual address of such applicant or opponent, for all purposes connected with such application for registration or the opposition thereto.

- (2) An address in The Bahamas may be supplemented with an electronic address for service.

## **8. Agents.**

- (1) An application for registration and an opposition to registration and all other communications between an applicant, opponent and the Registrar, or the Minister, and between the proprietor of a registered new plant variety and the Registrar, or the Minister, or any other person, may be made by or through an Agent.
- (2) An applicant, opponent, or proprietor may appoint an Agent to represent him in the matter of the new plant variety by signing and sending to the Registrar an authority in writing to that effect in Form 1 of the *Second Schedule* or in such other form as the Registrar may deem sufficient.
- (3) In the event that a proprietor of a registered new plant variety appoints an Agent, service upon the Agent of any document relating to the new plant variety shall be deemed to be service upon the person, and all communications directed to be made to such person in respect of the new plant variety may be addressed to such Agent.
- (4) Subject to the express authorisation of the Registrar, a person or their Agent may engage in electronic communications on consent.

## **9. Disqualified agents.**

The Registrar shall not be bound to recognise as an Agent any person who is an un-discharged bankrupt, or is not a qualified “counsel and attorney” as defined by section 2 of the Legal Profession Act (*Ch. 64*).

# **PART II - APPLICATION FOR REGISTRATION**

## **10. Application made by two or more persons.**

- (1) If application for registration of a new plant variety be made by two or more persons as breeders or employees, the Registrar shall accept an application signed in the name of and on behalf of such persons by a person duly authorised to act on their behalf, provided that the applicant will submit representations as to rightful ownership with reference to section 10 of the Act as to joint breeders or employer rights.

- (2) If the application is made by a body corporate it may be signed by a director or by the secretary or other principal officer of such body corporate.

#### **11. Technical questionnaire.**

Every application for a breeder's right in a new plant variety shall contain a completed technical questionnaire in the prescribed form for the relevant genus or species, main characteristics of the new variety, and other requirements set out in Part VIII of the Act, as specified in Form 2 for that purpose, but shall not contain any propagating material.

#### **12. Acknowledgement.**

On or after the receipt of an application, the Registrar shall furnish the applicant with an acknowledgement thereof, confirming the date of receipt of the application and technical questionnaire, duly completed.

#### **13. Priority claim.**

Every application claiming priority under section 29 of the Act, by reason of an earlier application made within 12 months from the date of filing of the earliest application, shall be deemed to have been filed at the date of filing of the earlier application, provided that documents are submitted within three months to support the priority claim as required and in compliance with section 30 of the Act.

#### **14. Deadline for proposed name for variety denomination.**

- (1) Within three months of filing an application for a breeder's right, the applicant will provide a name for the new plant variety denomination proposed in accordance with the criteria and prohibitions set out in section 32 of the Act, in Form 3 of the *Second Schedule*.
- (2) A failure to comply with this requirement will result in abandonment of the application.

#### **15. Publication of variety denomination.**

Upon receipt of the new plant variety denomination, the Registrar shall publish a notice in the *Gazette* providing the name of the new plant variety denomination applied for.

#### **16. Additional representations and translations.**

There shall be sent with every application for registration of a breeder's right any additional representations and particulars as may from time to time be required by the Registrar, including any required translations.

**17. Signature.**

- (1) An application shall, if required, be signed by the applicant or his Agent.
- (2) The Registrar may accept electronic signatures, in the Registrar's discretion.

## **PART III – EXAMINATION OF APPLICATION**

**18. Application and propagating material.**

Upon receipt of the application for the grant of a breeder's right, the Registrar shall consult with the Committee, and then provide the applicant with written notice of a date, place and time for submission of the amount of propagating material required by the Committee, and the applicant shall submit the amount of propagating material requested as directed by the Committee.

**19. Testing period and annual testing.**

Following submission of the propagating material, the Registrar shall notify the applicant of a date fixed for the annual testing period and require the applicant for a breeder's right to pay a testing fee for the first year or first testing period to begin the examination process.

**20. Examination by Registrar.**

The Registrar, in consultation with the Committee, shall conduct a formal examination of the application to determine whether the new plant variety fulfils the requirements of novelty, distinctiveness, homogeneity and stability in compliance with section 38 of the Act.

**21. Contracting out of examination.**

The Registrar, at the direction of the Committee or at the Registrar's own discretion, may arrange for the examination of the new plant variety to be performed by an Authority of a Contracting Party as defined in the Act, or a third party expert, and any costs incurred for such examination shall be collected from the applicant.

**22. Abandonment.**

Where the applicant fails to submit propagating material or fails to pay any prescribed fees, the application shall be treated as abandoned.



**23. Rejection or resubmission request.**

If the formal examination shows that the variety is neither distinct, uniform nor stable, the Registrar shall reject such application. Alternatively, where the formal examination shows that the proper denomination cannot be registered for other reasons, the Registrar, in consultation with the Committee, may request the applicant submit any other denomination within a period fixed by the Registrar, failing which the Registrar shall reject the application.

**24. Evaluation of proposed variety denomination.**

The Registrar or a designated Authority of a Contracting Party shall perform a separate evaluation of whether the proposed variety denomination meets the requirements of Part IX to determine if the proposed variety denomination is suitable as a general designation of the variety and does not offend any of the prohibitions in section 32.

**25. Request for new proposed variety denomination.**

Where the Registrar is not satisfied with the proposed variety denomination, the applicant will be formally notified and requested to propose another variety denomination that meets the requirements of the Act within three months, failing which the application will be deemed abandoned.

**26. Approval and publication.**

Where the formal examination shows that the new plant variety satisfies the requirements of section 38, and the proposed variety denomination meets the requirements of section 32, the Registrar shall grant a breeder's right and notify the applicant of the publication of the new plant variety in the *Gazette*.

**27. Registration certificate.**

In the absence of any opposition proceedings, and upon payment of the registration fee, the Registrar shall record the new plant variety in the name of the breeder on the Register, with the particulars set out in section 4 of the Act, in Form 4 of the *Second Schedule*.

**28. Orders.**

If the applicant desires to appeal the Registrar's decision rejecting the application or disputing any other aspect of the decision, the applicant shall within one month bring the matter before the court by motion, serving a copy on the Registrar, failing which the applicant shall be deemed to have withdrawn the application or accepted the decision.

**29. Acceptance.**

If the application be accepted by the court it shall be advertised and proceedings thereafter shall be had in respect of it as if it had been accepted by the Registrar in the ordinary course.

**30. Advertisement.**

Every application when accepted shall be advertised by the Registrar in the *Gazette* during such times and in such manner as the Registrar may direct, pursuant to section 32(6).

## **PART IV - MAINTENANCE OF PROPAGATING MATERIAL**

**31. Propagating material.**

The holder of a breeder's right shall maintain propagating material throughout the period or term of protection of the variety denomination, in such quantities as required for producing plants which correspond to the characteristics defined for the variety when the rights were granted, and shall supply such propagating material to the Registrar, or to the Committee as the Registrar may direct, upon request, within three months.

**32. Right of inspection.**

The holder of a breeder's right shall provide the Registrar, or to the Committee as the Registrar may direct, any information or assistance needed to produce plants that correspond to the characteristics defined for the variety and a right to inspect the breeder's facilities to verify compliance with the Act.

## **PART V - RENEWAL AND LATE FEES**

**33. Annual dues.**

The holder of the breeder's right shall pay to the Registrar the annual renewal fee prescribed, which shall be payable at the beginning of every calendar year by January 31 for the year falling due.

**34. Late payment.**

The Registrar may impose a late penalty fee for payments made after January 31 for up to six months past due payments.

## PART VI - OPPOSITION PROCEEDINGS

### 35. Opposition to registration.

Any person may within three months from the date of any advertisement in the *Gazette* of an application for registration of a new plant variety give notice in writing to the Office of an opposition to the registration, or shall deliver the notice by any permitted electronic means.

### 36. Grounds of opposition.

- (1) Such notice shall be in Form 5 of the *Second Schedule*, and shall contain a statement of the grounds upon which the opponent objects to the registration as outlined in section 41 of the Act.
- (2) In a notice of opposition, reference to the date of the *Gazette* in which the new plant variety was advertised shall be set out.
- (3) Such notice of opposition shall be accompanied by a duplicate where delivered in writing, which the Registrar will forthwith send to the applicant.
- (4) If sent electronically, the Registrar will forthwith forward an electronic copy to the applicant.

### 37. Counter-statement.

- (1) Within two months from the receipt of such notice of opposition the applicant shall send to the Registrar a counter-statement in Form 6 of the *Second Schedule* setting out the grounds on which he relies as supporting his application. The applicant shall also set out what facts, if any, alleged in the notice of opposition are admitted.
- (2) Such counter-statement shall be accompanied by a duplicate where delivered in writing, which the Registrar will forthwith send to the opponent.
- (3) If sent electronically, the Registrar will forthwith forward an electronic copy of the counter-statement to the opponent.

### 38. Opponent's evidence.

Within four months of receipt of such counter-statement by the opponent, the opponent shall file at the Office such evidence by way of declaration as may be desired to adduce in support of the opposition and shall deliver to the applicant copies thereof.

**39. Applicant's evidence.**

- (1) If an opponent files no evidence, the opponent shall be deemed to have abandoned the opposition.
- (2) If the opponent files evidence, then within four months from the receipt of the copies of declarations, the applicant shall file at the Office such evidence by way of declaration as may be desired to adduce in support of the application and shall deliver to the opponent copies thereof.

**40. Additional support of opposition.**

- (1) Within one month from the receipt by the opponent of the copies of the applicant's declarations, the opponent may leave at the Office evidence by declaration in reply, and shall deliver to the applicant copies thereof.
- (2) Such evidence shall be confined to matters strictly in reply.

**41. Further evidence.**

In any proceedings before the Registrar, the Registrar may at any time give leave to either the applicant or the opponent to file any further evidence upon such terms as to costs or otherwise as the Registrar may think fit.

**42. Exhibits.**

- (1) Where there are exhibits to declarations filed in an opposition, copies of such exhibits shall be sent to the other party upon request, or, if such copies cannot conveniently be furnished, the originals shall be sent to the Office, so that they may be open to inspection.
- (2) The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

**43. Additional investigations and evidence.**

In addition to any evidence filed by the parties to an opposition or other hearing, the Registrar may undertake investigations, seek expert evidence, and consider observations or suggestions from interested parties, as provided for under section 42.

**44. Notice of Hearing.**

- (1) Upon completion of the evidence as determined by the Registrar with a written notice that no further evidence may be filed in the proceedings, either party may within one month make a request in Form 7 of the *Second Schedule* that the Registrar issue notice to the parties of a date for an oral hearing of the arguments in the case.

- (2) Such appointment hearing date shall be set for a date at least one month after the date of the notice, unless the parties consent to a shorter notice.
- (3) A party who receives a hearing notice from the Registrar must, within 10 days from the receipt thereof, give notice in Form 8 of the *Second Schedule* of an intention to appear, or will be treated as not desiring to be heard and the Registrar may act accordingly.

**45. Extensions of time.**

Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, as the Registrar deems fit, without giving the said party a hearing, grant any reasonable extension of time to the other party in which to take any subsequent step.

**46. Security for costs.**

Where a party giving notice of opposition neither resides nor carries on business in The Bahamas, the Registrar may call upon the party to give a security in such form as the Registrar may deem sufficient for the costs of the proceedings before the Registrar, for such amount as to the Registrar may determine, and at any stage in such opposition may require further security to be given at any time before giving a decision in the case.

**47. Entry on the Register.**

- (1) Upon the expiration of three months from the date of the advertisement in the *Gazette* of any application, the Registrar shall, subject to any opposition and the determination thereof, and upon payment of the prescribed fee, enter the new plant variety on the Register.
- (2) The entry of a new plant variety on the Register shall give the date of the registration and all particulars named in section 4 of the Act, together with particulars of the name and address of holder of breeder's right, particulars of the genera or species, main characteristics of the variety and duration of protection, and such other particulars as the Registrar may deem necessary.

**48. Certificate of registration.**

Upon the registration of a new plant variety the Registrar shall issue to the applicant a certificate of registration in the Form 4 of the *Second Schedule* .

**49. Amendments.**

Any technical specifications relevant to the genus or species, or other representation on the Register in respect of a new plant variety may be amended or corrected, which in the opinion of the Registrar may be made without

detriment to the interests of any person, and on such terms as the Registrar may direct.

## **PART VII - CANCELLATION PROCEEDINGS**

### **50. Application for cancellation.**

Any interested person can initiate cancellation proceedings in respect of a variety denomination on any of the grounds set out in subsection 35(1) of the Act, and give notice to the Registrar by writing to the Office or by any approved electronic means, within three months of the issuance of the registration for the variety denomination.

### **51. Notice of application for cancellation.**

Such application for cancellation shall be in Form 9 of the *Second Schedule*, with any necessary modifications, and shall state the grounds upon which the person seeks the cancellation of the registration, and shall identify the date of the *Gazette* in which the variety denomination was published for registration.

### **52. Service.**

A copy of a notice of cancellation proceeding of a breeder's right in a variety denomination shall be accompanied in triplicate, if served in writing at the Office, which the Registrar will forthwith send on the Minister and on the holder of the breeder's right.

### **53. Counter-statement.**

Within two months from receipt of such notice the applicant shall send to the Registrar a counter-statement in Form 6 of the *Second Schedule* in triplicate, if sent in writing, setting out the grounds for refuting the cancellation request.

### **54. Same procedure as for opposition.**

The procedure set out in regulations 38 - 49, governing the procedures and deadlines to be followed in opposition proceedings shall apply, with any necessary modifications, to any cancellation hearing.

### **55. Registrar can confer.**

The Registrar may permit the Minister to participate or may confer with the Minister as required concerning the challenge to the registered variety denomination and the proposed decision concerning such cancellation.

**56. Registrar decisions.**

Following a hearing seeking cancellation of a registered variety denomination, the Registrar may cancel the variety denomination, may register a different variety denomination, may request the holder of the breeder's right to submit another proposal for a new variety denomination, or may establish, at the Registrar's own initiative or in consultation with the Minister, a provisional variety or permanent variety denomination, as provided by section 35.

## **PART VIII - INVALIDATION AND FORFEITURE PROCEEDINGS**

**57. Application for invalidation.**

- (1) Any interested person can initiate invalidation proceedings in respect of a variety denomination on any of the grounds set out in section 24 of the Act, and give notice to the Registrar by writing to the Office or by any approved electronic means, up until and including after the breeder's right has expired.
- (2) Such application for invalidation shall be in Form 9 of the *Second Schedule*, with any necessary modifications, and shall include the prescribed fee and a written reasoned statement of the grounds upon which the person seeks the invalidation of the registration, and shall identify the date of the *Gazette* in which the variety denomination was published for application, opposition or registration.

**58. Notice of invalidation.**

A copy of a notice of invalidation proceeding of a breeder's right in a variety denomination shall be accompanied in duplicate, if served in writing at the Office, which the Registrar will forthwith send to the holder of the breeder's right.

**59. Counter-statement.**

Within two months from receipt of such notice the applicant shall send to the Registrar a counter-statement in Form 6 of the *Second Schedule* in duplicate, if sent in writing, setting out the grounds for refuting the invalidation request.

**60. Same procedure as for opposition.**

The procedure set out in regulations 38 - 49, governing the procedures and deadlines to be followed in opposition proceedings shall apply, with any necessary modifications, to any invalidation hearing.

**61. Registrar can confer.**

The Registrar may permit the Minister to participate or may confer with the Minister as required concerning the invalidation of a variety denomination and the proposed decision concerning such invalidation.

**62. Forfeiture proceedings.**

The Registrar may of its own volition initiate proceedings for forfeiture of a breeder's right for failure to meet the requirements of section 25 of the Act, or may initiate proceedings in response to a request by any person.

**63. Decision on forfeiture.**

The Registrar shall offer an opportunity for the holder of the breeder's right to be heard in respect of forfeiture proceedings, and shall subsequently provide a written decision with reasons therefor to the holder of the breeder's right and shall state the date of forfeiture, if so decided.

**64. Voluntary renouncing of variety.**

A holder of a breeder's right who voluntarily renounces the term of protection for a variety denomination before its expiry must do so by written declaration addressed to the Registrar, which shall be recorded on the Registry and published in the *Gazette*.

## **PART IX - LICENCES, ASSIGNMENTS AND TRANSFERS**

**65. Assignment.**

Assignment and Transfer A written assignment or transfer of a breeder's right shall be registered on the Register upon filing with the Office and payment of the prescribed fee in Form 11 of the *Second Schedule*.

**66. License.**

A written license contract for an exclusive or non-exclusive license shall be registered by the Registrar upon filing with the Office and payment of the prescribed fee in Form 11 of the *Second Schedule*.

**67. Publication of Exclusive License.**

Any exclusive license contract shall be published by the Registrar in the *Gazette*.



**68. Publication of compulsory licences.**

Any court decision resulting in the grant of a compulsory licence in respect of any breeder's right shall be published in the *Gazette* by the Registrar and recorded on the Register.

**69. Declaration of Royalty.**

The holder of a breeder's right may also record on the Register a declaration in Form 10 of the *Second Schedule*, entitling any person prepared to pay a royalty the right to use the variety denomination, provided that the royalty payable by the licensee of right shall be stated in the declaration and entered on the Register.

## **PART X - TIME**

**70. Enlargement of time.**

The time prescribed by these Regulations for doing any act, or taking any proceeding thereunder may be enlarged by the Registrar, if deemed fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as the Registrar may direct, and such enlargement may be granted though the time has expired for doing such act or taking such proceeding.

**71. Public holidays**

Whenever the last day fixed by the said Act, or by these Regulations, for leaving any document or paying any fee at the Office shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a public holiday, or any day observed as a day of public fast or thanksgiving, or shall be a day on which the Office shall not be open to the public herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

**72. Late fees.**

Where a time for paying a fee is limited by these Regulations and the person who is bound to pay such fee cannot reasonably pay the fee on the date limited by the Regulation due to unforeseen circumstances, the Registrar, if satisfied that the omission to pay the fee has not been from any want of diligence on the part of the person whose business it is to pay it, may accept the fee even though the date for paying the fee has passed, and treat it as if received on the correct date, provided always that the fee is actually paid with such promptitude as can be expected in the circumstances.

## **PART XI - EVIDENCE**

### **73. Declarations.**

The declarations required by the said Act and these Regulations, or used in any proceedings thereunder, shall be made and subscribed as follows —

- (a) in The Bahamas, before any justice of the peace, magistrate, notary public, the Registrar or other officer by law authorised to administer an oath for the purpose of any legal proceeding; or
- (b) in any country before any notary public, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding,

### **74. Seal or signature.**

Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorised to take such declaration in testimony of such declaration having been made and subscribed, may be admitted by the Registrar without proof of the genuineness of any such seal or signature, or of the official character of such person or authority to take such declaration. The Registrar may accept electronic signatures but is not obligated to do so.

## **PART XII - APPEALS AND ORDERS**

### **75. Appeals to court .**

When any person intends to appeal to the court any decision of the Registrar, no such appeal shall be entertained unless notice of motion be given within three months from the date of the decision appealed against or within such further time as the Registrar shall allow.

### **76. Cancellation proceeding.**

A cancellation proceeding against a registered variety denomination can be brought to the court at any time after the three month period has expired for an appeal of the Registrar's decision.

### **77. Orders of the court.**

- (1) Where an order has been made by the court in any case under the said Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the Office a copy of such order.

- (2) The Register may, if necessary, thereupon be rectified or altered by the Registrar.

**78. Service on Registrar.**

Every application to the court under the said Act shall be served on the Registrar.

**79. Publication of orders.**

Whenever an order is made by the court under the said Act, the Registrar may, if the Registrar thinks that such order should be made public, publish it in the *Gazette*.

**80. Publication of cancellation.**

Any decision by the court to cancel a registration of a new plant variety shall be published in the *Gazette* by the Registrar.

## FIRST SCHEDULE

(REGULATIONS 3 AND 4)

### INDEX OF FORMS AND FEES

	Number of Form	Associated Fees
Authorisation of Agent .....	1	\$25.00
Application for registration of new plant variety.....	2	\$500.00
Name of new plant variety denomination .....	3	\$75.00
Registration Certificate/registration of new plant variety	4	\$150.00
Statement of Opposition to application .....	5	\$50.00
Counter-statement to opposition .....	6	\$50.00
Request for hearing	7	\$50.00
Notice of Appearance for hearing .....	8	
Notice of Application for cancellation or invalidation .....	9	\$75.00
Declaration of royalty payable.....	10	\$25.00
Payment of Fees .....	11	
Recordal of change of address .....		\$20.00
Entry of assignment, transfer or license on Register .....		\$50.00
Request for correction of error.....		\$10.00
Annual renewal fee .....		\$100.00
Late payment fee.....		\$75.00

FORM 1  
(REGULATION 10)

PROTECTION OF NEW PLANT VARIETIES ACT

AUTHORISATION OF AGENT

Sir/Madam,

I    have    appointed.....  
of .....  
to    act    as    my    Agent  
for .....

Address

Dated the ..... day of .....,  
20 .....

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 2  
(REGULATION 14)

PROTECTION OF NEW PLANT VARIETIES ACT

APPLICATION FOR REGISTRATION OF NEW PLANT  
VARIETY

Application is hereby made for registration of the new plant variety depicted as:

*[set out new plant variety name and/or logo]*

in class ..... in respect of ..... in the name of  
*[Name, Address, Nationality of applicant]*

trading as .....  
who claims to be the proprietor thereof.  
*[insert information of original breeder if different from applicant]*

More information on the relevant genus or species is attached to this form in the technical questionnaire prescribed under s. 28 of the *Act*. An applicant must show that the variety is: new, distinct, uniform, stable and has been given an acceptable variety denomination.

The geographical area to which the new plant variety applies is:  
.....

the acts or purposes for which the new plant variety applies are:  
.....

the quality, reputation or other characteristic of the goods or material in respect of which the new plant variety is used are:  
.....

*[include specification describing in sufficient detail the specific characteristics of the material for which the new plant variety is used, the area and method of production of the material, the link between the characteristics of the material and the area and method of production, the manner in which the specified characteristics are controlled and other prescribed particulars]*

The applicant confirms that the continued compliance with the conditions laid down in the specification shall be controlled by the following independent body or authority: .....

*(Signed)*

.....

Dated the ..... day of ....., 20 .....

To the Registrar,

Intellectual Property Office,  
Nassau, Bahamas.

FORM 3  
(REGULATION 17)

PROTECTION OF NEW PLANT VARIETIES ACT

PROPOSED NEW PLANT VARIETY DENOMINATION

In the matter of an application,  
No. .... by.....  
of .....

I, ..... the applicant for the above new plant variety, hereby give notice of the following proposed denomination.

[To meet the requirements of s. 32 of the *Act*, the denomination must:

- Consist of one to three words (unless Registrar approval for more than three words has been given);
- Consist of a combination of words and letters; words and figures; or letters and figures; and
- Figures must have meaning in relation to words.]

[Insert statement of why the proposed designation is valid and does not meet any of the prohibitive characteristics set out under s. 32(3) of the *Act*.]

[Insert statement regarding any relevant variety denomination already protected in another state to comply with ss. 32 (4) and (5).]

(Signed) .....

Dated the ..... day of ....., 20 .....

Address for service —

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.



FORM 4  
(REGULATIONS 30, 51)

PROTECTION OF NEW PLANT VARIETIES ACT

CERTIFICATE OF REGISTRATION

To .....

I hereby certify, pursuant to Regulation 51 of the Regulations under the above Act, that the new plant variety in your application No. .... was duly advertised in the *Gazette* and has been registered in your name in class ....., in respect of the goods or material specified in the application.

Registrar,

Intellectual Property Office,

Nassau, Bahamas.

..... day of .....

20 .....

FORM 5  
(REGULATION 39)

PROTECTION OF NEW PLANT VARIETIES ACT  
NOTICE OF OPPOSITION TO APPLICATION FOR  
REGISTRATION

*(To be accompanied by a duplicate in writing)*

In the matter of an application,  
No. .... by.....  
of .....

I, .....  
hereby give notice of my intention to oppose the registration of the  
new plant variety advertised under the above number for  
class..... in the *Gazette* of the ..... day  
of..... 20 ....., No. ...., page .....

The grounds of opposition are as follows —

*[set out in numbered paragraphs the allegations relied upon as  
grounds for opposition]*

*(Signed)* .....

Dated the ..... day of ....., 20 .....

Address for service —

To the Registrar,  
Intellectual Property Office,  
Nassau, Bahamas.

FORM 6  
(REGULATIONS 40, 56, 63)

PROTECTION OF NEW PLANT VARIETIES ACT  
COUNTER-STATEMENT IN OPPOSITION PROCEEDING  
FOR APPLICATION

*(To be accompanied by a duplicate in writing)*

In the matter of an opposition,  
No. ...., to application  
No. ....

I, ..... the applicant for the above  
new plant variety, hereby give notice that the following are the  
grounds on which I rely as supporting my application —

I admit the following allegations in the notice of opposition —

*[set out in numbered paragraphs the allegations relied upon by  
applicant to refute opposition grounds]*

*(Signed)* .....

Dated the ..... day of ....., 20 .....

To the Registrar,  
Intellectual Property Office,  
Nassau, Bahamas.

FORM 7  
(REGULATION 47)

PROTECTION OF NEW PLANT VARIETIES

REQUEST FOR HEARING

In the matter of an opposition,  
No. ...., to application  
No. ....

I, ..... the applicant/opponent for the  
above new plant variety, hereby give notice of my request for a  
hearing relating to the proceedings in the above noted matter.

Dated the ..... day of .....,20 .....

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 8  
(REGULATION 47)

PROTECTION OF NEW PLANT VARIETIES

NOTICE OF APPEARANCE AT HEARING IN OPPOSITION  
PROCEEDING

Registrar,

In reply to your notice dated the .....  
giving .....  
of .....  
a date on which you will hear the arguments in the case of  
opposition No. .... to application No. ....,

I ..... the applicant/opponent intends to appear  
before you on the date you have fixed, namely  
the ..... day of ....., 20 .....

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 9  
(REGULATIONS 54 AND 61)

PROTECTION OF NEW PLANT VARIETIES  
NOTICE OF APPLICATION FOR CANCELLATION OR  
INVALIDATION

*(To be accompanied by a duplicate in writing)*

I, ....., hereby apply for the  
cancellation or invalidation of Plant Variety Denomination  
....., which was published for registration in the *Gazette* on  
....day of 20...., for the following reasons:

*[Insert statement of grounds for cancellation (under s. 35  
of the Act) or invalidation (under s. 24 of the Act) here.]*

*(Signed)* .....

Dated the ..... day of ....., 20 .....

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 10  
(REGULATION 73)

PROTECTION OF NEW PLANT VARIETIES

RECORDAL OF DECLARATION OF ROYALTY PAYABLE

I, ....., the holder of a breeder's right in Plant Variety Denomination [*insert name of denomination*], hereby apply for the entry on the Register of a declaration of royalty payable in association with the aforementioned denomination.

Dated the ..... day of ....., 20 .....

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 11  
(REGULATIONS 69, 70)

PROTECTION OF NEW PLANT VARIETIES

PAYMENT OF FEES

I, ....., hereby submit the following fee for payment of [*insert reason for payment; i.e. for filing under Regulations 67, 68*] in accordance with the fees prescribed under Schedule 1 of the Act.

Dated the ..... day of ....., 20 .....

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

Made this            day of            , 2023

MINISTRE RESPONSIBLE FOR ADMINISTRATION OF ACT