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SECOND SCHEDULE

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FORMS

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FORM No. PBR I

[r.7 (1)]

S/No………………………….

UNITED REPUBLIC OF TANZANIA

MINISTRY OF AGRICULTURE FOOD SECURITY AND COOPERATIVES

THE PLANT BREEDERS’ RIGHTS ACT 2002

(NO.22 OF 2002)

TO:

THE REGISTRAR OF PLANT BREEDERS’ RIGHTS

MINISTRY OF AGRICULTURE AND COOPERATIVES

P.O. BOX 9192

**DAR ES SALAAM**

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*APPLICATION FOR A GRANT OF PLANT BREEDERS’ RIGHTS*

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| PART I:  *A: (Particulars of the Applicant)*  1. Applicant’s name(s) and full postal address: ……………………………………………………………………………………  (A*s it is to appear on the certificate and for the purpose of service*)  Phone no. (include area code)……………………………………………………………………………………………………  Fax no. and E-mail (if available): ………………………………………………………………………………………………...  2. Name and full address of a person who bred, or discovered the variety (if different from the Applicant): ……………………………………………………………………………………………………………..……………………...  *(As it is to appear on the Register and for the purpose of service)*  Phone no. (include area code)……………………………………………………………………………………………….……  Fax no. and E-mail (if available): ………………………………………………………………………………………………...  3. Name of Agent (if any) …………………………………………………………………..…………………………………………  ***(As it is to appear on the Register and for the purpose of service*** )  Phone no. (include area code)……………………………………………………………………………..…………………….. ……  Fax no. and E-mail (if available):………………………………………………………………………….…………………………  B: ***(Details of the variety)***  4. Specie or group to which the plant variety belongs: ………………………….……………………..……………………………  5. Proposed denomination: ………………………..……………………………………………………………………………….…..  6. Country in which the variety was bred or discovered and or developed**:** …………………………………………………….…….. |
| (*To be completed by all Applicants)*  7. Have the plant of the variety or any material forming part of, or derived from them been offered for sale locally or abroad?  (YES/NO)  8. If (yes) give the following particulars:  (a) Country of sale: ……………………………………………………………………...………………………….  (b) Date of first sale or offer for sale: ………………………………………………………………...…………….  (c) Terms and conditions of sale: ……………………………………………………………………………………   1. Has the Breeders or discover consented to sale?………………………….(YES/NO). |
| PART II  ***(To be completed by the Applicants from Outside Tanzania)***    9. Please give the details of application for rights in other countries:  (a) Country name(s): ……………………………………………………………………………………………...…....  (b) Application number: …………………………………………………………………………...………….……..…  (c) Date of Application: …………………………………..…………………………..……………………………..….  (d) Name or denomination applied for: …………………………………………………………………………………  10. Is priority claimed in Tanzania with respect to an application made outside of Tanzania?  ( YES/NO) if "**Yes**", which of the applications detailed above is subject of your claim:……………………………  11. If DUS tests are being conducted or have been completed in another country, do you want its report be purchased from a foreign country? (YES/NO)  12. If DUS test is conducted in more than one country, which country do you wish this report bepurchased?  ……..………………………………………………………………….……………………………………………  **C: Origin and nature of candidate variety:**  (a) 13. Is the candidate variety a hybrid variety? (YES/NO),  if "**Yes**" ,state type of hybrid (eg .male sterile, restored,2way,3way etc) ………………………………………………………...  14. If the candidate variety is a hybrid do you wish the details and data relating to the components to be treated as confidential?  (YES/ NO)  15. if "**Yes**" give the parentage information on separate Confidential sheet and annex with this application.  ***NB: (DUS test may only be purchased if Tanzania has an agreement with that country for exchange of DUS reports )*** |
| PART III  ***(To be completed by all Applicants/Agents***  16. If "**No**" give the details of parentage herein below to ensuring you provide details of all lines necessary for maintenance of the variety.  (a) Parentage :………………………………………………………………………………………….………………………………………  (c) Breeding methods: ………………………………………………………………………………………………………..………………  (d) Method of maintenance: ……………………………………………………………………………………………………….………….  ………………………………………………………………………...……………………………………………………………...  (e)Description of candidate variety (DUS information for National variety Catalogue and Plant Breeders’ Rights):  …………………………………………………………………………………………………………………………………...……  (f) Similar variety and differences between the variety applied: ……………………………………………...……………………………….  (g) Special distinguishing characteristics: …………………………………………………………………...…… |
| PART IV*(To be completed by all Applicants/agents)* **D: DECLARATION:**  I/we…………………………………………………………………………………………………………… ………….  am (are) the owner (s) / acting on behalf of the owner (s) / of this new plant variety, and believe that the variety is distinct, uniform and stable as required in Section 14 of the Plant Breeders’ Rights Act. No 22 of 2002. I/We understand that test results shall be carried out using acceptable scientific procedures.  I/We certify that the sample of propagating material supplied (where applicable) is representative of the variety.  I/we declare that no Tanzanian trademark or similar indication has been, nor will be, applied for or received for the denomination or any part of the denomination. Making a false representation is an offence and may result in a loss of the Plant Breeders’ Right and prosecution.  Signature (s): ……………………………………………………………………………………………………………..  Capacity or title:) :………………………………………………………………………………………………………..  Date: …………………………………………………………………………………………………………….…...….. |

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THIRD SCHEDULE

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THE PLANT BREEDERS’ RIGHTS ACT NO.22 OF 2002

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FEES AND RELATED CHARGES

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| **S/No** | **TYPE OF FEES** | **US$** |
| 1. | Application for a grant of PBR | 200 |
| 2. | Application for a Provisional Protection | 300 |
| 3. | Technical evaluation of a variety | 600 |
| 4. | Annual maintenance fees | 200 |
| 5. | Purchase of a report from a testing authority in another country | 320 |
| 6. | Replacement of lost or destroyed certificate | 40 |
| 7. | Claim of priority from a preceding application outside Tanzania | 20 |
| 8. | Change of denomination | 80 |
| 9. | Reinstatement of an abandoned application on petition | 80 |
| 10. | Surcharge for late payment | 60 |
| 11. | Application for a compulsory license | 70 |
| 12. | Application for extension of the period of a grant | 100 |
| 13. | Inspection of register and documents | 20 |
| 14. | Duplicate page of register or documents | 1 |
| 15. | Grant for Plant Breeders Rights certificate | 240 |
| 16. | Application for extension of the time limit | 10 |