

Appendix 5

Information (Please Read)

The following forms are in the OTT PVP Share Point site: The PVP application forms for ARS solely owned varieties, varieties jointly owned by ARS and a University that will be filed by ARS and varieties jointly owned by ARS and a University that will be filed by the University. These forms are word documents that have been converted from PDFs. They are not perfect to fill out but are better than the old PDFs. I would recommend that you use the forms from the Share Point folder and not the ones listed below as they did not copy completely. You will be forwarded Share Point access information if your variety is accepted for a PVP application. (If you only want to write in the information and send them to me that will be fine also) The information in **blue** can be deleted when the document is completed. The information in **red** is the information you will need to add or check to insure it is correct. If you have any questions please do not hesitate to call me at 301-504-4838 or Thomas.moreland@ars.usda.gov.

If you have or know of a company interested in applying for a license for this variety they should contact:

Ms. June Blalock
Technology Licensing Program Coordinator
USDA, Agricultural Research Service
Office of Technology Transfer
5601 Sunnyside Avenue
Beltsville, Maryland 20705-5131
Telephone: 301-504-5989
Facsimile: 301-504-5060

NOTE: The application part 2 is for general information. Information is only needed if questions 22, 23 or 24 are answered "YES". This application must be attached to page 1 application when submitted to the PVP Office.

Application Part 2 (For all Applications)

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one COPY for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
 Telephone: (301) 504-5518 FAX: (301) 504-5291
 General E-mail: PVPOmail@usda.gov
 Homepage: <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, Seed Regulatory and Testing Branch, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm> .

ITEM 19a. Give:

- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
- (2) the details of subsequent stages of selection and multiplication;
- (3) evidence of uniformity and stability; and
- (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified

19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:

- (1) identify these varieties and state all differences objectively;
- (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
- (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.

19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.

19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.

19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.

20. If "Yes" is specified (seed of this variety be sold by variety name only, as a class of certified seed), the applicant MAY NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).

23. See Sections 41,42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.

24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U. S. or other countries.)

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety

is protected by intellectual property right (Plant Breeder's Right or Patent).)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S. w., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

ST-470 (02-06) designed by the Plant Variety Protection Office using Word 2003.

Declaration ARS Solely Owned

REPRODUCE LOCALLY. Include form number and date on all reproductions.
0581-0055

Form Approved OMB NO.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, researching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U. S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TOO).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TOO). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE SCIENCE AND TECHNOLOGY PLANT
VARIETY PROTECTION OFFICE BELTSVILLE, MD 20705

EXHIBIT F DECLARATION REGARDING DEPOSIT

U.S. Government as Represented by the Secretary of Agriculture	1400 Independence Ave., SW Washington D.C. 20250	TEMPORARY OR EXPERIMENTAL DESIGNATION
		VARIETY NAME OR NUMBER
NAME OF ARS Breeder	Location where seed may be obtained	FOR OFFICIAL USE ONLY
		PVPO NUMBER

SAMPLE COPY ARS SOLELY OWNED Appendix 5

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature

Date

Declaration Jointly Owned ARS Files

REPRODUCE LOCALLY. Include form number and date on all reproductions. Form Approved OMB NO. 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, researching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U. S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE SCIENCE AND TECHNOLOGY PLANT
VARIETY PROTECTION OFFICE BELTSVILLE, MD 20705

EXHIBIT F DECLARATION REGARDING DEPOSIT

U.S. Government as Represented by the Secretary of Agriculture	1400 Independence Ave., SW Washington D.C. 20250	TEMPORARY OR EXPERIMENTAL DESIGNATION
		VARIETY NAME OR NUMBER
NAME OF ARS Breeder	Location where seed may be obtained	FOR OFFICIAL USE ONLY
		PVPO NUMBER

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature

Date

Declaration jointly Owned University Files

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved OMB NO

0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, researching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U. S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TOO).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TOO). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE SCIENCE AND TECHNOLOGY PLANT VARIETY PROTECTION OFFICE BELTSVILLE, MD 20705

EXHIBIT F DECLARATION REGARDING DEPOSIT

University Information	University Address	TEMPORARY OR EXPERIMENTAL DESIGNATION
		VARIETY NAME OR NUMBER
NAME OF University Breeder	Location where seed may be obtained	FOR OFFICIAL USE ONLY
		PVPO NUMBER

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature

Date

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
APPENDIX 5
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The Following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER: The U.S. Government as represented by the Secretary of Agriculture
2. TEMPORARY DESIGNATION OR (Name or number)
3. VARIETY NAME (Name or Number)
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country): 1400 Independence Ave., SW Washington D.C. 20250
5. TELEPHONE (include area code): (301) 504-6905
6. FAX (include area code): (301)504-5060
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.): U.S. Government
8. IF INCORPORATED, GIVE STATE OF INCORPORATION: N/A
9. DATE OF INCORPORATION: N/A

SAMPLE COPY Solely Owned

FILING AND EXAMINATION FEES:
FEE \$
CERTIFICATION FEE: \$
DATE

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)
Richard J. Brenner
USDA, ARS, OTT
5601 Sunnyside Ave.
Beltsville, MD 20705-5131

11. TELEPHONE (Include area code) (Insert ARS Breeder's number)
12. FAX (Include area code) (Insert ARS Breeder's fax)
13. E-MAIL (ARS Breeder's E-mail)
14. CROP KIND (Common Name) (Insert)
16. FAMILY NAME (Botanical) (Insert)
18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL)
0 YES X NO
IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.

15. GENUS AND SPECIES NAME OF CROP (Insert)
17. IS THE VARIETY A FIRST GENERATION HYBRID?
0 YES X NO
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)
a X Exhibit A. Origin and Breeding History of the Variety
b X Exhibit B. Statement of Distinctness
c X Exhibit C. Objective Description of Variety
d X Exhibit D. Additional Description of the Variety (Optional)
e X Exhibit E. Statement of the Basis of the Owner(s) Ownership
f X Exhibit F. Declaration Regarding Deposit
g X Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)
g 0 Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)
0 YES (if "yes", answer items 21 and 22 below) X NO (if "no", go to item 23)
21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?
0 YES 0 NO
IF YES, WHICH CLASSES? 0 FOUNDATION 0 REGISTERED 0 CERTIFIED
22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
0 YES 0 NO
IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS.
D FOUNDATION D REGISTERED D CERTIFIED
(If additional explanation is necessary, please use the space indicated on the reverse.)
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?
0 YES X NO
IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)?
0 YES X NO
IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER

SIGNATURE OF OWNER

NAME (Please print or type) Richard J. Brenner		NAME (Please print or type)	
CAPACITY OR TITLE Assistant Administrator, ARS	DATE Current Date	CAPACITY OR TITLE	DATE

(See reverse for instructions and information collection burden statement)

ST-470 (02-06) designed by the Plant Variety Protection Office using Word 2003.

U.S. DEPARTMENT OF AGRICULTURE **Appendix 5**
 AGRICULTURAL MARKETING SERVICE
 SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE
 APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
 (Instructions and information collection burden statement on reverse)

The Following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER The U.S. Government as represented by the Secretary of Agriculture and U.S. University name		2. TEMPORARY DESIGNATION OR (Name or number)	3. VARIETY NAME (Name or Number)
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 1400 Independence Ave., SW Washington D.C. 20250 University Address <div style="text-align: center; color: blue; font-weight: bold; font-size: 1.2em;"> SAMPLE COPY Jointly Owned ARS Submits </div>		5. TELEPHONE (include area code) (301) 504-6905	FOR OFFICIAL USE ONLY PVPO NUMBER
		6. FAX (include area code) (301)504-5060	FILING DATE
		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) U.S. Government	8. IF INCORPORATED, GIVE STATE OF INCORPORATION N/A
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) (Insert Lead ARS Breeder's Information) Richard J. Brenner USDA, ARS, OTT 5601 Sunnyside Ave. Beltsville, MD 20705-5131 University Rep's name and address			FILING AND EXAMINATION FEES: FEE \$ S R E C E I V E D DATE CERTIFICATION FEE: \$ DATE
11. TELEPHONE (Include area code) (Insert ARS Breeder's number)	12. FAX (Include area code) (Insert ARS Breeder's fax)	13. E-MAIL (ARS Breeder's E-mail)	
14. CROP KIND (Common Name) (Insert)	16. FAMILY NAME (Botanical) (Insert)	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) 0 YES X NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP (Insert)	17. IS THE VARIETY A FIRST GENERATION HYBRID? 0 YES X NO	20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) 0YES (if "yes", answer items 21 and 22 below) X NO (if "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner(s) Ownership f <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g <input type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? 0 YES 0 NO IF YES, WHICH CLASSES? 0 FOUNDATION 0 REGISTERED 0 CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? 0 YES X NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? 0 YES 0 NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. 0 FOUNDATION 0 REGISTERED 0 CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? 0 YES X NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? 0 YES X NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER		SIGNATURE OF OWNER	
NAME (Please print or type) Richard J. Brenner		NAME (Please print or type) University's Signatory's Name	
CAPACITY OR TITLE Assistant Administrator, ARS	DATE Current Date	CAPACITY OR TITLE (University's)	DATE

(See reverse for instructions and information collection burden statement)

ST-470 (02-06) designed by the Plant Variety Protection Office using Word 2003.

U.S. DEPARTMENT OF AGRICULTURE **Appendix 5**
 AGRICULTURAL MARKETING SERVICE
 SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
 (Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER University Name and The U. S. Government as represented by the Secretary of Agriculture		2. TEMPORARY DESIGNATION OR (Name or number)	3. VARIETY NAME (Name or Number)
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) University address 1400 Independence Ave., SW Washington D.C. 20250		5. TELEPHONE (include area code) (301) 504-6905	FOR OFFICIAL USE ONLY PVPO NUMBER
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) U.S. Government		6. FAX (include area code) (301)504-5060	FILING DATE
8. IF INCORPORATED, GIVE STATE OF INCORPORATION N/A	9. DATE OF INCORPORATION N/A		

SAMPLE COPY
 Jointly Owned Univ. Submits

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)		FILING AND EXAMINATION FEES:	
(Insert University's Information)	(Insert Lead ARS Breeder's Information)	Richard J. Brenner USDA, ARS, OTT 5601 Sunnyside Ave. Beltsville, MD 20705-5131	F E E \$ S R E C E I V E D DATE CERTIFICATION FEE: \$ DATE

11. TELEPHONE (Include area code) (Insert University lead Breeder's number)	12. FAX (Include area code) (Insert University Breeder's fax)	13. E-MAIL (University Breeder's E-mail)
14. CROP KIND (Common Name) (Insert)	16. FAMILY NAME (Botanical) (Insert)	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) 0 YES X NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.
15. GENUS AND SPECIES NAME OF CROP (Insert)	17. IS THE VARIETY A FIRST GENERATION HYBRID? 0 YES X NO	19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a <input type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner(s) Ownership f <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g 0 Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? 0 YES X NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) 0 YES (if "yes", answer items 21 and 22 below) X NO (if "no", go to item 23) 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? 0 YES 0 NO IF YES, WHICH CLASSES? 0 FOUNDATION 0 REGISTERED 0 CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? 0 YES 0 NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. D FOUNDATION D REGISTERED D CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? 0 YES X NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER		SIGNATURE OF OWNER	
NAME (Please print or type) University Signatory		NAME (Please print or type) Richard J. Brenner	
CAPACITY OR TITLE University Signatory Title	DATE Current Date	CAPACITY OR TITLE Assistant Administrator, ARS	DATE

(See reverse for instructions and information collection burden statement)

ST-470 (02-06) designed by the Plant Variety Protection Office using Word 2003.

REPRODUCE LOCALLY. Include form number and edition date on all reproductions.

FORM APPROVED OMB N 0581 0055.

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE		Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).	
EXHIBIT E STATEMENT OF THE BASIS OF OWNERSHIP			
1. NAME OF APPLICANT(S) U. S. Government as represented by the Secretary of Agriculture		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER Name or number	3. VARIETY NAME Name or number
4. ADDRESS (Street and No., or R.FD. No., City, State, and ZIP, and Country) 1400 Independence Ave., SW Washington D.C. 20205		5. TELEPHONE (include area code) (301) 504-6905	6. FAX (include area code) (301) 504-5060
SAMPLE - ARS SOLELY OWNED Appendix 5		7. PVPO NUMBER	

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate Block. If no, please explain. YES NO
9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. YES NO
10. Is the applicant the original owner? YES NO If no, please answer ~~one~~ of the following:
- a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?
YES NO If no, give name of country
- b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?
YES NO If no, give name of country
11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):
 "This Variety is owned by USDA/ARS" Provide additional information as needed.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41 (a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs, IS and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

