



issue 11
november-december 2008

phone. 1300 365 715 fax. 1300 365 719 international phone. +61 3 8761 6281

email. office@completeip.com.au postal. PO Box 63, Boronia, Victoria, 3155

head office. Level 1, 16 - 20 Howard Street, North Melbourne, Victoria, 3051

sub office. Unit 26, 26-28 Burgess Road, Bayswater, Victoria, 3153

this issue

- 1 news from complete ip special: protection for plant breeders
- 2 request information
- 2 free offer
- 3 our clients



BONUS
gift certificate
valued at \$100



Protection for Plant Breeders



Did you know, if you create a new variety of plant, there is a form of intellectual property you can apply for to ensure that you remain the owner of that plant variety?

This type of protection is administered through the government office of Plant Breeder's Rights and it is through them you file your application seeking such rights. A successful applicant would have the exclusive right to:

- (a) produce or reproduce the material;
- (b) condition the material for the purpose of propagation (conditioning includes cleaning, coating, sorting, packaging and grading);
- (c) offer the material for sale;
- (d) sell the material;
- (e) import the material;
- (f) export the material; and
- (g) stock the material for any of the purposes described in (a) to (f).

Like any form of Intellectual Property, if you are granted rights you are then able to take action against persons infringing those rights.

Before you apply, there will be things to think about – such as, you may only sell/exploit your new variety for up to 12 months and still file an application; is your plant commercially viable? Will you be able to license it to others, and basically is it going to be worth the time, money and effort to pursue full rights?

As registration in this form can be quite complex, especially if it is a new process to you, you may wish to engage the services of someone registered as 'qualified person' to act as technical consultants in the matter of Plant Breeder's Rights. Please contact our office for a list of such qualified persons.

What if you don't register under the Plant Breeders Rights Act?

If you choose not to seek registration of your rights as a Plant Breeder, you may choose to keep your variety as a trade secret for example. However, you must be mindful, as has happened, another breeder may independently breed an indistinguishable variety.

Alternatively, you may choose to promote and use your variety, without protection. Should you choose to do so, this will stop anyone else from gaining Plant Breeder's Rights to the variety, but will not allow you to take action against others from using your variety for their own benefit.

Please contact our office if you would like further information on this growing form of Intellectual Property

Examples of Plant Breeder's Rights Vs. Trademarks:

It is important to note that the plant variety is not registrable as a trademark. A trademark must be capable of distinguishing your goods/services from others.

1. Various state governments of Australia, together with the Grains Research Development Council have been granted rights to a variety of wheat, which they have called "EGA Bonnie Rock".

In this case, the owners of the rights to the Plant Variation have labelled it:

- so they now have both rights to the variation, as well as the brand.

2. RJ & ML Riley Pty Limited were granted protection for their Riley's Evergreen variation in 2000. This is a variety of grass. Searches have revealed that their trademark for this grass is "Conquest". Again meaning that this company owns rights to the variety, and the brand they have given it.



completeIP
TRADEMARKS . DESIGNS . PATENTS

phone. 1300 365 715 fax. 1300 365 719
international phone. +61 3 8761 6281
email. office@completeip.com.au
postal. PO Box 63, Boronia, Victoria, 3155
head office. Level 1, 16 - 20 Howard Street,
North Melbourne, Victoria, 3051
sub office. Unit 26, 26-28 Burgess Road,
Bayswater, Victoria, 3153

Merry Christmas
From **completeIP**

As our way of saying 'thanks' for reading, and to wish you a Merry Christmas and a Happy New Year, this issue's special offer is simple. Following you will find a gift voucher to the value of \$100.00, which may be used against any service we offer between now and the end of the year. It's that easy, simply proceed with any work via our office before the date shown, and send in your voucher to receive \$100.00 off the total cost.

Our Gift to You,
\$100 Voucher!

If you would like to receive further information from our office to allow you to take advantage of this gift, please complete and return:

Name: _____ Company: _____
Email: _____ Phone: _____

Please indicate the documents you would like to receive:

- Trademark Information for Australia
- International Trademark Information (Via the Madrid Agreement)
- Design Information, for Australia
- Patent Information, for Australia
- Other (please specify): _____

completeIP  *Gift Certificate*

This Gift Certificate entitles: (Full Company Name)

_____ to \$100 off the total cost of any service Complete IP offers

Authorised by Complete IP Pty Ltd. Expires 5pm 31 December 2008

*This gift certificate is offered in Issue # 11 of Complete IP News and is equivalent to no more than \$100.00, as a reduction in total fee for services provided by Complete IP before 5pm 31st December 2008. The certificate is not redeemable for cash and cannot be used in conjunction with any other offer. One certificate only may be used by each person/company. Total cost of invoice must be higher than \$500.00. Invoices lower than this amount are not entitled to this offer.



completeIP

TRADEMARKS . DESIGNS . PATENTS

our valued clients



MAIT is proud to announce that they have recently become the exclusive Australian distributor for an exciting new product – the THIRSTY LIGHT™. It's simple, Thirsty Light blinks a LED light to alert the user when its time to water their plants! No more needing to guess when your plants are thirsty.



MAIT™ Industries

**Monitoring and Control
Solutions for Agriculture,
Turf and the Environment.**

Contact: P1300 739 920; E sales@mait.com.au W www.mait.com.au or www.thirstylight.com.au



Commercial finance is our speciality as well as short-term money for small to medium business. Fit Finance offers a dedicated team of Finance Engineers ready to help you get your finances into shape, utilising Australia's top lenders.

Contact: Post P.O Box 1273 Cronulla NSW 2230 W www.fitfinance.com.au p 1300 304 458 f 1300 304 902

Arboreport provides Consulting Arborist services to the building / development and institutional properties. We specialise in Tree Surveys, Tree Management Plans and Tree Impact Assessments for development on residential, commercial and institutional properties.



Arboreport is a wholly owned business unit of ecodesign Landscape Design and Horticulture Consultancy Pty Ltd. At ecodesign our mission is to integrate external natural environments, people and architecture and to provide harmonious living spaces that can be enjoyed for generations.

T 02 9871 7799 | F 02 9873 2583 | www.consultingarborist.com.au Office E + F, Level 1, 285 Pennant Hills Road | PO Box 3136 Carlingford NSW 2118



APPLE FOR THE TEACHER. PTY LTD

We are an Australian internet based business offering unique gifts for teachers at affordable prices. We stock jewellery, fragrances, men's and women's clothing, handbags, stickers and more. Check us out today! www.applefortheteacher.com.au

Phone 02 4658 1080 Mobile 0425218458



If you do not wish to receive further newsletters from Complete IP Pty Limited, send an email with "Unsubscribe" and your company or business name in the subject line to office@completeip.com.au