

Plant Breeders Rights: Special Conditions of Sale

This variety is protected by Plant Breeders' Rights (a "Protected Variety"). Any bag or container of certified or classified seed containing the Protected Variety (the "seed") is sold to purchaser of the seed (the "Purchaser") under the terms set out below to which the Purchaser agrees to comply fully:

1. The Purchaser of Seed agrees that he will keep clear and full records of all sales, use and plantings by him of the Seed and all plantings by him of any farm saved seed retained from a crop planted using such Seed ("Farm Saved Seed Use").
2. The Purchaser will permit an employee, officer or authorised agent of BSPB to have access to all documents and records in his possession or under his control, including access to Farm Assurance, Single Farm Payment or British Potato Council records, labels, markings on bags and samples whether or not they purport to relate to such Farm Saved Seed Use (and to take copies of those that do relate to such Farm Saved Seed Use).
3. The Purchaser shall provide BSPB promptly every 12 months with the following details gathered in relation to all sales, use and plantings of seed of the Protected Variety made by the Purchaser in the previous 12 month period:
 - a) The name and address of the Person to whom the seed has been sold or transferred: and in each case, details of the date, grade and quantity of seed and the crop identification number involved.
4. The Purchaser agrees to respond promptly to any reasonable request made at any time by BSPB to provide details of the quantity of the Protected Variety involved in Farm Saved Seed Use.
5. The Purchaser agrees to declare and pay any remuneration due to BSPB (as agent for the owner of the plant breeders' rights in the Protected Variety) for Farm Saved Seed Use.
6. The Purchaser shall ensure by express agreement with any new purchaser that each of the terms 1 – 5 will bind any third party who subsequently purchase the seed.
7. Prior to entering seed for classification, an application/licence for Classification must be obtained from the Breeders' appointed agent for England and Wales namely Caithness Classified Crops Ltd., Greenwich Creekside, 40 Creek Road, London SE8 3FN. CCC Ltd have the right to refuse any application/licence without written explanation.
8. BSPB and the owner of the Plant Breeders' Rights in the Protected Variety shall have the rights to enforce the above terms under the Contracts (Rights of Third Parties) Act 1999.