



PUBLIC NOTICE:

Arguta Plant Variety Rights - Amnesty

Plant & Food Research is the owner of a series of *Actinidia arguta* (Baby Kiwi, Kiwiberry) varieties, including:

- 'Hortgem Tahi' (K2D4) – NZ PVR grant no. 1927
- 'Hortgem Rua' (E4I6) – NZ PVR grant no. 2747
- 'Hortgem Toru' (C3C3) – NZ PVR grant no. 2746
- 'Hortgem Wha' (K2E5) – NZ PVR grant no. 2748

The varieties are being commercialised in New Zealand under an exclusive licence between Plant & Food Research and Freshmax New Zealand Limited (Freshmax). In support of Freshmax implementing its commercialisation plan, Plant & Food Research is pleased to advise a limited window of opportunity for parties with plant material of these varieties in their possession to obtain Plant & Food Research's authorisation for the continued use and possession of the varieties.

Grower triallists (those parties holding current Trial Agreement contracts with the former HortResearch), have the opportunity to convert their trial plantings to use for commercial fruit production by entering into a Grower Production Sublicence with Freshmax.

Any other parties in possession of plant material of the varieties may register a formal expression of interest with Freshmax to enter into a Grower Production Sublicence.

This window of opportunity to obtain Plant & Food Research's authority to access and use these plant varieties is open now – all expressions of interest must be submitted by the close of business on Friday 31st July 2009.

Plant & Food Research will not commence any action against parties currently in unauthorised possession of any of the varieties prior to 31st July 2009. However, Plant & Food Research reserves its right to enforce its intellectual property rights in the varieties where unauthorised access or use of the varieties continues after the 31st July 2009.

To register for conversion of an existing trial to commercial use, and/or submit an expression of interest for a Grower Production Sublicence, please contact Freshmax as follows:

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