

WHAT IS PLANT VARIETY PROTECTION?

The Plant Variety Protection Act (PVPA) promotes progress in agriculture for the public interest by encouraging the development of new varieties of seed-reproduced or tuber-propagated plants. PVPA allows the new varieties to become available to the public and provides legal protection to the invention rights of those who breed or discover and subsequently develop them. The kinds of protected plants range from agronomic crops to flowers and vegetables.

The owner of a new and distinct variety who obtains a Certificate of Protection under the PVPA has control over the use of that variety, similar to an inventor's control over his or her patented inventions. The owner of such a Certificate may bring civil actions against persons infringing on these rights.

The PVPA was enacted December 24, 1970.



CERTIFICATE OF PROTECTION

PLANT VARIETY PROTECTION OFFICE

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Rm. 4512, South Building
Washington, D.C. 20250

Main Office Telephone
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PROPERTY RIGHTS
FOR CROPS

PLANT VARIETY PROTECTION

VARIETIES WHICH MAY BE PROTECTED

The law states that protection may be granted to a new variety if it is:

- ▶ **New.** Applications must be submitted within 1 year of the first sale in the United States, and 4 years if sold in foreign countries. Trees or vines remain eligible after 6 years from the date of first sale.
- ▶ **Distinct.** The variety must have a clear difference compared with other known varieties. Typically, such differences include: morphology (*shape, size, color, etc.*), physiology, disease and herbicide resistance, significant difference in DNA profiles, and other features.
- ▶ **Uniform.** If any variations exist in the variety, they must be describable, predictable in frequency, and acceptable within commercial and industry standards.
- ▶ **Stable.** The variety must remain unchanged in its essential and distinctive characteristics from generation to generation, to a degree expected of similarly developed varieties.



HOW TO OBTAIN PROTECTION

To apply for a Certificate of Protection, the applicant must contact the Plant Variety Protection Office (PVPO). Applicants will be provided with forms, where they must document:

- ▶ The name or temporary name of the variety.
- ▶ A description of the pedigree, breeding procedures, and a statement of how this variety differs from those already known.
- ▶ A description of the variety itself, which may include items such as flower color, seed and fruit characteristics, and resistance to plant diseases.
- ▶ A viable sample of 3,000 untreated seeds representing the new variety, or the seed may be deposited directly with the National Center for Genetic Resources Preservation in Ft. Collins, Colorado. Potatoes require a tissue culture deposit. (*Instructions are available by contacting the PVPO*).
- ▶ A check made payable to the Treasurer of the United States to cover the filing and examination fees. Payments may also be made via credit card.

FOR MORE INFORMATION ON
PLANT VARIETY PROTECTION,
VISIT OUR WEBSITE:

HOW APPLICATIONS ARE PROCESSED

Details of all applications are confidential. Only the name of the variety, the name of the owner, and the certified seed specification are available to the public. When the PVP Certificate is issued and the owner's rights to the variety are secured, other information may become public.

Expert examiners in the PVPO review each application and are able to compare the characteristics of a potentially new variety with tens of thousands of previously known varieties. If the variety is new, distinct, uniform, and stable, the examiner(s) will recommend to the Commissioner of the PVPO that a Certificate of Protection be issued to the owner.

The review process begins after all of the requisite information has been received and verified for completeness. Time for processing may be dependent on pending updates to our information systems and the complexity of the applications submitted. To find out about application requirements, call the Plant Variety Protection Office or visit it on the web, and click on "How to apply for protection."

PVPO encourages potential applicants to contact the office before completing breeding work, while it is still easy to collect information that may be required for certification.

[HTTP://WWW.AMS.USDA.GOV/PVPO](http://www.ams.usda.gov/pvpo)