



Agricultural Marketing Service

US Plant Variety Protection Office About Us

Marketing New Plant Varieties by Protecting Plant Breeders' Innovation

The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) helps ensure the quality and fair marketing of U.S. agricultural products. Our grades, standards, and seals rely on scientific expertise and data to ensure the quality of American food and products.

Plant Variety Protection

Plant breeders use plant variety protection as an important marketing tool that protects their innovation. The AMS Plant Variety Protection Office (PVPO) provides intellectual property rights protection to breeders of varieties of sexually reproduced, tuber propagated and asexually reproduced plants that are new, distinct, uniform, and stable. Based on the Plant Variety Protection Act and in compliance with the International Union for the Protection of New Varieties of Plants (UPOV), we examine new variety characteristics in order to grant certificates that protect varieties for 20 years (25 years for woody vines and trees).

The Plant Variety Protection Act helps promote and protect the interests of everyone in the seed trade: home gardeners, small family farmers, university researchers, plant breeders, and seed businesses of all sizes.

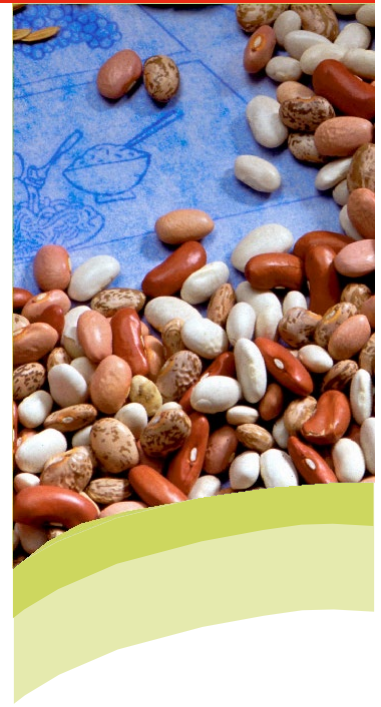
www.ams.usda.gov/PVPO



Plant Variety Protection Certificates

This voluntary program is funded through payment of application fees for certificates of protection and creates an incentive for the development of new and improved varieties adapted to changing farming conditions. New varieties can increase yield and crop productivity, increase farmers' income, and expand trade and economic growth.

The plant variety protection certificates are recognized worldwide and speed foreign plant variety protection application filing. The PVPO works actively with members of UPOV to promote cooperation on the standards for variety examination.



Benefits of Plant Variety Protection

Once plant variety protection is granted, certificate owners have exclusive legal rights to market and to exclude others from selling their varieties for 20 years (25 for woody vines and trees). Other benefits of plant variety protection include:

- Provisional protection upon application receipt
- Priority when filing in another country
- User-friendly filing without the need for an attorney
- No annual maintenance fees
- Applicant-conducted field trials

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Application Requirements

Before applying to PVPO, applicants should have bred a new variety, completed distinctness trials, and chosen a unique name for it. The variety needs to be:

- **New:** Not sold commercially or sold for less than a year in US or less than 4 years Internationally.
- **Distinct:** Distinguishable from any other publicly known variety.
- **Uniform:** Any variations are describable, predictable, and commercially acceptable.
- **Stable:** When reproduced, the variety will remain unchanged from the described characteristics.



Plant Variety Protection Advisory Board

The Plant Variety Protection Act provides for a Plant Variety Protection Board to be appointed by the U.S. Secretary of Agriculture. The Plant Variety Protection Board consists of 14 members representing farmers, the seed industry, trade and professional associations, and public and private research institutions involved with developing new plant varieties. Members of the Plant Variety Protection Board provide oversight and guidance to the program on plant variety protection issues.



PVPO Statistics

- PVPO receives approximately **450** applications per year
- More than **400** certificates are issued annually
- The average amount of time from application to issuance is **18** months
- **110** days was the fastest issuance time
- PVPO has applications for **170** species and counting
- **PVPO Top Crops:** Soybean, Wheat, Corn, Potato, Cotton, Pea, Barley, Lettuce, Field Bean, and Rice.

Science-Based Review

PVPO has examiners trained in disciplines such as botany, plant pathology, genetics, plant physiology, and intellectual property rights.



International Union for the Protection of New Varieties of Plants (UPOV)

PVPO follows the UPOV 1991 agreement and guidance for Distinctness, Uniformity, and Stability (DUS) trials, forms, and cooperation between authorities.

Contact Information

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Anyone who is the breeder of a unique variety of a sexually reproduced, tuber propagated, or asexually reproduced plant may apply for plant variety protection.

The applicant may be:



an individual, a public institution, or a corporation.