



Plant Variety Protection Office (PVPO)



How to Apply

Getting Ready to Apply for a Plant Variety Certificate

Plant variety protection is used by plant breeders 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 seed 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).

Application Requirements

Before applying to PVPO applicants should have:

- Bred a new variety
- Completed Distinctness, Uniformity, and Stability (DUS) trials
- Chosen a unique name

The variety needs to be:

- **New:** Not yet 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

Claiming Priority

Priority may be claimed by an applicant submitting a PVP application when a preceding PVP application has been filed outside of the US in a UPOV member country. The date when the preceding application was filed would be considered as the filing date of the application in the US. By claiming priority, the applicant would have precedence over competitors applying for rights for a variety that has identical characteristics.

A claim for priority must be requested within **12 months** from the date when the initial PVP application was filed. A copy of the preceding application, certified by an authority (translated into English), must be submitted within the 3 months following the request for claiming priority.

Variety Denominations

A variety must be identified by a unique denomination (name). The denomination is proposed by the applicant and is subject to the approval of the examiner. The examiner may reject the proposed denomination if there is reasonable cause and, if such is the case, the examiner will request that the applicant submit another proposed denomination.

All applicants are required to request name clearance from the [Seed Regulatory and Testing Division](#).

Choosing the Most Similar Variety

The most similar variety, or varieties, should ideally be a variety that has been protected by the PVPO or another UPOV authority. If such a variety is not available, then the most similar variety should be described well enough for the PVPO to make a clear distinction between the new variety and the most similar variety. This additional information can be included as an Exhibit D.

Resources for finding the Most Similar Variety:

[Journal of Plant Registrations](#)

[HortScience](#)

[International Union for the Protection of New Varieties of Plants \(UPOV\) PLUTO Database](#)

[US Patent Office](#)

Conducting DUS Trials

Variety trials are conducted to compare the applicant variety to the most similar varieties. When growing the applicant variety and most similar varieties side-by-side, key differences can be identified between them.

DUS variety trials are performed by the applicant, or a third party, and must be conducted in either two locations in one year or two years in the same location to ensure that any environmental variances are minimized.

DUS trials must be completed before applying to ensure a timely examination process.

See [UPOV DUS Guidelines](#)

Contact Information

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