



Agricultural Marketing Service

Plant Variety Protection

Marketing New Plant Varieties by Protecting Plant Breeders' Innovations

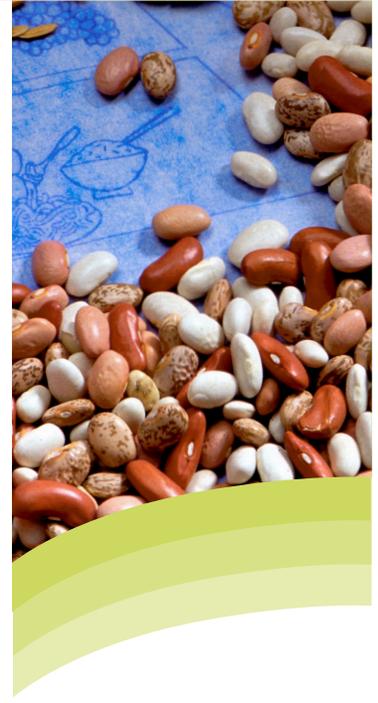
The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) helps ensure the quality and fair marketing of U.S. agricultural products. Our grades, standards, and seals rely on scientific expertise and data to ensure the quality of American food and products.

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 protection to breeders of varieties of seed and tuber (potatoes) propagated plants that are new, distinct, uniform, and stable. Based on the Plant Variety Protection Act, we examine new variety characteristics in order to grant certificates that protect varieties for 20 years (25 years for 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



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 that are better suited for climate change and pest/disease control. New varieties promote agriculture production and food security for an increasing world population.

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

Benefits of Plant Variety Protection

Once plant variety protection is granted, the certificate owners have

exclusive legal rights to market and to exclude others from selling their varieties. This legal protection for breeders and inventors promotes the development of new varieties that can increase yield and crop productivity, increases farmers' income, and expands trade and economic growth.

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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Types of Protection

In the United States there are three types of intellectual property protection that breeders can obtain for new plant varieties:

- Plant Variety Protection - seed and tubers (issued by U.S. PVPO)
- Plant Patents - asexually propagated plants except for tubers- issued by U.S. Patent and Trademark Office (PTO)
- Utility Patents - for any type of plant showing utility (issued by U.S. PTO)

Applying for Plant Variety Protection

Anyone who is the breeder of a unique variety of a sexually reproduced plant or tuber-propagated plant may apply for plant variety protection. The applicant may be an individual, a public institution, or a corporation. To apply, the applicant submits information to show that the variety is new, distinct, uniform, and stable. The information is submitted by completing forms located on the PVPO Website: www.ams.usda.gov/PVPO

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.

Science-Based Review

PVPO has scientists specializing in disciplines from botany, plant pathology and physiology to intellectual property rights.

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