

PROCEDURES FOR OBTAINING PLANT BREEDER'S RIGHTS IN AUSTRALIA

Background

- Aim - Encourage development of new plant varieties
- Method - Provide temporary monopoly to breeders
- Conforms with UPOV Convention (International Union for the Protection of New Varieties of Plants)

Applications

- Require to address/provide:-
 - General information on the new variety: owner, varietal name, species, etc.
 - Photo of variety
- Four Criteria for Protection: New; Distinct; Uniform; Stable
 - New: Novelty requirement
 - Distinct: Clearly distinguishable by one or more characteristics
 - Uniform: Distinguishing characteristics need sufficient consistency
 - Stable: Remains true to description after repeated propagation or reproduction
- Publication - 3 month period in which 3rd parties can file opposition

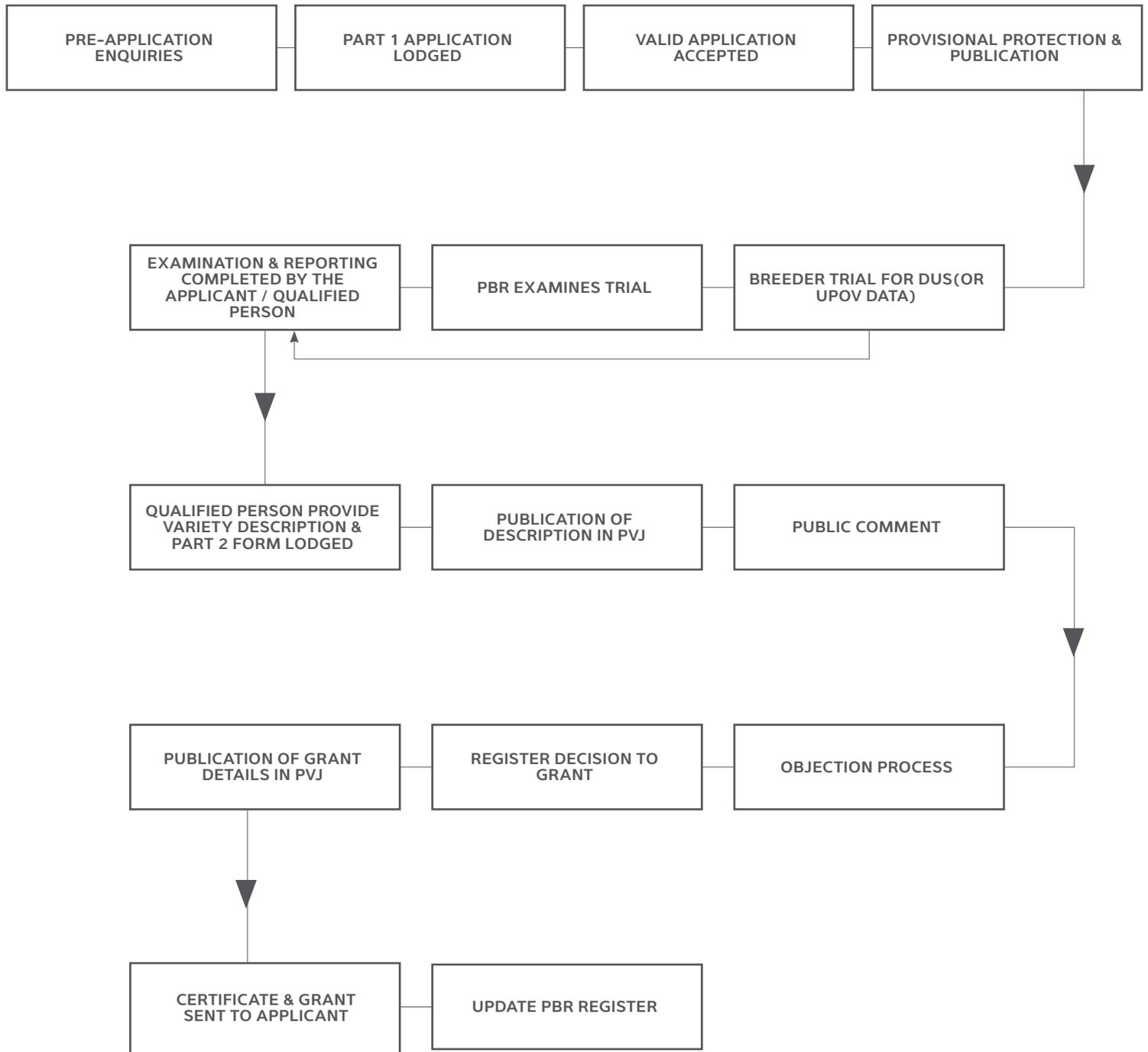
Rights

- Protection length - 25 years for trees & grapevines, 20 years for all others
- Authorises:
 - Production or reproduction of the material
 - Conditioning of material for propagation
 - Sale, import and export of the material
 - Stocking the material
- Infringement penalties - up to \$55,000 for individuals and \$275,000 for companies

Other Notes

- International filings possible - Europe, South Africa, Argentina, Chile
- Countries able to carry out their own DUS trial
- May have to submit seed to support application process

Stages in processing an average application for PBR in Australia



About Wrays

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