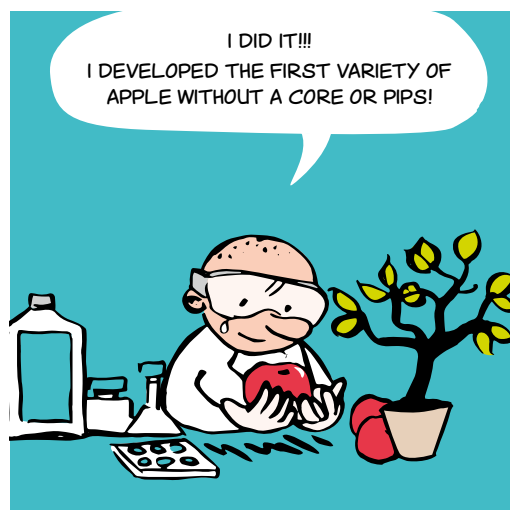


# PLANT VARIETY RIGHTS

What about protecting your new vegetal varieties?

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## WHAT IS IT?

It's an intellectual property right that can be filed in order to protect the investments made (in time and money) for developing a new vegetal variety.

## TO PROTECT WHAT?

The **varieties** of all types and the **botanical species**, including, in particular, their hybrids.

### Examples

- Tulips of a new colour
- Potatoes that are resistant to frost
- Oranges that are richer in vitamin C
- Courgettes that last for longer

## WHAT ARE THE REQUIREMENTS?

The breeder's right is only granted where the variety is:

- New
- Distinctness
- Uniform
- Stable
- Suitable denomination

## TO WHOM DO THE RIGHTS BELONG?

Before taking any steps to protect a new plant variety or to grant any rights to this plant variety to third parties (*which could otherwise be detrimental to its protection*), check with your KTO by whom and in what context the variety has been developed:

- **by you in the exercise of your duties and/or your research at your institution and/or with the means made available by the latter:**
  - the rights probably belong to your institution.
- **by two or more persons:**
  - the right is jointly owned by these people or their beneficiaries or their respective successors, unless otherwise agreed.
- **by different people, independent from each other**
  - the rights are granted to the first person who applies for protection by making a filing in accordance with the legal requirements.
- **by a person who is not entitled**
  - the rights can be claimed through a legal proceeding.

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## WHY SHOULD YOU PROTECT THE VEGETAL VARIETY THAT YOU HAVE DEVELOPED?

- **To avoid others using your protected plant variety without permission.**

→ for example, the holder of the certificate (called the "**breeder**") might **prohibit reproduction or multiplication, offer for sale, marketing, import and export** of the plant variety that he has developed, without his consent.

- **to write off the investment that you have made for the development of the new plant variety.**

→ the user might grant licenses to third parties (mainly to companies) in order for them to be legally able to commercially exploit the plant variety against a commercial fee to be negotiated.

## HOW LONG DOES LEGAL PROTECTION LAST?

- **Belgian protection:**

- > 30 years for trees, vines and potatoes
- > 25 years for other plant species

- **Community protection** (for all other member countries of the European Union either together or on a per country basis):

- > 30 years for trees and vines
- > 25 years for other plant species

These time limits start to run as soon as the breeder's right has been granted.

## HOW CAN YOU PROTECT THIS NEW PLANT VARIETY?

If the new plant variety rights belong to your institution, the KTO will provide you with support (technical, commercial or legal) for the negotiation of such license agreement and will proceed with the necessary administrative procedures.

## WHO BEARS THE COSTS?

Your institution will bear all (or most) costs associated with the filing and the administrative requirements prescribed by law:

- if the new plant variety rights belong to it
- if it takes a positive decision to protect it

→ Contact your KTO who will ensure that appropriate steps are taken at the Office of Intellectual Property.

## HOW MUCH DOES IT COST?

The filing and procedure fees varies depending on the class to which the variety belongs.

### Fees grids

- [In Belgium](#)
- [At Community level](#)

## USEFUL LINKS

- [Verification of the novelty of the plant variety](#)
- [General information for the breeder](#)

## CONTACT

### LIEU Network

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