



**NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE**
Plant Variety Rights

New Zealand

Plant Variety Rights

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I. GENERAL INFORMATION

I.A CLOSING DATES – NOTICE TO BREEDERS ENTERING VARIETIES IN CENTRAL DUS TRIALS

CONDUCTED BY THE PVR OFFICE

You will need to meet the following deadline in order to have your variety included in the central trials to be established in 2024 –

Winter and Alternate Cereals Make application by 15 April 2024

Spring Cereals and Peas Make application by 15 July 2024

Grass endophytes Make application by 1 July 2024

I.B NEW UPOV MEMBER STATE

Armenia acceded to UPOV on 2 March 2024 and becomes the 79th member of the Union. The Union now covers ninety eight countries.

I.C PLANT VARIETY RIGHTS ECONOMIC AND PUBLIC GOOD BENEFIT STUDY

The study on the on the economic, innovation and public good value of the Plant Variety Rights (PVR) regime in New Zealand was completed in late 2023 and the results are now available here:

<https://www.iponz.govt.nz/assets/pdf/PVR/plant-variety-rights-economic-and-public-good-value.pdf>

The study was undertaken by Business and Economic Research Limited (BERL) and will be used to inform future options for funding of the PVR regime.

I. D ANNUAL MEETING OF THE PVR TECHNICAL FOCUS GROUP

The annual meeting of the Technical Focus Group will take place in Christchurch on Wednesday 28 August 2024.

This meeting is the formal mechanism used by PVRO to communicate and engage with plant breeders and user sectors. This is an opportunity for PVRO to inform users on developments and for users to inform PVRO of relevant matters. Representative participants are invited from all crop sectors. If you have a general concern regarding any aspect of the scheme and wish to participate this year, please contact Chris Barnaby chris.barnaby@pvr.govt.nz

I.E ANNUAL MEETING OF THE TECHNICAL WORKING GROUP FOR PASTURE SPECIES

The annual meeting will be held on Tuesday 11 June 2024 at Kimihia Research Centre, PGG Wrightsons Seed, Tancreds Road, Lincoln. For further information about the group or the meeting please contact Jacquie Broadhead Jacquie.Broadhead@pvr.govt.nz

I.F THE TESTING OF APPLE VARIETIES IN HAWKES BAY

The effect of Cyclone Gabrielle lingers on with individual trees and varieties in the variety collection behaving in a manner that is not usual or fully explainable. Several candidate varieties flowered well and appeared healthy but fruit set or retention was poor or not at all. By contrast, neighbouring

trees of a different variety flowered and fruited in the usual way. The effects of the flooding and wind have appeared to be quite random, with some trees and varieties seemingly unaffected while others have no fruit at all. As a consequence, several evaluations expected to be completed in the 2023/24 season will now be rescheduled for the 2024/25 season.

I. G PVR INFRINGEMENT IN CHINA

ENZAfruit has been awarded significant damages in a successful plant variety rights infringement civil case in the Lanzhou Intermediate Court of Gansu Province China after local growers were found to be using the apple variety 'Scilate', known by the brand name Envy, without the authorisation of the variety owner. The variety 'Scilate' has legitimate production in China, in partnership with Joy Wing Mau.

The significant court award comes after China's revised Seed Law was implemented in March 2022. Previously, the Seed Law did not protect any harvested material, but the new regulations now extend to both the harvested and the propagation material of any protected variety.

ENZAfruit was assisted in this complex case by Lusheng, a Chinese law firm specialising in multinational Intellectual Property. There was the need to carry out investigation, evidence collection and analysis during the planting and fruit harvesting seasons. The collection of evidence occurred from several orchard sites in China, with the plant material collected subjected to DNA analysis and used as evidence in the court. The court hearing and litigation process took ten months from filing in September 2022.

This case may set a precedent for how future plant variety rights infringement cases for vegetatively propagated varieties are litigated and could help foreign variety owners operating in China to tackle PVR infringement for fruit crops.

I. H TECHNICAL QUESTIONNAIRES ON THE WEBSITE

The PVR information on the IPONZ website has been progressively updated or refreshed over the last eight months and this has included the addition of new technical questionnaires and the updating of existing ones. The following new or updated technical questionnaires will soon be available; oat, wheat, triticale, ryegrass and mandarin.

If you have downloaded a copy of a technical questionnaire into your system, next time you make an application, make sure you use the most up to date version.