

The plant variety right process

Application

To apply for Plant Variety Rights, post or deliver to the [IPONZ/PVR Office](#) the following:

- An application form, fully and legibly completed in English
- A completed technical questionnaire applicable to the particular genus. (Application forms and questionnaire forms are available [online](#) or from the [IPONZ/PVR Office](#).)
- Colour image or photographs, where applicable, that accurately represent a fruit, ornamental or tree variety. In the case of every application for fruit, ornamental, tree or vegetable variety you should supply a photograph or image as specified.
Supply a colour image or photograph representative of the variety and displaying as well as possible its chief distinguishing feature(s). The image or photographs may be of the whole plant of the new variety and/or of plant parts such as the fruit or the flowers, whichever is most appropriate. Do not supply an image or photograph of the original bred or discovered plant, or in the case of a new mutation or sport the plant part from which the variety originated. Instead you should supply the image or photograph based upon plants or trees propagated from the original plant or plant part.
- A seed sample for an arable crop, pasture plant, amenity grass or vegetable variety. See [the seed sample table in the How to Apply section](#) for more information about the specific types of seed that must accompany an application.
- Payment of [the relevant fee](#).

If you post your application, it is officially dated from when your application form, technical questionnaire, fee, and any required seed samples or photographs actually arrive at the IPONZ/PVR Office, NOT from the postage date.

Processing Applications

What may I be asked for after the application?

Depending upon the kind of variety and the procedure followed, you may be required to supply further information and/or plant material. While you can get more specific advice from the [IPONZ/PVR Office staff](#), the following is a general indication of the requirements:

a) Ornamentals and trees

Garden roses, and any other ornamentals tested in a central PVR trial
You will be required to supply plants for evaluation in the central trial.

Ornamentals evaluated using an overseas test report
You may be required to supply plants for the [IPONZ/PVR Office](#) reference collection.

Ornamentals evaluated in growing trials on the applicant's property
You should establish and maintain a growing trial as specified by the [IPONZ/PVR Office](#). It will often be necessary to grow the most similar variety or varieties alongside the candidate variety. You may also be required to supply plants for the PVR reference collection.

b) Fruit

Testing of fruit varieties usually occurs at specified test centres so you will be asked by the test centre staff to supply plants for evaluation.

c) Agricultural and vegetable crops

Crops tested in central PVR Office trials

Certain crops, specified in [Section 10\(c\)](#) are tested in [IPONZ/PVR Office](#) centralised trials. There is normally no need for you to supply further information and material after your initial application.

Crops tested by the applicant

For those crops not tested in [IPONZ/PVR Office](#) centralised trials, you are responsible for describing the new variety and demonstrating that it is distinct, uniform and stable. This means you must conduct in New Zealand a growing trial of the new variety together with any similar varieties, usually for two growing seasons, as specified by the [IPONZ/PVR Office](#). From the growing trial you must supply:

- A detailed botanical description of the variety. Prepare this by completing the "Objective Description" form appropriate to the genus. The form will be sent to you by the Office. Sometimes an additional description in your words is necessary or helpful to describe characteristics not adequately covered in the Objective Description form.

NOTE: The objective description must be prepared from plants grown in New Zealand

- A distinctness statement. You should describe how the new variety is distinct from others and, unless it is very obvious, verify the difference by supplying plant material, photographs, diagrams, statistical data or by any other appropriate scientific means.
- A statement demonstrating that the variety is sufficiently uniform and stable.

To speed up your application, ensure you supply the above information at, or as soon as possible after, the time of application. All required information and material, including the response to any queries raised during examination of the application, must be supplied by 18 months after the date of application or the application will lapse.

Evaluation of applications

Evaluation for PVR is based upon assessing the growing plants of the new variety:

- To establish that it is distinct, it is usual to compare plants of the new variety growing alongside plants of the most similar varieties.
- To properly assess uniformity and stability, there must be a sufficient number of plants to compare.

A detailed botanical description of the new variety is also prepared.

You will be informed of the necessary arrangements and when to pay the trial or examination fees.

a) Ornamentals

Garden roses, and any other ornamentals tested in a central PVR trial

A PVR examiner assesses the eligibility of the candidate variety at first hand.

Ornamentals evaluated using an overseas test report

The recommendation of the overseas PVR authority is accepted without requiring further assessment of plants in New Zealand.

Ornamentals evaluated in growing trials on the applicant's property

A PVR examiner either carries out the assessment in person, or arranges for an assessment by a suitable person living in the locality.

b) Fruit

Staff at each test centre conduct the testing following guidelines approved by the IPONZ/PVR Office. Each centre has an extensive collection of existing varieties growing on site to enable an objective assessment of distinctness.

c) Agricultural and vegetable crops

Crops tested in PVR central trials

A PVR examiner assesses the eligibility of the candidate variety at first hand.

Crops tested by the applicant

As mentioned earlier, you are responsible for conducting the growing trials of certain crops as specified by the IPONZ/PVR Office. When you have supplied the required information, the PVR examination will commence. It is very likely that the PVR examiner will need to refer back to you for clarification, additional information or verification of a claim for distinctness.

Use of experts

The examiner of applications for ornamental and fruit varieties normally seeks the advice of an independent expert with an extensive knowledge of existing varieties of the species. In the case of roses a panel of experts is consulted. The expert(s) will study the description and photographs of the variety and sometimes also view growing specimens or distinctive parts such as the fruit or flowers. The expert may often be familiar with the candidate variety. After their assessment the experts will advise on the eligibility of candidate varieties; in particular whether they believe them to be distinct.

Grant of Plant Variety Rights

If the Commissioner is satisfied that the variety meets the criteria for Plant Variety Rights you will receive the grant of [Plant Variety Rights](#).

Review the [New Zealand Plant Varieties Act 1987](#) for more details of the requirements.