

Why register a plant variety right?

It is always worth considering ways to protect your intellectual property—the fruit of your mind, time and labour. Plant Variety Rights legislation allows you to apply for protection of new plants you may have developed. A grant of Rights could turn your investment and effort into a substantial business asset with enduring benefits.

Recouping your costs

Developing a new plant variety is frequently a long and costly undertaking. Plant Variety Rights give you the opportunity to recoup your costs and profit from the breeding investment, particularly if the new plant variety has commercial potential. For example, you may have developed a new and distinct:

- rose variety that becomes very popular and commercially successful
- grass variety that is more frost-resistant and produces quicker, better pasture cover with less fertiliser than existing varieties
- fruit variety that ripens earlier or later than current varieties and therefore offers growers a market niche advantage

Controlling the commercialisation

Once you are granted Plant Variety Rights for the variety you have bred, you gain the opportunity to control its commercialisation. As with other protected intellectual property rights, you can:

- License the rights to an organisation (for example, a multinational company or nursery chain) in return for royalties on any sales
- Sell or mortgage the rights
- Prevent others from taking advantage of your hard work and development costs

Without the legal protection of Rights you could quickly lose market control of a successful new variety to a person or organisation that has paid none of your breeding costs.

The wider benefit

Plant Variety Rights also offer a wider public benefit. By providing an incentive to breeders, Plant Variety Rights encourage investment and effort into plant breeding in New Zealand.

The Rights scheme also allows New Zealanders access to overseas-bred varieties which would not be released here by their breeders without the protection of the legislation. As a result farmers, horticultural producers and home gardeners gain access to an increased number and range of improved varieties. Plant Variety Rights therefore benefit both plant breeders and the public generally.