



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 deadlines in order to have your variety included in the central trials to be established in 2023 –

Clover	Make application by 14 January 2023
Grasses	Make application by 1 February 2023
Roses	Make application by 31 March 2023
Winter and Alternate Cereals	Make application by 15 April 2023

I.B PLANT VARIETY RIGHTS ACT 2022

The Plant Variety Rights Bill was passed by Parliament on 16 November 2022 and received Royal Assent on 18 November 2022. The new Plant Variety Rights Act is available on the New Zealand Legislation website: [Plant Variety Rights Act 2022](#)

The Act will come into force on 24 January 2023 with the exception of subpart 3 of Part 5, which relates to PVR applications involving taonga species. This part of the Act will not be brought into force before 24 January 2024. Applications for Plant Variety Rights made prior to 24 January 2023 will be examined, tested and granted (if made) under the Plant Variety Rights Act 1987.

I.C PLANT VARIETY RIGHTS FEES

In 2022, the Intellectual Property Office of New Zealand (IPONZ) carried out a review of the fees it charges for plant variety rights, which have not been reviewed since 2002. PVR has been operating in deficit for some years and in order to avoid a potentially very large increase to all fees MBIE has internally provided temporary funding as a first step towards an appropriate fees regime, balancing the interests of users and IPONZ.

Over the next three years, MBIE will conduct further analysis on the economic and public good benefits to determine the optimal balance between Crown funding and users paying for the PVR regime.

Under the existing fee schedule a growing trial fee or an examination fee was charged dependent on the testing arrangement and the plant species. The review identified this as confusing. For the new fee schedule a single examination fee will always be charged and in addition a trial fee(s) will be charged depending on the testing arrangement and the plant species. This approach clearly differentiates between the costs of examination and the costs of DUS testing.

The revised fees structure is as follows:

- a. a single application fee, regardless of plant variety
- b. a single examination fee, regardless of plant variety
- c. the following categories for growing trial fees:
 - i. agriculture and vegetable varieties (with sub-categories for seed propagated varieties and vegetatively propagated varieties)
 - ii. fruit and nut varieties (with strawberries separated from other varieties)
 - iii. ornamental varieties (with roses separated from other varieties)
 - iv. grasses and clover varieties, and
 - v. other plant varieties including grass endophytes, fungi, and algae.
- d. for hearings, a request for hearing fee and a cancellation or nullification application fee to recognise the new processes created in the Act.

Fee category	New fee	Old fee
Applications		
Herbage, agriculture, vegetable and fungi	\$625	\$500
Fruit and nut		\$500
All other plants		\$350
Applications made but later withdrawn (no refund)		\$500
Examinations		
Agriculture and vegetable crops	\$770	\$600
Fruits and nuts		\$300
All other plants (incl. ornamentals)		\$230
Growing trials (per year of trial)		
Agriculture and vegetable crops		
- seed propagated varieties (cereals, peas, forage)	\$4,200	\$2,300
- vegetatively propagated varieties (potatoes, hops)	\$2,800	\$1,600
Fruit and nut		
- strawberry varieties	\$290	\$500
- all other varieties - year 1	\$530	\$500
- all other varieties - subsequent year annual charge	\$700	\$500
Ornamentals		
- roses	\$130	\$450
- all other varieties - year 1	\$310	\$450

- all other varieties - subsequent year annual charge	\$450	\$450
Grasses, white clover	\$4,510	\$3,200
Grass endophytes, fungi and algae	\$2,800	\$1,500
Annual grant fee		
Single annual grant fee	\$385	\$160
Other fees		
Compulsory license application	\$1,000	\$600
Cancellation or nullification of application	\$350	N/A
Request for hearing	\$850	N/A

The new fee levels will apply to any application made from 24 January 2023. Any varieties which have been applied for or are already under trial or examination before this date will remain under the existing fee structure.

For renewals, the first renewal of an existing PVR after the implementation date will be the current renewal fee. Following that, subsequent renewals will be charged at the level of the new fee.

I.D APPLICATIONS AND GRANTS FOR 2021/22

During the financial year 1 July 2021 to 30 June 2022, 93 applications for plant variety rights were accepted (24% decrease on the previous year), 79 grants were issued (11% decrease on the previous year) and 77 grants were terminated (18% decrease on the previous year). At 30 June 2022 there were 1281 valid grants, a slight decrease in comparison with the previous year.

The steady decline in recent years of the number of applications for varieties belonging to species used as ornamentals had reversed in 2020/21 however in the 2021/22 period the declining trend has resumed. In contrast there has been an over 100% increase in the number of applications for varieties of pasture plant species.

I. E PLANT VARIETY PROTECTION AND CLIMATE CHANGE

UPOV held a seminar on the role of plant breeding and plant variety protection in enabling agriculture to mitigate and adapt to climate change in October 2022. Detail of the seminar and all presentations are available here: https://www.upov.int/meetings/en/details.jsp?meeting_id=71391

To support the seminar and to recognise forty-one years since New Zealand became a UPOV member state, IPONZ and UPOV collaborated with several media releases. The IPONZ website release can be accessed here: [Humble 'weed' shows promise in fight against climate change | Intellectual Property Office of New Zealand \(iponz.govt.nz\)](#)

I. F CHANGES TO UPOV PRISMA

The global use of PRISMA is steadily increasing with the rising number of authorities participating and the expanding number of species covered by authorities which do not already cover all species.

The PRISMA continuous improvement programme provided a number of enhancements in 2022 and the latest include:

1. Uploading multiple attachments for the same question is now possible.
2. Agents can now provide information on their services in their profile. The information is now visible for breeders when selecting an agent.
3. United States of America: The crop coverage has been extended to support all genera and species except 27 crops (see <https://www.upov.int/upovprisma/en/index.html#accGlobe> for more information).
4. France, The Netherlands and the United Kingdom: an updated application form is now implemented in UPOV PRISMA.
5. Republic of Moldova: The United Kingdom's Technical Questionnaire for Sugar Beet is now used.
6. European Union: The updated Technical Questionnaires for Lettuce and Rose are now implemented in UPOV PRISMA.
7. For PVP Offices: In the PVP office dashboard, it is possible to search, filter and download reports in Excel.