



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 2025.

Peas – Make application by 1 August 2025

Potatoes - Make application by 1 August 2025

Spring Cereals – Make application by 10 August 2025

Spring sown Forage Brassicas - Make application by 1 September 2025.

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

The annual meeting was held on Tuesday 24 June 2025 at Kimihia Research Centre, Tancreds Rd, Lincoln, Canterbury. Should you have questions about the meeting or information regarding the discussions please contact Jacquie Broadhead [Jacquie.Broadhead@pvr.govt.nz](mailto:Jacquie.Broadhead@pvr.govt.nz)

### I.C ANNUAL MEETING OF THE PVR TECHNICAL FOCUS GROUP

The annual meeting of the Technical Focus Group will take place on Tuesday 8 July 2025 at MBIE, Grand Central, Cashel St, Christchurch.

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](mailto:chris.barnaby@pvr.govt.nz)

### I.D REQUIRED FEES BEFORE A GRANT DECISION UNDER THE PLANT VARIETY RIGHTS REGULATIONS 2022

The Regulations provide for the payment of an application fee, a trial fee and an examination fee. The application fee is paid as part of the online application. The trial fee is requested when the New Zealand growing trial commences or soon after. The trial fee request is made for each growing season, whether that is for a single season or more than one. When a New Zealand growing trial is not required, an example is when results are taken over from a foreign growing trial, the trial fee would not be charged. The Examination fee is requested when testing has concluded, and the final examination is underway. The Examination fee is payable for every variety application.

### I. E ANNUAL RENEWAL FEES

To meet the requirements of the Plant Variety Rights (PVR) Act 2022, the timeframes for the payment of the renewal fee for varieties granted under PVR Act 2022 differ from varieties granted under the PVR Act 1987. There remains a period of three (3) months when payment can be made,

but this period is now before the due date, with cancellation on the due date if the fee has not been paid. For a variety with a grant date of 1 July, there will be reminders on 1 June and 1 April.

There will be no opportunity to make payment after the due date and the variety will be cancelled for the nonpayment of the annual renewal fee. The PVR Act 2022 has provision for the restoration of the Right which requires application from the Rights Holder within one (1) year of the renewal date. The application for restoration must include an explanation regarding why the renewal fee was not paid. If the application is accepted, the restoration application is then publicly notified for two (2) months before a final restoration decision can be made.

In summary

1. Payment of the annual renewal must be made before the due date. There is no proposed to cancel and no opportunity to pay after the renewal date.
2. If payment is not made and the Right is cancelled, there is provision for restoration but evidence will be required that this was unintended.

#### I. F USE OF UPOV PRISMA FOR VARIETIES REQUIRING SEED TO ACCOMPANY THE APPLICATION

Where an applicant decides to make application in New Zealand using the UPOV PRISMA application tool for a variety belonging to a plant species listed under Schedule 4 of the Plant Variety Regulations 2022, seed must be supplied as part of that application. The application cannot be accepted until that seed has been received and all application requirements have been met. It is acknowledged that the importation of seed may be delayed for various reasons and the UPOV PRISMA application can be left on hold for approximately two (2) months. If the seed has still not been supplied after that period, the IPONZ case management system will record the variety record as null and void. It should be noted that a New Zealand Plant Variety Rights application had never been made because all application requirements had not been met.