



The OPRI's services

The Belgian Intellectual Property Office

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Plant Variety Right

What is a plant variety right ?

A plant variety right is an intellectual property protection, with the aim of stimulating the creation of new and valuable plant varieties.

The holder of a plant variety right receives the **exclusive right** to carry out certain **acts of exploitation** on the material of his **protected plant variety** (such as, for example, the sale of cultivation material).

In order to obtain a plant variety right, you have to go through a **granting procedure** during which it will be verified whether that particular variety is **new**, sufficiently **distinct, stable and uniform**.

A plant variety right is valid for a period of **25 to 30 years**, from the date of grant.

Where does the plant variety right apply?

A **Belgian plant variety right** is granted by the Belgian Intellectual Property Office and offers an exclusive right only in Belgium.

To obtain a **community plant variety right**, which applies throughout the European Union, a grant procedure must be followed before the Community Plant Variety Office (cpvo.europa.eu).

To obtain a **plant variety right which applies in countries outside the European Union**, a granting procedure must be followed in each of the countries involved (for more information, go to the website of The International Union for the Protection of New Varieties of Plants: www.upov.int).

How does the Belgian grant procedure work ?

In order to apply for a Belgian plant variety right at the Intellectual Property Office (OPRI), you must at least:

- pay a filing fee;
- submit an **application form** and a technical questionnaire, which you can download via the **webpages** of the OPRI;
- propose a variety denomination.

The **OPRI** then **checks**:

- if the documents are filed and the tax is paid, and if all the requirements for granting a filing date are fulfilled;
- if all formal requirements are met;
- if the plant variety is new;
- if the proposed variety denomination is suitable.

If all the aforementioned conditions are met, the OPRI orders a **technical search at an external search center**. This search center checks whether the plant variety is **sufficiently distinct, stable and uniform**. To that end, it carries out field trials that extend over several growth cycles of the plant variety.

If the technical search also turns out to be positive, the OPRI grants a **plant variety right on the plant variety**. The holder receives a breeder's right certificate as evidence of the grant.

Furthermore, the granting procedure allows:

- to claim the **priority** of an earlier application for a breeder's right for that same variety;
- to request the **reutilisation** of a prior technical search on the same variety.

Which fees are related to plant variety right ?

Further information on the procedure and the annual maintenance fees can be found on the website of the OPRI under "**Plant Variety Right Certificate**".

Go to: economie.fgov.be/en/opri
or contact the Belgian Intellectual Property Office directly:

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MORE INFO?