

## Duration of Protection

- 18 years after grant for vines, forest trees, fruit trees and ornamental trees including in each case, their rootstocks
- 15 years after grant for other genera and species
- Each time period is counted after GRANT.

The holder pays an annual fee for the whole period of protection.

## How to apply for protection for a new plant variety?

Five things are usually needed to apply for protection of a new plant variety:

- A completed application form;
- A completed technical questionnaire;
- The application fee;
- A variety denomination; and
- A sample of propagating material for the new variety

The application form, the technical questionnaire and the application fee are described in the Protection of New Plant Varieties Regulations, 2000.

## Where to apply for protection for a new plant variety?

Applications for protection for new varieties of plant must be submitted to:

**The Controller  
Intellectual Property Office  
Third Floor Capital Plaza  
#11-13 Frederick Street  
Port of Spain  
Trinidad and Tobago**



*Anthurium, Araceae*    *Heliconia, Heliconiaceae*    *Bromeliad, Bromeliaceae*

Issued by  
**THE INTELLECTUAL  
PROPERTY OFFICE**

**Office of the Attorney General and  
Ministry of Legal Affairs  
3rd Floor, Capital Plaza  
11-13 Frederick Street, Port of Spain  
Trinidad, West Indies  
Tel: (868) 226-4IPO (4476)  
Fax: (868) 226-5160  
Email: [info@ipo.gov.tt](mailto:info@ipo.gov.tt)  
Website: [www.ipo.gov.tt](http://www.ipo.gov.tt)**

**FOLLOW US @ IPO Trinbago**



## **Some Basic Facts About The Protection of New Plant Varieties**



### What is a new plant variety?

A new plant variety refers to a previously known group of plants that can be consistently distinguished from any other similar group of plants, generation after generation. These new plants are not discovered in the wild, but are the result of human plant breeding efforts.

### Why protect new varieties of plants?

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.

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.



*Orchid,  
Orchidaceae*

### How can a new variety be protected?

A new variety can be protected by giving the breeder the legal right to exclude anyone who does not have his permission from producing for the purpose of marketing, offering for sale or marketing his new variety. This legal right is often called a plant breeder's right.

In Trinidad and Tobago this right is given under the



*Cocoa, Theobroma  
cacao*

Protection of New Varieties of Plants Act (Act No. 10 of 1997). To qualify for protection a variety must be new, distinct, uniform, stable and have an original variety denomination.

### When is a variety considered to be new?

A variety is considered new if it has not been sold or marketed in Trinidad and Tobago for more than a year before the date of the application for protection is made or outside of Trinidad and Tobago for more than four years before this date.

### When is a variety considered distinct?

A variety is considered distinct from other similar varieties when a specific feature or characteristic differs sufficiently from the varieties most similar to it in that characteristic. Due to this being measured statistically, different plants of the same variety should be reasonably uniform.

### When is a variety considered uniform?

A variety is considered uniform or homogeneous when the specific characteristic of the new variety occurs within a sufficiently consistent range so that a representative number of plants of the new variety can be distinguished by that characteristic from a similar number of plants of the closest similar varieties



*Vigna sp, (bodi,  
blackeye peas)*

### When is a variety considered to be stable?

A new variety is considered stable if its relevant characteristics remain essentially the same after repeated propagation.

It has been found that uniformity is a good indicator of stability, so if a variety is found to be fairly uniform, chances are that it will also be reasonably stable.



*Cajanus  
Canjans,  
pigeon peas*