

How to Check the Appropriate Plant Variety Protection Statement on a Bulk Retail Certificate or Transfer and Resale Document

It is important to accurately represent to customers the PVP protection status of varieties sold. KCIA certification standards require that all labels and certificates contain PVP notification. After obtaining the protection status of a variety, either from KCIA or the PVP website ([click here for PVP website](#)), the correct information must appear on the label or document. Below is a guide for using that information.

0. Not a Protected Variety

If the PVP search states it is “unable to find” a variety, the indication is that PVP protection has not been applied for. This means that an application has not been received by the PVP office. It is NOT an indication that the variety owner does not intend to file for PVP protection. The variety owner has 12 months to apply for PVP. The PVP website should be checked regularly to see if PVP has been applied for.

Varieties that are not protected by PVP are usually protected by other contract and licensing agreements.

1. Unauthorized Propagation Prohibited - U.S. Variety Protection Applied For

The PVP Office has received application for protection of the variety in question. The variety owner is not requesting that the variety be sold only as a class of certified seed.

2. Unauthorized Propagation Prohibited – U.S. Variety protection Applied For Specifying That Seed Of This Variety Is To Be Sold by Variety Name Only As A class Of Certified Seed

The PVP office has received application for the variety in question and, if protection is issued, the variety will require certification to be sold.

3. Unauthorized Propagation Prohibited – U.S. Protected Variety

The variety in question has received PVP protection and must be sold by variety name but does not require certification. This variety is protected under the original 1970 PVPA since application was made prior to April 14, 1994.

4. Unauthorized Propagation Prohibited – To Be Sold by Variety name Only As A Class Of Certified Seed – U.S. Protected Variety

The variety in question is protected under the 1970 PVPA and may be sold by variety name only as a class of certified seed. This variety is protected under the original 1970 PVPA since application was made prior to April 14, 1994.

5. Unauthorized Propagation Prohibited – U.S. Protected Variety – 1994 PVPA

The variety in question has received protection under the PVPA as amended in 1994. It must be sold by variety name but does not require certification. Varieties for which protection was applied for after April 14, 1994 receive protection under the more stringent 1994 amended version of the PVPA.

6. Unauthorized Propagation Prohibited – to Be Sold by Variety name Only As a Class of Certified Seed – U.S. Protected Variety – 1994 PVPA

The variety in question has received protection under the PVPA as amended in 1994. It must be sold by variety name and requires certification. Varieties for which protection was applied for after April 14, 1994 receive protection under the more stringent 1994 amended version of the PVPA.

The following page gives an example using actual information posted on the PVP website.

Example: The PVP website lists the following information for Art wheat.

Variety: Art

Experimental name or Synonym: 98x0338-13

Taxon: Triticum aestivum L.

Crop: Wheat, common

Applicant: Syngenta Seeds, Inc.

Date filed: 06/11/2007

Status: Certificate Issued

Status date: 09/12/2007

Date issued: 09/12/2007

Years protected: 20

Number of pages: 16

Certified Seed Only - To be sold by variety name only as a class of certified seed.

The request for PVP protection was filed with the PVP Office 6/11/2007 and the certificate of protection was issued 9/12/2007. These dates are after April 14, 1994, so Art is protected under the 1994 PVPA. Also, Art has received Title V protection stating that it can only be sold as a class of certified seed. Therefore, the appropriate box to check above would be number 6.