

Plant Variety Protection Office (PVPO) E-News

This newsletter provides updates about the PVPO team, helpful Plant Variety Protection (PVP) tips, and other valuable information that we are certain you will find useful.



In order to obtain PVP, a variety must be new, distinct, uniform, and stable and have a name (denomination). We discussed the concepts of new, distinct, uniform, and stable in the past 2 newsletters. In this issue, we discuss Variety Naming (Denomination) for PVP and provide tips and examples to help select a name that doesn't conflict with other variety names.

In the U.S., variety names for agricultural (corn, soybean, etc.) and vegetable crops are established from the name that the variety is first sold under, in accordance with the [Federal Seed Act](#). That variety name is permanent once a sale has occurred and cannot be changed or re-used (with few exceptions).

The U.S. does not have a variety name registration system (many countries have a formal registration system which requires breeders to register new varieties). The USDA's Seed Regulatory and Testing Division (SRTD) performs a voluntary variety name clearance where a seed developer submits a proposed variety name and SRTD checks if a conflict exists within the U.S (see <https://www.ams.usda.gov/services/seed-testing/applying-for-variety>). SRTD maintains a list of cleared variety names that breeders can check to see if a name conflict exists. As part of the PVP application process, we ask that applicants receive a SRTD name clearance confirmation for agricultural and vegetable crops before we issue a PVP certificate.

The situation is different for flowers, fruits, and potatoes because they don't fall under the FSA. For these crops, the PVPO works with applicants to make sure their variety names do not conflict with existing names, by checking the International Union for the Protection of New Varieties of Plants (UPOV) and European Union's Community Plant Variety Office (CPVO) variety name databases.

Sometimes a variety name is registered outside the U.S. for one variety but that same name is used for a different variety within the U.S. The PVPO has avoided this situation by working with PVP applicants to ensure that variety names submitted with PVP applications do not conflict with preexisting names.

As a final check, before issuing a PVP certificate for any crop, the PVPO searches both UPOV and CPVO Plant Variety Databases to determine if that variety name has been used before. If variety name conflicts are found, the PVPO informs the UPOV Country, SRTD and the applicants to work out a solution.

Here are some tips to help speed the PVP application review and avoid variety name conflicts:

- A variety can only have one name.
- The same name cannot be given to more than one variety of the same kind or a closely related kind. For example, kinds of the same species such as pumpkin and squash, field corn and sweet corn, and garden bean and field bean cannot have varieties with the same name.
- Closely related kinds that are known to intercross such as wheat and triticale cannot have varieties with the same name.

- A variety name cannot be misleading. Avoid names that are similar to an existing name but differs only in spelling or punctuation.
- Varieties with names derived from the name of an existing variety must be closely related to the existing variety.
- Variety names cannot be reserved for future use.
- The variety name will become permanent once the variety has been sold.
- Variety names should not be the same as existing trademarks (U.S. trademarks can be found at Patent and Trademark Office website = www.uspto.gov).
- Variety names may contain trademarks, but the trademark status is lost in the sense that anyone marketing seed of that variety must use the entire variety name including the trademark.
- A trademark symbol or registered trademark symbol cannot be displayed in the variety name.
- A trademark by itself cannot be a variety name and a variety name cannot be trademarked.

We welcome your suggestions on topics for future newsletters as well as ideas on how we can improve our service. Please feel free to contact the PVPO if you have any questions, comments, or suggestions.

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