

Frequently asked questions: Brexit and CPVRs

Community plant variety rights (CPVRs)	
What are CPVRs?	<p>A Community plant variety right (CPVR) is an EU-wide right granted to new plant varieties that have been found to be distinct, uniform and stable. CPVRs are administered by the Community Plant Variety Office (CPVO) based in France.</p> <p>Once granted, a CPVR holder has an exclusive right to effect certain acts in relation to the protected variety in the EU, including production, selling, marketing, exporting and importing.</p> <p>A granted CPVR is valid for a maximum duration of 25 years, or 30 years for vines, trees and potatoes, from the date of grant, provided annual renewal fees are paid.</p> <p>CPVRs co-exist with national plant variety rights (also called plant breeders' rights [PBRs]) granted by the UK and other EU countries. However, national plant variety rights including UK PBRs are deemed suspended if they co-exist with CPVRs.</p>
Will CPVRs be affected by Brexit?	<p>Yes.</p> <p>As with EUTMs and EU registered designs, CPVRs are an EU-wide right governed by EU law so will not be effective in the UK post-Brexit.</p>
So what happens to existing granted CPVRs?	<p>Confirmation awaited</p> <p>Current UK government guidance suggests that granted CPVRs will be accorded the same rights in the UK as before Brexit.</p>
What if the CPVR application is still pending at the time of Brexit?	<p>Confirmation awaited</p> <p>We are expecting to have to file, within a defined period, equivalent UK PBR applications for which all original priority and filing dates will be maintained.</p>

Will applying for a CPVR be affected by Brexit?	No but the protection will be different The CPVR process will continue as before, but CPVRs will not cover the UK after Brexit. Therefore, to obtain UK PBRs for new plant varieties, separate UK national PBR applications will need to be pursued.
Will R&G still be able to help me with my CPVRs? And filing UK PBRs?	Yes! We have a team happy to assist and answer any queries you may have.