

PHILIPPINE PLANT VARIETY PROTECTION (IP PROCESS)

ONG | BAGAY-VILLAMOR | FABIOSA
LAW FIRM & PATENT CONSULTANTS

TOPICS:

- 1. Legal Basis**
- 2. Filing Requirements**
- 3. Formality Examination and Publication**
- 4. Testing and Examination**
- 5. Examples**

LEGAL BASIS:

- Republic Act No. 9168
Plant Variety Protection Act of 2002
- IRR, Admin. Ord. No. 7, February 20,
2003

POLICIES:

- State recognizes effective IP system and development of new plant variety in attaining food security for the country, to this end protect exclusive rights of breeders to their new plant variety for such periods provided by the Act
- To promote the diffusion of technology and information for the promotion national development and progress
- State recognizes role of private sector and provide incentives in the development of new plant varieties
- State recognizes that science and technology are essential for national development
- Recognizes the need to protect and secure the exclusive rights of scientists and other gifted citizens to their intellectual property and creation
- State recognizes IP rights in the field of agriculture that is not inconsistent with its obligations to maintain a healthful ecology in accord with the harmony of nature

National Plant Variety Protection Board

- a. Secretary of the Department of Agriculture (chairman)
- b. Secretary of the DOST, (co chairman)
- c. Director-General of IP Philippines (vice chairman)
- d. Director of Bureau of Plant Industry
- e. Director of Institute of Plant Breeding, UPLB
- f. President of the Seed Industry Association
- g. Representative from a federation of small farmer's organization
- h. Representative from the scientific community
- i. The Registrar (PVPO)

The Plant Variety Protection Office

- Under the Department of Agriculture (BPI)
- Receive and conduct examination of applications for plant variety protection
- Receive Compulsory License for transmittal to the Board
- Maintain:
 1. Systematic record of all Certificates of Plant Variety Protection,
 2. A database of existing plant varieties collected from both local and foreign sources,
 3. Samples of the propagating materials of the protected variety.

Definitions:

- Plant Variety Protection (PVP) – rights of breeders over their new plant variety.
- Plant – includes terrestrial and aquatic flora.
- Variety –
 1. Plant grouping with a single botanical taxon of the lowest known rank,
 2. Defined by the characteristics resulting from a given genotype or combination of genotypes,
 3. Distinguished from any other plant groupings by the expression of at least one (1) characteristic,

Definitions:

4. Considered as a unit with regard to the suitability of being propagated unchanged,
 5. May be represented by a seed, transplants, plants, tubers, tissue culture plantlets, and other form.
- Propagating Material - any part of the plant that can be used to reproduce the protected variety.
 - Harvested Material – any part of the plant with potential economic value or any product made directly therefrom in proper cases.

Who May Apply:

Any Person who:

- Bred, or discovered and developed, a new plant variety
- Is the employer of the breeder, unless he has waived his right
- Commissioned the breeding, or discovery and development of a new plant variety
- The successors-in-interest of the foregoing persons
- Has obtained a plant variety protection for the variety being applied for in another country which by treaty, convention, or law affords similar privileges to Filipino citizens.

First to File Rule:

1. Two (2) or more persons develop a new plant variety separately and independently of each other, the Certificate of Plant Variety Protection shall belong to the person who files the application first.
2. Two (2) or more persons file an application for the same plant variety, the right shall be granted to the person who has the earliest filing date or priority date.

Commissioned Work:

1. The person who commissioned the breeding, or discovery and development, of a new plant variety shall own the plant variety protection.
2. If an employee develops a plant variety in the course of his employment as a result of the performance of his regular duties, the plant variety protection shall belong to the employer (unless there is written stipulation to the contrary).
3. If the employee developed the plant variety outside of his duties, the plant variety protection shall belong to the employee.

Priority Date:

Any application for a Certificate of Plant Variety Protection previously filed by a person in another country, which by treaty, convention or laws affords similar privileges to Filipino citizens, shall be considered as filed locally as of the date of filing of the foreign application.

- a. Local application expressly claims priority;
- b. Filed within 12 months from filing date of earliest foreign application;
- c. Applicant submits:
 - authenticated documents of foreign application
 - samples or other evidence that the variety which is being applied for protection is the same variety which has been applied for protection in a foreign country.

Requirements for Filing PVP Application:

- a. One (1) copy of the completed application form signed by the applicant, together with all the required exhibits;
- b. Official receipt to prove payment of the prescribed, non-refundable fee;
- c. Samples of the propagating material which are subject of the application
 - i. In case of seeds, at least 3,000 untreated viable seeds, or certificate that sufficient samples have been deposited with an accredited bank;
 - ii. For tuber propagated variety and fruit, plantation and ornamental crops, certification that a viable culture has been deposited with an accredited gene bank, certification that a plot of vegetative material has been established in an accredited depository and will be maintained for the required period.

Contents of the Application Form:

- a. Name of the Applicant/Breeder;
- b. Contact details of the applicant/breeder in the Philippines, including address, telephone number, fax number and email address;
- c. Name of the resident agent and address in the Philippines, if available;
- d. The description of the variety and particulars of the variety bred, including particulars of its characteristics;
- e. The variety denomination;
- f. If the applicant is not the actual breeder, a statement of the basis of his right to file the application; and
- g. As applicable, a statement expressly claiming priority under an application for Certificate of Plant Variety Protection previously filed by the applicant in another country, which by treaty, convention or law affords similar privileges to Filipino citizens.
- h. Statement of Newness

Content of the Exhibits:

- a. Exhibit A - Detailed Origin and Breeding History of the Variety;
- b. Exhibit B - Statement of Distinctness, Uniformity and Stability;
- c. Exhibit C - Statement of Ownership;
- d. Exhibit D - Photographs, drawings, or plant specimens and other additional information;
- e. Exhibit E – Such other exhibits as the Board may require from time to time

FEES

Section 1. *Fees and Charges.* The following are the fees and charges to be collected.

Fees	Amount (P)
a. Filing of the application	1,200.00
Gene bank fee	5,100.00
b. Publication of the application	5,700.00
c. Substantive Examination	17,200.00
Issuance of Certificate per copy	200.00
d. Publication of certificate	5,700.00
e. Grow Out Testing	Actual production or grow-out test cost
f. Revive an abandoned application	3,700.00
g. Reproduction of records, drawings, certificates, exhibits or printed material (copy per page of material)	2.00- black and white 50.00- colored
h. Authentication (each page)	2.00
i. Amendment of the Certificate of Plant Variety Registration, unless the mistakes be on the part of the PVP Office	1,200.00
j. Re-issuance of a certificate	180.00
k. Additional fee for reconsideration	12,700
l. Additional fee for late payment	1% of fee first 5 days + One half of 1% of fee per day thereafter
m. Appeal to Board	6,700.00
n. Field inspections by a representative of the PVP Office made at the request of the applicant shall be reimbursable in full (including travel, per diem or subsistence) in accordance with existing government laws and regulations	Actual cost
o. Filing for extensions to comply with PVP Board requirements	1,000.00
p. Annual fees	3,200.00

Section 2. *Where and When to Pay.* – *All fees and other related charges shall be paid at the PVP Office and deposited in the PVP Fund. The application and examination fees shall be paid by the applicant at the time of filing the application. The search fee shall be paid upon request. The testing fee shall be paid within 30 days from date of notice to pay. All other fees and related charges shall be paid upon availment of such service or action. (Article 105, PVP IRR).*

Section 3. *Method of Payment.* – *Fees shall be paid in cash, money order, or cashier's checks payable to the PVP Office. (Article 106. PVP IRR)*

Section 4. *Annual Fees.* – *To maintain the validity of the Certificate of Plant Variety Protection, the holder shall pay an annual fee to be prescribed by the Board. Annual fee shall be paid starting from the fourth anniversary of the issuance of the certificate and every year thereafter within the first three (3) months of said years. The holder has the option to pay in advance this annual fee for a maximum of twenty (20) years; provided, that any such payment is deemed non-refundable.*

Formal Examination and Filing Date :

- PVP Office shall examine the application and supporting documents for completeness within five (5) days from receipt thereof
- If deficient, applicant will be notified and given thirty (30) from date of notice of deficiencies to complete the application
- Applicant may file request for extension of time of the submission deadline with fee
- Application will be abandoned if applicant fails to complete the application within the time given

Publication of the Application:

After the Board, through the PVP Office, has accorded a filing date, the application shall be published within sixty (60) days, at the expense of the applicant, in the Plant Variety Gazette.

Opposition to the Grant of Plant Variety Protection :

Any person may file an opposition within sixty (60) days from the date of publication in the Variety Gazette and before the issuance of the certificate on the following grounds:

1. That the person opposing the application is entitled to the breeder's right as against the applicant;
2. That the variety is not registrable under the Act.

If the opposition is based on the conditions of Plant Variety Protection, such opposition shall be considered together with the examination of the Application.

Applications:

- Yardlong bean, eggplant, watermelon, hot & sweet pepper, tomato, rice and corn hybrids, coconut, pineapple, sugarcane, bitter gourd, squash, lettuce, snap bean, baguio bean, onion, papaya, apple
- About 90 applications for Plant Variety Protection has been filed
- About 43 Certificates of Plant Variety Protection issued since 2003

Sample Application

Application Number: 04-0018

Filing Date: February 11, 2004

Applicant: East-West Seed Company (Inc.)

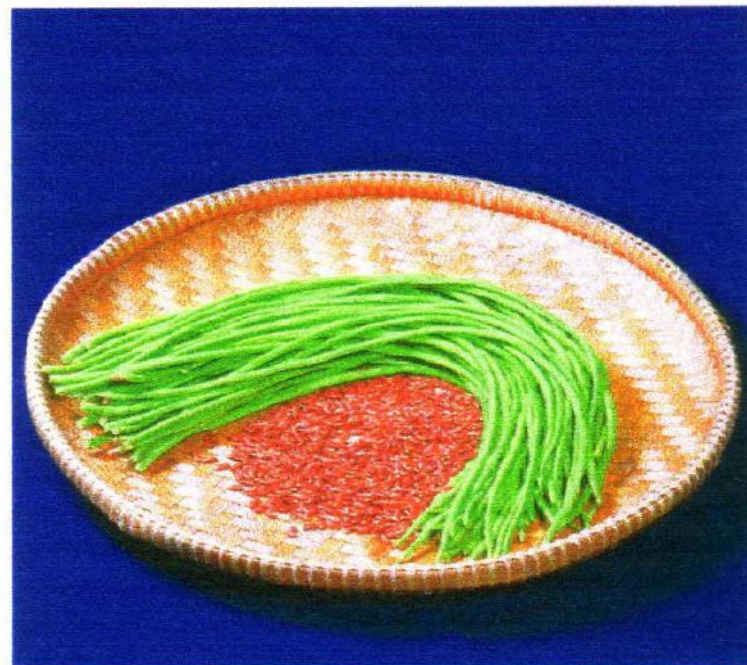
Km. 54 Cagayan Valley Rd., Sampaloc, San Rafael, Bulacan

Crop: Yardlong bean

Proposed Denomination: Galante

Description of the variety:

Galante is a light green high yielding yardlong bean variety. The pods are distinctly quite rough as compared to the existing varieties like 6001 XL and Tenderlong which are relatively smooth. Pod length is computed at an average of 57 cm, longer than the average pod length of 6001 XL (average of 54 cm) and Tenderlong (average of 48 cm) in trials conducted with similar growing conditions. Seed color is >90% brown with white tip which is comparable to the seeds of Tenderlong but different from 6001 XL which has 50-60% brown and 40-50% white.



Filipino translation

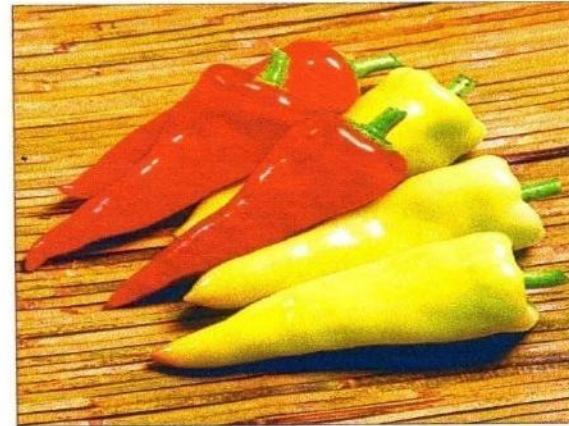
Ang Galante ay uri ng sitaw na mataas ang ani. Ang mga bunga nito ay berdeng mapusyaw at bahagyang magaspang kaysa sa 6001 XL at Tenderlong. Batay sa mga datos na nakalap sa mga pagtanim na isinagawa. Ang haba nito ay humigit kumulang 57 sentimetro. Ito ay mas mahaba kaysa 6001 XL (54 sentimetro) at Tenderlong (48 sentimetro). Ang buto ng Galante ay kahalintulad ng sa Tenderlong. Mahigit sa 90% ang kayumangging bahagi nito at may kapisang puti sa dulo samantalang ang 6001 XL ay 50-60% ang kayumanggi at ang nalalabing bahagi ay puti na.

Sample Application

Application Number: 03-0007
Filing Date: July 18, 2003
Applicant: East-West Seed Company (Inc.)
Km. 54 Cagayan Valley Rd., Sampaloc, San Rafael, Bulacan

Crop: Sweet Pepper (H)
Proposed Denomination: Majesty
Description of the variety:

"Majesty" is a conical hybrid sweet pepper variety characterized by vigorous, semi-compact plants, with light green leaves and a good foliage cover. The variety is early (50% of the plants are flowering 23 days after transplanting) and prolific. "Majesty" has distinctly light green fruits compared to other known varieties in the market, the closest in description of which are "Improved Smooth Cayene" and "Bless". "Improved smooth cayene" has medium green fruits, while "Bless" has dark green fruits. "Majesty" has light green leaves, while the plants of "Improved Smooth Cayene" and "Bless" have medium green leaves. The fruits have a medium deep shoulder, while both "Improved Smooth Cayene" and "Bless" have a horizontal shoulder. The fruits of "Majesty" weigh 40 to 50 gr, which is similar to the weight of the fruits of "Bless", while "Improved Smooth Cayene" has lighter fruits (weighing 28 to 35 gr) in trials conducted in similar growing environments and cultural management.



Filipino Translation

Ang "Majesty" ay isang uri ng Lara o Sili na ang bunga ay hugis apa. Ito ay isang "hybrid" kaya naman napakaganda ng kanyang tindig, medyo masinsin ang halaman na mayroong mayabong na mga dahon na medyo berde ang kulay. Maaga kung bumulaklak ang "Majesty" – 23 araw matapos mailipat-tanim ay 5-% na ng mga halaman ay mayroong bulaklak at napakadami rin nitong magbigay bunga. Katangian nito ang pagkakaroon ng maberde-berde ng bunga kumpara sa ibang uri ng lara sa pamilihan. Halos nakakahalintulad ang uri ng "Majesty" sa "Improved Smooth Cayene" at sa "Bless". Ang "Improved Smooth Cayene" ay mayroong medyo maberde ng mga bunga at ang mga bunga naman ng "Bless" ay matinkad ang pagka-berde. Medyo maputla ang pagka-berde ng mga dahon ng "Majesty", samantala ang mga dahon ng "Improved Smooth Cayene" at ng "Bless" ay medyo berde ng kaunti. Ang balikat ng mga bunga ng "Majesty" ay medyo malalim kumpara sa pantay na balikat ng mga bunga ng "Improved Smooth Cayene" at ng "Bless". Ang pangkaraniwang timbang ng mga bunga ng "Majesty" ay 40 hanggang 50 gramo – kahalintulad ng timbang nito ang mga bunga ng "Bless". Ang mga bunga ng "Improved Smooth Cayene" ay medyo magaan na 28 hanggang 35 gramo lamang. Ang lahat ng obserbasyong ito ay nagmula sa mga magkaka-ibang pagsusuri na mayroong magkakahalintulad na pamamaraan ng pagsasaka at pagtanim.

Sample Application

Application Number: 03-0003

Filing Date: July 18, 2003

Applicant: East-West Seed Company (Inc.)

Km. 54, Cagayan Valley Rd., Sampaloc, San Rafael, Bulacan

Crop: Watermelon (H)

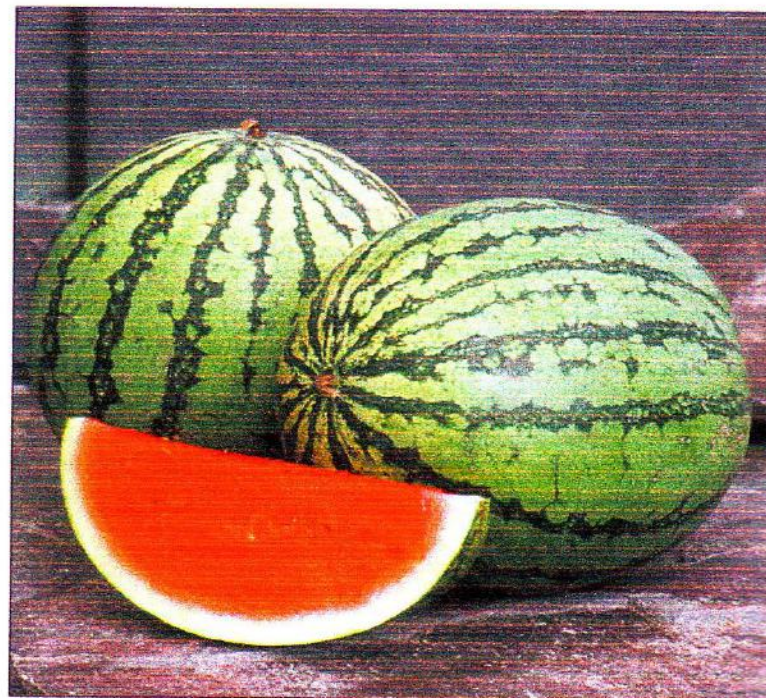
Proposed Denomination: Sweet Ruby

Description of the variety:

Sweet Ruby is a hybrid variety good for the regular and off-season plantings. Fruits can be harvested 60-65 DAT (days after transplanting) or 70-75 DAS (days after sowing). It performs well under stress conditions. The plant produces round fruits with striped rind color (green background and dark green stripes). The flesh is deep red in color and has very sweet taste. The fruits are resistant to cracking and have good shipping quality.

Filipino Translation

Ang Sweet Ruby ay isang uri ng hybrid na pakwan, na hindi lamang maganda sa regular na panahon ng pagtatanim kundi pati na rin sa tag-ulan. Ang bunga ay maaaring anihin sa ika-60 hanggang 65 na araw mula pagkalipat-tanim. Ang balat ng bunga ay luntian na may guhit na matingkad na luntian. Matingkad na pula ang laman at napakatamis. Maganda ang resistensiya sa pagbibitak ng bunga at magandang pang-biyahe.



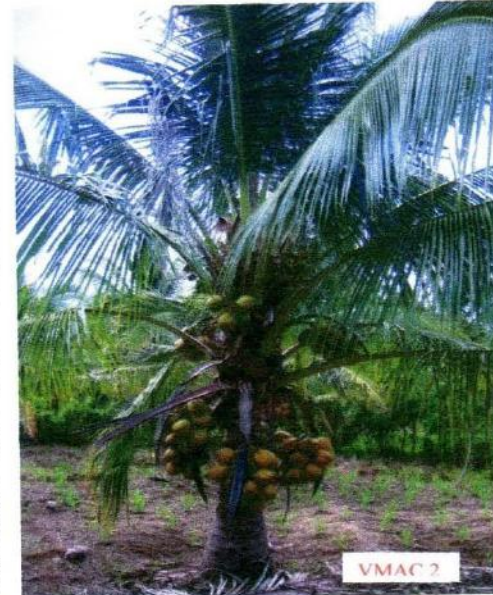
Sample Application

Application Number: 04-0022
Filing Date: June 21, 2004
Applicant: Leyte State University
VisCA, Baybay, Leyte

Crop: Hybrid Makapuno
Proposed Denomination: VMAC 2
Description of the variety:

VMAC 2 is a hybrid makapuno variety with dwarf x tall hybrid morphology. It has medium stem and bole. Girth size at flowering is about 100 cm to 180 cm. Its petioles are orange to brown in color with medium length leaves.

VMAC 2 flowers as early as 26 months from planting. Its inflorescence and spathe are orange to brown. It has high degree of self pollination. Intraspadix overlapping is about 73.4%. Due to high degree of self pollination, yield of this hybrid is high with a mean of 90.6% makapuno. It bears orange to brownish orange elliptic nuts. Equatorial diameter of mature nuts usually ranges from 12.5-17.2 cm while polar diameter is about 16.2-19.4 cm. Each dehusked nut at 10 to 11 months old weighs 288-1180 grams while makapuno meat from each nut weighs 231-525 grams. The volume of viscous liquid or nut water is from 15 ml to about 200 ml per nut.



Filipino Translation

Ang VMAC 2 ay isang hybrid na uri ng makapuno mula sa 'cross' ng Malayan Red Dwarf at Makapuno ng UPLB. Ito ay may katamtamang laki at taas ng puno at may katamtamang laki ng lindog. Umaabot ng 100 hanggang 180 sentimetros ang laki ng 'girth' ng puno sa edad ng pamumulaklak. Mayroon din itong katamtamang haba ng mga dahon na may 'orange' o brown na tangkay.

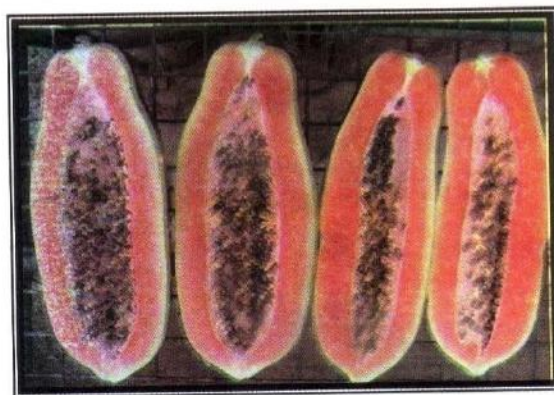
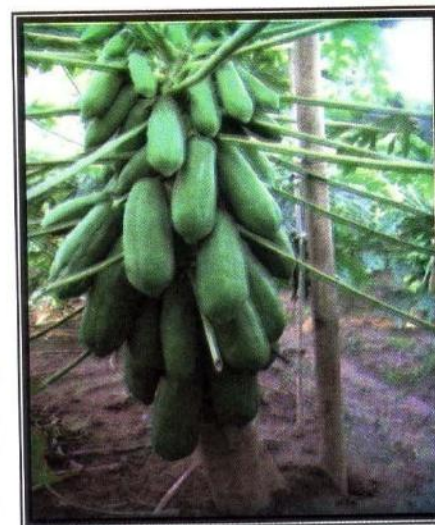
Maagang mag-umpisang mamulaklak ang VM2 na mula 26 na buwan pagkatapos itanim ang pinakamaaga. Ang bulaklak nito ay kulay 'orange' o 'brown' at may mataas na antas ng 'self pollination'. Ang 'intraspadix overlapping' ay umaabot ng 73.4%. Dahil sa mataas na antas ng 'self pollination', mataas din ang porsyentong bungang makapuno ng VM2 na umaabot sa 90.6%. Ang bunga ay 'orange' o 'brownish orange' at may hugis 'elliptic'. May karaniwang sukat na 12.5-17.2 sentimetros ang sukat ng 'equatorial diameter' at ang 'polar diameter' ay may karaniwang sukat na 16.2-19.4 sentimetros. Ang binunutang bunga na 10 hanggang 11 buwan ay tumitimbang ng 288-1,180 gramos at may lamang makapuno na tumitimbang ng 231 hanggang 525 gramos. Mayroong 15 hanggang 200 ml na malapot na tubig ang bawat bunga ng VM2.

Sample Application

Application Number: 07-0084
Filing Date: September 12, 2007
Applicant: Del Monte Philippines, Incorporated
Philips Agusan Canyon
Manolo Fortich, Bukidnon

Crop: Papaya
Proposed Denomination: Scarlet
Description of the variety:

A hermaphrodite tree with a light brown trunk and purple speckles on the lower and median portion; 250 cm tall with a trunk diameter of 16.5 cm measured 15 cm from the ground at 12 months after planting. First flowers are borne 55 cm from the ground, 8-10 weeks from planting. First fruit is harvested 30 weeks from planting at a tree height of 100 cm. Its smooth-skinned, medium sized fruits are attached to a short peduncle. Average fruit weight is 1.57 kg. Fruit skin is dark green which turns golden yellow upon ripening. Flesh color is red-orange, matching plates 32B, 32A, and 33B of the Royal Horticulture Society color chart. Average flesh thickness is 3.3 cm. Flesh texture is firm even when subjected to high temperature during canning or processing. One tree can produce 125 kgs of fruits within a 24-month cycle.



Sample Application



Application Number: 07-0085
Filing Date: December 6, 2007
Applicant: Better3fruit N.V.
Willem de Croylaan 42
3001 Heverlee
Belgium

Crop: Apple
Proposed Denomination: Nicoter
Description of the variety:

Tree type: ramified
Tree habit: spreading
Fruit: shape: globose conical
Fruit: amount of over colour: high – very high
Fruit: over colour: red
Fruit: pattern of over colour: only solid flush
Fruit: width of stripes: no stripes
Time of beginning of flowering: medium
Time of eating maturity: late



UPOV: conic
UPOV: large

This is based upon the results of the CPVO field trial performed by the Plant Variety Rights Office of United Kingdom.

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Application Number: 07-0086
Filing Date: December 6, 2007
Applicant: Better3fruit N.V.
Willem de Croylaan 42
3001 Heverlee
Belgium

Crop: Apple
Proposed Denomination: Nicogreen
Description of the variety:

Tree type: ramified
Tree habit: spreading
Fruit: shape: oblong conical
Fruit: amount of over colour: absent or very low
Fruit: over colour: orange
Fruit: pattern of over colour: only solid flush
Fruit: width of stripes: no stripes
Time of beginning of flowering: medium
Time of eating maturity: medium



UPOV: conic
UPOV: absent or very small
UPOV: orange red

This is based upon the results of the CPVO field trial performed by the Plant Variety Rights Office United Kingdom.

Substantive Examination of the PVP Application

ISSUANCE OF TEST GUIDELINES

- Board shall issue species – specific test guidelines
- Examination for distinctness, uniformity and stability (DSU)
- Prescribe the propagating material requirements
- Procedure for the conduct of the tests
- Methods and observations
- Set of descriptors or table of characteristics
- Such other information as the Board may deem necessary

Requirements for the Grant of Plant Variety Protection

Plant Variety Protection shall be granted for varieties that are:

- a. NEW
- b. DISTINCT
- c. UNIFORM
- d. STABLE

Requirements for the Grant of Plant Variety Protection

NEWNESS

- propagating or harvested material of the variety has not been sold, offered for sale or otherwise disposed of to others, by or with consent of the breeder for the purposes of exploitation of the variety in the following instances:

1. In the Philippines for more than one (1) year before the date of filing of the application, or
2. In other countries or territories in which the application has been filed, for more than four (4) years, or in case of trees or vines more than six (6) years before the date of filing of an application

Requirements for the Grant of Plant Variety Protection

DISTINCTNESS

- A variety shall be deemed distinct if it is clearly distinguishable from any commonly known variety at the time of filing of the application.

UNIFORMITY

- A variety shall be deemed uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in its relevant characteristics.

STABILITY

- A variety shall be deemed stable if its relevant characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of such cycle.

DUS Testing Centers

















- Test of plant samples shall be performed only in DUS testing centers accredited by the Board
- State Colleges and Universities
- Bona Fide Research Institutions
- Appropriate Non-Governmental Research Centers

Substantive Examination:


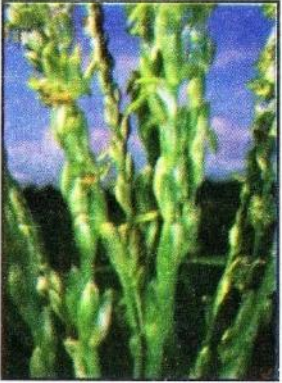

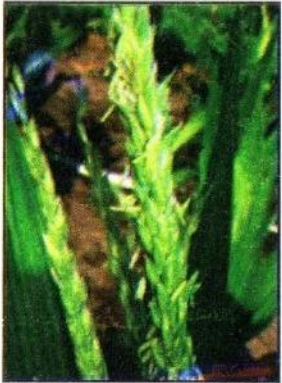



- Three (3) Stages of Examination:
 - a. Vegetation Stage
 - b. Flowering Stage
 - c. Harvesting Stage
- 20 Plants are planted for the candidate variety in Breeder's Field
- Testing and Examination using Test Guidelines
- Distinctness, Uniformity and Stability
- Preparation of Report and Certificate of Plant Variety Protection

Sample Testing & Examination


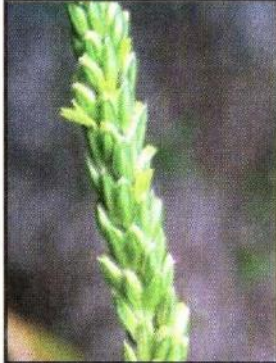












Number and Trait	Candidate Variety	Similar Varieties		
	91P274C	Pi17	Pi23	Pi31
24 - Ear: presence of ear (s) in lower nodes	 1 - absent	 9 - present	 1, 9 some present & some absent	 9 - present
34 - Ear: unfilled tip	 5 - long	 1 - almost none	 1 - 3 almost none to short	 1 - almost none
38 - Ear: white cap on top of grain, percentage coverage on whole grain	 1 - absent	 1 - 5 absent to medium coverage	 3 - 7 small to large coverage	 1 - 3 absent to small coverage
41 - Ear: shape of grain	 1 - 3 round to elliptical	 1 - 3 round to elliptical	 5 - square like	 1 - round

Sample Testing & Examination

Number and Trait	Candidate Variety	Similar Varieties		
	Pioneer inbred 3BT	Pi17	Pi23	Pi31
7 - Tassel: density of spikelets (as for 3) (main axis)				
	5-dense	3-intermediate	3-intermediate	3-intermediate
23 - Ear: Presence of side ear (ear adjacent to main ear on the same node)				
	9-present	1-absent	1-absent	9-present

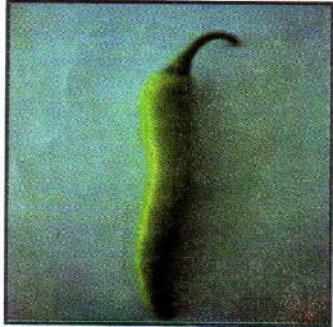


Sample Testing & Examination

Number and Trait	Candidate Variety	Similar Varieties		
	CZ172-nm	Pi17	Pi23	Pi31
7 - Tassel: density of spiketlets				
	1 - sparse	1 - sparse	3 - intermediate	1 - sparse
14 - Ear: Intensity of anthocyanin coloration of silks				
	5 - 7 weak to medium	1 - absent	3-5 very weak to weak	1 - absent
15 - Leaf: angle between blade and stem				
	3 - small	1 - very small	3 - 5 small to medium	3 - small

Sample Testing & Examination

Results of Distinctness, Uniformity, and Stability Tests

The following traits of the candidate hot pepper 'Django' were found to be Distinct, Uniform, and Stable from Hotshot and Sinigang.

Number and Trait	Candidate Variety	Similar Varieties	
	Django	Hotshot	Sinigang
16 - Fruit: color before maturity			
	2 – yellowish (RHS 143)	3 – green (RHS 141)	2 – yellowish (RHS 143)
21 - Fruit: ratio length/diameter	9.6	11.4	7.0
39 - Fruit: capsaicin in placenta	3 – slightly hot	5 – medium hot	7-9 hot to very hot

Sample Testing & Examination

Republic of the Philippines
DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
PLANT VARIETY PROTECTION OFFICE

DISTINCTNESS, UNIFORMITY, AND STABILITY REPORT

Date: June 11, 2007

Candidate variety	Django
Common name	Hot Pepper
Scientific name	<i>Capsicum annum</i>

Applicant's Name	East-West Seed Company, Incorporated
Applicant's Address	Km. 54, Cagayan Valley Road, Sampaloc, San Rafael, Bulacan
Filing Date	July 18, 2003
Application Number	03-0004
Date of Publication	December 28, 2005

Name of Similar Varieties	(1) Hotshot
	(2) Sinigang

DUS	Date Started	Date Ended	Location
DUS - 1	February 2, 2006	May 5, 2006	Hortanova Farm, Lipa City, Batangas
DUS - 2	August 4, 2006	November 21, 2006	Hortanova Farm, Lipa City, Batangas

Culture and Management of the DUS Tests		
	DUS-1	DUS-2
Date of sowing	February 2, 2006	August 4, 2006
Date of planting	March 2, 2006	September 6, 2006
Dates, kinds, and amounts of fertilizers used	see attached	see attached
Dates, kinds, and amounts of pesticides used	see attached	see attached

Substantive Examination:

- Rejection of the Application:
 - a. The variety is determined to be not new, distinct, uniform, or stable;
 - b. It is filed by a person who is not entitled the plant variety protection.
- Request for Reconsideration of rejected application
 - a. Filed an amended application within 2 months from receipt of rejection notice
 - b. Respond to each reason that the Examiner cited as basis for rejection
- File appeal in proper court in case of Final Rejection

Substantive Examination:

- Reasons for Rejection
 - a. Citation of a complex material/the particular part of the material relied upon by the Examiner must be cited
 - b. Prior domestic certificates (bibliographic data)
 - c. Prior foreign certificates (bibliographic data)
 - d. Printed or electronic publications (cite info or website)
 - e. Examiner's knowledge (needs affidavit of examiner)

Term of Protection:

- Trees and Vines - 25 years from date of grant of the Certificate of Plant Variety Protection
- All types of plants - 20 years from date of grant of the Certificate of Plant Variety Protection

Sample of Registrants:

1. Bioseed Research Philippines, Incorporated (General Santos City)
 - a. Corn hybrid (1 certificate)
 - b. Corn inbred (5 certificates)
2. Pioneer Hi-Bred Philippines, Inc. (Canlubang, Laguna)
 - a. Corn hybrid (7 certificates)
 - b. Corn inbred (2 certificates)
3. East-West Seed Company, Incorporated (San Rafael, Bulacan)
 - a. Yard long bean variety (2 certificates)
 - b. Hybrid sweet pepper variety (2 certificates)
 - c. Hybrid eggplant variety (1 certificate)
 - d. Hybrid tomato variety (1 certificate)
 - e. Hybrid sweet pepper variety (1 certificate)

Sample of Certificate of Plant Variety Protection



Republic of the Philippines
Department of Agriculture
BUREAU OF PLANT INDUSTRY
PLANT VARIETY PROTECTION OFFICE

PVPO
PLANT VARIETY PROTECTION OFFICE

CPVP No. 06-12|26-0010

CERTIFICATE OF PLANT VARIETY PROTECTION

Having complied with the provisions of Republic Act 9168 and its regulations, this Office grants this Certificate of Plant Variety Protection to Pioneer Inbred 3BT, a corn inbred of PIONEER HI-BRED PHILIPPINES, Inc.

The relevant Distinctness, Uniformity, and Stability Data are hereunto annexed and made part hereof.

Now, therefore, this Certificate of Plant Variety Protection grants unto its breeder the rights as provided for in Republic Act 9168 otherwise known as the Plant Variety Protection Act of 2002.

Unless sooner voided or cancelled as provided for in the law and regulations, this CERTIFICATE OF PLANT VARIETY PROTECTION shall be TWENTY (20) years from December 15, 2006.



IN WITNESS OF WHEREOF, I have
hereunto affixed my hand and seal
of the Plant Variety Protection
Office, Quezon City, Philippines


ARTHUR C. YAP

Chair, National Plant Variety Protection Board

Attested by:


LEALYN A. RAMOS
Acting Registrar

Rights of Holders to Authorize the following acts:

- a. Production or reproduction;
- b. Conditioning for the purpose of propagation;
- c. Offering for sale;
- d. Selling or other marketing;
- e. Exporting;
- f. Importing; and
- g. Stocking for any purpose mentioned above.

CANCELLATION:

- Can be instituted at any time within the term of protection
- Grounds for cancellation:
 - Breeder does not provide required information, documents or materials necessary for verifying the maintenance of the variety
 - Breeder fails to pay maintenance fee
 - Breeder fails to propose another suitable denomination if the denomination is cancelled after the grant of the PVP certificate
 - Conditions of uniformity and stability
 - Breeder entitled to the PVP certificate has relinquished his/her rights

END OF PRESENTATION

