



Provisional Protection

(Copenhagen, 2006)

Article 13 of the 1991 Act of the UPOV Convention provides for provisional protection of the breeder during the period between the filing or the publication of the application for the grant of a breeder's right and the grant of that right. Article 13 also states that a Contracting Party may provide that the provisional protection shall only take effect in relation to persons whom the breeder has notified of the filing of the application.

The implementation of this latter provision varies from country to country and is sometimes unnecessarily complicated and cumbersome to execute.

ISF urges countries to agree on a harmonized implementation of the provision and recommends that either the publication of the filing in the official publication of the national plant variety protection office or the use of a label with the mention "PVP pending" should be deemed sufficient to inform the professional user of the existence of a filed PVP application.