



KSVS
Korea Seed &
Variety Service

Application Procedure from Foreign country

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Plant Variety Protection Division
Korea Seed & Variety Service



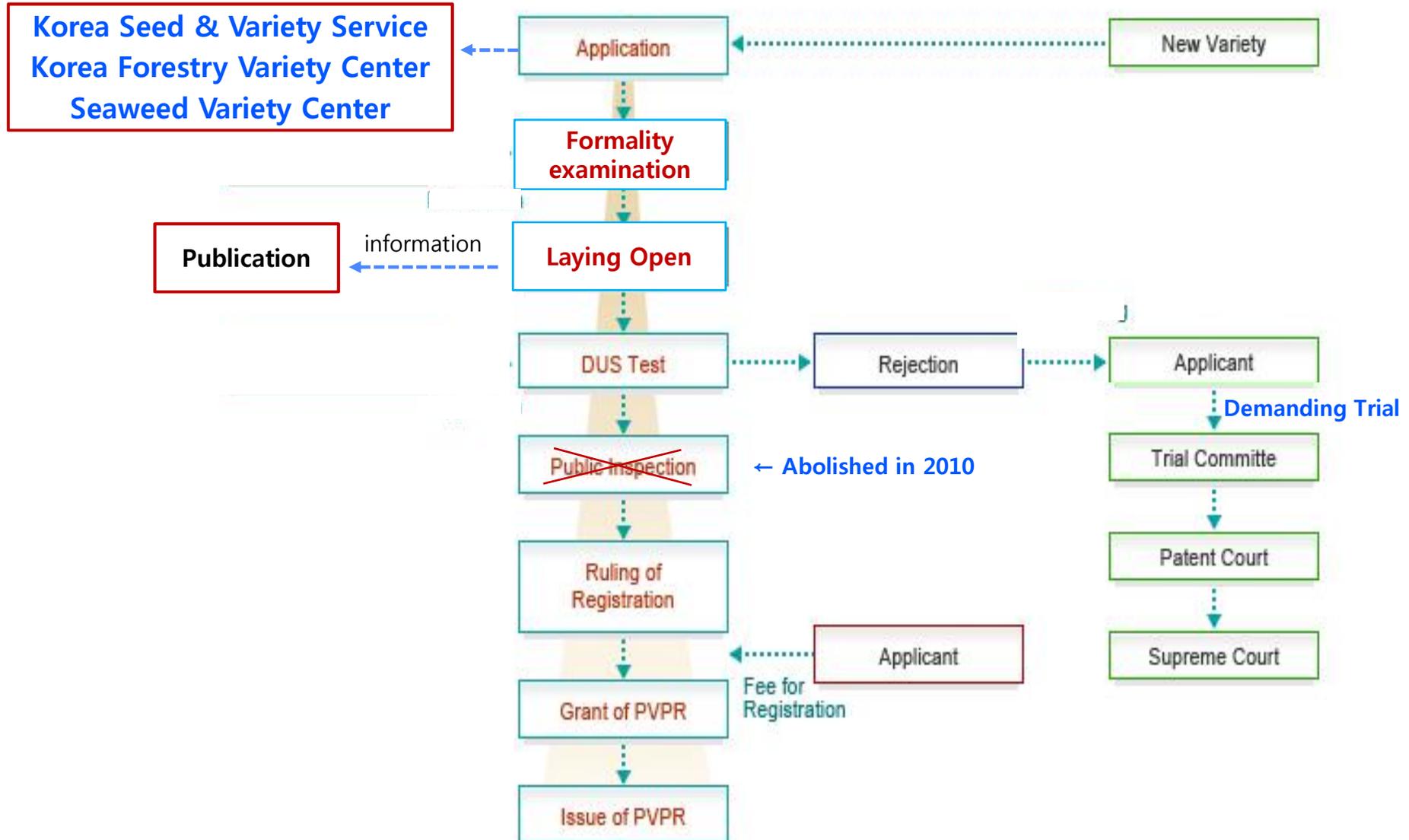
Legislation

Plant Variety Protection Act of December 31, 1997

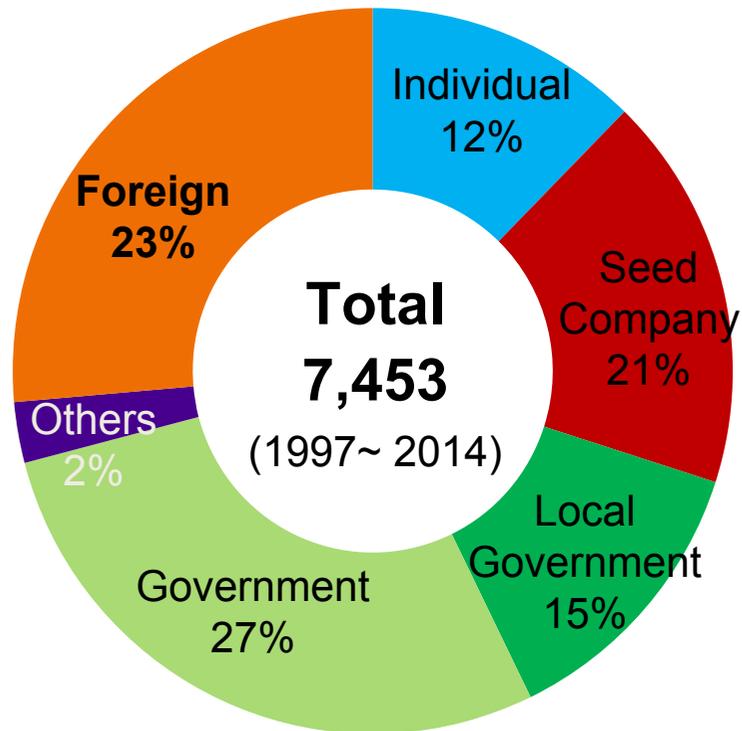
Enables breeders to get property right for new varieties, regulates the conditions and procedures for applying and granting PBR titles and scope of protection

Plant Variety Protection Act was newly enacted in 2013, June, separated from Seed Industry Act (implemented in Dec 31, 1997) which contained provisions on PVP

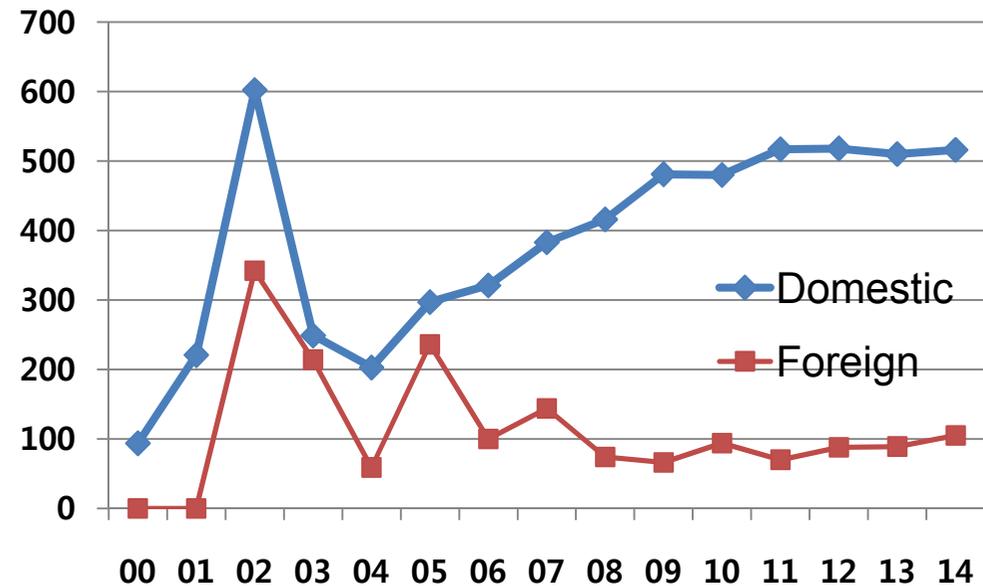
Procedure from application to registration



Applications by Foreign residence



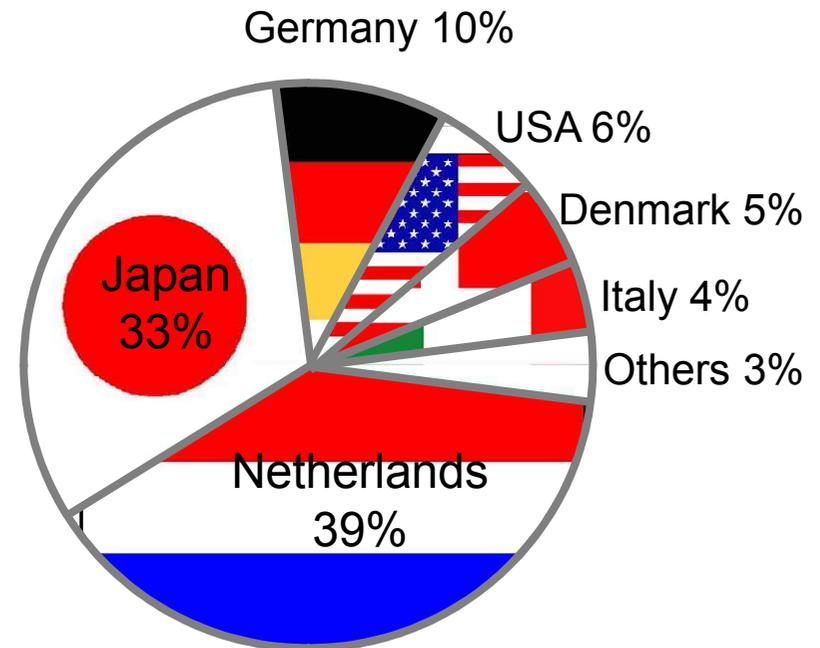
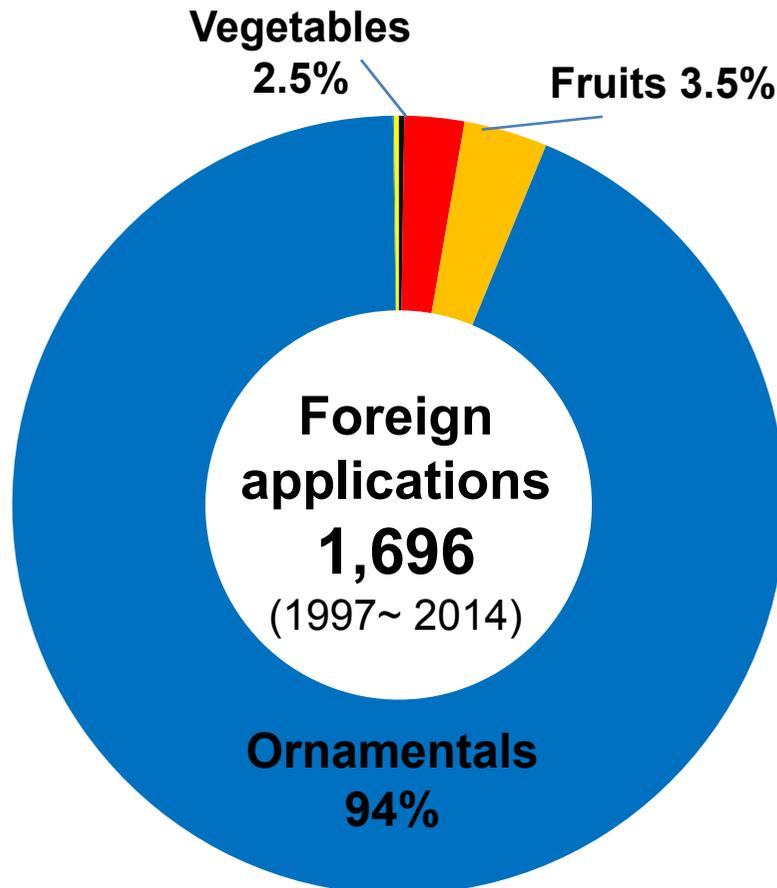
(No. of application)



Rose, chrysanthemum and lily was entitled to be protected by PBR in 2002



Applications by Foreign residence





Documents for application

A. Obligatory documents

- 1) Application form (Form No.19 of Enforcement Regulation of PVP Act)
- 2) Technical description of the variety
- 3) Technical and procedural description of the variety breeding
- 4) Photographs & Seed materials
- 5) A receipt of payment of application fee

B. Optional documents

- 1) A document claiming the right of priority
- 2) A certificate verifying share of the right
- 3) A document verifying the power of attorney → obligatory for foreign applicant
- 4) A paper on right transfer agreements



품종보호출원서 Application form

접수번호 No. of receipt(acceptance)	접수일 Date of receipt	처리기간 Deadline for Processing 10일 10days
출원인 Applicant	성명 Name (한글 Korean) (영문 English)	생년월일 Birth date (외국인은 국적 Nationality)
	주소 Address (한글 Korean) (영문 English)	전화번호 Telephone No.
	지분 Share of right	
대리인 PVP agent	성명 Name	생년월일 Birth date (외국인은 국적 Nationality)
	주소 Address	전화번호 Telephone No.
육성자 Breeder	성명 Name (한글 Korean) (영문 English)	생년월일 Birth date (외국인은 국적 Nationality)
	주소 Address (한글 Korean) (영문 English)	전화번호 Telephone No.
품종이 속하는 작물의 학명 및 일반명 Common name and Botanical name of applied variety		
품종의 명칭 Variety Denomination (한글 Korean) (영문 English)		
「식물신품종 보호법」 제31조제3항에 따른 우선권 주장 Priority Claim	출원국명 Country 증명서류 Proof Document	출원일 Applied date 출원번호 Application No.
품종의 특성 설명 Variety Description	(별지 사용 Separate sheet)	
품종육성 과정의 설명 Breeding Process	(별지 사용 Separate sheet)	

「식물신품종 보호법」 제30조제1항 및 같은 법 시행규칙 제40조에 따라 위와 같이 품종보호 출원을 합니다.

년 Year 월 Month 일 Day

출원인 Applicant (대리인 PVP agent) (서명 Signature 또는 인)

산림청장

국립종자원장 귀하 PVP Authority

국립수산과학원장

첨부서류 Attached papers	<ol style="list-style-type: none"> 1. 품종의 사진 Photograph of variety 2. 종자시료 Seed material 3. 품종보호 출원 수수료 납부증명서 1부 Receipt for the payment of application fee 4. 우선권주장수수료납부증명서1부(우선권을 주장하는 경우만 해당) Receipt for the payment of priority claim 5. 권리에 관한 지분을 증명하는 서류 1부(지분이 약정되어 있는 경우만 해당) Share of right 6. 대리권을 증명하는 서류 1부(대리인을 통하여 제출하는 경우만 해당) Power of Attorney 7. 「유전자변형생물체의 국가간 이동 등에 관한 법률」 제8조제3항에 따른 위해성 심사서 1부(유전자 변형품종인 경우에만 해당) Risk assessment documents for LMO 8. 출원인의 지분을 증명하는 서류 1부(지분을 정한 경우만 해당) Share of right 	수수료 Fee 3만8천원 38,000won
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210mm×297mm[백상지 80g/m²]

Language

Should be written in Korean

Attach translation with original one (english)

Acceptance of Application & Issue of Application Number

Acceptable when all the items in application form are filled out, and attached papers & seed material are fulfilled

Amendment of Procedure

Examiner may order the applicant to correct the procedure where it is not complied with the related regulations and formalities specified in PVP Act or the Order under this Act



Who can apply for PBR

Applicant

Breeder or Successor in title

Who can go through the application procedure?

Who have address or business office in the Republic of Korea.

When non-resident apply for PBR in Korea, they have to appoint PVP agent and register them to PVP authorities

Appointment of PVP agent

Foreign applicant should submit a power of attorney(POA) to appoint PVP agent with application form when applying for PBR



Type of PVP agent

Exclusive license holder

In case of ornamentals, it is general for foreign applicant to appoint Korean exclusive licensee as PVP agent to go through the application procedure representing the applicant

Patent attorney

In fruits, it becomes more general to hire patent attorney for application procedure compared to over the past several years

Others

Anyone who have address or business office in Korea



Description of Breeding process

Technical and Procedural Description of Breeding process

Should be described concretely so that the experts in their field can understand easily

- breeding process chart, systematic breeding diagram, etc

ex)

Year 2003	2004-2006	2007-2010	2011-2012	2013
Artificial crossing	F1 generation	Cultivated Lines	V ₁ , V ₂	V ₃
Phal. 'Timothy Christopher' × Dtps. 'Pink Gemstripe'	03-MLP-06	03-MLP-06	03-MLP-6	03-MLP-14
	03-MLP-14	03-MLP-14	03-MLP-14	
	03-MLP-26			
	03-MLP-29	03-MLP-29		↓ 경남교P-24
	03-MLP-36			
No. of Lines	5	3	2	1
Remark	Cultivate Lines (1 st selection)	Clone	DUS test(1,2 nd)	DUS test(3 rd)



Variety Description

Variety Description of applied variety according to Test Guideline

Investigate the characteristics of applied variety according to TG of the target crop and then fill out the table of characteristics

Describe the characteristics which are clearly distinguished between applied and similar variety

< Table of Characteristics of Apple >

번호 No.	특 성 Characteristics	표현형태 Expression form	계급 Note	출원품종 Applied variety		대조품종 Similar variety	
				계급치 Note value	실측치 Measurement value	계급치 Note Value	실측치 Measurement value
1 (*)	나무: 수세 Tree : Vigor	약하다 Weak	3				
		중간 Medium	5				
		강하다 Strong	7				
2 (*) (+)	나무: 유형 Tree : Type	가지가 안 뻗침 Columnar	1				
		가지가 뻗침 Ramified	2				
9 (*)	꽃: 크기 Flower : Size	작다 Small	3				
		중간 Medium	5				
		크다 Large	7				



Seed material

Seeds

Applicant should submit seed material with application form when applying for PBR, if not, that application would not be accepted

Amount of seed material depends on crops

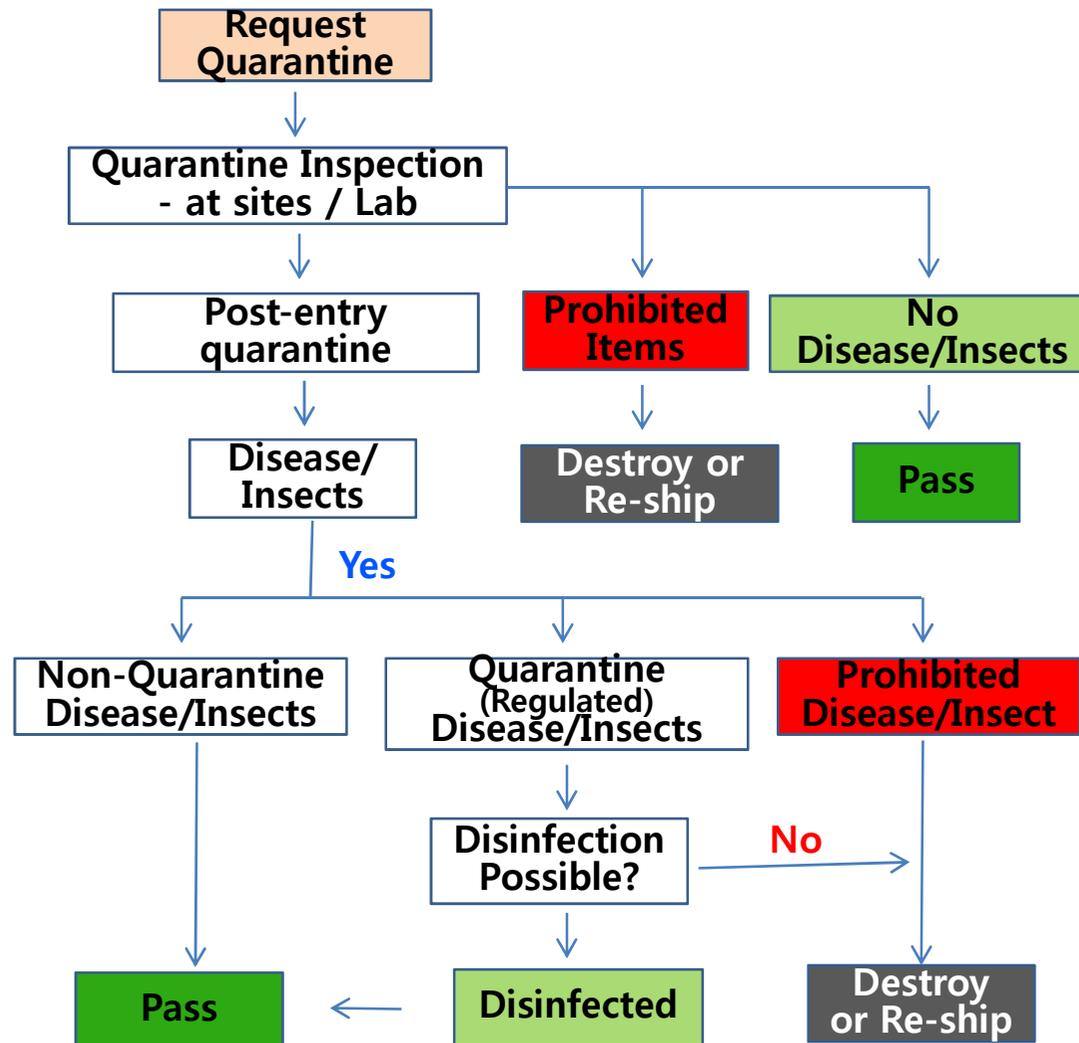
Vegetatively propagated seed materials

In case of vegetatively propagated seed materials, applicant don't need to submit seed material with application form when applying for PBR.

They can submit seed material within the time limit when PVP authorities requests to submit it before starting DUS test, if not, that application procedure will be invalidated.

The seed materials imported from foreign country should pass import quarantine by the authorities according to related regulations

Phytosanitary regulation



Legislation

Plant Protection Act

Authority

Animal and Plant Quarantine
Inspection Agency (QIA)

www.qia.go.kr

Any person intending to import plants should accompany a phytosanitary certificate which conforms to the phytosanitary certificate form as prescribed by IPPC and issued by a government authorities of the exporting country



Phytosanitary regulation

Post-entry Quarantine

Related regulations : Plant Protection Act Article 13

In case it is deemed difficult to confirm the presence of regulated pests in seeds for planting or for propagation including seeds, seedlings and bulbs, quarantine inspector shall order the owner or the agent to carry out post-entry quarantine and undergo inspection in growing field, or may carry out post-entry quarantine inspection of all or some of seeds at Plant Quarantine Inspection Agency

Target crop	Period of Post-entry Quarantine	Number of Quarantine
1. Bulbs of flowers 2. Seedlings of alpine strawberry	Within 1 year	1 time
3. Tubers of potato or tuberous roots of sweet potato 4. Seedlings, cuttings and scions of rose tree	Within 1 year	2 times
5. Seedlings, cuttings and scions of cherry trees and fruit trees	Within 2 years	2 times
6. Import prohibited plant (only permitted case)	Within 2 years	2 times

Phytosanitary regulation

Import Prohibited Items

Import prohibited plants : [import prohibited plants, area and pests]

Emergency import restricted plants

Soil, Plants attached with soil, A live pest

Import prohibited plants	Import prohibited areas	Import prohibited pests
4. Seeds of potato and tomato	Asia : China(Hebei..), India... Europe : UK, Germany, Poland... America: US, Chile, Peru, Argentina.. Others	Potato spindle tuber viroid
7. Fresh stem and leaves of plants of Solanaceae and <i>Ipomoea</i> , and underground parts of fresh plants	Entire world excluding those import permitted areas of each commodity	<i>Synchytrium endobioticum</i> Potato spindle tuber viroid <i>Globodera rostochiensis</i> <i>Peronospora tabacina</i> <i>Leptinotarsa decemlineata</i>

Import prohibited plants	Import prohibited areas	Import prohibited pests
9. Plants of Maloideae , Prunus and Rubus for planting including seedlings, cuttings and scions(excluding seeds)	The entire world (excluding Japan and Taiwan)	<i>Erwinia amylovora</i> Apple proliferation Phytoplasma Plum pox virus
10. Plants of Rustaceae , <i>Cuscuta spp.</i> and <i>Artocarpus heterophyllus</i> for planting including seedlings, cuttings and scions(excluding seeds)	America : the US (only applicable to Florida, Louisiana), Brazil Asia : China, Taiwan, Japan Others	Citrus huanglongbing disease <i>Diaphorina citri</i> <i>Trioza erytreae</i>
11. Plants of grape for planting such as seedlings, cuttings, and scions (excluding seeds)	Europe : France, Germany, Italy, Spain... America : US, Canada, Mexico, Argentina, Brazil, Venezuela..... Others	<i>Xylella fastidiosa</i> Grapevine flavescence doree Phytoplasma
12. Underground parts of fresh plants of Avocado, Pineapple, Litchi, Coffee, Ginger..., and Anthurium , Rutaceae ...	North America : US, Canada, MX Central, South America : all areas Europe : Netherlands, Germany, Belgium, Italy, France,.... Others	<i>Radopholus citrophilus</i> <i>Radopholus similis</i>
14. <i>Camellia spp</i> , <i>Rhododendron spp</i> , <i>Vaccinium ovatum</i> , <i>Viburnum spp</i> , <i>Syringa vulgaris</i> , for planting such as seedlings (including rootstocks), cuttings and scions	Europe : Netherlands, Germany, Belgium, Italy, France, UK.... North America : US(only some counties in California,....)	<i>Phytophthora ramorum</i>



Phytosanitary regulation

Import of “Import prohibited plants”

Related regulations : Plant Protection Act Article 10

Prohibited items which fall under any of the followings may be imported

- in case a permission has been obtained from the Minister for Food, Agriculture, Forestry and Fisheries of Korea by meeting the requirements prescribed by the Presidential Decree for the purpose of
 - 1) offering to a research or, 2) to an international exhibition approved by the Government
 - 3) securing the agricultural genetic resources in accordance with Act on Preservation, Management and Utilization of Agricultural Genetic Resources
- for final permission, ‘Import prohibited plants’ should pass ‘Post-entry Quarantine’, if prohibited disease or insects found, they will be destroyed



Variety Denomination

Applied variety should have its unique Variety Denomination which satisfies the legal requirements for registration

Denomination should be written in Korean, and Korean in English

ex) ‘사자’ → ‘Saja’ (not ‘Lion’), ‘진주’ → ‘Jinju’ (not ‘Pearl’)

Where a denomination has already been registered or applied in another country, that denomination shall be used

Commercial name could be written independent of Variety Denomination for reference

ex) Rose ‘Vital’ → ‘Korhoco’ (variety denomination)



Fees

Fees required for application and examination

Application	Correction	Formality Examination	Growing Test (DUS Test)
38,000won	13,000(off-line) 3,000(on-line)	50,000	500,000 /cycle

Variety Protection Fee

Protection period	1~5 year	6~10 year	11~15 year	16~20 year	21~25 year
	30,000won /year	75,000	225,000	500,000	1,000,000



Electronic Application

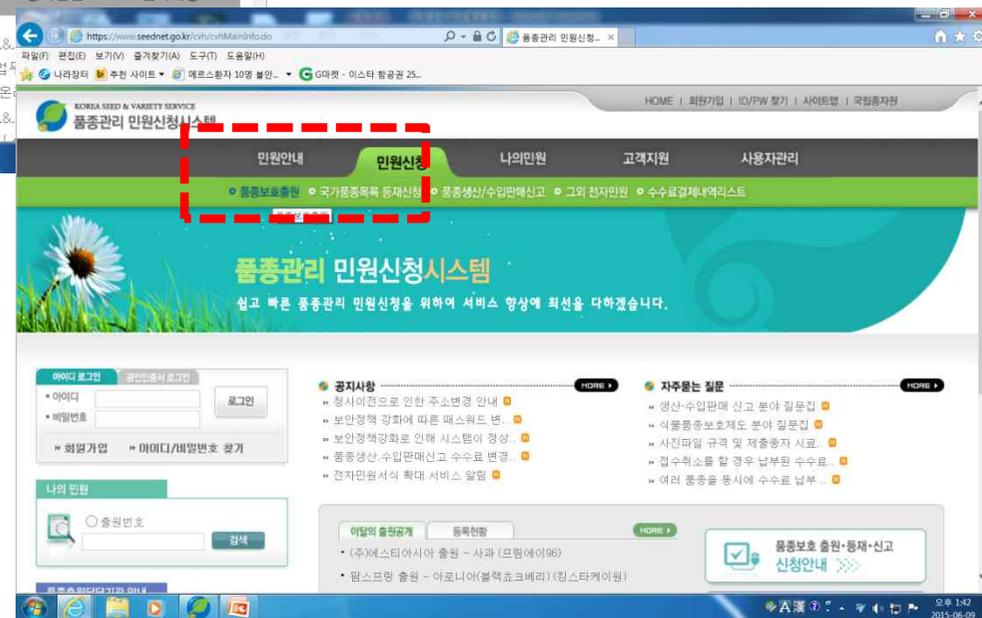


www.seed.go.kr

www.seednet.go.kr

Web-based online system

Applicant can access through Internet



Electronic Application



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*표시는 필수입력항목입니다.

작업일자		20110527	기존신청자료 >	작성안내 >
*출원인 1명 검색 >	성명	농촌진흥청	주민등록번호 (사업자번호)	
	전화번호	031-290-2500	지분	100
	주소	경기 수원시 권선구 서둔동 농촌진흥청사		
대리인 0명 검색 >	성명		주민등록번호 (사업자번호)	
	전화번호		위임사항	
	주소			
*육성자 0명 검색 >	성명		주민등록번호 (사업자번호)	
	전화번호		주소	
*작물	일반명		작물용도선택	
	학명			
*품종	한글명		등록확인 >	
	영문명			
	시료제출 여부	<input type="radio"/> 종자 제출 (종자분석작업일 경우) <input checked="" type="radio"/> 활약서 첨부 (영양분석작업일 경우)	시료제출량 적용량 종자시료량	
우선권 주장	출원국		증명서류	<input type="checkbox"/> 제출함
	출원일자		출원번호	<input type="checkbox"/> 제출함
*품종의 특성 설명	품종특성기술서 입력 품종특성기술서 기술서참조파일 다운로드 -특성표 입력 > 특성표 입력을 클릭하여 작성하여 주세요. -파일첨부 > 균일성 및 안전성 입증서류 0 개 -파일첨부 > 특성표 등 기타 첨부 ※특성표(특성기술서)는 특성표(특성기술서) 입력을 하거나 파일 첨부 중 하나를 선택하여 등록해 주시기 바랍니다. 특성표 첨부 파일 수 : 0 개, 특성기술서 첨부 파일 수 : 0 개			
	*육성과정의 설명			
	*품종사진			
	수수료납부			
권리에관한지분증명 서류		-파일첨부 > 권리에관한지분증명서류 0 개 [공동육성자의 서명날인한 권리지분 약정서 원본을 스캔해서 첨부해 주시기 바랍니다.]		
대리권증명서류		-파일첨부 > 대리권증명서류 0 개 (대리인의 경우에 한한다.)		

1. Request admission
2. Log-in
3. Fill-in the application form
4. Attach additional files
5. Pay application fee
6. Submission



Accept the application or
Order amendment



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Thank you for your attention!

