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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Forty-First Session
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MARKING OF PROTECTED VARIETIES

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1. At the fortieth session of the Committee, the Delegation of France observed that certain breeder's wished to indicate that a variety was protected, by using a sign similar to the "®" as used for registered trademarks. Although not a matter that depends on the authorities, it was felt that it would be useful for the Committee to examine the question and, if appropriate, to give advice.
2. There are two signs that are generally used for drawing attention to an intellectual property right: "®", used for registered trademarks, and "©", followed by the year, with respect to copyright. In some countries, the letters TM, used in superscript, can indicate a trademark that is (as yet) unregistered.
3. The use of such a sign would presume:
 - (a) firstly, that it is commonly (or readily) available as a typographical sign;
 - (b) secondly, that it is recognized by the public as an indication that the variety is protected by a breeder's right.
4. In Australia, a special sign comprising an inverted "p" and a "b", schematically representing Australia, has been adopted as a logo by the Plant Breeder's Rights Office and as a sign identifying protected varieties. Australian experience will no doubt be instructive. The

logo is available in JPEG and True Type versions, on the Office's Website (www.dpie.gov.au/agfor/pbr/pbrlogo.html).

5. Another solution would be to write out in full that it is a protected variety. Indeed, that solution is compulsory under certain national laws or is recommended in order to facilitate proceedings against infringement.

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