

Table 1. A general comparison of patent and plant variety protection law.

Subject	Patent Protection	Plant Variety Protection
Holder of protection	Inventor	Plant Breeder
Ease of making application	Requires involvement of patent Lawyers/Attorneys/Specialists.	User friendly. Breeder can make own application.
Object of protection	(Industrial) invention	Plant variety
Documentary examination	Required	Required
Field examination	Not required	Required
Plant material for testing	Not required (may be deposited however)	Required
Conditions for grant of rights	<ul style="list-style-type: none"> a) Novelty b) Industrial applicability c) Non-obviousness (inventive step) d) Enabling disclosure 	<ul style="list-style-type: none"> a) (Commercial) novelty b) Distinctness c) Uniformity d) Stability e) Appropriate denomination (name)
Determination of scope of protection	Determined by the claims of the patent	Fixed by the national legislation (by UPOV Convention in the case of UPOV member States)
Use of a protected variety for breeding further varieties	May require the authorization of the patentee	Does not require authorization of the right holder
Term of protection	Specified number of years from date of application	25 yrs for trees and vines, 20 yrs for other plants, from date of grant (1991 Convention)