



Plant Varieties Act 1997

1997 CHAPTER 66

PART I

PLANT VARIETIES

Duration and transmission of plant breeders' rights

11 Duration

- (1) A grant of plant breeders' rights shall have effect—
 - (a) in the case of potatoes, trees and vines, for 30 years from the date of the grant, and
 - (b) in other cases, for 25 years from that date.
- (2) The Ministers may by regulations provide that, in relation to varieties of a species or group specified in the regulations, subsection (1) above shall have effect with the substitution in paragraph (a) or (b), as the case may be, of such longer period, not exceeding—
 - (a) in the case of paragraph (a), 35 years, and
 - (b) in the case of paragraph (b), 30 years,as may be so specified.
- (3) The period for which a grant of plant breeders' rights has effect shall not be affected by the fact it becomes impossible to invoke the rights—
 - (a) because of Article 92(2) of the Council Regulation (effect of subsequent grant of Community plant variety right), or
 - (b) because of suspension under section 23 below.

12 Transmission

Plant breeders' rights shall be assignable like other kinds of proprietary rights, but in any case rights under section 6 above and rights under section 7 above may not be assigned separately.