

- Sec.
- 2422. Content of application.
- 2423. Joint breeders.
- 2424. Death or incapacity of breeder.
- 2425. Benefit of earlier filing date.
- 2426. Confidential status of application.
- 2427. Publication.
- PART F—EXAMINATIONS; RESPONSE TIME; INITIAL APPEALS
- 2441. Examination of application.
- 2442. Notice of refusal; reconsideration.
- 2443. Initial appeal.
- PART G—APPEALS TO COURTS AND OTHER REVIEW
- 2461. Appeals.
- 2462. Civil action against Secretary.
- 2463. Repealed.
- PART H—CERTIFICATES OF PLANT VARIETY PROTECTION
- 2481. Plant variety protection.
- 2482. How issued.
- 2483. Contents and term of plant variety protection.
- 2484. Correction of Plant Variety Protection Office mistake.
- 2485. Correction of applicant’s mistake.
- 2486. Correction of named breeder.
- PART I—REEXAMINATION AFTER ISSUE, AND CONTESTED PROCEEDINGS
- 2501. Reexamination after issue.
- 2502, 2503. Repealed.
- 2504. Interfering plant variety protection.
- SUBCHAPTER III—PLANT VARIETY PROTECTION AND RIGHTS
- PART J—OWNERSHIP AND ASSIGNMENT
- 2531. Ownership and assignment.
- 2532. Ownership during testing.
- PART K—INFRINGEMENT OF PLANT VARIETY PROTECTION
- 2541. Infringement of plant variety protection.
- 2542. Grandfather clause.
- 2543. Right to save seed; crop exemption.
- 2544. Research exemption.
- 2545. Intermediary exemption.
- PART L—REMEDIES FOR INFRINGEMENT OF PLANT VARIETY PROTECTION, AND OTHER ACTIONS
- 2561. Remedy for infringement of plant variety protection.
- 2562. Presumption of validity; defenses.
- 2563. Injunction.
- 2564. Damages.
- 2565. Attorney fees.
- 2566. Time limitation on damages.
- 2567. Limitation of damages; marking and notice.
- 2568. False marking; cease and desist orders.
- 2569. Nonresident proprietors; service and notice.
- 2570. Liability of States, instrumentalities of States, and State officials for infringement of plant variety protection.
- PART M—INTENT AND SEVERABILITY
- 2581. Intent.
- 2582. Severability.
- 2583. Repealed.
- SUBCHAPTER I—PLANT VARIETY PROTECTION OFFICE
- PART A—ORGANIZATION AND PUBLICATIONS

§ 2321. Establishment

There is hereby established in the Department of Agriculture an office to be known as the

Plant Variety Protection Office, which shall have the functions set forth in this chapter.

(Pub. L. 91-577, title I, §1, Dec. 24, 1970, 84 Stat. 1542; Pub. L. 96-574, §1, Dec. 22, 1980, 94 Stat. 3350.)

AMENDMENTS

1980—Pub. L. 96-574 substituted “an office” for “a bureau”.

EFFECTIVE DATE

Pub. L. 91-577, title III, §141, Dec. 24, 1970, 84 Stat. 1558, provided that: “This Act [this chapter] shall take effect upon enactment [Dec. 24, 1970]. Applications may be filed with the Secretary and held by him until the Office of Plant Variety Protection is organized and in operation”.

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-349, §1(a), Oct. 6, 1994, 108 Stat. 3136, provided that: “This Act [amending sections 2327, 2330, 2353, 2354, 2357, 2401, 2402, 2404, 2422, 2423, 2424, 2425, 2442, 2461, 2462, 2463, 2482, 2483, 2486, 2501, 2504, 2532, 2541, 2542, 2543, 2561, 2566, 2567, 2568, and 2570 of this title, repealing sections 2463, 2502 and 2503 of this title, and enacting provisions set out as notes under section 2401 of this title] may be cited as the ‘Plant Variety Protection Act Amendments of 1994.’”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-560, §1, Oct. 28, 1992, 106 Stat. 4230, provided that: “This Act [enacting section 2570 of this title and section 296 of Title 35, Patents, amending section 2541 of this title and section 271 of Title 35, and enacting provisions set out as a note under section 2541 of this title] may be cited as the ‘Patent and Plant Variety Protection Remedy Clarification Act.’”

SHORT TITLE

Pub. L. 91-577, title III, §145, Dec. 24, 1970, 84 Stat. 1559, provided that: “This Act [enacting this chapter, section 1611 of this title, and sections 1545 and 2353 of Title 28, Judiciary and Judicial Procedure, amending section 1562 of this title and sections 1338 and 1498 of Title 28, and enacting provisions set out as notes under this section] may be cited as the ‘Plant Variety Protection Act.’”

§ 2322. Seal

The Plant Variety Protection Office shall have a seal with which documents and certificates evidencing plant variety protection shall be authenticated.

(Pub. L. 91-577, title I, §2, Dec. 24, 1970, 84 Stat. 1542.)

§ 2323. Organization

The organization of the Plant Variety Protection Office shall, except as provided herein, be determined by the Secretary of Agriculture (hereinafter called the Secretary). The office shall devote itself substantially exclusively to the administration of this chapter.

(Pub. L. 91-577, title I, §3, Dec. 24, 1970, 84 Stat. 1542.)

§ 2324. Restrictions on employees as to interest in plant variety protection

Employees of the Plant Variety Protection Office shall be ineligible during the periods of their employment, to apply for plant variety protection and to acquire directly or indirectly,