1. Purpose of the Variety Registration System

Excellent varieties are the foundation of production in the agricultural, forestry and aquatic industries, and the breeding of various varieties with excellent characteristics in productivity, quality, disease resistance, etc. is an important pillar supporting its development. The breeding of new varieties requires extensive effort over a long period and large amounts of money, as well as specialized knowledge and technology. However, the breeding of new varieties is not something that always produces results with any certainty, and furthermore, once a variety has been bred, it can be easily propagated by a third party. Therefore, it is necessary to properly protect the right of the breeder of new varieties in order to actively encourage the breeding of new varieties.

For this reason, the variety registration system based on the Seeds and Seedlings Act, protects the rights of the breeder of a new plant variety and promotes the breeding of new varieties of plants.

2. Conditions for Variety Registration and Plants to be Protected

(1) Plants to be Protected

All plants cultivated and mushrooms designated by Cabinet Order are subjects of protection. Any person who has bred a new variety (breeder or his successor) may file an application for variety registration.

Mushrooms designated by the Cabinet Order (as of April 1, 2006, 32 species)

Agaricus bisporus (L. Lange) Imbach, Agaricus blazei Murr., Agrocybe cylindracea (DC.-Fr.) Maire, Auricularia auricula (Hook.) Underw., Auricularia polytricha (Mont.) Sacc., Dictyophora indusiata (Vent.:Per.) Fisch., Flammulina velutipes (Curt.-Fr.) Sing., Ganoderma lucidum (Leyss.-Fr.) Karst., Grifola frondosa (Dicks.-Fr.) S. F. Gray, Hericium erinaceum (Bull.-Fr.) Pers., Hypsizygus marmoreus (Pock) Bigelow, Hypsizygus ulmarius (Bull.-Fr.) Redhead, Lentinula edodes (Berk.) Pegler, Lentinus sordida (Schunk.-Fr.) Sing., Lyophyllum decastes (Fr.-Fr.) Sing., Lyophyllum shimeji (Kawamura) Hongo, Meripilus giganteus (Pers.-Fr.) Karst., Mycoleptodonoides aitchisonii (Berk.) Maas Geest., Hypholoma sublateritium (Scheff.) Quel., Panellus serotinus (Pers.-Fr.) Kümmer, Pleurotus adspersus (Fr.) Kummer, Pleurotus nameko (T. Ito) S. Ito et Imai, Pleurotus cystidiosus subsp. abalonus (Y.H. Han, K.M. Chen et S. Cheng) O. Hilber, Pleurotus cornucopiae (Paulet) Rolland. var. citrinopileatus (Sing.) Ohira, Pleurotus cystidiosus O.K. Miller, Pleurotus eryngii (DC.-Fr.) Quel., Pleurotus ostreatus (Jacq.-Fr.) Kummer, Pleurotus pulmonarius (Fr.) Quel., Polyporus tuberaster (Pers.-Fr.) Fr., Sparassis crispa (Wulf.) Fr., Tricholoma giganteum Massee

(2) Conditions for Variety Registration

The Seeds and Seedlings Act was wholly revised in May of 1998 in order to expand the scope of the protection of the breeder’s right, etc. The revised Seeds and Seedlings Act is conformed to the 1991 UPOV Convention (the International Convention for the Protection of New Varieties of Plants) which provides an international rule for the protection of new varieties of plants. Since May 1998, this act has been further amended several times.

The applied variety must be clearly distinguishable in terms of important characteristics (shape, color, disease resistance, etc.) from any other varieties.

All of the plants of the variety in the same propagation stage must be sufficiently similar in all of the characteristics.

All of the characteristics must remain unchanged after repeated propagation.

The seeds and seedlings or harvested materials of the applied variety must not have been transplanted, in Japan earlier than one year before the date of the application, or in a foreign country earlier than four years from the date of such an application (six years, in the case of perennial plants).

The denomination of the applied variety should not be one which would be confused with an existing variety denomination or registered trademark.