



BILL ESSENTIAL NO. 3 OF 2026–2027 2nd Session, 13th Parliament

BILL ESSENTIALS

THE PROTECTION OF NEW PLANT VARIETIES (AMENDMENT) BILL, 2026

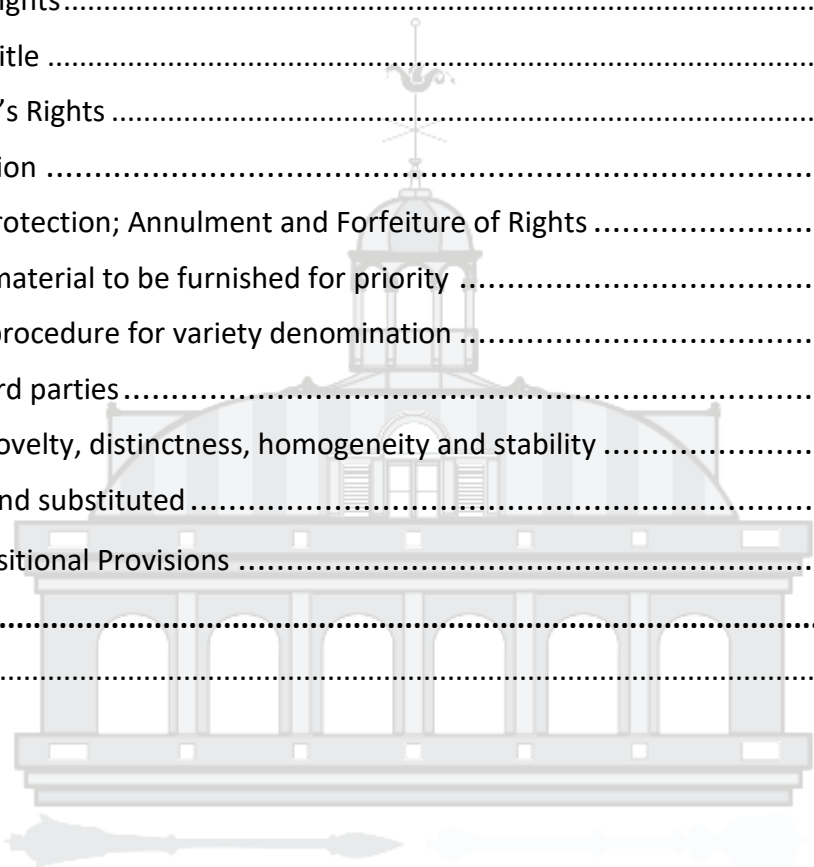
Date Introduced: **September 18, 2026** House: **Senate**

Introduced by: **Minister of Land and
Legal Affairs**



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PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

BACKGROUND

1. The **Protection of New Plant Varieties (Amendment) Bill, 2026** (hereinafter referred to as the “Bill”) in the name of the Minister of Land and Legal Affairs will be introduced and debated on Friday September 18, 2026.
2. The Bill proposes amendments to the **Protection of New Plant Varieties Act, Chapter 82:75** (hereinafter referred to as the “Act”). The Bill seeks to facilitate the accession of Trinidad and Tobago to the International Convention for the Protection of New Varieties of Plants 1991 (hereinafter referred to as the “Convention”).
3. The Bill, once passed, will come into operation on such date as fixed by the President by Proclamation.

KEY FEATURES OF THE BILL

Interpretation

4. **Clause 4** of the Bill seeks to amend **section 2** of the Act by widening the definition of “**breeder**”. At present, the definition of “breeder” means the person who has bred, or discovered and developed a variety and the expanded definition will include that person’s employer, a person who has commissioned the work, or a successor in title.
5. **Clause 5** seeks to insert a new section to the Act which provides that the Act applies to all plant genera¹ or species.

Plant Breeder’s Rights

6. Section 3 of the Act grants a plant breeder’s rights in respect of plant varieties of those genera or species listed in the Schedule of the Act if the plant variety is new, distinct, homogenous, stable, and properly named. **Clause 6** widens **section 3** by granting the right to any genera or species of plant varieties.
7. **Clause 7** seeks to repeal and substitute **section 4** of the Act. The clause provides that a variety shall be considered new where the propagating or harvested material of the variety has not been sold or disposed of by or with the breeder’s consent earlier than one (1) year before the date of an application for a breeder’s right in Trinidad and Tobago or earlier than four (4) years

¹ A genus (plural: genera) is a taxonomic rank in biology that groups closely related species. Scientists currently recognise approximately 13,000–16,000 genera of plants, containing an estimated 350,000–400,000 species.

before an application outside of Trinidad and Tobago. Previously, a variety was considered new where the variety had not been marketed and offered for sale within a specified time relative to the filing date of the application. The effect of this substitution is that the marketing and offering for sale of a variety on its own no longer affects the novelty of a variety.

Presumption of Title

8. **Clause 11** seeks to repeal and replace **section 10** of the Act. It provides for provisional protection in the intervening period between the publication of an application for the grant of a breeder's right and the grant of that right. Further, the clause provides that the holder of a plant breeder's right shall be entitled to compensation by any person for acts carried out during the intervening period. Once the right has been granted, these acts would require the breeder's authorisation. This amendment expands the scope of provisional protection to applicants in recognition of the presumption of title.

Scope of Breeder's Rights

9. **Clause 13** seeks to repeal and replace **section 15** of the Act. The clause increases the acts which require prior authorisation from the breeder including the exporting, importing, conditioning for the purpose of propagation and stocking of the propagating material of the protected variety. Previously, the production, offering for sale and marketing of the propagating materials were the only actions which required authorisation.

Period of Protection

10. **Clause 14** of the Bill repeals section 17 of the Act. The new **Section 17** provides that plant breeder's rights will be protected for twenty (20) years from the date the right is granted; and twenty-five (25) years for trees and vines, calculated from the date the right is granted.

Termination of Protection; Annulment and Forfeiture of Rights

11. **Clause 15** of the Bill amends section 19 of the Act to clarify and expand the circumstances in which a plant breeder's right may be declared null and void or forfeited.
12. Paragraphs (a) and (b) in subsection (2) are deleted and substituted with the following:
A plant breeder's right may be declared null and void where:
 -  *the plant variety was not new or distinct when the breeder's right was granted;*
 -  *the right was granted based mainly on information and documents provided by the breeder, but the required conditions relating to uniformity or stability in sections 6 or 7, were not met at the time; or*
 -  *the right was granted to a person who was not entitled to it, unless it is transferred to the person who is entitled.*

13. Subsection (4) is repealed and substituted with the following subsection (4):

The Controller must declare a plant breeder's right forfeited where:

-  *the variety no longer meets the required conditions of uniformity or stability in sections 6 or 7 of the Act;*
-  *the holder fails, when requested and within the required time period, to provide the information, documents or material needed to verify that the variety is being maintained; and the holder fails to propose a new suitable name for the variety where its existing denomination has been cancelled after the grant of the right; and*
-  *the holder fails to pay the required renewal fee, despite being reminded, and three months have passed since the reminder.*

Documents and material to be furnished for priority

14. **Clause 16** of the Bill amends **section 22** of the Act which deals with an applicant's right of priority based on an earlier application filed in another country.

15. Subsection (4) is repealed and substituted with the following subsection (4): *The applicant shall be entitled to two years after the priority period expires; or where the earlier application is rejected or withdrawn, a reasonable period after the rejection or withdrawal to provide the Office with the required information, documents or material for examination under sections 30 and 31.*

Application and procedure for variety denomination

16. **Clause 17** of the Bill amends **section 24** of the Act.

17. After subsection (1), subsection (1A) is inserted which provides that, subject to section 27, rights in a registered denomination cannot prevent the denomination from being freely used to identify that variety, including after the plant breeder's right has expired.

18. After subsection (4), the following subsections are inserted:

- a. Subsection (5) which provides that the Office must refuse to register a variety denomination that does not meet the required standards in subsections (2) and (3) and require the breeder to propose a new one within the required time period.
- b. Subsection (6) which provides that a variety denomination must be registered at the same time as the plant breeder's right is granted.

Prior rights of third parties

19. **Clause 19** of the Bill amends section 27 of the Act and provides that the Controller of the Intellectual Property Office shall require a plant breeder to submit another denomination for a plant variety, in instances where, by reason of a right of priority, the use of the denomination is forbidden to a person who is obliged to use the denomination.

Examination of novelty, distinctness, homogeneity and stability

20. **Clause 20** empowers the Controller to grow or test the variety, arrange for those tests to be carried out by another party, or have the examination conducted by another national or foreign governmental authority. The Controller must also take into account the results of any growing tests or other trials that have already been conducted.

Part X repealed and substituted

21. **Clause 21** of the Bill repeals Part X of the Act thereby removing the process for oppositions against the grant of a plant breeder's right, and providing for a process for the invalidation of the grant of a plant breeder's right by the Court. The Court may invalidate the right where it is proven that:
-  the applicant was not entitled to it;
 -  the variety did not meet the required standards for novelty, distinctness, homogeneity or stability; or
 -  the proposed variety denomination was inadmissible.
22. Where the right is invalidated, it is treated as null and void from the date it was originally granted. The Court's final decision must also be notified to the Controller, recorded and published.

Savings and Transitional Provisions

23. The existing Protection of New Plant Varieties Order will remain in force for one (1) year after the amendment comes into effect.
24. During this transitional period, varieties from plant genera or species not currently listed in the Order may still qualify as new, even if they were previously sold or otherwise disposed of in Trinidad and Tobago, provided this occurred within four years before the application, or six years for trees and vines.
25. This special provision applies only to applications filed within one (1) year of the commencement of the Act.

Key Legislation



[Protection of New Plant Varieties Act, Chapter 82:75](#)



[International Convention for the Protection of New Varieties of Plants](#)



Legal Unit

Parliament Secretariat

Parliamentary Complex, Cabildo Building,

No. 23-27 St. Vincent Street, Port-of-Spain

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