The Growth Advantage: Why Stronger Plant Variety Rights Matter

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Innovation deserves protection

Every successful horticultural variety has a long story behind it, often involving years of breeding, testing, investment and commercial judgement.

Developing new plant varieties requires specialised expertise and patience, with no guarantee of success. The Government’s proposed changes to New Zealand’s plant variety rights regime recognise that reality. The stated aim is to better protect the investment that sits behind high value exports, regional jobs and global demand for New Zealand produce.

For growers, breeders and the wider horticulture sector, the announcement is a useful reminder that new varieties are not just scientific assets. They are commercial assets that can affect investment decisions, land use, succession planning and long-term business value.

Investing in the future of horticulture

Breeding and importing new varieties can be expensive, uncertain and slow to return value. Significant investment is often required before a variety can be commercialised, tested at scale or proven in the market.

The proposed reform responds to that timing gap by extending the plant variety rights term by a further five years and restoring provisional protection, so extending the period over which a commercial return is available and making it available earlier. In practice, that would also protect plant breeders from the day they apply for rights, rather than deferring protection until those rights are formally granted.

The commercial point is straightforward. If a variety succeeds, the people who invested in developing or importing it should have greater confidence that the value created will be protected.

The value of new varieties

The export figures show why this matters.

In 2024, 75% of the $3.5 billion in export returns from kiwifruit, and an estimated 55% of the $979 million in export returns from apples, came from varieties protected by plant variety rights. The Government noted that these figures show the contribution new plant varieties make to export earnings and to New Zealand’s goal of doubling the value of exports over the next decade.

For growers, the connection is practical. Successful breeding programmes can support improved productivity, stronger market demand and access to premium export markets.

The scale of that value is clear in the Government's reference to SunGold Kiwifruit. Zespri has projected that extending the plant variety rights term for SunGold alone could generate approximately $1.8 billion in additional revenue to the industry over that timeframe. For growers, longer protection may also help the successful varieties they invest in hold their market value for longer.

Beyond the orchard gate

The legal and commercial questions do not stop at the plant variety right.

New varieties can affect land values, investment decisions, employment, post-harvest capacity and the way horticultural businesses are structured.

That is where the next layer of planning becomes important. If a protected variety increases the value of an orchard or horticultural business, how is that value held, shared and transferred? Are the ownership structures still fit for purpose? Do succession plans reflect the current value of the business? Are key supply, licence, governance and funding arrangements properly documented?

The reforms are aimed at protecting the innovation. Growers and horticultural businesses also need to consider how the commercial value created by that innovation is protected in their own arrangements.

Looking ahead

The announcement is a positive signal, but the opportunity does not end with the proposed reform.

Stronger rights may help protect the science and investment behind new varieties. The businesses that benefit from those varieties will still need the right structures, agreements and long-term planning to support them.

For the Bay of Plenty, this also sits within a wider regional conversation. In our next article, we will explore the Western Bay of Plenty regional deal and how certainty and coordinated planning can help build confidence for the region's next phase of growth.