

Training Module for Chapter 16 of the MPEP

(Revised August 16, 2018)

Summary

Chapter 16: Plant Patents

Section 1601 – Introduction: The Act, Scope, Type of Plants Covered

- NOTE: Plant patents are infrequently tested on the exam.
- Whoever invents or discovers and asexually reproduces and distinct and new variety of plant, including cultivated spores, mutants, hybrids, and newly found seedlings (other than tuber propagated plants or plants found in uncultivated state) may apply for a plant patent.
- Asexual reproduction includes:
 - (1) rooting of a cutting
 - (2) grafting
 - (3) budding

NOTE: Plants capable of sexual reproduction are **NOT** excluded from patent coverage.

- Plant patents are generally subject to the same rules as utility patents, including a 20 year term after filing date.

Selected Questions and Answers for Chapter 16 - **NONE**

In-Depth Review of Chapter 16

Chapter 16 from the MPEP, in its entirety, is on the selection bar at the top of this page. You are encouraged to familiarize yourself with the general format and structure of the MPEP. However, it is recommended that you quickly scan through most of the chapter - while reading only those sections that are **highlighted in yellow**.

[Chapter 16, MPEP](#)