



Plants & Agribiotech

Discoveries and innovations in agriculture and botany have a unique array of available intellectual property protections. In addition to utility patents, plant-related discoveries and innovations can be eligible for distinct forms of intellectual property protection, namely plant patents and Plant Variety Protection Certificates. Plant patents are available to protect new and distinct plant varieties that are cultivated or otherwise specifically created, for example by plant breeding or by grafting a new genotype. The United States Patent and Trademark Office (USPTO) grants plant patents for the protection of newly discovered or invented varieties of plants that are propagated asexually (not by seed). Plant Variety Protection (PVP) is granted by the United States Department of Agriculture to protect new varieties of plants that are sexually reproduced (by seed) or propagated by tubers.

The attorneys at COJK assist clients to obtain and enforce utility patents, plant patents, PVP Certificates and trade secrets to protect innovations in the areas of flowers and fruit varieties, modified plants, plant improvements and genetically modified organisms (GMO), yeasts, enzymes, and synthetic biology. We assist clients with related technologies such as plant cultivation and shipping, vertical farming, food development, optimization of plants for use in specific foods, manufacturing, preservation, and processing, as well as with negotiating and establishing valuable licensing agreements. We build trademark, copyright and domain portfolios tailored to protect and monetize clients' reputation, brand equity, advertising campaigns and creative content. We help clients entering into vendor agreements ensure their intellectual property assets are protected, and their infringement risks are minimized.

COJK attorneys also assist clients in the cannabis industry, seeking protection of intellectual property rights for our clients, where possible. Although there are states where cannabis is legal, the U.S. government still considers cannabis a Schedule 1 controlled substance under federal jurisdiction in the United States. There are, however,

options for inventors to protect cannabis-related innovations and strategies for protecting brands through creative use of trademark and copyright laws. Our attorneys are experienced in advising innovators in the cannabis space in understanding their IP and how best to protect it.

Our attorneys have assisted clients with IP services related to:

- Genetically modified and gene-edited plants and organisms
- Synthetic biology
- Novel plant varieties
- Brand protection
- Domains, websites, online content and e-commerce
- Plant cultivation technologies
- Plant optimization for use in food products
- Farming technologies and equipment
- Cannabis
- Licensing of plant-related intellectual property