

APPLICATIONS FROM OVERSEA

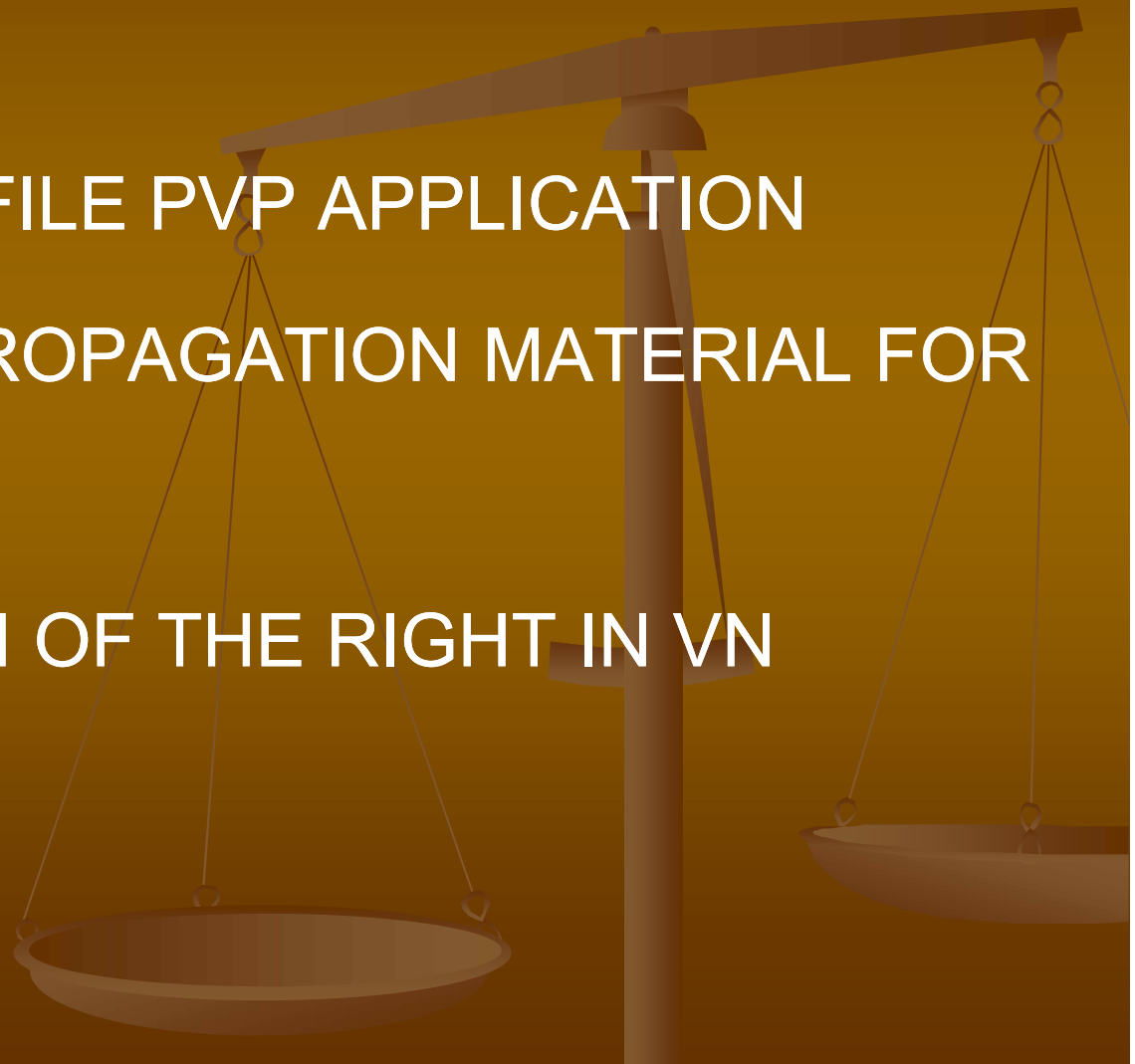


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PVPO - VIETNAM

OUTLINES OF THE PRESENTATION

- PROCEDURE TO FILE PVP APPLICATION
- IMPORTING OF PROPAGATION MATERIAL FOR DUS
- IMPLEMENTATION OF THE RIGHT IN VN

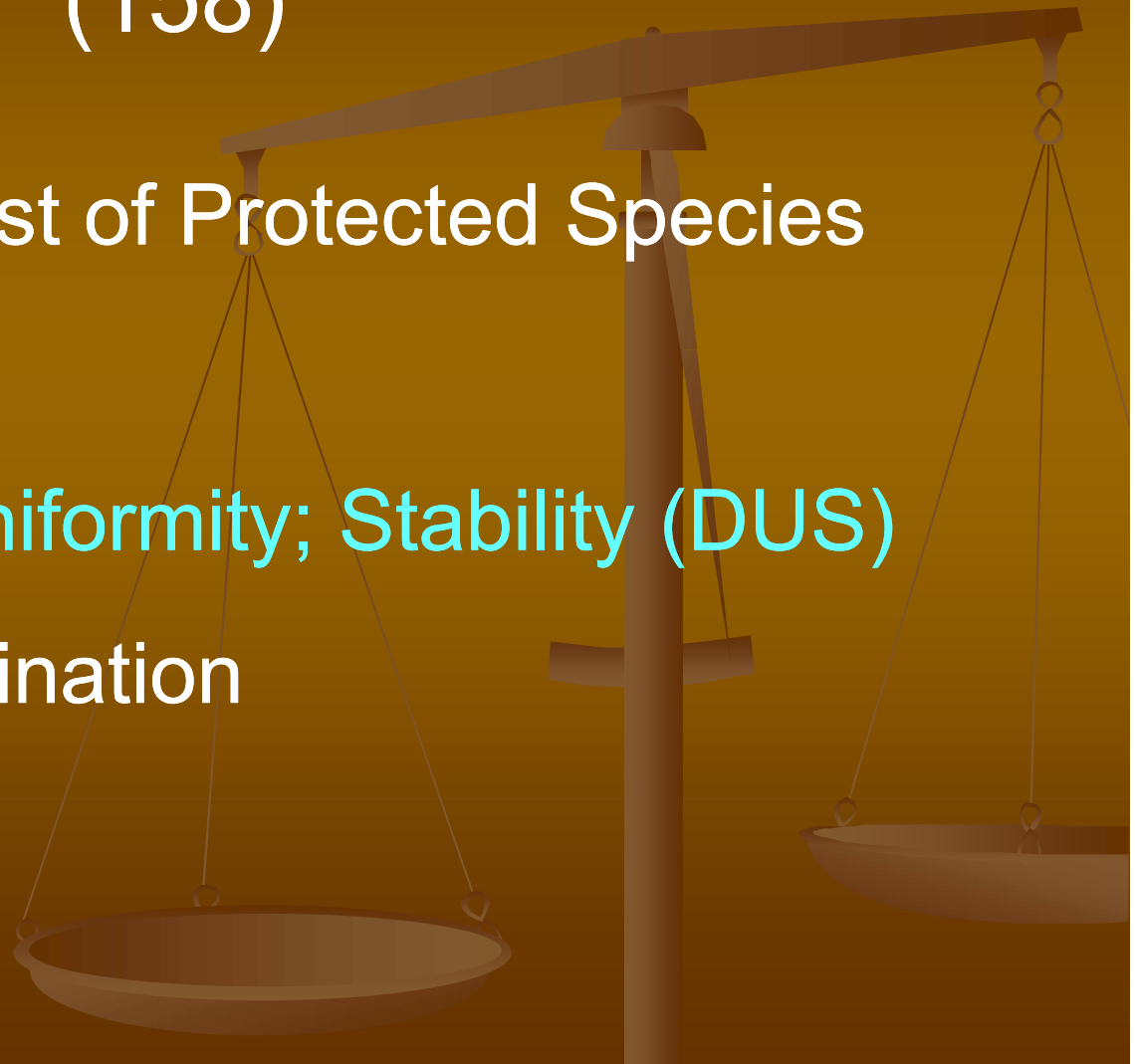


Peoples can be protected in Vietnam (Art. 157 and 164)

- Vietnamese Organizations, Individual; Foreigners who are citizen or resident in a country which have agreement on PVP with Vietnam or foreigners which register a permanent residence in Vietnam:
 - Bred or discovered and develop a new variety;
 - Invested to the breeding or discovered and develop a new variety;
 - Has lawful right of PVP
 - Pay the fees.

A variety can be protected in Vietnam (158)

- Belong to the List of Protected Species
- New
- Distinctness; Uniformity; Stability (DUS)
- Suitable denomination



The List of protected species in VN

- 
1. *Oryza Sativa* L.
 2. *Zea mays* L.
 3. *Glycine max* (L.) Merrill
 4. *Arachis hypogea* L.
 5. *Lycopersicon esculentum* Mill
 6. *Solanum tuberosum* (L)
 7. *Rosa* L.
 8. *Chrysanthemum* spec.
 9. *Citrullus lanatus* (Thunb) Matsum et Nakai
 10. *Cucumis sativus* L.
 11. *Cammellia sinensis*
 12. *Gossypium hirsutum* L. và *Gossypium barbadense* L.
 13. *Vitis* L.
 14. *Brrassica oleracea* L.
 15. *Citrus* L. *Rutaceae*
 16. *Fragaria* L.
 17. *Capsicum anmum* L.
 18. *Cucurbita maxima* Duch; *Cucurbita pepo* L; *Cucurbita moschata* L.
 19. *Zingiber officinale* Rosc.
 20. *Mangifera indica* L.
 21. *Gerbera* Cass
 22. *Gladiolus* L.
 23. *Lilium* L.
 24. *Dianthus* L.
 25. *Daucus carota* L.
 26. *Saccharum* L.
 27. *Hevea* Aubl.
 28. *Citrus grandis* L.
 29. *Malus domestica* Borkh
 30. *Carica papaya* L.

The List of protected species in VN

31. *Musa acuminata* Colla; *Musa xparadisiaca* L.

32. *Momordica Charantia* L.

33. *Tagetes* L.

34. *Hylocereus* (Haw.) Britton &

Rose; *Hycleloresus Costaricensis* (F.A.C Weber); *Hylocereus Polyrhizus* (F.A.C Weber)

35. *Allium Cepa*;

36. *Allium Oschaninii* O.Fedtsch

37. *Coffea arabica* L. *Coffea canephora* Pierre ex.A.Froehner

38. *Ficus* L. (*Ficus costata* Ait; *Ficus benjamitina* L.; *Ficus carica* L.

39. *Pennisetum americanun* [L] Leeke; *Pennisetum purpuretum* Schumach;

40. *Ampelopsis cantoniensis* (Hook.et.Am) Planch.

41. *Ipomoea batatas* .L

42. *Prunus arminiaca* L.

43. *Lotus corniculatus* L

44. *Dimocartpus Longan* L.

45. *Litche chinensis* L.

46. *Cymbidium* Sw.

47. *Amaranthus* L.

48. *Lactus* sp.

49. *Psidium guava* L.

50. *Euphorbia pulcherrima* Willd.ex Klotzsch

51. *Raphanus sativus* L.

52. *Prunus persica* (L) Batsch)

The List of protected species in VN

- 
- | | | |
|---|--|--|
| 53. <i>Clerodendrum kaempferi</i> (jacq) Siebold, exhassk | 62. <i>Calathea.</i> | 70. <i>Brassica pekinensis</i> Lour. Rupr. |
| 54. <i>Bauhinia</i> sp. | 63. <i>Lactus</i> sp. | 71. <i>Apium graveolens</i> L. |
| 55. <i>Moringa oleifera</i> L. | 64. <i>Brrassica oleracea</i> L. Convar <i>botrytis</i> (L.) Alef. Var. <i>botrytis</i> L. | 72. <i>Vicia faba</i> L. var. major Harz |
| 56. <i>Anthurium</i> Schott. | 65. <i>Solanum melongena</i> L. | 73. <i>Castanea sativa</i> Mill. |
| 57. <i>Phalaenopsis</i> Blume. | 66. <i>Vigna unguiculata</i> (L) Walp. <i>supsp.secquibedalis</i> (L) Verdc. L. | 74. <i>Ananas comosus</i> (L.) Merr. |
| 58. <i>Persea americana</i> Mill. | 67. <i>Pisum sativum</i> L. | 75. <i>Abelmoschus esculentus</i> (L.) Moench. |
| 59. <i>Begonia</i> × <i>hiemalis</i> Fotsch | 68. <i>Phaseolus vulgaris</i> L. | 76. <i>Diospyros kaki</i> L. |
| 60. <i>Kalanchoe blossfeldiana</i> Poelln. | 69. <i>Lagenaria sinceraria</i> (Molina) Stanley. | 77. <i>Helianthus annuus</i> L. |
| 61. <i>Bougainvillea.</i> | | 78. <i>Colocasia esculenta</i> (L.) Schott |
| | | 79. <i>Dendrobium</i> Sw |

The List of protected species in VN

80. *Mokara*

81. *Pyrus communis* L.

82. *Prunus salicina* Lindl.

83. *Ipomoea aquatica*

84. *Manihot
esculenta* Crantz

85. *Nicotiana tabacum* L.

86. *Dahlia* Cav.

87. *Crinum latifolium* L.

88. *Tulipa* L.

89. *Chumbera, Nopal
tunero, Tuna và Nhóm
Xoconostles*

90. *Alstroemeria*

91. *Sorghum Bicolor* L.

92. *Sesamum Indicum* L.

93. *Curcuma zedoaria*

94. *Curcuma aromatica*

95. *Curcuma Longa* L.

96. *Macadamia integrifolia
Maiden et Betche,
Macadamia tetraphylla
L.A.S. Johnson)*

97. *Plukenetia Volubilis* L.

98. *Castanea crenata* Mill.

99. *Castanea dentata* Mill.

100. *Aleurites fordii*
(Hemsl.).

101. *Quercus* L.

102. *Piper nigrum* L.

103. *Anacardium
occidentale* L.

104. *Theobroma cacao*
L.

105. *Cocos nucifera* L.

106. *Medicago sativa* L.

107. *Vigna radiata* (L.)

R Wilczek

* From No 90 to 107
just add to the New
Circular signed by
Minister of MARD on
14th August 2015

Fees for PVP (TT180)

Filing (Million VND)	For DUS - 1 Var./1Appli (Million VND)	Maintaining of Certificate (Million VND)
2	<ul style="list-style-type: none"> ✓ Seasonal Crops: 8,3 ✓ Annual crops: 11 ✓ Perennial crops: 24 	<ul style="list-style-type: none"> ✓ The years from 1 – 3: 3 ✓ The years from 4 – 6: 5 ✓ The years from 7 – 9: 7 ✓ The years from 10 – 15: 10 ✓ From 16th to finish: 20

* *Way of payment:*

- ✓ First year: when receive Certificate
- ✓ From second year: First month of the year for effective of Certi.

Procedures for PVP Certificate

Filing Application: Direct/Post Office/Representative



- Dossier (Application and TQ – Vietnamese; Photos; fee receipt)
- Filing fee receipt (2.000.000VNĐ)
- Others (If possible)

Publicity (Validity)

- Technical Examination (DUS Test)
- Fee for DUS Test (8,3/11/24 Million)
- Examining of DUS Test report

Decision for granting

- Public the decision (30 days)
- Treatment of third opinion (if possible)

Granting

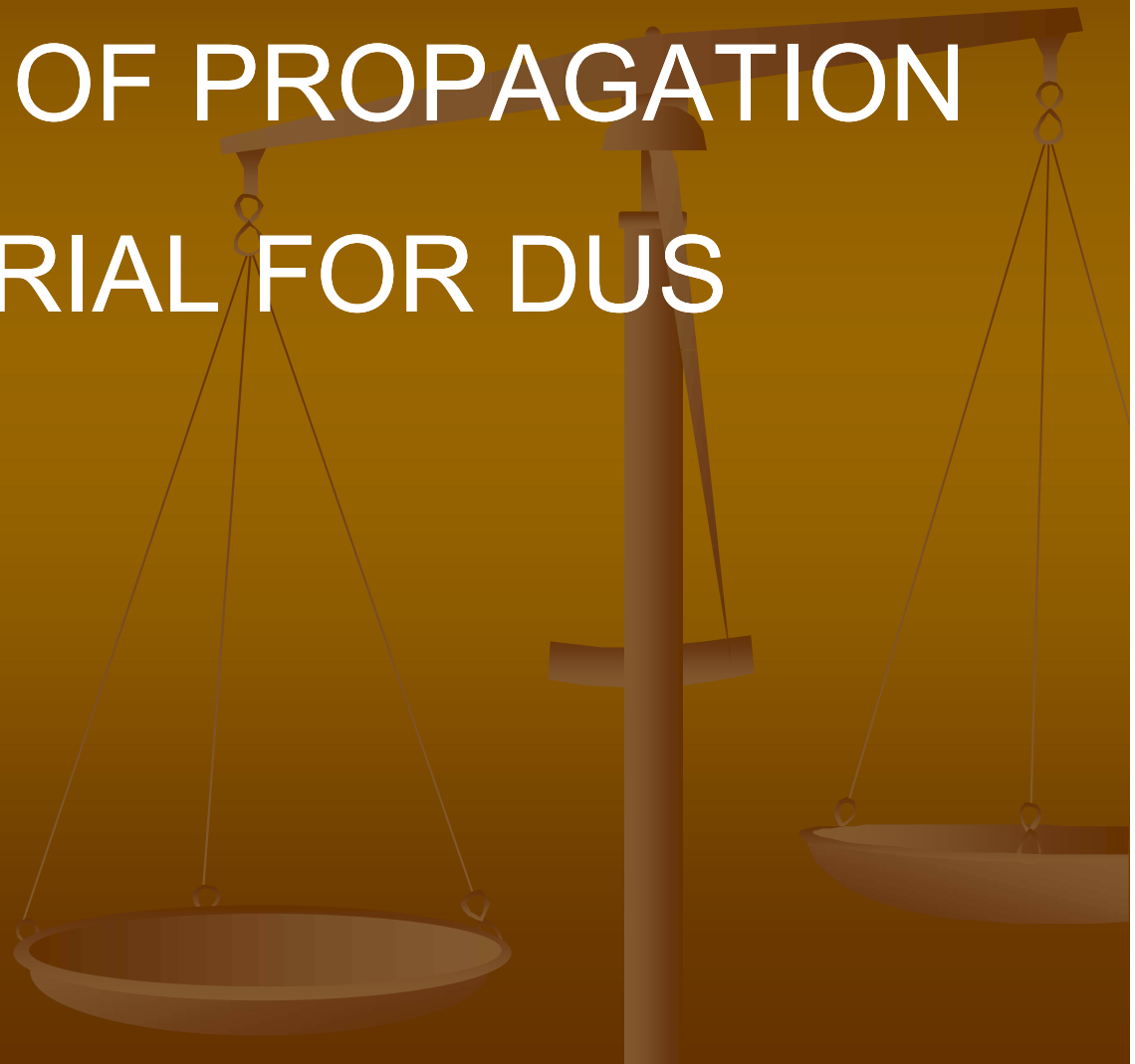
Maintain fee for effective

Exploit of the PBR

PVP Certificate



IMPORTING OF PROPAGATION MATERIAL FOR DUS



Legal document for importation of propagation material to VN

Importation

Commercial Law (No 36/2005/QH11)



Decree No 187/2013/ND-CP to detailed instruction of the Law



Circular 04/2015/TT-BNNPTNT to instruct for some Articles in the Decree

Plant quarantine

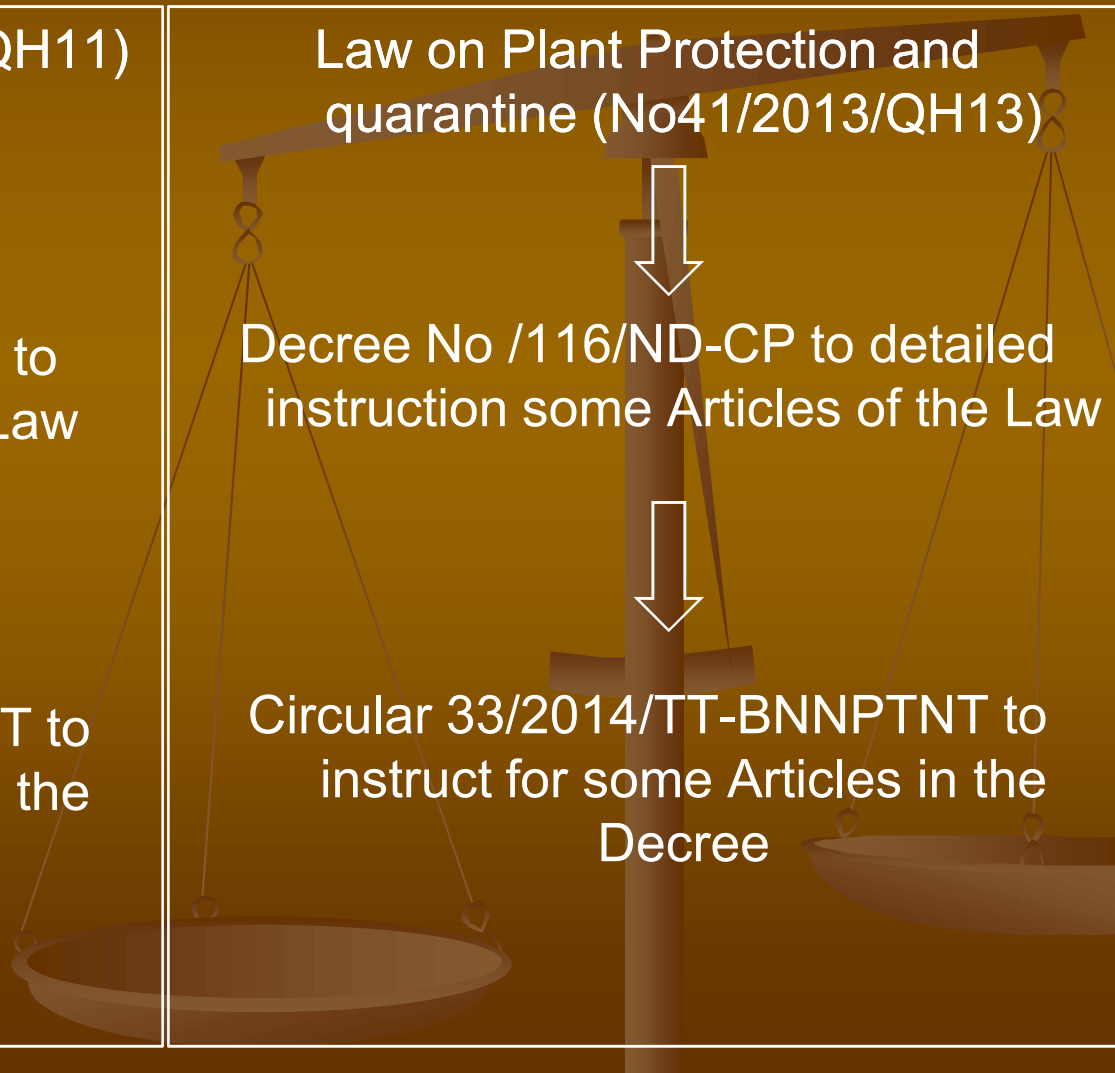
Law on Plant Protection and quarantine (No41/2013/QH13)



Decree No 116/ND-CP to detailed instruction some Articles of the Law



Circular 33/2014/TT-BNNPTNT to instruct for some Articles in the Decree



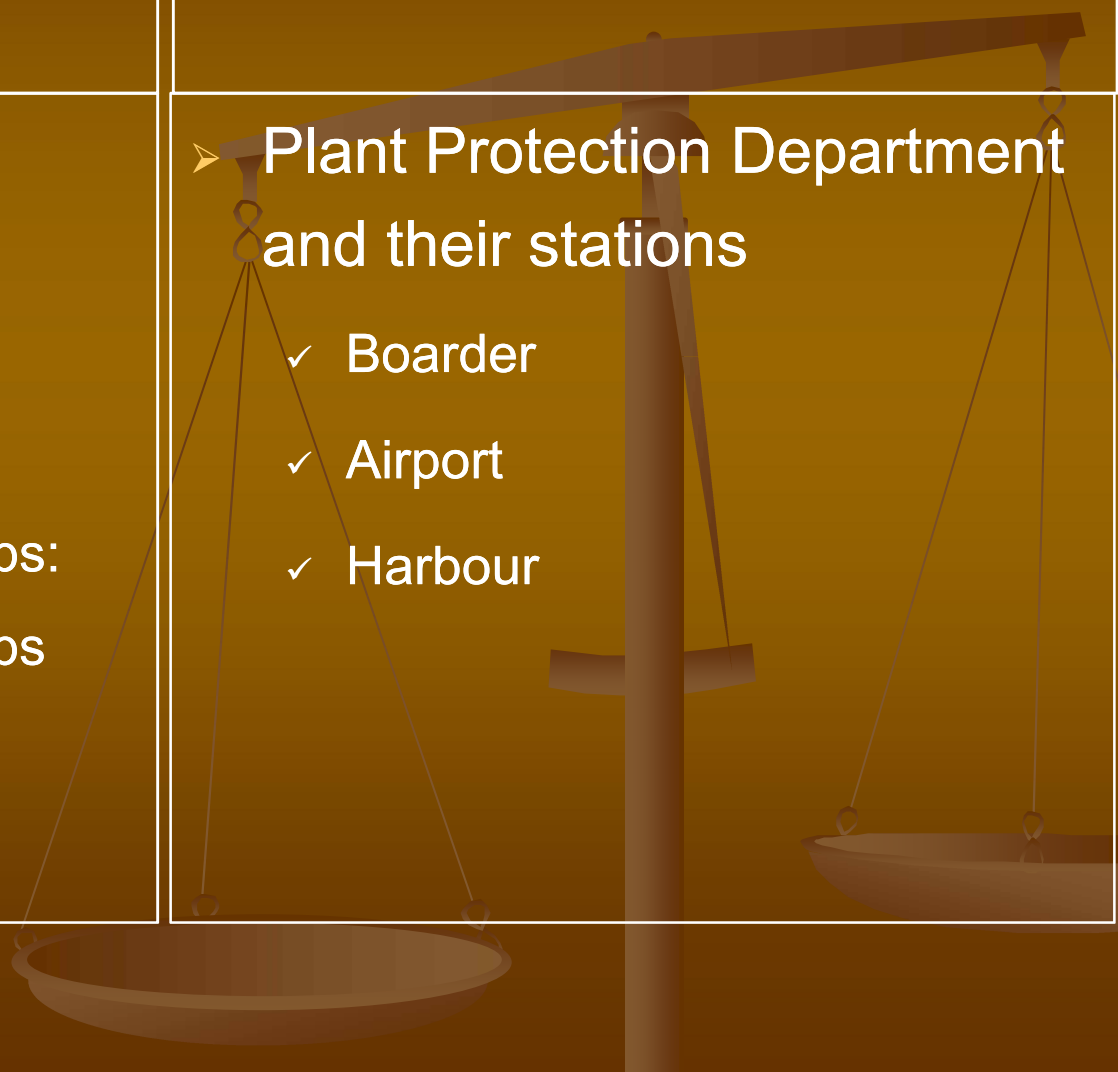
Organizations are responsible for importation

Agriculture, industrial and fruits crops

- Department of Crop Production
 - ✓ Food Crop Division:
Agriculture crops
 - ✓ Industrial and Fruits Crops:
Industrial and Fruits Crops
Division

Plant quarantine

- Plant Protection Department and their stations
 - ✓ Boarder
 - ✓ Airport
 - ✓ Harbour



Organizations are responsible for importation (Conti.)

For forestry

- Department of Forestry

Plant quarantine

- Plant Protection Department and their stations
 - ✓ Boarder
 - ✓ Airport
 - ✓ Harbour

Procedure for Importation Permission

IMPORTER

- Application
- Technical Questionnaire
- Fee: 100.000VND (5 USD)

- IMPORTATION
PERMISSION

- Application
- Origin Certification
from export country
- Fee: Circular 223 on
fee for Plant Protection

* Department of Crop
Production: Agriculture; Fruit
tree; Industrial Crops

* Department of Forestry:
Forestry

Plant
Protection
Department

Regulation on Material

For PVP

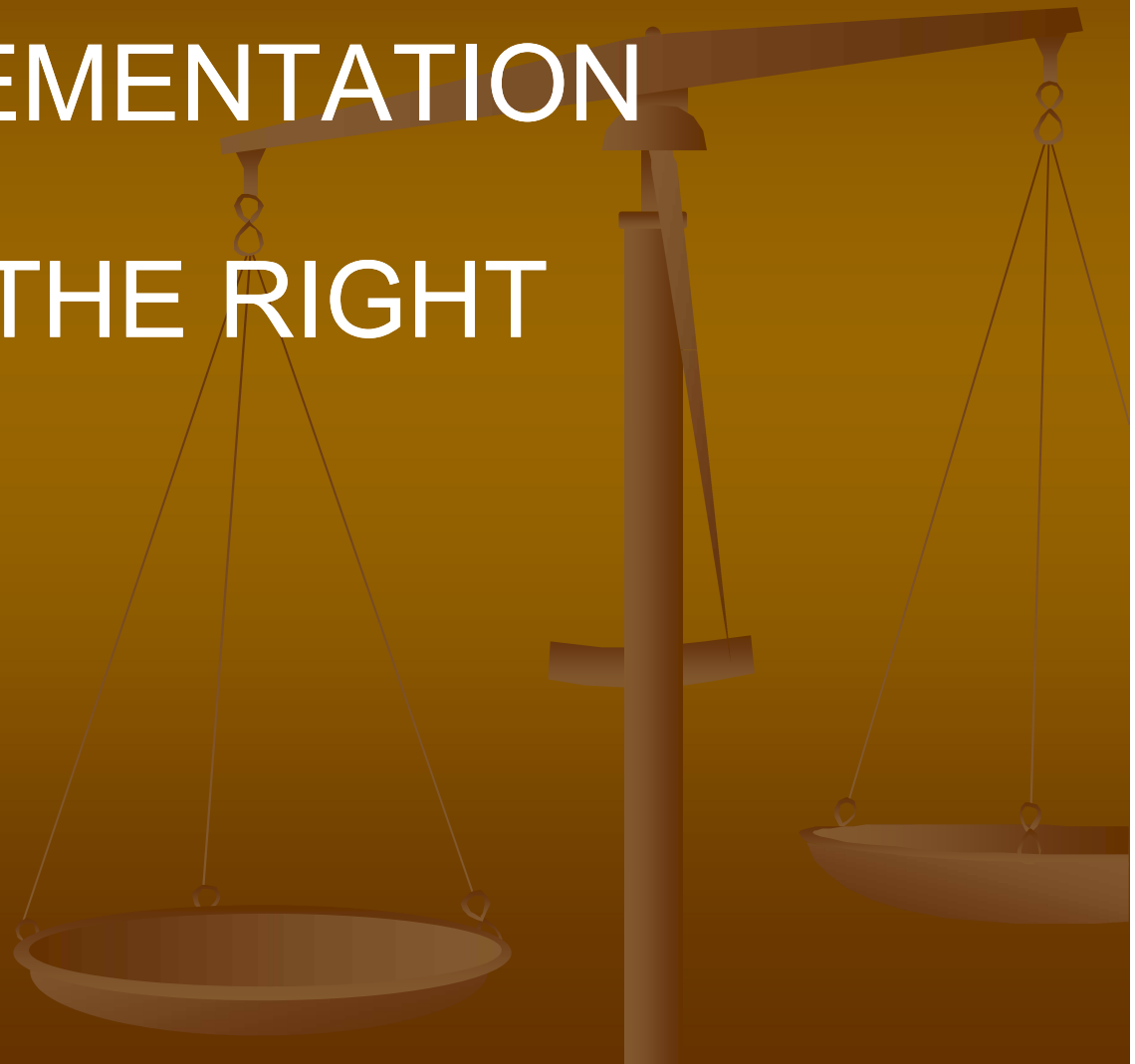
- Based on Test Guidelines
- ✓ Seed
- ✓ Seedling



For Plant quarantine

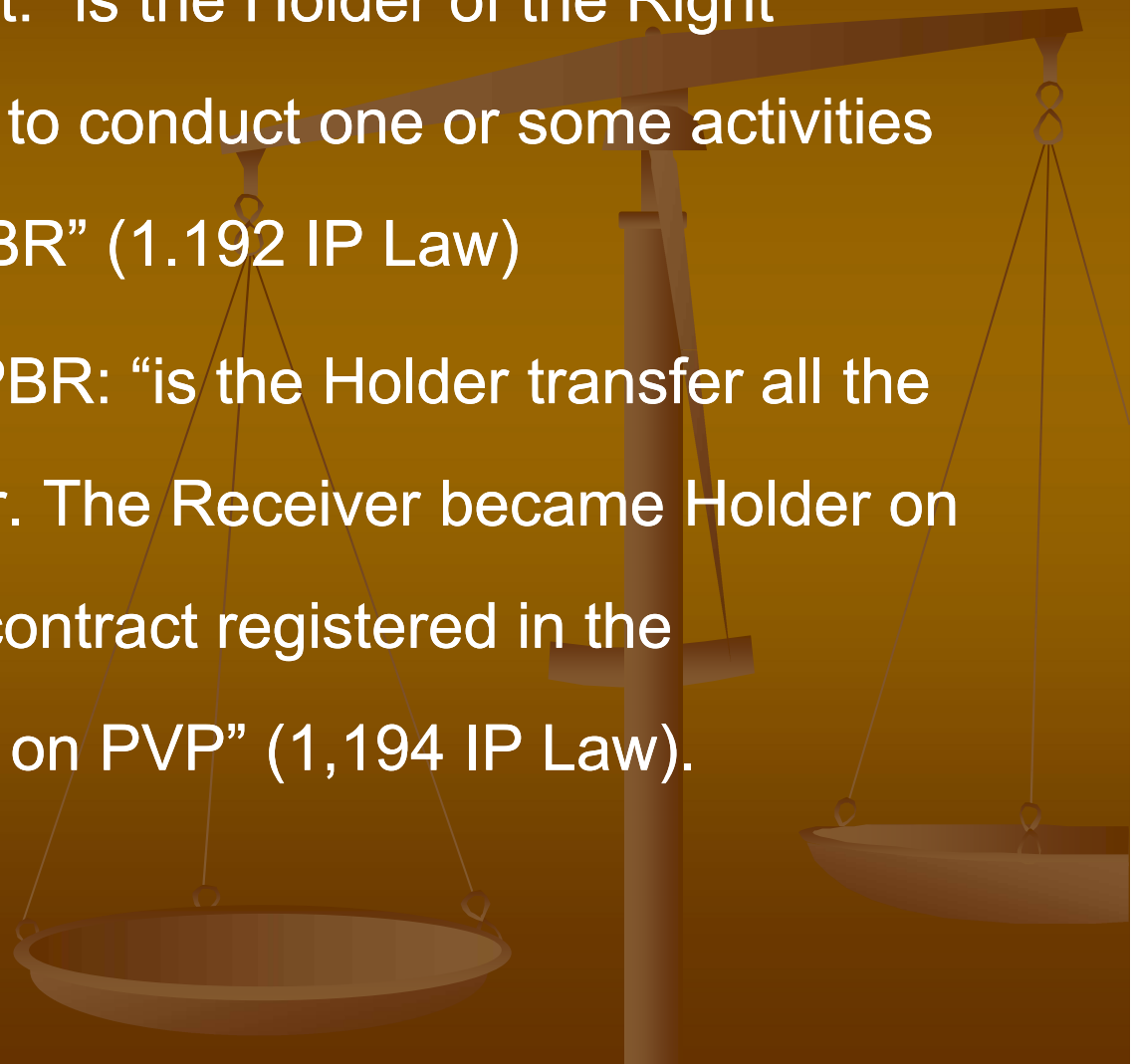
- Time for Certification: 24hours except sample is infected by:
 - ✓ Subject need to be checked: Listed in Circular 35/2014/TT-BNNPTNT on 31st Oct. 2014
 - ✓ Subject must be controlled by Vietnam's regulation: under discussion
 - ✓ Strange living organism: Have no scientific name and never seen in VN
- Seedlings: big problem – soil/substrate will be removed of seedling for checking
 - ✓ Checking after imported: Circular 33/2014/TT-BNNPTNT

IMPLEMENTATION OF THE RIGHT



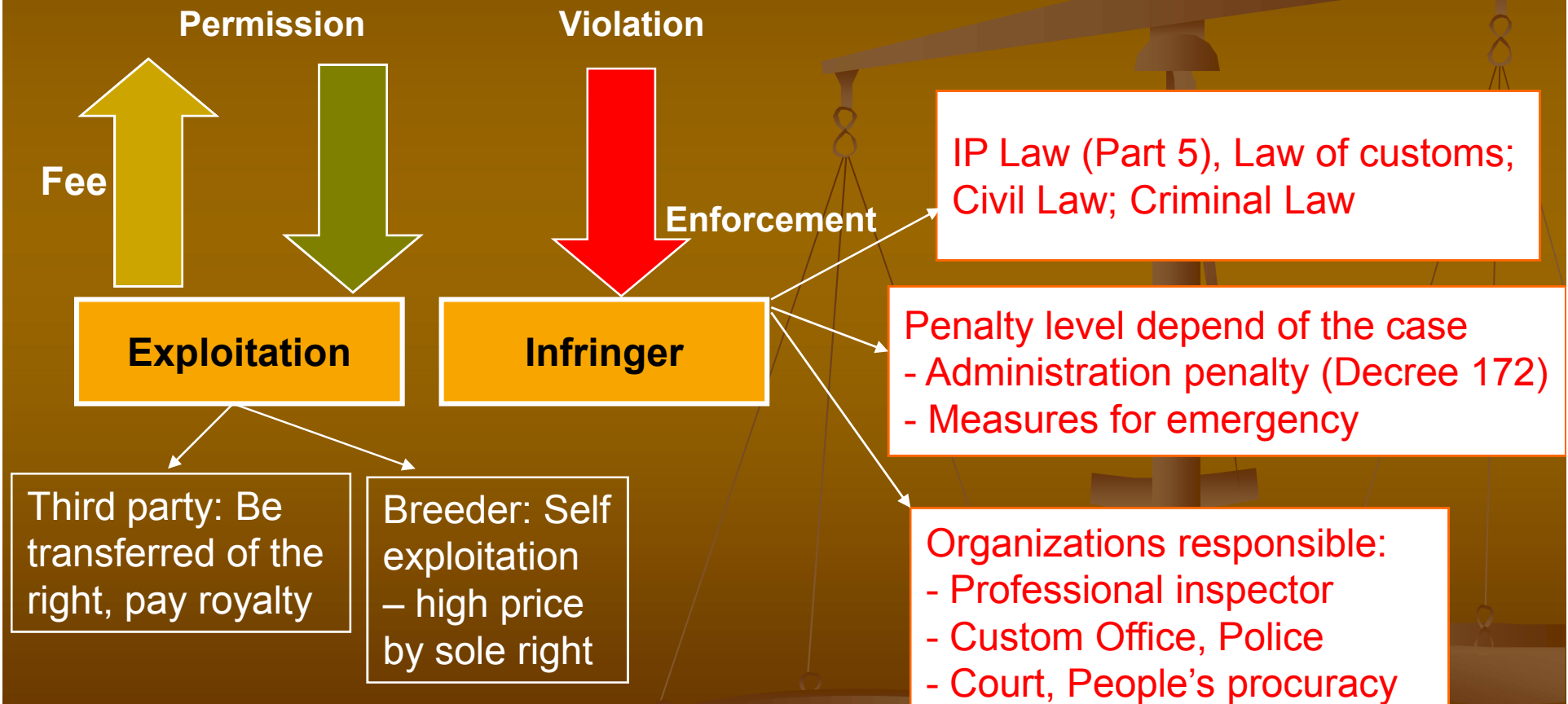
Commercialization of PBR in VN

- Transfer of the Right: “is the Holder of the Right permit other person to conduct one or some activities under the right of PBR” (1.192 IP Law)
- Assignment of the PBR: “is the Holder transfer all the Right to the receiver. The Receiver became Holder on the date which the contract registered in the Management Office on PVP” (1,194 IP Law).



IMPLEMENT OF THE RIGHT

OWNER OF THE RIGHT
FOR PLANT VARIETY



Information on IP Agent

http://pvpo.mard.gov.vn/Default.aspx

PLANT VARIETY PROTECTION

NEW PLANT VARIETY PROTECTION OF VIETNAM

Home About Contact Search application, certificate Online Form Statistics

List Category

- Vietnam PVP
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- PVP representative organization

Home

 For cancellation the effectiveness of PVP Certificates for rice variety ĐT9 (VPBH - 08/07/2015,07:43:32)

For cancellation the effectiveness of PVP Certificates: GKG1; XL 94017; B265; Đặc ưu 11; TK 96.1; N-ưu 69; SD268;ĐT26; DEKCATALINA

For cancellation of effective for PVP Titles of: LÚA LAI VIỆT LAI 20; HƯƠNG CỐM; FLAMENCO; PANAMERA; COLOMBA; EVORA;NAVIGATOR; CRISPS4ALL; TAURUS

Granting PVP Titles for 05 varieties of flower: 01 Athurium andreanum: ANTHKINAQ; 04 Phalaenopsis: ANTHCASDIK; PHALDAMDAP; PHALDIMXAP; PHALFIMWAO

Announcements NEW

Certificates: GKG1; XL 94017; B265; Đặc ưu 11; TK 96.1; N-ưu 69; SD268;ĐT26; DEKCATALINA NEW

For cancellation of effective for PVP Titles of: LÚA LAI VIỆT LAI

Filing an application

- Online registration
- Application Form
- PVP Fees

Links WebSite

2:27 PM 8/21/2015

Thank you for your attention

Further information:

➤ **PVP Office**

✓ **Room 107 Build. A6 No 2**

Ngoc Ha Ba Dinh, Ha Noi

✓ **ĐT: (844)37342715;**

✓ **Fax: 7342844**

Website: <http://pvpo.mard.gov.vn>

