

中国植物新品种保护发展情况



Development of Plant Variety Protection System in China

植物品种权是种业知识产权的核心，是种业竞争的关键。1997年《中华人民共和国植物新品种保护条例》颁布实施，标志品种保护制度正式确立。10多年来品种保护工作取得了长足进展。

The PVR is the core of intellectual property rights in seed industry and is also critical for winning market competition. Plant Variety Protection (PVP) System was established in China when Regulations of the People's Republic of China on Protection of New Varieties of Plants (PVPR) was enacted and enter into force in 1997. The PVR Protection has made great progress over the past 10 years.



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Development of Plant Variety Protection System in China

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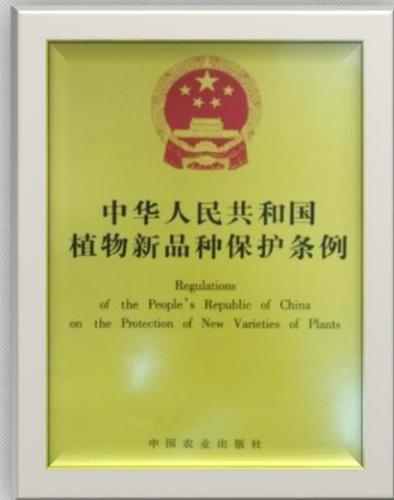
一、植物新品种保护法律法规方面的进展 Development of laws and regulations on PVP

(一) 修改了《植物新品种保护条例》 Revision of PVPR

国务院修订

- 2013年3月1日起施行，该修改主要是加大了对假冒、侵权案件的处理力度。

The PVPR was revised and effective on March 1, 2013 in order to intensifying anti-counterfeiting and infringement.



《中华人民共和国植物新品种保护条例》

Regulations of the People's of China on the Protection of New Varieties of Plants was promulgated on March 20, 1997 by the State Council

(二) 正在修改《种子法》 Revising the Seed Law

全国人大常委会正在修订《种子法》，正在讨论将《中华人民共和国植物新品种保护条例》将条例上升为法律。

The Standing Committee of the National People's Congress is revising the **Seed Law**, they are discussing to put **PVPR** in to Seed Law.

(三) 扩大了保护名录 Enlargement of the national protected list

截至2013年，农业部先后发布了**9批农业植物保护名录**，涉及**93个植物种属**，林业局已发布**5批植物品种保护名录**，涉及**198个植物属种**。

As of April 2013, the MOA has released nine lists of protected agricultural plants involving 93 species, and the SFA has released five lists of protected forestry plants covering 198 Genus or species.

Species protected by the MOA includes as the following,

大田作物24种：玉米、水稻、普通小麦、大豆、甘蓝型油菜、花生、甘薯、谷子、高粱、大麦属、苕麻属、棉属、亚麻、桑属、芥菜型油菜、绿豆、豌豆、橡胶树、芝麻、木薯、甘蔗属、小豆、燕麦、烟草。

24 field crops: *Corn; Maize; Rice; Wheat; Soybean; Oilseed Rape; Rapeseed; Swede Rape; Swede; Groundnut; Peanut; Sweet Potato; Dwarf Setaria; Foxtail Bristle Grass; Giant Setaria; Broomcorn; Durra; Feterita; Forage Sorghum; Grain Sorghum; Great Millet; Kaffir-Corn; Milo; Shallu; Sorghum; Sweet Sorghum; Barley; Chinese Silk plant; Ramie; Cotton; Flax; Linseed; Mulberry; Brown Mustard; India Mustard; Indian Mustard; Oriental Mustard; Mungbean; Field Pea; Garden Pea; Green Pea; Pea; Hevea; Natural Rubber; Para Rubber; Rubber tree; Sesame; Cassava ;Sugar Cane; Adzuki Bean; Azuki Red Bean; Chinese Red Bean、 Oats; Naked Oats; Tobacco (Common) ;Syrian Tobacco.*

蔬菜作物23种：大白菜、马铃薯、普通番茄、黄瓜、辣椒属、普通结球甘蓝、食用萝卜、茄子、蚕豆、菜豆、豇豆、大葱、西葫芦、花椰菜、芹菜、胡萝卜、大蒜、不结球白菜、苦瓜、莴苣、芥兰、芥菜、冬瓜。

23 vegetable crops: *Chinese Cabbage; Potato; Cherry Tomato; Tomato; Tomato; Tomato; Cucumber; Gherkin; Sweet Pepper; White Cabbage; Black Radish; Radish; Small Radish; Turnip Radish; Aubergine, Eggplant; Broad Bean; Field Bean; Horse Bean; Tick Bean; French Bean; Cowpea; Welsh Onion; Courgette; Marrow; Pumpkin; Summer Squash; Table Queen Squash; Vegetable Marrow; Zucchini; Cauliflower; Celeriac; Celery; Carrot; Garlic; Chinese White Cabbage; Balsam Pear; Balsam-Apple; Bitter Gourd; Bitter Melon; Bitter-Cucumber; Carilla Gourd; Lettuce; Brassica Alboglabra Bailey; Brown Mustard; India Mustard; Indian Mustard; Oriental Mustard; Ash Gourd; Ash-Pumpkin; Calabash Cucumber; Chinese Preserving-Melon; Chinese Squash; Chinese Wax Gourd; Chinese-Watermelon; Wax Gourd; Whit Gourd; White-Pumpkin; Winter Gourd; Winter-Melon.*

果树作物16种：苹果属、梨属、柑橘属、香蕉、猕猴桃属、葡萄属、李、甜瓜、桃、荔枝、普通西瓜、草莓、龙眼、芒果、枇杷、樱桃。

16 fruit crops: *Apple; Pear; Citrus; Banana; Cavendish Banana; Chinese Banana; Dwarf Banana; Actinidia; Grapevine; Japanese Plum; Plum; Melon; Peach; Litchi; Watermelon; Wild Melon; Strawberry; Dragon's Eye; Longan Fruit; Mango;Loquat; Sweet Cherry.*

观赏植物22种：春兰、菊属、石竹属、唐菖蒲属、兰属、百合属、鹤望兰属、补血草属、非洲菊、花毛茛、华北八宝、雁来红、花烛属、果子蔓属、莲、蝴蝶兰属、秋海棠属、凤仙花、非洲凤仙花、新几内亚凤仙花、万寿菊属、郁金香属。

22 ornamental plants: *Cymbidium; Chrysanthemum; Daisies; Carnation; Clove Pink; Pink; Sweet William; Gladiolus; Cymbidium; Lily; Bird Of Paradise Flower; Sea Lavender; Statice; Gerbera; Garden Ranunculus; Hylotelephium Tatarinowii; Maranthus Tricolor; Anthurium; Tail Flower; Guzmania; East Indian Lotus; Moth Orchid; Begonia; Garden Balsam; Busy Lizzie; Impatiens; Marigold; Tulip.*

食用菌1种：白灵侧耳。

1 mushroom: *Pleurotus nebrodensis (Inzenga) Qué!*

牧草4种：紫花苜蓿、草地早熟禾、酸模属、柱花草属。

4 forage crops: *Alfalfa; Lucerne; Kentucky Bluegrass; Smooth Stalked Meadow Grass; Garden Sorrel; Stylosanthes Sw. ex Willd.*

其他植物3种：茶组、人参、三七。

3 other plants: *Tea; Ginseng; Pseudo-ginseng.*

国家林业局品种保护名录如下：

Species protected by the SFA includes as the following:

毛白杨、泡桐属、杉木、 木兰属、牡丹、梅、蔷薇属、山茶属；

Populus tomentosa; Paulownia; Cunninghamia lanceolata; Magnolia; Paeonia suffruticosa; Prunus mume; Rosa; Camellia;

杨 属、柳属、桉属、板 栗、核桃属、枣、柿、杏银、杏油、桐属、红豆杉属、 杜鹃花属、桃花、紫薇、榆叶梅、腊梅、桂花 ；

Populus; Salix; Eucalyptus; Castanea mollissima; Juglance; Zizyphus jujuba; Diospyros kaki; Prunus armeniaca; Ginkgo biloba; Vernicia; Taxus; Rhododendron; Prunus persica; Lagerstroemia indica; Prunus triloba; Chimonanthus praecox; Osmanthus fragrans;

松属、云杉属、落羽杉属、圆柏属、鹅掌楸属、木瓜属、金合欢属、槐属、刺槐属、丁香属、连翘属、黄杨属、大戟属、槭属、沙棘属、臭椿属、簕竹属、箬竹属、刚竹属、省藤属、黄藤属 ；

Pinus Linn;Picea Dietr;Taxodium Rich;Sabina Mill;Liriodendron Linn;Chaenomeles Lindl;Acacia Willd;Sophora Linn;Robinia Linn;Syringa Linn;Forsythia Vahl;Buxus Linn;Euphorbia Linn;Acer Linn;Hippophae rhamnoides Linn;Ailanthus Desf;Bambusa Retz. corr;Schreber;Indocalamus Nakai;Phyllostachys Sieb. et Zucc; Calamus Linn; Daemonorops Blume;

苏铁属、崖柏属、罗汉松属、榛属、栲属、榆属、榉属、桑属、榕属、芍药属、木莲属、含笑属、拟单性木兰属、樟属、润楠属、继木属、紫檀属、花椒属、黄皮属、黄栌属、卫矛属、栾树属、蛇葡萄属、爬山虎属、石榴属、常春藤属、紫金牛属、白蜡树属、枸杞属、梓树属、忍冬属；

Cycas Linn;Thuja Linn;Podocarpus L'Her. ex Pers;Betula Linn;Corylus Linn;Castanopsis Spach;Ulmus Linn;Zelkova Spach;Morus Linn;Ficus Linn;Paeonia Linn;Manglietia Blume;Michelia Linn;Parakmeria Hu et Cheng;Cinnamomum Trew;Machilus Nees;Loropetalum R. Br.;Pterocarpus Jacq.;Zanthoxylum Linn.;Clausena Burm. f.;Cotinus Mill.;Euonymus Linn.;Koelreuteria Laxm.;Ampelopsis Michx.;Parthenocissus Pl.;Punica Linn.;Hedera Linn.;Ardisia Sw.;Fraxinus Linn.;Lycium Linn;Catalpa Linn;Lonicera Linn.

六道木属、冷杉属、五加属、酸竹属、七叶树属、木通属、合欢属、桤木属、沙冬青属、紫穗槐属、桃叶珊瑚属、小檗属、木棉属、叶子花属、构属、醉鱼草属、紫珠属、沙拐枣、霄属、旱莲木、锦鸡儿属、鹅耳枥属、山核桃属、决明属、栗属、木麻黄属、雪松属、朴属、三尖杉属、紫荆属、方竹属、流苏树属、南酸枣、铁线莲属、大青属、山茱萸属、栒子属、山楂属、柳杉属、瑞香属、珙桐属、牡竹属、胡颓子属、杜英属、麻黄属、杜仲、箭竹属、皂荚属、梭梭属、金缕梅属、木槿属、沙棘属、坡垒属、绣球属、金丝桃属、山桐子属、冬青属、八角属、大节竹属、蓝花楹属、素馨属、麻风树、

Abelia R. Br.; Abies Mill.; Acanthopanax (Decne. et Planch.) Miq.; Acidosa C. D. Chu et C. S. Chao; Aesculus L.; Akebia Decne.; Albizia Durazz.; Alnus Mill.; Ammopiptanthus Cheng f.; Amorpha L.; Aucuba Thunb.; Berberis L.; Bombax L.; Bougainvillea Comm. ex Juss.; Broussonetia L'Hér. ex Vent.; Buddleja L.; Callicarpa L.; Calligonum mongolicum Turcz.; Campsis Lour.; Camptotheca acuminata Decne.; Caragana Fabr.; Carpinus L.; Carya Nutt.; Cassia L.; Castanea Mill.; Casuarina L.; Cedrus Trew; Celtis L.; Cephalotaxus Sieb. et Zucc.; Cercis L.; Chimonobambusa Makino; Chionanthus L.; Choerospondias axillaris (Roxb.) B. L. Burtt et A. W. Hill; Clematis L.; Clerodendrum L.; Cornus L.; Cotoneaster Medik.; Crataegus L.; Cryptomeria D. Don; Daphne L.; Davidia Baill.; Dendrocalamus Nees; Elaeagnus L.; Elaeocarpus L.; Ephedra L.; Eucommia ulmoides Oliv.; Fargesia Franch.; Gleditsia L.; Haloxylon Bunge; Hamamelis L.; Hibiscus L.; Hippophae L.; Hopea Roxb.; Hydrangea L.; Hypericum L.; Idesia Maxim.; Ilex L.; Illicium L.; Indosasa McClure; Jacaranda Juss.; Jasminum L.; Jatropha curcas L.;

刺柏属、油杉属、紫薇属、落叶松属、胡枝子属、女贞属、山胡椒属、枫香属、木姜子属、滇丁香属、苹果属（除水果外）、野牡丹属、楝属、水杉属、杨梅、白刺属、红豆属、木犀属、黄檗、楠属、石楠属、黄连木属、化香树属、侧柏属、苦竹属、金露梅、李属（除水果外）、枫杨属、青檀属、栎属、悬钩子属、接骨木属、无患子属、乌柏属、檫木、木荷属、秤锤树属、珍珠梅属、花楸属、火焰树属、绣线菊属、山矾属、台湾杉属、桤柳属、柚木、夜来香属、厚皮香属、吴茱萸属、椴树属、香椿属、榿树属、越桔属、荚蒾属、牡荆属、锦带花属、紫藤属、文冠果、枣属

Juniperus L.; Keteleeria Carrière; Lagerstroemia L.; Larix Mill.; Lespedeza Michx.; Ligustrum L.; Lindera Thunb.; Liquidambar L.; Litsea Lam.; Luculia Sweet; Malus Mill. (except fruits); Melastoma L.; Melia L.; Metasequoia Miki ex Hu et W. C. Cheng; Myrica rubra Sieb. et Zucc.; Nitraria L.; Ormosia Jackson; Osmanthus Lour.; Phellodendron amurense Rupr.; Phoebe Nees; Photinia Lindl.; Pistacia L.; Platycarya Sieb. et Zucc.; Platycladus Spach; Pleioblastus Nakai; Potentilla fruticosa L.; Prunus L. (except fruits); Pterocarya Kunth; Pteroceltis Maxim.; Quercus L.; Rubus L.; Sambucus L.; Sapindus L.; Sapium Jacq.; Sassafras tzumu (Hemsl.) Hemsl.; Schima Reinw. ex Blume; Sinojackia Hu; Sorbaria (DC) A. Braun; Sorbus L.; Spathodea P. Beauv.; Spiraea L.; Symplocos Jacq.; Taiwania Hayata; Tamarix L.; Tectona grandis L. f.; Telosma Cov.; Ternstroemia Mutis ex L. f.; Tetradium Lour.; Tilia L.; Toona M. Roemer; Torreya Arn.; Vaccinium L.; Vitex L.; Wisteria Nutt.; Xanthoceras sorbifolium Bunge; Ziziphus Mill.

二、植物新品种保护技术层面的发展 Development in technical capacity of PVP system

(一) 测试技术体系进一步完善 Improvement of technology system for testing

在10个一级农业生态区，建立了植物新品种测试中心及14个测试分中心，并设立了苹果、梨、葡萄、茶等木本类作物的集中测试点。

There are one New Varieties of Plants Testing Center and 14 sub-centers established in the 10 first class agro-ecological zones. In addition, we have established several centralized test point for apples, pears , grapes, tea and other woody crops.

Improvement of technology system for testing

国家林业局已建成了1个林业植物新品种测试中心、3个分中心、2个分子测定实验室和5个专业测试站,初步形成了林业植物新品种测试体系。

A testing center for new forestry plant varieties, 3 sub-centers, 2 molecular testing laboratories and 5 specialized test stations have been built, basically forming a test system for new forestry plant varieties.

(二) 植物种属测试范围稳步扩大

Steady expansion of the scope of plant genus and species for testing

积极开展行业标准DUS测试指南编制、审定工作，审定了柑橘等84个植物新品种DUS测试指南，具备农业植物指南属种达183个。

MOA have devoted to develop, examine and approve standard DUS testing guidelines, and so far we have developed and approved 84 DUS testing guidelines for new varieties. The number of genus and species which have their own agricultural plants guidelines is up to 183.

Steady expansion of the scope of plant genus and species for testing

组织开展林业植物新品种测试技术与方法研究，启动了71项林业植物新品种测试指南编制和已知品种数据库建设。

完成了杏柳属、山茶属、蔷薇属和枸杞属等27项测试指南的编制，分别以国家标准或行业标准发布。

The SFA launching the preparation of 71 testing guidelines for new forestry plant varieties as well as the construction of a database for known varieties. Currently, the 27 testing guidelines has been completed.

截止2014年06月30日，农业部共受理来自境内外的申请12444件。

As of June 30, 2014, the MOA had received **12444** applications from domestic and overseas entities.

1999年以来品种权申请量变化情况

Figure 1 PVR applications since 1999 (MOA)

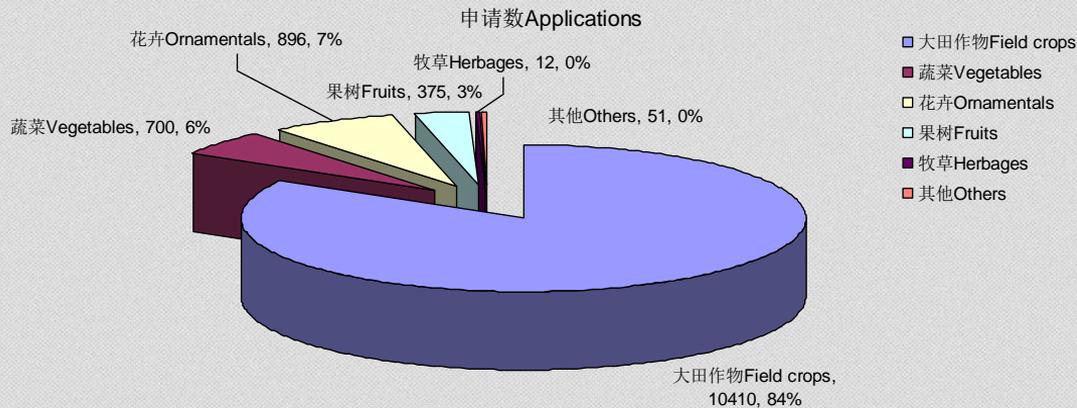


按作物类别分：大田作物10410件、蔬菜700件、花卉896件、果树375件、牧草12件、其他51件。

There are 10410 applications for field crops, 700 for vegetables, 896 for flowers, 375 for fruit trees, 12 for grass, and 51 for other plants.

按作物种类品种权申请量情况

Figure 2 Distribution of PVR applications by the crop type (MOA)

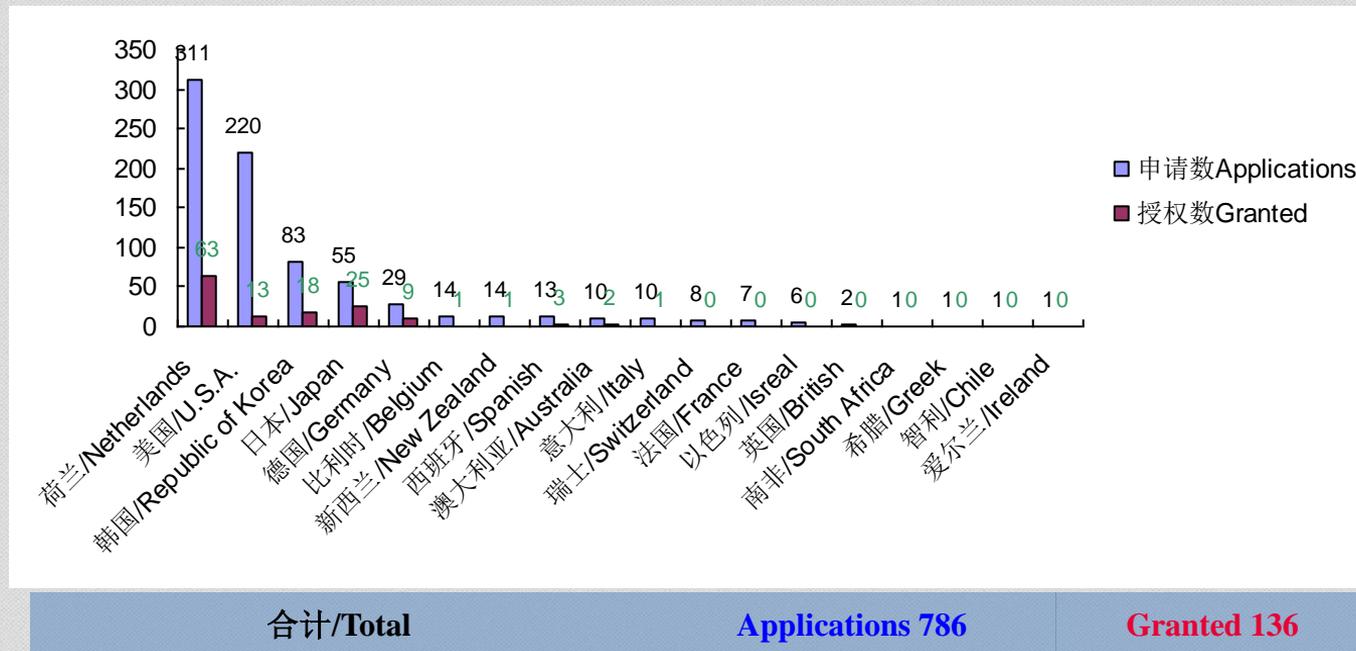


授权4492件，其中，大田作物4072件、蔬菜180件、花卉151件、果树89件；有效品种权3198件。

4492 applications have been authorized, among these grants, they are 4072 field crops, 180 vegetables, 151 flowers, and 89 fruit trees respectively. So far in total up to 3198 PVRs are still valid.

国外申请和授权情况

Figure 3 Distribution of PVR applications and granted by the different foreign countries (MOA)

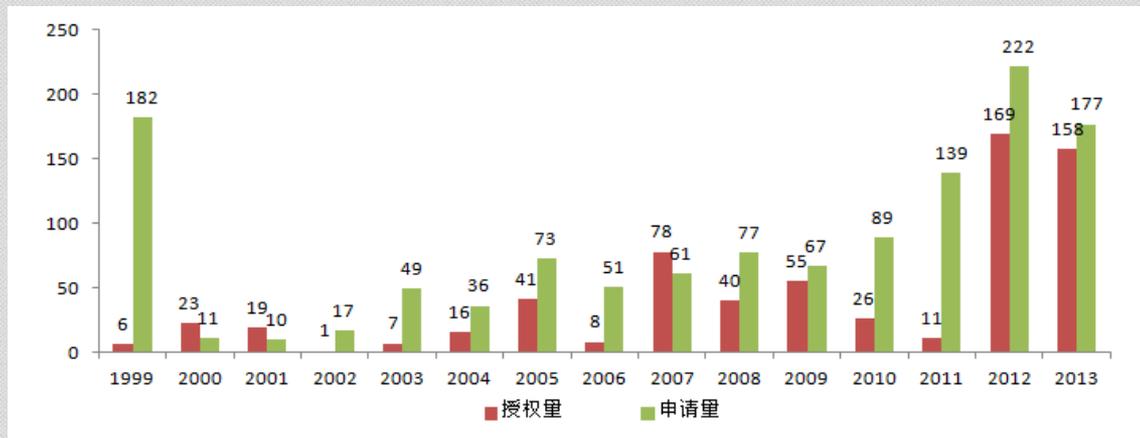


截止2013年12月31日，国家林业局共收到林业植物新品种权申请1261件，其中授权658件。

As of December 31, 2013, the SFA had received 1261 applications from domestic and oversea entities and 658 of the applications were granted with PVRs.

1999年以来品种权申请量和授权量变化情况

Figure 1 PVR applications and granted since 1999 (SFA)



- 其中国内育种者的申请1030件，占82%；国外231件，占18%。

- According to the applicant country, **1030** applications from mainland China, **231** applications from foreign countries, Foreign applications are mainly for ornamental plants.

- 在授权品种中，有133个品种由国外育种者申请。

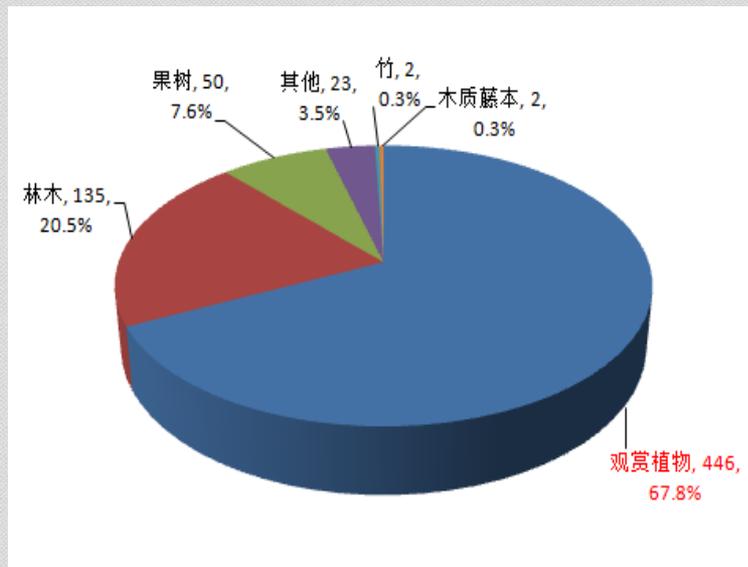
658 of the applications were granted with PVR, foreign countries have obtained **133** PVRs granted.

按作物类别分：观赏植物446件、林木135件、果树50件、竹2件、木质藤本2件、其他23件。

There are 446 PVRs Granted for ornamental crops, 135 for forestry trees, 50 for fruit trees, 2 for bamboo, 2 for vine and 23 for other plants.

按作物种类品种权授权情况

Figure 4 Distribution of PVRs Granted by the crop type (SFA)



(三) DNA指纹鉴定标准研究和应用发展迅速 Rapid development of research and application of DNA fingerprinting identification standards

研制了水稻、玉米等16种植物基于SSR的DNA指纹图谱鉴定技术规程，建立3000余份水稻、玉米品种DNA指纹图谱标准样品库，在近似品种筛选和侵权案件快速鉴定方面发挥了重要作用。

MOA have developed technology regulations for DNA fingerprinting identification based on SSR for 16 kinds of plants such as rice and maize. We established a DNA fingerprinting standard sample Library with 3000 samples of varieties of rice and maize, which played an important role in similar varieties screening and infringement rapid identification.

依据UPOV BMT技术工作组指南，研制了甘蓝型油菜、普通小麦、大麦、高粱；大豆、黄瓜、番茄、结球甘蓝、西瓜、苹果、棉属、辣椒、百合、大白菜14种农业植物DNA指纹鉴定标准，已经通过专家验收。

According to guidance for BMT of UPOV, we have developed DNA fingerprinting identification standards for 14 kinds of crop including brassica napus (Brassica napus L.), common wheat (Triticum aestivum L.), barley (Hordeum L.), Chinese sorghum (Sorghum bicolor (L.) Moench), soya bean (Glycine max (L.) Merrill),cucumber (Cucumis sativum L.), tomato (Lycopersicon esculentum Mill.), common head cabbage (Brassica oleracea L. var. capitata (L.) Alef. var. alba DC.), watermelon (Citrullus lanatus (Thunb.) Matsum et Nakai), apple (Malus Mill.), gossypium (Gossypium L.), hot pepper(Capsicum L.), lily(Lilium L.), Chinese cabbage(Brassica campestris L. ssp. pekinensis (Lour.) Olsson).

三、EAPVP论坛框架下2013年主要合作活动 Main cooperative activities under the framework of EAPVP Forum in 2013

(一) 举办了UPOV测试及分子技术会议 Held Joint workshop on DUS testing and Molecular Techniques of UPOV

2013年9月23-24日会议由国家林业局、农业部和国际植物新品种保护联盟（UPOV）共同举办，来自UPOV和欧盟、东盟有关国家以及韩国、日本和中国等10个国家的80多位代表参加了此次会议。

From September 23-24 2013, SFA, MOA and UPOV held the Joint workshop on DUS testing and Molecular Techniques of UPOV in Beijing, Experts from UPOV, CPVO, ASEAN countries and South Korea, Japan and China attended the meeting.

Held Joint workshop on DUS testing and Molecular Techniques of UPOV



组织相关人员参加UPOV技术工作组会议；举办了中韩第四次工作组会议，签署了进一步合作备忘录；启动了与欧盟合作，开展中国加入UPOV公约1991年文本研究。

We also actively send the staffs to participate in the UPOV Technical Working Group Meeting. We held the fourth Sino-Korea meeting of the working group, and signed a memorandum of further cooperation. We start to cooperate with the European Union and study China's accession to the 1991 Act.

四、今年聚焦的重点和行动计划 Focus on priorities and action plans in 2014

(一) 加大品种权保护力度 Intensify PVP

制定品种权交易管理办法，建立品种权交易平台，促进品种权的依法有序、公开公平交易。

Develop management approach to the PVR trade and build PVR transaction platform, in order to promote legal, open and fair varieties transaction.

(二) 进一步明确品种权的法律地位 Further clarify the legal status of PVR

开展《种子法》修订工作，探讨将品种权保护列入种子法。

Carry out revising the Seed Law, and try to put PVPR into the Seed Law.

(三) 加大侵权行为处罚力度 Increase penalty

进一步提高侵权行为的处罚标准和处罚力度，逐步将分子检测作为判定侵权行为的依据。 Further upgrade the standard punishment and penalty level, gradually adopt the molecular detection as the basis for determining the violations.

五、对论坛的新建议与倡议 Highlight of new proposals/initiatives to the Forum

一是欢迎东盟相关国家DUS测试人员到中国测试基地学习，具体可由双边商议；

Firstly, we warmly welcome the DUS test technicians from ASEAN countries to visit and study in Chinese test station, we can discuss the details by bilateral negotiation;

二是与东盟各国探讨水稻等作物实质性派生品种审查工作以及加强沟通与交流制订测试指南的可行性；

Secondly, we want to discuss the feasibility of the cooperation with ASEAN countries in the EDV examination of rice and other crops, and the feasibility of enhancing communication and exchange with each other in testing guidelines.



Thank you!
