

# The Impact of Plant Variety Protection Under the UPOV Convention

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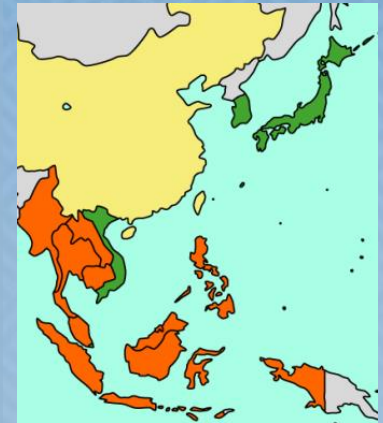


# 1-(1) About the EAPVP Forum – Background

## – situation in ASEAN+3



《UPOV membership》



- UPOV1991
- UPOV1978
- Non UPOV

① PVP law not present, or law exist but PVP system not yet operational

**(Brunei DS, Cambodia, Lao PDR, Myanmar)**

② PVP system implemented, but level of protection not consistent with UPOV Convention

**(Indonesia, Malaysia, Philippine, Thailand)**

③ UPOV membership, but UPOV 78 Act of which protection level lower than 91 Act **(China)**

④ UPOV 91 member, but not all varieties protected yet **(Vietnam)** (when EAPVP Forum was launched, Korea & Singapore were in this category)

# 1-(2) About the EAPVP Forum

## – History & Objective



- Endorsed at ASEAN+3 Ministers of Agriculture and Forestry (AMAF+3) Meeting in 2007.
- Regional cooperation activities to develop/ harmonize PVP system in each country.

**EAPVP Forum**

Framework to promote mutual cooperation for Members to develop and **implement PVP systems based on the UPOV system**, for the overall goal of achieving **food security and other benefits to the society**, through sustainable plant breeding activities.



# 1 –(3) EAPVP Forum Meeting – Host Country

1<sup>st</sup> Meeting: Tokyo, Japan, July 2008

2<sup>nd</sup> Meeting: Beijing, China, April 2009

3<sup>rd</sup> Meeting: Seoul, Rep. of Korea, April 2010

4<sup>th</sup> Meeting: Makassar, Indonesia, May 2011

5<sup>th</sup> Meeting: Bangkok, Thailand, May 2012

6<sup>th</sup> Meeting: Kuching, Malaysia, July 2013

7<sup>th</sup> Meeting: Vientiane, Lao PDR, August 2014

8<sup>th</sup> Meeting: Seoul, Rep. of Korea, July 2015

**9<sup>th</sup> Meeting: Hanoi, Vietnam September 2016**



# 1-(4) 8th EAPVP Forum Meeting in Seoul

## Participants

- PVP authorities of ASEAN + 3
- UPOV
- Seed industry of Korea



September 2, 2015 Seoul, Korea

○ Priorities and schedule for the 2015 to 2016 were adopted.

○ Symposium on foreign application.

([http://eapvp.org/report/korea/20150926\\_203543.html](http://eapvp.org/report/korea/20150926_203543.html))

○ Harmonized EAPVPF test guidelines (starfruits, dendrium) adopted.





# 1 –(5) The result of 8<sup>th</sup> EAPVPF meeting

## – Priority for Cooperation Activities 2015–2016

1. Training organized by hosting country
2. Harmonization of test guidelines and other tools for PVP examination in the region
3. Information sharing including through the EAPVP Forum Website.
4. Awareness raising for key persons in decision making (UPOV Seminar etc.)
5. Support for PVP law development to assist accession to UPOV



# 1–(6) High Level UPOV Seminar 2015

## ★Date (Site)

December 5 (Bandar Seri Begawan, Brunei Darussalam)

December 7-8 (Vientiane, Lao PDR)

December 9 (Phnom Penh, Cambodia)

## ★Expected participants

High level officials of target country

## ★Objective

- Awareness raising on the importance of PVP system and especially its impact on agriculture and seed industry
- UPOV office and members

(CPVO, France, US, Vietnam, Japan)





# 1-(7) High Level Study Tour For Decision Makers in JAPAN 2016

## ☆Date

**1 week in 2016**

## ☆Site

**Japan (Tokyo)**

## ☆Expected participants

**High level officials of ASEAN**

## ☆Objective

**Awareness raising on the importance of  
PVP system and especially its impact on  
agriculture and seed industry**

## ☆Contents

- **Visit of a breeding entities**
- **Visiting a large flower market**
- **PVP seminar**

**and so on**



**HIGH LEVEL  
STUDY TOUR  
IN JAPAN 2012**



## 2. Japanese PVP system

### (1) Framework





# Purpose of PVP System

## Plant Variety Protection and Seed Act (Act No 83, 1998)

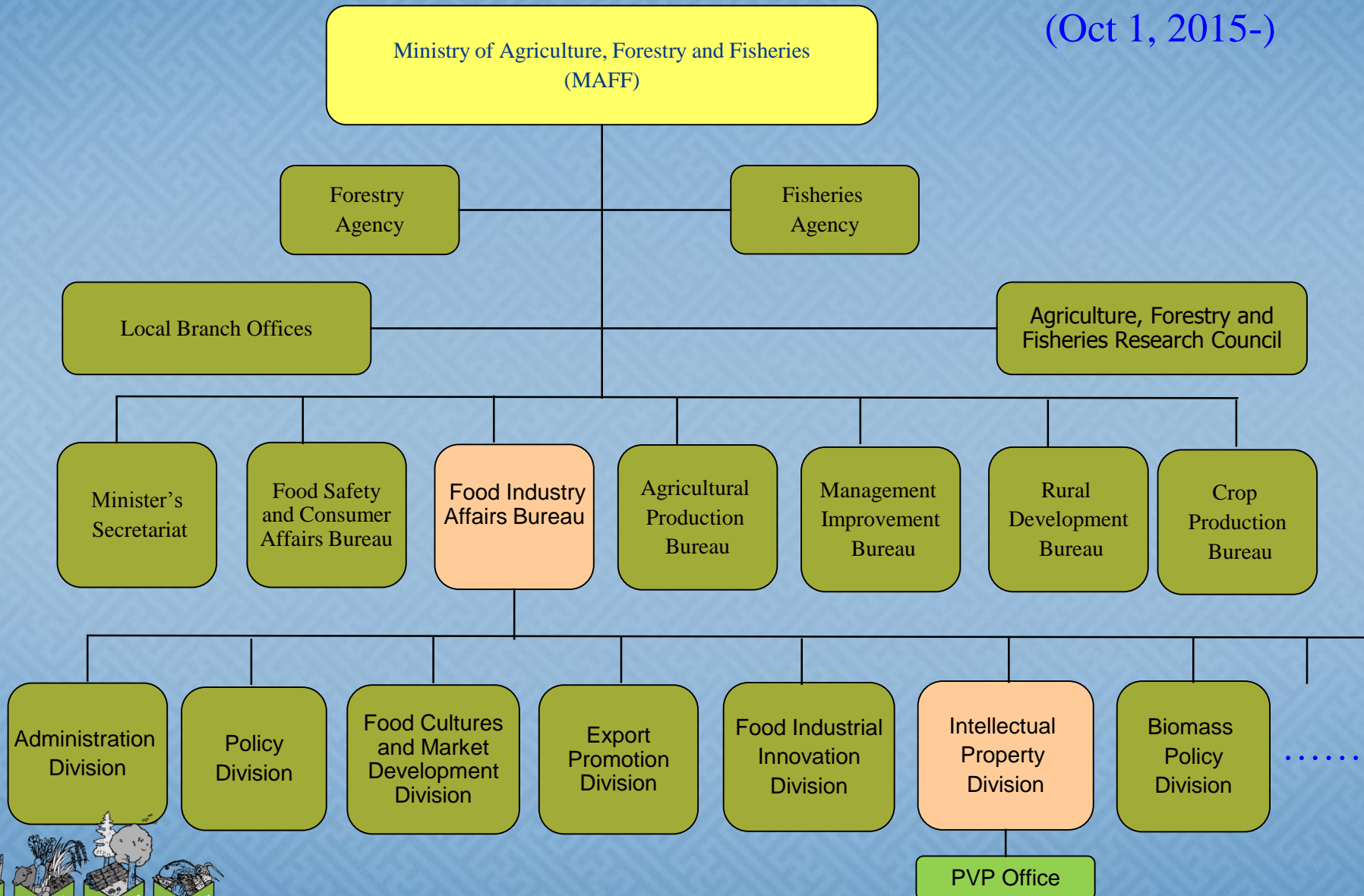
### Article 1 (Purpose)

The purpose of this Act is to promote breeding of plant varieties... by providing for a system relating to registration of plant varieties for the protection of new plant varieties ... to **contribute to the development of agriculture, forestry** and fisheries.



# Organizational Chart of MAFF

(Oct 1, 2015-)





# Organization for PVP

## MAFF

### PVP Office

- Filing and granting right
- Development of Technical Protocols
- Examination

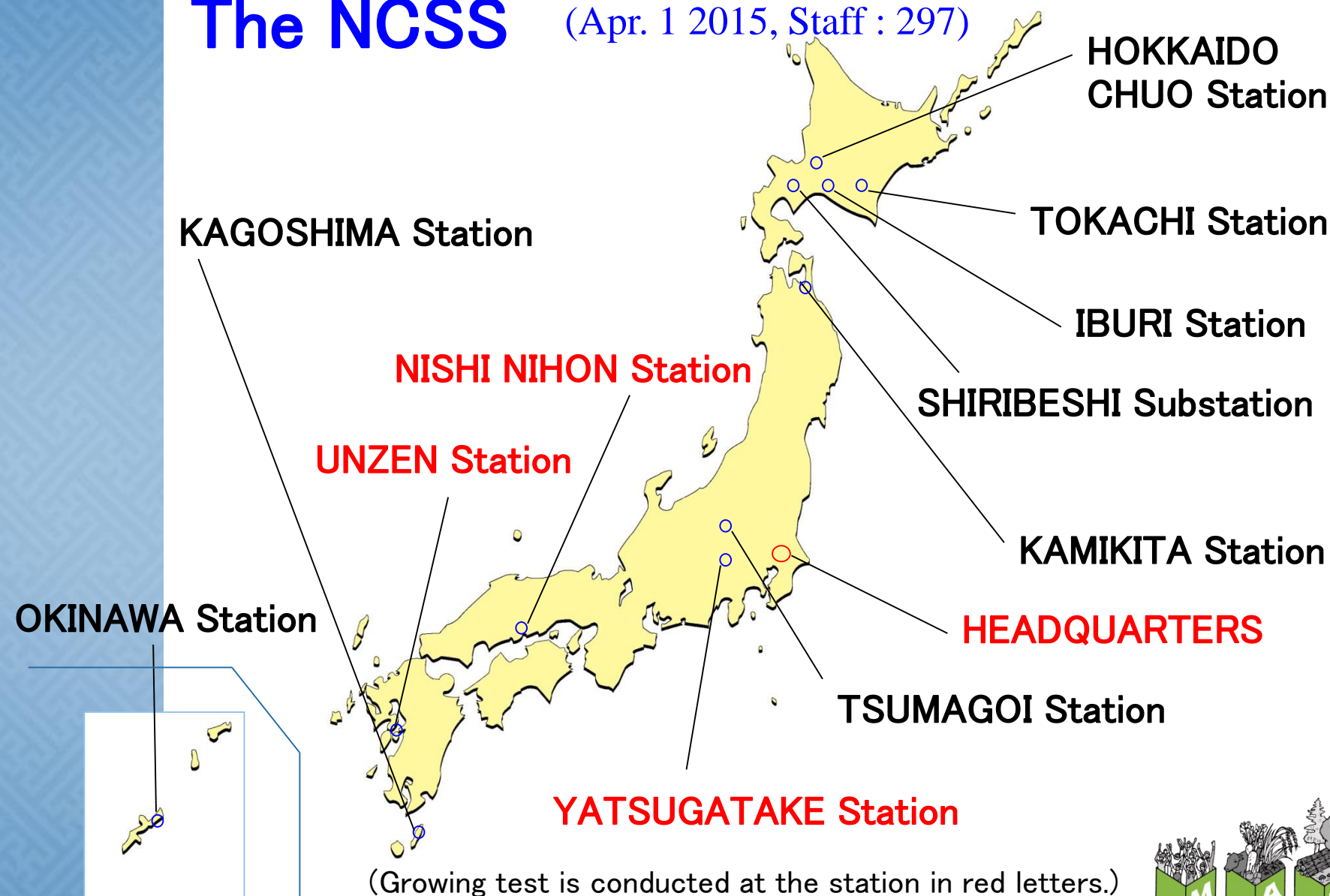
National Center for Seeds and Seedlings (NCSS)  
( Incorporated Administrative Agency )

HQs, 11 stations, 1 sub-station

- **DUS Test**
- Production of Foundation seeds
- Seed Inspection
- PVP G-men



# The NCSS (Apr. 1 2015, Staff : 297)





# Duration of PBR and Application Fee

- 25 years from the date of variety protection
- 30 years for woody plants
- ❖ Application fee 47,200 JPY  
(378USD (125JPY $\div$ 1USD))

Include Examination Fee and DUS Test Fee



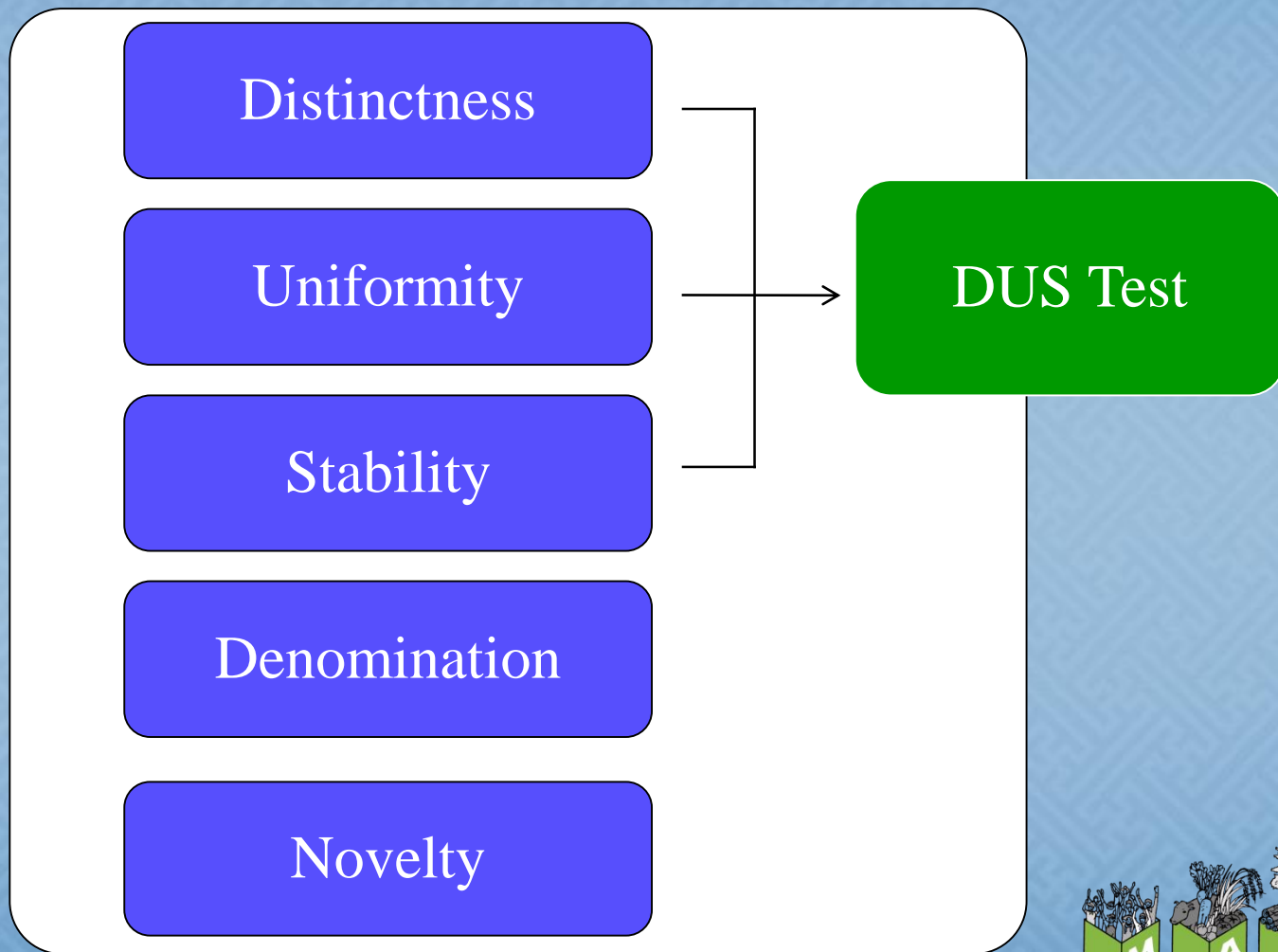
# Outline of Japanese PVP system

## (2) Procedures for Examination





# Examination



# DUS Test under the UPOV Convention

The wording in the 1991 Act indicates that an authority may, for example, use one or more of the following arrangements:

- (a) the authority conducts growing trials, or other tests, itself
- (b) the authority arranges for another party / other parties to conduct the growing trials or other tests

In such an arrangement, another party could include, for example, another authority, an independent institute or the breeder.

- (c) the authority takes into account the results of growing tests or other trials which have already been carried out



UPOV DL305, Module 13: Cooperation in DUS testing



# UPOV 1991 Act, Article 12

## Examination of the Application

Any decision to grant a breeder's right shall require an examination for compliance with the conditions under Article 5 to Article 9. In the course of the examination, the authority may

grow the variety or carry out other necessary tests,  
cause the growing of the variety or the carrying out of other necessary tests,  
or take into account the results of growing tests or other trials which have already been carried out.

For the purposes of examination, the authority may require the breeder to furnish all the necessary information, documents or material.



# Examination in Japan



## ■ Procedure

- ✓ Formality examination
- ✓ Planning for DUS Test – decision on the test method
  - Growing Test (NCSS)
  - Breeder Testing (On-site Inspection)
  - Documentary Examination (including International Cooperation)
- ✓ Examination on Denomination
- ✓ Examination on Novelty





# Outline of Japanese PVP system

## (3) DUS Test Methods





# DUS test method (1)

## Growing Test (NCSS)

- Conducted by NCSS.

Mainly ornamental plants (Chrysanthemum, Carnation, Rose etc.) and vegetables.

- Same condition for all applications.

- (In Japan) Currently around 70% of DUS test.





# DUS test method (2)

## Breeder testing (On-site Inspection)

- Applicant or agent conducts trial on their own field according to instructions of PVP authority, and examiners visit the field for assessment of variety.
- Saves labour of PVP authority, but difficult to maintain same condition.
- (in Japan) Ratio of methods reduced. Today, used for crops which cannot be conducted at NCSS.



# DUS test method (3)

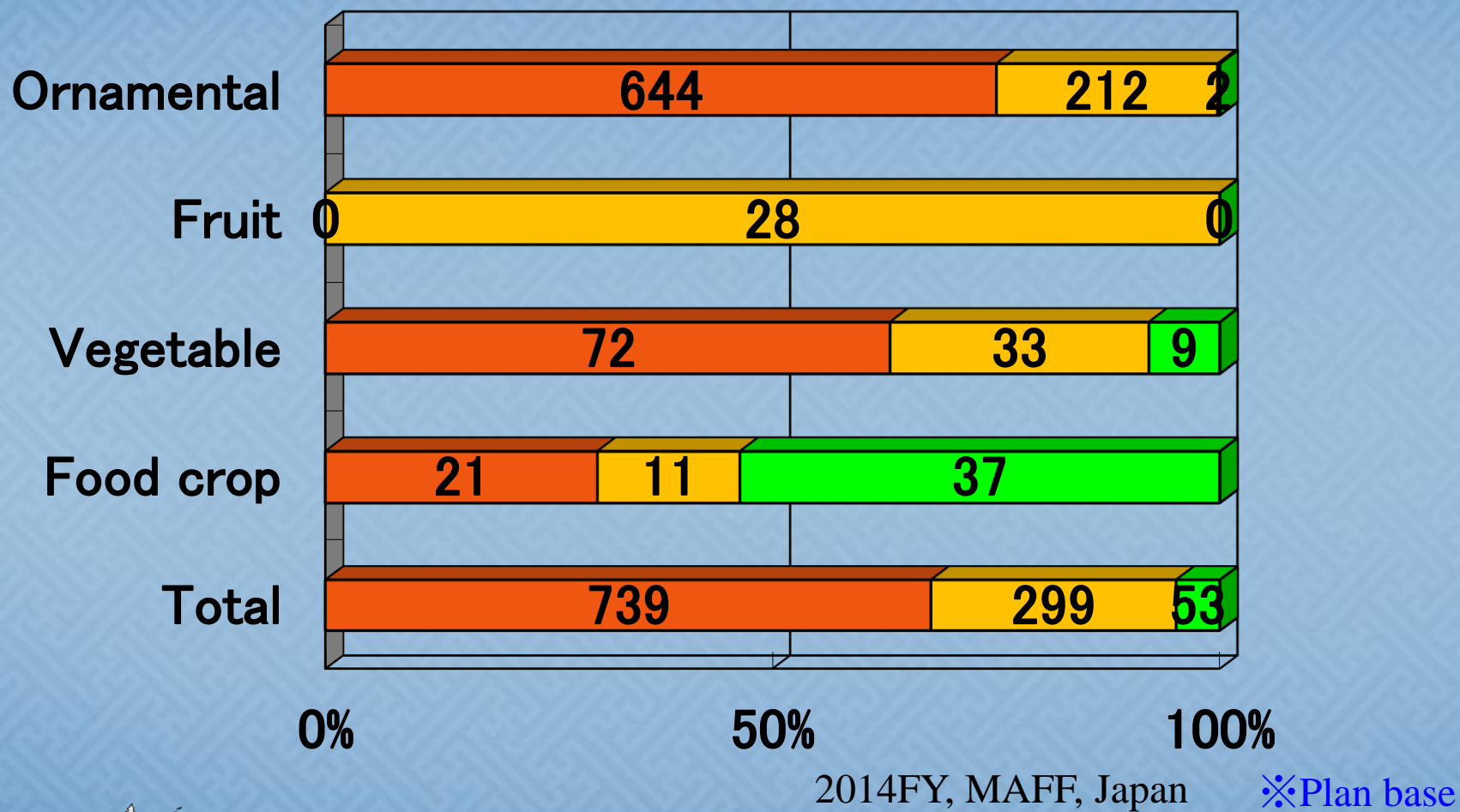
## Documentary Examination (including International Cooperation)

- Growing test/ on-site inspection may be omitted when appropriate examination report in other UPOV member country is available (international cooperation in examination), or applicant submits detailed report.
- Major method in some countries.



# Ratio of DUS test methods by Crops

This ratio changes according to the tendency of applications in every year.



■ Growing Test

■ On-site Inspection

■ Documentary Examination





# Summary of DUS test methods in Japan

## Today, PVP System in Japan

- Receives about 1,000 applications annually (1,054 in 2013 was 5<sup>th</sup> largest in UPOV)
- Around 70 % of applications are examined by growing test
- About 1000 tests (500 at Nishinihon station) conducted annually



We are proud of this “advanced” system.  
But, there is a **long** history.....

# History of Japanese PVP system



# History of PVP System in Japan

## Law

1947      Agricultural Seeds and  
Seedlings Law

1978      The PVP and Seed Act

1979

1982      Ratify the UPOV 1978 Act

1986

1998      Amendment of the Act

Ratify the UPOV 1991 Act

2003

2003, 2005, 2007      Amendment of the Act

2008



## Organization

the early stage of PVP

Seeds & Seedlings Div.

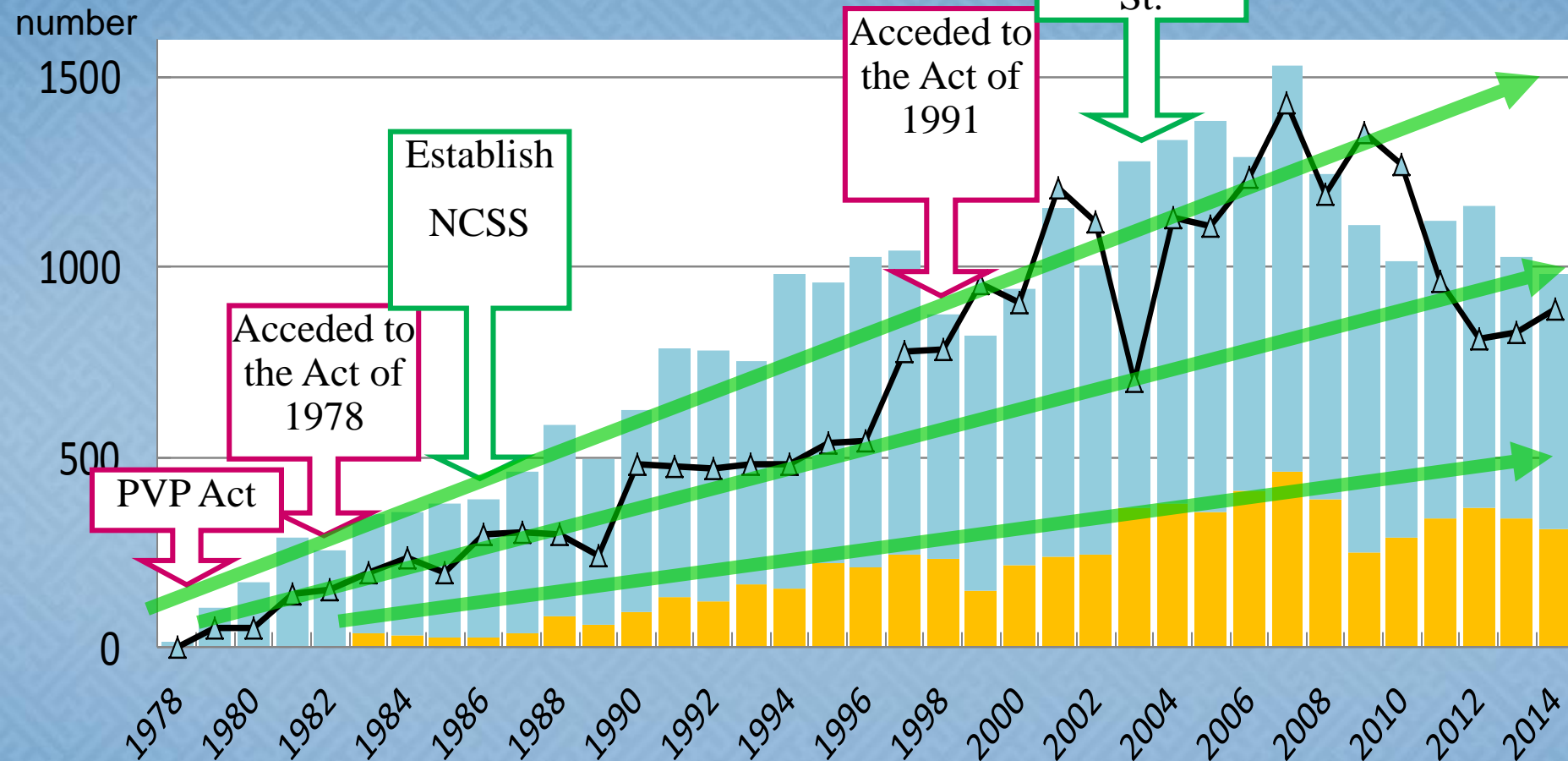
The National Center for  
Seeds & Seedlings(NCSS)

NCSS Nishinohon Station

Intellectual Property Div.



# Trend of Applications



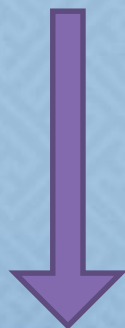
# Introduction of Growing Test



1978 PVP and Seed Act

1979 Start growing tests at 3 seed inspection laboratories of Seed and Seedling Div.\* of MAFF  
(18 staffs only) \* IP Division of today

1979 First variety registration based on result of growing test (vegetable)



- about 40 tests/year

- Conducted by Seed Inspectors who had experiences to assess varieties

1986 **Establishment of NCSS**

2003 Establishment of Nishinihon station in NCSS  
(main station for DUS test at NCSS)

# Seed Inspection Laboratory of Seeds & Seedlings Div.

(Apr. 1 1986)

Number of staff: 18

**Kurume Lab.**

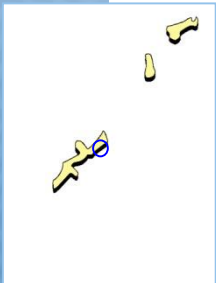
(5 staff)

**Tsukuba Lab.**

(8 staff)

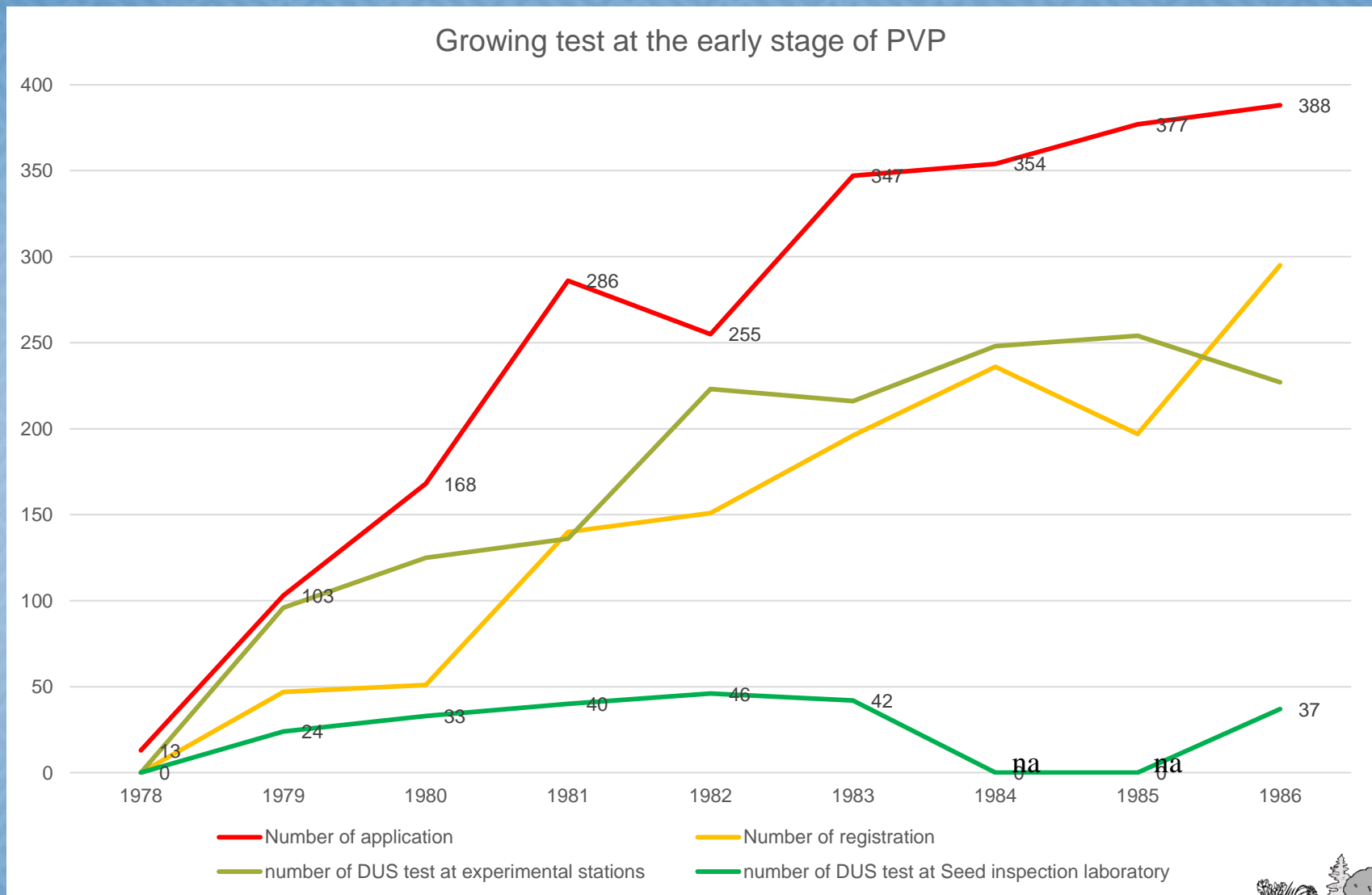
**Osaka Lab.**

(5 staff)





# Growing test at the early stage of PVP



# Summary of Japanese History of PVP

- Japanese PVP system has developed little by little over 30 years, in response to increasing number of applications.
- At the early stage, PVP system could be implemented by using **existing** facility and human resources. (Seed inspection Lab. & Prefectural experimental station)
- New Member Country may learn from other countries' experiences.



# Conclusion







# Concluding Message to Colleagues

1. If **there** is good law on PVP, a country can start PVP system **lightly equipped** (measure, paper and pencil!! & Camera)
2. Gradually grow as demand grows.
3. Japan and other UPOV member countries are happy to support in terms of implementation.

We wish that

**Japan would play its role  
in UPOV together with  
East Asian countries**

# Japanese PVP Office web-site

## Top page in English



[http://www.hinsyu.maff.go.jp/en/en\\_top.html](http://www.hinsyu.maff.go.jp/en/en_top.html)

## Plant Variety Protection

PVP Office at MAFF, JAPAN

[The Plant Variety Protection and Seed Act](#)

[The Plant Variety Protection System in Japan](#)

[The outline of Plant Variety Protection System](#)

[Test Guidelines](#)

[Searching Plant Variety](#) (DATABASE)

[PICS](#) (DATABASE)

[Links](#)

### ABOUT PVP

- [The Plant Variety Protection and Seed Act](#)
- [The Plant Variety Protection System in Japan](#)
- [The outline of Plant Variety Protection System](#)
- [Test Guidelines](#)

### DATABASE

#### – Searching Plant Variety –



Any user can search for varieties which were published or granted under the Japan's PVP.



pics

This system allows the user to easily obtain information on plant varieties from the color of the fl

→[How to use PICS](#)



Thank you for your attention



Drying rice after harvest