

植物新品种保护国际研讨会

**荷花新品种选育及企业品种权
保护方略**

NEW CULTIVARS SELECTION AND BREEDING
OF LOTUS AND PROTECTION STRATEGIES OF
CULTIVARS RIGHTS

陈煜初 Mr.Chen Yuchu

2018. 1. 9

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浙江人文园林股份有限公司：
创建于1994年，是一家科技型的综合园林企业，
是国家核准的高新技术企业。

Founded in 1994, Zhejiang Humanities
Landscape Inc. is a comprehensive technical
enterprise, as well as a hi-tech enterprise
approved by the state.

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公司旗下有杭州天景水生植物园有限公司等四家子公司，
拥有科技研发、规划设计、工程营造、生态修复、园林养
护、花木产销、文化创意、园林旅游八大业务板块，
2016年企业营业收入达到21亿人民币。

Currently, the company owns four subsidiaries
including Hangzhou Sky-scenery Aquatic Botanical
Garden, and eight business segments including the
technology research and development, planning and
design, engineering and construction, ecological
restoration, garden maintenance, production and
marketing of flowers and trees, cultural transmission,
landscape operation. Business revenue reached RMB
2,100,000,000 in 2016 .

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2013年3月组建成立公司研究院，主要开展了以
下研究工作：
The Research Institute was set up on March
,2013, and carried out the following research work.

- 野生水生植物资源调查
Investigation of wild aquatic plant resources
- 迁地保育各类水生植物1469个分类单位，其中
荷花639个，睡莲374个，鸢尾230个
1469 taxonomy of various kinds of aquatic
plants have been conservation.

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- 水生植物新品种选育
Selection and breeding of new species
of aquatic plants
- 主持和参加各类科研项目
Host and participate in various
scientific research projects
- 组织参加各类学术交流
Organize a variety of academic
exchanges

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一、荷花育种研究背景
Study background of Lotus breeding

荷花为我国十大传统名花，深受国人青睐，其生物学特性中“出污泥而不染”之特点更为历代政治家、文人墨客和普通国民所称道。

Lotus is one of the most famous and favorite flowers in Chinese ten traditional flowers, its biological characteristics is highly appreciated by many politicians,poets and scholars and general public.

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据潘俊富整理统计研究，我国的诗(先秦至清代)、词(唐宋元明)、曲(元明清)涉及到荷花的有10356首。可见荷花在国人心目中的地位。

According to the statistic data of PanJunfu, there are about 10356 poems,ciand qu in reference to Lotus .It is clear that Lotus occupies an important place in Chinese mind.

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黄国振在20世纪70年代后期对荷花生殖生物学的研究，揭示了荷花开花雌蕊先熟的特性，并以此为依据建立了荷花免去雄人工杂交授粉技术。

The study in reproductive biology of Lotus by Huang Guozhen in the late 1970' s revealed the characteristic of pistil prematuring.Based on this ,they built up the technique of free of removing stamensin artificial hybriding pollination methods.

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据张行言、王其超等记载到1989年，我国花莲品种已达162个；到1999年，品种达332个；到2004年，品种达 608个；到 2010年，品种增至811个。到2017年，全球品种估计约2000个。

On the basis of the records of Zhang Xingyan and Wang Qichao ,until 1989,there were 162 flower-lotus cultivars ;there were 332 flower-lotus cultivars until 1999;there were 608 flower-lotus cultivars until 2004;until 2010,the cultivars of flower-lotus are added to 811.It is estimated that there were about 2000 flower-lotus cultivars all over the wold until 2017.

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品种比较：
 月季30000多个、菊花10000多个、
 萱草80000多个、鸢尾70000多个。

Cultivars comparison:
 Rose cultivars over 30000 ,
 Chrysanthemum cultivars over 10000,
 Hemerocallis cultivars over 30000 ,
 Iris cultivars over 70000 .

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应用：

- . 人们审美情趣多元化
- . 花莲应用的多样性和广泛性
- . 美丽中国建设和水生态治理的需要

Application:

- .People's aesthetics is diversification .
- .The application of flower-lotus is versatility and university.
- .It is necessary in building of Beautiful China and management of water ecology.

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花卉育种研究现状

1. 国家知识产权保护体系有待完善
2. 育种家的积极性不高
3. 我国园林应用观赏品种少
4. 国外引进品种充斥我国的花卉市场

Research status of flower breeding

1. Protection systems of national intellectual property rights need to improve.
2. The breeders are lack of initiative .
3. Application of ornamental cultivars in Chinese landscape architecture are less.
4. Chinese flower market is cluttered with introduced species from abroad.

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二、公司荷花育种成果

Lotus Breeding Results of Zhejiang Humanities Landscape Inc.

截止目前, 公司荷花新品种国际登录27个, 申请荷花新品种保护权12个(已受理, 测试阶段)。

Currently, 27 new cultivars of Lotus have gained the International Cultivar Registration Authority, 12 new cultivars of Lotus have been applied for Right of protection.

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荷花国际登录品种证书(部分) THE INTERNATIONAL REGISTERED CERTIFICATE FOR NEW CULTIVARS OF Nelumbo (PART)



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申请国家新品种保护权(受理)

PROTECTION RIGHTS OF NATIONAL NEW CULTIVARS FOR Nelumbo (ACCEPTED)



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三、植物新品种权保护方略

Protection tactics for new cultivars rights

1. 建议完善法律制度保护体系
 - (1) 制定《植物新品种保护法》
 - (2) 适应国际植物新品种保护的发展趋势, 尽快加入UPOV公约1991文本
 - (3) 修订完善配套法规、规章和解释, 增强法律支撑
1. Perfecting the protection system of legal systems.
 - (1) Making the law of protection system for new plant cultivars.
 - (2) Participating in UPOV convention of 1991.
 - (3) Revising and perfecting the relevant laws, regulations and explanations, strengthening legal support.

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2. 建议完善植物新品种权的行政保护机制
 - (1) 加强制种源头管理和市场监管
 - (2) 简化申请保护流程, 缩短授权审查期限
 - (3) 完善植物新品种保护支撑体系建设
2. Perfecting the administrative protection system for new plant cultivars.
 - (1) Strengthening the management of the source of seeds production and market regulations.
 - (2) Simplifying the procedure of application protection and reducing the review periods of authorization.
 - (3) Perfecting the protection system for new plant cultivars.

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3. 提高企业对植物新品种权保护的意识和能力建设
 (1) 从战略层面提高植物新品种权保护
 植物新品种权是企业的核心竞争力。运用知识产权保护措施和手段来获得最佳经济效益是企业的品种权战略，更是企业获得和保持市场竞争优势的有效途径。

3.Improving the cognition and abilities of protection of new plant cultivars in companies.
 (1) Improving the protection laws of new plant cultivars from strategical level.

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(2) 加强植物新品种创新能力建设
 在发展现代种业的大趋势下，这就要求国内企业加强品种创新能力建设，发挥企业主动技术创新、研发投入、科研组织和科技成果转化的主体作用。

(2) Improving the innovative capacity of new plant cultivars.

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从2010年开始荷花育种，引进荷花品种，建立品种园和育种基地，申请荷花育种和栽培研究项目，企业自主立项等，组建荷花课题组，引进专业人才，配备梯队，每年开展大规模荷花育种工作。

We began to breed new Lotus cultivars in 2010, introducing new cultivars ,building the cultivar garden and breeding nursery,then applied national and independent enterprise projects about Lotus breeding and cultivation.At the same time,we set up a scientific research team .

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2015年人工杂交组合500多个，收获人工杂交莲子16000多粒。

We conducted more than 500 artificial crossings and gained over 16,000 hybrid seeds in 2015.

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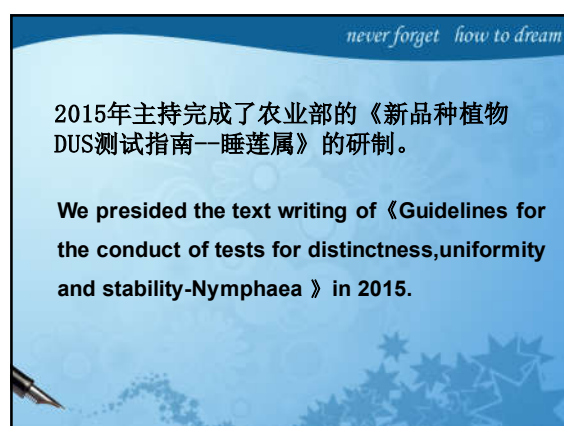
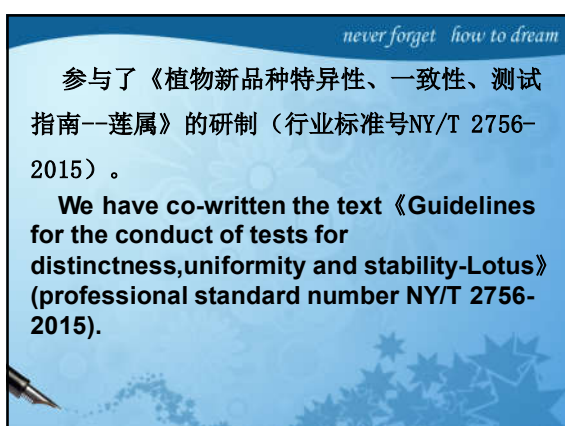
种质资源圃 Germplasm nursery



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种质资源圃 Germplasm nursery





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2016年又承担了《水生鸢尾品种DUS测试指南研制》和《美人蕉属品种DUS测试指南研制》任务。

In 2016,we undertook the task of writing 《Guidelines for the conduct of tests for distinctness,uniformity and stability-Water Iris》 and 《Guidelines for the conduct of tests for distinctness,uniformity and stability-Canna 》 .

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2016和2017年，睡莲属新品种国际登录20个。

In the year 2016 and 2017,20 new cultivars of Nymphaea have gained the International Cultivar Registration Authority.

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对符合条件的积极申报新品种保护权，目前已向农业部申请新品种权保护12个。

12 new cultivars of Nymphaea have been applied for Right of protection.

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2015年申请了金姬新品种保护权，已获国家林业局授权。

In 2015,the new cultivar of Ligustrum - jinji was applied for Right of protection and has been authorized by the State Forestry Administration.

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NY/T 2796-2015
NY
中华人民共和国农业行业标准
NY/T 2796-2015

植物新品种特异性、一致性和稳定性
测试指南 莲属

Guidelines for the conduct of tests for distinctness, uniformity and stability—
Iris
(Nymphaeaceae)

2015-05-21 发布 2015-08-01 实施
中华人民共和国农业部 发布

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NY/T 2800-2015
NY
中华人民共和国农业行业标准
NY/T 2800-2015

植物新品种特异性、一致性和稳定性
测试指南 睡莲属

Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability
Water lily
(Nymphaea L.)

2015-05-21 发布 2015-08-01 实施
中华人民共和国农业部 发布

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**植物新品种 DUS 测试指南研制项目
合作协议书**

项目名称: 水生类 新品种 DUS 测试指南研制
甲方: 农业部科技发展中心
乙方: 浙江人文园林有限公司
杭州天景水生植物园

项目负责人: 陈燧初
起止年限: 2015年11月-2018年6月
通讯地址: 浙江省杭州市天目山路223号
邮政编码: 310013
联系人: 陈燧初
联系电话: 13305715681
邮箱: cyc19338126.com

五、项目进展情况

六、项目经费

七、其他条款

八、违约责任

九、争议解决

十、其他

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十、其他

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浙农字第 1043 号

植物新品种权证书

品种名称: 金钻
所属的属或种: 千日菊
品种权人: 浙江人文园林有限公司
品种权号: 201519030
品种权申请日: 2014.07.18
授权公告日: 2015.07.18
培育人: 陈燧初, 陈健初, 赵勤, 周前华, 俞冠基

该品种已由农业部按照《中华人民共和国植物新品种保护条例》进行审查, 认定该品种符合授予植物新品种权授予条件, 品种权自公告之日起生效。

品种权期限自公告之日起算, 自公告之日起计算。品种权人在授权范围内依法享有该植物新品种保护权, 有权依法进行维权, 有权依法进行维权, 有权依法进行维权。

品种权特征: 茎高, 叶型等由本局公告和公告。

陈燧初

二〇一五年九月十四日

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育种基地 BREEDING NURSERY



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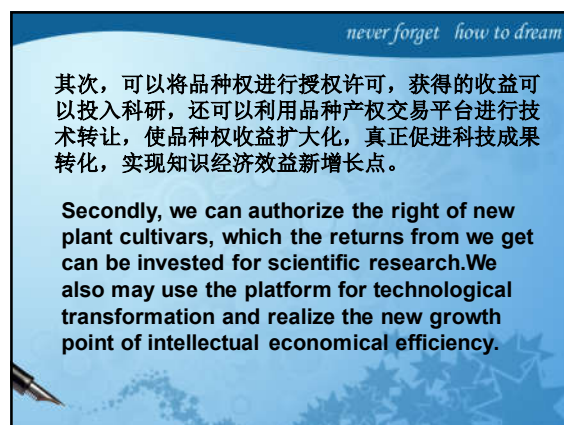


-8.9°C 基因 CodA









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积极营造鼓励创新、刺激新品种选育、尊重植物新品种权、规范新品种生产经营的有序氛围，为我们国家的园林植物新品种保护和推广应用探索出一条符合国情、具有广泛发展前景的新路子。

We actively created the forum of encouraging and innovating, stimulating the breeding of new varieties, respecting the rights of new varieties of plants, standardizing the production and management of new varieties.

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中国（国际）园林植物品种权交易与新品种、新技术拍卖会
China (International) Garden Plant Cultivars Trading and New Cultivars , New Technology Auction



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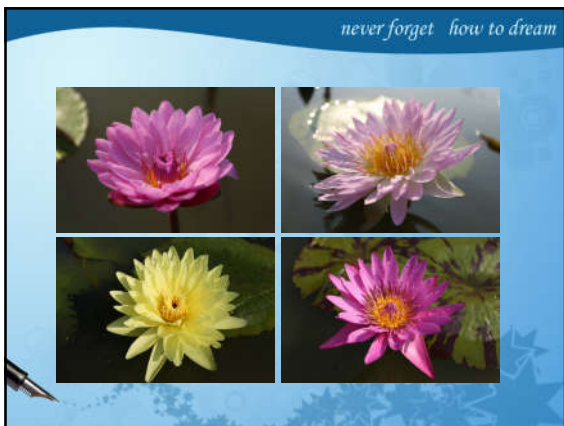
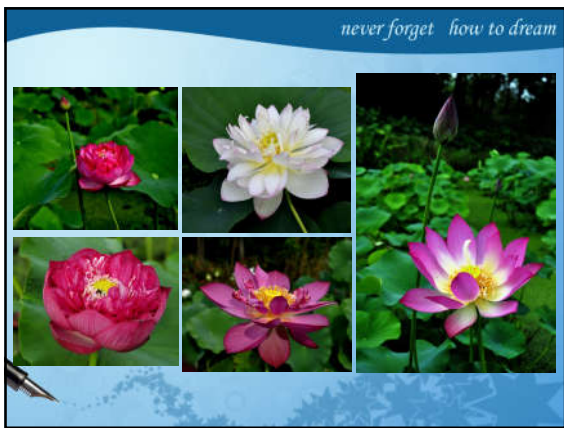
THE AMERICAN IRIS SOCIETY No. 16-0834
CERTIFICATE OF REGISTRATION

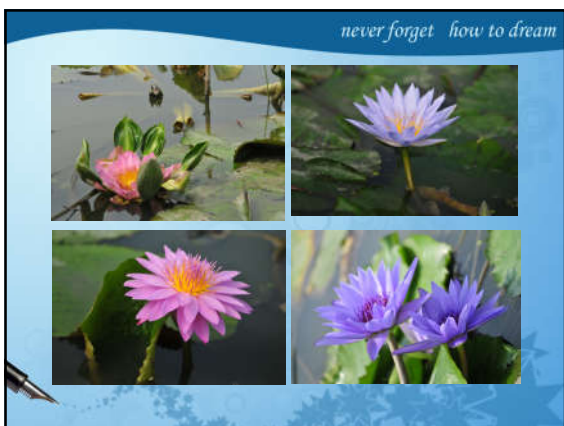
This is to Certify that the iris clone **MILK WHITE BOULDER** which conforms to the following description:

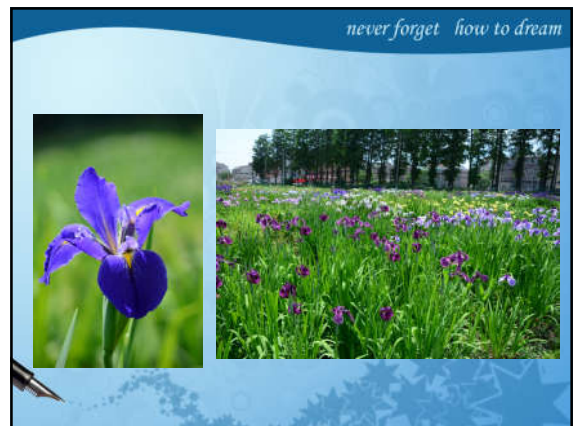
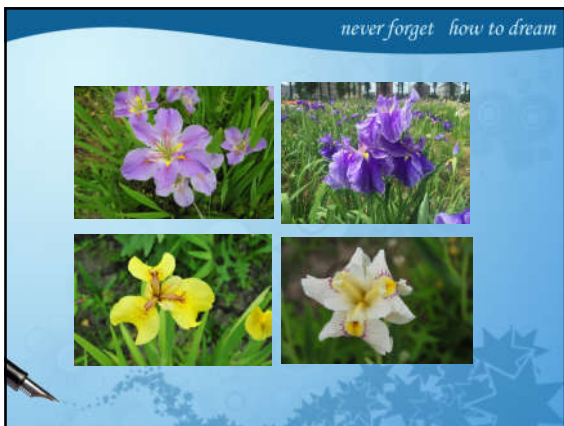
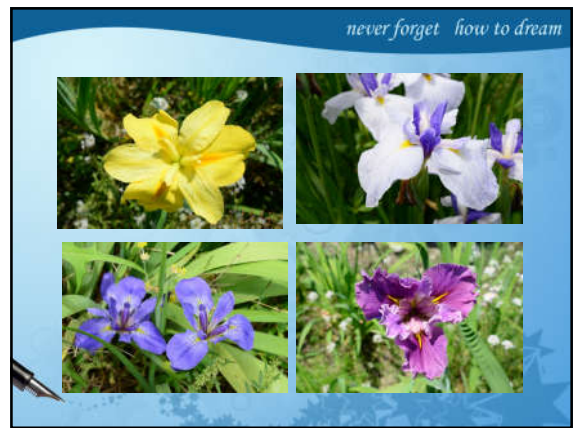
(Yuchu Chen, R., 2016). Sdlg. sp16-1 SPEC (pseudatacoria), 36.5" (93 cm), E. S. milk white (RHS N15538), tender yellow (10C) and brown (20DA) marking; style arms milk white, tender yellow midrib; F. milk white; slight fragrance. i. pseudatacoria selfed.

and for which application for registration was made by:
 Yuchu Chen, 103/2 Jia 30, Xinsong, Sandun, Xihu District, Hangzhou, Zhejiang Province, China
 has been officially entered in the Iris Register and is eligible for introduction.
 Date: 10/28/2016 John & Joanne Jones Registrar-Recorders











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结语

自律、自重、共享互助，尊重他人植物新品种保护权，共同打击违法侵权行为，推动行业发展与国际竞争。

Let's be Self-discipline, self-respect, sharing and mutual assistance, respect for the protection of plant varieties of other people, crack down infringement and promote the development of the industry and international competition.

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陈焜初先生 Mr. Chen Yuchu

浙江人文园林股份有限公司副总裁兼研究院院长
Vice president and Dean of the Research Institute of Zhejiang Humanities Landscape Inc.

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中国园艺学会水生花卉分会副理事长兼秘书长
Vice director and Secretary of Aquatic Ornamental Plants Section of Chinese Society for Horticulture Science

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天景水生植物园网址：
<http://www.tjss2003.com>



