



The Impact of Plant Variety Protection Under the UPOV Convention

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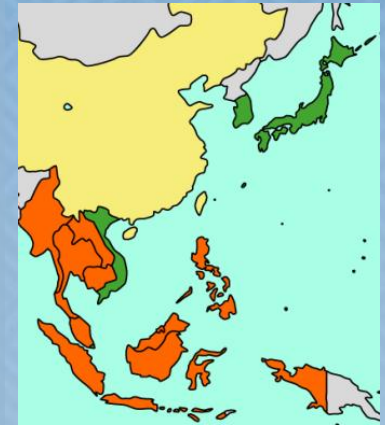


1-(1) About the EAPVP Forum – Background

– 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

1st Meeting: Tokyo, Japan, July 2008

2nd Meeting: Beijing, China, April 2009

3rd Meeting: Seoul, Rep. of Korea, April 2010

4th Meeting: Makassar, Indonesia, May 2011

5th Meeting: Bangkok, Thailand, May 2012

6th Meeting: Kuching, Malaysia, July 2013

7th Meeting: Vientiane, Lao PDR, August 2014

8th Meeting: Seoul, Rep. of Korea, July 2015

9th 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/20150926203543.html>)

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



1 –(5) The result of 8th 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



High-Level Awareness Raising Workshop. Dec 7-8, 2015

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)

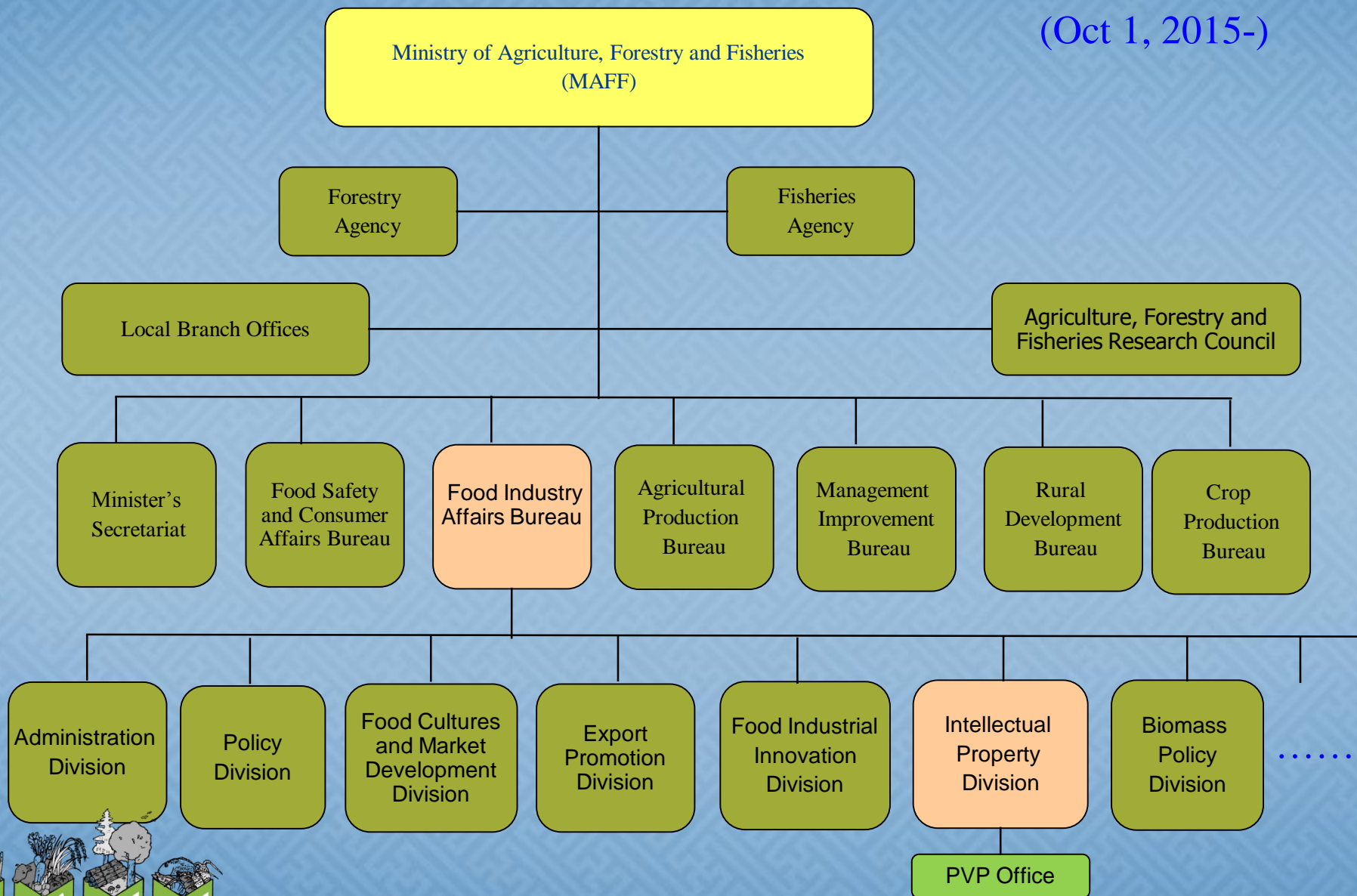
Article 1 (Purpose)

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

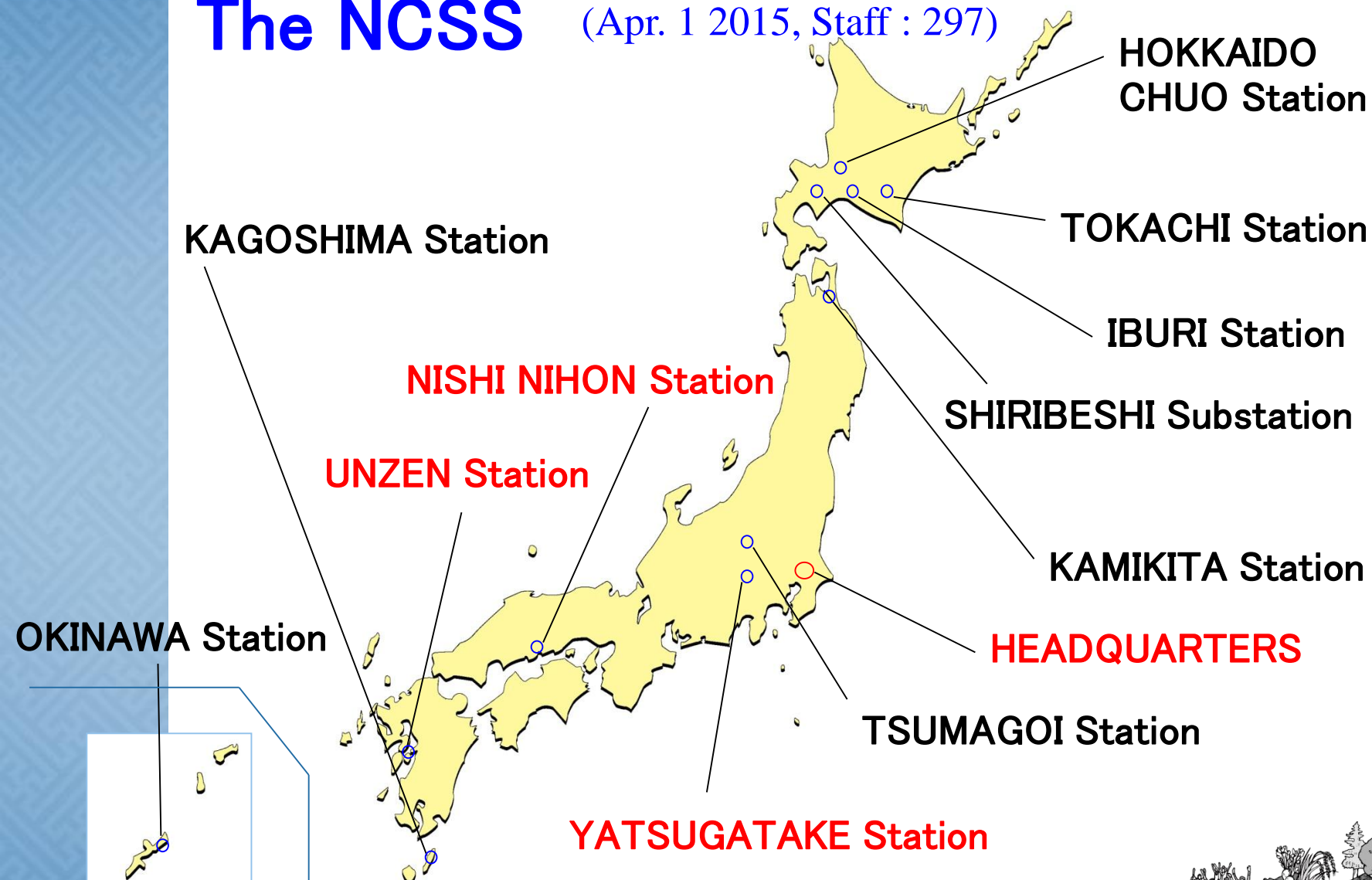
National Center for Seeds and Seedlings (NCSS)
(Incorporated Administrative Agency)

HQs, 11 stations, 1 sub-station

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



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



(Growing test is conducted at the station in red letters.)



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÷1USD))

Include Examination Fee and DUS Test Fee

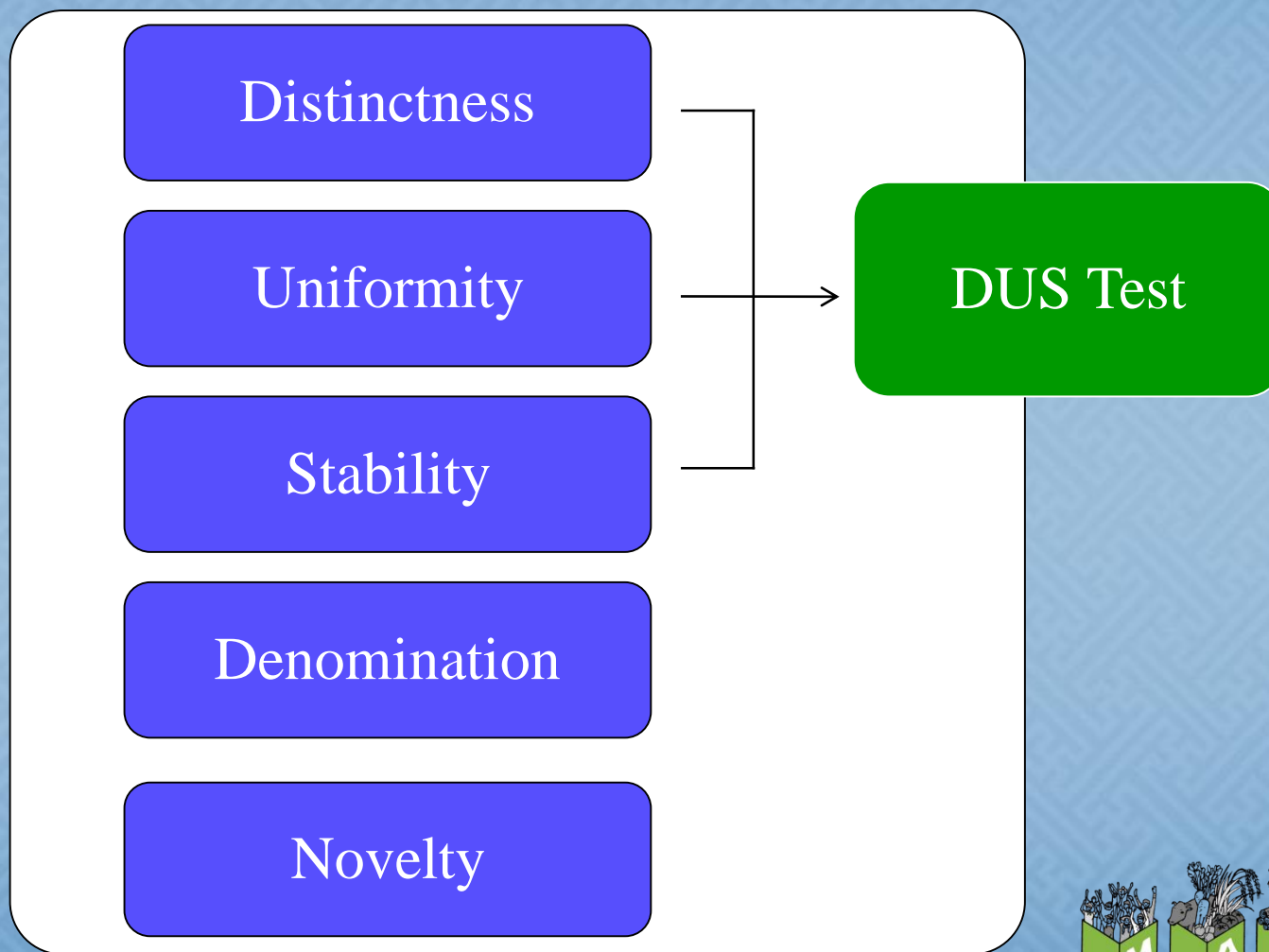


Outline of Japanese PVP system

(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)

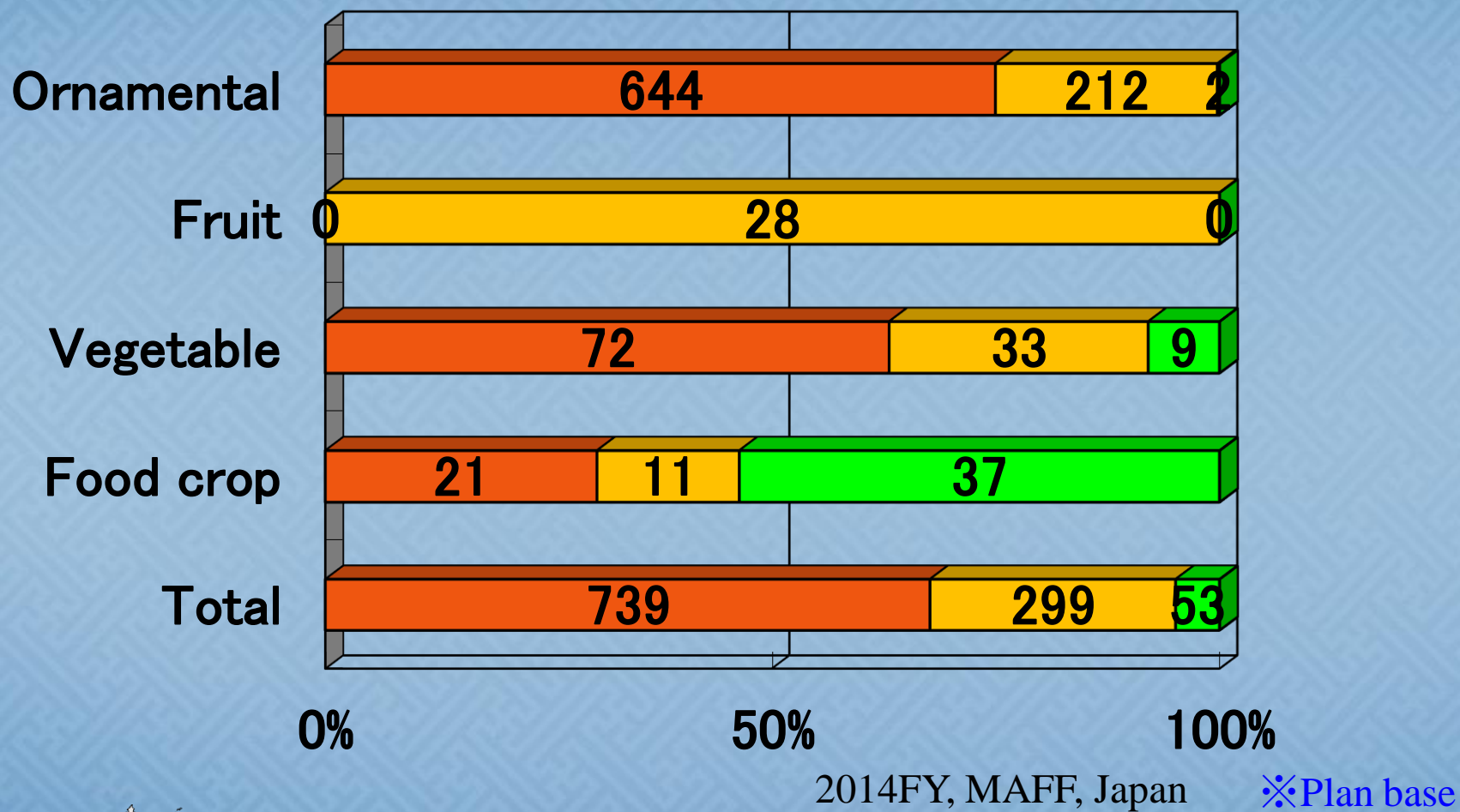
Documentary Examination (including International Cooperation)

- 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 5th 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

Organization

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

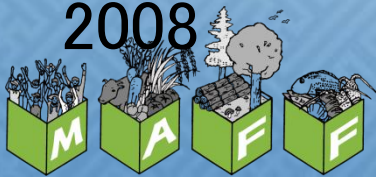
the early stage of PVP

Seeds & Seedlings Div.

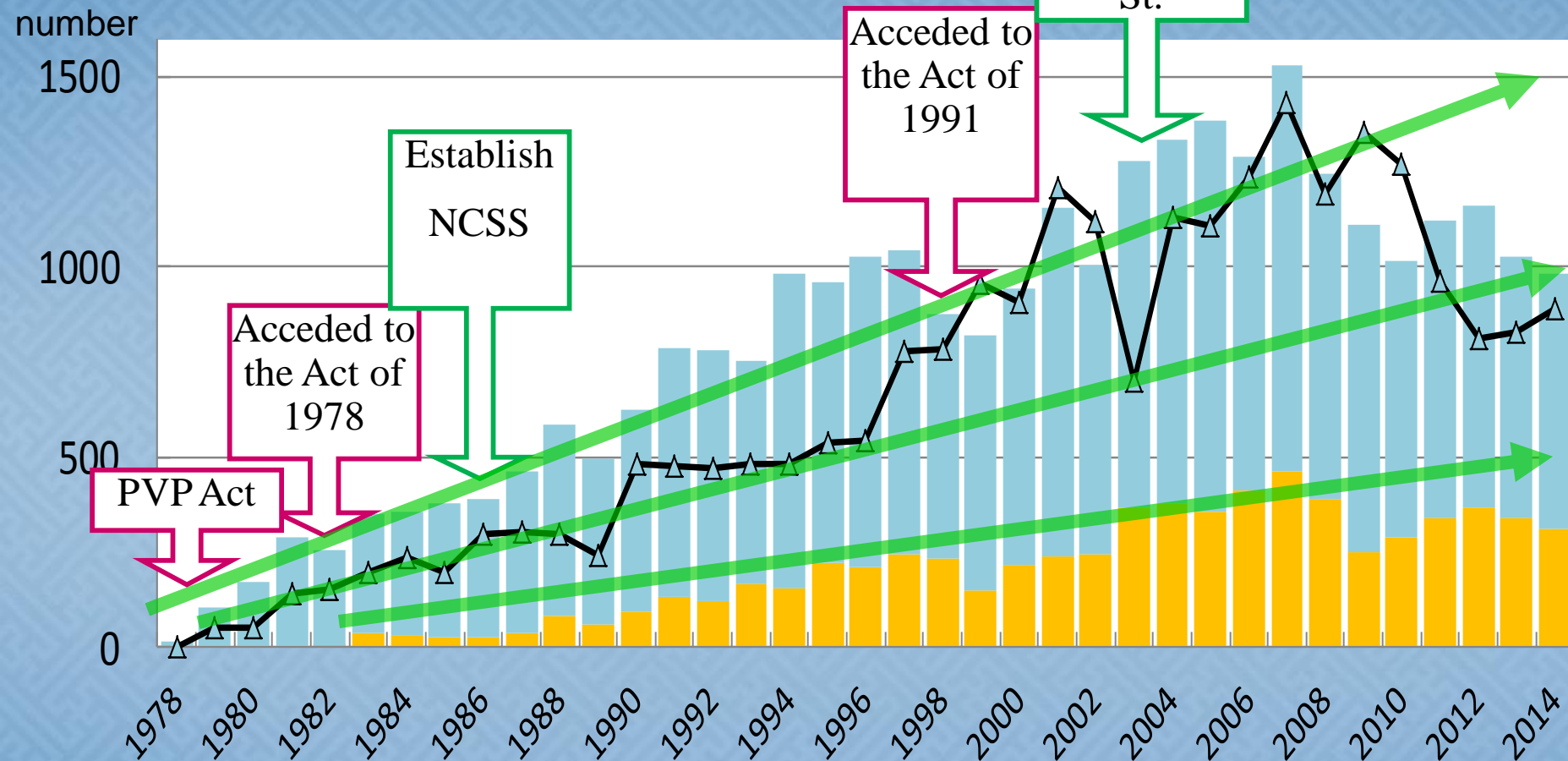
The National Center for
Seeds & Seedlings(NCSS)

NCSS Nishinihon Station

Intellectual Property Div.



Trend of Applications



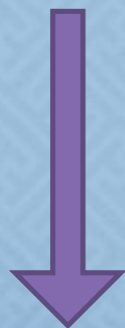
Introduction of Growing Test



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.

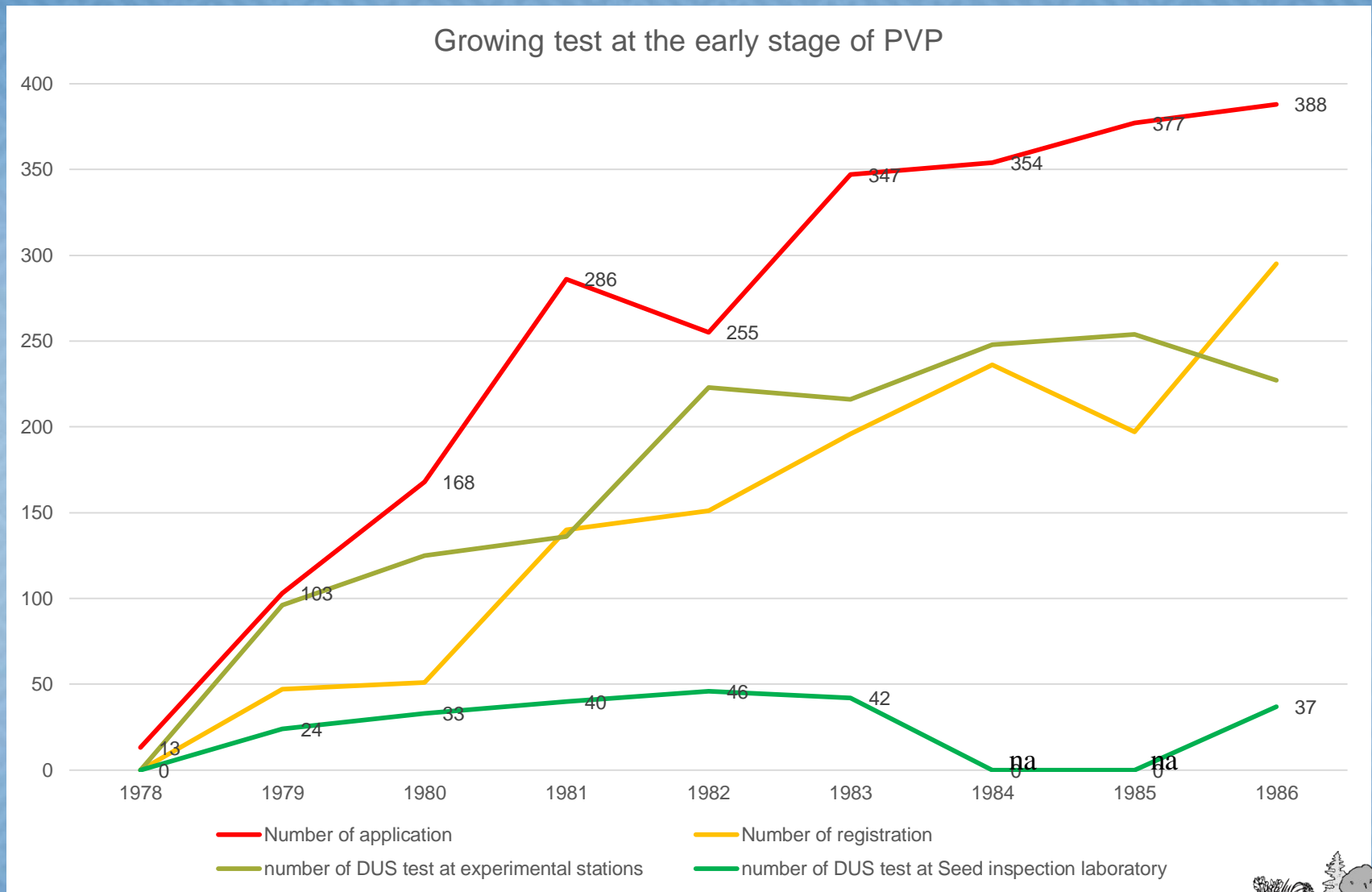
(8 staff)

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

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