



CPVO

Community Plant Variety Office

Structures and Benefits of the EU Plant Variety Protection System

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Vice-President CPVO

- E.U. System of PVR
- The CPVO
- Examination Offices
- Statistics



E. U. System of PVR



Legislative aspects

- The system for the EU protection of plant varieties was established by a Regulation of the European Community in 1994;
- The intellectual property rights granted under this system are valid throughout the territory of the 28 Member States of the European Union;



- **EU / national**

- The EU system co-exists with the national systems of those 24 EU Member States.
- It is the applicant's choice : national or EU plant variety rights
- The E.U. PVR protection cannot be combined with national PVR;

- **UPOV**

- The EU system is in line with the UPOV 1991 Act.
- 24 out of 28 EU Member States are UPOV members.
- The EU is a full member of UPOV as an inter-governmental organisation



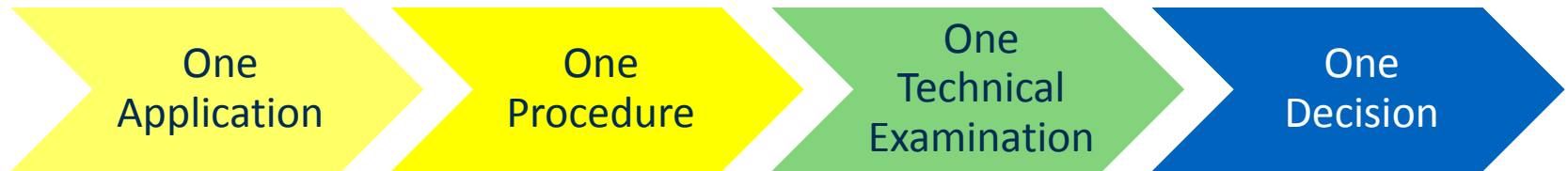
CHARACTERISTICS OF THE E.U. SYSTEM

The creation of a PVR system covering the territory of the EU Member States:

- saved time and money of breeders;
- facilitated the creation of a single European market for plant varieties;



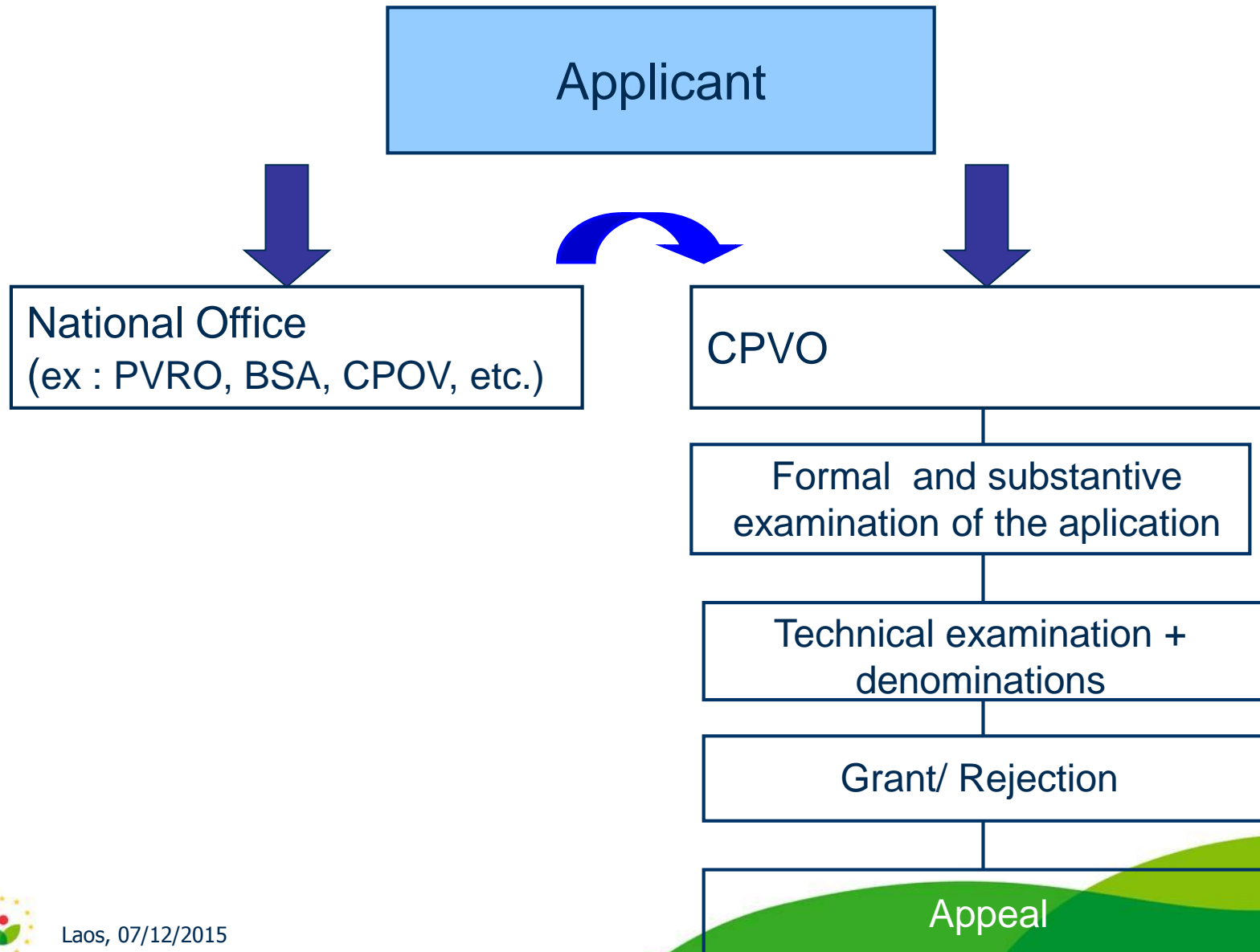
CHARACTERISTICS OF THE E.U. SYSTEM



Protection in the 28 MS of the EU, more than 500 million consumers



Filing an application



CHARACTERISTICS OF THE E.U. SYSTEM

- Entitlement to file an application for E.U. PVR:
Any natural or legal person, or any body ranking as a legal person under the law applicable to that body;
- Duration of the E.U. right: 25 years, 30 for vines, trees and potato varieties;
- Provisional protection: covering the time from publication of the application until the grant of the Community right;



CHARACTERISTICS OF THE E.U. SYSTEM

To be protected a variety must respect the following conditions:

- Distinct
- Uniform
- Stable
- New
- Suitable denomination



CHARACTERISTICS OF THE E.U. SYSTEM

Exceptions:

- **The breeder's exemption:** The Community plant variety rights shall not extend to acts done for the purpose of breeding, or discovering and developing other varieties;
- **The agricultural exemption:** Farm saved seed - only possible for varieties belonging to a limited list of 21 agricultural crops in well-defined circumstances;



CHARACTERISTICS OF THE E.U. SYSTEM

Some examples of acts in respect of variety constituents, or harvested material of the protected variety which need the authorization of the holder :

- (a) production or reproduction (multiplication);
- (b) conditioning for the purpose of propagation;
- (c) offering for sale;
- (d) selling or other marketing;
- (e) exporting from the EU;
- (f) importing to the EU;
- (g) stocking for any of the purposes mentioned in (a) to (f).



ENFORCEMENT OF RIGHTS

- The right holders enforce the rights
- Legislator must create the necessary legislative environment
- National courts competent to hear infringement cases



ENFORCEMENT OF RIGHTS

Regulation (EC) n°2100/94 of the Council of the E.U. :

“Member States shall take all appropriate measures to ensure that the same provisions are made applicable to penalize infringements of Community plant variety rights as apply in the matter of infringements of corresponding national rights.”



ENFORCEMENT OF RIGHTS

CPVO organizes Seminars about the scope of protection and enforcement for judges, breeders, growers, farmers, national PVR authorities.



LEGISLATIVE SYSTEM

- 
- HARMONIZATION PROTECTION/RIGHTS
 - HARMONIZATION EXCEPTIONS

- 
- EASIER ENFORCEMENT AND MANAGEMENT OF RIGHTS FOR THE TITLE HOLDER

- 
- WIDER TERRITORIAL SCOPE
 - CONTROL AT CUSTOMS



MORE EFFICIENT AND ATTRACTIVE SYSTEM



ADMINISTRATIVE PROCEDURES

HARMONIZATION

SIMPLIFICATION

REDUCTION OF COSTS



The CPVO

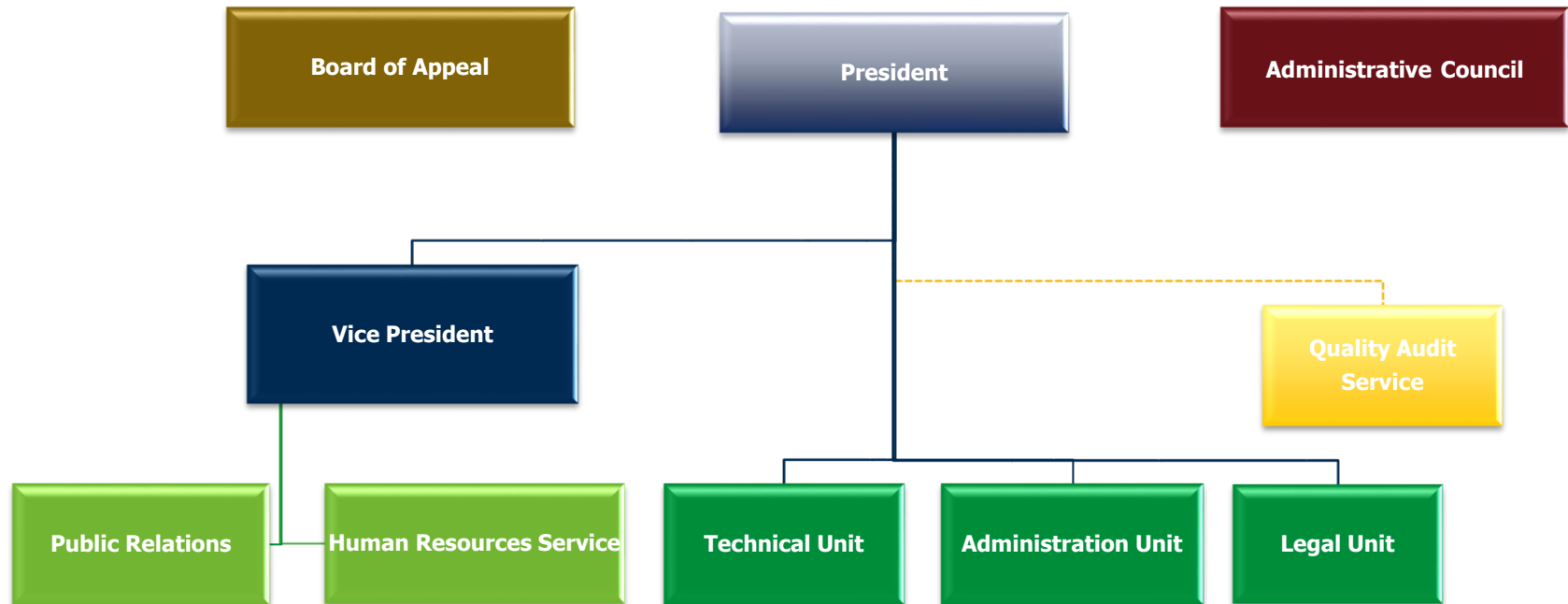


The CPVO

- The **Community Plant Variety Office (CPVO)** has been operational since 1995.
- Based in Angers, France
- CPVO Management: President and Vice-President appointed by the Council
- The CPVO has a total of 45 staff members: 12 Nationalities



COMMUNITY PLANT VARIETY OFFICE ORGANIZATIONAL CHART



CPVO - The Administrative Council

- Budgetary authority of the CPVO;
- Entrusts the Examination Offices;
- Adopts the Technical Protocols;
- May establish rules on working methods of the Office;
- Forwards to the Commission modifications to the EU Legislation on PBR;
- Advises on matters for which the Office is responsible.



The Board of Appeal

Composition

Composed by one permanent Chairman and two other members nominated by the Chair

Tasks

Responsible to decide on appeals filed against decisions of the CPVO

Status

Members shall be independent and not involved in the work of the CPVO



CPVO - Funding

- Under the terms of the basic Regulation the Community Plant Variety Office is self-financing;
- It must administer the system without financial support from the general EU budget;
- The CPVO receives revenue from fees;
- Financial management is sound.



CPVO - Funding

The fees cover several steps of the procedure:

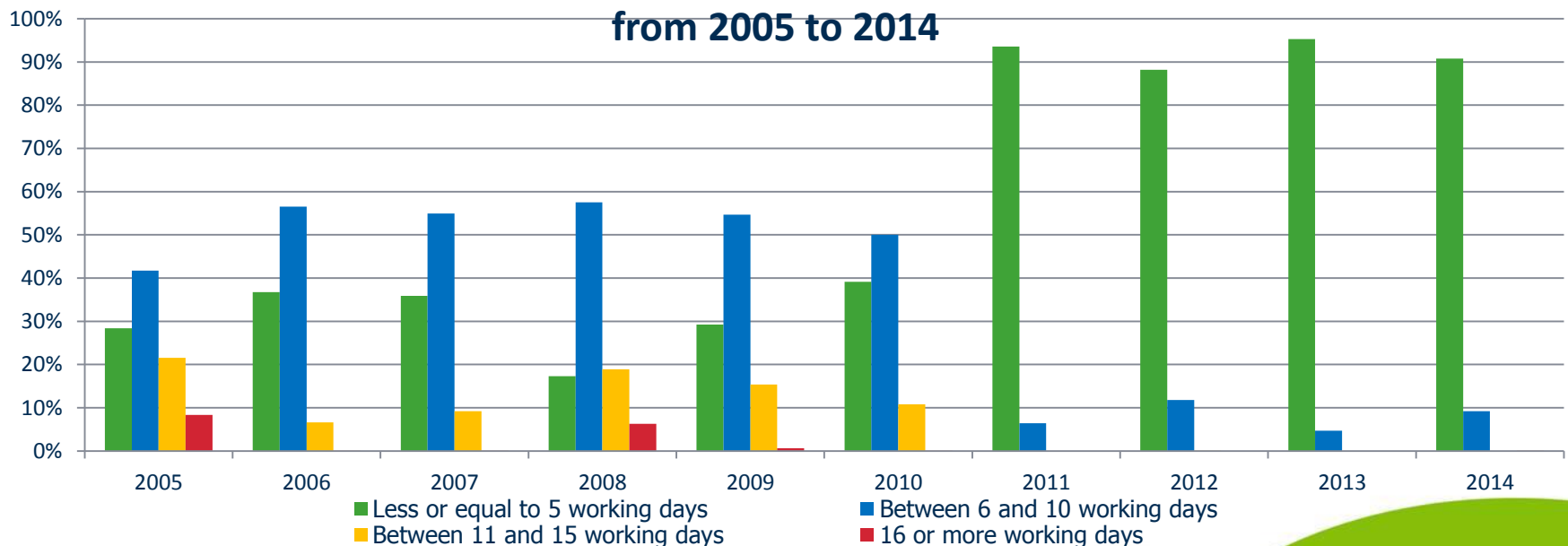
- Application fee : 650 €
- Examination fees : 1400/3200 €
per year/cycle of DUS test
depending on the species
- Annual fees : 250 €



CONTINUOUS IMPROVEMENT OF THE SYSTEM

- Reduction in the level of the application and annual fees since the launching of the system
- Efficiency gains (e.g. processing time between reception of final report and granting right)

**Breakdown of processing reception of applications
from 2005 to 2014**



CONTINUOUS IMPROVEMENT OF THE SYSTEM

- Facilitating communication with applicants and Examination Offices (on line system; myCPVO; VarietyFinder);
- R&D projects to improve the quality and reduce costs of DUS testing;
- Service on advice of variety denominations for EU Member States;
- WG of technical and legal experts.



Examination Offices



EXAMINATION OFFICES

When the EU PVR system was created it has been decided to use the testing facilities already existing in the MS, for the assessment of the DUS criteria of candidate varieties

Where no examination office within the EU is available for testing an “exotic” species, the Office may collaborate with offices outside the EU.



EXAMINATION OFFICES

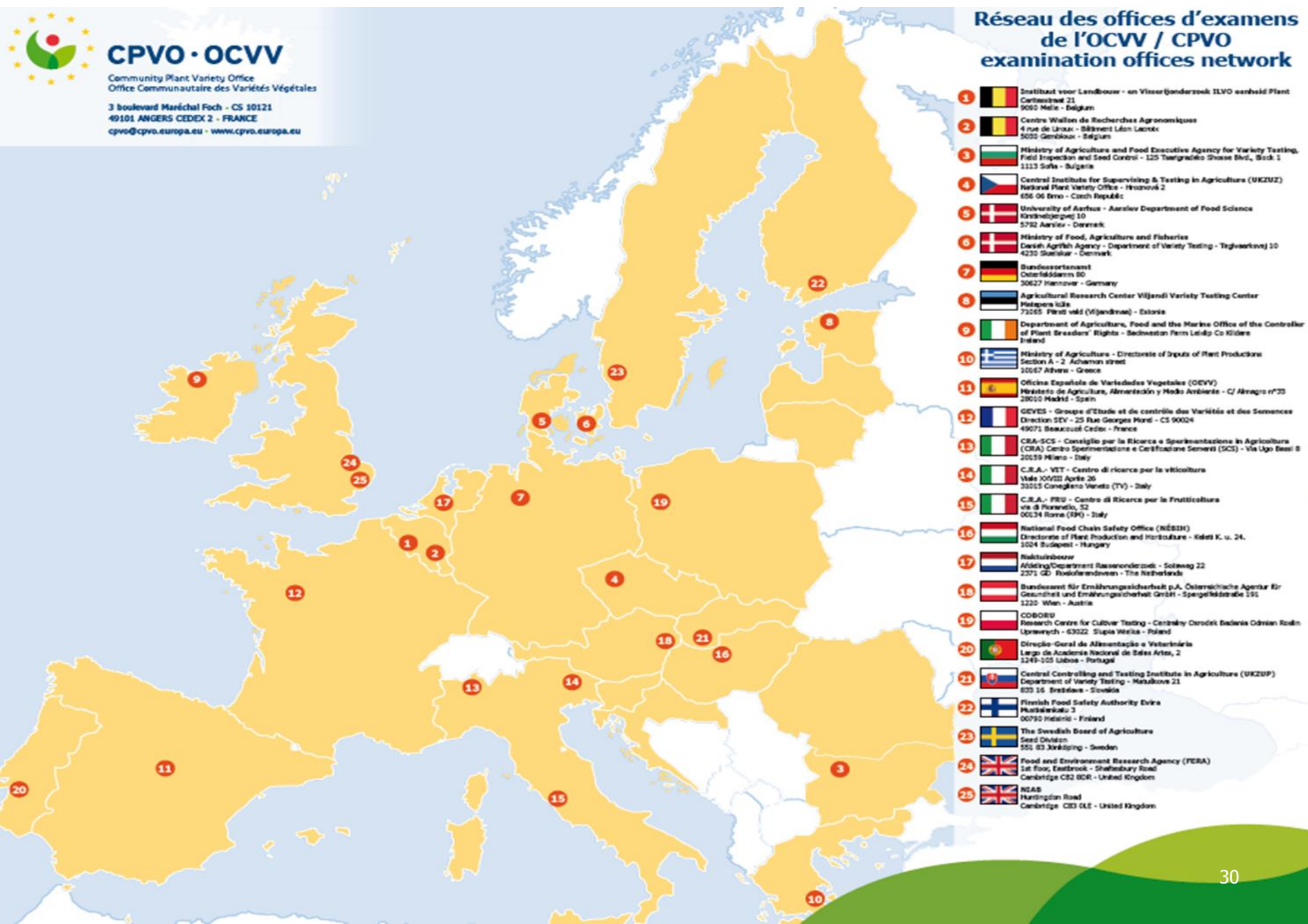
- The D.U.S. examination is carried out by entrusted Examination Offices. The entrustment is made by the Administrative Council;
- The Examination Offices must fulfil several quality requirements (audits);
- Throughout the technical examination there is collaboration between the technical expert of the CPVO and the examination office;
- A network of Examination Offices;



CPVO network of Examination offices in the EU



Réseau des offices d'examen de l'OCVV / CPVO examination offices network



- 1 Instituut voor Landbouw - en Visserijonderzoek ILVO eenheid Plant
Carnegiestraat 21
3050 Melle - Belgium
- 2 Centre Wallon de Recherches Agronomiques
4 rue de l'Anser - Bâtiment Léon Lacroix
5030 Gembloux - Belgium
- 3 Ministry of Agriculture and Food Executive Agency for Variety Testing,
Field Inspection and Seed Control - 125 Tsarigradsko Shosse Blvd., Block 1
1113 Sofia - Bulgaria
- 4 Central Institute for Supervising & Testing in Agriculture (UKZUZ)
National Plant Variety Office - Prosovní 2
656 06 Brno - Czech Republic
- 5 University of Aarhus - Aarhus Department of Food Science
Københavnsgade 10
8000 Aarhus C - Denmark
- 6 Ministry of Food, Agriculture and Fisheries
Danish Agrifish Agency - Department of Variety Testing - Teglværksvej 10
4230 Slagelse - Denmark
- 7 Bundesessortament
Osnabrücker Str. 80
30627 Hannover - Germany
- 8 Agricultural Research Center Viljandi Variety Testing Center
Metsapere küla
73005 Pärsti valla (Viljandimaa) - Estonia
- 9 Department of Agriculture, Food and the Marine Office of the Controller
of Plant Breeders' Rights - Ballymoe Park Lifford Co. Kildare
Ireland
- 10 Ministry of Agriculture - Directorate of Inputs of Plant Production
Section A - 2 Acharnon street
10667 Athens - Greece
- 11 Oficina Española de Variedades Vegetales (OCVV)
Ministerio de Agricultura, Alimentación y Medio Ambiente - C/ Alarcón nº33
28000 Madrid - Spain
- 12 GEVES - Groupe d'Etude et de contrôle des Variétés et des Semences
Direction SEV - 25 Rue Georges Mendel - CS 90024
49071 Beaucourt Cedex - France
- 13 CRA-SCS - Consiglio per la Ricerca e Sperimentazione in Agricoltura
(CRA) Centro Sperimentazione e Certificazione Sementi (SCS) - Via Ugo Bassi 8
20139 Milano - Italy
- 14 C.R.A. - VIT - Centro di ricerca per la viticoltura
Viale XXVIII Aprile 26
33015 Conegliano Veneto (TV) - Italy
- 15 C.R.A. - FRU - Centro di Ricerca per la Frutticoltura
via di Pianello, 52
00134 Roma (RM) - Italy
- 16 National Food Chain Safety Office (NÉBIH)
Directorate of Plant Production and Horticulture - Koltai K. u. 24.
1024 Budapest - Hungary
- 17 Rijksinstituut voor
Voeding/Department Ruisonderzoek - Scheweg 22
2371 GD Roddeterendoven - The Netherlands
- 18 Bundesamt für Ernährungssicherheit p.ä., Österreichische Agentur für
Gesundheit und Ernährungssicherheit GmbH - Spargelfeldstraße 191
1220 Wien - Austria
- 19 COBORU
Research Centre for Cultivar Testing - Centrumi Chorodki Badenia Odniwa Rożn
Uprawy 7 - 63022 Szupia Wielka - Poland
- 20 Direcção-Geral de Alimentação e Veterinária
Largo da Academia Nacional de Belas Artes, 2
1249-005 Lisboa - Portugal
- 21 Central Controlling and Testing Institute in Agriculture (UKZUP)
Department of Variety Testing - Hrabkova 21
833 16 Bratislava - Slovakia
- 22 Finnish Food Safety Authority Evira
Hälskärinkatu 3
00790 Helsinki - Finland
- 23 The Swedish Board of Agriculture
Seed Division
150 83 Jönköping - Sweden
- 24 Food and Environment Research Agency (FERA)
1st Floor, Earlsbrook - Shaftesbury Road
Cambridge CB2 0QR - United Kingdom
- 25 NSAB
Huntingdon Road
Cambridge CB3 0LE - United Kingdom

DUS Testing

Entrustment procedure:

- Candidatures national testing centers
- Quality audits → recommendations to the AC
- Entrustment by the AC → CPVO EO



DUS Testing

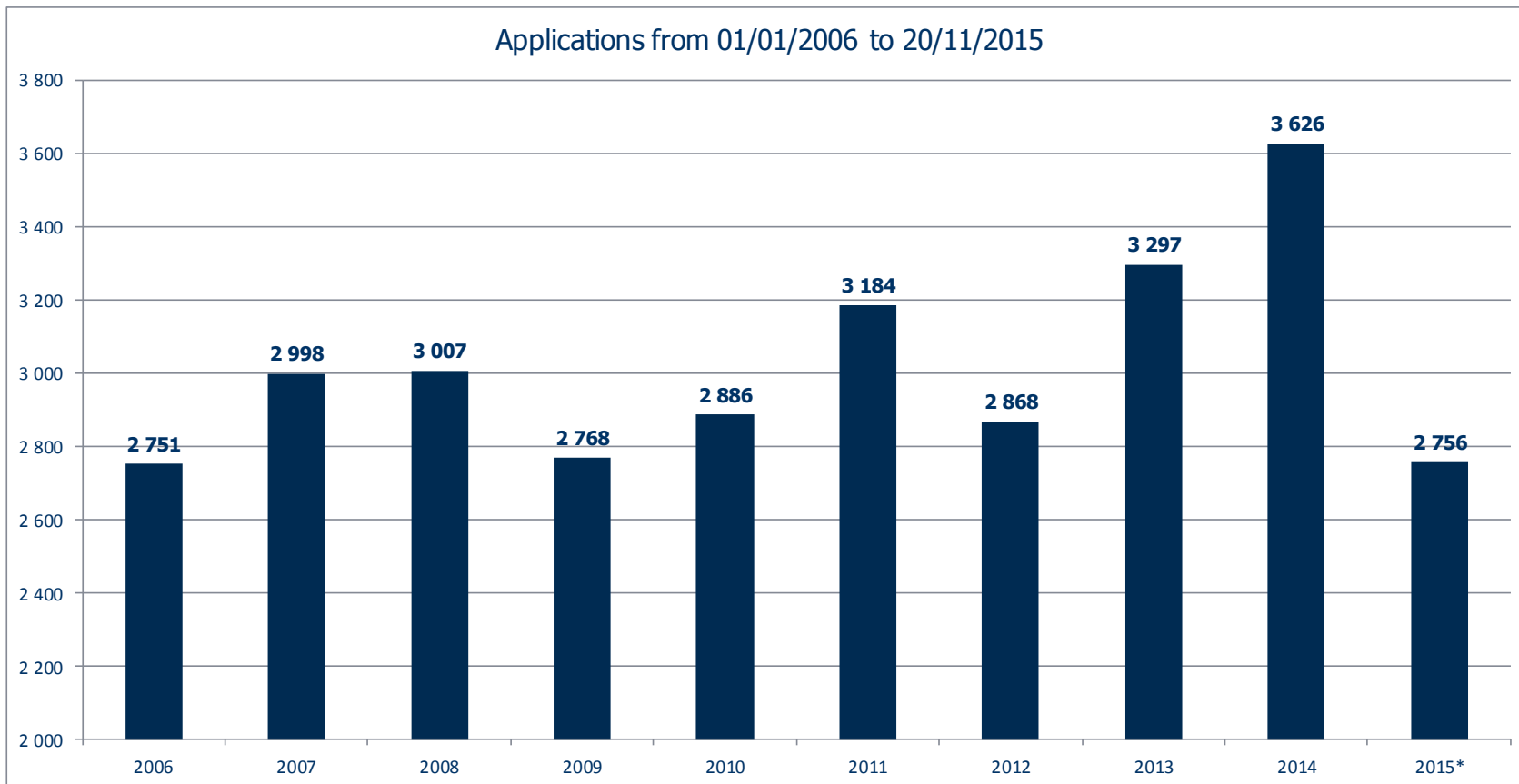
Some of the Quality Requirements:

- Experience
- Independence, absence of conflict of interest
- Confidentiality
- Personnel (background education, training program, ...)
- Facilities and equipment
- Crop management
- Communication with the CPVO & Eos
- Completeness of the variety collection
- Document control
- Records
- Examination reports
- Corrective action procedure
- Test Protocols and procedures
- Grouping & selection of varieties
- Handling plant material of candidate varieties
- Organisation and management
- ...



Statistics

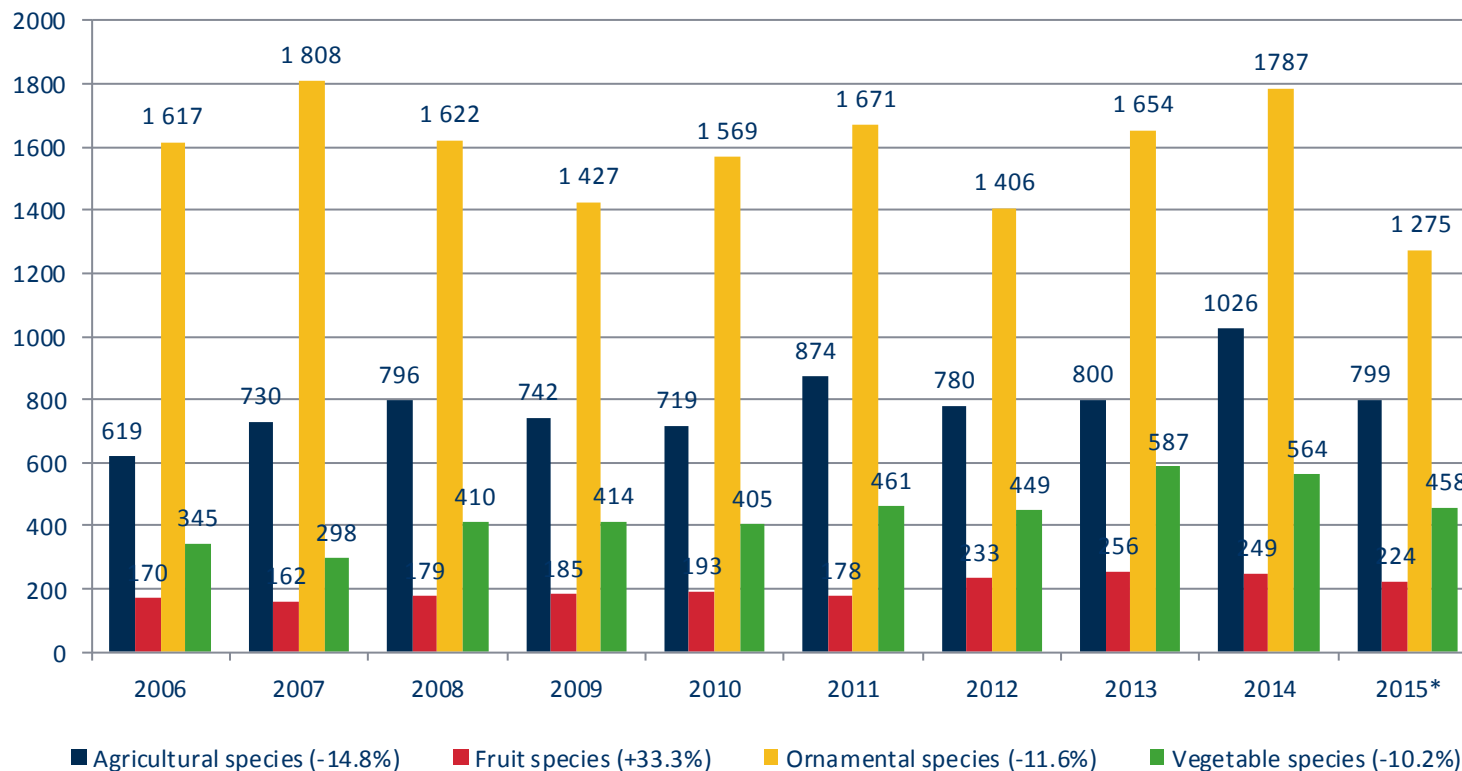




NB: (*) comparison period from 01/01 to 20/11 with 2014: -9.9 %



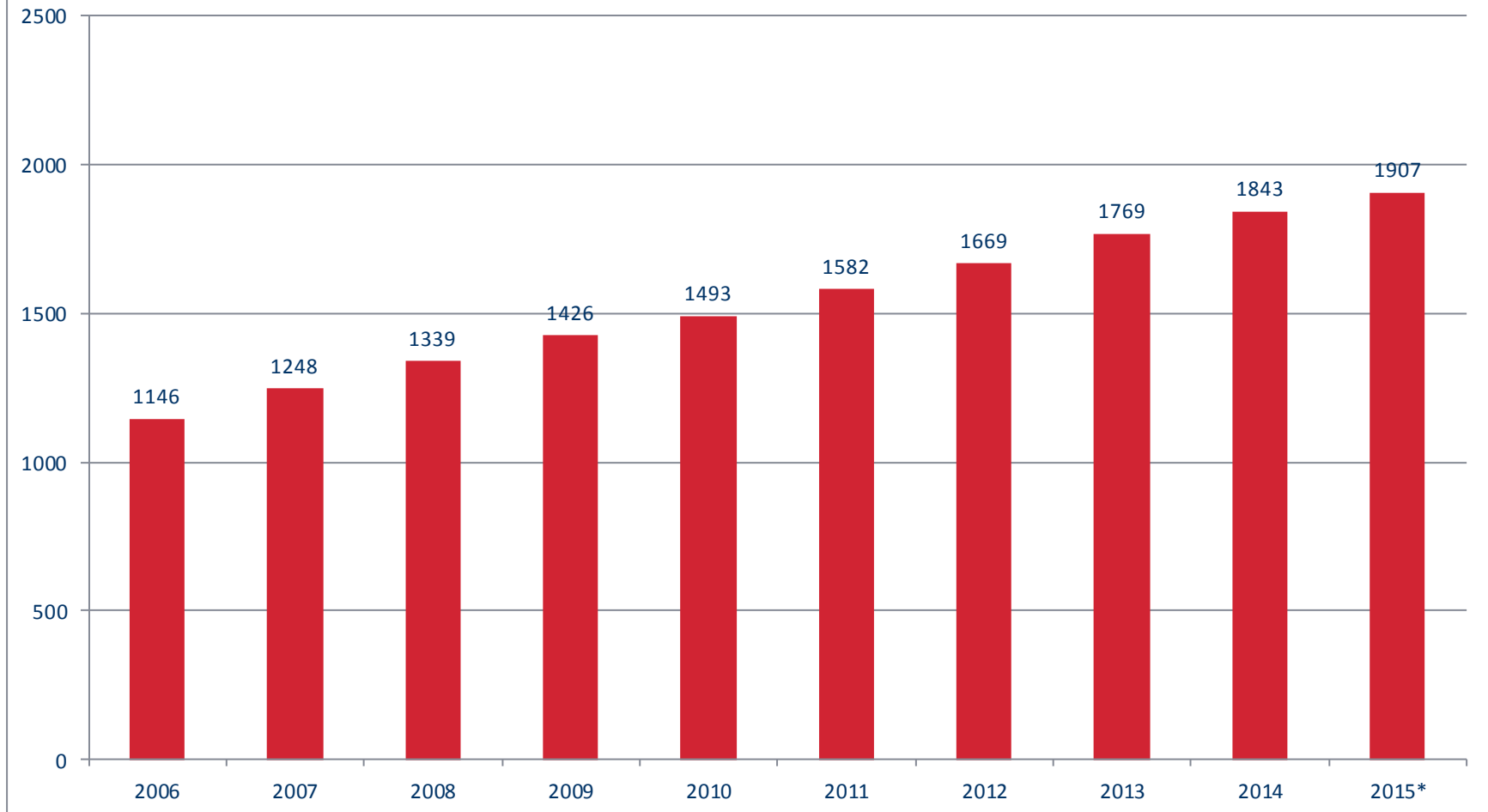
Number of applications received by the CPVO per crop sector
from 01/01/2006 to 20/11/2015



NB: (*) Comparison period from 01/01 to 20/11 with 2014 indicated in percentage in the legend



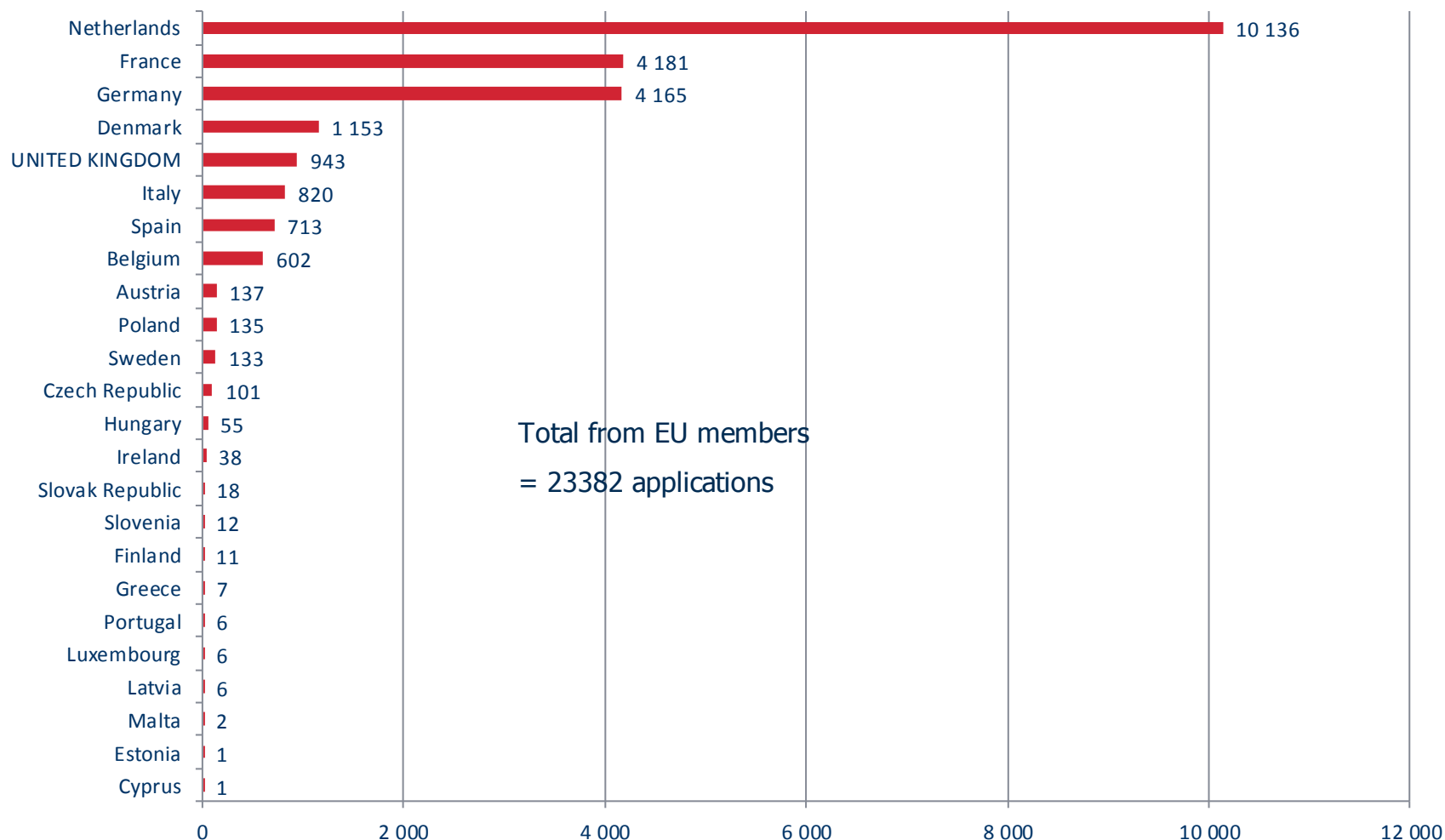
Evolution of the number of botanical taxa in the CPVO registers from 01/01/2006 to 20/11/2015



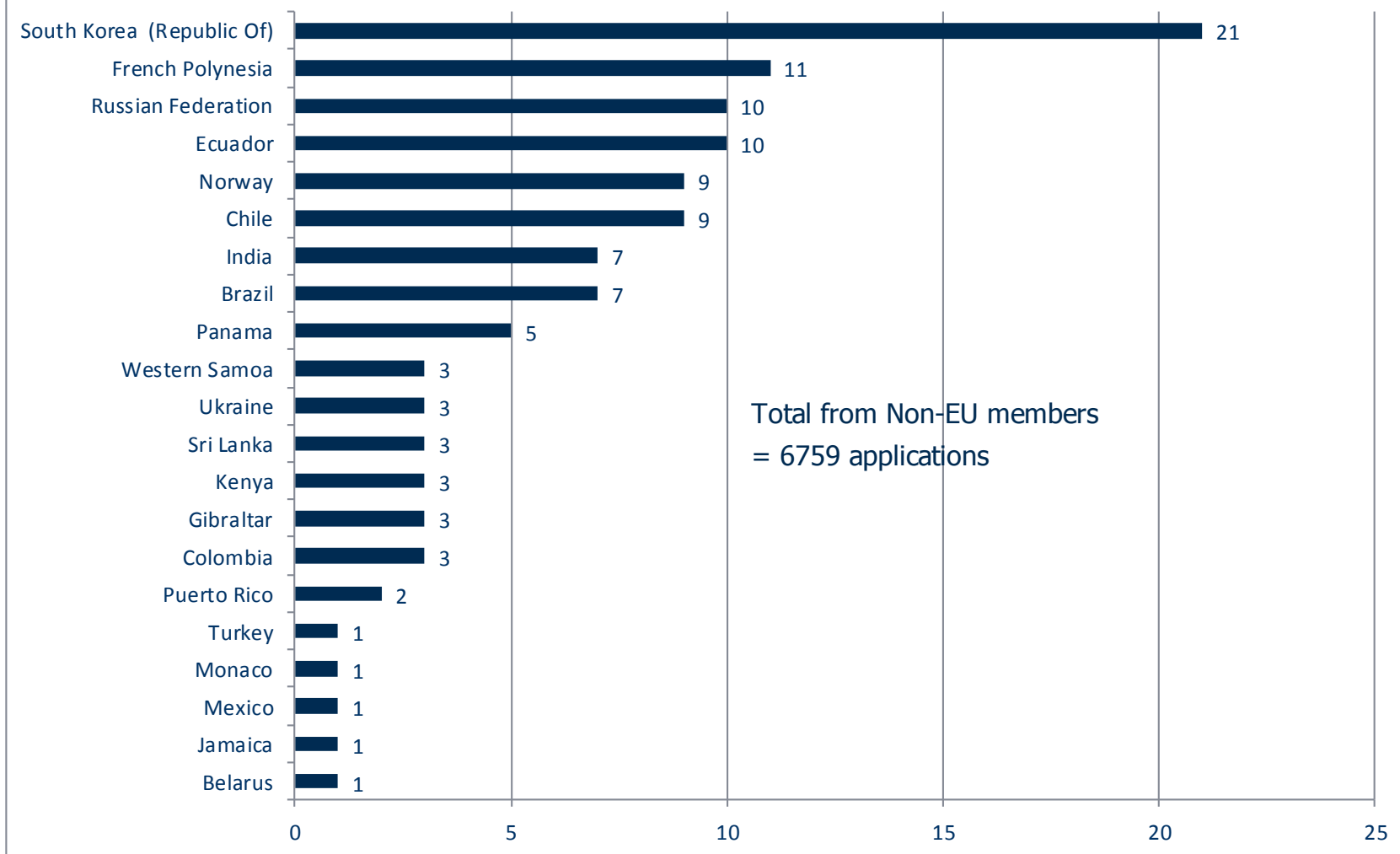
NB: (*) the 2015 data cover the period from 01/01 to 20/11



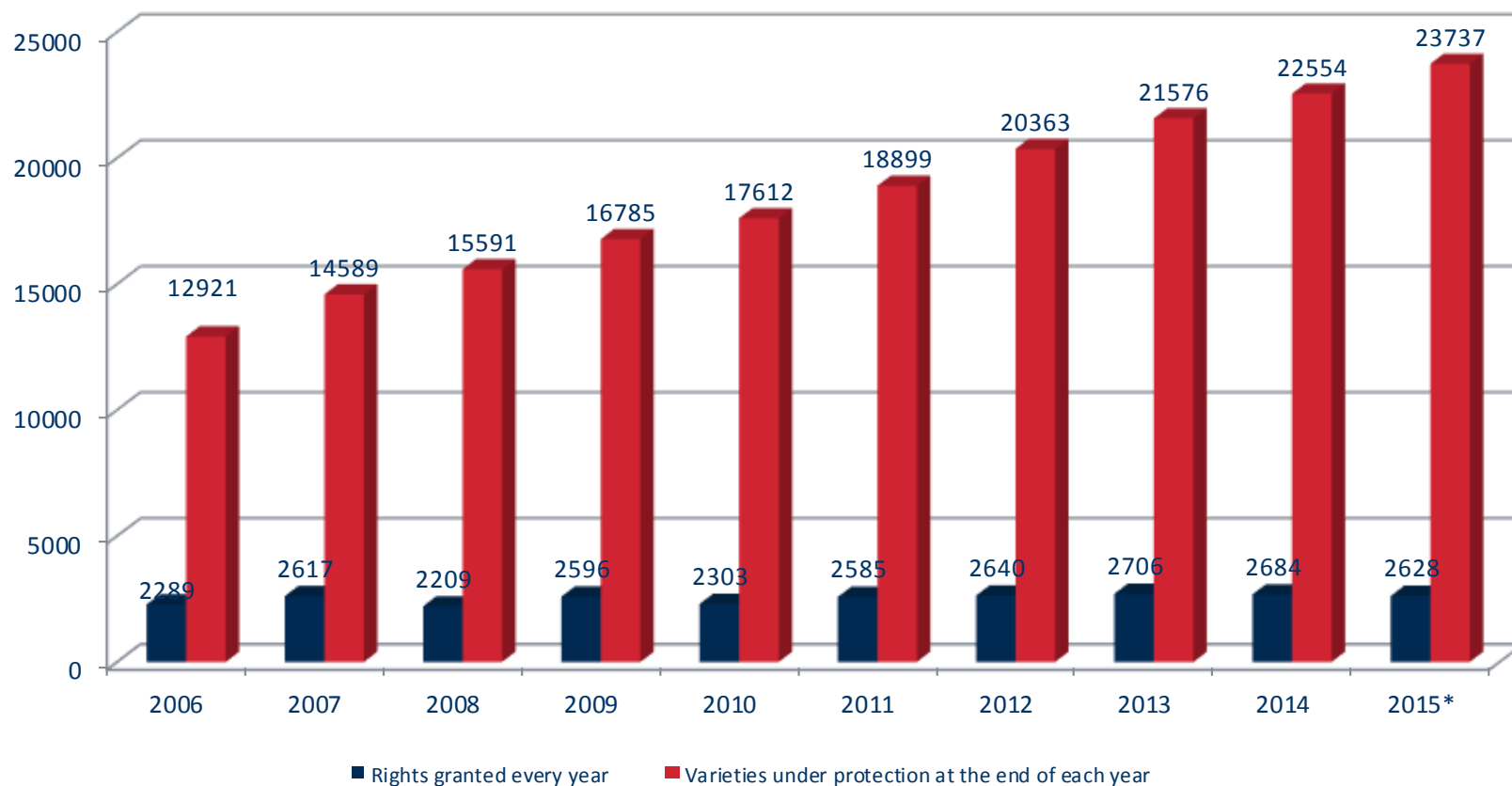
Origin of Community Plant Variety Rights applications EU countries - from 01/01/2006 to 20/11/2015



Origin of Community Plant Variety Rights applications from non EU member states - From 01/01/2006 to 20/11/2015



Evolution of varieties protected under the Community system from 01/01/2006 to 20/11/2015





- CROP
- Agricultural
 - Fruit
 - Ornamental
 - Vegetables



**THANKS FOR YOUR
ATTENTION**

