

# **PVP Impact and Implementation in Japan**

Seminar on the benefit of the UPOV System of  
Plant Variety Protection for farmers and growers

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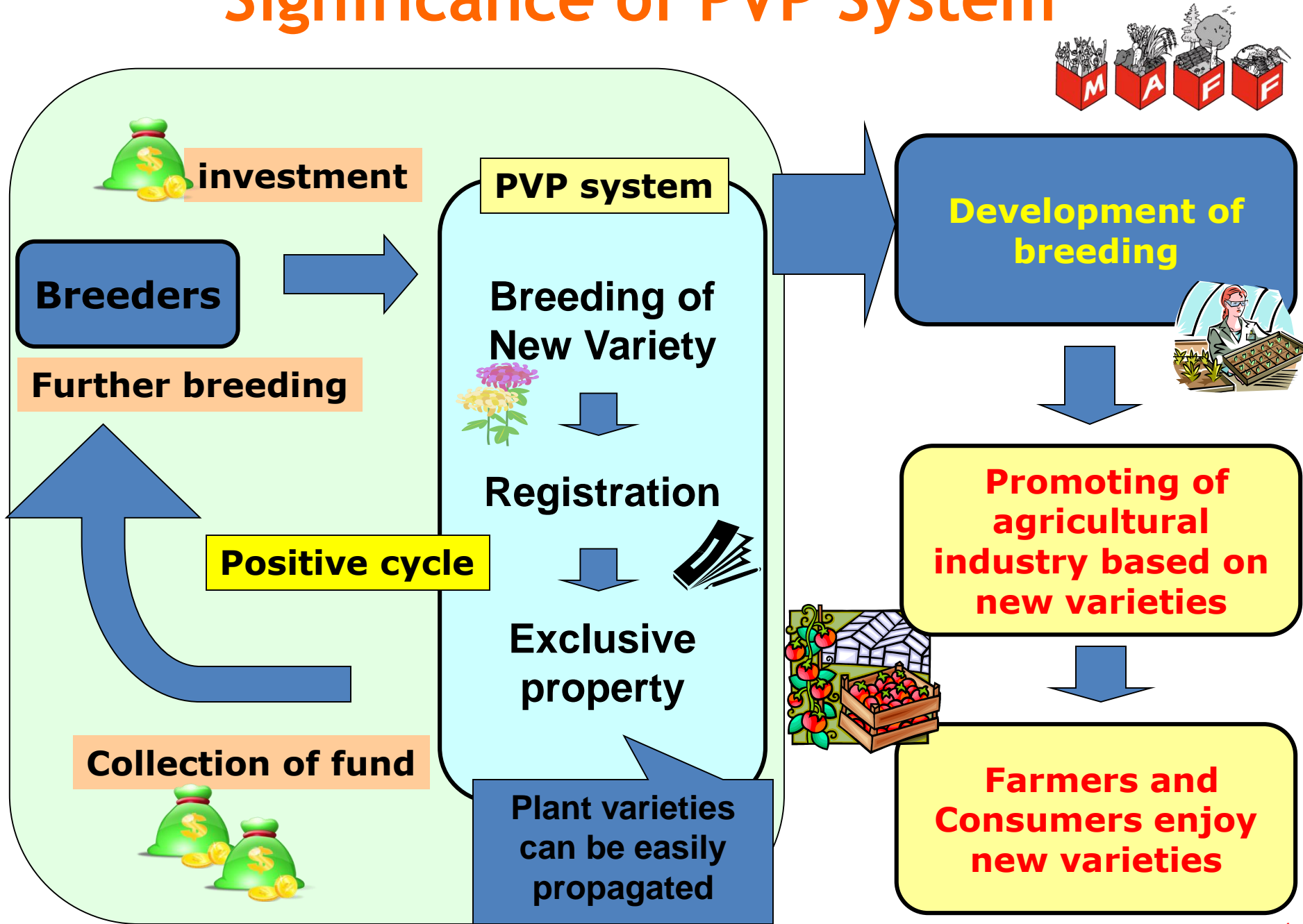
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# Significance of PVP System



# Significance of PVP System



# Case of PBR utilization for branding

1. Rice variety “Tsuyahime”  
Yamagata pref.

2. Ashiro rindo,  
Hachimantai city Iwate pref.



## Development of “Tsuyahime” in Yamagata pref.

### <Obstacles>

- Struggling in Agricultural growth in Yamagata
- Low recognition as Rice production area
- Leading variety “Haenuki” is used as average rice



### <Targets>

- Develop to representative Rice variety with Brand value in Yamagata
- Promote to agricultural growth and activation in Yamagata

# 1. Rice variety “Tsuyahime” in Yamagata pref.

## Rice variety “Tsuyahime” development process

- 1998～ Crossing, Selection
- 2007 Implementation to organize planning branding strategy
- 2008 Establishment head office for branding  
Appeal to the public for the denomination
- 2009 Applying for PBR
- 2010 Start planting, Sale  
Package design registered as Trademark
- 2011 PBR Granted



つや姫 Tsuya-hime  
Tuya hime mean glossy princess

# 1. Rice variety “Tsuyahime” in Yamagata pref.

## “Tsuyahime” guideline for production : Different from previous varieties developed in Yamagata

- Restricted planting area for optimum growing
- Restricted cropping to Organic and Special
  - Organic: No use agrichemicals and chemical fertilizer
  - Special : low agrichemicals and chemical fertilizer
- Restricted grower certified by Branding organization.
  - Own more than 3ha paddy field
- Restricted shipment rule
  - Grain quality 1<sup>st</sup> grade or 2<sup>nd</sup> grade
  - Protein content less than 6.4%
- Forwarding permission to grow out of Yamagata pref.
  - Requirement for permission:  
adoption as the recommended variety in the prefecture.



# 1. Rice variety “Tsuyahime” in Yamagata pref.

## “Tsuyahime” Sales promotion and advertising campaign

- Introduced by TV program, CM and Radio
- Introduced by newspaper and magazine,
- PR events
- Tasting campaign in front of stores
- Top sales by the governor of Yamagata pref.



⑩ つや姫  
⑩ 店頭価格比較

# 1. Rice variety “Tsuyahime” in Yamagata pref.

## “Tsuyahime” : Present situation and Future challenge

- Keeping higher price as Koshihikari produced in Niigata
- Public recognition was raised

Cropping Area (ha) 2,500(2010) → 8,807(2016)

Certified Farmers 2,520(2010) → 5,320(2016)

Distributed amount(t) 2,267(2010) → 35,949(2016)

- Evaluation level as the high grade brand rice, still not so high
- ✓ To enhance recognition and keep price, Continuous branding approach is necessary

# 1. Rice variety "Tsuyahime" in Yamagata

pref.

Top 20 Rice Cultivars (1,505,000 ha (2015))

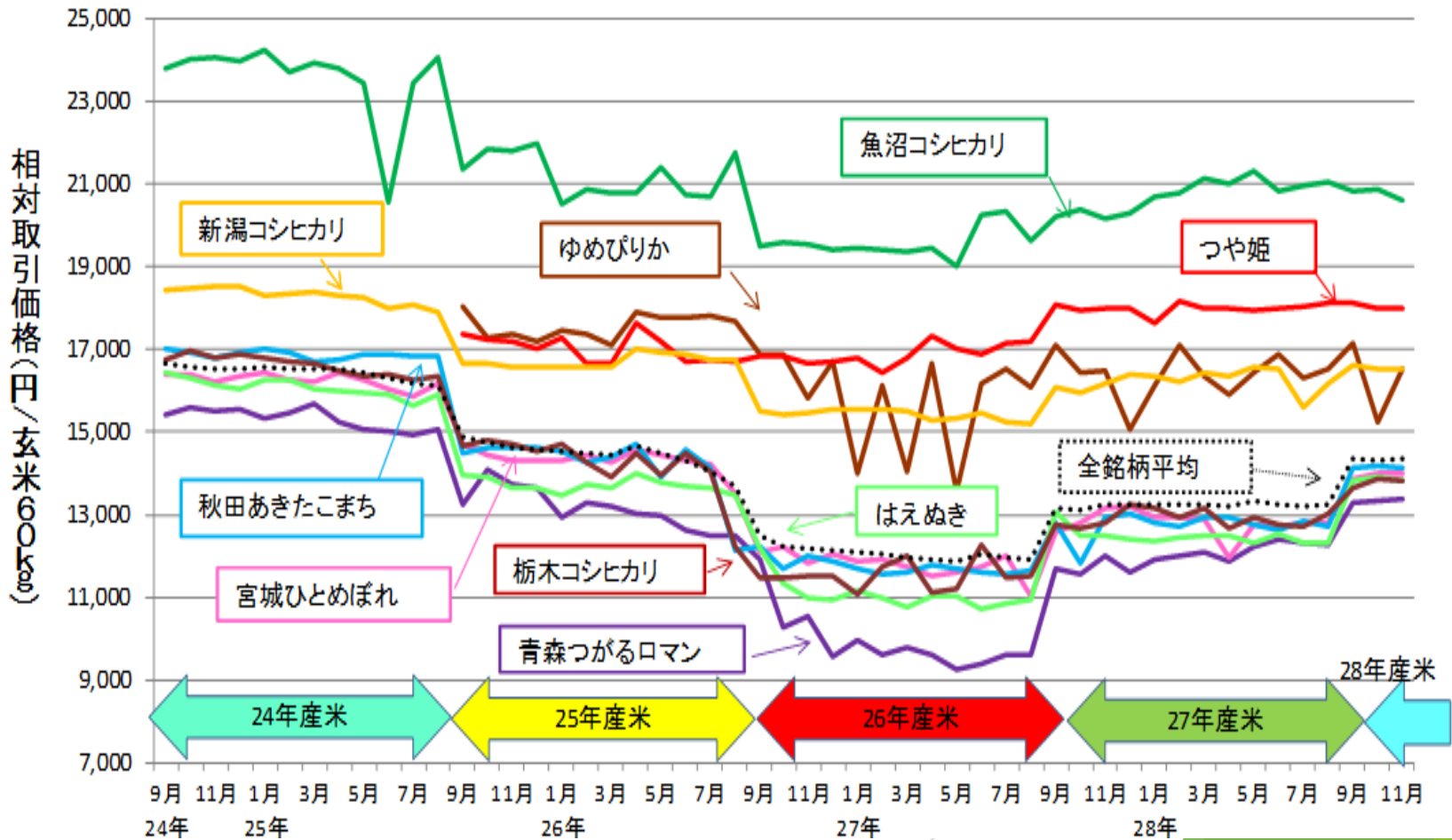
There are 17 registered varieties in top 20 cultivars of rice.

- ◎ registered
- invalid registered
- ※ unregistered but include registered back cross variety

	PBR	Denomination	Breeder	Date of registration	Share(%)
1	※	Koshihikari	National Institute	-	36.1
2	○	Hitomebore	Miyagi Pref.	1992/2/29	9.7
3	○	Hinohikari	Miyazaki Pref.	1990/8/4	9
4	-	Akitakomachi	Akita Pref.	-	7.2
5	◎	Nanatsuboshi	Hokkaido Pref.	2004/11/8	3.4
6	○	Haenuki	Yamagata Pref.	1993/1/18	2.8
7	○	Kinuhikari	National Institute	1989/9/19	2.7
8	◎	Masshigura	Aomori Pref.	2009/7/31	1.9
9	◎	Asahino yume	Aichi Pref.	2000/3/30	1.6
10	◎	Koshiibuki	Niigata Pref.	2003/8/19	1.5
11	◎	Yumepirika	Hokkaido Pref.	2011/3/15	1.4
12	◎	Kinumusume	National Institute	2008/3/17	1.1
13	◎	Tsugaruroman	Aomori Pref.	2000/9/5	1
14	○	Yumetsukushi	Fukuoka Pref.	1995/3/23	1
15	○	Kirara 397	Hokkaido Pref.	1990/4/3	0.9
16	○	Aichinokaori	Aichi Pref.	1988/12/13	0.9
17	◎	Tsuyahime	Yamagata Pref.	2011/8/9	0.8
18	◎	Sainokagayaki	Saitama Pref.	2005/2/7	0.6
19	※	Hatsushimo	Gifu Pref.	-	0.6
20	◎	Chiba 28 go (Fusakogane)	Chiba Pref.	2007/3/2	0.6
				total	84.8

# 1. Rice variety "Tsuyahime" in Yamagata pref.

Market price "Tsuyahime"  
"Tsuyahime" had been kept highly price in decline period other varieties



## 2. Ashiro Rindo (Asiro Gentian)

### Developing branding for Ashiro Rindo

#### <Obstacles >

- Cool weather in mountain area
- Migrant work during winter
- Competition between production areas



#### <Targets >

- Representative Rindo cropping area in Japan
- Promoting Agriculture and Rural area developing by new Rindo varieties

# Case: Ashiro Rindo (Ashiro gentian)

“Vitalization of local agriculture using PVP”

1970s

- Production of Rindo had started.
- Cut flowers were sold in market.

Soil & cool climate  
good for Rindo

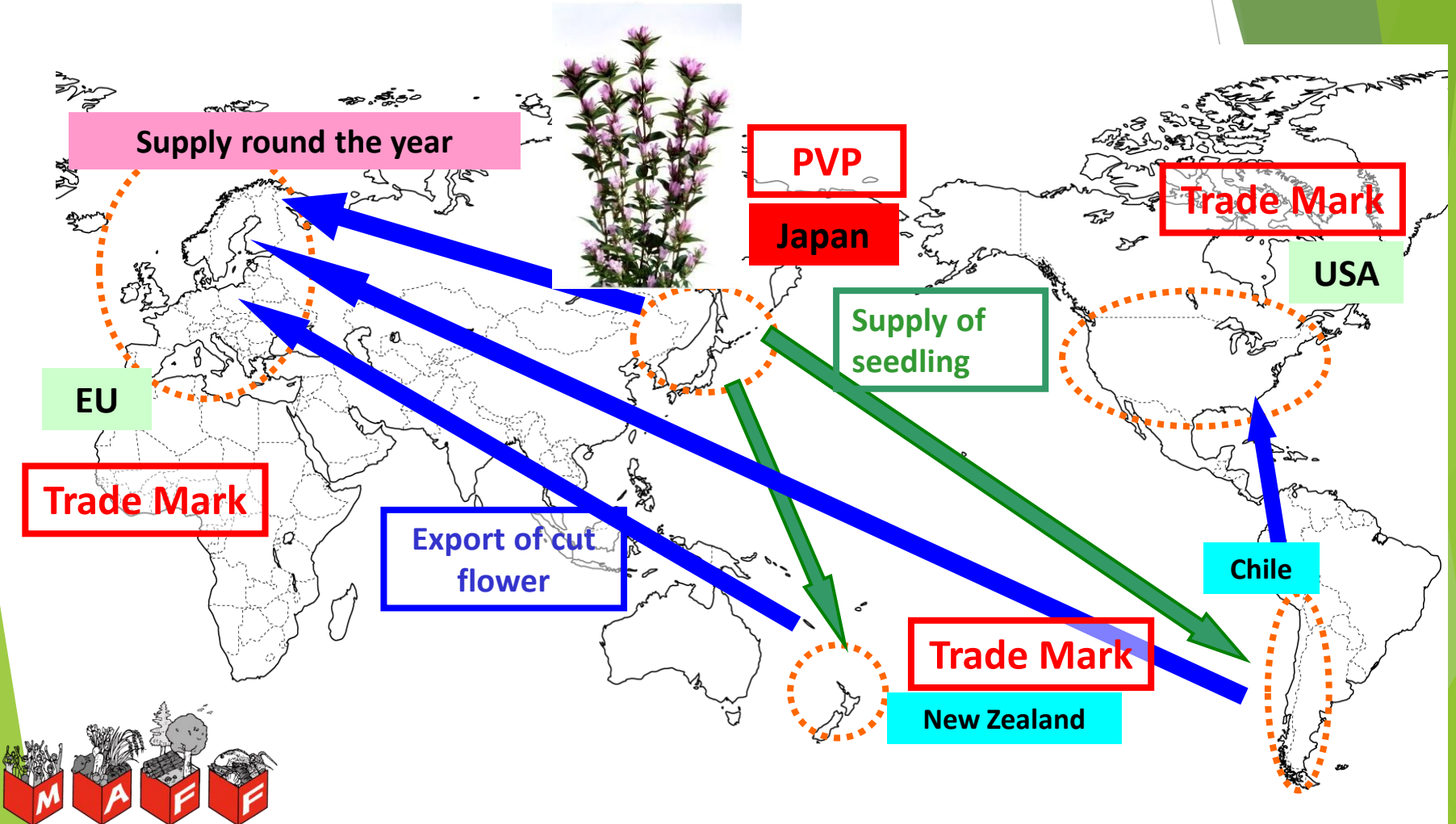


Lovely Ashiro



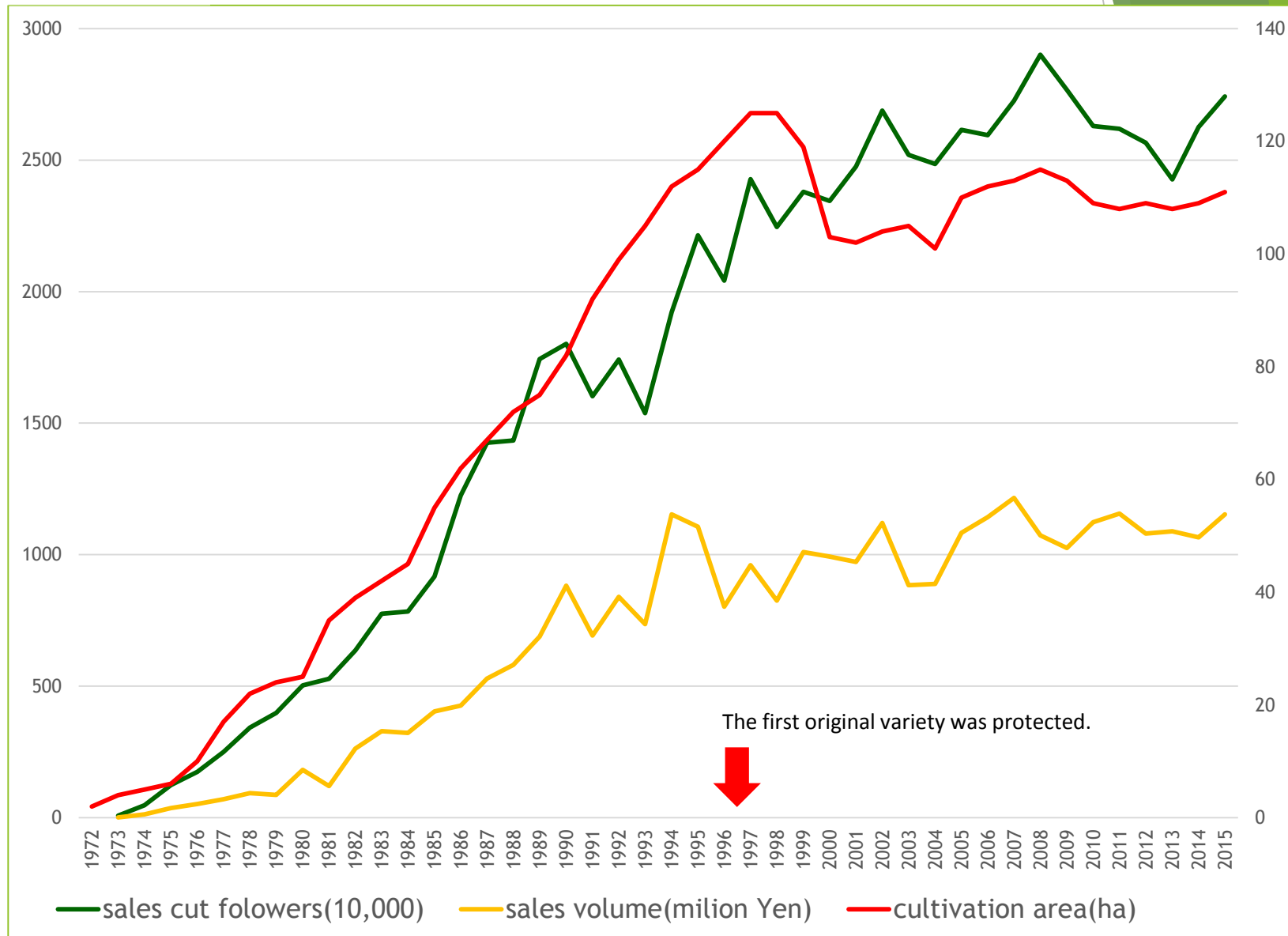
# Ashiro Rindo (Ashiro gentian)

Cut flowers produced in NZ and Chile, exported to EU and USA  
⇒ *supply of Ashiro brands round the year*



# Trend of production of Ashiro Rindo

cut flower(10000)  
sales value(million Yen)





## 2. Outline of Japanese PVP system

### (1) Framework



# THE PLANT VARIETY PROTECTION AND SEED ACT

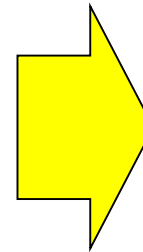
(Article 1)

## Plant Variety Protection (Registration of Plant Variety)

To Promote the Breeding of Plant Varieties

## Indication of Designated Seeds

To Promote the Rational Distribution of  
Seeds/Seedlings



Development of  
Agriculture, Forestry  
and Fisheries



# Purpose of PVP System

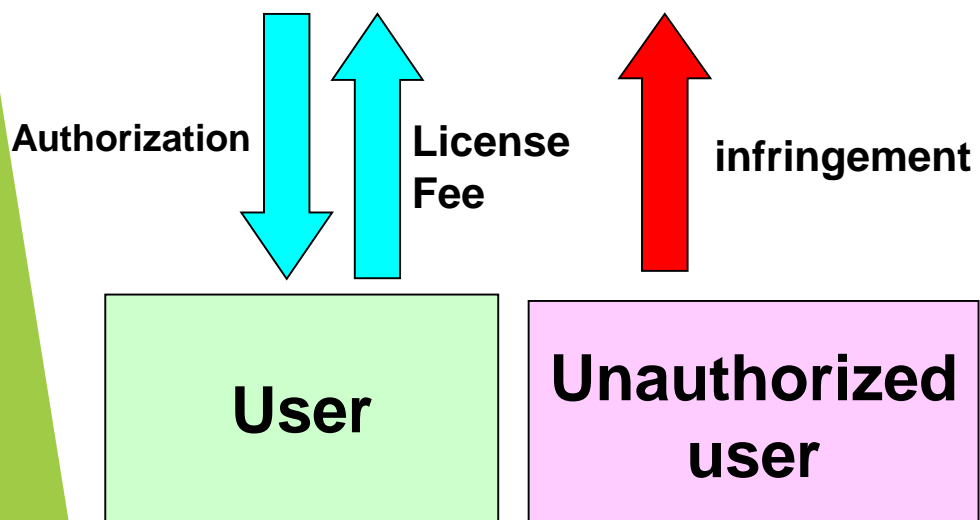
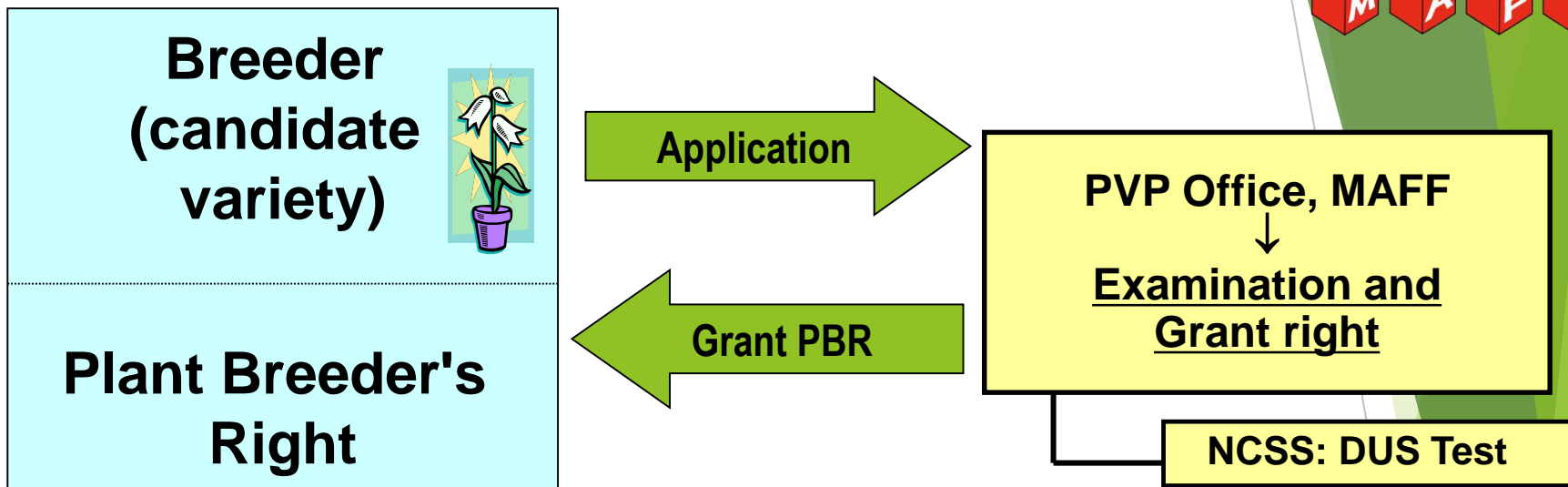
## Plant Variety Protection and Seed Act (Act No 83, 1998)

### 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.**



# Outline of the PVP System in Japan



**Civil remedies**  
Prohibition, compensate for damages, restoration of confidence, etc.

**Criminal penalties** Imprisonment and/or fine

**(Customs Law)**  
Control of export and import of varieties that infringe the breeder's right at the customs

# Organization for PVP

## MAFF

### PVP Office

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

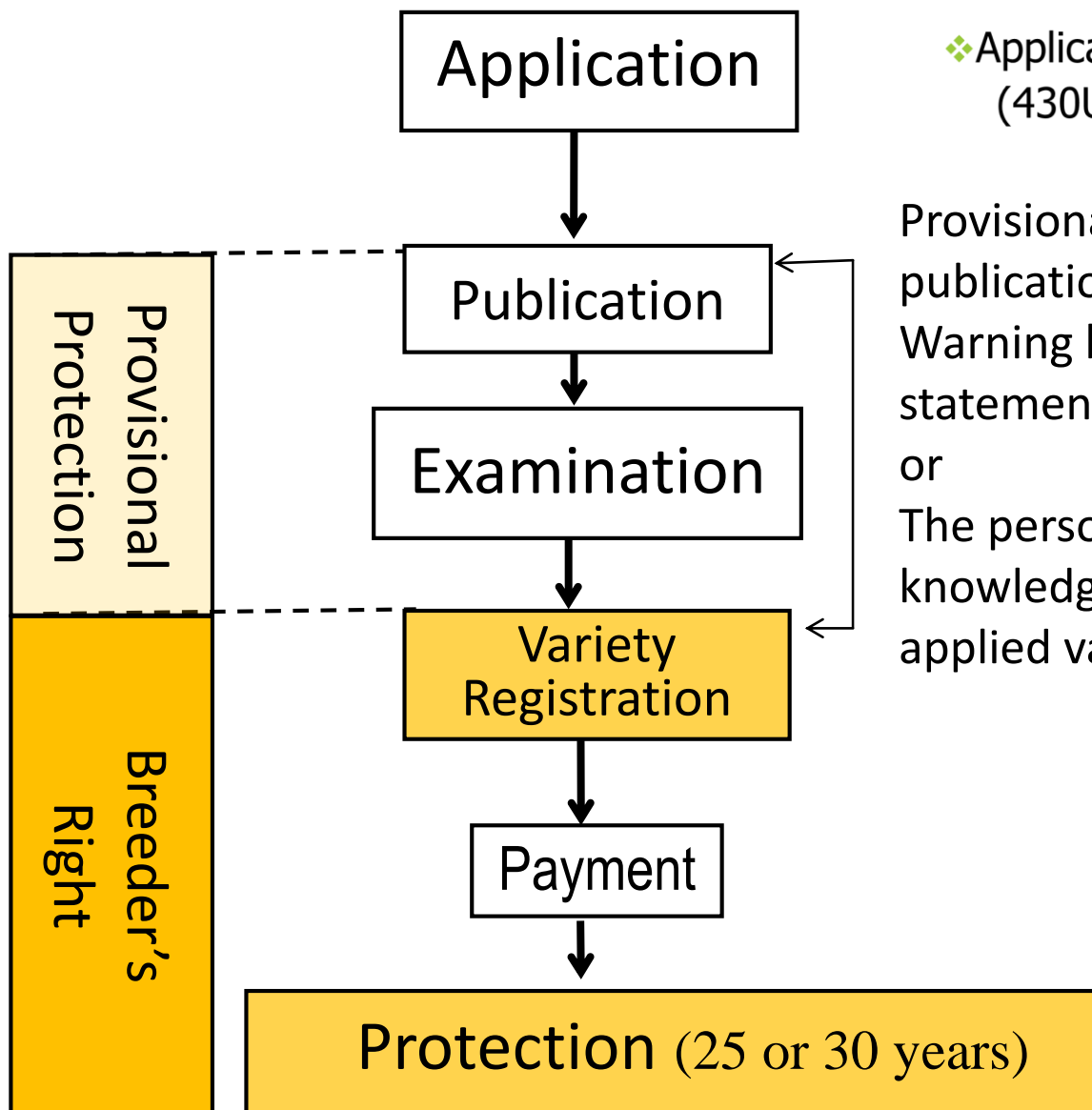
## NCSS-NARO

Center for Seeds and Seedlings  
( Incorporated Administrative Agency )

HQs, 11 stations, 1 sub-station

- **DUS Test**
- Production of Foundation seeds (potato, Sugarcane)
- Seed Inspection
- PVP G-men
- Gene Bank

# Procedure & Provisional Protection



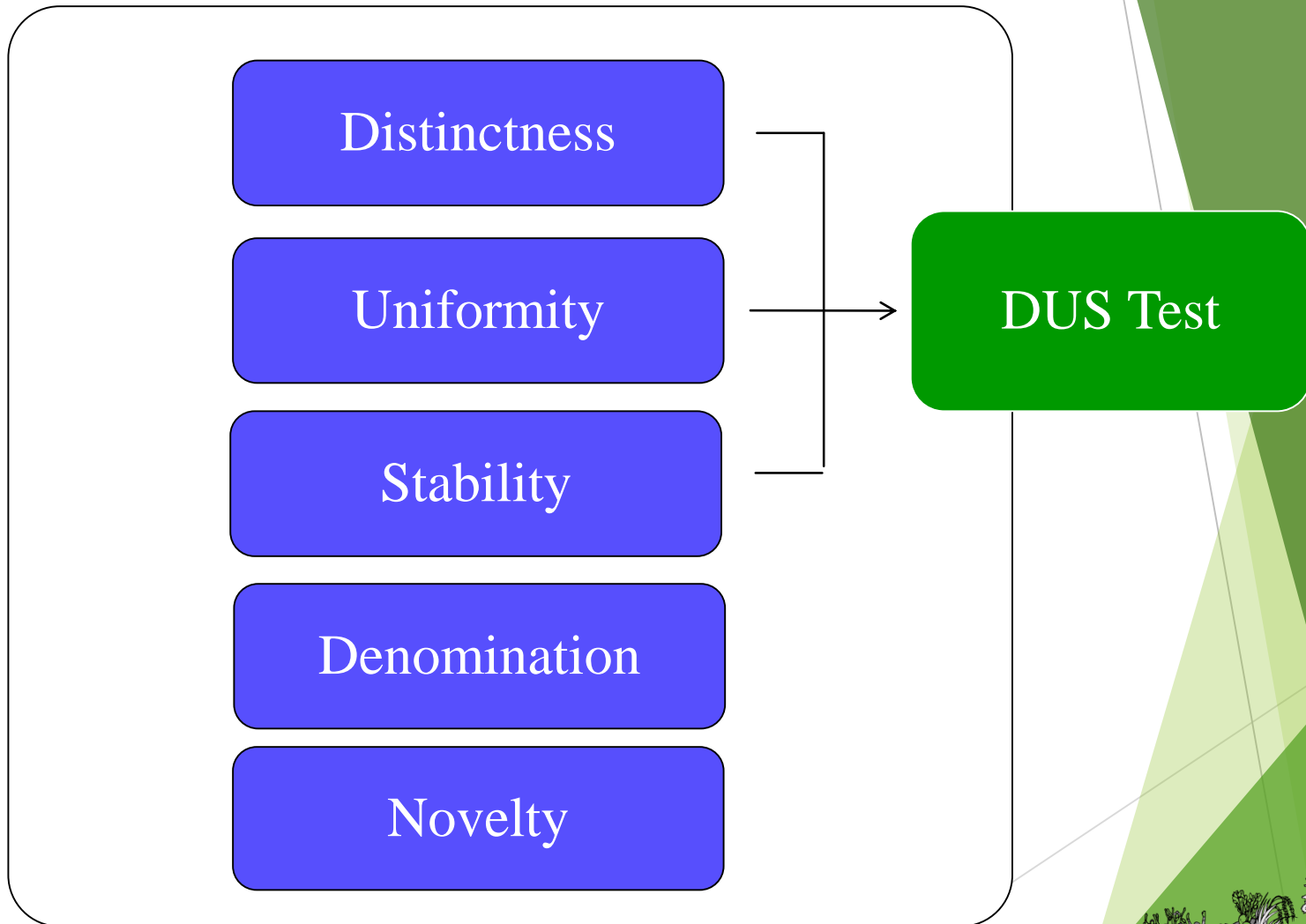
❖ Application fee 47,200 JPY  
(430USD (110JPY $\div$ 1USD))

Provisional Protection from publication to registration is required  
Warning by presenting a written statement

or  
The person exploited the variety with knowledge that the variety was an applied variety



# Conditions for registration



# 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



# Summary of DUS test methods in Japan

## Today, PVP System in Japan

- Receives about 1,000 applications annually (1,018 in 2014 was 5<sup>th</sup> largest in UPOV)
- Around 70 % of applications are examined by growing test
- About 700-800 tests (500 at Nishinohon station) conducted annually



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



# History of PVP System in Japan

## Law

## Organization

**the early stage of PVP**



1947 Agricultural Seeds and Seedlings Law

1978 The PVP and Seed Act

1979 Seeds and Seedlings Div.

1982 Ratify the UPOV 1978 Act

1986 The National Center for Seeds and Seedlings(NCSS)

1998 Amendment of the Act  
Ratify the UPOV 1991 Act

2003 NCSS Nishinohon Station

2003, 2005, 2007 Amendment of the Act

2008 Intellectual Property Div.

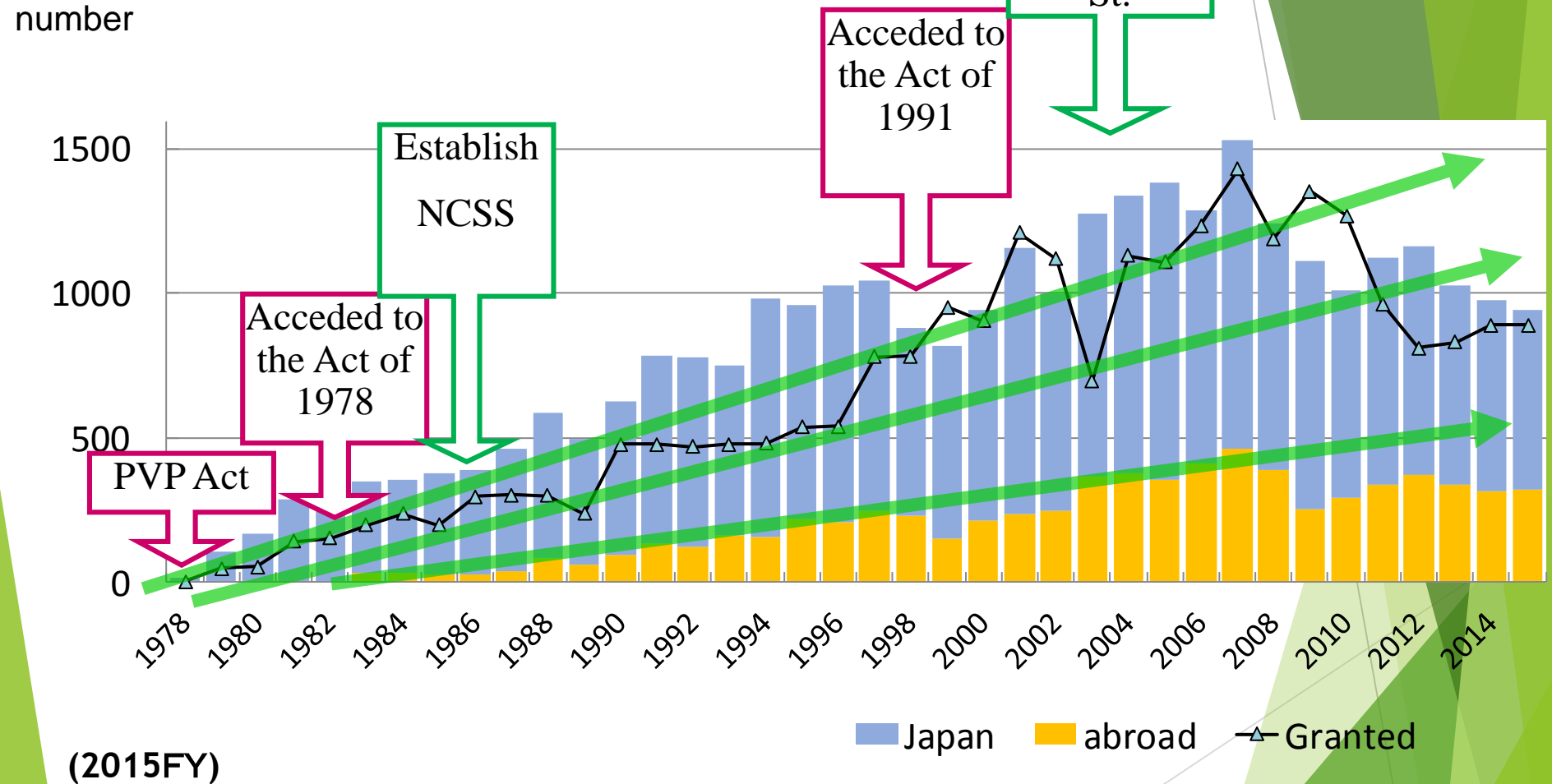


# 2. Outline of Japanese PVP system

## (2) PBR Statistics



# Trend of Applications



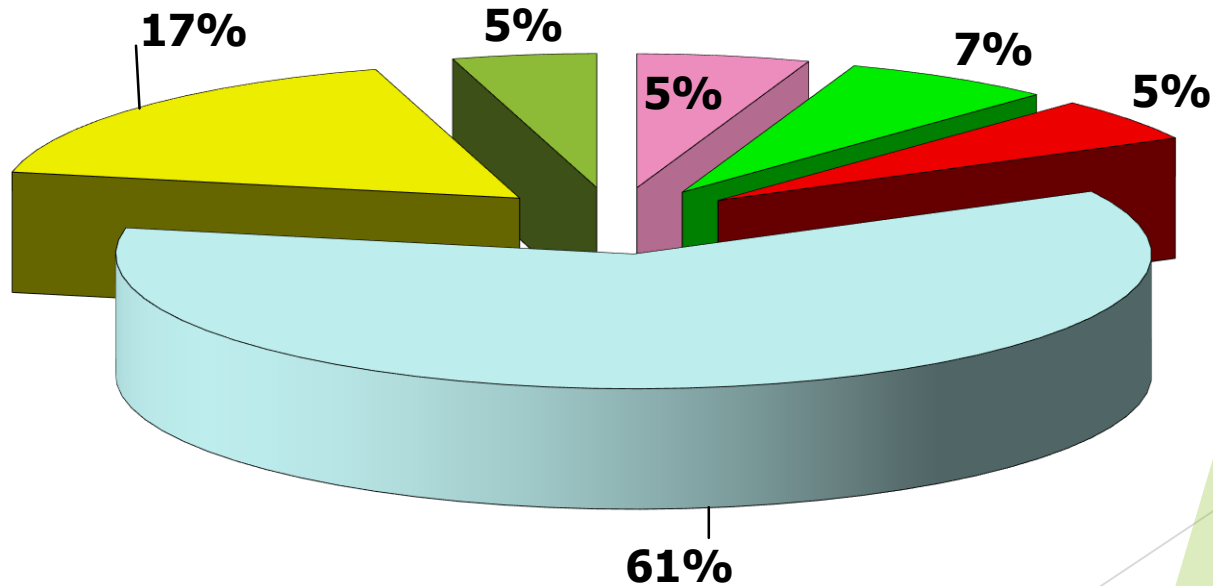
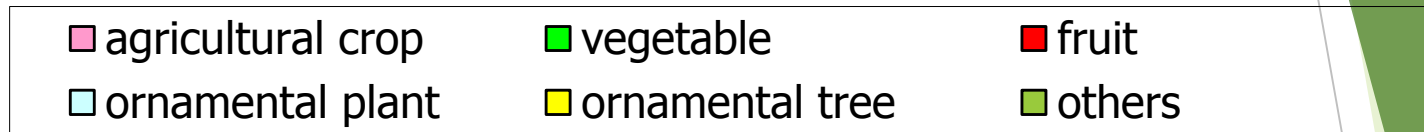
(2015FY)

Application (Total) : 941 (100%)

“ (from abroad) : 372(40%)

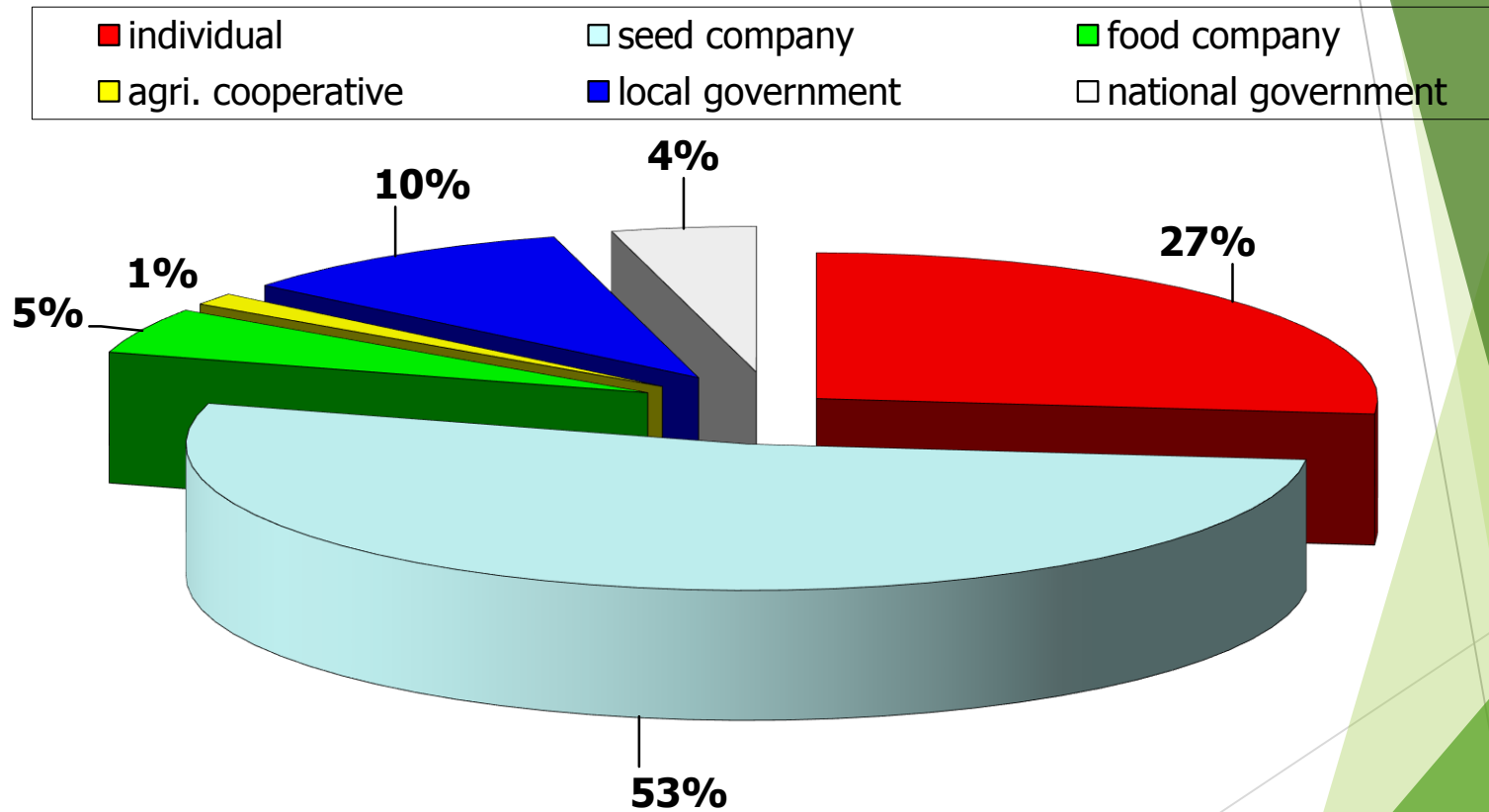
# Granted PBRs by Crop

Total Number: 25,166 (~Mar. 31, 2016)



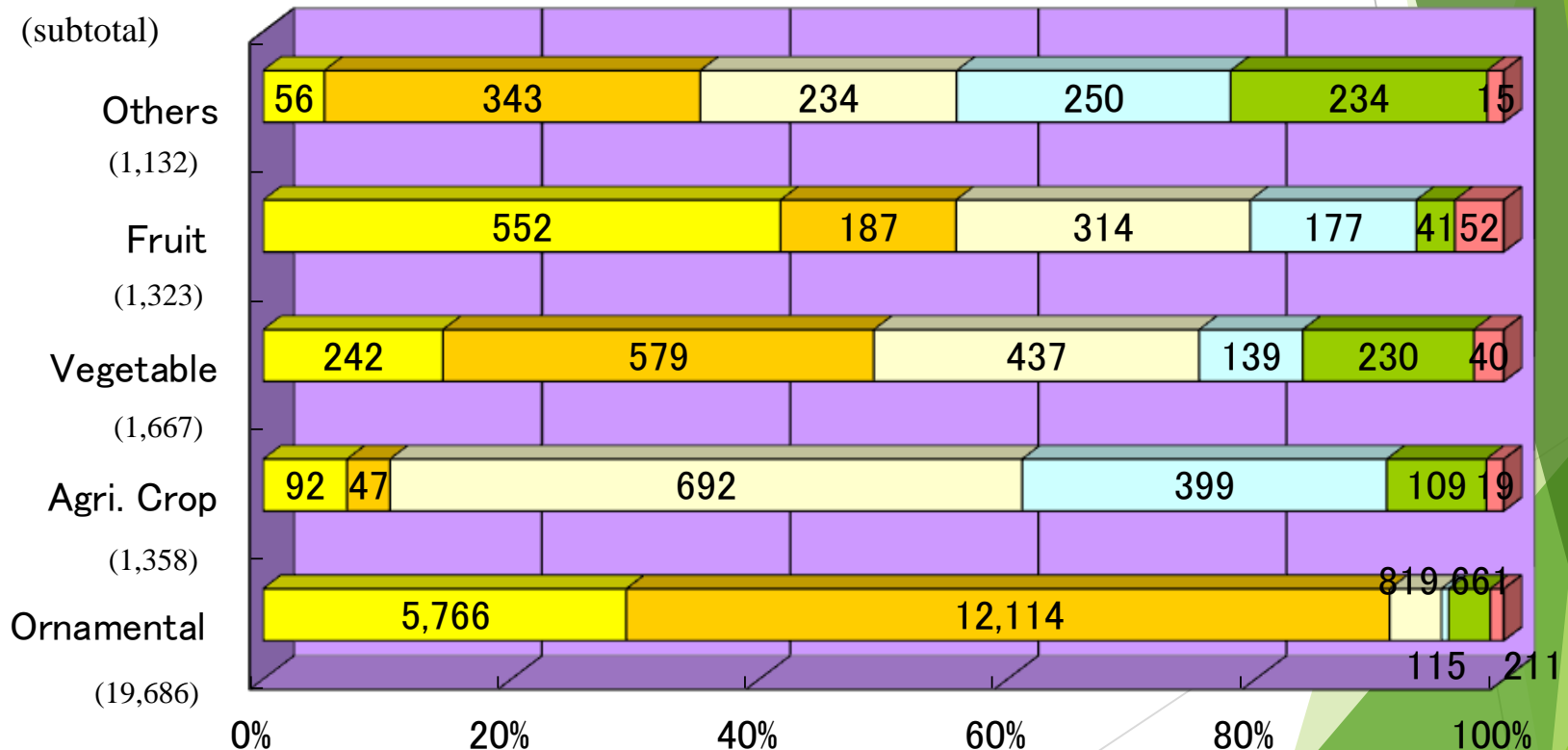
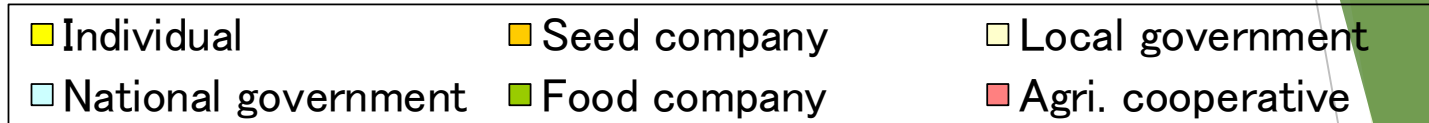
# Granted PBRs by Type of Breeder

Total Number: 25,166 (~Mar. 31, 2016)



# Granted PBRs by Crop and Type of Breeder

Total Number: 25,166 (~Mar. 31, 2016)





## 2. Outline of Japanese PVP system

### (3) New approach



# Japanese new approach of international cooperation in the examination

Japanese PVP office offers UPOV member states the examination report at no charge by exchanging the Memorandum of Cooperation (MOC) since last year.

- For Japanese breeders, they can expect PBR registration with shorter period and lower cost
- For Members, they can save cost of DUS growing test.



# 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.



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