



# 中国农业植物新品种保护进展报告

## The Development on the PVP of Agriculture in China

朱岩副主任

Mr. ZHU Yan

Deputy Director General, Professor

农业部科技发展中心

Development Center of Science & Technology (DCST),  
Ministry of Agriculture and Rural Affairs, P. R. China

## 目录 Contents

### 1. 农业植物新品种保护取得长足发展

PVP in AG has been made a significant progress

### 2. 农业植物新品种保护制度不断完善

The PVP system in AG has been further improved

### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced

### 4. 农业品种保护执法建设显著提升

The law enforcement on PVP in AG has been reinforced constantly

### 5. 国际交流与合作日益频繁

The international cooperation and exchange of PVP has been more often and fruitful

### 6. 品种保护意识持续提高

Awareness of PVP has been raised steadily

### 7. 展望

Future plan





# 1. 农业植物新品种保护取得长足发展

PVP in AG has been made a significant progress

申请量（截止到2018年底）：

Applications:

**26,771** applications (up to the end of 2018)

年度申请量 **5,760** 件  
(4,854(农)+906(林)) 位居  
世界**首位**

Annual amount of PVP applications ranked the **First** place of the UPOV members in the past two years.

**45%** 的申请获得品种权

**45%** are granted among the applications (up to the end of 2018)

授权量（截止到2018年底）：

Granted:

**11,671** (up to the end of 2018)

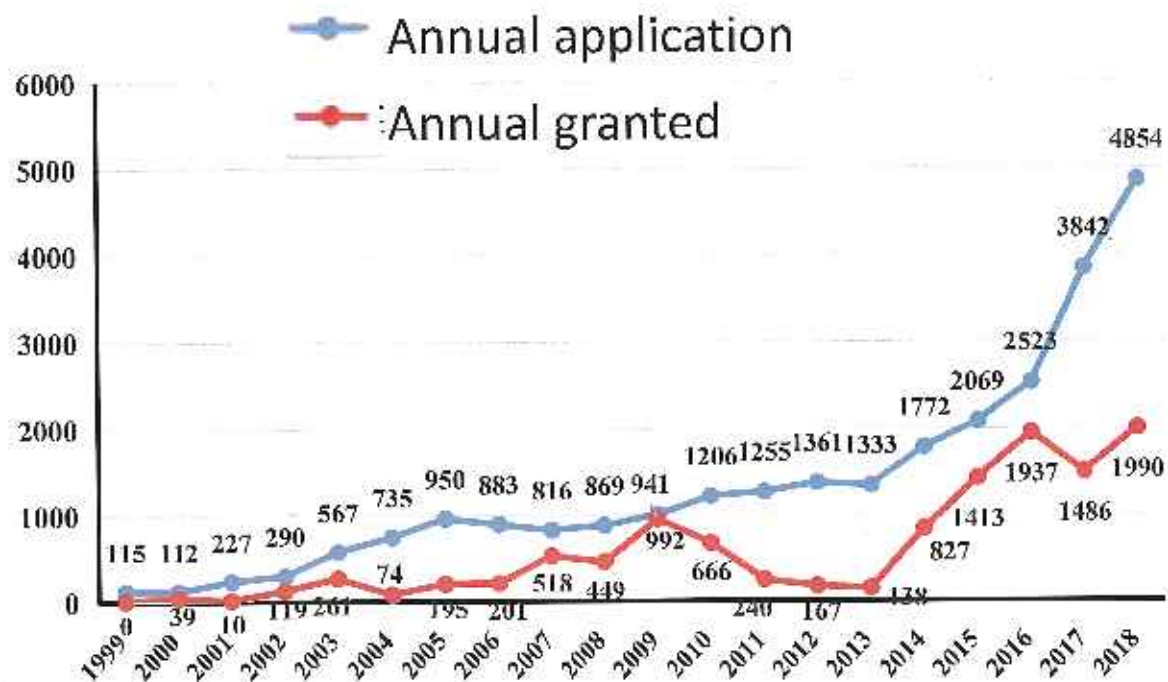
年度授权量进入世界**前5位**

Annual amount of PVP granted ranked the **TOP 5** place of the UPOV members.



# 1. 农业植物新品种保护取得长足发展

PVP in AG has been made a significant progress



- 2018年申请量高达**4,845**件。  
In the year of 2018, 4,845 applications have been received.
- 2018年授权量高达**1,990**件。  
**1,990** applications have been granted in 2018.

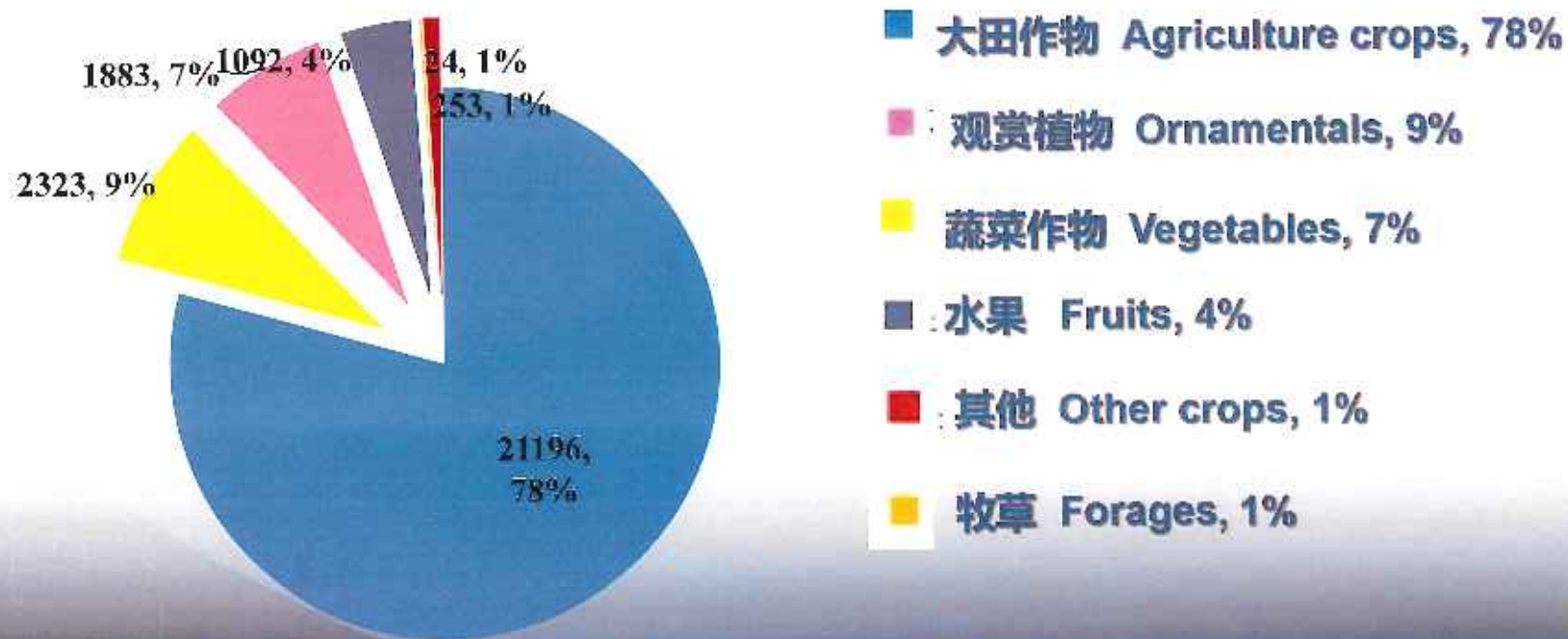


# 1. 农业植物新品种保护取得长足发展

PVP in AG has been made a significant progress

## 按作物种类分类品种权申请情况

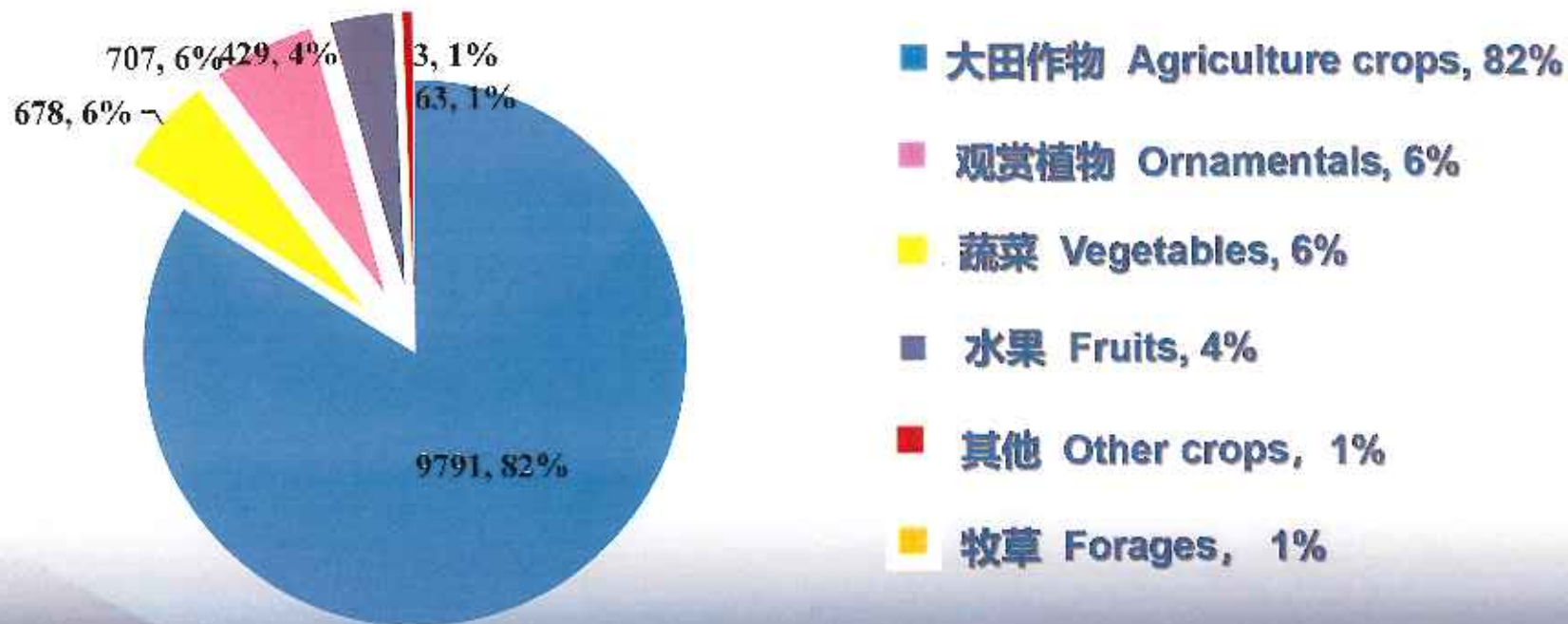
MARA: PVP applications by crops



# 1. 农业植物新品种保护取得长足发展

PVP in AG has been made a significant progress

## 按作物种类分类品种权授权情况 MARA: The granted by crops





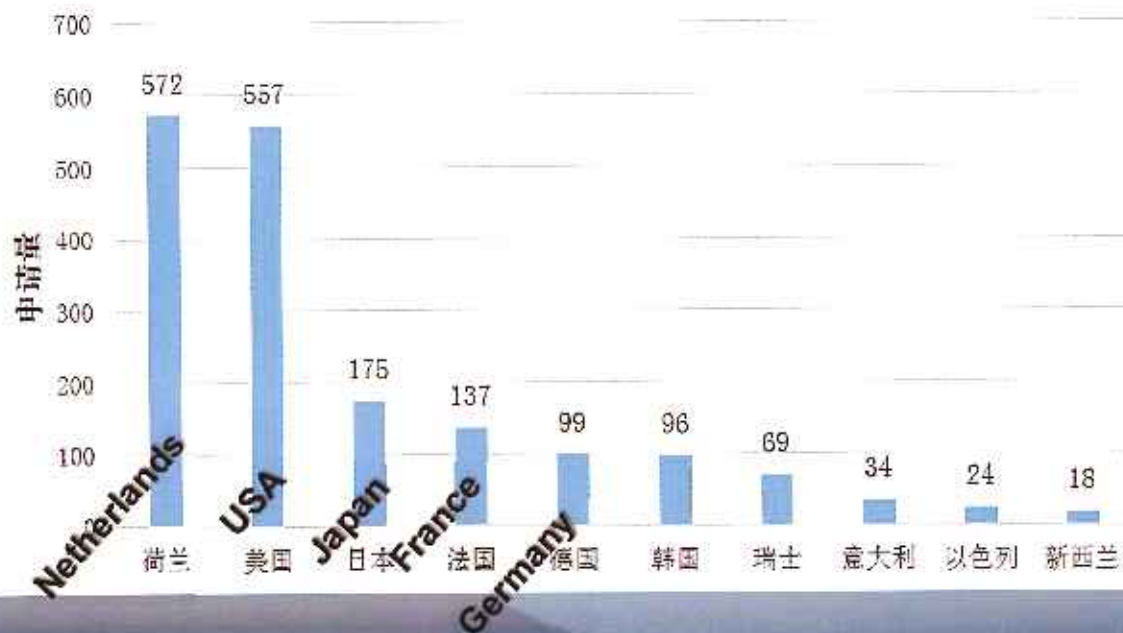
# 1. 农业植物新品种保护取得长足发展

PVP in AG has been made a significant progress

Total

Applications 1,841

各国申请总量



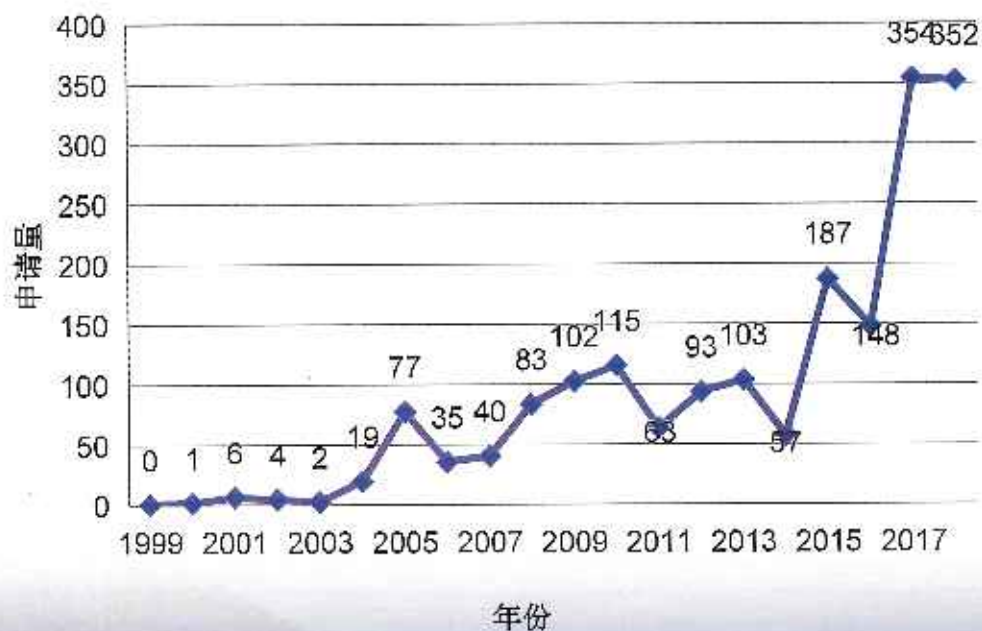
- 国外育种者对中国品种保护环境充满信心。截止2018年底，共受理了来自**21**个国家的**1,841**件品种权申请。

Overseas breeders understand China's PVP system and have confidence on the environment. By the end of 2018, **1,841** PVP applications from **21** foreign countries have been received.

# 1. 农业植物新品种保护取得长足发展

PVP in AG has been made a significant progress

## 国外年度申请量



● 国外品种权申请逐年增加。

PVP applications from overseas are increasing.



# 1. 农业植物新品种保护取得长足发展

PVP in AG has been made a significant progress

- 授权植物新品种中，涌现出一批优良的玉米、水稻品种，如郑单958、Y两优900等，成为了中国粮食不断增产的重要因素。

A large number of improved varieties of maize and rice emerged in the granted ones, such as “Zheng Dan 958”, “Y Liang You 900” etc., which facilitated to make grain yield increment steadily.



Zheng Dan 958



Y Liang You 900



# 1. 农业植物新品种保护取得长足发展

PVP in AG has been made a significant progress



红肉苹果、黄肉猕猴桃、红心猕猴桃和彩色油菜花等新品种的培育，有利于农民增收，也极大的丰富了人们的生活。

The breeding of red flesh apple, yellow flesh kiwifruit, red core kiwifruit and colorful rape flowers has been increasing farmers incomes, as well as greatly enriching people's lives.



## 2. 农业植物新品种保护制度不断完善

The PVP system in AG has been further improved

### 法律法规 Legislation framework

全国人大  
National  
People's  
Congress

《种子法》  
“Seed Law of the People's Republic of China”

2015年11月4日修订  
Revised on Nov.4,  
2015

国务院  
The State  
Council

《植物新品种保护条例》  
“Regulations of the People's of China on the Protection  
of New Varieties of Plants”

2014年7月29日修订  
Revised on Jul. 29,  
2014

农业农村部  
MARA

《植物新品种保护条例实施细则（农业部分）》  
“Detailed rules on the Protection of New Varieties  
of Plants (Agriculture Part)”

2014年4月25日修订  
Revised on Apr.25,  
2014



## 2. 农业植物新品种保护制度不断完善

The PVP system in AG has been further improved

### 法律法规 Legislation framework

农业农村部  
MARA

《农业部植物新品种复审委员会审理规定》  
“Provisions on Examination of the Re-Examination Board  
for New Varieties of Plants of the Ministry of Agriculture”

2001年2月26日发布  
Published on Feb. 26,  
2001

农业农村部  
MARA

《农业植物新品种权侵权案件处理规定》  
“Provisions of the Ministry of Agriculture on  
Handing Infringement of New Varieties of Agriculture Plants”

2002年12月30日发布  
Published on Dec. 30,  
2002

农业农村部  
MARA

《农业植物品种命名规定》  
“Rules on Denomination of Plant Varieties in Agriculture”

2012年3月14日发布  
Published on Mar. 14,  
2012

农业农村部  
林草局  
MARA, NFGA

《关于台湾地区申请人在大陆申请植物新品种权的暂行规定》  
“Interim provisions for Taiwan applicants in the mainland  
to apply for new plant varieties”

2010年11月22日发  
布 Published on Nov.  
22, 2010





## 2. 农业植物新品种保护制度不断完善

The PVP system in AG has been further improved

### 法律法规 Legislation

最高人民法院  
The Supreme  
People's Court

《最高人民法院关于审理植物新品种纠纷案件  
若干问题的解释》

“Interpretation on some issues of disputes on  
new plant varieties of the supreme people's court”

2000年12月25日颁布  
Enacted on Dec. 25,  
2000

最高人民法院  
The Supreme  
People's Court

《最高人民法院关于审理侵犯植物新品种权纠纷案件  
具体应用法律问题的若干规定》

“Provisions on the concrete application of legal issues  
regarding to disputes of infringement of rights of  
new plant varieties of the supreme people's court”

2007年1月12日发布  
Published on Jan. 12,  
2007



## 2. 农业植物新品种保护制度不断完善

### The PVP system in AG has been further improved

- 新修订《种子法》于2015年11月4日在第十二届人大常委会上通过并于2016年1月1日实施。  
Seed Law's amendment was approved by the 12<sup>th</sup> CPC in Nov. 4<sup>th</sup>, 2015, and it has been implemented since Jan. 1, 2016.
- 新修订《种子法》对植物新品种保护工作的影响有：  
Seed Law amendment in relation to PVP as follows:
  - 提升了新品种保护的法律效力 Raised PVP legal position
  - 将DUS测试确定为品种管理的基本技术要求 Clarify DUS test as basic technical requirements in variety management
  - 加大了对品种权侵权行为的处罚，赔偿的数额明显提高 Strengthen the panishment for PVP infringement, the amount of compensation raised significantly
  - 明确了县级及以上农业行政主管部门责任 Clarify the duties of agricultural administrative departments at county level or above



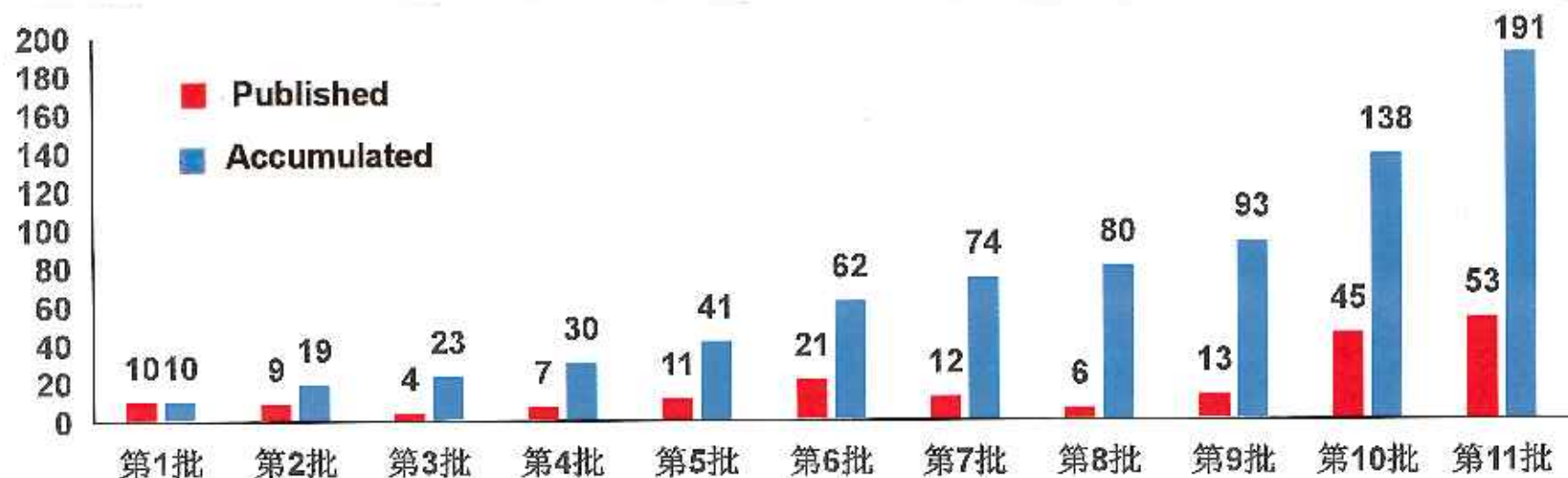


## 2. 农业植物新品种保护制度不断完善

The PVP system in AG has been further improved

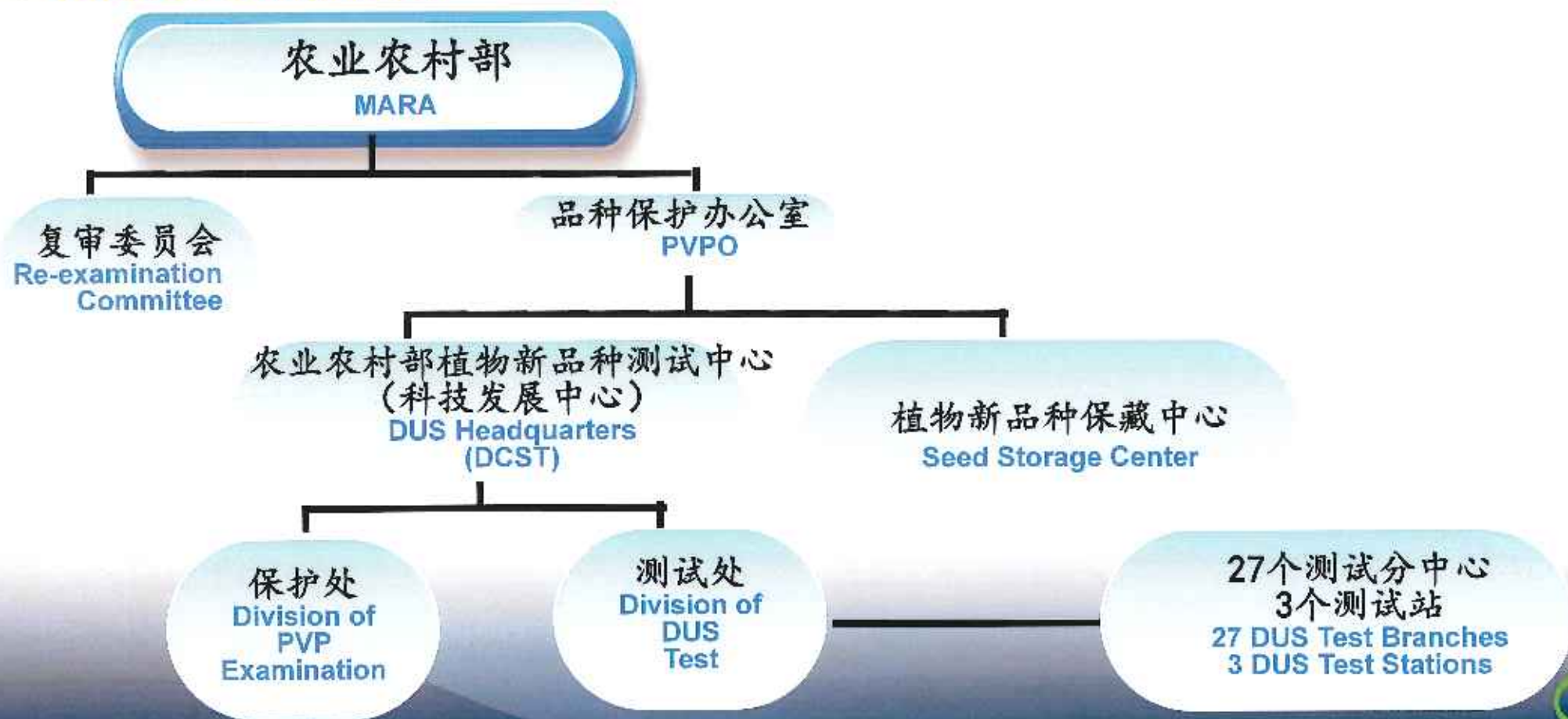
### 保护名录 Protection Lists

- 截至目前，农业部先后发布**11**批农业植物保护名录，涉及**191**个植物种属。  
Up to now, the **MARA** has released **11** batches protection lists of protected agricultural plants including **191** genera or species.



### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced





### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced

1个测试中心 (北京+徐州)  
+27 个测试分中心  
+3个测试站



1 headquarter  
+27 sub-centers  
+3 stations

### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced

- 品种权审查已经实现了电子平台办公处理品种权申请，包括申请的受理、初审、DUS测试安排、授权和信息发布。

The system of PVP examination in the office is offering an electronic platform for dealing with PVP application, ranging from application receiving, preliminary examination, DUS testing arrangement to granting and information release.

序号	名称	操作中心	日期	操作
1	基本种(水稻) (2012)	初审	1	
1	基本种(水稻) (2012)	初审	2	
1	基本种(水稻) (2012)	初审	3	
1	基本种(水稻) (2012)	初审	4	
1	基本种(水稻) (2012)	初审	5	
1	基本种(水稻) (2012)	初审	6	
1	基本种(水稻) (2012)	初审	7	
1	基本种(水稻) (2012)	初审	8	
1	基本种(水稻) (2012)	初审	9	
1	基本种(水稻) (2012)	初审	10	
1	基本种(水稻) (2012)	初审	11	
1	基本种(水稻) (2012)	初审	12	
1	基本种(水稻) (2012)	初审	13	
1	基本种(水稻) (2012)	初审	14	
1	基本种(水稻) (2012)	初审	15	
1	基本种(水稻) (2012)	初审	16	
1	基本种(水稻) (2012)	初审	17	
1	基本种(水稻) (2012)	初审	18	
1	基本种(水稻) (2012)	初审	19	
1	基本种(水稻) (2012)	初审	20	
1	基本种(水稻) (2012)	初审	21	
1	基本种(水稻) (2012)	初审	22	
1	基本种(水稻) (2012)	初审	23	
1	基本种(水稻) (2012)	初审	24	
1	基本种(水稻) (2012)	初审	25	
1	基本种(水稻) (2012)	初审	26	
1	基本种(水稻) (2012)	初审	27	
1	基本种(水稻) (2012)	初审	28	
1	基本种(水稻) (2012)	初审	29	
1	基本种(水稻) (2012)	初审	30	



### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced

- 农业品种权申请系统已于2019年1月1日上线。

To facilitate breeders draft their application documents, an on-line application system has been opened since Jan 1, 2019.

- UPOV的品种权国际申请平台在中国北京正式上线，接收来自国内外的品种权申请。

UPOV' PRISMA was launched in Beijing, China to facilitate domestic breeders draft their application documents, as well as overseas.



### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced

- 研制完成了**240个**植物测试指南和**18个**DNA指纹鉴定标准，进一步完善了DUS测试标准化建设。

**240** TGs and **18** DNA fingerprint identification standards have been completed, including wheat, canola, cotton, soybean, etc. These achievements make DUS testing technique standardize possible and prop up PVP examination and granting effectively.





### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced

#### 测试队伍培养 Human resources



一支300余人的专业测试队伍初具规模。

A professional DUS testing team with more than **300** well-trained experts.



### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced

#### DUS测试分中心建设 Facilities of DUS testing





### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced

先进的实验室配备 well-equipped and modern laboratory



### 3. 农业品种保护审查和测试体系进一步增强

The PVP examination and DUS testing system in AG have been further enhanced

#### 激励政策 Incentive policy

自**2017年4月1日**起，中国植物新品种权相关费用暂停征收。

**In China, PVP relevant charges have been suspended since April 1 2017.**

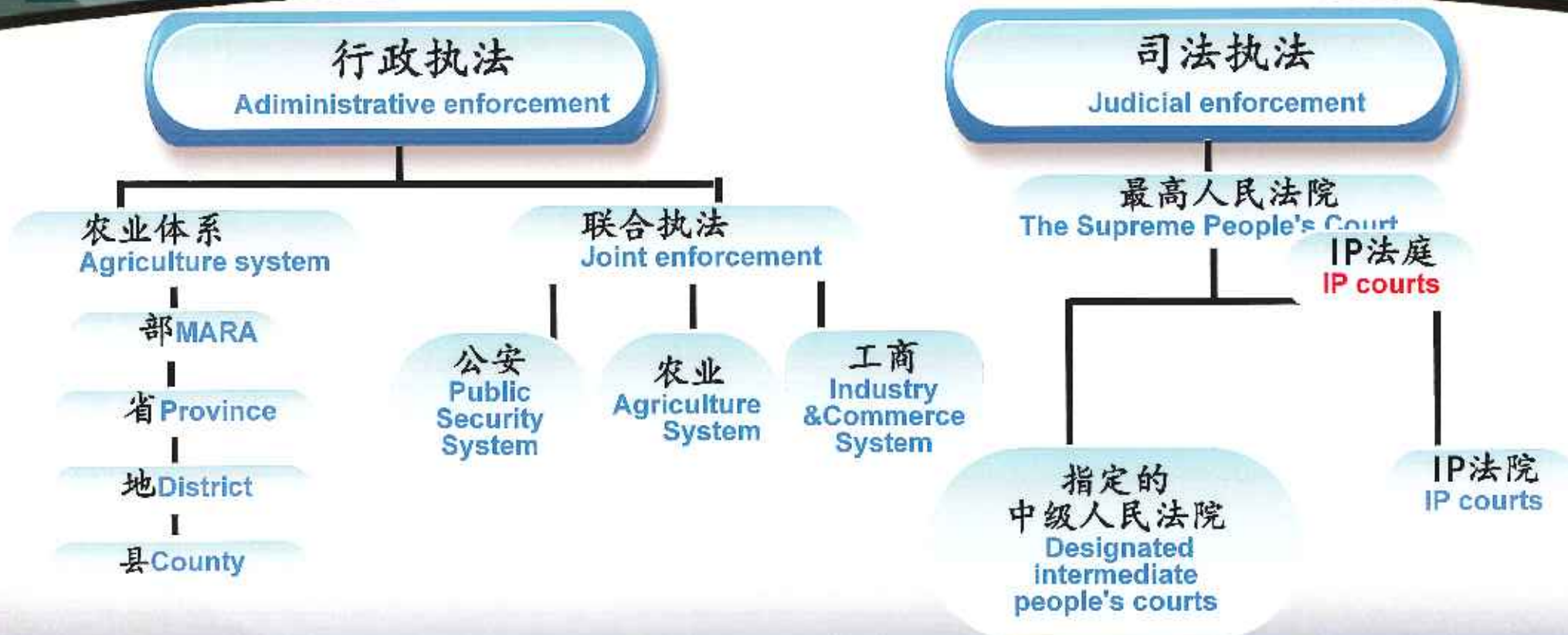
中国品种权申请对全世界免费！

**Free of charge to the whole world!!!**



## 4. 农业品种保护执法建设显著提升

The law enforcement on PVP in AG has been reinforced constantly



维权途径：协商、仲裁、行政、司法。

Channels of safeguard PVP rights: negotiation, arbitration, administrative and judicial channel







## 4. 农业品种保护执法建设显著提升

The law enforcement on PVP in AG has been reinforced constantly

- 这些行动从源头上加大了治理侵权假冒行为的打击力度，保护了育种者的权益，有利于形成公平有序的市场竞争环境。

The movements strengthened the fighting strength of conducting infringement and counterfeiting acts from the first step, kept protecting of plant breeder's rights and interests and promoted to shape a fair and orderly market competition environment.

## 5. 国际交流与合作日益频繁

The international cooperation and exchange of PVP has been more often and fruitful

- 通过参与研制国际测试指南、举办国际培训、参加东亚论坛、执行中荷、中美、中欧等国际合作项目，使得中国在国际品种保护的发展空间不断扩大，中国的影响力在不断提升。

By means of involving in developing related technical guidelines of UPOV as well as holding International PVP training course, participating/hosting East-Asia PVP Forum, carrying out international cooperation programs such as Sino-EU, Sino-Dutch, Sino-USA, Sino-EU, Sino-Japan-Korea etc., the development space of China in the international PVP field is expended and the influence of China is further increased.



## 5. 国际交流与合作日益频繁

The international cooperation and exchange of PVP has been more often and fruitful





## 5. 国际交流与合作日益频繁

The international cooperation and exchange of PVP has been more often and fruitful

选派吕波博士在UPOV任职。这张照片是UPOV秘书长高锐先生在吕主席卸任之际，为他颁发银质奖章并高度赞扬了他对UPOV做出的卓越贡献。



Mr. Francis Garry, the General Secretary of UPOV, speak highly of Dr. Lv Bo, the former Division Director of Variety Management Division, Seed Management Bureau, MOA, for his contribution as the chairman of Committee of Administration and Legal at the end of his term of service.



## 5. 国际交流与合作日益频繁

The international cooperation and exchange of PVP has been more often and fruitful



- 荷兰专家Arnold Jan Piet van Wijk先生因为中国品种保护发展起到了积极作用，获得了2013年度中国政府“友谊奖”。

Mr. Arnold Jan Piet van Wijk, an expert of the Netherlands, gained Chinese government “Friendship Award” in 2013, thanks to his excellent contribution to promoting the development of China's PVP.

## 5. 国际交流与合作日益频繁

The international cooperation and exchange of PVP has been more often and fruitful

- 作为UPOV成员，中国政府一直以来本着开放思想、寻求合作的态度致力于品种保护的国际合作与交流工作，以推动国际植物新品种保护的发展。

As a UPOV member, Chinese government always put cooperation with open up, facilitated communication into a very important place as significant measures for promoting the development of international plant variety protection.



## 6. 品种保护意识持续提高

Awareness of PVP has been raised steadily

官方网站 Official websites

[WWW.ZZJ.MOA.GOV.CN](http://WWW.ZZJ.MOA.GOV.CN)

[WWW.NYBKJFZZX.CN](http://WWW.NYBKJFZZX.CN)

通过官方网站宣传品种保护并发布相关信息。

Provide PVP information and knowledge via official website to let more people understand what PVP is, how important PVP is, such and such.

虽然这个网站的英文版仍在完善中，但是对于外国人还是能从上面获得农业品种保护基本信息的，欢迎大家浏览。

Although English version of the webpage is still under establishment, foreigners could get basic information from it.



## 6. 品种保护意识持续提高

Awareness of PVP has been raised steadily



- 多年来，在全国举办面向种子管理者、育种者和种子企业的植物新品种保护培训班。

Recent years, training courses on PVP have been held all over the country.

- 2011年至今，出版了大量介绍中国农业植物新品种保护的音像制品和书籍。

Since 2011, videos and brochures for introduction on China's PVP have been published.



## 6. 品种保护意识持续提高

Awareness of PVP has been raised steadily

授权品种田间展示 Plot demonstration of granted varieties





## 6. 品种保护意识持续提高

Awareness of PVP has been raised steadily

品种信息发布和现场颁发品种权证 PVP information release





## 6. 品种保护意识持续提高

Awareness of PVP has been raised steadily

- 通过这些努力，中国政府组织媒体大规模的宣传和报道中国农业植物新品种保护的成就，来让公众了解品种保护从而增强全社会的新品种保护意识。

Through those events, Chinese government organized media to propaganda and report the achievements of China's agriculture PVP at large scale, aiming to let the public know PVP system and basic knowledge and then to increase the awareness of protection of plant new varieties gradually in the whole society.



## 7. 展望 Future plan

- **加大保护力度** → **国家高度重视知识产权**  
To further enhance PVP  
Chinese Government pays higher attention on IPR  
制度建设 Legal system improvement  
维权执法 Enforcement Strengthening
- **严格质量控制** → **建立质量监控体系**  
To build a strong quality assurance system for PVP examination  
To set up a quality assurance system  
开展定期评估 To conduct regular assessment
- **加强体系支撑** → **基础建设**  
To strengthen supporting system  
信息化建设 Automation  
队伍建设 Human resources



## 7. 展望 Future plan

- **国际合作更加广泛**  
To broaden the international cooperation

**支持国际植物新品种保护制度发展与推广**  
**Actively take part in the supports of PVP development internationally**

开展双多边交流合作

**To explore bilateral or multilateral exchange and cooperation**

每年举办一次国际研讨会

**To run an international seminar every year**

开展在华涉外培训

**To host training course in China to other countries**

宣传推广品种保护

**To promote PVP**



最后 Last but not least

中国植物新品种保护愿与您携手共创美好明天！



To cooperate with you for the bright future!







谢谢!

Thank you for your attention!