



CPVO

Community Plant Variety Office

International Co-operation in DUS testing within the Community Plant Variety Rights system

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Overview

1. The Community system
2. Main features of the CPVR system
3. Processing applications
4. Take-over of examination reports
5. Experience with report take-overs
6. Other international co-operation in DUS testing
7. Decision process



1. The Community system

- A system for the intellectual protection of plant varieties was established by a Regulation of the European Community in 1994.
- The Community system is in line with the UPOV 91 Act.
- The European Union is a full member of UPOV as an inter-governmental organisation



2. Main features of the CPVR system

- Varieties of **all botanical genera and species** may be protected.
- The CPVO has received up to today applications for more than 2000 different plant species
- **Duration** of the Community 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



2. Main features of the CPVR system:

- One application
 - One procedure
 - One technical examination
 - One decision
-
- One valid right covering the territory of the 28 Member States of the European Union



3. Processing applications: overview



- ***In practice:***
- Application Form question 6 (Details of other applications in the EU or outside the EU):

Yes, please fill in the table below

No

06 . 02 . Please specify *

Procedure	Filing Date	Filing country	Authority	Application N°	Stage	Variety denomination or breeder's reference

- Application Form question 9 (technical examination):

has already been carried out

in (country):

is in the process of being carried out

in (country):

has not yet been carried out



4. Take-over of examination reports

Legal basis

- UPOV convention (1991 Act):
 - Art. 12 (Examination of the Application): "... the authority may grow the variety or ... or take into account the results of growing tests ... which have already been carried out. ..."
- At the CPVO- Art. 27 Implementing Rules (Other examination reports):
 - Report take-over from EU Member states
 - Entrustment required
 - Report take over from non-EU authorities
 - special written agreement required



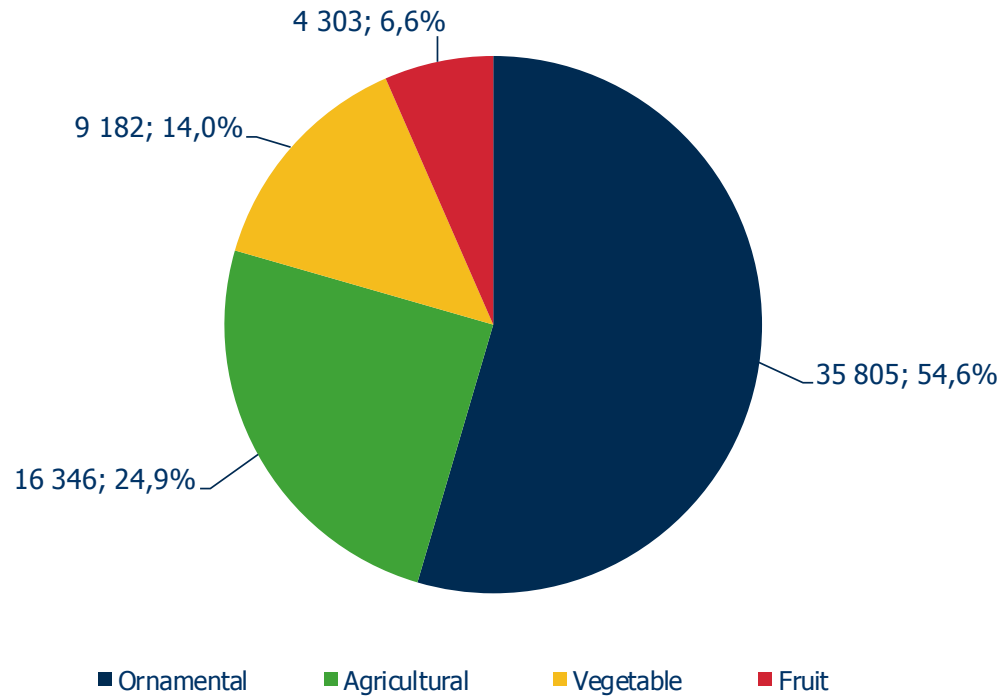
4. Take-over of examination reports

Conditions to take over reports

- Equivalent plant material requirements
- CPVO test protocol or equivalent applied
- Opportunity to visit the growing trial
- Technical examination has already been carried out or is the process of being carried out
 - For tests not yet started: only if there is no testing competence in a EU Member state
- Adequate experience in DUS testing of the crop in question
- Written Agreement with the testing authority
 - Defining technical and administrative details



Applications received for Community Plant Variety Rights
from 27/04/1995 to 28/02/2019* per crop sector

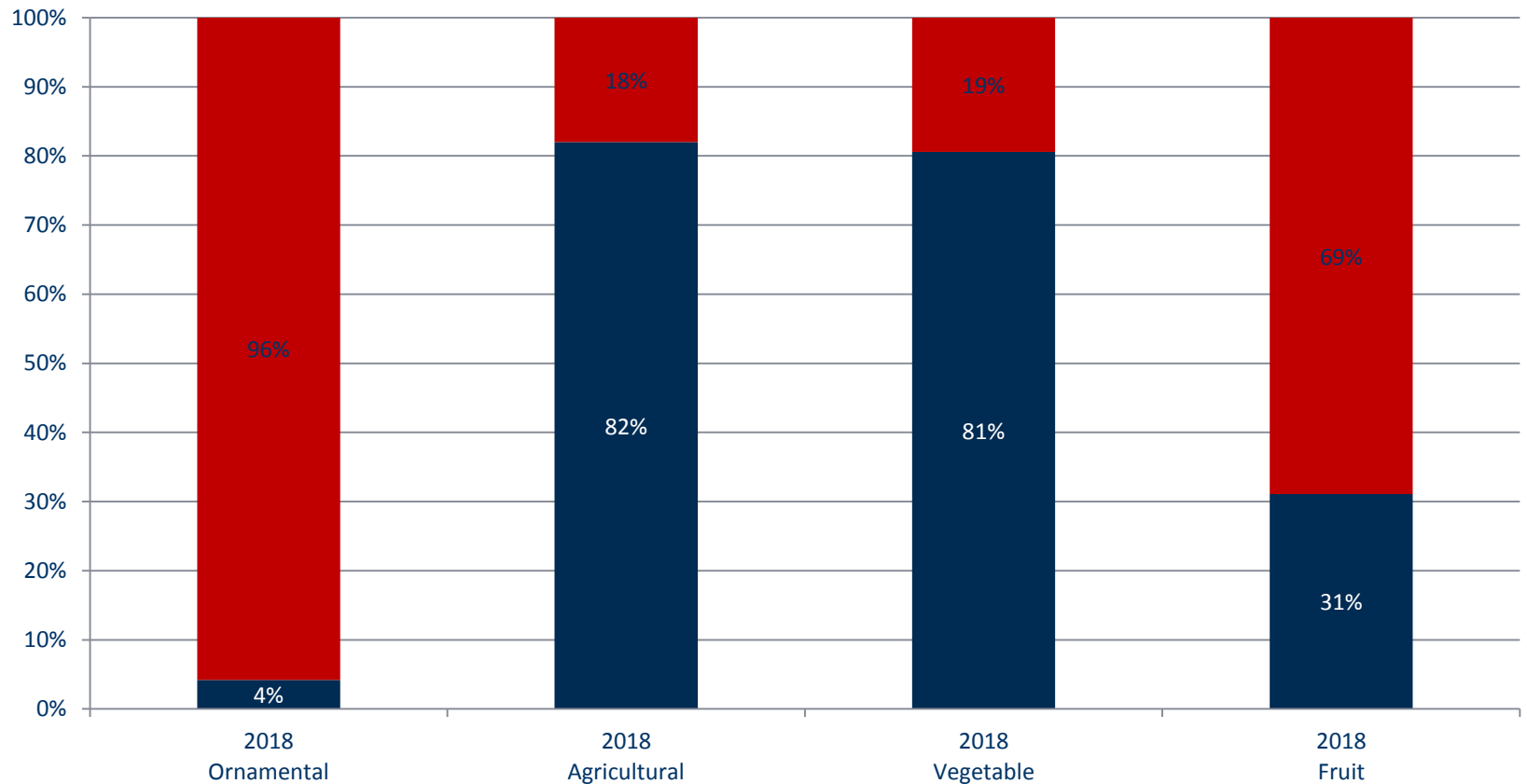


Total: 65 636 applications



4. Experience with report take overs:

take-overs vs. technical examinations (% in 2018)



In 2018: 3554 applications ■ Take overs ■ Technical examinations



Take-over of reports

4. Experience with report take overs:

Report take-overs (2018)

- **1510** reports taken over (>40% of all applications)
- EU examination offices only

In previous years from outside EU: **97** reports

- No test facilities in EU:

Colombia (coffee), New Zealand (grevillea, magnolia, ...), Australia (mango, acacia, ...), Israel, Mexico, Norway, Vietnam

In future

- Non-EU examination office of particular relevance for a specific crop
 - Taiwan: ***Phalaenopsis & Doritaenopsis***



4. Experience with report take overs:

Take-overs in 2018: countries of report origin

- Netherlands: 494
- France: 305
- Germany: 209
- Spain: 94
- Poland: 81



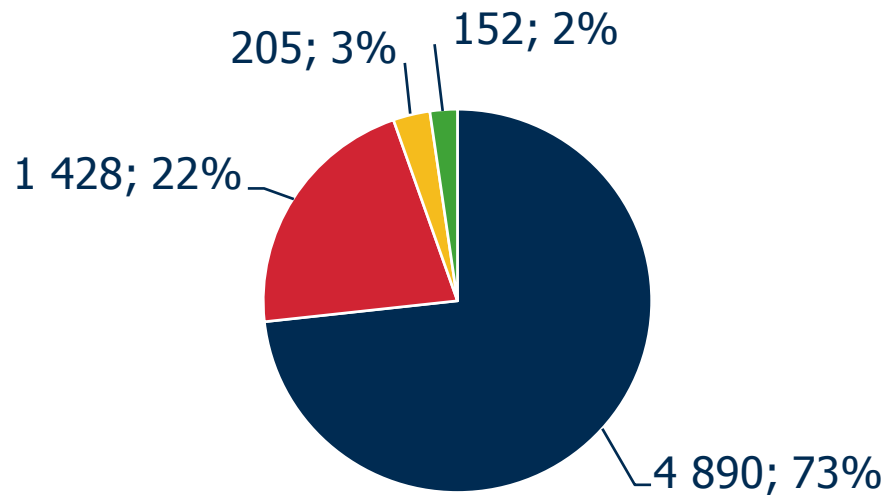
5. Other international co-operation in DUS testing:

Technical examinations organized at examination offices in non-EU countries

- Lack of testing capacities in the EU:
 - Mexico: (Avocado), papaya, jatropha
 - Other crops in Israel, Australia, Japan



5. Other international co-operation in DUS testing: sales of reports by CPVO



■ Ornamental ■ Fruit ■ Vegetable ■ Agricultural

Total since 1994: 6675 (situation 28.02.2019)

Total 2018: 488



7. Decision process

- DUS report that represents a sufficient basis to take a decision
- All administrative requirements complied with
 - Deficiencies remedied within the time limit specified
 - In some cases of report take over: reference sample sent to EU examination office
 - Denomination proposal accepted and published for 3 month
 - All fees paid
- Decision by the CPVO: Grant or refusal





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Thank you!

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