

International Cooperation in the PVP implementation in Japan

Atsuhiko MENO

Senior Advisor

23 April, 2019

Intellectual Property Division

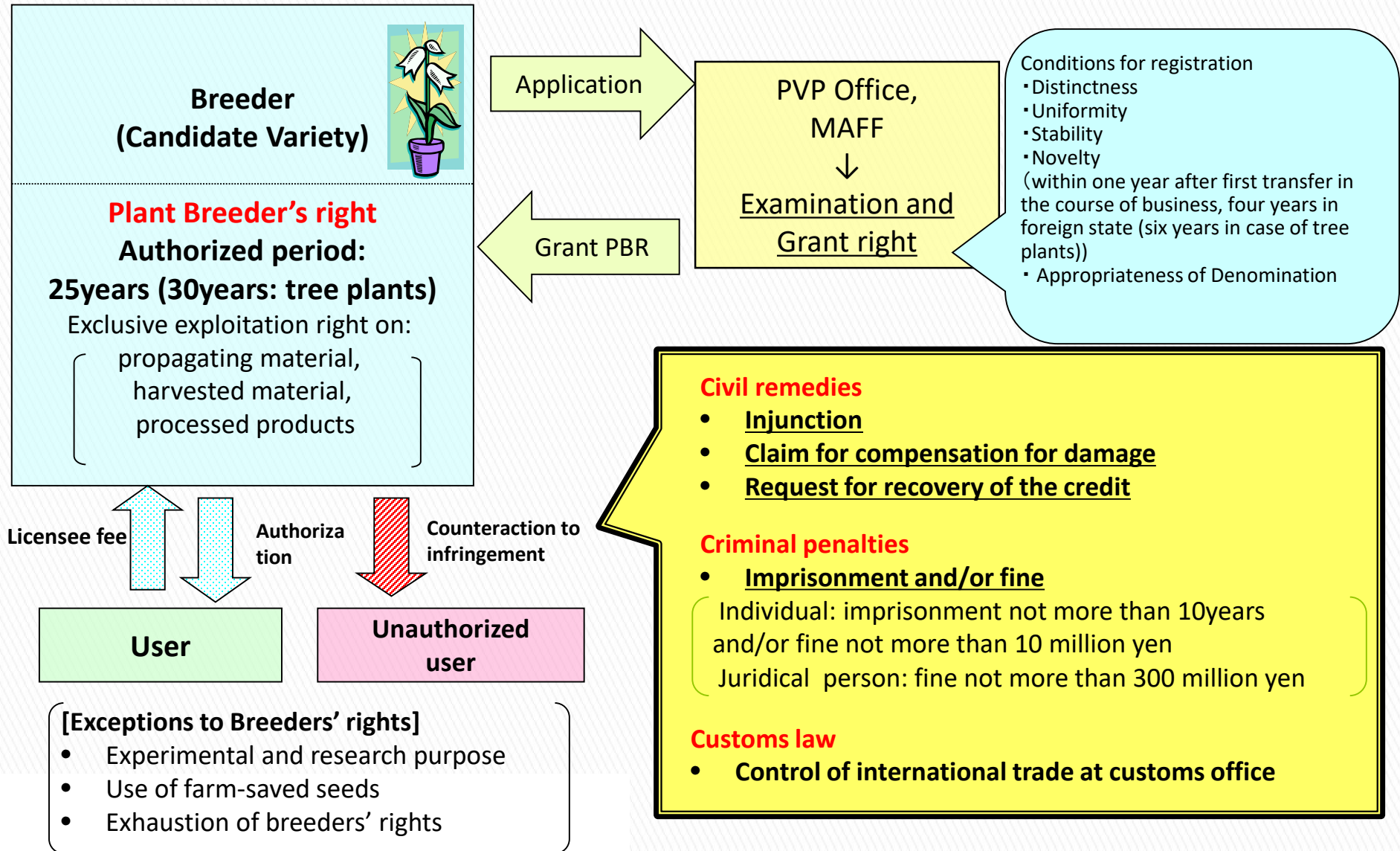
MAFF

Ministry of Agriculture, Forestry and Fisheries , JAPAN

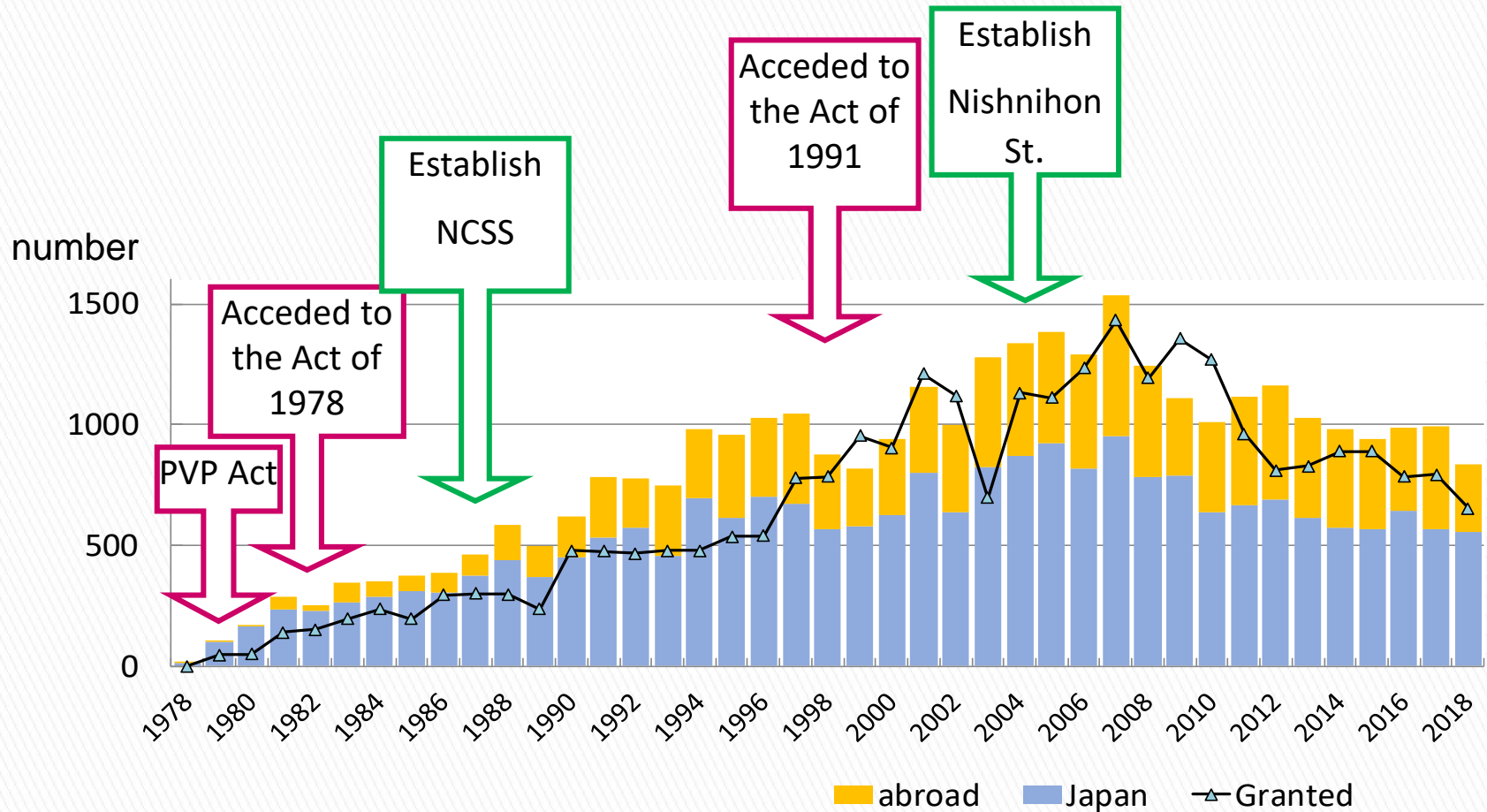
1. PVP system in Japan



1-1. Outline of PVP System in Japan



1-2. Trend of Applications



(2018FY)

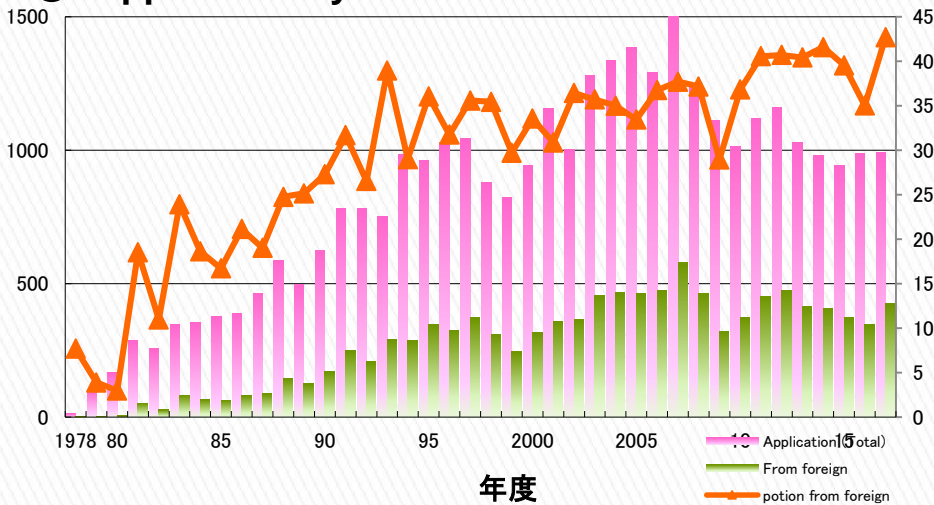
Application (Total) : 837 (100%)

// (from abroad) : 279(33%)

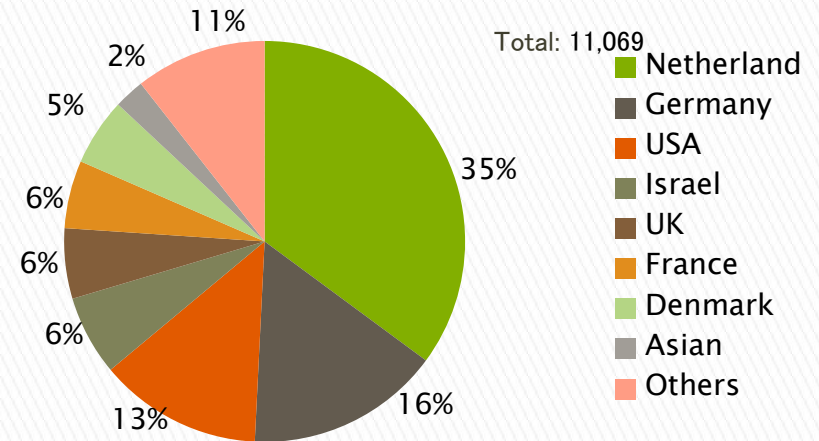
1-3. Application from/to foreign countries

- Among application in Japan, around 40% of application is foreign bred varieties. And dominant crops applied from foreign countries are ornamental crops. Main country from applied are , Netherland, Germany, USA and Israel.
- Application from Japan to foreign countries are around 200-250/ year. (only to UPOV members)

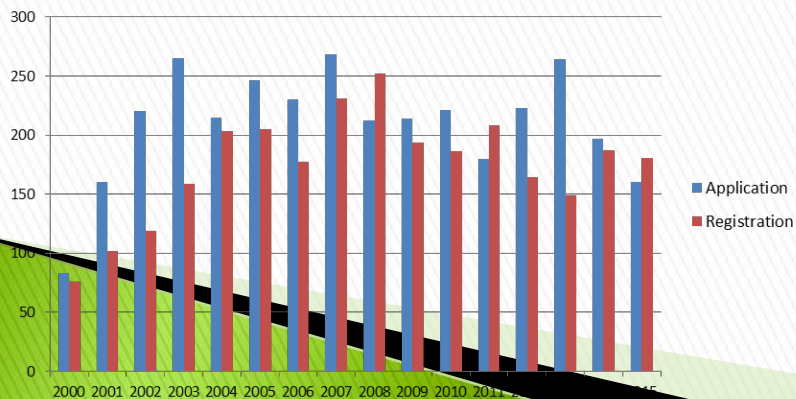
① Application by residents and non residents



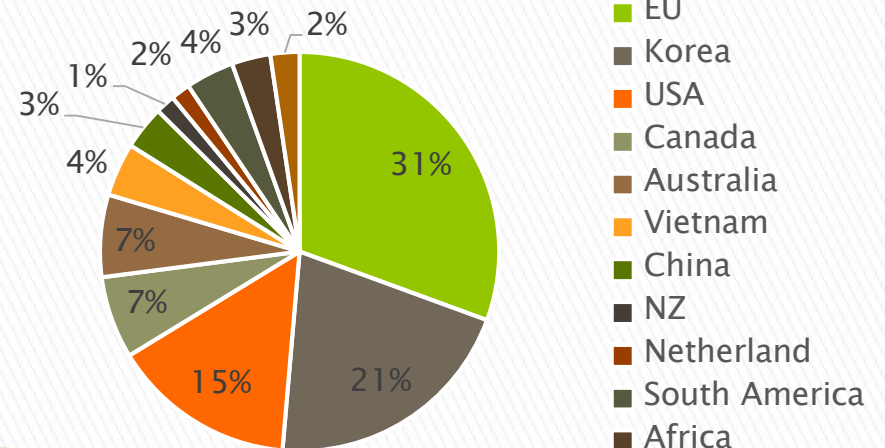
② Applications to Japan by country (1978-2017)



③ Application from Japan to foreign countries (UPOV member only)

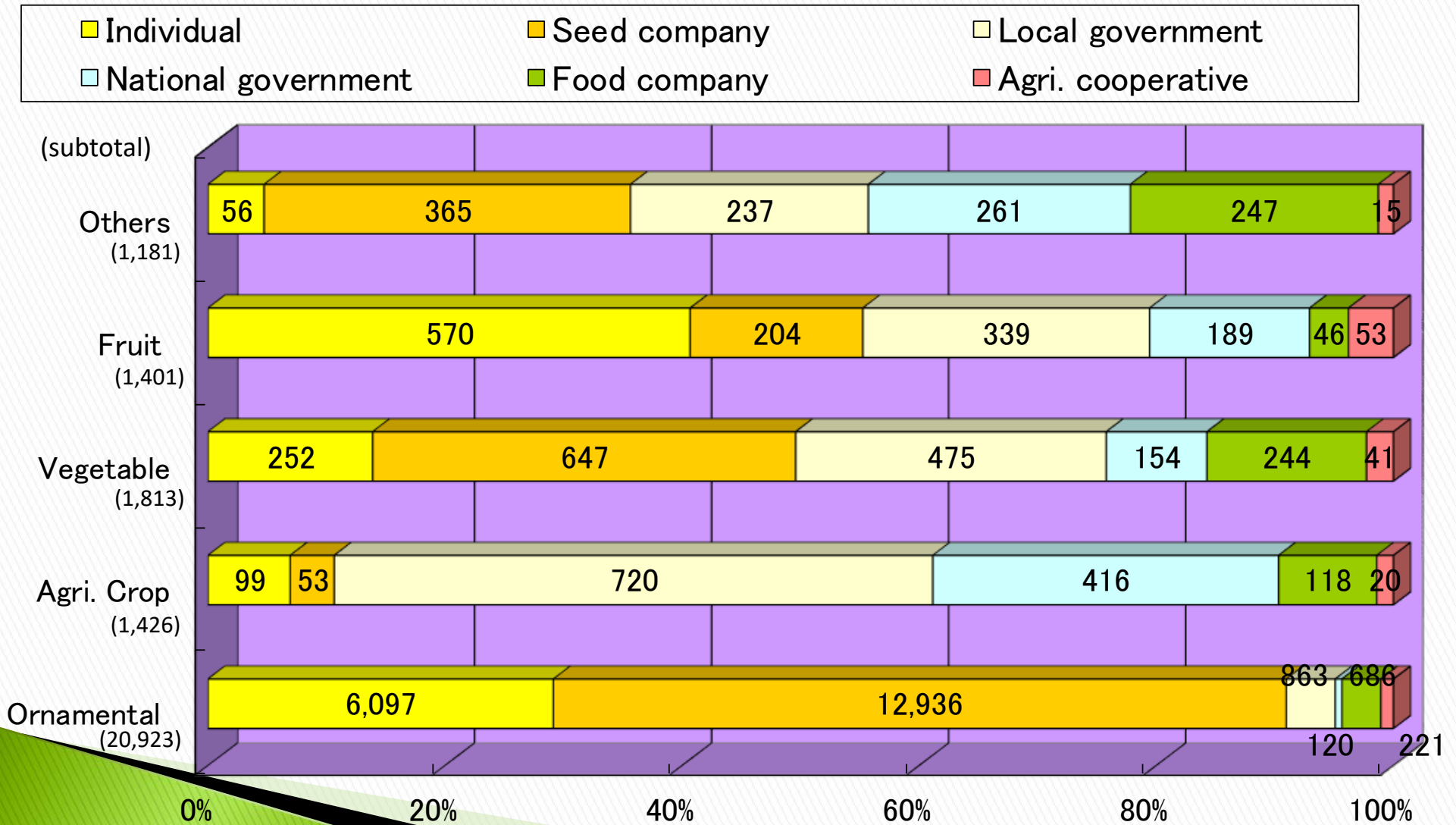


④ Application from Japan by country (2017)



1-4. Granted PBRs by Crop and Type of Breeder

Total Number: 26,744 (~Mar. 31, 2018)



2. Implementing PVP system



2-1. PVP Examination procedure in Japan

■ Procedure

- ✓ Formality examination
- ✓ Planning for DUS Test – decision on the test method

DUS Test

- Growing Test (NCSS)
- Breeder Testing (On-site Inspection)
- Documentary Examination (including International Cooperation)

- ✓ Examination on Denomination
- ✓ Examination on Novelty



2-2. DUS Test method (1)

Growing Test (NCSS)

- Conducted by the NCSS.
Mainly ornamental plants (Chrysanthemum, Carnation, Rose, Petunia, Calibrachoa etc.) and vegetables
- Some of food crops and fruit crops are conducted by local government experimental stations according to the request of NCSS.



2-3. DUS Test method (2)

Breeder testing (On-site Inspection)

It is proven that

- the applicant or agent can conduct a reliable trial according to the instruction from PVP office,
- the characteristics on the TG can be confirmed and compared with those of the comparative varieties if on-site inspection would be conducted at an appropriate time,
- the applicant can submit reliable data if there were characteristics which could not be assessed when on-site inspection was conducted.

(In the event that the all above conditions are satisfied)

2-4. DUS Test method (3)

Documentary Examination (including International Cooperation)

- A characteristics assessment based on the TG for each variety was conducted for two or more years by a public research institution or an institution approved by the Director of IP division.
- For characteristics requiring measurement based on the TG, data on actual measurements have been submitted that prove the characteristics scores for the candidate and comparative varieties on the application form are appropriate.
- For characteristics requiring observation based on the TG, data including photographs and specimens have been submitted that prove the characteristics scores for the candidate and comparative varieties on the application form are appropriate.

(In the event that the all above conditions are satisfied)

2-5. Develop TG and share experiences

- ▶ The PVP Office in Japan has developed more than **600 National Test Guidelines (TGs)**.(around 320 UPOV TG)
 - After ratifying 1991 UPOV convention in 1998 Japan received about 20 applications of new plant group in every years.
 - Developing National TGs for new species or genera.
 - Harmonizing National TGs according to UPOV TGs (more than 170).
 - Japanese National TGs in English on website by Latin name order.



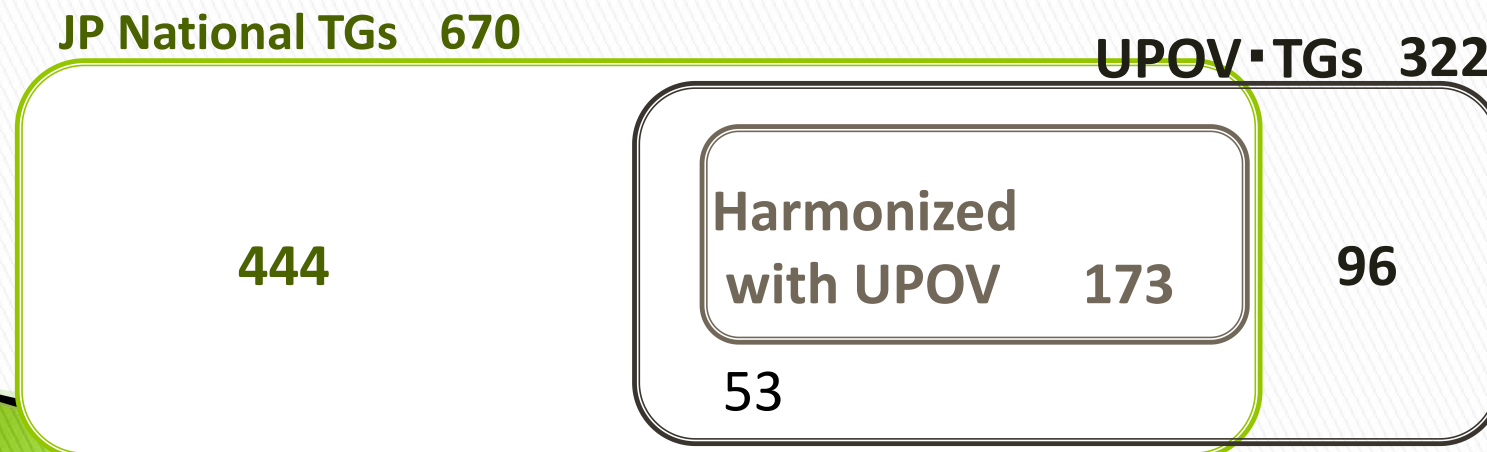
http://www.hinsyu.maff.go.jp/en/en_top.html

CHAPTER 9 – CONDUCT OF DUS TESTING IN THE ABSENCE OF TEST GUIDELINES (UPOV TG1/3)

- The examining office is invited to ascertain whether other UPOV members of the Union have already conducted DUS testing on the required species or have national test guidelines.
- Where such experience is available or national test guidelines exist, countries are invited to approach the members of the Union concerned and seek to harmonize their testing procedures as far as possible.

2.6. Implementing DUS tests with test guidelines

| Type of DUS Test / year (Examiner can decide type of DUS test after publication of application) | | | |
|--|--------------------|-------------------------|--------------------------------------|
| Growing Test | On-site Inspection | Documentary Examination | |
| 572 | 229 | 12 (national) | A few (International Cooperation) |
| Test Guidelines | | | |
| No of Test Guidelines | | Harmonized with UPOV TG | |
| 670 | | 173 | |



Note: Year 2016 (number is tentatively calculated)

3. International cooperation in the PVP implementation



3.1. Enhancing cooperation on DUS test report

- ✓ For enhancing effective DUS examination, Japan promotes to exchange DUS test reports based on Memorandums of Cooperation (MOC) with UPOV members. Current partner countries are as follows.



Australia



Federative
Republic of Brazil



New Zealand



swiss
confederation



Socialist Republic
of Vietnam



EU



Russian
Federation



Republic of
Kenya



United
Mexican States



State of Israel



Kingdom of
the Netherlands



Republic of
Turkey



Canada



Republic of
Peru



Republic of
Singapore

3.2. Offering DUS test reports to UPOV members

➤ The PVP office in Japan offers requested DUS test reports to the partner countries with no charge. It is expected smooth examination in applied countries on registered varieties in Japan.

| Year | numbers | Country | Crops |
|------|---------|---|---|
| 2018 | 20 | Canada 6, Israel 3, Vietnam 2, Russia 2, Brazil 2, Australia, Turkey, Singapore, Hongkong, NZ | Ranunculus 6, Citrus 4, Strawberry 4, Rice 2, Chrysanthemum, Rose, Poinsettia, Sweet potato |
| 2017 | 16 | Vietnam 6, Australia 4 Canada 4, Israel, Turkey | Rose-marrow 4, Periwinkle 4, Chrysanthemum 2, Rice 2, Rose, Poinsettia, Sweet potato, Lettuce |
| 2016 | 4 | Brazil 3, Canada | Alstroemeria 2, Chrysanthemum, Hydrangea |

➤ Besides above, DUS reports under progress in Japan will be offered after completion of DUS tests. Current pending status is follows.

| Year | numbers | Country | Crops |
|------|---------|--|--|
| 2018 | 38 | Vietnam 29, Canada 4, Malaysia 3, Russia, Brazil | Chrysanthemum 23, Rose 4, Curly Kale 3, Tomato 2, Poinsettia 2, Others 4 |

3.3 Receiving DUS test report from UPOV members

- The PVP office in Japan basically conducts growing test/ on-site inspection using national TGs. In some cases, such as for crops no existing national TG or difficult circumstance for growing test, the PVP office in Japan can ask partner countries to provide DUS test reports with necessary costs.

Recent example of purchased /purchasing reports

| Genus/species | Countries |
|---------------------------|------------|
| <i>Albuca spiralis</i> | Netherland |
| <i>Cuphea ramosissima</i> | CPVO |
| <i>Ilex crenata</i> | CPVO |
| <i>Ribes sanguineum</i> | CPVO |
| <i>Hordeum</i> | Korea |

3.4. Further cooperation for PVP implementation

- Not limited to DUS test report exchange, the PVP office in Japan is enhancing international cooperation with broad aspect including effective examination procedure, breeders convenience, or encouraging regional cooperation.

Examples of activities for future cooperation

| Purpose | Partners | Remarks |
|---|---------------------------|---|
| Harmonization of test procedure | CPVO | Calibrachoa, Petunia, Chrysanthemum and Rosa |
| Calibration manual of DUS test examination | Naktuinbouw (Netherland) | Anthurium, Lactuca sativa, Solanum melongena, etc |
| harmonization of application and examination procedures | Voluntary member of EAPVP | Discussion on basic concept |

3-5. A Regional Pilot project in EAPVP

Purpose of the Project

Explore regionally harmonized application and examination procedures under the UPOV Convention

Benefit of the Project

| | |
|-------------------------|---|
| For Breeders : | Time and cost-saving for international applications * |
| For PVP Offices: | Improve capacity by sharing experience Reduce burden of resource for examination * |
| For the Region: | Strengthen network by harmonized PBR procedure |

* Minimalizing DUS test examinations by report exchange can enhance these benefits

Precondition

1. Responsibility for examination and granting PBR still lies with each PVP Office
 - *Regional Mechanism does NOT grant PBR nor assume any responsibility*
2. Regional Mechanism participating countries do NOT need to change their national legal framework
3. Only UPOV members will be able to join the EAPVP Regional Mechanism
4. Outcome of the Pilot Project should be attractive to breeders

Thank you for your attention

MAFF

Ministry of Agriculture, Forestry and Fisheries , JAPAN

