



TWF/44/28

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

TECHNICAL WORKING PARTY FOR FRUIT CROPS**Forty-Fourth Session
Napier, New Zealand, April 29 to May 3, 2013****REPORTS ON DEVELOPMENT IN PLANT VARIETY PROTECTION
FROM MEMBERS AND OBSERVERS***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The Technical Committee (TC), at its forty-seventh session held in Geneva, from April 4 to 6, 2011, agreed to request the Office of the Union to invite experts to submit written reports to the Office of the Union in advance of the Technical Working Party (TWP) sessions in order that a document containing those reports could be prepared by the Office of the Union. The TC noted that TWP experts would be invited to make a brief oral summary of their written report at the session and would also be encouraged to make reports under the agenda item "Experiences with new types and species", as appropriate. The TC also noted that TWP experts would have an opportunity to raise questions concerning matters of interest (see document TC/47/26 "Report on the Conclusions", paragraphs 9 and 10).

2. Written reports were requested by the Office of the Union in Circular E13/092. The following reports were received (in alphabetical order):

Members of the Union: Annexes I to VIII: China, European Union, Germany, Japan, New Zealand, Poland, Republic of Korea and South Africa

[Annexes follow]

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ANNEX I

CHINA

In 2012, 1361 applications were filed with the Plant Variety Protection Offices, Ministry of Agriculture, 63 of which were for fruit crops. From 2007 to 2012, the number of applications received was increasing year by year.

As of November 2, 2012, the total application number filed with the Plant Variety Protection Offices, Ministry of Agriculture was up to 10,000.

As of March 31, 2013, 10658 applications have been filed, of which 3881 titles have been granted. As for fruit crops, 316 applications have been received, accounting for 3% of the total applications. Pear (60) is the most protected species among fruit crops, followed by Grape (54), Apple (52), Kiwifruit (49) and Peach (42).

[Annex II follows]

EUROPEAN UNION

Applications for the CPVRs

In 2012, the Community Plant Variety Office of the European Union (CPVO) received 2868 applications which represented a decrease of 10% compared with the previous year. The fruit sector proved last year to be the only sector where an increase in number of applications was noted; with 233 applications received, 2012 was the record year since 1996. The most important species were peach, strawberry, apple, apricot and blueberry.

In the first quarter of 2013, the CPVO received 973 overall applications representing an increase of some 32% as compared to the same period of last year. The increase in the number of applications is observed for all crop sectors. As from 1 January 2013, the application fee has been lowered from 900 to EUR 650. The decrease was officially announced in November 2012 and may - at least partly - explain the fluctuation in application numbers.

Rights granted and titles in force

The CPVO granted a yearly record number of 2640 plant variety rights in 2012 out of which 127 rights for fruit varieties. In the first quarter of 2013, 746 rights were granted out of which 74 in the fruit sector. At the end of 2012, 20 362 Community plant variety rights were in force, i.e. 1 463 more than at the end of 2011.

Online filing

The CPVO launched the online application system in March 2010. The online applications reached 65% of the total number of applications filed in the first trimester of 2013. In the fruit sector, out of 58 applications received in the first quarter of 2013, 26 were filed via the online system.

Quality Audit Service

Following the implementation of the so-called "one key, several doors" principle, whereby DUS test reports produced by any "CPVO-entrusted" authority in the EU are accepted for listing or protection purposes throughout the Community, an independent technical audit of the CPVO continued audits. The first round of the three-year auditing cycle was finalized by the end of 2012. In total 30 audits were conducted – for some examination offices twice – resulting in 26 entrusted examination offices.

Taking into account that for some fruit species, more than one examination office is competent to carry out DUS examinations for the same crop, the enhanced harmonisation of the DUS testing, including the closing dates, plant material submission periods, phytosanitary and other requirements has become a continuing task of the CPVO.

Fruit experts' meeting of 2012

The discussion focused mainly on the harmonisation of the DUS testing for grapevine and peach, phytosanitary requirements for plant material to be submitted, the situation with the R&D project "Reducing the number of obligatory observation periods in DUS testing for candidate varieties in the fruit sector" and the follow up of CPVO co-funded R&D project "Management of peach tree reference collections". A number of CPVO revised or newly developed Technical Protocols following the revisions and developments at the UPOV level was presented at the meeting; all of them were subsequently adopted by the Administrative Council at its meeting in November 2012.

New EU Member State

On 1 July 2013, Croatia will join the EU: all Community plant variety rights already granted will then also be valid on the territory of Croatia. The CPVO has placed a document on its website informing stakeholders on the consequences Croatia's accession to the EU may have in the area of plant variety rights.

[Annex III follows]

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ANNEX III

GERMANY

In 2012, the Bundessortenamt started examinations of 77 new applications/requests for varieties of fruit species (51 requests from CPVO, 21 requests from foreign PBR offices, 5 national applications). This represents the 3rd biggest number in a 20 year period. By the end of 2012, a number of 160 national titles were granted for varieties of fruit species. At the same time the Bundessortenamt cared for 137 running procedures in fruit, the most important of which were strawberry (31 procedures), and apple (24).

In 2013, the Bundessortenamt will start, and lead on a national basis, a new Rubus network in the frame of the German Fruit Gene bank Network; another new network for European pear will be established later this year, also under the responsibility of the Bundessortenamt.

In May of this year, the fruit testing station Wurzen of the Bundessortenamt will host a delegation from Croatia; the experts are particularly interested to hear about and discuss matters of DUS testing and certification items in fruit crops.

[Annex IV follows]

JAPAN

1. Number of applications and titles granted in 2012

(1) Number of applications

Year	Number	(2012/2011)	Fruit Crops	(2012/2011)
2011	1,126		59	
2012	1,110	(99%)	39	(66%)
1978 to 2012	27,975	-	1,462	-

Top 5 of fruit crops in 2012

Peach:7 Apple:6 Actinidia:6 Citrus:5 Japanese pear:4

(2) Number of titles granted

Year	Number	(2012/2011)	Fruit crops	(2012/2011)
2011	1,139		40	
2012	881	(77%)	35	(88%)
1978 to 2012	22,167	-	1,188	-

Top 5 of fruit crops in 2012

Citrus:10 Japanese pear:4 Apple:3 Blueberry:3 Peach:3 Plum:3

2. Average examination duration of all plants (from application to registration)

2011	2012	2014 (target)
2.42 year	2.36 year	2.3 year

3. Japanese Test Guidelines harmonized with UPOV TG (in 2012)

category	Genera and Species
Fruit	Malpighia emarginata
Others	Camellia sinensis, Fagopyrum esculentum, Bougainvillea, Canna, Gaura, Lilium, Oenothera, Serruria, Torenia, Vriesea

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

[Annex V follows]

NEW ZEALAND

The Plant Variety Rights Office introduced a new information technology system in December 2012, which includes on line applications. The system has now been in operation for over four months and provides improved access to variety descriptions for granted varieties and photos for all fruit and ornamental varieties. In addition there is an improved searching function.

For all species, the application number in 2012/13 is down 10%, a similar decline to that in the 2011/12 period. This slow but steady decline in applications has now been evident for the last two years. The reason for this is not clear, but likely related to the general world economic down turn over this period. Applications for fruit varieties in 2012/13 are 20% down in comparison with the same period in 2011/12. The number of fruit varieties under test is 124 at 1 April 2013.

The number of applications for berryfruit crops such as raspberry, blueberry and strawberry has increased in the 2012/13 period with blueberry now well established as an important fruit crop for protected varieties. The impact of the kiwifruit disease *Pseudomonas syringaepvactinidiae* (PSA) continues to have a major impact on the kiwifruit industry and applications have been very few in the last two years.

The Plant Variety Rights Office has recently published on its website, practice notes regarding the use of foreign test reports for DUS testing <http://www.iponz.govt.nz/cms/pvr/technical-notes-guidelines/use-of-foreign-test-reports-for-dus-testing-in-new-zealand>

The Plant Variety Rights Office and the Avocado Industry Council (AIC) agreed to cooperate in the testing of avocado varieties in 2011. PVRO would have access to AIC expertise and DUS testing would be carried out using the AIC germplasm and variety collection. The agreement is working well and the first two varieties, avocado rootstocks, completed testing in late 2012 and Rights have recently been granted.

Trees in the reference collection for apple are progressively be replanted, with all varieties to be on trees using the Apple rootstock variety 'M9'. 'M9' rootstock has already been introduced for all trees of varieties originating as seedlings. Trees of varieties originating as mutations have traditionally been on 'MM106', which are also now being changed. Winter 2014 will be the last planting season for trees on MM106 to be accepted for a candidate variety and in addition a small number of trees will be required on M9. The objective is to have all varieties in the collection on M9 after 2015.

[Annex VI follows]

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ANNEX VI

POLAND

In Poland at the end of March 2013 there were 1296 protected varieties of which 132 for fruit plants (86 varieties from national breeders and 46 varieties from foreign): mainly Apple, Strawberry, Pear, Plum and Raspberry. Currently we have 53 fruit varieties under tests for national protection as well as for CPVO, Lithuania, Latvia, Estonia and Finland. Last year we started with DUS test for *Sambucus nigra* L. This year we are expecting quality audit visit for fruit plants from the CPVO.

[Annex VII follows]

REPUBLIC OF KOREA

- *PVP statistics in the year of 2012*

Crops	Total	Agricultural	Vegetables	Ornamentals	Fruits	Mushrooms	Industrial	Forages	Seaweeds	Others
Applications	654	57	160	305	48	19	43	8	10	4
Registrations	458	55	96	249	25	17	10	0	0	6

- *Applications by Fruit crop in the year of 2012*

Crops	Total	Blueberry	Citrus	Persimmon	Peach	Rasperry	Pear	Kiwi	Walnut	Others
Applications	48	10	6	5	5	5	3	3	3	8

- *PVP statistics by the end of 2012*

Crops	Total	Agricultural	Vegetables	Ornamentals	Fruits	Mushrooms	Industrial	Forages	Seaweeds	Others
Applications	6,411	893	1,217	3,378	421	157	267	45	10	23
Registrations	4,300	710	675	2,458	206	77	150	18	0	6

- *PVP law revision*

The Seed Industry Law was separated into PVP Law and Seed Industry Foster Law in 2012. The new PVP Law will be implemented on June 3, 2013. Major revised contents of new PVP Law are as follows: i) strengthen the penalty on the infringement case, ii) give an opportunity to restore PVP right terminated for not paying PVP fee on time.

- *The activity of Korean Forest Seed & Variety Center (KFSV)*

According to the Seed Industry Law in Republic of Korea, the KFSV is responsible for PVP system in the forestry sector including fruit crops, ornamental trees, wild flowers and mushrooms. Now, forest variety management is celebrating the fourth anniversary to enhance the forestry competitiveness. To date, 176 forest crops were applied and 147 national test guidelines have been made and 12 ha examination site was prepared for effective growing test by regional groups. Last year, forestry sector finally granted variety protection right of 37 variety including chestnuts, persimmons and jujube trees.

By 2012, the total number of varieties for PVP application in forest sector has reached to 168, 23 varieties have been granted protection and 10 varieties rejected. A proportion of applications consist as follows: fruit crops (46, 26%), ornamentals (23, 13%), vegetables (6, 3%), wild flowers (38, 22%), special-purpose trees (26, 16%), mushrooms (35, 19%) and etc (2, 1%). In fruits, the highest titles of protection were from persimmon (14), followed by chestnut (13) and korean raspberry (5).

[Annex VIII follows]

SOUTH AFRICA

With regards to applications and valid Plant Breeders' Rights for 2012 the following is reported:

- An additional 16 taxa have been declared in terms of the Plant Breeders' Rights Act during 2012.
- 306 PBR applications were received of which 37% were for Agricultural crops, 23% for Ornamental crops, 34% for Fruit crops and 6% for Vegetable crops.
- As of December 2012, a total of 2 449 varieties had valid plant breeder's rights in South Africa, of which 35% were for Ornamental crops, 35% for Agricultural crops, 21% for Fruit crops and 9% for Vegetable crops. The top three crops for fruit are:

Fruit Crops
1. <i>Prunus persica</i> (L.) Batsch var. <i>nucipersica</i> Schneid. (94)
2. <i>Vitis</i> L. (66)
3. <i>Prunus persica</i> (L.) Batsch (71)

Plant Breeders' rights granted only in 2012 are as follows:

Agricultural crops:	116
Vegetable crops:	18
Fruit crops:	73
Ornamental crops:	52

New fruit crops to be evaluated and for whom applications were received for Plant Breeders Rights are Figs and Walnuts.

[End of Annex VIII and of document]