



C/49/15

ORIGINAL: English/français/deutsch/español

DATE: October 16, 2015

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

COUNCIL**Forty-Ninth Ordinary Session
Geneva, October 29, 2015****REPORTS BY REPRESENTATIVES OF MEMBERS AND OBSERVERS
ON THE LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. According to the practice introduced on the occasion of the twenty-sixth ordinary session of the Council, the reports from the representatives of members and observers on the situation in the legislative, administrative and technical fields of plant variety protection and related areas are requested to be submitted in writing, in advance, to increase the ability of the Council to carry out its tasks effectively.
2. Written reports were requested by the Office of the Union in the invitation circular relating to this session and a model format was proposed. The following reports were submitted (in alphabetical order of the names in French):

Members: Annexes I to XVII: Germany, Chile, Colombia, Croatia, Denmark, Latvia, Lithuania, Morocco, New Zealand, Poland, Republic of Korea, Republic of Moldova, Czech Republic, Serbia, Switzerland, Tunisia, European Union

Observer: Annex XVIII: ARIPO
3. Reports received after October 9, 2015, will be included as an addendum to this document, which will be published after the Council session.

[Annexes follow]

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ANNEX I

GERMANY

PLANT VARIETY PROTECTION

Activities to promote the protection of plant varieties

During the period under review, representatives of the Federal Plant Variety Office and business visited Mongolia where a workshop on the subject of plant variety and seed law was organized.

A further visit was made to India in December 2014 as part of a cooperation project involving the Federal Ministry of Agriculture. An exchange of viewpoints took place with local representatives of the seed industry and the Ministry, in addition to the Testing Authority, especially with regard to the specificities of the Indian system for the protection of plant varieties (including the question of Farmers' rights). The exchange was consolidated by a return visit to the Federal Plant Variety Office by representatives of the Indian Plant Variety Office, who also met with individual companies from the German seed industry.

[Annex II follows]

CHILE

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- adaptation to the 1991 Act of the Convention
- other amendments, including in respect of fees

Registration and maintenance fees and were amended as of August 1st, 2015. The resolutions governing the new fees are annexed to this document.

2. Cooperation in examination

- Conclusion of new agreements (completed, in progress or planned)
- Amendment of existing agreements (completed, in progress or planned)

No agreements were concluded or signed. However reports were sold to Peru, Ecuador, Morocco and Columbia, in accordance with document TGP/5.

3. Situation in the administrative field

- Changes in the administrative structure: there were no changes.
- Changes in office procedures and systems: no (administrative) changes.

4. Situation in the technical field (see point 3)5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
1.	21/10/2014	Hotel Neruda, Santiago	Department of Agriculture and Livestock / UPOV	International Workshop on Plant Breeders' Rights	Chile	50 people participated: Plant breeders, representatives, association of seed producers, fish farmers, law firms, plant improvers, universities
2.	23/01/2015	National Institute of Industrial Property, Santiago	National Institute of Industrial Property, WIPO	WIPO Summer School	Chile, Colombia, Paraguay, Peru, Ecuador, Argentina, Uruguay, Brazil	Participation on the topic of "Protection of Plant Varieties, Convention of the International Union for the Protection of New Varieties of Plants (UPOV)"
3.-	May 2015	Santiago	Department of Agriculture and Livestock / UPOV	Special Session, Course DL 205	Chile	35 people participated: plant breeders, representatives, association of seed producers, association of fish breeders, law firms, plant improvers, universities

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Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
4.-	August 25, 2015	Hotel Fundador, Santiago	Department of Agriculture and Livestock	Workshop on Plant Breeders' Rights	Chile	50 persons participated: plant breeders, representatives, association of seed producers, association of fish breeders, law firms, plant improvers, universities

[Annex III follows]

COLOMBIA

Period: October 2014 - September 2015

PLANT VARIETY PROTECTION

Legislative situation

During the reporting period, there were no changes to the legislation on Plant Breeders' Rights (PBR). Colombia continues to implement the applicable law to protect the rights of plant breeders, based on Decision 345 of 1993. It is party to the UPOV Convention and adheres to the 1978 Act and in practice is implementing the rules set forth in the 1991 Act, given that it has a regulatory body that determines the PBR regime within the same framework and on the same grounds as the 1991 Act.

In Colombia PBR are applicable to varieties of all botanical genera and species insofar as the growing, possession or use thereof are not prohibited for reasons of human, animal or plant health.

Technical and administrative situation

There have been no changes in the administrative structure or in administrative procedures and systems of the Technical Seed Department of the Colombian Agricultural Institute, ICA. It continues to maintain cooperation links in the area of technical examinations with various member countries of the Union. As seen in Figure 1, during the reporting period (October 2014-September 2015) 214 applications from various countries were received, analyzed and processed. These countries included The Netherlands, Germany, Italy, the United States and Colombia.

The varieties requested were from the rose, chrysanthemum, carnation, coffee, Alstroemeria and tomato species, among others. Tests were conducted for distinctness, uniformity and stability (DUS) in regard to 29 candidate varieties of different species, such as soybean, rice and cotton and tests are ongoing for coffee. 170 breeder certificates (Figure 2) were issued.

The ICA prepares and publishes the Protected Plant Varieties Gazette containing detailed information about the protection of breeders' rights in Colombia. During the reporting period, Gazette No 17 was published.

Still with regard to administration, the ICA served as the competent national authority on PBR and designated forensic expert for the identification of protected plant varieties in various legal proceedings concerning PBR infringement. So the ICA continued to act as expert and forensic technical expert, supporting judicial proceedings by advancing various concepts and providing expert opinions on PBR infringement.

Figure 1:

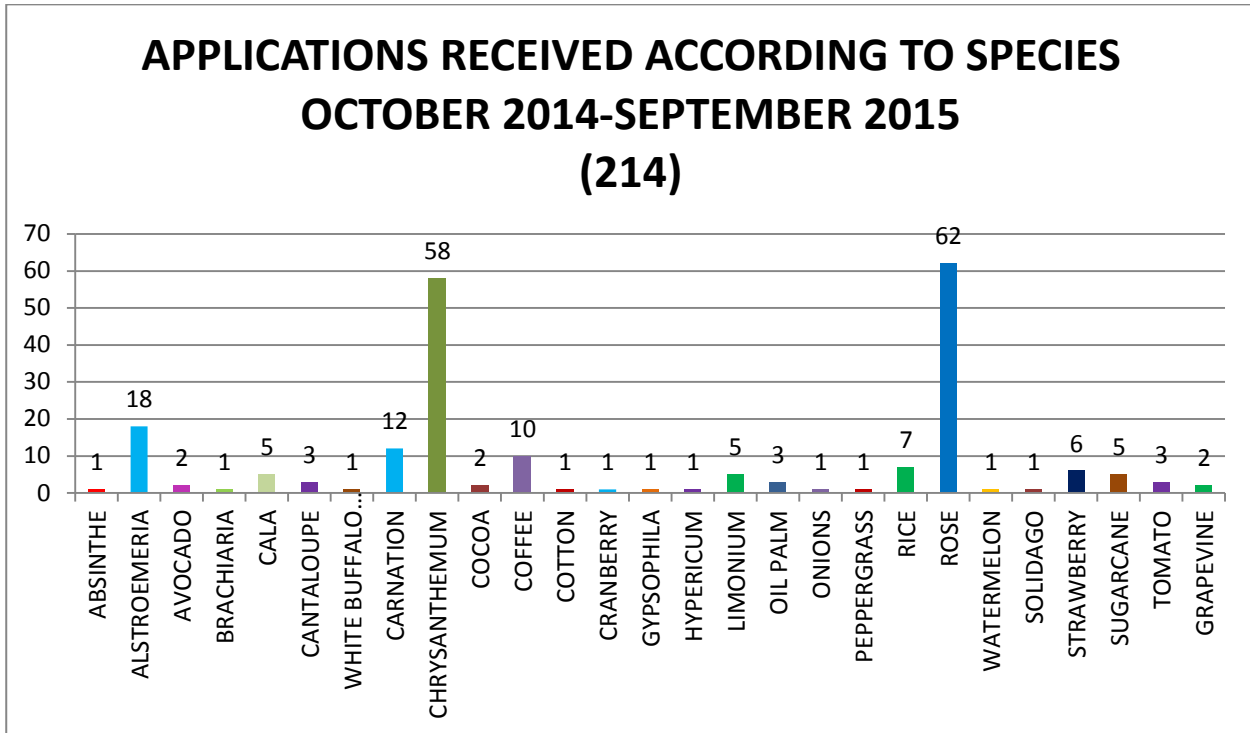
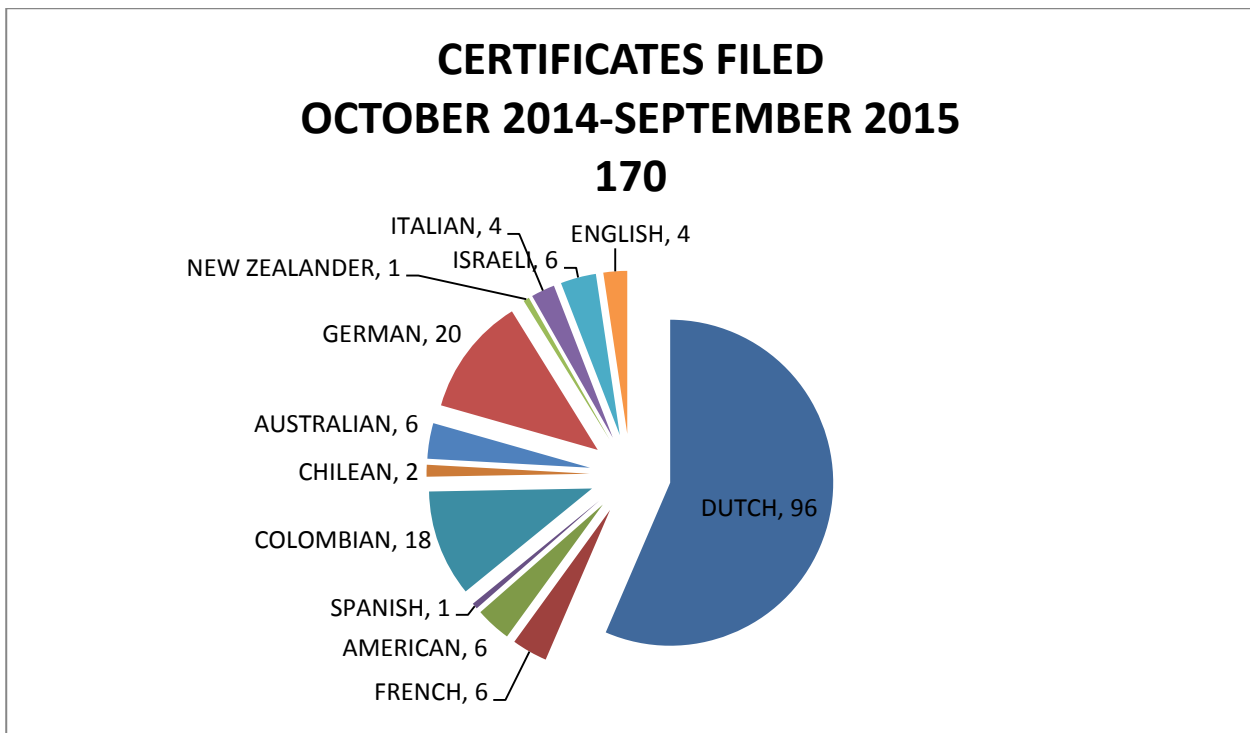


Figure 2:



[Annex IV follows]

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Croatia deposited the Instrument of Accession to the 1991 Act of the UPOV Convention on August 1, 2001. Croatia became member of UPOV on September 1, 2001.

Plant Variety Protection Law (with Alterations and Amendments) (Official Gazette 131/1997, 62/2000, 67/2008, 124/2011).

Regulation on Testing Distinctness, Uniformity and Stability of New Plant Varieties for the Purpose of Granting Plant Breeder's Right and Variety Registration (Official Gazette 61/2011).

Regulation on Plant Variety Protection Registers (Official Gazette 58/2011).

Regulation on Conditions for the Use of Farm-saved Seed of Protected Varieties and Criteria for Determination of Small Farmers (Official Gazette 145/2011).

1.2 Since September 1, 2011, plant variety protection is available for all plant genera and species.

2. Cooperation in examination

Croatia carries out DUS examination for Slovenia (wheat, barley and maize) and Romania (wheat).

Amendment No. 3 of existing agreement with AFSVSP, SLOVENIA (completed on 22.09.2014).

Hungary, Czech Republic, Poland, Slovakia and Austria carry out the DUS examination for certain species on behalf of Croatia.

Until now Croatia provided existing DUS reports for Slovenia, Serbia, Romania, EU (CPVO), Russian Federation and Turkey.

Croatia generally accepts existing DUS reports from other members of UPOV for all species.

3. Situation in the administrative field

National authority: Ministry of Agriculture and Croatian Centre for Agriculture, Food and Rural Affairs, Institute for Seed and Seedlings (Plant Variety Protection and Registration Department).

Decision taking body is Committee on Plant Variety Protection.

4. Situation in the technical field

DUS testing is performed by Croatian Centre for Agriculture, Food and Rural Affairs, Institute for Seed and Seedlings on cereals (oats, barley, rye, wheat, durum wheat, triticale), maize and soya bean.

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- adaptation to the 1991 Act of the Convention

The Danish Law No. 190 *Consolidated Act on Plants Variety Protection* entered into force on the 1st January 2009 (in Danish: *Bekendtgørelse af lov om plantenyheder*). The law supersedes the Law No. 51 of 5th February 1996 which at this moment appears on the WIPO Lex, and therefore it should be replaced with the legislation currently in force.

In accordance with document UPOV/INF/15/3 we will provide UPOV with an official English translation of the updated version of the *Consolidated Act on Plants Variety Protection*, to be published in UPOV Lex, UPOV Gazette and Newsletter.

For this reason we are presently in dialogue with the *UPOV Secretariat* regarding the arrangement for the translation, and we are awaiting further information.

The Danish version of the Law No. 190 *Consolidated Act on Plants Variety Protection* can be found in the Danish public legal database: <https://www.retsinformation.dk/Forms/R0710.aspx?id=123418>

- other amendments, including in respect of fees

The Danish Order Nr. 941 of 11th August 2015 *Order on Payment for Control etc. with Seeds and Sowing Seeds* entered into force on the 15th August 2015 (in Danish: *Bekendtgørelse om betaling for kontrol m.m. med frø og sædekorn*). This Order is neither translated into English nor published in the above-mentioned databases.

In accordance with Article 17 of the Order, Denmark has introduced an authorization fee for the entry into our *Variety Catalogue* (variety list) and for plant variety protection. The amount of the authorization fee is 700 DKK (see Annex 1 of the order).

The Danish version of the Order Nr. 941 of 11th August 2015 *Order on Payment for Control etc. with Seeds and Sowing Seeds* can be found in the Danish public legal database: <https://www.retsinformation.dk/Forms/R0710.aspx?id=173645>

From the 1st July 2015, the primary variety testing institute in Denmark is the privatized *TystofteFoundation*. You can find information regarding (annually) payment for administration, analyzes, DUS- and VCU-testing, control plots etc. on the webpage of the *TystofteFoundation*:

Prices 2015:

<http://www.tystofte.dk/wp-content/uploads/2015/06/prisliste-2015-pricelist-2015.pdf>

Prices 2016:

<http://www.tystofte.dk/wp-content/uploads/2015/08/prisliste-2016-pricelist-2016.pdf>

2. Situation in the administrative field

- Changes in the administrative structure

On the 17th August 2015, we have sent an e-mail with letters attached to UPOV (upov.mail@upov.int), addressed to *Mr. Peter Button*, regarding the notification of Denmark's new Representation in the

UPOV Bodies. We kindly ask the Council to take notice of the documents in question which we also have attached¹ to this report:

- Letter to UPOV Appointment of Representative DK
 - Organization chart
- Changes in office procedures and systems

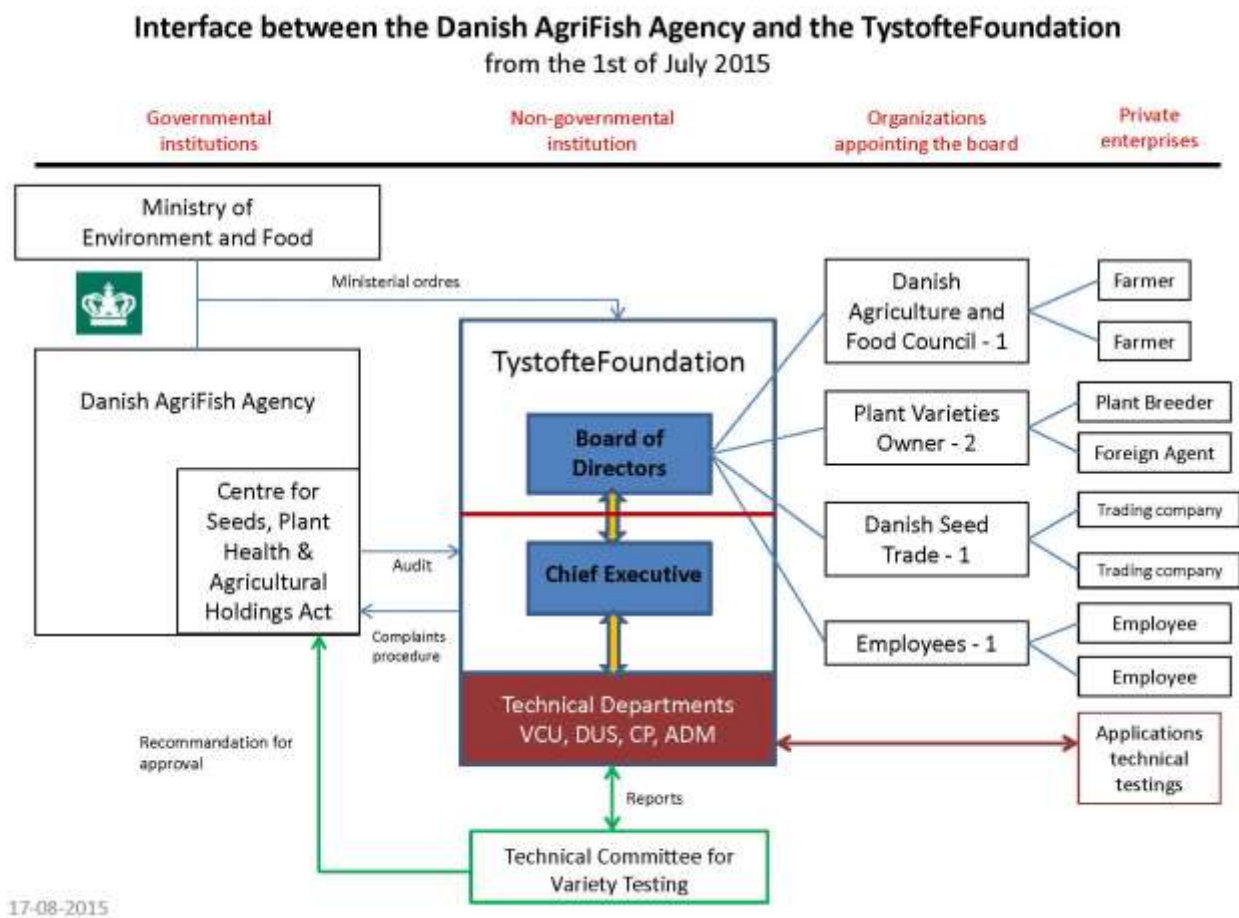
See comments above regarding Changes in the administrative structure.

3. Situation in the technical field

As mentioned, the *Danish AgriFish Agency* cooperates with the *TystofteFoundation* on the technical field. *Mr. Gerhard Deneken*, Chief Executive of the *TystofteFoundation*, comments on the situation in the technical field:

“In Denmark we have created an industry driven foundation who has taken over the responsibilities of varieties under test since the 1st July 2015. Applications are now sent directly to the *TystofteFoundation* under the direction of *Gerhard Deneken* and under the supervision of the *Danish AgriFish Agency*. The *TystofteFoundation* is doing all the technical work and variety administration, which will lead to the approval of new varieties done by the *AgriFish Agency*.”

Please notice that the Organization chart below shows the relationship between the TystofteFoundation and the Danish AgriFish Agency.



¹ Attachments available upon request.

4. Activities for the promotion of plant variety protection

At the moment, the *Danish AgriFish Agency* have not carried out nor planned direct activities for promotion of plant variety protection in Denmark, though we believe that the new organizational structure and cooperation with the *TystofteFoundation* will benefit our breeders in general. As these changes regarding the administration of the plant variety protection and variety testing in Denmark were implemented just recently, we are currently planning how to adjust. For this reason and at this stage, it is premature for us to comment any further on our future activities regarding promotion of plant variety protection.

[Annex VI follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

- 1.1 Amendments of the law and the implementing regulations
- adaptation to the 1991 Act of the Convention: No changes have been made.
 - other amendments, including in respect of fees: Nothing to report.

- 1.2 Extension of protection to further genera and species (made or planned):
Nothing to report.

- 1.3 Case law: Nothing to report.

2. Cooperation in examination

- Conclusion of new agreements (completed, in progress or planned): Nothing to report.
- Amendment of existing agreements (completed, under way or planned):
Authority of Latvia no longer offers DUS examinations on behalf of other authorities.

3. Situation in the administrative field

- Changes in the administrative structure: Nothing to report.
- Changes in office procedures and systems: Nothing to report.

4. Situation in the technical field

DUS test was carried out for:

- *Vitis vinifera* L. – 1 variety

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
1.	March 18-19, 2014	Nitra, Slovak Republic	CPVO	Meeting of the Administrative Council of the Community Plant Variety Office (CPVO)	1	
2.	April 7-11, 2014	Geneva, Switzerland	UPOV	UPOV sessions: TC/50, CAJ/69, C(Extr.)/31, CC/87	1	
3.	October 9, 2014	Brussels, Belgium	CPVO	Meeting of the Administrative Council of the CPVO	1	
4.	October 13-15, 2014	Geneva, Switzerland	UPOV	UPOV sessions: CAJ/70, CAJ-AG/9, CC/88	1	
5.	March 31 – May 11, 2014	Distance learning course	UPOV/WIPO	DL – 305 Examination of Applications for Plant Breeders' Rights	1	

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Nothing to report.

LITHUANIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations:

- Law on Plant Variety Protection of the Republic of Lithuania amended on 19th of October, 2006 and last amended on 26th of April, 2012;
- Regulation No 1458 of the Government of the Republic of Lithuania of the 15th of December, 2000, regarding Fees Rates;
- Order No A1-50 of the Director of the State Plant Service under the Ministry of Agriculture of the 8th of August, 2010, on the Approval of Application Form for Plant Variety Protection (the Application Form attached);
- Order No 3 D–371 of the Minister of Agriculture of the Republic of Lithuania of the 23th of June, 2004, regarding remuneration.

1.2 Extension of protection to further genera and species (made or planned):

According to the amendments of the Law on Plant Variety Protection of the Republic of Lithuania on 26th of April, 2012, varieties of all plant genera and species could be protected in the Republic of Lithuania.

1.3 Case law:

There is now case law relating plant varieties protection in Lithuania on 2014.

2. Cooperation in examination

There are 2 signed agreements regarding the cooperation in examination in Lithuania:

- Bilateral agreement of the 11th of August, 2000, with the Polish Research Centre for Cultivar Testing (COBORU) regarding performing DUS tests, has been amended on 14th of November, 2012, by the Administration agreement No 1/2012/19T-247;
- Agreement No 10 with Federal Office of Plant Varieties (Bundessortenamt), Germany, regarding transmission of the results on technical examination for DUS tests of the 30th of June, 2006, has been amended on the 18th of October, 2010, by the agreement No 19T-98.

3. Situation in the administrative field

- The Plant Variety Division of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania is responsible for plant varieties testing, listing and legal protection as well;
- The Commission for Evaluation of Applications for Variety Protection approved by the Order No. A1-141 of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania on the 6th of May, 2011, has been amended on 17th of June, 2013, by the Order of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania No A1-217;
- The granting of the plant variety protection shall be approved by the order of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania;
- Procedures and the system of the plant varieties protection are defined by the Law on Plant Variety Protection of the Republic of Lithuania.

4. Situation in the technical field

- DUS tests are performed by the Polish Research Centre for Cultivar Testing (COBORU) according to an Administration agreement No 1/2012/19T-247, amended 14th of November, 2012, or by the other competent authority of the European Union by the breeders' request.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer (s)	Purpose of activity	Participating countries/organizations (number of participants from each)	Comments
1. European Commission meeting	4 of February, 2014	Brussels, Belgium	European Commission	To discuss main questions regarding plant variety protection	European Commission, CPVO and member states – 20 at all	
2. Administrative Council of the CPVO meeting	18–19 of March, 2014	Nitra, Slovakia	CPVO	To discuss main questions regarding plant variety protection	European Commission, CPVO, UPOV, observers and member states – 41 at all	
3. Seminar for Slovakian breeders' regarding farm saved seed	19 of March, 2014	Nitra, Slovakia	CPVO	To discuss main questions regarding farm saved seed and collecting of remuneration for it	CPVO, UPOV, member states and Slovakian breeders – 40 at all	
4. European Council meeting	8 of October, 2014	Brussels, Belgium	European Council	To coordinate activities before UPOV meetings	Commission, CPVO and member states – 37 at all	
5. Administrative Council of the CPVO meeting	9 of October, 2014	Brussels, Belgium	CPVO	To discuss main questions regarding plant variety protection	European Commission, CPVO, UPOV, observers and member states – 40 at all	
6. UPOV Administrative and Legal Committee meeting	13 of October, 2014	Geneva, Switzerland	UPOV	To discuss main questions regarding plant variety protection in the administrative and legal fields	Members (71), observers (6), organizations (9), UPOV (6) – 92 at all	
7. UPOV Advisory Group of the Administrative and Legal Committee meeting	14 of October, 2014	Geneva, Switzerland	UPOV	To discuss main questions regarding plant variety protection in the administrative and legal fields	Members (71), observers (6), organizations (9), UPOV (6) – 92 at all	
8. UPOV Consultative Committee meeting	15 of October, 2014	Geneva, Switzerland	UPOV	To discuss main questions regarding plant variety protection in the consultative fields	Members (71), observers (6), organizations (9), UPOV (6) – 92 at all	

Title of activity	Date	Location	Organizer (s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
9. UPOV Council meeting	16 of October, 2014	Geneva, Switzerland	UPOV	To discuss main questions regarding plant variety protection in the Council level	Members (71), observers (6), organizations (9), UPOV (6) – 92 at all	
10. CPVO meeting with the examination institutions				To discuss questions regarding plant variety DUS testing and protection		

- Information Bulletin on Plant Breeder's Rights and National List of Plant Varieties No 1 (21) of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania was published on the 23th of January, 2014, and No 2 (22) – on the 12th of June, 2014.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

- The Lithuanian National List of Plant Varieties 2014 has been approved by the order No A1-31 of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania on the 31th of January, 2014. Propagating material of each registered variety from each plant species can be certified according to the Mandatory Requirements, prepared respectively by the EU directives.

[Annex VIII follows]

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

No changes.

1.2 Extension of protection to further genera and species (made or planned)

Species	Latin name
Argan tree	Argania spinosa (L.) Skeels
Fig tree	Ficus L
Pomegranate tree	Punica L. Punica granatum L.
Saffron	Crocus sativus L.

2. Cooperation with examination

- Conclusion of new agreements (completed, in progress or planned)

DUS reports transferred by CPVO, Spain, France, Netherlands, Australia, Chile and Czech Republic.

[Annex IX follows]

ANNEX IX

NEW ZEALAND

PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Plant Variety Rights Act 1987 remains in force, conforming to the 1978 Act of the Convention. A review of the Act, including consideration of accession to the 1991 Act of the Convention is likely in the next one to two years.

2. Cooperation in examination

New Zealand continues to purchase test reports from member states, for certain species on an as required basis, under the general provisions of the Convention. Following the removal of the payment fee in late 2012, for the use of New Zealand test reports, an increase in the number of requests has been noted.

The Plant Variety Rights Office (the Office) and PBR Australia continue to cooperate with respect to varieties which are of mutual interest. These are varieties with applications in both jurisdictions which have questions regarding one or more of the criteria for the granting of Rights. Technical cooperation has been enhanced by the removal of the purchase fee for an Australian test report used in a New Zealand examination.

3. Situation in the administrative field

During the financial year ended 30 June 2015, 136 applications for plant variety rights were accepted (20% decrease on the previous year), 133 grants were issued (15% decrease on the previous year) and 78 grants were terminated (30% decrease on the previous year). At 30 June 2015 there were 1295 valid grants (2% increase on the previous year). Application numbers in the previous year were unusually high and the lower number for this year has returned to a similar level to that of the last few years.

The Office ISO certification was renewed in August 2015. In a related activity, the Office continues to improve the documentation of Office practices and processes, with the objective of clear records and guidance for all key functions. In addition, the Office is following a programme of continuous improvement for the case management system. Around 95% of applications are now filed on line.

4. Situation in the technical field

New Zealand has completed drafting the test guideline for *Acca* in the TWF and is the leading drafter for the test guideline for *Cordyline* in the TWO and for Hybrid Pear in the TWF.

At the request of a breeder's organization, technical information has been made available on the website for the ryegrass characteristics; time of inflorescence emergence and length of longest stem. The objective is to improve the quality of information supplied in the technical questionnaire, completed by breeder at application. Breeders experience difficulty in identifying the state of expression for their new variety and can now refer to the PVRO data to better determine where their variety fits.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
1. Technical Assistance and Training	3-6 Nov. 2014	Malaysia	East Asian Variety Protection Forum	Drafting Test Guidelines for Star Fruit and Rambutan	Malaysia, Thailand, Cambodia, Indonesia, East Asian Forum Secretariat	NZ as DUS Technical Advisor
2. Technical Assistance and Training	1-4 June 2015	Republic of Korea	Korean International Cooperation Agency / Korean Seed and Variety Service	Plant Variety Protection International Training Course	Cambodia, Egypt, Indonesia, Kenya, Myanmar, Philippines, Uganda, United Republic of Tanzania	NZ as Technical Advisor and drafting Test Guideline expert

POLAND

(Period: September 1, 2014 – August 31, 2015)

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

There were no amendments to our PBR legislation in the reporting period.

The Act of June 26, 2003 on the Legal Protection of Plant Varieties (POJ No 137/2003, item 1300; as amended) constitutes the legal basis for the national PBR protection system in Poland.

The Polish Plant Variety Protection Law is based on the 1991 Act of the UPOV Convention. Poland acceded to the 1991 Act of the UPOV Convention as the twenty-fourth State, on August 15, 2003.

Since November 1, 2000 all plant genera and species are eligible for PBR protection in Poland.

2. Cooperation in examination

The Research Centre for Cultivar Testing (COBORU) in Słupia Wielka continues its cooperation in the field of DUS examination with different countries.

We have signed bilateral agreements on DUS testing with the Czech Republic, Hungary and Slovakia. Unilateral agreements with Latvia, Lithuania, Estonia, Romania, Belarus, Slovenia, Russian Federation and Ukraine are in force.

In the reporting period, Poland carried out DUS tests for the Lithuanian (56 varieties), Czech (33 varieties), Estonian (33 varieties), Hungarian (19 varieties), Latvian (10 varieties), Croatian (4 varieties), Swedish (4 varieties), Finnish (2 varieties), Austrian (1 variety), Slovak (1 variety) authorities as well as for the CPVO (21 varieties).

These tests were done for different species of agricultural (107 varieties), vegetable (20 varieties), ornamental (16 varieties) and fruit (41 varieties) plants. Altogether, 184 varieties were tested as a commissioned work for the above mentioned authorities.

As in previous years, some authorities, namely: the CPVO, Austria, Croatia, Denmark, Estonia, Latvia, Lithuania, The Netherlands, Russian Federation, Serbia, Slovenia, Sweden and Turkey took the technical examination results over from COBORU, in order to base their decisions for their own procedures.

Poland actively participated in the work on the elaboration of the technical protocols during the meetings organized by the CPVO.

3. and 4. Situation in the administrative and technical fields

COBORU variety testing activity in the field of DUS is done in 13 different Experimental Stations for Variety Testing located all over the country and in case of fruit plants additionally in the Research Institute of Horticulture in Skierniewice.

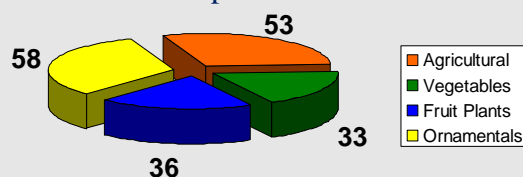
In 2014, 9221 varieties within 180 plant species were tested (which included 8261 varieties in living reference collection and 960 candidate varieties).

The number of varieties tested in Poland, per plant sector, is shown in the graph below.

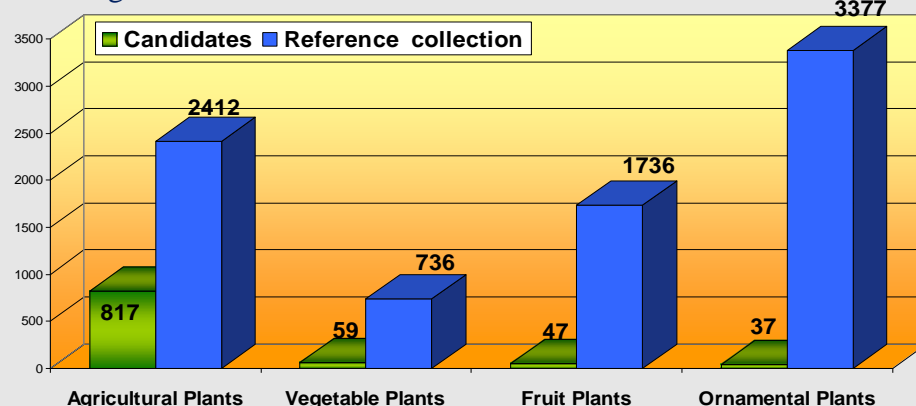
Number of varieties in DUS testing in 2014

DUS tests 2014 statistics:

Number of species – 180



Total - 9221 varieties,
including 960 varieties in official examinations



In 2014, COBORU received 75 applications for national PBR protection in total, which constitutes a decrease by 13 applications in comparison with the previous year.

From January 1 to September 1, 2015, 68 new applications, including 39 domestic and 29 foreign, have been submitted for national PBR. This number is higher by 14 applications than that observed in the previous reporting period (54).

In 2014, COBORU granted 57 titles of national protection. At the end of 2014, there were 1147 national PBR titles in force, which comparing to the previous year represents a decrease by 91 varieties (7,4%).

In the period from January 1 to September 1, 2015, 61 titles of national PBR protection have been granted. In total, 1154 varieties are protected in Poland (as on Sept. 1, 2015).

Details on the statistics are given in the table below.

In the column "Titles having ceased", 12 varieties for which - within the reported period - national PBR expired have also been included.

Plant Species	Applications for PBR 1.01. – 1.09.2015			Grants of PBR 1.01. – 1.09.2015			Titles having ceased	Titles in force as on 1.09.2015
	domestic	foreign	together	domestic	foreign	together		
Agricultural	23	3	26	29	-	29	21	624
Vegetable	-	1	1	3	-	3	13	207
Ornamental	13	25	38	15	10	25	16	207
Fruit	3	-	3	3	1	4	4	116
Total	39	29	68	50	11	61	54	1154

5. Activities for the promotion of plant variety protection

Representatives from Poland regularly participate in the sessions of the UPOV organs and in the UPOV Technical Working Parties.

Furthermore, Polish representatives take part in the meetings of the Standing Committee on CPVR DG-SANCO, Brussels as well as in the CPVO Administrative Council meetings.

Three COBORU experts have successfully completed the UPOV Distance Learning Course "Examination of Applications for Plant Breeders' Rights" (DL-305B).

Publications

Every two months COBORU issues the *Polish Gazette for Plant Breeders' Rights and National List* (Diariusz), which contains details referring to national PBR protection and national listing systems.

The list of varieties protected by national Plant Breeders' Rights (including provisional PBR's), valid as on June 30, 2015, has been published in the third number of the *Polish Gazette for Plant Breeders' Rights and National List* /No 3(128)2015/.

The Official Gazette is also being published on our website, in the section: *Publications*.

Additionally, the Research Centre for Cultivar Testing maintains and updates systematically a homepage www.coboru.pl that contains official information on PVP matters in Poland.

During the reporting period, COBORU was involved in the following promotional activities:

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
1. Meeting of the ESA Section of Oil and Fibre Plants	April 16, 2015	Poland, Słupia Wielka	Plant Breeding and Acclimatization Institute, Radzików	Presenting of COBORU organization and activity within the scope of national listing, PBR granting and recommendation of plant varieties	ESA - 17 Poland - 8	
2. Visit of the President and Vice-President of the CPVO	May 4-6, 2015	Poland, Słupia Wielka, Experimental Station Zybiszów	COBORU	Exchange of ideas on functioning of PBR systems; discussion on mutual cooperation; presentation of COBORU activity	CPVO - 2 Poland - 8	
3. Visit of the experts from BSA, Germany	June 22-23, 2015	Poland, Słupia Wielka	COBORU	Exchange of experience and remarks on carrying out of measurement and observations of characteristics from technical protocols for rye varieties; functioning of national PBR systems in PL and DE; discussion on possible lines for mutual cooperation	BSA - 4 Poland - 10	
4. Visit of Czech delegation from UKZUZ	July 1, 2015	Poland, Słupia Wielka	COBORU	Exchange of experience and remarks on carrying out of DUS tests; field visit	Czech Republic - 1 Poland - 5	
5. Visit of Hungarian delegation from NEBIH (National Food Chain Safety Office) and from breeding company	July 13-15, 2015	Poland, Słupia Wielka, Experimental Stations: Bobrowniki, Śrem, Słupia Wielka	COBORU	DUS testing for California Bluebell, grasses, Sugar Beet, Lupins	Hungary - 4, incl.: NEBIH - 1, Lajtamag Kft. - 3 Poland - 10	

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

The *Polish National List of Agricultural Plant Varieties*, the *Polish National List of Vegetable Plant Varieties* and the *Polish National List of Fruit Plant Varieties* were issued in April and May 2015. These Official Lists as well as updated lists of varieties are also available at www.coboru.pl.

[Annex XI follows]

ANNEX XI

REPUBLIC OF KOREA

PLANT VARIETY PROTECTION

Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
KOICA PVP and DUS Testing	May 18 to June 7	Gimcheon, Korea	Korea Seed & Variety Service	To share Korea's experience of operating PVP system with the developing countries	Cambodia, Indonesia, Myanmar, Philippines, Egypt, Kenya, United Republic of Tanzania and Uganda (15)	
East Asia PVP Forum	Sep. 2-4	Seoul, Korea	Korea Seed & Variety Service, JATAFF, UPOV	To promote the PVP systems of the Forum member countries	Republic of Korea, Japan, China, ASEAN countries, and UPOV (43)	
PVP Symposium on Foreign Application Procedures	Sep. 3	Seoul, Korea	Korea Seed & Variety Service	To understand the foreign application procedures and how to deliver the plant materials	Local breeders, ASEAN countries, Japan, China, Netherlands, and UPOV (160)	

[Annex XII follows]

REPUBLIC OF MOLDOVA
(2014)

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments to the Law and the implementing regulations

No changes.

1.2 Extension of protection to further genera and species

According to the Law No.39-XVI/2008 on the Protection of Plant Varieties, the protection is extended to varieties of all botanical genera and species, including hybrids between genera and species.

1.3 Case Law

There is no precedent with regard to the protection of breeders' rights.

2. Cooperation in examination

There are no bilateral agreements of cooperation in the examination of plant varieties.

3. Situation in the administrative field

No changes.

Changes in the Procedural and Protection System

Two national test guidelines were developed for:

- Aronia - *Aronia melanocarpa*
- Swedish service tree - *Sorbus hybrida* L.

Statistics

In the period from January 1, 2014 to December 31, 2014:

- 34 applications have been received (28 national applications and 6 foreign), as follows:

- Maize (*Zea mays* L.) - 11
- Zea mays* L. ssp. *saccharata* - 1
- Zea mays* var. *indurata* - 1
- Soybean (*Glycine max* (L.) Merrill) - 2
- Wheat (*Triticum aestivum* L.) - 1
- Sunflower (*Helianthus annuus* L.) - 1
- Beet (*Beta vulgaris* ssp. *vulgaris*) - 2
- Apple (*Malus domestica* Borkh.) - 1
- Strawberry (*Fragaria* L.) - 4
- European Plum (*Prunus domestica*) - 1
- Chrysanthemum (*Chrysanthemum indicum* L.) - 2
- Yellow lily (*Heimerocallis x hybrida hort.*) - 2
- Peony (*Paeonia lactiflora* Pall.) - 2
- Paulownia (*Paulownia Elongata* S.Y. Hu x *Paulownia Fortunei* (Seem.) Hemsl.) - 1
- Tomato (*Solanum lycopersicum* L.) - 2

- 29 patents for plant varieties have been issued (26 national patents), as follows:

Willow (*Salix L.*) - 3
Bean (*Phaseolus vulgaris L. var. ellipticus albus*) - 1
Soybean (*Glycine max (L.) Merrill*) - 1
Milk Thistle (*Silybum marianum L.*) - 1
Sage (*Salvia sclarea L.*) - 1
Maize (*Zea mays L. ssp. indurata*) - 2
Maize (*Zea mays L.*) - 6
Tomato. (*Solanum lycopersicum L.*) - 5
Apple (*Malus domestica Borkh.*) - 7
Broad Bean (*Vicia faba L.*) - 1
Sunflower (*Helianthus annuus L.*) - 1

131 plant variety patents were valid on 12/31/2014.

4. Situation in the technical field

No changes.

5. Activities for the promotion of plant varieties protection

Meetings, seminars

Five seminars were organized on: "The system of plant variety protection at national and international level" for representatives in industrial property, interested persons, including students, scientists and breeders.

Publications

On a regular basis, AGEPI maintains the web site: www.agepi.gov.md, where the national legislation in the field of plant varieties protection can be accessed, as well as the application form for a plant variety patent, and useful related information for applicants and breeders, available in Romanian, Russian and English languages.

[Annex XIII follows]

CZECH REPUBLIC

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

Nothing to report.

2. Cooperation in examination

The bilateral agreements on cooperation in examination with Austria, Denmark, Hungary, the Netherlands, Poland, Romania, Slovakia, and Slovenia continue unchanged.

The administrative agreement with Community Plant Variety Office has been enlarged on new species as follows *Lonicera caerulea* L. var. *kamtschatica* Sevest., *Lolium multiflorum* Lam. *Lolium multiflorum* Lam. var. *westerwoldicum* Wittm. and subsp. *italicum* (A. Br.) Volkart, *Phacelia tanacetifolia* Benth., *Carum carvi* L.

3. Situation in the administrative field

Nothing to report.

4. Situation in the technical field

Within the period from September 1, 2014, to August 20, 2015, 85 applications were received and 62 titles issued. At the later date, 728 titles were in force and 213 applications pending.

5. Activities for the promotion of plant variety protection

Workshop on the implementation and raising awareness of PVP, organized by UPOV with the assistance of the Community Plant Variety Office (CPVO) and the Multi-Beneficiary Program (MBP) of the European Union, October 29 to 30, 2014, held in Skopje, the Former Yugoslav Republic of Macedonia. Active Czech participation – presentation: “Implementation of plant variety protection in the Czech Republic” and “Benefits of PVP system”.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Eight experts successfully completed UPOV distance learning course DL-305, one expert DL-305A.

[Annex XIV follows]

SERBIA

(September 2014 - September 2015)

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

All plant genera and species are subject to protection under the Law on the Protection of Plant Breeders Rights („Official Gazette of RS“, No. 41/09 and 88/11).

2. Situation in the administrative field

Ministry of Agriculture and Environmental Protection (MAEP) - Plant Protection Directorate (PPD) is designated authority for the protection of the plant breeders' rights in the Republic of Serbia. Plant Protection Directorate (PPD) as an administrative authority within the MAEP performs tasks related to: protection of plants against harmful organisms; authorization and control of plant protection products and plant nutrition products; plant variety registration; protection of plant breeders' rights; biological safety (genetically modified organisms); phytosanitary inspections and other related tasks. Within PPD, Group for Plant Variety Protection and Biosafety exercises administrative procedures related to provisions of the Law on Protection of Plant Breeders Rights and to granting of plant breeders rights, also as tasks related to GMO.

3. Situation in the technical field

According to the Law on Protection of Plant Breeder's Rights and based on the results of the examination of plant varieties and proposals of the Expert Council for Protection of Plant Breeders' Rights since September 2014 to September 2015, plant breeders rights have been granted for 41 plant varieties.

4. Activities for the promotion of plant variety protection

As a part of Multi-beneficiary program of the Community Plant Variety Office (CPVO), with the aim of the alignment of the Serbian system for the protection of plant breeders rights with Community plant variety rights system and administrative procedures regarding plant variety protection in EU, experts from Serbia participated on several annual expert meetings organized by the CPVO for Examination offices, in Headquarter of CPVO in Angers, France (Ornamental crops on September 23-24, 2014; Fruits on September 30-October 1, 2014; Agricultural crops on October 7-8, 2014; and Vegetable crops on October 21-23, 2014).

Participation of the MAEP-PPD representative on the training course "Plant Variety Protection Under the UPOV Convention" organized in cooperation of The International Union for the Protection of New Varieties of Plants (UPOV) with the United States Patent and Trademark Office (USPTO), with the aim to provide training for individuals ("trainers") who will provide training to others on plant breeders' rights under the UPOV Convention. UPOV/USPTO training course, took place in the headquarters of WIPO-UPOV in Geneva, Switzerland from May 4 to 8, 2015.

Workshops and seminars on plant breeders' rights were organized in Serbia with the aim to improve the knowledge of plant breeders, producers of seeds and propagating material, representatives of seed companies and other stakeholders with topics related to legislative, administrative and technical aspects of protecting of the PBR:

Seminar on "Development opportunities of seed production in the Republic of Serbia", organized by the Seed Association of Serbia and MAEP-PPD, within the 82nd International Agricultural Fair in Novi Sad, on May 13, 2015;

"Eighth scientific conference in the field of plant breeding and seed science", organized by the Society of Plant Breeders and Seed Producers of the Republic of Serbia and the Chamber of Commerce of Serbia, in Belgrade on May 28, 2015.

Representative of MAEP-PPD has successfully completed DL-305 UPOV Distance Learning Course, run in collaboration with the WIPO Academy:

Administration of Plant Breeders' Rights (Part 1 of DL-305 course: Examination of applications for plant breeders' rights), from February 16 to March 22, 2015);

DUS Examination (Part 2 of DL-305 course: Examination of applications for plant breeders' rights, from April 20 to May 24, 2015).

As part of integration process of the Republic of Serbia to EU, representatives of the Ministry of Agriculture and Environmental Protection – Plant Protection Directorate were participated on the Bilateral Screening for Chapter 12: Food Safety, Veterinary and Phytosanitary Policy, from 20-24 October 2014, in DG SANCO of the European Commission in Brussels, Belgium.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

All information related to plant breeders rights, also as Register of Applications for Plant Breeders Rights, Register of Protected Plant Varieties, and other information related to plant breeders rights, also as the National Catalogue of Varieties of the Republic of Serbia (National List of Varieties) are available on the web pages of the Ministry of Agriculture and Environmental Protection – Plant Protection Directorate:

www.uzb.minpolj.gov.rs/index.php?lang=en

www.uzb.minpolj.gov.rs/index.php?option=com_content&view=article&id=61&Itemid=14&lang=en

[Annex XV follows]

SWITZERLAND

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

There were no changes to the legal basis for the protection of plant varieties in the past year.

1.2 Extension of protection to further genera and species

In Switzerland, all genera and species may be protected.

1.3 Case Law

To our knowledge, no rulings concerning the protection of plant varieties were handed down during the past year.

2. Cooperation in examination

No changes. No trials are conducted in Switzerland. All examinations are done abroad under contract, or alternately, existing examination reports are taken on board.

3. Situation in the administrative field

Nothing new.

4. Situation in the technical field

Nothing to report since no trials are carried out in Switzerland.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each country/organization)	Comments
1.	2015	Berne	Federal Office for Agriculture	Create long-term stable, basic conditions for plant breeding: guarantee that plant breeders' activities are remunerated accordingly	Important stakeholders involved in plant breeding in Switzerland	High-level initiative designed to develop a plant breeding strategy for Switzerland
2.	March 30, 2015	Berne	Federal Office for Agriculture	Provide information on how the administration of the Swiss Plant Variety Office works.	OAPI, 2 people UPOV, 1 person	

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Work is underway on two ordinances in Switzerland, which could be of interest to UPOV:

- Ordinance on the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture (under the aegis of the Federal Office for Agriculture)
- Ordinance on the Nagoya Protocol (under the aegis of the Federal Office of the Environment)

[Annex XVI follows]

TUNISIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations:

- Adaptation to the 1991 Act of the Convention: Law No.99 - 42 of May 10, 1999, relating to seeds, plants and new varieties of plants, as modified by Law No. 66-2000 of July 3, 2000.
- Other amendments, including in respect of fees : there has been no modification of annual fees since the enactment of Decree No. 1802-2001 of August 7, 2001 which determined the amounts and methods for collecting and using the fees for registering varieties, seeds and plants and the approval of their production or propagation upon registration of applications and certificates of new plant varieties in catalogues related thereto and the annual fee that is due on plant variety certificates after registration .

1.2 Extension of protection to further genera and species (made or planned) :

- Decree of June 24, 2000 which lists plants that are liable to be protected and indicates the data and method for registering applications and plant variety certificates in the national plant variety catalogue .
- Decree of September 9, 2004 (extension of protection to all species of garlic (*Allium sativum*) and artichoke (*Cynarascolymus*).
- Decree of March 1st, 2010 (extension of protection to all species of avocado (*Persia americana* L.Mill) and raspberry (*Robus ideaus*).

1.3 Case law :

At present there are no legal or administrative decisions which could correspond to a judicial regulation.

2. Cooperation in examination

There has been no conclusion or modification of an agreement on examination. The Tunisian Department in charge of protecting new plant varieties continues to receive applications for protection involving the of a DUS report. DUS reports are purchased via the Community Plant Variety office and fees are settled between the applicant for protection and the CVPO.

3. Situation in the administrative field

No modification whatsoever, either in administrative structure or in office procedures and systems.

4. Situation in the technical field

Studies with regard to the technical examination of various species are keeping pace with developments and amendments adopted by the UPOV system.

5. Activities for the promotion of plant variety protection

No activities.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

There are currently no developments of relevance to UPOV.

EUROPEAN UNION

Period: October 2014 - October 2015

(Report prepared by the European Commission
in close relation with the Community Plant Variety Office (CPVO))ⁱ

PLANT VARIETY PROTECTION

1) Legislation

1.0 General

The presidency of the European Union (EU) was chaired by Italy from 1 July to 31 December 2014, by Latvia from 1 January 2005 to 30 June 2015 and by Luxembourg from 1 July 2015 to 31 December 2015.

1.1 Amendment of the law and the implementing Regulations

Commission implementing Regulation (EU) No 1294/2014 of 4 December 2014 amending Regulation (EC) No 1238/95 as regards the level of the application fee and of the examination fee payable to the CPVO.

Article 7(7) has been amended regarding the amount of the application fee retained for the processing of applications for grant of Community plant variety rights which are considered not valid. It was reduced from € 300 to € 200.

The fees relating to technical examination as referred to in Article 8 have been updated for all cost groups. The new cost groups are published on the web site of the CPVO. (<http://www.cpvo.europa.eu/main/en/home/methods-of-payment/applicable-fees/examination-fees>)

1.2 Case law

(a) Judgment of the Court of Justice of the European Union of 21 May 2015 in Case C-546/12P, Ralf Schröder v. CPVO and Jørn Hansson ('Lemon' Symphony) regarding an appeal brought against the judgment of the General Court in joint cases T-133/08, T-134/08, T-177/08 and T-242/09 in which the General Court dismissed the action brought against the decision of the Board of Appeal of the Office of 23 January 2009 (case A010/2007) concerning an application for annulment of a CPVR for the variety 'Lemon Symphony'.

The Court of Justice has rejected the appeal as unfounded, and has condemned the applicant to pay the costs. On the merits, the Court of Justice has confirmed that the provision on the examination of the facts of its own motion by the CPVO regarding both the substantive and technical examination also applies to proceedings before the Board of Appeal.

As regards nullity proceedings pursuant to Article 20(1) of the Basic Regulation, the CPVO shall declare a Community Plant Variety Right (CPVR) null and void if it has established that distinctness and novelty have not been met on the date the right was granted. Those requirements are a prerequisite for the granting of a CPVR and hence in the absence of those conditions, the right granted is unlawful and it is in the public interest that it be declared null and void. A declaration of nullity of a CPVR can also be made in the interest of a third party. However, this does not justify allowing a third party to apply in all circumstances and without specific reasons for the annulment of a CPVR. The granting of a CPVR follows a long and complex examination. Therefore, the CPVO enjoys a wide discretion concerning annulment of granted CPVR in so far as the protected variety underwent the substantive and technical examination. Thus, only where there are serious doubts that the conditions for the grant of a CPVR had not been met, a re-examination by way of nullity proceedings is justified. For that reason a third party seeking annulment of a CPVR must adduce evidence and facts of sufficient substance to raise serious doubts as to the legality of the grant of a CPVR. Consequently the third party had borne the burden of proof to that effect.

(b) Judgment of the Court (Second Chamber) of 25 June 2015 in Case C-242/14. Reference for a preliminary ruling: Landgericht Mannheim - Germany. Saatgut-Treuhandverwaltungs GmbH v Gerhard und Jürgen Vogel GbR and Others. Community plant variety rights -Regulation (EC) No 2100/94 - Derogation provided for in Article 14 - Use by farmers of the product of the harvest for propagating purposes without the holder's authorisation - Farmers under an obligation to pay equitable remuneration for such use - Period within which that remuneration must be paid in order to be able to benefit from the derogation - Whether it is possible for the holder to have recourse to Article 94 - Infringement.

In order to be able to benefit from the derogation provided for in Article 14 of Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (the basic Regulation) from the obligation to obtain the authorisation of the holder of the plant variety right concerned, a farmer who has planted propagating material obtained from a protected plant variety (farm-saved seed) without having concluded a contract for so doing with the holder is required to pay the equitable remuneration due under the fourth indent of Article 14(3) of that Regulation within the period that expires at the end of the marketing year during which that planting took place, that is, no later than 30 June following the date of reseeded.

2) Cooperation in examination

2.1 Conclusion of new agreements: Nothing to report

2.2 Amendment of existing agreements: Nothing to report

2.3 Memorandum of Understanding with third countries: Nothing to report

3) Situation in the administrative field

Updates in the CPVO Administrative structure: Nothing to report.

4) Situation in the technical field

4.1 Information concerning the functioning of the EU Plant Variety Protection

a. Relation with examination offices

In 2014, the CPVO held its 18th annual meeting with its examination offices, which was also attended by representatives from the UPOV office, the breeders' organisations (ESA, CIOPORA and Plantum), and a representative from Norway. The main subjects of discussion were:

- the Technical Liaison Officers' network: presentation of a new set-up;
- discrepancies between information present in the Technical Questionnaire (TQ) and appearance of plants in the DUS growing trial;
- review of the additional characteristic procedure in case a technical investigation step is needed for the assessment of the characteristic;
- centralization of ornamental small species, situation;
- possibilities to cooperate with UPOV authorities of non EU Member States in the exchange of technical examination reports;
- updating of variety descriptions;
- aspects related to the "One key-several doors principle";
- role of examination offices in providing information on novelty, variety denominations, entitlement (other aspects than DUS);
- proposal for a revision of the entrustment requirements to be met by an examination office;
- the introduction of Community Trademarks in Variety Finder and the feedback from examination offices;
- information on the state of affairs of CPVO's R&D Strategy.

b. Preparation of CPVO protocols

In 2014, experts from the Member States' examination offices were invited to participate in elaborating or revising technical protocols for DUS testing which either were subsequently approved by the Administrative Council or can be expected to be approved in 2015. The following experts' meetings were held to discuss the technical protocols of:

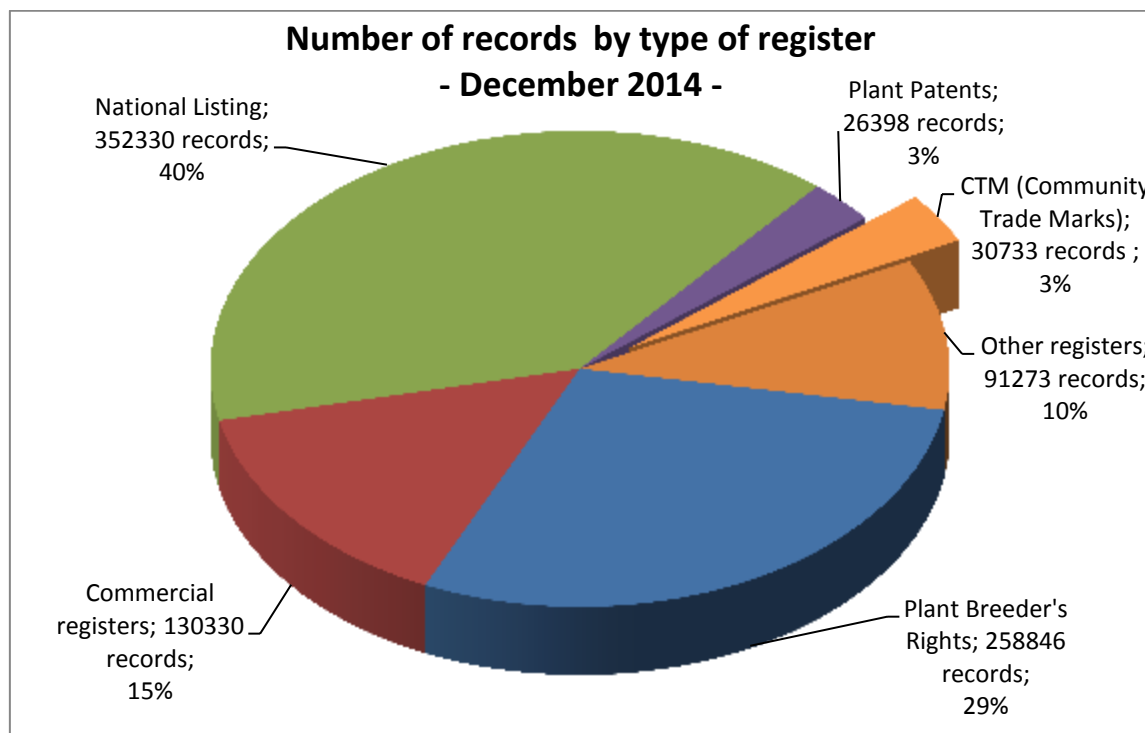
- for agricultural crops, technical protocols for Barley, Oats, Soybean, Cotton, Tall fescue & Meadow fescue, Field Bean and Common vetch;
- for vegetable crops, technical protocols for Swiss Chard, Swede, Pumpkin, Black Salsify, Chives and Pea;
- for ornamentals crops, technical protocols for Canna, Vriesea, Mandevilla and Hosta;
- for fruit crops, technical protocols for Peach and Prunus rootstock.

c. Further development of the CPVO Variety Finder

The CPVO Variety Finder is a web-based database developed by the CPVO in 2005 for the purpose of testing variety denominations proposals in the procedure of assessment of their suitability. It contains national data on varieties applied for and on varieties granted plant variety rights, national listings of agricultural and vegetable species and some commercial registers. The database is freely available under the 'Databases' heading of the CPVO website but requires an identification.

Since May 2014, Community Trademarks registered with the Office for the Harmonization of the Internal Market (OHIM) have been included and updated on a daily basis in the Variety Finder database. These trademarks are registered in class 31 of the "Nice Agreement" concerning the international classification of goods and services for the purposes of the registration of marks, which contains living plants. When users test a variety denomination proposal, the Community Trademarks are displayed in the denomination test results performed in Variety Finder.

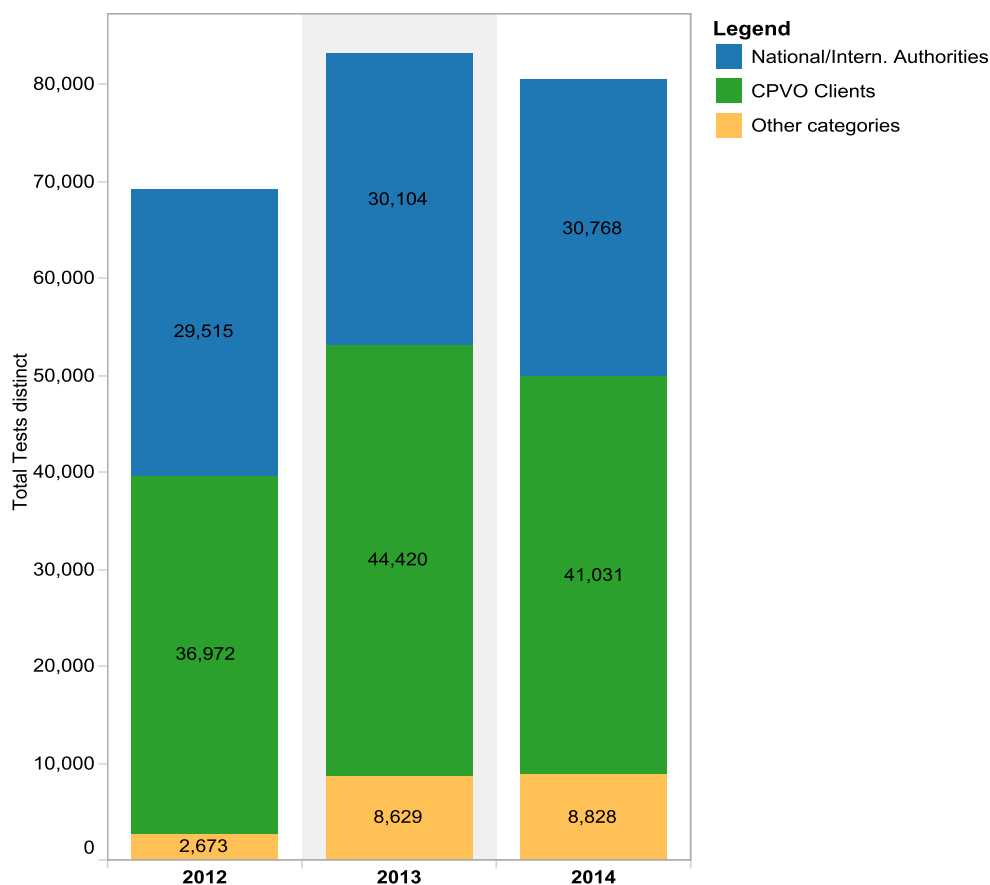
In total, more than 940000 denominations originating from EU and UPOV Member States have been included so far. The graph below shows an overview of the content of the database with the number of records per type of register.



The system includes a search tool widely used by users from 62 different countries all over the world. More CPVO clients made use of the tool in 2014 (+11%) compared to the previous year.

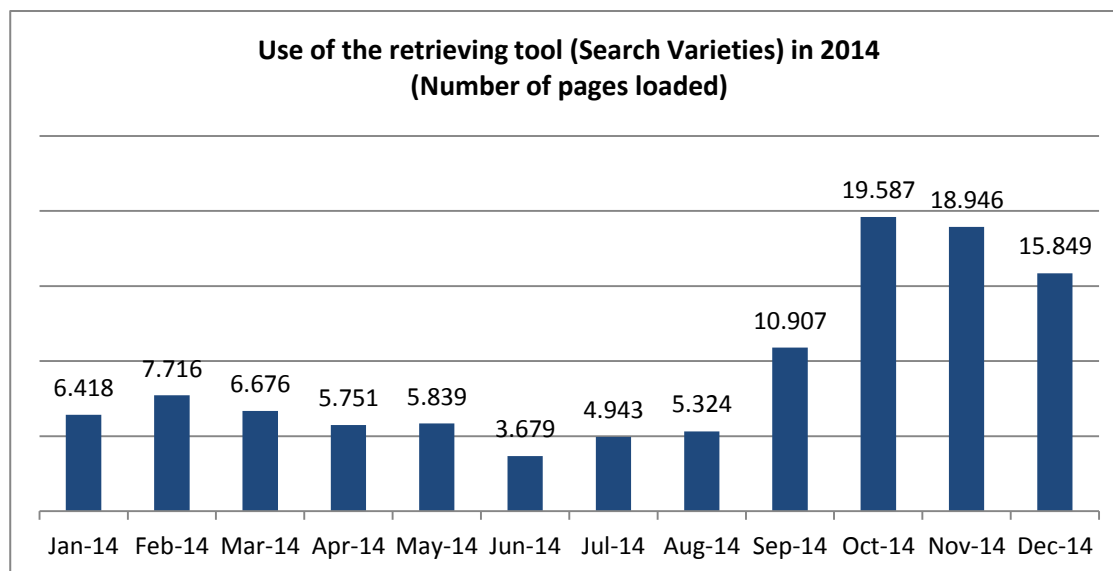
The graph on similarity shows the number of tests for similarity performed in the database by national or international authorities, CPVO clients and other types of contacts over the last 3 years. More than 80000 tests were launched in 2014.

Number of tests for similarity launched in the Variety Finder

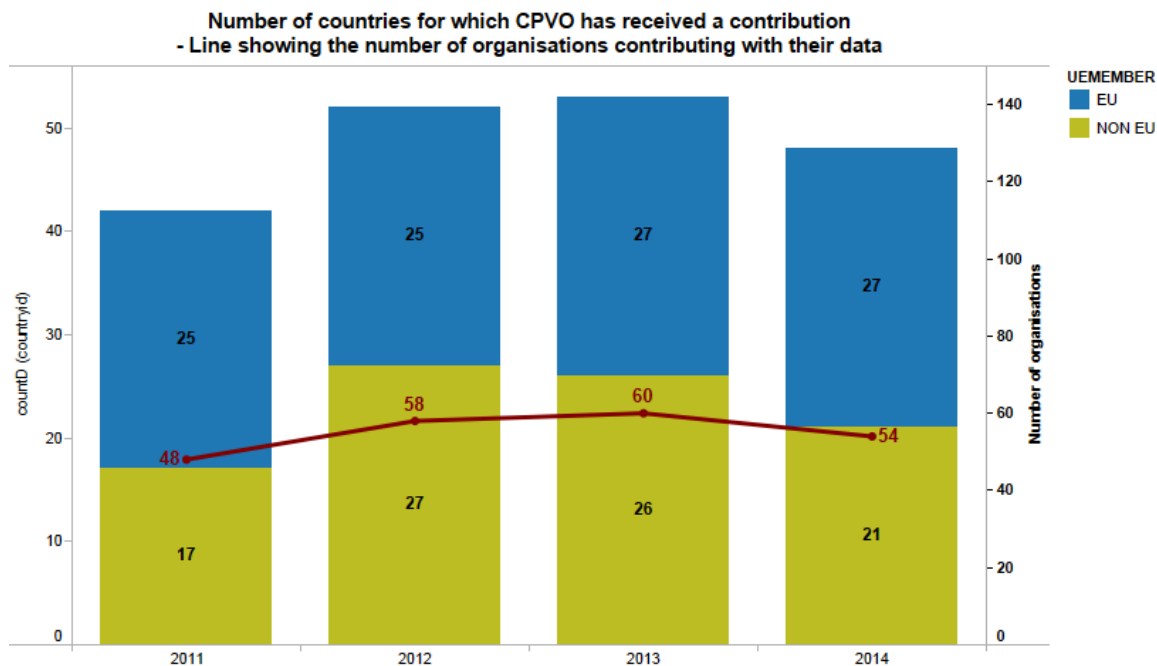


A retrieval tool allows more general searches for details on varieties or species present in the database and the new possibility to access some statistics on the content of the database according to a range of search criteria.

This retrieval tool, named 'Search varieties', was further developed in September 2014, with more search criteria available and increased export facilities. This had a direct impact of its use over the last months in 2014 as illustrated by the graph below:



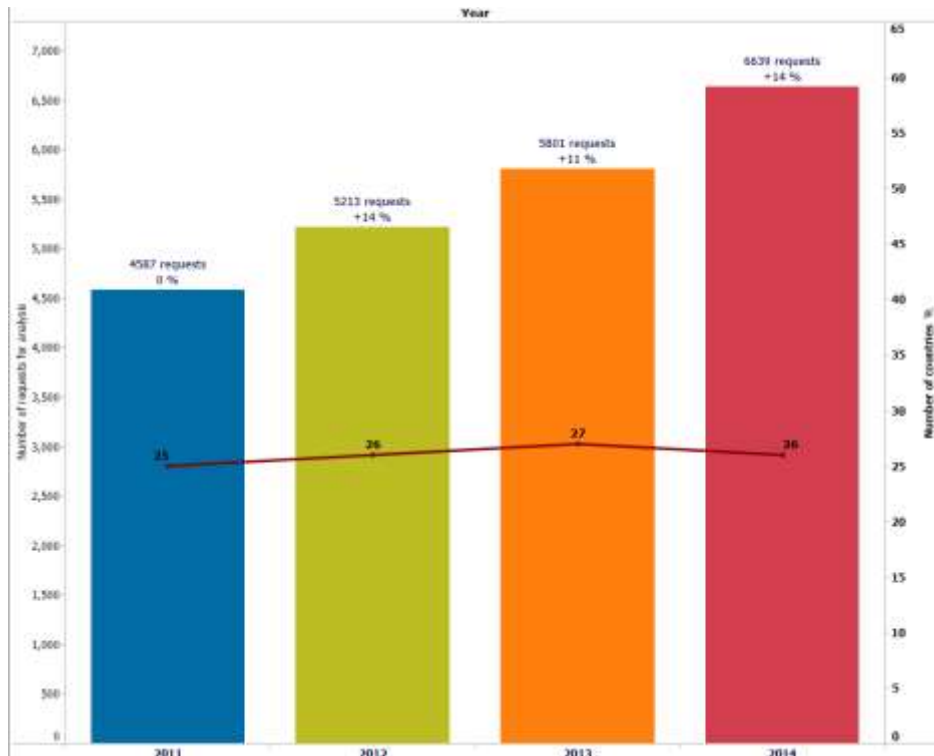
The CPVO receives contributions directly from EU Member States in respect of official and commercial registers, and via UPOV for most non-EU countries. 54 organisations from 48 countries contributed to Variety Finder, which represents 351 contributions for the year 2014.



The CPVO puts great effort into keeping the database as up-to-date as possible: 96% of the contributions received in 2014 were included within 5 working days.

d. Cooperation in denomination testing with EU Member States

Five years after the start of the cooperation in denomination testing program, 2014 was another record year for the service with over 6600 requests for advice received. This confirms the success of this project, as illustrated in the graph below.



Some of the EU Member States, who already started to contribute more regularly to the service in 2013, enhanced their commitment over the year taking initiative for discussion on the denomination rules and their interpretation.

This involvement of EU Member States is a positive contribution to the harmonisation of the rules within the EU.

e. Pilot project for an enhanced cooperation in denomination testing with the Royal General Grower's Association (KAVB)

During its meeting of 2nd October 2013, the Administrative Council of the CPVO agreed to the principle that the KAVB joins the enhanced cooperation in denomination testing for a test period of one year, in order to better evaluate the benefits and the consequences of a strengthened cooperation, which started already years ago in a less formal way.

In 2014, the KAVB submitted just over 500 denomination proposals. These additional requests did not affect the overall processing time: on the contrary, nearly 89 % of the requests were dealt with within 24 hours, which represents a slight improvement in comparison with 2013.

The cooperation with KAVB was perceived as very positive by the CPVO. The KAVB colleagues regularly exchanged views in respect of the interpretation of the denomination guidelines, enabling the CPVO to improve its reasoning. The KAVB knowledge of the bulb market was also very valuable in order to avoid a lot of observations on variety denomination proposals submitted for advice by other authorities or in CPVO procedures. This constructive cooperation is reflected by the lower percentage of proposals from KAVB which were subject to observations (20.4 %) compared to the overall EU figures (24%).

The Administrative Council considered the cooperation with KAVB as an added value in terms of mutual information sharing and exchanges about the interpretation of the rules on variety denominations and has agreed in March 2015, under proposal from the CPVO, to extend the duration of the cooperation in variety denominations for an indefinite period of time.

4.2 Crop experts meeting

a. Vegetable experts' meeting

A meeting of vegetable experts was held on 22-23 October 2014 to discuss:

- revisions to several technical protocols;
- definitive working rules on analogous DUS testing of vegetable varieties in two separate test locations;
- possible revision of common format for point 4.1 in vegetable technical questionnaires;
- the "One key - several doors" principle, report on the state of affairs;
- greater collaboration between entrusted examination offices for vegetables, including possible centralisation of some "minor species";
- expansion of UPOV codes to provide information on crop types;
- ongoing discussion on disease resistance testing issues:
 - greater development of a delayed implementation of asterisked disease resistance characteristics;
 - greater analysis of actual asterisked disease resistance characteristics;
- situation on ongoing and future R&D projects in vegetables.

b. Agricultural experts' meeting

A meeting of agricultural experts was held on 7-8 October 2014 to discuss:

- revisions to several technical protocols;
- segregation of characteristics in hybrid varieties;

- cereals: relation re-submission threshold and refusal;
- report on technical verifications triggered by non-submission of seeds;
- the "One key – several doors principle";
- the potato database;
- situation on ongoing and future R&D projects in the agricultural sector.

c. Fruit experts' meeting

A meeting of fruit experts was held on 30 September and 1 October 2014 to discuss:

- interim reports – information under the remarks;
- report on the Apple Open Day of 18 December 2013 and proposal for a follow-up;
- sample for the uniformity assessment;
- possibilities to cooperate with overseas' UPOV authorities in the exchange of technical examination reports;
- necessity of a living collection for small species in the fruit sector;
- testing at breeder's premises;
- exchange of views on the need to carry out a partial revision of the CPVO mandarin protocol taking into account the latest developments at the UPOV TWF;
- age of plants and comparison side by side in relation with technical examination of fruit varieties;
- phytosanitary requirements;
- follow up of the R&D project "Reducing the number of obligatory observation periods in DUS testing for candidate varieties in the fruit sector".

d. Ornamental experts' meeting

A meeting of ornamental experts was held on 23-24 September 2014 to discuss:

- centralization of small species;
- proposal for adaptation of general instructions on the submission of samples for ornamental applications;
- submission problems of plant material from outside the EU, exchange of experience, need to update the general submission requirements;
- report about additional characteristics recently accepted in the ornamental sector, state of affairs;
- presentation of the computerisation of the new species procedure and feedback from the EOs following the first procedure;
- readability of the online TQ and application form from the examiner's view.

The CPVO hosted in Angers the 49th Session of the UPOV Technical Working Party for Vegetables (TWV/49) from 15 to 19 June 2015. The event was attended by more than 60 experts from different countries.

4.3 Quality Audit Service

Within the CPVO's assessment programme 12 audits of entrusted examination offices were carried out. These included regular triennial audit visits as well as 2 assessments in response to scope extension requests. These assessments concluded the second complete audit cycle since the inception of the programme in 2010. The CPVO Administrative Council (AC) accepted the entrustment recommendations provided at the AC meetings in October 2014 and March 2015.

The Administrative Council also appointed 30 technical experts involved in the assessments to renew and complement the current pool of experts.

In conjunction with the cost calculation exercise, the audit cost sharing between CPVO and its examination offices was launched. An estimate of the individual audit fees was communicated to the examination offices. With the start of the third audit cycle in 2016, 50 % of the audit costs will be borne by the examination offices.

5) Activities for the Promotion of Plant Variety Protection:

5.1 International Meetings, Seminars

a. EXPO MILAN 2015

On 14 July 2015, DG SANTE organised a conference on 'Climate change and food security: challenges for plant health, plant breeding and genetic resources'. The conference falls under the umbrella of a series of events promoting the long term sustainability of the food chain to ensure food security.

Experts from EU Member States, stakeholders, members of academia and international organisations debated at Expo Milan on the impact of climate change on food safety and food security and its concomitant emerging risks to the health and high quality of plants and seeds. A presentation was given by the Vice-Secretary General of UPOV to the audience on the protection of innovation in the plant breeding sector.

b. CPVO

The President of the CPVO attended an African Regional Intellectual Property Organisation (ARIPO) workshop organized in Zimbabwe, from the 26th of October to the 2nd of November 2014, where he assisted ARIPO in the development of their system of regional plant variety right and shared the CPVO's knowledge of regional plant variety right system. He participated in an ARIPO experts meeting, to prepare a protocol for the protection of new varieties of plants (new plant breeders' rights), in Arusha (TZ) from the 29th of June to the 1st of July 2015. He attended the 9th extraordinary session of the ARIPO Administrative Council, in Arusha from the 2nd to the 3rd of July 2015

The President of the CPVO participated in Plant Breeders' Rights training in Arusha (TZ) from the 27th of November to the 2nd of December 2014. The course was organised by UPOV, GEVES (FR) and Naktuinbouw (NL). He participated in a second training course organised by UPOV and Naktuinbouw on plant variety protection in Arusha from the 23rd to the 27th of April.

The President of the CPVO participated in the annual meeting of the US Plant Variety Protection Board of the United States Department of Agriculture (USDA), in December 2014 in Chicago (USA), where he presented the EU system of Community plant variety rights, highlighting the advantages of the system such as the assessment of applications, the online application system and the Variety Finder database. The exchange of views showed that whilst the EU and US systems operate differently, there are common denominators. He also gave a joint presentation with Dr Paul Zankowski, of the USDA, to the American Seed Trade Association (ASTA). As UPOV members, it is important that the EU and the USA work together — ultimately reducing the administrative burden of breeders. The CPVO looks forward to working with its US counterparts to continue to support and protect plant variety rights, so that breeders can continue to research and develop new plant varieties.

The President of the CPVO met the 'Agricultural Minister' Bao-Ji Chen of Taiwan, Province of China, in Paris, on the 7th of July, to discuss plant variety protection.

The President of the CPVO participated in Expo Milan, on the 14th of July 2015, in the event organized by DG SANTE of the European Commission on the topic, "Climate change and food security: challenges for plant health, plant breeding and genetic resources."

The Vice-President of the CPVO attended and contributed with presentations to the first edition of the UPOV course "Training the trainers" for Latin American countries, organised by UPOV, the World Intellectual Property Organisation (WIPO) and the Spanish authorities, in Montevideo (Uruguay) in December 2014.

The Vice-President of the CPVO participated in the 5th international seminar on plant breeders rights organized by IEPI (Instituto Ecuatoriano de la Propiedad Intelectual), in cooperation with UPOV and INIAP (Instituto Nacional de Investigaciones Agropecuarias) in Quevedo (Ecuador), October 2014. He made presentations on the EU plant variety rights system and the organisation of DUS testing in the EU. At this occasion, a parallel meeting was organized with IEPI to discuss the further cooperation with the CPVO and its examination offices.

The Vice-President also participated and made a presentation in an 'IPR Workshop' organized by the Asia & Pacific Seed Association (APSA) on the 18-19 May 2015 in Bangkok (Thailand). The workshop was addressed to National Seed Associations members of APSA, the main subject being the presentation and discussion of the APSA 'Position Paper on Intellectual Property Rights'.

The Head of Legal Unit attended and contributed with a presentation to the Master in Intellectual Property of the University of Alicante Magister Lucentinus 'I Plant Variety Right Intensive Module' (CPVO-UPOV-OEVV), 13-14 November 2014 (Spain).

The Head of the Legal Unit gave a presentation on the EU plant variety protection system at the 18th Plant Variety Protection Course in Wageningen on 22 June 2015 organised by Naktuinbouw.

The Head of Legal Unit attended and contributed with a presentation to the Seminar on Plant Variety Rights and other IP rights in the development of agriculture (Jornada 'La proteccion de las variedades vegetales y otros derechos de propiedad intelectual en el desarrollo de la agricultura) (OEPM – Spanish Patent and Trademark Office) in Madrid, 11 June 2015 (Spain).

The Head of Legal Unit attended and contributed with a presentation to the Seminar 'A new vision in respect of Plant Breeders' Rights in protected varieties' organized by ASOVAV (Association of operators of plant varieties) (IV Jornada de ASOVAV Nueva visión sobre los derechos del obtentor en las variedades protegidas) in Valencia, 18 June 2015 (Spain)

The Legal Adviser has followed the work of OHIM Observatory on infringement of IPRs since February 2013. The Observatory launched in September 2014 a pilot project for a case-law database on enforcement of all IPRs that would include 800 cases (national jurisdictions, OHIM, CPVO, Court of Justice of the EU), with a few Intellectual property offices of some Member States: Denmark, France, Lithuania, Romania, United Kingdom, Slovenia, Spain, and Sweden. That phase was completed in May 2015 with the CPVO's contribution prepared by the Legal Unit. Four additional countries are joining in 2015: Austria, Czech Republic, Hungary and Ireland. The decisions concerned are "key" IP enforcement-related judgments ("key" to be understood as meaning a decision that sets a precedent or overturns the established case-law) in civil as well as criminal proceedings issued between 2006 and 2014 concerning all IPRs. After completion of the project, the update will be done yearly. The Legal Adviser will attend the Observatory September and October meetings where members will be updated on the progress of this project and others of the Legal and Enforcement Working Groups of OHIM Observatory.

The fruit and vegetable expert from the CPVO technical Unit attended and contributed with presentations at the training course organised by the OEVV Spanish examination office (Oficina Española de Variedades Vegetales) on the harmonisation of DUS testing work undertaken by the Spanish testing centres accredited by the CPVO, according to UPOV and CPVO principles, San Fernando de Henares (Spain), 24-27 February 2014.

The CPVO was represented by the Head of the Quality Audit Service at the OAPI (African Intellectual Property Organisation) event, 'Séminaire national d'information et de sensibilisation à l'intention des experts des centres de recherche agricole', in Cameroun from 27-29 July 2015. He presented the CPVO system of plant variety rights during the seminar.

5.2 Visits to and from non-Member States and organizations

During the reporting period, the CPVO had the honour to receive the following high level visits:

- delegation from OAPI (African Intellectual Property Organisation), on 18th June 2015;
- delegation from the Japan NTT Data Institute of Management Consulting, on 14th October 2014.

5.3 Participation in international fairs and open days

The CPVO considers its participation in international fairs and open days at examination offices as a useful tool to promote the Community Plant Variety Rights system, to have direct contact with applicants and to provide information to growers. In 2015, the CPVO participated in two fairs.

- In January 2015, the CPVO attended the 'IPM' in Essen, Germany. The stand was shared with colleagues from the Bundessortenamt (DE), Naktuinbouw (NL) and NIAB (UK). The focus lay on ornamentals.
- The 'Salon du Végétal' took place in February 2015 in Angers, France. The CPVO regularly participates together with GEVES (FR) in this fair organised mainly for growers of ornamental plants.

In cooperation with OEVV (Oficina Española de Variedades Vegetales) and INIA (Instituto Nacional de Investigación y Tecnología Agraria y Alimentaria) CPVO organised an open day for vegetable varieties on 21st October 2014 in Valencia. More than 70 breeders, applicants, procedural representatives, users or examiners of vegetable varieties protected by a National or Community plant variety rights title of protection and/or registered in the official catalogue of vegetable varieties and species attended the open day. There were lively discussions around the eight presentations made by the hosting organisations and the European Seed Association (ESA) focusing on current issues in vegetable DUS testing and plant breeders' rights. The afternoon was spent visiting the Spanish vegetable trial facilities where examiners explained the intricacies of DUS testing of salad crops under their local conditions. The event finished with conclusions on how improvements can be made to the vegetable sector in the future.

On 15 October 2014, the CPVO participated in an open day organised by the Bundessortenamt in Hannover (Germany) for breeders of Calluna varieties. The open day gave breeders an opportunity to familiarise themselves with the conduct of the technical examination as well as with the Bundessortenamt and the CPVO. The presentations and discussions were followed by a visit to the growing trial. The event was attended by some 30 participants; most of them were German breeders.

5.4 The Multi-Beneficiary Program on the Participation of EU Candidate Countries in the EU Plant Variety System

Since 2006, the CPVO has been participating in the EU 'Multi-Beneficiary Program' aimed at preparing candidate countries for accession to the European Union. This program was initially set up for Turkey and Croatia. In 2008 it was extended to the former Yugoslav Republic of Macedonia and, since 2009, it has been opened to all countries of the western Balkan region. Albania and Serbia expressed an interest in participating in its activities in 2009, Bosnia and Herzegovina in 2010. Kosovo expressed also an interest in participating under UNSC Resolution 1244/99 in 2014. In the framework of this program, representatives of the national plant variety rights authorities were invited to participate in crop expert meetings held regularly at the CPVO. Furthermore, experts from the candidate countries were trained at the examination offices already working on behalf of the CPVO. Additionally, EU experts trained staff in the candidate countries.

Only few of the conducted activities fall within the reporting period: on 2 October 2014, the CPVO held a workshop on variety denominations in Zagreb in which technical and administrative staff of the Croatian plant variety rights authorities participated.

In October 2014, participants from Croatia, the former Yugoslav Republic of Macedonia, Serbia and Turkey attended the agricultural expert meeting held in Angers. Kosovo also participated. In the same month, the vegetable experts held their annual meeting in Valencia followed by an Open Day at the Spanish testing station to which experts from Albania, the former Yugoslav Republic of Macedonia, Serbia and Turkey participated. Kosovo also participated.

Also in October 2014, the CPVO, in co-operation with the German Bundessortenamt, organised a workshop on how the CPVO cooperates with examination offices when processing applications and on the duties and structures of an examination office.

At the end of October 2014, a 2 days' workshop on the implementation and awareness raising of plant variety rights was conducted in the Former Yugoslav Republic of Macedonia. The implementation part workshop was held for the Macedonian authorities and the awareness raising part was addressed to local breeders and growers. The workshop was conducted in co-operation with UPOV, the Czech and the German plant varieties rights authorities.

The Multi-Beneficiary Program came to an end in November 2014; a new program is currently not foreseen.

5.5 IT developments

The Online Application service of the CPVO has developed over time, with increasing interest from applicants in the wake of numerous promotions of the tool by the CPVO. This system has allowed applicants to reduce errors. Close to 80% of applications are now received online. The Administrative Council of the CPVO approved the principle of a reduced application fee for applicants filing online as from 1.1.2016.

The B2B project (business to business electronic exchange) to allow automatic sharing of documents between the CPVO and examination offices has had a successful pilot phase and has now moved into production with a number of examination offices. In July 2015, the CPVO stopped sending paper communications to its examination offices and since then uses exclusively the business to business solutions.

The CPVO has also launched a study to implement a system which will allow a complete web-based interaction with clients for all communications.

RELATED FIELDS OF ACTIVITIES

1) Marketing of seed and plant propagating material

In 2015 the Common Catalogues of varieties of agricultural plants and vegetable species were updated 7 and 6 times respectively. End of 2014, more than 20 700 varieties of agricultural plant species and more than 19 100 vegetable varieties have been accepted for marketing in the EU. In addition, 773 conservation/amateur varieties of vegetable species were registered in the EU.

The proposed draft Regulation of the European Parliament and of the Council on the production and making available on the market of plant reproductive material (plant reproductive material law) notified in G/SPS/N/EU/46 on 21 May 2013 has been withdrawn by the European Commission on 7 March 2015 (OJ C 80, 7.3.2015, p. 17–23).

2) Genetic resources

In the framework of the policy of the EU and its Member States on conservation of plant genetic resources, in 2014, 63 conservation varieties of vegetable species and 206 of agricultural crops were registered for commercial crop production under particular conditions for marketing in the EU.

3) GMOs

As regards cultivation of GMOs, the European Parliament and the Council adopted on 11 March 2015 Directive (EU) 2015/412 of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs).

According to this new Directive:

- Member States will have two alternative possibilities to restrict or ban GMO cultivation on their territory:
 - Option 1: during the authorisation procedure of a GMO, a Member State may demand that its territory (or part of it) is excluded from cultivation. The Commission shall present the demand to the notifier and make it available to the public. The firm which lodged the application for authorisation of the GMO has 30 days to oppose to the request. If no objection is received within that time limit, the decision of authorisation is adjusted by the Commission so that the cultivation is excluded in the Member State concerned, as requested.
 - Option 2: after the authorisation has been granted by the Commission, the Member State may adopt measures to restrict/ban cultivation on its territory, based on compelling grounds. The draft measure is communicated to the Commission, which has 75 days to react in case the conditions of the Directive are not fulfilled, after which the Member State can adopt it.

- Coexistence measures will have to be implemented by Member States that cultivate GMOs at their borders, unless natural barriers like mountains or the sea make them unnecessary.
- The Commission will report within 4 years on Member States' remediation of environmental damages.
- The Commission has to update within 2 years the annexes on Environmental Risk Assessment of the Directive 2001/18/EC on the deliberate release of GMOs in the environment.

4) R&D

1.1 New projects approved

Nothing to report.

1.2 On-going projects

a. A European Potato database as centralized collection of varieties of common knowledge

This project approved in the beginning of 2014 is the follow-up of the already finalized project "Construction of an integrated microsatellite and key morphological characteristic database of potato varieties in the EU Common Catalogue". The new project was initiated by the CPVO (coordinator) and involves the nine entrusted examination offices for potato Naktuinbouw (NL), SASA (UK), BSA (DE), COBORU (PL), OEVV (ES), DAF (IE), AGES (AT), UKZUZ (CZ), UKSUP (SK) and the European Seed Association (ESA). The aim of the project is to set up and to maintain an EU database for potato varieties, containing morphological and molecular data and light sprout pictures plus a collection of DNA samples from those varieties.

The complete and maintained database as a centralised collection of morphological and molecular data of varieties of common knowledge would be an important tool for examination offices to organise the DUS tests in an efficient manner by providing reliable results for a crop without living reference collection. The use of a centralised database would improve quality and would supposedly reduce costs of the DUS test compared to the maintaining of several databases on national level. Furthermore, beside its purpose for the DUS test, a part of the database (molecular profiles) could be used by titleholders in enforcement situations. An experts meeting took place in 2014 at the premises of the Bundessortenamt in Magdeburg. Beside technical issues, questions of access rights and confidentiality of data and data results were discussed.

On 27-28 May 2015 the CPVO organised the fourth meeting of potato experts to discuss the R&D project for the setup of a Common Database. The meeting was hosted by AGES in Vienna (AT). There were 26 participants attending, all from entrusted examination offices and the two breeders associations ESA and Plantum. Since the potato database is a pilot project for the collaboration between several project partners, intense discussions were held. Those concerned essentially agreements to be established between the project partners (examination offices and ESA) on one hand and the laboratories conducting the molecular work on the other hand as well as very practical questions on the collection of data, such as submission of samples and dispatching of the results obtained and the conduct of the database. The fifth meeting took place in Angers on 23 September 2015 in conjunction with the annual meeting of CPVO agricultural experts. The final report of that R&D project will be available by the end of 2015.

b. "Creation of a Common Maize Database for DUS studies through a partnership between Czech Republic, Hungary, Slovakia and the CPVO"

This project was formally approved by the CPVO in March 2014. It is coordinated by ÚKZÚZ (CZ) having as partners NEBIH (HU) and UKSUP (SK). The aim of the project is to establish a common maize database for DUS studies through a partnership between the Czech Republic, Hungary, Slovakia and the CPVO. This database should contain harmonized morphological descriptions of maize lines and hybrids according to the CPVO technical protocol from all participating countries. It will be updated regularly and will be available for electronic consultation for each partner and CPVO. Each partner could thus be in charge of maintaining physically at his premises only the seeds of varieties corresponding to its climatic conditions and not conserved in the other examination offices. During the execution of the project an exchange of information and experiences is foreseen with experts from the three examination offices which are already sharing a maize database. The project will be finalised by the end of 2015.

c. *“Impact analysis of endophytes on the phenotype of varieties of Lolium perenne and Festuca arundinacea ”*

This project, initiated in January 2013, is coordinated by the CPVO and the Food and Environment Research Agency (FERA) (UK), with the following project partners: Bundessortenamt (DE), ESA (breeding companies: DLF Trifolium and Barenbrug) and GEVES (FR). The project aims at clarifying the possible impact that the presence of endophytes in varieties of *Lolium perenne* and *Festuca arundinacea* might have on the phenotype, and thus on the expression of the characteristics observed during the DUS tests and eventual consequences in terms of quality requirements for material to be submitted for that purpose. The project provides for the assessment of four varieties from each species, with two stages of endophyte infections (0 % and 100 % endophytes). These varieties will be integrated into regular DUS tests during two growing cycles using the relevant CPVO technical protocol. The establishment period of the plants took place in 2013. A first interim report suggests that there might be no significant impact; however, the final assessment will be made in 2015. The final report is expected at the end of 2015.

d. *“Harmonisation of vegetable disease resistances”*

This project, initiated in 2012, is coordinated by GEVES (FR), with project partners from the ÚKZÚZ (CZ), BSA (DE), OEVV (ES), NEBIH (HU), Naktuinbouw (NL), UK and ESA. This project is a follow-up to the earlier ‘Harmonisation of vegetable disease resistances’, completed in 2008, although the new project deals with seven disease resistances in pepper, pea and lettuce. The aim of the project is to ensure that examination offices and breeders working in the selected disease resistance tests are able to use common methodologies and interpret the disease symptoms emanating from these tests in the same manner. A first meeting was organized by GEVES, the project coordinator, at the end of June 2012, in order to obtain consensual agreement amongst the project partners on the schedule of work to be done, and the races/isolates and example varieties which would be utilized. The work done in the second half of 2012 was concentrated on the description and comparison of the existing tests for these disease resistances. The second meeting of the group took place in May 2013 and the CPVO received the first interim report in August 2013.

The third meeting of the group took place in April 2014 in Roelofarendsveen (NL). The project partners reported on the progress they had made on the identified isolates and races during the previous twelve months. The partners also identified the areas in which focus was still required in order to ensure correct interpretation of laboratory results. At this meeting the CPVO also presented the results from an ESA/CPVO survey dated a few months earlier on problems which vegetable seed companies had encountered in undertaking some of the disease resistance tests outlined in the CPVO vegetable protocols; the CPVO outlined that some of these could form the basis of a future “Harmores 3” project.

During the second half of 2014, project partners continued to exchange results in order to refine the future harmonised disease resistance test methodologies under study for the “Harmores 2” project. In this spirit, GEVES organised in Angers in early November, two workshops on successive days for the project partners. One was practical laboratory work on *Bremia lactuca* symptoms in lettuce; small groups worked together on cotyledon test symptoms using “difficult cases” to see how everyone carried out their notations in order to come to common interpretations. The second workshop also involved practical laboratory experience, this time on *Fusarium oxysporum* in pea; two notation scales were compared, whilst one notation scale was harmonised on the two inoculation methods validated in the comparative tests for phase 3 of the project. The interim report for the second year of the project was received in September 2014.

The project will be concluded by the end of 2015 with the presentation of the final report to the CPVO.

e. *“Effect of seed priming on vegetable DUS tests”*

This project initiated by the CPVO was approved in January 2014 for one year. The project coordinator is the CPVO, with other project partners being ESA and the selected entrusted examination offices (Naktuinbouw (NL), OEVV/INIA (ES) and GEVES (FR)). The project investigates the implications which seed priming may have on the expression of characteristics of eggplant and tomato rootstock varieties, in nominated examination offices entrusted for those species. Although these are not amongst the most important vegetable species applications-wise in the Community plant variety rights system, commercially they are mostly primed. The R&D project also studies the possible effect that seed priming might have on the reduction of the germination rate over time.

The project commenced its activities with the planning of the trial set up and the sending by ESA members of primed and unprimed samples for three eggplant and three tomato rootstock varieties. Naktuinbouw carried

out trials for both eggplant and tomato rootstocks, whilst GEVES carried out trials for eggplant and OEVV/INIA carried out trials for tomato rootstocks. The trial set up was identical in both the partners for each species including usage of the applicable CPVO protocols for eggplant and tomato rootstocks. Seeds were sown in time and subsequent observations made on the plants according to local conditions.

In late August 2014 a meeting of the project partners took place in Roelofarendsveen (NL) in order to discuss preliminary findings at the time of fruit harvest. Detailed presentations were given by each project partner during the annual vegetable experts meeting (VEM15) held in Valencia on 22 October 2014. In the subsequent weeks each of the project partners sent formal reports to the CPVO on the trials they had carried out for their designated species.

The CPVO is elaborating the final report on the project during the course of 2015, and will subsequently analyse, together with stakeholders, the implications emanating out of the conclusions of this project.

1.3 Follow-up of finalised projects

a. "Reducing the number of obligatory observation periods in DUS testing for candidate varieties in the fruit sector"

This project was coordinated by the CPVO, with the following project partners: Bundessortenamt (DE), COBORU (PL), the Organisation of Breeders of Asexually Reproduced Ornamental and Fruit Plants (Ciopora), CRA-FRU (IT), OEVV (ES), GEVES (FR), National Food Chain Safety Office (HU), Central Institute for Supervising and Testing in Agriculture - National Plant Variety Office (NPVO) (CZ) and Plantum (NL). The project was initiated in the beginning of 2013 and finalised at the end of 2013. Costs of DUS testing for candidate fruit varieties are relatively high compared to varieties in other crop sectors. The aim of the project was to determine i) whether there is indeed technical justification for two satisfactory crops of fruit in order to make a conclusion on DUS and ii) draw up a subsequent reliable variety description. Five species have been considered in the scope of the project: peach, strawberry, apple, raspberry and grapevine. Varieties where the CPVO technical protocol has been implemented and which had been registered (National Listing, National Plant Variety Rights, Community Plant Variety Rights) in the past 5 years have been considered.

Results indicate that in the big majority of cases, the second year of observation confirms the result of the first year in respect of DUS in a context where variety descriptions are made on the basis of 2 years of observations. However, if the DUS test were to be limited to the first fruiting period, there are other consequences that must be taken into account. Firstly, in the first satisfactory fruiting period, trees are still young and do not express some of the characteristics under the present protocol in the same way as they would do in the second year of observation. Secondly, switching to a system where observations would be limited to the first fruiting period as a routine would have consequences when comparing variety descriptions based on observations during the second year of testing which are stored in databases. A comparison between varieties described in different ages of the plant material is less reliable and would probably have a consequence when deciding on which varieties to be included in the growing trial for a side by side comparison

As a follow-up, examination offices are invited to send reports after one year of testing in case there is no doubt about the distinctness. The CPVO has worked on a proposal to UPOV to change the standard wording on the test duration, opening the possibility to conclude after one year of observations. This proposal was discussed in the TWF 2015 meeting.

b. "Modification of the cultivation scheme and the plant material requirements for Helleborus"

The project was initiated by the CPVO and includes another project partner, Naktuinbouw. The project was launched in March 2013 and the final report was drafted at the end of 2014.

The DUS testing of *Helleborus* varieties in the framework of an application for CPVRs is centralised at Naktuinbouw, where plants were partly cultivated outdoors in open ground. This cultivation scheme seemed not to be optimal as, in the past, the weak drainage of the soil caused some damage, and some cold winters or bad weather conditions could damage the candidate varieties and the reference collection. Moreover, the commercial standard way of production seems to be more suitable for pot culture rather than ground cultivation. The aim of this project has been to investigate the suitability of an alternative to the current cultivation scheme, namely to move to a cultivation in pots with delivery in April, based on an experimentation with 12 reference varieties.

The results of the pilot project have shown that:

- plants from the pot cultivation were more uniform;
- the change of the treatment had only a limited effect on the expression of the characteristics.

Based on these facts, the examination office proposed to change the examination conditions and the cultivation scheme into a pot culture starting in the open in April and transferred to a cold greenhouse at the end of November. This new scheme has been implemented for all candidate varieties starting the first year of DUS examination as from April 2015.

c. Rose project: sampling, analyses and storage of DNA sampled

In June 2011 the CPVO proposed to the Administrative Council to go ahead with a pilot project on sampling and storing DNA of roses. It was decided to keep a DNA sample from the original plant material submitted for each technical examination, on a compulsory basis. One possible use of such a sample could be, in cases where there are doubts, to verify (as far as the applicable techniques allow) the identity of the material ordered in order to be grown as a reference in a DUS test, comparing the DNA fingerprint of the material received as a reference variety with the fingerprint of the DNA stored for that same variety. This sample could also be used in relation to the enforcement of rights at the request of the breeder. In a future context, this sample could be used in the management of the reference collection.

A procedure setting out the details of the DNA sampling as part of the technical examination has been defined, on the basis of which a call for tenders to select a laboratory was launched. In 2011, Naktuinbouw was entrusted for a period of 4 years ending in February 2015. The sampling started during the course of the 2011 DUS trial.

A DNA sample from the original plant material submitted for each rose's technical examination has been kept on a compulsory basis during these 4 years, following the adopted procedure. The leaves have been collected in the different entrusted examination offices (Bundessortenamt, Naktuinbouw and NIAB) and sent to the entrusted laboratory (Naktuinbouw). DNA extractions and storage took place in this laboratory. Since the start of the project, the DNA of '732 DNA samples' has been stored.

The CPVO made an internal analysis of the outcome of the project and the comments received by the project partners and breeders organizations (CIOPORA and Plantum). During this period, none of these samples has been used by the entrusted examinations offices or by the breeders. Different reasons can explain the situation. The CPVO Administrative Council agreed in March 2014 to extend the project for one more year, in order to avoid a gap in the DNA sample taking, since a new project for roses is under preparation. The new project intends to test the use of new molecular markers, which are considered to be of interest for the management of glass house rose reference collections.

ⁱ This report uses the terminology of the United Nations.

AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION
(ARIPO)

ARIPO and its nineteen Member States organized a Diplomatic Conference for the adoption of the Draft ARIPO Protocol for the Protection of New Varieties of Plants in Arusha, Republic of Tanzania on July 6, 2015. The Conference was preceded by an Experts Committee Session and the Ninth Extra-ordinary Session of the Administrative Council from June 29 to July 1, 2015 and July 2 to 3, 2015, respectively. The Conference was attended by over 120 delegates including Ministers of Agriculture, Trade and Industry, Justice as well as senior policy makers and officials from Ministries of Agriculture and National IP Offices. International Organizations and Institutions from the World Intellectual Property Organization (WIPO), the Community Plant Variety Office (CPVO), the French National Seeds and Seedlings Association (GNIS), the United States Patent and Trademark Office (USPTO) and the International Union for the protection of New Varieties of Plants (UPOV) attended the Conference in an observer capacity.

The Conference adopted the ARIPO Draft Protocol for the Protection of New Varieties of Plants with some changes (see Appendix) and resolved to call it "Arusha Protocol for the Protection of New Varieties of Plants".

During the Expert Committee meeting that preceded the Conference, it was recommended that the Expert Committee should be involved in the formulation of the Regulations and that the Administrative Council must set the time limits to conclude the drafting of the Regulations to facilitate the proper enforcement of the Protocol. At the Ninth Extra-ordinary Session of the Administrative Council that was held at the venue of the Diplomatic Conference from June 2 to 3, 2015, the Council approved the recommendation for the Expert Committee to be involved in the preparation of the Draft Regulations for the implementation of the Protocol. The Administrative Council further requested the Secretariat of ARIPO to provide for the preparation of the Draft Regulations in the proposed ARIPO Strategic Plan for the period 2016 - 2020 with budget and present it to the Thirty-ninth Session of the Administrative Council for a decision to be taken on the timelines for the completion of the Draft Regulations.

Following the decision of the Ninth Extra-Ordinary Session of the Administrative Council, the Secretariat of ARIPO has proposed the following road-map for adoption by the Thirty-ninth Session of the Administrative Council that will take place in Lusaka, Zambia from November 16 to 18, 2015:

- i. Preparation of the initial draft of the Regulations by a Legal Draftsman - Jan to Feb, 2016
- ii. Circulation of the initial draft of the Regulations to the member states and relevant stakeholder institutions for review and comments - March-May, 2016
- iii. Organization of Expert Committee Meeting to review the Draft Regulations taking into account comments received from member states and stakeholder institutions - June, 2016
- iv. Consideration of the Draft Regulations by the Technical Committee on PVP - August, 2016
- v. Consideration and adoption of the Draft Regulations for the implementation of the Arusha Protocol by the Fortieth Session of the Administrative Council - November, 2016.

The Secretariat of ARIPO is in the process of developing a business plan for the establishment of an Office for the registration of new varieties of plants. Guidelines for the identification and selection of Centres of Excellence in the Member States for undertaking DUS examination have been initiated.

APPENDIX

The table below presents the changes that were introduced during the adoption procedure of the ARIPO Draft Protocol for the Protection of New Varieties of Plants, which were not part of the decision of the UPOV Council of April 11, 2014.

ARTICLE	DRAFT TEXT	ADOPTED TEXT
<p>Article 1 Definitions</p> <p>“Administrative Council of Plant Variety Protection”</p>	<p>Article 1 Definitions</p> <p>“Administrative Council of Plant Variety Protection” means a body consisting of Heads of Offices dealing with the administration of plant variety protection in the Contracting States of this Protocol, provided that any Contracting State may nominate any other person or persons to represent it in the Administrative Council of Plant Variety Protection whom it considers to have the relevant knowledge or experience in plant variety protection;</p>	<p>Article 1 Definitions</p> <p>“Administrative Council” means the Administrative Council established by the Agreement on the creation of the African Regional Intellectual Property Organization (ARIPO);</p>
<p>“agent or representative”</p>	<p>“agent or representative” means a legally recognized and authorized representative of the breeder or the holder of the breeders’ right residing or having an office in the host country of ARIPO or in the Contracting States to this Protocol who has been so authorized through special power of attorney to act on behalf of the breeder or the holder of a breeder’s right;</p>	<p>“agent or representative” means a legally recognized and authorized representative of the breeder or the holder of the breeder’s right residing in the Contracting States to this Protocol who has been so authorized through special power of attorney to act on behalf of the breeder or the holder of a breeder’s right;</p>
<p>“annual fees”</p>	<p>“annual fees” means the fees that a breeder is required to pay to the ARIPO Office to keep a breeder’s right in force;</p>	<p><i>Definition deleted</i></p>
<p>“ARIPO”</p>	<p>“ARIPO” means the African Regional Intellectual Property Organization, established by the Agreement on the Creation of an African Regional Intellectual Property Organization (ARIPO) then known as the Industrial Property Organization for English-Speaking Africa, concluded in Lusaka (Zambia) on December 9, 1976;</p>	<p>“ARIPO” means the African Regional Intellectual Property Organization, established by the Agreement on the Creation of the African Regional Intellectual Property Organization (ARIPO) concluded in Lusaka (Zambia) on December 9, 1976;</p>
<p>“ARIPO Office”</p>	<p>“ARIPO Office” means the Office of the African Regional Intellectual Property Organization;</p>	<p>“ARIPO Office” means the Secretariat of the African Regional Intellectual Property Organization;</p>
<p>“holder of the breeder’s right”</p>	<p>“holder of the breeder’s right” means- a. a person or legal entity in whose name the breeder’s right certificate has been issued; or</p>	<p>“holder of the breeder’s right” means- a. a person in whose name the breeder’s right certificate has been issued; or</p>
<p>“person”</p>	<p><i>New definition</i></p>	<p>“person” means a natural person or legal entity;</p>

ARTICLE	DRAFT TEXT	ADOPTED TEXT
Article 4 Administration	Article 4 Administration	Article 4 Administration
(1)	(1) Breeders' rights granted under this Protocol shall, on the basis of one application, be valid in all the Contracting States.	(1) A breeder's right granted under this Protocol shall, on the basis of one application, be protected in the designated Contracting States provided the designated Contracting State has not refused the grant.
CHAPTER III	CHAPTER III	CHAPTER III
	CONDITIONS FOR GRANT OF BREEDER'S RIGHT	CONDITIONS FOR GRANT/NG OF BREEDER'S' RIGHT
Article 7 Novelty	Article 7 Novelty	Article 7 Novelty
(3)	(3) Paragraph (2) shall apply only to applications for a breeder's right filed within one year, at the latest, after the provisions of this Protocol apply to the genera or species concerned.	(3) Paragraph (2) shall apply only to applications for a breeder's right filed within two years, at the latest, after the provisions of this Protocol apply to the genera or species concerned.
Article 11	Article 11	Article 11
Persons Entitled to Apply for Protection	Persons Entitled to Apply for Protection	Persons Entitled to Apply for Protection
(2)	(2) An application filed under paragraph (1) by a breeder who is not resident in any of the Contracting States shall be submitted only through an agent with residence in any of the Contracting States or in the host country of ARIPO.	(2) An application filed by a breeder who is not resident in any of the Contracting States shall be filed only through an agent with residence in any of the Contracting States.
Article 18	Article 18	Article 18
Examination for Distinctness, Uniformity and Stability	Examination for Distinctness, Uniformity and Stability	Examination for Distinctness, Uniformity and Stability
(1)	(1) In accordance with Article 17(1)(d), the ARIPO Office may, for the purposes of the examination and ensuring compliance with the conditions specified in Articles 8, 9 and 10– (a) arrange for the examination to be carried out by any competent institution of a Contracting State or of any member of an inter-governmental organization providing an effective system of plant variety protection; or (b) take into account the results of tests that have already been carried out from the Contracting State or any member of an inter-governmental organization providing an effective system of plant variety protection.	(1) In accordance with Article 17(1)(d), the ARIPO Office may, for the purposes of the examination and ensuring compliance with the conditions specified in Articles 8, 9 and 10– (a) arrange for the examination to be carried out by any competent institution of a Contracting State or any member of an inter-governmental organization providing an effective system of plant variety protection selected by the Administrative Council; or (b) take into account the results of tests that have already been carried out from the Contracting State or any member of an inter-governmental organization providing an effective system of plant variety protection selected by the Administrative Council.

ARTICLE	DRAFT TEXT	ADOPTED TEXT
<p>Article 19 Granting and Rejection of a Breeder's Right</p> <p>(2)</p> <p>(6)(a)</p>	<p>Article 19 Granting and Rejection of a Breeder's Right</p> <p>(2) The ARIPO Office shall in respect of each breeder's right granted– [...]</p> <p>(6) The ARIPO Office shall not–</p> <p>(a) refuse to grant a breeder's right on the ground that protection for the same variety has not been applied for, or has been refused, in any other State or inter-governmental organization; or [...]</p>	<p>Article 19 Granting and Rejection of a Breeder's Right</p> <p>(2) Subject to Article 4(1), the ARIPO Office shall in respect of each breeder's right granted: [...]</p> <p>(6) The ARIPO Office shall not:</p> <p>(a) refuse to grant a breeder's right on the ground that protection for the same variety has not been applied for, or has been refused, in any other State outside the territories of the Contracting States or inter-governmental organization; or [...]</p>
<p>Article 24 Restrictions on Exercise of Breeder's Right</p> <p>(1)</p> <p>(2)</p>	<p>Article 24 Restrictions on Exercise of Breeder's Right</p> <p>(1) Compulsory licences shall be granted to an applicant or to a Contracting State by the ARIPO Office, on application by such third party or Contracting State, but only for reasons of public interest, after consultation with the Administrative Council of Plant Variety Protection.</p> <p>(2) The ARIPO Office, when granting a compulsory licence, pursuant to paragraph (1), shall stipulate the acts covered and specify the reasonable conditions which shall include the payment of equitable remuneration to the breeder.</p>	<p>Article 24 Restrictions on Exercise of Breeder's Right</p> <p>(1) A compulsory licence shall be granted to an applicant by a Contracting State only for reasons of public interest.</p> <p>(2) The National Authority, when granting a compulsory licence, pursuant to paragraph (1), shall stipulate the acts covered and specify the reasonable conditions which shall include the payment of equitable remuneration to the breeder.</p>
<p>Article 26 Duration of Breeder's Right</p>	<p>Article 26 Duration of Breeder's Right</p> <p>eder's right shall be granted for a period of twenty years from the date of the grant of the breeder's right excluding trees and vines, for which a breeder's right shall be granted for a period of twenty-five years from the said date.</p>	<p>Article 26 Duration of Breeder's Right</p> <p>(1) A breeder's right shall be granted for a period of twenty years from the date of the grant of the breeder's right excluding trees and vines, for which a breeder's right shall be granted for a period of twenty-five years from the said date.</p> <p>(2) Notwithstanding sub-paragraph (1), the term of protection may be extended for an additional five years, by a notice in writing to the ARIPO Office in respect of specific genera and species.</p>

ARTICLE	DRAFT TEXT	ADOPTED TEXT
<p>Article 37 Uniform Effect of Regional Breeders' Rights</p>	<p>Article 37 Uniform Effect of Regional Breeders' Rights</p> <p>Regional breeders' rights shall have uniform effect within the territories of the Contracting States and may not be granted, transferred or terminated in respect of the above mentioned territories otherwise than on a uniform basis.</p>	<p>Article 37 Uniform Effect of Regional Breeders' Rights</p> <p>Breeders' rights shall have uniform effect within the territories of the designated Contracting States where the breeders' rights have been granted.</p>
<p>Article 38 National Plant Breeders' Rights for Plant Varieties</p>	<p>Article 38 National Plant Breeders' Rights for Plant Varieties</p> <p>This Protocol shall be without prejudice to the right of the Contracting States to grant national plant breeders rights for plant varieties, subject to the provisions of Article 39.</p>	<p>Article 38 National Plant Breeders' Rights for Plant Varieties</p> <p>This Protocol shall be without prejudice to the right of the Contracting States to grant national plant breeders rights for plant varieties.</p>
<p>Article 39 Prohibition of Cumulative Protection</p>	<p>Article 39 Prohibition of Cumulative Protection</p> <p>Where the holder of a breeder's right has been granted another breeder's right for the same variety prior to the grant of the regional plant breeder's right, such breeder shall be unable to invoke the rights conferred by such protection for the variety for as long as the regional plant breeder's right remains effective.</p>	<p>Article 39 Prohibition of Cumulative Protection</p> <p><i>Article deleted</i></p>
<p>Article 40 Entry into Force</p> <p>(3)</p>	<p>Article 41 Entry into Force</p> <p>(3) This Protocol shall come into force three months after four States have deposited their instruments of ratification or accession.</p>	<p>Article 40 Entry into Force</p> <p>(3) This Protocol shall come into force twelve months after four States have deposited their instruments of ratification or accession.</p>
<p>Article 42 Signature of the Protocol</p> <p>(1)</p>	<p>Article 43 Signature of the Protocol</p> <p>(1) This Protocol shall be signed in a single copy and shall be deposited with the Director General of ARIPO.</p>	<p>Article 42 Signature of the Protocol</p> <p>(1) This Protocol shall be signed in a single copy and shall be deposited with the Director General of ARIPO. It shall remain open for signature by Member States of the Organization and other States, members of the African Union until December 31, 2015.</p>