

Council**C/54/INF/4****Fifty-Fourth Ordinary Session
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**SITUATION IN THE LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS:
REPORTS BY REPRESENTATIVES OF MEMBERS AND OBSERVERS***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: South Africa, Germany, Brazil, China, Denmark, Hungary, Israel, Japan, Lithuania, New Zealand, Poland, Czech Republic, Republic of Moldova, Singapore, Slovenia, Ukraine and European Union
3. Reports received after September 23, 2020, will be included as an addendum to this document, which will be published after the Council session.

[Annexes follow]

SOUTH AFRICA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- Adaption to the 1991 Act of the Convention: None to report.
- Other amendments, including in respect of fees:

The fees on Plant Breeders' Rights were published in the SA Government Gazette, No. 43035 of 21 February 2020 in respect of the 2020/21 financial year, ending 31 March 2021.

1.2 Extension of protection to further genera and species (made or planned): None to report.

1.3 Case Law: None to report.

2. Cooperation in examination

- Conclusion of new agreements (completed, in progress or planned): None to report.
- Amendments of existing agreements (completed, under way or planned): None to report.

3. Situation in the administrative field: No changes.4. Situation in the technical field

The evaluation centres are responsible for the biological examination (DUS testing).

- 306 PBR applications were received of which 53% [161] were for Agricultural crops, 12% [37] for Ornamental crops, 27% [83] for Fruit crops and 8% [25] for Vegetable crops.
- As of December 2019, a TOTAL of 3108 varieties had valid plant breeder's rights in South Africa, of which 23% [724] were for Ornamental crops, 40% [1260] for Agricultural crops, 29% [889] for Fruit crops and 8% [235] for Vegetable crops.

5. Activities for the promotion of plant variety protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/organisations (number of participants from each)
Overview on Plant Breeders' Rights Act and the Plant Improvement Act	19 September 2019	Seed Testing Station, Roodeplaat	Mr Khetani Mhlembe from the University of Limpopo	To provide an overview on PBR, Varietal Listing, seed certification and seed testing	± 40 plant breeding students of the University of Limpopo

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

None to report.

[Annex II follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

Nothing to report.

2. Cooperation in examination

- August 2019: Exchange of experience and discussion on UPOV guidelines for raspberry in Masłowice, Poland (bilateral cooperation)
- September 2019: Exchange of information on DUS testing of vegetables and grasses in Brion und Anjouère, France (bilateral cooperation)

3. Situation in the administrative field

From October 2021, the Federal Plant Varieties Office must charge fees for all variety testing activities in the amount of the costs incurred. Exceptions from full cost recovery must be well founded and fully justified.

4. Situation in the technical field

The Federal Plant Varieties Office is taking part in research projects aimed at helping to improve/facilitate the observation of characteristics.

The increasing use of machinery in testing is improving accuracy and reducing workload through satellite support, sensor control and optimized tool design.

5. Activities for the promotion of plant variety protection

- October 2019: Participation of the Federal Plant Varieties Office in a delegation visit of the Federal Ministry of Food and Agriculture to Ethiopia.
- December 2019: "Workshop Post-PVP Control of Registered Plant Varieties and Implementation of Plant Breeders' Rights" in New Delhi, India.
- February 2020: Workshop on DUS testing of rapeseed and mustard in Bharatpur, India
- February 2020: Workshop on DUS testing of wheat and barley in Karnal (Haryana), India
- Other scheduled events, mostly within the framework of the Indo-German Cooperation on Seed Sector Development project, could not be held owing to the coronavirus 2019 pandemic.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

General conditions for agricultural and horticultural production are becoming ever more challenging as a result of more frequent, earlier and longer-lasting extreme weather periods combined with a reduction in the use of pesticides and fertilizers. Increasing importance is being attached to resistance properties and efficient resource utilization through new varieties.

[Annex III follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

Instrução Normativa nº 13, May 27, 2019, updating the PVP fees that came into force on January 2nd, 2020

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

Species	UPOV CODE
<i>Acacia mearnsii</i> De Wild.	ACACI_MEA
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>alba</i> DC.	BRASS_OLE_GCA
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>rubra</i> (L.) Thell.	BRASS_OLE_GCR
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	BRASS_OLE_GCS
<i>Calibrachoa</i> Cerv; <i>Calibrachoa</i> Lave & Lex.	CALIB
<i>Chamelaucium</i> Desf.	CHMLC
<i>Chamelaucium</i> Desf. X <i>Verticordia plumosa</i> Desf. (Druce)	VECHM
<i>Ipomoea batatas</i> (L.) Lam.	IPOMO_BAT
<i>Lens culinaris</i> Medik.	LENS_CUL
<i>Lobelia alsinoides</i> Lam.	LOBEL_ALS
<i>Lobelia erinus</i> L.	LOBEL_ERI
<i>Lobelia valida</i> L. Bolus	LOBEL_VAL
<i>Lobelia erinus</i> L. X <i>Lobelia alsinoides</i> Lam.	LOBEL_AER
<i>Lobelia erinus</i> L. x <i>Lobelia valida</i> L.	LOBEL_EVA
<i>Paspalum guenoarum</i> Arechav.	PASPA_GUE
<i>Paspalum notatum</i> Flüggé	PASPA_NOT
<i>Paspalum plicatum</i> Michx.	PASPA_PLI
<i>Raphanus sativus</i> var. <i>oleiformis</i> Pers.	RAPHA_SAT_OLE
<i>Stylosanthes guianensis</i> (Aubl.) Sw., <i>Stylosanthes capitata</i> Vogel e <i>Stylosanthes macrocephala</i> M.B. Ferreira & N.M. Sousa Costa	STYLO
<i>Tectona grandis</i> L.	TECTO_GRA
<i>Veronica</i> L.	VERON
<i>Zamioculcas zamiifolia</i> (Lodd. et al.) Engl	ZAMIO_ZAM

1.3 Case law

Nothing to report.

2. Cooperation in examination

Botanical name	UPOV CODE	Offering authority/ examination office
Chrysanthemum L. Chrysanthemum dendranthema Dendranthema (DC.) Desmoul.	CHRYS	Netherlands
Chrysanthemum L. Chrysanthemum dendranthema Dendranthema (DC.) Desmoul.	CHRYS	Poland
Petunia Juss.	PETUN	Germany
Urochloa ruziziensis x U. decumbens x U. brizantha	UROCH_RDB	Mexico
Vitis L.	VITIS	Israel

Agreements for cooperation in examination
Utilization of existing DUS test reports

3. Situation in the administrative field: Nothing to report.

4. Situation in the technical field: Nothing to report.

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. General course on IP	February 4 to April 3, 2020	Distance learning course	INPI (Patent and trademark office of Brazil) WIPO	General course of IP with a chapter of PVP	Around 2000 participants (all of them Brazilians) acting in different areas (students, lawyers, legal representatives, public employees, researchers, etc.)	SNPC (PVP Office) examiners acted as tutors in the PVP discussions
2. General course on IP	April 28 to June 26, 2020	Distance learning course	INPI (Patent and trademark office) WIPO	General course of IP with a chapter of PVP	Around 2000 participants (all of them Brazilians) acting in different areas (students, lawyers, legal representatives, public employees, researchers, etc.)	SNPC (PVP Office) examiners acted as tutors in the PVP discussions
3. General course on IP	July 28 to Sept. 25, 2020 (in course)	Distance learning course	INPI (Patent and trademark office) WIPO	General course of IP with a chapter of PVP	Around 2000 participants (all of them Brazilians) acting in different areas (students, lawyers, legal representatives, public employees, researchers, etc.)	SNPC (PVP Office) examiners acted as tutors in the PVP discussions
5. PVP Law: Opportunities and challenges	July 2, 2020	Online	Croplife Brasil and Braspov	Participation of the PVP office explaining its demands in an eventual new PVP law	Around 50 participants (all of them Brazilians) acting in different areas (lawyers, legal representatives, public employees, researchers, etc.)	Around 100 participants (Representatives of breeding companies, legal representatives, lawyers, etc.)
6. PVP in Brazil	August 26, 2020	Online	University of Goiás	II Symposium of Genetics and Plant Breeding	Around 1000 participants (students, professors, scientists, researchers, etc.)	100 students and professionals

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Nothing to report.

[Annex IV follows]

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ANNEX IV

CHINA

OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

China increased its annual contribution to UPOV from 0.5 (CHF 26,820) to 2.0 (CHF 107,282) units starting from the year 2020 and paid Working Capital Fund (CHF 12,499) accordingly.

[Annex V follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

On June 15th 2020 Denmark amended parts of the Danish Plant Variety Protection Act. The changes primarily concern the opportunity for more companies to perform DUS-testing, see below.

The amendments do not entail any changes as to the conditions for obtaining PVP.

Denmark is currently working on an English translation of the new consolidated Act. Denmark will send the translated act to UPOV as soon as possible.

2. Cooperation in examination: No remarks.

3. Situation in the administrative field

The amendment of the Danish Plant Variety Protection Act makes it possible for all companies with experience with DUS-testing to be appointed by the Danish Agricultural Agency to perform DUS-testing to use for an application for national PVP.

Until the amendment of the Act the Tystofte Foundation was the only company that could perform DUS-testing in Denmark as a delegated task from the Ministry of Environment and Agriculture. This is no longer the situation.

Companies wanting to perform DUS-testing shall send an application to the Danish Agricultural Agency and must comply with certain conditions as provided in a national order, e.g. CPVO-approval and adequate experience. The Danish Agricultural Agency will grant approval to the companies if they comply with all conditions. Furthermore, the Danish Agricultural Agency will continuously perform checks of the companies to make sure they continually fulfill the terms and conditions for maintaining their approval.

There are no changes regarding the decision process.

4. Situation in the technical field

Denmark has started DUS-testing of Rye (Secale cereal).

5. Activities for the promotion of plant variety protection: No remarks.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

No remarks.

[Annex VI follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field:

No changes. Pursuant to the rules in force, plant variety protection extends to all plant genera and species.

2. Cooperation in examination

No changes. According to paragraphs (3) and (4) of Article 114/R of the Patent Act the results of experimental testing (DUS examination report) carried out by a competent foreign authority may be taken into consideration with the consent of such authority. The costs of experimental testing shall be borne by the applicant. Therefore, the Hungarian Intellectual Property Office (HIPO) took steps to conclude agreements with national and regional offices on sending reports on DUS technical examination from the relevant Office to the HIPO.

The Hungarian Intellectual Property Office concluded agreements on sending reports on DUS technical examination with the Community Plant Variety Office (CPVO), with the Bundessortenamt (Germany) as well as with the Board for Plant Breeders' Rights of the Ministry of Agriculture, Nature and Food Quality (Netherlands).

3. Situation in the administrative field

No changes. The HIPO is authorised to grant protection to plant varieties. In the national system the HIPO is responsible for the examination of novelty, denomination and unity as well as for the registration of plant varieties. The National Food Chain Safety Office is responsible for the biological examination (DUS-testing).

4. Situation in the technical field

Technical examination is carried out by the National Food Chain Safety Office.

[Annex VII follows]

ISRAEL

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field: Nothing to report.

2. Cooperation in examination: Nothing to report.

3. Situation in the administrative field

- Changes in the administrative structure: Replacing of one PBR Council member on May 12, 2020 due to retirement.
- Changes in office procedures and systems: None

4. Situation in the technical field: Nothing to report.

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
Open Day in Ha'ARAVA - The biggest exhibition in Israel	12-13.02.20	Tamar – Yair Station	North and Center MOP Arava-Tamar	PBR Promotion and participation	Local agricultural companies, growers etc.	Booth and representation in the Ministry's pavilion
Fresh Agro Mashov Exhibition	Cancelled this year because of COVID-19	TLV Convention Center, Tel Aviv, Israel	Mashov Group	PBR Promotion and participation	Local agricultural companies, growers etc.	Booth and representation in the Ministry's pavilion

[Annex VIII follows]

JAPAN

I. FINANCIAL CONTRIBUTION

Funds in trust from the Government of Japan (JP-FIT)

Japan made a contribution of 353,982 Swiss francs in the form of Funds in trust in 2019, intended to support the activity of UPOV Secretariat aimed at the establishment and implementation of the Plant Variety Protection system in the Asian region, such as:

- i. Consultation meetings with legal/technical officials of the relevant countries;
- ii. International legal workshop activities organized by the Office of the Union (e.g. Workshop on drafting legislation in accordance with the UPOV Convention);
- iii. Study tours on PVP for high-level officials of Asian countries;
- iv. National workshops for PVP awareness-raising in Asian countries;
- v. International workshops on PVP under the UPOV Convention;
- vi. Annual Meetings of the East Asia Plant Variety Protection (EAPVP) Forum; and
- vii. EAPVP Pilot Project to facilitate harmonization of application and examination procedures, and to enhance efficient PVP cooperation in the Asian region.

II. PLANT VARIETY PROTECTION

1. Situation in the legislative field

Amendments of the law and the implementing regulations

The Ordinance for Enforcement of the Plant Variety Protection and Seed Act (Ordinance of the Ministry of Agriculture, Forestry and Fisheries (MAFF), No.83 of 3 December 1998) was amended and came into effect on 16 March 2020. This amendment added the plant genera and species to which breeder's rights extend in respect of farmers' use of seeds obtained in their own farms, in accordance with Article 21.3 of the Plant Variety Protection and Seed Act.

Currently, the bill of amended the Plant Variety Protection and Seed Act has been submitted to the Diet.

2. Cooperation in examination

Japan has concluded the Memorandums of Cooperation (MOCs) on exchange of existing DUS test reports for effective PBR registration between 15 UPOV members. In 2019, Japan provided a total of 27 DUS test reports to Australia, Brazil, China, Colombia, Kenya, New Zealand, Russian Federation and Viet Nam. Japan took over 4 DUS test reports from European Union and Republic of Korea.

3. Situation in the administrative field

Electronic Application System

MAFF launched a national Electronic Application System (EAS) for Plant Variety Protection on March 26, 2018 for the convenience of applicants. Under the system, applicants can file their applications as well as pay for the fees for application and registration electronically through the Website. 321 applications were filed through EAS until 31 March 2020. For the UPOV PRISMA activities, MAFF communicates with the UPOV Office to update Japanese navigation system in UPOV PRISMA to prepare data exchange between the two systems.

4. Situation in the technical field

New national Test Guidelines (TGs) for 14 genera and species were developed in 2019.

Center for Seed and Seedlings, National Agriculture and Food Research Organization (NCSS), Japan's DUS growing test institute, is jointly working with Naktuinbouw, the Netherlands to establish the calibration manuals for DUS test to harmonize DUS test. The calibration manuals provide users with easy-to-understand reference material including informative photographs explaining how to observe and measure characteristics of candidate varieties. This joint activity is working on 10 plants, i.e. Anthurium, Eggplant, Chrysanthemum, Gerbera, Tomato, Tulip, Rose, Lettuce, Carnation and Watermelon. 8 manuals for Rose (cut-flower type), Dianthus, Anthurium, Lettuce, Watermelon, Eggplant, Gerbera and Tomato were completed and are now available on website of NCSS as well as Naktuinbouw:

http://www.naro.affrc.go.jp/english/laboratory/ncss/dus_growing_test/index.html

5. Activities for the promotion of plant variety protection

5.1 *East Asia Plant Variety Protection (EAPVP) Forum*

In line with the "10-Years Strategic Plan of EAPVP Forum (2018-2027)", which was adopted at its 11th Annual Meeting held in 2018, each Forum member Country is promoting Individual and/or regional Activities regarding to Plant Variety Protection.

The 13th Annual Meeting will be held in November 2020 (TBD), where Cooperation Activities will be adopted and progress of EAPVP Pilot Project will be reported. (Due to the impact of COVID-19, the Annual Meeting was postponed from July to November).

5.1.1 EAPVP Pilot Project

The 11th Forum Annual Meeting agreed to commence the Pilot Project (PP) as a regional cooperation activity which was proposed by Japan and Vietnam. The PP consists of two phases, that is phase 1 (development and testing; 2018-2021) and phase 2 (operational; 2022-2023). The PP held four meetings since October 2018 in Viet Nam.

i. Participating countries

Current participating countries are Japan and Viet Nam. Brunei Darussalam, Malaysia and Myanmar are provisional participating countries. The UPOV Office is a resource partner. If UPOV member countries of the EAPVP Forum members wish to join the PP, they can be participating countries of the PP. EAPVP member countries which have officially committed to join UPOV, upon their request, can be provisional participating countries during Phase 1. Any EAPVP Forum member country may attend PP meetings.

ii. Benefits of the EAPVP Pilot Project (PP)

For breeders/agents, the PP (PVP platform) would provide:

- A single online platform for submitting application data to PVP Offices of PP participating countries; and
- A platform to enhance DUS cooperation among PP participating countries, which would contribute to saving time and money by minimizing number of DUS examinations.

For participating PVP Offices, the PP (PVP platform) would:

- Enhance DUS cooperation among PVP Offices of PP participating countries contributes to filling capacity gap in DUS examination due to human resources, infrastructure, and nature condition for growing trials; and
- Facilitate new UPOV members to meet obligation under UPOV 1991 Act to provide for protection of breeders' rights to all plant genera and species within 10 years after their accession, under the enhanced DUS cooperation among PP participating countries.

iii. Progress of PP

At the 4th PP meeting by correspondence in July 2020, the Project schematic were agreed and the EAPVP Forum PP User's screens were presented. The PP participating countries have shared this Project scheme to all Forum members and invited all Forum members to have comments. The development of the PP will be reported to the 13th EAPVP Forum annual meeting.

5.1.2 EAPVP Forum Cooperation Activities (April 2019 – March 2020)

Title of activity	Date	Venue	Purpose of activity	Participating countries/ organizations (number of participants)
1. International Seminar on the Protection of New Plant Varieties	23 April 2019	Beijing, China	To increase awareness on the PVP system under the UPOV Convention	EAPVP members, UPOV, CPVO, USPTO
2. Study Tour for Higher Level Officials in Vietnam	9-11 July 2019	Viet Nam	To raise awareness of the higher-level officials on the benefit of the PVP system under the UPOV Convention	Myanmar (4), Malaysia (2), Lao People's Democratic Republic (2)
3. The third Pilot Project meeting	3-4 September 2019	Hanoi, Viet Nam	To harmonize application and examination procedures, and to enhance efficient PVP cooperation in the region	Viet Nam (5), Malaysia (2), Myanmar (2), Japan (4), Philippines (1), Thailand (1), UPOV (3)
4. Seminar on the Plant Variety Protection in the Beach Area in South Central	6 September 2019	Danang, Viet Nam	To increase awareness on the PVP system under the UPOV Convention	Viet Nam (28), Japan (2), UPOV (1)
5. Tomato DUS Test Training/ Workshop	30 September - 4 October 2019	Nay Pyi Taw, Myanmar	To train for DUS test of tomato	Myanmar (22), Viet Nam (2), Japan (1)
6. Seminar on the Plant Variety Protection in High Central Land	21 November 2019	Dalat, Viet Nam	To increase awareness on the PVP system under the UPOV Convention	Viet Nam (80), Japan (1), UPOV (1), GNIS (1)
7. Corn DUS Test Training/ Workshop	17-20 December 2019	Phnom Penh, Cambodia	To train for DUS test of corn	Cambodia (13), Myanmar (2), Viet Nam (1), Japan (1)

5.2 International training course organized by Japan International Cooperation Agency (JICA)

Although a three months international training course “Plant Variety Protection and Quality Control System of Seeds to Facilitate Distribution of High Quality Seeds” operated by the JICA cooperation with the Office of the UPOV secretariat was planned to be held in 2020, the course was postponed to next year due to the impact of COVID-19.

[Annex IX follows]

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;
- Order No 3 D–371 of the Minister of Agriculture of the Republic of Lithuania of the 23rd 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 no case law relating plant varieties protection in Lithuania on 2019.

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 14th of March, 2019, by the Order of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania No A1-148;
- 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 breeder's 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)
1. Administrative Council of the CPVO meeting	19 of March, 2019	Angers, France	CPVO	To discuss main questions regarding plant variety protection	European Commission, CPVO, UPOV, observers and member states – 43 at all
2. Administrative Council of the CPVO meeting	19 of September, 2019	Brussels, Belgium	CPVO	To discuss main questions regarding plant variety protection	European Commission, CPVO, UPOV, observers and member states – 47 at all

- Information Bulletin on Plant Breeder's Rights and National List of Plant Varieties No. 1 (31) of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania was published on the 8th of January, 2019, and No 2 (32) – on the 7th of June, 2019.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

- The Lithuanian National List of Plant Varieties 2019 has been approved by the order No A1-112 of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania on the 27th of February, 2019. 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 X follows]

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.

The New Zealand government has continued with the review of the Plant Variety Rights (PVR) Act 1987. The Options Paper was released for public consultation in July 2019 and was informed by the consultations carried out in the Issues stage in 2018. The Options stage included further consultation with industry, Maori and the public. In November 2019 Cabinet agreed to make changes to the PVR Act and drafting of a Bill has commenced. The objective is for a Bill to be introduced to Parliament by late 2020 and a new regime in place by late 2021.

There remain a small number of additional policy issues that require further consideration and consultation. These include Treaty of Waitangi compliance issues and operational issues relating to the PVR Office. These matters are under current consideration.

Detailed information regarding the Plant Variety Rights Act review is available at <https://www.mbie.govt.nz/business-and-employment/business/intellectual-property/plant-variety-rights/plant-variety-rights-act-review/>

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. New Zealand continues to supply a test report, on request from an Authority, at no cost.

3. Situation in the administrative field

During the financial year ended 30 June 2020, 87 applications for plant variety rights were accepted (22% decrease on the previous year), 98 grants were issued (12% increase on the previous year) and 100 grants were terminated (24 % increase on the previous year). At 30 June 2020 there were 1286 valid grants, a decrease on the previous year. Application numbers are relatively stable; however the trend of a slow decline continues.

In association with the review of the Plant Variety Rights Act 1987, a wide ranging review of operational activities and Office functions has been completed. The results of the review have led to proposals for change in the primary legislation and will require the drafting of future regulations. Elements not directly connected with legislation have been recorded and will be acted upon using amendments to office and internal practices.

During the course of examination work it was recognised that the national PVP database was in need of updating with respect to several ornamental species nomenclature and UPOV codes. The revision of botanical nomenclature and often the corresponding change in the UPOV codes is a particular on going exercise for ornamentals due to the very large number of genera and species covered. A plan is being developed to improve management of the database, with more effective monitoring of botanical changes and updating processes.

4. Situation in the technical field

National restrictions caused by the global pandemic created a number of difficulties for technical work in autumn 2020. Autumn is the usual period for the completion of testing for potato and for some fruit species and for the planting and establishment of trials for some agricultural species. It was fortunate that these activities were eventually permitted to continue, successfully completed, with no significant consequences.

The disruption has caused some delays in the examination timetable and Right decisions will be made later in 2020 than usual.

A Quality Management system for DUS testing has been introduced. The Intellectual Property Office of New Zealand is ISO 9001:2018 accredited and provides an overall Quality Management system for examination however there was no specific system for DUS testing. Guidance was sort from other authorities with experience and a model was developed for the NZ situation. The first Audit was successfully carried out for the testing of apples, peaches and plums in late 2019.

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
CIOPORA Academy series	September 2020	Webinar	CIOPORA	Education and Information	CIOPORA	UPOV, The Netherlands, New Zealand each provided a speaker

[Annex XI follows]

POLAND

Period: September 1, 2019 – August 31, 2020

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Act of June 26, 2003 on the Legal Protection of Plant Varieties (consolidated text: OJ of 2018, item 432; amended by OJ of 2020, item 288) constitutes the legal basis for the national PBR protection system in Poland.

The recent amendments to the legislation governing breeders' rights in Poland have been introduced by *The Act of February 13, 2020 on amendment of the Law – the Code of Civil Procedure and some other laws* (OJ of 2020, item 288) which entered into force on July 1, 2020.

Above all, the District Court in Warsaw has been designated as the competent one in the intellectual property rights matters.

In addition, the art. 36b of the Act of June 26, 2003 on the Legal Protection of Plant Varieties pertaining to the civil-law claims matters has been amended.

The Polish plant variety protection law is based on the 1991 Act of the UPOV Convention. Since November 1, 2000 all plant genera and species are eligible for PBR protection in Poland.

In respect of the fees, the Decree of the Minister of Agriculture and Rural Development of February 17, 2004 on fee rates for the lodging an application for the Plant Breeders' Rights protection, DUS testing as well as for the granting and the maintenance of the exclusive right titles (OJ No 60 of 2004, item 567; OJ of 2015, item 2166) is in force.

Poland became a UPOV member on November 11, 1989 and acceded to the 1991 Act of the UPOV Convention as the twenty-fourth State, on August 15, 2003.

2. Cooperation in examination

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

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

In the reporting period, Poland carried out DUS tests for the authorities from the following countries: Austria (1 variety), Belgium (1 variety), Croatia (1 variety), Czech Republic (10 varieties), Denmark (1 variety), Estonia (14 varieties), Hungary (28 varieties), Latvia (6 varieties), Lithuania (59 varieties), the Netherlands (1 variety), Slovakia (2 varieties), Slovenia (2 varieties), Sweden (2 varieties), as well as for the CPVO (139 varieties).

These tests were done for the different species of agricultural (72 varieties), vegetable (36 varieties), ornamental (113 varieties) and fruit (46 varieties) plants.

Altogether, 267 varieties were tested as a commissioned work for the above mentioned authorities.

As in previous years, some authorities, namely: Austria, Bulgaria, CPVO, Czech Republic, Denmark, Estonia, Finland, France, Iran, Lithuania, Norway, Romania, Russian Federation, Serbia, Sweden, Turkey, United Kingdom 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.

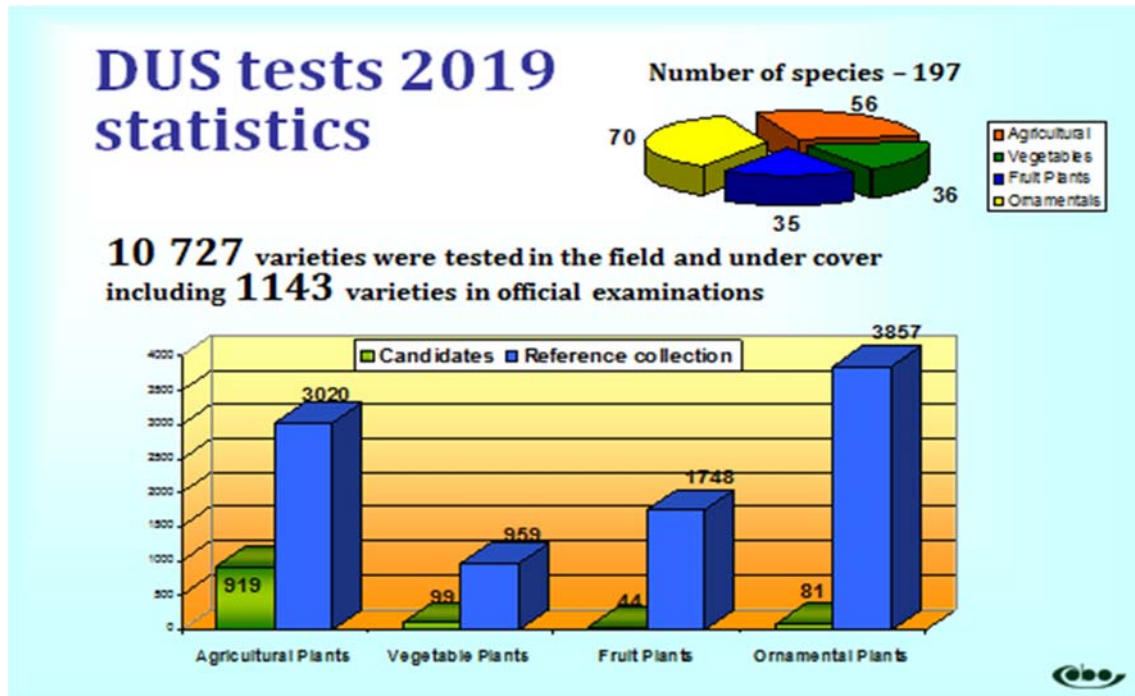
3. and 4. Situation in the administrative and technical fields

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 2019, 10 727 varieties within 197 plant species were tested (which included 9584 varieties in living reference collection and 1143 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 2019



In 2019, COBORU received 127 applications for national PBR protection in total, which constitutes an increase by 24 applications in comparison with the previous year.

From January 1 to September 1, 2020, 98 new applications, including 76 domestic and 22 foreign, have been submitted for national PBR. This number is lower by 14 applications than that observed in the previous reporting period (112).

In 2019, COBORU granted 89 titles of national protection (2 titles less than in 2018). At the end of 2019, there were 1231 national PBR titles in force, which comparing to the previous year represents an increase by 2 varieties.

In the period from January 1 to September 1, 2020, 90 titles of national PBR protection have been granted. In total, 1283 varieties are protected in Poland (as on Sept. 1, 2020).

Details on the statistics are given in the table below.

In the column “Titles having ceased”, there is no variety for which - within the reported period - national PBR expired.

Plant Species	Applications for PBR 1.01. – 1.09.2020			Grants of PBR 1.01. – 1.09.2020			Titles having ceased	Titles in force as on 1.09.2020
	domestic	foreign	together	domestic	foreign	together		
Agricultural	43	2	45	47	2	49	19	723
Vegetable	6	-	6	6	-	6	5	200
Ornamental	27	20	47	17	12	29	8	247
Fruit	-	-	-	5	1	6	6	113
Total	76	22	98	75	15	90	38	1283

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 SANTE, Brussels as well as in the CPVO Administrative Council meetings.

Within the reporting period, the UPOV Distance Learning Course "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention" (DL-205) has successfully been completed by two COBORU experts and one DUS examiner.

- *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, 2020, has been published in the third number of the *Polish Gazette for Plant Breeders' Rights and National List*, i.e. No 3(158)2020.

The Official Gazette can also be found on our website, in the section: *Publications*.

Additionally, the Research Centre for Cultivar Testing maintains and updates systematically a homepage www.coboru.gov.pl that contains the 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)
1. Visit of the delegation from Chinese Academy of Forestry (CAF)	3-4.09.2019	Poland, COBORU headquarters; Experimental Stations: Zybiszów, Śrem	COBORU	Presentation of COBORU organization and activity; procedures of variety listing and PVP in PL; system of DUS testing; discussion on possible areas of cooperation; inspection of DUS trials of ornamental and fruit plants	CN - 3 PL - 10
2. Visit of the delegation from Ukrainian authority (YIECP)	23-26.09.2019	Poland, COBORU headquarters; Experimental Stations: Słupia Wielka, Zybiszów	COBORU	Presentation of COBORU organization and activity, including DUS testing system; discussion on possible areas of further cooperation; visit in central seed storage	UA - 4 PL - 9

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
3. Visit of Director of AGES (Austria)	06.02.2020	Poland, COBORU headquarters	COBORU	Exchange of information on: organization of both units - COBORU and AGES, their tasks and operating rules, the system for registration and legal protection of plant varieties in both countries and the scope of the VCU assessment of Soya Bean varieties; discussion on the possibilities of the future cooperation	AT - 1 PL - 30
4. Visit of the Vice-Secretary General of UPOV	11.02.2020	Poland, COBORU headquarters	COBORU	Presentation of COBORU organization, tasks and activity as well as rules of registration and national PBR system in PL, incl. scope of DUS testing; presentation on organization and operating rules of UPOV; presentation and discussion on the notion of EDV varieties, the novelty of the parental lines of hybrid varieties, the possibility of using DNA markers in DUS testing, the UPOV PRISMA system and PBR enforcement	CH - 1 PL - 17

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 May and June 2020. These Official Lists as well as updated lists of varieties are also available at: www.coboru.gov.pl

[Annex XII follows]

REPUBLIC OF MOLDOVA

I. 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-XVII/2008 on the Protection of Plant Varieties, the protection is offered 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

Utilization of existing DUS report offered by:

- GEVES, Beaucouzé, France
- Plant Variety Rights Office, United Kingdom
- Naktuinbouw, Netherlands
- CPVO, Oficina Española de Variedades Vegetales (OEVV), Spain

3. Situation in the administrative field: No changes.

Statistics

In the period from January 1, 2019 to December 31, 2019:

- 16 applications have been received (11 for national applicants and 5 for foreign applicants), as follows:

- Astragalus (*Astragalus galegiformis* L.) – 1
- Barley (*Hordeum vulgare* L.) – 1
- Common hazel (*Corylus avellana* L.) – 1
- Elecampane (*Inula helenium* L.) - 1
- Kniphofia (*Kniphofia nelsonii* Mast.) – 1
- Maize (*Zea mays* L.) – 1
- Miscant gigant (*Miscanthus x giganteus* J.M. Greef & Deuter ex Hodk. & Renvoize) - 1
- Pear (*Pyrus communis* L.) – 1
- Peas (*Pisum sativum* L.) - 1
- Peppermint (*Mentha x verticillata* L.) – 1
- Potato (*Solanum tuberosum* L.) – 2
- Soybean (*Glycine max* L. Merrill) – 2
- Wheat (*Triticum aestivum* L.) – 2

- 29 patents for plant varieties have been issued (23 for national applicants and 6 for foreign applicants), as follows:

- Garlic (*Allium sativum* L.) – 1
- Walnut (*Juglans regia* L.) – 8
- Lavender (*Lavandula angustifolia* Mill.) – 1
- Apple (*Malus domestica* L.) – 1
- Balm (*Melissa officinalis* L.) – 1
- Raspberry (*Rubus idaeus* L.) – 1
- Rye (*Secale cereale* L.) – 1

Tomato (*Solanum lycopersicum* L.) – 5
Triticale (*Triticosecale* Witt.) – 1
Wheat (*Triticum aestivum* L.) – 6
Maize (*Zea mays* L.) - 3

254 plant variety patents were valid on 12/31/2019.

4. Situation in the technical field: No changes.

5. Activities for the promotion of plant varieties protection

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 forms for a plant variety patent, and useful related information for applicants and breeders, available in Romanian, Russian and English languages.

Information materials related to the protection of plant varieties are distributed under the different activities organized by AGEPI or in which AGEPI is involved, like seminars, IP awareness campaigns, exhibitions.

Since 2016 the Republic of Moldova represented by AGEPI is a participating member of the UPOV project on the development of an electronic application form UPOV PRISMA.

In 2019 the number of crops supported in UPOV PRISMA have been extended to another 10 crops, such as Oats, Strawberry, Rye, Blackberry, Wheat, Sour cherry, Pear, Raspberry, Sunflower, Onion.

[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; CPVO continue unchanged.

3. Situation in the administrative field: Nothing to report.

4. Situation in the technical field: Nothing to report.

5. Activities for promotion of plant variety protection

Experts of the Central Institute for Supervision and Testing in Agriculture participated in meetings of the UPOV Bodies (C, CAJ, CC, TC, TWA, TWC, TWV) and meetings organized by the CPVO (Administrative Council, meetings with experts on agricultural species, vegetable and fruit species, annual meeting with Examination offices).

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Nothing to report.

[Annex XIV follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- Amendment of the Singapore Plant Varieties Protection (PVP) Act in relation to intellectual property dispute resolution and certain other related matters, and the composition of offences on 21 November 2019.
- Amendment of the Singapore PVP Rules in relation to service of documents, filing requirements and extension of time limits in special circumstances on 5 June 2020.

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

Singapore has allowed the protection of all plant genera and species since 30 July 2014.

1.3 Case law: No updates.

2. Cooperation in examination

- Memorandum of Cooperation (MoC) between Intellectual Property Office of Singapore (IPOS) and Ministry of Agriculture, Forestry and Fisheries, Japan (MAFF) commenced on 1 October 2018 for the provision of DUS examination results to each other.
- Renewal of Memorandum of Understanding (MoU) between IPOS and the Korea Seed & Variety Service (KSVS) on the provision of plant variety examination services to 16 March 2025.
- Renewal of Memorandum of Understanding (MoU) between IPOS and the Department of Crop Production of Viet Nam (DCP of Viet Nam) on the provision of plant variety examination services to 25 July 2024.

3. Situation in the administrative field

- Introduction of electronic form submissions for PVP via FormSG from 5 June 2020.

4. Situation in the technical field

- Addition of technical questionnaire for RICE / *Oryza sativa* in June 2019.

5. Activities for the promotion of plant variety protection: No updates.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

No updates.

[Annex XV follows]

I. PLANT VARIETY PROTECTION IN THE REPUBLIC OF SLOVENIA

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)

From September 2016 up to September 2019: three new applications for protection of three varieties of sweet potato and no title granted. Total number of titles in force is 18 (agricultural crops: 6, hop: 1, vegetables: 9, fruit crops: 1, ornamentals: 1).

- 1.3 Case law: No case law.

2. Cooperation in examination

No new agreement.

We continue co-operation in the field of DUS examination with Austria, Croatia, Czech Republic, Hungary, Italy, Netherlands, Poland and Slovakia.

- 3. Situation in the administrative field: No changes

- 4. Situation in the technical field: No changes

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

New National List of Varieties, including the list of protected varieties, is published every August.

Four new issues of Slovenian Plant Breeder's Rights and Variety Registration Gazette have been published since September 2016.

[Annex XVI follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

In connection with the administrative reform in Ukraine of state bodies in 2019, the Ministry of Agrarian Policy and Food of Ukraine was liquidated, the functions of which are entrusted to the Ministry of Development of Economy, Trade and Agriculture of Ukraine (the Ministry updated its name accordingly). At the same time, appropriate changes were made to the relevant regulations of the plant variety rights protection field in terms of changes in the competent authority, namely: "the Ministry of Agrarian Policy and Food of Ukraine" is replaced by "the Ministry of Development of Economy, Trade and Agriculture of Ukraine":

- 1) Decree of the Cabinet of Ministers of Ukraine of September 19, 2018 N 755 "On approval of the Procedure for maintaining the Register of Patents for Plant Varieties";
- 2) Decree of the Cabinet of Ministers of Ukraine of September 19, 2018 N 756 "On approval of the Procedure for requesting samples of planting material of the parent components of the application object";
- 3) Decree of the Cabinet of Ministers of Ukraine of September 19, 2018 N2 757 "On approval of the Procedure for maintaining the Register of Applications for Plant Varieties";
- 4) Decree of the Cabinet of Ministers of Ukraine of September 26, 2018 N2 774 "On approval of the Procedure for maintaining the State Register of Plant Varieties Suitable for Dissemination in Ukraine";
- 5) The procedure for fee payment for actions related to the plant variety rights protection, approved by the Decree of the Cabinet of Ministers of Ukraine dated August 19, 2002 N2 1183 "On measures to implement the Law of Ukraine" On plant variety rights protection".

2. Cooperation in examination

Ukraine exchanged 138 DUS-test results during 2019. Ukraine has used the reports of DUS-test of the following countries: Austria, Canada, Czech Republic, Denmark, France, Germany, Hungary, Italy, Netherlands, Portugal, Slovakia, Spain and United Kingdom. Ukraine provided reports to the Russian Federation and Serbia.

3. Situation in the administrative field

The competent body was changed, namely: "the Ministry of Agrarian Policy and Food of Ukraine" is replaced by "the Ministry of Development of Economy, Trade and Agriculture of Ukraine".

4. Situation in the technical field

In 2019, the Ukrainian Institute for Plant Variety Examination has developed the following National Test Guidelines:

1. Test Guidelines for determining drought resistance of varieties (hybrids) of corn in the field.
2. Test Guidelines for examination of varieties of the genus *Chaenomeles* (*Chaenomeles Lindl.*) for Distinctness, Uniformity and Stability.
3. Scientific and methodical recommendations "Applying of DNA markers for determination of S- and C-types of maize sterility (*Zea mays* L.) within qualification examination for Distinctness, Uniformity and Stability"

5. Activities for the promotion of plant varieties protection

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)	Comments
«Plant Varieties Studying and Protection» Print ISSN 2518-1017 Online ISSN 2518-7457 № 1, 2, 3, 4, volume 15 2019 http://journal.sops.gov.ua/	quarterly	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination, Plant Breeding & Genetics Institute – National Center of Seeds and Cultivar Investigation of NAAS, Institute of Plant Physiology and Genetics, National Academy of Sciences of Ukraine	publications on plant variety studying and science, genetics, breeding and seed production, plant physiology, biotechnology and biosafety, plant production, plant variety market, plant varieties protection, international cooperation, information systems and technologies, young scientist's view, history of science, anniversaries	Ukraine	
Bulletin «Plant Varieties Protection», № 1, № 2, № 3, № 4, № 5, № 6 2019. https://sops.gov.ua/uploads/page/bulet/en/B_3_2020.pdf	quarterly	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination	Bulletin issued pursuant to the Law of Ukraine "Plant Varieties Protection" for the purpose of official information activity in the field of plant variety rights and implementation of Ukraine's international obligations arising from its membership in the International Union for the Protection of New Varieties of Plants (UPOV)	Ukraine	
V International Applied Research Conference on World Plant Resources: Current State and Development Prospects https://sops.gov.ua/uploads/page/5d1dfa59bb922.pdf	June 7, 2019	Kiev, Ukraine	Ukrainian Institute for Plant Variety Examination	Coverage of theoretical and practical issues related to world plant resource. Consideration of current issues of plant variety rights and historical aspects, the issue of selection expertise and issue of market plant varieties.	Ukraine, Moldova, Belarus, Azerbaijan, Russian Federation (227 participants)	published a collection of conference materials
VII International Applied Research Conference of Young Scientists and Specialists "Breeding, Genetics and Technologies for Growing Crops" https://sops.gov.ua/uploads/page/5cc15bea99d43.pdf	19.04.2019	village Centralne, Kyiv region	V.M. Remeslo Myronivka Institute of Wheat, National Academy of Agrarian Sciences of Ukraine; Ukrainian Institute for Plant Variety Examination	Definition of modern trends in agricultural research and evaluation of plant varieties	Ukraine, Belarus, Hungary (190 participants)	published a collection of conference materials
III Internet conference of young scientists "Genetics and Breeding of Agricultural Plants - from Molecule to Variety" https://sops.gov.ua/uploads/page/5d66479943a66.pdf	28.08.2019	city Kyiv, Odesa	Ukrainian Institute for Plant Variety Examination; Plant Breeding & Genetics Institute – National Center of Seeds and Cultivar Investigation of NAAS,	Application of modern methods of biotechnology and genetics in agriculture and variety testing	Ukraine, (38 participants)	published a collection of conference materials
X International Agriculture Symposium «AGROSYM 2019» http://agrosym.ues.rs.ba/index.php/en/ http://agrosym.ues.rs.ba/agrosym/agrosym_2019/BOOK_OF_PROCEEDINGS_2019_FINAL.pdf	03-06.10.2019	Jahorina, Bosnia and Herzegovina	Faculty of Agriculture University of East Sarajevo (Bosnia and Herzegovina); Mediterranean Agronomic Institute of Bari (Italy); Faculty of Agriculture, University of Belgrade (Serbia); Partner: Ukrainian Institute for Plant Variety Examination (Ukraine)	Modern directions of development of agrarian science of the world, actual questions of biotechnology, creation and tests of new plant varieties	From 80 countries, (About 1000 participants)	published a collection of conference materials

II. RELATED FIELDS OF ACTIVITIES OF INTEREST TO UPOV

Statistical data on plant variety protection in Ukraine during 2001-2019 is sent by email to upov.mail@upov.int along with this report.

[Annex XVII follows]

EUROPEAN UNIONⁱ
Period: July 2019 - July 2020

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

PLANT VARIETY PROTECTION

1. Legislation

1.0 General:

Nothing to report

1.1 Amendment of the law and the implementing Regulations

By Commission implementing regulation (EU) 2019/1978 of 26 November 2019, Regulation (EC) No 1238/95 as regards the fees payable to the CPVO, has been amended. The major change is represented by the increase of the application fee to 800 euros for the processing of an application submitted on paper. The regulation entered into force on 1 April 2020.

1.2 Case law

Judgment of the General Court of 24 September 2019 in the case T-112/18 ‘Cripps Pink’

By judgment of 24 September 2019, the General Court dismissed the action lodged by the applicant in its entirety providing guidance on how to assess the evidence of lack of novelty (under Article 10 Basic Regulation), and the late submission of evidentiary element.

The Court established that the Board of Appeal (BoA) provided a correct interpretation of Article 116 of the Basic Regulation on the transitional regime concerning the extension of the grace periods provided by Article 10 of Basic Regulation. As the application for CPVR was submitted within 1 year of the entry into force of the Basic Regulation, two grace periods were applicable: (i) a period of 6 years before the entry into force of the Basic Regulation for sales and disposals within the territory of the European Union and, (ii) a period of 6 years before the filing of the application for sales or disposals outside that territory.

The Court dismissed the argument concerning the lack of novelty of the ‘Cripps Pink’ variety insofar as the applicant submitted no evidence that the variety had been sold or disposed of to third parties by the breeder or with his consent for purposes of commercial exploitation. The Court considered the elements provided by the applicant not conclusive to establish that a “novelty-destroying” act took place before the said grace periods.

Judgment of the General Court of 13 March 2020 in the case T-278/19 ‘M 02205’

By judgment of 13 March 2020, the General Court dismissed the action lodged by the applicant and ordered the parties to bear their own costs. In essence, the applicant requested to declare the contested CPVR null and void, submitting that pursuant to Article 72 Basic Regulation, the Board of Appeal (BoA) had the power to declare the CPVR null and void and considered to have failed exercising this power by remitting the case back to the competent instance of the CPVO. Accordingly, the BoA could have ruled on the nullity request, as there were no technical aspects to be assessed anymore.

The Court acknowledged the wide discretion of the BoA and stated that the remittal of the case to the competent instance of the CPVO falls under the powers of the BoA pursuant to Article 72 Basic Regulation. Moreover, it observed that, contrary to the applicant’s opinion, there were technical issues to be assessed.

Moreover, according to the Court, the BoA rightly found that the CPVO committee to which it remitted the case must examine whether the ‘leaf blade colour’ characteristic was relevant for the purpose of distinguishing the variety at issue from any other variety. To that end, in accordance with the judgment T-140/15 (i.e. the first decision of the general Court that remitted the case to the BoA), the BoA rightly required the CPVO’s committee to carry out a complete examination and analysis to verify the accuracy of the notes attributed to the ‘leaf blade colour’ characteristic (i.e. the contextious characteristic) and to examine whether that characteristic was

sufficiently stable and reliable to be taken into account for the purpose of determining whether the variety at issue could be deemed as 'clearly distinguishable' from any other variety of common knowledge.

Judgment of the General Court of 25 June 2020 in the case T-737/18 'Siberia'

By judgment of 25 June 2020, the General Court dismissed the action of the applicant against the decision not to extend the duration of the CPVR granted to the variety 'Siberia'.

On the substance, the Court stated, in the first place, that the decision of the CPVO rejecting the application for correction of the expiry date of the CPVR 'Siberia' was not covered by Art. 67 (1) and 87 (2) Basic Regulation on decisions subject to appeal. Linked to that, it also stated that the applicant did not appeal against the decision of 2 August 1996 setting the date of expiry of the CPVR for the variety 'Siberia' at 1 February 2018 and that, therefore, said decision became final. In this regard, the Court also declared that the applicant cannot be allowed to reopen the period for appeal by arguing that its application for correction related to the entering or deletion of information in the Register pursuant to Art. 87 Basic Regulation, as it would undermine the definitive nature of the decision on the grant of the CPVR. Moreover, the applicant did not allege the existence of new material facts in support for its application.

Concerning the alleged infringement of Art. 53 (4) Proceedings Regulation, the Court declared that, based on the principle of legal certainty, the rule enabling in exceptional circumstances corrections of patent mistakes was to be interpreted strictly. Therefore, an amendment to the date of expiry of a CPVR would affect the scope and substance of the granting decision and that, accordingly, couldn't be regarded as an application for correction of a linguistic error, an error of transcription or a patent mistake within the meaning of Art. 53 (4) Proceedings Regulation.

Preliminary Rulings

Judgment of the General Court of 17 October 2019 in Case C-239/18, preliminary ruling under Article 267 TFEU

By this preliminary ruling, the referring Court asked the Court of Justice whether a right to information from official bodies under Article 11(1) of Regulation (EC) No 1768/95 (Implementing rules on the agricultural exemption to CPVRs) exist in a situation where a request relates solely to information concerning species of plants, without the request for information also seeking information on a protected variety.

Art. 14 Basic Regulation authorise farmers to use for propagating purposes in the field on their own holdings the product of the harvest which they have obtained by planting, on their own holding, propagating material of a protected variety. Farmers shall be required to pay an equitable remuneration (sensibly lower than the amount charged as a royalty fee) to the holder of the right. Small farmers are exempted from this obligation.

The Court observed that, under Article 11 of Regulation 1768/1995, the holder of a CPVR has the right to request information to official bodies on the actual use of the protected variety. The right of information of the holder has the objective to ensure the compliance by farmers of their obligation to pay an equitable remuneration. The Court concluded that Article 11(1) of Regulation 1768/1995 shall be interpreted as limited to requiring the specific designation of protected plant varieties in information requests to be lodged with official bodies.

Judgment of the Court of 19 December 2019 in Case C-176/18, preliminary ruling under Article 267 TFEU

By preliminary ruling of 19 December 2019, the Court clarified the scope of protection of Community Plant Variety Rights (PVR), namely to what extent acts relating to harvested material of protected varieties constitute a PVR infringement. The judgment clarifies the distinction between the primary protection afforded to variety constituents and the secondary protection on harvested material, which has subsidiary nature. Pursuant to Article Art. 13(3) Basic Regulation, the sale of harvested material could only be considered an infringing act if said material was obtained through unauthorised use of the variety constituents.

The Court also referred to the protection provided to right holders during the period of provisional protection (i.e. after publication of the PVR application but prior to its grant) in relation to the purchase and cultivation of infringing material. Article 94 Basic Regulation provides the CPVR holder with exclusive rights regarding the acts listed under Article 13 of the same Regulation. On the other hand, under Article 95 Basic Regulation when those infringing acts are carried out during the provisional protection period, the title holder can only request a reasonable compensation. The compensation scheme does not fully correspond to the protection scheme provided following the grant of the right. Indeed, the rule does not make reference to the authorisation

to be requested to the holder. Therefore, during the provision period the holder cannot prohibit any of the acts listed in Article 13 Basic Regulation as infringing acts but he/she will only be able to request a reasonable compensation after the PVR is granted. The concept of “unauthorized use” can only relate to use that could have been authorized or prohibited by the holder. Consequently, in the case at hand, the use of the harvest material by the alleged infringer was not unauthorised since there was no obligation to ask for authorisation to the holder.

In view of the foregoing, the mandarin fruits harvested after the grant of the title did not come from an unauthorised use of the variety constituents as the multiplication and sale took place during the provisional protection period, thus the secondary protection regime could not be applied to said conduct. On the contrary, in case of unauthorised multiplication and sale of the variety constituents after the grant of the title, the holder could invoke secondary protection also on the product of the harvest, provided that he/she did not have the opportunity to exercise his/her right (this issue was to be ascertained by the national Court).

2. Cooperation in examination

2.1 Conclusion of new agreements

The CPVO's Administrative Council consented in September 2019 that the CPVO concluded an agreement with *Oficina Nacional de Semillas* (ONS), Costa Rica, to take over a DUS reports for the Ananas comosus variety 'Rose'.

2.2 Amendment of existing agreements

Extension of the agreement with SNICS Mexico – *Servicio Nacional de Inspección y Certificación de Semillas* to carry out DUS examinations for the species *Psidium gujava*.

2.3 Memorandum of Understanding with third countries

See under 2.1, in addition nothing to report.

3. Situation in the administrative field

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 December 2019, the CPVO held its 23rd annual meeting with its examination offices, which was also attended by representatives from the European Commission, the UPOV Office, the Swiss PVP Office, and the breeders' organisations (Euroseeds, CIOFORA, Plantum, the European Consortium for Organic plant breeding ECO-PB). The main subjects of discussion were:

- Taking of photographs when accessing the DUS trials for inspection and sample taking
- The impact of the Phytosanitary Regulation on plant submission requirements
- A revision of the Technical Verification procedure
- A procedure in respect of the potential claim of examination offices' competence pre-dating the time of the entrustment decision
- Review of the entrustment policy in respect of species without CPVO applications
- Surveying the situation in respect of characteristics observed only once in crops with multi- annual testing
- Technical trainings for DUS examiners
- Update of the designation agreement in respect of data protection and anti-fraud policy; discussion of amendments to the liability clause and to the time limits for preliminary reports in certain crop sectors.
- Cooperation with EUIPO and EPO
- Update on Case law of CPVO Board of Appeal, General Court, Court of Justice.
- R&D update

b. Preparation of CPVO protocols

In 2019/2020, experts from the EU 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 2021. Experts' meetings were held to discuss the technical protocols of:

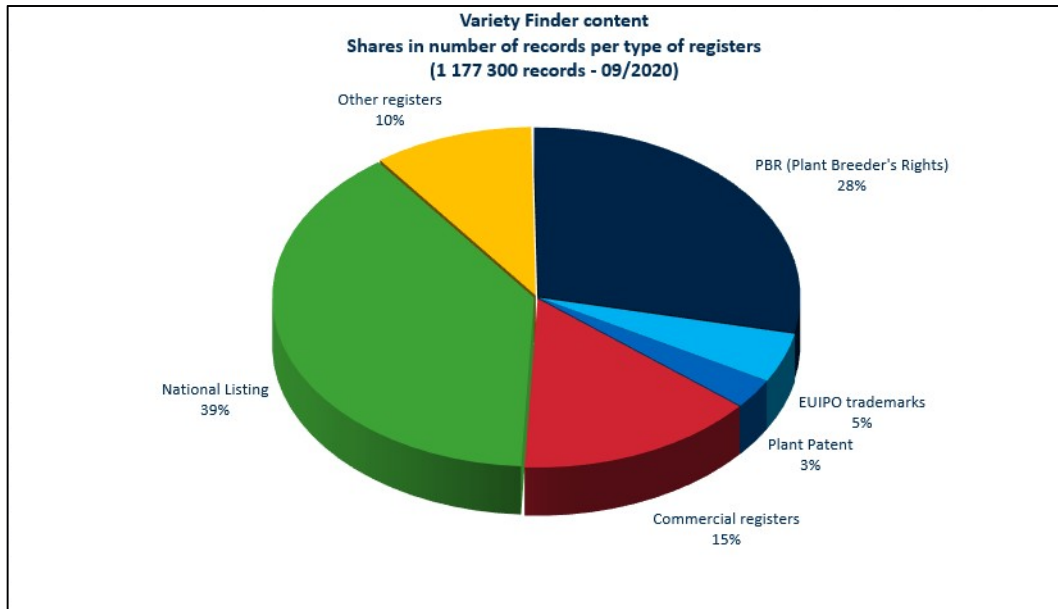
- Agricultural crops: Oats, Lucerne, Cocksfoot, True Potato Seeds
- Vegetable crops: lettuce, leaf chicory, industrial chicory, tomato, tomato rootstock.
- Ornamental crops: *Guzmania*, *Lobelia*, *Geranium* and *Callistephus chinensis*
- Fruit crops: *Ribes uva-crispa*.

c. Further development of the CPVO Variety Finder

Maintained and developed by the CPVO since 2005, the web-based CPVO Variety Finder database contains information on registers of more than 70 countries with a general search tool. It also includes a similarity search tool to test the suitability of denominations. The general principle is to update the database as soon as data are officially published. A memorandum of understanding has been signed with UPOV to share the task of collecting data from EU Member States and non-EU countries and ensure a regular data exchange.

In total, more than 1 million records originating from EU and UPOV members have been included in the Variety Finder. The use of the Variety Finder has constantly increased over recent years. CPVO clients represent the biggest group of users with more than 50 % of the tests of similarity launched. Around 80 000 denomination similarity tests are launched every year.

The graph below gives an overview of the content of the database with the number of records per type of register.



d. Cooperation in denomination testing with EU Member States

Number of requests for advice received and contributing national authorities by 31/12 (2012-2019)



Although there was a slight fall in the number of requests for opinion in 2019, the cooperation in denomination testing has demonstrated a great vitality over time. This service ensures harmonization of approaches and a greater convergence in the application and implementation of the denomination rules, for the benefit of the PVP system and the parties concerned. The service on cooperation is based on a dynamic and collaborative process that allows to remain responsive as regards to the interpretation of the rules and needs for evolution.

4.2 Crop experts meeting

A meeting of agricultural experts was held on 8 and 9 October 2019 to discuss:

- Revisions to several technical protocols and new technical protocols;
- Testing of wheat hybrids
- Characteristics with one single observation in multi-annual crop testing;
- VG characteristics: requirements from the Legal perspective
- Risk assessment of “non-subsequent” growing cycles in multi annual testing
- New plant health Regulation, impact on DUS plant material submission
- Situation on ongoing and future R&D projects in the agricultural sector
- Testing of maize

A meeting of vegetable experts was held on 2-3 December 2019 to discuss:

- A meeting of vegetable experts was held on 2-3 December 2019 to discuss:
- Revisions of several vegetable technical protocols;
- Risk assessment on “non-subsequent” growing cycles in multi-annual testing;
- VG characteristics: requirements from the Legal perspective;
- New Plant Health Regulation, impact on DUS plant material submission;
- Situation on on-going and future R&D projects in vegetables, including those under IMODDUS.

A meeting of fruit experts was held on 24-25 September 2019 to discuss among others:

- Testing apple mutation groups
- Phytosanitary matters
- List of species which may be the subject of requests for a postponement of the beginning of the DUS testing
- Testing for blueberries

- Potential DNA storage of samples for enforcement purposes
- R&D projects for fruit crops.

A meeting of ornamental experts was held on 14 November 2019 to discuss among others:

- obtaining reference varieties for DUS testing
- the revision of the technical verification procedure
- the source of reference material
- guidance on the uniformity threshold for small deviating colour sections
- the requirements of a plant passport/phytosanitary certificate
- mentioning the trade name in the application documents and
- the notion of the end of a DUS trial

4.3 Quality Audit Service (QAS)

The Quality Audit Service carried out three assessment exercises to its entrusted examination offices in the European Union in the second half of 2019.

In addition, QAS provided consultancy work in relation to improving the quality of DUS testing activities to the Chinese examination authorities via the IPKey China programme. This included a week-long hosting of Chinese colleagues in the EU in September 2019 on the principles of quality auditing in DUS, and a week-long visit in October 2019 by the QAS Team to Chinese testing authorities in Nanjing and Kunming for on-site training to numerous DUS examiners.

Further training and consultation activities by QAS in the second half of 2019 were in relation to the OAPI project. The QAS Team undertook on-site consultation work in November 2019 to the OAPI- designated examination authorities in Cameroon and Senegal, and subsequently provided recommendations to OAPI on ways to improve the DUS testing capacity in both those countries. Further evaluations in relation to DUS testing capabilities in the realm of the OAPI programme were undertaken by QAS in February 2020 to Côte d'Ivoire and to Burkina Faso, and were recommendations were also provided to OAPI on how to integrate both these countries into their DUS testing network.

As elsewhere, Covid-19 had a severe impact on the activities of QAS in the first half of 2020. Whereas eight assessment exercises had been programmed to entrusted EU examination offices during that time period, due to the strict travel restrictions, none of them were able to take place. At the time of writing, and with the easing of travel restrictions, it was foreseen that QAS would be able to undertake two "priority" assessment exercises in the first half of September 2020. However, for practical and safety reasons, the rest of the QAS assessment programmed for 2020 has been deferred to 2021. It will also be proposed to the CPVO Administrative Council at the end of September 2020, to prolong the current 2019-2021 triannual assessment cycle by one year until 2022.

4.4 IT developments

The new CPVO online application tool was released in June 2018, further enhancing exchanges with applicants. The tool is also designed to be used by EU member states in order to receive National applications and it has been fully operational for Dutch National Listing and Plant Variety Right applications since the end of 2019. The work concentrates on the harmonisation of technical questionnaires within the EU in order to ease the transfer of applications.

In the same vein, the CPVO is able to receive applications from UPOV PRISMA for all vegetable, fruit and ornamental species in such a way that data are directly transferred to the CPVO internal database without having to consider information from pdf documents. This possibility also exists for some but not yet all species in the agricultural sector.

5. Activities for the Promotion of Plant Variety Protection

International cooperation

On 4 October 2017, the CPVO adopted its international cooperation strategy in harmony with the EU trade policy in the field of intellectual property rights in order to support the external dimension of EU policies. In the framework of said strategy, the CPVO became stakeholder of the IP Key international cooperation projects.

The IP Key international cooperation projects are directed by the European Commission and implemented in collaboration with the European Union Intellectual Property Office (EUIPO) to strengthen IP protection in China, Latin America and ASEAN countries. The activities carried out in the framework of these projects include the organisation of seminars and mutual trainings as well as the provision of studies and legal support to the beneficiary countries. Find more information on the IPKey projects here.

Under **IPKey China**, during 2019 and following the Administrative Agreement signed with the Chinese PVP authorities in November 2017, the CPVO organized several training activities targeting Chinese experts, in collaboration with the German, French and Dutch Examination Offices. The trainings took place between June and November 2019 in the EU and China and were an excellent occasion to exchange knowledge among DUS experts with different backgrounds. The experts had the possibility to have an insight of the EU PVR system, in particular concerning the examination of applications for protection, the technical and procedural matters with a focus on quality audit.

Under **IPKey South-East Asia**, in September 2019, the CPVO hosted a high-level Study Visit of officials from Indonesia, Malaysia, Thailand and Viet Nam. The interaction and discussions between the high-level officials and farmers and plant breeders aimed at improving the understanding by national authorities responsible for plant variety protection of the benefits of the 1991 Act of the UPOV Convention and of strong plant variety protection systems to agricultural and rural development and food security.

Under **IPKey Latin America**, in November 2019, a Regional Workshop on Cooperation in the examination of PVP applications has been organised in Peru. The workshop aimed at enhancing technical cooperation among examination offices of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, Peru and Uruguay. The activity encouraged the participating examination offices to discuss the use of molecular marker techniques in DUS examination and to consider the mutual recognition of DUS test reports produced by other authorities to compare technical questionnaires used for the main crops in the region with the aim of joining UPOV PRISMA, as well as to discuss the best approaches for analysis of novelty and denominations, among others.

In February 2020, four activities have been organized in Ecuador. The first activity has been a 'PVP Licensing Laboratory' to increase knowledge about plant variety protection (PVP) licensing practices amongst public research institutes and small and medium-sized private breeders. The ultimate aim of this activity is the creation of an online course on PVP licensing practices. The second activity has been an international seminar on the enforcement of PVRs with the aim to enhance and promote the awareness of PVRs in Latin America with a focus on enforcement. Participants from different countries including Argentina, Brazil, Ecuador, Mexico, Peru and Uruguay, both from the private and the public sector, gave insightful contributions, sharing their experiences, difficulties and ideas on how best to enforce PVRs at a national level. The third activity has been a workshop for technical experts from the abovementioned countries on the use of the GAIA software, which is expected to improve PVP authorities' DUS testing procedures. The workshop has been led by two experts from GEVES. The fourth activity has been a training on PVRs organized by the CPVO in cooperation with IPKey and the Delegation of the EU in Ecuador for officials of EU Delegations in Latin America. A study visit has been organised to Plantec, an Ecuadorian company specialized in the propagation of rose varieties in Latin America on behalf of European breeders. The visit offered an insight on the functioning of the breeding processes and a better understanding of the PVR system under the UPOV Convention.

As from 1 November 2019, the **CarlPI** project started for an initial duration of four years. CarlPI is funded by the European Union under the 11th European Development Fund and implemented by the European Union Intellectual Property Office (EUIPO). Its specific objective is to strengthen the Intellectual Property Rights environment in the CARIFORUM area as a means to foster trade and investment and stimulate innovation and competitiveness of the private sector. Activities related to Plant variety rights integrate the project. In May 2020, the CPVO has contributed to the revision of the implementation of the PVP legislation in the Dominican Republic.

EAPVP

Due to the Covid-19 pandemic, the 13th EAPVP Forum meeting has been postponed.

CPVO – European Patent Organisation

On 11 February 2016, the CPVO President and the EPO signed Administrative Arrangement No 2016/0009 on Bilateral Cooperation to exchange information and best practices in the area of plant-related patents and plant variety rights for a period of 3 years. Said agreement was renewed on 26 October 2018.

As implementation for the agreement, from 18-22 November 2019 a CPVO expert spent a week seconded at the EPO premises. Different topics have been discussed such as the patentability of fungi and algae.

OAPI

In the beginning of July 2019, the EU Commission signed a contract with the African Intellectual Property Office (OAPI) in Geneva providing funds for a so-called Road Map aiming at the promotion of intellectual property to foster the creation of new varieties adapted to the African market and to provide an incentive to make superior varieties existing elsewhere available to OAPI area.

The project will be managed by OAPI, the CPVO is – together with UPOV, GEVES, GNIS, and Naktuinbouw a partner. Eleven activities, to be conducted in the coming two years, have been agreed focusing on training and capacity building. The series of activities started at the end of August with a workshop held at the premises of OAPI headquarters in Yaoundé analyzing the administrative procedures in place (done by the CPVO) as well as the IT infrastructure (done by UPOV). The purpose is to streamline administrative procedures and to adapt the IT system to allow foreign breeders to apply for plant variety rights using the UPOV PRISMA tool – a system through which breeders can file applications in a number of countries simultaneously. The Office furthermore contributed to a trainings and awareness raising seminars held for national experts in Togo, in Burkina Faso and in Mali in October 2019. Furthermore, the Quality Audit Service of the Office conducted mock audits in potential examination offices in Cameroon and in Senegal to identify their strength and to give advice on improvements. In December 2020, five experts from OAPI with a technical, legal or IT background visited the CPVO to study the processing of applications.

Due to sanitary restrictions linked to the Covid-19 pandemic trainings and awareness raising seminars scheduled for 2020 are put on hold.

Training

During the year 2019-2020, the CPVO was involved in the preparation of several trainings both on a presential and online basis, including:

- Several webinars organized in collaboration with Vegepolys;
- Training on the infringement of CPVRs in the EU to Custom authorities within the WCO (World Custom Organisation) annual meeting on 30 September 2019;
- Training on Plant Breeder's rights and other IP rights at Naktuinbouw on 7 October 2019;
- Webinar on the interface among Variety Denominations, Geographical Indications and Trademarks on 13 December 2019;
- Presentation of the CPVR system within the Intellectual Property law Master of the University of Maastricht on 14 January 2020;
- Presentation of the CPVR system within the Intellectual Property law Master of the University of Alicante on 7 May 2020.

Stakeholder organisations

The European Commission and CPVO attended the Euroseeds Annual meeting in Stockholm on 13-15 October 2019 and the annual meeting of CIOPORA Deutschland in Dresden on 27 and 28 March 2020.

The CPVO also met the breeders organisations on a bilateral basis, including:

- - Euroseeds on 19 November 2019;
- - Plantum on 7 May 2020.

The CPVO had organized formal annual bilateral meetings with AIPH and ECO-PB.

Other promotion activities:

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 January 2020 the Office attended together with GEVES the 'Salon Sival' in Angers, a fair addressing mainly producers of fruit and vegetables. Also in January 2020, the Office attended the 'IPM' in Essen, Germany, the world biggest fair for ornamental plants. The stand was shared with colleagues from the Bundessortenamt, GEVES, and Naktuinbouw.

6. R & D

6.1 IMODDUS ad hoc working group

As one of the three objectives of the revised R&D strategy of the CPVO adopted by the Administrative Council (AC) in March 2015, the AC has voted for the creation of a CPVO ad hoc working group on biomolecular techniques. This working group is named IMODDUS which stands for Integration of Molecular Data into DUS testing. The aim of the group is to work on projects in the different crop sectors which would allow for the application of biomolecular techniques in DUS tests where these techniques can contribute to efficiency and quality.

The group is composed of BMT experts from interested examination offices and breeders organisations. The participation is limited to experts that can actively contribute in terms of preparing documents and presentations. Experts from laboratories universities, the industry, etc. can also be invited by the Chairman of the group.

Due to the Covid pandemics, there has not been a physical meeting organized in 2020. The next meeting of this group is scheduled for April 2021

One R&D project proposal has been considered positively by IMODDUS and has meantime been started:

Hemp

"Development of a SNP marker set in Cannabis to support DUS testing". The other R&D projects previously evaluated positively by IMODDUS and granted co-financing made steady progress during the period.

Tomato

"International validation of a SNP set to determine genetic distances for the management of tomato reference collection"

Oilseed rape

"Developing a strategy to apply SNP molecular markers in the framework of winter oilseed rape DUS testing"

Durum wheat

"Integration of molecular data into DUS testing in Durum wheat"

Apple

"Developing molecular markers allowing the distinction of apple mutants (sports)" (by associating sequencing, transcriptomics and epigenetics data)

6.2 INVITE

INVITE stands for "INnovations in plant Variety Testing in Europe to foster the introduction of new varieties better adapted to varying biotic and abiotic conditions and to more sustainable crop management practices". INVITE, is one of the two laureate projects of the call SFS-29-2018 "Innovations in plant variety testing" 2 of the Horizon 2020 program . It aims at improving efficiency of variety testing and availability of information to

stakeholders on variety performances under diversified production conditions and on biotic and abiotic stresses for 10 crops (7 “model” crops: maize, wheat, rye grass, sunflower, potato, tomato, apple and 3 “application crops”: lucerne, soybean, rapeseed). It addresses DUS and performance testing in a balanced way and intends to maximize synergies between them through related activities based on phenotyping, genotyping, modelling and database management.

In May-June 2019, both the Consortium agreement and the Grant agreement were signed by all beneficiaries of the project. The total amount awarded is about 8 million euros to be spent in a period of 5 years starting from July 2019. CPVO will not receive any funding.

In addition to its participation to the tasks of the project, CPVO is in charge of managing all issues related to the access to historical data and reference materials held by the examination offices (EOs). In collaboration with Euroseeds, the workpackage leaders and the participating EOs, CPVO designed an agreement to frame the access to these data and materials by the partners of INVITE's consortium. This agreement describes some procedures for: 1) getting individual consents from the breeders owning the concerned varieties (including a template of consent letter), 2) encoding variety names, 3) managing validated data on a data sharing system, and 4) exchanging samples of reference material (with a template of MTA). This agreement was signed by all concerned partners on 19 June 2020.

The collaboration with INNOVAR (the second laureate consortium of the SFS-29-2018 call, which focuses on the development of a machine learning approach for the optimization of variety testing in wheat) continued. On 22 June 2020, CPVO and INVITE's coordinator were invited to a meeting organized by INNOVAR to discuss the issue of access to data and materials. INVITE shared its experience with INNOVAR on the matter and provide advices on the way to interact with the EOs. To support and facilitate the definition of a similar system between the two consortia, it was decided that INVITE would send to INNOVAR a copy of its agreement on access to historical data and reference material, which was done by CPVO on 01 July 2020.

6.3 Other R&D projects:

Harmorescoll

HARMORESCOLL is aimed at setting up, at the European level, a coordinated system to give information to interested parties on access to reference material for performing disease tests for DUS according to CPVO protocols and UPOV guidelines. The reference material is constituted of isolates, controls and differentials. The project covers disease resistances which are part of the DUS protocols. Previous R&D projects showed that harmonization is one aspect that help to improve the system and efficiency of the DUS testing.

The project aims at setting up the system and is based in a collaborative work between examination offices and seed companies with Euroseeds membership. After the end of the project, funding and sustainable maintenance is planned on a self-financing basis.

The project is coordinated by GEVES and Naktuinbouw. It started in 2020 and is scheduled for 3 years.

Melon

The objective is to set up a common database containing variety descriptions and photos stored within all of the CPVO's entrusted examination offices for melon. As the data will not be harmonized between examination offices, the database will not directly be used to select the reference varieties to compare to the candidates but will facilitate the identification of the available reference materials and their maintainers. So far, progress have been made in the design and feeding of the database. The loading of the data in the database should be finalized by the end of 2020 and the tool will be tested in real conditions at the start of 2021.

The project is coordinated by Naktuinbouw (Netherlands), with as project partners: GEVES (France), INIA/OEVS (Spain), UKSUP (Slovakia) and DGAV (Portugal). The final report is expected in 2021.

[End of Annex XVII and of document]

ⁱ This report uses the terminology of the United Nations.