

Council**C/57/13****Fifty-Seventh Ordinary Session
Geneva, October 27, 2023****Original:** English/German/Spanish
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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 XVIII: South Africa, Germany, Belarus, Bosnia and Herzegovina, Estonia, Hungary, Israel, Japan, Kenya, Lithuania, Mexico, New Zealand, Poland, Republic of Moldova, United Kingdom, Serbia, Ukraine, European Union

Observers: Annexes XIX and XX: Myanmar, Zimbabwe
3. Reports received after September 29, 2023, 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

- adaptation 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. 46242 of 14 April 2022 in respect of the 2022/23 financial year, ending 31 March 2023.

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

None to report.

2. Cooperation in examination

None to report.

3. Situation in the administrative field

No changes.

4. Situation in the technical field for the period January to December 2021

- 277 PBR applications were received of which 39% [106] were for Agricultural crops, 10% [29] for Ornamental crops, 39% [109] for Fruit crops and 12% [33] for Vegetable crops.

Total of 289 PBR grants from January to December 2022 were as follows:

Agricultural crops	126
Vegetable crops	36
Fruit crops	78
Ornamental crops	49

- As of December 2022, a TOTAL of 3637 varieties had valid plant breeder's rights in South Africa, of which 23% [830] were for Ornamental crops, 29% [1420] for Agricultural crops, 30% [1111] for Fruit crops and 8% [276] for Vegetable crops.

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. NUMPRO Meeting [Nuclear Material Producers]	17 May 2023	Pretoria, South Africa	Potato Certification Service	Report on the PBR's of potato varieties	South African potato Industry ± 60 participants
2. Visit to the South African PBR Office by plant breeding students from University of Limpopo	9 September 2022	Agricultural Research Council, Roodeplaat, Pretoria, South Africa	SA PBR office	Present to plant breeding students PBR and DUS activities and procedures	62 Students 1 Lecturer 2 PBR officials 3 DUS Examiners
3. Workshop on Plant Variety Protection and Seed Laws in Southern & East Africa	6-7 June 2023	Kwazulu Natal, Salt Rock, South Africa	African Centre for Biodiversity [ACB] - SA Association for Plant Breeding for the benefit of Society [APBRES] - Switzerland Community Technology Development Organization [CTDO] - Zimbabwe	Presentations and discussions on safeguarding food sovereignty, farmers' rights and farmer managed seed systems in Southern and East Africa	Canada – 1 Kenya – 3 Malawi – 4 Mozambique – 3 Namibia – 3 Senegal – 1 South Africa – 5 Uganda – 3 United Kingdom – 2 United Republic of Tanzania – 3 Zambia – 3 Zimbabwe - 5
4. International Seed Federation Congress	5-8 June 2023	Cape Town, South Africa	International Seed Federation & SANSOR	Bilateral with Japan PVP Authority on SA PVP System	Japan – 1 South Africa PVP Authority – 6 DALRRD International Relations desk - 2

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

None to report.

[Annex II follows]

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ANNEX II

GERMANY
(Original language: German)

This translation has been generated using machine translation and the accuracy cannot be guaranteed. Therefore, the text in the original language is the only authentic version.

Activities for the promotion of plant variety protection

Type of activity	Date	Location	Organizer(s)	Purpose of the activity	Participating countries/organizations (Number of participants per state/organization)	Comments
Seminar on the conduct of variety trials (DUS) in apple and pear	09/2022	Online	Federal Ministry of Food and Agriculture (BMEL)	Training on the conduct of variety trials, application of the test guidelines and trial evaluation.	India (~ 100 participants)	German-Indian cooperation project (07/2019 to 12/2023 (extended))
Seminar on the conduct of variety trials (DUS) in apple and pear	09/2022	Germany	ADT Consulting Federal Plant Variety Office (BSA)		India (3 participants)	
Final seminar	11/2022	Online		Review of achievements within the project period, clarification of open issues.		
Seminar on Electronic Processing and Management of DUS Test Data in Variety Testing - Using the Example of Oilseed Rape/Mustard	05/2023	Online		Technical Exchange for Electronic Processing and Management of DUS Test Data	India (~ 100participants)	
Seminar	09/2022	Poland	CPVO (EU Member States), BSA	CPVO Maize Workshop	Poland	
Professional exchange	10/2022	Germany	GIZ, BSA	Technical Exchange on Plant Varieties and Seeds in DE and ETH	Ethiopia	
Lecture	11/2022	Germany	GIZ, BSA	Technical exchange on varieties and seeds in DE with special focus on grapevine	Armenia	
Lecture	12/2022	Germany	GIZ, BSA	Technical Exchange on Plant Varieties and Seeds in DE	Kazakhstan (15 participants)	
Lecture	12/2022	online	GIZ, BSA	Technical Exchange on Plant Varieties and Seeds in DE	Kazakhstan (30 participants)	
Professional exchange	01/2023	Germany	BMEL, GFA Consulting, BSA	Professional exchange about international projects	Kazakhstan + Uzbekistan	GFFA (Trade Fair) & International Green Week (Trade Fair)
Professional exchange	01/2023	Germany	BMEL, BSA	Professional exchange about international projects	Various	IPM (trade fair)
Training/lecture/inspection	06/2023	Germany	BSA	Basics of Plant Variety Protection in Examination Practice	Patent Paralegal (10 participants)	Regular training
Training/lecture/inspection	06/2023	Germany	BMBF, BSA	BMBF Junior Researcher Promotion Plant Breeding Research	Germany (30 participants)	BMBF Junior Researcher Promotion Plant Breeding Research

[Annex III follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

Changes in the Law of the Republic of Belarus

“On breeding and seed multiplication of agricultural plants”

in Article 22:

“Approbation seed multiplications plots of agricultural plants belonging to varieties registered in the State Register of Protected Plant Varieties of the Republic of Belarus, the seeds of which are intended for sale, is carried out if the interested person is allowed to use the variety of agricultural plant in accordance with the legislation on patents for plant varieties.”

1.1 Amendments of the law and the implementing regulations: No changes

1.2 Extension of protection to further genera and species: In Belarus all genera and species are protected.

1.3 Case law – No changes

2. Cooperation in examination

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

In 2023 Belarus continued cooperation under Bilateral Agreement with Kazakhstan and Uzbekistan in the field of VCU and DUS testing, Belarus continued cooperation with Russian Federation, Armenia, Kazakhstan Kyrgyzstan in the frame of Eurasian Union.

- Amendment of existing agreements (completed, under way or planned) - No

3. Situation in the administrative field: No changes

4. Situation in the technical field

Partially revised 10 test guidelines, total number of existing test guidelines: 293.

A photo catalog of the essential morphological characteristics of Strawberry (*Fragaria L.*) was prepared.

In 2023 a training seminar was held for all DUS experts on the basis of the Grodno Agricultural University.

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. Experience exchange	14-19 May, 2023	Germany	Company DSV	Expert experience exchange in VCU and DUS testing of turf grasses	Belarus Germany	Fruitful cooperation
2. DUS training course	24-29 July, 2023	Kazakhstan, Altaj	State Commission for Variety Testing of Agricultural Crops of Kazakhstan	DUS training course	Belarus Kazakhstan	Useful cooperation, especially practical training at DUS plots
3. DUS training course	10-13 August, 2023	Belarus, Minsk. Nesvizh.	SE "State Inspection for Testing and Protection of Plant Varieties"	DUS training course	Belarus Uzbekistan	Useful cooperation, especially practical training at DUS plots

[Annex IV follows]

ANNEX IV

BOSNIA AND HERZEGOVINA

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)
TAIEX Workshop on training on the granting of breeder's rights and application according to CPVO	19/09/23	Sarajevo	TAIEX in co-operation with Administration of Bosnia and Herzegovina for Plant Health Protection	<p>International legal framework (CPVO, UPOV, EU) BiH legal framework, Tools for an IT-based system used for PVR, Agroeconomic impact on PVR in practice, the different views of parties involved, Technical background and procedures on PVR (CPVO approach; database of CPVO/UPOV, Technical Guidelines, Testing procedures etc.)</p> <p>To inform the participants/breeders in Bosnia and Herzegovina about the importance of creating new varieties and the possibility of variety protection at the level of the European Union.</p> <p>As a new chapter related to the protection of new varieties, it is necessary to familiarize the participants with the method of application, the process of obtaining variety protection, the scope of variety protection and how it is implemented in the European Union.</p>	<p>Participants from Bosnia and Herzegovina</p> <p>18 participants from:</p> <ul style="list-style-type: none"> - Ministry of Agriculture, Forestry and Water Management of Republic of Srpska, Banja Luka - Federal administration for inspection works, Sarajevo - University of Banja Luka - Mayor's Office, Inspectorate, Brčko - Faculty of Agriculture and Food Sciences – University Sarajevo - Foundation ALICA - Federal institute for agriculture, Sarajevo - Administration of Bosnia and Herzegovina for Plant Health Protection

Other developments of relevance to UPOV

The expert carried out and discussed gap analysis with Bosnian colleagues and review and discussed the draft rulebook on Small Farmers.

As far as the gap analysis is concerned Special attention was given to:

- The implementing measures on fees for granting and maintaining PBR to be drafted
- Commission for the protection of new varieties of plants to be established
- Committee for appeal to be set up
- Draft rulebook on the register of PBR
- Draft rulebook on the definition of small farmer

As to the rulebook on small farmer, the most substantial comment was related to the criteria on the ground of which the limit of 3 hectares was identified. This is the limit to size of the holdings below which the farmers would be exempted from the payment of royalties on protected varieties, according to the optional exemption within the UPOV Convention.

This limit should be established taking to account the general features of agriculture in BiH, the average size of the holdings, the main crops, with the aim to find a fair balance between legitimate interests of the breeder and cost benefit analysis to collect royalties on the defined small farmers.

Examples were given by the presentations on the situation in Poland, Czech Republic, the Netherlands, Italy and in general within the EU context.

According to the EC Regulation 1768/95 (implementing article 14 of the basic regulation 2100/94 on PBR) the farmer producing less than 92 tons of cereals and/or 185 tons of potatoes is considered "small farmer" and, as such, is not required to pay any royalties to the breeder.

It was also noted the need of some minor editorial and linguistic revision of the English version of the draft rulebook.

The mission has been greatly facilitated by the collaboration of the colleagues of PHPA. Taking to account the conditions of working by videoconference, no difficulties have been encountered.

It is recommended to:

- Start the process for the adoption of the amendment of article 19 of the Law.
- Start the process for the adoption of the Decision on establishing a joint commission for granting the breeders' rights and protection, including the identification of the representative of the relevant Institutions.
- Check consistency between articles and the annexes of the rulebook on registers and start the process for the approval, including the drafted Certificate.
- Start the process for the approval of the rulebook on small farmers.
- Reflecting on the amended needed to the rulebooks on the Commission and on fees for listing to be used also for PBR purposes.

RESULTS

- a. Amendment text of article 19 of the Law
- b. Final text of the Decision on the Joint Commission for granting the breeders' rights and protection
- c. Certificate on granting of the breeder's right
- d. Final text of the rulebook on registers
- e. Final text of the rulebook on Small Farmers

[Annex V follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

Plant Propagation and Plant Variety Rights Act in force from 01.01.2022.

<https://www.riigiteataja.ee/en/eli/530122021003/consolide>

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

No changes.

1.3 Case law

There are no case laws.

2. Cooperation in examination

Updating of the existing agreement with COBORU in process.

3. Situation in the administrative field

- Changes in the administrative structure

The Plant Varieties area has been moved to another department: Plant Health and Propagating Material Department.

- Changes in office procedures and systems-

No changes.

4. Situation in the technical field

No changes.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Poster on the Plant Variety Protection for National Use.

Kuidas toimib sordikaitse?

Maaeluministeerium

- 1. Mõeldis uute sortide järele**
Tulevane põlvkond soovib kasvatada looduslikult saadud ja loomulikult arenevat kultuuri.
- 2. Sortide loomine**
Sortide loomiseks võetakse algsortide omadusi, mis võivad olla väärtuslikud, ja ühendatakse need üheks uueks sortideks.
- 3. Sorti registreerimine**
Sorti registreerimiseks tuleb esitada sortide loomise kohta teaduslikud andmed, mis tõestavad selle sortide loomist ja põlvkondade ühtsust.
- 4. Sorti loomise aluse väljatõlkimine**
Sorti loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 5. Sorti loomise aluse väljatõlkimine**
Sorti loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 6. Sortide loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 7. Sorti loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 8. Turundamine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 9. Sortide loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 10. Turundamine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 11. Sortide loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 12. Sortide loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 13. Uue sorti aretus**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.

Kuidas toimib sordikaitse?

- 1. Mõeldis uute sortide järele**
Tulevane põlvkond soovib kasvatada looduslikult saadud ja loomulikult arenevat kultuuri.
- 2. Sortide loomine**
Sortide loomiseks võetakse algsortide omadusi, mis võivad olla väärtuslikud, ja ühendatakse need üheks uueks sortideks.
- 3. Sorti registreerimine**
Sorti registreerimiseks tuleb esitada sortide loomise kohta teaduslikud andmed, mis tõestavad selle sortide loomist ja põlvkondade ühtsust.
- 4. Sorti loomise aluse väljatõlkimine**
Sorti loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 5. Sorti loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 6. Sortide loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 7. Sorti loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 8. Turundamine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 9. Sortide loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 10. Turundamine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 11. Sortide loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 12. Sortide loomise aluse väljatõlkimine**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.
- 13. Uue sorti aretus**
Sortide loomise aluse väljatõlkimine on vajalik, et saaks kindlaks teha, kas sort on loomulikult saadud ja loomulikult arenevat kultuuri.

[Annex VI follows]

I. 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)

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

1.3 Case law

No data.

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 for the period January to December 2021

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

[Annex VII follows]

ANNEX VII

ISRAEL

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations - Planned

1.2 Extension of protection to further genera and species - None

1.3 Case law - In the Matter of Request to Declare Null and Void the Plant Breeders Registration in respect of a papaya variety named 'Aurora', Case No. 66103-09-19, Jerusalem District Court December 2, 2021, the Court instructed the Plant Breeders Council (hereinafter Council) to re-examine the appellant's request for Null and Void Declaration. Thereafter the Council commenced re-examination proceedings. While the Council was conducting the re-examination, the owner of the 'Aurora' registration brought suit against the Council alleging contempt of court for failure to comply with the Court's Order of re-examination. The action for contempt of court was dismissed and the owner of the 'Aurora' registration was ordered to deliver cuttings to the Council. The Council is now deliberating on whether to revoke the Plant Breeders Right due to non-supply of the requested cuttings.

2. Cooperation in examination

No changes.

3. Situation in the administrative field

Ms. Rasaby retired on December 31, 2022. Our new PBR Administrative Officer is Ms. Inbal Moshe.

4. Situation in the technical field

No changes.

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. "Who is behind the mask?"	3.2023	Ministry's Instagram	The Ministry's Communication, Media and Public Relations Division	Introductory and promotion of the Ministry's units during carnival season	Israeli public	
2. World IP Day	27.4.2023	Ministry's distribution list	PBR office	PBR Promotion		
3. Agro Mashov Exhibition	5-6.9.2023	TLV EXPO, Tel Aviv, Israel	Mashov Group	PBR Promotion and participation	Local agricultural companies, growers etc.	Booth and representation in the Ministry's pavilion
4. IPAA meeting	12.9.2023	Webinar	Israel Patent Attorneys Association (IPAA)	PBR Council's presentation, cooperation and understanding the difficulties in PBR enforcement	Local patent attorneys	
5. Meetings with growers and plant breeders	2023	All over Israel	PBR office	Cooperation improvement between growers, PBR holders and breeders, and understanding the difficulties in PBR enforcement	Private and public companies' breeders and growers in Israel	

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

None.

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

No remarks.

2. Cooperation in examination

- Conclusion of new agreements (planned)

The Ministry of Agriculture, Forestry and Fisheries (MAFF) of Japan and the US PVPO are planning to conclude a general agreement on cooperation of examinations in 2023.

MAFF of Japan, the National Agriculture and Food Research Organization (NARO) of Japan and the Community Plant Variety Office (CPVO) have started consultation to contract technical examination agreement that the PVP Office of Japan conducts DUS examination for *Camellia sinensis* (L.) Kuntze on behalf of CPVO.

MAFF and CPVO also have started consultation to take over existing DUS report for *Camellia sinensis* (L.) Kuntze, *Podocarpus macrophyllus* (Thunb.) D. Don and six (6) species of Mushroom to the CPVO.

3. Situation in the administrative field

- Electronic Application System

MAFF operates a national electronic application system (Variety registration data Integrated Portal System (VIPS)) for an on-line tool to assist in making plant variety protection (PVP) applications to PVP Office since 2018 to improve convenience of applicants. Applicants can submit their application data and payment of fees for applications and registrations electronically through the online system. 1,664 applications were filed through VIPS until 31 March 2023. VIPS is under the system update to be linked to UPOV PRISMA.

4. Situation in the technical field

After having heard the opinions of the Agricultural Materials Council, the Minister of MAFF had determined and issued a public notice of the important characteristics for National Test Guidelines (TGs) for 30 genera and species were developed or revised in 2022.

The Netherlands Inspection Service for Horticulture (Naktuinbouw) and the Center for Seeds and Seedlings, NARO (NCSS) had joint activity to develop Calibration Manual for DUS test. A manual for lettuce was updated as a version 2 and has been published on their website. The manual for 10 genera or species is available on their website which can be used as supportive tool for DUS tests in other countries.

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

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. International Seminar on PVP System	14 July 2022	Indonesia (virtual means)	Ministry of Agriculture of Indonesia	To increase awareness on the PVP system under the UPOV convention	ASEAN Plus Three countries, UPOV, SAMAE, Naktuinbouw, CIOFORA, APSA	http://eapvp.org/report-data/indonesia/ministry-of-agriculture-of-indonesia-held-eapvp-international-seminar-on-pvp-system/
2. JICA Training Course 2022	From 22 August to 5 October 2022	Japan (virtual means)	JICA	To increase awareness on the PVP system under the UPOV convention	Bangladesh (2), Indonesia (2), Nepal (2), Philippines (1), Thailand (1), Uzbekistan (3), Viet Nam (1), Zambia (1)	
3. Presentation in Asian Seed Congress 2022	16 November 2022	Thailand (virtual means)	APSA, Thailand	To provide benefits to farmers by UPOV	APSA members	
4. The Meeting to Introduce the Actual Information about the UPOV system	28 February 2023	Thailand (virtual means)	Thailand PVP Office	To raise awareness of the UPOV system among breeders, seed companies and research institutes etc.	Breeders, Seed companies, research institutes and journalists in Thailand	http://eapvp.org/report-data/thailand/meeting-to-intro-actual-info-about-the-upov-system/
5. Seminar on the benefits of the UPOV System of Plant Variety Protection for Farmers and Growers	28 March 2023	Lao People's Democratic Republic	Department of Intellectual Property (DIP) of Lao People's Democratic Republic	To increase awareness on the PVP system under the UPOV convention	DIP, MOIC, Ministry of Forestry and Agriculture and Ministry of Natural Resources and Environment UPOV, CPVO	http://eapvp.org/report-data/lao/lao-seminar/
6. JICA Training Course 2023	From 12 June to 1 September 2023	Japan	JICA	To increase awareness on the PVP system under the UPOV convention	Algeria (1), Cambodia (1), Indonesia (1), Lao People's Democratic Republic (1), Mauritania (1), Nepal (2), Philippines (1), Rwanda (1), Thailand (1), Viet Nam (1)	
7. 16 th Annual Meeting of EAPVP Forum	2 August 2023	Lao People's Democratic Republic	Department of Intellectual Property (DIP) of Lao People's Democratic Republic	To promote Individual and/or regional activities regarding Plant Variety Protection	ASEAN Plus Three countries, UPOV, SAMAE Naktuinbouw, USPTO and MUSP	http://eapvp.org/report-data/lao/the-16th-east-asia-plant-variety-protection-forum-meeting/
8. International Seminar	3 August 2023	Lao People's Democratic Republic	Department of Intellectual Property (DIP) of Lao People's Democratic Republic	To increase awareness on the PVP system under the UPOV convention	ASEAN Plus Three countries, UPOV, SAMAE Naktuinbouw, USPTO and MUSP	http://eapvp.org/report-data/lao/international-seminar-held-in-lao-pdr/

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

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

Japan made a contribution of 325,983 Swiss francs in the form of Funds in trust in 2022, intended to support the activity of UPOV Secretariat aimed at the establishment and implementation of the Plant Variety Protection system in the Asian region through activities, 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. National workshops for raising PVP awareness in Asian countries
- iv. International workshops on PVP under the UPOV Convention
- v. Annual Meetings of the East Asia Plant Variety Protection (EAPVP) Forum

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

Plant Variety Protection in Kenya is provided under the Seeds and Plant Varieties Act (CAP 326) of 1972, which became operational in 1975 and was revised in 1991. Official regulations to guide the implementation of PVP service were put in place in 1994 and the office to administer the PVP was established in 1997 and has functioned under Kenya Plant Health Inspectorate Service (KEPHIS) since 1998. Kenya acceded to UPOV under the 1978 Convention on 13th May 1999. In 2012, the Seeds and Plant Varieties Act was amended to incorporate components of the 1991 UPOV Convention. On April 11, 2016, Kenya deposited the instrument of accession to the 1991 UPOV Convention, Kenya is now bound by the 1991 UPOV Convention effective from May 11, 2016. Currently Kenya is in the process of reviewing of PBR Regulations to facilitate implementation of the optional exemption.

1.2 Genera and species covered

Kenya extends Plant Variety Protection to all plant genera and species. At the moment, a total of ninety-one (91) taxon of selected plant species have been registered for protection in the country.

1.3 Case law

Under the Kenyan Seeds and Plant Varieties Act, applications for Plant Breeders Rights are required to be published in the Kenya gazette, to allow those opposing any applications or grant of rights, to make the objections and make representations to the Authorized Officer – KEPHIS. The Authorized Officer determine the hearing of such representations but any applicant aggrieved by the decision of the Authorized Officer may appeal to the Seeds and Plants Tribunal and if further aggrieved by the decision of the Tribunal, final appeal to the High Court.

2. Cooperation in examination

As per UPOV Article 32 on Special Agreements, the PVP office in Kenya has entered into international cooperation with other UPOV Member States and Intergovernmental Organizations in the utilization of the existing DUS examination reports notably,

- European Community – Community Plant Variety Office
- Raad Voor Plantrassen (Board for Plant Varieties) – Netherlands
- The Plant Breeders' Rights Council – Israel
- Commissioner of Plant Variety Rights - New Zealand
- The registrar, National Department of Agriculture – South Africa
- Bundessortenamt – Germany
- Department for the Environment, Food and Rural Affairs (DEFRA) – United Kingdom
- New Business and Intellectual Property Division Food Industry Affairs Bureau – Japan
- Korea Seed and Variety Services, Republic of Korea
- Intellectual Property Division, Food, Industry Affairs Bureau – Japan

3. Situation in the administrative fields

The administrative structure, office procedures and systems within the PVP office in Kenya remains the same however the PBR applications can be done online. Kenya has embraced the use of UPOV PRISMA application tool for all genera and species. Kenya has automated its plant variety protection system, where all Plant variety protection processes are online.

4. Situation in the technical field

4.1 Application and Grant of Plant Breeders' Rights

Since inception until end of 2022 of the PVP office in Kenya, a total of 1959 applications have been received by Breeders' Rights and 866 Plant Breeders Rights has been granted.

4.2. DUS testing

The Office is conducting DUS for Pigeon pea, Maize, Millets, Sorghum, Potatoes, wheat, pasture, Beans, chicory, Teff, cotton Solidago flowers and veronica flowers. National test guidelines have been developed for some of these crops.

5. Activities for the promotion of plant variety protection

The PVP office in Kenya has been actively involved in a number of activities for the promotion of Plant Variety Protection in the country and within the Africa region. Some of these promotional activities includes:

- Dissemination seminars on awareness creation on PVP services in the country. These seminars target National Agricultural research institutions, Universities, policy makers, Agricultural extension staff as well as the larger farming communities.
- The office is working with other sectors in agriculture to ensure that operating regulations are in conformity with the Seed and Plant Varieties Act and by extension the UPOV Convention.
- The Office has also been involved in exposing delegations from Burundi, Djibouti, Mozambique, Democratic Republic of the Congo, South Sudan and Somalia to the Kenyan PVP system.

All correspondences need to be addressed to:

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E-mail: director@kephis.org
Website: www.kephis.org

[Annex X 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 No IX-618 of 22nd of November 2001 as last amended on 15th of April, 2021;
- 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 was no case law relating plant varieties protection in Lithuania in 2022.

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 9th of October 2020, by the Order of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania No A1-489.

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 according to 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)
CPVO Administrative meeting	27 th of April 2022	France, Angers	CPVO	To discuss main questions regarding plant variety protection	
CPVO seminar on plant variety protection: sustainability, innovation and growth in the European Union	28 th of April 2022	France, Angers	CPVO	To discuss main questions regarding plant variety protection	European Commission, CPVO, UPOV, Contracting Parties, observers and organizations
Virtual meeting of the UPOV Administrative and Legal Committee	8 th of November 2022	Geneva, Switzerland	UPOV	To discuss main questions regarding plant variety protection	UPOV, European Commission, CPVO, Contracting Parties, observers and organizations

The Information Bulletin on Plant Breeder's Rights and National List of Plant Varieties No. 1 (37) of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania was published on the 20th of January 2022, and No 2 (38) – on the 1st of June 2022.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

The Lithuanian National List of Plant Varieties 2022 has been approved by the order No A1-123 of the Director of the State Plant Service under the Ministry of Agriculture of the Republic of Lithuania on the 4th of March 2022. 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 XI follows]

ANNEX XI

MEXICO
(Original language: Spanish)

This translation has been generated using machine translation and the accuracy cannot be guaranteed. Therefore, the text in the original language is the only authentic version.

PLANT VARIETY PROTECTION

Situation in the legislative field

Mexico has been a party to the UPOV Convention since August 1997, and the current legislation is in accordance with the 1978 UPOV Act. However, in the last few years, proposals to the reforms of the Federal Law of Plant Varieties of 1996 have been worked on.

Extension of protection to other genera and species (implemented or planned): since the publication of the legislation, Mexico has offered protection to all genera and species.

Activities for the promotion of plant variety protection

Title of the activity	Date	Location	Organizers	Purpose of the activity	Participating countries/organizations (number of participants from each country/organization)	Comments
Course: Management of agricultural genetic diversity, registration of plant innovations and seed production.	January 28 to February 25, 2023	Colegio de Postgraduados - Campus Montecillo, Texcoco, Mexico	National Seed Inspection and Certification Service and Postgraduate College	To provide the necessary technical and administrative fundamentals on the management of agricultural genetic diversity, registration of plant innovations and seed production.	Mexico	As a result of the interest of the workshop participants, it is proposed to continue the ongoing training of students, professors and researchers of the College.
2. Course: Management of agricultural genetic diversity, registration of plant innovations and seed production.	May 2 to 4, 2023	Polytechnic University of Francisco I. Madero, Hidalgo, Mexico	National Seed Inspection and Certification Service and the Universidad Politécnica de	To provide the necessary technical and administrative fundamentals on the management of agricultural genetic diversity, registration of plant innovations and seed production.	Mexico	As a result of the interest of the workshop participants, it is proposed to continue the ongoing training of students, professors and researchers of the University.
3. Workshop: Registration of plant varieties in Mexico	June 14 and 15, 2023	Online mode: through the meet platform.	National Seed Inspection and Certification Service and Mexican Association of Seed Growers.	To provide application drafting companies with the technical and administrative basis necessary for filing plant variety applications.	Mexico	As a result of the companies' interest in the topics reviewed at the workshop, it is proposed to continue providing ongoing training to the companies.

[Annex XII follows]

NEW ZEALAND

PLANT VARIETY PROTECTION

1. Situation in the legislative field

A New Law

The Plant Variety Rights Bill passed its third reading on 16 November 2022, and received Royal Assent on 18 November, becoming the Plant Variety Rights Act 2022 (“the new Act”).

Plant Variety Rights Act 2022 and the **Plant Variety Rights Regulations 2022** are available on the New Zealand Legislation website www.legislation.govt.nz

The new Act creates a new, modern Plant Variety Rights (PVR) regime that meets responsibilities to Māori under the Treaty of Waitangi. In addition, it allows New Zealand to meet international trade obligations under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

The new Act and its Regulations came into force on 24 January 2023, with the exception of subpart 3 of Part 5 of the new Act. This will include the following key changes:

The Plant Variety Rights Act 2022 will implement extended exclusive rights provided for by UPOV 91, including:

- The extension of rights to the marketing, exporting, importing and conditioning of propagating material.
- The extension of these rights to “essentially derived varieties”.
- The extension of these rights to harvested material, in certain situations.
- The continuation of existing farm-saved seed provisions, due to the exemption of farm-saved seed from the coverage of the new rights.
- The implementation of a public interest test for compulsory licences.

The new Act will implement changes according to the recommendations of the Wai 262 report, including the establishment of a Māori Plant Varieties Committee. This Committee will support early engagement between breeders of indigenous plant species and kaitiaki, assess the impact of a PVR grant on kaitiaki relationships, and make determinations on whether certain applications should or should not proceed.

Plant Variety Rights Fees

In line with the commencement of the new Plant Variety Rights Act 2022 and its Regulations, a new schedule of fees also came into force on 24 January 2023. The new fees are available at [Plant Variety Rights fees | Intellectual Property Office of New Zealand \(iponz.govt.nz\)](http://Plant Variety Rights fees | Intellectual Property Office of New Zealand (iponz.govt.nz))

The new fees schedule stems from a review of the current cost of services delivered by IPONZ through the Plant Variety Rights Office. Several matters were considered in relation to these new fees, including but not limited to the following:

- PVR fees were last reviewed in 2002, and rising costs in the intervening period have resulted in significant annual deficits incurred by the Plant Variety Rights Office.
- IPONZ drafted a set of proposed changes to PVR fees based on feedback from industry professionals and contacts. Public submissions were then sought on these proposed changes between 13 April and 20 May 2022.
- Some new provisions in the new Act have implications on costs and fees.

After considering all of the above, a revised set of proposed changes to fees was presented to Cabinet for approval. These changes were approved by the Cabinet Legislation Committee on 15 December 2022, and came into force with the Plant Variety Rights Act 2022 and Plant Variety Rights Regulations 2022.

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.

In 2022, twelve (12) foreign test reports were utilized for New Zealand Rights decisions and nineteen (19) test reports were supplied to foreign authorities.

3. Situation in the administrative field

During the financial year 1 July 2022 to 30 June 2023, 98 applications for plant variety rights were accepted (5% increase on the previous year), 101 grants were issued (27% increase on the previous year) and 73 grants were terminated (5% decrease on the previous year). At 30 June 2023 there were 1316 valid grants, a 17% increase in comparison with the previous year.

A study to determine the Economic, Innovation and Public Good Value of plant variety protection in New Zealand began in May 2023 will conclude later in August 2023. The objective of the study is to collect data and information on the impact of plant variety protection and the findings will be used for the future development of the scheme.

4. Situation in the technical field

Variety collections for apple, peach and plum were severely impacted by Cyclone Gabrielle which struck the eastern North Island in February 2023. Many trees were blown over and flooding has caused on going tree root and soil difficulties. A plan has been put in place to rebuild the collection over the next few years. It is recognized that this will take some time and trees of some varieties may be difficult to source.

Applications for new species such as *Hoya* and *Peperomia* have required flexible approaches to examination and testing. For *Hoya*, the varieties had been bred in New Zealand and required the development of national testing protocols, where for *Peperomia* varieties, testing had already been carried out by another authority and foreign test reports were available. The examination of new species may require specific skills and resources that may or may not be available at the national level. The New Zealand options for testing arrangements have flexibility and for these situations provides an advantage.

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
National Training for DUS testing	10-11 May 2023	Christchurch, New Zealand	Intellectual Property Office of New Zealand	Training and information for DUS testing	New Zealand (16) and Australia (2)	A national activity with the addition of Examiners from IP Australia

[Annex XIII follows]

ANNEX XIII

POLAND

Period: September 1, 2022 – August 30, 2023

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 2021, item 213) 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. 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 the 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, Latvia, Lithuania, Romania, Slovenia and Ukraine are in force.

In the reporting period, Poland carried out DUS tests for the authorities from the following countries: Austria (6 varieties), Belgium (5 varieties), Croatia (3 varieties), Czech Republic (8 varieties), Estonia (11 varieties), Finland (5 varieties), France (1 variety), Germany (3 varieties), Hungary (23 varieties), Latvia (11 varieties), Lithuania (39 varieties), Norway (3 varieties), Slovakia (1 variety), Slovenia (3 varieties), Spain (1 variety), Sweden (2 varieties), Switzerland (19 varieties), United Kingdom (1 variety) as well as for the CPVO (102 varieties).

These tests were done for the different species of agricultural (116 varieties), vegetable (19 varieties), ornamental (80 varieties) and fruit (32 varieties) plants.

Altogether, 247 varieties were tested as a commissioned work for the above-mentioned authorities.

As in previous years, some authorities, namely: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, CPVO, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Iran, Latvia, Lithuania, Netherlands, Serbia, Spain, Sweden, Switzerland, Türkiye and 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.

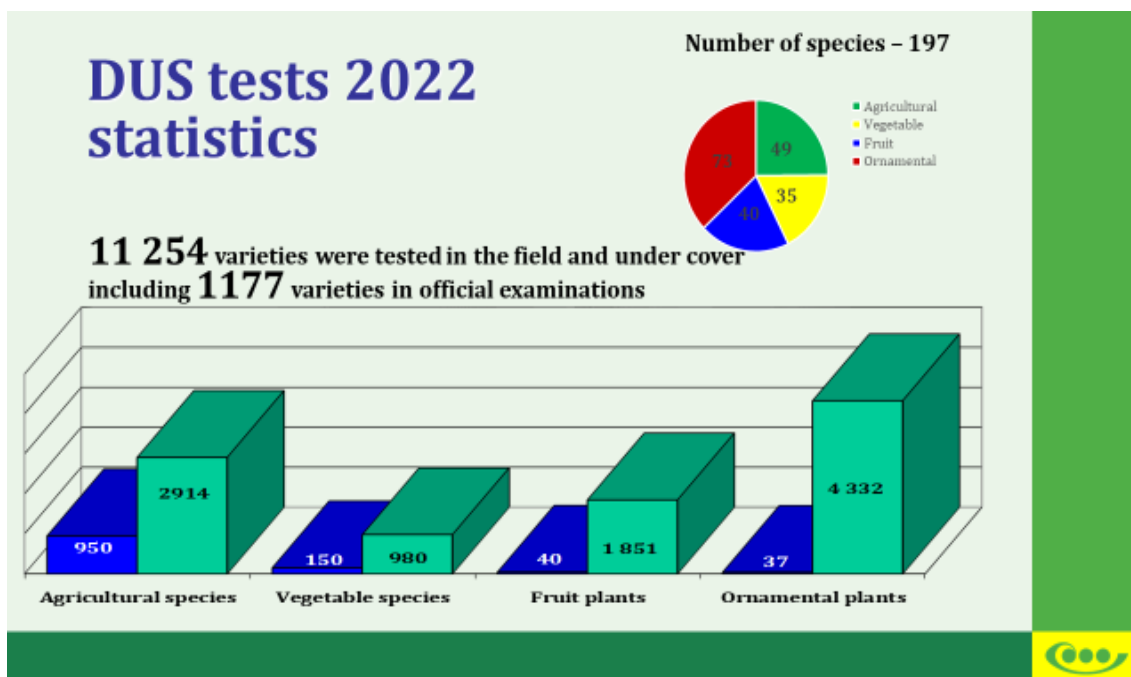
3. and 4. Situation in the administrative and technical fields

COBORU variety testing activity in the field of DUS is done in 12 different Experimental Stations for Variety Testing located all over the country.

In 2022, 11,254 varieties within 197 plant species were tested (which included 10,077 varieties in living reference collection and 1,177 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 2022



In 2022, COBORU received 116 applications for national PBR protection in total, which constitutes a decrease by 7 applications in comparison with the previous year.

From January 1 to August 30, 2023, 81 new applications, including 57 domestic and 24 foreign, have been submitted for national PBR. This number is higher by 3 applications than that observed in the previous reporting period (78).

In 2022, COBORU Director granted 65 titles of national protection (23 titles less than in 2021). At the end of 2022, there were 1,317 national PBR titles in force, which comparing to the previous year represents an increase by 4 varieties.

In the period from January 1 to August 30, 2023, 56 titles of national PBR protection have been granted. In total, 1,328 varieties are protected in Poland (as on August 30, 2023).

Details on the statistics are given in the table below.

In the column "Titles having ceased", 13 varieties for which - within the reported period - national PBR expired are included.

Plant Species	Applications for PBR 1.01. – 30.08.2023			Grants of PBR 1.01. – 30.08.2023			Titles having ceased	Titles in force as on 30.08.2023
	domestic	foreign	together	domestic	foreign	together		
Agricultural	24	3	27	25	1	26	14	740
Vegetable	5	1	6	9	1	10	3	214
Ornamental	13	19	32	9	6	15	18	255
Fruit	15	1	16	4	1	5	10	119
Total	57	24	81	47	9	56	45	1328

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 one COBORU expert.

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), as of June 30, 2023, has been published in the third number of the *Polish Gazette for Plant Breeders' Rights and National List*, i.e. No 3(176)2023.

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)
CPVO - AEM 2022 CPVO - TW on Maize 2022	27-29.09.2022	Kraków, Przeclaw, Poland	CPVO, COBORU	Entrusted examination offices meeting	PL: 10 Total: 60
UKZUZ (CZ) management visit	4-5.10.2022	Słupia Wielka, Poland	COBORU, UKZUZ	Working meeting	PL: 15 CZ: 3
Liveseeding „Kick-off” Meeting	17-22.10.2022	Zagreb, Croatia	FIBL (CH)	Kick-off meeting	PL: 2 Total: 60
EU Twinning Project Meetings: BA 18 IPA AG 03 19 for Bosnia & Herzegovina	16-20.10.2022	Bosnia and Herzegovina	European Commission	Project mission	PL: 2 BA: 4 IT: 2 Total: 20
IPM ESSEN 2023	24-27.01.2023	Essen, Germany	IPM	PVP PL office promotion after gaining new entrustment from CPVO (garden roses)	PL: 5 DE: 5 NL: 6 FR: 2 CPVO: 1 Total: 54000 (visitors)
CPVO President visit	18-21.04.2023	Poland (multiple locations)	CPVO, COBORU	Working visit of new CPVO President	CPVO: 3 PL: 7 Total: 200
116 th International Rose Competition	15.06.2023	Paris, France	Gardens of Bagatelle in Paris, France	PVP PL office promotion after gaining new entrustment from CPVO (garden roses)	PL: 3 Total: 150
Visit of the NEBIH (HU) delegation	19-21.07.2023	Poland (multiple locations)	COBORU, NEBIH	Working meeting	PL: 11 HU: 3
Twinning Project Meetings: UA 19 ENI HE 01 20 for Ukraine	24.02.2023 16.05.2023 10.08.2023 16.08.2023	On-line On-line On-line On-line	European Commission, SPPS - Latvia, UIBOR - Ukraine, Ministry of Foreign Affairs of the Republic of Poland	Steering Committee: Quarterly report Steering Committee: Quarterly report Steering Committee: Quarterly report Working meeting	PL: 2 Total: 17 (each steering meeting)

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 2023. These Official Lists as well as updated lists of varieties are also available at: www.coboru.gov.pl

[Annex XIV follows]

ANNEX XIV

REPUBLIC OF MOLDOVA

I. 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)

According to the Law No.39-XVI/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:

- CPVO
- GEVES, FR
- ÚKSÚP v Bratislave, SK
- CREA Consiglio per la Ricerca in Agricoltura e l'analisi dell'economia agraria, IT
- Bundessortenamt, DE

3. Situation in the administrative field

- Changes in the administrative structure - No changes.
- Changes in office procedures and systems- No changes.

Changes in the Procedural and Protection System

1 national test guidelines were developed for:

- *Chaenomeles japonica* (Thunb.) Lindl. ex Spach– MTG/26/1

Statistics

In the period from January 1, 2022 to December 31, 2022:

- **21** applications have been received (**18** for national applicants and **3** for foreign applicants), as follows:

Maize (*Zea mays* L.) - 4
Wheat (*Triticum aestivum* L.) – 3
Apple (*Malus domestica* Borkh) – 2
Tomato (*Solanum lycopersicum* L.) - 4
Chinese cherry (*Prunus tomentosa* Thunb.) – 1
Soybean (*Glycine max* (L.) Merr.) – 1
Eastern galega (*Galega orientalis* Lam.) – 1
Macleaya cordata (*Macleaya cordata* (Willd.) R. Br.) – 1
Grapevine (*Vitis vinifera* L.) – 1
Lemon thyme (*Thymus x citriodorus* (Pers.) Schreb.) – 1
Basil (*Ocimum basilicum* L.) – 1
Whorled mint (*Mentha x verticillata* L.) – 1

- **14** patents for plant varieties have been issued (**7** for national applicants and **7** for foreign applicants), as follows:

Barley (*Hordeum vulgare* L.) – 1
Kniphofia (*Kniphofia nelsonii* Mast.) – 1
Maize (*Zea mays* L.) - 2
Oats (*Avena sativa* L.) – 1
Prunus rootstock (*Prunus* L.) – 3
Sage (*Salvia sclarea* L.) – 1
Sweet Cherry (*Prunus avium* L.) – 1
Wheat (*Triticum aestivum* L.) – 4

4. Situation in the technical field

No changes.

5. Activities for the promotion of plant variety protection

On a regular basis, AGEPI maintains the website 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 and 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. The related information on the procedure of protecting plant varieties using the electronic application form UPOV PRISMA can be accessed on the website www.agepi.gov.md.

[Annex XV follows]

UNITED KINGDOM

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

Following two years' worth of hard work from all parties, the United Kingdom extended the application of its ratification of the 1991 Act of the UPOV Convention to the Crown Dependency of the Isle of Man in April of this year.

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

The United Kingdom have started work to extend the term of Plant Breeders' Rights for the species asparagus and the species groups flower bulbs, woody small fruits and woody ornamentals from 25 to 30 years. This work is in the early stages and is not expected to reach completion until 2025 at the very earliest.

1.3 Case law

Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

On the 1st July 2023, the United Kingdom increased its fees for Variety Listing in Great Britain and Northern Ireland, and Plant Breeders Rights. The Plant Varieties and Seeds services operate in line with the United Kingdom Government's policy on fees (Managing Public Money, HM Treasury, March 2022), and therefore operates a full cost recovery approach so that costs are properly born by users who benefit from a service. The change in fees reflects this policy and follows a six-week engagement period with stakeholders across Great Britain and Northern Ireland. Administration costs for a combined variety listing and plant breeders' rights application now costs £598 (an increase from £450), and a VCU administration fee now costs £173. Further information on DUS fees for different species is publicly available on the United Kingdom Government's website: [Fees for national listing and plant breeders' rights - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/fees-for-national-listing-and-plant-breeders-rights)

4. Situation in the technical field

Nothing to report.

5. Activities for the promotion of plant variety protection

Nothing to report.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

England introduced the Genetic Technology (Precision Breeding) Act 2023 in March of this year. The Act covers the release into the environment and marketing of plants and animals that have been developed through modern biotechnology techniques, such as gene editing, where the genetic changes could have occurred naturally or through traditional breeding methods. The four key policy changes the Act introduces are:

- (a) Removing precision bred plants and animals from regulatory requirements applicable to Genetically Modified Organisms (excluding those relating to microbes, organics and contained use).
- (b) Introducing two notification system for research and marketing purposes where breeders and researchers will need to make notifications.

- (c) Establish a proportionate regulatory system for the marketing of precision bred animals to ensure animal welfare is safeguarded.
- (d) Establishing a new science-based authorisation process for and feed products developed using precision bred organisms.

The introduction of this Act will be phased in, and work is already underway to ensure that the commercial cultivation of precision bred plants, or the sale of precision bred food, is possible in the near future.

[Annex XVI follows]

ANNEX XVI

SERBIA
(September 2022 - September 2023)

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

There were no changes.

- other amendments, including in respect of fees

New fees related to plant breeders' rights are published in the Law on Administrative Fees ("Official Gazette of RS", No.54/23 - consolidated text), which have been in force since July 1, 2023.

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

All plant genera and species are subject to protection under the Law on the Protection of Plant Breeders' Rights ("Official Gazette of RS", No. 41/2009 and 88/2011).

2. Cooperation in examination

3. Situation in the administrative field

- Changes in the administrative structure

There were no changes in the administrative structure.

Ministry of Agriculture, Forestry and Water Management - Plant Protection Directorate is designated authority for the protection of the plant breeders' rights in the Republic of Serbia. Plant Protection Directorate performs also tasks related to: protection of plants against harmful organisms; authorization and control of plant protection and plant nutrition products; plant variety registration for National List; biological safety (GMO); phytosanitary inspections. Within Plant Protection Directorate, 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 biological safety (GMO).

- Changes in office procedures and systems

There were no changes.

4. Situation in the technical field

Since September 2022 to September 2023, plant breeders' rights have been granted for 30 plant varieties, based on the results of the examination of plant varieties and proposals of the Expert Council for Protection of Plant Breeders' Rights, as a special expert body of the Ministry of Agriculture, Forestry and Water Management - Plant Protection Directorate.

Serbia participates in the UPOV PRISMA PBR Application Tool.

[Annex XVII follows]

UKRAINE

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Law of Ukraine dated November 16, 2022, No 2763-IX "On Amending Certain Legislative Acts of Ukraine on Bringing Legislation in the Sphere of Plant Variety Rights Protection, Seed and Seedling Production into Compliance with the Provisions of European Union Legislation" was adopted. The UPOV was informed about it and the translation of this Law was provided with the letter of the Minagropolicy dated May 10, 2023 No 21-1331-06.1/12514.

Adopted resolutions of the Cabinet of Ministers of Ukraine:

- of July 15, 2022, No 798 "On Amending the Resolution of the Cabinet of Ministers of Ukraine of August 19, 2022 No 1183";
- of November 16, 2022, No 1334 "On Amending the Procedure of Issuing a Compulsory License on the Use of a Plant Variety".

Adopted orders of the Ministry of Agrarian Policy and Food of Ukraine:

- of May 10, 2022 No 277 "On Approving the Instruction on the Registration of the Agreement on the Transfer of Exclusive Property Rights of Intellectual Property to a Variety and the Agreement on Permission to Use a Variety", registered in the Ministry of Justice of Ukraine on 24.06.2022 under No 697/38033;
- of 26.05.2022 No 306 "On Approving the Procedure for Receiving, Recording, Storing, Using and Updating Samples of Planting Material of the Subject of the Plant Variety Application", registered in the Ministry of Justice of Ukraine on July 05, 2022, under No 739/38075.

Has expired:

- the Order of the Ministry of Agrarian Policy and Food of Ukraine of July 21, 2003, No 244 "On Approving the Instruction on the Registration of the Agreement on the Transfer of Property Right to a Variety and Agreement on the Transfer of Right to Use a Variety", registered in the Ministry of Justice of Ukraine on August 8, 2003, under No 698/8019.

2. Cooperation in examination

Over the course of 2022, Ukraine exchanged 77 reports on the results of the DUS field trials. Ukraine used the reports on the DUS examination of the following countries: Australia, Bulgaria, Denmark, France, Germany, Hungary, Italy, Netherlands, Romania, Slovakia, Spain, and provided the reports to the United Republic of Tanzania.

3. Situation in the administrative field

Since 2020, the Ministry of Agrarian Policy and Food of Ukraine has authorized to be the competent body for the registration of plant variety rights in Ukraine.

4. Situation in the technical field

In 2022, the Guidelines on conducting examinations for distinctness, uniformity, and stability of plant varieties of fruit, berry, nut and grape group was developed and approved by the Order of the Ministry of Agrarian Policy and Food of Ukraine of May 11, 2022 No 287.

5. Activities to promote the protection of plant varieties

See below information about the activities for the promotion of plant variety protection and publications in the field of plant variety rights protection.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

The statistical information on plant variety protection in Ukraine for 2022 was transmitted by the letter of the Minagropolicy dated February 23, 2023 No 21-1331-06.1/6647 and in electronic form to the e-mail: upov.mail@upov.int.

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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 N° 1, 2, 3, 4, volume 18, 2022 http://journal.sops.gov.ua/issue/archive	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" N° 1, N° 2, N° 3, N° 4, N° 5, N° 6, N° 7, N° 8, N° 9, N° 10, N° 11, N° 12, 2022. https://sops.gov.ua/publication/buletен-3	monthly	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	
X International Applied Research Conference of Young Scientists and Specialists "Breeding, Genetics and Technologies for Growing Crops" http://confer.uesr.sops.gov.ua/miron2022/schedConf/presentations	29.04.2022	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, Hungary (177 participants)	published a collection of conference materials
III International Applied Science conference "The Newest Agrotechnologies" https://conference.ukragroexpert.com.ua/ http://confer.uesr.sops.gov.ua/3newagr/schedConf/presentations	31.08.2022	Kyiv	Ukrainian Institute for Plant Variety Examination (Ukraine); National University of Life and Environmental sciences of Ukraine (Ukraine); The Institute of Bioenergy Crops and Sugar Beet NAAS (Ukraine); Bila Tserkva National Agrarian University (Ukraine); Institute of Plant Physiology and Genetics NAS (Ukraine); Ltd Research Institute of Agrarian Business (Ukraine); University of East Sarajevo (Bosnia and Herzegovina)	The establishment and deepening of scientific connections, the exchange of experience and the dissemination of knowledge about the importance of the scientific approach in agriculture, and the search for solutions to applied and theoretical tasks in the agricultural sector and plant varieties testing	Ukraine, Algeria, India, Türkiye, Latvia (35 participants)	published a collection of conference materials

[Annex XVIII follows]

ANNEX XVIII

EUROPEAN UNIONⁱ
Period: July 2022 - July 2023

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

PLANT VARIETY PROTECTION

1) LegislationGeneral1.1 Amendment of the law and the implementing Regulations:

The Commission Regulation (EC) No 1238/95 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office was updated as regards the examination fees, annual fee and some administrative fees.

1.2 Case law*Decision of the CPVO Board of Appeal of 1 July 2022 in case No A018/2021 'SK20'*

On 18 December 2017, the appellant, House Foods Group Inc., filed an application for protection of a plant variety of the species *Allium cepa* (Cepa group) with denomination 'SK20'. The Community Plant Variety Right ("CPVR") application was given file No 2017/3314. The CPVO considered the variety as satisfying the DUS requirements and shared a positive report with the appellant. The latter, however, requested to add a characteristic not included in the technical protocol to the variety description.

The Office refused explaining that the variety was already distinct from the common knowledge on the basis of other morphological characteristics that were part of the relevant protocol. The right was granted immediately after such refusal.

The appellant claimed before the Board of Appeal ("BoA") that the decision of the CPVO to refuse the amendment of the variety description affected the scope of protection of the right granted. The Board established that appeal was inadmissible pursuant to Article 49(1) of Regulation (EC) No 874/2009 ("PR") in conjunction with Article 81 of Regulation (EC) 2100/94 on Community Plant Variety Rights ("Basic Regulation"), as the Appellant did not qualify as losing party. Indeed, the appellant did not challenge the decision to grant a CPVR to the variety 'SK20', but only part of the variety description regarding the list of characteristics. Moreover, the CPVR was granted.

The BoA also ruled on the substance for the sake of completeness. The BoA reminded that the candidate variety shall be distinct from the common knowledge in at least one characteristic. Once found at least one distinct characteristic, the Office had no obligation to test additional characteristics. When an additional characteristic is suggested by an applicant, there is no obligation also for the President of the Office to invoke the procedure laid down in Articles 22 and 23 PR when there is no need to do so, in particular once the distinctness of the variety has already been established. This principle is also reflected by judgments of the Court of Justice C-625/15P and C-534/10P which specify the discretion of the CPVO given by the scientific nature of the work carried out by it.

In conclusion, the BoA rejected the appeal as inadmissible, declaring it baseless and instructing the appellant to cover appeal proceeding costs according to Article 85(1) Basic Regulation.

Decision of the CPVO Board of Appeal of 14 December 2022 in case No A021/2021 'Vineta'

In August 1995, the appellant submitted a CPVR application for the 'Vineta' variety of *Solanum Tuberosum* L., which was granted in August 1996 with an incorrect expiry date: 1 September 2026. In October 2021, the Office identified the mistake due to the need for the expiry date to coincide with December 31 according to Article 19 of the Basic Regulation. A corrigendum was issued on 1 October 2021, changing the expiry date to 31 December 2024. The appellant asserted that the incorrect date could not be amended due to legal certainty.

The BoA deemed the appeal admissible and well-founded. The BoA referred to the 'Siberia' ruling (T-737/18), establishing the Office's error was not a patent mistake under Article 53(4) of the Basic Regulation and did not qualify for correction. Such correction was not of clerical nature as it impacted the substance of a granted right.

The BoA stated the 2021 corrigendum and Office explanations were the measures appealed against, therefore qualifying as an appealable decision. The deciding body linked the appeal to Article 67 of the Basic Regulation along with Article 87, classifying the corrigendum as an addition to the Register.

Regarding the appeal's substance, the BoA emphasized that no Basic Regulation provision allowed the Office to alter a granted CPVR. Due to the mistake occurring over twenty years prior and considering the principle of legal certainty, the Office was not in a position to modify the right's duration, in line with the appellant's legitimate expectations.

In conclusion, the BoA annulled the CPVO's decision and instructed the Office to bear the associated costs according to Article 85(1) Basic Regulation.

Decision of the CPVO Board of Appeal of 9 November 2022 in case No A014/2020 P 'Braeburn 78'

On 16 May 2022, in the framework of appeal proceedings No A014/2020, the appellant raised an objection against the impartiality of the member of the BoA appointed pursuant to Article 48 Basic Regulation.

On 9 November 2022, an alternate BoA composed of Mr. Marcus Navin-Jones as Alternate Chairperson, Mr. Hidde Koenraad as Legally Qualified Member, and Mr. Dirk Reheul as the Technically Qualified Member, through procedural decision, dismissed the objection raised by the appellant concerning the remove of the Chairperson from adjudicating the relevant case.

Decision of the CPVO Board of Appeal of 16 December 2022 in case No A024/2021 'Belsemred1'

In November 2015, Belgicactus BVBA applied for a CPVR for the *Sempervivum arachnoideum* L. variety 'Belsemred1'. The right was granted in 2018. In 2019, through a nullity petition, the appellant challenged the CPVR, citing distinctness and novelty issues. The CPVO rejected the challenge in 2021. The appellant requested to the BoA a new DUS test and witness hearings, claiming Office misconduct, and reiterating the lack of novelty and distinctness. The CPVO defended its actions, citing evidence insufficiency.

The BoA dismissed the appeal, focusing on the appellant's lack of strong arguments and evidence supporting the need for a new DUS examination. It established that the CPVO did not misuse its discretion in refusing evidence taking activities, weighing its relevance for the case.

The BoA addressed procedural concerns, finding the CPVO balanced its proactive duties with practicality and sound administration principles. The BoA also specified that the Office's duty did not entail addressing appellant's argument gaps.

Regarding evidence, the BoA deemed appellant's submissions insufficient and unreliable providing an analysis document by document and as a whole.

In conclusion, the BoA rejected the appeal, declaring it baseless and instructing the appellant to cover appeal proceeding costs according to Article 85(1) Basic Regulation.

Decision of the CPVO Board of Appeal of 2 January 2023 in case No A002/2020 'Nadorcott'

In August 1995, Mr. De Maistre submitted an application for CPVR for the Nadorcott citrus variety. The ownership was later transferred to Nadorcott Protection S.A.R.L. In October 2004, the CPVR was granted for the Nadorcott variety. In May 2016, Eurosemillas S.A. filed a nullity petition against the CPVR, citing lack of entitlement and novelty. Carpa Dorada, SL requested to join the nullity proceedings. In December 2019, the Office rejected the nullity petition. Eurosemillas appealed this decision in January 2020 putting into question the substance of the Office's decision as well as invoking the breach of fundamental principles.

The BoA acknowledged the Office's discretion in examining nullity petitions and the petitioner's burden of proof. The 'Nadorcott' variety was examined during application, other proceedings, and the current case. The BoA found no violation of fundamental rights, as the Office had sufficient evidence and fairly reviewed the file. The BoA noted its obligation to impartially analyze the provided facts and evidence, not to conduct investigations for parties' arguments. The Office's decision to base its verdict on existing evidence was valid since the appellant didn't counter the initial Office's findings.

The BoA concluded that the 'Nadorcott' variety underwent breeding and development, refuting the appellant's claim of discovery. The appellant argued the initial breeder, Mr. Nadori, lacked capacity to transfer CPVR rights. The BoA ruled Mr. Nadori had this capacity, rejecting appellant's claim based on late legal opinion submission and lack of standing to challenge entitlement. Despite the non-UPOV citizenship of the breeder, the application, filed by a French citizen, adhered to the CPVR requirements.

The BoA also addressed the appellant's novelty claims, clarifying experimental material transfer and novelty under Article 10 Basic Regulation.

In conclusion, the appeal was declared admissible but not well-founded. The appellant was instructed to cover proceeding costs, following Article 85(1) Basic Regulation.

Decision of the CPVO Board of Appeal of 23 January 2023 in case No A014/2020 'Braeburn 78'

On 20 May 2009, the Office granted the application for a CPVR for the apple variety 'Braeburn 78' (*Malus domestica* Borkh). The application was given file No 2009/0954. The right was not granted due to lack of distinctness and a refusal decision was issued on 18 December 2014.

The refusal decision was appealed before the BoA and later the General Court. The latter remitted the case to the competent body of the Office for further examination. After such additional assessment, the Office issued a second refusal decision dated 19 October 2020, which is the object of the present appeal. The appellant complained about not having been able to allow the hearing of an expert, that the Office did not abide by its ex officio investigation duty. He also referred to alleged mistakes in the examination of the candidate variety.

The BoA considered that pursuant to Article 75 Basic Regulation, the Office's decisions can be taken solely on the basis of written documents, where no obligation exists for the Office regarding requests to organise an oral hearing. Further, Art. 78(3) Basic Regulation recognises the Office's discretion to organise such oral hearing ("if the Office considers it necessary").

The BoA reasoned along the same lines in regard of the appellant's claim that the Office should have accepted his request to summon Prof. Bergamini as expert-evidence. Again, the BoA recognised the Office's discretion pursuant to Art. 78(3) Basic Regulation and observes that the appellant failed to justify why the hearing of the expert was necessary for taking the relevant decision. The BoA further observed that the appellant was provided with many opportunities throughout the lifetime of the application and following legal proceedings to provide observations by said expert.

The BoA considered contradictory the fact that the appellant complained that the Office declined his request to organise an oral hearing and to summon Prof. Bergamini (in first instance), while when granted with the opportunity to be heard orally before the BoA (in second instance) he withdrew from this possibility last-minute.

Finally, the BoA acknowledged the long-standing experience of the EO examiners and considers their findings reliable on this basis.

In conclusion, the appeal was declared admissible but not well-founded. The appellant was instructed to cover proceeding costs, following Article 85(1) Basic Regulation.

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: 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 (Eos)

In December 2022 the CPVO held its 26th annual meeting with its EOs from EU Member States, which was also attended by representatives from the European Commission, the UPOV office and the breeders' organisations (CIOFORA, Euroseeds, Plantum and ECO-PB), as well as by representatives from Switzerland and Norway as non-EU PVR Offices. The meeting was held as a video conference. The main subjects of discussion were the following:

- Information to be provided in and layout of examination reports
- Technical questionnaire related matters
- Non-availability of reference varieties
- Single observations in multi-annual testing
- Guidance on implementation of UPOV Test Guidelines into CPVO Technical Protocols
- DNA samples
- Submission requirements related to the Plant Passport
- Various questions related to the Quality Assessment Service

Furthermore, the participants were informed on case law, on the state of play of R & D projects, IT projects and the calculation of costs by the EOs.

b. Preparation of CPVO protocols

In 2022, 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 2023. Experts' meetings were held to discuss the technical protocols of:

- Agricultural crops: hemp, triticale, and rye
- Vegetable crops: wild rocket, garden rocket, leaf chicory, watermelon, kohlrabi and garlic
- Ornamental crops: *Eustoma exaltatum* (L.) Salisb. ex G. Don subsp. *russellianum* (Hook.) Kartesz, *Echinacea Moench*, and *Lagerstroemia* L.
- Fruit crops: apricot

c. Further development of the CPVO Variety Finder

The CPVO Variety Finder is a web application which contains information on registers of more than 70 countries with a general search tool.

The CPVO centralizes data from various registers such as Plant Breeder's Rights offices (including the CPVO register), National plant variety listings, Plant patent registers, the EUIPO trademark register (trademarks registered in class 31) and commercial registers.

The objective is to offer a centralized search service to breeders, National Authorities and the public in general.

An efficient similarity search tool is made available to test the suitability of variety denominations.

The various contributors update the database as soon as data are officially published, and a memorandum of understanding has been signed with the UPOV Office 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 1.3 million records originating from EU and non-EU countries have been included in the Variety Finder so far.

The use of the Variety Finder has constantly increased over recent years. CPVO applicants and titleholders represent the biggest group of users with more than 50 % of the tests of similarity launched.

The CPVO and the Directorate General for Health and Food Safety (DG SANTE) have worked intensively in 2022 and 2023 on the joint project named “EU Plant Variety Portal (EUPVP)”.

The portal is in place and used only at the moment for the purposes of the Common catalogues of varieties of agricultural plant and vegetable which can be marketed in the EU. The next steps should be the extension of the content to other species and registers to cover CPVO's needs for the Variety Finder.

The project aims at one unique submission for Member States that will cover information to contribute to the various databases (CPVO Variety Finder and Commission's Databases).

d. Cooperation in denomination testing with EU Member States

Collaboration among EU Member states is essential to ensure a unified and consistently interpreted approach to Article 63 of Basic Regulation, which is based on the UPOV 1991 convention. The cooperation service in denomination testing embodies this collaboration by fostering regular exchanges among the 27 participating countries and the Office, resulting in around 7000 opinions issued each year. These opinions allow to stay updated on developments, trends, and changes. It is a collaborative monitoring tool that not only provide information at the earliest stages of denomination proposals but also proactively identifies certain issues. This approach enables to take transparent and coordinated actions to avoid administrative burdens that can adversely affect breeders.

Moreover, the cooperation service aims to highlight regulatory aspects that may lead to varying interpretations and ensures the provision of necessary clarifications.

Since the establishment of the denomination testing cooperation service in 2010, the guidelines for variety denominations and their explanatory notes have evolved significantly. These changes are the direct result of daily interactions between service users and the Office. The most recent version of the guidelines and explanatory notes, effective since January 2022, has introduced notable changes, the impact of which was assessed during its inaugural year. In the course of 2022, certain aspects, whether or not related to recent modifications, have raised questions about their comprehension and practical implementation. These include the management of oppositions relating to prior rights and the ten-year waiting rule applied by the Office regarding the re-use of denominations.

Consequently, in February 2023, the Office convened the denomination working group to discuss these matters and initiate an ongoing process of revision.

4.2 Crop experts meeting

A meeting of agricultural experts was held in September 2022 to discuss:

- observing in multi-annual tests certain characteristics only once
- true potato seed varieties and maize on testing systems with breeder's participation in France and Italy
- wheat: testing of wheat hybrids, synthetic wheat varieties
- spring barley: problems with distinctness observation
- issues in relation to non-availability of reference material
- technical workshops to be organised in 2023
- revisions to several technical protocols and new technical protocols

A meeting of vegetable experts was held on 10 November 2022 to discuss among other:

- the new procedure about the characteristics with one single observation in varieties examined for more than one growing cycle
- the organisation of the discussions about disease characteristics at the CPVO and UPOV level
- how to harmonize the way to collect and monitor stocks of seeds for the reference collections
- the revisions of several vegetable technical protocols

A meeting of fruit experts was held on 8 November 2022 (continued on 13 January 2023) to discuss among others:

- testing of apple mutation groups
- submission of samples

- plant health requirements
- pear trials affected by pear decline
- duration of test for *Prunus* rootstocks
- additional information linked to UPOV code to group varieties
- Dutch certification system for strawberry
- R&D projects in the fruit sector
- update on developments in automated phenotyping
- IT matters
- funds to help SMEs

A meeting of ornamental experts was held on 13 September 2022 to discuss or to provide information on a number of topics, among others:

- information to be provided in and layout of examination reports
- the possibility for applicants to indicate reference varieties and raw measurements in the TQ
- submission requirements in relation to the Plant Passport
- phytoplasma in varieties of *Euphorbia pulcherrima*
- uniformity thresholds for small deviating colour sections
- difficulties in obtaining reference varieties
- new or revised Technical Protocols of Lagerstroemia, Eustoma, Echinacea

4.3 Quality Audit Service (QAS)

A total of nine on-site assessment exercises were carried out by QAS to entrusted examination offices in the EU in the twelve months to July 2023. The four assessments carried out in the second half of 2022 were done under the CPVO's "old" Entrustment requirements, whilst the five undertaken in the first half of 2023 were done according to the recently revised Entrustment requirements.

After a two-year-long consultation process with its stakeholders, the CPVO's revised Entrustment requirements came into force on 1 January 2023 to coincide with the start of the new 2023-2025 QAS assessment cycle. The main improvements to the Entrustment requirements in relation to the previous version concern: training, maintaining of records, advancements in DUS testing processes, updating of variety collections and measures to be taken by EU examination office to mitigate the impact of climate change on DUS trials.

In February 2023 the CPVO's Administrative Council approved the selection of 32 new QAS technical experts from throughout the EU to participate in the 2023-2025 assessment cycle. In order to update the QAS experts on the developments in the revised Entrustment requirements, a QAS General Assembly was held in conjunction with specialized training on auditing techniques in Paris on 16-17 March 2023.

5) Activities for the Promotion of Plant Variety Protection

5.1 International cooperation

The span of the cooperation of the Office considerably extended in the past few years, to keep the pace with the continually evolving EU trade and intellectual protection policies which also embrace the plant breeding sector.

The CPVO continues providing its expertise through bilateral and multilateral cooperation (with strategic partners, such as the European Union Intellectual Property Office (EUIPO), the European Patent Office (EPO) and UPOV, EU Member State Examination Offices, sectorial organisations), notwithstanding ongoing bilateral relations with key target countries and regional organisations, such as the long-standing dialogues with China, Japan, *Organisation Africaine de la Propriété Intellectuelle* (OAPI) and African Regional Intellectual Property Organization (ARIPO).

The IP Key international cooperation projects are directed by the European Commission and implemented in collaboration with the EUIPO to strengthen intellectual protection in China, Latin America and ASEAN countries. In addition to IP Key projects, the EUIPO implements on behalf of the European Commission one project in the Caribbean (CarIPI), one in Africa (AfrIPI) and one in Mercosur countries (AL-INVEST PI). 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.

IPKey China: no activities were carried out between July 2022 and July 2023 under the IPKey China project.

IPKey South-East Asia: two activities carried out in January 2022 under the extension of the 2021 Annual Working Plan were approved under the IPKey SEA project for 2022.

IPKey Latin America. On 20 October 2022, in cooperation with AL-INVEST Verde project, the project organized a webinar on the licensing of plant variety rights. The event was followed by almost 500 people. The webinar was then translated into a course available with certificate on the Academy Learning Portal of the EUIPO (here the link for information. Video in Spanish: <https://euipo.europa.eu/knowledge/course/view.php?id=4849>).

CarIPI: On 20 September 2022 the CPVO participated to the online event organized by CarIPI concerning 'Exchange of best practices on protecting Plant Genetic Resources, Traditional Knowledge and Folklore'. In 2023, following the initiative of the Caribbean Community (CARICOM), the CPVO and UPOV are cooperating on a project to develop a regional seed policy to cover CARICOM states.

Under the **AfriPI** project the CPVO together with national experts, in 2022, supported the project to implement activities regarding technical support. Namely, the activities that are continuing in 2023 are a follow up from the results of the [OAPI project on 'Projet de Renforcement et Promotion du Système de Protection des Obtentions Végétales' \(PPOV\)](#) and concern the reference collection of accredited centres and examination centres in OAPI Countries. The PPOV Project with OAPI was closed in December 2022.

The CPVO continued to implement the following activities under the **TAIEX** instrument:

- 14-15 November 2022: Experts mission on the implementation of UPOV based plant variety rights system in Saint Vincent and the Grenadines, followed by a regional seminar on 16 November.
- 3-7 October 2022: Experts mission to Chile for capacity building of the Chilean Plant Variety Protection Office.

Other TAIEX initiatives were approved in 2023 and will be carried out during the year, the countries involved are: Japan, Bosnia and Herzegovina, Colombia, follow up activities from 2022 missions to Chile and interest was expressed as well by Egypt, Albania and Serbia for support and capacity building activities.

UPOV meetings

The Commission and the CPVO representatives being part of the EU delegation attended the meetings of the UPOV Council, the Consultative Committee, the Legal and Administrative Committee, the Technical Committee. CPVO attended all the TWPs. Furthermore, the Commission and/or CPVO attended and contributed to working groups on the electronic application form, on DUS support (WG-DUS), on harvested material and unauthorized use of propagating material (WG-HRV), on guidance concerning smallholder farmers in relation to private and non-commercial use (WG-SHF), as well as on Essentially Derived Varieties (WG-EDV).

EAPVP

Participation to the East Asia Plant Variety Protection Forum (EAPVP) "Seminar on the benefits of the UPOV System of Plant Variety Protection for Farmers and Growers" on 28 March 2023, where the CPVO presented the topic "Structure and Benefit of Regional Plant Variety Protection System" (16th meeting held on 2 August 2023 and followed online by the CPVO). The EAPVP annual meeting serves the purpose of reporting on the previous year's activities and to plan future cooperation initiatives, including updates on the EAPVP Pilot project on establishing an e-Plant Variety Protection platform.

European Patent Office (EPO)

On 31 March 2022, the CPVO renewed its cooperation agreement for a duration of five years with the EPO by means of the "Administrative Arrangement No 2022/01373 on bilateral cooperation between the EPO and the CPVO", which includes two implementation plants.

The Administrative Arrangement No 2022/01373 thus follows up on the previous (and first) Administrative Arrangement of cooperation between the CPVO and the EPO (Administrative Arrangement No 2016/0009), which was signed in February 2016 and enabled greater transparency and exchange of knowledge between the two organisations in the area of plant-related patents and plant variety rights, respectively.

The cooperation plans reflected in the new Administrative Arrangement No 2022/01373 are focused on data exchange and the sharing work practices regarding the use of databases and other work tools. The exchange of data allows the examiners to search plant varieties protected by certificate, thus further increasing the validity of the European patents. The relevant databases have also been made available to the member states of the European Patent Organisation.

On 9 March 2023, a first workshop between EPO and CPVO took place. The discussions encompassed several relevant topics including data exchanges, the Unitary Patent system and its impact on right holders, as well as the relationship between patents and CPVRs.

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 is managed by OAPI, the CPVO is – together with UPOV, GEVES, GNIS, and Naktuinbouw a partner.

The project ended in December 2022 with a final activity on 13-15 December 2022 at the seat of OAPI in Yaoundé (Cameroon). The purpose of this activity was to evaluate the follow-up given to the initial assessment made and the recommendations given in 2019 and to formulate tasks for a further improvement of the system. As mentioned above, the activities concerning DUS testing centres of OAPI countries will be carried out under the AfriPI project.

5.2 Training

During the year 2022-2023 the CPVO resumed some presentational events, but continued as well to deliver online presentations, webinars and master classes for different educational establishments and stakeholders.:

- Presentation to students in Plant Breeding of UniLaSalle on Community Plant Variety Rights system on 31 March 2022
- IP Caselaw Conference at the EUIPO on 7-8 July 2022
- Training for the chamber of commerce of Milan on NGTs – 19 July 2022
- EU system and the CPVO – presentation at COBORU (Poland) on 10 August 2022
- EUIPO study on the socio-economic impact of CPVR in the EU in the framework of IHC congress 2022 – 16 August 2022
- Webinar on CPVR and patents in collaboration with IPR Helpdesk – 8 September 2022
- Presentation to students in Plant Breeding of UniLaSalle on Community Plant Variety Rights system on 29 September 2022
- Presentation on organization of examinations in the EU from a CH perspective on 5 October 2022 – visitor from Australian PBR Office
- CPVR and climate change during UPOV seminar – 12 October 2022
- Presentation of the CPVO and the EU system of plant variety protection to Korean delegation on 16 November 2022
- Webinar on the EUIPO Study on the socio-economic impact of CPVR in the EU in collaboration with IPR Helpdesk – 6 December 2022
- Class to ESSCA students – 23 November 2022 and 6 December 2022
- Presentation of the CPVR system within the Master of Law (LLM) in Intellectual Property of the University of Maastricht on 17 January 2023
- Presentation of the CPVR system to the Master in Food Law, LUISS University, Rome – 31 March 2023
- Presentation of the CPVR system within the Magister Lvcentinvs (IP LLM) of the University of Alicante - 5 May 2023
- Master class at Scuola Superiore Sant'Anna (Pisa) on *The role of plant breeding to strengthen the farmers' toolbox and support more resilient and sustainable food systems in Europe Case study - The Community Plant Variety Rights system as an incentive for plant innovation*

- Seminar at University of Calabria on PVR, 3 July 2023
- Seminar with Assosementi (in Angers and online) on Smartseed initiative and PVR, 15 December 2022

5.3 Meetings with Stakeholder organisations

The CPVO attended the Euroseeds Annual meeting in Berlin in October 2022.

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

- Euroseeds & Plantum 13/03/2023;
- CIOFORA 15/05/2023

In addition, the following study visits to the EU Member States during the reporting period took place: the Czech Republic in November 2022, Poland (April 2023) and Austria in June 2023).

5.4 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 CPVR system, to have direct contact with applicants and to provide information to growers. However, due to sanitary restrictions linked to the Covid-19 pandemic the IPM Essen (DE) was cancelled. The "Salon Sival" in Angers (FR) was maintained and the CPVO presented the CPVR system in the forum area. The CPVO also visited the Fruitlogistica in April in Berlin-Germany as well as the Floriade Expo in The Netherlands in May 2022.

5.5 IT developments

CPVO's application management platforms (in particular Online Application) have undergone a major overhaul to improve maintainability, ease the development of new features, make it better suited for cloud environments and more resilient to cyber threats. Further integration of additional EU Member States remains possible as technical questionnaires harmonisation within the EU continuously progresses.

The CPVO has strengthened its cooperation with UPOV PRISMA, and has already delivered two of the four original projects that addressed several limitations that identified in the initial cooperation.

Data exchange improvements with CPVO's Denomination management platform have been identified and recently approved. The goal is transition from manual uploads to UPOV of PBR catalogue and National contributions updates to a machine-to-machine integration insuring near real time updates and more efficient processing.

In the same spirit, a pilot project has been initiated to exchange structured data between the CPVO and EU Member States Examination Offices in the frame of the technical examination. This encompasses the initial application data, interim and final reports, variety description. Such machine to machine communication will enhance the overall efficiency of the process of delivering a grant for plant variety rights.

6. R & D

6.1 IMODDUS ad hoc working group

As part of the R&D strategy of the CPVO the Administrative Council set-up in 2016 (confirmed in 2021), the 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 follow and discuss the development of biomolecular techniques and to assess R&D projects for the application of these techniques in DUS tests of all the crop sectors where they could contribute to improve efficiency and quality of the testing.

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 working group.

In May 2023, an online meeting was organized. The agenda covered presentations and discussions on the following items:

- Finalised and ongoing IMODDUS R&D projects
- Challenges of molecular DUS databases for the future
- Molecular work in INVITE (focus on marker-based evaluation of D and U)
- Genomics in support of variety testing in Italy (2 contributions from Udine and Padua universities)
- New programs on barley and raspberry in the UK
- Use of molecular tools for DUS testing in Canada

In 2023, IMODDUS contributed to the evaluation of two new R&D project proposals.

One R&D project previously evaluated positively by IMODDUS and granted co-financing was finalised:

DurdusTools

“Integration of molecular data into DUS testing in Durum wheat - development of a common online molecular database and a genetic distance calculation tool”.

Three other R&D projects validated by IMODDUS made steady progress during the period:

Tomato

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

Hydrangea

Harnessing molecular data to support DUS testing in ornamentals: a case study on Hydrangea.

Tomato – Pepper – Melon

Updating DUS resistance tests according to pests’ evolution:

- Setting up resistance tests to ToBRFV for tomato and pepper
- Improvement of resistance test ‘melon/Aphis gossypii’

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” 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.

The total amount awarded to the 29 partners is about 8 million euros to be spent in a period of 5 years starting from July 2019. CPVO will not receive any funding.

CPVO is in charge of managing all issues related to the access to historical data and reference materials held by the EU Member States examination offices. It participates to technical meetings, co-leads the work package 5 dedicated to the testing and the validation of the new tools developed by all work packages and is a member of the executive committee of the project. In 2022, the technical work continued steadily for all crops. The 4th annual meeting was organized in Barcelona in June 2023. At this occasion, workshops were organized focusing on the definition of a communication strategy based on the results obtained so far.

The collaboration with INNOVAR (second laureate consortium of the SFS-29-2018 call, focused on optimizing variety testing in wheat) continued. Data were collected and analyzed in the common wheat trials. Representatives were invited to participate to the meeting in Barcelona.

6.3 Other R&D projects

Harmorescoll

HARMORESCOLL is aimed at setting up, at the European level, a coordinated system to give access to reference material for performing disease tests for DUS according to CPVO protocols and UPOV guidelines. It involves examination offices and seed companies with Euroseeds membership. The project is coordinated by GEVES and Naktuinbouw. Initially planned to last 3 years, it was extended by 1 year and should now end on 31 December 2023.

ⁱ This report uses the terminology of the United Nations.

[Annex XIX follows]

ANNEX XIX

MYANMAR

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

New plant variety protection law was enacted in 2016. Some articles of PVP law (2016) were not completely in line with the 1991 Act of the Convention. So, new one was enacted again 24th September 2019. Procedure of PVP law (2019) was also acted at 24.9.2021. UPOV showed positive decision on Myanmar PVP law (2019) at 53rd council meeting, 1st Nov: 2019, Geneva, Switzerland.

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

The plant breeder may apply for the grant of the plant breeder's right for all plant genera and species in accordance with the article 16 of PVP law (2019).

2. Cooperation in examination

There is no cooperation in examination with others under MOU agreements.

3. Situation in the administrative field

There is no change in the administrative structure and in office procedures and systems.

4. Situation in the technical field

According to PVP procedures, DUS tests were carried out by local trained DUS testers who are the members of sub-committee and committee members of new plant variety protection technical testing committee. Until now there are 46 applied new plant varieties and 8 varieties were granted for PBR.

5. Activities for the promotion of plant variety protection

Before COVID-19 crisis, awareness seminar on PVP system activities and technical trainings were carried out collaboration with EAPVP, Japan, UPOV and Naktuinbouw (Netherlands).

Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
1. PVP awareness seminar	19.12.2012	DAR, Yezin, Naypyitaw, Myanmar	jointly organized by UPOV, MAFF Japan, MOAI Myanmar	To raise awareness of PVP system among multi-stakeholders in Myanmar	Japan, UPOV office and local participants (100)
2. PVP awareness seminar	5.12.2016	DAR, Yezin, Naypyitaw, Myanmar	jointly organized by UPOV, MAFF Japan, MOAI Myanmar	To raise awareness of PVP system among multi-stakeholders in Myanmar	Japan, UPOV office and local participants (100)
3. Tenth EAPVP forum meeting	10.9.2017	DAR, Yezin, Naypyitaw, Myanmar	jointly organized by UPOV, MAFF Japan, MOAI Myanmar	10 th EAPVP forum meeting as a host	All EAPVP delegates, UPOV, CPVO, Naktuinbouw and local participants (100)
4. PVP awareness seminar	11.9.2017	DAR, Yezin, Naypyitaw, Myanmar	jointly organized by UPOV, MAFF Japan, MOAI Myanmar	To raise awareness of PVP system among multi-stakeholders in Myanmar	All EAPVP delegates, UPOV, CPVO, Naktuinbouw and local participants (100)
5. In-country Training Course on TG for Maize	22.1.2018-26.1.2018	DAR, Yezin, Naypyitaw, Myanmar	organized by DAR, MOALI, Myanmar in cooperation with (MAFF), Japan	To know about preparation of TG for DUS testing	Viet Nam and Japanese experts and local participants (30)

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Title of activity	Date	Location	Organizer(s)	Purpose of activity	Participating countries/ organizations (number of participants from each)
6. Plant Variety Protection (PVP) Training	16.1.2017-27.1.2027	DAR, Yezin, Naypyaw, Myanmar	organized by DAR, MOALI, Myanmar in cooperation with Naktuinbouw (Netherlands)	To get the knowledge for Administrative and Technical of PVP system	Netherlands and local experts and participants (25)
7. Workshop for raising the inclusive awareness of stakeholders on PVP-Moving forward in Myanmar	12.3.2019	Royal classis hotel, Naypyitaw, Myanmar	jointly organized by DAR & Singenta foundation	To raise awareness of PVP system among multi-stakeholders in Myanmar	Vietnamese and local experts and local participants (70)
8. In-country Training to set up of reference varieties of 14 selected crops under EAPVP pilot project	17.7. 2020-19.7.2020	DAR, Yezin, Naypyaw Myanmar	jointly organized by DAR & Singenta foundation	to set up of reference varieties of 14 selected crops u	Local experts and local participants (50)

[Annex XX follows]

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendment of the law and the implementing regulations

- Implementing regulation is the Plant Breeders Rights Act [Chapter 18 :16]
- Cabinet approved the proposed amendments to the Plant Breeders Rights Act [Chapter 18: 16] to comply with the International Union for Protection of New Plant Varieties Convention (UPOV) Act of 1991.
- Drafting of the amendments to the Plant Breeders Rights Act is in progress.
- The amendments to the Plant Breeders Rights Act will enable Zimbabwe to accede to the UPOV Convention.

1.2 Extension of protection to further genera and species is planned.

Considered as part of the amendments.

2. Cooperation in examination: Nothing to report.

3. Situation in the administrative field

Changes in the administrative structure

Dr. Claid Mujaju appointed Director, Research Services Department, still remains Registrar of Plant Breeders Rights.

Mr. Edmore Mtetwa has been appointed Head of Seed Services with effect from July 2023 and will assume Registrar of Plant Breeders Rights once changes of names have been effected legally.

Mrs. Tambudzai Chikutuma – Plant Breeders Rights Officer.

Changes in office procedures and systems

No changes have been effected, still following the National Act and regulations.

4. Situation in the technical field

Zimbabwe has 3 UPOV Trainers namely:

1. Dr. Claid Mujaju
2. Mrs. Tambudzai Chikutuma
3. Mr. Jonathan Chieza

5. Activities for the promotion of plant variety protection

None.