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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

TECHNICAL WORKING PARTY FOR ORNAMENTAL PLANTS AND FOREST TREES

Forty-Fourth Session
Fukuyama City, Hiroshima Prefecture, Japan
November 7 to 11, 2011

REPORTS ON DEVELOPMENT IN PLANT VARIETY PROTECTION FROM MEMBERS AND OBSERVERS

Document prepared by the Office of the Union

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

2. Written reports were requested by the Office of the Union in the circular relating to his session. The following reports were submitted (in alphabetical order):

Members: Annexes I to XV: Australia, Canada, China, Colombia, European Union, France, Germany, Japan, Kenya, Mexico, Netherlands, New Zealand, Republic of Korea, Russian Federation, South Africa

Organizations: Annex XVI: International Community of Breeders of Asexually Reproduced Ornamental and Fruit-TreeVarieties (CIOPORA)

[Annexes follow]

ANNEX I

AUSTRALIA

The number of applications received for the 2010/2011 financial year was 325, compared to 345 in the 2009/2010 financial year. In the same period 232 grants were issued compared to 211 in the previous year. The small increase in number of grants was due to the cyclic nature of processing applications and the focus on grants when the demand on other activities decreases. Over the preceding 12 months around 56% of applications filed were for ornamental varieties. That number was an increase from the previous year where the figure was around 50%. Over 23% of new applications were from species indigenous to Australia (75) and almost double the previous year (40). Of those, 25 applications were for the first varieties of the genus or species and, often, published knowledge of the morphological variation of the species was sparse.

[Annex II follows]

ANNEX II

CANADA

In 2010, 361 applications were filed with the Canadian Plant Breeders Rights Office, 259 of which were for ornamental varieties. This is higher than the number of ornamental applications received in 2009. So far in 2011, we have received a total of 257 applications have been received of which 177 are for ornamental varieties. Chrysanthemum, Petunia, Calibrachoa, Verbena make up the bulk of these new applications.

To date, applications have been received for 233 ornamental genera, with the highest numbers of applications received for Pelargonium (560), Impatiens (525), Rose (515), Chrysanthemum (488), Petunia (285), Calibrachoa (278), Verbena (232) and Poinsettia (229).

This year, for the first time since the inception of the Canadian Plant Breeders Rights Office, the rights of three ornamental varieties have been terminated. The Canadian Office has three Chrysanthemum varieties which have reached the maximum 18 years of protection.

[Annex III follows]

ANNEX III

CHINA

The development of agricultural plant variety protection in China
(October 21, 2011)

Department of administration for plant varieties protection

The Ministry of Agriculture established a new department: the Bureau of Seeds and Seedlings, on July, 2011. The department of administration for plant varieties protection has been moved to the division of varieties management in this department. This kind of change brings the administration of PVP and VCU together in the Ministry of Agriculture. This department began formal work from September, 2011.

Number of applications and number of granted breeder's rights

Up to September 30, 2011, the Ministry of Agriculture received 8487 applications and has granted 3713 breeder's rights. Among those applications, 537 are from 14 foreign countries, including the Netherlands, United States of America and the Republic of Korea. The number of varieties of ornamental plants concerned 14 genera or species and 567 applications, which are Chrysanthemum 170, Anthurium 78, Gerbera 78, Lily 74, Carnation 68, Guzmania 34, Oncidium 31, New Guinea impatiens 10, Phalaenopsis 8, Begonia 5, Gladiolus 3, and Impatiens, Ranunculus, Lotus and Limonium, each with 2. Breeders rights have been granted for 61 varieties of ornamental plants. Because test guidelines are still being developed, candidate varieties concerning the eighth batch list of plant varieties protection, such as Phalaenopsis and Impatiens, have not been started in DUS trials. Up to now, the number of granted breeder's rights is 240 this year. This number is less than last year's. This may be change of organization.

International cooperation

The cooperative program of second term between China and the Netherlands finished in May, 2011. This program has achieved the goal of training a large number of DUS test staff and has improved the examination procedures of China. In addition, it has contributed to Anthurium, Guzmania and Phalaenopsis entering into list of PVP in China. In addition to the Netherlands, China has developed cooperation with the United States of America this year. The United States of America trained 2 examiners for China from September to December, 2011.

Protection of intellectual property rights (IPR) strengthened.

The Chinese Government has carried out a nationwide special operation against IPR infringement and counterfeiting, including the area of protection of plant varieties, from October, 2010 to June, 2011. It also puts this achievement exhibition of the special operation on internet in order to alert actions of IPR infringement and counterfeiting and publicize IPR knowledge to the public. This demonstrates the consistent position and firm determination of Chinese Government to protect intellectual property rights.

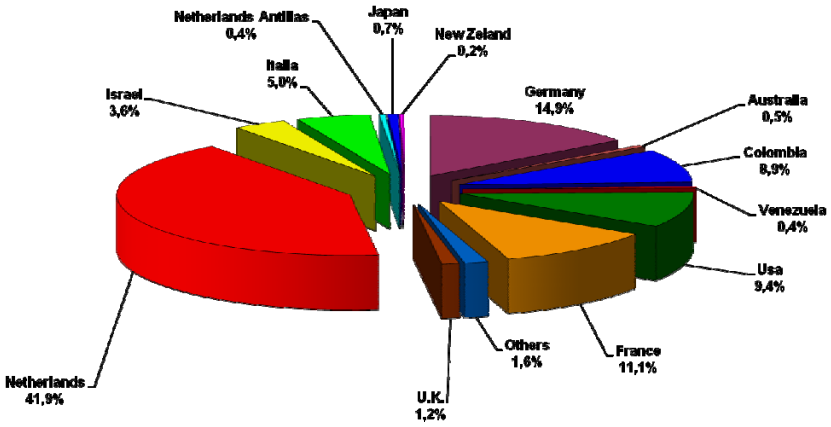
[Annex IV follows]

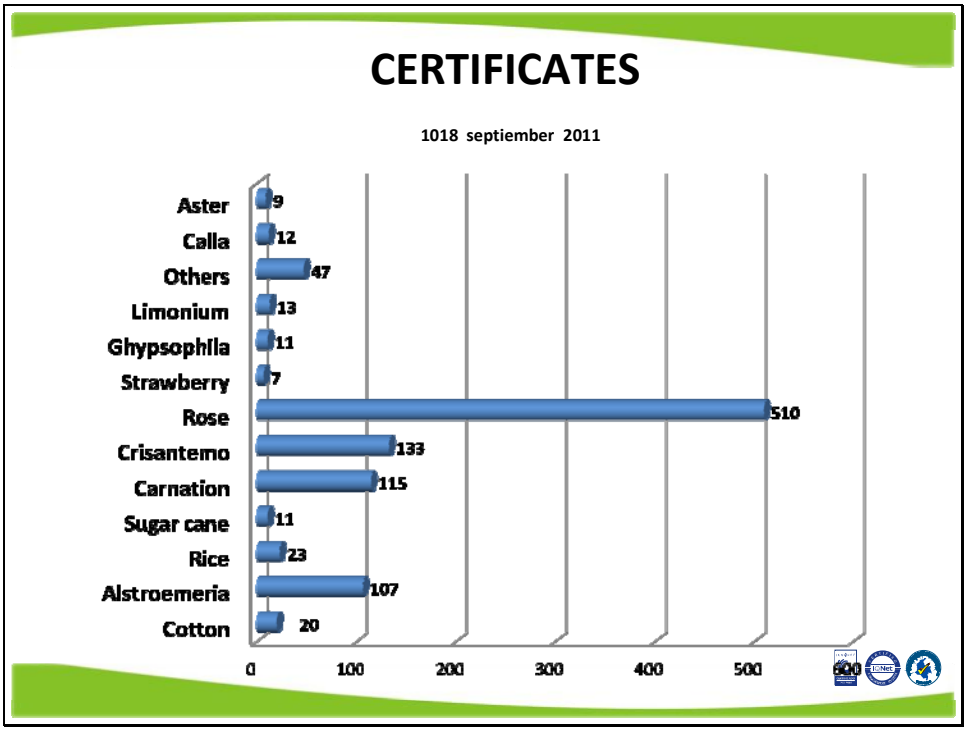
ANNEX IV

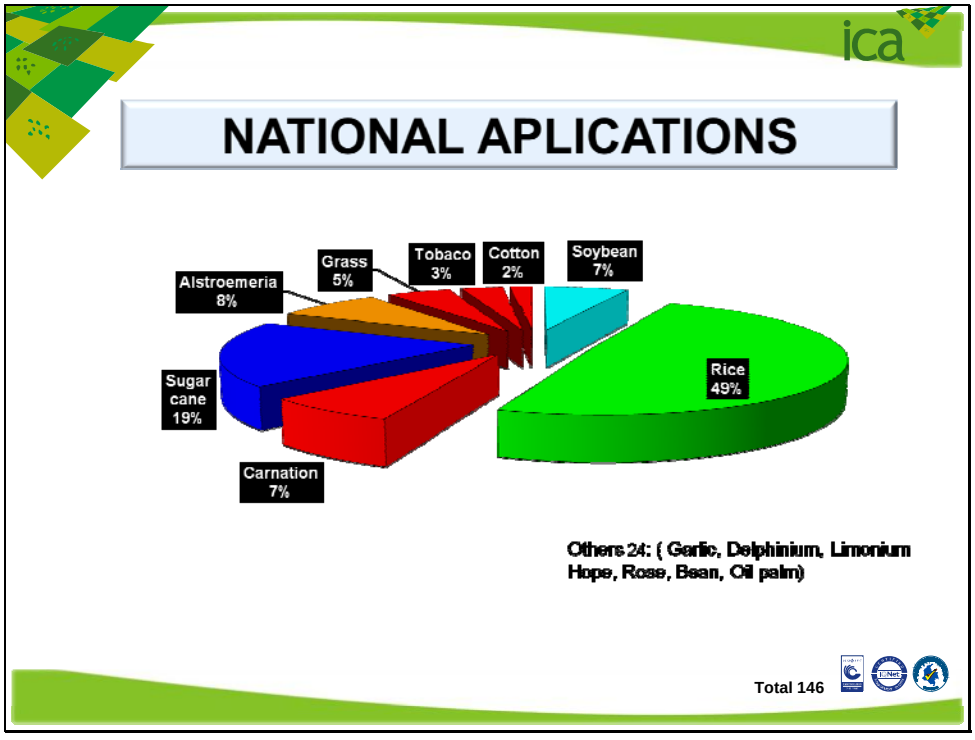
COLOMBIA

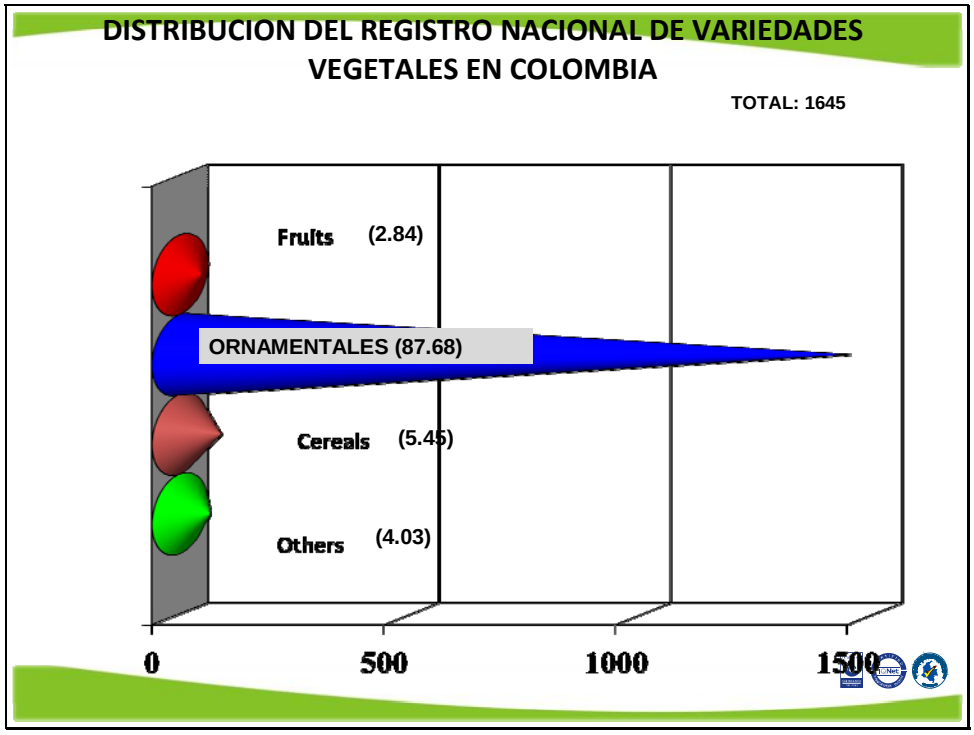
COLOMBIAN CPVO OFICCE

APLICATIONS SINCE 1995 PER COUNTRY 1646 a september 2011




CERTIFICATES
1018 septiember 2011
Aster
Calla
Others
Limonium
Ghypsophila
Strawberry
Rose
Crisantemo
Carnation
Sugar cane
Rice
Alstroemeria
Cotton
9
12
47
13
11
7
510
133
115
11
23
107
20
0
100
200
300
400
500
600


ica
NATIONAL APLICATIONS
Grass 5%
Tobaco 3%
Cotton 2%
Soybean 7%
Alstroemeria 8%
Sugar cane 19%
Carnation 7%
Rice 49%
Others 24: (Garlic, Delphinium, Limonium Hope, Rose, Bean, Oil palm)
Total 146



[Annex V follows]

ANNEX V

EUROPEAN UNION

Report on activities of the Community Plant Variety Office (CPVO) of the European Union (EU)

In 2010, the Office received 2886 applications for Community plant variety rights (CPVR), which represented an increase of 4% compared with the previous year. Since the Community plant variety rights system became operational in 1995, the CPVO surpassed the figure of 40,000 applications and 30,000 grants of protection, of which over 18,500 are still in force. There have been 1,565 applications in the ornamental sector, which represents a significant increase in relation to the 2009 figures (1,424; +10.24%), the ornamental sector stays the largest group of applications files for Community plant variety rights (54%). The most important species are rose, chrysanthemum and petunia.

In the first nine months of 2011, there were 1105 applications for ornamental varieties, which is an 11% increase compared to the same period last year. Rose remains by far the most important ornamental species with 190 applications received in the first nine months.

For the ornamental sector, 32 applications for different new species in the CPVO system were part of the new species procedure launched in 2011. For 31 applications, a European examination office has proposed to carry out the DUS testing.

During the month of June, the European Commission published the outcome of an evaluation on the impact and effectiveness of the Community plant variety rights system and the CPVO. The evaluation concluded in a positive manner, although improvements could be made to the implementation of the farm-saved seeds principle and the enforcement of rights. It is not ruled out that the CPVO could gain new responsibilities in the future.

Coinciding with the publishing of the evaluation at the end of July, the CPVO marked the occasion of the retirement of its President, Mr. Bart Kiewiet, by organizing a Seminar on June 23, entitled “Impact of 15 years of the EU plant variety protection system”. On July 12, 2011, the Council of the European Union appointed Mr. Martin Ekvad as the new President of the CPVO for a five year term. Mr. Ekvad was previously the Legal Advisor at the CPVO.

The centralized database of variety denominations received a new name, the “CPVO Variety Finder”, and contains more than 600,000 denominations from national listing and plant variety rights registers. The database was available on the basis of a restricted access to national authorities of EU Member States, the European Commission, UPOV and all EU breeders; recently the President of the CPVO has decided to make it available on its public website with a registration system, which will be implemented in the near future. The aim of the database is the verification of the suitability of a proposed variety denomination with regard to similarity, but it is also a useful tool to search for, or to get some, information about varieties of common knowledge.

In the beginning of 2010 the CPVO released a project on cooperation in denomination testing with national EU authorities with the aim to reach a greater harmonization of decisions as to the suitability of variety denomination proposals in national plant variety rights, national listing procedures and decisions taken at the level of the CPVO. EU national authorities are able to ask online for CPVO advice to the acceptability of their new denominations. Since the beginning of the project in March 2010, the CPVO advised on more than 6,000 requests, the

largest part was within the Agricultural sector; about 10% of these requests concern the Ornamental sector. For about a third of these requests, the CPVO made an observation on the proposed denomination.

Since autumn 2010, the official variety description of the CPVO grants of protection from December 2008 onwards are published on the CPVO public website. These documents are made available after the publishing of the grant of the variety in the CPVO Official Gazette. The possibility to file applications electronically with the CPVO has become increasingly popular in the 16 months from its onset: on the last three month, between 40 and 50% of the applications in the ornamental sector are entered in online. The number of e-TQ available are increasing regularly.

Following the implementation of the so-called "one key, several doors" principle, whereby DUS test reports produced by any "CPVO-entrusted" authority in the EU are accepted for listing or protection purposes throughout the Community, an independent technical audit of the CPVO continued audits during 2010 and 2011, the first entrustment certificate was issued by the Administrative Council (AC) of the Office in March 2011. A meeting with experts from several EU national authorities took place in order to work on the revision of the entrustment requirements, which were approved in the June AC.

The introduction of the Quality Audit Service has resulted in a situation where for a number of ornamental species more than one examination office is competent to carry out DUS examination. Whereas in the past a centralized testing situation existed, the CPVO will now decide at which examination office a certain candidate variety will be examined. For that reason the CPVO's Administrative Council has extended the criteria to be applied by the CPVO. The Office will take into account not only climatic conditions but also the wish of the breeder and the other varieties under examination.

Following the TWO meeting, a workshop on cut-flowers roses with Japanese colleagues will take place: the purpose of the workshop is to harmonize the methods of observations in the DUS testing, in order to exchange technical examinations reports in the future. An expert from Naktuinbouw and the CPVO will participate in the workshop. Another workshop with the Japanese Plant Breeders Rights Office, focused on Chrysanthemum, took place one year ago and was concluded in a positive manner, stating that the technical examinations are well harmonized and present the same level of quality. In the future, the exchange of results and reports will be put in place.

[Annex VI follows]

ANNEX VI

FRANCE

Report of GEVES, the Examination Office in France

3. Following the move of the Groupe d'Etude et de contrôle des Variétés et des Semences (GEVES) headquarters from its former location close to Versailles-Paris to the new building in Beaucouzé (near Angers), the new field crop testing unit named Anjouère is now finalized and operational. It is located about 20 km from Angers on clay soil well-adapted for conducting DUS and VCU trials on field crops.

4. Number of new varieties: in 2010-2011 there was a decrease (-7%) compared to 2009-2010 in the total number of applications both for national listing and plant breeder's rights for all species but this variation is not more than the variation observed between years during the last decade. The plant breeding effort remains important and even in development for some crops regarding the capacity of genetic improvement to contribute to the challenges in the field of protection of environment and health. For ornamentals, the situation concerning national PBR is low and stable with a large number of applications being converted into PBR with the European Union.

5. GEVES is active as an examination office on behalf of the Community Plant Variety Office of the European Union (CPVO) with approximately 500 requests for results each year including about 2/3 of take over reports related to field and vegetable crops tested first for national listing. Each year, GEVES sends about 500 reports to other examination offices and buys approximately 150 reports from them in the framework of bilateral agreements. Activity is low in the ornamental area.

6. Each year, GEVES studies approximately 2,500 new varieties, with about 50 new candidate varieties in the ornamental sector: mainly Hortensia and Lavandula.

7. GEVES has now completed the first round of DUS audits in the framework of ISO 9001 certification standard. All activities and units are now covered by this system of management based on quality requirements.

[Annex VII follows]

ANNEX VII

GERMANY

In Germany in 2010 a total of 587 requests were received for carrying out DUS tests for ornamental and woody varieties from 60 different species. 80% of the requests were received from the Community Plant Variety Office (CPVO) of the European Union, 14 % from other UPOV member States and 6 % were requests for domestic PBR. The most important species tested in Germany are Roses, Pelargonium, Petunia, Calibrachoa, Osteospermum, Kalanchoe and New Guinea Impatiens. At the end of 2010, there were 703 titles in force for ornamental varieties and 78 for woody plants.

Based on the implementation of a quality management system, the Administrative Council of the CPVO renewed the entrustment of the Bundessortenamt as an examination office for 380 species in June 2011.

Recently, new tasks have been delegated from the Federal Ministry of food, agriculture and consumer protection to Bundessortenamt. The Bundessortenamt took over responsibilities for plant genetic resources and will coordinate the German gene bank for seed-propagated ornamentals. Furthermore the Bundessortenamt will contribute to the gene bank for vegetatively propagated ornamentals.

[Annex VIII follows]

ANNEX VIII

JAPAN

1. Number of application and titles granted in 2010

Number of applications

year	total	2010/2009	ornamental crops	2010/2009
1978 to 2010	25,678	-	20,350	-
2010 (2009)	1,038 (1,138)	91%	813 (878)	93%

Number of titles granted

year	total	2010/2009	ornamental crops	2010/2009
1978 to 2010	20,147	-	15,742	-
2010 (2009)	1404 (1,501)	94%	1,183 (1,250)	95%

2. Average duration of the examination procedure (from application to registration)

2009	2010	2014 (target)
2.7 years	2.5 years	2.3 years

3. Nineteen Japanese national test guidelines have been harmonized with UPOV TGs in 2010.

genera and species
TWO: African Violet, Cathranthus, Freesia, Phlox paniculata, Portulaca Others: Carrot, Chinese Cabbage, Chinese chives, Cabbage, Hop, Oranges, Orchard grass, Red Clover, Rice, Wheat, Soy Bean, Turnip, Welsh Onion, Yam

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

4. Reconstruction of related organization in PVPO, Since September 2011

Division name and Bureau name have been changed to:

Plant Variety Protection Office
New Business and Intellectual Property Division
Food Industry Affairs Bureau

[Annex IX follows]

ANNEX IX

KENYA

In Kenya as of July 2011 the total number of applications for PBR received was 1119 their status are below.

Status	No. Applications
Applications to be published in the Kenya Gazette	14
Contested applications	17
Applications approved for Granting PBR Titles	165
Incomplete applications	123
Applications under DUS testing	179
Applications DUS examination report under request	110
Withdrawn applications	178
Applications approved and PBR Titles granted	333
Total	1119

Reasons for withdrawn applications by the breeders include reduced interest in a variety by consumers and availability of better varieties to the breeder. These applications did not meet either the novelty requirement and / or fail the DUS testing. The incomplete applications are either due to missing supportive documents that must accompany the application or due to non-payment of the application fee by the applicant. Applications approved for granting of PBR titles are those DUS examination report have been finalized and confirmed to be positive but await payment of grant for PBR certificate fee by the applicant. The date of payment of this fee becomes the official commencement date of protection of that variety in the country.

- Local applications (Kenyan) were 420 (37.5%) applications while foreign were 699 (62.5%)
- Applications for Agricultural crops were 386 (34.5%) while for Horticultural crops were 725 (64.8%)
- Ornamentals dominate with 652 applications (comprising 58% of total PVP applications)
- Roses dominate ornamentals with 528 applications (comprising 47% of total PVP applications).

Regarding Kenyan PVP Legislation, a revised draft of the legislation, which recognizes the 1991 Act of the UPOV convention has been done and awaits parliament enactment.

[Annex X follows]

ANNEX X

MEXICO

1. The National Service for Seed Inspection and Certification (SNICS) is an instance of the Ministry of Agriculture. As part of its main duties, SNICS deals with the Plant Breeder's Rights system in Mexico. The Plant Variety Protection Law was published in1996 and is aligned with the 1978 Act of the UPOV Convention, even though protection for all plant genera is granted by the Law. The farmer's privilege is recognized only for agricultural crops. It is a declarative system where the Distinctness, Uniformity and Stability information is provided by the breeders, thereafter this information is reviewed and validated by national technical working groups, integrated by specialists for each plan genus.

2. SNICS was created under the Seed Law of 1961 and celebrates its 50th anniversary this year. Several diffusion and training events have already taken place and others will take place before the end of 2011, for example an international symposium programmed for August 23 in collaboration with UPOV and the seventh edition of the "International Training Course on Distinctness, Uniformity and Stability of Plant Varieties", organized by SNICS and the Colegio de Postgraduados, in Texcoco, Mexico, from August 24 to 26.

3. The sixth edition of the "International Training Course on Distinctness, Uniformity and Stability of Plant Varieties" was held from August 23 to 26, 2010, for which economical and technical support was received from UPOV and the United States Patent and Trademark Office (USPTO). Technical representatives from ten Latin-American countries participated together with approximately 60 national technicians. In addition, between the forty-third session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO/43) and the forty-first session of the Technical Working Party for Fruit Crops (TWF/41), held in Mexico in September 2010, an international seminar on PBR's was held and around one hundred people participated.

4. Regarding PBR applications in 2010, 38 breeders from 12 countries presented 100 applications for 32 crops. 40% were for agricultural crops, 26% for fruit crops, 21% for ornamentals, 11% for vegetables and there were 2 applications for forest trees.

5. The total number of applications at the end of 2010 was 1,271; 36% from the United States of America, 32% from México, 15% from the Netherlands, and 17% from breeders from 23 other countries. From these, 43% correspond to agricultural crops, 27% to ornamentals and 19 % to fruit crops.

8. 593 breeder titles have been granted (accumulated), 465 were in vigor at the end of 2010, mainly for Maize (126), Rose (99) and Strawberry (53).

[Annex XI follows]

ANNEX XI

NETHERLANDS

- Number of applications received for testing for the first year in 2010 for national listing and national and European Plant breeders' rights:

Ornamentals	850	(+ 10%)
Agriculture	181	(+ 40%)
Vegetables	842	(- 9%)
Total	1873	(+ 3%)

  2009 showed a decrease of 9% in relation to 2008, but the number of applications received in 2011 shows a tendency to increase compared to 2010.

- Introduction of new Administrative software system
  In the beginning of 2010 a complete new IT system was introduced replacing the existing 3 different systems. The start-up problems were considerable and caused the work to be later than expected. In the meantime the advantages of one uniform system became visible. Through this new system it will be possible for applicants to follow the progress of their applications on-line.
  In general we notice a strong desire by the users of the system (staff and applicants alike) to ask more questions with shorter notice than in the past. The investment in IT to keep up with the society around us is considerable.

- Naktuinbouw entrusted for all species in test in the Netherlands by CPVO
  In February the Community Plant Variety Office of the European Union (CPVO) Administrative Council entrusted Naktuinbouw for all (more than 800) species in test. It does not only concern species in which there are applications on behalf of the CPVO, but also all species that are tested for national Listing and National Plant Breeders Rights.

- Termination of DUS testing for wheat
  As a consequence of the principle that only applications can be accepted in species for which Naktuinbouw is entrusted, it was decided to stop the testing of wheat and barley in the Netherlands. The costs of maintaining the reference collection in relation to the small number of applications was simply too high.

- Training in DUS related measures
  The sharing of knowledge is important in order to work on a global, harmonized and strong Plant Breeders right system for the benefit of society. Naktuinbouw contributes to this principle on different levels
  - two colleagues are tutors in the UPOV distance learning course
  - annually Naktuinbouw, with the help of UPOV and CPVO are organising the PVP course in Wageningen. In 2010, 23 participants from 17 countries participated in this two week training, and in 2011 there was almost the same number.
  - Naktuinbouw is involved in bilateral projects to exchange knowledge and to train staff in countries that are working in or on Plant Breeders' Rights systems. In 2011, a 10 year cooperation with China was concluded with a closing seminar in Beijing, training was provided together with the colleagues from the Japanese Plant variety Right Office in Viet Nam. In Indonesia, audits were carried out on the quality of the DUS system. In Ethiopia the first training took place, to be followed with more

activities and recently first discussions took place with the Indian authorities to see how the well developed Indian system suits the needs of the international breeding community.
- There is a possibility to be an intern in Naktuinbouw for a period of 2-4 weeks. During this period the intern can work together with Naktuinbouw colleagues and thus learn the details of the DUS test work. Naktuinbouw charges no costs for such internship and has accommodation available. In 2010 4 interns spent time at Naktuinbouw; two Polish colleagues, one Canadian colleague and a Chinese colleague. Again in 2011 4 colleagues visited Naktuinbouw as interns.
- Finally there is the Naktuinbouw DUS helpdesk where colleagues from all over the world can ask questions related to the practice of DUS testing.

- Research projects
DUS testing is constantly in development. New techniques become available and national research projects funded by the Dutch Ministry for Economic affairs, Agriculture and Innovation, help to incorporate these in the DUS test system.
This year projects are assigned to the replacement of ordinary light bulbs by LED techniques to see what effect this has on various characteristics and the observation of these characteristics. The existing image analysis is improved, a number of DNA related projects are defined to see how these techniques can help and field computers are introduced in the tests of vegetables and ornamentals. Also the development, improvement and harmonization of disease resistance characteristics is an important subject not only at a national level but also partly funded by the CPVO R&D system.

- Use of DNA techniques
SSR DNA databases are developed for Phalaenopsis and Potato with the aim to have a fast identification tool and to see if such databases can be used in the framework of the management of reference collections. Also, in cooperation with Groupe d'Etude et de contrôle des Variétés et des Semences (GEVES)(France) a similar database for Lettuce is under construction and it has been decided to build on the results of a 2004 CPVO project and revitalize the previously developed Rose database.

- Cooperation with the Czech Republic
In order to be able to carry out two independent growing cycles in one calendar year for vegetable applications cooperation with the Czech Republic was established.

- Discussions on the use of disease resistance characteristics in DUS tests
Fired by a complaint of Slovakian breeders, a discussion took place on the use of disease resistance characteristics in the DUS tests. Mainly the asterisk disease characteristics that figure in the CPVO protocol and are also the basis for DUS testing for National list purposes, created problems. A discussion took place, but without a definitive result yet.

- First series of Calibration books available
For internal use, Naktuinbouw has so-called calibration books that have a detailed description on the method to score characteristics. The existing explanations in the UPOV Test Guidelines are further explained by color photographs. Upon request by the breeders in 2010 the first series of 27 calibration books were made available through the Naktuinbouw website. The books for Alstroemeria, rose and potato will soon follow.

- Variety descriptions on the Naktuinbouw website
  Naktuinbouw now publishes all national variety descriptions on its website. From 2012 onwards, we have the intention to combine the national descriptions with a standardized photograph on the website.

- 90 national protocols on website
  If no CPVO protocol or UPOV Test Guidelines are available for DUS testing, national protocols are developed. Naktuinbouw has now published a series of 90 national protocols on its website. At the end of 2011, 50 more national protocols will follow.

- Special cases encountered:
  - In Zantedeschia we encountered the problem that two varieties were very similar in the Netherlands, while in New Zealand they were scored in different color groups. The different light conditions between these distant parts of the world are expected to cause this. For this species we will have to treat each others' variety descriptions with care.
  - Potato GM applications
  In potato, GM potato varieties were tested. It concerns varieties for starch grain production. The GM part does not pose problems in the DUS test, but because trials with such material permits are needed, trials at the breeders premises are used.
  - New form of resistance on Bremia in lettuce
  With the progressing breeding techniques it is possible to use other resistance sources than the classical ones. In the test this can create problems as tests are usually validated against the classical resistance forms only. In Bremia in lettuce a resistance form was used that brought the resistance later in expression than the classic one. In order to have a reliable outcome the test have to be further developed.

[Annex XII follows]

ANNEX XII

NEW ZEALAND

Applications for ornamental varieties in 2011 have decreased compared with 2010, however numbers are at a similar level (70-80 varieties per year) to that of the 2007-2009 period. The total number of ornamental varieties under test is again beginning to steadily increase, following a reduction in 2008 and 2009. This new upward trend is under consideration in order to identify any particular cause or combination of causes, beyond the fluctuations in application numbers.

For many years Rose varieties have consistently dominated application numbers for ornamentals however their reign as the top genera is now in decline. The 2010/11 DUS trial had the lowest number of candidates since testing began in the early 1980's. As observed in many countries there is a shift towards varieties from flowering genera for "garden decoration" such as *Petunia*, *Petchoa*, cineraria, *Dianthus* and *Delphinium*. Application numbers for new species, such as the New Zealand native *Pseudopanax crassifolius* and for species not seen for a while (*Hardenbergia*, *Scabious* and *Scaevola*) have increased.

A series of training workshops in late 2010 and early 2011were provided for persons who carry out DUS testing evaluations for the Plant Variety Rights Office in order to increase their skill levels and update methodology and practice.

The sourcing of plant material of varieties of common knowledge for growing trials and maintenance of collections continues to become more and more difficult. Many older varieties have disappeared from commercial production and locating a reliable source for such varieties is a challenge. In addition the market turnover of varieties in many genera is rapid and producers do not retain material of superseded or dropped varieties. To assist the understanding of common knowledge and the need to retain varieties for variety protection purposes, an explanatory note, Varieties of Common Knowledge: Identification and Usage, has been produced and will be placed on the website.

[Annex XIII follows]

ANNEX XIII

REPUBLIC OF KOREA

1. Plant Breeder's Right

The total number of applications reached 5,315 as of March 31, 2011. Among them, 3,428 varieties were registered and 535 were rejected since the implementation of PVP system in 1998.
Last year we received 574 applications, 52% of which were for ornamental varieties such as Chrysanthemum, Rose, Moth orchid, Gerbera, and Lily.

2. Variety Characteristic Search System

○ For selecting and comparing variety by searching plant variety characteristics
○ Protected variety, reference variety etc. (since 1998)
○ Input crop & variety number: 151 crops, 10,243 varieties
(as of May 3, 2011)

Total	Rose	Red pepper	Chrysanthemum	Rice	Others
10,243	826	695	599	504	7619

3. Seed Industry Law

The Law was partially amended in May 2010. Article 38, "publication of the application for public inspection" was removed. This will result in shortening the average duration of the examination procedure by about 60 days. This law entered into force on September 1, 2010 and with respect to amendment of the Law, its decree and regulations also were amended accordingly.

4. Molecular Techniques

Recently, the Republic of Korea has been actively applying DNA analysis to seed circulation management of several crops. The representative example is analyzing about comparison of DNA profiles between registered seed and marketing seed. In addition, we are utilizing molecular markers in genetic purity assessment for national list of varieties of rice, barley and soybean.

5. International Cooperation

The Korean Seed and Variety Service (KSVS) and the Korean International Cooperation Agency (KOICA) provided a PVP training course for 2 weeks in July 2011 for experts from countries which are planning to introduce a PVP system and developing a system.

[Annex XIV follows]

ANNEX XIV

RUSSIAN FEDERATION

Number of Applications and Breeders' Rights for Ornamentals in the Russian Federation

	Number of Application for Protection			Number of Breeders' rights, Granted.		
Genus, Species	applied	rejected	withdrawn	total	cancelled	in force
Alstroemeria L.	2	0	0	2	0	2
Amaranthus cruenthus L.	1	0	0	1	1	0
Amaranthus kaudatus L.	3	0	0	2	2	0
Anemone L.	2	0	0	2	0	2
Antirrhinum majus L.	4	0	0	4	0	4
Callistephus chinensis (L.) Nees	67	10	1	51	37	14
Berberis L.	1	0	0	1	0	1
Weigela Thunb.	2	0	0	2	0	2
Verbena L.	5	0	0	5	0	5
Daphne cneorum L.	1	0	0	1	1	0
Gerbera L.	2	0	0	0	0	0
Hippeastrum Herb.	35	0	1	34	13	21
Gladiolus L.	111	12	8	90	61	29
Lathyrus odoratus L.	17	0	17	0	0	0
Lonicera tatarica L.	1	0	0	0	0	0
Iris L.	19	0	0	0	0	0
Calibrachoa Llave & Lex.	2	0	0	2	0	2
Clausia aprica (Steph.) Korn.-Tr.	1	0	0	1	0	1
Coluria Pall.	1	0	0	1	0	1
Convallaria L.	1	0	0	1	1	0
Matthiola incana (L.) R.Br.	1	0	0	1	0	1
Linum L.	3	0	0	3	0	3
Lilium L.	18	3	1	8	0	0

Genus, Species	Number of Application for Protection			Number of Breeders' rights, Granted.		
	applied	rejected	withdrawn	total	cancelled	in force
Mandevilla Lindl.	2	0	0	2	0	2
Monstera Adans.	1	0	0	0	0	0
Panzerina lanata (Kuprian.) Krestovsk.	1	0	0	1	0	1
Pelargonium zonale hort. non (L.) L'Her. ex Ait.	10	0	0	7	0	7
Pelargonium grandiflorum (Andrews) Willd.	1	0	0	1	0	1
Pelargonium crispum (P. J. Bergius) L'her.	1	0	0	1	0	1
Petunia Juss.	3	0	0	2	0	2
Paeonia L.	31	0	6	25	22	3
Paeonia suffruticosa Andrews	16	0	0	12	2	10
Rosa L.	110	0	6	76	28	48
Syringa L.	1	0	0	1	0	1
Tulipa L.	22	0	0	21	21	0
Phlox paniculata L.	1	0	0	1	1	0
Chrysanthemum L.	51	0	0	29	23	6
Celosia L.	1	0	0	1	0	1
Lathyrus chloranthus Boiss.	1	0	1	0	0	0
Lathyrus sativus L. var. rubra	1	0	1	0	0	0
Lathyrus tingitanus L.	1	0	1	0	0	0
Malus Mill.	6	0	0	6	4	2
TOTAL	561	25	43	398	217	173

[Annex XV follows]

ANNEX XV

SOUTH AFRICA

A national consultation workshop on the draft of the Plant Breeders' Rights Policy was held in Pretoria and Stellenbosch during February 2011. The aim of this workshop was to communicate to all interested parties in the public and private sectors the draft PBR Policy. The Plant Breeders' Rights Act, 1976 is also currently under review.

With regards to applications and valid Plant Breeders' Rights for 2010, the following is reported: 364 taxa have been declared in terms of the Plant Breeder's Right Act, of which ornamental crops constituted 54%. A total of 366 PBR applications were received in 2010, of which 28% were for ornamental varieties. As of December 2010, a total of 2,318 varieties had valid plant breeder's rights in South Africa, of which 39% were for ornamental crops. Foreign nationals own around 60% of the total number of protected varieties, while local companies own 25% and publicly funded research institutions 15%.

With regard to ornamentals, there was a decrease from 923 varieties with valid PBR's in 2009 to 898 in 2010. However, the number of ornamental applications increased from 73 in 2009 to 103 in 2010. A total of 109 ornamental varieties were granted PBR in 2010. Rose is still the ornamental with the highest number of varieties with PBR's, namely 368, followed by Chrysanthemum with 64 protected varieties and Impatiens with 30 protected varieties.

[Annex XVI follows]

ANNEX XVI

INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED ORNAMENTAL AND FRUIT-TREEVARIETIES (CIOPORA)

CIOPORA activities in the last 12 months

1. CIOPORA asked UPOV to work on an explanatory note on propagating material, which is the key term in the UPOV legal framework. It turns out that there are different definitions of "propagating material" in the UPOV members. CIOPORA expressed in the last meeting of the Administrative and Legal Committee Advisory Group (CAJ-AG) its opinion that material, which is capable of producing entire plants, should be considered as propagating material (versus material, that is intended or used for multiplication).

2. CIOPORA contributed to the evaluation of the Community Plant Variety Right legislation and asked *inter alia* for broadening the scope of protection (including the protection of processed material), for clarifying the EDV provisions and for better provisional protection.

3. In April, CIOPORA developed and issued a position paper on "The use of molecular techniques for plant variety protection"

4. CIOPORA discussed in its working group on DUS, possibilities to increase the minimum distances, which is one of the major concerns for breeders.

5. CIOPORA requested the CPVO to reduce the costs for DUS examination, particularly for fruit tree varieties. It questioned the practice of collecting very old varieties in a reference collection.

6. CIOPORA discussed with the CPVO the project "DNA analysis of cut-rose varieties" and opposed an obligatory taking of DNA samples and the routine analysis of such samples. The project has been transformed into a study on the use of sampling DNA material for DUS purposes.

7. CIOPORA celebrated its fiftieth anniversary during its last Annual General Meeting in April this year in Rome. The next AGM will take place in Miami in April 2012.

[End of Annex XVI and of document]