



Experience of the European Union on DUS examination

17/05/2017
Dirk Theobald
CPVO

Experience of the European Union on DUS examination

❖ Overview:

- The Community system
- The CPVO
- Organisation of Technical examinations
- Buying of existing technical reports
- Testing on breeders premises
- Cooperation with other UPOV members



The Community plant variety rights system

- A system for the intellectual protection of plant varieties was established by a Regulation of the European Union in 1994.
- The intellectual property rights granted under this system are valid throughout the territory of the 28 Member States of the European Union.



The Community plant variety rights system

- 24 out of 28 EU Member States are UPOV members
- The Community PBR system co-exists with the National PBR systems of those 24 EU Member States.
- It is the applicant's choice : National or Community Plant variety rights



The Community plant variety rights system

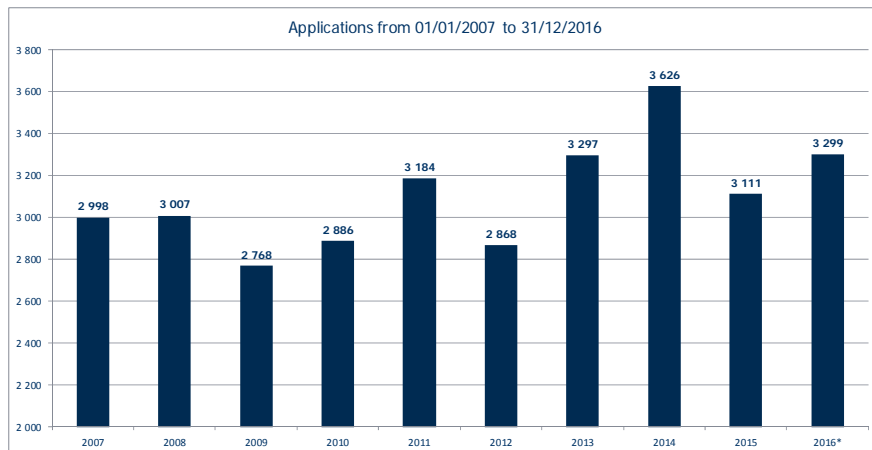
- The Community system is in line with the UPOV 91 Act.
- The European Union is a full member of UPOV as an inter-governmental organisation



The Community plant variety Office CPVO

- The system is run by the Community Plant Variety Office (CPVO), an official body of the EU with an independent legal status which has been operational since 1995 and is now based in Angers (France).
- The CPVO is a public authority set up under European law and enjoying legal personality.





NB: (*) comparison with 2015: +6 %



STATISTICS

7

Organisation of technical examinations

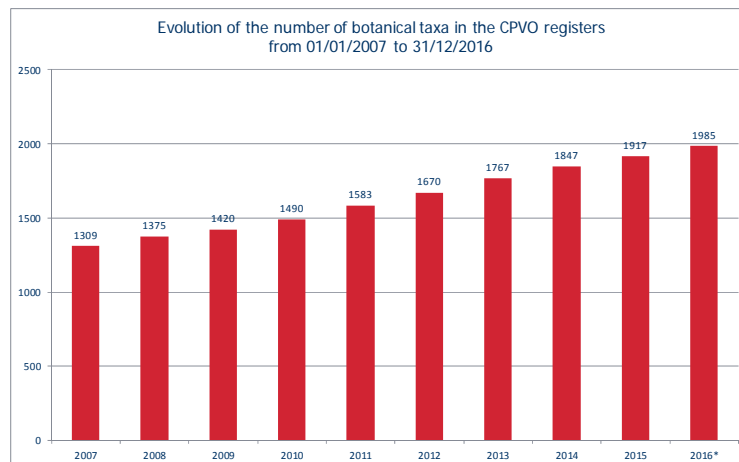
- Technical examinations are carried out by **entrusted** examination offices in the Member States
- The CPVO arranges for a technical examination and decides to which entrusted examination office a candidate variety is attributed



Organisation of technical examinations

❖ Entrustment of examination offices:

- Entrustment process
 - Examination Offices apply for entrustment
 - Definition of the envisaged scope of entrustment (list of species)
 - Detailed entrustment (quality) requirements have to be fulfilled
 - Audit procedure by the CPVO Quality Audit Service
 - Formal entrustment by the CPVO's Administrative Council



NB (*) Comparison with 2015: +3.5%



STATISTICS

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Organisation of technical examinations

❖ Entrustment of examination offices:

- New species procedure
 - CPVO launches a call for tender in order to find testing facilities

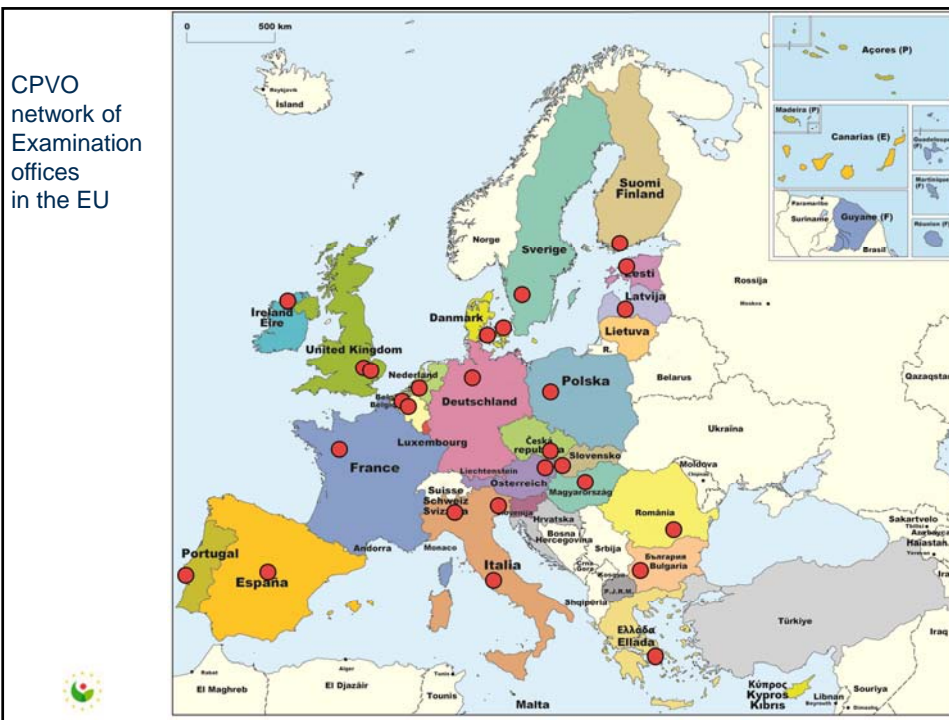


Organisation of technical examinations

❖ Entrustment of examination offices:

- Quality requirements for Examination offices have to be fulfilled in respect of (non exhaustive):
 - Organisation and management
 - Experience
 - Independence and impartiality
 - Facilities and equipment
 - Test protocols and procedures
 - Variety collections





Organisation of technical examinations

- Attribution of varieties for testing to entrusted Examination Offices
 - according to defined criteria (approved by the AC):
 - The wish of the breeder
 - Geographical origin of the variety
 - Origin of the applicant
 - Experience of an examination office

Buying of existing technical reports (take-over)

If a technical examination of a candidate variety has been or is being carried out in view of

- i. a national plant variety right or
- ii. for national listing

CPVO may consider the examination report of the responsible authority to be a sufficient basis for a decision on the application for Community rights

Condition: it must be one of the CPVO's entrusted examination offices.



Testing on breeders premises

- In very exceptional cases
- Monitoring by the entrusted examination office
- Well defined conditions according to a detailed procedure
 - Plant material
 - Organisation of the trial
 - etc



Cooperation with other UPOV members

- In case no technical competence is available within the EU
- In case an agreement has been reached with the country in question and such agreement has been endorsed by the AC
- Such an agreement is subject to conditions

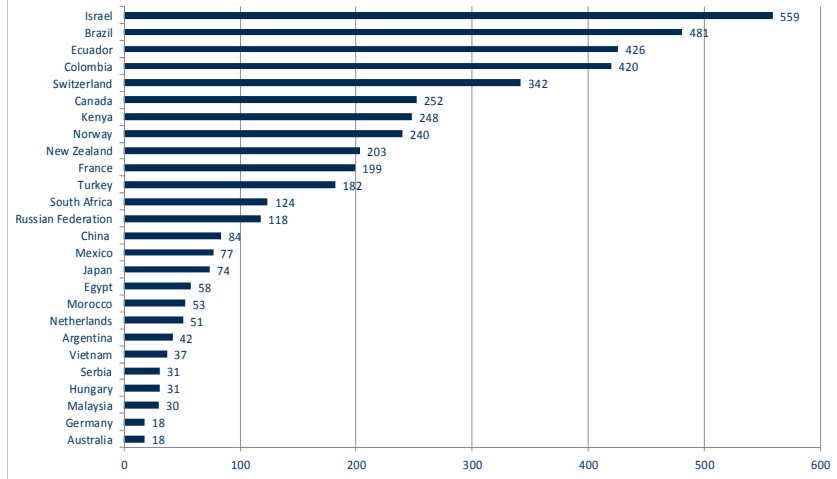


Cooperation with other UPOV members

- Israel: Pomengranate; Banana
- Mexico: Avocado
- Australia: Protea; Leptospermum; Telopea
- South Africa: Leucospermum
- New Zealand: Endophytes
- Japan: Petunia; Calibrachoa



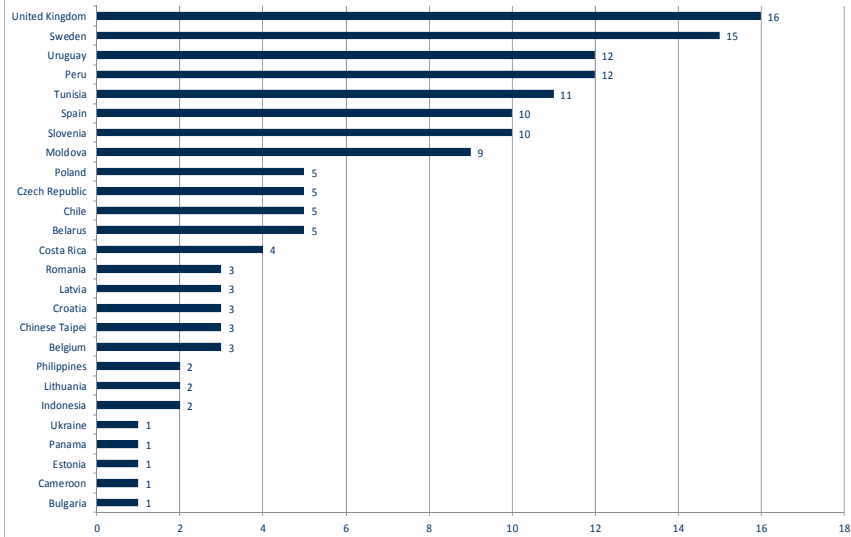
**Sales of Technical Reports
Situation at 07/03/2014* - Page 1/2**



NB: (*) Situation at 07/03/2014 - Total = 4,543



**Sales of Technical Reports
Situation at 07/03/2014* - Page 2/2**



NB: (*) Situation at 07/03/2014 - Total = 4,543



Thank you for your attention

