



Bundessortenamt

DUS Testing for Germany and the European Union

Dr. Beate Rücker, Bundessortenamt, Germany

Internet: <http://www.bundessortenamt.de>
E-Mail: bsa@bundessortenamt.de

UPOV-USPTO PVP-Training Course, Geneva

May 4-8, 2015



Bundessortenamt

Plant Breeders Rights in Germany

Variety Protection Act of December 19, 1997

Enables breeders to get property right for new varieties. Regulates conditions for granting PBR titles and scope of protection.

PBR can be granted according to the UPOV Convention of 1991 for varieties of all plant species.

Application by any discoverer or breeder.

Duration of Protection 25 years (30 years for potato, vine, hop, trees)

PBR can also be provided on the German territory via Community Plant Variety Protection granted by the CPVO; Council Regulation (EC) 2100/94.

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Requirements for National Listing and Plant Breeder's Rights

Plant Breeders Rights

Distinctness
Uniformity
Stability

Novelty

Denomination



DUS testing

VCU testing

National List

Distinctness
Uniformity
Stability

Value

Denomination



Application for NLI

Application for PBR

VCU test

DUS test

VCU Report

DUS Report

Variety Committee
(3 members BSA)

PBR Committee
(1 member BSA)

- Appeal Committee (7 members: 2 BSA, 5 others)
- Administrative Court

- Appeal Committee (5 members: 3 BSA, 2 others)
- Federal Patent Court

Admission to NL
Descriptive List, EC Catalog

Grant of PBR
PBR variety register



Cooperation between CPVO and European Member States

Role of CPVO

- CPVO responsible for granting European Plant Breeder's Rights
- Office in Angers, France without own testing facilities
- DUS tests performed by examination offices in European member states



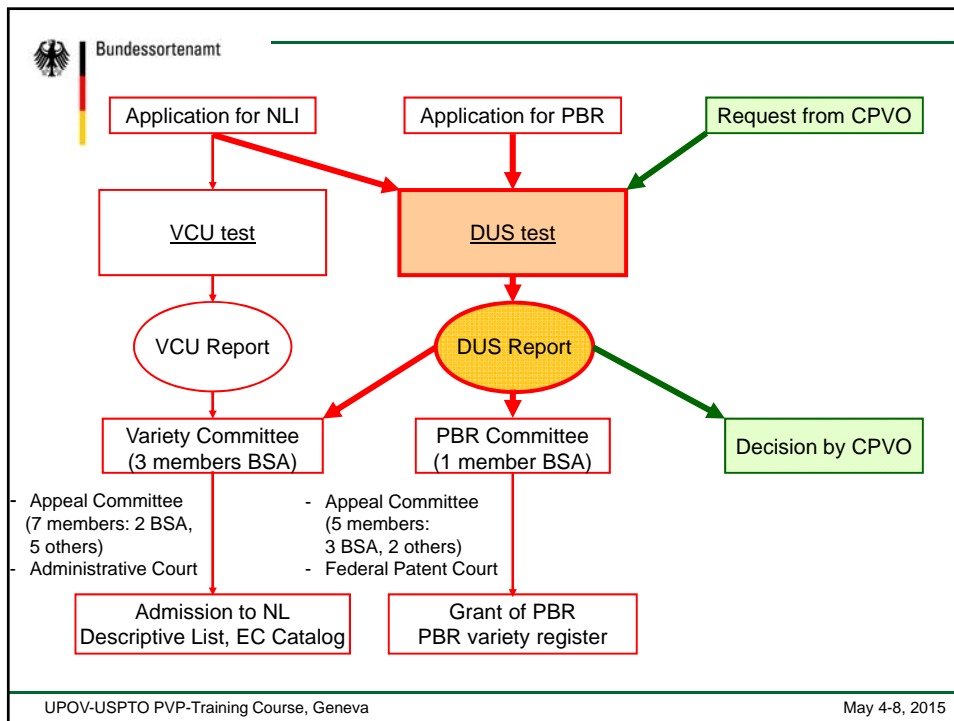
Cooperation between CPVO and European Member States

Role of BSA as one of the Examination Offices

- BSA entrusted as examination office for many species
- Performance of Technical examination according to obligatory quality requirements of CPVO (accreditation by Administrativ Council of CPVO)
- Development of Technical Protocols for DUS tests and all procedures in close cooperation between CPVO and examination offices based on general principls and guidance provided by UPOV

PROCESSING OF APPLICATIONS FOR CPVR

1. Substantive examination
2. Application date
3. Technical examinations → Examination Offices in MS
4. Quality requirements to be met by an EO
5. Examination reports
6. Decisions
7. Objections and appeals
8. Technical verification
9. Registers
10. Fees

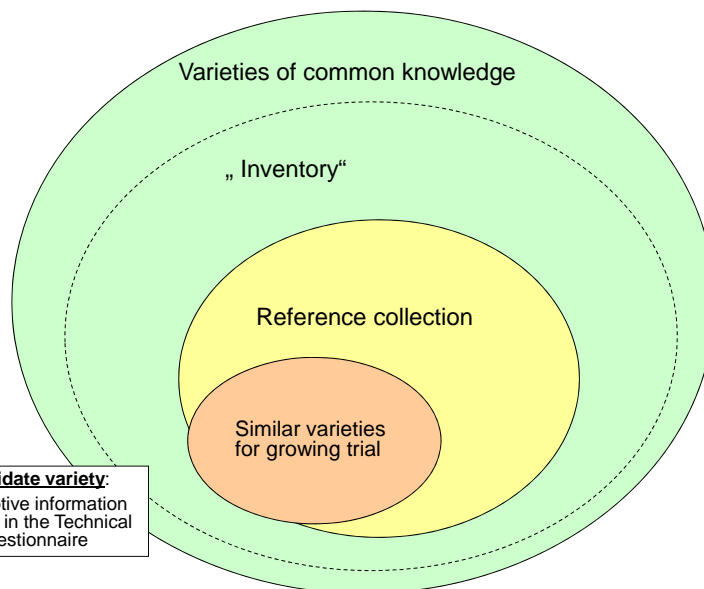
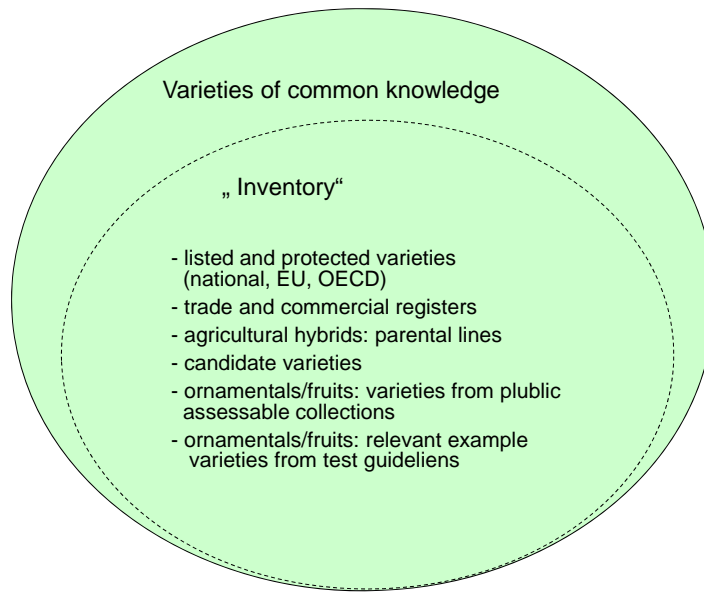




Testing distinctness is our biggest challenge!

Steps for the examination of distinctness:

- Consideration of varieties of common knowledge
- Establishment of a variety collection
- Selection of similar varieties for the growing trial
- Systematic direct comparison of the most similar varieties in the growing trial





For each new candidate variety, the reference collection has to be reviewed.

Updating is a continuous process!



Elements of a variety collection – crop specific approaches:

All Seed propagated species

- Verified seed samples in seed store
- Descriptive data: at least 2-year examination results from our location
- Administrative data

Vegetatively propagated perennial species

(e.g. grapevine, fruit trees, garden roses, ornamental and fruit shrubs)

- Verified samples in the field collection
- Descriptive data: at least 2-year examination results from our location
- Photos taken in our trials
- Administrative data

Vegetatively propagated annual species

(e.g. many ornamental species)

- Descriptive data: at least 1-year examination results from our location
- Photos taken in our trials
- Administrative data

