

BREEDERS' RIGHTS AND CONTRACTS AND ENFORCEMENT IN THE EUROPEAN UNION

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- The CPVO does not play a statutory role as regards the enforcement of PVRs;
- Among its tasks, it does not directly deal with contractual practises or enforcement of PVRs;
- Enforcement is the sole responsibility of title holders at national level;
- However, conscious of the importance of enforcing PVRs, the CPVO has developed two line of actions.

- **Actions:**
- Series of Enforcement Seminars, the last of them organized in Croatia, the objective of which has been to raise awareness and share best practises among breeders, public bodies and professionals dealing with enforcement of IP Rights.



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- The CPVO is a member of the **European Observatory on infringements of Intellectual Property Rights** established with the OHIM and is participating in the Legal working group and the Infringement working group.
- The objective is to raise awareness on the PVR system. Before the CPVO joined the Observatory PVRs were not even considered.



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- Through its participation in the **European Observatory on infringements of Intellectual Property Rights** the CPVO would also envisage to participate more actively in training activities carried out by the OHIM's Academy for civil judges and public prosecutors of EU Member States regarding enforcement of PVRs.



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- **The Ad Hoc Legislative Working Group (« LWG »)**
- The CPVO has taken an active role in leading the LWG which has been established by its Administrative Council to discuss issues of interest for the future revision of its founding Act, Council Regulation No 2100/94.



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- Some of the major topics discussed among the members of the LWG are:
- Proposal for the institution of a limited number of specialized PVR Chambers of national courts in each Member State of the EU dealing *ratione materiae* with PVR;
- Strengthening the provisional protection pursuant to Article 95 of the Basic Regulation;



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- Clarifying that all the measures foreseen by the so called EU Enforcement Directive apply to PVRs at national level;
- Making explicit that all contractual covenants limiting the breeder's exemption are null and void by law.



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The CPVO Case-law Data-base

- The CPVO is managing a PVR case-law data-base which include cases from:
- The Board of Appeal of the CPVO;
- The Court of Justice of the EU;
- The national Courts of EU Member States (civil and criminal proceedings);
- The European Patent Office.

