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TC/27/ 6

ORIGINAL: English/français/deutsch

DATE: 1991-09-03

INTERNATIONALER VERBAND  
ZUM SCHUTZ VON  
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE  
POUR LA PROTECTION  
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION  
FOR THE PROTECTION OF  
NEW PLANT VARIETIES

**TECHNISCHER AUSSCHUSS**

**COMITE TECHNIQUE**

**TECHNICAL COMMITTEE**

**Siebenundzwanzigste Tagung  
Genf, 16. bis 18. Oktober 1991**

**Vingt-septième session  
Genève, 16 - 18 octobre 1991**

**Twenty - seventh Session  
Geneva, October 16 to 18, 1991**

**ORGANIGRAMS/ORGANIGRAMMES/ORGANISATIONSPLAENE**

document prepared by the Office of the Union/  
document établi par le Bureau de l'Union/  
vom Verbandsbüro erstelltes Dokument

At its last session in October 1990, the Technical Committee agreed to collect organigrams of the Plant Variety Protection Offices of the UPOV member States. The present document contains the information received in reply to circulars U 1675 of November 26, 1990, and U 1717 of April 3, 1991, in the original version and in the alphabetical order of the country codes.

Lors de sa dernière session en octobre 1990, le Comité technique est convenu de recueillir les organigrammes des bureaux pour la protection des obtentions végétales des Etats membres de l'UPOV. Le présent document contient les renseignements reçus en réponse aux circulaires U 1675 du 26 novembre 1990 et U 1717 du 3 avril 1991, groupés, dans leur version originale, selon l'ordre alphabétique du code des pays.

Während seiner letzten Sitzung im Oktober 1990 ist der Technische Ausschuss übereingekommen, die Organisationspläne der Sortenschutzämter der UPOV-Verbandsstaaten einzuholen. Das vorliegende Dokument enthält die in Antwort auf die Rundschreiben U 1675 vom 26. November 1990 und U 1717 vom 3. April 1991 eingegangenen Informationen in ihrer Originalfassung und in alphabetischer Reihenfolge der Landeskodierung.

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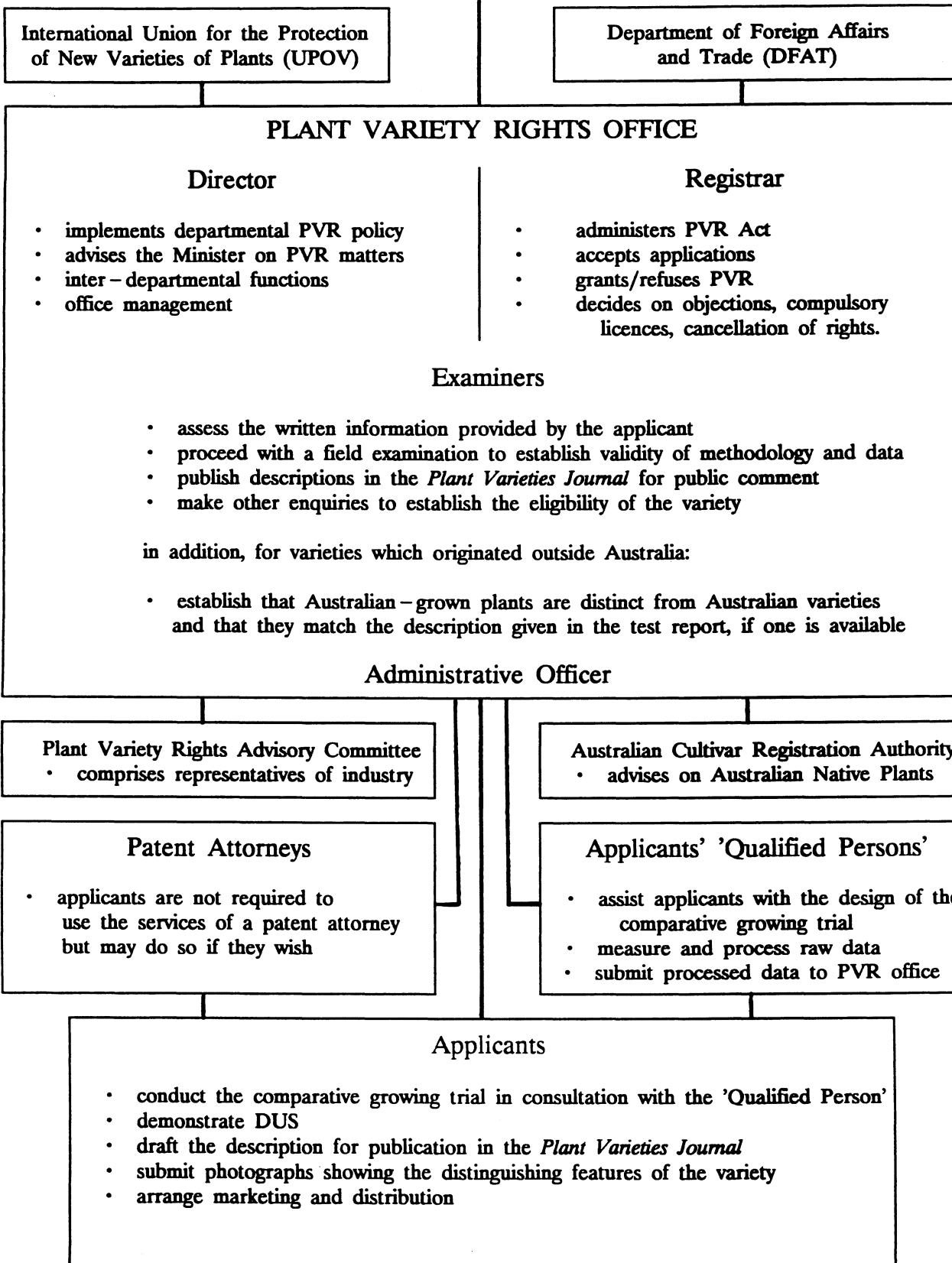
AU/AUSTRALIA

Minister for Primary Industries and Energy

Secretary, Commonwealth Department of Primary Industries and Energy

Executive Director, Agriculture and Forestry Group

First Assistant Secretary, Crops Division



AU/AUSTRALIA**The Plant Variety Rights Scheme in Australia**

All higher plant genera and species are eligible for PVR in Australia. The Plant Variety Rights Office (PVRO) is located in the Crops Division of the Commonwealth Department of Primary Industries and Energy. Dr H L (Mick) Lloyd is both Registrar of Plant Variety Rights and Director of the PVRO. Dr Lloyd is supported by a staff of examiners and an administrative officer. The PVRO receives additional administrative support from the Crops Division and other groups within the Department of Primary Industries and Energy.

Australia's Plant Variety Rights scheme uses breeder testing to establish the distinctness, uniformity and stability of new varieties. The breeder or their agent carries out comparative growing trials to establish that each new variety satisfies the DUS criteria.

Importers of new varieties to Australia may be required by the Registrar to demonstrate Australian equivalence by arranging a comparative growing trial to verify that the new variety:

- a) is distinct from the closest varieties known in Australia; and
- b) fits the description given in any overseas test reports when grown under Australian conditions or their equivalent.

Applicants not resident in Australia are required to provide an address in Australia for the service of notices.

To ensure that correct procedures are observed, applicants employ a qualified person with appropriate qualifications to plan and supervise the trials. An examiner from the PVR Office verifies the DUS findings before PVR is granted.

A comparative description of each new variety and a photograph showing the major differences are published in the *Plant Varieties Journal*. Publication allows a breeder's peers to object to the granting of PVR, informs industry and gives the public an opportunity to comment on individual applications. All objections and comments received are investigated by the PVRO.

Applicants or their agents may submit applications to the PVRO direct or via a patent attorney.

A Plant Variety Rights Advisory Committee (PVRAC), appointed by the Minister, advises the Registrar on all aspects of PVR and other matters relevant to PVR. The PVRAC comprises representatives of breeders, producers and consumers and other representatives with appropriate qualifications and experience. The Registrar also consults the Australian Cultivar Registration Authority for specialist advice on Australian Native Plants.

BE/BELGIQUE

U.P.O.V.

M. Barry GREENGRASS

Vice-Secrétaire général

Chemin des Colombettes 34

CH-1211 GENEVE (Suisse)

Service de la protection  
des obtentions végétales

RR/631.533/984

14. XII 1990

Cher Monsieur Greengrass,

En réponse à la circulaire  $\frac{U1675}{-03.1}$  du 26 novembre dernier émanant de votre collaborateur M. M.-H. THIELE-WITTIG j'ai l'honneur de vous transmettre, ci-joint, l'organigramme reprenant le fonctionnement du système dressé dans l'optique des variétés de plantes cultivées qui peuvent faire l'objet d'une inscription au catalogue belge. Toutefois, ce schéma peut être utilisé pour d'autres types de plantes qui ne nécessitent qu'un examen D.H.S. (D.U.S.) en faisant abstraction de tout ce qui a trait aux examens V.C.U. (valeur culturale et d'utilisation).

La Belgique (Centre agronomique de Gembloux) fait encore l'examen D.H.S. des céréales à l'exception du seigle et du triticale. Le Centre agronomique de Gent assure le suivi de l'examen D.H.S. pour la betterave fourragère et, en étroite collaboration avec le GEVES (France), pour le lin textile.

C'est à l'Institut Royal Belge pour l'Amélioration de la Betterave de Tienen que se fait l'examen D.H.S. des betteraves sucrières (à destination du catalogue national).

En dehors des plantes agricoles, une seule espèce est examinée en Belgique à l'heure actuelle, il s'agit du bégonia tubéreux (*Begonia tuberhybrida* Voss.). C'est la Station des Plantes ornementales de Melle qui est chargée de cette mission.

Vous trouverez, ci-dessous, les numéros de téléphone où vous pourrez joindre MM. CROHAIN A. et VAN WAES J., les deux responsables des sections "Etudes des obtentions végétales" de Gembloux et de Gent si vous souhaitez d'autres renseignements plus techniques :

Gent : M. J. VAN WAES (091/521981)

Gembloux : M. A. CROHAIN (081/61.06.91)

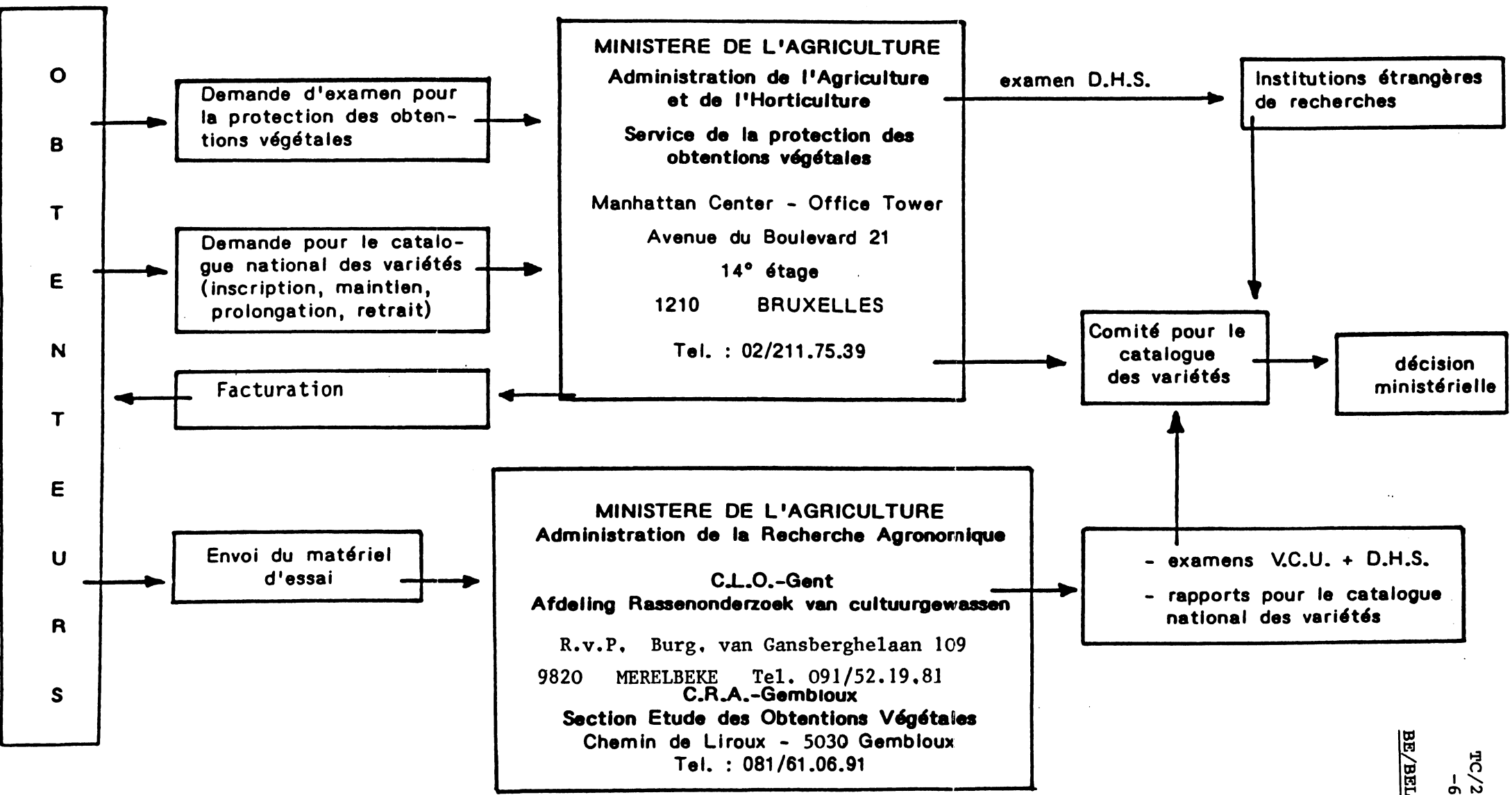
Veuillez agréer, Monsieur le Vice-Secrétaire général, l'assurance de ma considération distinguée.

*B* Au nom du Secrétaire d'Etat :  
Pour la Directeur général ;  
L'Ingénieur en chef-directeur,

*B*  
ir. I. ECUTTEFEUX

**PROCEDURE D'EXAMEN DES VARIETES DE PLANTES CULTIVEES**

11004



Beschwerdekammer  
Chambre de recours  
beim BAGE, Einsteinstr. 2, 3003 Bern

Bundesamt für Landwirtschaft  
Office fédéral de l'agriculture  
Mattenhofstr. 5, 3003 Bern

Bundesgericht  
Tribunal fédéral  
1000 Lausanne 14

Art. 25 Abs. 1 SoSchuG

Art. 23 SoSchuG

Art. 25 Abs. 2 SoSchuG

Büro für Sortenschutz  
Bureau de la protection des variétés  
Leiterin: M. Jenni \*)  
Stellvertreter: R. Streit

CH/SCHWEIZ

TC/27/6  
-7-

**Service chargé de l'examen Station féd. de recherches agronomiques de Changins, 1260 Nyon**

**Chef: Rémi Guy, lic. ès sc.** Tél. 022 63 44 44  
Fax 022 62 13 25  
Responsabilités: Avoine, Carotte, Epeautre, Froment, Haricot, Mais, Orge, Seigle, Tournesol, Triticale

**Centre des Fouères, 1964 Conthey**

**Antoine Reist, ing. agr.** Tél 027 36 27 22  
Responsabilités Gerbera, Oeillet, Rose, Saintpaulia, Streptocarpus  
Poirier, vigne

**Prüfungsstelle der Eidg. Forschungsanstalt für Obst-, Wein- und Gartenbau, 8820 Wädenswil**  
Tel. 01 783 61 11 Fax 01 780 63 41  
**Leiter: Peter Rusterholz** Tel 01 783 62 47  
Verantwortlich für Apfel, Brombeere, Erdbeere, Himbeere, Johannisbeere, Josta-Beere, Kirsche, Pflaume, Stachelbeere, Zwetschge

**Fritz Keller, Ing.-Agr.** Tel. 01 783 61 11  
Verantwortlich für: Erbse, Fenchel, Nüsslisalat, Zwiebel

**Martin Lutz** Tel. 01 783 63 77  
Verantwortlich für: Chrysantheme, Elatior-Begonie, Hortensie, Kalanchoë, Pelargonie, Rhododendron, Weihnachtsstern

**Prüfungsstelle der Eidg. Forschungsanstalt für Landwirtschaftlichen Pflanzenbau, 8046 Zürich-Reckenholz**  
Fax 01 377 72 01  
**Leiter: D. Valenghi** Tel. 01 377 71 11  
Verantwortlich für: Knautgras, Raigras, Rotklee, Weissklee, Wiesenschwingel

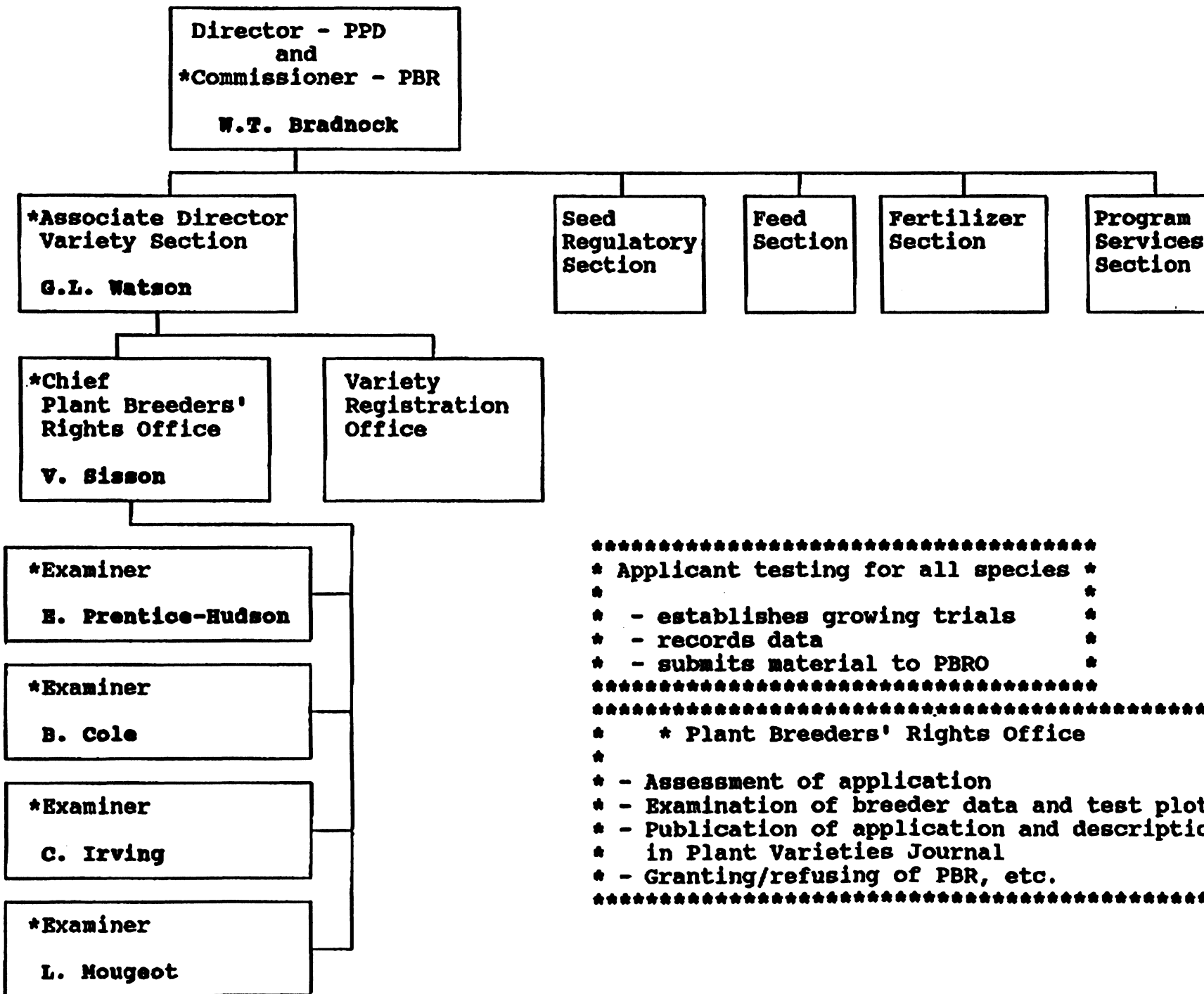
**Dr. F. Winiger** Tel. 01 377 71 11  
Verantwortlich für: Kartoffel

**ORGANISATION**  
**Büro für Sortenschutz**  
Stand 31.5.1991

\*) Büro für Sortenschutz, BLW  
Mattenhofstr. 5, CH-3003 Bern Tel: 031 61 2524 Telex: BLW CH 913 162 Telefax: 031 61 26 34



# PLANT PRODUCTS DIVISION (PPD)



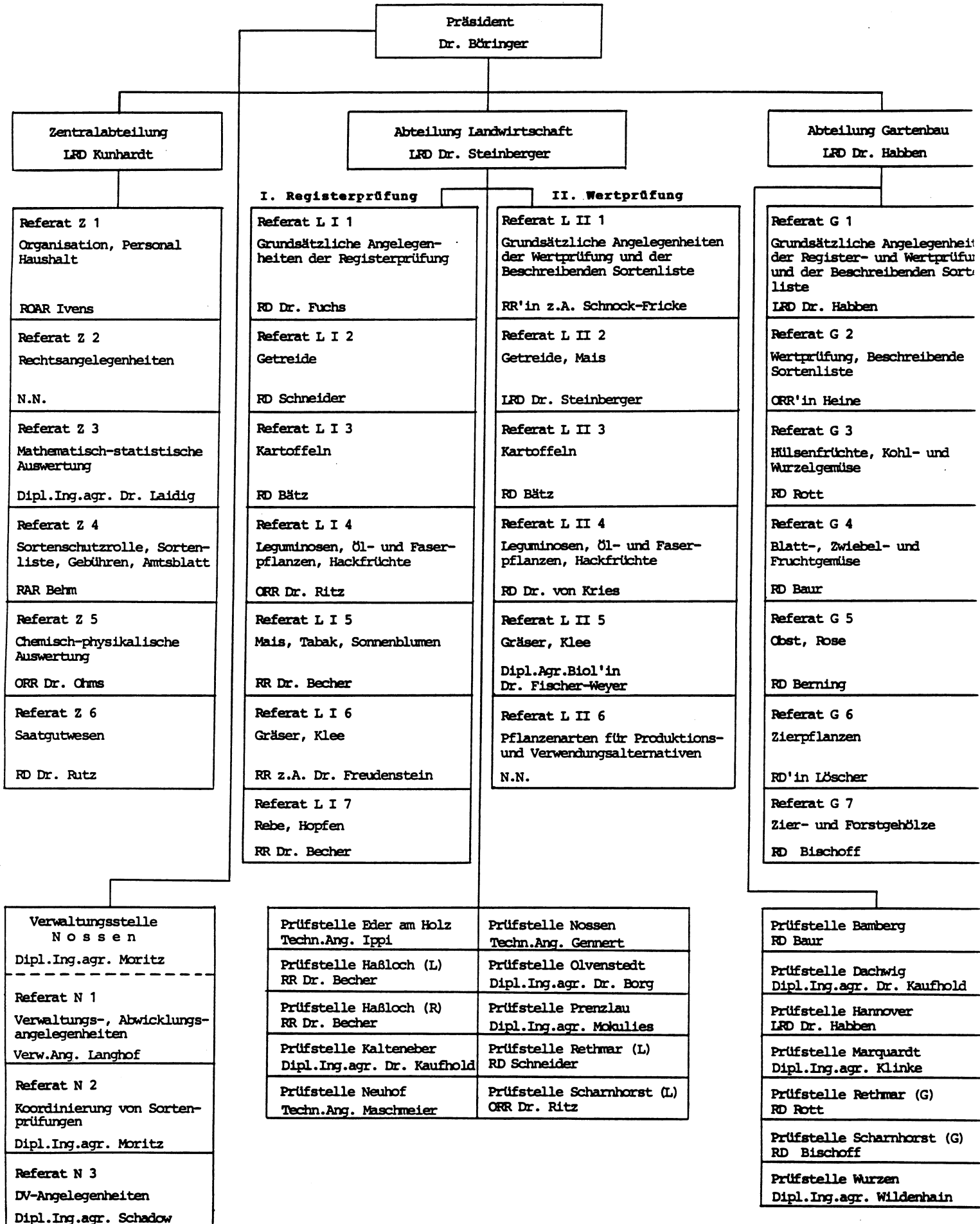
```

*****
* Applicant testing for all species *
*
* - establishes growing trials *
* - records data *
* - submits material to PBRO *
*****
*****
* * Plant Breeders' Rights Office *
*
* - Assessment of application *
* - Examination of breeder data and test plots*
* - Publication of application and description*
* in Plant Varieties Journal *
* - Granting/refusing of PBR, etc. *
*****
    
```

## DE/DEUTSCHLAND

## Organisationsplan des Bundessortenamtes

(Stand: 01.01.199



**Verwaltungsstelle  
N o s s e n**

Dipl.Ing.agr. Moritz

---

Referat N 1  
Verwaltungs-, Abwicklungsangelegenheiten  
Verw.Ang. Langhof

Referat N 2  
Koordination von Sortenprüfungen  
Dipl.Ing.agr. Moritz

Referat N 3  
DV-Angelegenheiten  
Dipl.Ing.agr. Schadow

Prüfstelle Eder am Holz Techn.Ang. Ippi	Prüfstelle Nossen Techn.Ang. Gernert
Prüfstelle Haßloch (L) RR Dr. Becher	Prüfstelle Olvenstedt Dipl.Ing.agr. Dr. Borg
Prüfstelle Haßloch (R) RR Dr. Becher	Prüfstelle Prenzlau Dipl.Ing.agr. Mokulies
Prüfstelle Kalteneber Dipl.Ing.agr. Dr. Kaufhold	Prüfstelle Rethmar (L) RD Schneider
Prüfstelle Neuhof Techn.Ang. Maschmeier	Prüfstelle Scharnhorst (L) ORR Dr. Ritz

Prüfstelle Bamberg RD Baur
Prüfstelle Dachwig Dipl.Ing.agr. Dr. Kaufhold
Prüfstelle Hannover LFD Dr. Habben
Prüfstelle Marquardt Dipl.Ing.agr. Klinke
Prüfstelle Rethmar (G) RD Rott
Prüfstelle Scharnhorst (G) RD Bischoff
Prüfstelle Wurzen Dipl.Ing.agr. Willdenhain

DK/DENMARK

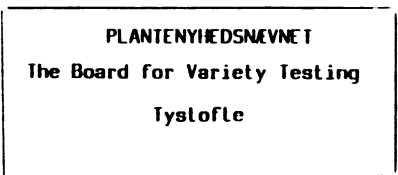
Ministry of Agriculture

Legislation

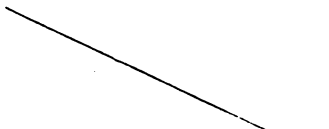


The Plant Directorate

Questions concerning  
legislation and co-operation  
with other countries



Danish Applicants



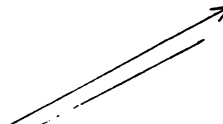
Foreign Applicants



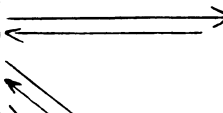
Danish Representative



Department of Floriculture  
Arslev  
ORNAMENTALS



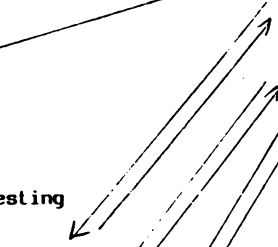
Department of Fruit Species  
Arslev  
FRUIT



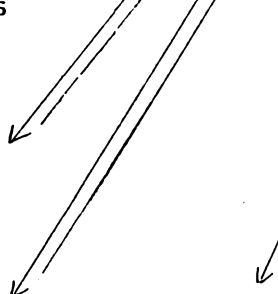
Department of Landscape Plants  
Horsum  
FOREST TREES



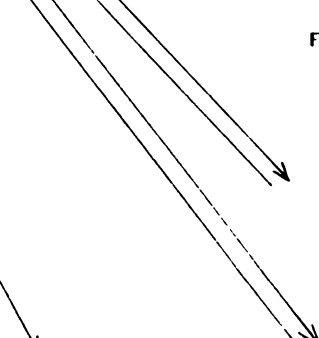
Department of Variety testing  
Tystofte  
AGRICULTURAL PLANTS  
VEGETABLES



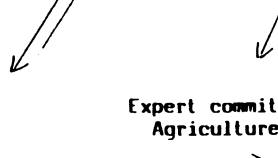
Testing abroad  
according to bilateral  
agreements  
AGRICULTURAL PLANTS



Testing abroad  
according to bilateral  
agreements  
ORNAMENTALS



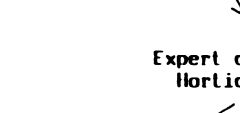
Testing abroad  
according to bilateral  
agreements  
VEGETABLES



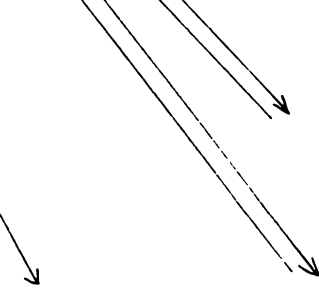
Expert committee  
Agriculture



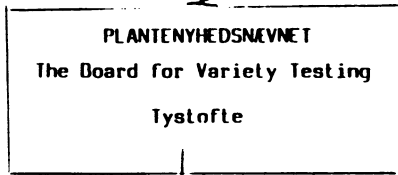
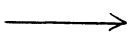
Expert committee  
Horticulture



Testing abroad  
according to bilateral  
agreements  
FRUIT



Committee for the  
Naming of Plant  
Varieties



Issue of  
Plant Breeders' Rights  
Certificate valid for  
25 years

DK/DENMARK

The addresses of the testing stations are stated below:

Department of Variety Testing  
Teglværksvej 10, Tystofte  
DK-4230 Skælskør

Department of Floriculture  
Kirstinebjergvej 10  
DK-5792 Årslev

Department of Fruit Species  
Kirstinebjergvej 12  
DK-5792 Årslev

Department of Landscape Plants  
Hornum  
DK-9600 Aars

EI/IRELAND

Organigram from Ireland

Controller of Plant Variety Rights

Granting or refusal of rights

Plant Variety Rights Office  
7C Agriculture House  
Kildare Street  
Dublin 2  
Phone 789011 Ext 3281  
Fax 616263

Administration of system including applications, renewals, fees.  
Publishing Gazette.  
Purchase of DUS reports.

DUS Test Centres

Field tests  
Recommendations to the Controller

Department of Agriculture and Food  
Backweston Farm  
Leixlip  
Co Kildare  
Phone 01-6280608  
Fax 01-6280634

Spring cereals only

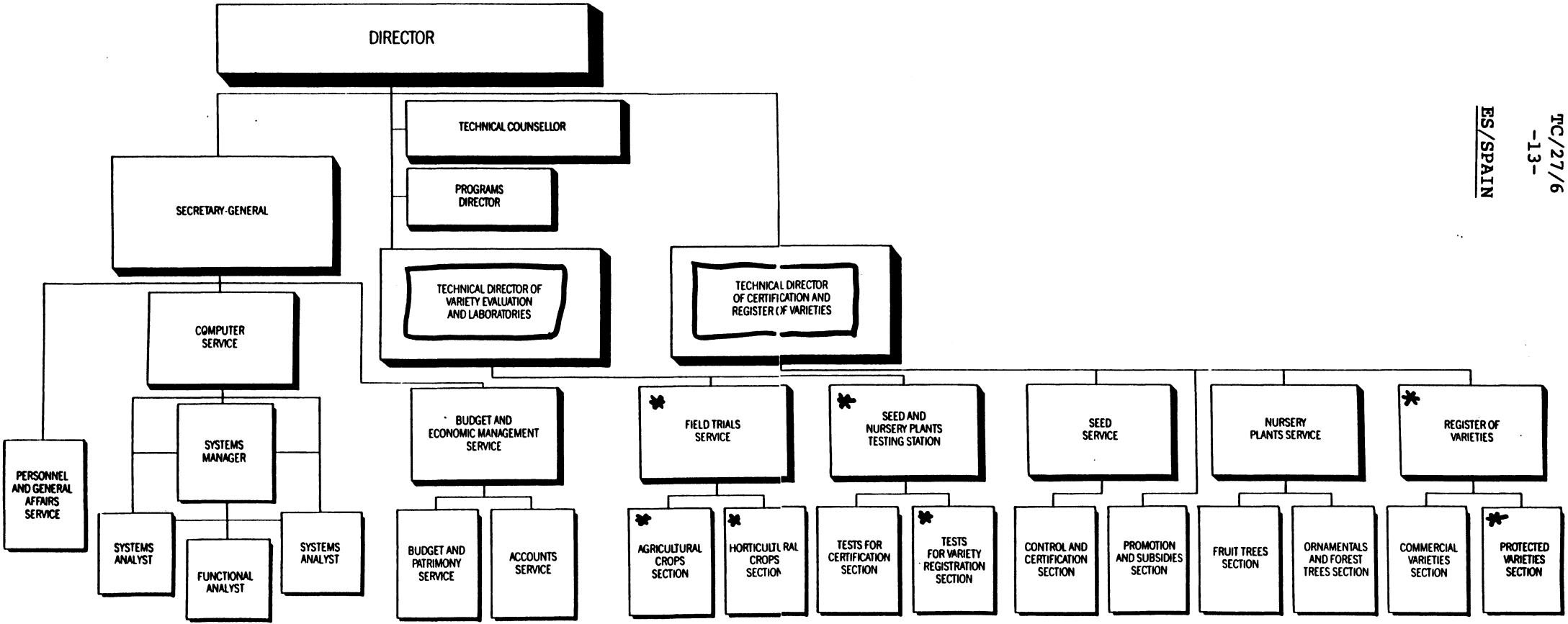
Department of Agriculture and Food  
The Tops Farm  
Raphoe  
Co Donegal  
Phone 074-45430  
Fax 074-45217

Potatoes only

Please note

If the DUS is already available in another UPOV Member State we generally purchase the report there. We only do DUS on native bred potato varieties and varieties of cereals.

# National Institute of Seeds and Nursery Plants of Spain



ES/SPAIN

TC/27/6  
-13-

ES/SPAIN

Two technical branches of our Institute develop work in relation to PBR Task:

- 1.- In the Technical Direction of Certification and Register of Varieties, the Service Register of Varieties has the protected varieties section responsible for the handling of applications.
- 2.- The execution of the D.U.S. Test is done in the Technical Direction of Varieties Evaluation and Laboratories.
- 3.- The rest of the procedure is done by the Protected Varieties Section.
- 4.- Proposal of granting or refusal of rights is the responsibility of the board for Plant Breeders' Rights.
- 5.- The Ministry for Agriculture, Food and Fisheries will granting the rights.

MINISTERE DE L'AGRICULTURE

- Applications for all species
- Request for DUS from other countries
- Request for DUS for France to other countries

COMITE POUR LA PROTECTION DES OBTENTIONS VEGETALES  
C P O V

*Request for technical examination*

GROUPE D'ETUDE ET DE CONTROLE DES VARIETES ET DES SEMENCES  
G E V E S

Technical premices  
for DUS tests

For field crops, vegetables and ornamental plants

PLANT BREEDING STATIONS

For fruit trees  
*interim and final reports*

Decision

C P O V

FR/FRANCE

TC/27/6  
-15-

1103



GB/UNITED KINGDOM

**Controller of Plant Variety Rights**

Granting, or refusal, of Rights

**Technical Liaison Officer**

Technical adviser to the Controller

**Plant Variety Rights Office**  
White House Lane, Huntingdon Road,  
Cambridge CB3 0LF

Administration of system, including applications, renewals, fees.

**Cereals Section**

**Herbage Section**

**Horticulture Section**

**DUS Test Centres**

Growing tests. Recommendations to the Controller.

**National Institute of Agricultural Botany, Huntingdon Road, Cambridge, CB3 0LE.**

Cereals, pulses, herbage and fodder crops, sugar beet, ornamentals.

**Department of Agriculture for Northern Ireland, Plant Testing Station, 50 Houston Road, Crossnacreevy, Belfast BT6 9SH.**

Herbage crops

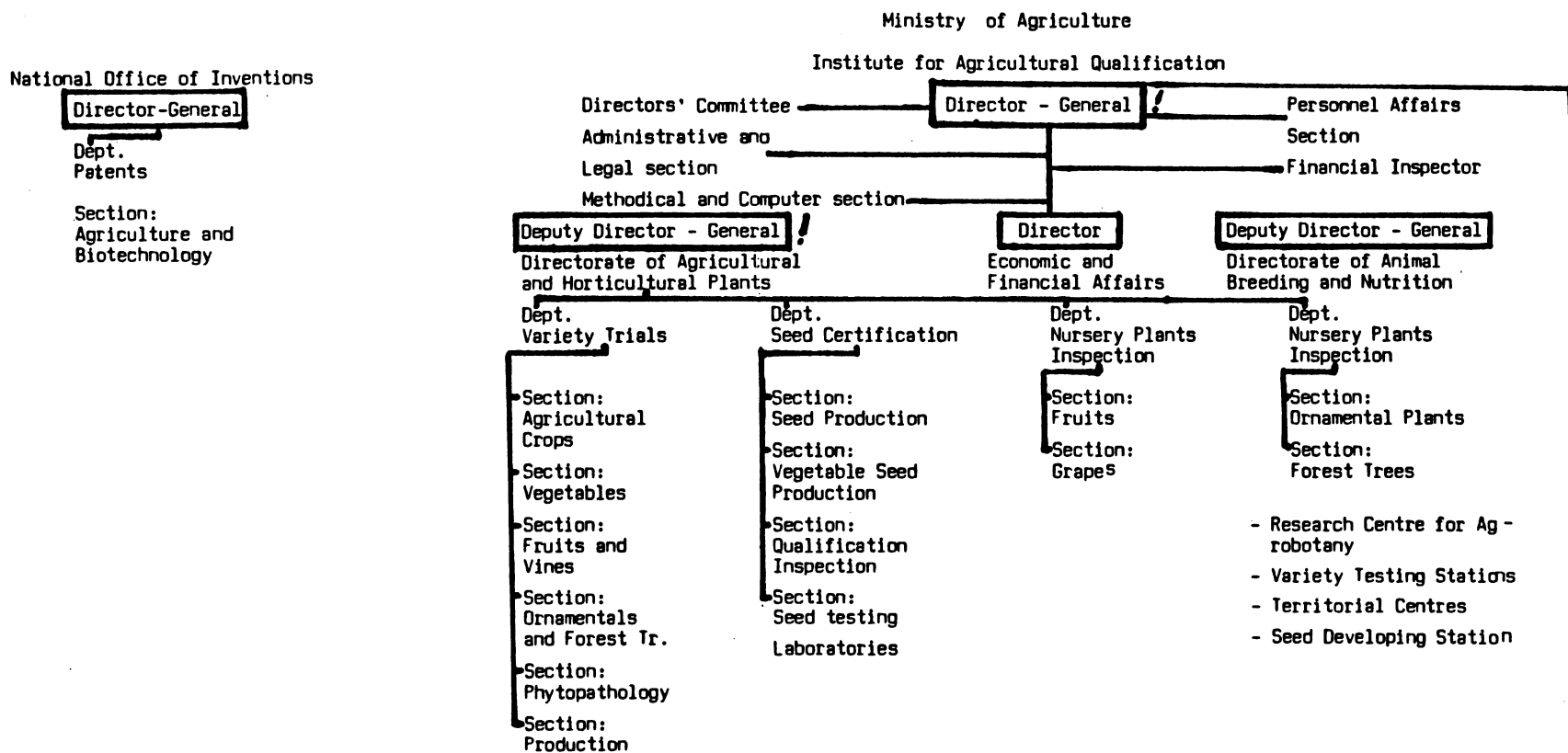
**Scottish Office Agriculture and Fisheries Department, East Craigs, Edinburgh, EH12 8NJ.**

Potatoes, vegetables, fodder crops.

**Wye College, University of London, Brogdale Farm, Faversham, Kent ME13 0XZ**

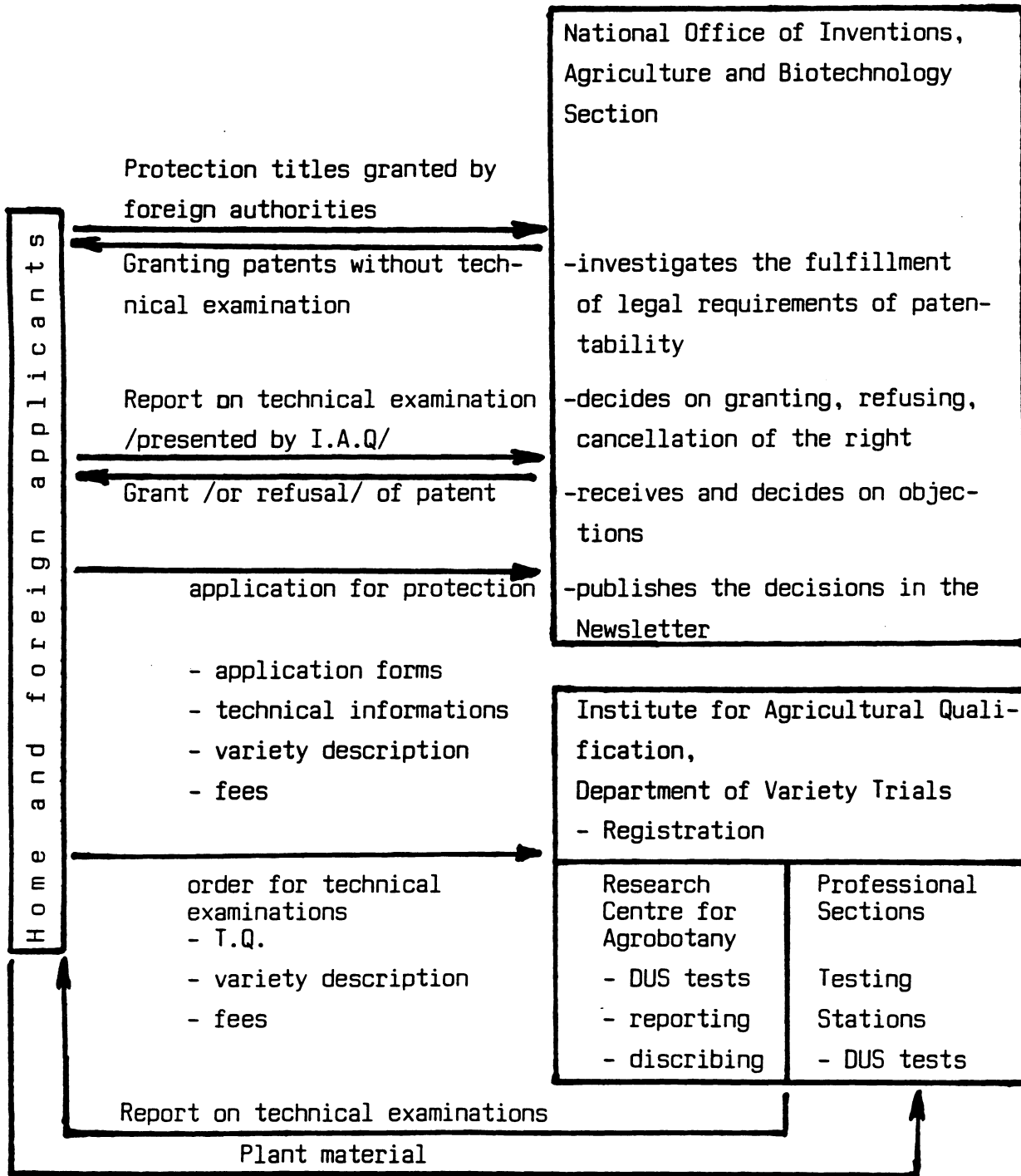
Fruit

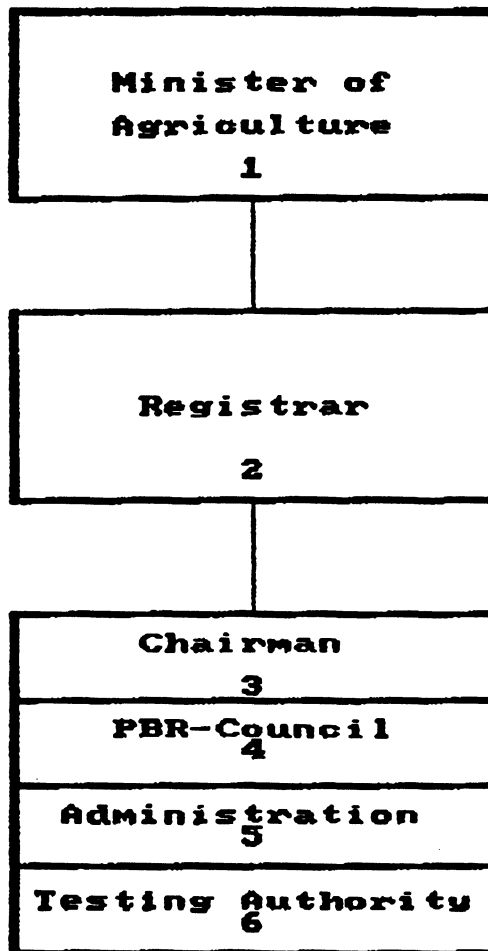
ORGANIZATION OF PLANT VARIETY PROTECTION



HU/HUNGARY

Procedure for Application for Plant  
Variety Patents



IL/ISRAEL

1. Responsible for execution of law.
2. Legal responsibility of PBR law. Issues documents and certificates.
3. Representative to UPOU. Responsible for PBR Council activities.
4. Recommends to the minister extensions to the list of plants to which the law applies.
5. Receipt of applications and their processing, including publication of gazette. Correspondence with UPOU's other member states.
6. Responsible for testing new varieties within the framework of the law. Technical Advisor to the Council.

MODULARIO  
A. F. 141

*Ministero  
dell'Agricoltura e delle Foreste*

DIREZIONE GENERALE  
DELLA PRODUZIONE AGRICOLA

III M.P.

*Divisione*

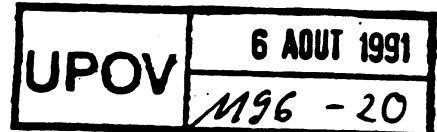
*Prot. N°*

3546

8204

D.P.A. I

Roma, 3/17 19 91



*M* Union Internationale  
por la Protection des  
~~Obtentions Végétales~~  
Chemin des Colombettes, 34  
12211 GENEVE 20 (CH)

~~OGGETTO: organigramma dell'Ufficio per la protezione delle  
novità vegetali.~~

In base alla normativa vigente (D.P.R. n. 974/75, D.M. 22 ottobre 1976, m Legge 14 ottobre 1985 n. 620) le competenze, in materia di protezione delle novità vegetali, sono suddivise tra il Ministero dell'Industria Commercio ed Artigianato (Ufficio Centrale Brevetti) e Ministero dell'Agricoltura e delle Foreste - Direzione Generale della Produzione Agricola, Div. III -.

In particolare, l'intero servizio viene gestito da un funzionario del Ministero dell'Industria e da un funzionario del Ministero dell'Agricoltura.

L'intera procedura per il rilascio del brevetto per novità vegetale può essere così schematizzato:

1) Deposito della domanda.

La domanda viene depositata presso il competente Ufficio del Ministero dell'Industria Commercio e Artigianato - Ufficio Centrale Brevetti - il quale provvede all'esame formale della domanda medesima.

2) Trasmissione della domanda al competente Ufficio del Ministero dell'Agricoltura e delle Foreste per l'accertamento dei requisiti di novità, omogeneità, differenziabilità, stabilità oltre che per l'esame della denominazione proposta la quale deve differenziarsi nettamente da tutte le altre esistenti, nell'ambito della stessa specie o di specie affini, non deve essere contraria all'ordine pubblico ed alla morale.

3) Il Ministero dell'Agricoltura e delle Foreste provvede, ove necessario, all'istituzione dei campi prova necessari all'accertamento della differenziabilità, stabilità ed

IT/ITALY

omogeneità delle varietà per le quali è stata avanzata richiesta di brevetto per novità vegetale. In tale attività il Ministero si avvale della collaborazione di organismi di sperimentazione operanti nel campo agricolo. In particolare le prove di campo vengono condotte dai seguenti Istituti:

- a) Istituto sperimentale di floricoltura di Sanremo per le specie da fiore e le ornamentali.
- b) Istituto sperimentale per la frutticoltura per le varietà da frutto.
- c) Ente Nazionale Sementi Elette - Sez. di Battipaglia - per le varietà di specie da orto.
- d) Istituto sperimentale di cerealicoltura per i cereali.
- e) Istituto Sperimentale per le colture industriali per le varietà di barbabietola, soia, girasole etc.

Non sempre si procede all'esecuzione delle prove di campo in quanto, quando queste sono state effettuate con sufficienti garanzie in altro Stato aderente all'UPOV, vengono accolti i risultati di tali prove effettuate all'estero.

4) I risultati dell'esame formale della domande (comprese le eventuali osservazioni da parte di terzi) ed i risultati delle prove (sia effettuate in Italia che in altro Paese aderente all'UPOV) vengono presentati ad una Commissione consultiva incaricata di esprimere il proprio parere in merito. Tale Commissione ha sede presso il Ministero dell'Agricoltura e delle Foreste ed è composta:

- 1) da un Presidente di sezione del Consiglio di Stato che la presiede;
- 2) dal Direttore Generale della Produzione agricola del Ministero dell'Agricoltura e delle Foreste;
- 3) dal Direttore Generale della Tutela dei Prodotti Agricoli del Ministero dell'Agricoltura e delle Foreste;
- 4) dal Direttore Generale dell'Economia Montana e delle Foreste del Ministero dell'Agricoltura e delle Foreste;
- 5) dal Direttore della Div. III della Direzione Generale della Produzione Agricola del Ministero dell'Agricoltura e delle Foreste;
- 6) dal Direttore dell'Ufficio Centrale Brevetti del Ministero dell'Industria Commercio ed Artigianato;

IT/ITALY

- 7) da un professore ordinario della facoltà di agraria di una Università;  
 8) da un Direttore di un Istituto agrario sperimentale;  
 9) da un esaminatore tecnico dell'Ufficio Centrale Brevetti del Ministero dell'Industria Commercio e Artigianato;  
 10) da un funzionario del Ministero della Sanità;  
 11) da un funzionario del Ministero dell'Agricoltura e delle Foreste che svolge la funzione di segretario.

5) I pareri formulati dalla Commissione, di cui al punto precedente, vengono quindi trasmessi al competente Ufficio del Ministero dell'Industria Commercio ed Artigianato, il quale, a conclusione del procedimento, provvede al rilascio del titolo di protezione.

Presso Il Ministero dell'Industria Commercio e Artigianato ha sede la Commissione Ricorsi.

SINTESI

FASE	MINISTERO COMPETENTE
1) Deposito domanda	Industria
2) Istruttoria domanda	"
3) Indagine denominazione	Agricoltura
4) Accertamento requisiti	"
5) Espressione parere	"
6) Trasmissione parere	"
7) Rilascio del titolo	Industria
8) Ricorsi	"

Attualmente, la normativa vigente in Italia non prevede la protezione di tutte le specie vegetali, ma di circa 180 specie elencate in appositi Decreti Ministeriali.

Il servizio, annualmente, procede all'esame di circa 300 domande di brevetto per novità vegetale, inoltre, sono stati rilasciati circa 900 titoli di protezione.

Si allegano copie delle norme attualmente in uso in Italia.

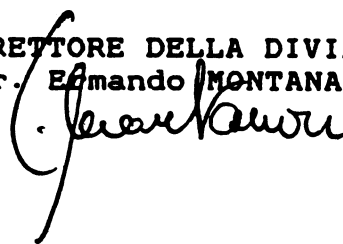
IT/ITALY

P.S.: Funzionari responsabili del servizio.

Dr. Testa Armando  
Ministero Industria Commerci e Artigianato  
Ufficio Centrale Brevetti  
Via Molise, 19  
00187 ROMA  
Tel. 06/470513062

Dr. Strazzulla Domenico  
Ministero Agricoltura e Foreste  
Direzione Generale della Produzione Agricola - Div. III  
Via XX Settembre, 20  
00187 ROMA  
Tel. 06/4744651  
Fax. 06/4819580

IL DIRETTORE DELLA DIVISIONE  
(Dr. Edmundo MONTANARI)



SD//

8



IT/ITALY

Traduction de la lettre  
en date du 31 juillet 1991, réf. III M.P., Prot.No. 3546  
du Dr. Ermando Montanari, Directeur de la Division,  
Direction générale de la Production agricole,  
Ministère de l'Agriculture et des Forêts, Rome, Italie

Objet : Organigramme de l'Office pour la protection des obtentions végétales

Conformément à la législation en vigueur (D.P.R. n° 974/75, D.M. du 22 octobre 1976, loi du 14 octobre 1985, n° 620), les compétences en matière de protection des obtentions végétales sont réparties entre le Ministère de l'industrie, du commerce et de l'artisanat (Office central des brevets) et le Ministère de l'agriculture et des forêts (Direction générale de la production agricole, Div. III).

Plus précisément, le service est entièrement géré par un fonctionnaire du Ministère de l'industrie et par un fonctionnaire du Ministère de l'agriculture.

La procédure de délivrance du brevet d'obtention végétale peut être résumée comme suit :

1) Dépôt de la demande

La demande est déposée auprès du service compétent du Ministère de l'industrie, du commerce et de l'artisanat, à savoir l'Office central des brevets, qui procède à l'examen de forme de cette demande.

2) Transmission de la demande au service compétent du Ministère de l'agriculture et des forêts pour vérification de l'observation des conditions de nouveauté, d'homogénéité, de caractère distinctif et de stabilité ainsi que pour l'examen de la dénomination proposée, laquelle doit être nettement distincte de toutes celles qui existent déjà, dans le cadre de la même espèce ou d'espèces voisines, et ne doit pas être contraire à l'ordre public ni aux bonnes moeurs.

3) Le Ministère de l'agriculture et des forêts veille, au besoin, à la création des champs d'essai nécessaires à la vérification du caractère distinctif, de la stabilité et de l'homogénéité des variétés ayant fait l'objet d'une demande de brevet d'obtention végétale. Pour ce faire, il s'assure la collaboration d'organismes d'expérimentation compétents dans le domaine agricole. Les essais sont notamment menés par les organismes suivants :

a) Istituto sperimentale di floricoltura de Sanremo pour les espèces de fleurs et les espèces ornementales.

b) Istituto sperimentale per la frutticoltura pour les variétés de fruits.

c) Ente Nazionale Sementi Elette - Sect. de Battipaglia - pour les variétés d'espèces potagères.

d) Istituto sperimentale di cerealicoltura pour les céréales.

e) Istituto Sperimentale per le colture industriali pour les variétés de betterave, de soja, de tournesol, etc.

IT/ITALY

Les essais ne sont pas toujours exécutés car, s'ils l'ont déjà été avec toutes les garanties nécessaires dans un autre Etat membre de l'UPOV, les résultats de ces essais effectués à l'étranger sont repris.

4) Les résultats de l'examen de forme de la demande (y compris, le cas échéant, les observations des tiers) et les résultats des essais (qu'ils aient été effectués en Italie ou dans un autre pays membre de l'UPOV) sont présentés à une commission consultative chargée de formuler un avis sur le fond. Cette commission est instituée auprès du Ministère de l'agriculture et des forêts et se compose :

1) d'un président de section du Conseil d'Etat, qui en assure la présidence;

2) du directeur général de la production agricole du Ministère de l'agriculture et des forêts;

3) du directeur général pour la protection des produits agricoles du Ministère de l'agriculture et des forêts;

4) du directeur général de l'économie de montagne et des forêts du Ministère de l'agriculture et des forêts;

5) du directeur de la Division III de la Direction générale de la production agricole du Ministère de l'agriculture et des forêts;

6) du directeur de l'Office central des brevets du Ministère de l'industrie, du commerce et de l'artisanat;

7) d'un professeur ordinaire de la faculté des sciences agraires d'une université;

8) du directeur d'un institut agraire expérimental;

9) d'un examinateur technicien de l'Office central des brevets du Ministère de l'industrie, du commerce et de l'artisanat;

10) d'un fonctionnaire du Ministère de la santé;

11) d'un fonctionnaire du Ministère de l'agriculture et des forêts, qui en assure le secrétariat.

5) Les avis formulés par la commission dont il est fait état à l'alinéa précédent sont ensuite transmis au service compétent du Ministère de l'industrie, du commerce et de l'artisanat qui, à l'issue de la procédure, délivre le titre de protection

Une commission des recours est instituée auprès du Ministère de l'industrie, du commerce et de l'artisanat.

IT/ITALY

## RESUME

PHASE DE LA PROCEDURE	MINISTERE COMPETENT
1) Dépôt de la demande	Industrie
2) Instruction de la demande	"
3) Examen de la dénomination	Agriculture
4) Vérification de l'observation des conditions prescrites	"
5) Formulation d'un avis	"
6) Transmission de l'avis	"
7) Délivrance du titre	Industrie
8) Recours	"

A l'heure actuelle, la législation en vigueur en Italie ne prévoit pas la protection de toutes les espèces végétales mais d'environ 180 espèces précisées dans les décrets ministériels promulgués à cet effet.

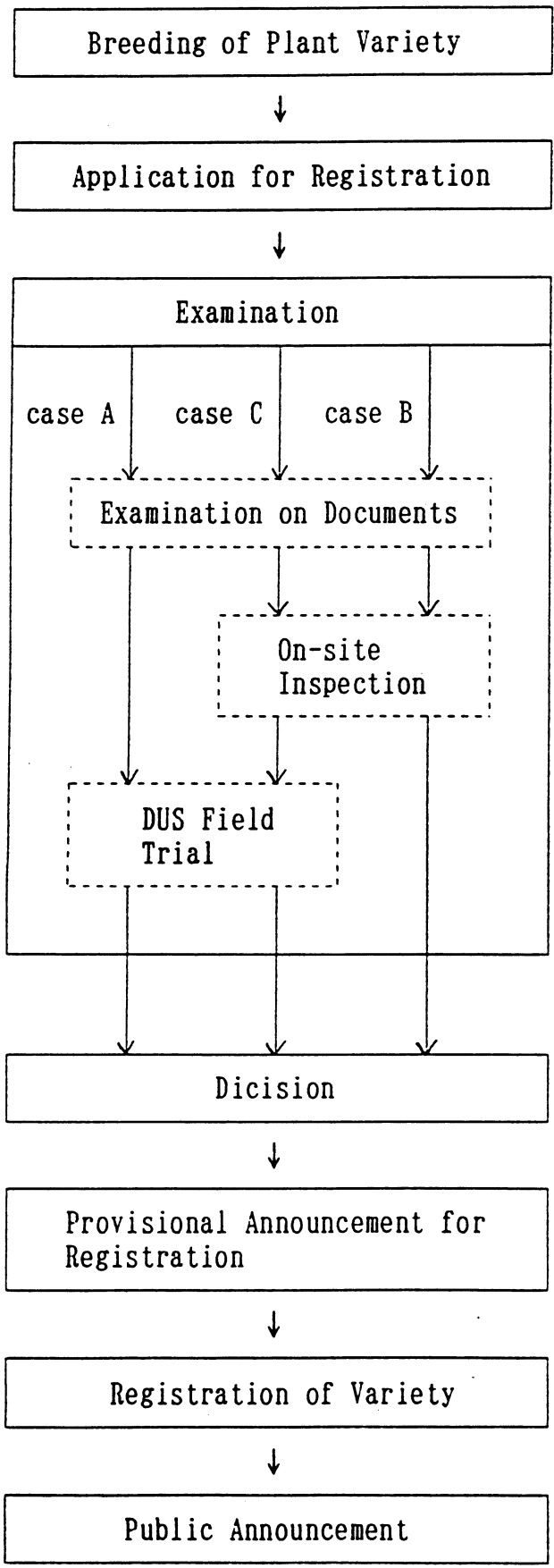
Le service procède chaque année à l'examen de quelque 300 demandes de brevet d'obtention végétale et environ 900 titres de protection ont été délivrés.

Fonctionnaires responsables du service :

Dr. Testa Armando  
 Ministero Industria Commerci e Artigianato  
 Ufficio Centrale Brevetti  
 Via Molise, 19  
 00187 ROMA  
 Tel. 06/470513062

Dr. Strazzulla Domenico  
 Ministero Agricoltura e Foreste  
 Direzione Generale della Produzione Agricola - Div. III  
 Via XX Settembre, 20  
 00187 ROMA  
 Tel. 06/4744651  
 Fax. 06/4819580

(1) General Scheme of Plant Variety Protection in Japan



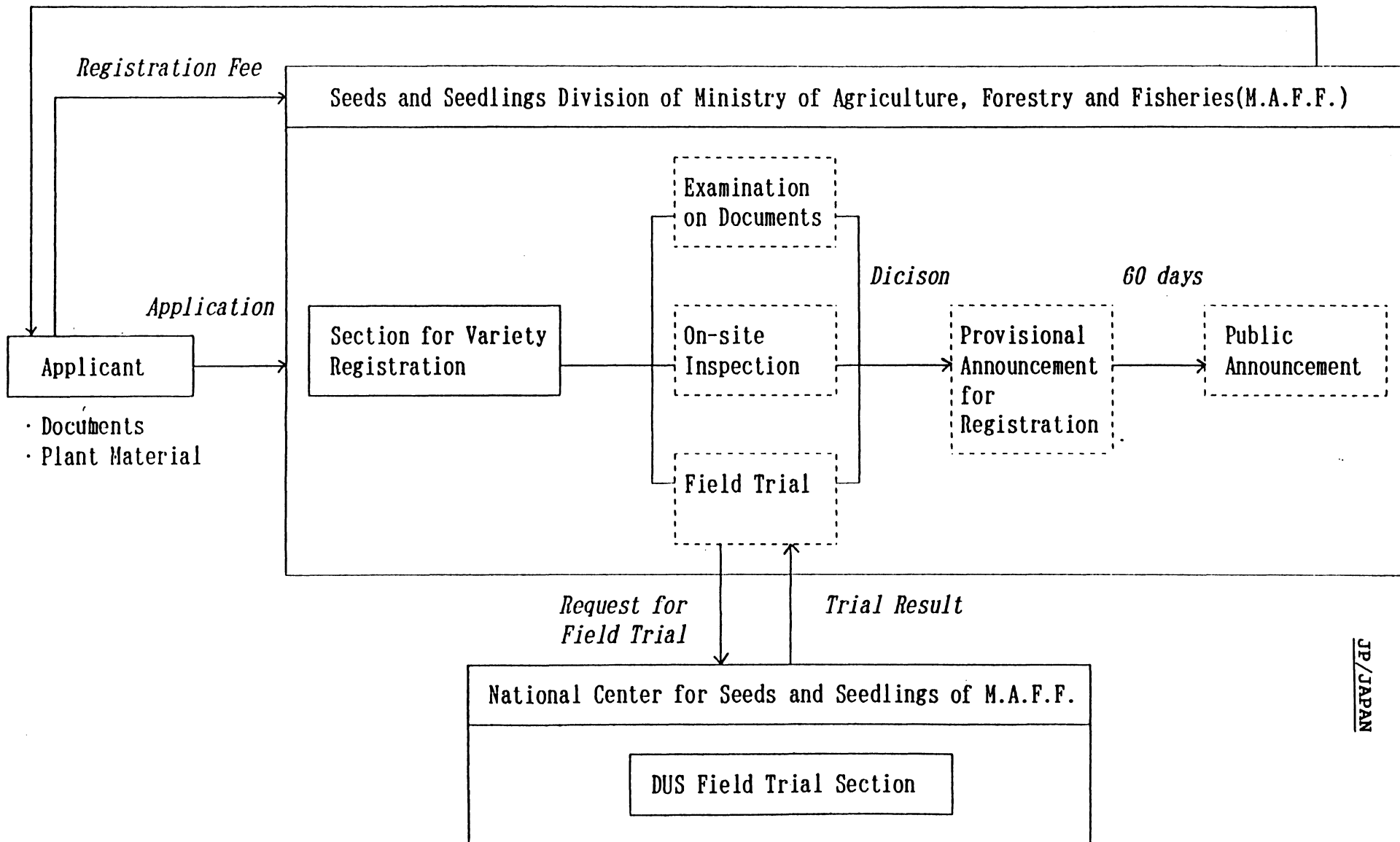
[case A]  
Normal case.

[case B]  
Applications from breeders with the data, to some extent reliable, but not sufficiently reliable.

[case C]  
Case C is also applied to case B. After on-site inspection, if it turns out that the result is doubtful(uncertain), DUS field trial is required.

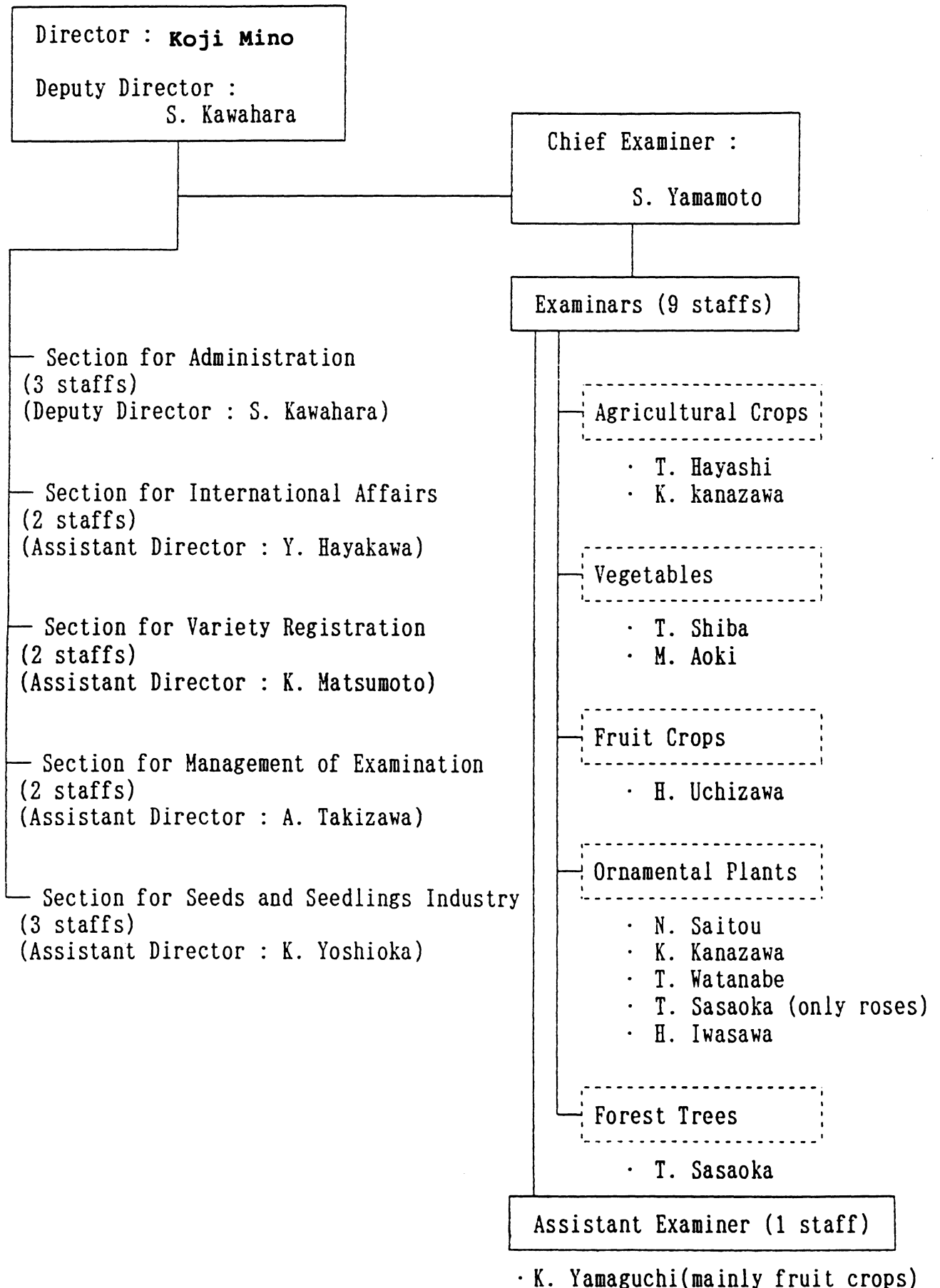
(2) General Procedure of Application and Grant of Plant Breeders Right

Grant (or Refusal) of Right · Certificate

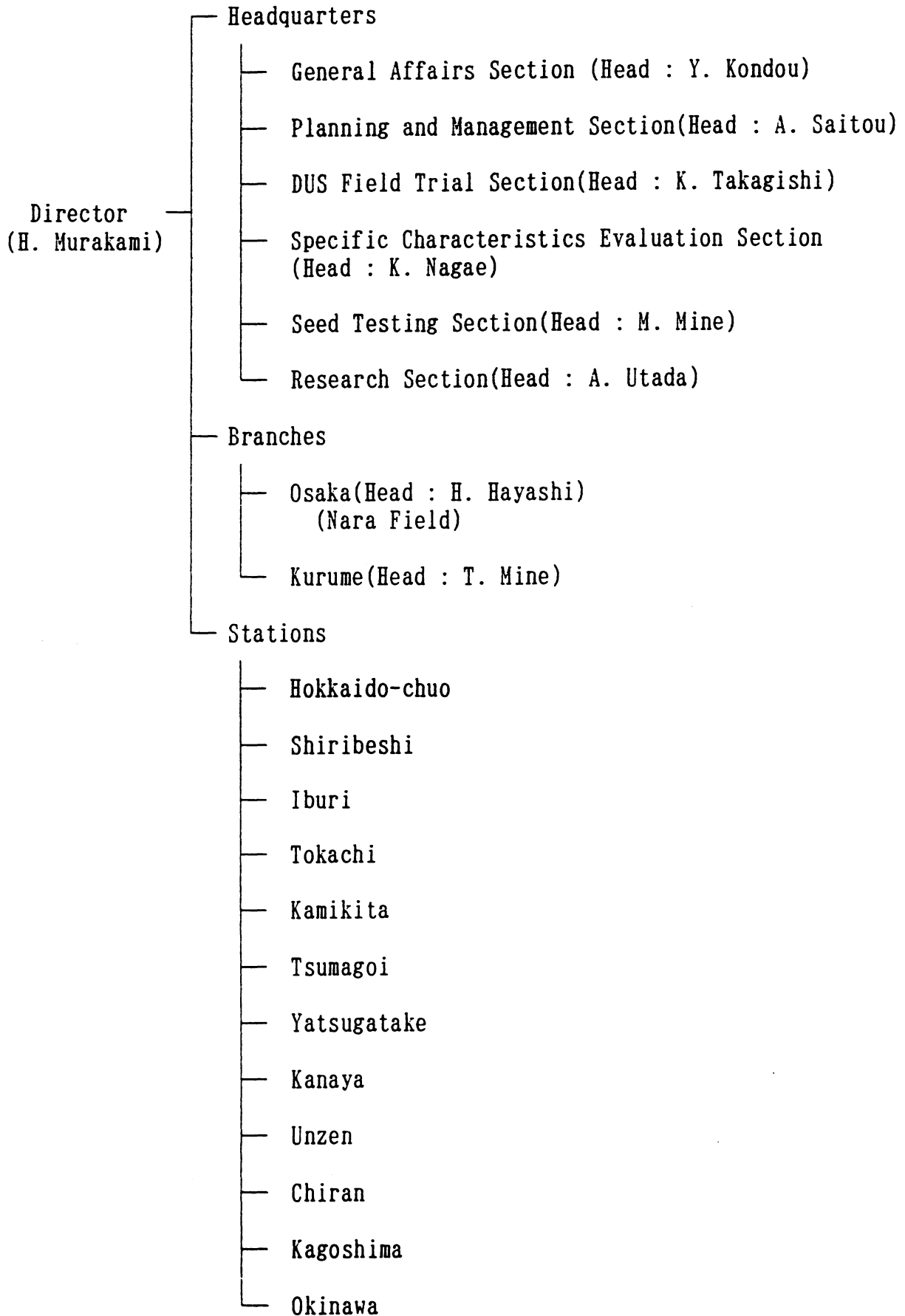


11-16

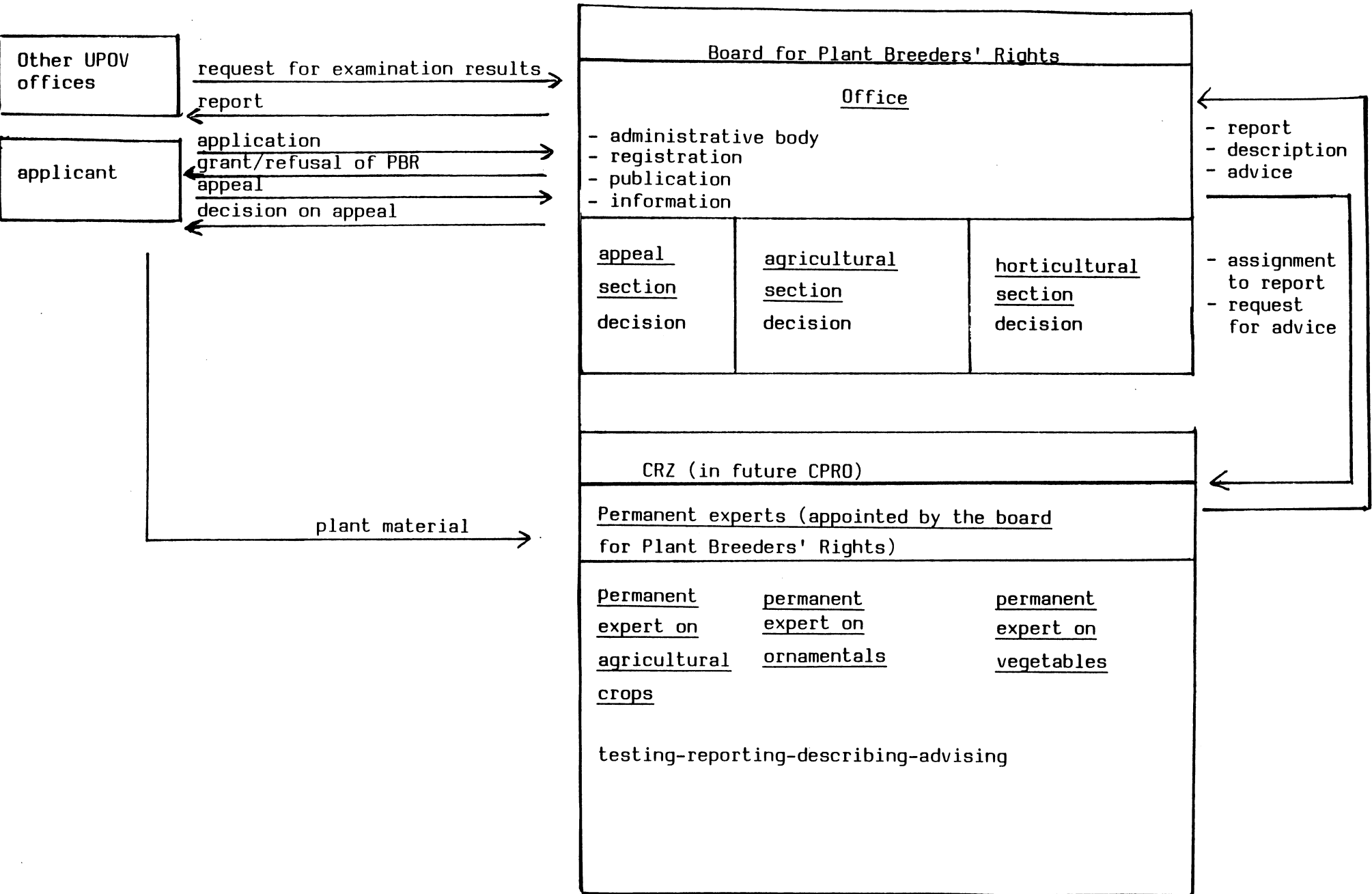
(3) Organization of Seeds and Seedlings Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries



(4) Organization of the National Center for Seeds and Seedlings (N.C.S.S.)



PLANT VARIETY PROTECTION IN THE NETHERLANDS



NL/NETHERLANDS



NL/NETHERLANDS**Organization of Plant Variety Protection and DUS-Testing in the Netherlands**

**Authority** Raad voor het Kwekersrecht (Board of Plant Breeders' Rights)  
Wageningen  
(resorting under the Ministry of Agriculture)

Subdivision: Department Agriculture  
Department Horticulture  
Central Department  
Department for Appeal

**President:** Mr B.P. Kiewiet  
**Secretary:** Mr P.H.M. van Beukering

**Office:** The administration of applications, grants a.s.o.  
and fees are kept by the office.  
Head of the office is the Secretary of the Board.

**Testing  
and  
Report on  
Technical  
Examination**

Centre for Plant Variety Research and Seed Technology (CRZ)  
(formerly RIVRO), Wageningen  
especially the DUS-department (RKO)  
and Foreign testing authorities

The DUS-department consists of three sections:

- Agriculture (field and forage crops)
- Vegetables (including mushrooms and pulse crops)
- Ornamentals

(including bulbs, pot plants and trees and shrubs)

The leaders of these sections are the Permanent Experts of the Board for Plant Breeders' Rights. They are responsible for the testing work and the technical reports.

**Staff:** see separate organigram of CRZ/(CPRO)

- \* For Horticultural species the Experts are assisted by Committees of Experts.
- \* Within CRZ is a Methodology Department for the development of new methods in DUS-testing.

**Decision/  
Grant of Rights**

Board of Plant Breeders' Rights

and registration in:  
Nederlands Rassen Register (NRR)  
(Dutch Register of Varieties)

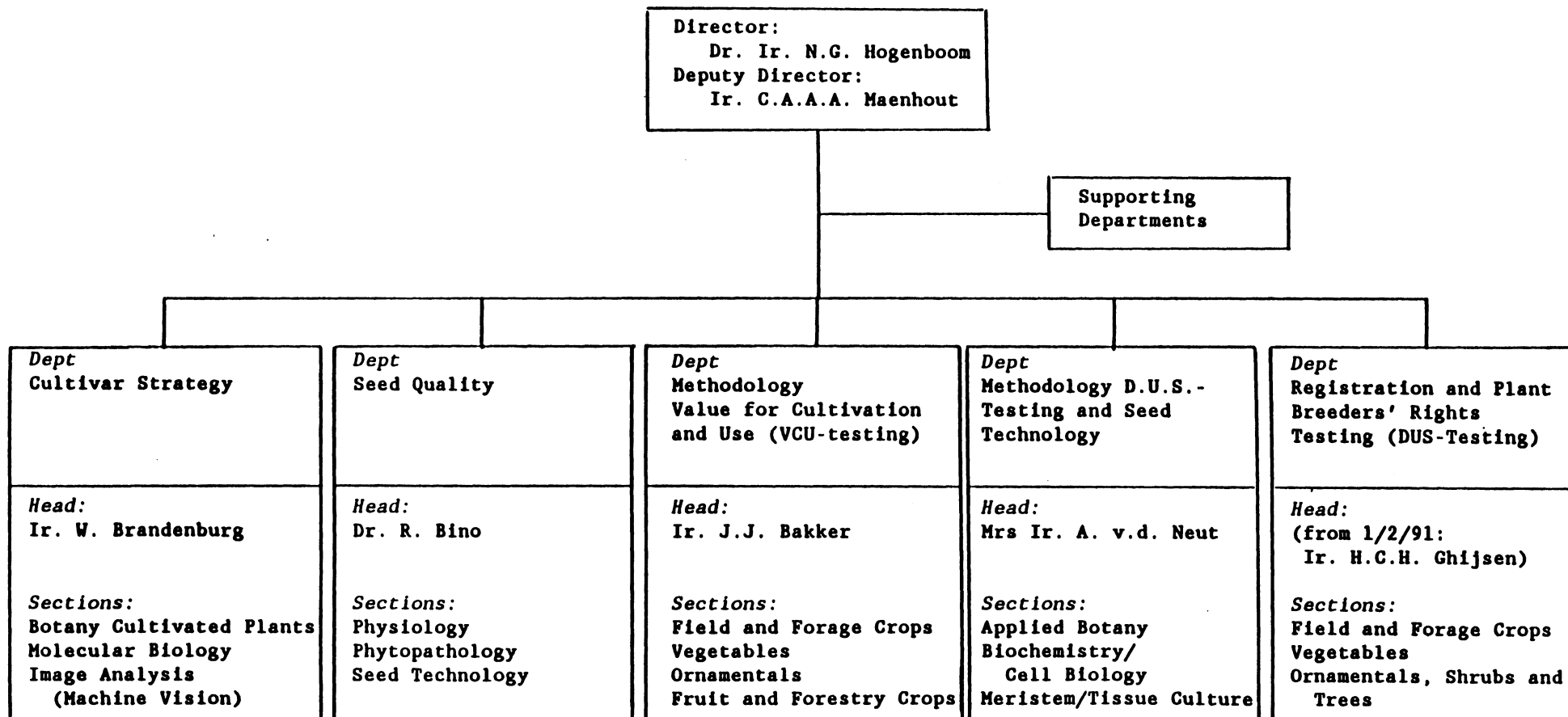
**Post-Control**

Inspection Services for:

- Agricultural Crops: NAK, Ede  
director Mr P. Oosterveld
- Vegetable Crops : NAK-G, Roelofarendsveen  
director Mr. N.C.A. Koomen

Organization of Variety Research and Variety Testing in The Netherlands

C.R.Z.



NL/NETHERLANDS

TC/27/6  
-33-

11-31

1132

NL/NETHERLANDS

Organization of DUS-testing and Methodology in CRZ (CPRO), The Netherlands

Department for Registration  
and Plant Breeders' Rights  
Testing  
- R.K.O.-

Department for Methodology  
in DUS Testing  
- M.O.R.Z.-

*Head:*

*Head:*

Ir. H.C.H. Ghijsen - from 1.2.1991

Mrs Ir. A. van der Neut

*Section Field crops:*

*Section Applied Botany:*

Ir. H.C.H. Ghijsen

Mrs Ir. A. van der Neut

*Section Vegetables:*

*Section Biochemistry and  
Cell Biology:*

Ir. N.P.A. van Marrewijk

Mrs Ir. G. Booy

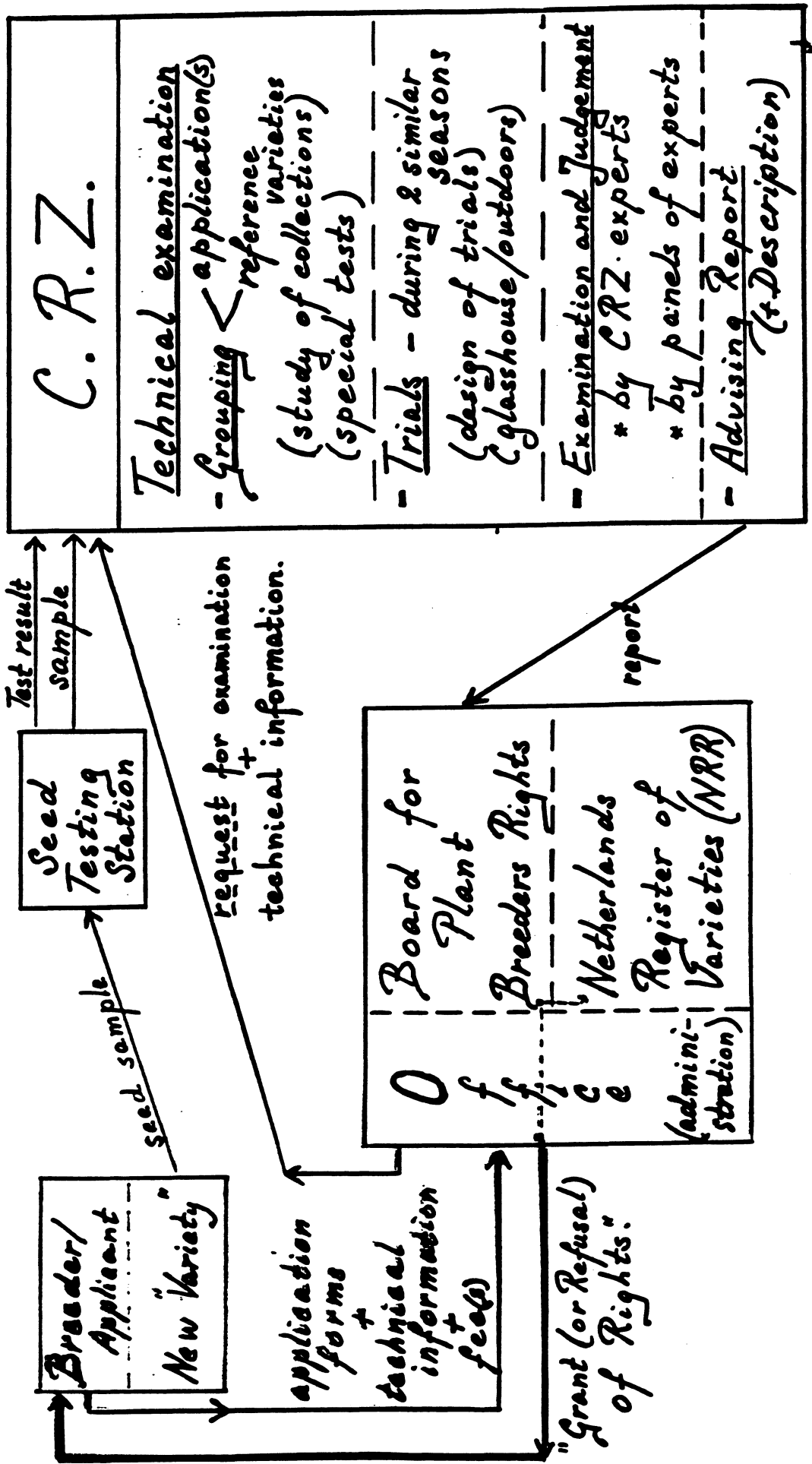
*Section Ornamentals (including  
Woody Ornamentals and trees):*

*Section Stock Material:*

Ir. C.J. Barendrecht

Dr. P. Miedema

# General Procedure for Application for Plant Breeders Rights



**C. R. Z.**

Technical examination(s)

- Grouping < reference varieties (study of collections) (special tests)
- Trials - during 2 similar seasons (design of trials) (glasshouse/outdoors)
- Examination and Judgement
  - \* by CRZ experts
  - \* by panels of experts
- Advising Report (t-Description)

Seed Testing Station

Test result

sample

request for examination + technical information.

Board for Plant Breeders Rights

Netherlands

Register of Varieties (NRR)

Office of the Netherlands Register of Varieties (NRR) (administration)

Breeder/ Applicant

New Variety

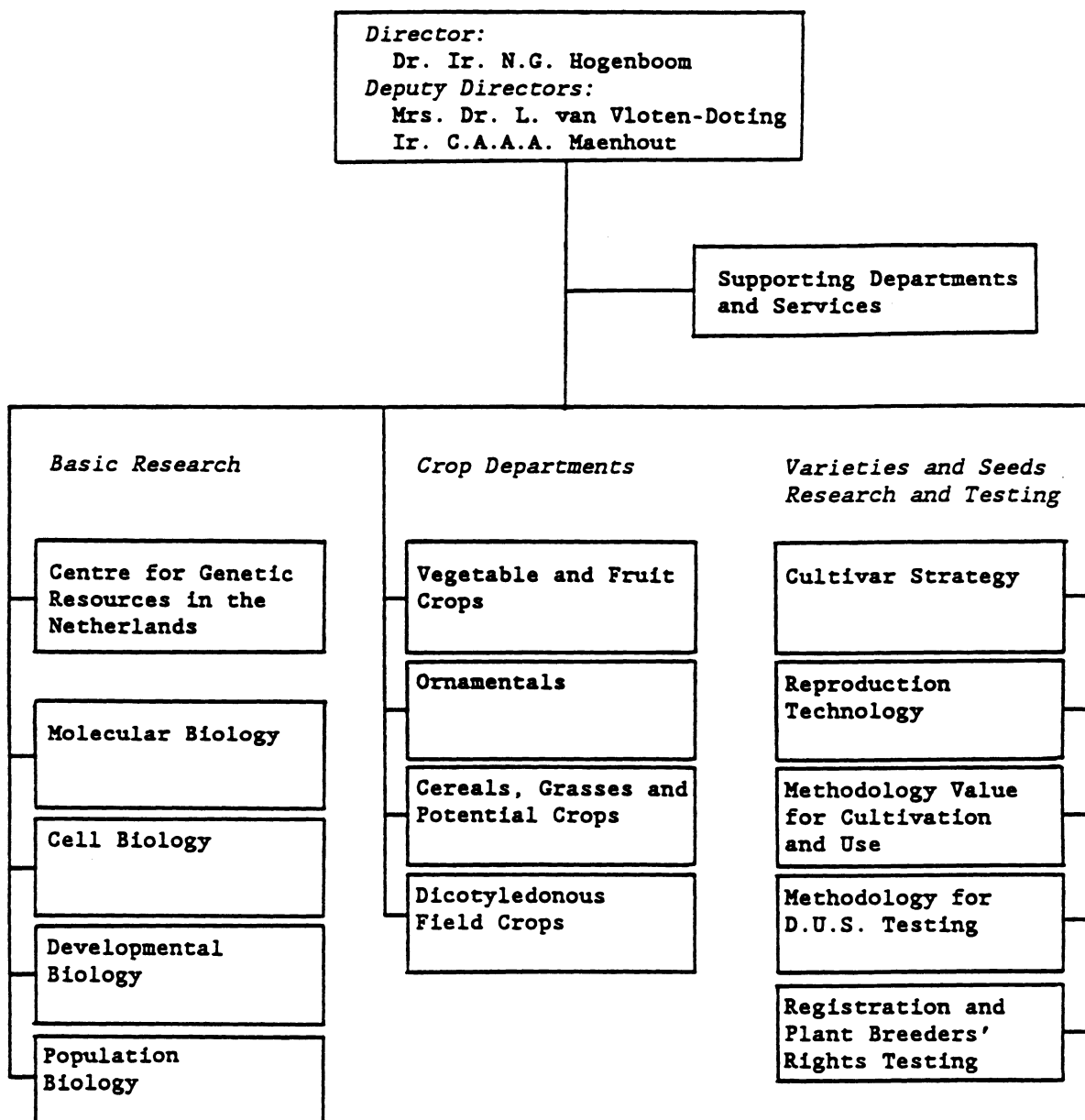
application forms + technical information fee(s)

Grant (or Refusal) of Rights.

NL/NETHERLANDS

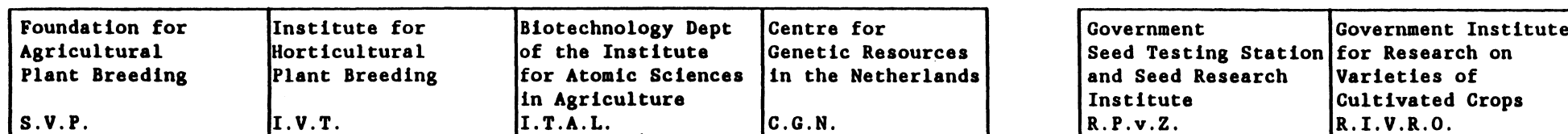
Organization of the Centre for Plant Breeding and Reproduction Technology Research (C.P.R.O.), Wageningen, The Netherlands

(from early 1991, tentative)



**Reorganization of Research on Plant Breeding, Varieties and Seed Technology in The Netherlands**

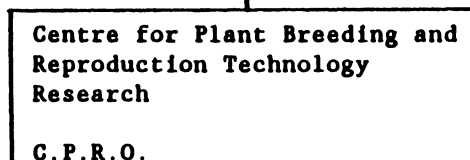
*Old situation:*



*Situation 1990:*



*Situation from early 1991:  
(tentative)*



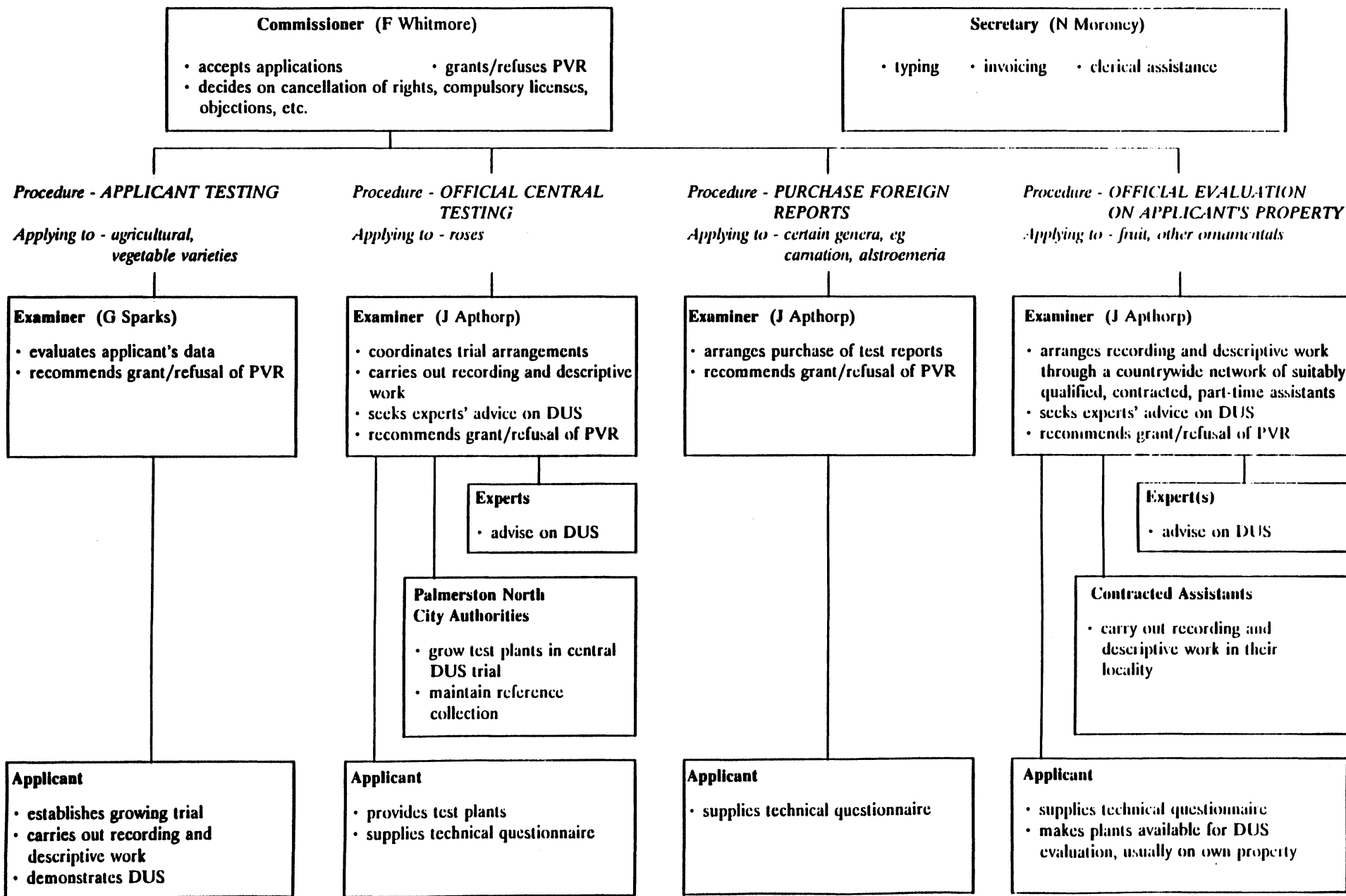
CRZ/NvM, 90.12.14.

NL/NETHERLANDS

TC/27/6  
-37-

11035

REPRESENTATION OF NEW ZEALAND PLANT VARIETY RIGHTS (PVR) PROCEDURES (1991)



NZ/NEW ZEALAND

11-46

NZ/NEW ZEALAND**NEW ZEALAND PVR PROCEDURES - EXPLANATORY NOTES****Applicant testing**

In most cases the evaluation by the examiner includes inspection of the breeder's growing trial.

Applicant testing is technically acceptable in the case of agricultural crops, pasture plants and vegetables because:

- the applicant is generally a sizeable organisation with scientifically-trained staff who may be presumed capable of properly conducting DUS tests
- the number of applications at any time, and the number of varieties of common knowledge, are comparatively few and accordingly the evaluation of distinctness is not as difficult as might otherwise be the case.

An exception to the rule applies in the case of ryegrass varieties. Because of an increase in number of applications and anticipated difficulties in differentiating between varieties, a change was made in 1990 to having all candidate varieties grown together in centralised test sites. This testing is organised on a cooperative basis by ryegrass breeders.

**Official central testing**

The official central testing system for roses is a close copy of the UK scheme. Because of the number of applications for rose varieties each year (approximately 30) it is believed that official central testing, rather than any form of applicant testing, was the only technically acceptable way of establishing that candidate varieties are eligible, in particular as regards distinctness.

**Purchase foreign reports**

We opt for using overseas test reports:

- in the case of plants predominantly grown indoors, or under controlled glasshouse or shadehouse conditions, ie where climatic differences are minimised,
- from a UPOV country which is a breeding centre for the genus or where the testing authority has expertise that the New Zealand Plant Variety Rights Office does not have,
- where the variety has been or is to be tested abroad.



NZ/NEW ZEALAND**Official evaluation on applicant's property**

Official, rather than applicant, evaluation is preferred with the kinds of plants referred to. In general applicants are individuals or small businesses and the persons involved do not necessarily have technical training that would enable them to record and describe their varieties in a way that would give us confidence in the results.

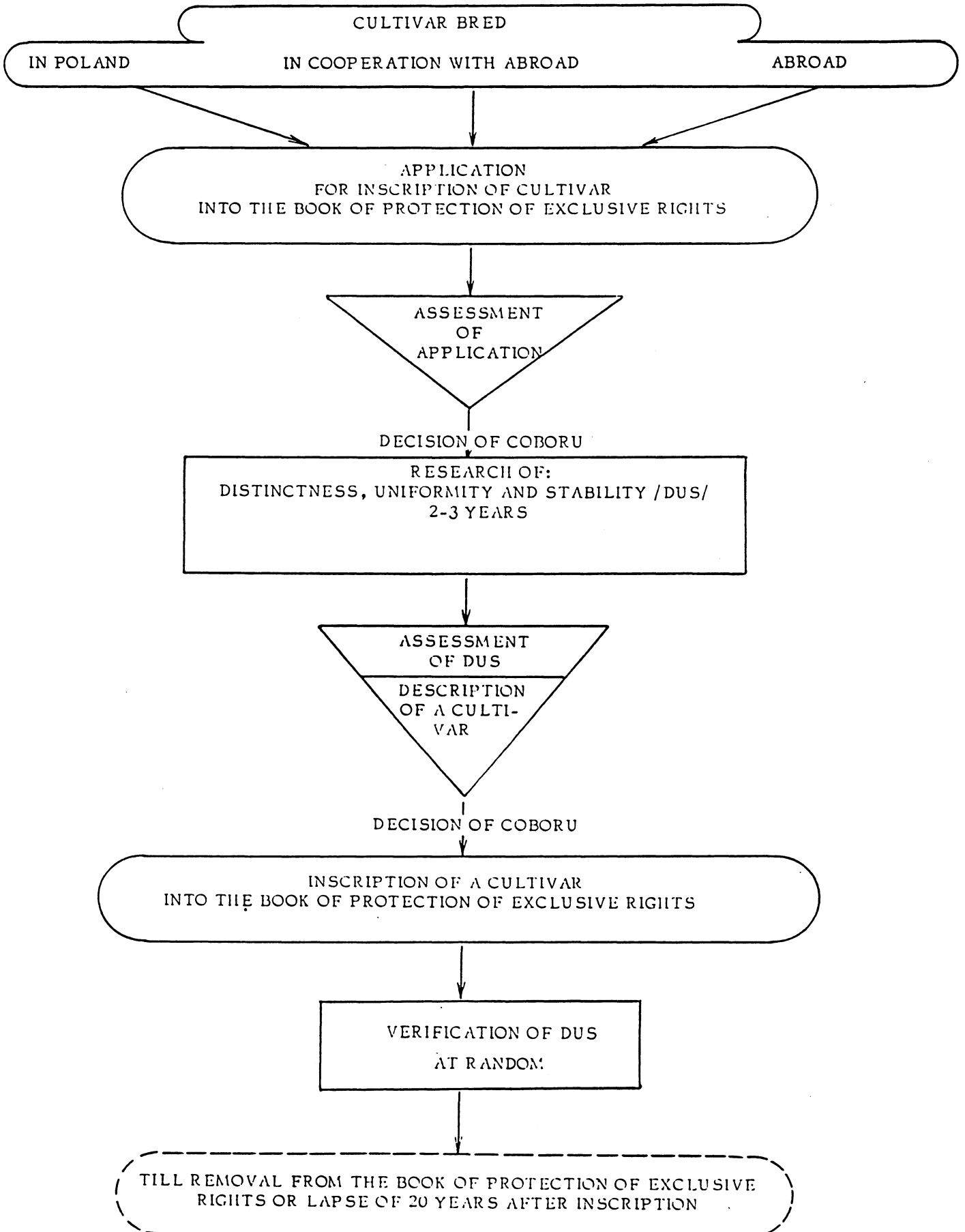
We believe the system particularly suitable for genera where there are few applications and few varieties of common knowledge. In the case of fruit trees another advantage is that much time is saved by not having to wait for young trees supplied to a central test site to mature.

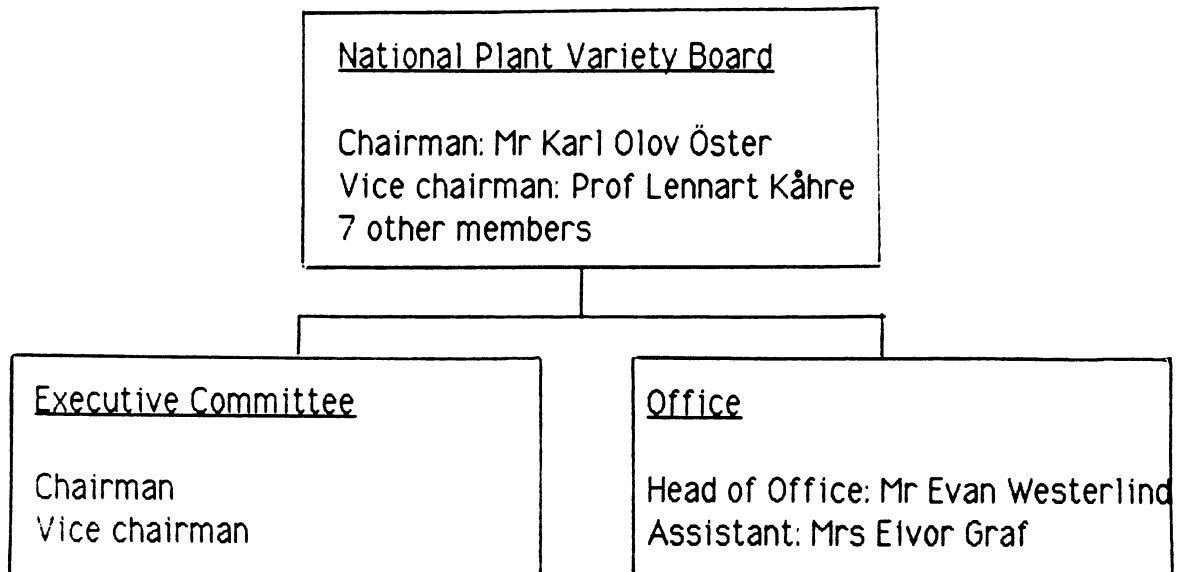
There are occasional exceptions to this procedure.

- In the case of fruit varieties bred by a government breeding station we are prepared to accept and evaluate descriptive data and recordings etc supplied by the breeder.
- On rare occasions, eg with pepino varieties in 1981/82 and limonium varieties in 1989/90, a number of applications were to be processed at the same time with anticipated difficulties in distinguishing between the varieties. It was decided that testing at a central site was necessary and was so arranged.
- When the applicant lives within reasonable travelling distance of the PVR Office, it is not necessary to arrange for the recording and descriptive work on the variety to be done by a contracted assistant - the PVR Examiner will carry out the work herself.

PL/POLAND

THE BOOK OF PROTECTION OF EXCLUSIVE RIGHTS



SE/SWEDEN**Organigram and PBR activities****SWEDEN**

The Swedish National Plant Variety Board is a body under the Ministry of Agriculture

**PBR activities**

Applications for PBR are sent to the office. As soon as the application documents are complete the office present it to the executive committee. The committee decide if the application should be accepted, if further documents are needed, if proposed denomination could be accepted, to order DUS-test and to announce the application and proposed denomination.

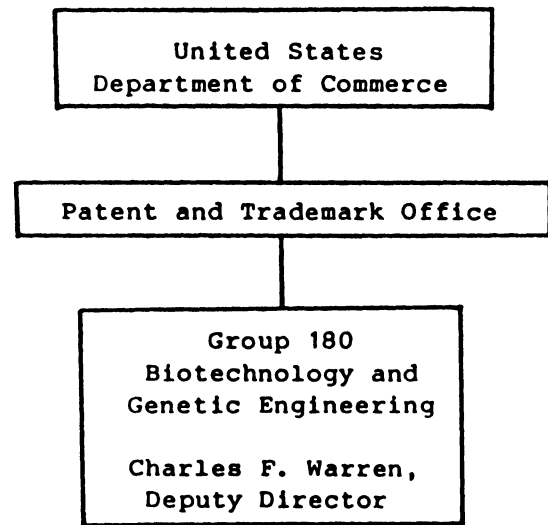
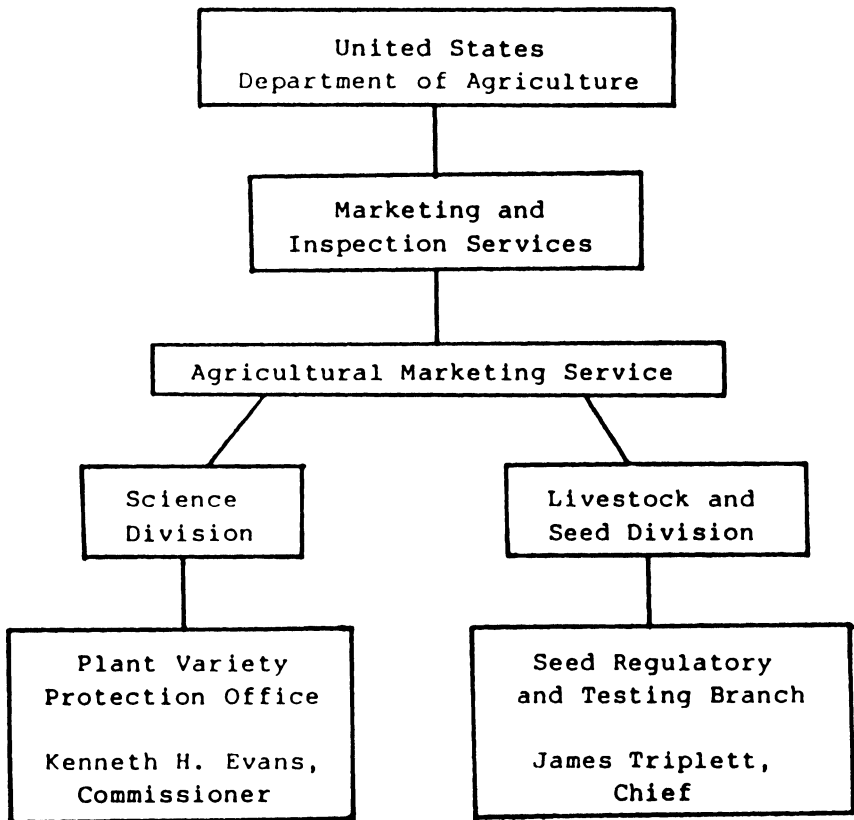
DUS-test for most agricultural crops is performed in Sweden by the Varietal Control Unit, Swedish Seed Testing and Certification Institute, Lund (Mrs Gunvor Sällvik). For other crops the tests are performed in cooperation with Danmark, France, Germany, Netherlands or United Kingdom.

After completion of DUS-test and announcement the application is presented to the board, which decides upon PBR granting. The decision is then published in the National Journal, Meddelande från Statens växsortnämnd, which is issued in February and September. The board meets 2-3 times annually.

The follow-up with the control of registered varieties is stipulated in the Swedish PBR law. According to that law the board can prescribe the variety owner to furnish propagating material of the variety as well as required documents and information. For varieties covered by the Swedish seed certification system (most agricultural crops and lawn grasses) there are continuous possibilities for control through the post control of certified seed.

An appeal against a final decision of the Plant Variety Board can be brought to the National Board of Agriculture and eventually further to the Supreme Administrative Court.

Organizational charts of United States offices involved in plant breeders' rights.



U.S. PLANT VARIETY PROTECTION OFFICE  
Distribution of Crops  
October 1990

Alan Atchley

Alfalfa  
Basil  
Bean, Dry  
Bean, Garden  
Bean, Lima  
Bean, Mung  
Fennel  
Pea  
Pea, Flat  
Spruce  
Tomato

Jeff Strachan

Aster, China  
Beet  
Chickpea  
Endive  
Leek  
Lentil  
Lettuce  
Nasturtium  
Okra  
Parsley  
Parsnip  
Poppy, Calif.  
Sainfoin  
Sorghum  
Soybean  
Trefoil  
Watermelon

Eldon Taylor

Agrotricum  
Barley  
Bluestem, Big  
Bromegrass  
Buffalograss  
Clover, Red  
Clover, White  
Cowpea  
Crested Dogstail  
Foxtail, Creeping  
Hardinggrass  
Lovegrass  
Millet  
Oat  
Orchardgrass  
Polargrass  
Reed Canarygrass  
Rescuegrass  
Rye  
St. Augustinegrass  
Teff, Eragrostis  
Timothy  
Timothy, Turf  
Triticale  
Vetch  
Wheat

Tom Salt

Bentgrass  
Bermudagrass  
Buckwheat  
Bluegrass  
Caper Spurge  
Celery  
Chrysanthemum  
Cotton  
Crested Hair-grass  
Evening Primrose  
Fescue, Fine Leaf  
Fescue, Broad Leaf  
Festulolium  
Flax  
Kleingrass  
Laurisagrass  
Meadowfoam  
Onion  
Peanut  
Rape  
Rice  
Ryegrass  
Safflower  
Sesame  
Stevia  
Sunflower  
Tobacco  
Weeping Alkaligrass

Janice Strachan

Artichoke  
Asparagus  
Broccoli  
Broccoli Raab  
Brussels Sprouts  
Cabbage  
Calendula  
Cape Primrose  
Carrot  
Cauliflower  
Coleus  
Coreopsis, Perennial  
Corn  
Cosmos  
Cucumber  
Dahlia  
Delphinium  
Eggplant  
Gazania  
Gourd  
Kochia  
Lobelia  
Marigold  
Muskmelon  
Pak-choi  
Pepper  
Phlox  
Pumpkin  
Radish  
Rutabaga  
Snapdragon  
Spinach  
Squash  
Steirodiscus  
Sweetpea  
Turnip  
Verbena  
Vinca  
Zinnia

US/UNITED STATES OF AMERICA

US/UNITED STATES OF AMERICA

In the United States, granting of plant breeders' rights is performed based on written information provided by the applicant. There are no DUS testing stations. Testing is done by the applicant and detailed results of that testing are reported by the applicant in the application packet.

The 1930 Townshend-Purnell Act amended the U.S. Patent Act to provide patent rights to breeders of asexually reproduced cultivars. Applications for protection of such cultivars should be directed to the Patent Office. General information and filing procedures can be obtained from :

U.S. Department of Commerce  
Patent and Trademark Office  
Group 180, Biotechnology  
Washington, DC 20231

Sexually reproduced cultivars are protected under the Plant Variety Protection Act of 1970, which is administered by the Plant Variety Protection Office. Inquiries and application packets should be directed to :

Plant Variety Protection Office  
Science Division, AMS, USDA  
NAL Building, Room 500  
10301 Baltimore Blvd.  
Beltsville, MD 20705-2351

Cultivar nomenclature is under the jurisdiction of the Seed Regulatory and Testing Branch. Questions about nomenclature may be directed to :

Seed and Regulatory Testing Branch  
Livestock and Seed Division, AMS, USDA  
Building 506, BARC-East  
Beltsville, MD 20705

ZA/SOUTH AFRICA**ORGANIGRAM OF THE PLANT BREEDERS' RIGHTS  
SYSTEM IN SOUTH AFRICA**

**OFFICE OF THE REGISTRAR OF P B R**  
**DIRECTOR: DR D KEETCH**  
**DIRECTORATE PLANT AND QUALITY CONTROL**  
**PRIVATE BAG X 258**  
**PRETORIA 0001**

FAX: 326-3454

TEL: 012-2063243

TELEX: 320479

**EXPERIMENTAL FARMS**

(where DUS testing is  
 conducted by the Directorate  
 Plant and Quality Control)

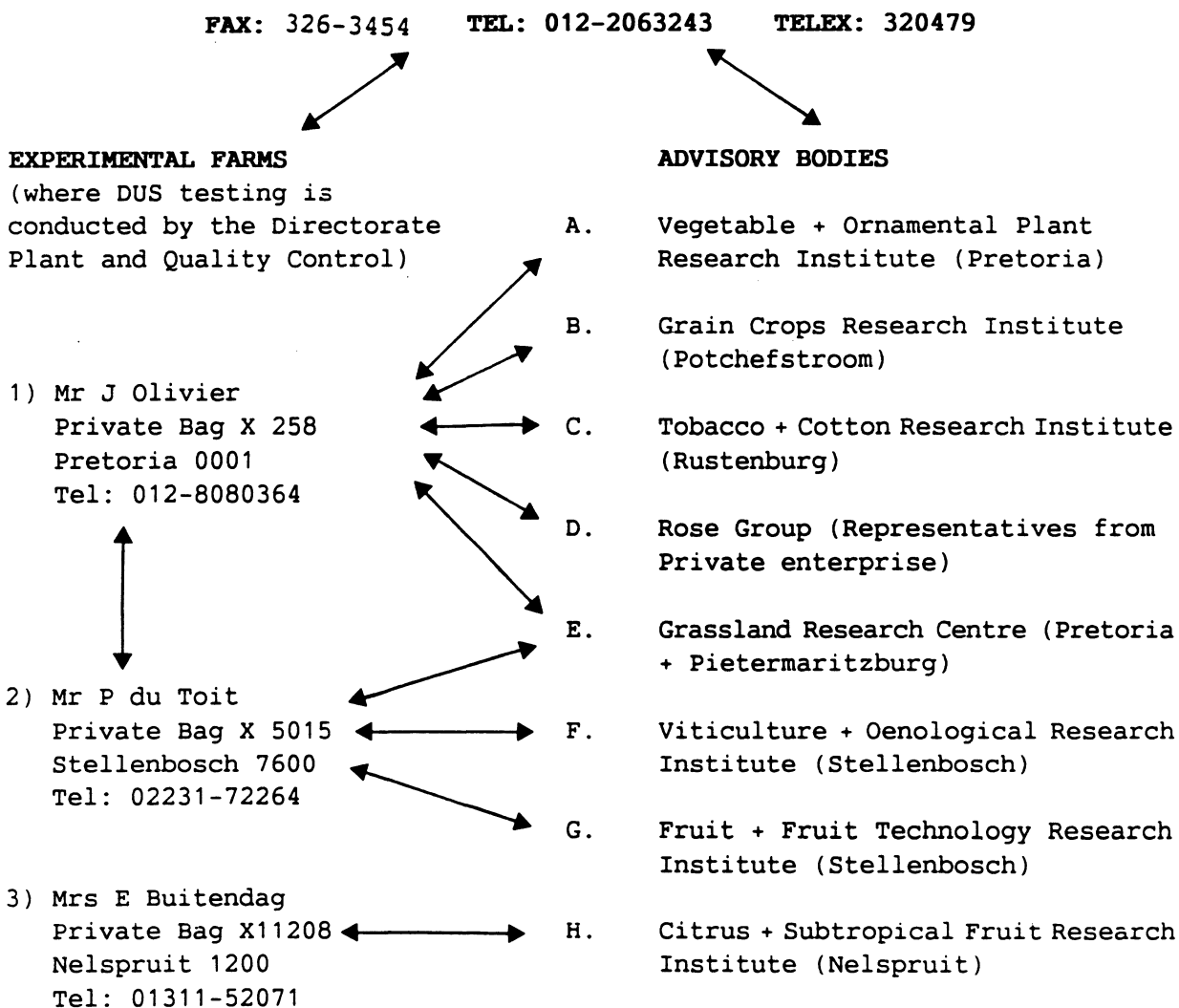
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 Nelspruit 1200  
 Tel: 01311-52071

**ADVISORY BODIES**

- A. Vegetable + Ornamental Plant Research Institute (Pretoria)
- B. Grain Crops Research Institute (Potchefstroom)
- C. Tobacco + Cotton Research Institute (Rustenburg)
- D. Rose Group (Representatives from Private enterprise)
- E. Grassland Research Centre (Pretoria + Pietermaritzburg)
- F. Viticulture + Oenological Research Institute (Stellenbosch)
- G. Fruit + Fruit Technology Research Institute (Stellenbosch)
- H. Citrus + Subtropical Fruit Research Institute (Nelspruit)





**PROCEDURE :****ZA/SOUTH AFRICA**

Applications, technical questionnaires, propagating material and fees payable are received by the Registrar in Pretoria. After examination and acceptance the necessary documents are duplicated and accompanied by the propagating material distributed to the experimental farms concerned. An application is rejected if it does not comply with the provisions of the Plant Breeders' Right Act of 1976. Material from quarantine is released directly to the experimental farms.

Application details are published in the Government Gazette and the S A Plant Variety Journal.

Provisional protection is granted if applied for.

DUS testing is conducted according to U P O V standards and guidelines and the necessary standards are included in all trials. The results obtained from the appropriate authority in a convention or agreement country can also be used in deciding on the grant of a Plant Breeder's Right.

When it is established that the variety is a new variety, the registrar will grant a Plant Breeder's Right in respect of this variety. This decision is based on the findings of the experimental farms and advice from the advisory bodies.

For each Plant Breeders' Right granted a certificate of registration is issued and a notice published in the Government Gazette. If a Plant Breeder's Right is refused, the registrar advises the applicant in writing of his decision and of the grounds on which it is based. A refusal notice, not stating reasons for the decision, is published in the Government Gazette.

A Plant Breeder's Right is granted for a prescribed period of between 15 and 20 years, for which a prescribed annual fee is payable.

Reproductive material must be maintained by the holder of the right and he must on request furnish material which is capable of reproducing the variety in such a manner, that the characteristics thereof correspond with those described at the time of the grant.

In the case of perennial crops, propagating material is maintained on the experimental farms and/or the institutes involved. Post control tests are conducted on annual crops on samples from the trade. All cultivars with Plant Breeders' Rights are used as standards for new applications and tested for stability over an extended period of time.

Sole right is granted for a period of between 5 and 8 years, depending on the kind of plant involved.

Plant Breeders' Rights will be terminated after the prescribed period or if information comes to light which, if discovered earlier, would have resulted in the right being refused.

The holder of a Plant Breeder's Right may at any time voluntarily surrender this right.