



**CPVO**

Community Plant Variety Office

# European System of Plant Breeder's Rights

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President

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# Outline

1. The EU system on plant variety protection
2. The CPVO
3. Application Procedure
4. Scope of rights
5. The Board of Appeal
6. Statistics
7. Final remarks



# 1. The EU Plant Variety System

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



- EU / national
  - The EU system co-exists with the national systems of those 24 EU Member States.
  - It is the applicant's choice : national or EU plant variety rights.
- UPOV
  - The EU system is in line with the UPOV 1991 Act.
  - 24 out of 28 EU Member States are UPOV members.
  - The EU is a full member of UPOV as an inter-governmental organisation



- The EU system is tailored made for intellectual property protection for plant varieties (sui generis system under TRIPS)
  - Breeders' exemption
  - Agricultural exemption
- Plant varieties can not be protected by patents under the
  - European Patent Convention
  - EU Directive on patents for biotechnological inventions



# Main features of the CPVR system

- Varieties of **all botanical genera and species** may be protected.
- The CPVO has received up to today applications for more than **1900** different plant species.
- **Duration** of the Community right: 25 years (30 for vines, trees and potato varieties)
- **Provisional protection** covering the time from publication of the application until the grant of the Community right.



## 2. The CPVO

### Mission Statement

To foster innovation in plant varieties by high quality processing of applications for Community plant variety rights at affordable costs while providing policy guidance and assistance in the exercise of these rights for the benefit of stakeholders.



# The CPVO

- The Community Plant Variety Office (CPVO) has been operational since 1995.
- Based in Angers, France
- CPVO Management: President and Vice-President appointed by the Council
- The CPVO has a total of 45 staff members: 12 Nationalities





Council

Commission

Court of Justice

EU Parliament

Administrative Council

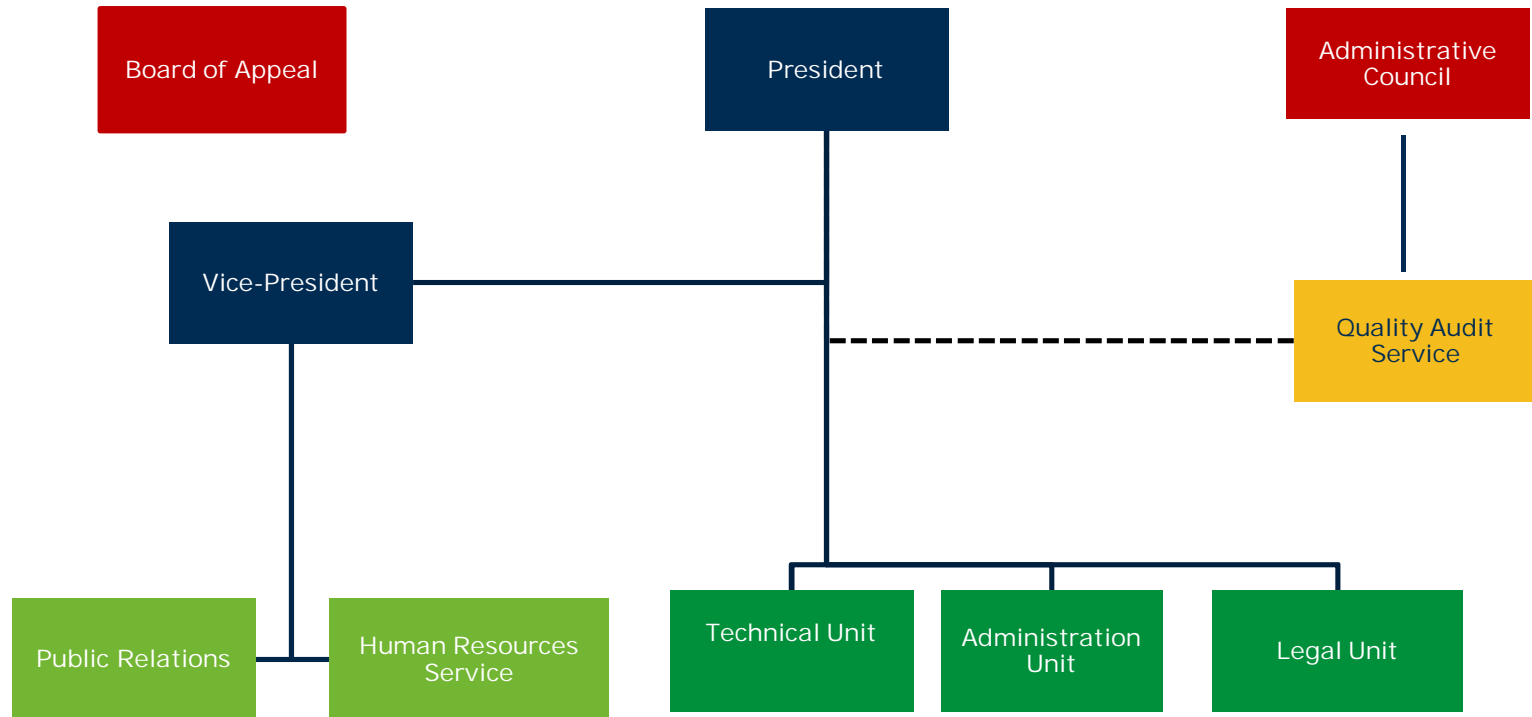
Board of Appeal

CPVO

Examination Offices



# COMMUNITY PLANT VARIETY OFFICE ORGANIZATION CHART



# The Administrative Council

- Monitoring the CPVO
- Composed by representatives of the EU Member States, the European Commission and observer organisations
- Budgetary authority
- Entrustment of Examination Offices
- Approval of Technical Protocols
- 2 meetings per year



# 3. Application procedure:

- One application
- One procedure
- One technical examination
- One decision
- One valid right covering the territory of the 28 Member States of the European Union



# Filing an application for a CPVR

By whom ?

Before the system was limited to persons from countries belonging to the EU or a contracting country to UPOV.

Today the system is open for everybody

- ↳ Applicants from outside the EU must appoint a **procedural representative**.
- ↳ If the breeder of the variety is not the applicant, an **assignment** form must be enclosed attesting to the transfer of rights.



# Protectable Varieties

(Art. 6 Reg. 2100/94)

- Distinctness (Art. 7)
- Uniformity (Art. 8)
- Stability (Art. 9)
- Novelty (Art. 10)
- Variety denomination (Art. 63)



# THE EXAMINATION OFFICES

The CPVO has not created its own technical infrastructure.

Technical examination to confirm DUS is carried out by the Examination Offices entrusted by the Administrative Council.



CPVO  
network  
of  
Examination  
offices  
in the EU





# Entrustment of examination offices

## Entrustment process

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



# Attribution of varieties for testing to Examination Offices

according to defined criteria:

- Geographical origin of the variety
- Origin of the applicant
- Experience of an examination office
- Wish of the breeder



# Technical examination

- Once the technical examination is concluded, a technical report (positive or negative) for the CPVO, with accompanying variety description in case of positive report.
- Applicant is given an opportunity to comment on the draft report and description before the Committee takes a decision on the application for Community rights.



# Technical examination

Technical examinations are carried out according CPVO technical protocols

## The CPVO technical protocols

- are based on the relevant UPOV guideline
  - are elaborated together with national crop experts
  - contain a compulsory list of characteristics
  - are formally adopted by the CPVO's Administrative Council



# “Take-over” of technical reports

If a technical examination

- has been or
- is being carried out
- on a variety already benefiting from national plant variety rights or entered for national listing in the EU
- the CPVO may consider the examination report to be sufficient basis for a decision
- If the examination office is entrusted



# Exchange of technical reports

- The CPVO can submit reports to any other authority on request
- The CPVO can request and take decisions based on reports from authorities from
  - EU entrusted examination offices
  - UPOV members
  - If certain quality requirements are fulfilled
- Price 240 euros



# 6. The Board of Appeal

## Composition

Composed by one permanent Chairman and two other members nominated by the Chair

## Tasks

Responsible to decide on appeals filed against decisions of the CPVO

## Status

Members shall be independent and not involved in the work of the CPVO



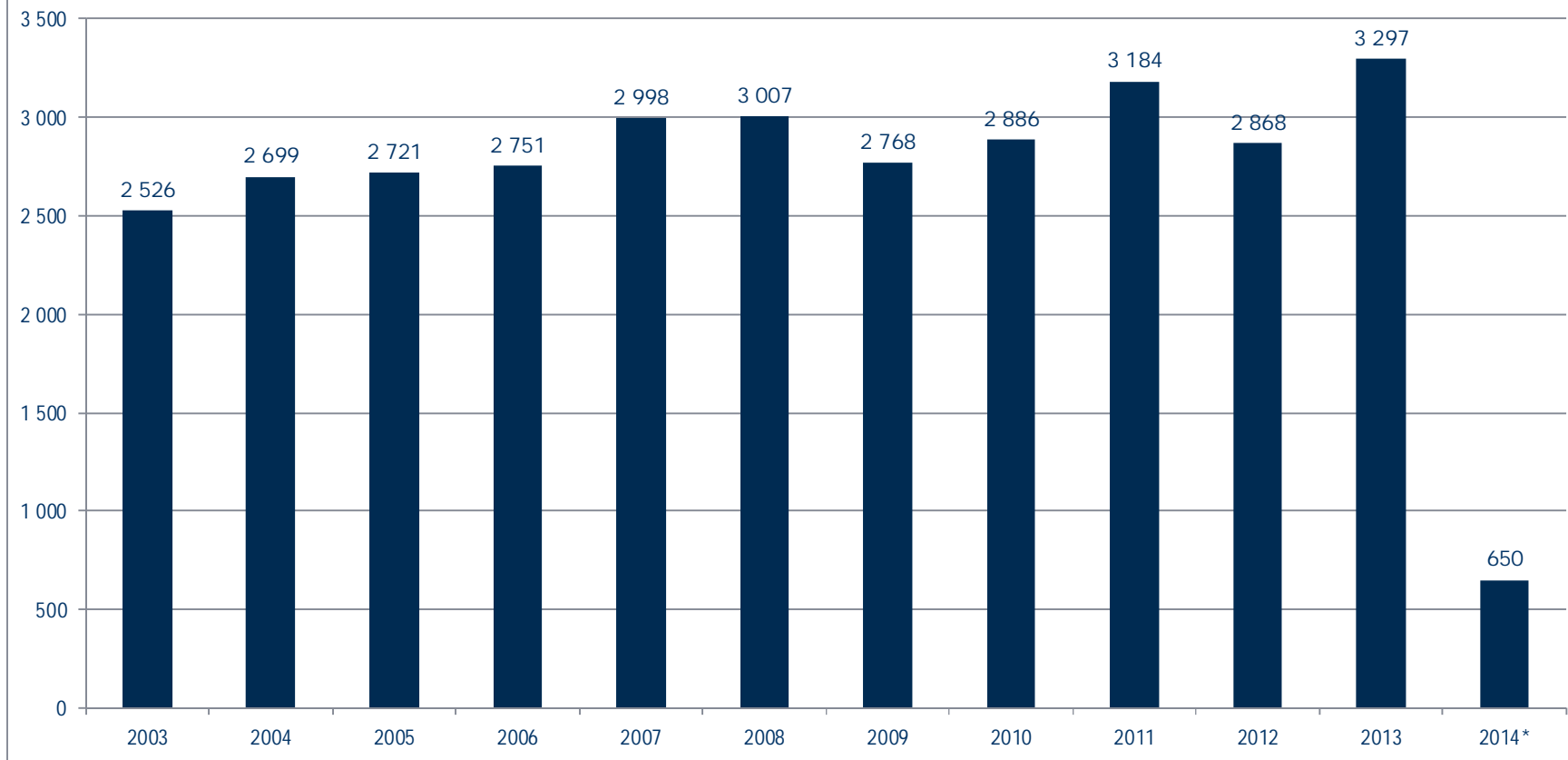
# 7. Statistics

- 54.000 applications received (75% online in 2015)
- 37.900 titles granted (22.250 in force)
- 1.900 different species





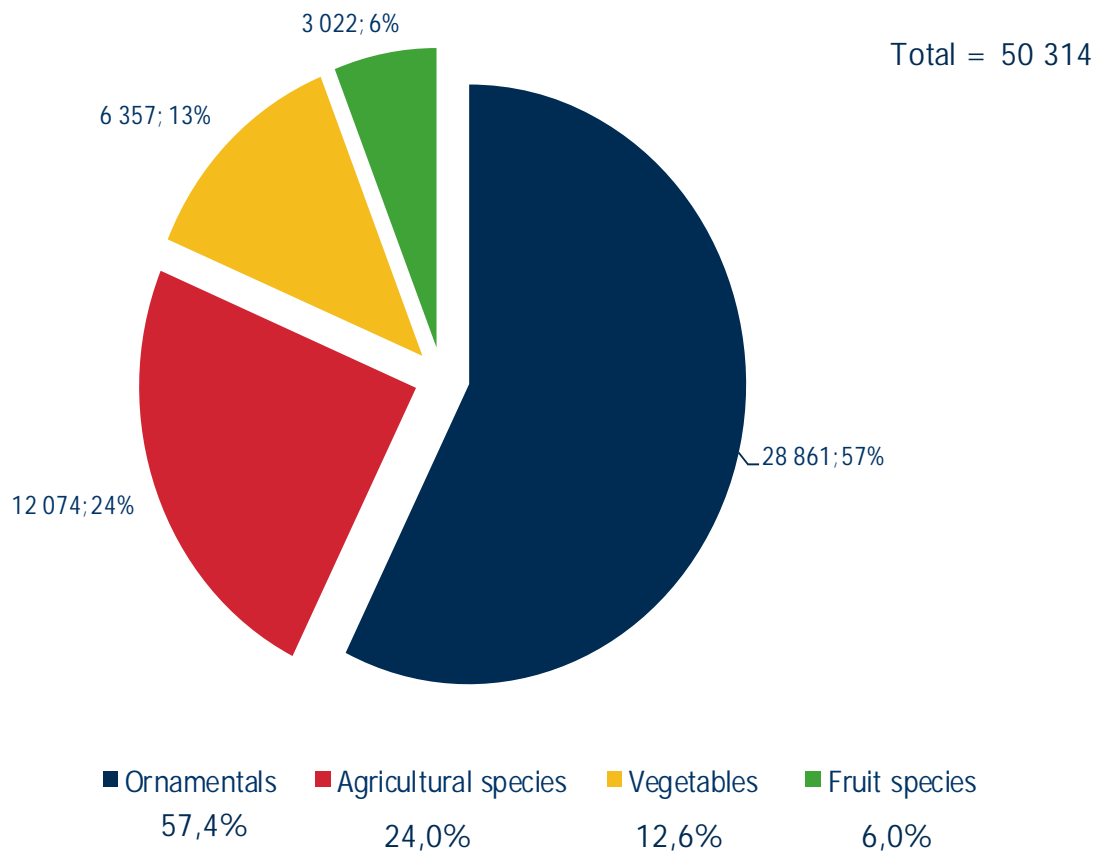
Evolution of annual number of applications received for Community Plant Variety Rights from 01/01/2003 to 07/03/2014



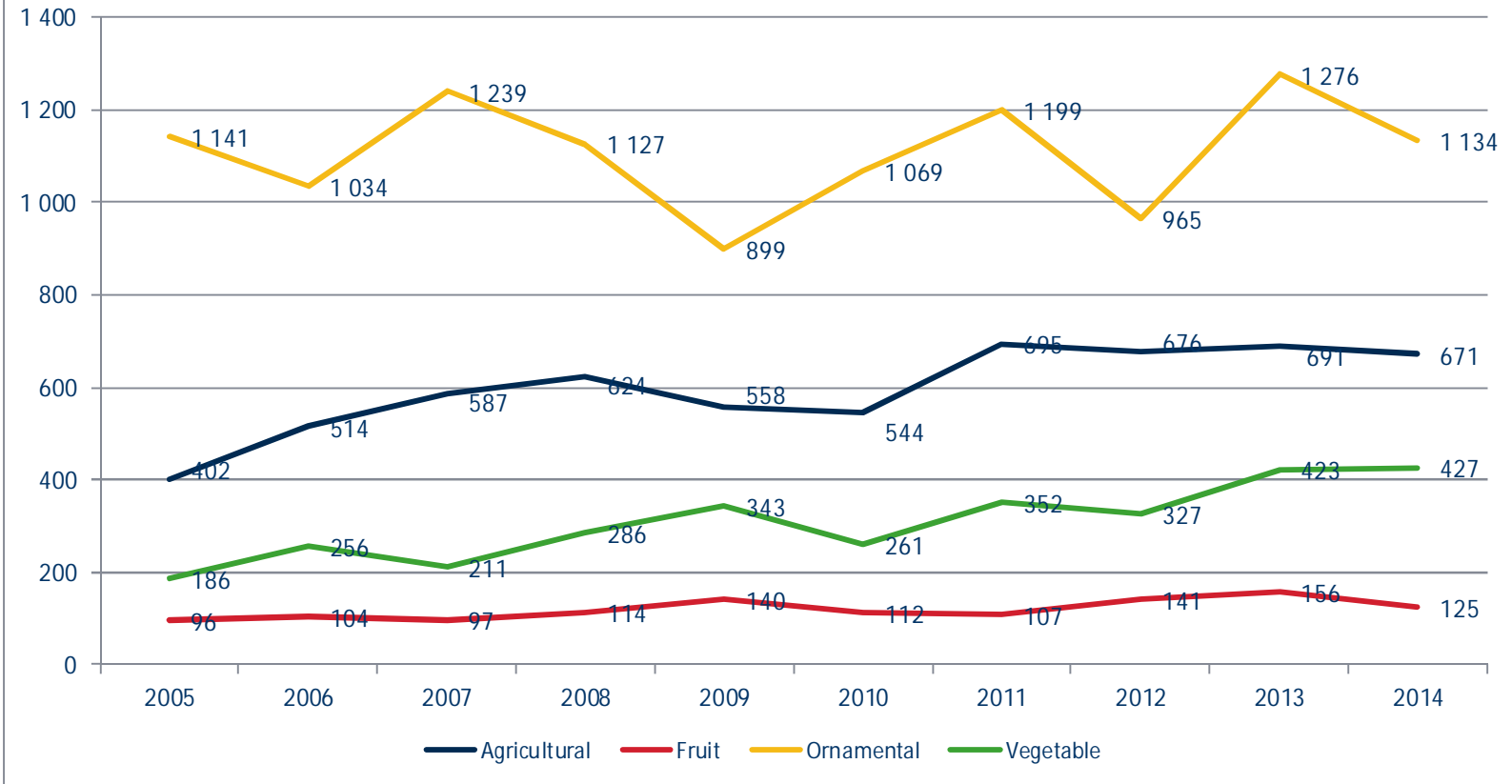
NB: (\*) comparison with 2013 - period from 01/01 to 07/03: -18.4%



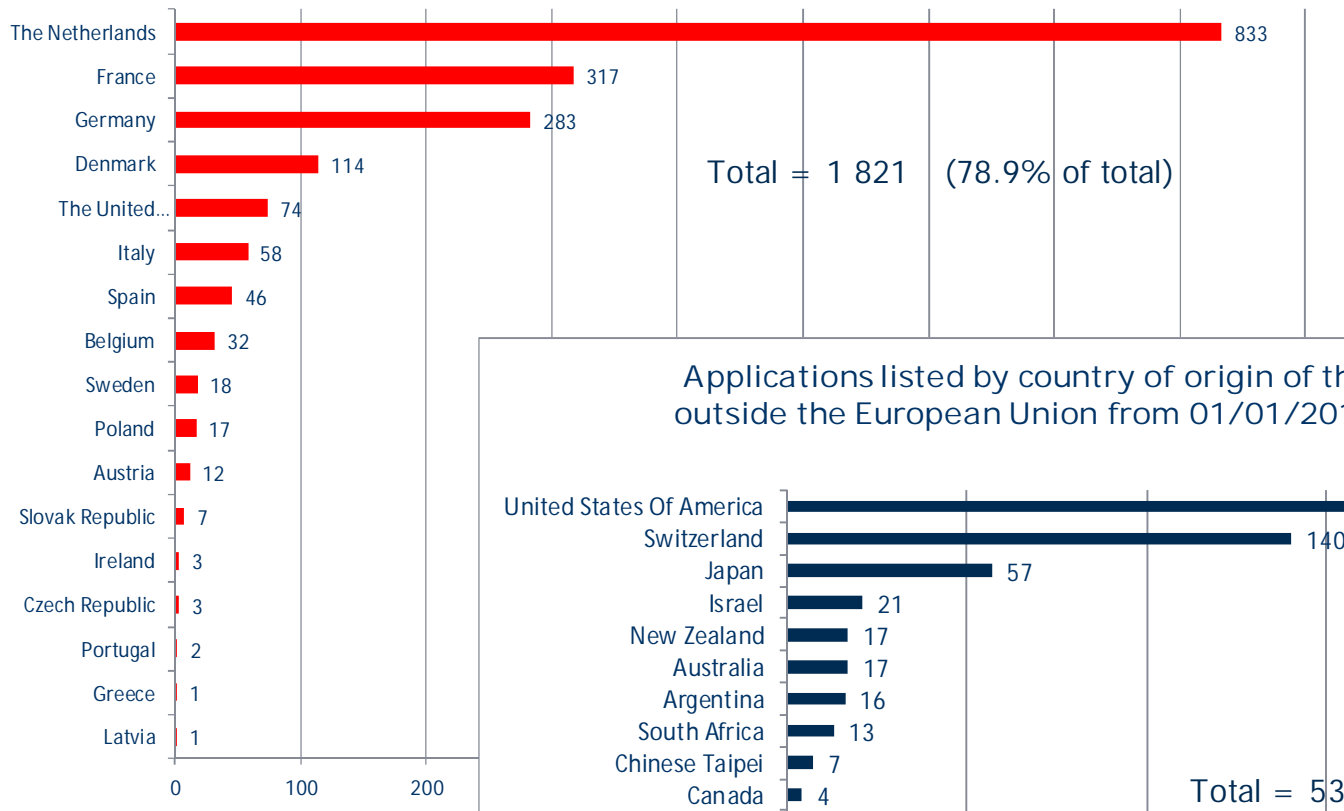
### Applications received for Community Plant Variety Rights from 27/04/1995 to 22/09/2014



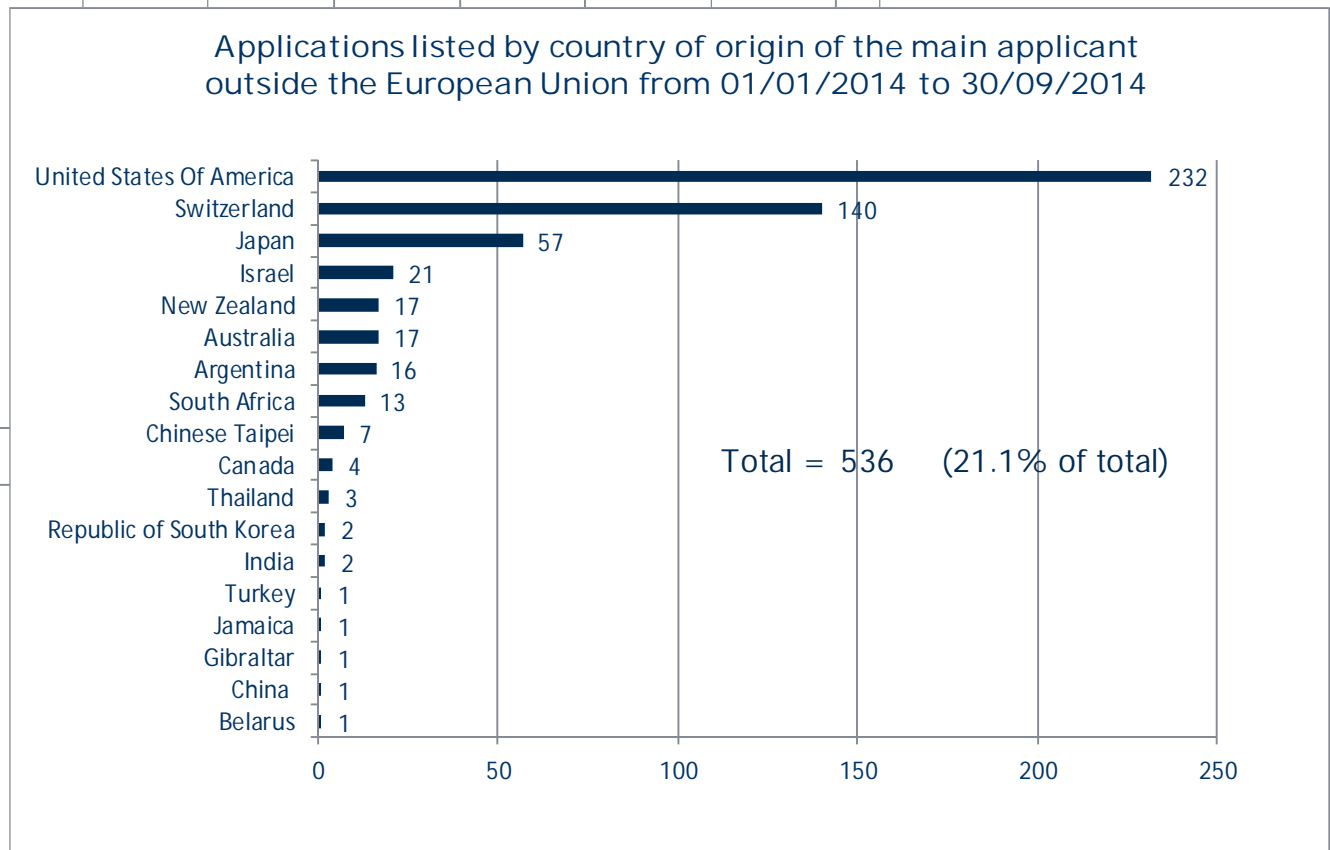
Comparison of number of applications received per crop sector from January 1 to September 30 over the last 10 years



### Applications listed by country of origin of the main applicant in the European Union from 01/01/2014 to 30/09/2014



### Applications listed by country of origin of the main applicant outside the European Union from 01/01/2014 to 30/09/2014



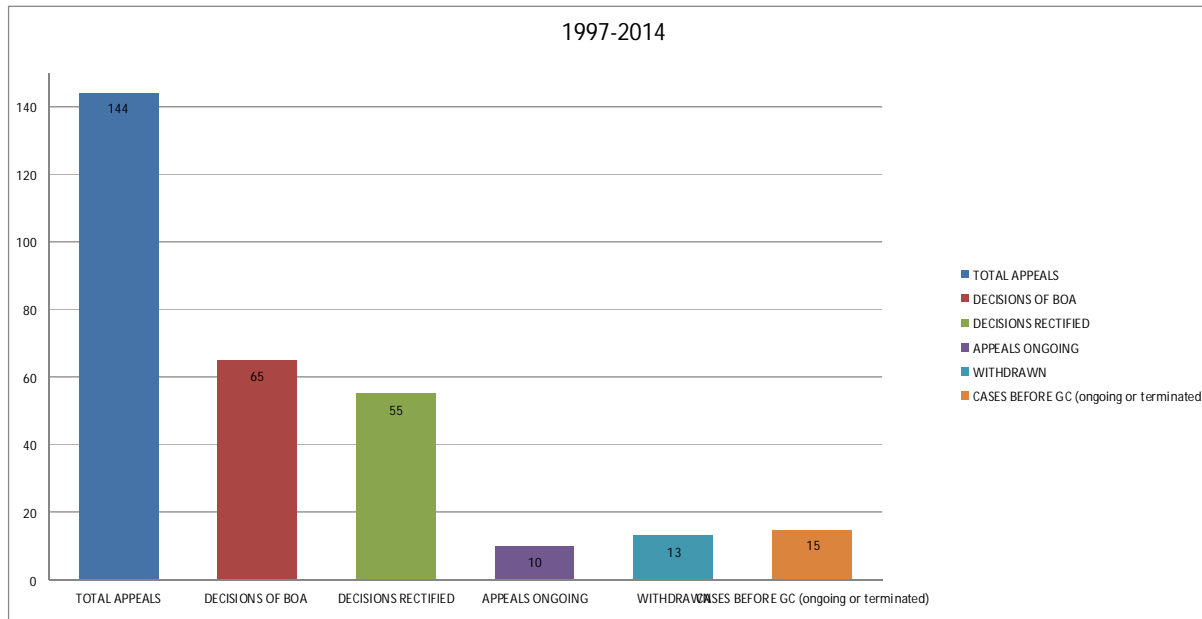
## Evolution of varieties protected under the Community system over the last 10 years



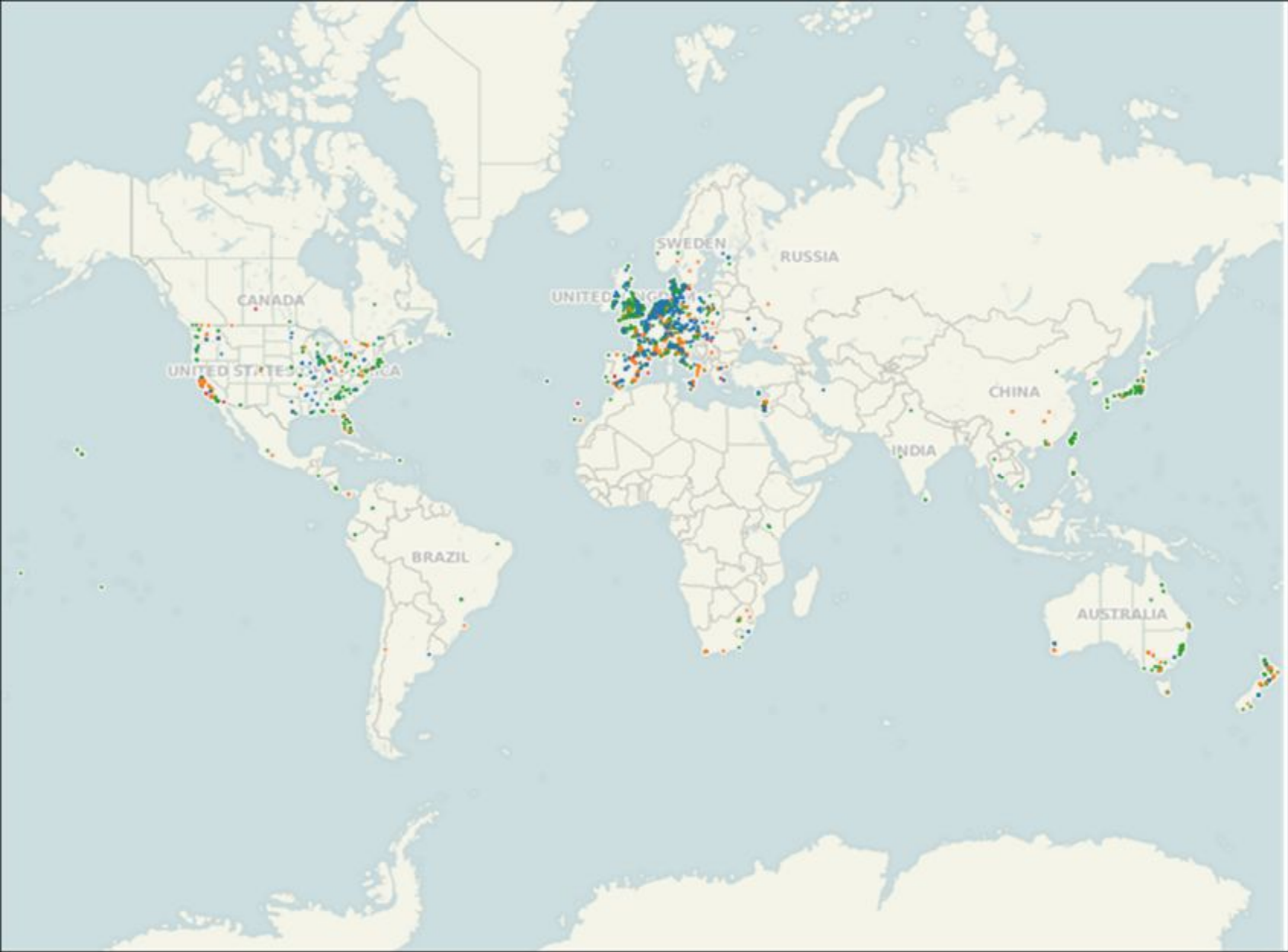
NB (\*) Situation at 30/09/2014. Comparison 2014 grants with 2013 - period from 01/01 to 30/09: - 1.3%



# BOARD OF APPEAL: Statistics (1997-2014)



updated 30/09/2014



- CROP**
- Agricultural
  - Fruit
  - Ornamental
  - Vegetables

Fees from clients per crop sector



# 8. Final Remarks

- CPVO contributes to:
  - Efficiencies for applicants
  - Less administration for national authorities
  - Close co-operation between CPVO and MS on a technical level
  - Protection at reasonable prices
- Financial management is sound
- New tasks logical for an EU Agency dealing with Plant Varieties





Thanks for your attention !

