



CPVO

Community Plant Variety Office

Cooperation on DUS report exchange – Socio economic benefits of the CPVR system

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Santo Domingo, 19 May 2022 - CarlPI



Outline

- The Community Plant Variety Rights (CPVR) system
- Processing applications
- Take-over of examination reports
- Statistics on Take-over of examination reports
- Other international co-operation in DUS testing
- GENIE Database (UPOV)
- Study: The socio-economic benefits of the CPVR system



The Community Plant Variety Rights system

The Community Plant Variety Protection System



- The EU implemented a *sui generis* system of Plant Variety Protection in line with the TRIPS Agreement requirements (Art. 27(3)b);
- The European Union is a member of UPOV as an inter-governmental organisation
- The Community Plant Variety Rights System (CPVR) was established by Regulation 2100/94 (Basic Regulation);
- The CPVR system is based on the International Convention for the Protection of New Varieties of Plants of the Union For The Protection of New Varieties Of Plants (UPOV) (1991 Act);



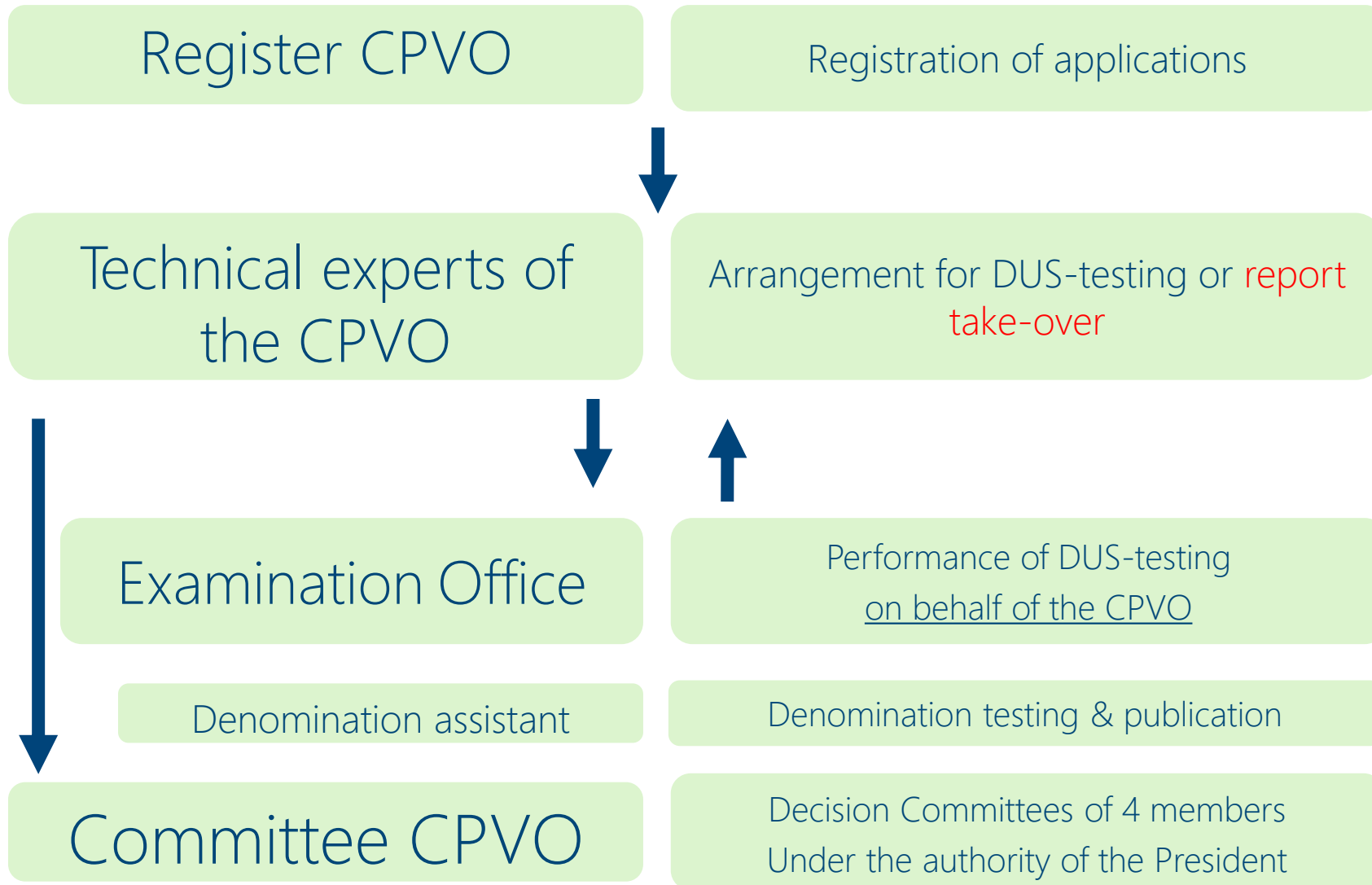
Main features of the CPVR system

- Varieties of **all botanical genera and species** may be protected.
- The CPVO has received up to today applications for more than 2000 different plant species
- **Duration of the Community right:** 25 years (30 for vines, trees and potato varieties)
 - Extension of protection for *Asparagus officinalis* L. and of the species groups flower bulbs, woody small fruits and woody ornamentals since November 2021
- **Provisional protection** covering the time from publication of the application until the grant of the Community right



Processing applications

Processing applications at CPVO





In practice

Application Form question 6 (Details of other applications in the EU or outside the EU):

Yes, please fill in the table below

No

06 . 02 . Please specify *

Procedure	Filing Date	Filing country	Authority	Application N°	Stage	Variety denomination or breeder's reference

Application Form question 9 (technical examination):

has already been carried out

in (country):

is in the process of being carried out

in (country):

has not yet been carried out



Take-over of Technical Examination reports



Take-over of examination reports

Legal basis

- UPOV convention (1991 Act):
 - Art. 12 (Examination of the Application): "... the authority may grow the variety or ... or take into account the results of growing tests ... which have already been carried out. ..."
- At the CPVO- Art. 27 Implementing Rules (Other examination reports):
 - Report take-over from EU Member states
 - Entrustment required
 - Report take over from non-EU authorities
 - special written agreement required



Take-over of examination reports

Conditions to take over reports

- Equivalent plant material requirements
- CPVO test protocol or equivalent applied
- Opportunity to visit the growing trial
- Technical examination has already been carried out or is the process of being carried out
 - For tests not yet started: only if there is no testing competence in an EU Member state
- Adequate experience in DUS testing of the crop in question
- Written Agreement with the testing authority
 - Defining technical and administrative details



Costs for taking over of reports

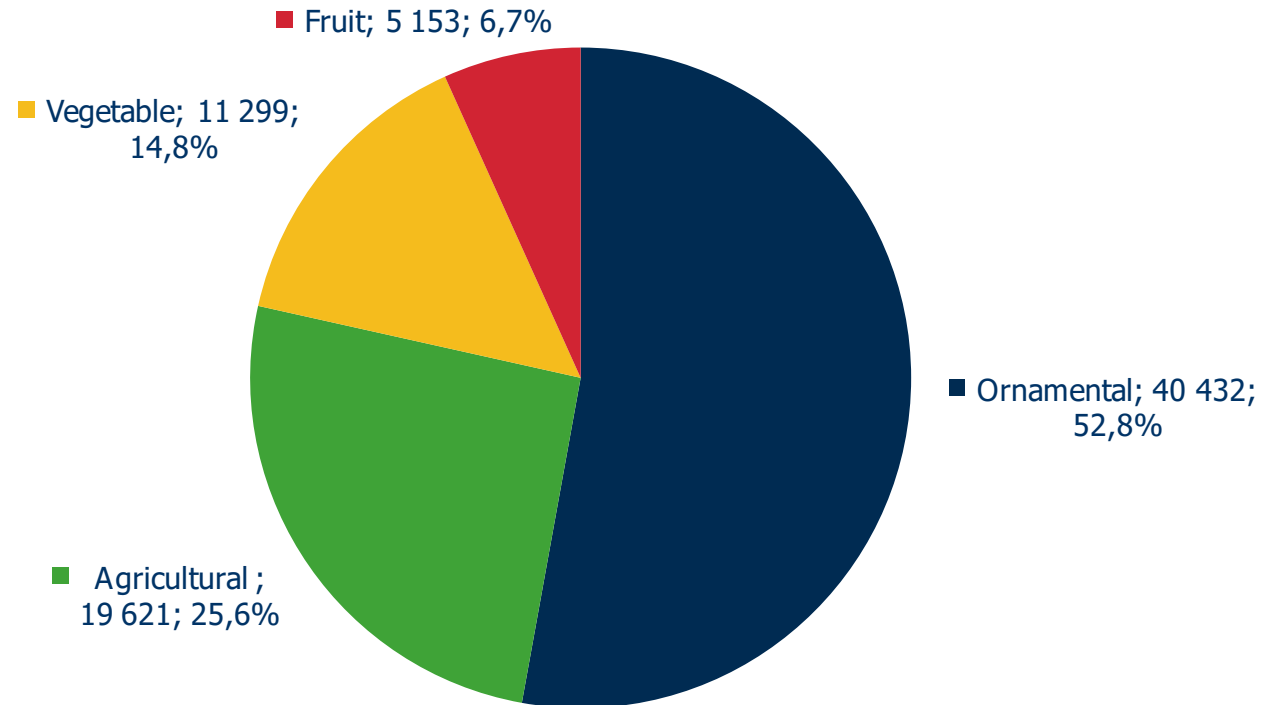
- Where the CPVO makes use of a report on the result of a technical examination of a variety carried out previously for **official purposes in an EU Member State** a fee for taking over reports is due by the applicant and amounts to **320 Euros**
- The Technical Examination fees vary from 1.900€ to 3.900€, depending on the crop



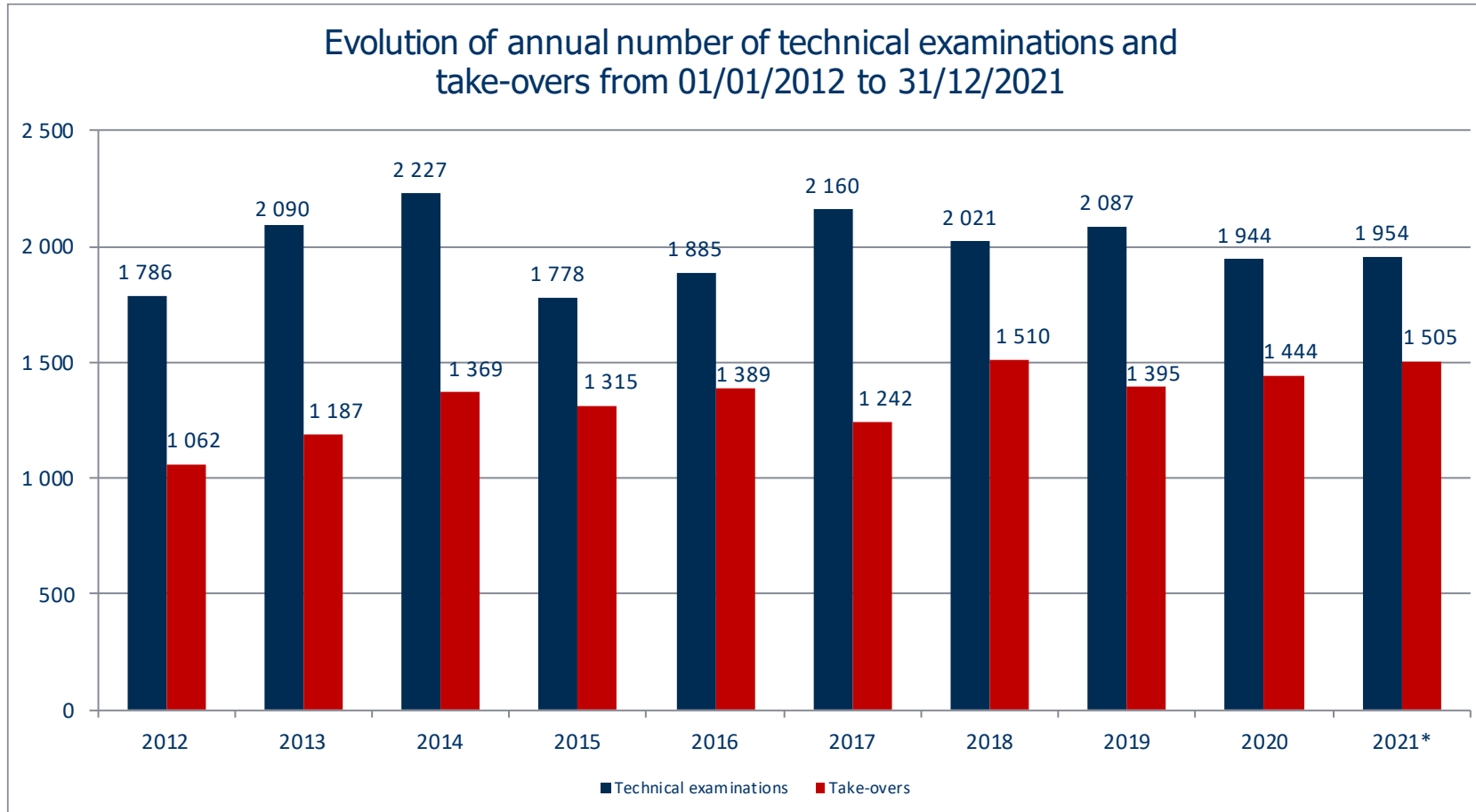
Statistics on Take-over of examination reports



Applications received for Community Plant Variety Rights from 27th April 1995 to 15 April 2022 per crop sector



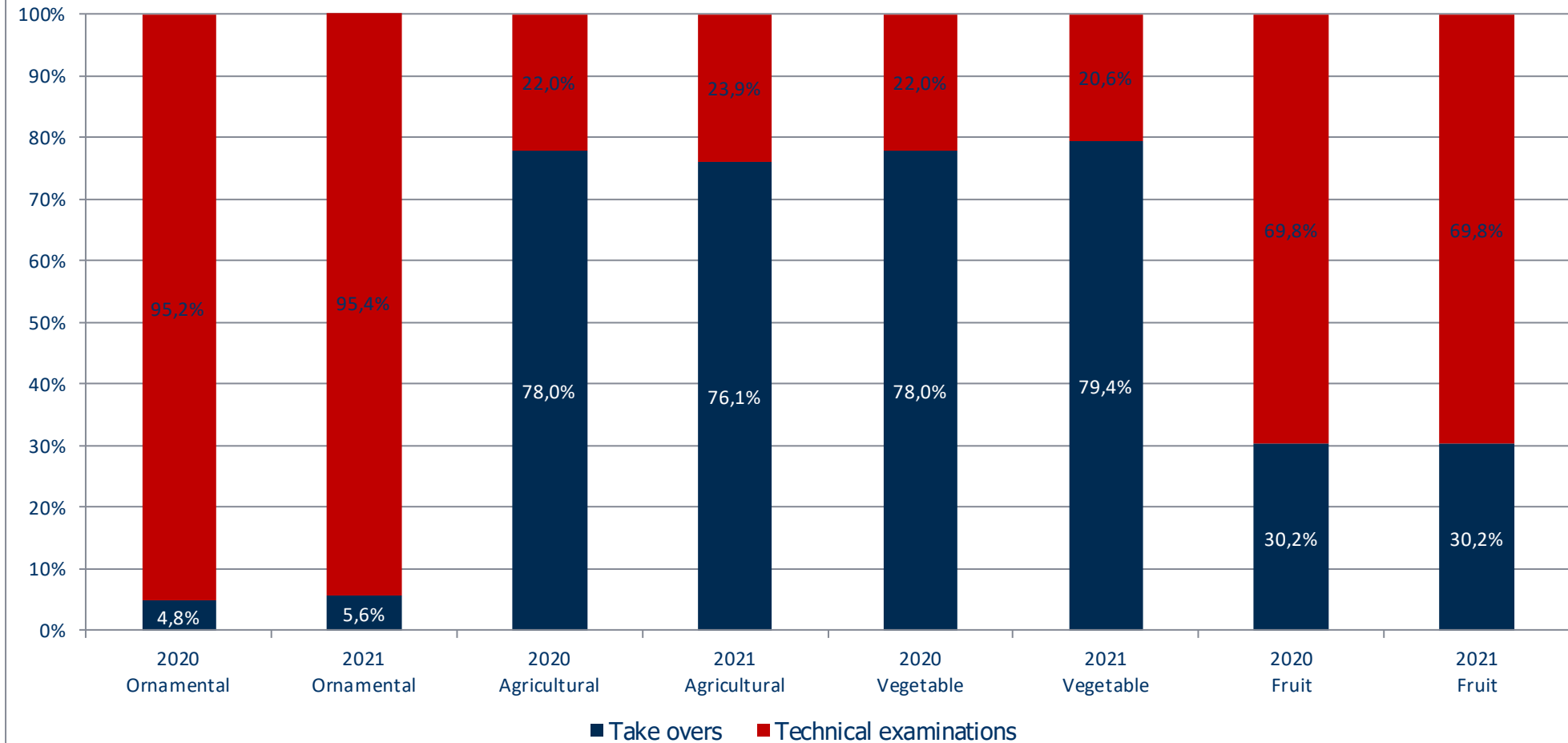
NB: (*) Situation at 15/04/2022. Total = 76 505 applications



NB: (*) Situation at 31/12/2021

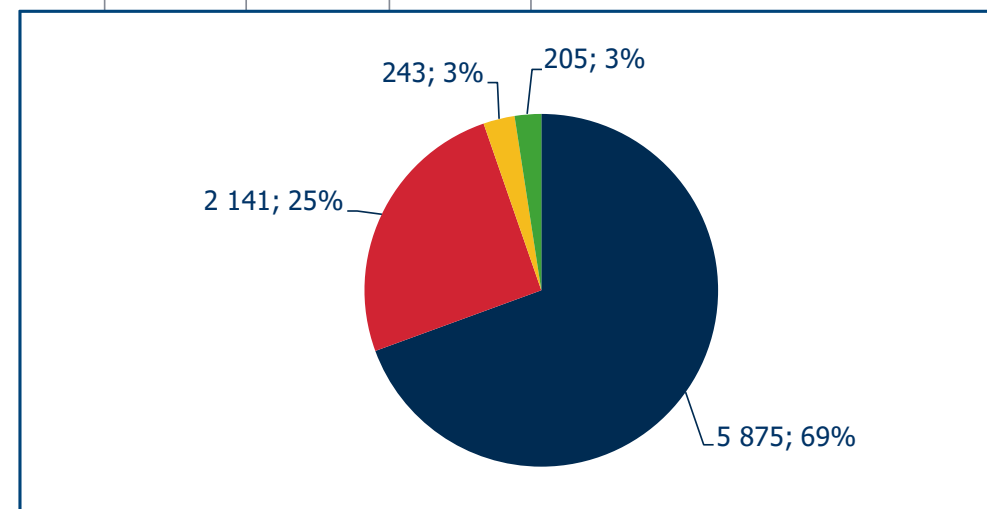
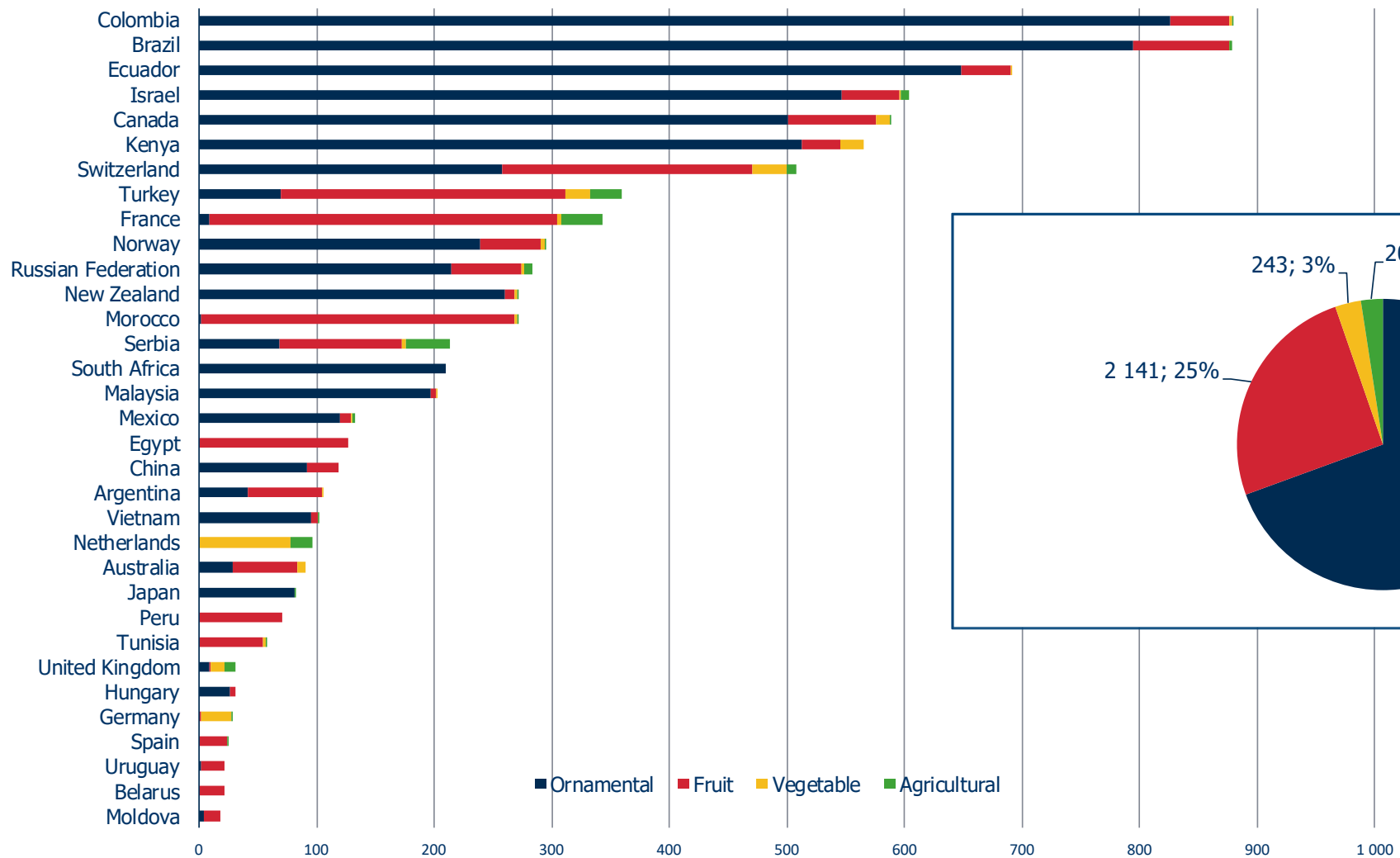


Technical examinations and DUS reports' Take-overs according to crop Sector (% in 2020 and 2021*)



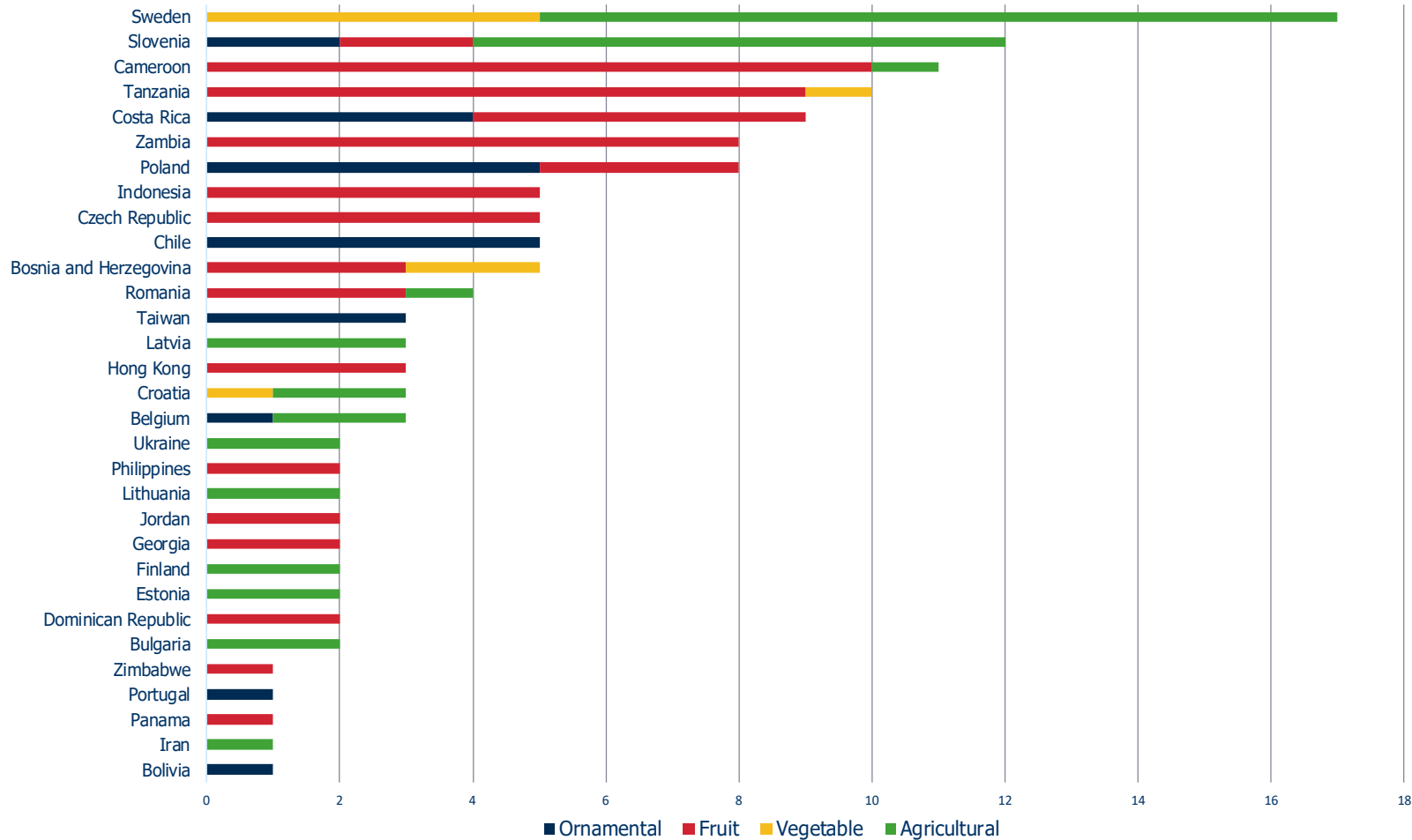
NB: (*) Situation at 31/12/2021

Sales of Technical Reports per crop sector Situation at 15/04/2022* - first page





Sales of Technical Reports per crop sector Situation at 15/04/2022* - second page



NB: (*) Situation at 15/04/2022 - Total = 8 464 sales



Other international cooperation in DUS testing

Other international co-operation in DUS testing:



- Technical examinations organized at examination offices in non-EU countries
- **No test facilities in EU – cooperation with:**
 - Colombia (coffee), New Zealand (grevillea, magnolia, ...), Australia (mango, acacia, ...), Israel, Mexico (papaya, jatropha), Vietnam, Japan



GENIE Database (UPOV)



GENIE Database (UPOV)

The GENIE database has been developed to provide online information on GENera and specIEs (hence GENIE) in relation to:

- protection offered by members of the Union
- cooperation in examination
- experience in DUS testing and
- the existence of UPOV Test Guidelines

In addition, the GENIE database is the repository of the UPOV codes and provides information concerning alternative botanical and common names.

GENIE Database

GENIE Database

Simple Search Multiple Search Report

Search Crop / Species: ALL Botanical Name Common Name in English Common Name in French Common Name in Spanish Common Name in German

UPOV Code: search

Search Authority (by Name): ** Please select ** search

by 2-letter ISO Code: search

Source: [GENIE Database \(upov.int\)](http://upov.int)



Spain example

- Use of GENIE database to find the UPOV member with experience in a specific crop
- No need to sign a specific agreement
- Make contact with the authority to carry out the examination on their behalf



The Netherlands example

Sales of reports from Naktuinbouw in 2021

- Colombia (4 applications, 2x tomato, 1x Inca Lily and 1x tra helium)
- Ecuador (8 applications, 8x rose)
- Brazil (18 applications, 1 tomato rootstock, 5x tomato, 6x melons, 2x lettuce, 2x watermelon 2x Inca Lily)
- Mexico (2 applications, 2x paprika)

25 DUS examinations carried out on behalf of Latin American countries, mainly requests from Colombia



The socio-economic benefits of the CPVR system



The study

- The European Observatory on Infringements of Intellectual Property Rights ('the Observatory'), in cooperation with the CPVO has drafted the European study **'Contribution of the Community Plant Variety Rights System to the EU economy and the environment'**
- The study was released on the occasion of the CPVO policy seminar organized on 28 April under the French Presidency of the Council of the European Union



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IMPACT OF THE COMMUNITY PLANT
VARIETY RIGHTS SYSTEM ON THE EU
ECONOMY AND THE ENVIRONMENT



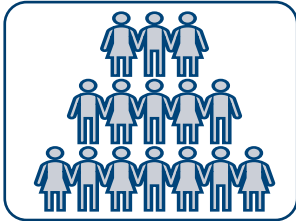


The study

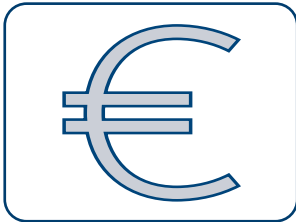
- This study quantifies the economic contribution in the European Union of the CPVR system.
- It considers **specific aspects of agriculture and horticulture**, such as the contribution of the PVR system to the global **competitiveness of EU farmers and growers**



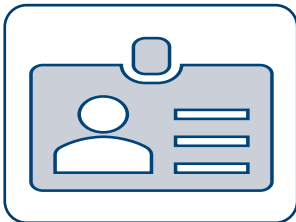
Key findings: economic contribution



The additional production brought about by plant variety innovations supported by the CPVR is sufficient to **feed an additional 57 million people world-wide** (arable crops), **38 million** in the case of fruit, and **28 million** for vegetables



The additional value added (that is, contribution to GDP) generated by CPVR-protected crops amounts to **13 billion EUR**



Additional production resulted in **higher employment** in the EU agriculture, and **better remunerated**



Key findings: farmers, breeders, SMEs



The farmers/growers across the EU benefit from the innovations supported by the CPVR system



The breeders which carry out the R&D leading to those innovations also generate employment and economic activity



Many of the companies protecting their innovations with CPVRs are **small and medium-sized enterprises (SMEs)**. They account for more than **90%** of the **applicants** of CPVRs and **hold 60%** of all CPVRs currently in force (including physical single person)





Key findings: environmental objectives



The annual greenhouse gas (GHG) emissions from agriculture and horticulture are reduced by 62 million tons per year. This corresponds to the total GHG footprint of Hungary, Ireland or Portugal.



Water use in agriculture and horticulture is reduced by more than **14 billion m³**, an amount of water equivalent to 1/3 of the volume of **Lake Constance**



By reducing the environment impact, increasing farm incomes and keeping prices lower for consumers, the CPVR system also contributes to the **UN's Sustainable Development Goals**





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