



CPVO

Community Plant Variety Office

Plant Variety Protection in EU

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Outline



- 1. The EU system on plant variety protection**
- 2. The CPVO**
- 3. Technical examinations**
- 4. CPVO Technical Protocol and Technical Questionnaire**
- 5. Statistics**
- 6. Take overs and denominations**
- 7. R&D projects**
- 8. End of presentations, contacts**

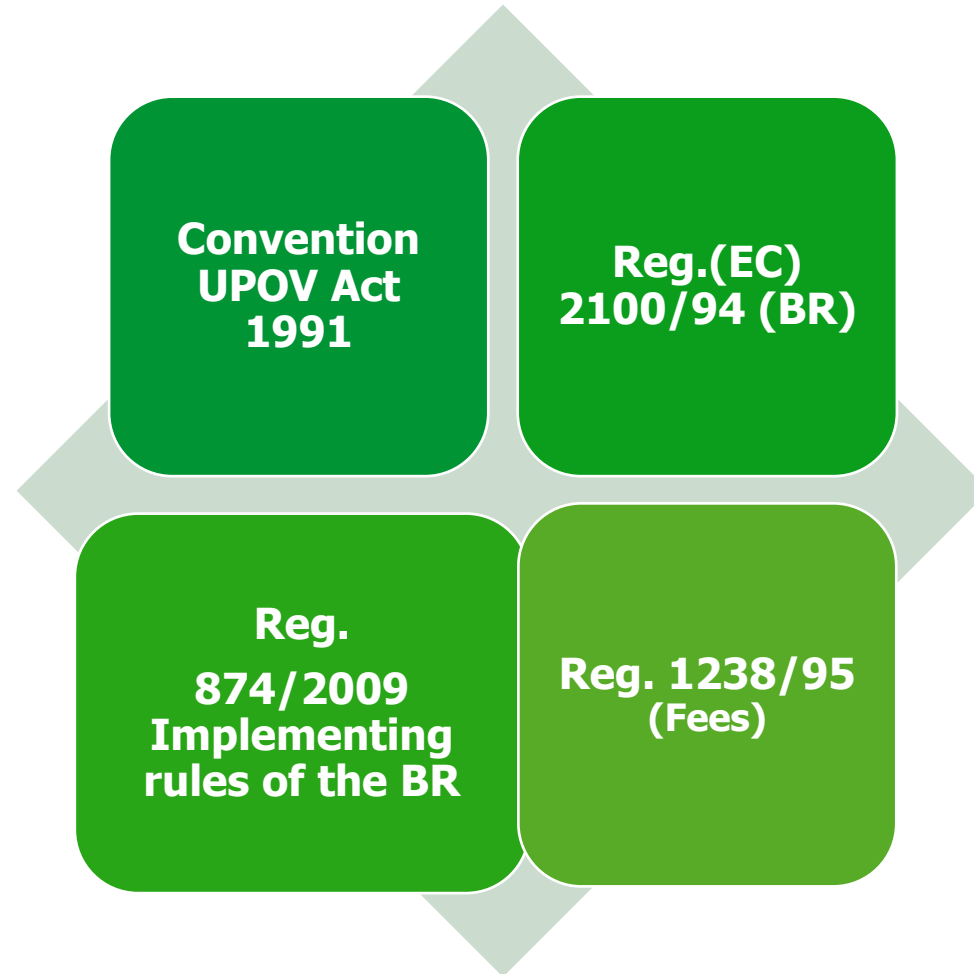


What is the EU System on Plant Variety Protection?

- The community plant variety system is the **sole and exclusive** form of industrial property protection for plant varieties (sui generis IP system) (Art. 1 BR)
- This system is inspired by the model of the 1991 Act of the International Convention for the Protection of Plant Varieties of the International Union for the Protection of Plant Varieties (UPOV)



The Legal Basis





One or
various national titles



A CPVR title
valid in all
27 Member States



Prohibition of dual
ownership
(Art. 92 BR)



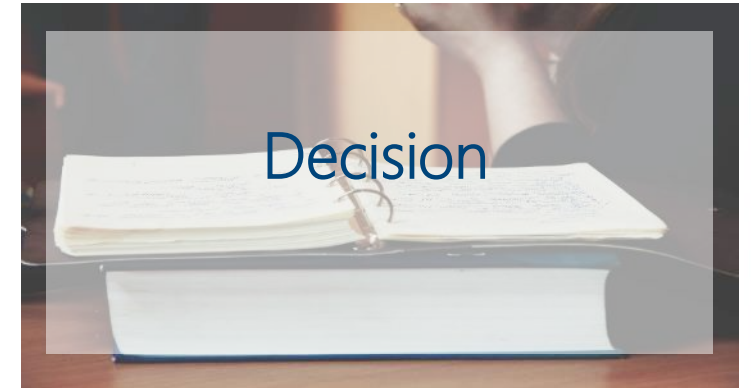
Previous national titles
cannot be invoked during
EU protection

Variety - object of protection (Article 5 BR)



- 'variety' shall be taken to mean **a plant grouping** within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a plant variety right are fully met, can be:
 - defined by the expression of the characteristics that results from a given genotype or combination of genotypes,
 - distinguished from any other plant grouping by the expression of at least one of the said characteristics, and
 - considered as a unit with regard to its suitability for being propagated unchanged.

Requirements to grant PVR





Duration of the protection

- The duration of the protection of plant varieties is (Art. 19 BR):
- **25 years**
- **30 years** in the case of vine varieties, tree species and potatoes.
- Approval of the extension of 5 years (**25 to 30**) of the protection of the species *Asparagus officinalis* L. and of the groups of species of flower bulbs, small fruits of woody plants and woody ornamental plants.
- In addition, a term of provisional protection is foreseen that covers the period that elapses from the publication of the application for protection until the granting of the right of community protection of the variety (Art. 95 BR).

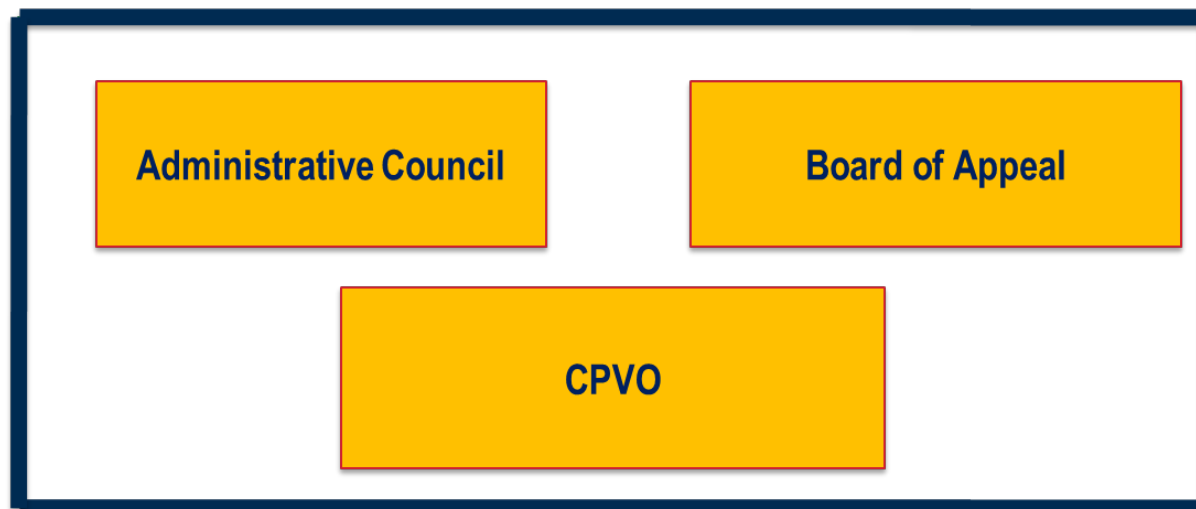


The EU Plant Variety Protection system is run by the Community Plant Variety Office (CPVO):

- **Official Agency of the EU**
- **Based in Angers (France)**
- **Operational since 1995**
- **Independent legal status**
- **Fully self-financed**





The CPVO




CPVO Administrative Council



- The Administrative Council (AC) is made up of representatives of the EU Member States, a representative of the European Commission and Observers
- The Administrative Council is responsible for:
 - Monitoring the CPVO
 - Approval of the Budget
 - Approval of the Technical Protocols
 - Entrustment of Examination Offices

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Filing an application



You can either file online or file on paper. The application fees for online applications amounts to 450 €, for paper applications to 800 €.

Filing online is a service provided by the CPVO, which enables users to apply for a Community plant variety right online. For the time being this option is available in English, Dutch, French, Spanish, and German.

In order to file online an application, you have to log in the secure website.

- > If you are already a client to the CPVO, you should have a login and password, please **Sign in**.
- > If you are a new applicant within the European Union, please **Create an account** and file your application.
- > If you are an applicant residing outside the European Union you have to appoint a procedural representative base in the European Union to file the application for you.

Privacy statement

[Filing online via MyPVR](#)

[Filing on paper & other forms](#)



NOTES FOR APPLICANTS

- Application for a CPVR:
- When?
- Where?
- How?
- By whom?
- Can be downloaded at:

<https://cpvo.europa.eu/en/applications-and-examinations/filing-application>



Technical Examinations

- The CPVO has not created its own technical infrastructure.
- Technical examinations are carried out by the Examination Offices entrusted by the Administrative Council.



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Community Plant Variety Office



DUS examination offices in the EU

 The red dots represent the headquarters of entrusted Examination Offices carrying out DUS technical examinations on behalf of the CPVO





Testing of herbage varieties

- Entrusted examination offices for main herbage species:
 - Bundessortenamt - Germany
 - GEVES – France
 - Naktuinbouw – Netherlands
 - UKZUZ – Czech Republic
 - UKSUP – Slovak Republic
 - COBORU – Poland
 - Tystofte – Denmark
 - Finnish Food Authority - Finland



DUS testing of herbage varieties

- Multi-annual testing to confirm distinctness (D), uniformity (U) and stability (S) of the candidate variety: minimum duration of tests should normally be two independent growing cycles
- Test design: in many grass species plots with spaced plants and row plots
- Visual and measured characteristics observed
- Statistical methods applied



Testing of herbage varieties



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Plant material submission to Entrusted Examination Offices S2/S3 Publication

[version 4.1.77](#) 

▼ [Information](#)

The purpose of the S2/S3 Publication is to provide applicants with a consolidated version of the closing dates for applications and the submission requirements for plant material per species and according to the examination offices which are currently entrusted to carry out the DUS technical examination on behalf of the CPVO.

For species without an entrusted examination office in the EU, the publication contains information about cooperating authorities in third countries.

The S2/S3 Publication also provides information on the Period of Grace to comply with the requirements set out in Article 10 (1)(b) of Council Regulation (EC) 2100/94 (Novelty) as well as on the Duration of Community plant variety rights pursuant to Article 19 (1),(2) of said Regulation. This information is provided in the column "Category" and encoded by a letter A, B, C.



Testing of herbage varieties

- S2/S3 Publication: <https://online.plantvarieties.eu/publication>
- <https://cpvo.europa.eu/en/applications-and-examinations/technical-examinations>



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Technical Examinations

**Technical
Protocols**

**Plant material
submission to
Entrusted
Examination
Offices S2/S3
Publication**

External Experts





Technical questionnaires

- Information on the breeding scheme and propagation of the variety
- Important characteristics used for grouping the varieties in the trial organisation of the test
- Similar varieties and differences from these varieties
- Additional information which may help to distinguish the variety (ploidy, disease resistance)
- Special growing conditions

Variety use



Breeder's Ref.

Technical questionnaire

timothy

CPVO/TQ-034/1

Mandatory fields or sections are marked with an asterisk (*)

01 . Botanical taxon: name of the genus, species or sub-species to which the variety belongs:

- Phleum bertolonii* DC.
 Phleum pratense L.
 Other species (please specify)

02 . Application code:

For office use only

03 . Breeder's reference

Breeder's Ref.

Technical examination of herbage varieties

Technical Protocols



CPVO-TP/034/1
Date: 22/12/2021

CPVO Technical Protocols available on:

https://cpvo.europa.eu/en/applications-and-examinations/technical-examinations/technical-protocols/cpvo-technical-protocols?t=&field_crop_sector_tid=86&order=field_adopted_date&sort=asc



PROTOCOL FOR TESTS ON DISTINCTNESS, UNIFORMITY AND STABILITY

Phleum nodosum L.
Phleum pratense L.

TIMOTHY

UPOV Code: PHLEU_BER; PHLEU_PRA

Adopted on 22/12/2021

Entry into force on 01/01/2022



“Take-over” of technical reports

- If a technical examination has already been carried out, or is in the process of being carried out on a variety already benefiting from national plant variety rights or entered for national listing in a Member State of the European Union, the Office may consider the examination reports of the responsible authorities to be a sufficient basis for a decision on your application for a CPVR
- only applies to reports from examination offices of the European Union which were entrusted by the Administrative Council of the Office



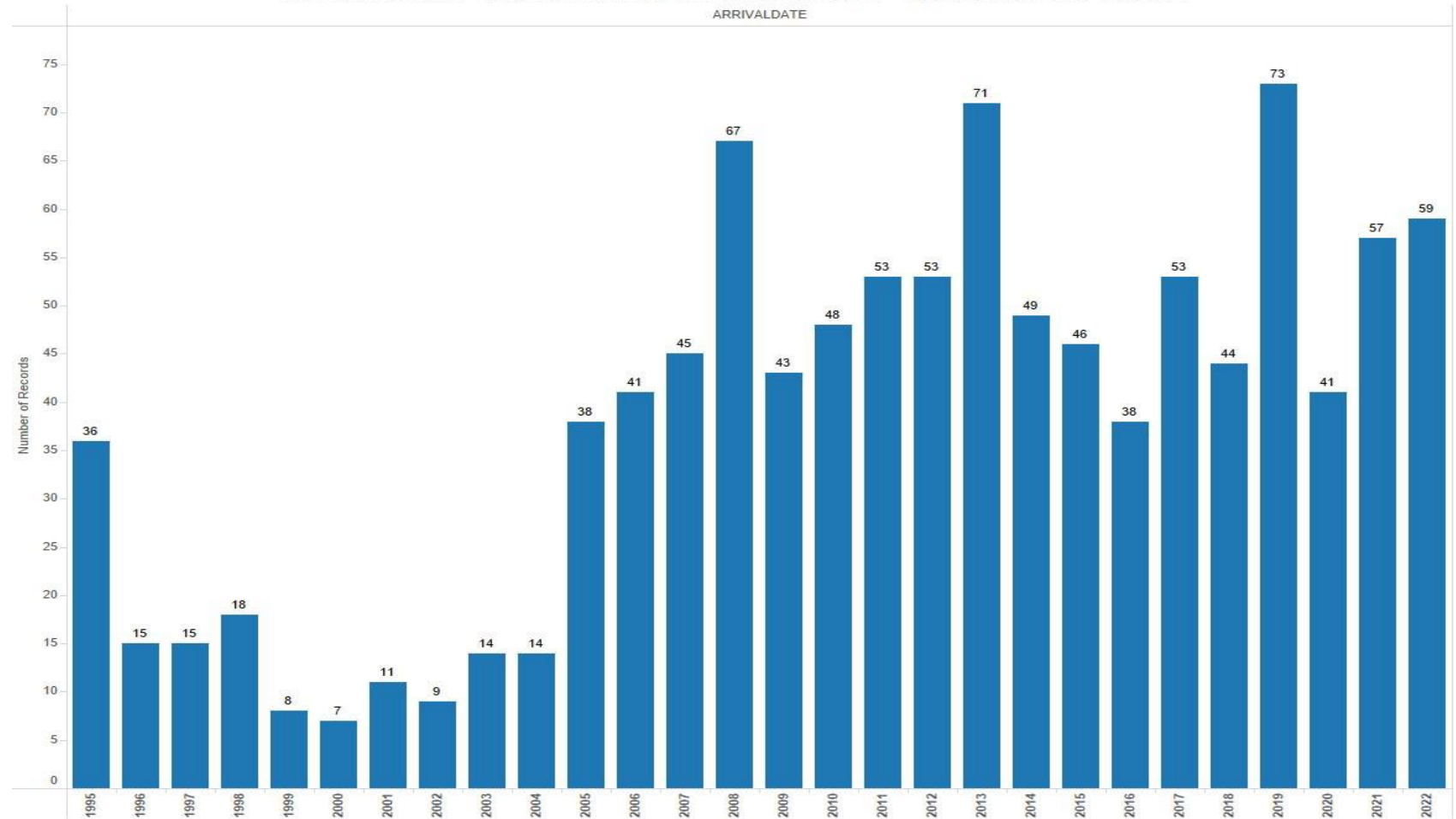
Suitable denomination of the variety

- a proposal for a variety denomination is checked
- if there is an impediment against the denomination the applicant has the possibility to comment or to submit a new proposal of a variety denomination
- if no impediment, it will be published in the Official Gazette
- Once the denomination is approved and the variety is granted a right, this variety denomination **MUST** be used for all commercial purposes. If a trademark is associated with the denomination, the variety denomination must be easily recognisable as such.

Evolution of the number of CPVO applications filed for herbage varieties*



Evolution of number of applications for grasses received per year - Update: 22/05/2023 14:46:45



*Data extracted from year 1995 to 31/12/2022:

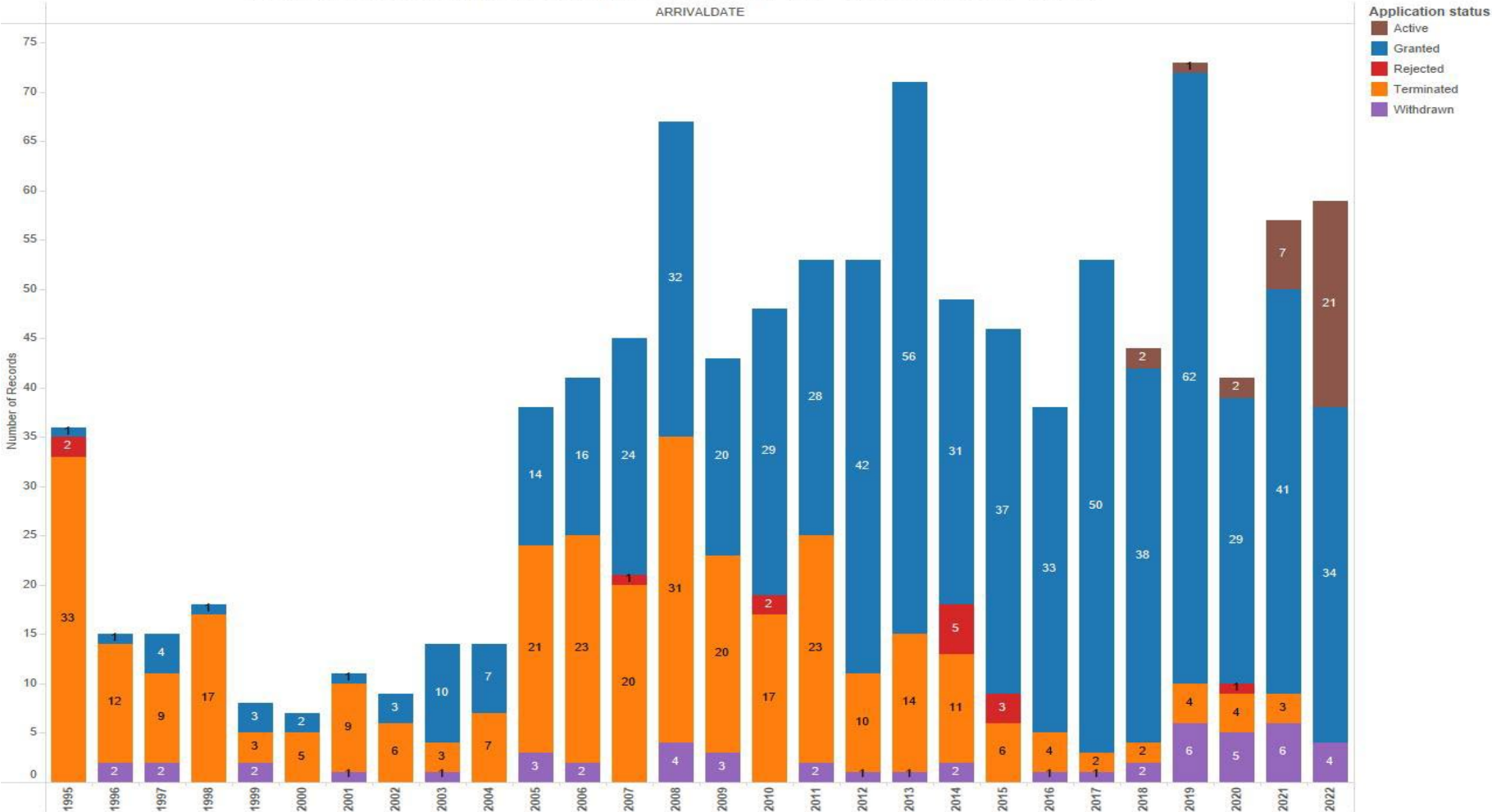
1066 CPVO applications

Distribution of herbage varieties by CPVO application status*



*Data extracted from year 1995 to 31/12/2022

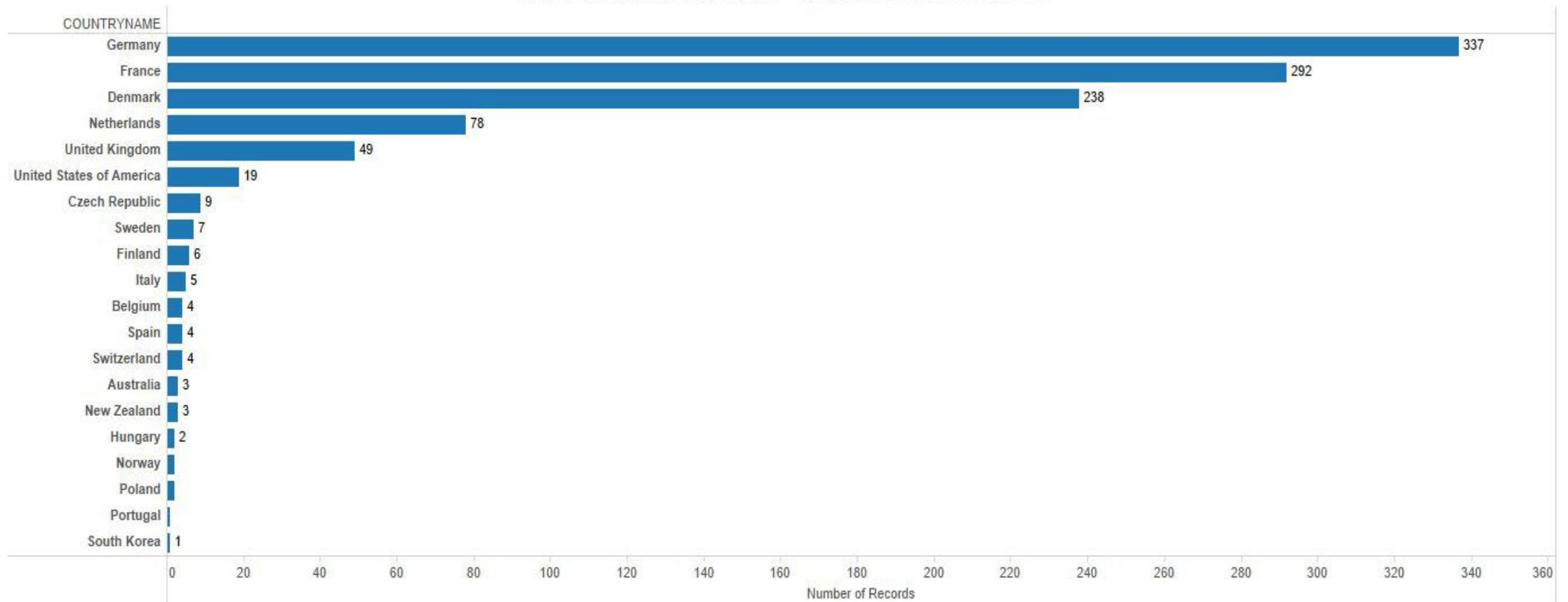
Evolution of number of applications for grasses received per year - Update: 22/05/2023 14:46:45



Distribution of CPVO herbage applications by country of main applicant since 1995*



Origin country main applicants - Update: 22/05/2023 14:46:45



*Data extracted from year 1995 to 31/12/2022

Distribution of CPVO herbage applications by country of examination office*



- Germany: 374
- United Kingdom: 263
- France: 201
- Netherlands: 149
- Czech Republic: 21
- Poland: 13
- Slovak Republic: 13
- Finland: 8
- Spain: 4
- Hungary: 2
- Belgium: 1
- Denmark: 1
- Italy: 1

*Data extracted from year 1995 to 31/12/2022



Number of CPVO applications for selected forage species and status

Species names	Active	Granted	Grand Total
<i>Lolium perenne</i> L.	18	255	273
<i>Lolium multiflorum</i> Lam.		60	60
<i>Dactylis glomerata</i> L.		29	29
<i>Lolium multiflorum</i> Lam. spp. <i>italicum</i> (A. Br.) Vokart (syn <i>Lolium multiflorum</i> Lam. spp. <i>non alternativum</i>)	1	9	10
<i>Lolium multiflorum</i> Lam. var. <i>westerwoldicum</i> Wittm. (syn <i>Lolium multiflorum</i> Lam. ssp. <i>alternativum</i>)	1	8	9
<i>Festuca ovina</i> L.		2	2
<i>Medicago sativa</i> L.	4	49	53
<i>Trifolium pratense</i> L.	2	26	28
<i>Trifolium repens</i> L.		22	22
<i>Trifolium incarnatum</i> L.	2	2	4
Grand Total	28	462	490



Withdrawals and Refusals

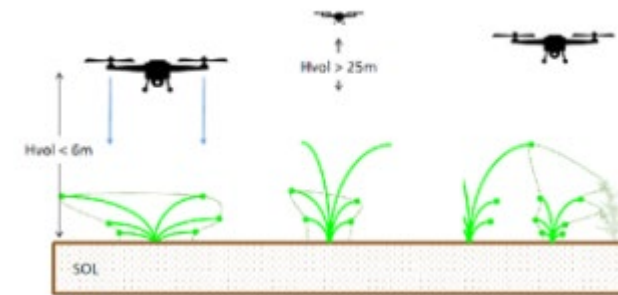
- **Main reason for withdrawals by applicants:**
- Payment of examination fees, if withdrawal submitted at the latest on the end date of submission plant material deadline, the fee is not due

- **Main reason for refusals:**
- Non-compliance to requirements of the Office, mainly plant material quality (low germination, late submission etc.)
- Non-payment of the fees
- Uniformity problems at testing



R&D work on Perennial Rye Grass

- **Genome-wide marker sets**
A sequence capture array was set up to infer **allele frequencies** in pools in order to distinguish varieties and structure the reference collection. Genotyping ongoing.
- **Statistical prediction model**
For the **prediction** of varietal behaviour based on phenotypical, genomics and environmental data. On going.
- **RGB phenotyping tools**
Low cost **RGB** tools and **drones** have been tested to monitor **persistence** and assess **plant height** and **biomass**. A large collection of imaging data has been produced and is being analyzed.
- **Non RGB phenotyping tools**
An algorithm to measure **height and width** from **drone** imaging (photogrammetry) on plants was developed. Tests ongoing.
- **New protocols to integrate sustainability and resilience criteria**
PRG **mixture** trials with red clover: evaluation protocols are being tested.



3D reconstruction and estimation via RGB on UAV protocol





CPVO

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