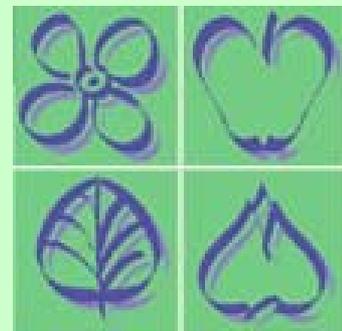


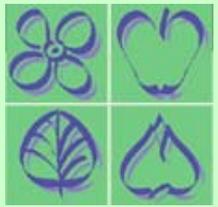
CPVO Seminar on the Enforcement of Plant Variety Rights



The Breeding Industry in the Region

Contribution of CLOPORA Germany

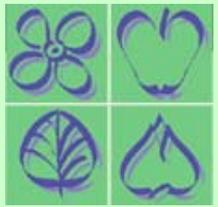
Hamburg, May 25, 2011



The Breeding Industry in the Region

Topics to be presented:

- Development of Ornamental and Fruit Breeding in Germany
- Actual Situation of Ornamental and Fruit Breeding in Germany
- Protected Ornamental and Fruit Varieties in the Region
- Difficulties in enforcement and improvement of PBR system



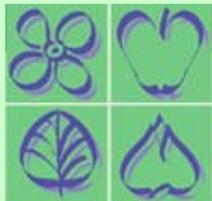
The Breeding Industry in the Region

Rights in Force of Ornamental and Fruit Species Varieties in all Countries and the Region per 10 May 2011

	All countries		Region		Germany		Denmark		Norway	
	Nos	% ¹⁾	Nos	% ¹⁾	Nos	% ¹⁾	Nos	% ¹⁾	Nos	% ¹⁾
Ornamentals	9795		2225	22.7	1583	16.2	603	6.2	1	< 0.1
Fruit species	1052		104	9.9	97	9.2	0	0	0	0

	Sweden		Finland		Estonia		Latvia		Lithuania	
	Nos	% ¹⁾	Nos	% ¹⁾	Nos	% ¹⁾	Nos	% ¹⁾	Nos	% ¹⁾
Ornamentals	33	0.3	3	< 0.1	2	< 0.1	0	0	0	0
Fruit species	7	0.7	0	0	0	0	0	0	0	0

1) % of Nos of all countries

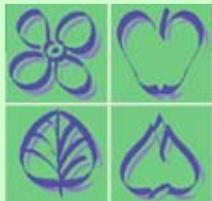


The Breeding Industry in the Region

Frequency of Rights in Force in Ornamental Species of German Applicants per 10 May 2011

Species	Number	Frequency ¹⁾	Frequency ¹⁾
<i>Pelargonium</i> L'Her.ex Aiton	343		21.7
<i>Rosa</i> L.	340		21.5
<i>Impatiens</i> L.	168		10.6
<i>Calibrachoa</i> Llave & Lex., <i>Petunia</i> Juss.	102		6.4
<i>Euphorbia pulcherrima</i> Willd. Ex Klotzsch	54	3.4	
<i>Calluna vulgaris</i> (L.) Hull	50	3.2	
<i>Osteospermum</i> L.	41	2.6	
<i>Lobelia</i> L.	36	2.3	
<i>Dianthus</i> L.	35	2.2	
<i>Chrysanthemum</i> L.	33	2.1	
<i>Fuchsia</i> L.	27	1.7	
<i>Nemesia</i> Vent.	25	1.6	
<i>Argyranthemum frutescens</i> (L.) Sch. Bip.	23	1.5	
<i>Helleborus</i> L.	22	1.4	
<i>Begonia</i> L.	21	1.3	
<i>Verbena</i> L.	20	1.3	
Total Euphorbia up to Verbena	387		24.6
Other species	243		15.4
Total	1583		100

¹⁾ % of 1583 rights in force in the Region for German applicants

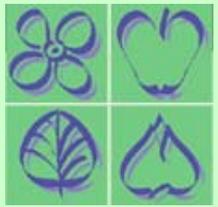


The Breeding Industry in the Region

Frequency of Rights in Force in Fruit Species of German Applicants per 10 May 2011

Species	Number	Frequency ¹⁾
<i>Prunus domestica</i> L.	23	23.7
<i>Malus domestica</i> Borkh.	22	22.7
<i>Vitis</i> L.	17	17.5
<i>Pyrus communis</i> L.	7	7.2
<i>Prunus</i> L. (Unterlagen-Sorten)	7	7.2
<i>Fragaria x ananassa</i> Duch.	4	4.1
<i>Rubus idaeus</i> L.	3	3.1
<i>Ribes uva-crispa</i> L.	3	3.1
<i>Lonicera caerulea</i> L. var. <i>kamtschatica</i> Sevast.	2	2.1
Other species	9	9.3
Total	97	100

1) % of 97 rights in force in the Region for German applicants



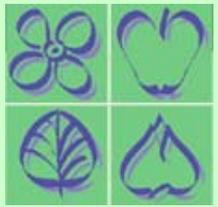
The Breeding Industry in the Region

Frequency of Rights in Force in
Ornamental Species of German
Applicants in Title Holder Classes
per 10 May 2011

Nos of Rights	Nos of Title Holders
> 200	1
200 – 150	2
150 – 100	3
100 – 50	2
50 – 40	0
40 – 30	4
30 – 20	4
20 – 10	8
< 10	> 50

Frequency of Rights in Force in
Fruit Species of German Applicants
in Title Holder Classes
per 10 May 2011

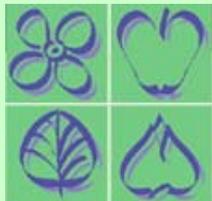
Nos of Rights	Nos of Title Holders
19	1
12	1
9	1
7	2
6	1
4	2
3	2
2	5



The Breeding Industry in the Region

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- **Difficulties in enforcement and improvement of PBR system**



The Breeding Industry in the Region

Difficulties in Enforcement of PBR	Possible Approaches / Improvements
<p>Too narrow and thus weak definition of DUS-criteria</p>	<p>Broader distances in phenotype Molecular fingerprints as accompanying criteria</p>
<p>Limited access to technical data of applications and PBR in case of infringement (tedious, especially at some national offices)</p>	<p>Open access</p> <ul style="list-style-type: none"> - to all files via Internet - to all reference collections at the examination offices - in future: DNA Data bases for application and grants
<p>Unreadiness to enforce PBR due to high costs and time-consuming processes</p> <p>Burden of proof, in case of infringement on breeders side</p> <p>Variety comparison too long, outrun by new varieties</p>	<p>Fast access to plant material</p> <p>Rapid molecular tests (on the spot of infringement) → Fast reversal of the burden of proof</p> <p>Educational advertising of PBR in the international trade of plant varieties (e. g. retail industry)</p> <p>Intellectual property insurance – defense and recovery or other possibilities of risk coverage</p>
<p>Market/PBR requirements different, depending on..</p> <ul style="list-style-type: none"> - the method of propagation (seed, cuttings or tissue culture) - the branch/plant species (e. g. Ornamental Plants, Fruits, Food Plants, Energy Plants) 	<p>Readjustment of PBR</p> <ul style="list-style-type: none"> - to state-of-the-art breeding and propagation systems <p>Breeders requirements towards their markets</p> <ul style="list-style-type: none"> - stronger consideration by the CPVO

Thank you for your attention.

