

# CPVO STRATEGIC PLAN

## 2017-2021

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## Foreword – Martin Ekvad, President of the CPVO

As a newly appointed President to the CPVO in 2011 I had the pleasure to continue the implementation of the Strategic Plan, designed to apply for the period 2010-2015. This document has served us well. To ensure more coherence, the future five year Strategic Plan will be aligned with the mandate of the President, which is why the present document covers the period to 2021, the duration of my second mandate.

I am delighted to present this Strategic Plan which outlines the vision and mission which will help the CPVO realize its full potential so that we may serve our clients as well as the wider community of stake holders and EU citizens.

The process of formulating a new Strategic Plan has provided the opportunity to take stock of past experiences and to determine our vision and future goals in the light of challenges ahead. The Strategic Plan demonstrates our commitment to achieve excellence in our core functions of providing robust titles of protection plant variety protection on the one hand, and at the same time create, disseminate and exchange knowledge to engage stakeholders, on the other. It also outlines how we shall develop in response to changing needs and take a more active role in dealing with questions on plant varieties in the EU in general and plant variety rights in particular.

I am convinced that engaging the brightest minds and ensuring, through life long training, that skills are developed to meet the state of art and to motivate the staff working for the CPVO is key to our future success. If this objective is achieved, I dare say that all other elements will fall into place. The success of the CPVO depends on its staff. Given the age profile of CPVO staff, we must start to prepare for the coming turnover of staff in positions. The success of the EU PVP system can be attributed to the good cooperation between the CPVO and the network of examination offices in the EU, providing the essential technological infrastructure. We must build on this cooperation as well as the excellent exchanges with member States, the Commission and observers in the Administrative Council.

They say that good reputation travels on its own. I believe that the reputation of the EU PVP system is very good but we live in a society where communication is essential and where public opinion is formed on facts that may not always be accurate. In a time where IP protection is under scrutiny and where it is increasingly important for the CPVO to raise its voice in the debate. I am convinced that it is crucial to ensure that our messages are not only widely spread but also well founded so that our clients and society as a whole can rely on us.

At a time when the concept of international cross border cooperation is challenged on the political arena, I believe that the CPVO can serve as an excellent example of how an EU policy can be implemented in a rational, user-friendly and efficient manner. We provide IP protection in 28 countries through the streamlining of applications to the CPVO in one language and relying on a single technical examination for the same variety. It is a self-financed system meaning that tax payers do not contribute. After 21 years of existence we take this for granted. The CPVO is in my opinion the best example of successful EU integration and I am proud to be working here to develop the system in the years to come by implementing this Strategic Plan.

I would like to invite you to continue the support for the CPVO in our attempts to fostering its further developments. May I thank you heartily for taking an interest in the future of CPVO, hoping that this document will help you understand our future vision.



## 1. Introduction

This document presents the vision for the Community Plant Variety Office (CPVO) to 2021. While the mission of the CPVO has remained relatively untouched, the pace of change in the environment and myriad challenges facing the CPVO means that we have arrived at a crossroads. Preparing and positioning the CPVO for the years to come requires the ambition to be a key player in the evolving Intellectual Property and plant variety landscape, the openness to developing as an organization on the basis of a partnership approach and the necessary financial and human resources to best serve our stakeholders.

Within the scope of its mission the CPVO has contributed to create "*strong incentives for innovation and investment in new plant varieties, leading to higher and more sustainable agricultural outputs and job creation in rural areas*<sup>1</sup>". The CPVO therefore contributes to the Europe 2020 Strategy for *Smart, Sustainable and Inclusive Growth*.

Food security is one of the most important issues society is faced with, particularly in the context of climate change. The CPVO through the management of the PVR system and through the execution of the tasks entrusted to it contributes to this crucial policy by supporting all stakeholders, with a stable system which promotes research and development and breeding of better varieties. High yield, disease resistant varieties which are better suited to the changing climatic conditions can only be promoted if the system of protection of such varieties is robust.

In that context supporting its stakeholders in accessing, using and exploiting the IP system for the protection of plant varieties on the basis of a cost-efficiency approach remains an important challenge for the CPVO. Working together with its stakeholders, the network of Examination Offices, of the EU Agencies and other IP players the CPVO has promoted the sharing of information and expertise and has helped implementing EU policies more efficiently and responding to particular needs identified by the EU institutions and Member States. The CPVO will continue fostering highest technical harmonization of practices and legal certainty on a high quality level which aims at ensuring reliable and defensible decisions on Plant Variety Rights in the EU. This remains a challenge for the CPVO that will require even better coordination between all players at EU level and internationally to address the needs of the stakeholders.

Performance indicators will be elaborated and included in the annual work program for the CPVO.

The Strategic Plan provides an overall vision for the future of the CPVO. This is translated, through the Single Programming document into a series of multi-annual and annual objectives to be implemented. Each year the CPVO will report on how the objectives have been implemented to the Administrative Council.

### 1.1. Strategic Plan 2010-2015

That previous Strategic Plan concentrated on two strategic goals:

- Maintain and, where possible, enhance the attractiveness of the Community plant variety protection system in comparison to other relevant IP rights.
- Be a benchmark organisation in the management of a plant variety protection system

These goals were to be achieved by the following four objectives

1. Optimize Community Plant Variety Rights System, quality and costs
2. Improve international cooperation in plant variety protection
3. Contribute to the enforcement of Community variety rights
4. Achieve organizational excellence

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<sup>1</sup> Deloitte Report "*How do EU agencies and other bodies contribute to the Europe 2020 Strategy and to the Juncker Commission Agenda?*" of November 2016, pages 95-96.



The CPVO had reported regularly during the relevant period of the Strategic Plan to its Administrative Council in order to compare the objectives with the achievements. Looking back, it appears correct to state that the goals have been achieved to a large extent.

However, as mentioned in the introduction to this Strategic Plan and considering today's environment described hereunder, it is evident that for a proper response of the CPVO the goals and the objectives need to be updated.

## **1.2. The process of defining the new strategy**

The strategic planning process started in 2016 with the launch of a reflection with a working group of staff representing a number of services within the CPVO. All staff were consulted through survey to provide feedback on the overall mission, values, goals and the objectives for the strategic plan, as well in the identification of key stakeholders.

The staff were further consulted through an open debate, with a view to further refining the elements of the strategic plan and on the basis of this, a first complete draft version of the strategic plan was drawn up and reviewed.

A public consultation was then held to solicit feedback from key stakeholders, and also from the General Public. The present version of the document has been prepared for presentation to the CPVO's Administrative Council.

## **1.3. CPVO Environment**

The modern economy is globally connected and this is not exclusively limited to the domain of business, as governments, research and non-profit organisations also operate across country borders with a variety of objectives. Technological advancements create new opportunities and challenges. For the CPVO this relates to breeding technology, to techniques used in creating and evaluating new varieties, to the way information is gathered, stored and disseminated and affects every area of its activities. Linkage to the patent system, to food security, to plant genetic resource management and international treaties have an impact on the CPVO's field of activities and increasingly require adequate strategic response. The general public takes an interest in related topics and is receptive to obtaining information on the merits of the plant variety protection implemented by the CPVO. The EU's priorities and strategic reference framework defined in Europe 2020 provide the setting within which the CPVO has a part to play towards a smart, sustainable and inclusive economy.

There is an increasing need for plant varieties that are more resilient to the impacts of climate change: e.g. disease-resistant, cold-, drought-, and salt-tolerant varieties. The contribution of plant breeding and the plant variety protection to UN's Sustainable Development Goals is jointly addressed with UPOV. EU has committed to the Sustainable Development Goals and they include i.a. the achievement of food security and improved nutrition and promotion of sustainable agriculture. Moreover, in the context of FAO's Commission on Genetic Resources for Food and Agriculture there is an increasing awareness that the genetic diversity of agricultural species should be safeguarded in order to ensure food security.

Therefore, through its activities in plant variety protection, the CPVO is stimulating innovation in plant breeding and at the same time contributing to the Juncker priorities of fostering innovation, boosting growth, and creating jobs.

## **1.4. CPVO Stakeholders**

The *raison d'être* of the Community regime for the protection of plant varieties is to stimulate the development of new varieties for the benefit of all of us. This is why society is one stakeholder, next to those with a much more direct contact with the Office, such as the obvious clients of the system, the applicants and right holders.

Between these two clusters many other relevant interest groups with legitimate expectations can be identified:



Organisations representing the interests of breeders or particular groups of breeders; they are also consulted on general policy issues and contribute to technical discussions.

Institutional actors such as the Administrative Council and the EU institutions that have defined governance roles. Other organisations with expertise or activities that relate to CPVO's mission, on a national, regional and international level.

Individuals and organisations working directly for or with the CPVO such as the staff, contractors, cooperation partners. This includes the entrusted examination offices and experts in a variety of fields.

Farmers, growers and consumers as the users of what the protection scheme intends to stimulate: varietal progress.

## 2. Mission

The CPVO was established by Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227 of 01.09.94 p.1). It was established with a view to creating a system of industrial property rights for plants, with uniform effect in the territory of the European Union.

The mission statement below, which is broadly in line with the one defined for the period 2010-2015, provides a clear *raison d'être* for the CPVO. It is on this solid basis, that the Strategic Vision is developed and the objectives and actions over the period 2017-2021 are derived.

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*To deliver and promote an efficient Intellectual Property Rights system that supports the creation of new plant varieties for the benefit of Society*

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The mission of the CPVO provides an incentive to create new varieties. By protecting new varieties return of investments to the breeder is ensured and opens the door for re-investments in the creation of new plant varieties. This will lead to higher and more sustainable agricultural outputs and job creation as outlined above in the introduction. This mission has many implications for how the CPVO works and develops over time. Achieving this means we will implement high quality, robust and defensible decisions which maintain the confidence of breeders and society as a whole. This in turn requires recruiting and developing staff with access to cutting-edge IT tools, maintaining excellent relations with all our stakeholders while taking our responsibility as a worldwide player in Intellectual Property Rights for plants.

## 3. Organisational Values

The CPVO is a knowledge organisation. It's key asset and potential is its staff. Fulfilling the CPVO mission requires that we have access to the best and brightest. We must also strive to remain at the forefront of what we do, through excellence in all our work and ensuring that we can react to an ever-changing environment.

The organisational values of the CPVO outlined below are important to us and necessary to fulfil our mission.



### 3.1. People

The CPVO is its people. They allow us to make an impact, responding to all our stakeholders needs and delivering results. Investing in and taking care of our people is investing in the future of the CPVO and the future of the PVP system.

We will focus on ensuring a working environment where teamwork, lifelong training and development will be possible while valuing individuals' staff rights to a healthy working environment and culture, thereby promoting the wellbeing of our staff.

### 3.2. Innovation

The CPVO will promote a culture of openness to new working methods and continuously strive to make ourselves better. The CPVO shall be innovative and open to organizational improvement and the use of new tools. We will facilitate the development of techniques which advance the Plant Variety Protection system.

### 3.3. Excellence

The CPVO will set and achieve ambitious goals through competence, professionalism and integrity. We add value, and take pride in what we do and the service we provide.

## 4. Our Vision

Whereas the mission statement shows the CPVO's *raison d'être*, the vision outlines where we want to get to and what we want to become during the timeframe of the strategic plan.

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*The CPVO will be a dynamic, people-driven IP organisation, recognised and valued by the global plant breeding industry and the general public. As part of a strong intellectual property network, it contributes to a coherent and harmonized legal framework for the benefit of its stakeholders and will be a 'natural choice' for protection of plant varieties.*

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## 5. Strategic Goals

The Strategic Goals guiding directions for the CPVO in order to achieve its vision are:

- Making PVR the natural choice for the protection of IP related to plant varieties
- An innovative, people-driven organisation, promoting EU values

We shall align our objectives and actions with these guiding principles.

## 6. Objectives / Activities

In order to achieve our vision, respecting the strategic goals defined above, concrete objectives and related activities shall be undertaken. These objectives cover

- Achieving excellence through people – giving life to our values



- Supporting breeders with a robust and reliable Intellectual Property Right
- Make the CPVO strong in a strong Intellectual Property network
- Promoting PVR, in the EU and internationally

## **6.1. Achieving excellence through people – giving life to our values**

### Challenges

The organisational values identified as most important by the CPVO must be cultivated. CPVO has to adapt to a changing environment and so have staff. This includes staying abreast of developments and matching ambitions and manpower. Further challenges faced by the CPVO include the limited possibilities for staff mobility and ongoing pressure to reduce costs. Areas where an impact can be made are quality management, HR and communication.

### 6.1.1. Recruit and develop staff in line with real needs

It is important to match human resources to real needs. This refers both to the need to have adequate number of staff in order to avoid excessive structural overtime, and also to ensuring that staff are adequately trained to take on new challenges and remain up-to-speed with the evolving digital and operational environment.

### 6.1.2. Empower and motivate staff

The CPVO will capitalise on the capacities of its staff through promotion of autonomy and through delegation of responsibilities.

### 6.1.3. Cost efficiency

High quality, low cost decisions for the benefit of breeders. This can be done through the continuous improvement of work processes and permanent attention to reduction of costs.

### 6.1.4. Communication

Efficient internal communication is crucial. Best practices for internal communication shall be pursued and knowledge management approaches shall be applied.

## **6.2. Supporting breeders with a robust and reliable Intellectual Property Right**

### Challenges

The CPVO focuses on ensuring that the breeders have full confidence in the decisions taken and also that the costs of such decisions remain reasonable. For that purpose all tools providing excellence in the technical assessment of new plant varieties must be applied by the network of entrusted examination offices. The positive result of the variety examination, a Community plant variety right, must be reliable and defensible, both technically and legally, so that breeders can safely enforce their rights.

### 6.2.1. High quality, reliable DUS results and PVP decisions

The main output of the CPVO is the processing of applications and taking defensible decisions. Doing so requires close collaboration with Examination Offices and a constant focus on quality improvements. Furthermore, the CPVO shall actively promote cutting edge technologies for variety testing through



appropriate Research and Development projects. Interactions with the CPVO will be made through user-friendly tools and up-to-date information technology.

#### 6.2.2. Contribute to the enforcement of Community rights

Cooperation with bodies related to enforcement such as the Observatory, EUROPOL, CEPOL and other law professionals should be pursued in order to raise awareness of breeders' rights. Seminars and other means of interaction shall be organised to this end to disseminate this information widely.

### 6.3. Make the CPVO strong in a strong Intellectual Property network

#### Challenges

The worldwide network of Intellectual Property players is considerable, and making an impact in this network will require investment in establishing and maintaining close contact with key players and in identifying opportunities.

Various Intellectual Property Rights systems offer choices to breeders. The CPVO believes that plant variety protection UPOV type is ideally adapted to breeders' needs while safeguarding further innovation and ultimately continuous progress for the benefit of society. *Vis-à-vis* other forms of Intellectual Property the CPVO will have to collaborate and, at the same time, stand its ground by furthering the understanding for the particularities of plant variety protection. Collaboration with relevant international organisations will reinforce the CPVO's position in the IPR domain both at EU and at a global level, through increased visibility, common activities and awareness raising of plant variety rights.

#### 6.3.1. International cooperation

Through close collaboration with key IP actors (UPOV, EPO, EUIPO and national PVP offices), participation in international events and seminars and visiting key stakeholders, the CPVO shall stay abreast of developments in the IP world and further the Plant Variety Right system through international networks. The co-operation with EUIPO on the relationship between trade marks and variety denominations as well as the co-operation with EPO on biotech related issues are examples of important priorities in this respect. Supporting the extension of UPOV's membership to more non-EU countries the CPVO contributes to international harmonisation of national legislations which enables broad alignment of rules and thereby a more predictable IP environment. Moreover, it entails the negotiation by the European Union of new multilateral treaties, their ratification and implementation which contain integrated chapters on IP protection and enforcement. Bilateral work can also be continued with relevant regional intellectual property organizations (e.g. OAPI, ARIPO).

### 6.4. Promoting PVR, in Europe and internationally

#### Challenges

The PVR system in place in the European Union is the world's largest in terms of the number of applications per year and is regarded as a model for many countries and regions considering creating or improving their Plant Variety protection systems. Promoting this system is beneficial not only for those countries, but also for the European Union.

Many varieties protected under the Community system are also marketed outside the European Union. International cooperation and harmonisation will benefit the breeders with access to other countries while as far as possible avoiding repeated testing and provide consumers and growers with new varieties from an even wider origin.

The CPVO will focus on increasing public awareness as regards the added value of plant variety rights for issues such as choices for consumers, response to environmental challenges and food security.



#### 6.4.1. Develop external communication

The recommendations of the evaluation of the CPVO external communication policy shall be implemented as a priority. This shall cover, amongst others, media coverage of PVP, drafting press releases, managing the relation to the press, and organisation information events with Media

#### 6.4.2. Promote the system

Through participation in working groups, seminars and events, the CPVO shall share best practices. The CPVO shall support other countries and regions in the implementation of the UPOV approach to PVP and participate in collaboration projects with other PVP authorities inside and outside the European Union. This should be formalised through the use of administrative agreements with non-EU countries. Moreover, the CPVO shall promote the system in cooperation with other partners to raise awareness of the PVP system in EU Delegations and through EU funded projects such as the IPR Helpdesks for European SMEs.

#### 6.4.3. PVP Education programs and internships

Cooperate with the EPO and EUIPO Academies and Universities in order to prepare and participate in specialized Master programs on plant variety rights and conferences. The CPVO shall also continue offering high quality internship programs through the joint EUIPO-EPO platform Pan-European Seal Professional Traineeship Programme.

Chair of the Administrative Council

**Martin Ekvad**

President of the CPVO

