CPVO
Community Plant Variety Office

THE EU SYSTEM OF PLANT VARIETY RIGHTS

Vegetable open day

Edinburgh 12/09/2017

Dirk THEOBALD
CPVO

Outline

1. The EU Plant Variety System
2. The CPVO
3. Application Procedure
4. DUS Examination
5. Board of Appeal
6. Statistics
8. 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

2. The CPVO

Mission statement

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

Council
Commission
Court of Justice
EU Parliament
Administrative Council
Board of Appeal
CPVO
Examination Offices

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

Technical Examinations

- The CPVO has not created its own technical infrastructure
- Technical examination to confirm distinctness, uniformity and stability (DUS) is carried out by the Examination Offices entrusted by the Administrative Council
- Entrustment process to be followed
- Technical examinations are carried out according CPVO technical protocols

EU system of Plant Variety Rights

CPVO Finances

Under the terms of the basic Regulation the Community Plant Variety Office is self-financed:

- It must administer the system without financial support from the general European Community budget
- The CPVO receives revenue from fees (application, examination, take-over, annual fee)
- Due to the number of applications received and rights granted, the Office has been able to meet the requirement of financial self-sufficiency

Fees

- Application fee € 650 (paper) € 450 online
- Annual Fee - € 330 per title in force
- Examination fees (varied) € 1200-3000
- Take Over Report € 320

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

4. 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

Appeal Fees: Art. 11 of Commission Regulation (EC) 1238/95 (Fees Regulation)

Appeal fee= 1500 euros per appeal lodged	
1/3 are due on receipt of the appeal	2/3 are due, on request of the Office, within one month from the remittal of the appeal to the Board of Appeal

The appeal fee may be **reimbursed**.

Further appeal against decisions of the Board of Appeal (Art.73 BR)

- Any party to proceedings who has been unsuccessful (whole or in part) in an appeal procedure may lodge a further appeal against a decision of the Board of Appeal before the General Court.

- Ruling from the General Court may be appealed before the Court of Justice

6. Statistics

- 60.000 applications received (more than 90% online)
- 46.900 titles granted (25.900 in force)
- 1.900 different species

Number of Applications received per year

Applications received per crop sector

Number of applications received by the CPVO per crop sector

NB (*) Comparison with 2015: +3.5%

Total from EU members
= 2622 applications

Total from Non-EU members
= 677 applications (26%)

NB: (*) Comparison with 2015: + 4.8%

NB: (*) Comparison with 2015: -3.4%

Number of DUS reports sold to countries outside the EU

7. Final remarks

- The system functions well overall and the stakeholders are happy with it
- Need for better information on potential overlap between PVR and patents
- Farm Saved Seeds rules could be improved so as to ensure that holders acquire the necessary information on the use of FSS
- Challenges in enforcement
- Adequate Protection period for certain species

Thank you for your attention