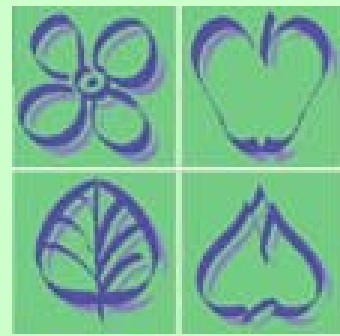


# **CPVO Seminar on the Enforcement of Plant Variety Rights**



## **The Breeding Industry in the Region**

**Contribution of CLOPORA Germany**

Hamburg, May 25, 2011



## The Breeding Industry in the Region

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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           | Nos    | % <sup>1)</sup> | Nos     | % <sup>1)</sup> | Nos     | % <sup>1)</sup> | Nos    | % <sup>1)</sup> |
| 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    | % <sup>1)</sup> | Nos     | % <sup>1)</sup> | Nos     | % <sup>1)</sup> | Nos    | % <sup>1)</sup> | Nos       | % <sup>1)</sup> |
| 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 <sup>1)</sup> | Frequency <sup>1)</sup> |
|---|--------|-------------------------|-------------------------|
| <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                     |

<sup>1)</sup> % of 1583 rights in force in the Region for German applicants



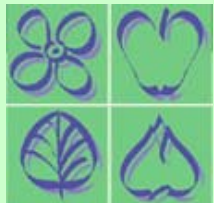
## The Breeding Industry in the Region

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

| Species  | Number    | Frequency <sup>1)</sup> |
|--|-----------|-------------------------|
| <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                     |
| <b>Total</b>   | <b>97</b> | <b>100</b>              |

<sup>1)</sup> % 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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# The Breeding Industry in the Region

| Difficulties in Enforcement of PBR  | Possible Approaches / Improvements  |
|---|---|
| <b>Too narrow and thus weak definition of DUS-criteria</b>  | <b>Broader distances</b> in phenotype<br><b>Molecular fingerprints</b> as accompanying criteria   |
| <b>Limited access</b> to technical data of applications and PBR in case of infringement<br>(tedious, especially at some national offices)   | <b>Open access</b><br>- to all files via Internet<br>- to all reference collections at the examination offices<br>- in future: DNA Data bases for application and grants  |
| <b>Unreadiness to enforce PBR</b> due to <b>high costs</b> and <b>time-consuming processes</b><br><b>Burden of proof</b> , in case of infringement on breeders side<br><b>Variety comparison too long</b> , outrun by new varieties | <b>Fast access to plant material</b><br><br><b>Rapid molecular tests</b> (on the spot of infringement)<br><b>→ Fast reversal of the burden of proof</b><br><b>Educational advertising of PBR</b> in the international trade of plant varieties (e. g. retail industry)<br><b>Intellectual property insurance</b> – defense and recovery or other possibilities of risk coverage |
| <b>Market/PBR requirements different</b> , depending on..<br>- the method of propagation (seed, cuttings or tissue culture)<br>- the branch/plant species (e. g. Ornamental Plants, Fruits, Food Plants, Energy Plants)             | <b>Readjustment of PBR</b><br>- to state-of-the-art breeding and propagation systems<br><b>Breeders requirements towards their markets</b><br>- stronger consideration by the CPVO  |



**Thank you for your attention.**

