



**CPVO**

Community Plant Variety Office

# Protecting new plant varieties in Europe



## **OUR MISSION: TO DELIVER AND PROMOTE AN EFFICIENT INTELLECTUAL PROPERTY RIGHTS SYSTEM THAT SUPPORTS THE CREATION OF NEW PLANT VARIETIES FOR THE BENEFIT OF SOCIETY**

In operation since 1995, the Community Plant Variety Office (CPVO) is the European Union agency responsible for managing the Community Plant Variety Rights system. Its headquarters have been located in Angers (France) since 1997.

As with other intellectual property rights, protecting research and creativity in the field of plant varieties is a strategic goal for breeders, who need to invest in the creation of new varieties able to satisfy market requirements.



## **A SOLUTION TO THE CHALLENGES OF PLANT BREEDING**

The European Union's system of protection for plant varieties, which is based on the principles of the 1991 act of the International Convention for the Protection of New Varieties of Plants, contributes to the development of agriculture and horticulture. By stimulating innovation and research, the EU system promotes the development of new varieties in the marketplace.

Breeders cannot merely rely on supplying existing varieties. To maintain business, new varieties meeting enhanced quality, disease-resistance, productivity and environmental criteria need to be created. The Community Plant Variety Rights (CPVR) system incorporates the principle of the breeders' exemption, which guarantees free access to protected varieties for the development and exploitation of new plant varieties.

The CPVR system is a concrete response to all of these requirements; it provides an intellectual property right for new varieties of plants that is valid throughout the European Union (with almost half a billion inhabitants). Prior to 1995, a breeder wanting to protect a new variety throughout the entire European Union had to submit a separate application in each of the Member States.





## THE WORLD'S MOST EXTENSIVE PLANT VARIETY PROTECTION SYSTEM

The protection of plant varieties is a specific form of industrial property right applied in various countries around the world. The objective is to encourage and promote the creation of new varieties and to improve the quality of products for the benefit of consumers.

The EU protection system managed by the CPVO provides added value in the sense that breeders can achieve a return on investment throughout the entire European Union. All botanical *taxa* are eligible for protection.

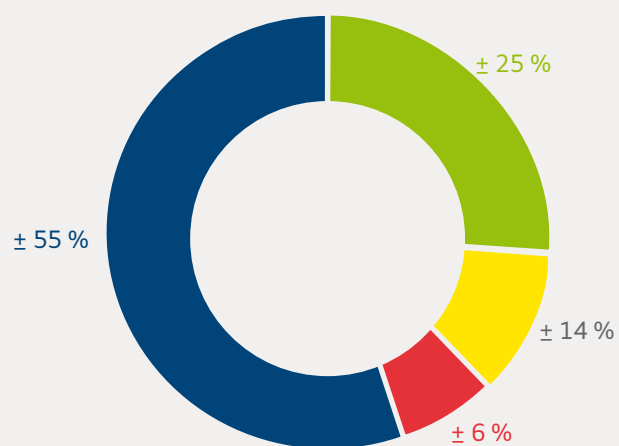
To date, ornamental species account for the largest number of applications (approximately 55 %), ahead of agricultural species (approximately 25 %) and fruit and vegetable species (approximately 20 %).

More than 3 000 applications are processed each year, making it the most extensive system of its kind in the world.

Although applications are received primarily from individuals and companies in EU Member States, almost 21 % come from countries outside the European Union.

### Applications per crop sector

- Ornamental ●
- Agricultural ●
- Vegetable ●
- Fruit ●





## THE MAIN STEPS IN PLANT VARIETY PROTECTION

Protecting a new plant variety entails granting exclusive rights for the exploitation of the variety. The protection system is technically and legally complex, but the application procedure is simple. *Just follow the guide!*

### Approach

#### A voluntary approach

##### Who can apply ?

Any individual or company can apply. Individuals and companies from outside the EU have to designate a procedural representative domiciled in the EU.

##### How can applications be made ?

An application for plant variety protection can be made directly to the CPVO using the online application system, MyPVR, or the electronic system, UPOV Prisma, in any of the 24 official languages of the European Union. Application forms are available from the CPVO website : <http://cpvo.europa.eu/>

### Procedure

#### A procedure that respects creativity

##### Checking the application

The first task of the CPVO is to verify that the application is complete and eligible. The CPVO studies if the variety is in fact **novel** and if the other legal requirements have been fulfilled, such as entitlement to the variety for which protection is sought. If no formal impediment to granting a Community plant variety right is found, the CPVO arranges for technical examinations of the variety in question.

##### Technical examinations

The purpose of these examinations is to ensure that the criteria of distinctness, uniformity and stability are complied with. It is crucial that the variety submitted meets these three conditions.

- **Distinctness**

The variety must be clearly distinguishable from any other variety of common knowledge at the date of application.

- **Uniformity**

The variety is considered to be 'uniform' if it is uniform in the expression of its characteristics.

- **Stability**

The variety is considered to be 'stable' if it remains unchanged after repeated propagation.

These technical examinations are entrusted to competent bodies. They are conducted in accordance with protocols established by the CPVO and are monitored by its technical experts. Accordingly, the variety for which protection is sought is compared with existing varieties of the same species.





# Title

## A title with a European dimension

### Variety denomination

In addition to the technical requirements, a variety must be identified by a variety denomination, which is proposed by the applicant. To be approved, a variety denomination must fulfil several criteria: it must allow the variety to be clearly identified and ensure that it is different from a denomination identifying an existing variety of the same or a related botanical species. The suitability of a proposed denomination can be checked in the CPVO's Variety Finder database. This database is open to the public.

### Grant of title

If the findings of the technical examinations are conclusive and all other requirements have been met, the CPVO grants a Community plant variety right. In so doing, it issues the titleholder a certificate and a copy of the official variety description of the protected variety.

### Duration of protection

Community plant variety rights are granted for 25 years as a general rule, or for 30 years in the case of vines, potatoes and trees.

# Protection

## A unitary scheme

Community plant variety right protection cannot be combined with national protection or with a patent. Any national protection or patent previously granted is ineffective for the entire duration of the Community plant variety right.



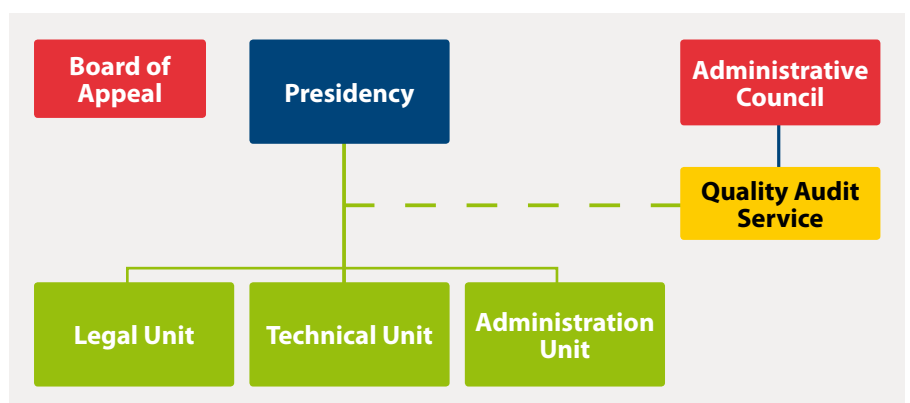


## AN EU AGENCY MEETING THE CHALLENGES OF THE PLANT BREEDING INDUSTRY

The CPVO is a self-financing European Union agency with independent legal status. It collects fees for the activities it conducts each year. The CPVO is supervised by an Administrative Council composed of representatives of the Member States and of the European Commission, as well as observers. The Administrative Council lays down general guidelines, monitors activities, adopts a budget and watches over the accounts.

The CPVO is managed by its president who is assisted by a vice-president; both are appointed by the Council of the European Union. The CPVO currently employs about 50 staff members of various EU nationalities in separate units and support services, including an independent Quality Audit Service.

Alongside the CPVO a Board of Appeal comprising independent members (a chairperson nominated by the Council of the European Union and two other members) has been established. It is responsible for deciding on appeals made against decisions taken by the CPVO. Actions against the decisions of the Board of Appeal can be lodged before the Court of Justice of the European Union in Luxembourg.



## ABOUT THE CPVO : [CPVO.EUROPA.EU](http://CPVO.EUROPA.EU)

The CPVO website is updated regularly and provides details on the CPVO's activities. It also supplies the information and forms needed to submit an application for protection. Furthermore, it offers a complete list of the applications and protected varieties within the CPVR system. Applications and titles in force can be consulted online and in the CPVO's Variety Finder database. News articles are also published on LinkedIn and Twitter.

Every 2 months, the CPVO publishes an electronic official gazette on its website, which provides information on applications received, on protection and on decisions taken by the CPVO. It also publishes an annual report with an annex listing all the protected varieties.



**CPVO**

Community Plant Variety Office

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Oficina Comunitaria de Variedades Vegetales  
Odrůdový úřad Společenství  
EF-Sortsmyndigheden  
Gemeinschaftliches Sortenamnt  
Ühenduse Sordiamet  
Κοινοτικό Γραφείο Φυτικών Ποικιλιών  
Community Plant Variety Office  
Office communautaire des variétés végétales  
An Offig Chomhphobail um Chinealacha Plandai  
Ured Zajednice za zaštitu biljnih sorti  
Ufficio comunitario delle varietà vegetali

Kopienas Augu šķirņu birojs  
Bendrijos augalų veislių tarnyba  
Közösségi Növényfajta-hivatal  
L-Uffiċju Komunitarju dwar il-Varjetajiet tal-Pjanti  
Communautair Bureau voor plantenrassen  
Wspólnotowy Urząd Ochrony Odmian  
Instituto Comunitário das Variedades Vegetais  
Oficiul Comunitar pentru Soiuri de Plante  
Úrad Spoločenstva pre odrody rastlín  
Urad Skupnosti za rastlinske sorte  
Yhteisön kasvilajikevirasto  
Gemenskapens växtsortsmyndighet