Protection of new plant varieties in Europe
OUR MISSION: TO FOSTER INNOVATION BY PROTECTING NEW PLANT VARIETIES

In operation since 1995, the Community Plant Variety Office (CPVO) is the European Union agency responsible for implementing a system for the protection of plant varieties. Since 1997, its headquarters are located in Angers (France).

As with trademarks and patents, protecting research and creativity in the field of plant varieties is a strategic activity. Breeders must invest in the creation of new varieties that meet the requirements of the market.

The mission of the CPVO is to foster innovation in plant varieties by high quality processing of applications for Community plant variety rights at affordable costs, while providing policy guidance and assistance in the exercise of these rights for the benefit of stakeholders.

A SOLUTION TO THE CHALLENGES OF PLANT BREEDING

The European Community’s system of protection for plant varieties, which is based on the principles of the 1991 act of the UPOV Convention (International Union for the Protection of New Varieties of Plants), contributes to the development of agriculture and horticulture. By stimulating innovation and research, the Community system promotes the development of new varieties in the market place.

Breeders cannot be content with supplying what already exists. To maintain their business, it is the breeders’ challenge to create varieties that meet new quality, disease resistance, productivity and environmental criteria. The Community plant variety rights (CPVR) system incorporates the principle of the breeders’ exemption, free access to protected varieties for the development and exploitation of new plant varieties.

The Community plant variety rights system is a concrete response to all of these requirements; it provides an intellectual property right for new varieties of plants which is valid throughout the European Union (covering nearly 500 million inhabitants). Prior to 1995 which is 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 law 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 Community protection system managed by CPVO provides an added value in the sense that breeders can get 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 60 %), ahead of agricultural species (± 20 %) and fruit and vegetable species (± 10 %).

More than 2 800 applications are examined each year, making it the most extensive system of its kind in the world.

Applications are received primarily from countries belonging to the European Union. Nearly 20 % of the applications come from countries outside the European Union.

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<th>Applications per crop sector</th>
<th>60 %</th>
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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!

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, in any of the official languages of the European Union. Application forms are available on the CPVO website: www.cpvo.europa.eu

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 Office studies whether the variety is in fact novel. If no formal impediment is found for granting Community protection, the CPVO arranges for a technical examination of the variety submitted.

Technical examination
The purpose of this examination is to ensure that the criteria of distinctness, uniformity, and stability (DUS) 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 “stable” if it remains unchanged after repeated propagation.

All of 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, varieties submitted are compared with existing varieties of the same species.
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 in the form of a code or a "fancy" name. To be approved, a variety denomination must fulfill several criteria; it must allow for the variety to be clearly identified and ensure that it is different from a denomination identifying an existing variety of the same botanical species or a related one.

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

Duration of protection
Community protection is granted for 25 years as a general rule, or for 30 years in the case of vines, potatoes and trees.

A Community scheme
Community plant variety rights (CPVR) 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 CPVR.
A EUROPEAN AGENCY MEETING THE CHALLENGES OF THE PLANT BREEDING INDUSTRY

The CPVO is a self-financing EU agency with independent legal status. It collects fees for the activities it conducts each year. The CPVO is supervised by an Administrative Council, which 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 nominated by the Council of the European Union. The CPVO currently employs some 46 individuals of different EU nationalities in separate units and support services including an independent Quality Audit Team.

Alongside the CPVO, a Board of Appeal, which comprises independent members (a chairman nominated by the Council of the European Union and two members), has been established. It is responsible for deciding on appeals made against decisions taken by the CPVO. Appeals against the verdicts of the Board of Appeal can be lodged to the Court of Justice of the European Union in Luxembourg.
Updated on a regular basis, the CPVO website provides details on all of the Office'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 framework of the Community system.

Every two months, the CPVO publishes an electronic Official Gazette on its website. The Gazette provides, in particular, information on applications received or protection and decisions taken by the CPVO. It also publishes an Annual Report with its Annex listing all the protected varieties.