



**CPVO**

Community Plant Variety Office

# Newsletter

Issue 17, Summer 2019

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I hope you enjoyed a pleasant summer break and you are full of energy to kick off the new working season! The next

months are going to be exciting and busy for the CPVO.

We remain committed to working with the incoming European Parliament and European Commission to leverage plant variety protection in Europe. We will support all relevant political priorities of the new Commission, and we wish good luck and success to President-elect [Ursula von der Leyen](#) and her team.

Europe is the right answer to our most burning issues and, despite the uncertainties from Brexit and the climatic and sustainability challenges that we face, we are confident that EU plant variety protection is strong and remains a stable standard around the globe.

The CPVO is committed to remain as open as possible to the world. We signed an administrative arrangement with Taiwan in April and we keep engaging with other Asian and South American partners in the framework of the IP KEY programme. Recently, we have commenced a new project with our African partners of OAPI to enhance and promote plant variety rights in the OAPI region and its member states.

Finally yet importantly, we are preparing several activities and public events for 2020, as the CPVO will proudly celebrate its 25th anniversary. Stay tuned on the CPVO's website and social media channels, we want you to celebrate with us!

Martin Ekvad  
President of the CPVO

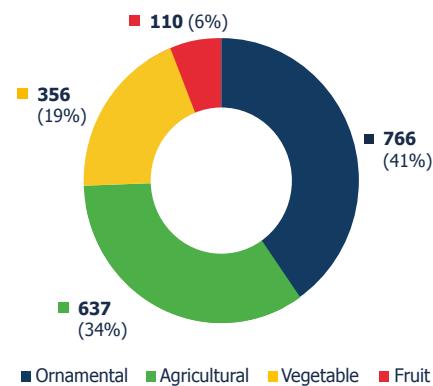
## GENERAL NEWS

### Application numbers slightly down first part of 2019

In the period from 1 January to 31 July 2019, the CPVO received 1 869 applications in total, 130 applications (-6.5 %) less as compared to the same period of 2018. The sharpest decrease in absolute numbers was noted for vegetables with 66 applications (-15.6%) less. In relative numbers, the decrease was

sharpest for fruit crops with -29.5% (-46 applications). For ornamentals 21 applications less were recorded (-2.7%). Only for agricultural crops, a slight increase of 3 applications (+0.5%) could be seen. The changes observed seem to be in the range of annual fluctuations observed over the past few years.

Shares in application numbers per crop sector from 1/1/2019 to 31/7/2019



### Inter-agency meeting with Anne Bucher, Brussels, Belgium (8 March 2019)

On 8 March 2019, Anne Bucher, Director General of the European Commission [DG SANTE](#) organised an inter-agency meeting to which the heads of the five EU agencies partners to DG SANTE were invited (CPVO, [EFSA](#), [ECHA](#), [ECDC](#), [EMA](#)). The purpose of the meeting was (i) to have a strategic reflection about the future health and food policy in the EU and (ii) to identify areas for inter-agency and DG SANTE collaboration. Topics such as responding to the sustainability agenda, future research projects, big data and artificial intelligence and challenges to risk assessment in the

context of the regulatory environment were discussed. For the CPVO it is important that the EU will in the coming years invest in the field of DNA techniques and IT projects which can benefit to the creation of better performing varieties equipped to grow under a climate in change. During the meeting it became clear that further co-operation between DG SANTE and the agencies have the potential of creating efficiencies and synergies to the benefit of all. A new meeting is scheduled on 5 November 2019.



## Seminar for CPVO staff members on the benefits of plant variety protection systems (20 March 2019)

In the framework of its internal training program the CPVO organised a seminar on the benefits of PVP protection at its own premises in Angers, France. The [UPOV](#) Vice Secretary General Peter Button gave a presentation on the "Benefits of the UPOV

system of PVP for breeders, farmers and society"; Jens Weibull, CPVO AC member for Sweden talked on PVP protection from the Swedish perspective and Eric Devron, Director General of [SICASOV](#) informed on the "License fees management in France and Europe".



## Annual bilateral meeting with Naktuinbouw on 7 May 2019

The CPVO met with [Naktuinbouw](#) at Roelofarendsveen, the Netherlands. The shared online application system,

cooperation with non EU PVP offices, aspects related to technical protocols for DUS examinations as well as the

on going common R&D projects were the major items of discussion.

## Annual bilateral meeting with Plantum on 7 May 2019

In the framework of its annual meetings with the breeding industry the CPVO met with representatives of [Plantum](#) at Roelofarendsveen, the Netherlands, in

order to discuss items of mutual interest. Main topics amongst others were the forthcoming UPOV seminar on essentially derived varieties, the state of affairs

as regards the requested extension of the duration of CPVRs, public access to documents, the CPVO's international strategy as well as cost related aspects.

## Bilateral meeting with the Bundessortenamt on 14 May 2019

The CPVO met with the [Bundessortenamt](#) (BSA) representatives at their headquarter in Hannover and discussed the state of affairs of various R&D projects where the BSA is involved, cost calculation aspects as

well as the International cooperation with PVP offices outside the European Union. CPVO and BSA explored possibilities to cooperate in "BioPatent monitoring" and had an exchange on the ongoing

case study on minimum distances in *Pelargonium* varieties. In the afternoon the CPVO had the opportunity to visit the BSA testing station in Magdeburg.

## Focus on...

### Cooperation with OAPI under an EU Commission project started in July 2019

In the beginning of July 2019, the EU Commission signed a contract with the African Intellectual Property Office ([OAPI](#)) providing funds for a road map aiming at the promotion of intellectual property to foster the creation of new varieties adapted to the African market and to provide technical assistance to the OAPI office on processing PVP applications.

The project will be managed by OAPI, the partners in this project are [UPOV](#), [GEVES](#), [GNIS](#), [Naktuinbouw](#) and the CPVO. On 9 July 2019, a kick-off meeting with the project partners took place in Brussels: eleven activities, to be conducted in the coming two years, have been agreed focusing on training and capacity building. The series of activities started at the end of August with a workshop held at the premises of OAPI headquarters in Yaoundé, Cameroon, analysing the administrative procedures in place as well as the IT infrastructure. The purpose is to streamline administrative procedures and to adapt the IT system to allow breeders to apply for plant variety rights using the UPOV Prisma tool – a system through which breeders can file applications in a number of countries simultaneously.

The initial workshop will be followed by specialised trainings held in both the OAPI member states as well as at examination offices in the EU focusing on the conduct of technical examinations. Before the end of the year 2019, a training on administrative aspects of the PVP System will be held at the CPVO. In addition, a series of awareness raising seminars in OAPI member states will take place throughout the running period of the project.



## INTERNATIONAL COOPERATION

### Cooperation with China within IP Key China

[IP Key China](#) is the EU instrument for promoting a level playing field for EU companies operating in China by contributing to greater transparency and fair implementation of IPR protection and enforcement systems. Its second annual work programme for 2019 includes three activities on plant variety protection. The first activity included two seminars dealing with international DUS co-operation and

the take-over of DUS reports compiled by other national authorities and with the concepts of Farm saved seeds and Essentially derived varieties. The seminars took place during a series of events organised by the Chinese PVP authorities in Beijing in April this year. The second activity consists of trainings for Chinese experts in the EU. In June and August four experts were trained at the CPVO and

the UPOV office on administrative and IT related topics and at the Bundesamt für den Naturschutz (Bundesamt) in respect of the technical examination of ornamental and fruit species. Further practical DUS training is scheduled for later in the year at GEVES and Naktuinbouw for agricultural and vegetable crops and also CPVO's quality audit system.

### UPOV Enlarged Editorial Committee (TC-EDC), Geneva, Switzerland (26-27 March 2019)

The CPVO attended the [UPOV Editorial Committee](#) as a chair of the Fruit Technical working party. It was in particular proposed that partial revision of

technical guidelines for almond, coconut, actinidia, lettuce, pea and watermelon be adopted by correspondence.

### CIOPORA AGM 2019, Stellenbosch, South Africa (1 to 5 April 2019)

The CPVO attended the [CIOPORA's 58th Annual General Meeting](#) held in Stellenbosch, South Africa. The discussion focused on intellectual property protection for plant innovation in developing and newly industrialised countries, as well as, on the national protection and enforcement systems

in Africa and China. The meeting was also the occasion to have a closer look at the impact of plant innovation protection on investments, employment and exports in the plant industry sector.

### East Asia Plant Variety Protection Forum (24 April 2019)

On 24 April 2019, the East Asia Plant Variety Protection Forum ([EAPVP](#)) held its 12th annual meeting in Beijing with the participation of representatives from 10 South-East Asian Nations (ASEAN) countries, China, Japan, South Korea and the International Union for the Protection of New Varieties of Plants (UPOV) in which

the CPVO participated as observer. In the fringes of this event an informal meeting was organized to discuss outreach activities in the Asian region and the CPVO made a presentation on the IP Key projects for China and South East Asia.



### Cooperation with Taiwan in orchid testing (26 April 2019)

On 26 April 2019, the Ministry of Agriculture of Taiwan and the CPVO signed an Agreement on the mutual recognition of examination results for plant variety protection purpose of *Phalaenopsis* and *Doritaenopsis* varieties.

still have to apply for plant variety rights to both authorities if they wish to have their new varieties protected in both Taiwan and the EU. However, the technical examination of the variety has to be conducted only once. The technical examination – being the basis for the grant of the title of protection – will be carried out in Taiwan on the basis of the UPOV Test Guideline and at Naktuinbouw on the basis of the CPVO Technical Protocol which is in turn based upon the corresponding UPOV Test Guideline.

Breeders will no longer have to pay two examination fees but only an administrative fee of EUR 320 or the

equivalent in TWD in the second application procedure. There are two main aims for this project: to facilitate the processing of applications for breeders and to improve procedures when working together with authorities outside the EU.

Breeders are nevertheless required to submit a reference sample of five plants to the testing station of the authority taking over the report.

The Agreement entered into force on 1 June 2019 and has an initial duration of three years and may be prolonged.



## ISF World Seed congress 2019, Nice, France (June 2019)

The CPVO attended the [ISF](#) World Seed Congress held in Nice, France, in June 2019. During the congress, private and public stakeholders of the plant innovation field from 63 different countries had the opportunity to meet and share information on the present and future of the sector, in view of the

challenges of sustainable development. The CPVO introduced its Strategic Plan 2017-2021 and presented its activities relating to the protection of forage and turf varieties as well as concrete technical issues concerning Brexit and new technical protocols.

## OECD Seed Schemes Annual Meeting, Vienna, Austria (10-14 June 2019)

As part of the EU delegation, the CPVO attended the Technical Working Group as well as the annual meeting of the [OECD Seed Schemes](#) in June, in Vienna, Austria. Amongst a long list of agenda items, the role of biochemical and molecular techniques in describing and identifying

varieties, new seed production techniques in various species, varietal mixtures and discussions on digital technologies for trade, traceability and seed certification were of particular interest for the CPVO.

## UNICRI 2019, Geneva, Switzerland (9 July 2019)

[UNICRI](#) is an interregional crime and justice research institute whose priorities include Security through Research, Technology and Innovation (SIRIO). The [SIRIO](#) project aims at filling in the gap between technology designers and users identifying emerging security risks such as in the area of food fraud. The CPVO attended the [Expert workshop on supply chain Security](#) on SIRIO in Geneva.

The aim of the meeting was to validate pre-identified risks scenarios with an emphasis on developing enhanced technological solutions. The CPVO took this occasion to highlight the importance of the enforcement and protection of Plant Variety Rights worldwide with particular emphasis in the seed sector.

## EU Delegation IP Network, Brussels, Belgium (12 July 2019)

In the framework of the cooperation with [DG Trade](#), the CPVO attended the EU Delegation IP Network. The CPVO, and the UPOV office, provided an overview of the latest developments in terms of accession to UPOV '91, underlining the most recurrent critical issues faced in third countries by EU breeders (e.g. concerning enforcement, awareness, coordination

with other IP rights and authorities). Moreover, the Commission announced the publication of its Third Countries report, which will include a section on plant variety protection by the beginning of 2020.



## Participation in forthcoming events

> **16 to 20 September 2019**

UPOV TWA, Montevideo, Uruguay

> **23 to 27 September 2019**

OAPI activity 7, Lomé, Togo

> **23 to 27 September 2019**

IP Key South-East Asia High level study visit on Plant variety protection and UPOV 1991, France, the Netherlands, Belgium

> **25-26 September 2019**

EUIPO Observatory Plenary meeting, Alicante, Spain

> **30 September and 1 October 2019**

World Customs Organization Counterfeiting and Piracy (CAP) Group annual meeting, Brussels, Belgium

> **14 to 16 October 2019**

Euroseeds annual meeting, Stockholm, Sweden

> **16 to 18 October 2019**

Kick off meeting InnoVar, Belfast, United Kingdom

> **16 to 18 October 2019**

UPOV BMT WG, Hangzhou, China

> **21 to 25 October 2019**

IP Key training on quality auditing by QAS to DCST in Nanjing and NGFA in Kunming, China

> **23-24 October 2019**

Heads of Agencies meeting, Stockholm, Sweden

> **28 October to 1 November 2019**

UPOV week of meetings, Geneva, Switzerland

> **5 November 2019**

DG SANTE Inter-agency meeting, Brussels, Belgium

> **18 to 22 November 2019**

QAS visit examination offices accredited by OAPI in Cameroon and Senegal

> **25 to 29 November 2019**

EUIPO Observatory Working Groups, Brussels, Belgium

> **10 December 2019**

OAPI Administrative Council, N'Djamena, Tchad

> **14 to 16 January 2020**

SIVAL, Angers, France

> **28 to 31 January 2020**

IPM Essen, Germany

> **17 February to 13 March 2020**

Made in Angers (CPVO open days to public), France



## LEGAL AFFAIRS

### Decision reached by the CPVO Board of Appeal (BoA) and judgments by the Court of Justice of the EU (the full texts are available in the [PVR case-law database](#))

#### Decision of 17 May 2019 of the BoA in Appeal Case A007/2018 ('Oliver')

The decision of the BoA was about the first ever Community Plant Variety Right (CPVR) application for a seed propagated F1-hybrid potato variety. It relates to the uniformity standard to be adopted in case of seed-propagated varieties in a species where vegetative propagation is predominant. The BoA concluded that the variety 'Oliver' was not sufficiently uniform, subject to the particular features of its propagation in the expression of the characteristics observed in the technical examination.

#### Judgement of the General Court of 5 February 2019 in the case T-177/16 ('Braeburn 78'), Mema v. CPVO

By Judgement of 5 February 2019, the General Court annulled the decision of the BoA in case A001/2015. The Court recognised that it cannot issue directions to the CPVO on the measures necessary to comply with its judgements. Indeed, it is up to the CPVO to draw the appropriate inferences from the operative part and grounds of the judgements. The Court also established that the CPVO, despite its broad discretion in carrying out its tasks, is bound by the principle of sound administration, which implies that it must ensure the proper conduct and effectiveness of proceedings that it sets in motion. In this respect, the BoA is also bound by the principle of sound administration, which implies that it has to base its decisions on all matters of fact and of law, which the parties put forward. Find the full text of the judgement [here](#).

#### Judgement of the General Court of 11 April 2019 in the case T-765/17 ('Pinova'), Kiku v. CPVO and Sächsisches Landesamt für Umwelt, Landwirtschaft und Geologie

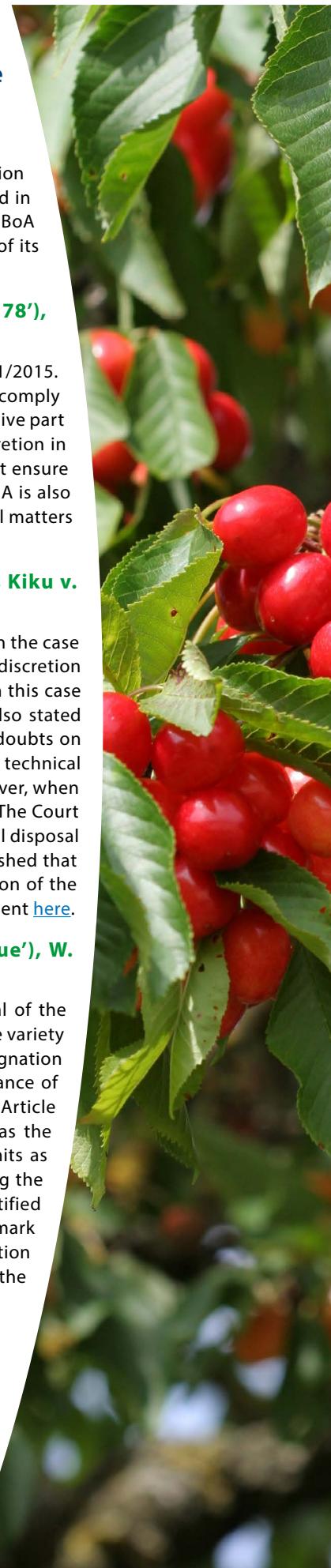
By Judgement of 11 April 2019, the General Court has dismissed the appeal lodged by Kiku GmbH in the case T-765/17 against the decision of the BoA in case A005/2016. The judgement confirmed the wide discretion of the CPVO as regards the declaration of nullity of a CPVR title when there are serious doubts (in this case on the novelty of the variety) that justify a reexamination of the protected variety. The Court also stated that the party requesting the nullity must provide facts and evidence capable of raising serious doubts on the legality of the protection's granting. Moreover, the Court recognised that, when it comes to technical questions, the control made by the Court on the decision of the BoA regards patent mistake. However, when it comes to facts with no technical complexity, the Court can proceed to a control on the legality. The Court also analysed the types of documents capable of demonstrating a novelty-destroying plant material disposal (e.g. invoices, delivery notes, turnover, testimony of purchasers, leaflets). Finally, the Court established that testing activities on the variety that do not imply a sale or disposal to third parties for exploitation of the variety do not destroy the novelty within the meaning of Art. 10 BR. Find the full text of the judgement [here](#).

#### Judgement of the General Court of 18 June 2019 in the case T-569/18 ('Monique'), W. Kordes' Söhne Rosenschulen v. EUIPO

By judgement of 18 June 2019, the General Court annulled the decision of the Board of Appeal of the EUIPO in case R 1929/2017-1. The Court declared that the variety denominations (in this case for the variety 'Monique' protected in the Netherlands for roses until 7 July 2005) constitute the generic designation of the variety and accordingly it cannot be monopolised. The Court also established the importance of determining whether the variety denomination has an essential position in the trademark as per Article 7(1)(m) of [Regulation 2017/1001](#). In order to do so, the Court identified certain criteria, such as the distinctive character of the other elements of the mark, the message that the trademark transmits as a whole, their visual dominance based on size and position or the number of elements composing the trademark. The Court concluded that "Kordes" was the only distinctive element of the mark as it identified the commercial origin of the goods. Moreover, the element "Kordes" was in first position in the mark and, according to the Court, was the essential element of the mark, while the variety denomination 'Monique' was a generic designation that should remain free to be used by other companies. Find the full text of the judgement [here](#).

#### 7th meeting of the OECD TF-CIT, Paris, France (18 and 19 March 2019)

The [Task Force on Countering Illicit Trade \(TF-CIT\)](#) is a formal organ of the [OECD](#) that works with governments to better understand the full range of complex risks and threats posed to global economies. The members of the task force include representatives from several countries (mainly customs and enforcement authorities), international organisations (e.g. the WCO), universities and representatives of the private sector. During the meeting, public and private stakeholders introduced the new challenges of illicit trade across the world and the new types of illicit trade that create concern to public authorities. Some sector studies have been presented (e.g. study on [Counterfeiting in Italy](#), [OECD-EUIPO report on illicit trade](#)).



## Collaboration between EUIPO and CPVO in VDs and EUTMs (25 March and 20 June 2019)

The CPVO and [EUIPO](#), in the framework of their continuous collaboration, promote the exchange of knowledge on IP rights. On 25 March 2019 a variety denominations (VDs) examiner of the CPVO, attended a training at the [EUIPO](#) in Alicante (Spain) on EUTMs'

practice. On 20 June 2019, a trade mark examiner of EUIPO received training at the CPVO on variety denominations and the Variety Finder. Further bilateral training exchanges are in the pipeline for the current and the upcoming year.

## Training on the interface between plant variety rights and trademarks, the Hague, the Netherlands (April and May 2019)

The CPVO provided two different trainings on the interface between plant variety rights and trademarks, as well on the new Article 7(1)(m) of [Regulation 2017/1001](#). The training targeted trademark examiners from several Member States of the EU (in April 2019) and Benelux examiners and legal staff (in May 2019).

The meetings were an occasion to discuss the practical challenges of the new absolute ground for refusal of trademark applications, as well as to explore the legal framework of different IP rights, such as Geographical Indications.



## Observatory Expert Group, Alicante, Spain (8 to 12 April 2019)

On 8 April 2019, the first meeting of the legal expert group of the European Observatory on Infringements of Intellectual Property Rights was held at EUIPO, Alicante. The CPVO attended the event and has been since then assisting

the [Observatory](#) along with the other members of the legal expert group in providing case law and comments on several ongoing studies and projects.

## Working Week "Intellectual Property in Agriculture", University of the Balearic Islands (20-24 May 2019)

The CPVO attended the seminar "The use of new plant breeding techniques in plant breeding in the EU" and the conference "Intellectual Property in agriculture", held in the framework of the working week "IP in agriculture". During the meeting, the international research network "IP in Agriculture" was presented. The project

is an interdisciplinary research network committed to high quality basic and applied research in the field of intellectual property in agriculture. Its main goal will be the development of joint research projects, as well as cooperation in other activities, like teaching, education and consulting.

## Training at the Wageningen University, the Netherlands (June 2019)

The CPVO provided a training on the EU system of plant breeders' rights at the [Wageningen University](#), during the course "[Plant breeders' rights for food security and economic development](#)" organised in collaboration with [Naktuinbouw](#).

Learn more about Wageningen University and Research's commitment to fostering [lifelong learning](#).

## CPVO agenda

- > 19 September 2019  
Administrative Council meeting, Brussels, Belgium
- > 24-25 September 2019  
Fruit experts meeting and strawberry ring test, Leipzig – Wurzen, Germany
- > 26 September 2019  
Apple field examiners day, Wurzen, Germany
- > 2 October 2019  
Bilateral meeting CPVO-OEVV, Madrid, Spain
- > 8-9 October 2019  
Agricultural experts meeting, Angers, France
- > 30 October 2019  
Bilateral meeting CPVO-AIPH, Geneva, Switzerland
- > 14 November 2019  
Ornamental experts meeting, Angers, France
- > 2-3 December 2019  
Vegetable experts meeting, Angers, France
- > 4-5 December 2019  
Examination offices meeting, Angers, France
- > 4 March 2020  
Seminar on Farm Saved Seeds, Tartu, Estonia
- > 1-2 April 2020  
Administrative Council meeting, Angers, France

## IN PRACTICE

[Webinar on the Plant Variety Protection system in Europe](#) by Orsola Lamberti

[Webinar on the legal proceedings before the CPVO and its Board of Appeal](#) by Anne Gardener



## TECHNICAL NEWS

### Monitoring visits of examination offices in the first semester of 2019

By means of monitoring visits, CPVO experts stay in touch with the actual trialling work performed by the entrusted examination offices. These visits are timed in order to be able to discuss with the examiners identified issues related to on-going DUS trials on the spot and in front of plant material. A further purpose is to benefit from the examination offices' expertise in technical aspects and

to collect information that ultimately contributes to technical discussions on the level of crop expert and examination office meetings. In turn, CPVO experts can reply to examiners on concrete questions in relation to CPVO procedures and beyond. The direct contact between CPVO and examination office staff is therefore rewarding for both sides and has, as in recent cases of new staff

and changes in responsibilities for certain crops at the CPVO, also a strong training aspect: [Naktuinbouw](#) (NL), in April and June; [GEVES](#) (FR), Brion, in May, and Cavaillon and Le Magneraud in July; [CRA-W](#) (BE), in June; [COBORU](#) (PL), Chrzastowo, in July; and the [Bundessortenamt](#) (DE), Hannover and Scharnhorst, in July.

### CPVO as speaker at the Estonian Grain Forum, Türi, Estonia (12 March 2019)

On invitation by the Estonian government the CPVO attended the Estonian Grain Forum organised by the [Estonian Chamber of Agriculture and Commerce](#) in March. The CPVO gave a presentation on the EU

PVP system with a particular focus on cereal and the farm saved seed provisions. The Forum was attended by more than 150 participants mainly farmers.

### WG on a EU temporary experiment on cereal populations, Bologna, Italy (29 May 2019)

The CPVO attended this expert group organised by the EU Commission. The group got a presentation from a breeder of populations on his breeding work and received information on the work carried out within the [EU Liveseed](#) project as regards the identification of populations. In

view of registration and seed certification the identification of populations and the description of its characteristics remain a major challenge. The expert group visited also the field trials of populations as set up by the Italian authorities within the temporary experiment.



### VCU network meeting, Lelystad, the Netherlands (25-26 June 2019)

EU examination offices in charge of Value for Cultivation and Use (VCU) testing meet annually in order to exchange on specific topics related to VCU testing. The 2019 meeting was organised by [Naktuinbouw](#) and held at the location of [Wageningen University & Research](#) on field crops in

Lelystad. This year the network group emphasised on the consequences of the new organic regulation for the listing of varieties in the EU. The CPVO as well as the EU Commission had been invited to the meeting. Several EU examination offices reported on their experience with

organic VCU trials in various species and their specific considerations in that respect on national level. Other experts reported on breeding aims in organic plant breeding. The group also visited a VCU trial location for winter wheat.

### UPOV Technical Working Parties meetings review

#### UPOV TWV, Seoul, Republic of Korea (20 to 24 May 2019)

The [53rd session](#) of the UPOV Technical Working party for Vegetables (TWV) was held from 20 to 24 May 2019 in Seoul, Republic of Korea. Numerous guidelines were revised: fennel, melon, Swiss shard, tomato and tomato rootstock test guidelines

will be presented to the UPOV Technical Committee for adoption in October 2019. This year, discussions on the use of disease resistance characteristics and two sessions of discussions in small groups on the following topics have been introduced: cooperation in

examination and cooperation in relation to the use of molecular techniques. During the week, the TWV visited the Yeouj Breeding Institute of the Nongwoo Bio breeding company.

#### UPOV TWF, Budapest, Hungary (24 to 28 June 2019)

CPVO experts participated in [this meeting](#) where discussions for the revision of various guidelines of interest to the EU took place, in particular regarding apple, strawberry and grapevine.

Breeders took an active part to the discussions through their association, [Ciopora](#). Experts exchanged views on various subject matters like the access to plant material for DUS testing purposes, possibilities to enhance

cooperation in technical examination or cooperation in relation to the use of molecular techniques. The next meeting will take place in Nîmes, France, from 6 to 10 July 2020.





## New R&D projects

In 2019 two new projects were started following a positive decision on co-funding by the CPVO.

- A first project on tomatoes entitled '*International validation of a SNP set to determine genetic distances for the management of tomato reference collection*' aims at validating between all examination offices entrusted for tomato ([Naktuinbouw](#), [GEVES](#), [COBORU](#), [NÉBIH](#), [INIA](#), [DGAV](#) and [CREA](#)) a set of markers adapted to the management of the reference collections in the framework of UPOV Model 2. The coordination is ensured by Naktuinbouw. The DUS Testing Center of [MOA](#) (China) as well as the [Korean Seed & Variety Service](#) (Republic of Korea) are involved and participate in the project on their own funding. [Euroseeds](#) is also partner to the project. Results are expected to be available in 2021.

## Update on existing R&D projects

### R & D Durdus project meeting

The second project meeting of the CPVO-funded project "Integration of molecular data into DUS testing in durum wheat: Use of a standardised method for the efficient management of reference collections" (DURDUS) was held on June 5 and 6, 2019, in the premises of the Research Centre for Plant Protection and Certification ([CREA](#)) in Milan, Italy. The project coordinator is [AGES](#), Austria. Participants were the European breeders association [Euroseeds](#) and technical experts

of the project partners from France, Italy, Hungary and Spain.

In a prior step, varieties with a high genetic similarity had been identified and grown in the different test stations of the project partners. During the observation period, examiners attributed the notes to the phenotypical appearance of these variety pairs.

The objectives of the second project meeting were (i) to share the progress and challenges of

### R & D project on minimum distances in Pelargonium varieties

This project is old and yet new: it is a follow-up project of an earlier study on minimum distances between vegetatively reproduced ornamental and fruit varieties. The initial project consisted of a reassessment of 50 varieties already granted PVRs using fewer characteristics. Ciopora expressed concern about shrinking distances between varieties to the point that in trade some varieties no longer can be distinguished from each other. The result of the earlier case study, which did not involve observations on real plants, but was conducted as a paper study, did not give a clear picture on the feasibility of the Ciopora approach to establish distinctness on fewer characteristics.

For the new project, approved in October 2018, [Ciopora](#) has preselected seven pairs of Pelargonium varieties which have a similar phenotype. All of these 14 varieties are or were protected by a CPVR. These seven pairs of varieties were grown in the 2018/19 trial at the [Bundessortenamt](#) and the distinctness is currently re-evaluated and discussed on the basis of the mock protocol. In a meeting held on 11 July 2019, Ciopora discussed jointly with the Bundessortenamt, the breeders and the CPVO a possible re-evaluation of the characteristics used to establish distinctness between varieties. The final results of the study are expected for October 2019.

### INVITE's kick-off meeting, Angers, France (8 July 2019)

INnovations in plant Variety Testing in Europe (INVITE) kick-off meeting took place on July 8 to 10 in Angers, France, and gathered about 150 attendees. INVITE is a 5-year R&D project supported by the Horizon 2020 programme and aims at the integration of innovative imaging techniques in plant variety testing in Europe. The first day was dedicated to stakeholders and focused on phenotyping, with field presentations of new generation tools in two sites ([GEVES](#) Anjouère for arable crops and [INRA](#) Beaucouzé for apple trees). At the end of the day, the project was officially launched through introductory speeches from Martin Ekvad ([CPVO](#)), Paivi Mannerkopi ([DG SANTE](#)) and Christian Huygue ([INRA](#)). The attendance was invited to a cocktail party offered by the Mayor of Angers, Christophe Béchu, represented by Catherine Goxe (Deputy mayor for tourism), at the City Hall. Invite's executive committee had its first meeting and, during the two following days, workshops were organised to present the objectives of the project and to define action plans for the first year.

the current field trials evaluation, (ii) to discuss and define the notation scales for the field evaluations in order to integrate efficiently phenotypic and molecular distances, (ii) to agree on the reporting of the assessment and working description of the phenotypes.

Important progress on the working method has been made. Once the observations are completed the results will be compiled and subject of discussions at a meeting in October this year.





## QUALITY AUDIT NEWS

In 2019 the Quality Audit Service (QAS) has begun a new three-year cycle of the assessment of all CPVO entrusted examination offices. In order to best achieve this task, specialised training was organised in Paris from 23 to 25 April by the QAS

team leader, Sergio Semon, for the 38 QAS technical experts coming from throughout the EU. Experts were divided into (i) those with previous experience, and (ii) the 19 new recruits for the present cycle, so that each group could receive more focused training

according to their needs. The training sessions saw a lot role playing exercises, interaction, and exchanges of experiences between experts, thereby helping to build trust amongst the various QAS teams which will be formed in the coming three years.

## TO BE NOTED

### Variety descriptions of parental lines and hybrids publicly available as from 1 July 2019

In order for the CPVO to respect its commitment to openness and to better address public access requests, including in case where the subject matter is a parental line or a hybrid, variety descriptions (VDs) of parental lines and hybrids are now publicly available on the CPVO website. In respect to Article 88.3 of the Basic Regulation, confidential information has been taken out of these VDs before publication.

Before 1 July, variety descriptions of parental lines and hybrids were withheld from publication in order to limit the risk of divulging the parent formula of hybrid varieties in response to the wish of the breeders. In 2017, on request of the European breeders association [Euroseeds](#), the CPVO carried out a survey to entrusted examination offices with the aim to understand and verify

if certain information given in variety descriptions of parental lines could be revealed without jeopardizing the parent formula of hybrid varieties. The outcome of the survey showed that there were no major issues in making such variety descriptions publicly available. The CPVO committed to review each variety description before publication in order to make sure that no information revealing the parent formula of a hybrid would be made publicly [available](#).

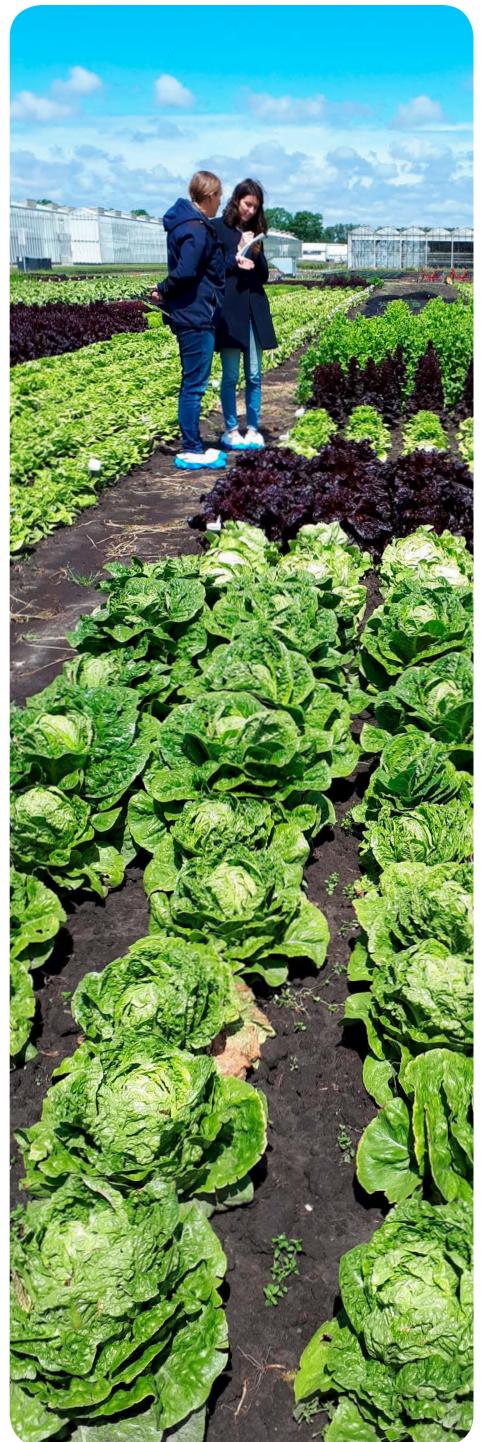
The CPVO has duly checked all existing agricultural and vegetable species containing hybrids before the release of their VDs. As regards upcoming variety descriptions of lines and hybrids, those will be made available immediately after granting, having undergone the procedure of the prior confidential information check.

### Variety denominations: change in the reminder procedure

In order to be granted Community plant variety rights, a variety should show positive DUS test-results and have a suitable denomination. Pursuant to the provisions of Article 29 of Commission Regulation (EC) No 874/2009, « *where the Office establishes at the time of receipt of the results of the technical examination [...] that the applicant has not submitted any proposal for a variety denomination, it shall without delay refuse the application for a Community plant variety right in accordance with Article 61 (1) (c) of Council Regulation N° 2100/94* ».

The CPVO intends to implement this provision strictly and to reject applications for which no denomination proposal has

been filed at the time of receipt of the final report. The CPVO records as much as possible in its internal databases the foreseen arrival date of a final report. The information is available in [MyPVR](#). In case of organization of a technical examination, that date is agreed upon in advance with examination offices for most species. In case a technical examination report is taken over, the examination office indicates this date as a reaction to the request for the report. 5 to 6 months before the foreseen date of the final report and in case of absence of denomination proposal, the CPVO will continue sending a letter to applicants reminding them of the situation as described above but without any additional warning.



## HUMAN RESOURCES NEWS

### Welcome to ...

The CPVO is pleased to announce the recruitment of Lionel Sola, who was appointed as Communication Officer from 16 May 2019 :



*"After over 10 years leading pan-European communication campaigns at the European Commission and in the private sector in Brussels, I am thrilled to be working at the CPVO. Plant breeding and plant variety rights are fascinating matters which deserve to be better known. I look forward to working with all colleagues in Angers and all stakeholders from across Europe to promote CPVO's activities and reach a larger audience".*

We wish him the best of luck and success in his new functions at the CPVO.

### Goodbye to...

- > Ignacio Rabasa, trainee at the Legal Unit from March to May 2019.
- > Leonardo Corradini, trainee in the Technical Unit from March to August 2019: *"I am so glad I have had the opportunity to carry out a traineeship at the CPVO. Thanks to the delightful people who supported me here, I gained professional attitude and valuable life skills. I hope that wherever I will work in future, I will find such great work environment and extremely competent workmates. I wish the best to all of you".*

On behalf of the CPVO, we wish both of them every success in their future career.

## PUBLICATIONS

### Annual report 2018 and its annex

The English and the French versions of the CPVO Annual report 2018 and its annex are available in .pdf and in .html on the [CPVO website](#). A [video](#) will show you what the CPVO does with a short summary of its activities in 2018.



### 'Public access to documents in the Community plant variety right system: a treehouse of confidential information in the garden of disclosure'

Journal of Intellectual Property Law & Practice, Volume 14, Issue 7, July 2019, Pages 561–569, <https://doi.org/10.1093/jiplp/jpz052>



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### Traineeship recruitment procedure

As part of the traineeship procedure, the CPVO hosted 5 trainees between February and August 2019 (in the Technical Unit, the Legal Unit, the IT sector and the HR sector). Two trainees already on site were renewed for 6 months (Legal Unit and DPO).

Two advertisements were published on the [CPVO website](#) in April for traineeships at the Legal Unit starting in October 2019. For further information on traineeships, please contact :

[HR-CPVO@cpvo.europa.eu](mailto:HR-CPVO@cpvo.europa.eu)



### IT cooperation with the European Commission

Following an intensive preparation period with the European Commission, the CPVO has become the first EU agency to migrate its internal Human Resources (HR) application to a software as a service system - Sysper. This move is in line with the approach to share services among EU Institutions and will ensure that maintenance costs are kept to a minimum while respecting all institutional HR rules. Additional modules will be added progressively in order to maximise benefit.



### Special thanks

from the President to the contributors and the editorial team of this newsletter for their valuable work.

