



CPVO

Community Plant Variety Office

Newsletter

Issue 11, Summer 2016

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I would like to introduce the 11th edition of the newsletter by thanking all the Community Plant Variety Office (CPVO) staff for their hard work over the first half of the year. The CPVO's core functions are growing and expanding: there are record numbers of applications, titles, objections, appeals and nullities. Alongside this there are continued IT developments and significant increases in supporting activities.

In June this year, the Council of the European Union decided on the extension of my mandate for a period of 5 years, from 1 September 2016. I am very motivated to continue to serve as president. I have the privilege to be surrounded by hard-working and highly skilled colleagues and I look forward to our continued efforts in providing top-quality plant variety rights (PVRs) services to the stakeholders.

The CPVO is entering a time of new evolutions and challenges. New breeding technologies are being developed at high speed, the interaction of PVRs and patents is being explored, and the consequences of Brexit will have to be analysed. All of this will affect and change our daily work. I am confident that the CPVO will rise to these challenges and adapt to the new changes and opportunities that these advances will bring.

A new CPVO strategic plan will also be adopted for the coming 5 years, which will serve as a guideline for our work in the near future. A consultant and working group will begin work on the new strategic plan in autumn, and staff and stakeholders will also be consulted.

We will additionally be reviewing our policy on external communication. A consultant will analyse certain elements of the policy that could be improved, notably whether it is in line with the current demands and challenges faced by the Office and the system it manages, and whether CPVO staff members and clients are satisfied with the Office's communication tools.

Besides this, the CPVO is as always bustling with other activities, news and events. I hope you find this newsletter an instructive and enjoyable read, and invite you to follow us and engage with us on [Twitter CPVOTweets](#).

*Martin Ekvad
President of the CPVO*

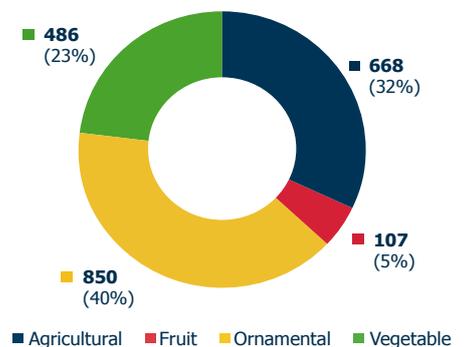
> GENERAL NEWS

Applications for Community Plant Variety Right back to its high record of 2014

In the first 8 months of 2016, the Office received a total of 2 111 applications, which represents an increase of 5.2 % compared to the same period last year. A similar high number of applications only arrived in the record year of 2014, when 2 119 were submitted. The tendency is however not the same for all crop sectors. The greatest number of applications was still filed in the ornamental sector;

however, 850 applications meant that they slightly shrinking (- 4; - 0.5 %). The second biggest crop sector is the agricultural sector, with 668 applications (+ 26; + 4.1 %). An important increase in application numbers was observed for vegetable crops with a total of 486 applications (+ 116; + 31.4 %). Finally, in the fruit sector, 107 applications were submitted (- 34; - 24.1 %).

Shares in applications numbers per crop sector from 1/1/2016 to 31/8/2016



Brexit! What now?

For the United Kingdom (UK) to leave the European Union it has to invoke Article 50 of the Lisbon Treaty. This will allow the UK to start the formal and legal process of leaving the EU. Article 50 places a 2-year time limit on the leave negotiations, unless the European Council and the Member States unanimously decide to extend this period. The exact process of leaving the EU is uncertain, as Article 50, which was introduced in the Treaty

of the EU in 2009, has never been used. The British Prime Minister, Ms Theresa May, has indicated that she will not invoke Article 50 before the end of 2016 and the media are speculating that it may even take longer.

For the breeding industry, it is important to get assurance that titles granted before Brexit will still be valid in the UK following Brexit. The question of whether titles granted by the CPVO

could be valid in the UK after Brexit, and possible conditions for such a scheme, is also frequently put to the CPVO. These and other questions will be subject to negotiations between the UK and the EU. The CPVO believes that it is important that a user-friendly solution is found which will not add to unnecessary administrative work for EU breeders seeking protection in the UK, and UK breeders seeking protection at EU level (see note on the [CPVO website](#)).

EU agencies unite to showcase their work in the European Parliament

The EU Agencies Network is organising a conference in the European Parliament on 6-7 December 2016. The CPVO is delighted to participate in this conference, which will gather all 44 EU agencies and their stakeholders for an exchange with EU policymakers, civil society and other EU institutions.

The aim of the conference is to create awareness of the work carried out by the EU agencies, with a focus on their contribution to the implementation

of EU policies, and to foster greater communication with a wider audience.

Speaking in advance of the conference, the President of the CPVO said that 'the CPVO looks forward to participating in this event. The Agencies Forum is an excellent opportunity to highlight the importance of PVRs and the work of the CPVO, not just to the stakeholders with whom we work closely, but also to EU citizens as a whole. Creating awareness of the work of the CPVO is crucial in

order to increase engagement with citizens and awareness of PVRs and the challenges facing the field.'

The CPVO has invited key persons from the industry to contribute their account at the forum on the importance of having an EU agency in their sector. Read more on the forum [here](#).



Important decisions at the Administrative Council meeting, Angers, France (19 April 2016)

Fee update proposal

On the basis of a detailed analysis of the current fee structure and a forecast of the future budget outturn, the members of the Administrative Council (AC) requested the European Commission to update the fees regulation. The first change concerns the 'annual fees' to be increased to EUR 330. The second one concerns the 'takeover fee' which will be realigned with the exchange rate to EUR 320 (CHF 350). For examination fees, the members of the AC decided that 85 % examination costs recovery should continue to be the basis for cost and this will also be reflected. The entry into force of these changes will be communicated as soon as the fees regulations is formally updated.

Extension of the duration of Community Plant Variety Right (CPVR) for asparagus, wood crops and flower bulbs for an additional 5 years

Responding to a reiterated request from breeders to extend the duration of some CPVRs, the members of the AC expressed support to that demand for asparagus, wood crops and flower bulbs for an additional 5 years. They decided to make a formal request to the Commission to take legislative initiative to extend the duration of the protection for those crops.



The creation of a new organisation - TystofteFoundation

The TystofteFoundation

On 1 July 2015, the TystofteFoundation was created and took over the tasks related to new varieties from the Danish AgriFish Agency. It conducts the technical and administrative tasks associated with variety testing for national listing and the granting of plant variety protection, as well as control plot tests for seed certification. The foundation is an independent organisational and financial entity.

Strong cooperation with the CPVO

The CPVO has approved the transfer of the Danish CPVO entrustment to the TystofteFoundation based on the successful organisational transfer of tasks.

Technical upgrade and expansion of testing area

Since its formation, the TystofteFoundation has invested in technical equipment for approximately 15 % of its annual turnover. The farmland has been expanded by 40 hectares, and new and modern offices and laboratories are on the drawing board.

Private governmental organisations

Being an independent private entity opens up new opportunities for development. The process from thought to action is shorter and more targeted, and every decision is a step in the right direction. We are pleased to have these opportunities and are optimistic about our future, thanks to our skilled staff who delivers high-quality testing at the right cost. We are now in a better position to handle the future demands from our customers with regard to variety testing in the EU.

*Gerhard Deneken
Director of TystofteFoundation*

[Read the full article on the CPVO website.](#)

TystofteFonden



Focus on...

Enhanced cooperation with the European Patent Office (EPO)

The decisions of the Enlarged Board of Appeal (EBoA) of the [EPO](#) in the tomato and broccoli cases threw the relationship between patents and PVRs into the spotlight. Following the seminar organised by the CPVO on the interface between PVRs and patents, in Brussels on 24 June 2015, the CPVO and the EPO signed an administrative arrangement (AA) on 11 February 2016 with the aim of enhancing their cooperation. The implementation plan of the said arrangement envisages the exchange of information and practices between the CPVO and the EPO by means of face-to-face meetings among experts from both organisations. The objective of this cooperation is to increase transparency by sharing working practices regarding the use of databases and other working tools. A first EPO/CPVO workshop took place on 21 and 22 September at the CPVO (more details on the [CPVO website](#)).



Meeting the CPVO entrusted examination offices and breeders' associations

Meetings with Naktuinbouw, Plantum and the International Association of Horticultural Producers, 30 May and 1 June 2016

Within the framework of the annual bilateral meeting, the President of the CPVO and the Head of the TU visited the headquarters of [Naktuinbouw](#) in Roelofarendsveen. In the framework of an analysis of their cooperation, the Naktuinbouw and the CPVO especially discussed the outcome and follow-up of the recent [International Union for the Protection of New Varieties of Plants](#) and Biomolecular Techniques Working Group (UPOV-BMT), the DUS examination for shallot varieties, the aspects related to R & D projects, the 'sharing online application project' and the cooperation with the Japanese examination office as well as with the *Organisation africaine de la propriété intellectuelle*. Furthermore, an exchange of views on a long-term strategy for fees was discussed.

On the same occasion, the CPVO representatives went to the headquarters of [Plantum](#) in Gouda

to meet with its representatives. Here the main topics of discussion were the duration of the protection period for certain species, aspects related to patents in the plant variety sector, variety denominations, novelty and fee-related issues.

Finally, the CPVO delegation also had the opportunity to meet representatives of the [International Association of Horticultural Producers](#) in order to explore forms of future cooperation. Other topics of discussion were patents in plant varieties, minimum distances between protected varieties, the Nagoya protocol and the forthcoming UPOV seminar on harvested material.

Meeting with OEVV, Madrid, 22 June 2016

The president and the vice-president visited the Spanish plant variety office (Oficina Española de Variedades Vegetales - [OEVV](#)). They discussed points of common interest for the cooperation between the OEVV and the CPVO with Ms. Esther Esteban Rodrigo, Deputy Director, and Mr José Antonio Sobrino, Head of the Variety Register Service.

Meeting with Bundessortenamt (BSA), 28 June 2016

Within the framework of the annual bilateral meeting, the President of the CPVO and the Head of the Technical Unit (TU) visited the headquarters of the [BSA](#) in Hannover. Based on a cooperation report provided by the CPVO, the two institutions analysed their cooperation of the recent past. Of particular concern were cost calculation aspects and issues related to the cost coverage of payments made by the CPVO to the BSA for DUS (Distinctness, Uniformity and Stability) examinations. Furthermore, the latest developments in the R & D sector and the follow-up of the Imoddis working group, as well as the cooperation with examination offices (EOs) in third countries were discussed. In the afternoon, a visit of the BSA Scharnhorst testing station took place.

Participation to several international fairs in 2016

From 26 to 29 January 2016, the CPVO exhibited in a joint 'Plant breeders' rights in Europe' stand with the German [BSA](#), the French Variety and Seed Study and Control Group ([GEVES](#)), the UK National Institute of Agricultural Botany ([NIAB](#)) and the Dutch Inspection Service for Horticulture ([Naktuinbouw](#)) at the IPM 2016 in Essen, Germany. From 16 to 18 February 2016, the CPVO, together with GEVES, participated at the Salon du Végétal in Angers, France. These international fairs offer an excellent opportunity for the CPVO to promote the CPVR system together with some of the EOs performing the technical assessment of candidate varieties for CPVR.

Visit of the President of the CPVO to Sweden (21-22 April 2016)

The visit can be broken down into the following four parts.

The Swedish Government

The CPVO was delighted to participate in the Swedish-hosted seminar on the governance of EU agencies. The President of the CPVO presented the work of the CPVO and the EU agencies as a whole to senior officials of the Swedish Government as well as to directors of Swedish agencies.

The Swedish Patent and Registration Office

The Swedish Patent and Registration Office works in close cooperation with the Swedish Government on all matters concerning patents of plant-related inventions. The Swedish Patent and Trade Mark Office was interested in the development of the variety finder database and the cooperation between the CPVO and the EPO.

Intellectual property (IP) law firm, Magnusson

Speaking after the event, Martin Ekvad was adamant that 'presenting the work of the CPVO to this law firm was an excellent opportunity to spread information about the CPVO's activities to IP professionals who are not necessarily specialised in plant variety rights.'

Seminar at the Swedish Ministry of Rural Affairs

The President of the CPVO presented the work of the CPVO and the EU system of PVRs to people from the industry, the Swedish Ministry of Rural Affairs and the Swedish examination office. The presentation was followed by an exchange on issues such as new breeding techniques and challenges facing the industry.

CPVO Evaluation Steering Committee, Paris, France (13 June 2016)

The CPVO organises an evaluation of its activities at least every 6 years (according to its financial regulation and implementing

rules). The 2016 evaluation is aimed to focus on the external communication of the CPVO in terms of quality, efficiency, effectiveness

and scope. The evaluation will be carried out by an external company. The results of this evaluation are expected for the first half of 2017.

> INTERNATIONAL COOPERATION

CPVO signs an administrative arrangement (AA) with Taiwan

On 9 March 2016, the CPVO and the Agriculture and Food Agency (AFA), Council of Agriculture of Taiwan, signed an AA on PVRs protection of Phalaenopsis and Doritaenopsis, both members of the orchid family. [Naktuinbouw](#) is responsible for testing these species in the EU and Kees van Ettekovén represented that organisation in the talks with the Taiwanese colleagues. This arrangement strengthens cooperation between Taiwan and the CPVO.

Following a proposal from the CPVO, the Commission has undertaken to amend the rules so as to allow the CPVO to take over reports from country members of the World Trade Organization's intellectual property, but not necessarily members of UPOV (such as Taiwan), if certain technical conditions are fulfilled.

The AA will also harmonise the technology of the DUS testing process and will ease and encourage the trade of orchids between Taiwan and the EU.



Visit of Japanese professor (30 March 2016)

On 30 March 2016, Mr Shigeo Takakura, professor at Tokyo's Meiji University Law School, visited the CPVO to familiarise

himself with the CPVR system. The meeting was followed by a visit to GEVES' testing station in Brion, near Angers.

Ciopora annual general meeting, Lisbon, Portugal (27 April 2016)

The president and the vice-president represented the CPVO in the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties ([Ciopora](#)) annual general meeting. The president updated the participants on the

most relevant and recent activities performed by the CPVO. This meeting is always a good opportunity to maintain close relations with clients and to get direct feedback from the stakeholders on the Community plant breeders' rights system.

Cooperation with the OECD (8 June 2016)

At the occasion of the 2016 annual meeting of the Organisation for Economic Cooperation and Development (OECD) seed schemes, the President of the CPVO and two colleagues of the technical unit attended the joint OECD/UPOV/ISTA workshop on biochemical and molecular methods at the OECD headquarters in Paris on 8 June 2016. Recommendations were adopted in the meeting supporting enhanced cooperation

between the organisations on BMT matters. The CPVO was particularly pleased to observe that the annual meeting endorsed the proposal of the Netherlands to organise a practical workshop in 2017, with support from the UPOV, OECD and ISTA, to explore how molecular techniques might be applied in an efficient way for UPOV, OECD and ISTA purposes.

UPOV plant variety protection seminar and training (May 2016)

The Vice-President of the CPVO participated in the international seminar on plant variety protection under the UPOV convention, organised at the International Potato Centre premises in Lima, Peru, in collaboration with UPOV, on 16 May 2016. The Vice-President of the CPVO also attended the training course on plant variety protection under the UPOV Convention and technology transfer, organised in Cusco, Peru, from 17-20 May 2016 by UPOV in collaboration with the Peruvian Institute for the Defence of Competition and Intellectual Property, the Peruvian Institute of Agricultural Innovation (INIA) and the United States Patent and Trademark Office. The vice-president made presentations on the organisation of DUS testing in the EU and on the use and registration of variety denominations.

ARIPO regulations for the implementation of the Arusha Protocol, Harare, Zimbabwe (14-17 June 2016)

The CPVO attended as observer the experts review meeting on the draft African Regional Intellectual Property Organisation (ARIPO) regulations for the implementation of the Arusha Protocol regarding the protection of

new varieties of plants. The meeting took place in Harare from 14 to 17 June 2016. Following the meeting, the ARIPO secretariat is to present a final draft to the Technical Committee on Plant Variety Protection for

their review. It is expected that the final text of the ARIPO implementing regulations of the Arusha Protocol will be submitted for adoption to the 40th session of the AC of ARIPO in December 2016.

IP Key project on China accession to UPOV '91, Angers, France (4-5 July 2016)

The [IP Key](#) ('Intellectual property: a key to sustainable competitiveness') is the European Commission's instrument to implement and fund the EU-China cooperation in IP under the cooperation of the European Union Intellectual Property Office (EUIPO) and the EPO. One of the IP Key projects deals with the feasibility study of China's potential

accession to UPOV '91. China adopted the UPOV 1978 revision. The Ministry of Agriculture (MoA) and the State Forestry Administration (SFA) of China are interested in participating in a project under IP Key to help assess China's potential accession to UPOV '91. The CPVO has contributed to this study by hosting an experience-sharing roundtable on 4-5 July 2016 in Angers. Attendees included,

among others, officials from China's MoA and SFA, as well as CPVO officials. Another roundtable took place in Brussels on 6-7 July with breeders and farmers' association representatives. The roundtable was a constructive opportunity for the CPVO to share experience on the managing of the CPVR system.



> LEGAL AFFAIRS

Decisions reached by the Board of Appeal of the CPVO (BoA)

The following decisions reached by the BoA are available in the case-law database on [the CPVO website](#): 'HORT04' appeal case (A002/2015), 'Braeburn 78' appeal case (A001/2015), 'Tang Gold' appeal case (A001/2014), 'Tang Gold' appeal case (A003/2014), 'Tang Gold' appeal case (A006/2014), 'Tang Gold' appeal case (A007/2014), 'Tang Gold' appeal case (A008/2014) and 'Gala Schnico' appeal case (A005/2014).

Collaboration with universities in the field of IP

The CPVO is fostering cooperation with a network of universities forming part of the European Intellectual Property Institutes Network (EIPIN). For the third consecutive year, a special course entirely dedicated to plant varieties will take place at the University of Alicante. Furthermore, the CPVO has participated as partner institution to the joint doctorate in IP, the European Intellectual Property Institutes Network - Innovation Society ([EIPIN-IS](#)), granted under the Marie Skłodowska-Curie actions of the European Commission. PVRs will form part of the subject matters of the doctorate.

What will be the EPO's practice following the decisions made in the case of broccoli/tomato II?

The European Seed Association ([ESA](#)) organised a meeting at Rijk Zwaan in the Netherlands on 28 April 2016 which focused on sharing knowledge among participants from the EPO, the CPVO, the European Commission represented by officials of DG Internal Market, Industry, Entrepreneurship and SMEs, and ESA as the breeders' organisation. The discussion was about the latest development in breeding, especially the use of BMTs, the actions implemented by the EPO to reduce examiners' backlog in examining patent applications, and the case of broccoli/tomato I and II.

Participation in several conferences

Conference on counterfeiting of foodstuff, beverages and agricultural products, Alicante, Spain (18 March 2016)

The conference was the first event to ever be organised by the [EUIPO Observatory](#) in partnership with Europol and Eurojust. The CPVR system was presented together with speakers from ESA and [Ciopora](#). The conference has shown that there is a lack of knowledge on the CPVR system and on the seeds-regulated market, and that initiatives like this are very well perceived, especially considering that the Observatory has a large network of established contacts in all Member States.

'New developments in IPR enforcement: fit for the XXI century?' EIPIN congress, Alicante, Spain (14 April 2016)

The [EIPIN](#) was initiated in 1999 to facilitate contacts and increase cooperation among IP institutions and students in Europe. Each year, a congress is organised to allow students from universities of Strasbourg, London, Alicante, Maastricht and Munich to convene and to discuss current IP issues with experts. The congress is an opportunity for the CPVO and UPOV to speak about the enforcement of breeder's rights and challenges.

'Innovazione in Agricoltura' conference, Rome, Italy (4 May 2016)

The seminar was organised by Confagricoltura and focused on plant varieties from different viewpoints, namely the industry, policymakers and the breeders. Specialised IP lawyers and a judge of the Court of Bari presented the issues related to infringement of PVRs, particularly regarding the difficulties of providing evidence of infringement, damages compensation, effectiveness of preliminary measures and conflicts between trademarks and denominations. The need to train judges and experts becomes more and more crucial in this field.

Pan-European seal IP campus, Alicante, Spain (11 May 2016)

The purpose of the pan-European seal programme, initiated by the EUIPO in cooperation with the EPO, is to offer paid traineeships aiming at disseminating IP knowledge and awareness. Each university participating in the programme submits a shortlist of 10 candidates. An average of 100 trainees is selected every year based on the students' profiles and the offices' needs. During the pan-European seal IP campus, different IP right systems have been presented to trainees, including the CPVR system. The CPVO will become a partner institution to the programme.

'Finding the balance between patents and plant breeders' rights' symposium, Brussels, Belgium (18 May 2016)

On 18 May 2016, the CPVO attended a symposium, organised by the Netherlands Presidency together with the European Commission, to discuss the concerns expressed by the European Parliament, different EU Member States and stakeholders regarding the implications of the ruling of the EBoA of the EPO last year on the patentability of products resulting from essentially biological processes.

Seminar on the interference between patents and PVRs, Rome, Italy (27 May 2016)

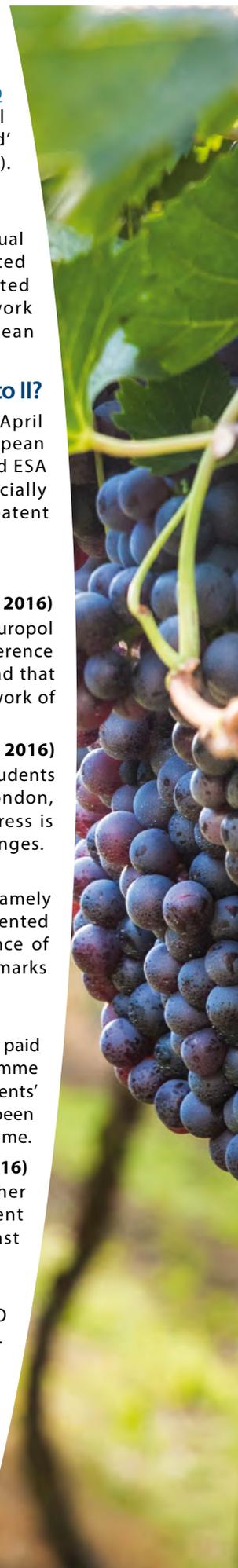
On 27 May 2016, the Italian Patent and Trademark Office hosted a seminar with the participation of the CPVO Head of the Legal Unit to discuss the tomato and broccoli decisions and the interface with the PVR system.

Altius plant law seminar, Brussels, Belgium (10 June 2016)

On 10 June 2016, Altius organised its plant law seminar. The CPVO participated in the seminar with a presentation on the variety description of the EU PVRs.

Plant variety protection course at Wageningen, the Netherlands (20 June 2016)

From 13 to 24 June 2016, the plant variety protection course was organised by Wageningen University and Research Centre for Development Innovation in the Netherlands. The CPVO presented the CPVR system. The course aims at facilitating the introduction and practical implementation of PVR in countries where legislation on this matter is being developed or has recently been passed, as well as a better understanding of how a plant variety protection system works. Registration to the 2017 PVP course is now [possible](#).



> TECHNICAL NEWS

Update on the shallots situation

After the finalisation of the co-trials between GEVES and Naktuinbouw on seed-propagated shallots, a meeting was organised by the CPVO in February 2016. All three parties agreed to continue the co-trials for a further two years and to analyse in greater detail a methodology developed by GEVES to try and differentiate between onions and shallots using the number of growing points per

bulb. GEVES and Naktuinbouw also agreed to jointly undertake any new official DUS trials for candidate seed-propagated shallot varieties. The CPVO subsequently held separate meetings in June this year with the Dutch breeders of seed-propagated varieties and the French shallot association to report on the latest advances and discuss strategies for the future.



Imodduus 1st meeting (26 April 2016)

The CPVO has created the ad hoc working group Imodduus, which stands for integration of molecular data into DUS testing. Imodduus works as a think tank on how to best integrate and promote BMTs into DUS testing. It assesses and discusses new developments in BMTs and their potential or immediate use for DUS of certain species, variety identification and enforcement. It should identify relevant species where these techniques would be promising to harmonise methodologies and to promote and propose R & D projects for co-funding by the CPVO. A first meeting took place on 26 April 2016 in Paris, France. A limited number of designated experts from entrusted EOs, experts from the breeding industry

appointed by the breeders' organisations and experts from research institutions, universities or other testing centres were invited to attend this meeting. The morning session was covered by presentations on the use of BMTs in science, breeding and potential applications in the future. In the afternoon session, seven R & D project proposals were presented and discussed. Subsequently to the meeting, the experts submitted their evaluation of the administrative project proposal for the follow-up measures and the CPVO drafted a strategy paper for Imodduus, which will be discussed in this group with the intention of having a final version available for the next meeting foreseen in January 2017.

UPOV 'train the trainer' course (9-13 May 2016)

The technical expert for vegetable species of the CPVO participated as a student at the annual UPOV 'train the trainer' course held at the World Intellectual Property Organisation headquarters in Geneva between 9 and 13 May 2016. The

course was attended by another 20 officials from around the world, and aims to develop specialists on PVR who are able to disseminate detailed information on the UPOV system in their home countries and further afield.

Chrysanthemum all year round (AYR) varieties - open day (18 May 2016)

The open day was jointly organised by the NIAB and the CPVO on 18 May 2016. Seven participants representing three companies took part in the event. Although the attendance might seem to be very limited, it is worth mentioning that the activities in this crop are very concentrated and the participants

to the open day represented the majority of applications made for Chrysanthemum AYR varieties. The programme included the presentation of the DUS testing at the NIAB, details of the testing of AYR varieties and an update from the CPVO. The presentations were followed by a visit to the testing site.

UPOV Agaricus Mushroom Guideline Working Group (30 May 2016)

The technical expert of the CPVO dealing with vegetable crops participated in the 19th International Congress for Mushroom Science held in Amsterdam between 30 May and 2 June 2016. At the genetics and breeding session, he

gave a presentation entitled 'Development of a revised UPOV guideline for new Agaricus mushroom varieties', since the CPVO is acting as the leading expert in the current revision of the UPOV guideline for *Agaricus bisporus*.

Fruit and ornamental crop experts' meetings (June 2016)

On 21-22 June 2016, the Office held its annual meeting with its fruit crop experts. Important topics of discussion were, amongst others, the costs in relation to reference varieties, the exchange of information between EOs, the modification of the 'General instructions on the submission of plant material', plant health issues and the follow-up of the project to reduce the number of observation periods. In addition, new or revised CPVO technical protocols for the growing trial for varieties of apple rootstock,

oranges, lemons, limes, grapefruit and pomelo, as well as trifoliolate orange were elaborated and they are foreseen to be adopted by the Administrative Council either in October 2016 or in March 2017.

One week later, on 28-29 June 2016, the Polish examination office, Centralny Ośrodek Badania Odmian Roślin Uprawnych ([Coboru](#)), hosted the annual ornamental crop experts' meeting in Środa Wielkopolska, close to its headquarters in Słupia Wielka. Discussions

CPVO agenda

- >27-28 September 2016
Agricultural experts meeting, Angers, France
- >4 October 2016
Administrative Council meeting, Angers, France
- >5 October 2016
Variety Denominations Working Group, Angers, France
- >8-9 November 2016
Vegetable experts meeting, Angers, France
- >7-8 December 2016
20th annual meeting with the EOs, Angers, France
- >17 January 2017
Imodduus, Paris, France
- >7-8 March 2017
Fruit experts meetings, Huelva, Spain
- >14-15 March 2017
Administrative Council meeting, Angers, France
- >June 2017
Ornamental experts meetings, Angers, France
- >3-4 October 2017
Administrative Council meeting, Angers, France
- >17-18 October 2017
Agricultural experts meetings, Angers, France
- >5-6 December 2017
21st annual meeting with the EOs, Angers, France

focused on various aspects of the DUS testing, such as the duration of the DUS test, the testing on breeder's premises, the status of reserve plants, the reporting on technical verifications and the costs in relation to reference varieties. Furthermore, CPVO technical protocols for the growing trial for varieties of poplar, bell flowers and *Plectranthus* were elaborated. These technical protocols are also foreseen to be adopted by the AC either in October 2016 or in March 2017.

Variety Denominations Working Group (23 June 2016)

In 2004, the CPVO AC adopted explanatory notes to the guidelines on Article 63 of the basic regulation (latest version dated November 2012). Due to a rise in the number of proposals, the CPVO is often confronted with an increasing number of situations where the document does not provide clear guidance. The Office feels that the current guidelines and their explanatory notes need to be further elaborated to address such situations.

In November 2015, the AC approved the creation of an ad hoc working group to discuss and comment on a draft proposal prepared by the CPVO. The group met for the first time on 23 June 2016 with representatives from Member States, the Commission, the AC observers, the Royal General Bulb Growers' Association and the Royal Horticultural Society.

The purpose of variety denominations was discussed with various opinions on how to identify the propagating material of varieties only or, more generally, on how to identify variety constituents including the harvested material. This discussion is of importance because it has consequences on who users of denominations are and the elaboration of misleading and confusing concepts.

Some stakeholders addressed the message that the Office is becoming stricter, although this does not seem to be confirmed by statistics. Still, the group agreed that not any proposal should be acceptable and that there is a need to clearly interpret the legal basis.

The group went through half of the document proposed by the Office, which took note of all comments. Another meeting aiming to finalise the review of the document will take place on 5 October this year.

Participation in UPOV technical working parties

The CPVO participates regularly in most of the [UPOV's](#) technical working parties. The recent participations were the following.

> BMT

The 15th UPOV Working Group on Biochemical and Molecular Techniques (BMT) and DNA-Profiling in particular took place from 24 to 27 May 2016 in Moscow, the Russian Federation. Experts from 15 countries participated in the meeting, as well as representatives of different breeders' associations. The CPVO reported on the first meeting of the new group on molecular techniques in the CPVO named

'Imoddu', which had taken place on 26 April 2016 in Paris. Experts made presentations on their experience with the application on given species as regards already-accepted UPOV-BMT models. The meeting was also a forum to discuss potentially new application methods for the integration of BM techniques into DUS testing. The next BMT meeting will be held in autumn 2017 in La Rochelle, France.

> TWO

The 49th UPOV technical working party for ornamental plants and forest trees (TWO) took place from 13 to 17 June 2016 in Gimcheon, the Republic of Korea. The meeting was attended by experts made up of 28 participants from 14 countries, as well as Ciopora, representing a breeders' association. The meeting gave the occasion to provide technical input to a number of documents related to various aspects of DUS testing. Furthermore, an important

part of the meeting was devoted to elaborating, in two subgroups of participants, 15 new or revised guidelines for the conduct of the technical examinations. The group agreed that the guidelines for *Abelia*, *Aglaonema*, *Dianella*, *Freesia*, *Lavandula* and *Petunia* should be submitted to the UPOV Technical Council for adoption. The next TWO meeting will be held in September 2017 in Vancouver, Canada.

> TWV

The 50th technical working party for vegetables (TWV) took place from 27 June to 1 July 2016 in Brno, Czech Republic. The meeting was attended by 47 experts from Member States and breeders' associations. Constructive discussions were held on numerous TGP documents and 11 test guidelines. Amongst these, the CPVO acted as leading expert in the revision of the *Agaricus bisporus* guideline and the partial revision of the tomato guideline. The

group agreed that the guidelines for *Agaricus bisporus*, leaf chicory, lettuce, tomato, tomato rootstock and witloof chicory should be submitted to the UPOV Technical Committee for adoption. The CPVO also provided discussion documents to the TWV on the use of disease and insect resistance characteristics for DUS testing, the principal botanical name for intergeneric and interspecific hybrids, and the updating of variety descriptions.

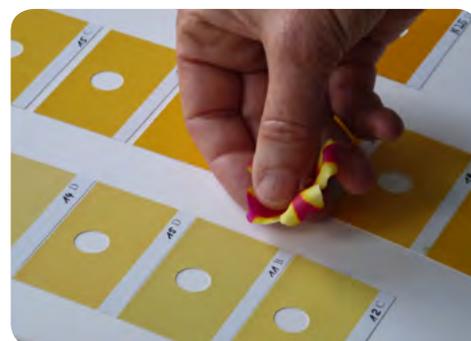
> TWA

The 45th UPOV technical working party for agricultural crops (TWA) took place from 11 to 15 July 2016 in Mexico City, Mexico. It united experts from 21 Member States plus representatives from breeders' associations. In addition to ongoing discussions on the Test Guidelines' Procedures documents, the TWA concentrated on the elaboration/revision of

technical guidelines of 10 different species. The field visit allowed discussion regarding the draft guidelines in the field trial for castor bean and quinoa. The group agreed that the guidelines for cassava, scorpion weed, urochloa and wheat should be submitted to the UPOV Technical Council for adoption. The next TWA meeting will be held in June 2017 in Hannover, Germany.

Fruitful discussions at the WG on Variety Finder (24 June 2016)

[The Variety Finder](#) (VF) is a web-based database including a similarity search tool, to test the suitability of denominations for similarity, and a general search tool. Keeping in mind the need to better match users' needs, a working group consisting of users of the VF - Member States, examinations offices, the European Commission and breeders - met on 24 June 2016 in Paris. It was an occasion to exchange on a range of proposals for evolutions of VF linked to its purpose, content and possible interactions with other databases. Conclusions on these interesting discussions will be presented to the next AC in October. Further developments are coming soon.



Participation in forthcoming events

> 9-11 October 2016

ESA annual and European seed trade meetings, Rome, Italy

> 19-20 October 2016

Heads of EU agencies meeting, Alicante, Spain

> 24-27 October 2016

UPOV week of meetings, Geneva, Switzerland

> 14-18 November 2016

UPOV TWF, Angers, France (hosted by the CPVO)

> 6-7 December 2016

EU agencies forum, Brussels, Belgium

> 5-9 December 2016

ARIPO AC, Harare, Zimbabwe

> 24-27 January 2017

IPM, Essen, Germany

> 13-26 February 2017

Made in Angers, France

> 1 March 2017

Heads of EU agencies meeting, Brussels, Belgium

> 3-7 April 2017

UPOV week of meetings, Geneva, Switzerland

> 19-23 June 2017

UPOV TWA, Hanover, Germany

> 11-15 September 2017

UPOV TWO, Vancouver, Canada

> Autumn 2017

UPOV BMT, La Rochelle, France



RESEARCH & DEVELOPMENT projects

In 2016, the CPVO received and approved the following requests for co-financing of R & D projects.

Harmonisation of resistance tests to diseases for DUS testing

This project was approved at the end of June 2016. It is a follow-up of a previous project. It aims to harmonise the resistance tests in terms of reference material (isolates and varieties), test conditions and notation scales, as well as to propose new harmonised and robust protocols to the CPVO. A focus for the Harmores 3 project is done on

intermediate resistance, which makes it more difficult than the previous projects, but for which harmonised protocols and reproducible results are of great concern. The project is coordinated by GEVES with the following project partners: Naktuinbouw, INIA, Central Institute for Supervising and Testing in Agriculture (Czech Republic),

Palacký University (Czech Republic), BSA, Julius Kühn-Institut (Germany), National Food Chain Safety Office (Hungary), CREA (Italy), SASA (UK), CTIFL (France) and ESA. This project is composed of two parts: Part 1 (with a duration of 1 year) initiated in 2016 and Part 2 (with a duration of 2 years) initiated in 2017.

Construction of a European potato database with varieties of common knowledge and its implementation in the potato DUS testing system

This project was approved in the beginning of March 2016 and constitutes a follow-up of the previous R & D projects. The new project is coordinated by BSA and involves the nine entrusted EOs for potato. The objective of the

project is to continue the work on the setup of the EU database for potato. The database used will be GEMMA, which has to be adapted to suit the requirements for potato DUS research. The project lasts 2 years.

Ring tests for strawberry

This project was approved in May 2016. It is coordinated by the CPVO and includes all the CPVO entrusted EOs for the species: the BSA, Coboru, the DGAV (Portugal) and the OEVV. The project consists in the organisation of ring

tests and meetings with the DUS experts with the aim of harmonising the implementation of the protocol for strawberry. This project lasts 4 years and the final report is expected to be delivered in 2019.

Sampling, analyses and storage of DNA samples of roses

Regarding this project, the AC agreed in April this year to end the automatic storage of samples and to leave it on a voluntary basis, at the costs of the applicant/breeder as from September 2016. Clear procedures

and framework of this service will be prepared by the CPVO, communicated to the applicants/breeders and presented to the Administrative Council in October 2016.



> IT NEWS

Sharing online applications system

The CPVO released its online application system in 2010 and started a pilot project to assess the feasibility to share this system with national authorities. The objective was to investigate under which conditions it would be possible to transfer the CPVO online application system to a neutral website (<http://www.plantvarieties.eu>) to allow applications for national listing or national PVR in the participating EU countries. The driving idea was to reuse data from applications in any procedure in the EU, to file subsequent applications for another procedure in the EU for that same variety. The pilot project included GEVES in France and Naktuinbouw in the Netherlands for a few species (maize, tomato and lettuce).

A basic principle of this pilot project was that national authorities could develop and maintain their own set of questions on a dedicated website, with explanations and in their language, on the basis of the CPVO forms which follow the UPOV standard.

An agreement was signed between the CPVO and the other partners at the end of 2015. Naktuinbouw released national forms with technical questionnaires for a few species in the spring of 2016 and received applications for national listing with the system. Some of these applications were reused to successfully apply for CPVR.

In parallel to this project, UPOV is developing its electronic application system, which aims to develop a multilingual, electronic

form containing questions relevant to PVRs applications.

Both projects have similarities and the AC will discuss on 4 October this year how both systems could fit together and under which conditions the CPVO project could be made available to EU national authorities.

New CPVO website

Following the online survey regarding the public website usage performed last year, the CPVO decided to renew its website. The project started in April 2016 and the launch of the new website is planned for mid-November 2016. A general announcement will be made upon the official launch.

> IN PRACTICE

Deed of pledge internal administrative instruction

CPVR and applications are objects of property that can be pledged by their owner or given as securities for a loan or other debts. For the pledged securities to be enforceable, they must be registered in the CPVO Register and published in the CPVO's Official Gazette.

In practice, what has changed with the coming into force of the 'deed of pledge internal administrative instruction' of 16 March 2016?

> Before, the Office liaised with the pledgee for their consent as to the following decisions of the variety owner:

- to withdraw an application;
- to transfer the ownership in the application or right;
- to surrender the right;
- to pledge the same varieties.

Now for the above decisions of the owner the Office is only in contact with the pledgor and relies on the pledgor to revert to their pledgee to collect the necessary consent. Consent can come in two forms (consent or deemed consent): either the pledgee expressly consents or the pledgor provides a copy of the letter sent to the pledgee.

> The Office will only contact the pledgee directly if the Office takes one of the following decisions:

- to refuse an application;
- to cancel a right for lack of payment or on other grounds;
- to render a right null and void;
- to grant a CPVR.

> If the pledgor files a request for recordal of a deed of pledge, no supporting documents need to be provided. Only if the Office has a doubt can it ask for submission of supporting documents. If the confidential deed of pledge instrument is provided, it will be checked and returned (i.e. not stored in the Register) so as not to retain excessive personal information. If the pledgee files the request for recordal, supporting documents must still be provided and may also be returned for the abovementioned reasons.

Electronic communication with and by the Office - What's new?

> Electronic documents and services offered by the Office are only available to registered users.

> The Office will soon make available on its website an electronic communication area referred to in the decision as 'MyCPVO' and baptised after the decision 'MyPVR'.

> The aim of MyPVR is to enable, as far as possible, for clients to self-serve and to optimise e-communication and e-services with clients. New features - called e-actions- will gradually be proposed.

> Sending and receiving communications will be possible via MyPVR.

> If the user has activated the e-communication option, the user will be notified by e-mail as soon as a document will be available in MyPVR and the same notice will appear as soon as the user is logged on. The date and time of service will be when the user accesses the notified document. If the user does not actively access the document, it will be deemed to have been served on the expiry of the seventh day on which the e-mail notification was sent to the user.

> Acts that can be performed by users through MyPVR and the corresponding requirements will be detailed in the terms and conditions.

Goodbye to...

Mr Stefan Haffke from Bundessortenamt worked as a Seconded National Expert in the Technical Unit from 1 October 2015 to 30 September 2016.

"Thank you very much to the whole CPVO for the interesting and diverse work during the last year. I appreciated very much working in the Technical Unit and the ability to have a very close inside view of the daily work. Apart from the personal positive experience regarding the intercultural and friendly working environment, I'm looking forward to staying in contact with the Office in general and, in particular, with the staff and to contribute and develop our European PVR system further from the side of the Bundessortenamt."

Ms Aoife Kearney worked as Assistant to the President from 16 November 2014 to 15 August 2016.

"I really enjoyed my time at the CPVO and will always look fondly upon it. I would like to thank my colleagues for our excellent working relationships and wish them every success in their future endeavours."

The CPVO wishes both of them every success in their future careers.



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PUBLICATION

Annual report 2015

The English and French versions of the CPVO Annual report 2015 are available on [the CPVO website](#).

To get a printed version of the CPVO annual report free of charge, please go to the [EU Bookshop website](#). The annex to the Annual report 2015, which is only published electronically, is also available on the [CPVO website](#).



TO BE NOTED

CPVO welcomes new legal advisor

The CPVO is delighted to announce that Mrs Montserrat García-Moncó Fuente of Spanish nationality has been appointed to the



position of legal advisor from 16 September 2016 for 4 years. After having carried out her previous experience mainly in the private sector, Mrs. García-Moncó Fuente is thrilled with this opportunity to join the CPVO. We wish her the best of luck and success in her new job.

Traineeships in the CPVO

As part of the 2016 traineeship procedure, the CPVO hosted three traineeships from 1 March until 31 August 2016, and will host a further four traineeships from 1 September 2016 until 28 February 2017. More announcements are being published on the [CPVO website](#) for the next traineeship period, which starts on 1 March 2017. For further information on traineeships, please contact traineeships@cpvo.europa.eu

Special thanks from the president to the contributors and the editorial team of this newsletter for their valuable work.

