



CPVO

Community Plant Variety Office

Newsletter

Issue 2, Autumn 2011

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EDITORIAL



In this second issue of the CPVO newsletter, I would like to take the opportunity to present myself as the new President of the CPVO, as well as some of my views on the years to come. Following the Council's decision to appoint me as President of the CPVO for a period of five years I took up my duties as of 1 September 2011. As many readers are aware, I have a legal background and before taking up this new post I worked as the Head of Legal Affairs at the CPVO.

I am happy to take over this post from my predecessor Bart Kiewiet at a stage when the Community system is still growing and when the finances of the Office are in good shape. The staff are motivated and the level of expertise is high.

As President of the Office, I will have as a main objective to maintain and develop a system which provides high-quality services at a reasonable cost. Policies and procedures adopted in the past serve as a good base to build on when facing new challenges. New challenges may arise following evaluations by the Commission of the Basic Regulation as well as the legislation on the marketing of seeds. This may lead to a recast of the Basic Regulation and result in new tasks being given to the CPVO. Issues such as the interface between the Community plant variety system and the patent system will be actively followed. Encouraging and supporting the sharing of experiences and information on enforcing plant variety rights will also be one of my priorities. We will continue to be active in developing new IT tools that can be used by the Office and its stakeholders. It is also my aim that the Office will closely follow and support the development of new techniques that can improve DUS testing and make it even more efficient.

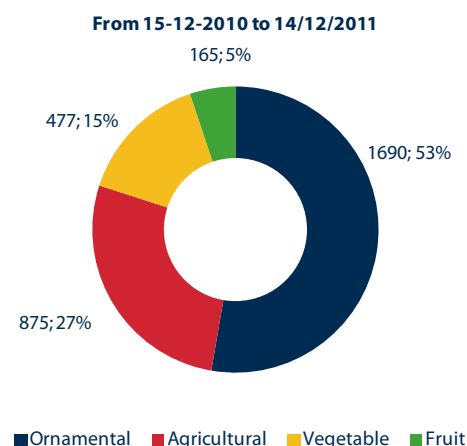
In order for the Office to deliver all this, it is crucial that its staff continue to perform on a high level: I will aim to maintain this momentum, and make the necessary recruitments when necessary. From having been referred to as a young agency, the CPVO is getting close to celebrating the 20th birthday of its founding regulation adopted in 1994. I am looking forward to participating in shaping this teenager to become an adult in the coming years. With this, I wish you a pleasant reading.

> General news

2011 : record year on number of applications

In the last twelve months (15/12/2010-14/12/2011), the Office received 3 207 applications for Community plant variety rights, which represents an increase of 13% as compared to the same period of 2009-2010. The largest increase in relative terms was recorded for vegetables, with 90 more applications (+23.2%), followed by applications for varieties of agricultural crops, with 128 more applications (+17.1%) and ornamental varieties, with 180 more applications (+11.9%). By contrast, the Office received 24 fewer applications for fruit varieties (-2.6%) for the same period.

Since the beginning of the year 2011 and on 14 December, the Office has received 3084 applications, which represents an increase of 11.6% (+321 applications) as compared to the same period in 2010. This is the highest number of applications ever received in a calendar year.



Memorandum of Understanding with Vietnam signed in May 2011



Based upon the 1991 act of the UPOV Convention and the plant variety rights legislation of the Socialist Republic of Vietnam and the European Union, a Memorandum of Understanding was signed in May 2011. Both parties agree to provide to each other with results of technical examinations and related documents. Each party remains free to base a decision on the grant of plant variety rights on the reports of the other party. If necessary, the Vietnam Plant Variety Protection Office and the CPVO may exchange plant material of the varieties concerned, with the agreement of the applicant.

Decrease in the application fee as of 1 January 2013

During the last session of the CPVO Administrative Council on 15 and 16 November, the AC members voted unanimously in favour of a decrease in the CPVO application fee from EUR 900 to EUR 650 as of 1 January 2013. Following this vote, a formal request has been sent to the European Commission to take the appropriate steps to implement this fee reduction. Indeed, Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office has to be amended before any modification can enter into force. Such an amendment will take around a year.

Visits of foreign delegations

On 15 June, a group of Polish nurserymen used the opportunity of a tour of the Anjou area to pay a visit to the Office. The visitors were not only informed about how the Office works but also received explanations about key words of the legislation, enabling them to better understand the application procedure and granting process.

Representatives of the Brazilian research institute IMAm (Instituto Mato-Grossense do Algodão, working mainly on soya and cotton) visited the CPVO on 13 October. The main discussions focused on explaining the European PBR system and its connection with the national systems and the common catalogue. The farm-save seeds also triggered a lot of questions from the delegation.

The Office has regular exchanges with plant breeders' rights authorities in other countries. A Chinese delegation visited the Office on 24 October and an Afghan delegation on 23 November, to get information on the functioning of the Community plant variety rights system.

Focus on...

European Conference on plant variety rights in the 21st Century – 11 October 2011- Brussels, Belgium

A conference to discuss the results of the evaluation of EU legislation on the intellectual protection of plant varieties and the way forward was organised by the Directorate-General for Health and Consumers in Brussels on 11 October. The conference brought together around 200 participants, including representatives from Member States, the seed industry, breeders, farmers and NGOs and other relevant stakeholders.

Commissioner John Dalli, who opened the conference together with a representative of the Polish Minister for Agriculture, highlighted that "Europe needs adequate intellectual property rights in order to protect innovations and remain competitive in the global economy".

The idea was to have a clear view on the position of the various stakeholder groups with regard to the recommendations made in the evaluation report. This input should help the Commission in the elaboration of its action plan for a possible recast of EU legislation on plant variety rights. The stakeholders supported the aim of the Commission to take on board the recommendations and, when necessary, to carry out targeted amendments to the current legislation.

The evaluation concluded that the EU plant variety rights regime is an efficient system at EU level. It is also highly appreciated by breeders. However, a number of recommendations were made to improve the system. These concern *inter alia* an exemption for the use of protected varieties intended for sowing on farmers' own holdings, improvement of the enforcement of plant variety protection rights and clarification of variety denomination criteria.

The President of the CPVO, Martin Ekvad, made a presentation containing important information and data about the system. The CPVO has granted around 30 000 Community plant variety rights to many varieties of different plant species. Today around 18 500 rights are still in force as some plant varieties are only commercialised for a short period.

Intellectual property rights such as plant variety rights legislation foster the investment environment in the research and development of new and improved plant varieties to the benefit of farmers and society in general.

Seminar on "The impact of 15 years of CPVO activities" – 23 June 2011 – Angers, France



The seminar organised on the occasion of the end of the mandate of Mr. Bart Kiewiet, first president of the CPVO, on "The impact of 15 years of CPVO activities" was a success. All stakeholders in the Community plant variety protection system were present: the CPVO Administrative Council, the European Commission, UPOV, the examination offices, the breeders and the breeders' organisations and, last but not least, the staff of the CPVO. In addition, representatives of local and regional authorities, and the agricultural and horticultural industries participated in this event, held in Angers, France, on 23 June.

The EU Commissioner for Health and Consumer Policy, John Dalli, acknowledged the CPVO's successes since 1995 and congratulated Bart Kiewiet for the work achieved. Mr Dalli repeated the wish of the European Commission to extend the mission of the CPVO with several tasks related

to plant variety rights. The effective cooperation between UPOV and the CPVO since the very beginning of its activity was also highlighted.

The general outcome of a round table with representatives of the breeders' associations, ESA and Ciopora, the farmers, COPA/Cogeca, the ornamental producers, AIPH, and a representative of an examination office, GEVES, was that the stakeholders of the CPVO are generally very satisfied with the system. However, there are always topics to be improved on, such as the farm-saved seeds provisions and the possibilities for breeders to enforce their rights.

Finally, Bart Kiewiet recalled 15 years of CPVO activities, the challenges met and the objectives achieved. He thanked everyone for their commitment in making the CPVO what it is today.

Visit of a member of the European Court of Auditors – 24 June 2011

Following the seminar on "The impact of 15 years of CPVO activities", Mr Eoin O'Shea, Member of the European Court of Auditors, accompanied by Mr Hugé, Head of Division - European Agencies, visited the CPVO premises on 24 June.

The European Court of Auditors is a EU institution and an independent body, based in Luxembourg, which audits the financial management and accounts of all other EU institutions. It is composed of a President and 26 other members, representing all Member States.

Mr O'Shea, of Irish nationality, joined the Court in March 2010. Several presentations on CPVO activities were organised to mark his first visit.



Lunchtime seminar on "15 years of supranational cooperation in plant variety protection: the European experience" - 21 October 2011 at UPOV - Geneva, Switzerland

On the occasion of the 50th anniversary of UPOV, the CPVO, together with the European Commission and EU Member States, organised a lunchtime seminar on "15 years of supranational cooperation in plant variety protection: the European experience" in Geneva. The aim was to share experiences acquired through the implementation of a regional system of protecting new plant varieties based on the 1991 UPOV Convention and the important cooperation with UPOV in this respect. More than 200 participants including ministers, diplomats and experts in plant breeders' rights attended. Presentations were given by Mr Ladislav Miko, Deputy Director General for the Food Chain, Health and Consumers DG (European Commission), Mr Edward S. Gacek, Director General of COBORU, representing the Polish presidency of the Council of the European Union, and Martin Ekvad, President of the CPVO.

> Legal affairs

**CPVO regional seminar on the enforcement of plant variety rights
25 May 2011 - Hamburg, Germany**

Breeders are facing difficulties when enforcing their Community and national plant variety rights. An important reason is insufficient knowledge of the applicable legislation amongst the parties concerned.

For this reason, the CPVO has organised seven seminars on plant variety rights legislation since 2005, especially as concerns enforcement issues: in Brussels (2005), Warsaw (2006), Madrid (2007), Sofia and Bucharest (2008), Athens (2010) and lastly Hamburg (2011).

Around 100 participants attended the Hamburg seminar (50 % of them were German). They included intellectual property practitioners specialised in plant variety protection, as well as breeders, farmers, trade companies, lawyers, judges and government representatives. The aim was to share information and experiences on the enforcement of plant variety rights in order to raise the awareness of the applicable legislation in Germany and neighbouring countries, in particular the Scandinavian and Baltic states. The seminar was organised in close co-operation with the breeders' organisations (Ciopora and ESA) and the Bundessortenamt (German examination office).

Personal data protection at the CPVO

For the purpose of protecting individuals with regard to the processing of personal data and the free movement of such data, the CPVO applies Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions. Processing of personal data has a quite broad meaning and does not only mean transferring data to third parties, but also collecting, recording and storing of data, whether or not by electronic means, within the CPVO. To ensure that the CPVO fully complies in all respects with the above-mentioned regulation and that personal data are protected in all

its procedures, the CPVO has appointed four internal 'controllers' responsible for the processing of personal data carried out within their respective fields of responsibilities and a 'data protection officer' who should ensure in an independent manner the internal application of the provisions in the regulation. In particular, a register of all personal data processing operations at the CPVO (available on its intranet only at the moment) has been created. As of end-October 2011, around 80 % of the processing operations identified within the CPVO have been included in the DPO register. If you have any questions about the processing of your personal data, please contact the CPVO.

New alternate to the Chairman of the Board of Appeal of the CPVO

Following an open competition, the Council of the European Union nominated in July Ms Sari Kaarina Haukka as alternate to the Chairman of the Board of Appeal of the CPVO, Mr Paul van der Kooij. Ms Haukka has been appointed for five years; her term runs from 15 October 2011. Ms Haukka, of Finnish nationality, is Registrar of the Board of Appeal of the European Chemicals Agency (ECHA) since 2007. Prior to this, she was the Legal Secretary to Judge Tiili at the General Court of the European Union in

Luxembourg for nine years. Before that, she was an administrator at the Directorate-General for Personnel and Administration of the European Commission for two years. Ms Haukka has a masters degree in law from the University of Helsinki. She has written many articles and books in the field of EU competition law and consumer protection.

Since 1997, two persons have chaired the Board of Appeal of the CPVO, with three alternates.

		From	To
Chair	Mrs Gabriele Winkler	17.9.1997	15.12.2007
Alternate	Mr Dimitrios Christodoulou	17.9.1997	15.9.2002
Alternate	Mr Timothy Millett	16.12.2002	15.12.2007
Chair	Mr Paul van der Kooij	18.12.2007	(until 17.12.2012)
Alternate	Mr Timothy Millett	18.12.2007	31.8.2010 (resigned)
Alternate	Ms Saari Haukka	15.10.2011	(until 14.10.2016)

To be noted**CPVO paperless office
since 2009**

Following a decision of its President, the CPVO became a paperless office in 2009. Since then, all Community plant variety rights applications as well as all other documents are exclusively handled electronically to avoid unnecessary printing of documents. A paper registry does not exist any longer.

As a practical consequence, since March 2010, applications for Community plant variety rights may be filed at the Office by electronic means (terms and conditions for using the online application system are available from the CPVO web site).

**Statistics related to
the Board of Appeal:
status mid-December 2011**

Since the beginning of 2011, nine appeals have been lodged with the Board of Appeal. At the end of April, the Board delivered two decisions on four appeal cases (A001/2010, A005/2010, A006/2010 and A007/2010). Those decisions are available, free of charge, from the case-law database on the CPVO web site.

One case (Southern Splendour - A007/2010) was further appealed to the General Court on 4 July 2011. The case, T-367/11, is ongoing before the General Court.

Eight appeal cases are currently ongoing before the Board of Appeal: 64 % concern ornamental species, 17% concern fruit species and 8% concern agricultural species.

Agenda

- > **19 January 2012**
Variety denomination meeting, Brussels
- > **24-27 January 2012**
IPM, Essen, Germany
- > **06-17 February 2012**
Made in Angers, France
- > **21-23 February 2012**
Salon du Végétal, Angers, France
- > **20-21 March 2012**
Administrative Council, Brussels
- > **26-30 March 2012**
UPOV week of meetings, Geneva

> Technical news

Research and development projects update

In 2002, the Administrative Council of the CPVO decided to establish conditions and to adopt rules regarding the contribution from the CPVO to the financing of R & D projects considered to be relevant for the improvement of the quality and performance of DUS tests.

Management of peach tree reference collections

This collaborative three-year project between the CPVO's entrusted examination offices for *Prunus persica* (France, Hungary, Italy and Spain) was concluded in summer 2011. The project partners analysed a total of 510 peach varieties in their reference collections (including 12 common to all of them) under the following four themes: (i) compilation of morphological data; (ii) creation of standardised digital data; (iii) generation of molecular data; and (iv) creation of a phenotypic and molecular variety database. The main conclusions of the final report presented by GEVES, the project coordinator, in October, outlined that the information exchanged between the project partners had been invaluable in drawing up better phenotypical descriptions of peach varieties and structuring the reference collections according to the genetic background of the constituent varieties. A database to store and manage all these data has been created by GEVES, and it was proposed that the full updating of this database be continued in the future by all the project partners via the GEMMA framework (database created by GEVES), in order to have a more efficient selection of comparison varieties for peach DUS testing.

**A potential UPOV Option 2 approach for barley using high-density SNP genotyping**

During the course of the year, NIAB (UK) analysed statistically existing data from a collaborative research programme to: investigate whether a correlation exists between phenotypic and genotypic distances; quantify distances measured from markers and phenotype against a common standard derived from known pedigree relationships within the dataset; and adopt approaches from genomic selection to predict phenotype from the genome-wide marker set. The objective will be to test alternative approaches to calibrating marker distances against phenotypic distances, rather than to establish a surrogate marker-based prediction of phenotype. The final results of this study are expected to be available by the end of 2011.

Preparing candidate countries for their accession to the EU

Since 2006, the CPVO has been participating in the so-called "multi-beneficiary programme" established by the European Commission aiming at preparing candidate countries for accession to the European Union. This programme was initially set up for Turkey and Croatia; in 2008, it was extended to the former Yugoslav Republic of Macedonia, and since 2009 it has been open to all countries of the western Balkans region. In October 2011, the European Commission adopted a new programme covering the period November

2011 until October 2014.

Within the framework of this programme, representatives of the national plant variety rights authorities will be invited to participate in crop expert meetings regularly held at the CPVO. Furthermore, experts from the candidate countries will be trained at those examination offices already working on behalf of the CPVO. Additionally, EU experts will train staff in the candidate countries.

The workshops and seminars are adapted to

UPOV MEETINGS**16 to 20 May 2011 - TWA
Brasilia, Brazil**

The 40th TWA meeting was chaired for the last time by Mr Dirk Theobald, Head of the CPVO Technical Unit, and his efforts were rewarded by a bronze medal from UPOV. In addition to a number of technical guidelines, the group discussed TGP documents which serve as specific guidance for the harmonised execution of DUS tests in the Member States of UPOV. The working group meeting was closed by a visit to the international Agrifair on 21 May.

**25 to 29 July – TWV
Monterey, USA**

Representatives from 15 countries and organizations attended the meeting, being held for the first time in the United States. Numerous technical working papers and crop guidelines were discussed, including the following of particular relevance to the CPVO: tomato rootstock, endive, parsnip, pleurotus mushroom, and watermelon. The group visited the important salad crop growing region of Salinas nearby, and the CPVO representative also visited several American applicants for Community plant variety rights in the region.

**06 to 11 November 2011 - TWO
Fukuyama, Japan**

Two CPVO experts participated in the TWO, held in Japan in November. Nineteen countries were represented and 21 ornamental guidelines were discussed, some of which will be proposed for adoption by the UPOV Technical Committee. The definition and the description of the colour, based on UPOV TGP14, triggered interesting discussions.

**13 to 18 November 2011 - TWF
Kure, Japan**

A number of technical documents were discussed. The guidelines on *Actinidia*, *Lonicera caerulea*, papaya, pineapple and a partial revision for strawberry were submitted for approval to the Technical Committee. The partial revision of the mandarin technical protocols was the subject of a number of exchanges of views. It was concluded that a ring test with participants from Morocco, Spain, South Africa and the CPVO should be organised. The CPVO will coordinate the activities of this working group, whose scope will be the elaboration of a methodology to assess the new characteristics proposed and a possible review of the wording of these characteristics.

the situation in each country. While for the recent candidate countries activities focus on fact finding and fundamental issues, experts from countries with more experience receive specialised trainings.

For Croatia, in particular, the programme activities have helped to align the national authorities to the Community plant variety system. One sign of success is that the first training activity for the other candidate countries took place in Croatia last year.

Meeting on the assessment of the denomination rules - 11 May 2011 Brussels, Belgium

On 11 May, the CPVO organised a meeting in Brussels with Member States and representatives of breeders' associations as regards the interpretation of the rules for suitability of denomination, which are sometimes perceived as too strict or not very clear by stakeholders. This meeting was held in the framework of the web-based system of cooperation in denomination testing launched in March 2010 by the CPVO, whereby the Office gives advice in respect

of the suitability of variety denominations proposed in national procedures. Exchanges of views took place and concrete proposals were made, and it was concluded that the interpretation of the rules made by the Office should be clearer and more transparent. This meeting is the starting point for the ongoing review of the guidelines of the Administrative Council of the CPVO and their explanatory notes, which will be presented to a working group in Brussels on 19 January 2012.

In brief...

GEVES new experimental unit welcomes the CPVO technical unit



On 27 May 2011, the staff of the CPVO technical unit were invited by the GEVES for a visit of its experimental unit 'l'Anjouère', based in La Poueze (Maine and Loire, France). A presentation of the new station and its activities was made in the renovated 'Château de l'Anjouère', which hosts the administrative services. This was followed by a visit of the fields with the experts of the GEVES, and by exchanges with staff members in respect of the monitoring of the tests in the laboratories.

Fruit open day - 15 June 2011 - Avignon, France

More than 50 participants from examination offices, fruit breeders and their representatives attended this gathering organised by the CPVO together with GEVES and INRA. The morning session at the research centre in Montfavet (Avignon) elaborated the particularities of the Community plant variety rights fruit sector and how DUS testing of the Prunus species is performed in France, as well as possible ways to improve the performance and efficiency of the technical examinations via new techniques. An illustration of new

breeding goals in fruit crops (such as disease resistance and better yield) and what impact this could have on DUS testing was also discussed.

The afternoon session at the DUS trial site for peach and apricot at Bellegarde visited the extensive reference collections for both these species. Discussions were held with the experts during the visit on current issues linked to the field technical examination of candidate varieties for both species and how improvements could be made in that respect.



CPVO annual meeting of fruit experts - 16 and 17 June 2011 - Cavaillon, France

The meeting, held at the premises of GEVES Cavaillon on the two days immediately after the fruit open day, was attended by representatives of the CPVO's entrusted examination offices for fruit, as well as Ciopora.

Clarifications were agreed upon regarding the phytosanitary documentation to be provided together with plants of fruit varieties being submitted for DUS testing during the 2012/13 growing period. Closing dates for the receipt of fruit applications at the CPVO were harmonised amongst the entrusted offices, thereby providing further clarity to applicants. Further progress was made on potential strategies to rationalise the DUS examinations for fruit crops, including: reducing the number of observation cycles for seedling varieties which do not manifest any problems in DUS; better management of reference collections; and shorter lists of characteristics in the CPVO fruit protocols. These issues will have to be investigated further by the CPVO and entrusted examination offices in the coming months. Participants also discussed the continuing problems faced in finding distinctness for new 'Gala' and 'Fuji' mutation varieties, and the implications this may have in reducing minimum distances with protected varieties in those apple groups.

Initial discussions were held on the creation of CPVO protocols for almond and olive, and the revision of existing CPVO protocols for peach, gooseberry, Japanese plum and red and white currant. Discussions will be finalised via e-mail once the corresponding UPOV guidelines approved in April 2011 become available.

Round table discussion, international mushroom congress - 7 October 2011 - Arcachon, France

The CPVO participated in the Seventh International Conference on Mushroom Biology and Mushroom Products, in a round table discussion session on regulations for the protection of mushroom varieties. The Office presented the Community rights system and described how it can be applied to the intellectual property protection of edible varieties in the European Union, as has already been the case for six *Agaricus bisporus* and seven *Pleurotus* spp. varieties for which Community rights have been applied for to date.

Interesting discussions were held between the 30 or so participants from around the world present at the round table, particular in relation to the essentially derived variety concept and how it could be applicable to new *Agaricus bisporus* (button mushroom) varieties, since once an original cross variety is created, similar varieties can easily be created thereafter. The round table concluded that all the major actors in the sector needed to sit together and come to an agreement regarding genetic distances between *Agaricus bisporus* mushroom varieties, so that there would be clarity as to what would then be considered an essentially derived variety.

Colloquium on “The juridical protection of plant material and its economic implications” – 17 and 18 November 2011 - University of Angers, France

Over 100 students, lecturers, researchers, legal personnel, representatives from the breeding industry and registration authorities were present at this two-day forum. More than 20 presentations were given by all the actors involved in the subject matter, based around six themes: historical background; intellectual property rights (IP); the protection of plant varieties; the international aspects of IP practices; market strategies; and practical cases. Sergio Semon, technical expert of the CPVO, made a presentation on “Community plant variety rights covering the European

Union: an invaluable tool for the international success of new plant varieties”.

Lively discussions were held after each presentation as well as during the breaks between the sessions on different themes. “Hot” topics amongst the question and answer sessions which were of particular relevance to Community rights, were farm-saved seeds (the farmer's privilege) and how this would alter current practices, particularly in the French context, and the practicalities of the essentially derived variety concept.

Official listing of varieties of fruit plants for their commercialisation in the EU as from 1 October 2012

Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production was adopted on 29 September 2008 and needs to be implemented by the Commission. This should take place through two legal texts because the directive refers to two comitology procedures. Directives are foreseen which theoretically needed to be transposed by Member States before 1 April 2010 but which have not yet been finalised by the Commission.

The major aim of this Council directive is the obligation of official listing of varieties of fruit plants for their commercialisation in the EU as from 1 October 2012. The directive further clearly defines four categories of material

with decreasing intensity of maintenance as to their health status: pre-basic; basic; certified; and CAC material. The directive also makes it clear that the protection of a variety in the Community plant variety rights system has as a consequence the authorisation for marketing of this fruit variety within the EU without any additional administrative steps.

Several working groups and standing committees have already met, during which the documents discussed at this meeting were elaborated. The aim of this working group was to prepare the three implementing rules, namely the registration of suppliers and varieties, labeling and packaging, and requirements for certification.

Storing of DNA samples of roses

The Administrative Council of the CPVO has approved the maintenance of a DNA sample of rose candidate varieties. The DNA samples may be used to pre-check the identity of plant material if the variety is later used for reference purpose. Furthermore, a DNA sample may be made available for further analysis to support breeders in enforcing their rights. The Office has entrusted the Naktuinbow laboratory with the extraction and storage of DNA samples from all candidate varieties undergoing their technical examination from 2011 onwards. The project is a pilot and will be evaluated after five years.



Technical protocol on oilseed rape finally adopted

The Administrative Council of the CPVO adopted the revision of the CPVO technical protocol for oilseed rape on 16 November 2011. This technical protocol is the result of intensive exchanges of views between examination offices, breeders' associations and the CPVO which lasted seven years. It involved important efforts from all sides in respect of trials, data analysis, discussions and the willingness of all participants to find a compromise.

In practice

The payment of annual fees to the CPVO

Once a CPVR has been granted, it is valid for a maximum duration of 25 years, or 30 years for vines, trees and potatoes, provided that the annual fees are paid. The holder or his/her legal representative - when appointed - will receive an invoice from the CPVO each year. It is to be noted that being appointed as legal representative necessarily means receiving the invoices from the CPVO; the CPVO has only one recipient for its communications and invoices.

The first annual fee must be paid when the title is granted. The due date of following annual payments is the first day of the calendar month preceding the month in which the anniversary of the grant falls. (For example, if the granting date was 16 October 2010, the due date for the annual fee is 1 September 2011 and in following years).

In the event of non-payment of overdue annual fees, the Office issues a reminder within five working days from the due date of payment informing the holder of the consequences of non-payment. Unless the payment is received within one month after delivery of the reminder via registered mail, the CPVO initiates the decision procedure to cancel the CPVR.

In case a holder wants to surrender his/her CPVR for any reason, a request for surrender needs to reach the Office before the anniversary of the date on which the right was granted in order to avoid liability for the next annual fee. Once the anniversary date for the variety has passed, the annual fee is due.

To avoid unnecessary paper work and prevent deadlines being missed, the CPVO offers the possibility for applicants, holders and representatives to open a charge account in euros managed by the CPVO. This account allows applicants to rapidly clear fees that are due without any extra charges.

> Quality audit

Examination office audit programme on schedule

The CPVO Quality Audit Service (QAS) carries out the regular on-site assessments in order to confirm that the examination work performed by the entrusted offices is consistent with the agreed principles.

Since May 2011, a total of six examination offices have been visited, involving nine technical experts. The assessments covered all crop groups, i.e. ornamentals, agricultural and vegetable species and fruits. Observations and interviews of examinations office staff were conducted at 18 test sites.

The assessment programme is well on track, with about one third of the entrusted examination offices awaiting their audit in 2012. This will conclude the first triennial cycle and all examination offices will by then have had their compliance with the entrustment requirements confirmed through an on-site visit by a CPVO assessment team.

> IT news

ICTAC - The Information Communication Technology (ICT) 'Managers' Agencies Committee

The 2011 ICTAC meetings were hosted by ENISA (Heraklion, Greece) on 19 and 20 May 2011 and by Frontex (Warsaw, Poland) on 6 and 7 October 2011.

The ICTAC community, formally established in June 2003, now includes all decentralised agencies. These comprise the heads of IT for first (community and regulatory), second (common foreign and security policy) and third (police and judicial cooperation) pillar agencies, executive agencies and other bodies (EU institutions, European Economic and Social Committee, Committee of the Regions). Altogether some 35 entities participate in ICTAC with the aim of optimising cooperation in the use of ICT in the agencies through an agreed Memorandum of Understanding.

ICTAC has a structured organisation: representatives have been approved by their agency management, the Committee is governed by a troika chair (past, present and future EU Presidencies) and recent plenary meetings have been acknowledged as official Presidency events. Bi-annual meetings serve as a forum for knowledge sharing, and as an active support mechanism for all agencies. Furthermore, ICTAC coordinates ICT with all the other major EU institutions (Secretariat General, Information DG, Budget DG, Information Society and Media DG, Internal Audit Service, European Data Protection Supervisor, European Court of Auditors). An ICTAC representative sits on the inter-institutional committee and on procurement committees of interest to the agencies. This avoids duplication of effort and streamlines reporting back to each agency. It has given agencies a higher profile within both the EU institutions and ICT service suppliers.

**Variety Finder database open to public since November 2011**

Since November, access to the Variety Finder database has been made free under the heading 'Databases' on the CPVO website, where a login can be requested on-line and attributed at short notice and without conditions. Until now, only parties to proceedings in CPVO applications had access to the database.

This database, maintained by the CPVO contains information on varieties from national listings, plant breeders' rights and commercial registers. It includes a search tool with the purpose of testing proposed denominations for similarity and a general retrieval tool. The CPVO Variety Finder can also be used as a basis for examination offices performing DUS tests to obtain a list of varieties of common knowledge.

Welcome to...

Pierre Fallier, French colleague. DPO assistant for a fixed period ending on 31 December 2011.



"Graduated in French law in Paris and later in European law in 2009 in Strasbourg, I had the opportunity to take my first steps into the EU institutions and agencies as a legal adviser in Brussels and Strasbourg. Questions related to the single

market, intellectual property and personal data are my favorite legal playground.

Although its core activity is unique, the CPVO is not working alone. The CPVO has to integrate new pieces of legislation and to level its own legal basis up to the standards suggested, for instance, by the Commission and the European Data Protection Supervisor. I joined the CPVO in May 2011 in this context.

The CPVO has not only implemented requested legal texts but also has improved many aspects of its core. This successful development needed a strong personal involvement with the units of the agency and its staff."

Ioana Piscoi, Romanian colleague. Registrar assistant for a temporary period.



"First of all I want to say that I am proud to be part of the CPVO team. My colleagues welcomed me very warmly and helped me a lot in the beginning, as I had just moved to Angers from Cluj-Napoca, Romania, where I

had worked as a translator in a multinational insurance company for the last three years. So this was a big change for me.

I have always wanted to work in a multicultural environment, especially since foreign languages are my domain of interest, and I am glad I have the opportunity to do so, here, in France.

So far, I consider I have adapted very well to this new environment and I will try to do my best also from now to ensure a good performance of my activities, working together with my colleagues for the benefit of the Office."

Francesco Saldi, Belgian colleague.



Francesco worked for nine years as a receptionist in a youth hostel in Brussels before being employed for five years at the Secretariat General of the European Commission. After having spent a

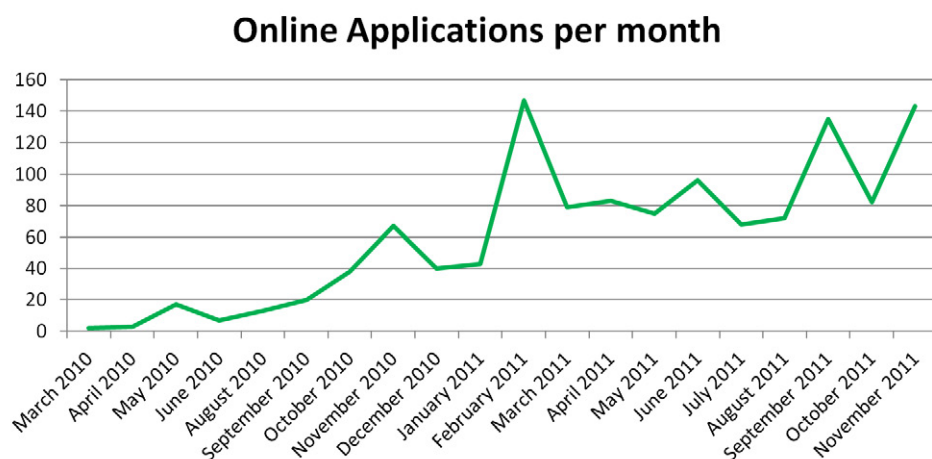
short period with the CPVO back in 2005, he rejoined the Registry team in February 2011.

1 000 online applications already received

On 29 October, the Office received its 1 000th online application. This symbolic step was possible due to several factors, including:

- a better coverage of species with 98 technical questionnaires (TQs) available for the online applications as of 1 December 2011;
- the organisation of two workshops in France and the Netherlands to demonstrate the system to clients and to answer questions in a very open way.

The following chart shows the global trend since the opening of the system.



As of 14 December, the total number of online applications since the opening of the system on 23 March 2010 has reached 1341.



The CPVO will be closed between 23 December 2011 and 2 January 2012 included.



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Good Bye to...



Bart Kiewiet, first President of the CPVO from 1996 until August 2011, who contributed to the development of the EU protection system and to the worldwide recognition of the Office as a centre of excellence;



Daniëlle Leenaarts, who left the Office at the end of August, and whose friendly 'telephone greetings voice' ensured that visitors were made welcome during eight years.

We wish them all the best in their new life.

Social day at Terra Botanica 10 June 2011 – Angers, France

In the framework of its traditional social day, the CPVO visited in June the recently opened 'Terra Botanica', a theme park with natural history and travel at its heart. Located near Angers, the park enables visitors to experience the adventures of travelers to exotic places and to gain insights into plants through 40 botanical attractions. The day started with a guided tour, and the rest of the visit was free and gave the staff the occasion to enjoy moments of conviviality and relaxation in the middle of gardens, water features and greenhouses.

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