To date, the number of applications has risen in 2018

In the first 8 months of 2018, the CPVO received a total of 2 252 applications in relation to Community plant variety rights, i.e. 124 (+5.8 %) more than for the same period of 2017. The highest increase was observed in the agricultural sector, where 719 applications (+103; +16.7 %) were received. 440 applications were filed in relation to vegetable crops (+9; +2.1 %) and 186 applications (+38; +25.7 %) concerned fruit crops. By contrast, in relation to ornamentals, which remains the biggest crop sector, the number of applications reduced to 907 (- 26; -2.8 %). More statistics are available on the CPVO website.

Bilateral meetings with examination offices

Within the framework of CPVO’s annual bilateral meetings with examination offices, on 20 June 2018, Francesco Mattina, Vice-President of the CPVO, and Dirk Theobald, Senior Adviser, met in Hannover, Germany, with representatives from the ‘Bundessortenamt’ (the Federal Plant Variety Office). Within the same framework, a similar meeting took place on 26 June 2018 in Roelofarendsveen, the Netherlands, with representatives from ‘Naktuinbouw’ (the Dutch Inspection Service for Horticulture). The work carried out by the CPVO with each respective examination office over the previous year was analysed and issues of concern discussed. More general topics, such as the upcoming cost calculation exercise, international cooperation activities, Research & Development projects and IT projects were also subject to discussion. A further meeting with the ‘Oficina Española de Variedades Vegetales’ (OEVV) in Madrid, Spain, is planned for October 2018.

Plant breeders’ rights seminar in Vienna, 14 June 2018

The EU plant protection rights system was presented at the seminar on ‘Plant variety protection within the EU’ organised on 14 June 2018 by the ‘Universität für Bodenkultur’ (‘BOKU’ — the University of Natural Resources and Life Sciences and the ‘WissensTransferZentrum’ (‘WTZ Ost’ — the Knowledge Transfer Centre) in Vienna. The seminar was attended by breeders, scientists, officials from various national Austrian authorities and representatives from the Austrian examination office ‘Agentur für Gesundheit und Ernährungssicherheit’ (‘AGES’ — the Austrian Agency for Health and Food Safety Ltd.).

As reading this Newsletter will show, the Community Plant Variety Office (CPVO) is involved with a number of important projects. On 25 July 2018, the Court of Justice of the European Union rendered a judgment concluding that certain organisms obtained by mutagenesis are ‘genetically modified organisms’ within the meaning of EU legislation. It appears that, as a result of the judgment, more plant breeding techniques will fall under the rules that govern genetically modified organisms and will thus be subject to more detailed regulatory scrutiny. EU breeders’ organisations and farmers’ organisations have raised the concern that there is now a risk that European agriculture will not be able to access the benefits of innovative developments enjoyed by the rest of the world. The manner in which the judgment will be interpreted and implemented by the EU and national governments is yet to be seen. At the CPVO, we will follow these important developments and we will also analyse whether the judgment will have an impact on the number of applications received. At the time of writing, the EU Plant Variety Protection (PVP) system continues to be healthy both financially and in terms of numbers of applications received. I invite you to read more in this fifteenth CPVO newsletter.

Martin Ekvad
President of the CPVO
European Union Intellectual Property Office board meetings

The CPVO has acquired observer status over the European Union Intellectual Property Office’s (EUIPO) governing boards and, in June 2018, the President of the CPVO, Martin Ekvad, participated in both the EUIPO Management Board and the Management Board Budget Committee. EUIPO, in turn, has observer status over the CPVO’s Administrative Council (AC) and a representative from EUIPO participated in the March 2018 AC meeting. It was noteworthy that the agenda items concerning governance matters were very similar for both the EUIPO and CPVO. This participation by the two agencies in each other’s governing bodies will facilitate cooperation between the EUIPO and CPVO, as it allows formal meetings to held regularly and closer working relationships to develop. In order to avoid overlap and promote efficiency, the idea is to share certain horizontal services common to both agencies. Internal audit and data protection functions are already shared and further cooperation is envisaged on this front.

Compulsory licence decision

On 16 March 2017, the CPVO received its first ever application for the granting of a compulsory licence. Compulsory licences are granted by the CPVO solely on grounds of public interest and after consultation by the AC. Public interest grounds may include the protection of life or health of humans, animals or plants; the need to supply the market with material offering specific features or the need to maintain the incentive for the continued breeding of improved varieties. After hearing the opinion of the AC, by decision of 28 March 2018, the CPVO denied the granting of a compulsory licence. The CPVO took the view that the applicant for the compulsory licence had not furnished sufficient evidence of the public interest ground concerned in support of its request.

INTERNATIONAL COOPERATION

CPVO’s international strategy

At its meeting from 22-23 March 2018, in Angers, France, the AC members showed their appreciation of the good synergy demonstrated between the CPVO, EUIPO, Commission services, examination offices and other IP stakeholders in the fulfilment of the CPVO’s international activities. The CPVO was invited to maintain this policy of cooperation, despite the cost in terms of manpower and time. The AC members proposed that an impact study should be carried out to provide facts and evidence of the value of Community Plant Variety Rights (CPVR) for the EU and to raise awareness of the importance of IP.

Visit by the UC Davis Plant Breeding Academy, 7 March 2018

Every second year, students from the University of California (UC) Davis European Plant Breeding Academy pay a visit to the CPVO. Accompanied by Academy Director, Mr Rale Gjuric, the 20 participants were provided with information about the EU’s plant variety protection system. This year’s visit marked the fifth Academy visit to the CPVO, as part of its curriculum.

Visit by the Canadian Seed Growers’ Association, 16 March 2018

The Canadian Seed Growers’ Association (CSTA) visited the CPVO on 16 March 2018. CSTA made an impressive presentation on their members’ activities in Canada and the importance of performant varieties reaching the market following plant breeding. CSTA stated that developing new varieties is a long-term investment that entails years of work. Funding the work of breeders and researchers to develop varieties allows for improved crops that are more successful in terms of yield, purity and sales. PVRs are therefore key. CSTA also provided information on how they had worked with Canadian competent ministries and authorities, resulting in Canada becoming a signatory to the 1991 International Convention for the Protection of New Varieties of Plants (the UPOV Convention) in 2015.

‘Role of the UPOV on the development of agriculture’, 18-22 June 2018

The CPVO participated in a forum on the role of the International Union for the Protection of New Varieties of Plants (UPOV) in the development of agriculture, held in Geneva, Switzerland, from 18-22 June 2018. The forum was organised by UPOV with the assistance of the World Intellectual Property Organization (WIPO). The aim of the forum was to explore the role of the UPOV system of plant variety protection (PVP) in the development of agriculture and how to communicate that role in an effective way. Interactive discussions with facilitators and group activities were held, covering issues such as the role of PVP in addressing food security and climate change; the specific needs of farmers and breeders; synergies between plant breeding and the conservation of genetic resources and synergies with other intellectual property rights; and the role of innovation, production and trade. The audience were policymakers and those advising policymakers from among both UPOV and non-UPOV members.

EU/Switzerland bilateral agreement including PVRs

During the meeting of 22-23 March 2018, AC members also noted the ongoing EU/Switzerland discussions concerning a potential bilateral agreement that would integrate Plant Variety Rights (PVRs). With such an agreement in place, an application made in the EU would extend to the territory of Switzerland.
The CPVO attended the annual meeting of the Organisation for Economic Co-operation and Development (OECD) seed schemes from 28-29 June 2018 at the OECD Headquarters in Paris. Topics of discussion included varietal mixtures, label security and aspects related to biochemical and molecular techniques (BMT). In this context it was stated that the OECD will continue to work with UPOV, the International Seed Testing Association (ISTA) and the Association of Official Seed Analysts (AOSA) on joint activities related to BMTs. The OECD Secretariat will recirculate a survey on the BMT methods currently in use for varietal certification. Under the topic ‘Capacity building activities in the Seed Schemes’, the annual meeting identified five new potential areas for training modules. The next project will concern ‘seed biology/breeding/protection’ and ‘traceability and information management’. Interesting information was provided about the ongoing work within the OECD regarding the increasing concentration within seed markets; background information about seed markets; and a literature review on the effects of mergers, possible effects and policy options.

IP Key China

Under the administrative arrangement between the Chinese Plant Variety authorities and the CPVO from 2017 a series of activities has been planned for the period until 2020. These activities have also been presented to IP Key China, the EU instrument to help move forward EU-China cooperation on IP Rights. It is designed to support EU interests by helping China address selected emerging challenges in the area of IP. The overall objective of the action is to promote a more level playing field for EU companies operating in China by contributing to greater transparency and fair implementation of the IPR protection and enforcement system in China. At the same time, Chinese companies and public at large will benefit from the alignment of the EU-China IP environment, facilitating IP protection in the EU and access to the EU market.

As part of the first annual work plan of IP Key China, a training visit by four Chinese PVP officials in Europe took place in the week of 18 June 2018. The programme of the visit included a stay at the CPVO where the processing of applications on an administrative level was at the focus of the training sessions. Of particular interest to the visitors were the efficiency gains from moving to a paperless processing and the way to ensure seamless transfer of relevant information between different steps in the procedure amongst applicants, the CPVO and the examination offices performing the technical examination. A second part of the visit took place at the French examination office (GEVES) to explore the aspects related to the cooperation between the CPVO and GEVES, and the processing of applications from the perspective of an entrusted examination office. The visit was concluded with a meeting at the UPOV office in Geneva, discussing developments in UPOV and China and experience of China in using the UPOV PRISMA online application tool.

IP Key Latin America

The CPVO is, together with the European Patent Office (EPO), DG Trade and DG Taxud, a partner in the IP Key Latin America project, which is funded by the European Commission and implemented by EUIPO. The purpose of the project is to increase awareness of the benefits of IP systems, and, more specifically, to improve the situation of IP protection in the Latin American region. The countries involved are Columbia, Perú and Ecuador (Andean Community); Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panamá (Central America); Chile, Argentina, Brasil, Paraguay, Uruguay and Venezuela (Mercosur); and Mexico. A number of activities aiming to improve exchange, share knowledge and provide information about current legislation and enforcement practices between these countries will be essential to this project. In this context, the CPVO participated in a workshop and two seminars in Perú and Ecuador in August 2018 to promote best practices and generate awareness about the protection of plant varieties under the UPOV system.

Countries from the Association of Southeast Asian Nations

From 1-2 August 2018, the CPVO participated in the eleventh East Asia Plant Variety Protection (EAPVP) forum in Alabang Muntinlupa, Philippines. Delegates from ASEAN countries, namely Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar/Burma, Philippines, Thailand and Vietnam attended the meeting, along with China, Japan and Korea. Following the EAPVP forum, a seminar on plant variety protection took place for the participating countries to share experiences on the benefits of the PVP UPOV system. On 16 March 2018, representatives from the Japanese Intellectual Property division of the Plant Variety protection Office (MAFF) visited the CPVO. The main areas of interest were: enforcement and evidence in PVRs related procedures (especially DNA tests); farm-saved seed rules in the EU; and financial and organisational matters. On 22 and 23 February 2018, the CPVO participated in an international workshop on India-EU collaboration in seed sector development and PVP in New Delhi. The workshop was organised under the framework of the EU-funded EU-India Intellectual Property Cooperation (IPC-EUI) project, in cooperation with EUIPO.
Legal Affairs

Judgment by the General Court of the EU in case T-445/16

The General Court, by judgment of 23 February 2018, dismissed the action against the Board of Appeal (BoA) decision in the ‘Gala Schnico’ case. By Decision A005/2014, the BoA rejected the appeal, stating that the examination office (‘EO’) had duly carried out the technical examination in accordance with the applicable guidelines and confirmed the conclusion of the EO that the candidate variety was not homogeneous. The full text and a summary of the judgment can be consulted in the PVR case-law database.

Decision of the Board of Appeal in the ‘Royal Braeburn’ case

By Decision A001/2017 of 13 March 2018, the Board of Appeal dismissed the appeal lodged by MEMA GmbH landwirtsch. Ges. against CPVO Decision NC4 of 21/11/2016 not to cancel the CPVR EU 11960 granted to the ‘Royal Braeburn’ apple variety. The appellant had requested that the non-cancellation decision be set aside and that the CPVR certificate EU 11960 be cancelled for lack of uniformity and stability. The BoA ruled that the appeal was not well-founded and it dismissed the evidence presented by the appellant, as it was not sufficient to prove that it was an official sample of the ‘Royal Braeburn’ variety; it was held that one cannot solely rely on pictures when it comes to fruit striation (observation of the living plant material is necessary), and that the proof adduced by the appellant did not confirm with the verification of stability conditions. The BoA stated the importance of performing distinctness, stability and stability (DUS) examinations at a sole testing station. The BoA also rejected the request for additional testing elsewhere, as INRA/GEVES had been entrusted with the testing by the Administrative Council of the CPVO, and the awarding of this testing mandate to INRA/GEVES had been published in the Official Gazette. The full text and a summary of the judgment can be consulted in the PVR case-law database.

Meeting of the Observatory Coordination Group on IP Rights, 16 January 2018

The CPVO participated in the sixth inter-agency Observatory Coordination Group Meeting on IP Rights infringements in Brussels, Belgium, where proposed activities were discussed among partner organisations. Presentations were shared on the 2018 work programme, OECD/EUIPO collaboration and CPVO activities, while DG Grow provided a presentation on IPR enforcement in the EU, Europol presented its results and future plans, and the Observatory provided an update on IP enforcement tools.

Cooperation activities between the EPO and the CPVO (1st semester 2018)

On 11 February 2016, the CPVO and the European Patent Office (EPO) entered into an Administrative Arrangement on bilateral cooperation for a term of three years, to run until 11 February 2019. To date in 2018, the CPVO and EPO have worked together on the CPVO’s data integration project. The aim of this project is to make CPVR data available to patent examiners, such as official variety descriptions and non-confidential technical questionnaires in a searchable format.

‘Enforcement of plant variety rights’, CEPOL webinar, 4 May 2018

A webinar on enforcement of plant variety rights was organised by the CPVO in cooperation with the European Union Agency for Law Enforcement Training (CEPOL). The webinar was addressed to law enforcement officers responsible for detecting and investigating IPR infringement cases, customs, police and judiciary officers, with the aim of raising awareness about the various forms of plant variety infringements.

Specialised seminar for Spanish judges and public prosecutors on plant variety rights, 14 15 June 2018

The CPVO participated in the first national seminar on the enforcement of plant variety rights for Spanish judges and public prosecutors in Alicante, Spain, in June 2018. The seminar was organised by the ‘Consejo General del Poder Judicial’ (the Spanish General Council of the Judiciary) in cooperation with the University of Alicante’s Faculty of Law.
> **TECHNICAL NEWS**

**The CIOPORA public conference on biotechnology, 26 April 2018**

Several CPVO staff members attended the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Plants (CIOPORA) public conference on the ‘Technological and Legal Aspects of Biotechnology in Ornamentals and Fruits’, which was integrated into the CIOPORA AGM in Ghent. The conference started with presentations of various molecular and biotechnological techniques. It was explained that one of the reasons that biotechnologies have, to date, been implemented less often in ornamentals is that many ornamental species are polyploid and it has been difficult to implement molecular techniques until recently. Furthermore, interesting perspectives on the use of biotechnology were put forward. With new breeding techniques, a wave of new varieties should appear, especially with the increase in the use of precision breeding. The costs of technology are decreasing, but expertise is required to implement given technology. The ornamental sector includes a large number of crops and resistance breeding will be a key issue. Breeders reported that there will probably be more consolidations and alliances to leverage technology investments in the future. A clear legal environment will be required. From EU breeders’ perspective, questions such as those raised by the easy access to genetic diversity (the Nagoya Protocol), the patentability of native traits, the GMO policy and insufficient coverage of PVP remain challenging.

It was emphasised that the industry needs predictable decisions. Plant breeders require a solid toolbox in order to do what needs to be done to support societal challenges that are ever bigger and faster-moving. Plant breeding is slow. Learning from plant science has increased the speed and we need to continue in this vein. The EPO presented a section on the patentability of plant innovation and the recent amendments of the EPO rules, emphasising that mutations are patentable and that a disclaimer will be added to patents, to explain that a patent does not cover products obtained by biological processes.

In a further presentation it was reported that, in Europe today, fewer than 600 varieties are covered by a patent. It is expected that numbers will increase with genome editing for more species than corn and soy. There could be more players, with new companies in the future, since new technologies are still very difficult to implement. In this context, attention was drawn to two very useful tools that have been developed: the PINTO database and the International Licensing Platform (ILP).

**CPVO crop experts’ meetings review**

**Fruit experts’ meeting, Paris, France (14-15 February 2018)**

The CPVO held its annual meeting with EU fruit experts at a Paris airport hotel. Discussions focused on the challenges involved in the DUS testing of fruit varieties, such as mutation groups of apple varieties and the organisation of the growing trial for blueberries; the status of reserve plants; the duration of the growing trial; phytosanitary matters; and the possibilities of storing DNA extracted from fruit varieties. Furthermore, a CPVO-specific test guideline for Eucalyptus was put forward and subsequently approved by the Administrative Council. The meeting also provided the opportunity to prepare and/or discuss the progress in Research & Development projects, such as harmonisation in apple DUS testing and the harmonisation of the assessment of strawberry characteristics as part of ring tests between several examination offices.

**Ornamental experts’ meeting, Budapest, Hungary (29-30 June 2018)**

Thanks to an invitation from the Hungarian Plant Breeders’ Rights Office, ‘NEBH’, the CPVO held its annual meeting with the EU ornamental crop experts in Budapest. Discussions covered such topics as the assessment of uniformity for variegated plants; the distinction of unrelated plants versus off-types; the influence of the environment on the expression of plant characteristics and the impact on the DUS decision; the application of growth regulators in the DUS trial; the status and use of the reserve plants in the ornamental sector; the combination of examination data collected from different places; and the situation concerning invasive species. The meeting was followed by a visit to the Vácérátót Botanical Garden, where testing is carried out on certain ornamental varieties.

**Agricultural experts’ meeting, Milan, Italy (5-6 September 2018)**

This year’s agricultural experts’ meeting was attended by 42 experts. It took place one month earlier than usual, in early September, in Milan, Italy. The aim was to allow agricultural experts to discuss the DUS testing of maize in Tavazzano, Italy, with the Consiglio per la ricerca in agricoltura e l’analisi dell’economia agrarian (CREA). DUS experts from EU Member States and breeders participated in discussions with experts from CREA, who were present as the relevant Italian DUS testing authority for this species. Subjects covered included the general requirements for DUS testing and the conditions to be fulfilled to allow the Administrative Council of the CPVO to accept the Italian Breeders’ Participation System for the DUS testing of candidate varieties. Furthermore, the experts discussed CPVO’s technical protocols (TP) on wheat, barley, field beans and sorghum. For the CPVO TP on perennial ryegrass, the inclusion of the use of protein electrophoresis as an annex to the TP was discussed as well as the potential use of electrophoresis for red clover. GEVES reported the use of a ring test carried out on triticale in order to gain greater understanding of the higher degree of problems relating to uniformity. The experts followed the CPVO’s proposal to carry out DUS tests on multi-annual species in subsequent growing cycles, thus avoiding ‘gap years’ in which a candidate is not grown. Henceforth, ‘force majeur’ is now the only acceptable reason for having a ‘gap year’. The next meeting will take place from 8-9 October 2019 in Angers, France.

‘Unique EU IT system’, working group meeting, 13 February 2018

The European Commission and the CPVO are running a project to investigate the possibility of developing a unique IT system for the purpose of implementing the marketing directives on plant reproductive material on the one hand and updating the CPVO Variety Finder on the other hand. As a follow up to the 2017 large-scale EU consultation on information currently requested for the contributions to the common catalogues of varieties of agricultural and vegetable plant species, CPVO Variety Finder and the Frumatis database, the working group met on 13 February 2018 in Brussels, Belgium. The objective was to identify and review the needs for the content and functionalities of this future IT system. Conclusions were reached on many items, providing a better idea about which information will be pertinent for the future, but also new needs for functionalities (e.g. extended search facilities, links, etc.). Discussions are now ongoing within technical working groups on specific items.
UPOV Technical Working Parties meetings review

UPOV TWA, Naivasha, Kenya (21-25 May 2018)

This Technical Working Party for Agricultural crops (TWA) meeting offered the possibility to discuss the UPOV-TG Tea directly in the highlands of Kenya. Further discussions were held on the guidelines concerning oats, red clover, rice, soya beans, sunflowers, timothy and triticale. All of the European experts urged UPOV not to change the species code for Zea mays, since such a change would make it impossible to search for the different variety types in the UPOV database GENIE (e.g. fodder, sweetcorn and popcorn). An interesting discussion took place on the number of growing cycles (generally two per agricultural species): the advantages and disadvantages, the impact on the quality of variety descriptions, and the consequences of the selection of similar varieties for the growing trial were all debated. As usual, time was dedicated to the discussion of the UPOV-TGP documents, particularly TGP/7 on characteristics which apply only to certain varieties, TGP/8 on the COY-U criterion, TGP/10 on data processing for the assessment of distinctness and for producing variety descriptions, and, finally, TGP/10 for the assessment of uniformity by off-types on the basis of more than one growing cycle or on the basis of sub-samples. The next TWA will take place in September 2019 in Montevideo, Uruguay.

UPOV TWC, Hannover, Germany (2-6 July 2018)

The UPOV Technical Working Party on Automation & Computer Programs (TWC) held its 36th session in Hanover, Germany, from July 2 to 5, 2018. Subjects relating to DUS testing procedures were discussed. The group considered, in particular, an analysis of various methods to transform observations into notes, the impact of the number of growing cycles on variety descriptions, situations where two trials are carried out in one season for vegetables, and the assessment of distinctness on the basis of off-types. The next meeting will be take place in September 2019 in China, back-to-back with the UPOV BMT.

UPOV BMT, Montevideo, Uruguay (10-13 September 2018)

For its 17th session, the UPOV Working Group on Biochemical and molecular techniques (BMT) was hosted by the Institute for NATural Sciences and Engineering (INASE) in Montevideo (Uruguay). Contributions focused mainly on the use of genetic distances for the management of reference collections and on the associated tools necessary for the production of molecular data (e.g. genotyping based on sequencing) and for their storage and sharing (e.g. common DUS databases). Other topics such as the impact of New Breeding Techniques on EDV and the revision of the UPOV guidelines for DNA-profiling (Doc. INF/17) were discussed. Sessions to facilitate cooperation between members were organized by crop groups and many interactions occurred with participants of the Biotechnology and Intellectual property Working Groups meetings of the SAA (Seed Association of the Americas) held in the same building. The next BMT meeting will take place in Hangzhou, China, in September 2019.

UPOV TWV, Beijing, China (17-21 September 2018)

The 52nd Technical Working Party for Vegetables (TWV) took place from September 17 to 21, 2018, in Beijing, China. The meeting was attended by 30 experts from Member States and breeders’ associations. Constructive discussions were held on numerous test guidelines’ procedures documents and 11 test guidelines. The group agreed that the guidelines for fennel, lettuce, pea, spinach, Swiss chard/leaf beet, watercress and watermelon should be submitted to the UPOV Technical Committee for adoption in October 2018. During the week, the TWV visited the vegetable trials for cabbage and cucumber as well as the disease resistance testing facilities of the Institute of Vegetables and Flowers (IVF) of the Chinese Academy of Agricultural Sciences. The next TWV meeting will be held in 2019 in the Republic of Korea.

Webinar on plant variety denominations, 29 May 2018

The CPVO maintains its commitment to continually promoting the Plant Variety Protection System and to raising public awareness about the importance of PVP within the IP world. This entails awareness-raising actions among all actors involved in, or interested in, IP rights. To this end, the CPVO diversifies its communication channels to reach a larger audience.

On 29 May 2018, the CPVO gave a webinar on ‘The name of a plant variety in the Community plant variety right system’. The aim of this basic training was to highlight the role of variety denomination by adopting a didactic approach to the applicable legal context. As part of the enhanced cooperation activities between the CPVO and EUIPO, the CPVO was able to make use of the infrastructure provided by EUIPO in Alicante and contributed to EUIPO’s Virtual Training Centre on Intellectual Property Rights. The webinar was open to members of the public and is available through the EUIPO’s Virtual Training Centre on Intellectual Property Rights as well as through the CEPOL’s e-Net Learning platform.

EuropaBio workshop, 25 June 2018

On 25 June 2018, CPVO participated in a workshop organised in Paris, France, by EuropaBio on ‘The Agronomic and Phenotypic Assessment of Plant Varieties’ to demonstrate how and where certain data that is potentially useful for the risk assessment of biotech plant material is produced. Among the participants were academics and representatives of breeding companies, examination offices, national control agencies, the European Food Safety Authority (EFSA) and the USDA. The presentations provided information regarding data collection for plant variety protection and data availability at the CPVO; field sampling methodologies to support the risk assessment of GM plants; use of international food composition databases, such as the one run by the International Life Sciences Institute (ILSI); and the challenge of obtaining accurate reference compositional data for plant varieties, taking into account natural variability due to genetic and environmental factors.
**Invite project**

The CPVO participated in the ‘Invite’ consortium, which submitted a bid on 13 February 2018, under the framework of the Horizon 2020 project financed by the European Commission, with the aim of improving variety testing in the EU.

**Imoddus working group**

The third meeting of Imoddus took place from 11-12 April 2018 in Paris. The experts were informed about the revision of the CPVO R & D procedure, which now includes deadlines for the submission of proposals as well as a clear follow-up timeline, with a 2-month target for proposal decision-making. The procedure will be applicable from 2019 onwards. For the transitional period in 2018, the agreed deadline for the submission of proposals is 30 September. The experts received an update on ongoing research projects and they also commented on a new R & D proposal related to the DUS testing of button mushrooms.

Most time was dedicated to the potential use of a new test method in which the DUS test would be based on bimolecular techniques only. For the purpose of the discussion, the CPVO had prepared a document entitled ‘DNA-only model’, based on assumptions of how such an approach would look in practice and what the consequences might be. In preparation for the discussion, the three breeders’ organisations, ESA, CIOPORA and PLANTUM, expressed their point of view with regards to the application of DNA-only for DUS testing.

Many experts stated that a ‘DNA-only model’ would represent a paradigm shift for which the time is not yet ripe: they see the test of the phenotype as an obligatory step. Molecular markers are very useful, but the whole system should not be based on them; growers, farmers, consumers want to see their varieties described by their phenotype.

The group received further presentations in relation to the prediction models based on DNA only data in relation to the specific DUS issues; and databases.

**Ongoing R & D projects co-funded by the CPVO**

> A project proposal on the ‘Integration of molecular data into DUS testing in Durum wheat’ has been granted co-funding by the CPVO. The 2.5-year-long project will be coordinated by AGES, the Austrian examination office.

> Furthermore a R & D Apple project on epigenetics ‘Developing molecular markers allowing the distinction of apple mutants (sports)’ has been granted co-funding. The project is being coordinated by the ‘Institut national de la recherché agronomique’ (INRA — the French National Institute for Agricultural Research).

> A project to ‘Set up a database with descriptions and photos of melon varieties of common knowledge’ has had its co-funding agreed by the CPVO. The project is being coordinated by Naktuinbouw.

> A Strawberry ring test started in 2016 with the aim of harmonising the implementation of the technical protocol for strawberries; this project is being coordinated by the CPVO and it is expected to be finalised in 2019.

> The ‘Harmores 3’ project in the vegetable sector aims at harmonising resistance tests and proposes harmonised disease testing protocols to be included in CPVO TPs. The project covers seven vegetable diseases and is being coordinated by GEVES. The results are expected to be available in November 2019.

**Finalised R & D projects (reports on the CPVO website)**

The project ‘Case study on minimum distances between vegetatively reproduced ornamental and fruit varieties’ and the project to ‘Test the potential use of SNP markers on oilseed rape varieties’ have been finalised and a follow-up project based on the results of the present project is under preparation.

The ‘Potatoes III’ project is a follow-up project to previous projects related to potatoes, with the aim of continuing the work to set up an EU database for potatoes, including morphological descriptions, DNA profiles and light sprout pictures. The final report was received in June 2018.
> QUALITY AUDIT NEWS

The final year of the 2016-18 assessment cycle saw visits by the Quality Audit Service (QAS) team to CREA-DC (IT), GEVES (FR), the Swedish Board of Agriculture, the University of Aarhus (DK) and Evira (FI) in the first half of 2018. Recommendations by the QAS on the entrustment of the aforesaid examination offices were made to the AC on 19 September 2018.

The QAS also launched a procedure in the summer of 2018 to renew the list of technical experts for the following triannual 2019-2021 assessment cycle. A list of 36 suitably qualified technical experts (an increase from the previous 30) from throughout the EU and covering all four crops sectors was presented to the AC for approval on 19 September 2018.

> IT NEWS

New version of the CPVO’s online application system

As of 18 June 2018, the address for the CPVO online application system has changed. Applyfor.plantvarieties.eu has replaced the initial online application system, originally released in 2010.

National applications for listing and PVR are now possible in French and Dutch for a few species (please approach GEVES and Naktuinbouw for further details). Other EU Member States may follow. Applications can also be accepted from UPOV PRISMA for roses, soybeans, potatoes, apples and lettuce. Support for additional species will follow shortly.

> HUMAN RESOURCES NEWS

New Data Protection Officer of the CPVO

On 5 April 2018, Ms Mariya Koleva was appointed Data Protection Officer (DPO) of the CPVO, for a duration of 2 years. Ms Koleva is also the DPO of EUIPO. This nomination falls within the framework of the Memorandum of Understanding that has been signed between EUIPO and the CPVO.

Welcome to …

The CPVO is pleased to announce the recruitment of Ms Orsola Lamberti, of Italian nationality, who has been appointed to the position of Legal Adviser from 16 June 2018 for 4 years, after a traineeship at the CPVO in 2016. ‘Being back at the CPVO is extremely pleasant. I have found the same positive environment and constructive synergies that I left 2 years ago and I hope to be an effective member of the team for as long as possible.’

We wish Ms Lamberti the best of luck and great success in her new role at the CPVO.

Goodbye to…

Mr Petre Kostov, who worked as an IT Developer from 1 October 2017 until 30 April 2018. Ms Leire Garate Inchauspe, who worked as a Trainee in the Legal Unit/Registry from 1 September 2017 until 31 August 2018. ‘It has been 1 year since I arrived in the Office and I have nothing but a big thank you to say to the whole of the CPVO for this incredible year and for the warm welcome and the kindness received from each of you. Thank you for the opportunity you have given me because I have grown, both professionally and personally. It has been exciting and motivating to work with professionals of such a high level. Wherever I will go in the future, it will be difficult to find a team like this. Thank you very much, CPVO!’

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

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

Traineeship recruitment procedure

As part of the 2018 traineeship procedure, the CPVO hosted five trainees from 1 March until 31 August 2018. Three of the traineeships have been renewed until 28 February 2019. As from October the CPVO will welcome two trainees at the Legal Unit for 6 months. Two advertisements were published over the summer on the CPVO website: one for data protection, starting in October 2018, and the other for the CPVO Technical Unit, starting in March 2019. For further information on traineeships, please contact HR-CPVO@cpvo.europa.eu.

Publications

Annual report 2017

The English and the French versions of the 2017 CPVO annual report are available in .pdf and in .html on the CPVO website. For a printed version of the CPVO annual report (free of charge), please go to the EU Bookshop website. The annex to the 2017 CPVO annual report, which is only published electronically, is also available on the CPVO website.