

# **Administration, DUS Testing and Granting of Plant Breeder's Rights in Poland**

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# **STATUTORY TASKS of The Research Centre for Cultivar Testing (COBORU) (in relation to PBR)**

- Administration of plant variety protection system in Poland
- Keeping the register of varieties protected by PBR
- Preparation of guidelines for DUS tests on the basis of the UPOV guidelines and the CPVO protocols
- Carrying out of DUS tests for purpose of the variety listing and/or granting of the PBR
- Publication of the Gazette for Plant Breeders Rights and National List (Diariusz)

# STATUTORY TASKS of COBORU (in relation to PBR)

- Administration of fees (application fee, examination fee, annual renewal fees etc.)
- Examination as to formal requirements, filing date,
- Examination of the application as to substance,
- Technical examination of a variety

# STATUTORY TASKS of COBORU (in relation to PBR)

- Co-operation with the International Union for the Protection of New Varieties of Plants (UPOV) in the field of DUS examination and implementation of UPOV Convention on the Polish territory
- Co-operation with the registration authorities in the EU Member States and with the Community Plant Variety Office (CPVO)
- Co-operation with organizations and institutions in the field of plant breeding and seed production
- Implementation of other tasks arising from The Law on the Legal Protection of Plant Variety of Plant Varieties and The Law on the Research Center for Cultivar Testing

# Technical Examination of the Variety

- To verify that the variety belongs to the stated botanical taxon,
- To establish that the variety is distinct, uniform and stable (DUS testing)
- To prepare the Official description of the variety

# Conditions for granting of PBR

The breeder 's rights shall be granted when the variety is:

- New,
- Distinct,
- Uniform, Stable.

# Conditions for granting of PBR

- Other conditions:
- Variety denomination in accordance with the provision of Art.20 of UPOV Convention, 1991
- The applicant complies with the formalities provided for by the Law
- Application has been filed
- The required fee paid

# System of the DUS Testing

- DUS tests conducted within the COBORU testing network
- DUS tests conducted in co-operation
- Takeover of the DUS reports



# Granting of PBR Certificates

The decision concerning the granting of PBR is taken by the COBORU Director General after the opinion of the Internal Commission on Granting Plant Breeder's Rights consisting of:

- COBORU Deputy Director for Experimental Affairs,
- Head of DUS Testing Department,
- Head of Listing and PBR Office,
- Lawyer,
- Staff responsible for different crop groups

# Regulations and Documents on PBR

- The Law on PBR
- The Law about COBORU
- The Decree of Minister on confirmation of the statute on COBORU
- The Decree of Minister on Application of Varieties for the grant of PBR and concerning the official examination of varieties
- Decree of Minister on the registration fees and the protection fees

# PBR Regulations and Documents

The Orders concerning:

- Documentation and the forms of documents
- The Species for which DUS tests are conducted according the CPVO protocols or the UPOV guidelines
- Agreements about the DUS test co-operation
- Minimal quantities and quality as well as terms of supply of seed material to the DUS tests

# DUS arrangements

Growing trials, as a rule, conducted by **COBORU**, at one or two Experimental Stations for Variety Testing (SDOO),  
on the basis of:

- test protocols adopted by the CPVO AC
  - UPOV test guidelines
  - national protocols based on the UPOV guidelines
- ✓ For fruit plant varieties – subcontractor: **Research Institute of Pomology and Floriculture in Skierniewice**

# DUS arrangements

No tests done by breeders

(c) COBORU can also take into account the results of growing tests which have already been carried out – **purchasing of DUS reports**

- ✈ *The breeder is obliged to deliver to COBORU, free of charge, a variety seed material for the purpose of the DUS testing*
- ✈ *Harmonization of DUS testing in the Community listing system and PBR system*
- ✈ *Additionally, some biochemical methods are used (e.g. electrophoresis)*

# Cooperation between Authorities TGP/5

- Bilateral agreements with: CZ, HU, SK
- Conducting of DUS tests for: CO, CPVO, ES, HR, LT, LV, NO, RO, SL
- DUS reports takeover (from other Authorities)

# DUS reports takeover

- ✓ UPOV Request for Examination Results and UPOV Answer to the Request – TGP/5 Section 5
- Purchase of DUS reports from other countries without formal agreements  
*e.g. Asparagus*
- Agreed UPOV fee: 350 CHF or 240 EUR
- Grant of PBR title on the basis of the Report on Technical Examination

# Final DUS Test Report

Document [TGP/5](#)

„EXPERIENCE AND COOPERATION IN DUS  
TESTING”

## Section 6

- UPOV Report on Technical Examination
- +
- UPOV Variety Description



# Information on PBR in Poland

Information on PBR in Poland are  
on the coboru website

[http://www.coboru.pl/English/Ochrona\\_eng/ochrona\\_KO\\_eng.aspx](http://www.coboru.pl/English/Ochrona_eng/ochrona_KO_eng.aspx)