



PLANT VARIETY PROTECTION SYSTEM IN POLAND

Research Centre for Cultivar Testing (COBORU)

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Agriculture and seed industry in Poland

- ❖ Farmland acreage, - ca. 18,5 Mio ha**
- ❖ Arable land, - ca. 12,2 Mio ha**
- ❖ Agricultural production mostly in small private farms,**
- ❖ National average farm size of 8,5 ha (ranging from 15-20 ha in Western part to 4 ha in Eastern regions)**
- ❖ The main agricultural products are: cereals, oil seed rape, maize, potato, sugar beet.**



Seed Industry

- ❖ **The breeding and seed industry in Poland emerged in the middle of the 19th century**
- ❖ **After the World War II, breeding and seed companies were nationalized and state-owned, centralized seed system was introduced**
- ❖ **Listing of varieties of agricultural plants and vegetables became mandatory in 1955. The listing of ornamental varieties and fruit plant varieties was introduced in 1970 and 1988, respectively**

History of the PVP system

- ❖ **In 1987, Poland introduced a system of Plant Variety Protection (PVP) which conformed with the provisions of the 1978 Act of UPOV Convention**
- ❖ **Poland became a member of UPOV on November, 11, 1989**
- ❖ **In 1990's, a series of reforms to adjust a national seed sector to market economy were implemented. The PVP Law was amended according to the 1991 Act of the UPOV Convention in 1995.**





UPOV



BELGIQUE

AFRIQUE DU SUD

AFRIQUE DU SUD

ALLEMAGNE

ITALIE

DANMARK

ESPAGNE

ESPAGNE

ESTONIE

BOLIVIE

ETATS-UNIS D'AMERIQUE

BRESIL

SECRETARIAT

History of the PVP system (cont.)

- ❖ Since 2003, Poland has been party to the 1991 Act of the UPOV Convention (www.upov.int)**
- ❖ The Law of June 26, on Legal Protection of Plant Varieties entered into force on May 1, 2004 constitute a legal base for PVP in Poland, till now (PJ No 137/2003, item 1300, as amended)**
- ❖ Poland grants plant breeder's rights to all plant genera and species**
- ❖ The Research Centre for Cultivar Testing (COBORU) in Słupia Wielka is responsible for all tasks related to PVP in Poland (www.coboru.pl)**

Co-existence between National and Community PVP Systems

- ❖ Protection of new varieties on Polish territory can be done either by National PVP (by COBORU) or by Community PVP granted by the Community Plant Variety Office (CPVO), Angers, France (www.cpvo.europa.eu)
- ❖ A PVP granted by COBORU is valid on Polish territory, only. A PVP title granted by CPVO is valid in all 27 Member States of the European Community
- ❖ The Community PVP System leaves the national PVP system based on the UPOV Convention, untouched.
- ❖ In cases, where breeder of a variety nationally protected in Poland is granted a Community PVP title to that variety, the national PVP title is suspended for a period of validity of the Community PVP

Competent Office in PVP

- **Research Centre for Cultivar Testing (COBORU) in Slupia Wielka is responsible for:**
 - the administration of PVP system
 - national listing of varieties
 - conducting of official variety examinations:
 - DUS testing
 - VCU assessment
 - coordination of national post-registration variety testing system and variety recommendation
 - publishing of the official information on varieties

PVP granting procedure

- ❖ Formal examination of applications**
- ❖ Substantive examination of applications**
- ❖ Technical examination of candidate varieties**
- ❖ Approval of variety denomination**
- ❖ Granting of national PVP title**

PVP granting procedure (cont.)

- ❖ Formal examination is purely administration routine to make sure that the formal conditions for the valid application have been met**
- ❖ The elements of substantive examination are:**
 - to verify, that the object of the application is the variety**
 - that the variety is new**
 - that the applicant is established in Poland or in UPOV member state**
 - whether the applicant has appointed a procedural representative (agent)**
 - examination whether the proposed variety denomination is suitable**
- ❖ Formal and substantive examination are done in parallel**

Technical Examination (DUS Tests)

- ❖ **When the formal and the substantive examination of an application finishes, COBORU launches a technical examination of the candidate variety in its own Experimental Stations for Variety Testing**
- ❖ **The purpose of the examination is to establish whether the candidate variety meets the requirements of distinctness, uniformity, and stability (DUS requirements)**

Technical Examination (cont.)

- ❖ DUS examination is carried out in accordance with the applicable CPVO technical protocol. If no CPVO protocol is in force, the applicable UPOV technical guideline is used**
- ❖ In the absence of a CPVO protocol, as well as UPOV guideline, a national protocol is used**
- ❖ In main crops the DUS examination is performed in two sites in two years**
- ❖ Most vegetatively reproduced varieties are tested during two consecutive growing periods, and trees between four and six years**
- ❖ The breeder has to pay examination fee for each period of examination**

Cooperation in DUS testing

- **Bilateral agreements:**
 - Czech Republic
 - Hungary
 - Slovakia
- **Unilateral agreements:**
 - Latvia
 - Lithuania
 - Estonia
 - Romania
 - CPVO

DUS reports takeover

- Purchase of reports from other authorities:
 - in 2008 – 46 reports for:
Estonia, Finland, Latvia, Croatia, CPVO,
Lithuania, Russia, Romania
 - species: *Oilseed Rape, Wheat, Sugar Beet, Marrow, Oat, Potato, Chrysanthemum, Sweet Corn, Barley, Triticale, Red Clover, Aubergine, Rose, Perennial Ryegrass, Timothy, White Cedar, Maize*
- Purchase of reports by PL:
 - since 1996 – for 18 varieties, including:
Triticale, Asparagus, Wheat, Willow

Examination of Novelty (1)

Definition of novelty:

❖ **A variety shall be deemed to be new if, at the date of application, variety propagation material or variety harvested material, has not been sold or otherwise disposed of to others, by or with, the consent of the breeder for the purpose of commercial exploitation of the variety:**

a) earlier than one year, before of the date of application within the Polish territory, or

b) earlier than four years, or in case of trees, or vines earlier than six years, before the said date, outside the territory of Poland

Examination of Novelty (2)

- ❖ The Application form contains questions relating to the first date of commercialisation of the variety**
- ❖ The Office usually accepts the declaration made by the applicant, in the Application form**
- ❖ The Applicant is asked for clarification when the information given in Application form is not clear, or**
- ❖ If the information given shows that the novelty requirements are not fulfilled**

Examination of denominations

Name proposed by applicant



Checked against national variety database



Checked against CPVO database



Proposed name published in national gazette



Approved name published in national gazette



CPVO and UPOV notified

Manual check for superlatives, offensiveness etc.
No routine checks against other national gazettes

Gazette published every 2 months
3 month objection period

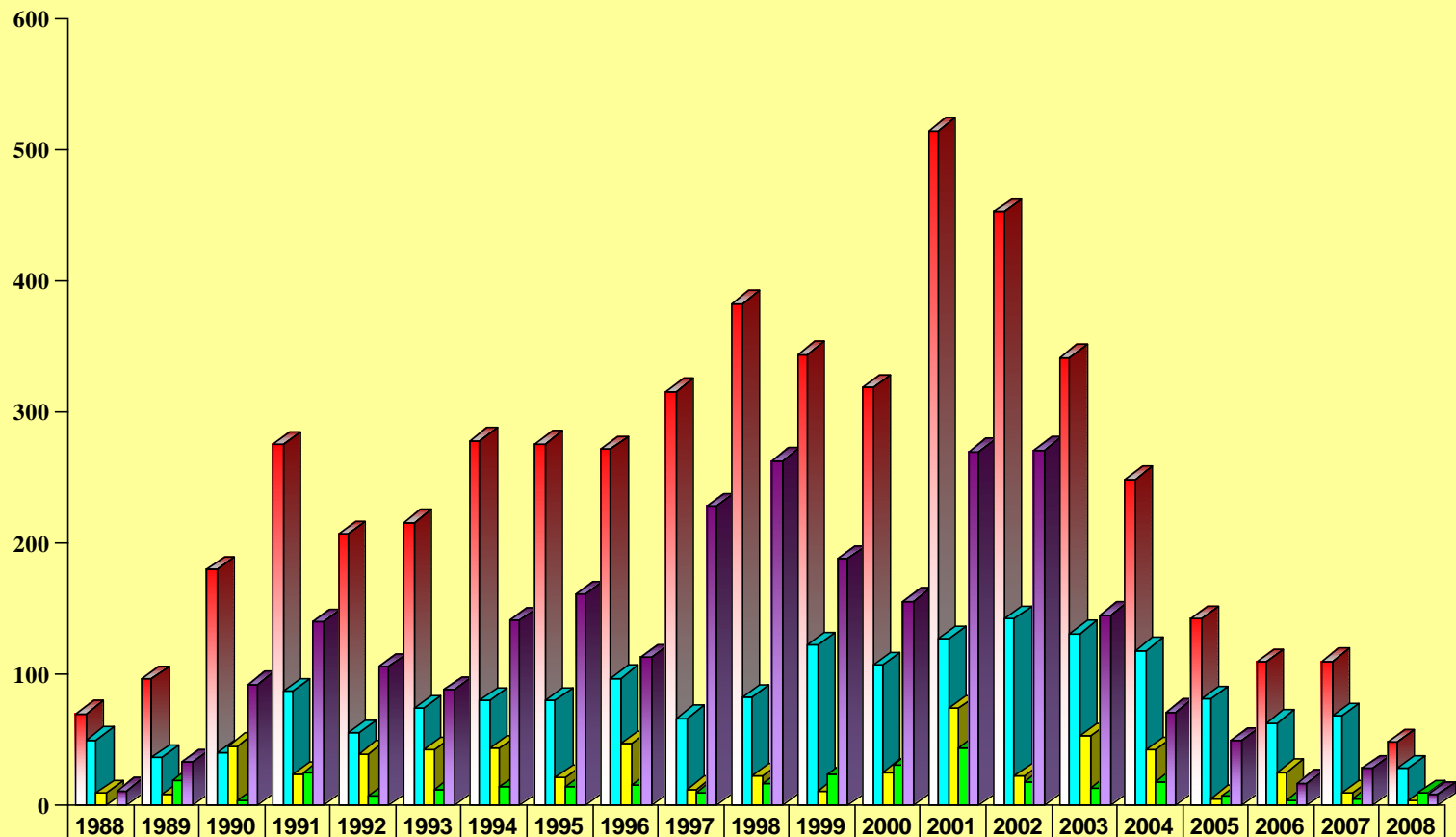
Date of approval of denomination =
Date of granting of PBR title

Every two months download of proposed and approved names from national database

Description of COBORU database

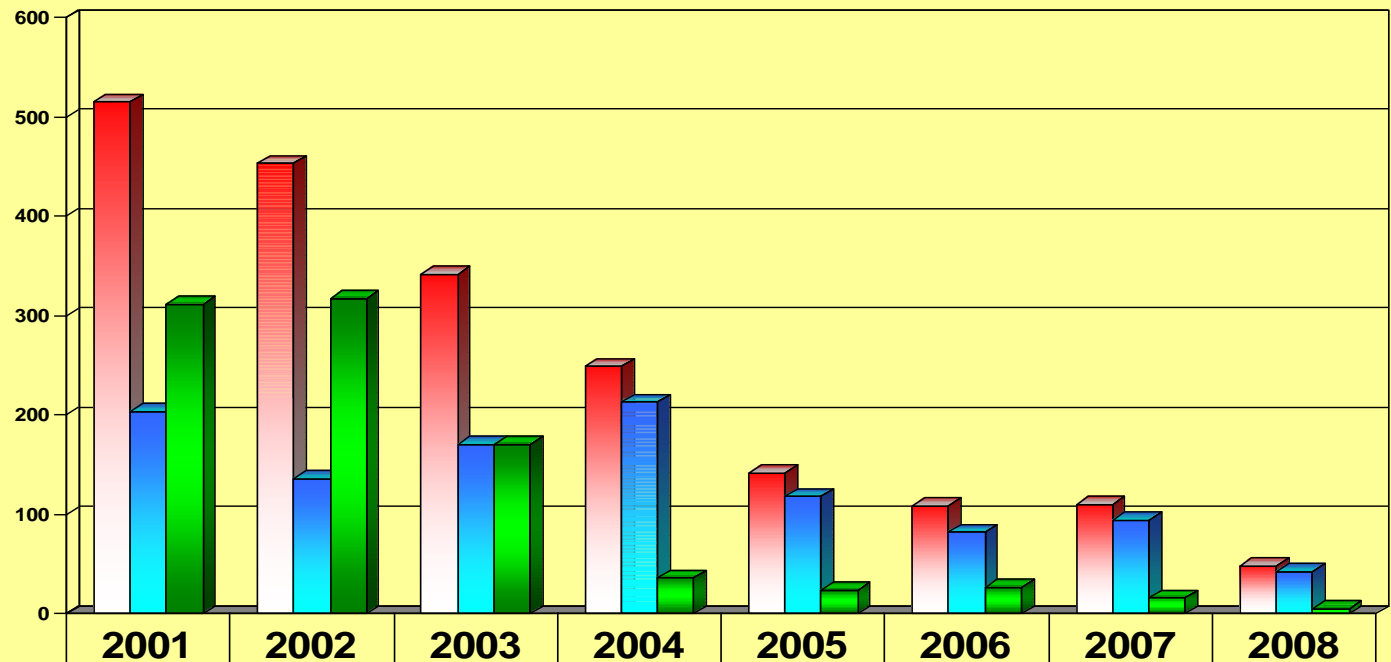
- **Only suitable variety denominations are entered into our database (with status "published")**
- **Proposals of variety denominations rejected by us at the application evaluation stage, are not introduced into our database**
- **If a variety denomination - after its publication - must be changed (objection), it receives status "rejected" and a new denomination proposal shall be submitted by the applicant**
- **The system of history of approval of variety denominations has recently been implemented into COBORU database (all "published" proposals of variety denomination are kept)**

Applications for PBR since 1988



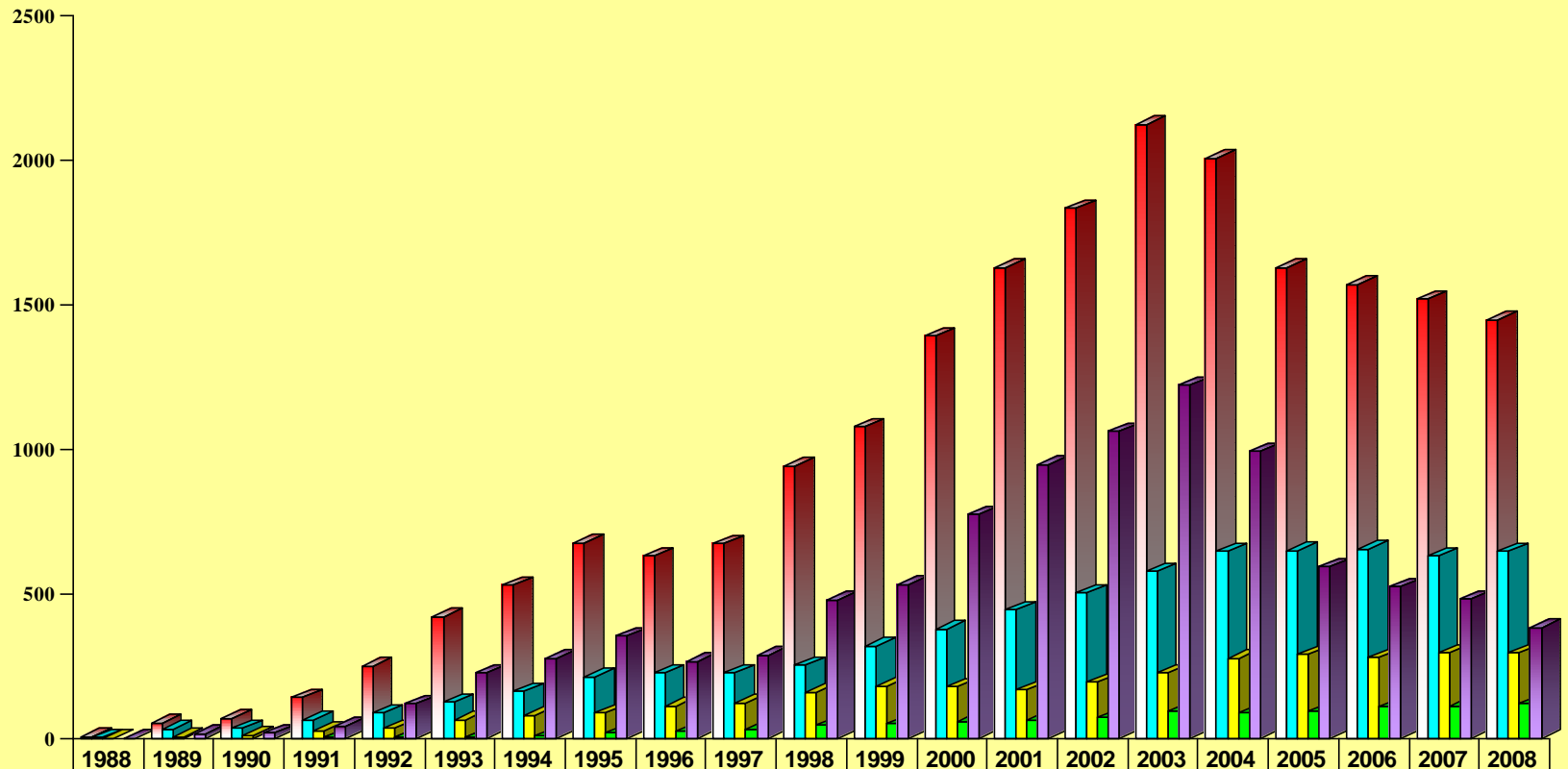
TOTAL	70	96	180	275	207	216	278	276	272	316	383	344	319	515	453	342	249	142	109	110	48
Agricultural plants	50	36	40	87	55	74	80	80	97	66	82	122	107	127	142	131	118	81	63	68	28
Vegetable plants	9	8	45	23	39	42	43	21	47	12	22	11	25	74	22	53	42	5	25	9	3
Fruit plants	-	19	3	25	7	12	14	14	15	10	16	23	31	44	18	13	18	7	4	5	9
Ornamental plants	11	33	92	140	106	88	141	161	113	228	263	188	156	270	271	145	71	49	17	28	8

Domestic and foreign applications for PBR



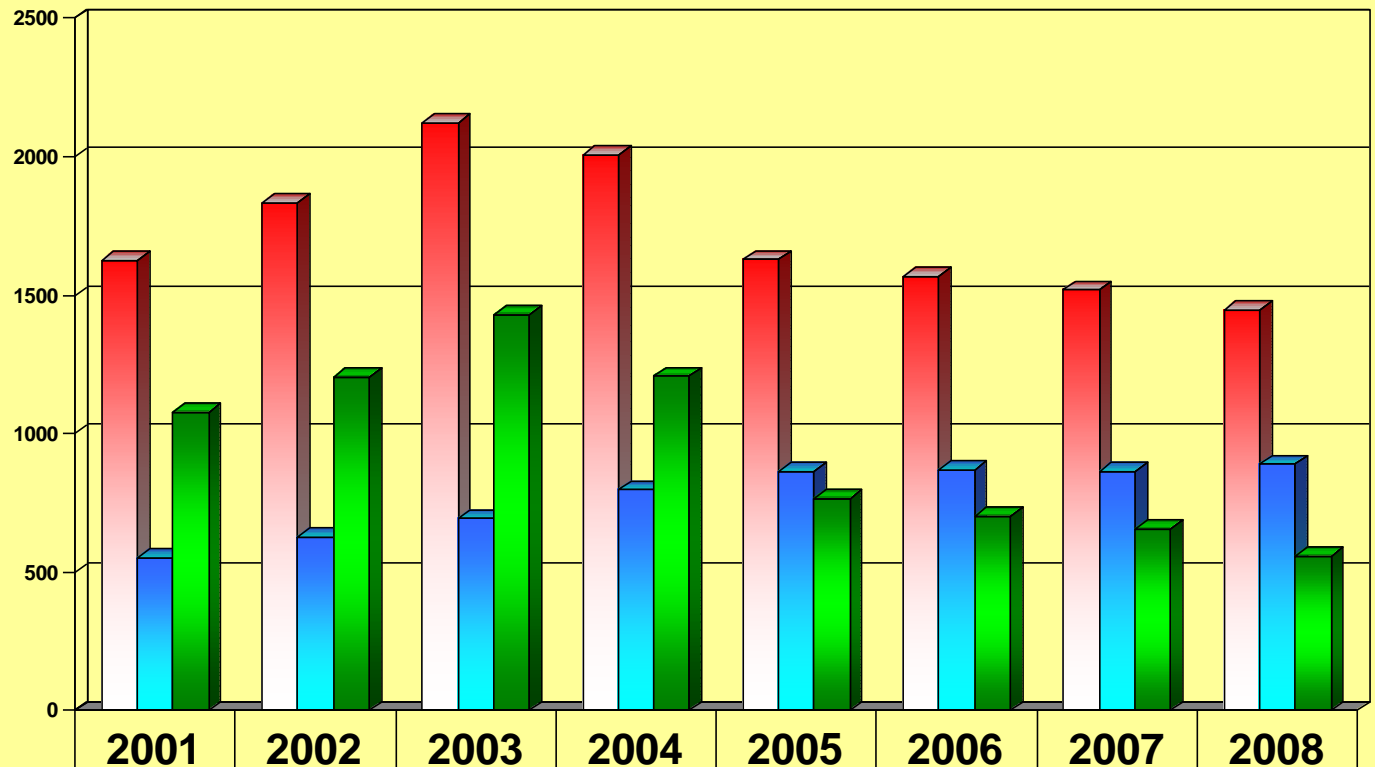
TOTAL	515	453	342	249	142	109	110	48
Domestic varieties	204	136	171	213	118	82	94	43
Foreign varieties	311	317	171	36	24	27	16	5

Number of varieties protected by PBR since 1988



	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
TOTAL	7	54	70	141	252	421	530	675	632	673	943	1077	1391	1626	1832	2122	2004	1628	1568	1519	1446
Agricultural plants	4	32	37	65	89	125	163	213	226	228	255	321	378	445	504	579	646	649	654	630	646
Vegetable plants	2	6	13	29	37	65	80	88	114	123	162	181	179	170	194	228	277	291	281	295	297
Fruit plants	-	-	-	3	5	5	10	20	24	33	47	52	60	64	72	94	89	95	109	113	120
Ornamental plants	1	16	20	44	121	226	277	354	268	289	479	532	774	947	1062	1221	992	593	524	481	383

Number of domestic and foreign varieties protected by PBR



	2001	2002	2003	2004	2005	2006	2007	2008
TOTAL	1626	1832	2122	2004	1628	1568	1519	1446
Domestic varieties	550	626	693	797	864	867	863	889
Foreign varieties	1075	1206	1429	1207	764	701	656	557

Impact of the PVP system

The following phenomena can be considered as a consequence of the introduction of PVP in Poland

- ❖ Increased access to foreign varieties/germplasm by breeders, farmers, and society**
- ❖ Increase in the number of released varieties of agricultural crops of both foreign and domestic sector**
- ❖ Improved characteristics of varieties important for Polish agriculture, consumers, and other end-users.**

Benefits of the UPOV System for Breeders

- **Means of achieving return on investment**
- **Basis for national and international licencing agreement**
- **Protection for breeders in other UPOV member territories**
- **Benefit from priority date (first application date) in other UPOV member territories**
- **Breeder's exemption**
- **Simple and harmonized application and examination procedure**

Benefits of the UPOV System for Members

- **Internationally accepted *sui generis* system**
- **Protection for Breeders in other UPOV members**
- **Benefit from priority date**
- **Cooperation in examination**
- **Legal and Technical guidance**
- **Awareness/Influence of future development**

Benefits of the UPOV System for Members (cont.)

- **More domestic breeders**
- **More varieties available from domestic and foreign breeders**
- **Increased availability of improved varieties for farmers and growers**
- **Improved productivity and quality**
- **Improved international competitiveness**

PVP training opportunities in COBORU

Possible training course topics:

- **Implementation of the UPOV Convention**
- **Organization and operation of a national PVP system**
- **Technical examination of varieties (DUS testing) in agricultural, vegetable, fruits and ornamental species**
- **Variety denominations**
- **International cooperation in PVP matters with special reference to DUS tests**
- **Enforcement of PBR**

Thank you for your attention