TWF/42/23
ORIGINAL: English
DATE: December 6, 2011

UPOV

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

TECHNICAL WORKING PARTY FOR FRUIT CROPS

Forty-Second Session
Hiroshima, Japan
November 14 to 18, 2011

REPORTS ON DEVELOPMENTS IN PLANT VARIETY PROTECTION FROM MEMBERS AND OBSERVERS

Document prepared by the Office of the Union

1. The Technical Committee (TC), at its forty-seventh session held in Geneva, from April 4 to 6, 2011, agreed to request the Office of the Union to invite experts to submit written reports to the Office of the Union in advance of the Technical Working Party (TWP) sessions in order that a document containing those reports could be prepared by the Office of the Union. The TC noted that TWP experts would be invited to make a brief oral summary of their written report at the session and would also be encouraged to make reports under the agenda item "Experiences with new types and species", as appropriate. The TC also noted that TWP experts would have an opportunity to raise questions concerning matters of interest (see document TC/47/26 "Report on the Conclusions", paragraphs 9 and 10).

2. Written reports were requested by the Office of the Union in the circular relating to his session. The following reports were submitted (in alphabetical order):

Members: Annexes I to XVI: Australia, Brazil, Canada, China, European Union, France, Germany, Israel, Japan, Mexico, Morocco, New Zealand, Russian Federation, Slovakia, Spain, South Africa

Organizations: Annex XVII: International Community of Breeders of Asexually Reproduced Ornamental and Fruit-TreeVarieties (CIOPORA)

[Annexes follow]

ANNEX I

AUSTRALIA

The number of applications received for the 2010/2011 financial year was 325, compared to 345 in the 2009/2010 financial year. In the same period, 232 grants were issued compared to 211 in the previous year. The small increase in number of grants was due to the cyclic nature of processing applications and the focus on grants when the demand on other activities decreases. Over the last 12 months, 23% of applications filed had been for fruit varieties. That number was slightly higher than the previous year, which was 19%. The genera with the most applications were Prunus (21 applications), Vaccinium (18 applications) and Vitis (8 applications). Other genera included Citrus, Actinidia, Rubus, Malus, Olea and Pistacia.

[Annex II follows]

ANNEX II

BRAZIL

The current status of PVP in Brazil as of October 2011, is 2383 applications; 1780 plant varieties have been granted protection. The largest group is agricultural crops, at around 75% of the applications.

For Fruit varieties, the status is: 120 applications, 55 were granted protection and 65 are under examination. Those applications were comprised of the following: *Vaccinium* 10 applications; Strawberry 14 applications; *Malus* 24 applications; and *Vitis* 24 applications.

One hundred participants from Brazil took part in an on-line PVP Distance Learning course that started in October / November 2011.

The TWA held its thirty-fifth session in Brasilia, the capital of the country, from May 16 to 20, 2011.

A Gaia Workshop, was organized by Serviço National de Proteção de Cultivares (SNPC), in collaboration with Groupe d'Etude et de contrôle des Variétés et des Semences (GEVES) (France), from May 12 to 13, 2011

The thirteenth session of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT), will be held in Brasilia from November 23 to 25, 2011.

[Annex III follows]

ANNEX III

CANADA

In 2010, 361 applications were filed with the Canadian Plant Breeders Rights Office, 259 of which were for ornamental varieties. This is higher than the number of ornamental applications received in 2009. So far in 2011 we have received a total of 257 applications of which 177 are for ornamental varieties. Chrysanthemum, Petunia, Calibrachoa, Verbena make up the bulk of these new applications.

To date applications have been received for 233 ornamental genera, with the highest numbers of applications received for Pelargonium (560), Impatiens (525), Rose (515), Chrysanthemum (488), Petunia (285), Calibrachoa (278), Verbena (232) and Poinsettia (229).

This year, for the first time since the inception of the Canadian Plant Breeders Rights Office, the rights of three ornamental varieties have been terminated. The Canadian Office has three Chrysanthemum varieties which have reached the maximum 18 years of protection.

[Annex IV follows]

ANNEX IV

CHINA

In 2010, 1206 applications were filed, 37 of which were for fruit varieties in the Plant Variety Protection Office, Ministry of Agriculture. As of September 30, 2011, 7198 applications have been received, of which 3444 titles have been granted. As for fruit crops, 230 applications have been filed, accounting for 3% of the total applications. Pear (23%) is the most protected species among fruit crops, followed by Apple (20%), Kiwifruit (17%), Grape (13%), Peach (10%) and Citrus (10%).

In order to strengthen the management of the seeds and seedlings industry in China, a new organization, named the "Seed Management Bureau, Ministry of Agriculture", was established in September 4, 2011. Consequently, Plant Variety Protection is one of the tasks of the Seed Management Bureau. The Department of Science, Technology and Education, Ministry of Agriculture is no longer in charge of Plant Variety Protection affairs.

[Annex V follows]

ANNEX V

EUROPEAN UNION

Report on activities of the Community Plant Variety Office (CPVO)
of the European Union (EU)

In 2010, the Office received 2886 applications for Community plant variety rights (CPVR), which represented an increase of 4% compared with the previous year. Since the Community plant variety rights system became operational in 1995, the CPVO has surpassed the figure of 40,000 applications and 30,000 grants of protection, of which over 18,500 are still in force. There were 193 applications in the fruit sector, which represents a slight increase in relation to the 2009 figures (185; +4%; 8 applications). The most important species are *Prunus persica* (L.) Batsch (68), *Fragaria* x *ananassa* Duch. (25) and *Malus domestica* Borkh. (19).

In the first nine months of 2011, there were 107 applications for fruit varieties, which is a stable figure compared to the same period last year (112), although there is a noticeable downturn in Peach applications so far this year. *Fragaria* x *ananassa* Duch (29) is for the moment the most important species followed by *Prunus persica* (L.) Batsch (22) and *Malus domestica* Borkh (15).

Earlier this year, the CPVO organized a meeting with fruit experts in the European Union (EU). The main subject matters discussed were the phytosanitary status of the plant material submitted for the DUS test and a possible R&D project with the aim to reduce the number of obligatory fruiting periods to be observed for candidate varieties. An exchange of views in respect of strategies for the rationalization/harmonization of reference collections and the possibility to have shorter lists of characteristics in CPVO fruit protocols also took place.

The CPVO financed a R&D project “Management of Peach tree reference collections” with the aim to produce a database compiling both phenotypic data, including standardized morphological descriptions, digital pictures and a large set of DNA profiles in order to optimize the management of variety reference collections in peach tree. The project came to an end in October 2011. The database contains the description of more than 500 varieties. Its access, maintenance and the analysis of data registered will be part of the follow up.

During the course of June, the European Commission published the outcome of an evaluation on the impact and effectiveness of the Community plant variety rights system and the CPVO. The evaluation concluded in a positive manner, although improvements could be made to the implementation of the farm-saved seeds principle and the enforcement of rights. It is not ruled out that in the future the CPVO could gain new responsibilities.

Coinciding with the publishing of the evaluation at the end of July, the CPVO marked the occasion of the retirement of its President, Mr. Bart Kiewiet, by organizing a Seminar on June 23, entitled “Impact of 15 years of the EU plant variety protection system”. On July 12, 2011, the Council of the European Union appointed Mr. Martin Ekvad as the new President of the CPVO for a five year term. Mr. Ekvad was previously the Legal Advisor at the CPVO.

The centralized database of variety denominations received a new name, the “CPVO Variety Finder”, and contains more than 600,000 denominations from national listing and plant variety rights registers. The database was so far available on the basis of a restricted access to national authorities of EU Member States, the European Commission, UPOV and all EU breeders; recently the President of the CPVO decided to make it available on the public

website with a registration system, and this will be implemented in the near future. The aim of the database is the verification of the suitability of a proposed variety denomination with regard to similarity, but it is also a useful tool in order to search for, or to get some, information about varieties of common knowledge.

In the beginning of 2010, the CPVO released a project on cooperation in denomination testing with national EU authorities with the aim to reach a greater harmonization of decisions as to the suitability of variety denomination proposals in national plant variety rights, national listing procedures and decisions taken at the level of the CPVO. EU national authorities have the possibility to ask online for CPVO advice on the acceptability of their new denominations. Since the beginning of the project in March 2010, more than 6,000 advices were issued; the largest part is made within the Agricultural sector; about 10% of the advice concerns the Ornamental sector. For about a third of these requests, the CPVO made an observation on the proposed denomination.

Since autumn 2010, the official variety description of the CPVO grants of protection from December 2008 onwards are published on the CPVO public website. These documents are made available after the publishing of the grant of the variety in the CPVO Official Gazette. The possibility to file applications electronically with the CPVO has become increasingly popular for several species in the 16 months from its onset: however, to date less than a dozen e-applications have been filed in the fruit sector to the CPVO. The number of e-TQ available is increasing regularly, which so far includes 13 fruit species.

Following the implementation of the so-called “one key, several doors” principle, whereby DUS test reports produced by any “CPVO-entrusted” authority in the EU are accepted for listing or protection purposes throughout the Community, an independent technical audit of the CPVO continued audits during 2010 and 2011, the first entrustment certificate was issued by the Administrative Council of the Office in March 2011. A meeting with experts from several EU national authorities took place in order to work on the revision of the entrustment requirements, which have been approved in the June Administrative Council.

The introduction of the Quality Audit Service has resulted in a situation where, for some fruit species, more than one examination office is competent to carry out DUS examinations. Whereas in the past a centralized testing situation existed for some of those crops, the CPVO has now to decide at which examination office a certain candidate variety is going to be examined. For that reason the CPVO’s Administrative Council has extended the criteria to be applied by the CPVO. The CPVO will have to take into account not only climatic conditions but also the wish of the breeder and the other varieties under examination.

[Annex VI follows]

ANNEX VI

FRANCE

In the near future, integration of the French Plant Breeder's Right Office, inside Groupe d'Etude et de contrôle des Variétés et des Semences (GEVES) as an independent service, is under discussion.

Following the move of the GEVES headquarters to the new building in Beaucouzé (near Angers), the new field crop testing unit named Anjouère is now fully operational. It is located about 20 km from Angers on clay soil that is well adapted to conduct DUS and VCU trials on field crops replacing the former one located close to Versailles-Paris.

In total the number of new varieties and species applied either for national listing or plant breeder's rights, in 2010-2011 we observe a decrease (-7%) compared to 2009-2010, but not more than the variation observed between years during the last decade. The plant breeding effort remains important and even in development for some crops regarding the capacity of genetic improvement to contribute to the challenges in the field of protection of environment and health. For ornamentals, the situation of national PBR is stable with a low number of applications which are generally converted into EU PBR.

GEVES activity as an examination office on behalf of the Community Plant Variety Office (CPVO) is important with around 500 requests of results each year including about 2/3 of take over reports related to field and vegetable crops tested first for national listing. Each year, GEVES also sends about 500 reports to other examination offices and buys about 150 reports from them in the framework of bilateral agreements.

In total, GEVES studies each year about 2,500 new varieties, around 150 new candidate varieties, a year, in the fruit sector: mainly;1 peach (50 to 80 a year); 2 apricot (15-30); 3 Apple (15-30); 4 Cherry (5-10) with several applications for the other species as rootstock, European and Japanese Plum and nut trees.

CPVO, GEVES and the French National Institute for Agricultural Research (INRA) organized in June 2011 a variety Fruit open day for breeders and stake holders in Avignon, France. The aim was to present DUS methodologies and processes on apricot and peach and the possible evolution: (i) reducing DUS cost and how, (ii) the management of DUS reference collection, (ii) a one cycle DUS test to deliver PBR, (iii) the use of other DUS characteristics (disease resistance, aptitude to cross compatibility, auto incompatibility). 50 people attended this meeting.

GEVES is also now developing the management of European peach DUS collection, based on the acquis of the former CPVO program (Morphophysio characteristics, photos and DNA identification data base). Hungary has expressed its wish to continue the project. GEVES is extending the project to Apricot in 2012 on a national base.

Finally, GEVES has now completed the first round of DUS audits in the framework of ISO 9001 certification standard. All activities and units are now covered by this system of management based on quality requirements.

[Annex VII follows]

ANNEX VII

GERMANY

In Germany there are 171 protection titles in force for fruit varieties. 138 fruit varieties are currently under examination at the Bundessortenamt. The most important fruit crops are strawberry (23 new applications/requests until spring 2011) Apple (8), and Raspberry (5). The Bundessortenamt also started with some new examinations for varieties of Blueberry, Blackberry, Pear, Black Currant, and Lingonberry.

Based on the implementation of a quality management system, the Administrative Council of the Community Plant Variety Office of the European Union (CPVO) renewed the entrustment of the Bundessortenamt as examination office for some 380 species in June 2011.

Recently, new tasks have been delegated from the Ministry of Agriculture, Food, and Consumer Protection to the Bundessortenamt. Among other tasks, the Bundessortenamt enlarged its responsibilities in fruit genetic resources, and took over additional tasks as a coordinator for the national gene bank network for berry fruit species and for pears.

As regards international cooperation, the fruit section hosted delegations from Israel, Kazakhstan, and Saudi Arabia.

[Annex VIII follows]

ANNEX VIII

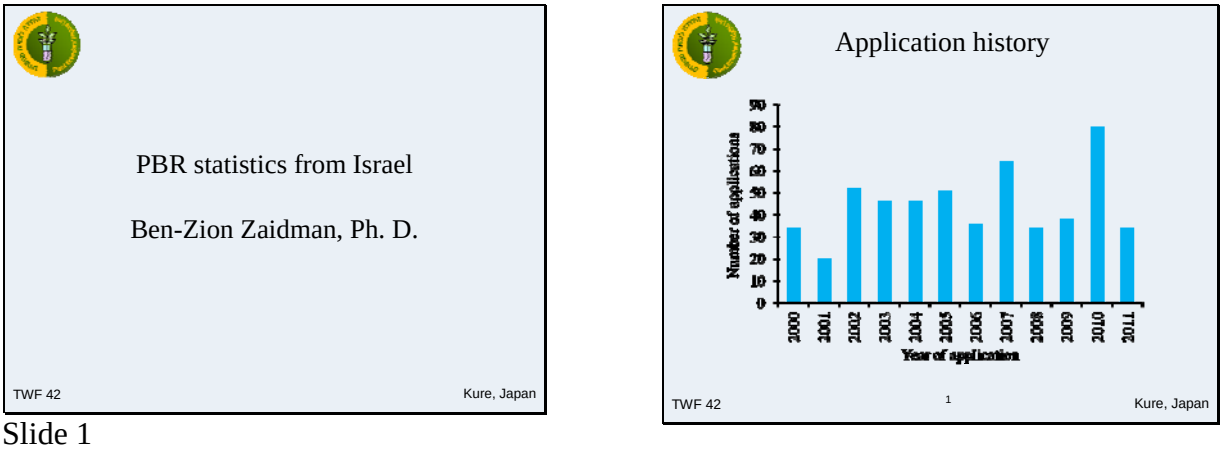
ISRAEL

PBR statistics from Israel

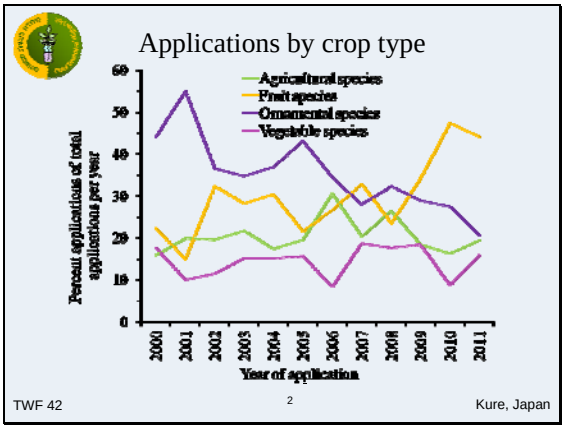
Ben-Zion Zaidman, Ph. D.

TWF 42 Kure, Japan

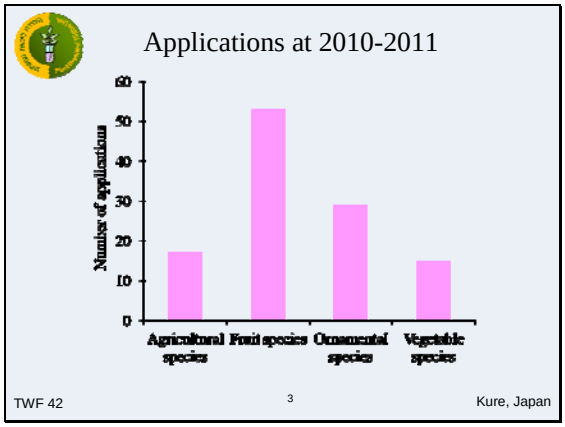
Slide 1



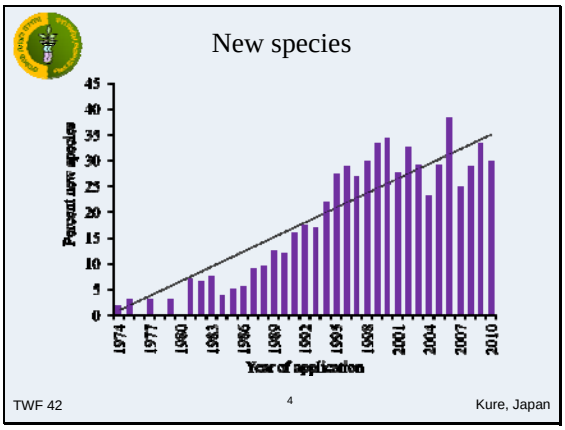
Slide 2



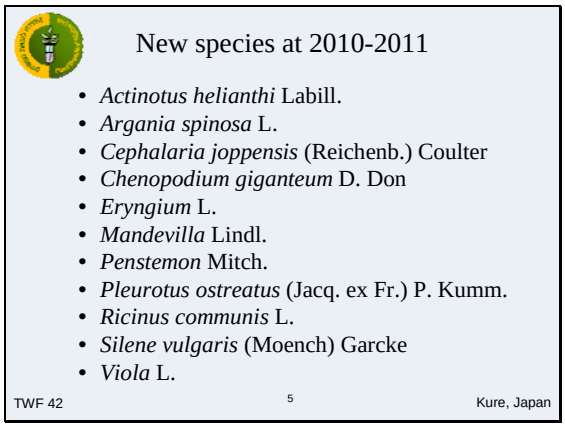
Slide 3



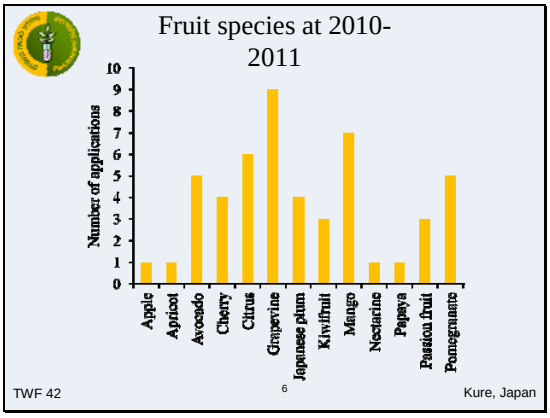
Slide 4



Slide 5



Slide 6



Slide 7

Slide 8

[Annex IX follows]

ANNEX IX

JAPAN

1. Number of application and granted in 2010

Number of applications

year	total	2010/2009	fruit crops	2010/2009
1978 to 2010	25,678	-	1,364	-
2010 (2009)	1,038 (1,138)	91%	68 (63)	108%

Number of titles granted

year	total	2010/2009	fruit crops	2010/2009
1978 to 2010	20,147	-	1,098	-
2010 (2009)	1404 (1,501)	94%	28 (63)	44%

Main species granted: Apple(6), Japanese pear(6), Citrus(5), Peach(4), Persimmon(3)

2. Average duration of the examination (from application to registration)

2009	2010	2014 (target)
2.7 years	2.5 years	2.3 years

3. Nineteen Japanese national Test Guidelines were harmonized with UPOV TGs in 2010.

genera and species
Fruit: Oranges Others: African Violet, Catharanthus, Carrot, Chinese Cabbage, Chinese chives, Cabbage, Freesia, Hop, Orchard grass, Phlox paniculata, Portulaca, Red Clover, Rice, Soy Bean, Turnip, Welsh Onion, Wheat, Yam

Web-site: http://www.hinsyu.maff.go.jp/en/en_top.html

4. Reconstruction of related organization in PVP Office: since September 1, 2011, the Division name has been changed and the division belongs to another Bureau:

New Business and Intellectual Property Division
Food Industry Affairs Bureau
Plant Variety Protection Office
MAFF

[Annex X follows]

ANNEX X

MEXICO

The National Service of Seed Inspection and Certification (SNICS) is part of the Ministry of Agriculture. SNICS deals with de Plant Breeder Right's system in Mexico. The Plant Variety Protection Law was published in 1996 and it is inline with the 1978 act of UPOV Convention and gives protection for all plant genera. The farmer privilege is recognized only for agricultural crops. It is a declarative system where the Distinctness, Uniformity and Stability information is provided by the breeders, after that information is reviewed and validated by national technical working groups, integrated by specialists for each plant groups.

SNICS was created by the seed law of 1961, so in the present year it is celebrating its fiftieth anniversary and several diffusion and training events have and will take place in 2011, for example an international symposium in August 23 with the collaboration of the UPOV Office, also the 7th edition of the training course named "International Training Course on Distinctness, Uniformity and Stability of Plant Varieties, which was organized by SNICS and the Colegio de Postgraduados, in Texcoco, Mexico, from August 24 to 26.

In 2010, the 6th edition of the "International Training Course on Distinctness, Uniformity and Stability of Plant Varieties" was held from August 23 to 26 for which economical and technical support was received from UPOV Office and the United States Patent and Trademark Office (USPTO). There was participation from technical representatives from 10 Latin-American countries and around 60 national technicians participated. In addition, between the forty-third session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO/43) and the forty-first session of the Technical Working Party for Fruit Crops (TWF/41), held in Mexico in September 2010, an international seminar on PBR's was held and around one hundred people participated.

Regarding PBR applications in 2010, 38 breeders from 12 countries presented 100 applications from 32 crops. There was 40% of agricultural crops, 26% fruit crops, 21% ornamentals, 11% vegetables and 2 applications of forest trees.

The total number of accumulated applications at the end of 2010 was 1,271; 36% from The United States of America, 32% from México, 15% from the Netherlands, and 17% from breeders from 23 other countries. 43% correspond to agricultural crops, 27% to ornamental plants and 19% to fruit crops.

Finally, 593 PBR titles have been granted (accumulated), 465 are in force up to the end of 2010, mainly of maize (126), rose (99) and strawberry (53). On November 10, 2011, the Mexican Republic Senate approved changes in the Federal Law for Plant Varieties to be aligned to the UPOV act of 1991, the law will now be turned to the Chamber of Representatives for the approval.

[Annex XI follows]

ANNEX XI

MOROCCO

(September 30, 2011)

Since Law No. 9-94 came into force, the situation of plant variety protection is as follows:

- 330 applications received, of which 182 varieties are protected and 111 varieties are under examination;
- Expiration of protection for 5 protected varieties in 2006;
- Withdrawal of 8 applications for PBR title following requests from breeders;
- Rejection of 24 applications (files incomplete or variety not distinct);
- Publication of 16 Official Gazettes of plant variety protection

Applications and protected varieties by species' group:

Species	No. of applications	No. of protected varieties	No. of variety examinations in process	- Applications withdrawn or rejected - Protection expired
Field crops	69	67	-	Protection expired for 2 varieties
Vine	29	06	10	- 1 variety withdrawn - 12 varieties rejected (incomplete files)
Bilberry	04	-	04	-
Fruit Trees	109	40	65	- 1 variety withdrawn - 3 varieties rejected (incomplete files)
Potato	58	42	05	- Protection expired for 3 varieties - 8 varieties rejected (incomplete files)
Strawberry	24	11	13	-
Rose	03	02	00	1 variety withdrawn
Vegetable varieties	20	05	9	- 5 varieties withdrawn - 1 variety rejected (variety not distinct after DUS examination).
Total	330	182	111	37

Applications and protected varieties by origin

Country	Applications	No. of varieties protected
Morocco	103	78
Netherlands	48	22
France	64	29
United States of America	45	17
Spain	32	17
South Africa	13	01
Ireland	12	11
Great Britain	04	04
Italy	06	01
Cyprus	01	01
Hungary	01	01
Brazil Panama	01 01	- -
Total	**330**	**182**

[Annex XII follows]

ANNEX XII

NEW ZEALAND

The Plant Variety Rights Office is carrying out documentation of processes and practices in preparation for the introduction of a new information technology system, scheduled for introduction in the middle of 2012. This project includes the formal recording of testing practice for genera with regular applications. The documented DUS testing practice for apple is now available on the website.http://www.iponz.govt.nz/cms/pvr/technical-notes-guidelines/dus-testing-of-apple-varieties

Applications for fruit varieties in 2011 have returned to the consistent level of the 2007-2009 period, being around 30 varieties per year. The application number in 2010 dropped to less than half this level. The total number of fruit varieties under test continues to steadily increase from 71 in 2007 to 112 in 2011. This upward trend is under consideration in order to identify any particular cause or combination of causes.

Following a review of the reference collection for apple, all trees in the collection will now progressively be replanted using the Apple rootstock variety ‘M9’. For the last few years ‘M9’ rootstock has been introduced for trees of varieties originating as seedlings and ‘MM106’ has continued to be used for trees of varieties originating as mutations. The aim is to complete the transition by winter 2013.

The DUS testing for *Actinidia* (kiwifruit) has been significantly disrupted by the outbreak of *Pseudomonas syringaepvactinidiae* (PSA) disease. Current testing for most varieties has ceased due to plant destruction at the test centre. The establishment of alternative trials is underway but is hindered by phytosanitary controls on the national movement of plant material. The resumption of testing at the test centre is unlikely in the short to medium term.

A series of training workshops in late 2010 and early 2011were provided for persons who carry out DUS testing evaluations for the Plant Varity Rights Office in order to increase their skill levels and update methodology and practice.

[Annex XIII follows]

ANNEX XIII

RUSSIAN FEDERATION

Number of Applications and Breeders' Right for Fruit, Baccate, Caryocarpous, Forest Trees and Grape in the Russian Federation

Crop		Applications for Protection			Breeders' Rights		
	Genus, species	applied	rejected	withdrawn	total	cancelled	in forse
Apricot	*Prunus armeniaca L.*	30	6	0	19	10	9
Quince	*Cydonia Mill.*	9	1	0	5	4	1
Papaw	*Asimina triloba (L.) Dunal*	1	0	0	1	0	1
Actinidia	*Actinidia Lindl.*	7	0	0	5	5	0
Alycha	*Prunus cerasifera Ehrh.*	11	0	0	9	3	6
Clusterberry	*Vaccinium L.*	2	0	0	2	0	2
Grape	*Vitis L.*	31	0	0	17	1	16
Vine	*Vitis L.*	62	1	0	38	6	32
Grape multipurpose	*Vitis L.*	12	0	0	9	4	5
Cherry felted	*Prunus tomentosa Thunb.*	2	0	0	1	1	0
Sour cherry	*Prunus cerasus L.*	40	2	0	32	11	21
Pear	*Pyrus communis L.*	64	6	0	45	16	29
Fur-tree	*Picea A. Dietr*	1	0	0	1	1	0
Caprifoil	*Lonicera caerulea L.*	44	1	0	25	20	5
Caprifoil ornamental	*Lonicera L.*	2	0	0	2	0	2
Strawberry	*Fragaria L.*	59	0	2	31	2	29
Osier	*Salix L.*	4	3	0	1	1	0
Cornelian cherry	*Cornus mas L.*	1	0	0	1	0	1
Cranberry	*Vaccinium oxycoccos L.*	7	0	0	7	0	7
Gooseberry	*Ribes uva-crispa L.*	32	2	0	16	3	13
Magnolia-vine	*Schisandra chinensis (Turcz.) Ball.*	1	0	0	1	1	0

Crop		Applications for Protection			Breeders' Rights		
	Genus, species	applied	rejected	withdrawn	total	cancelled	in forse
Raspberry	*Rubus L. idaeus*	49	0	0	28	1	27
Medlar	*Mespilus germanika L.*	1	0	0	1	0	1
Sea-buckthorn	*Hippophae rhamnoides L.*	45	5	1	30	10	20
English walnut	*Juglans L.*	8	0	0	7	0	7
Peach	*Prunus persica (L.) Batsch*	7	2	0	4	2	2
Grape stocks	*Vitis L.*	7	0	0	5	4	1
Garden plum	*Prunus domestica L.*	25	1	0	15	4	11
Chinese plum	*Prunus salicina Lindl.*	24	1	0	15	6	9
White currant	*Ribes niveum Lindl.*	5	0	0	4	2	2
Golden currant	*Ribes aureum Pursh.*	11	0	3	4	0	4
Red currant	*Ribes rubrum L.*	27	0	1	17	6	11
Black currant	*Ribes nigrum L.*	122	10	0	76	32	44
Poplar	*Populus L.*	1	0	0	1	1	0
Ebony	*Diospyros L.*	2	0	0	2	2	0
Crab cherry	*Prunus avium (L.) L.*	30	5	2	20	7	13
Mahaleb	*Prunus padus L.*	3	0	0	3	0	3
Brier	*Rosa L.*	11	0	0	9	4	5
Apple	*Malus domestica Borkh.*	202	22	2	155	71	84
TOTAL		1002	68	11	664	241	423

[Annex XIV follows]

ANNEX XIV

SLOVAKIA

Number of applications for PVP

In 2010, the Ministry of Agriculture of the Slovak Republic received 17 applications for Plant Breeder's Rights, 11 titles were issued, 45 titles having ceased to be in force. 383 titles were in force on December 31, 2010.

The majority of applications concern agricultural species, particularly cereals and maize. Since Slovakia became a member of the European Union there has been a significant decrease in the number of applications for Plant Breeders' Rights and there has been a reduction in the number of breeders of small fruit, with grapevine breeding representing the main area of activity.

Plant Breeder's Rights were granted for: Apple, Strawberry, Raspberry, Apricot, Black and Red Currant, Plum, Grape.

Legislation

Law No. 202/2009 approved on April 29, 2009, came into force on June 1, 2009. The law is in conformity with the 1991 Act of the UPOV Convention.

Cooperation

The Central Controlling and Testing Institute in Agriculture (ÚKSÚP) cooperates actively in DUS testing with Czech Republic, Hungary, Poland, Slovenia, Croatia, Serbia, Sweden, Denmark, and Russia.

ÚKSÚP, previously associated with the Central Institute for Supervision and Testing in Agriculture in Czech Republic ÚKZÚZ, celebrated the sixtieth anniversary of its establishment.

[Annex XV follows]

ANNEX XV

SPAIN

The data shown in this report includes the protected varieties and the varieties registered in the commercial plant list, because all are required to pass the DUS test.

This work is done by the 11 DUS examination centres of the Oficina Española de Variedades Vegetales (OEVV) distributed in the most suitable locations in Spain.

The present report presents the national data of Spain, but the Spanish Plant Variety Office also does DUS testing for the Community Plant Variety Office of the European Union (CPVO).

On the other hand, it is interesting to know that this year the Spanish Plant Variety Office has been accredited as an Examination Office for all the fruit crop species that it usually does, as a result of a visit of auditors from the Community Plant Variety Office.

Registro de Variedades Comerciales (RVC):

The number of fruit crops varieties registered in 2011 in the Spanish commercial list were: 18 *Citrus*, 15 Strawberry, 210 Stone fruits, 13 Grapes.

The number of fruit crops applications in 2011 for the Spanish commercial list were: 2 *Citrus*, 9 Strawberry, 18 stone fruits, 10 Grapes.

In total, the national RVC currently contains 866 fruits: 156 *Citrus*, 143 Grapevines and 70 Strawberries

Registro de Variedades Protegidas (RVP):

In the case of variety protection, the number of fruit crops varieties granted in 2011 in Spain were: 2 *Citrus*, 1 Strawberry, 11 stone fruits.

The number of fruit crop applications in 2011 for protection in Spain, were: 9 *Citrus*, 2 Strawberry, 15 stone fruits.

At national level, 81 fruit varieties exist; 10 *Citrus* and 3 Strawberries are protected. OEVV is starting to work with new fruit species, such as *Diospyros Kaki* (Persimmon) and Pomegranate.

[Annex XVI follows]

ANNEX XVI

SOUTH AFRICA

A national consultation workshop on the draft of the Plant Breeders Rights Policy was held in Pretoria and Stellenbosch during February 2011. The aim of this workshop was to communicate to all interested parties in the public and private sectors the draft PBR Policy. The Plant Breeders' Rights Act, 1976 is also currently under review.

With regards to applications and valid Plant Breeders' Rights for 2010 the following is reported: 364 taxa have been declared in terms of the Plant Breeder's Right Act, of which agricultural crops constituted 27%. 366 PBR applications were received in 2010. As of December 2010, a total of 2,318 varieties had valid plant breeder's rights in South Africa, of which 18% were for fruit crops. Foreign nationals own around 60% of the total number of protected varieties, while local companies own 25% and publicly funded research institutions 15%.

Fruits:
138 applications received, 34 varieties were granted PBR in 2010.

[Annex XVII follows]

ANNEX XVII

INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED ORNAMENTAL AND FRUIT-TREEVARIETIES (CIOPORA)

CIOPORA activities in the last 12 months

1. CIOPORA asked UPOV to work on an explanatory note on propagating material, which is the key term in the UPOV legal framework. It turns out that there are different definitions of "propagating material" in the UPOV members. CIOPORA expressed in the last meeting of the Administrative and Legal Committee Advisory Group (CAJ-AG) its opinion that material, which is capable of producing entire plants, should be considered as propagating material (versus material, that is intended or used for multiplication).

2. CIOPORA contributed to the evaluation of the Community Plant Variety Right legislation and asked *inter alia* for broadening the scope of protection (including the protection of processed material), for clarifying the essentially derived varieties (EDV) provisions and for better provisional protection.

3. In April, CIOPORA developed and issued a position paper on "The use of molecular techniques for plant variety protection"

4. CIOPORA discussed in its working group on DUS, possibilities to increase the minimum distances, which is one of the major concerns for breeders.

5. CIOPORA requested the CPVO to reduce the costs for DUS examination, particularly for fruit tree varieties. It questioned the practice of collecting very old varieties in a reference collection.

6. CIOPORA discussed with the CPVO the project "DNA analysis of cut-rose varieties" and opposed an obligatory taking of DNA samples and the routine analysis of such samples. The project has been transformed into a study on the use of sampling DNA material for DUS purposes.

7. CIOPORA celebrated its fiftieth anniversary during its last Annual General Meeting in April this year in Rome. The next AGM will take place in Miami in April 2012.

[End of Annex XVII and of document]