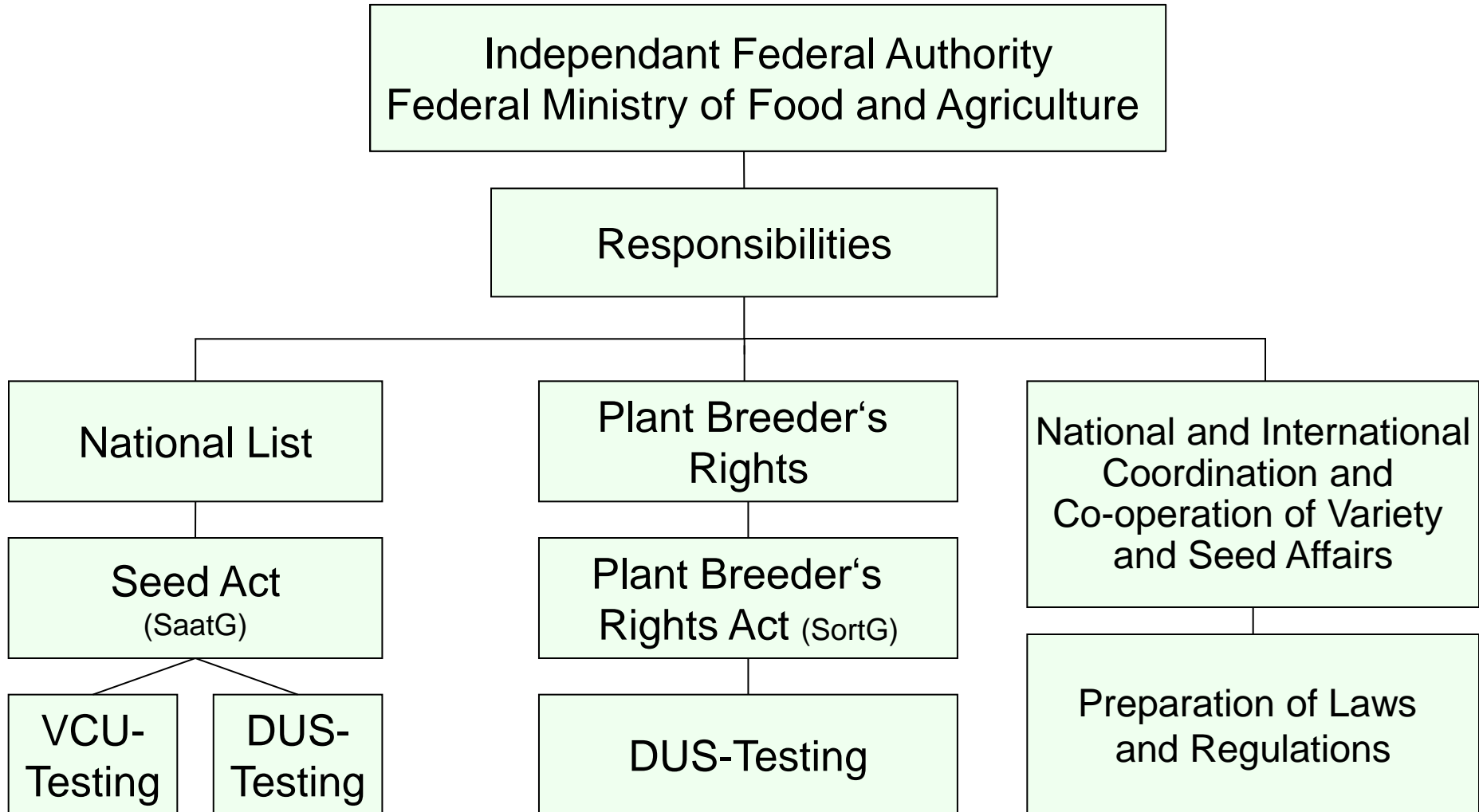




Official DUS Test and Plant Breeder's Rights Protection of Winter Oilseed Rape in Germany



Federal Plant Variety Office





Plant Breeder's Rights (PBR)

National Level

German PBR granted according to German Plant Breeder's Rights Act by Bundessortenamt (BSA).

Effective in Germany.

EU Level

European PBR granted according to Council Regulation (EC) 2100/94 by Community Plant Variety Office (CPVO).

Effective in all EU Member States.

Germany and EU have implemented PBR according to UPOV
(Union for the Protection of New Plant Varieties).



Subject of PBR

Plant Variety Protection

A very specific Intellectual Property System for a very specific subject.

Subject and scope are clearly defined:

A specific plant variety, rights and material covered.

- PBR protects a **specific combination of characteristics** linked to a specific genotype.
- PBR does **not protect genetic variation**. All variation can be used for further breeding without restrictions. All genes can be combined in new genotypes.
- PBR does **not protect individual characteristics**. New varieties may have the same characteristics in different combination.



Definition of Variety

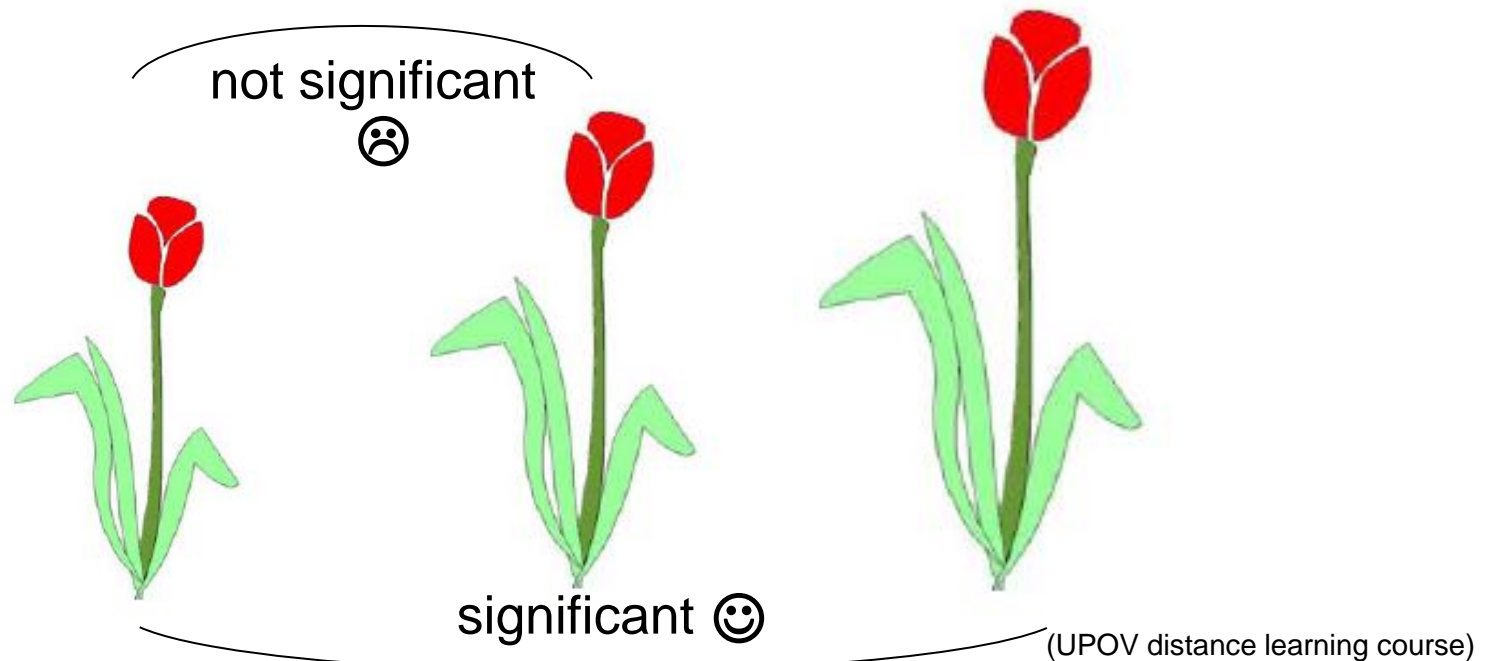
Variety means a plant grouping within a single botanical taxon of the lowest known rank, which grouping can be

- **defined by the expression of the characteristics** resulting from a given genotype or combination of genotypes,
- **distinguished** from any other plant grouping by the **expression of at least one of the said characteristics**, and
- **considered as a unit** with regard to its suitability for being **propagated unchanged**. (UPOV Convention Article 1)



Distinctness

The variety shall be deemed to be **distinct** if it is **clearly distinguishable** from any other variety whose existence is a matter **of common knowledge** at the time of the filing of the application. (UPOV Convention Article 7)





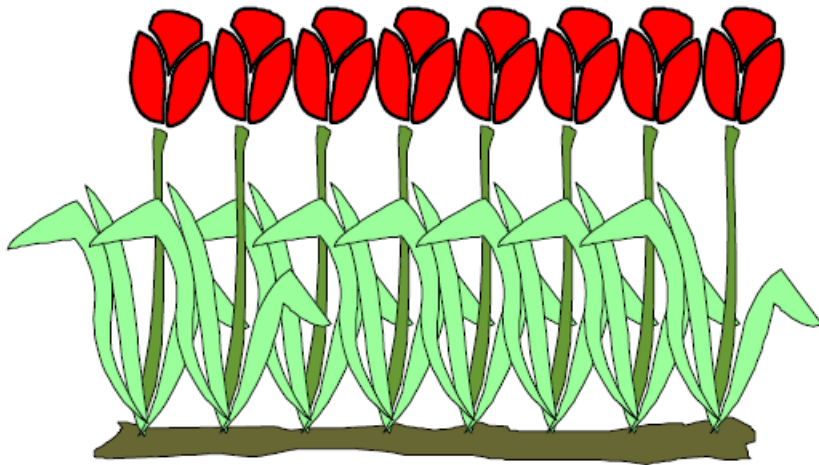
Distinctness



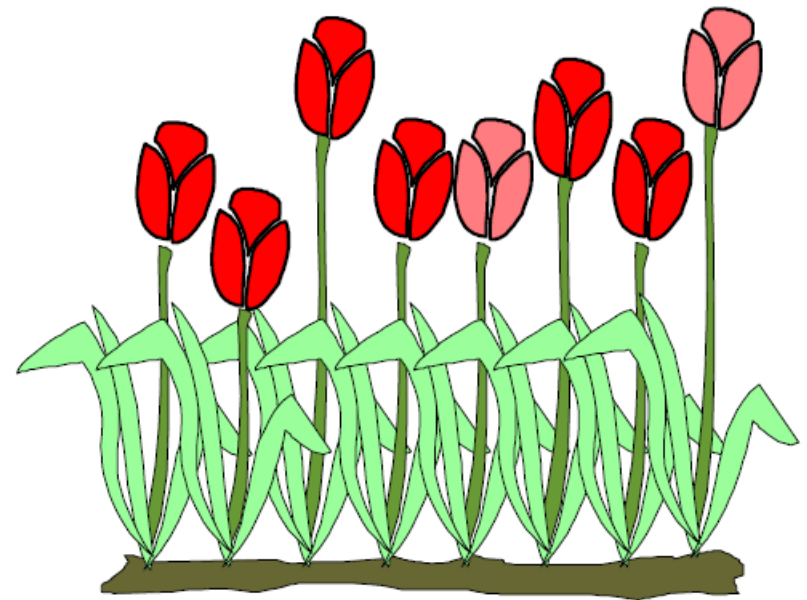


Uniformity

The variety shall be deemed to be **uniform** if, subject to the variation that may be expected from the particular features of its propagation, it is **sufficiently uniform** in its **relevant characteristics**. (UPOV Convention Article 8)



uniform 😊



not uniform ☹️

(UPOV distance learning course)



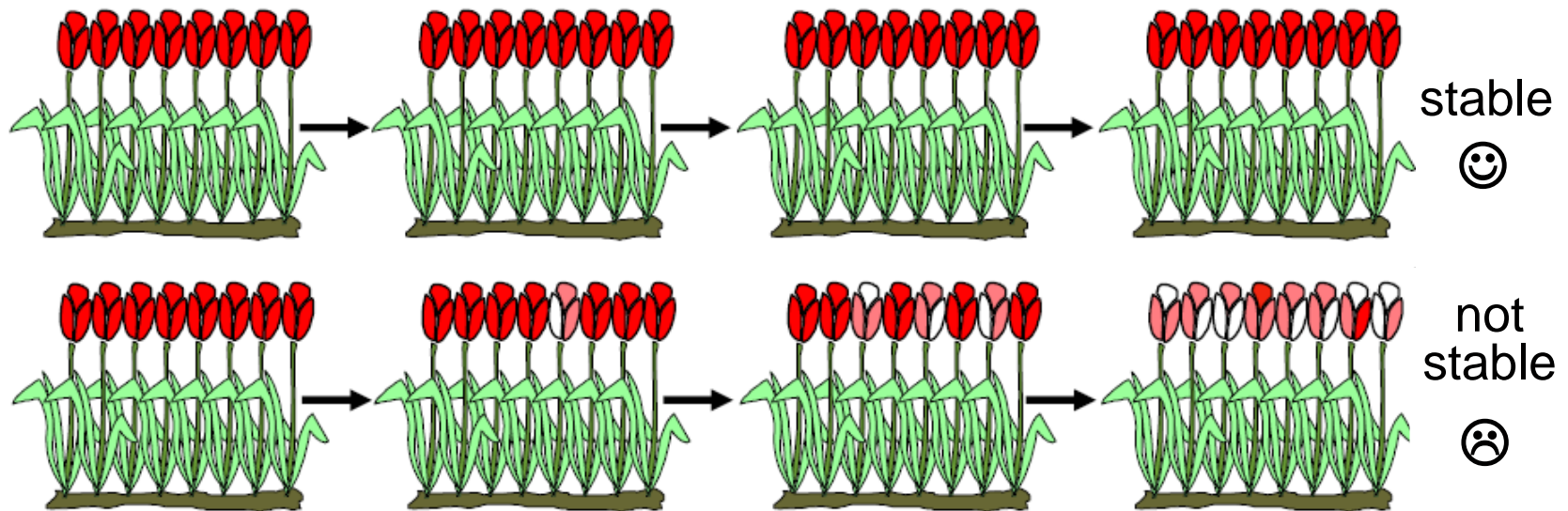
Uniformity





Stability

The variety shall be deemed to be **stable** if its **relevant characteristics remain unchanged** after repeated propagation or, in case of a particular cycle of propagation, at the end of each cycle. (UPOV Convention Article 9)



(UPOV distance learning course)



Stability





Novelty

The variety shall be deemed to be **new**
if, at the date of filing of the application for a breeder's right,

propagating or harvested material of the variety has not been sold or otherwise disposed of to others, by or with consent of the breeder for purposes of exploitation of the variety

in the territory of the Contracting Party in which the application has been filed earlier than **one year** before that date. (UPOV Convention Article 6)

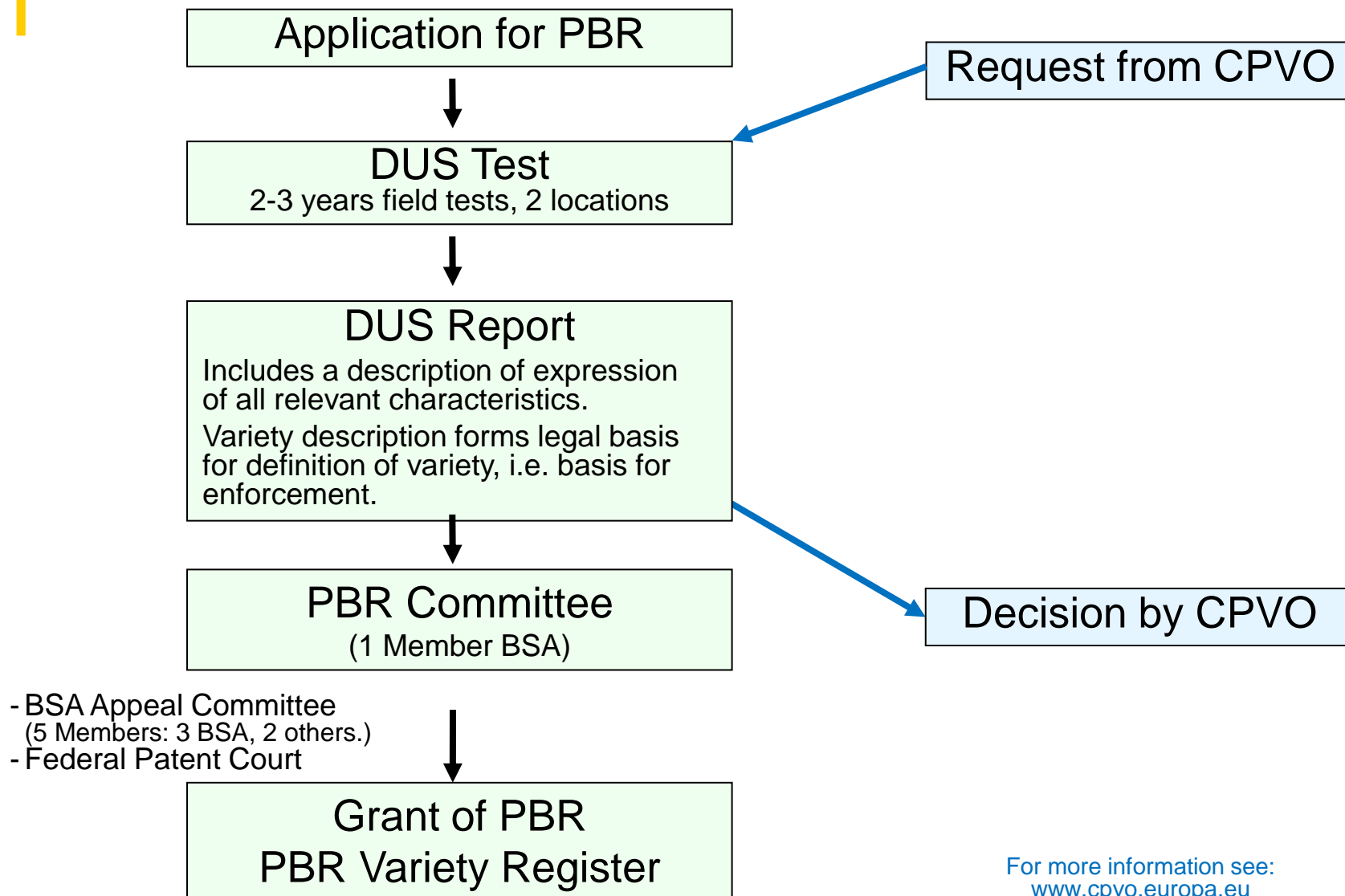


BSA

CPVO



CPVO · OCVV
Community Plant Variety Office
Office Communautaire des Variétés Végétales



For more information see:
www.cpvo.europa.eu



DUS Testing Guidelines



CPVO-TP/36/2 Final
Date: 16/11/2011

www.cpvo.europa.eu



TG/36/6 Corr.
Date: 1996-10-18 + 2002-04-17

www.upov.int



Thanks for your attention!

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