



UPOV公约1991年文本对中国农林业发展的影响研究 项目汇报会



SEMINAR ON IMPACT STUDY OF UPOV '91 ON THE PROTECTION OF NEW VARIETIES OF AGRICULTURAL AND FORESTRY PLANTS IN CHINA

《植物新品种保护条例》征求意见稿修订主要内容和加入UPOV公约1991年文本的想法

Review on the Draft Amended PVP Regulations of China
and the feasibility of China's Accession to UPOV' 91

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IPKey



主要内容

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致谢
Acknowledgements



Part 01

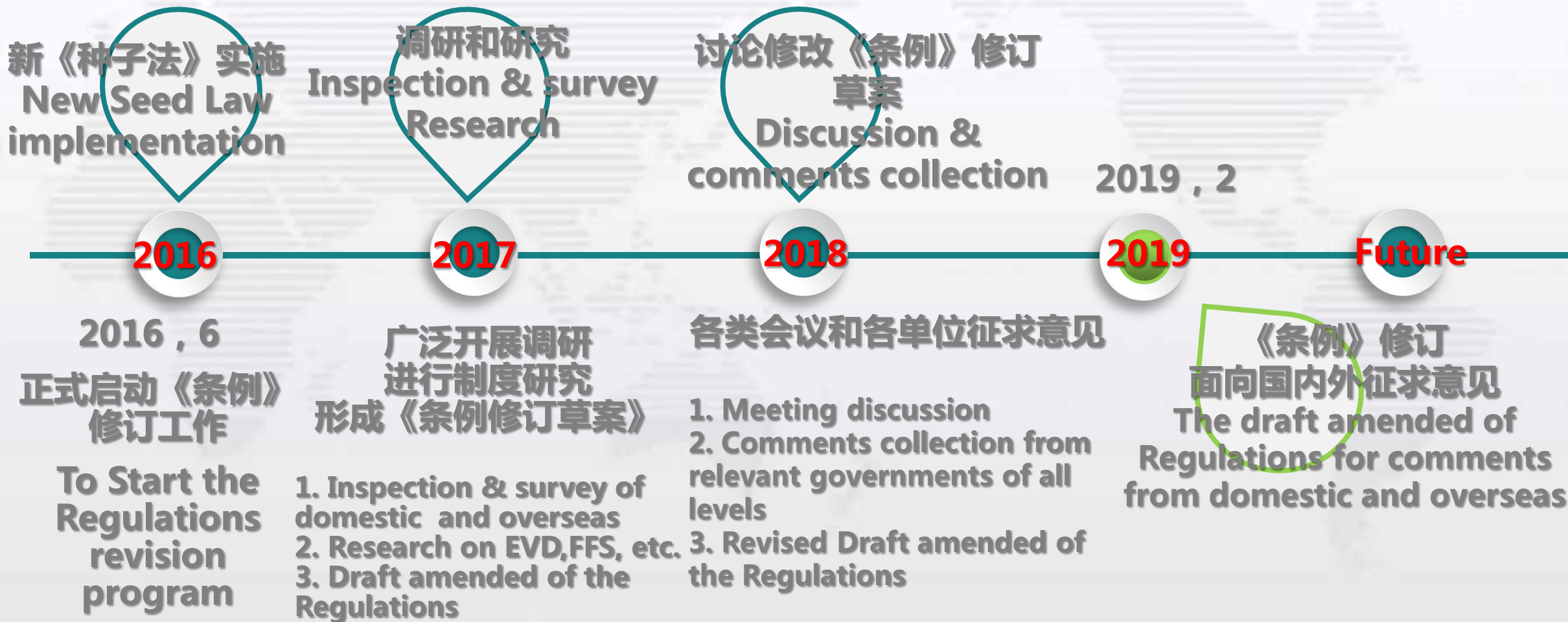
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《条例》修订进程
Progress of the draft
amended PVP Regulations

1

《条例》修订进程

Progress of the draft amended PVP Regulations



1

《条例》修订进程

Progress of the draft amended PVP Regulations

1

提交司法部
To submit it to
the Ministry of
Justice

2

审议
Deliberation

3

修改
Revision

N

通过
Adopted

Release

新《条例》颁布
To release New
PVP Regulations



Part 02

2

《条例》修订主要内容
**Main contents of the draft
amended PVP Regulations**

2.1

多措并举，全面提高保护水平

To enhance the protection of new plant varieties by multiple measures

建立EDV制度 (第7,8条)
To establish EDV policy
(Article 7&8)

扩大保护名录
(第14条)
To enlarge protection
list (Article 14)

延伸保护链条
(第6条)
To expand PBRs
(Article 6)

加长保护期限
(第46条)
To prolong
protection term
(Article 46)

规范农民特权
(第13&64条)
To specify FSS
(Article 13&64)

2.2

简政放权，提高审查质量和效率

To improve the quality and efficiency of examination of PVP in the light of streamlining administration and delegating authority

取消3项行政审批
(第11&29条)

To cancel 3
administrative
examination and
approval items
(Article 11&29)



优化受理审查程序，缩短受理审查时间 (第25条)

To optimizer procedure of
receiving, examination and
granting, aiming to shorten
examination period
(Article 25)

拓宽DUS测试渠道
(第33条)

To enhanced DUS
testing capacities
(Article 33)



发挥生物技术在审查中的应用
(第32条)

To explore DNA methods to
PVP examination
(Article 32)



开通网上便利通道 (第11, 24, 29, 33&66条)

To launch on-line application
platform
(Article 11, 24, 29, 33&66)

2.3

明确责任，加大监管力度

To clarify responsibilities and intensify supervision

- **规范申请人和品种权人行为 (第15, 16, 17, 24&64条)**
To regulate PVP applicants' and holders' behavior
(Article 15, 16, 17, 24&64)
- **明确快速检测方法，完善侵犯和假冒品种权行为的认定 (第51, 52&54条)**
To specify rapid DNA detection methods to improve identification of infringement and counterfeiting of PVP
(Article 51, 52&54)
- **加大维权执法力度和赔偿力度 (第52, 54, 55&56条)**
To strengthen law enforcement and increase amount of compensation
(Article 52, 54, 55&56)
- **规范网络服务行为，建立不知者豁免制度 (第58条)**
To regulate behavior of sales via internet
(Article 58)

2.4

其他 Others

- 增加“品种”、“已知品种”“培育人”等相关定义（第64条）

Adding the definitions of “Variety” “Common Knowledge” “Breeder”, etc. (Article 64)

- 部分条款及文字做了修改

Revised some Articles and wordings



Part 03

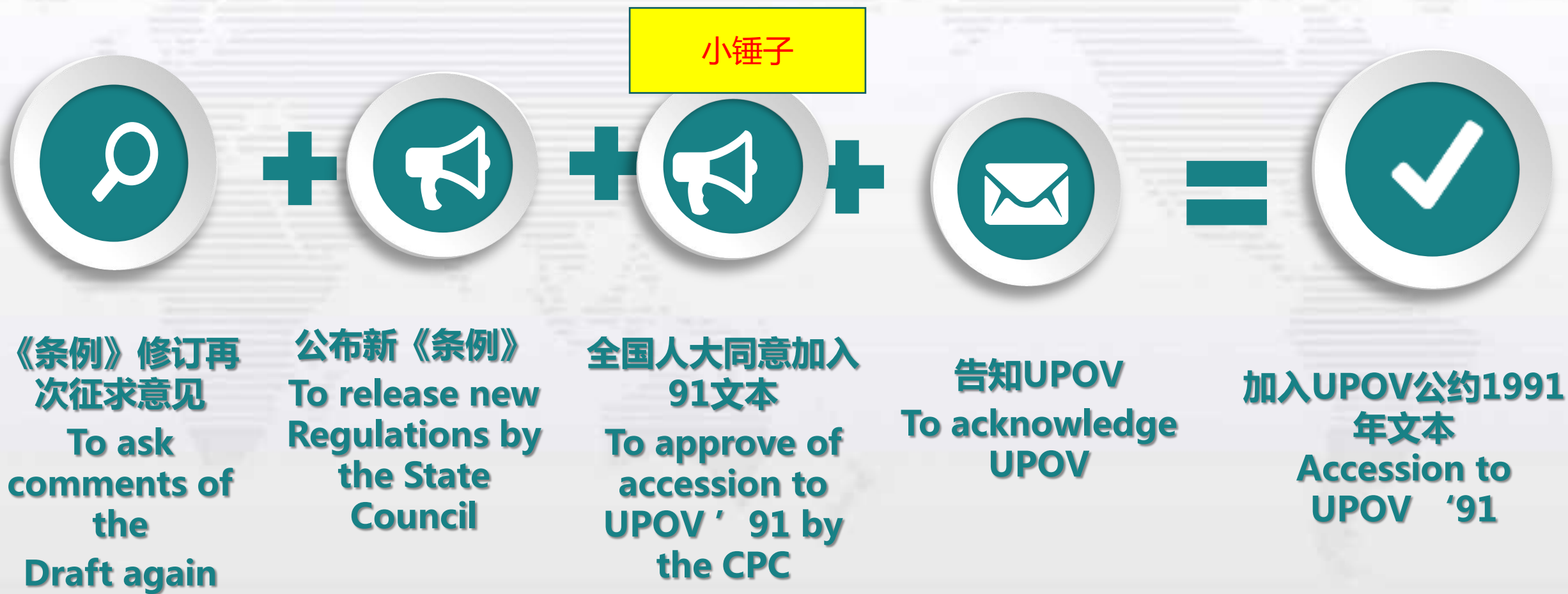
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Part 04

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Thank you for your attention.

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