



CHINA

DUS Trials on the Breeders' Premises 在育种者场所进行DUS试验

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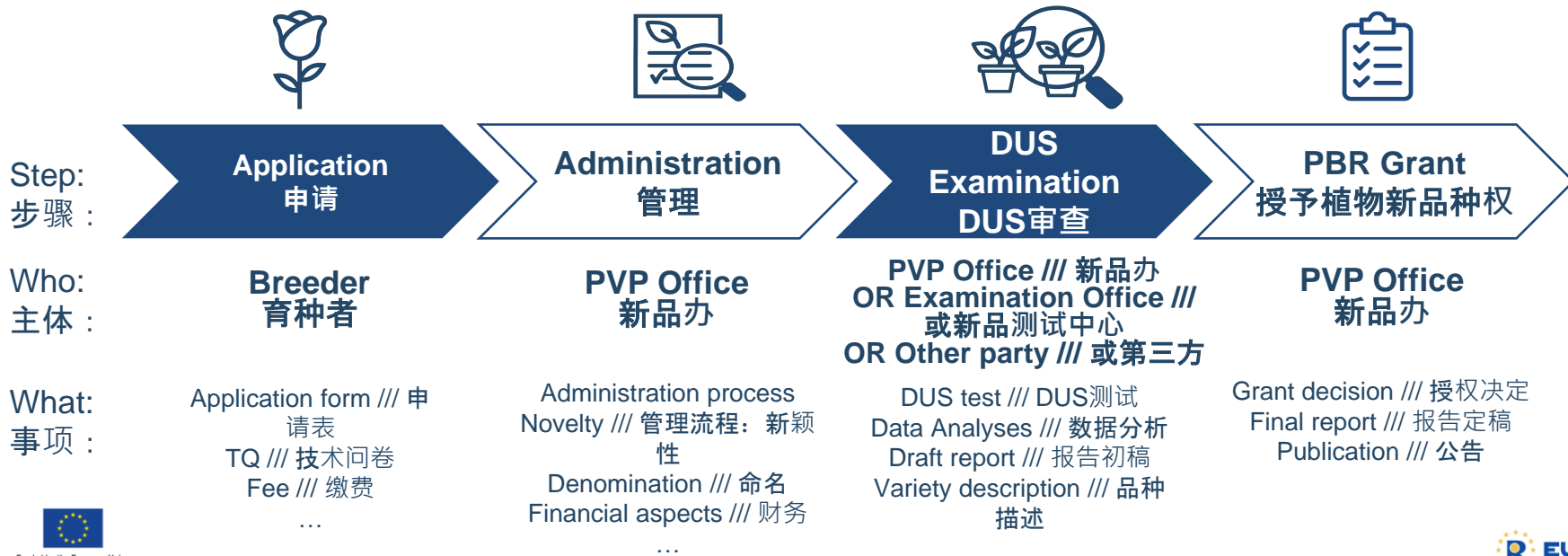
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PVP Office and DUS examination /// PVP办事处和DUS审查

Steps in Plant Breeders' Right Research: /// 植物育种者授权流程：



Arrangements for DUS examination /// DUS审查安排

Article 12 of UPOV 1991 Act: /// UPOV (1991年文本) 第12条规定:

“In the course of the examination, the authority may: /// “审查中，受理主管机关可以:

- *grow the variety or carry out other necessary tests, /// 种植该品种或进行其他必要测试,*
- *cause the growing of the variety or the carrying out of other necessary tests, /// 促使该品种进行种植或其他必要的测试,*
- *or take into account the results of growing tests or other trials which have already been carried out.” /// 或考虑种植测试结果或其他已进行试种的结果。”*

a) The authority conducts growing trials and tests itself /// 由受理主管机关进行试种和测试

b) The authority arranges for another party/other parties to conduct growing trials and tests /// 由受理主管机关安排第三方进行试种和测试

c) The authority takes into account the results of growing tests/trials which have already been carried out (take-over of existing DUS report) /// 受理主管机关考虑已经完成的试种/试验结果 (接管现有DUS报告)



Why use 'other parties'? /// 为何使用“第三方”？

Efficiency /// 效率

- Facilities /// 装备
- Infrastructure /// 设施
- Staff expertise (cultivation practices, varieties of common knowledge) /// 工作人员的专业知识
(种植经验、已知品种)
- Access to variety collections /// 获取品种集
- Climatic conditions /// 气候条件
- Quarantine barriers /// 检疫要求
- Cost reduction /// 降低成本



What/who can be 'other parties' /// 谁可以是“第三方”

- DUS Examination Office(s) /// DUS测试中心
- Official authorities e.g. /// 官方机构，例如：
 - research station /// 研究站
 - university /// 高校
 - seed inspection service /// 种子检测服务机构
 - ...
- Breeder /// 育种者



Using other parties: allocation of responsibilities // 使用第三方：责任划分

Task // 事项	PVP Office // 新品办		Other Party // 第三方
Administrative procedure for filing the application // 受理品种权申请的行政程序	+		-
Novelty, denomination, fees, etc // 新颖性判定、命名、缴费等事项	+		-
DUS trial layout (incl. similar varieties, reference varieties) // 田间布局规划 (包括相似品种、参考品种)	+	or // 或	+
DUS trial // DUS试验	+	or // 或	+
Observations/data analyses/variety description // 观测 / 数据分析 / 品种描述	+	or // 或	+
Draft report // 报告初稿	n.a. // 不适用		+
Final decision on PBR // 关于品种权申请的最终决定	+		-
Publication // 公告	+		-



Types of DUS testing // DUS测试类型

When all applications of a certain species (or types of species) are collected and tested by one organization, this is called 'centralized' testing // 当某一物种（或几类物种）的所有品种权申请都由一家机构进行归集和测试时，称为集中式测试

When applications of a certain species are grown by several organizations at different locations, it is called de-centralized testing // 当某一物种的品种权申请由几家机构在不同地点试种时，称为分布式测试

The combination of arrangement and type of testing provides various options for the PVP office. These options differ in the involvement of the applicant and the national authority, costs, and risks. Whichever approach, all systems should have in common that they are **reliable, independent, of high quality, and cost-efficient**. // 新品办可以对不同的测试安排及类型进行组合。这些组合在申请人 / 主管局参与度、成本和风险方面各有差异，但是都应当具备**可靠、独立、高质量、低成本**的共同特点。



Prerequisites when using 'other parties' /// 使用“第三方”的先决条件

The PVP office decides when and where the official (seed) sample of the application must be deposited (=identity sample). /// 由新品办规定品种权申请标准样品的保藏时间和地点（也即识别样品）。

The quality of the DUS trials must be ensured at all times, requiring: /// 应当始终保障DUS测试的质量，这需要：

- Training/education of staff conducting/observing/analyzing the DUS tests /// 对开展执行 / 观测 / 分析工作的DUS测试人员进行培训 / 教育
- Objectivity /// 保障客观性
- Transparency /// 保障透明度

=> The PVP office (or persons authorized by the PVP office) is authorized to access trials at any time ///

=> 新品办（或新品办授权人员）有权随时对试验进行检查

=> Regular quality audit by the PVP office /// => 由新品办组织定期质量审计



Arrangements for DUS examination // DUS审查安排

Examples of countries where DUS tests are only carried out by 'other parties', and there is no centralized testing
// 仅由“第三方”开展DUS测试、不进行集中式测试的国家。

Switzerland // 瑞士
Canada // 加拿大
Australia // 澳大利亚



Using other parties: the PVP system in Switzerland /// 使用第三方：瑞士品种权保护体系

Switzerland: /// 瑞士：

No national DUS testing! /// 不存在国家级DUS测试！

- Take over existing reports from other countries/CPVO /// 接管其他国家 / CPVO的现有报告

OR /// 或者

- Agreement with other countries to conduct DUS tests /// 与其他国家达成协议，开展DUS测试

VVP office sends received reports to affiliated research institutes in the country for verification. In case of positive result, PBR is granted by the VVP Office /// 新品办将其接收的报告转发当地附属研究机构进行核验。核验通过的，由新品办授予植物品种权。

- Very small VVP office, only administration /// 新品办架构非常精简，仅设管理职能

- Efficient /// 高效



Using other parties: the PVP system with breeders' trials in Australia /// 使用第三方：澳大利亚品种权保护制度（育种者试验）

Australia /// 澳大利亚



- DUS testing within the country, mainly at breeders' premises /// 在国内开展DUS测试，主要在育种者场所进行

OR /// 或者

- Take over existing data/reports from other countries /// 接管其他国家的现有数据 / 报告

The PVP office has a supervisory role with regard to the DUS examination
/// 新品办在DUS审查方面发挥监督作用



Using other parties: the PVP system with breeders' trials in Australia // 使用第三方：澳大利亚品种权保护制度（育种者试验）**Australia // 澳大利亚**

- **Part 1 Application** sent to PVP office, preliminary check of distinctness. Check on novelty, fees etc. // 向新品办提交**品种权分部一申请**，对特异性、新颖性、缴费等作初步审查
- When preliminary check is OK: provisional protection // 初步审查合格的，予以临时保护
- Breeder nominates take-over OR DUS test // 育种者向新品办请求接收现有报告，或者进行DUS测试
- In case of take-over: breeder may be requested to verify the results of existing report under local conditions // 新品办接管现有报告的，可以要求育种者在当地条件下核验报告结果。
- In case of DUS test: the breeder is responsible for carrying out a comparative trial (DUS test) // 进行测试的，由育种者负责比较试验（DUS测试）
- This trial must conform to usual scientific standards and UPOV guidelines (where available) // 试验必须符合常规科学标准和UPOV指南（如有）
- Trial design and selection of similar and other reference varieties are done by the breeder // 相似品种和其他参考品种的试验设计和选择由育种者完成
- Observations, data analyses, descriptions etc. are carried out by the breeder. Pictures and results are provided to the PVP office (= Part 2 application) // 观测、数据分析、描述等工作由育种者完成，相关照片和结果提交新品办（= **分部二申请**）



Using other parties: the PVP system with breeders' trials in Australia /// 使用第三方：澳大利亚品种权保护制度（育种者试验）**Australia /// 澳大利亚**

- PVP office examines **Part 2 application** /// 新品办审查**分部二申请**
 - PBR examiner may visit the trial for inspection /// 审查员可以对试验场所进行检查
 - Part 2 application and examiner's results must be consistent /// 分部二申请和审查员检查结论必须相符
 - PBR examiner may order another growing trial (possibly by an independent institution) /// 审查员可能要求进行再次试种（可能由独立机构进行）
- PBR examiner's decision is reviewed by the PVP Registrar (= head of PVP) /// 新品办登记人（= 新品办负责人）对审查员的决定进行核查
- When D, U and S not confirmed: re-trial or withdrawal of application /// 当不能判定DUS三性的：重新试验或撤回申请
- Results are published by PVP office: 6-month objection period (peer review) /// 新品办公告审查结果：6个月异议期（同行评审）
- If no objection: grant of PBR /// 如无异议：授予品种权



Using other parties: the PVP system with breeders' trials in Australia /// 使用第三方：澳大利亚品种权保护制度（育种者试验）**Australia /// 澳大利亚****Ensuring rigor and transparency of the system: /// 保障制度严谨性和透明度：**

- Extensive **training** of breeder is mandatory (organized by PVP office) => Accreditation of Qualified persons (QP) for one or more species /// 育种者必须接受深入**培训**（由新品办组织） => 获取一个或多个物种的合格人员（QP）认证
- QP's have knowledge of UPOV system and varieties of common knowledge /// 合格人员了解UPOV体系和各类已知品种
- PVP examiner checks results provided by breeder: /// 新品办审核员核验育种者提供的结果：
 - trials may be visited, measurements may be repeated /// 可以检查试种场所，重复测量
 - severe penalties for falsifying data /// 对伪造数据严厉处罚
- Variety descriptions published by PVP office: 6-month objection period /// 新品办公告品种说明：6个月异议期



Using other parties: the PVP system with breeders' trials in Australia /// 使用第三方：澳大利亚品种权保护制度（育种者试验）**Australia /// 澳大利亚**

- Costs of the DUS trials are borne by the breeder /// DUS 试验的费用由育种者承担
- Applicant (breeder) must deposit a sufficient quantity of the propagating material (=identity sample) to a Genetic Resource Centre /// 申请人（育种者）必须将足量的繁殖材料（= 识别样品）保藏于遗传资源中心
 - for future comparative trials /// 以备后期比较试验使用
 - for reasonable public access /// 满足公众合理获取需求
 - ...

Using other parties: breeders' participation in France (maize) /// 使用第三方：法国品种权保护制度（育种者参与，玉米）

France /// 法国

- The French PVP-Office is INOV (Instance Nationale des Obtentions Vegetales) /// 法国新品办：INOV。
- The Examination Office is GEVES (Groupe d'Étude et de contrôle des Variétés Et des Semences) /// 法国测试中心：GEVES。
- Reports can be taken over, obtained by a bilateral agreement, or by national DUS testing. /// 可以通过接管程序、双边协议或者国家级DUS测试取得测试报告。
- DUS tests are generally carried out using centralized testing (by GEVES) /// DUS测试一般由GEVES集中式开展
- For maize, GEVES carries out DUS tests on behalf of the Netherlands, United Kingdom, Belgium, and other countries /// 针对玉米品种，GEVES代表荷兰、英国、比利时和其他国家开展DUS测试



Using other parties: breeders' participation in France (maize) /// 使用第三方：法国品种权保护制度（育种者参与，玉米）

France (maize) /// 法国（玉米）

- Only for maize, there is an optional system involving breeders' testing: the breeder's participation system (BPS) /// 仅针对玉米测试可以选择育种者参与（BPS）
- In the BPS, results from the breeders are combined with results from GEVES /// BPS对育种者测试结果和GEVES测试结果进行结合
- This system has been used for >20 years /// BPS已运行20余年
- To use the BPS, the breeding company and its staff have to be accredited for the system /// 加入BPS的育种者及其工作人员必须获取相关认证
- Training/accreditation is given by a special group of GEVES and other French authorities /// 由GEVES和其他法国主管机构组建的特别小组提供培训 / 认证
- A sample of the propagating material has to be provided to GEVES (= identity sample) /// 必须向GEVES提供繁殖材料样品（= 识别样本）



Using other parties: breeders' participation in France (maize) /// 使用第三方：法国品种权保护制度（育种者参与，玉米）

France (maize) /// 法国（玉米）

- In the first year of DUS testing, growing cycles are performed parallel at GEVES and the breeder's premises /// 在DUS测试的第一年，于GEVES和育种人场所平行进行生长周期测试
- Trial layout must be according to UPOV/CPVO technical protocol, including example varieties /// 田间布局规划必须符合UPOV/CPVO技术规程，包括标准品种
- DUS observations according to the technical protocol /// 根据技术规程进行DUS观测
- Breeder provides results (description, uniformity) to GEVES /// 育种者向GEVES提供结果（品种描述、一致性判定）
- If the variety meets DUS requirements in all trials, the DUS examination can stop after one year /// 如果该品种在所有试验中均符合DUS要求，可以在一年后中止DUS审查



Using other parties: breeders' participation in France (maize) /// 使用第三方：法国品种权保护制度（育种者参与，玉米）

France (maize) /// 法国（玉米）

- BPS is supervised by GEVES and French authorities: a special group visits the companies each year to verify that the company and staff fulfill the requirements /// BPS受GEVES和法国主管部门监督。特别小组每年对育种者及其员工是否符合要求开展现场核查
- In addition, PVP examiners of GEVES visit the breeder's trials and check the breeder's records /// 此外，GEVES审查员对育种者试验场所、记录进行检查
- Purposes of BPS: - to increase the involvement of the breeder - to limit workload for GEVES - to shorten the DUS examination period (cost efficiency) /// BPS的目的：增加育种者参与；精简GEVES工作量；缩短DUS审查时间（成本效益）
- **Building such a system takes time and effort! Keywords: Transparency, Training, and Trust. /// 类似BPS的制度建设需要时间和投入！关键词：透明、培训、信任。**



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