



CHINA

International cooperation in DUS testing DUS测试国际合作

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International cooperation in DUS testing /// DUS测试国际合作

1 - Legal basis /// 法律依据

2 - Cooperation in DUS testing /// DUS测试合作

- Take over of reports within the EU /// 欧盟内部的报告接管
- Cooperation with non-EU EOs /// 与非欧盟测试机构的合作
 - Sale of DUS CPVO reports /// 欧盟植物品种局DUS报告的销售



1- Legal basis /// 法律依据

The EU implemented a *sui generis* system of Plant Variety Protection in line with the TRIPS Agreement
 /// 欧盟根据TRIPS协定
 实施特殊植物品种保护制度

The European Union is a member of UPOV as an inter-governmental organisation
 /// 作为政府间组织，欧盟是UPOV成员

The CPVR system is based on the International Convention for the Protection of New Varieties of Plants, 1991 Act
 /// 欧盟植物品种权 (CPVR) 制度基于《国际植物新品种保护公约》(1991年文本)

The Community Plant Variety Rights System (CPVR) was established by Regulation 2100/94 (Basic Regulation)
 /// 建立CPVR制度的法律依据是第2100/94号欧共体理事会条例 (基本条例)



1- Legal basis /// 法律依据

- UPOV convention (1991 Act) /// UPOV公约 (1991年文本)

Art. 12 - Examination of the Application /// 第12条：申请的审查

“... the authority may grow the variety or ... or take into account the results of growing tests ... which have already been carried out...” /// “受理主管机关可种植该品种或.....考虑种植测试结果或其他已进行试种的结果.....”



1- Legal basis /// 法律依据

- CPVO - Implementing Rules N° 874/2009 /// 欧盟植物品种局实施规则（N°874/2009）

Article 27 - Other examination reports /// 第27条：其他审查报告

27-1 *“an examination report... which has been carried out...in a Member State...may be considered to constitute a sufficient basis for decision...”*

第1款：“在欧盟成员国完成的审查报告.....可以被视为审定的充分依据.....”

Report take-over from EU Member states > Entrustment required

接收欧盟成员国报告 > 受托义务

27-4 *“an examination report... which has been carried out...in a third country...may be considered to constitute a sufficient basis for decision...”*

第4款：“在第三国完成的审查报告.....可以被视为审定的充分依据.....”

Report take over from non-EU authorities > Special written agreement required

接收欧盟成员国报告 > 要求专门书面协议

27-5 *“The office may request...a third authority...to perform the technical examination...”*
Technical examination carried out by non EU EOs

Technical examination carried out by non-EU EOs > Special written agreement required

第5款：“品种局可以请求第三方主管部门进行技术审查.....”

技术审查可以由非欧盟测试中心完成 > 需要专门书面协议



2- Cooperation in DUS testing /// DUS测试合作

- Take over of DUS reports within the EU network of Examination Offices /// 欧盟各测试中心对DUS报告的接管
- Cooperation with non-EU EOs /// 与非欧盟测试机构的合作
 - ✓ Take over of DUS reports /// DUS报告的接管
 - ✓ Technical examination /// 技术审查
- Sales of CPVO DUS reports /// 欧盟植物品种局DUS报告的销售



2- Cooperation in DUS testing - Take over of DUS reports within the EU network of Examination Offices /// DUS测试国际合作：欧盟各测试中心对DUS报告的接管



Cooperation in DUS testing - Take over of DUS reports within the EU network of Examination Offices // DUS测试国际合作：欧盟各测试中心对DUS报告的接管

Application Form question 6 (Details of other applications in the EU or outside the EU):

申请表问题6 (欧盟内或欧盟外其他申请详情) :

Yes, please fill in the table below

No

06 . 02 . Please specify *

Procedure	Filing Date	Filing country	Authority	Application N°	Stage	Variety denomination or breeder's reference
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

In practice /// 实际界面

Application Form question 9 (technical examination): /// 申请表问题9 (技术审查) :

has already been carried out

in (country):

is in the process of being carried out

in (country):

has not yet been carried out

Cooperation in DUS testing - Take over of DUS reports within the EU network of Examination Offices /// DUS测试国际合作：欧盟各测试中心对DUS报告的接管

Conditions for the CPVO to take over reports within the EU network of EOs /// 欧盟各测试中心接管DUS报告的条件

- **EO entrusted** at the time of the technical examination has been carried out /// 完成技术审查时**已委托**测试机构

AND /// 并且

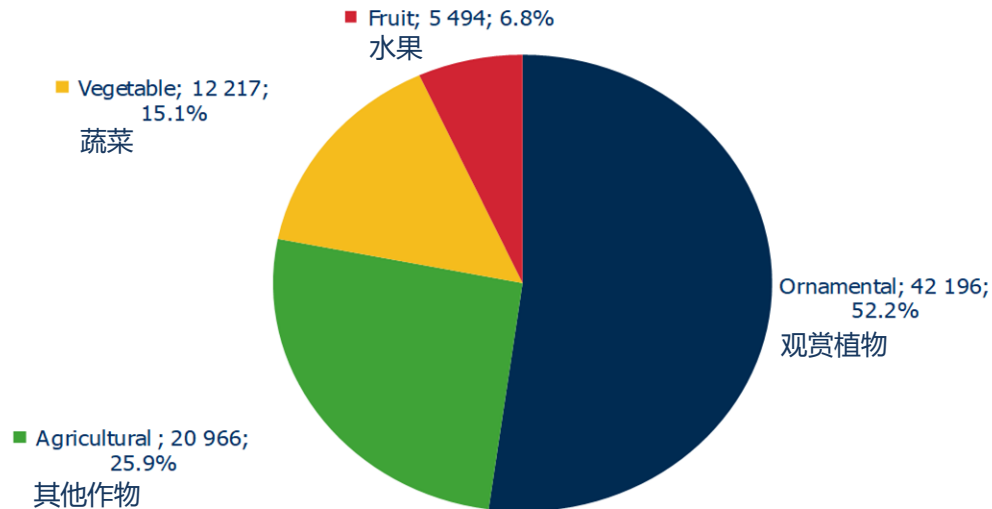
- **EO entrusted** at the time of the TO request /// 提出接管请求时**已委托**测试机构
- List of EOs entrusted per species available on the S2/S3 publication on the CPVO website /// 欧盟植物品种局网站发布的S2/S3公告列明了各物种的测试机构委托情况
 - Cost **320 €** to be paid by the applicant /// 由申请人支付**320欧元**委托费



Cooperation in DUS testing - Take over of DUS reports within the EU network of Examination Offices – STATISTICS on CPVO Applications /// DUS测试国际合作：欧盟各测试中心对DUS报告的接管——欧盟植物品种局申请数据统计

Applications received for Community Plant Variety Rights from 27 April 1995 to 13 October 2023 per crop sector

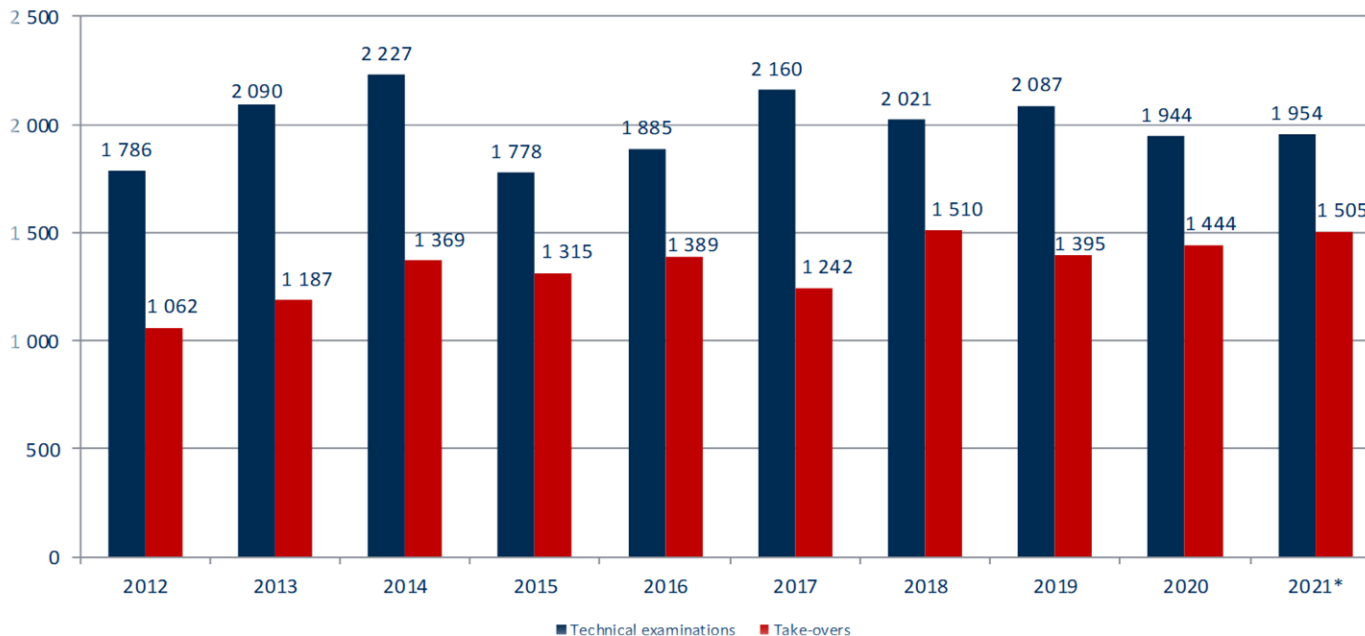
1995/04/27–2023/10/13期间欧盟植物新品种权申请量



Cooperation in DUS testing - Take over (TO) of DUS reports within the EU network of Examination Offices – STATISTICS on CPVO Applications /// DUS测试国际合作：欧盟各测试中心对DUS报告的接管——欧盟植物品种局申请数据统计

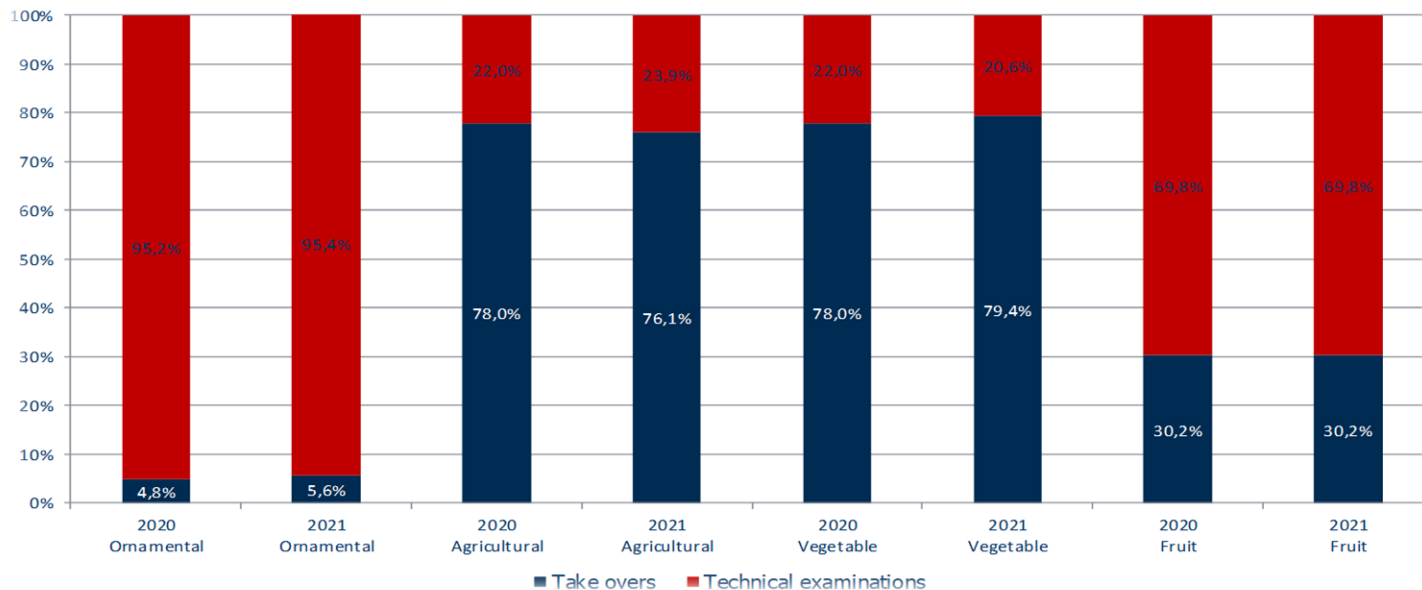
Evolution of annual number of technical examinations and take-overs from 01/01/2012 to 31/12/2021

2012/01/01–2021/12/31期间每年技术审查量（蓝）和报告接管量（红）统计



Cooperation in DUS testing - Take over (TO) of DUS reports within the EU network of Examination Offices – STATISTICS on CPVO Applications /// DUS测试国际合作：欧盟各测试中心对DUS报告的接管——欧盟植物品种局申请数据统计

Technical examinations and DUS reports' Take-overs according to crop Sector (% in 2020 and 2021*) 技术审查（红）和报告接管（蓝）比例分作物类别统计（2020年、2021年）



2- Cooperation in DUS testing /// DUS测试国际合作

- Take over of DUS reports within the EU network of Examination Offices /// 欧盟各测试中心对DUS报告的接管
- **Cooperation with non-EU EOs /// 与非欧盟测试机构的合作**
 - ✓ Take over /// DUS报告的接管
 - ✓ Technical examination /// 技术检查
- Sales of CPVO DUS reports /// 欧盟植物品种局DUS报告的销售



Cooperation in DUS testing - Cooperation with non EU EOs /// DUS测试合作：与非欧盟测试机构的合作

Under certain circumstances, the CPVO may /// 在某些情况下，欧盟植物品种局可以

make use of DUS reports established by a non-EU EO

使用非欧盟测试机构出具的DUS报告

request a non-EU EO to carry out DUS examination on its behalf

请求非欧盟测试机构进行DUS代审查

after having received the **consent** of the Administrative Council (AC). /// 需要事先经由行政理事会 (AC) **批准**。



This applies to cases where: /// 适用情形：

- There is **no EU EO entrusted** to perform DUS test for the species in question /// 相关物种**没有指定的欧盟DUS委托测试机构**。
- An EO in the EU is entrusted for the species in question, but the candidate variety has already undergone, or is in the process to undergo, a DUS examination at a non-EU EO /// 相关物种虽然指定了欧盟委托测试机构，但待测品种已经或正在接受非欧盟测试机构的DUS审查



Cooperation in DUS testing /// DUS测试合作

How to identify the competent non-EU EOs ? /// 如何找到具有资质的非欧盟测试机构？



- in the AF the applicant may indicate that a report is available in an other country /// 在申请文件中，申请人可以提出存在他国报告。
- in GENIE database /// 在GENIE数据库中
DUS guidance and cooperation /// DUS指导与合作
Authorities with practical experience, Agreements for cooperation /// 合作协议（与具有实际测试经验的主管部门）
- Breeder organisations /// 育种者组织



Cooperation in DUS testing - Cooperation with non-EU EOs /// DUS测试合作：与非欧盟测试机构的合作

CPVO Procedure DOC-AC-2016-2-7 /// CPVO程序：DOC-AC-2016-2-7

Report
报告

- The CPVO drafts a report on the assessment of the technical capacities of the non-EU EO to establish DUS tests for the species concerned /// CPVO针对非欧盟测试机构的DUS测试技术能力起草评价报告

QAS

- The report includes opinion of the CPVO Quality Audit Service (QAS) /// 报告中包含质量审计服务 (QAS) 出具的观点

Decision
决定

- Based on the report, the AC takes a decision /// 行政理事会根据报告作出决定

Agreement
协议

- If the decision is positive, the CPVO enters into an Agreement with the non-EU EO pursuant to Article 27 of the Proceedings Regulation /// 决定通过的，CPVO根据程序条例第27条与非欧盟测试机构签订协议

Cooperation in DUS testing - Cooperation with non-EU EOs /// DUS测试合作：与非欧盟测试机构的合作

CPVO Procedure DOC-AC-2016-2-7 /// CPVO程序：DOC-AC-2016-2-7

Based on the article 27-6 (IR N° 874/2009), the report on the assessment of the technical capacities of the non-EU EOs includes: /// 根据第27条第6款 (IR N°874/2009) , 非欧盟测试机构的技术能力评估报告如下内容：

- a. Identification of a technical contact person /// 技术联系人的身份
- b. Information as regards independence, impartiality and integrity /// 关于独立性、公正性和诚实信用的信息
- c. Information as regards facilities and equipment /// 设施设备信息
- d. Information on experience with the species concerned (number of tests, since when); (27.4e & 27.6e) /// 物种相关测试经验信息 (测试次数, 自何时起) ; (27.4e、27.6e)
- e. The existing technical guideline and the way how the technical examination is conducted (27.4b & 27.6b) /// 现有技术指南和技术审查的实施方法 (27.4b、27.6b)
- f. The requirements as regards the submission of plant material (27.4a & 27.6a) /// 提供植物材料的要求 (27.4a、27.6a)
- g. The agreement from the non EU EO to visit the trial in case of need (27.4c & 27.6c) /// 非欧盟测试机构同意按需接受对试种场所的检查 (27.4c、27.6c)
- h. The agreement from the non EU EO to provide preliminary, interim and final reports /// 非欧盟测试机构同意提供初步、中期和最终报告
- i. Information related to the existing reference variety collection /// 现有参考品种集信息
- j. Procedure on how reference varieties to be grown in the growing trial are selected /// 选择试种参考品种的程序



Cooperation in DUS testing - Cooperation with non-EU EOs /// DUS测试合作：与非欧盟测试机构的合作

Independence, impartiality and integrity /// 独立性、公正性、诚实信用

The EO staff shall not: /// 测试机构 工作人员不得：

- engage in any activities that may conflict with their independence of judgement and integrity in relation to their examination activities; /// 参与任何可能与审查判定的独立性、诚实信用产生冲突的活动；
- become directly involved in breeding, marketing, commercial multiplication of the type of species they examine. /// 直接参与其所审查物种的育种、营销和商业繁殖相关活动。



- If the organisation or a part of it is involved in such activities there should be effective separation of responsibilities. /// 如果机构作为整体或其中一部分参与该等活动，则应当对责任进行有效分隔。



Cooperation in DUS testing - Cooperation with non-EU EOs /// DUS测试合作：与非欧盟测试机构的合作

Technical assessment /// 技术评估

- Exchange of data on experience on the crop /// 交换作物经验数据
- Exchange of data on reference collection /// 交换参考资料集数据
- Exchange of protocol. In case of UPOV TP, national protocol used should be in line (list of characteristics, threshold...) /// 交换规程。存在UPOV技术规程的，国家规程应与之相符（性状表、阈值.....）
- Growing schedule (plant submission, number of cycles, reporting etc...) /// 生长周期（提交繁殖材料、周期数、报告等.....）



Cooperation in DUS testing - Cooperation with non-EU EOs /// DUS测试合作：与非欧盟测试机构的合作

- The agreements are signed by both parties /// 双方签署协议。
- The agreements are valid for 5 years /// 协议有效期5年。
- Information on the current agreements available in the S2/S3 publication (at the species level; + specification if this is restricted to take overs) /// 在S2/S3公告中，载明了现行有效协议的信息（物种层面；+ 具体规范 [如协议仅限报告接管])



Cooperation in DUS testing - Cooperation with non-EU EOs /// DUS测试合作：与非欧盟测试机构的合作

Historic and current cooperation with examination offices in non-EU countries /// 与非欧盟国家测试机构
过往及当前合作情况

- Colombia (*Coffea arabica* L.) /// 哥伦比亚 (阿拉比卡咖啡)
- Australia (*Mangifera indica* L.) /// 澳大利亚 (芒果)
- New Zealand (*Grevillea* L., *Magnolia* L.) /// 新西兰 (银桦属, 木兰属)
- Mexico (***Carica papaya* L., *Persea americana* Mill., *Jatropha curcas* L., *Psidium guajava* L.**) /// 墨西哥 (番木瓜、鳄梨、麻风树、番石榴)
- Japan (***Eutrema japonicum* L, *Podocarpus macrophyllus* (Thunb.)**) /// 日本 (山葵、罗汉松)
- Taiwan (**Orchids**) /// 台湾地区 (兰花)
- Israel (*Jacaranda mimosifolia* D.Don., *Mangifera indica* L.) /// 以色列 (蓝花楹、芒果)
- Costa Rica (*Ananas comosus* L.) /// 哥斯达黎加 (菠萝)



Cooperation in DUS testing - Cooperation with non-EU EOs /// DUS测试合作：与非欧盟测试机构的合作

New agreement /// 新协议

- On 5 October 2023 the Administrative Council agreed that the CPVO signs an agreement with Japan for taking over DUS reports for the technical examination of 5 mushroom species /// 2023年10月5日，行政理事会批准欧盟植物品种局与日本签署协议，接管5种蘑菇的DUS技术审查报告。
 - ✓ *Flammulina velutipes* (Fr.) Sing /// 金针菇
 - ✓ *Grifola frondosa* (Fr.) S. F. Gray /// 灰树花
 - ✓ *Hypsizygus marmoreus* (Peck) Bigelow /// 真姬菇
 - ✓ *Lentinula edodes* (Berk.) Pegler /// 香菇
 - ✓ *Pleurotus eryngii* (DC.) Quél. /// 杏鲍菇
- No EOs were available at EU level /// 欧盟没有相关测试机构
- Agreement signed on 17 November with Japan /// 欧盟植物品种局于11月17日与日本正式签署协议



2- Cooperation in DUS testing /// DUS测试合作

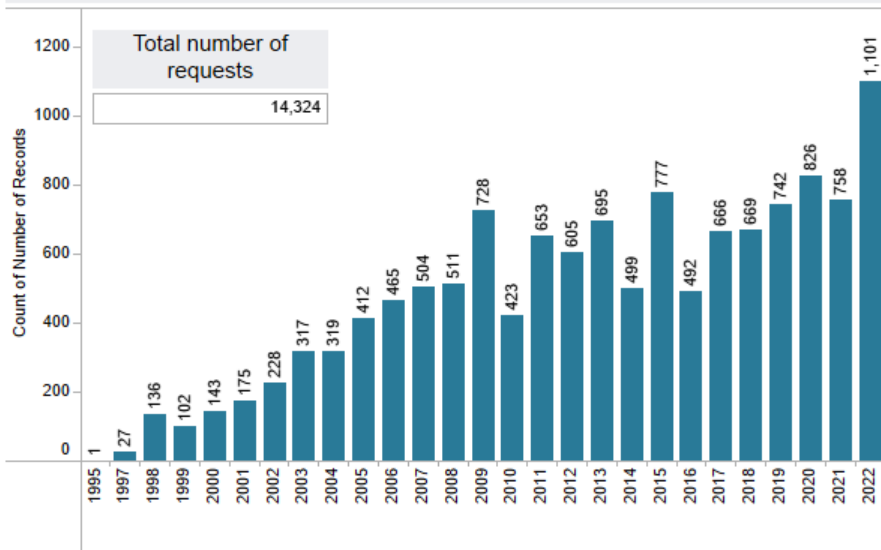
- Take over of DUS reports within the EU network of Examination Offices
/// 欧盟各测试中心对DUS报告的接管
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2- Cooperation in DUS testing – Sales of CPVO DUS reports /// DUS测试合作：欧盟植物品种局DUS报告的销售

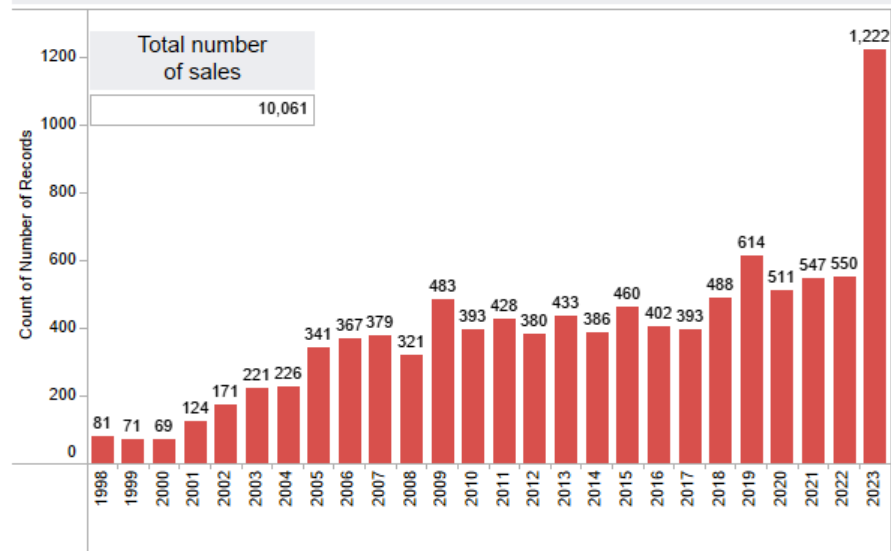
每年请求量

Requests per year - Update: 10/11/2023 16:14:35



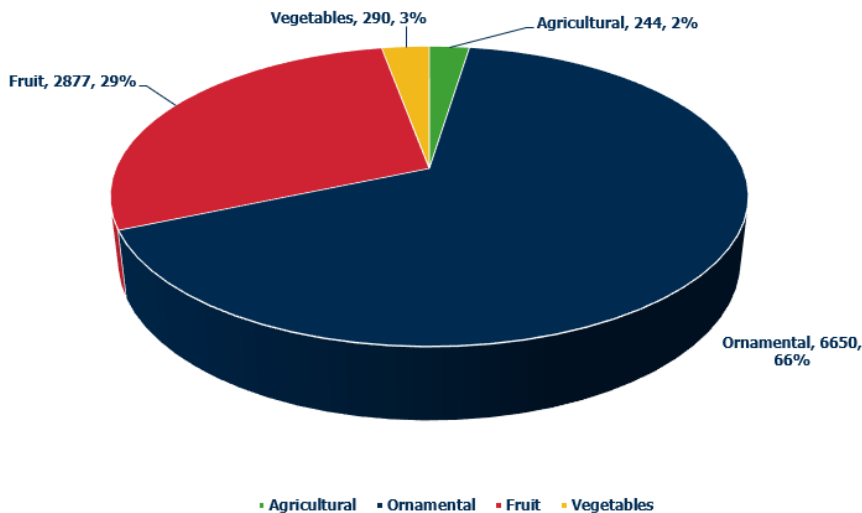
每年销售量

Sales per year - Update: 10/11/2023 16:14:35



2- Cooperation in DUS testing – Sales of CPVO DUS reports /// DUS测试合作：欧盟植物品种局DUS报告的销售

Sales of report per crop sector /// 各作物类型销售额



Total number of sales since 1998: 10.0061*
 /// 1998年以来累计销售额：10.0061*

Top variety registered by 25 PVP authorities /// 25个新品办的头部品种

**Total number of (TE) reports available at the CPVO: 37.047*
 /// 欧盟植物品种局技术审查报告总数：37.047***

2- Cooperation in DUS testing – Sales of CPVO DUS reports /// DUS测试合作：欧盟植物品种局DUS报告的销售

Today's situation /// 当前情况

From: Requesting Authority (Please fill in the name and complete postal address of the national authority)	To: Community Plant Variety Office 3 Boulevard Maréchal Foch – 49100 Angers – FRANCE CS 10121 – 49101 Angers Cedex 02 E-mail: galbert@cpvo.europa.eu
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REQUEST FOR EXAMINATION RESULTS (one form per variety)

1.	Requesting authority:	
2.	Reference number (of requesting authority)	
3.	Breeder's reference:	
4.	Date of application in requesting State:	
5.	Applicant (name, address and fax number):	
6.	Botanical name of taxon:	
7.	Common name of taxon:	
8.	Variety denomination:	
9.	Breeder (name and address):	
10.	We would be grateful to have this variety tested and to receive the report on the examination. It will be needed for an application: a. for protection: b. for registration in the list of varieties:	
11.	A copy of the technical questionnaire filled in by the breeder is attached:	Not needed
12.	According to our information, prior application(s) for the same variety has (have) been made in:	(CPVO) file number if known
13.	Other information:	
14.	Date:	
15.	Signature:	

Paper request form based on UPOV form /// 基于UPOV表格的纸质申请表

- ✓ Breeder's reference of the variety unique and common to all countries (point 3) /// 育种者参考品种 [专有或通用] (3)
- ✓ Species to which the variety belongs (point 6) /// 品种所属物种 (6)
- ✓ Identity of the applicant(s) and breeder(s) (point 9) /// 申请人和育种者身份 (9)
- ✓ Reference to the CPVO application can be found in the databases « Variety Finder » or « Search the CPVO register » available on the CPVO website. (point 12) /// 欧盟植物品种局参考品种可以通过官网“Variety Finder”或“Search the CPVO Register”功能查找。(12)

Data are manually registered in the CPVO database and all communications are sent by e-mail or by the CPVO secured platform (e-certified copies). (Filing in an EDMS) /// 数据手动输入欧盟植物品种局数据库；通过电邮或欧盟植物品种局安全平台进行通信（电子认证副本）发送。（通过电子文档管理系统归档）

- Objective of digitalisation to receive requests for reports only where DUS tests are carried out on CPVO's behalf /// 系统设计初衷是在第三方测试机构代表欧盟植物品种局开展DUS测试时，用于接收报告请求



Today's situation 当前情况

CPVO application filed. /// 提交CPVO申请。
DUS test carried out on behalf of the CPVO
or not. /// 判断是否代表CPVO开展DUS测试。

← Same variety, object to applications
in different countries /// 同一品种，
不同国家申请 →

Application filed for PVP (or NLI) in other
countries – Previous CPVO application
declared. /// 在其他国家的提交品种权
(或国家名录) 申请——过往CPVO申
请。

The CPVO receives from PVP authorities official requests for DUS results (UPOV form or CPVO form or national form) by e-mail or on paper (document scanned by the CPVO reception) /// CPVO通过电子邮件或纸质文件（由CPVO文件接收处扫描）接收各地新品办关于DUS报告的正式请求（UPOV表格、CPVO表格、国家表格格式）

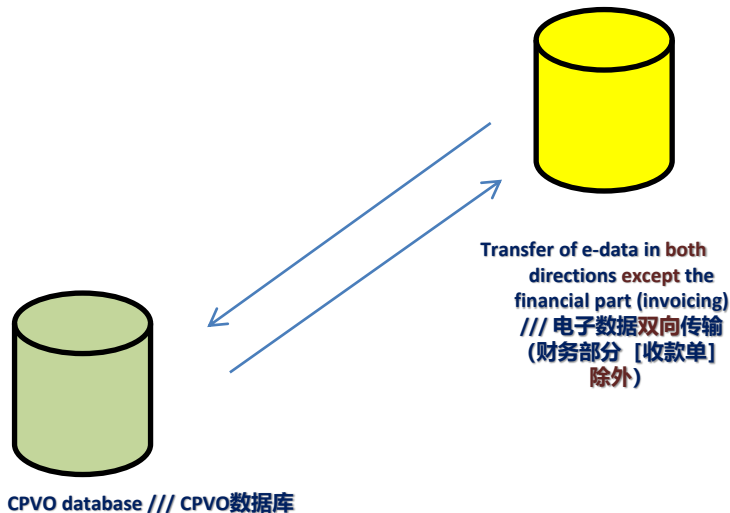
The CPVO registers the requests and prepares the replies (CPVO form based on UPOV form): /// CPVO进行请求登记、答复准备工作（CPVO表格基于UPOV表格）：

- If the DUS test is not carried out on behalf of the CPVO, a **negative** reply is sent (informing if possible on the authority to contact (where the DUS report is available); /// DUS测试并非代表CPVO进行的，发送**否定**答复（如有可能，告知适格主管机构 [如有DUS报告]）；
- If the DUS test is ongoing, an **interim** reply is sent (the starting date of the test, its duration and the foreseen date of the final report are provided); /// DUS测试正在进行的，发送**临时**答复（显示测试开始日期、持续时间和预计出具报告的日期）；
- If the DUS test is already carried out and the final report is positive; depending on the 'payment regime' either e-certified copies of final DUS reports are prepared and sent with the debit note (EUR 320 per variety) to the requesting authority by secured e-mail ('CPVO platform' – B2B) or the debit note is sent to the payer company by e-mail and after registration of the payment, e-certified copies of the final DUS reports are sent by secured e-mail to the requesting authority. /// DUS测试完成并通过的，根据“付款安排”，通过安全电子邮件（“CPVO平台” – B2B）将DUS报告电子认证副本与付款通知单（每个品种320欧元）一并发送请求机构，或者仅发送付款通知单，待付款完成后，通过安全电子邮件将DUS报告电子认证副本发送请求机构。



2- Cooperation in DUS testing – Sales of CPVO DUS reports /// DUS测试合作：欧盟植物品种局DUS报告的销售

UPOV E-PVP DUS exchange module /// UPOV E-PVP DUS交换模块



E-request (same content) /// 电子请求 (内容相同)

- Breeder's reference of the variety unique and common to all countries (point 3) /// 育种者参考品种 [专有或通用] (3)
- Species to which the variety belongs (point 6) /// 品种所属物种 (6)
- Identity of the applicant(s) and breeder(s) (point 9) /// 申请人和育种者身份 (9)
- Reference to the CPVO application can be found in the UPOV e-module DUS exchange. (point 12) /// 欧盟植物品种局参考品种可以通过UPOV E-Module DUS Exchange查找 (12)

Data will be automatically transferred in the CPVO database and all communications will be electronically transferred to the UPOV e-module except the financial part (invoicing). Limited filing will be done in an EDMS. /// 数据自动传输至CPVO数据库 (财务部分 [收款单] 除外)。全部通信通过电子方式传输至UPOV E-Module。部分通过电子文档管理系统归档。



Tomorrow's situation 未来情况

CPVO application filed. /// 提交CPVO申请。
DUS test carried out on behalf of the CPVO. /// 判断是否代表CPVO开展DUS测试。

← Same variety, object to applications in different countries /// 同一品种，不同国家申请 →

Application filed for PVP (or NLI) in other countries – Previous CPVO application declared. /// 在其他国家的提交品种权（或国家名录）申请——过往CPVO申请。

The CPVO will receive official requests for DUS results from a PVP authority as e-data via the UPOV e-PVP DUS exchange module. /// CPVO将通过UPOV e-PVP DUS交换模块接收各地新品办关于DUS报告的正式请求（电子数据形式）

The CPVO will check requests received as e-data and prepare the replies in its own database that will be replicated as e-data to the UPOV e-module where the requesting PVP authorities will be able to consult them. /// CPVO将审核电子数据请求，通过CPVO数据库进行答复。同时将答复的电子数据复制至UPOV电子模块，供请求机构查询。

- Negative replies will be limited to cases where the DUS test turns out to be a CPVO take-over. /// 否定答复将仅限于DUS测试报告被CPVO接管的情况。
- If the DUS test is ongoing, an interim reply will be sent (the starting date of the test, its duration and the foreseen date of the final report will still be provided or even automatically displayed); /// DUS测试正在进行中的，发送临时答复（[自动]显示测试开始日期、持续时间和预计出具报告的日期）；
- If the DUS test is already carried out and the final report is **positive**; depending on the 'payment regime' either e-certified copies of final DUS reports will become available in the e-module with the debit note (EUR 320 per variety) to the requesting authority, or the debit note will be sent to the payer company (by e-mail) and after the CPVO registration of the payment, e-certified copies of final DUS reports will become automatically available in the e-module to the requesting authority. /// DUS测试完成并通过的，根据“付款安排”，在电子模块中向请求机构提供DUS报告电子认证副本与付款通知单（每个品种320欧元），或者通过电子邮件发送付款通知单，待付款完成后，在电子模块中向请求机构自动提供DUS报告电子认证副本。



THANK YOU 感谢聆听



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