



**CPVO**

Community Plant Variety Office



# Sprouting Innovation: Cultivating Growth Through Community Plant Variety Rights

Speaker: Andrea Pontecorvi

Host: Marta Sierra



# What do we do?



**Non-Profit  
Activities**



**High Quality  
Academic  
Research**



**Education**



**Promotion  
Innovative  
SMEs**

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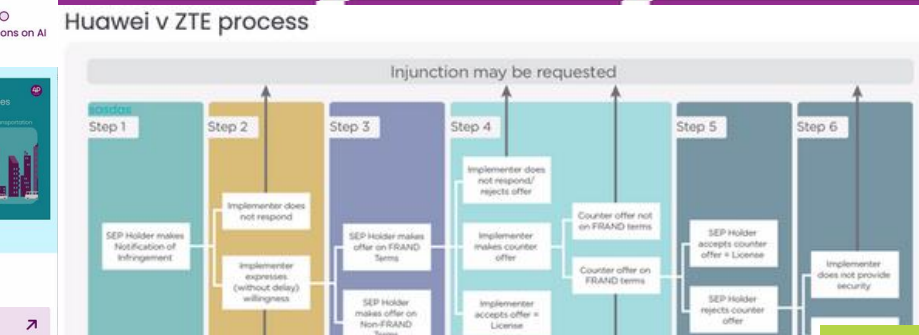
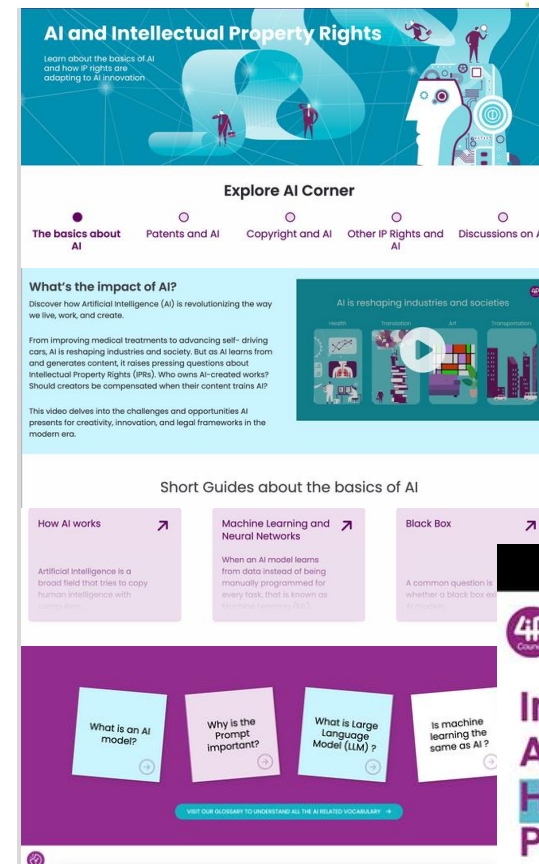
1 Summaries of papers, studies, guides and case law

2 SMEs Corner

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5 IoT and Cellular Standards



# AI and Intellectual Property Rights

Learn about the basics of AI and how IP rights are adapting to AI innovation



## Explore AI Corner



**The basics about AI**



Patents and AI



Copyright and AI



Other IP Rights and AI



Discussions on AI

# Sprouting Innovation: Cultivating Growth Through Community Plant Variety Rights



**Andrea Pontecorvi**

Legal Advisor of the  
Community Plant Variety  
Office (CPVO)

# Outline

- I. Introduction to the Community plant variety rights system (CPVRS)**
- II. How to get a CPVR?**
- III. Why a CPVR?**
- IV. Useful insights and links**

# I. Introduction: CPVRS

C

Community

P

Plant

V

Variety

R

Right

S

System



# A general overview of the ‘CPVRS’

**Community plant variety right:** a *sui generis* system for the protection of plant varieties in the EU territory  
→ In line with the **TRIPS agreement** (Article 27(3)(b))

## Legal basis:

- **UPOV Convention** of 1991
- Council Regulation No 2100/94 on Community Plant Variety Rights (“**Basic Regulation**” or “BR”)
  - **Implementing regulations\*** + **National legislations**

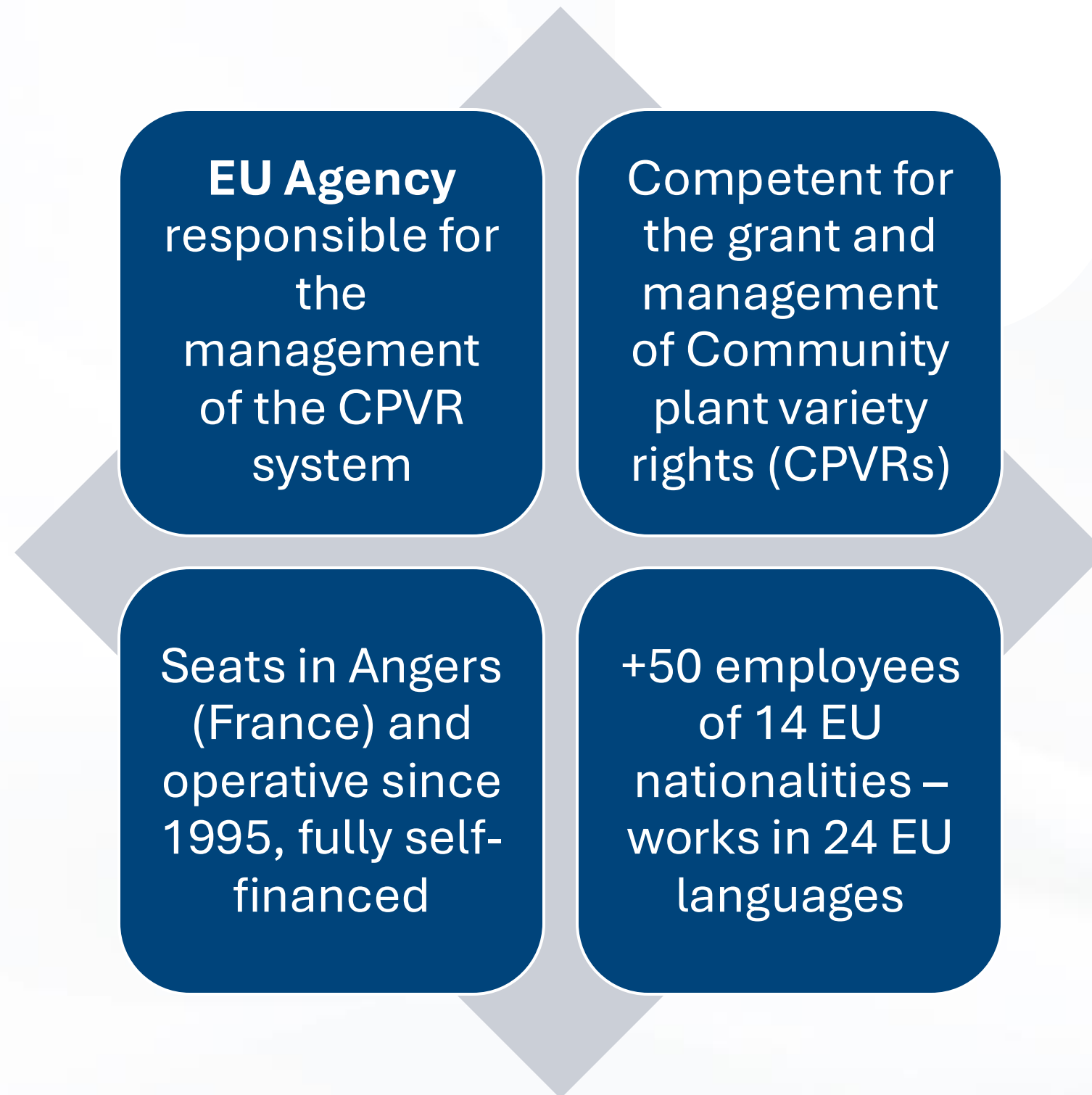
The CPVR system is managed by the **Community (EU) Plant Variety Office (CPVO)**



- \*Commission Regulation (EC) No 874/2009 (“Proceedings Regulation”)
- Commission Regulation (EC) No 1238/95 (“Fees Regulation”)
- Commission Regulation (EC) No 1768/95 (“Agricultural Exemption Regulation”)
- CPVO Guidelines with Explanatory Notes on Variety Denominations

# 1. ‘C’ as ‘Community’

The CPVRs System is managed by the  
**Community Plant Variety Office (CPVO)**



## **Mission Statement:**

“To deliver and promote an efficient Intellectual Property Rights system that supports the creation of new plant varieties for the benefit of Society”



**CPVO**

Community Plant Variety Office

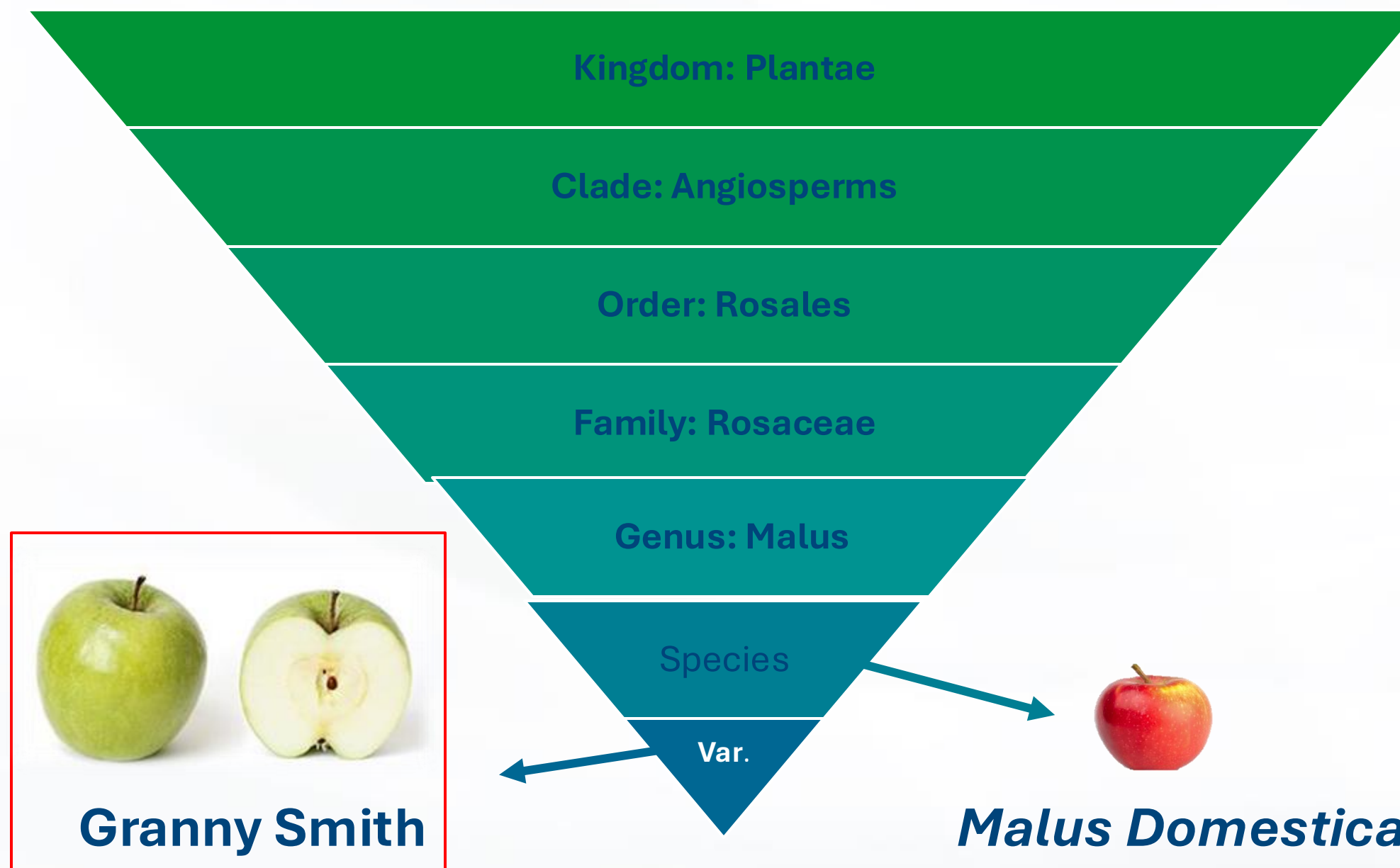
24 April 2025  
Angers, France

# **30 years of CPVO enabling innovation for the future of plant breeding**



## 2. 'PV' as 'Plant Variety': the subject matter of PVRs

“Plant grouping within a single botanical taxon of the lowest rank, defined by the phenotype; considered as a unit suitable for propagating unchanged; distinguishable from others in at least one characteristics”  
(Article 5(2) BR)



Varieties can be of **all botanical genera and species**



# Protection requirements

**Novelty**

**DUS requirements**

→ Distinctness, Uniformity, Stability

**Variety Denomination**

## Examinations carried out by the CPVO:

- **Formal examination** (Art. 53 BR)
- **Substantive examination** (Art. 54 BR): Entitlement, Novelty, Variety Denomination

## Examinations carried out by Examination Offices:

- **Technical examination** (Art. 55 BR): DUS

C Community

P Plant

V Variety

R Right

S System

### 3. 'R' as 'Right'

To what?

**Scope of protection: exclusive uniform right** to (re)production, conditioning, selling, exporting, importing, stocking throughout the **entire EU territory** (Article 13(2) BR)

On what?

**Material scope of CPVR:** variety constituents, harvested material, optional extension to products obtained directly from material of the protected variety (Cascade principle, Article 14 (3) BR)

For how long?

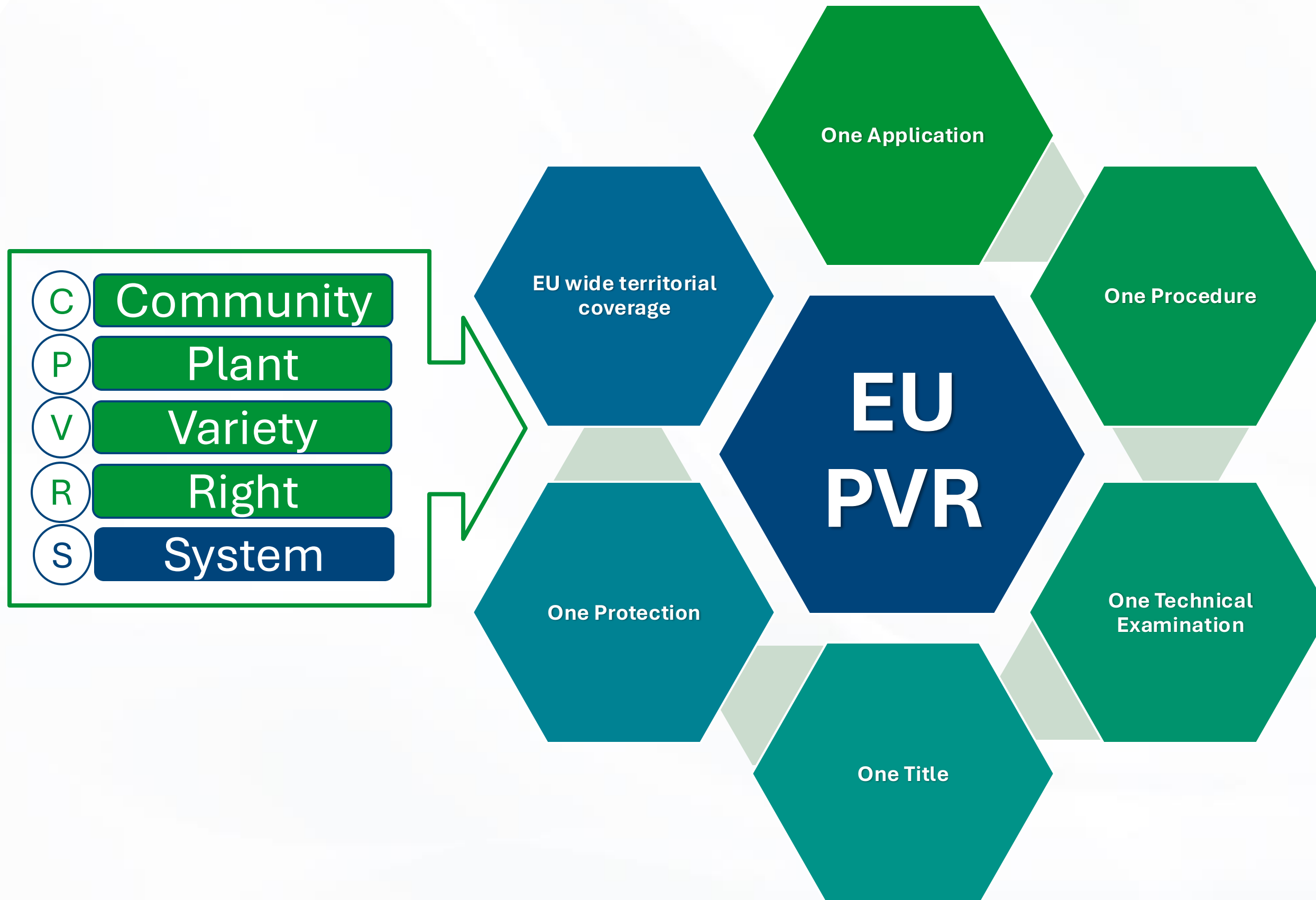
**Duration:** generally, **25 years** or **30 years** for specific varieties (vines, trees, potatoes etc.) (Article 94 BR) + **provisional protection** (Article 95 BR)

To whom?

**Entitlement:** The person(s) **who bred, or who discovered and developed the variety**; their employer (if foreseen under national law) and their successor in title → Therefore, the holder can be a natural or legal person!

## 4. 'S' as 'System'

PVRs have a uniform effect throughout the EU territory



**One single application**  
to cover the territory  
of all the EU Member  
States.



**Less time and money spent**  
in comparison to individual  
application filing in each EU  
Member State.



**Easier management**  
of the application and  
post-application processes thanks  
to a unique contact point.

# III. Why get a PVR?

Private value → PVRs are assets that allow you:



## Market Access

A CPVR gives you exclusive control over propagation and commercialisation, ensuring secure entry into markets. CPVRs are a tailor-made protection, tackling the specific needs and challenges linked to the plant sector.



## Unlock Collaboration Opportunities

A CPVR opens new market segments and investment opportunities: your variety becomes a credible asset that attracts partners, funding, and licensing deals (both within the private and public sector).



## Strategic Value (Long-term impact)

PVRs allow to have a direct impact on the agricultural landscape and indirect impact on aligned industries by shaping the industry best practices.



## Funding (or Strengthened Industry Position)

Rights in a plant variety strengthen your position when seeking investment, grants or industry recognition; they signal innovation and commercial potential.

# Why get a PVR? (2)



## IV. Useful Insights



File early – but when ripe



Ask the Office if in doubt



Keep clear documentation



Water your Plant Variety Rights



A strong opportunity for SMEs

### The SMEs fund

An unparalleled opportunity for small and medium-sized enterprises (SMEs) to receive financial support for intellectual property (IP) services, including protecting plant varieties  
([Link: SMEs Fund](#))

# Useful links

- [CPVO Variety Finder](#)
- [Search the CPVO Register | CPVO](#)
- [PVR Case Law Database | CPVO](#)
- [Newsletters | CPVO](#)
- [All about the SME Fund - Seeds of Tomorrow - A CPVO Podcast | Podcast on Spotify](#)





# Thank you



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# Material scope of protection of CPVR

## Cascade principle (Art. 13 (3) BR)

Holders have to exercise their right in relation to the **variety constituents** (e.g. apple seeds)

### IF NOT POSSIBLE

they can exercise their right in relation to the **harvested material** (e.g.: apple) resulting from the unauthorized use of the protected variety constituents



#### Variety constituents

(entire plants or parts of plants, which can produce entire plants, e.g.: grafts, cuttings, bulbs, layers, rhizomes, seeds, which are referred to also as 'propagating material')



#### Harvested material

(all products of the harvest, e.g.: fruits, vegetables, mushrooms, flowers, cereals, fodder, fibres)



#### Optional extension

to products obtained directly from material of the protected variety

# Exceptions and Limitations to CPVRs



Exceptions to  
CPVRs  
[Article 15 BR]:



**Agricultural  
exemption**  
[Article 14 BR]



Private non-  
commercial acts



Acts done for  
experimental  
purposes



**Breeder's exemption**

Acts done for breeding, or  
discovering & developing  
new varieties

## Distinctness

The variety must be clearly **distinguishable** from any other variety of common knowledge at the date of application.



## Uniformity

The variety is considered to be 'uniform' if it is **uniform in the expression of its characteristics**.



## Stability

The variety is considered to be 'stable' if it **remains unchanged after repeated propagation**.



# Q&A

Open floor for questions and discussion.

# THANK YOU!

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