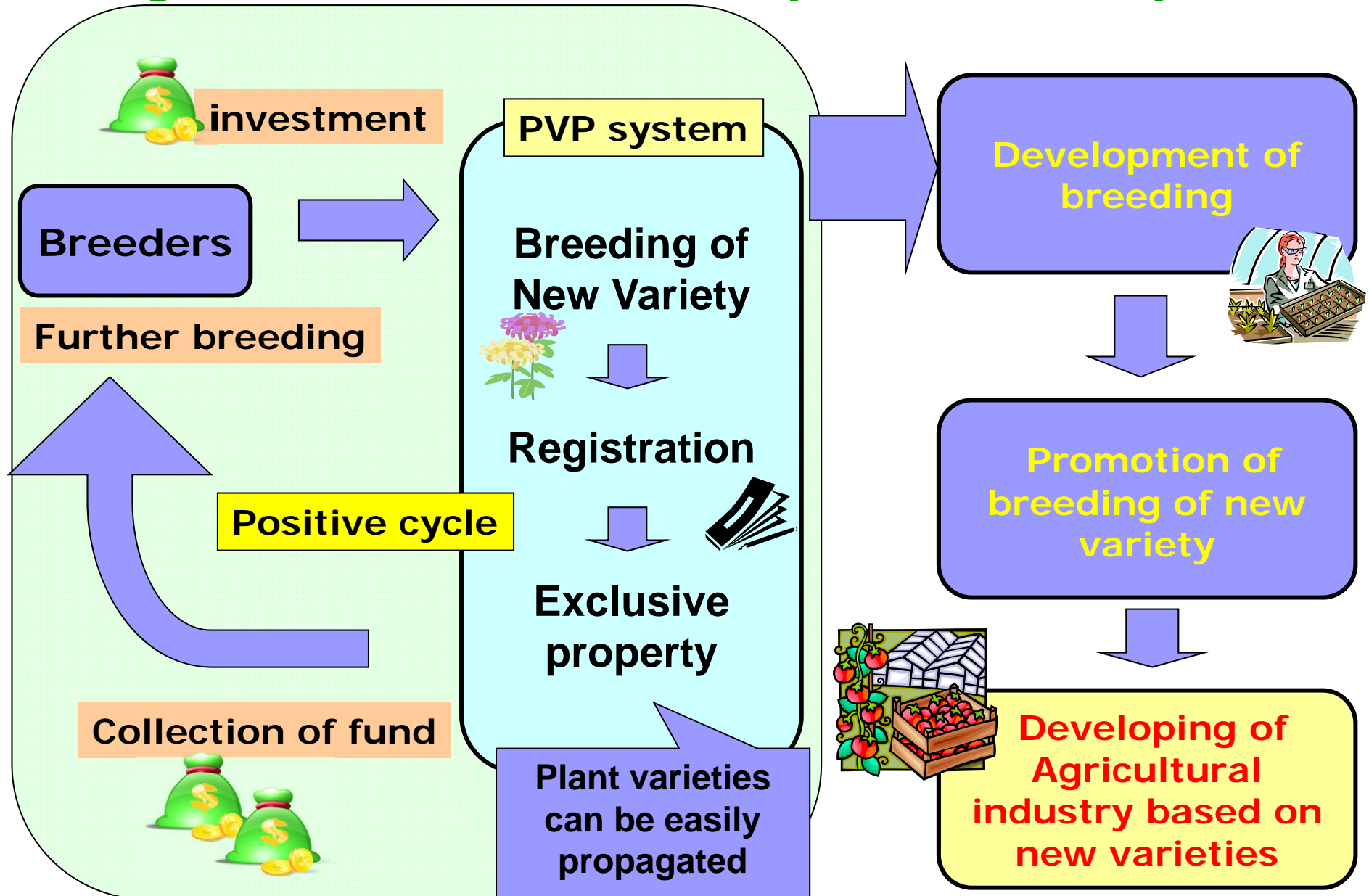


A photograph showing a large quantity of white radishes hanging from a wooden structure. The radishes are arranged in rows, suspended by thick, light-colored ropes. The background is a clear blue sky. The text "The Plant Variety Protection System in Japan" is overlaid in orange on the image.

The Plant Variety Protection System in Japan

**PVP Office, Intellectual Property Division,
Ministry of Agriculture, Forestry and Fisheries of
Japan**

Significance of Plant Variety Protection System



History of PVP System in Japan

Japan

1947 Agricultural Seeds and
Seedlings Law

1972

1978 PVP and Seed Act

1982 Join UPOV 1978 Act

1991

1998 Amendment of the Act

Join UPOV 1991 Act

UPOV

1961/1972 Act

1978 Act

1991 Act



PVP and Seed Act (1978)

- Establishment of UPOV 1978 Act,
 - Agricultural Seeds and Seedlings Law was not enough for the protection of PBR.
- Establishment of PVP and Seed Act (1978),
 - Benefit from PVP is larger than benefit from free use of new varieties by farmers.
- Japan Joined UPOV 1978 Act (1982).



Amendment of the Act in 1998

- Establishment of UPOV 1991 Act,
- Amendment of PVP and Seed Act (1998).
 - Clarification of Plant Breeders Right,
 - Expansion of protected plants to all genera and species,
 - Extension of protected duration,
 - Expansion of PBR to harvested material,
 - Introduction of Provisional Protection,
 - Introduction of Essentially Derived Varieties.



Amendment of the Act in 2003

■ Back ground

- Increase of PBR infringement (domestic and overseas),
- National Policy for strengthening of Intellectual Property Right.

■ Amendment (Strengthening of Penal Provisions)

- Expand coverage of penal provision to harvested material,
- Heavier fine for infringing PBR by legal person (corporation).



Amendment of the Act in 2005


■ Back ground

- Variety identification technique by DNA analysis has been developed,
- National Policy for strengthening of Intellectual Property Right.

■ Amendment (2 main points)

- Expand coverage of PBR for products directly obtained from harvested material of the protected variety,
- Extension of the Duration of Plant Breeder's Right.





Amendment of the Act in 2007

- Amendment of PVP and Seed Act (2007),
 - Increase of PBR infringement (domestic and overseas),
 - National Policy for strengthening of Intellectual Property Right.
- Amendment (3 main points).
 - Facilitate damage compensation through Civil Suit,
 - Strengthen penalties,
 - Ensure the credibility toward the “Mark of Protected Variety”

Duration of PBR and Application Fee

- 25 years from the date of the grant of PBR
- 30 years for Woody Plants
- ❖ Application Fee 47,200 JPY
(384USD (123JPY ÷ 1USD))





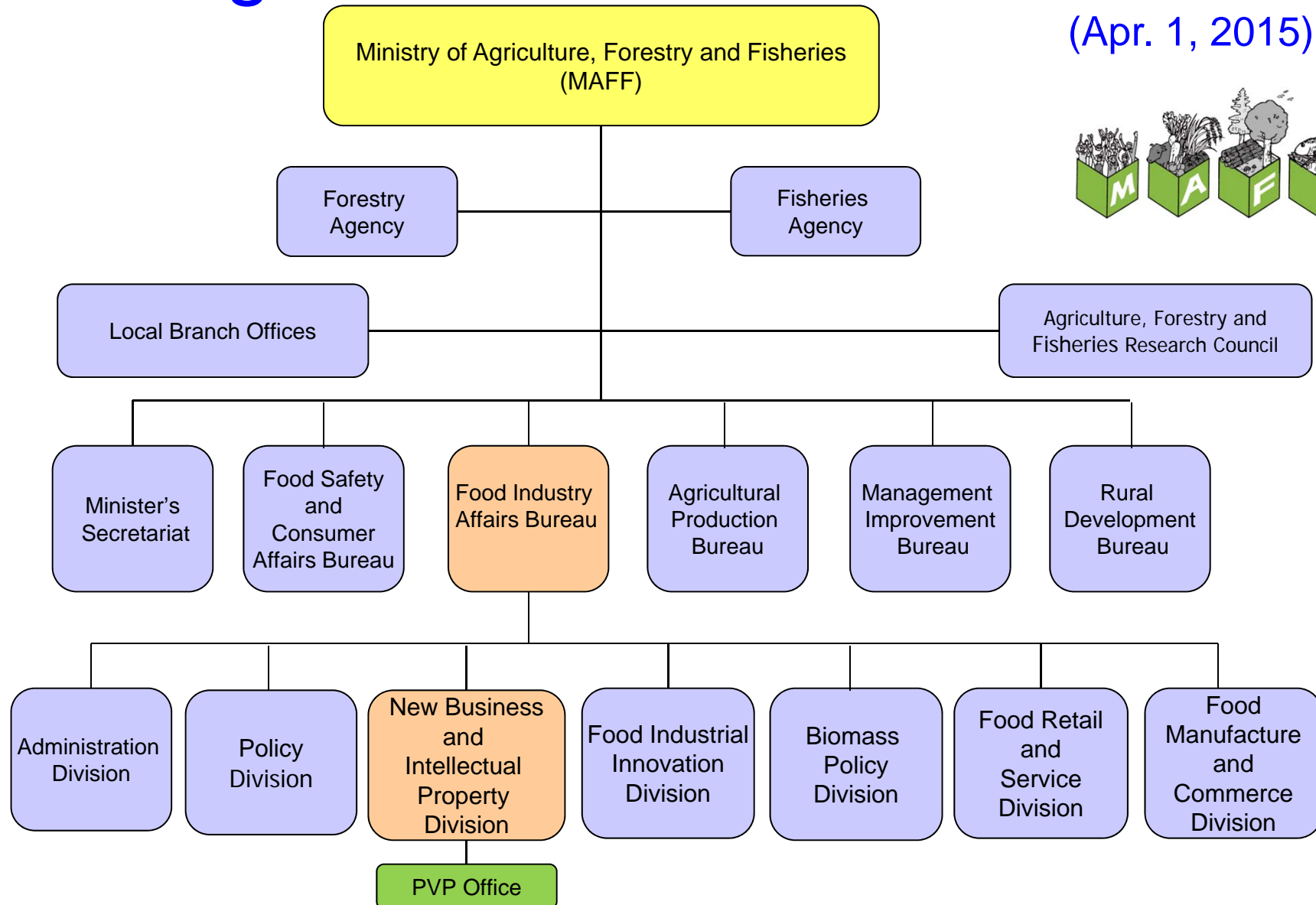
Annual Fee

Year from the Grant	Annual Fee
1st – 3rd year	6,000 JPY per year
4th – 6th year	9,000 JPY per year
7th - 9th year	18,000 JPY per year
10th - 30th year	36,000 JPY per year



Organizational Chart of MAFF

(Apr. 1, 2015)



Organization for PVP

MAFF

- PVP Office
 - Filing and granting
 - Establishment of Technical Protocols
 - Examination

National Center for Seeds and Seedlings (NCSS) :
Incorporated Administrative Agency

- HQs, 11 stations, 1 sub-station
 - DUS Test
 - Production of Foundation seeds
 - Seed Inspection
 - PVP G-men



Structure of PVP Office

Director

— Deputy Director (1)

— Section chief (2)

— Chief Examiner (1)

— Examiner (23)

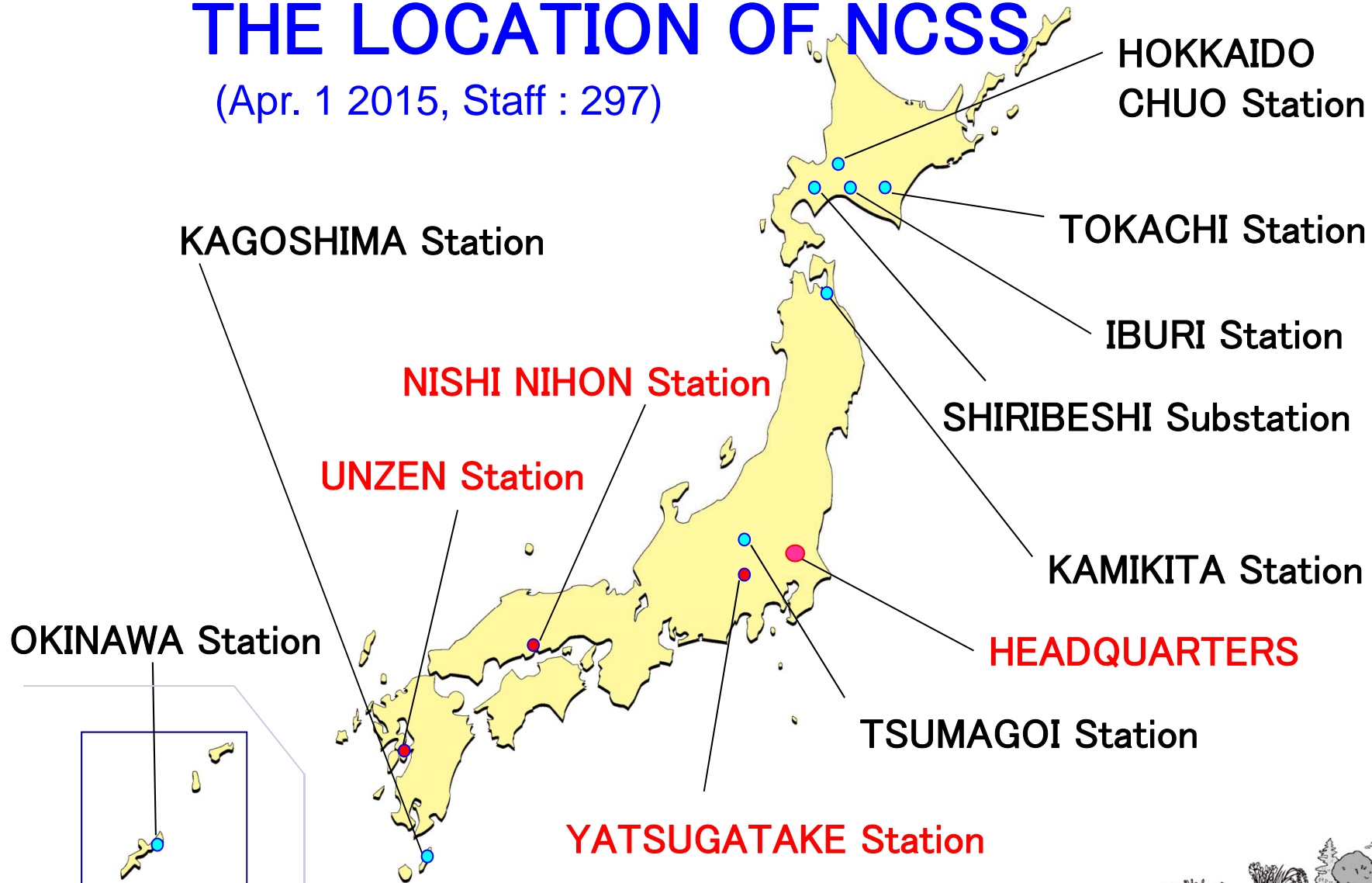
— Assistant Examiner (7)

- Management of Examination
- Establishment of TGs
- Filing, Formality Examination, Registration, Publication
- Examination Group
 - Ornamental Trees, Mushroom, Trees, Sea weed, Variety Denomination
 - Perennial Ornamental Plants
 - Ornamental Plants exclude Perennial plants, Chrysanthemum, Orchid
 - Agriculture Crops, Fodder Crops, Industrial Crops, Mulberry, Fruit trees
 - Bulb plants, Vegetable
 - UPOV, CPVO, International Affairs



THE LOCATION OF NCSS

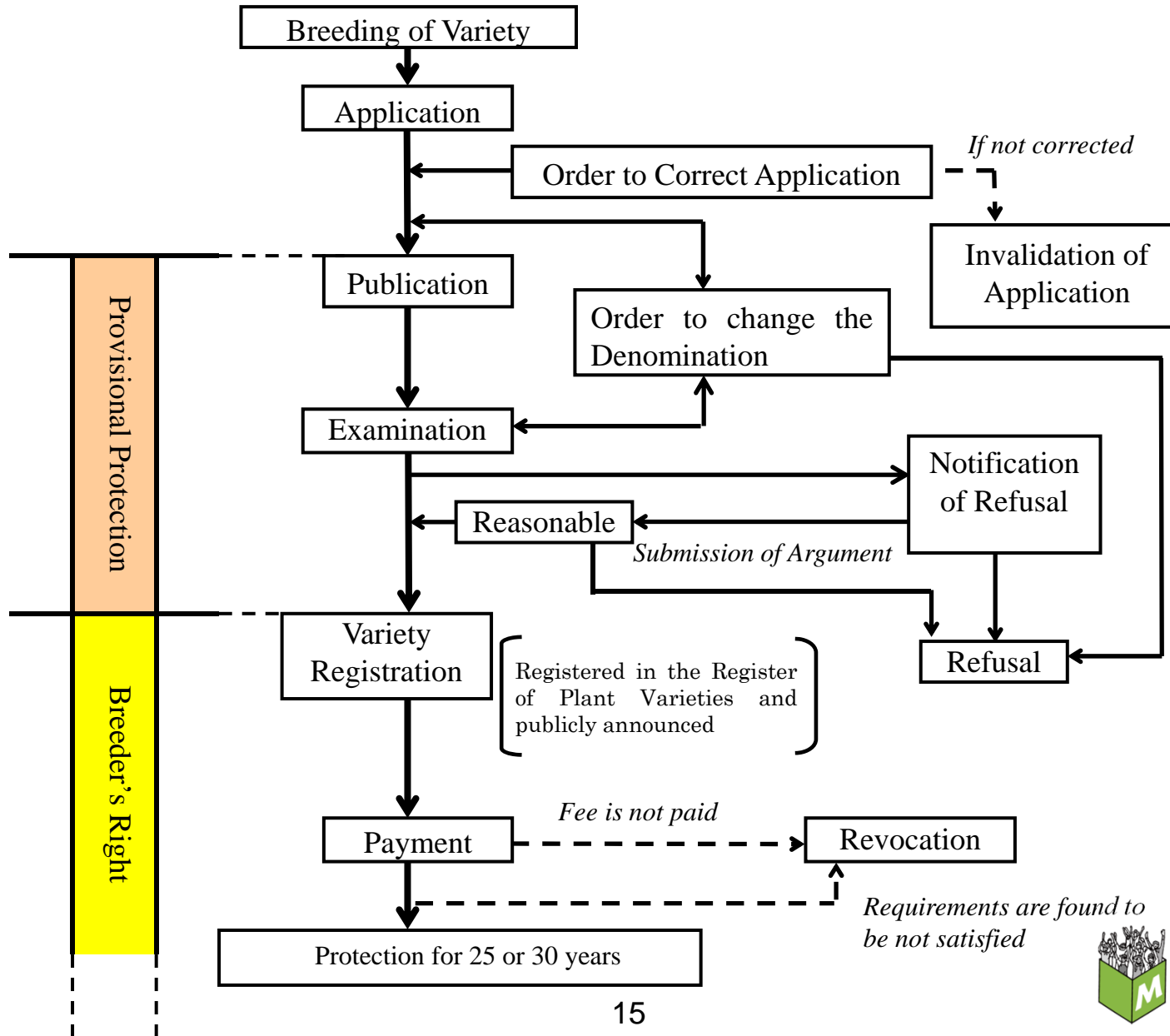
(Apr. 1 2015, Staff : 297)



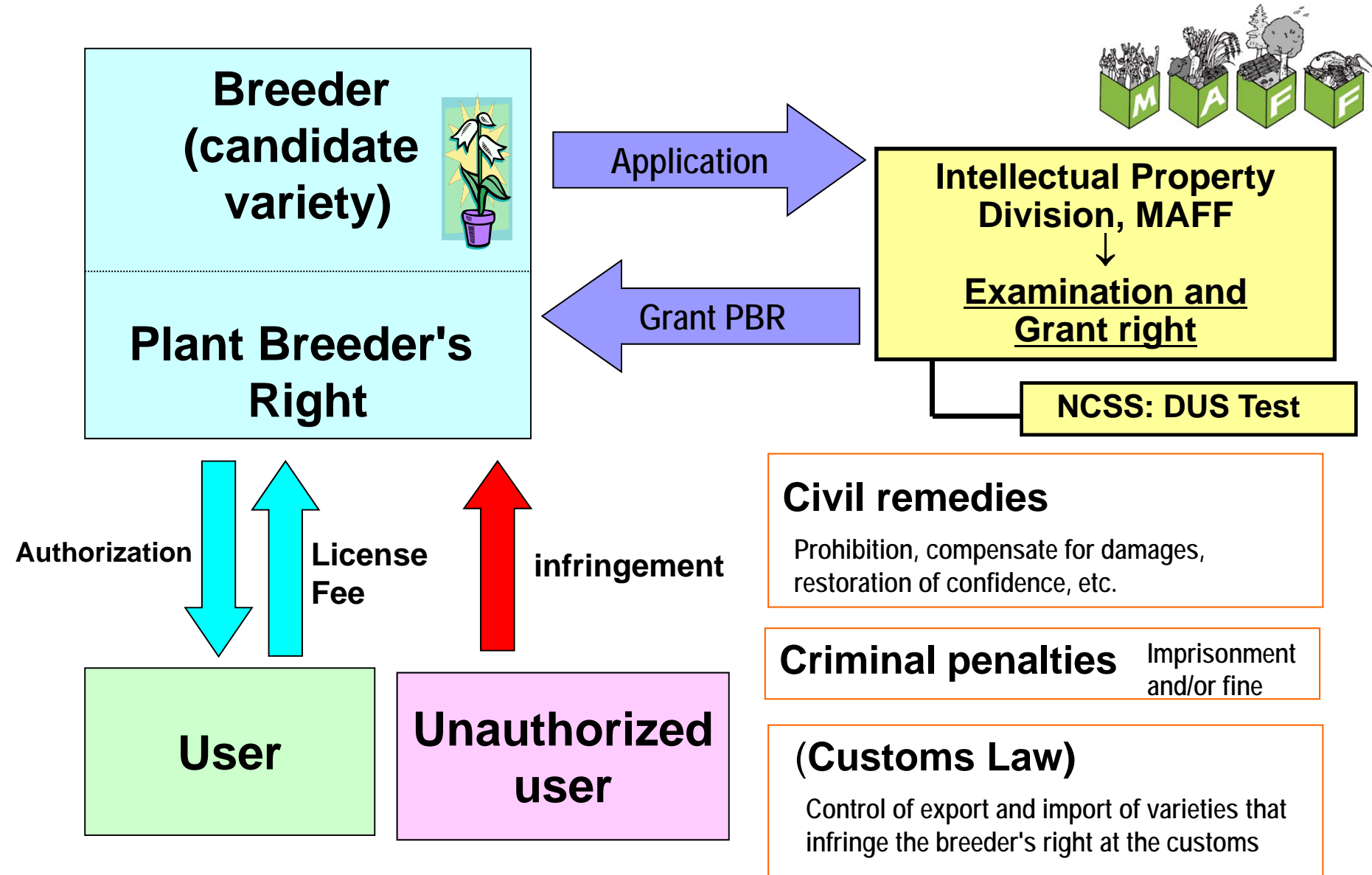
(Growing test is conducted at the station in red letters.)



Procedures for PVP system



Outline of the Plant Variety Protection System



Examination



■ Procedure

- Formality examination
- Planning for DUS Test
 - Growing Test (NCSS)
 - Breeder Testing (On-site Inspection)
 - Documentary Examination (including International Cooperation)
- Examination on Denomination in twice
- Examination on Novelty



Developing and Revising National TGs

- Japanese PVP Office has about 640 National Test Guidelines (TGs).
 - PVP Office has accepted applications of over 450 new genera or species after ratifying 1991 UPOV convention in 1998 .
 - PVP Office has been developing the National TGs for new species.
 - PVP Office has been revising some National TGs according to UPOV TGs.
 - You can see Japanese National TGs in English on website by botanical name order as follows;

http://www.hinsyu.maff.go.jp/en/en_top.html



Cooperation in Examination

- Increase of applications
 - new genera and species
 - foreign varieties



More efficient management for PVP system will be needed in near future.



Cooperation in Examination



Cooperation in Examination

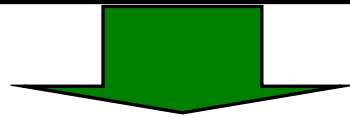
- Recent Conclusion on the agreement
 - Nov. 17, 2006 EU (CPVO)
Rose, Petunia, Calibrachoa etc.
 - Oct. 5, 2007 Viet Nam
Rose, Chrysanthemum
- Example variety set of East Asia for UPOV rice TG (2003-2008, Japan-China-Korea)
- Ring test of Rose, Chinese cabbage (2005-, Japan-Korea)
- Workshop on harmonization for technical examination (Japan-EU, Chrysanthemum 2010, Rose 2011)





Regional Cooperation East Asia PVP Forum

The Establishment of the “East Asia PVP Forum”



**Promotion of Various Cooperative Activities
under the Forum**

- 1. Cooperation in Capacity Building**
- 2. Cooperative Activities for the Development and Harmonization of the PVP System**
- 3. Cooperative activities related to the Cooperation in Examination**



Japanese cooperative activities in PVP

- Training course in Japan
- Workshop for cooperation in harmonization of test guidelines (TGs) and DUS test
- Awareness seminar with regard to PVP
- Dispatch experts

