

The EU Commission has included the revision of a Community Plant Variety Right (CPVR) regulation in its recently published [IP Action Plan](#), in a move welcomed by plant breeding organizations.

By agreeing to review the CPVR) Regulation 2100/94, the Commission responded to a joint request that was signed in August by CIOPORA, AIPH, Euroseeds and Plantum, as well as others.

The joint effort was prompted by the non-inclusion of the CPVR system in the EU IP Roadmap, the document that draws a plan for the improvement of IP protection laws and mechanisms in the EU.

The inclusion of the CPVR Regulation is “an important step by the policymakers towards recognizing the need for better protection of Plant Breeders’ Rights in the EU and strengthening the position of the breeders”, a spokesperson at CIOPORA wrote.

The request presented several provisions that require improvement, the organizations argued that however robust in the international comparison, the 25-year-old CPVR system fails to adapt to the latest developments in global agriculture, horticulture and plant breeding technologies.

“As far as the European Union is concerned, the CPVRs system represents the sole and exclusive form of intellectual property right for plant varieties at EU level”, as stated in a [study performed by the EPO and the EUIPO](#) on IP rights and economic performance in the EU.

“A robust plant variety rights system incentivizes breeders to develop new varieties, thus contributing to the achievement of the European Green Deal objectives and the United Nations sustainable development goals,” according to the IP Action Plan.

CIOPORA and others raised concerns about the loopholes in the CPVR system, brought to light in a recent decision of the European Court of Justice in case C-176/18 (Nadorcott).

This decision pinpointed the importance of effective protection for plant breeders for the EU economy, the groups said.

Secretary-General of CIOPORA, Dr. Edgar Krieger said: “Already during the evaluation of the CPVR *acquis* in 2011, CIOPORA pinpointed the shortcomings of the CPVR system for vegetatively reproduced crops.”

“Main points of CIOPORA’s concern were the weak provisional protection and insufficient protection of harvested material [...] We are pleased that the EU Commission recognized the need to act on these shortcomings,” he said.

CIOPORA welcomes the intended integration of data on Plant Variety Rights in the IP enforcement portal managed by the EUIPO.

The organization also looks forward to the expressed intention of the EU Commission to speak with a strong and united voice in UPOV, The International Union for the Protection of New Varieties of Plants.

Along with this input, the IP plan reported that: “The Commission will continue to monitor the proper application of the system and seek to bring in further improvements, where needed.”

The IP Action Plan foresees a possible CPVR review in late 2022.