



### 1 What is protectable as a CPVR?

A CPVR is an IP right that grants an exclusive right in relation to a plant variety, provided that the latter complies with the legal requirements for protection provided by [Council Regulation 2100/1994](#) (the “Basic Regulation”). A protectable plant variety must be distinct, uniform and stable (DUS requirements), as well as new. Furthermore, it should be identified with a suitable denomination and the registration fees must be paid.



CPVRs grant their owners a right to prevent third parties from the following acts in respect of variety constituents (propagating material):

- (a) production or reproduction (multiplication);
- (b) conditioning for the purpose of propagation;
- (c) offering for sale;
- (d) selling or other marketing;
- (e) exporting from the EU;
- (f) importing to the EU;
- (g) stocking for any of the purposes mentioned in (a) to (f).

#### How do I check the availability of a variety denomination?

You can use [Variety Finder](#), the database which includes the relevant data of national and CPVRs and commercial registers both in the EU and outside the EU.

### 2 When should I file a CPVR application for registration?

The application must be filed before the variety is put on the market or within the novelty grace periods indicated by the law. Indeed, a CPVR can be granted if the variety is novel, meaning that variety constituents or harvested material of the applied-for variety were not physically transferred for the purpose of commercial exploitation with the breeder’s consent:

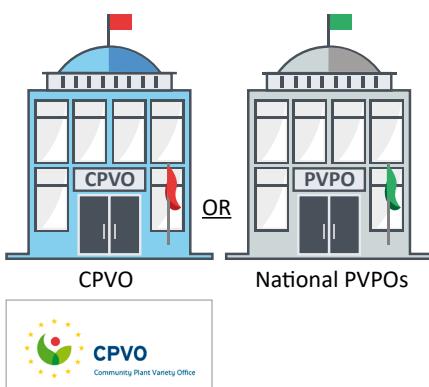
- within the EU for more than one year before the date of application;
- outside the EU for more than four (4) years or, in the case of trees and vines six (6) years, prior to the date of application.

The person who first files a valid application for a given CPVR can become the right holder (first-to-file principle). It is also possible to maintain the date of a national PVR application, provided that the application at EU level is done within 12 months from the date of first filing in relation to the same variety (priority right).

### 3 Who can file a CPVR application for registration?

A CPVR application may be filed by any natural or legal person. For applicants not having a domicile, seat or establishment within the territory of the EU it is mandatory to appoint a procedural representative domiciled in the EU to file the CPVR application. The applicant should be the breeder, i.e. the person who bred, or discovered and developed the variety, or his successor in title. The breeder can transfer the entitlement to apply for and to hold CPVRs in the name of the applicant. If the breeder is not the applicant, a deed of assignment must be provided.

### 4 Where and how do I file an application for a CPVR?



Applications can be filed [online](#) or on [paper](#) at the CPVO or through one of the national plant variety protection (PVP) offices. Applications to the CPVO and supporting documents must be filed in one of the official languages of the EU. The e-filing service provided by the CPVO is currently available in English, Dutch, French, Spanish, and German.



## 5 What are the fees?

<p><b>Application fee</b> <b>450 €</b> <i>for on-line applications</i></p>	<p><b>Examination fees</b> <i>from</i> <b>1,530 €</b> <i>up to</i> <b>3,350 €</b> <i>depending on the species</i></p>	<p><b>Fee for taking over* reports</b> <b>320 €</b></p>
<p><b>Annual fee</b> <b>330 €</b> <i>per variety and per year of protection</i></p>	<p><b>Appeal fee</b> <b>1,500 €</b></p>	<p><b>Other fees</b> <i>(i.e. administrative fees such as for issuing certified documents or the recordal of new entries in the Register)</i></p>

\* When a technical examination has already been carried out, or is in the process of being carried out, on a variety already benefiting from national protection in a EU Member State, the CPVO may consider the examination reports of the responsible authorities to be a sufficient basis for a decision on a CPVR application.

## 6 What happens after filing of a CPVR application for registration?



- Formal and substantive examinations by the CPVO (e.g. completeness of the application, novelty, entitlement and credentials of procedural representatives). If successful, an application date is granted and the application is published on the Official Gazette.
- Technical examination (DUS). The purpose of these examinations is to ensure that the criteria of distinctness, uniformity and stability are complied with. The duration varies from 1 year for most ornamental species to 6 years for certain fruit tree varieties. The applicant will be required to provide the plant material of the variety to be tested by an appointed national authority.
- Examination of the suitability of the variety denomination by the CPVO.
- Decision of the grant of the title and the CPVR certificate by the CPVO, which is published in the Official Gazette.

## 7 How long is the term of protection?

The CPVR protection runs until the end of the 25th calendar year following the year of grant, and until the end of the 30th calendar year for potatoes, vine and tree species, provided that the annual fees are paid.



## 8 What are the advantages of a CPVR?

**Single application for all the EU Member States**

**Cheaper alternative to individual filings in all EU Member States**

**Easy management of filing and post-application processes (e.g. recordal of change in owner's address etc.) instead of dealing with different offices**

### Disclaimer

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