

сортостанция. Основная задача таких исследований – подбор лучших сортов для выращивания в конкретном регионе страны и ведение Перечня рекомендуемых сортов для выращивания в отдельном воеводстве.

Послерегистрационные исследования и рекомендация сортов COBORU проводит на базе своих сортостанций и в учреждениях, которые заинтересованы во внедрении сортового прогресса в сельское хозяйство.

Список использованной литературы

1. Ustawa z dnia 25 listopada 2010 r. o Centralnym Ośrodku Badania Odmian Roślin Uprawnych (Dz.U. Nr 239/2010, poz. 1591, zm. art. 130 Ustawy z dnia 9 listopada 2012 r. o nasiennictwie Dz.U. poz. 1512).

2. Ustawa z dnia 9 listopada 2012 r. o nasiennictwie (Dz.U. 2012, poz. 1512; zm. Dz.U. 2013, poz. 865).

3. Ustawa z dnia 26 czerwca 2003 r. o ochronie prawnej odmian roślin (Dz.U. Nr 137/2003, poz. 1300; zm.: Dz.U. Nr 126/2006, poz. 877; Dz.U. Nr 99/2007, poz. 662; Dz.U. Nr 186/2011, poz. 1099).

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Grashoff Kees, MSc, PhD,

Manager DUS-team Ornamentals & Fruit

Naktuinbouw

Roelofarendsveen, The Netherlands

THE PRINCIPLES OF VARIETY TESTING AND REGISTRATION IN THE DUTCH SYSTEM

a) Granting for national plant breeders' rights. One of the main tasks of the Board is to grant national plant breeders' rights. This particular form of intellectual property protection for breeders of new plant varieties exists in the Netherlands since 1942. In 1961 PVP was regulated by law in the UPOV Convention. The UPOV convention is the international treaty which requires from its members to set up a UPOV-like PVP system within their boundaries.

Applying for Plant Breeders' Rights in combination with admission to the list does not require extra costs.

European Plant Breeders' Rights

Besides National Plant Breeders' Rights, Community Plant Variety Rights are available under the responsibility of The Community Plant Variety Office (CPVO). See www.cpvo.europa.eu.

b) Listing of varieties and forestry stands. Another main task of the Board is listing of new plant varieties. Under the regulations of the European Union only material of agricultural and vegetable material of listed varieties may be marketed. Also the maintainers of the listed varieties should be listed and recorded in the National Plant Variety Register. A maintainer is a person or a company maintaining the variety in its original capacity and characteristics.

Forestry stands

Listing of varieties also applies to the marketing of propagating material of forestry stands. Propagating or reproductive material used for forestry purposes must come from registered forestry stands. The acceptance of varieties and stands is left to the Member States. In the Netherlands this is done by the Board for plant varieties.

National list

As already mentioned, in order to market a variety of a vegetable or agricultural species within the European Union (EU), it must have been listed (or registered). If a variety is listed on the national list of at least one EU Member State the variety is allowed to be marketed all over the EU. The national list of the Netherlands is included in the Dutch Register of Varieties. Admission of agricultural and vegetable varieties is the responsibility of the Board for Plant Varieties. The Board for Plant Varieties maintains the Dutch Register of Varieties.

Specific for vegetable varieties

For vegetable varieties, it is possible to sell seeds before the official listing has been accepted (but after the filing of the application) through a special authorization regulation, the so-called European Seed Testing regulation. The DUS-testing usually includes two growing cycles at Naktuinbouw, or one at Naktuinbouw and another at the premises of (company of) the applicant. A company test is carried out according to instructions and requirements of Naktuinbouw.

For certain crops Naktuinbouw can perform two growing cycles in one year. Resistance tests are part of the test.

Specific for agricultural varieties

For agricultural crops, the variety must also undergo the VCU test. VCU is stands for Value for Cultivation and Use.

c) Designation of maintainers. One can be appointed a maintainer of a variety with or without an indication by the Board for Plant Varieties. Without explicit indication of the rights-holder or the person in whose name the variety was accepted, the holder of the rights will be regarded as the maintainer of the variety concerned. Furthermore, in their place, or in addition, others can be appointed as maintainers on the explicit instructions of the Board. Only the maintainer (s) is (are) allowed to produce and sell basic seed (agricultural crops) or standard seed (vegetables).

d) Declaration of denominations. The Board for Plant Varieties examines whether the proposed variety denomination is in line with the international rules for the designation of new varieties. If the name is acceptable, then the Board shall publish the proposal in its electronic newsletter, the Gazette. Third parties may submit objections to the proposed name until three months after its publication.

Cooperation. The Board and Naktuinbouw operate strictly autonomously from each other: Naktuinbouw shall take care of the DUS testing of new plant varieties and finish the DUS test by drafting a DUS report. The Board shall decide on the application for PVP or listing on the basis of this draft report. As a consequence, every report has a second – independent – judgement of the Board.

As a result of this, the Dutch system is well supported by the Dutch plant breeding industry.

Procedural aspects of cooperation. After the application forms have been completed and the registration and research fees have been paid, the applicant is requested to submit seed or plant material ('identity material'), which is then sown or planted by one of the institutes performing the research (in most cases Naktuinbouw). In one or two growing seasons it is investigated whether the submitted 'identity material' conforms to the requirements concerning distinctness from all existing varieties, uniformity and stability. The proposed variety name and novelty are checked by the Plant Variety Office. If the research takes longer than a year an interim report shall be provided each year. Once the research has been concluded, the results are recorded in a final report. If the candidate variety is found to meet the aforementioned conditions the final report shall be accompanied by a description of the variety. These documents form the basis for the granting of Plant Breeders' Rights. If the candidate variety does not meet the conditions, a negative final report shall be provided. The varieties that are granted Dutch Plant Breeders' Rights are included in the Dutch National Variety Register of the Board for Plant Varieties. The variety descriptions can be downloaded from Naktuinbouw's website (www.naktuinbouw.nl).

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Гринів Світлана, канд. с.-г. наук,

Мізерна Наталія,

Носуля Аліна

Український інститут експертизи сортів рослин

м. Київ, Україна

ВСТАНОВЛЕННЯ ЗБЕРЕЖЕННЯ ЗАРЕЄСТРОВАНОВОГО СТУПЕНЯ ПРОЯВУ ІДЕНТИФІКАЦІЙНИХ ОЗНАК СОРТУ ТА ЙОГО ОДНОРІДНОСТІ ПРИ ОБІГУ У ВИРОБНИЦТВІ

Одним із напрямів роботи Українського інституту експертизи сортів рослин є забезпечення проведення перевірки збереженості сорту рослин, а саме як власник, що отримав патент на сорт, зберігає його ознаки, що були зафіксовані при державній реєстрації. Впродовж строку чинності патенту на сорт, згідно ст. 48 Закону України «Про охорону прав на сорт рослин», його власник зобов'язаний зберігати сорт, підтримуючи в незмінному вигляді ознаки, які були зафіксовані при державній реєстрації сорту [1].

Перевірка збереженості сорту є надійним захистом від проникнення на ринок України сортів, які не відповідають сучасним вимогам до сорту, вона здатна захистити ринок насіння від нетипового та засміченого насінневого матеріалу, і в цілому створити в Україні конкурентоспроможні ринки сортів та насіння.

Український інститут експертизи сортів рослин у 2015 році, згідно Порядку перевірки збереженості сорту рослин, організував та провів