

CPVO decision of 27 April 2020 concerning the extension of time limits

On 27 April 2020 the President of the Community Plant Variety Office took a new [Decision](#) concerning the extension of time limits for proceedings before the CPVO.

The [Decision](#) is applicable as of 4 May 2020 and concerns the deadlines for the payment of the annual fee (*Article 9 fees regulation*) and the payment of examinations fees (*Article 8 fees regulation*). Any other time limits regarding proceedings with the CPVO are not affected by this decision.

In practice users are encouraged to pay all invoices for annual fees and fees for technical examinations within the normal deadlines. However, if a user is unable to pay the mentioned fee(s) he/she will have three months to pay it from the date of the reminder, instead of one month in normal times. The extension of these time limits shall apply to outstanding debit notes with a due date for payment until 21 September 2020 included.

As regards requests for the postponement of submitting plant material for DUS tests, the Office will assess such requests bearing in mind that users may face severe limitations to their activities and communications capabilities across the EU and world-wide.

“The covid19 pandemic is certainly the biggest disruptor of the century for businesses across Europe, and in specific for SMEs. The CPVO acknowledges the difficult situation for the whole plant breeding sector. Breeders, in particular in the ornamental sector, have been hit directly, and their business activities have been severely hampered and jeopardized”, said Martin Ekvad, President of CPVO.

“In these extraordinary circumstances, the CPVO has decided to adopt a more lenient approach as regards the deadlines of payment for annual fees and examination fees – which are extended to three months. We hope that this decision will enable breeders to maintain their plant variety right titles in force and will relieve some unnecessary stress, so that they can keep innovating and producing new plant varieties for the benefit of society. We will also continue to be lenient when deciding on the requests for the extensions of time limits to submit plant material for DUS tests”, he concluded.

Video message from CPVO President, Martin Ekvad

[embedded content]

Documents

You can read or/and download the following documents in English – please note

that additional language versions will be made available on 4 May:

Background

A [Decision of the President of 24 March 2020 as amended on 6 April 2020](#), was taken with the aim of extending time limits expiring between 17 March 2020 and 3 May 2020 inclusive in the context of the coronavirus outbreak.

On 27 April 2020 the President took a new Decision ([the Decision](#)) on the extension of time limits in proceedings before the CPVO which enters into force on 4 May 2020 regarding the payment of fees for technical examinations and of annual fees, pursuant to Article 8 and 9 of Commission Regulation (EC) 1238/95 (the [Fees Regulation](#)). As from the date of entry into force, this Decision repeals and replaces completely the previous decision.

The Office will continue to send debit notes for the aforementioned fees and applicants are encouraged to pay their fees in due time. However, for all outstanding debit notes regarding annual fees or examination fees with a due date for payment until 21 September 2020 inclusive, that have not been settled in due time, the Office will send a reminder with a three months deadline to pay the fee. Until the end of this three-month period, the Office will not launch the related procedure for cancellation of titles due to unpaid annual fees. Accordingly, the Office will not cancel the arrangements for a technical examination, or stop any ongoing technical examination or launch a procedure for the refusal of applications before the said three-month deadline has expired.

In addition, plant material submissions for the commencement of DUS testing work at examination offices that are due before 21 September 2020 may be delayed upon request for one year (request to be made to the CPVO before the submission deadline). If technically feasible however, a delay can be granted for a short period of time which would allow the DUS test to be conducted in the current growing period.

An updated [Explanatory Note](#) is available in English and will be available in several languages at the beginning of May to provide further guidance on the time limits affected by the aforementioned extension, the nature of the extension and the measures to adapt communications sent to users.