



CAJ/66/5 Add.

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# INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

## ADMINISTRATIVE AND LEGAL COMMITTEE

**Sixty-Sixth Session**  
**Geneva, October 29, 2012**

### ADDENDUM

#### ELECTRONIC APPLICATION SYSTEMS

*Document prepared by the Office of the Union*

1. This addendum to document CAJ/66/5 provides a report of the replies by members of the Union to Circular E-12/179 "Survey on the use of standard references of the UPOV Model Application Form".

#### Background

2. On July 10, 2012, the Office of the Union issued Circular E-12/179 "Survey on the use of standard references of the UPOV Model Application Form" to representatives to the UPOV Council, with a copy to the designated persons of members in the CAJ, requesting replies by August 10, 2012.

3. Circular E-12/179 requested the following information:

"2. Are the standard references of the UPOV Model Application Form indicated in your application form?

Yes  No

"3. If "No", please indicate if you have any plans to include the standard references in the future.

"4. If "Yes", please go to the fourth column of pages 2 to 7 entitled "Answer 'yes' to identify the standard references indicated in the Authority's Application Form".

*Note:* It is a matter for each Authority to decide if the field in the Authority's own form corresponds sufficiently precisely to the field in the UPOV Model Application Form for the standard UPOV reference to be included."

#### Replies to "Survey on the use of standard references of the UPOV Model Application Form"

4. The following members of the Union indicated that the standard references of the UPOV Model Application Form are included in their application forms: Belarus (BY), Chile (CL), Colombia (CO), Czech Republic (CZ), Estonia (EE), Jordan (JO), Lithuania (LT), Mexico (MX), Netherlands (NL), Poland (PL), Russian Federation (RU), Sweden (SE), and United States of America (Plant Variety Protection Act) (US: PVP).

5. The following members of the Union indicated that the standard references of the UPOV Model Application Form are not currently included in their application forms: Australia (AU), Azerbaijan (AZ), Brazil (BR), Canada (CA), Denmark (DK), European Union (QZ), France (FR), Iceland (IS), Ireland (IE), Israel (IL), Japan (JP), Kenya (KE), New Zealand (NZ), Norway (NO), Portugal (PT), Romania (RO), South Africa (ZA), Switzerland (CH), Tunisia (TN), Ukraine (UA) and United States of America (Plant Patent Act) (USPTO).

6. Annex I to this document presents the replies by members of the Union which:

(a) indicated the standard references of the UPOV Model Application Form that they include in their application forms, or

(b) indicated that they do not include the standard references of the UPOV Model Application Form in their application forms, but which indicated the items in their application forms which correspond to items in the UPOV Model Application Form.

7. The information for both (a) and (b) have been provided in Annex I to illustrate the harmonization that currently exists between members of the Union, which is of particular relevance for the development of a prototype UPOV electronic application form (see document CAJ/66/5, paragraphs 23, 31 and 32).

8. Annex II to this document contains comments from the members of the Union that do not indicate the standard references of the UPOV Model Application Form in their application forms, with regard to any plans that they have to include the standard references in the future.

*9. The CAJ is invited to note the replies to the survey on the use of standard references of the UPOV Model Application Form.*

[Annexes follow]

## ANNEX I

## "SURVEY ON THE USE OF STANDARD REFERENCES OF THE UPOV MODEL APPLICATION FORM"

- (a) UPOV members indicating the standard references of the UPOV Model Application Form that they indicate in their application form  
or  
(b) UPOV members which indicated that they do not include the standard references of the UPOV Model Application Form in their application forms, but which indicated the items in their application forms which correspond to items in the UPOV Model Application Form

CODES USED IN THE TABLE / CODES UTILISÉS DANS LE TABLEAU / IN DER TABELLE VERWENDETE CODES / CÓDIGOS UTILIZADOS EN EL CUADRO

ISO	English	français	deutsch	Español
BR	Brazil	Brésil	Brasilien	Brasil
BY	Belarus	Bélarus	Belarus	Belarús
CL	Chile	Chili	Chile	Chile
CO	Colombia	Colombie	Kolumbien	Colombia
CZ	Czech Republic	République tchèque	Tschechische Republik	República Checa
EE	Estonia	Estonie	Estland	Estonia
JO	Jordan	Jordanie	Jordanien	Jordania
LT	Lithuania	Lituanie	Litauen	Lituania
MX	México	Mexique	Mexiko	México
NL	Netherlands	Pays-Bas	Niederlande	Países Bajos
NO	Norway	Norvège	Norwegen	Noruega
NZ	New Zealand	Nouvelle-Zélande	Neuseeland	Nueva Zelandia
PL	Poland	Pologne	Polen	Polonia
QZ	European Union	Union européenne	Europäische Union	Unión Europea
RU	Russian Federation	Fédération de Russie	Russische Föderation	Federación de Rusia
SE	Sweden	Suède	Schweden	Suecia
TN	Tunisia	Tunisie	Tunesien	Túnez
US:PVP	United States of America (Plant Variety Protection Act)	États-Unis d'Amérique (loi sur la protection des obtentions végétales)	Vereinigte Staaten von Amerika (gemäß dem Sortenschutzgesetz)	Estados Unidos de América (ley sobre la protección de las obtenciones vegetales)

	UPOV member	BR	BY	CL	CO	CZ	EE	JO	LT	MX	NL	NO	NZ	PL	QZ	RU	SE	TN	US: PVP	%	Total "Yes"	Total replies
(a) Standard references of the UPOV Model Application Form indicated:		√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√			
(b) Items corresponding to UPOV Model Application Form:		√										√	√		√			√				
(Item in UPOV Model Application Form)	(reference)																					
	(YES=1; NO=0)																					
1.(a) Applicant(s) Name(s)	UPOV-A1: 1(a)(i)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	100%	18	18
1.(a) Applicant(s) Address(es)	UPOV-A1: 1(a)(ii)	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	1	1	1	94%	17	18
1.(a) Applicant(s) Telephone No.(s)	UPOV-A1: 1(a)(iii)	1	1	1	0	1	1	1	1	1	1	1	1	1	1	0	1	1	1	89%	16	18
1.(a) Applicant(s) Fax No.(s)	UPOV-A1: 1(a)(iv)	1	1	1	0	1	1	1	1	1	1	1	1	1	1	0	1	1	1	89%	16	18
1.(a) Applicant(s) E-mail address(es)	UPOV-A1: 1(a)(v)	1	1	1	0	1	1	1	0	1	1	1	1	1	1	0	1	0	1	78%	14	18
1.(b) Applicant(s) nationality(ies):	UPOV-A1: 1(b)	1	1	0	1	1	0	1	0	1	1	0	1	1	1	1	1	0	0	67%	12	18
1.(c) Applicant(s) residence (State)	UPOV-A1: 1(c)	1	1	1	1	1	0	1	1	1	0	0	1	1	0	0	1	0	1	67%	12	18
1.(d) Applicant(s) registered offices for legal entities (State)	UPOV-A1: 1(d)	0	1	1	1	0	0	1	1	1	0	1	1	0	0	0	1	0	0	50%	9	18
1.(e) Applicant(s) A procedural representative/agent/ proxy will be used: Yes	UPOV-A1: 1(e)(i)	1	1	1	1	0	1	1	0	1	0	1	0	0	1	0	1	1	0	61%	11	18
1.(e) Applicant(s) A procedural representative/agent/ proxy will be used: No	UPOV-A1: 1(e)(ii)	1	1	1	0	1	1	1	0	1	0	1	1	0	1	0	0	0	0	56%	10	18
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Name(s)	UPOV-A1: 2(a)(i)	1	1	1	0	1	1	1	1	1	1	1	1	0	0	0	1	0	1	72%	13	18
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Address(es)	UPOV-A1: 2(a)(ii)	1	1	1	1	1	0	1	1	1	1	1	1	0	0	1	1	1	1	83%	15	18
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Telephone No.(s)	UPOV-A1: 2(a)(iii)	1	1	1	1	1	0	1	1	0	0	1	1	0	0	1	1	0	1	67%	12	18
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Fax No.(s)	UPOV-A1: 2(a)(iv)	1	1	1	1	1	0	1	1	0	0	1	1	0	0	1	1	0	1	67%	12	18
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): E-mail address(es)	UPOV-A1: 2(a)(v)	1	1	1	0	1	0	1	1	0	0	0	1	0	0	0	1	0	1	50%	9	18
2.(b) This is the name and the address: of one of the applicants (yes)	UPOV-A1: 2(b)(i)	0	1	1	1	1	1	1	1	0	1	1	1	0	0	1	0	0	0	61%	11	18

<sup>1</sup> The "applicant" should be the "breeder" according to the definition of "breeder" in Article 1(iv) of the 1991 Act of the UPOV Convention which is:

- the person who bred, or discovered and developed, a variety,
- the person who is the employer of the aforementioned person or who has commissioned the latter's work, where the laws of the relevant Contracting Party so provide, or
- the successor in title of the first or second aforementioned person, as the case may be".

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Annex I, page 2

	UPOV member	BR	BY	CL	CO	CZ	EE	JO	LT	MX	NL	NO	NZ	PL	QZ	RU	SE	TN	US: PVP	%	Total "Yes"	Total replies
(a) Standard references of the UPOV Model Application Form indicated:		√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√			
(b) Items corresponding to UPOV Model Application Form:		√										√	√		√			√				
(Item in UPOV Model Application Form)	(reference)																					
2.(b) This is the name and the address: of the procedural representative/agent/proxy (yes)	UPOV-A1: 2(b)(ii)	0	1	1	1	1	1	1	1	1	1	1	1	0	0	1	0	1	1	78%	14	18
3.(a) Botanical name	UPOV-A1: 3(a)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	94%	17	18
3.(b) Common name	UPOV-A1: 3(b)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	94%	17	18
4.(a) Proposed denomination (in block letters)	UPOV-A1: 4(a)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	100%	18	18
4.(b) Breeder's reference	UPOV-A1: 4(b)	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	94%	17	18
5.(a) The person(s) <sup>2</sup> who bred, or discovered and developed, the variety is (are) the (all) applicant(s) (yes)	UPOV-A1: 5(a)(i)	1	1	1	1	1	1	1	1	1	0	1	1	0	1	1	1	0	0	78%	14	18
5.(a) The person(s) <sup>2</sup> who bred, or discovered and developed, the variety is (are) the following person(s) (yes)	UPOV-A1: 5(a)(ii)	1	1	1	1	1	1	1	1	1	0	1	1	0	1	1	0	1	0	78%	14	18
5.(a) The person(s) <sup>2</sup> who bred, or discovered and developed, the variety is (are) the following person(s):	UPOV-A1: 5(a)(iii)	1	1	1	1	1	1	1	1	1	1	1	1	0	0	1	0	0	0	72%	13	18
5.(b) To the best of my/our knowledge there is no other person who bred, or discovered and developed the variety.	UPOV-A1: 5(b)	1	1	1	0	0	1	1	0	0	0	1	1	0	1	1	1	0	0	56%	10	18
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by contract (yes)	UPOV-A1: 5(c)(i)	1	1	1	1	1	1	1	0	0	1	1	1	0	1	1	1	1	0	78%	14	18
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by succession (yes)	UPOV-A1: 5(c)(ii)	1	1	1	1	1	1	1	0	0	1	1	1	0	1	1	1	1	0	78%	14	18
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by other (specify) (yes)	UPOV-A1: 5(c)(iii)	1	0	1	1	1	0	1	0	0	1	1	1	0	1	1	1	1	0	67%	12	18
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by: other (specify)	UPOV-A1: 5(c)(iv)	1	0	1	1	1	1	1	0	0	0	1	1	0	1	1	1	0	0	61%	11	18
5.(d) The variety was bred in (State(s)):	UPOV-A1: 5(d)	1	0	0	1	1	1	1	0	1	1	1	1	1	1	1	1	1	0	78%	14	18
6. Other applications: (a) Protection: Filing (State or Intergovernmental Organization / date)	UPOV-A1: 6(a)(i)	1	1	1	1	1	1	1	1	0	1	1	1	1	0	1	1	1	1	89%	16	18
6. Other applications: (a) Protection: Application No.	UPOV-A1: 6(a)(ii)	1	1	1	1	1	1	1	0	0	1	1	1	0	1	1	1	1	1	83%	15	18
6. Other applications: (a) Protection: Stage	UPOV-A1: 6(a)(iii)	0	1	1	1	1	1	1	0	0	1	1	1	1	1	1	1	1	0	78%	14	18
6. Other applications: (a) Protection: Denomination or breeder's reference	UPOV-A1: 6(a)(iv)	0	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	0	83%	15	18
6. Other applications: (b) Official variety list <sup>3</sup> : Filing (State or Intergovernmental Organization / date)	UPOV-A1: 6(b)(i)	0	1	1	1	1	1	1	1	0	1	1	0	0	0	1	1	1	0	67%	12	18
6. Other applications: (b) Official variety list <sup>3</sup> : Application No.	UPOV-A1: 6(b)(ii)	0	1	1	1	1	1	1	0	0	1	1	0	0	1	1	1	1	0	67%	12	18
6. Other applications: (b) Official variety list <sup>3</sup> : Stage	UPOV-A1: 6(b)(iii)	0	1	1	1	1	1	1	0	0	1	1	0	0	1	1	1	1	0	67%	12	18
6. Other applications: (b) Official variety list <sup>3</sup> : Denomination or breeder's reference	UPOV-A1: 6(b)(iv)	0	1	1	1	1	1	1	1	1	1	1	0	0	1	1	1	1	0	78%	14	18
7. Priority is claimed in respect of the application filed in: (State / Intergovernmental Organization ) (first application)	UPOV-A1: 7(i)	1	1	1	1	1	1	1	1	1	1	1	1	0	1	0	1	1	0	83%	15	18
7. Priority is claimed in respect of the application filed in (State / Intergovernmental Organization ) (first application): on (date)	UPOV-A1: 7(ii)	1	1	1	1	1	1	1	0	1	1	1	1	0	1	0	1	1	0	78%	14	18
7. Priority is claimed in respect of the application filed in (State / Intergovernmental Organization ) (first application): under the denomination	UPOV-A1: 7(iii)	1	1	0	1	1	1	1	0	0	0	1	1	0	0	0	1	0	0	50%	9	18
7. An official copy of the first application, including the date of filing, is requested as a certification <sup>4</sup> of priority.	UPOV-A1: 7(iv)	0	1	1	1	0	1	1	0	1	0	1	0	0	1	0	1	0	0	50%	9	18
<b>1991 ACT alternative</b>																						
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety <sup>5</sup> in territory of application:	UPOV-A1: 8(91)(a)		1			1	1	1	0	1	1	1		1	1	1	0	1	1	86%	12	14

<sup>2</sup> The term "person" in Article 1(iv) of the 1991 Act of the UPOV Convention should be understood as embracing both physical and legal persons (e.g. companies).

<sup>3</sup> General term to cover an official register, for example, of varieties admitted to trade (e.g. National List, Official Catalogue etc.).

<sup>4</sup> Within the prescribed time limit (minimum 3 months).

<sup>5</sup> Article 6(1) of the 1991 Act.

	UPOV member	BR	BY	CL	CO	CZ	EE	JO	LT	MX	NL	NO	NZ	PL	QZ	RU	SE	TN	US: PVP	%	Total "Yes"	Total replies	
(a) Standard references of the UPOV Model Application Form indicated:		√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√				
(b) Items corresponding to UPOV Model Application Form:		√										√	√		√			√					
<i>(Item in UPOV Model Application Form)</i>	<i>(reference)</i>																						
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in territory of application: not yet	UPOV-A1: 8(91)(b)	1			1	1	1	1	0	1	1	1		1	1	1	1	0	0	79%	11	14	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in territory of application: yes	UPOV-A1: 8(91)(c)(i)	0			1	1	1	1	1	1	1	1		1	1	1	1	0	0	79%	11	14	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in territory of application: for the first time (date)	UPOV-A1: 8(91)(c)(ii)	0			1	1	1	1	1	1	1	1		1	1	1	1	1	1	93%	13	14	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in territory of application: under the denomination	UPOV-A1: 8(91)(c)(iii)	0			1	0	1	0	0	1	1	1		0	1	1	1	1	0	57%	8	14	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in: [other territories]:	UPOV-A1: 8(91)(d)(i)	0			1	1	1	1	1	1	1	1		1	1	1	1	1	0	86%	12	14	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in other territories: not yet	UPOV-A1: 8(91)(d)(ii)	0			1	1	1	0	1	1	1	1		1	1	1	1	0	0	71%	10	14	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in [other territories]: yes	UPOV-A1: 8(91)(d)(iii)	0			1	1	1	1	1	1	1	1		1	1	1	1	0	0	79%	11	14	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in [other territories]: for the first time: in [territory]	UPOV-A1: 8(91)(d)(iv)	0			1	1	1	0	1	1	1	1		1	1	1	1	0	0	71%	10	14	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in [other territories]: for the first time [in territory]: [date]	UPOV-A1: 8(91)(d)(v)	0			1	1	1	1	1	1	1	1		1	1	1	1	1	0	86%	12	14	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in [other territories]: for the first time [in territory]: under the denomination	UPOV-A1: 8(91)(d)(vi)	0			1	0	1	0	1	1	1	1		1	1	1	1	1	0	71%	10	14	
<b>1978 ACT alternative</b>																							
8. The variety has been offered for sale or marketed, with the agreement of the breeder <sup>6</sup> in territory of application:	UPOV-A1: 8(78)(a)	1		1	0					1		1	1							83%	5	6	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in territory of application: not yet	UPOV-A1: 8(78)(b)	1		0	1					1		1	1							83%	5	6	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in territory of application: yes	UPOV-A1: 8(78)(c)(i)	1		0	1					1		1	1							83%	5	6	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in territory of application: for the first time (date)	UPOV-A1: 8(78)(c)(ii)	1		0	1					1		1	1							83%	5	6	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in territory of application: under the denomination	UPOV-A1: 8(78)(c)(iii)	1		0	1					0		1	1							67%	4	6	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]:	UPOV-A1: 8(78)(d)(i)	1		1	1					1		1	1							100%	6	6	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in other territories: not yet	UPOV-A1: 8(78)(d)(ii)	1		1	1					1		1	1							100%	6	6	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]: yes	UPOV-A1: 8(78)(d)(iii)	1		1	1					1		1	1							100%	6	6	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]: for the first time: in [territory]	UPOV-A1: 8(78)(d)(iv)	1		1	1					1		1	1							100%	6	6	

<sup>6</sup> Article 6(1)(b) of the 1978 Act.

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	UPOV member	BR	BY	CL	CO	CZ	EE	JO	LT	MX	NL	NO	NZ	PL	QZ	RU	SE	TN	US: PVP	%	Total "Yes"	Total replies
(a) Standard references of the UPOV Model Application Form indicated:		√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√			
(b) Items corresponding to UPOV Model Application Form:		√										√	√		√			√				
<i>(Item in UPOV Model Application Form)</i>	<i>(reference)</i>																					
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]: for the first time [in territory]: [date]	UPOV-A1: 8(78)(d)(v)	1		1	1					1		1	1							100%	6	6
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]: for the first time [in territory]: under the denomination	UPOV-A1: 8(78)(d)(vi)	1		0	1					1		1	1							83%	5	6
9.(a) The technical examination of the variety: has already been completed: yes	UPOV-A1: 9(a)(i)(1)	0	1	0	1	0	1	1	1	0	0	1	1	0	1	0	1	0	0	50%	9	18
9.(a) The technical examination of the variety has already been completed: in:	UPOV-A1: 9(a)(i)(2)	1	1	0	1	0	1	1	1	0	0	1	1	0	1	0	1	0	0	56%	10	18
9.(a) The technical examination of the variety has already been completed: date completed (if known):	UPOV-A1: 9(a)(i)(3)	1	1	0	0	0	1	1	1	0	0	1	1	0	0	0	0	0	0	39%	7	18
9.(a) The technical examination of the variety: is in progress: yes	UPOV-A1: 9(a)(ii)(1)	0	1	0	1	0	1	1	0	0	0	1	1	0	1	0	1	0	0	44%	8	18
9.(a) The technical examination of the variety: is in progress in:	UPOV-A1: 9(a)(ii)(2)	0	1	0	1	0	1	1	0	0	0	1	1	0	1	0	1	0	0	44%	8	18
9.(a) The technical examination of the variety: is in progress: date started (if known)	UPOV-A1: 9(a)(ii)(3)	0	1	0	0	0	1	1	0	0	0	1	1	0		0	0	0	0	29%	5	17
9.(a) The technical examination of the variety: has not yet been started	UPOV-A1: 9(a)(iii)	0	1	0	1	0	1	1	0	0	0	1	1	0	1	0	1	0	0	44%	8	18
9.(b) I/We declare that the material provided with the first application is representative of the variety and relevant to this application.	UPOV-A1: 9(b)	1	1	1	1	1	0	1	0	0	0	1	1	0	0	0	1	0	0	50%	9	18
9.(c) Authorization is hereby given to the Authority to exchange with the competent authorities of any UPOV member all necessary information and material related to the variety, provided that the rights of the applicant are safeguarded.	UPOV-A1: 9(c)	0	1	1	1	1	0	1	0	0	1	1	1	0	1	0	1	1	0	61%	11	18
Other forms and documents attached: 1 Variety description: Attach the description of the variety on the special Technical Questionnaire for the species to which the variety belongs and mark box 1 with a cross	UPOV-A1: 10(1)	1	1	1	1	1	1	1	1	1	0	1	0	0	0	1	1	1	0	72%	13	18
Other forms and documents attached: 2 Power of attorney: If one joint applicant has been authorized to act for the other joint applicants or a procedural representative, agent or proxy has been named, attach the power of attorney referred to in [2.4] and mark box 2 with a cross	UPOV-A1: 10(2)	1	1	1	1	1	1	1	1	1	1	1	0	0	1	1	1	1	0	83%	15	18
Other forms and documents attached: 3 Priority claim: If the priority of the first application is claimed, a certified copy of the documents which constitute that application must be forwarded to the Authority within the prescribed time in the applicable law (minimum of three months from the date of filing of the present application); if that copy is attached, mark box 3 with a cross	UPOV-A1: 10(3)	1	1	1	1	1	1	1	0	1	1	1	0	0	1	1	1	1	0	78%	14	18
I/We hereby apply for the grant of plant breeders' rights.	UPOV-A1: 11(a)	1	0	1	0	0	1	1	0	0	1	1	1	0	1	1	1	0	1	61%	11	18
I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct: place	UPOV-A1: 11(b)	1	0	1	1	1	1	1	0	1	1	1	1	1	1	1	0	1	1	83%	15	18
I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct: date	UPOV-A1: 11(c)	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	89%	16	18
I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct: signature	UPOV-A1: 11(d)	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	89%	16	18
	<b>Total</b>	53	53	54	58	57	57	69	38	39	47	66	60	28	51	47	60	37	22			

NOTES FOR THE TABLE BY MEMBERS OF THE UNION

European Union

**These references could be indicated in the future. However, such references are only possible if the question of the UPOV Model application form is exactly the same as in the CPVO application form. A detailed analysis of the situation is provided below.**

Item in UPOV Model Application Form <i>(document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/3: “UPOV Model Form for the Application for Plant Breeders’ Rights”)</i>	Reference to be quoted in the application form of the authority <sup>(note)</sup>	(Clear cell indicates text to be completed in form. Highlighted cell indicates tick box, declaration or information to be attached)	Answer “yes” to identify the standard references indicated in the Authority’s Application Form
1.(a) Applicant(s) <sup>1</sup> Address(es)	UPOV-A1: 1(a)(ii)	<b>Reference not possible, the country, postcode and city are not included in this field in the CPVO form</b>	
1.(c) Applicant(s) <sup>1</sup> residence (State)	UPOV-A1: 1(c)	<b>Reference not possible, we do not have this question</b>	
1.(d) Applicant(s) <sup>1</sup> registered offices for legal entities (State)	UPOV-A1: 1(d)	<b>Reference not possible, we do not have this question</b>	
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Name(s)	UPOV-A1: 2(a)(i)	<b>Reference not possible. We offer the possibility of a correspondence address to the applicant and the procedural representative. The address of a procedural representative is not considered to be a correspondence address</b>	
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Address(es)	UPOV-A1: 2(a)(ii)	<b>Reference not possible, see UPOV-A1: 2(a)(i)</b>	
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Telephone No.(s)	UPOV-A1: 2(a)(iii)	<b>Reference not possible, see UPOV-A1: 2(a)(i)</b>	
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Fax No.(s)	UPOV-A1: 2(a)(iv)	<b>Reference not possible, see UPOV-A1: 2(a)(i)</b>	
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): E-mail address(es)	UPOV-A1: 2(a)(v)	<b>Reference not possible, see UPOV-A1: 2(a)(i)</b>	
2.(b) This is the name and the address: of one of the applicants (yes)	UPOV-A1: 2(b)(i)	<b>Reference not possible, we do not have this question</b>	
2.(b) This is the name and the address: of the procedural representative/agent/proxy (yes)	UPOV-A1: 2(b)(ii)	<b>Reference not possible, we do not have this question</b>	
5.(a) The person(s) <sup>2</sup> who bred, or discovered and developed, the variety is (are) the following person(s):	UPOV-A1: 5(a)(iii)	<b>Reference not possible, we ask for details in various fields</b>	
5.(d) The variety was bred in (State(s)):	UPOV-A1: 5(d)	<b>Reference will be possible, once we have changed the place of this question currently in the TQ after having realized that it is in the UPOV Application form</b>	

6. Other applications: (a) Protection: Filing (State or Intergovernmental Organization / date)	UPOV-A1: 6(a)(i)	<b>Reference not possible, we have separated this question in 2 fields</b>
6. Other applications: (b) Official variety list <sup>3</sup> : Filing (State or Intergovernmental Organization / date)	UPOV-A1: 6(b)(i)	<b>Reference not possible, we have separated this question in 2 fields</b>
7. Priority is claimed in respect of the application filed in (State / Intergovernmental Organization ) (first application): under the denomination	UPOV-A1: 7(iii)	<b>Reference not possible, we do not have this question</b>
9.(a) The technical examination of the variety has already been completed: date completed (if known):	UPOV-A1: 9(a)(i)(3)	<b>Reference not possible, we do not have this question</b>
9.(b) I/We declare that the material provided with the first application is representative of the variety and relevant to this application.	UPOV-A1: 9(b)	<b>Reference not possible, we do not have this question</b>
Other forms and documents attached: 1 Variety description: Attach the description of the variety on the special Technical Questionnaire for the species to which the variety belongs and mark box 1 with a cross	UPOV-A1: 10(1)	<b>Reference not possible, we do not have this question</b>



Netherlands

1. The application form of the Netherlands follows the numbering 1, 2, etc. to 10, however without subnumbers like (a) (i).
2. In relation to priority claims (UPOV Model Application Form item 7 (iii)) the Dutch application form requires information about the **number** of the first application abroad instead of the **denomination** (application numbers are more stable than denominations).
3. The explanatory notes of the Dutch application form make clear that, when priority is claimed, certified copies of relevant documents related to the first application should be attached to the form.
4. Other forms and documents (item 10): The Dutch application form asks for a TQ concerning the variety under application. It does not ask for variety descriptions.
5. Other forms and documents (item 10): Here the applicant should indicate (tick box) that he includes the relevant documents for his priority claim.

Poland

<p><u>Item in UPOV Model Application Form</u> (document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/3: “UPOV Model Form for the Application for Plant Breeders’ Rights”)</p>	<p><u>Reference to be quoted in the application form of the authority</u> <sup>(note)</sup></p>	<p>(Clear cell indicates text to be completed in form. Highlighted cell indicates tick box, declaration or information to be attached)</p>	<p><b>Answer “yes” to identify the standard references indicated in the Authority’s Application Form</b></p>
<p>I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct: place</p>	<p>UPOV-A1: 11(b)</p>		<p><b>yes (without declaration)</b></p>
<p>I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct: date</p>	<p>UPOV-A1: 11(c)</p>		<p><b>yes (without declaration)</b></p>
<p>I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct: signature</p>	<p>UPOV-A1: 11(d)</p>		<p><b>yes (without declaration)</b></p>

Sweden

Item in UPOV Model Application Form (document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/3: “UPOV Model Form for the Application for Plant Breeders’ Rights”)	Reference to be quoted in the application form of the authority <sup>(note)</sup>	(Clear cell indicates text to be completed in form. Highlighted cell indicates tick box, declaration or information to be attached)	Answer “yes” to identify the standard references indicated in the Authority’s Application Form
1.(e) Applicant(s) <sup>1</sup> A procedural representative/agent/proxy will be used: Yes	UPOV-A1: 1(e)(i)	<input type="checkbox"/>	<b>(Yes)</b>
1.(e) Applicant(s) <sup>1</sup> A procedural representative/agent/proxy will be used: No	UPOV-A1: 1(e)(ii)	<input type="checkbox"/>	<b>No</b>
5.(b) To the best of my/our knowledge there is no other person who bred, or discovered and developed the variety.	UPOV-A1: 5(b)	declaration	<b>(Yes)</b>
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by contract (yes)	UPOV-A1: 5(c)(i)	<input type="checkbox"/>	<b>(Yes)</b>
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by succession (yes)	UPOV-A1: 5(c)(ii)	<input type="checkbox"/>	<b>(Yes)</b>
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by other (specify) (yes)	UPOV-A1: 5(c)(iii)	<input type="checkbox"/>	<b>(Yes)</b>

[Annex II follows]

## ANNEX II

SUMMARY OF COMMENTS FROM MEMBERS OF THE UNION STATING THAT THEY DO NOT  
INDICATE THE STANDARD REFERENCES OF THE UPOV MODEL APPLICATION FORM  
IN THEIR APPLICATION FORMS AND THEIR FUTURE PLANS

Member of the Union	Plans to include the standard references in the future
Australia	<p>Australia is in the process of amending its IP application process and forms to allow on-line lodgment – scheduled for the latter part of 2012. One option that is being considered is to redesign the Australian PBR application form to follow the UPOV model application form with inclusion of the UPOV standard references.</p> <p>It is noted that standard ST.96 is being adopted in WIPO and discussions in UPOV indicate that future developments will take that standard into account. However it is not yet clear if ST.96 will overlap with UPOV standard references and how that may be dealt with in any form redesign.</p>
Azerbaijan	State Commission for Testing and Protection of Selection Achievements plans to use UPOV Model Application form starting from next year (2013).
Brazil	Yes. On the next review of the form we expect to include the references.
Canada	<p>We are not currently using the UPOV standard references; however, a few years ago we completely reorganized our application form and renumbered the information collection boxes to correspond with the grouping of information on the UPOV Model form at that time. For instance on our application form the large box for information on the applicant – including name, address, phone and fax number and email – are grouped as box #1. The box for botanical classification of the variety is box #3, denomination information is box #4 and so on. Thus for boxes 1 thru to 8, the information to be entered on our form is in the same order as the UPOV Model form. We just haven't broken it down to number each piece of info separately with the detailed UPOV numbering system UPOV-A1: 1(a)(iii) etc.</p> <p>I have attached a copy of our application form to the email that was submitted to the UPOV Office to help explain our numbering on the form.</p> <p>Our forms are subject to approval by a central forms division within our government agency so changing the format or numbering is a rather long undertaking, though not impossible.</p> <p>Therefore, although at the moment we are not referring to the detailed standard UPOV references on our app form, it would not be a difficult job to convert to that system if necessary at some time in the future. This would be a decision to be made with regards to what benefits there would be to the office as well as to the applicants for us changing (and complicating) our numbering system.</p>
Denmark	Yes under consideration and a example is elaborated – applications forms which are bilingual are rather confusing with these standard reference included – DK- txt, UK-text and UPOV standard reference
European Union	These references could be indicated in the future. However, such references are only possible if the question of the UPOV Model application form is exactly the same as in the CPVO application form. A detailed analysis of the situation is provided (see Annex I)
France	<p>The application forms will be considered in the coming years to enable them to be made available first online, and in a second phase, to be completed online.</p> <p>The standard references could then at that time be included in the forms.</p>

Member of the Union	Plans to include the standard references in the future
Iceland	Our operation system will be functional this fall. Most likely Iceland will use the standard references of the UPOV model.
Ireland	Not at present.
Israel	We don't have any plans to include the standard references in the future.
Japan	<p>Most of the items listed in "UPOV Model Form for the Application for Plant Breeders' Rights" are indicated in Japan's application form, but the standard references are not indicated.</p> <p>It is necessary to revise the ministerial ordinance for changing the Japanese application form.</p> <p>We do not have the plan to revise the ministerial ordinance now.</p>
Kenya	We are already working with our IT department to include the standard references and some missing fields
New Zealand	Currently the standard references are not included but as part of the new on line application and application management system, they are included in the new structure of the on line application form. This will be introduced in late 2012. We have recognized the value of a standard reference and the potential it offers smaller schemes for harmonization without moving to a full electronic system. .If we were not part of a wider IP project for patents and trademarks it would be unlikely that we would have an on line possibility and standard references would be added to the present paper based application form. Please note we have answered 4 with respect to the new application form.
Norway	The items where we have answered No will be included in the nearest future.
Portugal	Up to now only the reference to UPOV guideline is included in the DUS technical questionnaire, but a possible inclusion of the standards references of the UPOV Model Application Form is envisaged in a future update of PBR application forms.
Romania	Yes, in 2013-2014 when a new application form will be drawn. Our application form have all the paragraphs from the UPOV Model Application Form.
South Africa	We are planning to amend our Regulations to the PBR Act in future. We will be looking at the application form as well and may include the standard references.
Switzerland	At the moment it is not planned to include the standard references in the forms.
Tunisia	Yes, we plan to include the standard references in the future.
Ukraine	We will discuss that question during next review of the application documents. And we inform that Ukrainian application documents are based on the UPOV Model Application Form and TQ of the relevant Test Guidelines.
United States of America : USPTO	No, there are generic forms for patents that specifically meet the requirements for patent applications. (see Annex I for US: PVP)