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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE**Sixty-Seventh Session
Geneva, March 21, 2013**

ELECTRONIC APPLICATION SYSTEMS

Document prepared by the Office of the Union

1. The purpose of this document is to report on developments concerning: the use of standard references of the UPOV Model Application Form in the application forms of members of the Union; and the prototype electronic form.

I. STANDARD REFERENCES TO THE UPOV MODEL APPLICATION FORM

2. Document TGP/5, Section 2/3 "Experience and Cooperation in DUS Testing: UPOV Model Form for the Application for Plant Breeders' Rights", Annex I "Instructions for Converting the UPOV Model Form for the Application for Plant Breeders' Rights into an Authority's Own Form" includes the following provision for standard references to the UPOV Model Application Form:

"A. General Instructions

[...]

"0.4 A standard UPOV reference has been provided for each field in the UPOV Model Form. For example,

for item 1.(a) Applicant(s) Name(s),
the standard UPOV reference is UPOV A1: 1(a)(i)

To facilitate harmonization and to assist applicants, an Authority may include that standard UPOV reference in the corresponding field of the Authority's own form. 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."

3. The Administrative and Legal Committee (CAJ), at its sixty-sixth session, held in Geneva on October 29, 2012, considered documents CAJ/66/5 "Electronic Application Systems" and CAJ/66/5 Add., which contained replies to the survey on the use of standard references of the UPOV Model Application Form by members of the Union. The CAJ noted the replies to the survey on the use of standard references of the UPOV Model Application Form and noted that a submission had also been received from Latvia after the publication of the addendum (see document CAJ/66/8 "Report on the Conclusions", paragraphs 27 and 28).

4. There have been no further developments with regard to the use of standard references of the UPOV Model Application Form since the sixty-sixth session of the CAJ.

II. PROTOTYPE ELECTRONIC FORM

5. The background to the project to develop a prototype electronic form is presented in document CAJ/66/5.

6. The CAJ, at its sixty-sixth session, considered document CAJ/66/5. The CAJ endorsed the development of a prototype electronic form for interested members of the Union and agreed that the key aspects of the prototype from the perspective of members of the Union would be as follows (see document CAJ/66/8 "Report on the Conclusions", paragraphs 22 and 23):

Form Content: The UPOV electronic form would contain all items required by the participating members of the Union, i.e. it would contain all items in the UPOV Model Application Form and, in addition, items required for an application in the participating member of the Union concerned. Applicants would select the members of the Union in which they wish to make an application and all relevant items for the selected members of the Union would be presented for completion.

Status: Participating members of the Union would decide the status of any data provided via the UPOV electronic form for their own situation.

Data format: The UPOV electronic form would enable data to be transferred to participating members of the Union in Word, Excel, PDF or XML format. The participating members of the Union would decide in which format(s) to accept data. In the case of XML format, a standard format would be developed, based on WIPO standard ST.96.

Languages: The UPOV electronic form would present all items (questions) in English, French, German and Spanish. Translations for all items (questions) in other languages would be provided by the participating members of the Union, with a suitable disclaimer.

Crops/species: Crops/species for the prototype would be one or more of:

Wheat (*Triticum aestivum* L.); Maize (*Zea mays* L.);
Potato (*Solanum tuberosum* L.); Lettuce (*Lactuca sativa* L.);
Tomato (*Solanum lycopersicum* L.); Pea (*Pisum sativum* L.);
and Ryegrass (*Lolium* L.);

and one or more of:

Rose (*Rosa* L.); Chrysanthemum (*Chrysanthemum* L.);
Carnation (*Dianthus* L.); Pelargonium (*Pelargonium* L'Hér. ex Ait.);
Petunia (*Petunia* Juss.); Peach (*Prunus persica* (L.) Batsch);
and Apple (*Malus domestica* Borkh.).

Participating members of the Union would be able to select the crops/species in which to participate, i.e. the UPOV electronic form for each crop/species could have different participating members of the Union. The selection of the crops/species for the prototype would be made by the Office of the Union in consultation with the participating members of the Union, ISF and CIOPORA.

Partners: The partners in the development of the prototype would be the participating members of the Union (including the continued participation of the Community Plant Variety Office of the European Union (CPVO)), Office of the Union, WIPO Internet Services Section, WIPO Standards Section, WIPO Global Database Service, ISF and CIOPORA.

Meetings: Meetings for the development of the prototype would, in general, be held in Geneva with an option to participate by web conference.

7. The CAJ noted that, whilst the prototype would be based on selected crops / species the electronic application system project was intended to be relevant for all crops / species. The CAJ also noted that

participation in the prototype did not require members of the Union to have electronic application systems in place (see document CAJ/66/8 "Report on the Conclusions", paragraph 24).

8. The following members of the Union, including the continued participation of the European Union, indicated their interest to be participating members of the Union in the prototype: Australia, Brazil, Canada, Colombia, Dominican Republic, Mexico, New Zealand, Paraguay, Republic of Korea, United States of America and Viet Nam (see document CAJ/66/8 "Report on the Conclusions", paragraph 25).

9. A meeting on the prototype electronic form, involving the interested members of the Union set out in paragraph 8, will take place in Geneva on March 20, 2013. An oral report on that meeting will be provided to the CAJ at its sixty-seventh session.

10. The CAJ is invited to note that an oral report of the meeting on the development of a prototype electronic form will be made to the CAJ at its sixty-seventh session.

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