

Meeting to discuss Electronic Application Forms

Date: August 18, 2011

Venue: UPOV Headquarters, 34, chemin des Colombettes, Geneva

REPORT

Welcome

1. The meeting was opened and chaired by Mr. Peter Button, Vice Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV), who welcomed the participants.
2. The list of participants is reproduced in Annex 1 to this report.

Approval of the Agenda

3. The meeting adopted the agenda, as circulated to the participants in advance of the meeting.

UPOV Project on Electronic UPOV Model Form for Plant Breeder's Right (PBR) Applications

4. Mr. Button (UPOV) made a presentation on the UPOV project to develop an electronic version of the "Linear Blank form" of the UPOV Model Application Form (UPOV Project), a copy of which is provided as Annex 2 to this report. Background information concerning the project had been provided in advance, as reproduced in Annex 3.
5. It was explained that UPOV had already initiated its project in conjunction with the Internet Services Section of the World Intellectual Property Organization (WIPO), but had paused in the work on that project, pending the outcome of this meeting. In particular, after a meeting with the Community Plant Variety Office of the European Union (CPVO), it had become aware of the need to consider the possibility for electronic transmission of data in XML format from breeders to the UPOV form.
6. It was agreed that the possibility of electronic transmission of data in XML format by breeders would be important for some breeders, but it was also recognized that it would be important for the possibility for manual input of data to be maintained. In that regard, Mr. Uwe Meyer (Bundessortenamt) reported that, in Germany, the possibility to transmit data for PBR applications by breeders already existed but no breeders had used that option.

CPVO Project to Share its Online Application System

7. Mr. Jean Maison (Community Plant Variety Office of the European Union (CPVO)) made a presentation on the "CPVO Electronic application forms and project to share the online application system", a copy of which is provided as Annex 4 to this report. Mr. Maison emphasized the importance of raising awareness amongst applicants of the availability of such systems in order to improve the level of use.
8. The participants agreed that there were a number of the features of the CPVO concept that would be beneficial for the UPOV Project. In particular, it was noted that the concept of having a "core" set of CPVO questions, to which individual national authorities could add their additional questions could be developed at the UPOV level. In that respect, the UPOV Model Application Form and UPOV Technical Questionnaire could be considered as the "core" set of questions, to which, for example, the CPVO and other members of the Union could add their additional questions, if so desired.

9. It was also agreed that the design of the forms had a number of user-friendly features that should be considered by UPOV in its project, e.g. the “expanding” questions.

CPVO Project to Exchange Data in a Structured Format (XML)

10. Mr. Marc Rouillard (CPVO) made a presentation on the “CPVO Project to exchange data in a structured format”, a copy of which is provided as Annex 5 to this report.

11. The participants noted the importance of having a common data structure and common dictionary in order to be able to exchange data in an efficient way. It was agreed that XML should be the common data structure. With regard to the data dictionary, it was noted that the work of WIPO on XML schemas should form a starting point.

WIPO XML Schema Design Rules and Conventions for Industrial Property (DRCs)

12. Mr. Young-Woo Yun, WIPO Standards Section, made a presentation on the “XML4IP Project”, a copy of which is provided as Annex 6 to this report. A draft document concerning the XML4IP Project within the WIPO XML Schema Design Rules and Conventions (DRC’s) for Industrial Property project, had been provided in advance, as reproduced in Annex 7 to this report. Mr. Yun explained that it was tentatively anticipated that WIPO would adopt the ST.96 standard at the end of 2011 or the beginning of 2012.

13. It was noted that the WIPO standard ST.96 would provide the schemas to be used for data exchange among intellectual property offices (IPOs) and implementation at IPOs. However, it was also noted that there would be a number of items, specific for PBR purposes, which would not be covered by ST.96.

Developing a Standardized System of Data Exchange for PBR Applications

14. It was agreed that the WIPO standard ST.96 should be the starting point for a standardized system of data exchange, whilst noting that a dictionary of terms would need to be developed for the items not covered by ST.96. In that regard, Mr. Yun suggested that common design rules might be developed for items that were not covered by ST.96

Future Actions and Program

General

15. Mr. Button explained that any broadening of the scope of the UPOV Project would be subject to consideration within UPOV. In that regard, any proposals would, in the first instance, be presented to the Administrative and Legal Committee (CAJ) at sixty-fourth session, to be held in Geneva on October 17, 2011.

16. It was agreed that any proposed systems should be considered for the gains in efficiency and effectiveness that they could be expected to deliver and that those gains should be sufficient to justify the investment in their development and maintenance. It agreed that the composition of the meeting, involving UPOV, WIPO, CPVO and breeders, provided a good basis for that consideration.

17. Mr. Marcel Bruins, International Seed Federation (ISF), expressed the support of ISF for the initiative and noted that it was moving much closer to the concept had been proposed by ISF in 2007. He welcomed the possibility for participation by the breeders, and noted that the breeders at the meeting accounted for approximately 3,000 applications annually.

18. The participants agreed that further investigation and work was needed with regard to the matters raised at the meeting before further consideration could be made. In that regard, it identified the following matters, which could be pursued separately but in parallel:

UPOV Project

19. With regard to the UPOV Project, it was agreed that UPOV should consider the concept of having a “core” set of UPOV questions, to which individual national authorities could add their additional questions. In that respect, the UPOV Model Application Form and UPOV Technical Questionnaire should be considered as the “core” set of questions, to which, for example, the CPVO and other members of the Union could add their additional questions, if so desired. It was also agreed that the design concept of the CPVO forms, e.g. the “expanding” questions, should be explored.

20. It was recalled that the intention was for the UPOV Form to be made available in various languages. In that regard, particular consideration would need to be given to the translation of the additional questions to be added by individual members of the Union. It was agreed that the UPOV Project should consider a small number of crops/species in the first instance in order to assess the feasibility of the project on a wider scale.

21. The participants agreed that UPOV, with its WIPO Internet Services Section colleagues, should explore those matters further with CPVO.

22. The participants agreed that the UPOV Project should retain the possibility for users to input data manually and the possibility for output forms to be generated in paper and electronic formats. With regard to the development of possibilities for electronic transmission of data in XML format from breeders to the UPOV form, it was agreed that there was a need for further work in order to develop a standardized system of data exchange for PBR applications.

Development of a Standardized System of Data Exchange for PBR Applications

23. It was agreed that the development of any standardized system of data exchange for PBR applications should use the WIPO standard ST.96 as the starting point. As a first step, it was agreed that it would be necessary to review the ST.96 standard in order to identify fields in the UPOV and CPVO forms that would be covered by ST.96 and those that would not be covered. In response to an offer by CPVO, it was agreed that CPVO should undertake that analysis and should develop proposals for common design rules for fields that were not covered by ST.96.

Communications

24. In recognition of the status of some of the materials made available to participants, it was agreed that the material should be posted on the UPOV website in an area that would be accessible by means of a password issued to the participants. In future, consideration could be given to whether a Wikipage should be created for the participants.

Future meeting

25. It was agreed that a meeting should be scheduled for December 8, 2011, to be held in Geneva.

26. At that meeting, a report would be made on developments concerning the UPOV Project and a possible standardized system of data exchange for PBR applications.

[End of document: annexes available on website]