



TWF/44/27

ORIGINAL: English

DATE: April 19, 2013

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

TECHNICAL WORKING PARTY FOR FRUIT CROPS

Forty-Fourth Session

Napier, New Zealand, April 29 to May 3, 2013

REPORT ON DEVELOPMENTS WITHIN UPOV

Document prepared by the Office of the Union

1. The Annex to this document contains a copy of a presentation "Report on Developments within UPOV" prepared by the Office of the Union for the forty-fourth session of the Technical Working Party for Fruit Crops.

2. *The TWF is invited to note the "Report on Developments within UPOV", as presented in the Annex to this document.*

[Annex follows]

TECHNICAL WORKING PARTY FOR FRUIT CROPS
Forty-Fourth Session

REPORT ON DEVELOPMENTS IN UPOV

Napier, April 29, 2013

OVERVIEW

- People, membership & statistics
- External relations
- Geneva events
- UPOV Collection
- DL courses

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COUNCIL

ELECTIONS

for a term of three years ending in 2015



President of the Council

Ms. Kitisri Sukhapinda
(United States of America)



Vice-President of the Council

Mr. Luis Salaices
(Spain)

MEMBERSHIP OF UPOV

1991 Act

New Members

Serbia as of Jan. 5, 2013

New Accessions/Ratifications

Panama as of Nov. 22, 2012

France as of May 27, 2012

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MEMBERSHIP OF UPOV

Examination of Laws

<u>Draft Laws examined</u>	<u>Council session</u>	<u>Advice</u>
Ghana	November 1, 2012	Positive
United Republic of Tanzania (For mainland Tanzania and Zanzibar)	November 1, 2012 (mainland Tanzania) and March 22, 2013 (Zanzibar)	Positive (law adopted) Positive (draft Bill)

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OBSERVERS

States

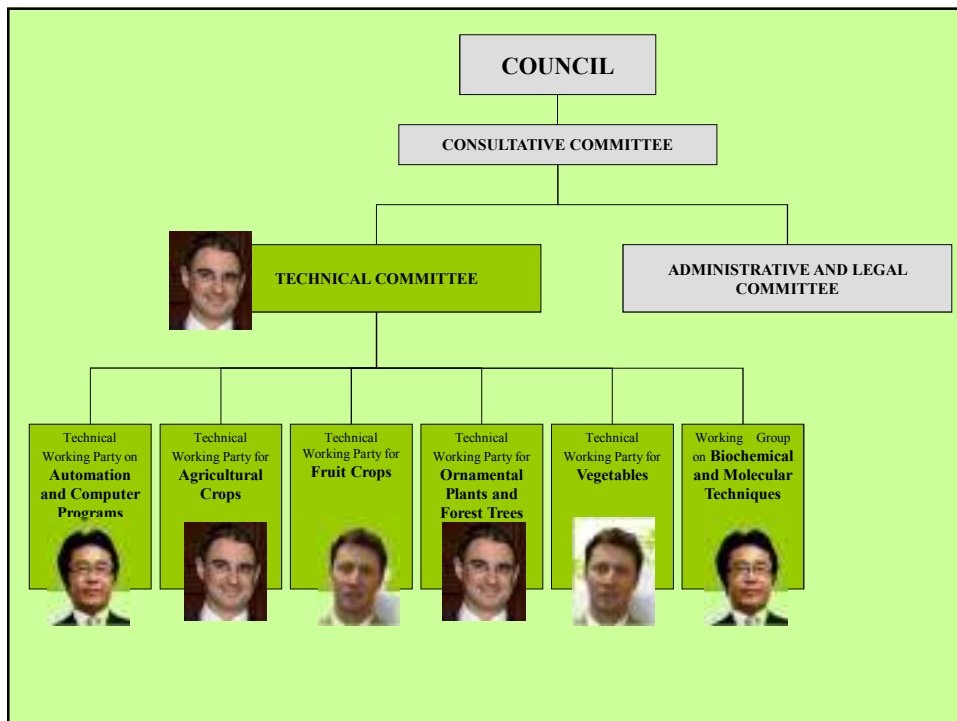
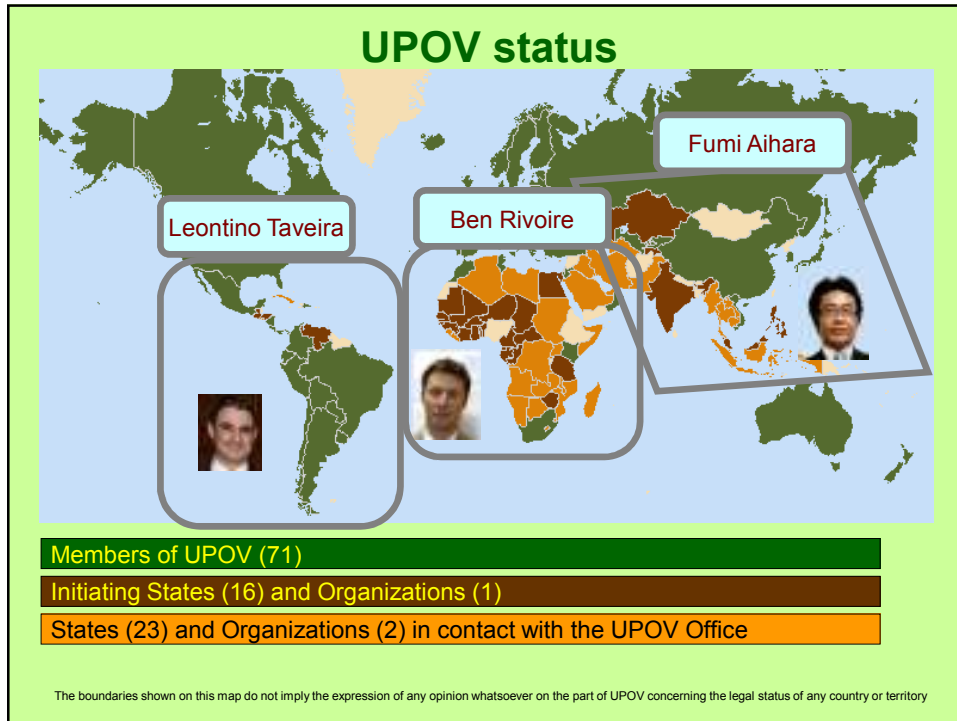
Observer State status granted to
GHANA
for the TC and TWP

International Non-Governmental Organizations

Observer status granted to the
African Seed Trade Association (AFSTA)
for the Council, CAJ, TC and TWP

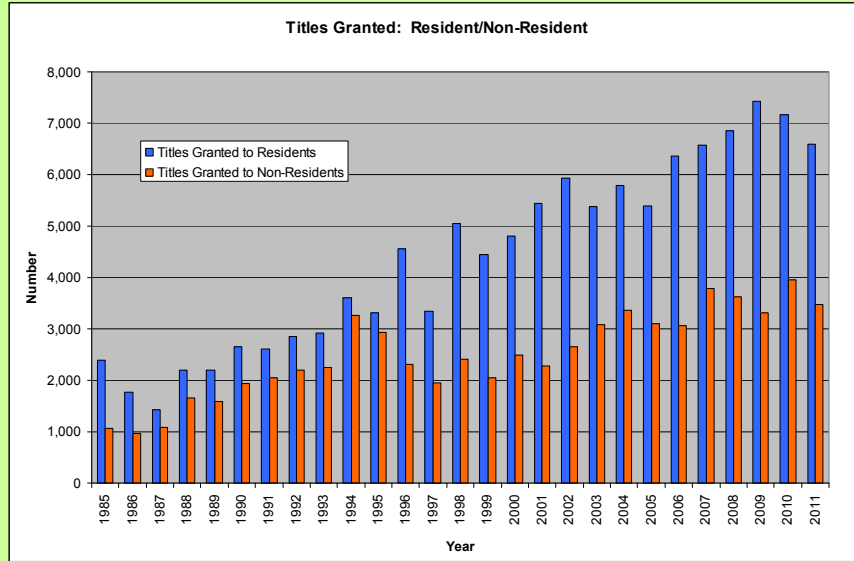
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The image is a screenshot of the UPOV website. At the top, there is a header with the UPOV logo and the text "INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS". Below the header is a navigation menu with links for "ABOUT UPOV", "MEMBERSHIP", "UPOV SYSTEM", "PVP DATA & STATISTICS", "MEETINGS", and "NEWS". A search bar is located in the top right corner. The main content area features a large banner with a sunflower image and the text "Test Guidelines available in Word". To the right of the banner is a "Quick Links" section with a red arrow pointing to the link "Situation in UPOV". Other links in the "Quick Links" section include "UPOV Collection", "Test Guidelines", "Distance Learning Course", and "Seminars & Symposia". Below the "Quick Links" section are links for "GENE Database", "UPOV Law", and "Plant Variety Database (PLUTO)". At the bottom of the page, there is a "News & Upcoming Events" section with a link for "Test Guidelines now available in Word format".



Statistics in 2011

9.4% decrease in number of titles granted (11,115 in 2010; 10,065 in 2011)

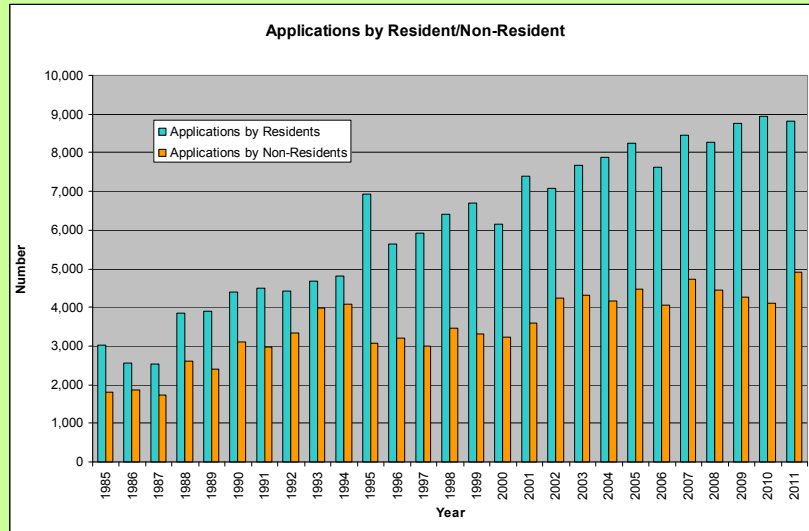


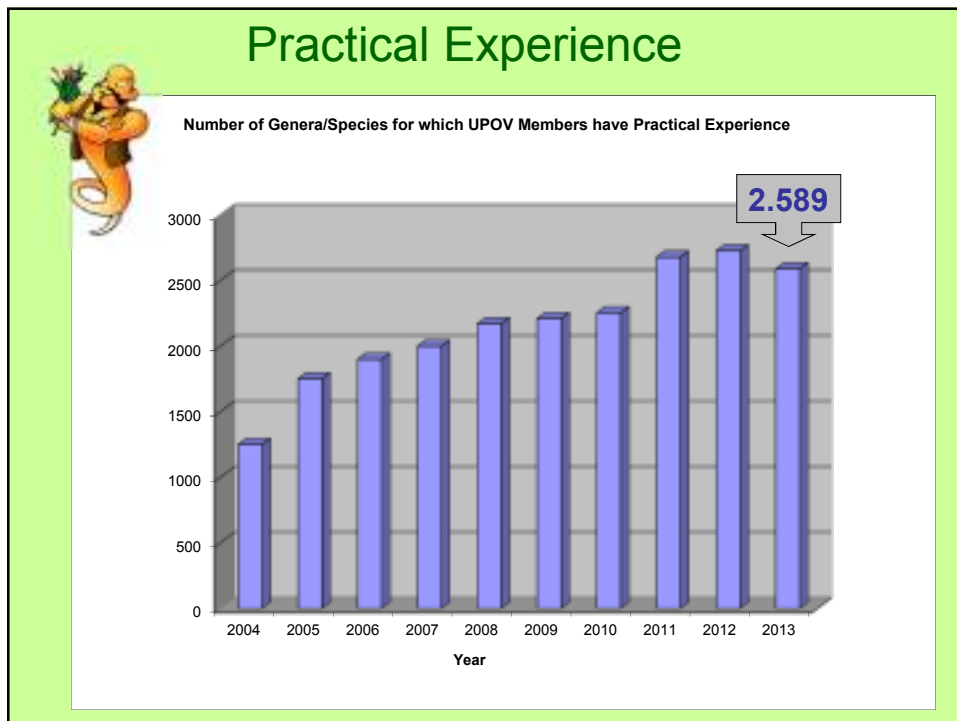
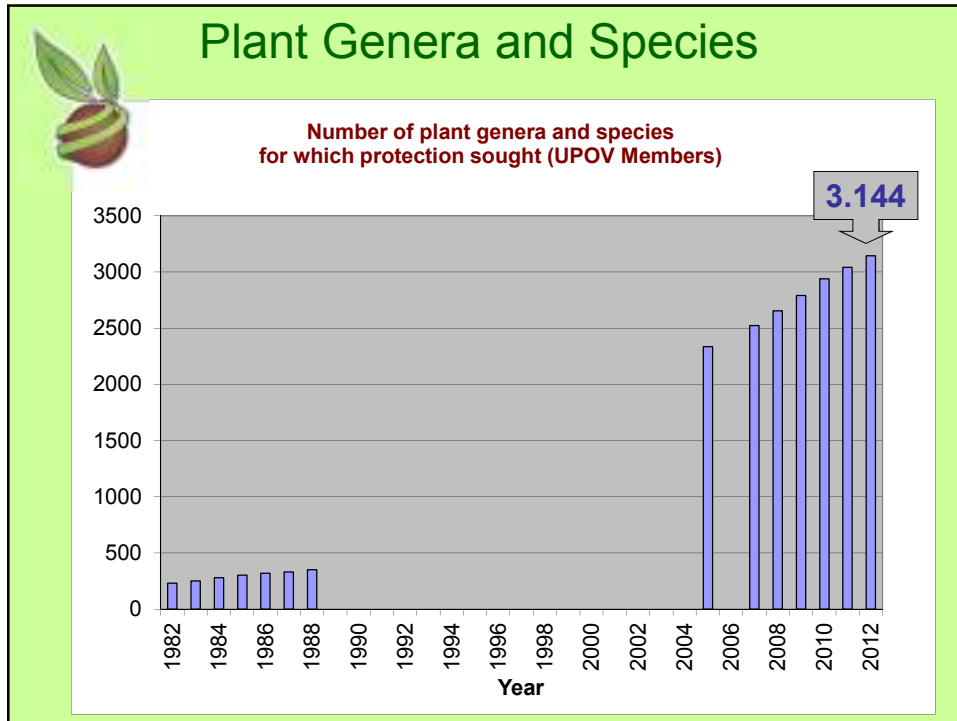
Statistics in 2011

5.2% increase in the number of applications (13,714 in 2011; 13,038 in 2010),

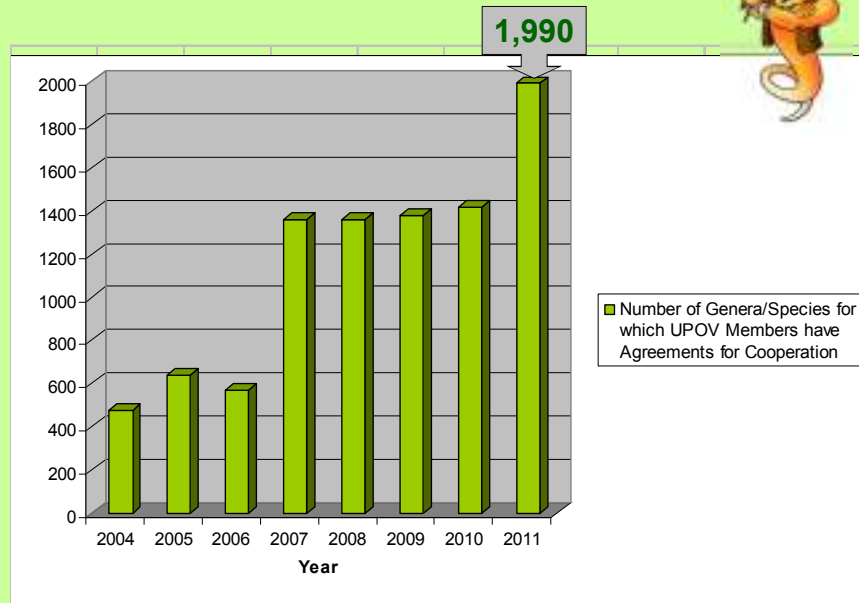
1.4% decrease by residents (8,813 in 2011; 8,937 in 2010)

19.5% increase by non-residents (4,901 in 2011; 4,101 in 2010)

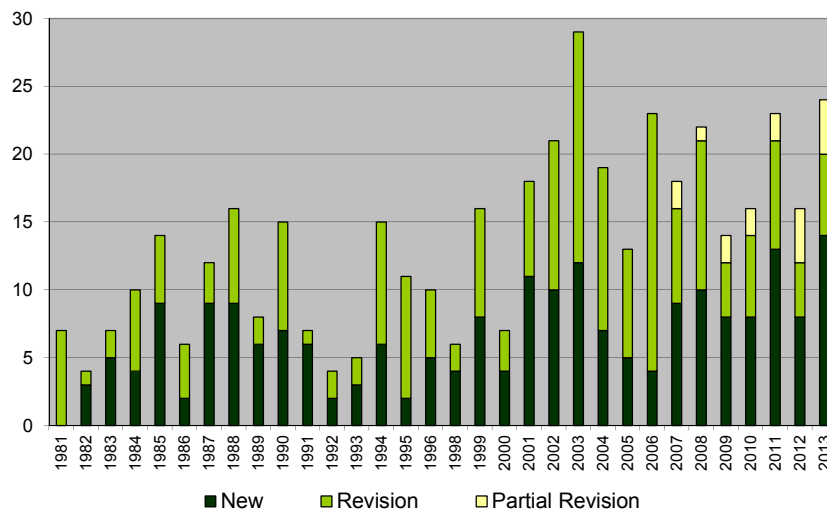




Cooperation



Adoption of Test Guidelines



OVERVIEW

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ITPGRFA

International Treaty on Genetic Resources for
Food and Agriculture (ITPGRFA)

**Platform for the Co-Development and
Transfer of Technologies**

*Members of the Union approved the participation of
the Office of the Union in the Platform*

Contribution to the work of multi-stakeholder team on enhancing
public-private partnerships in pre-breeding

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Symposium on the Benefits of Plant Variety Protection for Farmers and Growers

CLOSING REMARKS

Kitisri Sukhapinda
President of the Council of UPOV

Geneva, November 2, 2012

Session I: The Role of PVP in
IMPROVING INCOMES for FARMERS and GROWERS

The UPOV System of Plant Variety Protection:

- Encourages the breeding of new varieties - enabling farmers to respond to the environmental and economic challenges confronting agriculture
- Provides farmers and growers with access to the best local and global varieties
- Enables variety choice to be combined with information and delivery of good quality planting material
- Is a tool for capturing value through farmer cooperation
- Facilitates “WIN-WIN” cooperation between farmers and breeders
- Provides business opportunities for small farmers and growers
- Has the potential to be even more effective through improvements in implementation

Session II: The Role of PVP in
ENABLING FARMERS and GROWERS to BECOME BREEDERS

The UPOV System of Plant Variety Protection:

- Provides an incentive for farmers and growers to become breeders
- Enables any farmer or grower to use the best available, protected varieties for breeding work
- Offers an effective and transparent system that is easily accessible for small and medium-sized enterprises
- Enables farmers and growers to develop local, national and international businesses
- Empowers farmers and growers in the production chain

... **BUT we need to explain it better**

ABOUT UPOV MEMBERSHIP UPOV SYSTEM PVP DATA & STATISTICS MEETINGS NEWS

MEETINGS

HOME » MEETINGS »

Seminars & Symposia

Unless otherwise agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV can represent policies or guidance.

[Meetings by Topic » Seminars & Symposia](#)

- [UPOVSYMGEN12](#): Symposium on the Benefits of Plant Variety Protection for Farmers and Growers
November 2, 2012 (Geneva, Switzerland)
- [UPOVSYMGEN11](#): Symposium on Plant Breeding for the Future
October 21, 2011 (Geneva, Switzerland)
- [UPOVSEMDE11](#): Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership
April 11 to April 12, 2011 (Geneva, Switzerland)

Trilogy publication

SEMINAR ON ESSENTIALLY DERIVED VARIETIES

- The Council approved the organization of a seminar on essentially derived varieties (EDVs) on **October 22, 2013**. The seminar would consider the following:
- (a) **technical and legal views on “predominantly derived”, “essential characteristics” and “differences which result from the act of derivation”** (see Article 14(5)(b) of the 1991 Act of the UPOV Convention), the relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention and the possible impact on breeding and agriculture;
- (b) **existing experience** in relation to EDVs; and
- (c) the possible role of future UPOV guidance on EDVs in cases before the courts.

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UPOV Collection: physical collection



The screenshot shows the UPOV website interface. At the top, there is a navigation bar with the UPOV logo and the text 'INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS'. Below this is a search bar and a 'Contact us' link. A main navigation menu includes 'ABOUT UPOV', 'MEMBERSHIP', 'UPOV SYSTEM', 'PVP DATA & STATISTICS', 'MEETINGS', and 'NEWS'. The main content area features a large image of sunflowers with the text 'Test Guidelines available in Word'. To the right, a 'Quick Links' sidebar lists several items, with 'UPOV Collection' highlighted by a red arrow. Other items in the sidebar include 'Introduction to UPOV', 'Ashira Rindo story', 'Distance Learning Course', and 'Seminars & Symposia'. Below the sidebar, there are links to 'GENE Database', 'UPOV Law', and 'Plant Variety Database (PULTO)'. A 'News & Upcoming Events' section at the bottom right mentions 'Test Guidelines now available in Word format'.

INFORMATION MATERIALS ADOPTED NOVEMBER 2012

Document reference	Title
UPOV/INF/12/4	Explanatory Notes on Variety Denominations under the UPOV Convention (Revision)
UPOV/INF/19/1	Rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies (Revision)
UPOV/INF/20/1	Rules governing access to UPOV documents (Revision)
UPOV/INF/21/1	Alternative Dispute Settlement Mechanisms
UPOV/INF-EXN/3	List of INF-EXN Documents and Latest Issue Dates
TGP/0/5	List of TGP Documents and Latest Issue Dates
TGP/12/2	Guidance on Certain Physiological Characteristics (Revision)

LATEST DEVELOPMENTS			
Document reference	Status	Title	Schedule
UPOV/INF/15	Revision	Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the provision of information to facilitate cooperation	Council adopted
UPOV/EXN/BRD	New	Definition of Breeder	CAJ/67 March 2013 approved
UPOV/INF/5 (October 1979)	Revision	UPOV Model Plant Breeders' Rights Gazette	CAJ/67 approved to start process

LATEST DEVELOPMENTS: HARVESTED MATERIAL			
Document reference	Status	Title	Schedule
UPOV/EXN/HRV	New	Acts in Respect of Harvested Material <ul style="list-style-type: none"> • Harvested material • Unauthorized use of propagating material <ul style="list-style-type: none"> – Acts in respect of propagating material – Conditions and limitations – Compulsory exceptions – Optional exception • Exercise his right 	CAJ-AG October 2013
		to immediately start work on illustrative examples for a future possible revision	CAJ/67 to invite CAJ-AG?
		to consider the development of guidance on “reasonable opportunity”	CAJ/67 to invite CAJ-AG?

LATEST DEVELOPMENTS: PROPAGATING MATERIAL

Document reference	Status	Title	Schedule
UPOV/EXN/PPM	New	Propagation and Propagating Material <ul style="list-style-type: none"> • Forms of material that could be propagating material • Non-exhaustive list of factors, such as: <ul style="list-style-type: none"> (i) whether the material has been used to propagate the variety; (ii) whether the material is capable of producing entire plants of the variety; (iii) whether there has been a custom/practice of using the material for that purpose; (iv) the intention on the part of those concerned (producer, seller, buyer, user); and (v) whether the plant material is suitable for reproducing the variety unchanged 	CAJ-AG October 2013

LATEST DEVELOPMENTS: ESSENTIALLY DERIVED VARIETIES

Document reference	Status	Title	Schedule
UPOV/EXN/EDV	Revision	Essentially Derived Varieties <ul style="list-style-type: none"> • EDV "B", EDV "C" to EDV "Z" 	CAJ-AG October 2013
		<ul style="list-style-type: none"> • use of molecular marker data information of an initial variety to obtain essentially derived varieties • Relationship between Article 14(5)(b)(i) and (iii) <ul style="list-style-type: none"> – starting point: "the derived variety must retain almost the totality of the genotype of the mother variety and be distinguishable from that variety by a very limited number of characteristics (typically by one)" 	CAJ-AG October 2013 seminar in October
		<ul style="list-style-type: none"> • Presentations on matters concerning essentially derived varieties arising after the grant of a breeder's right (e.g. AU, BR, EU) 	Future CAJ-AG

LATEST DEVELOPMENTS: OTHER

Document reference	Status	Title	Schedule
	To be decided	Matters Arising after the Grant of a Breeder's Right (a) Cancellation of the breeder's right; (b) Nullity of the breeder's right; (c) Variety denominations; (d) Variety descriptions [(e) Provisional protection] [(f) Filing of applications] [(g) Enforcement of breeders' rights]	CAJ-AG October 2013

TEST GUIDELINES ADOPTED IN 2013

NEW TEST GUIDELINES		
Drafter	TWP	English
BR	TWV	Coriander, Cilantro, Collender, Chinese Parsley
AU	TWO	Flax-lily, Dianella
BR/ CN	TWO	Eucalyptus
JP	TWF	Kumquat
NZ	TWO	Hebe
CA	TWO	True Lobelia of Gardens
AU	TWO	Lomandra, Mat Rush
CN	TWO	Tree peony, Yellow Tree Peony ; Moutan Peony
ES	TWF	Pomegranate
NL	TWV	Tomato Rootstocks
FR	TWF	Pineapple
KR	TWV	Oyster Mushroom; Eringi, King Oyster Mushroom; Lung Oyster Mushroom
IL/ KR	TWA	Sesame
CN	TWA	Foxtail Millet, Italian Millet, Hungary Millet

TEST GUIDELINES ADOPTED IN 2013

REVISIONS OF TEST GUIDELINES			
ES	TWA	Common Vetch	Vicia sativa L.
NL	TWV	Endive	Cichorium endivia L.
NL	TWO	Gladiolus	Gladiolus L.
HU	TWV	Opium/Seed Poppy	Papaver somniferum L.
DE	TWO	Osteospermum	Osteospermum L.; hybrids with Dimorphotheca Vaill. ex Moench
NL	TWO	Phalaenopsis	Phalaenopsis Blume
NL	TWV	Watermelon	Citrullus lanatus (Thunb.) Matsum. et Nakai, Citrullus vulgaris Schrad.
PARTIAL REVISIONS OF TEST GUIDELINES			
ZA	TWO	African Lily	Agapanthus L'Hér.
FR/ NL	TWV	Lettuce	Lactuca sativa L.
NL	TWV	Spinach	Spinacia oleracea L.
QZ	TWV	Tomato	Solanum lycopersicum L.

Other Test Guidelines considered by Technical Committee in 2013

Status	Document No.	English	Drafter	TWP
Referred back to TWV	TG/166/4 (proj.4)	Opium / Seed Poppy	HU	TWV

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DL-205

Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention

Session II

Study period: November 11 to December 15, 2013
Registration: September 1 to October 15, 2013

Registrations can be made in three different categories:

Category 1:
Government officials of members of the Union nominated by the relevant representative to the UPOV Council
No fee

Category 2:
Officials of observer States / intergovernmental organizations nominated by the relevant representative to the UPOV Council
(One non-fee paying student per State / intergovernmental organization;
Additional students: CHF1,000 per student)

Category 3:
Others
Fee: CHF1,000

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DL-305

Examination of applications for plant breeders' rights

SECTION I ADMINISTRATION OF PLANT BREEDERS' RIGHTS
Module 1: The Plant Breeder's Right's Office
Module 2: Administration of applications
SECTION II ENTITLEMENT
Module 3: Entitlement to file an application
SECTION III NOVELTY
Module 4: Examining Novelty
SECTION IV DUS EXAMINATION
Module 5: Introduction to the DUS examination
Module 6: Variety collections
Module 7: Examining Distinctness
Module 8: Examining Uniformity
Module 9: Examining Stability
Module 10: Trial Design and Data Analysis
Module 11: Approaches and cooperation in DUS examination
SECTION V VARIETY DENOMINATION
Module 12: Examining the variety denomination
SECTION VI PUBLICATION OF INFORMATION AND DECISIONS
Module 13: Information to be published
Module 14: Proposed decisions and Objections
Module 15: Decisions
Module 16: Situations which may arise after the grant of PBR

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DL-305

Examination of applications for plant breeders' rights

Draft Section IV (DUS) circulated to interested experts for comment by April 19

Test course to be uploaded in June/July 2013

First course (English) December 2013

First course (French, German, Spanish) 2014

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TECHNICAL COMMITTEE			
April session: 2014			
Monday	Tuesday	Wednesday	Thursday
TC	TC	TC Discussion	DISCUSSION ON: <i>(a) Improving the effectiveness of the TC, TWPs and Preparatory Workshops;</i> <i>(b) Opportunities for training in the examination of DUS;</i> <i>(c) Cooperation with breeders in the examination of DUS.</i>
TC	TC	TC	

THANK YOU