

Technical Working Party for Vegetables**TWV/51/13****Fifty-First Session****Roelofarendsveen, Netherlands, July 3 to 7, 2017****Original:** English**Date:** June 26, 2017

REPORT ON DEVELOPMENTS WITHIN UPOV*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

The Annex to this document contains a copy of a presentation “Reports on Developments within UPOV” to be made by the Office of the Union at the fifty-first session of the Technical Working Party for Vegetables.

[Annex follows]

**TECHNICAL WORKING PARTY FOR
VEGETABLES
Fifty-first Session**

REPORT ON DEVELOPMENTS IN UPOV

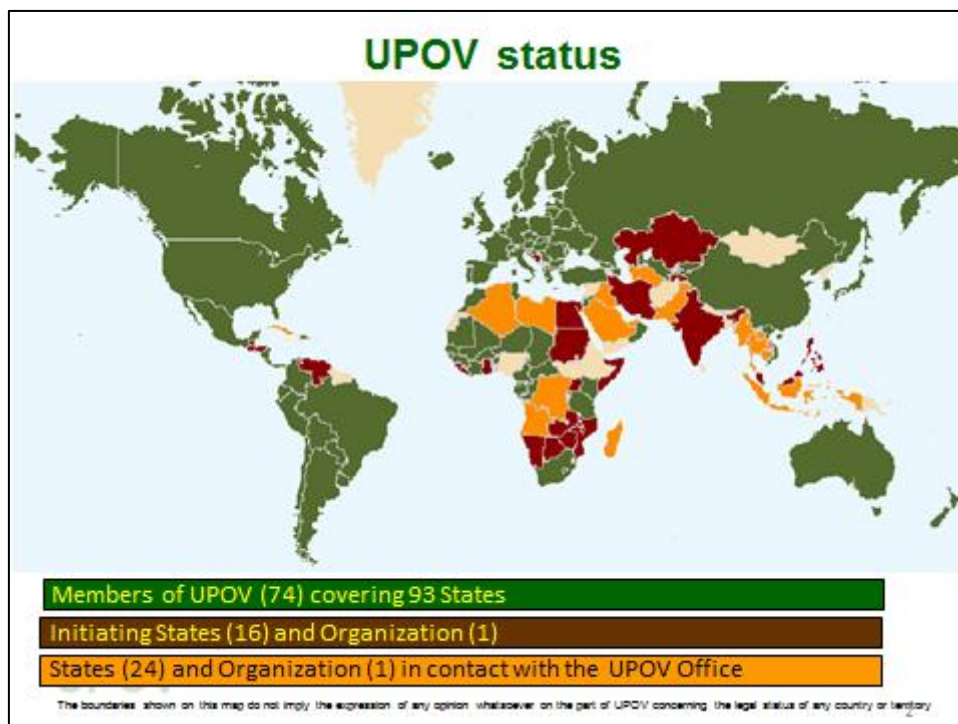
including relevant matters discussed in the last sessions of the
Administrative and Legal Committee,
the Consultative Committee and the Council

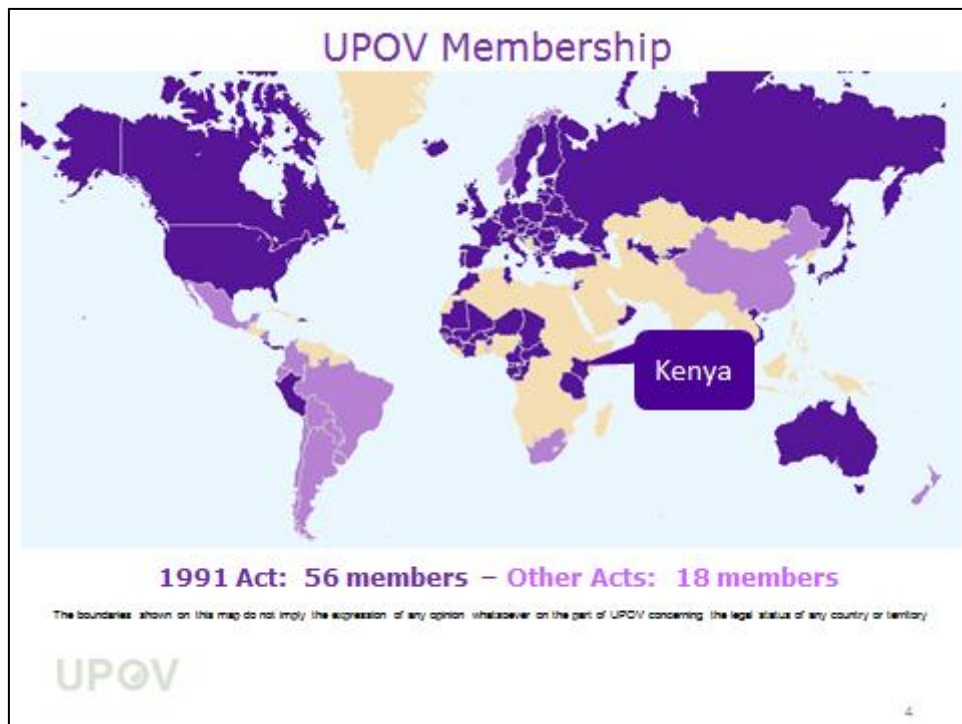
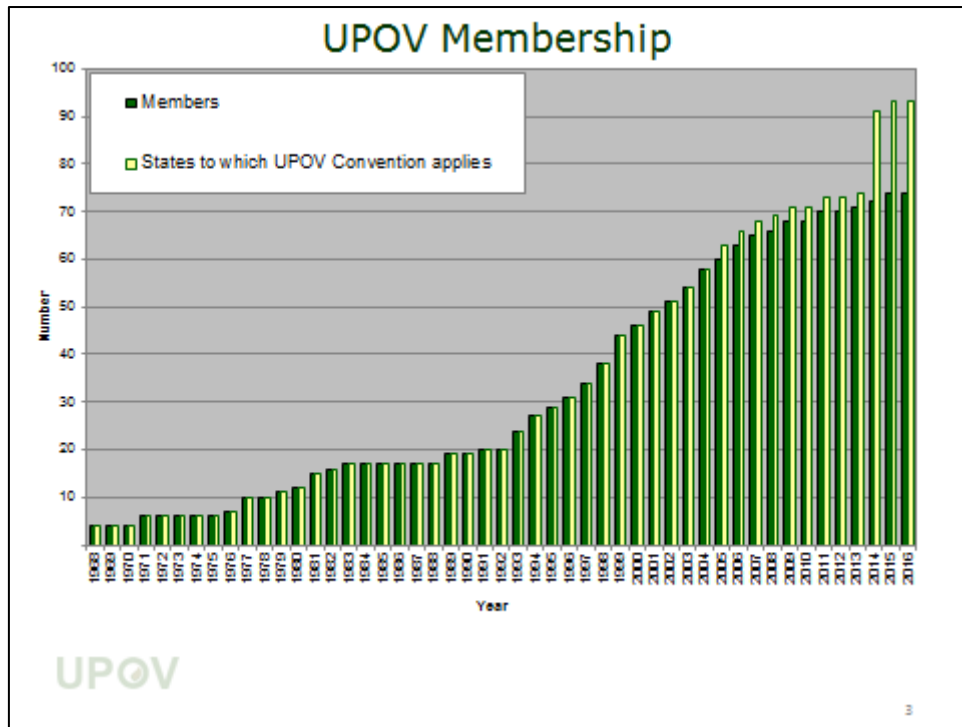
Office of the Union

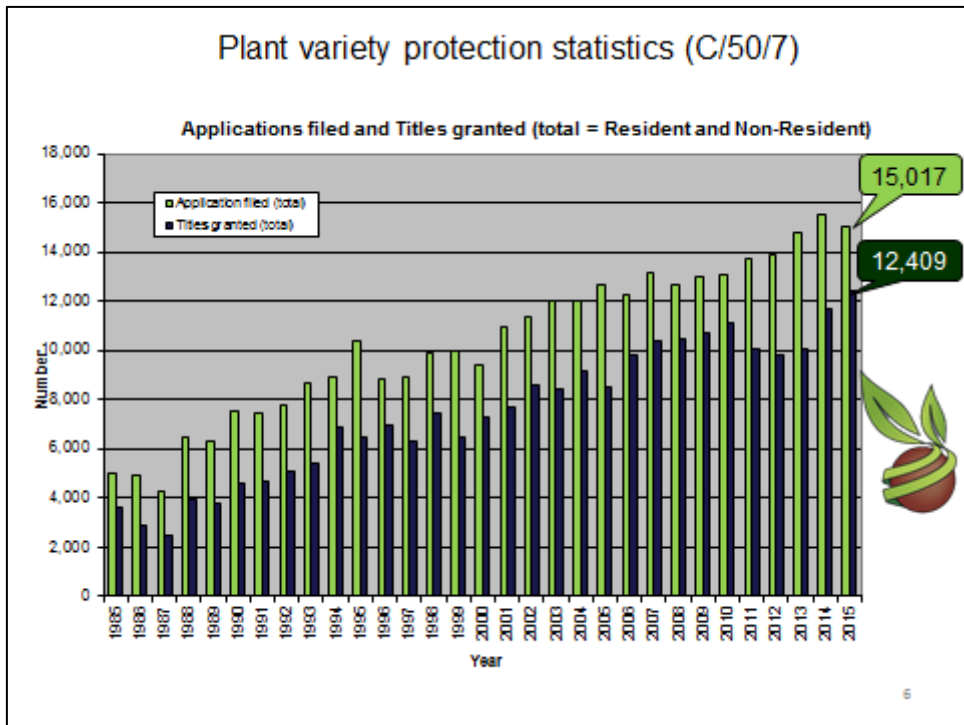
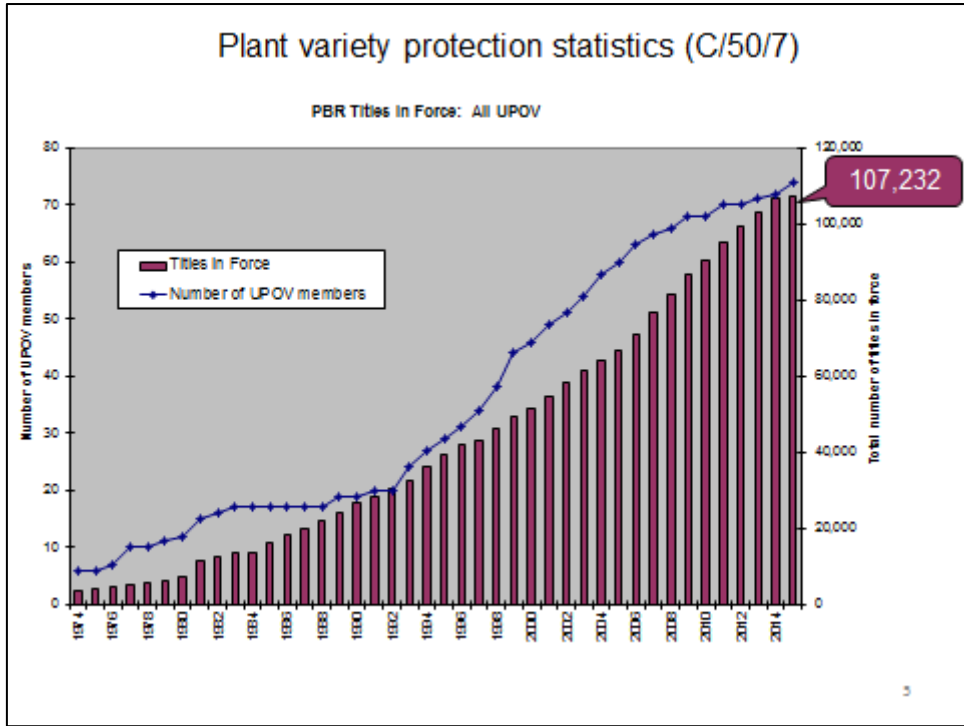
July 3 to July 7, 2017 (Roelofarendsveen, Netherlands)

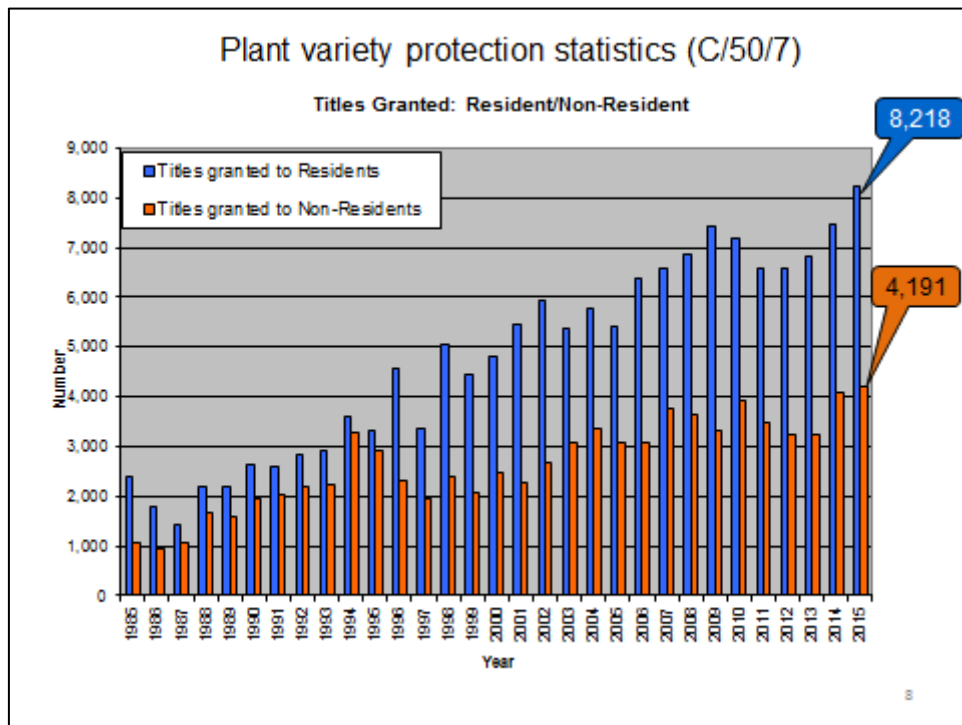
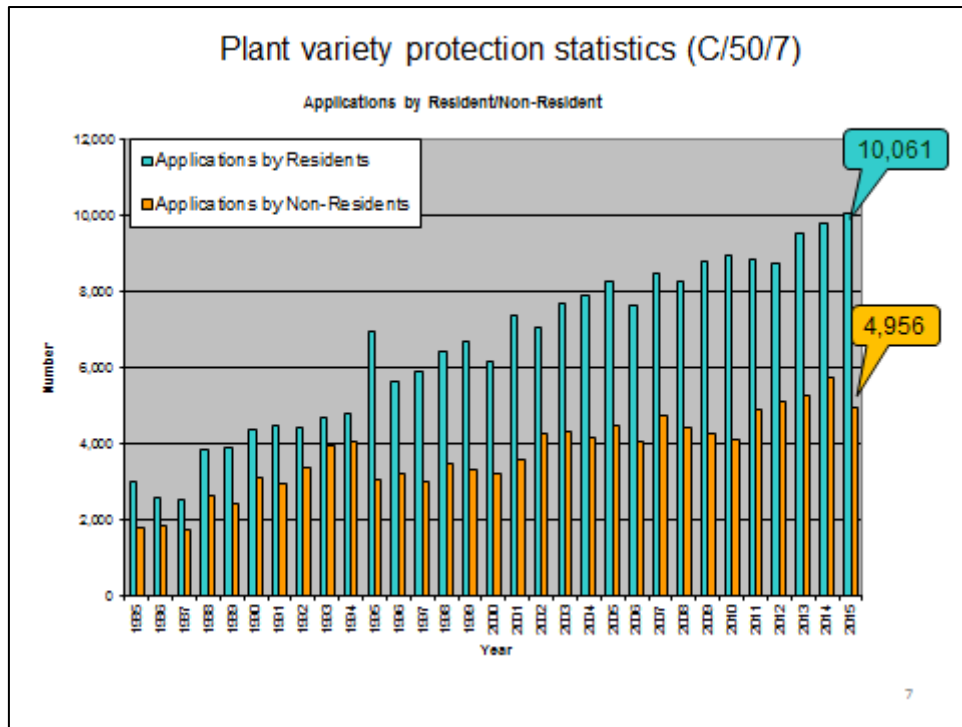
UPOV

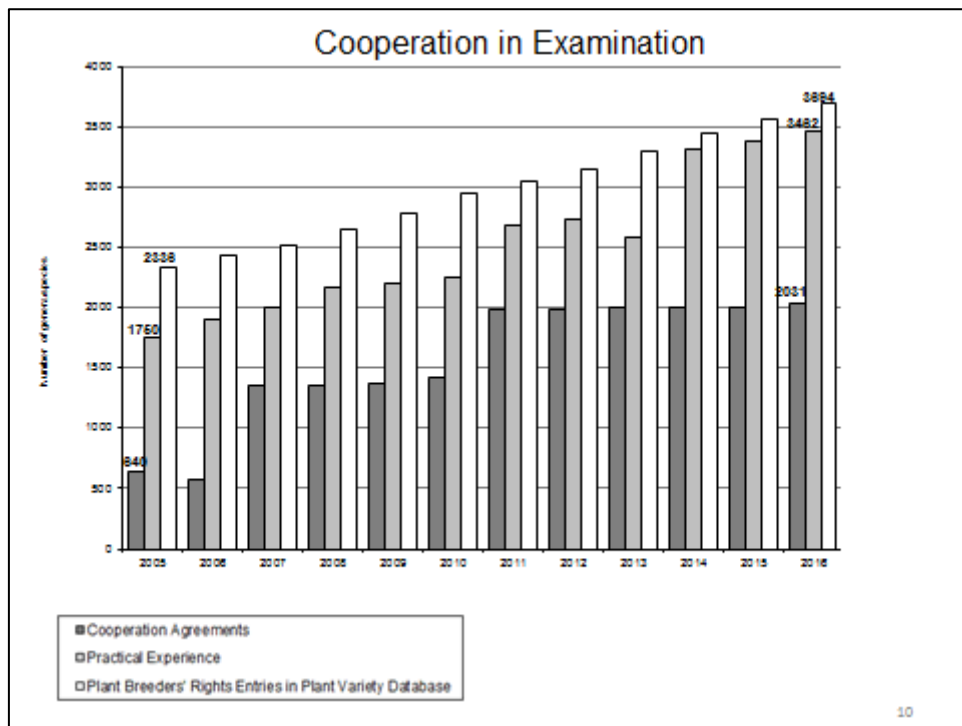
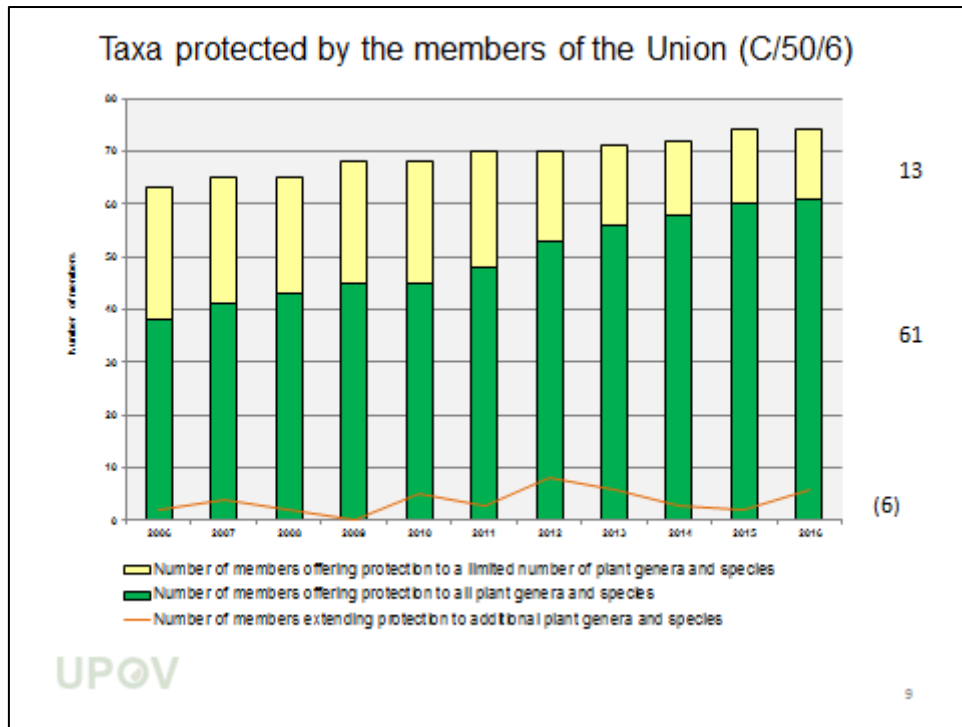
International Union for the Protection of New Varieties of Plants











**UPOV**

C/50/12
ORIGINAL: English
DATE: October 17, 2016

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
Geneva

COUNCIL
Fiftieth Ordinary Session
Geneva, October 28, 2016


PERFORMANCE REPORT FOR THE 2014-2015 BIENNIUM

Document prepared by the Office of the Union

Disclaimer: This document does not represent UPOV policies or guidance

1. This document presents the Performance Report for the 2014-2015 Biennium on the basis of the Program and Budget for the 2014-2015 Biennium adopted by the Council (see document C/47/4 Rev. "Program and Budget for the 2014-2015 Biennium").
2. The performance report for the 2014-2015 Biennium provides information on expenditure, total number of posts for the Office of the Union and results and performance indicators by subprogram on the basis of the program and budget adopted by the Council. This document also provides a view of trends over time.

11

**WIPO**
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

**Evaluation of the International Union for
the Protection of New Varieties of Plants**

IOD Evaluation Section, WIPO

October, 2016

Recommendation

Strategic Business Plan

- Financial Resources
- Human Resources
- Outreach Activities

13

Elections - for a term of three years ending in 2019...

UPOV

Search

Contact us Site map YouTube

- ABOUT UPOV
- MEMBERSHIP
- UPOV SYSTEM
- PVP DATA & STATISTICS
- MEETINGS
- NEWS

ABOUT UPOV

- Mission Statement
- Overview
- Organigram
- Office of UPOV
- Officers**
- UPOV Convention
- Benefits of UPOV System
- Key Issues
- FAQs
- Publications

HOME • ABOUT UPOV •

Officers

President, Council / Président, Conseil / Präsident, Rat / Presidente, Consejo

Mr. Ramundo Lavignote, Presidente del directorio, Instituto Nacional de Semillas (INASE), Venezuela 162, 11*, C1095AAD Buenos Aires, Argentina
Tel.: +54 11 32205432 e-mail: rlavignote@inase.gov.ar

Vice-President, Council / Vice-président, Conseil / Vizepräsident, Rat / Vicepresidente, Consejo

Mr. Marien Vanster, Senior Policy Officer, Seeds and Plant Propagation Material, Ministry of Economic Affairs, DG AGRO, The Hague, Netherlands
Tel.: +31 70 3 796 911 e-mail: m.vanster@minlz.nl

UPOV

14



**Chair, Administrative and Legal Committee (CAJ) /
Président, Comité administratif et juridique (CAJ) /
Vorsitzender, Verwaltungs- und Rechtsausschuß (CAJ) /
Presidente, Comité Administrativo y Jurídico (CAJ)**

Mr. Anthony Parker, Commissioner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Ottawa, Canada
(tel.: +1 613 7737188 e-mail: anthony.parker@inspection.gc.ca)



**Vice-Chair, Administrative and Legal Committee (CAJ) /
Vice-président, Comité administratif et juridique (CAJ) /
Stellvertretender Vorsitzender, Verwaltungs- und
Rechtsausschuß (CAJ) / Vicepresidente, Comité
Administrativo y Jurídico (CAJ)**

Mr. Patrick Ngwediagi, Registrar, Plant Breeders' Rights Office, Ministry of Agriculture, Food Security and Cooperatives, Dar es Salaam, United Republic of Tanzania
(tel.: +255 22 2861404 e-mail: ngwedi@yahoo.com)



**Chair, Technical Committee / Président, Comité
technique / Vorsitzender, Technischer Ausschuß /
Presidente, Comité Técnico**

Mr. Kees van Ettekovén, Head of Variety Testing Department, Naktuinbouw NL, Sotaweg 22, Postbus 40, NL-2370 AA Roelofarendsveen, Netherlands
(tel.: +31 71 332 6128 e-mail: c.v.ettekoven@naktuinbouw.nl)



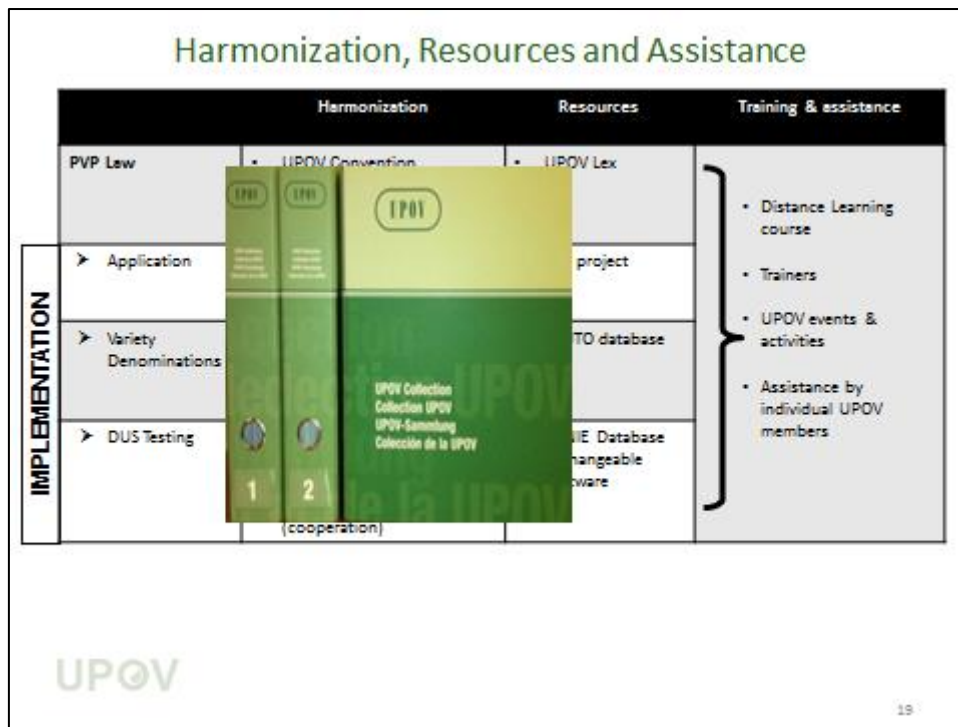
**Vice-Chair, Technical Committee / Vice-président,
Comité technique / Stellvertretender Vorsitzender,
Technischer Ausschuß / Vicepresidente, Comité Técnico**

Mr. Nik Hulse, Chief of Plant Breeders' Rights, Plant Breeder's Rights Office, IP Australia, Woden, Australia
(tel.: +61 2 6283 7982 e-mail: nik.hulse@ipaustralia.gov.au)

The TC agreed to recommend to the Council the election of the next chairpersons of the TWPs as follows:

TWP Proposal

BMT Mr. Nik Hulse (Australia)
TWA Ms. Cheryl Turnbull (United Kingdom)
TWC Mr. Christophe Chevalier (France)
TWF Mr. Jean Maison (European Union)
TWO Mr. Henk de Greef (Netherlands)
TWV Ms. Romana Bravi (Italy)



Program for EXN/INF

Reference	Explanatory Notes on:	Timetable
UPOV/EXN/EDV/2 (revision)	Essentially Derived Varieties	Adopted by the Council in April 2017
UPOV/EXN/PPM/1	Propagating Material	Adopted by the Council in April 2017

20

Program for EXN/INF		
<i>Reference</i>	<i>Explanatory Notes on:</i>	<i>Timetable</i>
UPOV/EXN/EDV/2 (possible revision)	Essentially Derived Varieties	possible revision to be considered by CAJ in October 2017
UPOV/EXN/CAL (possible revision)	Conditions and Limitations	possible revision to be considered by CAJ in October 2017
UPOV/EXN/PRP (possible revision)	Provisional Protection	possible revision to be considered by CAJ in October 2017
UPOV/INF/5 (revision)	UPOV model plant breeders' rights gazette	Deferred by CAJ pending EAF developments
UPOV/INF/12 (revision)	Variety Denominations	WG-DEN
UPOV/INF/16 (revision)	Exchangeable Software	Council in October 2017
UPOV/INF/22 (revision)	Software and Equipment Used by Members of the Union	Council in October 2017

21

UPOV Communication strategy

- New UPOV logo
- Stakeholder features
- UPOV Youtube channel

UPOV

22



BREEDERS

ABOUT UPOV MEMBERSHIP UPOV SYSTEM PIVP DATA & STATISTICS MEETINGS NEWS

STAKEHOLDERS FEATURES

- Breeders
- Farmers and Growers**
- Policy makers
- General Public

HOME • STAKEHOLDERS FEATURES • BREEDERS •

Breeders

UPOV Information

- UPOV Membership
- UPOV Cooperatives
- UPOV Collection Evidence & Information Materials
- List of CEs protected by members of the Union
- Cooperation in Examination
- Calendar of meetings
- Full list of CEs

Resources

- Databases (see below)
- Test Substances
- Directory of IP Offices
- UPOV Distance Learning Courses
- UPOV Youtube channel

Key Topics

- EU Land Contracts
- Essentially derived varieties
- Notion of breeder

Databases



PLUTO
information on plant varieties, particularly variety denominations



GEM
information on GEPvarispecifics protected by members and information related to OUS examinations



UPOV Lex
UPOV Lex contains the legislation of members of the Union

FAQs for breeders

- Where do I apply for protection of a variety?
- Can I obtain protection for more than one country from a single application?
- Who is responsible for enforcing plant breeder's rights?
- Can I protect an existing plant or variety that I discovered?
- Does the UPOV Convention allow a variety to be refused protection because it is genetically modified?
- Can I use plant variety protection to protect the following: a trait or a disease resistance, transgenic or chemical or other substances in a plant, a plant breeding technique or a plant subject?
- Can I protect a hybrid variety under the UPOV system?
- Does UPOV allow molecular techniques (DNA profiles in the examination of Distinctness, Uniformity and Stability (DUS))?



25

FARMERS AND GROWERS

ABOUT UPOV MEMBERSHIP UPOV SYSTEM PIVP DATA & STATISTICS MEETINGS NEWS

STAKEHOLDERS FEATURES

- Breeders
- Farmers and Growers**
- Policy makers
- General Public

HOME • STAKEHOLDERS FEATURES • FARMERS AND GROWERS •

Farmers and Growers

UPOV Information

- UPOV Membership
- UPOV Cooperatives
- Calendar of meetings
- Full list of CEs

Resources

- PLUTO database
- Benefits UPOV (costs & advantages)
- UPOV Youtube channel

Key Topics

- EU Land Contracts
- Statements on the Benefits of Plant Variety Protection for Farmers and Growers (2012)
- EU Directives & Resolutions

Farmer perspectives



John Hedges
Farm Grower (Scotland)



John Hedges
Farm Grower (Scotland)



John Hedges
Farm Grower (Scotland)

FAQs for farmers

- Why do farmers and growers need plant varieties?
- Can a farmer sell seed of a protected variety without the authorisation of the breeder?
- Can a farmer resell seed of a protected variety without the authorisation of the breeder?
- What is the effect of plant variety protection on varieties that are not protected (i.e. traditional varieties, landraces, etc.)?
- How do I know if a variety is protected?
- Is it possible for subsistence farmers to exchange propagating material of protected varieties against other seed within the local community?
- Under the UPOV system, breeders decide the conditions and limitations under which they authorise the exploitation of their protected varieties. Can farmers, for instance, be allowed to exchange seeds of protected varieties freely within the local community?



26

POLICY MAKERS

ABOUT UPOV
MEMBERSHIP
UPOV SYSTEM
PVP DATA & STATISTICS
MEETINGS
NEWS

STAKEHOLDERS FEATURES

Stakeholders

Farmers and Growers

Policy makers

General Public

HOME » STAKEHOLDERS FEATURES » POLICY MAKERS »

Policy makers

UPOV Information

- UPOV LAURELS ACTUATION
- UPOV MEMBERSHIP
- UPOV SERVICES
- SUBMISSIONS TO BENEFIT AGRICULTURE
- SUPPORT FOR MEMBERS OF UPOV IN CASE OF NEEDS OR REQUESTS OF THE UPOV COMMITTEE
- SUPPORT FOR MEMBERS OF UPOV
- TRADE

Resources

- INFORMATION IN UPOV DOCUMENTS
- UPOV COLLECTIONS (LITERATURE & TECHNICAL DOCUMENTS)
- UPOV LAW LIBRARY (LITERATURE & DOCUMENTS)
- PVP LAWS, REGULATIONS AND ACTS

Key Topics

- [Ecosystems for the Benefits of Plant Variety Protection for Farmers and Growers \(2012\)](#)
- [PVP and Technological Transfer: The Benefits of Plant Variety Protection \(2012\)](#)
- [Innovations in the Development of a Domestic Market \(2011\)](#)
- [Seminars & Conferences](#)
- [Site Search](#)

Situation in UPOV



(Click to enlarge)

Impact of plant variety protection (videos)

View more of

- [JAPANESE](#)
- [INDONESIAN](#)
- [KOREAN](#)
- [SOUTH AFRICAN](#)

Importance of plant variety protection (videos)

View more of

- [ECONOMIC POLICY AND PUBLIC POLICY PERFORMANCE](#)
- [SOUTH AFRICA](#)
- [SOUTH AFRICA](#)


27

GENERAL PUBLIC

ABOUT UPOV
MEMBERSHIP
UPOV SYSTEM
PVP DATA & STATISTICS
MEETINGS
NEWS

STAKEHOLDERS FEATURES

Stakeholders

Farmers and Growers

Policy makers

General Public

HOME » STAKEHOLDERS FEATURES » GENERAL PUBLIC »

General Public

UPOV Information

- UPOV LAURELS ACTUATION
- INFORMATION IN UPOV DOCUMENTS
- UPOV MEMBERSHIP
- UPOV SERVICES
- TRADE

Resources

- [PVP LAWS](#)
- [UPOV COLLECTIONS \(LITERATURE & TECHNICAL DOCUMENTS\)](#)
- [BENEFITS OF UPOV \(LITERATURE & DOCUMENTS\)](#)
- [UPOV TRADEMARKS](#)

Key Topics

- [Ecosystems for the Benefits of Plant Variety Protection for Farmers and Growers \(2012\)](#)
- [Seminars on Plant Variety Protection and Technological Transfer: The Benefits of Plant Variety Protection \(2012\)](#)
- [Innovations in the Development of a Domestic Market \(2011\)](#)
- [Seminars & Conferences](#)

Examples of the use of plant variety protection



Video: PVP in Uruguay

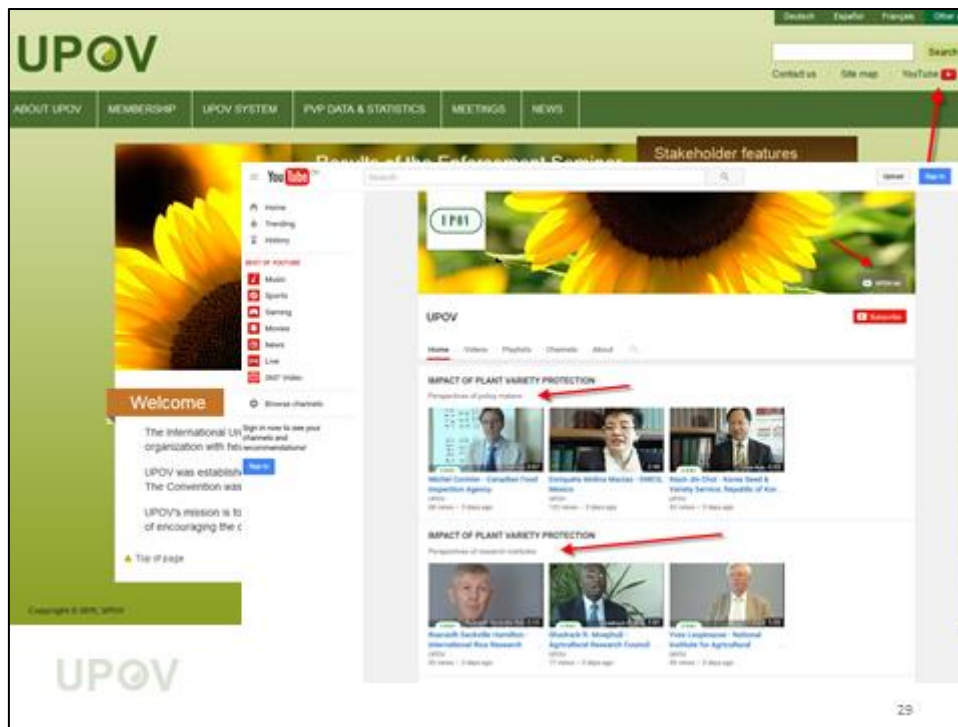


Use of Plant Variety Protection by the Faculty of Agronomy of the Universidad Nacional de Uruguay
Transcript: [ES](#)



Apple Store Story (USA)


28



The screenshot shows the UPOV website's 'Benefits of the UPOV System' page. On the left is a navigation menu with items: Mission Statement, Overview, Organigram, Office of UPOV, Officers, UPOV Convention, **Benefits of UPOV System** (highlighted with a green arrow), Key Issues, FAQs, and Publications. The main content area is titled 'Benefits of the UPOV System' and features several links and images: 'Video: PVP in Ecuador', 'Video: PVP in Uruguay' (with a sub-link for 'Use of Plant Variety Protection by the Faculty of Agronomy of the Universidad de la Republica of Uruguay Transcriptions: EN, ES'), 'UPOV Trilogy Publication' (with a sub-link for 'Executive Summary'), 'Symposium on Plant Breeding for the Future (2011)', 'Seminar on Plant Variety Protection and Technology Transfer: The Benefits of Public-Private Partnership (2011)', 'Symposium on the Benefits of Plant Variety Protection for Farmers and Growers (2012)', 'UPOV Report on the Impact of Plant Variety Protection', 'Asteri Rodo Story', and 'Introduction to UPOV'. The page number '31' is visible in the bottom right corner.

WG-ISC

October 2016:

The Consultative Committee agreed the draft mandate and terms of reference for a **Working Group on a Possible International System of Cooperation (WG-ISC)** as follows:

Purpose	Responsibilities
1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:	
<ul style="list-style-type: none">(a) not affect the responsibility of the members of the Union in relation to the grant and protection of breeders' rights, or other international obligations;(b) be relevant for all members of the Union, irrespective of the Act of the UPOV Convention by which they are bound;(c) would not affect the existing flexibility of members of the Union to formulate policy and to address their own specific needs and circumstances according to the relevant Act of the UPOV Convention;(d) be based on voluntary participation by members of the Union according to their measures for participation;(e) allow members of the Union to choose to participate in selected elements of an ISC;(f) be based on voluntary cooperation between members of the Union;(g) not affect cooperation with, and between, members of the Union that did not participate in an ISC;(h) be based on filing of applications with individual members of the Union and not with the Office of the Union;(i) not be based on examination of applications by the Office of the Union;(j) not affect the determination and payment of fees by individual members of the Union;(k) not affect the right of each member of the Union to conduct its own examination for the granting of breeders' rights;(l) be based as far as possible on existing UPOV initiatives and materials, including in particular: the GENIE database; the Electronic Application Form (EAF) project; the UPOV similarity search tool for variety denomination purposes; and UPOV information materials.	

Purpose	Voluntary
1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:	
<ul style="list-style-type: none">(a) not affect the responsibility of the members of the Union in relation to the grant and protection of breeders' rights, or other international obligations;(b) be relevant for all members of the Union, irrespective of the Act of the UPOV Convention by which they are bound;(c) would not affect the existing flexibility of members of the Union to formulate policy and to address their own specific needs and circumstances according to the relevant Act of the UPOV Convention;(d) be based on voluntary participation by members of the Union according to their measures for participation;(e) allow members of the Union to choose to participate in selected elements of an ISC;(f) be based on voluntary cooperation between members of the Union;(g) not affect cooperation with, and between, members of the Union that did not participate in an ISC;(h) be based on filing of applications with individual members of the Union and not with the Office of the Union;(i) not be based on examination of applications by the Office of the Union;(j) not affect the determination and payment of fees by individual members of the Union;(k) not affect the right of each member of the Union to conduct its own examination for the granting of breeders' rights;(l) be based as far as possible on existing UPOV initiatives and materials, including in particular: the GENIE database; the Electronic Application Form (EAF) project; the UPOV similarity search tool for variety denomination purposes; and UPOV information materials.	

<i>Purpose</i>	Inclusive
<p>1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:</p> <ul style="list-style-type: none">(a) not affect the responsibility of the members of the Union in relation to the grant and protection of breeders' rights, or other international obligations;(b) be relevant for all members of the Union, irrespective of the Act of the UPOV Convention by which they are bound;(c) would not affect the existing flexibility of members of the Union to formulate policy and to address their own specific needs and circumstances according to the relevant Act of the UPOV Convention;(d) be based on voluntary participation by members of the Union according to their measures for participation;(e) allow members of the Union to choose to participate in selected elements of an ISC;(f) be based on voluntary cooperation between members of the Union;(g) not affect cooperation with, and between, members of the Union that did not participate in an ISC;(h) be based on filing of applications with individual members of the Union and not with the Office of the Union;(i) not be based on examination of applications by the Office of the Union;(j) not affect the determination and payment of fees by individual members of the Union;(k) not affect the right of each member of the Union to conduct its own examination for the granting of breeders' rights;(l) be based as far as possible on existing UPOV initiatives and materials, including in particular: the GENIE database; the Electronic Application Form (EAF) project; the UPOV similarity search tool for variety denomination purposes; and UPOV information materials.	
	35

<i>Purpose</i>	Efficient
<p>1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:</p> <ul style="list-style-type: none">(a) not affect the responsibility of the members of the Union in relation to the grant and protection of breeders' rights, or other international obligations;(b) be relevant for all members of the Union, irrespective of the Act of the UPOV Convention by which they are bound;(c) would not affect the existing flexibility of members of the Union to formulate policy and to address their own specific needs and circumstances according to the relevant Act of the UPOV Convention;(d) be based on voluntary participation by members of the Union according to their measures for participation;(e) allow members of the Union to choose to participate in selected elements of an ISC;(f) be based on voluntary cooperation between members of the Union;(g) not affect cooperation with, and between, members of the Union that did not participate in an ISC;(h) be based on filing of applications with individual members of the Union and not with the Office of the Union;(i) not be based on examination of applications by the Office of the Union;(j) not affect the determination and payment of fees by individual members of the Union;(k) not affect the right of each member of the Union to conduct its own examination for the granting of breeders' rights;(l) be based as far as possible on existing UPOV initiatives and materials, including in particular: the GENIE database; the Electronic Application Form (EAF) project; the UPOV similarity search tool for variety denomination purposes; and UPOV information materials.	
	36

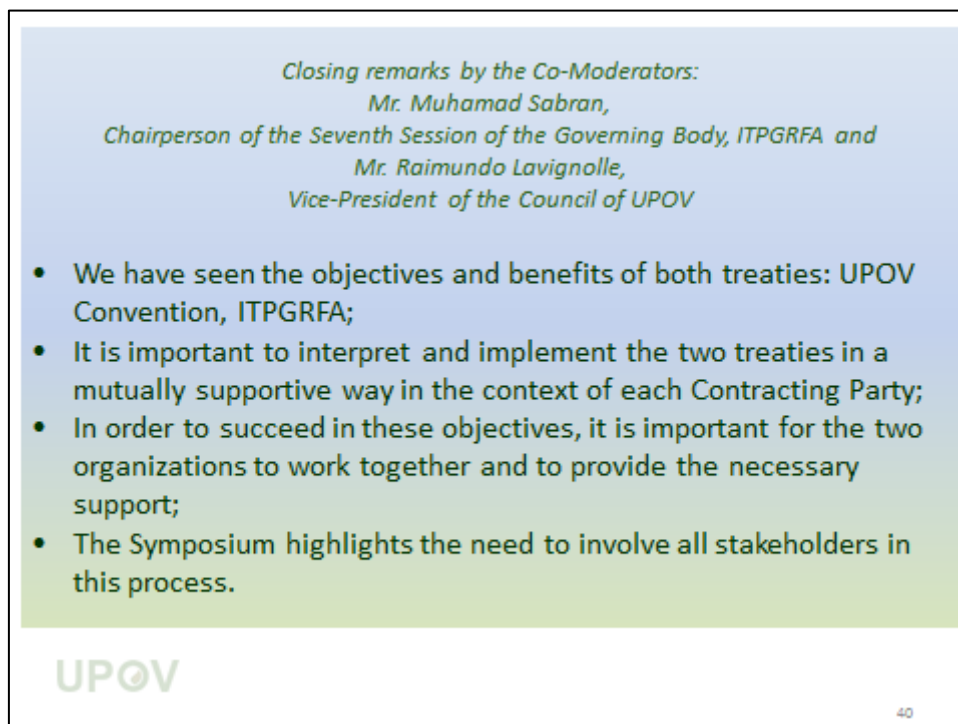
2. For the above proposals, to provide the Consultative Committee with an analysis of the:
- (a) the need for an ISC;
 - (b) advantages and disadvantages of the proposals, compared to existing arrangements;
 - (c) existence of a legal basis under the Acts of the UPOV Convention;
 - (d) impact on domestic legislation, administrative procedures, rights and policy framework, in relation to the relevant Act of the UPOV Convention, for the PVP Offices of UPOV members;
 - (e) potential advantages and disadvantages for:
 - (i) society in the member States of the Union;
 - (ii) PVP Offices of member States of the Union, including:
 - costs and income
 - number of applications and income received for applications;
 - (iii) domestic and foreign breeders, including small- and medium-sized enterprises (SMEs);
 - (iv) farmers; and
 - (v) UPOV.

WG-ISC: identify needs of UPOV members and review how the issues raised by breeders correspond to those needs





The screenshot shows the UPOV website interface. At the top left is the UPOV logo. To the right is a search bar and links for 'Contact us', 'Site map', and 'YouTube'. Below this is a navigation menu with tabs for 'ABOUT UPOV', 'MEMBERSHIP', 'UPOV SYSTEM', 'PVP DATA & STATISTICS', 'MEETINGS', and 'NEWS'. The 'MEETINGS' tab is active. On the left side, there is a 'MEETINGS' sidebar with links to 'Home', 'Calendar of Meetings', 'Meeting Documents', 'Seminars & Symposia', and 'Restricted area'. The main content area displays a meeting announcement: 'Symposium on Possible Interrelations between the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the International Convention for the Protection of New Varieties of Plants (UPOV Convention) (UPOV-ITPGRFA/SYM/GE/16)' held on 'October 26, 2016 (Geneva, Switzerland)'. The UPOV logo is visible in the bottom left corner, and the page number '39' is in the bottom right corner.



*Closing remarks by the Co-Moderators:
Mr. Muhamad Sabran,
Chairperson of the Seventh Session of the Governing Body, ITPGRFA and
Mr. Raimundo Lavignolle,
Vice-President of the Council of UPOV*

- We have seen the objectives and benefits of both treaties: UPOV Convention, ITPGRFA;
- It is important to interpret and implement the two treaties in a mutually supportive way in the context of each Contracting Party;
- In order to succeed in these objectives, it is important for the two organizations to work together and to provide the necessary support;
- The Symposium highlights the need to involve all stakeholders in this process.

The UPOV logo is located at the bottom left, and the page number '40' is at the bottom right.



The screenshot shows the UPOV website interface. At the top left is the UPOV logo. To the right is a search bar and navigation links for 'Contact us', 'Site map', and 'YouTube'. Below this is a horizontal menu with categories: 'ABOUT UPOV', 'MEMBERSHIP', 'UPOV SYSTEM', 'PVP DATA & STATISTICS', 'MEETINGS' (highlighted in orange), and 'NEWS'. On the left side, there is a 'MEETINGS' sidebar with sub-links: 'Home', 'Calendar of Meetings', and 'Meeting Documents'. The main content area features a breadcrumb trail 'HOME > MEETINGS >' followed by the title 'Seminar on Propagating and Harvested Material in the Context of the UPOV Convention (UPOV/SEM/GE/16)' and the date 'October 24, 2016 (Geneva, Switzerland)'. The UPOV logo is visible in the bottom left corner, and the page number '41' is in the bottom right corner.



A portrait photograph of Jun Koide, a man with dark hair and glasses, wearing a dark suit jacket, white shirt, and dark tie. He is looking directly at the camera against a light background.

Jun Koide

The UPOV logo is in the bottom left corner, and the page number '42' is in the bottom right corner.

High Level Study Tour (Japan, July 2016)



Koshihikari

Tsuyahime

UPOV

43

STUDY in VIET NAM*

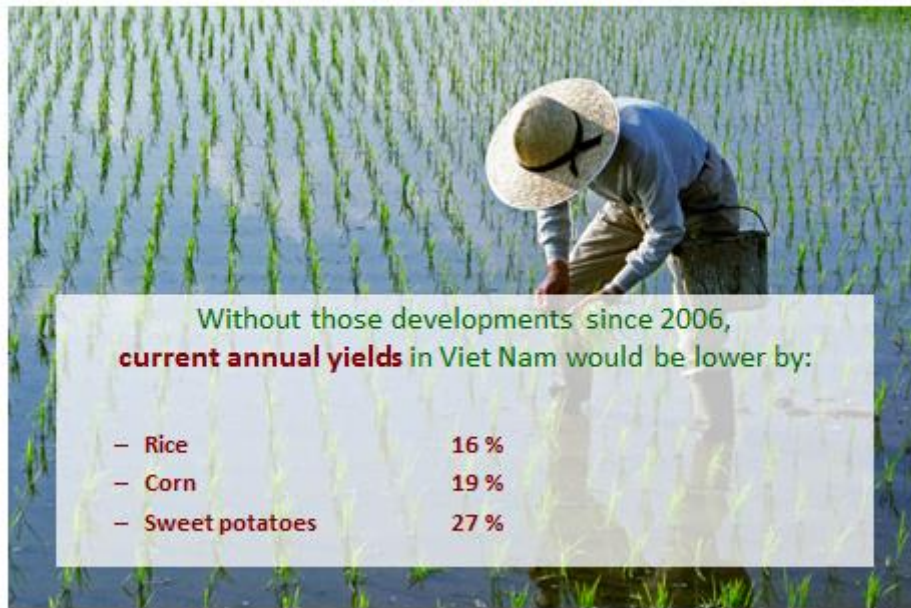
Annual land productivity developments since Viet Nam joined
UPOV in 2006 in
Rice, Corn (maize) and Sweet Potatoes

- **1995-2005:** increase in yield mainly through increased level of inputs – no detectable increase due to plant breeding
- **2006-2016:** annual land productivity increase due to plant breeding
 - Rice 1.7 %
 - Corn 2.1 %
 - Sweet potatoes 3.1 %

* "The socio-economic benefits of UPOV membership in Viet Nam: An ex post assessment on plant breeding and agricultural productivity after 10 years" (Corresponding author: Steffen Noleppa) by HFFA Research GmbH

44

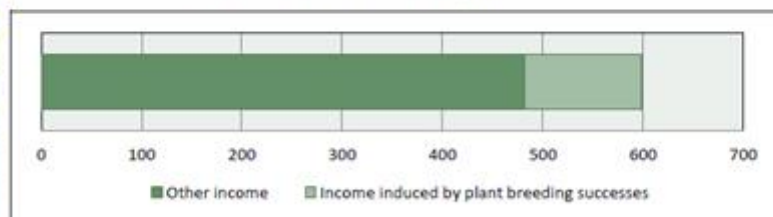
STUDY in VIET NAM



STUDY in VIET NAM

INCOME of Vietnamese farmers has increased by 24% since 2006

Figure 4.6: Income of a Vietnamese farmer induced by plant breeding successes for major arable crops since UPOV membership vs. other income in arable farming (in USD)





MISSION STATEMENT

“To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society”



47

STUDY in VIET NAM

Annual value added:

- Arable farming \$2.3 billion
- Horticulture \$1.0 billion
- Floriculture \$ 0.2 billion

- GDP added upstream/downstream (value chains)
 \$1.5 billion

TOTAL ADDED: \$5 billion

(> 2.5% GDP)



48

TECHNICAL COMMITTEE Fifty-third Session

UPOV

International Union for the Protection of New Varieties of Plants

**Difficulty to obtain plant material from breeders,
especially when a variety was no longer in
commercialization:**

Office of the Union to issue a questionnaire:

approaches used to **obtain plant material** from breeders,
especially when a variety was no longer in commercialization.

approaches used on **deciding** on varieties whose existence is a
matter of **common knowledge**

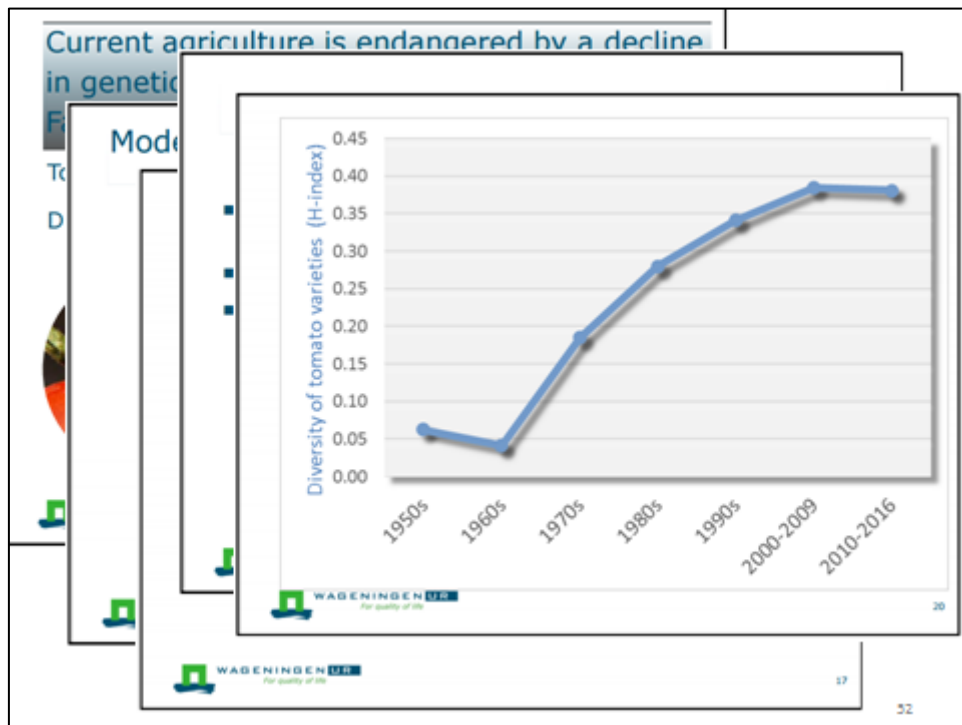
results of the survey should be presented to the TWPs and the
TC at their sessions in 2018.

Discussion session

- (a) Use of disease and insect resistance characteristics in DUS examination
- (b) Management of variety collections
- (c) Minimum distance between varieties
- (d) Increasing participation of new members of the Union in the work of the TC and TWPs

Presentations available at:
http://www.upov.int/meetings/en/details.jsp?meeting_id=42485

31



Cooperation in Examination

TC/52 agenda item 3

“Discussion on quality parameters for DUS examination”

- may be obstacles to cooperation in examination, including exchange of DUS reports, and agreed to explore the situation further
- as a starting point for discussion, Office of the Union to conduct a survey of the current situation of members of the Union and to report the results to the TC

Responses to the Questionnaire: 28 (38%)

African Intellectual Property Organization (OAPI)	Latvia
Belarus	Mexico
Costa Rica	Netherlands
Croatia	New Zealand
Czech Republic	Norway
Denmark	Panama
Ecuador	Portugal
Estonia	Republic of Moldova
European Union	Russian Federation
Finland	Serbia
France	Sweden
Germany	Turkey
Israel	United Kingdom
Kenya	United States of America

Responses to the Questionnaire: 12/28 European Union

African Intellectual Property Organization	Latvia
Belarus	Mexico
Costa Rica	Netherlands
Croatia	New Zealand
Czech Republic	Norway
Denmark	Panama
Ecuador	Portugal
Estonia	Republic of Moldova
European Union	Russian Federation
Finland	Serbia
France	Sweden
Germany	Turkey
Israel	United Kingdom
Kenya	United States of America

SURVEY STRUCTURE

BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1 Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2 Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3 Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General Receiving DUS reports	Q17 – 19

SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

EASE OF ARRANGEMENT OF COOPERATION Q36

UPOV

37

SURVEY STRUCTURE

BACKGROUND Q1 - 6

OVERVIEW OF COOPERATION Q7

SECTION A: RECEIVING DUS REPORTS

Receiving Type 1

Use of existing DUS reports from other UPOV members Q8 – 11

Receiving Type 2

Requesting DUS reports from other UPOV members (examination in process but no existing DUS report) Q12 – 13

Receiving Type 3

Requesting DUS examinations from other UPOV members (no examination in process) Q14 – 16

General

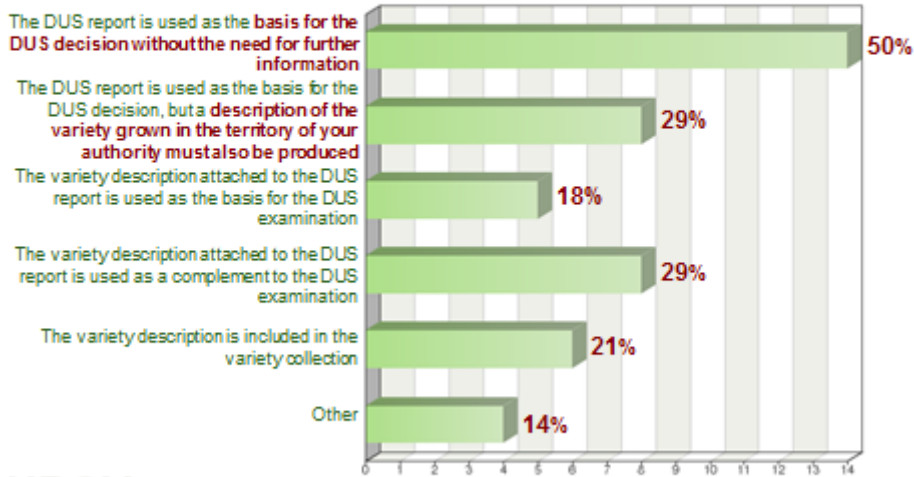
Receiving DUS reports Q17 – 19

UPOV

38

Question 7:

In general, which of the following options best describes the way in which your authority uses DUS reports provided by another UPOV member?

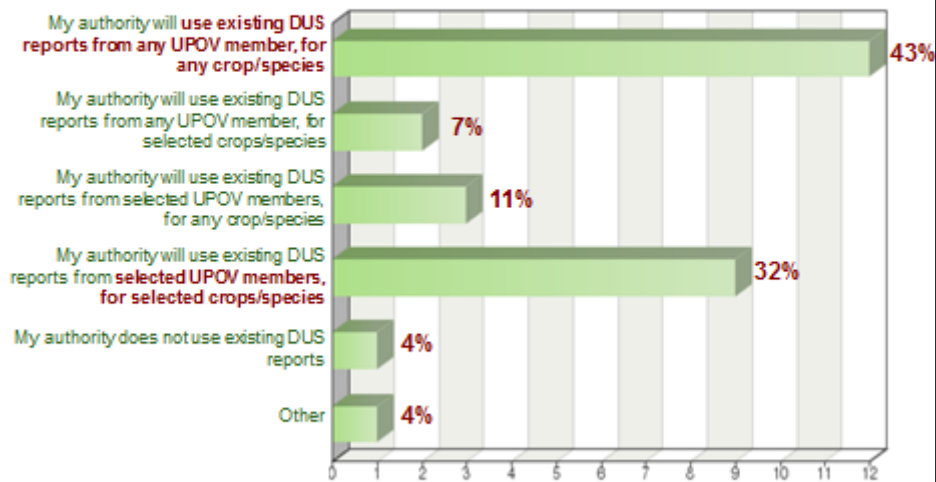


SURVEY STRUCTURE

BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1	
Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2	
Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3	
Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General	
Receiving DUS reports	Q17 – 19

Question 8:

Please describe the use of existing DUS reports by your authority:

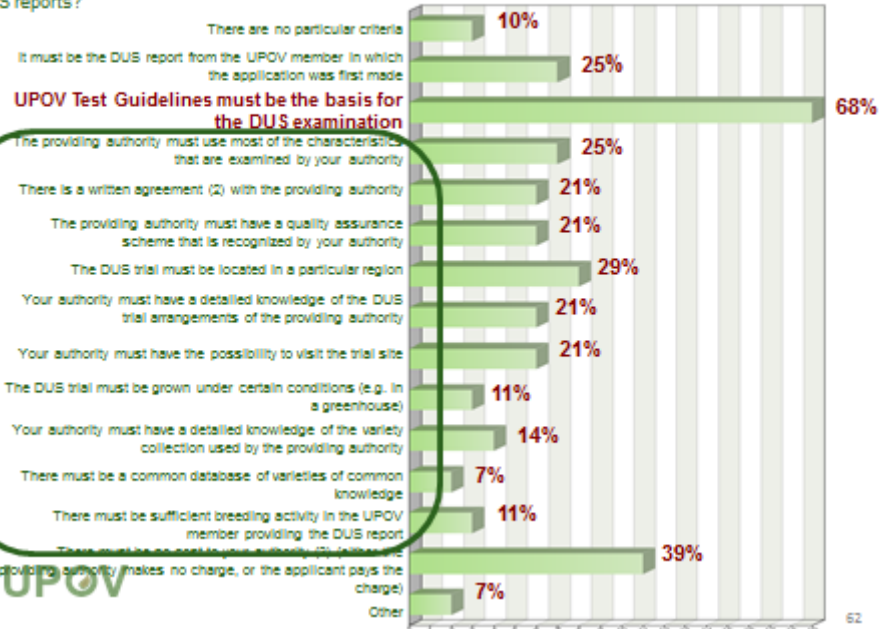


UPOV

61

Question 9:

If your authority uses existing DUS reports, which of the following criteria must normally be met to use existing DUS reports?

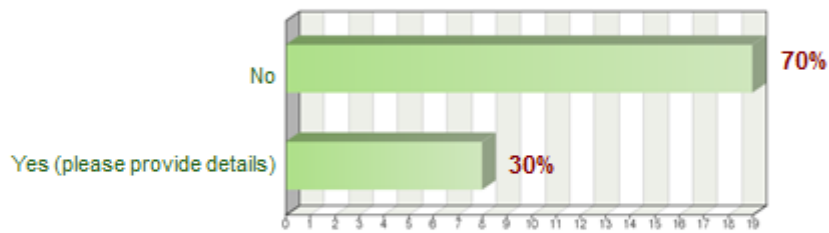


UPOV

62

Question 11:

Are there any practical measures that might facilitate the use of existing DUS reports by your authority?



- **CPVO accreditation**
- **Better knowledge of variety collection and guidelines used**
- **Database of tests performed**

SURVEY STRUCTURE

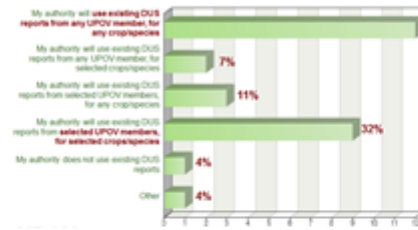
BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1 Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2 Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3 Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General Receiving DUS reports	Q17 – 19

Question 12:

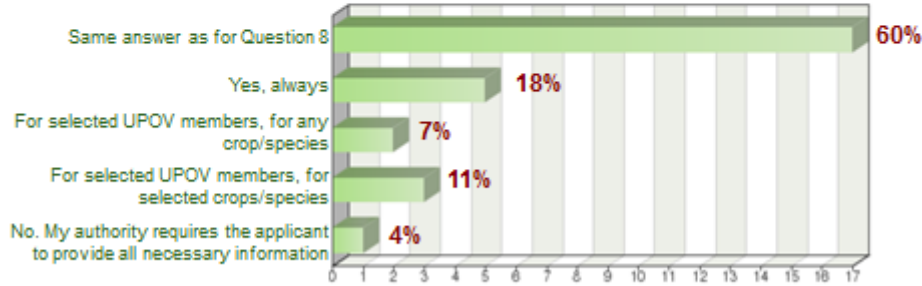
Situation: No other UPOV member of the subject of an application for the same variety has, is being examined, or is in need for a DUS examination. Would your authority require the applicant to provide all necessary information at the end of the DUS examination?

Question 8:

Please describe the use of existing DUS reports by your authority:



variety which is aware of an application for a DUS examination to avoid the applicant, a DUS report at the end of the DUS examination.

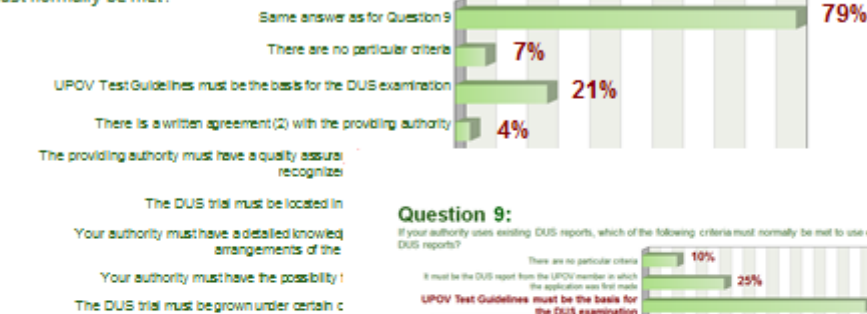


UPOV

65

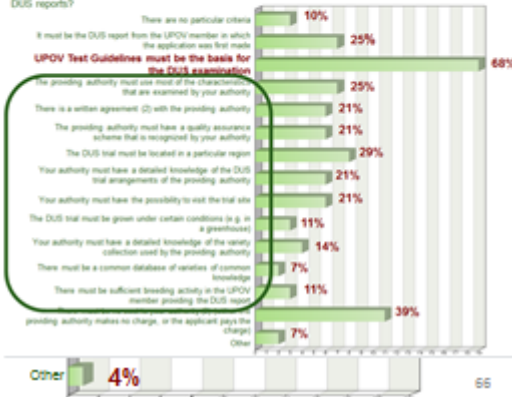
Question 13:

If your authority requests DUS reports in the situation described in Question 12, which of the following criteria must normally be met?



Question 9:

If your authority uses existing DUS reports, which of the following criteria must normally be met to use existing DUS reports?



UPOV

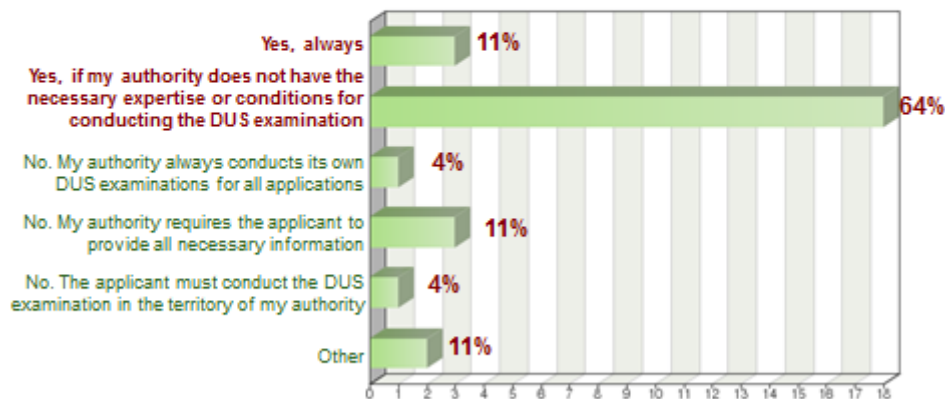
66

SURVEY STRUCTURE

BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1	
Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2	
Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3	
Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General	
Receiving DUS reports	Q17 – 19

Question 14:

Situation: No other UPOV member has an existing DUS report for a variety which is the subject of an application with your authority and there is no application with another UPOV member. In the situation above, would your authority request another UPOV member to conduct the DUS examination on its behalf?



SURVEY STRUCTURE

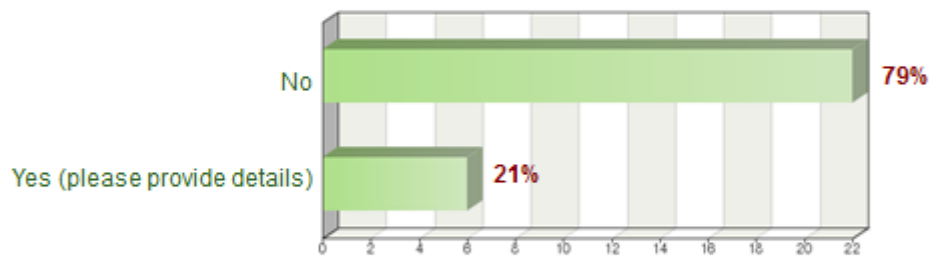
BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1 Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2 Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3 Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General Receiving DUS reports	Q17 – 19

UPOV

69

Question 19:

Are there any practical measures that might facilitate requests for DUS examinations by your authority from other UPOV members?



- **Database of tests performed**
- **CPVO Entrustment**

UPOV

70

SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

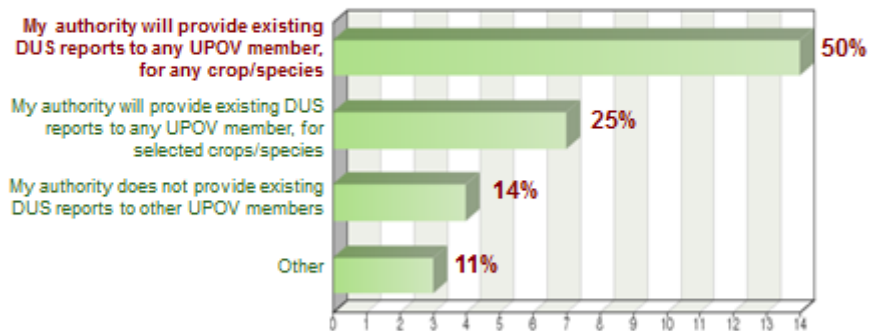
EASE OF ARRANGEMENT OF COOPERATION Q36

UPOV

71

Question 20:

Please describe the provision of existing DUS reports by your authority to other UPOV members:

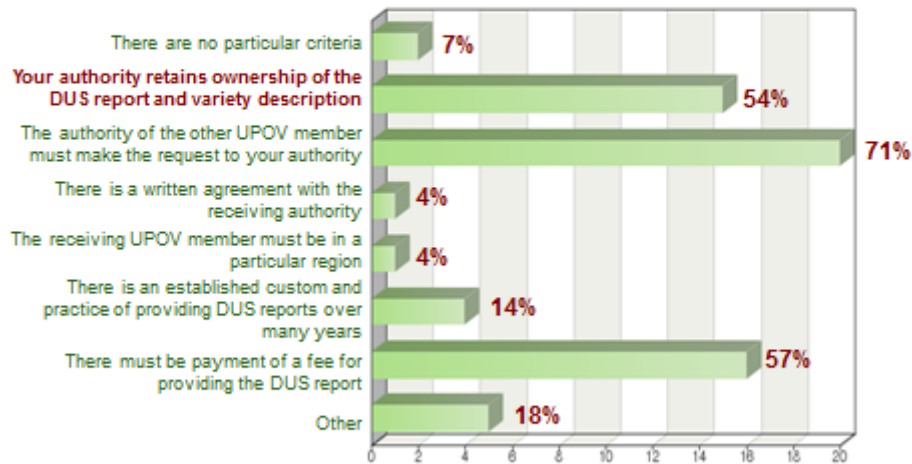


UPOV

72

Question 21:

If your authority provides existing DUS reports, which of the following criteria are used in deciding whether to provide existing DUS reports?



UPOV

73

SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

EASE OF ARRANGEMENT OF COOPERATION Q36

UPOV

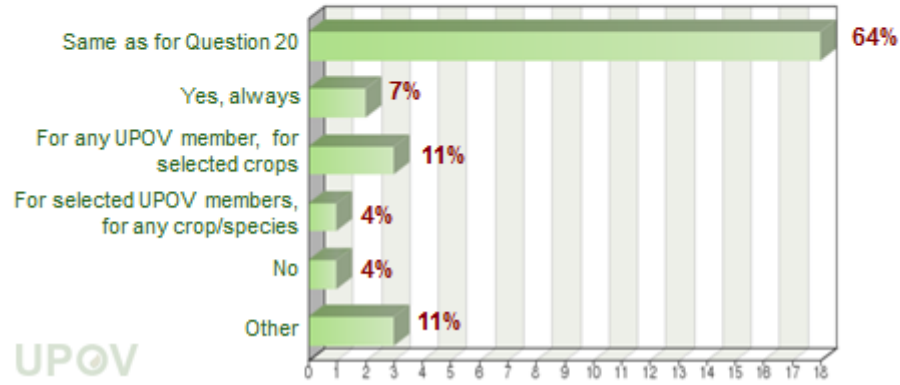
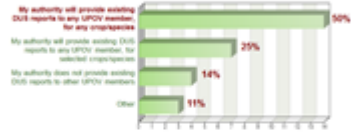
74

Question 24:

Situation: A DUS report has not yet been produced which is the subject of an application with you conducting, or is going to conduct, a DUS examination. Would your authority agree, in advance, to provide a DUS report to another UPOV member at the end of the DUS examination?

Question 20:

Please describe the provision of existing DUS reports by your authority to other UPOV members:

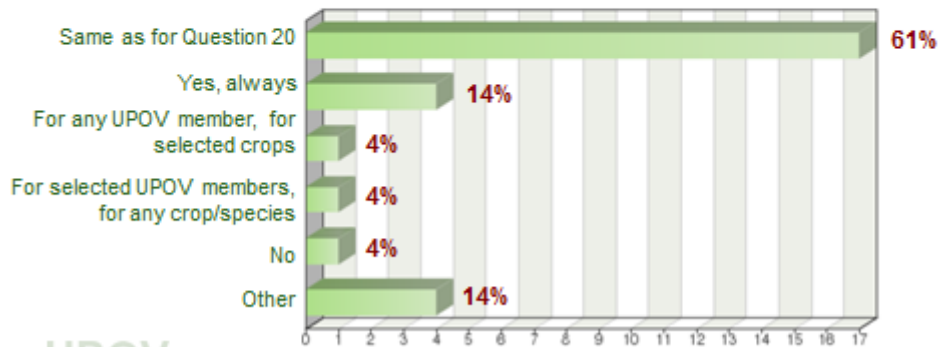


UPOV

75

Question 26:

In the situation in Question 24, would your authority agree, in advance, to complete a DUS examination and provide a DUS report to another UPOV member, even if the application was discontinued in your territory before the DUS examination was completed?



UPOV

76

SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

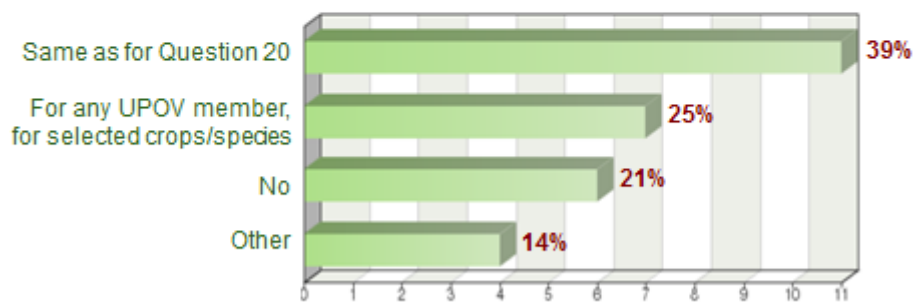
Providing Type 1 Provision of existing DUS reports to other UPOV members	Q20 – 23
Providing Type 2 Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report)	Q24 – 27
Providing Type 3 Conducting DUS examinations for other UPOV members (no examination in process)	Q28 – 31
General Providing DUS reports	Q32 – 34
KNOWLEDGE OF COOPERATION	Q35
EASE OF ARRANGEMENT OF COOPERATION	Q36

UPOV

77

Question 28:

If your authority has not received an application for a variety concerned but your authority has the necessary expertise and conditions for conducting the DUS examination, would your authority conduct a DUS examination on behalf of another UPOV member, if so requested?



UPOV

78

SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

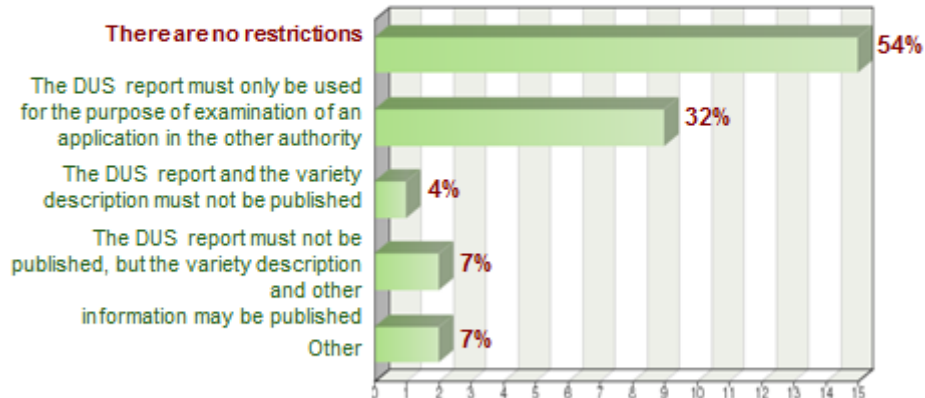
Providing Type 1	
Provision of existing DUS reports to other UPOV members	Q20 – 23
Providing Type 2	
Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report)	Q24 – 27
Providing Type 3	
Conducting DUS examinations for other UPOV members (no examination in process)	Q28 – 31
General	
Providing DUS reports	Q32 – 34
KNOWLEDGE OF COOPERATION	Q35
EASE OF ARRANGEMENT OF COOPERATION	Q36

UPOV

79

Question 32:

Please describe any restrictions on the use of DUS reports you provide to the authority of another UPOV member



UPOV

80

SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

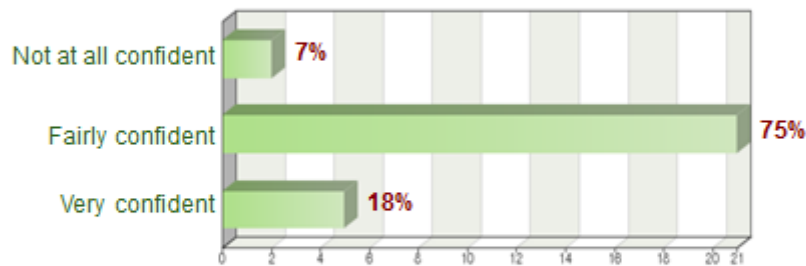
Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

EASE OF ARRANGEMENT OF COOPERATION Q36

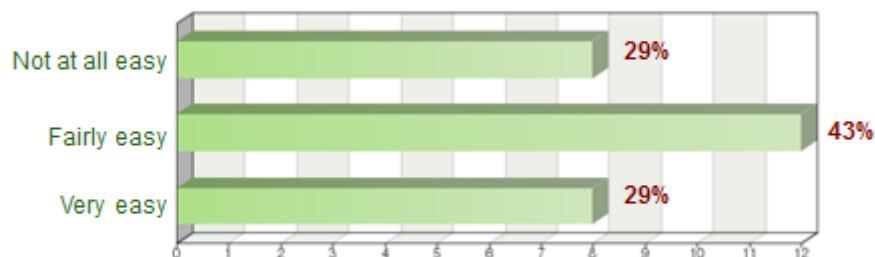
Question 35:

How confident are you that you know all the options for cooperation between UPOV members in DUS examination?



Question 36:

In your experience, how easy is it to arrange cooperation in DUS examination with other UPOV members?



UPOV members that have data in GENIE and completed the DUS survey (26)

Belarus	Finland	Netherlands	Russian Federation
Croatia	France	New Zealand	Serbia
Czech Republic	Germany	Norway	Sweden
Denmark	Israel	Panama	Turkey
Ecuador	Kenya	Portugal	United Kingdom
Estonia	Latvia	Republic of Moldova	United States of America
European Union	Mexico		

UPOV members that have data in GENIE and completed the DUS survey
13 non-EU / 13 EU

Belarus	Finland	Netherlands	Russian Federation
Croatia	France	New Zealand	Serbia
Czech Republic	Germany	Norway	Sweden
Denmark	Israel	Panama	Turkey
Ecuador	Kenya	Portugal	United Kingdom
Estonia	Latvia	Republic of Moldova	United States of America
European Union	Mexico		

UPOV

83

UPOV members that have data in GENIE but did not complete the DUS survey
(36)

Albania	Colombia	Republic of Korea
Argentina	Georgia	Romania
Australia	Hungary	Slovakia
Austria	Ireland	Slovenia
Azerbaijan	Italy	South Africa
Belgium	Japan	Spain
Bolivia (Plurinational State of)	Lithuania	Switzerland
Brazil	Morocco	The former Yugoslav Republic of Macedonia
Bulgaria	Nicaragua	Tunisia
Canada	Paraguay	Ukraine
Chile	Peru	Uruguay
China	Poland	Viet Nam

UPOV

86

**UPOV members that have data in GENIE but
did not complete the DUS survey
(24 non-EU / 12 EU)**

Albania	Colombia	Republic of Korea
Argentina	Georgia	Romania
Australia	Hungary	Slovakia
Austria	Ireland	Slovenia
Azerbaijan	Italy	South Africa
Belgium	Japan	Spain
Bolivia (Plurinational State of)	Lithuania	Switzerland
Brazil	Morocco	The former Yugoslav Republic of Macedonia
Bulgaria	Nicaragua	Tunisia
Canada	Paraguay	Ukraine
Chile	Peru	Uruguay
China	Poland	Viet Nam

UPOV

87

**UPOV members that do not have data in GENIE
but completed the DUS survey
(2)**

Costa Rica
African Intellectual Property Organization (OAPI)

UPOV

88

**UPOV members that do not have data in GENIE
and did not complete the DUS survey
(10)**

Dominican Republic	Oman
Iceland	Singapore
Jordan	Trinidad and Tobago
Kyrgyzstan	United Republic of Tanzania
Montenegro	Uzbekistan

UPOV

89

Reflections

- 93% respondents fairly/very confident of options for cooperation
 - but only 38% of UPOV members replied
- 50% respondents: DUS report is used as the basis for the DUS decision without the need for further information
 - *need for additional information for other 50% in GENIE?*
 - *only 38% of UPOV members replied*
- 30% respondents considered that further practical measures might facilitate the use of existing DUS reports
 - practical tools (accreditation, databases, information...?)
- 29% of respondents found that cooperation in DUS examination was “not at all easy”
 - and only 38% of UPOV members replied
- **WG-ISC to consider need to accept DUS reports from any member of the Union without further consideration**
- **Explain the issues and fill in the gaps...?**

90

[End of Annex and of document]