

Technical Committee

Sixty-First Session

Geneva, October 20 and 21, 2025

SESSIONS/2025/3

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Administrative and Legal Committee

Eighty-Second Session

Geneva, October 22, 2025

MEASURES TO ENHANCE COOPERATION IN EXAMINATION

Document prepared by the Office of the Union

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EXECUTIVE SUMMARY

1. The purpose of this document is to invite consideration of possible measures to increase opportunities for international cooperation in the examination of distinctness, uniformity and stability (DUS), on the basis of the survey¹ of members of the Union on their policies or legal barriers that could prevent international cooperation.
2. The Administrative and Legal Committee (CAJ) and Technical Committee (TC) identified several legal and policy barriers to international cooperation in DUS examination, such as requirements for formal agreements, phytosanitary challenges, restrictive policies to take over reports, and non-acceptance of reports from examination conducted in cooperation with breeders.
3. Different ways to follow-up could be organized to assist members when taking policy decisions to increase cooperation. For example, discussions could take place in webinars and seminars, as well as revising existing guidance and developing training materials to promote cooperation and create awareness on challenges and opportunities.
4. The TC and CAJ are invited to note the developments reported in this document.
5. The TC and CAJ are invited to consider the possible measures to increase opportunities for international cooperation, as set out in paragraphs 19, 21, 25 and 33 of this document.
6. The structure of this document is as follows:

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¹ See document [SESSIONS/2023/4](#) "Measures to enhance cooperation in examination", Annex II.

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ANNEX: Program of Seminar on the cooperation with breeders in DUS examination

BACKGROUND

7. The CAJ, at its seventy-seventh session², requested the Office of the Union to prepare a document for consideration, at its seventy-eighth session, concerning the following policies or legal barriers that the TC had identified as preventing international cooperation in DUS examination and possible measures to address those barriers (see document CAJ/77/10 "Report", paragraph 14):

- (i) Requirement of formal agreement for cooperation;
- (ii) Obligation for DUS examination to be conducted by the authority granting the rights;
- (iii) Non-acceptance of breeder-based DUS test reports;
- (iv) Wish from breeders to use (or not) existing DUS reports.

8. The CAJ, at its seventy-eighth session³, agreed to survey members of the Union for information on their policies or legal barriers that could prevent international cooperation in DUS examination. The CAJ, at its seventy-ninth session⁴, approved the proposed questions for the survey of members of the Union for information on their policies or legal barriers that could prevent international cooperation in DUS examination, with the following additional question at the end: "Are there developments that would increase the acceptance of DUS reports in the future?" (see document CAJ/79/11 "Report", paragraph 58).

Possible measures to increase opportunities for international cooperation

9. The TC⁵ and the CAJ⁶, at their sessions in 2023, considered document SESSIONS/2023/4 "Measures to enhance cooperation in examination", including the replies to the [survey](#) of members of the Union on policies or legal barriers that could prevent international cooperation in DUS examination. In accordance with the findings of the survey, the TC and CAJ considered the following possible measures proposed to increase opportunities for international cooperation:

- (a) "Environmental effect in expression of characteristics: organize events to explain how DUS examination takes into account environmental effect on the expression of characteristics and why it is not necessary to conduct DUS trials in each UPOV member;
- (b) "Completeness and relevance of variety collections: organize events to demonstrate how UPOV members address the risks associated with incomplete collections of varieties of common knowledge (document TGP/4 "Constitution and maintenance of variety collections");
- (c) "Revise document TGP/5, Section 6 "UPOV Report on Technical Examination and UPOV Variety Description" to provide information on: varieties of common knowledge grown in the same trial and/or otherwise considered in the DUS examination; and/or other elements required by UPOV members to use test reports from other UPOV members;
- (d) "Phytosanitary issues that prevent or delay submission of plant material: to add information in document UPOV/INF/15 "Guidance for Members of UPOV" to propose considering the use of DUS test reports from other UPOV members where phytosanitary issues prevented or delayed submission of plant material; and
- (e) "Increase information on arrangements for testing at breeders' premises:
 - (i) "Arrangements are specified by the authority entrusted with the task of granting breeders' rights (authority) and decisions on DUS are always taken by the authority;

² CAJ, seventy-seventh session, held via electronic means on October 28, 2020.

³ CAJ, seventy-eighth session, held in Geneva on October 27, 2021. See document CAJ/78/13 "Report", paragraph 43.

⁴ CAJ, seventy-ninth session, held in Geneva on October 26, 2022.

⁵ TC, fifty-ninth session, held in Geneva on October 23 and 24, 2023. See document TC/59/28 "Report", paragraphs 53 to 55.

⁶ CAJ, eightieth session, held in Geneva on October 25, 2023. See document CAJ/80/6 "Report", paragraphs 37 to 40.

(ii) “Maintaining independence in DUS examination and avoiding conflict of interests;

(iii) “Invite policy makers from UPOV members and observers to meetings or seminars at UPOV members that conduct DUS examination at breeders’ premises to facilitate exchange of information and enable visiting their test sites.”

10. The CAJ, at its eightieth session⁷, noted the replies to the survey of members of the Union on policies or legal barriers that could prevent international cooperation in DUS examination, as presented in Annex II to document SESSIONS/2023/4. The CAJ further agreed to invite the Office of the Union to prepare a document for its eighty-first session to continue discussions on possible measures to increase opportunities for international cooperation in DUS examination.

11. The CAJ agreed that the above document would also contain the agreement to organize a seminar on cooperation with breeders in DUS examination, and that proposals on the contents and arrangements for the seminar would be included in the document. The CAJ further agreed that the Office of the Union would prepare the proposals for the seminar in consultation with Australia, Brazil, Canada, the European Union, Japan, New Zealand and the United States of America, for consideration at its eighty-first session.

12. The complete background to this matter is provided in documents [SESSIONS/2023/4](#) and [SESSIONS/2024/3](#), including the results of the survey of members of the Union on their policies or legal barriers that could prevent international cooperation in DUS examination.

INCREASING OPPORTUNITIES FOR INTERNATIONAL COOPERATION

13. The TC⁸ and the CAJ⁹, at their sessions in 2024, considered document SESSIONS/2024/3 “Measures to enhance cooperation in examination”, presented in the following paragraphs.

- (a) “Environmental effect in expression of characteristics”
- (b) “Completeness and relevance of variety collections”

Background

14. The TC, at its fifty-ninth session⁵, agreed to support the exchange of information from UPOV members on practices in DUS examination, including events to discuss the environmental effect in the expression of characteristics and variety collections.

15. The TC, at its sixtieth session⁸, recalled that it had agreed to support the exchange of information from UPOV members on practices in DUS examination, including events to discuss the environmental effect in the expression of characteristics, variety collections and cooperation with breeders in DUS examination.

16. The TC noted the interventions from the Delegations of Argentina, Belarus, Brazil, Canada, the European Union and Japan on the proposed measures to enhance cooperation in examination and agreed to support continuing discussions, as provided in document SESSIONS/2024/3.

17. The CAJ, at its eighty-first session⁹, noted that the discussions on the role of molecular techniques in DUS examination were being considered in the current program of the Technical Working Party on Testing Methods and Techniques (TWM), which were reported to the TC.

Proposal

18. The TC and CAJ may wish to consider whether to organize webinars for members and observers of the TC, CAJ and Council to discuss how DUS examination considers environmental effect on the expression of characteristics and why it might not be necessary to conduct DUS trials in each UPOV member. Similar webinar/events could be organized for UPOV members to demonstrate how they address the risks associated with the constitution of collections of varieties of common knowledge (document TGP/4 “Constitution and maintenance of variety collections”). UPOV members would be invited to inform the Office of the Union if they would be willing to organize and make presentations to such webinars.

⁷ CAJ, eightieth session, held in Geneva on October 25, 2023.

⁸ TC, sixtieth session, held in Geneva on October 21 and 22, 2024. See document TC/60/8 “Report”, paragraphs 29 to 31.

⁹ CAJ, eighty-first session, held in Geneva on October 23, 2024. See document CAJ/81/7 “Report”, paragraphs 38 to 44.

19. *The TC and CAJ are invited to consider whether to organize webinars to present practical experiences relating to:*

(a) environmental effect in expression of characteristics; and

(b) constitution and relevance of variety collections.

(c) “Revise document TGP/5, Section 6 to provide information on elements required by UPOV members to use test reports from other UPOV members”

20. A proposal for the revision of document TGP/5, Section 6 to provide information on elements required by UPOV members to use test reports from other UPOV members is provided in documents [SESSIONS/2025/2](#) “Development of guidance and documents proposed for adoption by the Council” and [TGP/5 Section 6/5 Draft 2](#) “UPOV Report on Technical Examination and UPOV Variety Description”.

21. The TC and CAJ are invited to note that a proposal for the revision of document TGP/5, Section 6 is presented in document SESSIONS/2025/2 “Development of guidance and documents proposed for adoption by the Council”.

(d) “Phytosanitary issues that prevent or delay submission of plant material”

Background

22. The CAJ, at its eighty-first session⁹, noted that the delegations of the European Union and Japan requested the Office of the Union to provide more information on phytosanitary matters and what could be done to avoid delays in examination of varieties.

23. The Delegation of the European Union further suggested that synergies might be explored concerning the work carried out by the International Plant Protection Convention (IPPC).

Proposal

24. The TC and CAJ may wish to consider whether to invite members and observers to make presentations on practical experiences on delays in DUS testing due to phytosanitary requirements, for instance during a webinar. The considerations under which a DUS test report from another UPOV member can be used in these circumstances to avoid or reduce delays in granting a breeder’s right may be discussed. In this context, possible amendments to document UPOV/INF/15 “Guidance for Members of UPOV” could be considered. Should members be interested in organizing a webinar, the Office of the Union would explore this matter, taking into account the resources available.

25. The TC and CAJ are invited to consider whether there are members of the Union interested in the organization of a webinar on:

(a) practical experiences where delays in DUS testing due to phytosanitary requirements have occurred; and

(b) considerations under which a DUS test report from another UPOV member can be used in these circumstances to avoid or reduce delays in granting a breeder’s right.

(e) “Increase information on arrangements for testing at breeders’ premises”*Background*

26. The TC, at its fifty-ninth session⁵, agreed to support organizing the proposed seminar to create awareness on cooperation with breeders in DUS examination, at the fringes of the UPOV sessions in 2025, which could lead to the future development of training materials based on members’ experiences and practices.

27. The TC agreed that there was an opportunity to increase the exchange of information, including the possibility to organize events to discuss arrangements for testing at breeders’ premises, criteria for independence and avoiding conflict of interests.

28. The CAJ, at its eighty-first session⁹, agreed to organize a seminar to create awareness on cooperation with breeders in DUS examination. The seminar will take place in the afternoon on Wednesday October 22, 2025. The seminar would be preceded by preparatory webinars that would be recorded. Following the seminar, follow-up actions would be taken such as compiling presentations and documentation that might be used for training purposes. If appropriate, guidance on the cooperation with breeders in examinations might be developed. The following Roadmap was agreed:

- Preparatory webinars in 2025
- Seminar on October 22, 2025
- Compiling information for training module, by December 2025
- Gathering information / practices /examples to be presented in meetings of UPOV bodies in 2026

Preparatory Webinars and Seminar

29. The Office of the Union has, in cooperation with UPOV members, organized three preparatory webinars and prepared for the seminar.

30. The preparatory webinars and the seminar aim to create awareness and understanding on how DUS examinations in cooperation with breeders are conducted by some UPOV members. The UPOV Convention provides different options for UPOV members on how to arrange DUS examination in the most cost-effective way in accordance with their circumstances. Therefore, the preparatory webinars and the seminar are not intended to harmonize procedures but to create awareness on this option provided by the UPOV Convention.

31. The webinars were organized to prepare for the seminar and to offer the opportunity to learn more about how different UPOV members are currently working with breeders. Six UPOV members made presentations during the webinars.

April 9, 2025	Australia and New Zealand
June 2, 2025	Canada and Chile
June 18, 2025	Kenya and Japan

32. Recordings and summaries, and other related information of the webinars and the seminar are posted on the UPOV website ([Seminar on cooperation with breeders in DUS examination \(UPOV/SEM/GE/25\)](#)). The program of the seminar can also be found in the Annex to this document. The seminar will take place at the headquarters of UPOV (34, chemin des Colombettes, Geneva, Switzerland) by hybrid means on Wednesday, October 22, 2025, from 2.30 p.m. to 5.30 p.m. (Geneva time (CET)).

33. *The TC and CAJ are invited to note:*

(a) *the preparatory webinars on cooperation with breeders in DUS examination held in 2025; and*

(b) *developments concerning the preparation of the “Seminar on cooperation with breeders in DUS examination”, to be held by hybrid means in Geneva, on October 22, 2025.*



International Union for the Protection of New Varieties of Plants

Seminar on cooperation with breeders in DUS examination

UPOV/SEM/GE/25/1

Geneva, October 22, 2025

Original: English

Date: September 23, 2025

PROGRAM

prepared by the Office of the Union

14.30 – 14.40

Welcome and opening remarks

Ms. Yolanda Huerta, Vice Secretary-General, UPOV

SESSION I: OVERVIEW OF COOPERATION WITH BREEDERS IN DUS EXAMINATION FROM DIFFERENT UPOV MEMBERS (ROLES AND RESPONSIBILITIES OF BREEDERS/PVP OFFICES)

Moderator: Ms. Beate Rücker, Chair, Technical Committee (TC)

14.40 – 14.50

Moderator – summary of preparatory webinars

14.50 – 15.30

Panel Discussion

Mr. Andrew Hallinan, Senior Examiner of PBR, Plant Breeder's Rights, IP Australia

Mr. Theophilus M. Mutui, Managing Director, Kenya Plant Health Inspectorate Service (KEPHIS), Kenya

Mr. John Oates, Qualified Person, Australia

SESSION II: THE SUSTAINABILITY OF COOPERATION WITH BREEDERS IN DUS EXAMINATION (ASPECTS ON INDEPENDENCE, SELECTION OF SIMILAR VARIETIES, ON-SITE EXAMINATION, PUBLICATION, COSTS)

Moderator: Ms. Minori Hagiwara, Vice-Chair, Administrative and Legal Committee (CAJ)

15.35 – 15.45

Moderator – summary of preparatory webinars

15.45 – 16.25

Panel Discussion

Mr. Yoshiyuki Ohno, Examiner, Intellectual Property Division, Export and International Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), Japan

Ms. Renée Cloutier, Examiner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Canada

Mr. Rob Graf, retired Agriculture and Agri-Food Canada (AAFC), Wheat breeder, Applicant with experience with Canada

**SESSION III: BENEFITS, CHALLENGES AND OPPORTUNITIES
(PVP OFFICES AND THE BREEDERS' PERSPECTIVES)**

Moderator: Ms. Laura Villamayor, Chair, Administrative and Legal Committee (CAJ)

16.25 – 16.35

Moderator – summary of preparatory webinars

16.35– 17.15

Panel Discussion

Mr. Christopher Barnaby, PVR Assistant Commissioner, Plant Variety Rights Office, Intellectual Property Office of New Zealand

Mr. Manuel Toro Ugalde, Head of Section, Registry of Protected Varieties, Seeds and Plants Department, Agricultural and Livestock Service (SAG), Chile

Breeders' Perspectives

Mr. Emerson Limberger, Coordination Group for Intellectual Property (CG IP), International Seed Federation (ISF)

Ms. Ingrid Slangen, Board Member and Treasurer, International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA)

17.15 – 17.30

Closing remarks

Ms. Yolanda Huerta, Vice Secretary-General, UPOV

[End of Annex and of document]