



CAJ/56/6

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**ADMINISTRATIVE AND LEGAL COMMITTEE**

**Fifty-Sixth Session**  
**Geneva, October 22 and 23, 2007**

REPORT

*adopted by the Administrative and Legal Committee*

Opening of the session

1. The Administrative and Legal Committee (CAJ) held its fifty-sixth session in Geneva on October 22 and 23, 2007, under the Chairmanship of Mr. Krieno Fikkert (Netherlands).
2. The list of participants is reproduced in Annex I to this report.
3. The session was opened by the Chair, who welcomed the participants.
4. The Chair informed the CAJ that Dominican Republic had become the sixty-fourth member of UPOV on June 16, 2007, and that Turkey had deposited its instrument of accession on October 18, 2007 and would become the sixty-fifth member of UPOV on November 18, 2007. The Chair also reported that Spain had ratified the 1991 Act on July 18, 2007.
5. The Chair confirmed that the report of the fifty-fifth session of the CAJ had been adopted by correspondence (document CAJ/55/7) and was available on the UPOV website.

Adoption of the Agenda

6. The CAJ adopted the agenda as presented in document CAJ/56/1 Rev.

Presentations by members of the Union and the International Seed Federation (ISF) on experiences and initiatives for the development of electronic application forms and technical questionnaires

7. The CAJ received presentations by a representative of ISF and by the Delegations of Brazil, Germany and the United Kingdom on experiences and initiatives for the development of electronic application forms and technical questionnaires. Those presentations (in English only) are reproduced in Annexes II to V to this document, respectively.

8. The Delegation of the European Community reported that it planned to establish a working group to develop an electronic application system for use by its member States and offered to make its software available to all members of the Union in the interests of harmonization.

9. The Delegation of the United States of America noted that the development of electronic application systems was a topic of great importance which should be discussed within UPOV in order to seek suitable forms of collaboration to minimize the work needed by the individual members of the Union. It reported that a number of intellectual property systems had already moved to electronic systems of application and signature. With respect to the proposal of ISF for a harmonized electronic application form, it noted that the application systems of the members of the Union were not harmonized and that that situation would need to be taken into account. On that basis, it suggested that the UPOV website might provide a source of electronic application forms which could be used to complete common fields in national application forms. At the same time, it observed that such an approach would require significant financial and information technology (IT) resources which would need to be considered within the framework of the UPOV program and budget.

10. A representative of ISF observed that the consideration of the topic was very timely, if not perhaps a little late. He agreed that it would be difficult to achieve universal harmonization, but suggested that discussions would enhance the degree of harmonization which could be achieved, particularly for those members of the Union which chose to use a harmonized electronic application form. As a first step, he suggested the establishment of a small working group, comprised of members of the Union and breeders, which should meet as soon as possible.

11. The Delegation of Spain welcomed the initiative taken by ISF and agreed that the issue of electronic application systems was both important and urgent. It observed that such electronic systems, whilst challenging to develop, would be very useful for members of the Union, particularly for the management of data and databases. The Delegation endorsed the establishment of a working group, in which it expressed its desire to participate, and suggested that it should meet as soon as possible in 2008.

12. The Chair noted that the European Community was establishing a working group and observed that it would be beneficial to connect the work at the level of the European Community with any work at the UPOV level.

13. The Delegation of the United States of America counseled caution about the establishment of a working group at that stage and suggested that it might be more appropriate to provide a forum for an exchange of experiences. It wondered whether the Technical Working Party on Automation and Computer Programs (TWC) might provide such a forum, or whether such a forum could be organized during the week of UPOV sessions.

14. A representative of ISF welcomed the project which had been initiated within the European Community, but emphasized that it would be important for members of the Union which were not member States of the European Community to have an input in any such project. He suggested that any working group should involve IT, technical and legal experts.

15. The Delegation of Brazil observed that any project should take into account the different legislations and procedures of members of the Union and should also consider ways of assisting the input of data into the UPOV-ROM.

16. The Delegation of the European Community expressed its wish to participate in any UPOV working group and confirmed its support for the initiative to be taken forward at the UPOV level. It noted that it would be important for the working group to have a clear mandate.

17. The representative of the Seed Association of the Americas (SAA) expressed the support of SAA for all efforts towards harmonization and, in particular, the ISF proposal for the development of a harmonized electronic application form.

18. The Delegation of Romania supported the need, as expressed by the Delegation of Brazil, for any project to take into account the different legislations and procedures of members of the Union.

19. The Delegation of Argentina noted that the development of an electronic application system and the pursuit of harmonization were different matters. Therefore, it requested that the objectives of any working group should be clear.

20. The CAJ agreed that the Office of the Union should organize a meeting in order to explore possibilities:

(a) to provide a forum for exchanging information on electronic application systems and databasing of information;

(b) to investigate possibilities to facilitate harmonized electronic application systems and databasing of information, for interested members of the Union, by means of a standard electronic application form (including technical questionnaire), possibly with authority-specific annexes, to be made available for downloading from the UPOV website. Investigations would include:

(i) the development of a multilingual standard electronic application form in all languages provided by the relevant members of the Union (if not an official UPOV language);

(ii) options for transfer of data from the standard electronic application form for use in applications made with members of the Union (on-line transmission, e-mail, paper), including the sharing of software between members of the Union and the use of electronic signatures and verification;

(iii) means to facilitate the incorporation of data in electronic application systems in a format compatible with the UPOV-ROM Plant Variety Database;

(c) to identify legal and administrative aspects which should be considered in the development of electronic application systems by members of the Union.

21. The CAJ agreed that any standard electronic application form (including technical questionnaire) would need to be based on the UPOV model forms contained in document TGP/5 “Experience and Cooperation in DUS Testing” and document TGP/7 “Development of Test Guidelines”.

22. The CAJ agreed that the meeting should take place on or around April 9, 2008, according to the schedule of UPOV sessions to be fixed by the Council at its forty-first ordinary session, to be held in Geneva on October 25, 2007.

#### TGP documents

23. The Chair introduced document CAJ/56/2.

24. The CAJ agreed to insert an introduction to document TGP/5 “Experience and Cooperation in DUS Testing”, to read as follows:

#### Introduction

1. Cooperation with regard to DUS testing is an important benefit of the UPOV system. The UPOV Convention. (Article 12 of the 1991 Act) requires that a variety be examined for compliance with the distinctness, uniformity and stability criteria. The 1991 Act then clarifies that, “In the course of the examination, the authority may grow the variety or carry out other necessary tests, cause the growing of the variety or the carrying out of other necessary tests, or take into account the results of growing tests or other trials which have already been carried out”. That wording indicates that an authority of a member of the Union may, for example, use one or more of the following arrangements:

(a) *the authority conducts growing trials, or other tests, itself*

(b) *the authority arranges for another party / other parties to conduct the growing trials or other tests*

In such an arrangement, another party could include, for example, another authority, an independent institute or the breeder.

(c) *the authority takes into account the results of growing tests or other trials which have already been carried out*

This possibility allows for members of the Union to accept DUS reports on varieties already examined by another member of the Union. Such an approach is encouraged as an important means of minimizing the time for DUS examination and minimizing the cost of DUS examination by reducing duplication.

2. To facilitate cooperation in DUS testing as considered appropriate by members of the Union, UPOV has developed TGP/5 “Experience and Cooperation in DUS Testing”, which contains the following sections:

[list of sections to be provided]

3. Section 1 “Model Administrative Agreement for International Cooperation in the Testing of Varieties” provides a model agreement for cooperation between authorities.

4. An administrative agreement based on the Model Administrative Agreement is not a prerequisite for all aspects of international cooperation and, in particular, the utilization by members of the Union of existing DUS reports provided by authorities of other members of the Union would not necessarily require the use of such an agreement. However, in cases where such an agreement is not in place, members of the Union requesting existing DUS reports are nevertheless encouraged to use the model form in Section 5 “UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results”.

25. The CAJ agreed to the following amendments to Sections 1 to 7 and 11 of document TGP/5:

General	to replace “rellenado” with “completado” in the Spanish version
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*Section 1/2 Draft 3: Model Administrative Agreement for International Cooperation in the Testing of Varieties*

Preamble	to delete paragraphs 2, 3, 4 and 8
Article 1(1)	to delete “(“Executing Authority”)” and “(“Receiving Authority”)”
Article 1(4)(i)	to add “or the corresponding services in paragraph 2,” before “above”
Article 3 (1)	to replace “prestar” with “entregar” in the Spanish version
New (after Article 9)	to read “If an Authority receives an application for plant breeders’ rights for which another Authority will be requested to examine the variety, the applicant should be informed in advance.”

*Section 2/2 Draft 3: UPOV Model Form for the Application for Plant Breeders’ Rights*

1.(a)	to add request for e-mail address, telephone number and fax number
2.(a)	- to indicate “if different from 1.” - to add request for e-mail address, telephone number and fax number
2.(b)	to delete “for service”
6.(b)	to resolve the discrepancy between footnote <sup>4</sup> and the second indent of Section B. 6.1

*Section 4/2 Draft 3: UPOV Model Form for the Designation of the Sample of the Variety*

	no amendments proposed
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<i>Section 5/2 Draft 3:</i>	
<i>UPOV Request for Examination Results</i>	
5.	to delete “(Breeder) <sup>1</sup> ” and footnote 1.
9.	to delete footnote 2.
<i>UPOV Answer to the Request for Examination Results</i>	
	no amendments proposed

<i>Section 6/2 Draft 3</i>	
<i>UPOV Report on Technical Examination</i>	
6.	to delete “(Breeder) <sup>1</sup> ” and footnote 1.
[new] (after 10.)	to delete “Status of variety denomination: proposed [ ] accepted [ ]”
11.	to delete footnote 2.
16.	to delete “and conclusion”
16. (a), (b), (c)	- to specify that the requirements are for distinctness, uniformity and stability according to the UPOV Convention
16. (a)	to add a line “other variety from which it is not distinct .....
16. (b)	to add a line “characteristic(s) for which the variety is not uniform and explanation of the lack of uniformity .....
16. (c)	to add a line “characteristic(s) for which the variety is not stable and explanation of the lack of stability .....
16. (after (c))	subparagraph to be indicated as (d) and to read: “a description of the variety is provided in the annex to this report ..[...] (if the variety is distinct, uniform and stable). (If the variety is not distinct, a description can be provided on request, for which there may be an additional cost.)”
<i>UPOV Variety Description</i>	
4.	to delete “(Breeder) <sup>3</sup> ” and footnote 3.
[new] (after 7.)	to delete the 5 lines concerning “Variety status:” and footnote 4.

<i>Section 7/2 Draft 3: UPOV Interim Report on Technical Examination</i>	
6.	to delete “(Breeder) <sup>1</sup> ” and footnote 1.
[new] (after 10.)	to delete “Status of variety denomination: proposed [ ] accepted [ ]”
[new] (after 10.)	to delete the 5 lines concerning “Variety status:” and footnote 2.
11.	to delete footnote 3.

<i>Section 11/1 Draft 1: [Examples of contracts/agreements between authorities and breeders] / [Examples of policies for material submitted by the breeder]</i>	
Title	to read “Examples of policies and contracts for material submitted by the breeder”
1.1	final sentence to read “Examples of policies and contracts for material submitted by the breeder are provided in document TGP/5 ‘Experience and Cooperation in DUS Testing’ (document TGP/5).” and to propose to the Council to amend document TGP/4/1 accordingly

26. The CAJ noted that a new draft of the relevant TGP/5 sections, incorporating the changes agreed by the CAJ, would be prepared for consideration by the Technical Committee (TC) at its forty-fourth session, to held in Geneva, from April 7 to 9, 2008. Any further changes proposed by the TC would be reported to the CAJ for consideration at its fifty-seventh session.

#### Molecular techniques

27. The Vice Secretary-General introduced document CAJ/56/3. He noted that the *Ad Hoc* Crop Subgroup on Molecular Techniques for Rose (Crop Subgroup for Rose) had agreed on the importance of considering the following matters at the UPOV level: (a) whether it would be useful for authorities to attach a DNA fingerprint to the official variety description; (b) for which crops DNA fingerprints attached to the official variety description might be of most interest and why; and (c) whether it would be useful for authorities to conserve DNA samples. He explained that that matter had not been brought forward to the CAJ for the time-being because it had been considered more appropriate to await the third session of the Crop Subgroup for Rose, which would be held in conjunction with the eleventh session of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT), which was scheduled to be held from May 12 to 14, Puerto de la Cruz, Tenerife, Spain. At that session, it was anticipated that there would be more breeders in attendance to express their views on those matters.

28. The CAJ noted the contents of document CAJ/56/3 and the information provided by the Vice Secretary-General.

#### Development of information materials concerning the UPOV Convention

29. The Vice Secretary-General introduced document CAJ/56/4. He informed the CAJ that document CAJ-AG/07/2/7 contained a compilation of comments received on draft explanatory notes under the UPOV Convention. The Vice Secretary-General recalled that all the documents to be considered at the second session of the Administrative and Legal Committee Advisory Group (CAJ-AG) had been posted on the first restricted area of the UPOV website.

30. The Vice Secretary-General recalled that document “Explanatory Notes on Novelty under the UPOV Convention” (UPOV/EXN/NOV Draft 1), had been posted on the first restricted area of the UPOV website and that the CAJ members and observers had been invited to provide comments on that document. He reported that a number of comments had

been received and, as explained in paragraphs 2 and 4 of document CAJ/56/4, the advice of the CAJ-AG would, therefore, be sought at its second session on October 26, 2007.

31. The Vice Secretary-General informed the CAJ that in consultation with the Chair of the CAJ, the Office of the Union had invited Mr. Chris Barnaby (New Zealand) to be part of the CAJ-AG.

32. The CAJ took note of the progress regarding the development of information materials concerning the UPOV Convention and of the updated composition of the CAJ-AG.

#### Enforcement of plant breeders' rights

33. The Vice Secretary-General introduced document CAJ/56/5. In relation to paragraph 14 of the Annex to document CAJ/56/5, concerning the eleventh session of the BMT, scheduled to be held from May 12 to 14, 2008, in Puerto de la Cruz, Tenerife, Spain, he informed the CAJ that May 12, 2008, would be the "breeders' day", for discussions on the use of molecular techniques in variety identification and in the consideration of essential derivation.

34. A representative of International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) observed that document CAJ/56/5, paragraph 4 stated that "At its seventy-third session, on March 30, 2007, the Consultative Committee concluded that: (a) there was general support to continue the existing activities within UPOV in relation to the enforcement of plant breeders' rights, with particular focus on the examination of laws of future members of the Union, [...]", whereas the Annex to document CAJ/56/5, paragraph 4, stated that "The examination of laws by the Council of UPOV gives the opportunity to members of the Union to examine whether the laws of the State or organization concerned provide the required 'appropriate legal remedies for the effective enforcement of breeders' rights' (Article 30(1)(i) of the 1991 Act of the UPOV Convention)". He requested clarification on which of those two statements was the latest view. The CAJ noted that that was a matter for the Consultative Committee and agreed that the comments of CIOPORA should be reported to the Consultative Committee.

35. The CAJ took note of the conclusions of the deliberations of the Consultative Committee on the enforcement of plant breeders' rights; and the contents of document CAJ/56/5 and its Annex.

#### Program for the fifty-seventh session

36. The Vice Secretary-General provided a brief outline of the proposals which would be considered by the Consultative Committee at its seventy-fourth session, to be held in Geneva on October 24, 2007, concerning the organization of the UPOV sessions. In particular, he referred to a possible role of the CAJ in the preliminary examination of laws and the possibility that the CAJ would not have a session in April. On that basis the CAJ agreed the following program for its fifty-seventh session.

1. Opening of the session
2. Adoption of the agenda



3. [Preliminary examination of laws of future members – pending discussion in the Consultative Committee]<sup>1</sup>
4. TGP documents
5. Molecular techniques
6. Electronic application systems
7. Development of information materials concerning the UPOV Convention
8. Program for the fifty-eighth session
9. Closing of the session

Closing of the session

37. In recognition of his contribution as Chair of the Administrative and Legal Committee of UPOV, the Vice Secretary-General awarded to Mr. Krieno Fikkert a UPOV Silver Medal.

*38. The present report has been adopted by correspondence.*

[Annexes follow]

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<sup>1</sup> The discussions at the seventy-fourth session of the Consultative Committee did not result in a request for the CAJ to undertake the preliminary examination of laws of future members.

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /  
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres/  
in the alphabetical order of the names in French of the members/  
in alphabetischer Reihenfolge der französischen Namen der Mitglieder/  
por orden alfabético de los nombres en francés de los miembros)

I. MEMBRES / MEMBERS / VERBANDSMITGLIEDER / MIEMBROS

ALLEMAGNE / GERMANY / DEUTSCHLAND / ALEMANIA

Michael KÖLLER, Justiziar, Bundessortenamt, Osterfelddamm 80, 30627 Hannover  
(tel.: +49 511 9566624 fax: +49 511 563362 e-mail: michael.koeller@bundessortenamt.de)

ARGENTINE / ARGENTINA / ARGENTINIEN / ARGENTINA

Marcelo Daniel LABARTA, Director de Registro de Variedades, Instituto Nacional de Semillas (INASE), Paseo Colón 922, 3 piso, of. 347, 1063 Buenos Aires  
(tel.: +54 11 4349 2445 fax: +54 11 4349 2444 e-mail: mlabarta@inase.gov.ar)

Carmen Amelia M. GIANNI (Sra.), Directora de Asuntos Jurídicos, Instituto Nacional de Semillas (INASE), Paseo Colón 922, 3 piso, of. 308/310, 1063 Buenos Aires  
(tel.: +54 11 4349 2430 fax: + 54 11 4349 2421 e-mail: cgianni@inase.gov.ar)

Gonzalo Martín JORDÁN, Segundo Secretario, Misión Permanente, 10, route de l'Aéroport, 1215 Ginebra, Suiza  
(tel.: +41 22 9298606 fax: +41 22 798 5895 e-mail: gonzalo.jordan@ties.itu.int)

AUSTRALIE / AUSTRALIA / AUSTRALIEN / AUSTRALIA

Doug WATERHOUSE, Chief, Plant Breeder's Rights Office, IP Australia, P.O. Box 200, Woden ACT 2606  
(tel.: +61 2 6283 7981 fax: + 61 2 6283 7999 e-mail: doug.waterhouse@ipaaustralia.gov.au)

Nik HULSE, Senior Examiner, Plant Breeder's Rights Office, IP Australia, P.O. Box 200, Woden ACT 2606  
(tel.: +61 2 6283 7981 fax: + 61 2 6283 7999 e-mail: nik.hulse@ipaaustralia.gov.au)

AUTRICHE / AUSTRIA / ÖSTERREICH / AUSTRIA

Heinz-Peter ZACH, Leiter des Referates III/9c für Saatgut und Sortenwesen,  
Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft,  
Stubenring 12, A-1010 Wien  
(tel.: +43 1 711 002795 fax: + 43 1 513 8722 e-mail: heinz-peter.zach@bmlfuw.gv.at)

BÉLARUS / BELARUS / BELARUS / BELARÚS

Uladzimir BEINIA, Deputy Director, State Inspection for Testing and Protection of Plant Varieties, Kazintsa str. 90/1, 220108 Minsk  
(tel.: +375 17 2123955 fax: + 375 17 278 3530 e-mail: sortr@mshp.minsk.by)

Zakhar NAUMOV, First Secretary, Permanent Mission, 15, avenue de la Paix, 1211 Geneva, Switzerland  
(tel.: +41 22 748 2450 fax : +41 22 748 2451 e-mail : mission.belarus@ties.itu.int)

BELGIQUE / BELGIUM / BELGIEN / BÉLGICA

Camille VANSLEMBROUCK (Mme), Attaché, Office de la propriété intellectuelle, North Gate III, 16, blvd. du Roi Albert, B-1000 Bruxelles  
(tel.: +32 2 277 8275 fax: + 32 2 277 5262 e-mail: camille.vanslebrouck@economie.fgov.be)

BOLIVIE / BOLIVIA / BOLIVIEN / BOLIVIA

Jorge Alberto ROSALES KING, Director, Oficina Regional de Semillas, Programa Nacional de Semillas, Ministerio de Desarrollo Rural, Agropecuario y Medio Ambiente, Calle Capitán Dardo Arana No. 3095, Casilla postal 2736, Santa Cruz de la Sierra  
(tel.: +591 33 523272 fax: + 591 33 523056 e-mail: jorgerosales@semillasantacruz.org)

BRÉSIL / BRAZIL / BRASILIEN / BRASIL

Daniela DE MORAES AVIANI (Mrs.), Coordinator, National Plant Variety Protection Service (SNPC), Ministry of Agriculture, Livestock and Supply, Esplanada dos Ministérios, Bloco 'D', Anexo A, Sala 249, Brasilia , D.F.70043-900  
(tel.: +55 61 3218 2549 fax: + 55 61 3224 2842 e-mail: daniela.aviani@agricultura.gov.br)

BULGARIE / BULGARIA / BULGARIEN / BULGARIA

John AUSTIN, Technical Liaison Officer, Executive Agency for Variety Testing Field Inspection and Seed Control, 125, Tzarigradsko Shosse Blvd, BG-1113 Sofia  
(tel.: +359 2870 3157 fax: + 359 2870 8027 e-mail: john.austin@mail.bg)

CANADA / CANADA / KANADA / CANADÁ

Sandy MARSHALL (Mrs.), Examiner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), 2, Constellation Crescent, Ottawa, Ontario K1A 0Y9  
(tel.: +1 613 221 7525 fax: + 1 613 228 4552 e-mail: smarshall@inspection.gc.ca)

Stephen YARROW, Director, Plant Biosafety Office, Acting Director, Plant Production Division, Canadian Food Inspection Agency, 59, Camelot Drive, Ottawa, Ontario K1A 0Y9  
(tel.: +1 613 221 4390 fax: + 1 613 228 6140 e-mail: syarrow@inspection.gc.ca)

CHILI / CHILE / CHILE / CHILE

Enzo CERDA, Jefe, División de Semillas, Servicio Agrícola y Ganadero (SAG), Ministerio de Agricultura, Avda. Bulnes 140, piso 2, Casilla 1167-21 Santiago de Chile  
(tel.: +56 2 345 1561 fax: +56 2 697 2179 e-mail: enzo.cerda@sag.gob.cl)

Manuel TORO UGALDE, Encargado Registro de Variedades Protegidas, Division Semillas, Servicio Agrícola y Ganadero, Ministerio de Agricultura, Avda Bulnes 140, piso 2, 1167-21 Santiago de Chile  
(tel.: +56 2 345 1569 fax: + 56 2 697 2179 e-mail: manuel.toro@sag.gob.cl)

CHINE / CHINA / CHINA / CHINA

ZHANG Yaning (Mrs.), Project Administrator, International Cooperation Department, State Intellectual Property Office, No 6 Xituchenglu, Haidan District, 100088 Beijing  
(tel.: +86 10 6208 3097 fax: + 86 10 6201 9615 e-mail: zhangyaning@sipo.gov.cn)

LŪ Bo, Director, Division for the DUS Testing of New Varieties of Plants, Development Center of Science and Technology, Ministry of Agriculture, 18 Mai Zi Dian Street, Chaoyang District, 100026 Beijing  
(tel.: +86 10 6592 5213 fax: + 86 10 6592 5213 e-mail: lvbo@agri.gov.cn)

SONG Min, Professor, Institute of Agricultural Resources & Rural Regional Planning, Chinese Academy of Agricultural Sciences, 12, Zhongguan cun Nandajie, 100081 Beijing  
(tel.: +86 10 6891 9634 fax: 86 10 6891 9634 e-mail: songm@caas.net.cn)

WANG Qiong (Ms.), Administrator, State Forestry Administration, Plant Varieties Protection Office, No. 18 Hepingli East Street, 100714 Beijing  
(tel.: +86 10 84239104 fax: + 86 10 84238883 e-mail: wangqiong@cnpvp.net)

COLOMBIE / COLOMBIA / KOLUMBIEN / COLOMBIA

Ana Luisa DÍAZ JIMÉNEZ (Sra.), Coordinador Nacional, Derechos de Obtentor de Variedades Vegetales y Producción de Semillas, Instituto Colombiano Agropecuario (ICA), Calle 37, # 8-43, Piso 4, Bogotá D.C.  
(tel.: +57 1 232 8643 fax: +57 1 232 4697 e-mail: obtentores.semillas@ica.gov.co / ana.diaz@ica.gov.co)

COMMUNAUTÉ EUROPÉENNE / EUROPEAN COMMUNITY /  
EUROPÄISCHE GEMEINSCHAFT / COMUNIDAD EUROPEA

Jacques GENNATAS, Conseiller du Directeur Général Adjoint, Direction Générale Santé et Protection des Consommateurs, Commission européenne, 4, rue Breydel, Office: B232-2/22, 1040 Bruxelles, Belgique  
(tel.: +32 2 295 9713 fax: + 32 2 298 1227 e-mail: jacques.gennatas@ec.europa.eu)

Antonio ATAZ, Administrator, General Secretariat of the Council of the European Union, 175, rue de la Loi, 1048 Brussels, Belgium  
(tel.: +32 2 281 4964 fax: +32 2 281 6198 e-mail: antonio.ataz@consilium.europa.eu)

Martin EKVAD, Head, Legal Unit, Community Plant Variety Office (CPVO), 3, boulevard Maréchal Foch, B.P. 10121, 49101 Angers Cedex 02, France  
(tel.: +33 2 4125 6415 fax: + 33 2 4125 6410 e-mail: ekvad@cpvo.europa.eu)

CROATIE / CROATIA / KROATIEN / CROACIA

Ružica ORE-JURIĆ (Mrs.), Head of Plant Variety Protection and Registration, Institute for Seeds and Seedlings, Vinkovacka cesta 63c, HR-31 000 Osijek  
(tel.: +385 31 275 715 fax: +385 31 275 701 e-mail: r.ore@zsr.hr)

ESPAGNE / SPAIN / SPANIEN / ESPAÑA

Luis SALAICES, Jefe de Área del Registro de Variedades, Oficina Española de Variedades Vegetales (OEVV), Ministerio de Agricultura, Pesca y Alimentación (MAPA), Calle Alfonso XII, No. 62, 2a Planta, E-28014 Madrid  
(tel.: +34 91 3476712 fax: + 34 91 3476703 e-mail: luis.salaices@mapa.es)

ESTONIE / ESTONIA / ESTLAND / ESTONIA

Renata TSATURJAN (Ms.), Chief Specialist, Plant Production Bureau, Ministry of Agriculture, 39/41 Lai Street, 15056 Tallinn  
(tel.: +372 625 6507 fax: +372 625 6200 e-mail: renata.tsaturjan@agri.ee)

ÉTATS-UNIS D'AMÉRIQUE / UNITED STATES OF AMERICA /  
VEREINIGTE STAATEN VON AMERIKA / ESTADOS UNIDOS DE AMÉRICA

Karen M. HAUDA (Mrs.), Attorney-Advisor, Office of International Relations, U.S. Patent and Trademark Office (USPTO), Madison Building, West Wing, 600 Dulany Street, MDW 10A60, Alexandria VA 22314  
(tel.: +1 571 272 8474 fax: + 1 571 273 0085 e-mail: karen.hauda@uspto.gov)

Paul M. ZANKOWSKI, Commissioner, Plant Variety Protection Office, USDA National Agricultural Library (NAL), 10301, Baltimore Ave., Beltsville MD 20832  
(tel.: +1 301 504 5518 fax: + 1 301 504 5291 e-mail: paul.zankowski@usda.gov)

Kitisri SUKHAPINDA (Ms.), Patent Attorney, Office of Intellectual Property and Enforcement, U.S. Patent and Trademark Office (USPTO), Madison Building, West Wing, 600 Dulany Street, MDW 10A60, Alexandria VA 22314  
(tel.: +1 571 272 9300 fax: + 1 571 273 0085 e-mail: kitisri.sukhapinda@uspto.gov)

FINLANDE / FINLAND / FINNLAND / FINLANDIA

Matti PUOLIMATKA, Head, Unit for Seed Testing and Organic Control, Finnish Food Safety Authority (Evira), Tampereentie 51, FIN-32200 Loimaa  
(tel.: +358 20 772530 fax: + 358 20 7725318 e-mail: matti.puolimatka@evira.fi)

FRANCE / FRANCE / FRANKREICH / FRANCIA

Robert TESSIER, Chef de Bureau, Bureau de la sélection végétale et des semences, Ministère de l'agriculture et de la pêche, DGPEI, 3, rue Barbet de Jouy, F-75349 Paris 07 SP  
(tel.: +33 1 49554579 fax: + 33 1 49555075 e-mail: robert.tessier@agriculture.gouv.fr)

Nicole BUSTIN (Mlle), Secrétaire général, Comité de la protection des obtentions végétales (CPOV), Ministère de l'agriculture et de la pêche, 11, rue Jean Nicot, F-75007 Paris  
(tel.: +33 1 4275 9314 fax: + 33 1 4275 9425 e-mail: nicole.bustin@geves.fr)

Joël GUIARD, Directeur adjoint, Groupe d'étude et de contrôle des variétés et des semences (GEVES), La Minière, F-78285 Guyancourt Cedex  
(tel.: +33 1 3083 3580 fax: + 33 1 3083 3629 e-mail: joel.guiard@geves.fr)

HONGRIE / HUNGARY / UNGARN / HUNGRÍA

Marta POSTEINER-TOLDI (Mrs.), Vice-President, Hungarian Patent Office, Garibaldi u. 2, H-1054 Budapest  
(tel.: +36 1 311 4841 fax: + 36 1 302 3822 e-mail: marta.posteinerne@hpo.hu)

Csaba BATICZ, Legal Officer, Hungarian Patent Office, Garibaldi u. 2, H-1054 Budapest  
(tel.: +36 1 474 5764 fax: + 36 1 474 5965 e-mail: csaba.baticz@hpo.hu)

Ágnes Gyözöné SZENCI (Mrs.), Senior Chief Advisor, Department for Administration and Information Technology, Ministry of Agriculture and Regional Development, Kossuth Lajos tér 11, H-1055 Budapest  
(tel.: +36 1 301 4308 fax: + 36 1 301 4668 e-mail: szencig@posta.fvm.hu)

IRLANDE / IRELAND / IRLAND / IRLANDA

Nicholas P. McGILL, Controller of Plant Variety Rights, National Crop Variety Evaluation Centre, Department of Agriculture and Food, Backweston Farm, Leixlip, Co. Kildare  
(tel.: +353 1 630 2900 fax: + 353 1 628 0634 e-mail: nicholas.mcgill@agriculture.gov.ie)

JAPON / JAPAN / JAPAN / JAPÓN

Satoshi ASANUMA, Director, Plant Variety Protection Office, Plant Variety Protection and Seed Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1 Kasumigaseki, Chiyoda-ku, 100-8950 Tokyo  
(tel.: +81 3 3592 0305 fax: + 81 3 3502 6572 e-mail: satoshi\_asanuma@nm.maff.go.jp)

Toru SEMBA, Deputy Director, Plant Variety Protection and Seed Division, Agricultural Production Bureau, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8950  
(tel.: +81 3 6744 2118 fax: + 81 3 3502 5301 e-mail: tooru\_semba@nm.maff.go.jp)

KENYA / KENYA / KENIA / KENYA

John C. KEDERA, Managing Director, Kenya Plant Health Inspectorate Service (KEPHIS), Oloolua Ridge, P.O. Box 49592, Karen, Nairobi  
(tel.: +254 20 3536171 fax: + 254 20 3536175 e-mail: director@kephis.org)

LETTONIE / LATVIA / LETTLAND / LETONIA

Sofija KALININA (Mrs.), Deputy Director, Plant Variety Testing Department, State Plant Protection Service, Ministry of Agriculture, Lubanas iela, 49, LV-1073 Riga  
(tel.: +371 7365568 fax: + 371 7365571 e-mail: sofija.kalinina@vaad.gov.lv)

LITUANIE / LITHUANIA / LITAUEN / LITUANIA

Sigita JUCIUVIENE (Mrs.), Deputy Director, Lithuanian State Plant Varieties Testing Center,  
Smelio 8, LT-10324 Vilnius  
(tel.: +370 5 234 3647 fax: + 370 5 234 1862 e-mail: sigita.juciuviene@avtc.lt)

MEXIQUE / MEXICO / MEXIKO / MÉXICO

Enriqueta MOLINA MACÍAS (Srta.), Directora Nacional, Servicio Nacional de Inspección y Certificación de Semillas (SNICS), Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación (SAGARPA), Av. Presidente Juárez, 13, Col. El Cortijo, Tlalnepantla, Estado de México 54000  
(tel.: +52 55 3622 0667 fax: +52 55 3622 0670 e-mail: enriqueta.molina@sagarpa.gob.mx)

MOLDOVA / MOLDOVA / MOLDAU / MOLDOVA

Vasile POJOGA, President, State Commission for Crops Variety Testing and Registration, Stefan cel Mare str. 162, C.P. 1873, MD-2004 Kishinev  
(tel.: +373 22 220300 fax: + 373 22 211 537 e-mail: csispmd@yahoo.com)

NORVÈGE / NORWAY / NORWEGEN / NORUEGA

Veslemoy-Susanne GUNDERSEN FAAFENG (Ms.), Legal Advisor, Royal Ministry of Agriculture, Akersgt. 059, P.O. Box 8007 Dep, N-0030 Oslo  
(tel.: +47 2 2249277 fax: +47 22242753 e-mail: veslemoy.faafeng@lmd.dep.no)

NOUVELLE-ZÉLANDE / NEW ZEALAND / NEUSEELAND / NUEVA ZELANDIA

Christopher J. BARNABY, Assistant Commissioner of Plant Variety Rights / Examiner, Plant Variety Rights Office (PVRO), 205 Victoria Street, P.O. Box 9241, Marion Square, Wellington 6141  
(tel.: +64 3 962 6206 fax: + 64 3 962 6202 e-mail: Chris.Barnaby@pvr.govt.nz)

PARAGUAY / PARAGUAY / PARAGUAY / PARAGUAY

Luis Dario LÓPEZ, Jefe, Dpto. de Certificación de Semillas, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), Dirección de Semillas (DISE), Gaspar Rodríguez de Francia No. 685, c/ Ruta Mariscal Estigarribia, San Lorenzo  
(tel.: +595 21 582201 fax: +595 21 584645 e-mail: certificacion\_semillas@senave.gov.py)

Blanca NÚÑEZ (Sra.), Dpto. de Protección y Uso de Variedades, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), Dirección de Semillas (DISE), Gaspar Rodríguez de Francia No. 685, c/ Ruta Mariscal Estigarribia, San Lorenzo  
(tel.: +595 21 582201 fax: +595 21 584645 e-mail: dpuv@senave.gov.py)

PAYS-BAS / NETHERLANDS / NIEDERLANDE / PAÍSES BAJOS

Christianus M.M. VAN WINDEN, Account Manager Propagating Material, Ministry of Agriculture, Nature and Food Quality, Postbus 20401, NL-2500 EK The Hague  
(tel.: +31 70 378 4281 fax: + 31 70 378 6156 e-mail: c.m.m.van.winden@minlnv.nl)

Krieno Adriaan FIKKERT, Head and Secretary, Board for Plant Varieties (Raad voor Plantenrassen), Postbus 27, NL-6710 BA Ede  
(tel.: +31 318 822 580 fax: + 31 318 822 589 e-mail: k.a.fikkert@minlnv.nl)

POLOGNE / POLAND / POLEN / POLONIA

Edward S. GACEK, Director General, Research Centre for Cultivar Testing (COBORU), PL-63-022 Slupia Wielka  
(tel.: +48 61 285 2341 fax: + 48 61 285 3558 e-mail: e.gacek@coboru.pl)

Marcin BEHNKE, Vice Director General, Research Centre for Cultivar Testing (COBORU), PL-63-022 Slupia Wielka  
(tel.: +48 61 2852341 fax: + 48 61 2853558 e-mail: m.behnke@coboru.pl)

Julia BORYS (Ms.), Head, DUS Testing Department, Research Centre for Cultivar Testing (COBORU), PL-63-022 Slupia Wielka  
(tel.: +48 61 285 2341 fax: + 48 61 285 3558 e-mail: j.borys@coboru.pl)

PORTUGAL / PORTUGAL / PORTUGAL / PORTUGAL

Paula CARVALHO (Mrs.), Head, Seeds, Varieties and Genetic Resources Unit, DGADR, Edificio 2, Tapada da Ajuda, P-1349-018 Lisboa  
(tel.: +351 21 3613229 fax: + 351 21 3613222 e-mail: pcarvalho@dgpc.min-agricultura.pt)

RÉPUBLIQUE DE CORÉE / REPUBLIC OF KOREA / REPUBLIK KOREA / REPÚBLICA DE COREA

CHOI Keun-Jin, Senior Examiner, Korean Seed and Variety Service, Ministry of Agriculture and Forestry, Jungangno 328 (433 Anyang 6-Dong), Manan-gu, Anyang-Si, Anyang City, Kyunggi do 430-016  
(tel.: +82 31 467 0190 fax: + 82 31 467 0161 e-mail: kjchoi@seed.go.kr)

PARK Chan-Woong, DUS Examiner, Variety Testing Division, National Seed Management Office (NSMO), Jungangno 328 (433 Anyang 6-Dong), Manan-gu, Anyang-Si, Gyeonggi do 430-016  
(tel.: +82 31 273 4146 fax: + 82 31 203 7431 e-mail: chwopark@seed.go.kr)

Mingcong YOO (Ms.), Examiner, Korean Intellectual Property Office (KIPO), 130 Seonsaro, Seo-gu, Daejeon Metropolitan City 302-701  
(tel.: +82 42 481 8414 fax: + 82 42 472 3514 e-mail: poppyliu@yahoo.co.kr)

RÉPUBLIQUE DOMINICAINE / DOMINICAN REPUBLIC / DOMINIKANISCHE REPUBLIK / REPÚBLICA DOMINICANA

Luz Adelma GUILLÉN (Sra.), Encargada de la Oficina de Seguimiento a la Reforma y Modernización del Sector Agropecuario, Secretaría de Estado de Agricultura, Km 6.5 Autopis Duarte, Jardines del Norte, Santo Domingo, D.N.  
(tel.: 809 533 7522 ext. 4815 fax: 809 533 5312 e-mail: laguillen@iica.org)



RÉPUBLIQUE TCHÈQUE / CZECH REPUBLIC / TSCHECHISCHE REPUBLIK /  
REPÚBLICA CHECA

Ivan BRANŽOVSKY, Chief Specialist, Plant Commodities Department, Ministry of  
Agriculture, Tesnov 17, 11705 Praha 1  
(tel.: +420 2 2181 2693 fax: + 420 2 2181 2951 e-mail: ivan.branzovsky@mze.cz)

Daniel JUREČKA, Director, Plant Production Section, Central Institute for Supervising and  
Testing in Agriculture (ÚKZÚZ), Hroznová 2, 656 06 Brno  
(tel.: +420 543 548 210 fax: +420 543 217 649 e-mail: daniel.jurecka@ukzuz.cz)

Radmila SAFARIKOVA (Mrs.), Head, National Plant Variety Office, Central Institute for  
Supervising and Testing in Agriculture (UKZUZ), Hroznová 2, 656 06 Brno  
(tel.: +420 543 548 221 fax: + 420 543 212 440 e-mail: radmila.safarikova@ukzuz.cz)

ROUMANIE / ROMANIA / RUMÄNIEN / RUMANIA

Adriana PARASCHIV (Mrs.), Head, Agricultural Division, State Office for Inventions and  
Trademarks (OSIM), 5, Str. Ion Ghica, Sector 3, 030044 Bucarest  
(tel.: +40 21 3155698 fax: +40 21 312 3819 e-mail: adriana.paraschiv@osim.ro)

Mihaela-Rodica CIORA (Mrs.), Head of Testing Department, State Institute for Variety  
Testing and Registration, Ministry of Agriculture, Food and Forestry, 61, Marasti, Sector 1,  
011464 Bucarest  
(tel.: +40 213 177442 fax: + 40 213 177442 e-mail: mihaela\_ciora@yahoo.com)

Oana MARGINEANU (Ms.), Head of Legal Bureau, Legal and International Cooperation  
Division, State Office for Inventions and Trademarks (OSIM), Str. 5, Ion Ghica, Sector 3,  
030044 Bucarest  
(tel.: +40 21 312 1327 fax: + 40 21 312 3819 e-mail: oana.margineanu@osim.ro)

Maria Camelia MIREA (Mrs.), Examiner, State Office for Inventions and Trademarks  
(OSIM), 5, Str. Ion Ghica, Sector 3, P.O.Box 52, 030044 Bucarest  
(tel.: +40 21 3155698 fax: +40 21 3123819 e-mail: mirea.camelia@osim.ro)

ROYAUME-UNI / UNITED KINGDOM / VEREINIGTES KÖNIGREICH / REINO  
UNIDO

Elspeth NICOL (Mrs.), UK Administrator, Plant Variety Rights Office and Seed Division,  
DEFRA, Whitehouse Lane, Huntingdon Road, CB3 0LF Cambridge  
(tel.: +44 1223 342322 fax: + 44 1223 342386 e-mail: elspeth.nicol@defra.gsi.gov.uk)

SINGAPOUR / SINGAPORE / SINGAPUR / SINGAPUR

Andrian Choong Yee CHIEW, Senior Assistant Director, Intellectual Property Office of  
Singapore (IPOS), # 04.01 Plaza by the Park, 51 Bras Basah Road, Singapore 189554  
(tel.: +65 6330 2789 fax: + 65 6339 0252 e-mail: adrian\_chiew@ipos.gov.sg)

SLOVAQUIE / SLOVAKIA / SLOWAKEI / ESLOVAQUIA

Bronislava BÁTOROVÁ (Mrs.), National Coordinator, Senior Officer, Department of Variety  
Testing, Central Controlling and Testing Institute in Agriculture (ÚKSÚP), Akademická 4,  
SK-949 01 Nitra  
(tel.: +421 37 655 1080 fax: + 421 37 652 3086 e-mail: bronislava.batorova@uksup.sk)

SLOVÉNIE / SLOVENIA / SLOWENIEN / ESLOVENIA

Joze ILERSIC, Secretary, Phytosanitary Administration, Einspielerjeva 6,  
SLO-1000 Ljubljana  
(tel.: +386 1 3094 396 fax: + 386 1 3094 335 e-mail: joze.ilersic@gov.si)

SUISSE / SWITZERLAND / SCHWEIZ / SUIZA

Manuela BRAND (Frau), Leiterin, Büro für Sortenschutz, Sektion Zertifizierung, Pflanzen-  
und Sortenschutz, Bundesamt für Landwirtschaft, Mattenhofstrasse 5, CH-3003 Bern  
(tel.: +41 31 322 2524 fax: + 41 31 322 2634 e-mail: manuela.brand@blw.admin.ch)

Eva TSCHARLAND (Frau), Juristin, Sektion Zertifizierung, Pflanzen- und Sortenschutz,  
Bundesamt für Landwirtschaft, Mattenhofstrasse 5, CH-3003 Bern  
(tel.: +41 31 322 2594 fax: + 41 31 323 5455 e-mail: eva.tscharland@blw.admin.ch)

TUNISIE / TUNISIA / TUNESIEN / TÚNEZ

Mares HAMDI, Directeur général, Direction générale des affaires juridiques et foncières,  
Ministère de l'agriculture et des ressources hydrauliques, 30, rue Alain Savary, 1002 Tunis  
(tel.: +216 71 842 317 fax: + 216 71 784 419 e-mail: mares\_hamdi@yahoo.fr)

Tarek CHIBOUB, Directeur de l'homologation et du contrôle de la qualité, Direction générale  
de la protection et du contrôle de la qualité des produits agricoles, Ministère de l'agriculture et  
des ressources hydrauliques, 30, rue Alain Savary, 1002 Tunis  
(tel.: +216 71 800419 fax: + 216 71 784419 e-mail: tarechib@yahoo.fr)

TURQUIE / TURKEY / TÜRKEI / TURQUÍA

Kamil YILMAZ, Director, Variety Registration and Seed Certification Centre, Ministry of  
Agriculture and Rural Affairs, P.O. Box 107, 06172 Yenimahalle - Ankara  
(tel.: +90 312 315 8874 fax: + 90 312 315 0901 e-mail: kyilmaz@tagem.gov.tr)

Yesim BAYKAL (Mrs.), Counsellor, Permanent Mission of Turkey to the WTO, Case  
postale 1837, CH-1215 Geneva 15, Switzerland  
(tel.: +41 22 791 70 10 fax: +41 22 791 70 20 e-mail: mission.turkey-wto@ties.itu.int)

UKRAINE / UKRAINE / UKRAINE / UCRANIA

Svitlana TKACHYK (Mrs.), Deputy Director, Ukrainian Institute for Plant Variety  
Examination, 15, Henerala Rodimtseva str., 03041 Kyiv  
(tel.: +380 44 258 3456 fax: + 380 44 257 9963 e-mail: sveta@sops.gov.ua)

Maksym MELNYCHENKO, Head, Department of Financial and Organizational Support,  
State Service on Right Protection for Plant Varieties, 15, Henerala Rodimtseva str.,  
03041 Kyiv  
(tel.: +380 44 257 9933 fax: + 380 44 257 9933 e-mail: max@sops.gov.ua)

Sergiy PONOMAROV, Advisor to the Representative of Ukraine to Council of UPOV, State  
Service on Right Protection for Plant Varieties, 15, Henerala Rodimtseva str., 03041 Kyiv  
(tel.: +380 44 257 9933 fax: + 380 44 257 9963 e-mail: sops@sops.gov.ua)

URUGUAY / URUGUAY / URUGUAY / URUGUAY

Enzo BENECH BOUNOUS, Presidente, Instituto Nacional de Semillas (INASE),  
Cno. Bertolotti s/n y R-8 Km 29, Pando, 91001 Canelones  
(tel.: +598 2 288 7099 fax: + 598 2 288 7077 e-mail: ebenech@inase.org.uy)

VIET NAM / VIET NAM / VIETNAM / VIET NAM

Pham Dong QUANG, Deputy Director, Department of Crop Production, Ministry of  
Agriculture and Rural Development (MARD), No. 2 Ngoc Ha Street, Badinh, Hanoi  
(tel.: +84 4 7345831 fax: + 84 4 7344967 e-mail: phamdongquang@gmail.com)

Thanh Minh NGUYEN, Senior Officer, Plant Variety Protection Office, Ministry of  
Agriculture and Rural Development (MARD), 2 Ngoc Ha Street, Ba Dinh, Hanoi  
(tel.: +84 4 8435182 fax: + 84 4 7342844 e-mail: minh\_pvp@yahoo.com)

II. OBSERVATEURS / OBSERVERS / BEOBACHTER / OBSERVADORES

ALGÉRIE / ALGERIA / ALGERIEN / ARGELIA

Ali MATALLAH, Directeur, Affaires juridiques et de la réglementation, Ministère  
l'agriculture et du développement rural, B.P. 43, Hassan Badi, El Harrach, 8791 Alger  
(tel.: +213 21 74 64 06 fax: + 213 21 42 93 51 e-mail: alidajr2002@yahoo.fr)

ÉGYPTE / EGYPT / ÄGYPTEN / EGIPTO

Salah MOAWED, Head, Central Administration for Seed Testing and Certification (CASC),  
Ministry of Agriculture and Land Reclamation, 8 Gamaa Street, Giza, 12211, Cairo  
(tel.: +202 35720839 fax: + 202 3575998)

Gamal Eissa ATTYA, Head, Plant Variety Protection Office, Central Administration for Seed  
Testing and Certification (CASC), Ministry of Agriculture and Land Reclamation, 8 Gamaa  
Street, Giza, 12211 Cairo  
(tel.: +20 2 572 8962 fax: +20 2 571 8562 e-mail: gamal\_attya@hotmail.com)

EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE / THE FORMER YUGOSLAV  
REPUBLIC OF MACEDONIA / DIE EHEMALIGE JUGOSLAWISCHE REPUBLIK  
MAZEDONIEN / EX REPÚBLICA YUGOSLAVA DE MACEDONIA

Hakif SELMANI, Director, Directory for Seed and Planting Material, Ministry of  
Agriculture, Forestry and Water Economy, 2, Leninova, 1000 Skopje  
(tel.: +389 71 232 971)

Irena KAMENJARSKA (Mrs.), Adviser, Directory for Seed and Planting Material, Ministry  
of Agriculture, Forestry and Water Economy, 2, Leninova, 1000 Skopje  
(tel.: +389 2 3134 477)

Elizabeta MAKREVSKA (Mrs.), Chief of Cabinet, Ministry of Agriculture, Forestry and  
Water Economy, 2, Leninova, 1000 Skopje  
(tel.: +389 2 3112035 e-mail: elizabeta.makrovska@mzsv.gov.mk)

THAÏLANDE / THAILAND / THAILAND / TAILANDIA

Chutima RATANASATIEN (Mrs.), Senior Agricultural Scientist, Plant Varieties Protection Division, Department of Agriculture, Department of Agriculture, 50 Phahonyothin Road, Ladyao, Chatuchak, 10900 Bangkok  
(tel.: +66 2 940 7214 fax: +66 2 561 4665 e-mail: chutima\_ratanasatien@yahoo.com)

III. ORGANISATIONS / ORGANIZATIONS /  
ORGANISATIONEN / ORGANIZACIONES

ASSOCIATION INTERNATIONALE DES PRODUCTEURS HORTICOLES (AIPH) /  
INTERNATIONAL ASSOCIATION OF HORTICULTURAL PRODUCERS (AIPH) /  
INTERNATIONALER VERBAND DES ERWERBSGARTENBAUES (AIPH) /  
ASOCIACIÓN INTERNACIONAL DE PRODUCTORES HORTÍCOLAS (AIPH)

Sjaak J. LANGESLAG, Secretary General, International Association of Horticultural Producers (AIPH), Oude Herenweg 10, 2215 RZ Voorhout, Netherlands  
(e-mail: langeslag@agriraad.nl)

Mia HOPPERUS BUMA (Mrs.), Secretary, Committee for Novelty Protection, International Association of Horticultural Producers (AIPH), c/o Dutch Association of Flower Auctions, Schipholweg. 1, 2316 XB Leiden, Netherlands  
(tel.: +31 71 5659574 fax: + 31 71 56597610 e-mail: m.buma@vbn.nl)

COMMUNAUTÉ INTERNATIONALE DES OBTENTEURS DE PLANTES  
ORNAMENTALES ET FRUITIÈRES DE REPRODUCTION ASEXUÉE (CIOPORA) /  
INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED  
ORNAMENTAL AND FRUIT-TREE VARIETIES (CIOPORA) /  
INTERNATIONALE GEMEINSCHAFT DER ZÜCHTER VEGETATIV  
VERMEHRBARER ZIER- UND OBSTPFLANZEN (CIOPORA)  
COMUNIDAD INTERNACIONAL DE OBTENTORES DE VARIEDADES  
ORNAMENTALES Y FRUTALES DE REPRODUCCIÓN ASEXUADA (CIOPORA)

Edgar KRIEGER, Executive Secretary, International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Postfach 13 05 06, 20105 Hamburg, Germany  
(tel.: +49 40 555 63 702 fax: + 49 40 555 63 703 e-mail: info@ciopora.org)

Alain MEILLAND, Vice-President, International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Meilland International, 59, chemin des Nielles, 06600 Antibes, France  
(tel.: +33 494 500325 fax: + 33 494 479829 e-mail: licprot@meilland.com)

FÉDÉRATION INTERNATIONALE DES SEMENCES (ISF) /  
INTERNATIONAL SEED FEDERATION (ISF) /  
INTERNATIONALER SAATGUTVERBAND (ISF) /  
FEDERACIÓN INTERNACIONAL DE SEMILLAS (ISF)

Bernard LE BUANEC, Secretary General, International Seed Federation (ISF), 7, chemin du Reposoir, 1260 Nyon, Switzerland  
(tel.: +41 22 365 4420 fax: + 41 22 365 4421 e-mail: [isf@worldseed.org](mailto:isf@worldseed.org))

Marcel BRUINS, Secretary General Designate, International Seed Federation (ISF), 7, chemin du Reposoir, 1260 Nyon, Switzerland  
(tel.: +41 22 365 4420 fax: + 41 22 365 4421 e-mail: [m.bruins@worldseed.org](mailto:m.bruins@worldseed.org))

Huib GHIJSEN, IP Manager, Bayer BioScience N.V., Technologiepark 38, 9052 Ghent, Belgium  
(tel.: +32 9 2430486 fax: + 32 9 224 1923 e-mail: [huib.ghijssen@bayercropscience.com](mailto:huib.ghijssen@bayercropscience.com))

Curtis POZNIAK, Professor, CDC, 51 Campus Drive, S7N 5A8 Saskatoon, Saskatchewan, Canada  
(tel.: +1 306 966 2361 fax: + 1 306 966 5015 e-mail: [curtis.pozniak@usask.ca](mailto:curtis.pozniak@usask.ca))

Pierre ROGER, Directeur de la propriété intellectuelle, Germplasm Preservation, c/o Vilmorin & Cie, Boîte postale 1, 63720 Chappes, France  
(tel.: +33 4 7363 4069 fax: + 33 4 7364 6737 e-mail: [pierre.roger@limagrain.com](mailto:pierre.roger@limagrain.com))

Michael ROTH, Monsanto International Sarl, rue des Vignerons 1A, 1110 Morges, Switzerland  
(tel.: +41 21 804 6721 fax: + 41 21 804 6737 e-mail: [michael.j.roth@monsanto.com](mailto:michael.j.roth@monsanto.com))

EUROPEAN SEED ASSOCIATION (ESA)

Bert SCHOLTE, Technical Director, European Seed Association (ESA), 23, rue Luxembourg, 1000 Brussels, Belgium  
(tel.: +32 2 743 2860 fax: +32 2 743 2869 e-mail: [bertscholte@euroseeds.org](mailto:bertscholte@euroseeds.org))

SEED ASSOCIATION OF THE AMERICAS (SAA)

Miguel RAPELA, Director, Intellectual Property Committee, Seed Association of the Americas (SAA), Reconquista 661, 1er Piso, C1003ABM, Buenos Aires, Argentina  
(tel.: +54 11 45160070 e-mail: [miguelrap@speedy.com.ar](mailto:miguelrap@speedy.com.ar))

IV. BUREAU / OFFICER / VORSITZ / OFICINA

Krieno FIKKERT, Chair  
Carmen Amelia M. GIANNI (Mrs.), Vice-Chair

V. BUREAU DE L'UPOV / OFFICE OF UPOV /  
BÜRO DER UPOV / OFICINA DE LA UPOV

Rolf JÖRDENS, Vice Secretary-General  
Peter BUTTON, Technical Director  
Raimundo LAVIGNOLLE, Senior Counsellor  
Makoto TABATA, Senior Counsellor  
Yolanda HUERTA (Mrs.), Senior Legal Officer

[Les annexes II à V suivent (en anglais seulement)/  
Annexes II to V follow (in English only)/  
Anlagen II bis V folgen (nur auf Englisch)/  
Siguen los Anexos II a V (sólo en inglés)]

## Harmonized application form for Plant Variety Rights – WHY?

- All UPOV countries use different forms
- Very large degree of overlap in requested information
- Translation of questions is often cumbersome.
- Among breeders there is a strong wish for harmonization
- Harmonization will lead to more applications

## Harmonized application form for Plant Variety Rights

- Supported by ISF, CIOPORA & ESA  
=>Large majority of PVP applicants
- Presented to UPOV TC in April 2007

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file: State - État - Staat - Estado.xls DATE: April 6, 2005

**UPOV** INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

Associated Document  
to the  
General Introduction to the Examination  
of Distinctness, Uniformity and Stability and the  
Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)

DOCUMENT TGP/5

"EXPERIENCE AND COOPERATION IN DUS TESTING"

Section 2: UPOV Model Form for  
the Application for Plant Breeders' Rights as amended by the Council on October 14, 1984

UPOV Model form was used, unchanged.

1 State - État - Staat - Estado 2 Language: // 3 print save

file: State - État - Staat - Estado.xls DATE: April 6, 2005

**UPOV** INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

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Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)

DOCUMENT TGP/5

"EXPERIENCE AND COOPERATION IN DUS TESTING"

Section 2: UPOV Model Form for  
the Application for Plant Breeders' Rights as amended by the Council on October 14, 1984

Two scroll down bars for all UPOV states and all UPOV languages



State - État - Staat - Estado

Language: // 3 print save

Albania  
Argentina  
Australia  
Austria  
Azerbaijan  
Belarus  
Belgium

Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)

DOCUMENT TGP/5

"EXPERIENCE AND COOPERATION IN DUS TESTING"

Section 2: UPOV Model Form for  
the Application for Plant Breeders' Rights as amended by the Council on October 14, 1984

reproduced from document C/XVIII/9 Add., Annexes II and IV, Part I

UPOV form / translation / additional questions / country specification / address

Scroll down bar for all UPOV states

Australia

Language: // 3 print save

file: Australia - VARIETY

of Distinctness, Uniformity and Stability and the  
Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)

DOCUMENT TGP/5

"EXPERIENCE AND COOPERATION IN DUS TESTING"

Section 2: UPOV Model Form for  
the Application for Plant Breeders' Rights as amended by the Council on October 14, 1984

**AUSTRALIA / AUSTRALIE / AUSTRALIEN**  
The Registrar  
Plant Breeder's Rights  
IP Australia  
P.O. Box 200  
Woden, A.C.T. 2606  
Tel. (61-2) 6283 2999  
Fax. (61-2) 6283 7999  
e-mail: pbr@ipaustralia.gov.au

reproduced from document C/XVIII/9 Add., Annexes II and IV, Part I

UPOV form / translation / additional questions / country specification / address

Address of designated PVP office appears

A screenshot of a software interface for a UPOV form. At the top, there is a header bar with columns A through L. Below this, there are three dropdown menus: the first is labeled '1' and contains 'State - État - Staat - Estado'; the second is labeled '2' and contains 'Language//'; the third is labeled '3' and contains 'print save'. A red circle highlights the 'Language//' dropdown menu. Below the header, the text reads: 'file: State - État - Staat - Estado-VARIETY of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)'. The main content area contains the following text: 'DOCUMENT TGP/5', '"EXPERIENCE AND COOPERATION IN DUS TESTING"', 'Section 2: UPOV Model Form for the Application for Plant Breeders' Rights as amended by the Council on October 14, 1984'. There is a large empty rectangular box below this text. At the bottom, it says 'reproduced from document CXXVIII/9 Add., Annexes II and IV, Part I'. The footer shows a navigation bar with 'UPOV form', 'translation', 'additional questions', 'country specification', and 'address'.

A screenshot of the UPOV form application section. The header bar is similar to the first screenshot. The 'Language//' dropdown menu is open, showing a list of languages: 'native', 'native', 'English', 'Français', 'Deutsch', 'Español', 'Afrikaans', 'Albanian', and 'Arabic'. A red circle highlights this dropdown menu. A yellow callout box on the right side of the screen contains the text: 'Scroll down bar for languages of UPOV member states'. The main content area includes the UPOV logo, 'INTERNATIONAL UNION FOR THE PROTECTION OF PLANTS', and the title 'UPOV MODEL FORM APPLICATION FOR PLANT BREEDERS' RIGHTS'. Below the title, there is a note: 'NOTE: First consult the instructions (file mark)'. The text continues: 'An official copy of the submitted application including the date of filing is requested as a certification of priority for an application in the following States:'. There are two main sections for data entry: '1.(a) Applicant(s) name(s) and address(es):' and '2.(a) Address to which correspondence is to be sent:'. Each section has a light blue shaded area for input. Below section 1, there is a sub-section '(b) nationality(ies):'. Below section 2, there is a sub-section '(b) This is the address: of one of the applicants of the agent/proxy for the applicant'. The footer shows a navigation bar with 'UPOV form', 'translation', 'additional documents', 'additional questions', and 'country specification'.

A	B	C	D	E	F	G	H	I	J	K	L
1	State - État - Staat - Estad	2				Espagnol				print	save
file: State - État - Staat - Estado - VARIETY											
FORMULARIO TIPO DE LA UPOV											
SOLICITUD DE DERECHO DE OBTENTOR											
NOTA: Sírvase consultar primero las instrucciones (marca del expediente)											
Se pide una copia oficial de la solicitud presentada, incluida la fecha de presentación, como certificado de prioridad de una solicitud en los siguientes Estados:											
1.a) Solicitante(s): nombre(s) y dirección(es):											
2.a) Dirección a la que ha de enviarse la correspondencia:											
b) nacionalidad(es):											
b) Se trata de la dirección:											
3. Especie y cultivo:											
4.a) Denominación propuesta (en mayúsculas): VARIETY											
UPOV form / translation / additional questions / country specification / address											

All questions change to desired language

A	B	C	D	E	F	G	H	I	J	K	L
1	State - État - Staat - Estad	2				Espagnol			3	print	save
file: State - État - Staat - Estado - Companion											
FORMULARIO TIPO DE LA UPOV											
SOLICITUD DE DERECHO DE OBTENTOR											
NOTA: Sírvase consultar primero las instrucciones (marca del expediente)											
Se pide una copia oficial de la solicitud presentada, incluida la fecha de presentación, como certificado de prioridad de una solicitud en los siguientes Estados:											
CL, NZ, BZ, PA, NI, CA, KR, JP, ZA, IL											
1.a) Solicitante(s): nombre(s) y dirección(es):											
2.a) Dirección a la que ha de enviarse la correspondencia:											
b) nacionalidad(es):											
b) Se trata de la dirección:											
3. Especie y cultivo:											
Citrus lanatus - Sandia											
UPOV form / translation / additional questions / country specification / address											

Complete answers in desired language

A	B	C	D	E	F	G	H	I	J	K	L
	1	State - État - Staat - Estad			2	English			3	print	save
file: State - État - Staat - Estado-Companion											
(Office where application is filed)				UPOV MODEL FORM				(file mark)			
								(Date of receipt)			
<b>APPLICATION FOR PLANT BREEDERS' RIGHTS</b>											
NOTE: First consult the instructions (file mark)											
An official copy of the submitted application including the date of filing is requested as a certification of priority for an application in the following States:											
CL, NZ, BZ, PA, NI, CA, KR, JP, ZA, IL											
1. (a) Applicant(s) name(s) and address(es):						2. (a) Address to which correspondence is to be sent:					
Seminis Vegetable Seeds, Inc. 2700 Camino Del Sol Oxnard, CA 93030, USA Tel: +1-805-647-1572 / Fax: +1-805-918-2943						Marcel Bruins P.O. Box 97 6700 AB Wageningen Países Bajos					
(b) nationality(ies): USA						(b) This is the address:					
						<input checked="" type="checkbox"/> of one of the applicants <input type="checkbox"/> of the agent/proxy <input type="checkbox"/> for service					
3. Species and crop: Citrullus lanatus - Sandia											
UPOV form / translation / additional questions / country specification / adress											

Switch to language in designation country

Question language changes, answers not

A	B	C	D	E	F	G	H	I	J	K	L
	1	State - État - Staat - Estad			2	English			3	print	save
file: State - État - Staat - Estado-Companion											
(Office where application is filed)				UPOV MODEL FORM				(file mark)			
								(Date of receipt)			
<b>APPLICATION FOR PLANT BREEDERS' RIGHTS</b>											
NOTE: First consult the instructions (file mark)											
An official copy of the submitted application including the date of filing is requested as a certification of priority for an application in the following States:											
CL, NZ, BZ, PA, NI, CA, KR, JP, ZA, IL											
1. (a) Applicant(s) name(s) and address(es):						2. (a) Address to which correspondence is to be sent:					
Seminis Vegetable Seeds, Inc. 2700 Camino Del Sol Oxnard, CA 93030, USA Tel: +1-805-647-1572 / Fax: +1-805-918-2943						Marcel Bruins P.O. Box 97 6700 AB Wageningen Países Bajos					
(b) nationality(ies): USA						(b) This is the address:					
						<input checked="" type="checkbox"/> of one of the applicants <input type="checkbox"/> of the agent/proxy <input type="checkbox"/> for service					
3. Species and crop: Citrullus lanatus - Sandia											
UPOV form / translation / additional questions / country specification / adress											

Translate language specific answers

1 State - État - Staat - Estad 2 native 3 print save

file : State - État - Staat - Estado.xls TGP/5: Section 2/1 State - État - Staat - Estado

**UPOV** INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

APPLICATION FOR PLANT BREEDERS' RIGHTS

additional questions

State:

1 extra 1

2 extra 2

Annex with country specific questions

36 TGP/5: Section 2/1 European Communit

37

38 **UPOV** INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

39 APPLICATION FOR PLANT BREEDERS' RIGHTS

40

41 additional questions

42

43 State: EUROPEAN COMMUNITY /

44 COMMUNAUTÉ EUROPÉENNE /

45

46 1 In addition to question 8: Is the variety repeatedly used in the production of one or more hybrid varieties?

47 If yes, please indicate for each hybrid the same information as requested in question 8

48

49

50 2 Has the variety been disposed of under other circumstances than those mentioned in question 8 or in

51 additional question 1? Please give details

Annex with country specific questions

UPOV form translation additional documents additional questions country specification

1	A	B	C	D	E	F	G	H	I	J	K	L
2		1	Netherlands			2	Language/ / /	3		print	save	
3	file: Netherlands-VARIETY											
137	additional questions											
138	State: NETHERLANDS / PAYS-BAS /											
140	NIEDERLANDE / PAÍSES BAJOS											
141												
142												
143												
144	additional questions											
145												
146	1 Applicant applies for application for Nationalist together with this applications											
147	.....											
148	.....											
149	.....											
150	2 Applicant wants to include company trials as carried out in (country):											
151	.....											
152	.....											
153	.....											
154	3 Applicant asks for delay for DUS examination											
155	.....											
156	.....											
157	.....											
UPOV form / translation / additional questions / country specification / adress												

Country specific questions

1	Netherlands	2	Dutch	3	print	save
file: Netherlands-.xls						
TGP/5: Section 2/2						
Netherlands						
UPOV INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS						
AANVRAAG TOT VERLENING VAN OEFENERSRECHT						
additionele vragen						
NETHERLANDS / PAYS-BAS / NIEDERLANDE / PAÍSES BAJOS						
1 Aanvrager gebruikt dit formulier ook voor aanvraag voor toelating, antwoord ja/nee:						
.....						
.....						
2 Aanvrager wil bedrijfsproeven bij het onderzoek betrekken, uit het volgende land:						
.....						
.....						
UPOV form / translation / additional documents / additional questions / country specification						

Country specific questions => also in all languages

A B C D E F G H I J K L

1 Australia 2 English 3 print save

file : Australia -VARIETY NAME.xls

Application date: (not to be filled in by the applicant)

**UPOV** INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

TG/23/6  
Potato, 2004-03-31  
- 1 -

**AUSTRALIA / AUSTRALIE / AUSTRALIEN**  
The Registrar  
Plant Breeder's Rights  
IP Australia  
P.O. Box 200  
Woden, A.C.T. 2606  
Tel. (61-2) 6283 2999  
Fax. (61-2) 6283 7999  
e-mail: pbr@ipaustralia.gov.au

**TECHNICAL QUESTIONNAIRE**  
to be completed in connection with an application for plant breeders' rights

1. Subject of the Technical Questionnaire

UPOV form / translation / additional documents / additional questions / country specification

Also TQ possible

1 2 3

1 Australia 2 English 3 print save

file : Australia -VARIETY NAME.xls

**TECHNICAL QUESTIONNAIRE**  
to be completed in connection with an application for plant breeders' rights

**1. Subject of the Technical Questionnaire**

1.1 Latin Name: Solanum tuberosum L.  
1.2 Common Name: Potato


**2. Applicant**

Name  
Address  
Telephone No.  
Fax No.  
E-mail address  
Breeder (if different from applicant)

Potato was taken as model crop

1	2	1	Australia	2	English	3	print	save	
3	file : Australia-VARIETY NAME.xls								
103	5.4	Flower corolla: proportion of blue in anthocyanin coloration on inner side							
104	absent or low	Granola	<input type="checkbox"/>	1					
105	medium	Pamina	<input type="checkbox"/>	2					
106	high	Rocket	<input type="checkbox"/>	3					
107	Plant: time of maturity								
108	very early	Christa	<input type="checkbox"/>	1					
109	early	Cilena	<input type="checkbox"/>	3					
110	medium	Nicola	<input type="checkbox"/>	5					
111	late	Aula	<input type="checkbox"/>	7					
112	very late	Producent	<input type="checkbox"/>	9					
113	5.6	Tuber: shape							
114	round	Grata	<input type="checkbox"/>	1					
115	short-oval	Aula	<input type="checkbox"/>	2					
116	oval	Diamant	<input type="checkbox"/>	3					
117	long-oval	Linda	<input type="checkbox"/>	4					
118	long	Spunta	<input type="checkbox"/>	5					
119	very long	Pompadour	<input type="checkbox"/>	6					
120									
121	5.7	Tuber: color of skin							
122	light beige	Nadine	<input type="checkbox"/>	1					
123	yellow	Agria, Quarta	<input type="checkbox"/>	2					
124	red	Desiree	<input type="checkbox"/>	3					
125	red parti-colored	Cara	<input type="checkbox"/>	4					
126	blue	Violetta Noir	<input type="checkbox"/>	5					

TQ questions change language if desired

6	1	European Community	2	English	3	print	save	
7	file : European Community-VARIETY NAME.xls							
8	European Community							
9	 <b>INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS</b>							
10	TG/23/6							
11	Potato, 2004-03-31							
12	- 6 -							
13	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>additional questions</b> </div>							
14	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>State: EUROPEAN COMMUNITY / COMMUNAUTÉ EUROPÉENNE /</b> </div>							
15	1 - Is the candidate variety a genetically modified organism according to the Cartagena Protocol on Biosafety?							
16	<input type="text"/>							
17	2 -							
18	<input type="text"/>							

Also in TQ room for additional (country specific) questions



## Demonstration of Excell file

(time permitting)

### Advantages

- Forms in native language lower the bar for applicants
- Less time & financial burden
- No more translation mistakes
- Check if all questions are filled out
- Annex gives national freedom
- Opt-in system: countries can indicate if they are willing to accept applications in new format
- Will lead to more applications & greater importance of the UPOV system

### A possible way forward by UPOV

- Change to different format e.g. Adobe
- Possible revision of UPOV Model Form
- Keep no. of questions in Annex as low as possible
- Add option for national listing, possibly in Annex
- Countries provide necessary translations to UPOV.
- UPOV adds translations into file, countries remain responsible
- Make form available on UPOV website with updated list of countries who accept the new forms
- Electronic filing / Payment on-line

### Proposal

- Form an expert working group
- Meet before the end of 2007
- Come with proposal for April 2008 meetings of UPOV

## Features that the new package should have

- Electronic filing
- On line payment
- Filling a (national) database
- Compatible with UPOV-Rom requirements
- Open to all languages
- Partial save & forward option
- Easy bridges to other software

**One application form will be beneficial to  
UPOV, countries & applicants**




Guus Heselmans  
C. Meijer B.V.

Judith Blokland  
Plantum NL


Marcel Bruins  
ISF




Thank you for  
your attention



# EXPERIENCE ON THE DEVELOPMENT OF ELECTRONIC APPLICATION FORMS



**Daniela de Moraes Aviani**  
**Coordinator**  
**National Plant Variety Protection Service/SNPC**  
**Ministry of Agriculture, Livestock and Food Supply**  
**BRAZIL**



Portal do Ministério da Agricultura, Pecuária e Abastecimento. - Windows Internet Explorer

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- 18/10/2007 • MAPA PROMOVE WORKSHOP E CURSO SOBRE ERRADICAÇÃO DA MOSCA-DA-CARAMBOLA
- 17/10/2007 • MINISTRO INTERINO RECEBE REPRESENTANTE DA FAO NO BRASIL
- 17/10/2007 • VIGIAGRO PROMOVE CURSO DE PROCESSAMENTO DE COURO

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10/10/2007 • A Coordenação Geral de Qualidade Vegetal CGQV/DIPOV/SDA divulga o PROJETO DE REGULAMENTO TÉCNICO DE IDENTIDADE E QUALIDADE

M A P A A  
147  
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18:45


CAJ/56/6  
Annex III, page 2

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REPÚBLICA FEDERATIVA DO BRASIL  
MINISTÉRIO DA AGRICULTURA, PECUÁRIA E ABASTECIMENTO - MAPA  
SECRETARIA DE APOIO RURAL E DESENVOLVIMENTO - SARC  
SERVIÇO NACIONAL DE PROTEÇÃO DE CULTIVARES - SNPC

**FORMULÁRIO DE SOLICITAÇÃO DE PROTEÇÃO DE CULTIVARES**

PROTOCOLO (para uso exclusivo do SNPC)

1. Obtentor(es)/ requerente(s): Nome: <input type="text"/> CGC ou CPF: <input type="text"/> Endereço: <input type="text"/> Cidade/Estado: <input type="text"/> CEP: <input type="text"/> Telefone: ( <input type="text"/> ) <input type="text"/> Fax: ( <input type="text"/> ) <input type="text"/>	2. Nome e endereço do responsável pelas informações junto ao SNPC Nome: <input type="text"/> CGC ou CPF: <input type="text"/> Endereço: <input type="text"/> Cidade/Estado: <input type="text"/> CEP: <input type="text"/> Telefone: ( <input type="text"/> ) <input type="text"/> Fax: ( <input type="text"/> ) <input type="text"/>
--	--

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PROCESSOS

PROCESSOS  
PEDIDOS DE PROTEÇÃO


PROCESSO:  
21806.000123/2007

DENOMINAÇÃO	ESPÉCIE
CD 228	Glycine max (L.) Merrill
NOME COMUM	PAÍS OBTIDA
Soja	BRASIL
GENETICAMENTE MODIFICADA	
<input type="radio"/> SIM <input checked="" type="radio"/> NÃO	
DERIVADA	CULTIVAR INICIAL
<input type="radio"/> SIM <input checked="" type="radio"/> NÃO	
REQUERENTES	
+	
REQUERENTE:	AÇÃO:
COOPTEC	FRUITAD

Abrindo página http://masrv103.agricultura.gov.br/proton/protocolo/formulario\_snpc.php?cod\_protocolo


Internet

Iniciar



CRITICAL ACTIVITIES	RELATED PROBLEMS
Data base feeding with supplied information: Variety Registry Variety Description	Entry mistakes
Additional information requests	Follow-up difficulties
Process analysis information retrieval	Time consuming for applicants and for PVP analysis officers in order to inform application process status
Publication notice	Receipt confirm
Tax payment	Difficult to control

**Ministry of Agriculture, Livestock and Food Supply**

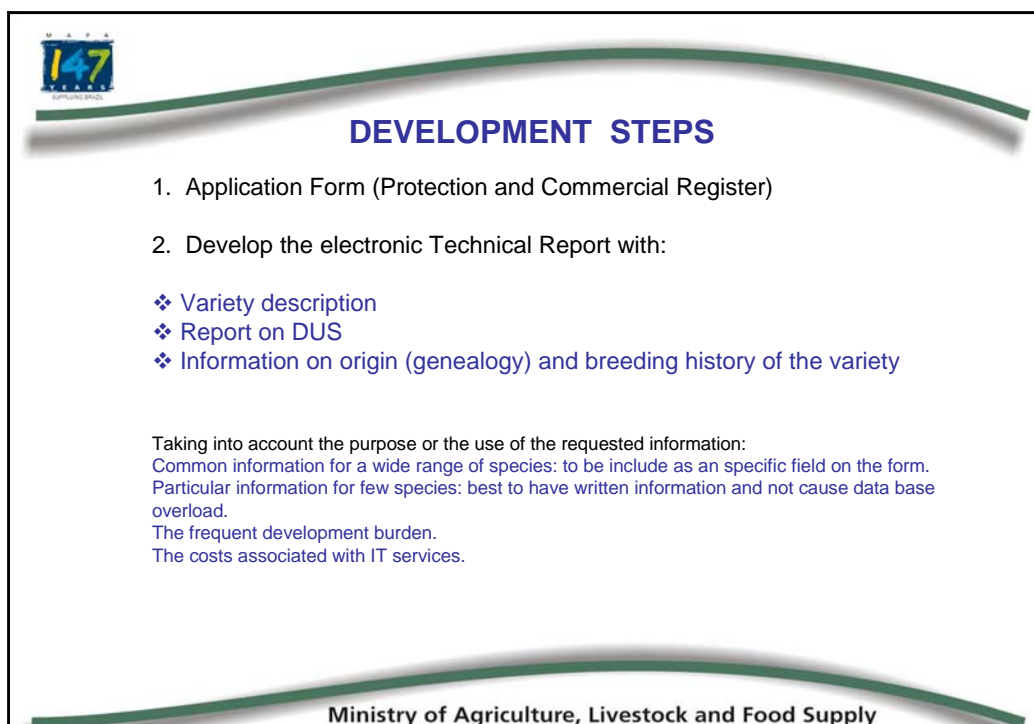
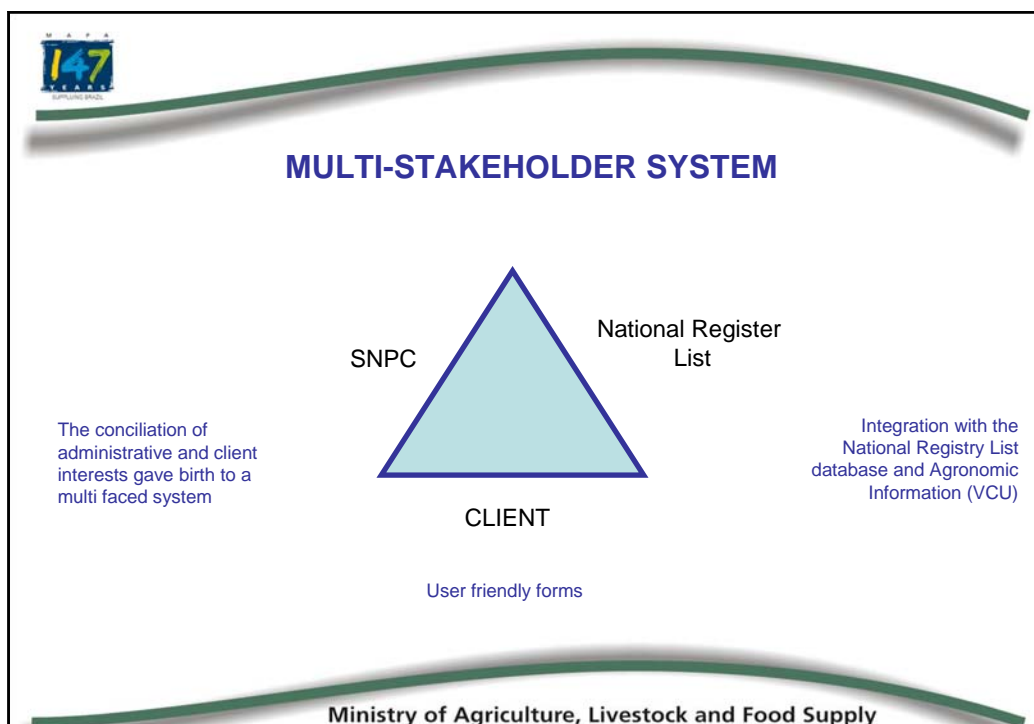


**DOCUMENT & INFORMATION  
MANAGEMENT**

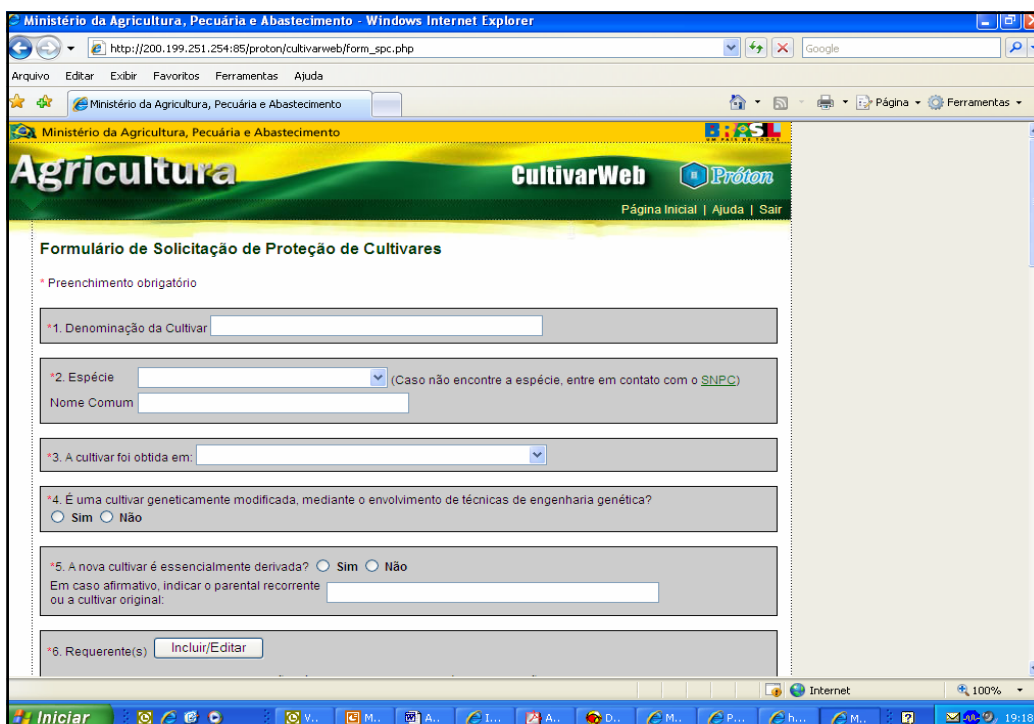
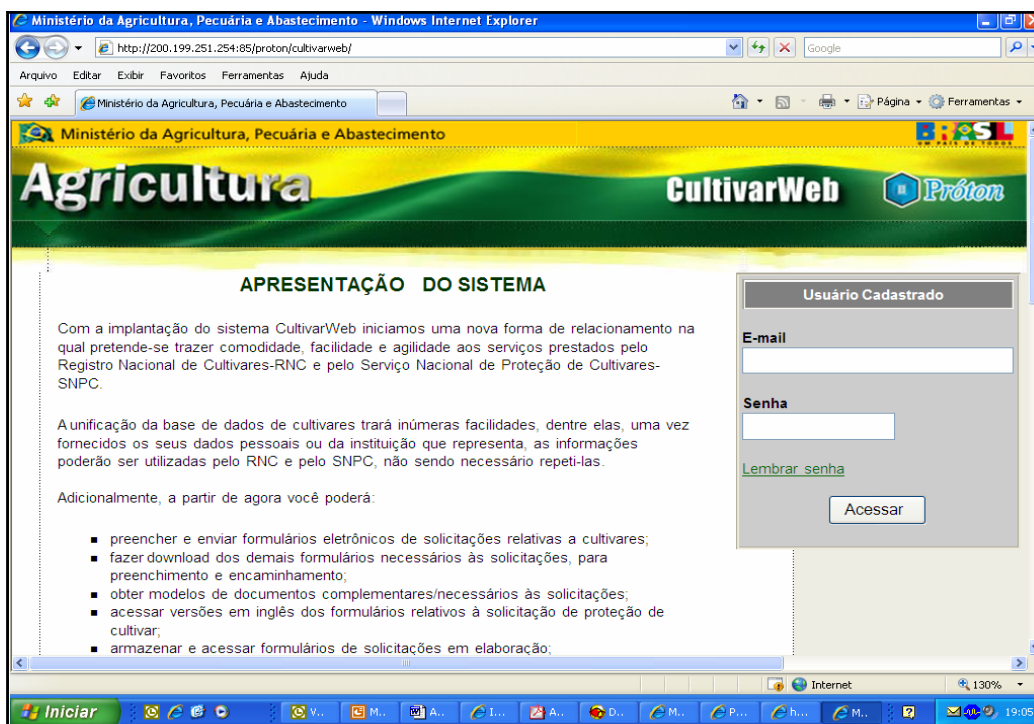
**EXPECTED BENEFITS**

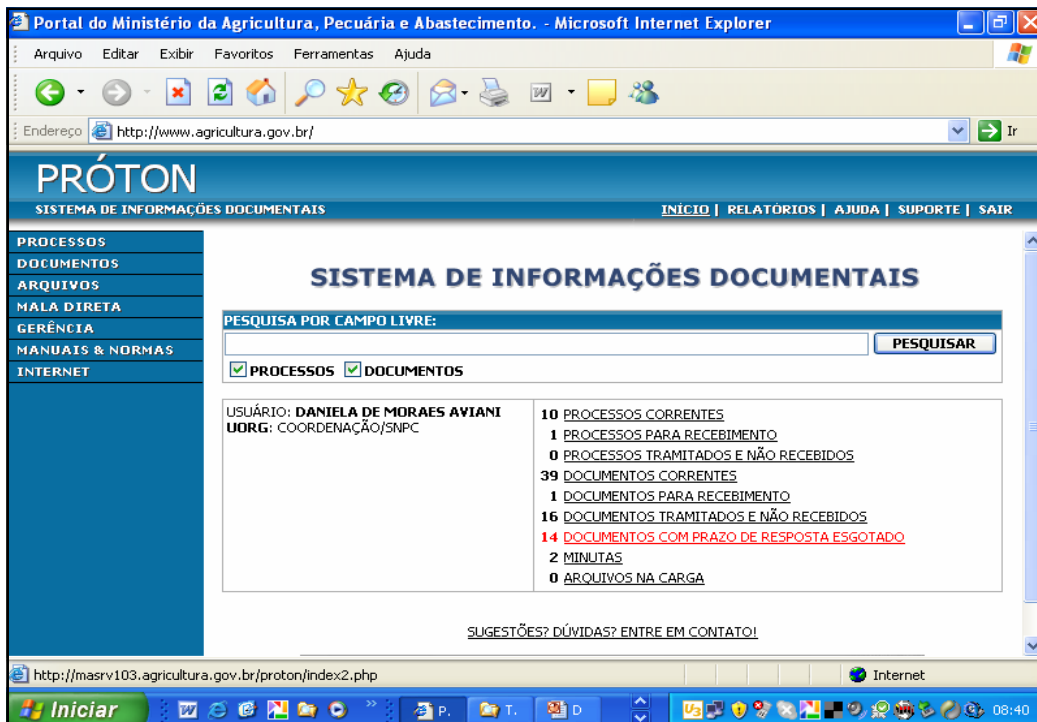
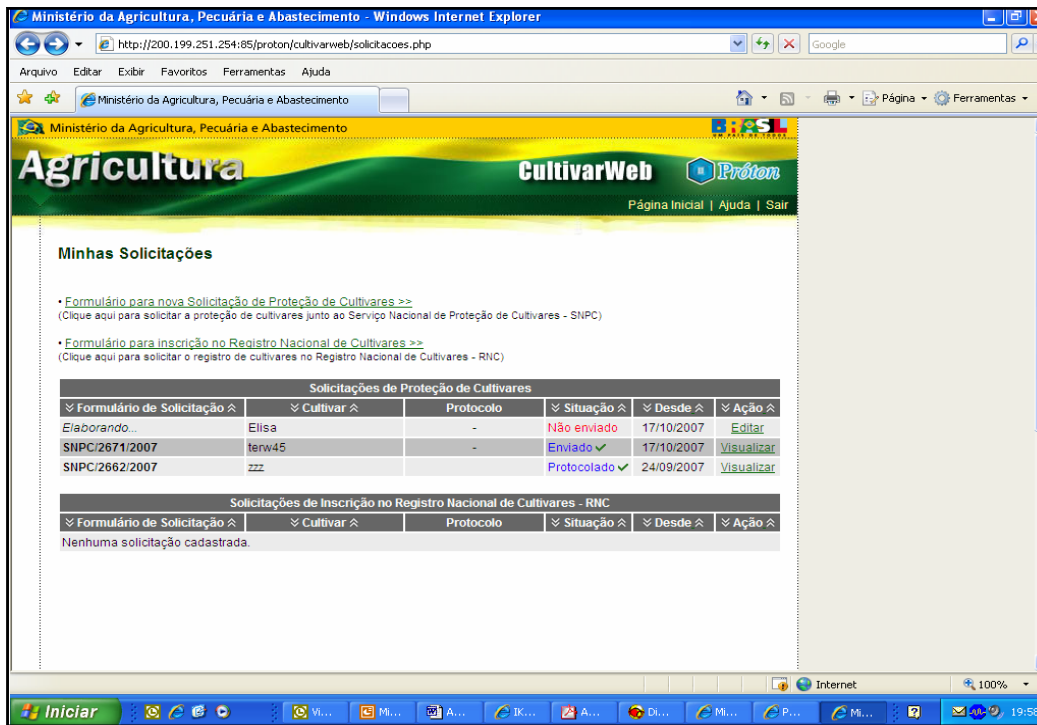
INTERNAL ORGANIZATION	CLIENT
Quick data application retrieval Document physical preservation Improved deadline control Internal document follow up control Save time spent with administrative tasks, such as home page feeding, correspondence expedition and control Flexible report issuance Remote data base access and application analysis	Fill out the form with the individual profile data from the SNPC database Each field has predetermined criteria and all are mandatory Reduction in the mailing for further request of information Follow up of the application in real time Interactive report issue On-line access to documents through internet.

**Ministry of Agriculture, Livestock and Food Supply**









NÚMERO	DENOMINAÇÃO	ESPÉCIE	REQUERENTE	DATA DE ENVIO	PROTOCOLO
SNPC/2659/2007 AÇÃO	t45	Gossypium spp	MARAVILHA DA ÁSIA	24/09/2007 13:21	-
SNPC/2662/2007 AÇÃO	zzz	Stenotaphrum secundatum	DDD	24/09/2007 19:36	-
113/2007 AÇÃO	Waldan	Kalanchoe blossfeldiana Poelln.	AB BREEDING B.V.	25/09/2007 00:00	21806.000113/2007
SNPC/2664/2007 AÇÃO	ST45	Phaseolus vulgaris L.	MARAVILHA DA ÁSIA	25/09/2007 10:25	-
114/2007 AÇÃO	Runa	Kalanchoe blossfeldiana Poelln.	AB BREEDING B.V.	28/09/2007 00:00	21806.000114/2007
SNPC/2667/2007 AÇÃO	Kuni	Kalanchoe blossfeldiana Poelln.	AB BREEDING B.V.	28/09/2007 00:00	21806.000115/2007
SNPC/2669/2007		Kalanchoe			

**147 ANOS**  
Ministério da Agricultura, Pecuária e Abastecimento

## ACQUIRED BENEFITS

- Decrease the # of exigences
- Transparency on following up the applications
- Facilitate the applications analisys
- Allows access to the variety information to examiners and inspectors from their own state offices
- Improve the organization and control under the generated forward and received documents

Ministry of Agriculture, Livestock and Food Supply

**SNPC**

**Website**  
[www.agricultura.gov.br](http://www.agricultura.gov.br)  
serviços > cultivares > proteção

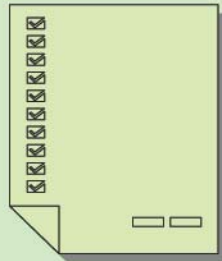
**Phones**  
(55) 61 3218 2549 / 3218 2547

**E-mail**  
[snpc@agricultura.gov.br](mailto:snpc@agricultura.gov.br)  
[daniela.aviani@agricultura.gov.br](mailto:daniela.aviani@agricultura.gov.br)

[www.agricultura.gov.br](http://www.agricultura.gov.br)

# The use of intelligent forms in the Bundessortenamt



## Experiences



Michael Köller, Legal Adviser, Bundessortenamt Hannover, Germany



### Timetable

BundOnline 2005



- BundOnline-Project  
(2004-2005)

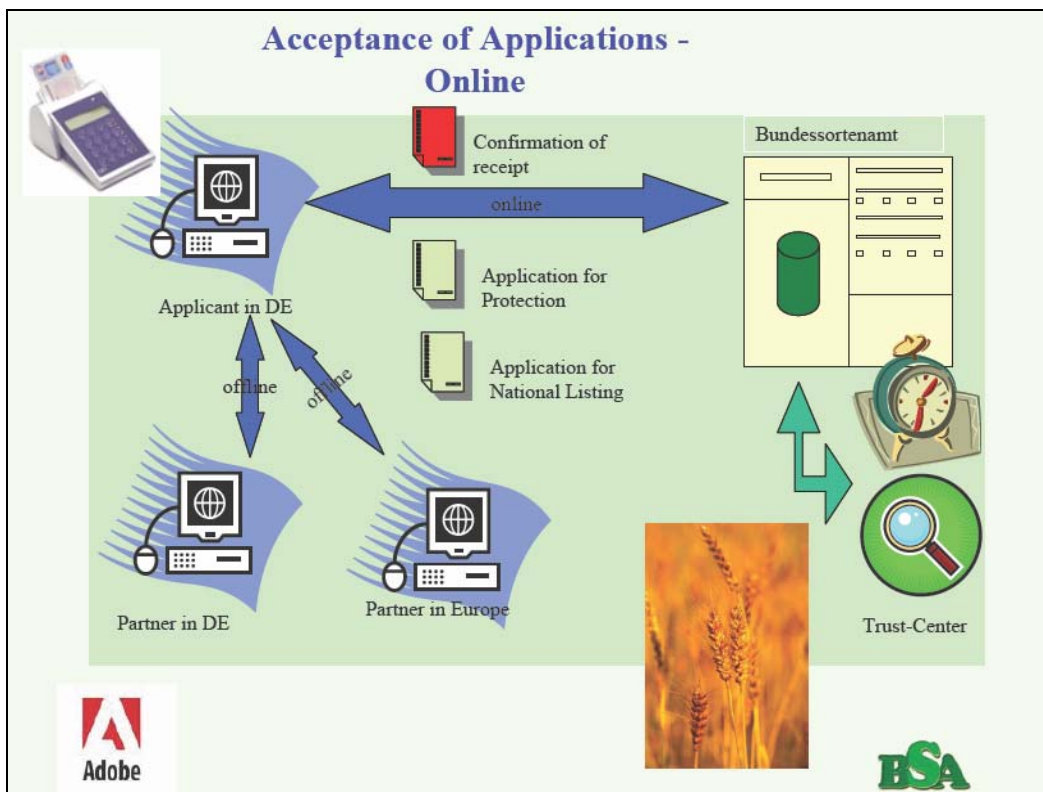
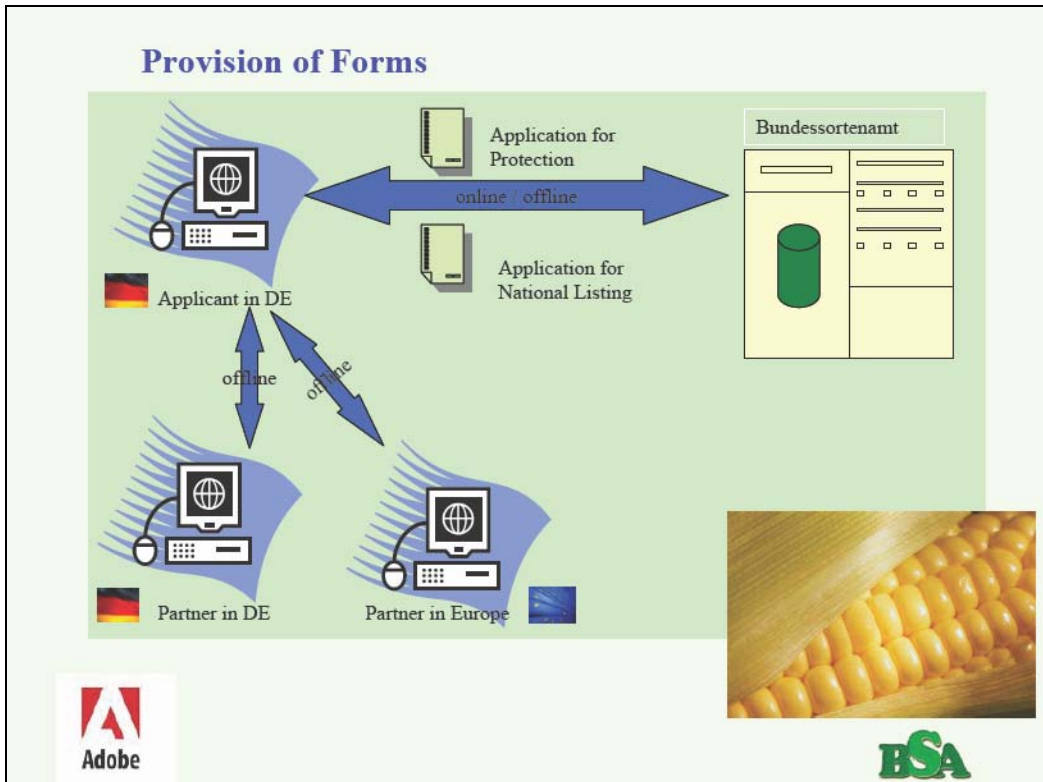


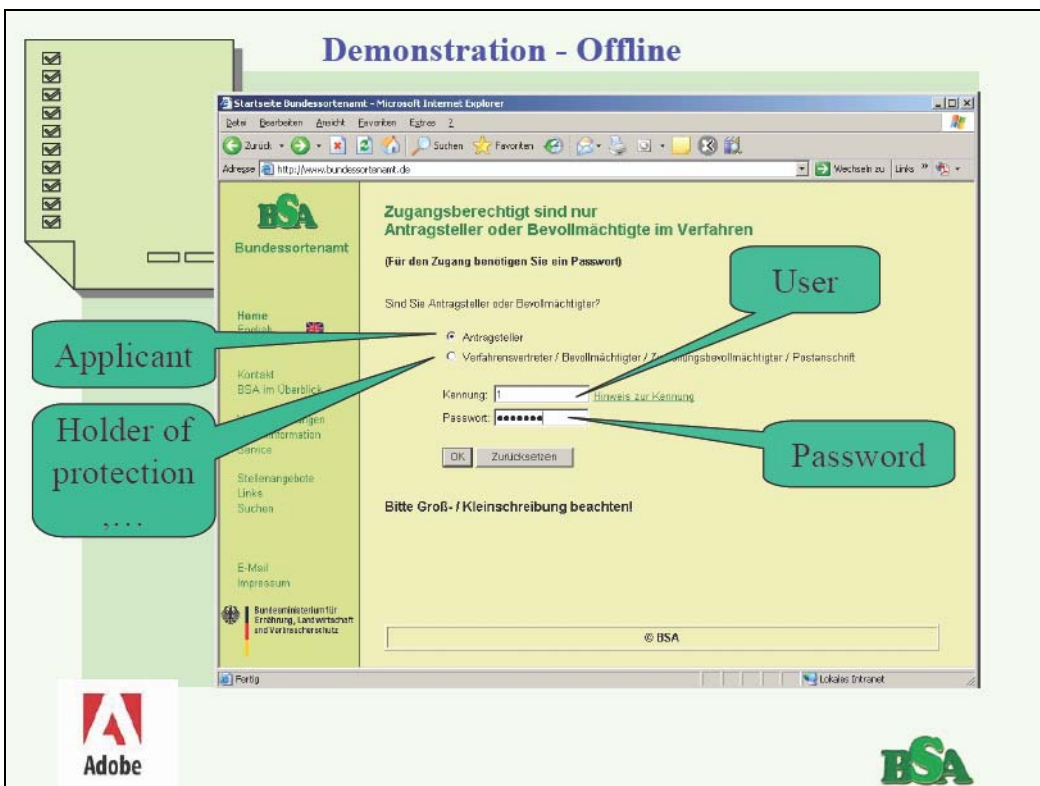
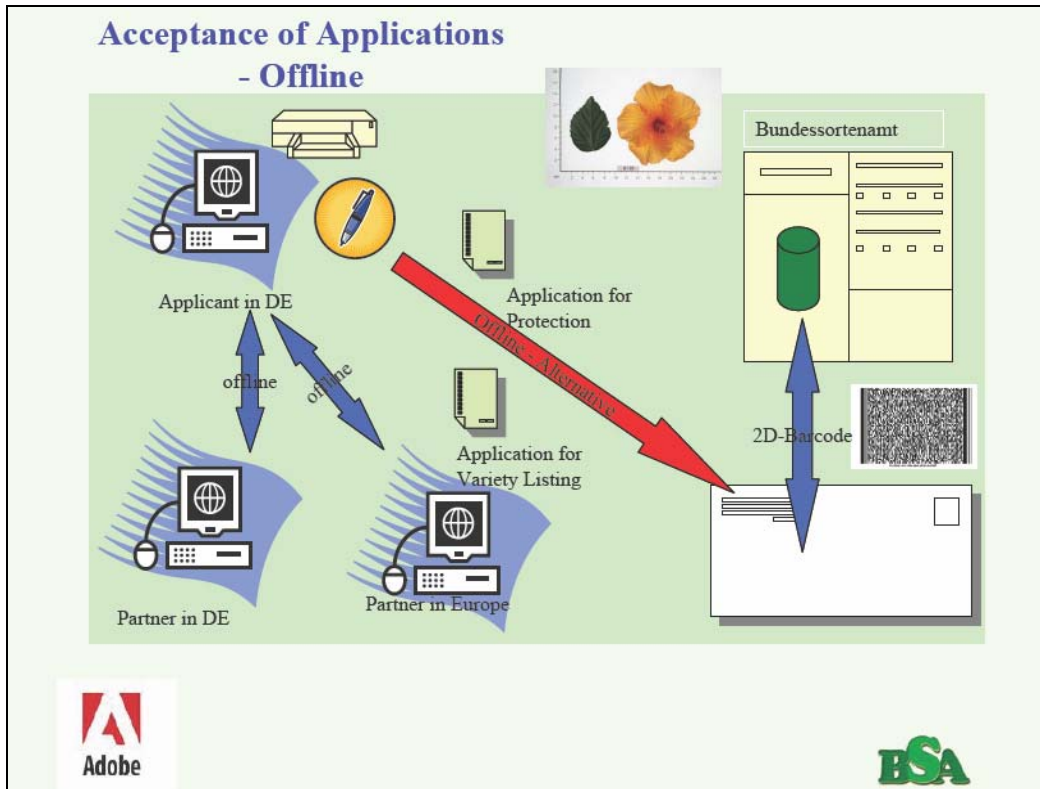
Pilot Project Maize  
(1.Qu. 2006)

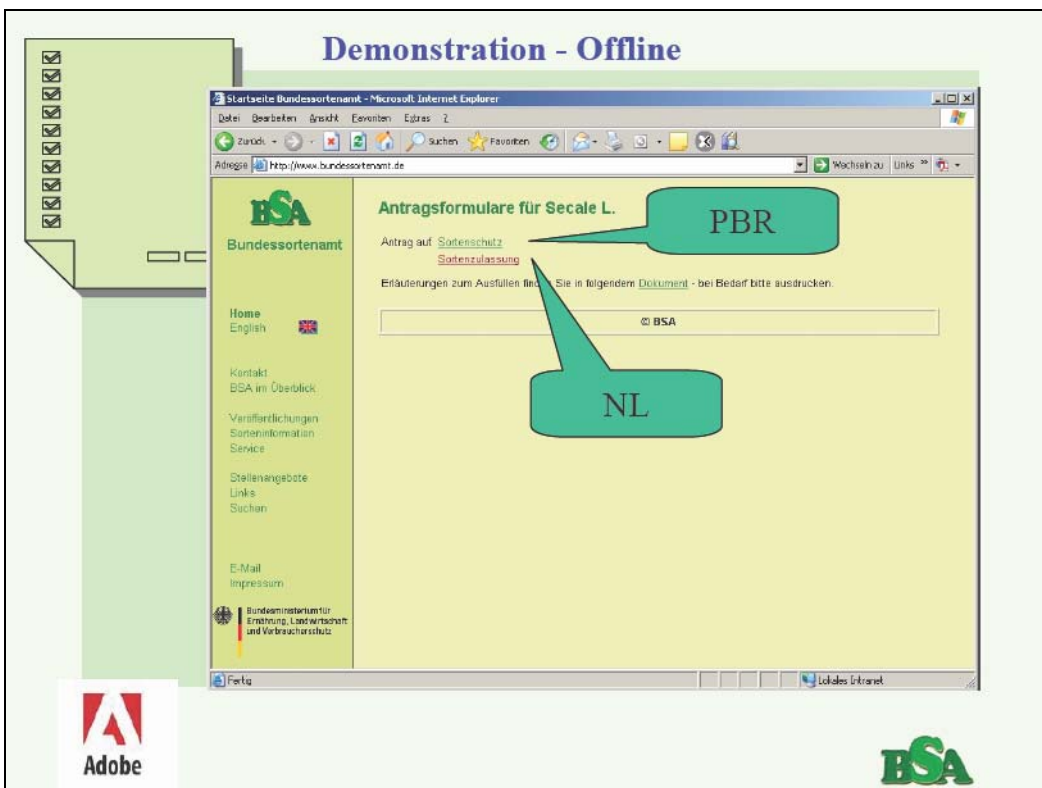
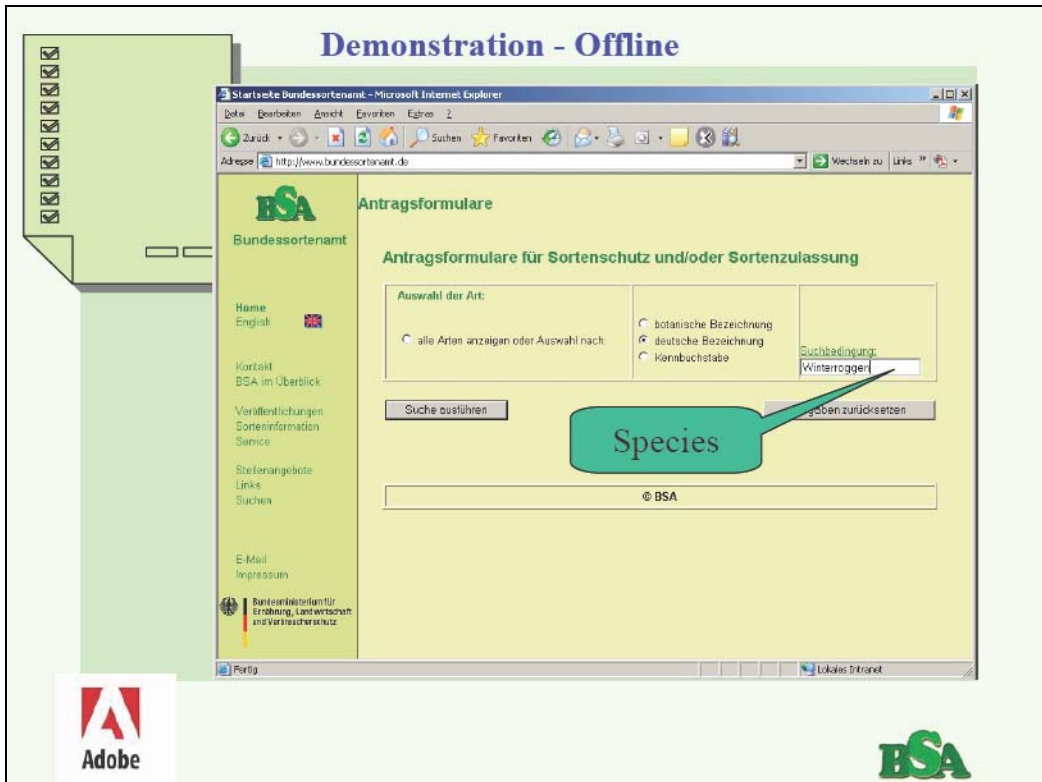
- Pilot Project Winter Wheat  
(3.Qu. 2006)

- Project fully activated  
(01.05.2007)











### Demonstration - Offline

The screenshot shows a Microsoft Internet Explorer browser window displaying the website of the Bundessortenamt (BSA). The page title is "L - Antrag auf Sortenzulassung". The form contains the following fields:

- Antragsteller: Name(n)/Firma/sonstige Bezeichnung und Anschrift(n):
  - Züchternummer: 0
  - Test-namen: [Empty]
  - Test-postfach: [Empty]
  - Test-platz: [Empty]
  - Test-ort: [Empty]
  - Famruf: [Empty]
  - Test-telefon: [Empty]
  - Staatsangehörigkeit: DEUTSCHLAND
- Anschrift, an die jeder Schrittwechsel zu richten ist (falls abweichend von Nr. 1):
  - Numerus: [Empty]
  - Famruf: [Empty]
  - Dies ist die Anschrift als:  Bevollmächtigter nach § 14 VwVfG
- Titelzeile: Siehe Erläuterungen
- Kennbuchstabe: RW
- Kennnummer: [Empty]


Callouts in the image:

- "NL" points to the "Züchternummer" field.
- "Winter Wheat" points to the "Test-namen" field.
- "Address(es) by database access" points to the "Antragsteller" section.

Logos for Adobe and BSA are visible at the bottom.

### Demonstration - Offline

The screenshot shows a document viewer interface with the following text and buttons:

- Drucken, nutzen Sie bitte die Standardfunktion des Adobe Readers
- Druck per Hand auszudrucken:
- Unterschriften schreiben und elektronisch versenden:
- Elektronische Signatur:  Digital unterschrieben von Meyer, Uwe  
DN: cn=Meyer, Uwe, c=DE  
Datum: 2007.09.26 09:13:31 +02'00'
- 

Callouts in the image:

- "Check & Print" points to the "Prüfen und Drucken" button.
- "Check & Send" points to the "Prüfen und Senden" button.
- "Send" points to the "Senden" button.

Logos for Adobe and BSA are visible at the bottom.

# Many Thanks for your Attention!



[Annex V follows]



## Interactive Application Forms

The UK Plant Variety and Seeds Division deals with about 450 applications per year for Variety Registration and Plant Breeders' Rights.

Until July 2007 all applicants had to send applications in paper form, to our office. This meant downloading an application form, a general Technical Questionnaire(TQ) and a species specific TQ. Other forms might also be needed, eg a confidential TQ, an . For each application we asked for one application form and generally 3 copies of each of the TQs. Much of the information was duplicated between forms.

Companies had to download a form from our web site, copy it, get information from breeders, fill up a form for each application, copy it again, and then get a lot of applications to us at short notice. All this at a time when they are busy and short of time to decide whether to apply at all.

Many companies delivered large quantities of paper to us on closing dates for National Listing. This in turn meant we had minimum amounts of time to deal with applications. Plant Breeders' Rights applications can be made at any time, but tend to be made along with National List applications for the agricultural species.

The UK Government wants everybody to be able to access Government services on-line. Our customers want to be able to complete and submit forms electronically, and we wanted to speed up our internal procedures.

So, from August 2007, both the application forms and TQs were made available interactively for online completion and submission by email, to a dedicated email box. This has given applicants greater flexibility with regard to meeting closing dates and at the same time speeded up the handling procedure by the Defra team, allowing them to summarise and pass on details to trial operators for sowing purposes much more quickly.

Applications are sent to a dedicated mail box, which generates a receipt automatically. This is a good feature for our customers who previously had to wait a while for a letter of acknowledgement.

The TQs are in line with those available on the Community Plants Variety Office website; the format is therefore already familiar to the majority of our applicants and has their approval.

We have discussed the new arrangements with the main agricultural UK breeders' association (the British Society of Plant Breeders).

They and their members are delighted with the new system, as it is something they have been waiting for, for some time.

For our Test Centres, electronic Technical Questionnaires have not been as useful as we would wish. They are pleased that they no longer have paper copies of TQs to file, but they have so far found that the file size is a problem, taking a large amount of memory.

At the moment it is not possible for Test Centres to extract information automatically from our TQs for use in Test Centre systems, for producing sowing lists etc.

The forms themselves are interactive PDFs. PDFs are a standard file format. Adobe is supported by a range of operating systems and web browsers. This is important to Defra as we want everyone to be able to access our forms.

When we have had experience of using all of the forms available, we will review them and seek to improve the system, addressing the technical issues mentioned above. We will correct any errors that have crept in, and we will of course take account of the new UPOV forms which we hope will be available then!

Please feel free to look at our forms (and comment on them if you wish!).

You can find them at [www.defra.gov.uk/planth/pvs/pbrguide03.htm](http://www.defra.gov.uk/planth/pvs/pbrguide03.htm)

If you wish to contact us for further information please contact Mrs Angela Bush at [angela.bush@defra.gsi.gov.uk](mailto:angela.bush@defra.gsi.gov.uk)

Thank you

Elsbeth Nicol  
Plant Variety and Seeds Division  
Defra  
White House Lane  
Huntingdon Road  
CAMBRIDGE  
CB3 0LF  
UK

01223 342322

[elsbeth.nicol@defra.gsi.gov.uk](mailto:elsbeth.nicol@defra.gsi.gov.uk)

14 October 2007

**My name is Elspeth Nicol,  
from Defra in the UK.**



**Interactive Application Forms for  
Plant Breeders' Rights in the UK**



## Objectives

- A more efficient, effective system for Applicants, the Plant Variety Rights Office and for Test Centres.

## Why?

- Applicants want it.
- Defra, who deal with UK Plant Breeders' Rights applications, wants it.
- The UK Government wants it.
- It's quicker, it's cheaper and it's greener.

## The current system

- We receive about 450 Plant Breeders' Rights and National List applications per year.

## The current system

- Applicants must send us an Application Form,  
3 copies of a general Technical Questionnaire,  
3 copies of a species specific TQ,  
perhaps an Authorisation of Agent form, an  
Assignment of Rights form,  
etc etc etc

## The current system

- Lots of time.
- Lots of paper!
- Last minute car journeys to Cambridge.

## The new system

- Starting in July 2007 we have interactive pdfs for the application forms, and for the more common TQs.



## The new system

- Breeders fill up the TQ on line and email it to their agent, (if they have one).
- The agent completes the application forms and emails it to us. Information common to all applications can be saved under a new name, saving time.

## The new system

- We have a dedicated mail box for applications.
- Our email system generates an automatic receipt so applicants know their email has arrived.

## What do the applicants think?

The applicants say:

- “This is something we have been longing for, for years!”
- “We can send applications at the last minute.”

## What do the applicants think?

“It will reduce time and costs of the application process by as much as 50% as we will not need to download, complete, photocopy and post applications to you – a small contribution to reducing the carbon footprint.”

## Who did we ask?

The British Society of Plant Breeders, who represent the majority of agricultural plant breeders in the UK.

## How did we do it?

- We used pdfs we already had, and looked at CPVO TQs with which our applicants are familiar.
- From this we produced a number of forms.

## How did we do it?

- We created interactive pdfs because Adobe is supported by a range of operating systems and web browsers.
- We want everyone to be able to use the new forms.

## My hot tip!

- Do you need to make ALL your forms interactive?
- Forms cost money to produce and make interactive, so, proof-read them carefully!

## How to find them? On our website.

- [www.defra.gov.uk/planth/pvs/pbrguide03.htm](http://www.defra.gov.uk/planth/pvs/pbrguide03.htm)

## Problems?

- Of course!
- We are sending very large files to our Test Centres.
- They can't transfer the information in the TQs automatically to their databases.

## What next?

- When a full year's cycle of applications is complete, we will review the system.
- We will try to make things easier for our Test Centres.



## What next?

- We will correct any errors in the forms, and make sure that all of the necessary forms are interactive.

