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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
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ADMINISTRATIVE AND LEGAL COMMITTEE

Sixty-Second Session
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ELECTRONIC APPLICATION SYSTEMS

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1. The purpose of this document is to report on developments concerning:

(a) the introduction of standard references for the UPOV model form for the application for plant breeders' rights ("UPOV Model Application Form") (document TGP/5 "Experience and Cooperation in DUS Testing", Section 2/2: "UPOV Model Form for the Application for Plant Breeders' Rights") and the development of "linear blank forms" (in "Word" format), with those standard references, for posting on the freely accessible area of UPOV website;

(b) the introduction of standard references for the Technical Questionnaire (TQ) to be completed in connection with an application for plant breeders' rights (document TGP/5 "Experience and Cooperation in DUS Testing", Section 3: "Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights") and the development of "linear blank forms" (in "Word" format), with those standard references, for posting on the freely accessible area of UPOV website; and

(c) use of information provided in an electronic version of the UPOV Model Application Form and UPOV Model TQ.

I. STANDARD REFERENCES FOR THE UPOV MODEL APPLICATION FORM AND LINEAR BLANK FORMS

2. At its sixty-first session, held in Geneva on March 25, 2010, the Administrative and Legal Committee (CAJ) noted that the standard references for the UPOV model form for the application for plant breeders' rights ("UPOV Model Application Form") (document TGP/5 "Experience and Cooperation in DUS Testing", Section 2/2: "UPOV Model Form for the Application for Plant Breeders' Rights") and the development of "linear blank forms" (in "Word" format), with those standard references, for posting on the freely accessible area of UPOV website and "linear blank forms" (in "Word" format), would be presented for adoption by the Council at its forty fourth ordinary session, to be held in Geneva on October 21, 2010, on the basis of Annexes I and II of document CAJ/60/5 (see document CAJ/61/11 "Report on the Conclusions", paragraph 46).

II. STANDARD REFERENCES FOR THE TECHNICAL QUESTIONNAIRE (TQ)

3. At its sixty-first session, the CAJ agreed with the conclusion of the Technical Committee (TC) at its forty-sixth session, held in Geneva from March 22 to 24, 2010, that the development of standard references for the UPOV Model TQ and for Test Guidelines, as set out in Annexes III and IV of document TC/46/13 (document CAJ/60/5), would benefit from discussion in the Technical Working Parties (TWPs) and the TC and should not be included in document TGP/7/2, but should be considered for a future revision of document TGP/7 (document TGP/7/3) (see document CAJ/61/11 "Report on the Conclusions", paragraph 47).

4. At the thirty-ninth session of the Technical Working Party for Agricultural Crops (TWA), held in Osijek, Croatia, from May 24 to 28, 2010, the representative of the European Seed Association (ESA) noted that the arrangements for providing and using the standard references for Technical Questionnaires, as set out in document TWA/39/8, Annexes III and IV (Annexes III and IV of document CAJ/60/5), could be complicated and would imply a significant commitment for authorities and might not be simple for breeders. Therefore, he agreed to consult his members in order to provide a clear view from ESA on whether such an approach would merit the investment of resources required (see document TWA/39/27 Rev. "Revised Report", paragraph 64).

5. At its twenty-eighth session, held in Angers, France, from June 29 to July 2, 2010, the Technical Working Party on Automation and Computer Programs (TWC) noted that it would be a matter for breeders to indicate the usefulness of standard references for UPOV Technical Questionnaires (TQs). However, it saw the benefits of having a standard reference for items in the TQ, particularly for authorities where applications forms could not be made available in multiple languages. In that regard, it noted that the inclusion of a standard reference in an authority's TQ would be considerably more straightforward than translating those documents into other languages. It also noted that the growing diversity of languages and alphabets within UPOV meant that the use of the references by only some authorities might still bring substantial benefits (see document TWC/28/36 "Report", paragraph 42).

6. At its forty-fourth session, to be held in Veliko Tarnovo, Bulgaria, from July 5 to 9, 2010, the TWV noted the comments made by ESA at the thirty-ninth session of the TWA and the comments of the TWC at its twenty-eighth session.

7. The TC, at its forty-seventh session, to be held in 2011, will consider the comments of the Technical Working Parties at their sessions in 2010, including the comments of the Technical Working Party for Ornamental Plants and Forest Trees (TWO), at its forty-third session, to be held in Cuernavaca, Morelos State, Mexico, from September 20 to 24, 2010 and the Technical Working Party for Fruit Crops (TWF), at its forty-first session, to be held in Cuernavaca, Morelos State, Mexico, from September 27 to October 1, 2010. The conclusions of the TC will be reported to the CAJ at its sixty-third session.

III. USE OF INFORMATION PROVIDED IN AN ELECTRONIC VERSION OF THE UPOV MODEL APPLICATION FORM AND UPOV MODEL TQ

8. At its sixty-first session, the CAJ noted the responses to Circular E-1141 concerning Proposal 2 “Use of information provided in an electronic version of the UPOV Model Application Form and UPOV Model TQ”, as presented in document CAJ/60/5, paragraphs 36 and 37 and Annexes II and IV (see document CAJ/61/11 “Report on the Conclusions”, paragraph 48).

9. The CAJ agreed that, in relation to Proposal 2 “Use of information provided in an electronic version of the UPOV Model Application Form and UPOV Model TQ”, it would be beneficial to await developments concerning the possibility of the Community Plant Variety Office of the European Union (CPVO) online application system being made available to members of the Union, as explained by the Delegation of the European Union, and decided to continue deliberations on electronic application systems, as considered appropriate by the CAJ.

10. The CAJ is invited to note the developments reported in this document and to note that the conclusions of the TC, concerning standard references for the UPOV Model TQ and for Test Guidelines, will be reported to the CAJ at its sixty-third session.

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