



CAJ/64/9

ORIGINAL: English

DATE: August 31, 2011

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Sixty-Fourth Session
Geneva, October 17, 2011

ELECTRONIC APPLICATION SYSTEMS

Document prepared by the Office of the Union

1. At its sixty-third session, held on April 7, 2011, the Administrative and Legal Committee (CAJ) agreed that the Office of the Union should seek information on the extent to which members of the Union use the standard references to the UPOV Model Application Form in their application forms and expressed its support for the development of an electronic version of the UPOV Model Form for the Application for Plant Breeders' Rights (UPOV Model Application Form), to be posted on the UPOV website (see document CAJ/63/9 "Report on the Conclusions", paragraphs 48 to 51).
2. The purpose of this document is to report on developments since the sixty-third session of the CAJ and to present proposals for consideration by the CAJ, as follows:
 - Part I. Standard references to the UPOV Model Application Form; and
 - Part II. Electronic version of the UPOV Model Application Form.
3. With regard to Part II "Electronic Version of the UPOV Model Application Form", this document contains proposals that may serve to combine features of concepts previously considered by the CAJ in a manner that further approaches the proposal by the International Seed Federation (ISF).

4. The ISF proposal is set out in paragraph 9 of this document. Two of the concepts considered by the CAJ in response to that proposal were:

Proposal 2: Use of information provided in an electronic version of the UPOV Model Application Form (and possibly the UPOV Model TQ or UPOV Test Guidelines TQ)

A proposal based on an approach whereby the applicant would use the UPOV Model Application Form, and possibly the UPOV Model TQ or UPOV Test Guidelines TQ, to provide information to an authority *as a part of an application for a breeder's right*.

(see background provided in paragraphs 20 to 28)

Electronic Blank Form corresponding to Section 2: "UPOV Model Form for the Application for Plant Breeders' Rights" (Linear Blank Form for PBR Applications)

An electronic version of the UPOV Linear Blank Form, hosted on the UPOV website, would be used as a means of providing information to authorities in an electronic format, *in addition to the forms that the authority required for an application*¹

(see background provided in paragraphs 29 to 34)

5. The final section of Part II presents a proposal to further develop the concept of the Electronic Blank Form, arising out of discussions with the Community Plant Variety Office of the European Union (CPVO) and ISF.

¹ The text in italics clarifies that the proposal does not relate to the use of the Linear Blank Form for PBR Applications as an application for a breeder's right.

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I. STANDARD REFERENCES TO THE UPOV MODEL APPLICATION FORM

6. At its sixty-third session held in Geneva on April 7, 2011, the CAJ agreed that the Office of the Union should seek information on the extent to which members of the Union use the standard references to the UPOV Model Application Form in their application forms (see document CAJ/63/9 “Report on the Conclusions”, paragraph 48).

7. It is proposed that a survey on the extent to which members of the Union use the standard references to the UPOV Model Application Form in their application forms be issued in 2012 with a view to presenting the results of that survey to the CAJ at its sixty-sixth session, which is planned to be held in October 2012.

8. The CAJ is invited to request the Office of the Union to issue a survey on the extent to which members of the Union use the standard references to the UPOV Model Application Form in their application forms and to present the results of that survey to the CAJ at its sixty-sixth session.

II. ELECTRONIC VERSION OF THE UPOV MODEL APPLICATION FORM

Background

ISF Proposal

9. On January 18, 2007, the Office of the Union (Office) received a letter from the International Seed Federation (ISF) proposing that UPOV should consider the development of an electronic version of the UPOV Model Application Form² and technical questionnaire³ for use by members of the Union. It was noted that such an approach would allow a standard application form and technical questionnaire to be completed in a language of the applicant's choice and then converted electronically to the language of the member of the Union where an application was to be made. It was suggested that the individual members of the Union could have a separate appendix containing additional questions not covered by the standard application form and technical questionnaire, although ISF suggested that such appendices should be minimized. ISF clarified that the intention was to make the forms available for use by members of the Union as they considered appropriate.

10. The Office received a letter from the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) on January 19, 2007, supporting the proposal made by ISF. It requested, in addition, that any initiative should not lead to a result that application forms which were short and simple would become more

² see document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/3: “UPOV Model Form for the Application for Plant Breeders’ Rights”

³ see document TGP/5 “Experience and Cooperation in DUS Testing”, Section 3/1: “Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders’ Rights”

complex. The Office also received a letter from the European Seed Association (ESA) on January 30, 2007, expressing its support for the proposal made by ISF.

11. The CAJ, at its fifty-fifth session, held in Geneva on March 29, 2007, agreed to invite ISF to make a presentation on its proposal for the development of an electronic application form and technical questionnaire at its fifty-sixth session in conjunction with the CAJ discussions on the revision of document TGP/5. In addition, the CAJ invited members of the Union to present their initiatives on the development of on-line application facilities.

12. At its fifty-sixth session, held in Geneva on October 22 and 23, 2007, 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 document CAJ/56/6 "Report", respectively, and on the UPOV website at http://www.upov.int/restrict/en/caj/index_caj56.htm.

13. The CAJ, at its fifty-sixth session (see document CAJ/56 "Report", paragraph 20), agreed that the Office 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.

14. 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"^{2, 3} and document TGP/7 "Development of Test Guidelines"⁴.

⁴ see document TGP/7 "Development of Test Guidelines", Annex 1: TG Template, Section 10. Technical Questionnaire

15. At its fifty-seventh session, held in Geneva on April 10, 2008, the CAJ considered document CAJ/57/4, in conjunction with an oral report by the Vice Secretary-General on the Electronic Applications Systems Meeting, held in Geneva on April 9, 2008. The Vice Secretary-General reported that approximately sixty participants had attended the meeting and that a presentation had been made by the Community Plant Variety Office (CPVO) of the European Union on their project on the development of an electronic application system. As agreed by the CAJ at its fifty-sixth session, held on October 22 and 23, 2007, the meeting had explored the possibilities provided under paragraph 2 of document CAJ/57/4. The Vice Secretary-General reported that two concrete proposals had resulted from the discussions:

(a) to prepare a survey on “core” questions in the UPOV Model Application Form, by requesting members of the Union to indicate which items of the UPOV Model Application Form they use and which they consider mandatory; and

(b) to develop a pilot project, for a small number of crops, consisting of a downloadable application form, with or without a technical questionnaire, for testing in cooperation with breeders’ organizations and a number of authorities.

16. In relation to the two proposals, the Vice Secretary-General noted that only very limited interest had been expressed at the meeting, which did not appear to be sufficient to justify the human and financial resources that such an exercise would entail for participating authorities and the Office of the Union.

17. After an initial discussion, the Vice Secretary-General noted that there had been very little time to reflect on the proposals discussed at the meeting and, given the substantial resource implications, suggested that it might be helpful to have more time for reflection.

18. The CAJ agreed that an item should be included on the agenda of its fifty-eighth session on October 27 and 28, 2008, in order to review the situation. The CAJ noted that, if there was support for a pilot project, the matter would need to be considered by the Consultative Committee in order to consider the impact on human and financial resources.

19. At its fifty-eighth session, held in Geneva on October 27 and 28, 2008, the CAJ considered document CAJ/58/5 and agreed that an item should be included on the agenda of its fifty-ninth session, and a document prepared by the Office of the Union on the basis of the agreed UPOV Model Application Form and further inputs from delegations and consultations thereof.

Proposal 2: Use of information provided in an electronic version of the UPOV Model Application Form (and possibly the UPOV Model TQ or UPOV Test Guidelines TQ)

20. At its fifty-ninth session, held in Geneva on April 2, 2009, the CAJ considered document CAJ/59/5, which presented the following proposals concerning the development of electronic applications systems:

Proposal 1: Standardized reference by authorities to the UPOV Model Application Form, UPOV Model TQ and/or UPOV Test Guidelines TQ

A proposal based on members of the Union making reference in the relevant fields of their application forms and technical questionnaires (TQ) to the corresponding item in the UPOV Model Application Form and UPOV Model TQ or UPOV Test Guidelines TQ.

Proposal 2: Use of information provided in an electronic version of the UPOV Model Application Form (and possibly the UPOV Model TQ or UPOV Test Guidelines TQ)

A proposal based on an approach whereby the applicant would use the UPOV Model Application Form, and possibly the UPOV Model TQ or UPOV Test Guidelines TQ, to provide information to an authority as a part of an application for a breeder's right.

21. The criteria for developing those proposals were explained in document CAJ/59/5 as follows:

“Criteria

“14. The discussions in the CAJ have confirmed that it would not be feasible to develop an electronic application form that would satisfy the requirements for making a complete application for a breeder's right with a member of the Union. Of the various aspects that would make such an approach unrealistic, the need for additional authority-specific information by individual members of the Union (i.e. in addition to the information included in the UPOV Model Application Form) and issues concerning electronic signatures have been consistently highlighted.

“15. In addition to practical and resource issues, the discussions in the CAJ have indicated that it would be difficult for UPOV to develop an electronic form that contained requests for information beyond those set out in the UPOV Model Application Form and the UPOV Model TQ or UPOV Test Guidelines TQ.”

22. At its fifty-ninth session, held in Geneva on April 2, 2009, the CAJ considered document CAJ/59/5 “Electronic application systems” and the oral report by the Vice Secretary-General of the comments made by the Technical Committee at its forty-fifth session, held in Geneva from March 30 to April 1, 2009. The discussions at the fifty-ninth session of the CAJ can be found in document CAJ/59/8 “Report”, paragraphs 47 to 56.

23. The CAJ agreed that the Office of the Union should prepare a set of detailed references for the document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/2: “UPOV Model Form for the Application for Plant Breeders' Rights” for consideration at the sixtieth session of the CAJ. In addition, it requested the Office of the Union to provide information on the resource implications of Proposals 1 and 2 for the consideration of the CAJ at its sixtieth session. On that basis, Proposals 1 and 2 were developed and were considered by the CAJ at its sixtieth session, held in Geneva on October 19, 2009.

24. Document CAJ/60/5 explained the resource implications as follows:

“Resource implications

“Office of the Union

“38. The initial actions for the Office of the Union would be similar to those of Proposal 1, although the ‘linear blank forms’ might also need to be developed into a

format that would facilitate electronic transmission of data to authorities (e.g. in XML format). However, the full resource implications of Proposal 2 would require further evaluation in conjunction with members of the Union that would wish to pursue such an approach (see below) and interested breeders' organizations. In that regard, the International Seed Federation (ISF) has indicated in informal consultations that, in principle, it would be willing to contribute resources to the development of Proposal 2.

“Members of the Union

“39. The authority would need to develop a procedure to accept the information “requested” in the UPOV Model Application Form and UPOV Model TQ as a part of its application. That information could, for example, be requested to be transmitted to the authority in electronic form (e.g. data in XML format), in the form of a Word document transmitted by e-mail, or as a hard copy by post. However, for applicants using this approach, the authority would also need to develop a procedure for the applicant to provide any additional information by a separate action, e.g. a supplementary form. It would also need to ensure that both sets of information could be combined in a reliable way to form the single application. Furthermore, it would be necessary to consider how to facilitate the completion of relevant fields in the UPOV Model Application Form in an efficient way, e.g. to ensure that the correct alternative (1991 Act or 1978 Act wording) for Question 8 in the UPOV Model Application Form was provided.”

25. The CAJ, at its sixtieth session, agreed that a Circular should be issued to the CAJ inviting expressions of interest in relation to “Proposal 2: Use of information provided in an electronic version of the UPOV Model Application Form and UPOV Model TQ”. The response to that circular would be considered by the CAJ at its sixty-first session, in March 2010 (see document CAJ/60/11 “Report”, paragraph 37).

26. At its sixty-first session, held in Geneva on March 25, 2010, 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”.

27. The CAJ noted the intervention made by the Delegation of the European Union that recalled that, in principle, it had supported the Proposal 2 approach, but explained that it had already developed an electronic application system that would preclude such an approach without starting a new system from the beginning. It was explained that the CPVO had launched an online application system and was encouraging the individual member States of the European Union to adopt that system for plant breeder's right and national list purposes. The CPVO was planning to make that system available in French, German and Dutch. In response to a an intervention by the representative of ISF, the Delegation of the European Union explained that the system would be made available to the member States of the European Union in the first instance, but as a second step, consideration could be given to making that system available to members of the Union.

28. 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 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 (see document CAJ/61/12 “Report”, paragraph 54).

Electronic Blank Form corresponding to Section 2: “UPOV Model Form for the Application for Plant Breeders’ Rights”

29. Annex II to document TGP/5, Section 2/3, contains the “Linear Blank Forms corresponding to Section 2: ‘UPOV Model Form for the Application for Plant Breeders’ Rights’” (“Linear Blank Form for PBR Applications”).

30. The Technical Working Party for Fruit Crops (TWF), at its forty-first session, held in Cuernavaca, Morelos State, Mexico, from September 27 to October 1, 2010, agreed that, as a means of providing information in a convenient [electronic] form, consideration should be given to authorities having the possibility to receive information in the UPOV linear form, *in addition to the forms that the authority required for an application*⁵ [italics added for emphasis] (see document TWF/41/30 Rev. “Revised Report”, paragraph 50).

31. In addition to the Linear Blank Form for PBR Applications being published as Annex II to document TGP/5, Section 2/3, the intention of the Office of the Union had been to make the Linear Blank Form for PBR Applications available in Word and Excel formats. However, the discussions at the TWF and subsequent discussions with the ISF indicated that there could be considerable benefit in developing a Linear Blank Form for PBR Applications with additional functionality.

32. At its sixty-third session, held on April 7, 2011, the CAJ expressed its support to develop a Linear Blank Form for PBR Applications with the following features:

(a) users* could select the language in which the items in the Linear Blank Form for PBR Applications would be presented (Input Template language);

(b) users could select (a) language(s) in which the completed Linear Form for PBR Applications could be downloaded (Output Template language);

(c) users could choose the format in which to download the completed Linear Form for PBR Applications: Word, Excel, XML and/or PDF;

(d) users could choose to store the input data in an associated database (hosted by UPOV), in order, for example, to allow further downloading in different languages and/or formats. The data would be password protected and the password would only be issued to the user concerned; and

(e) a disclaimer that the use of the information associated with the Linear Blank Form for the filing of an application for a breeder’s right with the authority of a member of the Union would be the responsibility of the user.

⁵ The text in italics has been emphasized to clarify that the proposal discussed in the TWF did not relate to the use of the Linear Blank Form for PBR Applications as an application for a breeder’s right. The potential use of the UPOV Model Application Form to provide information to an authority as a part of an application for a breeder’s right is considered in Section III of this document “Use of Information Provided in an Electronic Version of the UPOV Model Application Form and UPOV Model TQ”.

* The term “user” is used instead of “applicant” or “breeder”, in order to avoid any implication that the use of the Linear Blank Form for PBR Applications might indicate that an application is being filed for a plant breeder’s right.

33. The CAJ noted that the languages in which the Linear Blank Form for PBR Applications would be developed would be prioritized on the basis of discussions with the international breeders' organizations and according to available resources. In the case of languages other than English, French, German and Spanish, interested members of the Union would be consulted before the relevant language versions were made available on the UPOV website. In addition, there would be an explanation that the translations had not been adopted by the Council.

34. The CAJ noted that ISF would be willing to contribute financial resources to the development of the Linear Blank Form for PBR Applications on the basis of the concept set out above (see document CAJ/63/9 "Report on the Conclusions", paragraphs 49 to 51). The development of a Linear Blank Form for PBR Applications on the basis of the concept set out above is henceforth referred to as the "Electronic Blank Form". Since the sixty-third session of the CAJ, ISF has confirmed that it would contribute 7,500 Swiss Francs to the development of the Electronic Blank Form.

Further Developments concerning the development of an Electronic Blank Form

35. On May 20, 2011, the Office of the Union met with Mr. Marcel Bruins, Secretary General of ISF, and colleagues from the Internet Services Section of the World Intellectual Property Organization (WIPO) in order to discuss how to proceed with the development of the Electronic Blank Form. In accordance with the CAJ recommendation to take into account developments concerning the CPVO online application system, it was agreed that it would be useful to discuss the project with the CPVO.

36. On June 22, 2011, the Vice Secretary-General met with Mr. Jean Maison, Deputy Head of the Technical Unit of the CPVO, and Mr. Marc Rouillard, Webmaster of the CPVO. One of the issues that was raised at the meeting was that, in the experience of the CPVO, an essential element for the Electronic Blank Form would be the possibility for certain users (breeders) to input data electronically in XML format, directly from their databases. In that regard, it was recognized that it would be necessary to develop a standardized system of electronic data exchange.

37. As a result of those discussions, it was agreed between the Office of the Union, ISF and CPVO, that a meeting should be arranged to discuss that issue and also to receive information on the work of CPVO to develop online application systems in cooperation with its individual member States. It was agreed that ISF would invite interested breeders and CPVO would invite experts involved in the CPVO project to attend that meeting in order to reflect the needs of those parties. It was also agreed that UPOV would invite an expert from WIPO to present its work on standards for electronic exchange of data.

38. A meeting was hosted by UPOV in Geneva on August 18, 2011. The meeting was attended by: the Office of the Union; WIPO Internet Services Section (responsible for the development of the UPOV Electronic Blank Form project); WIPO Standards Section; WIPO Global Database Service (responsible for the UPOV Plant Variety Database); CPVO accompanied by experts from the Bundessortenamt (Germany), GEVES (France) and Naktuinbouw (Netherlands); and ISF, accompanied by experts from Monsanto, Nunhems Netherlands B.V., Rijk Zwaan Zaadteelt en Zaadhandel B.V. and Syngenta.

39. A draft summary of the meeting is provided in the Annex to this document. At the meeting, the Office of the Union explained that any broadening of the scope of the UPOV project on the Electronic Blank Form would be subject to consideration within UPOV and that any proposals in that regard would, in the first instance, be presented to the CAJ at its sixty-fourth session, to be held in Geneva on October 17, 2011.

40. A summary of the proposals developed at the meeting, which the CAJ is invited to consider, follows:

SUMMARY OF PROPOSALS

General

The participants agreed that further investigation and work was needed with regard to the matters raised at the meeting before further consideration could be made. In that regard, it identified the following two aspects, which could be pursued separately but in parallel:

1. UPOV Electronic Application Form

General design

The design concept of the CPVO forms, e.g. "expanding" questions, should be explored for the UPOV Electronic Application Form.

Core set and additional questions

UPOV should consider the concept of having a "core" set of UPOV questions, to which individual members of the Union could add their additional questions. In that respect, the UPOV Model Application Form and UPOV Technical Questionnaire should be considered as the "core" set of questions, to which, for example, the CPVO and other members of the Union could add their additional questions, if so desired.

Consideration would need to be given to the translation of the additional questions to be added by individual members of the Union. It was agreed that the UPOV Project should consider a small number of crops/species in the first instance in order to assess the feasibility of the project on a wider scale.

Data format

The UPOV Electronic Application Form should retain the possibility for users to input data manually and the possibility for output forms to be generated in paper and electronic formats. With regard to the development of possibilities for electronic transmission of data in XML format from breeders to the UPOV form, there was a need for further work in order to develop a standardized system of data exchange for PBR applications.

2. Development of a Standardized System of Data Exchange for PBR Applications

A common data structure and common dictionary would be necessary to be able to exchange data in an efficient way. It was agreed that XML should be the common data structure. With regard to the data dictionary, it was noted that the work of WIPO on XML schemas should form a starting point.

The development of a standardized system of data exchange for PBR applications should use the WIPO standard ST.96, which is due for adoption in late 2011 or early 2012, as the starting point. The first step would be to review the ST.96 standard in order to identify fields in the UPOV and CPVO forms that would be covered by ST.96 and those that would not be covered. CPVO would undertake that analysis and develop proposals for common design rules for fields that would not be covered by ST.96.

41. In order to facilitate consideration by the CAJ of the proposals, it is proposed that UPOV, CPVO and WIPO Standards Section provide presentations at the sixty-fourth session of the CAJ, based on those made at the meeting in Geneva on August 18, 2011. Copies of those presentations will be made available on the CAJ section of the UPOV website.

42. It is further proposed that the CAJ approve the continuation of meetings between experts of UPOV, WIPO, CPVO and ISF in order to develop the proposals set out in this document, for consideration by the CAJ.

43. The CAJ is invited to consider the proposals set out in paragraph 40 of this document and to approve the continuation of meetings between experts of UPOV, WIPO, CPVO and ISF in order to develop those proposals for consideration by the CAJ.

[Annex follows]

ANNEX

Summary of Meeting to discuss Electronic Application Forms

Date: August 18, 2011
Venue: UPOV Headquarters, 34, chemin des Colombettes, Geneva

1. The meeting was opened and chaired by Mr. Peter Button, Vice Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV), who welcomed the participants.

UPOV Project on Electronic UPOV Model Form for Plant Breeder's Right (PBR) Applications

2. Mr. Button (UPOV) made a presentation on the UPOV project to develop an electronic version of the "Linear Blank form" of the UPOV Model Application Form (UPOV Project).

3. It was explained that UPOV had already initiated its project in conjunction with the Internet Services Section of the World Intellectual Property Organization (WIPO), but had paused in the work on that project, pending the outcome of this meeting. In particular, after a meeting with the Community Plant Variety Office of the European Union (CPVO), it had become aware of the need to consider the possibility for electronic transmission of data in XML format from breeders to the UPOV form.

4. It was agreed that the possibility of electronic transmission of data in XML format by breeders would be important for some breeders, but it was also recognized that it would be important for the possibility for manual input of data to be maintained. In that regard, Mr. Uwe Meyer (Bundessortenamt) reported that, in Germany, the possibility to transmit data for PBR applications by breeders already existed but no breeders had used that option.

CPVO Project to Share its Online Application System

5. Mr. Jean Maison (Community Plant Variety Office of the European Union (CPVO)) made a presentation on the "CPVO Electronic application forms and project to share the online application system". Mr. Maison emphasized the importance of raising awareness amongst applicants of the availability of such systems in order to improve the level of use.

6. The participants agreed that there were a number of the features of the CPVO concept that would be beneficial for the UPOV Project. In particular, it was noted that the concept of having a "core" set of CPVO questions, to which individual national authorities could add their additional questions could be developed at the UPOV level. In that respect, the UPOV Model Application Form and UPOV Technical Questionnaire could be considered as the "core" set of questions, to which, for example, the CPVO and other members of the Union could add their additional questions, if so desired.

7. It was also agreed that the design of the forms had a number of user-friendly features that should be considered by UPOV in its project, e.g. the "expanding" questions.

CPVO Project to Exchange Data in a Structured Format (XML)

8. Mr. Marc Rouillard (CPVO) made a presentation on the "CPVO Project to exchange data in a structured format".

9. The participants noted the importance of having a common data structure and common dictionary in order to be able to exchange data in an efficient way. It was agreed that XML should be the common data structure. With regard to the data dictionary, it was noted that the work of WIPO on XML schemas should form a starting point.

WIPO XML Schema Design Rules and Conventions for Industrial Property (DRCs)

10. Mr. Young-Woo Yun, WIPO Standards Section, made a presentation on the "XML4IP Project". Mr. Yun explained that it was tentatively anticipated that WIPO would adopt the ST.96 standard at the end of 2011 or the beginning of 2012.

11. It was noted that the WIPO standard ST.96 would provide the schemas to be used for data exchange among intellectual property offices (IPOs) and implementation at IPOs. However, it was also noted that there would be a number of items, specific for PBR purposes, which would not be covered by ST.96.

Developing a Standardized System of Data Exchange for PBR Applications

12. It was agreed that the WIPO standard ST.96 should be the starting point for a standardized system of data exchange, whilst noting that a dictionary of terms would need to be developed for the items not covered by ST.96. In that regard, Mr. Yun suggested that common design rules might be developed for items that were not covered by ST.96.

Future Actions and Program

General

13. Mr. Button explained that any broadening of the scope of the UPOV Project would be subject to consideration within UPOV. In that regard, any proposals would, in the first instance, be presented to the Administrative and Legal Committee (CAJ) at its sixty-fourth session, to be held in Geneva on October 17, 2011.

14. It was agreed that any proposed systems should be considered for the gains in efficiency and effectiveness that they could be expected to deliver and that those gains should be sufficient to justify the investment in their development and maintenance. It agreed that the composition of the meeting, involving UPOV, WIPO, CPVO and breeders, provided a good basis for that consideration.

15. Mr. Marcel Bruins, International Seed Federation (ISF), expressed the support of ISF for the initiative and noted that it was moving much closer to the concept that had been proposed by ISF in 2007. He welcomed the possibility for participation by the breeders, and noted that the breeders at the meeting accounted for approximately 3,000 applications annually.

16. The participants agreed that further investigation and work was needed with regard to the matters raised at the meeting before further consideration could be made. In that regard, it identified the following matters:

UPOV Project

17. With regard to the UPOV Project, it was agreed that UPOV should consider the concept of having a "core" set of UPOV questions, to which individual national authorities could add their additional questions. In that respect, the UPOV Model Application Form and UPOV Technical Questionnaire should be considered as the "core" set of questions, to which, for example, the CPVO and other members of the Union could add their additional questions, if so desired. It was also agreed that the design concept of the CPVO forms, e.g. the "expanding" questions, should be explored.

18. It was recalled that the intention was for the UPOV Form to be made available in various languages. In that regard, particular consideration would need to be given to the translation of the additional questions to be added by individual members of the Union. It was agreed that the UPOV Project should consider a small number of crops/species in the first instance in order to assess the feasibility of the project on a wider scale.

19. The participants agreed that UPOV, with its WIPO Internet Services Section colleagues, should explore those matters further with CPVO.

20. The participants agreed that the UPOV Project should retain the possibility for users to input data manually and the possibility for output forms to be generated in paper and electronic formats. With regard to the development of possibilities for electronic transmission of data in XML format from breeders to the UPOV form, it was agreed that there was a need for further work in order to develop a standardized system of data exchange for PBR applications.

Development of a Standardized System of Data Exchange for PBR Applications

21. It was agreed that the development of any standardized system of data exchange for PBR applications should use the WIPO standard ST.96 as the starting point. As a first step, it was agreed that it would be necessary to review the ST.96 standard in order to identify fields in the UPOV and CPVO forms that would be covered by ST.96 and those that would not be covered. In response to an offer by CPVO, it was agreed that CPVO should undertake that analysis and should develop proposals for common design rules for fields that were not covered by ST.96.

Communications

22. In recognition of the status of some of the materials made available to participants, it was agreed that the material should be posted on the UPOV website in an area that would be accessible by means of a password issued to the participants. In future, consideration could be given to whether a Wikipage should be created for the participants.

Future meeting

23. It was agreed that a meeting should be scheduled for December 8, 2011, to be held in Geneva.

24. At that meeting, a report would be made on developments concerning the UPOV Project and a possible standardized system of data exchange for PBR applications.

[End of Annex and of document]