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Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE**Seventy-Third Session
Geneva, October 25, 2016**

ELECTRONIC APPLICATION FORM

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

EXECUTIVE SUMMARY

1. The purpose of this document is to report on developments concerning the development of a prototype electronic form, since the seventy-second session of the Administrative and Legal Committee (CAJ), held in Geneva on October 26 to 27, 2015, and to present proposals for the possible implementation of an electronic application form.
2. The CAJ is invited to:
 - (a) note the developments concerning the development of a prototype electronic form as set out in this document;
 - (b) note that a report of the eighth meeting on the development of a prototype electronic form, to be held in Geneva on October 24, 2016, will be made to the CAJ at its seventy-third session; and
 - (c) consider the items to be addressed for implementation of an operational system for electronic application form, as set out in paragraphs 23 to 49;
 - (d) consider the proposals for a launch of the EAF, as set out in paragraphs 50 to 56.
3. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TWPs:	Technical Working Parties
EAF:	Electronic Application Form

4. The structure of this document is as follows:

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BACKGROUND

5. The aim of the electronic application form (EAF) project is to develop a multilingual electronic form containing questions relevant for plant breeders' rights (PBRs) applications (see document CAJ/66/5 "Electronic Application Systems", paragraph 2).

6. The background to the development of a prototype electronic form and developments prior to the seventy-second session of the CAJ are provided in document CAJ/72/5 "Electronic application systems".

DEVELOPMENTS AT THE SEVENTY-SECOND SESSION OF THE ADMINISTRATIVE AND LEGAL COMMITTEE

7. The CAJ, at its seventy-second session in Geneva on October 26 and 27, 2015, considered document CAJ/72/5 "Electronic application systems" and received an oral report by the Vice Secretary-General on the Sixth Meeting on the Development of a Prototype Electronic Form (EAF/6 Meeting), held in Geneva on October 26, 2015, as summarized below (see document CAJ/72/9 "Report", paragraphs 28 to 35).

8. The CAJ noted that the EAF/6 Meeting had agreed that the prototype electronic application form Version 1 (PV1) had demonstrated the feasibility of the project, including the validation on the data transfer from breeders to the participating PVP Offices, in terms of data completeness and in conformity with the agreed data model. The CAJ agreed with the following proposals made by the EAF/6 Meeting, concerning the Prototype Version 2 (PV2), as follows:

(a) The aim of the Prototype Version 2 (PV2) will be to demonstrate the scalability of the system, i.e. addition of further crops, languages and PVP Offices, and also to demonstrate the feasibility of implementation by PVP Offices.

(b) The following items to be addressed in PV2:

(i) Different languages;

(ii) Addition of other crops:

to add 3 or 4 of: apple; potato; rose; soya bean, in an order of priority to be established according to the interest of participating PVP Offices and breeders and the ability of the participating PVP Offices to provide relevant Technical Questionnaire information;

(c) Addition of other PVP Offices;

(d) Payment modalities and user authentication;

(e) Possibility for participating UPOV members to introduce or modify their questions in the form using an online interface;

(f) Legal aspects;

(g) Compliance with Web Content Accessibility Guidelines (WCAG);

(h) Security requirements such as:

(i) Data confidentiality;

(ii) Access rights management;

(i) High availability (HA) of the system;

(j) Communication with existing and external systems such as the GENIE Database, WIPO Users Account and existing systems in PVP Offices;

(k) Architecture of the system.

9. The CAJ noted that the participating members in the EAF would be invited to test the system in stages, through different interim test releases, in order to obtain regular feedback. Comments would be taken into consideration for the development of subsequent test releases in order to have a fully functioning prototype (PV2) by August 2016 for a final test campaign in September 2016, before presentation at the sessions of the CAJ, the Consultative Committee and the Council in October 2016, as appropriate.

10. The CAJ agreed that all members of the Union should have the opportunity to participate in the development of PV2, whilst noting that in order to be able to participate the following information would need to be provided to the Office of the Union by November 30, 2015:

(a) Applications forms and other application information requirements for PVP Offices that did not provide their forms for PV1;

(b) Technical Questionnaire information for apple, potato, rose and soya bean;

(c) Payment procedures;

(d) Application authorization procedures;

(e) Security requirements for data transfer and receipt;

(f) Communication protocols for those PVP Offices that wish:

(i) to receive application data from the EAF system;

(ii) to enable breeders to retrieve data from their PVP Offices via the EAF system.

11. The CAJ noted that, in the case of PVP Offices using forms in languages other than English, French, German or Spanish, the PVP Offices would need to arrange for translation of the forms of all participating members of the Union in the language concerned.

12. In parallel with the development of PV2, the CAJ agreed that the following items would need to be addressed prior to launch of the EAF:

- (a) Operations such as:
 - (i) users support;
 - (ii) routine maintenance provisions;
- (b) Integration with PVP Offices systems;
- (c) Training for PVP Offices and applicants; and
- (d) Publicity of the availability of the system for breeders.

13. The Delegation of the African Intellectual Property Organization (OAPI) expressed its support for the project and expressed its wish to take part into the development of PV2.

14. The CAJ noted that the Council would need to approve the launch of an EAF system and charges to be paid by applicants.

DEVELOPMENTS SINCE THE SEVENTY-SECOND SESSION OF THE CAJ

Seventh meeting on the development of a prototype electronic form

15. Participating members in the development of a Prototype Electronic Form, held their seventh meeting in Geneva on March 16, 2016 (“EAF/7 meeting”). At the EAF/7 meeting, a presentation on the prototype and the latest developments in relation to the prototype electronic form Version 2 (PV2) was given by the Office of the Union.

16. At the EAF/7 meeting, participating members were informed that they would be invited to test the system in stages, through different interim releases, in order to obtain regular feedback. Comments would be taken into consideration for the development of following releases in order to have a full, functioning prototype by August 2016, for a final test campaign in September 2016.

17. The participants agreed with the plan to make a presentation of PV2 to the CAJ and the Consultative Committee, and to seek the approval by the Council, at its fiftieth ordinary session, to be held in Geneva on October 28, 2016, for the launch of the EAF at the end of 2016 or beginning of 2017.

Developments in the Consultative Committee

18. The Consultative Committee, at its ninety-first session in Geneva on March 17, 2018, noted the developments concerning the development of a prototype electronic form and considered the plans for the development of the prototype electronic application form Version 2 (PV2) (see document C(Extr.)/33/3 “Report by the President on the work of the ninety-first session of the Consultative Committee”, paragraphs 15 to 18).

19. The Consultative Committee noted the oral report by the Vice Secretary-General of the Seventh Meeting on the Development of a Prototype Electronic Form (“EAF/7 meeting”), held on March 16, 2016, in which it was reported that the EAF/7 meeting had agreed:

- (a) on the release of PVP-XML Version 2 (Version to be used for the Prototype_PV2);
- (b) on the plan presented for the test campaign for PV2 and had noted that participating members should:
 - create WIPO Accounts to access and use the prototype (PVP Offices & Breeders)
 - provide terms and conditions when needed (PVP Offices)
 - check mapping files: mandatory/optional elements (PVP Offices)
 - provide bank account details and PVP Office application fee (amount and currency) to be used (PVP Offices)
 - develop the client interface to interact with EAF in form of system-to-system communication (if requested) (PVP Offices);

(c) that the Eighth Meeting on the Development of a Prototype Electronic Form (“EAF/8 meeting”) would be held in Geneva on Monday October 24, 2016, starting at 6 p.m.

20. In relation to the possible implementation of an operational system, the Consultative Committee agreed the following:

- (a) all legal requirements of the PVP Offices concerned would need to be met
 - e.g. to clarify that the EAF does not represent an intermediary in the application process. The application would be made by the user with the PVP Office concerned;
- (b) all questions would be available in the languages of the participating UPOV members;
- (c) users would be required to provide information (answers) in a language accepted by the authority concerned (as indicated in the form);
- (d) the following two options in relation to integration with PVP Offices systems:
 - (i) Case 1: In the case of PVP Offices with no electronic system or who do not wish to integrate their existing system with the EAF, they would receive the submitted application data via:
 - e-mail or
 - regular mail/hand delivery
 - (ii) Case 2: System-to-System communication
 - Synchronization for submitted application data
 - Validation of submitted application data and authorization through Web application;
- (e) all data would be encrypted and considered confidential;
- (f) that the EAF system should allow, if requested, for PVP Office fees to be collected by UPOV and distributed to the PVP Offices in a form and currency determined by the PVP Office concerned;
- (g) that the implementation of the EAF would not affect the fees that PVP Offices would receive per application;
- (h) for payment to cover the costs of the EAF, including UPOV charge per application, as follows:
 - CHF 150 / submitted application in 2017/2018
 - CHF 250 / submitted application from 2019 on;
- (i) that financial and administrative regulations and rules should be presented for approval at the EAF/8 meeting;
- (j) on the development of a program of training for PVP Offices and users, to be arranged in conjunction with the launch of the EAF;
- (k) on a program of publicity on the availability of the system for breeders to be organized in conjunction with the launch of the EAF;
- (l) on the need to develop an approach to add new crops more rapidly, for consideration at the EAF/8 meeting;
- (m) to make an initial assessment of the feasibility of including information for official variety list purposes, for consideration at the EAF/8 meeting.

21. The Consultative Committee agreed, subject to approval by the participants to the EAF project, the Administrative and Legal Committee (CAJ) and the Consultative Committee, to seek the approval by the Council at its fiftieth ordinary session, to be held in Geneva on October 28, 2016, for the launch of the EAF at the end of 2016 or beginning of 2017.

Developments in the Council

22. The Council at its thirty-third Extraordinary session in Geneva on March 17, 2016, noted the work of the Consultative Committee at its ninety-first session, as reported in document C(Extr.)/33/3 “Report by the

President on the work of the ninety-first session of the Consultative Committee”, which included information concerning the EAF (see document C(Extr.)/33/3 “Report”, paragraph 7).

ITEMS TO BE ADDRESSED FOR IMPLEMENTATION OF AN OPERATIONAL SYSTEM

23. The following section reports on the items that the CAJ, at its seventy-second session, and the Consultative Committee, at its ninety-first session, agreed should be addressed for a possible implementation of an operational system:

Legal requirements

24. It was clarified at the ninety-first session of the Consultative Committee that the EAF does not represent an intermediary in the application process.

25. The Office of the Union will consult with individual participating members of the Union to ensure that their legal requirements are addressed in the operational EAF.

Languages

Questions

26. As agreed by the CAJ and the Consultative Committee (see document CC/91/4, paragraph 6), the EAF will present all items (questions) in English, French, German and Spanish. Translations for all items (questions) in other languages will be made available if provided by the participating members of the Union, with a suitable disclaimer.

Answers

27. Users will be required to provide information (answers) in a language accepted by the PVP Office concerned, which will be indicated in the form.

Integration with PVP Offices systems

Manual transmission of data to PVP Office

28. PVP Offices with no electronic application system, or who do not wish to integrate their electronic application system with the EAF, will choose whether to receive the submitted application data via:

- (i) e-mail or
- (ii) paper copy (regular mail/hand delivery)

Automatic transmission of data to PVP Office

29. Where requested by PVP Offices, submitted application data will be transferred automatically via Web services.

Confidentiality of data

30. A system of data encryption that meets the requirement of the participating members of the Union will be provided, subject to approval of the system at the EAF/8 meeting.

Payment

Payment to PVP Offices

31. The EAF will not affect the fees that PVP Offices receive per application.

32. Payment of the application fee will be made directly by the applicant to the relevant PVP Office unless otherwise agreed with the Office of the Union. However, the EAF system will allow, if requested, for application fees to be collected via the EAF and distributed to the PVP Offices in a form and currency agreed by the PVP Office concerned.

EAF payment

33. The EAF charge per application will be as follows:
- CHF 150 / submitted application in 2017/2018
 - CHF 250 / submitted application from 2019.

Training

34. A program of training for PVP Offices and users will be introduced in conjunction with the launch of the EAF and will be included in the work of the staff identified in the operation of the EAF, as well as other relevant staff of the Office of the Union. The program of training will be developed in consultation with the participating members at the EAF meetings.

Operations

35. A program of users support and routine maintenance provisions for PVP Offices and users will be developed in consultation with the participating members at the EAF meetings.

Publicity

36. A program of publicity of the availability of the system for breeders will be introduced in conjunction with the launch of the EAF and will be included in the work of the staff identified in the operation of the EAF, as well as other relevant staff of the Office of the Union. The program of training will be developed in in consultation with the participating members at the EAF meetings.

Financial and administrative regulations and rules

37. The proposed financial and administrative regulations and rules will be presented to the participating members at the EAF/8 meeting for their consideration.

Addition of new crops

Order of priority

38. The following crops/species are currently included in the EAF project:

Botanical Name	English	French	German	Spanish	UPOV Test Guidelines
Rosa L.	Rose	Rosier	Rose	Rosal	TG/11
Glycine max (L.) Merill	Soya Bean; Soybean	Soja	Sojabohne	Soja	TG/80
Lactuca sativa L.	Lettuce	Laitue	Salat	Lechuga	TG/13
Malus domestica Borkh.	Apple (fruit varieties)	Pommier (variétés fruitières)	Apfel (Fruchtsorten)	Manzano (variedades frutales)	TG/14
Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel	Papa; Patata	TG/23

39. On the basis of the information provided by EAF participating members of the Union and breeders, and information in the PLUTO Database, the following order of priority for addition of further crops will be considered at the EAF/8 meeting:

	Botanical Name	English	French	German	Spanish	UPOV Test Guidelines
1	Zea mays L.	Corn; Maize	Maïs	Mais	Maíz	TG/2
2	Chrysanthemum spec.	Chrysanthemum; Daisies	Chrysanthème; Marguerite	Chrysantheme; Margerite	Crisantemo; Margarita	TG/26
3	Triticum aestivum L.	Wheat	Blé	Weizen	Trigo	TG/3
4	Solanum lycopersicum L.	cherry tomato; Tomato; tomato	Tomate; tomate; tomato cerise	Kirschtomate; Tomato	Tomate; tomate; tomatera; tomatillo	TG/44

	Botanical Name	English	French	German	Spanish	UPOV Test Guidelines
5	<i>Prunus persica</i> (L.) Batsch	Peach	Pêcher	Pfirsich	Durazno; Melocotonero	TG/53
6	<i>Phalaenopsis</i> Blume	Moth Orchid	Orchidée papillon	Phalaenopsis; Schmetterlingsorchidee		TG/213
7	<i>Brassica napus</i> L. oleifera	Oilseed Rape; Rapeseed; Swede Rape	Colza	Raps	Colza	TG/36
8	<i>Lilium</i> L.	Lily	Lis	Lilie	Lirio	TG/59
9	<i>Capsicum annuum</i> L.	Sweet Pepper, Hot Pepper, Paprika, Chili	Piment; Poivron	Paprika	Ají, Chile, Pimiento	TG/76
10	<i>Hordeum vulgare</i> L. sensu lato	Barley	Orge	Gerste	Cebada	TG/19
11	<i>Helianthus debilis</i> Nutt.	Common Sunflower	Soleil; Tournesol	Sonnenblume	Girasol	TG/81
12	<i>Fragaria</i> L.	Strawberry	Fraisier	Erdbeere	Fresa; Frutilla	TG/22
13	<i>Cucumis melo</i> L.	Melon	Melon	Melone; Zuckermelone	Melón	TG/104
14	<i>Petunia</i> Juss.	Petunia	Pétunia	Petunie	Petunia	TG/212
15	<i>Pelargonium zonale</i> hort. non (L.) L'Hérit. ex Ait., <i>P. peltatum</i> hort. non (L.) L'Hérit. ex Ait.	Geranium; Pelargonium	Géranium; Pelargonium	Pelargonie	Geranio; Pelargonia	TG/28
16	<i>Vaccinium angustifolium</i> Aiton, <i>V. corymbosum</i> L., <i>V. formosum</i> Andrews, <i>V. myrtilloides</i> Michx., <i>V. myrtillus</i> L., <i>V. virgatum</i> Aiton, <i>V. simulatum</i> Small	Blueberry	Myrtille	Heidelbeere	Arándano americano	TG/137
17	<i>Anthurium</i> Schott	Anthurium; Tail Flower	Anthurium	Flamingoblume	Anthurium	TG/86
18	<i>Hydrangea</i> L.	Hydrangea	Hortensia	Hortensie	Hidrangea; Hortensia	TG/133
19	<i>Pisum sativum</i> L. sensu lato	Field Pea; Garden Pea; Green pea; Pea	Petit pois; Pois; Pois de jardins; Pois fourrager	Erbse; Futtererbse; Gemüseerbse; Speiseerbse	Arvejo; Guisante; Guisante de campo; Guisante de verdeo; Guisante forrajero	TG/7
20	<i>Cucumis sativus</i> L.	Cucumber; Gherkin	Concombre; Cornichon	Gurke	Cohombro; Pepino	TG/61
21	<i>Vitis</i> L.	Common grapevine; European grape; Grape; Grapevine	Vigne	Echter Weinstock; Rebe	Vid	TG/50
22	<i>Rubus idaeus</i> L.	Raspberry	Framboisier	Himbeere	Frambueso	TG/43
23	<i>Calibrachoa</i> Cerv., <i>Calibrachoa</i> Lave & Lex.	Calibrachoa				TG/207
24	<i>Phaseolus vulgaris</i> L.	French Bean	Haricot	Buschbohne; Gartenbohne	Alubia; Judía común; Poroto	TG/12
25	<i>Alstroemeria</i> L.	Alstroemeria; Herb Lily	Alstroemère; Lis des Incas	Inkalilie	Alstromeria	TG/29
26	<i>Oryza sativa</i> L.	Rice	Riz	Reis	Arroz	TG/16

Approaches for adding new crops/species

40. Participants in the EAF agreed that it would be beneficial for the system to cover the maximum number of crops as soon as possible. Therefore, at the EAF/7 meeting, the Office of the Union was requested to find a way to develop an approach to add new crops more rapidly and to increase the number of crops to be included in the EAF (see document EAF/7/3 "Report", paragraph 13).

41. The main part of the application form is normally the same for all crops for a particular authority. However, the crop-specific technical information, typically provided in the technical questionnaire, differs between crops. Therefore, the challenge in adding new crops more rapidly is to address the technical crop-specific part of the application.

42. It is proposed to use the following three approaches, in parallel, for adding crops to the EAF:

Approach 1: Customized technical questionnaire (crop and country specific):

43. The crop-specific technical questionnaire, customized for each participating member of the Union, is included in the EAF. This approach requires the maximum effort in term of capturing all specific information provided by each authority. This is the approach that has been used in the EAF until now.

Approach 2: Technical questionnaire based on the UPOV Test Guidelines (crop specific – not country specific):

44. In this approach, for crops that are not covered by Approach 1, it is proposed to add the technical questionnaire from the adopted UPOV Test Guidelines (UPOV TQ), for the crops to be supported in the EAF. Participating members of the Union that would be able to accept this information as the basis for an application would be covered by the EAF for that crop. Participating members of the Union that needed more or different information to that covered in the UPOV TQ would not be covered by this approach but could be covered by Approach 3.

Approach 3: Generic technical questionnaire:

45. In order to be able to cover all crops, it is proposed to create a non-crop-specific “generic” technical questionnaire for each authority. Such an approach would mean that re-use of data from different authorities would not be as complete as for Approaches 1 and 2. However, this approach would use components based on the web-based Test Guidelines template (TG Template), to allow users to provide crop-specific information, in a standardized way. As a result, the information provided in the following TQ chapters would be partially reusable in other applications: breeding scheme; method of propagating the variety; TQ characteristics; similar varieties and differences from these varieties.

46. Based on the anticipated resources, and on allocating equal resources to each of the three approaches above, the addition of crops/species would be possible at the following rate:

Year	Customized technical questionnaire	Technical questionnaire based on the UPOV Test Guidelines	Generic technical questionnaire
	Number of crops included in the EAF		
January 2017	5	5	-
January 2018	10	30	All crops
January 2019	20	60	All crops
January 2020	30	90	All crops

47. It would be a matter for each participating member of the Union to decide which of the three approaches to apply on a crop-by-crop basis.

Information for official variety list purposes

48. An initial assessment of the feasibility of including information for official variety list purposes will be presented for consideration by the participating members at the EAF/8 meeting, on the basis of ongoing discussions with participating members of the Union that have expressed a wish to include such information.

User's Guide to the EAF

49. User guides to the EAF, for breeders and for PVP Offices, will be presented (in English only) for consideration by the participating members at the EAF/8 meeting. Versions in other relevant languages will be produced for the launch of the EAF.

PARTICIPATION IN LAUNCH OF EAF

50. The Office of the Union has received the necessary information and application forms for the EAF from the following 29 members of the Union: African Intellectual Property Organization (OAPI), Argentina, Australia, Bolivia (Plurinational State of), Brazil, Canada, Chile, China, Colombia, Czech Republic, European Union, France, Germany, Georgia, Japan, Kenya, Mexico, Netherlands, New Zealand, Norway, Republic of Korea, Republic of Moldova, South Africa, Sweden, Switzerland, Tunisia, United States of America, Uruguay and Viet Nam.

51. Participating members in the development of an electronic application form have been invited to test the prototype through different releases during the test campaign, from March 2016 to October 2016. Subject to their validation, PV2 will be the basis for the launch of an operational system.

52. At their sessions in October 2016, the EAF/8, CAJ and Consultative Committee will receive a report on the feedback received by participating members for PV2. At this stage the EAF is made available in English, Spanish, German and French for participating members, for the following crops:

- 1) Rose
- 2) Soya Bean
- 3) Lettuce
- 4) Apple fruit varieties
- 5) Potato

53. The table below illustrate, for the participating PVP Offices, the crops supported in PV2:

	GLYCI_MAX	LACTU_SAT	MALUS_DOM	ROSAA	SOLAN_TUB	Total
	Soya Bean	Lettuce	Apple fruit varieties	Rose	Potato	
AR	1		1	1	1	4
AU	1	1	1	1	1	5
BO	1					1
BR	1	1	1	1	1	5
CA	1	1	1	1	1	5
CH	1	1	1	1	1	5
CL	1	1	1	1	1	5
CN*						
CO	1	1	1	1	1	5
CZ	1	1	1		1	4
DE*						
FR	1	1	1	1	1	5
GE	1	1	1	1	1	5
JP		1				1
KE	1		1	1	1	4
KR		1				1
MD*						
MX	1	1	1	1	1	5
NL	1	1	1	1	1	5
NO	1	1	1	1	1	5
NZ		1	1	1	1	4
OA	1	1				2
QZ	1	1	1	1	1	5
SE*						
TN	1	1	1	1	1	5
US	1	1				2
UY	1		1			2
VN	1	1	1	1	1	5
ZA	1	1	1	1	1	5
Grand Total	21	20	19	17	18	95

* to be implemented and tested after the October sessions (approval of PV2) and before the launch of an operational system, if all needed information is provided.

54. Subject to approval of the launch of the EAF by the Council on October 28, 2016, those 29 members of the Union would be requested to indicate their willingness to participate in the EAF, and an announcement will be made to inform users accordingly.

55. Any other member of the Union wishing to join the EAF would need to provide their forms for the selected crops (application form and technical questionnaire) in a UPOV language and, if appropriate, to provide translations of the questions of the applications forms and technical questionnaires of the other participating members of the Union. The timetable for addition of new members of the Union would be subject to available resources and would vary according to the content of the applications forms and technical questionnaires.

TENTATIVE TIMETABLE FOR THE LAUNCH OF THE EAF

56. Subject to approval by the participants to the EAF project, the CAJ and the Consultative Committee, it is proposed to seek the approval by the Council at its fiftieth ordinary session, to be held in Geneva on October 28, 2016, for the launch of the EAF in January 2017 for rose, soya bean, lettuce, apple fruit varieties and potato.

57. *The CAJ is invited to:*

(a) note the developments concerning the development of a prototype electronic form as set out in this document;

(b) note that a report of the eighth meeting on the development of a prototype electronic form, to be held in Geneva on October 24, 2016, will be made to the CAJ at its seventy-third session;

(c) consider the items to be addressed for implementation of an operational system for electronic application form, as set out in paragraphs 23 to 49; and

(d) consider the proposals for a launch of the EAF, as set out in paragraphs 50 to 56.

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