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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

TECHNICAL COMMITTEE

Fiftieth Session
Geneva, April 7 to 9, 2014

REPORT ON DEVELOPMENTS IN UPOV INCLUDING RELEVANT MATTERS DISCUSSED
IN THE LAST SESSIONS OF THE ADMINISTRATIVE AND LEGAL COMMITTEE,
THE CONSULTATIVE COMMITTEE AND THE COUNCIL

prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

1. The purpose of this document is to report on developments in UPOV since the forty-ninth session of the Technical Committee that are not presented under specific items on the agenda of the fiftieth session of the Technical Committee, including relevant matters discussed in the last sessions of the Administrative and Legal Committee, the Consultative Committee and the Council.
2. This document also contains matters for consideration by the Technical Committee in relation to: guidance on variety descriptions; matters raised by the International Seed Federation (ISF); and the development of the web-based TG Template.
3. A presentation summarizing the items in this document will be presented to the Technical Committee at its fiftieth session, a copy of which (in English only) is attached as the Annex to this document.

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I. MATTERS FOR INFORMATION

MEMBERSHIP

Members of the Union

4. On January 31, 2014, the situation of the members of the Union (total 71) in relation to the Convention and its various Acts was as follows:

(a) Belgium was bound by the 1961 Convention as amended by the 1972 Act;

(b) 19 members were bound by the 1978 Act, namely: Argentina, Bolivia, Brazil, Canada, Chile, China, Colombia, Ecuador, Italy, Kenya, Mexico, New Zealand, Nicaragua, Norway, Paraguay, Portugal, South Africa, Trinidad and Tobago and Uruguay;

(c) 51 members were bound by the 1991 Act, namely: Albania, Australia, Austria, Azerbaijan, Belarus, Bulgaria, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Estonia, European Union, France, Finland, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Japan, Jordan, Kyrgyzstan, Latvia, Lithuania, Morocco, Netherlands, Oman, Panama, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uzbekistan and Viet Nam.

Examination of Laws

Zanzibar

5. At its thirtieth extraordinary session held in Geneva on March 22, 2013, the Council examined the conformity of the Plant Breeders' Rights Bill for Zanzibar with the 1991 Act of the UPOV Convention. The Council decided, subject to the incorporation in the Plant Breeders' Rights Bill for Zanzibar of certain modifications and with no additional changes, to take a positive decision on the conformity of the Plant Breeders' Rights Bill for Zanzibar with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants. The Council also decided to inform the Government of the United Republic of Tanzania that, subject to the modifications recommended by the Council being incorporated in the Plant Breeders' Rights Bill for Zanzibar and the adoption of the Bill with no additional changes, the instrument of accession of the United Republic of Tanzania could be deposited (see document C(Extr.)/30/8 "Report", paragraph 13).

Bosnia and Herzegovina

6. At its forty-seventh ordinary session, held in Geneva on October 24, 2013, the Council took a positive decision on the conformity of the Law for the Protection of New Varieties of Plants of Bosnia and Herzegovina with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which allows Bosnia and Herzegovina to deposit its instrument of accession to the 1991 Act (see document C/47/19 "Report on the Decisions", paragraphs 8 to 11).

STATISTICS ON PLANT VARIETY PROTECTION

List of the taxa protected by the members of the Union

(see document C/47/6 "List of the Taxa Protected by the Members of the Union")

7. As of October 16, 2013, a total of 56 members of the Union offered protection to all plant genera and species (53 in 2012), with 15 members of the Union offering protection to a limited number of plant genera and species.

Plant variety protection statistics

(see document C/47/7 “Plant variety protection statistics for the period 2008-2012”)

8. In 2012, there was a 1.1 percent increase in the number of applications for plant variety protection (13,867 in 2012; 13,714 in 2011), representing a 0.7 percent decrease in the number of applications by residents (8,751 in 2012; 8,813 in 2011) and a 4.4 percent increase in the number of applications by non-residents (5,116 in 2012; 4,901 in 2011).

9. The number of titles granted decreased by 2.4 percent from 10,065 in 2011, to 9,822 in 2012.

10. A new record number of titles in force – 99,409 – was recorded in 2012, representing a 4.6 percent increase on figures for 2011 (95,041).

11. The Office of the Union will explore the possibility of providing information on statistics by crop type (e.g. agriculture, fruit, ornamental, vegetable and forest trees) in future versions of document C/xx/7.

Cooperation in the examination of new plant varieties

(see document C/47/5 “Cooperation in examination”)

12. In 2012, the number of plant genera and species for which there were agreements between members of the Union for cooperation in the examination of distinctness, uniformity and stability totaled 1,997, compared to 1,991 in 2011.

13. At its forty-seventh ordinary session, the Council agreed to copy the circular concerning cooperation in examination, e.g. see C/xx/5, to the Technical Committee (TC) designated persons in order to ensure that the maximum amount of information could be collected (see document C/47/19 “Report on the Decisions”, paragraph 20).

FINANCIAL SITUATION

Program and Budget of the Union for the 2014-2015 Biennium

14. At its forty-seventh ordinary session, held in Geneva on October 24, 2013, the Council approved the Program and Budget for the 2014-2015 Biennium, as presented in the Annex to document C/47/4 Rev “Program and Budget for the 2014-2015 Biennium” (see document C/47/19 “Report on the Decisions”, paragraphs 33 and 34).

15. The maximum ceiling of expenditure in the regular budget for the 2014-2015 Biennium is 6,794,000 Swiss francs (6,798,000 Swiss francs for the 2012-2013 Biennium) and is based on no change to the value of the contribution unit (53,641 Swiss francs) and no change to the total number of posts (11) for the Office of the Union.

Reserve Fund

16. Regulation 4.6 of document UPOV/INF/4/3 “Financial Regulations and Rules” states that: “[...] If after the closure of the financial period, the amount of the reserve fund exceeds 15 percent of the total income for the financial period, the amount in excess shall be reimbursed to the members of UPOV, unless otherwise decided by the Council. Any member of UPOV may request that the reimbursement attributed to it be deposited in a special account or trust fund specified by it.”

17. The Consultative Committee, at its eighty-sixth session, held in Geneva on October 23 and 24, 2013, recommended the creation of a special UPOV account that would be used to finance extra-budgetary projects agreed by the Council in a situation where the amount of the reserve fund exceeds 15 percent of the total income for the 2012-2013 Biennium. It was agreed that the account should be used for projects that would, in particular:

- (i) support members of the Union, and in particular new members, in the operation of their plant variety protection systems;
- (ii) extend over more than one biennium;

- (iii) provide long-term benefits to members of the Union; and
- (iv) be advanced more rapidly by extra-budgetary funds.

18. It was further agreed that projects to be considered under a special UPOV account would be presented for consideration by the Consultative Committee prior to submission to the Council for approval. In that regard, it was agreed that the Consultative Committee would have flexibility to recommend projects that took into account factors other than those identified in (i) to (iv) above.

CHAIR OF UPOV BODIES

19. At its forty-seventh ordinary session, held in Geneva on October 24, 2013, the Council elected, in each case for a term of three years ending with the fiftieth ordinary session of the Council, in 2016 (see document C/47/19 "Report on the Decisions", paragraph 53):

- (a) Mr. Martin Ekvad (European Union), Chair of the Administrative and Legal Committee;
- (b) Mr. James M. Onsando (Kenya), Vice-Chair of the Administrative and Legal Committee;
- (c) Mr. Alejandro F. Barrientos-Priego (Mexico), Chair of the Technical Committee; and
- (d) Mr. Kees van Ettehoven (Netherlands), Vice-Chair of the Technical Committee.

UPOV COLLECTION

20. The following documents in the UPOV Collection have been adopted since the forty-ninth session of the Technical Committee, held in Geneva from March 18 to March 20, 2013:

New adopted documents

UPOV/INF document series

Document reference	Issue	Title	Issue date
UPOV/INF-EXN	/5	List of UPOV/INF-EXN Documents and Latest Issue Dates	October 24, 2013
UPOV/INF/4	/3	Financial Regulations and Rules of UPOV	March 22, 2013
UPOV/INF/6	/3	Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention	October 24, 2013
UPOV/INF/15	/2	Guidance for members of UPOV on ongoing obligations and related notifications and on the provision of information to facilitate cooperation	March 22, 2013
UPOV/INF/16	/3	Exchangeable Software	October 24, 2013

Explanatory notes on the UPOV Convention

Document reference	Issue	Title	Issue date
UPOV/EXN/BRD	/1	Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention	October 24, 2013
UPOV/EXN/HRV	/1	Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention	October 24, 2013

TGP documents

Document reference	Issue	Title	Issue date
TGP/0	/6	List of TGP Documents and Latest Issue Dates	October 24, 2013
TGP/14	/2	Glossary of Terms Used in UPOV Documents	October 24, 2013
		Supplementary document to TGP/14 "Glossary of Terms Used in UPOV Documents"	
TGP/15	/1	Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)	October 24, 2013

Program for Development of Explanatory notes on the UPOV Convention

21. Subject to approval by the Administrative and Legal Committee (CAJ) at its sixty-ninth session, to be held on April 10, 2014, the CAJ-AG plans to consider the following items at its ninth session, to be held in October 2014:

- Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)
- Explanatory Notes on Propagation and Propagating Material under the UPOV Convention
- Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention (Revision)
- Explanatory Notes on Cancellation of the Breeder's Right under the UPOV Convention (Revision)
- Explanatory Notes on Nullity of the Breeder's Right under the UPOV Convention (Revision)
- Explanatory Notes on Variety Denominations under the UPOV Convention (Revision)
- Explanatory Notes on Provisional Protection under the UPOV Convention (Revision)
- Matters concerning variety descriptions
- Possible alternative dispute settlement mechanisms for essentially derived varieties

UPOV Lex

22. UPOV Lex contains the legislation of members of the Union that has been notified in accordance with the UPOV Convention, the UPOV Convention notifications concerning individual members of the Union (e.g. accessions, ratifications) and the text of the UPOV Convention and its Acts. UPOV Lex has been modified in order to include notifications by members of the Union on the plant genera and species for which plant variety protection is applicable in their territories (see document C/47/15 Rev. "Report by the President on the work of the eighty-sixth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee", paragraph 30).

PUBLICATIONS, ACTIVITIES & TRAINING

Communication strategy

23. The Consultative Committee approved a communication strategy, including answers to frequently asked questions (FAQs) that will be made available on the UPOV website (see also document TC/50/13 "Molecular techniques", paragraphs 24 to 26).

Trilogy Publication

24. The "Trilogy" is a publication combining the proceedings of the "UPOV Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership", the "Symposium on Plant Breeding for the Future" and the "Symposium on the benefits of plant variety protection for farmers and growers". An Executive Summary has also been produced.

25. The Trilogy is available at http://www.upov.int/about/en/benefits_upov_system.html and box sets of paper copies are available at the WIPO Information Center and on request.

Seminar on Essentially Derived Varieties (EDVs)

26. On October 22, 2013, UPOV organized a seminar to consider technical and legal views on EDVs and the possible impact on breeding and agriculture, existing experience in relation to EDVs, and the possible role of future UPOV guidance on EDVs in cases before the courts.

27. A copy of the presentations and a video of the Seminar are available on the UPOV website at http://www.upov.int/meetings/en/details.jsp?meeting_id=29782.

Distance Learning Courses

28. A first session of the DL-305 course "Examination of Applications for Plant Breeders' Rights" (DL-305) in English will take place as follows:

Course dates: March 31 to May 11, 2014

Final exam: May 5 to 11, 2014

29. The first session of the DL-305 course has been made available only to officials of members of the Union that have successfully completed the DL-205 course "Introduction to the UPOV System of Plant Variety Protection Under the UPOV Convention" (DL-205) with an explanation that consideration will be given to the splitting of DL-305 into two separate courses in the future.

30. On the basis of the comments received during a trial run of the DL-305 course, the Consultative Committee at its eighty-seventh session, to be held in Geneva on April 11, 2014, will be invited to consider splitting the DL-305 course into two separate courses in the future. The aim of the split would be to enable participants to study the courses at different times, according to their expertise and experience, and would also provide courses with a similar study time to the DL-205 course (36 hours), instead of the 70 hours indicated for the single course. One course would cover the administration of plant breeders' rights and the examination of novelty and denomination; the other course would cover the examination of distinctness, uniformity and stability ("DUS"). It would be possible to study one or both courses and the two courses would be run consecutively to allow those students wishing to follow both to do so; one immediately after the other.

31. The successful operation of UPOV distance learning courses relies on experts from members of the Union acting as tutors for students in Category 1: Officials of members of the Union. Therefore, an important factor for the frequency of distance learning courses is the availability of such tutors. In that regard, it is anticipated that the same tutors will be used for the DL-205 and DL-305 courses. Currently, the DL-205 course is run twice per year. In order to have sufficient tutoring capacity, at least in the first instance, it is proposed to replace one of the sessions of the DL-205 course with the DL-305 course(s). On that basis, the following program is proposed for distance learning courses in 2014-2015:

March 31 to May 11, 2014	DL-305 single course (English only)
May 5 to June 8, 2014	DL-205 (E, F, G, S)
October 6 to November 9, 2014	DL-205 (E, F, G, S)
February/March 2015	DL-305 single course (E, F, S) or DL-305-1 (E, F, S)
April/May 2015	DL-305-2 (E, F, S)
October/November 2015	DL-205 (E, F, G, S)

32. The German version of DL-305 would be launched in 2016.

DEVELOPMENTS OF RELEVANCE TO UPOV IN OTHER INTERNATIONAL FORA

International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)*ITPGRFA Platform for the Co-Development and Transfer of Technologies*

33. In 2012, members of the Union approved the participation of the Office of the Union in the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) Platform for the Co-Development and Transfer of Technologies (see document C/46/19 "Report", Annex III "Press Release").

Public-Private Partnerships in Pre-breeding

34. Following a request from the Plant Genetic Resources and Seeds Team of the Food and Agriculture Organization of the United Nations (FAO) and a number of other functional units, especially the International Treaty on Plant Genetic Resources for Food and Agriculture, UPOV members agreed to the UPOV Office working as part of a multi-stakeholder team on the "definition of mechanisms for enhancing public-private partnerships in pre-breeding" (see document C(Extr.)/30/8 "Report", Annex III "Press Release").

Interrelations between ITPGRFA, UPOV and WIPO

35. The fifth session of the Governing Body of the ITPGRFA (GB), held in Muscat, Oman, from September 24 to 28, 2013, adopted the following resolution under the item "Implementation of Article 9, Farmers' Rights":

"Resolution: Implementation of Article 9, Farmers' Rights

"3. Requests the Secretary to invite UPOV and WIPO to jointly identify possible areas of interrelations among their respective international instruments;"

(see document C/47/15 Rev. "Report by the President on the work of the eighty-sixth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee", paragraph 54).

36. *The TC is invited to note the developments in UPOV including relevant matters discussed in the last sessions of the Administrative and Legal Committee, the Consultative Committee and the Council, as set out in paragraphs 4 to 35 of this document.*

II. MATTERS FOR CONSIDERATION BY THE TECHNICAL COMMITTEE

VARIETY DESCRIPTIONS

37. At its seventh session, held in Geneva on October 29 and 30, 2012, the Administrative and Legal Committee Advisory Group (CAJ-AG) considered that it would be appropriate to develop further guidance on variety descriptions (see CAJ-AG/12/7/7 "Report", paragraph 90).

38. The Administrative and Legal Committee Advisory Group (CAJ-AG), at its eighth session, held in Geneva on October 25, 2013, agreed that the following matters in document CAJ-AG/13/8/7 "Matters concerning Variety Descriptions", paragraph 4, should be considered by the CAJ-AG in the first instance:

"(a) the purpose(s) of the variety description developed at the time of grant of the right (original variety description);

"(b) the status of the original variety description in relation to the verification of the conformity of plant material to a protected variety for the purposes of:

"[...]

"(iii) the enforcement of the right."

39. The CAJ-AG agreed to the development of guidance on the following, which it proposed that the CAJ should invite the Technical Committee (TC) to consider in the first instance:

(a) use of information, documents or material provided by the breeder for verifying the maintenance of the variety, as set out in paragraph 15 of document CAJ-AG/13/8/4 “Matters concerning cancellation of the breeder's right”, with an explanation that the information, documents or material could be maintained in a different country; and

(b) use of Test Guidelines for verifying the maintenance of the variety that were different from the Test Guidelines used for the examination of Distinctness, Uniformity and Stability (“DUS”).

40. The CAJ-AG agreed to propose to the CAJ that the following matters in document CAJ-AG/13/8/7, paragraph 4, should be considered by the TC in the first instance:

“[...]”

“(b) the status of the original variety description in relation to the verification of the conformity of plant material to a protected variety for the purposes of:

“(i) verifying the maintenance of the variety (Article 22 of the 1991 Act, Article 10 of the 1978 Act);

“(ii) the examination of distinctness, uniformity and stability (“DUS”) of candidate varieties; and

“[...]”

“(c) the status of a modified variety description in relation to (a) and (b) above produced, for example, as a result of:

“(i) a recalibration of the scale in the Test Guidelines (particularly for non-asterisked characteristics¹);

“(ii) variation due to the environmental conditions of the years of testing for characteristics that are influenced by the environment;

“(iii) variation due to observation by different experts; or

“(iv) the use of different versions of scales (e.g. different versions of the RHS Color Chart).

“(d) situations where an error is subsequently discovered in the initial variety description.”

41. The CAJ will consider the proposal of the CAJ-AG at its sixty-ninth session, to be held in Geneva on April 10, 2014.

42. The TC is invited to note that the CAJ, at its sixty-ninth session, will consider the proposal of the CAJ-AG to invite the TC to develop further guidance on certain matters concerning variety descriptions, as set out in paragraphs 37 to 41.

MATTERS RAISED BY THE INTERNATIONAL SEED FEDERATION (ISF)

(see document C/47/15 Rev. “Report by the President on the work of the eighty-sixth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee”, paragraphs 62 to 66)

43. The Consultative Committee, at its eighty-sixth session, held in Geneva on October 23 and 24, 2013, discussed the letter of the International Seed Federation (ISF) of January 21, 2013, on the subject “Application, examination and granting aspects of PBR applications” and invited ISF to present its views at the relevant part of that item.

¹ “[I]f a characteristic is important for the international harmonization of variety descriptions (asterisked characteristics) and is influenced by the environment (most quantitative and pseudo-qualitative characteristics) [...] it is necessary to provide example varieties” in the Test Guidelines (see document TGP/7, Annex 3, Guidance Note GN 28 “Example varieties”, section 3.3 (iii)).

“1.2.3 Example varieties are important to adjust the description of the characteristics for the year and location effects, as far as possible. [...]” (see document TGP/7, Annex 3, Guidance Note GN 28 “Example varieties”, section 1.2.3)

44. The Consultative Committee agreed to the development of document UPOV/INF/15 "Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation" into an umbrella document that would identify key issues for the operation of a plant variety protection system and which would provide links to detailed information materials.

Matters which the TC is invited to consider

45. The Consultative Committee agreed to invite the CAJ and TC to consider the ISF recommendations in relation to existing and possible future information materials, in parallel with the development of document UPOV/INF/15 into an umbrella document.

46. The following were matters raised by ISF that the Consultative Committee agreed to invite the TC to consider:

(a) *Photographs*

[Extract from ISF letter – (English)]

"Photograph: In certain countries examination office require a detailed photograph, in some other countries the comparison varieties need to be in the picture as well, and in yet other countries photographs are required and made in the country itself. This is a problem when the time of the PBR application is not during the growing season of the variety, thereby precluding obtaining the photograph. Therefore, having to provide pictures can delay the application. Also it should be stated that different environments can lead to different morphologies and so the resultant photographs can be misleading. In general photographs should not be necessary for agricultural, forage or cross-pollinating species. In other crops photographs should only be necessary where it is considered relevant, in other words: where they add something useful to information that is already provided in the Technical Questionnaire (TQ). In addition, it should not be necessary to provide a photograph of the comparative variety."

Relevant UPOV Materials:

- TGP/9 "Examining Distinctness", Section 2.5 "Photographs"
- TGP/7 "Development of Test Guidelines"

The TC has agreed to the new Additional Standard Wording (ASW) and Guidance Note (GN) for "providing photographs with the Technical Questionnaire", on the basis of the Annex to document TC/49/20, for inclusion in a future revision of document TGP/7. The TC has also agreed that the "Guidance for Providing Photographs with the Technical Questionnaire" should be provided to members of the Union by means of a link to the relevant part of the UPOV website (see document TC/49/41 "Report on the Conclusions", paragraphs 45 to 47).

(b) *Minimum sample size*

[Extract from ISF letter]

"Minimum sample size: In most countries there is a minimum seed sample size or number of plants required. However, in some countries the requested sample sizes can be exceptionally high. It is especially the case for parent-lines where high requirements can be problematic. Seed quantities should be reasonable, and optimally as low as possible. PBR authorities are encouraged to only request what seed that is actually needed and those amounts should be harmonized worldwide. In general it is better to request seeds by the criterion of number rather than by weight."

Relevant UPOV Materials:

- TGP/7, Section 4 "Development of Individual Authorities' Test Guidelines"

(c) *Reference collections*

[Extract from ISF letter]

"Reference collections: In certain countries it is known that the examining office is not using the proper comparison varieties, and this is often due to an incomplete reference collection.

"ISF members feel that an insufficient reference collection weakens protection as varieties which are too similar receive protection. The reference collection needs to be as complete as possible.

“Another problem is that in several countries the applicant has to provide seeds of the most similar comparison varieties even if these are of a competitor variety.

“Luckily the above problems are recognized by PBR offices in several countries and they are working with the seed industry to overcome these problems.

“As a general point ISF would like the quality of examinations to be brought to a higher level, and in this respect would like to propose UPOV to consider a quality assurance program for PBR offices with an audit system, similar to those performed by the ISTA. ISF would be happy to further discuss the possible benefits of this proposal. Alternatively, UPOV could consider providing guidelines to PBR examination offices on best practices for conducting their examinations. The UPOV Distance Learning Course on DUS testing and calibration books are already excellent examples of good progress in this area. The seed industry has a keen interest in having good quality variety descriptions and consequently, a high quality PBR certificate.”

Relevant UPOV Materials:

- *TG/1/3 “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants” and TGP documents*
- *Future information material: Distance Learning Course DL-305*

The Consultative Committee will consider any matters concerning a UPOV quality assurance program (see paragraph 46 below).

(d) *Length of examination*

[Extract from ISF letter]

“Length of examination: Differences in efficiency between examination offices are large. Whereas in one country a PBR grant is provided in two growing seasons, in another country the granting process can easily take four years, and there are extreme examples of countries where examination took 10 to 12 years. ISF would like to submit that, as enforcement of pending applications is more difficult and sometimes only possible after granting, the examination process for regular applications should be as fast as possible and harmonized; a maximum period of two years should be prescribed. In some countries the examination process is completed in one year, with two cycles per year, which is very efficient.

“In the case of difficult to score characteristics, (e.g. disease or insect resistance) multilateral cooperative agreements could be considered where certain countries carry out tests for other countries.

“Also, take-over of the DUS reports from another country should be stimulated as much as possible, but only if examinations are based on quality and a system of quality assurance is in place.

“In cases where DUS examination has been paid for national listing, there should be no further examination costs for a PBR application of the same variety.”

Relevant UPOV Materials:

- *TGP/5 “Experience and Cooperation in DUS Testing”, Introduction*
- *TGP/7 “Development of Test Guidelines”, Annex 1: TG Template, Chapter 3.1 “Number of Growing Cycles”*
- *TGP/8 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability”, Part I: 1. DUS Trial Design, Section 1.3.1.1 (a) “Minimizing the overall testing period”*

(e) *Variety description of most similar variety*

[Extract from ISF letter]

“Variety description of most similar variety: In some countries the applicant is requested to provide the full variety description of the most similar variety(ies), whereas in the spirit of UPOV only the differences between the candidate variety and the most similar variety need to be provided. ISF members in general feel that providing a full description of the candidate and the comparison varieties is overly burdensome for the applicant. It is time consuming and causes delays in the application process. In most cases a special observational trial has to be set up to make such variety descriptions. In case of a priority claim this can be a big disadvantage for the applicant. Providing a full variety description of the most similar varieties is an even larger problem if these are competitor varieties.

"The applicant should only be requested to provide the differences between the candidate and the most similar varieties. In other words only the TQ as set up by UPOV should have to be filled out.

"Breeding techniques change fast and so do varieties. New characteristics are being added to the current list all the time. So there is a need for timely introduction of new characteristics into TQ's and variety descriptions, to ensure enough distinguishing power between varieties."

Relevant UPOV Materials:

- *TGP/7, Section 4 "Development of Individual Authorities' Test Guidelines"*
- *TGP/7 "Development of Test Guidelines", Section 2 "Procedure for the Introduction and Revision of UPOV Test Guidelines"*

(f) *Variety description by applicant*

[Extract from ISF letter]

"Variety description by applicant: In certain countries varieties are described entirely by the applicant. This means that the same variety as a result of different influential factors (sowing period, growth environment and applicant-examiner) may be described entirely differently. In those cases where the applicant makes the variety description there need to be more harmonized rules and supervision by the PBR authorities. Proper calibration according to UPOV standards is a way to overcome the problems. As a general rule it can be stated that having a central testing office allows for a better and more complete reference collection and provides for a better examination of the candidate varieties.

"Creating a variety description including statistical data is a heavy burden on the applicant which is a reason for seed companies not to apply for PBR in that country. Example: the same corn varieties have been described in so many different ways that a number of characteristics can no longer be used to distinguish the varieties."

Relevant UPOV Materials:

- *TGP/6 "Arrangements for DUS Testing", Section 3 "Declaration on the Conditions for the Examination of a Variety Based Upon Trials Carried out by or on Behalf of the Breeder"*

(g) *Variety description databases*

[Extract from ISF letter]

"Variety description database: A variety description database including the TQ information should be available to all interested parties. This would improve the management of reference collections and would allow for a better basis of selection of the comparison varieties."

see below

47. The Consultative Committee requested the Office of the Union and ISF to elaborate the problems faced and possible solutions in relation to ISF's ideas concerning: an international filing system; a UPOV quality assurance program; and a central examination system for variety denominations, for consideration by the Consultative Committee at its eighty-seventh session.

48. As a first step to considering the issues referred to the TC by the Consultative Committee in items (a) to (f) above, the TC may wish to invite ISF to consider the indicated relevant UPOV materials and to explain where it considers that further guidance might be developed.

49. In relation to a request by ISF to develop a variety description database including the TQ information that would be available to all interested parties (see (g) above), the Consultative Committee agreed to invite ISF to express its views to the TC with regard to databases of variety descriptions and the criteria identified by the TC for the publication of variety descriptions, as set out in document TC/45/9 "Publication of Variety Descriptions". Document TC/45/9 states the following:

"1. It is recalled that the aim of the project to consider the publication of variety descriptions (see document TC/38/10, Annex) was:

"(a) to increase the availability of variety description information to interested parties (i.e. DUS examiners, breeders and maintainers of varieties of common knowledge) and thereby to maximize the effectiveness of the examination of distinctness; and

“(b) to use appropriate elements of the variety description, in the process of examining distinctness, to eliminate varieties which do not require further comparison and to identify those varieties against which a further comparison is required,

“2. At its meeting in Geneva, on March 31, 2004, the *Ad hoc* Working Group on the Publication of Variety Descriptions (WG-PVD) clarified that, with respect to the UPOV Plant Variety Database, the intention was not to develop an “on-line” DUS examination.

“3. At its forty third session, held in Geneva, from March 26 to 28, 2007, the Technical Committee (TC) agreed the list of criteria for consideration by the Technical Working Parties (TWPs) for the use of descriptions obtained from different locations and sources as follows:

- “(a) to consider the species for which they see a real interest in creating an international database with variety descriptions;
- “(b) to specify the aim and benefits expected;
- “(c) to select the characteristics for which descriptions should be published;
- “(d) to specify for each characteristic the degree of harmonization already achieved or aimed at (in the latter case, to specify if actions should be planned in order to improve the level of harmonization: ring tests, revision of the description of the way of observation in the guideline, ...);
- “(e) to study the pertinence of a “regional approach”, rather than an “international approach” (to consider groups of countries and to compare descriptions within those groups only);
- “(f) to propose minimum distances when making comparisons of data, for the relevant characteristics;
- “(g) to list the countries which would contribute to the publication;
- “(h) to consider the type of access (free or restricted to the contributors); and
- “(i) to consider the cost of any project.

“4. The TC agreed that no further meeting of the WG-PVD should be arranged unless or until specific proposals were developed for the consideration of the WG-PVD by the TC or by a TWP.

[...]”

50. *The TC is invited to:*

(a) *note that the Consultative Committee has agreed to the development of document UPOV/INF/15 “Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation” into an umbrella document that would identify key issues for the operation of a plant variety protection system, as set out in paragraphs 44 and 45;*

(b) *in relation to the matters in items (a) to (f) in paragraph 45, invite ISF to consider the indicated relevant UPOV materials and to explain where it considers that further guidance might be developed; and*

(c) *note that ISF has been invited to express its views to the TC with regard to databases of variety descriptions and the criteria identified by the TC for the publication of variety descriptions, as set out in document TC/45/9 “Publication of Variety Descriptions”.*

WEB-BASED TG TEMPLATE

51. The TC, at its forty-ninth session, held in Geneva from March 18 to March 20, 2013, received a presentation on the project for the development of a web-based TG Template by the Office of the Union and an expert from Australia and noted that a copy of the presentation would be provided in an addendum to document TC/49/3 “Matters arising from the Technical Working Parties”. The Vice Secretary-General reported that it was planned to develop a prototype for testing by interested experts by the end of 2013.

52. The TC expressed its support for the project, noting that the template would provide sufficient flexibility for drafters of Test Guidelines to introduce proposals that were not covered by existing standard wording. It noted the comments of the TWPs at their sessions in 2012 on the project and noted the need to retain flexibility in the structure for further development of Test Guidelines by UPOV members (see document TC/49/41 "Report on the Conclusions", paragraphs 13 and 14).

53. The web-based TG Template will be developed in two separate phases in the form of Versions 1 and 2.

Version 1

54. Version 1 of the web-based TG Template will be fully functional for the development of UPOV Test Guidelines by Leading Experts and will enable Interested Experts to provide comments. Version 1 of the web-based TG Template will be completed in early 2014 and a demonstration will be made at the fiftieth session of the TC.

Features

55. The main features of Version 1 are as follows:

- Draft Test Guidelines will be prepared by Leading Experts online via the web-based TG Template
- Fixed template containing all universal standard wording which is appropriate for all Test Guidelines (see document TGP/7/3 "Development of Test Guidelines", Section 3.1 "The TG Template")
- Options to add Additional Standard Wording (ASW) (see document TGP/7/3, Section 3.2 "Additional Standard Wording (ASW) for the TG Template")
- Links to Guidance Notes (GN) (see document TGP/7/3, Section 3.3 "Guidance Notes (GN) for the TG Template")
- A database of characteristics (in English, French, German and Spanish) from Test Guidelines adopted after the adoption of document TGP/7/1 "Development of Test Guidelines" the Collection of Approved Characteristics (adopted in 2004) (see document TGP/7/3, Annex 4 "Collection of Approved Characteristics").

The database will contain all information from the Table of Characteristics, including states of expression, notes, example varieties, etc. The database can be searched for relevant characteristics and a relevant characteristic uploaded into draft Test Guidelines with subsequent modification as required.

- Comments boxes for Interested Experts to complete online with a facility to view all comments
- Options to produce output in HTML, PDF or Word format.
- English only version
- Translators' facility for the Table of Characteristics (Chapter 7)

Characteristics uploaded, unchanged, from the database comprising the collection of approved characteristics will be indicated as not requiring translation. For other characteristics, translators will be able to search the database comprising the collection of approved characteristics and input the required translations. The translation of the other chapters of the Test Guidelines will be provided separately for Version 1.

Implementation

56. The timetable for the preparation of Test Guidelines for the Technical Working Party sessions in 2014 is as follows:

Technical Working Party for:	Subgroup draft	Interested Experts' comments	Technical Working Party draft	Technical Working Party session
Ornamental Plants and Forest Trees (TWO)	February 8	March 8	April 5	May 19-23
Fruit Crops (TWF)	February 14	March 14	April 11	May 26-30
Vegetables (T WV)	March 14	April 11	May 9	June 23-27
Agricultural Crops (TWA)	August 8	September 15	October 3	November 17-21

57. A mock-up of Version 1 of the web-based TG Template was developed and tested at the end of 2013, in conjunction with experts from Australia and the Netherlands, and the fully-functioning software will be tested by the same experts in March 2014. The Office of the Union will inform all Leading Experts of the development of the web-based TG Template and invite volunteers to test it for the development of Test Guidelines in 2014. In the case of the Technical Working Party for Agricultural Crops (TWA), the web-based TG Template can be used to prepare the Subgroup drafts.

58. In order to achieve the benefits of the web-based TG Template, it will be necessary for all Leading Experts and Interested Experts to use the web-based TG Template exclusively for the preparation of Test Guidelines for the Technical Working Parties. Therefore, the use of the web-based TG Template will be required for the preparation of all Test Guidelines from 2015. Training on the use of the web-based TG Template will initially be provided at the Technical Working Party sessions in 2014 and by means of e-workshops (see document TC/50/3 "Matters arising from the Technical Working Parties").

Version 2

59. Version 2 of the web-based TG Template will provide the two following additional features:

Concurrent translation

60. In version 2 of the web-based TG Template, the French, German and Spanish language versions of the Test Guidelines will be automatically developed concurrently with the English draft for the standard wording, Additional Standard Wording (ASW) and characteristics uploaded, unchanged, from the database comprising the collection of approved characteristics. Text that has not been automatically translated will be indicated for translation in the language concerned.

Individual authorities' test guidelines

61. Version 1 of the web-based TG Template has been designed for the development of Test Guidelines for UPOV. However, it has also been designed such that Version 2 will enable members of the Union to use:

(a) adopted UPOV Test Guidelines as a basis for the development of individual authorities' test guidelines;

(b) the web-based TG Template and database of characteristics to develop individual authorities' test guidelines for which there are no UPOV Test Guidelines; and

(c) use individual authorities' test guidelines, developed using the web-based TG Template, as the basis for draft UPOV Test Guidelines.

62. Version 2 will have a feature for individual authorities to modify the template wording, within the same structure, to act as a template for their own test guidelines and a feature to allow individual authorities to convert UPOV Test Guidelines into individual authorities' test guidelines, with necessary modifications.

63. Subject to successful implementation of Version 1 of the web-based TG Template in 2014, the development of Version 2 is planned for 2015.

64. *The TC is invited to:*

(a) *note the features of Version 1 of the web-based TG Template, as set out in paragraph 55;*

(b) approve the plans for the implementation of web-based TG Template, including the need for exclusive use of the web-based TG Template for the development of all Test Guidelines from 2015, as set out in paragraphs 56 to 58;

(c) note the features and timetable for development of Version 2 of the web-based TG Template, as set out in paragraphs 59 to 63.

[Annex follows]

TECHNICAL COMMITTEE
Fiftieth Session

REPORT ON DEVELOPMENTS IN UPOV

including relevant matters discussed in the last sessions of the
Administrative and Legal Committee,
the Consultative Committee and the Council

Peter Button
Vice Secretary-General, UPOV

Geneva, April 7 to 9, 2014

OVERVIEW

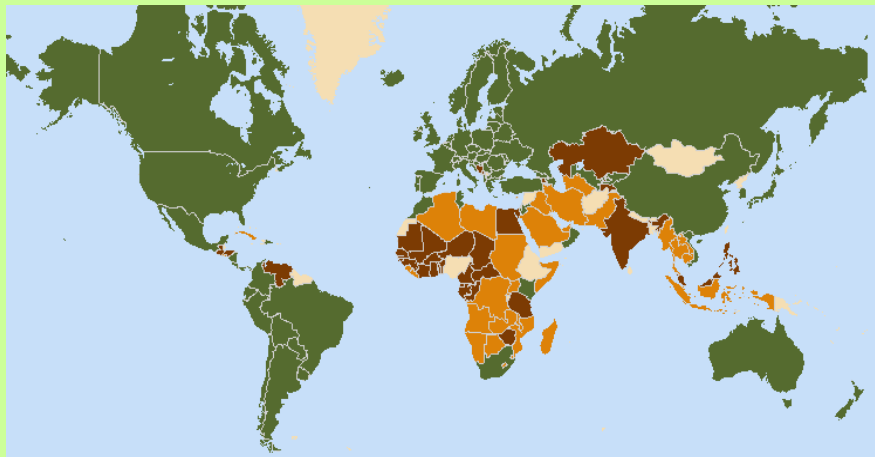
- Membership, Statistics and Finances
- Chairmanship of UPOV Bodies
- UPOV Collection
- Publications, Activities and Training
- Developments in Other International Fora

OVERVIEW

- **Membership, Statistics and Finances**
- Chairmanship of UPOV Bodies
- UPOV Collection
- Publications, Activities and Training
- Developments in Other International Fora

3

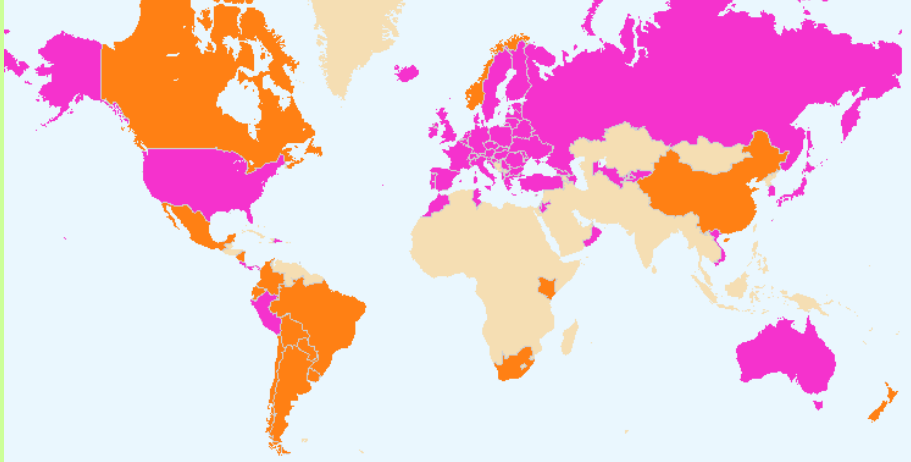
71 members of UPOV (green)
16 initiating States & 1 organization (brown)
**24 States and 2 IGOs have requested assistance
for the development of laws (orange)**



The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory

MEMBERSHIP OF UPOV Territories covered

1991 Act: 51 members – **Other Acts:** 20 members



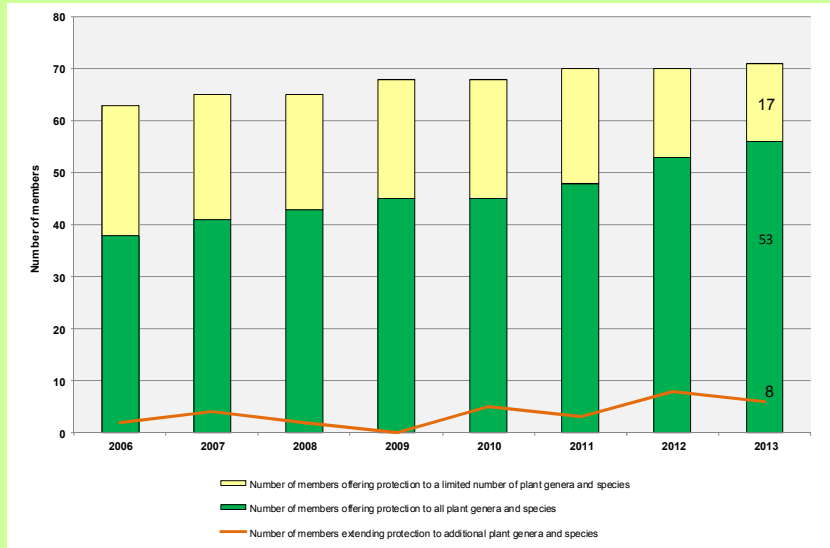
The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory

MEMBERSHIP OF UPOV

Examination of Laws

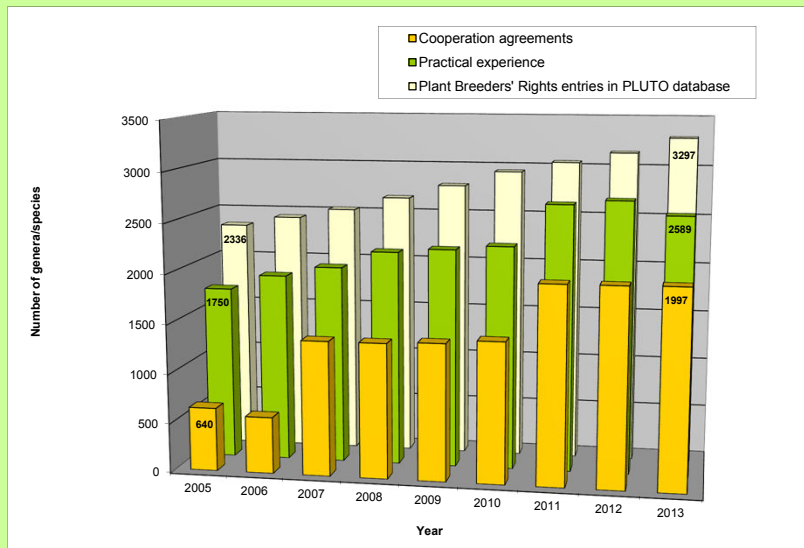
	<u>Council session</u>	<u>Advice</u>
Zanzibar (Draft Law) (United Republic of Tanzania: the law for mainland Tanzania was examined by the Council in November 2012 with a positive advice)	March 22, 2013	Positive
Bosnia and Herzegovina (Law)	October 24, 2013	Positive

Taxa protected by the members of the Union (C/47/6)



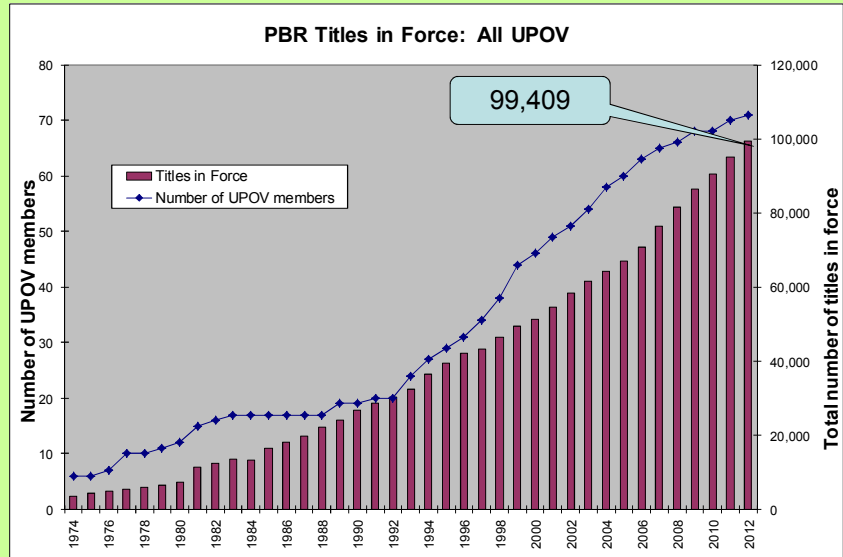
7

Cooperation in examination (C/47/5)



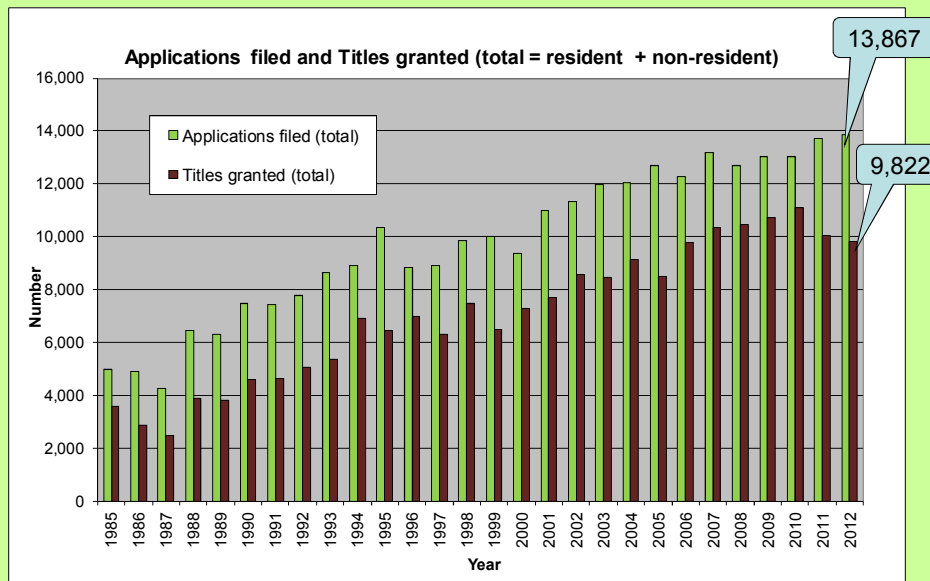
8

Plant variety protection statistics (C/47/7)



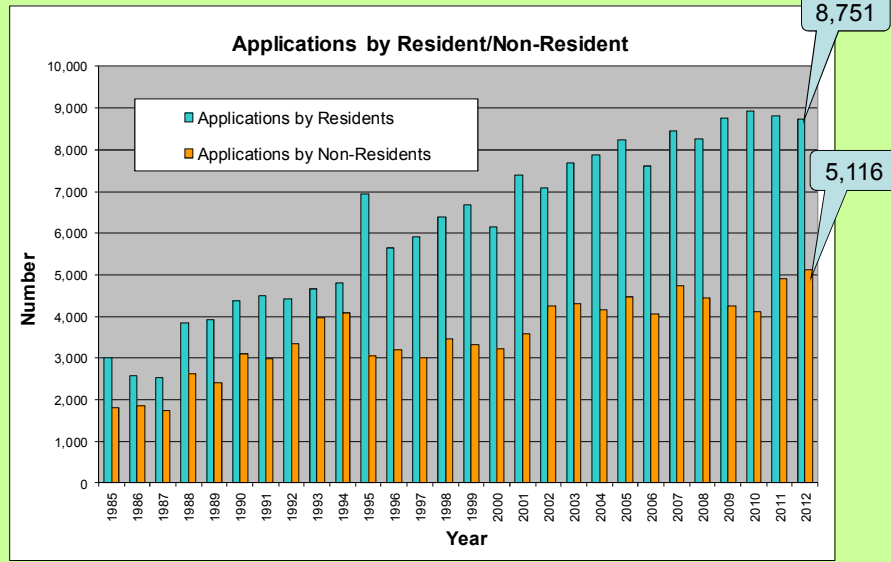
9

Plant variety protection statistics (C/47/7)



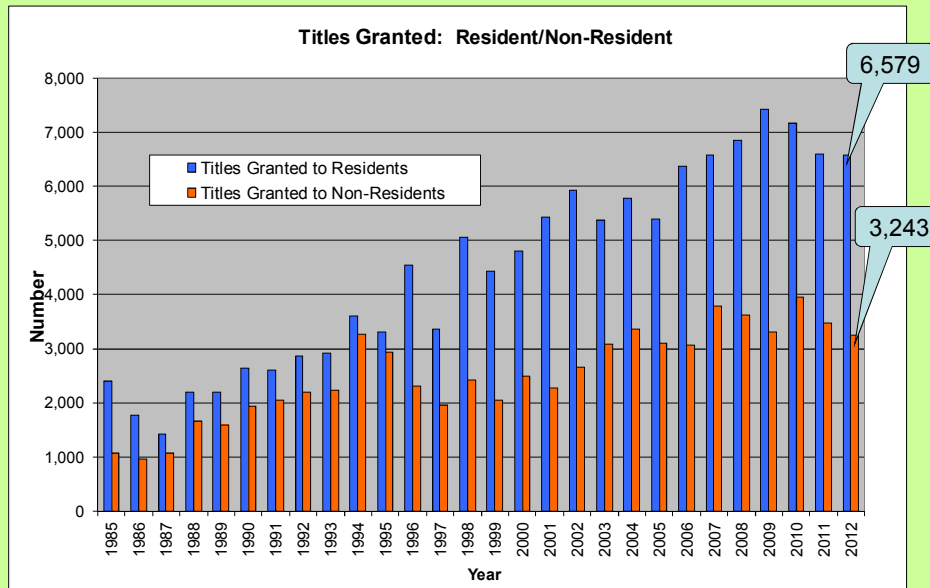
10

Plant variety protection statistics (C/47/7)



11

Plant variety protection statistics (C/47/7)



Program and Budget of the Union for the 2014-2015 Biennium

- **6,794,000 Swiss francs**
(6,798,000 Swiss francs for the 2012-2013 Biennium)
- no change to the value of the contribution unit
- no change to the total number of posts (11) for the Office of the Union

13

Reserve Fund

- Special UPOV account to finance extra-budgetary projects where the reserve fund exceeds 15% of the total income for the 2012-2013 Biennium:
 - (a) support members of the Union, and in particular new members, in the operation of their plant variety protection systems;
 - (b) extend over more than one biennium;
 - (c) provide long-term benefits to members of the Union;
 - (d) be advanced more rapidly by extra-budgetary funds.
- Flexibility to take into account other factors

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OVERVIEW

- Membership, Statistics and Finances
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- UPOV Collection
- Publications, Activities and Training
- Developments in Other International Fora

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CHAIRMANSHIP OF UPOV BODIES ELECTIONS

for a term of three years ending in 2016



Chair, Administrative and Legal Committee

Mr. Martin Ekvad
(European Union)



Vice-Chair, Administrative and Legal Committee

Mr. James M. Onsando
(Kenya)



Chair, Technical Committee

Mr. Alejandro F. Barrientos-Priego
(Mexico)



Vice-Chair, Technical Committee

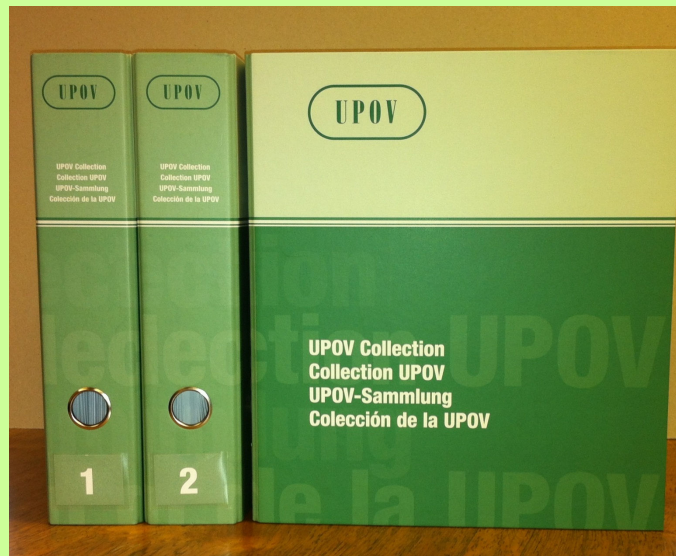
Mr. Kees van Ettehoven
(Netherlands)

OVERVIEW

- Membership, Statistics and Finances
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UPOV Collection: physical collection



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The screenshot shows the UPOV website interface. At the top, there are language options (Deutsch, Español, Français, Other) and a search bar. Below the header is a navigation menu with links for ABOUT UPOV, MEMBERSHIP, UPOV SYSTEM, PVP DATA & STATISTICS, MEETINGS, and NEWS. The main content area features a large image of sunflowers with the heading 'Benefits of UPOV'. To the right, a 'Quick Links' sidebar contains several items, with 'UPOV Collection' highlighted by a red box and a red arrow pointing to it. Below the main image is a 'Welcome' section with introductory text about UPOV. At the bottom right, there is a 'News & Upcoming Events' section showing 'Benefits of UPOV' with a count of 19 items and a 'More News' button.

INFORMATION MATERIALS ADOPTED IN 2013

Document reference	Title
UPOV/INF/4/3	Financial Regulations and Rules of UPOV (Revision)
UPOV/INF/6/3	Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision)
UPOV/INF/15/2	Guidance for members of UPOV on ongoing obligations and related notifications and on the provision of information to facilitate cooperation (Revision)
UPOV/INF/16/3	Exchangeable software (Revision)
UPOV/EXN/BRD/1	Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention
UPOV/EXN/HRV/1	Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention
UPOV/INF-EXN/5	List of INF-EXN Documents and Latest Issue Dates
TGP/14/2	Glossary of Terms Used in UPOV Documents (Revision) and Supplement (Revision)
TGP/15/1	Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)
TGP/0/6	List of TGP Documents and Latest Issue Dates

INFORMATION MATERIALS UNDER DEVELOPMENT IN THE CAJ-AG

Title

Explanatory Notes:

- Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)
- Propagation and Propagating Material (New)
- Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention (Revision)
- Cancellation of the breeder's right (Revision)
- Nullity of the breeder's right (Revision)
- Variety denominations (Revision)
- Provisional protection (Revision)

Matters concerning:

- Variety descriptions
- Possible alternative dispute settlement mechanisms for EDVs

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OVERVIEW

- Membership, Statistics and Finances
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- UPOV Collection
- **Publications, Activities and Training**
- Developments in Other International Fora

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The screenshot shows the UPOV website's 'UPOV Lex' section. At the top, there is a header with the UPOV logo and the text 'INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS'. A search bar and language options (Deutsch, Español, Français, Other) are also present. Below the header is a navigation menu with items: ABOUT UPOV, MEMBERSHIP, UPOV SYSTEM, PVP DATA & STATISTICS, MEETINGS, NEWS. The main content area is titled 'UPOV Lex' and includes a breadcrumb trail: HOME > PVP DATA & STATISTICS > UPOV Lex >. A sub-header reads 'UPOV Lex contains the legislation of members of the Union that has been notified in accordance with the UPOV Convention, the UPOV Convention notifications concerning individual members of the Union (e.g. accessions, ratifications) and the text of the UPOV Convention and its Acts.' Below this, there are tabs for 'Legislation', 'Convention Notifications', and 'UPOV Convention'. A red arrow points to a green box containing the text 'SOON!' and another green box containing 'Plant genera and species'. Under the 'Legislation' tab, there is a link for 'UPOV Notified Laws' and a note that other related laws are available in 'WIPO Lex'. A section titled 'UPOV Notified Laws' features an alphabetical index (A-Z) and indicates that 67 entries were found. The 'A' section lists: Albania (1), Argentina (1), Australia (2), Austria (1), and Azerbaijan (1). The 'B' section lists: Belarus (1), Bolivia (Plurinational State of) (1), Brazil (2), and Bulgaria (1). A page number '23' is visible in the bottom right corner.

The screenshot shows the UPOV homepage. The header is identical to the previous screenshot. Below the navigation menu, there is a large banner image of a sunflower with the text 'Benefits of UPOV'. A red arrow points to a green box containing the text 'Benefits of UPOV'. To the right of the banner is a 'Quick Links' section with a list of items: Introduction to UPOV, Benefits of UPOV, Test Guidelines, Distance Learning Course, Seminars & Symposia, and Ashiro Rindo story. Below this is a 'GENIE Database' link with a small icon, followed by 'UPOV Lex' and 'Plant Variety Database (PLUTO)' with another icon. A 'News & Upcoming Events' section is also present, showing 'Benefits of UPOV' as a featured item with a page number '24' and a 'More News' button. A 'Welcome' section on the left contains introductory text about UPOV: 'The International Union for the Protection of New Varieties of Plants (UPOV) is an intergovernmental organization with headquarters in Geneva (Switzerland). UPOV was established by the International Convention for the Protection of New Varieties of Plants. The Convention was adopted in Paris in 1961 and it was revised in 1972, 1978 and 1991. UPOV's mission is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.' A 'Top of page' link is located at the bottom left.

Deutsch Español Français Other »

UPOV INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Contact us Site map

ABOUT UPOV MEMBERSHIP UPOV SYSTEM PVP DATA & STATISTICS MEETINGS NEWS

HOME » ABOUT UPOV »

Benefits of the UPOV System

new UPOV Trilogy Publication (English only)

- [Executive Summary](#)

Symposium on Plant Breeding for the Future (2011)


- [Proceedings](#)
- [Powerpoint presentations](#)

Seminar on Plant Variety Protection and Technology Transfer: The Benefits of Public-Private Partnership (2011)


- [Proceedings](#)
- [Powerpoint presentations](#)

Symposium on the Benefits of Plant Variety Protection for Farmers and Growers (2012)

- [Proceedings](#)
- [Powerpoint presentations](#)



Benefits of the UPOV System: UPOV Trilogy Publication



The image displays three overlapping covers of the UPOV Trilogy Publication. The leftmost cover is titled 'SYMPOSIUM ON PLANT BREEDING FOR THE FUTURE' and features a green DNA double helix graphic. The middle cover is titled 'SEMINAR ON PLANT VARIETY PROTECTION AND TECHNOLOGY TRANSFER: THE BENEFITS OF PUBLIC-PRIVATE PARTNERSHIP' and features a graphic of three stylized figures holding a large green puzzle piece. The rightmost cover is titled 'SYMPOSIUM ON THE BENEFITS OF PLANT VARIETY PROTECTION FOR FARMERS AND GROWERS' and features a photograph of a green agricultural field. Each cover includes the UPOV logo and the acronym EPAT.

Benefits of the UPOV System: UPOV Trilogy Publication



Deutsch Español Français Other >

UPOV INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Contact us Site map

ABOUT UPOV MEMBERSHIP UPOV SYSTEM PVP DATA & STATISTICS MEETINGS NEWS

Benefits of UPOV

SOON !

Quick Links

- Introduction to UPOV
- Situation in UPOV
- Benefits of UPOV
- UPOV Collection
- Test Guidelines
- Distance Learning Course
- Seminars & Symposia
- Achieve, Diverse, Grow

Frequently Asked Questions

GENIE Database

UPOV Lex

Plant Variety Database (PLUTO)

News & Upcoming Events

Benefits of UPOV 28

More News >

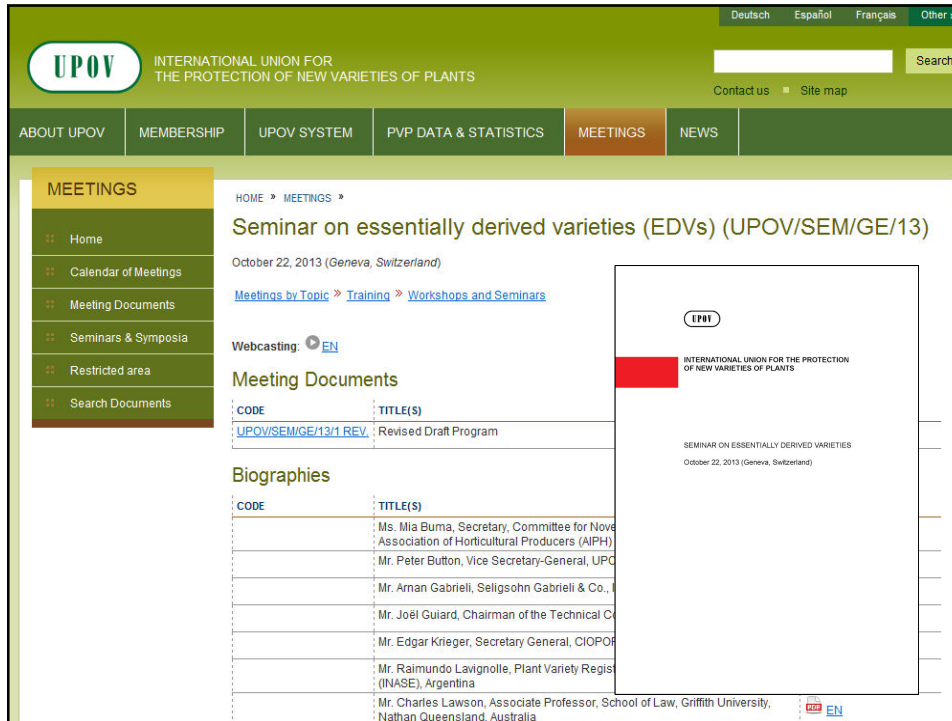
Welcome

The International Union for the Protection of New Varieties of Plants (UPOV) is an intergovernmental organization with headquarters in Geneva (Switzerland).

UPOV was established by the International Convention for the Protection of New Varieties of Plants. The Convention was adopted in Paris in 1961 and it was revised in 1972, 1978 and 1991.

UPOV's mission is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

▲ Top of page



The screenshot shows the UPOV website interface. At the top, there are language options (Deutsch, Español, Français, Other) and a search bar. The main navigation menu includes ABOUT UPOV, MEMBERSHIP, UPOV SYSTEM, PVP DATA & STATISTICS, MEETINGS (highlighted), and NEWS. The left sidebar contains a 'MEETINGS' section with links to Home, Calendar of Meetings, Meeting Documents, Seminars & Symposia, Restricted area, and Search Documents. The main content area is titled 'Seminar on essentially derived varieties (EDVs) (UPOV/SEM/GE/13)' and includes the date 'October 22, 2013 (Geneva, Switzerland)'. It features a 'Webcasting' section with a video player, a 'Meeting Documents' table, and a 'Biographies' section with a list of participants.

HOME » MEETINGS »
Seminar on essentially derived varieties (EDVs) (UPOV/SEM/GE/13)
October 22, 2013 (Geneva, Switzerland)
[Meetings by Topic](#) » [Training](#) » [Workshops and Seminars](#)
Webcasting: [EN](#)
Meeting Documents

CODE	TITLE(S)
UPOV/SEM/GE/13/1 REV	Revised Draft Program

Biographies

CODE	TITLE(S)
	Ms. Mia Buma, Secretary, Committee for Novelty, Distinctness and Uniformity of Horticultural Producers (AIPH)
	Mr. Peter Button, Vice Secretary-General, UPOV
	Mr. Aman Gabrieli, Seligsohn Gabrieli & Co., Italy
	Mr. Joël Guillard, Chairman of the Technical Committee, UPOV
	Mr. Edgar Krieger, Secretary General, CIOPOV
	Mr. Raimundo Lavignolle, Plant Variety Registrar (INASE), Argentina
	Mr. Charles Lawson, Associate Professor, School of Law, Griffith University, Nathan Queensland, Australia

Seminar on essentially derived varieties (EDVs)

CLOSING REMARKS

Kitisri Sukhapinda
President of the Council of UPOV

Geneva, October 22, 2013

**Session 1:
Technical and legal aspects of essentially derived varieties
and the possible impact on breeding and agriculture**

- The [1991] Diplomatic Conference requested the Secretary-General of UPOV to start work immediately after the Conference on the establishment of draft standard guidelines [...]
- Key elements of the guidelines on EDV were considered at 1992 Meeting with Intergovernmental Organizations (IOM/6/2) – and provide a good starting point for future work.
- Currently, genetic distance measurements are not well correlated with phenotypic differences.
- Guidelines would need to consider the situation in different crops/species and methods of breeding, e.g. mutants.
- Two possible starting points:
 - predominant derivation (genetic conformity)
 - essential characteristics (phenotype)
- Need to consider impact on breeders, including farmer-breeders, farmers, growers and society as a whole.

**Session 2:
Experience in relation to essentially derived varieties**

- Australian PBR law provides a workable “bright line” on EDV
- Japan: certain examples which may be considered as EDVs are provided, but it is a matter for the courts
- Court case experience in the Netherlands:
 - for a variety to be qualified an EDV the differences with the Initial Variety should not be more than one or very few inheritable characteristics (both in terms of genetics and phenotype)
 - breeders need clear guidance
- Court case experience in Israel:
 - if there exists a genetic or a morphological conformity between the two varieties, the assumption is that the defendant actually used the original variety to produce the EDV: this is only prima facie evidence, by which the burden of proof is shifted to the defendant, who now has to explain the suspicious conformity

**Session 3:
Possible role of future UPOV guidance
on essentially derived varieties**

- “Soft law” is an option, e.g. Guidelines.
- Guidelines that embrace a broad spectrum of stakeholders and interests may be more credible and persuasive for the Courts.
- The international standing of UPOV may help in the use of guidelines by Courts.
- Alternative Dispute Resolution (ADR) mechanisms - Mediation, Arbitration and/or Expert Determination - could be useful tools for EDV
- ISF and WIPO provide ADR options
- Publication of an anonymized summary of ADR outcomes could offer guidance and could lead to harmonization

**DL-305 Single Course
Examination of applications for plant breeders’ rights**

Section I “Operating a Plant Breeders’ Rights Office”

- Module 1: The Plant Breeders’ Rights Office
- Module 2: Administration of applications
- Module 3: Entitlement to a breeder’s right
- Module 4: Information to be published

Section II “Examining Novelty”

- Module 5: Examining Novelty

Section III “Examining the Variety Denomination”

- Module 6: Examining the variety denomination

Section IV “DUS Examination”

- Module 7: Introduction to the DUS examination
- Module 8: Variety collections
- Module 9: Examining Distinctness
- Module 10: Examining Uniformity
- Module 11: Examining Stability
- Module 12: Conducting the DUS Trial
- Module 13: Cooperation in DUS testing

Estimated Total Study Time: 70 hours (approximate)

Distance Learning Courses

March 31 to May 11, 2014 **DL-305 single course** (English only)
May 5 to June 8, 2014 **DL-205** (E, F, G, S)
October 6 to November 9, 2014 **DL-205** (E, F, G, S)

February/March 2015 **DL-305 single course** (E, F, S)
or **DL-305-1** (E, F, S)
April/May 2015 **DL-305-2** (E, F, S)

October/November 2015 **DL-205** (E, F, G, S)

The German version of DL-305 would be launched in 2016.

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DL-305-1

Administration of Plant Breeders' Rights

Section I "Operating a Plant Breeders' Rights Office"

Module 1: The Plant Breeders' Rights Office
Module 2: Administration of applications
Module 3: Entitlement to a breeder's right
Module 4: Information to be published

Section II "Examining Novelty"

Module 5: Examining Novelty

Section III "Examining the Variety Denomination"

Module 6: Examining the variety denomination

Section IV "DUS Examination"

Module 7: Introduction to the DUS examination
Module 8: Cooperation in DUS testing

Estimated Total Study Time: 30 hours (approximate).

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DL-305-2

DUS Examination

Module 1: Introduction to the DUS examination

Module 2: Variety collections

Module 3: Examining Distinctness

Module 4: Examining Uniformity

Module 5: Examining Stability

Module 6: Conducting the DUS Trial

Module 7: Cooperation in DUS testing

Estimated Total Study Time: 45 hours (approximate)

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OVERVIEW

- Membership, Statistics and Finances
- Chairmanship of UPOV Bodies
- UPOV Collection
- Publications, Activities and Training
- **Developments in Other International Fora**

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International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

- **ITPGRFA Platform for the Co-Development and Transfer of Technologies**
- **Public-Private Partnerships in Pre-breeding**
- **Interrelations between ITPGRFA, UPOV and WIPO**

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THANK YOU