

Technical Committee**TC/53/10 Add.****Fifty-Third Session
Geneva, April 3 to 5, 2017****Original:** English
Date: April 11, 2017

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

The Annex to this document contains a copy of a presentation on “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” made at the fifty-third session of the Technical Committee.

[Annex follows]

TECHNICAL COMMITTEE Fifty-third 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

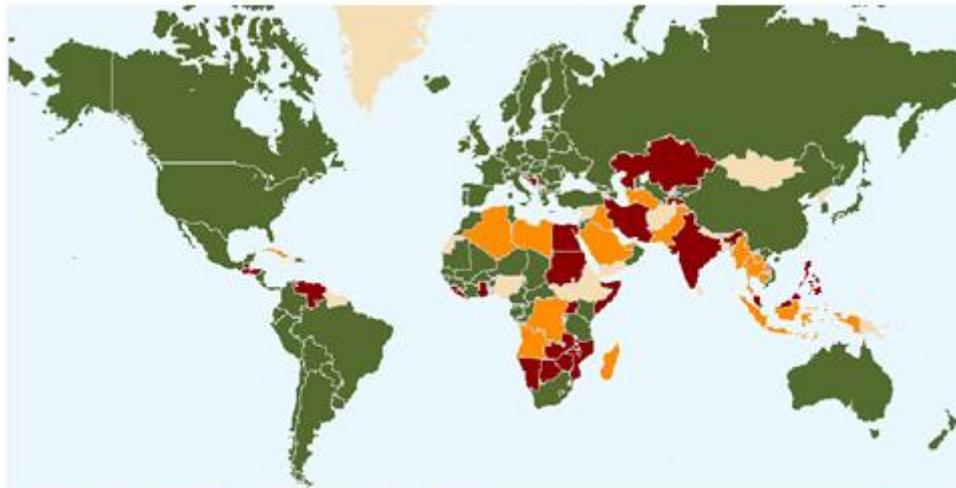
Peter Button
Vice Secretary-General, UPOV

Geneva, April 3, 2017

UPOV

International Union for the Protection of New Varieties of Plants

UPOV status



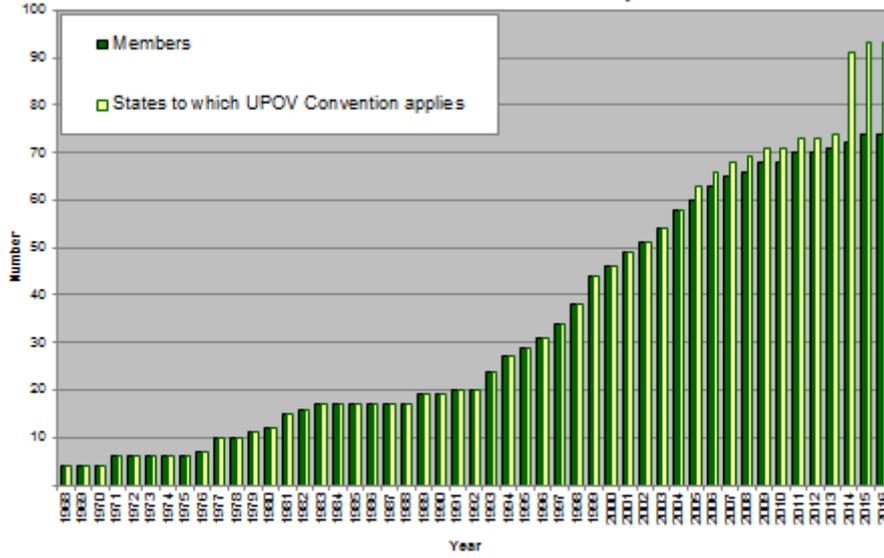
Members of UPOV (74) covering 93 States

Initiating States (16) and Organization (1)

States (24) and Organization (1) in contact with the UPOV Office

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.

UPOV Membership



UPOV

UPOV Membership

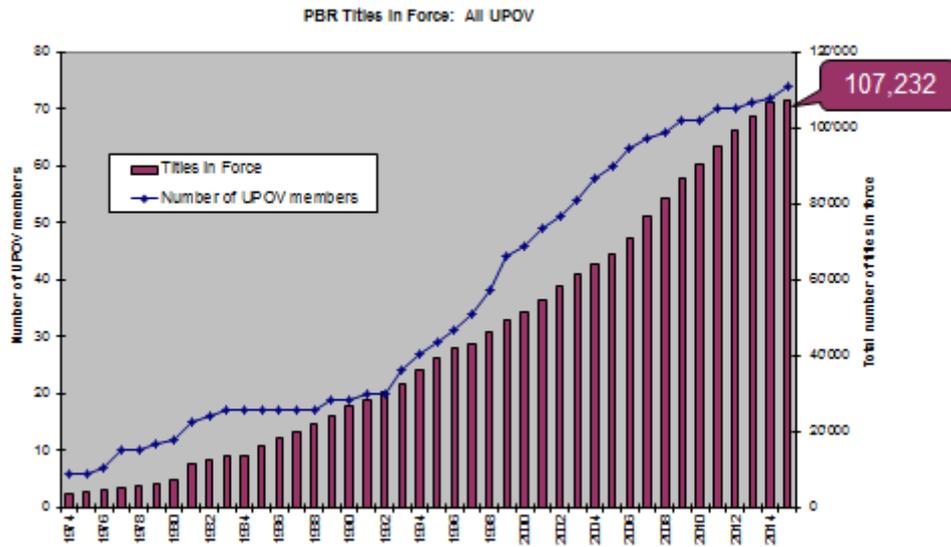


1991 Act: 56 members – Other Acts: 18 members

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.

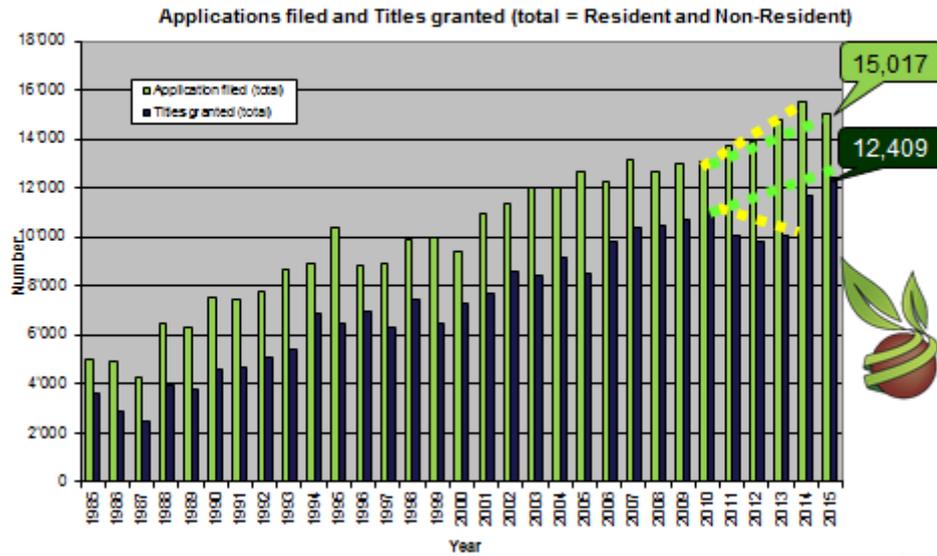
UPOV

Plant variety protection statistics (C/50/7)



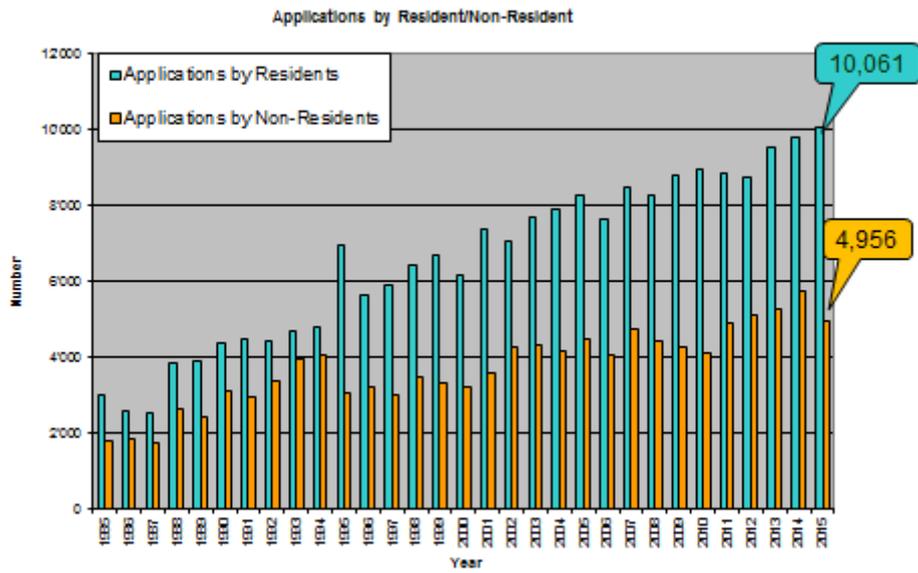
5

Plant variety protection statistics (C/50/7)



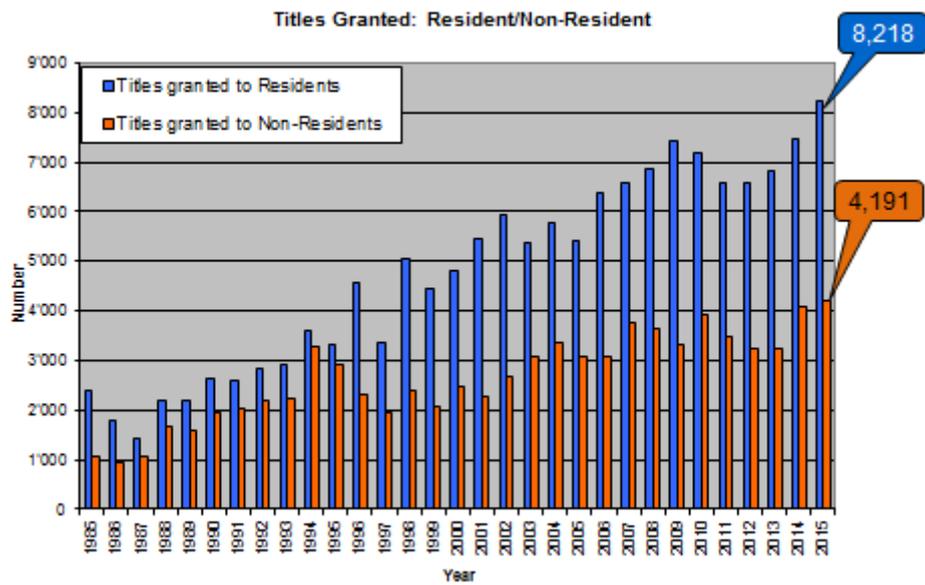
6

Plant variety protection statistics (C/50/7)



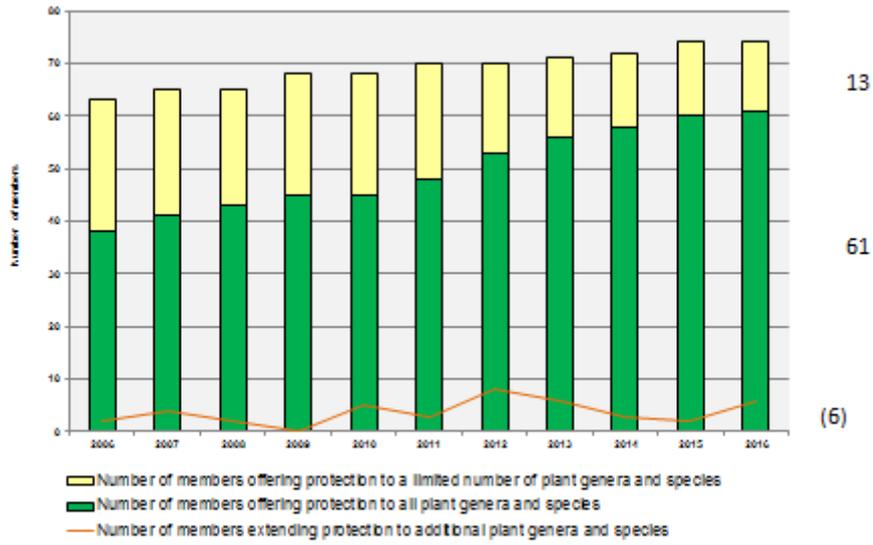
7

Plant variety protection statistics (C/50/7)



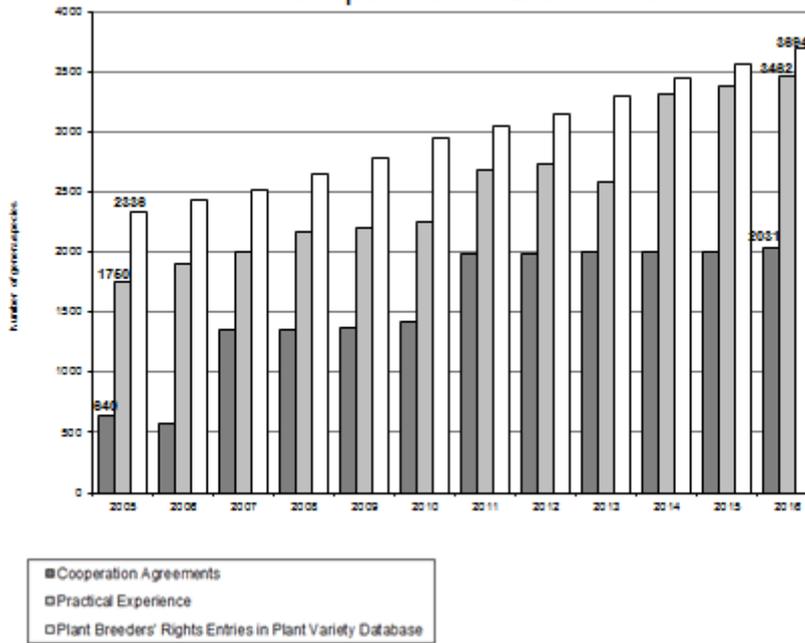
8

Taxa protected by the members of the Union (C/50/6)



9

Cooperation in Examination





C/50/12
ORIGINAL: English
DATE: October 17, 2016

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
Geneva

COUNCIL

Fiftieth Ordinary Session
Geneva, October 28, 2016

PERFORMANCE REPORT FOR THE 2014-2015 BIENNIUM

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

1. This document presents the Performance Report for the 2014-2015 Biennium on the basis of the Program and Budget for the 2014-2015 Biennium adopted by the Council (see document C/47/4 Rev. "Program and Budget for the 2014-2015 Biennium").
2. The performance report for the 2014-2015 Biennium provides information on expenditure, total number of posts for the Office of the Union and results and performance indicators by subprogram on the basis of the program and budget adopted by the Council. This document also provides a view of trends over time.



Evaluation of the International Union for the Protection of New Varieties of Plants

IOD Evaluation Section, WIPO

October, 2016



Recommendation



Elections - for a term of three years ending in 2019...

The screenshot shows the UPOV website interface. At the top is the UPOV logo and a search bar. Below is a navigation menu with categories: ABOUT UPOV, MEMBERSHIP, UPOV SYSTEM, PVP DATA & STATISTICS, MEETINGS, and NEWS. The "ABOUT UPOV" section is expanded, showing a list of links: Mission Statement, Overview, Organigram, Office of UPOV, Officers (highlighted), UPOV Convention, Benefits of UPOV System, Key Issues, FAQs, and Publications. The "Officers" section displays two profiles:

- President, Council / Président, Conseil / Präsident, Rat / Presidente, Consejo**
Mr. Ramundo Lavignolle, Presidente del directorio, Instituto Nacional de Semillas (INASE), Venezuela 162. 11*, C1095AAD Buenos Aires, Argentina
Tel.: +54 11 32205432 e-mail: rlavignolle@inase.gov.ar
- Vice-President, Council / Vice-président, Conseil / Vizepräsident, Rat / Vicepresidente, Consejo**
Mr. Marien Valstar, Senior Policy Officer, Seeds and Plant Propagation Material, Ministry of Economic Affairs, DG AGRO, The Hague, Netherlands
Tel.: +31 70 3 796 911 e-mail: m.valstar@minlz.nl

The UPOV logo is visible at the bottom left of the page.



**Chair, Administrative and Legal Committee (CAJ) /
Président, Comité administratif et juridique (CAJ) /
Vorsitzender, Verwaltungs- und Rechtsausschuß (CAJ) /
Presidente, Comité Administrativo y Jurídico (CAJ)**

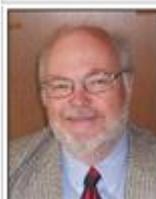
Mr. Anthony Parker, Commissioner, Plant Breeders' Rights Office, Canadian Food
Inspection Agency (CFIA), Ottawa, Canada
(tel.: +1 613 7737188 e-mail: anthony.parker@inspection.gc.ca)



**Vice-Chair, Administrative and Legal Committee (CAJ) /
Vice-président, Comité administratif et juridique (CAJ) /
Stellvertretender Vorsitzender, Verwaltungs- und
Rechtsausschuß (CAJ) / Vicepresidente, Comité
Administrativo y Jurídico (CAJ)**

Mr. Patrick Ngwediagi, Registrar, Plant Breeders' Rights Office, Ministry of
Agriculture, Food Security and Cooperatives, Dar es Salaam, United Republic of
Tanzania
(tel.: +255 22 2861404 e-mail: ngwedi@yahoo.com)

UPOV



**Chair, Technical Committee / Président, Comité
technique / Vorsitzender, Technischer Ausschuß /
Presidente, Comité Técnico**

Mr. Kees van Ettekov, Head of Variety Testing Department, Naktuinbouw NL,
Sotaweg 22, Postbus 40, NL-2370 AA Roelofarendsveen, Netherlands
(tel.: +31 71 332 6128 e-mail: c.v.ettekov@naktuinbouw.nl)



**Vice-Chair, Technical Committee / Vice-président,
Comité technique / Stellvertretender Vorsitzender,
Technischer Ausschuß / Vicepresidente, Comité Técnico**

Mr. Nik Hulse, Chief of Plant Breeders' Rights, Plant Breeder's Rights Office, IP
Australia, Woden, Australia
(tel.: +61 2 6283 7982 e-mail: nik.hulse@ipaustralia.gov.au)

UPOV

Harmonization, Resources and Assistance

		Harmonization	Resources	Training & assistance
IMPLEMENTATION	PVP Law	• UPOV Convention	• UPOV Lex	<ul style="list-style-type: none"> • Distance Learning course • Trainers • UPOV events & activities • Assistance by individual UPOV members
	➤ Application		project	
	➤ Variety Denominations		TO database	
	➤ DUS Testing	 UPOV Collection Collection UPOV UPOV-Sampling Collection de la UPOV	IE Database changeable ware	
		(cooperation)		

UPOV

Program for EXN/INF

<i>Reference</i>	<i>Explanatory Notes on:</i>	<i>Timetable</i>
UPOV/EXN/EDV/2 (revision)	Essentially Derived Varieties	Proposed for adoption Council in April 2017
UPOV/EXN/PPM/1	Propagating Material	Proposed for adoption Council in April 2017

Program for EXN/INF

<i>Reference</i>	<i>Explanatory Notes on:</i>	<i>Timetable</i>
UPOV/EXN/EDV/2 (possible revision)	Essentially Derived Varieties	possible revision to be considered by CAJ in October 2017
UPOV/EXN/CAL (possible revision)	Conditions and Limitations	possible revision to be considered by CAJ in October 2017
UPOV/EXN/PRP (possible revision)	Provisional Protection	possible revision to be considered by CAJ in October 2017
UPOV/INF/5 (revision)	UPOV model plant breeders' rights gazette	Deferred by CAJ pending EAF developments
UPOV/INF/12 (revision)	Variety Denominations	WG-DEN
UPOV/INF/16 (revision)	Exchangeable Software	Council in October 2017
UPOV/INF/22 (revision)	Software and Equipment Used by Members of the Union	Council in October 2017

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UPOV Communication strategy

- New UPOV logo
- Stakeholder features
- UPOV Youtube channel



UPOV

UPOV

UPOV

UPOV

Deutsch Español Français Other

Contact us Site map YouTube

ABOUT UPOV MEMBERSHIP UPOV SYSTEM PVP DATA & STATISTICS MEETINGS NEWS

Results of the Enforcement Seminar

Stakeholder features

- Breeders
- Farmers and Growers
- Policy makers
- General Public

UPOV Logo

Plant Variety Database (PVD)

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, 1975 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.

1 of 1 page

Quick Links

- Introduction to UPOV
- Benefits of UPOV
- UPOV Collection
- Test Guidelines
- Distance Learning Courses
- Seminars & Symposia
- FAQs

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UPOV

BREEDERS

ABOUT UPOV | MEMBERSHIP | UPOV SYSTEM | PVP DATA & STATISTICS | MEETINGS | NEWS

HOME > STAKEHOLDERS FEATURES > BREEDERS >

Breeders

UPOV Information

- UPOV Membership
- UPOV Objectives
- UPOV Collection (evidence, Authentication Materials)
- List of IAs protected by members of the Union
- Cooperation in Examination
- Calendar of meetings
- Full list of IAs

Resources

- Databases (see below)
- Test Substances
- Director's CVT Office
- UPOV Distance Learning Courses
- UPOV YouTube channel

Key Topics

- EU Plant Variety Rights
- Essential Breeds of Varieties
- Notion of Breeds

Databases

PLUTO
Information on plant varieties, particularly variety denominations

GENE
Information on GEP (variety specific) protected by members and information related to DUS examination

UPOV Lex
UPOV Lex contains the legislation of members of the Union

FAQs for breeders

- Where do I apply for protection of a variety?
- Can I obtain protection for more than one country from a single application?
- Who is responsible for enforcing plant variety rights?
- Can I protect an existing plant or variety that I discovered?
- Does the UPOV Convention allow a variety to be refused protection because it is already marketed?
- Can I use plant variety protection to protect the following:
 - is that in a disease resistance, flower colour
 - is that in an other evidence in a DUS
 - is that in a plant breeding technology in a flower colour?
- Can I protect a hybrid variety under the UPOV context?
- Does UPOV allow molecular techniques of DNA profiles in the examination of Distinctness, Uniformity and Stability (DUS)?



FARMERS AND GROWERS

ABOUT UPOV | MEMBERSHIP | UPOV SYSTEM | PVP DATA & STATISTICS | MEETINGS | NEWS

HOME > STAKEHOLDERS FEATURES > FARMERS AND GROWERS >

Farmers and Growers

UPOV Information

- UPOV Membership
- UPOV Objectives
- Calendar of meetings
- Full list of IAs

Resources

- PLUTO database
- Benefits of UPOV (evidence & authentication)
- UPOV YouTube channel

Key Topics

- EU Plant Variety Rights
- Commission on the Benefits of Plant Variety Protection
- EU Farmers and Growers (EU FG)
- EU Evidence & Authentication

Farmer perspectives



Tom Dapkin
Member of the European Parliament



John G. O'Connell
Member of the European Parliament



Farmer

FAQs for farmers

- Who do farmers and growers need to contact?
- Can a farmer use seeds of a protected variety without the authorization of the breeder?
- Can a farmer obtain seeds of a protected variety without the authorization of the breeder?
- What is the effect of plant variety protection on varieties that are not protected (e.g. traditional varieties, heirlooms, etc.)?
- How do I know if a variety is protected?
- Is it possible for subsistence farmers to exchange or exchange material of protected varieties against other seed stocks within the local community?
- Under the UPOV system, breeders decide the conditions and limitations under which they authorize the exploitation of their protected varieties. Can farmers, for evidence, be allowed to purchase seeds of protected varieties from within the local community?



POLICY MAKERS

ABOUT UPOV | MEMBERSHIP | UPOV SYSTEM | PVP DATA & STATISTICS | MEETINGS | NEWS

HOME > STAKEHOLDERS FEATURES > POLICY MAKERS >

Policy makers

STAKEHOLDERS FEATURES

- Brochure
- Partners and Contacts
- Policy makers**
- General Public

UPOV Information

- UPOV Legal & Administrative
- UPOV Activities
- UPOV Structure
- Statement of Work by Member & Partner of UPOV
- Statement on Importance of UPOV for Policy Makers in Member & the UPOV Act of the UPOV Convention
- Statement by Member of UPOV
- FAQ

Resources

- Statement by UPOV Director
- UPOV Collection Database & Electronic Database
- UPOV Law Database of Member of Member
- UPOV Activity Database Database

Key Topics

- Statement on the Benefits of Plant Variety Protection for Farmers and Breeders (2012)
- UPOV Technical Update: The Benefits of Plant Variety Protection (UPOV)
- Responding to the challenge of a dynamic world (2012) (UPOV)
- Genetics & Sustainable
- Genetics

Situation in UPOV



(Click to enlarge)

Impact of plant variety protection (videos)

View more of

- Intellectual Property
- Intellectual Property
- Intellectual Property
- Intellectual Property

Importance of plant variety protection (videos)

View more of

- Intellectual Property and Sustainable Development
- Intellectual Property
- Importance of Law of Plant Variety Protection

GENERAL PUBLIC

ABOUT UPOV | MEMBERSHIP | UPOV SYSTEM | PVP DATA & STATISTICS | MEETINGS | NEWS

HOME > STAKEHOLDERS FEATURES > GENERAL PUBLIC >

General Public

STAKEHOLDERS FEATURES

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- FAQ

Resources

- Intellectual Property
- Plant Variety Protection Database
- Benefits of UPOV Culture & Intellectual Property
- UPOV Database Database

Key Topics

- Statement on the Benefits of Plant Variety Protection for Farmers and Breeders (2012)
- UPOV Technical Update: The Benefits of Plant Variety Protection (UPOV)
- Responding to the challenge of a dynamic world (2012) (UPOV)
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Examples of the use of plant variety protection



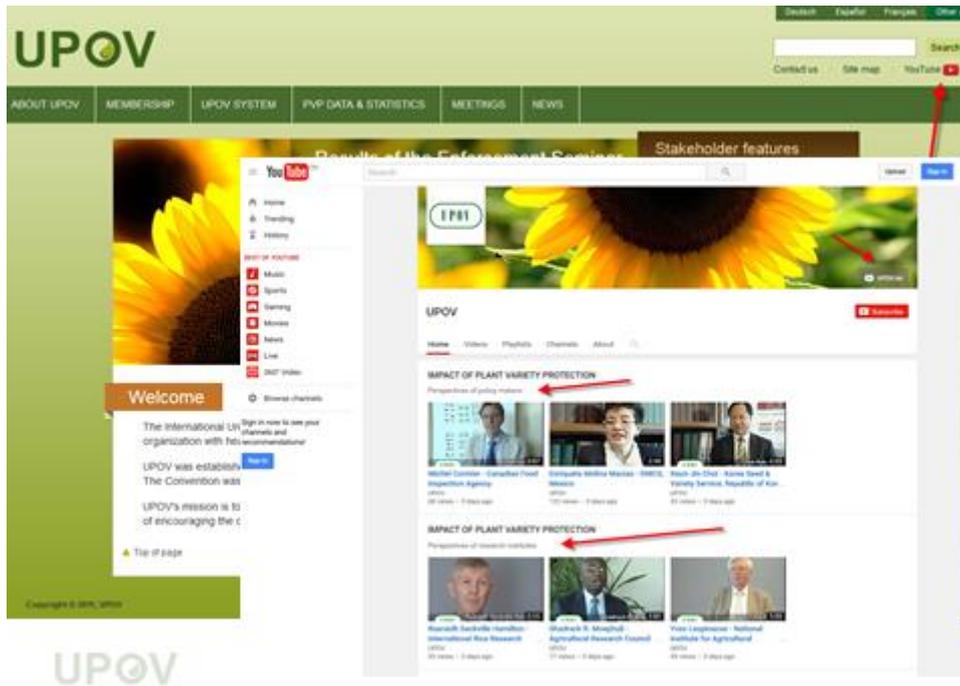
[Video PVP in Europe](#)



[Use of Plant Variety Protection by the Faculty of Agronomy of the Universidad de Zaragoza \(UPOV\)](#)



[Action Book: Berry Cakes](#)



WG-ISC

October 2016:

The Consultative Committee agreed the draft mandate and terms of reference for a Working Group on a Possible International System of Cooperation (WG-ISC) as follows:

UPOV

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Purpose

Responsibilities

1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:
 - (a) not affect the responsibility of the members of the Union in relation to the grant and protection of breeders' rights, or other international obligations;
 - (b) be relevant for all members of the Union, irrespective of the Act of the UPOV Convention by which they are bound;
 - (c) would not affect the existing flexibility of members of the Union to formulate policy and to address their own specific needs and circumstances according to the relevant Act of the UPOV Convention;
 - (d) be based on voluntary participation by members of the Union according to their measures for participation;
 - (e) allow members of the Union to choose to participate in selected elements of an ISC;
 - (f) be based on voluntary cooperation between members of the Union;
 - (g) not affect cooperation with, and between, members of the Union that did not participate in an ISC;
 - (h) be based on filing of applications with individual members of the Union and not with the Office of the Union;
 - (i) not be based on examination of applications by the Office of the Union;
 - (j) not affect the determination and payment of fees by individual members of the Union;
 - (k) not affect the right of each member of the Union to conduct its own examination for the granting of breeders' rights;
 - (l) be based as far as possible on existing UPOV initiatives and materials, including in particular: the GENIE database; the Electronic Application Form (EAF) project; the UPOV similarity search tool for variety denomination purposes; and UPOV information materials.

Purpose

Voluntary

1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:
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Purpose

Inclusive

1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:
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Purpose

Efficient

1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:
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2. For the above proposals, to provide the Consultative Committee with an analysis of the:
 - (a) the need for an ISC;
 - (b) advantages and disadvantages of the proposals, compared to existing arrangements;
 - (c) existence of a legal basis under the Acts of the UPOV Convention;
 - (d) impact on domestic legislation, administrative procedures, rights and policy framework, in relation to the relevant Act of the UPOV Convention, for the PVP Offices of UPOV members;
 - (e) potential advantages and disadvantages for:
 - (i) society in the members of the Union;
 - (ii) PVP Offices of members of the Union, including:
 - costs and income
 - number of applications and income received for applications;
 - (iii) domestic and foreign breeders, including small- and medium-sized enterprises (SMEs);
 - (iv) farmers; and
 - (v) UPOV.

WG-ISC: identify needs of UPOV members and review how the issues raised by breeders correspond to those needs



The screenshot shows the UPOV website interface. At the top left is the 'UPOV' logo. To the right is a search bar and links for 'Contact us', 'Site map', and 'YouTube'. Below this is a horizontal navigation menu with the following items: 'ABOUT UPOV', 'MEMBERSHIP', 'UPOV SYSTEM', 'PVP DATA & STATISTICS', 'MEETINGS' (highlighted in orange), and 'NEWS'. The main content area features a 'MEETINGS' sidebar on the left with links to 'Home', 'Calendar of Meetings', 'Meeting Documents', 'Seminars & Symposia', and 'Restricted area'. The main content area displays a meeting announcement: 'Symposium on Possible Interrelations between the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the International Convention for the Protection of New Varieties of Plants (UPOV Convention) (UPOV-ITPGRFA/SYM/GE/16)' dated 'October 26, 2016 (Geneva, Switzerland)'. A breadcrumb trail 'HOME • MEETINGS •' is visible above the announcement.

UPOV

*Closing remarks by the Co-Moderators:
Mr. Muhamad Sabran,
Chairperson of the Seventh Session of the Governing Body, ITPGRFA and
Mr. Raimundo Lavignolle,
Vice-President of the Council of UPOV*

- We have seen the objectives and benefits of both treaties: UPOV Convention, ITPGRFA;
- It is important to interpret and implement the two treaties in a mutually supportive way in the context of each Contracting Party;
- In order to succeed in these objectives, it is important for the two organizations to work together and to provide the necessary support;
- The Symposium highlights the need to involve all stakeholders in this process.

UPOV

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UPOV



Jun Koide

UPOV

High Level Study Tour (Japan, July 2016)



Koshihikari

Tsuyahime

UPOV

STUDY in VIET NAM (Noleppa, S. (2017) (interim report))

Annual land productivity developments since Viet Nam joined
UPOV in 2006 in
Rice, Corn (maize) and Sweet Potatoes

- **1995-2005:** increase in yield mainly through increased level of inputs – no detectable increase due to plant breeding
- **2006-2016:** annual land productivity increase due to plant breeding
 - Rice 1.7 %
 - Corn 2.1 %
 - Sweet potatoes 3.1 %

UPOV

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STUDY in VIET NAM (Noleppa, S. (2017) (interim report))

Without those developments since 2006,
current annual yields in Viet Nam would be lower by:

- Rice 16 %
- Corn 19 %
- Sweet potatoes 27 %

UPOV

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STUDY in VIETNAM (Noleppa, S. (2017) (interim report))

Annual value added:

- Arable farming \$2.3 billion
- Horticulture \$1.0 billion
- Floriculture \$ 0.2 billion

- GDP added upstream/downstream (value chains)
 \$1.5 billion

TOTAL ADDED: \$5 billion

UPOV