

Technical Committee

TC/53/7

**Fifty-Third Session
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ELECTRONIC APPLICATION FORM

Document prepared by the Office of the Union

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EXECUTIVE SUMMARY

1. The purpose of this document is to report on developments concerning the development of an electronic application form.
2. The TC is invited to note the developments concerning the development of an electronic application form as set out in this document.
3. The structure of this document is as follows:

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BACKGROUND

4. 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).
5. The background to the development of the EAF and developments prior to the fifty-second session of the Technical Committee (TC) are provided in document TC/52/7 "Electronic Application Form".

DEVELOPMENTS IN 2016

Technical Committee (TC)

6. The TC, at its fifty-second session held in Geneva on March 14 to 16, 2016, considered document TC/52/7 "Electronic Application Form" and a presentation by the Office of the Union (see document TC/52/29 Rev. "Revised Report", paragraphs 170 to 172).
7. The TC noted developments concerning the development of a prototype electronic form and the plans for the development of a fully functioning system (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. The TC noted that the following crops would be added, in the following order of priority according to the interest of participating PVP Offices and breeders and the ability of the participating PVP Offices to provide relevant Technical Questionnaire information:

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

8. The Delegation of Japan requested clarification of the language requirements for the EAF. The Office of the Union clarified that the EAF would allow users to view all questions in any of the languages of the participating UPOV members. However, users would be required to provide the requested information in a language accepted by the authority concerned. The acceptable language(s) would be indicated in the form.

Meetings on the development of a prototype electronic form

9. Developments at meetings on the development of a prototype electronic form prior to the fifty-second session of the TC are provided in document TC/52/7 “Electronic Application Form”.

10. At the Eighth Meeting on the Development of a Prototype Electronic Form (“EAF/8 meeting”), held in Geneva on October 24, 2016, the participating members considered document EAF/8/2 “Developments concerning the prototype electronic form project” and received a presentation from the Office of the Union. The EAF/8 meeting agreed as follows (see document UPOV/EAF/8/3 “Report”, paragraphs 6 to 10):

Validation of the prototype

- (a) Prototype Version 2 (PV2) had demonstrated the feasibility of the project;
- (b) PV2 met the expectations of a functioning system for users to send and receive application data, and reuse submitted data;
- (c) PV2 should be used as the basis for the launch of an operational system;

Languages

Questions

- (d) The EAF would present all items (questions) in English, French, German and Spanish. Translations for all items (questions) in other languages would be made available if provided by the participating members of the Union, with a suitable disclaimer;

Answers

- (e) Users would be required to provide information (answers) in a language accepted by the PVP Office concerned, which would be indicated in the form;

Payment

- (f) The EAF would not affect the fees that PVP Offices receive per application;
- (g) Payment of the application fee would be made directly by the applicant to the relevant PVP Office unless otherwise agreed with the Office of the Union. However, the EAF system would 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;
- (h) The EAF charge per application would be as follows:
 - CHF 150 / submitted application in 2017/2018
 - CHF 250 / submitted application from 2019;

Addition of new crops

- (i) To launch the EAF on January 9, 2017 with rose, soya bean, lettuce, apple fruit varieties and potato;
- (j) To present to the next EAF meeting more details about the different approaches to add more crop/species to the system:
 - Customized technical questionnaire
 - Technical questionnaire based on the UPOV Test Guidelines
 - Generic technical questionnaire;
- (k) At the EAF/9 meeting in April 2017, to establish a list of priority for addition of new crops/species;

Official variety list

- (l) To consider whether to include information for official variety list purposes in the EAF, at the next EAF meeting (EAF/9 in April 2017);

Terms of use

- (m) To finalize a detailed document explaining the “Terms of Use” with participating members and the World Intellectual Property Organization (WIPO), on the following basis:
 - (i) Application data to be transferred to the selected authority after submission and without waiting for the payment confirmation of the EAF charge and the application fee (if appropriate),
 - (ii) If the payment using bank transfer is not received within 45 days after the submission of the application, a reminder to be sent by the UPOV/WIPO Finance Department,
 - (iii) Charges for payment of application fees by credit card to be considered with PVP Offices on a bilateral basis (if payment of PVP Office fee via UPOV),
 - (iv) Individual Authority Fees to be redistributed to PVP offices, based on the requested payments (if payment of PVP Office fee via UPOV),
 - (v) Payment transfers might have a delay according to the payment method chosen (credit card or bank transfer).

Participation in the launch of EAF

11. The participants noted that each authority participating in PV2 (Argentina, Australia, Bolivia (Plurinational State of), Brazil, Chile, Canada, Colombia, Czech Republic, European Union, France, Georgia, Japan, Kenya, Mexico, Netherlands, New Zealand, Norway, Organisation Africaine de la Propriété Intellectuelle (OAPI), Republic of Korea, South Africa, Switzerland, Tunisia, United States of America, Uruguay and Viet Nam), would inform the Office of the Union if it wished to participate in the launch of the EAF, by November 11, 2016, and should provide the necessary information, including:

- Crops to be supported in EAF (from the 5 crops deployed in PV2)
- Accepted currencies
- Payment method (direct or via UPOV)
- To provide bank account information (if appropriate)
- Any other missing information requested (see Wiki)
- To test the system during the Pre-Launch Test (November-December 2016).

12. The participants also noted that user guides for breeders and PVP Offices would be made available online in English, French, Spanish, German and other relevant languages. The Office of the Union would develop, for PVP Offices and users, in consultation with participating members:

- a program of training (including Online sessions & Webinars)
- a program of users' support and routine maintenance provisions
- a program of publicity of the availability of the system.

13. The participants noted that there were some concerns about the proposed name OLAF (On Line Application Form) and agreed that a suitable name should be considered further at the EAF/9 meeting.

14. The participants agreed to propose, subject to approval by the Consultative Committee, for the Council at its fiftieth ordinary session, to be held in Geneva on October 28, 2016, to approve the launch of the EAF on January 9, 2017.

Developments in the Administrative and Legal Committee (CAJ) in October 2016

15. The CAJ at its seventy-third session on October 25, 2016, noted that the EAF/8 Meeting had agreed that the prototype electronic application form Version 2 (PV2) had demonstrated the feasibility of the project. The CAJ at its seventy-third session endorsed the proposals made by the EAF/8 meeting with regard to the development of prototype application form and in relation to the participation in the launch of the EAF, as set out in paragraphs 5 to 9 of this document (see document CAJ/73/10 "Report on the Conclusions", paragraphs 31 to 34).

16. The CAJ at its seventy-third session agreed to propose, subject to approval by the Consultative Committee, for the Council at its fiftieth ordinary session, to be held in Geneva on October 28, 2016, to approve the launch of the EAF on January 9, 2017 (see document CAJ/73/10 "Report on the Conclusions", paragraph 35).

Developments in the Consultative Committee and the Council in October 2016

17. The Council at its fiftieth ordinary session in Geneva on October 28, 2016, noted the work of the Consultative Committee at its ninety-second session, as reported in document C/50/17 "Report by the Vice-President on the work of the ninety-second session of the Consultative Committee", which included the following information concerning the EAF (see document C/50/19 "Report on the decisions", paragraph 11):

18. The Consultative Committee considered a presentation by the Office of the Union, including an oral report by the Vice Secretary-General on the Eighth Meeting on the Development of a Prototype Electronic Form (EAF/8 Meeting), held in Geneva on October 24, 2016, and the conclusions of the CAJ, at its the seventy-third session, held on October 25, 2016 (see document CAJ/73/10 "Report on the Conclusions").

19. The Consultative Committee noted that the EAF/8 Meeting had agreed that the prototype electronic application form Version 2 (PV2) had demonstrated the feasibility of the project. The Consultative Committee agreed with the proposals made by the EAF/8 Meeting, as set out in paragraphs 5 to 9 of this document (see document C/50/17 "Report by the Vice-President on the work of the ninety-second session of the Consultative Committee", paragraphs 41 to 44).

20. The Consultative Committee noted that the EAF/8 Meeting and the CAJ, at its seventy-third session, held on October 25, 2016, had agreed, subject to the approval by the Consultative Committee, to seek approval of 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 (see document C/50/17 "Report by the Vice-President on the work of the ninety-second session of the Consultative Committee", paragraph 45).

21. The Consultative Committee agreed to seek the approval of 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 (see document C/50/17 "Report by the Vice-President on the work of the ninety-second session of the Consultative Committee", paragraph 47).

22. The Council at its fiftieth ordinary session, approved the launch of the Electronic Application Form (EAF) in January 2017 for rose, soya bean, lettuce, apple fruit varieties and potato, as set out in document C/50/17, paragraphs 40 to 47 (see document C/50/19 "Report on the decisions", paragraph 11 (d)).

Recent Developments concerning EAF

Launch of EAF Version 1.0

23. Circular E-16/266 was issued on October 31, 2016, inviting all participating members in the development of an Electronic Application Form (Argentina, Australia, Bolivia (Plurinational State of), Brazil, Chile, Canada, Colombia, Czech Republic, European Union, France, Georgia, Japan, Kenya, Mexico, Netherlands, New Zealand, Norway, OAPI, Republic of Korea, South Africa, Switzerland, Tunisia, United States of America, Uruguay and Viet Nam) to inform the Office of the Union of their wish to participate in the launch of the EAF.

UPOV members participating in the EAF and crops covered in the EAF

24. The following UPOV members participated in the launch of the EAF on January 9, 2017, for the indicated crops:

Authority		GLYCI_MAX Soya Bean	LACTU_SAT Lettuce	MALUS_DOM Apple fruit varieties	ROSAA Rose	SOLAN_TUB Potato	Total
Argentina	AR	✓	-	✓	✓	✓	4
Australia	AU	✓	✓	✓	✓	✓	5
Chile	CL	✓	✓	✓	✓	✓	5
France	FR	✓	✓	✓	✓	✓	5
Kenya	KE	✓	✓	✓	✓	✓	5
Netherlands	NL	✓	✓	✓	✓	✓	5
New Zealand	NZ	-	✓	✓	✓	✓	4
Norway	NO	✓	✓	✓	✓	✓	5
Switzerland	CH	✓	✓	✓	✓	✓	5
Tunisia	TN	✓	✓	✓	✓	✓	5
United States of America	US	✓		-	-	-	2
Uruguay	UY	✓	-	✓	-	✓	3
Total		12	11	10	11	10	11

25. On January 9, 2017, EAF Version 1.0 was launched on the UPOV website, with the possibility to transmit application data introduced on January 16, 2017.

26. EAF Version 1.0 is available in English, Spanish, German and French.

UPOV EAF website

27. At the launch of the EAF, on January 9, 2017, a specific webpage was created for the EAF, available at: <http://www.upov.int/upoveaf>, containing all necessary information to access and use the EAF.

Payment methods

28. Payment is possible via bank transfer or credit card.

Data transfer options

29. The participating members in Version 1.0 have chosen the following options for the transfer of the application data:

Authority		notification by email	hard copy by mail
Argentina	AR	✓	
Australia	AU	✓	
Chile	CL	✓	
France	FR	✓	
Kenya	KE	✓	
Netherlands	NL	✓	
New Zealand	NZ	✓	
Norway	NO	✓	
Switzerland	CH	✓	
Tunisia	TN	-	✓*
United States of America	US	✓	
Uruguay	UY	✓	

* only hard copy of the application is accepted by the PVP Office

30. Where requested by PVP Offices, submitted application data could be transferred automatically via Web services. This functionality has not yet been used and will be tested with interested PVP Offices and included in a future Version of the EAF.

Payment of fees

31. The UPOV EAF fee is paid directly to UPOV through the UPOV online payment gateway. However in relation to the payment of the PVP Office fee, the participating members have chosen the following options for the payment:

Authority		paid directly to PVP office	paid through UPOV online payment gateway
Argentina	AR	✓	
Australia	AU	✓	
Chile	CL	✓	
France	FR	✓	
Kenya	KE	✓	
Netherlands	NL	✓	
New Zealand	NZ	-	✓
Norway	NO	✓	
Switzerland	CH	✓	
Tunisia	TN	✓	
United States of America	US	✓	
Uruguay	UY	✓	

32. Naktuinbouw has decided to pay, for the time-being, the UPOV EAF fee for submission of application data to the Netherlands.

Use of the EAF

33. An oral report on latest developments, including figures on the use of the EAF, will be made to the TC, at its fifty-third session.

Proposed future developments

34. The current Version of the EAF is Version 1.0. Plans for the release of future versions will be discussed at the Ninth Meeting on the Development of an Electronic Application Form ("EAF/9 meeting"), to be held on April 7, 2017. In particular, it is planned to discuss: plans and functionalities for Version 1.1 and Version 2.0; strategy for addition of new crops and species; communication and support plan; proposal for a new name for the EAF; participation in the EAF for Members of the Union; and the tentative timetable for the EAF.

35. *The TC is invited to note the developments concerning the development of an electronic application form as set out in this document.*

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