



TWA/42/27 Rev.
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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
Geneva

TECHNICAL WORKING PARTY FOR AGRICULTURAL CROPS

Forty-Second Session
Kyiv, Ukraine, June 17 to 21, 2013

REPORT ON DEVELOPMENTS WITHIN UPOV

Document prepared by the Office of the Union

1. The Annex to this document contains a copy of a presentation "Report on Developments within UPOV" prepared by the Office of the Union for the forty-second session of the Technical Working Party for Agricultural Crops (TWA).

2. *The TWA is invited to note the "Report on Developments within UPOV", as presented in the Annex to this document.*

[Annex follows]

TECHNICAL WORKING PARTY FOR
AGRICULTURAL CROPS
Forty-Second Session

REPORT ON DEVELOPMENTS IN UPOV

Kyiv, Ukraine, June 17 to 21, 2013

OVERVIEW

- People, membership & statistics
- External relations
- Geneva events
- UPOV Collection
- DL courses

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COUNCIL

ELECTIONS

for a term of three years ending in 2015



President of the Council

Ms. Kitisri Sukhapinda
(United States of America)



Vice-President of the Council

Mr. Luis Salaices
(Spain)

UPOV Office Retirements



Ms. Julia Borys
Senior Technical Counsellor



Mrs. Margaret Byskov
Senior Secretary

UPOV Appointments



Mr. Leontino Taveira
Technical Regional Officer
(Latin America, Caribbean)



Mr. Ben Rivoire
Technical Regional Officer
(Africa, Arab)

OVERVIEW

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MEMBERSHIP OF UPOV

1991 Act

New Members

Serbia as of Jan. 5, 2013

New Accessions/Ratifications

Panama as of Nov. 22, 2012

France as of May 27, 2012

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MEMBERSHIP OF UPOV

Examination of Laws

<u>Draft Laws examined</u>	<u>Council session</u>	<u>Advice</u>
Ghana	November 1, 2012	Positive
United Republic of Tanzania (For mainland Tanzania and Zanzibar)	November 1, 2012 (mainland Tanzania) and March 22, 2013 (Zanzibar)	Positive (law adopted) Positive (draft Bill)

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OBSERVERS

States

Observer State status granted to
GHANA
for the TC and TWPs

International Non-Governmental Organizations

Observer status granted to the
African Seed Trade Association (AFSTA)
for the Council, CAJ, TC and TWPs

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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

Test Guidelines available in Word

Quick Links

- Situation in UPOV**
- UPOV Collection
- Test Guidelines
- Distance Learning Course
- Seminars & Symposia

GENIE Database

UPOV Lex

Plant Variety Database (PLUTO)

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. 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

News & Upcoming Events

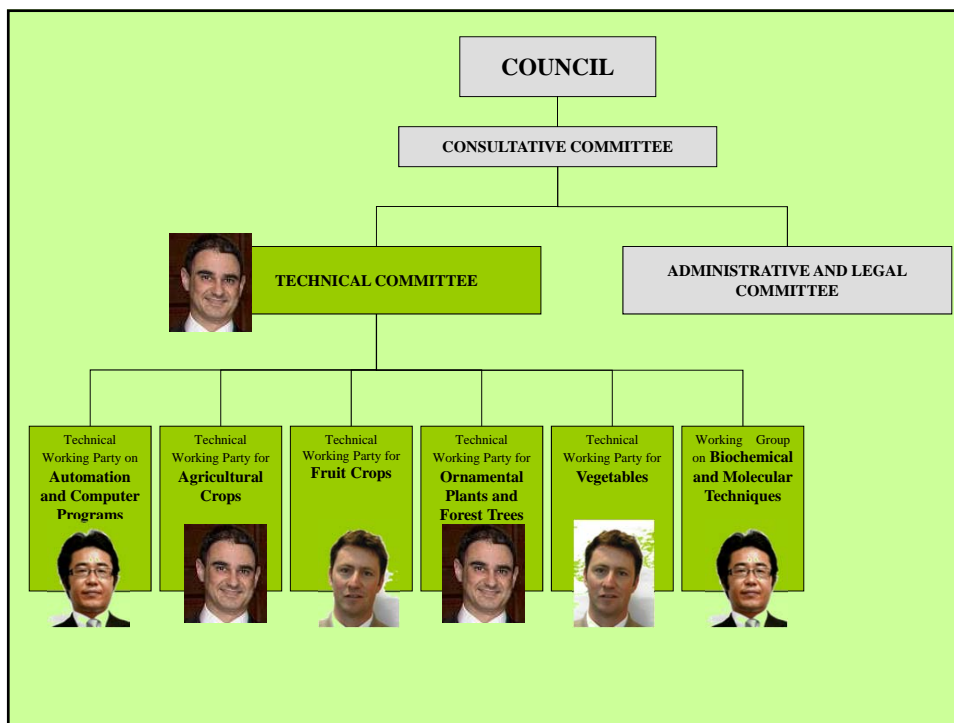
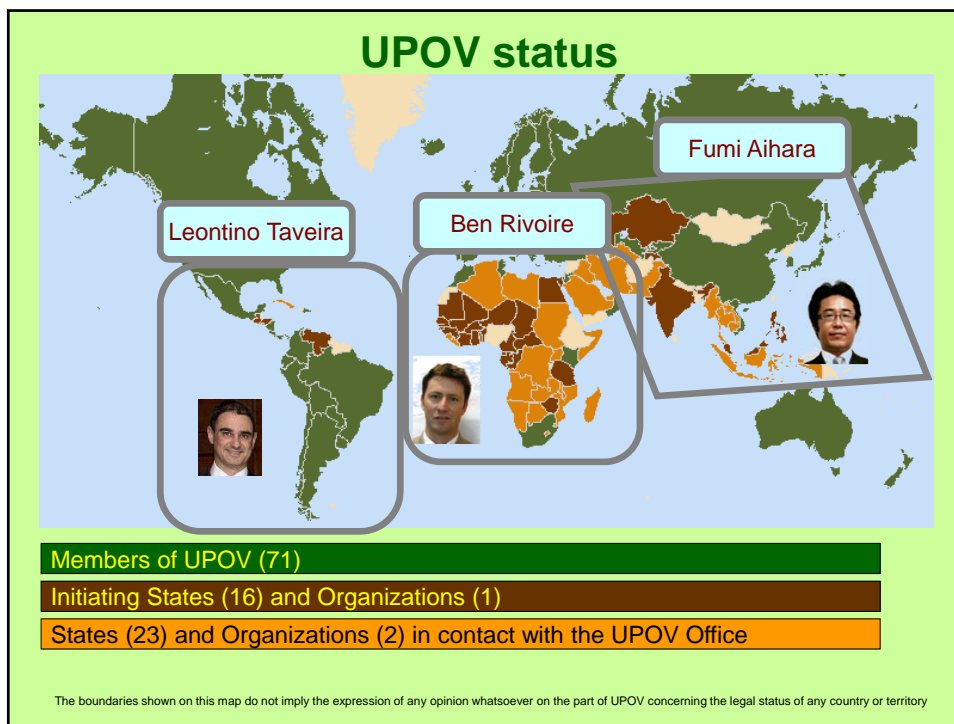
Test Guidelines now available in Word format

More News »

MEMBERS

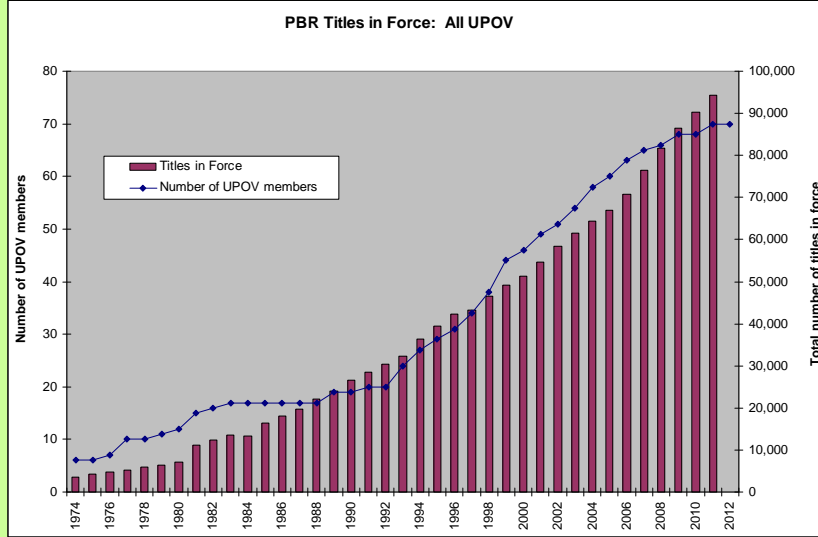
States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention

States and intergovernmental organizations which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention



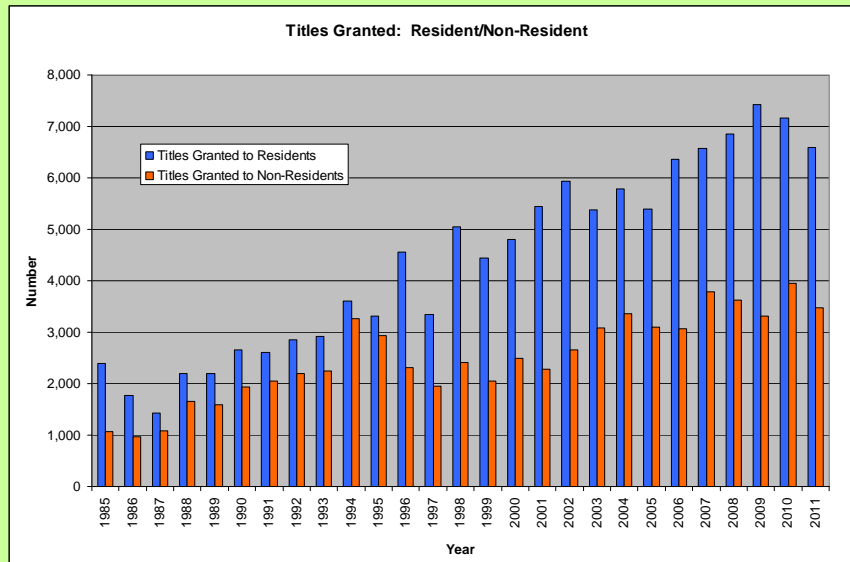
Statistics in 2011

New record number of titles in force – 94,413 – was recorded in 2011, (4.5% increase on figures for 2010 (90,344))



Statistics in 2011

9.4% decrease in number of titles granted (11,115 in 2010; 10,065 in 2011)

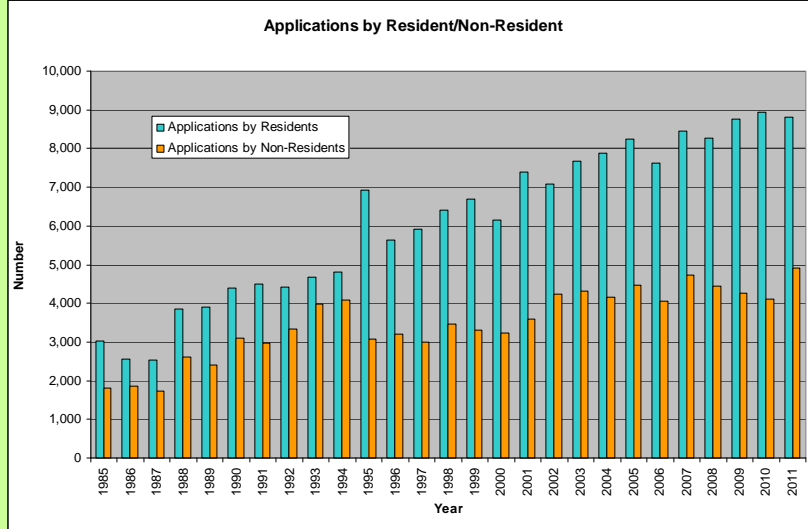


Statistics in 2011

5.2% increase in the number of applications (13,714 in 2011; 13,038 in 2010),

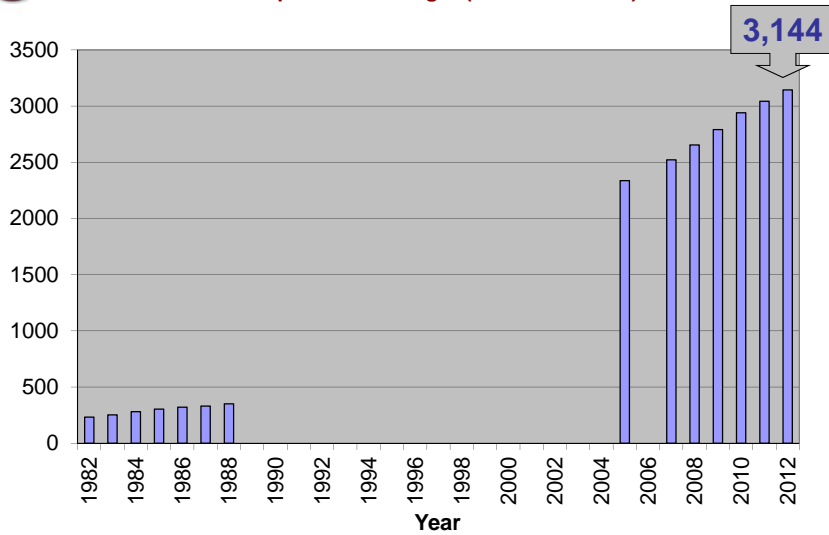
1.4% decrease by residents (8,813 in 2011; 8,937 in 2010)

19.5% increase by non-residents (4,901 in 2011; 4,101 in 2010)



Plant Genera and Species

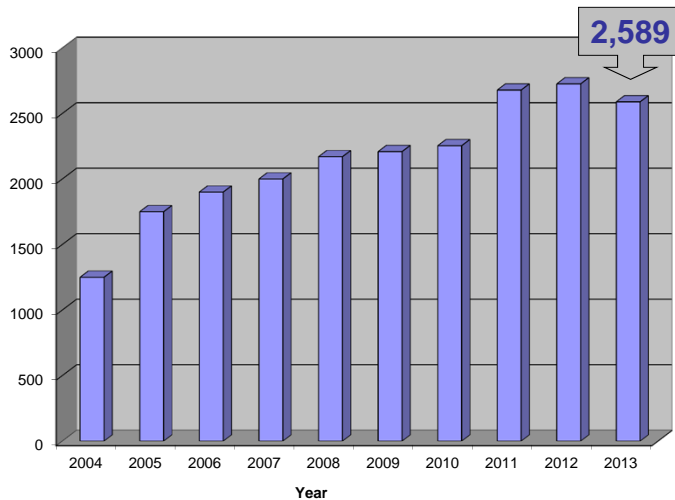
Number of plant genera and species for which protection sought (UPOV Members)



Practical Experience



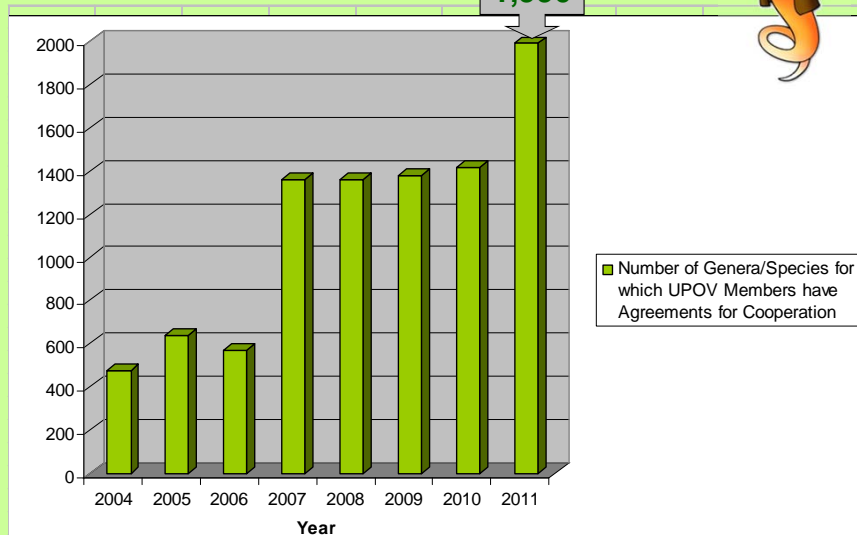
Number of Genera/Species for which UPOV Members have Practical Experience



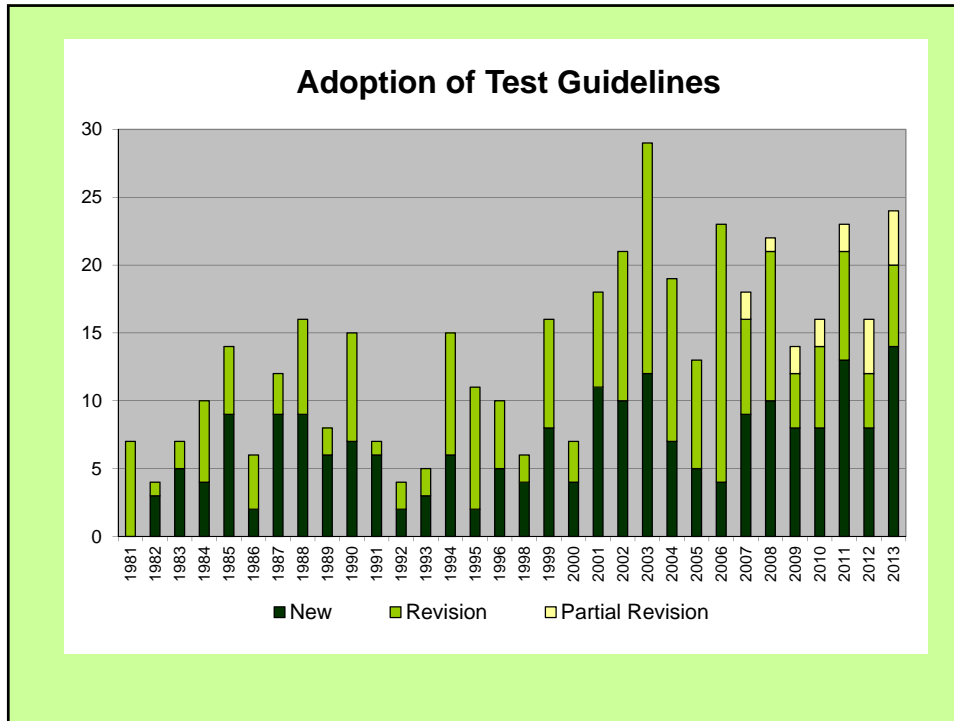
Cooperation



1,990



■ Number of Genera/Species for which UPOV Members have Agreements for Cooperation



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

Rio Six-Point Action Plan
for the International Treaty on Plant Genetic Resources for Food and Agriculture

- 1. To establish a platform for the
Co-Development and Transfer of
Technologies**
- 2. To promote a public-private
partnership for pre breeding**

*Members of the Union approved the participation of the Office of the Union in the
Platform (item 1) and a meeting to discuss item 2.*

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

CLOSING REMARKS

Kitisri Sukhapinda
President of the Council of UPOV

Geneva, November 2, 2012

Session I: The Role of PVP in
IMPROVING INCOMES for FARMERS and GROWERS

The UPOV System of Plant Variety Protection:

- Encourages the breeding of new varieties - enabling farmers to respond to the environmental and economic challenges confronting agriculture
- Provides farmers and growers with access to the best local and global varieties
- Enables variety choice to be combined with information and delivery of good quality planting material
- Is a tool for capturing value through farmer cooperation
- Facilitates “WIN-WIN” cooperation between farmers and breeders
- Provides business opportunities for small farmers and growers
- Has the potential to be even more effective through improvements in implementation

Session II: The Role of PVP in ENABLING FARMERS and GROWERS to BECOME BREEDERS

The UPOV System of Plant Variety Protection:

- Provides an incentive for farmers and growers to become breeders
- Enables any farmer or grower to use the best available, protected varieties for breeding work
- Offers an effective and transparent system that is easily accessible for small and medium-sized enterprises
- Enables farmers and growers to develop local, national and international businesses
- Empowers farmers and growers in the production chain

... BUT we need to explain it better

The screenshot shows the UPOV website's 'MEETINGS' section. The navigation bar includes 'ABOUT UPOV', 'MEMBERSHIP', 'UPOV SYSTEM', 'PVP DATA & STATISTICS', 'MEETINGS', and 'NEWS'. The 'MEETINGS' sidebar lists 'Home', 'Calendar of Meetings', 'Meeting Documents', 'Seminars & Symposia', 'Restricted area', and 'Search Documents'. The main content area is titled 'Seminars & Symposia' and includes a disclaimer: 'Unless otherwise agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV can represent policies or guidance.' Below this, a 'Meetings by Topic' link points to 'Seminars & Symposia'. A list of events is shown:

- [UPOV/SYM/GE/12](#): Symposium on the Benefits of Plant Variety Protection for Farmers and Growers November 2, 2012 (*Geneva, Switzerland*)
- [UPOV/SYM/GE/11](#): Symposium on Plant Breeding for the Future October 21, 2011 (*Geneva, Switzerland*)
- [UPOV/SEM/GE/11](#): Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership April 11 to April 12, 2011 (*Geneva, Switzerland*)

A yellow callout box at the bottom of the page contains the text: 'Trilogy publication'.

Future Event

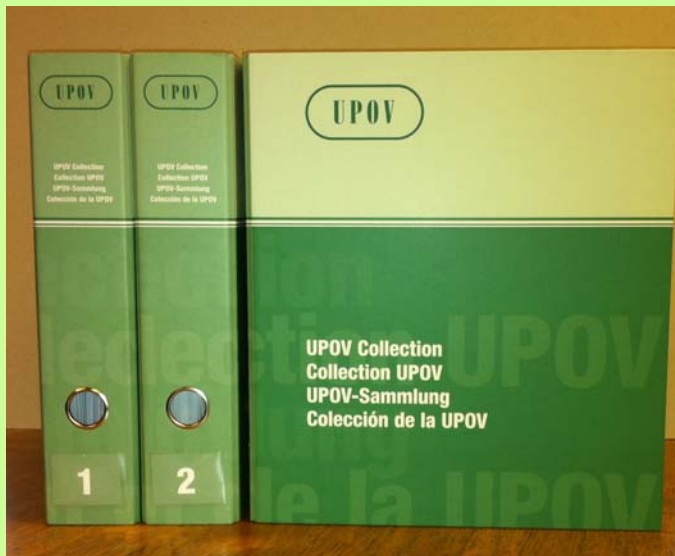
SEMINAR ON ESSENTIALLY DERIVED VARIETIES

- The Council approved the organization of a seminar on essentially derived varieties (EDVs) on **October 22, 2013**. The seminar would consider the following:
 - (a) **technical and legal views on “predominantly derived”, “essential characteristics” and “differences which result from the act of derivation”** (see Article 14(5)(b) of the 1991 Act of the UPOV Convention), the relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention and the possible impact on breeding and agriculture;
 - (b) **existing experience** in relation to EDVs; and
 - (c) the possible role of future UPOV guidance on EDVs in cases before the courts.

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UPOV Collection: physical collection



A screenshot of the UPOV website homepage. The header includes the UPOV logo and the text 'INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS'. There are language options (Deutsch, Español, Français, Other) and a search bar. A navigation menu contains links for ABOUT UPOV, MEMBERSHIP, UPOV SYSTEM, PVP DATA & STATISTICS, MEETINGS, and NEWS. The main content area features a banner for 'Test Guidelines available in Word' with a green arrow pointing to a 'Quick Links' sidebar. The 'Quick Links' sidebar lists: Introduction to UPOV, Ashiro Rindo story, Impact Study PDF, UPOV Collection (highlighted with a green box), Distance Learning Course, and Seminars & Symposia. Below this are links for GENIE Database, UPOV Lex, and Plant Variety Database (PLUTO). A 'News & Upcoming Events' section at the bottom right shows a news item: 'Test Guidelines now available in Word format' with a 'More News' link. A 'Welcome' section on the left provides introductory text about UPOV.

INFORMATION MATERIALS RECENTLY ADOPTED

Document reference	Title
UPOV/INF/4/3 (Revision)	Financial Regulations and Rules of UPOV
UPOV/INF/12/4 (Revision)	Explanatory Notes on Variety Denominations under the UPOV Convention
UPOV/INF/15/2 (Revision)	Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation
UPOV/INF/19/1 (Revision)	Rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies
UPOV/INF/20/1 (Revision)	Rules governing access to UPOV documents
UPOV/INF/21/1	Alternative Dispute Settlement Mechanisms
UPOV/INF-EXN/4 (Revision)	List of INF-EXN Documents and Latest Issue Dates

TGP DOCUMENTS RECENTLY ADOPTED

Document reference	Title
TGP/0/5 (Revision)	List of TGP Documents and Latest Issue Dates
TGP/12/2 (Revision)	Guidance on Certain Physiological Characteristics

PROPOSED FOR ADOPTION IN OCTOBER 2013

Document reference	Title
TGP/14 (Revision)	Glossary of Terms Used in UPOV Documents Shapes and Structures (Revised) Color (New)
TGP/15	Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)

ONGOING WORK: ESSENTIALLY DERIVED VARIETIES		
		Schedule
SEMINAR	<ul style="list-style-type: none"> • Technical and legal views on “predominantly derived”, “essential characteristics” and “differences which result from the act of derivation” and the possible impact on breeding and agriculture; • Existing experience in relation to EDVs; and • Possible role of future UPOV guidance on EDVs in cases before the courts. 	October 22, 2013
	<ul style="list-style-type: none"> • Use of molecular marker data information of an initial variety to obtain essentially derived varieties • Relationship between Article 14(5)(b)(i) and (iii) <ul style="list-style-type: none"> – starting point: “the derived variety must retain almost the totality of the genotype of the mother variety and be distinguishable from that variety by a very limited number of characteristics (typically by one)” 	CAJ-AG October 2013
UPOV/EXN/EDV Revision	Essentially Derived Varieties <ul style="list-style-type: none"> • EDV “B”, EDV “C” to EDV “Z” 	CAJ/69 March 2014
	<ul style="list-style-type: none"> • Presentations on matters concerning essentially derived varieties arising after the grant of a breeder’s right (e.g. AU, BR, EU) 	Future CAJ-AG

ONGOING WORK: HARVESTED MATERIAL			
Document reference	Status	Title	Schedule
UPOV/EXN/HRV	New	Acts in Respect of Harvested Material <ul style="list-style-type: none"> • Harvested material • Unauthorized use of propagating material <ul style="list-style-type: none"> – Acts in respect of propagating material – Conditions and limitations – Compulsory exceptions – Optional exception • Exercise his right 	CAJ/68 October 2013
		to immediately start work on illustrative examples for a future possible revision	CAJ-AG October 2013
		to consider the development of guidance on “reasonable opportunity”	CAJ-AG October 2013

ONGOING WORK: PROPAGATING MATERIAL			
Document reference	Status	Title	Schedule
UPOV/EXN/PPM	New	Propagation and Propagating Material <ul style="list-style-type: none"> • Forms of material that could be propagating material • Non-exhaustive list of factors, such as: <ul style="list-style-type: none"> (i) whether the material has been used to propagate the variety; (ii) whether the material is capable of producing entire plants of the variety; (iii) whether there has been a custom/practice of using the material for that purpose; (iv) the intention on the part of those concerned (producer, seller, buyer, user); and (v) whether the plant material is suitable for reproducing the variety unchanged 	CAJ-AG October 2013

ONGOING WORK			
Document reference	Status	Title	Schedule
UPOV/EXN/BRD	New	Definition of Breeder	CAJ/67 March 2013 approved
UPOV/INF/5 (October 1979)	Revision	UPOV Model Plant Breeders' Rights Gazette	CAJ/67 approved to start process
Status	Title		Schedule
To be decided	Matters Arising after the Grant of a Breeder's Right <ul style="list-style-type: none"> (a) Cancellation of the breeder's right; (b) Nullity of the breeder's right; (c) Variety denominations; (d) Variety descriptions [(e) Provisional protection] [(f) Filing of applications] [(g) Enforcement of breeders' rights] 		CAJ-AG October 2013

TEST GUIDELINES ADOPTED IN 2013

<u>NEW TEST GUIDELINES</u>		
Drafter	TWP	English
BR	TWV	Coriander, Cilantro, Collender, Chinese Parsley
AU	TWO	Flax-lily, Dianella
BR/ CN	TWO	Eucalyptus
JP	TWF	Kumquat
NZ	TWO	Hebe
CA	TWO	True Lobelia of Gardens
AU	TWO	Lomandra, Mat Rush
CN	TWO	Tree peony, Yellow Tree Peony ; Moutan Peony
ES	TWF	Pomegranate
NL	TWV	Tomato Rootstocks
FR	TWF	Pineapple
KR	TWV	Oyster Mushroom; Eringi, King Oyster Mushroom; Lung Oyster Mushroom
IL/ KR	TWA	Sesame
CN	TWA	Foxtail Millet, Italian Millet, Hungary Millet

TEST GUIDELINES ADOPTED IN 2013

<u>REVISIONS OF TEST GUIDELINES</u>			
ES	TWA	Common Vetch	<i>Vicia sativa</i> L.
NL	TWV	Endive	<i>Cichorium endivia</i> L.
NL	TWO	Gladiolus	<i>Gladiolus</i> L.
HU	TWV	Opium/Seed Poppy	<i>Papaver somniferum</i> L.
DE	TWO	Osteospermum	<i>Osteospermum</i> L.; hybrids with <i>Dimorphotheca</i> Vaill. ex Moench
NL	TWO	Phalaenopsis	<i>Phalaenopsis</i> Blume
NL	TWV	Watermelon	<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai, <i>Citrullus vulgaris</i> Schrad.
<u>PARTIAL REVISIONS OF TEST GUIDELINES</u>			
ZA	TWO	African Lily	<i>Agapanthus</i> L'Hér.
FR/ NL	TWV	Lettuce	<i>Lactuca sativa</i> L.
NL	TWV	Spinach	<i>Spinacia oleracea</i> L.
QZ	TWV	Tomato	<i>Solanum lycopersicum</i> L.

Other Test Guidelines considered by Technical Committee in 2013

Status	Document No.	English	Drafter	TWP
Referred back to TWV	TG/166/4 (proj.4)	Opium / Seed Poppy	HU	TWV

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Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention

Session II

Study period: November 11 to December 15, 2013
Registration: September 1 to October 15, 2013

Registrations can be made in three different categories:

Category 1:
Government officials of members of the Union nominated by the relevant representative to the UPOV Council
No fee

Category 2:
Officials of observer States / intergovernmental organizations nominated by the relevant representative to the UPOV Council
(One non-fee paying student per State / intergovernmental organization;
Additional students: CHF1,000 per student)

Category 3:
Others
Fee: CHF1,000

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Examination of applications for plant breeders' rights

SECTION I ADMINISTRATION OF PLANT BREEDERS' RIGHTS

Module 1: The Plant Breeder's Right's Office
Module 2: Administration of applications

SECTION II ENTITLEMENT

Module 3: Entitlement to file an application

SECTION III NOVELTY

Module 4: Examining Novelty

SECTION IV DUS EXAMINATION

Module 5: Introduction to the DUS examination
Module 6: Variety collections
Module 7: Examining Distinctness
Module 8: Examining Uniformity
Module 9: Examining Stability
Module 10: Trial Design and Data Analysis
Module 11: Approaches and cooperation in DUS examination

SECTION V VARIETY DENOMINATION

Module 12: Examining the variety denomination

SECTION VI PUBLICATION OF INFORMATION AND DECISIONS

Module 13: Information to be published
Module 14: Proposed decisions and Objections
Module 15: Decisions
Module 16: Situations which may arise after the grant of PBR

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Examination of applications for plant breeders' rights

Draft Section IV (DUS) circulated to interested experts for comment by April 19

Test course to be uploaded in June/July 2013

First course (English) December 2013

First course (French, German, Spanish) 2014

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TECHNICAL COMMITTEE

April session: 2014

Monday	Tuesday	Wednesday	Thursday
TC	TC	TC Discussion	<div style="background-color: #90ee90; padding: 10px; border: 1px solid black;"> <p>(a) Improving the effectiveness of the TC, TWPs and Preparatory Workshops;</p> <p>(b) Opportunities for training in the examination of DUS;</p> <p>(c) Cooperation with breeders in the examination of DUS.</p> </div>
TC	TC	TC	



THANK YOU

[End of Annex and of document]