

Technical Working Party for Agricultural Crops**TWA/46/2****Forty-Sixth Session
Hanover, Germany, June 19 to 23, 2017****Original:** English
Date: October 5, 2017

REPORTS ON DEVELOPMENTS WITHIN UPOV*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 “Reports on developments within UPOV” to be made by the Office of the Union at the forty-sixth session of the Technical Working Party for Agricultural Crops (TWA).

[Annex follows]

TECHNICAL WORKING PARTY FOR
AGRICULTURAL CROPS
Forty-sixth 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

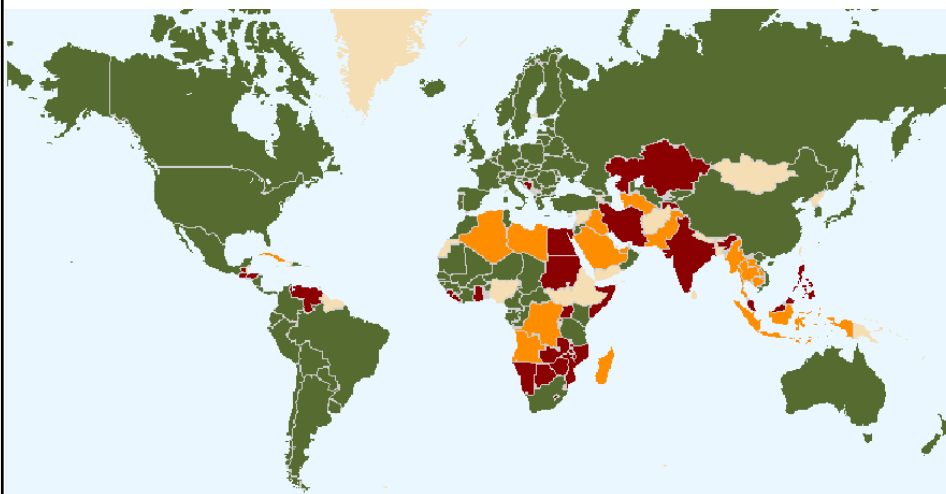
Office of the Union

Hanover, Germany, June 19, 2017

UPOV

International Union for the Protection of New Varieties of Plants

UPOV status

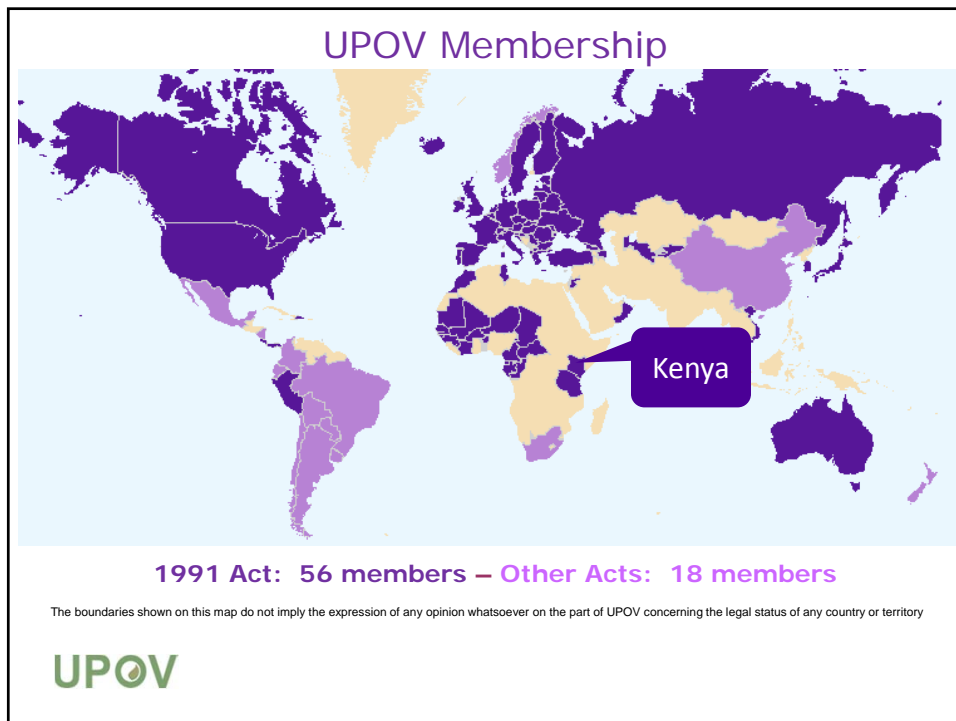
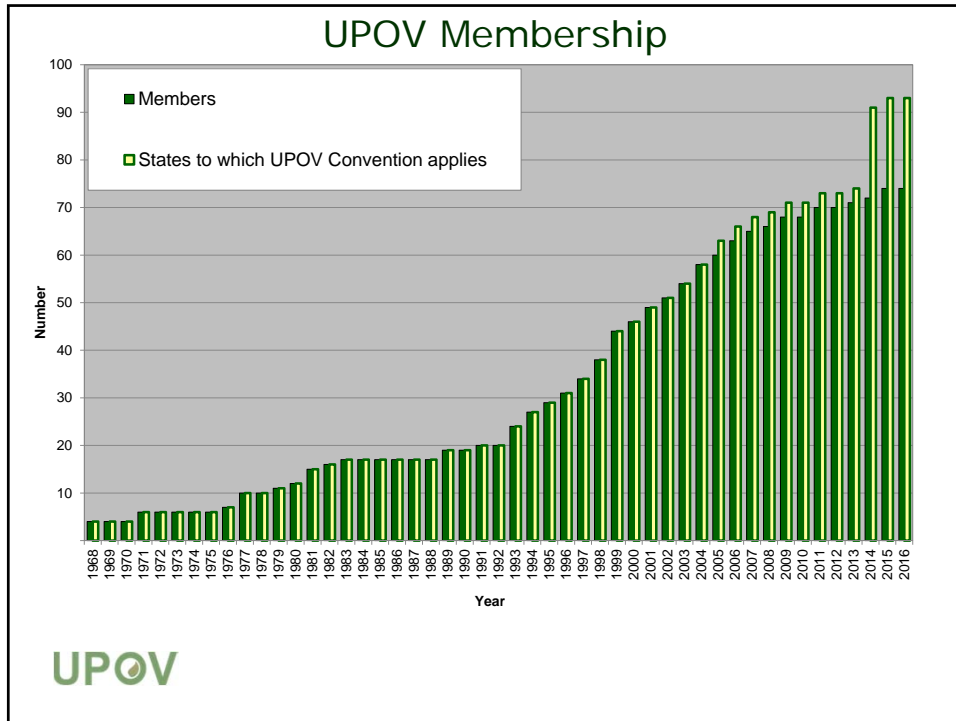


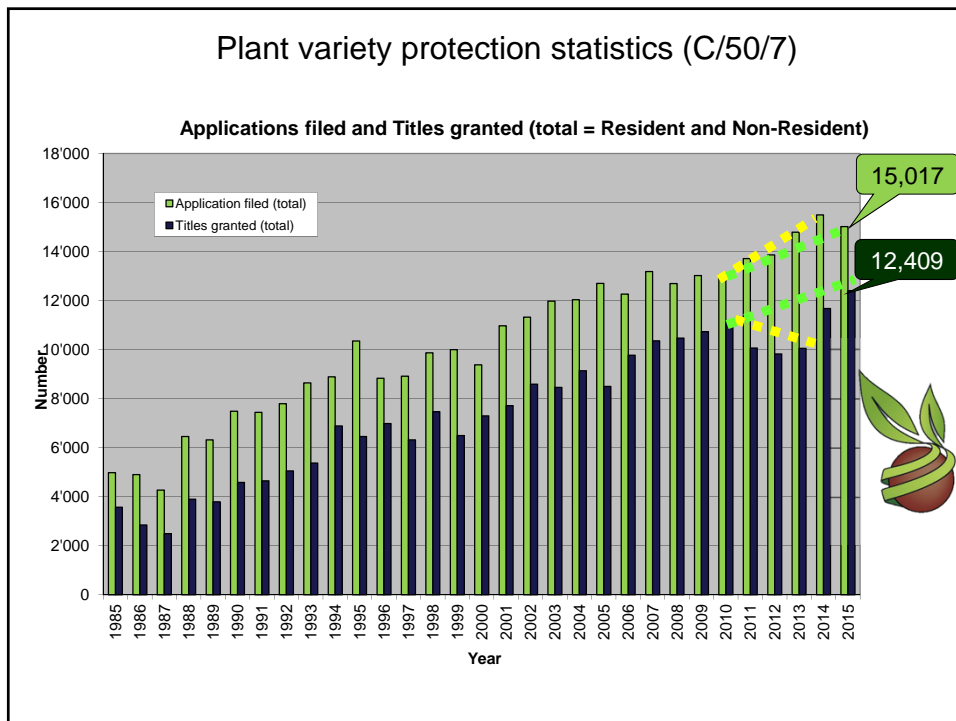
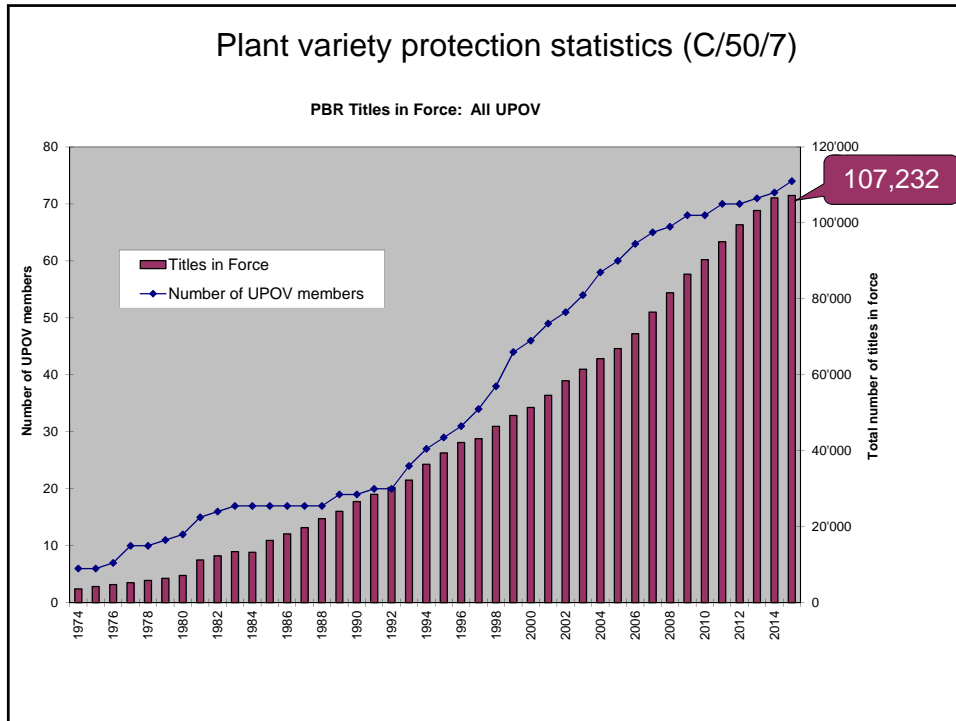
Members of UPOV (74) covering 93 States

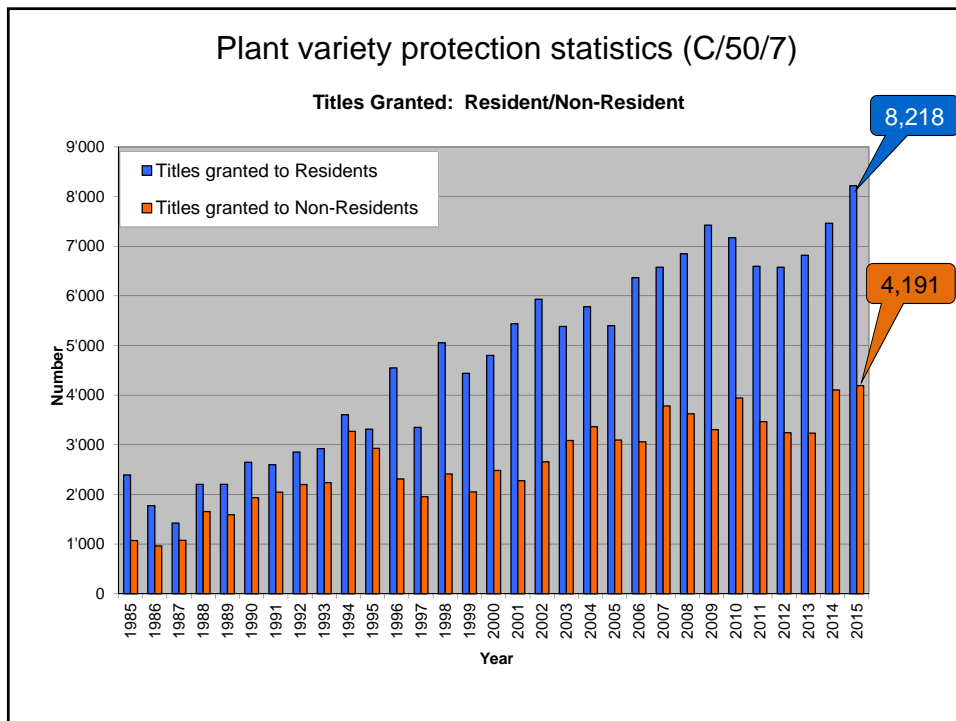
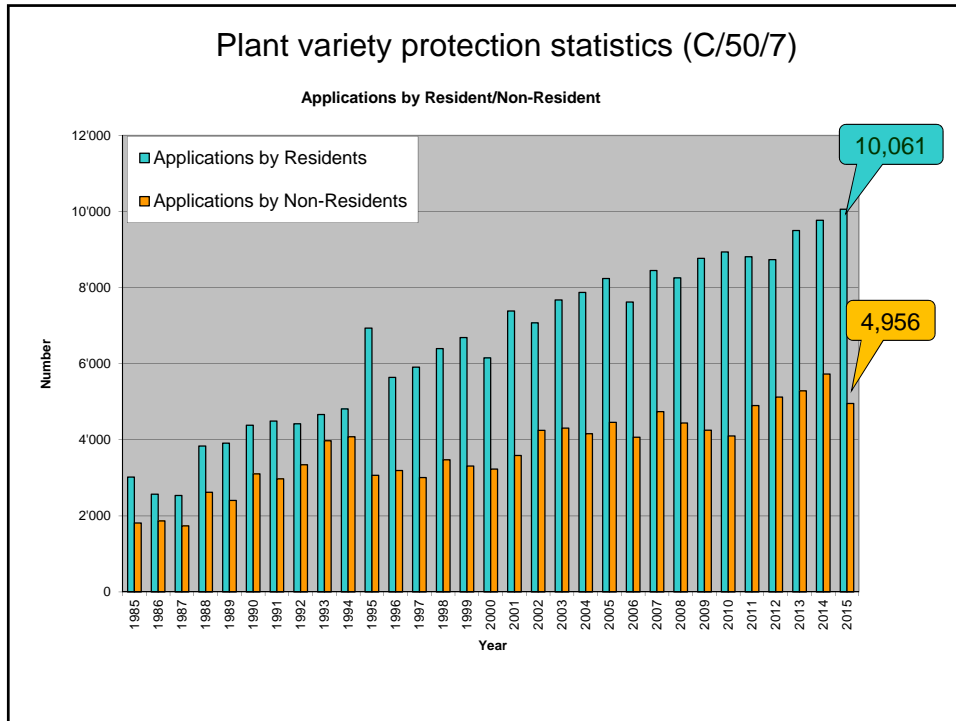
Initiating States (16) and Organization (1)

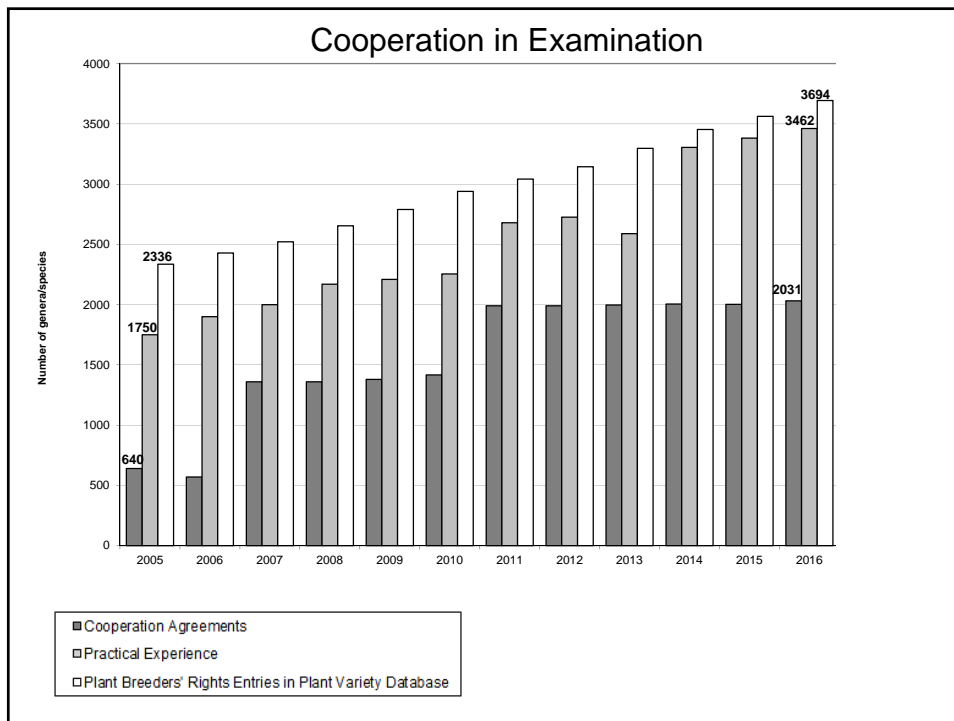
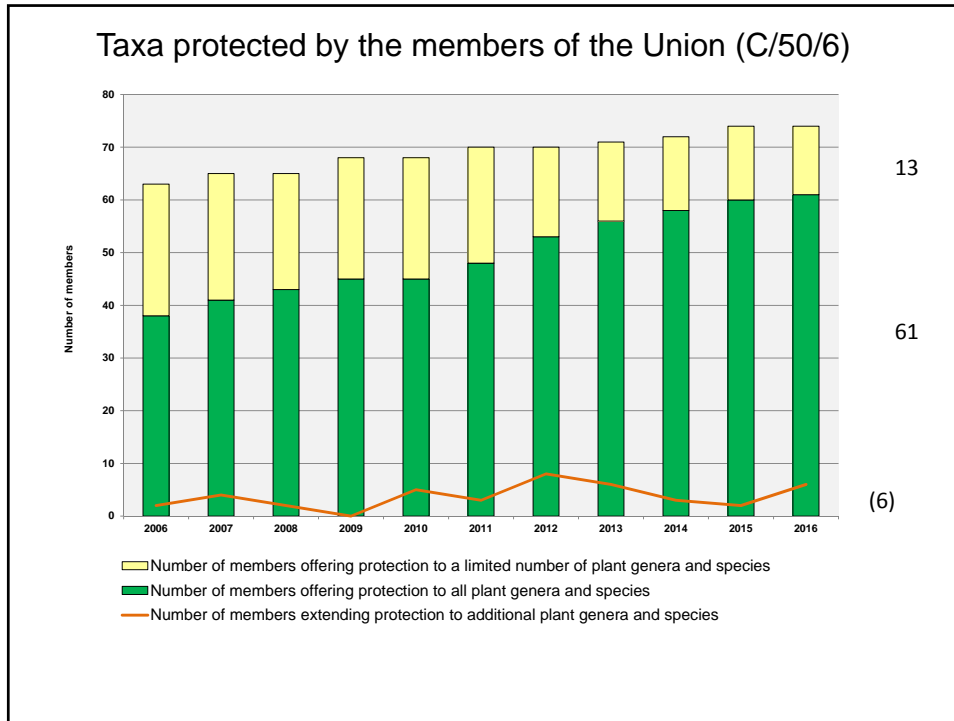
States (24) and Organization (1) in contact with the UPOV Office

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











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

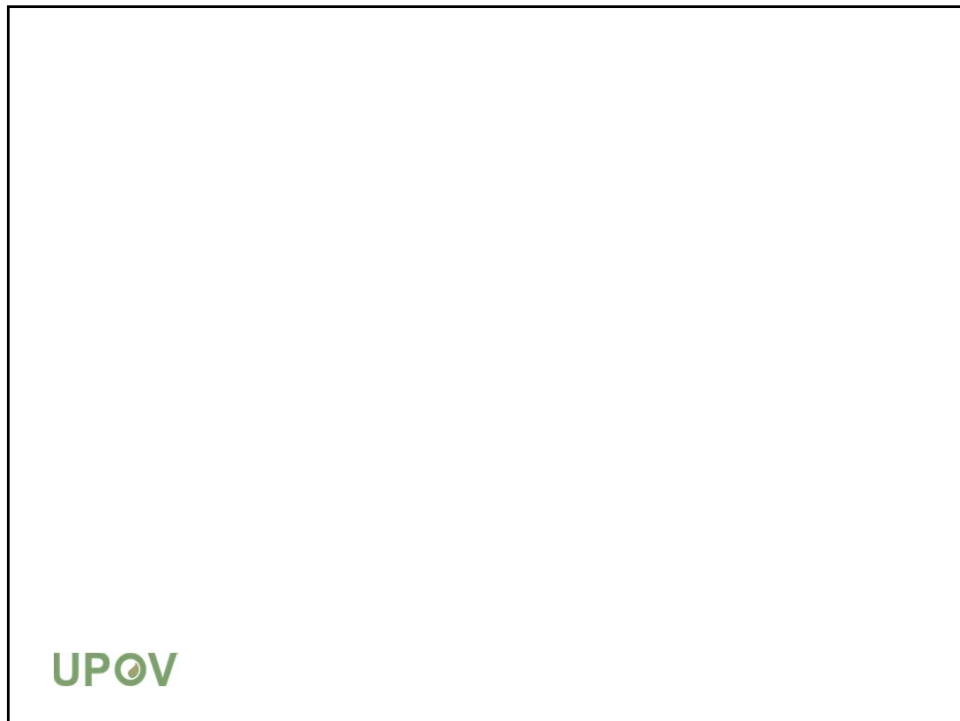
1. This document presents the Performance Report for the 2014-2015 Biennium on the basis of the Program and Budget for the 2014-2015 Biennium adopted by the Council (see document C/47/4 Rev. "Program and Budget for the 2014-2015 Biennium").
2. The performance report for the 2014-2015 Biennium provides 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



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



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Officers



President, Council / Président, Conseil / Präsident, Rat / Presidente, Consejo

Mr. Raimundo 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 3 798 911 e-mail: m.valstar@minez.nl)





**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)





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

Mr. Kees van Ettekoven, 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.ettekoven@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)

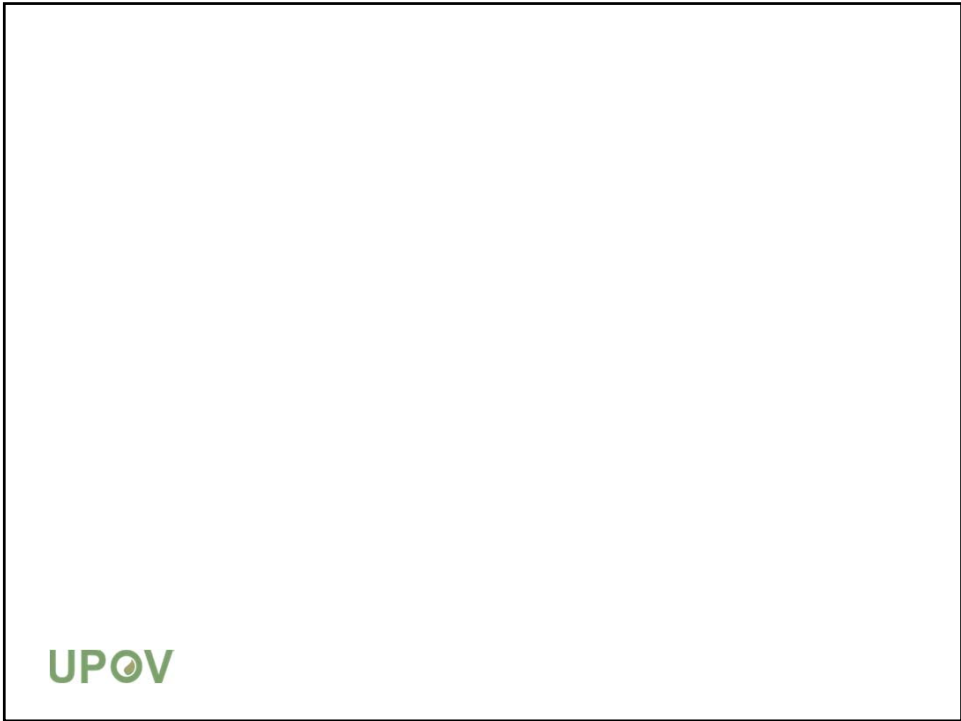
UPOV

The TC agreed to recommend to the Council the election of the next chairpersons of the TWPs as follows:

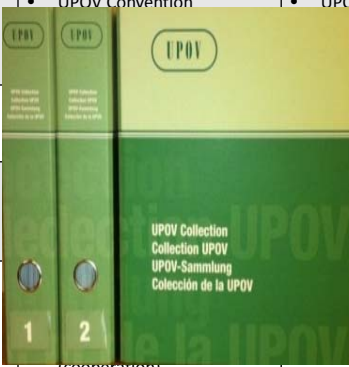
TWP Proposal

- BMT Mr. Nik Hulse (Australia)
- TWA Ms. Cheryl Turnbull (United Kingdom)**
- TWC Mr. Christophe Chevalier (France)
- TWF Mr. Jean Maison (European Union)
- TWO Mr. Henk de Greef (Netherlands)
- TWV Ms. Romana Bravi (Italy)

UPOV



Harmonization, Resources and Assistance

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

UPOV

Program for EXN/INF		
Reference	Explanatory Notes on:	Timetable
UPOV/EXN/EDV/2 (revision)	Essentially Derived Varieties	Adopted by the Council in April 2017
UPOV/EXN/PPM/1	Propagating Material	Adopted by the Council in April 2017

Program for EXN/INF		
Reference	Explanatory Notes on:	Timetable
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

UPOV Communication strategy

- New UPOV logo
- Stakeholder features
- UPOV Youtube channel

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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

GENE 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.

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.

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UPOV

BREEDERS

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Breeders

UPOV Information

- UPOV Membership
- UPOV Observers
- UPOV Collection (guidance & information materials)
- List of taxa protected by members of the Union
- Cooperation in Examination
- Calendar of meetings
- Full list of FAQs

Resources

- Databases (see below)
- Test Guidelines
- Directory PVP Offices
- UPOV Distance Learning Courses
- UPOV Youtube channel

Key Topics

- PBR and contracts
- Essentially derived varieties
- Notion of breeder

Databases

PLUTO: information on plant varieties, particularly variety denominations

GENE: information on GENeral-specifics 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 breeders' 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 genetically modified?
- Can I use plant variety protection to protect the following:
 - a trait (e.g. disease resistance, flower color)
 - a chemical or other substance (e.g. oil, DNA)
 - a plant breeding technology (e.g. tissue culture)?
- Can I protect a hybrid variety under the UPOV system?
- Does UPOV allow molecular techniques (DNA profiles) in the examination of Distinctness, Uniformity and Stability ('DUS')?

UPOV

FARMERS AND GROWERS

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Farmers and Growers

STAKEHOLDERS FEATURES

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

UPOV Information

- UPOV Membership
- UPOV Observers
- Calendar of meetings
- Full list of FAQs

Resources

- PLUTO database
- Benefits of UPOV (videos & publications)
- UPOV Youtube channel

Key Topics

- PBR and Contracts
- Symposium on the Benefits of Plant Variety Protection for Farmers and Growers (2012)
- All Seminars & Symposia

Farmer perspectives



Dark Gassan
Head of Policy
International Potato Center



Peter G. Gassan
Director of Policy and Agricultural Communities
European Union



Luis Rodriguez
Director of Policy
International Potato Center

FAQs for farmers

- Why do farmers and growers need new plant varieties?
- Can a farmer sell seed of a protected variety without the authorization of the breeder?
- Can a farmer replant seed of a protected variety without the authorization of the breeder?
- What is the effect of plant variety protection on varieties that are not protected (i.e. traditional varieties, landraces, etc.)?
- How do I know if a variety is protected?
- Is it possible for subsistence farmers to exchange propagating material of protected varieties against other vital goods 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 instance, be allowed to exchange seeds of protected varieties freely within the local community?



POLICY MAKERS

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Policy makers

STAKEHOLDERS FEATURES

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

UPOV Information

- UPOV - what it is, what it does
- UPOV membership
- UPOV Observers
- Guidance on how to become a Member of UPOV
- Guidance for members of UPOV on how to apply for access to the 1991 Act of the UPOV Convention
- Guidance for Members of UPOV
- FAQs

Resources

- Introduction to UPOV (Microsite)
- UPOV Collection (guidance & information materials)
- UPOV Lex (database of legislation of members)
- Plant variety protection statistics

Key Topics

- Symposium on the Benefits of Plant Variety Protection for Farmers and Growers (2012)
- IPV and Technology Transfer: The Benefits of Public Double Patenting (2011)
- Responding to the challenges of a changing world (World Seed Conference, 2009)
- Seminars & Symposia
- Key Issues

Situation in UPOV



(Click to enlarge)

Impact of plant variety protection (videos)

Viewpoints of:

- policy makers
- research institutes
- breeder industry associations
- farmers and growers

Importance of plant variety protection (videos)

Viewpoints of:

- research institutes and public-private partnerships
- breeders
- examples of use of plant variety protection



GENERAL PUBLIC

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- Policy makers
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General Public

UPOV Information

- [UPOV - what it is, what it does](#)
- [Introduction to UPOV \(brochure\)](#)
- [UPOV Membership](#)
- [UPOV Observers](#)
- [Full list of PAOs](#)

Resources

- [Impact study](#)
- [Plant variety protection statistics](#)
- [Benefits of UPOV \(videos & publications\)](#)
- [UPOV Youtube channel](#)

Key Topics

- [Symposium on the Benefits of Plant Variety Protection for Farmers and Growers \(2012\)](#)
- [Seminar on Plant Variety Protection and Technology Transfer: The Benefits of Public-Private Partnerships \(2011\)](#)
- [Responding to the challenges of a changing world \(World Seed Conference\) \(2009\)](#)
- [Seminars & Symposia](#)

Examples of the use of plant variety protection



[Video: PVP in Uruguay](#)



[Video: PVP in Uruguay](#)

Use of Plant Variety Protection by the Faculty of Agronomy of the 'Universidad la Republica' of Uruguay
Transcriptions: [ES](#) [FR](#)



[Asterix Rindo Story \(Japan\)](#)

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ABOUT UPOV MEMBERSHIP UPOV SYSTEM PVP DATA & STATISTICS MEETINGS NEWS

Welcome

The International Union for the Protection of New Varieties of Plants (UPOV) was established in 1961. UPOV's mission is to encourage the development of new plant varieties.

[Sign in](#)

Stakeholder features



UPOV Subscribe

IMPACT OF PLANT VARIETY PROTECTION

Perspectives of policy-makers



Michel Cormier - Canadian Food Inspection Agency
UPOV
18 views · 2 days ago



Enrique Medina Maizos - SNECS, Mexico
UPOV
122 views · 1 day ago



Kwon Jin Choi - Korea Seed & Variety Service, Republic of Korea
UPOV
52 views · 2 days ago

IMPACT OF PLANT VARIETY PROTECTION

Perspectives of research institutes



Huzarath Sankhria - International Rice Research Institute
UPOV
13 views · 3 days ago



Shubank in Singh - Agricultural Research Council
UPOV
27 views · 3 days ago



Yves Legras - National Institute for Agricultural
UPOV
41 views · 3 days ago

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Launch of Electronic Application Form (EAF)

Stakeholder features

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

Electronic Application Form (EAF)

GENIE Database

UPOV Lex

Plant Variety Database (PLUTO)

Welcome

The International Union for the Protection of New Varieties of Plants (UPOV) was established by the Convention for the Protection of New Varieties of Plants. The Convention was adopted in 1961.

UPOV's mission is to provide an international framework for the protection of plant breeders' rights, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

FAQs

FAQ on UN SDGs under development

UPOV

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Benefits of the UPOV System

UPOV

NEW Video: PVP in Ecuador

UPOV

NEW Video: PVP in Uruguay
Use of Plant Variety Protection by the Faculty of Agronomy of the 'Universidad de la Republica' of Uruguay
Transcriptions: [FR](#), [DE](#)

UPOV Trilogy Publication
• [Executive Summary](#)

[Symposium on Plant Breeding for the Future \(2011\)](#)
[Seminar on Plant Variety Protection and Technology Transfer: The Benefits of Public-Private Partnership \(2011\)](#)
[Symposium on the Benefits of Plant Variety Protection for Farmers and Growers \(2012\)](#)

[UPOV Report on the Impact of Plant Variety Protection](#)

[Ashiro Rindo Story](#)

[Introduction to UPOV](#)

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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

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.

<i>Purpose</i>	Voluntary
<p>1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:</p> <ul style="list-style-type: none"> (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. 	

<i>Purpose</i>	Inclusive
<p>1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:</p> <ul style="list-style-type: none"> (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. 	


<i>Purpose</i>	Efficient
<p>1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:</p> <ul style="list-style-type: none"> (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. 	

<p>2. For the above proposals, to provide the Consultative Committee with an analysis of the:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) society in the member states of the Union; (ii) PVP Offices of members of the Union, including: <ul style="list-style-type: none"> • costs and income • number of applications and income derived for applications; (iii) domestic and foreign breeders, including small- and medium-sized enterprises (SMEs); (iv) farmers; and (v) UPOV. 	
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; background-color: #d9ead3; width: fit-content; margin: 0 auto;"> <p>WG-ISC: identify needs of UPOV members and review how the issues raised by breeders correspond to those needs</p> </div>	
	



*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.



The screenshot shows the UPOV website interface. At the top left is the UPOV logo. To the right is a search bar and navigation links for 'Contact us', 'Site map', and 'YouTube'. Below this is a horizontal menu with categories: 'ABOUT UPOV', 'MEMBERSHIP', 'UPOV SYSTEM', 'PVP DATA & STATISTICS', 'MEETINGS' (highlighted in orange), and 'NEWS'. On the left side, there is a vertical 'MEETINGS' sidebar with sub-links: 'Home', 'Calendar of Meetings', and 'Meeting Documents'. The main content area displays a breadcrumb trail 'HOME > MEETINGS >' followed by the title 'Seminar on Propagating and Harvested Material in the Context of the UPOV Convention (UPOV/SEM/GE/16)' and the date 'October 24, 2016 (Geneva, Switzerland)'. The UPOV logo is also present at the bottom left of the page.



Jun Koide

UPOV

High Level Study Tour (Japan, July 2016)



Koshihikari

Tsuyahime

UPOV

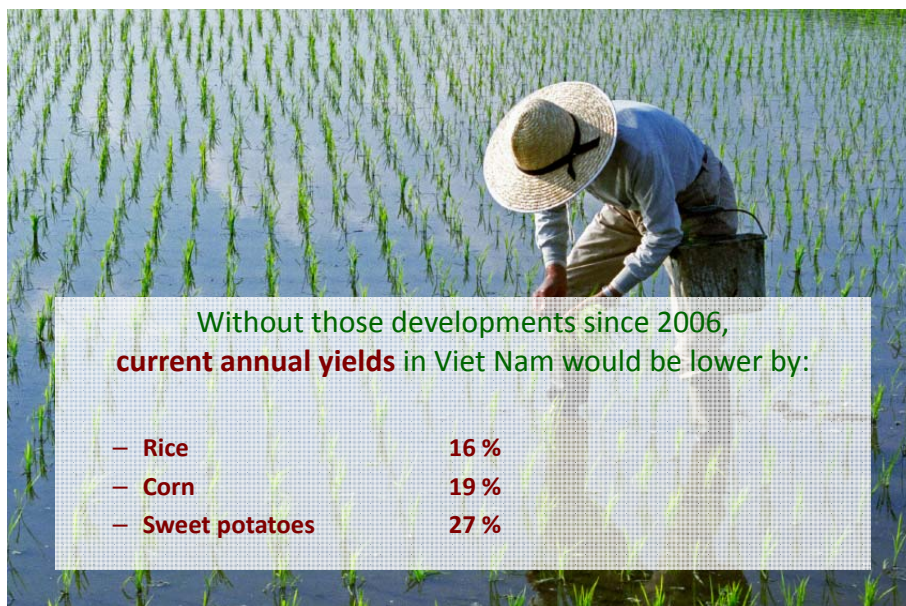
STUDY in VIET NAM*

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 %

* "The socio-economic benefits of UPOV membership in Viet Nam; An ex post assessment on plant breeding and agricultural productivity after 10 years" (Corresponding author: Steffen Noleppa) by HFFA Research GmbH

STUDY in VIET NAM



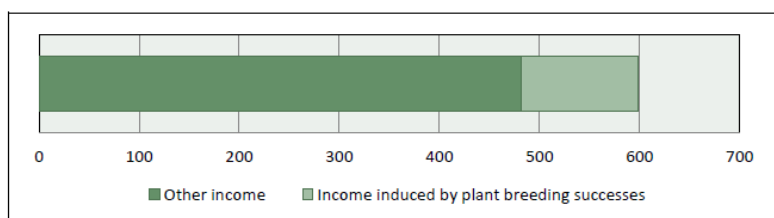
Without those developments since 2006, **current annual yields** in Viet Nam would be lower by:

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

STUDY in VIET NAM

INCOME of Vietnamese farmers has increased by 24% since 2006

Figure 4.6: Income of a Vietnamese farmer induced by plant breeding successes for major arable crops since UPOV membership vs. other income in arable farming (in USD)



Source: Own figure and calculations.

UPOV

MISSION STATEMENT

“To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, [...]”

UPOV

STUDY in VIET NAM

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
(> 2.5% GDP)

UPOV

UPOV

MISSION STATEMENT

“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”

UPOV

TECHNICAL COMMITTEE Fifty-third Session

UPOV

International Union for the Protection of New Varieties of Plants

**Difficulty to obtain plant material from breeders,
especially when a variety was no longer in
commercialization:**

Office of the Union to issue a questionnaire:

approaches used to **obtain plant material** from breeders,
especially when a variety was no longer in commercialization.

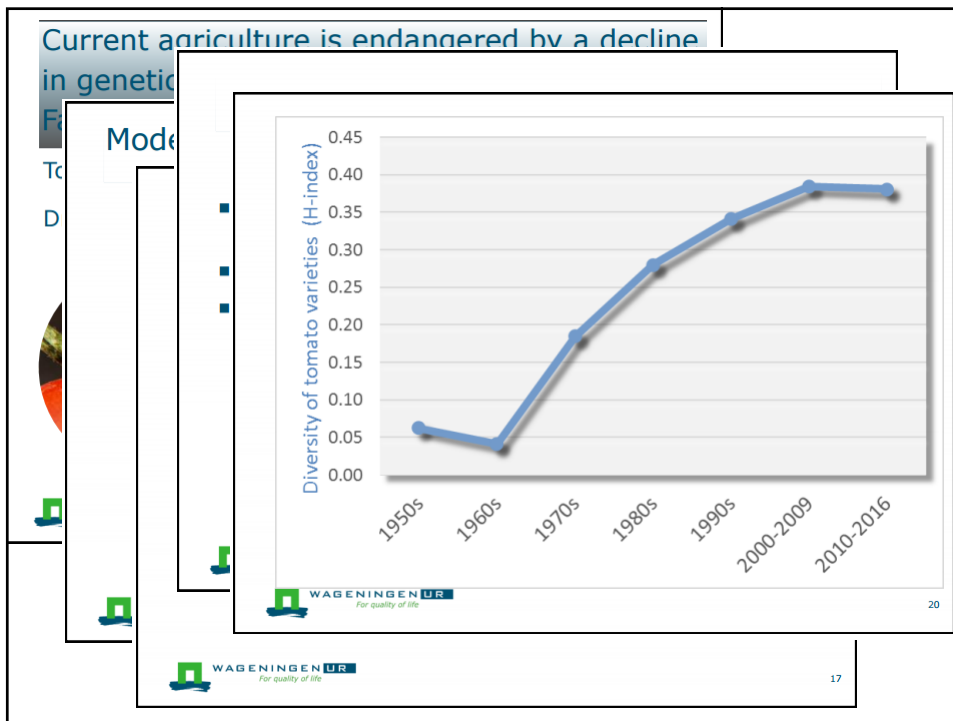
approaches used on **deciding** on varieties whose existence is a
matter of **common knowledge**

results of the survey should be presented to the TWPs and the
TC at their sessions in 2018.

Discussion session

- (a) Use of disease and insect resistance characteristics in DUS examination
- (b) Management of variety collections
- (c) Minimum distance between varieties
- (d) Increasing participation of new members of the Union in the work of the TC and TWPs

Presentations available at:
http://www.upov.int/meetings/en/details.jsp?meeting_id=42485



Cooperation in Examination

TC/52 agenda item 3

“Discussion on quality parameters for DUS examination”

- may be obstacles to cooperation in examination, including exchange of DUS reports, and agreed to explore the situation further

- as a starting point for discussion, Office of the Union to conduct a survey of the current situation of members of the Union and to report the results to the TC



Responses to the Questionnaire: 28 (38%)

African Intellectual Property Organization (OAPI)	Latvia
Belarus	Mexico
Costa Rica	Netherlands
Croatia	New Zealand
Czech Republic	Norway
Denmark	Panama
Ecuador	Portugal
Estonia	Republic of Moldova
European Union	Russian Federation
Finland	Serbia
France	Sweden
Germany	Turkey
Israel	United Kingdom
Kenya	United States of America



Responses to the Questionnaire: 12/28 European Union

African Intellectual Property Organization	Latvia
Belarus	Mexico
Costa Rica	Netherlands
Croatia	New Zealand
Czech Republic	Norway
Denmark	Panama
Ecuador	Portugal
Estonia	Republic of Moldova
European Union	Russian Federation
Finland	Serbia
France	Sweden
Germany	Turkey
Israel	United Kingdom
Kenya	United States of America

UPOV

SURVEY STRUCTURE

BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1	
Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2	
Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3	
Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General	
Receiving DUS reports	Q17 – 19

UPOV

SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

EASE OF ARRANGEMENT OF COOPERATION Q36

UPOV

SURVEY STRUCTURE

BACKGROUND Q1 - 6

OVERVIEW OF COOPERATION Q7

SECTION A: RECEIVING DUS REPORTS

Receiving Type 1

Use of existing DUS reports from other UPOV members Q8 – 11

Receiving Type 2

Requesting DUS reports from other UPOV members (examination in process but no existing DUS report) Q12 – 13

Receiving Type 3

Requesting DUS examinations from other UPOV members (no examination in process) Q14 – 16

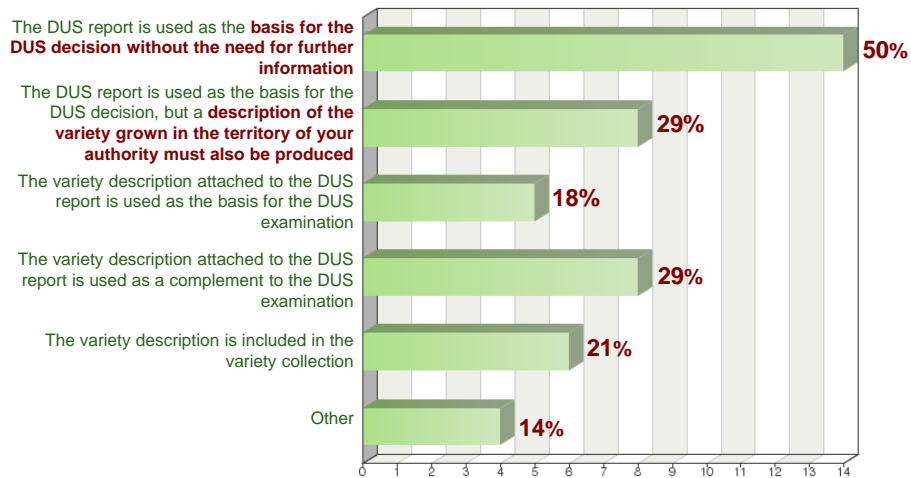
General

Receiving DUS reports Q17 – 19

UPOV

Question 7:

In general, which of the following options best describes the way in which your authority uses DUS reports provided by another UPOV member?



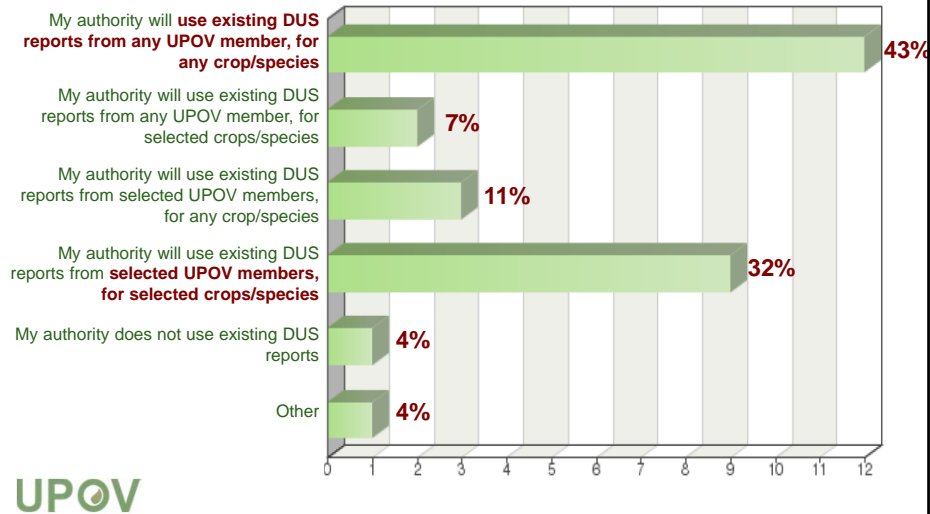
SURVEY STRUCTURE

BACKGROUND	Q1 - 6
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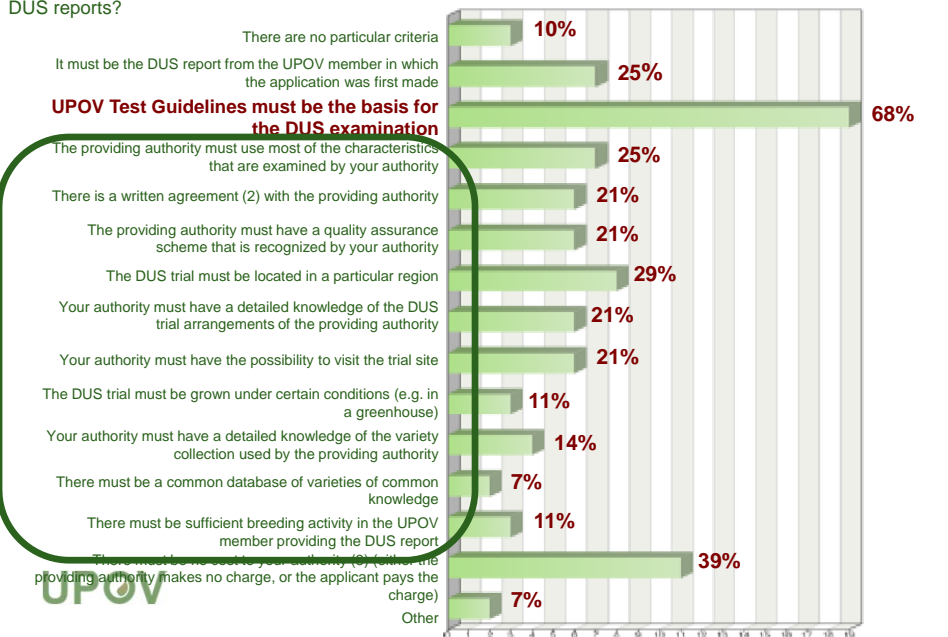
Question 8:

Please describe the use of existing DUS reports by your authority:



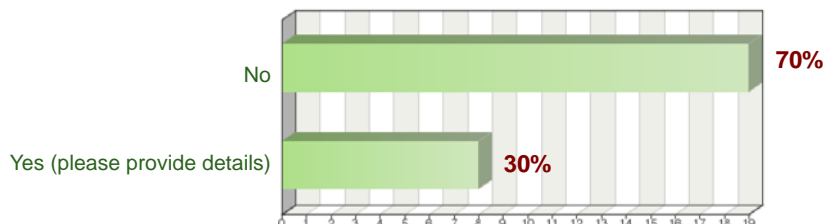
Question 9:

If your authority uses existing DUS reports, which of the following criteria must normally be met to use existing DUS reports?



Question 11:

Are there any practical measures that might facilitate the use of existing DUS reports by your authority?



- **CPVO accreditation**
- **Better knowledge of variety collection and guidelines used**
- **Database of tests performed**



SURVEY STRUCTURE

BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
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Use of existing DUS reports from other UPOV members	Q8 – 11
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Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
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Receiving DUS reports	Q17 – 19

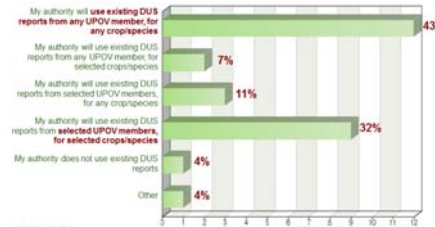


Question 12:

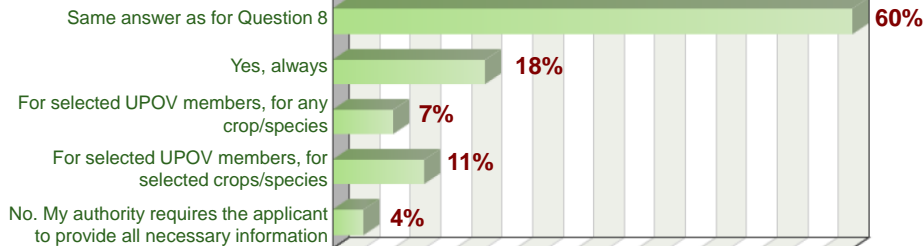
Situation: No other UPOV member is the subject of an application for the same variety. Examination has, is being, or will be conducted. Do you need for a DUS examination would your authority require the applicant to provide all necessary information at the end of the DUS examination?

Question 8:

Please describe the use of existing DUS reports by your authority:



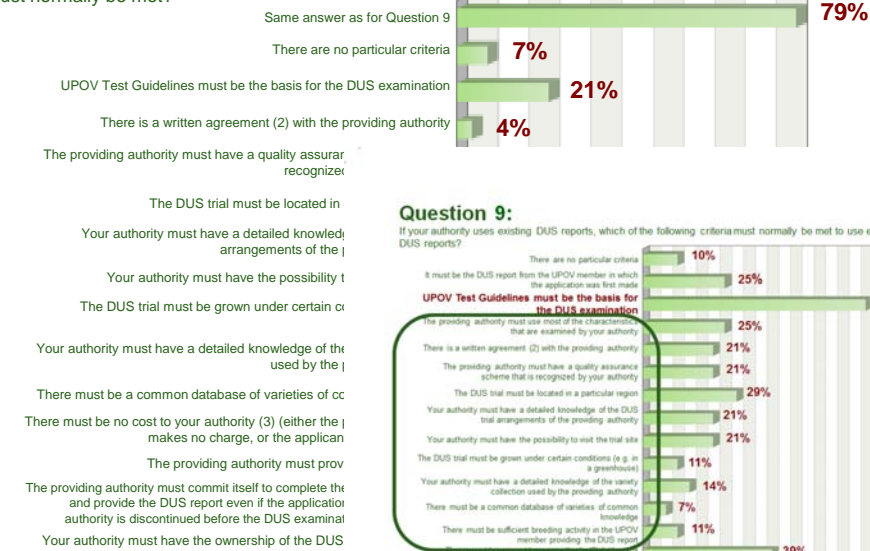
variety which is the subject of an application for a DUS examination to avoid the applicant, JS report at



UPOV

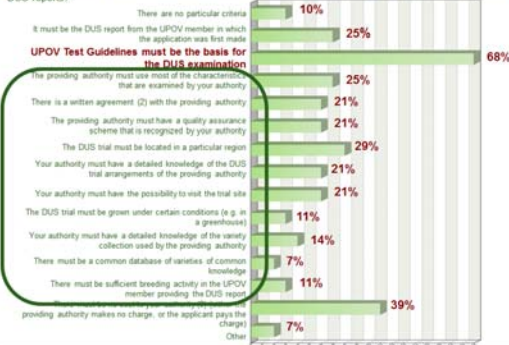
Question 13:

If your authority requests DUS reports in the situation described in Question 12, which of the following criteria must normally be met?



Question 9:

If your authority uses existing DUS reports, which of the following criteria must normally be met to use existing DUS reports?



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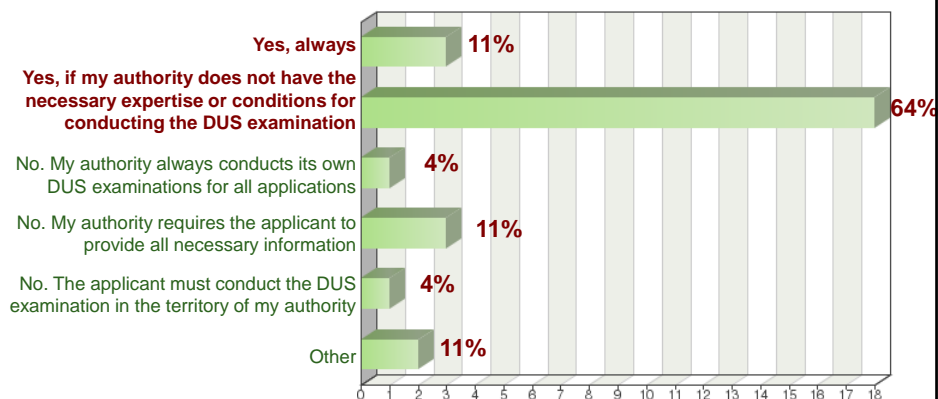
SURVEY STRUCTURE

BACKGROUND	Q1 - 6
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Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General	
Receiving DUS reports	Q17 – 19



Question 14:

Situation: No other UPOV member has an existing DUS report for a variety which is the subject of an application with your authority and there is no application with another UPOV member. In the situation above, would your authority request another UPOV member to conduct the DUS examination on its behalf?



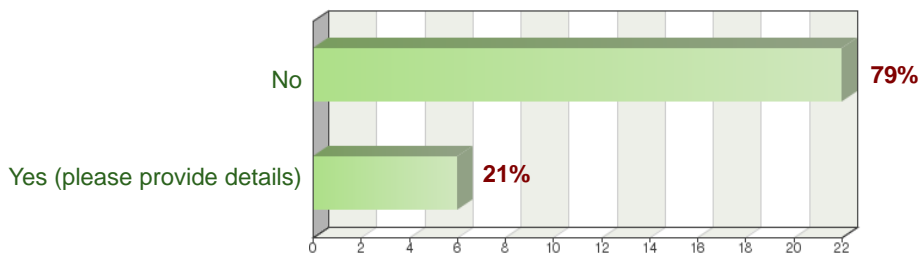
SURVEY STRUCTURE

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Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General	
Receiving DUS reports	Q17 – 19



Question 19:

Are there any practical measures that might facilitate requests for DUS examinations by your authority from other UPOV members?



- Database of tests performed
- CPVO Entrustment



SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of **existing DUS reports** to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

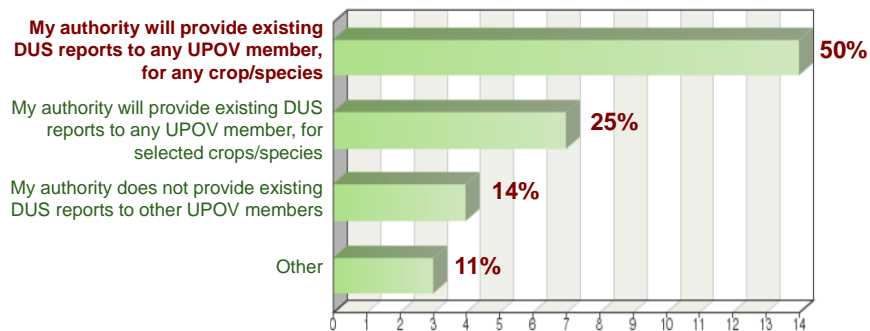
KNOWLEDGE OF COOPERATION Q35

EASE OF ARRANGEMENT OF COOPERATION Q36

UPOV

Question 20:

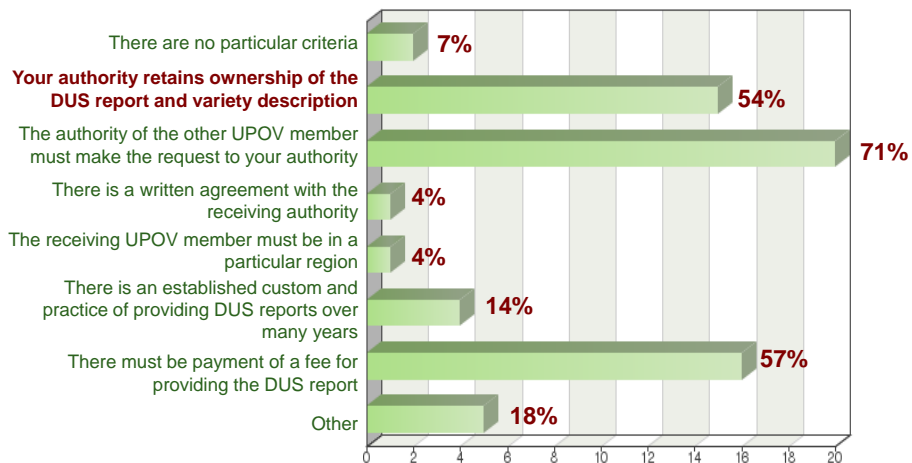
Please describe the provision of existing DUS reports by your authority to other UPOV members:



UPOV

Question 21:

If your authority provides existing DUS reports, which of the following criteria are used in deciding whether to provide existing DUS reports?



SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

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Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION

Q35

EASE OF ARRANGEMENT OF COOPERATION

Q36

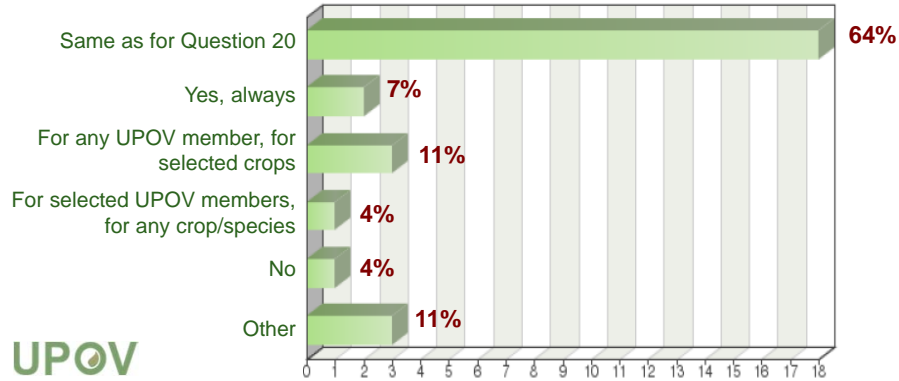
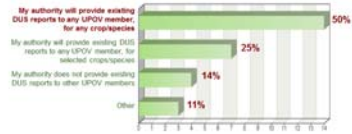


Question 24:

Situation: A DUS report has not yet been provided by your authority which is the subject of an application with you are currently conducting, or is going to conduct, a DUS examination. Would your authority agree, in advance, to provide a DUS report to another UPOV member at the end of the DUS examination?

Question 20:

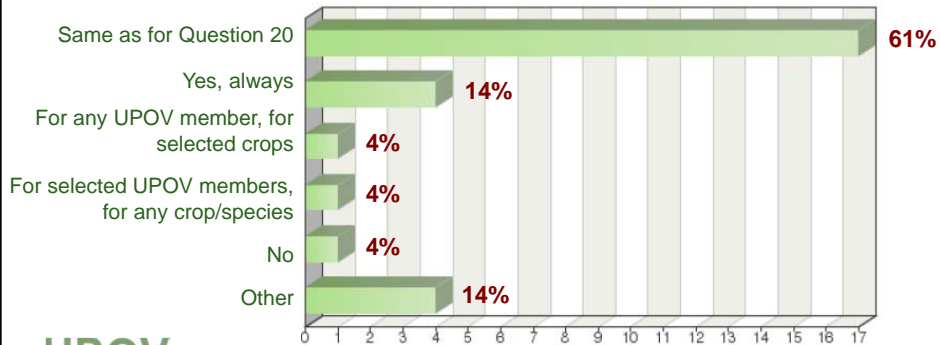
Please describe the provision of existing DUS reports by your authority to other UPOV members:



UPOV

Question 26:

In the situation in Question 24, would your authority agree, in advance, to complete a DUS examination and provide a DUS report to another UPOV member, even if the application was discontinued in your territory before the DUS examination was completed?



UPOV

SURVEY STRUCTURE

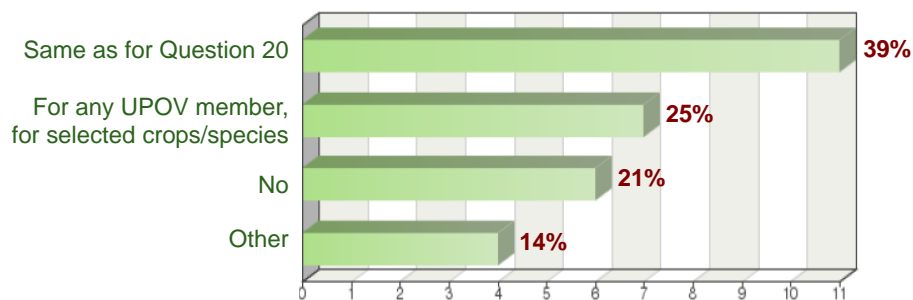
SECTION B: PROVIDING DUS REPORTS

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General	
Providing DUS reports	Q32 – 34
KNOWLEDGE OF COOPERATION	Q35
EASE OF ARRANGEMENT OF COOPERATION	Q36

UPOV

Question 28:

If your authority has not received an application for a variety concerned but your authority has the necessary expertise and conditions for conducting the DUS examination, would your authority conduct a DUS examination on behalf of another UPOV member, if so requested?



UPOV

SURVEY STRUCTURE

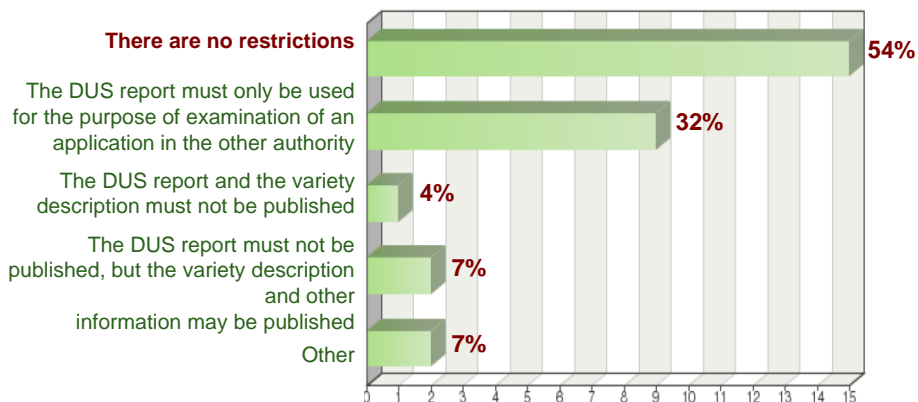
SECTION B: PROVIDING DUS REPORTS

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General	
Providing DUS reports	Q32 – 34
KNOWLEDGE OF COOPERATION	Q35
EASE OF ARRANGEMENT OF COOPERATION	Q36

UPOV

Question 32:

Please describe any restrictions on the use of DUS reports you provide to the authority of another UPOV member



UPOV

SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

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General

Providing DUS reports Q32 – 34

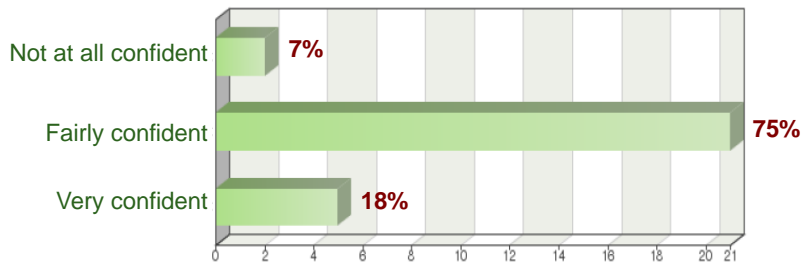
KNOWLEDGE OF COOPERATION Q35

EASE OF ARRANGEMENT OF COOPERATION Q36



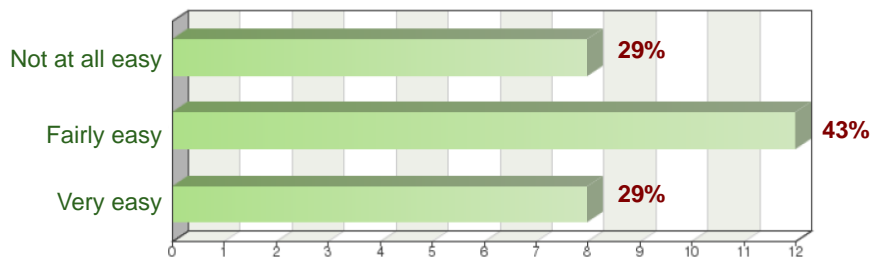
Question 35:

How confident are you that you know all the options for cooperation between UPOV members in DUS examination?



Question 36:

In your experience, how easy is it to arrange cooperation in DUS examination with other UPOV members?



UPOV members that have data in GENIE and completed the DUS survey

(26)

Belarus	Finland	Netherlands	Russian Federation
Croatia	France	New Zealand	Serbia
Czech Republic	Germany	Norway	Sweden
Denmark	Israel	Panama	Turkey
Ecuador	Kenya	Portugal	United Kingdom
Estonia	Latvia	Republic of Moldova	United States of America
European Union	Mexico		



UPOV members that have data in GENIE and completed the DUS survey

13 non-EU / 13 EU

Belarus	Finland	Netherlands	Russian Federation
Croatia	France	New Zealand	Serbia
Czech Republic	Germany	Norway	Sweden
Denmark	Israel	Panama	Turkey
Ecuador	Kenya	Portugal	United Kingdom
Estonia	Latvia	Republic of Moldova	United States of America
European Union	Mexico		

UPOV

UPOV members that have data in GENIE but did not complete the DUS survey

(36)

Albania	Colombia	Republic of Korea
Argentina	Georgia	Romania
Australia	Hungary	Slovakia
Austria	Ireland	Slovenia
Azerbaijan	Italy	South Africa
Belgium	Japan	Spain
Bolivia (Plurinational State of)	Lithuania	Switzerland
Brazil	Morocco	The former Yugoslav Republic of Macedonia
Bulgaria	Nicaragua	Tunisia
Canada	Paraguay	Ukraine
Chile	Peru	Uruguay
China	Poland	Viet Nam

UPOV

UPOV members that have data in GENIE but did not complete the DUS survey
(24 non-EU / 12 EU)

Albania	Colombia	Republic of Korea
Argentina	Georgia	Romania
Australia	Hungary	Slovakia
Austria	Ireland	Slovenia
Azerbaijan	Italy	South Africa
Belgium	Japan	Spain
Bolivia (Plurinational State of)	Lithuania	Switzerland
Brazil	Morocco	The former Yugoslav Republic of Macedonia
Bulgaria	Nicaragua	Tunisia
Canada	Paraguay	Ukraine
Chile	Peru	Uruguay
China	Poland	Viet Nam

UPOV

UPOV members that do not have data in GENIE but completed the DUS survey

(2)

Costa Rica
African Intellectual Property Organization (OAPI)

UPOV

**UPOV members that do not have data in GENIE
and did not complete the DUS survey
(10)**

Dominican Republic	Oman
Iceland	Singapore
Jordan	Trinidad and Tobago
Kyrgyzstan	United Republic of Tanzania
Montenegro	Uzbekistan

UPOV

Reflections

- 93% respondents fairly/very confident of options for cooperation
 - but only 38% of UPOV members replied
- 50% respondents: DUS report is used as the basis for the DUS decision without the need for further information
 - *need for additional information for other 50% in GENIE?*
 - *only 38% of UPOV members replied*
- 30% respondents considered that further practical measures might facilitate the use of existing DUS reports
 - practical tools (accreditation, databases, information...?)
- 29% of respondents found that cooperation in DUS examination was “not at all easy”
 - and only 38% of UPOV members replied
- **WG-ISC to consider need to accept DUS reports from any member of the Union without further consideration**
- **Explain the issues and fill in the gaps...?**