



TWC/31/27

ORIGINAL: English

DATE: May 21, 2013

**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

Geneva

**TECHNICAL WORKING PARTY ON AUTOMATION AND  
COMPUTER PROGRAMS**

**Thirty-First Session  
Seoul, June 4 to 7, 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 thirty-first session of the Technical Working Party on Automation and Computer Programs (TWC).

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

[Annex follows]

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TECHNICAL WORKING PARTY ON AUTOMATION  
AND COMPUTER PROGRAMS  
Thirty-first Session

REPORT ON DEVELOPMENTS IN UPOV

*Seoul, Republic of Korea, June 4 to 7, 2013*

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**OVERVIEW**

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

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## OVERVIEW

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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)

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## UPOV Office: Retirements



**Ms. Julia Borys**  
Senior Technical Counsellor



**Mrs. Margaret Byskov**  
Senior Secretary

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## UPOV Office: Appointments



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



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

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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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<u>Draft Laws examined</u>	<u>Council session</u>	<u>Advice</u>
<b>Ghana</b>	November 1, 2012	Positive
<b>United Republic of Tanzania</b> (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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<b>OBSERVERS</b>
<u>States</u>
Observer State status granted to <b>GHANA</b> for the TC and TWPs
<u>International Non-Governmental Organizations</u>
Observer status granted to the <b>African Seed Trade Association (AFSTA)</b> for the Council, CAJ, TC and TWPs

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The screenshot shows the UPOV website homepage. At the top, there are language options (Deutsch, Español, Français, Other) and a search bar. Below the header is a navigation menu with links for ABOUT UPOV, MEMBERSHIP, UPOV SYSTEM, PVP DATA & STATISTICS, MEETINGS, and NEWS. The main content area features a large banner with a sunflower image and the text "Test Guidelines available in Word". To the right of the banner is a "Quick Links" menu with a red arrow pointing to the "Situation in UPOV" link. Below the banner is a "Welcome" section with introductory text about UPOV. On the right side, there are links to the GENIE Database, UPOV Lex, and Plant Variety Database (PLUTO). At the bottom right, there is a "News & Upcoming Events" section with a link to "Test Guidelines now available in Word format".

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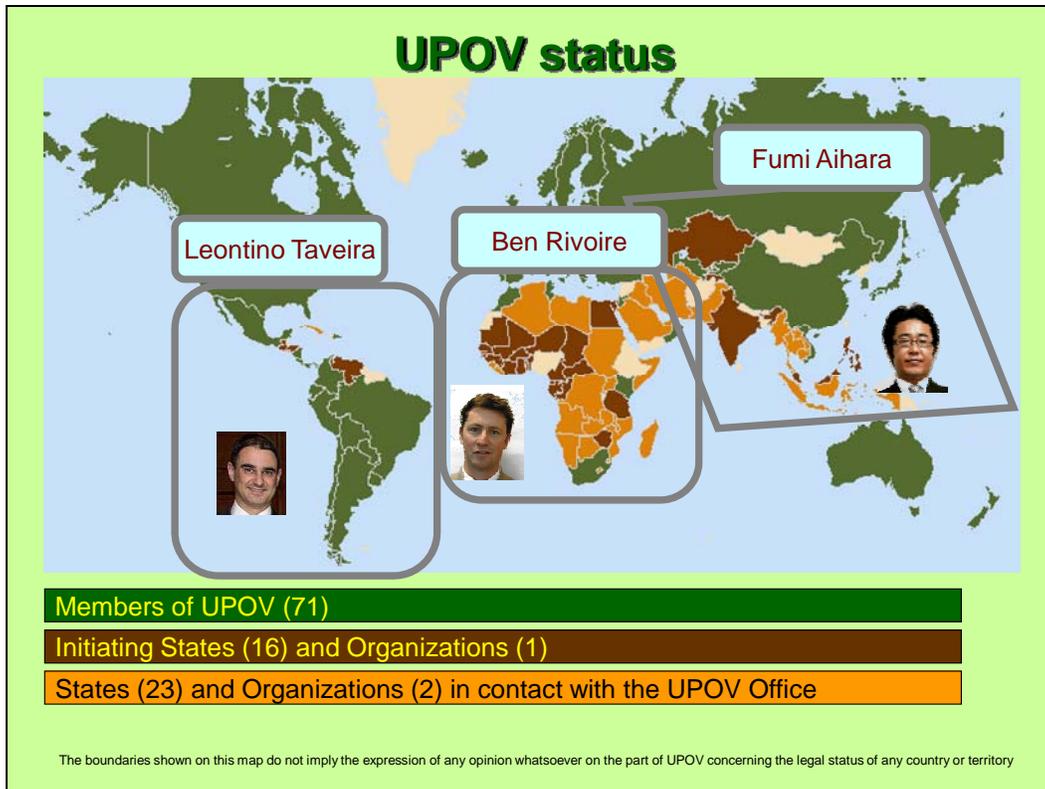
**MEMBERS**

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

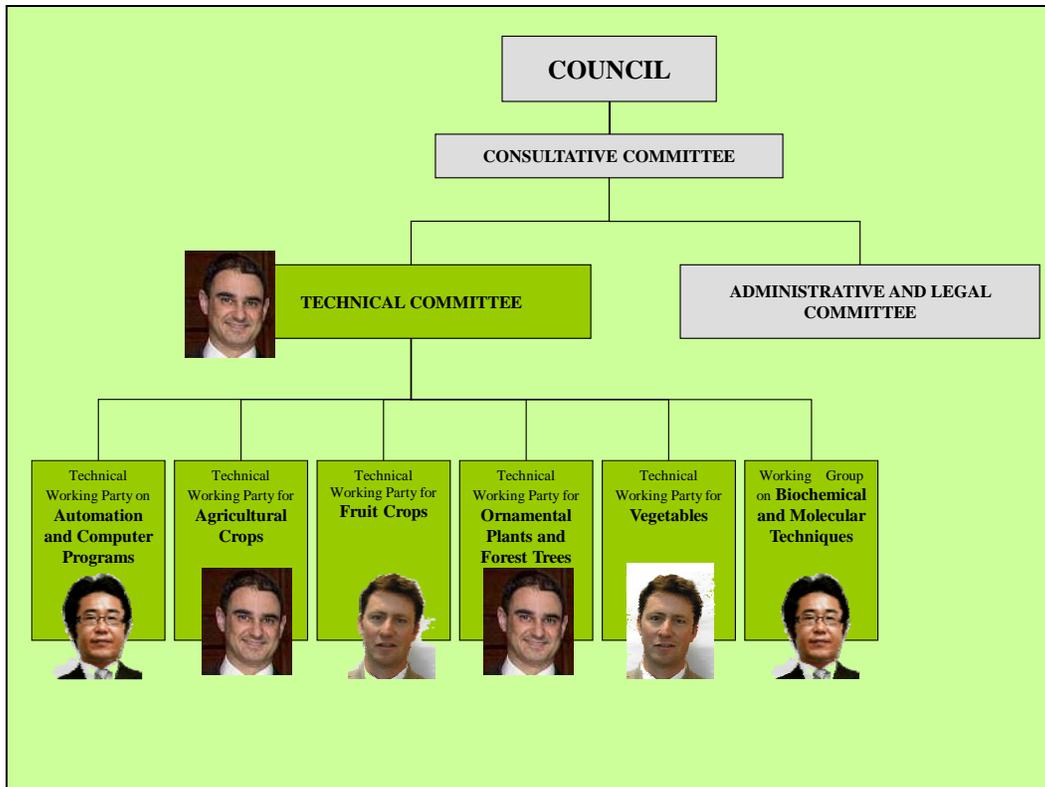
**States and intergovernmental organizations which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention**

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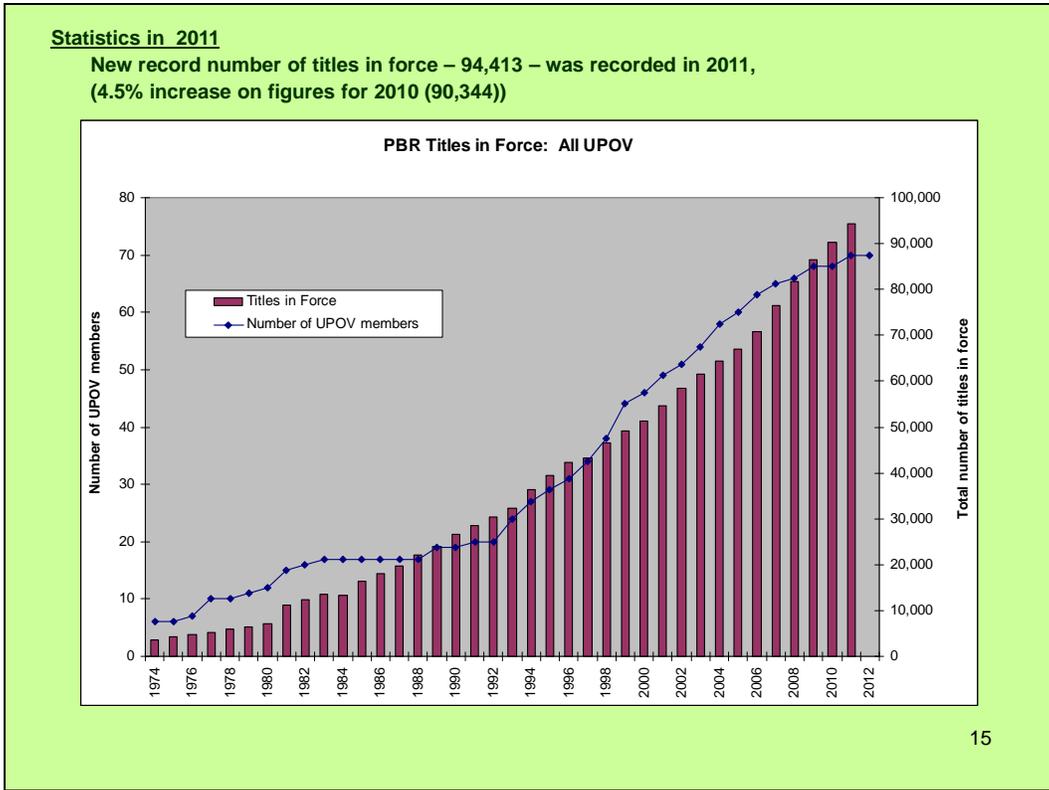
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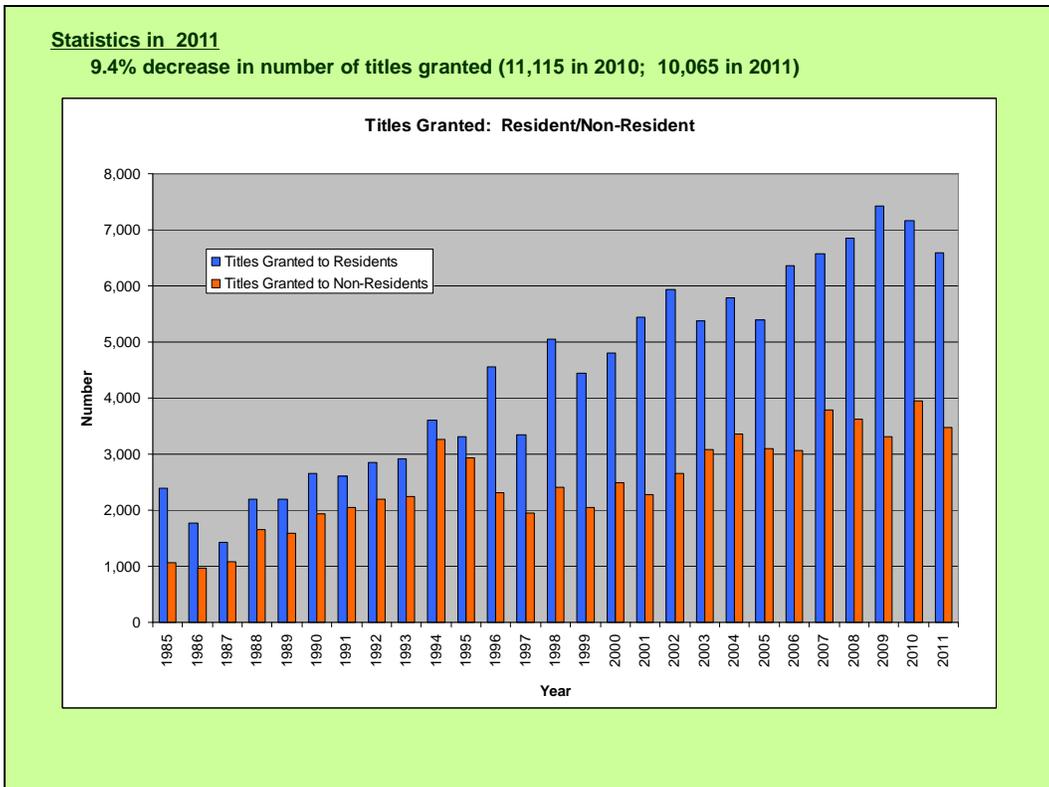
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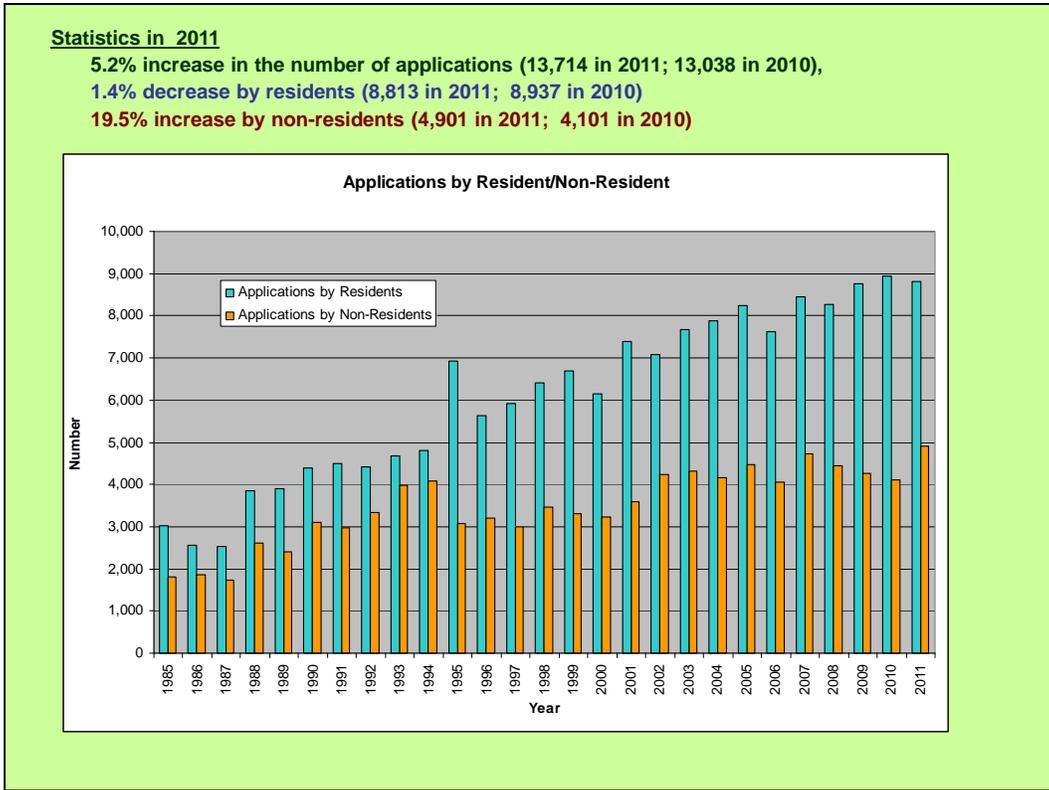
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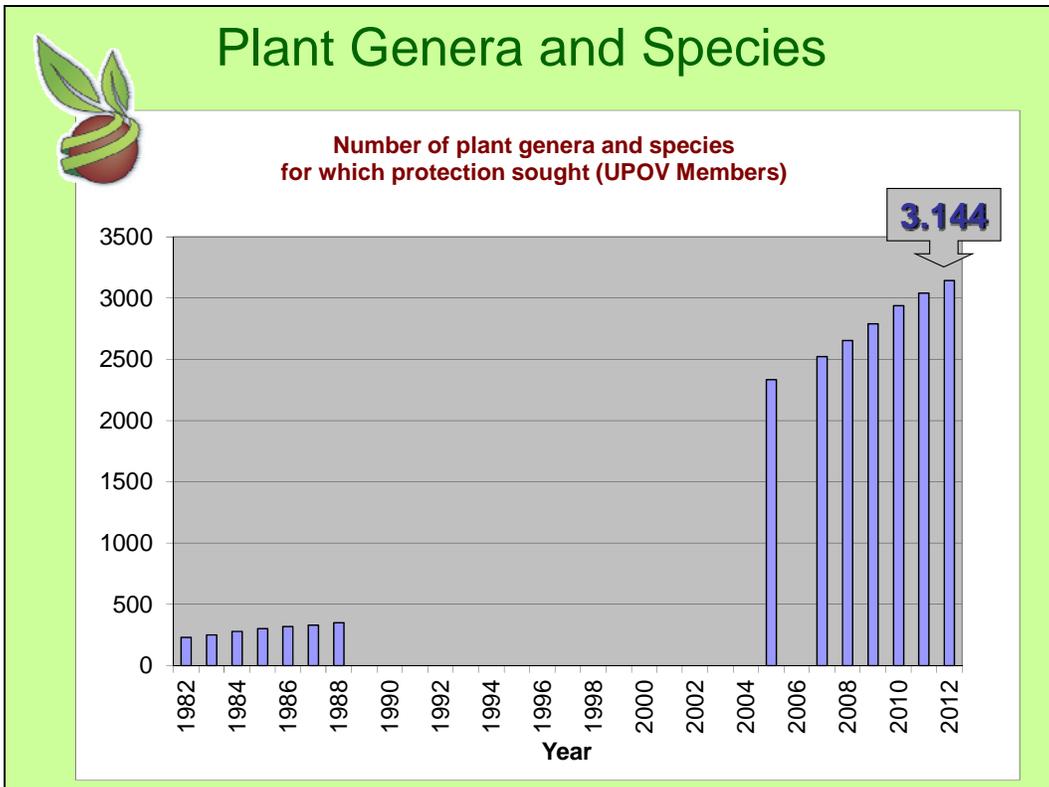
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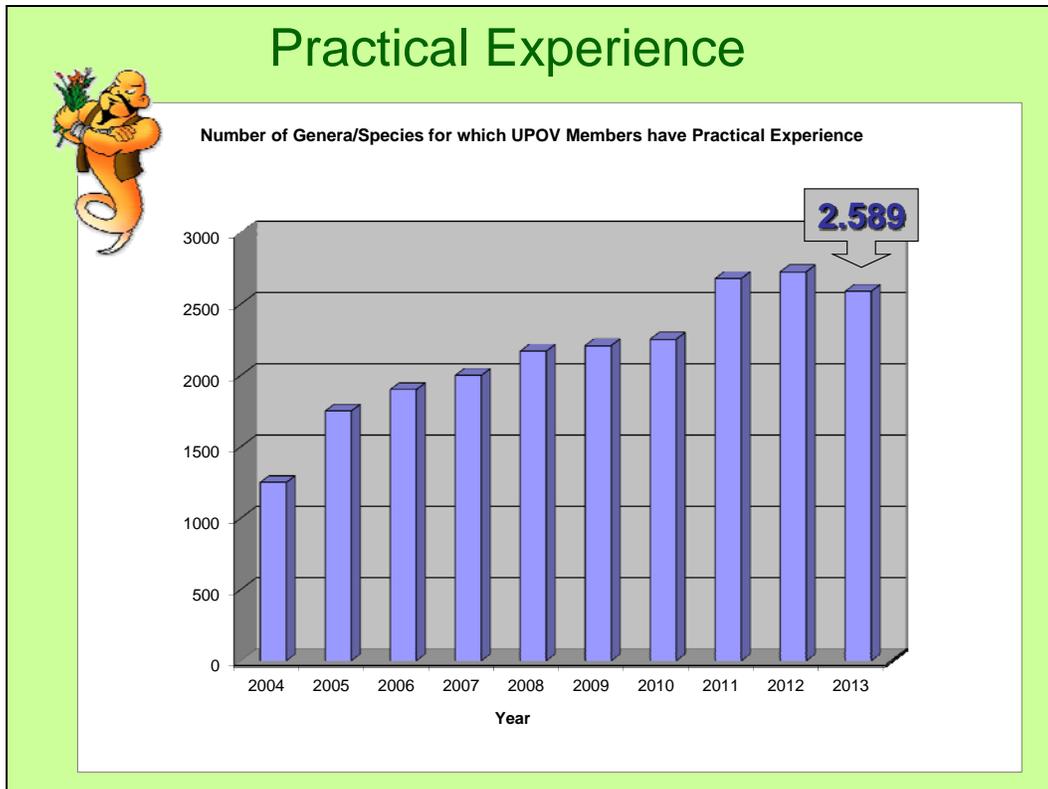
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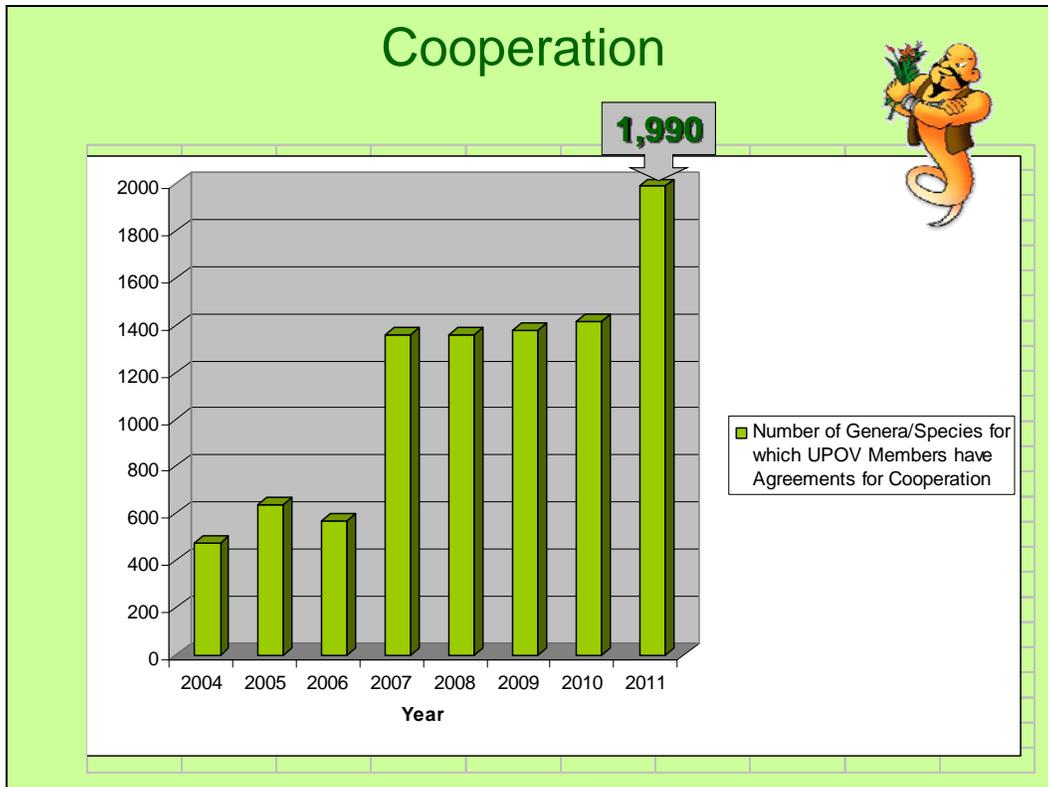
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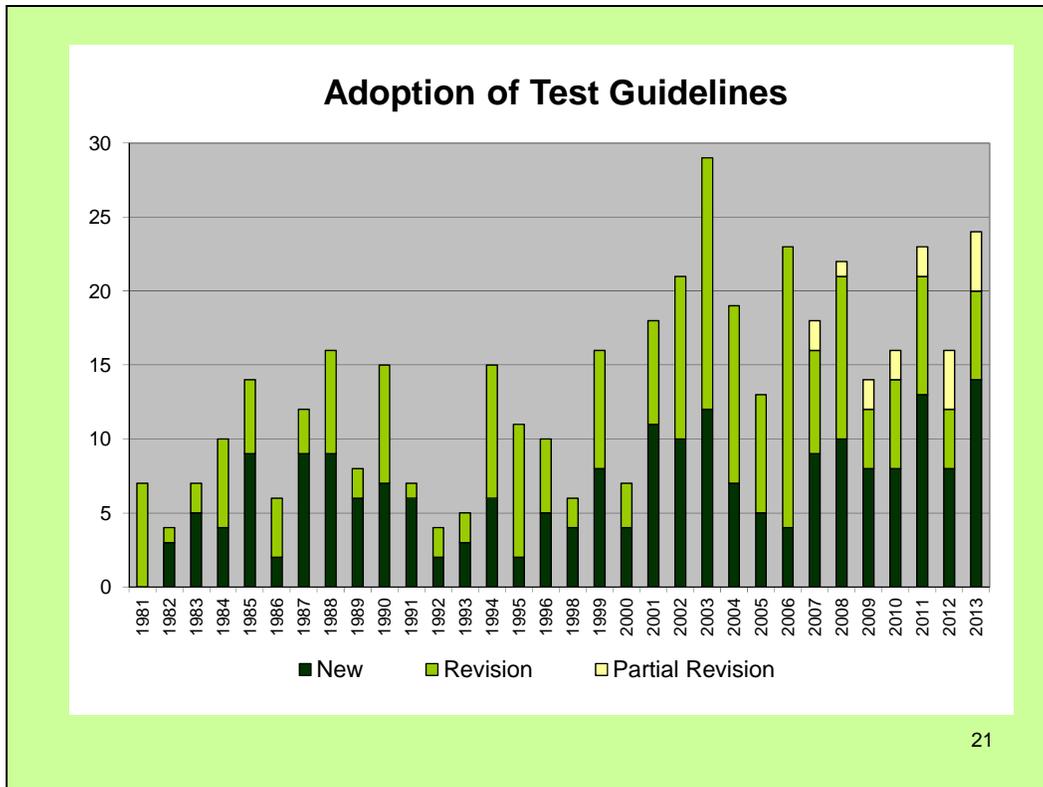
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## **ITPGRFA**

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

### **Platform for the Co-Development and Transfer of Technologies**

*Members of the Union approved the participation of  
the Office of the Union in the Platform*

Contribution to the work of multi-stakeholder team on enhancing  
public-private partnerships in pre-breeding

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## **OVERVIEW**

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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*

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### 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

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## 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**

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## Past Events

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

**MEETINGS**

- Home
- Calendar of Meetings
- Meeting Documents**
- Seminars & Symposia
- Restricted area
- Search Documents

HOME » MEETINGS »

### Seminars & Symposia

Unless otherwise agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV can represent policies or guidance.

[Meetings by Topic](#) » [Seminars & Symposia](#)

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

**Trilogy publication**

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## 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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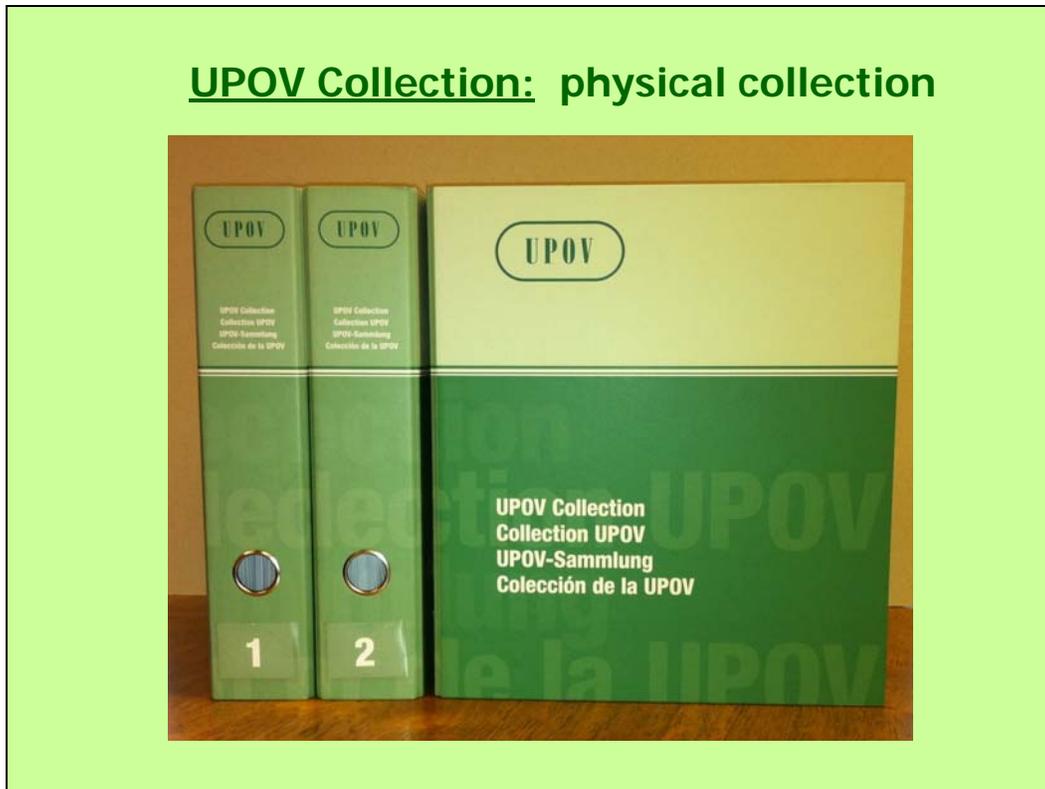
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## OVERVIEW

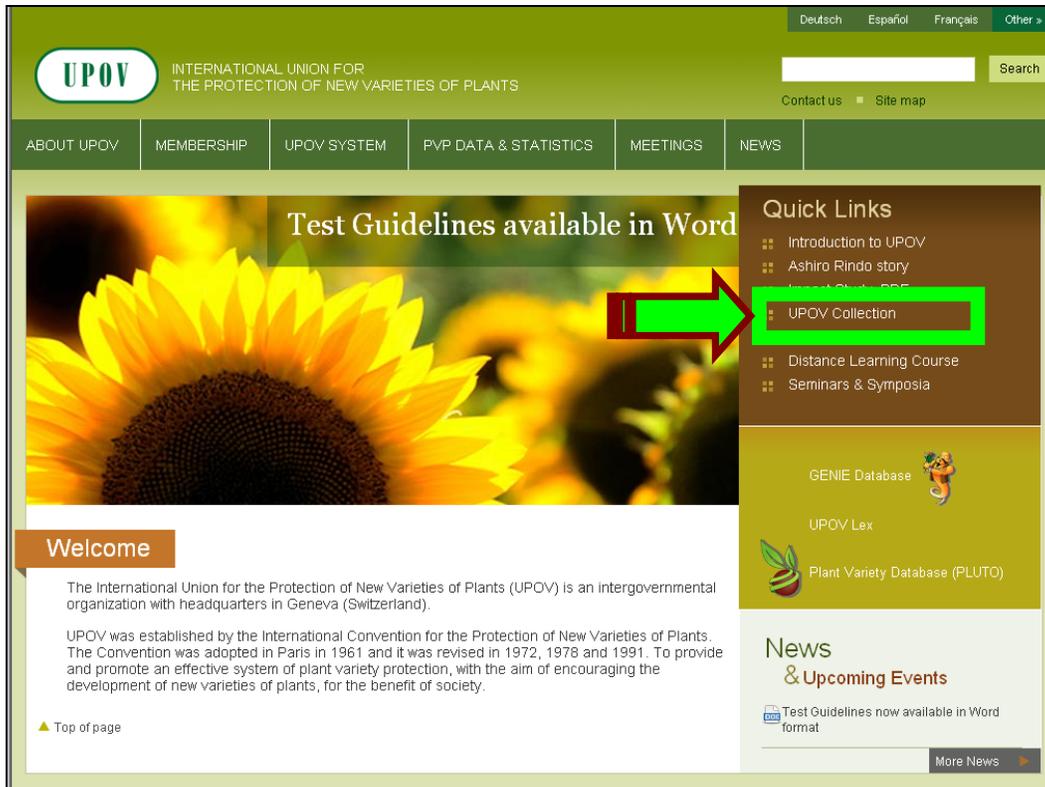
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Deutsches Español Français Other >

**UPOV** INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

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ABOUT UPOV MEMBERSHIP UPOV SYSTEM PVP DATA & STATISTICS MEETINGS NEWS

### Test Guidelines available in Word

#### Quick Links

- Introduction to UPOV
- Ashiro Rindo story
- UPOV Collection
- 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

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

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

<b>PROPOSED FOR ADOPTION IN OCTOBER 2013</b>	
Document reference	Title
<b>TGP/14 (Revision)</b>	<b>Glossary of Terms Used in UPOV Documents Shapes and Structures (Revised) Color (New)</b>
<b>TGP/15</b>	<b>Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)</b>

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<b>ONGOING WORK: ESSENTIALLY DERIVED VARIETIES</b>		
		Schedule
<b>SEMINAR</b>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• Existing experience in relation to EDVs; and</li> <li>• Possible role of future UPOV guidance on EDVs in cases before the courts.</li> </ul>	<b>October 22, 2013</b>
	<ul style="list-style-type: none"> <li>• Use of molecular marker data information of an initial variety to obtain essentially derived varieties</li> <li>• Relationship between Article 14(5)(b)(i) and (iii)                             <ul style="list-style-type: none"> <li>– 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)”</li> </ul> </li> </ul>	<b>CAJ-AG October 2013</b>
<b>UPOV/EXN/EDV Revision</b>	<b>Essentially Derived Varieties</b> <ul style="list-style-type: none"> <li>• EDV “B”, EDV “C” to EDV “Z”</li> </ul>	<b>CAJ/69 March 2014</b>
	<ul style="list-style-type: none"> <li>• Presentations on matters concerning essentially derived varieties arising after the grant of a breeder’s right (e.g. AU, BR, EU)</li> </ul>	<b>Future CAJ-AG</b>

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

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

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

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## TEST GUIDELINES ADOPTED IN 2013

NEW TEST GUIDELINES		
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

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## TEST GUIDELINES ADOPTED IN 2013

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

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## 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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**DL-205**  
**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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**DL-305**  
**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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## DL-305

### 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	Friday
TC	TC	TC Discussion		
TC	TC	TC		

**DISCUSSION ON:**

- (a) Improving the effectiveness of the TC, TWPs and Preparatory Workshops;
- (b) Opportunities for training in the examination of DUS;
- (c) Cooperation with breeders in the examination of DUS.

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[End of Annex and of document]