



TWC/31/31

ORIGINAL: English

DATE: February 14, 2014

**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**

REPORTS ON DEVELOPMENT IN PLANT VARIETY PROTECTION  
FROM MEMBERS AND OBSERVERS

*Document prepared by the Office of the Union*

*Disclaimer: this document does not represent UPOV policies or guidance*

1. The Technical Committee (TC), at its forty-seventh session held in Geneva, from April 4 to 6, 2011, agreed to request the Office of the Union to invite experts to submit written reports to the Office of the Union in advance of the Technical Working Party (TWP) sessions in order that a document containing those reports could be prepared by the Office of the Union. The TC noted that TWP experts would be invited to make a brief oral summary of their written report at the session and would also be encouraged to make reports under the agenda item "Experiences with new types and species", as appropriate. The TC also noted that TWP experts would have an opportunity to raise questions concerning matters of interest (see document TC/47/26 "Report on the Conclusions", paragraphs 9 and 10).
2. Written reports were requested by the Office of the Union in Circular E-13/143. The following reports were received (in alphabetical order):

Members of the Union: Annexes I to V: France, Italy, Japan, Republic of Korea and the United Kingdom

Organization: Annex VI: the International Seed Federation (ISF)

[Annexes follow]

News about IT Events

*Sharing the online application of the Community Plant Variety Office (CPVO)*

The aim of this project is that national examination offices share the Community Plant Variety Office (CPVO)'s online application system for their own applications (PVR and/or National list).

The system should include the management of: Application form, DUS TQ and VCU TQ.

Two country pilots were identified for this project: France and Netherlands.

For France, We have finalized the application form and the TQ on two species Maize and Lettuce. We have also defined a short list of clients to launch a real test before the end of this year.

*Electronic Exchange platform with the CPVO*

The aim of this project is to exchange electronic documents between several partners (the CPVO and its examination offices) via an exchange platform hosted on a dedicated server.

To send or to read the messages and files on the platform, the user will have the following two possibilities:

- To go to a restricted area web site
- To use an application program interface.

If possible, the platform will integrate an outlook plugging. With this tool, a user could upload easily files to the platform only by sending an email to an addressee.

The platform is now accessible from <https://transfer.hub.plantvarieties.eu/login/>.

The CPVO will develop a robot to send messages to the platform (with attached documents) and to read automatically the new messages sent by other partners (and to download automatically the attached documents).

The Variety and Seed Study and Control Group (GEVES) of France are going to include this robot into their own applications for the exchange of electronic documents with CPVO initially.

*GEMMA: A technical web site to share DUS data*

The CPVO ask GEVES if it could be possible to use Gemma in the framework of the R&D program developed on potato and more generally for other R&D projects. The agreement for the provision of the website "GEMMA" is now available in French and in English.

[Annex II follows]

ITALY

In Italy, the Seed Sector of the National Institute for Research on Food and Nutrition (INRAN-ENSE) is the body responsible for the coordination of official trials of registry and plant variety protection on behalf of the Ministries. It is the Ministry of Economic Development that grants plants variety rights in collaboration with the Ministry of Agriculture and Forest. During the year 2012, INRA-ENSE was restructured and became a part of the Council for Research and Experimentation in Agriculture (CRA).

The situation of the Italian Plant Variety Rights (national protection) is as follows:

- during the year 2012, 14 applications for variety protection were filed: 7 for agricultural crops, 5 for fruit crops and 2 for ornamental plants. None of these application have been approved yet.

The situation of Community Plant Variety Rights (EU protection) is as follows:

- the total number of applications sent from Italy to the Community Plant Variety Office (CPVO) of the European Union in 2012 was 93: 10 for agricultural crops, 42 for fruit crops, 21 for ornamental plants, 4 for forest trees and 16 for vegetables. The total number of applications requested by Italian companies and approved by CPVO during 2012 was 4.

[Annex III follows]

## JAPAN

## 1. Number of applications and grants in 2012

## Number of applications

year	No. of Applications	(2012/2011)
1978 to 2012	27,975	-
2011	1,126	
2012	1,110	(99%)

## Top 5 Applications in 2012.

Chrysanthemum 170, Rosa 122, Petunia and Calibrachoa 77(44+33) Dianthus 55, Rice 39

## Number of grants

year	No. of PBR Granted	(2010/2009)
1978 to 2012	22,167	-
2011	1,139	
2012	881	(77%)

## Top 10 PBR Granted in 2012.

Rosa 111, Chrysanthemum 83, Petunia and Calibrachoa 63(19+44) Dianthus 34, Lettuce 26, Rice 25, Limonium 25, Periwinkle 23, Anthurium 22, White Clover 18

## 2. Average duration of the examination procedure (from application to registration)

2011	2012	2014 (target)
2.4 years	2.36 years	2.3 years

Web-site: [http://www.hinsyu.maff.go.jp/en/en\\_top.html](http://www.hinsyu.maff.go.jp/en/en_top.html)

[Annex IV follows]

## REPUBLIC OF KOREA

Current status of plant variety protection in the Republic of Korea*1. Plant Breeder's Right*

Total number of application as of 31 December, 2012 has reached 6,233 and among them, 4,277 varieties were registered and 538 were rejected since implementation of PVP system in 1998.

*2. Online Application System*

Korea Seed and Variety Service (KSVS) operates an online application system "SeedNet" (<http://www.seednet.go.kr>) which any applicant can access through the internet.

## □ Background

- well-established broadband network
  - the Republic of Korea is one of the world's most wired countries in the world
  - average internet speed in the Republic of Korea (ITIF report) : 49.5Mbps
- Easy access by Web browser such as Internet Explorer
  - User does not need to install client software in their own computers

## □ On-line Payment for application, examination, registration, and annual fee

- credit card
- real-time account transfer
- attachment receipt for the payment of fee (deposit slip issued by bank)

## □ Yearly online application rate

Section	2010			2011			2012			2013 (April 30)		
	online	total	%	online	total	%	online	total	%	online	total	%
Application for PVP	479	574	83.5	484	587	82.5	544	606	89.8	245	299	81.9
Application for entry in National List	22	25	88.0	25	25	100.0	12	12	100	8	8	100

※ Total number includes online and postal, visiting application.

## □ SeedNet Operation Environment

- Initial Open year: 2004
- Web Server and DB Server OS: Windows Server 2008 Standard Edition  
(To balance on the work load of server, we operate Web Server, DB Server respectively)
- Database Management system: MS-SQL 2008 Enterprise Edition
- System Environment
  - User Interface: Freemaker, Framework: Spring and iBatis

*3. Variety Characteristic Search System*

- For selecting similar variety by comparison of variety characteristics
- protected variety, reference variety and so on (since 1998)
- input data numbers: 12,624 varieties for 199 crops

(as of 30 April, 2013)

Total	Rose	Red pepper	Chrysanthemum	Rice	Others
12,624	906	1,164	653	584	9,317

*4. Plant Variety Protection Law*

In the Republic of Korea, Plant variety protection has been enforced by Seed Industry Law since 1997. A new Plant Variety Protection Law will be enacted on June 2 this year for reinforcing its effectiveness. Thereafter, its decree and regulations also will be enacted.

*5. Molecular Techniques*

Recently, the Republic of Korea has been actively applying DNA analysis for seed circulation management of several crops. The representative example is analyzed by comparison of DNA profiles between registered seed and marketing seed. In addition, we are utilizing molecular markers in genetic purity assessment of national list of varieties of rice, barley and soybean.

*6. International Cooperation*

KSVS and Korea International Cooperation Agency (KOICA) will provide a PVP training course for the experts from countries which are trying to introduce PVP system and developing system for 3 weeks in June 2013.

[Annex V follows]

UNITED KINGDOM

Little of a statistical nature to report, other than were are beginning to develop a specification for a rewrite of the administrative system controlling information on varieties and providing our reports. The United Kingdom protocols to have been modified to make them compliant with the Community Plant Variety Office (CPVO) requirements for harmonization of methodologies across the Entrusted Office's (EO) in the Member States of the European Union.

More broadly, the National Institute of Agricultural Botany (NIAB) has appointed two new technical experts in agricultural crops, who will both attend the Technical Working Party for Agricultural Crops (TWA) on behalf of the United Kingdom in 2013. Cheryl Turnbull is responsible for the DUS testing of oilseed rape, and Margaret Wallace covers DUS testing for cereals, beans and kale.

[Annex VI follows]

## INTERNATIONAL SEED FEDERATION (ISF)

2012 saw the culmination of many years of hard work at the 2012 ISF World Seed Congress in Rio de Janeiro, Brazil: revised ISF Trade Rules, a revised ISF View on Intellectual Property and a position paper on a single access and benefit sharing system were adopted.

### Intellectual Property

The revised ISF View on Intellectual Property has a largely increased chapter on Plant Breeders Rights (PBR) and devotes also much more text on Patents as compared to the previous version. In addition, the ISF View on IP addresses other forms of intellectual property protection and its relation with plant genetic resources for food and agriculture.

In the months after Rio the ISF Intellectual Property Committee (IPC) worked on several IP topics that had been postponed until after adoption of the position paper. The outcome of a questionnaire on the practical aspects of Plant Breeders Rights applications, examination and granting were discussed. This resulted in a letter to UPOV asking for their consideration of the views of the seed industry.

Disclosure of origin in patent applications continues to receive thorough discussion. ISF is currently working on a position paper on the topic.

ISF also invited a speaker from CGIAR (Consortium of 15 International Agricultural Research Centres) who spoke on their recently adopted Intellectual Asset Principles.

To continue its series of outreach efforts to national and regional IP authorities (EU, US, India), the IPC has scheduled a meeting with Chinese IP officials, to share the ISF view on IP to them and get updated on the IP situation in China.

### World Seed Project

Since 2009 ISF has been engaged with the World Seed Project which seeks to strengthen the seed sector in developing countries. ISF's role in the project is to enhance the growth of the local seed industry to ensure farmers' access to improved varieties and seeds.

### ISF World Seed Congress

In December 2012 the prize ceremony of the annual Brazilian PremioCaio was held in Sao Paulo, which rates events and services in Brazil. The ISF World Seed Congress 2012 in Rio, Brazil, conquered the second place in the category "International Congress". The UN Rio +20 conference won the first price. The registration for the upcoming ISF World Seed Congress in Athens (May 2013) broke a new record: close to 1600 participants are planning to come to the Congress.

### UPOV

As each year ISF has participated in the UPOV meetings of the Technical Committee (TC), Administrative and Legal Committee (CAJ), Administrative and Legal Committee Advisory Group (CAJ-AG), Council, and in the Technical Working Party for Agricultural Crops (TWA) and Technical Working Party for Vegetables (TWV). A strong, transparent and cost-effective system of Plant Breeders Rights has been the core message in all its ISF interventions combined with a request for more harmonization across the UPOV member countries. ISF continues to attend the discussions on the Electronic Application Form, which saw great progress in the recent adoption by WIPO of the ST.96 standard for XML. This clears the way for UPOV and CPVO to look for a harmonized approach towards e-filing. ISF continues to be a partner in this project.

### Continued growth

Currently ISF has 233 members. In addition to that, 16 applications for membership are up for approval at the Athens Congress.