

**TWF/42/24****ORIGINAL:** English**DATE:** November 4, 2011

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

TECHNICAL WORKING PARTY FOR FRUIT CROPS

Forty-Second Session
Hiroshima, Japan
November 14 to 18, 2011

REPORT ON DEVELOPMENTS IN UPOV

prepared by the Office of the Union

This document contains a copy of the presentation that will be made at the forty-second session of the Technical Working Party for Fruit Crops, to be held in Hiroshima, Japan, from November 14 to 18, 2011.

**Technical Working Party for
Fruit Crops**
Forty-Second Session

**REPORT ON
DEVELOPMENTS IN UPOV**

Hiroshima, Japan
November 14 to 18, 2011

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OVERVIEW

- Membership / Examination of Laws
- New website
- Council
- Consultative Committee
- CAJ & CAJ-AG
- TC
- Other developments

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**UPOV: INDEPENDENT INTERGOVERNMENTAL
ORGANIZATION**

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The International **Convention** for the
Protection of New Varieties of Plants
established in 1961

The International **Union** for the
Protection of New Varieties of Plants

**Union internationale pour la
protection des obtentions végétales**

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MEMBERSHIP OF UPOV

70 Members

New Members

Peru	as of Aug. 8, 2011
Former Yugoslav Republic of Macedonia	as of May 4, 2011

<u>Laws examined</u>	<u>Council session</u>	<u>Advice</u>
Republic of Tajikistan	October 21, 2010	Positive
Republic of Serbia	April 8, 2011	Positive

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**Members of UPOV (green) & initiating
States & organizations (brown)**



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The screenshot shows the UPOV website interface. At the top, there is a navigation menu with links for 'ABOUT UPOV', 'MEMBERSHIP', 'UPOV SYSTEM', 'PVP DATA & STATISTICS', 'MEETINGS', and 'NEWS'. Below the menu is a large banner image of sunflowers with the text 'Welcome to the new UPOV website'. To the right of the banner is a 'Quick Links' section with links to 'Introduction to UPOV', 'Ashiro Rindo story', 'Impact Study, PDF', 'UPOV Collection', 'Text Guidelines', and 'Distance Learning Course'. Below the banner is a 'Welcome' section with a paragraph of text about UPOV. On the right side, there is a 'GENE Database' section with links to 'Plant Variety Database' and 'UPOV Law', and a 'News & Upcoming Events' section with a link to 'UPOV launches redesigned website'.



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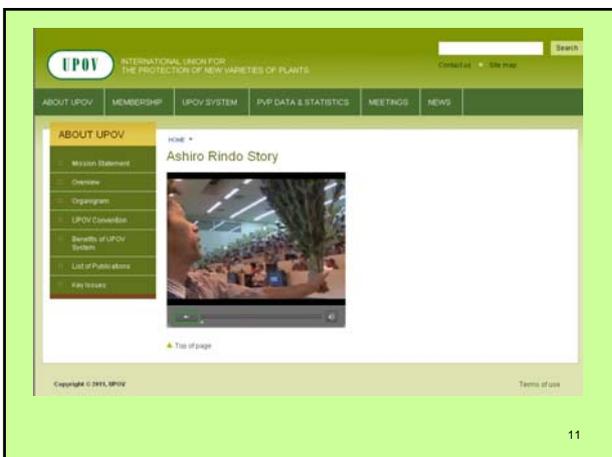
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UPOV Collection: physical collection

- SET OF BINDERS with PRINTED DOCUMENTS
 - two sets per member of the Union
 - one set per observer State
 - one set per observer organization
- In the first instance only (and for new members and observers), printed versions of all documents in the "UPOV Collection", except for Test Guidelines, would be provided with the binders
- Members of the Union, observer States and observer organizations will be notified, electronically, of updates and will need to print the documents



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The screenshot shows the UPOV website with the PLUTO Plant Variety Database interface. A yellow banner in the top right corner reads "Free to all users". The interface includes a search bar, navigation tabs (ABOUT UPOV, MEMBERSHIP, UPOV SYSTEM, PVP DATA & STATISTICS, MEETINGS, NEWS), and a search section with filters for Country, Date, and other criteria. A table of search results is visible at the bottom.

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The screenshot shows the UPOV website with the UPOV Lex section. The page title is "UPOV Lex" and it contains information about the UPOV Convention and its Acts. There are links for "Legislation", "Convention Notifications", "UPOV Convention", and "Full Text Search". A list of "UPOV Notified Laws" is displayed, categorized by country (A, B).

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COUNCIL

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**COUNCIL
ELECTED**

for a term of three years ending in 2013

Chair of the Administrative and Legal Committee
Mr. Lü Bo (China)

Vice-Chair of the Administrative and Legal Committee
Mr. Martin Ekvad (European Union)

Chair of the Technical Committee
Mr. Joël Guiard (France)

Vice-Chair of the Technical Committee
Mr. Alejandro Barrientos-Priego (Mexico)

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**COUNCIL
ELECTED**

for a term of three years ending in 2014

Chair of:

TWA: Mrs. Robyn Hierse (South Africa)

TWC: Mr. Sami Markkanen (Finland)

TWF: Mrs. Carensa Petzer (South Africa)

TWO: Mr. Nik Hulse (Australia)

TWV: Mr. François Boulineau (France)

BMT: Mr. Alejandro Barrientos Priego (Mexico)

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Mr. Jördens Gold Medal



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COUNCIL

INFORMATION MATERIALS ADOPTED OCTOBER 2010

Latest reference	Explanatory Notes on:
UPOV/EXN/VAR/1	Definition of Variety under the 1991 Act of the UPOV Convention
UPOV/EXN/CAL/1	Conditions and Limitations Concerning the Breeder's Authorization in Respect of Propagating Material under the UPOV Convention
	INF documents
UPOV/INF/4/1	Financial Regulations and Rules of UPOV
UPOV/INF/10/1	Internal Audit
UPOV/INF/12/3	Explanatory Notes on Variety Denominations under the UPOV Convention
UPOV/INF/15/1	Guidance for Members of UPOV on Ongoing Obligations and Related Notifications
UPOV/INF/16/1	Exchangeable Software
UPOV/INF/17/1	Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction ("BMT Guidelines")

COUNCIL

INFORMATION MATERIALS ADOPTED OCTOBER 2011

Latest reference	INF documents
UPOV/INF/6/2	Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision)
UPOV/INF/16/2	Exchangeable Software (Revision)
UPOV/INF/18/1	Possible use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)
UPOV/INF-EXN/1	List of INF-EXN Documents and Latest Issue Dates

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COUNCIL

INFORMATION MATERIALS ADOPTED (reminder)

Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (document UPOV/INF/6)

PART I: EXAMPLE TEXT FOR ARTICLES
PART II: NOTES BASED ON INFORMATION MATERIALS

(available in English, French, German, Spanish, Arabic, Chinese, Russian, Bahasa Indonesian)

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COUNCIL

TGP DOCUMENTS ADOPTED OCTOBER 2010

Document reference	Title
TGP/0/3	List of TGP Documents and Latest Issue Dates
TGP/5	Experience and Cooperation in DUS Testing: Section 2/3 UPOV Model Form for the Application for Plant Breeders' Rights (Revision)
TGP/7/2	Development of Test Guidelines (Revision)
TGP/8/1	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability
TGP/14/1	Glossary of Terms Used in UPOV Documents

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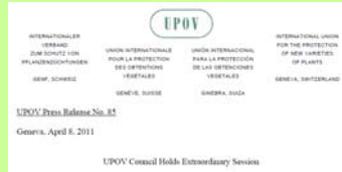
COUNCIL

TGP DOCUMENTS ADOPTED OCTOBER 2011

Document reference	Title
TGP/0/4	List of TGP Documents and Latest Issue Dates
TGP/5	Experience and Cooperation in DUS Testing: Section 10/2 Notification of Additional Characteristics (Revision)
TGP/7/3	Development of Test Guidelines (Revision)
TGP/11/1	Examination of Stability

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COUNCIL



Experience of members of the Union in the Examination of New Plant Varieties

The Council welcomed the report made at the forty-seventh session of the Technical Committee, held in Geneva from April 4 to 6, 2011, that the number of genera and species for which members of the Union had practical experience in the examination of distinctness, uniformity and stability (DUS) had exceeded 2,500 in 2011. That number had increased by 19% from 2,254 in 2010, to 2,679 in 2011. The Council noted that information on members of the Union with practical experience in DUS examination was freely accessible via the GENIE database.

CONSULTATIVE COMMITTEE

CONSULTATIVE COMMITTEE

Observers

- Established a working group to review the rules concerning observers and recommend appropriate changes
- Granted observer status to:
 - Association for Plant Breeding for the Benefit of Society (APBEBES): Council, CAJ, TC, TWPs
 - European Coordination Via Campesina (ECVC): Council, CAJ, TC, TWPs
- Extended observer status to:
 - CropLife International: CAJ, TC, TWPs
 - Asia Pacific Seed Association (APSA): CAJ, TC, TWPs

CONSULTATIVE COMMITTEE

- The Consultative Committee approved the assistance of the Office of the Union to the **International Treaty on Genetic Resources for Food and Agriculture (ITPGRFA)** in explaining the content and search options in the Plant Variety Database in the context of the ITPGRFA research project.

ADMINISTRATIVE AND LEGAL COMMITTEE (CAJ)

CAJ/ CAJ-AG

OVERVIEW OF THE DEVELOPMENT OF INFORMATION MATERIALS

Latest reference	Explanatory Notes on:	Status
UPOV/EXNBRD Draft 4	Definition of Breeder under the 1991 Act of the UPOV Convention	CAJ-AG October 2011
UPOV/EXNHRV Draft 6	Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention	CAJ-AG October 2011
CAJ-AG/11/8/3 & UPOV/EXN/EDV/2 Draft 1	Essentially Derived Varieties under the 1991 Act of the UPOV Convention (revision)	CAJ-AG October 2011
	Matters arising after the grant of a breeder's right	CAJ-AG October 2011
	Propagation and Propagating Material	CAJ-AG October 2011
UPOV/INF/5	UPOV model plant breeders' rights gazette	To start 2012

TECHNICAL COMMITTEE (TC)

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TECHNICAL COMMITTEE (TC) TGs APPROVED

NEW TEST GUIDELINES (11)	
TG/ACERO	Acerola, Barbados-cherry, West Indian-cherry
TG/AGAPA	African Lily, Agapanthus, Blue Lily, Lily of the Nile
TG/BOUGA	Bougainvillea
TG/CACAO	Cacao
TG/CAMEL	Camellia
TG/DRAGON	Dragon Fruit, Strawberry pear
TG/HIBIS	Rose-of-Sharon, shrub-althea
TG/RUMEX	Dock, Garden sorrel, sorrel, sorrel dock, sour dock
TG/SETARIA	Foxtail Millet, Italian Millet, Hungary Millet
TG/TOREN	Bluewings, Torenia, Wishbone-flower
TG/VRIES	Vriesea

TECHNICAL COMMITTEE (TC) TGs APPROVED

REVISIONS OF TEST GUIDELINES (8)	
TG/44/11	Tomato
TG/51/7	Gooseberry
TG/52/6	Red and White Currant
TG/56/4	Almond
TG/57/7	Flax, Linseed
TG/84/4	Japanese Plum
TG/99/4	Olive
TG/184/4	Cardoon, Globe Artichoke, Cardoon
PARTIAL REVISIONS OF TEST GUIDELINES (2)	
TG/13/10 Rev. (TC/47/2, TC/47/24)	Lettuce
TG/55/7 Rev. (TC/47/2, TC/47/24)	Spinach

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TECHNICAL COMMITTEE (TC) TGs APPROVED

98. The TC agreed that the wording of document TGP/7.2, as adopted by the Council at its forty-fourth ordinary session, held in Geneva on October 21, 2010, with regard to Chapter 4.1.4 should not be followed in the Test Guidelines to be adopted at its forty-seventh session. It agreed that the Test Guidelines to be adopted by the TC should incorporate the amended wording for Chapter 4.1.4, as follows:

Alternative 1: "Unless otherwise indicated, for the purposes of distinctness, all observations on single plants should be made on { x } plants or parts taken from each of { x } plants and any other observations made on all plants in the test, disregarding any off-type plants."

Alternative 2: "Unless otherwise indicated, for the purposes of distinctness, all observations on single plants should be made on { x } plants or parts taken from each of { x } plants and any other observations made on all plants in the test, disregarding any off-type plants. In the case of observations of parts taken from single plants, the number of parts to be taken from each of the plants should be { y }."

99. The TC noted that the Council, at its forty-fifth ordinary session to be held on October 20, 2011, would need to adopt the revised text for document TGP/7 before the Test Guidelines could be adopted. Therefore, it agreed to adopt the Test Guidelines subject to the Council adopting the necessary revision to document TGP/7.

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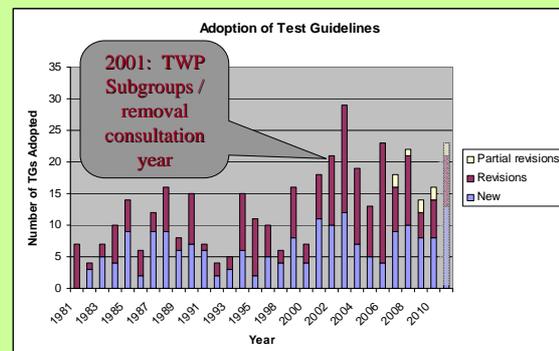
TECHNICAL COMMITTEE (TC) TGs adopted

Test Guidelines for Mandarins (Citrus; Group 1) (document TG/201/1) to be referred back to the TWF for further consideration

Test Guidelines for Canna (document TG/CANNA(proj.7)) and Eucalyptus (document TG/EUCAL(proj.6)) be referred back to the TWO for further consideration.

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Adoption of Test Guidelines



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TECHNICAL COMMITTEE

April sessions: 2002-2011

Monday	Tuesday	Wednesday	Thursday	Friday
TC-EDC	TC	TC	CAJ	CC
TC	TC	TC	CAJ	Council

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TECHNICAL COMMITTEE

April sessions: 2012

Monday	Tuesday	Wednesday	Thursday	Friday
TC discussion	TC	TC	CAJ	CC
TC	TC	TC	CAJ	Council

Experiences of members of the Union in measures to improve the efficiency and effectiveness of DUS testing

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TECHNICAL COMMITTEE (TC)

In considering how to improve the effectiveness of the TC work, the following measures were agreed:

- to display documents under consideration at the session on the screen in the language of the original document.
- to add an indication in document reference of the language.
- to consider ways of improving the quality of draft Test Guidelines submitted by the TWPs for adoption to the TC. In that regard, the TC noted the importance of all necessary information being provided by the Leading Expert by the specified date, the importance of the role of the TWP chairpersons and the importance of posting the draft Test Guidelines on the UPOV website sufficiently in advance of the TC-EDC meeting in order that comments could be made before the TC-EDC meeting.
- The TC-EDC to hold a two-day meeting in January.

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GENIE Database

Protection offered by UPOV members

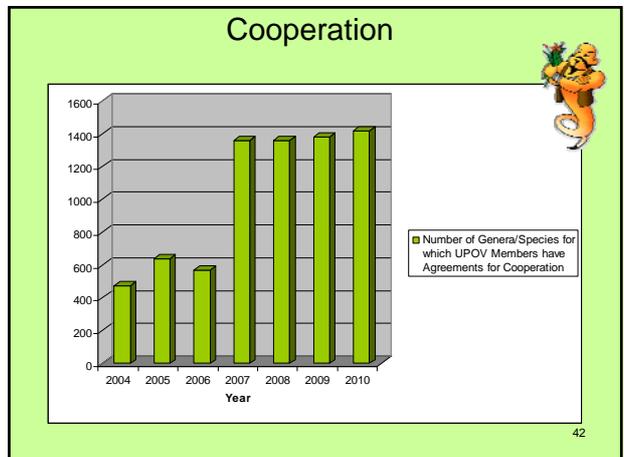
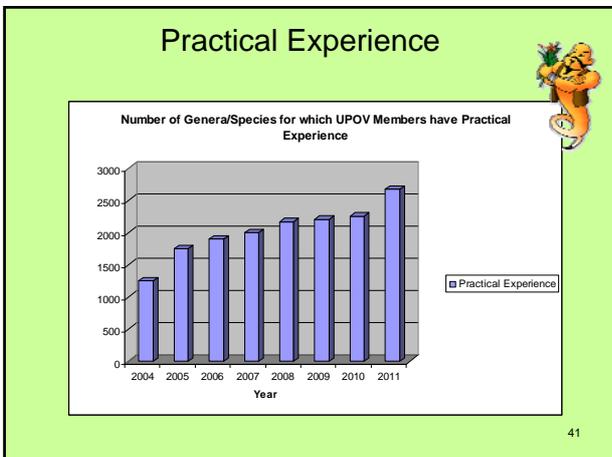
DUS information

- UPOV Test Guidelines
- practical experience (UPOV members)
- cooperation in DUS examination

Variety denomination related information



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TWC Webcast

Date	Time	Title
Tuesday, June 7	11.00-12.45	Image Analysis
	14.00-15.30	UPOV Information Databases
	16.00-17.30	Molecular Techniques
Wednesday, June 8	09.00-10.30	Variety Descriptions and Distinctness
	11.00-12.45	Variety Descriptions and Distinctness/ Visually Observed Characteristics
	14.00-15.30	TGP/8
Thursday, June 9	16.00-17.30	TGP/8
	09.00-10.30	TGP/5, 7, 11, 12, 14
	11.00-12.45	Developments on COY
	14.00-15.30	Statistical Methodologies

Broader items

TC/47/26
page 16

Preparatory workshops

92. The TC considered document TC/47/10.

93. The TC noted the report of the preparatory workshops held in 2010 and agreed the proposed program for 2011. It agreed that consideration should be given to the inclusion of items for molecular techniques, essentially derived varieties, variety identification and the relationship between the UPOV Convention and other international treaties.

OTHER DEVELOPMENTS



DECLARATION FROM THE SECOND WORLD SEED CONFERENCE


 DECLARATION FROM THE SECOND WORLD SEED CONFERENCE
**Responding to the challenges of a changing world:
 The role of new plant varieties
 and high quality seed in agriculture**
held at the FAO Headquarters in Rome, September 9-10, 2009


 DÉCLARATION DE LA DEUXIÈME CONFÉRENCE MONDIALE SUR LES SEMENCES
**Défis à relever dans un monde en évolution:
 Rôle des obtentions végétales et des semences
 de qualité dans l'agriculture**
tenue au siège de la FAO, à Rome, du 9 au 10 septembre 2009

Spanish,
Chinese,
Russian and
Arabic to
follow

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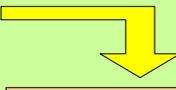
Second World Seed Conference



Discussions from the Second World Seed Conference
Responding to the challenges of a changing world:
The role of new plant varieties
and high quality seed in agriculture
held at the UN World Food Programme, Rome, Italy, October 8-11, 2009

World food security: urgent measures on seed needed

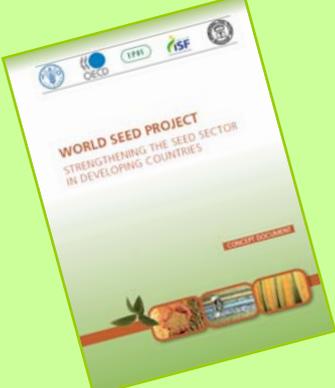
... proposal for the five organizations to work together in selected countries to provide an example of how to put in place a framework to encourage the development of new varieties and deliver high quality seed for farmers



“Follow-up”

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World Seed Project



WORLD SEED PROJECT
STRENGTHENING THE SEED SECTOR
IN DEVELOPING COUNTRIES

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Seminar on PVP & Technology Transfer: the Benefits of Public-Private Partnership

April 11-12, 2011

Closing remarks by the Chairs

http://www.upov.int/en/documents/pp_seminar_april_2011/upov_sem_ge_11_1_rev.html

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Use of Plant Variety Protection by National Research Centers

Chair: Enriqueta Molina Conclusions – Session 1

Plant Variety Protection:

- Promotes private sector involvement in research and development
- A tool for technology transfer
- Provides a legal framework for financial investment
- Encourages innovation in breeding aims, particularly for the development of new or niche markets
- Focuses investment on meeting the needs of farmers and consumers

1. Ryudai Oshima, NARO
2. Jenn James, Grasslanz
3. Shadrack R. Moephuli, ARC
4. Filipe de Moraes Teixeira, EMBRAPA
5. Yves Lespinasse, INRA

Chair: Enriqueta Molina

Technology Transfer by the Private Sector

Chair: Kitisri Sukhapinda Conclusions – Session 2

Private sector:

- An effective means of delivering varieties to farmers
- Assessment of the market potential of varieties
- Link between public research and the needs of farmers
- Provides a channel for income for public sector research
- Facilitates strategic associations and coordinated technology transfer

1. Willi Wicki, DSP
2. Barry Barker, Masstock Arable
3. Diego Riso, URUPOV
4. Evans Sikinyi, KY

Chair: Kitisri Sukhapinda

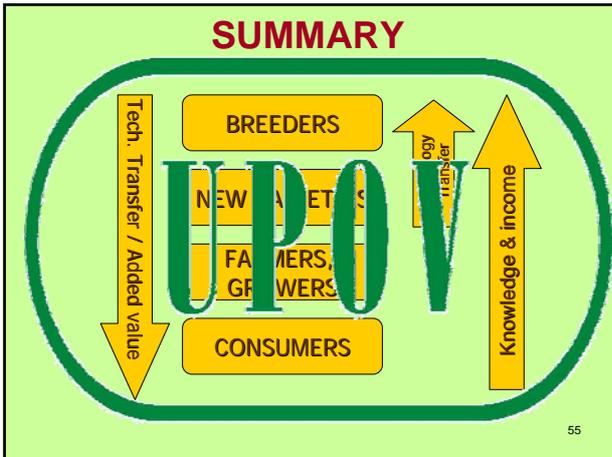
International Research Centers

Chair: David Boreham Conclusions – Session 3

- PVP provides a mechanism to facilitate dissemination of varieties to farmers: open access does not ensure widespread dissemination or use
- PVP provides a system to increase availability of varieties suited to farmers' needs
- PVP provides incentives for SME's, particularly local breeders and seed distributors
- The breeders' exemption provides a mechanism to facilitate access to germplasm
- The use of PVP is consistent with the ITPGRFA and SMTA

1. Lloyd Le Page, CGIAR
2. Ruairaidh Sackville Hamilton, IRRi
3. Ian Barker, Syngenta

Chair: David Boreham



THANK YOU

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[End of document]