

Technical Working Party for Fruit Crops**TWF/48/4****Forty-Eighth Session****Original:** English**Kelowna, British Columbia, Canada, September 18 to 22, 2017****Date:** September 7, 2017

REPORT 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-eighth session of the Technical Working Party for Fruit Crops.

[Annex follows]

**TECHNICAL WORKING PARTY FOR
FRUIT CROPS
Forty-eighth 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

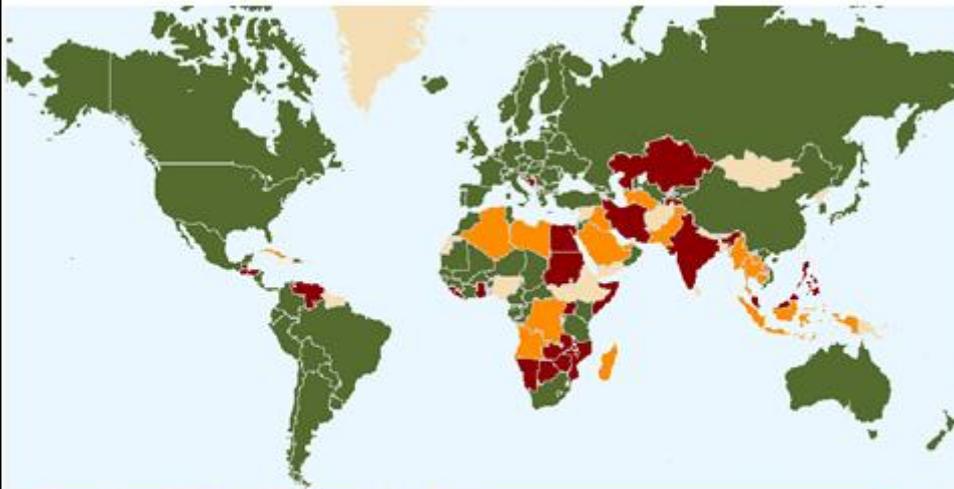
Office of the Union - UPOV

*Kelowna, British Columbia, Canada,
September 17, 2017*

UPOV

International Union for the Protection of New Varieties of Plants

UPOV status

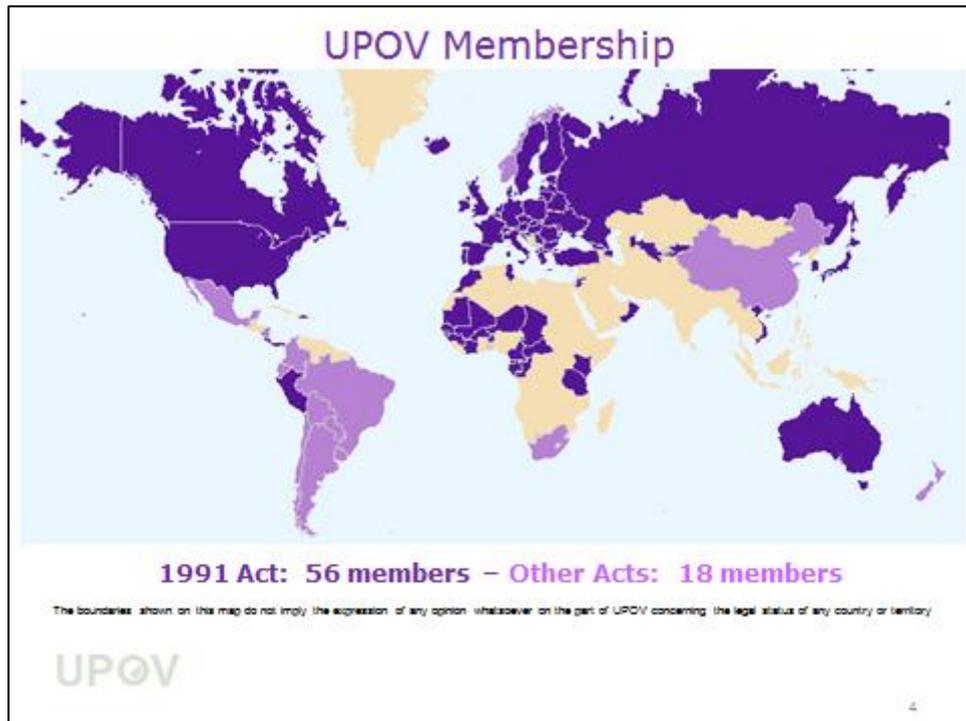
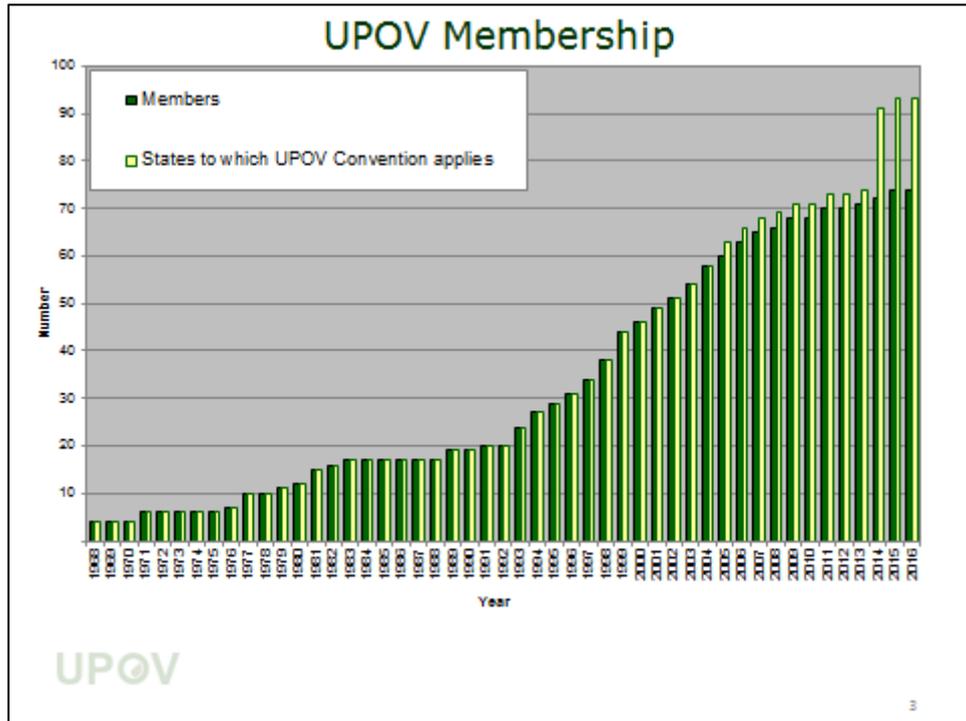


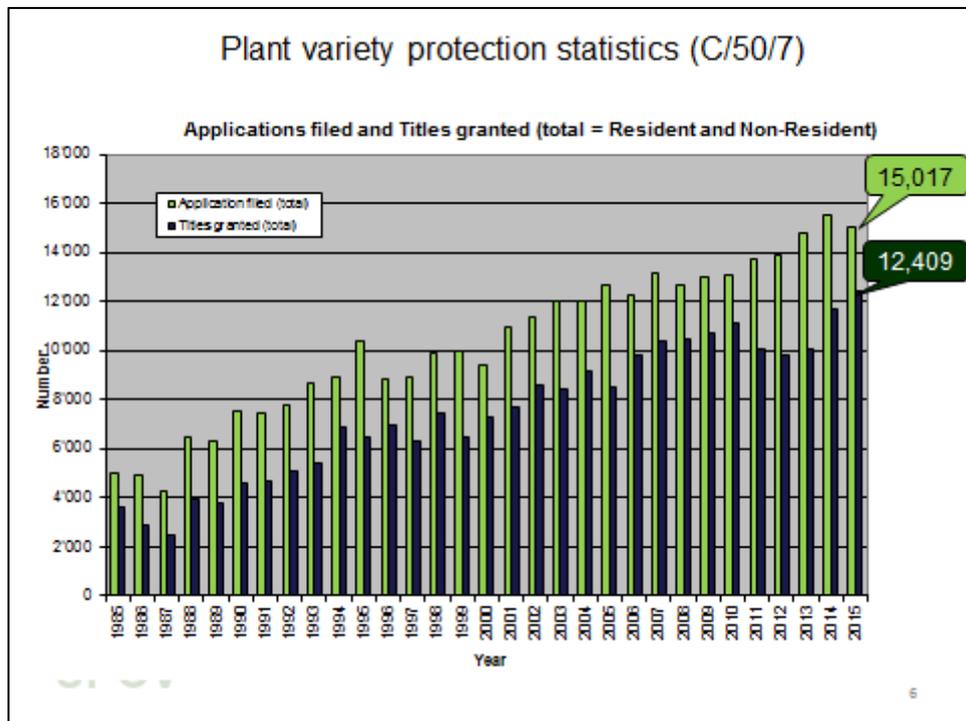
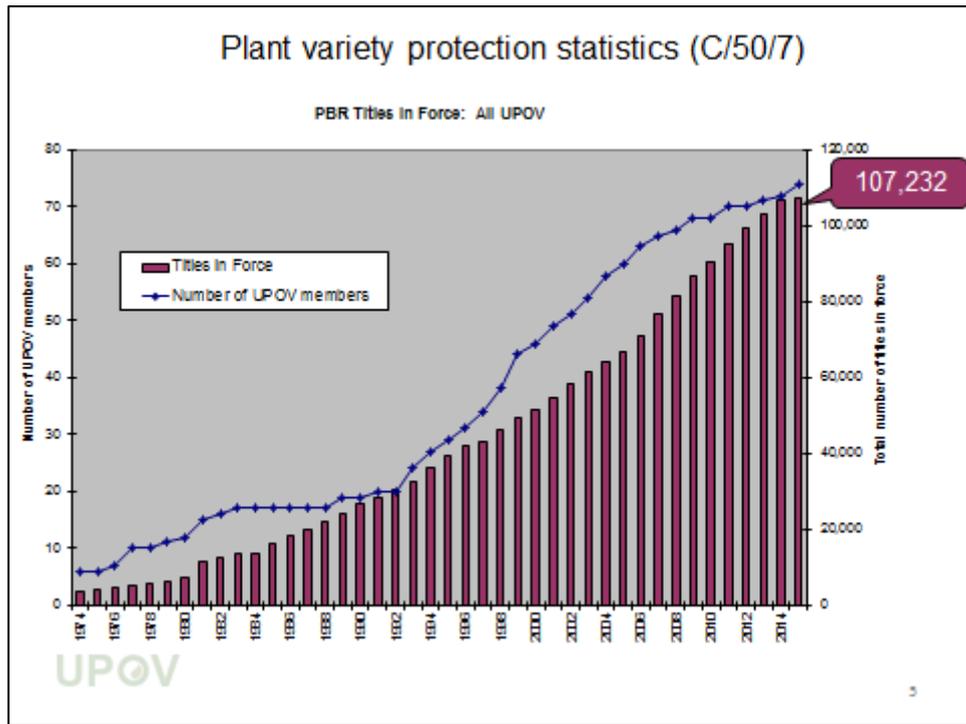
Members of UPOV (74) covering 93 States

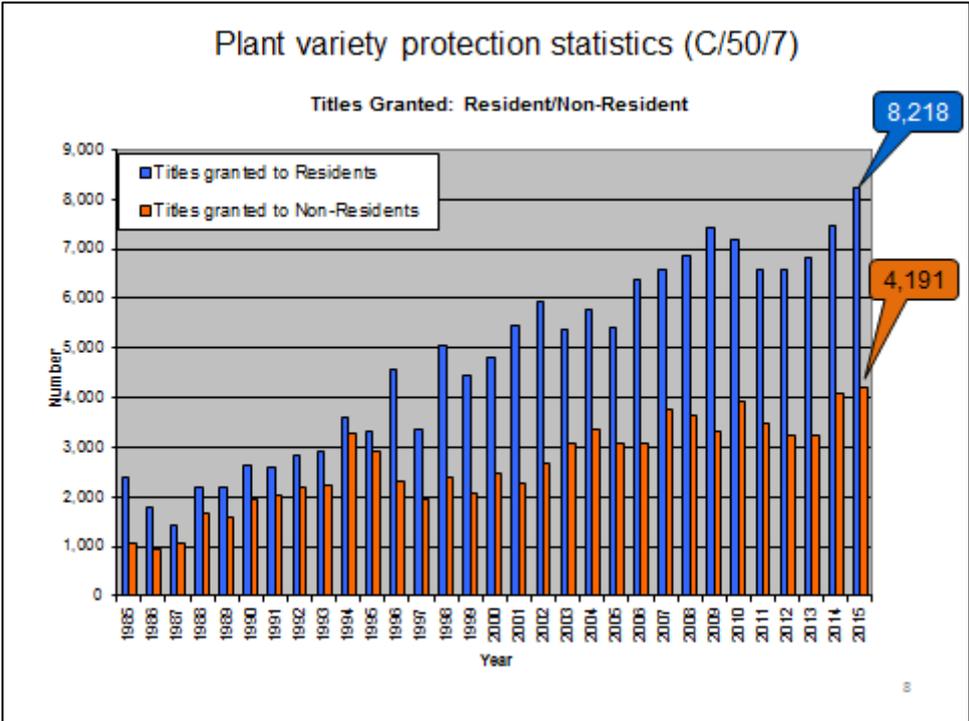
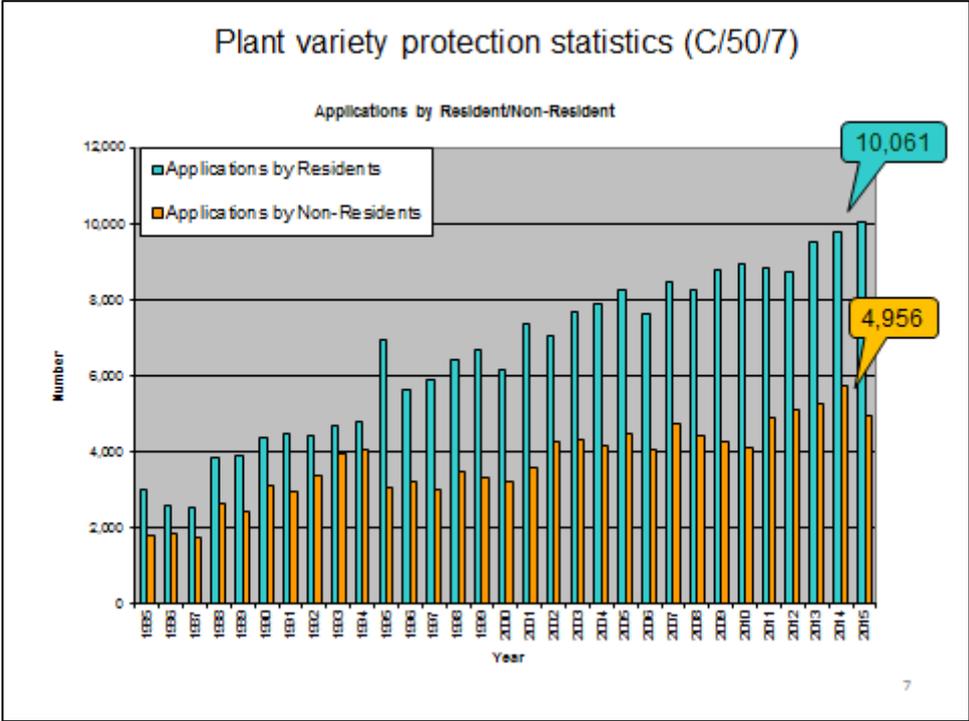
Initiating States (16) and Organization (1)

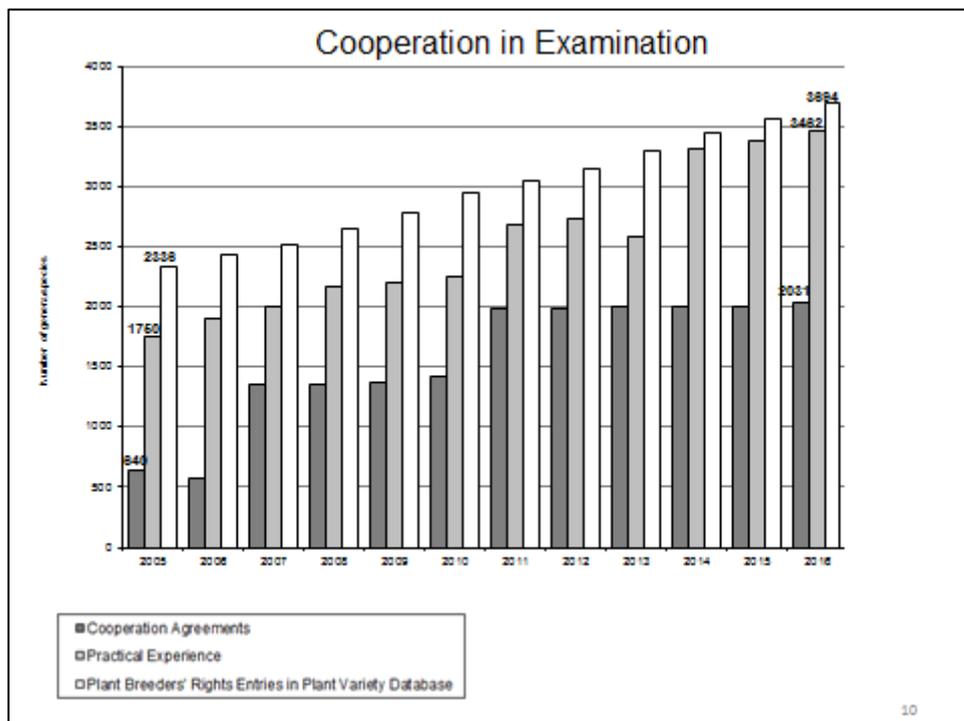
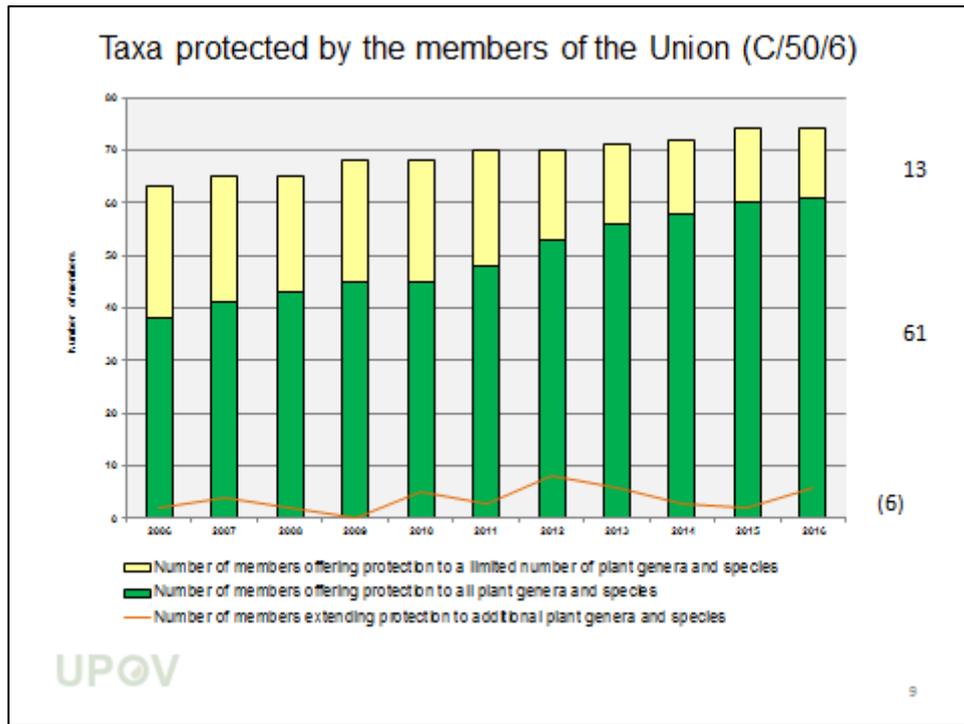
States (24) and Organization (1) in contact with the UPOV Office

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.









**UPOV**

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.

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**WIPO**
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

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

IOD Evaluation Section, WIPO

October, 2016

Recommendation

Strategic Business Plan

- Financial Resources
- Human Resources
- Outreach Activities

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

UPOV

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ABOUT UPOV

- Mission Statement
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- UPOV Convention
- Benefits of UPOV System
- Key Issues
- FAQs
- Publications

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Officers

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

Mr. Ramundo Lavignolle, Presidente del directorio, Instituto Nacional de Semillas (INASE), Venezuela 162, 11^a, C1095AAG Buenos Aires, Argentina
Tel.: +54 11 32205432 e-mail: lavignolle@inase.gov.ar

Vice-President, Council / Vice-président, Conseil / Vizepräsident, Rat / Vicepresidente, Consejo

Mr. Marien Vanstar, Senior Policy Officer, Seeds and Plant Propagation Material, Ministry of Economic Affairs, DG AGRO, The Hague, Netherlands
Tel.: +31 70 3 796 911 e-mail: m.vanstar@minkec.nl

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**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 Eltekoen, Senior PVP Policy Advisor, Naktuinbouw NL, Sotaweg 22, Postbus 40, NL-2370 AA Roelofarendsveen, Netherlands
(tel.: +31 71 332 6128 e-mail: c.vettekoen@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)

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)

Harmonization, Resources and Assistance

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

Program for EXN/INF		
<i>Reference</i>	<i>Explanatory Notes on:</i>	<i>Timetable</i>
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

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Program for EXN/INF		
<i>Reference</i>	<i>Explanatory Notes on:</i>	<i>Timetable</i>
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

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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 (PVP)

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, 1975 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.

Quick Links

- Introduction to UPOV
- Benefits of UPOV
- UPOV Collection
- Test Guidelines
- Distance Learning Courses
- Seminars & Symposia
- FAQs

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BREEDERS

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

STAKEHOLDERS FEATURES

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

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Breeders

UPOV Information

- UPOV Mission
- UPOV Collection
- UPOV Collection (awards, Affiliation, Materials)
- List of New Varieties protected by members of the Union
- Collection of Examination
- Calendar of meetings
- Full list of UPOV

Resources

- Databases (see below)
- Test Guidelines
- UPOV Collection
- UPOV Distance Learning Courses
- UPOV Training Material

Key Topics

- UPOV Lex
- Essential legal articles
- Notion of breeders

Databases

PLUTO
information on plant varieties, particularly variety denominations

GENE
information on GEP (as specified) 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 discover?
- Does the UPOV Convention allow a variety to be refused protection because it is substantially modified?
- Can I use plant variety protection to protect the following:
- a plant or a disease resistance source (DUS)?
- a chemical or other substance (e.g. a DUS)?
- a plant breeding technique (e.g. a DUS)?
- 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)?

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FARMERS AND GROWERS

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

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Farmers and Growers

UPOV Information

- UPOV Membership
- UPOV Governance
- Calendar of meetings
- Future of UPOV

Resources

- ELADG database
- Benefits of UPOV Offices & Institutions
- UPOV Profiles database

Key Topics

- PVP and Contracts
- Compliance with the Benefits of Plant Variety Protection: FARMERS AND GROWERS (2012)
- M. Zaccaria & M. Ferrero

Farmer perspectives





FAQs for farmers

- Why do farmers and growers need protected varieties?
- Can a farmer use seed of a protected variety without the authorization of the breeder?
- Can a farmer reuse 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 acceptable for producers/breeds to exchange propagating material of protected varieties amongst other local people 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 purchase seeds of protected varieties from within the local community?


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POLICY MAKERS

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Policy makers

UPOV Information

- UPOV, IARC & IAS/ISS/ISSA
- UPOV membership
- UPOV Governance
- National Offices & Offices & Offices of UPOV
- Substantive for members of UPOV on how to apply for varieties in the UPOV and the UPOV countries
- Substantive for members of UPOV
- UPOV

Resources

- Introduction to UPOV (2006/08)
- UPOV Collection Database & Statistics Database
- UPOV Law Database of Members of Countries
- Plant variety protection statistics

Key Topics

- Compliance with the Benefits of Plant Variety Protection: FARMERS AND GROWERS (2012)
- PVP and Substances: Farmers, The Benefits of Plant Variety Protection, UPOV
- Responding to the challenges of a changing world (2010) (2010) Conference UPOV
- Statistics & Technical
- Meetings

Situation in UPOV



(Click to enlarge)

Impact of plant variety protection (videos)

View more of

- UPOV 2012
- UPOV 2011
- UPOV 2010
- UPOV 2009

Importance of plant variety protection (videos)

View more of

- UPOV 2012
- UPOV 2011
- UPOV 2010
- UPOV 2009


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GENERAL PUBLIC

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General Public

UPOV information

- UPOV, UPOV 1991 & UPOV 1993
- Introduction to UPOV (document)
- UPOV Membership
- UPOV Governance
- UPOV activities

Resources

- UPOV website
- Plant Variety Protection: AGRIS
- Benefits of UPOV (document & audio/visual)
- UPOV Stakeholder Forum

Key Topics

- Contribution to the Benefits of Plant Variety Protection by Farmers and Growers (2014)
- Contribution of Plant Variety Protection and Technological Innovation to the Benefits and Trade of the Developing World
- Researching the Challenges of a Sustainable World (2014)
- Genetics & Breeding

Examples of the use of plant variety protection

[UPOV PVP in Europe](#)

[Use of Plant Variety Protection by the faculty of Agronomy of the University of Zaragoza](#)

[AGRIS: Data, Data, Data](#)

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UPOVDeutsch Español Français Other

[Contact us](#) [Site map](#) [YouTube](#)

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Stakeholder features

Welcome

The international UPOV organization with its mission is to encourage the c

UPOV

IMPACT OF PLANT VARIETY PROTECTION

Perspectives of policy makers

[Michel Costantini - Consultant Food Inspection Agency](#)

[Shinya Nakano Murota - ICRISAT](#)

[Hideo Ohno - Korea Seed & Variety Service, Republic of Korea](#)

IMPACT OF PLANT VARIETY PROTECTION

Perspectives of research institutes

[Research Institute for Food and Agriculture](#)

[National Agricultural Research Council](#)

[National Institute for Agricultural Research](#)

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The image shows the UPOV website homepage. At the top left is the UPOV logo. To the right is a search bar and links for 'Contact us', 'Site map', and 'YouTube'. Below the logo is a navigation menu with items: 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 'Launch of Electronic Application Form (EAF)'. To the right of the banner is a 'Stakeholder features' section with a list: Breeders, Farmers and Growers, Policy makers, and General Public. Below this are links for 'Electronic Application Form (EAF)', 'GEM Database', 'UPOV Lex', and 'Plant Variety Database (PLUTO)'. On the left, a 'Welcome' section contains introductory text. A yellow callout box with a speech bubble shape is overlaid on the page, containing the text 'FAQ on UN SDGs under development'. A line from the callout points to the 'Quick Links' section on the right, which lists: Introduction to UPOV, Benefits of UPOV, UPOV Collection, EAF Information, Test Guidelines, Distance Learning Courses, Seminars & Symposia, and FAQs. The UPOV logo is visible at the bottom left, and the number '29' is at the bottom right.

The image shows the 'Benefits of the UPOV System' page on the UPOV website. On the left is a vertical navigation menu under the heading 'ABOUT UPOV', with items: Mission Statement, Overview, Organigram, Office of UPOV, Officers, UPOV Convention, Benefits of UPOV System (highlighted in red), Key Issues, FAQs, and Publications. A large green arrow points upwards from the bottom of the page towards the 'Benefits of UPOV System' menu item. The main content area has a breadcrumb trail 'HOME > ABOUT UPOV >' and the title 'Benefits of the UPOV System'. Below the title are several video thumbnails with play buttons. The first video is titled 'Video: PVP in Ecuador'. The second is 'Video: PVP in Uruguay' with a subtitle 'Use of Plant Variety Protection by the Faculty of Agronomy of the Universidad de la Republica of Uruguay Transcriptions: ES, DE'. Below the videos is a section for 'UPOV Trilogy Publication' with a sub-link for 'Executive Summary'. This section lists three publications: 'Symposium on Plant Breeding for the Future (2011)', 'Seminar on Plant Variety Protection and Technology Transfer: The Benefits of Public-Private Partnership (2011)', and 'Symposium on the Benefits of Plant Variety Protection for Farmers and Growers (2012)'. Below these are links for 'UPOV Report on the Impact of Plant Variety Protection', 'Action Rondo Story', and 'Introduction to UPOV'. The number '30' is at the bottom right.

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

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Purpose	Responsibilities
1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:	<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.

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<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.	
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<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.	
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Purpose Efficient

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.

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2. For the above proposals, to provide the Consultative Committee with an analysis of the:

- (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:
 - (i) society in the member States of the Union;
 - (ii) PVP Offices of members of the Union, including:
 - costs and income
 - number of applications and income received for applications;
 - (iii) domestic and foreign breeders, including small- and medium-sized enterprises (SMEs);
 - (iv) farmers; and
 - (v) UPOV.

WG-ISC: identify needs of UPOV members and review how the issues raised by breeders correspond to those needs

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UPOV



*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.

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Seminar on Propagating and Harvested Material in the Context of the UPOV Convention (UPOV/SEM/GE/16)
October 24, 2016 (Geneva, Switzerland)

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Jun Koide



Tomochika MOTOMURA

UPOV

High Level Study Tour (Japan, July 2016)



Koshihikari

Tsuyahime

UPOV

STUDY in VIET NAM*

See http://www.upov.int/about/en/benefits_upov_system.html

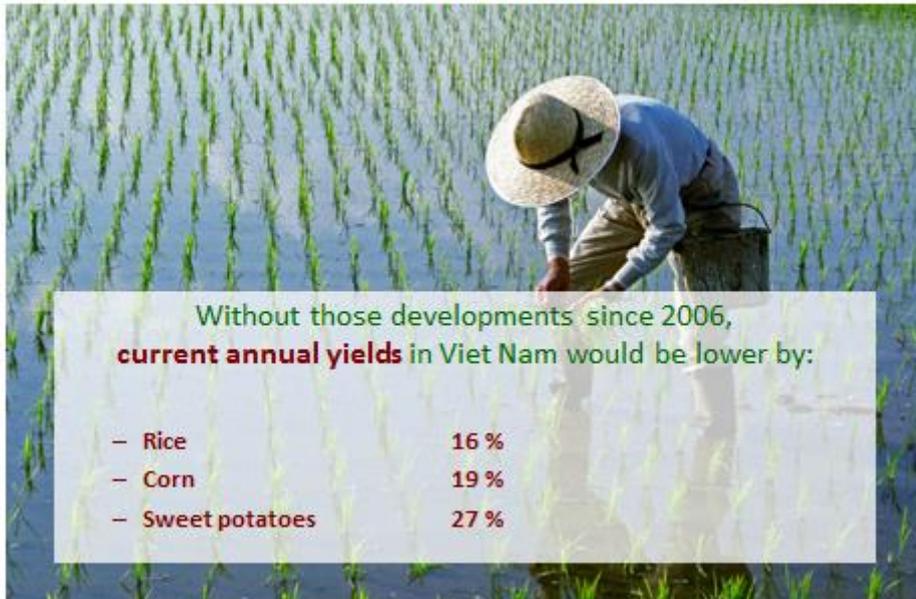
Annual land productivity developments since Viet Nam joined
UPOV in 2006 in

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 %

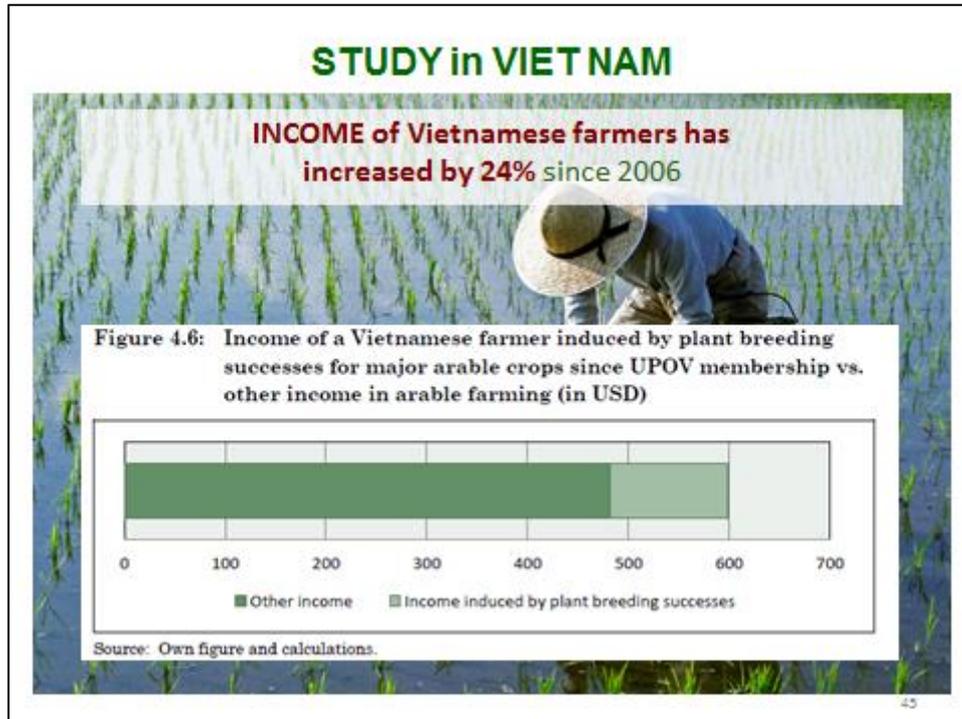
* "The socio-economic benefits of UPOV membership in Viet Nam; An ex post assessment on plant breeding and agricultural productivity after 10 years" (Corresponding author: Steffen Noleppa) by HFFA Research GmbH

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 %



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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”

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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)

TECHNICAL COMMITTEE Fifty-third Session

**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.

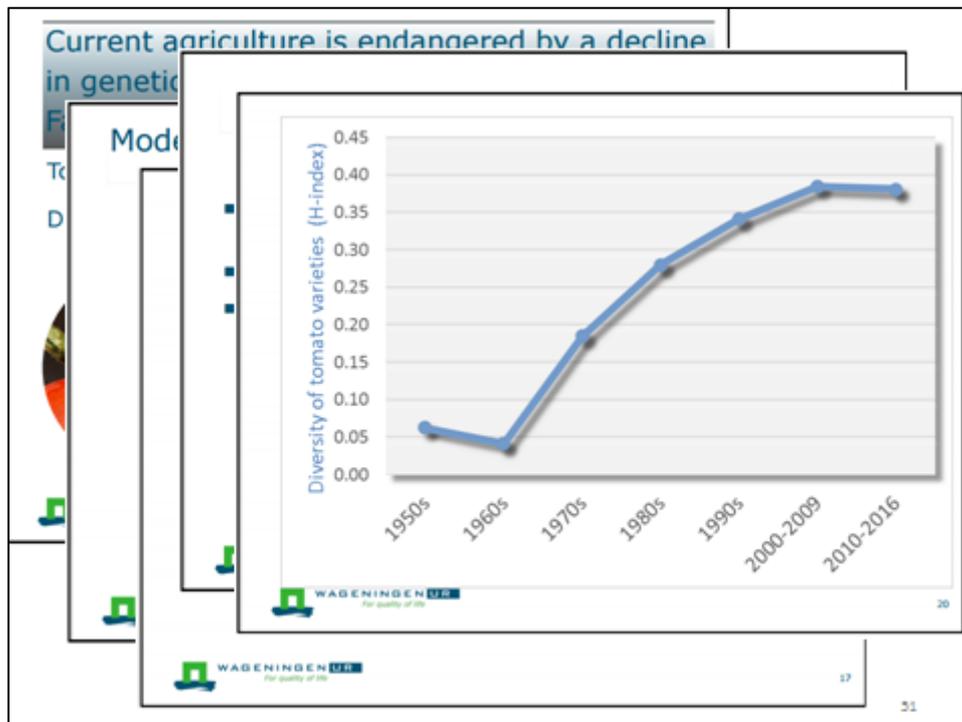
48

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

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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

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Full results in Document TC/53/20 "Cooperation in Examination"

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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

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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

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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

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SURVEY STRUCTURE

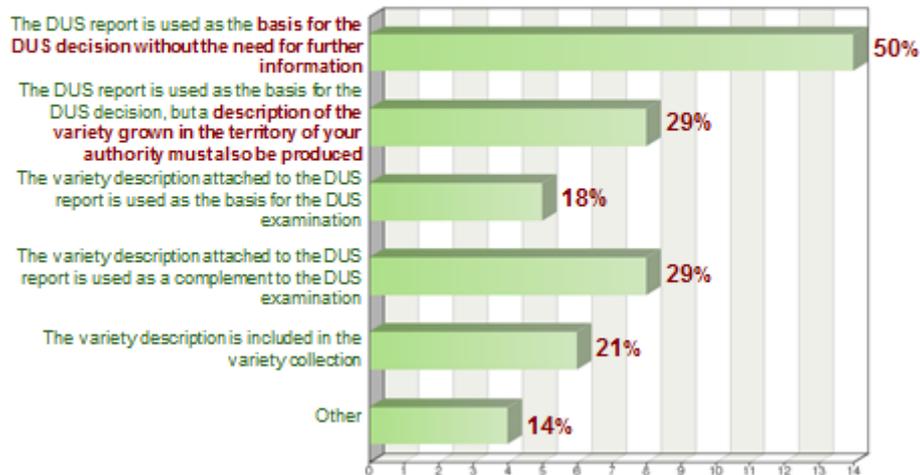
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Question 7:

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



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SURVEY STRUCTURE

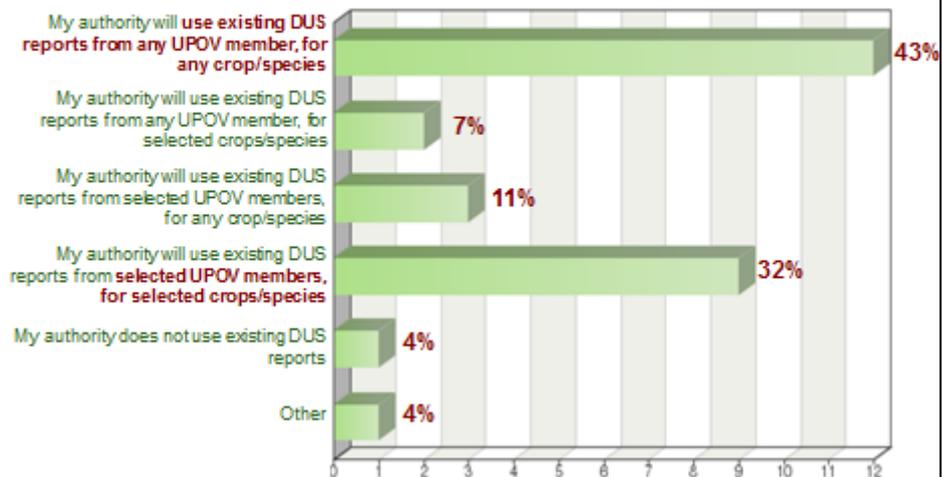
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UPOV

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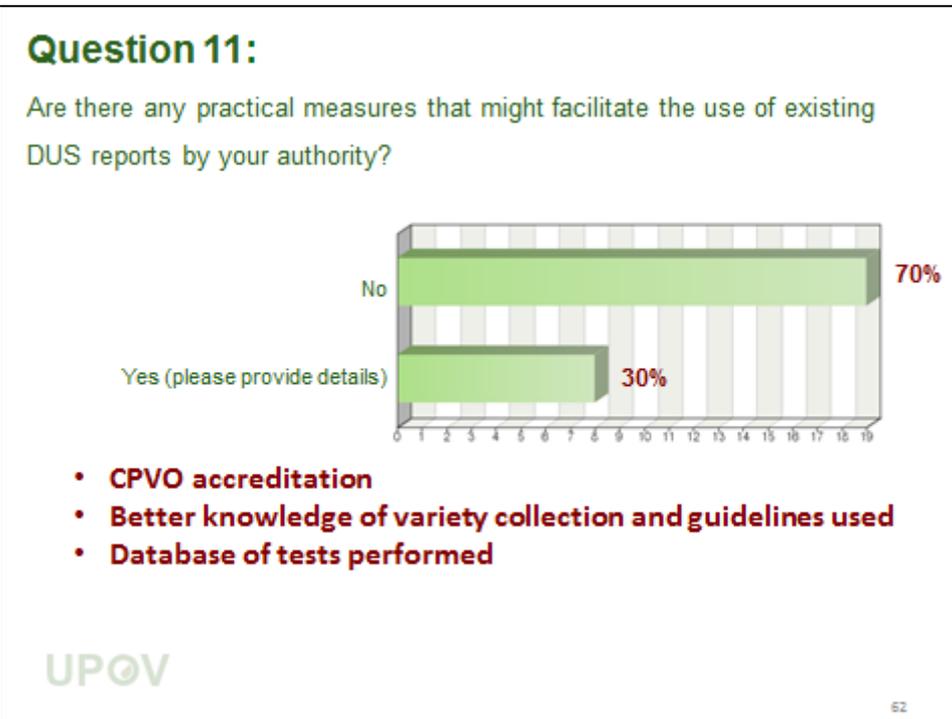
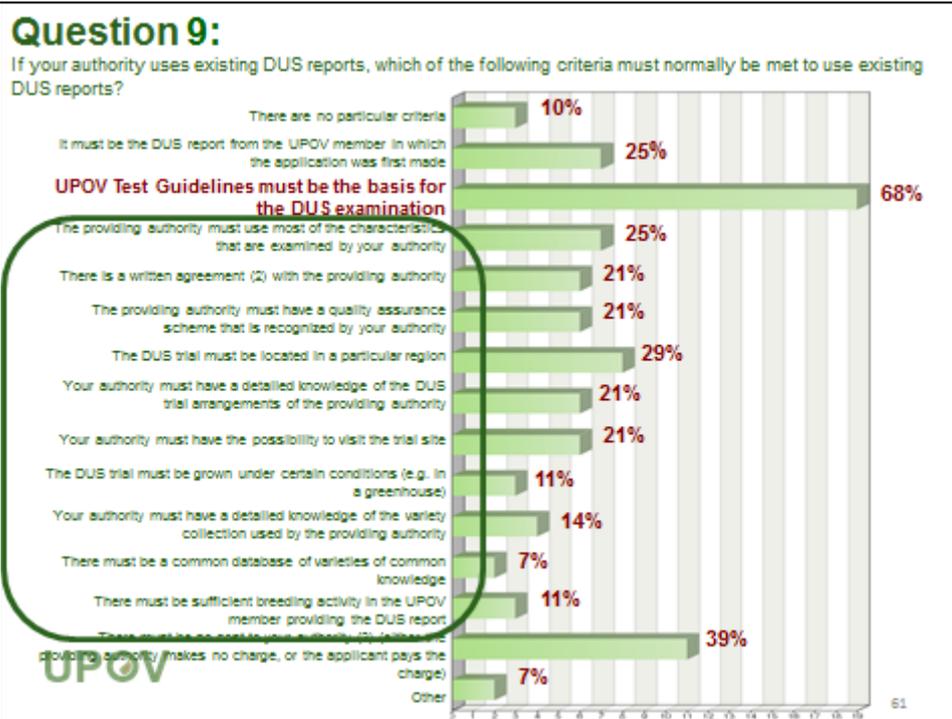
Question 8:

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



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SURVEY STRUCTURE

BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
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General	
Receiving DUS reports	Q17 – 19

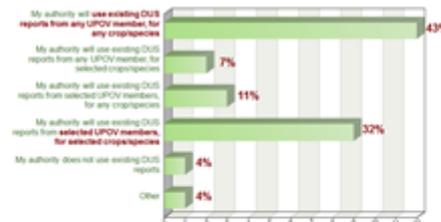


Question 12:

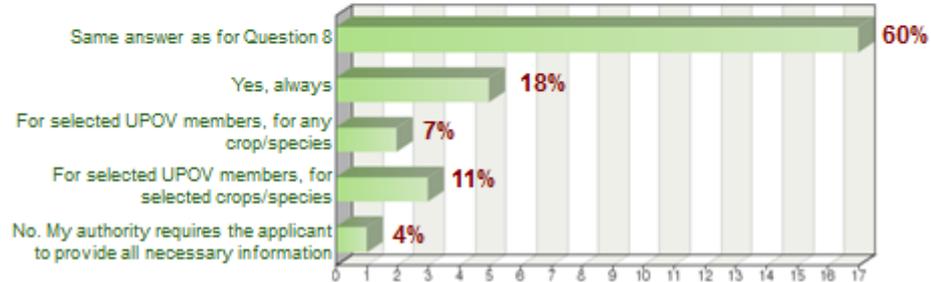
Situation: No other UPOV the subject of an application for the same v examination has, is being need for a DUS examinati would your authority requi the end of the DUS exami

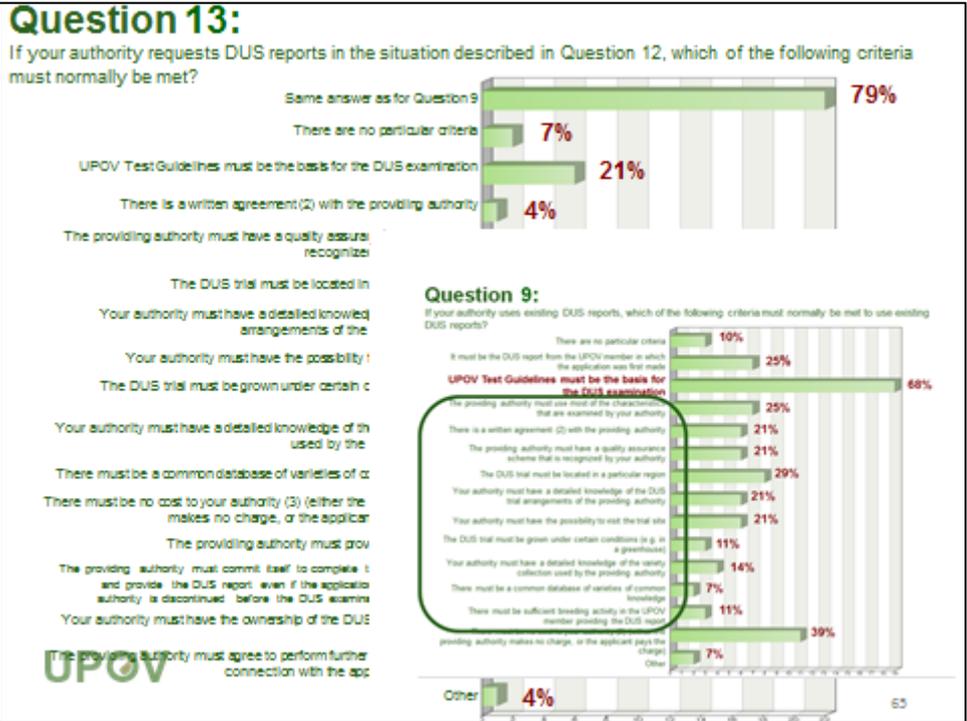
Question 8:

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



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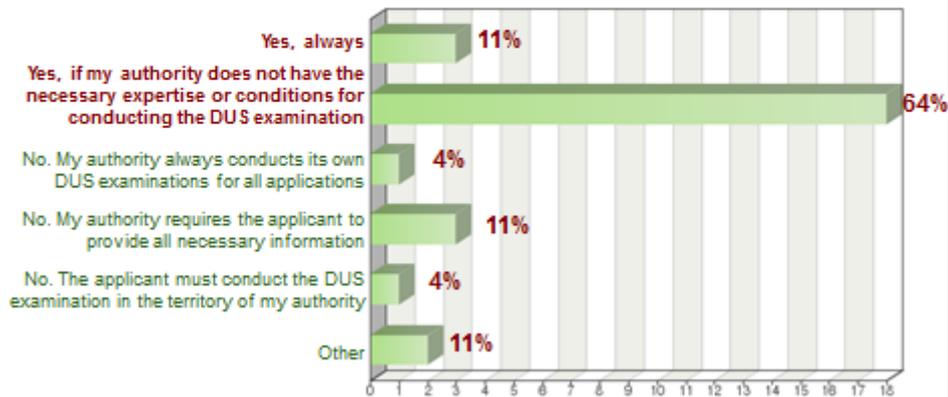
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General	
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UPOV

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?



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SURVEY STRUCTURE

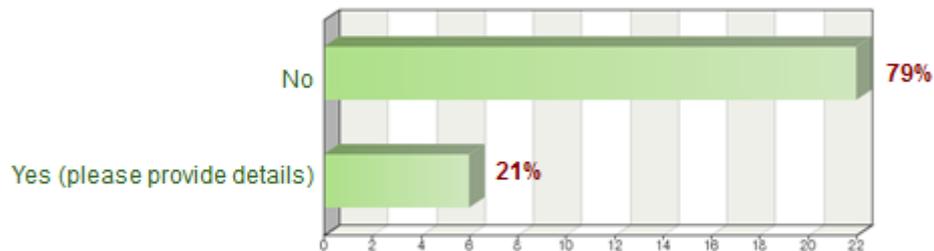
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General	
Receiving DUS reports	Q17 – 19

UPOV

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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

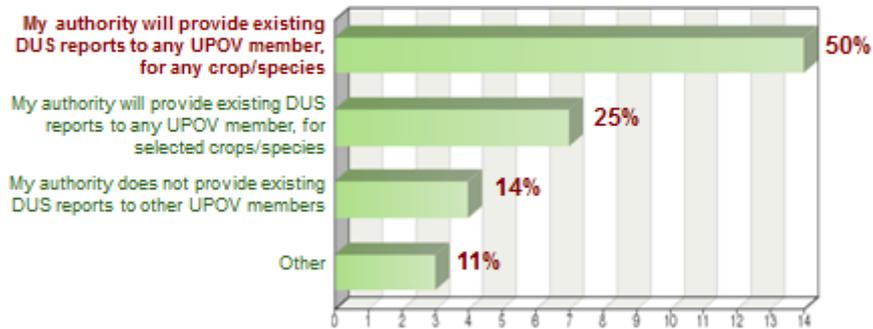
Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

EASE OF ARRANGEMENT OF COOPERATION Q36

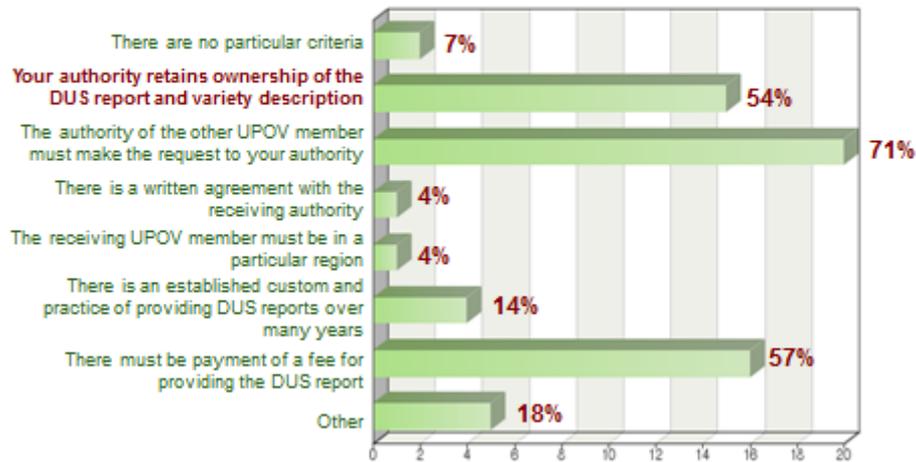
Question 20:

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



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

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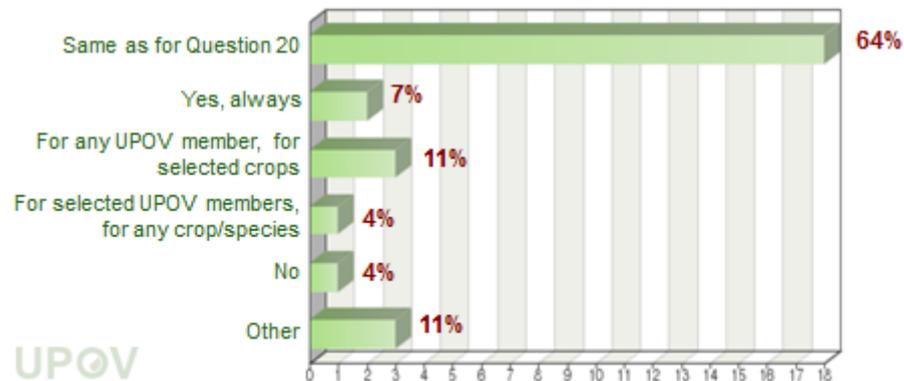
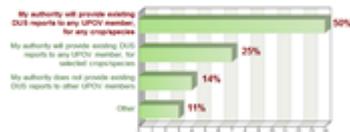
73

Question 24:

Situation: A DUS report has not yet been provided which is the subject of an application with you 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:

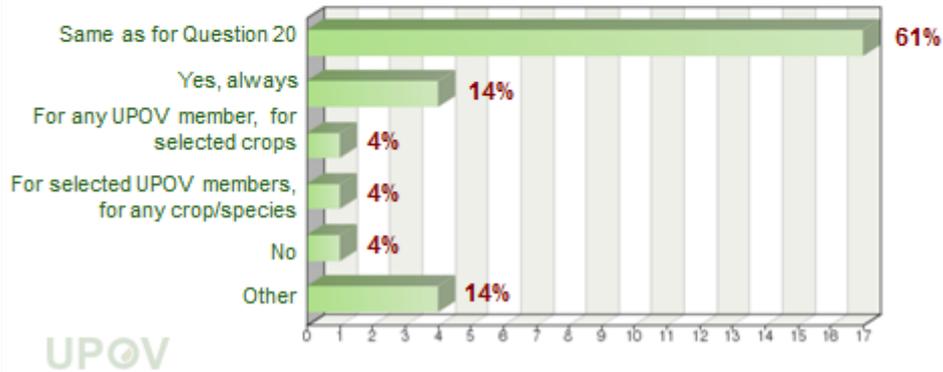


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Question 26:

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?



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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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Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

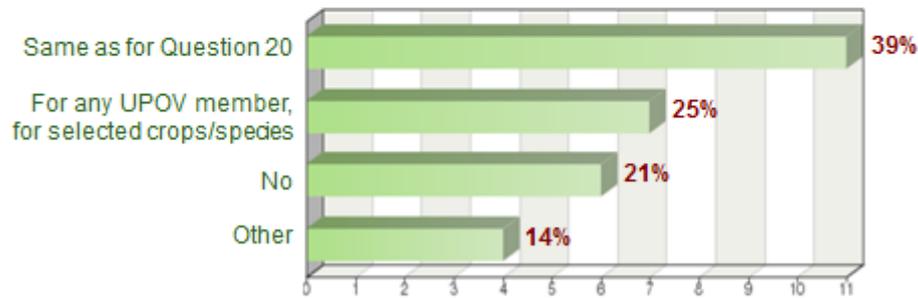
EASE OF ARRANGEMENT OF COOPERATION Q36

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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?



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SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

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

Providing Type 2

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KNOWLEDGE OF COOPERATION Q35

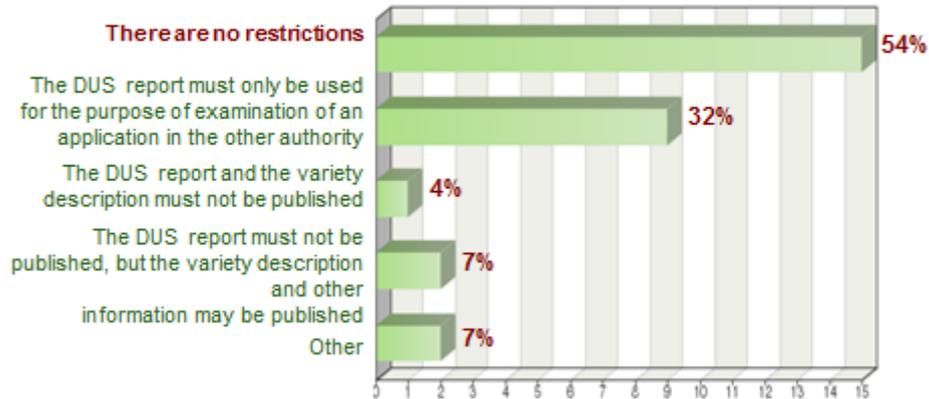
EASE OF ARRANGEMENT OF COOPERATION Q36

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Question 32:

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



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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KNOWLEDGE OF COOPERATION

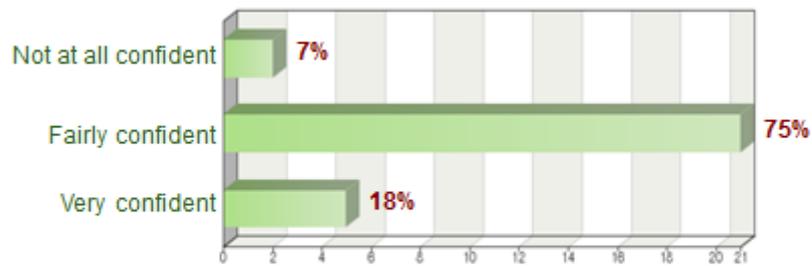
Q35

EASE OF ARRANGEMENT OF COOPERATION

Q36

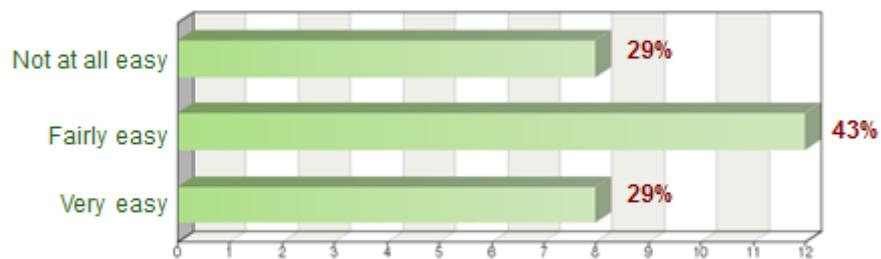
Question 35:

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 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

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**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

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

(2)

Costa Rica
African Intellectual Property Organization (OAPI)

**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

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...?