

Technical Working Party for Vegetables

Fifty-Fourth Session
 Brasilia, Brazil, May 11 to 15, 2020

TWP/4/3

Original: English
Date: April 15, 2020

Technical Working Party for Ornamental Plants and Forest Trees

Fifty-Second Session
 Roelofarendsveen, Netherlands, June 8 to 12, 2020

Technical Working Party for Agricultural Crops

Forty-Ninth Session
 Saskatoon, Canada, June 22 to 26, 2020

Technical Working Party for Fruit Crops

Fifty-First Session
 Nîmes, France, July 6 to 10, 2020

Technical Working Party on Automation and Computer Programs

Thirty-Eighth Session
 Alexandria, United States of America, September 21 to 23, 2020

UPOV PRISMA

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

EXECUTIVE SUMMARY

1. The purpose of this document is to report on developments concerning the development of UPOV PRISMA.
2. The TWPs are invited to note the developments concerning UPOV PRISMA.
3. The structure of this document is as follows:

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ANNEX : UPOV PRISMA LEAFLET

BACKGROUND

4. The background to the development of the EAF (now known as UPOV PRISMA) prior to the Technical Working Parties in 2019 is provided in document TWP/3/3 "UPOV PRISMA".

DEVELOPMENTS IN 2019

Developments in the Technical Committee (TC) in October 2019

5. The Technical Committee (TC), at its fifty-fifth session in Geneva on October 28 and 29, 2019, noted the information provided in document TC/55/INF/5 in relation to recent developments in UPOV PRISMA (see document TC/55/25 Corr. "Report", paragraph 257).

Developments in the fourteenth Meeting on the Development of an Electronic Application Form ("EAF/14 meeting) in October 2019

6. At the fourteenth Meeting on the Development of an Electronic Application Form ("EAF/14 meeting"), held in Geneva on October 28, 2019, the participants considered document UPOV/EAF/14/2 "Developments concerning UPOV PRISMA" and received a presentation from the Office of the Union. The report of the meeting is provided in document EAF/14/3 "Report".

7. At the EAF/14 meeting it was agreed to update the UPOV PRISMA Terms of Use (<https://www.upov.int/upovprisma/en/termsuse.html>) by introducing the following elements, under the "Specific acknowledgment for PVP Offices" section (see document EAF/14/3 "Report", paragraph 15):

"In particular, the PBR authority agrees to the following:

- o Be part of UPOV PRISMA
- o Provide the Office of the Union with the most recent and updated application forms (including Technical Questionnaire)
- o Provide the Office of the Union with relevant verified translations (if applicable)
- o Complete the "Information for applicants" (PVP Office procedures) to be made available for applicants and provide updates as necessary
- o Test and check the output forms during the relevant Test campaigns
- o Specify all documents required for accepting a completed application and ensure all required information can be provided in UPOV PRISMA (with an exception for the electronic signature, if appropriate)
- o Accept application data submitted via UPOV PRISMA without the need for further data or information (except for signature)
- o Accept application data by machine-to-machine data transfer or as provided and presented in the output format (PDF), or provide a stylesheet or information that should be displayed on the PDF to be acceptable (e.g. logo)
- o Inform the Office of the Union of any changes or updates in the application forms (including Technical Questionnaire) and accept data according to the earlier version until UPOV PRISMA is updated - UPOV PRISMA will be updated at the next release or within 6 months following notification thereof, whatever is the sooner
- o Acknowledge receipt in UPOV PRISMA of any application data submitted via UPOV PRISMA within 7 days
- o PVP Office not to charge a higher application fee when receiving application data through UPOV PRISMA
- o Communicate information to applicants on the possibility to use UPOV PRISMA
- o Permit UPOV to disclose data about the number and crop types of applications received via UPOV PRISMA (no data on individual application will be disclosed)"

8. The EAF/14 meeting agreed that participation in UPOV PRISMA would require agreement to the new Terms of Use (see document EAF/14/3 "Report", paragraph 17).
9. At the EAF/14 meeting it was agreed that the proposal to indicate the filing date in UPOV PRISMA within 7 days after it is duly filed with the participating PVP Office, should be discussed at a future EAF meeting.

Developments in the Administrative and Legal Committee (CAJ) in October 2019

10. The Administrative and Legal Committee (CAJ), at its seventy-sixth session on October 30, 2019, noted the information provided in document CAJ/76/INF/2 in relation to recent developments in UPOV PRISMA (see document CAJ/76/9 "Report", paragraph 54).

Developments in the Consultative Committee and the Council in October 2019

11. The Council at its fifty-third ordinary session in Geneva on November 1, 2019, noted the work of the Consultative Committee at its ninety-sixth session, as reported in document C/53/9 "Report by the President on the work of the ninety-sixth session of the Consultative Committee", which included the following information concerning UPOV PRISMA (see document C/53/15 "Report", paragraph 23):

"The Council noted the developments concerning UPOV PRISMA and decided to re-introduce a UPOV PRISMA fee per application at 90 Swiss Francs, starting in January 2020, subject to resolution of the technical issues and improvements being made to the user experience, before a fee was introduced, as presented in document C/53/9. It further agreed that, where the same variety was submitted for both plant breeders' rights and national listing in the same participating member of the Union, a single fee would be charged at the time of the first submission for the variety (see document C/53/15 "Report", paragraph 23 (e))."

LATEST DEVELOPMENTS

Version 2.4

12. Version 2.4 of UPOV PRISMA was released on February 24, 2020.

Implementation of the new UPOV PRISMA Terms of Use

13. Since the EAF/14, all participating authorities, except the African Intellectual Property Organization (OAPI), Bolivia (Plurinational State of) and Paraguay, have signed to the new Terms of Use for UPOV PRISMA (see paragraph 7 above), with the addition of the following disclaimer and footnotes:

Disclaimer for the Community Plant Variety Office of the European Union (CPVO): The CPVO accepts to make all best efforts so that the required information submitted through UPOV PRISMA can be accepted by the CPVO in due time. EU plant variety rights applications will only be accepted if all requirements under the applicable legislation are complied with.

- g) Accept application data submitted via UPOV PRISMA without the need for further data or information (except for signature)¹

Footnote 1: In the case of the CPVO, France and the Netherlands, additional useful information, including TQ characteristics for some crops, may need to be provided to the relevant PVP Office by the applicant after the data is submitted via UPOV PRISMA.

- h) Inform the Office of the Union of any changes or updates in the application forms (including Technical Questionnaire) and accept data according to the earlier version until UPOV PRISMA is updated - UPOV PRISMA will be updated at the next release or within 6 months following notification thereof, whatever is the sooner²

Footnote 2: In the case of the CPVO, if the data submitted under an earlier version of an application form or technical questionnaire is not sufficient for the purpose of filing an application for an EU plant variety right, the applicant will be asked by the CPVO to complement with the data required.

- i) Acknowledge receipt in UPOV PRISMA of any application data submitted via UPOV PRISMA within 7 days³

Footnote 3: In the case of the African Intellectual Property Organization (OAPI), CPVO, France and the Netherlands, the acknowledgement of receipt will be made by their own system and according to the applicable legislation.

14. The African Intellectual Property Organization (OAPI), Bolivia (Plurinational State of) and Paraguay informed the Office of the Union that more time was needed to finalize the requirements of the new Terms of Use for UPOV PRISMA. Until the required information is provided, applicants are not be able to submit application data via UPOV PRISMA for those participating authorities.

Coverage

15. There was no new addition of countries or crop coverage since the previous Version.

| Authority | | Crop coverage in Version 2.4 |
|---|----|---|
| African Intellectual Property Organization (OAPI) * | OA | All genera and species |
| Argentina | AR | Apple (Fruit Varieties), Barley, Black Radish, Broad Bean, Brussels Sprouts, Cauliflower, Chili, Chinese Cabbage, Cotton, Egg Plant, Fig, Grapevine, Green onion, Grey Shallot, Hot Pepper, Indian mustard, Japanese Bunching Onion, Maize, Melon, Oriental Radish, Papaya, Paprika, Potato, Rose, Salvia, Shallot, Soya Bean, Spinach, Sugarcane, Sweet Pepper, Tomato Rootstocks, Watermelon, Welsh Onion, Wheat, Witloof Chicory |
| Australia | AU | All genera and species |
| Bolivia (Plurinational State of) * | BO | All genera and species |
| Canada | CA | All genera & species excluding algae, bacteria and fungi |
| Chile | CL | All genera and species |
| China | CN | Lettuce |
| Colombia | CO | All genera and species |
| Costa Rica | CR | All genera and species |
| Dominican Republic | DO | All genera and species |
| Ecuador | EC | All genera and species |
| European Union | QZ | All genera & species excluding agricultural crops apart from Bent, Cocksfoot, Fescue, Meadow Fescue, Potato, Soya Bean, Ryegrass, Timothy |
| France | FR | All genera & species |
| Georgia | GE | Apple (Fruit Varieties), Barley, Blackberry, Blueberry, Cherry (Sweet Cherry), Chick-Pea, Field Bean, French Bean, Hazelnut, Lentil, Maize, Oats, Peach, Pear, Potato, Raspberry, Soya Bean, Sunflower, Tomato, Walnut, Wheat |
| Kenya | KE | All genera and species |
| Morocco | MA | Melon |
| Mexico | MX | All genera and species |
| Netherlands | NL | All genera and species |
| New Zealand | NZ | All genera and species |
| Norway | NO | All genera and species |
| Paraguay * | PY | Soya Bean |
| Peru | PE | All genera and species |
| Republic of Moldova | MD | Apple (Fruit Varieties), Barley, Blackberry, Chili, European Plum, Grapevine, Hot Pepper, Lettuce, Maize, Oats, Onion, Paprika, Pea, Pear, Potato, Raspberry, Rose, Rye, Sour cherry, Soya Bean, Strawberry, Sunflower, Sunflower, Sweet Pepper, Tomato, Walnut, Wheat |
| Republic of Korea | KR | Apple (Fruit Varieties), Lettuce, Potato, Rose, Soya Bean |
| Serbia | RS | Apple (Fruit Varieties), Blueberry, Raspberry, Rose |
| South Africa | ZA | All genera and species |
| Sweden | SE | All genera and species |
| Switzerland | CH | All genera and species |
| Trinidad and Tobago | TT | Anthuriums , Bromeliaceae, Heliconiaceae, Orchidaceae, Sterculiaceae, Cajanus cajans, Vigna sp., Theobroma cacao L. |
| Tunisia | TN | All genera and species |
| Turkey | TR | All genera and species |
| United Kingdom | GB | All genera and species |
| United States of America | US | 192 crops including Lettuce, Potato, Soya Bean, Wheat |
| Uruguay | UY | All genera & species |
| Viet Nam | VN | Anthurium, Carnation, Chrysanthemum, Cucumber, Dahlia, Dragon Fruit, Japanese Bunching, Onion, Kohlrabi, Maize, Mango, Oranges (Citrus L. - Group 2), Peanut, Poinsettia, Potato, Rice, Rose, Soya Bean, Sunflower, Tomato, Welsh Onion, White-Red and Savoy Cabbage |
| Total | 35 | |

*Until required information is provided, applicants will not be able to submit application data for the concerned authorities

Functionalities

16. Version 2.4 provides an improved user interface and provides a direct communication tool to the UPOV PRISMA team.

UPOV PRISMA fee

17. A UPOV PRISMA fee was reintroduced (90 Swiss francs per PVP application made using UPOV PRISMA) in Version 2.4 (see paragraph 11 above). This fee is in addition to the PVP application fee(s) for the UPOV member concerned. In the case of the United Kingdom, the UPOV PRISMA fee is paid by the United Kingdom PVP Office.

Communication and promotion

18. In relation to communication and promotion, the following initiatives have been taken:

- (a) new design for UPOV PRISMA Webpages (public and restricted area);
- (b) creation of new animated graphics targeted at benefits of UPOV PRISMA (available in English, French, Spanish, German and Chinese at: <https://www.upov.int/upovprisma/en/index.html>);
- (c) creation of new Powtoons videos targeted for agents (available in English, French, Spanish, German and Chinese at: <https://www.upov.int/upovprisma/en/quickguides.html>);
- (d) update of the UPOV PRISMA Leaflet, available in English, French, Spanish and Chinese, as reproduced in the Annex to this document;
- (e) individual contacts with individuals and companies (breeders and agents) using or interested in UPOV PRISMA.

Meeting on the development of an electronic application form (EAF/15)

19. At the fifteenth Meeting on the Development of an Electronic Application Form (“EAF/15 meeting”), held in Geneva on March 26, 2020, the participants noted the proposed planned future developments for UPOV PRISMA, as follows:

Version 2.5

Coverage

UPOV members

20. The following authorities have indicated their intention to be part of Version 2.5:

| Authority | | intention to participate in Version 2.5 | Anticipated crop coverage in Version 2.5 |
|-----------|----|---|--|
| Japan | JP | ✓ | To be confirmed |
| Singapore | SG | ✓ | All genera and species |

Crops/ species

21. In relation to coverage of crop and species in UPOV PRISMA Version 2.5, the table below shows the anticipated changes compared to Version 2.4 for authorities participating in Version 2.4:

| Authority | | Anticipated new crop coverage in Version 2.5 |
|----------------|----|--|
| European Union | QZ | Maize |
| China | CN | Selected crops |

New Functionalities

22. Subject to available resources, the following new functionalities are planned to be introduced in Version 2.5:

- New version of payment interface (Epay V2) to facilitate payment by PayPal, China Union Pay and Bulk payment;
- National Listing for United Kingdom;
- Bulk upload functionality;
- Addition of national characteristics for the Netherlands;
- Customization of OAPI form layout;
- Machine-to-machine communication for Japan;
- Synchronization between UPOV PRISMA and CPVO for TQ changes;
- Machine-to-machine communication with Kenya and Uruguay.

Timetable for release

23. Version 2.5 is anticipated to be released in November 2020.

Possible future developments

24. The following members have expressed an interest to join UPOV PRISMA at a future date: Bosnia and Herzegovina, Nicaragua, United Republic of Tanzania and Uzbekistan.

25. In a future Version, it is proposed to work on the following new functionalities:

- Information on DUS cooperation (DUS Arrangement Recommendation Tool (DART));
- More PVP offices with machine-to-machine links/ communication to UPOV PRISMA;
- Machine translation;
- More countries with National Listing;
- Crop-specific TQs beyond Test Guidelines.

26. In a future Version and in order to assist members of the Union to receive, process and manage application data from UPOV PRISMA, it is proposed to develop and introduce a "PVP Office management interface".

Variation in forms

27. The EAF/15 meeting noted that a report on variation between the Technical Questionnaire of participating authorities in UPOV PRISMA between UPOV members and the UPOV model application form, would be provided at the EAF/16 meeting, according to available resources.

Use of UPOV PRISMA and latest developments

28. Information on the use of UPOV PRISMA, is provided below:

Number of PBR submissions via UPOV PRISMA: (as of March 31, 2020)

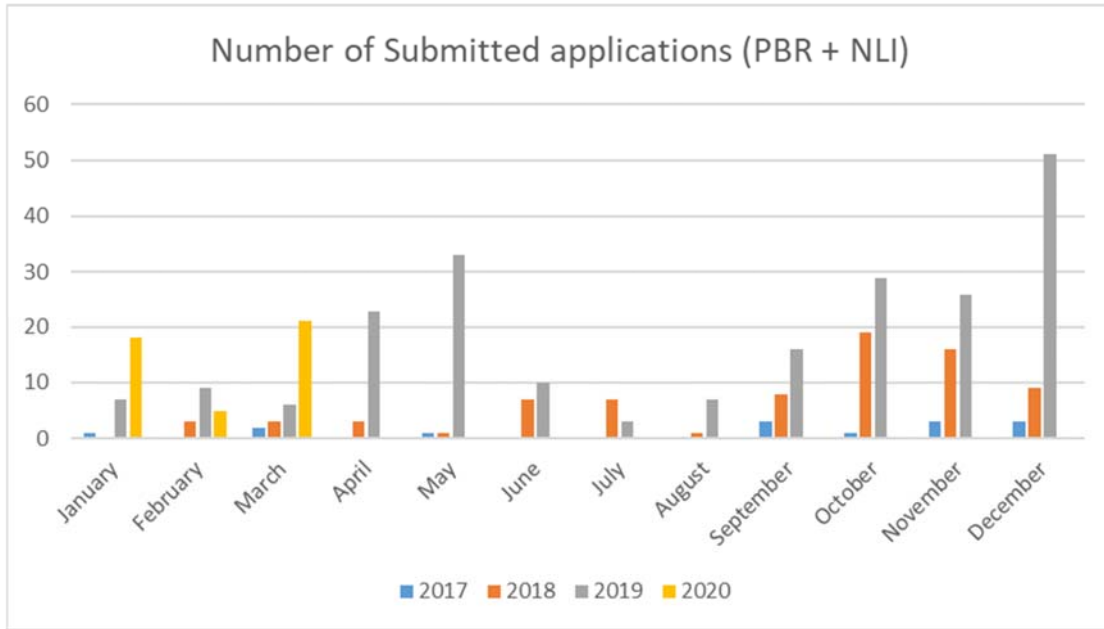
| | 2017 | 2018 | 2019 | 2020 |
|-----------|------|------|------|------|
| January | 1 | | 7 | 18 |
| February | | 3 | 9 | 5 |
| March | 2 | 3 | 6 | 21 |
| April | | 3 | 23 | |
| May | 1 | 1 | 33 | |
| June | | 7 | 10 | |
| July | | 7 | 3 | |
| August | | 1 | 6 | |
| September | 3 | 8 | 14 | |
| October | 1 | 19 | 29 | |
| November | 3 | 16 | 26 | |
| December | 3 | 9 | 49 | |
| Total | 14 | 77 | 220 | 44 |

Number of National Listing(NLI)* submissions via UPOV PRISMA (as of March 31, 2020)

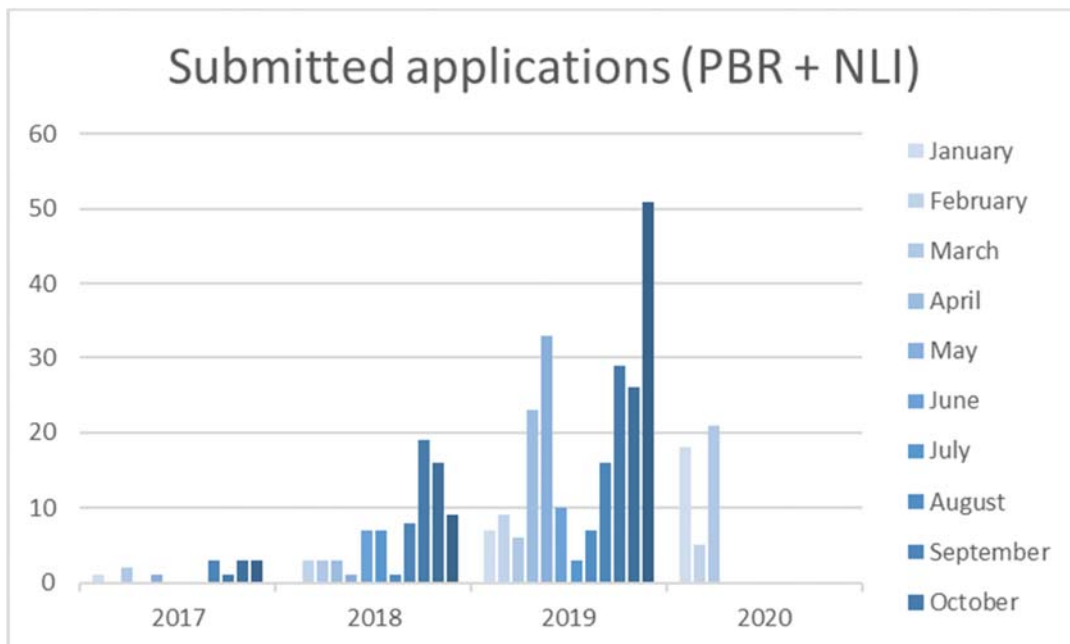
| | 2019 | 2020 |
|-----------|------|------|
| August | 1 | - |
| September | 2 | - |
| October | - | - |
| November | - | - |
| December | 2 | - |
| Total | 5 | - |

*functionality introduced in Version 2.2- June 2019

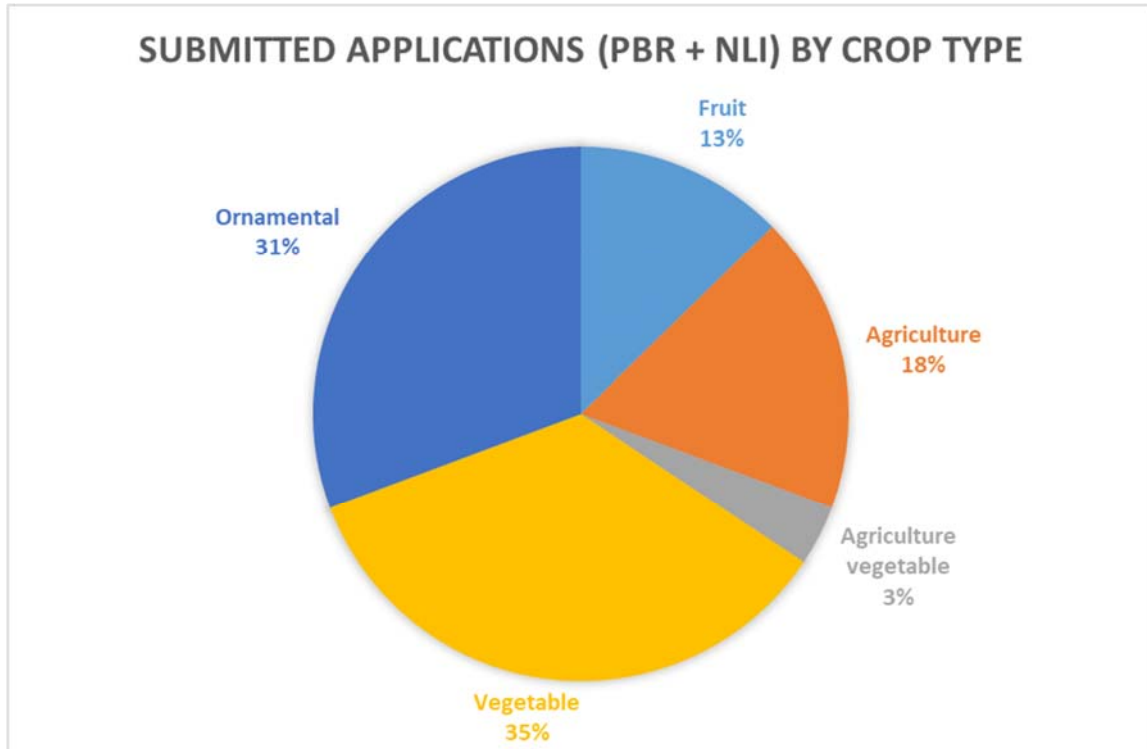
Number of submissions (PBR + NLI) per month via UPOV PRISMA (as of March 31, 2020)



Number of submissions (PBR + NLI) via UPOV PRISMA chronologically (as of March 31, 2020)



Number of submissions (PBR + NLI) by crop type in UPOV PRISMA (as of March 31, 2020)



Number of PBR submissions per participating Authority in UPOV PRISMA (as of March 31, 2020)

| Authority | | Number of PBR submissions in UPOV PRISMA |
|---|----|--|
| African Intellectual Property Organization (OAPI) | OA | 3 |
| Argentina | AR | - |
| Australia | AU | 33 |
| Bolivia (Plurinational State of) | BO | 2 |
| Canada | CA | 33 |
| Chile | CL | 6 |
| China | CN | - |
| Colombia | CO | 4 |
| Costa Rica | CR | 4 |
| Dominican Republic | DO | 2 |
| Ecuador | EC | - |
| European Union | QZ | 46 |
| France | FR | 20 |
| Georgia | GE | 2 |
| Kenya | KE | 20 |
| Morocco | MA | - |
| Mexico | MX | 15 |
| Netherlands | NL | 16 |
| New Zealand | NZ | 16 |
| Norway | NO | 6 |
| Paraguay | PY | - |
| Peru | PE | - |
| Republic of Moldova | MD | 2 |
| Republic of Korea | KR | 1 |
| Serbia | RS | 2 |
| South Africa | ZA | 5 |
| Sweden | SE | 1 |

| Authority | | Number of PBR submissions in UPOV PRISMA |
|--------------------------|----|---|
| Switzerland | CH | 10 |
| Trinidad and Tobago | TT | - |
| Tunisia | TN | 6 |
| Turkey | TR | 48 |
| United Kingdom | GB | 38 |
| United States of America | US | 8 |
| Uruguay | UY | - |
| Viet Nam | VN | - |

29. The TWPs, at their sessions in 2020, will receive an oral report on further developments.

30. *The TWPs are invited to note the developments concerning UPOV PRISMA.*

[Annex follows]

UPOV PRISMA

Who can use it?

Breeders making applications for their varieties

Agents acting on behalf of breeders

How much does it cost?

The UPOV PRISMA fee is **90 Swiss francs** per PVP application made using UPOV PRISMA.

This fee is in addition to the PVP application fee(s) for the UPOV member concerned.

Which UPOV members participate?



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.

To find out more...

<https://www.upov.int/upovprisma>

[email: prisma@upov.int](mailto:prisma@upov.int)



International Union for the Protection of New Varieties of Plants

34, chemin des Colombettes
CH1211 - Genève 20
Switzerland

Tel. +41 22 338 9111

email: prisma@upov.int

https://www.upov.int/upovprisma

UPOV PRISMA

*UPOV's online tool for making
Plant Variety Protection (PVP)
applications*

What UPOV PRISMA offers



Online service for PVP applications



70+ countries covered



Language choice to read forms



Translation of predefined responses



Copy data to other applications



Reminders for Novelty & Priority



Find all PVP Office procedures



Overview of all submissions



Copy data to other applications

Data you have already provided in one application form can be pre-filled in subsequent applications by using the "Copy application" feature.



You can set reminders for priority and novelty alerts from your dashboard.

Reminders for Novelty & Priority



Find all PVP Office procedures

UPOV PRISMA users are provided with information concerning individual PVP Office procedures.

*Crops and species covered by participating UPOV members that do not cover all crops/species:

| | |
|--------------------------|---|
| Argentina | Apple (Fruit Varieties), Barley, Black Radish, Broad Bean, Brussels Sprouts, Cauliflower, Chili, Chinese Cabbage, Cotton, Egg Plant, Fig, Grapevine, Green onion, Grey Shallot, Hot Pepper, Indian mustard, Japanese Bunching Onion, Maize, Melon, Oriental Radish, Papaya, Paprika, Potato, Rose, Salvia, Shallot, Soya Bean, Spinach, Sugarcane, Sweet Pepper, Tomato Rootstocks, Watermelon, Welsh Onion, Wheat, Witloof Chicory |
| Canada | All genera & species excluding algae, bacteria and fungi |
| China | Lettuce |
| European Union | All genera & species excluding agricultural crops apart from Bent, Cooksfoot, Fescue, Meadow Fescue, Potato, Soya Bean, Ryegrass, Timothy |
| Georgia | Apple (Fruit Varieties), Barley, Blackberry, Blueberry, Cherry (Sweet Cherry), Chick-Pea, Field Bean, French Bean, Hazelnut, Lentil, Maize, Oats, Peach, Pear, Potato, Raspberry, Soya Bean, Sunflower, Tomato, Walnut, Wheat |
| Morocco | Melon |
| Paraguay | Soya bean |
| Republic of Moldova | Apple (Fruit Varieties), Barley, Blackberry, Chili, European Plum, Grapevine, Hot Pepper, Lettuce, Maize, Oats, Onion, Paprika, Pea, Pear, Potato, Raspberry, Rose, Rye, Sour cherry, Soya Bean, Strawberry, Sunflower, Sunflower, Sweet Pepper, Tomato, Walnut, Wheat |
| Republic of Korea | Apple (Fruit Varieties), Lettuce, Potato, Rose, Soya Bean |
| Serbia | Apple (Fruit Varieties), Blueberry, Raspberry, Rose |
| Trinidad and Tobago | Anthurium, Bromeliaceae, Heliconiaceae, Orchidaceae, Sterculiaceae, Cajanus cajan, Vigna sp., Theobroma cacao L. |
| United States of America | 192 crops including Lettuce, Potato, Soya Bean, Wheat |
| Viet Nam | Anthurium, Carnation, Chrysanthemum, Cucumber, Dahlia, Dragon Fruit, Japanese Bunching Onion, Kohlrabi, Maize, Mango, Oranges (Citrus L. - Group 2), Peanut, Poinsettia, Potato, Rice, Rose, Soya Bean, Sunflower, Tomato, Welsh Onion, White-Red and Savoy Cabbage |

Which UPOV members participate for which crops/species ?

| UPOV member | Language Accepted * | Crops/Species covered |
|---|-----------------------|-----------------------|
| African Intellectual Property Organization (OAPI) | English French | All |
| Argentina | Spanish | Selected* |
| Australia | English | All |
| Bolivia (Plurinational State of) | Spanish | All |
| Canada | English French | Selected* |
| Chile | Spanish | All |
| China | Chinese | Selected* |
| Colombia | Spanish | All |
| Costa Rica | Spanish | All |
| Dominican Republic | Spanish | All |
| Ecuador | Spanish | All |
| European Union | EU languages | Selected * |
| France | French | All |
| Georgia | Georgian | Selected* |
| Kenya | English | All |
| Mexico | Spanish | All |
| Morocco | French | Selected* |
| Netherlands | English | All |
| New Zealand | English | All |
| Norway | Norwegian | All |
| Paraguay | Spanish | Selected* |
| Peru | Spanish | All |
| Republic of Moldova | Romanian | Selected* |
| Republic of Korea | Korean | Selected* |
| Serbia | Serbian | Selected* |
| South Africa | English | All |
| Sweden | Swedish | All |
| Switzerland | English | All |
| Trinidad and Tobago | English | Selected* |
| Tunisia | French | All |
| Turkey | Turkish | All |
| United Kingdom | English | All |
| United States of America | English | Selected* |
| Uruguay | Spanish | All |
| Viet Nam | English Vietnamese | Selected* |

Languages in UPOV PRISMA



Translation of predefined responses

Information must be completed in a language accepted by the PVP Office concerned. Application forms and technical questionnaires will be generated in the "Output language(s)" required by the participating PVP Office.

* Predefined responses, i.e. those contained in drop-down boxes (e.g. characteristics, states of expression) will be automatically translated into the required language.



Language choice to read forms

You can display UPOV PRISMA features and read the PVP application forms in the following "Navigation languages".

Chinese
English
French
German
Japanese
Korean
Russian
Spanish
Turkish
Vietnamese

[End of Annex and of document]