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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COMMITTEE OF EXPERTS ON
INTERNATIONAL COOPERATION IN EXAMINATIONThird Session
Geneva, April 15 to 17, 1975

PROGRESS REPORT

prepared by the Office of the Union

1. The Committee of Experts on International Cooperation in Examination, hereinafter referred to as "the Committee," has held two sessions so far, the first (preparatory) on November 7, 1974, and the second from January 15 to 17, 1975. In these sessions the following results were obtained.
2. The experts emphasized that it was desirable that the results of the examination of new plant varieties on distinctness, homogeneity and stability performed in the Office of one member State should be used in other member States. They noted that the necessary arrangements could be envisaged in the form of bilateral agreements or of a multilateral system, and considered the advantages and disadvantages of both possibilities.
3. As far as bilateral agreements were concerned, the Committee established a draft UPOV Model Agreement for International Cooperation in the Testing of Varieties on the basis of the draft of a bilateral agreement which the competent authorities of the Netherlands and the United Kingdom planned to conclude. The draft UPOV Model Agreement is reproduced as Annex II to document ICE/II/6.⁽¹⁾
4. The Committee also discussed the possibilities of a multilateral solution on the basis of a memorandum prepared by the Office of the Union (document ICE/II/2)⁽²⁾ and made certain comments on it which are contained in the draft report on the second session of the Committee.⁽³⁾ The comments made by the experts were noted by the Office of the Union and will be considered when preparing a revised version of the memorandum, which will be distributed in due course.
5. The Committee examined at the same time a proposal by the United Kingdom, dated March 6, 1974, concerning centralized testing in the field of major crops for the first growing season, a copy of which is attached as an Annex to this document. The Committee took the view that the most important part of that proposal could be carried out by way of a bilateral agreement concluded on the basis of the draft UPOV Model Agreement for International Cooperation in the Testing of Varieties. As far as other aspects of the United Kingdom proposal were concerned, especially that part of it which proposed the organization of a system of centralized filing of applications, the Committee considered it premature to carry out these ideas.

[Annex follows]

(1) An extract of document ICE/II/6 as well as Annex II is being distributed with this document to representatives of the professional organizations invited to the present session.

(2) A copy of document ICE/II/2 is being distributed together with this document to representatives of the professional organizations invited to the present session.

(3) See footnote (1).



ANNEX
THE PLANT VARIETY RIGHTS OFFICE

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FROM THE CONTROLLER

Dr Arpad Bogsch
Secretary General
International Union for the Protection of New Plant Varieties
32 Chemin des Colombettes
1211 GENEVA 20
SWITZERLAND

6 March 1974

Dear Dr Bogsch

CENTRALISED TESTING OF NEW VARIETIES OF MAJOR CROPS

1. The UK Plant Variety Rights Office has for some time been concerned that while the member States of UPOV have made some considerable progress in establishing methods and procedures for the conduct of tests on new varieties in the major agricultural and horticultural species, only limited proposals have been made for centralising the testing for such varieties. We should like to suggest that the UPOV Council should devote attention to this question for the following reasons:-

- a) breeders should be able to have the protection offered by the plant breeders' rights system over as wide an area as possible;
- b) breeders of new varieties have to incur what the PVRO considers to be unnecessary expenditure in having to submit varieties to a number of authorities;
- c) consumers are likely to suffer from delays in the marketing of new varieties;
- d) establishment of testing facilities for these crops in the United Kingdom coupled with those for National Listing purposes within the EEC, is increasing annually and there are already signs that within the foreseeable future it could become too great a burden; and
- e) the United Kingdom is anxious to be able to have the benefits which can be derived from new and improved varieties as early as possible.

2. The PVRO is of the opinion that the ultimate goal of UPOV should be the establishment of a centrally controlled testing system within the area. This would provide a minimum number of centres required to cover the main ecological areas. However, each member State has over the years established its own system which could not be disbanded abruptly without causing undue difficulties and the United Kingdom would, therefore, like to put forward an interim shorter term proposal which would permit each member State to retain its expertise in the major crops while achieving certain reductions in the work carried out.

3. The PVRO would propose that applications for rights would be submitted to, and be processed by, the UPOV Secretariat. It is recognised that this would result in an increased workload for the Secretariat, but it has already been suggested that consideration be given to increasing its strength.

/OVER

ICE/III/2
Annex, page 2

4. The applicant for rights would be asked to state in which countries he wishes to obtain rights, giving first the country in which he is primarily interested. This latter country would undertake full tests for distinctness, uniformity and stability, and all other member States would depend mainly on the results of these tests. The other State(s) mentioned in the application would in the second season conduct a limited test to ensure distinctness under the particular conditions of their own country and to enable them to produce a description of the new variety, this should not involve any detailed assessment of uniformity.
5. In the event of an applicant wishing to obtain rights simultaneously in 2 or more countries, the full tests might be conducted in the country of origin of the breeder and in the case of a third country, in the country of the breeder's choice.
6. The results of all tests would be sent to the UPOV Secretariat who would take action on any clear negative or affirmative reports. Conflicting reports would be considered by a technical committee appointed by Council.
7. These proposals would pre-suppose harmonisation of fees, standards, methods and procedures, and the PVRO realises that much preparatory work would have to be undertaken. The Office is aware that in this paper it has only touched upon difficult problems but it would ask the Council to consider the early establishment of a small Committee to prepare concrete proposals which could serve as a basis for further work. In the meantime the PVRO proposes to seek bilateral arrangements with other member States in an endeavour to reduce expenditure and duplication of effort and to secure a widening of the plant breeders' rights system.

Yours sincerely



H A Doughty
Controller