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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COMMITTEE OF EXPERTS ON
INTERNATIONAL COOPERATION IN EXAMINATION

Sixth Session

Geneva, November 17, 1976

DRAFT REPORT

prepared by the Office of the UnionOpening of the Session

1. The sixth session of the Committee of Experts on International Cooperation in Examination (hereinafter referred to as "the Committee") was held in Geneva on November 16 and 17, 1976. The list of participants is attached as Annex I to this document.
2. The session was opened by Mr. J.I.C. Butler, Chairman of the Committee, who welcomed the participants.

Adoption of the Agenda

3. The Committee adopted the agenda as appearing in document ICE/VI/1, after having agreed to deal with the proposal made by ASSINSEL on cooperation in examination with respect to vegetable species under item 7.

Adoption of the Report on the Fifth Session of the Committee

4. The Committee unanimously adopted the report on its fifth session as appearing in document ICE/V/4.

Decisions by the Council on the Work of the Committee

5. The Chairman recalled that at its tenth ordinary session the Council had taken the following decisions on the work of the Committee:

(i) It had decided to recommend, by a majority of five of the six member States, that a fee of at least 1,350 Swiss francs be charged for a normal examination (lasting two years or growing periods) of a new plant variety of cereals or of another comparable crop (see document C/X/12, paragraph 18).

(ii) It had delegated to the Committee the authority to adopt the UPOV Model Forms (see document C/X/12, paragraph 19).

(iii) It had agreed to the Committee's proposal that a multilateral system of cooperation in examination be introduced on a step-by-step basis and that experience should first be gained in cooperation based on bilateral agreements (see document C/X/12, paragraph 20).

(iv) It had considered that it was not necessary for the Committee to hold a session in 1977 with the participation of observers from professional organizations (see document C/X/12, paragraph 20).

Report of the Representatives of Member States on Agreements on Cooperation in the Examination of New Varieties of Plants Already Concluded or in Preparation

6. The experts reported that so far bilateral agreements on cooperation in examination had been concluded between (i) France and Germany (Federal Republic of), (ii) France and Sweden, and (iii) the Netherlands and the United Kingdom. Further bilateral agreements were in the course of preparation, some of them being near conclusion.

7. The Committee agreed that the conclusion of bilateral agreements on cooperation in examination should continue to be announced in the UPOV Newsletter and that the member States should furnish the Office of the Union with the necessary information.

Harmonization of Application Forms

8. Discussions were based on document ICE/VI/2, in particular Annexes III to V of that document.

9. With respect to the Draft Model Form for the Application for Plant Breeders' Rights, the Committee took the following decisions:

(i) At the top of the form, the administrative indications should be deleted.

(ii) Under item 4, the order of the two terms "breeder's reference" and "proposed denomination" should be reversed. The proposal of one delegation to connect both terms by the word "or" was not accepted.

(iii) Under item 5, references to the discoverer of a variety should be deleted in the English and French versions since the terms "breeder" and "obtenteur" also comprise discoverers; in the German version, however, the explicit mention of discoverers ("Entdecker") was considered to be necessary. To show the equivalence of the expressions used in the English and the French versions on the one hand and in the German version on the other hand it was agreed to connect the terms used in the German version by a slash (i.e., "Ursprungszüchter/Entdecker"). References to discoveries and the corresponding instructions should be amended accordingly.

(iv) Under item 6, the column entitled "Stage reached - date" should be amended to read "Stage." The instructions should be amended accordingly.

(v) In order to allow member States to include additional items after item 10 and before item 11, the number "11"--but not the content of the item--should be deleted.

10. With respect to the Instructions for Completing the Form for the Application For Plant Breeders' Rights, the Committee took the following decisions:

(i) Item 0.1 should read as follows: "It is recommended to indicate dates as follows: year-month-day (example 76-01-14)." This corresponds to the ISO recommendations and to the UPOV Test Guidelines.

(ii) Item 4.1 should be reworded as follows: "Either the proposed variety denomination or a breeder's reference should be indicated. When a variety denomination is indicated, it is desirable to mention also a breeder's reference." Item 4.2 should read as follows: "Where the applicant does not propose a denomination in this form, he will have to do so later on." Item 4.3 should read as follows: "France: Where the denomination is not proposed in this form, the applicant will be charged a publication fee." Item 4.4 should be deleted.

(iii) In item 6.4, the abbreviations A and B should be combined to read: "A = application pending." The abbreviations C, D and E would then become B, C and D respectively.

(iv) Item 7 should be deleted.

(v) In item 10.2, the introductory sentence should read as follows: "In addition to the application form, the following forms and documents must be submitted to the Plant Breeder's Rights Office." Subitem 10.2(iii) should be transferred to 10.3 and should be given the side-heading "Germany (Federal Republic of), Sweden and United Kingdom." The remaining subitems under item 10.2 should be identified by Arabic figures in boxes and should be given side-headings ("Variety description," "Authorization" and "Priority Claim," respectively).

(vi) Under item 10.3, subitem (iii) should be given the side-heading "Belgium, France and South Africa" and subitem (v) should be deleted since France would incorporate the substantive questions of the Model Form for the Application for a Variety Denomination in its application form.

11. With respect to the Draft Model Form for the Application for a Variety Denomination and the Instructions for completing it, the Committee took the following decisions:

(i) In item 5 of the Draft Model Form, the second column should be entitled "Stage" and the corresponding instructions should be amended accordingly.

(ii) Item 7 of the Draft Model Form would be redrafted as follows: "Trade-mark renunciation: States will enter a renunciation clause drafted by them according to their domestic laws." The clauses as drafted by each member State would be restated in the Instructions on the Model Form.

(iii) As regards the wish of the National Seed Development Organisation of the United Kingdom that the applicant be allowed to propose several denominations at the same time with an order of preference, it was decided that each State should be free to accept several denominations, but a separate form ought to be filled in for each denomination.

12. Subject to the above changes, the Committee, by virtue of the delegation of authority mentioned in paragraph 5(ii) above, formally adopted the UPOV Model Form for the Application for Plant Breeders' Rights and the UPOV Model Form for the Application for a Variety Denomination. The Office of the Union was asked to send the final versions of both Model Forms to the member States for checking and to publish them later in the UPOV Newsletter. The Committee recommended that member States use the UPOV Model Forms as soon as possible as a basis for the drafting of their national forms, in accordance with the principles decided upon at its fifth session and reproduced in document ICE/V/4, paragraph 10.

Harmonization of Fees

13. Several delegations reported that, since the drafting of document ICF/VI/3 on which the discussion was to be based, new tariffs of fees had been drawn up and were about to enter into force. The Committee therefore agreed to postpone the discussion on the harmonization of fees. It also agreed that member States should be informed, through the Office of the Union, of any modification of national fees and that such information should be brought to the attention of the general public by including in the UPOV Newsletter a summary of the new tariffs established by the Office of the Union in cooperation with the member States concerned.

14. It was noted that the minimum fee of 1,350 Swiss francs for two years of examination of cereals and other comparable crops was very close to the fee charged by Sweden, which had adopted the principle that any official authority had to cover its expenses from the fees it charged those who made use of its services. The Delegation of Denmark proposed that the Resolution on Fee Questions (see document C/VII/23) be reconsidered in view of the fact that in some member States examination fees now covered a great part of the costs of the examination.

List of Species for Which Offers for Cooperation in Examination Have Been Made

15. The Delegation of France informed the Committee that an "O" should be added for France with respect to Soya bean (*Glycine max.* (L.) Merrill) in the list of offers contained in document C/X/6.

16. The Vice Secretary-General drew attention to the rather numerous blanks in the columns of the list reserved for common names; that was mainly due to the fact that only the Latin names were used for some species because they had no common names. He said that the practice was irritating and gave the list the appearance of being incomplete. The Chairman proposed that, in order to remedy the situation, the Latin name be indicated as the common name in cases where the vernacular language did not have a common name of its own.

17. In this connection the Committee considered the proposal made by the ASSINSEL Vegetable Section with respect to cooperation in the examination of varieties of vegetables. The document established by that body is attached as Annex II to this document.

18. The proposals made by ASSINSEL were, in general, greatly appreciated and the delegations noted with satisfaction that ASSINSEL was able to agree on such a list of proposals. Difficulties were foreseen, however, if different authorities were entrusted with the examination of different types of varieties of the same species: for instance, one authority with the examination of long-day type onions, another with the examination of short-day type onions. The Committee finally agreed that a letter of thanks should be addressed to ASSINSEL and that the question should be examined by a small group composed of the (technical) heads of Offices of member States, after the meeting of the session of the Technical Steering Committee on May 17, 1977. The Office of the Union was asked to issue a special invitation for that purpose.

Statistical Information on the Exchange of Examination Reports

19. Discussions were based on document C/X/7.

20. The Committee agreed that the information given in the document under discussion was useful and that it was desirable to have statistics on the exchange of examination reports established periodically and brought to the attention of the Council. It therefore decided that the Office of the Union should prepare a form to be filled in by the member States, on which such State would indicate for each species the number of examination reports actually sent to another State--or received from another State--during the period elapsing from July 1 of one year to June 30 of the following year. The information, which should reach the Office of the Union by mid-September--in order to allow it to prepare a document for the Council session--should also be published in the UPOV Newsletter.

Harmonization of the Plant Breeders' Rights Gazettes of Member States

21. The Delegation of the Federal Republic of Germany asked whether it was feasible to publish in the plant breeders' rights gazettes of the member States a translation in the three official UPOV languages of the headlines of interest to all member States. After the Delegation of France had observed that it would be worth while to try to achieve a harmonization of the gazettes, the Committee agreed to ask the Office of the Union to study the question and to prepare a document--containing, if possible, recommendations--for consideration at its next session.

Date and Program of Next Session

22. The Committee noted that one session was to be held in 1977. The program would include, in particular, the question of the harmonization of fees, the exchange of information by means of the national plant breeders' rights gazettes and the list of species concerned by offers for cooperation in examination. The exact date of the next session--or whether it should be cancelled--was to be decided later.

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Dr. M.-H. THIELE-WITTIG, Administrative and Technical Officer

Mr. A. HEITZ, Administrative and Technical Officer

ANNEX II/ANNEXE II/ANLAGE II

ASSINSEL Section Vegetables

Meeting on 3rd June, 1976, Amsterdam.
Review of possibilities for harmonization
of testing in UPOV.

LATIN	ENGLISH	STATE OFFERING ITS TESTING FACILITIES FOR OTHER UPOV MEM- BER STATES	ASSINSEL-SUGGESTED STATE(S) TO SERVE AS CENTRAL TESTING AUTHORITY FOR ALL OTHER UPOV MEMBER STATES
Allium cepa	Onion, long day types	-	NL
" "	" , medium + short day types	-	F
Allium porrum	Leek	DK	F and possibly DK
Allium schoenoprasum	Chives	-	DK
Anethum graveolens	Dill	S	S
Anthriscus cerefolium	Chervil	-	NL
Apium graveolens	Root Celery	D	D
" "	Leaf and Petiole celery	-	F
Beta vulgaris var. rubia	Table beetroot	DK, F	NL
Brassica campestris var. rapa	Turnip (fodder and table)	NL	NL
Brassica oleracea capitata f. alba	White Cabbage	-	NL
Brassica oleracea capitata f. sabauda	Savoy Cabbage	-	NL
Brassica oleracea capitata f. tundra	Red Cabbage	D	NL
Brassica oleracea var. acephala	Kale	-	DK
Brassica oleracea var. botrytis	Cauliflower early types	-	DK
Brassica oleracea var. botrytis	" late "	-	F, UK
Brassica oleracea var. cymosa	Sprouting broccoli	-	UK
Brassica oleracea var. gemmifera	Brussels Sprouts	-	UK
Cichorium endivium	Leaf Chicory	F	F
" intybus	Witloof Chicory	-	NL
Cucumis melonis	Melon	-	F
" sativus	Cucumber, greenhouse types	-	NL
" "	" field + pickling types	-	F and D
Cucurbita maxima	Squash (giant types)	-	F
" pepo	Vegetable marrow	-	F
Daucus carota	Carrot	-	D, F
Lactuca sativa	Lettuce, greenhouse types	-	NL
" "	" outdoor types	-	F
Lepidium sativum	Cress	NL	NL
Pastinaca sativa	Parsnip	-	S

LATIN	ENGLISH	STATE OFFERING ITS TESTING FACILITIES FOR OTHER UPOV MEMBER STATES	ASSINSEL-SUGGESTED STATE(S) TO SERVE AS CENTRAL TESTING AUTHORITY FOR ALL OTHER UPOV MEMBER STATES
Petroselinum sativum	Leaf parsley	-	D and possibly F
" "	Root parsley	DK	D
Phaseolus coccineus	Runner Beans	UK	UK
" vulgaris nana	Dwarf Beans with string	-	F
" " "	" " stringless	-	D and NL
" " "	Pole Beans	-	D
Pisum sativum	Peas, wrinkled seeded	-	D
" "	" smooth seeded and Sugar peas	-	F
Raphanus sativus			
var. radicula	Radish	D, NL	F
Raphanus sativus	Summer radish/rettich	D	D
var. niger			
Scorzonera hispanica	Salsify	-	DK
Solanum lycopersicon	Tomato outdoor + processing types	-	F
" "	Tomato greenhouse types	-	NL
Capsicum annuum	Sweet Pepper	F	F
" melongena	Aubergine, egg plant	-	F
Spinacia oleracea	Spinach	NL, D	NL and D
Valerianella oleracea	Corn salad	F	F
Vicia faba	Broad Beans	UK	UK

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