

**Working Group on a Possible International System  
of Cooperation****UPOV/WG-ISC/4/3****Fourth Meeting  
Geneva, October 31, 2018****Original:** English  
**Date:** March 21, 2019

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**REPORT***adopted by the Working Group on a Possible International System of Cooperation**Disclaimer: this document does not represent UPOV policies or guidance***OPENING OF THE MEETING**

1. The Working Group on a Possible International System of Cooperation (WG-ISC) held its fourth meeting in Geneva on October 31, 2018, under the chairmanship of the Vice Secretary-General of UPOV. The list of participants is reproduced in Annex I to this report.
2. The meeting was opened by the Chair, who welcomed the participants.

**ADOPTION OF THE AGENDA**

3. The WG-ISC adopted the agenda as presented in document UPOV/WG-ISC/4/1.

**POSSIBLE ISSUES RELEVANT FOR THE NEEDS OF THE PVP OFFICES AS IDENTIFIED AT THE FIRST MEETING OF THE WG ISC AND AMENDED BY THE WG-ISC AT ITS SECOND AND THIRD MEETINGS**

4. The Chair provided a summary of the mandate and terms of reference of the WG-ISC and the developments during the first three WG-ISC meetings, on the basis of the presentation attached as Annex II to this report.
5. The Chair reported that he had held discussions with the Chair of the Consultative Committee on the developments in the WG-ISC and its current work, bearing in mind the mandate of the WG-ISC to prepare a document containing proposals, analysis and information for consideration by the Consultative Committee. Those discussions had highlighted that, since the WG-ISC had been established in 2016, the three meetings that had been held had provided a clarification of the need for an ISC, according to the needs of PVP offices, and had provided an opportunity for a review of current cooperation between members of the Union. There now seemed to be a good basis for the WG-ISC to start to prepare a document containing proposals, analysis and information for consideration by the Consultative Committee.
6. With the above summary in mind, the Chair proposed that the aim of the WG-ISC at its fourth meeting should be to consider document UPOV/WG-ISC/4/2 "Possible issues relevant for the needs of the PVP Offices as identified at the first meeting of the WG-ISC and amended by the WG-ISC at its second and third meetings", Annex III as a basis to prepare a document containing proposals, analysis and information for consideration by the Consultative Committee.
7. The Delegation of Norway noted that not all of the needs identified in document UPOV/WG-ISC/4/2, Annex III, were needs for all UPOV members. It noted that the terms of reference of the WG-ISC (Purpose 1 (b)) required that proposals be relevant for all members of the Union, irrespective of the Act of the UPOV Convention by which they are bound.

8. The Chair confirmed that any proposals would need to be relevant for all members of the Union, irrespective of the Act of the UPOV Convention by which they were bound. However, he recalled the discussions at the first meeting of the WG-ISC where it had been clarified that, according to the terms of reference of the WG-ISC, a need of one member of the Union must not translate into an obligation for any other member of the Union. On that basis, it had been agreed that members of the Union could identify their needs without raising concerns that those could create obligations for other members of the Union.

9. The Delegation of Norway clarified that its intention was to explain that it would be important for the proposals to take into account the number of UPOV members whose needs would be addressed by proposals, to ensure that the proposals would be effective.

10. The Chair thanked the Delegation for the clarification and proposed that the effectiveness of proposals be considered in the analysis of the proposals to be presented to the Consultative Committee.

11. On the above basis, the WG-ISC considered document UPOV/WG-ISC/4/2, Annex III, as the basis to develop to prepare a document containing proposals for consideration by the Consultative Committee.

12. The WG-ISC agreed as follows:\*

#### DUS EXAMINATION

The WG-ISC noted the needs of PVP Offices as set out in (i) to (vi). It considered the following measures that might meet those needs of PVP Offices:

##### *Issue 8*

The WG-ISC noted that, at its second meeting of the WG-ISC, it had considered that this item was not of a high priority and agreed not to consider the issue at that time.

##### *Issue 9*

The WG-ISC agreed that consideration should be given to assisting UPOV members to make their documented DUS procedures and information on their quality management systems available to other members of the Union.

The WG-ISC agreed that consideration should be given to adding to the GENIE database the contact details for DUS experts with practical knowledge of DUS testing for particular crops / species.

The WG-ISC agreed that it would not be feasible to facilitate cooperation for obtaining plant material where the DUS examination was conducted by another member of the Union.

##### *Issue 10*

The WG-ISC agreed that consideration should be given to encouraging the Technical Committee and Technical Working Parties to explore opportunities for facilitating cooperation in selected crops/species where cooperation was already developing between some members of the Union.

##### *Issue 22*

The WG-ISC agreed that the development of databases containing variety descriptions would need to be based on existing initiatives between members of the Union. The WG-ISC agreed that consideration should be given to the role of UPOV for supporting members of the Union in the development, maintenance and expansion of shared databases (e.g. by providing guidance on data models), rather than seeking to incorporate data in the PLUTO database.

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\* The reference to the sub-paragraph numbers follows the numbering in Annex II because of some errors in the numbers of Annex III.

## NOVELTY

The WG-ISC noted the needs of PVP Offices as set out in (i) to (iii). It considered the following measures that might meet those needs of PVP Offices:

### *Issue 11*

The WG-ISC noted that, at its second meeting of the WG-ISC, it had considered that this item was not of a high priority and agreed not to consider the issue at that time.

### *Issue 12*

The WG-ISC noted that, at its second meeting of the WG-ISC, it had considered that this item was not of a high priority and agreed not to consider the issue at that time.

### *Issues 16 and 17*

The WG-ISC agreed that consideration should be given to a review of application forms in UPOV PRISMA for options on seeking information from applicants, concerning novelty.

## RIGHT OF PRIORITY

The WG-ISC noted the needs of PVP Offices as set out in (i) but concluded that there were no feasible measures to address those needs.

## DENOMINATION

The WG-ISC noted the needs of PVP Offices as set out in (i) to (v).

The WG-ISC agreed that consideration should be given to the establishment of a network of denomination contact persons.

The WG-ISC also considered the following additional measures that might meet the needs of PVP Offices:

### *Issue 11*

The WG-ISC noted that, at its second meeting of the WG-ISC, it had considered that this item was not of a high priority and agreed not to consider the issue at that time.

### *Issue 12*

The WG-ISC noted that, at its second meeting of the WG-ISC, it had considered that this item was not of a high priority and agreed not to consider the issue at that time.

### *Issue 13*

The WG-ISC noted that this issue was linked to Issues 11 and 12, and agreed not to consider the issue at that time.

### *Issue 14*

The WG-ISC noted that the Administrative and Legal Committee (CAJ), through the Working Group on Variety Denominations (WG-DEN), was considering the development of a UPOV similarity search tool for variety denomination purposes and agreed to endorse that work as a measure to address the needs of PVP offices. It noted that the WG-DEN had agreed to recommend not to consider extending the tool to include words or elements that were considered to be unsuitable by members of the Union.

### *Issue 15*

The WG-ISC noted that the WG-DEN was considering the need to extend consideration beyond the denominations currently included in the PLUTO database, to other denominations considered by members of the Union. The WG-ISC agreed to endorse the work of the CAJ and WG-DEN on that measure.

## COOPERATION IN ADMINISTRATIVE MATTERS

The WG-ISC noted the needs of PVP Offices as set out in (i) and (ii).

The WG-ISC agreed that consideration should be given to including information in UPOV PRISMA on how to make payments for the use of existing DUS reports, provided by another member of the Union.

### *Issue 24*

The WG-ISC noted that, at its second meeting of the WG-ISC, it had considered that this item was not of a high priority and agreed not to consider the issue at that time.

## FACILITATING APPLICATIONS

The WG-ISC noted the needs of PVP Offices as set out in (i) and (ii).

The WG-ISC agreed that the needs identified in (i) and (ii) were being addressed by UPOV PRISMA.

### *Issue 2*

The WG-ISC noted that, at its second meeting of the WG-ISC, it had considered that this item was not of a high priority and agreed not to consider the issue at that time.

## NEXT STEPS

13. The WG-ISC agreed to request the Office to prepare a first draft document containing proposals, analysis and information for consideration by correspondence, based on the conclusions above and respecting Purpose 1, and providing an analysis according to Purpose 2, of the Mandate and Terms of Reference. It agreed that the document should include relevant background information on the existing UPOV initiatives and materials on which proposals were based.

14. The WG-ISC further agreed that a second draft should be prepared for consideration by the WG-ISC at its fifth meeting. Subject to agreement by the WG-ISC at its fifth meeting, the document would be presented to the Consultative Committee at its ninety-sixth session.

## DATE AND PROGRAM OF THE NEXT MEETING

15. The WG-ISC agreed to propose that the fifth meeting of the WG-ISC (WG-ISC/5) be held in Geneva on the evening of October 30, 2019.

16. The WG-ISC agreed that the program for its fifth meeting would be as follows:

1. Opening of the meeting
2. Adoption of the agenda
3. Proposals for consideration by the Consultative Committee (document to be prepared by the Office of the Union)
4. Next steps
5. Date and program of the next meeting

17. *This report was adopted by correspondence.*

[Annexes follow]

## ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /  
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres / in the alphabetical order of the French names of the members / in alphabetischer Reihenfolge der französischen Namen der Mitglieder / por orden alfabético de los nombres en francés de los miembros)

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Yolanda HUERTA (Ms.), Legal Counsel and Director of Training and Assistance

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Ben RIVOIRE (Mr.), Technical/Regional Officer (Africa, Arab countries)

Leontino TAVEIRA (Mr.), Technical/Regional Officer (Latin America, Caribbean countries)

Hend MADHOUR (Ms.), IT Officer

Ruixi HAN (Mr.), Fellow

[L'annexe II suit /  
Annex II follows /  
Anlage II folgt /  
Sigue el Anexo II]

## Mandate and Terms of Reference for the WG-ISC

### Purpose

1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would: [...]
2. For the above proposals, to provide the Consultative Committee with an analysis of the: [...]

## Mandate and Terms of Reference for the WG-ISC

### Purpose

1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would: [...]



### RESPONSIBILITIES

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.

### VOLUNTARY

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.

**INCLUSIVE**

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.

**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.

## Mandate and Terms of Reference for the WG-ISC

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 members 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 for small- and medium-sized enterprises (SMEs);
  - iv) farmers; and
  - v) UPOV.

## Mandate and Terms of Reference for the WG-ISC

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

- (a) the need for an ISC;**

### FIRST MEETING OF THE WG-ISC

At its first meeting, held in Geneva on October 27, 2016, the WG-ISC agreed that the WG-ISC should, in the **first instance, identify the needs of the PVP Offices of the members of the Union** (see document UPOV/WG-ISC/1/2 "Report", paragraph 10).

The WG-ISC agreed that, having identified needs of PVP Offices, the **next step would be to analyze the issues in document CC/92/10, paragraph 10, in relation to those needs.** [...]

### SECOND MEETING OF THE WG-ISC

WG-ISC considered [...] **list of issues that might be considered relevant for the needs of the PVP Offices**

The WG-ISC agreed that its **third meeting** should focus on the **presentation of information on the current situation within UPOV [...] with a view to facilitating consideration of substantial matters at its fourth meeting:**

## Proposed approach for WG-ISC/4



At its first meeting, held in Geneva on October 27, 2016, the WG-ISC agreed that the WG-ISC should, in the **first instance, identify the needs of the PVP Offices of the members of the Union** (see document UPOV/WG-ISC/1/2 "Report", paragraph 10).

The WG-ISC agreed that, having identified needs of PVP Offices, the **next step would be to analyze the issues in document CC/92/10, paragraph 10, in relation to those needs.** [...]

Annex III "Possible issues relevant for the needs of the PVP Offices as identified at the first meeting and amended at the second and third meetings of the Working Group on a possible International System of Cooperation (WG-ISC)"

[End of Annex II and of document]