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UPOV

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COMMITTEE OF EXPERTS ON
INTERNATIONAL COOPERATION IN EXAMINATION

Fourth Session

Geneva, November 4 and 5, 1975

HARMONIZATION OF FEES

Document prepared by the Office of the Union

1. During its third session (April 1975) the Committee of Experts on International Cooperation in Examination asked the experts from each member State to provide the Office of the Union, with a view to the preparation of a document, with detailed information on the cost of testing in that State and the calculation basis used. The Committee of Experts further specified the details which should be included in that information (see document ICE/III/8, paragraph 32).
2. Having received the first information from Sweden, the Office of the Union circulated this information to the other member States on June 17, 1975, with a reference to those States' agreement to provide similar information.
3. After four other member States had sent in their information, the Office of the Union compared the information received and realized that the figures given were in fact difficult to compare. The information was based partly on a given species (wheat), and partly on the yearly budget of the office for plant breeders' rights as a whole. Where the budget of the office as a whole was indicated, the overhead costs were sometimes given separately and sometimes included in the figures indicated for testing or administration. Neither was the cost of maintaining a granted right indicated in full. In some cases the figures for the total number of applications, withdrawals and rejections per year were missing.
4. In order to obtain figures that could be compared, the Office of the Union established a table for listing the information requested by the Committee. This table, which included all figures already available to the Office, was mailed, together with the information received from the four other member States besides Sweden, to all member States, with the request that the figures for the respective countries be filled in as far as possible, and that the table be mailed back to the Office of the Union in time to reach it at least two days before the fourth session of the Committee of Experts on November 4, 1975, to allow its inclusion in the present document.

5. Annex I to this document contains all the comparable information received so far. Table 1 quotes figures in the national currency of the respective member State while Table 2 indicates the corresponding figures in Swiss francs. For the purposes of comparison, the same exchange rates have been used as in document ICE/III/4 Rev. The exchange rates in question were those of April 7, 1975, and were as follows:

Denmark	Dkr 100 =	48.00	Swiss francs
France	FF 100 =	61.00	" "
Germany (Federal Republic of)	DM 100 =	109.00	" "
Netherlands	f1 100 =	107.30	" "
Sweden	Skr 100 =	65.50	" "
United Kingdom	£ 1 =	6.25	" "

6. Among non-member States, Spain has informed the Office of the Union of the fees to be paid under its Plant Variety Protection Act of March 1975. This information is reproduced in Annex II to this document.

7. In addition to its comparison of the actual figures, the Committee of Experts might be interested in discussing the following subjects:

(a) Should the fee-structure be harmonized so as to comprise only application fees, testing fees and annual fees?

(b) Should overhead costs be taken into account when determining fees?

(c) Should part of the cost of the plant variety protection system be borne by the general public? Should the full cost be borne by the breeders?

(d) Should each fee cover the cost of the specific activity for which it is charged, or should the member States recover part of the costs incurred prior to the grant of the title out of the annual fees?

(e) What system should govern the charging of testing fees in the case of centralized testing or exchange of test results?

(f) Is the Committee able to agree on a harmonized fee for certain species, and if so for which species? If not, can agreement be reached on a range for the fees?

[Two Annexes follow]

ICE/IV/2
Annex I, Table 1

COSTS AND FEES IN THE PLANT BREEDERS' RIGHTS SCHEMES OF THE MEMBER STATES¹⁾
(FOR EACH MEMBER STATE IN ITS NATIONAL CURRENCY)

Costs or fees of the entire national office of plant breeders' rights not counting costs for national listing (per year)	D			DK			F			NL			S			UK		
	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾
Overhead		--	--		--	--		--	--	350.000	--	--	50.000	--	--	11.668	--	--
Administration ³⁾ up to decision				160.000	54.000	34				250.000	90.000	36	80.000	26.400	33	18.243	10.170	56
Testing ³⁾				283.000	75.000	27				1,200.000	250.000	21	(-	-	100) ⁴⁾	77.700	22.190	29
Annual renewal										560.000			-	65.450			20.450	
Sum of total costs or fees										1,800.000	900.000	50	130.000	91.850	71	107.611	52.810	49
Average costs and fees for one new variety of wheat:																		
Administration ³⁾ per year	430	100	23										1.143	707	62			
Testing ³⁾ per year	773	200	26										1.222	1.200	100			
Administration ³⁾ and testing ³⁾ from date of application during first:	two years	700		2.000			1.800		300				3.587	3.000	84		200	
	five years	1.300		3.500			2.850						5.630	5.500	99		285	
	ten years	4.000		6.000			6.900		3.800				7.130	9.800	137		700	
Total number per year of:	Number			Number			Number			Number			Number			Number		
Applications				54						450			40			215		
Withdrawals				7						150			5			59		
Rejections				0						40			5			9		

- 1) one member State has requested that the information be circulated only under a security classification
2) coverage of costs by fees (in 4)
3) without overheads
4) testing on separate budget. Fees calculated to 100% coverage.

ICE/IV/2
Annex I, Table 2

COSTS AND FEES IN THE PLANT BREEDERS' RIGHTS SCHEMES OF THE MEMBER STATES¹⁾
(indicated in Swiss francs)

Costs or fees of the entire national office of plant breeders' rights not counting costs for national listing (per year)	D			DK			F			NL			S			UK		
	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾	Costs	Fees	Coverage ²⁾
Overhead		--	--		--	--		--	--	375.550	--	--	32.750	--	--	72.925	--	--
Administration ³⁾ up to decision				76.800	25.920	34				268.250	96.570	36	52.400	17.292	33	114.019	63.562	56
Testing ³⁾				135.840	36.000	27				1.287.600	268.250	21	(- -	-	100) ⁴⁾	485.625	138.688	29
Annual renewal										600.880			-	42.870			127.813	
Sum of total costs or fees										1.931.400	965.700	50	85.150	60.162	71	672.569	330.063	49
Average costs and fees for one new variety of wheat:																		
Administration ³⁾ per year	469	109	23										749	463	62			
Testing ³⁾ per year	843	218	26										800	786	100			
Administration ³⁾ and testing ³⁾ from date of application during first:	two years	764			960			1.107			858		2.349	1.967	84		1.251	
	five years	1.418			1.680			1.753					3.688	3.638	99		1.782	
	ten years	4.361			2.880			4.244			4.080		4.670	6.423	137		4.376	
Total number per year of:	Number			Number			Number			Number			Number			Number		
Applications				54						450			40			215		
Withdrawals				7						150			5			59		
Rejections				0						40			5			9		

- 1) one member State has requested that the information be circulated only under a security classification
- 2) coverage of costs by fees (in %)
- 3) without overheads
- 4) testing on separate budget. Fees calculated to 100% coverage

[Annex II follows]



JME/mc.-

MINISTERIO DE AGRICULTURA
INSTITUTO NACIONAL DE SEMILLAS Y PLANTAS DE VIVERO
 CAMINO N.º 2 DE LA CIUDAD UNIVERSITARIA
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REPORT ABOUT PLANT BREEDER'S RIGHT FEES CHARGED IN SPAIN

According with articles 26 th, and 27 th of our "Plant Variety Protection Act (March, 1975)" the total amount of fees for the different services are as follows:

"Article 26.-

For the purposes of the fees established in the last mentioned article, the plant species or groups thereof, subject to the protection established by this Act, are divided into the following groups:

First group: Cereals, oil seeds, lucerne, cotton, sugar and fodder beet, vetch, potato, peas, beans and broad beans.

Second group: Fruit trees, roses, carnations and strawberries.

Third group: Lettuce, tomato, onion, melon, sainfoin, red clover and white clover.

Fourth group: the other species not included in the above mentioned groups.

"Article 27.-

A) These fees shall be paid for the services listed hereunder, according to the types which are also included:

	<u>Pesetas</u>
1. For the handling of the "Plant Variety Obtention Title.....	3.000
2. For the performance of the trials for the previous examination.....	
For each year of examination:	
First and second group.....	7.000
Third group.....	5.000
Fourth group.....	4.000
3. For granting the "Plant Variety Obtention Title.....	3.000
4. For the annual maintenance of the breeder's rights:	
For the first year:	
First group.....	2.500
Second group.....	1.500



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JME/mc.-

	<u>PESETAS</u>
Third and fourth groups.....	1.000
For the second year:	
First group.....	3.500
Second group.....	2.500
Third group.....	2.000
Fourth group.....	1.500
For the third year:	
First group.....	5.000
Second group.....	4.000
Third group.....	3.000
Fourth group.....	2.500
For the fourth year:	
First group.....	6.000
Second group.....	5.000
Third group.....	4.000
Fourth group.....	3.000
For the fifth and following years (un- til the expiration of the protection):	
First group.....	7.000
Second group.....	6.000
Third group.....	5.000
Fourth group.....	4.000
5. For claiming the priority righth, chan- ge the denomination, issue of copies, certificates and duplicates of any do- cument, as well as the registration - of licences.....	1.000
6. For restotation of an already cance-- lled title.....	3.000
7. For the issue of copies of titles and of certificates specifying that they been refused.....	500"

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