



TWC/31/27

ORIGINAL: English

DATE: May 21, 2013

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

**TECHNICAL WORKING PARTY ON AUTOMATION AND
COMPUTER PROGRAMS**

**Thirty-First Session
Seoul, June 4 to 7, 2013**

REPORT ON DEVELOPMENTS WITHIN UPOV

Document prepared by the Office of the Union

1. The Annex to this document contains a copy of a presentation "Report on Developments within UPOV" prepared by the Office of the Union for the thirty-first session of the Technical Working Party on Automation and Computer Programs (TWC).

2. *The TWC is invited to note the "Report on Developments within UPOV", as presented in the Annex to this document.*

[Annex follows]

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TECHNICAL WORKING PARTY ON AUTOMATION
AND COMPUTER PROGRAMS
Thirty-first Session

REPORT ON DEVELOPMENTS IN UPOV

Seoul, Republic of Korea, June 4 to 7, 2013

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OVERVIEW

- UPOV People
- Membership & statistics
- External relations
- Geneva events
- UPOV Collection
- DL courses

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COUNCIL

ELECTIONS

for a term of three years ending in 2015



President of the Council

Ms. Kitisri Sukhapinda
(United States of America)



Vice-President of the Council

Mr. Luis Salaices
(Spain)

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UPOV Office: Retirements



Ms. Julia Borys
Senior Technical Counsellor



Mrs. Margaret Byskov
Senior Secretary

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UPOV Office: Appointments



Mr. Ben Rivoire
Technical/Regional Officer
(Africa, Arab Countries)



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

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MEMBERSHIP OF UPOV

1991 Act

New Members

Serbia as of Jan. 5, 2013

New Accessions/Ratifications

Panama as of Nov. 22, 2012

France as of May 27, 2012

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MEMBERSHIP OF UPOV		
Examination of Laws		
<u>Draft Laws examined</u>	<u>Council session</u>	<u>Advice</u>
Ghana	November 1, 2012	Positive
United Republic of Tanzania (For mainland Tanzania and Zanzibar)	November 1, 2012 (mainland Tanzania) and March 22, 2013 (Zanzibar)	Positive (law adopted) Positive (draft Bill)

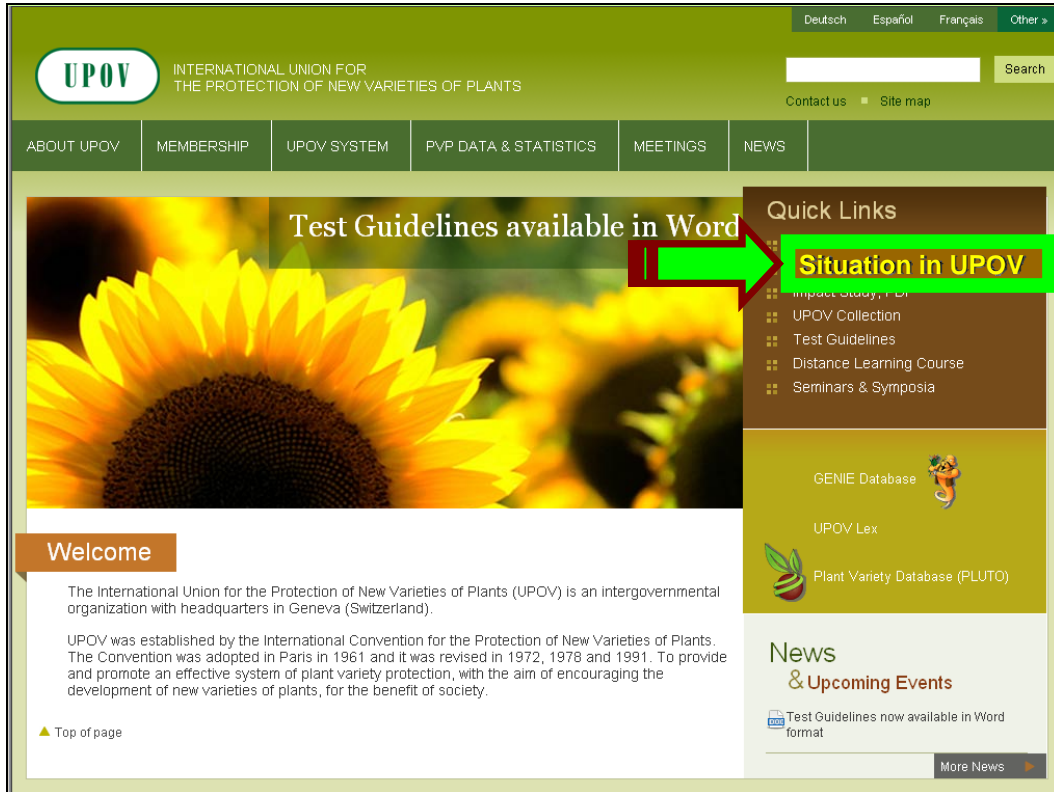
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OBSERVERS
<u>States</u>
Observer State status granted to GHANA for the TC and TWPs
<u>International Non-Governmental Organizations</u>
Observer status granted to the African Seed Trade Association (AFSTA) for the Council, CAJ, TC and TWPs

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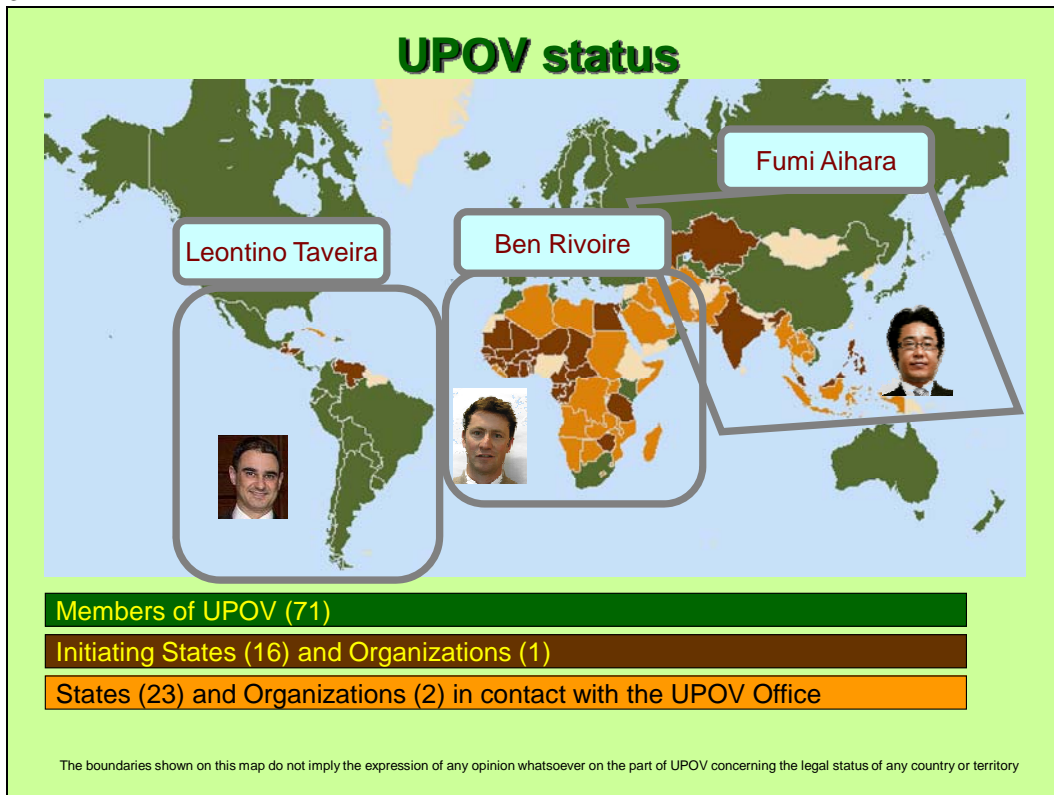
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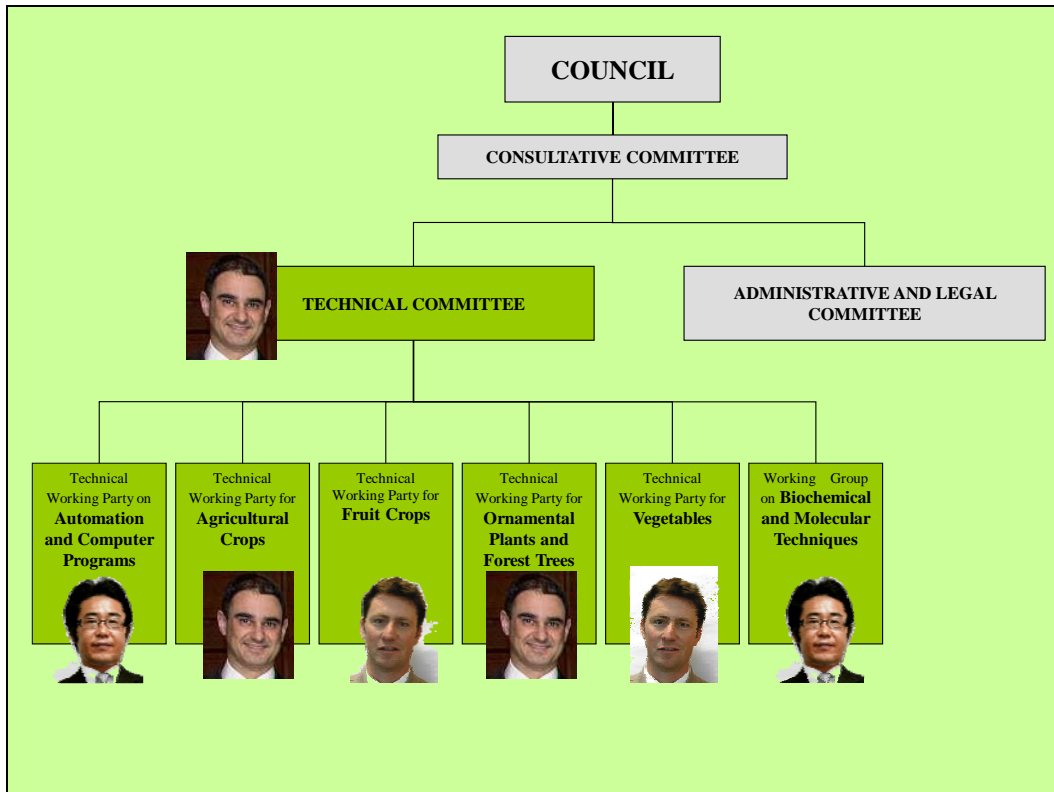
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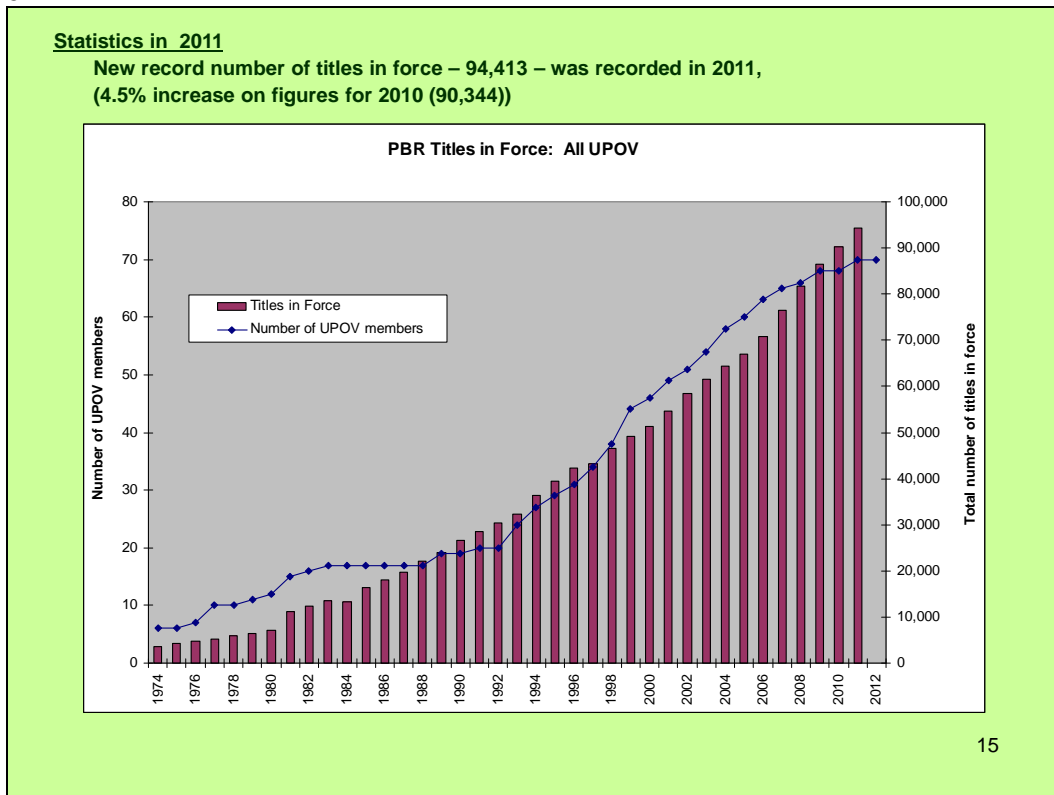
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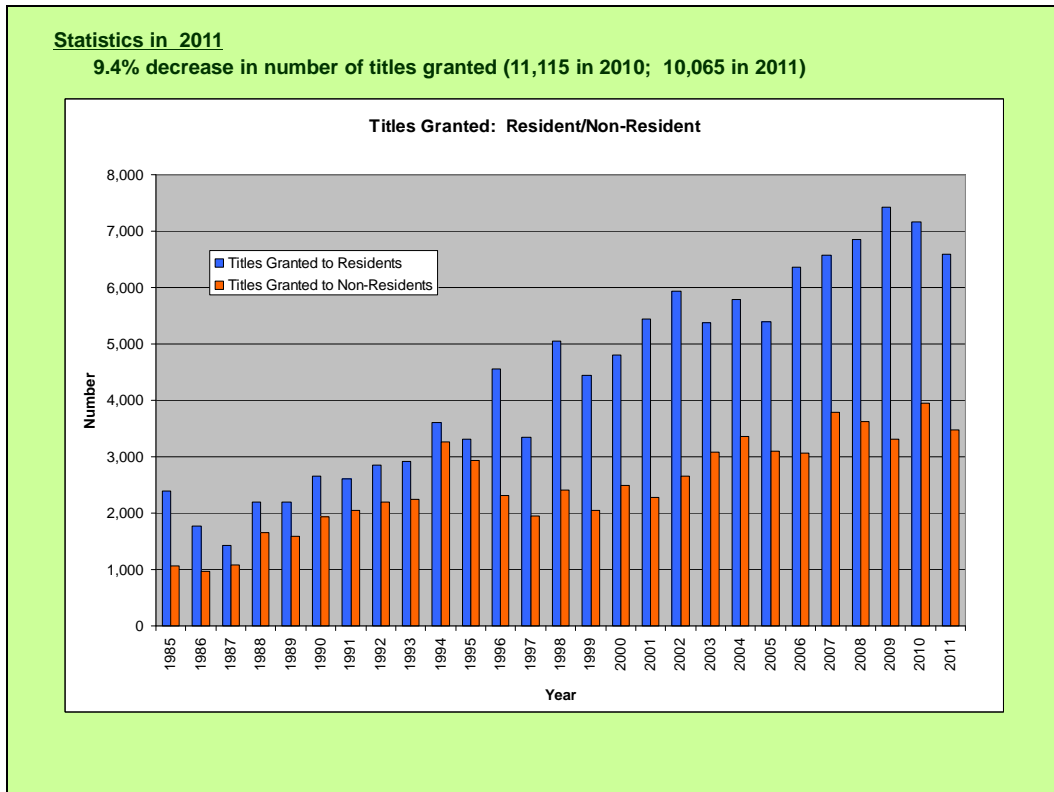
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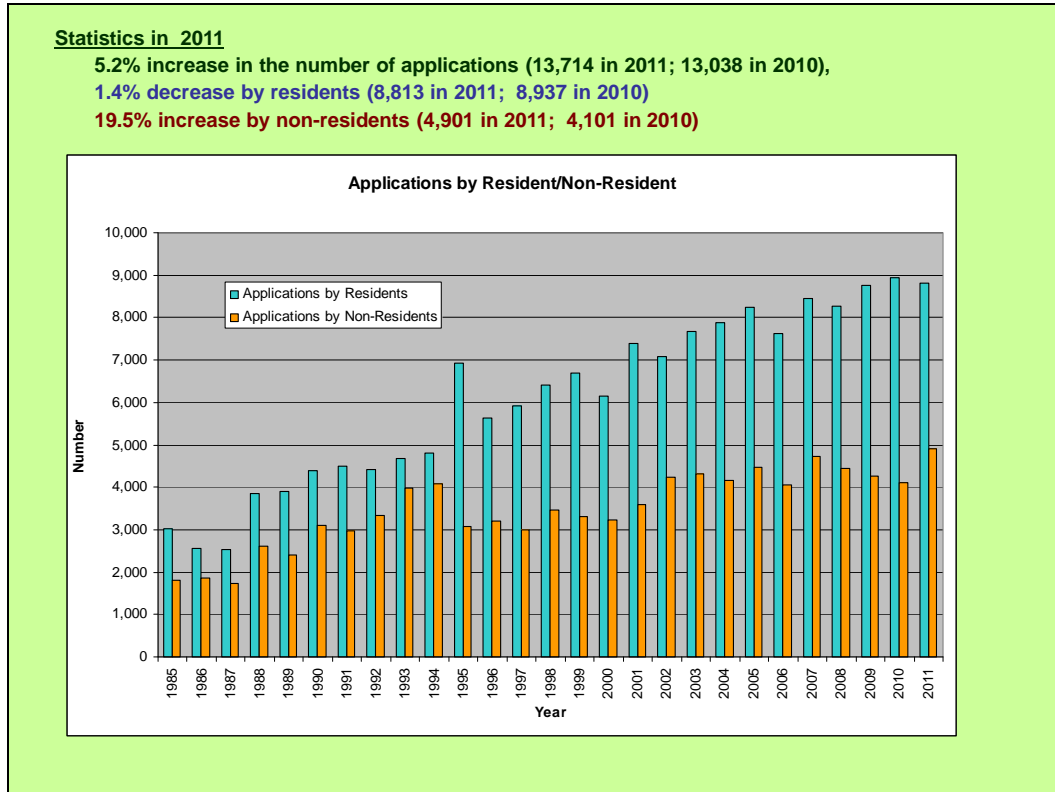
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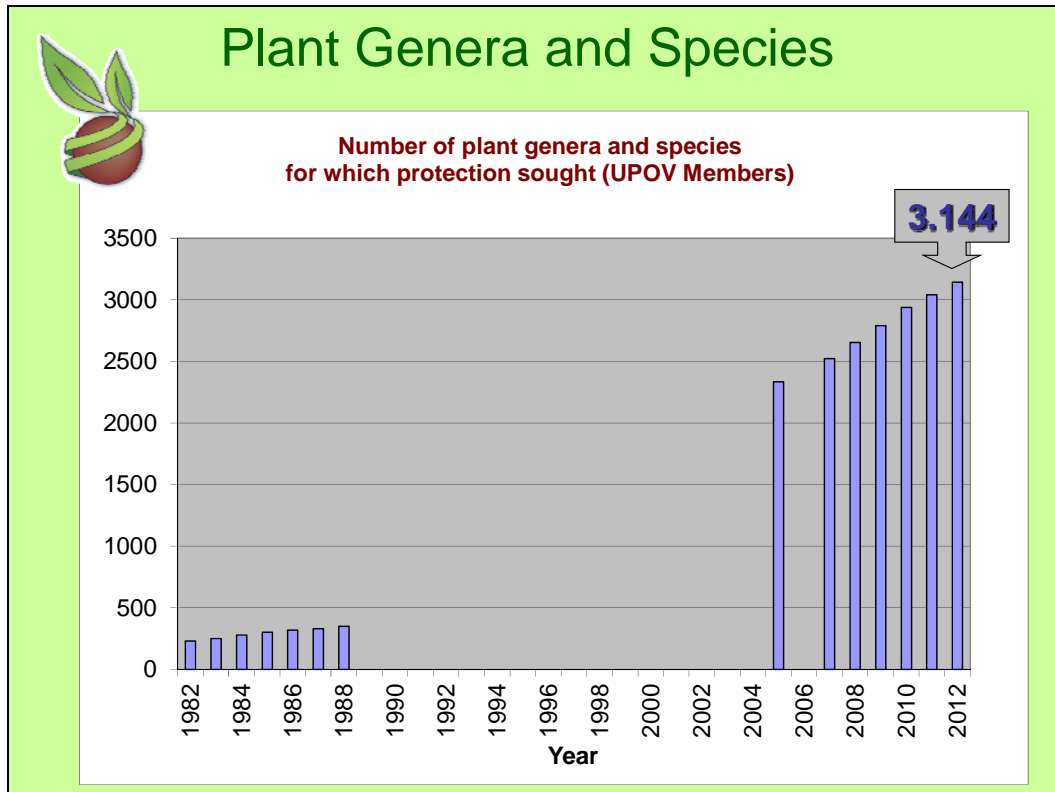
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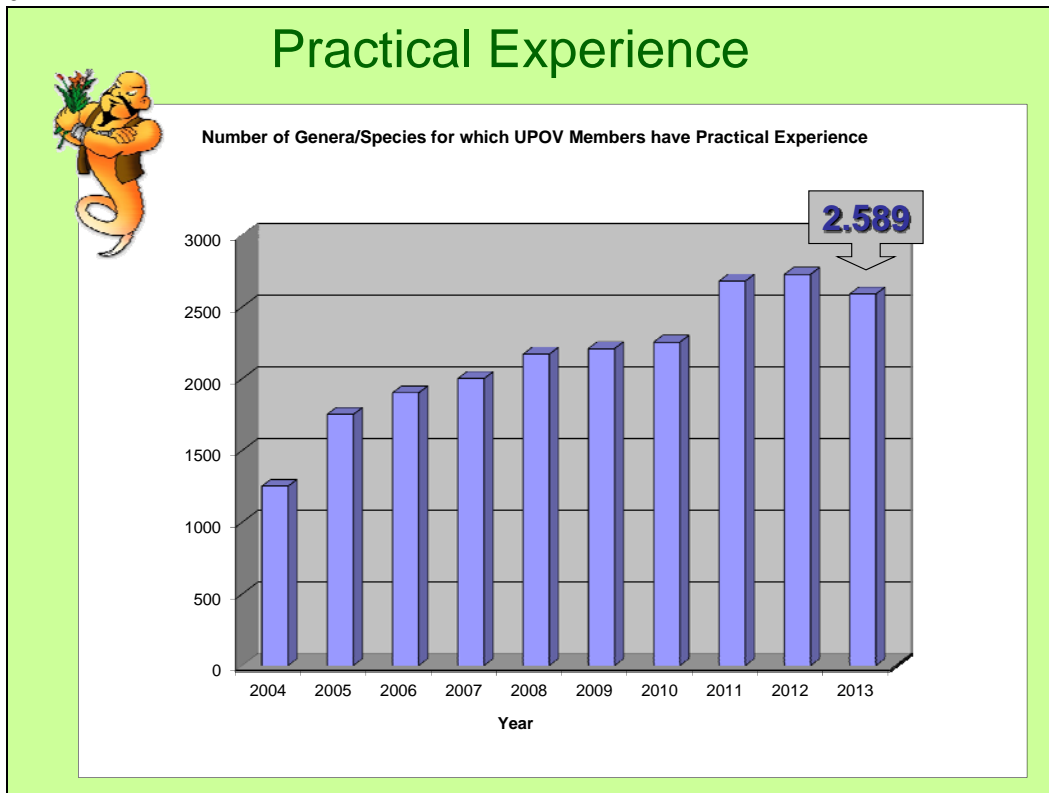
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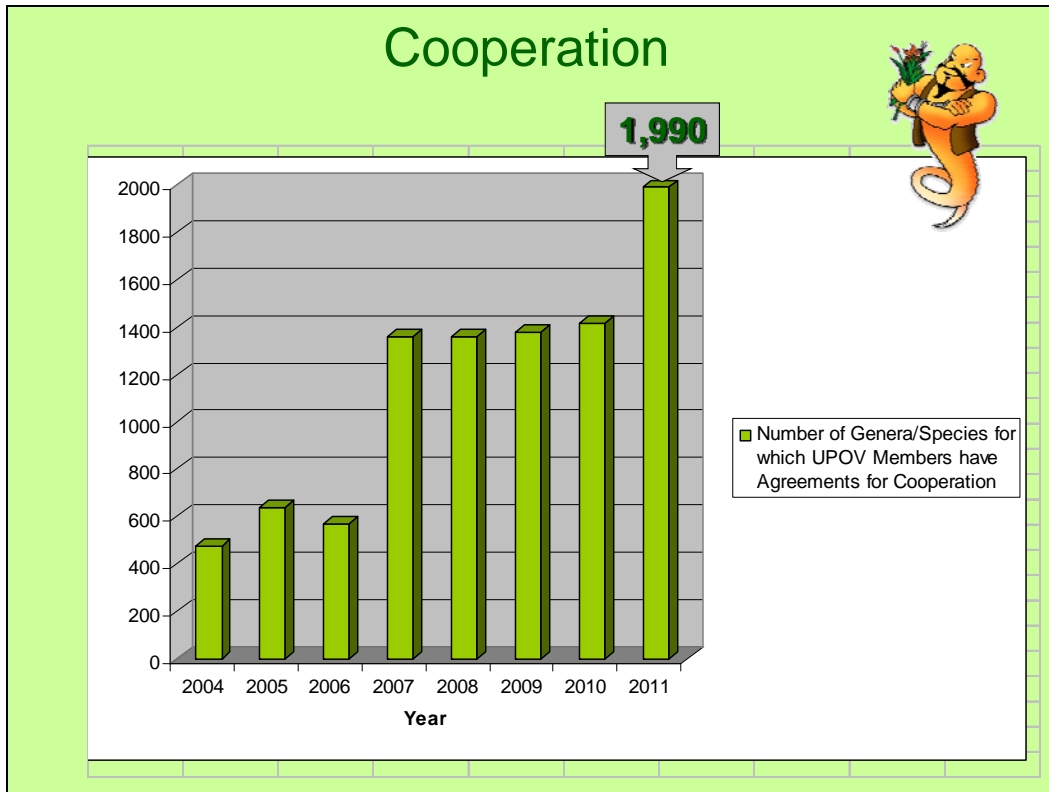
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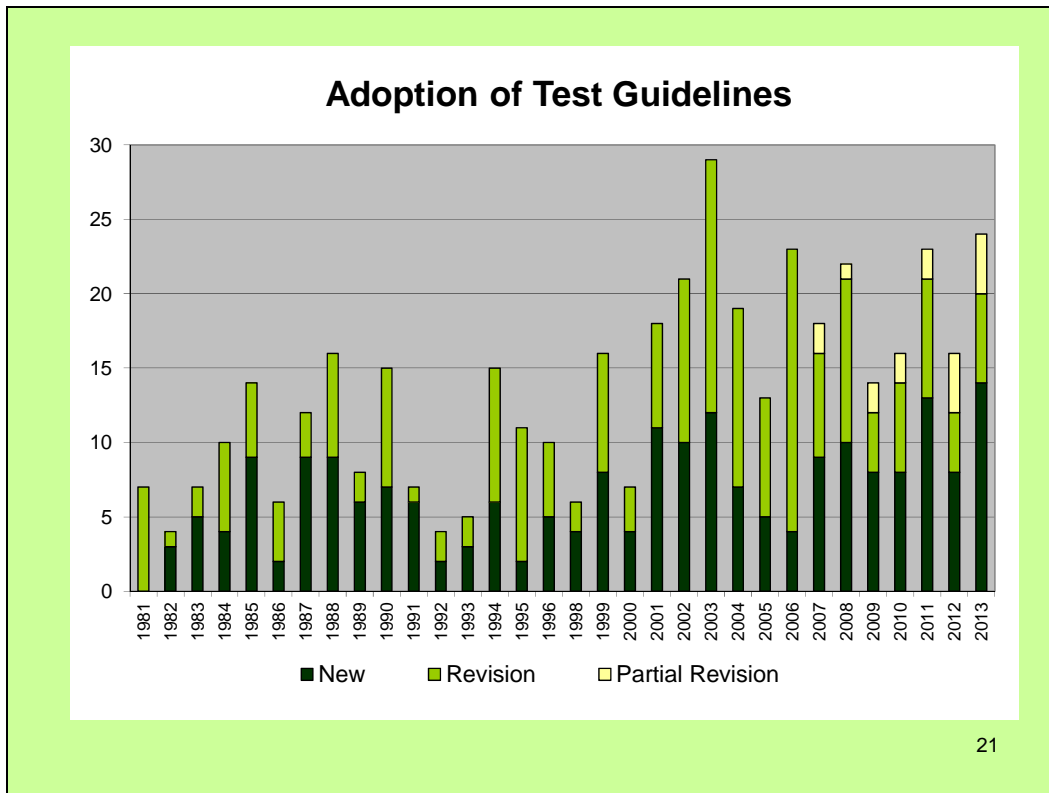
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OVERVIEW

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ITPGRFA

International Treaty on Genetic Resources for
Food and Agriculture (ITPGRFA)

Platform for the Co-Development and Transfer of Technologies

*Members of the Union approved the participation of
the Office of the Union in the Platform*

Contribution to the work of multi-stakeholder team on enhancing
public-private partnerships in pre-breeding

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Symposium on the Benefits of Plant Variety Protection for Farmers and Growers

CLOSING REMARKS

Kitisri Sukhapinda
President of the Council of UPOV

Geneva, November 2, 2012

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Session I: The Role of PVP in **IMPROVING INCOMES for FARMERS and GROWERS**

The UPOV System of Plant Variety Protection:

- Encourages the breeding of new varieties - enabling farmers to respond to the environmental and economic challenges confronting agriculture
- Provides farmers and growers with access to the best local and global varieties
- Enables variety choice to be combined with information and delivery of good quality planting material
- Is a tool for capturing value through farmer cooperation
- Facilitates “WIN-WIN” cooperation between farmers and breeders
- Provides business opportunities for small farmers and growers
- Has the potential to be even more effective through improvements in implementation

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Session II: The Role of PVP in ENABLING FARMERS and GROWERS to BECOME BREEDERS

The UPOV System of Plant Variety Protection:

- Provides an **incentive** for farmers and growers to become breeders
- Enables any farmer or grower to use the **best available, protected varieties** for breeding work
- Offers an **effective and transparent system** that is **easily accessible** for small and medium-sized enterprises
- Enables farmers and growers to develop local, national and international businesses
- Empowers farmers and growers in the production chain

... BUT we need to explain it better

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Past Events

ABOUT UPOV	MEMBERSHIP	UPOV SYSTEM	PVP DATA & STATISTICS	MEETINGS	NEWS	
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MEETINGS

- Home
- Calendar of Meetings
- Meeting Documents
- Seminars & Symposia
- Restricted area
- Search Documents

HOME » MEETINGS »

Seminars & Symposia

! Unless otherwise agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV can represent policies or guidance.

[Meetings by Topic » Seminars & Symposia](#)

- [UPOV/SYM/GE/12](#): Symposium on the Benefits of Plant Variety Protection for Farmers and Growers
November 2, 2012 (*Geneva, Switzerland*)
- [UPOV/SYM/GE/11](#): Symposium on Plant Breeding for the Future
October 21, 2011 (*Geneva, Switzerland*)
- [UPOV/SEM/GE/11](#): Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership
April 11 to April 12, 2011 (*Geneva, Switzerland*)

Trilogy publication

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Future Event

SEMINAR ON ESSENTIALLY DERIVED VARIETIES

- The Council approved the organization of a seminar on essentially derived varieties (EDVs) on **October 22, 2013**. The seminar would consider the following:
- (a) **technical and legal views on “predominantly derived”, “essential characteristics” and “differences which result from the act of derivation”** (see Article 14(5)(b) of the 1991 Act of the UPOV Convention), the relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention and the possible impact on breeding and agriculture;
- (b) **existing experience** in relation to EDVs; and
- (c) the possible role of future UPOV guidance on EDVs in cases before the courts.

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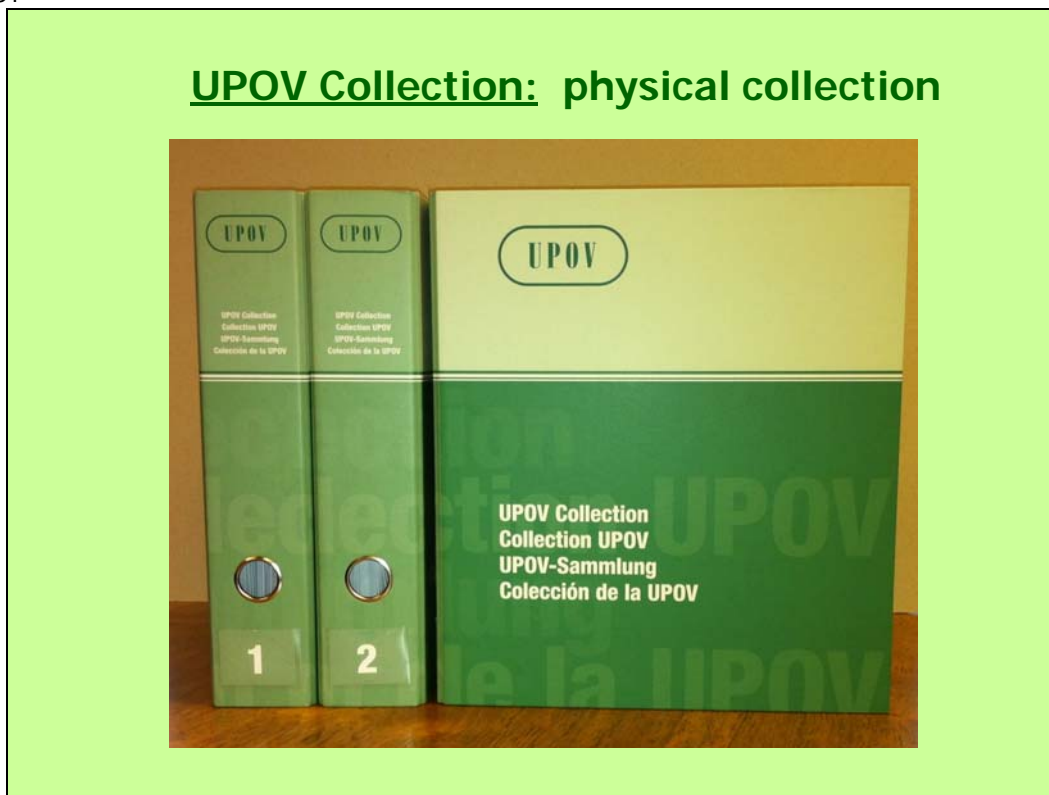
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OVERVIEW

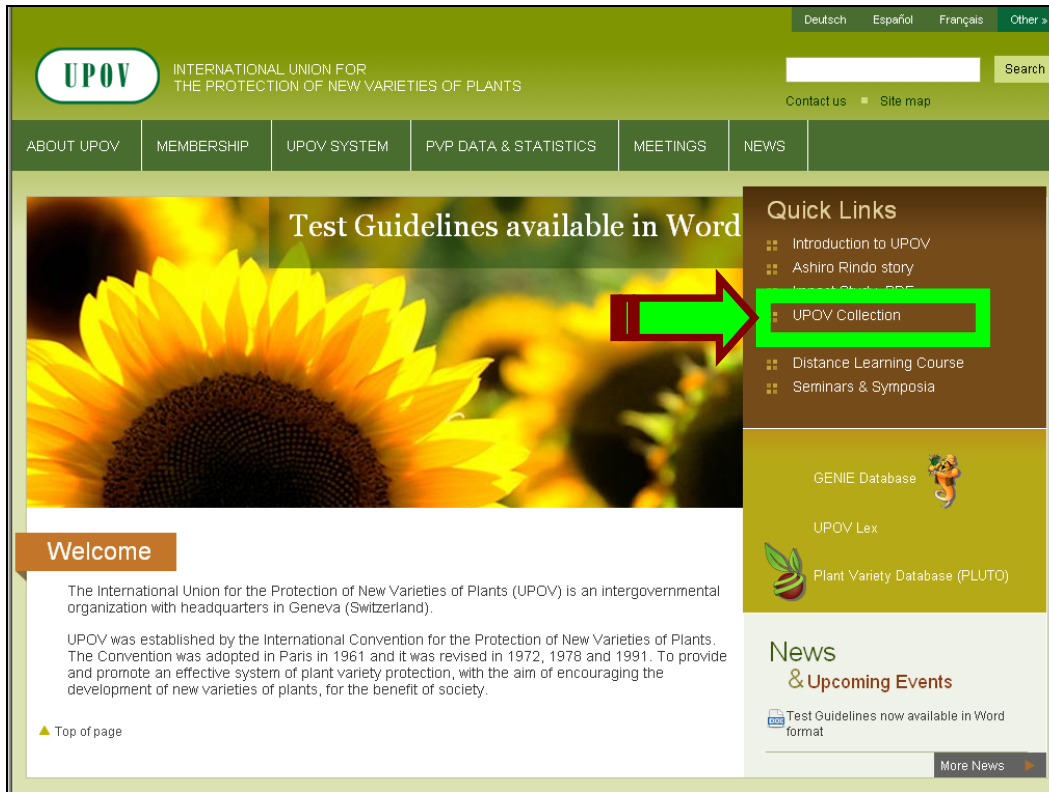
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INFORMATION MATERIALS RECENTLY ADOPTED	
Document reference	Title
UPOV/INF/4/3 (Revision)	Financial Regulations and Rules of UPOV
UPOV/INF/12/4 (Revision)	Explanatory Notes on Variety Denominations under the UPOV Convention
UPOV/INF/15/2 (Revision)	Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation
UPOV/INF/19/1 (Revision)	Rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies
UPOV/INF/20/1 (Revision)	Rules governing access to UPOV documents
UPOV/INF/21/1	Alternative Dispute Settlement Mechanisms
UPOV/INF-EXN/4 (Revision)	List of INF-EXN Documents and Latest Issue Dates

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TGP DOCUMENTS RECENTLY ADOPTED	
Document reference	Title
TGP/0/5 (Revision)	List of TGP Documents and Latest Issue Dates
TGP/12/2 (Revision)	Guidance on Certain Physiological Characteristics
PROPOSED FOR ADOPTION IN OCTOBER 2013	
Document reference	Title
TGP/14 (Revision)	Glossary of Terms Used in UPOV Documents Shapes and Structures (Revised) Color (New)
TGP/15	Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)

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ONGOING WORK: ESSENTIALLY DERIVED VARIETIES		
		Schedule
SEMINAR	<ul style="list-style-type: none"> Technical and legal views on “predominantly derived”, “essential characteristics” and “differences which result from the act of derivation” and the possible impact on breeding and agriculture; Existing experience in relation to EDVs; and Possible role of future UPOV guidance on EDVs in cases before the courts. 	October 22, 2013
	<ul style="list-style-type: none"> Use of molecular marker data information of an initial variety to obtain essentially derived varieties Relationship between Article 14(5)(b)(i) and (iii) <ul style="list-style-type: none"> starting point: “the derived variety must retain almost the totality of the genotype of the mother variety and be distinguishable from that variety by a very limited number of characteristics (typically by one)” 	CAJ-AG October 2013
UPOV/EXN/EDV Revision	Essentially Derived Varieties <ul style="list-style-type: none"> EDV “B”, EDV “C” to EDV “Z” 	CAJ/69 March 2014
	<ul style="list-style-type: none"> Presentations on matters concerning essentially derived varieties arising after the grant of a breeder’s right (e.g. AU, BR, EU) 	Future CAJ-AG

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ONGOING WORK: HARVESTED MATERIAL			
Document reference	Status	Title	Schedule
UPOV/EXN/HRV	New	Acts in Respect of Harvested Material <ul style="list-style-type: none"> Harvested material Unauthorized use of propagating material <ul style="list-style-type: none"> Acts in respect of propagating material Conditions and limitations Compulsory exceptions Optional exception Exercise his right 	CAJ/68 October 2013
		to immediately start work on illustrative examples for a future possible revision	CAJ-AG October 2013
		to consider the development of guidance on “reasonable opportunity”	CAJ-AG October 2013

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ONGOING WORK: PROPAGATING MATERIAL			
Document reference	Status	Title	Schedule
UPOV/EXN/PPM	New	Propagation and Propagating Material <ul style="list-style-type: none"> Forms of material that could be propagating material Non-exhaustive list of factors, such as: <ul style="list-style-type: none"> (i) whether the material has been used to propagate the variety; (ii) whether the material is capable of producing entire plants of the variety; (iii) whether there has been a custom/practice of using the material for that purpose; (iv) the intention on the part of those concerned (producer, seller, buyer, user); and (v) whether the plant material is suitable for reproducing the variety unchanged 	CAJ-AG October 2013

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ONGOING WORK			
Document reference	Status	Title	Schedule
UPOV/EXN/BRD	New	Definition of Breeder	CAJ/67 March 2013 approved
UPOV/INF/5 (October 1979)	Revision	UPOV Model Plant Breeders' Rights Gazette	CAJ/67 approved to start process
Status	Title		Schedule
To be decided	Matters Arising after the Grant of a Breeder's Right <ul style="list-style-type: none"> (a) Cancellation of the breeder's right; (b) Nullity of the breeder's right; (c) Variety denominations; (d) Variety descriptions [(e) Provisional protection] [(f) Filing of applications] [(g) Enforcement of breeders' rights] 		CAJ-AG October 2013

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TEST GUIDELINES ADOPTED IN 2013

NEW TEST GUIDELINES		
Drafter	TWP	English
BR	TWV	Coriander, Cilantro, Collender, Chinese Parsley
AU	TWO	Flax-lily, Dianella
BR/ CN	TWO	Eucalyptus
JP	TWF	Kumquat
NZ	TWO	Hebe
CA	TWO	True Lobelia of Gardens
AU	TWO	Lomandra, Mat Rush
CN	TWO	Tree peony, Yellow Tree Peony ; Moutan Peony
ES	TWF	Pomegranate
NL	TWV	Tomato Rootstocks
FR	TWF	Pineapple
KR	TWV	Oyster Mushroom; Eringi, King Oyster Mushroom; Lung Oyster Mushroom
IL/ KR	TWA	Sesame
CN	TWA	Foxtail Millet, Italian Millet, Hungary Millet

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TEST GUIDELINES ADOPTED IN 2013

REVISIONS OF TEST GUIDELINES			
ES	TWA	Common Vetch	Vicia sativa L.
NL	TWV	Endive	Cichorium endivia L.
NL	TWO	Gladiolus	Gladiolus L.
HU	TWV	Opium/Seed Poppy	Papaver somniferum L.
DE	TWO	Osteospermum	Osteospermum L.; hybrids with Dimorphotheca Vaill. ex Moench
NL	TWO	Phalaenopsis	Phalaenopsis Blume
NL	TWV	Watermelon	Citrullus lanatus (Thunb.) Matsum. et Nakai, Citrullus vulgaris Schrad.
PARTIAL REVISIONS OF TEST GUIDELINES			
ZA	TWO	African Lily	Agapanthus L'Hér.
FR/ NL	TWV	Lettuce	Lactuca sativa L.
NL	TWV	Spinach	Spinacia oleracea L.
QZ	TWV	Tomato	Solanum lycopersicum L.

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Other Test Guidelines considered by Technical Committee in 2013

Status	Document No.	English	Drafter	TWP
Referred back to TWV	TG/166/4 (proj.4)	Opium / Seed Poppy	HU	TWV

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DL-205

Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention

Session II

Study period: November 11 to December 15, 2013
Registration: September 1 to October 15, 2013

Registrations can be made in three different categories:

Category 1:
Government officials of members of the Union nominated by the relevant representative to the UPOV Council
No fee

Category 2:
Officials of observer States / intergovernmental organizations nominated by the relevant representative to the UPOV Council
(One non-fee paying student per State / intergovernmental organization;
Additional students: CHF1,000 per student)

Category 3:
Others
Fee: CHF1,000

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DL-305

Examination of applications for plant breeders' rights

SECTION I ADMINISTRATION OF PLANT BREEDERS' RIGHTS

Module 1: The Plant Breeder's Right's Office
Module 2: Administration of applications

SECTION II ENTITLEMENT

Module 3: Entitlement to file an application

SECTION III NOVELTY

Module 4: Examining Novelty

SECTION IV DUS EXAMINATION

Module 5: Introduction to the DUS examination
Module 6: Variety collections
Module 7: Examining Distinctness
Module 8: Examining Uniformity
Module 9: Examining Stability
Module 10: Trial Design and Data Analysis
Module 11: Approaches and cooperation in DUS examination

SECTION V VARIETY DENOMINATION

Module 12: Examining the variety denomination

SECTION VI PUBLICATION OF INFORMATION AND DECISIONS

Module 13: Information to be published
Module 14: Proposed decisions and Objections
Module 15: Decisions
Module 16: Situations which may arise after the grant of PBR

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DL-305

Examination of applications for plant breeders' rights

Draft Section IV (DUS) circulated to interested experts for comment by April 19

Test course to be uploaded in June/July 2013

First course (English) December 2013

First course (French, German, Spanish) 2014

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TECHNICAL COMMITTEE

April session: 2014

Monday	Tuesday	Wednesday	Thursday	Friday
TC	TC	TC Discussion		
TC	TC	TC		

DISCUSSION ON:

(a) Improving the effectiveness of the TC, TWPs and Preparatory Workshops;

(b) Opportunities for training in the examination of DUS;

(c) Cooperation with breeders in the examination of DUS.

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THANK YOU

[End of Annex and of document]