

Technical Working Party for Fruit Crops

TWF/48/4

Forty-Eighth Session

Kelowna, British Columbia, Canada, September 18 to 22, 2017

Original: English

Date: September 7, 2017

REPORT ON DEVELOPMENTS WITHIN UPOV

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

The Annex to this document contains a copy of a presentation “Reports on Developments within UPOV” to be made by the Office of the Union at the forty-eighth session of the Technical Working Party for Fruit Crops.

[Annex follows]

TECHNICAL WORKING PARTY FOR FRUIT CROPS Forty-eighth session

REPORT ON DEVELOPMENTS IN UPOV

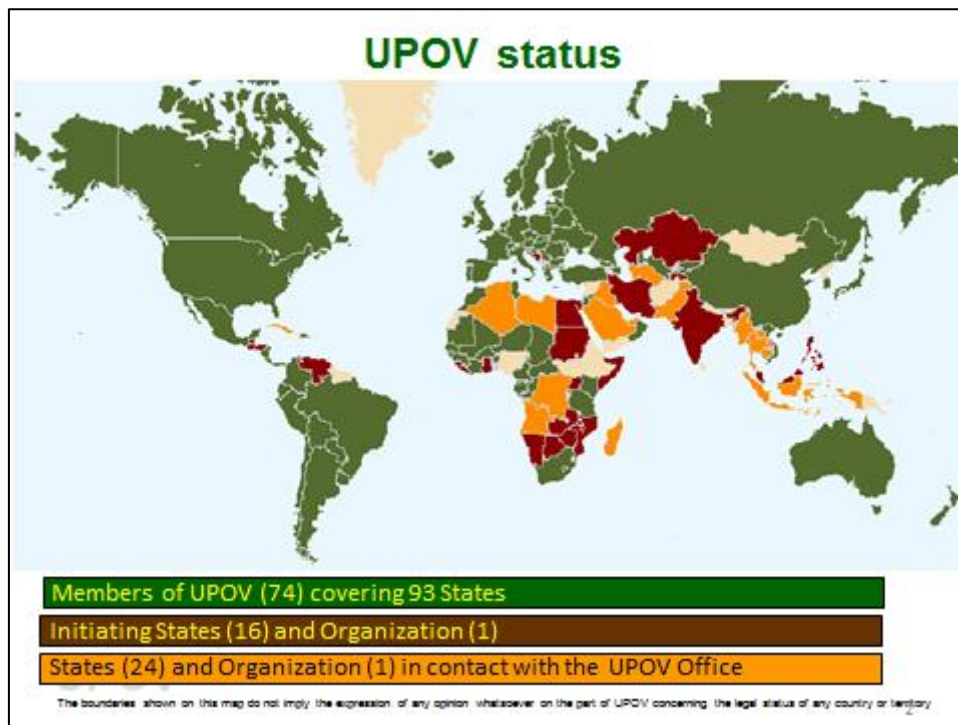
including relevant matters discussed in the last sessions of the
Administrative and Legal Committee,
the Consultative Committee and the Council

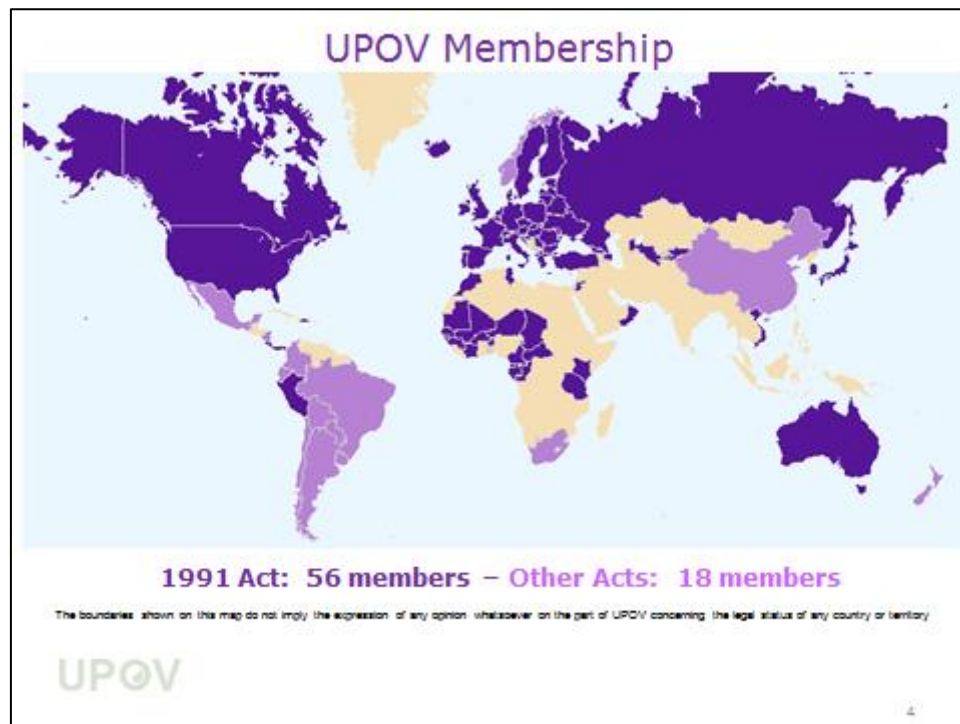
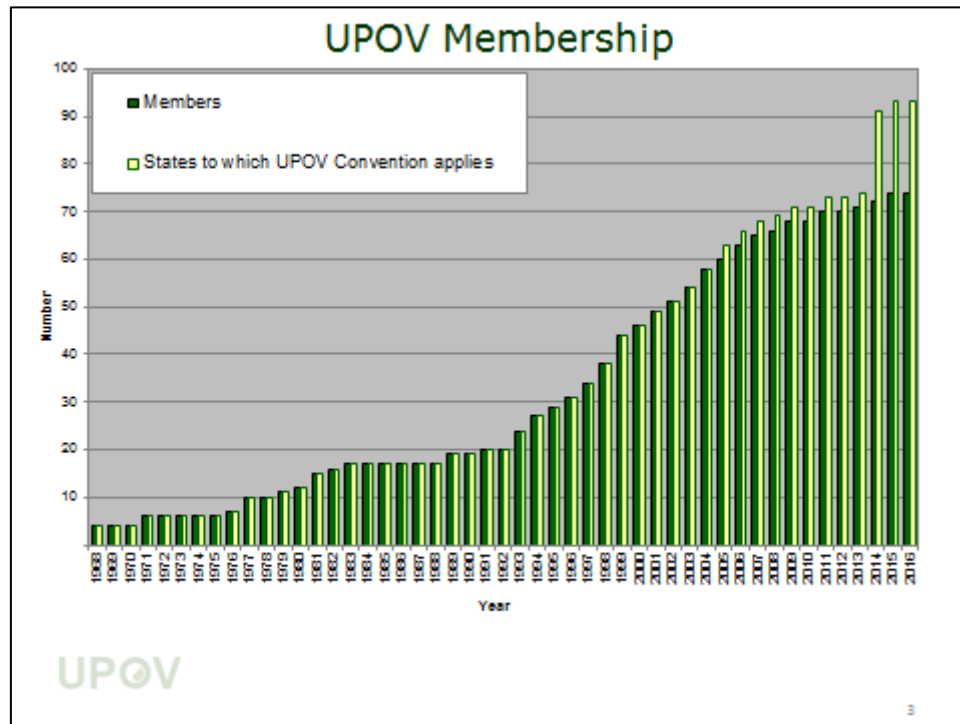
Office of the Union - UPOV

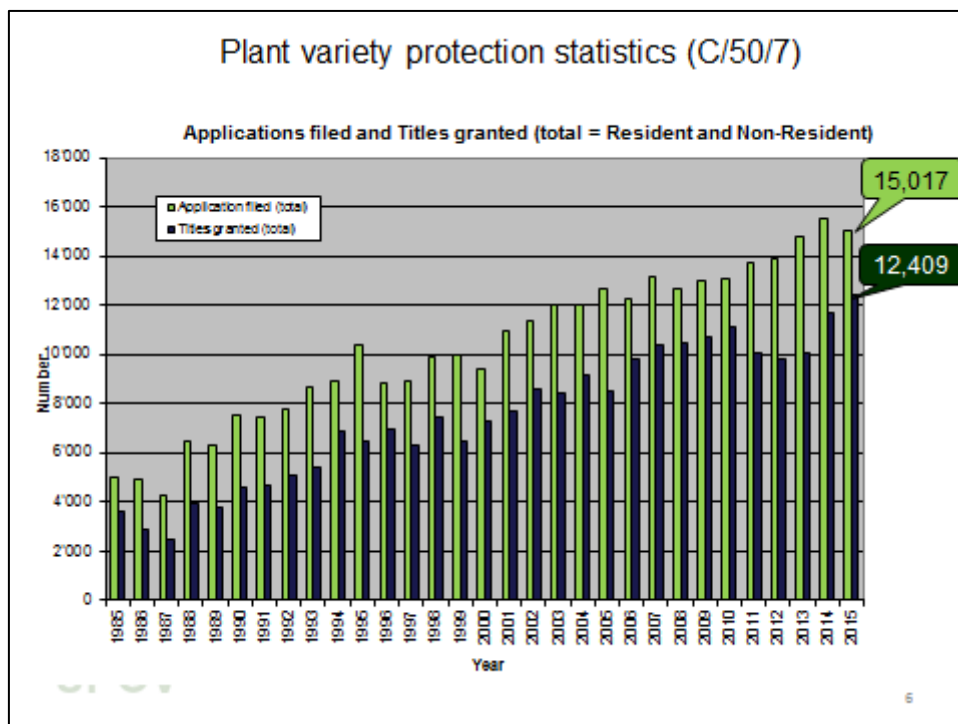
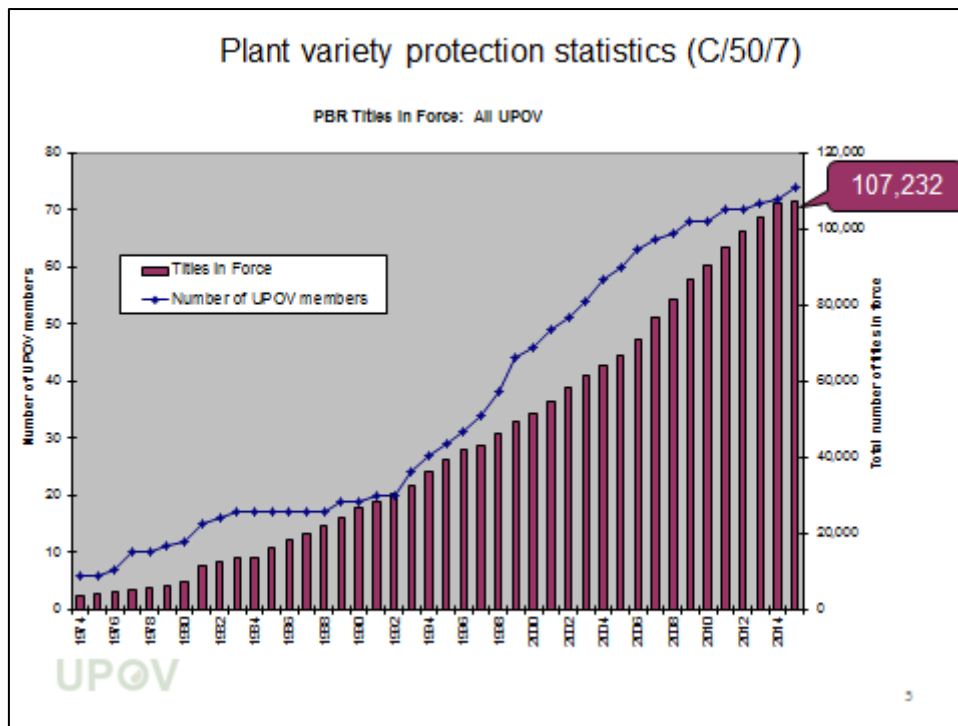
*Kelowna, British Columbia, Canada,
September 17, 2017*

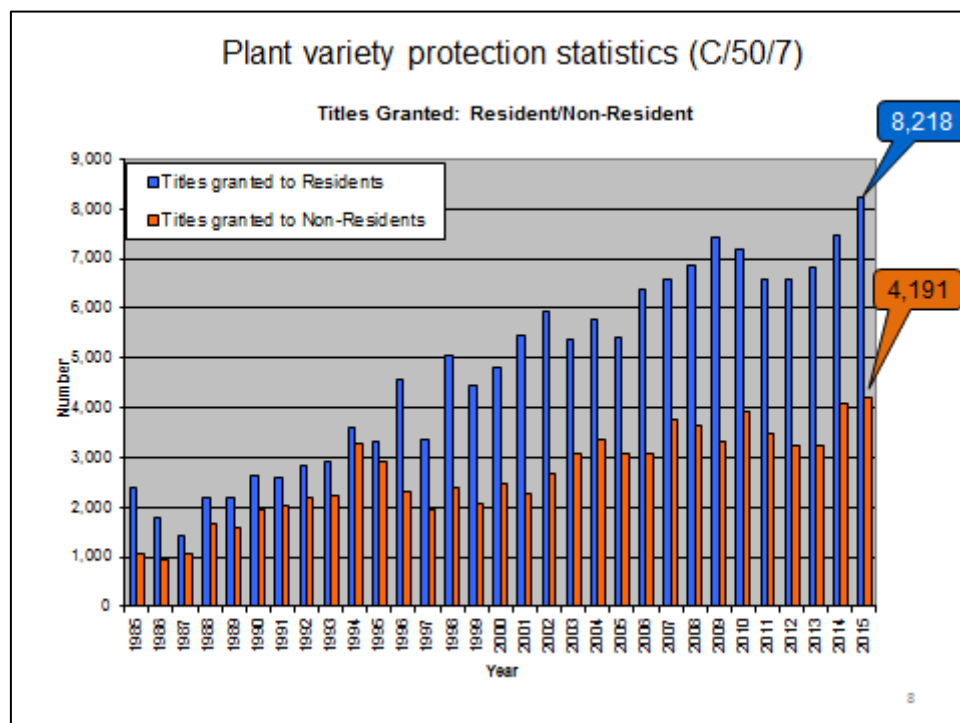
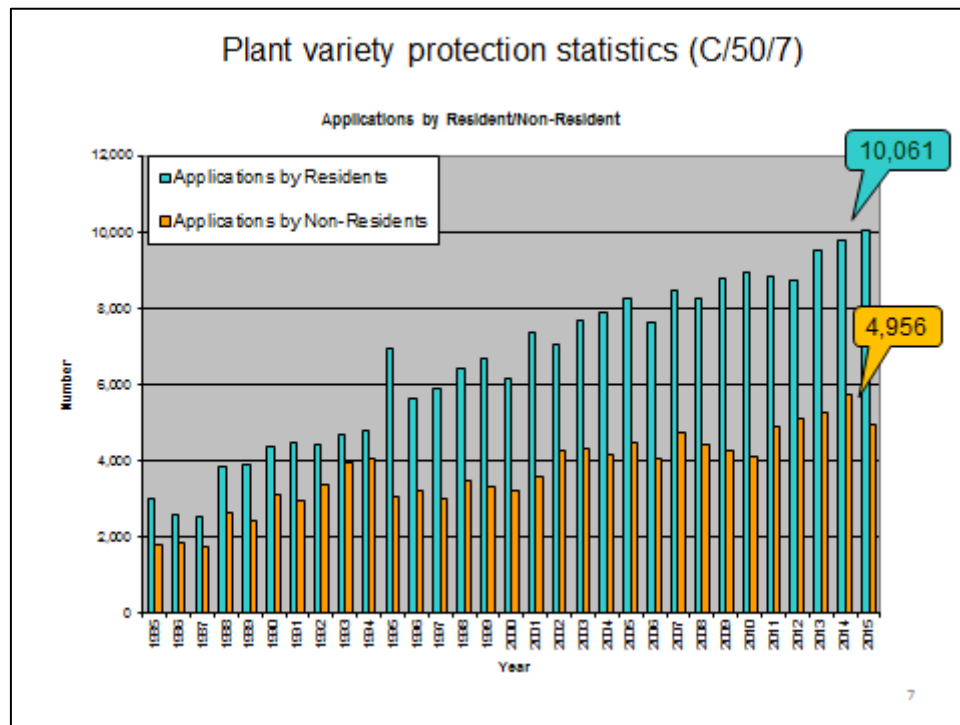
UPOV

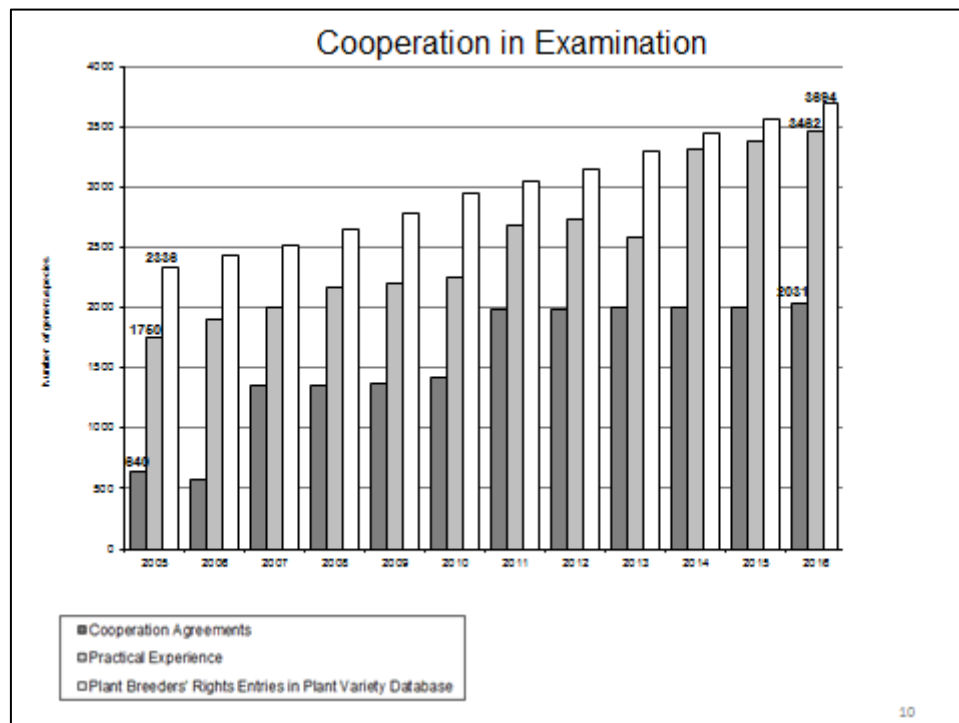
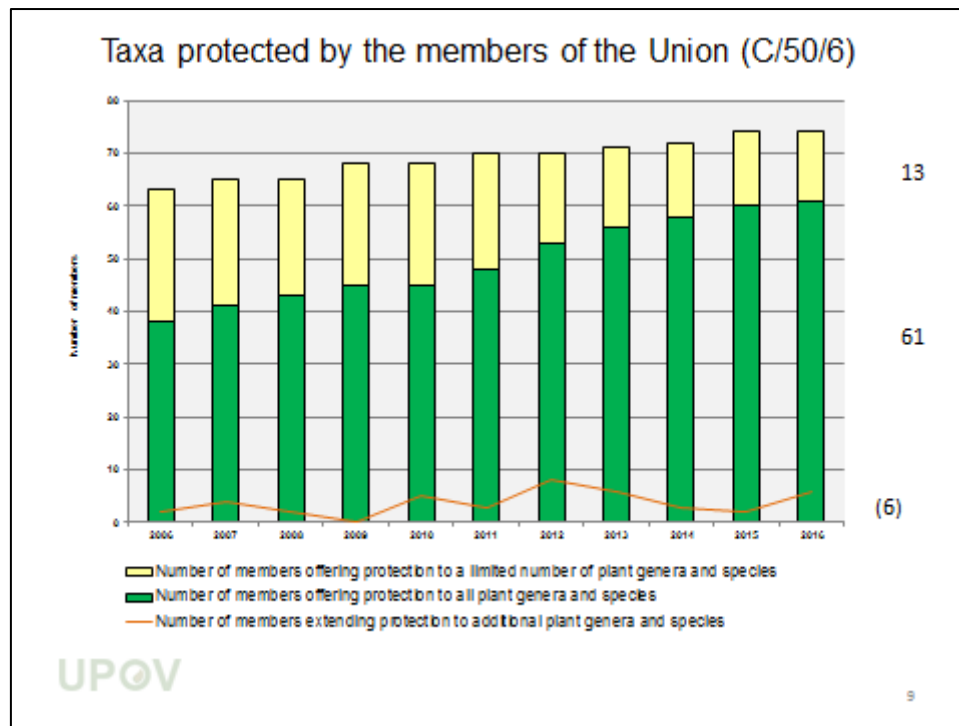
International Union for the Protection of New Varieties of Plants













C/50/12
ORIGINAL: English
DATE: October 17, 2016

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
Geneva

COUNCIL
Fiftieth Ordinary Session
Geneva, October 28, 2016

PERFORMANCE REPORT FOR THE 2014-2015 BIENNIUM


Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

1. This document presents the Performance Report for the 2014-2015 Biennium on the basis of the Program and Budget for the 2014-2015 Biennium adopted by the Council (see document C/47/4 Rev. "Program and Budget for the 2014-2015 Biennium").

2. The performance report for the 2014-2015 Biennium provides information on expenditure, total number of posts for the Office of the Union and results and performance indicators by subprogram on the basis of the program and budget adopted by the Council. This document also provides a view of trends over time.


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Evaluation of the International Union for the Protection of New Varieties of Plants

IOD Evaluation Section, WIPO

October, 2016





Elections - for a term of three years ending in 2019...

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Officers

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President, Council / Président, Conseil / Präsident, Rat / Presidente, Consejo

Mr. Ramundo Lavignote, Presidente del directorio, Instituto Nacional de Semillas (INASE), Venezuela 162-111, C1095AAD Buenos Aires, Argentina
Tel.: +54 11 32205432 e-mail: lavignote@inase.gov.ar

Vice-President, Council / Vice-président, Conseil / Vicepräsident, Rat / Vicepresidente, Consejo

Mr. Marien Vanstar, Senior Policy Officer, Seeds and Plant Propagation Material, Ministry of Economic Affairs, DG AGRO, The Hague, Netherlands
Tel.: +31 70 3 798 911 e-mail: m.vanstar@minlz.nl

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	<p>Chair, Administrative and Legal Committee (CAJ) / Président, Comité administratif et juridique (CAJ) / Vorsitzender, Verwaltungs- und Rechtsausschuß (CAJ) / Presidente, Comité Administrativo y Jurídico (CAJ)</p> <p>Mr. Anthony Parker, Commissioner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Ottawa, Canada (tel.: +1 613 7737188 e-mail: anthony.parker@inspection.gc.ca)</p>
	<p>Vice-Chair, Administrative and Legal Committee (CAJ) / Vice-président, Comité administratif et juridique (CAJ) / Stellvertretender Vorsitzender, Verwaltungs- und Rechtsausschuß (CAJ) / Vicepresidente, Comité Administrativo y Jurídico (CAJ)</p> <p>Mr. Patrick Ngwediagi, Registrar, Plant Breeders' Rights Office, Ministry of Agriculture, Food Security and Cooperatives, Dar es Salaam, United Republic of Tanzania (tel.: +255 22 2861404 e-mail: ngwedi@yahoo.com)</p>

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	<p>Chair, Technical Committee / Président, Comité technique / Vorsitzender, Technischer Ausschuß / Presidente, Comité Técnico</p> <p>Mr. Kees van Elteken, Senior PVP Policy Advisor, Naktuinbouw NL, Sotaweg 22, Postbus 40, NL-2370 AA Roelofarendsveen, Netherlands (tel.: +31 71 332 6128 e-mail: c.velteken@naktuinbouw.nl)</p>
	<p>Vice-Chair, Technical Committee / Vice-président, Comité technique / Stellvertretender Vorsitzender, Technischer Ausschuß / Vicepresidente, Comité Técnico</p> <p>Mr. Nik Hulse, Chief of Plant Breeders' Rights, Plant Breeder's Rights Office, IP Australia, Woden, Australia (tel.: +61 2 6283 7982 e-mail: nik.hulse@ipaustralia.gov.au)</p>

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The TC agreed to recommend to the Council the election of the next chairpersons of the TWPs as follows:


TWP Proposal

BMT Mr. Nik Hulse (Australia)
TWA Ms. Cheryl Turnbull (United Kingdom)
TWC Mr. Christophe Chevalier (France)
TWF Mr. Jean Maison (European Union)
TWO Mr. Henk de Greef (Netherlands)
TWV Ms. Romana Bravi (Italy)

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Harmonization, Resources and Assistance

		Harmonization	Resources	Training & assistance
IMPLEMENTATION	PVP Law	• UPOV Convention	• UPOV Lex	<ul style="list-style-type: none"> Distance Learning course Trainers UPOV events & activities Assistance by individual UPOV members
	➤ Application		project	
	➤ Variety Denominations		TO database	
	➤ DUS Testing		IE Database changeable software	
		(cooperation)		

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Program for EXN/INF		
<i>Reference</i>	<i>Explanatory Notes on:</i>	<i>Timetable</i>
UPOV/EXN/EDV/2 (revision)	Essentially Derived Varieties	Adopted by the Council in April 2017
UPOV/EXN/PPM/1	Propagating Material	Adopted by the Council in April 2017

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Program for EXN/INF		
<i>Reference</i>	<i>Explanatory Notes on:</i>	<i>Timetable</i>
UPOV/EXN/EDV/2 (possible revision)	Essentially Derived Varieties	possible revision to be considered by CAJ in October 2017
UPOV/EXN/CAL (possible revision)	Conditions and Limitations	possible revision to be considered by CAJ in October 2017
UPOV/EXN/PRP (possible revision)	Provisional Protection	possible revision to be considered by CAJ in October 2017
UPOV/INF/5 (revision)	UPOV model plant breeders' rights gazette	Deferred by CAJ pending EAF developments
UPOV/INF/12 (revision)	Variety Denominations	WG-DEN
UPOV/INF/16 (revision)	Exchangeable Software	Council in October 2017
UPOV/INF/22 (revision)	Software and Equipment Used by Members of the Union	Council in October 2017

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UPOV Communication strategy

- New UPOV logo
- Stakeholder features
- UPOV Youtube channel

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FARMERS AND GROWERS

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STAKEHOLDERS FEATURES

- Brooders
- Farmers and Growers**
- Policy makers
- General Public

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Farmers and Growers

UPOV Information

- UPOV Membership
- UPOV Databases
- Calendar of meetings
- Full text of Treaty

Resources

- PLUTO database
- Benefits of UPOV address & institutions
- UPOV YouTube channel

Key Topics

- IPR and Contacts
- Statements on the Benefits of Plant Variety Protection for Farmers and Growers (2012)
- IPR Statements & Responses

Farmer perspectives





FAQs for farmers

- What do farmers and growers need to know about varieties?
- Can a farmer sell seed of a protected variety without the authorisation of the breeder?
- Can a farmer resell seed of a protected variety without the authorisation of the breeder?
- What is the effect of plant variety protection on varieties that are not protected (i.e. traditional varieties, landraces, etc.)?
- How do I know if a variety is protected?
- Is it possible for subsistence farmers to exchange agricultural material of protected varieties against other seed without the local community?
- Under the UPOV system, breeders decide the conditions and limitations under which they authorise the exploitation of their protected varieties. Can farmers, for instance, be allowed to exchange seeds of protected varieties from within the local community?

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POLICY MAKERS

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Policy makers

UPOV Information

- UPOV Legal Framework
- UPOV membership
- UPOV structure
- Regional actions in Europe & Member of UPOV
- Guidelines for members of UPOV on how to work on matters in the UPOV and on the UPOV Convention
- Guidelines for members of UPOV
- Other

Resources

- Introduction to UPOV (Pamphlet)
- UPOV Guidelines (Guidelines & International Conventions)
- UPOV Law (Guidelines of members of members)
- Other related protection activities

Key Topics

- Examination of the Benefits of Plant Variety Protection in Europe and America (2012)
- PVP and Biodiversity, Genetic Resources and Plant Variety Protection (2011)
- Transposing UPOV standards in a domestic legal context (2010)
- Guidelines & Documents
- Site Maps

Situation in UPOV

[Click to enlarge](#)

Impact of plant variety protection (videos)

View more of

- AgriLink
- European Parliament
- European Intellectual Property
- Technical and economic

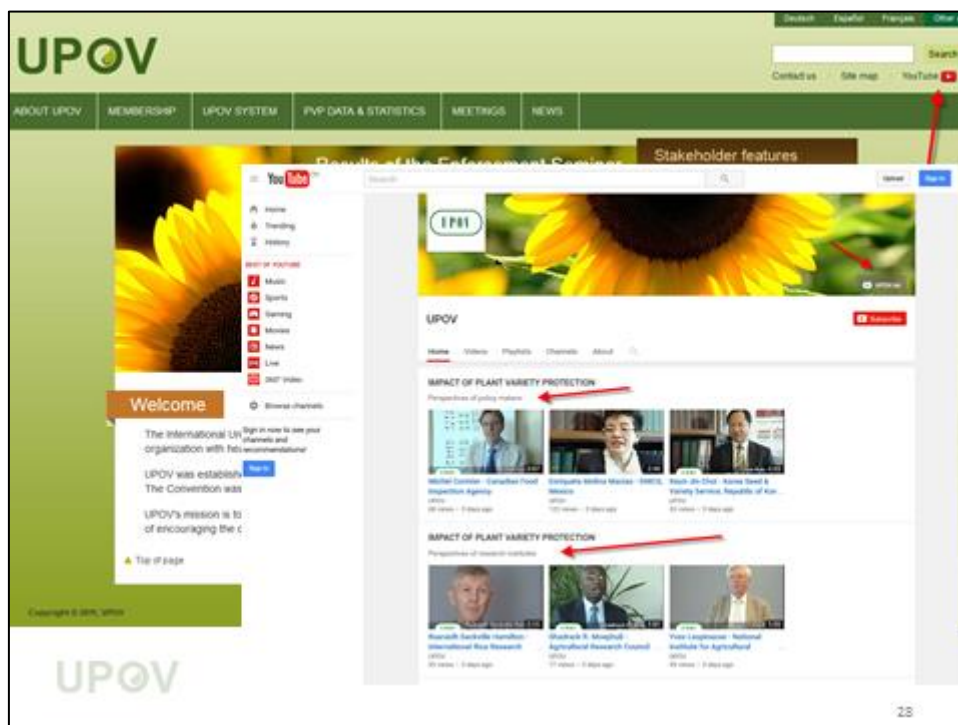
Importance of plant variety protection (videos)

View more of

- European Parliament and Intellectual Property
- World Bank
- European Union of Plant Variety Protection

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WG-ISC

October 2016:

The Consultative Committee agreed the
draft mandate and terms of reference for a
Working Group on a
Possible International System of Cooperation
(WG-ISC)
as follows:

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Purpose

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.

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Purpose	Voluntary
<p>1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:</p> <ul style="list-style-type: none"> (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. 	

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Purpose	Inclusive
<p>1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:</p> <ul style="list-style-type: none"> (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. 	

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Purpose	Efficient
<p>1. To prepare proposals for consideration by the Consultative Committee concerning a possible ISC that would:</p> <ul style="list-style-type: none"> (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. 	

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<p>2. For the above proposals, to provide the Consultative Committee with an analysis of the:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) society in the member states of the Union; (ii) PVP Offices of members of the Union, including: <ul style="list-style-type: none"> • costs and income • number of applications and income received for applications; (iii) domestic and foreign breeders, including small- and medium-sized enterprises (SMEs); (iv) farmers; and (v) UPOV. 	
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WG-ISC: identify needs of UPOV members and review how the issues raised by breeders correspond to those needs

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*Closing remarks by the Co-Moderators:
Mr. Muhamad Sabran,
Chairperson of the Seventh Session of the Governing Body, ITPGRFA and
Mr. Raimundo Lavignolle,
Vice-President of the Council of UPOV*

- We have seen the objectives and benefits of both treaties: UPOV Convention, ITPGRFA;
- It is important to interpret and implement the two treaties in a mutually supportive way in the context of each Contracting Party;
- In order to succeed in these objectives, it is important for the two organizations to work together and to provide the necessary support;
- The Symposium highlights the need to involve all stakeholders in this process.

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MEETINGS

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Seminar on Propagating and Harvested Material in the Context of the UPOV Convention (UPOV/SEM/GE/16)

October 24, 2016 (Geneva, Switzerland)

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Jun Koide



Tomochika MOTOMURA

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High Level Study Tour (Japan, July 2016)



Koshihikari

Tsuyahime

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STUDY in VIET NAM*

See http://www.upov.int/about/en/benefits_upov_system.html

Annual land productivity developments since Viet Nam joined
UPOV in 2006 in

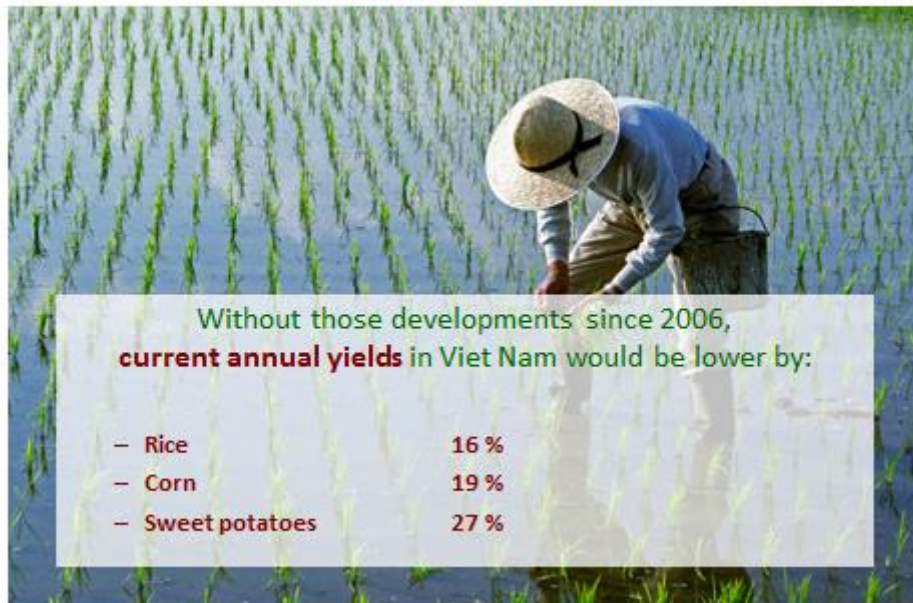
Rice, Corn (maize) and Sweet Potatoes

- **1995-2005:** increase in yield mainly through increased level of inputs – no detectable increase due to plant breeding
- **2006-2016:** annual land productivity increase due to plant breeding
 - Rice 1.7 %
 - Corn 2.1 %
 - Sweet potatoes 3.1 %

* "The socio-economic benefits of UPOV membership in Viet Nam; An ex post assessment on plant breeding and agricultural productivity after 10 years" (Corresponding author: Steffen Noleppa) by HFFA Research GmbH

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STUDY in VIET NAM

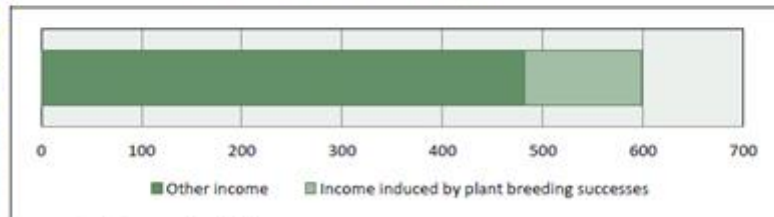


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STUDY in VIET NAM

INCOME of Vietnamese farmers has increased by 24% since 2006

Figure 4.6: Income of a Vietnamese farmer induced by plant breeding successes for major arable crops since UPOV membership vs. other income in arable farming (in USD)



Source: Own figure and calculations.

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MISSION STATEMENT

“To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society”

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STUDY in VIET NAM

Annual value added:

- Arable farming \$2.3 billion
- Horticulture \$1.0 billion
- Floriculture \$ 0.2 billion
- GDP added upstream/downstream (value chains)
\$1.5 billion

TOTAL ADDED: \$5 billion
(> 2.5% GDP)

TECHNICAL COMMITTEE Fifty-third Session

**Difficulty to obtain plant material from breeders,
especially when a variety was no longer in
commercialization:**

Office of the Union to issue a questionnaire:

approaches used to **obtain plant material** from breeders,
especially when a variety was no longer in commercialization.

approaches used on **deciding** on varieties whose existence is a
matter of **common knowledge**

results of the survey should be presented to the TWPs and the
TC at their sessions in 2018.

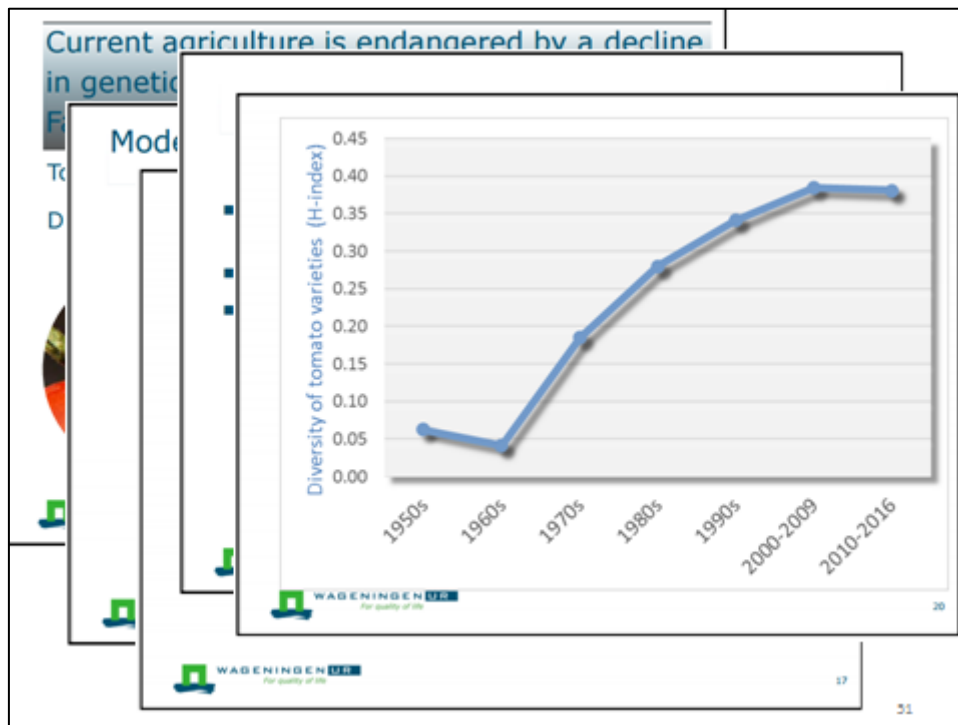
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Discussion session

- (a) Use of disease and insect resistance characteristics in DUS examination
- (b) Management of variety collections
- (c) Minimum distance between varieties
- (d) Increasing participation of new members of the Union in the work of the TC and TWPs

Presentations available at:
http://www.upov.int/meetings/en/details.jsp?meeting_id=42485

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Cooperation in Examination

TC/52 agenda item 3

“Discussion on quality parameters for DUS examination”

- may be obstacles to cooperation in examination, including exchange of DUS reports, and agreed to explore the situation further
- as a starting point for discussion, Office of the Union to conduct a survey of the current situation of members of the Union and to report the results to the TC

Responses to the Questionnaire: 28 (38%)

African Intellectual Property Organization (OAPI)	Latvia
Belarus	Mexico
Costa Rica	Netherlands
Croatia	New Zealand
Czech Republic	Norway
Denmark	Panama
Ecuador	Portugal
Estonia	Republic of Moldova
European Union	Russian Federation
Finland	Serbia
France	Sweden
Germany	Turkey
Israel	United Kingdom
Kenya	United States of America

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Full results in Document TC/53/20 "Cooperation in Examination"

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Responses to the Questionnaire: 12/28 European Union

African Intellectual Property Organization	Latvia
Belarus	Mexico
Costa Rica	Netherlands
Croatia	New Zealand
Czech Republic	Norway
Denmark	Panama
Ecuador	Portugal
Estonia	Republic of Moldova
European Union	Russian Federation
Finland	Serbia
France	Sweden
Germany	Turkey
Israel	United Kingdom
Kenya	United States of America

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SURVEY STRUCTURE

BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1	
Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2	
Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3	
Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General	
Receiving DUS reports	Q17 – 19

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SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1	
Provision of existing DUS reports to other UPOV members	Q20 – 23
Providing Type 2	
Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report)	Q24 – 27
Providing Type 3	
Conducting DUS examinations for other UPOV members (no examination in process)	Q28 – 31
General	
Providing DUS reports	Q32 – 34

KNOWLEDGE OF COOPERATION Q35

EASE OF ARRANGEMENT OF COOPERATION Q36

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SURVEY STRUCTURE

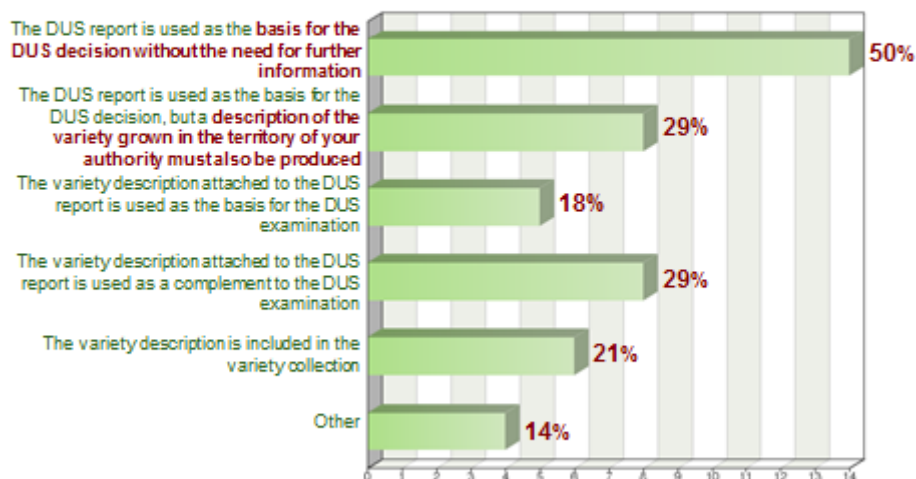
BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
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Receiving Type 1 Use of existing DUS reports from other UPOV members	Q8 – 11
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General Receiving DUS reports	Q17 – 19

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Question 7:

In general, which of the following options best describes the way in which your authority uses DUS reports provided by another UPOV member?



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SURVEY STRUCTURE

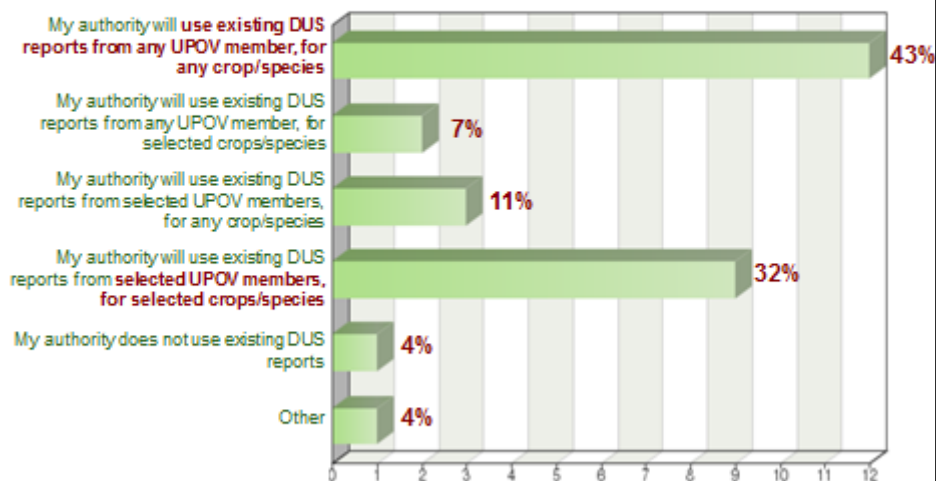
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Receiving Type 1 Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2 Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3 Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General Receiving DUS reports	Q17 – 19

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Question 8:

Please describe the use of existing DUS reports by your authority:

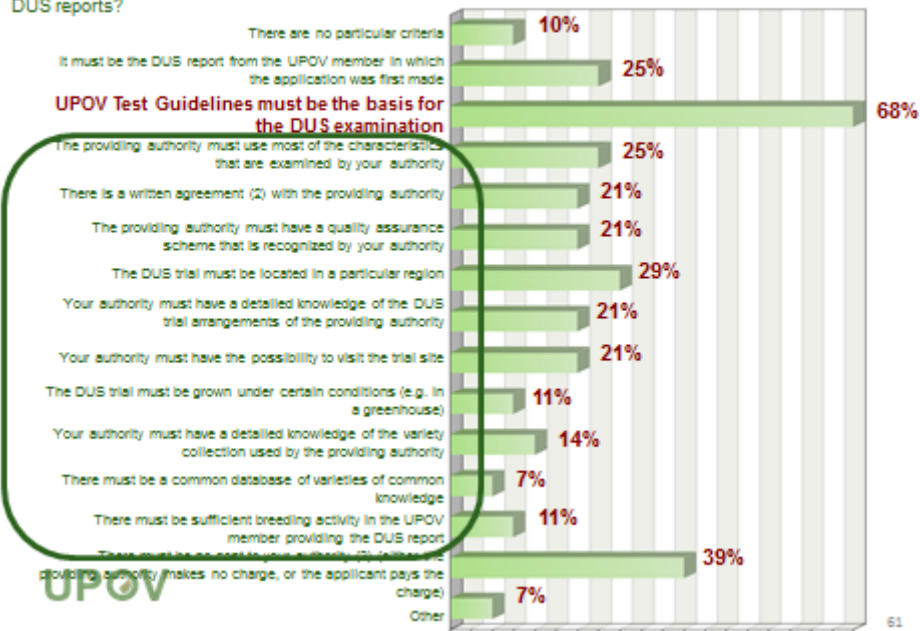


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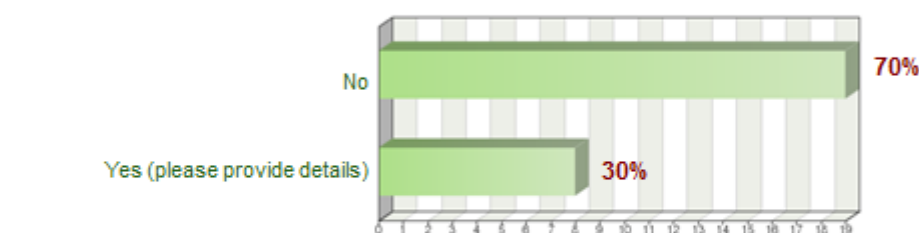
Question 9:

If your authority uses existing DUS reports, which of the following criteria must normally be met to use existing DUS reports?



Question 11:

Are there any practical measures that might facilitate the use of existing DUS reports by your authority?



- **CPVO accreditation**
- **Better knowledge of variety collection and guidelines used**
- **Database of tests performed**

SURVEY STRUCTURE

BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1	
Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2	
Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3	
Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General	
Receiving DUS reports	Q17 – 19

UPOV

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Question 12:

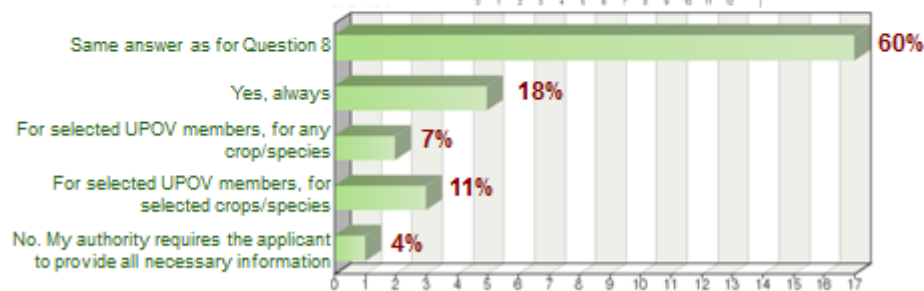
Situation: No other UPOV member has submitted an application for the same variety which is being examined. Would your authority require the applicant to provide all necessary information to avoid the need for a DUS examination at the end of the DUS examination?

Question 8:

Please describe the use of existing DUS reports by your authority:



variety which is aware of an existing DUS report to avoid the need for a DUS report at the end of the DUS examination.

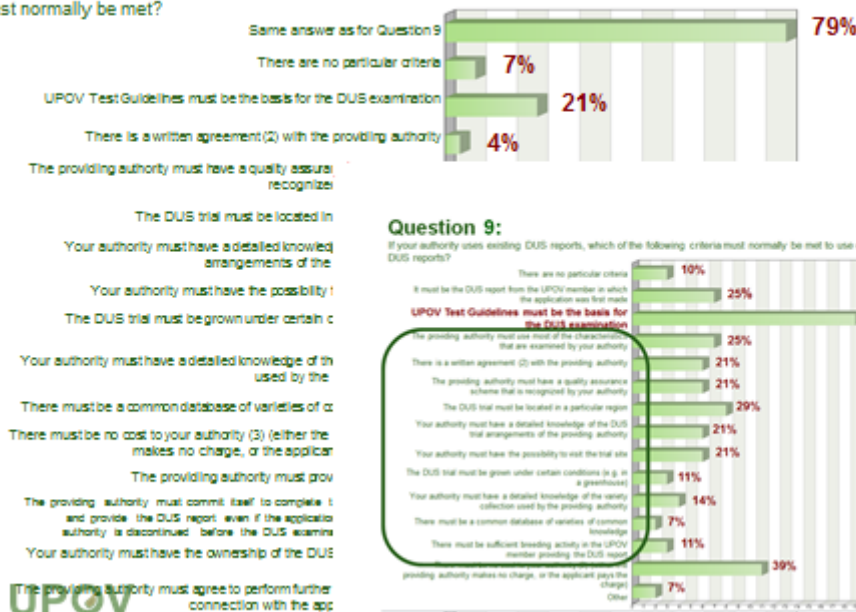


UPOV

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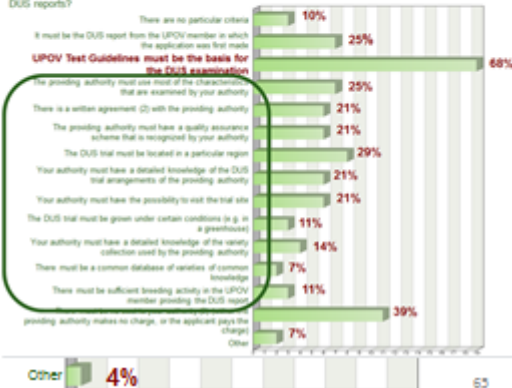
Question 13:

If your authority requests DUS reports in the situation described in Question 12, which of the following criteria must normally be met?



Question 9:

If your authority uses existing DUS reports, which of the following criteria must normally be met to use existing DUS reports?

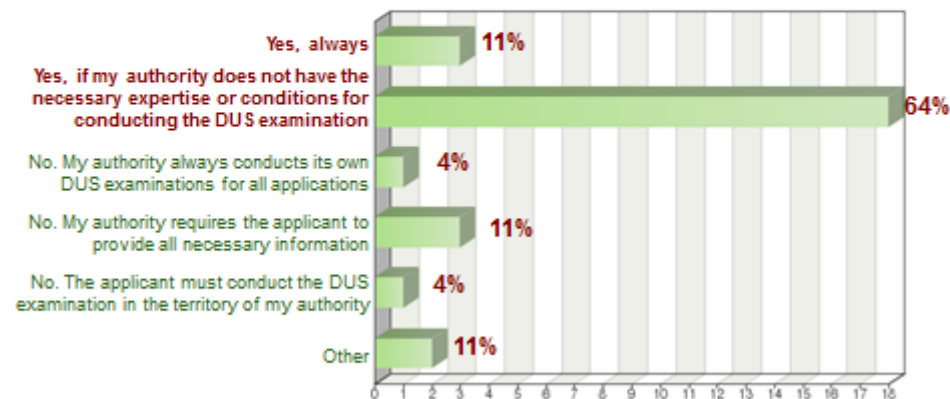


SURVEY STRUCTURE

BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1	
Use of existing DUS reports from other UPOV members	Q8 - 11
Receiving Type 2	
Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 - 13
Receiving Type 3	
Requesting DUS examinations from other UPOV members (no examination in process)	Q14 - 16
General	
Receiving DUS reports	Q17 - 19

Question 14:

Situation: No other UPOV member has an existing DUS report for a variety which is the subject of an application with your authority and there is no application with another UPOV member. In the situation above, would your authority request another UPOV member to conduct the DUS examination on its behalf?



UPOV

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SURVEY STRUCTURE

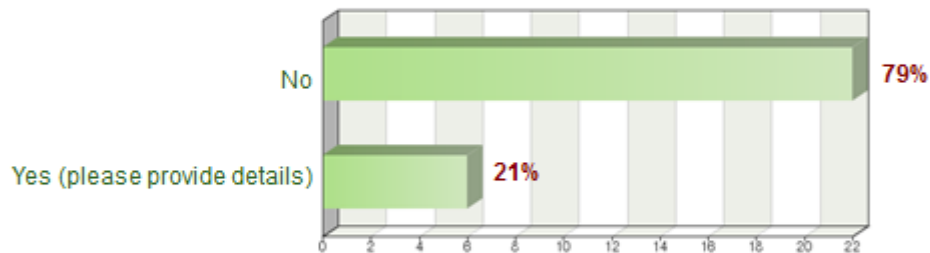
BACKGROUND	Q1 - 6
OVERVIEW OF COOPERATION	Q7
SECTION A: RECEIVING DUS REPORTS	
Receiving Type 1	
Use of existing DUS reports from other UPOV members	Q8 – 11
Receiving Type 2	
Requesting DUS reports from other UPOV members (examination in process but no existing DUS report)	Q12 – 13
Receiving Type 3	
Requesting DUS examinations from other UPOV members (no examination in process)	Q14 – 16
General	
Receiving DUS reports	Q17 – 19

UPOV

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Question 19:

Are there any practical measures that might facilitate requests for DUS examinations by your authority from other UPOV members?



- Database of tests performed
- CPVO Entrustment

UPOV

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SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

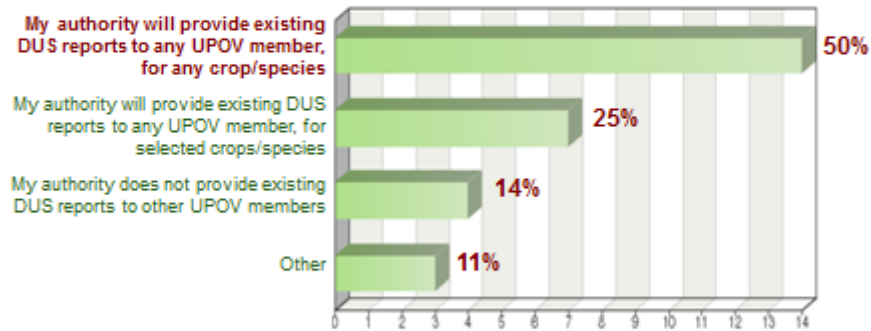
EASE OF ARRANGEMENT OF COOPERATION Q36

UPOV

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Question 20:

Please describe the provision of existing DUS reports by your authority to other UPOV members:

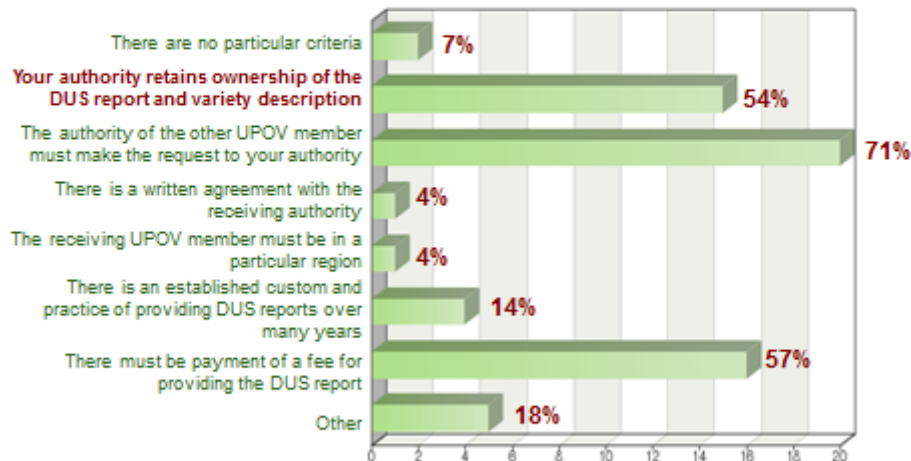


UPOV

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Question 21:

If your authority provides existing DUS reports, which of the following criteria are used in deciding whether to provide existing DUS reports?



UPOV

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SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

EASE OF ARRANGEMENT OF COOPERATION Q36

UPOV

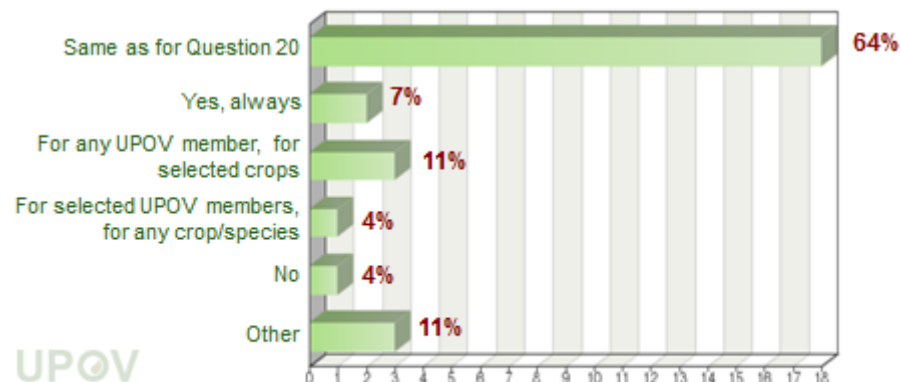
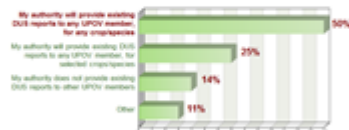
73

Question 24:

Situation: A DUS report has not yet been produced which is the subject of an application with you conducting, or is going to conduct, a DUS examination. Would your authority agree, in advance, to provide a DUS report to other UPOV member at the end of the DUS examination?

Question 20:

Please describe the provision of existing DUS reports by your authority to other UPOV members:

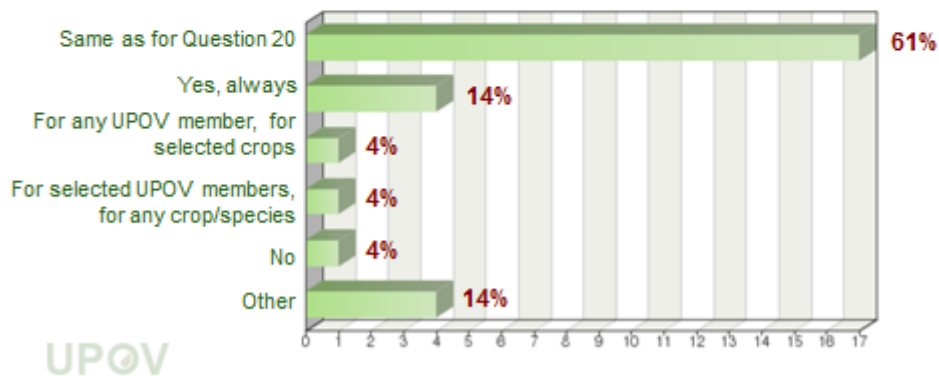


UPOV

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Question 26:

In the situation in Question 24, would your authority agree, in advance, to complete a DUS examination and provide a DUS report to another UPOV member, even if the application was discontinued in your territory before the DUS examination was completed?



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SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION

Q35

EASE OF ARRANGEMENT OF COOPERATION

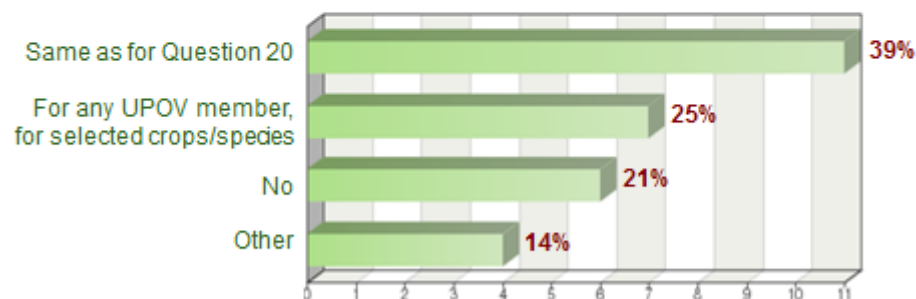
Q36

UPOV

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Question 28:

If your authority has not received an application for a variety concerned but your authority has the necessary expertise and conditions for conducting the DUS examination, would your authority conduct a DUS examination on behalf of another UPOV member, if so requested?



UPOV

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SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

Conducting DUS examinations for other UPOV members (no examination in process) Q28 – 31

General

Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION Q35

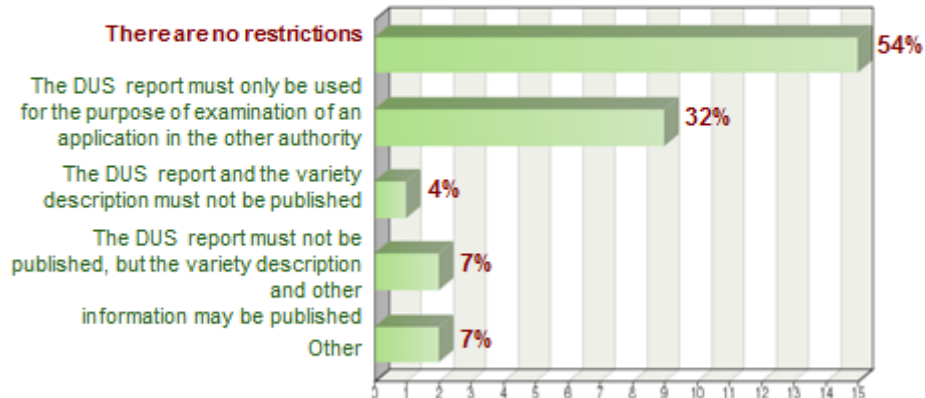
EASE OF ARRANGEMENT OF COOPERATION Q36

UPOV

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Question 32:

Please describe any restrictions on the use of DUS reports you provide to the authority of another UPOV member



UPOV

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SURVEY STRUCTURE

SECTION B: PROVIDING DUS REPORTS

Providing Type 1

Provision of existing DUS reports to other UPOV members Q20 – 23

Providing Type 2

Conducting DUS examinations for other UPOV members (examination in process but no existing DUS report) Q24 – 27

Providing Type 3

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Providing DUS reports Q32 – 34

KNOWLEDGE OF COOPERATION

Q35

EASE OF ARRANGEMENT OF COOPERATION

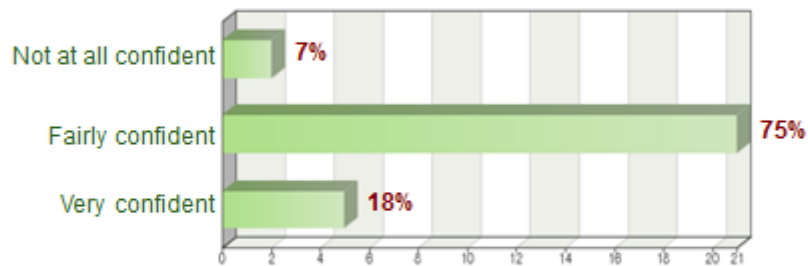
Q36

UPOV

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Question 35:

How confident are you that you know all the options for cooperation between UPOV members in DUS examination?

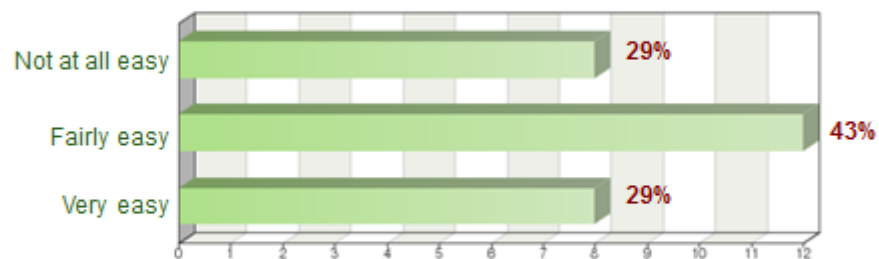


UPOV

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Question 36:

In your experience, how easy is it to arrange cooperation in DUS examination with other UPOV members?



UPOV

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**UPOV members that have data in GENIE and
completed the DUS survey
(26)**

Belarus	Finland	Netherlands	Russian Federation
Croatia	France	New Zealand	Serbia
Czech Republic	Germany	Norway	Sweden
Denmark	Israel	Panama	Turkey
Ecuador	Kenya	Portugal	United Kingdom
Estonia	Latvia	Republic of Moldova	United States of America
European Union	Mexico		

UPOV

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**UPOV members that have data in GENIE and
completed the DUS survey
13 non-EU / 13 EU**

Belarus	Finland	Netherlands	Russian Federation
Croatia	France	New Zealand	Serbia
Czech Republic	Germany	Norway	Sweden
Denmark	Israel	Panama	Turkey
Ecuador	Kenya	Portugal	United Kingdom
Estonia	Latvia	Republic of Moldova	United States of America
European Union	Mexico		

UPOV

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**UPOV members that have data in GENIE but
did not complete the DUS survey
(36)**

Albania	Colombia	Republic of Korea
Argentina	Georgia	Romania
Australia	Hungary	Slovakia
Austria	Ireland	Slovenia
Azerbaijan	Italy	South Africa
Belgium	Japan	Spain
Bolivia (Plurinational State of)	Lithuania	Switzerland
Brazil	Morocco	The former Yugoslav Republic of Macedonia
Bulgaria	Nicaragua	Tunisia
Canada	Paraguay	Ukraine
Chile	Peru	Uruguay
China	Poland	Viet Nam

UPOV

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**UPOV members that have data in GENIE but
did not complete the DUS survey
(24 non-EU / 12 EU)**

Albania	Colombia	Republic of Korea
Argentina	Georgia	Romania
Australia	Hungary	Slovakia
Austria	Ireland	Slovenia
Azerbaijan	Italy	South Africa
Belgium	Japan	Spain
Bolivia (Plurinational State of)	Lithuania	Switzerland
Brazil	Morocco	The former Yugoslav Republic of Macedonia
Bulgaria	Nicaragua	Tunisia
Canada	Paraguay	Ukraine
Chile	Peru	Uruguay
China	Poland	Viet Nam

UPOV

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**UPOV members that do not have data in GENIE
but completed the DUS survey
(2)**

Costa Rica
African Intellectual Property Organization (OAPI)

UPOV

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**UPOV members that do not have data in GENIE
and did not complete the DUS survey
(10)**

Dominican Republic	Oman
Iceland	Singapore
Jordan	Trinidad and Tobago
Kyrgyzstan	United Republic of Tanzania
Montenegro	Uzbekistan

UPOV

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Reflections

- 93% respondents fairly/very confident of options for cooperation
 - but only 38% of UPOV members replied
- 50% respondents: DUS report is used as the basis for the DUS decision without the need for further information
 - *need for additional information for other 50% in GENIE?*
 - *only 38% of UPOV members replied*
- 30% respondents considered that further practical measures might facilitate the use of existing DUS reports
 - practical tools (accreditation, databases, information...?)
- 29% of respondents found that cooperation in DUS examination was “not at all easy”
 - and only 38% of UPOV members replied
- WG-ISC to consider need to accept DUS reports from any member of the Union without further consideration
- Explain the issues and fill in the gaps...?