



CC/87/6

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

CONSULTATIVE COMMITTEE**Eighty-Seventh Session
Geneva, April 11, 2014**

UPOV DISTANCE LEARNING COURSES

*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this document is to present an update on the development of the advanced distance learning course DL-305 "Examination of Applications for Plant Breeders' Rights" (DL-305), to consider the possibility of splitting the DL-305 course into two separate courses in the future and to consider a proposed program for distance learning courses in 2014 and 2015.
2. The complete background to DL-305 is provided in document CC/84/3 "UPOV Distance Learning Course".

BACKGROUND

3. At its seventy-fourth session, held in Geneva on October 24, 2007, the Consultative Committee endorsed the development of an advanced course "Examination of Applications for Plant Breeders' Rights" and entrusted the Office of the Union to take the necessary actions to develop and implement that course, as set out in Annex II of document CC/74/4 (see document CC/74/8 "Report", paragraph 68).
4. The Consultative Committee, at its eighty-fourth session, held in Geneva, on October 31, 2012, considered document CC/84/3. It noted that DL-305 would contain an additional module on "Trial Design and Data Analysis" and approved the plans for the launch of the advanced distance learning course DL-305, as set out in paragraphs 3 and 4 of document CC/84/3 (see document CC/84/14 "Report", paragraph 49). The DL-305 course as approved by the Consultative Committee at its seventy-fourth session with an additional module on "Trial Design and Data Analysis" is attached as Annex I to this document.
5. In response to expressions of interest from members of the Union, the timetable set out in document CC/84/3 was subsequently modified in order to provide additional time for input from interested experts in relation to the modules in Section IV "DUS Examination" (see document CC/85/8 "UPOV Distance Learning Course"). The draft modules of Section IV were circulated for comments and input by those UPOV experts that had expressed a willingness to comment and to provide additional information.

TRIAL RUN OF DL-305 COURSE

6. A trial run of the full course in English was conducted from November 11 to December 15, 2013. In order to assess the course, nine experts that are tutors for the DL-205 course agreed to act as students.

7. A number of useful comments were received from the experts with regard to the text of the course, the End of Module Tests and the Final Exam questions, which have been reflected in the final version.
8. In addition to the specific comments on the content, a number of experts involved in the trial run observed that parts of Section IV "DUS Examination" were more technically specialized than the other parts of DL-305 and suggested that consideration be given to whether those parts of the course might be offered as a separate course.
9. In anticipation of such a possibility, the first session of the DL-305 course has been structured as indicated in Annex II to this document, which will facilitate a future separation of the course, if appropriate (see below). The structure proposed in Annex II to this document also includes a rationalization of modules in order to provide more equal modules on the basis of the anticipated study time, without changing the content overall.

LAUNCH OF DL-305 COURSE

10. At its eighty-sixth session, held in Geneva on October 23, 2013, the Consultative Committee noted that, subject to feedback from the trial run, a first session of DL-305 in English would be offered on the UPOV website in March/April 2014 and, in parallel, the DL-305 course would start to be translated into French, German and Spanish (see document CC/86/14 "Report on the Conclusions", paragraph 51).
11. A first session of the DL-305 course in English will take place as follows:

Course dates: March 31 to May 11, 2014
Final exam: May 5 to 11, 2014
12. The first session of the DL-305 course has been made available only to officials of members of the Union that have successfully completed the DL-205 course with an explanation that consideration will be given to the splitting of DL-305 into two separate courses in the future (see circular E-14/013 of January 27, 2014).
13. The program for the future sessions of DL-305, including in other languages, is set out in the section "Program of Distance Learning Courses in 2014-2015".

SPLITTING OF DL-305 INTO TWO SEPARATE COURSES

14. In accordance with the comments received during the trial run of the DL-305 course, it is proposed to consider splitting the DL-305 course into two separate courses in the future. The aim of the split would be to enable participants to study the courses at different times, according to their expertise and experience, and would also provide courses with a similar study time to the distance learning course DL-205 "Introduction to the UPOV System of Plant Variety Protection Under the UPOV Convention" (36 hours), instead of the 70 hours indicated for the single course. One course would cover the administration of plant breeders' rights and the examination of novelty and denomination; the other course would cover the examination of distinctness, uniformity and stability ("DUS"). It would be possible to study one or both courses and the two courses would be run consecutively to allow those students wishing to follow both to do so; one immediately after the other.
15. The proposed structure and content of the two separate courses (DL-305-1 "Administration of Plant Breeders' Rights" and DL-305-2 "DUS Examination") are provided in Annex III to this document. As indicated in Annex III, it is proposed that the modules "Introduction to the DUS examination" and "Cooperation in DUS testing" would be included in both courses, since they are considered to provide a suitable overview of DUS testing that would be relevant for students of both courses.
16. It is anticipated that the target audience, entry requirements, tutoring and student fee categories for the two courses would remain as set out in Annex I to this document.
17. A survey of the participants of the first session of the DL-305 course will be conducted to seek their views on the possible splitting the DL-305 course into two separate courses. If there is clear support by participants for the possible splitting of the course, two separate courses would be introduced for the second session of the DL-305 course (see paragraph 18).

PROGRAM OF DISTANCE LEARNING COURSES IN 2014-2015

18. The successful operation of UPOV distance learning courses relies on experts from members of the Union acting as tutors for students in Category 1: Officials of members of the Union. Therefore, an important factor for the frequency of distance learning courses is the availability of such experts. In that regard, it is anticipated that the same tutors will be used for the DL-205 "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention" and DL-305 courses. Currently, the DL-205 course is run twice per year. In order to have sufficient tutoring capacity, at least in the first instance, it is proposed to replace one of the sessions of the DL-205 course with the DL-305 course(s). On that basis, the following program is proposed for distance learning courses in 2014-2015:

March 31 to May 11, 2014	DL-305 single course (English only)
May 5 to June 8, 2014	DL-205 (E, F, G, S)
October 6 to November 9, 2014	DL-205 (E, F, G, S)
February/March 2015	DL-305 single course (E, F, S) or DL-305-1 (E, F, S)
April/May 2015	DL-305-2 (E, F, S)
October/November 2015	DL-205 (E, F, G, S)

19. The German version of DL-305 would be launched in 2016.

20. *The Consultative Committee is invited to:*

(a) note the course structure and schedule of the first session of DL-305, in English, as set out in paragraphs 9 to 12 of this document;

(b) consider the separation of the DL-305 course into two, separate courses as set out in paragraphs 14 to 17; and

(c) approve the program for distance learning courses in 2014 to 2015, as set out in paragraphs 18 and 19.

[Annexes follow]

ANNEX I

Advanced UPOV Distance Learning Program

(as approved by the Consultative Committee at its seventy-fourth session
and amended at its eighty-fourth session)

Title: "Examination of applications for plant breeders' rights"

Objectives of the course: To provide a basic understanding of the examination of applications for plant breeders' rights under the International Convention for the Protection of New Varieties of Plants.

Target audience:

- (a) Officials/officially appointed persons (existing and possible future UPOV members):

Responsible for running PBR offices
Responsible for drafting PBR legislation
Key staff of PBR offices
Organizers of DUS trials
DUS examiners

- (b) Private Sector:

Breeders
IP managers
IP agents/attorneys
Academia/Students

Entry level requirement: successful completion of UPOV DL-205 Course "Introduction to the UPOV System of Plant Variety Protection Under the UPOV Convention", which means obtaining 70% or more in the final exam.

Tutoring: provided by experts from UPOV members, appointed by the respective representative to the Council, and staff members of the Office. For fee-paying students, where considered appropriate, suitable private individuals would be identified, in addition to tutors provided by members of the Union, who would be prepared to act as tutors for an appropriate remuneration.

Students: to be registered under the following categories:

Category 1: Officials of members of the Union	No fee
Category 2: Officials of observer States / intergovernmental organizations	One non-fee paying student per State / intergovernmental organization for each running of the course Additional students: CHF1,000 per student
Category 3: Others	Fee: CHF1,000
Participants in UPOV training activities	No fee

In the event that the number of pre-registrations exceeds the capacity for the course, priority would be given as follows:

- Priority 1: up to 10 students from a member of the Union
Priority 2: one student from an observer State / intergovernmental organization
Priority 3: all others (including additional students from members of the Union and observers)

Estimated Total Study Time: 70 hours (approximate).

*UPOV Distance Learning Program: Advanced Course:
“Examination of applications for plant breeders’ rights”*

PROGRAM

SECTION I ADMINISTRATION OF PLANT BREEDERS’ RIGHTS

Module 1: The Plant Breeder’s Right’s Office

- structure
- functions (Article 30, including brief overview of options for cooperation (Article 30(1)(ii) and Article 12 (2nd sentence) – see Module 11)

Module 2: Administration of applications

- development of forms: UPOV model forms (source materials: TGP/5)
- filing: paper/electronic
- assigning filing date and time
- processing forms
- examining the PBR application form

SECTION II ENTITLEMENT

Module 3: Entitlement to file an application

- definition of breeder
 - the notion of applicant
 - successors in title
 - proxy / agent
- (source materials: TGP/5)

SECTION III NOVELTY

Module 4: Examining Novelty

- information to be taken into account
- coherence of the application

SECTION IV DUS EXAMINATION

Module 5: Introduction to the DUS examination

- requirement for examination
 - nature of the DUS examination
 - characteristics as the basis for DUS examination
 - types of characteristics
 - information, documents and material required
- (source materials: General Introduction, TGP documents and UPOV Model Presentation)

Module 6: Variety collections

(source materials: TGP/4)

Module 7: Examining Distinctness

(source materials: TGP/9)

Module 8: Examining Uniformity

(source materials: TGP/10)

Module 9: Examining Stability

(source materials: General Introduction)

Module 10: Trial Design and Data Analysis

(source materials: TGP/8)

Module 11: Approaches and cooperation in DUS examination

(source materials: TGP/6 and GENIE database)

SECTION V VARIETY DENOMINATION

Module 12: Examining the variety denomination

(source materials: UPOV/INF/12/1)

SECTION VI PUBLICATION OF INFORMATION AND DECISIONS

Module 13: Information to be published

- requirements of the UPOV Convention: PBR applications, proposed and adopted denomination and granted PBRs
- UPOV Gazette and Newsletter and UPOV-ROM

(source materials: UPOV Gazette and Newsletter)

Module 14: Proposed decisions and Objections

- filing objections, processing objections

Module 15: Decisions

- granting PBR
- rejection of applications for PBR

Module 16: Situations which may arise after the grant of PBR

- changes in variety denomination
- cancellation and nullification of PBR

[Annex II follows]

FIRST SESSION OF THE DL-305 COURSE (APRIL/MAY 2014)

Section I “Operating a Plant Breeders’ Rights Office”

Module 1: The Plant Breeders’ Rights Office

Module 2: Administration of applications

Module 3: Entitlement to a breeder’s right

Module 4: Information to be published (formerly Modules 13, 14, 15 and 16)

Section II “Examining Novelty”

Module 5: Examining Novelty (formerly Module 4)

Section III “Examining the Variety Denomination”

Module 6: Examining the variety denomination (formerly Module 12)

Section IV “DUS Examination”

Module 7: Introduction to the DUS examination (formerly Module 5)

Module 8: Variety collections (formerly Module 6)

Module 9: Examining Distinctness (formerly Module 7)

Module 10: Examining Uniformity (formerly Module 8)

Module 11: Examining Stability (formerly Module 9)

Module 12: Conducting the DUS Trial (formerly Module 10)

Module 13: Cooperation in DUS testing (formerly Module 11)

Estimated Total Study Time: 70 hours (approximate).

[Annex III follows]

POSSIBLE SPLITTING OF DL-305 INTO TWO SEPARATE COURSES (2015)

DL-305-1: ADMINISTRATION OF PLANT BREEDERS' RIGHTS

Section I "Operating a Plant Breeders' Rights Office"

Module 1: The Plant Breeders' Rights Office

Module 2: Administration of applications

Module 3: Entitlement to a breeder's right

Module 4: Information to be published

Section II "Examining Novelty"

Module 5: Examining Novelty

Section III "Examining the Variety Denomination"

Module 6: Examining the variety denomination

Section IV "DUS Examination"

Module 7: Introduction to the DUS examination

Module 8: Cooperation in DUS testing

Estimated Total Study Time: 30 hours (approximate).

DL-305-2: DUS EXAMINATION

Module 1: Introduction to the DUS examination

Module 2: Variety collections

Module 3: Examining Distinctness

Module 4: Examining Uniformity

Module 5: Examining Stability

Module 6: Conducting the DUS Trial

Module 7: Cooperation in DUS testing

Estimated Total Study Time: 45 hours (approximate).