



**CC/90/10 Add.**  
**ORIGINAL:** English  
**DATE:** October 29, 2015

**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
Geneva

**CONSULTATIVE COMMITTEE**

**Ninetieth Session**  
**Geneva, October 28, 2015**

ADDENDUM TO DOCUMENT CC/90/10

INTERNATIONAL SYSTEM OF COOPERATION

*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 presentation made by the Office of the Union at the ninetieth session of the Consultative Committee.

[Annex follows]

CC/90/10 Add.

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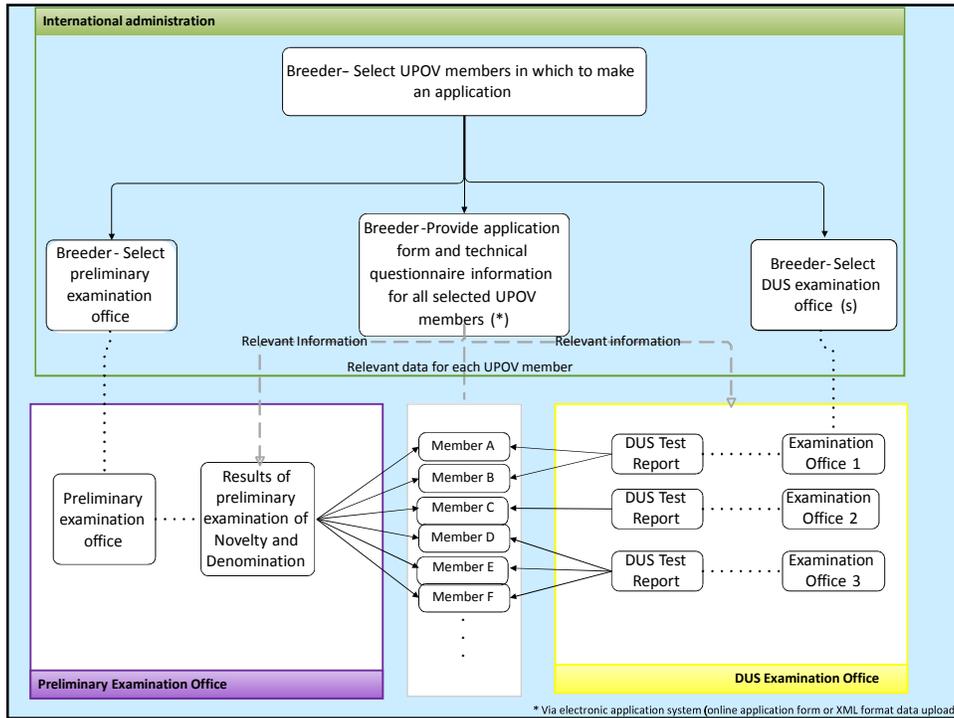
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### **CONSULTATIVE COMMITTEE (MARCH 2015)**

- more time needed to discuss the issues raised
- consider further at ninetieth session
- more information about the need for an international system
- business analysis and cost estimate based on the scheme provided in document CC/89/6, Annex I



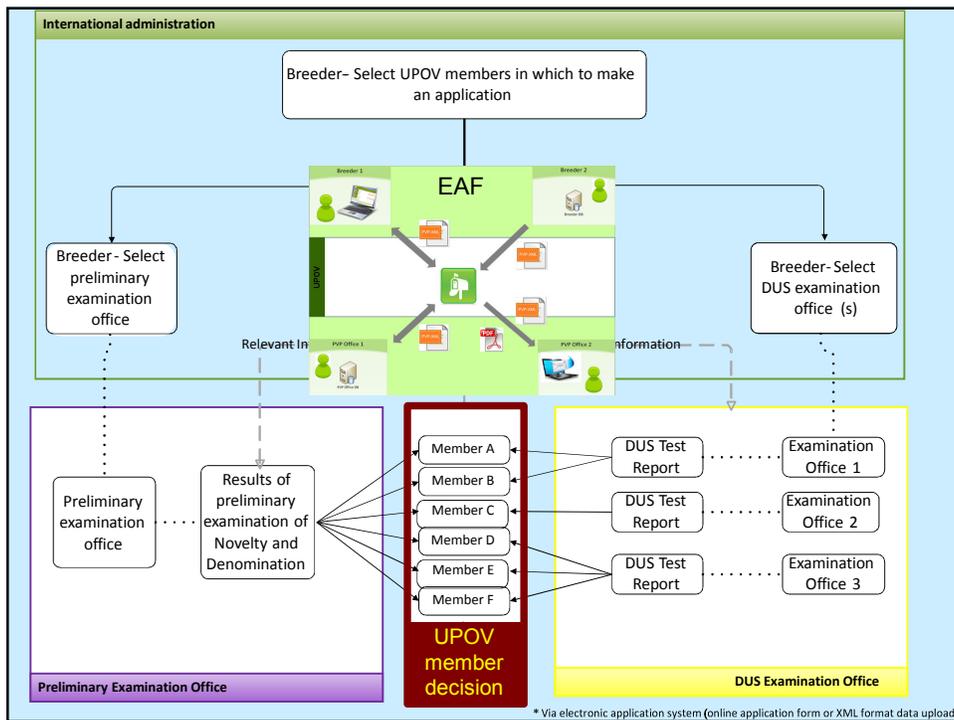
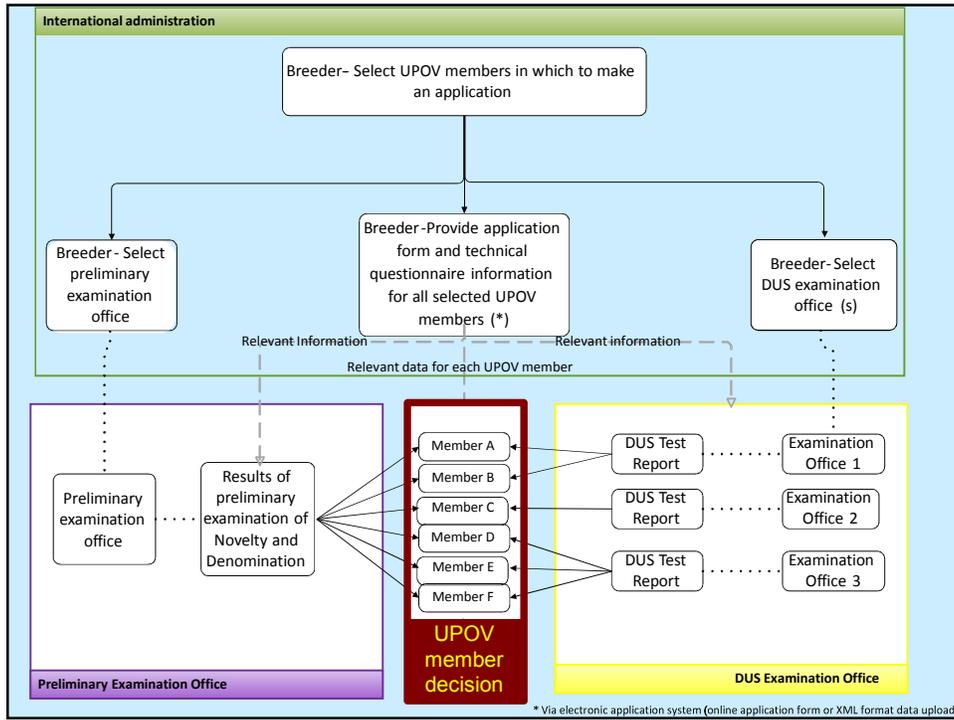
## POSSIBLE CONCERNS

- “Sovereignty”
- Representation of different types of breeders
- Number of applications
- Economic viability for UPOV

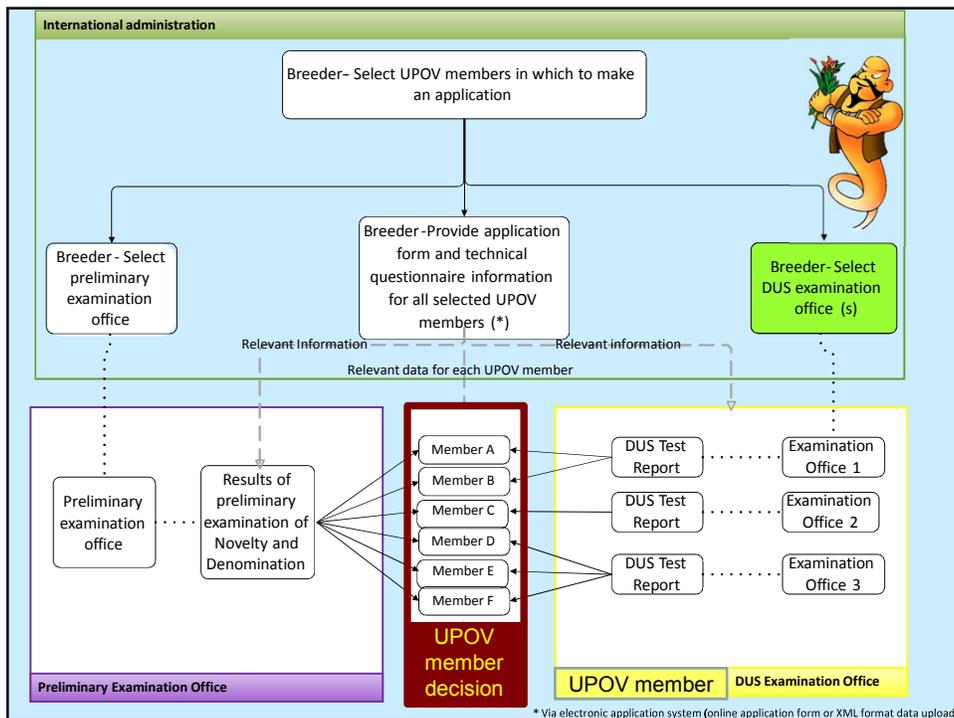
## POSSIBLE CONCERNS

- “Sovereignty”
- Representation of different types of breeders
- Number of applications
- Economic viability for UPOV

		<i>Consideration:</i>
<i>Issue 1</i>	<i>to clarify that the an ISC would not affect the responsibility of the members of the Union in relation to the grant and protection of breeders' rights.</i>	CC
<i>Issue 2</i>	<i>to clarify that it would be a matter for each member of the Union to decide whether to participate in an ISC and, if appropriate, what measures it would need to take in order to participate.</i>	CC



		Consideration:
Issue 21	To consider the <i>EAS Project</i> , with an appropriate extension of the remit, as a starting point for the international service to be provided by an ISC in relation to: <ul style="list-style-type: none"> <li>a) receiving an application from any receiving UPOV member office or through a UPOV electronic application system;</li> <li>b) application information to be distributed to UPOV members designated by the breeder;</li> <li>c) application in a language of the breeder's choice with automatic translation into languages of relevant UPOV members;</li> <li>d) collection and distribution of fees;</li> <li>e) information on accredited DUS centers; and</li> <li>f) information on [choice of] preliminary examination office(s).</li> </ul>	CC
Issue 29	To consider whether the <i>EAS Project</i> , as funded through the Program and Budget for the 2016/2017 Biennium, should provide the core of the international system of administration.	CC



UPOV INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

HOME > GENIE DATABASE >

**Triticum aestivum L. (TRITI\_AES)**

Names & Denomination Class

Names & Denomination Class | Protection | **DUS Guidance and Cooperation**

UPOV Principal Botanical Name: **Triticum aestivum L.** UPOV Code: **TRITI\_AES**

Other Botanical Names: **Triticum aestivum L. emend. Fiori et Paol.** UPOV Variety Denomination Class: **CLASS 201**

English Common Names: **Wheat**

French Common Names: **Blé**

German Common Names: **Weizen** Family: **Poaceae**

Spanish Common Names: **Trigo**

Triticum aestivum L. (TRITI\_AES)

DUS Guidance and Cooperation

Name & Denomination Class | Protection | **DUS Guidance and Cooperation**

UPOV Principal Botanical Name: **Triticum aestivum L.** UPOV Code: **TRITI\_AES**

Other Botanical Names: **Triticum aestivum L. emend. Fiori et Paol.**

English Common Names: **Wheat**

[UPOV Test Guidelines](#) TGR311 + Corr. Entries between ^ indicate Test Guidelines that cover a lower botanical rank (for example in the case of a genus: there are Test Guidelines that cover a lower botanical rank than the genus). [Drafting Authority](#) None

Cooperation in DUS Examination (key to [abbreviations](#))

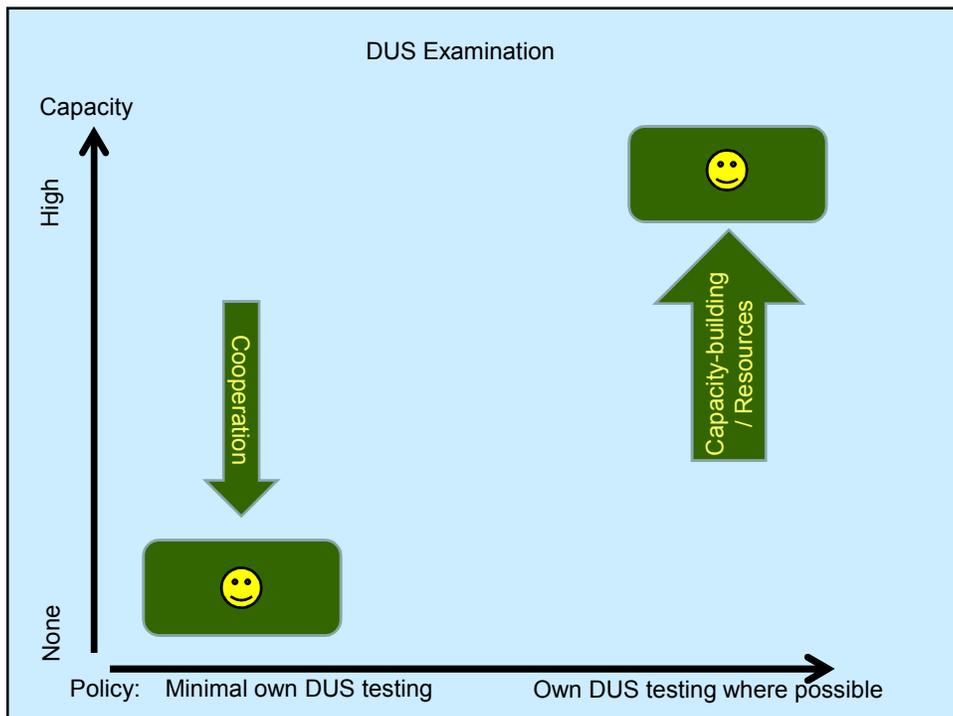
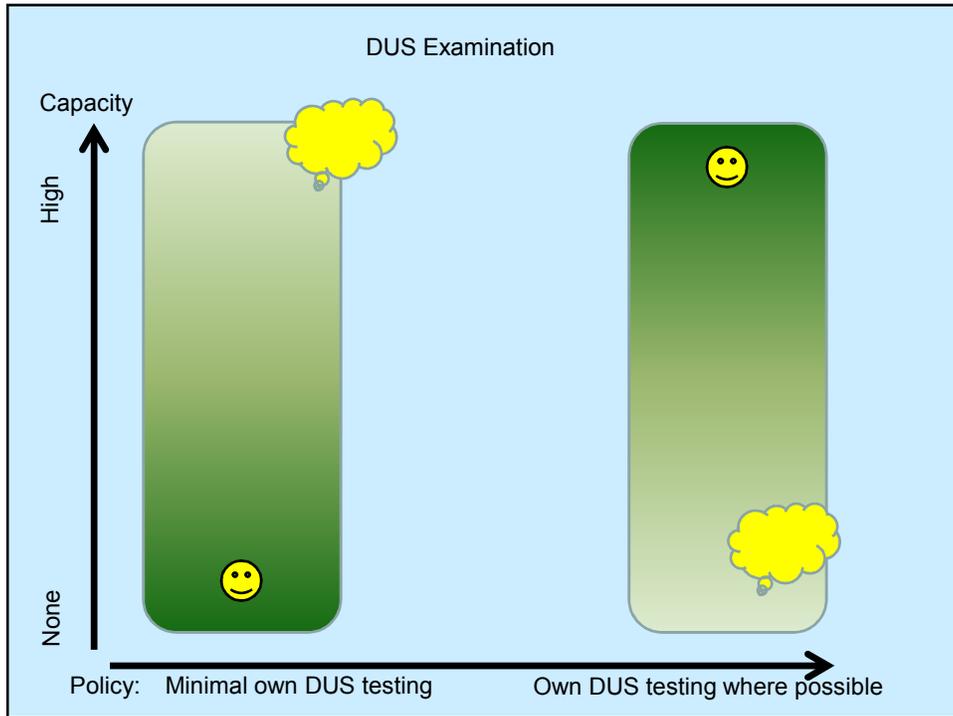
- [Authorities with Practical Experience](#)
- [Agreements for Cooperation in DUS Examination](#)
- [Utilization of Existing DUS Reports](#)

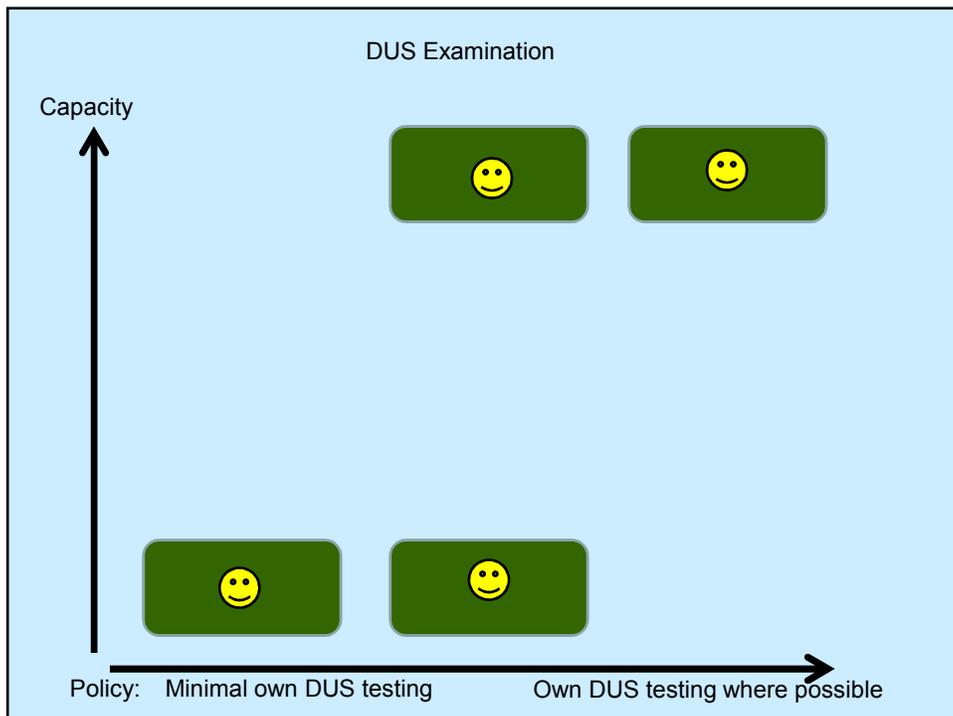
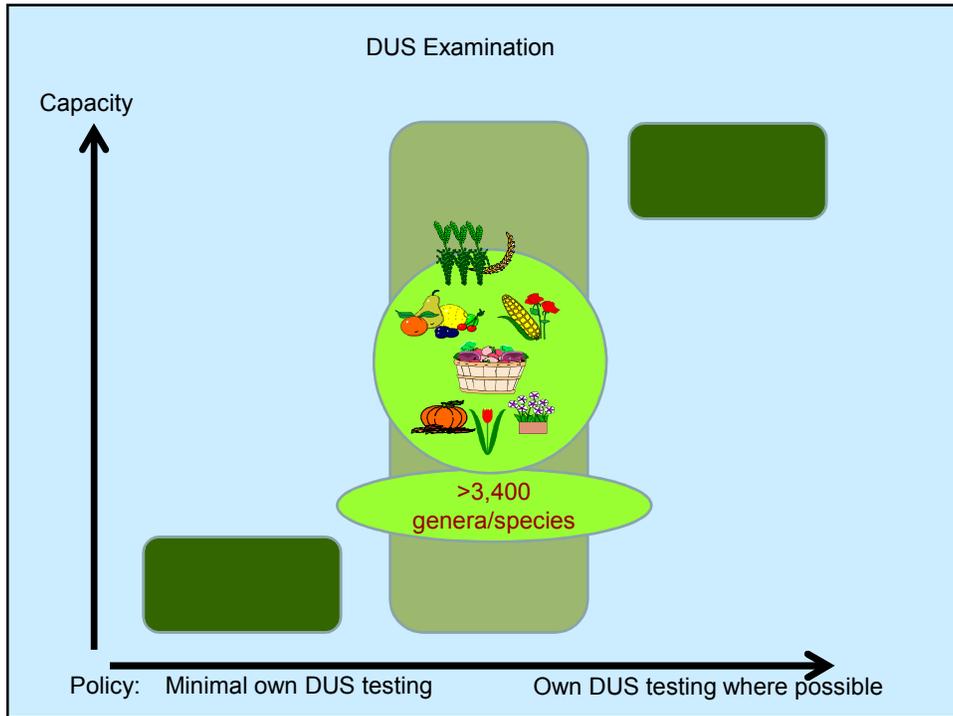
Entries in parentheses indicate experience at the level of a higher botanical rank to which it belongs. Entries between ^ indicate experience at the level of a lower botanical rank (for example in the case of a genus: there is experience at the level of one of the species in the genus). <= in the receiving column indicates that the authority specified in the offering is covered by agreement for a taxon of a higher rank to which it belongs. (Switzerland) DUS tests are not conducted in Switzerland. In cases where a DUS test report is not available.

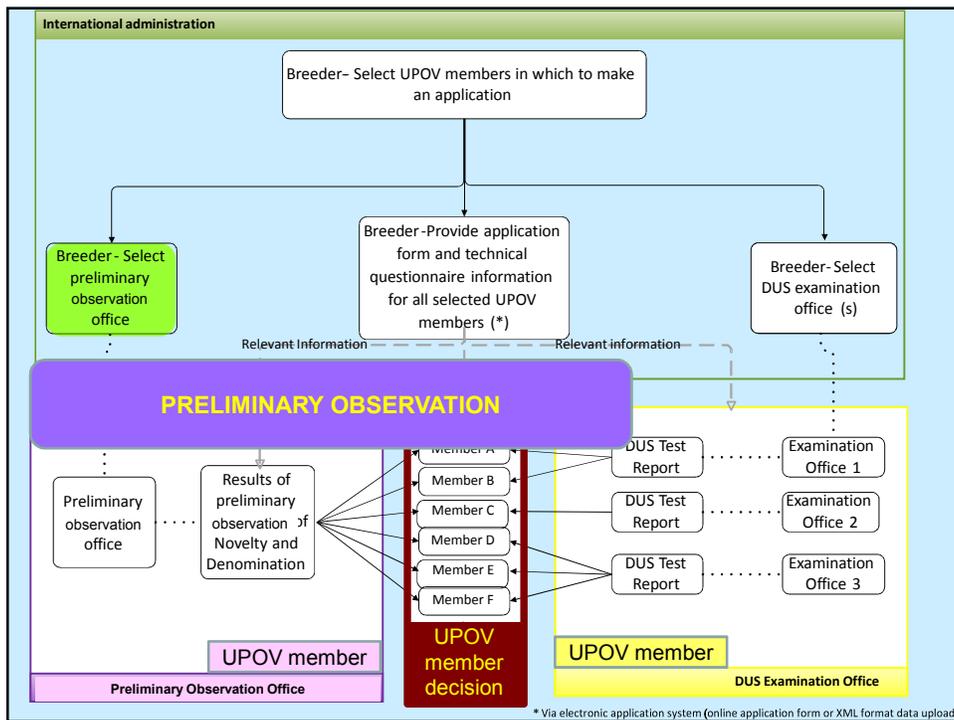
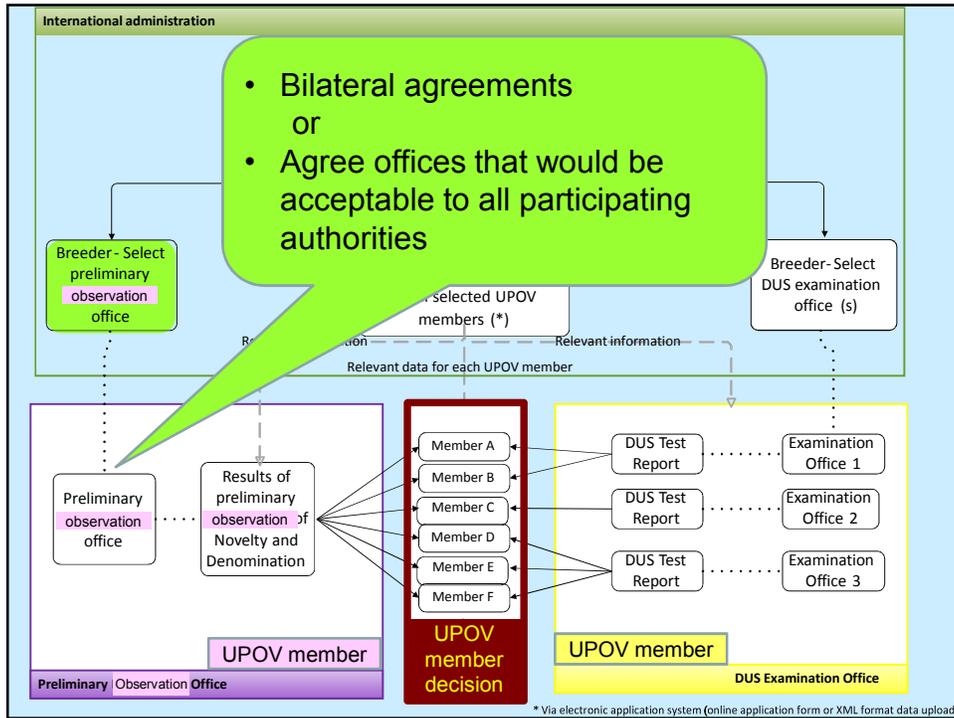
AUTHORITY	NOTES	OFFERING AUTHORITY / EXAMINATION OFFICE	AUTHORITIES RECEIVING EXAMINATION REPORTS	NOTES
<a href="#">Albania</a>				
<a href="#">Argentina</a>				
<a href="#">Austria</a>				
<a href="#">Azerbaijan</a>				
<a href="#">Belgium</a>				
<a href="#">Bolivia (Plurinational State of)</a>				
		(=)	<a href="#">(Switzerland)</a>	(Switzerland) DUS tests are not conducted in Switzerland. In cases where a DUS test report is not available.

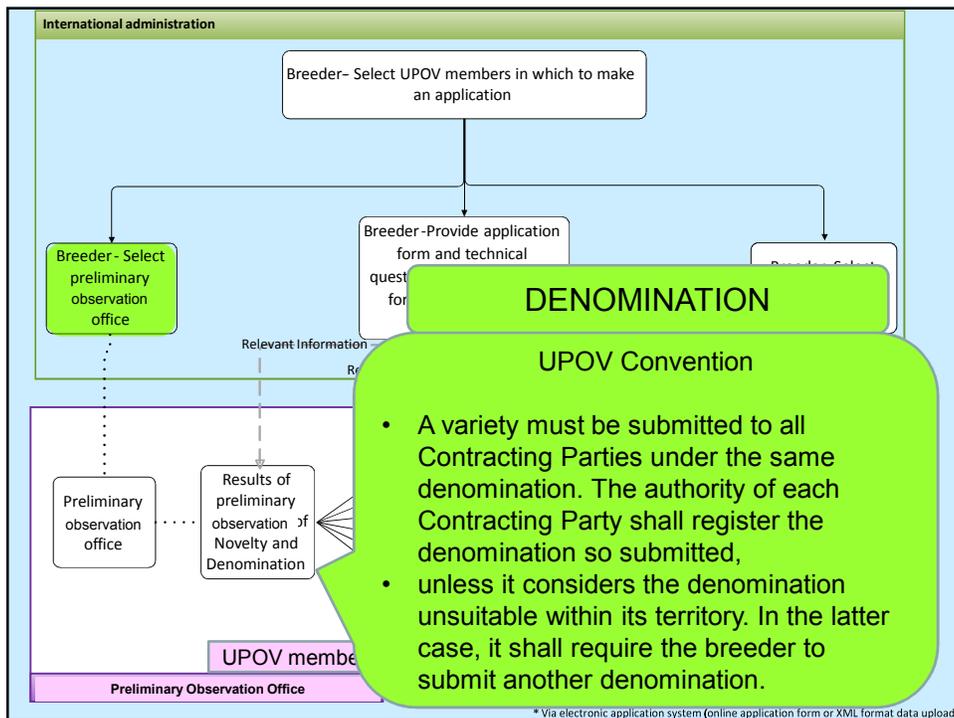
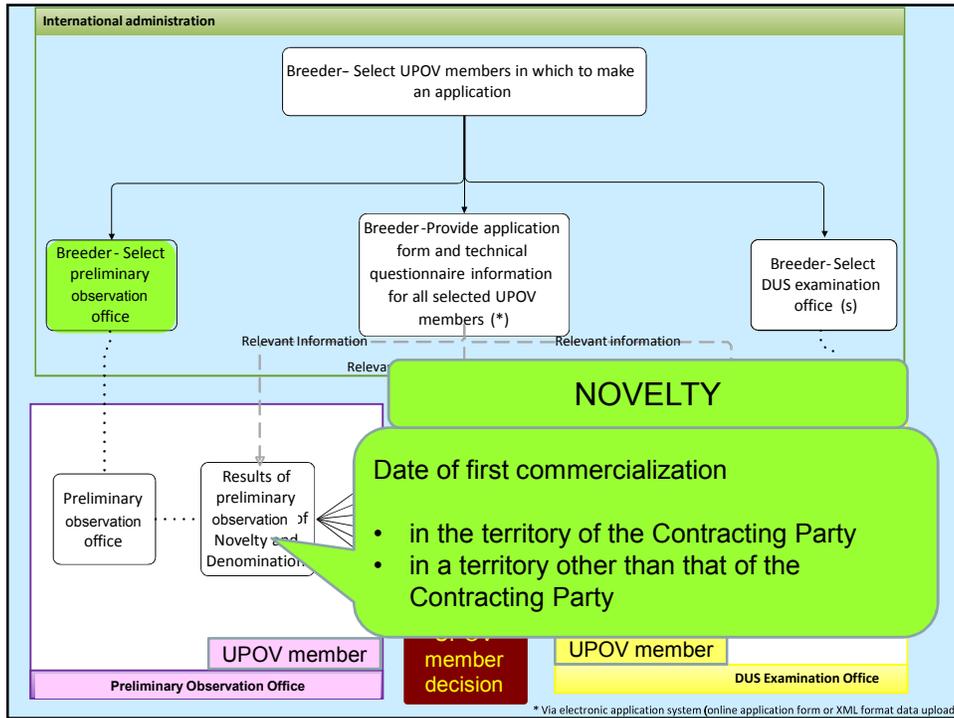
		Consideration:
Issue 4	to clarify that that it would remain a <b>matter for each member of the Union to decide on its arrangements for DUS examination, including cooperation</b> with other members of the Union.	CC
Issue 5	to consider whether (a) an ISC should be expected to result in a <b>single DUS examination</b> being sufficient for all members of the Union for all species, <b>or</b> (b) an ISC <b>should not be expected to result in a single DUS examination being sufficient for all members of the Union</b> for all species, whilst recognizing the benefits of facilitating greater cooperation between members of the Union.	CC
Issue 6	to consider whether arrangements between members of the Union for DUS examination might be integrated in an ISC.	CC
Issue 7	to note that information on <b>arrangements between members of the Union for DUS examination is already included in the GENIE database.</b>	CC

		Consideration:
Issue 8	to consider whether the establishment of an <b>accreditation system</b> , or other means of conveying objective information on DUS examination capacity, might facilitate cooperation in DUS examination and the features of such a system.	<b>ISC WG</b>
Issue 9	to consider <b>other measures</b> that might facilitate cooperation in DUS examination between members of the Union.	<b>ISC WG</b>
Issue 10	to consider how an ISC could be used <b>to support capacity in DUS examination with a view to facilitating cooperation, including the development of capacity that would facilitate cooperation.</b>	<b>ISC WG</b>



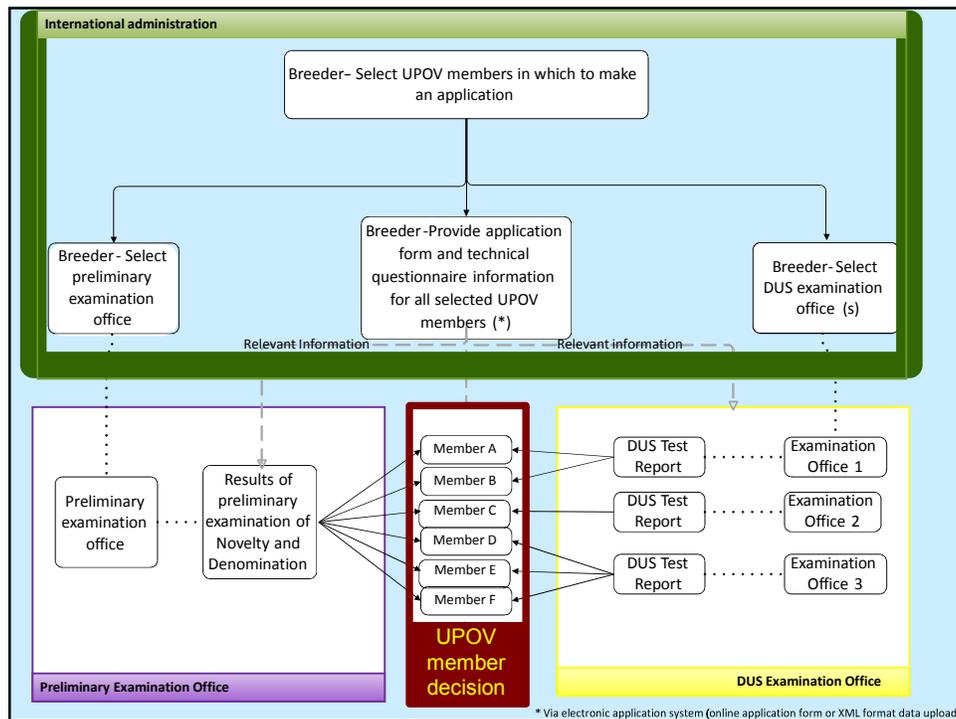






		Consideration:
Issue 12	to clarify that that a preliminary examination should, as far as possible, aim to assess the <b>acceptability of a proposed variety denomination for all members of the Union</b> .	CC
Issue 16	to recall that the <b>UPOV Model Form</b> for the Application for Plant Breeders' Rights (document TGP/5 "Experience and Cooperation in DUS Testing" Section 2), Item 8, provides a <b>request for relevant information concerning novelty</b> .	CC
Issue 17	to recall that the <b>PLUTO database</b> includes an item to allow for information to be provided on dates on which a variety was commercialized for the first time in the territory of application and other territories.	CC
Issue 24	To consider that the examination by members of the Union using the ISC would be <b>resourced by the members of the Union under their current arrangements</b> for examination of applications. However, the collection of <b>fees to cover that work might be organized as a part of the international system of administration of an ISC</b> .	CC
Issue 30	To consider how additional elements to be incorporated in the EAS Project, e.g. the receipt of applications from receiving UPOV member offices, information on accredited DUS centers and information on [choice of] preliminary examination offices, <b>should be funded</b> .	CC

		Consideration:
Issue 11	to consider the <b>basis on which a preliminary examination office(s) would be selected</b> to conduct the preliminary examination.	ISC WG
Issue 13	to consider, in the case that a member of the Union subsequently considered the proposed denomination <b>unsuitable within its territory, the procedure for the breeder to submit another denomination</b> .	ISC WG
Issue 14	to note the value of a <b>UPOV similarity search tool for variety denomination purposes</b> and to consider extending such a tool include words or elements that are considered to be <b>unsuitable by members of the Union</b> .	ISC WG
Issue 15	to consider the need to <b>extend</b> consideration beyond the <b>denominations currently included in the PLUTO database, to other denominations considered by members of the Union</b> .	ISC WG
Issue 25	It would be necessary to agree on a basis for <b>DUS examination fees, probably varying by species</b> .	ISC WG
Issue 26	In the case of <b>preliminary examination office(s)</b> , it would be necessary to agree a <b>basis for a fee, including whether there would be a universal fee for all members of the Union for all species</b> .	ISC WG



### Elements **not** included in preceding scheme:

- maintain and publish all relevant “bibliographic” information concerning PBR applications
- monitor DUS examination
- receive and maintain reports of decisions on granting of PBR
- address objections concerning DUS examination
- maintain standard UPOV variety descriptions, information on varieties of common knowledge
- search for relevant varieties of common knowledge

		Consideration:
Issue 18	to consider, in a first phase, that it might <i>not be appropriate</i> to include the checking of the completeness of the application, preparation for publication and inserting the relevant information about the application in a centralized application database.	CC

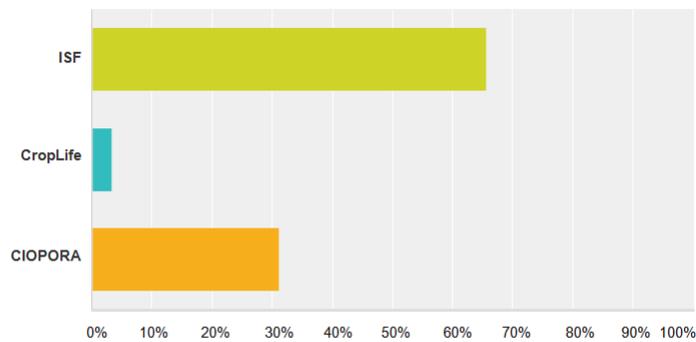
		Consideration:
Issue 22	<p>To consider whether an international service to be provided by an ISC should:</p> <ul style="list-style-type: none"> <li>g) monitor the status of the DUS examination;</li> <li>h) receive and maintain reports of decisions on granting of PBR;</li> <li>i) address objections to the conduct of the DUS examination;</li> <li>j) maintain and provide relevant "genographic" information concerning applications;</li> <li>k) maintain standard UPOV variety definitions, information on varieties of common knowledge included in the DUS examination, status and composition of any propagating material provided by breeder and information relating to parental lines of hybrids (to be maintained as confidential); and</li> <li>l) include a search for relevant varieties of common knowledge against which the application variety may be compared, or, whether such information should be monitored and maintained by members of the Union and made available at a general level via the PLUTO database.</li> </ul>	CC

## POSSIBLE CONCERNS

- “Sovereignty”
- Representation of different types of breeders
- Number of applications
- Economic viability for UPOV

### (a) From which organization did you receive the survey?

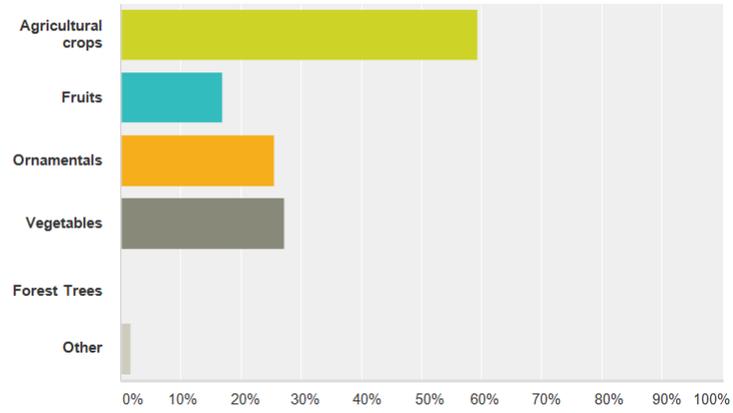
Responded: 61 Ignored: 2



Response options	Responses
ISF	65,57% 40
CropLife	3,28% 2
CIOPORA	31,15% 19
<b>Total</b>	<b>61</b>

(c) Type of crops/species in which you are breeding

Responded: 59 Ignored: 4



Responses from 21 countries



Argentina
Australia
Belgium
Brazil
Cyprus
Denmark
France
Germany
India
Iran (Islamic Republic of)
Israel
Italy
Mexico
Netherlands
New Zealand
Poland
South Africa
Spain
Turkey
United Kingdom
United States of America
Global

(d) Number of PBR applications made (2014)

0	5
1-9	20
10-25	12
26-49	4
50-99	5
100-199	3
>200	4
<b>Total</b>	<b>53</b>

(e) UPOV members in which PBR applications made (2014)

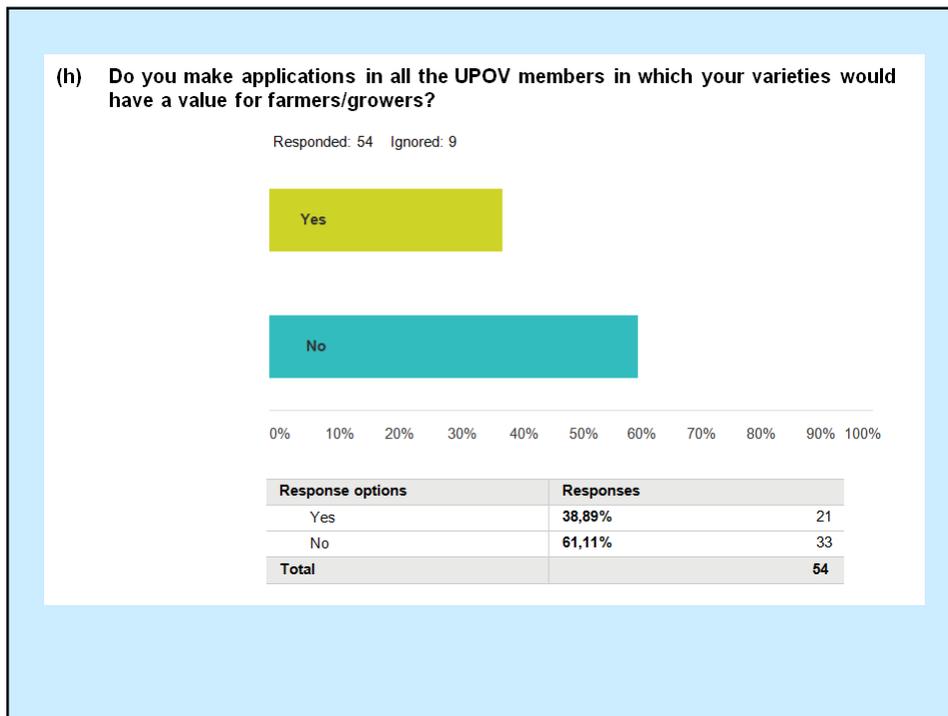
0	6
1	11
2	4
3-5	10
6-10	14
>10	2
<b>Total</b>	<b>47</b>

(Several respondents did not list the UPOV members, but the following were specifically mentioned: Argentina, Australia, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Ecuador, European Union, France, Germany, Hungary, Israel, Italy, Japan, Kenya, Mexico, Morocco, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Republic of Korea, Romania, Russian Federation, Serbia, South Africa, Spain, Switzerland, Turkey, Ukraine, United Kingdom, United States of America, Viet Nam)

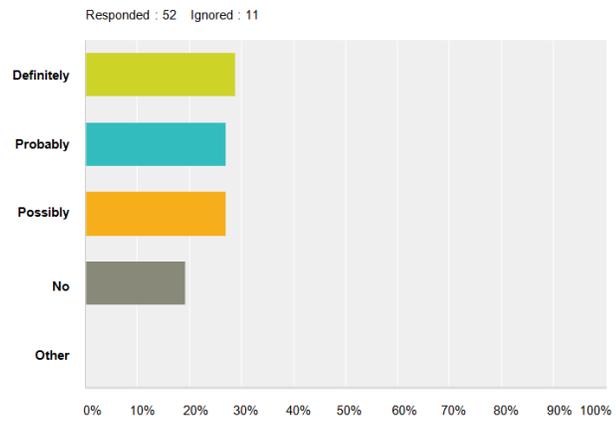
## POSSIBLE CONCERNS

- “Sovereignty”
- Representation of different types of breeders
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- Economic viability for UPOV

		<i>Consideration:</i>
<i>Issue 20</i>	<i>to clarify that, in addition to an "ISC fee", there would be fees for DUS examination and fees for individual members of the Union.</i>	CC

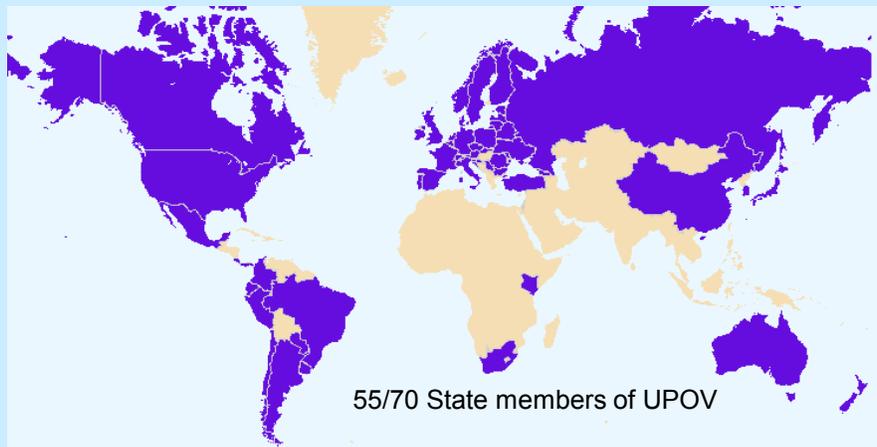


(j) Would a system that made it easier to file applications in other territories result in your making more applications?



Response options	Responses
Definitely	28,85% 15
Probably	26,92% 14
Possibly	26,92% 14
No	19,23% 10
Other	0% 0

Nationals making Non-Resident Applications in UPOV Members (2013/14)



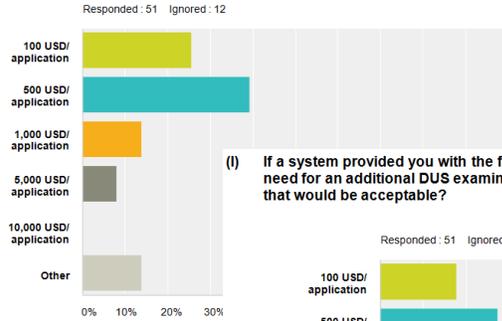
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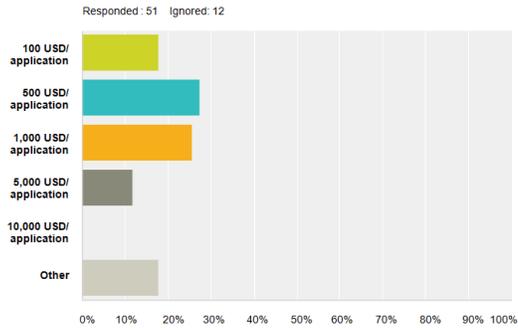
(f) **Number of varieties for which applications were made in more than 1 UPOV member (2014)**

0	14
1-9	18
10-25	8
26-49	5
50-99	0
100-199	1
>200	1
<b>Total</b>	<b>47</b>

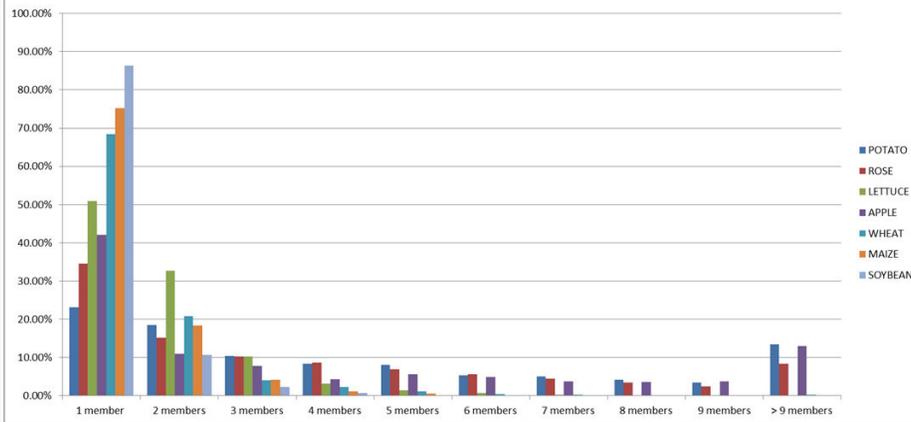
(k) If a system provided you with a single system to: view an application form of a country/organization in the language of your choice; complete a form online/upload data from your database; and re-use existing data for subsequent applications, what is the maximum cost per application that would be viable?

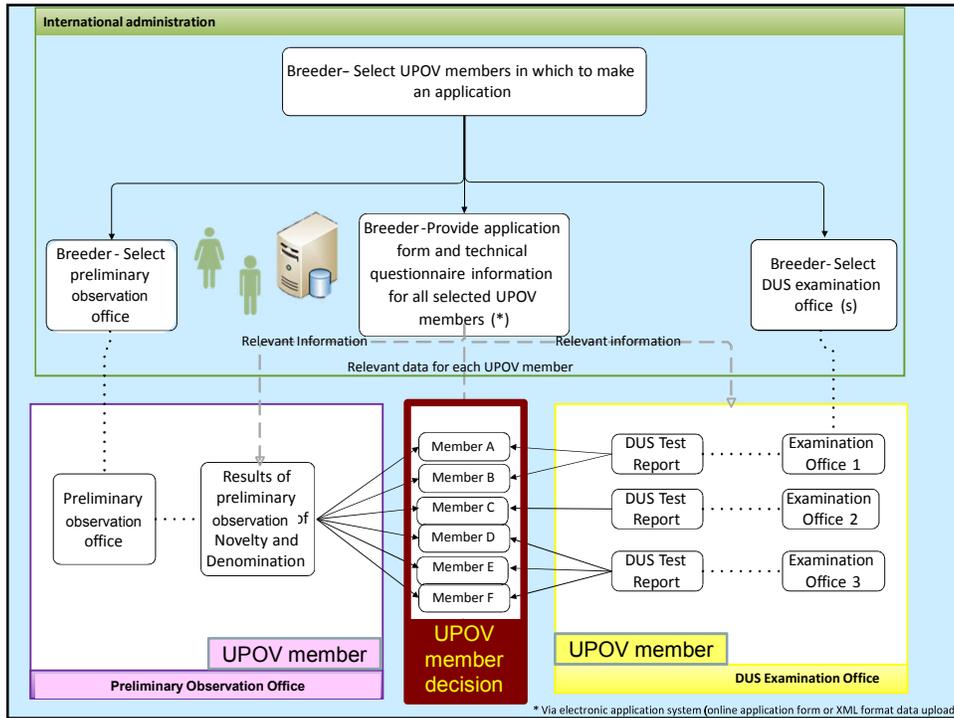


(l) If a system provided you with the facilities in the preceding question and avoided the need for an additional DUS examination, what is the maximum cost per application that would be acceptable?



PERCENTAGE OF APPLICATIONS CONCERNING THE SAME VARIETY





		Consideration:
Issue 27	To note that the extent of resources for an ISC would be determined by the <i>extent of the international system of administration.</i>	CC
Issue 28	To consider whether the development and maintenance of an ISC should be <i>fully financed by income from fees paid by breeders.</i>	CC

## Possible UPOV costs<sup>1</sup>

- Initial costs (estimated):

	Cost (CHF)
IT Infrastructure (one-off)	220,000
New PVP Offices / new crops/species	to be covered by running costs

- Direct running costs (estimated/annum):

	Cost (CHF)
IT Officer	150,000
Administrative assistant <sup>2</sup>	90,000
<b>TOTAL</b>	<b>240,000</b>

1. If built on EAF, GENIE, PLUTO
2. Based on agency worker in first instance

## Possible UPOV costs

- Direct running costs (estimated/annum):

	Cost (CHF)
IT Officer	150,000
Administrative assistant <sup>2</sup>	90,000
<b>TOTAL</b>	<b>240,000</b>

- Number of applications/transactions required:

$$\text{CHF}240,000 / 500 = \mathbf{480}$$

(Number of applications in UPOV in 2013: **14,788**)

