



CC/90/15

ORIGINAL: English

DATE: October 5, 2015

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

CONSULTATIVE COMMITTEE

Ninetieth Session Geneva, October 28, 2015

DEVELOPMENTS OF RELEVANCE TO UPOV IN OTHER INTERNATIONAL FORA

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

1. This document reports on developments of relevance to UPOV in other international fora since the eighty-ninth session of the Consultative Committee, held in Geneva on March 27, 2015, as follows:

I.	EAST ASIA PLANT VARIETY PROTECTION FORUM (EAPVP FORUM)	2
II.	DEVELOPMENTS UNDER THE AUSPICES OF THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD).....	2
	Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the Convention on Biological Diversity (Nagoya Protocol)	2
III.	ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)	2
	Molecular techniques	2
	Policy Forum	3
IV.	DEVELOPMENTS UNDER THE AUSPICES OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)	3
	International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)	3
V.	WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO).....	3
VI.	WORLD TRADE ORGANIZATION (WTO)	4
	Council for TRIPS (Trade-Related Aspects of Intellectual Property Rights)	4
	<i>Meeting of the Council for TRIPS of June 9 and 10, 2015</i>	4
	<i>Future meetings</i>	4
VII.	EXPO 2015	5
VIII.	WORLD SEED PROJECT (WSP)	5

I. EAST ASIA PLANT VARIETY PROTECTION FORUM (EAPVP FORUM)

2. The background to the East Asia Plant Variety Protection Forum (EAPVP Forum) is provided in document CC/84/9 Rev. "Developments of Relevance to UPOV in Other International Fora", paragraphs 7 to 9.

3. The Office of the Union participated in the Eighth EAPVP Forum Meeting, held in Seoul, Republic of Korea, on September 2, 2015, and made a presentation on "Developments in UPOV". In conjunction with the Eighth EAPVP Forum Meeting, the Office of the Union made a presentation on "UPOV mission for enhancing the effectiveness of the PVP System" at the "Symposium on Plant Variety Protection 'Application procedure from foreign countries'", held on September 3, 2015, also in Seoul.

4. Each of the EAPVP Forum countries submitted activity proposals and adopted the document "Priorities for Activities to be implemented under the East Asia Plant Variety Protection Forum Cooperation Network (2015-2016)" as a common basis for the proposals. The following priorities were identified in the document:

- Priority 1: In-country training activities (Training organized by host country)
- Priority 2: Harmonization of test guidelines and other tools for examination in the region
- Priority 3: Information sharing including through the Forum Website
- Priority 4: Awareness raising for key person in decision making (Seminars, Workshops)
- Priority 5: Support for PVP law development and other activity to assist accession to UPOV

In relation to "Priority 5: Support for PVP law development and other activity to assist accession to UPOV", the following points were included:

- Activities related to PVP law development will in principle be implemented by UPOV
- Official request to UPOV will be required

The document will be available at <http://www.eapvp.org/>.

5. The Ninth EAPVP Forum Meeting is planned to be held in Viet Nam in 2016. The Office of the Union plans to attend that meeting.

II. DEVELOPMENTS UNDER THE AUSPICES OF THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the Convention on Biological Diversity (Nagoya Protocol)

6. The second Meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing (COP-MOP/2) will be held in Cancún, Mexico, from December 4 to 7, 2016.

III. ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

Molecular techniques

7. The Annual Meeting of the OECD Schemes for the Varietal Certification of Seed Moving in International Trade (OECD Seed Schemes), held in Paris, on June 3 and 4, 2015, received the following report from UPOV on the latest developments with regard to molecular techniques:

"The Technical Committee (TC), at its fifty-first session, held in Geneva, from March 23 to 25, 2015, agreed to develop a joint document explaining the principal features of the systems of OECD, UPOV and ISTA (e.g. DUS, variety identification, variety purity, etc.), subject to the approval of the Council and in coordination with OECD and ISTA.

"The TC agreed to develop an inventory on the use of molecular marker techniques, by crop, with a view to developing a joint OECD/UPOV/ISTA document containing that information, [...] and in coordination with

OECD and ISTA. The CAJ agreed that it would be necessary to establish criteria and a process for information to be added to the document.

“The TC agreed that the BMT, at its fifteenth session, to take place in Moscow, Russian Federation, in May 2016, should develop lists of possible joint initiatives with OECD and ISTA in relation to molecular techniques.”

8. The Annual Meeting of the OECD Seed Schemes agreed to organize a OECD/UPOV/ISTA/AOSA joint workshop on the use of molecular markers. The joint workshop would be organized back-to-back with the Annual Meeting in 2016. The agenda for the joint workshop would be discussed during the meeting of the Technical Working Group of the OECD Seed Schemes, to be held in January 2016.

Policy Forum

9. On June 5, 2015, the OECD Seed Schemes held a Policy Forum organized in cooperation with the OECD Committee on Agriculture (COAG). The Policy Forum was opened by Mr. Henk Riphagen (Netherlands), President of the COAG. The stated primary goals of the Policy Forum were to (see document TAD/CA/S/A(2015)4/REV1 “Revised Draft Agenda of the OECD Agricultural Committee & Seed Schemes Policy Forum: Bridging the gap between seed regulatory policies & agricultural policies”):

- “Improve the understanding and interaction between the Part II Technical Committee on the OECD Seed Schemes and the Committee for Agriculture;
- “Increase awareness amongst policy makers of the complexity of seed policy;
- “Identify effective mechanisms by which the flow of information between the technical committee and agricultural policy makers can be improved;
- “Clarify the role of national seed policies in the context of harmonised global standards; and,
- “Identify new challenges facing the sector.”

10. A copy of the Revised Draft Agenda of the OECD Agricultural Committee & Seed Schemes Policy Forum is provided as an Annex to this document (in English only).

11. During the question and answer session, the Office of the Union recalled that the OECD had made a number of references to plant variety protection in recent years, notably in the OECD Seed Schemes document “Synthesis of International Regulatory Aspects that Affect Seed Trade” and in the OECD Trade and Agriculture Directorate Committee for Agriculture paper on “Growing Places: an Empirical Assessment of the Economic Influence of Plant Variety Protection in the TRIPS Era”. On that basis, the Office of the Union suggested that the COAG might wish to invite UPOV to provide it with an overview of the UPOV system. Mr. Riphagen welcomed the suggestion.

IV. DEVELOPMENTS UNDER THE AUSPICES OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

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

12. Matters concerning the ITPGRFA are considered under agenda item “Interrelation with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)” (see document CC/90/11).

V. WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

13. The Fifty-Fifth Series of Meetings of the Assemblies of the Member States of WIPO will be held in Geneva, from October 5 to 14, 2015. Document WO/GA/47/12 “Matters Concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)” is available from the WIPO website at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=307937.

14. In the context of the Post 2015 Development Agenda, WIPO approached the Office of the Union to contribute to an infographic on the role of intellectual property in relation to the Sustainable Development Goal 2 “End hunger, achieve food security and improved nutrition and promote sustainable agriculture.” The

Office of the Union is planning to contribute by providing information from the UPOV Report on the Impact of Plant Variety Protection.

VI. WORLD TRADE ORGANIZATION (WTO)

Council for TRIPS (Trade-Related Aspects of Intellectual Property Rights)

15. The background to this item is provided in documents CC/84/9 Rev. and CC/85/9 both entitled “Developments of relevance to UPOV in other international fora”, paragraphs 58 to 60 and paragraphs 30 and 31, respectively.

Meeting of the Council for TRIPS of June 9 and 10, 2015

16. The Council for TRIPS met on June 9 and 10, 2015.

17. The meeting was opened by Ambassador H.E. Mr. Al-Otaibi (Saudi Arabia), Chair of the Council for TRIPS. The minutes of the meeting are contained in document IP/C/M/79 of June 11, 2015. The statements made during the meeting will be provided in an addendum to document IP/C/M/79 (document IP/C/M/79/Add.1 of September 2, 2015), which will become available on the WTO website at: <http://docsonline.wto.org/?language=1>.

18. The Council for TRIPS dealt with the agenda items “Review of the Provisions of Article 27.3(b)”, “Relationship between the TRIPS Agreement and the Convention on Biological Diversity” and “Protection of Traditional Knowledge and Folklore” simultaneously. The Council for TRIPS did not receive any new submissions in relation to these agenda items.

19. Regarding the proposal that the WTO Secretariat be requested to update the factual notes that summarized the points that delegations had made in the Council’s for TRIPS past discussions under those agenda items and the proposal that the CBD Secretariat be invited to brief the Council for TRIPS on the Nagoya Protocol, the Chair of the Council for TRIPS noted that the Council for TRIPS had already devoted considerable time to those proposals in virtually every meeting over the last couple of years. He therefore indicated his readiness to facilitate the process with a view to reaching a decision at the Council for TRIPS next meeting that would provide for a definitive solution.

20. The Chair of the Council for TRIPS also urged WTO Members to provide responses to, or update, their initial responses to the illustrative list of questions on Article 27.3(b) of the TRIPS Agreement and to notify or report on any relevant mechanisms to protect genetic resources and traditional knowledge.

21. The Council for TRIPS took note of the statements made and agreed to revert to them at its next meeting.

Future meetings

22. The next meeting of the Council for TRIPS, which the Office of the Union plans to attend, is scheduled to take place on October 15 and 16, 2015.

23. The Council for TRIPS October meeting will have a special focus on technical cooperation. The Council for TRIPS agreed to invite WTO members and intergovernmental organization observers to the Council for TRIPS, including UPOV, to provide information on their technical cooperation activities relevant to the implementation of the TRIPS Agreement by September 23, 2015 (letter of July 3, 2015 with reference It15-05-UPOV tech co-op).

24. As in previous years, the Office of the Union intends to prepare a contribution with relevant extracts from documents C/49/2 “Annual report of the Secretary-General for 2014” and C/49/3 “Report on activities during the first nine months of 2015”. The document containing the submission of UPOV, which will be entitled “Technical cooperation activities: information from other intergovernmental organizations – International Union for the Protection of New Varieties of Plants”, will become available at the following address of the WTO website: <http://docsonline.wto.org/?language=1>.

VII. EXPO 2015

25. On July 14, 2015, the Office of the Union participated in a conference at the Expo Milano 2015 on “Climate change and food security: challenges for plant health, plant breeding and genetic resources”, organized by the European Commission’s Directorate General Health and Food Safety. The Office of the Union made a presentation on protection of innovations in the plant breeding sector.

26. The City of Geneva and the Perception Change Project (PCP) of the United Nations Office in Geneva invited UPOV and other organizations based in Geneva to participate in the “International Geneva Food Talks” event, which took place on September 19, 2015, at the Swiss Pavilion at the Expo Milano 2015. The aim of the event was to explain to the general public the role of international organizations based in Geneva in relation to food.

27. On October 15, 2015, at the Expo Milano 2015, the Office of the Union will participate in a conference on “Seeds, the solution to current and future food challenges”, organized by *Groupement National Interprofessionnel des Semences et plants* (GNIS), and make a presentation on “The Interest of Plant Breeders’ Rights”.

VIII. WORLD SEED PROJECT (WSP)

28. The Second World Seed Conference, held in Rome from September 8 to 10, 2009, was jointly organized by UPOV, the Food and Agriculture Organization of the United Nations (FAO), the Organisation for Economic Co-operation and Development (OECD), the International Seed Federation (ISF) and the International Seed Testing Association (ISTA). At its seventy-eighth session, held in Geneva on October 21, 2009, the Consultative Committee noted that one of the suggestions at the Conference for a “follow-up” action had been for the five organizations to initiate a project in a group of model countries with a view to developing an enabling environment to encourage plant breeding and the production and distribution of high-quality seed for the benefit of farmers. The Consultative Committee agreed that the Office of the Union should participate in discussions to pursue such a project (see document CC/78/15 “Report”, paragraph 18), which has the title “World Seed Project: Strengthening the Seed Sector in Developing Countries” (see document CC/84/9 Rev. “Developments of relevance to UPOV in other international fora”, paragraph 2).

29. At its eightieth session (see document CC/80/7 Corr., paragraphs 11 to 18), held in Geneva on October 20, 2010, the Consultative Committee was informed that the aim of the five organizations was to complete the project outline and then approach potential sponsors for financial support for the implementation of the project in the selected countries. Specific project proposals would then be developed according to the needs of the selected countries and the sponsors, within the framework established in the project outline. With regard to completing the project outline and approaching potential sponsors for financial support for the implementation of the project in selected countries, it was agreed by the five organizations that a “Concept document” should be produced as a basis for approaching project countries and sponsors. The draft Concept document was circulated and approved by the Consultative Committee by correspondence by means of Circular E-1459 of January 17, 2011 (see document CC/84/9 Rev. “Developments of relevance to UPOV in other international fora”, paragraph 3).

30. The Consultative Committee, at its eighty-third session, held in Geneva on March 30, 2012, noted that the development of the World Seed Project (WSP) was supported by the Minister for Agriculture, Food Security and Cooperatives, in the United Republic of Tanzania, and the Minister for Food and Agriculture, in Ghana. It further noted that discussions between the WSP Steering Committee and the relevant officials in those States were underway in order to define the scope of the project and that initial contacts had also been made with some potential donors for the funding of the project in those States. The Consultative Committee was also informed that the WSP Steering Committee had also contacted Senegal (see document CC/83/7 “Report on the Conclusions”, paragraph 39, and document CC/84/9 Rev. “Developments of relevance to UPOV in other international fora”, paragraph 4).

31. On June 20, 2013, at FAO headquarters in Rome, the WSP Steering Committee held a meeting with potential resource partners. The meeting was attended by His Excellency, Mr. Kofi Humado Clement, Minister for Food and Agriculture, Ghana, and His Excellency, Mr. Chiza Christopher, Minister for Agriculture, Food Security and Cooperatives, United Republic of Tanzania, who both re-confirmed their support for the WSP in their respective countries. With regard to potential donors, the meeting was attended by representatives from the European Commission and the Ministry of Economic Affairs, Netherlands. Possible

avenues for resourcing the WSP were discussed and are being pursued (see document CC/86/10 "Developments of relevance to UPOV in other international fora", paragraph 3).

32. Since the meeting held on June 20, 2013, at FAO headquarters in Rome, the WSP Steering Committee has been advised by potential resource partners that the funding of such a project should be initiated at the country level. This was communicated to the Ministries of the United Republic of Tanzania and Ghana in order for them to initiate that process.

33. At its meeting on May 26, 2015, the WSP Steering Committee agreed that the lack of progress in obtaining funding for the WSP in Ghana and the United Republic of Tanzania demonstrated that a review of the way forward was needed. It agreed to make that review at its subsequent meeting.

34. At its meeting on September 15, 2015, the Steering Committee agreed that the WSP should:

(a) establish that the unique feature of the WSP is to focus on the development of an effective regulatory framework for the seed sector;

(b) provide a single point of reference ("one-stop-shop") for information on the different systems and schemes, in a coherent manner, which would act as a resource for agencies working in the development of the seed sector;

(c) create a website platform where key information would be available on each organization and on activities done separately and together (e.g. training courses, seminars, workshops etc.);

(d) develop a mission statement;

(e) develop a workshop package for presentations of the different systems and schemes;

(f) encourage the WSP members' organizations to raise awareness, in their respective organizations, of the role of the other organizations for putting in place an effective regulatory framework in the seed sector; and

(g) consider changing the name of the "WSP", to remove reference to "project".

35. *The Consultative Committee is invited to:*

(a) *note the developments of relevance to UPOV in other international fora reported in this document; and*

(b) *note the developments concerning the World Seed Project (WSP) and endorse the new focus of the WSP, as set out in paragraph 34.*

[Annex follows]

REVISED DRAFT AGENDA OF THE
OECD AGRICULTURAL COMMITTEE & SEED SCHEMES POLICY FORUM:
BRIDGING THE GAP BETWEEN SEED REGULATORY POLICIES & AGRICULTURAL POLICIES

(Document TAD/CA/S/A(2015)4/REV1)

Session I: 9:00-10:30

Chair: Mr. Peter Johnston (NZ)

1. Opening remarks by the Chair & Secretariat
2. An overview of the work of OECD Committee for Agriculture
 - Mr. Henk Riphagen, Chair of the CoAg. (15min)
3. A summary of the regulatory & technical work of the OECD Seed Schemes Committee
 - Mr. Pier Giacomo Bianchi, Chair of the Seed Schemes. (15 min)
4. Thematic paper: The Role of Seed Policy in the context of Agricultural Policy
 - Dr. Tom Osborn (20 min).
5. Open question & answer period (30 min).

Coffee break 10:30—11:00

Session II: Panel discussion 11:00–12:30

The panel discussion will be chaired by a Moderator with six panel members representing the CoAg and the Seed Schemes. The Moderator will introduce this session and identify three key questions that each panel member will be invited to address. Each panel member will have 7-8 minutes to share their views on each question. This will be followed by a general question and answer period.

1. Panel discussion:

Moderator: Mr. Jonathan Brooks, HoD, TAD/ATM

Opening remarks

Panellists: Mr. Willi Schulz-Greve (EU)
Ms. Jennie Solving (Sweden)
Mr. Steve Neff, (USA)
Mr. Michael Scheffel (Canada)
Mr. Eddie Goldschagg (SA)
Dr. Lindsay Cook (Australia)

2. General question & answer period (30 min)
3. Moderator: Wrap up of the discussions; outcome, conclusions and next steps.