

Consultative Committee**CC/93/8****Ninety-Third Session
Geneva, April 6, 2017****Original:** English
Date: March 17, 2017

ELECTRONIC APPLICATION FORM*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. The purpose of this document is to present a proposal with regard to the charge to be applied for use of the Electronic Application Form (EAF), in an initial period, in order to encourage the use of the EAF.
2. The Consultative Committee is invited to:
 - (a) consider recommending to the Council to allow the Office of the Union to have flexibility in the charge to be made for use of the EAF in 2017, including the possibility to offer the EAF without charge for a certain period;
 - (b) request the Office of the Union to report to the Consultative Committee, at its ninety-fourth session, on the measures taken in 2017 and seek approval on the pricing policy for the 2018-2019 Biennium in accordance with its consideration of the draft Program and Budget for the 2018-2019 Biennium.

BACKGROUND

3. At its fiftieth ordinary session, held in Geneva on October 28, 2016, the Council approved the launch of the EAF in January 2017 for rose, soya bean, lettuce, apple fruit varieties and potato, as set out in document C/50/17 "Report by the Vice-President on the work of the ninety-second session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee", paragraphs 40 to 47.
4. Document C/50/17, paragraph 40(h), stated that the EAF charge per application data submission would be as follows:
 - CHF 150 / submitted application in 2017/2018;
 - CHF 250 / submitted application from 2019.
5. In accordance with the decision of the Council at its fiftieth ordinary session (see document C/50/17, paragraph 47), the EAF was launched on January 16, 2017 for rose, soya bean, lettuce, apple fruit varieties and potato.

6. The 12 participating members of the Union were: Argentina; Australia; Chile; France; Kenya; Netherlands; New Zealand; Norway; Switzerland; Tunisia; United States of America; and Uruguay (see map below).



The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory

USE OF THE EAF

7. The use of the system has been substantially lower than expected in the first weeks since its launch. After consultation with PVP Offices and potential users, the low use has been attributed to inertia of users in the adoption of new technological tools and the lower than anticipated geographical coverage of the EAF. These elements are considered further below.

8. The Office of the Union has been advised by PVP Offices and other organizations, including the World Intellectual Property Organization (WIPO), that it is very common to experience reluctance to adopt new technological processes. In the case of the EAF, the Office of the Union worked closely with potential users to ensure that the system developed is user-friendly and was familiar to the potential users to minimize such reluctance; however, it is apparent that there is a significant inertia to use the EAF, even by those breeders involved in its development.

9. The projections for the use of the EAF were based on 26 members of the Union participating in the launch of the EAF in January 2017 (see document CC/91/4 “Electronic Application Form”, paragraph 47). However, as indicated in paragraph 6 above, the actual number of members of the Union participating in the launch was only 12. The 14 members of the Union that did not participate in the launch, and other members of the Union, are expected to join in the months ahead after the necessary legal and technological issues have been resolved. The lower number of participating members of the Union has been anticipated to have affected the use of the EAF for two main reasons. Firstly, a key benefit of the use of the EAF is to facilitate applications with more than one member of the Union. A small number of participating members of the Union from different regions reduces the chances that a variety will be the subject of an application in more than one of the participating members of the Union. Secondly, UPOV does not have a database of breeders’ contact details for publicizing the EAF. A key element of the publicity strategy is to use the contact details of the participating PVP Offices. With a lower number of participating members of the Union, the ability to publicize the EAF is consequently reduced.

MEASURES TO ENHANCE THE USE OF THE EAF

10. The Office of the Union will continue its measures to publicize the EAF to breeders, including via breeders' organizations at international and regional meetings and via the participating members of the Union. However, on the basis of feedback received from PVP Offices and breeders, it has been concluded that it may be useful to take measures in the short-term to enhance uptake of the EAF in the light of the inertia experienced and relatively narrow coverage of the EAF at present. One measure that the Office of the Union may consider, if appropriate, would be to use a lower EAF charge, including the possibility to offer the EAF without charge for a certain period, until the EAF use is well-established and coverage is wider in terms of members of the Union.

11. On the above basis, the Consultative Committee may wish to consider an approach to allow the Office of the Union to have flexibility in the charge to be made for use of the EAF in 2017. The basis for this flexibility would be that the Office of the Union would report to the Consultative Committee, at its ninety-fourth session, on the measures taken in 2017 and seek approval on the pricing policy for the 2018-2019 Biennium in accordance with its consideration of the draft Program and Budget for the 2018-2019 Biennium.

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