

**Consultative Committee**

**CC/94/15**

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**DEVELOPMENTS OF RELEVANCE TO UPOV IN OTHER INTERNATIONAL FORA**

*Document prepared by the Office of the Union*

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1. This document reports on developments of relevance to UPOV in other international fora since the ninety-second session of the Consultative Committee, held in Geneva on October 27, 2016, that are not otherwise reported to the Consultative Committee or other UPOV bodies, as follows:

2. The structure of this document is as follows:

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

3. 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.

4. At the tenth meeting of the EAPVP Forum, held in Nay Pyi Taw, Myanmar, on 11 September, 2017, the cooperation activity plans for 2017-2018 were adopted. Japan made a proposal for the future direction of the EAPVP Forum for the next decade. The proposal suggests to reconsider the strategies and activities of the EAPVP Forum and to facilitate the establishment of an internationally harmonized effective PVP system in Asia. The EAPVP Forum agreed to prepare a strategic plan for the next 10 years at its eleventh meeting.

5. The tenth meeting of the EAPVP Forum is planned to be held in Philippines in 2018. The Office of the Union plans to attend that meeting.

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

6. The thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP13) was held in Cancun, Mexico from December 4 to 17, 2016. The relevant documents are available at: <https://www.cbd.int/conferences/2016/cop-13/documents>.

7. The fourteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP14) will be held in Sharm El-Sheikh, Egypt from November 10 to 22, 2018.

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

8. On September 29, 2017, the Office of the Union was approached by the Trade and Agriculture Directorate of the Organisation for Economic Co-operation and Development (OECD) for assistance in relation to a planned OECD study on the seed sector and breeding activities. In particular, the OECD Secretariat explained that the information contained in the UPOV Plant Variety Database (PLUTO database) would be of particular value. Therefore, it is proposed that the Office of the Union cooperate with OECD in order for it to be able to obtain the required data in the PLUTO database for the study, in a similar manner to the cooperation with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) (see documents CC/82/15 "Report", paragraph 87, and C/45/18 "Report", Annex III).

*9. The Consultative Committee is invited to approve the assistance of the Office of the Union to the Trade and Agriculture Directorate of the Organisation for Economic Co-operation and Development (OECD) in relation to data in the PLUTO database.*

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

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

10. Matters concerning interrelation with the ITPGRFA are considered under agenda item "Interrelation with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)" (see document CC/94/10).

11. The background to the Global Consultation on Farmers' Rights held from September 27 to 30, 2016, in Nusa Dua, Bali, Indonesia, is provided in document CC/92/15 "Developments of Relevance to UPOV in other International Fora", paragraph 16.

12. Document IT/GB-7/17/Inf.10 "The Global Consultation on Farmers' Rights 2016: Summary of presentations and discussions" was circulated to the participants on July 10, 2017, and made available at the ITPGRFA website (see at <http://www.fao.org/3/a-bt110e.pdf>). Document IT/GB-7/17/Inf.10 was circulated for the Seventh Session of the Governing Body to be held in Kigali, Rwanda, from October 30 to November 3, 2017, as Information and Circular Documents.

13. Document IT/GB-7/17/Inf.10 provides as follows: "Participants at the Global Consultation on Farmers' Rights at Bali, Indonesia, 27–30, September 2016, shared views, experiences and examples of best practices related to the implementation of Farmers' Rights, as addressed in the International Treaty on Plant Genetic Resources for Food and Agriculture ('the International Treaty'). They also identified a range of issues that may affect the realization of Farmers' Rights, and discussed a draft list of recommendations to the Governing Body in this regard. Due to the large number of participants, time limitation and the fact that some participants represented organizations without a mandate to adopt recommendations, it was agreed to request the Co-Chairs to make a summary reflecting their interpretation of discussions at the consultation. The recommendations will be presented to the Seventh Session of the Governing Body by Norway and Indonesia." (see document IT/GB-7/17/Inf.10, page 30).

V. WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

14. The background to the IGC is provided in document CC/84/9 Rev. "Developments of Relevance to UPOV in other International Fora", paragraphs 44 to 51.

15. The General Assembly of WIPO, at its Forty-Ninth (23<sup>rd</sup> ordinary) Session, to be held in Geneva from October 2 to 11, 2017, will be invited to consider under item 18 a report on the work of the IGC (see document WO/GA/49/11 "Report on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)" available at [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=378078](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=378078)).

16. In relation to the mandate of the IGC, document WO/GA/49/11 (see paragraph 8) provides as follows:

"8. In accordance with the Committee's mandate for the 2016/2017 biennium and the work program for 2017, as contained in document WO/GA/47/19, IGC 34 also, under Agenda Item 8, took stock of the progress made over the 2016/2017 biennium. The full decision reached by the IGC on this item is:

'The Committee noted that throughout the 2016-2017 biennium, a draft text was prepared on each subject matter, narrowing the gaps on core issues. Noting the progress made, the Committee considered that more work needs to be done.

'Bearing in mind the Development Agenda recommendations and affirming the importance of the Committee, the Committee recommended that the WIPO General Assembly decide that the Committee should continue its work during the 2018-2019 biennium and that the Assembly decide on a mandate and a work program.

'The Committee submitted herewith to the WIPO General Assembly the results of its work on genetic resources, traditional knowledge and traditional cultural expressions:

- Consolidated Document Relating to Intellectual Property and Genetic Resources (document WIPO/GRTKF/IC/34/4) [annexed to the present document as "III"];
- The Protection of Traditional Knowledge: Draft Articles (document WIPO/GRTKF/IC/34/5);
- The Protection of Traditional Cultural Expressions: Draft Articles (document WIPO/GRTKF/IC/34/8).

'The Committee decided that this decision is without prejudice to the elements of the mandate to be approved by the General Assembly.'"

17. Other submissions by WIPO Member States concerning the work of the IGC under item 18 are provided at [http://www.wipo.int/about-wipo/en/assemblies/2017/a\\_57/agenda.html](http://www.wipo.int/about-wipo/en/assemblies/2017/a_57/agenda.html)

VI. WORLD TRADE ORGANIZATION (WTO)

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

18. 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 on June 13, 2017*

19. The Council for TRIPS met on June 13, 2017.

20. The meeting was opened by Ambassador H.E. Ms. Irene Young (Hong Kong SAR of China), Chair of the Council for TRIPS. The minutes of the meeting are contained in document IP/C/M/86 of June 19, 2017. The statements made during the meeting are provided in an addendum to document IP/C/M/82 (document IP/C/M/86/Add.1 of September 12, 2017). Both documents are available on the WTO website at: <http://docsonline.wto.org/?language=1>.

21. 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.

22. The Chair of the TRIPS Council recalled that, at the meeting of the Council for TRIPS that had taken place in March 2017, WTO Members had remained divided both on the substantive and procedural issues. Therefore, no progress had been made. She encouraged WTO Members to consider how to make progress on these issues, rather than repeat well-known positions. WTO Members were invited to report on their bilateral discussions, since the last meeting.

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

24. The Chair of the Council for TRIPS recalled that the review of Article 27.3 (b) was an integral part of the TRIPS Agreement. However, information on important developments that many WTO Members had seen in this area over the last decade had not been provided to the Council. Since 2003, there had been no responses or updates to the Illustrative List of Questions on Article 27.3(b), and no notifications of domestic mechanisms to protect genetic resources and traditional knowledge. WTO Members were encouraged to check whether they had information that ought to be shared in the WTO, and to submit notifications in a timely manner.

#### *Future meetings*

25. The next meeting of the Council for TRIPS, which the Office of the Union plans to attend, is scheduled to take place on October 19 and 20, 2017. The 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 TRIPS Agreement (see WTO/AIR/IP/15 of July 4, 2017).

26. As in previous years, the Office of the Union intends to prepare a contribution with relevant extracts from documents C/51/2 “Annual report of the Secretary-General for 2016” and C/51/3 “Report on activities during the first nine months of 2017”. 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 be made available at the following address of the WTO website: <http://docsonline.wto.org/?language=1>.

## VII. UNITED NATIONS

27. The Consultative Committee, at its ninety-first session, held in Geneva on March 17, 2016, requested the Office of the Union to prepare a draft FAQ on the relevance of the UPOV system of plant variety protection for the United Nations Sustainable Development Goals (SDGs), as set out in document CC/91/7 “Developments of relevance to UPOV in other international fora”, paragraph 39 (see document CC/91/10 “Report on the Conclusions”, paragraph 47).

28. The Consultative Committee is invited to note that document CC/94/7 “Communication strategy” contains a proposal for an FAQ on how the UPOV system of plant variety protection contributes to the United Nations Sustainable Development Goals (SDGs).

## VIII. WORLD SEED PARTNERSHIP (WSP)

29. At its ninety-third session, held in Geneva on April 6, 2017, the Consultative Committee received an oral report from the Office of the Union on recent developments in relation to the World Seed Partnership (WSP). As reported at the ninety-second session of the Consultative Committee, held in Geneva on October 27, 2016, the mission of the World Seed Partnership is to enhance cooperation between the partner organizations (OECD, UPOV, ISTA, ISF) and to provide a focal point for information on the role of internationally harmonized seed systems in supporting sustainable agriculture” (see document CC/92/15 “Developments of relevance to UPOV in other international fora” and document CC/92/21 “Report”,

paragraphs 94 to 96). The Office of the Union recalled that one of the objectives agreed by the WSP Steering Committee was to “create a platform with key information on each of the partner organizations and on their activities”. In that regard, a website had been created and would be launched in conjunction with the ISF Congress, held in Budapest from May 22 to 24, 2017. The Consultative Committee noted that a circular confirming the launch would be sent to the Consultative Committee in due course. The Consultative Committee noted that FAO continued to participate in the WSP Steering Committee but was not yet a part of the WSP (see document CC/93/9, “Report on the Conclusions”, paragraph 7).

30. On May 19, 2017, Circular E-17/086 was sent to UPOV members to report the launch of World Seed Partnership (WSP) website, available at: [www.worldseedpartnership.org](http://www.worldseedpartnership.org).

31. On July 12, 2017, the WSP Steering Committee was informed that FAO was not in a position to join the WSP at that time and would not participate in the WSP or further meetings of the WSP Steering Committee until the matter of FAO’s relationship with the WSP was resolved.

32. On July 17, 2017, in Rome, the WSP Steering Committee met with the World Farmers' Organisation (WFO). As a result of the meeting, the WSP invited WFO to join the initiative as an Advisory Partner, to ensure that farmers’ perspective can guide the WSP towards its goal to facilitate the delivery of new plant varieties and high quality seeds to farmers.

33. The WSP will organize a side event on October 30, 2017, at the Seventh Session of the Governing Body of the ITPGRFA to be held in Kigali, Rwanda. The aim of the event will be to show how the WSP can support the development of the seed sector in order to achieve food security and economic development, including the role of OECD, UPOV, ISTA and ISF in enabling farmers to have access to high quality seed and suitable new plant varieties.

*34. The Consultative Committee is invited to note the developments of relevance to UPOV in other international fora reported in this document.*

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