



CC/92/15.

ORIGINAL: English

DATE: October 21, 2016

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

CONSULTATIVE COMMITTEE

Ninety-Second Session Geneva, October 27, 2016

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 ninety-first session of the Consultative Committee, held in Geneva on March 17, 2016, as follows:

2. The structure of this document is 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
III.	ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD).....	2
	Technical Working Group Meeting of the OECD Seed Schemes	2
	Joint OECD/UPOV/ISTA/AOSA Workshop on Biochemical and Molecular Techniques	2
	2016 Annual Meeting of the OECD Seed Schemes	3
IV.	DEVELOPMENTS UNDER THE AUSPICES OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)	3
	Commission on Genetic Resources for Food and Agriculture (CGRFA)	3
	International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).....	3
	Second Global Consultation on Farmers' Rights	3
V.	WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO).....	3
	WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).....	3
	2016 Preliminary Draft Convention on the Recognition and Enforcement of Foreign Judgments	4
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 on June 7 and 8, 2016</i>	4
	<i>Future meetings</i>	5
VII.	UNITED NATIONS.....	5
VIII.	WORLD SEED PROJECT (WSP)	5

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 ninth meeting of the EAPVP Forum, held in Hanoi, Viet Nam, on September 2, 2016, 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 (2016-2017)" 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 to UPOV TG
- 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

5. The tenth meeting of the EAPVP Forum is planned to be held in Myanmar in September, 2017. 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) will be held in Cancun, Mexico from December 4 to 17, 2016. The draft agenda and relevant documents are available at <https://www.cbd.int/doc/?meeting=COP-13>. The Office of the Union does not plan to attend the meeting.

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

Technical Working Group Meeting of the OECD Seed Schemes

7. At the Technical Working Group Meeting of the OECD Seed Schemes, held in Paris on June 7 and 8, 2016, the Office of the Union was invited to make a presentation on "Distance learning tools developed and used by UPOV" under the agenda item "Capacity building activities". The purpose of the presentation was to provide an overview of the distance learning tools that UPOV had developed, including an explanation of why UPOV had developed the courses, the content of the courses and the web-platform that was used.

Joint OECD/UPOV/ISTA/AOSA Workshop on Biochemical and Molecular Techniques

8. On June 8, 2016, the OECD Seed Schemes organized a Joint OECD/UPOV/ISTA/AOSA Workshop on Biochemical and Molecular Techniques. The aim of the Joint Workshop offers was to follow-up on the suggestions made at the OECD/UPOV/ISTA Joint Workshop on Biochemical and Molecular Techniques, organized in conjunction with the fourteenth session of the BMT, held in Seoul, Republic of Korea, from November 10 to 13, 2014 (see document C/49/10 "Progress Report of the Work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular", paragraphs 238 to 240), with a view to preparing a draft proposal to be submitted to the OECD 2016 Annual Meeting for consideration. In particular, the aims of the Workshop were specified as to:

- "Provide a brief general overview on the activities of each of the organisations;
- "Inform participants on the current cooperation between the organisations;
- "Receive a presentation on BMT methods employed commercially by breeders and the seed industry;
- "Provide information on the current and proposed use of biochemical and molecular techniques in each of the organisations;
- "Identify opportunities and barriers in using biochemical and molecular techniques;
- "Identify new areas of cooperation between the organisations related to biochemical and molecular techniques;
- "Propose to the OECD 2016 Annual Meeting promising areas of cooperation with other organisations on the use of biochemical and molecular techniques."

9. Developments concerning this matter will, in the first instance, be reported to the Technical Committee for consideration at its fifty-third session, in 2017.

2016 Annual Meeting of the OECD Seed Schemes

10. At the 2016 Annual Meeting of the OECD Seed Schemes, held in Paris on June 9 and 10, 2016, the Office of the Union provided an overview on UPOV's activities since the 2015 Annual Meeting.

11. At the 2016 Annual Meeting, the OECD Seed Schemes adopted the recommendations from the Joint OECD/UPOV/ISTA/AOSA Workshop on Biochemical and Molecular Techniques held on June 8, 2016.

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

Commission on Genetic Resources for Food and Agriculture (CGRFA)

12. The Eighth Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture (Eighth ITWG-PGRFA) was held in Rome, Italy, from June 8 to 10, 2016.

13. The information provided by the Office of the Union was presented in document CGRFA/WG-PGR-8/16/Inf.8 Rev.1 "Report on Activities by the International Union for the Protection of New Varieties of Plants (UPOV) in relation to Plant Genetic Resources for the Eighth Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture".

14. The report of the Eighth ITWG-PGRFA and information document CGRFA/WG-PGR-8/16/Inf.8 Rev.1 are available at: <http://www.fao.org/agriculture/crops/thematic-sitemap/theme/seeds-pgr/itwg/8th/en/>

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

15. 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/92/11).

Second Global Consultation on Farmers' Rights

16. The Second Global Consultation on Farmers' Rights, organized by the Governments of Indonesia and Norway and with the support of Secretariat of ITPGRFA, was held from September 27 to 30, 2016, in Nusa Dua, Bali, Indonesia. The Office of the Union made a presentation on "Provisions for farmers in the different Acts of the UPOV Convention". The Global Consultation was attended by 95 participants from 37 countries from Africa, Asia, the Near East, Latin America and the Caribbean, North America and Europe.

V. WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

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

17. 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.

18. The IGC, at its thirtieth session, held in Geneva, on May 26 and 27, 2016, considered document WIPO/GRTKF/IC/30/4 "Consolidated Document Relating to Intellectual Property and Genetic Resources" and WIPO/GRTKF/IC/30/5 "Indicative List of Outstanding/Pending Issues to be Tackled/Solved" under agenda item 7 "Genetic Resources".

19. The IGC, at its thirtieth session, developed, on the basis of document WIPO/GRTKF/IC/30/4, a "Second Revision of the Consolidated Document Relating to Intellectual Property and Genetic Resources". The IGC decided that this text be transmitted to the Thirty-Fourth session of the IGC, to be held in June/July 2017. Documents WIPO/GRTKF/IC/30/FACILITATORS DOCUMENT "Second Revision of the Consolidated Document Relating to Intellectual Property and Genetic Resources" and WIPO/GRTKF/IC/30/DECISIONS "Decisions of the Thirtieth Session of the Committee" are available at: http://www.wipo.int/meetings/en/details.jsp?meeting_id=39724.

20. The WIPO General Assembly, at its Fifty-Sixth Series of Meetings of the Assemblies of the Member States of WIPO held in Geneva from October 3 to 11, 2016, “took note of the ‘Report on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)’ (document WO/GA/48/9) in accordance with the IGC’s mandate for the 2016/2017 biennium and the IGC’s work program for 2016.” (see document A/56/16 “Summary Report”, paragraph 40). Document WO/GA/48/9 is available at http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=352596.

2016 Preliminary Draft Convention on the Recognition and Enforcement of Foreign Judgments

21. On August 23, 2016, the WIPO Secretariat contacted the Office of the Union in relation to the work of Hague Conference on Private International Law (HCCH) Special Commission on the Recognition and Enforcement of Foreign Judgments (HCCH Special Commission). The HCCH Special Commission is preparing a draft Convention on the Recognition and Enforcement of Foreign Judgments. The 2016 Preliminary Draft Convention on the Recognition and Enforcement of Foreign Judgments (2016 Preliminary Draft Convention) contains provisions specific to intellectual property including several references to “[plant breeder’s right]”. Ms. Marta Pertegás, First Secretary of the HCCH, requested comments from the WIPO Secretariat in relation to the 2016 Preliminary Draft Convention. Following the request of the WIPO Secretariat, on August 31, 2016, the Office of the Union provided information on UPOV membership. The WIPO Secretariat submitted its comments to Ms. Pertegás on September 5, 2016.

VI. WORLD TRADE ORGANIZATION (WTO)

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

22. 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 7 and 8, 2016

23. The Council for TRIPS met on June 7 and 8, 2016.

24. The meeting was opened by Ambassador H.E. Mr. Modest Jonathan Mero (United Republic of Tanzania), Chair of the Council for TRIPS. The minutes of the meeting are contained in document IP/C/M/82 of June 23, 2016. The statements made during the meeting are provided in an addendum to document IP/C/M/82 (document IP/C/M/82/Add.1 of September 1, 2016). Both documents are available on the WTO website at: <http://docsonline.wto.org/?language=1>.

25. 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.

26. Following a suggestion by the Chair, the Council for TRIPS continued its session in informal mode. When the Council for TRIPS resumed its formal session, the Chair provided a brief summary of the discussions held in informal mode. The Chair reported that the Council for TRIPS had continued its discussion on the substantive issues, including the patentability of life forms and the introduction of a mandatory disclosure requirement in TRIPS. Delegations had also continued to examine the two pending proposals of procedural nature, i.e. the possibility of inviting the CBD Secretariat to debrief the Council on the Nagoya Protocol and the update of the three factual notes that had been prepared and updated by the Secretariat ten years ago. While delegations had constructively engaged in the discussion, positions had, however, not evolved, neither as regards the substantive matters nor with respect to the procedural suggestions. A number of WTO Members had reiterated the suggestion that the proposed amendment to the TRIPS Agreement circulated in document TN/C/W/59 be considered in the Council for TRIPS. Some WTO Members had also called for a workshop to be organized to initiate a fruitful discussion in the WTO. None of those suggestions had found unanimous support by delegations.

27. The Council for TRIPS took note of the Chair’s summary of the discussion held in informal mode and the statements made, and agreed that the Chair continue his consultations with delegations.

Future meetings

28. The next meeting of the Council for TRIPS, which the Office of the Union plans to attend, is scheduled to take place on November 8 and 9, 2016. 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 (letter of July 27, 2016 with reference TRIPS/It16-01-UPOV tech co-op).

29. As in previous years, the Office of the Union intends to prepare a contribution with relevant extracts from documents C/50/2 "Annual report of the Secretary-General for 2015" and C/50/3 "Report on activities during the first nine months of 2016". 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

30. 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).

31. The Consultative Committee is invited to note that document CC/92/6 "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 PROJECT (WSP)

32. The background to this matter is provided in document CC/90/15 "Developments of relevance to UPOV in other international fora".

33. At its ninetieth session, held in Geneva on October 28, 2015, the Consultative Committee noted the developments concerning the World Seed Project (WSP) (see document CC/90/20 "Report", paragraph 112) and agreed that the new focus of the WSP should be to:

(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".

34. At its meeting on June 9, 2016, the Steering Committee agreed on the following mission statement for the WSP:

“The mission of the World Seed Partnership is to enhance cooperation between the partner organizations and to provide a focal point for information on the role of internationally harmonized seed systems in supporting sustainable agriculture”.

35. The Steering Committee also agreed on the following objectives for the WSP:

- (a) to provide a forum for cooperation between the partner organizations;
- (b) to create a platform with key information on each of the partner organizations and on their activities;
- (c) to develop a workshop package covering the systems and schemes provided by the partner organizations;
- (d) to raise awareness within the partner organizations of the role of each organization and of the World Seed Partnership.

36. The Steering Committee plans to develop a website to provide a platform with key information on each of the partner organizations and on their activities.

37. At the meeting of the Steering Committee on October 7, 2016, the representative of FAO reported that more time would be needed to consider whether FAO could be a part of the WSP. It was agreed by the Steering Committee, that although the FAO would be a valuable participant in the WSP, the WSP should continue without FAO if it was not able to endorse the WSP.

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

[End of document]