



CC/92/4

ORIGINAL: English

DATE: September 15, 2016

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

CONSULTATIVE COMMITTEE**Ninety-Second Session
Geneva, October 27, 2016**

EVALUATION REPORT BY WIPO INTERNAL OVERSIGHT DIVISION

*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this document is to present the report of the World Intellectual Property Organization (WIPO) Internal Oversight Division (IOD) "Evaluation of the International Union for the Protection of New Varieties of Plants (UPOV)" and to present a proposal to implement its recommendation.

BACKGROUND

2. At its ninetieth session held in Geneva, on October 28 and 29, 2015, the Consultative Committee considered document CC/90/4 "Presentation by the WIPO Internal Oversight Division" and received a presentation by Mr. Tuncay Efendioglu, Acting Director, WIPO Internal Oversight Division (IOD). The Consultative Committee agreed to request IOD to conduct an evaluation in 2016-2017 of the program of activities of UPOV (see document CC/90/19 "Report on the Conclusions", paragraphs 40 and 41).

3. The IOD evaluation, which was conducted between January and June 2016, was based on a review of the activities in the 2014-2015 biennium. As a part of its evaluation, IOD arranged interviews with stakeholders at the fringes of the UPOV sessions in March 2016. A copy of the leaflet explaining the evaluation process was attached in the Annex to document CC/91/2 "Internal Audit and Reports of the WIPO Independent Advisory Oversight Committee" and was distributed to stakeholders by Circular E-16/042 of March 3, 2016 to designated persons in UPOV bodies.

IOD EVALUATION REPORT

4. A copy of the Final Report of the IOD "Evaluation of the International Union for the Protection of New Varieties of Plants (UPOV)" (Reference: EVAL 2016-01) (IOD Evaluation Report) is attached as the Annex to this document.
5. Mr. Tuncay Efendioglu, Acting Director, IOD, will make a presentation summarizing the IOD Evaluation Report at the ninety-second session of the Consultative Committee.
6. The conclusions of the Consultative Committee concerning the IOD Evaluation Report will be reported to the Council, at its fiftieth ordinary session, to be held in Geneva on October 28, 2016. The IOD Evaluation Report will be published on the UPOV website after the fiftieth ordinary session of the Council.

IOD EVALUATION REPORT RECOMMENDATION

7. The IOD Evaluation Report contains the following recommendation:

“This report recommends that the Union consider developing a Strategic Business Plan to diversify its revenue portfolio to maintain and enhance the sustainability of existing activities and services. The Strategic Business Plan would:

- “(a) Serve as a roadmap to implement the Strategic Goals and Objectives of the Union;
- “(b) Identify financial resources needed to achieve the Strategic Goals and Objectives of the Union in an evolving global environment and provide alternative ways to additional funding schemes;
- “(c) Outline the human resource needs in line with the Strategic Priorities of the Organization; and
- “(d) Define long-term steps and key milestones of outreach activities with a view to improving organizational visibility and enhancing revenue generation efforts.”

8. The IOD process requires follow-up by the Program Manager, in this case the Vice Secretary-General, to implement any recommendations unless there are any reasons provided not to do so. As indicated in the IOD Evaluation Report, Table of Recommendations, subject to agreement by the Consultative Committee at its ninety-second session, the Office of the Union proposes to prepare a draft Strategic Business Plan to be presented to the Consultative Committee in October/November 2017. The IOD Evaluation Report states that it would be a Strategic Business Plan that:

- “(a) Reflects the strategic agenda of the Organization;
- “(b) Depicts alternative funding sources and defines trends and implications;
- “(c) States financial resources needed to advance the Strategic Objectives of the Union with respect to political and economic milieu;
- “(d) Incorporates human resource planning proposal with a balanced ratio of professional and general level positions;
- “(e) Covers outreach relationship building program with external and internal stakeholders;
- “(f) Defines measurable benchmarks or criteria for evaluating effectiveness and monitoring progress of funding schemes; and
- “(g) Incorporates detailed action plan with measurable indicators and feasible implementation timeframe.”

9. *The Consultative Committee is invited to:*

(a) review the IOD Evaluation Report attached as the Annex to this document;

(b) note that Mr. Tuncay Efendioglu, Acting Director, IOD, will make a presentation summarizing the IOD Evaluation Report at the ninety-second session of the Consultative Committee;

(c) note that the conclusions of the Consultative Committee concerning the IOD Evaluation Report will be reported to the Council, at its fiftieth ordinary session, to be held in Geneva on October 28, 2016;

(d) note that the IOD Evaluation Report will be published on the UPOV website after the fiftieth ordinary session of the Council; and

(e) consider the proposal, in response to the recommendation of the IOD Evaluation Report, for the Office of the Union to prepare a draft Strategic Business Plan to be presented to the Consultative Committee in October/November 2017, as set out in paragraphs 7 and 8 of this document.

[Annex follows]

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ANNEX



Internal Oversight Division

Reference: EVAL 2016-01

**Evaluation of the International Union for the Protection of New Varieties of Plants
(UPOV)**

Final Report

July 28, 2016

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LIST OF ACRONYMS

CAJ	Administrative and Legal Committee
CPVO	Community Plant Variety Office
DAC	Development Assistance Committee
DUS	Distinctness, Uniformity and Stability
EAF	Electronic Application Form
ER	Expected Results
ESA	European Seed Association
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FAQ	Frequently Asked Questions
FIT	Funds in Trust
GENIE	GENera and specIEs
HRMD	Human Resources Management Department
ICT	Information and Communication Technologies
IGO	Inter-Governmental Organization
IOD	Internal Oversight Division
IP	Intellectual Property
ISF	International Seed Federation
KPI	Key Performance Indicator
NGO	Non-governmental Organization
OAPI	African Intellectual Property Organization
OECD	Organization for Economic Co-operation and Development
PBR	Plant Breeder Rights
PI	Performance Indicator
PPBD	Program Performance and Budget Division
PVP	Plant Variety Protection
PVR	Plant Variety Rights
RBMF	Result-Based Management Framework
TC	Technical Committee
TGP	Test Guideline Procedure
TWP	Technical Working Party
UN	United Nations
UNEG	United Nations Evaluation Group
UPOV	International Union for the Protection of New Varieties of Plants
USPTO	United States Patent and Trademark Office
WFO	World Farmers Organization
WIPO	World Intellectual Property Organization

EXECUTIVE SUMMARY

1. The evaluation of the International Union for the Protection of New Varieties of Plants (UPOV) was carried out by the Internal Oversight Division (IOD) of the World Intellectual Property Organization (WIPO) from January to June 2016. The main objective of this evaluation was to assess the relevance, effectiveness, efficiency, impact and sustainability of the activities implemented by the Office of the Union (“the Office”) with regard to fulfilling its mandate. The evaluation covered cooperation strategies and implementation practices, including all activities and modalities, during the period 2012-2015.
2. The evaluation applied a hybrid approach that incorporated quantitative and qualitative data gathering methods and analysis. Fieldwork included in-person interviews with UPOV staff and its Members. The evaluation resulted in the following findings:
 - (a) The Office’s role in policy dialogue and harmonization of Plant Variety Protection (PVP) System was reported to be very relevant. The Office of the Union provided essential and unique support in developing national frameworks, providing technical support and building local capacities of UPOV Members and other States wishing to become UPOV Members.
 - (b) All activities of the Union, clustered at Sub-Program level, have been undertaken and progress toward the achievement of Expected Results (ER) has been measured. Overall, all planned activities under each Sub-Program were linked directly and contributed to relevant ER and objectives.
 - (c) The Office operates in accordance with a structured business model which was developed over decades and UPOV’s website serves as a data repository for its Members, stakeholders and general public. Services are delivered with high quality and within a reasonable timeframe.
 - (d) The Office acknowledges that the current situation is a limiting factor for output. There has been a 23 percent increase in number of Member States joining the UPOV Convention in 2014 while its workforce remained unchanged.
 - (e) The Office provided assistance to Member and Non-Member States and Organizations, created long-standing partnerships (at policy and technical levels) with other International Organizations.
 - (f) The Office has supported its Members to develop PVP Systems, examine Distinctness, Uniformity and Stability (DUS) and access plant variety denomination information.
 - (g) Currently the Union does not dispose a diversified revenue portfolio and is heavily dependent on the contribution of its Members.
3. Based on the evaluation work done, the following main conclusions can be drawn:
 - (a) UPOV is an institution with a focused mandate providing and promoting an effective PVP System and encouraging the development of new varieties of plants. The Office’s role remains critical in terms of balancing the views of Members, and maintaining cooperation among them.

- (b) Services offered by the Office are contributing to the effective implementation and constant improvement of the PVP System, including better guidance and information for Member States and Observers¹.
- (c) The overall governance structure of the Union is functional albeit complex. The Office works in accordance with well-documented processes, which contribute to greater efficiency. The accountability scheme of the Union is well-developed to ensure transparent information sharing among all relevant stakeholders.
- (d) The limited human resources of the Office could challenge the effectiveness and efficiency of its operations in light of an increasing workload associated with the expansion of the Union and ongoing major Information and Communication Technologies (ICT) projects.
- (e) The effectiveness of the Union's existing partnership strategy has been proved by long-lasting partnerships and cooperation at international and local levels.
- (f) The work of the Office has a direct impact on its Members in terms of securing a basis for developing agriculture. The cooperation and contribution of the Members to the UPOV System is indispensable for the successful maintenance of the PVP System.
- (g) The budgetary limitations and increasing workload brings into question the feasibility of the existing Organizational Structure to deliver services in a sustainable manner.
4. This report recommends that the Union consider developing a Strategic Business Plan to diversify its revenue portfolio to maintain and enhance the sustainability of existing activities and services. The Strategic Business Plan would:
- (a) Serve as a roadmap to implement the Strategic Goals and Objectives of the Union;
- (b) Identify financial resources needed to achieve the Strategic Goals and Objectives of the Union in an evolving global environment and provide alternative ways to additional funding schemes;
- (c) Outline the human resource needs in line with the Strategic Priorities of the Organization; and
- (d) Define long-term steps and key milestones of outreach activities with a view to improving organizational visibility and enhancing revenue generation efforts.

¹ The reference in the report to the Group Observers refers to: Inter-Governmental Organizations (IGOs), international Non-Governmental Organization (NGOs), associations representing breeders or farmers and research centers.

1. BACKGROUND

(A) INTRODUCTION

5. IOD report presents the results of the evaluation of the International Union for the Protection of New Varieties of Plants². The evaluation took place from January to June 2016 in line with United Nations Evaluation Group (UNEG)³ Standards and Guidelines and it covers all activities delivered by UPOV during the period of 2012-2015.

(B) OVERVIEW

6. UPOV was established by the International Convention for the Protection of New Varieties of Plants ("The UPOV Convention"). The UPOV Convention was adopted on December 2, 1961, by a diplomatic conference held in Paris and came into force on August 10, 1968.

7. The mission of UPOV is to provide and promote an effective system of PVP with the aim of encouraging the development of new varieties of plants for the benefit of society. The UPOV System continues to expand in terms of number of Members, applications, PVP titles granted and numbers of genera or species.

8. The Union is mainly funded through contributions of Members and employs two Senior Managers⁴ and 9 full-time Officers. It operates through a main program which was designed to realize priorities outlined by its Members in line with the mission of the Union. This overarching goal is clustered at the Sub-Program level:

- (a) Sub-Program UV 1 "Overall Policy on Plant Variety Protection";
- (b) Sub-Program UV 2 "Services to the Union for Enhancing the Effectiveness of the UPOV System";
- (c) Sub-Program UV 3 "Assistance in the Introduction and Implementation of the UPOV System"; and
- (d) Sub-Program UV 4 "External Relations".

9. On the basis of a bilateral agreement between WIPO and UPOV, the Union receives administrative and technical services from WIPO, as well as oversight support. UPOV indemnifies WIPO for those services.

² At its ninetieth session held in Geneva, on October 28 and 29, 2015, the Consultative Committee of UPOV agreed to request IOD to conduct an evaluation of the program of activities of UPOV.

³ UNEG is an interagency professional network that brings together the evaluation units of the United Nations (UN) System, including UN departments, specialized agencies, funds and programs, and affiliated Organizations. It currently has 46 such Members and Observers.

⁴ Secretary-General and Vice Secretary-General.

2. WHAT IS BEING EVALUATED?

(A) EVALUATION OBJECTIVES

10. The evaluation serves the dual purpose of accountability and learning. It was developed in accordance with the principles outlined by the Development Assistance Committee (DAC) of the Organization for Economic Co-operation and Development (OECD) for evaluating development assistance interventions. The evaluation assessed the relevance, effectiveness, efficiency, impact and sustainability of the activities implemented by the Office of the Union in order to fulfil its mandate.

11. The evaluation results will be used to:

(a) Inform the Managers and Members of the Union on the main outcomes, successes, limitations and approaches to mitigate identified risks. Specific recommendations and generic lessons learned will also be part of the deliverables; and

(b) Present the key findings, conclusions and recommendations at the UPOV's Consultative Committee and Council, at their sessions in October 2016.

(B) SCOPE, METHODOLOGY AND LIMITATIONS OF THE EVALUATION

12. The evaluation covers operations and activities carried out by the Office of the Union from January 2012 to end of 2015 biennium. The evaluation considers multiple facets of the Union's operations including:

(a) Contribution of the Union to policy dialogue;

(b) Resource management;

(c) Partnership building among Members;

(d) Promotion of the benefits of plant variety protection; and

(e) Sustainability of its operations.

13. The evaluation also assessed and validated the achievements of ER for each Sub-Program of UPOV and explained their relevance in the achievement of the UPOV's mission. In addition, it also addressed challenges the Union faced by proposing appropriate mitigation measures with scope for continuous improvement of performance and relevance.

14. Evaluation sampling methods considered selecting those participants who took part in activities undertaken by UPOV during 2012-2015. The selection criteria were as follows:

(a) Stakeholders from countries where UPOV conducted over two Sub-Programs' activities. It allowed the evaluation team to assess the overall programmatic approach applied by the Union;

(b) Stakeholders from countries where activities under a specific Sub-Program have been conducted comprehensively to present information-rich cases; and

(c) Stakeholders from case specific countries to offer a more complete representation of the particular modes of UPOV's work.

15. The evaluation method included desk reviews of existing literature and primary and secondary information, structured and semi-structured interviews with key staff and

stakeholders, as well as stakeholder surveys. The different qualitative and quantitative tools were used to provide an evidence-based assessment and particular attention was given to cross-validation of data.

16. The evaluation responds to the questions⁵ sorted into each criterion (Annex 1) and takes into consideration equity issues⁶ (including gender, social status and other discriminatory elements), participation, coordination and inclusion. An analysis of efficiency and sustainability of resources is conducted based on data available for tracking financial expenditure.

(C) KEY STAKEHOLDERS

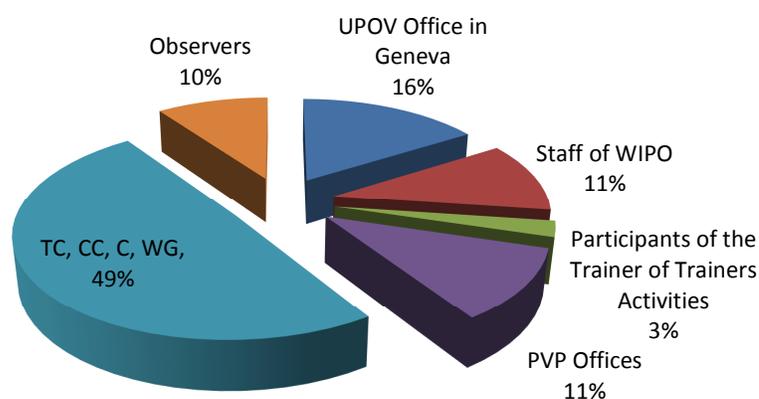
17. The evaluation team closely collaborated with the reference group composed of all UPOV staff members⁷. The reference group provided technical input and feedback on the final report.

18. The evaluation also engaged with stakeholders outside the Organization. In total, 78 key stakeholders were interviewed and these included:

- (a) The Chairs of the UPOV bodies;
- (b) Heads and staff of PVP offices;
- (c) Directors and head of units of national state agencies operating in agriculture;
- (d) Observers⁸ in the UPOV bodies, such as Inter-Governmental Organizations (IGOs), international Non-governmental Organization (NGOs), associations representing breeders or farmers and research centers; and
- (e) Other parties such as WIPO Staff and UPOV trainers.

19. The chart below (Figure 1) presents a breakdown of external and internal⁹ stakeholders interviewed during this evaluation.

Figure 1: Stakeholders interviewed



Source: The WIPO/IOD Data, 2016

⁵ Questions have been further customized for each stakeholder group through protocols and surveys.

⁶ Following the UN mainstream on gender and human rights.

⁷ Vice secretary-General of UPOV, Technical/Regional Officers, administrative assistants and agency workers.

⁸ Further reference in the report to the category of "Observers" clusters responses from the groups specified in this section.

⁹ WIPO staff.

3. FINDINGS AND ASSESSMENTS

(A) HOW RELEVANT IS THE WORK OF THE OFFICE OF THE UNION?

20. This section illustrates the extent to which the Office of the Union:

- (a) Played a strategic role in the UPOV System and contributed to policy dialogue and harmonization of the PVP System; and
- (b) Addressed the needs and priorities of Members, institutions, stakeholders and breeders.

Finding 1: The Office's role in policy dialogue and harmonization of PVP System was reported to be very relevant. The Office of the Union provided essential and unique support in developing national frameworks, providing technical support and building local capacities of UPOV Members and other States wishing to become UPOV Members.

Linked to Conclusion 1

(i) Role and contribution to policy dialogue and legal harmonization

21. The work done by the Office of the Union has been highlighted by interviewees as very relevant, particularly due to the role the Office played in coordinating the member-driven PVP System. The Office's support on technical aspects, meetings, as well as the overall contribution in drafting laws regarding PVP are described by the relevant stakeholders as essential and unique (Figure 2).

Figure 2: Stakeholders' standpoint on the support provided by UPOV

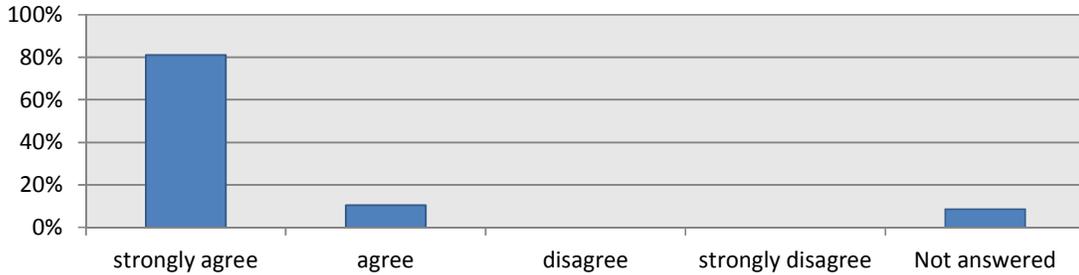


Source: *The WIPO/IOD Data, 2016*

22. The representatives of technical offices of Member States, as well as Observers, highlighted the relevance and importance of the PVP System in protecting plant varieties. The PVP System was praised for providing an incentive for breeding and for giving opportunities for a return on investment to plant breeders. With regard to PVP System harmonization, the Office of the Union supported its Members in developing their own procedures and installing the PVP framework. The Office also offered legislative and technical guidance and documentation that was in line with the international regulations. In addition, it solicited Members to contribute to the System with information, identified commonalities among the needs and proposed projects based on priorities of Members. These actions were highlighted by consulted stakeholders as essential services for the UPOV System.

23. Ten out of 12 consulted UPOV Officers confirmed that all Sub-Programs of their Result-Based Management Framework (RBMF) were aligned and contributed to the UPOV’s mission (Figure 3).

Figure 3: UPOV’s staff feedback on Sub-Programs and RBMF



Source: The WIPO/IOD Data, 2016

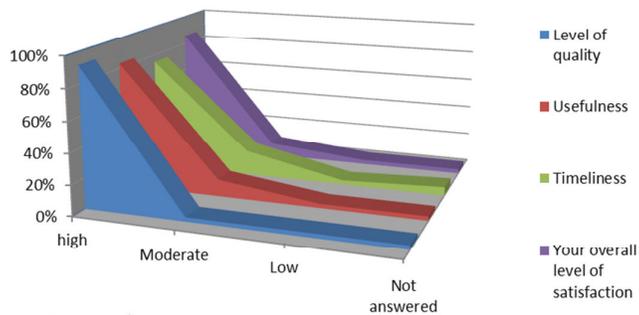
(ii) Response to stakeholders’ needs

24. With regard to the needs of Member States and their Technical Offices, the stakeholders highly rated the services provided by the Office in areas of legal advice and technical guidance. Specifically, the sessions helped Member States to:

- (a) Clarify general PVP topics;
- (b) Better understand responsibilities and work in the area of PVP with regard for the international, regional and national legislations; and
- (c) Ensure the adequate implementation of the UPOV Convention by Members.

25. The expertise provided through the sessions was particularly appreciated. The sessions, organized by the Office, helped Member States to share experiences with other countries and strengthen the ties among the UPOV Members. The Technical Working Parties (TWPs) were of high importance since they provided knowledge and learning opportunities to partnering entities and allowed participants to share feedback with UPOV. Harmonization, operational efficiency, and creation of collaboration mechanisms were highlighted as the main beneficial results of the TWPs (Figure 4).

Figure 4: Feedback on the support provided by the Office



Source: The WIPO/IOD Data, 2016

26. Survey responses indicated disparate opinions with regard to contribution of UPOV’s activities to respond to the needs of the various groups (Table 1). Consulted Members of the Union and technical staff of the PVP offices considered that the activities responded to the needs of Organizations, professionals, and beneficiaries. All interviewed Observers considered that the Union’s work responded mainly to the beneficiaries’ needs, and to a lesser extent, the rest of the stakeholder groups.

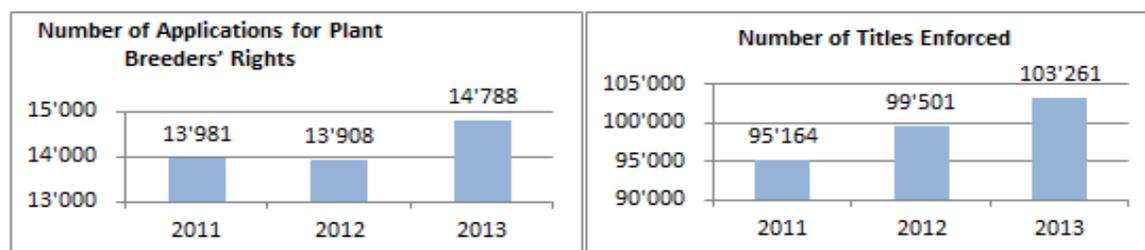
Table 1: Stakeholders feedback on UPOV addressing their needs

The activities provided by UPOV	% of positive responses		
	TC / CC / C ¹⁰	PVP Offices	IGO/NGO/Associations and Research centers
Responds to the needs of Organizations/ institutions concerned	100%	96%	50%
Responds to particular needs of professionals in the area of plant varieties.	100%	82%	60%
Responds to particular needs of breeders of the PVP System	100%	96%	100%
Responds to needs of the beneficiaries of the PVP System	80%	71%	50%

Source: The WIPO/IOD Data, 2016

27. The access to information and documents on the PVP System as well as more technical explanatory notes had been emphasized as key items that constantly contribute to responding to the UPOV Members' needs. Moreover, the guidance documents related to the examination of DUS, as well as information databases were primarily highlighted as responding to all relevant stakeholders' needs. The databases were considered of particular relevance since they allowed Members to implement the PVP System in their countries.

28. The data for 2012-2013 demonstrates a definite interest breeders have in securing plant breeders' rights (Figure 5). In order to streamline management practices and reduce the administrative work required for processing the applications, the Office launched an Electronic Application Form (EAF) project. It will help applicants to improve their internal procedures and to submit their applications to the PVP offices in the most efficient way.

Figure 5: Applications for plant breeders' rights and PVP titles in force (2011-2013)¹¹

Source: UPOV Performance Reports for 2012-2013

29. Capacity building activities were highly rated by consulted Members, especially the training of trainers' initiative and the distance learning tools, which provided them with different levels of guidance for the PVP. The stakeholders mentioned that capacity building initiatives were indispensable for understanding the specific nature and scope of PVP and raising awareness about the importance of UPOV activities.

30. UPOV activities, engaging a broader range of stakeholders, were considered beneficial since they allowed gathering stakeholders' feedback on key PVP matters. The activities were also beneficial for expanding the network with other stakeholders such as NGOs.

¹⁰ Technical Committee, Council, Consultative Committee.

¹¹ The availability of data bound the analysis to the time span of 2011-2013.

31. In terms of responding to the protection of the rights holders, the stakeholders mentioned that the work of UPOV on PVP matters led to the protection and exchange of plant varieties among breeders (through the breeders' exemption) and allowed farmers to benefit from varieties from other regions. In this regard, the test guidelines constituted an example of the Unions' official responses to right holders since the use of such documents by national authorities is perceived as benefitting the breeders.

Conclusion 1: UPOV is an institution with a focused mandate providing and promoting an effective PVP System and encouraging the development of new varieties of plants. The Office's role remains critical in terms of balancing the views of Members, and maintaining cooperation among them.

Linked to Finding 1

(B) WHAT HAS UPOV ACCOMPLISHED?

32. This section illustrates the extent to which:

- (a) ER have been achieved and have contributed to the UPOV's Sub-Programs; and
- (b) The design of the Results-Based Framework was coherent with adequate monitoring mechanisms.

33. Annex 2 provides information and figures on the progress made during the period of 2012 to 2014¹² regarding the performance indicators.

Finding 2: All activities of the Union, clustered at Sub-Program level, have been undertaken and progress toward the achievement of ER has been measured. Overall, all planned activities under each Sub-Program were linked directly and contributed to relevant ER and objectives.

Linked to Conclusion 2

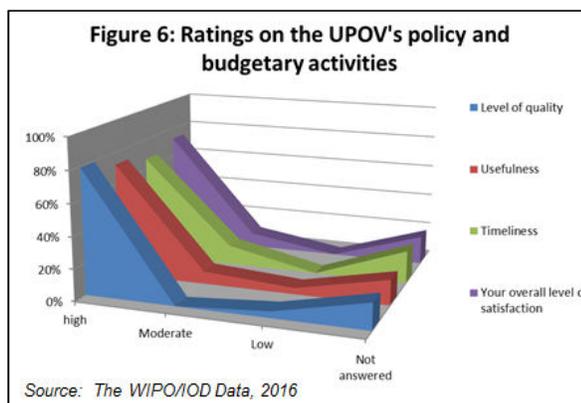
(i) What has been the contribution to UPOV's Sub-Programs?

Sub-Program 1: Overall policy on PVP

Sub-program Objectives:

- a) *Policy direction and executive management.*
- b) *Planning, implementation and evaluation of program and budget.*
- c) *Providing a framework for policy-making*

34. Within the framework of this Sub-Program, the Office has organized sessions of the Council and the Consultative Committee, carried out preparatory work pertaining to the Council's policy, and prepared, adopted and managed various program and budgets for the upcoming biennia. Overall, the Office took a lead in maintaining cooperation among the Members of the Union (Figure 6).



¹² No data is available for 2015, as long as ordinary session is gathered annually in October to publish the financial statements and reports of previous year.

35. In order to ensure that a PVP is adequately applied by the Members, the Office helped them to implement the System through a series of working sessions. The work conducted in this area has been acknowledged as encouraging for countries to progress in the area of PVP. The sessions organized by the Office have been praised as they have created room for interaction with the relevant stakeholders and established better understanding of the issues discussed during the sessions. Meanwhile, overall participation in the sessions of the Council and the Consultative Committee has remained constant during the period under evaluation.

36. The Observers highly valued their participation in the sessions since this allowed them to effectively engage in PVP-related discussions in general, and to better understand the decision-making processes in UPOV. Similarly, participation of experts in such sessions through practical discussions has been identified as a good model for learning by all stakeholders.

37. Activities under this Sub-Program were considered to be the starting point for further expansion and improvement of the PVP System. In addition, UPOV activities were praised for achieving specific results in policy making, coordination and overall management test segments. This work definitely directs the harmonization of the PVP System among the Members of the Union.

38. All activities conducted within Sub-Program 1 are aligned with the four ERs of Sub-Program UV.1¹³. Activities are identified as contributing to the main two objectives of UV .1. Therefore, the work of the Office is leading to effective and participatory planning, implementation and evaluation of the Program and Budget and, overall, an effective policy and management of UPOV. Additionally, this work drives activities under other Sub-Programs related to: assessing the legislation, identifying needs and responding to queries through specific support and technical services.

Sub-Program 2: Enhancing the effectiveness of the UPOV System

Sub-program Objectives:

- a) To maintain and improve the effectiveness of the UPOV System.*
- b) To provide and develop the legal, administrative and technical basis for international cooperation in PVP according to the UPOV Convention.*

39. The Office has provided the following services under this Sub-Program:

- (a) Providing guidance on the examination of varieties, and more precisely the adoption of documents and information material, including the test guidelines. Seminars and symposia have also been held to share experience and improve efficiency and effectiveness of the tests for the varieties;
- (b) Enhancing cooperation between Members for the examination of plant breeders' rights by developing the databases. The stakeholders noted that development of the GENera and specIEs (GENIE) Database has enabled Members' contributions on plant genera/species (on test guidelines, DUS, etc.). In addition, the development of the PLUTO Database offers a compilation of data supplied by the Members of the Union, and encompasses information on plant breeders' rights, plant patents and national listings;
- (c) Facilitating (electronic) applications for plant breeders' rights (the UPOV EAF project);
- (d) Translation of UPOV documents; and

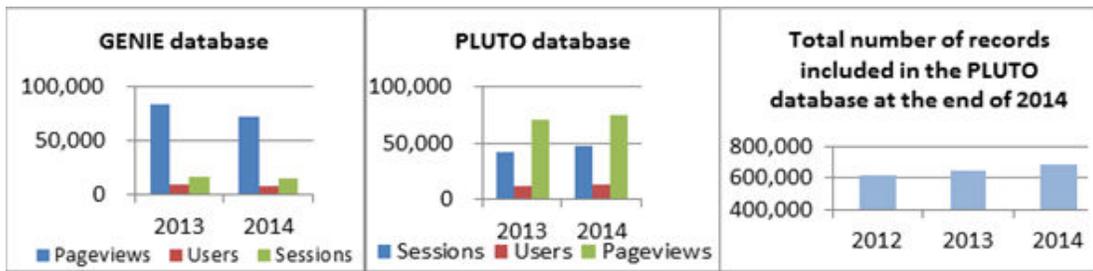
¹³ The Sub-Program UV.1: "Overall Policy on Plant Variety Protection" corresponds to the first objective of the Office's RBMF.

(e) Provision of information and guidance on the UPOV Convention for all stakeholders (breeders, farmers, growers, seed-merchants, etc.), and more precisely through the adoption of information materials concerning the UPOV Convention.

40. All the activities conducted within the Sub-Program UV.2 are directly linked and contribute to the ER and objectives. More precisely, activities are directly contributing to enable the operations of the PVP System as well as effective implementation of the UPOV Convention. In this regard, the cooperation of the Office with countries at the technical level remains highly relevant as it supports them in the implementation of the PVP System nationally.

41. GENIE and PLUTO databases were noted to be very useful. In particular, the stakeholders positively rated the compatibility of the information provided, for instance, between the European Union (EU) and UPOV. However, they mentioned that the Office needs to encourage Members to contribute to the databases since they basically depend on knowledge and information sharing among all Members. Overall, there was a steady level of database usage in 2013-2014 (Figure 7).

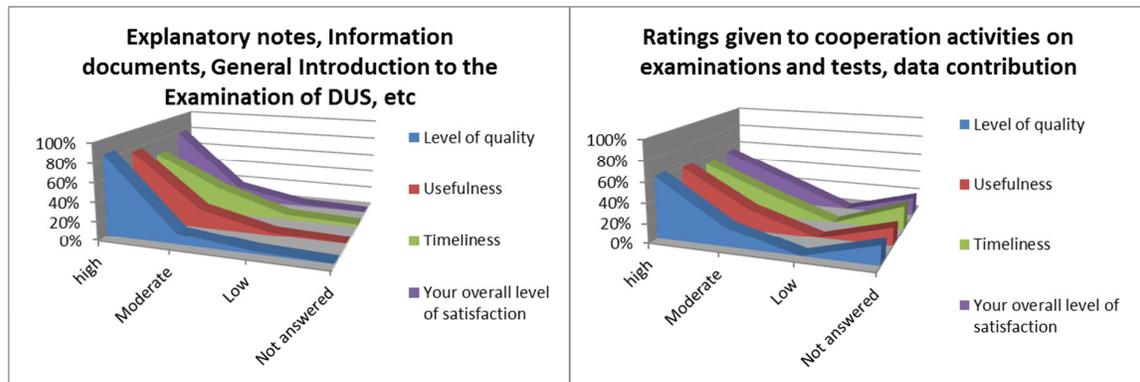
Figure 7: Database usage statistics



Source: UPOV Performance Reports for 2012- 2014

42. Test guidelines were highly-rated as they help promote and provide an effective system of PVP (Figure 8). UPOV introduced a common approach/guideline (“Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability”) pertaining to DUS examinations on how to conduct the tests. Similarly, the UPOV Collection including Test Guidelines was appraised by Member and Non-Member States as clearly explained and systematic. Once, the online Test Guidelines’ template is fully operational and used by experts, it is envisaged to facilitate the drafting and adoption of test guidelines with fewer human resources and costs for translation services.

Figure 8: Rating of explanatory notes and cooperation activities

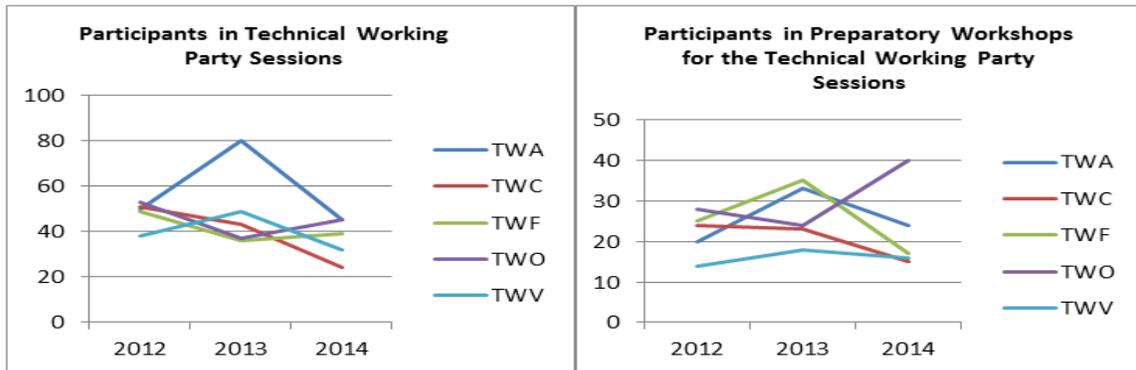


Source: The WIPO/IOD Data, 2016

43. The EAF is ranked highly by consulted Members for its potential to streamline management practices and reduce the administrative processing of the applications. Overall, this project is expected to bring savings for applicants as it simplifies the processes. Ultimately this work may form a good basis for a possible international system for cooperation as it is understood as a framework for coherent cooperation.

44. Participating in the UPOV bodies, and especially, in the Technical Committee and the TWP sessions, was highly valued. The meetings of the Working Parties were of particular relevance since they give the opportunity to countries to build their capacities and to participate in the technical bodies, which are both main targets for the Office. Nevertheless, the overall participation in TWP sessions decreased for the period between 2012 and 2014 (Figure 9).

Figure 9: Participation rating



Source: UPOV Performance Reports 2012, 2013 and 2014

Sub-Program 3: Assistance in the introduction and implementation of the UPOV System

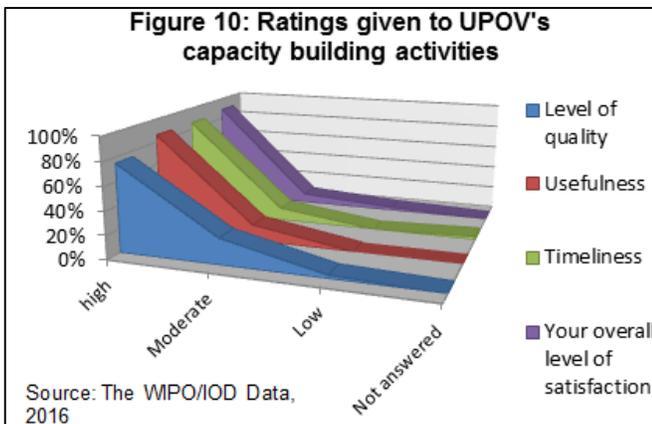
Sub-Program Objectives:

- a) To raise awareness of the role of PVP according to the UPOV Convention.
- b) To assist States and Organizations, particularly governments of developing countries and countries in transition to a market economy, in the development of legislation in accordance with the 1991 Act of the UPOV Convention.
- c) To assist States and Organizations in their accession to the 1991 Act of the UPOV Convention.
- d) To assist States and Organizations in implementing an effective PVP System in accordance with the 1991 Act of the UPOV Convention.

45. The Office has provided the following services under this Sub-Program:

- (a) Raising awareness of PVP in accordance with the UPOV Convention mainly through publications on the role of PVP, and information material on the UPOV website. In addition, activities on awareness-raising were also organized or supported by the Office of the Union;
- (b) Assisting Member States in drafting legislation on PVP in accordance with the 1991 Act, as well as providing comments on laws, advice, and meetings. Assistance was also offered to States and Organizations for accession to the 1991 Act; and
- (c) Assistance for the implementation of an effective Plant Variety Rights (PVR) System. Distance learning courses have also been organized, with Member and Non-Member States.

46. Over 89 percent of interviewed stakeholders highly rated the capacity building activities carried out by UPOV (Figure 10) and regarded them as balancing the level of knowledge and skills between the UPOV Members.

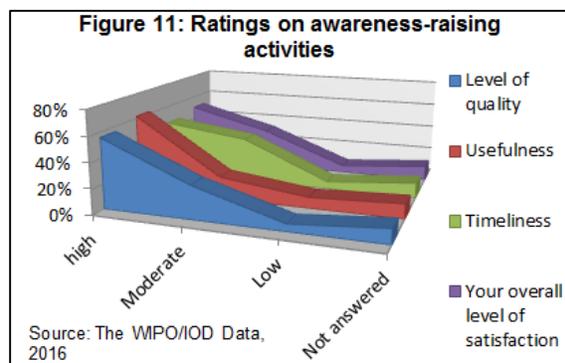


47. Training activities were initiated after identifying the need to reach out to a larger group of regions since extensive country level work is not possible due to the limited resources. Training has been identified as useful in advocacy and education. An

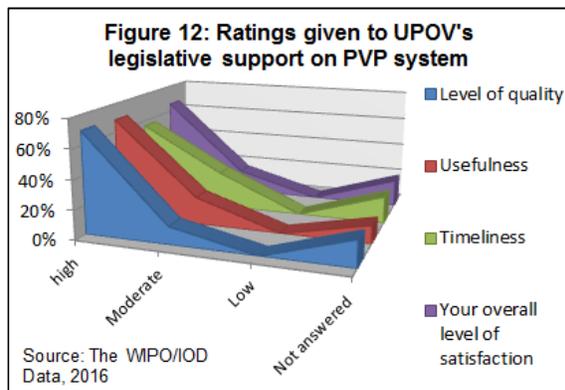
increased number of countries have been participating in the distance learning activities since 2012 (13 percent increase). Of particular relevance were the distance learning courses, where students were getting online support and assistance from experts.

48. Trainings have led in some cases to direct assistance in enacting PVP laws, as well as in the formation of plant breeders associations. The training of trainers course was valued as good practice since it provided a forum for networking, as well as sharing of information and experiences.

49. Over 60 percent of stakeholders considered awareness raising activities of UPOV to be very useful and of high quality (Figure 11). The same portion of interviewed stakeholders pointed out their satisfaction with the volume and quality of information provided by the Office.



50. The numbers of countries requesting such support has increased since 2012. The excellent cooperation and support add value while timely responses from the Office to legal queries from Members equates to relevant support (Figure 12).



51. Some areas for improvement have been identified with regard to training, and more precisely to the additional efforts of the Office to ensure that the learning process can lead to adequate implementation of the Convention. Improvement of the training material has also been highlighted by some stakeholders, especially by making it less technical and including practical materials.

52. Cooperation remains at the core of the services provided since country experts also provide good support to the Union. Overall, the development of a PVP System in a country can be very fast but in some cases external factors such as high turnover rate can limit and slow down the development of the PVP System.

Sub-Program 4: External relations

Sub-Program Objectives:

- a) *To broaden and enhance the understanding of the UPOV System of PVP.*
- b) *To provide information on the UPOV Convention to other Intergovernmental Organizations (IGO), with the aim of achieving mutual support with other international treaties.*
- c) *To inform Members of the Union of developments relevant to UPOV.*

53. Within the framework of Sub-Program 4, the Office aims to:

- (a) Increase public understanding of the UPOV's role and activities through posting public-oriented information and materials on the UPOV website; and
- (b) Exchange information with other Organizations like IGO or NGO through meetings and activities.

54. The content of the website and the information available was considered sufficient. The Office made adequate effort to inform and provide updates to the UPOV community. A particular emphasis was given to updating of the website and the inclusion of the Frequently Asked Questions (FAQs).

55. Despite the progress made to disseminate information on the PVP System to a broader audience, the main concern stakeholders expressed was communication weaknesses leading to limited knowledge of general public on the nature of UPOV's activities. Improving UPOV's public relations was considered important with a particular focus on the impact of the PVP System. Similarly, the stakeholders highlighted the importance of strengthening the efforts to increase understanding of PVP among stakeholders (researchers, scientist, and authorities) at the regional level, among developing countries and new Members of the Union.

(ii) The program's design and monitoring system

56. There is a coherent linkage between ER¹⁴ and the Sub-Program objectives. Each Sub-Program Performance Indicator (PI) was developed to measure and report on the progress towards the ER.

57. All performed activities are linked to the specific ER under each Sub-Program, including activities related to the Funds in Trust (FIT). All consulted UPOV Officers¹⁵ (full and part time) considered that workplan activities were aligned with the ER, and 11 out of 12 interviewed UPOV Officers were of the opinion that the PI was useful in providing information on the achievement of ER.

58. Effective follow-up of activities and relevance of PIs has been highlighted by interviewed external stakeholders. Key performance indicators (KPI) are monitored instantly while program activities are implemented and thus no specific milestones are set to monitor progress through the PIs.

59. An important element of the learning process was the Mission Reports, as these documents have been used as program monitoring tools to track progress and gather information to be used in making decisions for improving program performance. The reports were shared with UPOV staff to guarantee full awareness of the Office regarding updates. The Office gathered feedback from training participants of distance learning initiatives through informal consultation sessions. However, the Office plans to elaborate the system into a regular monitoring scheme to receive feedback.

¹⁴ A direct effect that a cluster of activities is designed to produce.

¹⁵ This group includes the UPOV officers specified in footnote 7 of this report.

60. Overall, a majority of UPOV Officers (83 percent) positively assessed the Office's monitoring system stating that it provided relevant information on achievement of ER. 10 out of 12 UPOV Officers noted that the monitoring scheme has helped the Program to improve the support provided to the Members of the Union.

61. Per stakeholders' feedback, the Office never reported equity related matters as it was not considered an issue at the country level, although some representatives indicated that some stakeholders have difficulties to be heard. At the national level, plant breeding segment (by its nature) was stated to be male dominated. Forty-four percent of UPOV staff considered that equity has been fully addressed in the UPOV's ER and 36 percent considered that the results decreased inequalities between the PVP population groups (Table 2).

Table 2¹⁶: Stakeholders' rate on the extent equity is addressed

For UPOV's ER...	% of positive responses			
	UPOV staff	TC / CC / C	PVP Offices	IGO/NGO/Associations and Research centers
Equity has been addressed	44%	44%	67%	0%
Equity has been partially addressed	44%	44%	17%	40%
Inequalities between the different PVP population groups have been addressed and decreased	36%	30%	17%	0%
Decreasing inequalities between the different PVP population groups has been partially addressed	36%	50%	50%	66%

Source: The WIPO/IOD Data, 2016

Conclusion 2: Services offered by the Office are contributing to the effective implementation and constant improvement of the PVP System, including better guidance and information for Member States and Observers.

Linked to Finding 2

(C) HAS UPOV INVESTED ITS RESOURCES EFFICIENTLY?

62. The efficiency analysis explores, *inter alia*, UPOV's budget structure and cost allocation scheme. In addition, the efficiency assessment addresses institutional frameworks pertaining to governance and managerial decision making, utilization of innovative technology-enabled systems, cooperation and synergies formed to deliver services in the most efficient way.

Finding 3: The Office operates in accordance with a structured business model which was developed over decades and UPOV's website serves as a data repository for its Members, stakeholders and general public. Services are delivered with high quality and within a reasonable timeframe.

Linked to Conclusion 3

Finding 4: The Office acknowledges that the current situation is a limiting factor for output. There has been a 23 percent increase in number of Member States joining the UPOV Convention in 2014 while its workforce remained unchanged.

Linked to Conclusion 4

¹⁶ Source: responses to the evaluation survey.

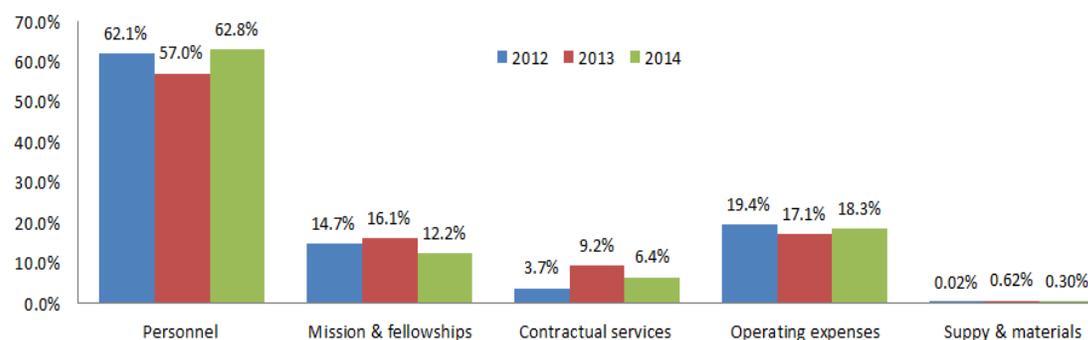
Finding 5: The Office provided assistance to Member and Non-Member States and Organizations, created long-standing partnerships (at policy and technical levels) with other International Organizations.

Linked to Conclusion 5

(i) Budget structure

63. A comparative analysis of UPOV's major expenditures to the total budget indicates that personnel cost has the largest portion¹⁷ while equipment and supplies constitute the lowest cost item (Figure 13).

Figure 13: Expenditure breakdown for 2012-2014 (% of total expenditures)¹⁸



Source: UPOV Data: Audit and Financial Statements for 2012-2014

64. During the course of the evaluation, the Union was managed by two senior level officials¹⁹ and reported employing four senior-level Officers²⁰ (one legal counsel and three technical/regional officers, who provide subject-matter support and consultancy to Members²¹) and five support level staff. While in 2012-2013, the Union had the same workforce: two directors, four professional-and five general-level staff²². In cases of necessity and within the budget, the Union practiced short-term support in the General Service category and by Agency Workers. Thus, in recognition of the limitation of human resources, the outsourcing of administration and tutoring services is anticipated for the upcoming fiscal period (2016-2017).

¹⁷ Personnel expenditure includes short-term employee benefits such as base salary, post adjustment, dependents' allowance, pension contribution, health and other insurance contributions, home leave and other entitlements for permanent and short-term staff.

¹⁸ No financial data is available for 2015, as long as ordinary session is gathered annually in October to publish the financial statements of previous year.

¹⁹ There are two senior managers: Secretary-General and Vice Secretary-General. See http://www.upov.int/about/en/office_of_upov.html

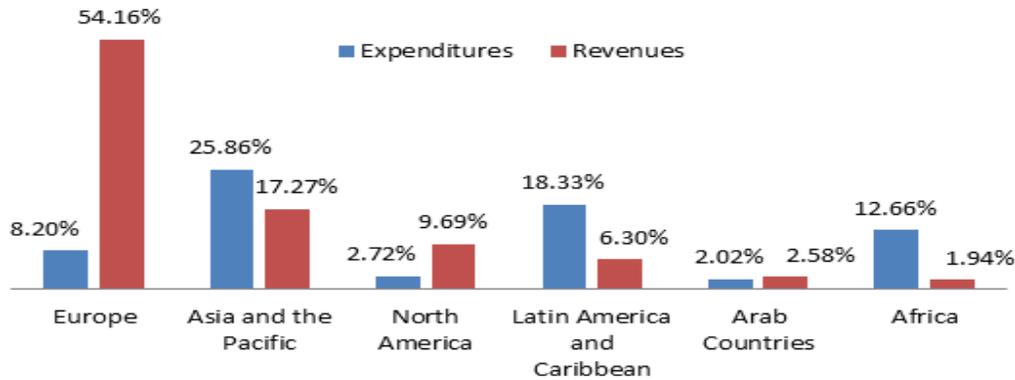
²⁰ Current Director General of WIPO has declined any salary or allowance from his functions as Secretary-General of UPOV.

²¹ The WIPO provides administrative support to UPOV.

²² Program and Budget for the 2016-2017 Biennium, UPOV, October, 2015.

65. It is noteworthy that, the EU, France, Germany, Japan and The United States of America are credited with the highest contribution unit²³, thus, generating the highest contribution share by regions. Although the analysis of contributions and expenditures by regions (Figure 14) does not demonstrate a perfect balance, the allocation of funds is based on transparent approach to prioritization which is approved by all Members of the Union in the Program and Budget for biennia²⁴. A majority of services, identified as the main focus and priority for the 2014-2015 Biennium, had been provided under Sub-Program UV.2²⁵.

Figure 14: Contributions and expenditures by regions for 2012-2013



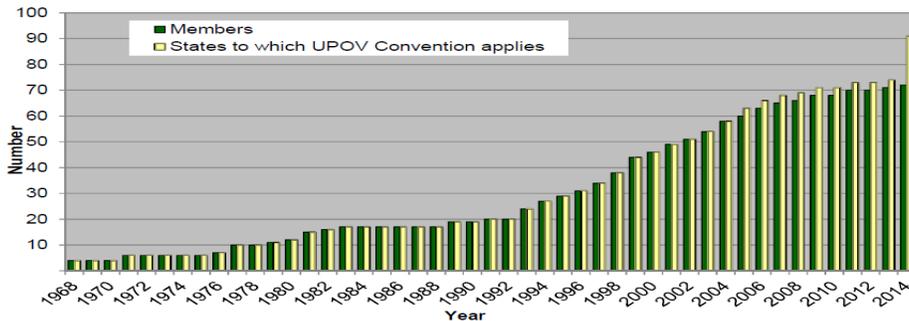
Source: For Revenues: Financial Management Report for the 2012-2013 Biennium; For Expenditures: AIM's (Administrative Integrated Management System) extractions for the activities of each Sub-Program²⁶

66. Key stakeholders interviewed by the Evaluation Team commended UPOV's achievements given the limited financial resources and yet highlighted their concern for the level of budget allocation for operations which remains unchanged.

(ii) Cooperation and partnership

67. From its establishment, UPOV has successfully managed to expand its pool of Member States and Organizations. In 2014, it reported a rapid expansion (23 percent) of Member States to which the UPOV Convention applies. This expansion was achieved through the membership of African Intellectual Property Organization (OAPI), which covers 17 Member States. As of April 2016, the Union reported having 74 Members²⁷ (Figure 15).

Figure 15: Expansion of UPOV (1968-2014)



Source: UPOV Data: Program and Budget for the 2016-2017 Biennium, October 29, 2015

²³ "For each budgetary period, the amount corresponding to one contribution unit shall be obtained by dividing the total amount of the expenditure to be met in that period from the contributions of the Member States of the Union by the total number of units applicable to those States." (Article no. 26 of the UPOV's Convention.)

²⁴ 2012-2013 and 2014-2015 biennia.

²⁵ "Enhancing the effectiveness of the UPOV system."

²⁶ The graph does not take into account the expenditures covering WIPO Headquarters which represent 22,79 percent of the expenditures for the years 2012-2013.

²⁷ <http://www.upov.int/members/en/>

68. Overall, stakeholders positively rated the coordination among the Office and the Members of the Union, as well as activity management practices (Table 3).

Table 3: Stakeholders' feedback on activity management

Overall, roles and responsibilities for activity management are:	% of positive responses	
	UPOV staff	External Stakeholders
...clearly defined between UPOV and recipients of activities	92%	91%
...clearly understood between UPOV and recipients of activities	84%	85%
...clearly applied by UPOV and recipients of activities	84%	85%

Source: WIPO/IOD Data, 2016

69. UPOV collaborates with many departments of WIPO, such as: the Program Performance and Budget Division (PPBD), the Human Resources Management Department (HRMD), the Global Infrastructure Sector, the WIPO Academy, and others. This cooperation is based on a bilateral agreement signed between WIPO and UPOV²⁸ on November 26, 1982. The agreement stipulates administrative and technical services provided by WIPO and their indemnification terms by UPOV. The services include: payroll, travel claims, assessment of contributions, extra-budgetary contributions, donor reporting, accounting and data and physical security. In light of lacking ICT capacity, UPOV also receives substantial support from WIPO with regard to ICT-related matters (e.g. GENIE, PLUTO and UPOV Lex databases).

70. UPOV offers a variety of activities, to the representatives of Members and Observers. These activities include, *inter alia*, advisory services and capacity building through training sessions, awareness raising seminars, training of trainers' initiatives and distance learning opportunities. The Union cooperates with other International Organizations such as: the OECD, the Food and Agriculture Organization of the United Nations (FAO), the International Seed Federation (ISF), the United States Patent and Trademark Office (USPTO), the Community Plant Variety Office (CPVO), and World Farmers Organization (WFO) and others. The stakeholders noted that the Union brought the perspectives of farmers into discussions through ensured participation of International Organizations (e.g. WFO) in UPOV Conferences. Stakeholders highlighted the importance of expanding the cooperation and information exchange with the OECD and the European Seed Association (ESA) in technical areas such as DUS tests²⁹ and plant variety protection measures applied/implemented in different countries.

71. With regard to information sharing, the Office has been valued as efficient in keeping its Members well informed. The Union maintains a solid online presence³⁰ introducing the benefits of its membership, uploading meeting documents, plant variety protection laws and statistics, convention notifications, press releases, publishing studies, providing access to sector specific databases (PLUTO plant variety database, GENIE database), and offering distance learning opportunities.

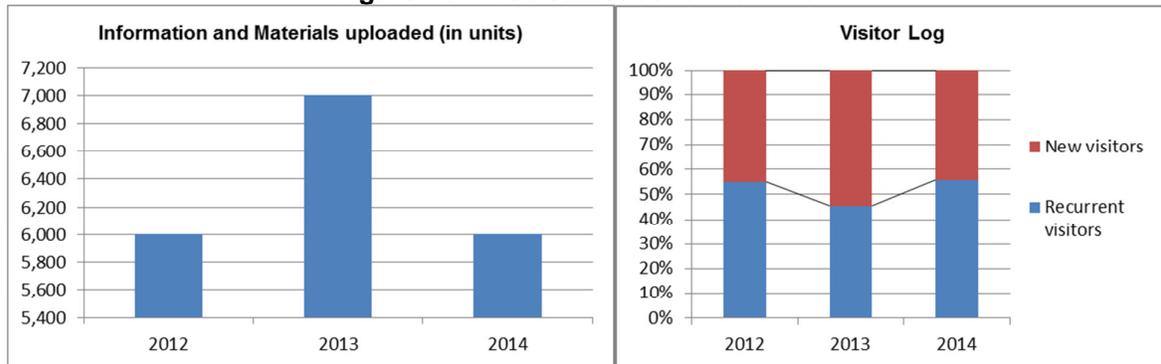
²⁸ WIPO/UPOV Agreement, www.upov.int/edocs/infdocs/en/upov_inf_8.pdf

²⁹ Distinctness, Uniformity and Stability (DUS) is a criterion on the basis of which the Plant Breeders' Rights are granted to a variety by the Authority. DUS test is used as main criteria for deciding the novelty of a variety.

³⁰ <http://www.upov.int/portal/index.html.en>

72. The collection of guidance and information materials on PVP issues is available for UPOV's Member and Non-Member States. As part of the communication strategy, the Union also published a further set of answers to frequently asked questions. The visitor log analysis verifies an interest of general public and Members toward the Union's activities. In 2014, there was a clear decline in new visitors' statistics and information uploaded by the UPOV. On the other hand, the data for 2013 indicates around 10 percent increase, in comparison with 2012, in information uploads and the number of new visitors (Figure 16). The Office is committed to uploading older documents of the Union on an ad hoc basis, as resources become available.

Figure 16: Web statistics for 2012-2014



Source: UPOV Data: Annual Report of the Secretary-General for 2014

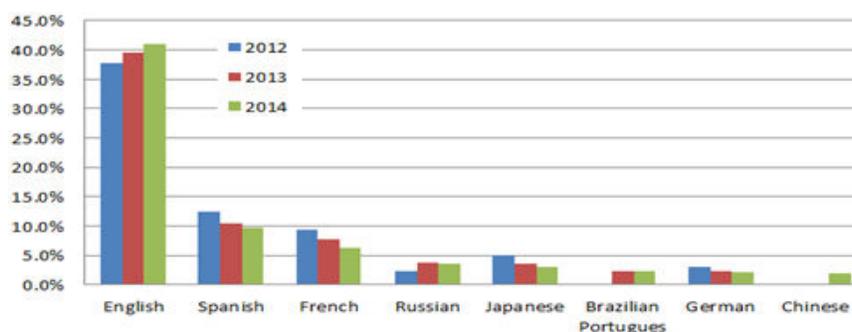
73. Key stakeholders raised their concerns about communications with external parties such as: media, NGOs or the general public. They mentioned that information presented on the UPOV's website is too-technical for general public to understand, which could lead to certain misconceptions (e.g. difference between the patent and PVP Systems, the general value of Intellectual Property (IP) Framework to decision makers and farmers, etc.). It is noteworthy, that within the framework of its communication strategy³¹ and after the introduction of a new logo, the Union plans to introduce a UPOV channel on YouTube³² and to develop stakeholders feature on its website.

74. The stakeholders mentioned that language issues affected the information dissemination scheme. The Union sustains a multilingual online presence with a certain degree of data synchronization. Under the "Sub-Program UV.2: Services to the Union for enhancing the effectiveness of the UPOV System", the Union states the fifth Expected Result to achieve: "UPOV documents and materials in additional languages." It also has a section focused on: "Availability of UPOV documents and materials in languages other than the UPOV languages (English, French, German and Spanish)."

75. The Evaluation Team assessed the language preferences of the UPOV's site visitors. The analysis focused statistic information on the browser language preferences used by the UPOV's site visitors. Apparently, over 40 percent of site visitors found English browser to be more convenient for them in 2014. French and Spanish browsers were used by 10 and six percent of visitors respectively (Figure 17).

³¹ Approved in October, 2013.

³² Source: Report on Activities During the First Nine Months of 2015, The UPOV, Forty-Ninth Ordinary Session, October 29, 2015.

Figure 17: Language browser snapshot for 2012-2014

Source: UPOV Data: Annual Report of the Secretary-General for 2014

(iii) Governance and managerial decision making

76. The Evaluation Team reviewed corporate policies, outsourcing and service sharing business practices as means of increasing the Organization's efficiency. The Office operates in accordance with the business model established and developed over decades³³. The organigram³⁴ of the Union clearly stipulates its organizational structure and Governance Body, including roles and responsibilities of each entity. The preparation of Program and Budget is clearly defined and functional. The Program and Budget decisions are made in a biennial program and budget cycle that estimates income and expenditures for the relevant fiscal period. Program and Budget document is submitted to the Consultative Committee for review and to the Council for approval. The Council established a number of entities/bodies, which meet once or twice a year. Bi-annual sessions of the Union are open to UPOV Member States, Observers, IGOs and International NGOs. However, new rules for granting Observer's status³⁵, adopted by the Council at its forty-sixth ordinary session on November 1, 2012, had been interpreted by some parties as making UPOV less inclusive³⁶.

77. The chart below (Figure 18) illustrates the level of participation at different sessions carried out by the Union. Declined participation at the ordinary session of the Union's Council is believed to be caused partially by the structure of the sessions (physical presence required). Some Member States, facing financial limitations, are expected to attend the sessions³⁷ organized by UPOV. Besides, some local entities must go through complicated and time-consuming procedures to obtain approval to attend the UPOV's sessions.

³³ UPOV was established by the International Convention for the Protection of New Varieties of Plants (the UPOV Convention) in 1961.

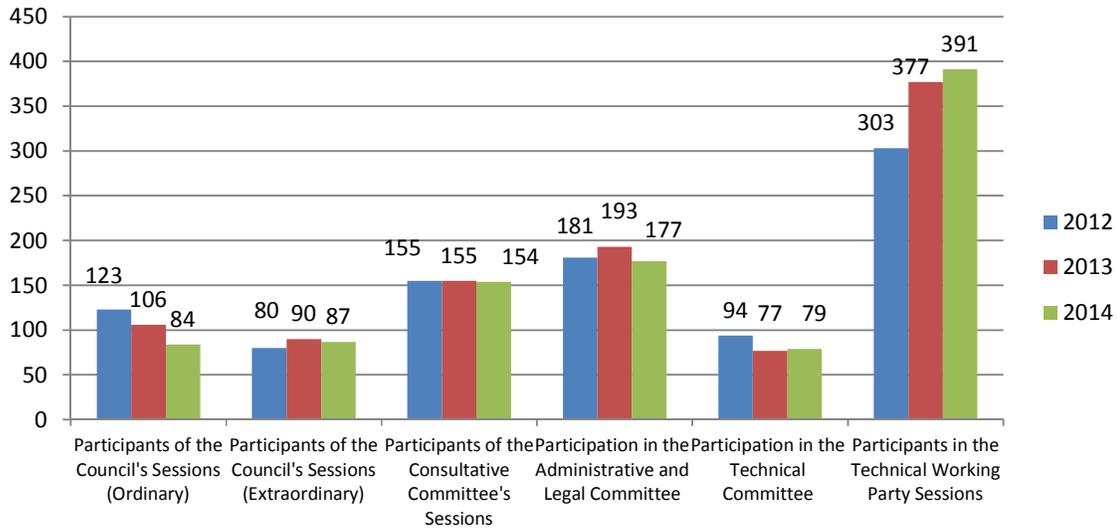
³⁴ <http://www.upov.int/about/en/organigram.html>

³⁵ "Rules Governing the Granting of Observer Status to States, IGOs and International NGOs in UPOV Bodies."

³⁶ Source: <http://www.apbrebes.org/press-release/upov-creates-barriers-farmers-participation>

³⁷ The Council's sessions, Consultative Committees' sessions and TWPs' sessions.

Figure 18: Participation pattern for 2012-2014



Source: Annual report of the Secretary-General for the years 2012-2014

78. The Office reports keeping track on the progress of PVP Systems in Member States. On the other hand, in light of an expanding pool of participating parties, this monitoring scheme is challenged by the limitations of available financial and human resources (at local levels in particular). The stakeholders mentioned facing difficulties while trying to set up KPIs to measure progress.

79. Overall, stakeholders considered that UPOV provides support and responses effectively and in a timely manner. In some cases delays were caused by the administrative nature of certain activities (e.g. the pace of the sessions slowing down due to the increasing number of participating Members).

80. Consulted external stakeholders believed that the Office demonstrated good leadership and managerial practices (91 percent respectively) and presented good results in resource mobilization (87 percent).

81. The Union developed and approved its training and assistance strategy. It also approved the planned use of the Special Project Fund for training purposes in the context of the UPOV training and assistance strategy. In 2013, the Union published its communication strategy.

82. The Evaluation Team has no single document or operation manual that specifies a General Service outsourcing scheme applied by the UPOV. Interviews revealed that outsourcing business practices remained to be a questionable solution and case-specific to stakeholders. Per their feedback, the success of an outsourced project was mainly determined by having a subject-matter expert (staff member) aboard who was able to take ownership over the outsourced project. On the other hand, the stakeholders were uncertain on the level of expertise required in-house.

(iv) Technology-enabled services

83. UPOV effectively utilized information and communication tools to advance the quality of services provided to Member States and Organizations, namely to: improve the processing of applications, and to conduct denomination checking and data analyses. The Union provides subject specific information through data warehouses/repositories and business intelligence tools such as PLUTO³⁸ and GENIE³⁹.

84. In addition, the Governance Body of the Union is determined to enhance existing capabilities to benefit its Members. In 2012, the Administrative and Legal Committee (CAJ) of the UPOV endorsed the development of a prototype EAF project⁴⁰ for Members of the Union. The EAF project is envisioned to have strategic importance as long as it uses an inexpensive interaction and data exchange among participating parties in widely used formats (Word, Excel, PDF or XML) and will allow the Union to generate additional funds⁴¹. The system will enable breeders to read application forms in multiple languages and to provide and re-use information for Plant Breeder Rights (PBR) applications for participating Members of the Union, via the UPOV website. This approach is considered to be a significant advance of the system. On the other hand, some stakeholders were unclear on whether state entities could be excluded from the process. The Office clarified in the meantime that this could not be the case.

85. The relevant UPOV bodies oversee the development progress of the system on a regular basis (twice a year) and have made certain recommendations on the prototype presented in October 2015. The first fully functioning version of the UPOV EAF system is anticipated to be launched in the 2016-2017 biennium for selected species and languages.

86. Overall, the data and information gathered during the evaluation evidences the following successful governance and managerial practices and potential risks (Table 4).

³⁸ A plant variety database.

³⁹ A database that services as a repository of genera and species, the UPOV codes and provides information on alternative botanical and common names.

⁴⁰ A multilingual electronic form containing matters relevant for PBRs applications (e.g. protection and approval of plant varieties)

⁴¹ Payment modality of EAF considers two gateways: payments to PVP offices through UPOV and payments for UPOV service charge

Table 4: Successful practices and risk factors

Successful Practices	Risks Factors
<ul style="list-style-type: none"> • The effective, hardworking and knowledgeable team of the Office. • The mediation role of the Office through the conduct of meetings and direct contact with the countries. • Effective communication and interaction between the Office and Members assures smooth implementation of Sub-Program activities. • The efforts of the Office to identify good practices⁴² in other institutions (such as the European Commission and the CPVO is an added strength in terms of cooperation. • The network of expertise that enhances information exchange, especially the technical working groups as information and knowledge sharing platforms that facilitate enriching discussions that eventually lead to progress toward the achievement of results. • The guidance provided to new Members and Members phasing out from the 1978 Convention into the 1991 Convention as well as the training activities. • The strong commitment of the UPOV Members, particularly the spirit of dialogue, openness and support to the other Members, such as through certain contributions from old Members to fund and otherwise support activities of new Members, which has helped to keep a continuous balance among them. 	<ul style="list-style-type: none"> • Financial and human resources are perceived as a challenge to both internal and external consulted stakeholders. As membership increases, so do the workload to assure equivalent implementation of the system in all Members. • The UPOV System is perceived by some NGOs (representing civil society groups) as tailor-made for certain countries, and thus perceived to some not provide enough flexibility to other agricultural sectors, such as those of developing countries. As a result, some NGOs perceived that UPOV is working on the assumption that the system can operate effectively in all countries for the benefit of society something that is for those NGOs questionable in the case of developing countries. • The social pressure and movement against the PVP, especially from NGOs representing civil society groups could slow down or even prevent countries from joining the UPOV System. • The confusion between the PVP System and the Patent System, and especially misinterpretation of the PVP in terms of IP rights could affect its future. Currently, stakeholders perceive the PVP System as more suitable than patents to promote innovation and to benefit the breeders. This scenario could drastically change if particular countries start to use the Patent System for PVP.

Conclusion 3: The overall governance structure of the Union is functional albeit complex. The Office works in accordance with well-documented processes, which contribute to greater efficiency. The accountability scheme of the Union is well-developed to ensure transparent information sharing among all relevant stakeholders.

Linked to Finding 3

Conclusion 4: The limited human resources of the Office could challenge the effectiveness and efficiency of its operations in light of an increasing workload associated with the expansion of the Union and ongoing major ICT projects.

Linked to Finding 4

⁴² The example was mentioned regarding the UPOV Denomination Similarity Search Tool.

Conclusion 5: The effectiveness of the Union's existing partnership strategy has been proved by long-lasting partnerships and cooperation at international and local levels.

Linked to Finding 5

(D) WHAT REMAINS AT THE END?

87. This section presents findings and conclusions on the follow strategic directions:

- (a) The effect of the activities in streamlining PVP Systems;
- (b) Drivers for success, risks and the areas for further improvement; and
- (c) The extent to which the sustainability of the operations is ensured.

Finding 6: The Office has supported its Members to develop PVP Systems, examine Distinctness, Uniformity and Stability (DUS) and access plant variety denomination information.

Linked to Conclusion 6

Finding 7: Currently the Union does not dispose a diversified revenue portfolio and is heavily dependent on the contribution of its Members.

Linked to Conclusion 7

(i) The effect of the Office's activities and interventions

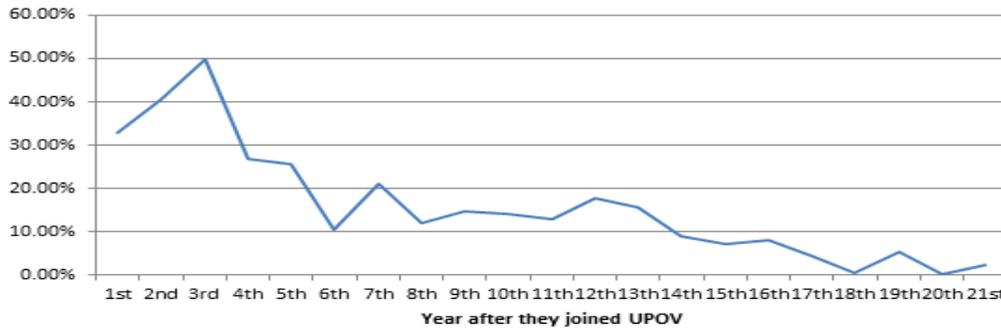
88. The stakeholders considered the 1991 UPOV Convention as a significant achievement that has enabled a specialized system of PVP. They highlighted that from its inception, the Union turned into a Global Organization that demonstrates consistent increase in membership.

89. The Union has enabled breeders to access plant varieties from different countries, and has permitted the delivery of an increasing number of varieties of protected plants. UPOV was also helpful in conserving plant genetic resources that eventually benefited stakeholders at large. Per stakeholders' feedback, they profited from the system through the continued preservation of identity that resulted from the PVP framework created by the UPOV activities.

90. The chart below (Figure 19) exhibits an average growth rate of PVP titles granted for Members⁴³ after joining the Union. The number of PVP titles in force is updated annually. The graph gathers information for all 51 new Members, and covers over 20-year period (11 new Members have joined UPOV over 20 years ago).

⁴³ The category of new Members is based on the definition of the UPOV as stated in the UPOV report on the impact of PVP. New Members are countries joining the UPOV after 1992: Albania, Argentina, Azerbaijan, Belarus, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Croatia, Czech Republic, Dominican Republic, Ecuador, Estonia, Finland, Georgia, Hungary, Iceland, Jordan, Kenya, Republic of Korea, Kyrgyzstan, Latvia, Lithuania, The former Yugoslav Republic of Macedonia, Mexico, Republic of Moldova, Morocco, New Zealand, Nicaragua, Norway, OAPI, Oman, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, Uruguay, Uzbekistan, Viet Nam.

Figure 19: Growth rate of PVP titles in force for Members joining UPOV in 1986-2014

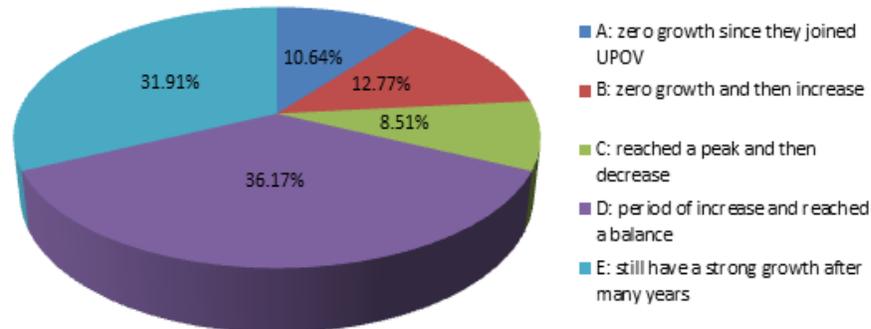


Source: PVP Statistics, the UPOV, 2016

91. The positive trend of the growth depends on the capacity of the Member States to replace the expiring titles each year with new ones. During the first three years, there is an overall increasing trend, which reflects the possibility of having a high growth in the applications after joining UPOV.

92. Going into further detail, each Member State evolves its own rhythm to develop its full potential. Some of them (36 percent) have reached a peak of their number of titles in force, and are now working on maintaining this number by replacing old titles that cease to be in force with new ones. Others (32 percent) are still having an increase in their total number of titles, even 20 years after their entrance to the UPOV System. A minor proportion of Member States needs more time to start enforcing new titles, and some have still not started to do so, even several years after they have joined UPOV. Eight percent of Member States are now facing a constant decrease in their titles in force (Figure 20).

Figure 20: Percentage of each pattern identified for the new Member States



Source: PVP Statistics, the UPOV, 2016

93. In 1995, the CPVO was set up as an agency of the EU with a mandate to apply and implement the system of protecting PVR. One of the main reasons of creating the CPVO was to streamline PVR applications. Previously, applicants interested in securing EU-wide protection were in position to apply separately to each EU Member States. The CPVO simplified the procedure allowing applicants to send the only application (to the CPVO) to obtain EU-wide protection. CPVO is a self- finance organization with a budget that is derived from PVR application fees and annual fees paid by breeders. In addition to services similar to UPOV, the CVPO also grants plant variety property rights. As a matter of fact, EU Member States participate in sessions organized by the Union.

94. Over 74 percent of interviewed Members confirmed that the Union supported Members in developing new varieties of plants and 85 percent agreed on building their capacities. In their views, the database system allowed breeders to access variety denominations and provided information that facilitated applications to protect these systems. For some stakeholders, plant breeding is a necessity due to its continuous contribution to the improved food production in era of climate change.

95. The UPOV System has also facilitated marketing and economic opportunities. Consumers have a wider choice due to the varieties available. In addition, plant breeding gives opportunities to make a return on investment through access to new varieties of plants. In some instances plant breeders' rights associations have been formed.

96. The test guidelines and protocols as well as the DUS reports have enhanced provision and promotion of new plant varieties and overall cooperation and harmonization (the adoption of test guidelines is key in this regard), which in turn is contributing to the existence of a secure basis on which to expand economic exploitation of varieties among the Member States.

97. The way in which Members are in contact with each other was found to have significantly positive effect that was not explicitly targeted. This characteristic is found to add excellent value since it allows contact among Members in order to solve problems or to consult with each other easily throughout the year and outside the sessions. The communication channels utilized by the Office to share reports and information on PVP have decreased costs and time spent on the processes.

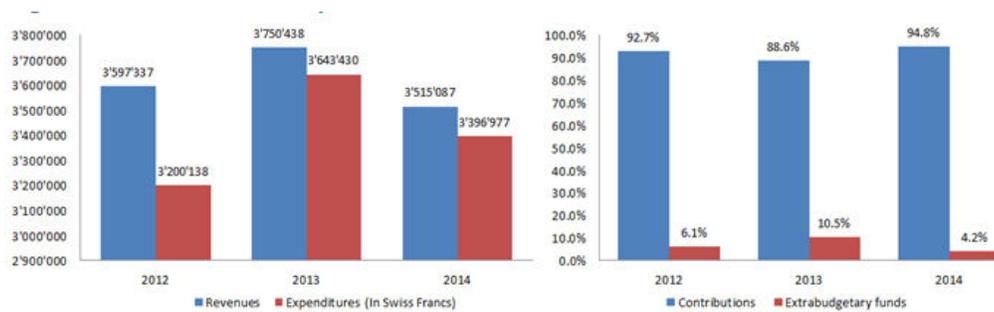
98. Increased awareness and knowledge of the PVP System are also main outcomes perceived from the work of the Office of the Union. It is important to mention that consulted PVP Offices highly rated the incorporation of knowledge and its permanence in the Organization. Similarly, consulted PVP Offices rated their Organizations as being better prepared to test new varieties of plants.

99. Participation of Observers in training activities is essential since it has allowed for acquisition and sharing of knowledge. There is now a mutual understanding and cooperation with regard to PVP. An enhanced capacity among breeders has in turn contributed to increased protection of varieties and increased royalties.

100. Responses to the evaluation survey indicate that 81 percent of external stakeholders are of the opinion that the assistance provided by the Office is still required, which is aligned with the perception of the Office (92 percent positive response on this item).

(ii) Is the continuation of the System ensured?

101. A major portion of the UPOV's revenues comes from the contributions of the Member States and Organizations. Thus, in 2014, contributions constituted 95 percent of total revenues. The annual revenue and expenditure structure of the Union indicates a minor annual surplus for the period of 2012 – 2014 (Figure 21).

Figure 21: UPOV Income/Expenditure for 2012-2014

Source: UPOV Data: Financial Statements for 2012-2014

102. Overall sustainability of the Office is ensured at the level of responding to need of having an organization that interlinks various stakeholders, as it is currently provided by the Office of the Union.

103. At the operational level, it is obvious that plant breeding is continuously needed activity, as it helps to increase food security, means that there is a continuous need for PVP and the involvement of the Office therein.

104. The sustainability of the PVP services is considered as primarily guaranteed by the cooperation-led nature of the UPOV community. The work the Office is doing on setting the grounds for building an international system for cooperation is quite tangible in this regard, for instance through the work on a quality management system in terms of variety examination and the DUS, as per consulted stakeholders. The protocols and guidelines are drivers towards building a robust system that ensures solid and safe results in the scope of PVR and in the context of commercial speed. Yet, this will only happen with the long-term commitment of the stakeholders. The policy of reaching a consensus on the issues discussed and ways forward also plays a role in the long-lasting commitment of Members.

105. Stakeholders have already started to expand the knowledge of PVP in Member States. For instance, the knowledge gained through the trainings with regard to PVP has been used by some participants to educate a broader audience of relevant stakeholders. Some of the consulted Observers have been able to transfer PVP-related knowledge to national farmers associations through the PVP awareness sessions in training programs.

106. The Office does not integrate specific sustainability components in the activities to define shared responsibilities in the continuation of results. Yet, 89 percent of UPOV staff members and 52 percent of consulted Member States consider that the Office has already discussed sustainability measures with Members.

(iii) Drivers for success and identified risks

107. The chart below (Figure 22) outlines internal and external factors affecting the performance and sustainability of the Office's operations. Overall, 67 percent of consulted external stakeholders and 40 percent of UPOV staff agreed that contextual factors (external and internal) affect the level and volume of extra-budgetary contributions. Moreover, 44 percent of consulted external stakeholders and 64 percent of the UPOV staff confirmed a set of potential risks affecting sustainability of the Union.

Figure 22: Strengths, opportunities, weaknesses and threats of UPOV operations(iv) Further areas for improvement

108. The following areas have been identified as needing further improvement:

Working on facilitating cooperation within UPOV.

109. The Office needs to clarify its role in harmonizing the System in a context of increasing political discussions around the PVP where there is a wide variety of opinions.

110. The role of UPOV in triggering international cooperation and ways in which the Office can help Members to support each other was defined to be important for the Office to focus on. The work of the Office in facilitating the connection between countries and in encouraging them to find resources to address the knowledge gaps and benefit from opportunities remains very important to consulted stakeholders.

111. Providing sufficient resources to support implementation of PVP remains important in terms of achieving most impact from PVP and UPOV membership. Various forms of support and involvement of new Members maybe essential for increased national ownership of the results of the support provided immediately after membership is approved.

112. Overall, the Office needs to continue encouraging countries to cooperate by reminding Members of the importance of cooperation in cooperation-driven Organization. The Office needs to reflect on how to facilitate cooperation with an increasing and more diversified membership. Cooperation among Members needs to prevail, for instance through bilateral agreements. More informal networks among Members were also pointed out as a good means of cooperation to solve technical questions.

113. UPOV provides tools but the effective use of the Systems depends on each Member State. The Union might need to consider mandating the Office to follow up on this issue and ascertain the progress and problems they are facing while implementing the System at local levels and develop proposals on how to respond.

The Union Members, the right holders and the breeders.

114. The Office needs to ensure that the needs of both the newer Members and the older Members are addressed and that no discrepancies or disaffection arise due to the fact that the Office of the Union might need to pay particular attention to new Members that are less developed and have less experience in the PVP sector. In this regard, a WIKI space providing information guides and examples of cases for practical problem solving for new Members, could be created.

115. The vast majority of stakeholders are of the opinion that the Union needs to be more open and willing to engage with a broader audience beyond the breeders. At this stage, the openness of UPOV to Observers is well valued, yet more inclusiveness of Observers at the level of awareness-raising activities, training courses and guidance for integration and support of the system usage is required as they are also applicants and UPOV beneficiaries.

116. Increased collaboration with other Organizations, such as IGO, as Observers has been suggested by consulted stakeholders, as well as the need to start expanding cooperation with a higher diversity of stakeholders such as national farmer Organizations and the smaller stakeholders such as seed breeders. While working with the various national representatives, a focus needs to be maintained on breeding companies and small and medium-sized Organizations dealing with plant varieties.

117. It will be strategically important for the Office to understand if/how the farmers are using the protection, how the farmers see the PVP System and the concept of protecting innovation in agriculture, as well as their understanding of the use they can make of it.

118. To have greater participation of civil society groups, UPOV may need to change its rules and regulations for further inclusion and participation of Observers. Eventually, this would require the agreement of Members.

Resources

119. Both, the resources of the Office and those from Members are cause for concerns. The need for more cooperation has been identified to tackle such limitations. Alternatives include partnerships and sponsors (as in the case of activities financially supported by USPTO, the governments of Spain, the Republic of Korea and Japan) as well as conducting joint activities with other Organizations that address PVP matters.

120. Once the EAF system becomes fully operational, it will act as a source of income. Until then, for the purpose of having additional financial resources, UPOV may consider focusing on getting funds from other services rendered to new clients such as the private sector. This could be achieved through training, selling of information to other International Organizations, farmers and the private sector.

Support and services

121. Activities such as more guidance to Members would facilitate the necessary modification in line with the changing needs of society. Additionally, the Office needs to continue encouraging Members to work more on areas such as contributing to the Test Guidelines.

122. To keep up with technological innovations, UPOV needs to continuously make technological updates. With regard to the electronic system, efforts need to still be made in adapting the electronic system with the respective national procedures for administering the data. Worldwide, to make the system operational, more system integration is necessary, whereby an automatic transfer of information from system to system is possible. UPOV is relying on databases more and more for an international system of cooperation.

Expanding the knowledge on the PVP

123. Increased exchange of experiences and knowledge among all Members, particularly from the old Members to the new Members, is required. Technical working groups with a mix of old Members and new Members were highlighted as crucial in allowing knowledge sharing and learning, and eventually balancing Members' capacities with regard to PVP. Encouraging study visits organized and financed by the Members themselves was also highlighted to be important in order to sustain the learning process of operational practices.

124. Additional demands for capacity building are foreseen by Members, and thus the need to have a strategy on how to manage initiatives to guarantee progress in this area is required in the context of limited resources. On the one hand, engaging with educational institutions in order to expand the general and technical knowledge of the PVP as well as working on the authentication of certificates to add value to the trainings was suggested. On the other hand, to address the limited resources, the training of trainers is considered a very good initiative, which entails high-quality documents and materials. The possibility for Members to provide financial or in-kind contribution through trainers to support the trainings was highly thought of as an alternative.

More active communication

125. The Office needs to show the value of its work and spread the message to farmers, and to breeders, consumers, etc. The upload of videos, webinars and studies on the positive effects of the UPOV System is perceived as required to tackle the increased resistance towards the PVP System.

126. More pro-activeness in raising awareness of stakeholder groups that have less information in this area, such as small scale farmers, could also achieve uniformed knowledge of the subject matter among all relevant stakeholders. More work needs to be done in outreach activities to farmers Organizations. In addition, UPOV could target stakeholders outside the UPOV circles, for instance through raising awareness through masters programs in order to make the activities of UPOV more relevant and better understood.

127. Special focus needs to be given to raising understanding of the linkage between IP protection related to PVP and understanding why one should invest in IP and the results and benefits that can be obtained in terms of commercialization. This needs to be clearly communicated to decision makers and farmers, possibly, through studies on how plant breeding has addressed society needs.

128. Similarly, the Office needs to ensure there is a clear understanding among the broader audience of the distinction between PVP, genetic resources and the traditional practices of farmers and the extent these areas need to be dealt with separately as they are administered by treaties other than the UPOV Convention and in a mutually supportive way. Understanding the scope of UPOV and how other legislation complements UPOV plays a role in tackling the negative perceptions of the UPOV Convention in some quarters.

Conclusion 6: The work of the Office has a direct impact on its Members in terms of securing a basis for developing agriculture. The cooperation and contribution of the Members to the UPOV System is indispensable for successful maintenance of the PVP System.

Linked to Finding 6

Conclusion 7: The budgetary limitations and increasing workload brings into question the feasibility of the existing Organizational Structure to deliver services in a sustainable manner.

Linked to Finding 7

Recommendation 1

The Union should consider developing a Strategic Business Plan that would:

- (a) Serve as a roadmap to implement the Strategic Goals and Objectives of the Union;
- (b) Identify financial resources needed to achieve the Strategic Objectives of the Union in an evolving global environment and provide alternative ways to additional funding schemes;
- (c) Outline the human resource needs in line with the Strategic Priorities of the Organization; and
- (d) Define long-term steps and key milestones of outreach activities for improving organizational visibility and enhancing revenue generation efforts.

(Importance: Very high)

Closing Criteria:

Submission by the Office of its Strategic Business Plan that:

- (a) Reflects the strategic agenda of the Organization;*
- (b) Depicts alternative funding sources and defines trends and implications;*
- (c) States financial resources needed to advance the Strategic Objectives of the Union with respect to political and economic milieu;*
- (d) Incorporates human resource planning proposal with a balanced ratio of professional and general level positions;*
- (e) Covers outreach relationship building program with external and internal stakeholders;*
- (f) Defines measurable benchmarks or criteria for evaluating effectiveness and monitoring progress of funding schemes; and*
- (g) Incorporates detailed action plan with measurable indicators and feasible implementation timeframe.*

ACKNOWLEDGMENT

IOD wishes to thank all relevant members of staff for their assistance, cooperation and interest during this assignment.

Prepared by: Mr. Claude Hilfiker, Ms. Nelly Dolidze, Ms. Patricia Vidal, Ms. Linda Mngola and Mr. Arnaud Bubeck, with the support of Mr. Kees van Ettehoven as external expert.

Reviewed and approved by: Mr. Tuncay Efendioglu

TABLE OF RECOMMENDATIONS

Recommendation 1	Accepted / Rejected (indicate reason for rejecting)	Person(s) Responsible	Deadline	Management Comments and Action Plan
<p>The Union should consider developing a Strategic Business Plan that would:</p> <ul style="list-style-type: none"> (a) Serve as a roadmap to implement the Strategic Goals and Objectives of the Union; (b) Identify financial resources needed to achieve the Strategic Objectives of the Union in an evolving global environment and provide alternative ways to additional funding schemes; (c) Outline the human resource needs in line with the Strategic Priorities of the Organization; (d) Define long-term steps and key milestones of outreach activities for improving organizational visibility and enhancing revenue generation efforts. <p>(Importance: Very high)</p>	<p>Accept</p>	<p>Peter Button</p>	<p>November 2017</p>	<p>Subject to agreement by the Consultative Committee in October 2016, Office of the Union to prepare draft Strategic Business Plan to be presented to the Consultative Committee in October/November 2017</p>

Recommendation 1	Accepted / Rejected (indicate reason for rejecting)	Person(s) Responsible	Deadline	Management Comments and Action Plan
<p><u>Closing Criteria:</u> <i>Submission by the Office of its Strategic Business Plan that:</i></p> <ul style="list-style-type: none"> <i>(a) Reflects the strategic agenda of the Organization;</i> <i>(b) Depicts alternative funding sources and defines trends and implications;</i> <i>(c) States financial resources needed to advance the Strategic Objectives of the Union with respect to political and economic milieu;</i> <i>(d) Incorporates human resource planning proposal with a balanced ratio of professional and general level positions;</i> <i>(e) Covers outreach relationship building program with external and internal stakeholders;</i> <i>(f) Defines measurable benchmarks or criteria for evaluating effectiveness and monitoring progress of funding schemes; and</i> <i>(g) Incorporates detailed action plan with measurable indicators and feasible implementation timeframe.</i> 				

ANNEXES

Annex I.	Evaluation Questions Matrix
Annex II.	Effectiveness and Efficiency Figures
Annex III.	Financial Expenditure
Annex IV.	List of Stakeholders Consulted

[Annexes follow]

ANNEX I: EVALUATION QUESTIONS MATRIX

Question	Sub questions	Indicator	Sources of Information
Effectiveness			
1.a To what extent (partially / fully) were the ER achieved in the last two biennia and are likely to be achieved during the new biennium? 1.b What were the major factors influencing the achievement or non-achievement of ER?	1.a To what extent are projects carried out by UPOV contributing to the achievement of ER? 1.b What are the key factors that facilitate or hinder achievement of results?	1.a.1. Number of successful interventions that are contributing to the achievement of WIPO programs' ER 1.b.1. Number and nature of elements that facilitate or hinder the achievement of project results	Annual Reports of the Secretary-General for years in question. Interviews and surveys
2.a How are the activities contributing to the ER? 2.b How adequate is the program design including results framework and monitoring systems for decision making and for measuring progress?	2.a.1. Which specific processes lead to the achievement of results? 2.b.1. What types of activities need to exist for more effective contribution to the program design? 2.b.2. Are monitoring & evaluation mechanisms, indicators adequately defined to provide information on progress and achievement of outcomes and outputs, including relevant equity-related information?	2.a.1.1. Number and nature of work methods that triggered the achievement of a result 2.a.1.2. Extent to which planned activities are linked to ER and those linked to SGs 2.b. Number of indicators that provide equity-related information and progress of outputs and achievement of outcomes	Annual Reports of the Secretary-General Interviews and surveys
Efficiency			
3. Were there efficiency wins through coordination with other entities?	3.1. With whom has UPOV created synergies and what is the nature of the coordination?	3.1.1. Number of coordination established 3.2.1. Tangible efficiencies created through coordination	Interviews and surveys
4. Were the activities achieved in a cost-efficient way? Were results achieved on time?	4.1. Are the outputs achieved within the expected cost and time? 4.2. Has the program allocated staff and time for the monitoring and evaluation of achievement of outcomes?	4.1.1. Number of activities achieved cost efficiently 4.1.2. Length of time taken for the achievement of each activity.	Interviews and surveys
5. To what extent does coordination or lack of	5.1. What goals would have been achieved	5.1.1. Number of activities that have	Interviews and surveys

Question	Sub questions	Indicator	Sources of Information
it affect UPOV service delivery and achievement of its goals?	had there been coordination measures in place? 5.2. Were there any constraints while collaborating with UPOV? How were they overcome? (criteria: money, time saving)	contributed to the goals as a result of coordination 5.1.2. Frequency and nature of constraints pointed out	Annual reports
Relevance			
6. How relevant is the support by UPOV to the operation of PVP System?	6.1 Are the project objectives aligned with UPOV's UV?	6.1.1 Number of projects' objectives that are aligned with WIPO's SGs	Interviews and surveys Annual reports
7. How are the outcomes of activities developed consistent with / contributing to the UPOV's mission and overall policy on PVP for UPOV's Sub-Programs?	7.1. Are the activities of the Sub-Programs aligned to UPOV's goals/strategies?	7.1.1. Number of outcomes of activities that are aligned to UPOV's mission and overall policy on PVP for the Sub-Programs	Interviews and surveys
8. Has the support met the needs of the various stakeholder groups?	8.1. Are the activities of UPOV responding to needs of the various stakeholders?	8.1.1. Number and nature of items that are directly responding to the stakeholders' needs 8.1.2. Number of items that were verbalized as still required to respond to the stakeholders' needs	Interviews and surveys Annual reports
Impact			
9.a. To what extent have breeders, farmers, Organizations (and individuals if applicable) benefitted directly or indirectly from UPOV's support? 9.b. What use did they make from acquired skills and knowledge?	9.a. To what extent has UPOV support benefited all relevant stakeholders? 9.b. What are the changes and differences that the institutions, breeders, farmers, Organizations and individuals experienced following UPOV's support?	9.a. Number of interventions where all relevant stakeholders were engaged. 9.b. Nature and number of changes subsequent to UPOV's activities.	Interviews and surveys Annual reports

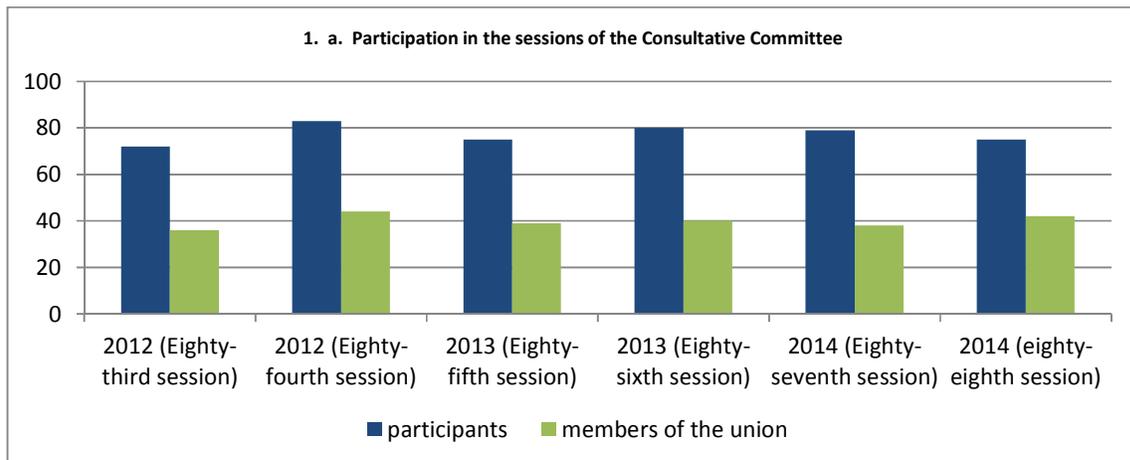
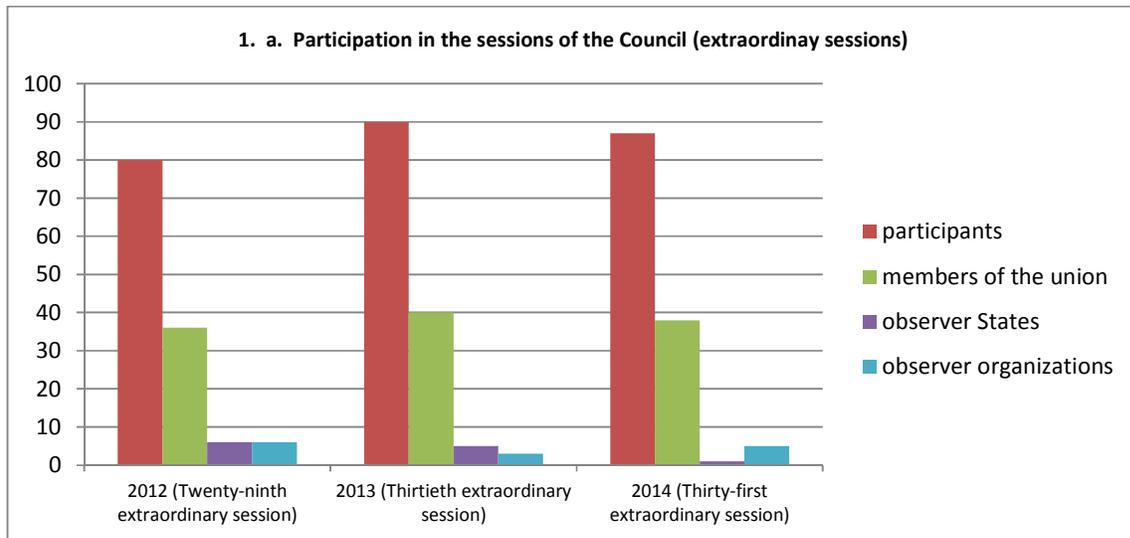
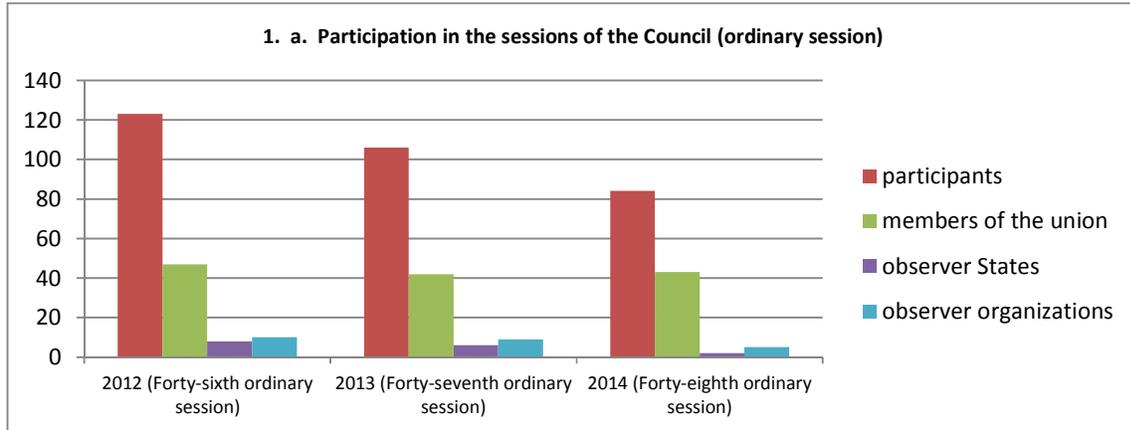
Question	Sub questions	Indicator	Sources of Information
10.a. What has happened as a result of UPOV's support?	10.a.1. Were these changes the most needed?	10.1.1. Number of changes that directly attributed to the ER.	Interviews and surveys Annual reports
10.b. What difference have interventions made to the intended direct beneficiaries?	10.b.1. Can the activities be modified to improve their impact? If so, How?	10.b.1.1. Nature of items that are verbalized as still required to trigger changes.	
10.c. And what indirect effects did it have on others?	10.c.1. What have been the unintended effects of UPOV's support?	10.c.1.1. Nature of changes attributable to UPOV's support that were not envisaged.	
Sustainability			
11. What are the major factors influencing sustainability of UPOV?	11.1. What are the major factors that facilitate or hinder sustainability of results?	11.1.1. Number and nature of elements that facilitate or hinder the sustainability of results.	Interviews and surveys Annual reports
12. To which extent is UPOV and its partners considering sustainability criteria as part of decision making and during the provision of services?	12.1. To what extent do UPOV and its partners discuss and agree at the design, implementation and closure of the intervention on factors to work on to sustain the outputs achieved?	12.1.1 Number of exit strategies agreed between UPOV and its partners prior to and/or during the intervention.	Interviews and surveys Annual reports
13. How has the System addressed identified risks?	13.1. What are the potential risks that would hinder achievement of the ER? 13.2. What are the risk mitigation measures in place?	13.1.1. Percentage of risks averted thus leading to the achievement of ER. 13.2.1. Nature and number of risk mitigation measures that contribute to influencing sustainability.	Interviews and surveys Annual reports

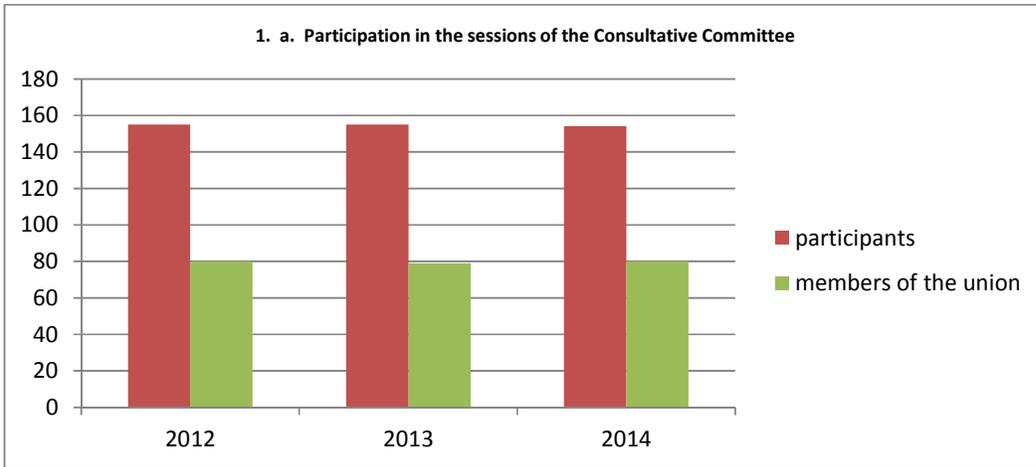
ANNEX II. EFFECTIVENESS AND EFFICIENCY FIGURES

Sub-Program UV.1: Overall Policy on Plant Variety Protection

ER1: Organization of Council and Consultative Committee sessions

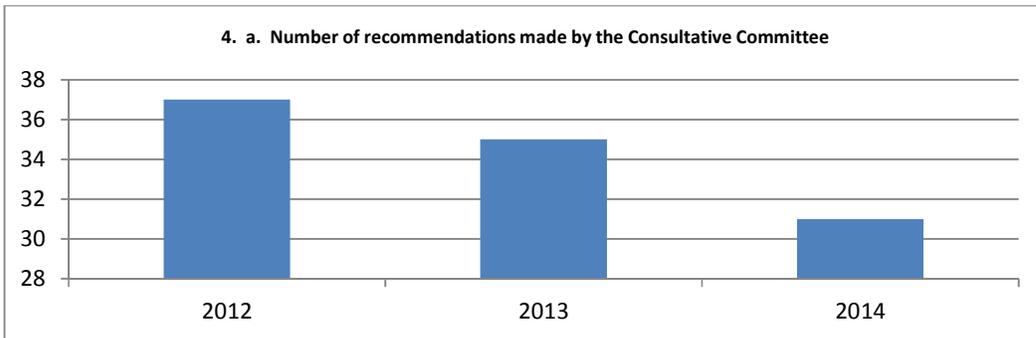
a) Participation in the sessions of the Council and the Consultative Committee



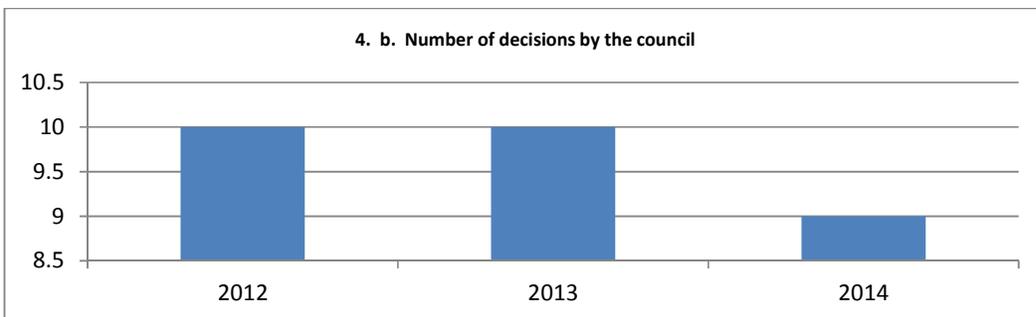


ER 4: Council policy

a) Recommendations by the Consultative Committee

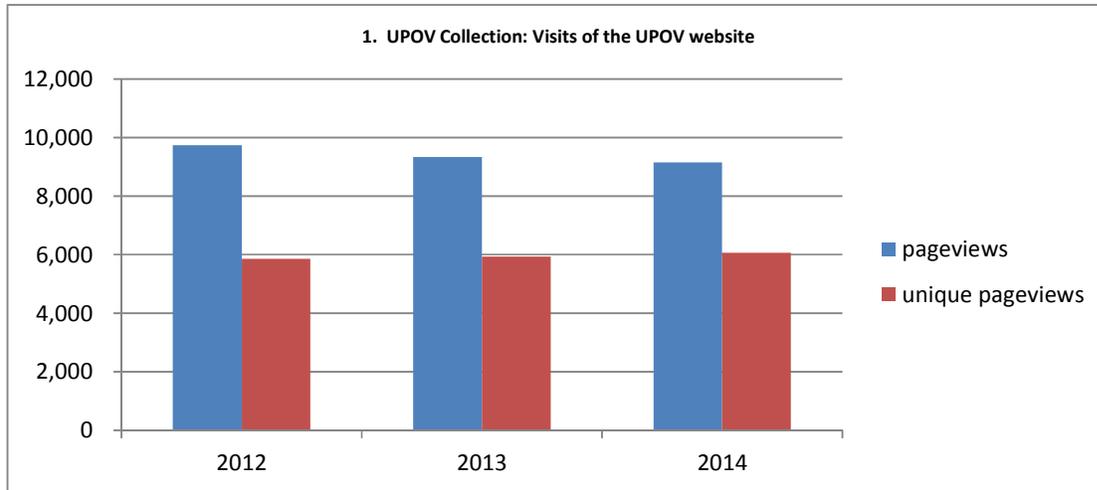


b) Decisions by the Council

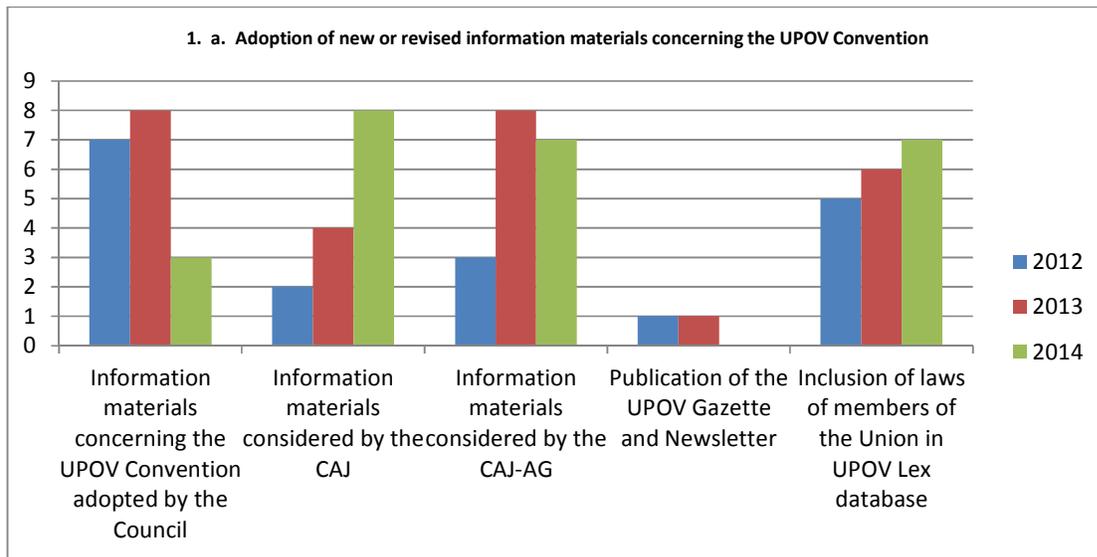


Sub-Program UV.2: Services to the Union for enhancing the Effectiveness of the UPOV System

ER 1: Guidance on the UPOV Convention and its implementation and information on its application



a) Adoption of new or revised information materials concerning the UPOV Convention

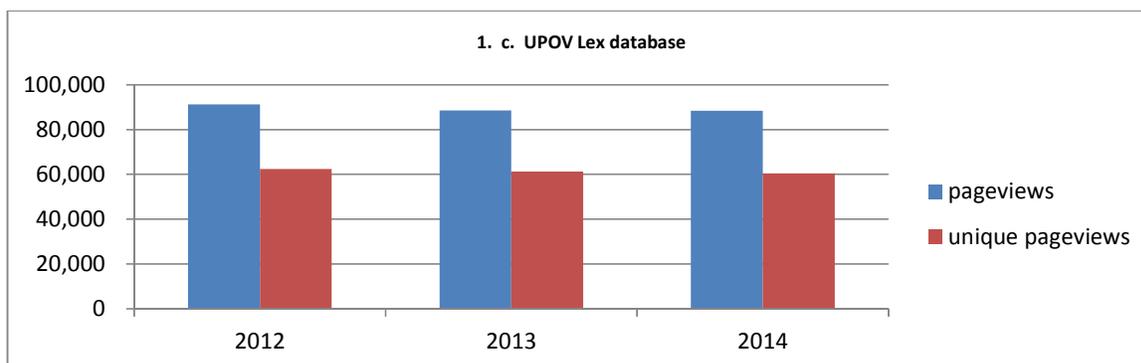


b) Publication of the UPOV Gazette and Newsletter

2012	UPOV Publication No. 438 (E), Issue No. 105
2013	UPOV Publication No. 438 (E), Issue No. 106
2014	No issue of the UPOV Gazette and Newsletter was published in 2014

c) Inclusion of laws of Members of the Union in UPOV Lex database

2012	Croatia, France, Ireland, United States of America and Viet Nam
2013	Australia, Panama, Poland, Serbia, United States of America and Viet Nam
2014	Australia, France, Georgia, Lithuania, OAPI, Panama and Singapore

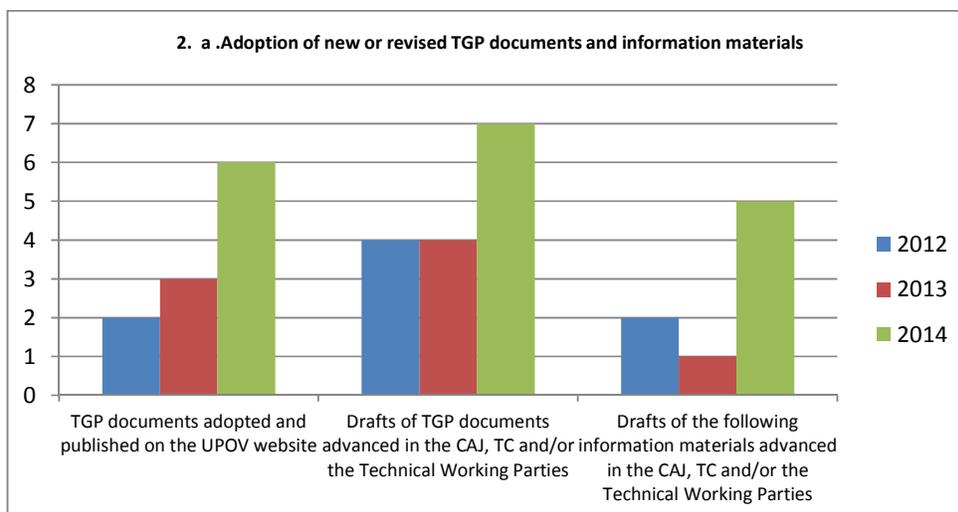


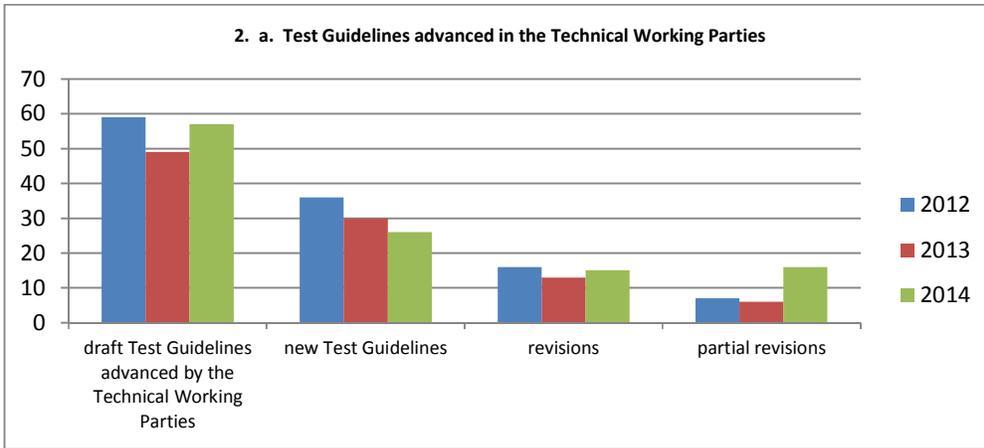
d) Participation in seminars and symposia held in Geneva in conjunction with UPOV sessions

2012	Symposium on the Benefits of Plant Variety Protection for Farmers and Growers, November 2 - 118 participants
2013	Seminar on essentially derived varieties (EDVs) – 177 participants
2014	No seminar/symposium was held in 2014

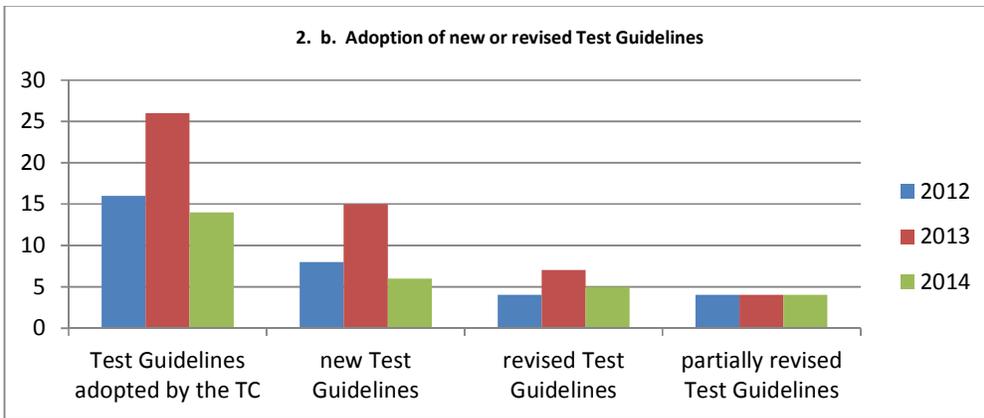
ER 2: Guidance on the examination of varieties

a) Adoption of new or revised Test Guideline Procedure (TGP) documents and information materials

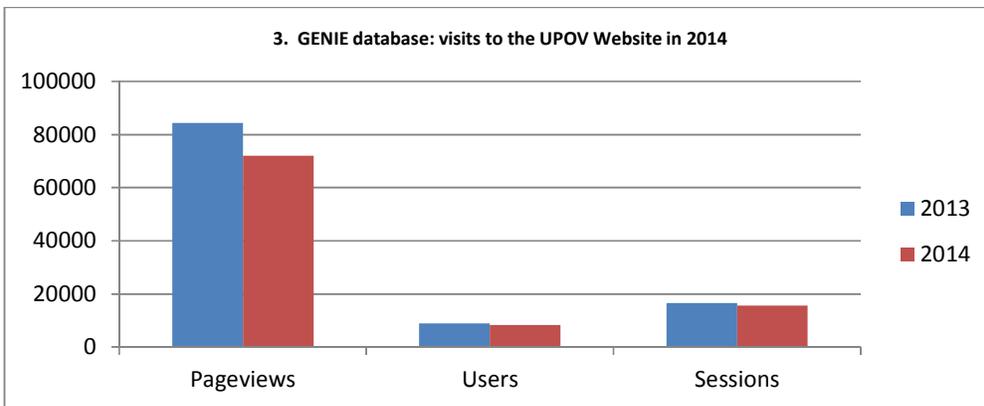


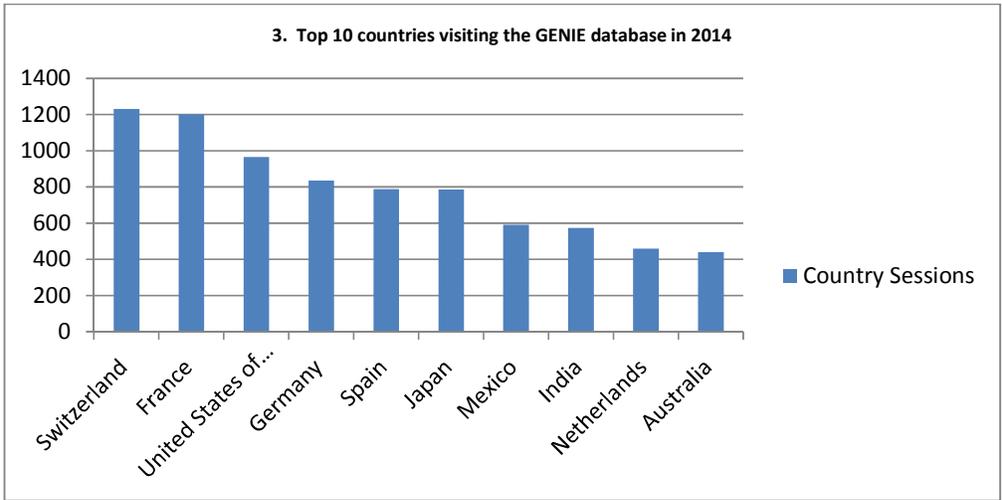
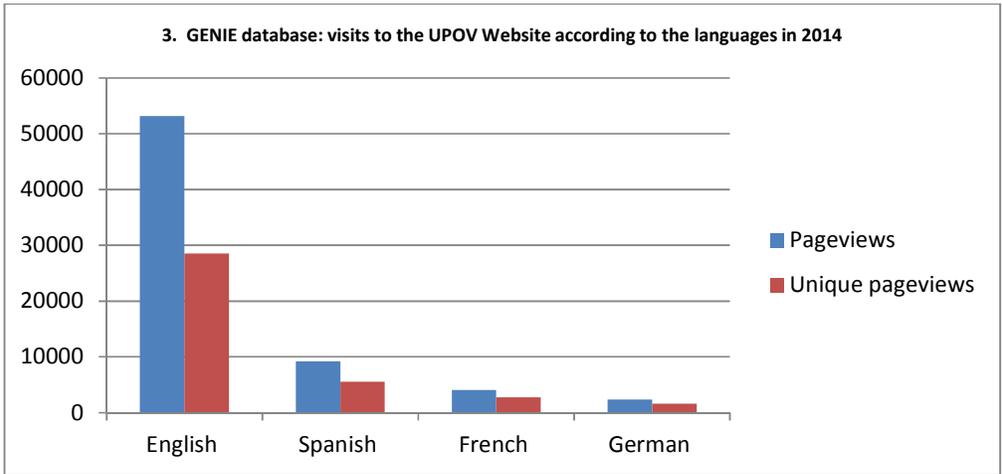
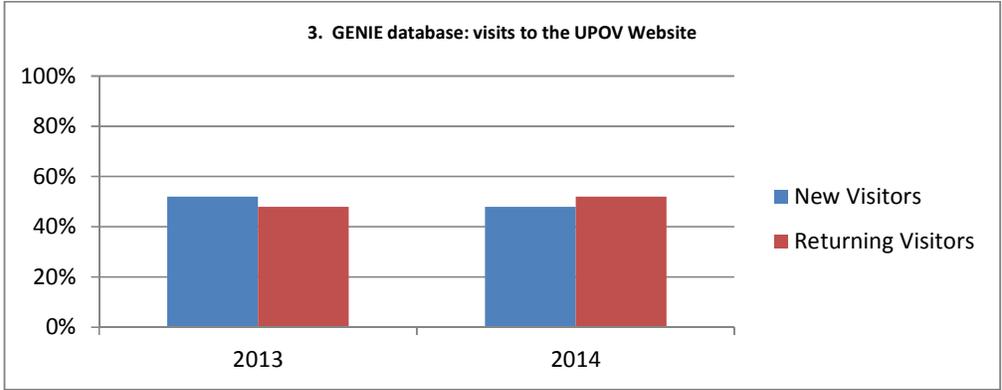


b) Adoption of new or revised Test Guidelines

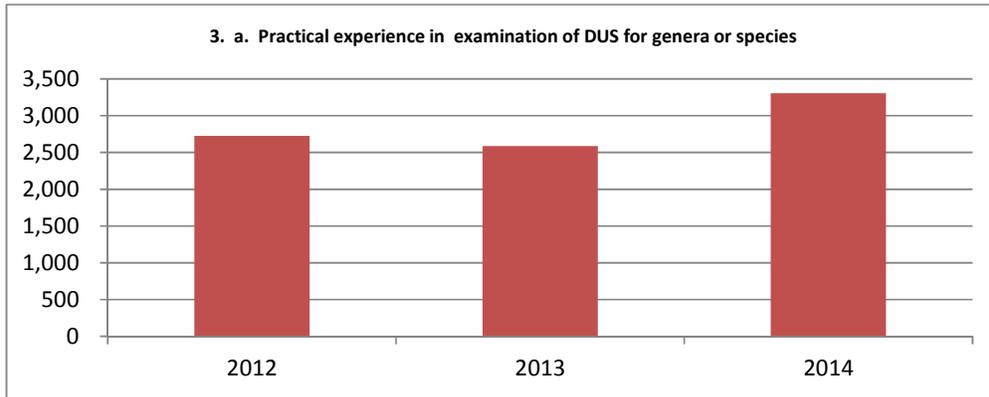


ER 3: Cooperation for the examination of plant breeders' right

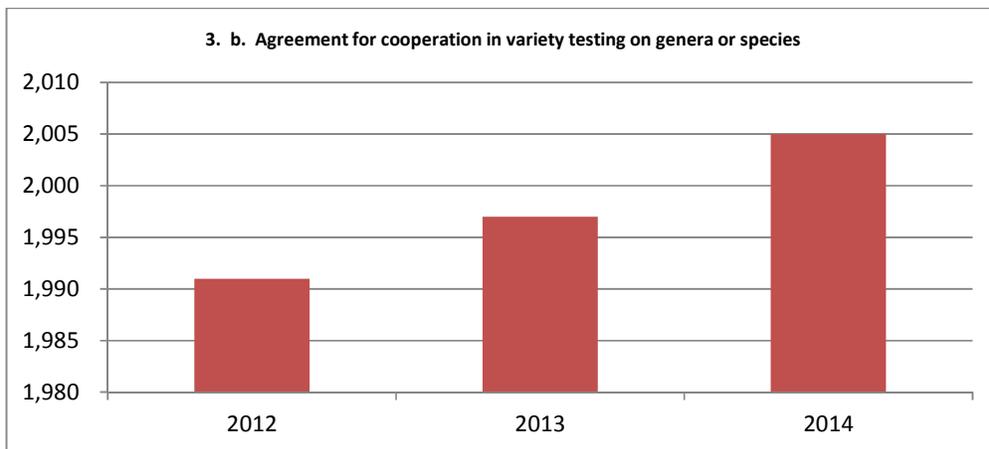
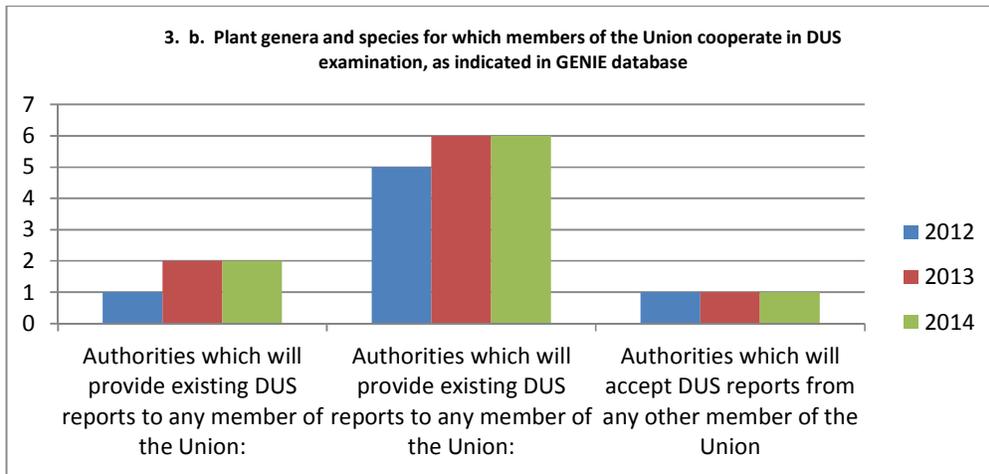




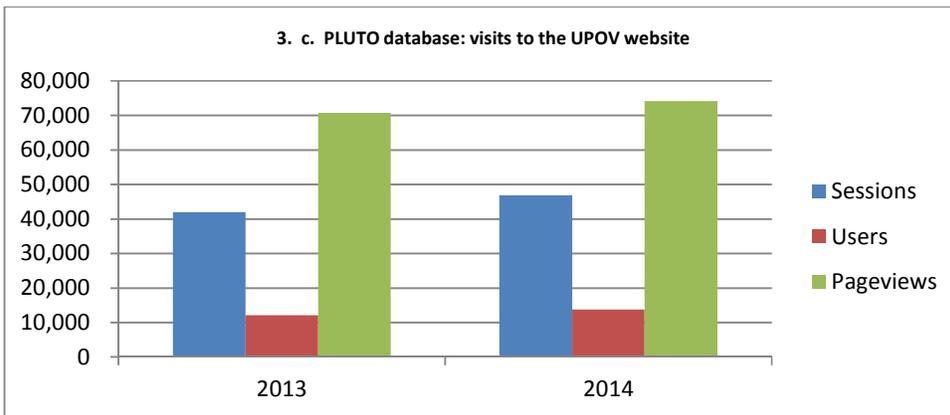
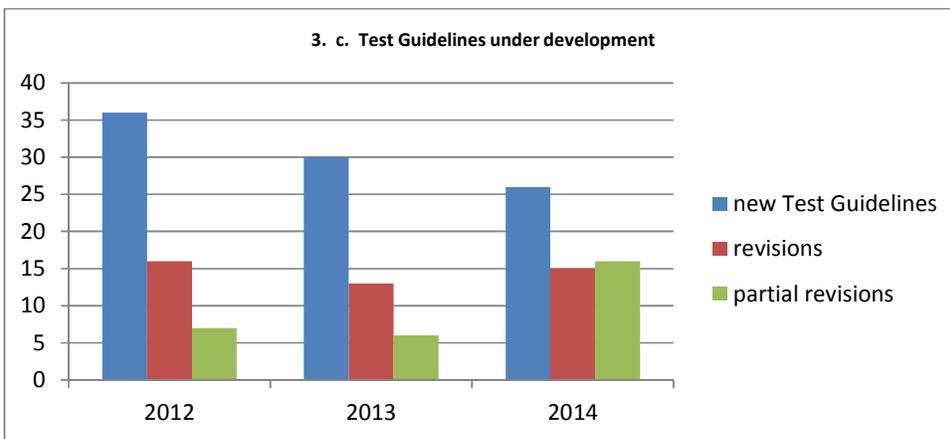
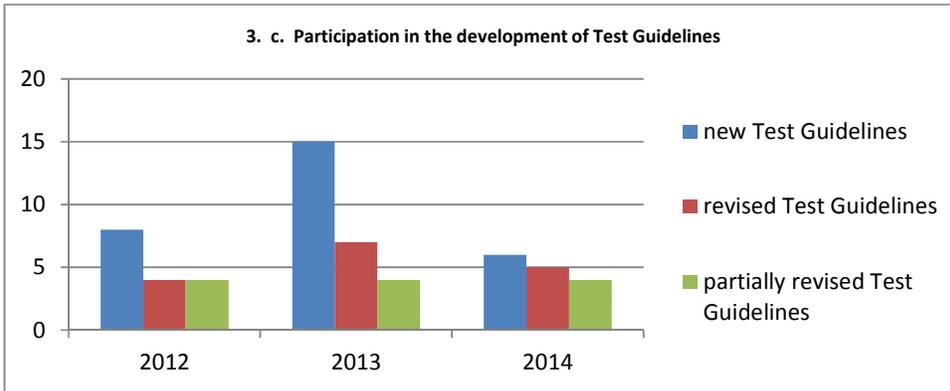
a) Plant genera and species for which Members of the Union have practical experience



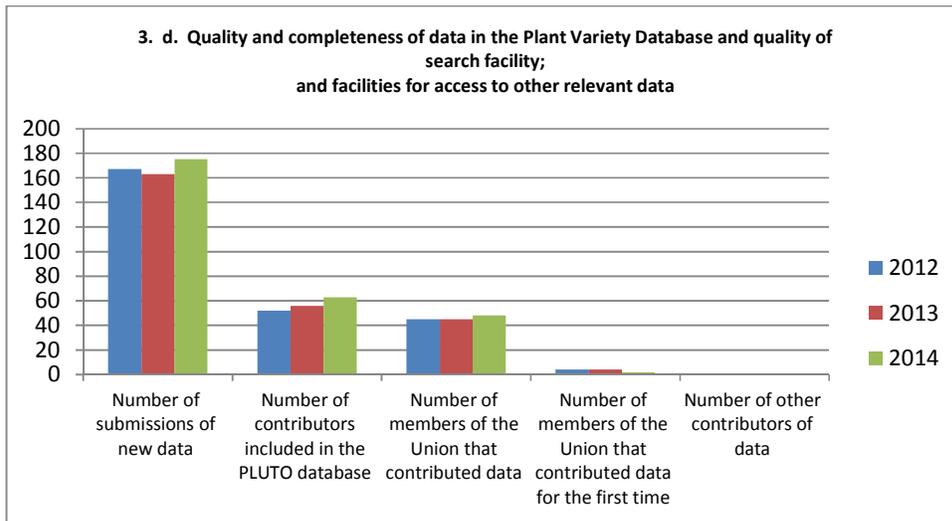
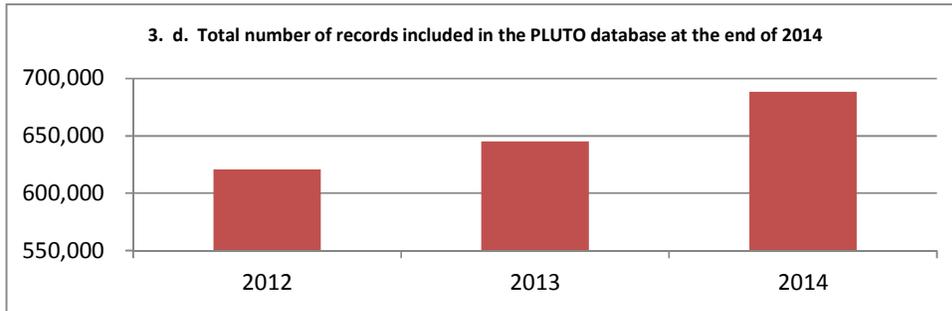
b) Plant genera and species for which Members of the Union cooperate in DUS examination, as indicated in GENIE database



c) Participation in the development of Test Guidelines



d) Quality and completeness of data in the Plant Variety Database and quality of search facility; and facilities for access to other relevant data



e) Improvements in relation to the Plant Variety Database (PLUTO database):

2012	<ul style="list-style-type: none"> •New features: <ul style="list-style-type: none"> – Page for searching variety denominations; – Options to save search settings for the PLUTO database; – Requirement for users of the PLUTO Database to register to use the database, with a view to using that information for future improvements; – Introduction of arrangements for the inclusion of data in the original alphabet, in addition to the data being provided in Roman alphabet; and – Introduction of the possibility for contributors to the Plant Variety Database to provide information on dates on which a variety was commercialized for the first time in the territory of application and other territories. •Solutions developed to allow the contribution of data in non-TAG format for Kenya and South Africa. •Method for providing missing UPOV codes for data submitted for the Plant Variety Database developed by the WIPO Brand Database Unit. On that basis, UPOV codes were allocated for virtually all entries in the Plant Variety Database. •Development of UPOV's own version of the UPOV-ROM.
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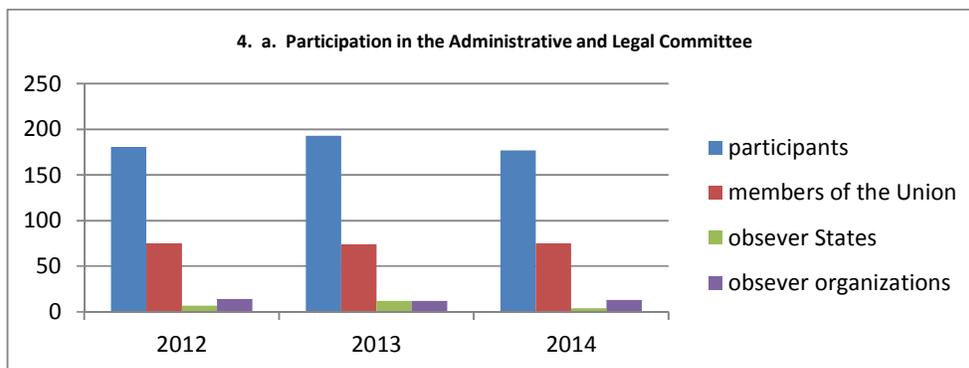
2013	<ul style="list-style-type: none"> •Contributors requested to provide data as soon as possible after it is published by the authority concerned. •Procedure for the allocation and correction of UPOV codes amended to minimize delays in updates of the database. •To assist the users of PLUTO database, an English version of the video tutorial was developed and made available on the PLUTO webpage (https://www3.wipo.int/pluto/user/en/index.jsp). •The disclaimer for PLUTO was amended to reflect the content of the Program for Improvements. •A working group to develop proposals for a UPOV similarity search tool for variety denomination purposes was established.
2014	<ul style="list-style-type: none"> •The fixed timetable for data submission was removed: new data can be sent to the database any time. •The procedure for the allocation and correction of UPOV codes has been amended. On receipt of data, the PLUTO database administrator will allocate UPOV codes where they have not been provided and will amend UPOV codes where those do not correspond to the allocation in the GENIE database. Contributors will be notified of the proposed allocation and, in the absence of advice to the contrary, the UPOV codes proposed by the PLUTO database administrator will be used. In cases where the contributor notifies the PLUTO database administrator of a misallocation, the data will be amended at the subsequent uploading of data.

f) Exchangeable software included in document UPOV/INF/16 “Exchangeable Software”

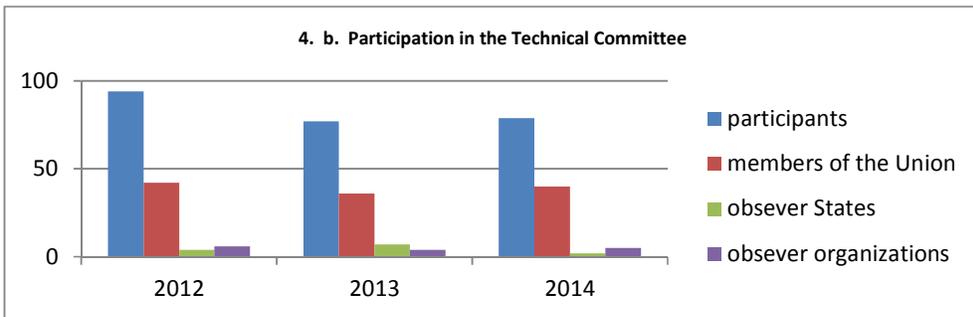
Year	Program name	Category	Proposing country
2012	No new software was included		
2013	ZAJVKA	Administration of applications	Russian Federation
	AIM	Image analysis	France
2014	SIVAVE	Administration of applications	Mexico

ER 4: Participation by Members of the Union and stakeholders in the work of the UPOV bodies

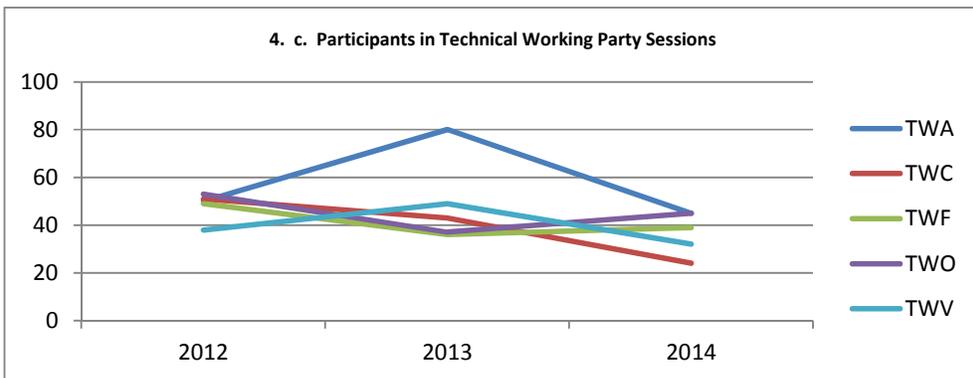
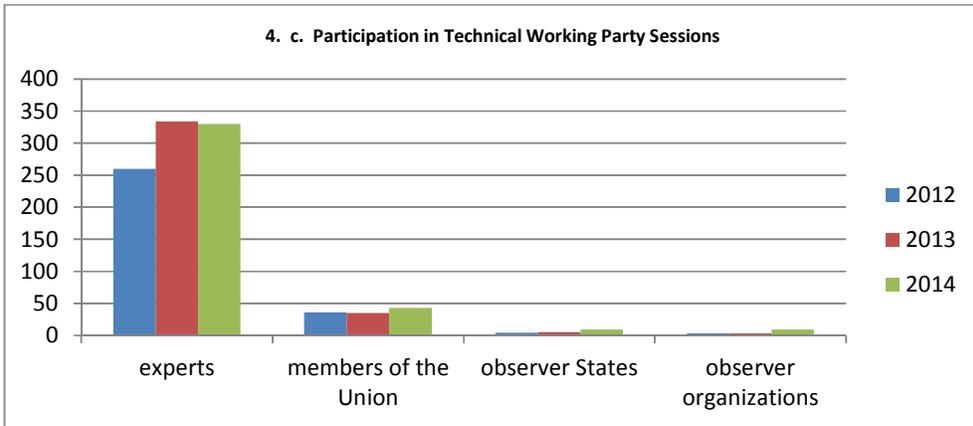
a) Participation in the Administrative and Legal Committee



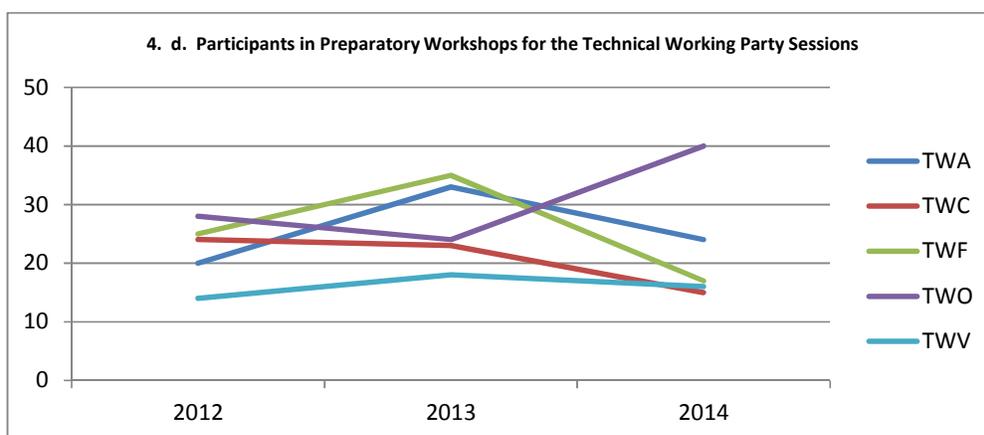
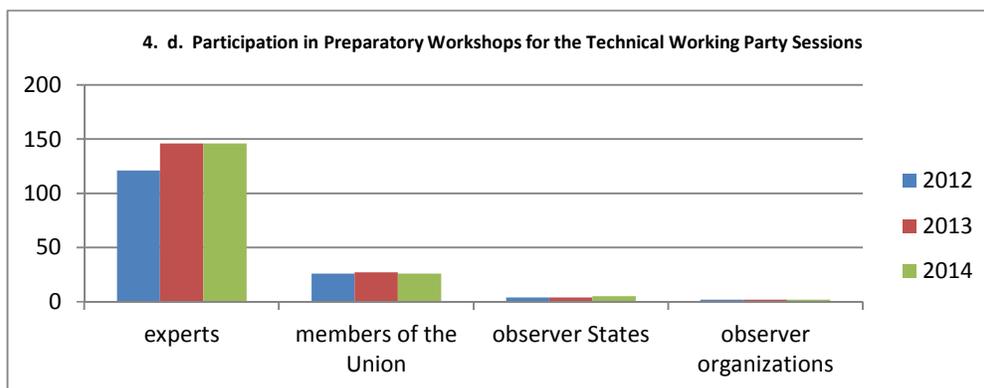
b) Participation in the Technical Committee



c) Participation in Technical Working Party Sessions



d) Participation in Preparatory Workshops for the TWP Sessions



e) Explanation of measures to improve the effectiveness of the Technical Committee (TC), TWPs and Preparatory Workshops

2012	/
2013	The TC, at its forty-ninth session, received presentations by the Office of the Union on a survey of participants in the TWP for Ornamental Plants and Forest Trees, at its forty-fifth session held in Jeju, Republic of Korea, from August 6 to 10, 2012, and in the TWP for Fruit Crops, at its forty-third session, held in Beijing, China, from July 30 to August 3, 2012, and an analysis of participation in the TC and the TWPs.
2014	The TC, at its fiftieth session, received presentations by the Office of the Union on a survey of participants in the TWPs, preparatory workshops and TC at their sessions in 2013, information on attendance of Members of the Union to the TC and TWPs in the last five years, a proposal for TWP invitations and a proposal for survey for participants to all TWPs in 2014.

ER 5: UPOV documents and materials in additional languages

a) Availability of UPOV documents and materials in languages other than the UPOV languages (English, French, German and Spanish)

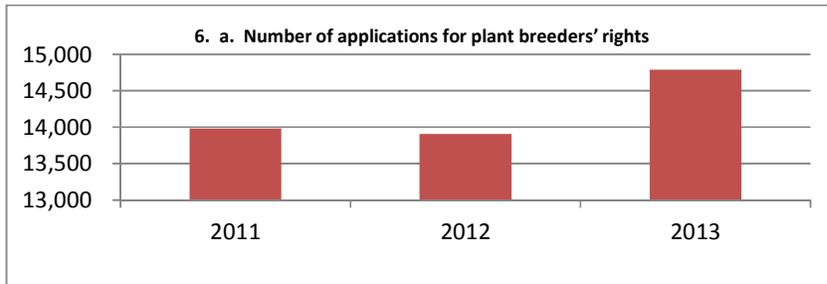
2012	The 1991 Act of the UPOV Convention was translated into Khmer and Serbian Languages.
2013	Verifying of the translation in Khmer and Serbian
2014	Verifying of the translation in Khmer and Serbian

- b) Web page views for languages other than English, French, German and Spanish of the UPOV site in 2013:

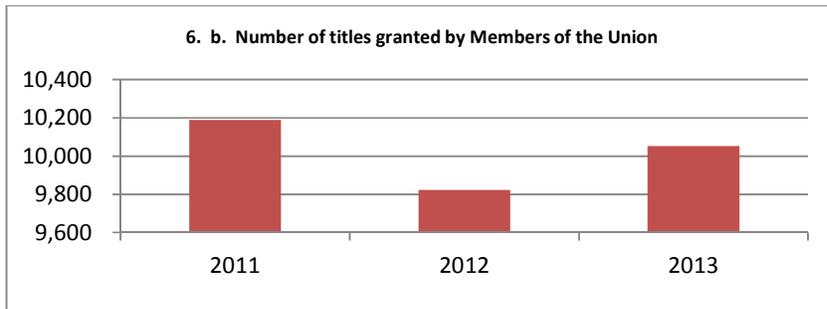
Language	Pageviews
Russian	586
Chinese	304
Arabic	273
Khmer	67

ER 6: Facilitating applications for plant breeders' rights

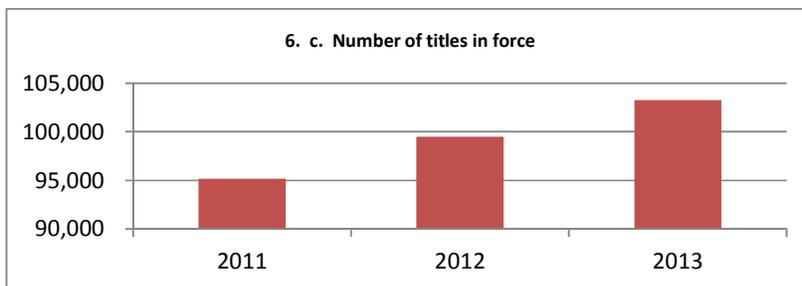
- a) Number of applications for plant breeders' rights⁴⁴



- b) Number of titles granted

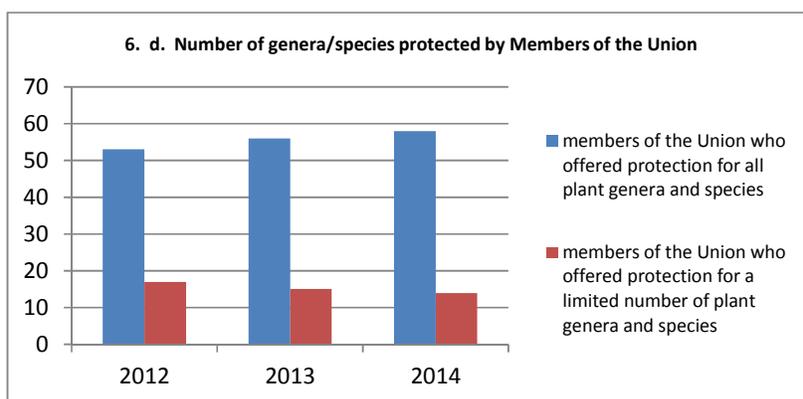


- c) Number of titles in force

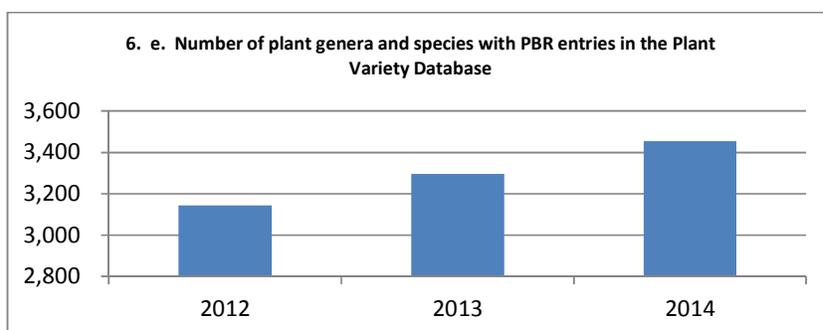


⁴⁴ Results for 2014 will only be published in October 2016.

d) Number of genera/species protected by Members of the Union



e) Number of genera/species for which varieties have been protected



f) Use by Members of the Union of standard UPOV references in application forms

2012	Thirteen Members of the Union indicated that the standard references of the UPOV Model Application Form were included in their application forms
2013	No new information
2014	No new information

g) UPOV Electronic Form Project

2012	The CAJ endorsed the development of a prototype electronic form for interested Members of the Union and agreed on the form content, status, data format, languages, and the crop/species. The UPOV electronic form is planned to enable data to be transferred to participating Members of the Union in Word, Excel, PDF or XML format. The participating Members of the Union would decide in which format(s) to accept data. In the case of XML format, a standard format is planned to be developed, based on WIPO standard ST.96.
2013	An illustrative “mock-up” of parts of the prototype electronic form was presented. It was agreed that the prototype would be developed in English only and the Technical Questionnaire would be for Lettuce (<i>Lactuca sativa</i> L.).

2014	The following Members of the Union participated in the project for the development of a prototype electronic form: Argentina; Australia; Brazil; Canada; Colombia; Dominican Republic; Ecuador; EU; France, Germany, Japan; Mexico; New Zealand; The Netherlands, Paraguay; Republic of Korea; Switzerland; The United States of America and Viet Nam. A draft PVP-XML schema was developed for consideration by the participants in the fourth meeting on the development of a prototype electronic form, held in Geneva on October 14, 2014. The development of the prototype electronic form was started.
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ER 7: Provision of information on the UPOV Convention for stakeholders (breeders, farmers, growers, seed-merchants, etc.)

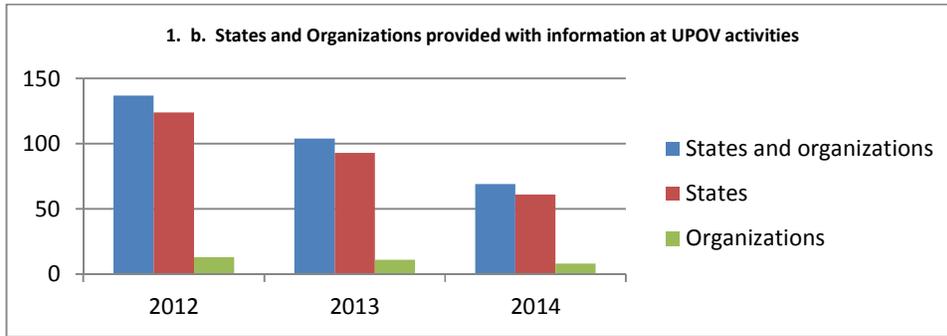
a) Stakeholder-orientated information on the UPOV website

2012	The presentations and the closing remarks from the Symposium on the Benefits of Plant Variety Protection for Farmers and Growers, held in Geneva on November 2, 2012, have been posted on the UPOV website.
2013	<p>- UPOV Trilogy Box Set (in English only) containing the following publications, which were also made available on the UPOV website:</p> <ul style="list-style-type: none"> • Executive Summary (UPOV Publication 357.1E) • Symposium on Plant Breeding for the Future (UPOV Publication 357.2E) • Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership (UPOV Publication 357.3E) • Symposium on the Benefits of Plant Variety Protection for Farmers and Growers (UPOV Publication 357.4E) <p>- Seminar on Essentially Derived Varieties</p>
2014	<p>- UPOV Trilogy (in French, German and Spain) containing the following publications:</p> <ul style="list-style-type: none"> • Executive Summary (UPOV Publication 357.1) • Symposium on Plant Breeding for the Future (UPOV Publication 357.2) • Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership (UPOV Publication 357.3) • Symposium on the Benefits of Plant Variety Protection for Farmers (UPOV Publication 357.4) <p>- The Proceedings of the Seminar on Essentially Derived Varieties, held in Geneva, on October 22, 2013 (Publication 358) in English, French , German and Spanish</p> <p>- Updated editions of the information leaflet "What it is, What it does" on UPOV and plant variety protection in English, French, German and Spanish (Publication No. 437)</p> <p>- Answers to 32 Frequently Asked Questions.</p>

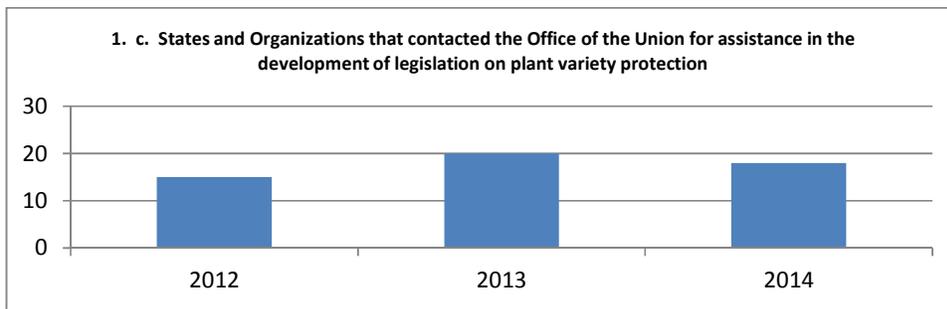
Sub-Program UV.3: Assistance in the Introduction and Implementation of the UPOV System

ER1 Raising awareness of the role of plant variety protection in accordance with the UPOV Convention

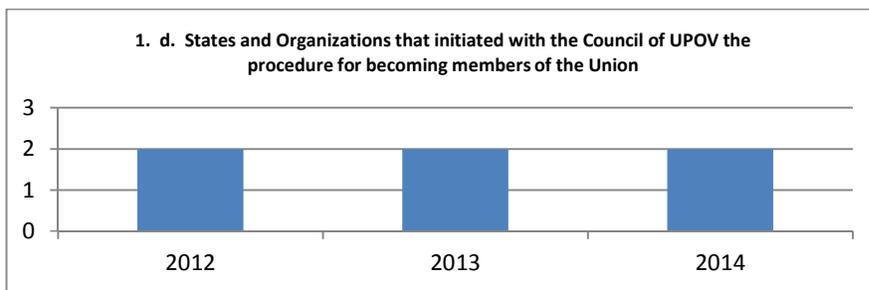
b) States and Organizations provided with information at UPOV activities



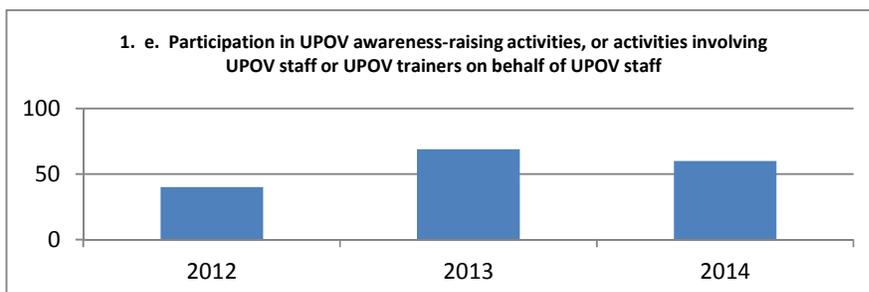
c) States and Organizations that contacted the Office of the Union for assistance in the development of legislation on plant variety protection



d) States and Organizations that initiated with the Council of UPOV the procedure for becoming Members of the Union

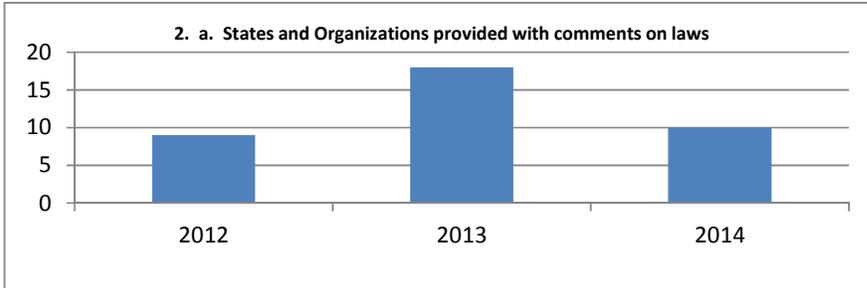


e) Participation in UPOV awareness-raising activities, or activities involving UPOV staff or UPOV trainers on behalf of UPOV staff

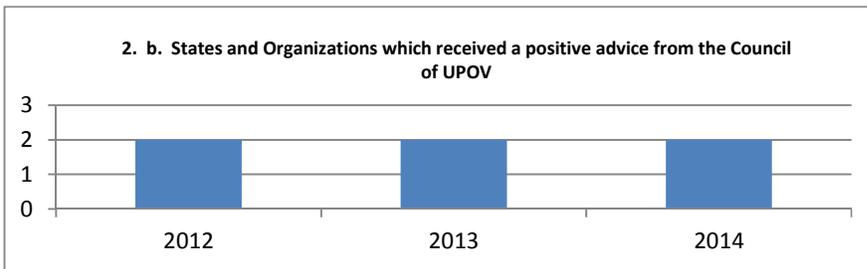


ER 2: Assistance in drafting legislation on plant variety protection in accordance with the 1991 Act of the UPOV Convention

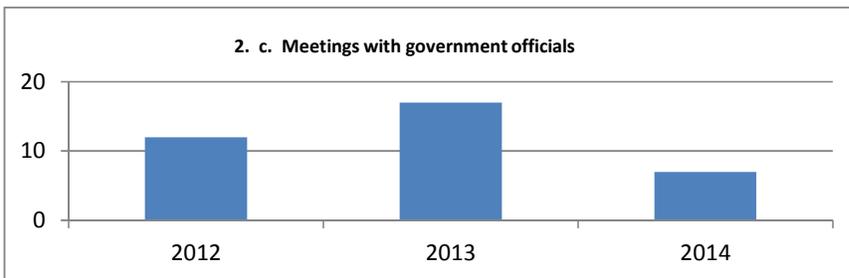
a) States and Organizations provided with comments on laws



b) States and Organizations which received a positive advice from the Council of UPOV

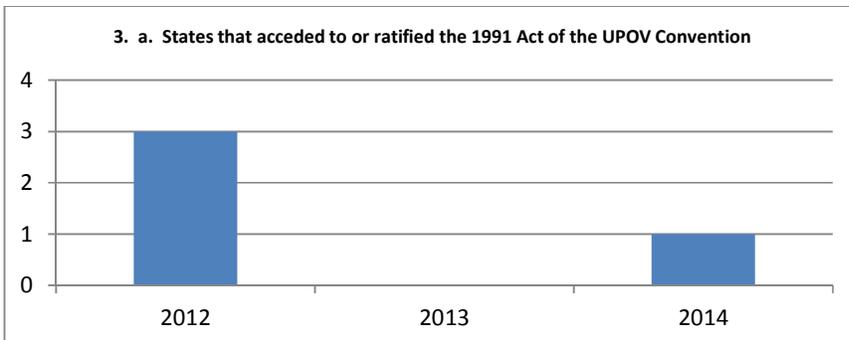


c) Meetings with government officials

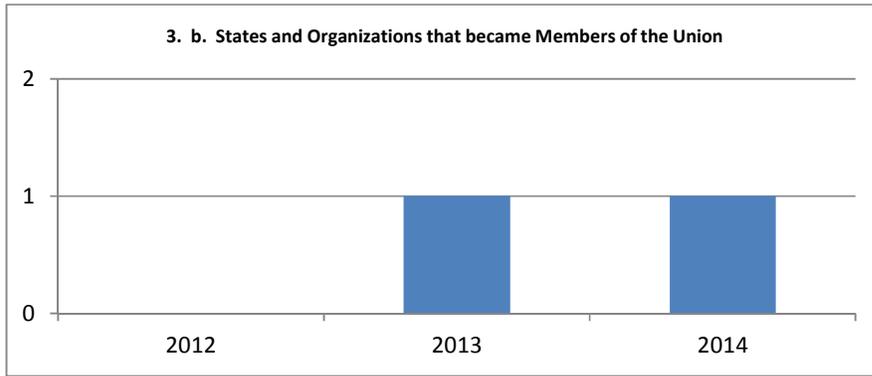


ER 3: Assistance to States and Organizations in the accession to the 1991 Act of the UPOV Convention

a) States that acceded to or ratified the 1991 Act of the UPOV Convention

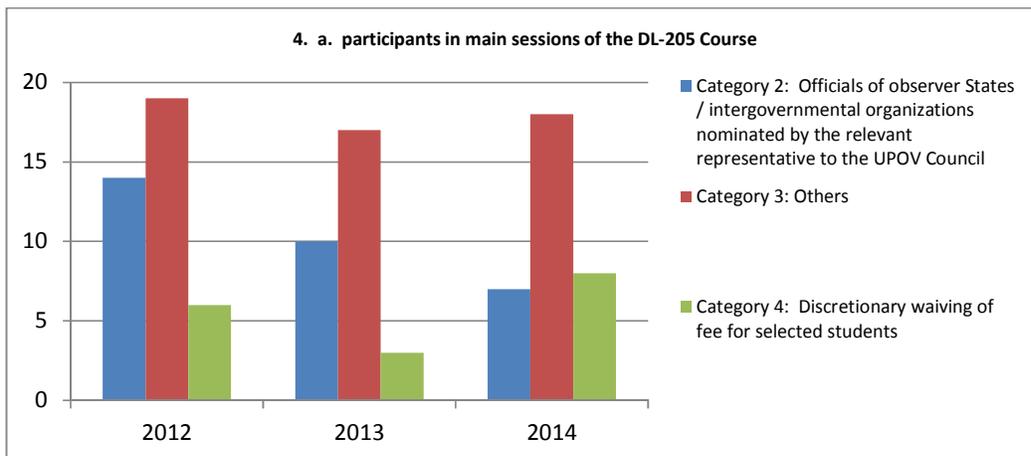
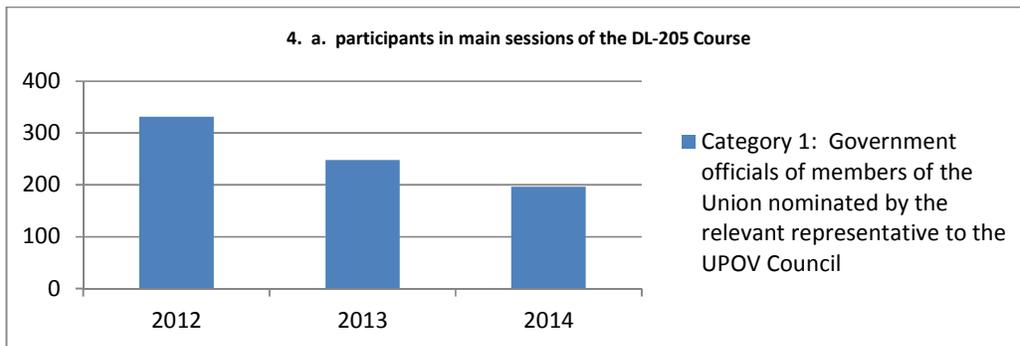
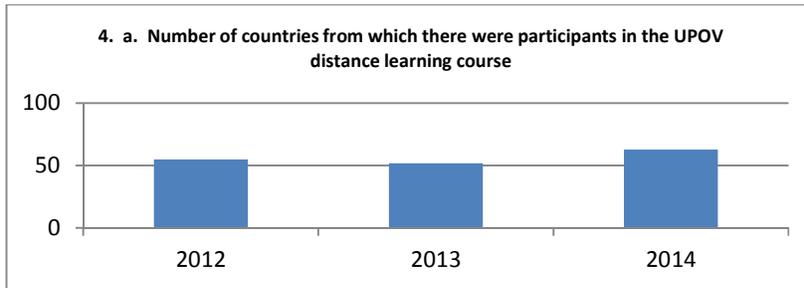


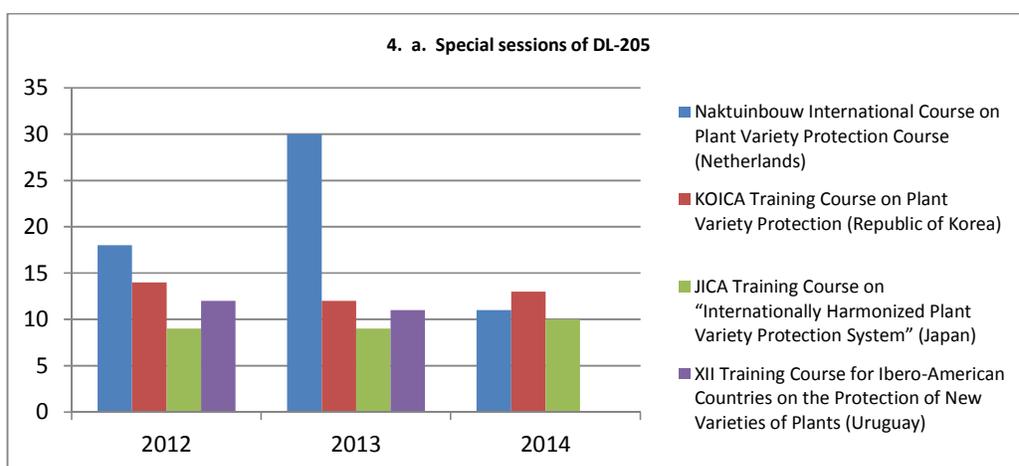
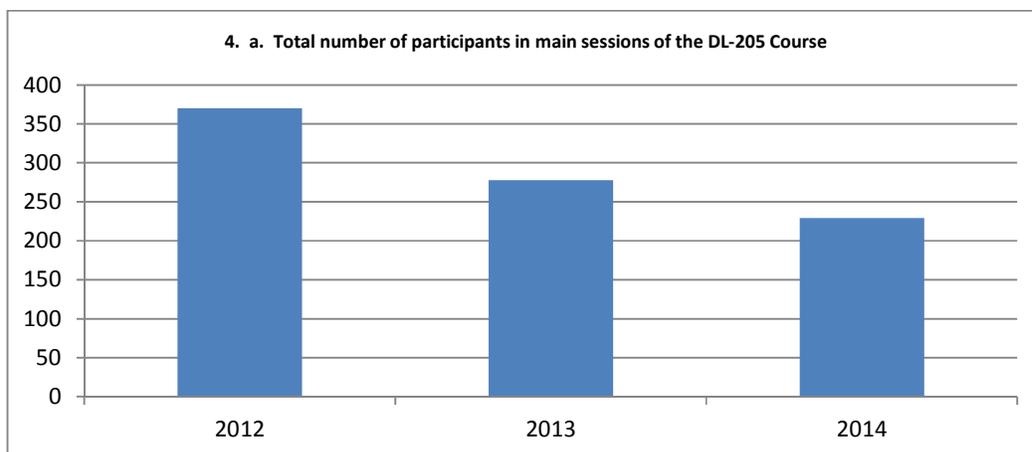
b) States and Organizations that became Members of the Union



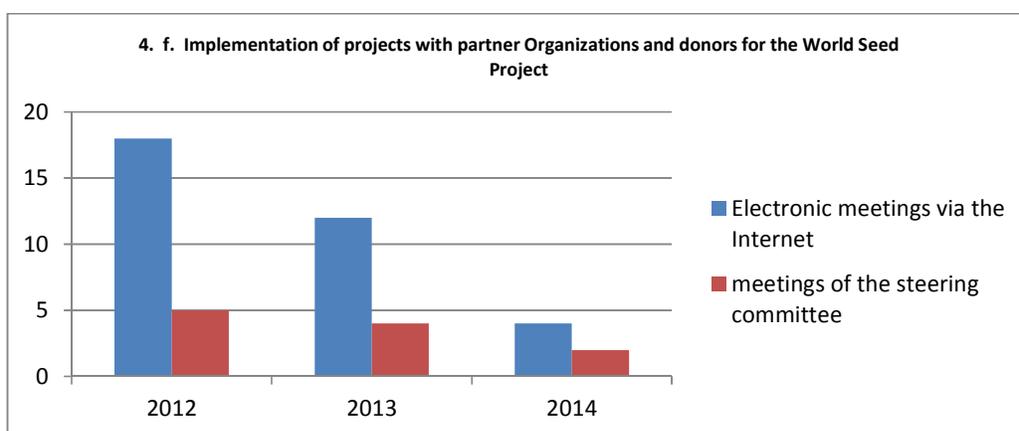
ER 4: Assistance in implementing an effective PVR System in accordance with the 1991 Act of the UPOV Convention

a) Participation in distance learning courses





b) Implementation of projects with partner Organizations and donors



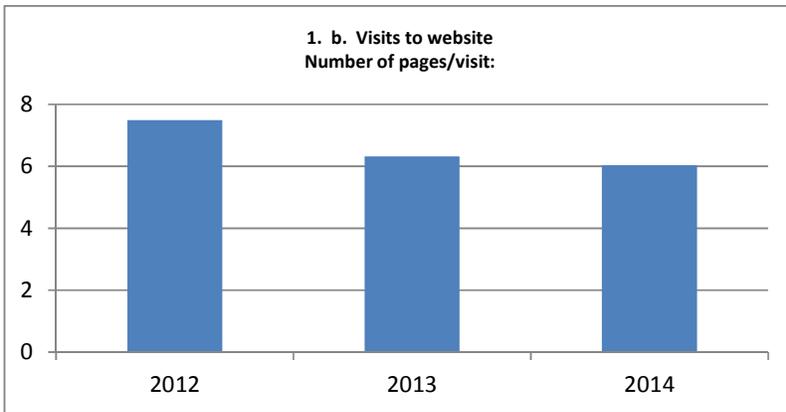
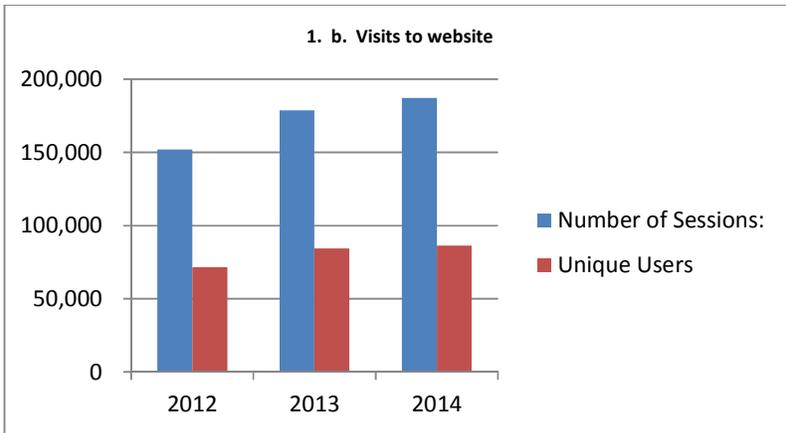
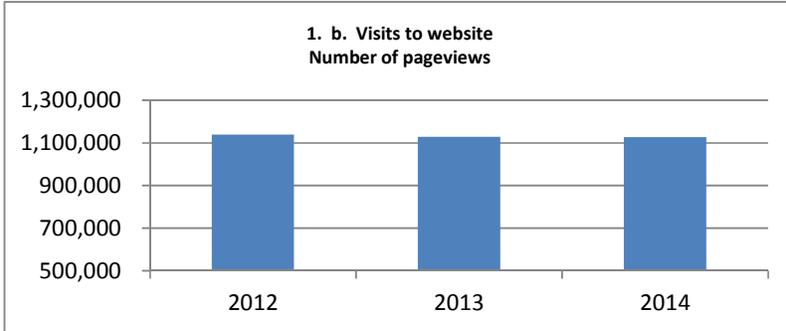
c) Use of assistance web-page to obtain project support

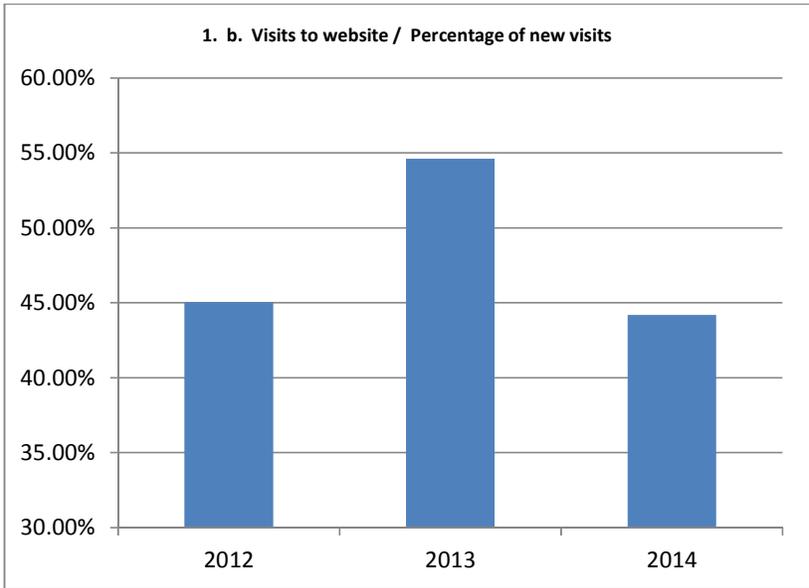
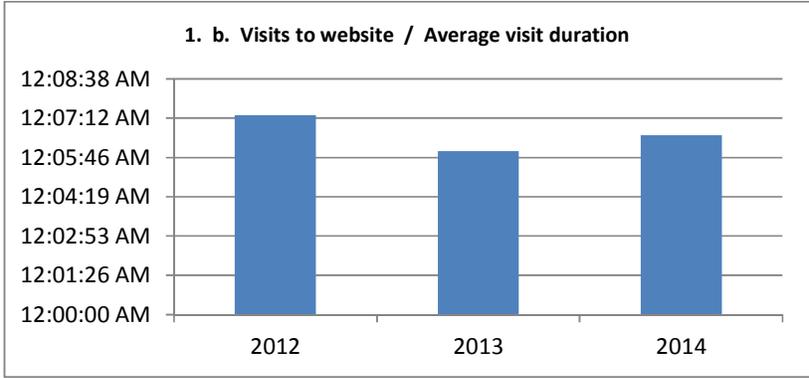
2012	The assistance web-page was made available on the restricted area of the UPOV website.
2013	No new developments.
2014	

Sub-Program UV.4: External Relations

ER 1: Increased public understanding of UPOV's role and activities

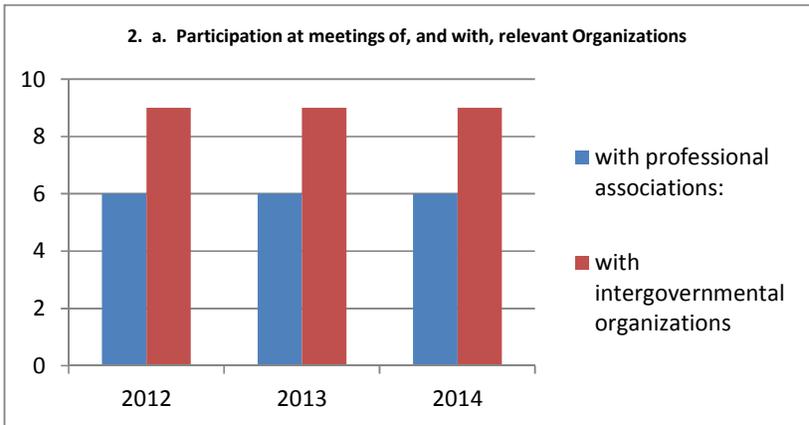
a) Visits to website





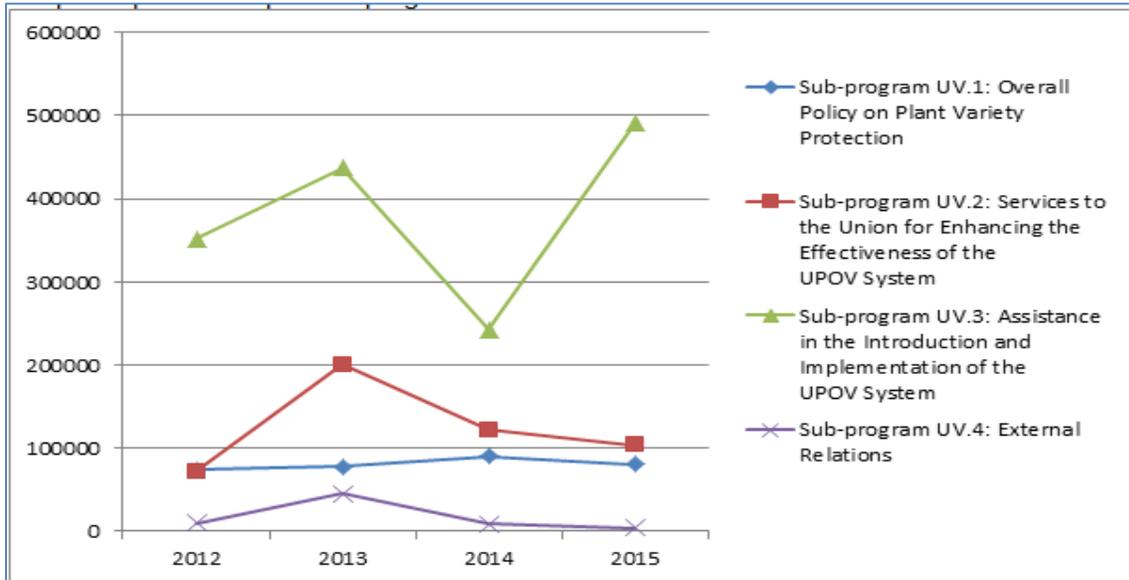
ER 2: Provision of information to other Organizations

a) Participation at meetings and/or activities with relevant Organizations

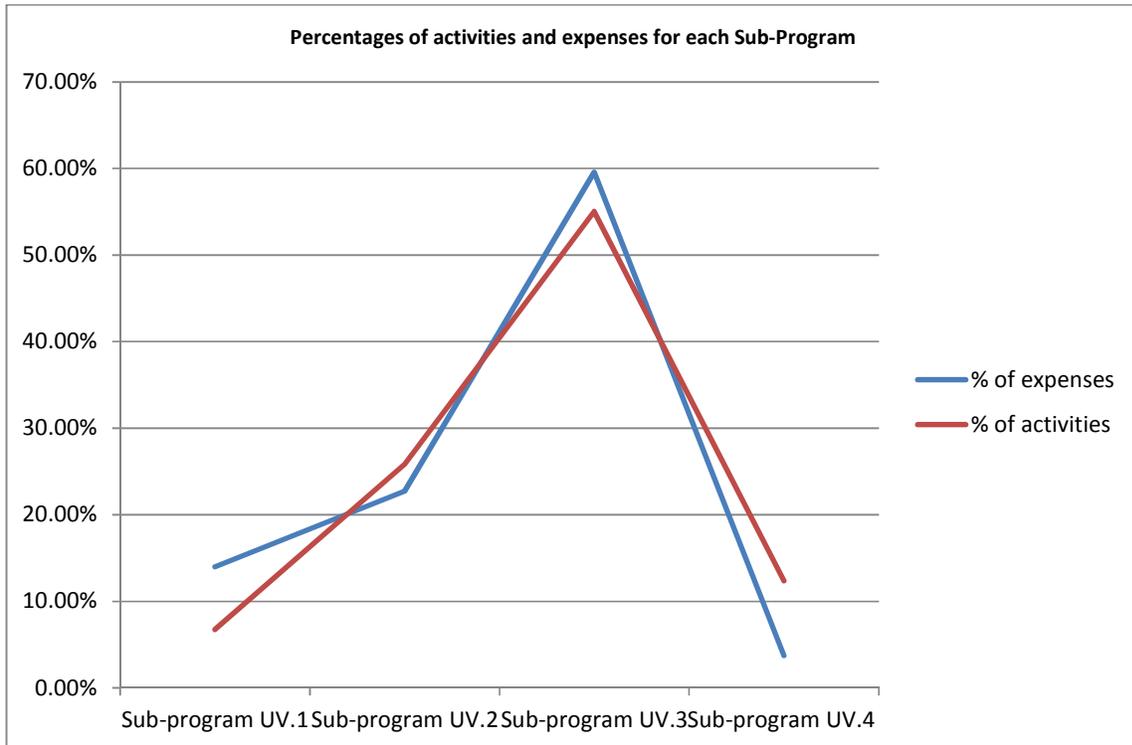


ANNEX III: FINANCIAL EXPENDITURE⁴⁵

Graph: Expenditures per Sub-Program

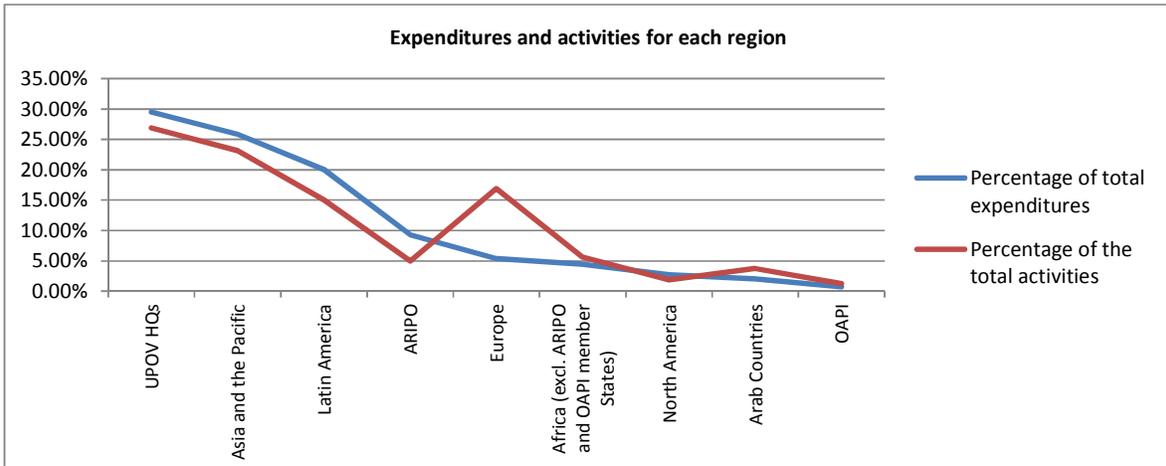


Comparison of activities and expenditures for each sub-program

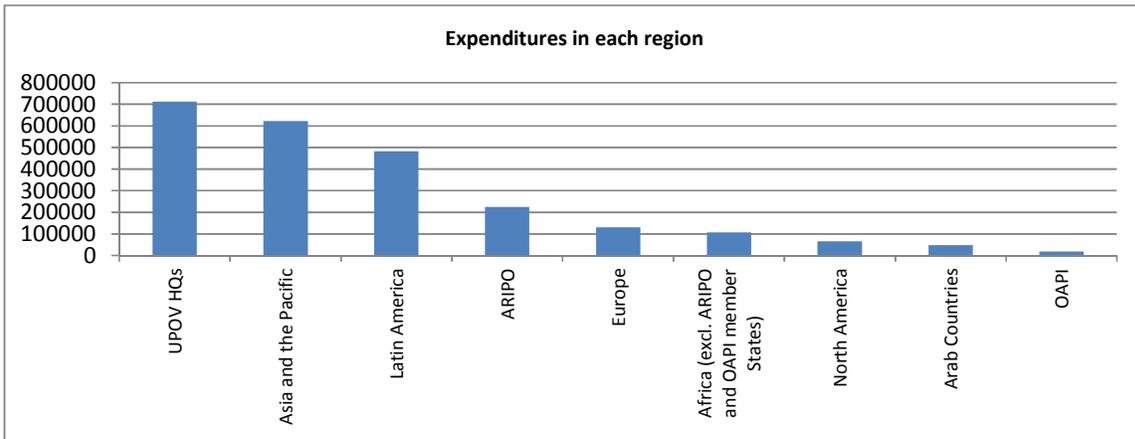


⁴⁵ The Figure illustrate data gathered through the internal WIPO system AIMS (Administrative Integrated Management System) for the years 2012-2015. This internal system record all expenditures made for the activities in each sub-program.

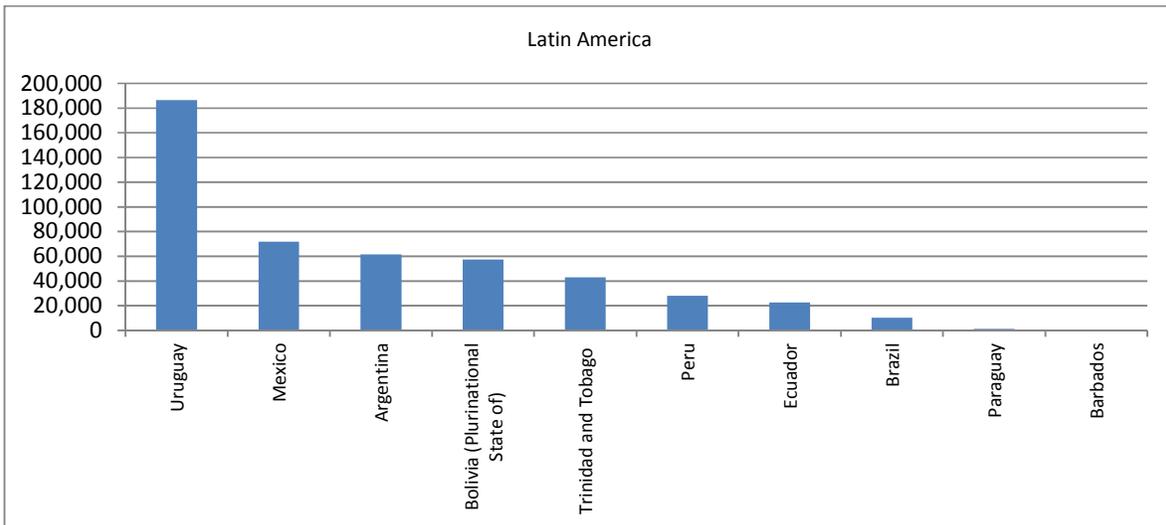
Comparison of the percentages of expenditures and activities in each region



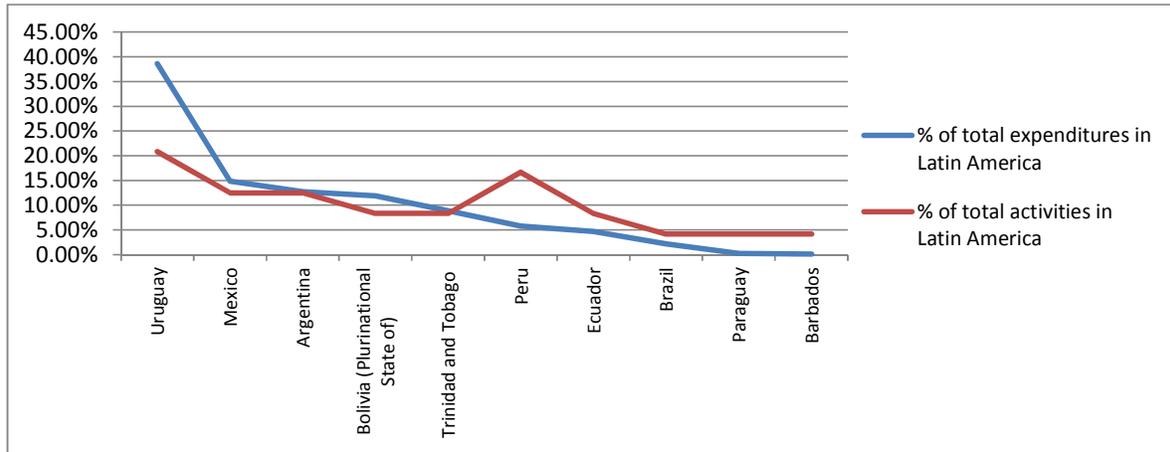
Expenditures in each region



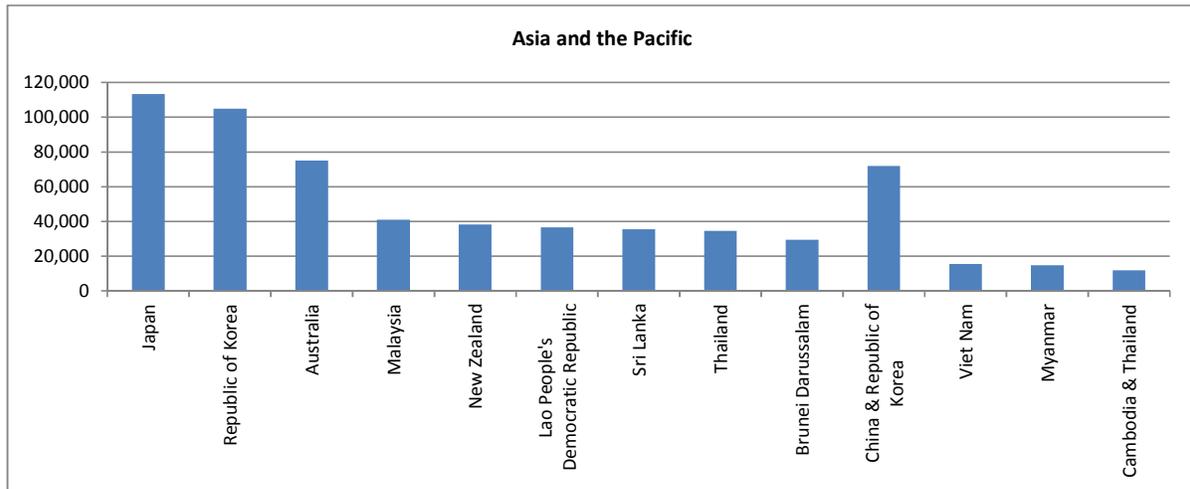
Expenditures in Latin America for each country



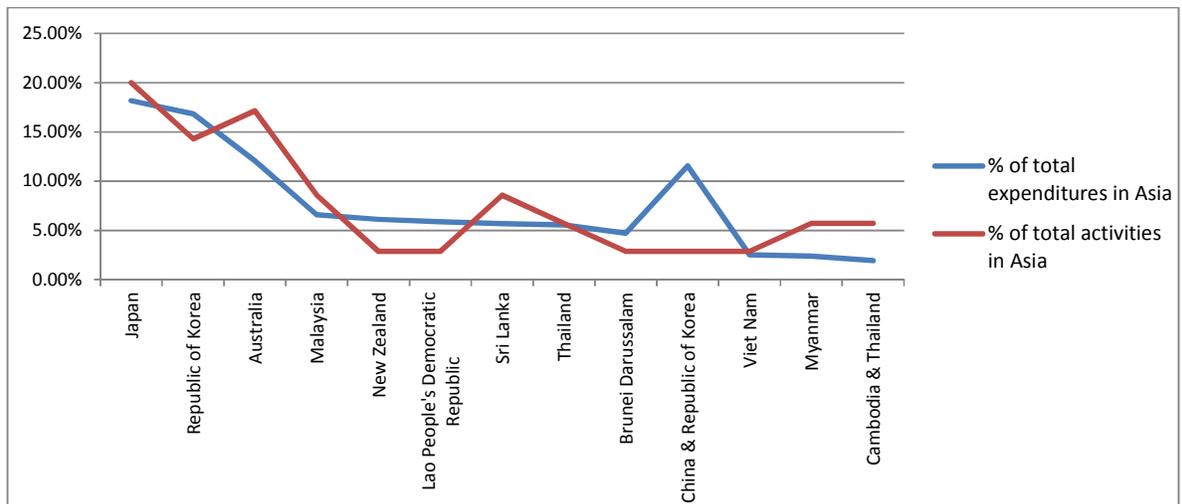
Comparison of the percentages of expenditures and activities in Latin America



Expenditures in Asia and the Pacific for each country⁴⁶

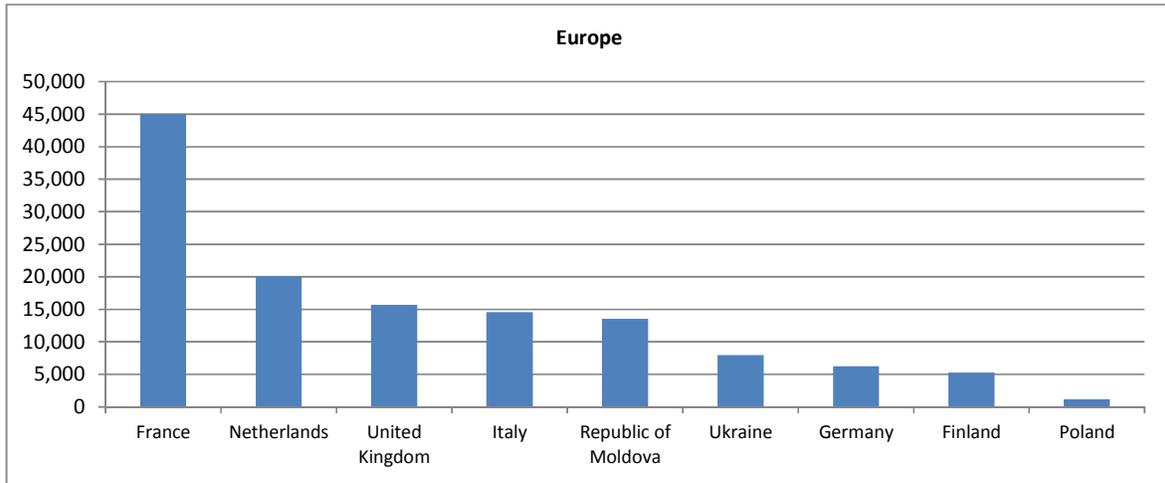


Comparison of the percentages of expenditures and activities in Asia

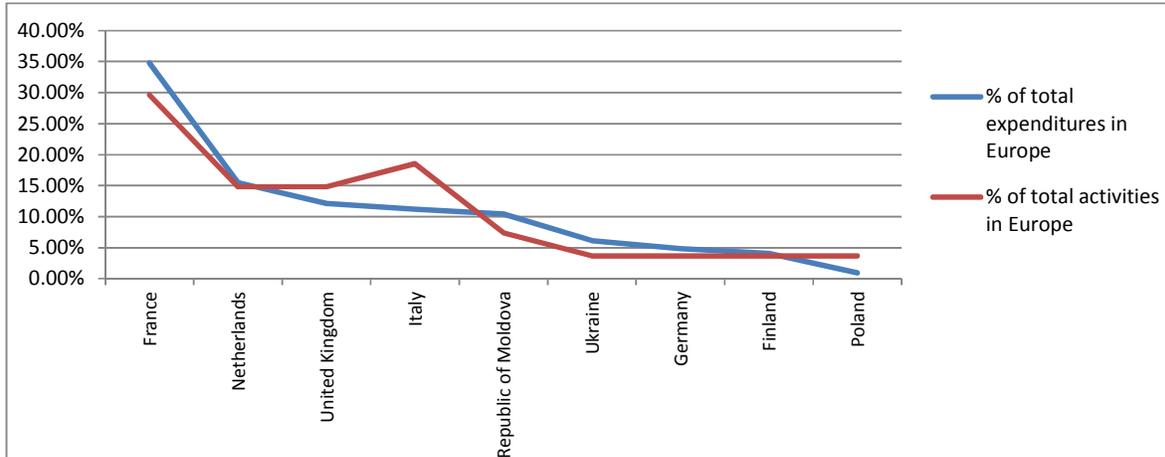


⁴⁶ The figures displayed under this graph can include information of expenditures related to more than one country as per the data registered in the internal expenditure tracking system used for the cost analysis.

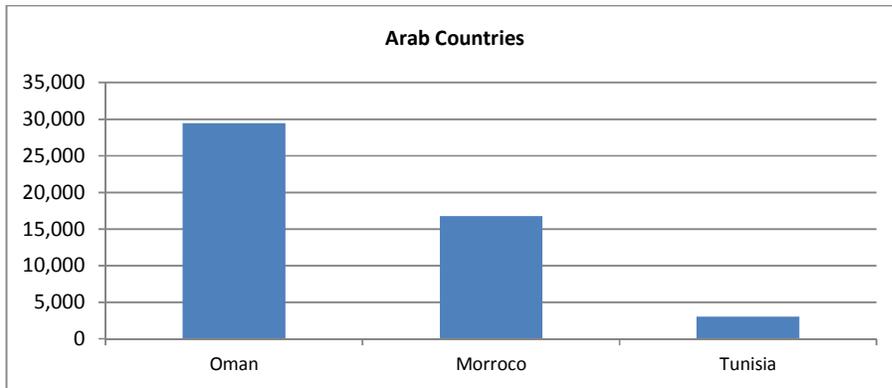
Expenditures in Europe for each country



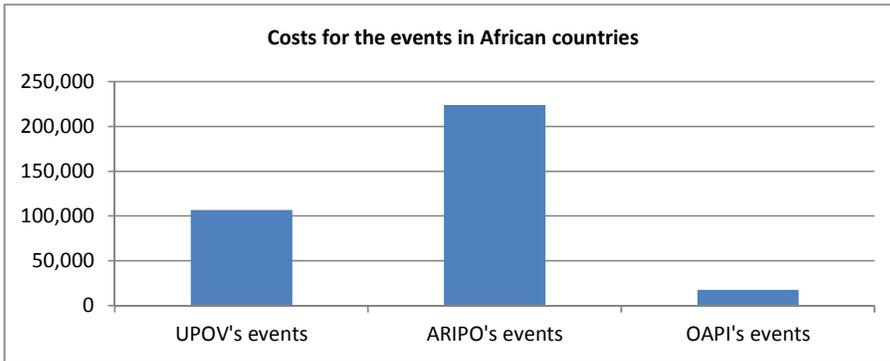
Comparison of the percentages of expenditures and activities in Europe



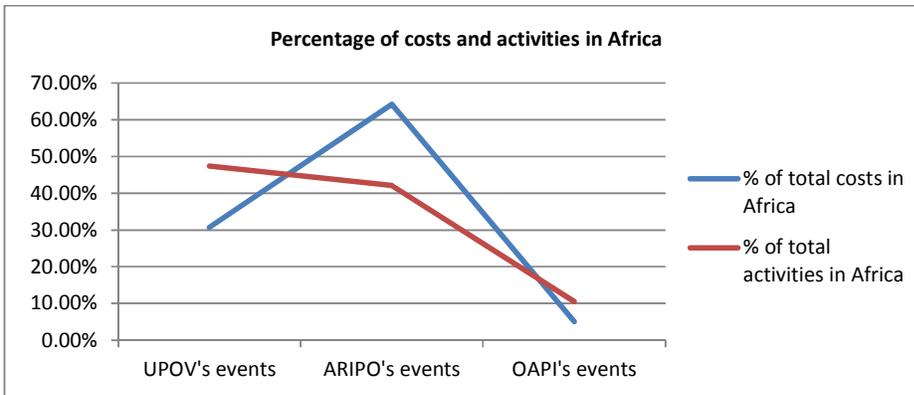
Expenditures in Arab countries



Comparison of the expenditures in African countries for each Organization



Comparison of the percentages of expenditures and activities in Africa



ANNEX IV: LIST OF STAKEHOLDERS CONSULTED

#	STAKEHOLDER NAME	FUNCTION	DEPARTMENT/ ORGANIZATION
UPOV office in Geneva			
1	Mr. Peter Button	Vice Secretary-General	UPOV
2	Ms. Yolanda Huerta	Legal Counsel	UPOV
3	Mr. Jun Koide	Technical/Regional Officer	UPOV
4	Mr. Philippe Benjamin Rivoire	Technical/Regional Officer (Africa, Arab countries)	UPOV
5	Mr. Leontino Taveira	Technical/Regional Officer (Latin America, Caribbean countries)	UPOV
6	Mr. Hend Madhour	Data Modeler	UPOV
7	Ms. Ariane Besse	Administrative Assistant	UPOV
8	Ms. Caroline Rovere	Administrative Assistant	UPOV
9	Ms. Fanny Berger	Administrative Assistant	UPOV
10	Ms. Erika Giachino	Agency Worker	UPOV
11	Ms. Romy Oertel	Administrative Assistant	UPOV
12	Ms. Jessica May	Secretary	UPOV
13	Ms. Rosa Maria Sanchez Vizcaino Gomez	Administrative Assistant	UPOV
WIPO staff members			
14	Ms. Violeta Ghetu	Legal Officer	Design and Geographical Indication Law Section
15	Ms. Marina Foschi	Legal Officer	Design and Geographical Indication Law Section
16	Ms. Rina Woronowski	Administrative Assistant	External Relations Division
17	Mr. Young-Woo Yun	head	Standards Section
18	Mr. Glenn Mac Stravic	head	Brand Database Section
19	Mr. Dorian Chambonnet	Associate Finance Officer	Finance Division
20	Ms. Janice Cook Robbins	Director	Finance Division
21	Mr. Patrick Algarra	Database Administrator	Data Management and Application Integration
Member - Council, Technical Committee, Observers - International Non-Governmental Organizations			
22	Mr. Bert Scholte	Technical Director	European Seed Association (ESA)
23	Ms. Hélène Guillot	International Agricultural Manager	International Seed Federation (ISF)
24	Ms. Astrid M. Schenkeveld	Specialist, Variety Registration & Protection	International Seed Federation (ISF)

#	STAKEHOLDER NAME	FUNCTION	DEPARTMENT/ ORGANIZATION
25	Mr. Udo Von Kroeher	President	Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz
26	Mr. Raimundo Lavignolle	President	Ministry of Economy
27	Mr. Tanvir Hossain	Senior Examiner	IP Australia
28	Mr. Manuel Toro Ugalde	Deputy director	Ministry of Agriculture
29	Mr. Guillermo Federico Aparicio Muñoz	Head	Ministry of Agriculture
30	Mr. Yongqi Zheng	Director	Ministry of Agriculture
31	Ms. Esther Esteban Rodrigo	Deputy director	Ministry of Agriculture (MAGRAMA)
32	Ms. Kitisri Sukhapinda	Patent Attorney	U.S. Patent and Trademark Office
33	Ms. Elaine Wu	Attorney – Advisor	United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria
34	Mr. Donald Coleman	Controller of Plant Breeders' Rights	Department of Agriculture and Fisheries
35	Mr. Katsumi Yamaguchi	Director	Ministry of Agriculture, Forestry and Fisheries
36	Mr. Tor Erik Jorgensen	Head of Section	Ministry of Agriculture
37	Ms. Marianne Smith	Senior Advisor	Ministry of Agriculture
38	Mr. Christopher J. Barnaby	Assistant Commissioner / Principal Examiner for Plant Variety Rights	Plant Variety Rights
39	Mr. Ali Al Lawati	Plant Genetic Resources Expert	Ministry of Agriculture
40	Mr. Mémassi Dosso	Director	Organisation africaine de la propriété intellectuelle (OAPI)
41	Ms. Wéré Régine Gazaro	Director	Organisation africaine de la propriété intellectuelle (OAPI)
42	Ms. Juliette Ayite Doumatey	Deputy Director General	Organisation africaine de la propriété intellectuelle (OAPI)
43	Mr. Seung-In Yi	Deputy Head	Ministry of Agriculture
44	Mr. Andrew Mitchell	Head of Varieties and Seeds	Ministry of Agriculture, Fisheries and Food
45	Ms. Bronislava Batorova	National Coordinator for the Cooperation of the Slovak Republic with UPOV/ Senior Officer	Ministry of Agriculture
46	Dr. Olof Johansson	Head	Jordbruksdepartementet
47	Mr. Hans Dreyer	Responsable	Office fédéral de l'agriculture (OFAG)
48	Ms. Eva Tucharland	Responsable	Office fédéral de l'agriculture (OFAG)
49	Mr. Mehmet Şahin	Director	Ministry of Food, Agriculture and Livestock

#	STAKEHOLDER NAME	FUNCTION	DEPARTMENT/ ORGANIZATION
50	Ms. Virginie Bertoux	Responsible	Instance nationale des obtentions végétales (INOV), INOV-GEVES, Beaucauzé
51	Ms. Barbara Furnweger	Leiterin	Abteilung Sortenschutz und Registerprüfung, Institut für Saat- und Pflanzgut, Pflanzenschutzdienst und Bienen, Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH
52	Mr. José Antonio Sobrino Mate	Head	Subdirección General de Medios de Producción Agrícolas y Oficina Española de Variedades Vegetales (MPA y OEVV)
53	Mr. Simeon Kibet Kogo	General Manager	Quality Assurance, Kenya Plant Health Inspectorate Service (KEPHIS), Nairobi
54	Ms. Mara Ramans	Technical Liaison Officer	Animal and Plant Health Agency (APHA)
55	Ms. Manuela Brand	Head	Plant Variety Rights Office, Federal Department of Economic Affairs Education and Research (EAER)
56	Mr. Dirk Theobald	Head of the Technical Unit	Community Plant Variety Office (CPVO)
57	Ms. Sangeeta Shashikant	President	Association for Plant Breeding for the Benefit of Society (APBEBES)
58	Ms. Päivi Mannerkorpi	Head of Sector - Unit E2	Direction Générale Santé et Protection des Consommateurs, Commission européenne (DG SANCO)
59	Mr. Kees Jan Groenewoud	Secretary	Dutch Board for Plant Variety
60	Mr. Noluthando Netnounkoana	Director of Genetic Resources	Department of Agriculture, Agricultural Technical Service, Pretoria
61	Mr. Shakeel Bhatti	Secretary	Food and Agriculture Organization of the United Nations (FAO)
62	Mr. Muhamad Sabran	Deputy Director for Research Cooperation and Public Relation	Indonesian Agency for Agriculture Research and Development (IAARD)
63	Mr. Csaba Gaspar	Program Manager	Organisation for Economic Co-operation and Development (OECD)
64	Mr. François-Xavier Muller	EU Corn Breeding IP/QMS Manager	International Seed Federation (ISF)
65	Ms. Luisa Volpe	Policy Officer	World Farmers' Organisation (WFO)
66	Mr. Michael T. Abberton	head	The International Institute of Tropical Agriculture (IITA)

#	STAKEHOLDER NAME	FUNCTION	DEPARTMENT/ ORGANIZATION
67	Mr. François Meienberg	Board Member	Association for Plant Breeding for the Benefit of Society (APBREBES)
68	Mr. Emmanuel Sackey	Chief examiner	African Regional Intellectual Property Organization (ARIPO)
PVP Office – Head or Staff			
69	Mr. Françoise Deschutter	Attachée	Office de la Propriété Intellectuelle
70	Mr. Anthony Parker	Commissioner	Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA)
71	Mr. Martin Ekvad	President	Community Plant Variety Office (CPVO)
72	Ms. Dikla Dabi-Naor	Attachée agriculture	The Plant Breeders' Rights Council Ministry of Agriculture and Development
73	Mr. Edouardo Padilla Vaca	Director of Plant Variety Section	Servicio Nacional de Inspección y Certificación de Semillas (SNICS)
74	Mr. Jovan Vujovic	Head	Ministry of Agriculture, Forestry and Water Management Plant Protection Directorate Group for Plant Variety Protection and Biosafety
75	Mr. Jens Weibull	Assoc. professor (genetics & plant breeding)	Swedish Board of Agriculture (Jordbruksverket)
76	Ms. Anna Pettersson	Administrative Officer	Swedish Board of Agriculture (Jordbruksverket)
Trainers			
77	Mr. Kédro Diomande	Directeur d'Innovations et systèmes d'information/Chargé de la propriété intellectuelle	Centre National de Recherche Agronomique (CRNA)
78	Mr. Sudhir Kochhar	National Coordinator Component	Government of India

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