



CC/84/3

ORIGINAL: English

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

Geneva

**CONSULTATIVE COMMITTEE****Eighty-Fourth Session  
Geneva, October 31, 2012**

## UPOV DISTANCE LEARNING COURSE

*Document prepared by the Office of the Union*

1. At its seventy-fourth session, held in Geneva on October 24, 2007, the Consultative Committee endorsed the development of an advanced course "Examination of Applications for Plant Breeders' Rights" and entrusted the Office of the Union to take the necessary actions to develop and implement that course, as set out in Annex II of document CC/74/4 (see document CC/74/8 "Report", paragraph 68). A copy of Annex II to document CC/74/4 is attached as the Annex to this document.

2. The Consultative Committee, at its eighty-third session, held in Geneva on March 30, 2012, noted that the Office of the Union had reached agreement, in principle, to cooperate with Naktuinbouw (Netherlands) in the development of the modules in Section IV "DUS Examination" of the advanced course "Examination of Applications for Plant Breeders' Rights" (DL-305). It noted that the costs for employing a consultant to draft the text would be shared equally between UPOV and Naktuinbouw and that, in addition, Naktuinbouw colleagues would be involved in the preparation and evaluation of the modules (see document CC/83/7 "Report on the Conclusions", paragraph 33).

3. It is planned that a draft of the advanced distance learning course DL-305 "Examination of Applications for Plant Breeders' Rights" (DL-305), in Word format and in English only, will be completed by the end of 2012, which would allow a test version to be uploaded to the WIPO Academy platform by February 2013. A trial run of the course in English would then be conducted with experts from members of the Union in March/April 2013.

4. Subject to a satisfactory trial run, a first running of DL-305 in English would be offered on the UPOV website in mid-2013 and, in parallel, DL-305 would be translated into French, German and Spanish. The first running of DL-305 in French, German and Spanish would then be offered on the UPOV website in late 2013.

*5. The Consultative Committee is invited to approve the plans for the launch of the advanced distance learning course DL-305 "Examination of Applications for Plant Breeders' Rights", as set out in paragraphs 3 and 4 of this document.*

[Annex follows]

[Reproduced from document CC/74/4 Annex II]

Proposal for the Advanced UPOV Distance Learning Program

Title: "Examination of applications for plant breeders' rights"

Objectives of the course: To provide a basic understanding of the examination of applications for plant breeders' rights under the International Convention for the Protection of New Varieties of Plants.

Target audience:

- (a) Officials/officially appointed persons (existing and possible future UPOV members):

Responsible for running PBR offices  
Responsible for drafting PBR legislation  
Key staff of PBR offices  
Organizers of DUS trials  
DUS examiners

- (b) Private Sector:

Breeders  
IP managers  
IP agents/attorneys  
Academia/Students

Entry level requirement: successful completion of UPOV DL-205 Course.

Tutoring: provided by experts from UPOV members, appointed by the respective representative to the Council, and staff members of the Office. For fee-paying students, where considered appropriate, suitable private individuals would be identified, in addition to tutors provided by members of the Union, who would be prepared to act as tutors for an appropriate remuneration.

Students: to be registered under the following categories:

Category 1: Officials of members of the Union	No fee
Category 2: Officials of observer States / intergovernmental organizations	One non-fee paying student per State / intergovernmental organization for each running of the course Additional students: CHF1,000 per student
Category 3: Others	Fee: CHF1,000
Participants in UPOV training activities	No fee

In the event that the number of pre-registrations exceeds the capacity for the course, priority would be given as follows:

- Priority 1: up to 10 students from a member of the Union  
Priority 2: one student from an observer State / intergovernmental organization  
Priority 3: all others (including additional students from members of the Union and observers)

Estimated Total Study Time: 70 hours (approximate).

*UPOV Distance Learning Program: Advanced Course:  
“Examination of applications for plant breeders’ rights”*

PROGRAM

SECTION I ADMINISTRATION OF PLANT BREEDERS' RIGHTS

Module 1: The Plant Breeder's Right's Office

- structure
- functions (Article 30, including brief overview of options for cooperation (Article 30(1)(ii) and Article 12 (2<sup>nd</sup> sentence) – see Module 11)

Module 2: Administration of applications

- development of forms: UPOV model forms (source materials: TGP/5)
- filing: paper/electronic
- assigning filing date and time
- processing forms
- examining the PBR application form

SECTION II ENTITLEMENT

Module 3: Entitlement to file an application

- definition of breeder
  - the notion of applicant
  - successors in title
  - proxy / agent
- (source materials: TGP/5)

SECTION III NOVELTY

Module 4: Examining Novelty

- information to be taken into account
- coherence of the application

SECTION IV DUS EXAMINATION

Module 5: Introduction to the DUS examination

- requirement for examination
  - nature of the DUS examination
  - characteristics as the basis for DUS examination
  - types of characteristics
  - information, documents and material required
- (source materials: General Introduction, TGP documents and UPOV Model Presentation)

Module 6: Variety collections

(source materials: TGP/4)

Module 7: Examining Distinctness

(source materials: TGP/9)

Module 8: Examining Uniformity

(source materials: TGP/10)

Module 9: Examining Stability

(source materials: General Introduction)

Module 10: Approaches and cooperation in DUS examination

(source materials: TGP/6 and GENIE database)

SECTION V VARIETY DENOMINATION

Module 11: Examining the variety denomination

(source materials: UPOV/INF/12/1)

SECTION VI PUBLICATION OF INFORMATION AND DECISIONS

Module 12: Information to be published

- requirements of the UPOV Convention: PBR applications, proposed and adopted denomination and granted PBRs
  - UPOV Gazette and Newsletter and UPOV-ROM
- (source materials: UPOV Gazette and Newsletter)

Module 13: Proposed decisions and Objections

- filing objections, processing objections

Module 14: Decisions

- granting PBR
- rejection of applications for PBR

Module 15: Situations which may arise after the grant of PBR

- changes in variety denomination
- cancellation and nullification of PBR

[End of Annex and of document]