



CC/91/5

ORIGINAL: English

DATE: January 14, 2016

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

CONSULTATIVE COMMITTEE

**Ninety-First Session
Geneva, March 17, 2016**

INTERNATIONAL SYSTEM OF COOPERATION

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 a draft mandate and terms of reference for a possible working group (ISC-WG) to explore the issues concerning a possible international system of cooperation (ISC), as presented in document CC/89/6 "International system of cooperation" and to present additional issues raised by members of the Union, for consideration by the Consultative Committee at its ninety-first session.

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BACKGROUND

2. The Consultative Committee, at its ninetieth session held in Geneva on October 28 and 29, 2015, considered document CC/90/10 "International System of Cooperation" and a presentation made by the Office of the Union. The Consultative Committee agreed that copies of the presentation made by the Office of the Union should be provided to the Consultative Committee, in the form of an addendum to document CC/90/10 (see document CC90/19 "Report on the Conclusions", paragraph 68).

3. The Consultative Committee agreed that more information, including statistical information, and a legal analysis was needed with regard to a possible ISC and agreed to request the Office of the Union to prepare a document containing a draft mandate and terms of reference for a possible ISC-WG to explore the issues concerning a possible ISC, as presented in document CC/89/6 "International system of cooperation" and additional issues raised by members of the Union, to be considered by the Consultative Committee at its ninety-first session, to be held in Geneva in March 2016. That document would also present the additional issues provided in writing by members of the Union (see document CC/90/19 "Report on the Conclusions", paragraph 69).

4. The summary of possible issues concerning an ISC, as presented in document CC/89/6, Annex II, is reproduced as Annex I to this document. A summary slide of the presentation made by the Office of the Union at the ninetieth session of the Consultative Committee (see document CC/90/10 Add.) is presented in Annex II to this document.

ADDITIONAL ISSUES

5. On November 18, 2015, the Office of the Union issued Circular E-15/263 "International System of Cooperation (ISC): invitation to raise additional issues" to the designated persons of the Consultative Committee, with an invitation to identify any additional issues, beyond those raised in document CC/89/6, that they wished to be explored in relation to a possible ISC. The Office of the Union received written contributions from Denmark, Japan, Norway, New Zealand and the Russian Federation, copies of which are presented in Annexes III to VII, respectively.

6. It is proposed that the additional issues be identified as new issues, or reflected in the issues concerning an ISC as presented in Annex I to this document (reproduced from document CC/89/6, Annex II), as follows:

Proposer	Issue	Comment
Denmark	"(ii) An administrative complaint authority regarding the ISC when handling the application process <i>per se</i> ."	To consider in conjunction with Issues 18 and 22
Denmark	"(iii) Specific authorisation requirements regarding the so-called 'center of excellence', as mentioned in the document CC/89/06, paragraph [12], page 4."	To consider in conjunction with Issues 4 and 8
Japan	"With respect to Issue 21 a), how to decide a prior and later application relation when applications are submitted by means of the two different channels, i.e. from any receiving UPOV member office and through a UPOV electronic application system."	To consider in conjunction with Issue 21(a)
New Zealand	"New Zealand has no specific additional issues to add, but makes the following general comment regarding the process for discussing the issues and how the outcomes are recorded. "Participation for an authority in the ISC is a decision for that authority however NZ has the view that it may be helpful to identify factors in the issues based on the size/resources and/or geography of the national authority. As a smaller authority, the NZ perspective is likely different from a larger one and we see difficulty to effectively discuss a number of the issues raised without taking into consideration the size of the	General comment

	<p>authority, the national/regional usage and geography. A number of the issues listed in CC/89/06 [...] do have a direct or indirect reference to the capacity in DUS examination and that of an authority in general.</p> <p>“An approach taking into account the differing perspective of authorities is not without difficulty. We suggest a split perspective approach as necessary. For example, issue 10, the outcomes could be reported in a manner that reflects the view of an authority as a preliminary examination office and an authority which is not. It is important to recognise that ISC potential benefits have dependency on the size/resources and geographic location of an authority.”</p>	
Norway	<p>“1. ISC-WG should address the possibilities for meeting specific needs of Member States in relation to the application process if an international system of cooperation is established.”</p>	To consider in conjunction with Issues 1, 2, 18, 19, 21
Norway	<p>“2. ISC-WG should examine and describe how the ISC will effect on the national competence.”</p>	To consider in conjunction with Issues 1, 2, 11, 12, 21, 26
Norway	<p>“3. ISC-WG should therefore address this statement* and analyse empirical evidence to evaluate its truth value.”</p> <p>(* “ISF, CIOFORA and CropLife International claim that the ISC will contribute to: ‘More PBR applications by more breeders in more crops, countries, and regions. It will be much easier for breeders to file applications, so more applications can be expected by the PBR offices in countries where previously there have been very few applications.’”)</p>	New issue
Norway	<p>“4. ISC-WG should examine and describe how a possible accreditation system also can reflect the relevant climatic conditions.”</p>	To consider in conjunction with Issues 4, 5, 8
Norway	<p>“5. ISC-WG should examine and describe the legal framework on UPOV-78 article 21 [Tasks of the Council], and UPOV-91 article 26 [The Council].”</p>	To consider in conjunction with Issue 23
Norway	<p>“6. ISC-WG should examine and describe the relation between ISC the Treaty and the Nagoya protocol, and which effect a possible ISC will have in this regard.”</p>	New issue
Norway	<p>“7. ISC-WG should examine and describe both positive and negative impacts of a possible international system of cooperation.”</p>	New issue
Russian Federation	<p>[...]</p> <p>“We feel it should be inappropriate to discuss about so called ‘International System of Cooperation’ (ISC) and, therefore about the ad hoc working group on this issue (ISC-WG), because it is about centralized administration of PBR applications.</p> <p>“Currently existing international cooperation between authorities of UPOV member States under the auspices of the UPOV Office includes all important steps that ensure the breeder's right granting applied with minimum cost and in minimum time.”</p> <p>[...]</p>	General comment

DRAFT MANDATE AND TERMS OF REFERENCE

7. In order to assist the Consultative Committee in its consideration of a draft mandate and terms of reference for a possible ISC-WG to explore the issues concerning a possible ISC, the terms of reference for the following working groups of the Consultative Committee are provided for information:

- *Ad hoc* Working Group on the Financial Regulations and Rules of UPOV ("FRR Working Group") (see Annex VIII)
- Working Group on Rules Concerning Observers (see Annex IX)

8. Based on the approach taken in relation to the previous working groups of the Consultative Committee, the following mandate and terms of reference for a possible ISC-WG to explore the issues concerning a possible ISC are proposed for consideration by the Consultative Committee:

Purpose

To assist the Office of the Union in the preparation of information and proposals, for consideration by the Consultative Committee, concerning a possible ISC.

Composition

- (a) to be composed of members of the Union agreed by the Consultative Committee;
- (b) other members of the Union would be free to participate at any meeting of the ISC-WG where so desired;
- (c) the ISC-WG would agree whether, and on what basis, to invite observers in the Council to participate in meetings, or parts of meetings;
- (d) meetings to be chaired by the Vice Secretary-General.

Modus operandi

- (a) to meet, as far as possible, in conjunction with the sessions of the Consultative Committee at a time and frequency to address the requests of the Consultative Committee;
- (b) to provide guidance to the Office of the Union in the development of proposals concerning specific issues addressed to the ISC-WG by the Consultative Committee; and
- (c) to assist the Office of the Union in preparing information concerning a possible ISC.

9. Taking into account the discussions at the ninetieth session of the Consultative Committee and the written comments received by members of the Union, as set out in Annexes III to VII of this document, the Consultative Committee may wish to specify that proposals to be developed for consideration by the Consultative Committee should:

- (i) be consistent with the obligation of each member of the Union to grant and protect breeders' rights;
- (ii) be relevant for all members of the Union, irrespective of the Act of the UPOV Convention by which they are bound;
- (iii) not be based on filing of applications with the Office of the Union;
- (iv) not be based on examination of applications by the Office of the Union;
- (v) be based on cooperation in examination between members of the Union;
- (vi) explore mechanisms to facilitate cooperation in examination between members of the Union; and

- (vii) be based on existing UPOV initiatives and materials, including in particular: the GENIE database; Electronic Application Form project; UPOV similarity search tool for variety denomination purposes; and UPOV information materials.

10. The Consultative Committee is invited to consider:

(a) the draft mandate and terms of reference for a possible working group (ISC-WG) to explore the issues concerning a possible international system of cooperation (ISC), as set out in paragraphs 8 and 9;

(b) the establishment of an ISC-WG on the above basis, including the composition of the ISC-WG;

(c) the proposed approach for addressing the additional issues, as set out in paragraph 6; and

(d) subject to the above, invite an ISC-WG to consider the issues in Annex I and paragraph 6 of this document on the basis of the mandate and terms of reference, as set out in paragraphs 8 and 9.

[Annexes follow]

ANNEX I

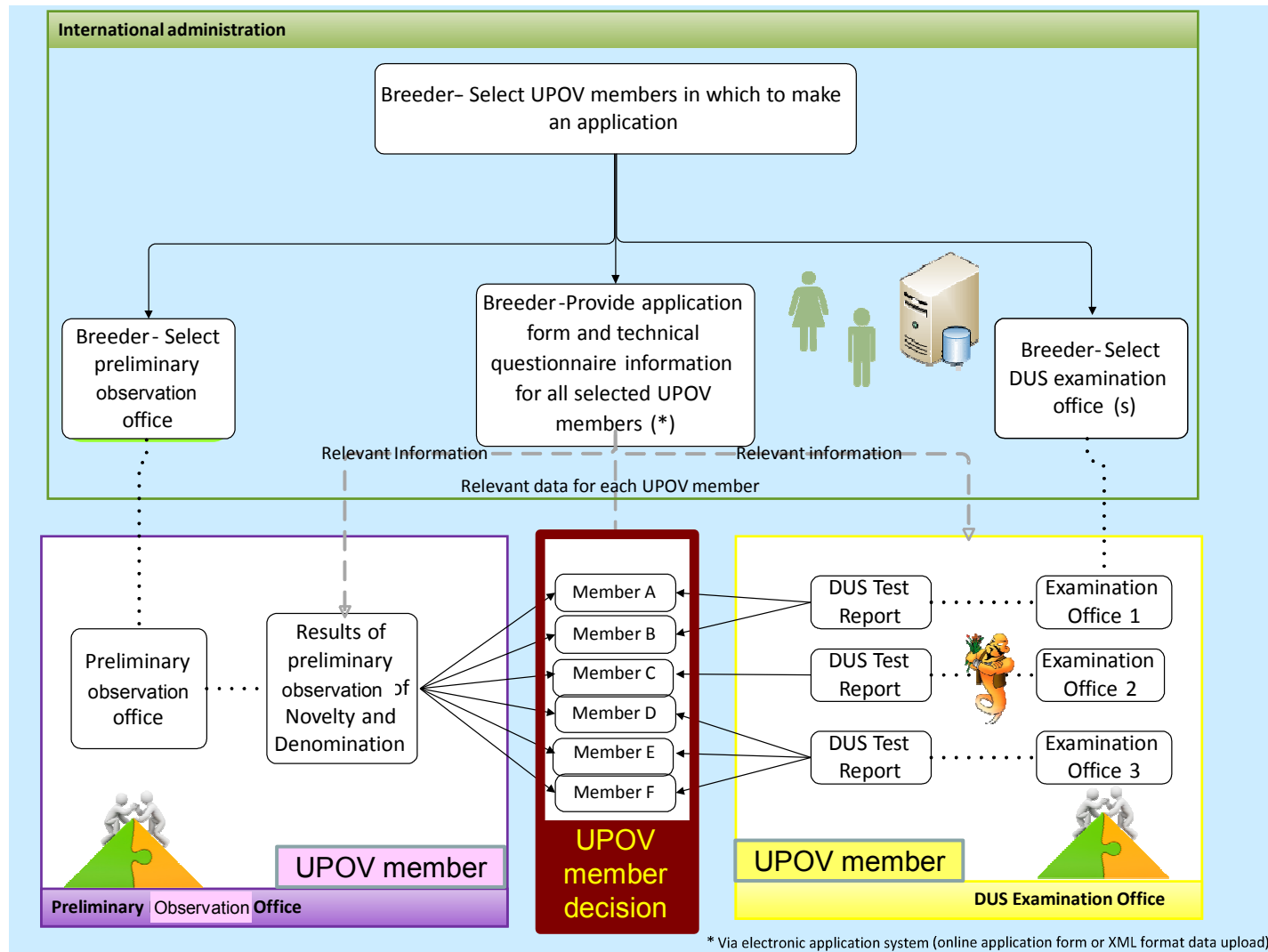
SUMMARY OF POSSIBLE ISSUES CONCERNING
AN INTERNATIONAL SYSTEM OF COOPERATION (ISC)

The following table provides a summary of the possible issues concerning an ISC, as set out in document CC/89/6:

Issue 1	to clarify that the an ISC would not affect the responsibility of the members of the Union in relation to the grant and protection of breeders' rights.
Issue 2	to clarify that it would be a matter for each member of the Union to decide whether to participate in an ISC and, if appropriate, what measures it would need to take in order to participate.
Issue 3	to note that the ISF/CIOFORA/CropLife International contribution anticipates more PBR applications as a result of an ISC.
Issue 4	to clarify that that it would remain a matter for each member of the Union to decide on its arrangements for DUS examination, including cooperation with other members of the Union.
Issue 5	to consider whether <ul style="list-style-type: none"> (a) an ISC should be expected to result in a single DUS examination being sufficient for all members of the Union for all species, or (b) an ISC should not be expected to result in a single DUS examination being sufficient for all members of the Union for all species, whilst recognizing the benefits of facilitating greater cooperation between members of the Union.
Issue 6	to consider whether arrangements between members of the Union for DUS examination might be integrated in an ISC.
Issue 7	to note that information on arrangements between members of the Union for DUS examination is already included in the GENIE database.
Issue 8	to consider whether the establishment of an accreditation system, or other means of conveying objective information on DUS examination capacity, might facilitate cooperation in DUS examination and the features of such a system.
Issue 9	to consider other measures that might facilitate cooperation in DUS examination between members of the Union.
Issue 10	to consider how an ISC could be used to support capacity in DUS examination with a view to facilitating cooperation, including the development of capacity that would facilitate cooperation.
Issue 11	to consider the basis on which a preliminary examination office(s) would be selected to conduct the preliminary examination.
Issue 12	to clarify that that a preliminary examination should, as far as possible, aim to assess the acceptability of a proposed variety denomination for all members of the Union.
Issue 13	to consider, in the case that a member of the Union subsequently considered the proposed denomination unsuitable within its territory, the procedure for the breeder to submit another denomination.
Issue 14	to note the value of a UPOV similarity search tool for variety denomination purposes and to consider extending such a tool include words or elements that are considered to be unsuitable by members of the Union.
Issue 15	to consider the need to extend consideration beyond the denominations currently included in the PLUTO database, to other denominations considered by members of the Union.
Issue 16	to recall that the UPOV Model Form for the Application for Plant Breeders' Rights (document TGP/5 "Experience and Cooperation in DUS Testing" Section 2), Item 8, provides a request for relevant information concerning novelty.
Issue 17	to recall that the PLUTO database includes an item to allow for information to be provided on dates on which a variety was commercialized for the first time in the territory of application and other territories.
Issue 18	to consider, in a first phase, that it might not be appropriate to include the checking of the completeness of the application, preparation for publication and inserting the relevant information about the application in a centralized application database.

Issue 19	to consider that the EAS Project, and/or ISC, might provide a basis for members of the Union to move towards greater harmonization in their application forms, thereby creating possibilities at a later stage for an ISC to include the checking of the completeness of the application, preparation for publication and inserting the relevant information about the application in a centralized application database.
Issue 20	to clarify that, in addition to an "ISC fee", there would be fees for DUS examination and fees for individual members of the Union.
Issue 21	To consider the EAS Project, with an appropriate extension of the remit, as a starting point for the international service to be provided by an ISC in relation to: <ul style="list-style-type: none"> (a) receiving an application from any receiving UPOV member office or through a UPOV electronic application system; (b) application information to be distributed to UPOV members designated by the breeder; (c) application in a language of the breeder's choice with automatic translation into languages of relevant UPOV members; (d) collection and distribution of fees; (e) information on accredited DUS centers; and (f) information on [choice of] preliminary examination office(s).
Issue 22	To consider whether an international service to be provided by an ISC should: <ul style="list-style-type: none"> (g) monitor the status of the DUS examination; (h) receive and maintain reports of decisions on granting of PBR; (i) address objections concerning conduct of the DUS examination; (j) maintain and publish all relevant "bibliographic" information concerning PBR applications; (k) maintain standard UPOV variety descriptions, information on varieties of common knowledge included in the DUS examination, status and disposition of any propagating material provided by the breeder and information relating to pedigree and parental lines of hybrids (to be maintained as confidential); and (l) include a search for relevant varieties of common knowledge against which the application variety may be compared, or, whether such information should be monitored and maintained by members of the Union and made available at a general level via the PLUTO database.
Issue 23	To consider an agreement as a suitable legal basis for an ISC, to be adopted by the Council of UPOV and open for signature only by members of the Union.
Issue 24	To consider that the examination by members of the Union using the ISC would be resourced by the members of the Union under their current arrangements for examination of applications. However, the collection of fees to cover that work might be organized as a part of the international system of administration of an ISC.
Issue 25	It would be necessary to agree on a basis for DUS examination fees, probably varying by species.
Issue 26	In the case of preliminary examination office(s), it would be necessary to agree a basis for a fee, including whether there would be a universal fee for all members of the Union for all species.
Issue 27	To note that the extent of resources for an ISC would be determined by the extent of the international system of administration.
Issue 28	To consider whether the development and maintenance of an ISC should be fully financed by income from fees paid by breeders.
Issue 29	To consider whether the EAS Project, as funded through the Program and Budget for the 2016-2017 Biennium, should provide the core of the international system of administration.
Issue 30	To consider how additional elements to be incorporated in the EAS Project, e.g. the receipt of applications from receiving UPOV member offices, information on accredited DUS centers and information on [choice of] preliminary examination offices, should be funded.

SUMMARY SLIDE OF THE PRESENTATION MADE BY THE OFFICE OF THE UNION AT THE NINETIETH SESSION OF THE CONSULTATIVE COMMITTEE



ANNEX III

COMMENTS OF DENMARK IN RESPONSE TO UPOV CIRCULAR E-15/263
“INTERNATIONAL SYSTEM OF COOPERATION (ISC): INVITATION TO RAISE ADDITIONAL ISSUES”

Miljø- og Fødevareministeriet
NaturErhvervstyrelsen

To Mr. Peter Button
Vice-Secretary-General
UPOV

Our ref: 15-30390-000013
Date: 18 december 2015
upov.mail@upov.int

Comments of Denmark on UPOV Circular E-15/263 - ISC

Dear Mr. Peter Button

Thank you for giving us the opportunity to comment on the UPOV Circular E-15/263 regarding the International System of Cooperation (ISC), document CC/90/10 and the Addendum, and to share our considerations regarding a possible working group (ISC-WG), document CC/89/6.

The stakeholders from the Danish breeding sector are aware of the UPOV ISC-project. So far, they have expressed positive interest in the project, and asked questions about status. We have answered those questions bearing in mind that the ISC for the time being is assessed within the Consultative Committee only.

We have identified the following issues that might be considered:

- (i) [withdrawn]
- (ii) An administrative complaint authority regarding the ISC when handling the application process *per se*.
- (iii) Specific authorisation requirements regarding the so-called “center of excellence”, as mentioned in the document CC/89/06, paragraph 4, page 4.

Additionally, the Danish stakeholders would like to be fully informed of any financial consequences related to ISC, namely the fee financing etc.

We think that an ISC-WG is necessary but it is premature for us to decide whether to participate in the ISC-WG.

Yours sincerely

Maria Lillie Sonne
Head of Legal, Planter & Landbrugslov
The Danish AgriFish Agency
maliso@naturerhverv.dk

ANNEX IV

COMMENTS OF JAPAN IN RESPONSE TO UPOV CIRCULAR E-15/263
“INTERNATIONAL SYSTEM OF COOPERATION (ISC): INVITATION TO RAISE ADDITIONAL ISSUES”

From: 三宅 晃 [mailto:akira_miyake630@maff.go.jp]

Sent: Friday, December 18, 2015 9:55 AM

To: mail, Upov

Subject: [JAPAN] RE: Circular E-15/263 - International System of Cooperation

Dear Sirs/Madams,

With respect to International System of Cooperation : invitation to raise additional issues, I submit the following issue:

With respect to Issue 21 a), how to decide a prior and later application relation when applications are submitted by means of the two different channels, i.e. from any receiving UPOV member office and through a UPOV electronic application system.

Best regards,

Akira MIYAKE
Ministry of Agriculture, Forestry and Fisheries
JAPAN

[Annex V follows]

COMMENTS OF NORWAY IN RESPONSE TO UPOV CIRCULAR E-15/263
“INTERNATIONAL SYSTEM OF COOPERATION (ISC): INVITATION TO RAISE ADDITIONAL ISSUES”

Submission from Norway regarding the mandate and terms of reference for a possible working group (ISC-WG) to explore the issues concerning a possible international system of cooperation.

We refer to UPOV Circular E-15/263 dated November 18, 2015, regarding International System of Cooperation. The Consultative Committee, at its ninetieth session held in Geneva on October 28 and 29, 2015, requested the Office of the Union to prepare a document containing a draft mandate and terms of reference for a possible working group (ISC-WG) to explore the issues concerning a possible international system of cooperation. Norway hereby proposes the following items to be included in the terms of reference:

Norway is in favour of close cooperation between Member States of UPOV. Different agreements on cooperation are based on the specific needs of various Member States and on mutual interests. At the same time, they also reflect that Member States might have different needs. E.g. Norway has an agreement with Finland regarding DUS-testing.

The full implementation of the ISC implies harmonization of the application form and the publication of the application. Removing the current flexibility of Member States also removes the possibility to adjust to specific needs of Member States and their breeders. E.g. in the current Norwegian PVP legislation, there is a demand to inform about the origin of genetic resources that are used in breeding the plant variety. Thus, the ISC assumes that different Member States and the diversity of breeders have congruent needs. Any system for the purpose of strengthening plant breeders' rights must be easy and supportive to all Member States and all breeding institutions, irrespective of their size.

1. ISC-WG should address the possibilities for meeting specific needs of Member States in relation to the application process if an international system of cooperation is established.

The full implementation of the ISC implies that a centralised *preliminary examination office* will be in charge over tasks that currently are executed by in the Member States. This centralisation may drain competence in the Member State.

2. ISC-WG should examine and describe how the ISC will effect on the national competence.

ISF, CIOPORA and CropLife International claim that the ISC will contribute to: «More PBR applications by more breeders in more crops, countries, and regions. It will be much easier for breeders to file applications, so more applications can be expected by the PBR offices in countries where previously there have been very few applications.» This statement is not verified, and not supported by any survey or the like.

3. ISC-WG should therefore address this statement and analyse empirical evidence to evaluate its truth value.

It is proposed that the ISC-WG should consider whether the establishment of an accreditation system, or other means of conveying objective information on DUS examination capacity, might facilitate cooperation in DUS examination and the features of such a system. In this regard, the climatic conditions are relevant for where the DUS examination is carried out. For example, a DUS

examination in Spain will probably not be relevant for varieties that are intended for Nordic climatic conditions

4. ISC-WG should examine and describe how a possible accreditation system also can reflect the relevant climatic conditions.

It is proposed that a suitable legal basis for an ISC, could be adopted by the Council of UPOV and open for signature only by members of the Union. Norway is not convinced that this approach is sufficient. The full implementation of the ISC implies that several articles of the 1978 Act and the 1991 Act of the UPOV Convention are harmonized. Such a harmonization could remove the current flexibility in the two acts. Removing this flexibility would *altering* the content in articles in question.

5. ISC-WG should examine and describe the legal framework on UPOV-78 article 21, and UPOV-91 article 26.

Norway has stressed that any initiative on further cooperation among UPOV Members need to cater for the needs of Members both to the 1978 Act of the UPOV Convention as well as to the 1991 Act. In addition, as more and more countries have ratified the International Treaty on Plant Genetic Resources on Food and Agriculture and the Nagoya protocol on Access and Benefit Sharing, it is important that the relations to these two instruments are reflected.

6. ISC-WG should examine and describe the relation between ISC the Treaty and the Nagoya protocol, and which effect a possible ISC will have in this regard.

Last, but not least, Norway will call attention to the importance of assessing both positive and negative impacts of a possible international system of cooperation.

7. ISC-WG should examine and describe both positive and negative impacts of a possible international system of cooperation.

[Annex VI follows]

ANNEX VI

COMMENTS OF NEW ZEALAND IN RESPONSE TO UPOV CIRCULAR E-15/263
“INTERNATIONAL SYSTEM OF COOPERATION (ISC): INVITATION TO RAISE ADDITIONAL ISSUES”

From: Chris Barnaby [<mailto:Chris.Barnaby@pvr.govt.nz>]

Sent: Thursday, December 17, 2015 4:33 AM

To: mail, Upov

Subject: RE: REMINDER: Circular E-15/263 - International System of Cooperation [UNCLASSIFIED]

New Zealand has no specific additional issues to add, but makes the following general comment regarding the process for discussing the issues and how the outcomes are recorded.

Participation for an authority in the ISC is a decision for that authority however NZ has the view that it may be helpful to identify factors in the issues based on the size/resources and/or geography of the national authority. As a smaller authority, the NZ perspective is likely different from a larger one and we see difficulty to effectively discuss a number of the issues raised without taking into consideration the size of the authority, the national/regional usage and geography. A number of the issues listed in CC/89/06/36524 do have a direct or indirect reference to the capacity in DUS examination and that of an authority in general.

An approach taking into account the differing perspective of authorities is not without difficulty. We suggest a split perspective approach as necessary. For example, issue 10, the outcomes could be reported in a manner that reflects the view of an authority as a preliminary examination office and an authority which is not. It is important to recognise that ISC potential benefits have dependency on the size/resources and geographic location of an authority.

We look forward to the discussions.

Chris Barnaby

PVR PRINCIPAL EXAMINER / ASSISTANT COMMISSIONER
Plant Variety Rights Office, Intellectual Property Office of New Zealand
Ministry of Business, Innovation and Employment

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www.govt.nz New Zealand Government

[Annex VII follows]

ANNEX VII

COMMENTS OF THE RUSSIAN FEDERATION IN RESPONSE TO UPOV CIRCULAR E-15/263
“INTERNATIONAL SYSTEM OF COOPERATION (ISC): INVITATION TO RAISE ADDITIONAL ISSUES”

MINISTRY OF AGRICULTURE OF THE RUSSIAN FEDERATION

**STATE COMMISSION OF THE RUSSIAN FEDERATION
FOR SELECTION ACHIEVEMENTS TEST AND PROTECTION**

(State Commission)

1/11 Orlikov per., Moscow, 107139, Russia

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To: UPOV Office
e-mail: upov.mail@upov.int
Attention: Mr. Peter Button, Vice Secretary-General
Subj.: In reply to UPOV Circular E-15/263

December 23, 2015

Dear Vice Secretary-General,

We apologize for some being late with reply to UPOV Circular E-15/263 and ask you to note our comments below on matters mentioned in the circular based on documents CC/89/6, CC/90/10 and CC/90/10 Add.

On our opinion the documents above mentioned persistently propose the establishment of a certain “International System of Cooperation” (ISC).

In fact, it is proposed to legalize the commercial structure rendering of services, which in accordance with provisions of the UPOV Convention and national legislation of UPOV member states, are successfully carried out by authorities of those member states.

But there are no legal or financial or practical reasons to create the commercial structure supervised by the UPOV Office for centralized filing and processing of applications for the breeder's right.

The provision of such services by commercial structure is possible at the request of UPOV member states interested only and outside of the UPOV Office and without financial provision from the UPOV budget.

We feel it should be inappropriate to discuss about so called “International System of Cooperation” (ISC) and, therefore about the ad hoc working group on this issue (ISC-WG), because it is about centralized administration of PBR applications.

Currently existing international cooperation between authorities of UPOV member states under the auspices of the UPOV Office includes all important steps that ensure the breeder's right granting applied with minimum cost and in minimum time.

In particular, efforts of the UPOV Office and Technical Working Parties (TWPs) contribute when developing comprehensive guidelines, including DUS Test Guidelines for examination of new varieties, UPOV tools on similarity searching for variety denomination purposes, explanatory notes on the UPOV Convention, UPOV Plant Variety Databases and Electronic Application Form System.

The unified multilingual electronic application will simplify the procedure of its registration in different countries and expand the geography of filing by breeder.

It should be to note that before development of electronic application did not conceptually anticipate its arrival in a centre for pre-processing and examination.

Thank you for your attention.

Sincerely yours,

Vitaly S. Voloshchenko,
Chairman

A handwritten signature in blue ink, consisting of a large, stylized 'V' followed by a series of loops and a horizontal line at the end.

[Annex VIII follows]

ANNEX VIII

AD HOC WORKING GROUP ON THE FINANCIAL REGULATIONS AND RULES OF UPOV
("FRR WORKING GROUP")

At its seventy-eighth session, held in Geneva on October 21, 2009, the Consultative Committee agreed the following terms of reference for the *Ad hoc* Working Group on the Financial Regulations and Rules of UPOV ("FRR Working Group") (see document CC/78/2 "Financial Regulations and Rules of UPOV", paragraph 4):

"Purpose:

"To assist the Office of the Union in its preparation of proposals, for consideration by the Consultative Committee, concerning the Financial Regulations and Rules of UPOV, and external audit committee and internal audit provisions for UPOV.

"Modus operandi:

"(a) to meet, as far as possible, in conjunction with the sessions of the Consultative Committee at a time and frequency to address the requests of the Consultative Committee;

"(b) to provide guidance to the Office of the Union in the development of proposals concerning specific issues addressed to it by the Consultative Committee; and

"(c) to assist the Office of the Union in preparing information on the financial and other resource implications associated with the aforementioned proposals.

"Composition of the FRR Working Group:

"The Consultative Committee agreed that the composition of the FRR Working Group should be based on the composition of the Consultative Group (see document CC/77/2, paragraphs 8 to 11 and the Annex to that document), after reflecting relevant personnel changes and developments concerning the members of the Union. It agreed that there should be some flexibility in the composition of the FRR Working Group to allow for additions, as considered appropriate by the President of the Council, in conjunction with the Office of the Union. The Consultative Committee noted that the FRR Working Group would be chaired by the Vice Secretary General. The composition of the FRR Working Group, developed on that basis, is provided in Annex I to this document."

[Annex IX follows]

ANNEX IX

WORKING GROUP ON RULES CONCERNING OBSERVERS

At its eightieth session, held in Geneva on October 20, 2010, the Consultative Committee agreed the establishment of a Working Group on Rules Concerning Observers (see documents CC/80/11 "Report", paragraphs 67 to 69, and CC/82/9 "Observers in UPOV Bodies", paragraph 7, reproduced below):

Extract from document CC/80/11, paragraphs 67 to 69:

"67. The Consultative Committee decided to establish a working group to review the rules concerning observers and recommend appropriate changes.

"68. The Delegations of the Argentina, Bolivia, Colombia, European Union, Hungary, Japan, Mexico, Norway, Paraguay, Spain and United States of America, expressed their interest to participate in the Working Group.

"69. The Chair clarified that members of the Union would be free to participate at any meeting of the Working Group where so desired."

Extract from document CC/82/7, paragraph 7:

"7. The Working Group held its first meeting in Geneva on April 9, 2011, under the Chairmanship of the Vice Secretary-General of UPOV. The Report of the first meeting of the Working Group is reproduced in Annex I to this document."

[End of Annex IX and of document]