

Consultative Committee

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TRAINING AND ASSISTANCE STRATEGY

Document prepared by the Office of the Union

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EXECUTIVE SUMMARY

1. The purpose of this document is to report on activities and present proposals for consideration by the Consultative Committee concerning the implementation of the UPOV training and assistance strategy.

2. The Consultative Committee will be invited to:

(a) note that training and assistance activities in 2019-2020 are reported in document C/54/INF/3 "Report on activities during the first nine months of 2020" and in document C/54/2 "Annual report of the Secretary-General for 2019";

(b) endorse the updating of training materials, to reflect recent developments (e.g. UPOV PRISMA and latest information on benefits of UPOV membership) and, in relation to the UPOV distance learning courses, the updating to be implemented for the 2021 sessions;

(c) note that a report will be made at the ninety-eighth session of the Consultative Committee in 2021 on developments concerning:

(i) progress on a distance learning course on licensing varieties, as set out in paragraph 12 ; and

(ii) advances in machine translation technology relevant for training purposes;

(d) invite the Office of the Union to present a proposal for a training program for the examination of applications, explaining the justification, the proposed solution, methodology, contents outline based on the DL-305 distance learning course, and the resourcing, as set out in paragraph 14 ; and

(e) invite the Office of the Union to increase the use of virtual means for training activities and to explore synergies with members of the Union and other partners, as set out in paragraphs 15 to 18.

3. The structure of this document is as follows:

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BACKGROUND

4. The Consultative Committee, at its eighty-ninth session, held in Geneva on March 27, 2015, approved the “UPOV training and assistance strategy” (see document [CC/89/12](#) “Report”, paragraph 44). The “UPOV training and assistance strategy”, approved by the Consultative Committee is reproduced in the Annex to document [CC/90/7](#) “UPOV training and Assistance Strategy” and in the Annex to this document.

5. The Consultative Committee, at its ninety-sixth session, held in Geneva on October 31, 2019, “agreed that the UPOV Communication Strategy, UPOV Training and Assistance Strategy, UPOV policy for financing speakers and participants and the Strategic Business Plan, be made available under a standing section for “Reference documents” of the annual sessions for the Consultative Committee and via a new section “Reference documents” on the UPOV website for matters concerning the Consultative Committee, as set out in paragraph 26 of document CC/96/9” (see document CC/96/14 “Report”, paragraph 86). The document UPOV Training and Assistance Strategy is available on the CC/97 webpage under the section reference documents https://www.upov.int/restrict/meetings/en/details.jsp?meeting_id=55679.

DEVELOPMENTS

6. Training and assistance activities in 2019-2020 are reported in document C/54/INF/3 “Report on activities during the first nine months of 2020” and in document C/54/2 “Annual report of the Secretary-General for 2019”.

7. A special session of the UPOV DL-205 Course in English for students under Category 3 was provided, at a discounted rate, from May 4 to June 7, 2020, as part of the measures to assist breeders in the context of the COVID-19 pandemic.

PROPOSALS

8. In order to provide more impact in training and assistance from available resources, resources will be increasingly channeled to virtual training programs based on re-usable resources, additional distance learning courses, video demonstrations, webinars and practical guides, in order to reduce the need for *in situ* training and thereby increase outreach.

9. In accordance with that approach, the following paragraphs present proposals for consideration by the Consultative Committee in relation to the UPOV Training and Assistance Strategy.

(a) Standard training activities organized or co-organized by UPOV

Distance learning courses

10. Amendments to the UPOV Distance Learning materials to reflect developments concerning UPOV PRISMA will be implemented in the 2021 sessions (see document CC/97/6 Rev. “Communication strategy” paragraph 16).

11. In the context of training activities and awareness raising seminars, members of the Union, future members and other stakeholders have identified the need to update UPOV distance learning materials to reflect the benefits of UPOV membership. It is proposed that the updating concerning benefits of UPOV membership also be implemented in the 2021 sessions.

12. On February 5, 2020, in Quito, Ecuador, the Office of the Union participated in a workshop to develop a distance learning course on licensing varieties (“Laboratorio de Contratos de Licencias de Variedades Vegetales”), organized by IP Key Latin America (IP Key LA), in cooperation with the National Service of Intellectual Rights (*Servicio Nacional de Derechos Intelectuales*) of Ecuador, the Community Plant Variety Office of the European Union (CPVO), the European Intellectual Property Office (EUIPO) and UPOV. As part of this partnership, the Office of the Union is exploring synergies with the above partners for the inclusion of the resulting distance-learning course on licensing varieties in the UPOV platform of distance learning courses. It is proposed to report any developments on a distance-learning course on licensing varieties at the ninety-eighth session of the Consultative Committee in 2021.

13. Machine translation technology will be explored with a view to making UPOV materials available in a wider range of languages (see also document CC/97/3 “Strategic Business Plan”, Annex II, paragraph 28). It is proposed to report any developments on this topic relevant for training purposes at the ninety-eighth session of the Consultative Committee in 2021.

(b) Training activities developed in conjunction with UPOV

Training program for the examination of applications

14. When developing training and assistance programs with new members of the Union, training in the examination of applications has been identified as a priority. Several members of the Union have also reported that they experience a high turnover in DUS experts and junior experts joining plant variety protection offices or DUS centers often do not have background in examination of applications, in particular on DUS matters. Members of the Union with several DUS centers in different locations have identified the need to provide training to their experts on a regular basis to be up to date on recent developments and ensure a harmonized approach in DUS examination matters. In light of the needs identified in the provision of training in the examination of applications, it is proposed that the Consultative Committee invites the Office of the Union to present a proposal for a training program for the examination of applications, explaining the justification, the proposed solution, methodology, content outline based on the DL-305 distance learning course, and resourcing.

Increase use of virtual means for training activities

15. The COVID- 19 situation has encouraged the Office of the Union to consider approaches to training and assistance that avoid the need for travel, while maintaining and perhaps enhancing training.

16. Another example of the opportunities for virtual events is the Train the Trainer course on plant variety protection under the UPOV Convention organized by the Asia and Pacific Seed Association (APSA) in cooperation with UPOV, by virtual means, from October 6 to 9, 2020. The program was attended by 60 participants. The program included pre-work prior to the training to adapt the program to the participants’ needs; interactive and break-out sessions for group exercises during the training and post-training support (e.g. DL-205 and/or DI-305 courses).

17. The use of virtual means for training activities is being implemented in cooperation with different training partners (e.g. awareness raising seminars with IP Key and Japan-FIT). It is anticipated that the next “UPOV Workshop on drafting legislation in accordance with the UPOV Convention” (Workshop for Laws) with the assistance of the United States Patent and Trademark Office (USPTO), be organized in 2021 by hybrid/virtual means.

18. In light of the above, it is proposed to increase use of virtual means for training activities and to explore synergies with members of the Union and other partners.

19. *The Consultative Committee is invited to:*

(a) *note that training and assistance activities in 2019-2020 are reported in document C/54/INF/3 “Report on activities during the first nine months of 2020” and in document C/54/2 “Annual report of the Secretary-General for 2019”;*

(b) *endorse the updating of training materials, to reflect recent developments (e.g. UPOV PRISMA and latest information on benefits of UPOV membership) and, in relation to the UPOV distance learning courses, the updating to be implemented for the 2021 sessions;*

(c) *agree that a report be made at the ninety-eighth session of the Consultative Committee in 2021 on developments concerning:*

(i) *progress on a distance learning course on licensing varieties, as set out in paragraph 12 ; and*

(ii) advances in machine translation technology relevant for training purposes;

(d) invite the Office of the Union to present a proposal for a training program for the examination of applications, explaining the justification, the proposed solution, methodology, content outline based on the DL-305 distance learning course, and the resourcing, as set out in paragraph 14; and

(e) invite the Office of the Union to increase the use of virtual means for training activities and to explore synergies with members of the Union and other partners, as set out in paragraphs 15 to 18.

[Annex follows]

UPOV TRAINING AND ASSISTANCE STRATEGY

(as approved by the Consultative Committee at its eighty-ninth session, held in Geneva on March 27, 2015)

Purpose

1. The purpose of the UPOV training and assistance strategy is to develop and deliver, in the most effective way with the available resources, training and assistance to address the needs of UPOV members and States and organizations in the process of becoming UPOV members.

Basic principles

2. The training and assistance strategy is based on:

(a) facilitating the use of UPOV materials (e.g. guidance, experience, databases, publications, FAQs) available via the UPOV website;

(b) maximizing the effectiveness of UPOV standard training programs;

(c) building partnerships to deliver training activities, particularly in those aspects of the implementation of the UPOV system where the Office of the Union does not have sufficient expertise or resources, while ensuring a UPOV perspective in those training activities;

(d) collaboration with members of the Union, organizations and academic institutions to provide a range of training opportunities at national and regional levels; and

(e) providing effective pre-training and post-training support (e.g. distance learning courses) to optimize the impact of training programs and activities.

Prioritization

3. In order to utilize the available resources in the most effective way, the Office of the Union will continue to prioritize its training and assistance activities and to explore synergies in its activities with members of the Union and other partners in accordance with the priorities set by the Council. The Council¹ has established that the priority for providing assistance by the Office of the Union is as follows:

(i) assistance to existing members of the Union;

(ii) assistance to States and certain organizations that are not members of the Union, particularly governments of developing countries and countries in transition to a market economy, in the development of legislation in line with the 1991 Act of the UPOV Convention and their accession to the UPOV Convention; and

(iii) assistance to States and certain organizations that are not members of the Union, in the implementation of legislation that has received a positive decision of the Council, according to their commitment to accede to the UPOV Convention.

¹ See document C/47/4 Rev. "Draft Program and Budget for the 2014-2015 Biennium", section 2.3.2.3. The same approach is provided in document CC/89/5 "Preparation of the Draft Program and Budget for the 2016-2017 Biennium", section 2.3.2.2.

Activities and resources

4. The training and assistance strategy for 2015 and beyond will focus on the following categories of training and assistance activities and resources, in accordance with the basic principles set out in paragraph 2:

- (a) Standard training activities organized or co-organized by UPOV, for example:
 - o Distance learning courses (English, French, German, Spanish)
 - o Train the trainer courses (English, French, Spanish) (including those co-organized with the United States Patent and Trademark Office (USPTO))
 - o Contributing data to the PLUTO database (English, French, Spanish)
 - o *“Curso de Formación de Capacitadores para Países Iberoamericanos: Protección de Obtenciones Vegetales según el Convenio de la UPOV y Formas Complementarias de Propiedad Intelectual”*, organized by UPOV, *la Oficina Española de Variedades Vegetales (OEVV)*, *la Agencia Española de Cooperación Internacional para el Desarrollo (AECID)* and the World Intellectual Property Organization (WIPO)
- (b) Training activities developed in conjunction with UPOV:
 - o “Course on Plant Variety Protection” for ARIPO Member States, organized by Naktuinbouw in conjunction with UPOV and with the financial assistance of the Ministry of Economic Affairs of the Netherlands
- (c) Training activities to which UPOV contributes, for example:
 - o Japan International Cooperation Agency (JICA): Training Course on the Protection of Plant Breeders’ Rights
 - o Korean Seed & Variety Service (KSVS) / Korean International Cooperation Agency (KOICA) (Republic of Korea): Training Course on Plant Variety Protection
 - o *Servicio Nacional de Inspección y Certificación de Semillas (SNICS) / Colegio de Postgraduados (Mexico) “Taller internacional de evaluación de la distinción, homogeneidad y estabilidad (DHE) de variedades vegetales”*
 - o Naktuinbouw (Netherlands): Course on Plant Variety Protection
 - o WIPO distance learning course: General Course on Intellectual Property (DL-101)
 - o WIPO-WTO: Advanced Course on Intellectual Property for Government Officials
 - o WIPO-WTO: Colloquium for Teachers of Intellectual Property
 - o WIPO-University of Geneva (UNIGE 2014) Summer School on Intellectual Property
 - o WIPO-Queensland University of Technology (QUT): Master of Laws (LL.M) in Intellectual Property
 - o WIPO-University of Turin: Master of Laws (LL.M) in Intellectual Property
 - o Master in Intellectual and Industrial Property and Information Technology Law of the University of Alicante (I Plant Variety Right Intensive Module)
- (d) *In situ* activities organized by UPOV
- (e) Resources for training and assistance

5 Further information on these categories of training and assistance activities and resources are provided below.

- (a) *Standard training activities organized or co-organized by UPOV*

Distance learning courses

6. The importance of the UPOV distance learning courses, as an effective means of providing training to a large number of participants, is a key element in the training and assistance strategy both as training in its own right and also for the pre-training and post-training support. In that regard, training would be provided to distance learning tutors to enhance their use of existing guidance, experience and databases and raise their awareness of recent developments concerning the UPOV system.

Train the trainer courses

7. Another key element in the training and assistance strategy is the use of external resources for training and assistance according to available finances. In that regard, the train the trainer courses have a particular role to play in facilitating suitable persons to become UPOV trainers. Therefore, it is planned to provide such courses in French and Spanish in the future. In addition, more resources will be dedicated to provide support for such trainers. Successful completion of DL-205 Course is a requirement to participate in the train the trainer program.

8. The purpose and basic principles of the training and assistance strategy will provide the basis for the selection criteria of trainers (see paragraphs 2 and 3, above). After training, and as appropriate, UPOV-trained trainers should be in a position, for example, to:

- (i) train and/or inform others in their professional sphere;
- (ii) be a speaker in training and assistance activities (see paragraph 44 4, above);
- (iii) lecture on the UPOV system in training courses or academic programs; and/or
- (iv) contribute training material and experiences to improve, as appropriate, UPOV training activities and resources.

PLUTO database training

9. A new initiative is the organization of a three-day training course "Contributing data to the PLUTO database", to be held in Geneva. The aim of the course is to provide assistance to members of the Union that do not provide data for the PLUTO database, or do not provide data on a regular basis, in order to enable them to provide data for the PLUTO database on a regular basis. The course is in the form of practical, hands-on training, provided by the PLUTO administrators. At the end of the course, participants are required to present:

- (i) action required by participants to be able to provide data for the PLUTO database;
- (ii) action required by PLUTO database administrator;
- (iii) date by which participants intend to start to provide data to PLUTO on a regular basis (i.e. shortly after it is published by the authority(ies) concerned)

(b) Training activities developed in conjunction with UPOV

10. The approach of UPOV² funding participation in training activities developed in conjunction with UPOV recognizes that the Office of the Union does not always have sufficient expertise or resources to meet training needs in relation to certain aspects of the implementation of the UPOV system, e.g. the establishment of PVP offices; examination of applications, including DUS testing; and exercise and enforcement of breeders' rights. However, the Office of the Union often receives requests for training in such aspects of the UPOV system and could play a useful role in directing relevant persons to suitable training.

11. Therefore, it is proposed to work with members of the Union, in cooperation with other organizations, to develop activities for which the logistical arrangements would not be made by UPOV, but for which UPOV could fund suitable participants. Funding would be conditional on the Office of the Union having the opportunity to review the full content of the activity. The aim of the review would be to ensure a UPOV-wide perspective and that the content and speakers would be applicable to the circumstances of participants funded by UPOV. Such activities could, for example, be developed from existing activities to which UPOV contributes in part but has no input on the rest of the program.

12. The approach to work with organizers of existing courses recognizes that the UPOV funding would help to support such courses but would be unlikely to support such courses in isolation. As appropriate, consideration would be given to arranging for participants to study relevant UPOV distance learning courses as a part of the activity.

² In this context "UPOV funding" would include extrabudgetary funds (funds in trust)

13. As explained above, the main advantage of such an approach would be to facilitate high quality training in aspects of the UPOV system for which the expertise and resources of the Office of the Union is limited. In addition, with regard to the resources of the Office of the Union, a particular benefit is that the Office of the Union would not be directly involved in the logistical aspects of the organization of the activity (e.g. venue, accommodation, travel arrangements, etc.).

(c) *Training activities to which UPOV contributes*

14. In the case of training courses and academic programs offered by members of the Union and other organizations that, in the view of the Office of the Union, meet the policies and priorities set out by the Council (see paragraph 3, above), the Office of the Union will continue to provide as much support as possible in the design and operation of the training courses and academic programs. Organizers of the training courses and academic programs are encouraged to discuss with the Office of the Union their selection of trainees and the content of the course, with regard to the policies and priorities established by the Council, and are also encouraged to enable trainees to complete the UPOV distance learning course DL-205 "Introduction to the UPOV System of Plant Variety Protection" before, or during, the training course.

15. At present, UPOV contributes to a number of academic courses and programs organized by WIPO and/or by other institutions (see section (c) of paragraph 4, above).

16. The Office of the Union, in conjunction with members of the Union, and in cooperation with other organizations, will explore possibilities for academic institutions to introduce or enhance information on the UPOV system in relevant courses and programs. If relevant academic institutions wish to provide training on the UPOV system, the Office of the Union will provide access, as appropriate, to UPOV distance learning courses, existing information materials and lecturers. In general, lecturers would be locally-based and would be selected from UPOV-trained trainers, who would have access to relevant UPOV training resources (see paragraph 19 below). Information on those academic courses and programs could be provided on the UPOV website (see paragraph 20 below).

17. As part of this approach, at an appropriate time, a circular may be sent to UPOV members and observers in order to obtain information on relevant training and academic programs with PVP content to which UPOV does not currently contribute, and training and academic programs with intellectual property, plant breeding/biotechnology content, for which there might be an interest to introduce a PVP module. Based on a priority assessment and available resources, UPOV representatives and UPOV-trained trainers will be involved, as appropriate, in relevant follow-up actions.

(d) *In situ activities organized by UPOV*

18. Although it is planned to prioritize standard training activities organized, or co-organized, by UPOV (see (a) above) or fund participation in training activities developed in conjunction with UPOV (see (b) above), it will continue to be necessary to conduct *in situ* activities for certain needs, e.g. awareness-raising activities for local participants. Such activities can involve substantial resources for organization of the venue, accommodation, travel arrangements etc. Therefore, it is proposed to explore means of reducing the work to be done by the staff of the Office of the Union, for example by:

- (i) out-sourcing organizational work and/or using the administrative infrastructure of a training partner; and
- (ii) use of suitable UPOV-trained trainers and experts.

(e) *Resources for training and assistance*

19. The training and assistance strategy will maximize the use of existing guidance, experience and databases for capacity building by developing training materials and raising awareness of standard training programs and activities. In particular, the training and assistance section of the UPOV website will include:

- (i) in the publicly accessible training and assistance section:
 - o a catalogue of training activities and resources; and
- (ii) in the training and assistance section accessible via a password issued to UPOV representatives, alternates and UPOV-trained trainers:
 - o UPOV training and assistance webpage (see paragraph 20, below).

*Training and assistance webpage*³

20. Based on a priority assessment and available resources, to develop the UPOV training assistance webpage as follows:

(a) the Office of the Union to include information on the standard training activities organized or co-organized by UPOV or developed in conjunction with UPOV (see sections (a) and (b) above);

(b) the Office of the Union to include basic information on training activities to which UPOV contributes and links to the relevant sites where complete information can be found (see sections (c) above); and

(c) to create a feature permitting members of the Union to upload information on their training, assistance services and activities not covered under sections (a) and (b); and

(d) to provide training materials from the Train the Trainer program.

[End of Annex and of document]

³ The background to the assistance webpage is provided in document CC/84/4 "Assistance webpage on the UPOV website" and document CC/84/14 "Report", paragraphs 51 to 54.