

Consultative Committee**CC/97/15.****Ninety-Seventh Session
Geneva, October 29, 2020****Original:** English
Date: October 26, 2020

OUTCOME OF THE CONSIDERATION OF DOCUMENTS BY CORRESPONDENCE*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. The purpose of this document is to report the outcome of consideration of the Consultative Committee documents by correspondence, in accordance with the procedure adopted by the Council in 2020¹.
2. The Consultative Committee approved the decision(s) contained in the following documents:
 - Appointment of the Secretary-General (document C/54/11)
 - Extension of the appointment of the Vice Secretary-General (document C/54/12)
 - Adoption of documents (document C/54/3 Rev.)
 - Financial statements for 2019 (document C/54/5)
 - Financial Management Report for the 2018-2019 Biennium (document C/54/4)
 - Calendar of meetings in 2021 (document C/54/8)
 - Consolidation of reports (document CC/97/16)
 - Strategic Business Plan (document CC/97/3)
 - Preparation of the Draft Program and Budget for the 2022-2023 Biennium (document CC/97/8)
 - Review of Regulation 4.6 of the UPOV Financial Regulation and Rules (document CC/97/4)
 - Summary of the work of the Consultative Group on Long-term Financial Issues of UPOV (document CC/97/7)
 - Communication strategy (document CC/97/6 Rev.)
 - Policy on translation (document CC/97/10 Rev.)
3. Document CC/97/5 "Proposals on international cooperation" received comments that were not of a straightforward nature and will be discussed at the virtual session of the Consultative Committee (see paragraphs 67 and 68 below).
4. This document also contains comments received in response to Circular E-20/121, of August 21, 2020, that have not resulted in a revision of documents but which suggest possible further action for consideration by the Consultative Committee at its virtual session in October 2020.

¹ The procedure for consideration of documents by correspondence is provided in Circular E-20/094 of July 23, 2020 (available at the TC/56, CAJ/77 and C/54 webpages).

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BACKGROUND

6. In accordance with Circular E-20/094 of July 23, 2020 (available on the [CC/97](#) webpage), the Council decided that the UPOV Sessions in October 2020 would be held in the form of virtual meetings, in combination with prior consideration of documents by correspondence.

7. Circular E-20/121 of August 21, 2020, identified the following documents for the procedure by correspondence and provided an opportunity for comments by September 21, 2020, prior to requests for approval of the proposed decisions in the documents where appropriate:

Appointment of the Secretary-General (document C/54/11)

Extension of the appointment of the Vice Secretary-General (document C/54/12)

Adoption of documents (document C/54/3)

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/9 Draft 1)

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/7 Draft 1)

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/14 Draft 1)

UPOV/EXN/DEN: "Explanatory Notes on Variety Denominations under the UPOV Convention" (document UPOV/EXN/DEN/1 Draft 4)

TGP/5: Experience and Cooperation in DUS Testing, Section 6: UPOV Report on Technical Examination and UPOV Variety Description (Revision) (document TGP/5: Section 6/3 Draft 1)

TGP/7: Development of Test Guidelines (Revision) (document TGP/7/8 Draft 1)

TGP/14: Glossary of Terms Used in UPOV Documents (Revision) (document TGP/14/5 Draft 1)

TGP/15: Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS) (Revision) (document TGP/15/3 Draft 1)

TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/12 Draft 1)

Financial statements for 2019 (document C/54/5)

Financial Management Report for the 2018-2019 Biennium (document C/54/4)

Calendar of meetings in 2021 (document C/54/8)

Consolidation of reports (document CC/97/16)

Strategic Business Plan (document CC/97/3)

Preparation of the Draft Program and Budget for the 2022-2023 Biennium (document CC/97/8)

Review of Regulation 4.6 of the UPOV Financial Regulation and Rules (document CC/97/4)

Summary of the work of the Consultative Group on Long-term Financial Issues of UPOV (document CC/97/7)

Communication strategy (document CC/97/6)

Policy on translation (document CC/97/10)

Proposals on international cooperation (document CC/97/5)

8. By September 21, 2020, there were no comments on the documents identified in Circular E-20/121 of August 21, 2020, or the comments received were of a straightforward nature. The Office of the Union addressed comments of a straightforward nature in a revised version of the following documents, with endnote explanations:

Adoption of documents (document CC/54/3 Rev.)

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/9 Draft 2)

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/14 Draft 2)

Communication strategy (document CC/97/6 Rev.)

Policy on translation (document CC/97/10 Rev.)

9. By September 21, 2020, comments received on the following documents that were not of a straightforward nature and, therefore, these documents were not included for approval by correspondence of the proposed decision(s) contained in the documents and will be discussed at the relevant virtual session:

Administrative and Legal Committee:

Document UPOV/EXN/DEN/1 Draft 4 “Explanatory Notes on Variety Denominations under the UPOV Convention”

Consultative Committee

Document CC/97/5 “Proposals on international cooperation”

10. The comments received in relation to document UPOV/EXN/DEN/1 Draft 4 “Explanatory Notes on Variety Denominations under the UPOV Convention” are presented in document CAJ/77/9 “Outcome of the consideration of documents by correspondence”. The comments received in relation to document CC/97/5 “Proposals on international cooperation” are presented in this document (see paragraphs 67 and 68 below).

11. Circular E-20/161 of September 25, 2020, invited the Consultative Committee to approve the proposed decision(s) contained in the following documents within 30 days (i.e. October 25, 2020):

Appointment of the Secretary-General (document C/54/11)

Extension of the appointment of the Vice Secretary-General (document C/54/12)

Adoption of documents (document C/54/3 Rev.)

Financial statements for 2019 (document C/54/5)

Financial Management Report for the 2018-2019 Biennium (document C/54/4)

Calendar of meetings in 2021 (document C/54/8)

Consolidation of reports (document CC/97/16)

Strategic Business Plan (document CC/97/3)

Preparation of the Draft Program and Budget for the 2022-2023 Biennium (document CC/97/8)

Review of Regulation 4.6 of the UPOV Financial Regulation and Rules (document CC/97/4)

Summary of the work of the Consultative Group on Long-term Financial Issues of UPOV (document CC/97/7)

Communication strategy (document CC/97/6 Rev.)

Policy on translation (document CC/97/10 Rev.)

12. As no objections were received by October 25, 2020, the decisions presented in the following paragraphs are considered to have been taken by correspondence.

AGENDA ITEM 4: APPOINTMENT OF THE SECRETARY-GENERAL (DOCUMENT C/54/11)

13. The Consultative Committee considered document C/54/11.

14. The Consultative Committee recommended to the Council to appoint Mr. Daren Tang as the Secretary-General of UPOV for the period from October 30, 2020, to September 30, 2026.

AGENDA ITEM 5: EXTENSION OF THE APPOINTMENT OF THE VICE SECRETARY-GENERAL (DOCUMENT C/54/12)

15. The Consultative Committee considered document C/54/12.

16. The Consultative Committee recommended to the Council to extend the appointment of the Vice Secretary-General from December 1, 2021, until November 30, 2022.

AGENDA ITEM 6: DOCUMENTS PROPOSED FOR ADOPTION BY THE COUNCIL (DOCUMENT C/54/3 REV.)

17. The Consultative Committee considered document C/54/3 Rev.

Information documents

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/9 Draft 2)

18. The Consultative Committee considered document UPOV/INF/16/9 Draft 2.

19. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/9), on the basis of document UPOV/INF/16/9 Draft 2.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/7 Draft 1)

20. The Consultative Committee considered document UPOV/INF/22/7 Draft 1.

21. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/22 “Software and equipment used by members of the Union” (document UPOV/INF/22/7), on the basis of document UPOV/INF/22/7 Draft 1.

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/14 Draft 2)

22. The Consultative Committee considered document UPOV/INF-EXN/14 Draft 2.

23. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF-EXN “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/14), on the basis of document UPOV/INF-EXN/14 Draft 2.

TGP documents

TGP/5: Experience and Cooperation in DUS Testing: Section 6: UPOV Report on Technical Examination and UPOV Variety Description (Revision) (document TGP/5: Section 6/3 Draft 1)

24. The Consultative Committee considered document TGP/5: Section 6/3 Draft 1.

25. The Consultative Committee recommended to the Council to adopt a revision of document TGP/5: “Experience and Cooperation in DUS Testing: Section 6: UPOV Report on Technical Examination and UPOV Variety Description” (document TGP/5: Section 6/3), on the basis of document TGP/5: Section 6/3 Draft 1.

TGP/7: Development of Test Guidelines (Revision) (document TGP/7/8 Draft 1)

26. The Consultative Committee considered document TGP/7/8 Draft 1.

27. The Consultative Committee recommended to the Council to adopt a revision of document TGP/7 “Development of Test Guidelines” (document TGP/7/8), on the basis of document TGP/7/8 Draft 1.

TGP/14: Glossary of Terms Used in UPOV Documents (Revision) (document TGP/14/5 Draft 1)

28. The Consultative Committee considered document TGP/14/5 Draft 1.

29. The Consultative Committee recommended to the Council to adopt a revision of document TGP/14 “Glossary of terms used in UPOV documents” (document TGP/14/5), on the basis of document TGP/14/5 Draft 1.

TGP/15: Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS) (Revision) (document TGP/15/3 Draft 1)

30. The Consultative Committee considered document TGP/15/3 Draft 1.

31. The Consultative Committee recommended to the Council to adopt a revision of document TGP/15 “Guidance on the use of Biochemical and Molecular Markers in the examination of Distinctness, Uniformity and Stability (DUS)” (document TGP/15/3), on the basis of document TGP/15/3 Draft 1.

TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/12 Draft 1)

32. The Consultative Committee considered document TGP/0/12 Draft 1.

33. The Consultative Committee recommended to the Council to adopt a revision of document TGP/0 “List of TGP documents and latest issue dates” (document TGP/0/12), on the basis of document TGP/0/12 Draft 1.

AGENDA ITEM 7: FINANCIAL STATEMENTS FOR 2019 (DOCUMENT C/54/5)

34. The Consultative Committee considered document C/54/5.

35. The Consultative Committee recommended to the Council to approve the Financial Statements for 2019.

AGENDA ITEM 10: FINANCIAL MANAGEMENT REPORT FOR THE 2018-2019 BIENNIUM (DOCUMENT C/54/4) AND CONSOLIDATION OF REPORTS (DOCUMENT CC/97/16)

36. The Consultative Committee considered documents C/54/4 “Financial Management Report for the 2018-2019 Biennium” and CC/97/16 “Consolidation of reports”.

37. The Consultative Committee recommended to the Council to approve the Financial Management Report for the 2018-2019 Biennium, as presented in document C/54/4.

38. The Consultative Committee recommended to the Council to approve the consolidation of existing financial and performance reports into a “UPOV Performance Report” (UPR). The UPR would be presented alongside the Financial Statements, on an annual basis, starting with the reports for 2020, as set out in paragraphs 9 to 11 and the Annex to document CC/97/16 (see document C/54/18 “Consolidation of financial and performance reports”).

AGENDA ITEM 11: STRATEGIC BUSINESS PLAN (DOCUMENT CC/97/3)

39. The Consultative Committee considered document CC/97/3.

40. The Consultative Committee noted the information on the latest situation concerning the 10 specific targets that were identified for improvement in the Strategic Business Plan 2018-2023, as set out in Annex I to document CC/97/3.

41. The Consultative Committee approved the draft Strategic Business Plan 2021-2025, as presented in Annex II to document CC/97/3.

42. The Consultative Committee requested that the Strategic Business Plan be updated on a biennial basis in order to set the direction for the subsequent two biennia and to coincide with the preparation of the draft program and budget for the subsequent biennium.

AGENDA ITEM 12: PREPARATION OF THE DRAFT PROGRAM AND BUDGET FOR THE 2022-2023 BIENNIUM (DOCUMENT CC/97/8)

43. The Consultative Committee considered document CC/97/8.
44. The Consultative Committee approved the preparation of a complete, preliminary Draft Program and Budget for 2022-2023 (e.g. see document CC/93/2 "Preliminary Draft Program and Budget for the 2018-2019 Biennium" and document "Preliminary Draft Program and Budget for the 2020-2021 Biennium" attached to UPOV Circular E-19/027), on the basis of the elements presented in document CC/97/8, to be circulated to members of the Union by February 28, 2021, with 6 weeks for comments.
45. The Consultative Committee approved the preparation of the Draft Program and Budget for the 2022-2023 Biennium by September 1, 2021, in accordance with the Financial Regulations and Rules of UPOV (document UPOV/INF/4), for consideration by the Consultative Committee at its seventy-eighth session, to be held in Geneva on October 28, 2021, and by the Council at its fifty-fifth ordinary session, to be held in Geneva on October 29, 2021.

AGENDA ITEM 14: REVIEW OF REGULATION 4.6 OF THE UPOV FINANCIAL REGULATION AND RULES (DOCUMENT CC/97/4)

46. The Consultative Committee considered document CC/97/4.
47. The Consultative Committee recommended to the Council the revision of Regulation 4.6 of document UPOV/INF/4/5 "Financial Regulations and Rules of UPOV", as follows:

"Regulation 4.6

"The use, other than for the covering of any deficits, of the reserve fund is a matter for the decision of the Council. If after the closure of the financial period, the amount of the reserve fund exceeds 15 percent of the total income for the financial period, the Council shall decide on the use of the income in excess of the expenditure for the financial period. ~~the amount in excess shall be reimbursed to the members of UPOV, unless otherwise decided by the Council. Any member of UPOV may request that the reimbursement attributed to it be deposited in a special account or trust fund specified by it.~~"

(see document C/54/19 Financial "Regulations and Rules of UPOV (Revision of Regulation 4.6)").

AGENDA ITEM 15: SUMMARY OF THE WORK OF THE CONSULTATIVE GROUP ON LONG-TERM FINANCIAL ISSUES OF UPOV (DOCUMENT CC/97/7)

48. The Consultative Committee considered document CC/97/7.
49. The Consultative Committee noted the summary of the work of the Consultative Group on Long-Term Financial Issues of UPOV (Consultative Group) presented in document CC/97/7.
50. The Consultative Committee noted that documents referenced in document CC/97/7 are available on the CC/97 webpage for ease of reference.
51. The Consultative Committee noted the issues on which the Consultative Group prepared recommendations that were accepted by the Consultative Committee, as set out in paragraphs 19 and 20 of document CC/97/7.
52. The Consultative Committee noted the matters considered by the Consultative Group on which recommendations were not made to the Consultative Committee, as set out in paragraph 21 of document CC/97/7.
53. The Consultative Committee noted the decisions by the Council concerning certain financial matters of the Union, as set out in paragraph 26 of document CC/97/7.

54. The Consultative Committee noted the developments concerning the matters considered by the Consultative Group on which recommendations were not made to the Consultative Committee, as set out in paragraph 28 to 35 of document CC/97/7.

55. Document CC/97/7 invited the Consultative Committee to identify issues as summarized in paragraphs 27 to 35 of document CC/97/7, or other issues, that it would wish to consider further. That matter is considered below, under “Proposals for next steps”.

Proposals for next steps

56. In reply to Circular E-20/121, of August 21, 2020, the following comments from the European Union were received concerning document CC/97/7:

“The EU and its Member States take note that the Consultative Committee clearly rejected in 2005 any work on the contribution units and welcome that an analysis of developments would also be made by the Office of the Union on the issues on which the Consultative Group prepared recommendations (e.g. taking into account inflation), that were accepted by the Consultative Committee (see point (c)). We would also welcome if those longstanding members of Union, which have gone through significant economic developments since their accession to UPOV, would reconsider their contribution units.”

57. The Consultative Committee may wish to invite the Office of the Union to report to the Consultative Committee, at its ninety-eighth session, on developments concerning the issues on which the Consultative Group prepared recommendations that were accepted by the Consultative Committee, as set out in paragraphs 19 and 20 of document CC/97/7, and any other relevant developments on matters considered by the Consultative Group).

58. The Consultative Committee is invited to request the Office of the Union to report to the Consultative Committee, at its ninety-eighth session, on developments concerning the issues on which the Consultative Group prepared recommendations that were accepted by the Consultative Committee, as set out in paragraphs 19 and 20 of document CC/97/7, and any other relevant developments on matters considered by the Consultative Group.

AGENDA ITEM 16: COMMUNICATION STRATEGY (DOCUMENT CC/97/6 REV.)

59. The Consultative Committee considered document CC/97/6 Rev.

60. The Consultative Committee recommended to the Council to adopt the text of the FAQ “How does the UPOV system support sustainable development?”, on the basis of the text in paragraph 11 of document CC/97/6 Rev. (see document C/54/15 “FAQ ‘How the UPOV system supports sustainable development’”).

61. The Consultative Committee noted the developments reported in document CC/97/6 Rev.

62. The Consultative Committee noted the results of the Communication Strategy, as presented in document C/54/9 “Performance Report for the 2018-2019 Biennium”, document C/54/2 “Annual report of the Secretary General for 2019” and in Annexes III and IV to document CC/97/6 Rev.

AGENDA ITEM 19: POLICY ON TRANSLATION (DOCUMENT CC/97/10 REV.)

63. The Consultative Committee considered document CC/97/10 Rev.
64. The Consultative Committee agreed to the organization of a pilot project on the use of neural machine translation technologies, as set out in paragraphs 10 and 11 of document CC/97/10 Rev.
65. The Consultative Committee approved the proposed UPOV policy on translation, as presented in Annex II to document CC/97/10 Rev.
66. The Consultative Committee agreed, subject to the outcome of the pilot project and agreement by the Consultative Committee, that a draft UPOV policy on translation be presented for adoption by the Council at its session in 2021.

AGENDA ITEM 20: PROPOSALS ON INTERNATIONAL COOPERATION (DOCUMENT CC/97/5)

67. In reply to Circular E-20/121 of August 21, 2020, comments were received from Brazil, the European Union and Norway, on document CC/97/5 that were not of a straightforward nature and, therefore, document CC/97/5 was not included in Circular E-20/161 of September 25, 2020, for approval by correspondence and is presented for consideration by the Consultative Committee at its virtual session on October 29, 2020, in conjunction with the comments received, which are reproduced in the Annex to this document (see also new decision sub paragraph 68(c)).

68. *The Consultative Committee is invited to:*

(a) consider the proposals, analysis and information agreed by the WG-ISC, as set out in Annex II to document CC/97/5, in conjunction with the comments received from members of the Union in response to Circular E-20/121, and the additional information provided by the Office of the Union, reproduced in the Annex to this document; and

(b) endorse the initiatives to address the proposals, as set out in Annex II to document CC/97/5; and

(c) note that the WG-ISC has completed its mandate according to its terms of reference.

[Annex follows]

ANNEX

Comments received in reply to Circular E-20/121 of August 21, 2020,
concerning Agenda item 20:
“Proposals on International Cooperation” (document CC/97/5)

This Annex contains the following:

- (a) Appendix I: Comments from Brazil
- (b) Appendix II: Comments from the European Union
- (c) Appendix III: Comments from Norway

[Appendix I follows]

ANNEX, APPENDIX I

BRAZIL

The Delegation of Brazil provided the following comments concerning document CC/97/5 "Proposals on International Cooperation":

"- Regarding this document we just would like to remark that some countries are not part of UPOV PRISMA.

"- This way, we would like request that all solutions given - specially in relation to the Proposals 5 and 8 – to took it into account and would allow the members in this situation to take advantage of the outcomes (e.g. in relation to the proposal 5, to be able to access the same information that a PRISMA member would access)."

The Office of the Union explained that it recognized and would continue to take into account that many members of the Union do not participate in UPOV PRISMA. With regard to the specific proposals in document CC/97/5, it was clarified that:

- Proposal 5 would not restrict the availability of information collected from UPOV PRISMA to participating UPOV members. As appropriate, information would be made available at the EAF meetings, in the first instance, and then reported to the CAJ, in the normal way, as other developments in UPOV PRISMA.
- Proposal 6 and 7 have no links to UPOV PRISMA.
- Proposal 8, Initiative (g), refers to document CC/97/3 "Strategic Business Plan", Annex II: Draft Strategic Business Plan 2021-2025, "Tools for implementation of the UPOV system", which states that "[t]he following are a package of compatible tools that would provide coherent and comprehensive assistance in the implementation of the UPOV system of plant variety protection, some or all of which could be used by UPOV members, as considered appropriate".

[Appendix II follows]

ANNEX, APPENDIX II

EUROPEAN UNION

The Delegation of the European Union provided the following comments concerning document CC/97/5 "Proposals on International Cooperation":

"The EU and its Member States can

"(a) consider the 8 proposals, analysis and information agreed by the WG-ISC; and

"(b) endorse the initiatives to address the proposals as laid down as 'A summary of existing work/initiatives relevant for each proposal'.

"The EU and its Member State wish to highlight that the elements taken from the said eight proposals have been integrated in activities carried out under the EUs IPKey projects in relation to cooperation to increase take-over of DUS reports, use of data bases, promoting the use of UPOV PRISMA and technical trainings.

"As regards Proposal 3 (Annex II, page 7), the two initiatives suggesting to amend document TGP/5 (section 6) in order to report data on the varieties considered (not only similar varieties) in the examination raise practicability issues, in particular for agricultural crops (for some examinations more than 1000 varieties are considered). In some member countries this information is already publicly available. Therefore, it would be more appropriate to take into account this provision as a possibility, without being mandatory.

"In addition, in the following paragraph starting 'TC agreed to report ...', we would like the second sentence in the list to be amended as follows:

"Obligation for DUS examination to be conducted by the **examination office** [delete: authority granting the rights]"

"As regards Proposal 7 on the sources of denominations which could be linked to PLUTO, it would be opportune to consider to take into account databases related to genetic resources such as GENESYS which is a global platform with information about Plant Genetic Resources for Food and Agriculture (PGRFA) conserved in gene-banks worldwide.

"On the basis of the discussions in the fourth meeting of the WG-ISC the Office prepared in 2019 eight very practical proposals to facilitate and improve cooperation among the UPOV members in certain areas (see below). Around half of the proposals are about adding information to current databases (1, 2, 5, 6, 8) while others require more discussions (3,7) or IT developments, in particular on information platforms (1,2,3, 4,8).

"Proposals:

"PROPOSAL 1 Assist members of the Union to make their documented DUS procedures and information on their quality management systems available to other members of the Union

"PROPOSAL 2 Add contact details for DUS experts with practical knowledge of DUS testing for particular crops / species to the GENIE database

"PROPOSAL 3 Encourage the Technical Committee and Technical Working Parties to explore opportunities for facilitating cooperation in selected crops/species where cooperation is already developing between some members of the Union

"PROPOSAL 4 Development of databases containing variety descriptions based on existing initiatives between members of the Union. To consider the role of UPOV for supporting members of the Union in the development, maintenance and expansion of shared databases (e.g. by providing guidance on data models), rather than seeking to incorporate data in the PLUTO database.

"PROPOSAL 5 Review of application forms in UPOV PRISMA for options on seeking information from applicants, concerning novelty

"PROPOSAL 6 Establishment of a network of denomination contact persons

"PROPOSAL 7 To endorse the work of the Administrative and Legal Committee (CAJ) and the Working Group on Variety Denominations (WG- DEN) on assessing the need to extend consideration beyond the denominations currently included in the PLUTO database, to other denominations considered by members of the Union

"PROPOSAL 8 Include information in UPOV PRISMA on how to make payments for the use of existing DUS reports, provided by another member of the Union."

The Office of the Union responded as follows:

IPKey projects -

The Office of the Union welcomes the support provided by IPKey.

Proposal 3 (Annex II, page 7)

“Proposal 3 (Annex II, page 7) the two initiatives suggesting to amend document TGP/5 (section 6) in order to report data on the varieties considered (not only similar varieties) in the examination raise practicability issues, in particular for agricultural crops (for some examinations more than 1000 varieties are considered). In some member countries this information is already publicly available. Therefore, it would be more appropriate to take into account this provision as a possibility, without being mandatory.”

The Office of the Union noted that such matters would be considered by the Technical Committee in any proposed revision of document TGP/5 (Section 6).

Paragraph starting “TC agreed to report”

“[...] paragraph starting ‘TC agreed to report ...’, we would like the second sentence in the list to be amended as follows:

“Obligation for DUS examination to be conducted by the **examination office** [delete: authority granting the rights]”

The Office of the Union explained that the above text was a report of a meeting and therefore could not be changed.

Proposal 7

“[...] Proposal 7 on the sources of denominations which could be linked to PLUTO, it would be opportune to consider to take into account databases related to genetic resources such as GENESYS which is a global platform with information about Plant Genetic Resources for Food and Agriculture (PGRFA) conserved in gene-banks worldwide.”

The Office of the Union suggested that this proposal be raised at the CAJ under agenda item 9. “PLUTO Plant Variety Database” (document CAJ/77/8).

Practical proposals

“On the basis of the discussions in the fourth meeting of the WG-ISC the Office prepared in 2019 eight very practical proposals to facilitate and improve cooperation among the UPOV members in certain areas (see below). Around half of the proposals are about adding information to current databases (1, 2, 5, 6, 8) while others require more discussions (3,7) or IT developments, in particular on information platforms (1,2,3, 4,8).

The Office of the Union noted that certain of those practical proposals are covered in Proposal 3 (namely 1, 2, 3, 4, 8) and Proposal 6 (6). It further noted that Proposal 5 is under consideration in UPOV PRISMA and will be discussed at the EAF meetings. In relation to Proposal 7 it was suggested to raise the proposal at the CAJ under the agenda item 9. “PLUTO Plant Variety Database” (document CAJ/77/8).

[Appendix III follows]

ANNEX, APPENDIX III

NORWAY

The Delegation of Norway requested that, "given the fact that the WG-ISC now successfully has finalized its mandate, Norway proposes that the CC makes the formal decision to close the work of the WG-ISC. This should be included as an additional bullet point in paragraph 2, reading something like:
(c) repeal the WG-ISC."

The Delegation of the Norway also requested elaboration and clarification on the meaning of the terms "platform", "portal" and "tool" presented in document CC/97/5, Proposal 3, Initiative (i).

- "i) Platform for exchange of existing DUS reports
- "ii) Tool to provide information on cooperation in DUS examination
- "iii) Platform for UPOV members to make their documented DUS procedures and information on their quality management systems available to other members of the Union for:
- "vi) Module for UPOV members to use the TG Template for individual authorities' test guidelines
- "vii) Platform/portal for UPOV member databases containing variety description information"

(see document CC/97/5 "Proposals on international cooperation", Annex II, proposal 3: "Existing Work/Initiatives", initiative (i)).

The Office of the Union provided the following additional information:

i) Platform for exchange of existing DUS reports

The platform for exchange of existing DUS reports will be a web-based platform for members of the Union, on a voluntary basis, to upload existing DUS reports that they have produced and wish to make available for downloading by other members of the Union, according to specified terms and conditions. The platform will also facilitate payment for the use of reports by other members of the Union or applicants according to the terms and conditions specified by the members of the Union concerned. Such a platform is being created by UPOV, with the financial support of the Japan Fund-in-Trust, for the East Asia Plant Variety Protection Forum Pilot Project in the first instance.

ii) Tool to provide information on cooperation in DUS examination

The GENIE database contains the following information on cooperation between members of the Union:

- Taxa for which the Authority Offers to carry out DUS Examinations on Behalf of Other Authorities
- Taxa for which Other Authorities carry out the DUS Examination on Behalf of the Authority
- Taxa for which the Authority Offers to provide Existing DUS Reports to other Authorities
- Taxa for which the Authority Utilizes Existing DUS Reports from other Authorities

The tool to provide information on cooperation in DUS examination (DUS Arrangement Tool: DART) will be an algorithm to provide relevant information for applicants on cooperation between members of the Union for the crop/species in which an application is being made, using the information in GENIE and other information provided by members of the Union (e.g. concerning DUS examination fees, conditions for conducting the DUS examination) on a voluntary basis. DART is being created by UPOV, with the financial support of the Japan Fund-in-Trust, for the East Asia Plant Variety Protection Forum Pilot Project in the first instance. As discussed at the EAF meetings (e.g. document EAF/15/3 "Report", paragraph 12), DART will be integrated in UPOV PRISMA once finalized.

iii) Platform for UPOV members to make their documented DUS procedures and information on their quality management systems available to other members of the Union

The platform would be a web-based platform for UPOV members to make their documented DUS procedures and information on their quality management systems available to other members of the Union for members of the Union, on a voluntary basis.

(Background note: The TC, at its fifty-fifth session, noted that the TWPs, at their sessions in 2019, had formed discussion groups to discuss the technical concerns that prevent cooperation in DUS examination and to propose how to overcome the technical concerns raised (see document TC/55/25 "Report", paragraphs 201 to 205). The TC considered the outcomes of discussions held at the TWPs and the proposals to address the concerns raised. The TC agreed to invite the UPOV Office to develop a coherent plan, based on the proposals in document TC/55/10, to address the concerns raised by the TWPs. "Publishing quality assurance procedures for variety testing" was one of the proposals to be included in the plan to be developed by the Office of the Union.)

vi) Module for UPOV members to use the TG Template for individual authorities' test guidelines (IATG)

Version 1 of the web-based TG Template has been designed for the development of Test Guidelines for UPOV. However, it has also been designed such that Version 2 will enable members of the Union to use:

- (a) adopted UPOV Test Guidelines as a basis for the development of individual authorities' test guidelines;
- (b) the web-based TG Template and database of characteristics to develop individual authorities' test guidelines for which there are no UPOV Test Guidelines; and
- (c) use individual authorities' test guidelines, developed using the web-based TG Template, as the basis for draft UPOV Test Guidelines.

Version 2 will have a feature for individual authorities to modify the template wording, within the same structure, to act as a template for their own test guidelines and a feature to allow individual authorities to convert UPOV Test Guidelines into individual authorities' test guidelines, with necessary modifications.

Subject to the availability of resources and according to needs specified by members of the Union, development of the new functionalities will start in 2021.

vii) Platform/portal for UPOV member databases containing variety description information

As explained in Proposal 4, databases containing variety descriptions produced by members of the Union have the potential to facilitate the examination of distinctness by members of the Union, particularly where living plant material is not available. Proposal 4 is to consider the role of UPOV for supporting members of the Union in the development, maintenance and expansion of shared databases (e.g. by providing guidance on data models), rather than seeking to incorporate data in the PLUTO database. The "Platform/portal for UPOV member databases containing variety description information" would be a web-based platform/portal in which members of the Union could, on a voluntary basis, make their databases available for searching via a common search and data retrieval tool.

[End of Annex and of document]