

**Consultative Committee****CC/99/9.****Ninety-Ninth Session  
Geneva, October 27, 2022****Original:** English  
**Date:** October 4, 2022**PROGRAM FOR THE USE OF THE CHINESE LANGUAGE IN UPOV***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. The purpose of the document is to report on developments concerning the program for use of the Chinese Language in UPOV.
2. The Consultative Committee is invited to note:
  - (a) the developments reported in this document; and
  - (b) that the Office of the Union will prepare a document with an analysis on the impact on resources and benefits of the programs in UPOV for the Russian and Chinese languages for consideration by the Consultative Committee, at its one hundred and first session, to be held on October 26, 2023.

**BACKGROUND**

3. The Consultative Committee, at its ninety-eighth session, held via electronic means on October 28 and 29, 2021, noted the comments on document CC/98/8 "Possible use of the Chinese language in UPOV", received in response to Circular E-21/124 of August 23, 2021, that had not resulted in a revision of document CC/98/8. The Consultative Committee noted that the comments and the reply provided by the Office of the Union were presented in paragraphs 57 and 58 of document CC/98/15 for information of the Consultative Committee (see paragraph 67 of document CC/98/15), as reproduced below:

"Comments from the European Union:

"57. In reply to Circular E-21/124 of August 23, 2021, the following comments on document CC/98/8 were received from the European Union:

'The EU and its Member States welcome that the contribution of China has been raised to 2 units which should cover the interpretation costs, a Chinese-speaking professional will be provided with no cost, translation would be funded or provided by China and a training centre would be developed and funded by China. It is noted that income from PRISMA would be critical for sustainable resourcing of this program requiring full participation of China in UPOV-PRISMA. We wish to enquire if the latter is the case now or in foreseeable future?

'The EU and its Member States can

'(a) approve the proposed program for use of the Chinese language in UPOV and proposed resourcing and

'(b) note that this proposed program should not be considered to be applicable to other additional languages without a separate analysis.

'The EU and its Member States wish to highlight that the introduction of any new language should be studied case by case to ensure that it covers costs for all activities foreseen, and in particular subject to available resources, before the UPOV can consider any additional language. We are concerned that expanding the language regime could become

unmanageable for such a relatively small organization like UPOV. A prudent approach is also needed against the background of the current global economic uncertainty.’

“58. The Office of the Union provided the following explanations to the European Union:

‘It is a matter for China to comment on its intention with regard to participation in UPOV-PRISMA.

‘Document CC/98/8, paragraph 7 provides that:

‘7. The proposed program below is based on circumstances related to the use of Chinese language, which includes in particular that Chinese is a working language of the World Intellectual Property Organization (WIPO). Furthermore, it is based on the existing language capacity of WIPO facilities. Therefore, this proposed program should not be considered to be applicable to other additional languages without a separate analysis.’”

4. In reply to the question by the Delegation of the European Union on the intention of China with regard to its participation in UPOV PRISMA, the Delegation of China explained that it would provide the information to the Delegation of the European Union after consultation with the relevant authorities in China.

5. The Consultative Committee agreed to retain items on the agenda of the Consultative Committee on the programs in UPOV for the Russian and Chinese languages to analyze the impact on resources and benefits of the programs and report in 2023 (see document CC/98/16 “Report”, paragraphs 58 to 61).

6. The Council, at its fifty-fifth ordinary session, held via electronic means on October 29, 2021, approved the program for the use of the Chinese language in UPOV and proposed resourcing, on the basis of the Annex to document C/55/16 (see document C/55/18 “Report”, paragraph 42, and Annex to this document).

#### IMPLEMENTATION OF THE PROGRAM FOR THE USE OF THE CHINESE LANGUAGE IN UPOV

7. This section presents developments on the implementation of the program for use of the Chinese language in UPOV.

##### Interpretation in Chinese at UPOV sessions in Geneva

8. In accordance with the program for use of the Chinese language in UPOV, interpretation services in the Chinese language will be provided at the UPOV sessions in Geneva, starting from October 2022.

##### Translation of UPOV materials into Chinese

9. There have been the following developments concerning translation of UPOV materials into Chinese:

- (a) UPOV Distance Learning Course DL-205 “Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention” has been translated into Chinese and a pilot course of the DL-205 in Chinese has been conducted from August 15 to September 18, 2022, lasting 5 weeks. The Ministry of Agriculture and Rural Affairs (MARA) China and National Forestry and Grassland Administration (NFGA) China have identified 42 Chinese trainers from their PVP Offices and DUS centers to take part in the DL-205 pilot course. In 2023, the running of two sessions of the DL-205 course in Chinese have been planned for Chinese-speaking participants; and
- (b) based on the experience of the UPOV Distance Learning Course DL-205, a road map for the translation and running of the UPOV Distance Learning Course DL-305 “Examination of applications for plant breeders’ rights” will be discussed and implemented.

10. A program for translation of other UPOV materials into Chinese, in accordance with paragraphs 3 and 10. 3 of the Annex to this document, will be discussed and implemented in 2023.

### Chinese-speaking professional in the Office of the Union

11. As a result of the COVID-19 situation, the Chinese Government was not able to send a Chinese-speaking professional to the Office of the Union in 2022. The Chinese Government has the intention to identify a Chinese-speaking professional to work for UPOV in 2023, in Geneva.

### Facilitating PBR applications

12. China is a participating member of the Union in UPOV PRISMA. UPOV PRISMA provides a Chinese-language navigation interface and the Technical Questionnaire for “lettuce” in Chinese. Currently, Chinese PBR applicants are able to use UPOV-PRISMA to apply for new varieties of lettuce in other UPOV PRISMA participating members of the Union and vice versa.

13. In relation to other developments for facilitating PBR applications, China has decided to expand the coverage of crops/species in UPOV PRISMA, to the following:

Common Name	Botanical Name	UPOV TG
Soya bean	Glycine max (L.) Merrill	TG/80/6
Kiwifruit	Actinidia Lindl.	TG/98/7
Sunflower	Helianthus annuus L.	TG/81/6
Tomato	Solanum lycopersicum L.	TG/44/11
Hot pepper	Capsicum annum L.	TG/76/8
Anthurium	Anthurium Schott	TG/86/5
Guzmania	Guzmania Ruiz et Pav.	TG/182/4
Cucumber	Cucumis sativus L.	TG/61/7
Melon	Cucumis melo L.	TG/104/5
Morchella	Morchella Dill. ex Pers.	National TG

14. China is working with the Office of the Union to provide the above-expanded coverage into UPOV PRISMA by September/October, 2023.

### Training center

15. There have been the following developments concerning a training center for Chinese-speaking participants, to be hosted by a relevant institute in China:

- (a) the China Intellectual Property Training Center (CIPTC) is working with relevant Chinese authorities with the objective to develop training on PVP-related programs for Chinese-speaking participants in 2023;
- (b) CIPTC now acts as an institution that provides training courses or activities on PVP to Chinese-speaking participants. In 2022, it organized the Chinese UPOV DL-205 pilot course; and
- (c) by integrating competent experts as PVP-related trainer resources and a qualified administrative team, CIPTC is capable to provide Chinese language PVP distance learning courses to trainees in both the public and private sectors. Relevant parties allocate resources to improve the methodology of courses or activities with respect to PVP.

16. *The Consultative Committee is invited to note:*

*(a) the developments reported in this document; and*

*(b) that the Office of the Union will prepare a document with an analysis on the impact on resources and benefits of the programs in UPOV for the Russian and Chinese languages for consideration by the Consultative Committee, at its one hundred and first session, to be held on October 26, 2023.*

[Annex follows]

[Extract from document C/55/16, Annex]

PROGRAM FOR THE USE OF THE CHINESE LANGUAGE IN UPOV,  
APPROVED BY THE COUNCIL, AT ITS FIFTY-FIFTH ORDINARY SESSION,  
HELD IN GENEVA ON OCTOBER 29, 2021  
(see document C/55/18 "Report", paragraph 42)

1. The program below is based on circumstances related to the use of Chinese language, which includes in particular that Chinese is a working language of the World Intellectual Property Organization (WIPO). Furthermore, it is based on the existing language capacity of WIPO facilities. Therefore, this program should not be considered to be applicable to other additional languages without a separate analysis.

Provisions in Chinese language

*Interpretation in Chinese at UPOV sessions in Geneva*

2. Provision of interpretation services in the Chinese language at UPOV sessions in Geneva.

*Translation of UPOV materials into Chinese*

3. Translation of the following UPOV materials into Chinese:

(a) Key documents in the UPOV Collection:

- (i) UPOV Convention
- (ii) UPOV/INF document series
- (iii) Explanatory notes on the UPOV Convention
- (iv) General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants
- (v) TGP documents

(b) UPOV Distance Learning Courses

(c) Standard UPOV presentation materials from the Train the Trainer course

4. The key documents in the UPOV Collection materials would be made available on the UPOV website.

5. The UPOV Distance Learning Courses in Chinese would be hosted on the China Intellectual Property Training Center (CIPTC) of the China National Intellectual Property Administration (CNIPA) DL platform, with administration and support provided by the relevant authorities in China.

*Chinese-speaking professional in the Office of the Union*

6. The Office of the Union would accommodate a Chinese speaking professional in the Office of the Union and enable that professional to support training and assistance activities in Chinese.

*Facilitating PBR applications*

7. China is a participating member of the Union in UPOV-PRISMA. UPOV-PRISMA provides a Chinese-language navigation interface and pre-defined translated parts in Chinese of the Technical Questionnaire for supported crops by China.

### *Training center*

8. The Office of the Union would provide available training materials in Chinese and guidance on the content of a suitable training course on the UPOV system of plant variety protection as a basis to develop a training center for Chinese-speaking participants, hosted by the a relevant institute in China. The support would also include the provision of lectures by the Chinese-speaking professional from the Office of the Union. The relevant authorities in China would be responsible for administration and participants' support for the UPOV Distance Learning Courses in Chinese.

### Resourcing

9. Some of the components of the provisions above have direct costs. However, for all the provisions there are also overhead, or indirect costs, that would be incurred in terms of resources of the Office of the Union. Therefore, the following resource plan needs to be considered as a package from which individual items cannot be isolated.

10. The program would be resourced as follows:

#### 1. *Units of contribution*

0.5 contribution units (CHF26,820) is required to sustain the direct costs associated with the provision of interpretation services in the Chinese language at UPOV sessions in Geneva, subject to the UPOV sessions being organized as a single set of sessions and would, for example, allow for occasional extra-ordinary sessions.

(Note: In 2019, China already increased its number of contribution units from one-half (0.5) to two (2.0) units, as from 2020.)

#### 2. *Provision of Chinese-speaking professional*

A suitably qualified Chinese-speaking professional would be provided at no cost to the Office of the Union via the UN Junior Professional Officer Program or via the WIPO/UPOV Fellowship scheme. The duration of the assignment for each individual professional would be a minimum of 2 years and a succession of individual professionals would be provided continuously during the program.

#### 3. *Translation of relevant UPOV materials in Chinese*

Option 1: Translations could be organized by UPOV via WIPO translation service subject to the direct costs being covered by China.

Option 2: Translations could be provided to the Office of the Union for coordination and consistency-checks.

#### 4. *Training center*

The training center hosted by a relevant institute in China would be developed and funded by China and any other interested members of the Union.

#### 5. *Participation in UPOV-PRISMA*

Translations of relevant information into Chinese would be provided by China.

Income from UPOV-PRISMA would be a critical part of the sustainable resourcing of the program. Therefore, continuous full participation of China in UPOV-PRISMA would be necessary during the program and the sustainability of the program would depend on the level of use for relevant members of the Union.

[End of the Annex and of document]