

International Cooperation in DUS Examination

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Preview

1. Introduction to UPOV and Plant Variety Protection
2. Examination of Distinctness, Uniformity and Stability (DUS)
3. Cooperation in DUS examination
4. UPOV PRISMA

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UPOV: INDEPENDENT INTERGOVERNMENTAL ORGANIZATION

The International **Convention** for the
Protection of New Varieties of Plants

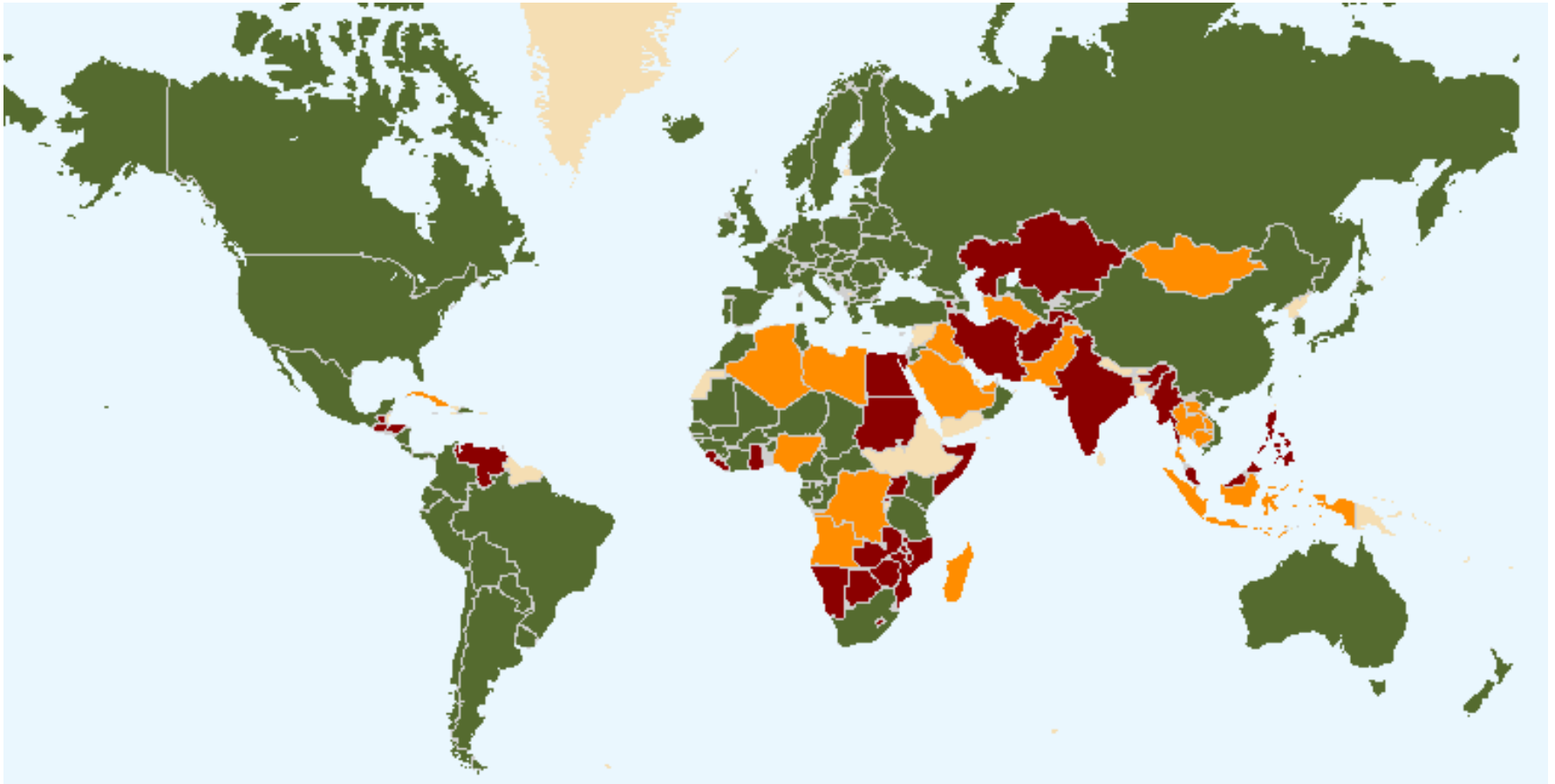
established in 1961

The International **Union** for the Protection of
New Varieties of Plants

Union internationale pour la
protection des **o**btentions **v**égétales

UPOV status

January 24, 2019



The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory

Members of UPOV (75) covering 94 States

Initiating States (17) and Organization (1)

States (25) and Organization (1) in contact with the UPOV Office



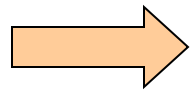
UPOV MISSION STATEMENT

“To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society”

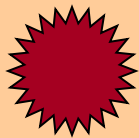


MISSION STATEMENT

“To provide and promote an effective system of **P**lant **V**ariety **P**rotection [**PVP**], [...]

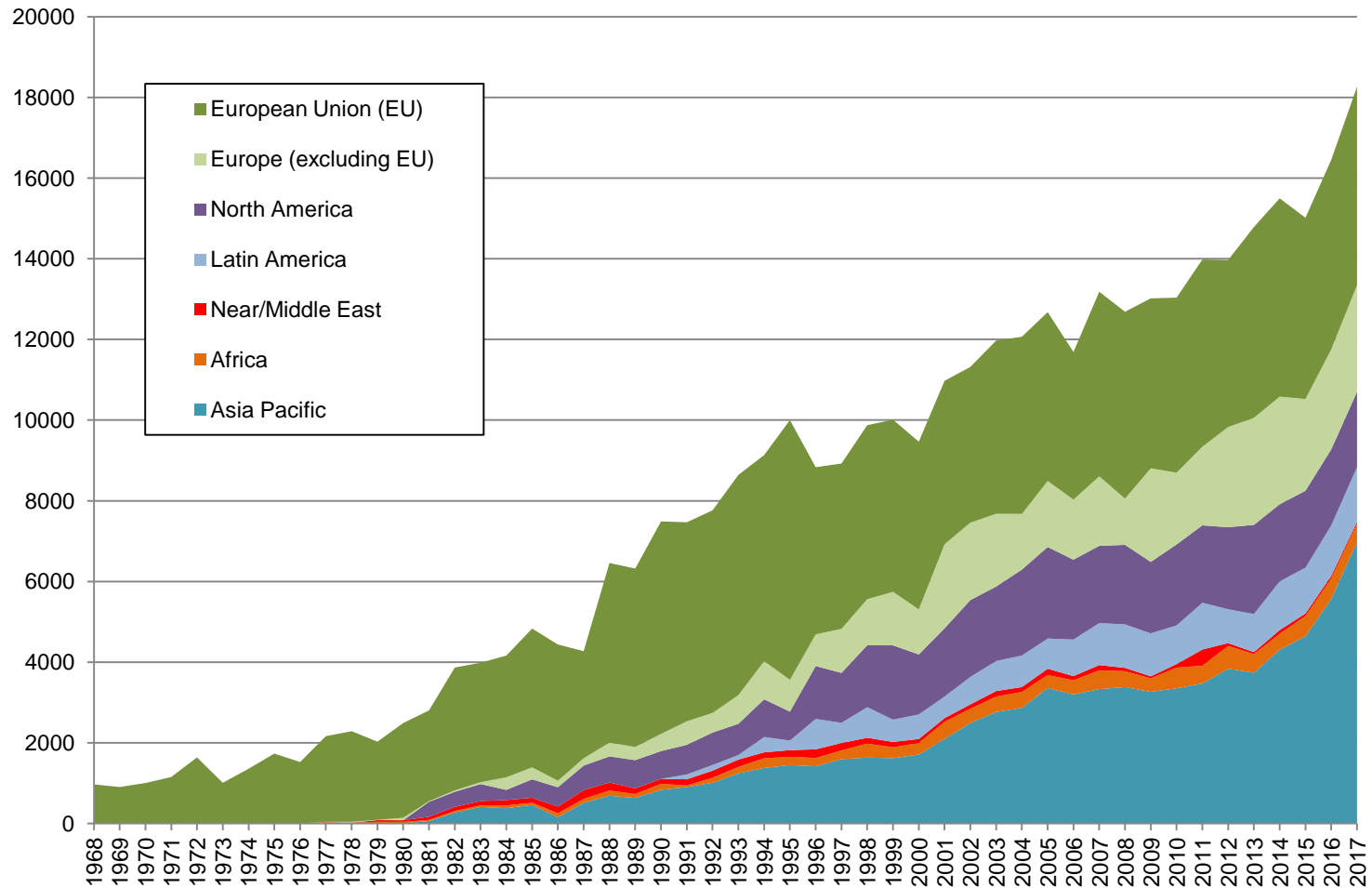


Plant **B**reeder's **R**ight (**PBR**)



Plant variety protection statistics (C/52/7 Rev.)

Applications by regions



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CONDITIONS FOR GRANTING A BREEDER'S RIGHT

Criteria to be satisfied

- NOVELTY
 - DISTINCTNESS
 - UNIFORMITY
 - STABILITY
 - VARIETY DENOMINATION
 - FORMALITIES
 - PAYMENT OF FEES
- 
- “DUS”**

NO OTHER CONDITIONS!

DISTINCTNESS

Must be clearly distinguishable from any other variety (whether protected or not) whose existence is a matter of common knowledge

...anywhere in the World

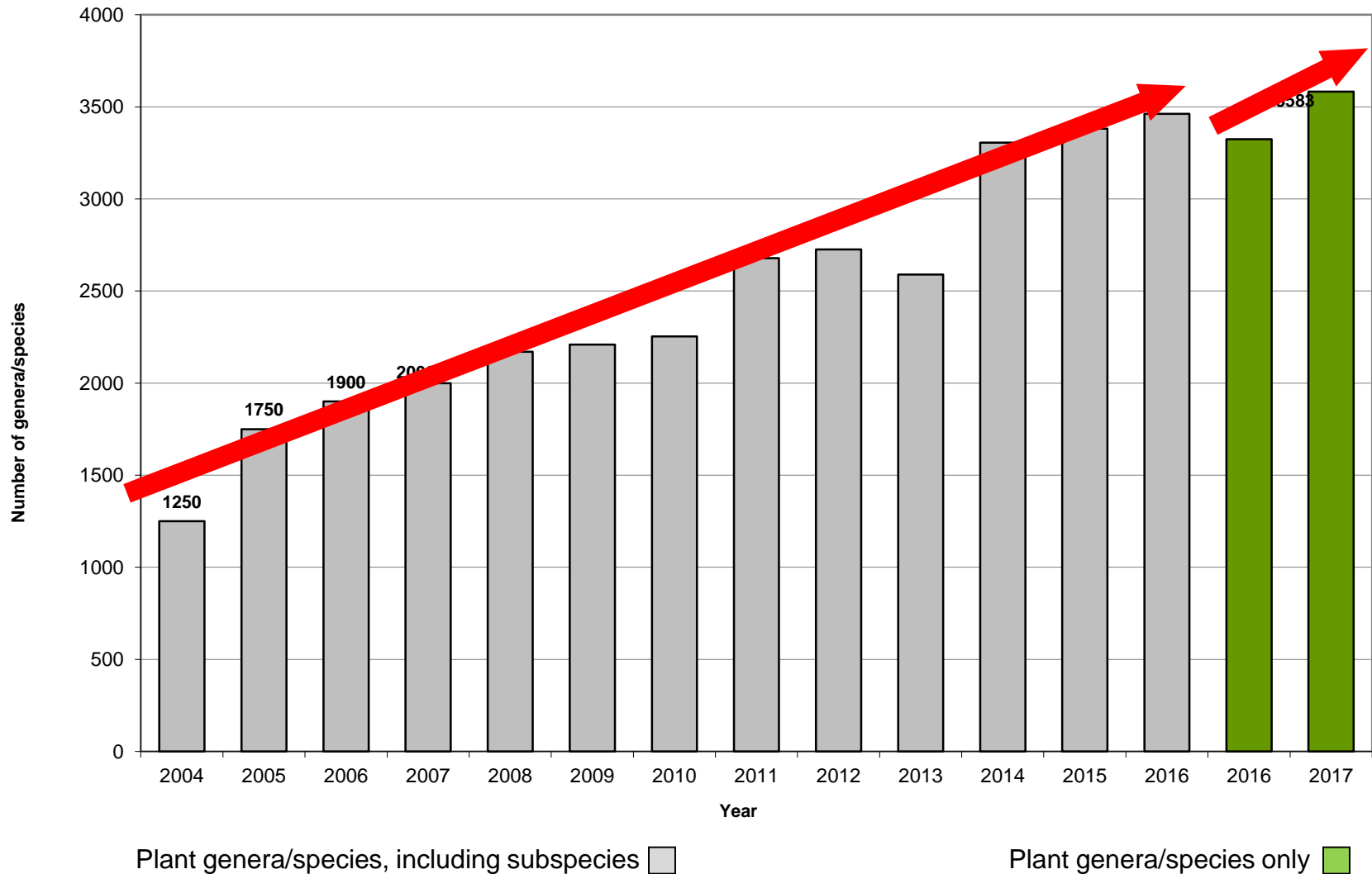


Number of varieties
(entries with different denomination) in PLUTO,

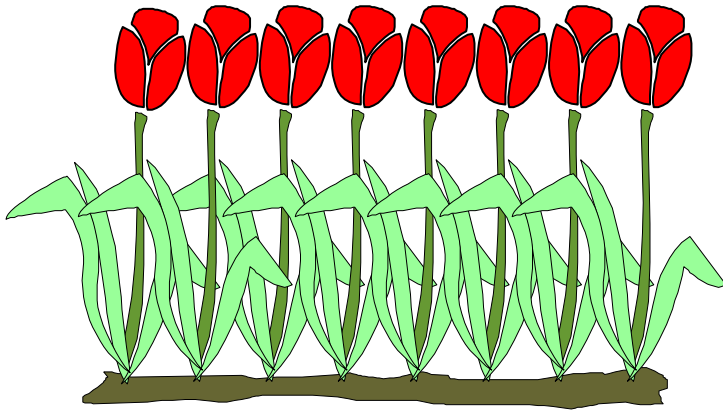
Maize: 64,754

Rose : 16,541 etc.

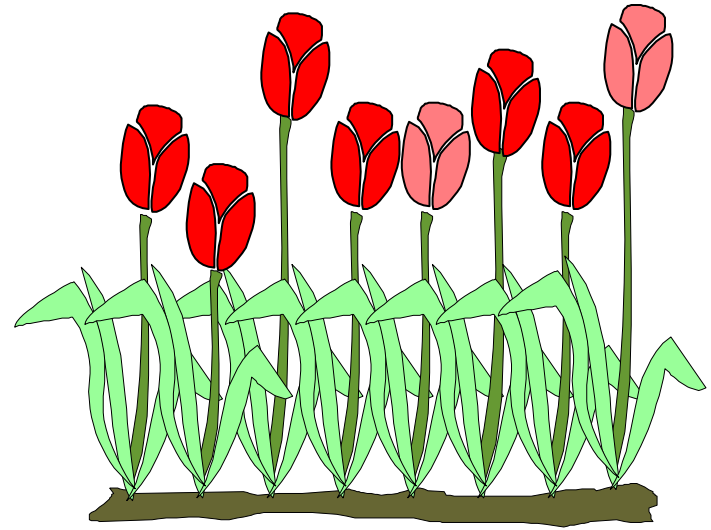
Evolution of number of Genera/Species with Practical Experience in DUS examination



UNIFORMITY

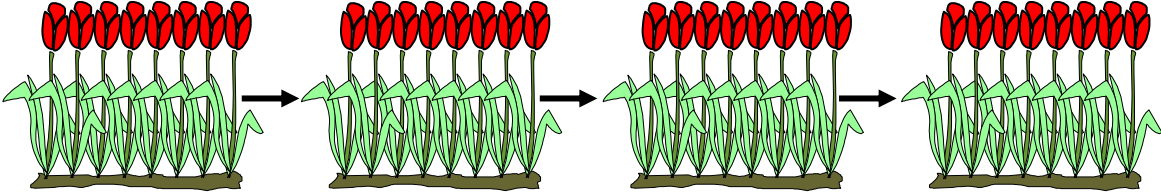


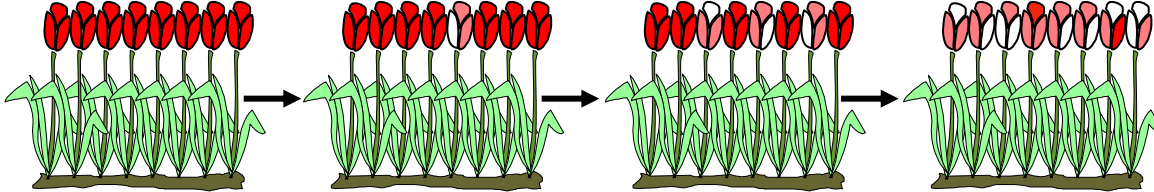
A uniform variety



A variety lacking uniformity

STABILITY

Stable variety			
The relevant characteristics of the variety <u>do not change</u> through the generations.			
			
Original material	Generation 1	Generation 2	Generation N

Variety not stable / Vari é non stable			
The relevant characteristics of the variety <u>change</u> through the generations. The plant grouping no longer retains the expression of the relevant characteristics of the original variety.			
			
Original material	Generation 1	Generation 2	Generation N

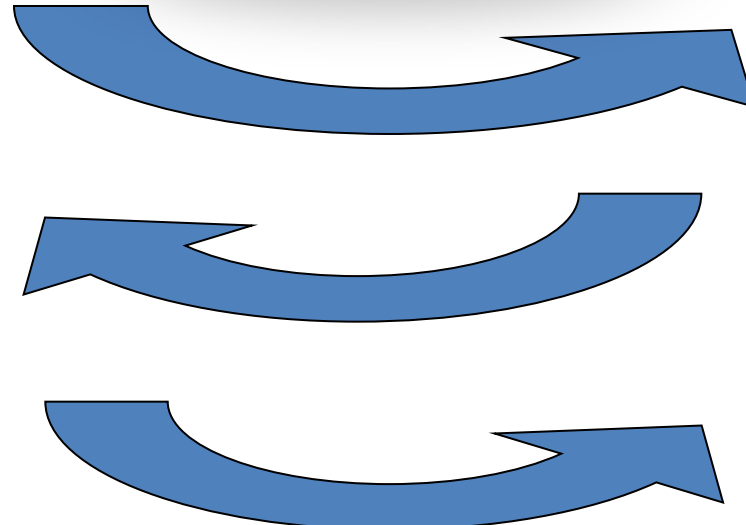
COOPERATION

Cooperation between UPOV members is a key benefit of UPOV membership



*Number of
genera/species for
which varieties
protected by members
of the Union: > 3,500*

*Practical DUS
experience
offered for >3,320
genera and
species*



*Agreements for
cooperation between
members of the
Union: > 1,970*

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Article 12 of the 1991 Act of the UPOV Convention

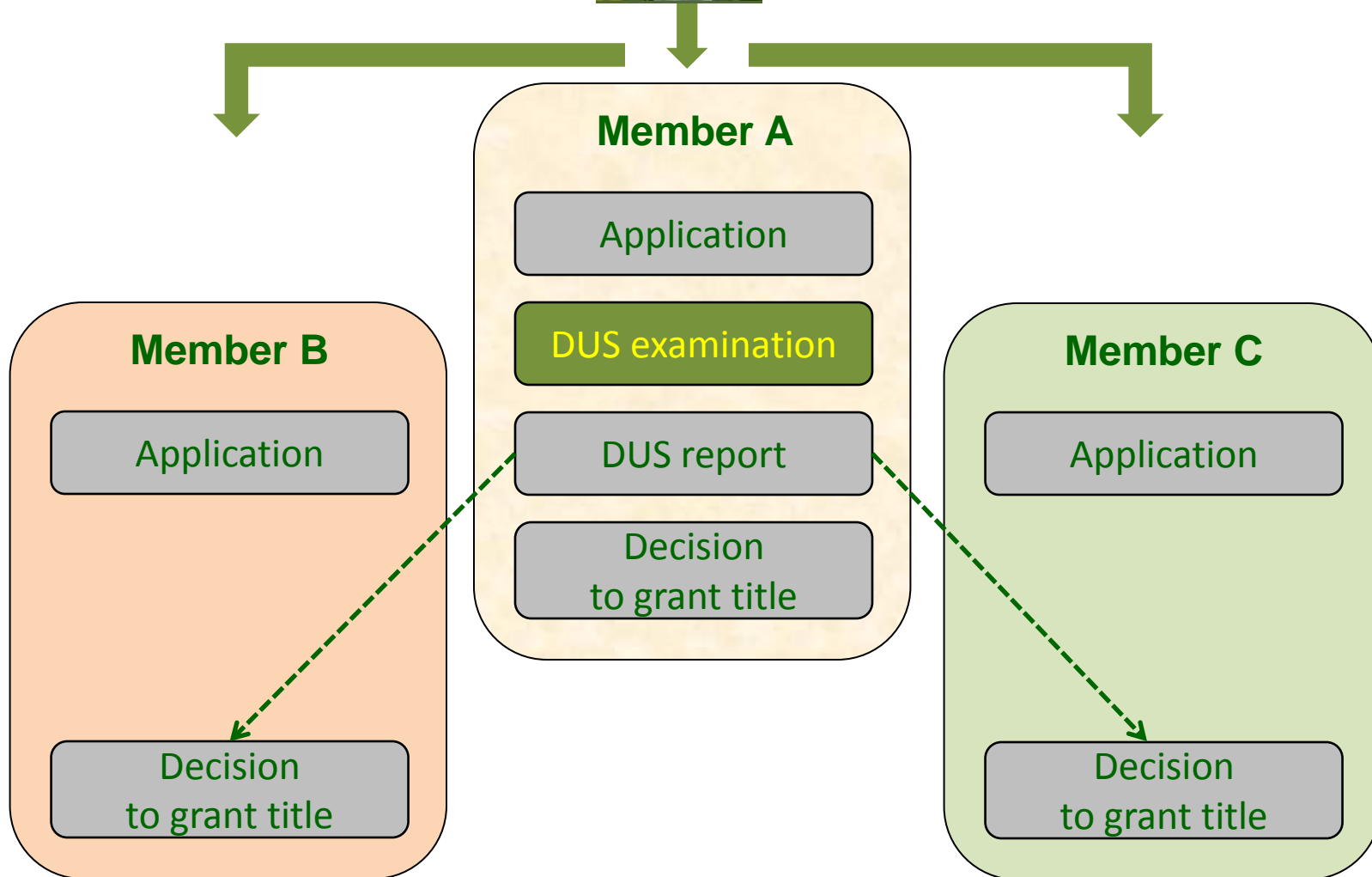
.. or **take into account** the results of growing tests or other **trials which have already been carried out.**”

[i.e. the authority may take into account the results from previous tests or trials conducted by, for example, other National Authorities (purchasing of DUS reports)]

Cooperation between Authorities

Cooperation between Authorities can involve:

- **use of existing DUS Test Reports** from other Authorities

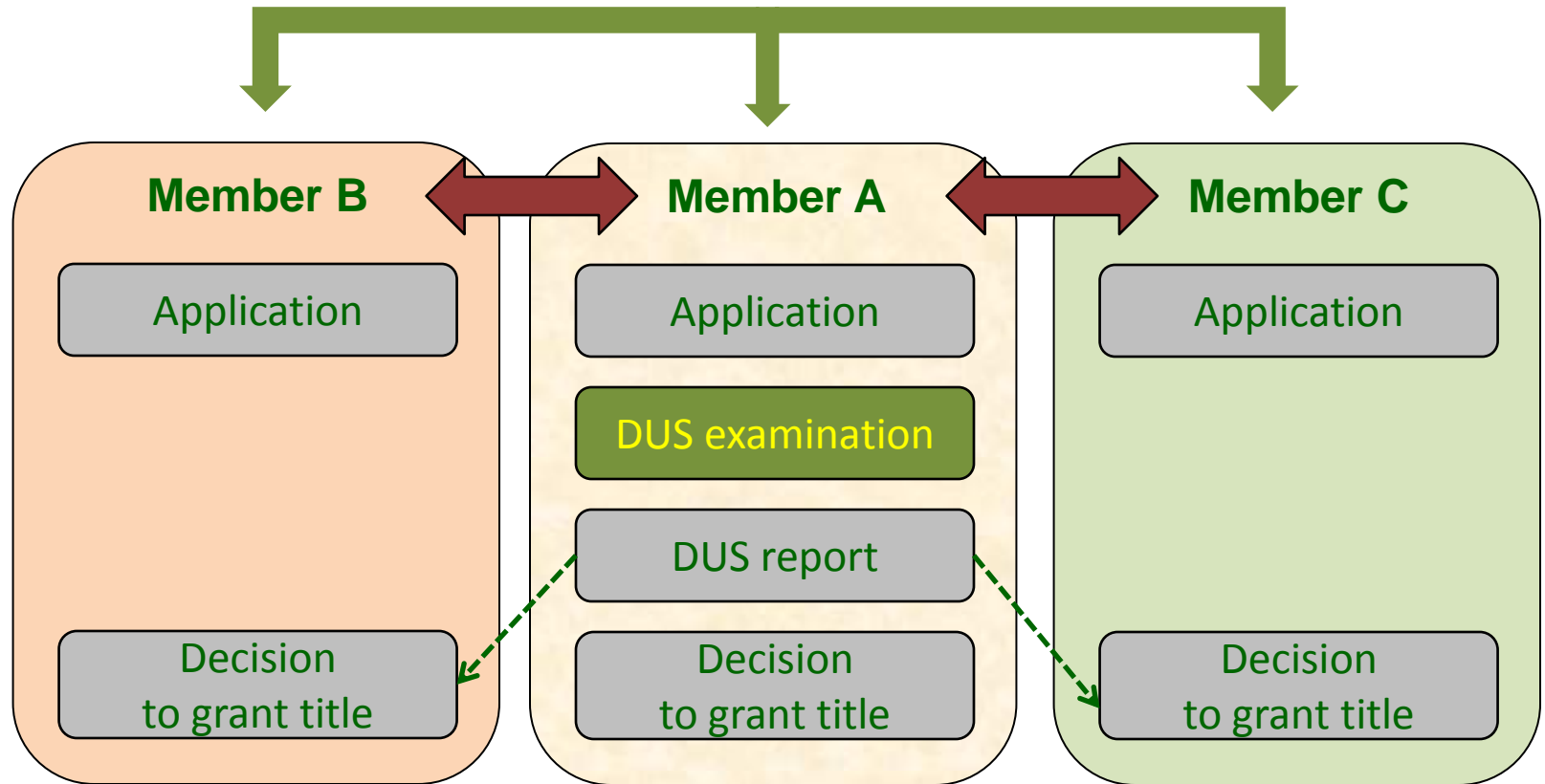


**UPOV Model administrative agreement
(TGP/5): 350 CHF (prior application)**

Cooperation between Authorities

Cooperation between Authorities can involve:

- use of existing DUS Test Reports from other Authorities
- **bilateral arrangements** to remove the need for duplication of DUS Tests
- **centralized DUS testing** at regional or global level



DUS Test Report

DOCUMENT TGP/5 “EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 6: UPOV Report on Technical Examination and UPOV Variety Description

DUS Test Report

TGP/5: Section 6/2

UPOV REPORT ON TECHNICAL EXAMINATION

1. Reference number of Reporting Authority
2. Requesting Authority
3. Reference number of Requesting Authority
4. Breeder's reference
5. Date of application in requesting member of the Union
6. Applicant (name and address)
7. Agent (name and address) (if applicable)
8. (a) Botanical name of taxon
- (b) UPOV code
9. Common name of taxon
10. Variety denomination
11. Person who bred, or discovered
- and developed, the variety (name and address)
- (if different from applicant)
12. Reporting Authority
13. Testing station(s) and place(s)
14. Period of testing
15. Date and place of issue of document

16. RESULTS OF THE TECHNICAL EXAMINATION

(a) Report on **Distinctness**

The variety

- is distinct []

- is not distinct []

according to the UPOV Convention

Variety(ies) from which it is not distinct (if applicable)

.....

(b) Report on **Uniformity**

The variety

- is uniform []

- is not uniform []

according to the UPOV Convention

Characteristic(s) for which the variety is not uniform and explanation of the lack of uniformity (if applicable) are provided in an annex to this report.

(c) Report on **Stability**

The variety

- is stable []

- is not stable []

according to the UPOV Convention

Characteristic(s) for which the variety is not stable and explanation of the lack of stability (if applicable) are provided in an annex to this report.

(d) A **description** of the variety is provided in an annex to this report []

(if the variety is distinct, uniform and stable).

(If the variety is not distinct, a description can be provided on request.)

17. Remarks

.....

18. Signature

UPOV Variety Description

TGP/5: Section 6/2 ANNEX

UPOV VARIETY DESCRIPTION

1. Reference number of Reporting Authority
2. Reference number of Requesting Authority
3. Breeder's reference
4. Applicant (name and address)
5. (a) Botanical name of taxon
- (b) UPOV code
6. Common name of taxon
7. Variety denomination
8. Date and document number of UPOV Test Guidelines
9. Date and/or document number of Reporting Authority's test guidelines
10. Reporting Authority
11. Testing station(s) and place(s)
12. Period of testing
13. Date and place of issue of document
14. **Group:** (if characteristics of number 15 are used for grouping, they are marked with a **G** in that number)

UPOV No.	Reporting Authority No. Remarks	Characteristics	States of Expression	Note
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UPOV Variety Description

TGP/5: Section 6/2 Annex, page 2

Reference number of Reporting Authority

15. **Characteristics** Included in the UPOV Test Guidelines or Reporting Authority's Test Guidelines

UPOV No.	Reporting Authority No.	Characteristics	States of Expression	Note	Remarks

16. **Similar Varieties and Differences** from These Varieties

Denomination(s) of variety(ies) similar to the candidate variety	Characteristic(s) in which the candidate variety differs from the similar variety(ies) ^{o)}	State of expression of the characteristic(s) for the similar variety(ies)	State of expression of the characteristic(s) for the candidate variety

^{o)} In the case of identical states of expression of both varieties, please indicate the size of the difference.

17. **Additional Information**

- (a) Additional Data
- (b) Photograph (if appropriate)
- (c) RHS Colour Chart version used (if appropriate)
- (d) Remarks

Cooperation between Authorities

Cooperation between Authorities is important for:

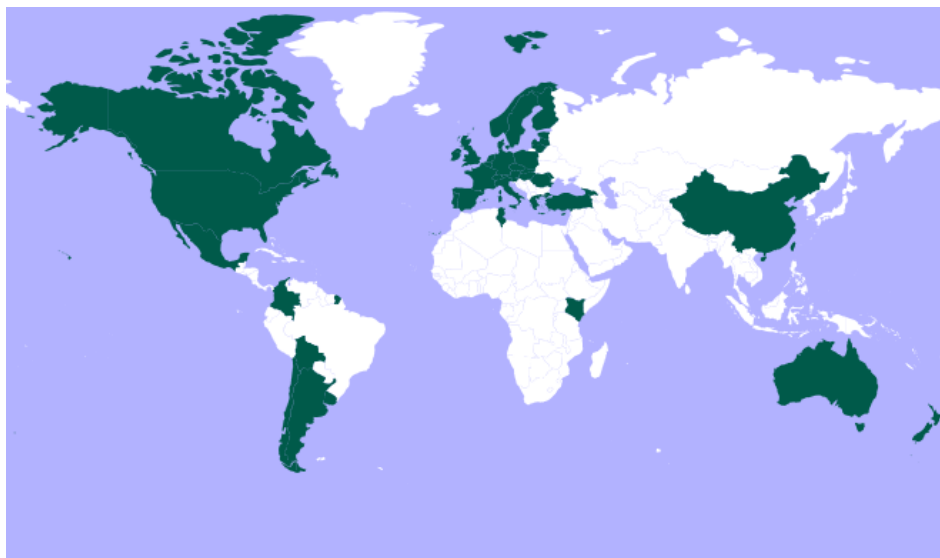
- **minimizing** the **time** for DUS examination
- **minimizing** the **cost** of DUS examination
- **optimizing examination of Distinctness** in growing trials
- **offering protection for all plant genera and species**

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Online PBR Application Tool



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Online application tool to submit application data to participating PVP Offices in required format

Easy access to PVP application forms, which can be displayed in a range of languages

Much of the information provided in the Technical Questionnaire will be automatically translated

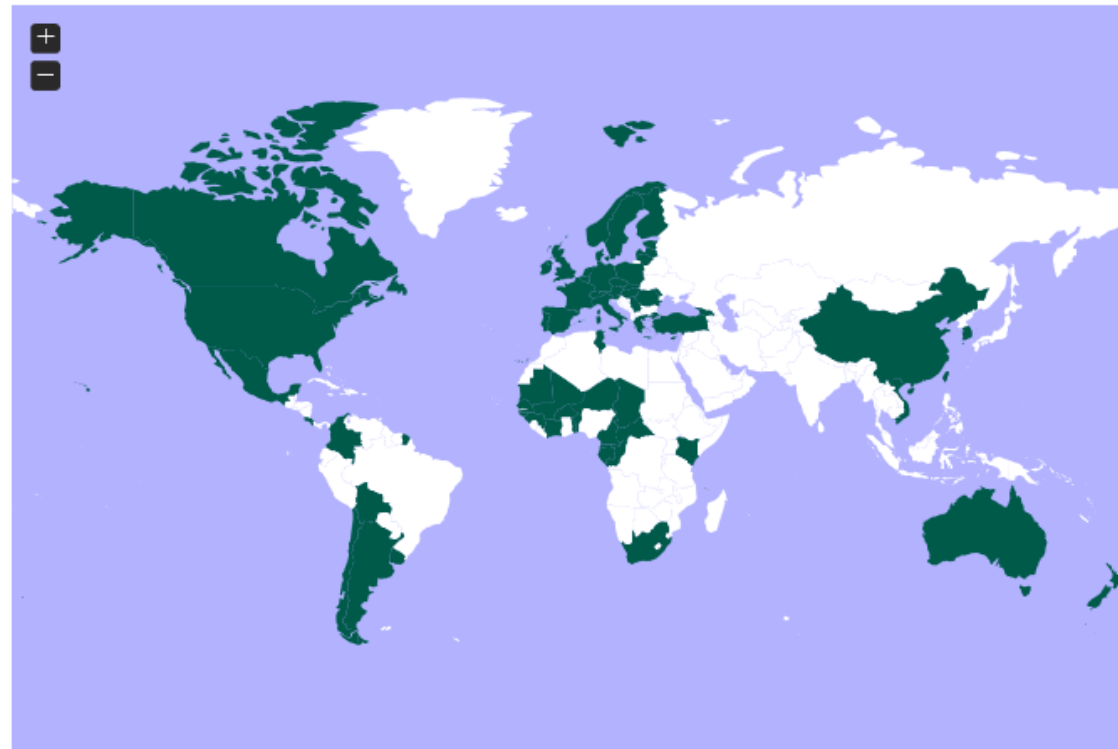
Relevant data can be re-used in subsequent applications

Different user roles can be specified (e.g. drafter, signatory, translator, agent)

Controlled access, secure and confidential

UPOV PRISMA

Current coverage- 30 Members
(including CPVO & OAPI)



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30 members

**69
countries**

African Intellectual Property Organization (OAPI)

Argentina
Australia
Bolivia (Plurinational State of)
Canada
Chile
China
Colombia
Costa Rica
European Union
France
Georgia
Kenya
Mexico
Netherlands
New Zealand
Norway
Paraguay
Republic of Moldova
Republic of Korea
Serbia
South Africa
Sweden
Switzerland
Tunisia
Turkey
United Kingdom
United States of America
Uruguay
Viet Nam

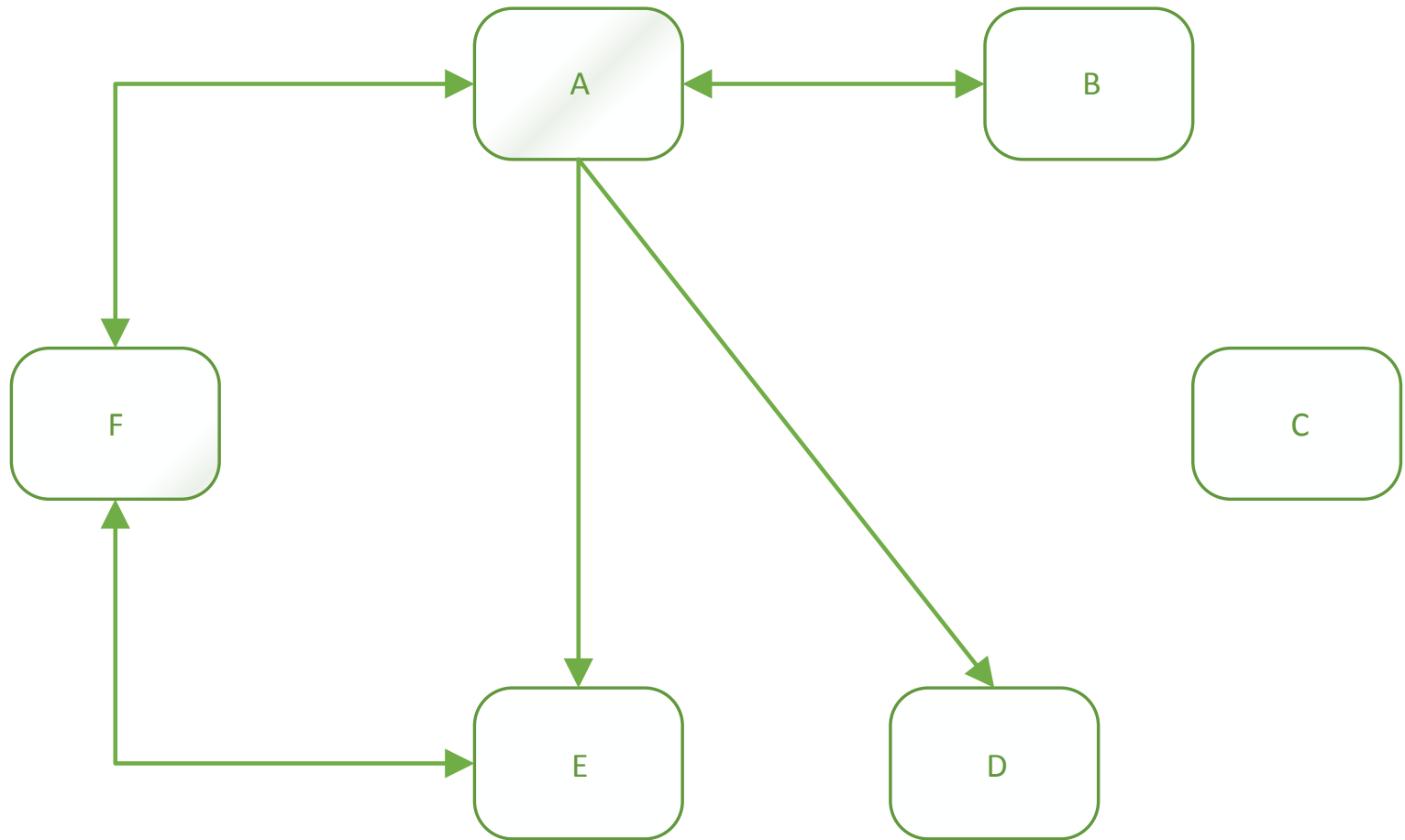
Anticipated new Features/ functionalities
in future Version

DUS examination Recommendation tool

- Minimize the number of DUS examinations for a list of selected authorities



Case 1: Rice



DUS Examination Recommendation

Crop/Species * Rice

The technical examination of this variety: *

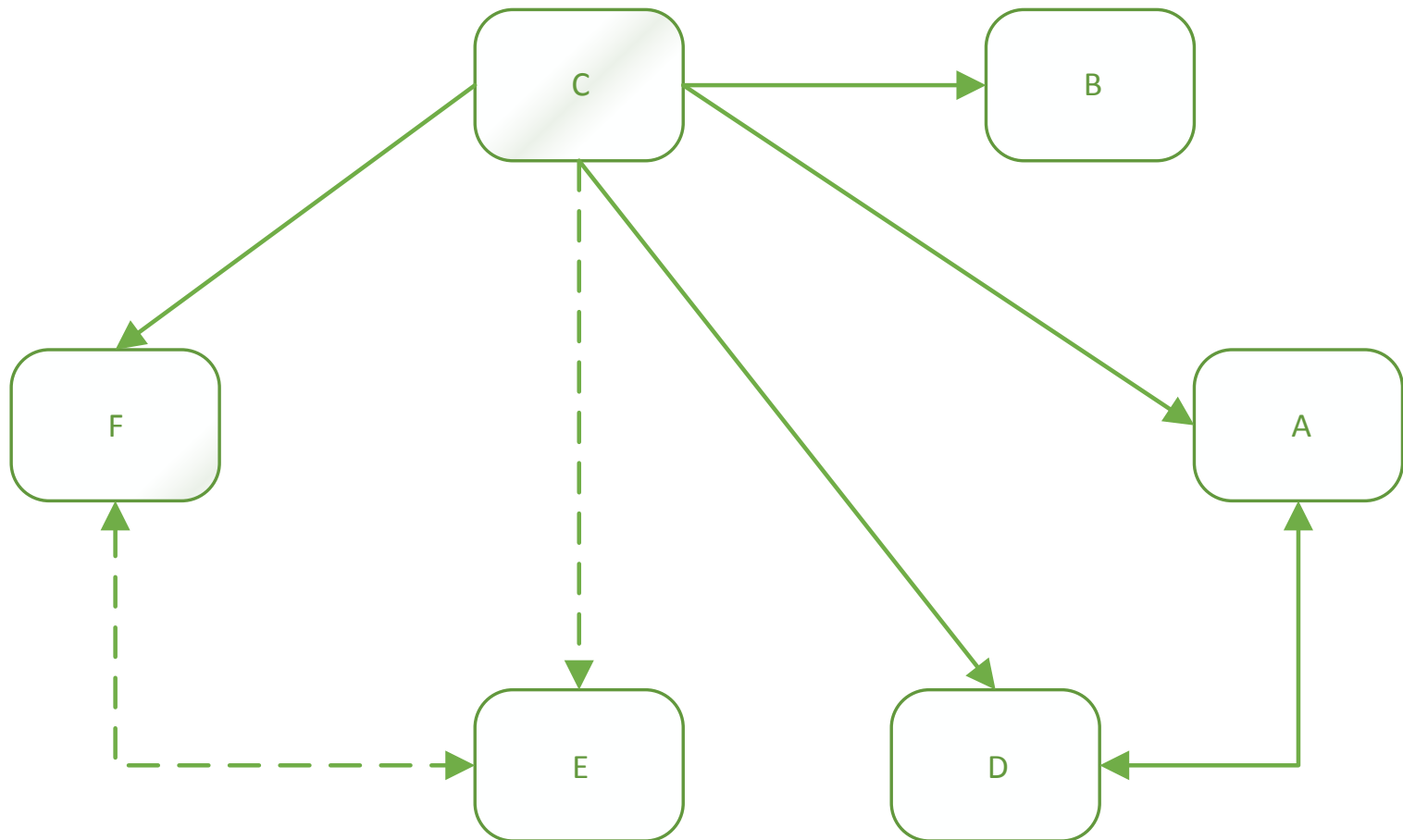
- ☐ has already or in the process of being initiated
- ☒ has not yet been initiated

 See Recommendations

Number of DUS Examinations	List of countries in which you should apply first and request DUS Examination	Subsequent applications without additional DUS examinations
2	A, C	B, D, E, F
3	A, C, E	B, D, F
4	A, C, D, E	B, F
4	A, C, D, F	B, E
4	A, C,E,F	B, D
4	B, C, D, E	A, F
4	B, C, D,F	A,E
4	B, C, E,F	A, D

•
•
•

Case 2: Rose – Technical examination completed in Country E



DUS Examination Recommendation

Crop/Species * **Rose**

The technical examination of this variety: *

☒ has already or ☐ in the process of being initiated

in (country)

E

Would you like to request for take over of the DUS-report ?

☒ Yes ☐ No

The information about DUS fees will be included subject to information provided

Number of DUS Examinations	List of countries in which you should apply first and request DUS Examination	Subsequent applications without additional DUS examinations
1	C	A, B, D, F
2	C, F	A, B, D
2	C, D	A,B, F

•
•
•