

*Document adopted by the EAPVP Pilot Project*

## Report of the Pilot Project for EAPVP Regional Mechanism

### BACKGROUND

1. The 11<sup>th</sup> EAPVP Forum Annual Meeting adopted 10-Year Strategic Plan which provides the 'Common Direction' as strategic goals of the Forum for the next 10 years<sup>1</sup>. The 10-YSP provides Objective 2 which is to build a regionally harmonized mechanism for application and examination procedures under the UPOV Convention towards an efficient and cooperative PVP system in the region for breeders.
2. To realize the Objective 2 of the 10-Year Strategic Plan, the 'Pilot project for building regional harmonized PVP mechanism' (herein after the 'EAPVP Pilot Project') was proposed at the 11<sup>th</sup> Annual Meeting and the Forum agreed to commence the Pilot Project<sup>2</sup>. The EAPVP Pilot Project organized its first meeting on 11 October 2018 in Viet Nam.
3. The EAPVP Pilot Project consists of two phases; phase 1 (2018-2021) and phase 2 (2022-2023). Phase 1 is developing stage of the regional harmonized mechanism and phase 2 is implementing stage. The member of the project is consists of participating countries, provisional participating countries and resource partners. It should be noted that participation to the project is in a voluntary basis like other EAPVP cooperation activities.
4. The Forum agreed that the progress of the EAPVP Pilot Project would be reported to the Forum's Annual Meeting.

### EAPVP PILOT PROJECT MEETINGS

5. The 1st EAPVP Pilot Project meeting was held in Hanoi, Viet Nam on 11 October 2018 with the participation by Japan, Malaysia, Myanmar, Viet Nam and UPOV Office. The meeting discussed purpose of the Pilot Project, precondition, outline of the phase 1 and 2, and next steps.
6. Following the 1st EAPVP Pilot Project meeting, Brunei Darussalam expressed its intention to participate to the Pilot Project and provided information necessary for the 2nd meeting. Singapore also provided information to the EAPVP Pilot Project. The 2nd EAPVP Pilot Project meeting was held in Vung Tau, Viet Nam on 26 and 27 February 2019 with the participation by Japan, Malaysia, Myanmar, Viet Nam and the UPOV Office.
7. The 3rd meeting would be in September, 2019 in Brunei Darussalam, subject to agreement by Brunei Darussalam.

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<sup>1</sup> The 11<sup>th</sup> EAPVP Forum Annual Meeting adopted the Draft Common Direction of 10-Year Strategic Plan with condition of further comments from China and Republic of Korea within 6 months. In the case of any proposed amendments, the documents will be circulated to all Forum members and discussed with a view to a revision of the documents by consensus. (EAPVPF/11/10)

<sup>2</sup> EAPVPF/11/05, EAPVPF/11/06, EAPVPF/11/10

## BENEFITS TO JUSTIFY THE REGIONAL MECHANISM

8. The EAPVP pilot project identified the main features as envisaged in Figure 1. The benefits to justify a Regional Mechanism are as follows:
- One PBR application with a regional application form will be effective for filing application data to the participating PVP Offices through automatic translation function of UPOV PRISMA online application tool that enables breeders/agents to make international applications to several PVP Offices in the region in a time and cost-saving manner;
  - Easy access to a Technical Questionnaires compatible to all/selected PVP Offices and possible enhanced DUS cooperation in the regional that may enable recipient PVP Office to use DUS test reports from providing countries;
  - Facilitate sharing experience and better understanding of examination in participating countries and that assists the development of capacity of PVP Offices in the region;
  - Enhance DUS cooperation among participating PVP Offices to complement capacity gap in PVP Office to implement DUS testing due to limited human resource and/or cultivation environment/condition for some plants;
  - Facilitate substantially harmonized and efficient PBR application and examination procedure in participating countries and strengthen the network of PVP Offices in the region; and
  - Encourage breeders in any nation in the world to file application in this region which promote the development of new varieties in the region.

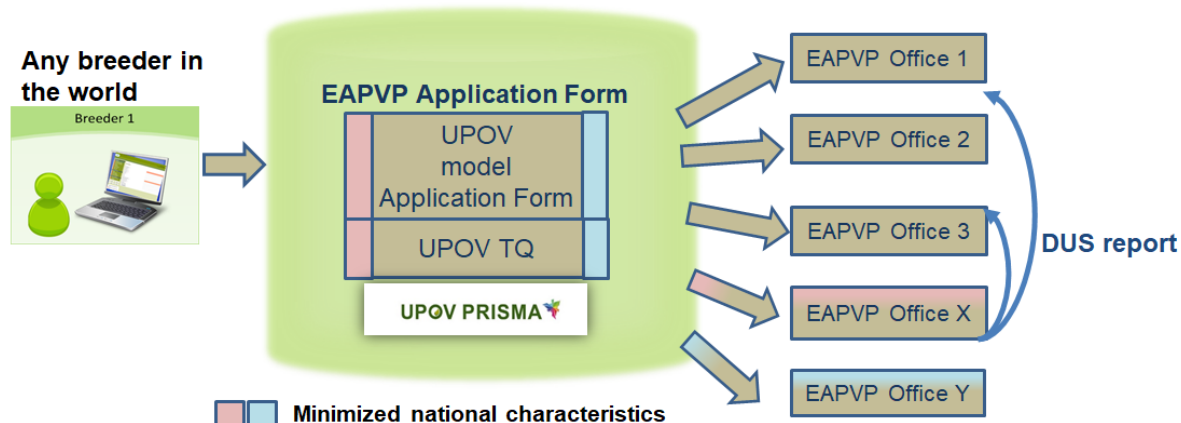


Figure 1. Possible concept of the EAPVP Regional Mechanism

## PRECONDITION

9. The pilot project agreed with the following precondition for the EAPVP Pilot Project and Regional Mechanism.
- (a) Participating countries do not need to change their national legal and fundamental framework
  - (b) The regional mechanism does not assume any responsibility
  - (c) Responsibility for examination and granting plant breeders right lies with each PVP Office, i.e., the EAPVP Regional Mechanism does not grant plant breeders right
  - (d) Participating countries are not obliged to conclude any agreement with other countries nor to accept DUS test reports produced by other members
  - (e) Only UPOV members will be able to join the EAPVP Regional Mechanism (Phase 2)

## **FRAMEWORK OF THE PILOT PROJECT AND REGIONAL MECHANISM**

### **Participating Countries and Resource Partners**

10. The eligible participating countries to the Pilot Project are UPOV members of the EAPVP Forum. The EAPVP member countries which have officially committed to join UPOV can be provisional participating countries during the Phase 1.
11. Participating countries to the EAPVP Pilot Project are currently Brunei Darussalam, Japan, Malaysia, Myanmar and Viet Nam. The UPOV Office is a resource partner which provides the experience, guidance and UPOV tools.

### **Timeframe (steps for building EAPVP Regional Mechanism)**

12. The pilot project agreed with steps to build EAPVP Regional Mechanism as follows:

#### Phase 1 (2018 – 2021):

##### Administrative harmonization

- Design a model regional Application Form based on UPOV model application form with minimum additions
- Use tool for transmitting application information i.e. UPOV PRISMA according to the format and procedures requirements of PVP Offices.

##### Technical Questionnaire harmonization

- TQs will be produced on the basis of UPOV TQs with minimum additions

##### DUS examination

- Collect information on existing DUS cooperation
- Develop regional platform for DUS cooperation information using UPOV PRISMA (IT tools) reflecting cooperation above
- Work towards enhancing DUS cooperation

#### Phase 2 (2022 – 2023): EAPVP Regional Mechanism implemented

- Application could be received

### **Administrative Harmonization**

13. It is noted the administrative support would be needed in Phase 1 during which time there is no income from fees. It agreed that the RM should aim to be fully self-financing in Phase 2. The details of the administrative support were not fully known and would depend on the final arrangement for the RM.
14. Options on whether application should be sent to all PVP Offices or the breeders can select the countries for which to file would be discussed after more detailed administrative mechanism discussed.
15. The RM would need to ensure payment of all national application fees of participating countries and payment mechanism which would be as in Figure 2.

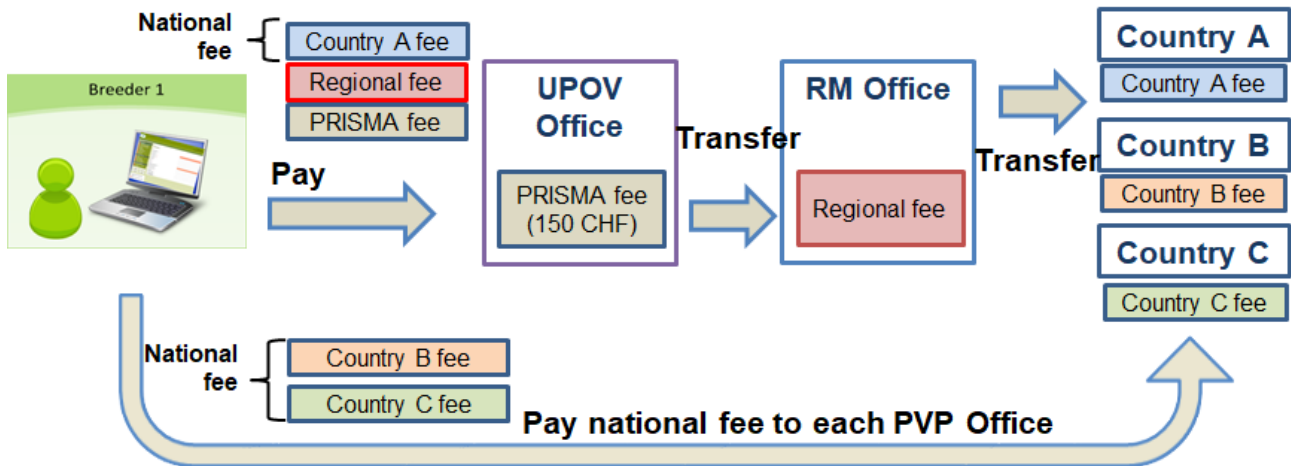


Figure 2. Payment mechanism of RM

### Model Regional Application Form

16. The model regional application form should consist of the following two parts:

- (a) common part, which is common for all participating countries and which is basically taken over from UPOV model application form; and
- (b) specific part, which covers specific cases of all participating countries and which other participating countries can ignore.

17. Languages acceptable in the model regional application form should be English and all participating members' languages.

18. The RM should generate completed national applications for each participating country, with only the information required for each country, in the form needed by each participating country, on the basis of the information provided by applicants.

### Harmonization of Technical Questionnaires

19. The RM Technical Questionnaires (TQs) should cover UPOV TQs and the TQs of Japan. The pilot project agreed steps to take in case how to deal with situation without national TQs.

### Examination of DUS and Other Possibilities

20. The cooperation in DUS examination was an essential benefit of the RM and that the main financial benefit of the RM for breeders would be to minimize the number of DUS examinations.

21. The pilot project would consider the possibilities of arrangements for preliminary examination of novelty and variety denomination.

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