



12th Annual Meeting
Beijing, China, 24 April 2019

EAPVPF/12/07
Date: 24 April 2019

REPORT

adopted by the 12th East Asia Plant Variety Protection Forum Annual Meeting

Opening of the meeting

1. East Asia Plant Variety Protection Forum held its 12th Annual Meeting in Beijing, People's Republic of China on 24 April 2019, chaired by Dr. Zheng Yongqi, Director, Laboratory of Molecular Testing for New Plant Varieties, National Forestry and Grassland Administration, People's Republic of China and co-chaired by Mr. Atsuhiko Meno, Senior Advisor, Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries, Japan.
2. The list of participants is reproduced in Annex I to this report.
3. The meeting was opened by the chair and received welcome remarks by Dr. Sun Haoqing, Associate Counsel, Department of Seed Industry Management, the Ministry of Agriculture and Rural Affairs, People's Republic of China.
4. The meeting received message by Mr. Do Ozaki, Director, Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries, Japan.
5. The meeting received message by Mr. Peter Button, Vice Secretary-General, UPOV.

Adoption of the agenda

6. The draft agenda as presented in document EAPVPF/12/01 Draft 1 was adopted by the meeting.

Report on recent development of UPOV

7. The meeting noted the report on recent development of UPOV reported by the UPOV Office.

Discussion on comments from China and Republic of Korea regarding the Rule of Procedure and the 10-Year Strategic Plan of the EAPVP Forum (2018-2027)

The Rule of Procedure of the EAPVP Forum

8. The meeting considered document EAPVPF/12/02_REV. regarding comments from China and Republic of Korea submitted on 1 February, 2019 and 29 January, 2019, respectively, with a view to a revision of the Rule of Procedure of the EAPVP Forum (EAPVPF/11/02), along with the comments and alternative proposals submitted by some member countries.
9. The meeting adopted the revision of the Rule of Procedure of the EAPVP Forum as provided in Annex II to this report.

The 10-Year Strategic Plan of the EAPVP Forum

10. The meeting considered document EAPVPF/12/03_REV. regarding comments from China and Republic of Korea submitted on 1 February, 2019 and 29 January, 2019, respectively, with a view to a revision of the 10-Year Strategic Plan (EAPVPF/11/03), along with the comments and alternative proposals submitted by some member countries.
11. The meeting adopted the revision of the 10-Year Strategic Plan as provided in Annex III to this report, noting that the Objective 2 is not legally binding.

Presentation on updated Individual Implementing Strategies and the proposal of the national-specific Cooperation Activities in 2019-2020 under the 10-Year Strategic Plan, if any

12. The meeting noted the updated Individual Implementing Strategies of the 10-Year Strategic Plan as appendices to document EAPVPF/11/03, as presented by Brunei as in document EAPVPF/12/04_01, Cambodia as in document EAPVPF/12/04_02, China as in document EAPVPF/12/04_03, Indonesia as in document EAPVPF/12/04_04, Japan as in document EAPVPF/12/04_05, Lao PDR as in document EAPVPF/12/04_07, Malaysia as in document EAPVPF/12/04_08, Myanmar as in document EAPVPF/12/04_09, Philippines as in document EAPVPF/12/04_10, Thailand as in document EAPVPF/12/04_12, and Viet Nam as in document EAPVPF/12/04_13, as provided in Annex III.
The meeting noted the country report presented by Republic of Korea as presented in document EAPVPF/12/04_06. The meeting noted the country report presented by Singapore.
13. The meeting also noted the proposals of national-specific Cooperation Activities in 2019-2020 presented by Cambodia, Lao PDR, Malaysia, Myanmar, Thailand and Viet Nam.

Report of the Pilot Project for EAPVP Regional Mechanism (Regional Cooperation Activities)

14. The representative of the EAPVP Pilot Project from Viet Nam presented the work of the Pilot Project which commenced in October 2018 as provided in document EAPVP/12/05, as provided in Annex IV.
15. The meeting noted the progress of the Pilot Project. The meeting noted that the comments raised by the member countries would be considered by the participants of the Pilot Project.

The list of the Cooperation Activities in 2019-2020

16. The meeting adopted the list of the Cooperation Activities in 2019-2020 as provided in document EAPVP/12/06 Draft presented by the Forum Office as provided in Annex V to this report.
17. The meeting noted that implementation of the adopted Cooperation Activities in 2019-2020 will be subject to the availability of the financial resources and experts.

Host country for the 13th EAPVP Forum Annual Meeting

18. The meeting agreed with the proposal by Brunei to host the 13th EAPVP Forum Annual Meeting. It will be held in May 2020 in Bandar Seri Begawan, Brunei.

Other matters

19. The meeting adopted this report at the close of the 12th Annual Meeting on 24 April, 2019.

[Annexes follow]

Annex I

LIST OF PARTICIPANTS

1. Members

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[Annex II follows]

THE RULE OF PROCEDURE FOR THE EAST ASIA PLANT VARIETY PROTECTION FORUM

The EAPVPF Forum adopted the Rule of the Procedure for the East Asia Plant Variety Protection Forum at its 11th EAPVP Forum Annual Meeting **and revised at its 12th EAPVP Forum Annual Meeting** as follows:

1. Purpose of this Document

The “Guideline for Operation of the East Asia Plant Variety Protection Forum (hereinafter referred to as the “Guideline”)” approved by the 1st Meeting of the Forum on 23 July 2008 provides background, objectives, activities and framework of the East Asia Plant Variety Protection Forum (hereinafter referred to as the “Forum”). In order to promote plant variety protection in accordance with the UPOV Convention in the Forum based on the 10-Year Strategic Plan and to demarcate the objectives/activities of the Forum and the administrative procedure to operate the Forum, the Forum has revised the current Guideline and adopted as the “Rule of Procedure for the East Asia Plant Variety Protection Forum” (hereinafter referred to as the “ROP”).

The ROP is intended to assist all members and guests of the Forum to implement cooperation activities and other relative activities under the Forum as well as to operate annual Meetings of the Forum. The ROP is meant to apply generally to all future activities in the Forum. It is recognized, however, that different contexts and situations will require different responses and adaptations.

The Forum’s cooperation activities proposed by the members each year, which require financial support in particular, need to be in line with the Common Direction of the 10-Year Strategic Plan with a view to streamlining the Forum’s cooperation activities toward further harmonization **and/or integrity** of the PVP system in East Asian region.

2. Framework of the Forum

2.1 Members and Guests

- Members of the Forum are Brunei Darussalam, Cambodia, China, Indonesia, Japan, Lao People’s Democratic Republic, Malaysia, Myanmar, Philippines, Republic of Korea, Singapore, Thailand and Viet Nam.
- The UPOV Office, the UPOV members **in other regions** and the ASEAN Secretariat willing to participate in the Forum are invited as the guests.
- Any guests are allowed to express their views and **the** comments with the consent of the all delegates of the participating member countries.

2.2 The Meeting of the Forum

- The Meeting of the Forum will be held annually. The annual Meeting of the Forum is

chaired by the host country. The host country for the next annual Meeting of the Forum will be decided from the willing member countries at the annual Meeting of the Forum.

- English is the official language of the Forum.
- The host country should set up the Secretariat which is responsible for organizing the annual Meeting of the Forum, dissemination and exchange of the information related to the Forum, and preparation of the Forum work report during its term.
- The Secretariat needs to succeed its responsibilities to the next host country. The responsibilities of the Secretariat will be taken over at the time of the end of the annual Meeting of the Forum.
- Each member country would set up a Liaison Office to be responsible for the communication on Forum affairs and information exchange.

2.3 Planning and Implementation of the Forum Activities

- Member country is expected, on each country's initiative, to plan and implement activities based on Individual Implementing Strategy while placing priorities on those activities in line with the Common direction of the 10-Year Strategic Plan to cooperate Forum activities while placing priorities on the relevant strategy of the Forum.
- Member countries can receive support from donor(s) in organizing the Forum and implementing relevant cooperative activities, which may be subject to the consultation with the donor(s) followed by the discussion and adoption at the annual Meetings of the Forum.
- It should be emphasized that any activities under the Forum will be carried out based on the autonomy of member countries, and will be promoted mutual contributions by member countries in each field where they possess an advantage.
- The official website of the Forum is technically supported by Japan and the content of the website is jointly managed by all member countries.
- The UPOV Office extends assistance to the Forum activities under the cooperative framework of the Government of Japan and in accordance with UPOV's priorities.

3. Reporting and Communications

- Member countries are encouraged to report their cooperative activities after their implementation as well as during the activities to share those experiences and expand those activities in the member countries in a synergistic manner.
- All members are encouraged to plan and implement their activities reflecting information shared by other countries under the Forum activities.

4. Revision of the ROP

- The revision of the ROP may be raised by any member countries and should be adopted by consensus at the Meeting of the Forum.

[Annex III follows]

Annex III

THE 10-YEAR STRATEGIC PLAN OF THE EAPVP FORUM (2018-2027)

The EAPVPF Forum,

- *Recalling* the 10th EAPVP Forum annual Meeting held in Nay Pyi Taw on 11 September 2017 adopted to discuss and prepare the next 10 years plan at the 11th Forum annual Meeting.
- *Reaffirming* enhanced technical capacity of each country including the DUS examination during the past decade thanks to series of cooperation activities under the Forum. Also recognizing that DUS test stations have been newly established or strengthened in some member countries.
- *Recognizing* that the DUS test guideline for tropical plant discussed under the EAPVP activities, and was considered in the discussion in UPOV Technical Working Parties (TWPs) which have served to provide detailed practical guidance for the harmonized examination of DUS testing.
- *Considering* harmonization of the PVP systems in the region, although some positive movement/development towards becoming UPOV member in some EAPVP member countries appears, further harmonization **or integrity** of the PVP system in East Asian region should be considered.
- *Assessing* the result of consecutive activities of information exchanges and public awareness, further region-specific programs in East Asia region in consistent with UPOV Convention that has function to encourage non-UPOV members in EAPVP Forum to join to the UPOV membership should be encouraged.
- *Noting* different situation and concerns of each Forum member country surrounding PVP as ever discussion in the EAPVP Forum.

adopted at its 11th EAPVP Forum Annual Meeting **and revised at its 12th Annual Meeting** as follows:

1. Common Direction

Composition of the Common direction is as follows:

- (a) **“Long-term direction”** as the Forum’s long-term direction reflecting its interests

Establish effective PVP systems consistent with ~~the 1991 Act of the UPOV Convention~~ ~~(hereinafter referred to as the “UPOV Convention”)~~ among Forum members towards achieving all Forum members’ membership of UPOV, ~~as a foundation for building an efficient and cooperative regional PVP mechanism which encourages the development of new plant varieties in the East Asian~~ ~~as a basis for further PVP harmonization and cooperation in the region~~ in order to contribute to developing sustainable agriculture and achieving food security

- (b) **“Objectives”** as Forum’s direct goals to be achieved over the next 10 years in Common direction

- **Objective1:**

Strengthen national PVP system consistent with the UPOV Convention to encourage investment in plant breeding

- **Objective2:**

~~*Build a regionally harmonized mechanism for application and examination procedures under the UPOV Convention, encouraging mutual acceptance of DUS test reports towards an efficient and cooperative PVP system in the region for breeders*~~

Contribute to support achievement of UPOV membership, to facilitate harmonization of application and examination procedures, and to enhance efficient PVP cooperation in the region

- (c) **“Core activities”** as prioritized activities to achieve the Objective1 and Objective2, national-specific activities and regional cooperation activities, are given, respectively, as follows:

- **National-specific activities** to achieve Objective 1, which will be implemented according to development of each Forum member’s PVP system consistent with the UPOV Convention
 - i. *Develop national PVP laws and regulations, with the assistance of the Office of UPOV¹*
 - ii. *Establish/strengthen national administrative procedures for implementing PVP system from filing of application to granting rights*

¹ The Forum member who wishes to implement the activities requires an official request to the Office of UPOV for advice and assistance according to ~~the 1991 Act of~~ the UPOV Convention.

- iii. *Capacity building for examination of applications*
- iv. *Develop DUS test guidelines*
- v. *Awareness raising on UPOV system for relevant officers, policy makers and stakeholders (better understanding of UPOV system and its benefits, etc.)*
- vi. *Strengthen private-public partnership to foster effective PVP system*
- **Regional cooperation activities to achieve Objective 2**
 - i. ~~Elaborate common~~ **Cooperate to develop DUS** test guidelines consistent with the UPOV system
 - ii. ~~Synthesize~~ **Cooperate to develop a harmonized** application form and examination procedure
 - iii. *Cooperate on trainings and exchange of experience on PVP administration, DUS examination, etc.*
 - iv. *Share best practices for effective enforcement*

The regional cooperation activities would be implemented by plural/whole of Forum members in a cooperative and effective manner

2. Individual Implementing Strategy

Each Forum member is ~~requested~~ **encouraged** to produce an Individual Implementing Strategic Plan as its national-level strategy which reflects the Common direction mentioned above in 1. The Individual Implementing Strategy includes national-specific activities taking into account each Forum member's individual circumstances. **An Individual Implementing Strategy may also include regional cooperation activities.** The Forum members can update its Individual Implementing Strategy on their accord periodically, and ~~should~~ **are encouraged to** share with the Forum member ~~each time it happens~~.

The Plan **may** includes:

- i. *National goal (for next 10 years)*
- ii. *Objectives (with analysis of challenges (for next 3 years)*
- iii. *Planned activities (for next 3 years)*
- iv. *Roadmap*

Each Individual Implementing Strategic Plans are presented in the Appendices to this document.

[Appendices follow]

INDIVIDUAL IMPLEMENTING STRATEGIES OF THE 10-YEAR STRATEGIC PLAN

EAPVPF/12/04 01 INDIVIDUAL IMPLEMENTING STRATEGY OF BRUNEI DARUSSALAM

1. National goal (for next 10 years: 2019 to 2027)

- 1-1. To create awareness on the PVP system and encourage greater breeding practice.
- 1-2. To strengthen cooperation with UPOV Members particularly in capacity building in DUS examination and developing Test Guidelines.
- 1-3. To promote greater self-sufficiency in rice production for the nation.
- 1-4 To develop local expertise in conducting DUS Examination.

2. Objectives with analysis of challenges (for next 3 years)

2-1. Challenges

- 2-1-1 Lack of awareness on importance of protection and utilisation of IP rights amongst breeders and relevant stakeholders.
- 2-1-2 Lack of technical expertise and facilities in conducting technical DUS examination.
- 2-1-3 With the shift in focus in the national agricultural policy that will now prioritise on agriculture production as a whole to increase the productivity and achieve self-sufficiency, less emphasis will be placed on R&D and development of new varieties.
- 2-1-4 Insufficient public-private partnership to facilitate greater breeding activities and development of new breeding technology.

2-2. Objectives

2019

National relations objectives:

- 2-2-1 To raise awareness on the advantages of the PVP system and facilitate application of PBR abroad to protect new plant varieties.
- 2-2-2 To facilitate the first PVP application for the registration of local rice variety developed by the Department of Agriculture and Agrifood, Ministry of Primary Resources and Tourism (MPRT).
- 2-2-3 To complete preparation for accession to UPOV by the target dateline within FY2019/20.

International relations objectives:

- 2-2-4 To strengthen cooperation with UPOV Members particularly in capacity building to improve capacity and capability of the PVP Office.
- 2-2-5 To establish partnership with foreign PVP Offices in relation to technical DUS Examination and developing Test Guidelines.

2019 and 2020

2-2-6 To participate in pilot project aimed at harmonising PVP mechanism in Asia under the EAPVPF's 10-YSP with the assistance of the UPOV members and the UPOV Office.

2-2-7 To undertake a Study Visit to a relevant UPOV Member Country as part of preparation for accession to UPOV.

2-2-8 To promote greater awareness on the PVP system through the development of publicity materials in cooperation with UPOV members.

3. Planned activities and Road map (for next 3 years)

3-1 To conduct public awareness activities in collaboration with EAPVP and/or UPOV member countries.

3-2 To engage with relevant stakeholders and explore potential new breeds for fruits and flowers.

3-3 Once a member of UPOV, to consider the feasibility of hosting the EAPVP Forum Meeting and Seminar in Brunei Darussalam..

EAPVPF/12/04 02 INDIVIDUAL IMPLEMENTING STRATEGY OF CAMBODIA

1. National goal (for next 10 years: 2019 to 2028)

- 1-1. Based on strategy of seed policy for Cambodia in 2016 described that the protection of new varieties of plants as a form of intellectual property is an important stimulus to private investment in plant breeding and the introduction of protected varieties for production and marketing. To comply with the requirements of WTO membership, this protection is provided under Chapter 2 of law on seed management and plant breeder's right. Breeders who wish to protect new varieties of plant must submit application to the competent authority.
- 1-2. Under law on seed management and plant breeder's right, the technical work for examining new varieties will be carry out by MAFF and administrative work with registration of Plant Breeder Right will be carry out by Ministry of Industry and Handicraft (MIH). Staff will require training on the procedures for DUS test and management of registration of PVP, these being the key criteria for granting protection. Prior to introducing a full plant variety protection system, GDA will prepare and implement technical guidelines for carrying out DUS test, initially on rice and corn, and on other crops as required. At the same time General Department of Industry (GDI), Department of Industrial Property (DIP) will prepare and implement administrative guidelines for Registration of PVP. Wherever possible, description of new varieties submitted for protection shall be exchanged with other countries in region to make the testing procedures more efficient. Such collaboration will be facilitated when Cambodia becomes a member of UPOV.

2. Objectives with analysis of challenges (for next 3 years)

2019

MAFF will be established the Seed and variety management Unit under GDA to respond all activities related the seed and variety. This objective is still complicating for PVP system because of competent in different ministries.

Both ministries will be finalized some regulations under law and this objective is a difficult issue with requirement of legal experts. They will work together for considering amendment of national law that comply with the requirement of UPOV member.

2020

National level will be started to carry out the PVP system if the national breeders applied to protect new varieties with developing a test guideline

2021

Strengthen the examiner's capacity of both ministries related administrative techniques and legal officers and rehabilitation of involved stations for DUS test

3. Planned activities and Road map (for next 3 years)

Planned activities

2019

- 3-1-1. Establish a seed management and varieties unit with overall responsibility for all types of seeds and varieties.
- 3-1-2. Finalize the above declarations
- 3-1-3. Draft the jointed declaration on Service free for PVP

2020

- 3-1-4. Organize the Seminar/workshop for declarations extension
- 3-1-5. Prepare the procedure of PVP implement.

2021

- 3-1-6. Improvement of stations facilities to conduct DUS test
- 3-1-7. Implement of National PVP system with strengthening the examiners

Roadmap

An expansion to boost the PVP system in Cambodia relies on establishment of :

- 3-2-1. Seed and Variety management unit under GDA/MAFF is the executive body responsible for implementing the regulations made under law on seed management and plant breeder's right.
- 3-2-2. Improvement of station/centers facilities to conduct DUS test.
- 3-2-3. Making the all regulations under law and technical documents as tools to support PVP implement.
- 3-2-4. Disseminate the law and regulations to breeders and stakeholders related to plant variety protection to understand the benefit of PVP
- 3-2-5. Specific technical and administrative training program of examiners to check the novelty, variety denominations and DUS test.
- 3-2-6. Starting steps of PVP system related potential crops as rice, corn, mungbean, soybean and some vegetables.
- 3-2-7. New variety development program to support and promote the breeders.
- 3-2-8. Cooperation with donors and international organizations supporting to PVP system in Cambodia.
- 3-2-9. MAFF and MIH will work together for considering amendment of national law that comply with the requirement of UPOV member

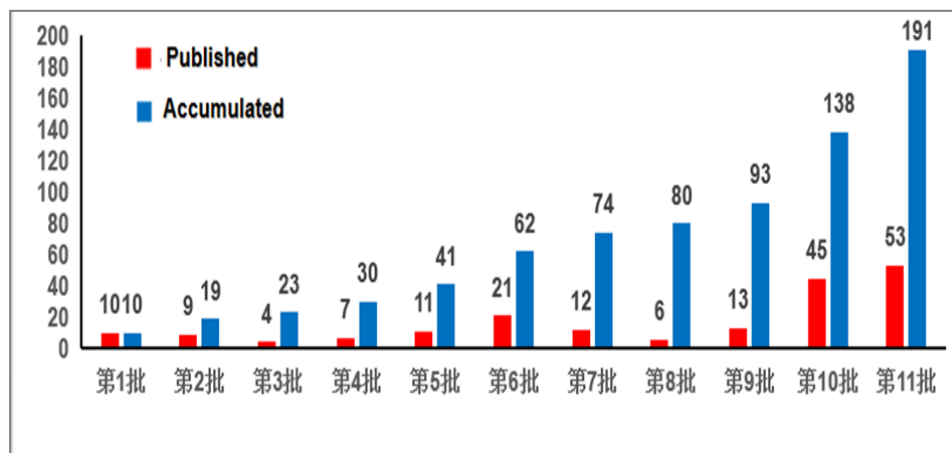
4. Proposal of Cooperation Activity in 2019

Proposal for cooperation activity on practice of DUS test for corn.

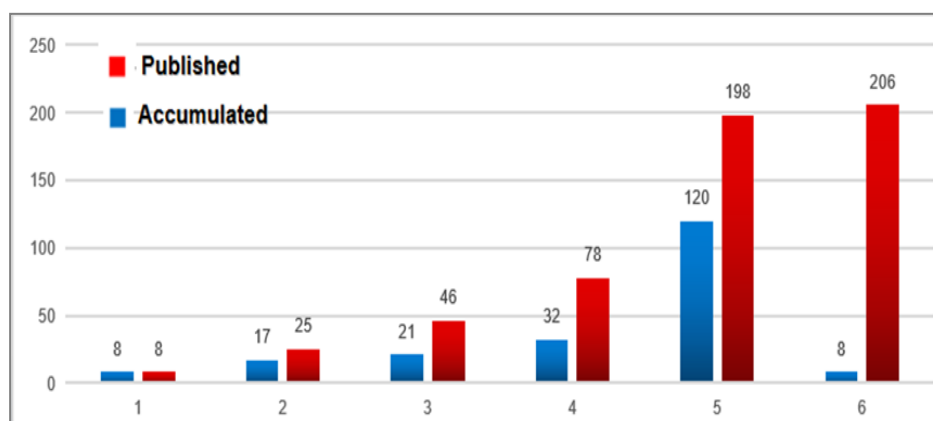
EAPVPF/12/04 03 THE LATEST DEVELOPMENT OF CHINA'S PVP SYSTEM,
COOPERATION ACTIVITIES ALONG WITH IIS

1. The Latest Development of China's PVP system

1-1. The 11th batch of Protection List was published by MARA



Up to now, the MARA has released 11 batches protection lists of protected agricultural plants including 191 genera or species.



Up to now, the NFGA has released 6 batches protection lists of protected woody plants including 206 genera or species.

1-2. The draft amended PVP Regulations was released for comments from domestic and overseas.

1-3. Thanks to China's PVP relevant charges suspended, annual amount of PVP applications ranked the first place of the UPOV members in the past two years.

Annual applications of 2018:

5,760=4,854 received by MARA +906 applications received by NFGA

Total amount of applications: (up to the end of 2018)

30,486=26,771 applications received by MARA +3,715 applications received by NFGA

2. Cooperation activities along with IIS

2-1. The Workshop on Plant Variety Protection for Lancang-Mekong Countries

- 14-19 October, Dazhou, Hainan province
- 6 countries (China, Myanmar, Thailand, Laos, Viet Nam, Cambodia)
- 2 UPOV members (China, Viet Nam)
- 24 participants (4 persons/ country)
- 10 lecturers (from the PVP office, DUS test center, China National Seed Association, Seeds Company, Agricultural University in China)
- 5-day workshop with fully discussion

2-2. UPOV's the 52th TWV meeting was held in Beijing last year. 49 Experts from 20 countries or organizations took part in the meeting.

2-3. The International Seminar on PVP in 2018

- January, Hangzhou
- Mr. Tomochika Motomura(UPOV), Mr. Hiroshi Uchizawa(PVPO, MAFF, Japan) and Mr. Akira Nagata(JATAFF), etc. took part in the Seminar
- 12 presentations on DUS Testing of ornamentals and woody plants, Denomination of registration and for market sales and proof identification of infringement
- 2-day seminar and technical visit

2-4. The International Seminar and Training Course on PVP in 2018

- December 27-28, Hangzhou
- 1-day for the Seminar and 1-day for the training
- Mr. Kazunari HORIGUCHI (MAFF, Japan) and experts from US, New Zealand, Kenya, etc. took part in the events, more than 160 individuals in total

EAPVPF/12/04 04 INDIVIDUAL IMPLEMENTING STRATEGY OF INDONESIA

1. National goal (for next 10 years: 2019 to 2028)

1-1. To increase number of granted varieties

1-2. To enhance the capacity of breeders and increase number of breeders

1-3. To increase national quality seed with competitive values in both domestic and international market

1-4. Seed industry become primary national income for agriculture sector

2. Objectives with analysis of challenges (for next 3 years)

<i>Year</i>	<i>Challenges</i>	<i>Objectives</i>		<i>Remarks</i>
2019	Number PVP Rights application is quite low (in average 60 varieties per year)	1)	Dissemination program on the benefit of PVP System	PVP Goes to Universities
		2)	Cooperate with High Education Body for more benefits of researchers in developing varieties	still on progress (developing proposal activity)
		3)	Award for Breeders	2017 & 2020
		4)	Developing electronic system	Develop 2 electronic system (payment and application)
		5)	clear and transparent tariff for with different scheme individual, breeder-farmers and National Research Center	FGD with PVP holders and Ministry of Finance and submitted the proposal
		6)	Establishing DUS Testing Station for low land	Phase 1: 2018, Phase 2: 2019
2020	Some breeder prefer to use release variety, because PVP system is optional	Harmonization of PVP System and Release system still on progress		Still on progress
2021	Low in International cooperation in PVP and Seed Industry Development	1)	Conduiting dialogue on PVP and seed	Not yet
		2)	Policy Paper on UPOV membership	Start in 2019
		3)	Dispatching representatives to other country for comparison study	NZ and Japan in 2018

3. Planned activities and Road map (for next 3 years)

Regulation

3-1-1. Revision on Tariff (2018)

3-1-2. Revision on implementing procedure such as regulation/Simplify the application (2018)

3-1-3. Revision on regulation on technical personnel (PVP Examiner) (2020)

3-1-4. Discussion to harmonize the system on seed regulation the Law for Sustainable Cultivation System and PVP system, □ SEED Regulation (still in progress)

3-1-5. Contributing in developing the Law for Plant Genetic Resources use (2022)

Human Resources and Infra Structure

3-2-1. Enhancing DUS test facilities (high and low land)

3-2-2. DUS testing and related training

3-2-3. Recruit technical staffs

Seminar /Workshop

3-3-1. Dissemination Awareness Programme to Universities (2018-2019)

3-3-2. Research & Policy Studies on seed and UPOV (2019)

3-3-3. More FGD with seed industry, farmers, breeders Policy Studies on Seed & UPOV (2019-2020)

3-3-4. Cooperation on examination report (2019)

Road map

Short term	Medium term	Long term
Enhance the national Human Resources capacity for plant breeder's	More varieties produce that suitable with Farmers Need, and excellent rate of PVP applications	Indonesia Seed Industry become one of the Main Agriculture seed industry in Asia
Harmonized Regulation system between PVP and Seed Production system	Harmonized all International agreement related with PVP, Plant Genetic resources and Seed production	Indonesia will be an active participant in various international agreements in PVP and Seed Production
More FGD with International/National expert in the issue's The effective PVP system, and The benefit of UPOV membership	National Convention on the issue of Indonesian Membership of the UPOV	Indonesia as a UPOV Members

EAPVPF/12/04 05 INDIVIDUAL IMPLEMENTING STRATEGY OF JAPAN

1. National goal (for next 10 years: 2019 to 2028)

- 1-1. To strengthen national PVP system with a reliable and solid Plant breeders' right (PBR) to support various types of breeders' breeding activities and their investment with a view to promotion of innovation and Japan's values as well as to food security
- 1-2. To promote harmonization and cooperation of PVP system regionally/internationally to improve the protection of PBR in the foreign countries in order to provide breeders effective and efficient PVP system as well as to enhance Japan's innovation

2. Objectives with analysis of challenges (for next 3 years)

2-1. Challenges

- 2-1-1 Lack of awareness around importance of the protection and utilization of the IP rights, public research institutions, in particular
- 2-1-2 Overseas' outflow of new varieties developed in Japan that cause production, selling, marketing abroad without authorization or consent of breeders, which may undermine competitiveness and export to overseas markets and even lose reliability of PVP system
- 2-1-3 Stagnation in number of application for PBR in Japan that may result in reduce innovation of Japanese agriculture in the long term
- 2-1-4 Insufficient public private partnership in breeding activities to produce new varieties to adapt to a changing environment, i.e., new needs of farmers, growers and consumers, adaption to climate change, and development of new breeding technology

2-2. Objectives

2019

National relations objectives:

- 2-2-1 To raise awareness of IPs and facilitate application of PBR abroad to protect new plant varieties
- 2-2-2 To review the Plant Variety Protection and Seed Act and its effective implementation in respect of:
 - prevent outflow of protected plant varieties without authorization or consent by breeders
 - improve PVP system so that PBR holders can enforce their breeder's rights more efficiently; clarification of scope of breeder's right, clarification of examination procedure for examination
 - review optional exceptions to the PBR with regard to farm-saved seed
 - foster implementation system of DUS testing
- 2-2-3 To improve administrative procedure for filing applications for PBR in a internationally harmonized manner with user-friendly tools including MAFF Electric Application System for Plant Variety Protection (EASPVP)

International relations objectives:

- 2-2-4 To encourage and support establishment of PVP laws in line with the 1991 Act of the UPOV Convention in Asian countries under the EAPVP's 10-Year Strategic Plan in collaboration with the UPOV and other authorities for economic development in the region and proper investment by the Japanese seed industry
- 2-2-5 To support capacity building for implementation of internationally harmonized PVP system, and to facilitate the EAPVP Pilot Project for building a regional harmonized mechanism for application and examination procedures under the EAPVP's 10-Year Strategic Plan in collaboration with the UPOV and other authorities
- 2-2-6 To strengthen bilateral cooperation with partner countries/organizations for mutual supports and further harmonization to achieve reliable and robust PVP system both regionally and globally
- 2-2-7 To promote cooperation in DUS examination between Japan and UPOV members to reduce time and resources for both breeders and PVP authorities.

2020 and 2021

- 2-2-8 To facilitate the EAPVP Pilot Project under the EAPVPF's 10-YSP with the assistance of the UPOV members and the UPOV Office
- 2-2-9 To increase mutual exchange DUS test report among UPOV member countries

3. Planned activities and Road map (for next 3 years)

- 3-1 Conduct a comprehensive review with a view to addressing issues provided in 2-2-2 (2019-2020)
- 3-2 Streamline application and examination proceedings, including enhanced use of national electric application system (2019-2021)
- 3-3 Explore revision of the Enforcement Regulations of the Plant Variety Protection and Seed Act to expand scope of breeder's right in relation to farm-saved seed (2019)
- 3-4 Expand bilateral/regional cooperation activities to improve and harmonize PVP system in Asian region (2019-2021)

Note: The above-mentioned road map may be revised reflecting situation surrounding PVP system.

EAPVPF/12/04 07 INDIVIDUAL IMPLEMENTING STRATEGY OF LAO PDR

1. National goal (for next 10 years: 2019 to 2028)

Development of plant variety legislation and seed quality control system based on the UPOV Convention

2. Objectives with analysis of challenges (for next 3 years)

2019

2-1-1. Developed of the regal framework such as Seed policy, Plant Variety Legislation and seed Decree will be sign on this year.

2-1-2. Setup the organization taking on variety testing of DUS protocols base on the UPOV guideline.

2-1-3. Seeking a cooperation in capacity building particularly in PVP, DUS and Seed quality control.

2-1-4. Conduct seminar on UPOV and legal consultation.

2020

2-2-1. Develop a priority crops for evaluation of varieties

2-2-2. Setup the organization taking on variety testing of DUS protocols base on the UPOV guideline.

2-2-3. Seeking a cooperation in capacity building particularly in PVP, DUS examination and seed quality control and developing Test Guidelines.

2-2-4. Conduct workshops, seminars or training related to PVP and DUS Test and quality control system under UPOV convention.

2-2-5. Dissemination of seed policy, seed decree and other handbook related plant variety legislation, plant breeding, seed control to the staff, farmers and private sectors.

2021

2-3-1. Dissemination of the plant variety legislation to the high level officer, staff and private sector.

2-3-2. Seeking a cooperation in capacity building particularly in DUS examination and developing Test Guidelines.

2-3-3. Conduct and Participate workshops, seminars or training related to PVP and DUS Test and quality control system.

3. Planned activities and Road map (for next 3 years)

3-1. Developed seed policy, seed decree, plant variety legislation and other handbook related plant variety legislation, plant breeding, seed control (2019)

- 3-2. Dissemination of seed policy, seed decree and other handbook related plant variety legislation, plant breeding, seed control to the staff, farmers and private sectors (2020-2021)
- 3-3. Establish the station or section for plant and seed testing agency (2019)
- 3-4. Developed of Test Guidelines (2020)
- 3-5. Conduct DUS test on rice and Maize (2019-2020)
- 3-6. Participate workshops, seminars or training related to PVP and DUS Test and quality control system (2019-2021)
- 3-7. Conduct workshop/training related to PVP and DUS Test on rice, maize and quality control system (2019-2021).

4. Proposal of Cooperation Activity

Awareness Workshop on UPOV and Legal Consultation

EAPVPF/12/04 08 INDIVIDUAL IMPLEMENTING STRATEGY OF MALAYSIA

1. National goal (for 2019)

Malaysia has organized a Legal Consultation on Harmonisation of the Protection of New Plant Varieties with UPOV Convention 1991 on 15 – 17 August 2018. The meeting was officiated by Dato' Jamal Harizan Yang Razali, Director General Department of Agriculture, Malaysia.

The purpose of the Legal Consultation is:

- a) to seek harmonisation and alignment with UPOV Convention 1991;
- b) enhance better understanding of PVP;
- c) establish legal consultation; and
- d) strengthened good relationship between Malaysia and UPOV.

Forum meeting took note comments from UPOV and has discussed further internally on some of the provisions commented by Legal Advisors from UPOV and Ministry of Agriculture (MOA) on September 2018 and revised again on February 2019.

As advised by our Deputy Director General of Agriculture, Engagement session with breeders, PVP Agents, Growers Association, Genetic Society of Malaysia and NGO will be conducted this year whereas stakeholder's consultation will be conducted in 2020. Base on Malaysia's policy, all amended act needs to go through the Regulatory Impact Analysis (RIA) process in order to enhance transparency, fairness and accountability. Therefore, engagement session with stakeholders is part of the implementation of RIA to explain the issues, objectives and the impact of the amended act.

2. Objectives with analysis of challenges (for next 3 years)

The objectives of Malaysian PVP in 2018

- (a) to re-draft new PVP Act in accordance with UPOV 1991;
- (b) to consult Legal Counsel of UPOV on compliance to UPOV 1991;

The objectives of Malaysian PVP in 2019

- (c) engagement session with stakeholders such as government agencies, universities, Farmer Cooperatives, Crop Association, Seed Importers and NGOs;

The objectives of Malaysian PVP in 2020

- (d) stakeholder consultation with stakeholders such as government agencies, universities, Farmer Cooperatives, Crop Association, Seed Importers and NGOs;
- (e) final consultation with UPOV Legal Counsel;

The objectives of Malaysian PVP in 2021

- (f) submission of new PVP Act to Attorney General's Office and tabling of Act in Parliament.

3. Planned activities and Road map (for next 3 years)

Planned activities

Advantages obtained from amendments of the current Act will definitely outweigh the disadvantages and weaknesses encountered throughout the implementation of the Plant Variety Protection System. If farmers are the contributor to the nation's food basket, breeders will be the starter source of the food basket. Without the seed creators, farmers will have nothing superior to grow. Therefore, the Government has the role in ensuring farmers to get good seeds while not ignoring the breeders' contribution to our nation.

In order to strengthen Malaysia's Plant Variety Protection System and to ensure that it is in line with UPOV 1991 as well to obtain a win-win situation between the Malaysian Government and stakeholders, Malaysia would like to propose an activity (details stated in the proposal) as stated below:

Stakeholder Consultation with Malaysia's NGOs upon Malaysia Acceding as UPOV Member (April 2020)

Road map

The main challenge for Malaysian PVP in the next three years would be to implement the government's decision of realigning the current PNPV Act 2004 in accordance with UPOV 1991. In this regards, a dedicated Task Force has been established to undertake this task. The Road Map for the next three years (2019 - 2021) is as follows:

BIL	PERKARA	TARIKH CADANGAN	TARIKH PERLAKSANAAN
1	Submission of Regulatory Notification Form (RNF) to Malaysia Productivity Corporation (MPC).		13 Februari 2017
2	Workshop to revise Protection of New Plant Varieties Act 20XX with Drafting Team.	January 2018	9 – 10 January 2018
3	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 1/2018.	January 2018	11-12 January 2018
4	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 2/2018.	March 2018	5 – 6 April 2018
5	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 3/2018.	April 2018	11 – 13 April 2018
6	Legal consultation on International Harmonized	August 2018	15 – 17 August

BIL	PERKARA	TARIKH CADANGAN	TARIKH PERLAKSANAAN
	Plant Variety Protection System between MOA, DOA and International Union for The Protection of New Varieties of Plants (UPOV)		2018
7	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 5/2018.	September 2018	19 – 20 September 2018
8	Submit Clean Draft to Legal Advisor's Office and KPDNHEP for comments.	September 2018	28 September 2018
9	Secretariat Action: Clean Draft	October 2018	October-December 2018
10	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session 1/2019 (Regarding Ouster Clause)	February 2019	18- 19 Februari 2019
11	Engagement with Breeders and Agents	14-16 May 2019	
12	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session II/2019 (amendment after engagement session)	July 2019	
13	Preparation document before Legal Consultation: Collecting and analyse data on fees and rights holder income, plant area, farmer's rights and total of export on ornamental.	August 2019	
14	Preparation Letter of Agreement Malaysia as UPOV Member	September 2019	
15	Engagement with Plant Genetic Organisation Malaysia	September 2019	
16	Engagement with related NGO (Third World Network & CAPs)	September 2019	
17	Signatory Letter of Agreement Malaysia as UPOV Member by NGO's, PGM, Breeders, Agencies & farmers Association	September 2019	

BIL	PERKARA	TARIKH CADANGAN	TARIKH PERLAKSANAAN
18	Workshop on Regulatory Impact Analysis in conjunction with preparation for stakeholder consultation with MPC, Session 1/2020.	January 2020	
19	Stakeholder Consultation with related Ministries/Departments/Agencies	March 2020	
20	Stakeholder Consultation with PVP Breeders, Growers' Association, PVP Agents, Malaysian Genetic Association, Universities and seed companies.	April 2020	
21	Stakeholder Consultation with NGOs	April 2020	
22	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session II/2020 (amendment after stakeholders' consultation)	July 2020	
23	Circulation of final draft of Protection of New Plant Varieties Act 20XX to relevant Ministries, Departments and Agencies.	August 2020	
24	Presentation of final draft of Protection of New Plant Varieties Act 20XX to Plant Variety Board Final draft after circulation to relevant Ministries, Departments and Agencies.	September 2020	
25	Workshop on Regulatory Impact Analysis, Session III/2020, with MPC in conjunction with preparation for Regulatory Impact Statement (RIS).	September 2020	
26	Workshop to revise Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session IV/2020.	October – November 2020	
27	Preparation of final version of Protection of New Plant Varieties Act 20XX (Secretariat).	December 2020	
28	Workshop to revise final version of Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA)	January 2021	

BIL	PERKARA	TARIKH CADANGAN	TARIKH PERLAKSANAAN
	Legal Advisor and Drafting Team, Session II/2021.		
29	Submission of final version of Repeal of Protection of New Plant Varieties Act 20XX to UPOV for review.	February 2021	
30	Workshop to revise final version of Protection of New Plant Varieties Act 20XX with Ministry of Agriculture and Agro-based Industry (MOA) Legal Advisor and Drafting Team, Session II/2021 (amendment based on UPOV's comments).	March 2021	
31	Special Plant Variety Board Meeting (Presentation of final version of Protection of New Plant Varieties Act 20XX)	April 2021	
32	Submission of final version to MOA's Legal Advisor and UPOV.	May – June 2021	
33	Preparation of Cabinet Notes.	June – August 2021	
34	Submission of Cabinet Notes to Ministry of Agriculture and Agro-Based Industries.	September 2021	
35	Submit to Parliament	October 2021	

EAPVPF/12/04 09 INDIVIDUAL IMPLEMENTING STRATEGY OF MYANMAR

1. National goal (for next 10 years: 2019 to 2028)

- 1-1. Intend to enact and enforce the 2019 New Plant Variety Protection Law with articles which are in line with UPOV 1991 act.
- 1-2. Intend to become UPOV member as a foundation of encouraging the development of new plant varieties for all stakeholders of the regime to contribute for developing sustainable agriculture and achieving food security.
- 1-3. To promote regional harmonization on application, examination and granting procedures towards the effective and cooperative PVP system for the breeders in the region.

2. Objectives with analysis of challenges (for next 3 years)

2019

- 2-1-1. To enact the 2019 New Plant Variety Protection Law, is in line with UPOV 1991 act.
- 2-1-2. To promote regional harmonization on application, examination and granting procedures towards the effective and cooperative PVP system for the breeders in the region.

2020

- 2-2-1. To become UPOV member as a foundation of encouraging the development of new plant varieties for all stakeholders of the regime to contribute for developing sustainable agriculture and achieving food security.
- 2-2-2. To promote regional harmonization on application, examination and granting procedures towards the effective and cooperative PVP system for the breeders in the region

2021

- 2-3-1. To promote regional harmonization on application, examination and granting procedures towards the effective and cooperative PVP system for the breeders in the world.

3. Planned activities and Road map (for next 3 years)

“For 2019, objective (1)”

Preparation and battling to enact the New PVP law not too astray from showing of positive sign at UPOV Council Meeting 94th session of the Consultative Committee & 41st ordinary session of the Council through the formal way of Myanmar law enacting channel as much as quick. (only domestic) (from now to enact).

“For 2020, objective (1)”

Carry out set by set to become UPOV member by following formal procedures

“For 2019, objective (2)”

Adoption on knowledge sharing in case of DUS administrative and technical way through formation of data base for reference varieties of main crops, establishing National DUS test stations and regional collaborations. (training & implementation own stations)

“For 2021, objective”

Adoption on knowledge sharing in case of DUS administrative and technical way through formulating the data base for reference varieties of main crops, establishing National DUS test stations and regional collaborations. (training & implementation own stations)

4. Proposal of Cooperation Activity

4-1. Mission of PVP system developed country for Higher Level Officials

4-2. PVP System Awareness Workshop among policy maker and private sector

4-3. DUS Test Training of Tomato

EAPVPF/12/04 10 INDIVIDUAL IMPLEMENTING STRATEGY OF THE PHILIPPINES

1. National goal (for next 10 years: 2019 to 2028)

1-1. To have an effective plant variety protection system that is beneficial in attaining sustainable agriculture and achieving food security for the country.

1-2. To strengthen the cooperation endeavors within neighboring countries with PVP system that aims to contribute in the nourishment of plant breeding activities in the Philippines for the benefit of plant breeders and farmers.

2. Objectives with analysis of challenges (for next 3 years)

	OBJECTIVES	CHALLENGES
2019	Objective 1 Strengthen the implementation of the PVP system in the country through cooperation with different government agencies, non-government institutions and neighboring countries that implement PVP.	<ul style="list-style-type: none"> ▪ Decreasing number of pool of PVP Examiners ▪ Philippines is not a UPOV member
2020	Encourage the different stakeholders to intensify their plant breeding activities.	
2021	Objective 2 Development and harmonization of DUS guidelines	<ul style="list-style-type: none"> ▪ Lack of descriptors ▪ Increasing number of applications without existing guidelines

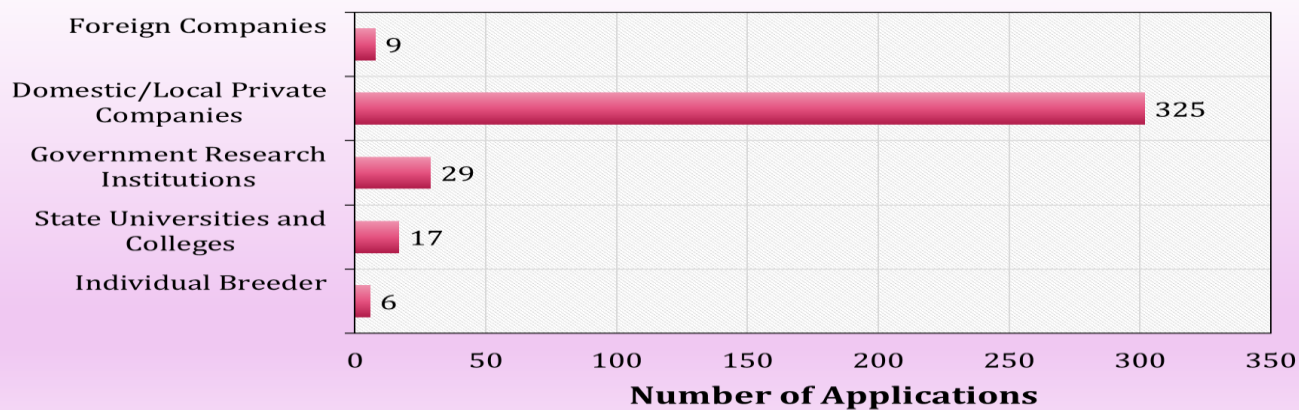
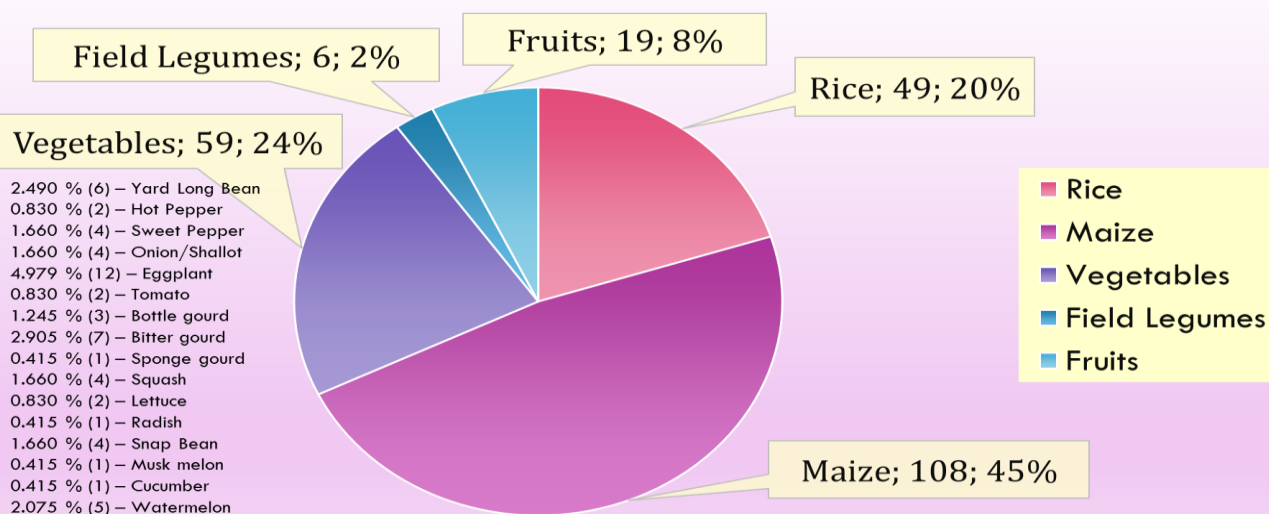
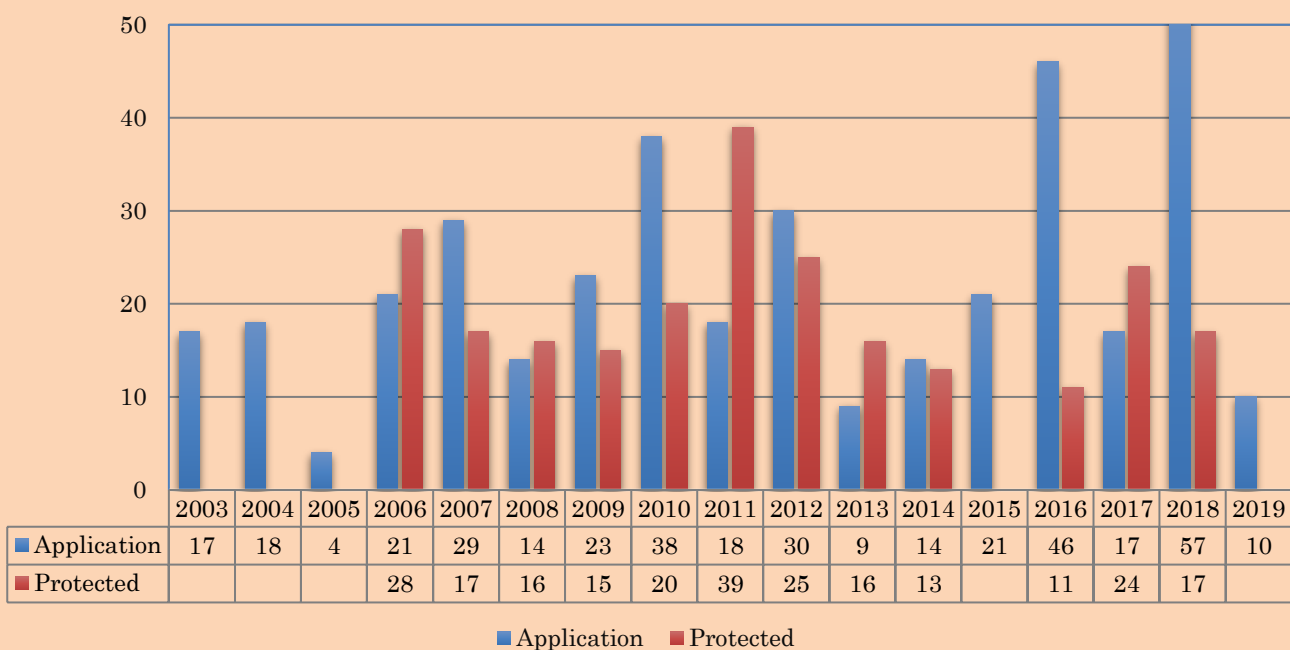
3. Planned activities and road map (for next 3 years)

PLANNED ACTIVITIES	
ACTIVITIES TO ACHIEVE OBJECTIVE 1	TARGET GROUP
Creation / amendment of Special Order re: appointing members of the Plant Variety Examination Groups	<ul style="list-style-type: none"> ▪ PVP DUS Examiners
Conduct series of technical trainings and workshop	
Revisit and amend Republic Act No. 9168	Stakeholders <ul style="list-style-type: none"> ▪ Seed companies ▪ Breeders ▪ farmers
Identify means on how to encourage stakeholders to intensify their plant breeding activities (reward, incentives, subsidy, recognition)	
ACTIVITIES TO ACHIEVE OBJECTIVE 2	TARGET GROUP
Develop new DUS guidelines	<ul style="list-style-type: none"> ▪ PVP DUS Examiners
Harmonization of existing DUS guidelines	

Road map

Situationer	
	<ul style="list-style-type: none"> ▪ The Philippines enacted into law its plant breeder's rights through Republic Act 9168 otherwise known as the "Plant Variety Protection Act of 2002". ▪ The act shall protect and secure the exclusive rights of breeders with respect to their new plant variety. ▪ The PVP office shall receive and conduct examination of applications for plant variety protection; receive petitions for compulsory license for transmittal to the Board; and maintain a systematic record of all Certificates of Plant Variety Protection. ▪ To date, 241 crop varieties have been granted with Certificate of Plant Variety Protection out of 386 applications filed for the last 17 years.

PVP Statistics



Problems in Plant Variety Protection System in the Philippines	Possible Solution	Expected Output	Responsible Agencies	Timeline
Fallacious impression of some farmers with regards to Plant Variety Protection System (Importance, royalty, procedures, benefits, etc.)	<ul style="list-style-type: none"> • Intensify awareness campaign re: plant variety protection • Communication plan for PVP / dissemination program 	<ul style="list-style-type: none"> • Good reputation of the PVP system in the country • Gain farmer's trust about the PVP system • Beneficial breeder-farmer relationship 	Bureau of Plant Industry – Plant Variety Protection Office, & other Agriculture- related Government agencies and NGOs	2019-2021
Decreasing number of protected plant varieties for the last 5 years (2011-2016 PVP statistics)	<ul style="list-style-type: none"> • Reward, incentives, subsidy or recognition for the plant breeders • Intensify awareness campaign re: plant variety protection • Linkage between different government agencies and NGO's that specializes in information-dissemination 	<ul style="list-style-type: none"> • Intensified awareness and information dissemination • Increased number of protected crops • Increased variety choices for farmers (secondary to plant breeders right) 	Bureau of Plant Industry – Plant Variety Protection Office, & other Agriculture- related Government agencies and NGOs	2019-2021

EAPVPF/12/04 12 INDIVIDUAL IMPLEMENTING STRATEGY OF THAILAND

1. National goal (for next 10 years: 2019 to 2028)

- 1-1. People have knowledge and understanding correctly about the fundamental of the UPOV system and its benefits in development of agricultural production.
- 1-2. Plant breeders effectively perform DUS test and produce the report properly.
- 1-3. PVP officers (competent officers) have high capability on technical and legal aspects as international standard level.
- 1-4. Thai varieties exploit the PBR in other countries expanding oversea market increasing exporting income.

2. Objectives with analysis of challenges (for next 3 years)

2019

Creating awareness on IP in plants and UPOV convention to the public

2020-2021

- Transferring technology on conducting DUS, DUS examination and making DUS report to plant breeders and individual/organizations involved
- Preparing the law to be in line with the UPOV 1991

3. Planned activities and Road map (for next 3 years)

Planned activities

2019

Providing correct information about the protection of new plant varieties under UPOV 1991 system by;

- Organizing intensive seminar
- Distributing brochures in Thai language presenting information about the UPOV system and the benefits significantly occurred in its country members.

2020-2021

- Organizing training courses/workshops on DUS examination and DUS report to plant breeders and interested people
- Amending the PVP law to be in line with the UPOV 1991

Roadmap

2019

Raising awareness on IP in plants and providing the actual information about the UPOV system to public in order to moderate miss and discrepant understanding of it.

2020-2021

- Enhancing the ability of plant breeders to perform DUS tests and produce accurate and effective report.
- Having a draft of PVP law in line with the UPOV 1991

4. Proposal of Cooperation Activity

4-1. (Intensive) Seminar on the UPOV 1991 system

4-2. In-Country Training on DUS Testing and Taking Photos

EAPVPF/12/04 13 INDIVIDUAL IMPLEMENTING STRATEGY OF VIET NAM

1. National goal (for next 10 years: 2019 to 2028)

- 1-1. A PVP system (from PVPO and National DUS Test Center) is enough capacity for protection of all plant species in effectively.
- 1-2. All Plant Varieties will be protected before they are introduced to Agriculture Production in Vietnam.
- 1-3. There are some Vietnam's protected varieties are exploited the Right in oversea.
- 1-4. To make convenience for Applicant by reducing of administrative procedures for PVP from receiving of application to the grant of PVP Certificates.
- 1-5. Decreasing the cases of punish on infringement for PVP by administrative penalty
- 1-6. Revise the IP Law including PVP Part.
- 1.7. Increasing the number of applications to 30% per year
- 1.8 Promoting the exploitation of PBR including fund for payment royalty of the new varieties from oversea.
- 1.9 Strengthening capacity of the PVP system by focusing on Human Resource and infrastructure
- 1.10 Improving the enforcement of PBR

2. Objectives with analysis of challenges (for next 3 years)

2019

- All applications for PVP will be received examined the validity of them by using online system.
- Improving human resource of the System
- Finish of the revise Law on PVP to submit to the Government.
- Drafting TG of new species which UPOV absent: 15 to 20 species.
- Continuing to improve the understandings of relevant persons on PVP with focus on the mountainous and rural areas (North-West, North-East, South-West... Areas).
- Participating on the activities on establishing the Region Mechanism

2020

- Strengthening the enforcement of PBR in the Market
- Finding the ability for a mechanism to protect new plant varieties in region through the closed cooperation with other Member of EAPVP.
- Improving capacity on examination of applications.
- Drafting TG of new species which UPOV absent: 15 to 20 species.
- Completing and using the nation online system and UPOV PRISMA effectively
- Continuing to improve the understandings of relevant persons on PVP with focus on the mountainous and rural areas (North-West, North-East, South-West... Areas).
- Participating on the activities on establishing the Region Mechanism

2021

- Establishing the model for exploitation of PBR with the system to collect royalty on behalf of Breeder.
- Drafting 10 – 15 TG of plant species which UPOV and Nation absent.
- Enhancing the enforcement of PBR: special workshop for the relevant offices as Custom Office, Court, Market Management Office...
- Promoting the UPOV PRISMA system.
- Training courses on technical issues
- Continuing to organize the Seminar to improve aware on PVP for the relevant persons in mountainous areas as well as the Technical Training courses for the staffs who work in PVP system.
- Participating on the activities on establishing the Region Mechanism

3. Planned activities and Road map (for next 3 years)

Planned activities

2019

- Hosting some International Events on PVP (Seminar/workshops) in Vietnam
- Drafting at least 15 Test Guidelines for the species which are absent in UPOV.
- Organizing the training course in Vietnam (if possible) by the cooperation with EAPVP/UPOV's Members (if possible) and training course in overseas.
- Seminar on PVP in rural area for relevant persons.
- Looking for the cooperation with other Member of UPOV and EAPVP on the ability to exchange of DUS test reports
- Receiving the Study-visit participants from other countries for sharing the experience on PVP as well as to attend the Seminar on PVP.
- Meeting for development of Region Mechanism

2020

- Continuing the activities as 2019.
- The Revise Part 4 of PVP in Intellectual Property Law is approved by Parliament.
- Workshop with the enforcement offices (Court, Market control, Customs Office, Economy Police...)
- Establishing 1 to 2 Demonstration Model on exploiting the PBR by licensing
- Receiving the Study-visit participants from other countries for sharing the experience on PVP as well as to attend the Seminar on PVP.
- Meeting for development of Region Mechanism

2021

- Seminar on PVP for the relevant persons
- Technical Training courses for the staff of the system

- Sharing experience on PVP with other Members of EAPVP

Road map

2019

- Continuing the content from 2018
- Establishing the Cooperation Project with Members of EAPVP
- Seminars/ Workshops on PVP
- Improving International Cooperation in region

2020

- Building the Demonstration Model on exploiting PBR
- Seminars/ Workshops on PVP
- Strengthening the International Cooperation in region
- Improving International Cooperation in region

2021

- Operating the online system (Nation and UPOV Prisma) effective
- Region Mechanism enter into force

[Annex IV follows]

REPORT OF THE PILOT PROJECT FOR EAPVP REGIONAL MECHANISM

1. The 11th EAPVP Forum Annual Meeting adopted 10-Year Strategic Plan which provides the 'Common Direction' as strategic goals of the Forum for the next 10 years¹. 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 11th Annual Meeting and the Forum agreed to commence the Pilot Project². 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
7. meeting was held in Vung Tau, Viet Nam on 26 and 27 February 2019 with the participation

¹ The 11th 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)

² EAPVPF/11/05, EAPVPF/11/06, EAPVPF/11/10

by Japan, Malaysia, Myanmar, Viet Nam and the UPOV Office.

8. The 3rd meeting would be in September, 2019 in Brunei Darussalam, subject to agreement by Brunei Darussalam.

BENEFITS TO JUSTIFY THE REGIONAL MECHANISM

9. 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.

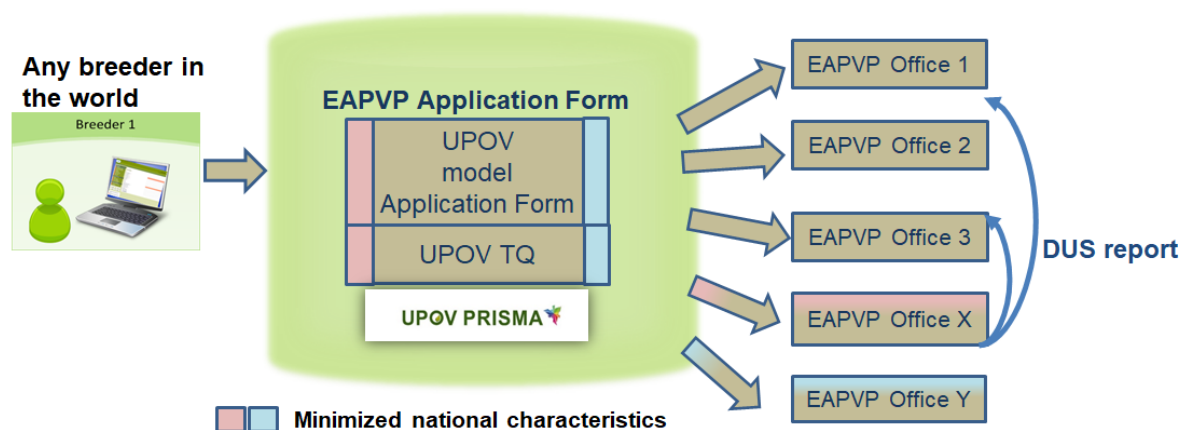


Figure 1. Possible concept of the EAPVP Regional Mechanism

PRECONDITION

10. 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

11. 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.
12. 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)

13. 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

14. 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.
15. 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.
16. 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.

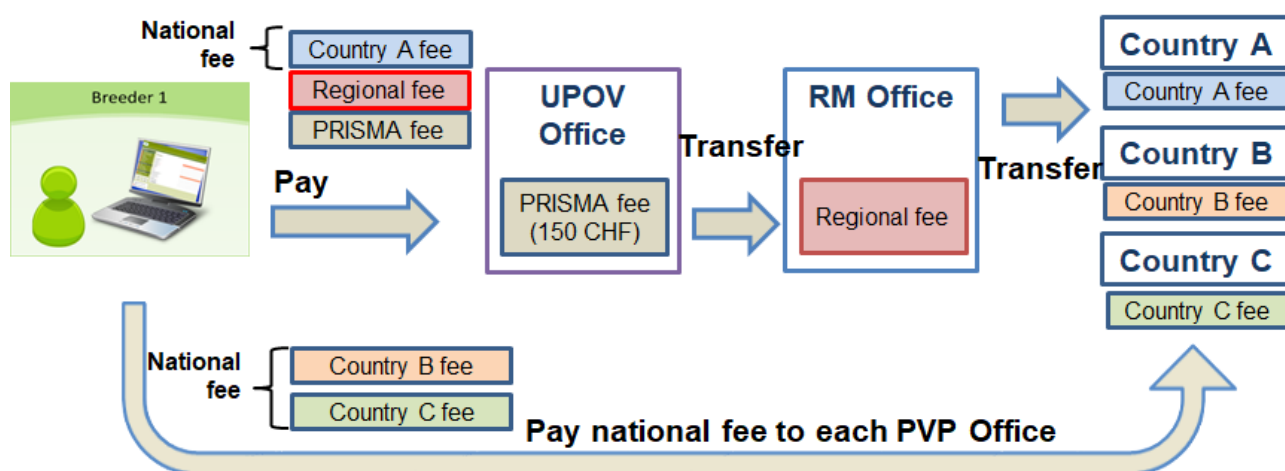


Figure 2. Payment mechanism of RM

Model Regional Application Form

17. 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.

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

19. 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

20. 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

21. 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.

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

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[Annex V follows]

LIST OF COOPERATION ACTIVITIES IN 2019-2020

The cooperation activities in 2019-2020 were proposed by Forum members. The cooperation activities need to be in line with the Common Direction of the 10-Year Strategic Plan of the EAPVP Forum with a view to streamlining the Forum's cooperation activities toward further harmonization of the PVP system in the region.

The Forum is invited to consider and adopt following cooperation activities.

1. Cambodia

1-1. Title of program: **DUS Test Training of Corn**

1-2. Proposed date: May 2019 (tentative)

1-3. Proposed venue: General Directorate of Agriculture (Phnom Penh, Cambodia), Banteaydek Agricultural Research Station (Kandal province, 35km from Phnom Penh)

1-4. Expected participants: Department of Crop Industry (MAFF), Department of Industry Property (MIH), Cambodia Research and Development Institute (MAFF), Banteaydek Agricultural Research Station (MAFF) (about 12 persons)

1-5. Note: Some examiners from other member countries may participate in this activity according to budget.

2. Lao PDR

2-1. Title of program: **Awareness Workshop on UPOV and Legal Consultation**

2-2. Proposed venue: Muong Thanh Luxury Vientiane Hotel, Vientiane, Lao PDR

2-3. Expected participants: UPOV, Ministry of Science and Technology, Ministry of Agriculture and Forestry, Ministry of Health, Ministry of Industry and Commerce and Ministry of Justice (about 50 participants)

2-4. Note: subject to the availability of the English translation of the PVP Law.

3. Malaysia

3-1. Title of program: **Stakeholder Consultation with Malaysian NGOs upon Malaysia Acceding as an UPOV Member and Subsequent Review**

3-2. Proposed date: April, 2020

3-3. Proposed venue: To be confirmed

3-4. Expected participants: UPOV Legal Advisor, Ministerial Legal Advisor of the Malaysian Ministry of Agriculture and Agro Based Industry, Lead Negotiator for International Treaty: Intellectual Property Working Group – Ministry of Domestic Trade and Consumer Affairs, International Division – Ministry of Agriculture and Agro-Based Industry, International Division – Department of Agriculture, Malaysian Plant Variety Technical Committee Members, Secretariat – PVP Office, Representatives of NGOs (Consumer Association Penang (CAP), Third World Network)

4. Myanmar

4-1-1. Title of Program: **Mission of PVP system developed country for Higher Level Officials**

4-1-2. Proposed date: June, 2019 (tentative)

4-1-3. Expected venue: Viet Nam

4-1-4. Expected participants: Higher Level Officials in charge of PVP of Myanmar, those of other member countries may join according to budget

4-2-1. Title of Program: **PVP System Awareness Workshop among policy maker and private sector**

4-2-2. Proposed date: to be confirmed

4-2-2. Expected venue: Department of Agricultural Research, Nay Pyi Taw, Myanmar

4-2-3. Expected participants: UPOV, policy maker and private sector (about 50 participants)

4-3-1. Title of Program: **DUS Test Training of Tomato**

4-3-2. Proposed date: to be confirmed

4-3-3. Expected venue: Department of Agricultural Research, Nay Pyi Taw, Myanmar

4-3-4. Expected participants: Examiners, Technical Staff (about 20 participants)

4-3-5. Note: Some examiners from other member countries may participate in this activity

5. Thailand

5-1-1. Title of Program: **Intensive Seminar on the UPOV System**

5-1-2. Proposed date: 28-29 May, 2019 (tentative)

5-1-3. Proposed venue: Bangkok, Thailand

5-1-4. Expected participants: UPOV, DOA officers working on PVP/legislation/administration, Officers from Ministry of Commerce, Representatives of Thai National Farmer Council (about 20 participants)

5-2-1. Title of Program: **Training on DUS Testing and Taking Photos**

5-2-2. Proposed date: Two days in February, 2020 (tentative)

5-2-3. Proposed venue: Chainat, Thailand

5-2-4. Expected participants: Plant breeders/applicants from public-private sectors and individual/farmer breeders in total 15-20 persons

5-2-5. Note: To be rescheduled according to budget or send examiners to the DUS test training course of other member country

6. Vietnam

6-1. Title of Program: **Improving the globalization capacity for National PVP System**

6-2. Proposed date: October - November, 2019

6-3. Proposed venue: Dalat or Danang, Vietnam

6-4. Expected participants: UPOV, breeders (public and private sectors), officers related to crop production in provinces level including inspectors in MARD

7. Pilot project for EAPVP regional mechanism

7-1. Title of Program: Meetings of Pilot project for EAPVP regional mechanism

7-2. The third meeting / The forth meeting

7-3. Proposed date: first week of September, 2019 / February, 2020 (TBD)

7-4. Proposed venue: Brunei Darussalam / TBD

7-5. Expected participants: Brunei, Japan, Malaysia, Myanmar, Vietnam and the UPOV Office

[End of Annex V and of document]