

# Report on recent developments in UPOV

East Asia Plant Variety Protection Forum  
17th Annual Meeting

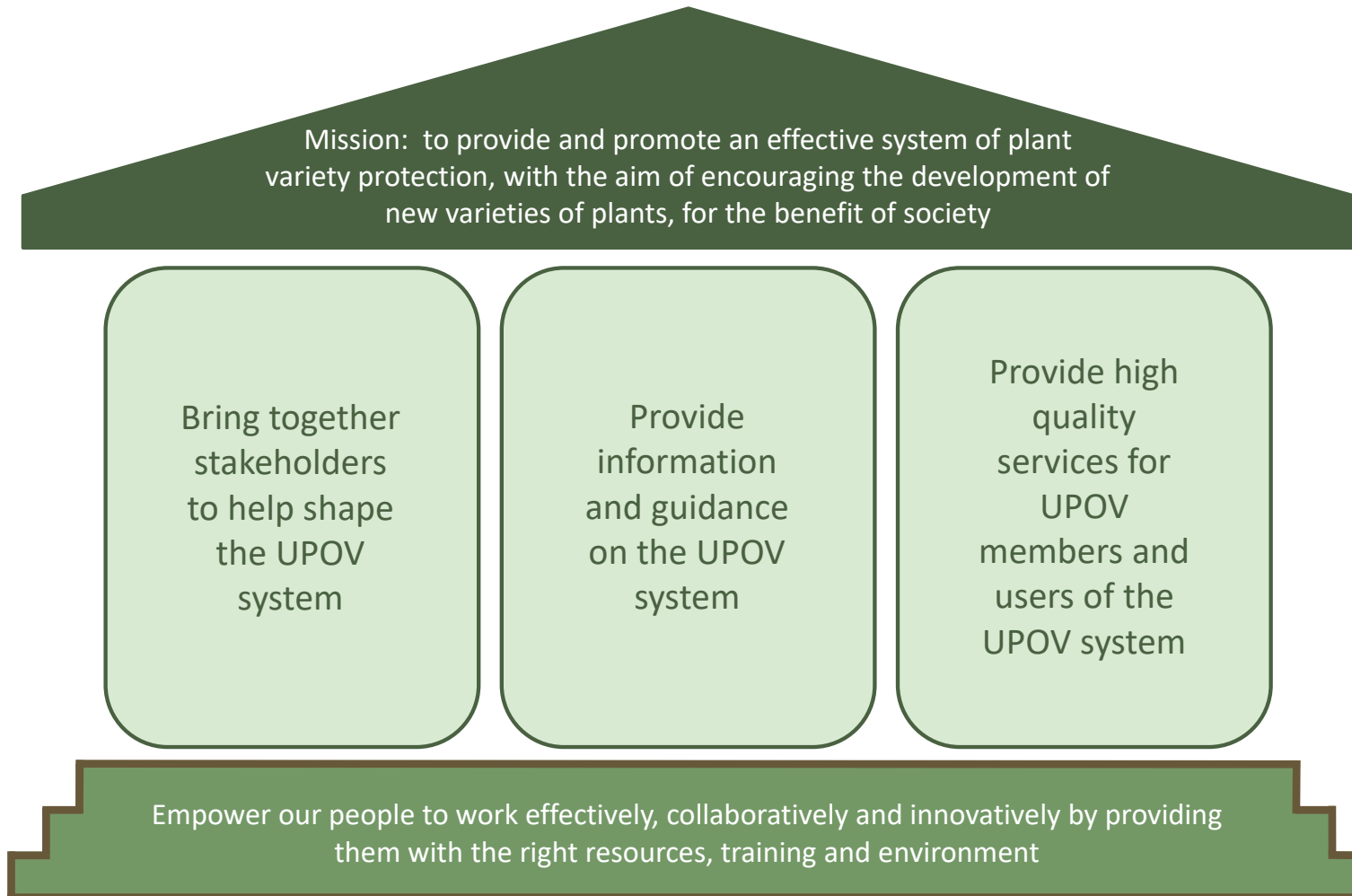
**Yolanda Huerta, Vice Secretary-General, UPOV**

August 27, 2024 (Phnom Penh, Cambodia)



# The Framework

UPOV's Strategic Business Plan (2023-2027) provides the basis for the Program and Budget for the 2024-2025 Biennium

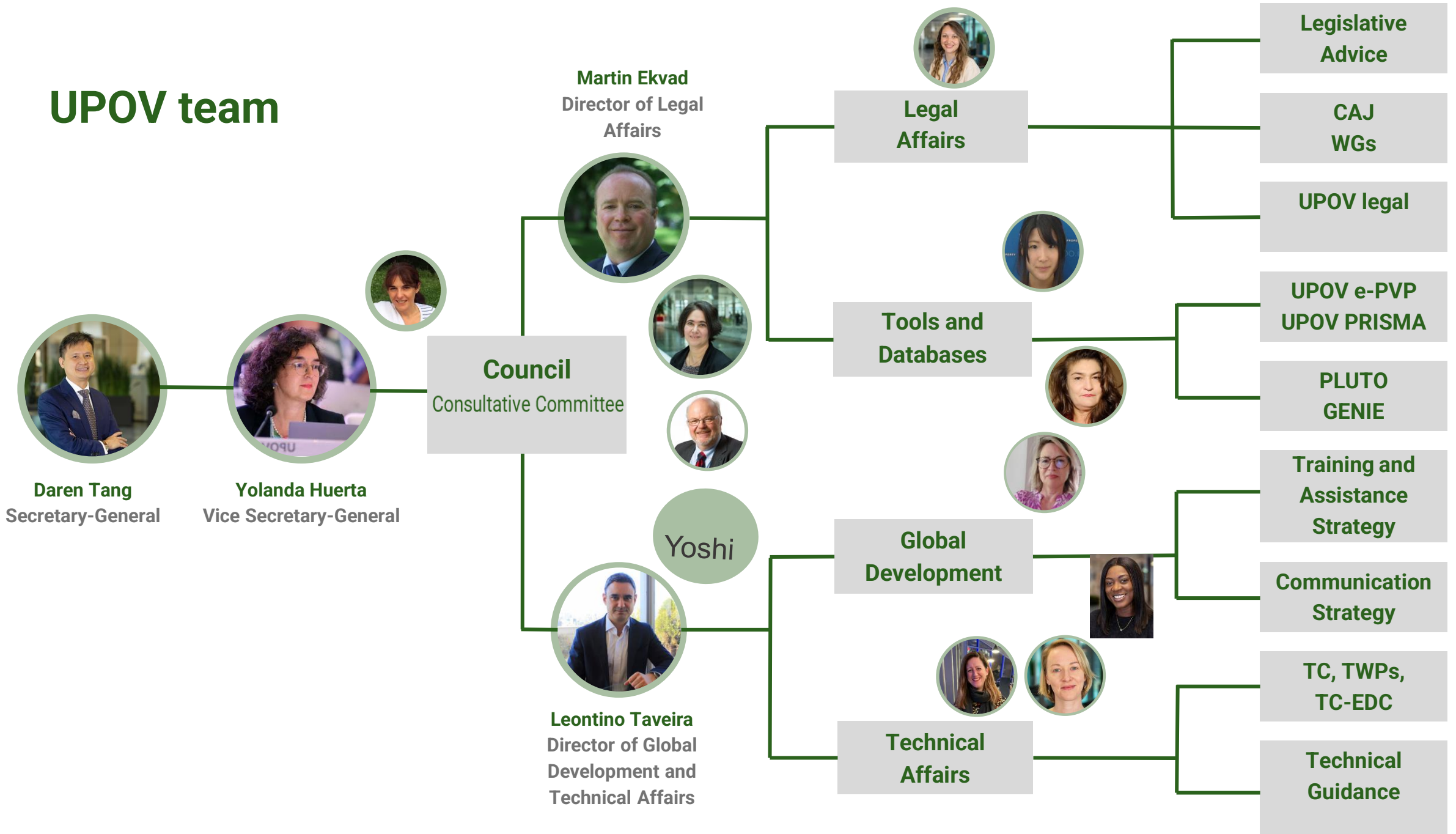


**Bring together Stakeholders  
to help shape the UPOV  
system**



UPOV

# UPOV team



# UPOV STATUS – 79<sup>th</sup> member: Armenia March 2, 2024

States that requested comments on [Draft] Laws (2020-2024)

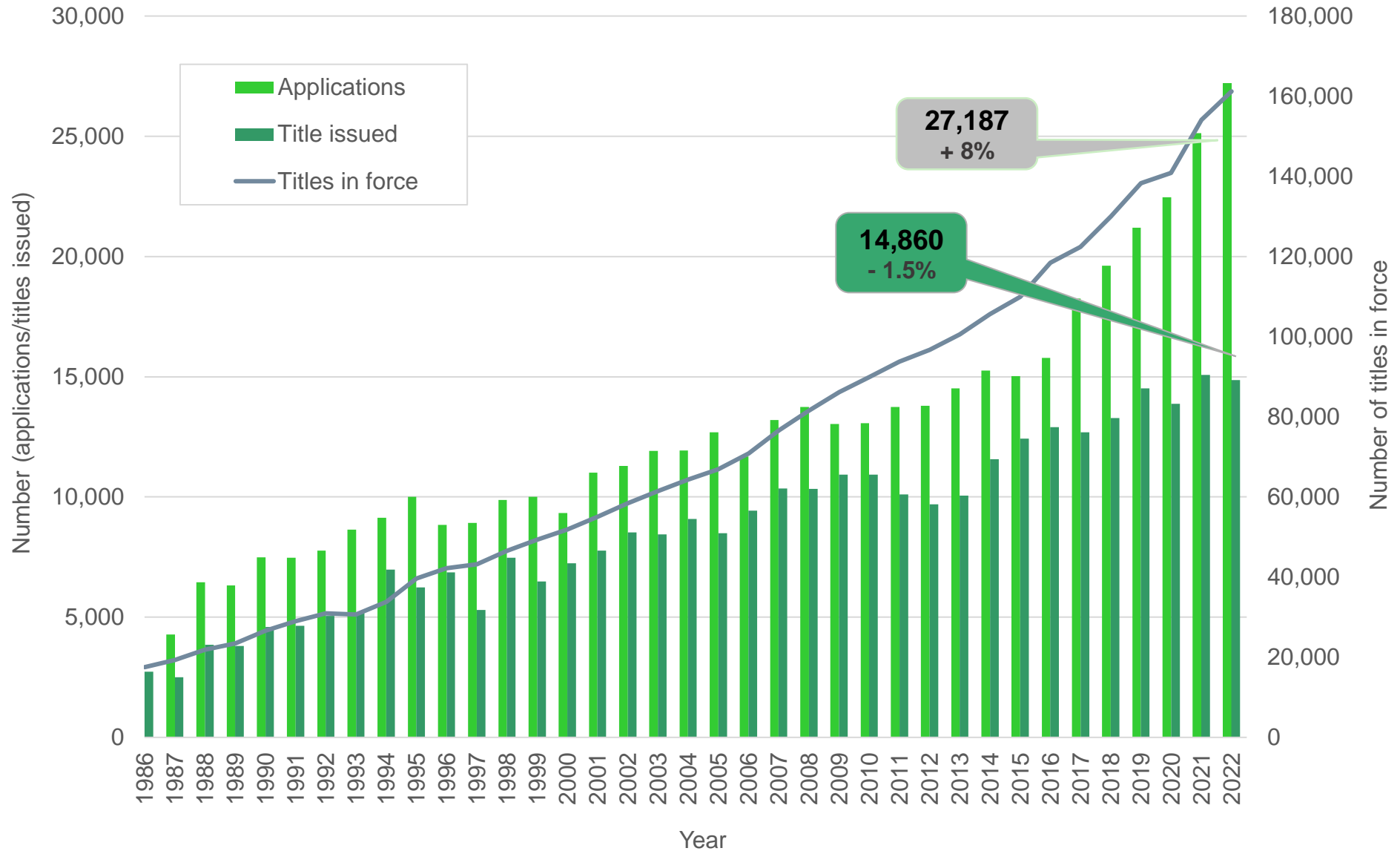


Members of UPOV (79) (covering 98 States)

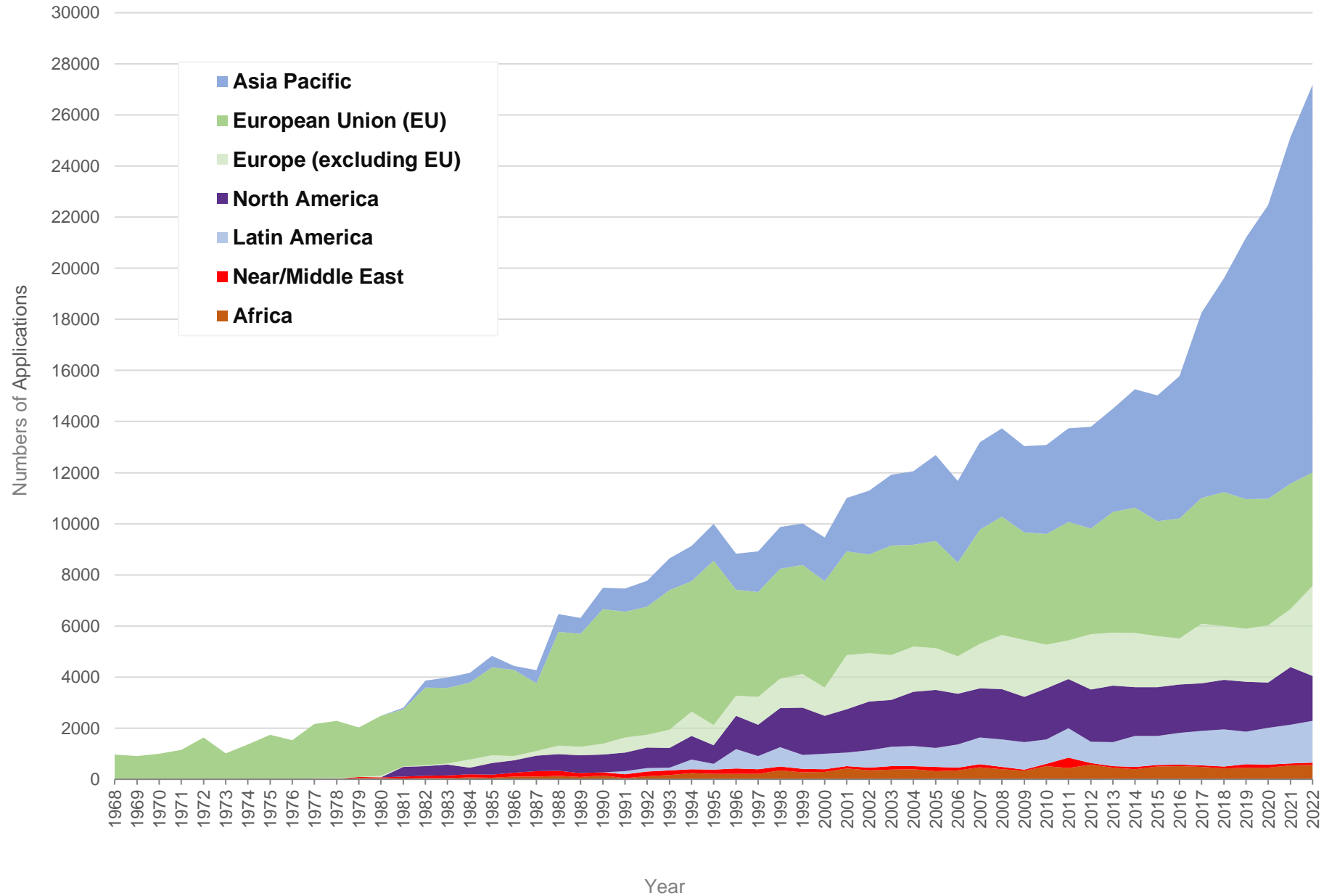
Initiating States (19) and Organization (1)

States (27) and Organization (1) in contact with the UPOV Office + The Gambia and Cambodia

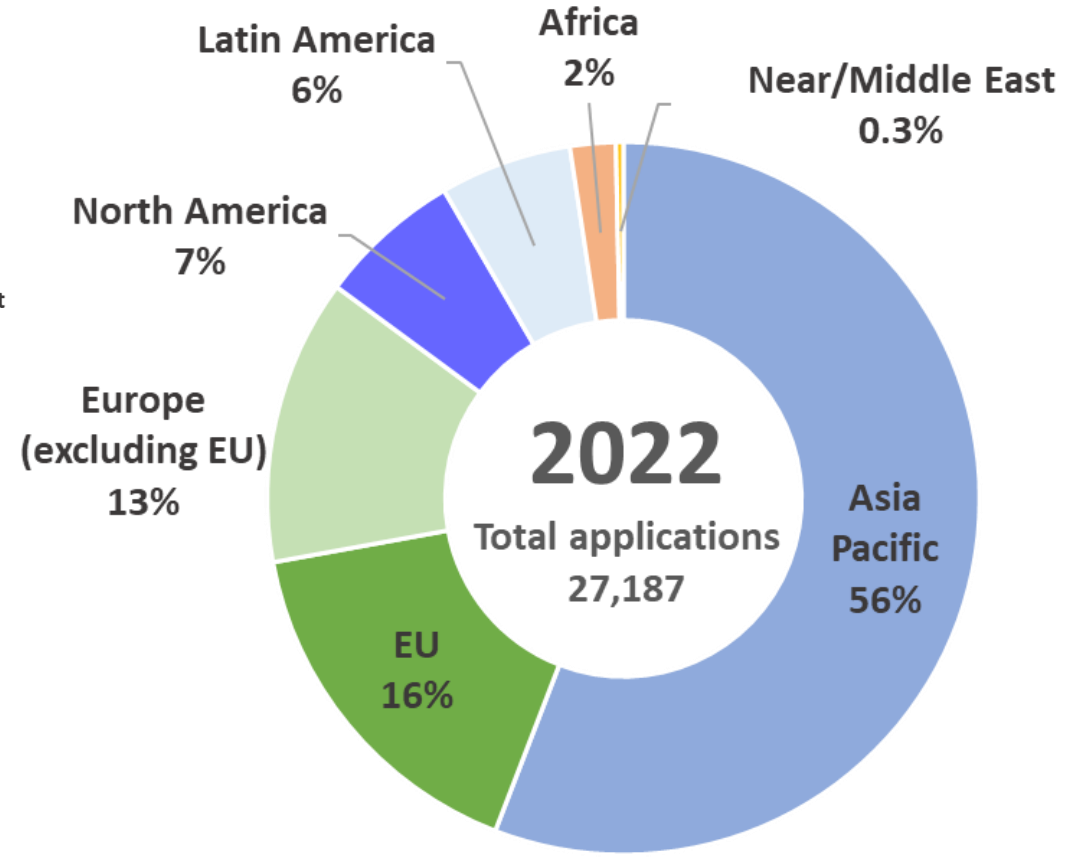
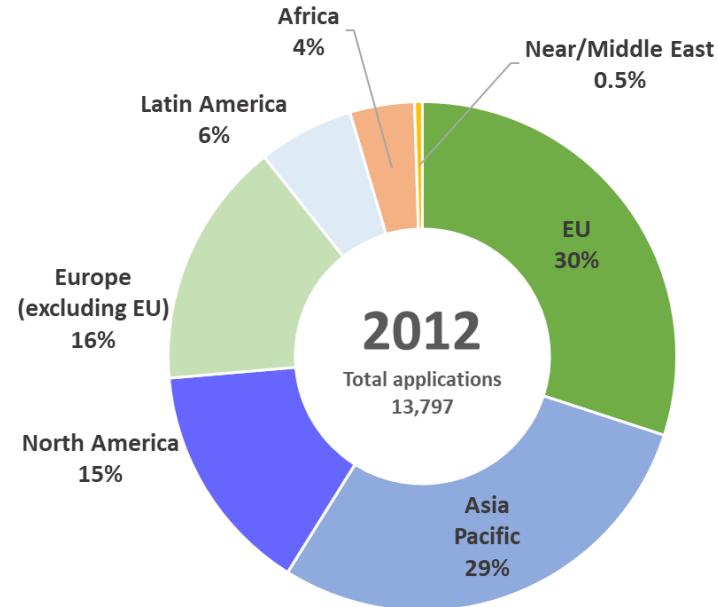
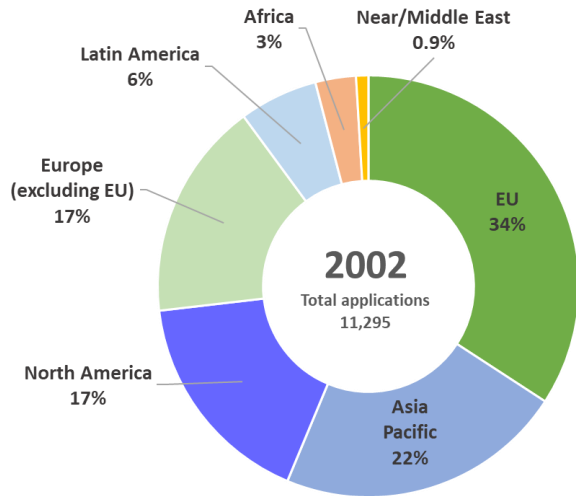
# Total applications filed, titles issued and titles in force



# Applications received by region



# Applications received by region 2002 to 2022





**Provide information and  
guidance on the UPOV  
system**



# Essentially Derived Varieties (EDV)

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- On 30 October 2019 the CAJ decided to open up the explanatory notes for essentially derived varieties (UPOV/EXN/EDV/2) for revision.
- On 27 October 2023 the UPOV Council adopted new explanatory notes, UPOV/EXN/EDV/3
- Available at [https://www.upov.int/explanatory\\_notes/en/](https://www.upov.int/explanatory_notes/en/)
- the Council agreed to add as a standing item on the CAJ agenda “Updates from UPOV members and observers relating to the implementation of the concept of essentially derived varieties”

# Harvested material (WG-HRV)

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## WORKING GROUP ON HARVESTED MATERIAL AND UNAUTHORIZED USE OF PROPAGATING MATERIAL (WG-HRV) (established in 2021)

### PURPOSE:

to draft for consideration by the Administrative and Legal Committee (CAJ)  
a revision of the

- Explanatory Notes on Harvested Material
- Explanatory Notes on Propagating Material
- Explanatory Notes on Provisional Protection

### MODUS OPERANDI:

to consider:

- How does the lack of effective protection on harvested material impact on growers and consumers?
  - What are the main challenges in the exercise of the breeder's right in relation to the harvested material?
- At the level of UPOV: what solutions do you see for those challenges in the exercise of the breeder's right in relation to the harvested material?



# Harvested material (WG-HRV)

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## Conclusions of the fifth meeting of the WG-HRV - March 2024

- The members of the WG-HRV expressed support for commissioning a study.
- Some initial initiatives and ideas on how to fund the study had been identified but that matter should be further explored.

At a virtual meeting in May 2024 with a subgroup of the WG-HRV a joint proposal was agreed on the number and names of authors and the matters relating to funding for consideration by the WG-HRV at its sixth meeting in October 2024

Discussions on the proposals to revise the Explanatory Notes on Provisional Protection under the UPOV Convention will be put on UPOV hold until progress was made on matters concerning the study.



# Smallholder farmers (WG-SHF)



## WORKING GROUP TO DEVELOP GUIDANCE CONCERNING SMALLHOLDER FARMERS IN RELATION TO PRIVATE AND NON-COMMERCIAL USE (WG-SHF)

### PURPOSE:

to develop guidance concerning smallholder farmers in relation to private and non-commercial use, which would be the basis for a revision of the Explanatory Notes on Exceptions to the Breeder's Right and a revision of the Frequently asked questions (FAQs) on exceptions to the breeder's right

**UPOV**

International Union for the Protection of New Varieties of Plants

Working group on guidance concerning smallholder farmers in  
relation to private and non-commercial use

WG-SHF/1/3

First Meeting  
Geneva, March 17, 2022

Original: English  
Date: February 11, 2022

ANALYSIS AND REPORT WITH SUGGESTIONS PREPARED BY THE PROJECT TEAM

Whereas no examples of prosecution of smallholder farmers for infringement of the plant breeder's right have been identified in any of the UPOV members...

## Replies to a survey for consideration by the WG-SHF – in October 2024

- Survey on the implementation by UPOV members of the exception “acts done privately and for non-commercial purposes”

The vast majority of responding countries did not identify any specific challenges or opportunities in implementing this exception

Some members reported on challenges and opportunities in implementing the optional exemption (Article 15.2 of the 1991-Act of the UPOV Convention), which was not the subject of the survey.

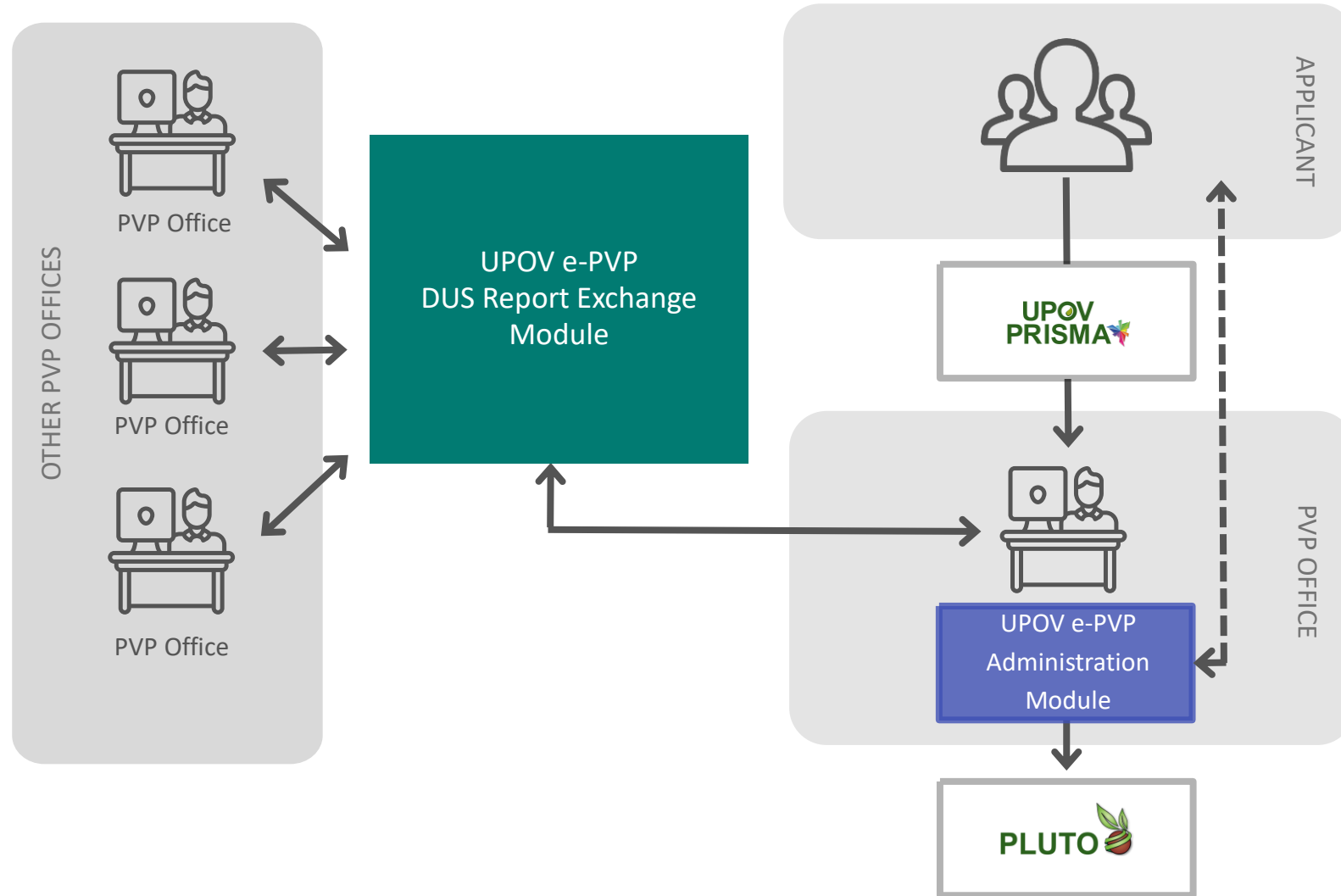
Some responses highlighted that there is a challenge to establish the difference between small holder farmers and subsistence farmers

**Provide high quality services  
for UPOV members and users  
of the UPOV system**



# UPOV e-PVP

focus on digitalization services for UPOV members – not leaving anyone behind





# Launch of UPOV e-PVP in Viet Nam, September 28, 2023



In October 2023, the UPOV Council welcomed the expressions of commitment from **Ghana** to join **UPOV e-PVP** and from **Canada**, Community Plant Variety Office (CPVO) of the **European Union** and **Netherlands** (Kingdom of the) to join the **UPOV e-PVP DUS Report Exchange Module**



## Current situation of UPOV e-PVP

UPOV Member	UPOV PRISMA*	UPOV e-PVP Admin Module	UPOV e-PVP DUS Exchange Module
Brazil			(X)
Canada	X		(X)
European Union	X		(X)
Georgia	X		(X)
Ghana	(X)	(X)	(X)
Japan			(X)
Morocco	X		(X)
Netherlands (Kingdom of)	X		X
New Zealand	X		(X)
United States of America	X		(X)
Viet Nam	X	X	X



\* 26 out of 36 UPOV PRISMA participating authorities have not yet expressed their interest to join UPOV e-PVP admin and/or DUS Exchange module

X: already using  
(X): committed to use



# COMMUNICATION call for UPOV's role and impact to be clearly known and understood inside and outside the UPOV community

## Video 1 Farmer-Breeders



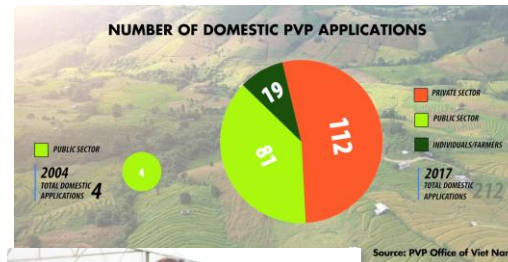
How farmers can benefit from using PVP to protect their own new varieties

## Video 2 Flower Industry



How Da Lat has become the center of the horticultural sector

## Video 3 Transformation of Seed Industry



Evolution of seed industry after UPOV membership

## Video 4 National Agricultural Policy



What is the impact of PVP on the economy in Viet Nam?

Role of PVP in agricultural policy