

Activity 7

Closed Workshop on UPOV 1991

Recent developments in UPOV
relevant to the development of agriculture

Yolanda Huerta, Vice Secretary-General, UPOV

December 5, 2023 (Jakarta, Indonesia)

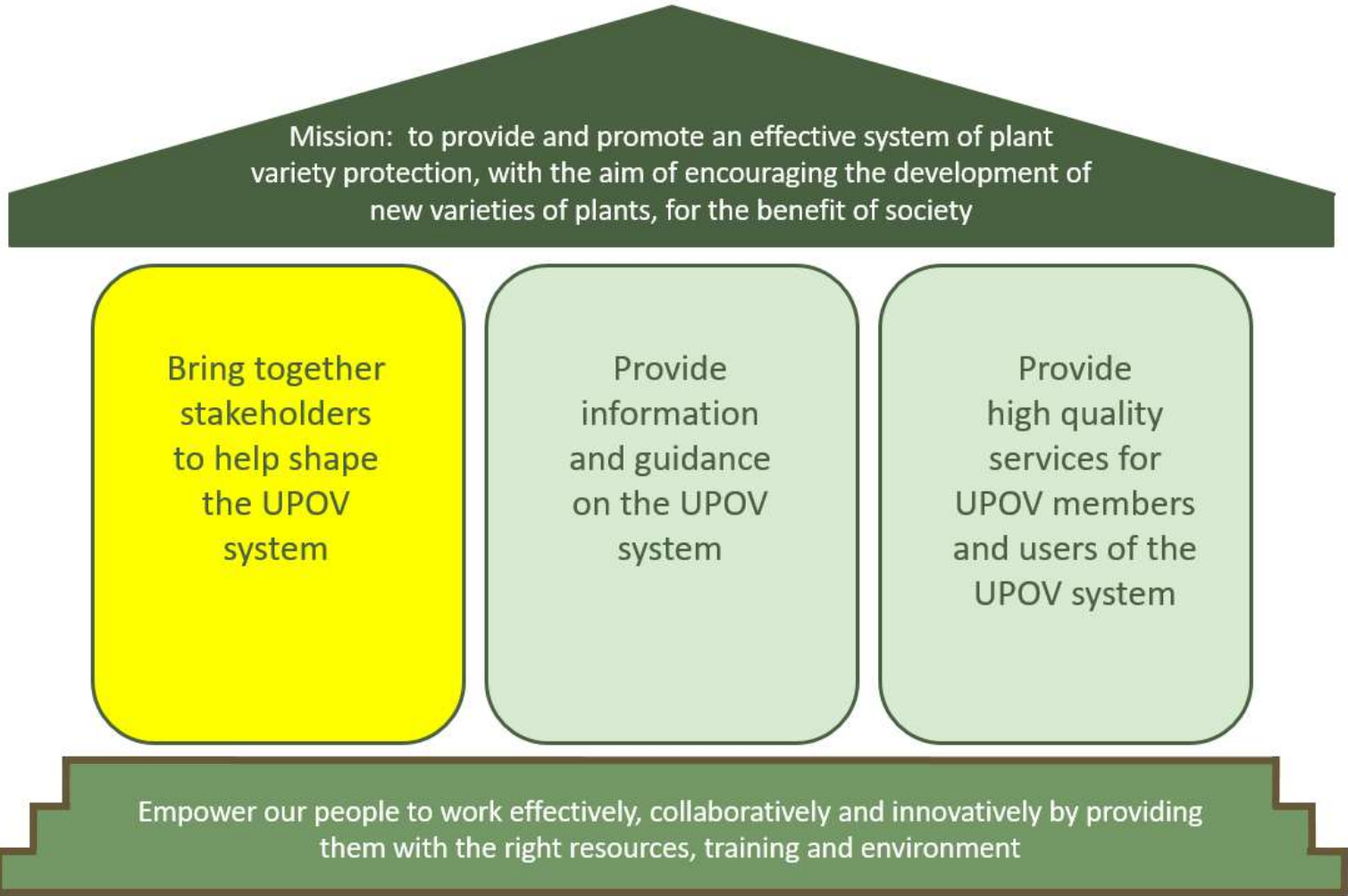


**Bring together Stakeholders
to help shape the UPOV
system**

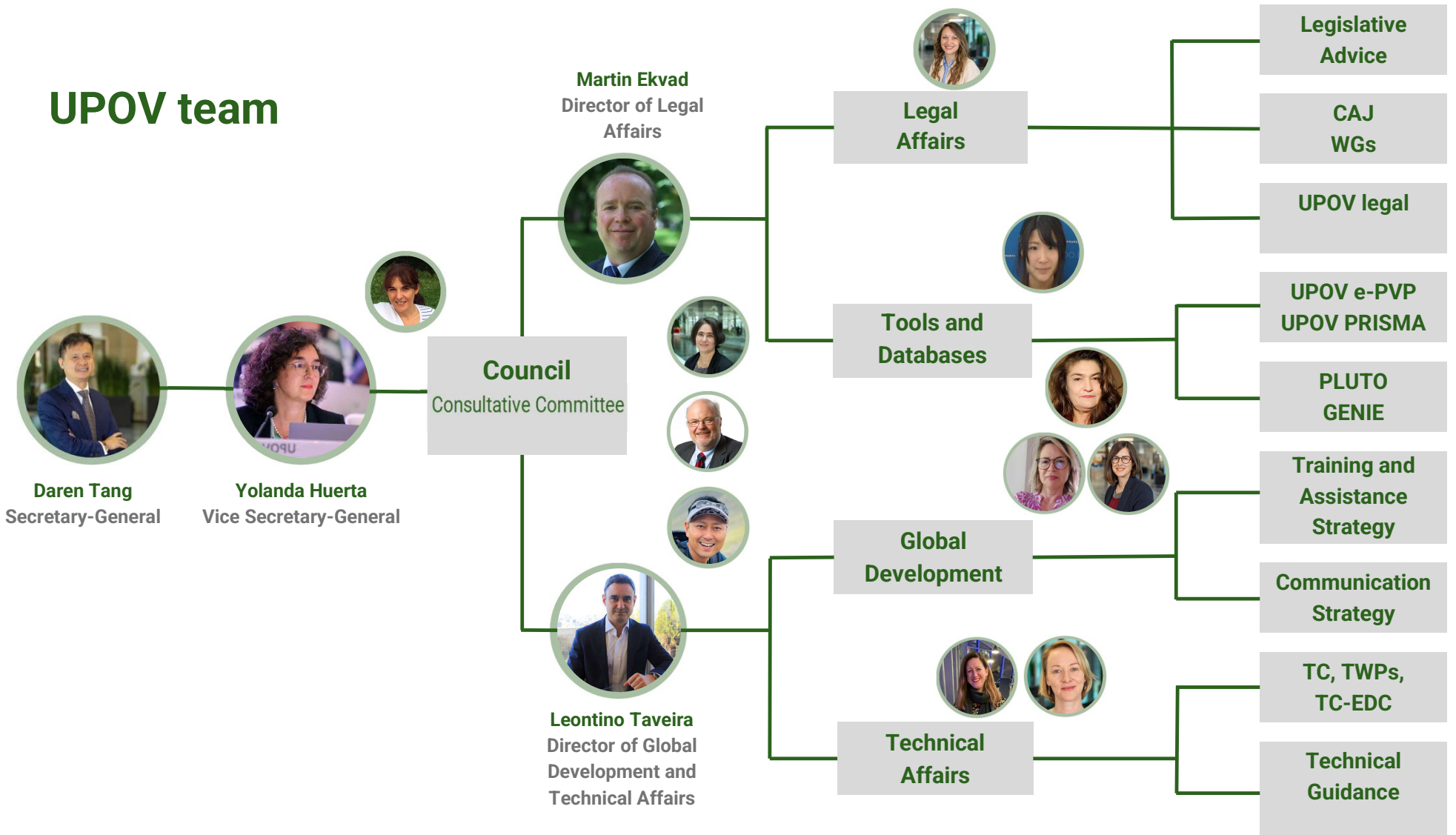


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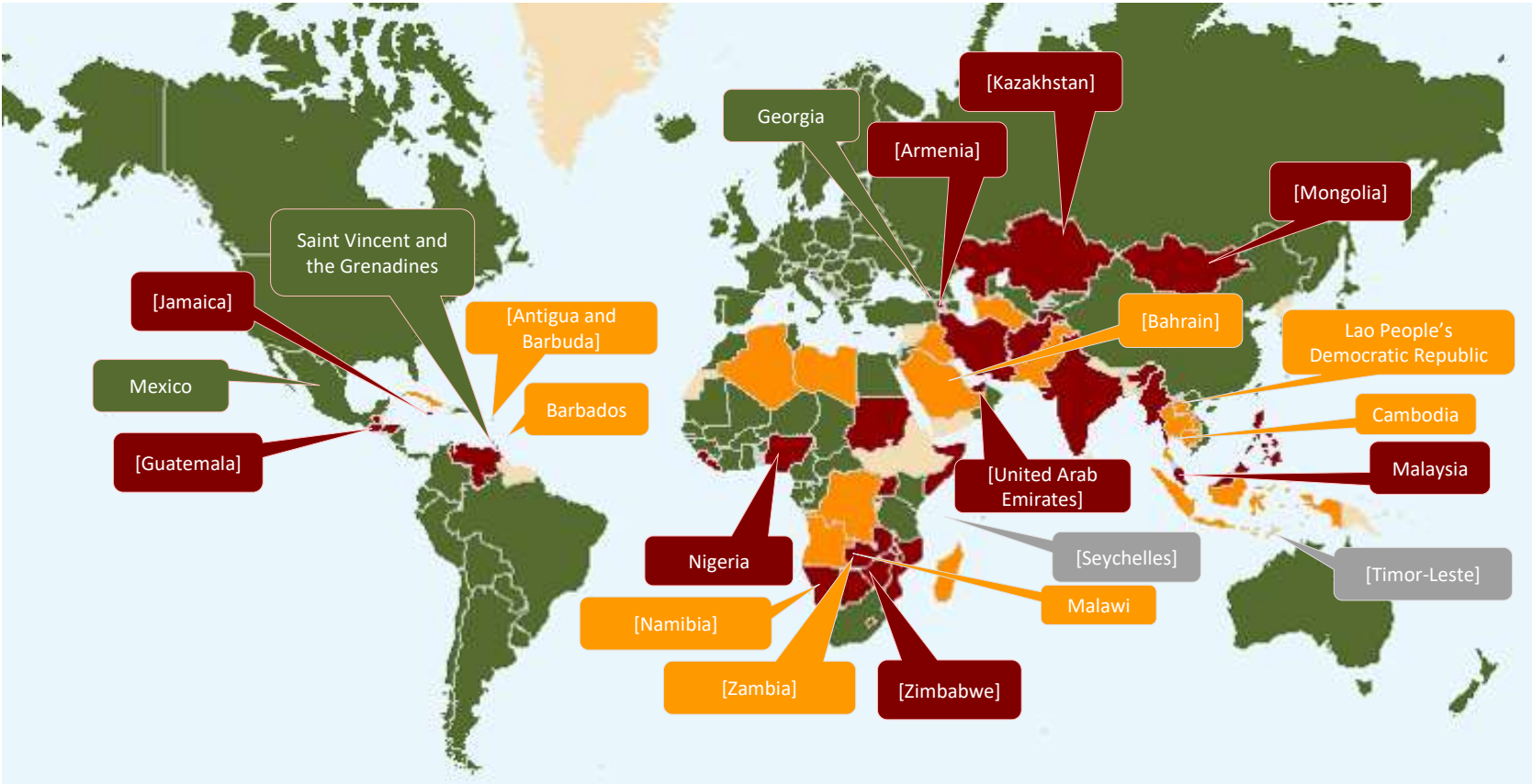


UPOV team



UPOV status and developments concerning legislative matters (2022-2023)

status as of May 23, 2023

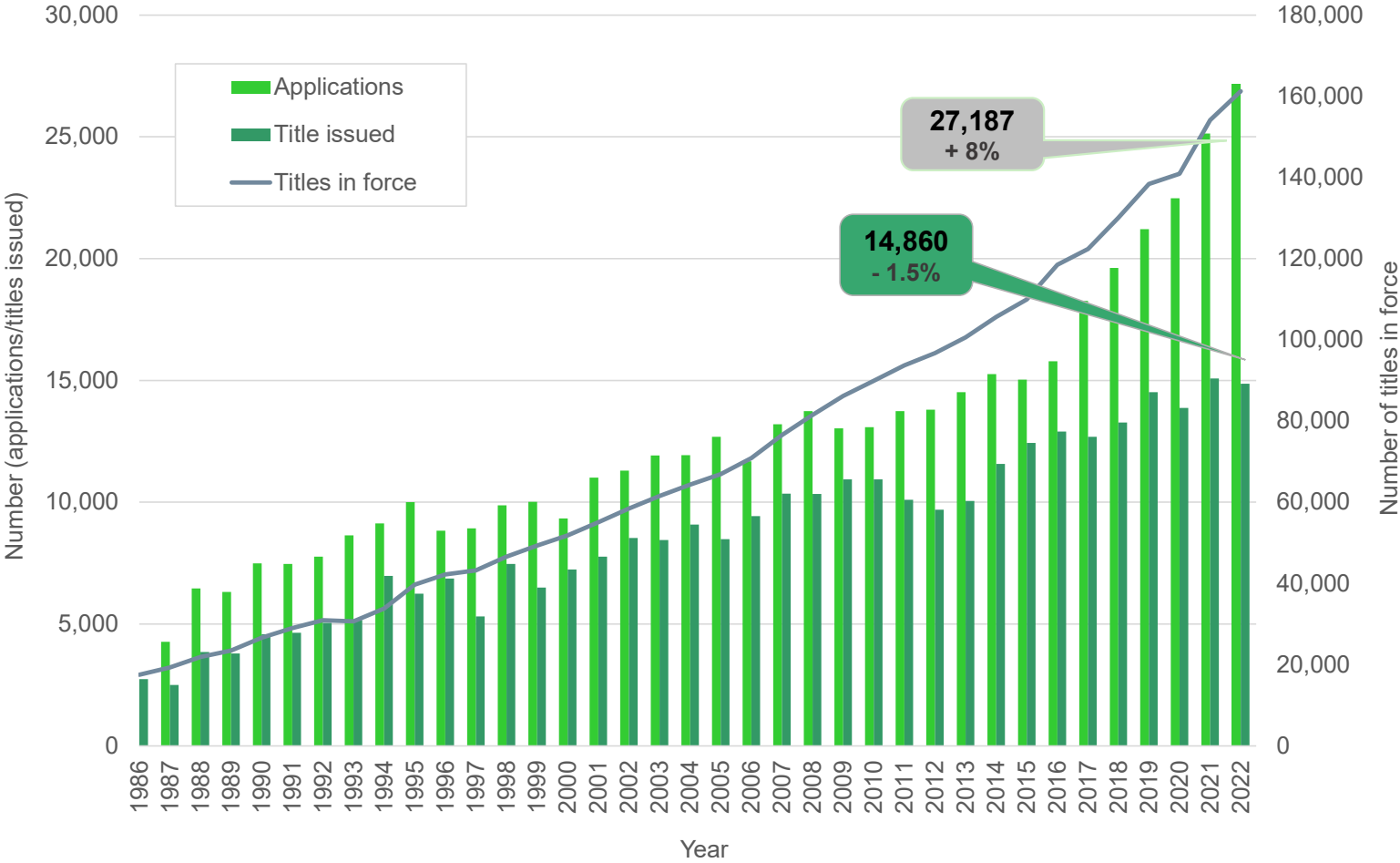


The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory

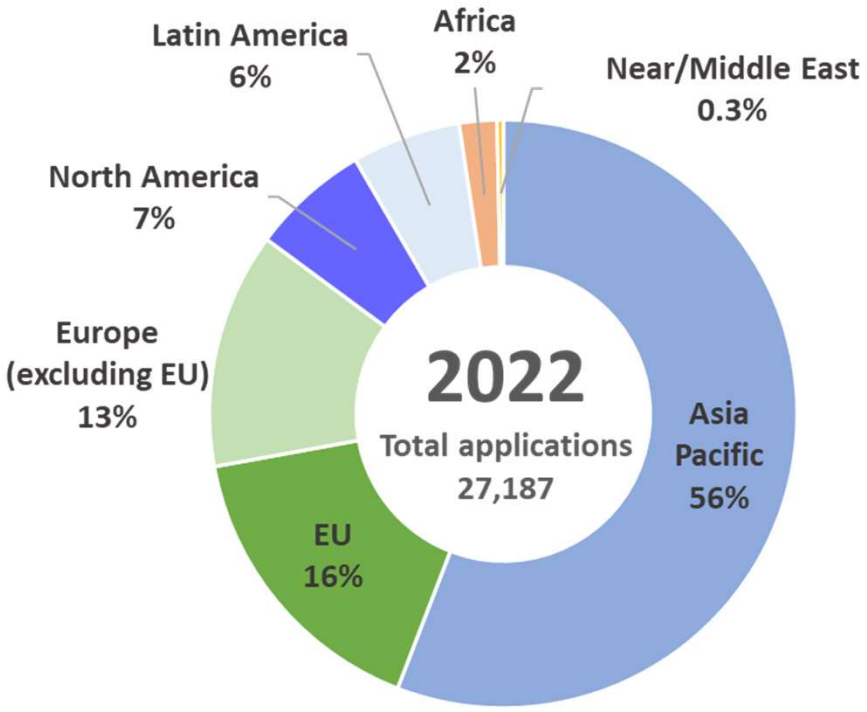
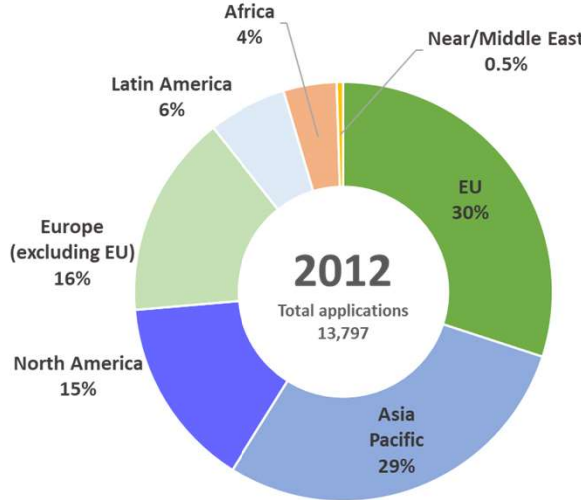
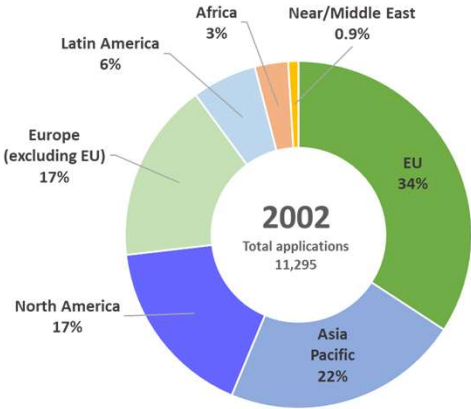
- Members of UPOV (78) (covering 97 States)
- Initiating States (19) and Organization (1)
- States (25) and Organization (1) in contact with the UPOV Office – WIPO & UPOV Collaboration in ■



Total application filed, titles issued and titles in force



Applications received by region 2002 to 2022

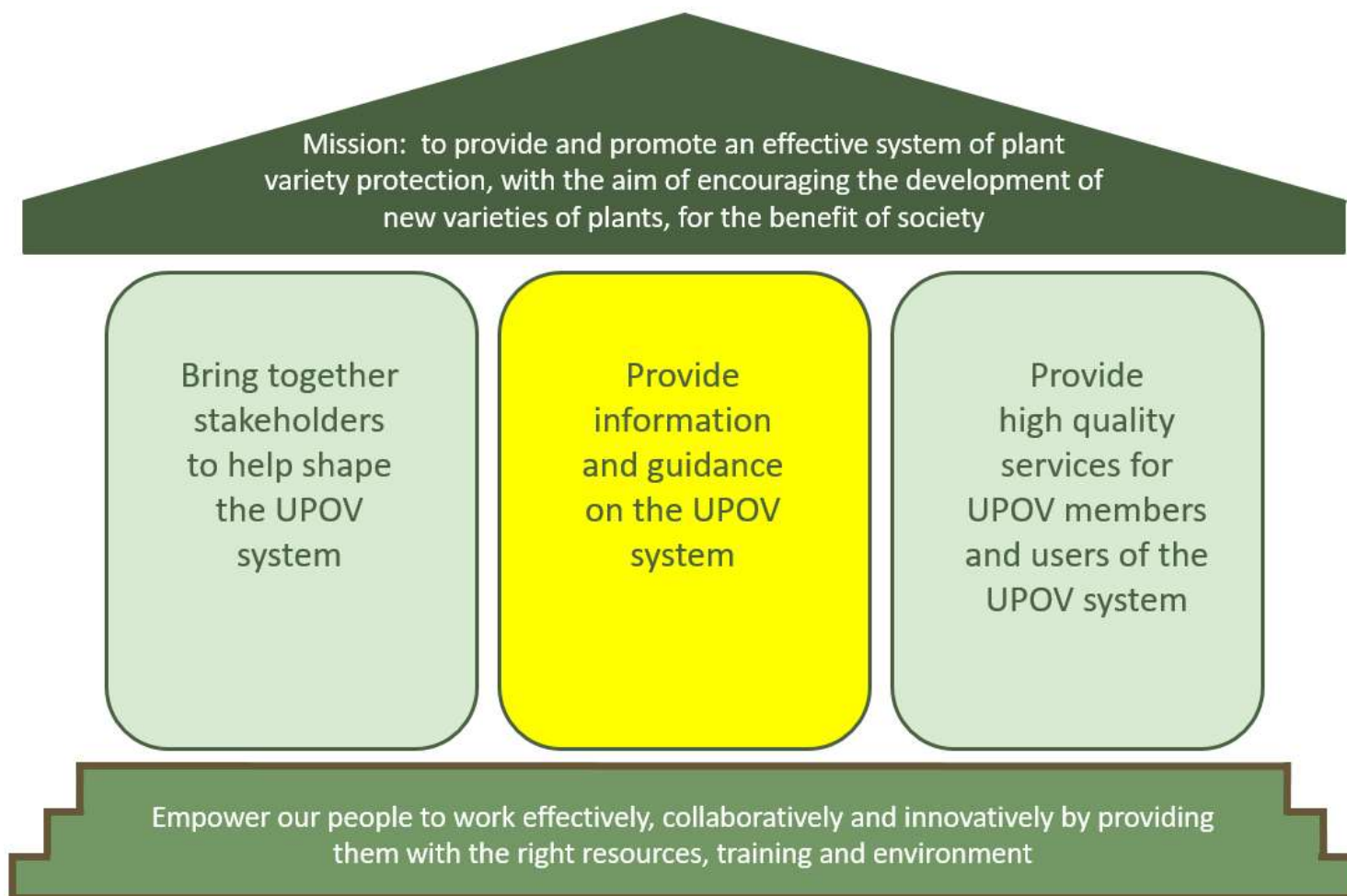


**Provide information and
guidance on the UPOV
system**



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Guidance on implementing the UPOV system

Current matters – scope of the plant breeder's right:

- Essentially Derived Varieties (EDV)
- Harvested Material
- Smallholder farmers

Essentially Derived Varieties

- On 30 October 2019 the CAJ decided to open up the explanatory notes for essentially derived varieties (EXN/EDV/2) for revision.
- On 27 October 2023 the UPOV Council adopted new explanatory notes, EXN/EDV/3
- Available at https://www.upov.int/explanatory_notes/en/
- Follow up in UPOV's Administrative and Legal Committee (CAJ) October 2024:

Updates from UPOV members and observers relating to the implementation of the concept of essentially derived varieties

Harvested material

WORKING GROUP ON HARVESTED MATERIAL AND UNAUTHORIZED USE OF PROPAGATING MATERIAL (WG-HRV)

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?

Smallholder farmers

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

MODUS OPERANDI:

- (a) the analysis of the contributions in the compendium with the replies to UPOV Circular E-20/246 and a report with suggestions prepared by the Project Team, in conjunction with the Office of the Union, will be used as the initial basis for the discussions on developing guidance concerning smallholder farmers in relation to private and non-commercial use;

(b) [...]





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...

Information on the UPOV system

UPOV



SEMINAR ON STRATEGIES THAT ADDRESS POLICIES INVOLVING PLANT BREEDING AND PLANT VARIETY PROTECTION

OCTOBER 20, 2021
(GENEVA, SWITZERLAND)

SEMINAR ON THE ROLE OF PLANT BREEDING AND PLANT VARIETY PROTECTION IN ENABLING AGRICULTURE TO MITIGATE AND ADAPT TO CLIMATE CHANGE

SÉMINAIRE POUR ÉTUDIER L'IMPORTANCE DE LA SÉLECTION VÉGÉTALE ET DE LA PROTECTION DES VARIÉTÉS VÉGÉTALES POUR PERMETTRE À L'AGRICULTURE DE S'ADAPTER AU CHANGEMENT CLIMATIQUE ET D'EN ATTÉNUER LES EFFETS

SEMINAR ZUR BELEUCHTUNG DER ROLLE DER PFLANZENZUCHT UND DES SORTENSCHUTZES BEI DER ANPASSUNG DER LANDWIRTSCHAFT AN DEN KLIMAWANDEL UND DESSEN ABSCHWÄCHUNG

SEMINAR ON THE INTERACTION BETWEEN PLANT VARIETY PROTECTION AND THE USE OF PLANT BREEDING TECHNOLOGIES



Session I: DEVELOPMENTS IN TECHNOLOGIES USED IN PLANT BREEDING

Session II: PARTNERING IN USE OF TECHNOLOGY

Session III: ROLE OF IP RIGHTS IN SECURING INVESTMENT AND PARTNERSHIPS IN BREEDING

Session IV: SUPPORTING THE DEVELOPMENT OF NEW VARIETIES THAT MAXIMIZE BENEFIT FOR SOCIETY – THE ROLE OF THE UPOV SYSTEM OF PVP

March 22, 2023



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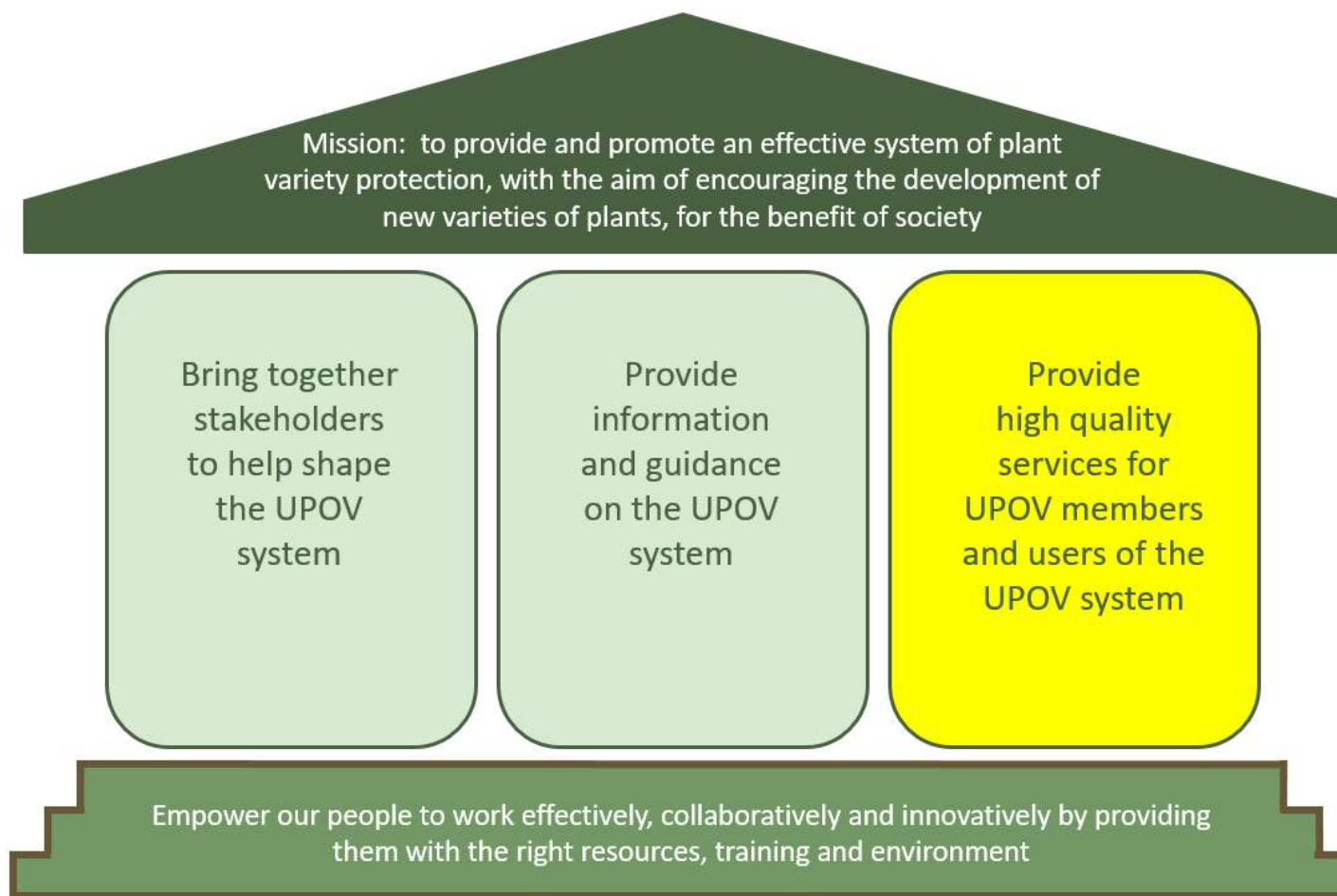
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**Provide high quality services
for UPOV members and users
of the UPOV system**



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Main Priorities in 2024

UPOV e-PVP: focus on digitalization services for UPOV members – not leaving anyone behind

Strategic pillar 3: Provide high quality services for UPOV members and users of the UPOV system

• **Challenges and/or Opportunities foreseen**

Opportunities

- Web-based e-system for the administration of plant variety protection: addressing the digital gap
- Enhancing cooperation in the administration and examination of applications
- Cooperation with UPOV members, stakeholders, WIPO

Challenges

- Addressing the growing demand for those services with limited resources - Building collaborations for additional resources
- Customer centric approach for the maintenance and development of those services with limited resources

Expand UPOV Membership: breeding for good – addressing and mitigating climate change

Strategic pillar 1: Bring together stakeholders to help shape the UPOV system

Challenges and/or Opportunities foreseen

Opportunities

- How to better integrate key stakeholders in the UPOV membership journey: UPOV Executive Program, engagement with policy makers
- Building collaborations to raise awareness on the benefits of UPOV membership in meeting socio-economic development goals
- Increased interest in UPOV: UPOV Office has granted observer status to Rwanda in UPOV bodies and to Nigeria in the TWPs

Challenges

- UPOV's role and impact to be clearly known and understood inside and outside the UPOV community
- Addressing the increased demand for assistance on legislative and implementation matters with limited resources

Benefits of using UPOV PRISMA



Online service for PVP applications



70+ countries covered



Language choice to read forms



Translation of predefined responses



Copy data to other applications



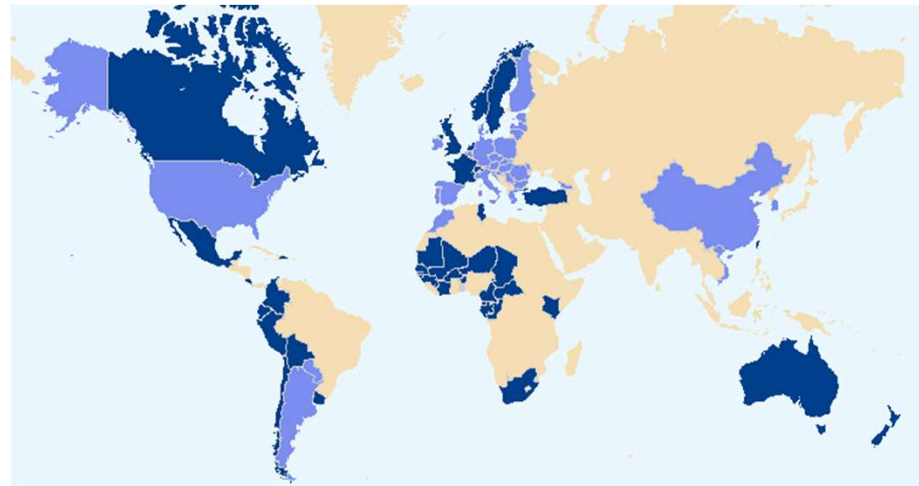
Reminders for Novelty & Priority



Find all PVP Office procedures



Overview of all submissions

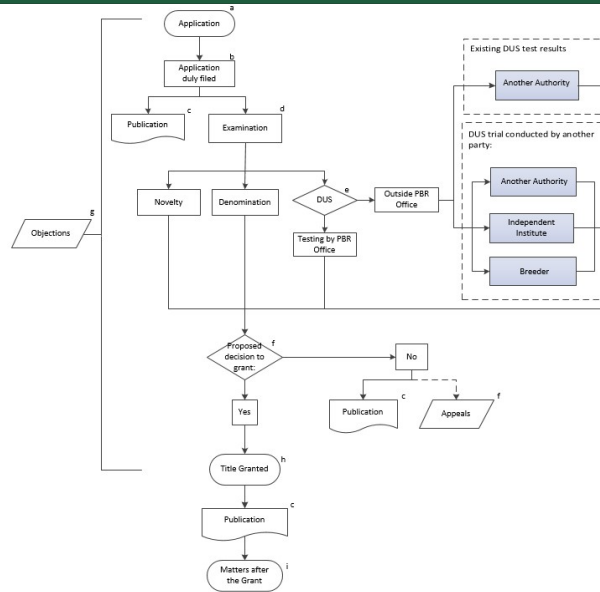


UPOV e-PVP

Applicant

UPOV PRISMA

PVP Office



UPOV



PLUTO database & GENIE database



UPOV

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

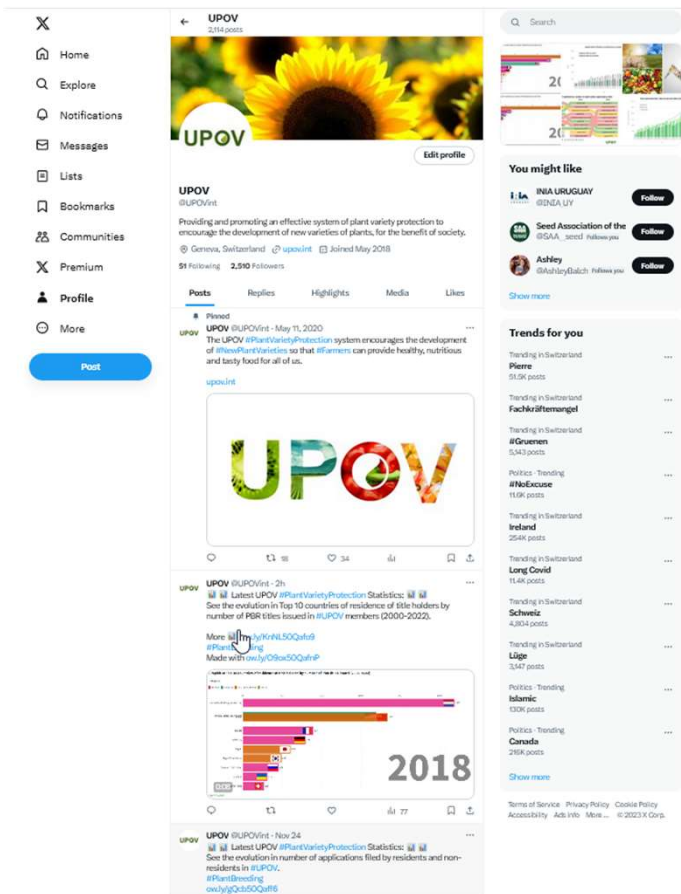


Focus on digitalization services for UPOV members not leaving anyone behind

In October 2023, the 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



UPOV communication channels



www.upov.int


<https://www.linkedin.com/company/upov-official>

 @UPOVint



FAQs: myths and facts

- What are the benefits of plant variety protection and UPOV membership?
- How does plant variety protection work?
- Is it true that UPOV only promotes commercially bred plant varieties geared to industrialized farmers?
- Does the UPOV system of plant variety protection only benefit large multinational corporations?
- Does the UPOV system make farmers dependent on high levels of inputs?
- Does the UPOV Convention regulate varieties that are not protected by plant breeders' rights?
- Does UPOV membership result in the release of genetically modified varieties?
- Who can protect a plant variety?
- What are the requirements for protecting a new plant variety?
- Why does UPOV require varieties to be uniform and stable; doesn't that lead to a loss of diversity?
- Does the UPOV system force farmers to grow protected varieties?
- Does the UPOV system restrict access to the heritage/heirloom varieties?
- Does the UPOV system prevent farmers from using traditional varieties?
- Can breeders use a protected variety in their breeding programs?
- Is it possible to obtain protection of a variety on the basis of its DNA-profile?



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

Video 1 Farmer-Breeders



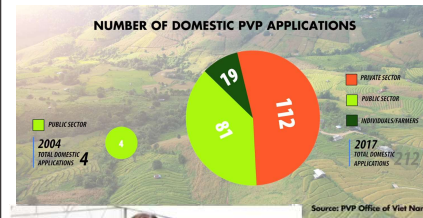
How farmers can benefit from using PVP to protect their own new varieties

Video 2 Flower Industry



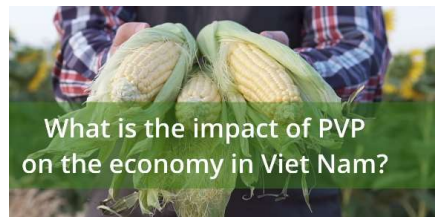
How Da Lat has become the center of the horticultural sector

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