



CC/89/4

ORIGINAL: English

DATE: February 19, 2015

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

CONSULTATIVE COMMITTEE**Eighty-Ninth Session
Geneva, March 27, 2015****SPECIAL PROJECT FUND***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this document is to report on the planned use of the Special Project Fund for training purposes, in conjunction with a presentation of a review of the UPOV training and assistance strategy.

BACKGROUND

2. The Consultative Committee, at its eighty-eighth session, held in Geneva on October 15, 2014, considered document CC/88/4 "Special Project Fund" (see document CC/88/16 "Report on the Conclusions", paragraphs 39 to 41). It recalled that the Council, at its thirty-first extraordinary session, held in Geneva on April 11, 2014, had decided to create a special project fund for the amount of the reserve fund exceeding 15 percent of the total income for the 2012-2013 Biennium.
3. The Consultative Committee recommended to the Council, at its forty-eighth ordinary session, held in Geneva on October 16, 2014, to approve the use of the special project fund for training purposes. Subject to the approval of the Council, the Consultative Committee requested a report on the planned implementation of the use of the funds for training purposes at its eighty-ninth session, in March 2015.
4. At its forty-eighth ordinary session, the Council approved the use of the special project fund for training purposes, as set out in document C/48/19 "Report by the President on the work of the eighty-eighth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee", paragraph 32, as recommended by the Consultative Committee (see document C/48/21 "Report on the Decisions", paragraph 21).
5. The amount of the reserve fund exceeding 15 percent of the total income for the 2012-2013 Biennium is 184,000 Swiss francs (see document C/48/12 "Performance Report for the 2012-2013 Biennium", 3.6 Income, Expenditure and Reserves).

REVIEW OF THE UPOV TRAINING AND ASSISTANCE STRATEGY

Introduction

6. The creation of the Special Project Fund, combined with an overall total increase in extrabudgetary funds (funds in trust)¹ has led to a review of UPOV's strategy with regard to training and assistance.

7. This review has also been conducted in anticipation of a substantial increase in demand for training and assistance as a result of the African Intellectual Property Organization (OAPI) becoming a member of UPOV and of developments concerning plant variety protection in the African Regional Intellectual Property Organization (ARIPO). In particular, it has been necessary to consider how to deliver a substantially larger program of training and assistance in 2015, and possibly in future years, within existing UPOV staff resources. In particular, the review recognizes the need of the Office of the Union to collaborate with partners in order to improve the effectiveness of its services in relation to the training and assistance needs of both current members and potential new members.

Training and assistance strategy

Purpose

8. The purpose of the UPOV training and assistance strategy is to develop and deliver, in the most effective way with the available resources, training and assistance to address the needs of UPOV members and States and organizations in the process of becoming UPOV members.

Basic principles

9. The training and assistance strategy is based on:

(a) facilitating the use of UPOV materials (e.g. guidance, experience, databases, publications, FAQs) available via the UPOV website;

(b) maximizing the effectiveness of UPOV standard training programs;

(c) building partnerships to deliver training activities, particularly in those aspects of the implementation of the UPOV system where the Office of the Union does not have sufficient expertise or resources, while ensuring a UPOV perspective in those training activities;

(d) collaboration with members of the Union, organizations and academic institutions to provide a range of training opportunities at national and regional levels; and

(e) providing effective pre-training and post-training support (e.g. distance learning courses) to optimize the impact of training programs and activities.

Prioritization

10. In order to utilize the available resources in the most effective way, the Office of the Union will continue to prioritize its training and assistance activities and to explore synergies in its activities with members of the Union and other partners in accordance with the priorities set by the Council. The Council² has established that the priority for providing assistance by the Office of the Union is as follows:

(i) assistance to existing members of the Union;

(ii) assistance to States and certain organizations that are not members of the Union, particularly governments of developing countries and countries in transition to a market economy, in the

¹ In 2015, funds have been provided to UPOV by Japan, the Netherlands and the United States of America.

² See document C/47/4 Rev. "Draft Program and Budget for the 2014-2015 Biennium", section 2.3.2.3. The same approach is provided in document CC/89/5 "Preparation of the Draft Program and Budget for the 2016-2017 Biennium", section 2.3.2.2.

development of legislation in line with the 1991 Act of the UPOV Convention and their accession to the UPOV Convention; and

- (iii) assistance to States and certain organizations that are not members of the Union, in the implementation of legislation that has received a positive decision of the Council, according to their commitment to accede to the UPOV Convention.

Activities and resources

11. The training and assistance strategy for 2015 and beyond will focus on the following categories of training and assistance activities and resources, in accordance with the basic principles set out in paragraph 9:

- (a) Standard training activities organized or co-organized by UPOV, for example:
- Distance learning courses (English, French, German, Spanish)
 - Train the trainer courses (English, French, Spanish) (including those co-organized with the United States Patent and Trademark Office (USPTO))
 - Contributing data to the PLUTO database (English, French, Spanish)
 - “*Curso de Formación de Capacitadores para Países Iberoamericanos: Protección de Obtenciones Vegetales según el Convenio de la UPOV y Formas Complementarias de Propiedad Intelectual*”, organized by UPOV, la Oficina Española de Variedades Vegetales (OEVV), la Agencia Española de Cooperación Internacional para el Desarrollo (AECID) and the World Intellectual Property Organization (WIPO)
- (b) Training activities developed in conjunction with UPOV:
- “Course on Plant Variety Protection” for ARIPO Member States, organized by Naktuinbouw in conjunction with UPOV and with the financial assistance of the Ministry of Economic Affairs of the Netherlands
- (c) Training activities to which UPOV contributes, for example:
- Japan International Cooperation Agency (JICA): Training Course on the Protection of Plant Breeders’ Rights
 - Korean Seed & Variety Service (KSVS) / Korean International Cooperation Agency (KOICA) (Republic of Korea): Training Course on Plant Variety Protection
 - *Servicio Nacional de Inspección y Certificación de Semillas (SNICS) / Colegio de Postgraduados (Mexico) “Taller internacional de evaluación de la distinción, homogeneidad y estabilidad (DHE) de variedades vegetales”*
 - Naktuinbouw (Netherlands): Course on Plant Variety Protection
 - WIPO distance learning course: General Course on Intellectual Property (DL-101)
 - WIPO-WTO: Advanced Course on Intellectual Property for Government Officials
 - WIPO-WTO: Colloquium for Teachers of Intellectual Property
 - WIPO-University of Geneva (UNIGE 2014) Summer School on Intellectual Property
 - WIPO-Queensland University of Technology (QUT): Master of Laws (LL.M) in Intellectual Property
 - WIPO-University of Turin: Master of Laws (LL.M) in Intellectual Property
 - Master in Intellectual and Industrial Property and Information Technology Law of the University of Alicante (I Plant Variety Right Intensive Module)
- (d) *In situ* activities organized by UPOV
- (e) Resources for training and assistance

12. Further information on these categories of training and assistance activities and resources are provided below.

- (a) *Standard training activities organized or co-organized by UPOV*

Distance learning courses

13. The importance of the UPOV distance learning courses, as an effective means of providing training to a large number of participants, is a key element in the training and assistance strategy both as training in its

own right and also for the pre-training and post-training support. In that regard, training would be provided to distance learning tutors to enhance their use of existing guidance, experience and databases and raise their awareness of recent developments concerning the UPOV system.

Train the trainer courses

14. Another key element in the training and assistance strategy is the use of external resources for training and assistance according to available finances. In that regard, the train the trainer courses have a particular role to play in facilitating suitable persons to become UPOV trainers. Therefore, it is planned to provide such courses in French and Spanish in the future. In addition, more resources will be dedicated to provide support for such trainers. Successful completion of DL-205 Course is a requirement to participate in the train the trainer program.

15. The purpose and basic principles of the training and assistance strategy will provide the basis for the selection criteria of trainers (see paragraphs 8 and 9, above). After training, and as appropriate, UPOV-trained trainers should be in a position, for example, to:

- (i) train and/or inform others in their professional sphere;
- (ii) be a speaker in training and assistance activities (see paragraph 11, above);
- (iii) lecture on the UPOV system in training courses or academic programs; and/or
- (iv) contribute training material and experiences to improve, as appropriate, UPOV training activities and resources.

PLUTO database training

16. A new initiative is the organization of a three-day training course "Contributing data to the PLUTO database", to be held in Geneva. The aim of the course is to provide assistance to members of the Union that do not provide data for the PLUTO database, or do not provide data on a regular basis, in order to enable them to provide data for the PLUTO database on a regular basis. The course is in the form of practical, hands-on training, provided by the PLUTO administrators. At the end of the course, participants are required to present:

- (i) action required by participants to be able to provide data for the PLUTO database;
- (ii) action required by PLUTO database administrator;
- (iii) date by which participants intend to start to provide data to PLUTO on a regular basis (i.e. shortly after it is published by the authority(ies) concerned)

(b) Training activities developed in conjunction with UPOV

17. The approach of UPOV³ funding participation in training activities developed in conjunction with UPOV recognizes that the Office of the Union does not always have sufficient expertise or resources to meet training needs in relation to certain aspects of the implementation of the UPOV system, e.g. the establishment of PVP offices; examination of applications, including DUS testing; and exercise and enforcement of breeders' rights. However, the Office of the Union often receives requests for training in such aspects of the UPOV system and could play a useful role in directing relevant persons to suitable training.

18. Therefore, it is proposed to work with members of the Union, in cooperation with other organizations, to develop activities for which the logistical arrangements would not be made by UPOV, but for which UPOV could fund suitable participants. Funding would be conditional on the Office of the Union having the opportunity to review the full content of the activity. The aim of the review would be to ensure a UPOV-wide perspective and that the content and speakers would be applicable to the circumstances of participants funded by UPOV. Such activities could, for example, be developed from existing activities to which UPOV contributes in part but has no input on the rest of the program.

³ In this context "UPOV funding" would include extrabudgetary funds (funds in trust)

19. The approach to work with organizers of existing courses recognizes that the UPOV funding would help to support such courses but would be unlikely to support such courses in isolation. As appropriate, consideration would be given to arranging for participants to study relevant UPOV distance learning courses as a part of the activity.

20. As explained above, the main advantage of such an approach would be to facilitate high quality training in aspects of the UPOV system for which the expertise and resources of the Office of the Union is limited. In addition, with regard to the resources of the Office of the Union, a particular benefit is that the Office of the Union would not be directly involved in the logistical aspects of the organization of the activity (e.g. venue, accommodation, travel arrangements, etc.).

(c) *Training activities to which UPOV contributes*

21. In the case of training courses and academic programs offered by members of the Union and other organizations that, in the view of the Office of the Union, meet the policies and priorities set out by the Council (see paragraph 10, above), the Office of the Union will continue to provide as much support as possible in the design and operation of the training courses and academic programs. Organizers of the training courses and academic programs are encouraged to discuss with the Office of the Union their selection of trainees and the content of the course, with regard to the policies and priorities established by the Council, and are also encouraged to enable trainees to complete the UPOV distance learning course DL-205 "Introduction to the UPOV System of Plant Variety Protection" before, or during, the training course.

22. At present, UPOV contributes to a number of academic courses and programs organized by WIPO and/or by other institutions (see section (c) of paragraph 11, above).

23. The Office of the Union, in conjunction with members of the Union, and in cooperation with other organizations, will explore possibilities for academic institutions to introduce or enhance information on the UPOV system in relevant courses and programs. If relevant academic institutions wish to provide training on the UPOV system, the Office of the Union will provide access, as appropriate, to UPOV distance learning courses, existing information materials and lecturers. In general, lecturers would be locally-based and would be selected from UPOV-trained trainers, who would have access to relevant UPOV training resources (see paragraph 26 below). Information on those academic courses and programs could be provided on the UPOV website (see paragraph 27 below).

24. As part of this approach, at an appropriate time, a circular may be sent to UPOV members and observers in order to obtain information on relevant training and academic programs with PVP content to which UPOV does not currently contribute, and training and academic programs with intellectual property, plant breeding/biotechnology content, for which there might be an interest to introduce a PVP module. Based on a priority assessment and available resources, UPOV representatives and UPOV-trained trainers will be involved, as appropriate, in relevant follow-up actions.

(d) *In situ activities organized by UPOV*

25. Although it is planned to prioritize standard training activities organized, or co-organized, by UPOV (see (a) above) or fund participation in training activities developed in conjunction with UPOV (see (b) above), it will continue to be necessary to conduct *in situ* activities for certain needs, e.g. awareness-raising activities for local participants. Such activities can involve substantial resources for organization of the venue, accommodation, travel arrangements etc. Therefore, it is proposed to explore means of reducing the work to be done by the staff of the Office of the Union, for example by:

- (i) out-sourcing organizational work and/or using the administrative infrastructure of a training partner; and
- (ii) use of suitable UPOV-trained trainers and experts.

(e) *Resources for training and assistance*

26. The training and assistance strategy will maximize the use of existing guidance, experience and databases for capacity building by developing training materials and raising awareness of standard training programs and activities. In particular, the training and assistance section of the UPOV website will include:

- (i) in the publicly accessible training and assistance section:
 - o a catalogue of training activities and resources; and
- (ii) in the training and assistance section accessible via a password issued to UPOV representatives, alternates and UPOV-trained trainers:
 - o UPOV training and assistance webpage (see paragraph 27, below)

Training and assistance webpage⁴

27. Based on a priority assessment and available resources, it is proposed to develop the UPOV training assistance webpage as follows:

(a) the Office of the Union to include information on the standard training activities organized or co-organized by UPOV or developed in conjunction with UPOV (see sections (a) and (b) above);

(b) the Office of the Union to include basic information on training activities to which UPOV contributes and links to the relevant sites where complete information can be found (see sections (c) above); and

(c) to create a feature permitting members of the Union to upload information on their training, assistance services and activities not covered under sections (a) and (b); and

(d) to provide training materials from the Train the Trainer program.

PLANNED IMPLEMENTATION OF THE USE OF THE SPECIAL PROJECT FUND FOR TRAINING PURPOSES

28. It is proposed to use the Special Project Fund in 2015 for the purposes and in the order of priority presented in the following paragraphs, as considered appropriate in relation to the availability of funding from other sources.

Standard training activities organized or co-organized by UPOV

Contributing data to the PLUTO database

29. The creation of the Special Project Fund was the trigger for the development of the training course "Contributing data to the PLUTO database". In order for such training to be effective and equitable, it is necessary to be able to offer such training to all members of the Union that do not provide data for the PLUTO database, or do not provide data on a regular basis. The Special Project Fund will make that possible.

30. A pilot version of the course, in English, was organized at the UPOV Headquarters, in Geneva, from December 9 to 11, 2014. The course was attended by participants from Albania, Belarus, China, Georgia, Jordan, Republic of Moldova, Trinidad and Tobago, and Uzbekistan. At the end of the course, all of the participants reported that they would be able to provide data for the PLUTO database in the future and indicated the dates that they planned to start to contribute, subject to necessary approvals. In addition, following the course, communications were received from: Belarus, concerning amendments to its legislation; Trinidad and Tobago concerning a recent consolidated version of its legislation; and Uzbekistan concerning a notification on genera and species and an update on information on the new representative and designated persons in UPOV bodies.

31. It is planned that the Special Project Fund will be used to fund one participant from each of the other members of the Union that do not provide data for the PLUTO database, or do not provide data on a regular basis, to attend similar courses in English, French and Spanish during 2015.

⁴ The background to the assistance webpage is provided in document CC/84/4 "Assistance webpage on the UPOV website" and document CC/84/14 "Report", paragraphs 51 to 54.

Train the trainer courses

32. The Train the trainer course is an initiative that has been an annual, joint UPOV-USPTO activity in which participants have been funded by USPTO and other sources, including the Japan Fund-in-Trust. As explained in paragraph 14 above, it is planned to increase the number of such courses and to offer versions in French and Spanish. In 2015, it is planned to organize two courses in English and one each in French and Spanish, subject to available resources. Participation in these courses is likely to receive financial support from the extra budgetary funds provided by Japan, the Netherlands and the USPTO. However, additional funding may be required to provide all the required funding for the four courses. Therefore, if appropriate, it is planned to use the Special Project Fund to fund suitable participants in the Train the trainer courses.

Training for tutors in UPOV distance learning programs

33. Recognizing the importance of the UPOV distance learning courses as an effective means of providing training, it is proposed to organize a training course for distance learning tutors to enhance their use of existing UPOV materials and raise their awareness of recent developments concerning the UPOV system.

Training and assistance resources

34. Where the development of training and assistance resources is considered of particular importance, for example, the development of the UPOV training and assistance webpage, as set out in paragraph 27 above, the Special Project Fund may be used.

Training activities developed in conjunction with UPOV

35. The UPOV funding³ of participation in training activities not organized by UPOV is a new approach, for which approval for use of extrabudgetary funds may require further time, e.g. for the funding partners to consider the contents of the training. Therefore, if such training activities are developed and if funding is necessary and appropriate, it is planned to use the Special Project Fund to support participation.

In situ activities organized by UPOV

36. Where *in situ* activities are considered of particular importance and where other sources of funds are not available, the Special Project Fund may be used.

37. *The Consultative Committee is invited to:*

(a) *comment on the review of the UPOV training and assistance strategy; and*

(b) *approve the planned use of the Special Project Fund for training purposes in the context of the UPOV training and assistance strategy presented in this document.*

[End of document]