

CC/86/3 ORIGINAL: English DATE: September 10, 2013

### INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS Geneva

### **CONSULTATIVE COMMITTEE**

### Eighty-Sixth Session Geneva, October 23, 2013

### PREPARATION OF REPORTS TO THE COUNCIL

### 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 consider:
  - (a) a proposal for the presentation of information in the performance report for the biennium;
  - (b) plans for the use of surveys to provide information for performance reports; and

(c) a proposal by the Technical Committee (TC) to copy the circular concerning cooperation in examination, e.g. see C/xx/5, to the TC designated persons.

# I. PROPOSED PRESENTATION OF INFORMATION IN THE PERFORMANCE REPORT FOR THE BIENNIUM

### Introduction

2. The Consultative Committee, at its eighty-fifth session, held in Geneva on March 22, 2013, requested the Office of the Union to present a document illustrating the proposed presentation of information for the performance report for the biennium, for consideration by the Consultative Committee at its eighty-sixth session, to be held on October 23, 2013 (see document CC/85/10 "Report on the Conclusions", paragraph 25).

3. In order to illustrate the type of information that is proposed to be included in the performance report for future biennia, this document presents information mainly on the basis of the 2010-2011 Biennium. In that regard, it is emphasized that the purpose of the Annex to this document is only to illustrate the presentation of information in future biennia. In particular, the purpose is not to invite consideration of the performance of the 2010-2011 Biennium, which was presented in document C/46/2 "Annual report of the Secretary-General for 2011", considered by the Council at its forty-sixth ordinary session, held in Geneva on November 1, 2012.

### Background

4. At its eighty-fifth session, held in Geneva on March 22, 2013, the Consultative Committee approved the presentation, in the annual report of the Secretary-General, of the results and performance indicators for the year concerned, as set out in paragraphs 2 to 6 of document CC/85/5 "Preparation of Reports to the Council" (see document CC/85/10 "Report on the Conclusions", paragraph 25). It further approved the presentation of

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the performance report for the biennium in a separate document, which would include information on expenditure, the total number of posts for the Office of the Union and results and performance indicators by sub-program, on the basis of the program and budget adopted by the Council, as set out in paragraphs 2 to 9 of document CC/85/5 (see document CC/85/10 "Report on the Conclusions", paragraph 26).

5. The proposals made in paragraphs 6 to 9 of document CC/85/5 are reproduced below:

### "Proposal

### "Annual Report of the Secretary-General

"6. It is proposed that the annual report of the Secretary-General presents the results and performance indicators for the year concerned, in a similar way to the presentation of information made in the annual report of the Secretary-General for the first year of the biennium (see, for example, document C/45/2 "Annual Report of the Secretary-General for 2010"). The performance report for the biennium would then be presented in a separate document; for example for the Biennium 2014-2015:

- "(a) annual report with the results and performance indicators for 2014;
- "(b) annual report with the results and performance indicators for 2015; and

"(c) performance report for the biennium 2014-2015, which would include information on expenditure, total number of posts for the Office of the Union and results and performance indicators by sub-program, on the basis of the program and budget adopted by the Council.

### "Performance Report for the Biennium

"7. With regard to the document presenting the performance report for the biennium, it is proposed that the document would include information on expenditure, the total number of posts for the Office of the Union and results and performance indicators by sub-program, on the basis of the program and budget adopted by the Council (see, for example, document C/45/4 Rev.2). The presentation of such a document to the Council session in October/November 2014 would also, for example, provide a useful reference document for the Consultative Committee, at its session in March/April 2015, for its consideration of the draft program and budget for the 2016-2017 biennium.

"8. In order to present the results and performance indicators in the most informative way, it is also proposed, where appropriate, to increase the use of graphics and to indicate trends over time. [...]

"9. In order to avoid unnecessary duplication, the performance report for the biennium would also refer to detailed information provided in the following documents:

"(a) Financial situation of the International Union for the Protection of New Varieties of Plants as at the end of the biennium (e.g. document C/46/4 "Financial Situation of the International Union for the Protection of New Varieties of Plants as at December 31, 2011");

"(b) Annual report of the Secretary-General (e.g. document C/45/2);

"(c) Progress report of the work of the Administrative and Legal Committee (e.g. document C/46/9); and

"(d) Progress report of the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (e.g. document C/46/10)."

6. The Annex to this document is largely based on the performance report for 2010-2011 Biennium using information from the following documents, which contain considerably more detail than the proposed performance report document, but without a longer-term perspective and with less visual presentations. It is recalled that the same basis would be used for future biennia and that the corresponding documents would still be produced, with a reference being made to those documents for further details:

- document C/43/4 Rev. Program and budget of the Union for the 2010-2011 biennium
- document C/45/2 Annual report of the Secretary-General for 2010
- document C/46/2 Annual report of the Secretary-General for 2011
- document C/46/4 Financial situation of the International Union for the Protection of New Varieties of Plants as at December 31, 2011

7. The Consultative Committee is invited to consider the proposed presentation of information in the performance report for the biennium, on the basis of the Annex to this document.

### II. SURVEYS TO PROVIDE INFORMATION FOR PERFORMANCE REPORTS

8. As reported in document C/47/10 "Progress Report of the Work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular", paragraphs 16 to 21, the Office of the Union has tested an electronic survey tool as a means of seeking feedback from participants at the Technical Working Party for Ornamental Plants and Forest Trees (TWO) and the Technical Working Party for Fruit Crops (TWF) and Preparatory Workshops, with a view to investigating means to improve the effectiveness of the Technical Committee (TC), Technical Working Parties (TWPs) and Preparatory Workshops.

9. The TC, at its forty-ninth session, held in Geneva from March 18 to 2, 2013, agreed to organize a survey for:

- (a) participants at the TWP sessions in 2013, as proposed in Annex III of document TC/49/3;
- (b) participants at the preparatory workshops in 2013, as explained in document TC/49/10;

(c) participants at the forty-ninth session of the TC as proposed in Annex IV of document TC/49/3;

and

(d) members of the Union that did not attend the TC and TWP sessions.

The TC agreed that consideration of possible means of improving the effectiveness of the TWPs should be deferred until its fiftieth session in order to consider the results of the surveys above. The TC also agreed that it would be important to survey the members of the Union that had not attended the TC and the TWPs in order to understand the reasons why they had chosen not to attend.

10. It is further proposed to use electronic survey tools in relation to certain of UPOV's training and assistance activities to measure satisfaction of participants and the subsequent use of skills by participants. The use of such surveys would be in accordance with available resources and would build on the experience of the World Intellectual Property Organization (WIPO) in the use of such tools to assess performance.

11. On the above basis, it is proposed to consider including a summary of the results of relevant surveys in the performance report for the biennia after 2012-2013. In order to consider how such information might be included in the performance assessment, an illustration could be presented to the Consultative Committee at its eighty-eighth session.

12. The Consultative Committee is invited to:

(a) note the planned use of surveys by the Office of the Union, as set out in paragraphs 8 to 11 of this document; and

(b) request the Office of the Union to provide an illustration of the presentation of the results of surveys for consideration by the Consultative Committee at its eighty-eighth session.

# III. ARRANGEMENTS FOR COLLECTING INFORMATION ON DOCUMENT C/[XX]/5 "COOPERATION IN EXAMINATION"

13. As reported in document C/47/10, paragraphs 134 to 143, the TC, at its forty-ninth session, held in Geneva from March 18 to 2, 2013, received presentations on cooperation in DUS examinations by the Office of the Union and by certain members of the Union. On the basis of the associated discussions, the TC agreed to invite the Council to consider whether to copy the circular concerning cooperation in examination, e.g. see C/xx/5, to the TC designated persons in order to ensure that the maximum amount of information could be collected.

14. The Consultative Committee is invited to consider whether to recommend to the Council to copy the circular concerning cooperation in examination, e.g. see C/xx/5, to the TC designated persons in order to ensure that the maximum amount of information could be collected.

[Annex follows]

### CC/86/3

### ANNEX

# PROPOSED PRESENTATION OF THE PERFORMANCE ASSESSMENT FOR THE BIENNIUM (BASED ON 2010-2011 BIENNIUM)

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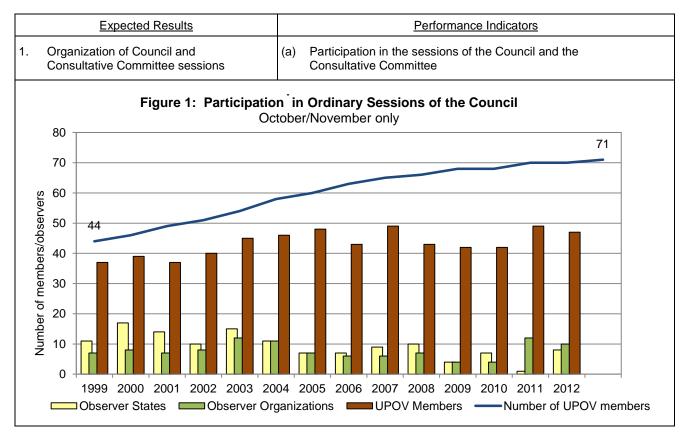
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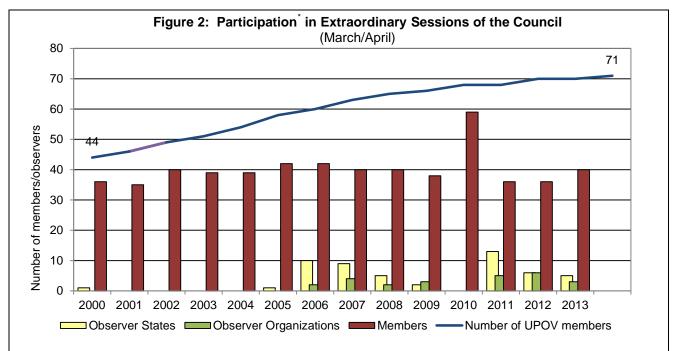
### 1. PROGRAM PERFORMANCE

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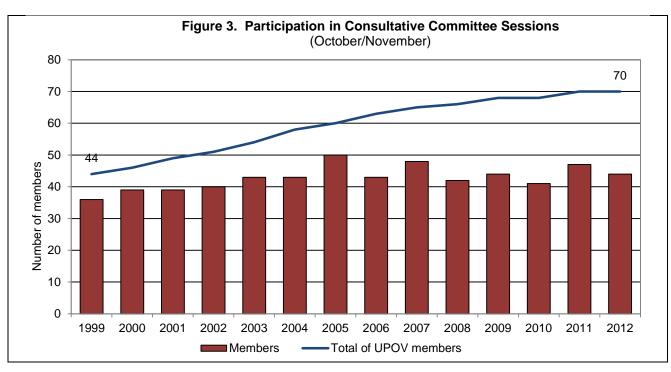
### 1.1 <u>Sub-program UV.1: Overall policy on plant variety protection</u>

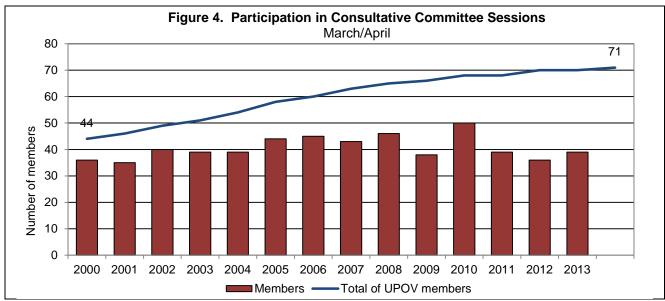
- **Objectives:**
- Policy direction and executive management.
- Planning, implementation and evaluation of program and budget.





Participation is assessed on the basis of the number of participating members and observer States/organization, rather than the number of individual participants.





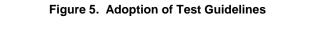
# 1.2 <u>Sub-program UV.2: Improved services to members of the Union / Ensuring an effective system of plant variety protection</u>

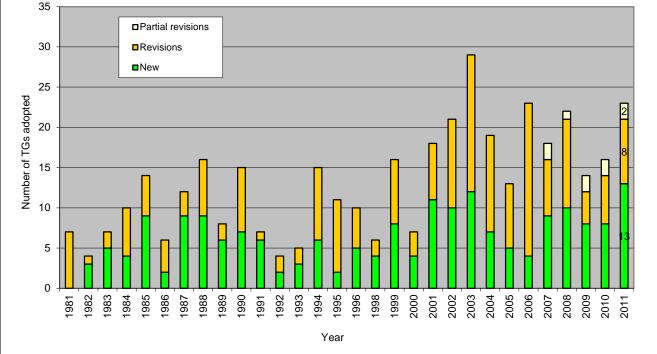
15. UPOV has adopted a considerable number of information and guidance documents that enhance the understanding and the implementation of the provisions of the Convention in an internationally harmonized and effective way, thereby reinforcing the quality of protection and helping to reduce the cost of obtaining protection. In 2011, the adopted Test Guidelines covered 90% of all PBR-related entries in the Plant Variety Database (201,873 of 224,189). New measures have been taken to enhance cooperation between members of the Union through improvements to the Plant Variety Database and GENIE Database.

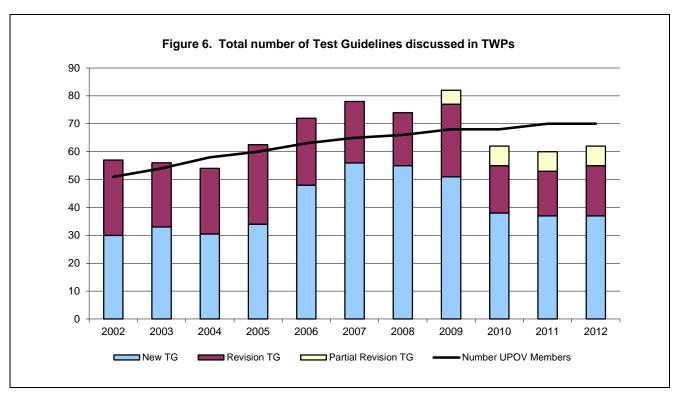
### **Objectives:**

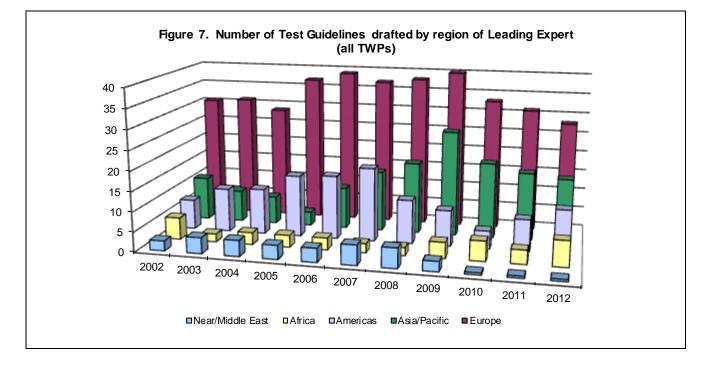
- To maintain and improve the quality of protection provided by the UPOV system.
- To provide and develop the legal and technical basis for international cooperation in plant variety protection according to the 1991 Act of the UPOV Convention.

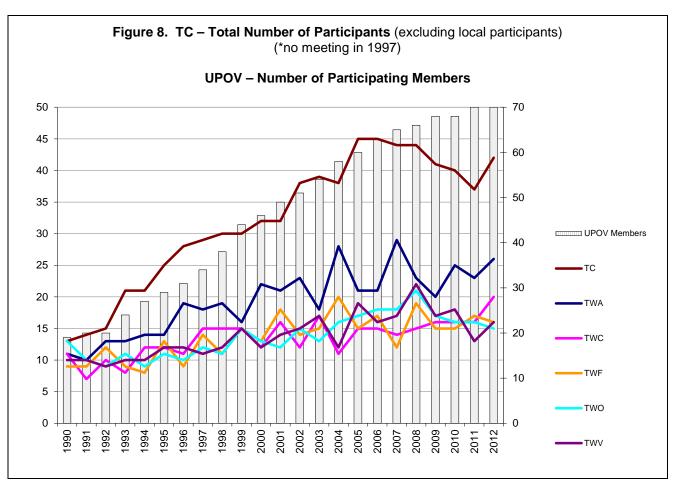
	Expected Results		Performan	ce Indicators
1.	Increased international harmonization of the implementation of the UPOV Convention	1.	Administrative and legal guida UPOV Convention proposed to or its Committees	nce on how to implement the o, or adopted by, the UPOV Council
				2 adopted by the Council 1 under consideration by CAJ 3 under consideration by CAJ-AG
				9 adopted by the Council 1 under consideration by CAJ
2.	Increased international harmonization in the examination of distinctness, uniformity and stability(DUS) of new varieties	2.		of distinctness, uniformity and stability or adopted by, the UPOV Council or
			TGP documents: 7 adopt     6 drafts	ted s advanced in the CAJ, TC or TWPs
			• Test Guidelines: see fi	gures 5 to 9 below

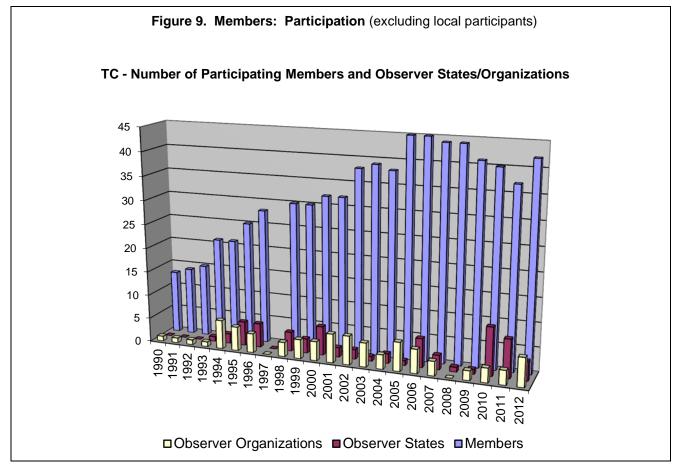












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З.	Improved accessibility of information relevant for examination of applications	3. Enhancement of the Plant Variety Database
		(a) Data quality and completeness
		<ul> <li>Number of members of the Union and other contributors contributing data to the Plant Variety Database increased from 39 (in 2009) to 40 (in 2011)</li> </ul>
		<ul> <li>Number of members of the Union and other contributors providing UPOV codes for their data increased from 19 (in 2009) to 39 (in 2011)</li> </ul>
		(b) Web-based version of Plant Variety Database
		The PLUTO database, a web-based, freely-available version of the Plant Variety Database, was launched in November 2011
4.	Improved accessibility of information relevant for cooperation in examination	4.1 Standardized classification of genera and species for improved database performance:
		<ul> <li>114 new UPOV codes created in 2010 and 173 new UPOV codes created in 2011 (Total number of UPOV codes: 6,851)</li> </ul>
		4.2 GENIE database updated for:
		UPOV codes (see above)
		<ul> <li>status of protection by genus / species within UPOV (based on document C/45/6)</li> </ul>
		<ul> <li>information on cooperation in examination (based on document C/45/5)</li> </ul>
		• experience in DUS testing (based on document TC/47/4)
		variety denomination classes
		4.3 Exchangeable software
		<ul> <li>Adoption and subsequent revision of document UPOV/INF/16 "Exchangeable Software", containing information provided by members of the Union on software that will be made available to other members of the Union</li> </ul>
		4.4 Seminar on DUS Testing
		<ul> <li>Attended by 121 experts representing 41 members of the Union, 10 observer States and 4 observer organizations</li> </ul>

### 1.3 <u>Sub-program UV.3</u>: Extending the coverage of protection of new varieties of plants

16. UPOV has assisted a number of States in the implementation of plant variety protection based on the UPOV Convention and has provided advice to governments in the preparation of legislation. Cooperation with members of the Union, particularly with regard to training courses, has provided substantial benefits for outreach. The use of the distance learning course "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention" and training of trainers have been of increasing importance in providing assistance to a wide range of experts. The introduction of a PVP law workshop was an important new initiative to provide assistance in an effective manner.

### **Objectives:**

- To assist States and certain organizations, particularly governments of developing countries and countries in transition to a market economy, in the preparation of legislation conforming with the 1991 Act of the UPOV Convention.
- To assist States and certain organizations in the accession to the 1991 Act of the UPOV Convention.
- To assist States and certain organizations in implementing an effective plant variety protection system in line with the 1991 Act of the UPOV Convention.

Expected Results	Performance Indicators
<ol> <li>Introduction of a legal basis of plant variety protection in line with the 1991 Act of the UPOV Convention by a growing number of States and intergovernmental organizations</li> </ol>	1. Comments on laws and regulations

### Figure 10. States and organizations for which comments on laws and regulations were provided



2.1 Training activities organized by UPOV2.2 Presentations made by UPOV

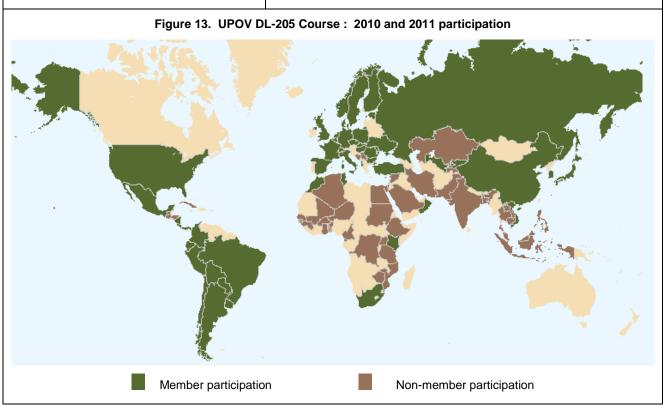




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З.

3. Participation in UPOV distance learning courses Number of participants in the UPOV distance learning courses



### Total number of participants by category (between 2006 and 2011)

Category	Number of students
<b>Category 1:</b> Government officials of members of the Union nominated by the relevant representative to the UPOV Council No fee	1,578
<b>Category 2:</b> Officials of observer States / intergovernmental organizations nominated by the relevant representative to the UPOV Council One non-fee paying student per State / intergovernmental organization; Additional students: CHF1,000 per student	114
Category 3: Others Fee: CHF1,000	144
Category 4: Discretionary waiving of fee for selected students	4
Total:	1,840

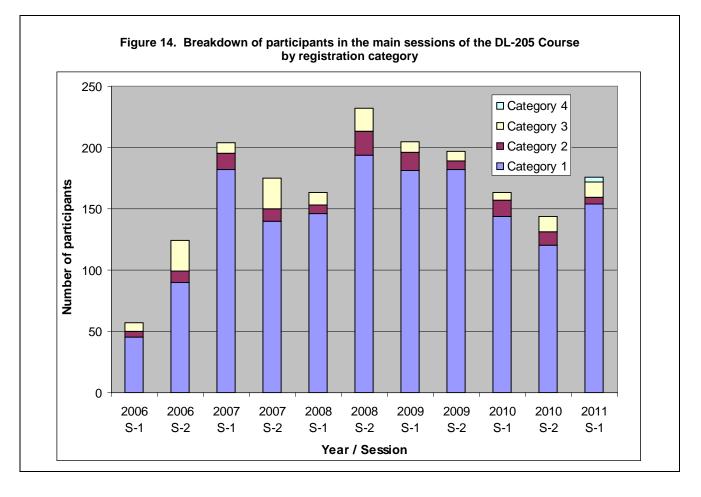
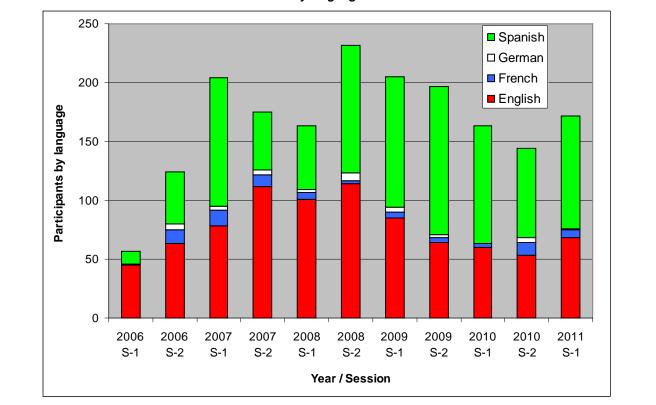


Figure 15. Breakdown of participants in the main sessions of the DL-205 Course by language

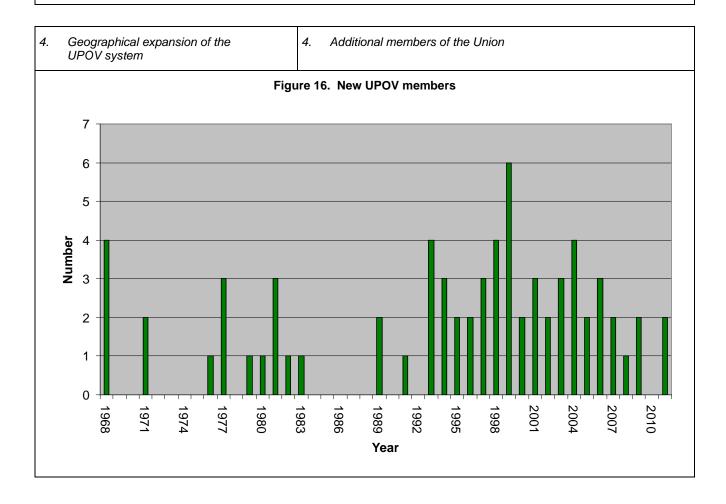


### Main sessions of DL-205 in 2010 and 2011

Total number of participants in 2010-2011: 597 (390 in 2010 – two sessions; 207 in 2011 – one session)

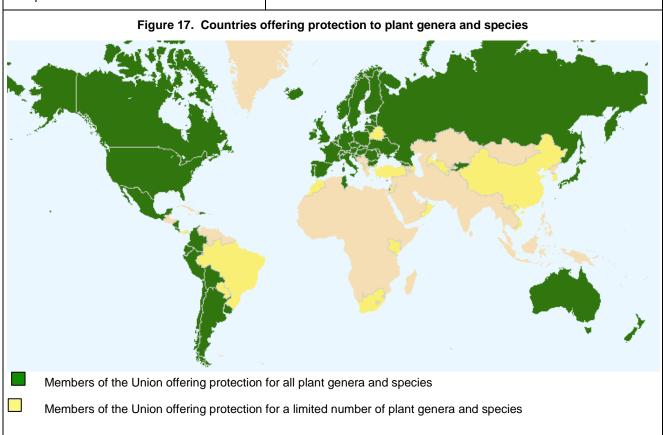
### Special sessions of DL-205 (in 2010 and 2011)

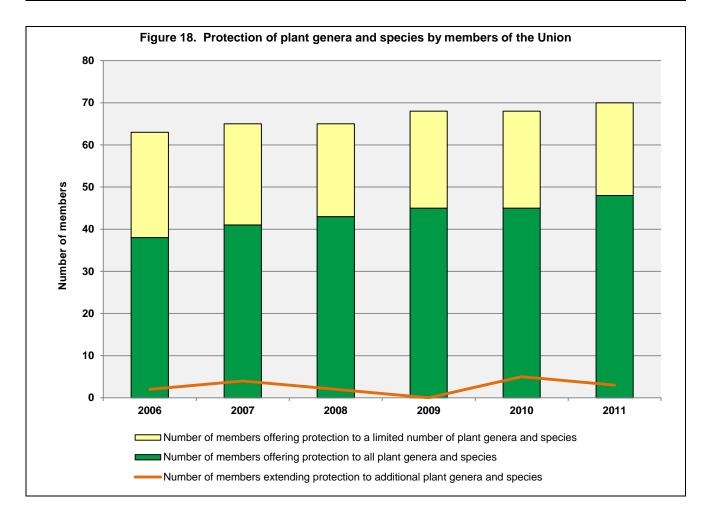
- Regional Seminar on Plant Variety Protection under the UPOV Convention, United Republic of Tanzania (2010)
- USPTO/UPOV Training Course "Plant Variety Protection under the UPOV Convention", United States of America (2010 and 2011)
- International Course on Plant Variety Protection Course (Naktuinbouw), Netherlands (2010 and 2011)
- KOICA Training Course on Plant Variety Protection, Republic of Korea (2010 and 2011)
- JICA Training Course on "Internationally Harmonized Plant Variety Protection System", Japan (2010 and 2011)
- Training Course for Ibero-American Countries on the Protection of New Varieties of Plants, Bolivia and Uruguay (2010 and 2011)
- African Intellectual Property Organization (OAPI) training (2010)

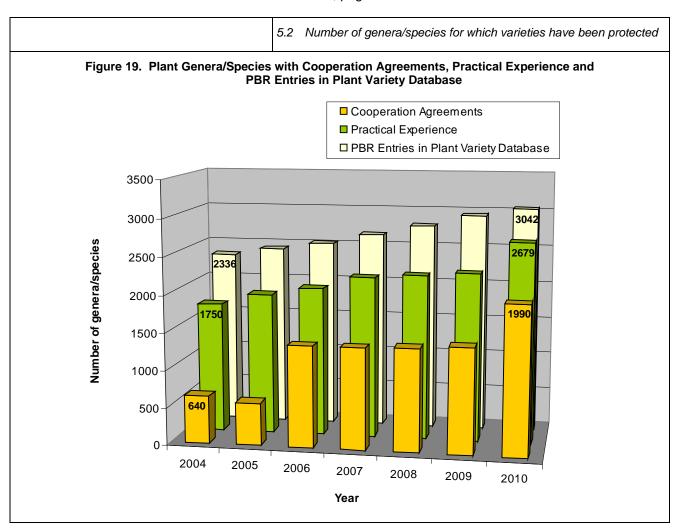


5. Number of genera and species for which protection is offered

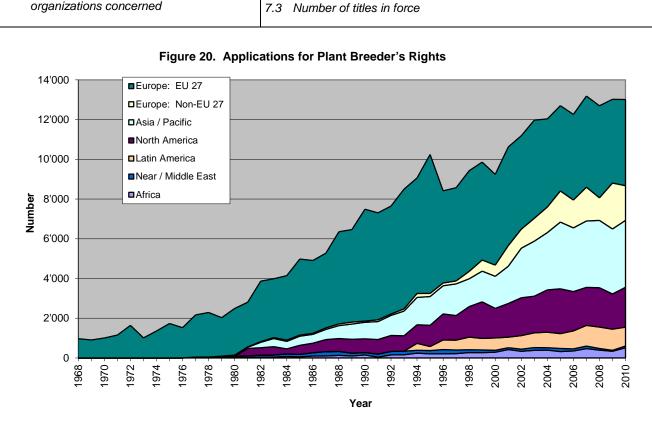
5.1 Number of genera/species protected by members of the Union

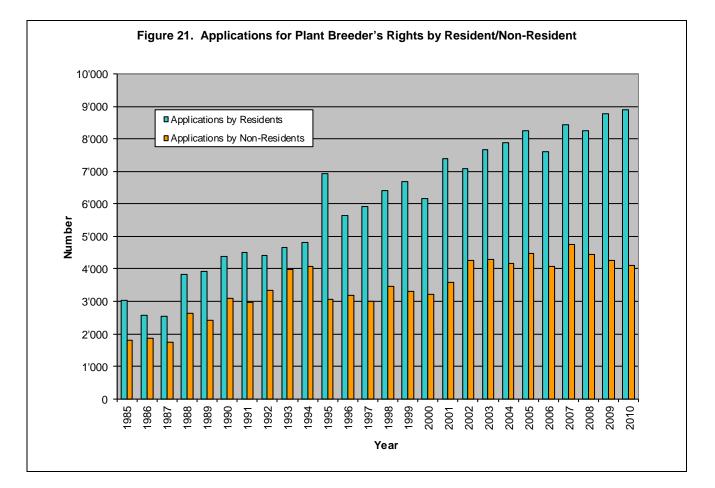




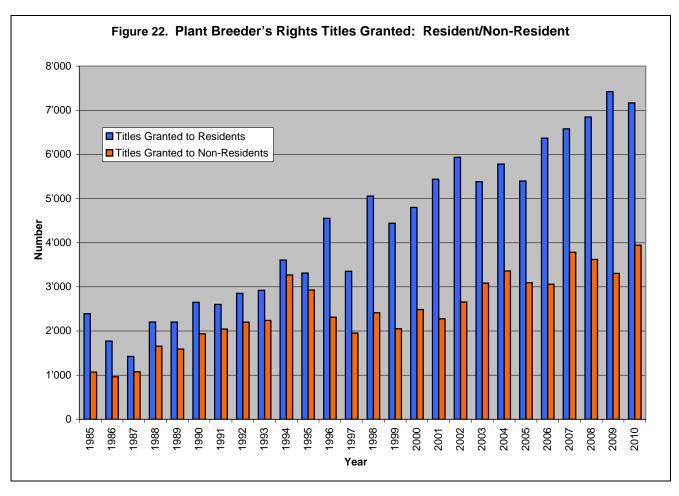


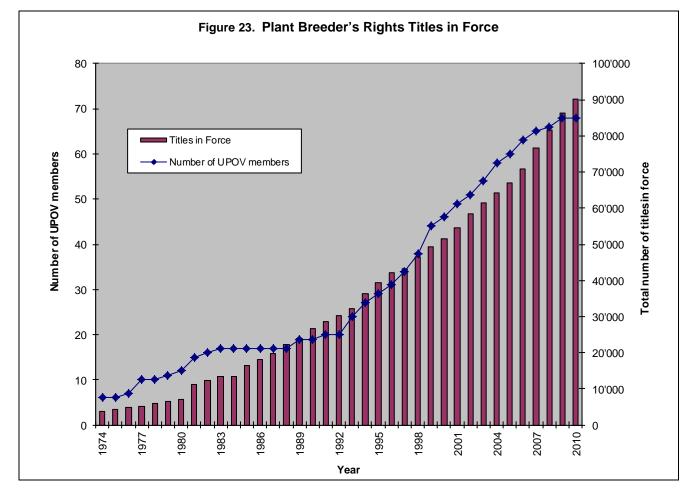
7. Incentives for the development of agriculture and the overall economy of the States and intergovernmental organizations concerned
7.1 Number of applications for plant breeders' rights
7.2 Number of titles granted
7.3 Number of titles in force





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### 1.4 Sub-program UV.4: External relations

16. The launch of the newly designed website was an important development that will increase the understanding of UPOV's role and activities and will increase public awareness of how an effective system of plant variety protection provides benefit to society. The organization of the "Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership" and the "Symposium on Plant Breeding for the Future" also provided information on the importance of plant variety protection for dynamic and sustainable agriculture.

Intergovernmental organizations, such as the African Intellectual Property Organization (OAPI), the African Regional Intellectual Property Organization (ARIPO), the Common Market for Eastern and Southern Africa (COMESA), the Conference of the Parties for the Convention on Biological Diversity (CBD), the Economic Cooperation Organization (ECO), the Food and Agriculture Organization of the United Nations (FAO), the International Seed Testing Association (ISTA), the Organization (WIPO), the World Trade Organization (WTO) and research institutes of the Consultative Group on International Agricultural Research (CGIAR) have invited UPOV to contribute to their work. International professional associations have continued regular contact with UPOV.

### **Objectives:**

- To increase public awareness of UPOV and strengthen its impact.
- To increase the understanding of UPOV's role and activities.
- To develop UPOV's corporate image.
- To maintain the attractiveness of the UPOV system

	Expected Results	Performance Indicators
1.	Recognition of the importance of the UPOV system by relevant organizations	1.1 Meetings of intergovernmental organizations in which UPOV was invited to participate
		ARIPO, CBD, CGIAR, COMESA, ECO, FAO, ISTA, OAPI, OECD, WIPO and WTO
		1.2 Meetings of non governmental organizations in which UPOV was invited to participate
		AFSTA, APSA, CIOPORA, ECOSA, ESA, FELAS, ISF, ISTA and SAA
2.	Better understanding of the basic	2.1 Launch of the redesigned UPOV website
	principles of the UPOV Convention	Some of the features of the redesigned website included the following:
		<ul> <li>multimedia presentation on UPOV;</li> <li>video on the use of plant variety protection by gentian farmers in the Ashiro region of Japan (" the Ashiro Rindo story");</li> <li>UPOV Collection of materials explaining the UPOV system;</li> <li>freely accessible database of plant varieties (PLUTO), formerly only available in the form of a CD-ROM on subscription (UPOV-ROM Plant Variety Database);</li> <li>database of UPOV members' laws (UPOV Lex)</li> <li>public access to the documents of the Administrative and Legal Committee (CAJ), Technical Committee (TC) and Technical Working Parties (TWPs).</li> </ul>
		2.2 Events held in Geneva providing information on the role of plant variety protection
		- Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership (April 11-12, 2011)
		Attended by 62 experts representing 23 members of the Union, 12 observer States, 6 observer organizations, and 9 other participants
		- Symposium on Plant Breeding for the Future (October 21, 2011)
		Attended by 145 experts representing 50 members of the Union, 1 observer State, 13 observer organizations, and 9 other participants

### 2. FINANCIAL PERFORMANCE

### 2.1 Income, expenditure and reserves 2006-2007, 2008-2009 and 2010-2011

[Brief explanatory text would be added, if appropriate]

# Table 1: Income, expenditure and reserves 2006-2007, 2008-2009 and 2010-2011 (in thousands of Swiss francs)

	2006-2007	2008-2009	2010-2011	Variation		2010-2011
	Actual	Actual	Budget			Actual
	А	В	С	D	D/C	E=C+D
1. Income	6,760	6,771	6,782	119	1.8%	6,901
2. Expenditure	6,214	6,381	6,782	-303	-4.5%	6,479
Difference (1-2)	546	390	-	422	6.2%	422
3. Reserve Fund	647	1,037	1,037	422	40.7%	1,459
4. Working Capital Fund	513	520	537	-	0.0%	537
5. Total Reserves at end of period (3+4)	1,160	1,558	1,574	422	26.8%	1,996

### 2.2 Structure of budget 2010-2011 as compared to 2006-2007 and 2008-2009

[Brief explanatory text would be added, if appropriate]

# Table 2: Structure of budget 2010-2011 as compared to 2006-2007 and 2008-2009(in thousands of Swiss francs)

	2006-2007	2008-2009	2010-2011	Varia	ation	2010-2011
	Actual	Actual	Budget			Actual
	A	В	С	D	D/C	E=C+D
1. Personnel Resources	4297	4,369	4,890	-619	-12.7%	4,271
2. Non-Personnel Resources	1,917	2,012	1,892	316	16.7%	2,208
Travel and contractual services	542	743	646	262	40.6%	908
Operating expenses, furniture						
and supplies	1375	1,269	1,246	55	4.4%	1,301
3. Grand Total	6,214	6,381	6,782	-303	-4.5%	6,479

### 2.3 Budget variation by object of expenditure

[Brief explanatory text would be added, if appropriate]

# Table 3: Budget variation by object of expenditure<br/>(in thousands of Swiss francs)

	2006-2007	2008-2009	2010-2011	Resource Variation		2010-2011
	Actual	Actual	Budget	Amount	%	Actual
Object of Expenditure	A	B	C	D	D/C	E=C+D
A. Personnel Resources				<b>I</b>		
Posts	4,297	4,291	4,800	-745	-15.5%	4,055
Short-term expenses	-	77	90	114	126.7%	204
Total	4,297	4,369	4,890	-631	-12.9%	4,259
B. Non-Personnel Resources						
Interns		-				-
Total	-	-	-	12	-	12
Travel and Fellowships						
Staff missions	310		300	137	45.7%	437
Third Party Travel	42	72	70	114	162.9%	184
Fellowships	-	-	-	-	-	
Total	352	517	370	251	67.8%	621
Contractual Services						
Conferences	121	152	140	110	78.6%	224
Experts	3	3	66	34	51.5%	48
Publishing	61	63	70	-	-	8
Other	5	8	-	10	-	6
Total	190		276	154	55.8%	286
Operating Expenses						
Premises and Maintenance	187	-	-	-	-	
Communication and Other	1,184	5	-		-	
Representation	-	5	-	-	-	
Admin and Bank charges	-	1,237	1,236	-	-	
Total	1,371	1,247	1,236	-	-	1,274
Equipment and Supplies						
Furniture and Equipment	-	14	-	10	-	6
Supplies and Materials	4	8	10	10	100.0%	21
Total	4	22		20	200.0%	
	· · · · ·					
GRAND TOTAL	6,214	6,381	6,782	-206	-3.0%	6,479

### 2.4 Budget 2010-2011: Posts by category

[Brief explanatory text would be added, if appropriate]

### Table 4: Budget 2010-2011: Posts by Category

	2006-2007	2008-2009	2010-2011	Variation	2010-2011
			Budget		Actual
Post Category	Α	В	С	D-C	С
Directors	3	3	3	-	3
Professionals	4	3	3	-	3
General Service	4	5	5	-	5
Total	11	11	11	-	11

### 2.5 Income 2010-2011: Variation by source

[Brief explanatory text would be added, if appropriate]

### Table 5: Income 2010-2011: Variation by source

	2006-2007	2008-2009	2010-2011	Varia	2010-2011	
Source	Actual	Actual	Budget			Actual
	А	В	С	D	D/C(%)	E=C+D
Contributions	6,485	6,507	6,512	51	0.8%	6,563
Publications	68	43	70	-22	-31.4%	48
Interest	105	127	100	-22	-22.0%	78
Other*	103	94	100	112	112.0%	212
Total	6,761	6,771	6,782	119	1.8%	6,901

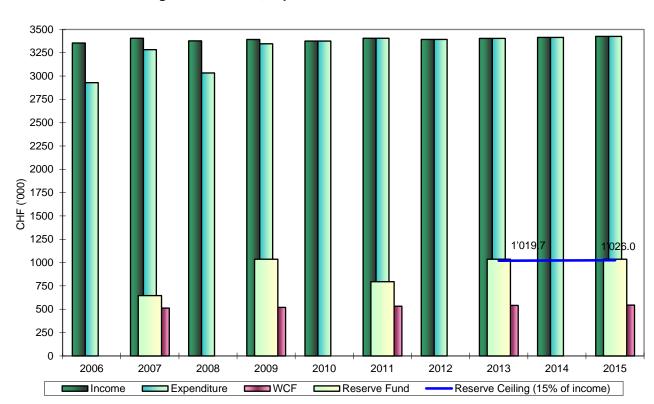
\*: Includes mainly income from administrative support costs under FITs and income from participants fees in the UPOV's distance learning program.

### 2.6 Income, expenditure and reserves for 2006-2011

[Brief explanatory text would be added, if appropriate]

### Table 6: Income, expenditure and reserves for 2006-2011

		Actua	a/		Budget		Actual	
	2006	2007	2008	2009	2010	2011	2010	2011
Income	3'355	3'406	3'378	3'393	3'376	3'406	3'412	3'489
Expenditure	2'930	3'284	3'034	3'347	3'376	3'406	3'501	2'978
Difference	425	122	344	46	-	-	-89	511
RWCF								
WCF		513		520		533		536
Reserve Fund		647		1'037		796		1'459
Total		1'160		1'558		1'329		1'995



### Figure 24: Income, expenditure and reserves for 2006-2011

[End of Annex and of document]