



C/36/11

ORIGINAL: English/French/Spanish

DATE: September 25, 2002

**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

GENEVA

**COUNCIL**

**Thirty-Sixth Ordinary Session**

**Geneva, October 24, 2002**

REPORTS BY REPRESENTATIVES OF STATES AND  
INTERGOVERNMENTAL ORGANIZATIONS ON THE LEGISLATIVE,  
ADMINISTRATIVE AND TECHNICAL FIELDS

*Document prepared by the Office of the Union*

1. According to the practice introduced on the occasion of the twenty-sixth ordinary session of the Council, it is recommended that the reports from the representatives of States (member States and observer States) and intergovernmental organizations on the situation in the legislative, administrative and technical fields of plant variety protection and related areas be submitted in writing, in advance, to increase the ability of the Council to carry out its tasks effectively.

2. Written reports have been requested by the Office of the Union in the invitation circulars relating to this session and a model format has been proposed for the purpose. The reports submitted by the following States are reproduced in Annexes I to XXIII (in the alphabetical order of the names of the States in French): South Africa, Australia, Belgium, Bolivia, China, Croatia, Denmark, Russian Federation, Finland, Ireland, Israel, Mexico, Norway, New Zealand, Poland, Czech Republic, Republic of Korea, Republic of Moldova, United Kingdom, Slovenia, Sweden, Ukraine and Yugoslavia.

[Annex I follows]

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ANNEXI

SOUTHAFRI CA

SituationintheLegislativeField

TherewerenooamendmentsorchangestoourPlantBreeders'RightsAct.

CooperationinExamination

Nonewagreementshavebeensignedwithanycountry.

[AnnexIIfollows]

## ANNEXII

## AUSTRALIA

1. Situation in the Legislative Field

1.1 No amendments have been made to the law or the implementing regulations in 2001-2002.

1.2 Caselaw. Nil

2. Cooperation with Examination

No change.

3.+4. Situation in the Administrative Field

The PBR office has accredited 27 Centralised Test Centres (CTCs) for DUS testing of the following 40 plant types: Potato, Sugar Cane, Canola, Wheat, Oats, Clematis, *Mandevilla*, *Diascia*, *Argyranthemum*, *Pelargonium*, Perennial Ryegrass, Tall Fescue, Tall Wheat Grass, White Clover, Persian Clover, *Bracteantha*, *Aglaonema*, *New Guinea Impatiens*, *Bougainvillea*, *Verbena*, *Agapanthus*, *Camellia*, *Lavandula*, *Osmanthus*, *Ceratopetalum*, *Rosa*, *Euphorbia*, *Limonium*, *Raphiolepis*, *Eriostemon*, *Lonicera*, *Jasminum*, *Angelonia*, *Cuphea*, *Cynodon*, *Zoysia*, *Petunia*, *Calibrachoa*, *Hordeum*, *Leptospermum* and *Rhododendron*.

In addition PBR Australia maintains and updates weekly a Homepage ([www.affa.gov.au/pbr](http://www.affa.gov.au/pbr)) that includes PBR information, downloadable forms for electronic lodgement; and a searchable copy of current applications, descriptions and grants.

Financial Year	Applications received	Applications completed	Applications pending
2001/2002	393	308	
Total 1988 to 2002	3643	2627	1016

5. Activities for the Promotion of Plant Variety Protection

PBR Australia has been involved in the following promotional activities:

1. Regional Technical Meeting for Asian Plant Variety Protection Systems and Workshop on the Principles of Technical Examination and the Preparation of National Test Guidelines, organized by the International Union for the Protection of New Varieties of Plants (UPOV) in cooperation with the Ministry of Agriculture of China, the State Forestry Administration of China and the State

Intellectual Property Office of China with assistance from the Ministry of Agriculture, Forestry and Fisheries Japan, China, 23 to 26 July 2001.

2. "Breeding as an eligibility requirement for PBR," National Annual Pasture Improvement Program Conference, Tanunda, February 2002.
3. "PBR ~ Place, Procedures and Potential". Discussions with Indonesian Agency for Agricultural Research and Development (Dr. Joko Budianto, Director General) and Australian Centre for International Agricultural Research (Dr. Colin Piggin), Canberra, 14 March 2002.
4. "New Varieties, Why, What and Where of Plant Variety Rights" ~ Canberra Institute of Technology, 20 March 2002.

[Annex III follows]

## PLANT VARIETY PROTECTION

### Situation in the Legislative Field

#### Adaptation to the 1991 Act of the Convention

The completion of this project is in progress. We hope that the new Law will be adopted in the course of 2003.

Access to plant variety protection under the 1991 Act is nevertheless still possible on Belgian territory through the Community Plant Variety Office by virtue of the applicable European regulations,

### Cooperation in Examination

Two agreements with the Russian Federation and Denmark are planned.

Further agreements may yet be concluded, or existing agreements amended, depending on requests for the extension of protection to new taxa.

### Situation in the Administrative Field

#### Changes in Administrative Structure

Following the reforms currently affecting the Belgian Administration, the Plant Variety Protection Department will soon form part of the Industrial Property Office, which deals with patents among other things and itself forms part of the Federal Public Service "Economy, SMEs, Middle Classes and Energy." It will therefore be separated in future from the department that manages the national catalogues of varieties, the powers of which were made regional on January 1, 2002.

#### Volume of Activity – Situation on 31.08.2002

From the first implementation of the legislation on plant variety protection in Belgium and up to August 31, 2002, 2,213 applications for protection were registered and 1,762 certificates issued, 393 of them being still in force.

## DEVELOPMENTS IN RELATED FIELDS OF ACTIVITY

### National Catalogues of Varieties

— A new Royal Decree on the National Catalogues of Varieties of Species of Agricultural Crops and Vegetables was signed on July 8, 2001, and came into force on October 11, 2001.

—A Ministerial Decree amending that of March 2, 1983, which laid down the procedure for the filing of applications for the inclusion of varieties in the national catalogues of varieties of species of agricultural crops and vegetables, was signed on September 22, 2001. That Decree, which came into force on November 23, 2001, changed the deadline dates for the submission of dossiers.

#### Control of Seeds and Seedlings - Certification

A Royal Decree amending that of October 25, 1991, which laid down the remuneration payable for the control of agricultural and horticultural seeds and seedlings, and also the remuneration payable for the exercise of certain professions in agriculture, horticulture and forestry, was signed on September 5, 2001.

#### Legislation on the Distribution and Marketing of GMOs

The transposition of Directive 2001/18/EC into Belgian Law is in progress.

#### Legal Protection of Biotechnological Inventions

*Transposition of European Parliament and Council Directive 98/44/EC of July 6, 1998, on the Protection of Biotechnological Inventions :*

A draft law amending the law of March 28, 1984 on patents for invention with respect to the patentability of biotechnological inventions was tabled in the Chamber on June 21, 2002.

[Annex IV follows]

1. Situation in the Legislative Field

1.1 Amendments to the Law and Regulations

Our country amended its legislation on the protection of plant breeders in April 2001 by Ministerial Resolution No. 040, restricting the concept whereby “breeders’ rights shall not be infringed by a person who reserves seed and sows the product of his own cultivation for his own use.”

This exception now extends only to producers with agricultural land of 200ha or less under cultivation, with maximum allowances within that area of 100ha for soya, wheat, maize, sorghum, sunflower and cotton, 50ha for rice and 20ha for other species. The breeder’s rights are not infringed by a person who sells the product of his cultivation of the protected variety as a raw material or food, regardless of the extent of cultivation.

1.2 -

1.3 Our country protects all genera and species (reference: document C/3 3/6).

2. Cooperation in Examination

There are no cooperation agreements.

3. Situation in the Administrative Field

There have been no changes in the administrative structure or in administrative procedures and systems, although there are plans for further amendment of the manuals governing procedural matters.

4. Situation in the Technical Field

Experience has been acquired in technical procedures, with DUS testing plots successfully developed for the third year in respect of the main crops protected. All this experience has been acquired in our Santa Cruz Regional Seeds Office.

The catalogue of protected varieties has yet to be published, owing to the small amount of business that has been conducted, but there are plans for publication to take place shortly.

[Annex V follows]

## ANNEXV

## CHINA

The current Status of Protection for New Varieties of Agricultural Plant in China.1. Situation in the Legislative Field

1.1 It is well known that the protection of new varieties plants is an important part of Intellectual Property Right Protection. However, according to the "Patent Law of the People's Republic of China" that came into force in 1985, no plant and animal varieties can be patented except their non-biological cultivation method. Thus, the "Patent Law" excludes new plant and animal varieties (especially new plant varieties) which are the most active parts of agricultural development and creation work and have the greatest application value. Neither could it guarantee the interest of breeders' or incite their enthusiasm to breed new varieties. This problem drew attention from both the Chinese government and those involved in agriculture. From this point, the Chinese government and researchers in agriculture raised awareness of this issue, and started to investigate an appropriate way to protect breeders' rights. To develop a modern agriculture in China, the central government decided to set up a specific Plant Variety Protection system. On March 20, 1997, the State Council officially promulgated the "Regulations of the People's Republic of China on the Protection of New Varieties of Plants," and this Regulation conforms to the 1978 Act of the UPOV Convention, establishing a special protection system for new plant varieties. Two years later, i.e. on March 23, 1999, after the approval of the standing committee of the People's Congress, China deposited its instrument officially for accession to the UPOV convention and became its thirty-ninth member State, on April 23, 1999. We received full support and assistance from UPOV and other member States during our preparation period of setting up the plant variety protection system. However, it is the very beginning for protecting new varieties of agricultural plants in China. We are short of experience in the areas of legislation, law enforcement, examination and DUS testing. There are no amendments in PVPLaw in China at present.

The Total Number of Applications Increased Significantly

The total number of applications in 2001 reached 227 which is twice as many as in 2000. By the end of August 2002, the PVP office in MOA received 174 applications, almost the same as last year. This is mainly due to extensive training on PVP topics, the importance of IP protection having been realized by more people, and the increased trust in PVP through strengthening of the law enforcement.

Initial Success was Achieved in the Exploitation of new Varieties of Plants

After variety rights were granted for "Shen Dan 10 and Shen Dan 16," many seed companies sought permission to sell and produce these varieties. This could not have been anticipated in the past. In only one year since the authorization, Shen Yang Academy of Agricultural Sciences has collected royalties of RMB 8 million (\$1 million) through license agreements, with relevant seed companies, to sell and produce the reproduction material of these protected varieties.



In addition, after variety “Yu Yu 22” was granted rights in 2000, He Nan Agricultural University obtained royalties of RMB2 million (\$250,000) in just one year through license agreement with four seed companies. The primary product of the four seed companies is the seed of “Yu Yu 22,” of which 20 million kilograms were produced and with a value of RMB120 million in 2000.

### 1.2 Law Enforcement on the Plant Variety Protection

Unlike other countries, there are two channels to enforce the protection on new varieties of plants in China: one is the People’s Court, the other is the administrative department of agriculture and forestry. Where disputes arise as to the ownership of the variety rights, the parties concerned may file a suit with the People’s Court. Where infringement of variety rights occurs, the variety rights holder or the party having an interest therein may request the administrative departments of agriculture and forestry of the People’s Government at provincial level, or above, to handle the case, or file a suit directly with the People’s Court. Where any new plant variety is counterfeited, the administrative departments of agriculture and forestry of the People’s Government at county level or above handle it. Last year, the Supreme People’s Court of China made judicatory explanation and formulated a series of rules for Local People’s Courts who handle lawsuits concerning plant variety rights.

#### Case Law

At present, the People’s Court in the city of Changchun is examining the few cases involving PVP. The accused have already expressed the wish to go for mediation and to pay compensation to the prosecutor. Furthermore, the People’s Court in the city of Huhehaote in the Inner Mongolia and in the city of Jinan in Shandong province have received PVP infringement cases and have already made judgments. The variety right holders have received some compensation.

In addition, one of the most serious case of infringement and counterfeiting of a protected variety concerned a Maize’ hybrid variety of “Yu Yu 22,” which was counterfeited by an unlawful seed dealer Yangxiujun, who was sentenced to five years’ imprisonment and fined RMB200,000 (\$25,000) by the Peoples’ Court of Zhengzhou He Nan province. The process of pronounced judgment was shown on a TV program about Judicial Fax in Zhengzhou city He Nan province. Furthermore, this sentence was published in local newspapers.

### 1.3 Publicized the Fourth List of Protected Genera and Species of Plants

The Ministry of Agriculture published the first list of protection in 1999, followed by three further lists of protection published during 2000 -2002, taking the total number of protected agricultural plants up to 30 plant genera and species involving field crops, vegetables, ornamentals and fruits. The first protection list comprised 10 plant genera and species, namely Rice, Maize, Chinese Cabbage, Potato, Cymbidium Goeringii Rchb.f, Chrysanthemum, Carnation, Gladiolus, Lucerne, Alfalfa and Kentucky Bluegrass. The second list of protection comprised 9 plant genera and species, namely Wheat, Soybean, Oilseed Rape, Peanut, Tomato, Cucumber, Pepper, Pear and Dock. The third list of protection contained four plant genera and species, namely Cymbidium,

Lily, Bird of Paradise and Stative. The fourth list of protected genera and species of plants (See Table 1) in 2002 is as follows:

Table 1, Fourth List of Protected Genera and Species of Plants in China, 2002

<u>Genera and Species</u>	<u>Latin Name</u>
Sweet potato	<i>Ipomoea batatas</i> (L.) Lam.
Millet	<i>Setaria italica</i> (L.) Beauv.
Peach	<i>Prunus persica</i> L. Batsch.
Litchi	<i>Litchi chinensis</i> Sonn.
Watermelon	<i>Citrullus lanatus</i> (Thunb.) Mansfeld et Nakai
Cabbage	<i>Brassica oleracea</i> L. var. <i>capitata</i> (L.) Alef. var. <i>alba</i> DC
Radish	<i>Raphanus sativus</i> L. var. <i>longipinnatus</i> Bailey & <i>Raphanus sativus</i> L. var. <i>radiculus</i> Pers.

## 2. Cooperation in Examination

The main activities of UPOV concern the promotion of international harmonization and cooperation, mainly between its member States, and with assisting countries in the introduction of plant variety protection legislation. A smoothly operating international trade requires uniform, or at least mutually compatible, rules.

The most intense cooperation between member States concerns the examination of plant varieties. It is based on arrangements whereby one member State conducts tests on behalf of others or whereby one member State accepts the test results produced by others as the basis for its decision on the grant of a breeder's right. Through such arrangements, member States are able to minimize the cost of operating their protection systems, and breeders are able to obtain protection in several countries at a relatively low cost.

Until now, no agreements of cooperation in examination have been completed, or are underway. We are trying to develop cooperation in examination with UPOV member States for the future, such as Japan and the Republic of Korea and other Asian countries.

## 3. Situation in the Administrative Field

3.1 No change in the administrative structure and office procedures and systems.

### 3.2 Statistics of receiving and examining PVP applications

There has been a total of 628 applications since implementing the PVP Regulation, of which three were applications from Japan, four from the Republic of Korea and two from the Netherlands. In total, 168 applications have been granted plant variety rights after examination and approval by the MOA.

The application numbers of field crops still occupy a dominant position. Of the 628 applications, 562 cases are applications for grain crops, led by maize and rice, comprising 89.78% of the total application. 40 applications are for vegetable crops,

7 are for ornamentals and grasses, and 17 are for fruit, comprising 6.4%, 1.1%, and 2.7% of the total applications, respectively. This shows some differences compared with other members of the Union. It has been reported that in the European Union there have been 11,807 applications from 1996 to 2000. Of those, 2,879 were for agricultural crops, 1,371 were for vegetables, 6,855 for ornamentals and 667 for fruits, comprising 24%, 12%, 58% and 6% of the applications, respectively. Furthermore, the applicants are mainly from these enterprises.

As China is a vast nation with an enormous population, the priority must be to resolve the problem of the staple foods for the people. Therefore, the state -assigned breeding program focuses mainly on field crops, particularly the grain crops. During the past 20 years, domestic institutes involved in agricultural research and education have bred many new varieties of rice, maize, wheat and other grain crops. The investment on ornamentals was less, with few new varieties. Therefore, it has resulted in less applications for PVP for those crops.

Enterprises and individuals are more active in applying for PVP than state -owned research institutes. As a breakdown of applicants, 429 applications are from domestic institutes related to agricultural research and education, 186 applications are from seed enterprises and individuals. This is different when compared to other countries undertaking market economy. As China used to have a planned economy, few enterprises were involved with plant breeding and with the state -breeding programs mainly assigned to state -owned institutes related to agricultural research and education, it resulted in new varieties being freely available for seed enterprises to produce and sale. With the development of the market economy, seed enterprises and individuals have been more encouraged in recent years to take part in plant breeding activities, and breed new varieties accepted by farmers. However, compared with state -owned research institutes, the number of new varieties is far less. Nevertheless, they make up about one third of the total applications. This indicates that they have a very strong intention to protect their own intellectual property.

#### 4. Situation in Technical Field

4.1 Government Investment: The Chinese Government has invested RMB20 million (\$2.4 million) to set up its DUS Test Center Building in Beijing and RMB3 million (\$362,000) to purchase the main equipment for this Test Center and 14 sub -testing centers. It is predicted that the Test Center building will be finished in 2004.

#### 4.2 DUS Testing

In 2002, 11 testing centers carried out 282 tests for 10 kinds of plants, including maize, rice, wheat, Chinese cabbage, soybeans, peanut, potato, capsicum, rape.

Although the testing centers have obtained some experience during the past three years, there are still some problems in testing work. For example, it is difficult to obtain certain example varieties from overseas, and, in addition, staff training needs to be further strengthened to ensure that the staff understand and operate testing to the same standard, and soon.

#### 4.3 Drafting DUS Guidelines for Selected Agricultural Plants

In order to conduct a field trial for new varieties of agricultural plants and set harmonized technical criteria for the DUS test, we arranged for local experts to draft national DUS test guidelines for 41 plant genera and species on the basis of UPOV Test Guidelines, with consideration of the situation in China. To be able to apply DUS test guidelines to the same plant species in all regions of China, we conduct the same trial in different ecological regions, which may lead to more than one set of example varieties in one species for the same characteristic. Therefore, the cost is much higher in China than in other countries, in terms of the investment in personnel, capital and materials, for drafting DUS test guidelines of a given species. To prepare the DUS Guidelines, the Ministry of Agriculture selected 31 from 400 institutes, research centers and universities of agriculture, such as the Chinese Academy of Agricultural Sciences and the China Agricultural University. 394 people are engaged in this work, of which 108 are professors and 153 are associate professors. The guidelines should be perfected through the process of application. For example, the selection of example variety will vary in different ecological regions.

4.4 The Chinese Government is currently in the process of establishing a DUS examination database and PVP net.

### 5. Activities for the Promotion of Plant Variety Protection

5.1 The Ministry of Agriculture promulgated “*Proposals for strengthening the work on variety protection for agricultural plants*” and prepared and published “The Management Provision of Agricultural Ministry of China for PVP Testing Center and Sub-Testing Center.”

5.2 PVP trials have been conducted in six provinces.

5.3 Produced a telefilm named “*Variety Protection for Agricultural Plants in China*” which was broadcast on CCTV.

5.4 Held course of lectures on PVP in many provinces, through which almost 200,000 people have been trained.

5.5 Publish the “*Variety Protection Gazette for Agricultural Plants*” every two months.

5.6 Wrote and published “*The general outline of PVP Agent Examination*” and organized the testing.

5.7 Held an executive seminar for PVP in China.

5.8 China and the Netherlands will conduct a training course which will start in mid-September.

5.9 Organized the UPOV Regional Technical Meeting for Asian PVPS systems.

5.10 Held the executive seminar for PVP Registration and Management in China from December 3 to 7, 2001 (Co-sponsored with USDA, Plant Variety Protection Office and American Seed Trade Association). 30 participants, mainly from China, took part.

5.11 Participated in the meeting of the Administrative and Legal Committee, the Consultative Committee of UPOV and plan to participate in the WIPO-UPOV Symposium on the co-existence of patents and plant breeders' rights in the promotion of biotechnological developments this year.

5.12 Sent five people to the Netherlands and Japan for short or long PVP training this year.

5.13 Eight people will be sent to USA for training in PVP Examination.

[Annex VI follows]

CROATIA

1. Situation in the Legislative Field

There have not been any changes to the Law or sub-law regulations.

2. Cooperation in Examination

The bilateral agreement of cooperation with Hungary has been ratified.  
An examination agreement with Slovenia is in preparation.  
Cooperation in the field of DUS examination with France started in 2002.  
The agreements concerning the exchange of DUS reports with certain other countries will be initiated by the end of the year.

3. Situation in the Administrative Field

From September 2001 to September 2002, a total of 24 applications for plant breeder's rights were received, but no breeder's rights were granted. All applications received (24) have been for agricultural crops and are under consideration.

4. Situation in the Technical Field

All activities related to plant variety protection are under the responsibility of the Institute for Seed and Seedlings.

5. Activities for the Promotion of Plant Variety Protection

5.1. Activities from October 2001 to October 2002:

Workshop: International Convention for the Protection of New Varieties of Plants  
- Lecture given by Mr. Rolf Jördens, Vice Secretary - General, UPOV  
- Organized by the Ministry of Agriculture and Forestry in cooperation with the Institute for Seed and Seedlings, in Zagreb, Croatia, on December 4, 2001.

Visit of Mr. Rolf Jördens, Vice Secretary - General, UPOV, to the Institute of Seed and Seedlings, Osijek, Croatia, on December 4, 2001.

A seminar concerning: Commission Regulation (EC) No 930/2000 - Denomination, Variety Registration and Plant Variety Protection in Croatia, was held on March 3, 2002.

Participation in the Ring Test Session and Advisory Meeting in Ljubljana, Slovenia, May 27 to 29, 2002.

During 2002, visits were made to: GEVES - France, BFL - Austria, OMMI - Hungary.

The expert for DUS -testing of wheat and barley received training on the GAIĀ software at GEVES, September 2 to 5, 2002.

Visits of experts from: UKSUP - Slovakia, Plant Variety Protection and Registration Office - Slovenia.

## 5.2. Activities planned for 2003:

DUS Ring Test on Barley Varieties will be held in Osijek, Croatia, on May 19 and 20, 2003 (*Participating countries: Albania, Austria, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Hungary, Kosovo, Poland, Romania, Slovakia, Slovenia and Yugoslavia*).

The expert for DUS testing of maize will be trained on the GAIĀ software at GEVES, February 2003.

[Annex VII follows]

ANNEXVII

DENMARK

SituationintheAdministrativeField

In 2001, a total of 28 applications for plant breeders' rights were received; 25 were agricultural crops and three were fruit plants. A total of 34 titles of protection were issued; 25 of agricultural crops, two of fruits and seven of ornamentals.

During the period from January 1 to September 1, 2002, 24 applications for protection were received and 14 titles of protection were issued.

RelatedFieldsofActivities:GeneticResources

The Danish Ministry of Food, Agriculture and Fisheries is working on a national strategy for plant genetic resources. A draft has been produced and it is expected to have the strategy adopted by the end of 2002.

[Annex VIII follows]



ANNEXVIII

RUSSIANFEDERATION

1. SituationintheLegislativeField

1.1 There are no amendments to the law and regulations. There has been a problem with the payment of the annual contribution of the Russian Federation to UPOV. A Draft Governmental Decree aimed at the settlement of the matter has been prepared.

1.2 -

1.3 A decision on the extension of the protection for all plant and animal kingdom was accepted in April, 2001. Applications for any plant or animal species can now be filed with the State Commission.

2. CooperationinExamination

- Agreements have been concluded on taking over DUS reports between the State Commission and the Polish and Hungarian authorities;
- A program for cooperation in variety testing with Uzbekistan has been signed;
- Agreements for cooperation in plant variety protection field with Ukraine and Kazakhstan have been concluded;
- An agreement with the Community Plant Variety Office (CPVO) on taking over DUS reports under the terms of UPOV has been reached;
- Negotiations are being conducted on the conclusion of an agreement with the authority of Belarus to take over DUS results for varieties, which have undergone testing in the Russian Federation.

3. We would like to especially underline the excellent mutual acting and understanding with the Bundessortenamt (Germany) with regard to matters concerning cooperation in examination, both in taking over DUS reports for varieties tested by the Bundessortenamt and in submitting national Test Guidelines for species for which UPOV Test Guidelines have not been established. With regard to the latter, we have also had fruitful contacts with the authorities of Canada, Estonia, Japan, New Zealand and Poland.

4. SituationintheTechnicalField

Installation of special storage equipment for storing representative seed samples of collections of protected and officially registered varieties is being completed at Egorjevskaya State Variety Station, Moscow area.

5. ActivitiesforthePromotionofPlantVarietyProtection

- This June, at the request of representatives from the International Maize and Wheat Improvement Center (CIMMYT) - Kazakhstan, a seminar for the specialists of authorities of Kazakhstan, Tajikistan and Uzbekistan has been arranged at Egorjevskaya State Variety Station, Moscow area, with lectures provided by the specialists of the State Commission on DUS testing for cereals and demonstration plots provided in the field.

- The Chairman of the State Commission has taken part in seminars arranged by the Office of the Union in Armenia and Uzbekistan this September.

#### RELATED FIELDS OF ACTIVITIES

This year, the State Commission has started to submit information for the CD-ROM for the selection achievements included in the national list.

The lists of varieties for a number of species for OECD schemes have been submitted by the Russian Federation for the first time this year.

[Annex IX follows]

1. Situation in the Legislative Field

No observations.

2. Cooperation in Examination

There were no further developments in this regard.

3. Situation in the Administrative Field

In the period from September 14, 2001, to September 9, 2002, six applications for protection were received and 13 titles of protection were issued.

4. Situation in the Technical Field

Finland has started DUS testing for wheat according to the protocol issued by the Administrative Council of the Community Plant Variety Office of the European Union as the implementation of the Commission Directive 2002/8/EC.

[Annex X follows]

Situation in the Legislative Field

- Further preparations are being made to facilitate the ratification of the UPOV Convention (1991).

Cooperation in Examination

- There is no change in this area.

Situation in the Administrative Field

- No change in administrative structure.
- No change in office procedures or systems.
- Since 1981, 516 applications for Plant Breeders' Rights have been received. 377 rights were issued and as of the 8th August 2002, 79 rights are in force.
- Problems encountered include rights holders not informing relevant authorities of changes of address etc., and the issue of variety denominations and trademarks.

Situation in the Technical Field

- There is no change in the situation in the technical field.

Activities and Promotion of Plant Variety Protection

- There is no active promotion except through the publication of the Bi-annual Gazette and an outline of broad activities in some governmental publications.

Developments in Related Fields

- The area of Plant Genetic Resources continues to be quite active. In 2002 a total of 7 plant related conservation projects were approved for funding by the Department of Agriculture and Food.
- The National Catalogue of Agricultural Plant Varieties is maintained by this office, and all varieties contained in this publication are eligible to be included in the Seed Certification schemes.

[Annex XI follows]

ANNEX XI

ISRAEL

On February 19, 2002, the Minister for Agriculture appointed a new Plant Breeders' Rights Council, chaired by Mr. Jacob Sagiv.

Similarly, this year too, we have witnessed a decline in the number of applications submitted for plant breeders' rights registration. However, the bulk of applications, mostly ornamentals, are still from foreign breeders, while its ratio with those of local breeders remains constant. From October 2001 up to the beginning of September 2002, 74 applications were received, of which 56 were of foreign breeders. Total number of registrations made, for this period of time, was 97, of which 76 were by foreign breeders.

The relatively high number of registrations effectuated is largely due to the purchase of test results, within the framework of cooperation agreements or otherwise, afforded to UPOV member States. This option expedites and shortens procedures for PBR registrations as well as helping to reduce the number of varieties tested locally.

[Annex XII follows]

## ANNEX XII

## MEXICO

1. Situation in the Legislative Field

- (a) Work has started on the consideration of a draft Mexican Official Standard to establish the requirements that have to be met by the denominations of plant varieties for registration, production, certification, marketing and exploitation. The draft was written according to the recommendations of UPOV, and it incorporates some elements from the guidelines of the Community Plant Variety Office (CPVO).
- (b) Changes to fees (Applicable from July 1 to December 31, 2002)

Examination and processing of application			\$8,818
Issue of record of filing			\$469
Issue of breeder's certificate			\$4,315
Recognition of priority rights			\$469
Change of denomination			\$1,191
Registration of transfer of protection rights			\$834
Certified copy of the certificate			\$238
Registration of renunciation of rights			\$1,191
Copy of description of protected variety			\$238
Corrections attributable to the user			\$155
<b>ANNUAL FEE BY GROUP</b>	<b>A</b>	<b>B</b>	<b>C</b>
Year 1	\$2,382.43	\$1,788.84	\$1,191.18
Year 2	\$3,573.72	\$2,978.05	\$1,786.79
Year 3	\$4,169.34	\$3,573.72	\$2,382.43
Year 4	\$4,764.99	\$4,169.34	\$2,978.05
Year 5	\$5,956.24	\$4,765.97	\$3,573.72
Years 6 to 15	\$7,147.51	\$5,956.24	\$4,764.99
Year 16 and thereafter	\$4,764.99	\$4,169.34	\$2,978.05

2. Situation in the Technical Field

- (c) Mexico took part in the meetings of the UPOV Technical Working Parties (TWA, TWC, TWF, TWO, TWV and BMT). Noteworthy was the involvement in the drafting of the Technical Guidelines for Prickly Pear (*Opuntia*), Dahlia (*Dahlia*), and Marigold (*Tagetes*), and the contribution to others such as Custard Apple (*Annona cherimola*) and Citrus (*Citrus*).
- (d) From June 12 to 14 a workshop was held on data processing for the benefit of Latin American countries, preceding the TWC meeting.

Theeventwasattendedby36peoplefrom12countries(Bolivia,Colombia,CostaRica, Denmark, France, Germany, Guatemala, Kenya, Mexico, Nicaragua, Poland, and, United Kingdom)andtheOfficeofUPOV. Ofthose,16wereforeignersand20fromMexico, representing ten institutions (Sánchez Colín Foundation –CICTAMEX–, CIMMYT, Postgraduate College, Directorate General of Agriculture Promotion, Pioneer Hybrids, INIFAP, Monsanto, SNICS, UACH and UAEM).

- (e) From June 17 to 20, the twentieth meeting of the Technical Working Party on Automation and Computer Programs (TWC) was held in Texcoco (Mexico) and attended by 23 people from 13 countries (Colombia, Czech Republic, Denmark, Finland, France, Germany, Hungary, Japan, Kenya, Mexico, Poland, United Kingdom) and the Office of UPOV. Of those, 18 were from outside and five from Mexico, representing three institutions (Postgraduate College, SNICS, Office of Goodrich, Riquelme and Associates).

### 3. Situation in the Administrative Field

#### Applications for breeders' certificates (situation on August 28, 2002)

<b>By Origin</b>			<b>By Species</b>		
	<i>Number</i>	<i>% of total</i>		<i>Number</i>	<i>% of total</i>
Mexican	202	41%	Maize	137	28%
USAmerican	181	36%	Rose	113	23%
French	47	9%	Strawberry	39	8%
Dutch	43	9%	Sorghum	30	6%
Others(7)	22	5%	Cotton	26	5%
			Sweetpotato	20	4%
<b>TOTAL</b>	<b>495</b>	<b>100%</b>	Others(43)	130	26%
			<b>TOTAL</b>	<b>495</b>	<b>100%</b>

<b>By Applicant</b>		
	<i>#</i>	<i>%</i>
1 INIFAP	93	19%
2 Monsanto	61	12%
3 Pioneer Hi -Bred International, Inc.	55	11%
4 Meiland Star Rose	36	7%
5 Bear Creek Gardens, Inc.	30	6%
6 Delta and Pine Land Company	25	5%
7 Driscoll Strawberry Associates, Inc.	24	5%
Others(57)	171	34%
<b>TOTAL</b>	<b>495</b>	<b>100%</b>

Of these applications some 25% have been processed, completion of the process being estimated as within the following year.

### 4. Activities for the Promotion of Plant Variety Protection

With a view to facilitating and harmonizing the description of varieties for which plant variety protection is sought, or the seed of which is to be certified, the “Manual Gráfico para la Descripción Varietal de Maíz” (graphic manual for maize variety description)

has been drawn up. The manual contains photographic references which enable the findings for each descriptor to be allocated more objectively. The variety characteristics conform to the UPOV Examination Guidelines, and other descriptors have been added to accommodate the particular features of Mexican maize varieties.

5. Related Fields of Activity of Interest to UPOV

Mexico has acceded to the certification schemes of the Organization for Economic Cooperation and Development (OECD) for cereals, maize and sorghum, fodder grass and vegetables, cruciferous plants, oil-bearing and fibrous plants and garden vegetables.

[Annex XIII follows]



ANNEX XIII

NORWAY

Situation in the Legislative Field

No changes have been done.

Cooperation in Examination.

Norway received three DUS reports from other member States.

Situation in the Administrative Field.

From January 1 to December 31, 2001, 39 applications were received. 6 titles were issued.

Grant of rights by crop kind were as follows:

Barley	2	Potato	1	Rose	1
Wheat	1	Triticale	1		

181 titles were in force on September 15, 2002.

[Annex XIV follows]

ANNEX XIV

NEW ZEALAND

Situation in the Legislative Field

- On April 3, 2002, the Government released a public discussion paper on "Reform of the Plant Variety Rights Act 1987." Reform of the current Act and subsequent ratification of the 1991 Act of the UPOV Convention has been sought by users of the PVR scheme for many years. A report delivered in June 2001 from a Royal Commission on Genetic Modification may have prompted the Government to make this first move towards reform; one recommendation of the Commission was "that the New Zealand Plant Variety Rights Act 1987 be amended to introduce the concept of essential derivation."

If all goes according to plan, the Act should be amended in 2004.

- The following amendments to the Plant Variety Rights' Regulations 1988 came into effect on January 1, 2002:
  - Plant Variety Rights Amendment Regulation 2001 —revising the prescribed quantities of seed that must accompany applications.
  - Plant Variety Rights (Fees) Amendment Order 2001 —revising the Plant Variety Rights' Fees Schedule.

The amendments implement agreements reached earlier with breeders and agents of seed-propagated agricultural varieties.

Situation in the Administrative Field

- During the financial year ending on June 30, 2002, 165 applications for plant variety rights were received (5 more than the previous year), 120 grants were issued (32 less) and 90 grants were terminated (29 less). On June 30, 2002, there were 1,218 valid grants (30 more).
- Since the beginning of July 2001, applicants and grantees have been able to make payment of PVR fees and charges by direct credit.

Activities for the Promotion of Plant Variety Protection

- The PVR Office gave a presentation on plant variety rights at a national Intellectual Property Conference held in June 2002. The purpose of the Conference was to provide information on all possible options available for those seeking intellectual property protection.
- In December 2001, three officials from the Plant Variety Protection Division, National Seed Management Office of the Republic of Korea, spent two weeks with the staff of the Plant Variety Rights Office on a study visit.

- New Zealand participated in UPOV team that:
  - conducted a series of four National Workshops on Plant Variety Protection in India conducted in four regions of that country from February 18 to March 1, 2002.
  - visited Suva, Fiji, from July 8 to 11, 2002, on a Fact -Finding Mission and to conduct a National Seminar on Plant Variety Protection under the UPOV Convention.

[AnnexXV follows]

Situation in the Legislative Field

The Polish legislation of Plant Breeders' Rights is a part of the Polish Seed Industry Law.

From 1996, the part of the Polish Seed Industry legislation concerning PBR has been based on the 1991 Act of the UPOV Convention.

The 1991 Act is currently in its final stage of approval in Poland. All necessary documents were approved by the Minister for Agriculture and Rural Development and the Minister for Foreign Affairs, and passed recently to the Polish Cabinet. We expect that the 1991 Act of the UPOV Convention will be approved by the Cabinet at the end of this year or at the beginning of next year.

The Polish Seed Industry Law was amended in 2000. In 2001, we informed the Council about the scope of the amended Law. The information was published in UPOV document C/35/12 on September 24, 2001.

A unified text of the Seed Industry Law has been published in the Polish Official Journal of 2001, No. 53, item 563 (*Dziennik Ustaw Nr 53/2001, poz. 563*).

Two implementing regulations to the Law entered into force in the second half of 2001:

- Decree of the Minister for Agriculture and Rural Development of August 14, 2001 (*entered into force on October 18, 2001*), on National Listing, granting of Plant Breeders' Rights protection, production and control of propagating material (Polish Official Journal of 2001, No. 108, item 1184),
- Decree of the Minister for Agriculture and Rural Development of August 27, 2001 (*entered into force on September 26, 2001*), on certain fees and remuneration in seed industry (Polish Official Journal of 2001, No. 97, item 1061).

This year, work on the new Seed Industry Law, and implementing regulations have been initiated. The working title of the Law is: Law on Plant Breeders' Rights and National Listing.

In contrast to the current Law, the provisions concerning production and control of propagating material will be placed in a separate law, which is also under preparation.

The new Law adapts Polish regulations to those of the European Community. The new legislation will enter into force on the date Poland becomes an EU member.

From November 1, 2000, varieties of all plant genera and species became eligible for protection by PBR.

Cooperation in Examination

Poland cooperates in the field of DUS examination. We have bilateral agreements, with the Czech Republic, Hungary and Slovakia. There are no changes in relation to information provided for the thirty-fifth ordinary session of the Council (UPOV document C/35/5).

Unilateral agreements are in force with Latvia and Lithuania. Poland shall carry out DUS testing at the request of the Latvian and Lithuanian authorities. It does not refer to particular species of plants. Varieties of any species which are undergoing DUS examination in Poland can be tested at the request of Latvia or Lithuania.

Poland participates actively with other countries in the work on ring test programs. This year, Polish experts took part in the Ring Test Session in Ljubljana, Slovenia, from May 27 to 29, 2002.

Situation in the Administrative and Technical Field

From January 1 to September 15, 2002, 352 new applications for PBR were filed, of which 83 were domestic and 269 foreign.

264 varieties; comprising 97 domestic and 167 foreign varieties, have gained titles of PBR protection. On September 15, 2002, there were 1861 protected varieties.

Details on statistics are given below.

Crops	Applications for PBR 1.01.–15.09.2002			Grant of PBR 1.01. –15.09.2002			Titles having ceased	Titles in force at 15.09.2002
	domestic	foreign	together	domestic	foreign	together		
Agriculture	65	50	115	58	28	86	8	523
Vegetables	-	-	-	24	3	27	-	197
Ornamental	17	215	232	9	132	141	21	1067
Fruit trees and berry plants	1	4	5	6	4	10	-	74
<b>Total</b>	<b>83</b>	<b>269</b>	<b>352</b>	<b>97</b>	<b>167</b>	<b>264</b>	<b>29</b>	<b>1861</b>

Related Fields of Activities

The Seventh International Seminar on Statistical Methods in Variety Testing took place in COB ORU, from September 10 to 13, 2002. Nine lectures were delivered at the seminar. Twenty participants from ten countries took part in the seminar, namely: Czech Republic, Denmark, Germany, Hungary, Lithuania, Poland, Portugal, Romania, Ukraine and the United Kingdom.

[Annex XVI follows]

ANNEX XVI

CZECH REPUBLIC

1. Situation in the Legislative Field

1.1 Amendments of the law and the implementing regulations

On June 1, 2002, Act No. 149/2002 Coll. of March 22, 2002, amending Act No. 408/2000 Coll., on Protection of Plant Variety Rights, entered into force. This Act sets out rules as regards fees payable in connection with the plant variety protection.

1.2 Case law: No observations

1.3 Extension of protection to further genera and species: No change.

2. Cooperation in Examination

A proposal for an agreement on cooperation with Germany is in preparation.

3. Situation in the Administrative Field

In the period from October 1, 2001, to August 31, 2002, 126 applications for protection were received and 128 titles were issued. At the last date, 632 titles were in force and 341 applications pending.

RELATED FIELDS OF ACTIVITIES

- National list of varieties

A Bill on marketing of seed and planting material, in order to implement the (European) Community rules, is under preparation.

- Patents etc.

A new Act No. 452/2001 Coll., on the protection of indications of origin and geographical indications, entered into force on April 1, 2002.

- Genetically modified organisms

A proposal for an Act amending Act No. 153/2000 Coll., on the use of genetically modified organisms and products, is under preparation.

- Genetic resources

A Bill on the conservation and use of genetic resources of plants and micro-organisms is under preparation.

[Annex XVII follows]

## ANNEX XVII

## REPUBLIC OF KOREA

50th UPOV Member State

In 1999, the Government of Korea asked the UPOV Council to advise in respect of the conformity of the Korean Seed Industry Laws with Article 34 of 1991 UPOV Convention. UPOV Council sent to the Government of Korea its positive advice that the instrument of accession may be deposited. The Korean Government submitted the amended Law to the Parliament, and the Law was passed in January 2001. Subsequently, the Korean Government presented the instrument of accession of the 1991 UPOV Convention on December 7, 2001, and joined on January 7, 2002, as the 50th member State of UPOV.

Extended Number of Plant Genera and Species to be Protected

Species or genus of the plants entitled to variety protection under this Law shall be determined in accordance with an Ordinance of the MAF. Currently, there are 113 plant genera and species designated as plant variety protection by Ordinance at the end of 2001. This has developed from 27 plant genera and species in 1997, extended by a further 30 plant genera and species in May 1, 2000, and by 31 plant genera and species on July 1, 2001, and by a further 25 plant genera and species on July 1, 2002.

Hosted UPOV/ASIAR Regional Technical Meeting

The Third Asian Regional Technical Meeting for Plant Variety Protection (hereinafter referred to as "the Meeting") was held from Tuesday, July 2, to Friday, July 5, 2002, at the Seoul Olympic Parktel, in Seoul. The Meeting was organized by the International Union for the Protection of New Varieties of Plants (UPOV), in cooperation with the Ministry of Agriculture and Forestry of the Republic of Korea and with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan.

Some 100 participants attended the Meeting. There were eighteen participants from the thirteen invited countries (Bangladesh, Cambodia, China, India, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Pakistan, Philippines, Sri Lanka, Thailand and Viet Nam) and some 70 participants from the Republic of Korea, as well as an expert from the International Rice Research Institute (IRRI). The experts from UPOV member States, who participated in the Meeting as speakers, were from China, Japan, Poland and Spain.

The objectives of the Meeting were to assist countries in the region in the development of effective technical examination systems, to discuss regional technical issues and to promote regional cooperation in variety testing by facilitating mutual understanding of the testing system in each country. The Meeting also discussed, in particular, the revision of the UPOV Test Guidelines for Rice and Chinese Cabbage.

[Annex XVIII follows]



ANNEX XVIII

REPUBLIC OF MOLDOVA

1. Situation in the Legislative Field

1.1. Amendments to the Law and Regulation on the application of the Law.

In the Republic of Moldova, Plant Varieties are protected in accordance with Law No. 915-XIV/1996 on the Protection of Plant Varieties, which conforms to the 1991 Act of the UPOV Convention.

The Regulations, which are applicable to Law No. 915 -XIV/1996 on the Protection of Plant Varieties, entered into force on December 1, 2000.

By adopting the Law No. 1079/XIV/ of July 2000 on amending various laws (Art. VI specifies amendment and completion of the Law No. 915 -XIV/1996 on the Protection of Plant Varieties), the Republic of Moldova Law relating to the Plant Variety Protection was conformed to the TRIPS provisions.

On 27 April, 2001, the speaker of the Republic of Moldova Parliament approved the Decision No. 112 -XV related to the adoption of the National Strategy and the Action Plan on the Preservation of Biological Diversity.

1.2 Case Law

There have been no precedents in the Republic of Moldova with regard to the protection of breeders' rights up to the present.

1.3. Extension to the protection to other genera and species (done or planned).

At the request of the national and foreign breeders and according to the Decision No. 1174 of November 20, 2000, of the Government of Republic of Moldova, the list of the botanic plant genera and species protected under Law No. 915 -XIV/1996 on Plant Varieties Protection was extended by 9 new species, in addition to the 15 existing, as follows:

Apple (*Malus L.*), Pear (*Pyrus communis L.*), Quince (*Cydonia oblonga Mull.*), Peach (*Persica vulgaris Mull.*), Apricot (*Armenica vulgaris L.*), Cherry (*Cerasus avium L.*), Cherry (*Cerasus vulgaris Muller.*), Nut (*Juglans regia L.*), Strawberry (*Fragaria Ananassa Du ch.*).

On September 17, 2001, the National Council for Plant Varieties approved an extension of 25 botanic plant genera and species; the new list has been presented to the Government for its approval.

2. Cooperation in Examination

The State Commission for Plant Variety Testing of the Republic of Moldova has no collaboration agreements with other organizations relating to the plant variety testing.

3. Situation in the Administrative Field

During the years 2000 to 2002, there have been no changes in the administrative structure. According to our law, the following authorities are responsible for the legal protection of the varieties:

1. The National Council of the Republic of Moldova for Plant Varieties (National Council)—the principal authority in determining the State policy in the field of plant variety approval.
2. The State Commission for Variety Testing (State Commission) —an expert body in charge of carrying out tests in order to determine the economic value of the varieties and their compliance with the conditions of patentability prescribed by the Law, keeps the Register of Plant Varieties.
3. The State Agency on Industrial Property Protection (AGEPI) —receives and processes the applications for the grant of variety patents, carries out the examination thereof, effects registration, publishes official information, grants patents, and keeps the Register of Variety Patents.

- Changes in the Procedural and Protection System

According to the Law No. 915 -XIV/1996 on the Protection of Plant Varieties, amended on June 23, 2000, foreign applicants only have the possibility to file a patent application for a plant variety through a representative in industrial property.

- Statistics

In the year 2001, 15 applications for protection of plant variety were received. In the period from January 1, 2001, to September 16, 2002, 17 applications for protection have been received. These applications refer to 14 species:

Plant	Species	No. of Applications	National/Foreign
Vine	Vitis L.	8	MD
Apple	Malus domestica Borkh	3	MD
Plum	Prunus domestica L.	4	MD
Spring vetch	Vicia sativa L.	1	MD
Autumn vetch	Vicia villosa Roth.	1	MD
Pea	Pisum sativum L. sensu lato	1	MD
Soybean	Glycine max (L.) Merrill.	2	MD
Autumn barley	Hordeum vulgare L.	2	MD
Galega	Galega orientalis Lam.	1	MD
Winter wheat	Triticum aestivum L.	4	MD
Corn	Zea mays L.	4	MD
Sunflower	Helianthus annuus L.	1	MD
Alfalfa	Medicago sativa L.	1	MD
Groundnut	Arachis hypogaea L.	2	MD
		total 35	

In 2000 -2001, no protection titles for breeder's rights were granted.

*Particular achievements, experience gained, problems encountered, suggestions*

Given the fact that in the 2000 -2001 period, the list of the botanic plant genera and species list has been extended, by inclusion of 9 additional kinds of crops (and it is expected a new extension with more 25 species), there is a need to create new collections of varieties, used in the DUS examination of plant varieties. Unfortunately, the State Commission for Plant Variety Testing has neither well -trained specialists in this realm, nor the necessary methodology, and UPOV assistance in the field would be very appropriate.

4. Situation in the Technical Field

After the preliminary examination, AGEPI submit the registered applications to the State Commission for Variety Testing for DUS examination.

At present, the State Commission for Variety Testing conducts DUS tests for the following crops: corn, sunflower, soybean, wheat, tomato, grape -vine, plum, cucumber, apple.

5. Activities for the Promotion of Plant Varieties Protection

- Meetings, seminars

In the year under review, AGEPI continued to organize seminars and workshops for interested persons, including breeders, held within the AGEPI library as well as in the territory.

The main topics of these seminars were: the procedures for obtaining the rights on a plant variety protection according to the Law 915 -XIV/1996; the possibility of making a preliminary checking on the variety denomination before filling in an application for protection; the advantages of the UPOV plant variety protection system and the news of the 1991 Act.

- Visits to and from non- member States

In the year 2002, a delegation composed of a representative of the State Commission for Variety Testing and a representative of AGEPI made a study visit to their fellows from Belarus (Minsk).

- Publications

A list of the registered applications for protection and those submitted for DUS examination to the State Commission is being published by the AGEPI in the Official Gazette of Industrial Property.

The AGEPI examiners have published in "INTELLECTUS" magazine a range of articles concerning the granting procedure of a plant variety patent according to the legislation of the Republic of Moldova, current difficulties of Plant Variety Protection System discussed within UPOV; some reports were prepared for the sixth session of the Scientific Symposium "AGEPI Readings," held in May 2002.

- Technical Assistance

On March 2000, a national seminar entitled "The Protection of Plant Varieties under the UPOV Convention, the Patent System and the TRIPS Agreement" was organized in the Republic of Moldova, with the support of UPOV and WIPO.

UPOV assistance is requested in providing training courses for the experts of the AGEPI and the State Commission in such issues as the examination of applications for the protection of plant varieties and the methodology of creating Plant Variety Collections. e

## RELATED FIELDS OF ACTIVITIES

- *Catalogues of Plant Varieties Authorized for Sale; Seed Certification*

The State Commission is publishing annually the Register for Plant Varieties recommended for cultivation in the territory of the Republic of Moldova, a List of the Prospective Varieties, a List of the Grapevine Clones and a Description of the Varieties registered in the Republic of Moldova.

- *Rules and Regulations in the Field of Genetic Engineering (release of genetically modified organisms)*

In the Republic of Moldova, there are no rules and regulations with regard to the protection and usage of genetically modified organisms.

However, when filing an application for an examination of DUS, the State Commission for the Plant Variety Testing requires a personal statement of the applicant specifying whether the plant variety to be examined is, or is not, genetically modified.

According to the National Strategy and the Action Plan on biological diversity conservation, the Ministry of Ecology, Territory Development and Construction should prepare a draft Law on Genetically Modified Organisms and the Regulation on application of the law thereof.

- *Genetic Resources:*

The examination of Industrial Property Rights usage while protecting genetic resources is a current matter in the Republic of Moldova.

The Action Plan on Biological Diversity Conservation in the Republic of Moldova includes the following activities:

1. Accession to the Cartagena Protocol of the Convention on Biological Diversity. Elaboration of the Regulations on the assurance of biological security in using genetically modified organisms and biotechnologies. Responsible authorities: the Academy of Science, Ministry of Ecology, Territory Development and Construction, Ministry of Industry, Ministry of Justice;

2. Modification of the legislation on Intellectual Property Rights relating to the local heritage (local plant varieties and forms and local animal races). Responsible authorities: the Ministry of Agriculture and Food Industry, AGEPI, Ministry of Ecology;
3. Elaboration of proposals for Protection of Plant and Animal breeds Varieties and their biotopes in the territory of the Republic of Moldova. Responsible authority: the Academy of Science of the Republic of Moldova;
4. Identification of the local heritage of crops and livestock, publication of the “Genetic Fund of the Republic of Moldova Catalogue.” Responsible authority: the Academy of Science of the Republic of Moldova;
5. Elaboration of a program for strengthening the institutional capacity of the “Center for Vegetal Genetic Resources” of the Academy of Science of the Republic of Moldova. Responsible authorities: the Ministry of Ecology, Academy of Science.

[Annex XIX follows]

ANNEXIX

UNITED KINGDOM

1. Situation in the Legislative Field

1.1 There have been no significant developments in the legislative field with regard to Plant Breeders' Rights following the ratification of the 1991 UPOV Convention in 1998.

1.2 Fees: following consultation, a 5% increase in fees charged for Plant Breeders' Rights was agreed from end July 2002.

2. Cooperation in Examination

The United Kingdom continues to play an active role in the testing of various species for a number of countries and the Community Plant Variety Office (CPVO).

3. Situation in the Administrative Field

3.1 Website address

The website address of DEFRA's Plant Variety Rights Office and Seeds Division is as follows: <http://www.defra.gov.uk/plant/pvs>.

The PVRO Plant Varieties and Seeds Gazette, which is published monthly, can be found at this address, in addition to other information relating to the Division.

4. Situation in the Technical Field

4.1 PBR Applications

There has been a decrease in numbers of applications for UK PBR, a fact which can be attributed almost directly to the increase in the number of applications for Community Plant Variety Rights, particularly with regard to ornamental species.

4.2 European Plant Breeders' Rights

The United Kingdom continues to contribute to the development and management of the EU system through membership of the CPVO Administrative Council and various working groups.

5. Activities for the Promotion of Plant Variety Protection

The United Kingdom continues to receive visitors from overseas wishing to learn more about plant breeders' rights. This year, PVRO has been pleased to welcome visitors from Egypt and Japan.

6. Related Fields of Activities of Interest to UPOV

6.1 National Listing

Following a major review of the UK's legislation on National Listing, new Regulations came into force on December 1, 2001: the Seeds (National Lists of Varieties) Regulations 2001.

6.2 Forum on Seeds for a Sustainable Environment (FOSSE)

With the creation of DEFRA (Department for Environment, Food & Rural Affairs) and the setting of new objectives encompassing the promotion of a sustainable agriculture and environment, the Plant Varieties and Seeds Division has set up a Forum on Seeds for a Sustainable Environment (FOSSE). The Terms of Reference of FOSSE are as follows

“to provide an opportunity for environmental, consumer and industry representatives to discuss strategies for the development of plant breeding and seed production in the context of promoting sustainable agriculture and a sustainable environment, including issues raised in international fora.”

FOSSE has held two meetings to date and plans to hold two meetings a year: The minutes of these meetings can be found on the website (see above).

[Annex XX follows]

ANNEXXX

SLOVENIA

Situation in the Legislative Field

The new Agricultural Seeds and Propagative Material Act was adopted in July 2002. The new Act covers production and marketing of seeds and propagative material of agricultural crops and national listing. A set of new sub-law regulations is under preparation.

Cooperation in Examination

A bilateral agreement of cooperation with Croatia, the Czech Republic and Slovakia is under preparation.

We continue cooperation in the field of DUS examination with Austria, Croatia, the Czech Republic, Hungary and Slovakia.

Situation in the Administrative Field

From September 2001 up to September 2002, two applications were filed and no new titles of protection issued. Total number of titles in force is 60 (agricultural crops: 28; vegetables: 4; fruit crops: 2; ornamentals: 26).

Developments in Related Fields of Activities

The new National List of Varieties, including the list of protected varieties, was published in July 2002.

Four new issues of Slovenian Plant Breeder's Rights and Variety Registration Gazette was published since September 2001.

Others

According to the new Plant Protection Act, the Plant Variety Protection and Registration Office has been incorporated into the Administration for Plant Protection and Seeds of the Republic of Slovenia, with effect from February 13, 2002.

The national responsible authority for Plant Breeder's Rights and for National Listing is now:

Administration for Plant Protection and Seeds  
Ministry for Agriculture, Forestry and Food (MARR) (MFF)  
Dunajska 58  
SI-1000 Ljubljana  
Slovenia



ANNEX XI

SWEDEN

Cooperation in Examination

Extension of existing agreements with four countries is under discussion.

Situation in the Administrative Field

Number of applications received:

July 1 1995, to June 30, 2000:	52
July 1, 2000, to June 30, 2001:	36
July 1 2001, to June 30, 2002:	47

Number of titles of protection issued:

1999:	23 (22 agricultural and 1 ornamental)
2000:	27 (16 agricultural, 3 fruit, 1 ornamental and 7 others)
2001:	31 (24 agricultural, 4 fruit and 3 ornamental)

Number of grants valid as per July 1:

2000:	335 (218 agricultural, 3 vegetable, 32 fruit, 75 ornamental and 7 others)
2001:	312 (210 agricultural, 2 vegetable, 35 fruit and 65 ornamental)
2002:	297 (212 agricultural, 3 vegetable, 33 fruit and 49 ornamental)

Situation in the Technical Field — Genetically Modified Organisms

At present, applications are pending for three genetically modified potato varieties. For one potato variety, the DUS test has been completed and the decision is pending awaiting an EU decision on market release.

[Annex XXII follows]

## ANNEXXXII

## UKRAINE

Situation in the Legislative Field

On January 17, 2002, the Supreme Rada of Ukraine finally adopted the new draft of the law of Ukraine "On the Protection of Plant Variety Rights." That law, which entered into force on July 1, 2002, regulates property and personal non-property relations that arise with regard to acquisition, implementation and protection of plant variety rights and is applicable for all genera and species of plants.

Plant variety protection is extended to the following species: Eggplant (*Solanum melongena* L.), Beet Root (*Beta vulgaris* L. ssp. *vulgaris* var. *conditiva* Alf.), Sugar Beet (*Beta vulgaris* L. ssp. *vulgaris* var. *Altissima* Doell.), Melon (*Cucumis melo* L.), Rye (*Secale cereale* L.), Watermelon (*Citrullus lanatus* (Thunb.) Matsum. et Nakai), White Cabbage (*Brassica oleraceae* L. convar. *capitata* (L.) Alef. var. *alba* DC.), Red Cabbage (*Brassica oleraceae* L. convar. *capitata* (L.) Alef. var. *capitata* L.f. *rubra* (L.) Thell.), Cauliflower (*Brassica oleraceae* L. convar. *botrytis* (L.) Alef. var. *botrytis*), Potato (*Solanum tuberosum* L.), Maize (*Zea mays* L.), Carrot (*Daucus carota* L.), Cucumber (*Cucumis sativus* L.), Sweet Pepper (*Capsicum* spec.), Tomato (*Lycopersicon esculentum* Mill.), Millet (*Panicum miliaceum* L.), Soft Wheat (*Triticum aestivum* L.), Hard Wheat (*Triticum durum* Desf.), Rice (*Oryza sativa* L.), Sunflower (*Helianthus annuus* L.), Soybean (*Glycine max.* (L.) Merr.), Triticale (*Triticosecale* Wittmack), Barley (*Hordeum vulgare* L. sensu lato).

By the Decree of Cabinet of Ministers of Ukraine N 1183 from August 19, the new Regulation on fees regarding acquisition, implementation and protection of plant variety rights has been approved. This regulation covers the amounts, terms and procedures of fee payment.

Cooperation in Examination

In the reporting period, the State Commission of Ukraine for Testing and Protection of Plant Varieties concluded an agreement with the State Commission of the Russian Federation on Testing and Protection of Selection Achievements on Cooperation in the Field of Plant Variety Testing and Protection.

The Agreement on Cooperation between the State Commission of Ukraine for Testing and Protection of Plant Varieties and the Netherlands Association Plantum NL in the Field of Training, Usage and Mutual Recognition of Plant Variety Testing Results of Vegetable Crops is being prepared for signing. The development of a long-term program of cooperation with the Research Centre for Cultivar Testing of Poland is at the final stage, fulfillment of which will be realized with assistance of UPOV.

An Agreement on Cooperation between the State Service on Right Protection for Plant Varieties and the German Federal Office on Plant Varieties in the Field of Testing and Protection of Plant Varieties is planned to be established. Agreements between Azerbaijan, Georgia and Ukraine on cooperation in the field of plant variety protection is also planned to be established.

### Situation in the Administrative Field

According to the new law of Ukraine “On the protection of plant variety rights,” the Cabinet of Ministers of Ukraine, by its Decree, reorganized the State Commission of Ukraine into the State Service on Right Protection for Plant Varieties, and the State Center for Certification, Identification and Quality of Plants Varieties into the Ukrainian Institute for Plant Variety Examination. The Chairman of the State Service on Right Protection for Plant Varieties has been designated as Mr. Victor V. Volkodav — the Representative of Ukraine in the UPOV Council.

The State Service on Right Protection for Plant Varieties (State Service) is a governmental body of public administration, within the Ministry of Agrarian Policy of Ukraine. The State Service on Right Protection for Plant Varieties (State Service) together with the Ukrainian Institute of Plant Variety Examination (central body of examination), inspections for plant variety protection, state variety stations, laboratories, and other institutions for variety examination make up the State system of plant variety rights protection in Ukraine.

In compliance with the new law, the State Service is authorized to fulfill the obligations that arise with regard to acquisition, implementation, registration and control for realization of plant variety rights. In previous times that was an obligation of the Department of Intellectual Property of Ukraine.

During 2001, 36 applications were received: Barley: 7; Wheat: 9; Maize: 11 ; Rye: 1; Potato: 4; White cabbage: 3; Sweet corn: 1.

On August 1, 2002, 54 patents had been granted.

### Developments in Other Fields of Activity

With active participation by the State Service on Right Protection for Plant Varieties, a “National Seminar on Biotechnology Intellectual Property” was organized in Crimea, Ukraine, on June 12 and 13, 2002. In the framework of this Seminar, the “National Workshop on Plant Variety Protection” was organized in Kyiv, on June 14, 2002. In this Seminar, the Vice Secretary-General of UPOV, Mr. Rolf Jördens, and the Consultant of UPOV, Mr. Vladimir Derbenskiy, participated.

For the purpose of implementing the provisions and requirements of the Law of Ukraine, a National Scientific Seminar on the matters of plant variety protection in Ukraine “On the Protection of Plant Variety Rights” on June 25 and 26, 2002, was organized. Scientists, breeders and patent engineers took part in this seminar. This event was widely covered on TV and radio and, the main themes were published in press.

Ukrainian experts will participate at the Seventh Working Seminar on Statistical Methods in Variety Testing, at the Research Centre for Cultivar Testing in Slupia Wielka (Poland) from September 10 to 13, 2002.

The State Service has established a training school which, twice a year, conducts theoretical and practical classes, as well as lectures on DUS test for experts from state variety stations.

The State Service held regional seminars at state variety testing stations, on problems in plant variety testing, with participation of specialists from the State Service, plant breeders, and farmers.

In the reporting period, the State Service published five issues of the Catalogue of new plant varieties and hybrids, entered into the Register of Plant Varieties of Ukraine. This catalogue has been introduced and issued by the State Register of Plant Varieties, and is eligible for distribution in Ukraine.

In Ukraine, there is work on the development and implementation of legislative and legal acts in the field of biotechnology and genetic engineering. Recently, the Law of Ukraine "On biosafety" has been passed to Parliament for consideration.

[Annex XXIII follows]

ANNEX XIII

YUGOSLAVIA

1. Situation in the Legislative Field

A version of the Plant Variety Protection Law (hereinafter referred to as "the Law") with the 1991 Act of the UPOV Convention is in the process of adoption by the National Parliament of the Federal Republic of Yugoslavia. The Yugoslavian Parliament will consider and approve legislation to establish a plant variety protection system that complies with the UPOV 1991 Convention. The Yugoslav Plant Variety Protection Law has already received preliminary approval from all National (Federal and Republic) Authorities.

2. Cooperation in Examination

Representatives of Federal Institute for Plant and Animal Genetic Resources, Plant Variety Registration and Protection Department participated in the Ring Test Session Meeting and Advisory Meeting of the Heads of the Central European Variety Registration Authorities in Slovenia from May 27 to 29, 2002. The organizers of the meeting are the Administration for Plant Protection and Seeds and the Agricultural Institute of Slovenia. FR Yugoslavia will participate in the ring tests of barley for the 2002 sowing season.

FR Yugoslavia will organize preliminary DUS testing in the Yugoslav agricultural institutions will include surrounding countries with a similar climate in cooperation activities.

3. Situation in the Administrative Field

The Federal Institute for Plant and Animal Genetic Resources from January 2002 is part of the Federal Ministry of Economy and Internal Trade, and as the designated authority will retain the role of cooperation with UPOV.

4. -

5. Activities for the Promotion of Plant Variety Protection

In May 2002, the Federal Institute for Plant and Animal Genetic Resources in cooperation with the United States Department for Agriculture (USDA) organized a Plant Variety Protection Seminar in Belgrade, in order to raise public awareness about plant variety protection, and a workshop to develop technical and institutional capacities for the establishment and implementation of a plant variety protection system. Mr. Vladimir Derbenskiy represented UPOV and Hungarian officials represented OMMI at the activities.

The Participants at the PVP Workshop comprised a core group of experts from within Yugoslavia to increase public awareness about plant variety protection and guide the technical and institutional development of a plant variety protection system for Yugoslavia.

Representatives from the Federal Institute for Plant and Animal Genetic Resources visited the PVPO office in Hanover, Germany.

[End of Annex XXIII and of document]