



C/37/15

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL**Thirty-Seventh Ordinary Session
Geneva, October 23, 2003****REPORTS BY REPRESENTATIVES OF STATES AND
INTERGOVERNMENTAL ORGANIZATIONS ON THE SITUATION IN 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 (members and observers) 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, Germany, Australia, Belgium, Bolivia, Canada, Croatia, Ireland, Kyrgyzstan, Mexico, Nicaragua, Norway, Panama, Netherlands, Poland, Republic of Korea, Romania, United Kingdom, Serbia and Montenegro, Slovakia, Sweden, Switzerland and Ukraine.

[Annex I follows]

ANNEX I

SOUTH AFRICA

PLANT VARIETY PROTECTION1. Situation in the Legislative Field

- 1.1 The 1991 Convention still has not been ratified.
- 1.2 The court case in which the holder of the PBR of the *Canna* 'Phasion' claimed damages from someone who violated his rights was heard in the Cape Town Supreme Court during 2001 and 2002 and judgment was given on April 22, 2002. Damages plus costs were awarded to the plaintiff, after which the defendant applied for leave to appeal. This application for leave to appeal was rejected and leave to appeal was then sought from the Appeal Court in Bloemfontein. This was granted and the appeal will now be considered towards the end of 2003 or possibly early in 2004.
- 1.3 Quite a number of requests for the extension of protection to further genera and species were lodged during 2002. None of these were granted as it is now required that Environmental Impact Studies must be done for all these varieties before the extension of protection will be granted. A submission has now been drafted in which the Minister will be requested to extend protection to all indigenous South African plants as well as all kinds of plants which already occur in South Africa and for which extension of protection was requested.
- 1.4 Plant Breeders' Fees have been increased again. This is an annual process as the fees are constantly increased in order to keep up with inflation and salary increases.

2. Cooperation in Examination

There were no further developments in this regard.

3. Situation in the Administrative Field

During the period from September 1, 2002, until August 30, 2003, 107 applications for plant breeders' rights were received and 140 rights were granted. On August 30, 2003, there were 562 new applications under consideration and 1, 649 plant breeders' rights in force. Further details are given below.

	Agricultural Crops	Vegetable Crops	Ornamental Crops	Fruit Crops	Total
Applications received	32	5	51	19	107
Plant Breeders' Rights Granted	52	26	54	8	140
Valid Plant Breeders' Rights	507	239	683	220	1,649
Applications under consideration	54	12	280	216	562

We are still experiencing problems with the usual things like the 4- and 6-year novelty requirements of UPOV. South Africa seems so far away from Europe that by the time that the potential of a variety is realized, two or three years of sales have already elapsed. After another two to three years of quarantine and a further period of evaluation, the varieties are normally 'too old' to obtain plant breeders' rights any longer.

A further development which causes unhappiness is that certain holders of rights do not sell a variety to someone, but they merely sell the right to use the variety and the material remains their property.

4. Situation in the Technical Field

Differences between varieties are still our biggest problem and because of this more and more problems are encountered annually to distinguish between such varieties.

Quite a number of open-pollinated maize varieties are being bred in South Africa, especially for the African market. One of the biggest problems with these varieties is the maintenance thereof. The only solution is not to grade the seeds of these varieties in any way as this constantly leads to the shifting of the genetic make-up of the variety which again results in differences in the varieties every year.

The South African National Seed Organization (SANSOR) is now charging their members a nominal fee for keeping varieties on the variety list. The money generated in this way is used to reimburse another company to investigate infringements of plant breeders' rights.

5. Activities for the Promotion of Plant Variety Protection

Seminars, courses and workshops are held on an ongoing basis throughout the year to educate people about the benefits of plant breeders' rights and variety lists.

RELATED FIELD OF ACTIVITIES

Genetically modified varieties are still being tested and Cotton, Maize and Soya Bean GMO varieties were released during the past year.

[Annex II follows]

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

1.1 On April 24, 2003, the new Schedule of Fees came into force with the amendment of the Decree on Procedure Before the Federal Plant Varieties Office.

1.2 Nothing to report

1.3 Nothing to report

2. Cooperation in Examination

Nothing to report

3. Situation in the Administrative Field

Nothing to report

4. Situation in the Technical Field

Nothing to report

5. Activities for the Promotion of Plant Variety Protection

During the period under review the Federal Plant Varieties Office received delegations from the following non-member States: Philippines, Saudi Arabia, Thailand.

[Annex III follows]

ANNEX III

AUSTRALIA

PLANT VARIETY PROTECTION1. Situation in the Legislative Field

- The Plant Breeder's Rights Amendment Act No. 148 of 2002 came into force on December 18, 2002.

Briefly the amendments:

- clarify that PBR does not override legally enforceable Commonwealth, State or Territory legislation, and where the grantee's right of exclusion is restricted as the result of such legislation, that the grantee is entitled to equitable remuneration;
- provides for equity between domestic and imported varieties in the use of synonyms and making the unauthorised use of a synonym an infringement;
- corrects inequities regarding the payment of fees;
- compels the reasonable provision of materials for examination test growings;
- clarifies that experimentation/research, under prescribed conditions, does not disqualify a PBR application on the basis of destroying novelty;
- makes explicit the grantee's right to initiate infringement actions;
- further protects commercially sensitive information;
- clarifies the priority date for lodgement of application;
- user pays (cost recovered from losing party in an opposition);
- provides discretion to cancel provisional protection in certain circumstances;
- extends Plant Breeder's Rights Advisory Committee by two members and extends appointments from two to three years;
- editorial changes: amends and makes cross-references, corrects transcription errors, various clarifications and associated simplification of language.

1.2 Case law. Nil

2. Cooperation in Examination

No change.

3.+4. Situation in the Administrative Field

The PBR office has accredited 31 Centralised Test Centres (CTCs) for DUS testing of the following 44 plant types: *Agapanthus*, *Aglaonema*, *Angelonia*, *Antirrhinum*, *Argyranthemum*, *Bougainvillea*, *Bracteantha*, *Calibrachoa*, *Camellia*, Canola, Wheat, *Ceratopetalum*, Clematis, *Cuphea*, *Cynodon*, *Diascia*, *Eriostemon*, *Euphorbia*, *Hordeum*, *Jasminum*, *Lavandula*, *Leptospermum*, *Limonium*, *Lonicera*, *Mandevilla*, *New Guinea Impatiens*, Oats, *Osmanthus*, *Osteospermum*, *Pelargonium*, Perennial Ryegrass, Persian Clover, *Petunia*, Potato, *Raphiolepis*, *Rhododendron*, *Rosa*, Sugar Cane, Tall Fescue, Tall Wheat Grass, *Verbena*, White Clover and *Zoysia*.

In addition, the Australian PBR office maintains and updates weekly a Homepage (www.affa.gov.au/pbr) that includes PBR information, downloadable forms; and a database including information on current applications, variety descriptions, images and grants.

Financial Year	Applications received	Applications completed	Applications pending
2002/2003	364	308	
Total 1988 to 2003*	4020	2967	1053

*= as at June 30, 2003

5. Activities for the Promotion of Plant Variety Protection

PBR Australia has been involved in the following promotional activities:

1. “Plant Variety Rights” ~ Canberra Institute of Technology, August 20, 2002.
2. “Plant Breeders’ Rights (PBR) ~ Role in the cut flower industry.” (China-Australia Agricultural Cooperation Agreement; High-level delegation to study Australian research and production of ornamental plants and flowers , September 14 to 28, 2002). September 24, 2002.
3. “PBR, variety commercialisation and amendments to the Act”, National IP Commercialisers Group, Attwood, VIC, December 10, 2002.
4. “The Australian PBR scheme”. Delegation from Japan, Canberra, March 10 to 12, 2003.
5. “New Varieties, Why, What and Where of Plant Variety Rights” ~ Canberra Institute of Technology, March 26, 2003.
6. Training program. Harmonising Australian/Chinese Plant Breeder’s Rights’ (PBR) intellectual property legislation, standards and procedures. Australia-China International Agricultural Cooperation Program, April – October 2003.

[Annex IV follows]

ANNEX IV

BELGIUM

PLANT VARIETY PROTECTION1. Situation in the Legislative FieldAdaptation to the 1991 Act of the Convention

This project is still in progress. We hope that the draft legislation can be submitted to professional circles by the end 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 provisions.

2. Cooperation in Examination

No change.

3. Situation in the Administrative Field• Changes in Administrative Structure

The Department in charge of plant variety protection has now been incorporated in the Intellectual Property Office (OPRI), which is concerned among other things with patents, trademarks, designs and copyright. The OPRI forms part of the Federal Public Service "Economy, SMEs, Middle Classes and Energy." It is now therefore separate from the departments that handle the national catalogues of varieties, the powers of which were made regional on January 1, 2002.

• Volume of Activity – Status on August 31, 2003

From the first implementation of the legislation on plant variety legislation in Belgium and up to August 31, 2003, 2,222 applications for protection were registered and 1,775 certificates issued, including 353 that are still in force.

DEVELOPMENTS IN RELATED FIELDS OF ACTIVITY OF INTEREST TO UPOV• National Catalogues of Varieties

A Flemish Regional Ministerial Decree on Characteristics and Minimum Conditions for the Examination of Varieties of Species of Vegetables and Agricultural Crops was signed on January 30, 2003, and published on March 4, 2003 : *Ministerieel besluit betreffende de kenmerken en minimumeisen voor het onderzoek van landbouwgewassen en groentegewassen* (transposition of Directive 2002/3/EC).

- Control of Seeds and Seedlings - Certification

Nothing to report.

- Legislation on the Distribution and Marketing of Genetically Modified Organisms (GMOs)

The transposition into Belgian Law of Directive 2001/18/EC of the European Parliament and Council of March 12, 2001, on the Deliberate Release into the Environment of Genetically Modified Organisms is in progress.

- Legal Protection of Biotechnological Inventions

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

No change since last year: draft law amending the law of March 28, 1994, on patents for invention with respect to the patentability of biotechnological inventions pending before the Chamber.

[Annex V follows]

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ANNEX V

BOLIVIA

We report that there have been no changes in the legislative, administrative or technical fields since the last report filed with UPOV in 2002.

[Annex VI follows]

ANNEX VI

CANADA

Since the time of the last report, there have been no new or revised laws or regulations implemented with respect to governing breeders' rights in Canada.

[Annex VII follows]

ANNEX VII

CROATIA

PLANT VARIETY PROTECTION1. Situation in the Legislative Field

- 1.1. There have not been any changes of the Law or sub-law regulations.
- 1.2. There have not been any changes of the case law.
- 1.3. Extension of protection to further genera and species is planned in 2003.

2. Cooperation in Examination

- The bilateral agreement of cooperation with Hungary.
- The bilateral agreement concerning the exchange of DUS reports with the Bundessortenamt, Germany, is signed in 2003.
- The agreement for cooperation in DUS testing with Yugoslavia is signed.
- Agreements concerning the exchange of DUS reports with few other countries will be initiated by the end of the year.

3. Situation in the Administrative Field

No breeder's right was granted.

4. Situation in the Technical Field

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

5. Activities for the Promotion of Plant Variety ProtectionActivities from October 2002 till October 2003:

- Workshop: Ring test session on winter and spring barley in Osijek, May 19 and 20, 2003.
- *(Participating countries: Austria, Albania, Bulgaria, Croatia, Czech Republic, EU CPVO, Estonia, France, Germany, Hungary, Kosovo, Poland, Romania, Slovakia, Slovenia and Serbia and Montenegro).*
- Visit of experts from the Federal Institute for Plant and Animal Genetics Resources, Yugoslavia, to the Institute of Seed and Seedlings, Osijek, Croatia, in December 2002.
- Visit of experts from the World Bank to the Institute of Seed and Seedlings, Osijek, Croatia, on April 7, 2003.

- During the year 2003, visits have been made to: GEVES – France and OMMI – Hungary.
- The expert for DUS testing of maize has been for training on the GAIA software in GEVES, March 2003.
- The Institute for Seed and Seedlings in Osijek has provided the training in examination for distinctness, uniformity and stability of barley for experts from the Federal Institute for Plant and Animal Genetics Resources, Yugoslavia.

[Annex VIII follows]

ANNEX VIII

IRELAND

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

- Preparation for ratification of the UPOV Convention (1991) is nearing completion.

2. Cooperation in Examination

- There is no change in this area.

3. Situation in the Administrative Field

- Donal Harney has replaced Gordon Rennick.
- No change in office procedures or systems.
- Since 1981, 526 applications for Plant Breeders' Rights have been received. 390 rights were issued and as of September 8, 2003, 77 rights are in force.

4. Situation in the Technical Field

- There are no changes in the situation.

5. Activities and Promotion of Plant Variety Protection

- This office publishes 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 active with a total of 5 plant-related conservation projects approved for funding by the Department of Agriculture and Food in 2003.
- This office maintains the National Catalogue of Agricultural Plant Varieties. All varieties contained in this publication are eligible to be included in the Seed Certification Schemes.

[Annex IX follows]

ANNEX IX

KYRGYZSTAN

The project of alterations and additions into the Law “about legal protection of selective achievements” to the Government of the Kyrgyz Republic was presented. After the adoption of the above-mentioned statute, we will provide the UPOV Office with an English version of the Law and other normative and legal acts concerning protection of plant varieties.

At the present time, 15 kinds and sorts of plants are protected under this Law. In addition to this Law, the Ministry of Agriculture, Water Industry and Processing Industry of the Kyrgyz Republic has prepared for adoption to the Government of the Kyrgyz Republic more than 100 kinds and sorts of plants.

As we are a new member of UPOV, we have not signed any international cooperation agreements in the field of protection of plant varieties. However, Kyrgyzpatent in common with the State Committee on Plant Varieties Testing have planned to conclude an agreement about international cooperation on plant varieties testing with European countries and CIS countries which are members of UPOV.

For more detailed information about acting normative and legal acts in the field of intellectual property and selective achievements, please visit the Kyrgyzpatent Website: www.kyrgyzpatent.kg.

[Annex X follows]

ANNEX X

MEXICO

1. Situation in the Legislative Field

Amendments to the fees (in force from July 1 to December 31, 2003)

Service	Peso MX		US\$ (approx.)			
Examination and processing of application	\$ 9,231		\$ 838			
Issue of record of filing	\$ 491		\$ 45			
Issue of breeder's certificate	\$ 4,517		\$ 410			
Recognition of priority rights	\$ 491		\$ 45			
Change of denomination	\$ 1,247		\$ 113			
Registration of transfer of protection rights	\$ 873		\$ 79			
Certified copy of the certificate	\$ 249		\$ 23			
Registration of renunciation of rights	\$ 1,247		\$ 113			
Copy of description of protected variety	\$ 249		\$ 23			
Corrections attributable to the user	\$ 162		\$ 15			
ANNUAL FEE BY GROUP	A		B		C	
	Peso MX	US\$	Peso MX	US\$	Peso MX	US\$
Year 1	\$ 2,494	\$ 226	\$ 1,873	\$ 170	\$ 1,247	\$ 113
Year 2	\$ 3,741	\$ 339	\$ 3,118	\$ 283	\$ 1,871	\$ 170
Year 3	\$ 4,365	\$ 396	\$ 3,741	\$ 339	\$ 2,494	\$ 226
Year 4	\$ 4,988	\$ 453	\$ 4,365	\$ 396	\$ 3,118	\$ 283
Year 5	\$ 6,236	\$ 566	\$ 4,989	\$ 453	\$ 3,741	\$ 339
Year 6 to 15	\$ 7,483	\$ 679	\$ 6,236	\$ 566	\$ 4,988	\$ 453
Year 16 and thereafter	\$ 4,988	\$ 453	\$ 4,365	\$ 396	\$ 3,118	\$ 283

A: Cereals and sweet potatoes

B: Oil-bearing and forage crops, vegetables and ornamentals

C: Fruit and forest species, ornamental shrubs and trees, and those not included in A or B.

There have been no amendments to the Federal Law on Plant Varieties and the regulations under it, so the Mexican legislation on breeders' rights is the same as that previously published by the Office of the Union.

2. Cooperation in Examination

The cooperation machinery between the Community Plant Variety Office (CPVO) and the National Seed Inspection and Certification Service (SNICS) has been established; it consists in the acceptance of the results of growing trials carried out by the CPVO to prove compliance with the distinctness, uniformity and stability (DUS) requirements for the grant of breeders' certificates in Mexico.

3. Situation in the Administrative Field

3.1 Applications for breeders' certificates (position on August 31, 2003)

By origin	#	%
Mexican	213	40
US American	201	37
French	49	9
Dutch	43	8
Others (7)	32	6
TOTAL	538	100%

By species	#	%
Maize	138	26
Rose	124	23
Strawberry	42	8
Sorghum	30	6
Cotton	28	5
Sweet potato	21	4
Others (45)	155	28
TOTAL	538	100%

By applicant	#	%
1 INIFAP	99	18
2 Monsanto Seeds and Agro-products	61	11
3 Pioneer Hi-Bred International, Inc.	54	10
4 Meilland Star Rose	38	7
5 Driscoll Strawberry Associates, Inc.	35	7
6 Jackson & Perkins Wholesale, Inc.	30	6
7 Delta and Pine Land Company	27	5
Others (64)	194	36
TOTAL	538	100%

3.2 Measures to clear the backlog

Of these applications some 45% have been processed. In order to reduce the backlog due to various legal and administrative situations, which have been reflected in the start of processing up to 2000 (the legislation came into force in 1996), the following significant action has been taken:

- CPVO-SNICS cooperation machinery (see paragraph 2 of this document).
- Legal and administrative measures to shorten the process of issuing breeders' certificates.
- With regard to varieties for ornamental use (except for those regarding which Mexico is the focus of origin or diversity, or where national plant improvement programs exist, and subject to the rights of those concerned or third parties), an examination of distinctness, uniformity and stability conducted according to the UPOV system and the examination scheme recognized in Mexico will be recognized as a substantive examination.
- Strengthening of the administrative structure of the SNICS for the registration of varieties.

4. Situation in the Technical Field

4.1 Mexico took part in the meetings of the UPOV Technical Working Parties (TWA, TWC, TWF, TWO, TWV and BMT). It was particularly involved in the drafting of the Technical Guidelines for Prickly Pear (*Opuntia*), Dahlia (*Dahlia*), Marigold (*Tagetes*), Amaranth (*Amaranthus*) and Husk Tomato (*Physalis*).

4.2 Designation of Mexico as Vice-President of the UPOV Council.

5. Activities for the Promotion of Plant Variety Protection

5.1.1 Participation of two Mexican technical specialists in the training course on the protection of plant varieties for Iberoamerican countries, convened by UPOV in cooperation with the Spanish Patent and Trademark Office and WIPO.

5.1.2 Organization of workshops on the use of variety descriptors (in south-eastern Mexico, for agricultural species and coconut palm) and on the intellectual property in biotechnology (with the Patent Department of the Mexican Institute of Industrial Property, to exchange experience and agree on examination criteria, particularly in the case of the protection of biotechnological inventions that involve plants and plant varieties).

5.1.3 Participation in various training programs on intellectual property and breeders' rights in Jalisco (Center for Research and Assistance in Technology and Design of the State of Jalisco, A.C-CIATEJ), Coahuila (Antonio Narro Autonomous Agrarian University) and Chapingo (Autonomous University of Chapingo).

RELATED FIELDS OF ACTIVITY OF INTEREST TO UPOV

• Plant Genetic Resources for Food and Agriculture

In view of the Mexican Government's undertaking to work towards a new sustainability that will protect the present and guarantee the future, and given the international concern to ensure world food safety, a National System for Plant Genetic Resources for Food and Agriculture (SINAREFI) has been implemented.

As the activities concerning plant genetic resources involve agencies, companies, organizations, communities and people from the agricultural, environmental and development sectors, the creation of networks by species, subject area or region has been laid down as the basic component or as the basic organizational structure for the integration of activities and projects.

To this end networks have been created for Avocado, Custard Apple, Agave, Kidney Bean, Fruit Species, Maize, Prickly Pear, Vegetables, Ornamentals and Germplasm Banks, with the participation of public universities, non-governmental organizations and centers for scientific and technological research.

In 2002 approval was given (by a technical committee) to 73 projects from 18 institutions, and for 2003 a total of 176 proposals have been submitted by 35 institutions; the latter are being considered for a ruling in accordance with the following strategic criteria: Preservation and Improvement *in situ*; Preservation *ex situ*; Use of Plant Genetic Resources; Institutional Consolidation and Capacity Building.

The budget set aside for this activity is slightly more than a million US dollars.

[Annex XI follows]

ANNEX XI

NICARAGUA

PLANT VARIETY PROTECTION1. Situation in the Legislative Field

1.1 Amendments to the Law and Regulations: Nicaragua is keeping in force the protection periods and technical requirements of Law 318 on Protection for New Plant Varieties, published in *Gaceta Diario Oficial* No. 228 of 29/09/99 and the Regulations under it, No. 37-2000, *Gaceta* No.102 of 31/05/00.

- Adaptation to the 1991 Act of the Convention: Nicaragua is keeping its adherence to the 1978 Act in force.
- Other amendments, including those relating to fees: fees are being kept at the level of Article 44 of Regulation 37-2000, *Gaceta* No. 102 of 31/05/00.
- Short-term expectations, problems encountered: the subject of UPOV will be considered in the talks on CAFTA (Central American Free Trade Agreement).
- Case law.

1.2 Extension of Protection to Other Genera and Species (completed or projected). Article 10 of Law 318 makes breeder's rights applicable to varieties of all plant genera and species.

2. Cooperation in Examination

- Conclusion of new agreements (completed, pending or projected). There have been no agreements on cooperation in examination.
- Amendment of those already existing (completed, pending or projected).

3. Situation in the Administrative Field

- Changes in the administrative structure: the New Plant Varieties Department remains in operation in accordance with the notice published in the *Gaceta Diario Oficial* No. 70 of 16/04/01.
Changes in (administrative) procedures and systems:
the procedures and systems remain in force under Law 318 and its Regulations, Decree 37-2000.
- Activities (in addition to the statistics already sent to the Office of the Union): two applications have been received in recent months, and another breeder's title will be granted shortly.

FILE NUMBER	1. CROP 2. DENOMINATION 3. SCIENTIFIC NAME
2003- 001	1. Sugar cane 2. OAC-2002 3. Saccharum officinalis
2003-002	1. Fodder grass 2. MULATO 3. Hybrid Brachiaria

4. Activities for the Promotion of Plant Variety Protection

- Meetings, seminars, etc. A workshop is planned on the identification and description of varieties of various species, such as basic cereals, oil-bearing crops, sweet potatoes and fruit crops, for the members of the Classifying Committee for New Plant Variety Protection (CCPVV), which is due to meet in October.
- Visits to and from non-member States.
- Publications: Legislation, procedures for the protection of a plant variety and fees on the websites: www.mific.gob.ni and www.rpi.gob.ni
- Electronic bulletin published on the website of the Intellectual Property Registry (RPI).
- The monthly bulletin *Nicaragua Agronoticias* of the Interamerican Institute for Cooperation in Agriculture (IICA) publishes material connected with plant varieties.

RELATED FIELDS OF ACTIVITY OF INTEREST TO UPOV

- Catalogues of varieties authorized for sale; seed certification: the application authority is the Ministry of Agriculture and Forestry (MAG-FOR) under Law No. 280, on Seed Production and Trading, published in the *Gaceta Diario Oficial* No. 26 of February 9, 1998, and its Regulations, Decree No. 26-98, *Gaceta* No. 71 of April 20, 1998.
- Patents: Nicaragua is keeping in force Law 354 on Patents, Utility Models and Industrial Designs, published in *Gaceta Diario Oficial* Nos. 179 and 180 of September 22 and 25, 2000, and its Regulations, Decree No. 88-2001, *Gaceta* No. 184 of September 28, 2001. The competent body is the Ministry of Development, Industry and Trade, acting through the Intellectual Property Registry, which is responsible for the implementation of this Law.
- Standards and regulations in the field of genetic engineering (release of genetically modified organisms, etc.).
Nicaragua has a Molecular Biology Center located in the Central American University (UCA), and is in the process of approving a regulatory framework.
- Research and development (innovations-new types of variety, new techniques). The Nicaraguan Institute of Agricultural Technology (INTA) and universities are working on improved varieties.
- Genetic resources.
Constitutionally there is a legal basis applicable that governs access to genetic resources.

[Annex XII follows]

ANNEX XII

NORWAY

PLANT VARIETY PROTECTION1. Situation in the Legislative Field

No changes have been done.

2. Cooperation in Examination

Norway received 66 DUS reports from other member States.

3. Situation in the Administrative Field

From January 1 to December 31, 2002, 63 applications have been received. 70 titles were issued.

Grant of rights by crop kind were as follows:

Argyranthemum frutescens	1	Hordeum vulgare	4	Rubus idaeus	5
Avena sativa	3	Malus domestica	3	Senecio	4
Begonia hiemalis	12	Pelargonium	1	Solanum tuberosum	4
Clematis	1	Petunia	2	Trifolium pratense	4
Euphorbia pulcherrima	3	Phleum pratense	1	Triticum aestivum	1
Festuca rubra	1	Pyrus communis	1	Verbena x hybrida	3
Fragaria x ananassa	1	Rosa	15		

235 titles were in force on September 1, 2003.

[Annex XIII follows]

ANNEX XIII

PANAMA

PLANT VARIETY PROTECTION1. Situation in the Legislative Field

- Background: Panama joined the International Union for the Protection of New Varieties of Plants (UPOV), 1978 Act, on May 23, 1999. Law No. 23 of July 15, 1997, lays down the provisions for the protection of new plant varieties in Panama in its Title V. It is regulated by Executive Decree No. 13 of March 19, 1999.
- Council Regulation: By virtue of Resolution No. ALP-020-ADM-02 of July 24, 2002, the Minister of Agricultural Development and Chairman of the Council for the Protection of New Varieties of Plants (COPOV) approved the latter's internal regulations, which specify the functions and responsibilities of the Chairman of the Council and its Administrative and Legal Committee (CAJ), Technical Committee (CT) and Consultative Committee (CC). In addition, it specifies the administrative structure of the Council for the Protection of New Plant Varieties in Panama. A copy of Resolution No. ALP-020-ADM-02 is attached. By virtue of Resolution No. ALP-021-ADM-02 the Minister of Agricultural Development appointed a coordinator to centralize action and entrusted follow-up to the Council for the Protection of New Plant Varieties in Panama, which is responsible to the Ministry of Agricultural Development.

- Expectations:

The Consultative Committee is considering the possible inclusion of new genera, including: *Fragaria spp*, *Brachiaria spp*, *Solanum tuberosum*, *Sorghum spp* and others which we expect will be declared by Panama in the coming months. New varieties from Taiwan (Province of China) are awaited as a result of the recent signature of the Bilateral Treaty with Panama.

Talks are going on with the Institute of Agricultural Research of Panama with a view to having every variety released by that official body at a commercial level submitted for the registration of breeders' rights.

2. Cooperation in Examination

Contacts have been made with a view to cooperation on technical (DUS) reports with the Community Plant Variety Office (CPVO), headquartered in France, and with the Colombian Agricultural Institute (ICA). Talks have also continued with Uruguay and Spain on the subject.

3. Situation in the Administrative Field

On December 11, 2002, the first Official Bulletin, No. 124 Volume II, of Plant Varieties Protected in Panama, was published. This document was sent to the various countries party to the UPOV Convention.

There have been new developments in the form of an increase in both applications for registration and grant procedures. The second Bulletin of Plant Varieties is expected to be published, and the first breeder's rights title in Panama to be granted, by the end of the current year.

At present Panama has a processing system presided over by the Administrative and Legal Committee and implemented through the Plant Varieties Department of the Directorate General of the Industrial Property Registry, working with the Council for the Protection of New Plant Varieties, which permits and ensures a transparent procedure consented to by the various sectors involved in the protection of plant breeders' rights.

Panama has asked the Office of the Union to include plant varieties filed for registration in Panama in the UPOV-ROM databases; this request has been accepted by the Office of the Union.

Table 1 below gives an update on document C/36/7.

Table 1. Document C/36/7

	State	Year	Applications filed by:			Titles granted			Titles expired or cancelled in reference year	Titles in force at end of reference year
			Residents	Non-residents	Total	Residents	Non-residents	Total		
PA	Panama	2000	-	1	1	-	-	-	-	-
PA	Panama	2001	-	-	-	-	-	-	-	-
PA	Panama	2002	-	4	4	-	-	-	-	-

4. Situation in the Technical Field

The Institute of Agricultural Research of Panama (IDIAP), acting through the National Directorate of Agricultural Research, has created the Plant Varieties Technical Unit which is responsible for the conduct of DUS testing in Panama. The first two validations of technical examinations in Panama have moreover taken place.

Panama is making all the necessary approaches with a view to acquiring COYD and COYU programs for the evaluation of DUS tests.

Table 2 below gives an update on document C/36/5.

Table 2. Document C/36/5

No.	TAXON	State offering/conducting examination	States receiving test reports	States exchanging test reports
172	Strawberry	OCVV	PA	-
288	Rice	CO	PA	-

5. Activities for the Promotion of Plant Variety Protection

- Participation of one representative of the country in the III Seminar on the Protection of Plant Varieties for Iberoamerican Countries, held in Madrid (Spain) from June 30 to July 11, 2003.
- Panama, being aware of the scope and implications of breeders' rights, has drawn up a training program intended to enhance the skills of more than 500 persons, including producers, importers, academics, livestock quarantine officials, customs officials, judges, prosecutors and technical people, in the importance and implementation of breeders' rights, including the following lectures: Importance of Breeders' Rights, Processing and Implementation of Breeders' Rights in Panama, DUS Testing, Relation between the Commercial Registry and Breeder's Rights, and Regulation and Operation of the Council for the Protection of Plant Varieties (UPOV). Table 3 below presents:

Table 3. Staff trained by sector in Panama

Place	Date	Producers	Importers/ Expenders	Public Sector	Academics/ Other	Total
Penonomé-Cocle	03-06-02	11	9	10	8	38
David-Chiriquí	04-06-02	20	13	7	2	42
National Agriculture Institute	26-07-02	2	1	5	26	34
<u>Jesús Nazareno de Atalaya Technical Institute</u>	10-08-02	0	0	0	57	57
Judges and Prosecutors	14-04-03	0	0	21	4	25
<u>National Agriculture Institute</u>	22-04-03	0	0	0	61	61
Panama	22-05-03	3	6	20	5	34
David-Chiriquí	05-06-03	13	14	15	2	44
Penonomé-Cocle	19-08-03	6	1	10	3	20
Chitre	20-08-03	13	5	15	2	35
Santiago	21-08-03	23	1	20	2	46
Other seminars						
Panama Patents Biodiversity	23-07-03	2	8	15	16	41
Alanje-Chiriquí Judges and Prosecutors	13-08-03	0	0	40	3	43
La Paz University – Ocú Extension	03-09-03	0	0	0	12	12
Total		93	58	178	203	532

Source: Council for the Protection of Plant Varieties

- Forthcoming activities include Council participation in a round table on October 16, 2003, forming part of the events surrounding the Fifth Congress of Agricultural Engineers of Panama, and celebrating the Centenary of the Republic.
- Participation in a Grand Legal Modernization Forum, with an account of the present position of breeders' rights, their processing and implications.

Publications in the press include the following:

- "Rice seed does not have the required official certification." *La Prensa*, Friday May 31, 2002. By Julio César Aizprúa.
- "Pumpkin seed for export." *La Prensa*, Saturday January 19, 2002. By Wilfredo Jordán S.
- "Plant genetics will help in environmental development." *La Crítica*, Monday June 14, 2003. By Hilda Cubilla S.
- "The protection of plant varieties in Panama." *Suplemento Colombia*. By Olga Cristina Acosta.
- At all talks pamphlets, copies of talks, registration application forms and copies of Law 23 of July 15, 1997 were distributed.
- The website www.digerpi.gob.pa (e-mail: digerpi@sinfo.net) is kept up to date; it can be used to access Law 23 of July 15, 1997, and Executive Decree No. 13 of March 19, 1999, the Procedure for the Registration of Breeders' Rights, the Cost of having New Plant Varieties Protected and the Council Regulation on the Protection of New Plant Varieties.

6. Activities in Related Fields of Interest to UPOV

- With regard to the registration of commercial varieties, the various varieties filed for commercial registration with the National Seed Committee are being published in the Official Bulletin of Industrial Property.
- Panama has approved, by virtue of Law No. 72 of December 26, 2001, the Cartagena Protocol on Biosafety of the Convention on Biological Diversity. The objective of the Law is to contribute to ensuring an adequate level of protection in the safe transfer, handling and use of live modified organisms resulting from modern biotechnology that could have adverse effects on the preservation and sustainable use of biological diversity, with due regard also being given to the risks to human health, and with specific emphasis on cross-border movements.
- Law No. 48 of August 8, 2002, created the National Commission of Biosafety for Genetically Modified Organisms (GMOs). The purpose of the Commission is to establish and coordinate the policies of the Panamanian State regarding regulation of the handling of genetically modified organisms, products and by-products that contain them, in order to prevent the risks and minimize the effect on the

environment, biological diversity, human health and agricultural production that might be caused by activities conducted with such organisms.

- Approval was given to a project for the creation of the national biosafety framework submitted to UNEP/GEF, funded with an amount of B/. 171,850, including B/. 199,900 from GEF (a body responsible for skills development) and not refundable, with the balance of B/. 51,950 supplied by the National Environment Authority, the focal point of the Cartagena Biosafety Protocol. The expected duration of the project is 18 months.

[Annex XIV follows]

ANNEX XIV

NETHERLANDS

General Information

Following the Government report “Rightly bred,” the Ministry of Agriculture prepared a draft of a new law, that will replace the present “Seeds and Planting Materials Act,” that came into force in 1967. Like the present law, the new law will cover both Plant Breeders’ Rights and the provisions concerning the listing of varieties and the marketing of propagating material. The main reasons to replace the present law are:

- The introduction of the possibility to register varieties on the basis of DUS without applying for PBR first.
- The streamlining of several procedures with respect to PBR and the listing of varieties.
- The introduction of harmonized appeal procedures.

The provisions in the new law concerning the conditions for the grant of PBR and the content of the right will not differ essentially from the present ones.

According to the draft law, all procedures for plant breeders’ rights as well as listing will be dealt with by one body (instead of 4 presently), the Board for Plant Varieties.

The draft law has been discussed during 2002 with all parties concerned. In 2003, it passed the State Council. It will probably be ready to be brought to Parliament at the end of this year. However, at this stage it is too early to present any documents concerning the new law.

Plant Breeders’ Rights in 2002

The number of applications for national plant breeders’ rights dropped from 797 in 2001 to 614 in 2002. In 2003, we have, up to now, a slight increase of applications compared to 2002.

A breakdown of the numbers in 2002:

	Residents	Non-Residents
Total Applications: 614	530	84
Registrations: 571	507	64

Registered Plant Breeders’ Rights on December 31, 2002:

Registrations in force on December 31, 2001:	4,385
Registrations made in 2002:	571
Registrations cancelled or expired in 2002:	767
Registrations in force on December 31, 2002:	4,189

[Annex XV follows]

ANNEX XV

POLAND

1. Situation in the Legislative Field

Nowadays the Polish legislation on Plant Breeders' Rights is a part of the Polish Seed Industry Law of November 24, 1995, amended on September 15, 2000. The Law in its part concerning PBR has been based on the 1991 Act of the UPOV Convention.

This year, Poland acceded to the 1991 Act of the UPOV Convention. On August 15, 2003, Poland became the twenty-fourth State to ratify or accede to the 1991 Act of the UPOV Convention.

As Poland is going to join the European Union on May 1, 2004, the new pieces of legislation concerning Seed Industry have been passed by the Parliament. In contrast to the present situation, the provisions concerning national listing, production, control and trading of seed material are placed in a separate Law.

The Law on Plant Breeders' Rights Protection of June 26, 2003, will enter into force on the day of the accession of the Republic of Poland to the European Union. It was published in the Polish Official Journal of 2003, No. 137, item 1300 (*Dziennik Ustaw Nr 137/2003, poz. 1300*). The Law contains provisions making possible the existence of two PBR systems on the territory of Poland, the domestic and community plant variety rights systems.

The implementing regulations to the Law on Plant Breeders' Rights Protection are in their final stage of preparation.

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

2. Cooperation in Examination

Poland cooperates in the field of DUS examination.

We have a bilateral agreement with the Czech Republic, Hungary and Slovakia. There are no changes in relation to the information given for the thirty-sixth ordinary session of the Council (see UPOV document C/36/5).

Unilateral agreements are in force with Latvia and Lithuania. Poland shall carry out DUS testing on the Latvia and Lithuania authorities order. It does not refer to precise species of plants. Varieties of all these species which are under DUS examinations in Poland can be tested on the request of Latvia or Lithuania.

Poland, together with other countries, actively participates in the work of ring test programs. Polish experts took part in the ring test session in Osijek, Croatia, on May 19 and 20, 2003.

3. Situation in the Administrative and Technical Field

From January 1 to September 10, 2003, 252 new applications for PBR, including 99 domestic and 153 foreign, were filed.

460 varieties, including 96 domestic and 364 foreign, have gained the title of PBR protection. On September 10, 2003, there were 2,178 protected varieties. Details on statistics are given below.

Crops	Applications for PBR 1.01. – 10.09.2003			Grant of PBR 1.01. – 10.09.2003			Titles having ceased	Titles in force at 10.09.2003
	domestic	foreign	together	domestic	foreign	together		
Agriculture	61	53	114	36	54	90	8	586
Vegetables	11	-	11	23	12	35	-	229
Ornamental	24	98	122	34	279	313	106	1,269
Fruit trees and berry plants	3	2	5	3	19	22	-	94
Total	99	153	252	96	364	460	114	2,178

4. Related Fields of Activities

A training course for 12 specialists from the Ministry of Agrarian Policy of Ukraine, the State Service on Right Protection for Plant Varieties was organized by COBORU in the period from July 7 to 11, 2003. The course covered the following subjects: organization and carrying out the DUS testing – field and laboratory methods of examination and identification of varieties.

[Annex XVI follows]

ANNEX XVI

REPUBLIC OF KOREA

PLANT VARIETY PROTECTION

Under Article 39 of the Korea Seed Industry Law, a right to provisional protection will be granted from publication of application for the public inspection after finished examination. The applicant for variety protection shall have an exclusive right to commercially and industrially exploit the variety claimed in the variety protection application. The Government of the Republic of Korea is revising this article to provide the provisional protection from publication of the application of the variety, which has been registered in the register of variety protection applications in accordance with the provisions of paragraph (1) of Article 28, by publishing the application in the Variety Protection Gazette under Article 54 of Seed Industry Law without delay. The revising law including this provisional protection is examined in the Assembly of the Republic of Korea.

Activities for the Promotion of Plant Variety Protection

The thirty-eighth session of the Technical Working Party for Vegetables of UPOV will be hosted in Seoul from June 7 to 12, 2004. It will be arranged by the National Seed Management Office which will be supported by the Ministry of Agriculture and Forestry.

Number of Varieties for Filing of Application and Registration for Plant Variety Protection

The number of filing of applications is 1,569 varieties and registered 541 by August 31, 2003.

The number of varieties applied by year is 224, 72, 94, 221, 602 and 356 in 1998, 1999, 2000, 2001, 2002 and 2003, respectively.

520 varieties are applied by foreign breeders from Germany, Italy, Japan, Netherlands, New Zealand and the United States of America. Most of the varieties, which fall under genera and species applied from foreign breeders, are Rose, Chrysanthemum, Impatiens, Kalanchoe, Poinsettia, Petunia, Dendrobium and hot pepper, etc., and of them, 23 varieties were registered.

[Annex XVII follows]

ANNEX XVII

ROMANIA

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

- Romanian legislation of Plant Variety Protection is different from the Romanian Seed Law.
- Registration of plant varieties as well as the production, processing, verification and certification of quality and marketing of seeds and propagating material is regulated by Law No. 266/2002.
- Plant variety protection is regulated by Law No. 255/1998 on the protection of new plant varieties, and it is based the 1991 Act of UPOV Convention.
- The provisions of both these laws are in conformity with the 1991 Act of the UPOV Convention and with the European Directives and Regulations.
- Regulation regarding the Testing and Registration of Varieties of Plant Species conducts technical examination of Romanian and foreign varieties, which are submitted for registration in the Variety Register and the Official Catalogue of the Varieties of Plant Species. It is elaborated by the State Institute for Variety Testing and Registration and approved by Ministerial Order No. 84/2003 published in the Official Monitor of Romania.
- Other regulations on quality of seed are: Ministerial Order Nos. 350/2002, 550/2002, 382/2002, 395/2002 for the approval of the technical Rules and Norms concerning the production for the marketing, processing, quality control and certification, as well as marketing of cereal seed, seed of oil and fiber plant, fodder plant seed, sugar beet seed, potato, vegetables, fruit plant propagating material and fruit plant intended for fruit production, ornamental plant propagating material and ornamental plants, Official Monitor No. 381/2002 for the approval of the technical Rules and Norms concerning the production for the marketing, processing, quality control and certification, as well as marketing of vegetable propagating and planting material, other than seed.

2. Cooperation in Examination

- Romania participated together with other countries in barley ring tests in 2003.
- Four crops experts from the State Institute for Testing and Registration (ISTIS) participated in a study visit, organized by GEVES (France), on DUS test for wheat, sunflower, maize, soybean and vegetables.

3. Situation in the Administrative Field

- During the year 2003, the State Institute for Testing and Registration (ISTIS) was reorganized and the number of testing stations was reduced. At present, 5 stations are in charge with DUS test for field crop and vegetable varieties.
- Also during the year 2003, a number of 46 variety applications were filed by OSIM, from which 34 were domestic and 12 foreign.
- The species for which plant variety protection was claimed are: strawberries, peanuts, potatoes, broad bean, sunflower, winter wheat, maize, triticale, peas, barley, tobacco and vineyards.

RELATED FIELDS OF ACTIVITIES

- Romanian Law on Genetically Modified Organisms (GMO), Law No. 214/2000 is valid in Romania.
- According to it, genetically modified varieties shall be admitted for testing only when the applicant will provide the authorization for releasing into the environment, issued by the Ministry of Environment.
- In February this year, two experts from the Agricultural European Community paid an advisory visit to Romania for plant variety protection and national testing.
- As a consequence of the visit and the report drafted by these experts, we have to check all named “umbrella varieties” and to verify the maintainers according to the European regulations and to revise the National Catalogue of varieties and the descriptions till the Romanian accession to the European Community.

[Annex XVIII follows]

ANNEX XVIII

UNITED KINGDOM

1. Situation in the Legislative Field

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.

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). From September 2003, however, it has ceased to accept applications for testing of fruit species in the United Kingdom.

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/planth/pvs/default.htm>

3.2 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 Office.

4. Situation in the Technical Field

4.1 PBR Applications

There has been a decrease in numbers of applications for United Kingdom PBR, a fact which can be attributed almost directly to the increase in the number of applications for Community Plant Variety Rights.

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.

4.3 National Listing and PBR Review

The PVRO is currently undertaking a review of its National Listing and PBR systems, with the aim of achieving full cost recovery: the review is investigating the level and structure of fees, plant variety testing systems and collaborative agreements with other countries.

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, the PVRO has been pleased to welcome visitors from Turkey.

[Annex XIX follows]

ANNEX XIX

SERBIA AND MONTENEGRO

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

The Plant Variety Protection Law, conforming with the 1991 Act of the UPOV Convention, which was in procedure of adoption by the former National Parliament of the Federal Republic of Yugoslavia, will be adopted by the Parliament of the new State of Serbia and Montenegro.

2. Cooperation in Examination

-

3. Situation in the Administrative Field

The situation with Plant Variety Protection has been changed since April 2003.

The Federal Institute for Plant and Animal Genetic Resources, which was in charge for plant variety protection in the FR Yugoslavia, since April 2003, has been reconstituted as two new Divisions (Division for Seed and Seedlings and Division for Genetic Resources and GMO), which now operate under Republic of Serbia, Ministry of Agriculture and Water Management.

All activities related to plant variety protection are now under the authority of the Division for Seed and Seedlings, instead of the Federal Institute for Plant and Animal Genetic Resources - Plant Variety Registration and Protection Department, which was part of the former Federal Ministry of Economy and Internal Trade.

4. Situation in the Technical Field

-

5. Activities for the Promotion of Plant Variety Protection

In December 2002, the former Federal Institute for Plant and Animal Genetic Resources, Plant Variety Registration and Protection Department, ratified an agreement with the Institute for Seed and Seedlings in Croatia for practising in DUS test on barley.

Representatives from the new Division for Seed and Seedlings, Ministry of Agriculture and Water Management (from disbanded former Federal Institute for Plant and Animal Genetic Resources - Plant Variety Registration and Protection Department) participated in the DUS ring test on barley varieties in Osijek, Croatia, on May 19 and 20, 2003.

Preliminary DUS Test on barley varieties is also located in Serbia and Montenegro.

RELATED FIELDS OF ACTIVITIES

- Catalogues of varieties authorized for sale (registered plant varieties): the List of agricultural and forest plant varieties (2002).
- Ministry of Agriculture and Water Management, Division for Genetic Resources and GMO, is in competence for plant and animal genetic resources and genetically modified organisms.

[Annex XX follows]

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

The intellectual property of plant varieties are protected in accordance with the Variety Protection Law No. 132/1989 of the Collection of Laws.

The amendment (No. 22/1996 of the Collection of Laws) to the Law No. 132/1989 on the legal protection of new varieties of plants and breeds of animals was adopted in the National Council of the Slovak Republic on December 19, 1995, and came into force on February 1, 1996. This amendment brought the Slovak legislation into conformity with the 1991 Act of the Convention and also into conformity with the EC Council Regulation No. 2100/94. Preparatory work for ratification of the 1991 Act has already started. After adoption of Regulations No. 345/1997 and No. 346/1997 by the National Council of the Slovak Republic on November 10, 1997, which came into force on January 1, 1998, we are in a position to ratify the 1991 Act and to deposit the instrument of accession.

Fees for tests necessary for granting breeder's certificate and for legal protection are paid according to Law No. 181/1993, Collection of Laws on administrative payments. Fees were published as an amendment to the Regulation for application of plant varieties for legal protection according to Law No. 132/89, Collection of Laws. This regulation is in force from December 1, 1994, and is available in Slovak and English version for all applicants, holders of the breeder's certificate and agents of foreign companies at the ÚKSÚP Variety Testing Department.

2. Cooperation in Examination

On February 19, 1993, Slovakia concluded the cooperation agreement on DUS testing with the Czech Republic. Slovak ÚKSÚP is testing for ÚKZÚZ (Central Institute for Supervising and Testing in Agriculture) cocksfoot, red fescue, sheeps fescue, timothy, small timothy, birdsfoot trefoil, melon, eggplant, popcorn, sugar maize.

ÚKZÚZ is testing 32 species for ÚKSÚP: common vetch, Hungarian vetch, crown vetch, lucerne, alsike clover, creeping bent, common bent, meadow foxtail, tall oatgrass, crested dogs, tall fescue, westerw. grass, flattened grass, wood meadow grass, kentucky blue grass, smooth meadow grass, all interhybrids and intercrops hybrids of grasses, garlic, celery, mangold, savoy cabbage, cauliflower, carrot, lettuce, radish, spinach, and all ornamental plant varieties which ÚKZÚZ is currently testing.

In 1994, the agreement on variety testing was concluded with Poland.

Since 1995, ÚKSÚP has been testing for COBORU (Polish Research Center for Cultivar Testing): timothy, red fescue, birdsfoot trefoil, cocksfoot, leek, melon eggplant.

COBORU is testing for ÚKSÚP: buckwheat, lupin, white mustard, broccoli, Brussels sprout.

On July 1995, the bilateral agreement on DUS testing was concluded with Hungary.

ÚKSÚP is testing for OMMI: potato, timothy, red fescue, birdsfoot, leek, melon, eggplant.

OMMI is testing for ÚKSÚP: durum wheat, sorghum, pepper, watermelon, squash.

The cooperation agreement with Slovenia is under preparation.

ÚKSÚP has been testing the following species for the Slovenian Agricultural Institute: timothy, cocksfoot trefoil, red clover, dwarf French bean, tomato.

ÚKSÚP is also testing tomato varieties for Estonia.

3. Situation in the Administrative Field in the Year 2003

There have been registered up to August 2003: Two Slovakian applications and 23 foreign applications for plant breeders' rights.

Plant Breeders' Rights for 61 varieties were granted and one application was cancelled. Whereas, according to the amendment No. 22/1996 of the Collection of Laws to the Law No. 132/1989 on the legal protection of new varieties of plants and breeds of animals which covers the protection of all botanical genera and species, we have applications for some ornamental and special genera not yet tested in Slovakia. We will carry out the tests with the cooperation of the UPOV member States.

4. Activities for the Promotion of Plant Variety Protection

The Variety Testing Department of the ÚKSÚP (Central Agricultural Controlling and Testing Institute) periodically publishes descriptions of newly registered varieties in the National List and the results of the VCU tests. It organizes so-called "Open Days" at its own testing stations network. Specialists of the Variety Testing Department maintain close contacts with colleagues from foreign institutions and cooperate in DUS testing.

Our experts participated in the "Ring test session and advisory meeting in Ljubljana in 2002" and also in the "Ring test for barley" in Croatia in May 2003. There are more "DUS ring tests" planned for the future.

Our experts also take part in the subgroups of experts preparing the drafts of guidelines for different species and work in the Technical Working Parties.

During the Technical Working Party for Vegetables (TWV), Slovakia had expressed an interest in hosting the TWV in 2005 or 2006.

5. Application of Biochemical, Molecular and Morphometrical Techniques in Seed and Variety Testing

Application of mentioned techniques in official testing is carried out by the ÚKSÚP laboratory for biochemical and genetic testing. This laboratory is in charge of the standardization of testing methods, the development of new methods and the coordination of testing activities in Slovakia. In the area of DNA-markers, it cooperates with the Research Institute of Plant Production in Piešťany and in the area of isoenzyme analysis with the breeding company Zeainvent Trnava.

In the official testing of seeds and plant varieties, we mostly apply electrophoretic tests by using storage proteins and isoenzymes according to standard ISTA methods and recommended UPOV methods (mostly PAGE, SDS-PAGE and starch gel electrophoresis). We use morphometric analysis of shape of seeds as the complementary phenotype test.

Tested parameters:

Seeds: authenticity of varieties, varietal homogeneity, determination of admixtures

Varieties: description of varieties by electrophoretogram, distinguishing of varieties, homogeneity testing, potential stability testing.

Electrophoretically tested species: wheat, barley, maize, oats, triticale, rye, potato, peas, soya bean.

For wheat, barley and potato, there are complete electrophoretogram descriptions of all registered varieties.

Morphometric tests: wheat, bean, potentially triticale and barley.

6. Future Plans

We would like to maintain further cooperation with the UPOV member States and to continue in the “ring tests” which are great contribution for improving the DUS testing.

We would like to become an active member of UPOV and to be helpful in all fields.

[Annex XXI follows]

ANNEX XXI

SWEDEN

PLANT VARIETY PROTECTION

1. Situation in the Administrative Field

Number of applications received:

July 1, 2000, to June 30, 2001: 36
July 1, 2001, to June 30, 2002: 47
July 1, 2002, to June 30, 2003: 36

Number of titles of protection issued:

2000: 27 (16 agricultural, 3 fruit, 1 ornamental and 7 others)
2001: 31 (24 agricultural 4 fruit and 3 ornamental)
2002: 34 (26 agricultural, 7 fruit and 1 ornamental)

Number of grants valid as per July 1:

2001: 312 (210 agricultural, 2 vegetable, 35 fruit and 65 ornamental)
2002: 297 (212 agricultural, 3 vegetable, 33 fruit and 49 ornamental)
2003: 309 (229 agricultural, 4 vegetable, 34 fruit and 42 ornamental)

2. 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 is completed and the decision is pending waiting for an EU decision on market release.

[Annex XXII follows]

ANNEX XXII

SWITZERLAND

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

1.1 Amendment of the Law and implementing provisions:

For Switzerland to ratify the 1991 Act of the Convention, the relevant national law has to be partly revised. The consultation of interest groups on the revision has been completed. The Federal Council is expected to submit the Message to Parliament on the revision of the Plant Variety Protection Law in early 2004. The Law will not be able to enter into force until after the parliamentary debate and the expiry of the referendum period, so not before the end of 2004 at the earliest.

1.2 Case law

To our knowledge, no court decisions have been handed down in the past year in connection with plant variety protection.

1.3 Extension of protection to additional genera and species

There has been no extension to additional genera or species in the past year. The current list is already very comprehensive, and the new Law will be extending protection to all genera and species.

2. Cooperation in Examination

No changes there. As no trials are conducted in Switzerland, all examination is done abroad under contract, or alternatively existing examination reports are taken over.

3. Situation in the Administrative Field

No changes, additions or proposals.

4. Situation in the Technical Field

Nothing to report, as no trials are conducted in Switzerland.

5. Activities for the Promotion of Plant Variety Protection

Representatives of Cambodia, the Lao Democratic People's Republic, Myanmar, Singapore and Viet Nam visited the Swiss Plant Variety Protection Office. They were shown how plant variety protection under the UPOV Convention can be negotiated even with minimal resources.

RELATED FIELDS OF ACTIVITY

Provisions in the Field of Gene Technology

On March 21, 2003, the Federal Assembly ratified the New Federal Law on Gene Technology in the Non-Human Sphere. The Law is expected to be brought into force by the beginning of 2004. It governs the authorization of experiments with the release and marketing of GMOs and trade in such organisms. It also contains provisions on marking and liability.

[Annex XXIII follows]

ANNEX XXIII

UKRAINE

1. Situation in the Legislative Field

The Project of Law of Ukraine “On amendments to some legislative Acts of Ukraine,” that foresees the regulation for accession of Ukraine to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991, is transferred for consideration to the Supreme Rada of Ukraine.

For the implementation of the Law of Ukraine “On amendments to Law of Ukraine on the Protection of Plant Variety Rights,” the State Variety Service developed and adopted 28 normative and legislative acts registered in the Ministry of Justice of Ukraine.

2. Cooperation in Examination

In the reporting period, the Agreement on Cooperation in the field of testing and protection of plant varieties was signed between the Ministry of Agrarian Policy of Ukraine and the Ministry of Agricultural, Water Economy and Processing Industry of the Republic of Kirghizstan.

The Agreement on Cooperation with 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 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 as well as with the Union for Plant Variety Studying and Seeds of France (GEVES) are planed to conclude.

3. Situation in the Administrative Field

During 2002, 40 applications for granting patents on plant varieties were received.

55 patents have been granted by January 1, 2003.

The State Variety Service developed a Website (www.sops.gov.ua), which will be renewed constantly.

4. Activity for the Promotion of Plant Variety Protection

From July 5 to 13, 2003, experts from the State Service on Right Protection for Plant Varieties studied at the Research Centre for Cultivar Testing of Poland. During this study visit, Ukrainian experts acquainted themselves with the main principles of legal protection of agricultural plant varieties in Poland, the organization of DUS testing,

normative and legislative documents for acquisition, registration and implementation of plant varieties rights and others.

In May this year, the workshop of representatives of the state services on protection of plant varieties of CIS was prepared and conducted by the State Variety Service. As a result of this workshop, the Protocol between Ukraine, Belarus, the Russian Federation and the Republic of Moldova was signed. This Protocol foresees deepening cooperation in this field.

In July 2003, in Odessa, the meeting of the Intergovernmental Coordinating Council of CIS on seed growing was conducted and the relevant protocol was signed.

From September 30 to October 3, 2003, a visit of the Director General of the Research Centre for Cultivar Testing of Poland, Mr. Edward Gacek, is foreseen for the purpose of deepening the cooperation between Ukraine and Poland in the field of testing and protection of plant varieties.

In the reporting period, the State Service Varieties has published 1 issue (1, 2 and 3 parts) and 2 issues (1 part) of the Official Bulletin "Plant Variety Rights Protection" as well as the Catalogue of Plant Varieties Suitable for Dissemination in Ukraine for 2004 (winter crops).

[End of Annex XXIII and of document]