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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL**Thirty-Eighth Ordinary Session****Geneva, October 21, 2004**

ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 2003

(thirty-fifth year)

I. COMPOSITION OF THE UNION

Members

1. On December 31, 2003, the Union had 54 members. The following States became members of the Union in 2003:

(a) On July 31, 2003, Tunisia deposited its instrument of accession to the Convention. The 1991 Act of the Convention entered into force with respect to Tunisia on August 31, 2003.

(b) On November 10, 2003, Lithuania deposited its instrument of accession to the Convention. The 1991 Act of the Convention entered into force with respect to Lithuania on December 10, 2003.

2. On July 15, 2003, Poland deposited its instrument of accession to the 1991 Act of the Convention. The 1991 Act entered into force with respect to Poland on August 15, 2003.

3. The 54 members of the Union, on December 31, 2003, were the following: Argentina, Australia, Austria, Belgium, Belarus, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Lithuania, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United States of America, Uruguay. Annex I details the membership status of the Union in relation to the various Acts of the Convention as of December 31, 2003.

Situation in Relation to the Various Acts of the Convention

4. On December 31, 2003, the position of the members of the Union in relation to the various Acts of the Convention was as follows:

(a) two States were bound by the 1961 Act as amended by the 1972 Act, namely Belgium and Spain;

(b) the 1978 Act was the Act binding 26 States, namely Argentina, Austria, Bolivia, Brazil, Canada, Chile, China, Colombia, Ecuador, France, Ireland, Italy, Kenya, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, Portugal, Slovakia, South Africa, Switzerland, Trinidad and Tobago, Ukraine, Uruguay.

(c) the 1991 Act was the most recent Act binding 26 States, namely: Australia, Belarus, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Israel, Japan, Kyrgyzstan, Latvia, Lithuania, Netherlands, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovenia, Sweden, Tunisia, United Kingdom, United States of America.

Future Members

5. Under Article 34(3) of the 1991 Act, “any State which is not a member of the Union and any intergovernmental organization shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Convention”.

6. Five requests were received in the period under review:

(a) a request by Viet Nam, by letter of April 11, 2003;

(b) a request by Iceland, by letter of July 14, 2003;

(c) a request by Jordan, by letter of May 22, 2003;

(d) a request by Uzbekistan, by letter of September 12, 2003;

(e) a request by Singapore, by letter of September 23, 2003.

7. At its twentieth extraordinary session held on April 11, 2003, the Council examined the Decree on the Protection of New Plant Varieties of Viet Nam and decided

“(a) to advise the Government of Viet Nam that the Decree, in its main provisions, incorporated most of the substance of the 1991 Act, but that it still needs some clarifications and amendments, as provided in document C(Extr.)/20/3, in order to fully conform with the 1991 Act; once the above clarifications and amendments are incorporated in the Decree to the satisfaction of the Office of the Union, Viet Nam may deposit its instrument of accession to the 1991 Act;

“(b) to request the Office of the Union to offer its assistance to the Government of Viet Nam in drafting the necessary clarifications and amendments to the Decree, and the preparation of a more accurate translation into one or more of the official languages of the Union.”

8. At its thirty-seventh ordinary session, on October 23, 2003, the Council examined the Laws of Iceland, Jordan, Singapore and Uzbekistan.

9. In respect of Iceland, the Council decided

“(a) to advise the Government of Iceland that the Law, in its main provisions, incorporates the substance of the 1991 Act, but that it still needs some amendments, as provided in paragraphs 9, 11, 12, 21, 23 and 30 of document C/37/17, in order to fully conform with the 1991 Act;

“(b) once the amendments are incorporated in the Law, Iceland may deposit its instrument of accession to the 1991 Act.”

10. In respect of Jordan, the Council decided

“(a) to advise the Government of Jordan that the Law in its main provisions incorporates the substance of the 1991 Act, and that it may deposit an instrument of accession to the 1991 Act;

“(b) to further advise the Government of Jordan that it may wish to supplement the texts of its legislation, as provided in paragraphs 16 and 21 of document C/37/16, so as to avoid recourse to the Civil Code Provision.”

11. In respect of Singapore, the Council decided

“(a) to advise the Government of Singapore that the Draft Act, in its main provisions, incorporates the substance of the 1991 Act, but that it still needs to include complementary provisions in Section 33 concerning variety denominations, as provided in paragraphs 21, 22 and 23 of document C/37/19, and in Section 25 concerning cancellation of grants, as provided in paragraph 26 of document C/37/19, in order to fully conform with the 1991 Act;

“(b) once the Act has been enacted with the incorporation of the above-mentioned complementary provisions, Singapore may deposit its instrument of accession to the 1991 Act.”

12. In respect of Uzbekistan, the Council decided

“(a) to advise the Government of Uzbekistan that the Law, in its main provisions, incorporates the substance of the 1991 Act, and that it may deposit an instrument of accession to the 1991 Act;

“(b) to further advise the Government of Uzbekistan that it may wish to supplement the texts of its legislation, where necessary, so as to avoid recourse to the Constitutional Provision.”

13. By December 2003, the following 18 States, the European Community (EC) and the African Intellectual Property Organization (OAPI), had initiated the procedure for accession to UPOV: Azerbaijan, Costa Rica, Egypt, Georgia, Honduras, Iceland, India, Jordan, Kazakhstan, Morocco, Serbia and Montenegro, Singapore, Tajikistan, The former Yugoslav Republic of Macedonia, Uzbekistan, Venezuela, Viet Nam and Zimbabwe. OAPI and its member States will be in a position to accede to the 1991 Act once Annex X of the revised *Accord de Bangui*, which came into effect on February 28, 2002, is fully operational.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

14. The Council held its twentieth extraordinary session on April 11, 2003, under the chairmanship of Mr. Karl Olov Öster (Sweden). It elected unanimously Mrs. Enriqueta Molina Macias (Mexico) as Vice-President of the Council for a term beginning on April 11, 2003, and ending with the thirty-seventh ordinary session of the Council, on October 23, 2003. It examined the Decree on the Protection of New Plant Varieties of Viet Nam for conformity with the 1991 Act of the UPOV Convention. It adopted the “Position of UPOV concerning Decision VI/5 of the Conference of the Parties to the Convention on Biological Diversity (CBD)”.

15. The Council held its thirty-seventh ordinary session on October 23, 2003, also under the chairmanship of Mr. Karl Olov Öster. The session was attended by 45 members of the Union, by observers from 15 non-member States¹ and 12 international organizations².

¹ Algeria, Egypt, Ghana, Greece, Iceland, Jordan, Libyan Arab Jamahiriya, Morocco, Philippines, Saudi Arabia, Serbia and Montenegro, Singapore, Thailand, Turkey and Zimbabwe.

² World Intellectual Property Organization (WIPO), World Trade Organization (WTO), Food and Agriculture Organization of the United Nations (FAO), European Community (EC), Organization for Economic Co-operation and Development (OECD), African Intellectual Property Organization (OAPI), Consultative Group on International Agricultural Research (CGIAR), International Seed Testing Association (ISTA), International Association for the Protection of Intellectual Property (AIPPI), European Seed Association (ESA), Association of European Horticultural Breeders (AOHE), International Seed Federation (ISF).

16. At that session, the Council took the following main decisions:

(a) It unanimously re-appointed Dr. Kamil Idris as Secretary-General of UPOV for the period of December 1, 2003, to November 30, 2009.

(b) It unanimously extended the term of Mr. Rolf Jördens as Vice Secretary General of UPOV until November 30, 2006.

(c) It examined the Laws of Iceland, Jordan and Uzbekistan and the draft Act of Singapore on Plant Variety Protection for conformity with the 1991 Act of the UPOV Convention.

(d) It adopted Annex II to document C/37/20, entitled "Access to genetic resources and benefit-sharing", as a suitable reply of UPOV to the Notification of June 26, 2003, from the Executive Secretary of the Convention on Biological Diversity (CBD).

(e) It approved the report of the Secretary-General on the activities of the Union in 2002 and noted the report on the activities in the first nine months of 2003.

(f) It unanimously renewed the designation of Switzerland as auditor of the accounts of UPOV up to and including the year 2007.

(g) It approved the Program and Budget for the 2004-2005 Biennium, including the amount of contributions from members, the proposed maximum ceiling of expenditure in the regular budget and the total number of posts for the Office of the Union.

(h) It designated, for the purposes of Article 41(2) of the 1991 Act of the UPOV Convention, Russian as a language in which the official text of the 1991 Act of the UPOV Convention shall be established.

(i) It elected, in each case for a term of three years ending with the fortieth ordinary session of the Council, in 2006:

(i) Mrs. Enriqueta Molina Macías (Mexico), President of the Council, and

(ii) Mr. Doug Waterhouse (Australia), Vice-President of the Council.

(j) It noted documents and oral reports on the situation in the legislative, administrative and technical fields related to plant variety protection, as presented by members and observers.

Consultative Committee

17. The Consultative Committee held its sixty-fifth session on April 11, 2003, under the chairmanship of Mr. Karl Olov Öster (Sweden). It took note of an information on the nomination for the post of Director General of the World Intellectual Property Organization (WIPO) and made a preliminary examination of the Decree of the Protection of New Plant Varieties of Viet Nam. It considered the financial situation of the Union. It noted developments in the Council for Trade-Related Aspects of Intellectual Property Rights concerning the review of Article 27.3(b) of the TRIPS Agreement and developments

concerning biodiversity, plant genetic resources and plant variety protection. It conducted a preliminary examination of a draft “Position of UPOV concerning Decision VI/5 of the Conference of the Parties to the Convention on Biological Diversity”. It took note of a proposal to organize a WIPO-UPOV Symposium on Intellectual Property Rights in Plant Biotechnology. Finally, it considered procedures for matters concerning UPOV position papers and presentation of UPOV policy by the Office of the Union.

18. The Consultative Committee held its sixty-sixth session on October 22, 2003, also under the chairmanship of Mr. Karl Olov Öster. The Consultative Committee recommended to the Council to re-appoint Dr. Kamil Idris as Secretary-General and to extend the term of Mr. Rolf Jördens as Vice Secretary-General of UPOV. It conducted a preliminary examination of the draft Program and Budget for the 2004-2005 Biennium and endorsed proposals to form a Consultative Group with the aim of exploring long-term financial issues of the Union. The Consultative Committee recommended to the Council that it adopt Annex II to document C/37/20 entitled “Access to genetic resources and benefit-sharing”. It held a preliminary examination of the conformity of the Laws of Iceland, Jordan and Uzbekistan and the Draft Act of Singapore on Plant Variety Protection. It agreed that the Ad hoc Working Group to Study the Impact of Plant Breeders’ Rights should continue its work with the aim of producing a final report for the sixty-ninth session of the Committee.

Administrative and Legal Committee, Technical Committee, Technical Working Parties and Working Group on Biochemical and Molecular Techniques, and DNA Profiling in Particular

19. The Administrative and Legal Committee (CAJ) held its forty-seventh and its forty-eighth sessions on April 10, 2003, and on October 21 and 22, 2003, respectively. The Technical Committee (TC) held its thirty-ninth session from April 7 to 9, 2003. Reference is made to documents C/37/9, C/38/9 and C/37/10, respectively. The twenty-first session of the Technical Working Party on Automation and Computer Programs (TWC) was held in Tjele, Denmark, from June 10 to 13, 2003. The Technical Working Party for Vegetables (TWV) held its thirty-seventh session in Roelofarendsveen, Netherlands, from June 23 to 27, 2003. The Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) held its eighth session in Tsukuba, Japan, from September 3 to 5, 2003. The Technical Working Party for Agricultural Crops (TWA) held its thirty-second session in Tsukuba, Japan, from September 8 to 12, 2003. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its thirty-sixth session in Niagara Falls, Canada, from September 22 to 26, 2003. The Technical Working Party for Fruit Crops (TWF) held its thirty-fourth session in Niagara Falls, Canada, from September 29 to October 3, 2003.

III. COURSES, SEMINARS, WORKSHOPS, IMPORTANT CONTACTS

20. On January 31, 2003, the Office of the Union (the “Office”) organized a briefing session for professionals of WIPO at the WIPO/UPOV headquarters in Geneva. The presentations focussed on basic principles of the UPOV Convention, the technical approach to plant variety examination and the interface with other international conventions/treaties. Some 100 professionals participated.

21. On February 6 and 7, the Office participated, at the request of the Tunisian Government, in an advisory mission organized by WIPO concerning various subjects related to intellectual

property. UPOV provided information on Tunisia's accession procedure to the UPOV Convention, which subsequently took effect on July 31, 2003.

22. On February 19, the Office organized, at the WIPO/UPOV headquarters, a briefing session for a delegation of the Kyrgyz Republic, headed by Mr. Roman O. Omorov, Director, State Agency of Science and Intellectual Property, on recent developments within UPOV and on regional cooperation in the Central Asian region, in particular.

23. From February 19 to 21, the Office attended the Ad hoc Technical Expert Group Meeting on the Potential Impact of Genetic Use Restriction Technologies on Small-Holder Farmers, Indigenous and Local Communities and Farmers Rights, which was held at the Secretariat of the Convention on Biological Diversity in Montreal, Canada.

24. On March 6 and 7, the Office participated in a Conference/Seminar "Results of the State Commission of the Russian Federation for Selection Achievements Test and Protection in 2002 and Plans for 2003," which was held in the Ministry of Agriculture of the Russian Federation in Moscow. Some 370 registered participants were present, among them members of the Russian Parliament, Government officials, representatives of Plant Variety Offices of six countries, breeders and scientists. The program for the Conference/Seminar included presentations by: Mr. Belan B. Chamchiev, Vice-Minister, Ministry of Agriculture of the Russian Federation; the Chairman of the State Commission of the Russian Federation for Selection Achievements, Tests and Protection; the Vice-President of the Russian Academy of Agricultural Sciences; and UPOV. Prior to the Conference/Seminar, the UPOV officials met with Vice-Minister Chamchiev and officials of the Ministry of Agriculture of the Russian Federation. Financial issues and options for further involvement of Russia in technical activities were discussed. In a separate meeting with leading officials of the State Commission for Selection Achievements, Test and Protection, further cooperation among the State Commission and Plant Breeders' Rights Offices from countries of the Commonwealth of Independent States (CIS) was discussed. In addition, the establishment of an official text in Russian of the 1991 Act of the UPOV Convention was considered.

25. From March 10 to 14, the Office organized, in cooperation with the Department of Agriculture of the Republic of the Philippines, and with financial assistance from the Ministry of Agriculture, Forestry and Fisheries of Japan, the fourth Asian Regional Technical Meeting for Plant Variety Protection, in Manila, Philippines. In addition to some 65 participants from the Philippines, there were 16 participants from Bangladesh, Cambodia, China, India, Indonesia, Lao People's Democratic Republic, Malaysia, Mongolia, Myanmar, Nepal, Pakistan, Sri Lanka, Thailand and Viet Nam. The International Rice Research Institute (IRRI) and the International Tropical Fruits Network (TFNet) were also represented. Experts from Japan, Germany and the Republic of Korea participated as lecturers. The meeting endorsed conclusions concerning the role of Asian Regional Technical Meetings as a forum to exchange information and experiences in plant variety protection, with a focus on discussion of Test Guidelines for crops of regional interest. It commented on the draft Test Guidelines for apple, ginseng, mango and rice and recommended that UPOV should pursue further opportunities for the experts in the region to be involved in the drafting/revision of UPOV Test Guidelines. It welcomed the active participation of the experts from IRRI and TFNet. It noted the invitation of the Government of Viet Nam and the Government of Myanmar to host future sessions.

26. On March 17 and 18, the Office organized, in cooperation with the Ministry of Agriculture, Forestry and Fisheries of Cambodia, and with the financial assistance of the

Ministry of Agriculture, Forestry and Fisheries of Japan, a National Seminar on the Protection of New Plant Varieties Under the UPOV Convention in Phnom Penh, Cambodia. An official of China and an official of Viet Nam participated as lecturers. Some 35 officials of the Government of Cambodia attended the Seminar. The Government of Cambodia reported that it had decided to base its national system for the protection of new varieties on the UPOV Convention. During the Seminar, the importance of regional cooperation was highlighted as several countries of the region intend to introduce a plant variety protection system according to the 1991 Act of the UPOV Convention.

27. On March 18, the Office gave a lecture on plant variety protection during a workshop on a broad range of intellectual property legislation, organized by WIPO at WIPO/UPOV headquarters for a Sudanese Delegation, headed by H.E. Mr. Badr Eldin Suleiman, Presidential Advisor, Chief Negotiator on Sudan's Accession to the World Trade Organization (WTO), and H.E. Mr. Ali Osman Yassin, Minister for Justice. As several members of the Sudanese Delegation had participated in the national Seminar in Khartoum, which UPOV had organized in 2002, UPOV could build on the information provided previously with regard to Sudan's accession to the Convention.

28. On March 20, the Office made a presentation at a conference, organized by CropLife International, which was held at the Hotel *Président Wilson* in Geneva. Some 100 representatives of companies active in plant biotechnology, professional associations, intergovernmental and non-governmental organizations participated.

29. On March 20 and 21, in Yangon, the Office organized a National Seminar on the Protection of New Varieties of Plants Under the UPOV Convention, in cooperation with the Ministry of Agriculture and Irrigation of the Union of Myanmar and with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan. Two officials from China and from Viet Nam participated as lecturers. The Seminar was attended by some 25 officials of the Government of Myanmar, by representatives of universities and of the Attorney General's office. The Seminar was the first forum in Myanmar to address exclusively the issue of plant variety protection based on the UPOV Convention. It provided assistance for the enactment of a national law on plant variety protection on which the Government of Myanmar is working.

30. On March 26 and 27, the Office participated in a meeting of the Administrative Council of the Community Plant Variety Office (CPVO) in Angers, France.

31. On April 16, the Office lectured in the program "Intellectual Property for Diplomats" organized by the WIPO Worldwide Academy.

32. On April 29 and 30, the Office participated in a Sub-Regional Seminar on Biotechnology and Intellectual Property, which was organized by WIPO, in cooperation with the Committee for Intellectual Property Rights, Ministry of Justice of the Republic of Kazakhstan in Almaty. Some 100 participants representing various Government bodies, scientific and research institutions in the field of biotechnology, micro-organisms, collections and patent attorneys were present. UPOV delivered a presentation on "Intellectual Property Protection of New Varieties of Plants: International Legal Dimensions". Officials from the Ministry of Justice and from the Ministry of Agriculture informed of the intention of Kazakhstan to accede to the UPOV Convention.

33. On May 27 and 28, the Office organized, in cooperation with the National Institute for the Defense of Competition and Intellectual Property Protection (*Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual*, INDECOPI) of Peru, a National Seminar on Plant Breeders' Rights which took place in Lima. Some 70 participants, mainly government officials, patent attorneys, representatives of the seed industry and experts from the national research centers and universities, were present. Peru has a plant breeders' rights legislation which largely corresponds to the provisions of the 1991 Act of the UPOV Convention. The aim was to explain the benefits of acceding to the UPOV Convention. Officials from Colombia and from the CPVO participated as lecturers.

34. On June 6, at a WIPO "Interregional Intermediate Seminar on Industrial Property," which was held at the WIPO/UPOV headquarters, the Office lectured on the protection of new plant varieties in an international framework. Some 70 officials from developing countries were present.

35. From June 7 to 11, the Office participated in the World Seed Congress 2003 in Bangalore, India, which was organized by the International Seed Federation (ISF). The ISF World Seed Congress provided an important opportunity for UPOV to discuss matters with users of the UPOV system. Among many other relevant issues, the co-existence of patents and plant breeders' rights, and the access to plant genetic resources for breeding proved to be matters of particular importance to the breeding world. During the course of the Congress there were opportunities to meet with Indian officials and to consider plant variety protection in India.

36. The Office participated as a lecturer in a training course which was organized by the Centre for Genetic Resources of the Netherlands, Wageningen, from June 9 to 20. UPOV was invited to lecture on the second day of the course, with the remit to provide a "General Introduction to UPOV". The UPOV contribution was made up of presentations, combined with a question-and-answer session, and a group exercise, the latter being used to examine the "farmers' privilege".

37. From June 16 to 20, the Office, in cooperation with the Plant Variety Protection Offices of Switzerland, France and the Netherlands and CPVO, and with financial assistance from the Ministry of Agriculture, Forestry and Fisheries of Japan, organized a study tour to the Office of the Union, to Berne, Angers and Wageningen, with the participation of one expert each from the Governments of Cambodia, Lao People's Democratic Republic, Myanmar and Viet Nam, and two Government officials from Singapore. The purpose of the study tour was to assist in the establishment of national systems for plant variety protection in those countries and to encourage regional cooperation.

38. On June 19, the Office made a presentation in the program "Master of Intellectual Property Law," organized by the University of Turin and the WIPO Worldwide Academy.

39. From June 30 to July 11, the Office organized, in cooperation with the Ministry of Agriculture of Spain, the third Training Program for the Protection of Varieties of Plants for Ibero-American Countries, which was held in various locations in Spain and which was co-financed by WIPO. One participant from each of the following nineteen Ibero-American countries attended, financed by UPOV, WIPO and the Government of Spain: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela. Another ten participants from Ibero-America, financed by their government, one

participant from France and ten local participants also attended the training course. The activity focused on technical examination of new varieties of plants and included field visits to testing stations. A round of questions and answers was scheduled at the end of each visit. Country reports demonstrated the progress of plant breeder's right (PBR) in the region.

40. On July 2 and 3, the Office participated in the Extraordinary Meeting 2003 of the International Seed Testing Association (ISTA) which took place in Zurich, Switzerland.

41. On July 4, at the WIPO/UPOV headquarters, the Office organized a briefing session for a delegation of Tajikistan, headed by Mr. Inom Takirov, Director, National Center for Patents and Information, on basic principles of the UPOV Convention and on the accession procedure.

42. From July 7 to 15, the Office participated in the fifth session of the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, held in Geneva, Switzerland. During that session, the Intergovernmental Committee discussed future directions of WIPO's work concerning intellectual property and genetic resources, traditional knowledge and folklore. The WIPO General Assembly was requested to decide on a mandate for the 2004-2005 biennium.

43. From July 26 to August 2, the Office participated in an advisory mission organized at the request and in cooperation with the *Organisation Africaine de la Propriété Intellectuelle* (OAPI) and the French *Groupe d'étude et de contrôle des variétés et des semences* (GEVES) in Cameroon and Senegal. The mission was part of the program of assistance to OAPI which UPOV is carrying out in cooperation with the French Government and which consists of the following elements: Regional Seminar on Plant Variety Protection held in Dakar in 2001; training of OAPI administrators in plant variety protection, in France, implemented in 2002; identification and evaluation of future technical centers of plant variety examination in the framework of OAPI, realized in 2002 and 2003; practical training of technical experts in variety examination in France in Spring/Summer 2004. The aim of this program is to enable OAPI to operate, as soon as possible, a regional system on plant variety protection which is based on the UPOV Convention.

44. From August 28 to September 5, the Office gave lectures in the Training Course for Plant Variety Protection, organized by the Japan International Cooperation Agency (JICA) in Tsukuba, Japan.

45. On September 30, the Office attended a meeting of the Intellectual Property Committee of ISF, which was held in London.

46. On October 1, Mr. Akil A. Azimov, Director General, Patent Office of Uzbekistan, visited the Office to discuss steps with a view to Uzbekistan's accession to the UPOV Convention.

47. On October 1, Mrs. Tsonka Ivanova Taushanova, President, Patent Office of the Republic of Bulgaria, visited the Office to consider possible activities for raising awareness of the benefits of plant variety protection in Bulgaria.

48. On October 2, Mr. Shigeki Koyama, Second Secretary, Permanent Mission of Japan, visited the Office to consider, in particular, matters related to the Japanese Funds-in-Trust.

49. On October 7, Mr. Ikhted Ahmed, Secretary, Law Commission of Bangladesh, visited the Office to discuss basic principles of the UPOV Convention. The Law Commission, as drafters of legislation in Bangladesh, also wished to be involved directly in legislation on plant variety protection.
50. On October 24, at the UPOV/WIPO headquarters in Geneva, the Office organized, in cooperation with WIPO, a Symposium on Intellectual Property Rights in Biotechnology. The Symposium was opened and chaired by H.E. Mr. Alejandro Jara, Ambassador and Permanent Representative of Chile, Permanent Mission, Geneva. Fourteen speakers presented papers. Some 200 participants were present, including representatives of governments, international organizations, academics and legal experts as well as companies active in biotechnology and plant breeding.
51. On October 27 and 28, the Office attended the Annual Meeting 2003 of the European Seed Association (ESA), which was held in Brussels.
52. On November 3, a UPOV representative was received by Dr. Stojan Jevtic, Minister for Agriculture and Water Management of Serbia and Montenegro (former Federal Republic of Yugoslavia). The constitutional structure of Serbia and Montenegro and its repercussions on cooperation with UPOV and the State's accession to the UPOV Convention were considered.
53. On November 3 and 4, the Office participated in the third Annual Meeting of the Eastern European Seed Network (ESSNET), which was held in Belgrade, and gave a lecture on the present status and the impact of plant variety protection.
54. On November 5, the Office participated in a Seminar which was organized by the Community Plant Variety Office (CPVO) in Angers, France, in order to mark the first participation of representatives of the ten new Member States of the European Community in a regular session of the Administrative Council of CPVO.
55. On November 5 and 6, the Office participated, in an observer capacity, in a session of the Administrative Council of CPVO, which took place in Angers, France.
56. On November 7, the Office considered, on the telephone, with Mr. Amar Tahiri, Head, Seeds and Plants Inspection Service, Ministry of Agriculture, Rural Development and Water and Forests (*Service du contrôle des semences et plants, Ministère de l'agriculture, du développement rural, et des eaux et forêts*), Rabat, his participation as a speaker in a seminar, organized jointly by WIPO and the Arab Organization for Agricultural Development (AOAD) in Bahrain. The Office provided Mr. Tahiri with material and presentations on plant variety protection which he used for his lecture in Bahrain.
57. On November 11, the Office briefed the professionals of WIPO on important results of the sessions of the Council and the Committees of UPOV which had taken place in October 2003.
58. On November 11, the Office lectured at the WIPO Worldwide Academy at a Training Course on Practical IP Issues in Business.
59. On November 17, the Office, together with Mr. Bart Kiewiet, President, CPVO, visited a nursery of *Euphorbia lactea*, north of Bangkok, where they met farmers/breeders who had

asked the Department of Agriculture of the Government of Thailand to lodge an objection against six applications for plant variety protection filed with the CPVO. Mr. Kiewiet explained the status of the applications and the CPVO procedures with regard to objections.

60. On November 18 and 19, the Office participated in the annual meeting of the Community Plant Variety Office (CPVO) with representatives of its examination offices on technical items related to the conduct of variety examination, which was held at the CPVO headquarters in Angers, France.

61. On November 18 and 19, the Office participated in Asian Seed 2003, the Annual Congress of the Asia and Pacific Seed Association (APSA), which took place in Bangkok. At the session of the APSA Standing Committee on Intellectual Property Rights, UPOV gave a presentation on the "Status in plant variety protection in the Asian and Pacific Region" and chaired a plenary session for technical reports. A UPOV booth was established at the exhibition hall of the Congress and extensively visited by the delegates.

62. On November 19, the Office, in cooperation with the Department of Agriculture of Thailand and with financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, held a National Seminar on the Protection of New Varieties of Plants under the UPOV Convention in Bangkok, in which some 30 officials from the Department of Agriculture, breeders and growers participated. Mr. Bart Kiewiet, President of CPVO, and a representative of the *Groupement national interprofessionnel des semences et plants* (GNIS), France, were also present. The participants agreed that plant variety protection based on the 1991 Act of the UPOV Convention was beneficial to breeders and farmers in developing countries. They expressed the wish to be further involved in UPOV's activities, especially in the technical field.

63. In a separate meeting, also on November 19, Mr. Somsak Singholga, Director General, Department of Agriculture, Ministry of Agriculture and Cooperatives of Thailand, expressed the intention to operate plant variety protection effectively in Thailand.

64. On November 20 and 21, the Office, in cooperation with the Intellectual Property Office of Singapore (IPOS) and with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, held a National Seminar on the Protection of New Varieties of Plants under the UPOV Convention in Singapore. An expert from China participated as a lecturer. The Seminar was attended by some 30 experts from the Agro-food and Veterinary Authority, law firms and breeding institutions of Singapore. Mrs. Liew Woon Yin, Director General of IPOS, participated temporarily. It was noted that, although agriculture was a minor branch of its economic activities, Singapore possessed a considerable biotechnology sector with a potential to develop a sophisticated breeding industry, especially in ornamental plants.

65. On November 24 and 25, the Office, in cooperation with the Ministry of Agriculture and Forestry of the Lao People's Democratic Republic and with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, held a National Seminar on the Protection of New Varieties of Plants under the UPOV Convention in Vientiane. The Seminar was opened and chaired by Mr. Viratanh Phannourath, Director General, Department of Agriculture, Ministry of Agriculture and Forestry of the Lao People's Democratic Republic. Some 40 experts from the Government and from research centers participated. Experts from Cambodia, China, France and Viet Nam gave lectures. The participants adopted conclusions in which the importance of effective plant variety protection for economic development and the advantages of regional cooperation were stressed.

66. On November 29 and 30, in Karaj, Islamic Republic of Iran, the Office, in cooperation with the Ministry of Jihad-e-Agriculture of Iran, and the International Center for Agricultural Research in Dry Areas (ICARDA) held a National Seminar on the Protection of New Varieties of Plants under the UPOV Convention. The Seminar was opened by Dr. Majid Dehghan-Shoar, Director General, Office for International and Regional Organizations, Ministry of Jihad-e-Agriculture of Iran. Some 50 experts and scientists, many of them from the Agriculture Research and Education Organization of the Ministry, participated. The presentations made by Iranian speakers illustrated the high-level activities of plant breeding and a potential role of plant variety protection to maintain and enhance them.

67. On November 30, in Karaj, Islamic Republic of Iran, the Office held a meeting on future cooperation with the recently established Plant Variety Rights and Seed Certification Institute of the Islamic Republic of Iran and ICARDA. The Institute is to be considered as a focal point in Iran for matters related to UPOV.

68. On December 18, at the WIPO/UPOV headquarters, the Office held a meeting with representatives of CPVO and WIPO on cooperation in the implementation of a database for plant varieties.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

69. With regard to relations with States and organizations, a major part of the activities of the Office was focussed on advice and assistance on plant variety protection legislation and the procedure to accede to the Convention by potential members of the Union, or members of the Union that intended to accede to the 1991 Act of the Convention. The Office provided written or oral comments, paid visits to national authorities or received representatives of the respective States in order to provide the requested advice. In this respect, the Office had contacts with Armenia, Azerbaijan, Bahrain, Bangladesh, Belize, Burundi, Cambodia, Costa Rica, Democratic People's Republic of Korea, Egypt, El Salvador, India, Indonesia, Jamaica, Kazakhstan, Lao People's Democratic Republic, Lebanon, Lithuania, Malaysia, Mauritius, Mongolia, Myanmar, Pakistan, Philippines, Saudi Arabia, Serbia and Montenegro, Sri Lanka, Suriname, Swaziland, Switzerland, Tajikistan, Thailand, Uzbekistan and Viet Nam.

70. The Office met with representatives of international organizations to coordinate activities or to explain UPOV's position in other fora. Of particular importance was the ongoing discussion on biological diversity, plant genetic resources and traditional knowledge. The Office participated in the consideration of these issues with the Secretariat of the Convention on Biological Diversity (CBD), the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA), the African Intellectual Property Organization (OAPI), the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of WIPO, the Arab Organization for Agricultural Development (AOAD), and the Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS). The Office maintained close contacts with the Community Plant Variety Office (CPVO) and the Organisation for Economic Co-operation and Development (OECD).

71. The Office provided interpretation of provisions of the Convention to members of the Union and to individuals.

72. The Office met regularly with professional associations in order to follow developments in the practical application of plant variety protection on a global and regional level. Of particular relevance were meetings with ISF and the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), and with the African Seed Trade Association (AFSTA), the Asia and Pacific Seed Association (APSA), the European Seed Association (ESA) and the *Federación Latinoamericana de Asociaciones de Semillas* (FELAS).

V. SELECTED RESULTS OF UPOV IN 2003

73. The results achieved by UPOV at the end of the 2002-2003 Biennium on the basis of the work of the Council, its subsidiary bodies and the Office, are summarized in Annex II to this document. Annex III contains an overview of the missions undertaken by the staff of the Office.

VI. PUBLICATIONS

74. The Office published:

- (a) two issues of "Plant Variety Protection," the Gazette and Newsletter of UPOV;
- (b) updated editions, covering every event affecting the composition of the Union, of the information leaflet on UPOV and plant variety protection in English, Arabic, Chinese, French, German, Russian and Spanish;
- (c) six updated CD-Roms in the series constituting the UPOV central database, "UPOV-ROM Plant Variety Database;"
- (d) on-line version (www.upov.int. under "Events") of the proceedings of the *WIPO-UPOV Symposium on Intellectual Property Rights in Biotechnology* (Geneva, October 24, 2003) in English, French and Spanish.

75. *The Council is invited to note this report.*

[Annex I follows]

ANNEX I

MEMBERS OF THE UNION

(December 31, 2003)

State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Argentina	- - - -	- - November 25, 1994 -	- - December 25, 1994 -
Australia	- - - -	- - February 1, 1989 December 20, 1999	- - March 1, 1989 January 20, 2000
Austria	- - - -	- - June 14, 1994 -	- - July 14, 1994 -
Belarus	- - - -	- - - December 5, 2002	- - - January 5, 2003
Belgium	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	November 5, 1976 November 5, 1976 - -	December 5, 1976 February 11, 1977 - -
Bolivia	- - - -	- - April 21, 1999 -	- - May 21, 1999 -
Brazil	- - - -	- - April 23, 1999 -	- - May 23, 1999 -
Bulgaria	- - - -	- - - March 24, 1998	- - - April 24, 1998
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -

¹ 1st line: International Convention for the Protection of New Varieties of Plants of December 2, 1961
2nd line: Additional Act of November 10, 1972
3rd line: Act of October 23, 1978
4th line: Act of March 19, 1991

² of ratification, acceptance, approval or accession.

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Chile	- - - -	- - December 5, 1995 -	- - January 5, 1996 -
China	- - - -	- - March 23, 1999 -	- - April 23, 1999 -
Colombia	- - - -	- - August 13, 1996 -	- - September 13, 1996 -
Croatia	- - - -	- - - August 1, 2001	- - - September 1, 2001
Czech Republic ^{3/}	- - - -	- - - October 24, 2002	- - January 1, 1993 November 24, 2002
Denmark	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 6, 1968 February 8, 1974 October 8, 1981 April 26, 1996	October 6, 1968 February 11, 1977 November 8, 1981 April 24, 1998
Ecuador	- - - -	- - July 8, 1997 -	- - August 8, 1997 -
Estonia	- - - -	- - - August 24, 200	- - - September 24, 2000
Finland	- - - -	- - March 16, 1993 June 20, 2001	- - April 16, 1993 July 20, 2001
France	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	September 3, 1971 January 22, 1975 February 17, 1983 -	October 3, 1971 February 11, 1977 March 17, 1983 -
Germany	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	July 11, 1968 July 23, 1976 March 12, 1986 June 25, 1998	August 10, 1968 February 11, 1977 April 12, 1986 July 25, 1998

³ Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991; State bound on December 4, 1991).

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Hungary	- - - -	- - March 16, 1983 December 1, 2002	- - April 16, 1983 January 1, 2003
Ireland	- - September 27, 1979 February 21, 1992	- - May 19, 1981 -	- - November 8, 1981 -
Israel	- - - October 23, 1991	November 12, 1979 November 12, 1979 April 12, 1984 June 3, 1996	December 12, 1979 December 12, 1979 May 12, 1984 April 24, 1998
Italy	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	June 1, 1977 June 1, 1977 April 28, 1986 -	July 1, 1977 July 1, 1977 May 28, 1986 -
Japan	- - October 17, 1979 -	- - August 3, 1982 November 24, 1998	- - September 3, 1982 December 24, 1998
Kenya	- - - -	- - April 13, 1999 -	- - May 13, 1999 -
Kyrgyzstan	- - - -	- - - May 26, 2000	- - - June 26, 2000
Latvia	- - - -	- - - July 30, 2002	- - - August 30, 2002
Lithuania	- - - -	- - - November 10, 2003	- - - December 10, 2003
Mexico	- - July 25, 1979 -	- - July 9, 1997 -	- - August 9, 1997 -
Netherlands	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	August 8, 1967 January 12, 1977 August 2, 1984 October 14, 1996	August 10, 1968 February 11, 1977 September 2, 1984 April 24, 1998
New Zealand	- - July 25, 1979 December 19, 1991	- - November 3, 1980 -	- - November 8, 1981 -

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Nicaragua	- - -	- - August 6, 2001 -	- - September 6, 2001 -
Norway	- - - -	- - August 13, 1993 -	- - September 13, 1993 -
Panama	- - - -	- - April 23, 1999 -	- - May 23, 1999 -
Paraguay	- - - -	- - January 8, 1997 -	- - February 8, 1997 -
Poland	- - - -	- - October 11, 1989 July 15, 2003	- - November 11, 1989 August 15, 2003
Portugal	- - - -	- - September 14, 1995 -	- - October 14, 1995 -
Republic of Korea	- - - -	- - - December 7, 2001	- - - January 7, 2002
Republic of Moldova	- - - -	- - - September 28, 1998	- - - October 28, 1998
Romania	- - - -	- - - February 16, 2001	- - - March 16, 2001
Russian Federation	- - - -	- - - March 24, 1998	- - - April 24, 1998
Slovakia ³	- - - -	- - - -	- - January 1, 1993 -
Slovenia	- - - -	- - - June 29, 1999	- - - July 29, 1999

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
South Africa	- - October 23, 1978 March 19, 1991	October 7, 1977 October 7, 1977 July 21, 1981 -	November 6, 1977 November 6, 1977 November 8, 1981 -
Spain	- - - March 19, 1991	April 18, 1980 April 18, 1980 - -	May 18, 1980 May 18, 1980 - -
Sweden	- January 11, 1973 December 6, 1978 December 17, 1991	November 17, 1971 January 11, 1973 December 1, 1982 December 18, 1997	December 17, 1971 February 11, 1977 January 1, 1983 April 24, 1998
Switzerland	November 30, 1962 November 10, 1972 October 23, 1978 March 19, 1991	June 10, 1977 June 10, 1977 June 17, 1981 -	July 10, 1977 July 10, 1977 November 8, 1981 -
Trinidad and Tobago	- - - -	- - December 30, 1997 -	- - January 30, 1998 -
Tunisia	- - - -	- - - July 31, 2003	- - - August 31, 2003
Ukraine	- - - -	- - October 3, 1995 -	- - November 3, 1995 -
United Kingdom	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 17, 1965 July 1, 1980 August 24, 1983 December 3, 1998	August 10, 1968 July 31, 1980 September 24, 1983 January 3, 1999
United States of America	- - October 23, 1978 October 25, 1991	- - November 12, 1980 January 22, 1999	- - November 8, 1981 February 22, 1999
Uruguay	- - - -	- - October 13, 1994 -	- - November 13, 1994 -

Total: 54 members

[Annex II follows]

ANNEX II

SELECTED RESULTS OF UPOV IN 2002 and 2003

(Presented According to the Structure of the
Program and Budget 2002-2003 – Document C/35/4)

Sub-program UV.2: Improved Services to Contracting Parties / Ensuring an Effective System of Plant Variety Protection

In the administrative and legal, as well as in the technical area, the Union has produced a considerable number of basic documents which enhance the understanding and the implementation of the provisions of the Convention in an internationally harmonized and effective way and, thus, further improve the quality of protection and reduce its cost at a national or regional level. These comprise legal advice on draft legislation, documents on legal and on technical matters including Test Guidelines and general guidance for variety testing.

<p><u>Objectives:</u></p>	<ul style="list-style-type: none"> - To maintain and improve the quality of protection provided by the UPOV system. - To provide and develop the legal and technical basis for international cooperation in a harmonized approach to plant variety protection according to the 1991 Act of the Convention.
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1. Increased international harmonization of the implementation of the UPOV Convention: Administrative and legal guidance on how to implement the UPOV Convention proposed to or adopted by the Council of UPOV or approved by its Committees:

- Position paper on “The Notion of Breeder and Common Knowledge”, adopted by the Council on April 19, 2002 (document C(Extr.)/19/2 Rev.)
- Position paper concerning Decision VI/5 of the Sixth Conference of the Parties of the Convention of Biodiversity (CBD COP-6) on Specific Intellectual Property Implications of the Genetic Use Restriction Technologies (GURTs), adopted by the Council on April 11, 2003 (document C(Extr.)/20/5, Annex II)
- Reply of UPOV to the Executive Secretary of the Convention on Biological Diversity (CBD) on “Access to Genetic Resources and Benefit-Sharing”, adopted by the Council on October 23, 2003 (document C/37/21, Annex III)
- Paper on “Specific Issues Concerning the Interface Between Patents and Breeders’ Rights”, prepared for further consideration (document CAJ/46/2)
- Administrative and legal guidance provided concerning the use of material submitted for examination of distinctness, uniformity and stability (documents TC/38/14—CAJ/45/5 and CAJ/46/4)
- Administrative and legal guidance provided on the protection of hybrid varieties through protection of parent lines (document CAJ/46/6)
- Administrative and legal guidance on the notion of “essentially derived variety” in the breeding of ornamental varieties (document CAJ/46/7)

- Recommendations to ensure the independence of DUS examination centers with links to breeding activities (document CAJ/48/2 - under consideration)
2. *Increased international harmonization of technical specificities for the examination of distinctness, uniformity and stability of new varieties: Guidance on the examination of distinctness, uniformity and stability of new varieties proposed to or adopted by the Council of UPOV or its Committees:*
- “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants”, adopted by the Council as document TG/1/3
 - Development of associated documents to the General Introduction (TGP documents) is underway (document TC/40/5)
 - 47 Test Guidelines adopted
 - Ten Technical Working Party (TWP) sessions plus one BMT session and one Workshop on Data Handling
 - Preparatory workshops organized for all TWP Meetings
3. *Consideration of the role of publication of variety descriptions:*
- Project established by the Administrative and Legal Committee (CAJ) is being implemented
 - Questionnaire has been used by CAJ to identify administrative, legal and financial issues to be considered
 - TC and TWPs have initiated model studies on eight crops
4. *Increased international harmonization of variety denominations: Updated UPOV guidelines on variety denominations proposed to or adopted by the UPOV Council:*
- The second, third, fourth and fifth meetings of the *Ad hoc* Working Group on Variety Denominations took place in 2002 and 2003. Different versions of the Draft Explanatory Notes on Article 20 of the 1991 Act of the UPOV Convention were discussed. Proposal to revise the List of Classes for Variety Denomination purposes is currently under consideration.
 - Questionnaires on Variety Denominations prepared and circulated
 - Coordinated with Community Plant Variety Office (CPVO) through mutual participation in respective Working Groups
 - Program to improve the effectiveness of UPOV-ROM developed (TC/39/14-CAJ/47/5) (see document TC/40/6-CAJ/49/4)

Updating and publication of UPOV-ROM (bimonthly)

5. *Improved flow of information to members:*

(a) *Availability of UPOV documents on Website*

- Growing use of restricted area..

(b) *Development of GENIE database*

(see document CAJ/48/4)

Sub-Program UV.3: Extending the Coverage of Protection of New Varieties of Plants

The Union has assisted the African Intellectual Property Organization (*Organisation africaine de la propriété intellectuelle* (OAPI)) and a number of States in the implementation of plant variety protection based on the UPOV Convention. It has also provided advice to governments, mainly of developing countries and countries in transition to a market economy, in the adoption of relevant legislation.

<p><u>Objectives:</u></p> <ul style="list-style-type: none">- To assist governments in implementing effective plant variety rights systems.- To assist governments, particularly governments of developing countries and countries in transition to a market economy, in the preparation and enactment of legislation conforming with the 1991 Act of the UPOV Convention.

1. *Introduction of a legal basis of plant variety protection according to the UPOV system by a growing number of States:*

(a) *Number of comments on laws and regulations (including accession procedure)*

- Comments: Argentina, Armenia, Australia (second tier system), Bahrain, Belarus, Cambodia, Colombia, Costa Rica, Egypt, Ghana, Iceland, India, Iran (Islamic Republic of), Jordan, Lao People's Democratic Republic, Latvia, Lithuania, Mauritius, Nicaragua, Philippines, Poland, Republic of Korea, Serbia and Montenegro, Singapore, Sri Lanka, Sudan, Tajikistan, Tunisia, Turkey, Ukraine, Uzbekistan, Viet Nam, Yemen, Zambia

(b) *Comments provided on laws and regulations which have been taken into account by States (including advice on accession procedure)*

- Argentina, Belarus, Colombia, Ghana, Iceland, Latvia, Lithuania, Mauritius, Republic of Korea, Singapore, Tajikistan, Tunisia, Turkey, Ukraine.

2. *Expansion of the UPOV system:*

(a) *Number of members of the Union:*

- Five countries became members of the Union (Belarus, Latvia, Lithuania, Tunisia and the Republic of Korea)

(b) *Members acceded to the 1991 Act of the Convention:*

- Three members of the Union acceded to the 1991 Act (Czech Republic, Hungary and Poland)

(c) *Species for which protection is offered:*

- Four members have extended protection to all species
- Thirty-four members are now protecting all species
- Nine members have extended the list of species for which they offer protection

(see document C/37/6).

3. *Strengthening of international cooperation and specialization in plant variety protection:*

(a) *Number of bilateral and regional arrangements on plant variety protection*

- See document C/37/5 for agreements for cooperation in variety testing

(b) *Publication of information on available experience in DUS testing*

- See document TC/40/4 for experience in variety testing.

4. *Incentives for the development of agriculture and the overall economy of the States concerned:*

(a) *Number of titles granted*

- 7,418 in 2002 (figures for 2003 will be available in October 2004)

(see document C/37/7)

(b) *Number of titles in force*

- 51,106 in 2002 (figures for 2003 will be available in October 2004)

(see document C/37/7)

(c) *Impact Study*

- Preliminary results of the Ad hoc Working Group to Study the Impact of Plant Breeders' Rights (October 2003).

5. *Implementation of plant variety protection:*

(a) *Number of training activities initiated/implemented*

Training activities initiated by the Office and implemented by members of the Union:

- Training of OAPI administrators in France
- Training of experts from Cambodia and Viet Nam at the Federal Office of Plant Varieties, Hanover, Germany
- Study tour for experts from Cambodia, Lao People's Democratic Republic, Myanmar, Singapore and Viet Nam to PVP Offices in Europe

Training activities organized by UPOV:

- Third training course for Ibero-American countries on plant variety protection in Spain
- TWC Workshop on Data Handling in Texcoco, Mexico
- Two National Seminars in Phnom Penh, Cambodia
- National Seminar in Ho Chi Minh City, Viet Nam
- Training Seminar in Yerevan, Armenia
- Training Seminar in Kyiv, Ukraine
- Training Seminar in Tashkent, Uzbekistan
- Training Seminar in Port-of-Spain, Trinidad and Tobago
- Four Roving Seminars in Cuttack, Hyderabad, New Delhi, Pune, India
- Third Asian Regional Technical Meeting, Seoul, Republic of Korea
- Fourth Asian Regional Technical Meeting, Manila, Philippines
- National Seminar in Suva, Fiji
- National Seminar in Khartoum, Sudan
- Briefings at FAO Committee on Genetic Resources for Food and Agriculture (CGRFA) Session
- Four lunchtime briefing sessions during the fourth session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Geneva
- National Seminar in Yangon, Myanmar
- National Seminar in Vientiane, Lao People's Democratic Republic
- National Seminar in Bangkok, Thailand
- National Seminar in Singapore
- National Seminar in Tehran, Iran (Islamic Republic of)
- National Seminar in Lima, Peru

Assisted by UPOV, OAPI identified potential centers of variety testing:

- Assessment of examination centers for OAPI in Cameroon and Senegal

UPOV gave lectures at:

- Briefing session for Vietnamese Delegation, Geneva
- Seminar on the Protection of Life Forms, Guatemala
- XVIII Pan-American Seed Seminar, Santa Cruz, Bolivia
- Briefing session for Tajik Delegation, Geneva
- WIPO/UPOV Advisory mission to Tunis, Tunisia

- Briefing session for Kyrgyz Delegation, Geneva
- WIPO Subregional Seminar in Almaty, Kazakhstan
- World Seed Congress 2003, Bangalore, India
- WIPO Inter-regional Seminar on Industrial Property, Geneva
- WIPO Workshop for Sudanese Delegation, Geneva
- Training course at Center for Genetic Resources, Wageningen, Netherlands
- University of Turin/WIPO program, Master of Intellectual Property Law of 2002 and 2003, Geneva
- Study visit of Chinese experts in Geneva
- Workshop on Biodiversity in Ulaanbaatar, Mongolia
- Training Course on Variety Protection of the Japan International Cooperation Agency (JICA), Tokyo, Tsukuba (two courses)
- Workshop on Plant Variety Protection, Aoyama Gakuin University, Tokyo
- Society for Techno-Innovation of Agriculture, Forestry and Fisheries, Tokyo
- WIPO Worldwide Academy, Geneva (five courses)
- Training Course on Plant Variety Protection in Wageningen, Netherlands
- Workshops on Plant Variety Improvement in Kyrgyzstan, Russian Federation, Serbia and Montenegro, Tajikistan
- Workshop on Intellectual Property in Colima University, Mexico
- Workshops on Biodiversity, Plant Variety Improvement, etc., in Côte d'Ivoire, Ethiopia, Nigeria, Senegal, Zambia
- Conference/Seminar, Ministry of Agriculture, Moscow
- Conference of CropLife International, Geneva

(b) *Concept for training and assistance (e.g. distance learning)*

- Work has started (first draft exists). Distance learning modules are being developed. Approach has been discussed with WIPO Worldwide Academy
- Standard UPOV presentations and information notes updated and available on request
- Model documents and letters to provide guidance on the accession procedure to the UPOV Convention.

Sub-Program UV.4: External Relations

UPOV's public profile has become more visible. Intergovernmental organizations, such as the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO) and its Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS), in particular, the Conference of the Parties for the Convention on Biological Diversity (CBD) and the Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) have invited UPOV to contribute. International professional associations have intensified contact with UPOV. Reference to UPOV has been made in bilateral international agreements on trade. Understanding of UPOV's role and activities have improved. UPOV's corporate image has been enhanced, in particular, by means of an improved Website which has attracted growing interest.

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

1. *Recognition of the importance of the UPOV system by relevant Organizations:*

(a) *Number of occasions UPOV was invited to participate in or to make presentations at meetings of international, governmental and non-governmental organizations:*

- Council for TRIPS (WTO), CBD, WIPO Intergovernmental Committee, ITPGRFA, FAO, OECD, International Seed Testing Association (ISTA), Consultative Group on International Agricultural Research (CGIAR), International Center for Agricultural Research in the Dry Areas (ICARDA), International Rice Research Institute (IRRI), International Plant Genetic Resources Institute (IPGRI), Central Advisory Service (CAS) at the International Service for National Agricultural Research (ISNAR), United Kingdom Commission on Intellectual Property
- WIPO-UPOV Symposium on the "Co-existence of Patents and Plant Breeders' Rights in the Promotion of Biotechnological Developments" (October 2002), WIPO-UPOV Symposium on Intellectual Property Rights in Plant Biotechnology (October 2003)
- Ten invitations from international breeders' associations
- A UPOV booth was installed in the exhibition hall on the occasion of Asian Seed 2002 (Ho Chi Minh City) and Asian Seed 2003 (Bangkok)

(b) *Incorporation of provisions which reflect UPOV principles in international agreements:*

- Reply of UPOV "Access to genetic resources and benefit-sharing" to the Notification of June 26, 2003, from the Executive Secretary of the Convention on Biological Diversity (CBD)
- UPOV principles recognized implicitly in ITPGRFA (benefit-sharing; farm-saved seed)
- UPOV provisions on variety denominations reflected by the International Union of Biological Sciences (IUBS) Commission on Nomenclature (International Code of Nomenclature for Cultivated Plants (ICNCP Code))

2. *Better understanding of the basic principles of the UPOV Convention by the public, at large:*

- More requests for information received
- More references in the media to the UPOV system
- More visits to the UPOV Website

[Annex III follows]

ANNEX III

OVERVIEW OF MISSIONS IN 2003

Mission	Location/Month	Staff
Advisory meeting with Government of Tunisia	Tunis February 2003	Jördens
Technical expert group on genetic resources	Montreal February 2003	Tabata
Conference/Seminar at the Ministry of Agriculture, Russian Federation	Moscow March 2003	Jördens, Derbenskiy
Fourth Asian Regional Technical Meeting for PVP	Manila	Button, Tabata
National Seminar	Phnom Penh	Tabata
National Seminar	Yangon	Tabata
Session of the Administrative Council of CPVO	Angers, France March 2003	Jördens
Subregional seminar on biotechnology and intellectual property	Almaty April 2003	Derbenskiy
National seminar on plant breeders' rights	Lima May 2003	Lavignolle
World Seed Congress of ISF	Bangalore, India June 2003	Jördens
Course on plant variety protection, Dutch Centre for Genetic Resources	Wageningen, Netherlands June 2003	Button
Preparatory Workshop TWC	Tjele, Denmark	Lavignolle
Technical Working Party on Automation and Computer Programs (TWC)	Tjele, Denmark	Button, Lavignolle
Preparatory Workshop TWV	Roelofarendsveen, Netherlands June 2003	Button, Tabata
Technical Working Party for Vegetables (TWV)		
Third training program for the protection of varieties of plants for Ibero-American countries	Madrid and various locations in Spain June/July 2003	Jördens, Lavignolle
Extraordinary meeting 2003 of the International Seed Testing Association (ISTA)	Zürich, Switzerland July 2003	Jördens
Advisory mission to Cameroon and Senegal at the request of OAPI	Yaoundé, Douala, Dakar, St. Louis July/August 2003	Jördens

Mission	Location/Month	Staff
JICA training course	Tsukuba, Japan August/September 2003	Button, Tabata
Preparatory Workshop BMT		Button
Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT)		Button
Preparatory Workshop TWA		Button, Lavignolle
Technical Working Party for Agricultural Crops (TWA)		Button, Lavignolle
Breeders' Committee of ISF	London September 2003	Jördens
Preparatory Workshop TWO	Niagara Falls, Canada September/October 2003	Button
Technical Working Party for Ornamental Plants and Forest Trees (TWO)		
Preparatory Workshop TWF		
Technical Working Party for Fruit Crops (TWF)	September/October 2003	
Annual Conference of the European Seed Association (ESA)	Brussels October 2003	Jördens
Annual Meeting of the Eastern European Seed Network (ESSNET)	Belgrade November 2003	Jördens
CPVO Seminar with new EU members	Angers, France November 2003	
Session of the CPVO Administrative Council	Angers, France November 2003	
Meeting of Examination Offices with the CPVO	Angers, France November 2003	Button

Mission	Location/Month	Staff
Annual Congress of the Asia and Pacific Seed Association (APSA)	Bangkok November 2003	Jördens
Implementation and operation of a UPOV booth	Bangkok November 2003	Tabata
National Seminar	Bangkok November 2003	Jördens, Tabata
National Seminar	Singapore November 2003	Jördens, Tabata
National Seminar	Vientiane November 2003	Jördens, Tabata
National Seminar	Karaj (Islamic Republic of Iran) November 2003	Jördens, Tabata

[End of Annex III and of document]