



C/38/3

ORIGINAL: English

DATE: October 5, 2004

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-Eighth Ordinary Session
Geneva, October 21, 2004

REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 2004

prepared by the Office of the Union

I. COMPOSITION OF THE UNION

Members and Future Members

1. On June 30, 2004, Singapore deposited its instrument of accession to the Convention. The Convention (1991 Act) entered into force in respect of Singapore on July 30, 2004.
2. On September 24, 2004, Jordan deposited its instrument of accession to the Convention. The Convention (1991 Act) will enter into force in respect of Jordan on October 24, 2004.
3. As of September 30, 2004, the Union comprised 56 member States: 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, Jordan, Kenya, Kyrgyzstan, Latvia, Lithuania, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United States of America, Uruguay.

4. 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.”

5. A request by Albania, by letter of February 16, 2004, was received in the period under review. Armenia had requested the examination of its Law by Note of October 15, 2003.

6. At its twenty-first extraordinary session held in Geneva on April 2, 2004, the Council examined the Law of the Republic of Armenia on the Protection of Selection Achievements and the Law of the Republic of Albania on Plant Breeder’s Right with the 1991 Act of the UPOV Convention.

7. In respect of Armenia, the Council decided to:

“(a) advise the Government of Armenia 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) further advise the Government of Armenia that it may wish to amend and supplement the texts of its legislation, as recommended in document C(Extr.)/21/2, so as to avoid recourse to the general principle in Article 2 of the Law.”

8. In respect of Albania, the Council decided to:

“(a) advise the Government of Albania 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) further advise the Government of Albania that it may wish to amend and supplement the texts of its legislation, as recommended in document C(Extr.)/21/4, so as to avoid recourse to the general principle in Article 122 of the Constitution.”

Situation in Relation to the Various Acts of the Convention

9. Austria acceded to the 1991 Act, on June 1, 2004, bringing, with the accessions of Singapore and Jordan, to twenty-nine the number of Contracting Parties bound by the 1991 Act.

10. On September 30, 2004, two States were bound by the 1961 Act as amended by the 1972 Act and twenty-five member States were bound by the 1978 Act.

11. Under Article 30(2) of the 1991 Act, each State or intergovernmental organization must be in a position, under its laws, to give effect to the provisions of the 1991 Act at the time of depositing its instrument of accession.

12. A number of members, whilst not bound by the 1991 Act, have laws that fully conform with the 1991 Act. A number of other members have drawn up draft laws in line with the 1991 Act, while more than ten non-member States (and the European Community) are in a position to accede at any time to the said Act. The African Intellectual Property Organization (OAPI - *Organisation Africaine de la Propriété Intellectuelle*) 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.

13. The Table annexed to this report summarizes the situation of the members of the Union with regard to the various Acts of the Convention as of September 30, 2004.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

14. The Council held its twenty-first extraordinary session on April 2, 2004, under the chairmanship of Miss Enriqueta Molina Macías (Mexico), President of the Council. It examined the Law of the Republic of Armenia on the Protection of Selection Achievements and the Law of the Republic of Albania on Plant Breeder's Right. It endorsed recommendations concerning access to documents on the UPOV Website. It elected unanimously Mr. Krieno Fikkert (Netherlands) as Vice-Chair of the Administrative and Legal Committee for the remaining term of office, starting on April 2, 2004, and ending after the thirty-eighth ordinary session of the Council, on October 21, 2004. It furthermore elected unanimously Mr. Luis Salaices (Spain) as Chairman of the Technical Working Party for Agricultural Crops for the remaining term of office, starting on April 2, 2004, and ending after the thirty-ninth ordinary session of the Council in October 2005.

Consultative Committee

15. The Consultative Committee held its sixty-seventh session on April 2, 2004, under the chairmanship of Miss Enriqueta Molina Macías (Mexico). It made a preliminary examination for conformity with the 1991 Act of the UPOV Convention of the Law of the Republic of Armenia on the Protection of Selection Achievements and of the Law of the Republic of Albania on Plant Breeder's Right. It considered procedural aspects in respect of a communication from the Government of India concerning the "Protection of Plant Varieties and Farmers' Rights Act" of India. It took note of an oral report on a meeting of the Consultative Group on long-term financial issues of the Union, which was held on March 31, 2004. The Consultative Committee agreed on principles for access to documents and for the placing of documents on the UPOV Website. It took note of the Performance Assessment Report for the Biennium 2002-2003. It agreed that, in relation to specific matters, the Office of the Union (Office) should cooperate with the Secretariat of the Convention on Biological Diversity (CBD) and its Ad hoc Open-ended Working Group on the basis of Annex III to document C/37/21 "Access to Genetic Resources and Benefit-Sharing".

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

16. For the work of the Administrative and Legal Committee (CAJ) and the Technical Committee (TC), which held its forty-ninth session on April 1 and its fortieth session from March 29 to 31, 2004, respectively, reference is made to documents C/38/9 and C/38/10. The Technical Working Party for Vegetables (TWV) held its thirty-eighth session in Seoul (Republic of Korea) from June 7 to 11, 2004. The twenty-second session of the Technical Working Party on Automation and Computer Programs (TWC) was held in Tsukuba (Japan)

from June 14 to 17, 2004. The Technical Working Party for Agricultural Crops (TWA) held its thirty-third session in Poznań (Poland) from June 28 to July 2, 2004. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its thirty-seventh session in Hanover (Germany) from July 12 to 16, 2004. The Technical Working Party for Fruit Crops (TWF) held its thirty-fifth session in Marquardt (Potsdam, Germany) from July 19 to 23, 2004.

III. COURSES, SEMINARS, WORKSHOPS, MISSIONS, IMPORTANT CONTACTS

17. On January 12, 2004, the Office considered, in a telephone conversation with Mr. Justin J. Rakotoarisaona, Secretary General, African Seed Trade Association (AFSTA), organizational and financial aspects of a UPOV Seminar to be held in connection with the Annual Conference 2004 of AFSTA in Hammamet (Tunisia) on March 23, 2004.

18. On January 13, the Office agreed with Mr. François Burgaud, *Groupement national interprofessionnel des semences et plants* (GNIS), Paris, on the funding of the third phase of the capacity-building program for plant variety protection under the Revised Bangui Agreement which is being implemented jointly by the African Organization for Intellectual Property (*Organisation africaine de la propriété intellectuelle*, OAPI), UPOV and the Government of France. At the same time, organizational and financial matters related to the UPOV Seminar in Hammamet were agreed with Mr. Burgaud.

19. On January 30, the Office consulted on the telephone with Mr. Anthioumane N'Diaye, Director General, OAPI, Yaoundé, on the representation of OAPI at the UPOV Seminar in Hammamet (see paragraph 17, above) and on a project of technical and financial assistance in the implementation of the OAPI system of plant variety protection.

20. From February 9 to 16, the Office participated in the Seventh Conference of the Parties to the Convention on Biological Diversity (COP-7) which was held in Kuala Lumpur. The Office made statements on access and benefit-sharing during a Plenary Session on February 10 and during a session of Working Group II on February 11. At the fringes of the Opening Ceremony, the Office met with Mr. Hamdallah Zedan, Executive Secretary, CBD, and with Mr. Klaus Töpfer, Executive Director, United Nations Environment Programme (UNEP).

21. On February 11, at the Putra World Trade Centre of Kuala Lumpur, the Office held a lunchtime briefing on plant variety protection in which some 70 delegates to COP-7 participated.

22. On February 12, the Office sent information to Costa Rica providing explanation about provisions of Article 15(2) of the 1991 Act of the UPOV Convention.

23. On February 12, UPOV organized, in cooperation with the Ministry of Agriculture of Malaysia and with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, a National Seminar on the Protection of New Varieties of Plants under the UPOV Convention. Some 80 experts from the Department of Agriculture, the Malaysian Agricultural Research and Development Institute, from universities and the breeding sector participated. The Ministry of Agriculture gave an overview of the (unpublished) draft Protection of New Plant Varieties Act. Possibilities of technical cooperation with a view to implementing plant variety protection in Malaysia were explored.

24. On February 13, the Office paid a visit to the headquarters of the International Tropical Fruits Network (TFNet) which is located in Serdang, Malaysia. TFNet is an independent and self-financing global network set up under the auspices of the Food and Agriculture Organization of the United Nations (FAO), with States and institutions among its members. The Office met with Mr. Khairuddin Md. Tahir, Chief Executive Officer, and professionals of TFNet. It was agreed that experts from TFNet be involved in the drafting of UPOV Test Guidelines for tropical fruit species through the work of the TWF.

25. From February 16 to 20, in Hanoi, the Office organized, in cooperation with the Ministry of Agriculture and Rural Development of Viet Nam and with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, the Fifth Asian Regional Technical Meeting for Plant Variety Protection. Nineteen experts from 14 invited countries and some 30 experts from the host country participated. The International Rice Research Institute (IRRI) and TFNet were also represented. Eight experts from UPOV members (Germany, Japan, Netherlands and Republic of Korea) participated as lecturers. The aim of the meeting was to assist in the implementation of effective examination of plant varieties on a national and regional level, to promote regional cooperation in the DUS testing and to contribute to the revision and drafting of Test Guidelines.

26. On February 17, in Hanoi, the Office discussed with Mr. Do Hun Thien, Deputy Director-General, Department of Agriculture, and his staff those provisions of the proposed Seed Law of Viet Nam which were related to plant variety protection. The aim was to provide information with a view to harmonizing the plant variety protection scheme of Viet Nam with the 1991 Act of the UPOV Convention.

27. On February 23 and 24, in Bangkok, the Office organized, in cooperation with IRRI, and with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, a Training Workshop on Plant Variety Protection. Some 40 participants from countries being members of the International Network for Genetic Evaluation of Rice (INGER), which is operated by IRRI, and experts from IRRI were present. Two representatives from UPOV members (Japan and Republic of Korea) gave lectures. As a conclusion, a strong interest was expressed in cooperating with UPOV in establishing regional lists of example varieties for the UPOV Test Guidelines for Rice and in a possible review of IRRI rice descriptors.

28. On March 11, the Office took part in the meeting of the Caribbean Working Group for the Establishment of the Priorities for the Cooperation for the Development Project, organized by WIPO in view of the implementation of the Cooperation Agreement between WIPO and the governments of the Caribbean countries. During that meeting, the Working Group was informed that an activity in that region had been included in the UPOV work plan for 2004.

29. On March 19, the Office participated in a session of the Committee on Plant Variety Protection of the German Association on Industrial Property Protection and Copyright (GRUR), which was held at the premises of the European Patent Office in Munich, Germany.

30. On March 23, in Hammamet, the Office organized, in cooperation with AFSTA, GNIS and the Ministry of Agriculture, Environment and Water Resources of Tunisia, a Regional Seminar on Plant Variety Protection under the UPOV Convention. Some 150 participants attended, most of them delegates to the Annual Congress 2004 of AFSTA.

31. On March 24, the Office participated in the Annual Congress 2004 of AFSTA which took place in Hammamet.
32. On April 8, the Office consulted with representatives of the Worldwide Academy of WIPO on the setting up and operation of a Distance Learning Program on Plant Variety Protection.
33. On April 23, the Office received the visit of Madam Jiang Zehui, Leading Member of the State Forestry Administration of China and President of the Chinese Academy of Forestry, and her group. Progress of plant variety protection and activities with China and the Office of the Union in 2004 and 2005 were discussed.
34. On April 28, the Office received the visit of Mr. Nelson Velasco, President of the Ecuadorian Institute of Intellectual Property (*Instituto Ecuatoriano de la Propiedad Intelectual*, IEPI), Ecuador. Matters of regional cooperation in plant variety protection among Andean States were considered.
35. On April 29, Mrs. Maureen Crane-Scott, Registrar, Corporate Affairs and Intellectual Property Office of Barbados, visited the Office. Possibilities to organize a workshop on plant variety protection in Barbados later in 2004 were explored.
36. On May 5, the Office gave a lecture at a Workshop on Value Capture in the Plant Breeding Industry, which was organized by the British Society of Plant Breeders in Norwich, United Kingdom.
37. On May 5, the Office received the visit of Mrs. Régine Gazaro (OAPI). Details of a capacity building program, which involved training of OAPI experts in France on the examination of distinctness, uniformity and stability of plant varieties, were considered. The considerations with Mrs. Gazaro were pursued on May 12.
38. On May 5, the Office gave a lecture about plant breeder's right and Small and Medium-sized Enterprises (SMEs) at the WIPO-WASME special program on Intellectual Property Rights Issues for entrepreneurs, economists, bankers, lawyers and accountants, organized by WIPO and the World Association for Small and Medium-sized Enterprises (WASME), in Geneva.
39. On May 13 and 14, the Office had a meeting at the International Plant Genetic Resources Institute (IPGRI), Rome. A broad consensus with IPGRI in respect of the use of plant genetic resources was apparent and areas of cooperation were identified.
40. On May 18 in Angers, France, the Office had a meeting with CPVO, in which an expert of WIPO also participated. Technical items related to the coordination of a UPOV web-based Plant Variety Database and the CPVO centralized database on variety denominations were considered.
41. From May 23 to 26, the Office participated in the World Seed Congress 2004 of the International Seed Federation (ISF), which was held in Berlin. During a session of the ISF Breeders' Committee, the Office reported on recent developments in plant variety protection. With some 1,400 participants, the 2004 Congress was again one of the most important events of the world seed industry. The crucial importance of effective plant variety protection for sustained breeding was stressed on various occasions.

42. On May 27 and 28, in Berlin, the Office participated in an International Seminar on the Protection of Intellectual Property and Access to Plant Genetic Resources, which was organized by ISF. Some 200 participants were present. The seminar highlighted the importance of the UPOV Convention, which provides effective protection of new varieties while securing free access to plant genetic resources in the form of protected varieties for the purpose of breeding new varieties.

43. On June 4, the Office was consulted by an official of the Swiss Patent Office on specific provisions of the 1991 Act of the UPOV Convention. The consultation related to amendments in the Swiss legislation on plant variety protection, which aimed at harmonization with the 1991 Act of the UPOV Convention, and was continued on June 7.

44. On June 4, Mr. Vladimir Derbenskiy, former consultant at the Office, contacted the Office on behalf of the State Commission of the Russian Federation for Selection Achievements Test and Protection, in order to consider joint activities in members states of the Commonwealth of Independent States (CIS Countries).

45. On June 4, at the WIPO/UPOV headquarters, the Office lectured at an Interregional Intermediate Seminar on Intellectual Property, which was organized by the WIPO Worldwide Academy. Some 60 leading officials from developing countries participated.

46. On June 5, in Seoul, the Office organized a Technical Workshop on the Examination of New Varieties of Plants under the UPOV Convention. Some 80 national participants were present. Experts from France, the Netherlands and the United Kingdom participated as lecturers. The Workshop, which was held in connection with the thirty-eighth session of the UPOV Technical Working Party for Vegetables (TWV), was opened and chaired by Mr. Lee Byung-Muk, Director, Plant Variety Protection Division, National Seed Management Office (NSMO) of the Republic of Korea.

47. On June 8, the Office briefed professionals of WIPO on recent developments in plant variety protection.

48. From June 9 to 11, in Beijing, the Office organized, in cooperation with the State Forestry Administration, the Ministry of Agriculture and the State Intellectual Property Office of China, and with financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, a Workshop on Data Handling. Some 35 experts from China, Kenya, Mongolia, Singapore and Viet Nam participated. Speakers from Denmark, Germany, Japan and the United Kingdom gave lectures. The workshop included practical computer training at the Chinese Academy of Agriculture.

49. On the evening of June 10, the Office attended a reception at Prangins, Switzerland, to celebrate the Global Crop Diversity Trust.

50. On June 11, at the invitation of the Government of China, the Office participated in a ceremony to celebrate the fifth anniversary of China's accession to the UPOV Convention. During the ceremony, which took place at the Great People's Hall, Beijing, a number of Chinese scientists and breeders were awarded prizes in recognition of their outstanding achievements.

51. On June 12 and 13, in Beijing, the Office organized, in cooperation with the State Forestry Administration, the Ministry of Agriculture and the State Intellectual Property Office of China, and with financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, a Workshop on the Benefit of Regional Cooperation and the 1991 Act of the UPOV Convention. Some 80 participants from China, including officials of the plant variety protection offices (Agriculture and Forestry), other officials of the State government and of local governments, breeders, representatives of seed companies, three experts from Viet Nam, two from Singapore, three from the Republic of Korea and one from Mongolia were present. Nine foreign speakers from Japan, the Netherlands, the Republic of Korea, the Russian Federation, the Community Plant Variety Office (CPVO), the International Seed Federation (ISF) and the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) gave lectures. Madam Jiang Zehui, Executive Member of the State Forestry Administration of China, welcomed the participants and highlighted recent progress in plant variety protection. Mr. Zhang Baowen, Vice-Minister of Agriculture, referred to the impact of plant variety protection on agricultural development. Mr. Li Yuguang, Deputy Commissioner of the State Intellectual Property Office (SIPO), stressed that plant variety protection was an essential element of China's policy for intellectual property protection. The workshop marked an important step in China's reflection with a view to acceding to the 1991 Act of the UPOV Convention.

52. On the evening of June 13, in Beijing, staff of the Office, together with the participants of the Workshop on the Benefit of Regional Cooperation and the 1991 Act of the UPOV Convention, visited the newly inaugurated headquarters of the International Network for Bamboo and Rattan (INBAR), an intergovernmental organization established in 1997, where Madam Jiang Zehui hosted a dinner reception.

53. On June 18, at the WIPO/UPOV headquarters, the Office participated in a briefing session organized by WIPO for Professor Suleiman, Advisor to the President of Sudan, on matters of the World Trade Organization (WTO). Advice on the implementation of plant variety protection, with a view to Sudan's compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) was provided.

54. On June 21, the Office provided lectures as a part of the Course on Plant Variety Protection at the Centre for Genetic Resources (CGN), Wageningen, Netherlands.

55. On July 2, the Office informed the Permanent Mission of the Republic of Azerbaijan on steps necessary to accomplish the country's accession procedure to the UPOV Convention.

56. On July 5, at the WTO headquarters, Geneva, the Office lectured at a WIPO-WTO Colloquium for Teachers of Intellectual Property Law. Twenty professors from developing countries were present.

57. From July 12 to 14, in Asunción, the Office participated in the XIX Pan-American Seed Seminar, which was organized by the Latin-American Seed Federation (FELAS). Some 500 participants from the seed industry, government institutions and scientists were present. The Office made a presentation on plant variety protection in the region with particular emphasis on the 1991 Act of the UPOV Convention and moderated a session on "Situation of Intellectual Property in Plants, Plant Genetic Resources and Plant Breeding".

58. On July 13, at the fringes of the XIX Pan-American Seed Seminar, the Office assisted in a meeting on a possible common approach to collecting royalties, which was convened by a representative of the Iowa State University and in which government officials and representatives of the seed industry from Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay participated.

59. On July 13, at the fringes of the XIX Pan-American Seed Seminar, the Office had a meeting with Mrs. Myriam Segovia, Vice Minister of Commerce, Mrs. Astrid Weiler Gustafson, Director General of Intellectual Property, Ministry of Commerce of Paraguay, as well as with Mr. Roque Leguizamón Messina and Mrs. Estela Ojeda, both from the Ministry of Agriculture of Paraguay. Matters of plant variety protection in relation to biotechnological inventions, plant genetic resources and traditional knowledge were considered and explained.

60. On July 15, at the fringes of the XIX Pan-American Seed Seminar, the Office participated in a Workshop on the situation of national seed offices, in which government officials from Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay and Uruguay were present. The scope of the farmer's privilege and the enforcement of breeders' rights were identified as major issues. The Office explained provisions of the 1991 Act of the UPOV Convention which are relevant in that respect.

61. On July 19 and 20, in Montevideo, the Office lectured at a seminar on Intellectual Property Rights in Plant Varieties, which was organized by the European Union and Uruguay. Some 100 representatives from the seed industry, farmers' associations, government officials, scientists and intellectual property attorneys were present. The Office made three presentations on the UPOV Convention in general, the farmer's privilege and present tendencies in plant variety protection.

62. On July 22, in Santiago, the Office participated in the "First Seminar on Intellectual Property in Plants", which was organized by the Ministry of Agriculture in cooperation with the National Association of Seed Producers and the Fresh Fruit Association of Chile. Some 140 participants from the seed industry, farmers' associations, government officials of various ministries, scientists and intellectual property attorneys took part. The Office lectured on the effective operation of plant variety protection, with particular reference to the provisions of the 1991 Act of the UPOV Convention.

63. On July 22, the Office received the visit of Mr. Katsuhiko Saka, First Secretary, Permanent Mission of Japan at Geneva. Matters related to plant variety protection in the Asia and Pacific Region and to UPOV in general were considered.

64. On July 23, the Office received the visit of Mr. Edgar Krieger, newly appointed Executive Secretary of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA). Possibilities for intensified cooperation were explored.

65. On August 9, the Office consulted with Mr. Hüseyin Ergani, Second Secretary, Permanent Mission of Turkey at Geneva, on the Turkish Law on Plant Variety Protection, which will be examined by the Council of UPOV at its thirty-eighth session in October 2004.

66. On August 10, the Office met with WIPO officials in order to discuss the development of a UPOV information brochure.

67. On August 11, the Office considered the procedure of accession to the UPOV Convention with Mr. Walid Obeidat, First Secretary, Permanent Mission of Jordan at Geneva.

68. On August 20, in Lausanne, Switzerland, the Office made a presentation at the Fleuroselect 35th Annual Convention.

69. On September 1, at Gent, Belgium, the Office made a presentation at the Annual Congress of the International Association of Horticultural Producers (AIPH).

70. On September 6, at the UPOV headquarters, the Office organized a briefing for a group of Government officials of the Republic of Korea during their study tour to various institutions in Europe. The meeting was continued on September 8, with the participation of representatives of ISF.

71. On September 6, the Office received the visit of Miss Loreen Walker, Executive Director, Jamaica Intellectual Property Office. The usefulness of enacting a plant breeder's right law in Jamaica and the future seminar activity in November 2004 were discussed.

72. From September 7 to 9, in Tokyo, the Office provided a series of lectures during a training course of eleven weeks on the "Protection of Plant Breeders' Rights", which was organized by the Japan International Cooperation Agency (JICA), in cooperation with the Ministry of Agriculture, Forestry and Fisheries of Japan and UPOV. Eleven experts from ten developing countries participated.

73. On September 10, in Tokyo, the Office provided a briefing for some 20 representatives of the Japan Seed Trade Association (JASTA) in preparation for Asian Seed 2004 of the Asia and Pacific Seed Association (APSA).

74. On September 10, in Tokyo, the Office lectured at a Workshop on "Recent Developments in Plant Variety Protection and the Utilization of Genetic Resources", which was organized by the Society for Techno-Innovation in Agriculture, Forestry and Fisheries (STAFF). Some 120 government officials and representatives of the seed industry participated.

75. From September 12 to 15, in Seoul, the Office participated at Asian Seed 2004, the Annual Congress of APSA. Some 500 delegates were present. The Office participated in a preparatory session on intellectual property rights, which was held on September 12, and in the session of the Standing Committee on Intellectual Property Rights. The Office reported on recent developments in plant variety protection, in particular in the Asia and Pacific Region. The Committee agreed that a Workshop on Plant Variety Protection be held in connection with Asian Seed 2005 in Shanghai, China. UPOV was invited to participate in the organization of the Workshop. During the Technical Reports Session, on September 14, the Office made a presentation entitled "PVP Issues – New Perspectives". The Office operated an exhibition booth which attracted considerable attention. Throughout the Congress, frequent reference was made to the need for effective protection of breeders' rights and to UPOV. In particular, Mr. Huh Sang-man, Minister for Agriculture and Forestry of the Republic of Korea, in his inaugural speech, repeatedly emphasized the importance of UPOV.

76. On September 17, in Kuala Lumpur, the Office had a meeting with Mrs. Dato Khamsiah, Deputy Director General I, Department of Agriculture, Ministry of Agriculture of Malaysia and members of her staff. The Protection of New Plant Variety Act 2004 and questions related to the accession to the UPOV Convention were considered.

77. From September 20 to 22, in Serdang, Malaysia, the Office lectured at a National Training Course on the Protection of New Plant Varieties, which was organized by the Ministry of Agriculture of Malaysia in cooperation with UPOV and with financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan. Some 50 officials, scientists and breeders participated.

78. On September 21, the Office received the visit of Mrs. Dawn Williams and Mr. John Passino, Department of Agriculture of the United States of America, and of Mr. Henry Schmick, Office of Agricultural Affairs, United States Mission to WTO, Geneva. The Office explained UPOV's views on plant variety protection in relation to the TRIPS Agreement, the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). The visitors referred also to the Cartagena Protocol on Biosafety.

79. On September 23, at the WIPO/UPOV headquarters, the Office organized a briefing session for Mr. Sharofidin Nazhmudinov, Director, National Center for Patents and Information (NCPI), and his First Deputy Director, Mr. Guennadi Koupai, Tajikistan. Mr. Nazhmudinov expressed his intention to encourage Tajikistan's accession to the UPOV Convention, given that the Council of UPOV has already advised positively on the conformity of the Tajik legislation on plant variety protection.

80. On September 27, the Office organized, in cooperation with the Ministry of Agriculture and Food Industry of the Republic of Moldova, a National Workshop on Plant Variety Protection in Kishinev. Some 40 participants were present.

81. On September 28, in Bucharest, the Office organized, in cooperation with the Ministry of Agriculture, Forests and Rural Development and the State Office for Inventions and Trademarks (OSIM), a National Workshop on Plant Variety Protection. Some 60 participants were present.

82. On September 29, the Office received the visit of Mr. Danny Montano, Minister for Legal Affairs from Trinidad and Tobago, and Mrs. Mazina Kadir, Controller, Intellectual Property Office, from the same country. A brief explanation of UPOV and the plant breeder's right system was made and followed by discussions on possible activities to raise awareness of the benefits for breeders in protecting their varieties in Trinidad and Tobago and abroad.

83. On September 29, at the WIPO/UPOV headquarters, the Office participated in a video conference organized by the WIPO Worldwide Academy and the University of Turin, Italy, as a part of a Master of Laws in Intellectual Property.

84. On September 30, in Sofia, the Office organized, in cooperation with the Ministry of Agriculture and Forestry of Bulgaria, a National Workshop on Plant Variety Protection. Some 120 participants were present.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

85. 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, Jordan, 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.

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

87. The Office provided guidance on the provisions of the Convention to members of the Union and to individuals.

88. The Office prepared a text on plant variety protection in relation to small and medium-sized enterprises (SMEs) for inclusion on the WIPO website.

89. 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 CIOPORA, and with AFSTA, APSA, the European Seed Association (ESA) and FELAS.

V. PUBLICATIONS

90. The Office of the Union published:

- (a) one issue 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) four updated discs in the series constituting the UPOV central database, “UPOV-ROM Plant Variety Database”.

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

[Annex follows]

ANNEX

MEMBERS OF THE UNION

(September 30, 2004)

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 June 1, 2004	- - July 14, 1994 July 1, 2004
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.

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, 2000 -	- - 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).

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
Jordan	- - - -	- - - September 24, 2004	- - - October 24, 2004
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

State	Date of Signature ^{1/}	Date of Deposit of Instrument ^{1/, 2/}	Date Upon Which State Became Bound ^{1/}
New Zealand	- - July 25, 1979 December 19, 1991	- - November 3, 1980 -	- - November 8, 1981 -
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

State	Date of Signature ^{1/}	Date of Deposit of Instrument ^{1/, 2/}	Date Upon Which State Became Bound ^{1/}
Singapore	- - -	- - June 30, 2004	- - July 30, 2004
Slovakia ³	- - - -	- - - -	- - January 1, 1993 -
Slovenia	- - - -	- - - June 29, 1999	- - - July 29, 1999
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

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

State	Date of Signature ^{1/}	Date of Deposit of Instrument ^{1/, 2/}	Date Upon Which State Became Bound ^{1/}
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: 56 members

[End of Annex and of document]