



C/38/15

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

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

REPORT ON THE DECISIONS

*adopted by the Council*Introduction

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirty-eighth ordinary session in Geneva on October 21, 2004, chaired by Miss Enriqueta Molina Macías (Mexico), President of the Council.
2. The list of participants is reproduced in the Annex to this document.
3. The President extended a warm welcome to the Delegation of Singapore, a State which had become a member of UPOV on July 30, 2004, and to the Delegations of Jordan and of Uzbekistan, States which would become members of UPOV on October 24, 2004, and on November 14, 2004, respectively.
4. The Delegations of Singapore, Jordan and Uzbekistan expressed their gratitude to the Union for the assistance provided to their countries in the procedure of accession to the UPOV Convention.
5. The Council took the decisions recorded below, under each relevant agenda item.
6. The draft detailed report on the session will be submitted to the Council for adoption by correspondence.

Adoption of the Agenda

7. The Council adopted the draft agenda, as proposed in document C/38/1, after having deleted item 5 “Examination of the conformity of the legislation or proposed legislation of any State or organization having submitted a request under Article 34(3) of the 1991 Act of the UPOV Convention”.

Examination of the Conformity of the Plant Breeder’s Right Bill of the Republic of Mauritius with the 1991 Act of the UPOV Convention

Republic of Mauritius

8. Discussions were based on document C/38/13.

9. The Council decided to

(a) take note of the information given in document C/38/13;

(b) take a positive decision on the conformity of the Plant Breeder’s Right Bill of the Republic of Mauritius with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, in accordance with Article 34(3) of that Act, which allows the Republic of Mauritius to deposit its instrument of accession once the Bill is enacted and in force;

(c) authorize the Secretary-General to inform the Government of Mauritius of that decision.

Examination of the Conformity of the Law on the Protection of Breeder’s Rights for New Plant Varieties of the Republic of Turkey with the 1991 Act of the UPOV Convention

Republic of Turkey

10. Discussions were based on document C/38/14.

11. The Council decided to

(a) take note of the information given in document C/38/14;

(b) take a positive decision on the conformity of Law No. 5042 of the Republic of Turkey with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, in accordance with Article 34(3) of that Act, which allows the Republic of Turkey to deposit its instrument of accession;

(c) authorize the Secretary-General to inform the Government of Turkey of that decision.

Report by the President on the Work of the Sixty-Seventh and Sixty-Eighth Sessions of the Consultative Committee; Adoption of Recommendations, if Any, Prepared by That Committee

12. The Council noted the report by the President and the oral intervention made by the representative of the Food and Agriculture Organization of the United Nations (FAO). No decision was called for under this agenda item.

Annual Report of the Secretary-General for 2003; Supplementary Report on Activities During the First Nine Months of 2004

13. The Council approved the report of the Secretary-General on the activities of the Union in 2003, given in document C/38/2, and noted the report on activities during the first nine months of 2004, given in document C/38/3.

14. The Council expressed appreciation to the Office of the Union for the work it had carried out, and also to the World Intellectual Property Organization (WIPO) for the assistance it provided.

Financial Situation of the International Union for the Protection of New Varieties of Plants as of December 31, 2003; Report on the Auditing of the Accounts for the 2002-2003 Biennium

15. The Council approved the accounts for the 2002-2003 financial period and noted the report of the auditor on the accounts of the 2002-2003 biennium, contained in document C/38/4, Annex B, and expressed its gratitude to the Government of Switzerland for its cooperation in this matter.

Report on Long-Term Financial Issues of the Union

16. The Council noted the contents of document C/38/12 and the oral report of the Vice Secretary-General.

Progress of the Work of the Administrative and Legal Committee

17. The Council noted the work of the Administrative and Legal Committee (CAJ), as described in document C/38/9, and the oral report made by the Chairperson of the CAJ.

Progress Report of the Work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

18. The Council noted the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular, as provided in documents C/38/10 and C/38/10 Add., and approved the programs of work set out in those documents.

19. The Council noted the oral report of the Vice Secretary-General on the signing of the Memorandum of Understanding by the Secretary-General of UPOV, Dr. Kamil Idris, and the President of the Community Plant Variety Office (CPVO), Mr. Bart Kiewiet, which took place at the UPOV headquarters today. The Memorandum of Understanding concerns cooperation for the development and maintenance of a web-based UPOV Plant Variety Database and the CPVO Centralized Database of Variety Denominations. Mr. Kiewiet welcomed this initiative on cooperation between UPOV and CPVO.

Calendar of Meetings in 2005

20. The Council approved the calendar of meetings in 2005, as presented in document C/38/8.

Election of the New Chairpersons and the New Vice-Chairpersons

21. The Council elected, in each case for a term of three years ending with the forty-first ordinary session of the Council, in 2007:

(a) Mr. Krieno Fikkert (Netherlands), Chairman of the Administrative and Legal Committee;

(b) Mrs. Carmen Gianni (Argentina), Vice-Chairperson of the Administrative and Legal Committee;

(c) Ms. Julia Borys (Poland), Chairperson of the Technical Committee, and

(d) Mrs. Françoise Blouet (France), Vice-Chairperson of the Technical Committee.

22. The Council expressed its appreciation to the outgoing Chairpersons, Ms. Nicole Bustin (France), Chairperson of the Administrative and Legal Committee, and Mr. Michael Camlin (United Kingdom), Chairman of the Technical Committee, for the work carried out during their term.

Situation in the Legislative, Administrative and Technical Fields

23. The Council noted documents C/38/5, C/38/6, C/38/7 and C/38/11, and no decisions were called for under this agenda item.

24. The Council adopted this report at the close of the session.

[Annex follows]

ANNEXE / ANNEX / ANLAGE / ANEXO

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des États/in the alphabetical order of the names in French
of the States/in alphabetischer Reihenfolge der französischen Namen der Staaten/
por orden alfabético de los nombres en francés de los Estados)

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