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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-Ninth Ordinary Session
Geneva, October 27, 2005

ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 2004

(thirty-sixth year)

I. COMPOSITION OF THE UNION

Members

1. On December 31, 2004, the Union had 58 members. The following States became members of the Union in 2004:

(a) 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.

(b) On September 24, 2004, Jordan deposited its instrument of accession to the Convention. The Convention (1991 Act) entered into force in respect of Jordan on October 24, 2004.

(c) On October 14, 2004, Uzbekistan deposited its instrument of accession to the Convention. The Convention (1991 Act) entered into force in respect of Uzbekistan on November 14, 2004.

(d) On November 9, 2004, Azerbaijan deposited its instrument of accession to the Convention. The Convention (1991 Act) entered into force in respect of Azerbaijan on December 9, 2004.

2. On June 1, 2004, Austria deposited its instrument of accession to the 1991 Act of the Convention. The 1991 Act entered into force in respect of Austria on July 1, 2004.

3. The 58 members of the Union, on December 31, 2004, were the following: Argentina, Australia, Austria, Azerbaijan, 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 and Uzbekistan. Annex I details the membership status of the Union in relation to the Convention and its various Acts as of December 31, 2004.

Situation in Relation to the Convention and its various Acts

4. On December 31, 2004, the situation of the members of the Union in relation to the Convention and its various Acts was as follows:

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

(b) the 1978 Act was the Act binding 25 States, namely: Argentina, 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 and Uruguay.

(c) the 1991 Act was the most recent Act binding 31 States, namely: Australia, Austria, Azerbaijan, Belarus, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Israel, Japan, Jordan, Kyrgyzstan, Latvia, Lithuania, Netherlands, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Slovenia, Sweden, Tunisia, United Kingdom, United States of America and Uzbekistan.

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. Four requests were considered in the period under review:

(a) a request by Armenia, by Note of October 15, 2003;

(b) a request by Albania, by letter of February 16, 2004;

(c) a request by Mauritius, by letter of March 23, 2004;

(d) a request by Turkey, by letter of June 28, 2004.

7. At its twenty-first extraordinary session, 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.

8. 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.”

9. 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.”

10. At its thirty-eighth ordinary session, on October 21, 2004, the Council examined the Plant Breeder's Right Bill of the Republic of Mauritius and the Law on the Protection of Breeder's Rights for New Plant Varieties of the Republic of Turkey.

11. In respect of Mauritius, 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.”

12. In respect of Turkey, 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.”

13. By December 2004, the following 18 States, the European Community (EC) and the African Intellectual Property Organization (OAPI), had initiated the procedure for accession to the UPOV Convention: Albania, Armenia, Costa Rica, Egypt, Georgia, Honduras, Iceland, India, Kazakhstan, Mauritius, Morocco, Serbia and Montenegro, Tajikistan, The former Yugoslav Republic of Macedonia, Turkey, 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 Bangui Agreement enters into force. By letter of December 21, 2004, the Director General of OAPI informed the Office of the Union of the decision by the Administrative Council of OAPI, taken at its forty-fourth session on December 3 and 4, 2004, that Annex X of the Bangui Agreement will enter into force on January 1, 2006.

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.

15. The Council elected unanimously Mr. Krieno Fikkert (Netherlands) as Vice-Chair of the CAJ for the remaining period of the term of office, starting on April 2, 2004, and ending after the thirty-eighth ordinary session of the Council, on October 21, 2004, due to the resignation of Mr. Doug Waterhouse (Australia), who was elected Vice-President of the Council of UPOV on October 23, 2003.

16. The Council also elected unanimously Mr. Luis Salaices (Spain) as Chairman of the Technical Working Party for Agricultural Crops (TWA) 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, due to the resignation of Mr. Carlos Gómez Etchebarne (Uruguay) as Chairman of the TWA.

17. 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 for conformity with the 1991 Act of the UPOV Convention.

18. The Council endorsed results obtained at the sixty-seventh session of the Consultative Committee concerning:

- access to UPOV documents listed in the "Meeting Documents" section of the UPOV website;
- the procedure for placing meeting documents on the UPOV website;
- the transfer of information contained in the two UPOV Collections "Important Texts and Documents" and "Plant Variety Protection Laws and Treaties" to the UPOV website where it will be freely available;
- a policy for providing passwords to different sections of the UPOV website.

19. The Council held its thirty-eighth ordinary session on October 21, 2004, also under the chairmanship of Miss Enriqueta Molina Macías. The session was attended by 46 members of the Union, by 11 observer States¹ and 11 international organizations².

20. At that session, the Council dealt with the following main issues:

(a) It examined the Plant Breeder's Right Bill of the Republic of Mauritius and the Law on the Protection of Breeder's Rights for New Plant Varieties of the Republic of Turkey for conformity with the 1991 Act of the UPOV Convention.

(b) It approved the report of the Secretary-General on the activities of the Union in 2003 and noted the report on the activities in the first nine months of 2004.

(c) It approved the accounts for the 2002-2003 financial period and noted the report of the auditor on the accounts of the 2002-2003 biennium.

(d) It noted the establishment of a Consultative Group on Long-term Financial Issues which would present its results in October 2005.

(e) It noted a report on the signing of a Memorandum of Understanding with the Community Plant Variety Office (CPVO) on October 21, 2004. The Memorandum of Understanding concerns the cooperation for the development and maintenance of a web-based UPOV Plant Variety Database and the CPVO Centralized Database of Variety Denominations.

(f) It elected, in each case for a term of three years ending with the forty-first ordinary session of the Council, in 2007:

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

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

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

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

¹ Albania, Egypt, Iraq, Malaysia, Mauritius, Oman, Peru, Saudi Arabia, Serbia and Montenegro, Thailand and Turkey.

² World Intellectual Property Organization (WIPO), Food and Agriculture Organization of the United Nations (FAO), World Trade Organization (WTO), European Community (EC), Organization for Economic Co-operation and Development (OECD), European Seed Association (ESA), International Association for the Protection of Intellectual Property (AIPPI), Association of European Horticultural Breeders (AOHE), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Committee of National Institutes of Intellectual Property Attorneys (CNIPA), International Seed Federation (ISF).

(g) 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.

(h) It approved the calendar of meetings in 2005.

Consultative Committee

21. 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 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 Rights. It took note of a first report on the work of a Consultative Group on Long-term Financial Issues of the Union. It endorsed proposals concerning the access to UPOV documents. It took note of a Performance Assessment Report for the Biennium 2002-2003. It considered developments related to biodiversity and plant genetic resources and to the review of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

22. The Consultative Committee held its sixty-eighth session on October 20, 2004, also under the chairmanship of Miss Enriqueta Molina Macías. It made a preliminary examination of the Plant Breeder's Right Bill of the Republic of Mauritius and of the Law on the Protection of Breeder's Rights for New Plant Varieties of the Republic of Turkey. Based on the work of a Consultative Group, it considered long-term financial issues of the Union. It continued the preliminary examination of the conformity of the Protection of Plant Varieties and Farmers' Rights Act of India with the 1978 Act of the UPOV Convention taking into account additional information provided by the Government of India. It noted a progress report concerning the Study on the Impact of Plant Breeders' Rights and entrusted the Office of the Union to implement the program on the development and operation of a distance learning course. It considered developments related to biodiversity and plant genetic resources and to the review of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). In support of the view that the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPRFA) and the UPOV Convention should be mutually supportive, it agreed to propose appropriate steps for cooperation with the Food and Agriculture Organization of the United Nations (FAO). It entrusted the Office of the Union to prepare a document concerning the observer status in relation to UPOV bodies and observer status of UPOV in other organizations.

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

23. The Administrative and Legal Committee (CAJ) held its forty-ninth and its fiftieth sessions on April 1, 2004, and on October 18 and 19, 2004, respectively. The Technical Committee (TC) held its fortieth session from March 29 to 31, 2004. Reference is made to documents C/38/9, C/39/9 and C/38/10, respectively. The Technical Working Party for Vegetables (TWV) held its thirty-eighth session in Seoul from June 7 to 11, 2004. A Workshop on Data Handling was held in Beijing from June 9 to 11, 2004. The Technical Working Party on Automation and Computer Programs (TWC) held its twenty-second session 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 near Potsdam (Germany) from July 19 to 23, 2004. All Technical Working Parties were preceded by a Preparatory Workshop the day before. There was no meeting of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) in 2004.

III. COURSES, SEMINARS, WORKSHOPS, IMPORTANT CONTACTS

24. On January 12, 2004, the Office of the Union (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.

25. 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 was 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.

26. 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 24, above) and on a project of technical and financial assistance in the implementation of the OAPI system of plant variety protection.

27. 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).

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. On March 24, the Office participated in the Annual Congress 2004 of AFSTA which took place in Hammamet.

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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).

52. 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.

53. 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.

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

55. 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.

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

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

64. 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”.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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 was scheduled to be examined by the Council of UPOV at its thirty-eighth session in October 2004.

73. On August 10, the Office met with WIPO officials in order to discuss the development of a UPOV information brochure.
74. 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.
75. On August 20, in Lausanne, Switzerland, the Office made a presentation at the Fleuroselect 35th Annual Convention.
76. On September 1, at Gent, Belgium, the Office made a presentation at the Annual Congress of the International Association of Horticultural Producers (AIPH).
77. 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.
78. 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 seminar activity in November 2004 were discussed.
79. 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.
80. 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).
81. 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.
82. 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.

83. 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.
84. 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.
85. 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.
86. 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.
87. 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.
88. 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.
89. 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.
90. 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.
91. 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.
92. From October 4 to 7, the office participated in the first meeting of the FAO Expert Group on the Terms of the Standard Material Transfer Agreement under the International

Treaty for Plant Genetic Resources for Food and Agriculture. The office was requested to explain the breeder's exemption under different Acts of the UPOV Convention.

93. On October 11, the Office received a visit of Mr. Dirk H. Kranen, newly appointed Financial Counsellor at the Permanent Mission of the Federal Republic of Germany.

94. On October 14, in Paris, the Office participated in a hearing at the Senate of the French Republic in the context of the transposition in French law of Directive No. 98/44 of the European Community on the Protection of Biotechnological Inventions.

95. On October 21, the Secretary-General of UPOV and the President of the Community Plant Variety Office (CPVO) signed a Memorandum of Understanding on the development and maintenance of a web-based UPOV Plant Variety Database and a CPVO Centralized Database of Variety Denominations.

96. On October 22, the Office organized a briefing with Mr. Evans Sikinyi (Kenya), Chairman, and Dr. Arnd van Wijk (Netherlands), Advisor of the Working Group on the Impact of Plant Breeders' Rights in order to further program the work on the impact study.

97. On October 25, the Office, in cooperation with the African Organization for Intellectual Property (OAPI) and the *Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)*, Eschborn (Germany), started to elaborate a cost estimate for a project of assistance in the implementation of plant variety protection under the auspices of OAPI. The cost calculation formed part of a proposal subsequently submitted by OAPI to the European Commission for funding.

98. From November 1 to 5, in Geneva, the Office represented UPOV as an observer organization in a session of WIPO's Intergovernmental Committee on Traditional Knowledge, Folklore and Genetic Resources.

99. On November 1 and 2, in Prague, the Office participated in a session of the ISF Committee on Intellectual Property.

100. On November 3, at the UPOV Headquarters, the Office consulted with Mr. Clive Stannard, Senior Liaison Officer, FAO, on developments in respect of the FAO International Treaty on Plant Genetic Resources for Food and Agriculture.

101. On November 8 and 9, in Bridgetown (Barbados), in cooperation with the Corporate Affairs and Intellectual Property Office (CAIPO) of Barbados, a national seminar on plant variety protection under the UPOV Convention was organized. Some 30 scientists, attorneys and officials were present. A representative of Trinidad and Tobago and the President of CPVO gave lectures.

102. On November 10, the Office considered elements of the project for the implementation of plant variety protection under the auspices of OAPI with Mr. Jacques Gennatas, Commission of the European Community, Brussels, and Mr. Joël Guiard, *Groupe d'étude et de contrôle des variétés et des semences (GEVES)*, La Minière (France).

103. On November 10 and 11, the Office attended the Tenth Regular Session of the Commission on Genetic Resources for Food and Agriculture which was held in Rome.

104. On November 11 and 12, in Kingston (Jamaica), the Office organized, in cooperation with the Ministry of Science and Technology and the Intellectual Property Office (JIPO) of Jamaica a regional seminar on plant variety protection under the UPOV Convention. Some 30 scientists, attorneys and officials were present. A representative of Trinidad and Tobago and the President of CPVO gave lectures.

105. On November 16, the Office received a visit of Mr. Dominique Nyandwi, Director General of Industry, and Mr. Charles Ntagwarara, Magistrate, of Burundi. Reference was made to anticipated UPOV activities in the region in 2006 in which experts from Burundi might be involved.

106. On November 17 and 18, in Angers (France), the Office participated in a session of the Administrative Council of CPVO.

107. On November 23, the Office considered with Mr. López de Haro y Wood, Ministry of Agriculture, Fisheries and Food of Spain, the joint organization of a Training Course on Plant Variety Protection for Latin-American States, to be held in the second half of 2005.

108. On November 30 and December 1, the Office attended a CPVO meeting in Angers (France) with the CPVO examination offices to discuss technical items related to the conduct of the testing of Distinctness, Uniformity and Stability (DUS).

IV. RELATIONS WITH STATES AND ORGANIZATIONS

109. 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 and certain organizations in order to provide the requested advice. In this respect, the Office had contacts with Armenia, Albania, Azerbaijan, Bahrain, Bangladesh, Barbados, Burundi, Cambodia, Chile, Colombia, Egypt, El Salvador, European Community, France, Iceland, India, Iraq, Ireland, Islamic Republic of Iran, Jamaica, Jordan, Kazakhstan, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mauritius, Serbia and Montenegro, Singapore, Switzerland, Tajikistan, Thailand, Turkey, United Arab Emirates, Uzbekistan and Viet Nam and the African Intellectual Property Organization (OAPI).

110. The Office met with representatives of international intergovernmental 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, 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), the Research Centres of the Consultative Group on International Agricultural Research (CGIAR) and with the International Rice Research Center (IRRI), with the International Plant Genetic Resources Institute (IPGRI) and with the International Center for Agricultural Research in the Dry Areas (ICARDA), in particular, with

the Organisation for Economic Co-operation and Development (OECD) and the International Seed Testing Association (ISTA).

111. The Office provided explanations on the provisions of the Convention to members of the Union and to individuals.

112. The Office met regularly with professional associations in order to follow developments in the practical application of plant variety protection at a global and regional level. Of particular relevance were meetings with the International Seed Federation (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 2004

113. The results achieved by UPOV in 2004 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

114. The Office published:

- (a) two issues of “Plant Variety Protection,” the Gazette and Newsletter of UPOV;
- (b) updated editions, covering every event affecting the membership 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”.

115. The Council is invited to note this report.

[Annexes follow]

ANNEX I

MEMBERS OF THE UNION

(December 31, 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
Azerbaijan	- - - -	- - - November 9, 2004	- - - December 9, 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

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
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -
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 -

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
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
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 -

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
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 -
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

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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 -

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 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 -
Uzbekistan	- - - -	- - - October 14, 2004	- - - November 14, 2004

Total: 58 members

[Annex II follows]

ANNEX II

RESULTS TABLE

(Based on information provided in the
Program and Budget 2004-2005 – Document C/37/4)

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

In the legal and administrative, as well as in the technical areas, the Union has produced and adopted 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.

Objectives:	<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 UPOV Convention.
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Expected results	Results Achieved: Selected Performance Indicators
<p><i>1. Increased international harmonization of the implementation of the UPOV Convention</i></p>	<p><i>1. Administrative and legal guidance on how to implement the UPOV Convention proposed to or adopted by the UPOV Council or its Committees</i></p> <ul style="list-style-type: none"> • Draft recommendations concerning information, documents or material furnished for examination purposes (document CAJ/50/2), prepared for consideration by the Administrative and Legal Committee (CAJ) • Draft recommendations to ensure the independence of those DUS examination centers which have, or have links to, breeding activities (document CAJ/49/3) • Draft Explanatory Notes on Article 15(1)(i) and (2) of the 1991 Act of the UPOV Convention: Acts done privately and for non-commercial purposes and provisions on farm-saved seed (document CAJ/50/3) • Molecular techniques (document CAJ/50/4) • Standardized classification of genera and species for improved database performance: 5,600 UPOV codes created and approved by the Technical Committee (TC) / Technical Working Parties • Signed Memorandum of Understanding with the Community Plant Variety office (CPVO) concerning development of UPOV Plant Variety Database and CPVO centralized database of variety denominations • GENIE database created containing: <ul style="list-style-type: none"> - 5,600 UPOV codes / 15,500 botanical and common names - status of protection by genus / species within UPOV (based on document C/38/6) - information on cooperation in examination (based on document C/38/5) - experience in DUS testing (based on document TC/40/4) - variety denomination classes (based on UPOV/INF/12 Rev.)

Expected results	Results Achieved: Selected Performance Indicators
<p>2. Increased international harmonization of technical specificities for the examination of distinctness, uniformity and stability of new varieties</p>	<p>2. <i>Technical guidelines on the examination of distinctness, uniformity and stability of new varieties proposed to, or adopted by, the UPOV Council or its Committees</i></p> <ul style="list-style-type: none"> • Document TGP/7 “Development of Test Guidelines” agreed by the Technical Committee • Drafts of the following TGP documents advanced in the Technical Working Parties: <ul style="list-style-type: none"> - TGP/4 “Constitution and Management of Variety Collections” - TGP/7 “Development of Test Guidelines” - TGP/8 “Use of Statistical Procedures in DUS Testing” - TGP/9 “Examining Distinctness” - TGP/10 “Examining Uniformity” - TGP/12 “Special Characteristics” - TGP/13 “Guidance for New Types and Species” - TGP/14 “Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents” • 19 Test Guidelines adopted, by the TC, comprising: <ul style="list-style-type: none"> - 7 new Test Guidelines - 12 revisions to existing Test Guidelines TWA (3), TWF (2), TWO (5), TWV (9) <p style="margin-left: 20px;">drafters from 10 countries:</p> <ul style="list-style-type: none"> - Africa: ZA (1) - Americas: CA (1), MX (1) - Asia/Pacific: JP (2) - Europe: DE (1), ES (1), FR (2), GB (3), HU (1), NL (6) • 42 draft Test Guidelines advanced by the Technical Working Parties, comprising <ul style="list-style-type: none"> - 19 new Test Guidelines - 23 revisions to existing Test Guidelines - TWA (10.5), TWF (10.5), TWO (12.5), TWV (8.5) - drafters from 16 countries: <ul style="list-style-type: none"> - Africa: ZA (1.5) - Americas: AR (1), BR (3.5), MX (4.5), UY (1) - Asia/Pacific: AU (3), JP (1), KR (2), NZ (0.5) - Europe: DE (3.5), ES (1.5), FR (4), GB (5), NL (5), UA (1) • 269 experts representing 30 members of the Union (members), 2 observer States/authorities (obs) and 3 observer organizations (orgs) participated in the Technical Working Parties as follows: <p style="margin-left: 20px;">TWA (Poland): 26 members (62 participants) / 2 obs (5 participants) / 1 org (2 participants) TWC (Japan): 11 members (20 participants) TWF (Germany): 20 members (33 participants) / 1 obs (1 participant) / 1 org (1 participant) TWO (Germany): 16 members (30 participants) / 1 obs (2 participants) / 2 orgs (2 participants) TWV (Republic of Korea): 12 members (107 participants) / 1 obs (2 participants) / 1 org (2 participants)</p> • 73 experts representing 19 members / 1 obs / 1 org participated in the Preparatory Workshops as follows: <p style="margin-left: 20px;">TWA: 14 members (42 participants) / 1 obs (2 participants) / 1 org (2 participant) TWC: 4 members (5 participants) TWF: 4 members (6 participants) / 1 org (1 participant) TWO: 6 members (10 participants) TWV: 3 members (6 participants)</p> • 38 experts representing 4 members of the Union and 2 observer States attended the Workshop on Data Handling held in Beijing, China, organized in conjunction with the TWC. • 80 experts from the Republic of Korea attended a National Workshop organized in conjunction with the TWV.

Expected results	Results Achieved: Selected Performance Indicators
<p>3. Clarification of the role of publication of variety descriptions</p>	<p>3. Policy on publication of variety descriptions proposed to or adopted by the UPOV Council</p> <p>Project to consider the publication of variety descriptions:</p> <ul style="list-style-type: none"> • WG-PVD agreed that, at this stage, no administrative, legal or financial barriers to the model studies and no urgent matters concerning administrative, legal and financial issues need to be addressed • Preliminary results of model studies presented to the relevant Technical Working Parties
<p>4. Increased international harmonization of variety denominations</p>	<p>4. Updated UPOV guidelines on variety denominations proposed to or adopted by the UPOV Council</p> <ul style="list-style-type: none"> • Updating and publication of UPOV-ROM (bimonthly) • Proposals for improving the effectiveness of the Plant Variety Database developed (document TC/40/6-CAJ/49/4) • Creation of UPOV Codes for use in the UPOV-ROM • Two sessions of <i>Ad hoc</i> Working Group on Variety Denominations (WG-VD). Developed proposals to revise UPOV Recommendation 9 and the List of Classes for Variety Denomination purposes

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 pour 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, on the adoption of relevant legislation.

Objectives:	<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.
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Expected results	Results Achieved: Selected Performance Indicators
<p>1. Introduction of a legal basis of plant variety protection according to the UPOV system by a growing number of States</p>	<p>1.1 New members: Singapore, Jordan, Uzbekistan, Azerbaijan</p> <p>1.2 Accession to the 1991 Act: Austria</p> <p>1.3 Initiation of accession procedure by requesting the advice of the Council on conformity of laws requested by Albania, Armenia, Mauritius, Turkey.</p>

Expected results	Results Achieved: Selected Performance Indicators
	<p><i>1.4 Comments on laws and regulations (including accession procedure)</i></p> <ul style="list-style-type: none"> • 30 comments: Albania, Argentina, Azerbaijan, Bahrain, Barbados, Cambodia, Chile, Colombia, European Community, France, Iceland, Ireland, India, Iraq, Islamic Republic of Iran, Jamaica, Jordan, Kazakhstan, Kuwait, Libyan Arab Jamahiriya, Lithuania, Mauritius, Serbia and Montenegro, Singapore, Switzerland, Tajikistan, Turkey, United Arab Emirates, Uzbekistan, Viet Nam <p><i>1.5. Comments provided on laws and regulations which have been taken into account by States and intergovernmental organizations (including advice on accession procedure)</i></p> <ul style="list-style-type: none"> • Albania, Azerbaijan, European Community, France, Iceland, Ireland, Jordan, Lithuania, Mauritius, Singapore, Switzerland, Turkey, Viet Nam, Uzbekistan
<p><i>2. Implementation of plant variety protection</i></p>	<p><i>2.1 Concept for training and assistance, e.g. distance learning, proposed to or adopted by the Council</i></p> <ul style="list-style-type: none"> • In October 2004, the Consultative Committee took note of the work program for the development of the UPOV distance learning program (document CC/68/5) • Drafts of modules 1 to 4 developed and discussed with WIPO Worldwide Academy, schedule for modules 5 to 11 established. • Project of the European Union on funding implementation of Revised Bangui Agreement, Annex X (OAPI) initiated.
<p><i>3. Geographical expansion of the UPOV system</i></p>	<p><i>3.1 Number of training activities initiated/implemented</i></p> <p>Training activities initiated by the Office and implemented by members of the Union:</p> <ul style="list-style-type: none"> • Training of OAPI DUS Examiners in France <p>Training activities organized by UPOV:</p> <ul style="list-style-type: none"> • Regional Seminar in Hammamet, Tunisia • Workshop on Data Handling in Beijing, China • Briefing for delegates at the Seventh Session of the Conference of the Parties (COP-7) to the Convention on Biological Diversity (CBD) in Kuala Lumpur, Malaysia • National Seminar in Kuala Lumpur, Malaysia • Briefing to International Tropical Fruits Network (TFNet) in Serdang, Malaysia • Fifth Asian Regional Technical Meeting in Hanoi, Viet Nam • UPOV-IRRI/INGER Workshop in Bangkok, Thailand • Technical Workshop on the Examination of New Varieties of Plants in Seoul, Republic of Korea • Briefing for WIPO professionals in Geneva, Switzerland • Workshop on the Benefit of Regional Cooperation and the 1991 Act of the UPOV Convention in Beijing, China • Briefing for Government officials of China in Geneva, Switzerland • Briefing for Government officials of the Republic of Korea in Geneva, Switzerland

Expected results	Results Achieved: Selected Performance Indicators
	<ul style="list-style-type: none"> • Briefing for DUS experts in Kuala Lumpur, Malaysia • Briefing for delegates at the 10th Regular Session of the Commission on Genetic Resources for Food and Agriculture in Rome, Italy • Briefing for officials of Tajikistan on accession procedures to the UPOV Convention in Geneva, Switzerland • National Workshop in Kishinev, Republic of Moldova • National Workshop in Bucharest, Romania • National Workshop in Sofia, Bulgaria • National Workshop in Kingston, Jamaica • National Workshop in Bridgetown, Barbados <p>UPOV gave lectures at:</p> <ul style="list-style-type: none"> • Committee on Plant Variety Protection, German Association on Industrial Property Protection (GRUR) in Munich, Germany • British Society of Plant Breeders' Workshop on Value Capture in the Plant Industry, Norwich, United Kingdom • WIPO/World Association for Small and Medium-sized Enterprises (WASME): Special Program on Intellectual Property Rights in Geneva, Switzerland • WIPO Interregional Intermediate Seminar on Industrial Property in Geneva, Switzerland • Course on Plant Variety Protection at the Centre for Genetic Resources (CGN) in Wageningen, Netherlands • Course on Protection of Plant Breeders' Rights of the Japan International Cooperation Agency (JICA) in Tokyo, Japan • Briefing for the Japan Seed Trade Association (JASTA) in Tokyo, Japan • Workshop on Recent Developments in Plant Variety Protection and the Utilization of Genetic Resources of the Society for Techno-Innovation in Agriculture, Forestry and Fisheries (STAFF) in Tokyo, Japan • WIPO-WTO Colloquium for Professors of Intellectual Property Law in Geneva, Switzerland • XIX Pan-American Seed Seminar of the Latin-American Seed Federation (FELAS) in Asunción, Paraguay • Workshop on practical issues relevant for national seed offices in connection with the XIX Pan-American Seed Seminar of FELAS • Seminar on Intellectual Property Rights in Plant Varieties organized by the European Union and Uruguay in Montevideo, Uruguay • First Seminar on Intellectual Property in Plants in Santiago, Chile • Video Conference for the Masters on Intellectual Property organized by the WIPO Worldwide Academy and the University of Turin
<p><i>4. Strengthening of international cooperation and specialization in plant variety protection</i></p>	<p><i>4.1 Number of bilateral and regional arrangements on plant variety protection</i></p> <ul style="list-style-type: none"> • Agreements for cooperation in variety testing now extend to approximately 475 genera or species (see document C/38/5) <p><i>4.2 Publication of information on available experience in DUS testing</i></p> <ul style="list-style-type: none"> • Practical technical knowledge/national test guidelines reported for approximately 1,250 genera or species (see document TC/40/4)

Expected results	Results Achieved: Selected Performance Indicators
<p><i>5. Incentives for the development of agriculture and the overall economy of the States concerned</i></p>	<p><i>5.1 Number of titles granted</i></p> <p>8,459 titles granted by members of the Union in 2003 (figures for 2004 will be available in October 2005)</p> <p><i>5.2 Number of titles in force</i></p> <p>61,436 titles in force with members of the Union at the end of 2003 (figures for 2004 will be available in October 2005)</p> <p>Protection granted to varieties of some 3,000 different genera and species</p> <p><i>5.3 Study of the impact of plant breeders rights</i></p> <p>Working group has advanced the draft study (see document CC/68/4)</p>

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 Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS) of the World Trade Organization (WTO), the Conference of the Parties for the Convention on Biological Diversity (CBD), the Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR) and research institutes of the Consultative Group on International Agricultural Research (CGIAR) have invited UPOV to contribute to their work. 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 improved website has continued to receive increased interest.

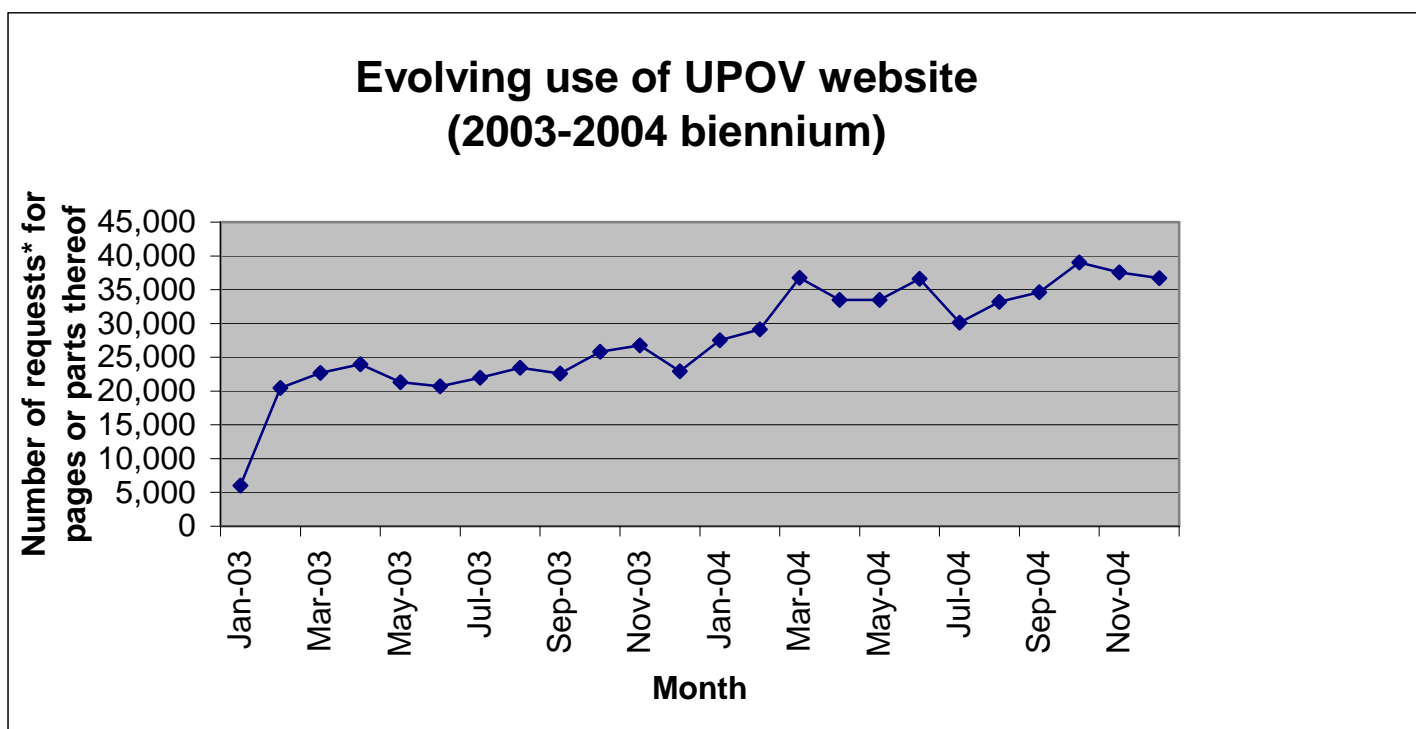
Objectives:	<ul style="list-style-type: none"> ◆ To increase public awareness of UPOV and strengthen its impact. ◆ To maintain the attractiveness of the UPOV system. ◆ To increase the understanding of UPOV's role and activities. ◆ To develop UPOV's corporate image.
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Expected results	Results Achieved: Selected Performance Indicators
<p><i>1. Recognition of the importance of the UPOV system by relevant Organizations</i></p>	<p><i>Number of occasions UPOV is invited to participate in or to make presentations at meetings of international, governmental and non-governmental organizations</i></p> <ul style="list-style-type: none"> • WTO (Council for TRIPS), CBD/COP-7, WIPO (Intergovernmental Committee), FAO (ITPGRFA), OECD, European Community (Community Plant Variety Office (CPVO)), International Seed Testing Association (ISTA), Consultative Group on International Agricultural Research (CGIAR), Central Advisory Service (CAS), International Plant Genetic Resources Institute (IPGRI), International Rice Research Institute (IRRI), International Center for Agricultural Research in the Dry Areas (ICARDA), Tropical Fruit Network (TFNet), International Network for Bamboo and Rattan (INBAR), International Crop Research Institute for the Semi-Arid Tropics (ICRISAT).

Expected results	Results Achieved: Selected Performance Indicators
	<ul style="list-style-type: none"> • Invitations from professional associations <p>Asia and Pacific Seed Association (APSA) European Seed Association (ESA) International Association of Horticultural Producers (AIPH) International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) International Seed Federation (ISF) African Seed Trade Association (AFSTA) British Society of Plant Breeders (BSPB) Fleuroselect</p>
<p><i>2. Better understanding of the basic principles of the UPOV Convention by the public, at large</i></p>	<p><i>2.1 Number communications received</i></p> <ul style="list-style-type: none"> • 20 communications per working day (letters, e-mails) <p><i>2.2 Number of references to the UPOV system</i></p> <ul style="list-style-type: none"> • Six press releases in 2004 • Two issues of “Plant Variety Protection” UPOV Gazette and Newsletter in 2004 • Six issues of UPOV-ROM Plant Variety Database • Internet providers: <ul style="list-style-type: none"> Google: 65,900 references (25,000 in 2003) Yahoo: 48,600 references (16,800 in 2003) <p><i>2.3 Number of visits to the UPOV website</i></p> <ul style="list-style-type: none"> • The average number of visits to the UPOV website by month is 34,023 (21,655 in 2003) (see Appendix for details)

[Appendix follows]

APPENDIX TO ANNEX II



* *Example:* Open UPOV website → Meeting documents → Council → C/38 session → Revised Draft Agenda (E) = 5 requests

[Annex III follows]

ANNEX III

OVERVIEW OF MISSIONS IN 2004

Mission	Month/Location/	Staff
Seventh Meeting of the Conference of the Parties to the Convention on Biological Diversity	February 2004 Kuala Lumpur	Jördens, Tabata
Meeting with Officials	Kuala Lumpur	Jördens, Tabata
Fifth Asian Regional Technical Meeting	Hanoi	Jördens, Button, Tabata
UPOV-INGER Workshop on the Protection of Plant Breeders' Rights	Bangkok	Button, Tabata
Expert Committee on the Protection of Plant Varieties, organized by the <i>Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht</i>	March 2004 EPO Munich, Germany	Jördens
Regional Seminar on Plant Variety Protection	March 2004 Hammamet, Tunisia	Jördens
Fourth Annual Congress of the African Seed Trade Association (AFSTA)	Hammamet	Jördens
Workshop on Value Capture in the Plant Industry, organized by the British Society of Plant Breeders	May 2004 Norwich, United Kingdom	Button
Meeting with staff members of the International Plant Genetic Resources Institute (IPGRI)	May 2004 Rome	Jördens, Button
Meeting at the Community Plant Variety Office (CPVO) concerning technical items related to the development of databases	May 2004 Angers, France	Button, Carl Phillips (WIPO), Besse
World Seed Congress 2004 of the International Seed Federation (ISF)	May 2004 Berlin	Jördens
ISF International Seminar on the Protection of Intellectual Property and Access to Plant Genetic Resources	Berlin	Jördens, Button

Mission	Month/Location/	Staff
Workshop on Data Handling	June 2004 Beijing	Lavignolle
Preparatory Workshop TWC	Tsukuba, Japan	Lavignolle
Technical Working Party on Automation and Computer Programs (TWC)	Tsukuba	Lavignolle
Technical Workshop on the Protection of New Varieties of Plants	June 2004 Beijing	Jördens, Tabata
Preparatory Workshop TWV	Seoul	Tabata
Technical Working Party for Vegetables (TWV)	Seoul	Tabata
Workshop on the Benefit of Regional Cooperation	Seoul	Tabata
Course on Plant Variety Protection, Dutch Centre for Genetic Resources	June 2004 Wageningen, Netherlands	Button
Preparatory Workshop TWA	June/July 2004 Poznań, Poland	Button, Lavignolle
Technical Working Party for Agricultural Crops (TWA)		
Preparatory Workshop TWO	July 2004 Hanover, Germany	Button
Technical Working Party for Ornamental Plants and Forest Trees (TWO)	Hanover	Button
Preparatory Workshop TWF	July 2004 Marquardt (Potsdam), Germany	Button
Technical Working Party for Fruit Crops (TWF)	Marquardt	Button
XIX. Pan-American Seed Seminar	July 2004 Asunción	Lavignolle
Regional Workshop on Plant Breeders' Rights	Asunción	Lavignolle
Workshop on Plant Breeders' Rights	Montevideo	Lavignolle
Seminar on Plant Breeders' Rights	Santiago	Lavignolle

Mission	Month/Location/	Staff
35 th Annual Convention of Fleuroselect	August 2004 Lausanne, Switzerland	Button
International Association of Horticultural Producers (AIPH) Congress	September 2004 Gent, Belgium	Button
JICA Plant Variety Protection Training Course	September 2004 Tokyo	Tabata
JASTA Meeting/STAFF Workshop	Tokyo	Tabata
Asian Seed 2004 of the Asia and Pacific Seed Association (APSA)	Seoul	Jördens, Tabata
DUS experts meeting	Kuala Lumpur	Tabata
National Training Course on the Protection of New Plant Varieties	Kuala Lumpur	Tabata
National Seminars	September 2004 Kishinev	Jördens
	Bucharest	Jördens
	Sofia	Jördens
Expert Group on the Terms of the Standard Material Transfer Agreement	October 2004 Brussels	Jördens
Hearing at the Senate concerning the transposition of Directive No. 98-44 on the Protection of Biotechnological Inventions	October 2004 Paris	Jördens
Autumn Meetings of the International Seed Federation (ISF)	November 2004 Prague	Jördens, Button
National Seminar on Plant Variety Protection	November 2004 Bridgetown	Lavignolle
Regional Seminar on Plant Variety Protection	Kingston	Lavignolle
Tenth Regular Session of the Commission on Genetic Resources for Food and Agriculture	November 2004 Rome	Tabata
Second Meeting of the Commission on Genetic Resources for Food and Agriculture	Rome	Tabata
Administrative Council of CPVO	November 2004 Angers, France	Jördens
CPVO meeting with representatives of its examination offices	November/December 2004 Angers	Button