



C/39/3

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DATE: October 21, 2005

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL**Thirty-Ninth Ordinary Session
Geneva, October 27, 2005****REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 2005***prepared by the Office of the Union***I. COMPOSITION OF THE UNION****Members and Future Members**

1. On June 29, 2005, the European Community (EC) deposited its instrument of accession to the Convention. The Convention (1991 Act) entered into force in respect of the European Community on July 29, 2005. Thus, the EC is the first intergovernmental organization which became a member of the Union.
2. On September 15, 2005, Albania deposited its instrument of accession to the Convention. The Convention (1991 Act) entered into force in respect of Albania on October 15, 2005.
3. As of September 30, 2005, the Union comprised 60 members: Albania, Argentina, Australia, Austria, Azerbaijan, Belgium, Belarus, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Czech Republic, Denmark, Ecuador, Estonia, European Community, 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.

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. By letter of November 10, 2004, Malaysia had requested the examination of the Protection of New Plant Varieties Act 2004.

6. At its twenty-second extraordinary session, held in Geneva on April 8, 2005, the Council examined the conformity of the Act of Malaysia with the 1991 Act of the UPOV Convention.

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

“(a) take note of the information given in document C(Extr.)/22/2;

“(b) take note of the preliminary examination of the Consultative Committee on the conformity of the Protection of New Plant Varieties Act 2004 of Malaysia with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants. It noted that the Act still required some additional provisions and amendments, as provided in document C(Extr.)/22/2, in order to fully conform with the 1991 Act; the Act would be re-submitted to the Consultative Committee once the additional provisions and amendments had been incorporated;

“(c) request the Office of the Union to offer its assistance to the Government of Malaysia in drafting the necessary additional provisions and amendments to the Act; and

“(d) authorize the Secretary-General to inform the Government of Malaysia accordingly.”

Situation in Relation to the Various Acts of the Convention

8. With the accessions of the European Community and Albania, thirty-three members were bound by the 1991 Act on September 30, 2005.

9. On September 30, 2005, two States were bound by the 1961 Convention as amended by the 1972 Act and twenty-five States were bound by the 1978 Act.

10. 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.

11. 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 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 from January 1, 2006, when Annex X of the revised Bangui Agreement enters into force.

12. The Table annexed to this report summarizes the situation of the members of the Union with regard to the Convention and its various Acts as of September 30, 2005.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

13. The Council held its twenty-second extraordinary session on April 8, 2005, under the chairmanship of Miss Enriqueta Molina Macías (Mexico), President of the Council. It examined the Protection of New Plant Varieties Act 2004 of Malaysia and took note of decisions taken by the Consultative Committee at its sixty-ninth session.

Consultative Committee

14. The Consultative Committee held its sixty-ninth session on April 8, 2005, 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 Protection of New Plant Varieties Act 2004 of Malaysia. It considered elements to guide the Office in drafting the Program and Budget of the Union for the 2006-2007 Biennium. It agreed that a special meeting would be convened on the afternoon of October 25, 2005, in order to invite international breeders' organizations to express their views on issues concerning the enforcement of plant breeders' rights. It took note of the Medium-Term Work Program 2008-2011 of the Office of the Union. The Consultative Committee endorsed principles concerning the granting of observer status in UPOV bodies and requested that the rules governing observer status and access to UPOV documents be consolidated in a single document and be placed in the unrestricted area of the UPOV website. The Consultative Committee took note of recent developments in the policy area of biodiversity and plant genetic resources and in the Council for TRIPS concerning the review of Article 27.3(b) of the TRIPS Agreement. It took note of a progress report by the chairman of the Working Group to Study the Impact of Plant Breeders' Rights.

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

15. For the work of the Administrative and Legal Committee (CAJ) and the Technical Committee (TC), which held its fifty-first session on April 7 and its forty-first session from April 4 to 6, 2005, respectively, reference is made to documents C/39/9 and C/39/10. The Technical Working Party for Vegetables (TWV) held its thirty-ninth session in Nitra (Slovakia) from June 6 to 10, 2005. The twenty-third session of the Technical Working Party on Automation and Computer Programs (TWC) was held in Ottawa from June 13 to 16, 2005. The Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) held its ninth session in Washington, D.C., from June 21 to 23, 2005. The Technical Working Party for Fruit Crops (TWF) held its thirty-sixth session in Kôfu (Japan) from September 5 to 9, 2005. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its thirty-eighth session in Seoul from September 12 to 16, 2005. All of those Technical Working Party sessions were preceded by preparatory workshops.

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

16. On February 1, a meeting was held at the UPOV Headquarters with Mr. Evans O. Sikinyi, Chairman of the *Ad hoc* Working Group to Study the Impact of Plant Breeders' Rights, and Mr. Arnold van Wijk, Advisor to the *Ad hoc* Working Group, to develop guidance for the final draft of the Report on the Impact of Plant Breeders' Rights.

17. From February 9 to 11, the Office attended the GAIA Workshop in La Minière (France). The activity was organized by the *Groupe d'étude et de contrôle des variétés et des semences* (GEVES) of France.

18. From February 14 to 16, in Bangkok, the Office participated in the third meeting of the *Ad hoc* Open-ended Working Group on Access and Benefit-sharing (ABS) of the Convention on Biological Diversity (CBD). Some 500 participants represented governments, United Nations agencies, intergovernmental and non-governmental organizations, indigenous and local community groups, academia and industry. The Office delivered a statement, based on UPOV's reply to the CBD notification of June 26, 2003, on access and benefit-sharing, as adopted by the Council in October 2003.

19. On February 16, in Bangkok, the Office consulted with officials of the Government of the Kingdom of Thailand on the application of the Plant Variety Protection Act of Thailand.

20. On February 17, in Phnom Penh, the Office was received by Mr. Suy Sem, Minister for Industry, Mines and Energy of the Kingdom of Cambodia. Mr. Suy Sem reiterated the intention of his Government to enact a law on the protection of new varieties of plants in 2007 and requested the assistance of UPOV in the preparation. The meeting with the Minister was followed by consultations with officials from the Ministry of Industry, Mines and Energy and from the Ministry of Agriculture, Forestry and Fisheries.

21. On February 18, in Phnom Penh, the Office organized, in cooperation with the Ministry of Industry, Mines and Energy of Cambodia and with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, a National Seminar on the Protection of New Varieties of Plants under the UPOV Convention. The Seminar was opened by Mr. Klaut Randy, Secretary of State, Ministry of Industry, Mines and Energy. Some 40 Government officials and scientists from the Royal University of Agriculture of Cambodia participated. The objective was to provide advice on how to implement plant variety protection effectively in Cambodia.

22. On February 21, 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, a National Seminar on the Protection of New Varieties of Plants under the UPOV Convention. The Seminar was held at the National Centre for Variety Evaluation and Seed Certification. Some 20 officials participated.

23. On February 22, in Hanoi, the Office consulted with Government officials on the draft Intellectual Property Rights Law of Viet Nam which, in its Chapter 7, contained provisions on plant variety protection.

24. On February 23 and 24, the Office organized, in cooperation with the Central-American Secretariat for Economic Integration (SIECA), the Project for Intellectual Property

SIECA-USAID, the Ministry of Development, Industry and Trade from Nicaragua (MIFIC) and the Project for the Strengthening of International Trade Management (BID), a regional seminar on the UPOV system for the protection of new varieties of plants (emphasis on the 1991 Act). The meeting was attended by 33 participants from Costa Rica, Guatemala, Honduras and Nicaragua.

25. On February 26, the Office received Mr. Kingsley Ofei-Neansah, Deputy General Secretary, General Agricultural Worker's Union, Ghana, who was briefed on plant variety protection.

26. From March 7 to 11, in Limbé (Cameroon), the Office participated in a Workshop on the Implementation of Plant Variety Protection, based on Annex X of the Revised Bangui Agreement, which enters into force on January 1, 2006. The meeting was opened by Mr. Anthioumane N'Diaye, Director General of the African Organization for Intellectual Property (OAPI). Together with the Community Plant Variety Office (CPVO) and the *Groupe d'étude et de contrôle des variétés et des semences* (GEVES) of France, UPOV was invited to assist the Secretariat of OAPI and the previously identified examination offices, ISRA of Senegal and IRAD of Cameroon, in the selection of those genera and species with which the OAPI system of plant variety protection should start, and in the drafting of internal documents and forms. Nineteen species were identified for the first phase of OAPI's operation of plant variety protection.

27. On March 8 and 9, the Office attended a meeting of the Council for TRIPS held at the WTO headquarters.

28. On March 10, in Hobaho, Lisse (Netherlands), the Office made a presentation on the UPOV system of plant variety protection to the Dutch flower bulb breeders at a meeting organized by Stiverbol within the Royal General Bulb Growers' Association.

29. On March 15, in Yaoundé, the Office organized, in cooperation with the African Seed Trade Association (AFSTA) and OAPI, a Workshop on the Protection of Plant Varieties. The Workshop, which was linked to the Annual Congress of AFSTA, was chaired by Mr. Raouf Ghariani, President of AFSTA. It was attended by more than 120 participants. UPOV was requested to organize a similar event back-to-back with AFSTA's Annual Congress 2006, which will be held in Entebbe (Uganda).

30. On March 16 and 17, in Yaoundé, the Office attended the Annual Congress of AFSTA. One of the plenary sessions was dedicated to intellectual property rights in plant breeding. A former staff member of the Office made a presentation.

31. On March 17, at the Headquarters of OAPI in Yaoundé, the Office was received by Mr. Anthioumane N'Diaye, Director General of OAPI. Recent progress with a view to operating plant variety protection by OAPI from January 1, 2006, and measures to support the initial phase of operation were considered. A project proposal for cooperation with the European Community was discussed.

32. On March 23 and 24, in Geneva, the Office made a presentation and participated in the Fleuroselect Business Unit Breeder Conference.

33. On March 30 and 31, in Rome, the Office attended, as an observer, part of the session of the Administrative Council of the Community Plant Variety Office (CPVO).

34. On April 1, in Rome, at the *Ministero delle Attività Produttive*, the Office made a presentation at a Seminar on the Community Plant Variety Rights system. Some 70 representatives of Italian Ministries, law firms, breeding companies and research institutes participated.
35. At the fringes of the sessions of UPOV bodies from April 4 to 8, the Office received Delegations of Azerbaijan, Egypt and Malaysia in order to consider matters related to the accession of those States to the UPOV Convention.
36. On April 15, the Office received Mr. Phil Thorpe, Deputy Director, Patents Directorate, Patent Office, United Kingdom, and Mrs. Pamela Tarif, Permanent Representation of the United Kingdom to the United Nations Office and other International Organizations at Geneva, to consider matters related to plant variety protection in developing countries.
37. On April 19, the Office spoke with Mr. Michael J.R. Blackman, Editor-in-Chief, World Patent Information, on his intention to publish articles related to plant variety protection. An article on "Progress of plant variety protection based on the International Convention for the Protection of New Varieties of Plants (UPOV Convention)" appeared in *World Patent Information* 27(2005).
38. On April 22, the Office received Mrs. Biljana Lekik, Deputy Head of Department, State Office of Industrial Property. Mrs. Lekik informed the Office that the Government of the Former Yugoslav Republic of Macedonia is drafting legislation on plant breeders' rights.
39. On April 25, the Office received Mr. Jean Louis Duval, Consultant, who provided information about seed projects in Armenia, Kirgistan and Tadjikistan in which he was involved.
40. On April 29, in Nice (France), the Office made a presentation at the Annual Conference of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA). The Conference was preceded by a farewell dinner for Mr. René Royon, Secretary General of CIOPORA, on the evening before.
41. On May 2, the Office received Mr. Moe Moe Thwe, Deputy Director, Ministry of Science and Technology, and Mr. Daw Khin San Thi, Deputy Director, Office of the Attorney General of Myanmar, and briefed them on the requirements for accession to the UPOV Convention.
42. On May 4, the Office received Mrs. Tene Reece, Deputy Registrar, Intellectual Property Office of Trinidad and Tobago. Measures to encourage the use of the plant variety protection system in Trinidad and Tobago were discussed.
43. From May 8 to 10, in Karaj (Islamic Republic of Iran), the Office organized, in cooperation with the Ministry of Jihad-e-Agriculture, the Food and Agriculture Organization of the United Nations (FAO) and the International Center for Agricultural Research in the Dry Areas (ICARDA) and with financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, a Workshop on Plant Variety Protection under the UPOV Convention and its relationship with the International Treaty on Plant Genetic Resources for Food and Agriculture. Some 60 participants were present. The participants expressed a strong interest to continue this kind of activity in the region. Tajikistan and the Islamic Republic of Iran

expressed their willingness to host future workshops. The workshop provided opportunities to consider a regional approach to the establishment of plant variety protection.

44. On May 12, in Aleppo (Syrian Arab Republic), the Office visited the Headquarters of ICARDA. Under the chairmanship of Mr. William Erskine, Assistant Director General (Research), a briefing session on plant variety protection was held for ICARDA scientists.

45. On May 12, also in Aleppo, the Office visited the Headquarters of the General Organization for Seed Multiplication of Syria (GOSM). An exchange of views was held with Mr. Abdul Mohsen Assayed Omar, General Director of GOSM, and Mr. Majid Jamal, Director General, General Council for Scientific Agricultural Research (GCSAR), Damascus, and their leading staff members. The discussion included also consideration of a first set of plant genera and species eligible for protection, which might include vegetables and ornamentals.

46. On May 16 and 17, in Ankara, at the premises of the Turkish Ministry of Agriculture and Rural Affairs, the Office organized a National Seminar on Plant Variety Protection under the UPOV Convention. The Seminar was opened by Mr. Meting Şehitoğlu, Director General, General Directorate of Protection and Control, Ministry of Agriculture and Rural Affairs. Some 60 officials and representatives of the Turkish seed sector participated.

47. On May 18, the Office visited the Headquarters of the Seed Registration and Certification Centre of Turkey in Yenimahalle near Ankara. Practical questions of DUS examination of plant varieties were discussed.

48. From May 29 to June 1, in Santiago de Chile, the Office attended the World Seed Congress 2005 of the International Seed Federation (ISF). During a session of the ISF Breeders' Committee, the Office provided an update on recent developments in UPOV.

49. On May 30, the Office received Mr. David Dzamukashvili, Deputy Director General, National Intellectual Property Center. Mr. Dzamukashvili informed the Office that the Government of Georgia is drafting legislation on plant breeders' rights.

50. On May 31, in Santiago de Chile, the Office visited the *Servicio Agrícola y Ganadero* (SAG) of Chile and was received by Mr. Dionisio Faulbaum Mayorga, National Director of SAG.

51. On June 2 and 3, in Buenos Aires, the Office attended the *Primer Foro sobre la Propiedad Intelectual para la Protección de la Biotecnología Agropecuaria*, which was organized by the *Instituto Nacional de Semillas* (INASE) in cooperation with the *Instituto Nacional de la Propiedad Industrial* of Argentina. The Office made a presentation on the 1991 Act of the UPOV Convention. Some 200 people participated in the Forum.

52. On June 7, Mr. Denis Low, Intellectual Property Office of Singapore, visited the Office. Matters related to the Sixth Asian Regional Technical Meeting for Plant Variety Protection, to be held in September 2005 in Singapore, were discussed.

53. On June 8, at the UPOV headquarters, the Office gave a presentation on plant variety protection in the frame of a Training Program on Negotiation in Agriculture at the World Trade Organization (WTO) for officials from Pakistan. The Delegation was led by

Mrs. Shah Zada Taimur Khusrow, Deputy Secretary (WTO), Ministry of Agriculture of Pakistan.

54. On June 9, the Office received Mr. Gilles Barrier, First Secretary, Permanent Mission of France in Geneva. Matters related to plant variety protection and genetic resources were discussed.

55. On June 13, in Angers (France), the Office attended the celebrations of the 10th Anniversary of CPVO and expressed UPOV's congratulations in an address.

56. On June 14, also in Angers, the Office participated, as an observer, in part of a session of the Administrative Council of the CPVO.

57. On June 14 and 15, the Office attended a meeting of the Council for TRIPS at the WTO headquarters.

58. On June 15, the Office received a visit by Mr. Bernard Le Buanec, Secretary General of ISF, to discuss, *inter alia*, ISF's contribution to a special UPOV Meeting on the Enforcement of Plant Breeders' Rights, which was scheduled by the Council of UPOV for October 25, 2005.

59. On June 17, the Office contacted the German *Bundessortenamt*, the Swiss *Büro für Sortenschutz*, the CPVO, ISF and CIOPORA in order to prepare a study program for a delegation of experts from the Intellectual Property Office and the Plant Variety Protection Office of the Republic of Korea.

60. On June 21, in Wageningen (Netherlands), the Office lectured at a Training Course on Plant Variety Protection, organized by the Centre for Genetic Resources, Wageningen.

61. On June 23, the Office received Mr. Guus Houttuin, Deputy Head, Geneva Liaison Office, General Secretariat of the Council of the European Union, concerning the accession of the European Community to the UPOV Convention.

62. On June 28, the Office considered with Mr. Edgar Krieger, Executive Secretary of CIOPORA, *inter alia*, CIOPORA's contribution to a special UPOV Meeting on Enforcement of Plant Breeders' Rights, which was scheduled by the Council of UPOV for October 25, 2005.

63. From June 28 to 30, the Senior Legal Officer of the Office attended a professional training program on administrative and technical examination of applications for the grant of plant breeders' rights, in Madrid, Sevilla and Valencia, established in cooperation with the Spanish Plant Variety Office.

64. On June 29, Mr. Alphonse Berns, Ambassador and Permanent Representative of Luxembourg (Presidency of the European Union), Mr. Carlo Trojan, Ambassador and Permanent Representative of the European Commission, and Mr. Jacques Brodin, Ambassador, Head of the Liaison Office, General Secretariat of the Council of the European Union, deposited the instrument of accession of the European Community to the UPOV Convention.

65. On July 4, the Office received two experts from the Intellectual Property Office and the Plant Variety Office of the Republic of Korea, for whom a study program of six weeks' duration had been organized by the Office. They were briefed on the program and received two weeks of intensive training at the Office.

66. Also on July 4, at the WTO Headquarters in Geneva, the Office lectured at a WTO/WIPO Course on Trade-Related Aspects of Intellectual Property Rights for some 25 Professors from developing countries.

67. On July 14, the Office received Mrs. Maria Julia Oliva, Director, Project on Intellectual Property and Sustainable Development, Center for International Environmental Law (CIEL), Geneva. UPOV rules for granting observer status to international non-governmental organizations were explained.

68. From July 15 to 21, in Hammamet (Tunisia), the Office attended a session of the Contact Group for the Drafting of the Standard Material Transfer Agreement under the International Treaty on Plant Genetic Resources for Food and Agriculture.

69. On July 18, at the UPOV Headquarters, the Office discussed with Mr. Anthioumane N'Diaye, Director General of OAPI, recent developments with respect to the operation of plant variety protection by OAPI from January 1, 2006.

70. On July 19, at the UPOV/WIPO Headquarters, the Office made a presentation to the Summer School on Intellectual Property Protection, which was organized by the Worldwide Academy of WIPO. Some 30 students attended.

71. On August 3, the Office received the visit of Mr. John Wright, farmer and a Nuffield Scholar from New Zealand, who was briefed on particular aspects of the 1991 Act of the UPOV Convention.

72. From August 8 to 12, in Santa Cruz de la Sierra (Bolivia), the Office organized, in cooperation with the Government of Spain, WIPO and FAO, the Fourth Training Course for Ibero-American Countries on the Protection of New Varieties of Plants and Access to Plant Genetic Resources under the International Treaty on Plant Genetic Resources for Food and Agriculture. Forty-nine experts from 18 Ibero-American countries participated.

73. On August 22 and 23, in Tokyo, the Office lectured at the Japan International Cooperation Agency (JICA) Group Training Course on the Protection of Plant Breeders' Rights. Seven experts from Argentina, China, Kenya, the Philippines, Viet Nam and Zimbabwe and three officials from the National Center for Seed and Seedlings (NCSS) of Japan participated in the course, which lasted for almost three months.

74. On August 25 and 26, in Jakarta, the Office organized, in cooperation with the Ministry of Agriculture of Indonesia 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. The Seminar was opened by Mr. ir. Hasanuddin Ibrahim, Secretary General of the Department of Agriculture of Indonesia. Some 70 representatives of Government institutions, universities and seed companies participated. The Office and experts from Japan and the Netherlands gave lectures.

75. From August 29 to September 2, in Singapore, the Office organized, in cooperation with the Intellectual Property Office of Singapore (IPOS) and the Agri-Food and Veterinary Authority of Singapore (AVA), with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, the Sixth Asian Regional Technical Meeting for Plant Variety Protection. The Meeting was opened by Mrs. Chiam Lu Lin, Assistant Director General of IPOS. Some 65 experts representing 18 Asian countries participated. The Asia and Pacific Seed Association (APSA), CIOPORA, ISF, the International Tropical Fruits Network (TFNet) and the International Rice Research Institute (IRRI) were also represented. The Chairpersons of the Technical Working Parties for Fruit Crops (TWF) and for Vegetables (TWV) also participated. During the Meeting, recent developments in plant variety protection in the region and a number of Test Guidelines were discussed.

76. On September 4, in Kôfu (Japan), the Office organized a Technical Workshop on the Examination of New Varieties of Plants under the UPOV Convention, which preceded the thirty-sixth session of the TWF. Some 25 participants, including the participants of JICA training courses, were present.

77. On September 11, in Seoul, the Office, in conjunction with the National Seed Management Office, organized a Technical Workshop on the Examination of DUS according to DUS principles. The workshop was held immediately prior to the preparatory workshop for the thirty-eighth session of the TWO and presentations were made by experts from Australia, Canada, the European Community, Germany, Japan, the Netherlands, New Zealand and the United Kingdom, who were participating in the TWO session. The workshop was attended by some 60 local participants.

78. On September 15, the Office received the visit of Mr. Ervin Nina, Second Secretary, Permanent Mission of the Republic of Albania. Mr. Nina deposited the instrument of accession of the Republic of Albania to the UPOV Convention.

79. From September 26 to October 5, the Office attended parts of the forty-first series of meetings of the Assemblies of the Members States of the World Intellectual Property Organization (WIPO).

80. From September 26 to 28, in Berlin, the Office attended the Executive Committee Meeting of the International Association for the Protection of Intellectual Property (AIPPI).

81. On September 27 and 28, in Paris, the Office participated in and made a presentation at a Workshop on Modern Biotechnology and Seed Certification, organized by the Organisation for Economic Co-operation and Development (OECD).

82. On September 29 and 30, also in Paris, the Office attended the Annual Meeting on the OECD Seed Schemes.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

83. 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 authorities or received representatives of the

respective States and Organizations in order to provide the requested advice. In this respect, the Office had contacts with Albania, Armenia, Azerbaijan, Bahrain, Bangladesh, Cambodia, Costa Rica, Egypt, El Salvador, European Community, Georgia, Iceland, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Lao People's Democratic Republic, Malaysia, Mauritius, Mongolia, Myanmar, Pakistan, Philippines, Serbia and Montenegro, Suriname, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, United Arab Emirates, Uzbekistan, Viet Nam and Zimbabwe.

84. The Office met with representatives of international organizations to coordinate activities or to explain UPOV's position. The Office participated in meetings of and discussions 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 Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS (WTO)), ICARDA and the International Plant Genetic Resources Institute (IPGRI). The Office maintained close contacts with OECD.

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

86. 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 ISF and CIOPORA, and with AFSTA, APSA and the European Seed Association (ESA).

V. PUBLICATIONS

87. 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";
- (d) UPOV Publication No. 352 in English, French, German and Spanish: General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants (TG/1/3) and Development of Test Guidelines (TGP/7/1);
- (e) UPOV Distance Learning Course DL-205 [in English].

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

[Annex follows]

ANNEX

MEMBERS OF THE UNION

(September 30, 2005)

State	Date of Signature ^{1/}	Date of Deposit of Instrument ^{1/, 2/}	Date Upon Which State Became Bound ^{1/}
Albania	- - - -	- - - September 15, 2005	- - - October 15, 2005
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 -

^{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/}
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 -
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

^{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/}
European Community	- - - -	- - - June 29, 2005	- - - July 29, 2005
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
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

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State	Date of Signature ^{1/}	Date of Deposit of Instrument ^{1/, 2/}	Date Upon Which State Became Bound ^{1/}
Latvia	- - - -	- - - July 30, 2002	- - - August 30, 2002
Lithuania	- - - -	- - - November 10, 2003	- - - December 10, 2003
Mexico	- - July 25, 1979 -	- - July 9, 1997 -	- - August 9, 1997 -
Netherlands	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	August 8, 1967 January 12, 1977 August 2, 1984 October 14, 1996	August 10, 1968 February 11, 1977 September 2, 1984 April 24, 1998
New Zealand	- - July 25, 1979 December 19, 1991	- - November 3, 1980 -	- - November 8, 1981 -
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

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State	Date of Signature ^{1/}	Date of Deposit of Instrument ^{1/, 2/}	Date Upon Which State Became Bound ^{1/}
Republic of Moldova	- - - -	- - - September 28, 1998	- - - October 28, 1998
Romania	- - - -	- - - February 16, 2001	- - - March 16, 2001
Russian Federation	- - - -	- - - March 24, 1998	- - - April 24, 1998
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 -

^{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/}
Tunisia	- - - -	- - - July 31, 2003	- - - August 31, 2003
Ukraine	- - - -	- - October 3, 1995 -	- - November 3, 1995 -
United Kingdom	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 17, 1965 July 1, 1980 August 24, 1983 December 3, 1998	August 10, 1968 July 31, 1980 September 24, 1983 January 3, 1999
United States of America	- - October 23, 1978 October 25, 1991	- - November 12, 1980 January 22, 1999	- - November 8, 1981 February 22, 1999
Uruguay	- - - -	- - October 13, 1994 -	- - November 13, 1994 -
Uzbekistan	- - - -	- - - October 14, 2004	- - - November 14, 2004

Total: 60 members

[End of Annex and of document]