



C/42/14 Add.

ORIGINAL: English/Spanish

DATE: April 28, 2009

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Forty-Second Ordinary Session
Geneva, October 30, 2008

ADDENDUM TO DOCUMENT C/42/14

REPORTS BY REPRESENTATIVES OF MEMBERS AND OBSERVERS
ON THE LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS

Document prepared by the Office of the Union

The following reports were received after the deadline of September 30, 2008 (in the alphabetical order of the names in French):

Members: Annexes I to V: Japan, Latvia, Panama, Romania and Viet Nam.

[Annexes follow]

ANNEX I

JAPAN

The format of this report follows that specified in previous years and briefly records information for the financial year ending 30 June 2008.

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

MAFF has amended the Ordinance for Plant Variety Protection on the following points:

- Reviewing the description and the format of the application form, the variety description and the DUS test report in order to fully harmonize with the standard format in conformity with UPOV.
- Reviewing the important characteristics used in the technical protocols in order to fully harmonize with UPOV and/or CPVO. And reviewing 61 technical protocols.
- Reviewing the manner of specifying the genera or species from the Japanese common name to the botanical names.

2. Cooperation in examination

Cooperation with CPVO:

- Mr. Kiewiet, President of the CPVO has visited Nishinohon Station of NCSS in Kasaoka in order to observe the DUS testing of Chrysanthemum and some other species and testing place of tropical Nymphaes variety in Atagawa on October 2 and 3, 2007.
- MAFF dispatched two experts to the Research Center Aarslev in Denmark on December 20 and 21, 2007 in order to study and discuss practical details on the DUS testing of Poinsettia due to consideration of the use of the CPVO technical reports as a base of technical examination in Japan.
- MAFF dispatched representatives to the CPVO on March 17 and 18, 2008 to discuss on the work plan in 2008.
- MAFF dispatched three experts to NAKTUINBOUW on June 6 and 7, 2008 in order to study and discuss practical details on the DUS testing of Rose and Carnation.
- MAFF dispatched two experts to Bundessortenamt on June 24 and 25, 2008 in order to study and discuss practical details on the DUS testing of Petunia and Calibrachoa.
- Experts of CPVO visited Nishinohon Station on July 16 to 18, 2008 in order to study and discuss practical details on the DUS testing of Petunia and Calibrachoa. And they confirmed condition of DUS growing trial in Japan.
- MAFF dispatched two experts to NIAB on July 21 to 23, 2008 in order to discuss how to observe characteristics of Chrysanthemum on the basis of the past results.

3. Situation in the administrative field

MAFF reorganized Plant Variety Protection and Seed Division (PVPSD) into “Intellectual Property Division (IPD)” integrating the affairs of intellectual property concerning agricultural sector on August 1, 2008.

4. Situation in the technical field

Plant Variety Protection Office of MAFF developed a new computer system for the management of PVP system, which is “Variety Registration Data Integrated Portal System (VIPS)”.

5. Activities for the promotion of plant variety protection

The East Asia Plant Variety Protection Forum was set up to improve and develop the plant variety protection system in Asia. In the system, rights of those who breed new variety of seeds are protected and development of new variety of plants might be enhanced. Its first meeting was held in Tokyo on July 23, 2008.

The members of the Forum are government officers of the ASEAN plus China, Republic of Korea and Japan. This forum has the objective for the member countries including UPOV contracting parties and non-contracting parties to discuss amongst themselves and exchange information.

Forty-four participants from 13 member countries and 6 guests from 3 countries, 1 region and 2 organizations took part in the first meeting and discussed the guideline of the activities. In addition to approving the guideline, they exchanged information on cooperative activities related to plant variety protection in their respective countries.

[Annex II follows]

ANNEX II

LATVIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments to the Plant Varieties Protection Law which came into force on January 1, 2007.

1.2 Extension of protection to further genera and species: no changes have been done.

1.3 Case law: nothing to report.

2. Cooperation in examination

No changes have been done.

3. Situation in the administrative field

3.1 Changes in the administrative structure: no changes have taken place.

3.2 Changes in office procedure and systems: no changes.

4. Situation in the technical field

DUS test was carried out for Estonian fruit varieties:

- *Malus domestica* Borkh. – 15 varieties;
- *Prunus domestica* L. -3 varieties;
- *Prunus avium* L. - 9 varieties.

DUS test was carried out for Latvia:

- *Rhododendron* L. – 5 varieties;
- *Malus domestica* Borkh. – 6 varieties.

[Annex III follows]

ANNEX III

PANAMA

I. PROTECTION OF PLANT VARIETIES

1. Situation in the legislative field

- Through the 1978 Act, as of May 23, 1999, Panama acceded to the International Union for the Protection of New Varieties of Plants (UPOV). Title V of Law No. 23 of July 15, 1997 envisages rules for the protection of plant varieties in Panama. It is regulated by Executive Decree No. 13 of March 19, 1999.
- The Official Journal of Thursday July 31, 2008 contains Decision No. DAL-072-ADM-PANAMA 01 of NOVEMBER 2007, which appoints the new members of the Council for the Protection of Plant Varieties (COPOV) for the period 2007-2009.
- The National Environmental Authority (ANAM), the Agricultural Development Bank (BDA) and the Directorate General of the Industrial Property Registry (DIGERPI), and members of the Council requested, in a note sent to the President of the Council, a change to some of its representatives, justified by resignations in some cases or by a move to other duties within the institution.

2. Cooperation in examination

Cooperation in the exchange of examinations is maintained with the Colombian Agricultural Institute (ICA) and the International Center of Tropical Agriculture (CIAT), and efforts are also made to broaden cooperation contacts in the DUS examination with other countries such as Argentina, Brazil, Chile, Mexico, Spain and Uruguay, as well as the European Union etc., so as to become familiar with and acquire experience of the conduct of technical examinations for species of economic importance for Panama.

3. Situation in the administrative field

Newsletters are published, which may be consulted on the DIGERPI website (www.digerpi.gob.pa).

4. Situation in the technical field

4.1 The DUS technical examination, carried out for the variety of rice IDIAP 145-05 by the Faculty of Agricultural Sciences of the University of Panama, was approved at a Council meeting.

4.2 The Plant Varieties Unit of the Institute for Agricultural Research of Panama (IDIAP) has, since last year, been unable to continue with the approval of technical examinations of the ICA for the varieties of rice Colombia XXI and FEDEARROZ 2000 of the Colombian

firm FEDEARROZ, because the additional information requested by the Plant Varieties Unit has not been sent.

4.3 IDIAP finalized the DUS technical examination in relation to the variety of rice IW 7-35 of the Costa Rican firm INARROZ, which determined that the variety is in fact distinct, uniform and stable, and will bear the denomination of Tempisque.

4.4 The IDIAP Plant Varieties Unit is in the final stages of producing technical questionnaires for the varieties of rice IDIAP 52-05 and IDIAP 54-05, in order to apply for the Title of Breeder before DIGERPI.

4.5 Apart from the validation examinations received from Colombia for rice and the Community Plant Variety Office for strawberry, no technical examinations have been obtained from other countries.

5. Activities for the promotion of plant variety protection

5.1 Staff trained by sector, 2008:

Place	Date	Producers and general public	Public sector	Academics and Professionals	Total
COPOV Council	June 7, 2008		13	-	13
Institute for Agricultural Research of Panama (IDIAP). Central Office	July 15, 2008	-		3	3
DIGERPI pavillion at the IDIAP fair	August 28, 2008	500			500
TOTAL		500	13	3	516

Source: Council for the Protection of Plant Varieties.

5.2 Written publications include the Catalogue of Industrial Property, issued by DIGERPI, Project IDB ATN/MT-8609-PN.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

- Panama participated in the Second Meeting of the Governing Body of the International Treaty on Phytogenetic Resources for Food and Agriculture, held in Rome (Italy) from October 29 to November 2, 2007.
- Panama participated in the Twenty-Fifth Extraordinary Session of the UPOV Council, held in Geneva (Switzerland) from April 7 to 11, 2008.

- It participated in the GRULAC International Seminar on the Performance of the International Treaty on Phylogenetic Resources for Food and Agriculture, held from July 28 to August 1, 2008.
- The country participated in three (3) meetings of the National Commission of Phylogenetic Resources of Panama.
- Two (2) ordinary meetings of UPOV were held in the period between September 2007 and September 2008.
- Registration with the National Seeds Committee, chaired by the Council Consultative Committee, was made for the following commercial cultivars:
 - a. White maize IDIAP MQ-D2
 - b. Yellow maize IDIAP MQ-07

[Annex IV follows]

ANNEX IV

ROMANIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

At present Romania implements the amended Law 255 on the protection of new varieties of plants and the new regulations, which are now in line with the EC Regulation 2100/94, as amended.

2. Cooperation in examination

Romania signed bilateral agreements with the Central Institute for Supervising and Testing in Agriculture (ÚKZÚZ), Czech Republic and with the Central Agricultural Office, Hungary in order to have a better cooperation for DUS testing of varieties for PVP and NL.

3. Situation in the administrative field

A new storage facility had been constructed by the Romanian State Institute for Variety Testing and Registration (ISTIS) for the reference collections and also a new greenhouse for the DUS tests and resistance to disease verifications.

4. Activities for the promotion of plant variety protection

- A CPVO mission was in Romania at our Officials request to give the possibility to ISTIS to be entrusted to do DUS tests in the name of CPVO.
- A “Seminar on enforcement of Plant Variety Rights in Community” organized by CPVO in cooperation with Romanian authorities was organized in Bucharest on October 2, 2008 with the view to familiarizing the Romanian breeders and seed producers to protect their varieties to CPVO.
- The Romanian experts from ISTIS and OSIM actively participated in some UPOV technical working parties (TWA, TWV and TWO) and CPVO ring tests.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

- Regarding the National List in 2008 a number of 83 varieties had been filed, of which: agricultural species 20, vegetables 34, fruits 16, vineyards 5 and ornamentals 8.
- Regarding statistics of PVP in Romania from 2000 until now 236 applications for plant variety protection have been filed, of which: agricultural species 80, fruits and vineyards 59, vegetables 53, technical plants 19 and medicinal plants 25.
- The Romanian State Office for Inventions and Trademarks has granted 157 titles, most of them for agricultural species 62, followed by fruits and vineyards 50, vegetables 25, technical plants 8 and medicinal plants 12.

[Annex V follows]

ANNEX V

VIET NAM

I. PLANT VARIETY PROTECTION

1. Situation in the Legislative field

1.1 *Amendments of the law and the implementing regulations*

- This year Viet Nam is revising the IP Law for conformity with the 1991 Act of the UPOV Convention. At present we are discussing the contents of a new draft of the Law. We hope that the new draft will be adopted at the end of this year.
- At the end of 2005 Viet Nam issued the Intellectual Property Law and Part 4 of the Law is the PVP Part. By the time to operate of PVP System, we found out some impediments by some articles stipulated in the Law. This year we plan to revise the Law, now the Draft of the Law is sent to relevant persons for comments. We hope it will be approved by the end of this year (New Law – after revised).
- We have a new decision on the fees: fees for PVP are now more expensive than before:
 - Filing fees: 2,000,000 VND (\approx 120 USD);
 - Fees for maintaining effective of the certificate: 3,000,000 VND/year for 1st to 3rd year; 5,000,000 VND/year for 4th to 6th year; from 7th to 9th year: 7,000,000 VND/year; from 10th to 15th year: 10,000,000 VND/year; and from 16th to finish of the effective of the certificate is 20,000,000 VND/year.

1.2 *Extension of protection to further genera and species*

This year we issue a new decision to add 15 species into the List of protected species. Those species include:

1. Ficus – Ficus L. (*Ficus costata* Ait; *Ficus Benjamina* L.; *Ficus carica* L. và các loài lai giữa chúng)
2. Grass (*Pennisetum americanum* [L.] Leeke; *Pennisetum purpureum* Schumach; và các loài lai giữa chúng)
3. Fiber Tea (Viet Nameese Language) (*Ampelopsis cantoniensis* (Hook. et Arn.) Planch.)
4. Sweet Potato (*Ipomoea batatas* L.)
5. Apricot (*Prunus armeniaca* L.)
6. Guava (*Psidium guava* L.)
7. Euphorbia (*Euphorbia pulcherrima* Willd. ex Klotzsch and the varieties are crossed between them)
8. Lotus (*Lotus corniculatus* L.; *Lotus pedunculatus* Cav.; *Lotus uliginosus* Schkuhr.; *Lotus tenuis* Waldst. et Kit. ex Willd; *Lotus subbiflorus* Lag.)
9. Longan (*Dimocarpus Longan* L.)
10. Litchee (*Litche Chinensis* L.)

11. Cymbidium (*Cymbidium* Sw.)
12. Amaranth (*Amaranthus* L.)
13. Lettuce (*Lactuca sativa* L.)
14. Radish (*Raphanus sativus* L.)
15. Peach (*Prunus persica* (L.) Batsch)

2. Cooperation in examination

Until now we had an Agreement on the cooperation on PVP with Japan, the Netherlands and Australia. We had signed the Agreement on the exchange of DUS Test with Japan. We are discussing with Australia, the Netherlands and the USA on the Agreement on exchanging of DUS Test with those countries. We are thinking on the ability to accept the PVP Certificate with some countries in some years later.

3. Situation in administrative fields

- For administrative structure we have no changes.
- For the office procedures and system we have no changes.

4. Situation in the Technical field

We establish some new stations for the DUS Growing Test in the South of Viet Nam for some vegetable varieties and fruit trees.

5. Activities for the promotion of PVP

Meetings and seminars:

We organized some workshops with PVP contents as following:

- In January: in Ho-Chi-Minh City in cooperation with the Viet Nam Seed Trade Association (VSTA) and GNIS (Sponsor);
- In February: in Hanoi in cooperation with MAFF (Japan) and UPOV;
- From July 14 to August 5: a training course on IP in general with PVP contents on one day in Ho-Chi-Minh City;
- From August 22 to 23: in Haiphong (in the North) in cooperation with the International Cooperation Network on Agriculture and Rural Development;
- From September 22 to 24: in the North mountainous in cooperation with the Viet Nam Seed Trade Association (VSTA);
- From October 6 to 7 (Hanoi) and 9 to 10 (Cantho – in the South of Viet Nam): funded by PIPRA (Public Intellectual Property Resource for Agriculture);
- In December (Planning): Technical Training Course and Enforcement Workshop on PVP in Ho-Chi-Minh City (we are in discussion with MAFF of Japan for the organization of this event) and we hope this will be conducted.

Publications:

A book for all legal documents of PVP had been printed with the financial support from Netherlands Embassy and the United States (USAID). We are going to issue a brochure on PVP for Farmer funded by the Netherlands at the end of this year. We cooperate with the Ministry of Training and Education for drafting a PVP Document for the students of the Agriculture Universities.

Visits to:

Japan (ASIA PVP Forum in July; Kunming); China in September for a Meeting; the Netherlands in September.

[End of Annex V and of document]