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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Forty-Third Ordinary Session
Geneva, October 22, 2009

REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 2009

prepared by the Office of the Union

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I. COMPOSITION OF THE UNION

Members and Future Members

1. On December 12, 2008, Costa Rica deposited its instrument of accession to the Convention. The Convention (1991 Act) entered into force in respect of Costa Rica on January 12, 2009.

2. As of September 30, 2009, the Union comprised 67 members: Albania, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia (plurinational State), Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, European Community, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lithuania, Mexico, Republic of Moldova, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan and Viet Nam.

3. 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.”

4. By letter dated March 9, 2009, Peru requested the examination of its legislation for conformity with the 1991 Act of the UPOV Convention (“1991 Act”) on the basis of the Decision 345 of the Commission of the Cartagena Agreement on the Common Provisions for the Protection of the Rights of Breeders of Plant Varieties of October 21, 1993 and the consolidated text of the Draft Supreme Decree establishing the Regulations for the Protection of Rights of Breeders of Plant Varieties.

5. At its twenty-sixth extraordinary session, held in Geneva on April 3, 2009, the Council examined the conformity of the legislation of Peru with the 1991 Act of the UPOV Convention.

6. The Council decided to:

“(a) take note of the analysis in document C(Extr.)/26/2;

“(b) take a positive decision on the conformity of the legislation of Peru (Decision 345 on Common Provisions for the Protection of the Rights of Breeders of Plant Varieties and the Draft Supreme Decree establishing the Regulations for the Protection of Rights of Breeders of Plant Varieties) with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants; which allows that, once the Regulations of the Draft Supreme Decree are adopted, with no changes, and in force, Peru may deposit its instrument of accession to the 1991 Act; and

“(c) authorize the Secretary-General to inform the Government of Peru of that decision.”

Situation in Relation to the Various Acts of the Convention

7. On May 12, 2009, Slovakia, which was already a member of the Union, deposited its instrument of accession to the 1991 Act of the UPOV. With the membership of Costa Rica and the accession of Slovakia, forty-four members were bound by the 1991 Act as of September 30, 2009.

8. As of September 30, 2009, one member was bound by the 1961 Convention as amended by the 1972 Act and 22 members were bound by the 1978 Act.

9. Annex I provides the status of the members of the Union in relation to the Convention and its various Acts, as of September 30, 2009.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

10. The Council held its twenty-sixth extraordinary session on April 3, 2009 under the chairmanship of Mr. Doug Waterhouse (Australia), President of the Council. At that session, the Council:

(a) examined the conformity of the legislation of Peru with the 1991 Act of the UPOV Convention (see paragraphs 4 to 6 above);

(b) noted an oral report on the seventy-seventh session of the Consultative Committee and took note of the tentative calendar in relation to the October sessions of the UPOV bodies.

Consultative Committee

11. The Consultative Committee held its seventy-seventh session on April 3, 2009, under the chairmanship of Mr. Doug Waterhouse (Australia). At that session, in addition to the provision of advice to the Council (see paragraph 10 (a) above), the Consultative Committee:

(a) decided to establish an *Ad hoc* Working Group on the Financial Regulations and Rules of UPOV (“FRR Working Group”) to assist the Office of the Union in its preparation of proposals, for consideration by the Consultative Committee, concerning the Financial Regulations and Rules of UPOV, an audit committee and internal audit provisions for UPOV;

(b) endorsed the structure of the Draft Program and Budget of the Union for the 2010-2011 Biennium and the medium-term work program of the Office of the Union for the period 2012-2015;

(c) approved the procedure and timetable for the appointment of the new Vice Secretary-General in 2010 and decided to establish an *Ad hoc* Sub-Committee, charged with interviewing the selected candidates for the post of Vice Secretary-General;

(d) noted the developments concerning the “Assistance” webpage on the UPOV website to provide information on relevant forms of assistance in the development of plant variety protection according to the UPOV Convention and an approach to seek to enhance extra-budgetary sources of funding for assistance;

(e) noted the developments concerning the Second World Seed Conference “Responding to the challenges of a changing world: the role of new plant varieties and high quality seed in agriculture”, to be held from September 8 to 10, 2009, at the Food and Agriculture Organization of the United Nations (FAO) headquarters, Rome;

(f) was informed on meetings and activities concerning biodiversity, plant genetic resources and plant variety protection; and

(g) was informed on developments in the Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS) concerning the review of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS Agreement”).

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

12. The work of the Administrative and Legal Committee (CAJ), which held its fifty-ninth session on April 2, 2009, and the Technical Committee (TC), which held its forty-fifth session from March 30 to April 1, 2009, is reported in documents C/43/9 and C/43/10, respectively. The Enlarged Editorial Committee (TC-EDC) held meetings in Geneva on January 8 and on March 30 and April 1, 2009. The Technical Working Party for Vegetables (TWV) held its forty-third session in Beijing, China, from April 20 to 24, 2009. The Technical Working Party on Automation and Computer Programs (TWC) held its twenty-seventh session in Alexandria, Virginia, United States of America, from June 16 to 19, 2009. The Technical Working Party for Agricultural Crops (TWA) held its thirty-eighth session in Seoul, Republic of Korea, from August 31 to September 4, 2009. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its forty-second session in Angers, France, from September 14 to 18, 2009. The Technical Working Party for Fruit Crops (TWF) held its fortieth session in Angers, France, from September 21 to 25, 2009. Each of the Technical Working Party sessions was preceded by a preparatory workshop.

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

Individual activities

13. On January 15 and 16, in Sarajevo, Bosnia and Herzegovina, the Office provided assistance to the Government of Bosnia and Herzegovina in establishing the preliminary version of its Draft Law on the Protection of New Varieties of Plants using the 1991 Act of the UPOV Convention, taking into account the recommendations of the Council.

14. On January 22, the Office received the visit of Prof. Kamal Puri, Director, Intellectual Property Commercialisation Unit, Professor of Intellectual Property, Queensland University of Technology, Brisbane, Australia. UPOV’s possible collaboration in the Masters Program for Intellectual Property, for a part unit on plant breeder’s right, was discussed.

15. On January 26, in Paris, France, the Office attended a meeting of the Organizing Committee of the Second World Seed Conference.
16. From January 27 to 29, in Paris, the Office participated in the Sixth Meeting of the Technical Working Group on Varietal Identity and Varietal Purity and a Meeting of the Extended Advisory Group of the Organisation for Economic Co-operation and Development (OECD).
17. From January 26 to 29, in Port of Spain, Trinidad and Tobago, the Government of the Republic of Trinidad and Tobago and the Intellectual Property Office of the Ministry of Legal Affairs, in collaboration with the Office and the United States Patent and Trademark Office (USPTO), organized a Regional Seminar on New Plant Variety Protection under the UPOV Convention. It was attended by 54 participants, including 37 local participants, 16 regional participants from Antigua and Barbuda, Barbados, Belize, Dominica, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and one regional expert of the World Intellectual Property Organization (WIPO). Lectures were provided on the basic aspects of plant breeders' rights under the UPOV Convention, with special focus on the Caribbean region, and general aspects of DUS examination. A technical visit to the Cocoa Research Unit was also organized. After the seminar, all regional participants were invited to take the UPOV distance learning course DL-205 free of charge, and to register for Session II (November 2 to December 6, 2009).
18. On February 16 and 17, in Baku, Azerbaijan, the Office provided assistance to the Government of Azerbaijan in revising its Law on Selection Achievements of 1996 with a view to further improving the plant variety protection system in that country.
19. On February 24 and 25, in Moscow, Russian Federation, at the invitation of the Ministry of Agriculture, the Office held a bilateral discussion with the State Commission of the Russian Federation for Selection Achievements Test and Protection concerning assistance that the State Commission could provide to Russian speaking countries in the field of plant variety protection.
20. At the ICARDA Regional Workshop on Plant Variety Protection, from March 1 to 4, in Aleppo, Syrian Arab Republic, a presentation was made on behalf of the Office.
21. From March 2 to 6, in Cape Town, South Africa, the Office participated in the Annual Congress of the African Seed Trade Association (AFSTA). On the occasion of this Congress, on March 3, a "Workshop on Plant Variety Protection – A Key to Economic Development" was organized by UPOV, in coordination with AFSTA. Lectures were provided by experts from the African Regional Intellectual Property Organization (ARIPO), the African Intellectual Property Organization (OAPI), AFSTA, Kenya and the Office.
22. From March 8 to 10, in Cairo, Egypt, the Office provided assistance to the Government of Egypt in drafting necessary amendments to "Book IV of Law No. 82 of 2002" on plant variety protection in accordance with the 1991 Act of the UPOV Convention.
23. At the "Seed and Plant Variety Protection Legal Frameworks Workshop" for selected Southern African Development Community (SADC) countries, from March 9 to 12, in Pretoria, South Africa, at the invitation of the Seed Science Center of Iowa State University, a presentation was made on behalf of the Office to assist those countries in the development of their seed acts and plant variety protection legislation.

24. From April 2 to 8, in Paris, France, the Office attended the Seventh meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing (WG-ABS), under the Convention on Biological Diversity (CBD).

25. On April 9, also in Paris, the Office had a meeting with the *Comité de la protection des obtentions végétales* (CPOV). On the same day, it attended the Medal Award Ceremony for Mr. Joël Guiard, Deputy Director, *Groupe d'étude et de contrôle des variétés et des semences* (GEVES), who was awarded the "*médaille de Chevalier dans l'Ordre National du Mérite*".

26. From April 22 to 24, in Beijing, People's Republic of China, the Office participated in the Second Meeting of the East Asia Plant Variety Protection Forum and an International Seminar on Plant Variety Protection, organized by the Ministry of Agriculture (MOA), the State Forestry Administration (SFA) and the State Intellectual Property Office (SIPO) of the People's Republic of China, in cooperation with the Ministry of Agriculture, Forestry and Fisheries (MAFF) of Japan, the Association of Southeast Asian Nations (ASEAN) and UPOV. Some 50 officials from the 10 ASEAN member States, China, Japan and the Republic of Korea participated in the second meeting of the Forum. The international seminar was attended by some 70 participants.

27. On April 23, also in Beijing, the Office delivered a speech at the Celebration Ceremony for the Tenth Anniversary of the People's Republic of China's accession to the UPOV Convention. On that occasion, special presentational editions of document UPOV/INF/6/1 Draft 2 "Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention" in Chinese were presented to Dr. ZHANG Taolin, Vice Minister, Ministry of Agriculture, to Dr. h. c. TIAN Lipu, Commissioner, State Intellectual Property Office, and to Mr. JIA Zhibang, Administrator, State Forestry Administration.

28. From April 26 to 28, in Muscat, Sultanate of Oman, WIPO and UPOV, in cooperation with the Government of the Sultanate of Oman, jointly organized a Sub-Regional Workshop on Geographical Indications and Plant Variety Protection for the Gulf Cooperation Council (GCC) countries. The Workshop was attended by two participants from each of the GCC Countries (Bahrain, Kuwait, Qatar, Saudi Arabia and United Arab Emirates) and by some 30 Omani participants. Representatives of Morocco and the United States of America gave lectures.

29. On April 28, consultations were held in Muscat, Sultanate of Oman, to finalize the Draft Law on Protection of Breeders' Rights in New Varieties of Plants with officials from the Ministry of Agriculture, the Ministry of Commerce and Industry and the Ministry of Justice.

30. On May 6, in Alnarp, Sweden, the Office provided a full-day training session on plant variety protection in the training program organized by the Swedish International Development Cooperation Agency (Sida) entitled "Genetic Resources and Intellectual Property" (GRIP Course).

31. On May 11, in Rabat, Morocco, the Office had meetings with officials from the Ministry of Industry, Commerce and New Technologies, the Ministry of Agriculture, Rural Development and Marine Fisheries, and the *Institut national de la recherche agronomique* (INRA). The meeting program also included a visit to the *Société Nationale de Commercialisation de Semences S.A.* (Sonacos).

32. On May 11, the Office received the visit of Prof. Olivier De Schutter, United Nations (UN) Special Rapporteur on the Right to Food, Office of the United Nations High Commissioner for Human Rights (UNHCHR), who was accompanied by Mrs. Federica Donati, Human Rights Officer, Special Procedures Division, ESCR Unit, Office of the UNHCHR, and Mr. Gaëtan Vanloqueren, PhD, Université catholique de Louvain (UCL), Adviser to the UN Special Rapporteur on the Right to Food. The Special Rapporteur explained that he intended to devote his 2009 report to the UN General Assembly to the impact of intellectual property rights in agriculture on the right to food. In this regard, he wished to hear UPOV's views about what steps may be taken to ensure a fair access to the benefits of biotechnological innovations, as well as how to reconcile the rights of plant breeders with those of farmers, particularly in developing countries.

33. On May 12, the Office had a telephone discussion with Mr. Rex Raimond, Senior Mediator, Meridian Institute, Dillon, United States of America. The purpose of the call was to discuss a project funded by the International Development Research Centre (IDRC) and managed by the Meridian Institute, with the collaboration of the Public Intellectual Property Resource for Agriculture (PIPRA). The goals of the project are to identify strategies for effectively managing intellectual property (IP) and assess IP related issues that affect the distribution of improved conventional and GMO seed varieties for smallholder farmers in East Africa.

34. On May 12, at WIPO headquarters, Geneva, the Office participated in the first meeting of the Carbon Neutrality Project Main Working Group established by WIPO. The Carbon Neutrality Project, launched by WIPO's Director General, "is aimed at the internal implementation and monitoring of selected measures that will lead the Organization towards minimizing the effect its activities have on the environment, the longer term goal being a neutral impact on the environment." During the reporting period, the Office participated in five meetings of the Main Working Group, three meetings of the Subsidiary Working Group on Travel and two meetings of the Subsidiary Working Group on Mobility.

35. On May 12, in Meknes, Morocco, the Office gave lectures at a half-day seminar on plant variety protection ("La protection des variétés végétales - un élément clé de l'innovation dans les secteurs agricole et agroalimentaire"), jointly organized by the *Office marocain de la propriété industrielle et commerciale*, the University Moulay Ismail Meknès, the Ministry of Agriculture, Rural Development and Marine Fisheries, and INRA.

36. On May 14, the Office had a telephone conference with the members of the Organizing Committee of the Second World Seed Conference.

37. On May 15, the Office received the visit of Mr. Carlos Villalobos Arias, Vice-Minister, Ministry of Agriculture and Livestock of Costa Rica, and Mrs. Laura Thompson, Ambassador, Permanent Representative, Permanent Mission of Costa Rica at Geneva. The purpose of the visit was to enhance the participation of Costa Rica in UPOV activities and bodies, and to discuss preparatory work for a seminar planned to take place in Costa Rica in October 2009.

38. From May 18 to 22, in Washington, D.C., United States of America, the Office made presentations at a program on "Plant Variety Protection under the UPOV Convention", which was organized by the Global Intellectual Property Academy of the USPTO. The Office provided the 23 participants with information and materials to assist them in providing

training on plant variety protection according to the UPOV Convention. Prior to the event, the participants took part in the UPOV Distance Learning Course.

39. From May 25 to 27, in Antalya, Turkey, the Office participated in the World Seed Congress 2009. At a session of the Breeders' Committee of the International Seed Federation (ISF), the Office gave a briefing on recent developments within UPOV.

40. From June 1 to 5, in Tunis, Tunisia, the Office participated in the Third Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). The Office made a statement in the context of agenda item 14 "Implementation of Article 9, Farmers' Rights".

41. On June 3, the Office received the visit of Mr. Valeriy Khadzhyatov, Chairman of the State Service of Right Protection for Plant Varieties, Ministry of Agrarian Policy of Ukraine. The purpose of the visit was to discuss developments in Ukraine.

42. On June 8, the Office attended the relevant part of the meeting of the Council for TRIPS at the headquarters of the World Trade Organization (WTO), in Geneva.

43. From June 9 to 11, in Chisinau, Republic of Moldova, the Office organized the "Regional Training on Plant Variety Protection under the UPOV Convention for Certain Countries in the Eurasian Region" (Eurasian PVP Training), in cooperation with the State Agency on Intellectual Property (AGEPI) of the Republic of Moldova, the State Commission for Crops Variety Testing and Registration of the Republic of Moldova, the USPTO, and the MAFF of Japan. The Eurasian PVP Training was attended by 30 participants from 12 UPOV members (Belarus, Estonia, Georgia, Japan, Kyrgyzstan, Poland, Republic of Moldova, Russian Federation, Slovakia, Ukraine, United States of America, Uzbekistan) and 3 non-member countries (Armenia, Kazakhstan, Tajikistan). In addition, some 50 local participants from various governmental institutions, including the Ministry of Agriculture and Food Industry, the State Commission for Crops Variety Testing and Registration, the Scientific Research Institute of Plant Industry and the AGEPI were also present.

44. On June 10, in Paris, France, the Office participated in the Seventh Technical Working Group Meeting on Varietal Identity and Varietal Purity of the OECD, and on June 11 and 12, it attended the OECD Annual Seed Meeting.

45. On June 11, at WIPO headquarters, the Office made a presentation entitled "Introduction to UPOV and to the Protection of New Varieties of Plants under the UPOV Convention" at the WIPO Interregional Intermediate Seminar on Industrial Property. The Seminar was attended by 76 participants of intellectual property offices, of which, 25 were from UPOV members, 48 from observer States and 3 from other organizations.

46. On June 15, in Sand Hutton, United Kingdom, the Office participated in the Science Symposium launch event of the Food and Environment Research Agency (Fera).

47. On June 16, in Wageningen, Netherlands, the Office lectured at the Twelfth International Course of Plant Variety Protection. Prior to the course in Wageningen, the students were given the opportunity to participate in the UPOV Distance Learning Course.

48. On June 22 and 23, in Seoul, Republic of Korea, the Office gave lectures at the training course on plant variety protection, organized by the Korea Seed & Variety Service (KSVS)

and supported by the Korean International Cooperation Agency (KOICA). Fourteen government officials from two UPOV members and eight other countries participated.

49. On June 23, the Office received the visit of Mr. Madoka Koshibe, Immediate Past President of the Asia & Pacific Seed Association (APSA) and President of Mikado Kyowa Seed Co., Ltd. The purpose of the visit was to discuss activities in the Asian region.

50. On June 25, the Office received the visit of Mrs. Diana Violeta Hasbún Villacorta, Director, Intellectual Property Registry of El Salvador, to discuss the procedure for becoming a member of UPOV and possibilities to organize activities to raise awareness about UPOV and benefits of UPOV membership for El Salvador.

51. On June 26, the Office had a meeting with Mrs. Tanya Prayag-Gujadhur, Second Secretary, Permanent Mission of Mauritius at Geneva. The purpose was to discuss developments since the examination of the Plant Breeder's Rights Bill of Mauritius by the Council on October 21, 2004.

52. On June 29, in Geneva, at the Centre William Rappard of the WTO, the Office gave a presentation on the International Convention for the Protection of New Varieties of Plants at the WIPO-WTO Colloquium for Teachers of Intellectual Property. The Colloquium was attended by 21 teachers, of which 10 were from UPOV members.

53. On June 30, in Geneva, the Office organized a meeting of the Organizing Committee of the Second World Seed Conference at UPOV headquarters.

54. On July 1, the Office received the visit of Mr. Emmanuel Sackey, Head, Technical Department, ARIPO, to discuss cooperation between ARIPO and UPOV.

55. On July 2, the Office received the visit of Mrs. Grace Issahaque, Principal State Attorney, Registrar-General's Department, Ministry of Justice of Ghana, who briefed the Office about the progress made in the drafting of Ghana's Plant Variety Bill.

56. On July 2, the Office received the visit of Mrs. Gloria Zelaya Laguna, Director, New Varieties of Plants, Intellectual Property Register of Nicaragua to discuss accession to the 1991 Act of the UPOV Convention.

57. On July 9, at WIPO headquarters, Geneva, the Office made a presentation to 21 journalists from the Sultanate of Oman, during a study visit organized by WIPO.

58. On July 13, the Office gave a presentation at the WIPO Summer School on Intellectual Property.

59. On July 13 and 14, at the International Conference Center of Geneva, the Office participated in relevant parts of the WIPO Conference on Intellectual Property and Public Policy Issues.

60. From July 14 to 16, in Harare, Zimbabwe, the Office participated in a Regional Seminar on Plant Varieties and Breeders' Rights, jointly organized by ARIPO, WIPO and UPOV. The Seminar was attended by 22 governmental officials from Botswana, Ghana, Kenya, Malawi, Mozambique, Sudan, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

61. On August 14, in Paris, France, the Office attended a meeting of the Organizing Committee of the Second World Seed Conference.
62. On August 28, in Seoul, Republic of Korea, the Office made a presentation at the International Symposium on “The Impact of Plant Variety Protection”, organized in connection with the thirty-eighth session of the TWA.
63. From August 31 to September 2, in Tsukuba, Japan, the Office gave lectures at the Training Course on the Protection of Plant Breeders’ Rights organized by the Japan International Cooperation Agency (JICA). Twelve government officials from two UPOV members and eight other countries participated. In parallel with the JICA Training Course, the students were given the opportunity to participate in the UPOV Distance Learning Course.
64. From September 8 to 10, at FAO headquarters in Rome, Italy, the Office jointly organized the Second World Seed Conference 2009 “Responding to the challenges of a changing world: The role of new plant varieties and high quality seed in agriculture”, in conjunction with FAO, OECD, ISF and the International Seed Testing Association (ISTA). Some 350 participants attended. The Conference was intended to raise awareness of the importance of new plant varieties and high quality seed in responding to challenges in agriculture and to provide information on how governments can develop an enabling environment to encourage plant breeding and the production and distribution of high quality seed. The Conference, which was aimed at policy makers, government officials, plant breeders, seed specialists, researchers, farmers’ organizations and consumer organizations, comprised a two-day “Expert Forum”, followed by a one-day “Policy Forum”. The conclusions of the Conference can be found at: <http://www.worldseedconference.org/en/worldseedconference/home.html>.
65. On September 15, in Alnarp, Sweden, the Office provided a full-day training session on plant variety protection in the Sida training program on “Plant Breeding and Seed Production”. Twenty-seven breeders from African and Asian countries participated.
66. On September 24, at UPOV headquarters, the Office met with a delegation from Guatemala, which included H.E. Mr. Oscar Erasmo Velásquez, Vice-Minister of Economy and H.E. Mr. Eduardo Sperisen-Yurt, Ambassador, Permanent Mission of Guatemala to the WTO and WIPO in Geneva, in order to discuss the procedure to become a member of the Union.
67. On September 24, the Office attended a meeting of legal counsels of international organizations in Geneva, organized by the Permanent Mission of Switzerland at Geneva.
68. On September 24, the Office received the visit of a delegation from the Sultanate of Oman, which included Mr. Khalid Saeed Al-Al-Shuaibi, Director General of Organizations and Commercial Relations, Ministry of Commerce and Industry, and Mrs. Fatima Al-Ghazali, Plenipotentiary Minister of the Permanent Mission of the Sultanate of Oman in Geneva. The procedure to become a member of the Union was discussed.
69. On September 24, the Office received the visit of Mr. Johannes Christian Wichard, Director, Federal Ministry of Justice of Germany and a future Deputy Director General of WIPO. The role of intellectual property in a changing world was discussed.

70. On September 25, the Office received the visit of Mr. Shakeel Bhatti, Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture. Matters related to databases were discussed.

71. On September 28 and 29, in Madrid, Spain, the Office gave a lecture and attended the Seminar on the Protection of New Varieties of Plants organized by the Ministry of Environment and Rural and Marine Affairs of Spain.

72. On September 28 and 29, in São Paulo, Brazil, the Office attended the Second Congress of the American Seed Organization (SAA). The Office made a presentation on the use of contracts on the basis of the UPOV Symposium on Contracts in Relation to Breeders' Rights, which was held in Geneva on October 31, 2008.

73. On September 30, at the WTO headquarters in Geneva, the Office attended the session "Intellectual Property, Sustainability and the Food System: Trends and New Directions" of the WTO Public Forum 2009 entitled "Global Problems, Global Solutions: Towards Better Global Governance". The session was moderated by Mrs. Caroline Dommen, Quaker United Nations Office (QUNO), with the panel comprised of Mr. Geoff Tansey, Member and Trustee of the Food Ethics Council, Mr. François Meienberg, Campaign Director of Agriculture, Biodiversity and Intellectual Property of the Berne Declaration, Mr. Olivier De Schutter, UN Special Rapporteur on the Right to Food, and Professor Carlos Correa, Director of the Master Program on Science and Technology Policy and Management of the University of Buenos Aires.

Distance Learning Course

74. A session of the UPOV Distance Learning Course DL-205 in English, French, German and Spanish was held from May 4 to June 7, 2009. A breakdown of the students participating in the DL-205 course is available in Annex II.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

75. The Office provided assistance on plant variety protection legislation to the following members: Azerbaijan, Brazil, Kyrgyzstan and Nicaragua.

76. The Office provided information on the elements required for the deposit of an instrument of accession to, or ratification of the 1991 Act of the UPOV Convention, to the following members: Chile, Nicaragua and Slovakia.

77. The Office provided advice and assistance on the development of plant variety protection legislation according to the 1991 Act of the UPOV Convention and/or on the procedure to accede to the UPOV Convention to potential members of the Union. 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 Armenia, Bahrein, Bosnia and Herzegovina, Egypt, Ghana, Guatemala, India, Indonesia, Kazakhstan, Kuwait, Mauritius, Oman, Pakistan, Peru, Qatar, Saudi Arabia, Serbia, Sudan, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, OAPI and ARIPO.

78. The Office met with representatives of international organizations to coordinate activities or to provide information on UPOV. The Office participated in meetings of, and discussions with, ARIPO, the CBD Secretariat, the International Center for Agricultural Research in the Dry Areas (ICARDA), ISTA, the ITPGRFA Secretariat, OAPI, OECD, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and the WTO Council for TRIPS.

79. 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 AFSTA, APSA, the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Plants (CIOPORA), ESA, ISF and SAA.

V. PUBLICATIONS

80. The Office published:

(a) updated editions of the information leaflet “What it is, What it does” on UPOV and plant variety protection in English, Arabic, Chinese, French, German, Russian and Spanish (UPOV publication No. 437);

(b) four updated discs of the “UPOV-ROM Plant Variety Database”;

(c) document TGP/10/1 “Examining Uniformity” and revisions to document TGP/5 “Experience and Cooperation in DUS Testing”; and

(d) the following Test Guidelines were adopted and have been published on the UPOV website, or will be published in due course:

Document No. N°. du document Dokument-Nr. No del documento	English	Français	Deutsch	Español	Botanical name Nom botanique Botanischer Name Nombre botánico
NEW TEST GUIDELINES					
TG/COWPEA(proj.4)	Asparagus-bean, Pea-bean, Yard-long-bean, Chinese long-bean	Dolique asperge, Haricot asperge	Spargelbohne	Caupí, Judía espárrago, Judía de vaca	Vigna unguiculata (L.) Walp. subsp. sesquipedalis (L.) Verdc.
TG/HEVEA(proj.6)	Rubber	Hevea	Parakautschukbaum	Árbol del caucho, Hule	Hevea Aubl.
TG/NERIUM(proj.5)	Oleander, Rose Bay, Rose-laurel	Laurier rose, Oléandre	Oleander	Adelfa, Baladre, Laurel Rosa, Pascua	Nerium oleander L. (Nerium indicum Mill.)
TG/PASSI(proj.6)	Granadilla, Passion fruit	Barbadine, Fruit de la passion	Passionsfrucht, Purpurgranadilla	Granadilla, Maracuyá	Passiflora edulis Sims
TG/PHLOX(proj.3)	fall phlox, fall pink, garden phlox, paniced phlox, perennial phlox, perennial pink, summer phlox, sweet William	-	-	-	Phlox paniculata L.
TG/PRUNU_PAD(proj.4)	Bird cherry	Merisier à grappes	Traubenkirsche	Cerezo de racimo	Prunus padus L.
TG/TARO(proj.4)	Colocasia	Colocasia	Colocasia	Colocasia	Colocasia esculenta (L.) Schott; Colocasia gigantea (Blume) Hook. f.

Document No. Nº. du document Dokument-Nr. No del documento	English	Français	Deutsch	Español	Botanical name Nom botanique Botanischer Name Nombre botánico
TG/YAM(proj.4)	Yam	Igname	Yamswurzel	Ñame	Dioscorea alata L.; Dioscorea polystachya Turcz.; Dioscorea japonica Thunb.
REVISIONS OF TEST GUIDELINES					
TG/2/7(proj.4)	Maize	Maïs	Mais	Chícharo, Maíz	Zea mays L.
TG/7/10(proj.6)	Pea	Pois	Erbse	Guisante, Arveja	Pisum sativum L.
TG/28/9(proj.4)	Zonal Pelargonium, Horseshoed pelargonium; Ivy-leaved Pelargonium, Hanging geranium, Ivy geranium, Ivy-leaf pelargonium	Géranium, Pelargonium zonale; Géranium-lierre	Zonal-Pelargonie; Efeupelargonie, Efeublättrige Pelargonie	Geranio zonal, geranio malvón, geranio de hierro, geranio de sardina, pelargonio	Pelargonium Zonale Group (Pelargonium ×hortorum L. H. Bailey, Pelargonium-Zonale- Hybridae), Pelargonium peltatum (L.) Hér (Pelargonium-Peltatum- Hybridae) and hybrids between those species and other species of Pelargonium L'Hér. ex Ait.
TG/45/7(proj.5)	Cauliflower	Chou-fleur	Blumenkohl	Coliflor	Brassica oleracea L. convar. botrytis (L.) Alef. var. botrytis (Brassica cauliflora Lizg.)
PARTIAL REVISIONS OF TEST GUIDELINES					
TG/89/6 Rev. (proj_TC/45/2)	Swede	Chou-navet, Rutabaga	Kohlrübe	Colinabo	Brassica napus L. var. napobrassica (L.) Rchb.
TG/155/4 Rev. (proj_TC/45/2)	Pumpkin	Giraumon, Potiron	Riesenkürbis	Calabaza, Zapallo	Cucurbita maxima Duch.
TG/209/1 Rev. (proj_TC/45/2)	Dendrobium	Dendrobium	Dendrobium, Baumwucherer	Dendrobium	Dendrobium Sw.
TG/220/1 Rev. (proj_TC/45/2)	Verbena, Vervain	Verveine	Verbene, Eisenkraut	Verbena	Verbena L.

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

[Annexes follow]

ANNEX I

MEMBERS OF THE UNION

This document provides the status of the members of the Union in relation to the Convention and its various Acts, as of September 30, 2009 (see Articles 31 and 32 of the 1961 Convention, Article 32(1) of the 1978 Act and Article 34(2) of the 1991 Act).

- 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

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
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 (Plurinational State of)	- - - -	- - April 21, 1999 -	- - May 21, 1999 -

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
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
Costa Rica	- - - -	- - - December 12, 2008	- - - January 12, 2009
Croatia	- - - -	- - - August 1, 2001	- - - September 1, 2001
Czech Republic ^{1/}	- - - -	- - - 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
Dominican Republic	- - - -	- - - May 16, 2007	- - - June 16, 2007

^{1/} Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991; State bound on December 4, 1991).

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Annex I, page 3

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Ecuador	- - -	- - July 8, 1997 -	- - August 8, 1997 -
Estonia	- - - -	- - - August 24, 2000	- - - September 24, 2000
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 -
Georgia	- - - -	- - - October 29, 2008	- - - November 29, 2008
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
Iceland	- - - -	- - - April 3, 2006	- - - May 3, 2006
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

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Annex I, page 4

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
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 -
Morocco	- - - -	- - - September 8, 2006	- - - October 8, 2006
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 -

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
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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Annex I, page 6

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Singapore	- - -	- - June 30, 2004	- - July 30, 2004
Slovakia ¹	- - - -	- - - May 12, 2009	- - January 1, 1993 June 12, 2009
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 - June 18, 2007	May 18, 1980 May 18, 1980 - July 18, 2007
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 August 1, 2008	July 10, 1977 July 10, 1977 November 8, 1981 September 1, 2008
Trinidad and Tobago	- - - -	- - December 30, 1997 -	- - January 30, 1998 -
Tunisia	- - - -	- - - July 31, 2003	- - - August 31, 2003
Turkey	- - - -	- - - October 18, 2007	- - - November 18, 2007
Ukraine	- - - -	- - October 3, 1995 December 19, 2006	- - November 3, 1995 January 19, 2007

¹ Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991; State bound on December 4, 1991).

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
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
Viet Nam	- - - -	- - - November 24, 2006	- - - December 24, 2006

Total: 67 members

[Annex II follows]

ANNEX II

STUDENTS REGISTERED FOR THE
UPOV DISTANCE LEARNING COURSE (DL-205)

Session I, 2009: May/June		
Category	Students from	Number of students
<u>Category 1</u> Officials of members of the Union	Argentina, Australia, Brazil, Bulgaria, Chile, China, Colombia, Colombia, Costa Rica, Czech Republic, Ecuador, Israel, Japan, Kenya, Mexico, Poland, Republic of Korea, Russian Federation, South Africa, Spain, Trinidad and Tobago, Tunisia, United Kingdom, Uruguay	180
<u>Category 2</u> Officials of observer States / intergovernmental organizations / others	El Salvador, Guatemala, Islamic Republic of Iran, Mauritius, Pakistan, Peru, Saudi Arabia, Serbia, Swaziland, Zimbabwe	15
<u>Category 3 (Paying)</u>	Argentina, Austria, France, Germany, South Africa, Switzerland, United Kingdom, United States of America	9
<u>Others</u> Plant Variety Protection Course, Wageningen (Netherlands)	Armenia, Brazil, Egypt, Ethiopia, Georgia, Ghana, Indonesia, Kenya, Netherlands, New Zealand, Nigeria, Republic of Moldova, Sudan, the former Yugoslav Republic of Macedonia, Turkey, United Republic of Tanzania, Viet Nam, Zimbabwe	26
TOTAL		230

[End of Annex II and of document]