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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Forty-Fourth Ordinary Session
Geneva, October 21, 2010

REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 2010

prepared by the Office of the Union

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I. COMPOSITION OF THE UNION

Members and Future Members

1. As of September 30, 2010, the Union comprised 68 members: Albania, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, European Union, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lithuania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, 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, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan and Viet Nam.

2. 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.”

3. No requests were received for examination of laws by the Council at its twenty-seventh extraordinary session, which was held in Geneva on March 26, 2010.

Situation in Relation to the Various Acts of the Convention

4. Forty-five members were bound by the 1991 Act as of September 30, 2010.

5. As of September 30, 2010, one member was bound by the 1961 Convention as amended by the 1972 Act and 22 members were bound by the 1978 Act.

6. Annex I provides the status of the members of the Union in relation to the Convention and its various Acts, as of September 30, 2010.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

7. The Council held its twenty-seventh extraordinary session on March 26, 2010 under the chairmanship of Mr. Choi Keun Jin (Republic of Korea), President of the Council, to decide on the “Appointment of the new Vice Secretary-General”.

8. The preparatory work of the Consultative Committee concerning the procedure for the appointment of a new Vice Secretary-General had started on October 29, 2008. Following three sessions of the Consultative Committee and two meetings of the *Ad hoc* Sub-Committee of the Consultative Committee and an informal meeting of members of the Union, the Council decided as follows (see document C(Extr.)/27/3):

“7. After consultations led by the President of the Council, and after having sought the agreement of the Secretary-General, the Council reached consensus and appointed Mr. Peter John Button as the new Vice Secretary-General of UPOV for the period from December 1, 2010 to November 30, 2012 at the D-2 level.

“8. Noting that that appointment would leave a vacancy at the Director’s level (D1) in the Office of the Union and taking into account the level of important services currently under the responsibility of Mr. Raimundo Lavignolle, Senior Counsellor, as well as his exemplary service to the Office, the Council decided, after consultation with the Secretary-General, to promote Mr. Lavignolle to the grade of Director (D1) as of December 1, 2010.”

Consultative Committee

9. The Consultative Committee held its seventy-ninth session on March 26, 2010, under the chairmanship of Mr. Choi Keun Jin (Republic of Korea). At that session, in addition to the provision of advice to the Council (see paragraph 8 above), the Consultative Committee:

(a) requested the Office of the Union to convene a second meeting of the *Ad hoc* Working Group on the Financial Regulations and Rules of UPOV (“FRR Working Group”)¹, in order to consider the matters raised by the Delegation of Germany, and it was agreed that the conclusions of the FRR Working Group, at its second meeting, be reflected, as appropriate, in the version of document UPOV/INF/4/1 to be submitted for consideration by the Consultative Committee at its session in October 2010;

(b) recommended that the Council, at its forty-fourth ordinary session, to be held in Geneva, on October 21, 2010, request the Internal Audit and Oversight Division (IAOD) of the World Intellectual Property Organization (WIPO) to conduct independent internal audit, inspections and investigations of UPOV in accordance with the provisions, applied *mutatis mutandis*, of the WIPO Internal Audit Charter;

(c) recommended to the Council not to establish an Audit Committee for the time being and requested the Secretary-General to transmit the WIPO Audit Committee’s report on IAOD to the Consultative Committee;

(d) approved the reference to the Internal Audit Charter in Chapter 7 and the deletion of the provision for an Audit Committee in Chapter 9, of document UPOV/INF/4/1 Draft 3;

(e) noted developments of relevance to UPOV in other international fora;

(f) took note of the oral report of the Vice Secretary-General on the Seminar on DUS Testing, which had taken place from March 18 to 20, 2010, and the “Conclusions of the Chairman of the Technical Committee in conjunction with the Office of the Union”; and

(g) endorsed the celebration of the Fiftieth Anniversary of the International Convention for the Protection of New Varieties of Plants in conjunction with the UPOV sessions of October 2011 and a proposal concerning the organization of the Fiftieth Anniversary.

¹ The second meeting of the FRR Working Group was held on June 28, 2010.

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

10. The Administrative and Legal Committee (CAJ) held its sixty-first session on March 25, 2010. The Technical Committee (TC) held its forty-sixth session from March 22 to 24, 2010. The Enlarged Editorial Committee (TC-EDC) held meetings on January 7 and on March 22 and 23, 2010. The Technical Working Party for Agricultural Crops (TWA) held its thirty-ninth session in Osijek, Croatia, from May 24 to 28, 2010. The Technical Working Party on Automation and Computer Programs (TWC) held its twenty-eighth session in Angers, France, from June 29 to July 2, 2010. The Technical Working Party for Fruit Crops (TWF) held its forty-first session in Cuernavaca, Morelos State, Mexico, from September 27 to October 1, 2010. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its forty-third session in Cuernavaca, Morelos State, Mexico, from September 20 to 24, 2010. The Technical Working Party for Vegetables (TWV) held its forty-fourth session in Veliko Tarnovo, Bulgaria, from July 5 to 9, 2010. The Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) held its twelfth session in Ottawa, Canada, from May 11 to 13, 2010. Each of the Technical Working Party and BMT sessions was preceded by a preparatory workshop.

11. Further information on the work of the CAJ, TC, TWPs and BMT is contained in documents C/44/9 and C/44/10.

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

Individual activities

12. On January 19 and 20, the Office provided legal assistance to the Government of Algeria in drafting legislation on the protection of new varieties of plants in accordance with the UPOV Convention.

13. From January 25 to 29, the Office participated in a series of meetings in Japan: at the headquarters of the National Centre for Seeds and Seedlings (NCSS), in Tsukuba; at the Ministry of Agriculture, Forestry and Fisheries (MAFF), in Tokyo; at the NCSS Nishinihon station, in Kasaoka.

14. On February 5, the Office received the visit of Mr. Jacques Pellet, Minister Counsellor, Deputy Permanent Representative, and Ms. Delphine Lida, Counsellor, Permanent Mission of France at Geneva. Recent developments in UPOV were explained.

15. On February 8, the Office had a telephone conference with representatives of the co-organizers (FAO, OECD, UPOV, ISF, ISTA) of the Second World Seed Conference in order to consider a follow-up project to that Conference, the "NEEDS Project" (National Enabling Environment Development for Seed "NEEDS"). The objective would be to demonstrate, in a number of selected developing countries, how an enabling environment for the introduction of new varieties and quality seed could be created (see paragraphs 35, 57 and 68).

16. From February 23 to 26, in Dar es Salaam, United Republic of Tanzania, the Office organized a Regional Seminar on Plant Variety Protection under the UPOV Convention with the Ministry of Agriculture, Food Security and Cooperatives, United Republic of Tanzania in

cooperation with the African Regional Intellectual Property Organization (ARIPO) and the United States Patent and Trademark Office (USPTO). Some 40 participants from Botswana, Ethiopia, Gambia, Ghana, Kenya, Lesotho, Mozambique, Sierra Leon, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia and Zimbabwe were present. The activity was focused on basic principles of the UPOV Convention and on the development of legislation in conformity with the UPOV Convention.

17. On February 25 and 26, in Singapore, at the Business Awareness Seminar on Plant Variety Protection, co-organized by the Intellectual Property Office of Singapore (IPOS), the Agri-Food & Veterinary Authority of Singapore (AVA) and MAFF of Japan, the Office made presentations on “Outline of the PVP System under the UPOV Convention” and “The future of PVP protection – the current state of the ongoing discussions at UPOV on the use of Biochemical and Molecular Techniques (BMT) in DUS Examination”.

18. From March 1 to 5, in Bamako, Mali, the Office participated in the Annual Congress of the African Seed Trade Association (AFSTA).

19. On March 2, 2010, in Geneva, the Office attended the relevant part of the meeting of the Council for TRIPS at the headquarters of the World Trade Organization (WTO).

20. On March 11, at UPOV/WIPO headquarters, the Office made a presentation on the benefits of the protection of new plant varieties according to the UPOV Convention to high-level officials from the Sultanate of Oman on a study visit.

21. On March 11, in Brussels, the Office, in an observer capacity, attended a meeting of the Administrative Council of the Community Plant Variety Office (CPVO).

22. On March 12, in Bonn, Germany, the Office attended a conference, organized by the German Breeders' Association (*Bundesverband Deutscher Pflanzenzüchter e.V. (BDP)*) on “Innovations, progress and competitiveness for a future-oriented agriculture as a sustainable global responsibility” (*Innovationen, Fortschritt und Wettbewerbsfähigkeit für eine zukunftsgerichtete Agrarwirtschaft in nachhaltiger globaler Verantwortung*).

23. From March 18 to 20, at UPOV headquarters, the Office organized a Seminar on DUS Testing, the aim of which was to provide information and facilitate discussion on arrangements for DUS testing, guidance for DUS testing, including test guidelines, the management of variety collections and variety descriptions. The conclusions drawn by the Chairman of the Technical Committee in conjunction with the Office of the Union are reproduced in paragraph 5 of document C/44/10.

24. On April 22, 2010, the Office received a courtesy visit by the new First Secretary of the Permanent Mission of Japan to the International Organizations in Geneva, Mr. Tatsumasa Miyata.

25. From April 28 to 30, in Seoul, Republic of Korea, the Office participated in the Third East Asian Plant Variety Protection Forum and had meetings with leading officials of the Ministry of Agriculture and Forestry and the National Seed Management Office of the Republic of Korea.

26. On May 3, at WTO headquarters, at the WIPO-WTO Advanced Course on Intellectual Property for Government Officials, the Office made a presentation on the UPOV Convention.

27. From May 3 to 7, 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 UPOV and the Global Intellectual Property Academy of the USPTO. The Office provided the 15 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.
28. From May 3 to 7, in Geneva, the Office attended the relevant part of the sixteenth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) of the World Intellectual Property Organization (WIPO).
29. On May 5, 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).
30. On May 7, in Munich, Germany, at the Expert Committee on the Protection of Plant Varieties organized by the *Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht* (GRUR), the Office gave a lecture on new developments in UPOV.
31. On May 18 and 19, in Tunis, Tunisia, the Office participated in a “Seminar on the seed and plant sector: challenges and perspectives”, organized by the National Institute of Agronomic Research of Tunisia (INRAT), in cooperation with partners from the public and private sectors. The Office made a presentation on the protection of new varieties of plants and had an opportunity to meet the Minister for Agriculture, the Minister of Commerce and Craft Industry and the President of the Tunisian Union of Agriculture and Fisheries.
32. On May 18 and 19, in Geneva, the Office made a presentation on plant variety protection under the UPOV Convention at the Second Stevia World Europe Conference.
33. On May 21, in Geneva, during a visit organized by WIPO for H.E. Mr. Rodolphe Adada, Minister of SMEs and Promotion of the Private Sector of the Republic of Congo, the Office made a presentation on the “Impact of plant variety protection, in Africa in particular”.
34. From May 31 to June 3, in Calgary, Canada, the Office participated in the World Seed Congress 2010, organized by the International Seed Federation (ISF) and the Canadian Seed Trade Association. At a session of the ISF Breeders’ Committee, the Office gave a briefing on recent developments within UPOV. The Office attended, in particular, the President’s Dinner, the Opening Ceremony, the Breeders’ Committee, the meeting on Seed Treatment and Environment, some specific crop sessions and the General Assembly.
35. On June 1, at the fringes of the World Seed Congress 2010, the Office met with representatives of the co-organizers (FAO, OECD, UPOV, ISF, ISTA) of the Second World Seed Conference in order to consider further progress regarding the “NEEDS Project” (see paragraph 15).
36. On June 1 and 2, in Jakarta, Indonesia, the Office met with government officials to continue a consultation started at the UPOV headquarters in March 2010, at the fringes of the UPOV sessions, concerning the translation of the 1991 Act of the UPOV Convention into

Indonesian, and to provide assistance for the possible revision of Law No. 29 of 2000 on Plant Variety Protection.

37. On June 3 and 4, in Hanoi, Viet Nam, the Office had a consultation meeting with representatives of the Ministry of Agriculture and Rural Development, and the Ministry of Science and Technology of Viet Nam, regarding the translation of the UPOV Convention into Vietnamese, in view of a future revision of the Intellectual Property Law, in particular Part Four “Rights to Plant Varieties”, in accordance with the decision of the Council of UPOV of April 7, 2006.

38. On June 5, UPOV held its first Open Day² at UPOV/WIPO headquarters, as part of an international weekend, coinciding with World Environment Day. The UPOV exhibition showed how plant variety protection encourages the creation of new varieties of plants for the benefit of society. Three exhibitors were invited and provided visitors with explanations of the importance of plant variety protection for wheat (*Delley semences et plantes SA*, Switzerland), apples (International Community of Breeders of Asexually Reproduced Ornamental and Fruit Plants (CIOPORA)) and roses (Meilland International, France). Visitors were invited to participate in a competition to identify different varieties of apples and roses, and to identify differences between wheat varieties.

39. On June 8 and 9, 2010, in Geneva, the Office attended the relevant part of the meeting of the Council for TRIPS at WTO headquarters.

40. On June 10, at WIPO headquarters, the Office made a presentation on the “Protection of New Plant Varieties according to the International Convention for the Protection of New Variety of Plants” at the WIPO Interregional Intermediate Seminar on Industrial Property.

41. On June 10, in Geneva, the Office participated in a phone interview conducted by Dr. Carl-Gustaf Thornström, Associate Professor, Swedish University of Agricultural Sciences, Uppsala, Sweden, concerning the Central Advisory Service on Intellectual Property (CAS-IP), a system office unit of the Consultative Group on International Agricultural Research (CGIAR), and the role of plant breeders’ rights in public breeding institutions.

42. On June 15, in Wageningen, Netherlands, the Office lectured at the Thirteenth International Course on Plant Variety Protection. Prior to the course in Wageningen, the students participated in the UPOV Distance Learning Course.

43. On June 16 and 17, the Office made presentations on UPOV and the UPOV Convention at the WIPO General Course on Intellectual Property (DL-101).

44. On June 17, the Office received the visit of Mrs. Caroline Dommen, Representative for Global Economic Issues, Quaker UN Office (QUNO) at Geneva, and explained the impact of plant variety protection according to the UPOV Convention.

45. On June 17 and 18, in Lusaka, Zambia, the Office participated in a Plant Breeder’s Rights Workshop, organized by the United States Agency for International Development (USAID) and the Iowa State University. The workshop was attended by 30 local breeders from private companies, research institutions and universities, as well as governmental officials from the Seed Control and Certification Institute (SCCI) of Zambia. General aspects

² http://www.upov.int/export/sites/upov/en/news/2010/upov_website_photos_winners.pdf.

of plant variety protection under the UPOV Convention and the procedure for becoming a member of UPOV were explained. It was clarified that Zambia's membership to UPOV would require changes to the legislation adopted in 2007.

46. On June 22 and 23, in Slupia Wielka, Poland, the Office participated and made presentations in a Workshop on Plant Variety Protection for Central and Eastern European States, organized by the General Directorate for Enlargement of the European Commission, through its Technical Assistance Information Exchange Instrument (TAIEX), in cooperation with the Research Centre for Cultivar Testing of Poland (COBORU).

47. On June 24, the Office received the visit of Mrs. Satenik Abgarian, Deputy Permanent Representative and Minister Plenipotentiary of the Permanent Mission of the Republic of Armenia in Geneva. Information on the procedure on how to become a member of UPOV was provided.

48. On June 25, in Delley, Switzerland, all UPOV staff were invited to visit the Swiss breeding company *Delley semences et plantes SA*, which had contributed substantially to the success of the UPOV Open Day on June 5 (see paragraph 38).

49. On July 2, at WIPO headquarters, 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.

50. From July 6 to 9, in Douala, Cameroon, the Office, in cooperation with WIPO, the African Intellectual Property Organization (OAPI), USPTO and the Ministry of Food, Agriculture and Fishing of France, organized a Forum on intellectual property, the usefulness of plant breeders' rights and the benefits of becoming a member of UPOV, and a Seminar on the strengthening of the enforcement of Annex X of the Bangui Agreement. The objective of the activity was to create awareness amongst policy makers and governmental officials with a view to promoting OAPI's accession to the UPOV Convention.

51. On July 6 and 7, 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 Korea International Cooperation Agency (KOICA).

52. From July 10 to 12, in Riyadh, Saudi Arabia, the Office provided advice to the General Directorate of Industrial Property (GDIP) of Saudi Arabia for the development of legislation in accordance with the UPOV Convention in view of the country's wish to accede to the UPOV Convention. The visit was organized by the *Deutsche Gesellschaft für Technische Zusammenarbeit* (GTZ).

53. On July 12, at WIPO headquarters, during a visit organized by WIPO, the Office met with H.E. Mrs. Betty Mould-Iddrisu, Attorney General and Minister for Justice of the Republic of Ghana. An overview of the importance and impact of plant variety protection, with specific reference to Africa, as well as the accession procedure to the UPOV Convention, were presented by the Office.

54. On July 13, at the WIPO Summer School on Intellectual Property, the Office gave a presentation on the protection of new varieties of plants and on the UPOV Convention.

55. On July 13, the Office received the visit of Mr. Ernest E. Bethé III, Program Manager, Agribusiness, International Finance Corporation (IFC) Advisory Services Indonesia. Plant variety protection, with particular reference to oil palm and smallholders, was discussed.
56. On July 15, the Office met with Mrs. Danielle Werthmüller, Counsellor, Permanent Mission of Switzerland in Geneva, and had preliminary discussions on the celebration of UPOV's fiftieth anniversary in 2011.
57. On July 15, the Office had a telephone conference with representatives of the co-organizers (FAO, OECD, UPOV, ISF, ISTA) of the Second World Seed Conference in order to discuss the "NEEDS Project".
58. On July 20, the Office received the visit Mrs. Caroline Dommen, Representative for Global Economic Issues, QUNO, Geneva, and Prof. Graham Dutfield, Professor of International Governance, School of Law, University of Leeds, United Kingdom. Mrs. Dommen explained that QUNO intended to produce a study on UPOV.
59. On July 23, in Brisbane, Australia, at the Queensland University of Technology (QUT), lectures were given by Mr. Doug Waterhouse, on behalf of the Office, on plant variety protection under the UPOV system, as part of the Master Program of Intellectual Property Law.
60. From August 3 to 6, in Kuala Lumpur, Malaysia, the Office participated in the third Workshop for Cooperation in Harmonisation of Test Guidelines and DUS Test, organized by the East Asia Plant Variety Protection Forum in cooperation with the Department of Agriculture of Malaysia, and made a presentation on "Guidance provided by UPOV for International Cooperation in DUS Examination".
61. From August 4 to 6, in Asunción, Paraguay, the Office participated in the XXII Pan American Seed Seminar, organized by the Latin American Seed Federation (FELAS), in cooperation with the National Service for Plant and Seed Quality and Health of Paraguay (SENAVE), the Association of Seed Producers of Paraguay (APROSEMP), the Plant Breeders Association of Paraguay (PARPOV) and the National Institute of Biotechnology (INBIO) of Paraguay. The Office gave presentations on "Plant breeders' rights and plant genetic resources" and "Exceptions to the breeder's right (with particular focus on 'farm-saved seed')".
62. On August 9 and 10, in Swakopmund, Namibia, at the invitation by the Director General of the African Regional Intellectual Property Organization (ARIPO), the Office attended, in an observer capacity, the Diplomatic Conference for the adoption of the ARIPO Protocol on the Protection of Traditional Knowledge and Expressions of Folklore. UPOV was given the opportunity to deliver a speech and address ARIPO members at the opening ceremony.
63. From August 23 to 27, in Texcoco, Mexico, at the Colegio de Postgraduados-Campus Montecillo, the Office gave lectures at the "VI International Workshop on DUS Examination" organized by the National Service on Seed Inspection and Certification (SNICS) with the financial assistance of the USPTO. SNICS informed the Office about its plan to organize a master degree on seeds and that it would request cooperation from the Office for that purpose.
64. From August 30 to September 1, in Tsukuba, Japan, the Office gave lectures on plant variety protection under the UPOV Convention at the Training Course on "Internationally

Harmonized Plant Variety Protection System” organized by the Japan International Cooperation Agency (JICA). Students of the JICA Training Course were given the opportunity to participate in the UPOV Distance Learning Course.

65. On September 2, in Tokyo, the Office met with Mr. Satoshi Shimomura, Director, Intellectual Property Division, Agricultural Production Bureau, Ministry of Agriculture, Forestry and Fisheries of Japan (MAFF), and representative of Japan to the Council of UPOV, as well as with other representatives of his Division.

66. On September 6, in Dar es Salaam, United Republic of Tanzania, the Office participated in a National Seminar on Plant Breeder’s Rights, organized by the Ministry of Agriculture, Food Security and Cooperatives, of the United Republic of Tanzania, with the financial support of the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT). The purpose of that activity was to create awareness amongst stakeholders of the benefits of breeder’s rights and of becoming a member of UPOV, as well as to discuss about the examination of new varieties of plants for the purposes of granting breeder’s rights.

67. On September 6, the Office received the visit of representatives of the Geneva School of Diplomacy to discuss the possibilities of an internship at UPOV.

68. On September 7, the Office had a telephone conference with representatives of the co-organizers (FAO, OECD, UPOV, ISF, ISTA) of the Second World Seed Conference in order to discuss the “NEEDS Project”.

69. On September 16, 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”.

70. On September 17, at the WTO headquarters, the Office attended a session entitled “Trade, the Environment and one Billion Hungry People: coordinating the efforts of the WTO and other IGOs to ensure food security and to mitigate the impact of climate change” during the WTO Public Forum.

71. On September 17, the Office received the visit of Prof. Arun Sharma, Deputy Vice-Chancellor, Queensland University of Technology (QUT), Australia. The role of plant variety protection in public breeding and UPOV’s participation in a master program on intellectual property run by the QUT was discussed.

72. On September 21, the Office received the visit of representatives from the African Agricultural Technology Foundation (AATF), with headquarters in Nairobi, Kenya. Possibilities of cooperation in Africa were discussed.

73. On September 21, in Geneva, the Office met with representatives of the Government of Oman, at the fringes of the “Omani Exhibition of Traditional Handicrafts”, and discussed the recent membership of Oman to UPOV.

74. On September 21, the office received the visit of His Excellency, Mr. El Hadj Bakalawa Fofana, Minister for Industry, Free Zone and Technological Innovations, who was accompanied by Mr. Sébadé Toba, Chargé d’affaires, Permanent Mission of Togo in Geneva. The advantages and procedure for OAPI and Togo to become members of UPOV were considered, in view of a mission to Togo to be undertaken by the Office in October 2010.

75. On September 22, the Office received the visit of Mr. Richard Aching, Senior Examiner, Intellectual Property Office of Trinidad and Tobago, and discussed possible actions to promote plant breeders' rights in the Caribbean region.

76. On September 22, the Office received the visit of Mr. Andrés Ycaza Mantilla, President, Ecuadorian Institute of Intellectual Property (IEPI), who was accompanied by Mr. Luis Vayas Valdivieso, Counselor, Permanent Mission of Ecuador in Geneva. The situation of plant breeder's rights in Ecuador, the drafting of a new legislation on intellectual property rights and the possibility of incorporating the UPOV Distance Learning Course DL-205 in training activities organized by IEPI, were discussed.

77. On September 22, in Geneva, the Office met with Mr. Fernando Ferraro Castro, Vice-Minister of Justice of Costa Rica. The Office briefly explained the assistance provided during the accession process, the activities carried out in the recent past, and discussed a training activity planned for the region to take place before the end of 2010. The availability of the UPOV Distance Learning Course DL-205, which is used by members to provide training on breeder's rights to governmental officials, was also recalled.

78. On September 26, in Cuernavaca, Morelos States, Mexico, the Office participated in the International Seminar on Plant Breeders' Rights, organized by the National Seed Inspection and Certification Service (SNICS) of Mexico, in conjunction with the TWO and TWF sessions, and gave a presentation on the principles and impact of plant variety protection based on the UPOV Convention.

79. On September 29, in Geneva, the Office received the visit of Mrs. Grace Issahaque, Principal State Attorney, Registrar-General's Department, Ministry of Justice of Ghana, and discussed the accession procedure of Ghana to the UPOV Convention, as well as additional modifications to the Ghana Plant Breeder's Bill, 2010.

80. On September 30, the Office met with Mr. Gift Sibanda, Director General of ARIPO, who was accompanied by Mr. Emmanuel Sackey, Head, Technical Department. Mr. Sibanda recalled the decision of the Council of Ministers of ARIPO for the development of a regional framework for the protection of new varieties of plants for ARIPO and its member States. Discussions focused on training and cooperation activities to assist ARIPO in that respect.

Distance Learning Course

81. A session of the UPOV Distance Learning Course DL-205 in English, French, German and Spanish was held from May 3 to June 6, 2010. A breakdown of the students participating in the DL-205 course is available in Annex II.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

82. The Office provided assistance on plant variety protection legislation to the following members: Kenya, South Africa and Viet Nam.

83. 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 Kenya.

84. 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 Algeria, Armenia, Bosnia and Herzegovina, Ghana, Guatemala, Indonesia, Mauritius, Montenegro, Pakistan, Peru, Saudi Arabia, Serbia, Tajikistan, Thailand, Togo, Uganda, United Republic of Tanzania, Zambia, ARIPO and OAPI.

85. 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, FAO, 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.

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

V. PUBLICATIONS

87. 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) one issue of the UPOV Gazette and Newsletter “Plant Variety Protection” in electronic format in July;

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

(d) the “Proceedings of 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”, which was held in Rome, from September 8 to 10, 2009 (publication no. 354);

(e) a leaflet on UPOV, in English and French, produced on the occasion of the UPOV’s first Open Day (see paragraph 48);

(f) the following Test Guidelines were adopted on the basis of the documents indicated, as amended by the TC at its forty-sixth session, 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/AGARIC(proj.5)	Agaricus Mushroom, Button Mushroom	Agaric, Champignon de Paris	Champignon	Champiñón	Agaricus bisporus L.; Agaricus bitorquis L.; Agaricus arvensis L.
TG/BUDDL(proj.7)	Buddleia, Butterfly-bush	Buddleia, Arbre aux papillons	Buddleie, Schmetterlings- strauch	Budleya, Mariposa	Buddleja L.
TG/FIG(proj.6)	Fig	Figuier	Echte Feige, Feige	Higuera	Ficus carica L.
TG/GAURA(proj.4)	Gaura	Gaura	Prachtkerze	Gaura	Gaura L.
TG/GYPSO(proj.7)	Baby's Breath, Gyp, Gypsophila	Gypsophile	Gipskraut, Schleierkraut	Gipsófila	Gypsophila L.
TG/PAPAY(proj.6)	Papaya, Papaw	Papayer	Melonenbaum, Papaya	Papayo, Lechosa	Carica papaya L.
TG/PRL_MIL(proj.8)	Pearl Millet	Pénicillaire, Mil à chandelle, Mil Pénicillaire	Federborstengras	Panizo de Daimiel, Panizo mamozo, Mijo Perla	Pennisetum glaucum (L.) R. Br., Pennisetum americanum (L.) Leeke, Pennisetum typhoides (Burm.f.) Stapf C.E. Hubb.
TG/SWEETPOT(proj.6)	Sweet Potato	Patate douce	Batate, Süßkartoffel	Camote, Batata	Ipomoea batatas (L.) Lam.
REVISIONS OF TEST GUIDELINES					
TG/53/7(proj.2)	Peach	Pêcher	Pfirsich	Durazno, Melocotonero	Prunus persica (L.) Batsch, Persica vulgaris Mill., Prunus L. subg. Persica
TG/59/7(proj.6)	Lily	Lys	Lilie	Lily, azucena, lirio	Lilium L.
TG/116/4(proj.3)	Black Salsify, Scorzonera	Salsifis noir, Scorsonère	Schwarzwurzel	Escorzonera, Salsifí negro	Scorzonera hispanica L.
TG/123/4(proj.8)	Banana, Cavendish banana, Chinese banana, Dwarf banana; Plantain, Pomme banana, Silk banana, Banana sucrier	Bananier, Bananier nain; -	Banane, Zwergbanane; -	Bananera, Banano, Platanera, Plátano; -	Musa acuminata Colla; Musa ×paradisica L. (M. acuminata Colla × M. balbisiana Colla)
TG/130/4(proj.3)	Asparagus	Asperge	Spargel	Espárrago	Asparagus officinalis L.
TG/133/4(proj.4)	Hydrangea	Hortensia	Hortensie	Hortensia, Hidrangea	Hydrangea L.
PARTIAL REVISIONS OF TEST GUIDELINES					
TG/11/8 Rev.(TC/46/2)	Rose	Rosier	Rose	Rosal	Rosa L.
TG/176/4 Rev. (TC/46/2)	Osteospermum; -	Ostéospermum; -	Osteospermum; -	Osteospermum; -	Osteospermum L.; hybrids with Dimorphotheca Vaill.

88. The GENIE database was made available on the freely-accessible area of the UPOV website on March 15, 2010.

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

[Annexes follow]

ANNEX I

MEMBERS OF THE UNION

September 30, 2010

This document provides the status of the members of the Union in relation to the Convention and its various Acts, as of September 30, 2010 (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 Union	- - - -	- - - 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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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 -
Oman	- - - -	- - - October 22, 2009	- - - November 22, 2009
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: 68 members

[Annex II follows]

ANNEX II

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

Session I, 2010: May/June		
Category	Students from	Number of students
<u>Category 1</u> Officials of members of the Union	Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Finland, Hungary, Israel, Japan, Mexico, Mozambique, Netherlands, Norway, Panama, Paraguay, Poland, Russian Federation, Slovakia, South Africa, Spain, Turkey, United Kingdom, United States of America, Uzbekistan	144
<u>Category 2</u> Officials of observer States / intergovernmental organizations / others	Cameroon, Guatemala, Iran (Islamic Republic of), Peru, Oman	11
<u>Category 3 (Paying)</u>	China, Guatemala, Netherlands, Switzerland	6
<u>Special sessions for:</u> <ul style="list-style-type: none"> • participants in the Regional Seminar on Plant Variety Protection under the UPOV Convention, Dar es Salaam, United Republic of Tanzania • staff of the World Intellectual Property Organization (WIPO) • trainee of the African Intellectual Property Organization (OAPI) 	Brazil (WIPO staff), France (OAPI trainee), Kenya, Sudan, Uganda, Zimbabwe	6
TOTAL		167

[End of Annex II and of document]