



C/44/12

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**COUNCIL**

**Forty-Fourth Ordinary Session**  
**Geneva, October 21, 2010**

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

*prepared by the Office of the Union*

1. According to the practice introduced on the occasion of the twenty-sixth ordinary session of the Council, the reports from the representatives of members and observers on the situation in the legislative, administrative and technical fields of plant variety protection and related areas are requested to be submitted in writing, in advance, to increase the ability of the Council to carry out its tasks effectively.

2. Written reports were requested by the Office of the Union in the invitation circular relating to this session and a model format was proposed. The following reports were submitted (in alphabetical order of the names in French):

Members: Annexes I to XXIV: South africa, Germany, Argentina, Australia, Belgium, China, Finland, Hungary, Ireland, Latvia, Lithuania, Mexico, New Zealand, Netherlands, Poland, Republic of Korea, Republic of Moldova, Czech Republic, Slovenia, Switzerland, Tunisia, Turkey, Ukraine and European Union

Observers: Annexes XXV to XXVII: Bosnia and Herzegovina, Egypt and Serbia

3. Reports received after September 30, 2010, will be included as an addendum to this document, which will be published after the Council session.

[Annexes follow]

## ANNEX I

## SOUTH AFRICA

## I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

## 1.1 Amendments of the law and the implementing regulations

- As part of an overall departmental legislative review process, the Plant Breeders' Rights Amendment bill is soon going to be published for public comments.
- The annual increase of Plant Breeders' Rights fees on April 1, 2010 was published in Government Gazette No. 32952. of February 19, 2010.

## 1.2 Extension of protection to further genera and species

Protection was extended to a further FIVE taxa as from February 19, 2010.

Request for approval to have a further 40 taxa declared in terms of the Plants Breeders Rights Act, 1976 (Act No. 15 of 1976) is currently being processed.

## 1.3 Case law

Nothing to report

2. Cooperation in examination

Nothing to report

3. Situation in the administrative field

- Activities (additions to the statistics already given to the Office of the Union)
- By August 31, 2010, the total number of valid plant breeders' rights was 2,207.

	Agricultural Crops	Vegetable Crops	Ornamental Crops	Fruit Crops	Total
Valid PBR	679	208	892	428	2,207

4. Situation in the technical field

See 3 above.

5. Activities for the promotion of plant variety protection

- Publications

All matters related to Plant Breeders' Rights are published in the quarterly South African Plant Variety Journal which appears on the web-site of the Department of Agriculture, Forestry and Fisheries ([www.daff.gov.za](http://www.daff.gov.za)).

[Annex II follows]

ANNEX II

GERMANY

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 The Decree on Procedure before the Federal Plant Variety Office has been amended in respect of the amount of the fees to be charged by that Office.

1.2 Nothing to report.

1.3 Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

Nothing to report.

4. Situation in the technical field

Nothing to report.

5. Activities for the promotion of plant variety protection

During the reporting period, the Federal Plant Varieties Office received delegations from member States, namely Turkey, Russia and Ukraine, with which a cooperation agreement has been made.

II. RELATED FIELDS OF ACTIVITY

Nothing to report.

[Annex III follows]

ANNEX III

ARGENTINA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1. Amendments to the law and regulations

At the National Seed Institute (INASE) work has been undertaken throughout 2010 on a draft reform of Law No. 20.247 on Seeds and Phytogenetic Creations, especially Chapter V on the intellectual property rights in plant varieties. This draft was tabled by the National Seed Commission, the Advisory Commission of the Minister of Agriculture, Livestock and Fisheries, a body which is made up of representatives from all sectors involved in seed-related activities and of agricultural producers. It is currently before the Minister of Agriculture, Livestock and Fisheries.

1.2. Extension of protection to further genera and species

Argentina's legislation regarding breeder's rights provides for plant variety protection of all plant genera and/or species. Nevertheless, INASE's Directorate for the Registration of Varieties received applications for protection of new varieties of the *Punica granatum* species.

1.3 Case law

Available as an Annex for consultation on request.

2. Cooperation in examination

Argentina continues to use, for some species, the cooperation in examination system set up by UPOV, particularly for varieties of ornamental species. Hence, examination reports for alfalfa varieties protected in Argentina have been sent to the authority in South Africa in order that the reports can be used in the protection procedures for the said varieties in South Africa.

3. Situation in the administrative field

INASE is responsible for ensuring the application of the legislation in force concerning seeds and breeder's rights.

The INASE Coordinating Body for Intellectual Property and Phytogenetic Resources, established on May 26, 2009 by Resolution INASE No. 99/2009 and made up of two professional lawyers, has been working on various issues related to intellectual property and phytogenetic resources in 2010, which are detailed under point 5, Activities for promotion.

#### 4. Situation in the technical field

The INASE Directorate for the Registration of Varieties is made up of seven professionals who examine the applications for plant variety protection, three technical assistants and three administrative assistants. In 2009, 327 applications were received (268 were national and 59 from abroad) and protection was granted to 213 plant varieties (158 national and 55 from abroad). On December 31, 2009, the total number of protected varieties was 1,564.

INASE continues its work on the identification of soybean varieties through DNA markers and, at the beginning of 2010, the technical staff at the INASE Laboratory of Molecular Markers was able to hold a training activity at the GEVES Institute (France) on this subject and the use of the GAIA program.

INASE carries out, through the Directorate for the Registration of Varieties, the collection of soybean varieties with the aim of being able to include all the varieties for which applications are filed every year in the National Register of Cultivar Ownership. This collection is used as a reference point and for observation by breeders of this species.

On INASE's website ([www.inase.gov.ar](http://www.inase.gov.ar)) general and specific information is available on the Register and ownership of plant varieties, as well as the forms required to file for the protection of a new plant variety. A guide to the procedures and the National Catalog of Varieties, which includes commercial and protected varieties, are also available on the website and can be consulted by those interested.

#### 5. Activities for the promotion of plant variety protection

INASE participated in the following activities:

- First Symposium: Agriculture, Livestock and Intellectual Property Rights: Challenges for Public Research and Development Institutions. Integrated Unit of Balcarce. November 2009 – Presentation on: Plant varieties and intellectual property.
- Seminar on DUS testing (distinctness, uniformity and stability) – Presentation by speaker representing Argentina on: The use of variety descriptions submitted by breeders: Argentina's experience. UPOV, Geneva, March 18 – 20, 2010.
- Seminar for students on the agronomy course at the National University of Lomas de Zamora: "Law on Seeds, Breeder's Rights and UPOV: the situation in Argentina" (theory and practice), INASE, Buenos Aires, June 4, 2010.
- Breeder's rights: Law No. 20.247 and the UPOV Convention: Presentation made at the interactive seminar on the plant genetics Master's course at the National University of Rosario, Rosario, June 28, 2010.
- The postgraduate course entitled "Conservation and use of phylogenetic resources" held from May 10 – 14, 2010 organized through the INTA Network of Banks for Phylogenetic Resources, the EEA-INTA-Salta-IPAF-NOA Germplasm Bank, presentation on: "Breeder's rights, patents and genetic resources".

- Work was undertaken together with the Institute of Industrial Property (INPI) to evaluate and establish guidelines in respect of various patents in the biotechnology field in order to combine both systems.
- At the meeting of MERCOSUR countries held in April 2010, the implementation of Agreement CMC 1/99 “Cooperation and Facilitation Agreement on the Protection of Plant Varieties in MERCOSUR Member States” was started.
- At the meeting of MERCOSUR countries held in April 2010 it was decided that the exercise and enforcement of breeders’ rights in MERCOSUR countries based on the explanatory note on the Enforcement of Breeders’ Rights under the UPOV Convention should be discussed.
  
- Other activities:
  - INASE is an active member of the National Advisory Commission for Genetic Resources for Food and Agriculture (CONARGEN) which operates within the Ministry of Agriculture, Livestock and Fisheries.
  - INASE participates in the meetings held by the Ministry of Foreign Affairs and advises the Minister of Agriculture, Livestock and Fisheries on issues related to intellectual property, such as genetic resources, especially the International Treaty on Plant Genetic Resources for Food and Agriculture of the FAO; the Convention on Biological Diversity (CBD), especially the CBD’s Revised Draft Protocol on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization, and the Working Groups of WIPO’s Committee on Genetic Resources.
  - INASE participates in the meetings held by the Secretariat for Environment and Sustainable Development of the Office of the President on common issues such as the implementation of Resolution 226/2010 on the Access System to Genetic Resources in Argentina.
  - INASE is actively working, within the framework of Law No. 20.247 on Seeds and Phytogenetic Creations, on the implementation of a normative system which regulates the trade of seeds, especially of forest and native seeds, in accordance with the CBD and the standards set by the Secretariat for Environment and Sustainable Development of the Office of the President. To this end, INASE actively participated in workshops and seminars with this Secretariat and Argentina’s scientific sector, during which intellectual property rights, genetic resources and access thereto were examined and discussed.

[Annex IV follows]

ANNEX IV

AUSTRALIA

The format of this report follows that specified in previous years and briefly records information for the financial year ending 30 June 2010

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 The *Plant Breeder's Rights Act 1994* (the PBR Act) was amended as a consequence of changes to three other laws, viz:

1.1.1 *Personal Property Securities (Consequential Amendments) Act 2009* (No. 131), December 14, 2009. The amendment relates to s.20 of the PBR Act to ensure that PBR, as a form of intellectual property, is included as a security interest for the purposes of the *Personal Property Securities Act, 2009*.

1.1.2 *Crimes Legislation Amendment (Serious and Organised Crime) Act* (No. 2) 2010, February 19, 2010. The amendment is to s. 76 of the PBR Act which now includes specific reference to additional provisions of the Criminal Code which now relevant to infringement offences and offences other than infringement in sections 74 and 75 of the PBR Act.

1.1.3 *Statute Law Revision Act 2010* (No. 148), March 1, 2010. The amendment relates to corrections of typographic/transcription errors in the PBR Act.

1.2 PBR case law: *Fleming's Nurseries Pty Ltd v Hannaford* [2009] FCA 884 where through consent, the Court found that both the PBR had been infringed and the non-propagation agreement had been breached. The respondent's: are permanently restrained from any of the actions requiring the breeder's authorization for the protected varieties; will remove and destroy all the relevant propagating material; will provide information including the identity of the person responsible for the propagation; the amount of the offending material; details of third parties to whom the material has subsequently been supplied and details of any related growing contracts.

2. Cooperation with examination

Arrangements have been further refined New Zealand regarding the purchase of test reports. Under the auspices of the Single Economic Market initiative between Australia and New Zealand, studies are being planned to assess the feasibility of implementing a single application process.

3. and 4. Situation in administrative and technical fields

The Australian PBR office maintained accreditation for 34 establishments to act as Centralised Test Centres (CTCs) for DUS testing for one or more of the following 53 plant types: Potato, Sugar Cane, Canola, Wheat, Oats, Clematis, *Mandevilla*, *Diascia*, *Argyranthemum*, *Pelargonium*, Perennial Ryegrass, Tall Fescue, Tall Wheat Grass, White Clover, Persian Clover, *Bracteantha*, *Aglaonema*, *New Guinea Impatiens*, *Bougainvillea*, *Verbena*, *Agapanthus*, *Camellia*, *Lavandula*, *Osmanthus*, *Ceratopetalum*, *Rosa*, *Euphorbia*, *Linonium*, *Raphiolepis*, *Eriostemon*, *Lonicera*, *Jasminum*, *Angelonia*, *Cuphea*, *Cynodon*, *Zoysia*, *Petunia*, *Calibrachoa*, *Hordeum*, *Leptospermum*, *Rhododendron*, *Osteospermum*, *Antirrhinum*, *Dahlia*, *Anubias*, *Ananas*, *Dianella*, *Plectranthus*, *Zingiber*, *Zantedeschia*, *Prunus*, *Mangifera*, *Vaccinium* and *Kalenchoe*.

IP Australia also maintains and updates weekly a Homepage ([www.ipaustralia.gov.au/pbr/index.shtml](http://www.ipaustralia.gov.au/pbr/index.shtml)) that includes PBR information, downloadable forms; and a searchable database including information on current applications, variety descriptions, images and grants.

Year	Applications Received	Applications Completed	Applications Pending
Ending 30/6/2010	345	301	
Total 1988 to 2009*	6,497	5,297	1,200

\*= as at 30 June 2009.

The Advisory Council on Intellectual Property (ACIP) released its Final Report into the Enforcement of PBR in February 2010 (further information is available from <http://www.acip.gov.au/reviews.html#pbr>). The Government's response is being prepared and, all else being equal, is expected in the latter part of 2010.

5. Activities for the promotion of plant variety protection

IP Australia has been involved in the following promotional activities:

1. "How to Conduct Breeder Testing, the Australian Experience", 2nd Workshop for Cooperation in Harmonisation of Test Guidelines (TGs) and DUS Tests, East Asia Regional PVP Forum, Bangkok, Thailand, August 18-20, 2009.
2. "Why is PBR important?, How could DUS tests involve me?", 2nd Workshop for Cooperation in Harmonisation of Test Guidelines (TGs) and DUS Tests, East Asia Regional PVP Forum, Bangkok, Thailand, August 18-20, 2009.
3. "Breeder Testing Systems – One of the ways to conduct DUS", Workshop on DUS Testing, Quang Ngai and Da Lat, Vietnam, November 18-20, 2009.
4. "Additional Characteristics", Workshop on DUS Testing, Quang Ngai and Da Lat, Vietnam, November 18-20, 2009.

5. “*Making the DUS decision*”, Workshop on DUS Testing, Quang Ngai and Da Lat, Vietnam, November 18-20, 2009.
6. “*Overview of PBR structural components and DUS testing in Australia*”, Study Tour on Plant Breeder’s Rights to IP Australia by Indonesian PVP Officials, December 15-18, 2009.
7. “*DUS Testing arrangements in Australia*”, International Seminar on DUS Testing, Geneva, Switzerland, March 18-20, 2010.
8. “*Use of variety descriptions provided by breeders*”, International Seminar on DUS Testing, Geneva, Switzerland, March 18-20, 2010.
9. “*DUS testing in the absence of UPOV Test guidelines*”, International Seminar on DUS Testing, Geneva Switzerland, March 18-20, 2010.
10. “*PVP and the Public Sector, the Australian Experience*”, International Seminar on PVP and the Public Sector, 3rd East Asia Regional PVP Forum, Seoul, Republic of Korea, April 28-29, 2010.
11. “*Plant Breeder’s Rights (PBR) – Why, What and How*”, Australian Leadership Award Program, Canberra, May 10, 2010.

[Annex V follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Adaptation to the 1991 Act of the Convention

The Draft Law on the Protection of Plant Varieties was adopted by the Council of Ministers on March 19, 2010. The Draft Law aims to adapt the plant variety protection rules to the 1991 Act of the UPOV Convention. When the new government is formed, the Draft Law will re-start its procedure before the Parliament.

Access to plant variety protection under the 1991 Act is nevertheless still possible on Belgian territory, through the Community Plant Variety Office, in accordance with European regulations in force on the subject.

2. Cooperation in examination

No change

3. Situation in the administrative field

- Changes in the administrative system

No change.

- Volume of activities - Situation as at August 31, 2010

Since the entry into force of the legislation on the protection of plant varieties in Belgium, and up to August 31, 2010, 2,251 applications for protection have been registered and 1,801 certificates issued, of which 162 are still in force.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

*National catalogs of varieties*

Transposition of Directive 2009/97/EC

- Ministerial Order of December 15, 2009 replacing Annexes I and II of the Order of the Walloon Government of May 27, 2004 on testing for the inclusion of varieties of agricultural plant and vegetable species in the national catalog.

- *Ministerial Order of December 14, 2009 amending Annexes I and II of the Order of the Flemish Government of April 27, 2007, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species*

#### Transposition of Directive 2008/62/EC

- Order of the Walloon Government of October 29, 2009 introducing certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties.

#### Updating of procedures

- *Ministerial Order of January 20, 2010 establishing the Procedures concerning the Catalogs of Agricultural Plant and Vegetable Species.*

#### *Control of seeds and seedlings – certification*

#### Transposition of Directive 2009/74/EC

- Ministerial Order of April 16, 2010 amending the Orders of the Walloon Government of February 9, 2006 on the production and marketing of cereal seed, fodder crop seed, oil and fiber crop seed, vegetable seed and industrial chicory seed.

#### Transposition of Directive 2008/62/EC

- Order of the Walloon Government of October 29, 2009 introducing certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties.

#### Transposition of Directive 2008/90/EC

- *Order of the Flemish Government of January 22, 2010 on the marketing of fruit plant propagating material and fruit plants intended for fruit production.*

#### Transposition of Directive 2009/74/EC

- *Order of the Flemish Government of May 21, 2010 amending the Order of the Flemish Government of March 25, 2005 concerning the regulations for the marketing and inspection of fodder plant seed*
- *Order of the Flemish Government of May 21, 2010 amending the Order of the Flemish Government of December 16, 2005 concerning the regulations for the marketing and inspection of cereal seed*
- *Order of the Flemish Government of May 21, 2010 amending the Order of the Flemish Government of December 16, 2005 concerning the regulations for the marketing and inspection of vegetable seed and industrial chicory seed*

- *Order of the Flemish Government of May 21, 2010 amending the Order of the Flemish Government of October 3, 2003 concerning the regulations for the marketing and inspection of seed of oil and fiber plants*
- *Ministerial Order of June 21, 2010 establishing the rules for inspection and certification of seeds of agricultural plant and vegetable species*

Legislation on GMO dissemination and market launch

-

Legal protection of biotechnology inventions

-

Other

The Draft Law revising the Law on Patents was adopted by the Council of Ministers on March 19, 2010. The main aim of this Draft Law is to amend the Act of March 28, 1984 on Patents, in accordance with the requirements both under the Patent Law Treaty (PLT, adopted on June 1, 2000 under the auspices of the World Intellectual Property Organization (WIPO), and the new European Patent Convention (EPC 2000), adopted by the Diplomatic Conference of the European Patent Office on November 29, 2000.

[Annex VI follows]

## ANNEX VI

## CHINA

## I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 The Ministry of Agriculture (MOA) of China promulgated “Agriculture Intellectual Property Strategy Outlines”, which put forward China’s PVP development goals and construction plans of technology system for the next five years.

## 1.2 Extension of protection to further genera and species (made or planned)

On March 1, 2010, the Ministry of Agriculture of China extended six genera and species of plants to the List of protected plant varieties in China. They are:

<u>English Name</u>	<u>Latin Name</u>
Lotus	<i>Nelumbo nucifera</i> Gaertn.
Phalaenopsis	<i>Phalaenopsis</i> Bl.
Begonia	<i>Begonia</i> L.
Impatiens	<i>Impatiens balsamina</i> L.
Africa Impatiens	<i>Impatiens wallerana</i> Hook. f.
New Guinea Impatiens	<i>Impatiens hawkeri</i> Bull.

There are 80 genera or species for which applications are possible in the Ministry of Agriculture at present.

2. Cooperation in examination

The bi-lateral project between the People’s Republic of China and the Netherlands on strengthening the PVP system in China contains activities on identifying and solving constraints.

## (a) Beijing, April 12 and 13, 2010:

The staff of PVP offices of the Ministry of Agriculture (MOA) and State Forestry Administration (SFA) Dealt with 123 points list (comparing all steps from application to granting of PBR in China, Netherlands and EU) with Mr. Fikkert of the Dutch Plant Variety Board and Mrs. van Dijk of Naktuinbouw.

## (b) Kunming, Harbin, April 14 to 16, 2010:

Mr. Fikkert of the Dutch Plant Variety Board and Mrs. van Dijk of Naktuinbouw were invited to visit three DUS-stations: in Kunming, the SFA DUS-testing station (for rose, attached to the Yunnan Flower Technique Extension & Training Center) and the MOA DUS-testing station (attached to Yunnan Academy of Agricultural Science); in Harbin, the MOA DUS-testing station (attached to Heilongjiang Academy of Agricultural Sciences). Relevant points of the 123 list were discussed. Next to this, at the request of

the two DUS-testing stations of MOA, presentations were given about the Dutch PVP system and the bodies involved in the Netherlands.

(c) Beijing, April 19, 2010:

Based on the visits to the MOA PVP office and the three DUS-testing stations, the list with 123 points was discussed again and finalized.

(d) Training applicants on Chinese PVP system in the Netherlands, June 2 to 4, 2010:

Two Chinese experts, Mr. Lü Bo, Division Chief, PVP Division, DCST of the Ministry of Agriculture, and Mr. Zhou Jianren, Division Chief, PVP Division, DCST of State Forestry Administration, came to the Netherlands to inform Dutch applicants about the Chinese PVP system and procedures in a plenary session on June 2. Next to this plenary session, bilateral talks were organized on June 3 and 4, whereby Dutch applicants (or their representatives) could have private discussions with the Chinese PVP officials on individual cases and problems.

(e) Took part in the 3rd East Asia Plant Variety Protection Forum, Seoul, Republic of Korea, April 28, 2010.

(f) Held International Seminar on Plant Variety Protection and Farmers' Rights and Interests on April 21 and 22, 2010, in Nanjing China.

(g) Took part in Business Awareness Seminar on Plant Variety Protection on February 25 and 26, 2010, in Singapore.

(h) Took part in Seminar on DUS Testing from March 18 to 20, 2010, in Geneva.

### 3. Situation in the administrative field

By the end of July, 2010, the PVP office of the Ministry of Agriculture had received 7,144 applications and granted 3,251 plant breeder's rights. In 2009, 992 applications had been filed with the Ministry of Agriculture and 996 were granted.

### 4. Situation in the technical field

The Ministry of Agriculture had started a special project to conduct the development of testing guidelines for 80 genera or species, DNA identification standards for 14 genera or species, and the development of the reference variety database of descriptive characteristics, photographs and DNA fingerprints. The project was established for the period 2009 to 2013. That database was useful for examiners to examine the DUS of candidate varieties and enhanced work efficiency.

5. Activities for the promotion of plant variety protection

*Meetings, seminars, etc.*

- Held work meeting on DUS testing in 2010.
- Held four training courses on PVP system and procedures of China in Tibet Autonomous Region, Heilongjiang, Guizhou and Yunnan Province respectively.
- Held two Sino-Dutch training courses on DUS Testing of Ornamentals in Shanghai and Kunming respectively.
- Held three technical training courses on DUS Testing of Wheat, Maize, and Rice in Jinan, Changchun and Chengdu respectively.
- Held training course on operation of office automation system and database of Common Knowledge in Xining in August.
- Developed OA system, photograph analysis system and statistical software.
- Revised 20 Test Guidelines which had been used in DUS testing practice.

*Publications*

- Published five Variety Protection Gazettes for Agricultural Plants in 2010.
- Published three photography protocols on Maize, Rice and Peanut respectively.

[Annex VII follows]

C/44/12

ANNEX VII

FINLAND

PLANT VARIETY PROTECTION

A new Act on Plant Breeders Right can into force 1.1.2010. This Act replaced the previous Act from 1992. The document has been translated into English and sent to UPOV on September 10, 2010.

In the field of cooperation of examination and in the technical field, there were no new agreements nor other major changes.

Along with the new Act on PBR, granting of PBR was transferred from The Plant Variety Board to Finnish Food Safety Authority.

[Annex VIII follows]

ANNEX VIII

HUNGARY

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- Minor change: the amendment to the PVP rules of the Patent Act implemented in 2009:

Article 114/G (9) In issues not regulated in paragraphs (1) to (8), the provisions of Chapter VII Shall apply mutatis mutandis to general provisions governing procedures concerning plant variety protection, except that in plant variety protection matters the party to the procedure is not entitled to communicate with the Hungarian Patent Office, and the Hungarian Patent Office shall not to be obliged to communicate with the party by electronic means in writing.

1.2 Extension of protection to further genera and species (made or planned)

No changes. Pursuant to the rules in force, plant variety protection extends to all plant genera and species.

1.3 Case law

No data.

2. Cooperation in examination

No changes. According to paragraphs (3) and (4) of Article 114/R of the Patent Act the results of experimental testing (DUS examination report) carried out by a competent foreign authority may be taken into consideration with the consent of such authority ( ... ). The costs of experimental testing shall be borne by the applicant. Therefore the Hungarian Patent Office (HPO) took steps to conclude agreements with national and regional offices on sending reports on DUS technical examination from the relevant Office to the HPO.

In the course of the procedure, the HPO sends an official request for DUS report to the relevant Office; the request is conform to the UPOV request form. In this request it is indicated that the relevant Office should send the invoice directly to the applicant. The applicant pays the amount of the fee to the relevant Office. After receipt of the fee the relevant Office sends the DUS report to the HPO with the declaration of the relevant Office's consent to the use of the DUS report in the procedure before the HPO.

The HPO concluded agreements on sending reports on DUS technical examination with the Community Plant Variety Office (CPVO), with the Bundessortenamt (Germany) as well as with the Board for Plant Breeders' Rights of the Ministry of Agriculture, Nature and Food Quality (Netherlands).

3. Situation in the administrative field

No changes. The HPO is authorized to grant protection to plant varieties. In the national system, the HPO is responsible for the examination of novelty, denomination and unity as well as for the registration of plant varieties. The Central Agricultural Office is responsible for the biological examination (DUS-testing).

4. Situation in the technical field

Technical examination is carried out by the Central Agricultural Office.

5. Activities for the promotion of plant variety protection

The HPO publishes and distributes leaflets explaining the system of plant variety rights in Hungary and also organizes seminars concerning this topic. The Office has a website on which information can be found on PVP issues.

The educational activity of the HPO contributes to the development of Hungarian industrial property culture; the representatives of the HPO deliver lectures on the system of plant variety protection.

The HPO is invited by the breeding institutes to participate in the demonstration of their new variety; the HPO is also represented at the sensory judgment of the plant variety.

[Annex IX follows]

ANNEX IX

IRELAND

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

Instrument of Accession to 1991 Act of the Convention in advanced stage of preparation.

1.2 Extension of protection to further genera and species (made or planned)

Under current national legislation all genera and species are subject to protection.

2. Cooperation in examination

Entrustment agreement with CPVO concluded for national DUS centre to become an EU examination office for *Solanum tuberosum*.

[Annex X follows]

LATVIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1. Amendments of the law and the implementing regulations

No changes have been made.

1.2 Extension of protection to further genera and species (made or planned)

No changes have been made.

1.3 Case law

Nothing to report.

2. Cooperation in examination

No changes have been made.

3. Situation in the administrative field

- Changes in the administrative structure

No changes have taken place.

- 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. – 5 varieties;
- *Prunus domestica* L. -5 varieties;
- *Prunus avium* L. – 8 varieties;
- *Pyrus communis* L - 2 varieties.

DUS test was carried out for Latvia:

- *Rhododendron* L. – 7 varieties;
- *Rosa* L. - 4 varieties;
- *Malus* Mill.- 1 variety;
- *Malus domestica* Borkh. – 2 varieties;

- *Pyrus communis* L - 3 varieties;
- *Prunus avium* L. - 1 variety;
- *Rubus idaeus* L. - 2 varieties;
- *Ribes nigrum* L. -1 variety;
- *Fragaria x ananasa* Duch. - 1 variety;
- *Vaccinium ashei* Reade. - 1 variety;
- *Vaccinium vitis-idaea* L. - 1 variety.

5. Activities for the promotion of plant variety protection

During the last year Latvia participated in the following events:

- On March 10 and 11, 2009, at the meeting of the Administrative Council of the Community Plant Variety Office (CPVO) in Brussels, Belgium;
- On December 3 and 4, 2009, at the Annual meeting between the CPVO and Examination offices in Angers, France.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Nothing to report.

[Annex XI follows]

ANNEX XI

LITHUANIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations:

- Law on Plant Variety Protection of the Republic of Lithuania (Official Journal, 2001, No 104-3701) as last amended by 19 of October 2006 (Official Journal, 2006, No 118-4453) (attached);
- Regulation No 710 of the Government of the Republic of Lithuania 15 of December 2005 regarding Replacement of Regulation of the Republic of Lithuania No 1458 15 December 2000 concerning Fees Rates (Official Journal, 2005, No 81-2958);
- Regulation No 1473 of the Government of the Republic of Lithuania 19 of September 2002 regarding Replacement of Regulation of the Republic of Lithuania No 1458 15 December 2000 concerning Fees Rates (Official Journal, 2002, No 93-3987);
- Order No A1-50 of the Director of the State Plant Service under the Ministry of Agriculture 6 of August 2010 on the Approval of Application Form for Plant Variety Protection (Official Journal, 2010, No 96-5008);
- Order No 3 D-371 of the Minister of Agriculture of the Republic of Lithuania 23 of June 2004 regarding remuneration.

1.2 Extension of protection to further genera and species (made or planned)

The List of Genera and Species for which Protection is Applicable in the Republic of Lithuania has been approved by the Order No 3D-466 of the Minister of Agriculture of the Republic of Lithuania of 29 June 2009 (Official Journal, 2009, No 80-3353). The new Draft Amendment of the Law on Plant Variety Protection of the Republic of Lithuania concerning the protection of the whole plant kingdom has been submitted to the Parliament of the Republic of Lithuania.

2. Cooperation in examination

- Bilateral agreement with Polish Research Centre for Cultivar Testing regarding performing DUS tests August 11, 2000, will be amended concerning the change of the Lithuanian institution name;
- Agreement No 10 with Bundessortenamt (Federal Office of Plant Varieties), Germany, regarding transmission of results on technical examination for DUS tests of June 30, 2006, will be amended concerning the change of the Lithuanian institution name.

3. Situation in the administrative field

- The Lithuanian State Plant Varieties Testing Center has been reorganized from July 1, 2010. The new institution – the State Plant Service under the Ministry of Agriculture started to work from July 1, 2010. The Division of Plant Varieties Registration and Legal Protection of the State Plant Service under the Ministry of Agriculture is responsible for plant varieties testing, listing and legal protection as well.
- The new Commission for Evaluation of Applications for Variety Protection will be approved by the Order of the Director of the State Plant Service under the Ministry of Agriculture;
- Plant variety protection shall be approved by the order of the Director of the State Plant Service under the Ministry of Agriculture;
- Procedures for plant varieties protection are provided in the Law on Plant Variety Protection of the Republic of Lithuania.

4. Situation in the technical field

- DUS tests are performed by Polish Research Centre for Cultivar Testing according bilateral agreement August 11, 2000.

5. Activities for the promotion of plant variety protection

- On March 12, 2009, Lithuania participated at the Council meeting in Brussels, Belgium;
- On March 10 and 11, 2009, Lithuania participated at the Administrative Council of the Community Plant Variety Office (CPVO) meeting in Brussels, Belgium;
- On October 27 and 28, 2009, Lithuania participated at the Administrative Council of the Community Plant Variety Office (CPVO) meeting in Angers, France;
- Information Bulletin for Plant Breeder's Rights and National List No 13 of the Lithuanian State Plant Varieties Testing Center was published on January 13, 2009, and No 14, on June 5, 2009.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

The Lithuanian National List of Plant Varieties will be approved by the order of the Director of the State Plant Service under the Ministry of Agriculture. Propagating material of each variety from each plant species can be certified according Mandatory Requirements, prepared according respectively EU directive.

[Annex XII follows]

## ANNEX XII

## MEXICO

## I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

## 1.1 Amendments to the law and regulations

- Adoption of the 1991 Act of the Convention

Despite the fact that there is the draft reform of the Federal Law on Plant Varieties intended to align it in accordance with the 1991 Act of the UPOV Convention, to date, this has not yet taken place.

- Other amendments, including those in respect of fees

Fees related to the protection of breeder's rights for 2010 are:

<b>Service</b>	<b>MX (\$)</b>	<b>USD (\$)</b>
1. Examination and processing of the application for protection of breeder's rights	11,778.37	920
2. Issue of record of filing	626.38	49
3. Issue of breeder's certificate	5,763.76	450
4. Recognition of priority rights	626.38	49
5. Change of denomination	1,591.25	124
6. Registration of assignment of protection rights	1,113.70	87
7. Per certified copy of the certificate	318.07	25
8. Registration of total or partial assignment of breeder's rights	585.00	46
9. Submission of corrections or additional information for reasons attributable to the user	206.69	16
10. Annual approval of certificate protecting plant breeder's rights	2,458.04	192

## 1.2 Extension of protection to further genera and species (in place or planned)

Since the promulgation of the Federal Law on Plant Varieties, Mexico protects all genera and species in the plant kingdom.

## 1.3 Case law:

Nothing to report.

2. Cooperation in examination

The two cooperation agreements between the Community Plant Variety Office (CPVO) and the National Service of Seed Inspection and Certification (SNICS) are in force:

- (1) Cooperation agreement regarding the sharing of results of DUS testing.
- (2) Mexico as a DUS testing station for avocado on behalf of the CPVO.

3. Situation in the administrative field

- Changes in the administrative structure  
No changes.
- Changes in administrative procedures and systems  
No changes.

4. Situation in the technical field (see point 3)

5. Activities for the promotion of plant variety protection

On August 23 – 27, 2010, the National Service for Seed Inspection and Certification (SNICS) together with the College of Postgraduates (COLPOS) organized the Fourth International Workshop on the Evaluation of Distinctness, Uniformity and Stability of Plant Varieties; particularly noteworthy is that:

(a) the Office of UPOV provided support by covering costs for an official of the Spanish Plant Variety Office and a UPOV official to participate as speakers;

(b) financial support was provided by the United States Patent and Trademark Office (USPTO) for:

- procurement of the necessary materials so that the theory and practice sessions in the workshop could take place properly.
- airfare, board and lodging, enabling the participation of nine representatives from the same number of Latin American countries (Argentina, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras and Nicaragua).
- airfare, board and lodging, enabling the participation, as speakers, of two specialists in the subject: one from USPTO and the other from the National Institute of Agricultural Technology (INTA) from Argentina.

(c) the Ministry of Agriculture of Paraguay, with its own resources, had two specialists participate, whose field of work is the registration of plant varieties and the protection of breeder's rights.

(d) The number of Mexican participants increased to 58, most of which were representing public institutions for agricultural education and research.

(e) Feedback on the quality of the event held was positive; it is worth noting the high level of specialization of the speakers, as well as the infrastructure which the Postgraduate College and SNICS provided for this training event.

## II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

Nothing new to report.

[Annex XIII follows]

ANNEX XIII

NEW ZEALAND

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Plant Variety Rights Amendment Bill was drafted in 2006 and is currently on hold. The proposed amendments to the current Act are essentially in conformity with the 1991 Act of the Convention. The Plant Variety Rights Act 1987 remains in force, conforming to the 1978 Act of the Convention.

2. Cooperation in examination

The Plant Variety Rights Office and IP Australia have begun a program of work with the objective of greater cooperation and harmonization between the two authorities. A high level plan has been agreed and specific technical and administrative projects have been outlined. New Zealand continues to purchase test reports from and supply to member states, for certain species on an as requested basis, under the general provisions of the Convention.

3. Situation in the administrative field

During the financial year ended 30 June 2010, 165 applications for plant variety rights were accepted (31 more than the previous year), 126 grants were issued (32 more than the previous year) and 128 grants were terminated (19 fewer than the previous year). At June 30, 2010, there were 1259 valid grants (3 fewer than the previous year).

The Office has carried out process mapping activity in preparation for the introduction of new information technology in the next eighteen months. This development will result in increased on line activity and electronic based administrative procedures.

4. Situation in the technical field

Discussions have begun with IP Australia, with the objective of aligning and harmonizing DUS testing in the region. A DUS trial for *Syzygium* varieties was carried out in New Zealand and for several varieties the trial description was compared with Australian published descriptions. A longer term objective is the possibility for a single trial for a specific species with results utilized by both authorities.

The Office has increased by one with the addition of a new examiner, primarily responsible for ornamental varieties.

5. Activities for the promotion of plant variety protection

New Zealand provided an expert advisor for the Meeting on Harmonisation of Test Guidelines (TGs): Durian, Papaya and Mokara, in Chanthaburi and Bangkok, Thailand, July 19-23, 2010. The meeting was part of the program of activity for the East Asian Plant Variety Protection Forum.

[Annex XIV follows]

ANNEX XIV

NETHERLANDS

In 2010, upon request of the Netherlands Government, a study has been conducted into the future of plant breeding in the light of developments around plant breeder's rights and patent rights ('Breeding Business').

The study describes the important role that plant breeding has to meet current and future demands (e.g. world food supply, adapting crops to climate change, to salination, crops for more sustainable agriculture). Two intellectual property (IP) systems are relevant for the protection of innovations in this sector: plant breeder's rights and patent rights. Some exemptions play an important role in plant breeding, such as the 'breeder's exemption', which is unknown in patent rights.

The study shows that patent rights together with the technological developments in biology contributes to the current concentration in the plant breeding industry and that this is threatening future innovation. The study comprised an investigation into relevant trends in the plant breeding sector and a number of semi-structured interviews with stakeholders. The report describes the major trends, analyses these and formulates recommendations.

Innovative plant breeding plays an important role in a number of public objectives, such as food security, environment, sustainability, and a number of transitions in the rural area, e.g. to a 'bio-based economy'. The plant breeding sector is of high economic significance with a steadily growing export value and a significant 'spin off' to the trade in final products, in particular ornamentals. The Dutch plant breeding sector holds a very strong position in vegetable crops, ornamental crops, and potatoes. The Netherlands plays a leading role in fundamental, strategic and applied research in plant genetics and plant breeding. The strong knowledge sector in the Netherlands is important for the plant breeding sector, including foreign seed companies that often have major R&D activities in the Netherlands. Innovation in plant breeding is dependent on specific knowledge, the development and application of new technologies, access to genetic resources, and capital to utilize those factors. Access to technology as well as genetic material is essential for the development of new plant varieties. Competition and profitability of the plant breeding sector play a major role in the sustainability of the total food chain. Farmers and growers have an interest in competition in the seed market.

Plant breeding is characterized by continuous innovations and the ever ongoing development of new varieties that ever better meet the requirements of producers and consumers. The driving force behind this innovation is acquiring or increasing market share. The plant breeder's rights system is a specifically designed legal system for the protection of plant varieties. Plant breeder's rights give the developer of a new variety the right to exclude others from commercialization. The breeder's exemption ensures that other breeders may in a sort of 'open innovation' use such a protected variety in their own breeding program, making the best properties of these varieties available to the breeding programs of competitors.

Technological developments showed a rapid progress in recent decades. One significant change results from the developments in molecular biology, initially outside agriculture, which led to the introduction of patent rights in the breeding sector. This system of intellectual property rights (IPR) certainly not only applies to genetic modification but to

an ever broadening range of new techniques that make plant breeding more efficient and effective.

Patent positions in combination with technological developments have in recent decades led to a large consolidation move among breeding companies. For most crops nowadays only a few companies are controlling a large part of the world market. This makes a growing part of the global food supply dependent on a few companies. The access barrier for new companies to the plant breeding sector is high, where IPR plays a role next to the large amount of knowledge and expertise required to set up a breeding company and the long development period for new varieties. Farmers and growers fear that their freedom of choice is threatened and that no varieties will be developed for certain crops that specifically meet their requirements when the decision power in breeding moves away from the Netherlands.

Plant breeder's rights and patent rights may be conflicting in plant breeding. Specific liberties of breeders and farmers are lost with the patentability of plant-related inventions. The significance of access to genetic resources for the development of new plant varieties was already recognized at the time of the Plant Breeders' Decree of the Netherlands ("Kwekersbesluit") in 1941 and has as 'breeder's exemption' been confirmed in more recent international treaties such as the International Union for the Protection of New Varieties of Plants (UPOV 1961/1978/1991), the Agreement on Trade-Related Aspects of Intellectual Property Rights (WTO-TRIPS - 1994), and the International Treaty on Plant Genetic Resources for Food and Agriculture (IT PGRFA - 2001). Such a breeder's exemption does not exist in patent law. To use patented material, one needs to obtain a license of the holder of the patent. The holder of the patent can refrain from giving access to his patented material. Therefore, patent rights hold possibilities for strategic use, which may lead to lack of clarity in the market and to monopolistic behavior. It may also lead to high costs of legal assistance. Plant breeder's rights have no such effects.

The study also focuses on aspects of biodiversity and developing countries. Recent analyses of the trends in genetic diversity of crops indicate that in Northwest Europe and North America genetic erosion has been brought to a halt and that diversity increases as result of a widespread use of gene bank materials and new techniques, making use of such materials in breeding more effective. It is uncertain whether this trend is also visible at a global scale and whether it will continue when the number of breeding programs diminishes as a result of further concentration in the sector.

The research team has formulated the following normative assumptions on the basis of literature research, analyses of the main trends in plant breeding, discussions with experts on the Advisory Board and interviews with stakeholders:

- Plant breeding should make a sustainable contribution to global food supply and sustainable agriculture and horticulture.
- Access to genetic variation is essential for future crop breeding.
- Innovation capacity in the breeding sector should be preserved, and even strengthened.
- Competitive strength in the sector should be preserved by a diversity of companies.
- The Netherlands breeding sector should be enabled to defend its competitive position in a fair way.

- Proper safeguards should be created for obtaining a decent and profitable market share.
- Intellectual property rights should stimulate innovative strength.

The general conclusion on the basis of the normative assumptions above is that the patent system needs to be amended. Patent rights, together with the way these are granted and exerted, contribute to a decreasing diversity in breeding companies and threaten innovation in plant breeding. Amending the patent system can be reached by amendments of legislation and regulations, by improving patent quality, and by improvement of the way that innovators use their patent rights. Amendment of regulations is necessary to increase the room for innovation in plant breeding. This can be reached by restricting the scope of patents in plant breeding, and more specifically by reinstating the exemption of patents on plant (varieties) or by introducing full breeder's exemption in patent rights. Both options should preferably be implemented at European level, possible via a revision of the European Biotechnology Directive, and preferably in consultation with other countries with a significant plant breeding sector (such as the USA, Japan, and China). Because implementation of the proposed amendments may take a long time the report also contains recommendations for other policy options that can be introduced simultaneously, such as tightening of the evaluation criteria for granting patents and banning the strategic use of IP rights that stimulate monopolistic tendencies in plant breeding.

Finally, the recommendations of the report discuss some legal consequences of the policy options and formulates recommendations for related policy areas such as competition law (economic policy), access to genetic resources in biodiversity policy, IP aspects of development cooperation policies and knowledge policy.

The study leads to a number of recommendations; the most important are:

- amendment of legislation and regulations,
- increasing the quality of patents, and
- improvement of the way that innovators use their patent rights.

Initiatives within the policy fields of economy, biodiversity, international cooperation and knowledge are proposed as well.

In the letter to the Parliament, the Ministers of Agriculture, Nature and Food Quality and the Ministers of Economic Affairs acknowledged the findings of the study. With plant breeders rights there is independent innovation and with patents there is dependent innovation. This dependence may lead to decreasing diversity in breeding companies and may threaten innovation in plant breeding. Therefore they have asked the European Commission to take this study on board while evaluating the European Plant Breeders Rights Regulation and have asked the European Commission to report on the bio-patent directive. In the meantime the Dutch Patent Law will be amended to make a "limited breeders exemption" possible. Furthermore, they point out that the quality of patents should be improved and that there should be better communication about patents in plant breeding. An important aspect is that companies can do a lot themselves to restore the balance. It could be interesting to investigate if "patent pools", in combination with Fair, Reasonable and Non-Discriminatory (FRAND)-licensing, as they are used in different sectors can be developed in this industry. The letter was followed by a debate in the Netherlands' Parliament. In general,

the actions, taken by both ministers were approved. However there were questions if the Netherlands could analyze the legal possibilities to introduce a full breeders exemption in the Patent Law and the government was asked to facilitate a "dialogue" in the sector to investigate how a Fair, Reasonable and Non-Discriminatory (FRAND)-, licensing-system can be achieved. This dialogue started in August 2010. Since the breeding industry is a global industry, a solution to this problem should be at least Europe-wide, but preferably global.

The report (in English) and further information is available through [m.valstar@minlnv.nl](mailto:m.valstar@minlnv.nl).

[Annex XV follows]

ANNEX XV

POLAND

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Act of June 26, 2003, on the Legal Protection of Plant Varieties (POJ No 137/2003, item 1300; as amended) constitutes the legal base for the national PBR protection in Poland.

The Polish Plant Variety Protection Law is based on the 1991 Act of the UPOV Convention. Poland acceded to the 1991 Act of the UPOV Convention as the twenty-fourth State, on August 15, 2003. Since November 1, 2000, all plant genera and species are eligible for PBR protection in Poland.

2. Cooperation in Examination

The Research Centre for Cultivar Testing (COBORU) in Słupia Wielka continues its cooperation in the field of DUS examination with different countries.

We have bilateral agreements on DUS testing with the Czech Republic, Hungary and Slovakia. Unilateral agreements with Latvia, Lithuania, Estonia, Romania and Slovenia are in force.

In the reporting period, Poland carried out DUS tests for the Latvian, Lithuanian, Estonian, Romanian and Norwegian authorities and for the CPVO. These tests were done for different species of agricultural, vegetable, ornamental and fruit plants.

As in previous years, another authorities, namely: CPVO, Russia, Latvia, Estonia, Romania, Croatia, Lithuania, Serbia, Belarus, Slovenia and Turkey, took the technical examination results over from COBORU, in order to base their decisions for national procedures.

Poland actively participated in the work on the elaboration of the technical protocols during the meetings organized by the CPVO.

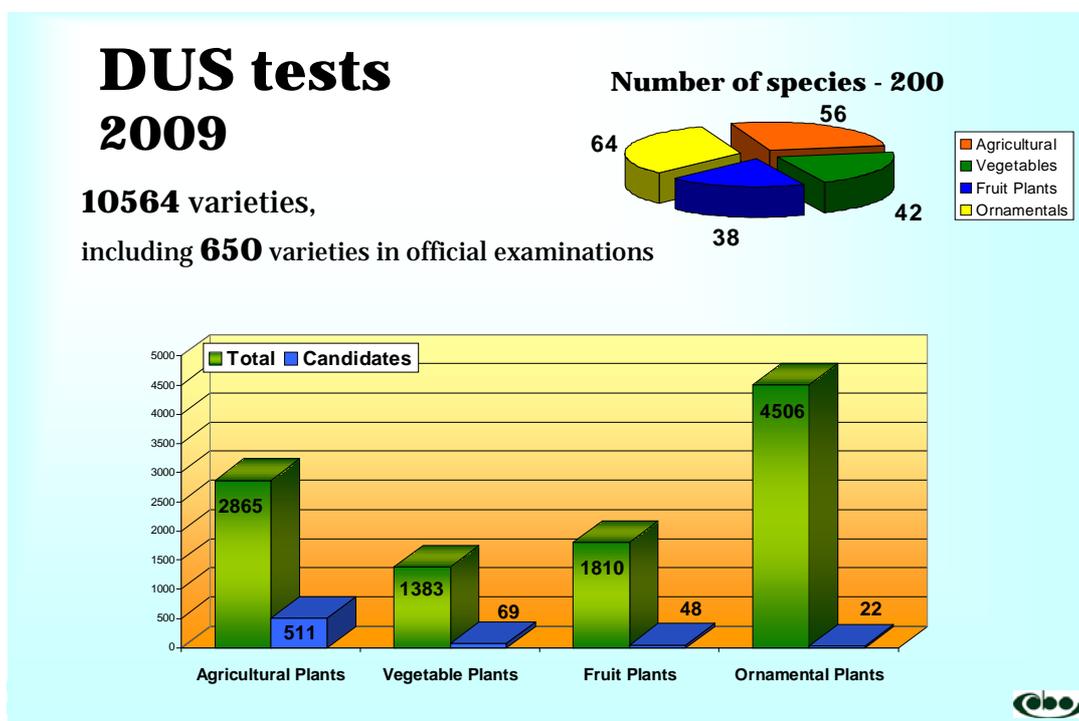
3. and 4. Situation in the administrative and technical fields

COBORU variety testing activities in the field of DUS are done in 13 Experimental Stations for Variety Testing located all over the country and in case of fruit plants also in the Research Institute of Pomology and Floriculture in Skierniewice.

In 2009, 10,564 varieties within 200 plant species were tested (which included 9,914 varieties in reference collections and 650 candidate varieties).

The number of varieties tested in Poland, per plant sector, is shown in the following graph:

Number of varieties in DUS testing in 2009



In 2009, COBORU received 56 applications for national PBR protection in total, which in comparison with the previous year (48) represents a slight increase.

From January 1 to September 1, 2010, 64 new applications, including 54 domestic and 10 foreign, were submitted for national PBR. This number is greater by 24 applications than that observed in the previous reporting period (40).

In 2009, COBORU granted 67 titles for national protection. At the end of 2009, there were 1378 national PBR titles in force.

In the reporting period (from January 1 to September 1, 2010), 84 titles of PBR protection have been granted. In total, 1,356 varieties are protected in Poland (as of September 1, 2010).

Details on statistics are given in the following table. In the column "Titles having ceased", 6 varieties for which - within the reported period - national PBR expired have also been included.

Species	Applications for PBR 1.01. – 1.09.2010			Grants of PBR 1.01. – 1.09.2010			Titles having ceased	Titles in force as of 1.09.2010
	domestic	foreign	together	domestic	foreign	together		
Agricultural	32	1	33	34	4	38	50	633
Vegetables	5	-	5	12	4	16	20	282
Ornamentals	9	9	18	8	8	16	28	305
Fruit plants	8	-	8	10	4	14	8	135
Miscellaneous	-	-	-	-	-	-	-	1
<b>Total</b>	<b>54</b>	<b>10</b>	<b>64</b>	<b>64</b>	<b>20</b>	<b>84</b>	<b>106</b>	<b>1356</b>

#### 5. Activities for the Promotion of Plant Variety Protection

Poland participates in the sessions of the UPOV organs, i.e. the Council, the Administrative and Legal Committee, the Consultative Committee, the Technical Committee as well as the Technical Working Parties.

Eight specialists from Poland have successfully completed the UPOV Distance Learning Course "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention".

*Meetings, seminars, etc.*

From September 1 to 10, 2009, six Polish representatives, including three experts from COBORU, participated in the Second World Seed Conference which was held in FAO headquarters in Rome. The Conference highlighted the importance of new plant varieties and high quality seed in agriculture. It concluded that the intellectual property protection is crucial for a sustainable contribution of plant breeding and seed supply.

From May 3 to 7, 2010, one participant from COBORU attended the Third USPTO/UPOV Training Course "Plant Variety Protection under the UPOV Convention" in Alexandria, USA.

From June 15 to 18, 2010, the Ninth International Working Seminar on Statistical Methods in Variety Testing, organized by COBORU, took place in Poland, Dolsk. Thirty-two representatives from 10 countries, i.e.: DE, DK, UK, SE, CZ, RO, EE, KE, LV, PL, participated in this seminar. During it 15 lectures related to the statistical methods, used both in DUS testing and VCU assessment, were presented. Moreover, the participants had the possibility to get acquainted with the experiments performed in the COBORU Experimental Station for Variety Testing in Śrem, especially with DUS tests of ornamental plants.

From June 22 to 24, 2010, the Workshop on Plant Variety Protection took place in Poland, Słupia Wielka. Forty-one persons from 14 Euro-Asian and bordering third countries, i.e.: AL, AM, BA, BY, GE, HR, KS, MD, ME, MK, RS, RU, TR, UA, participated in this event. The workshop was organized by the Technical Assistance and Information Exchange Office (TAIEX), Brussels in cooperation with COBORU. The speakers were the experts from

COBORU as well as from the UPOV, the European Commission and the CPVO. The objective of the workshop was to intensify cooperation with the Euro-Asian and bordering third countries on PVP and to discuss with the state experts the preparation of a regional program for the introduction and practical implementation of plant breeders' rights.

### *Visits*

From December 17 to 18, 2009, COBORU hosted two Pakistani experts from the Intellectual Property Organization and from the Federal Seed Certification and Registration Department of the Ministry of Agriculture. It was a study tour on plant variety protection, organized by the Office of UPOV, connected with the efforts of the Pakistani government to become a member of the Union. The guests have been acquainted with the operation of the Polish plant variety protection system and with the rules of conducting of the technical examinations in our country. They also visited the Experimental Station for Variety Testing in Słupia Wielka, including a field excursion.

On July 12, 2010, six Egyptian postgraduate students from the Mansoura University along with four Professors visited COBORU and the Experimental Station in Słupia Wielka. In the form of the oral presentations and field visit, they were informed on the system and organization of the varietal examinations in Poland, with a special reference to the DUS testing of horticultural plant species.

### *Publications*

Every two months COBORU issues the *Polish Gazette for Plant Breeders' Rights and National List* (Diariusz), which contains detailed information referring to PBR protection and national listing systems.

The list of varieties protected by national Plant Breeders' Rights (including provisional PBRs), valid as on June 30, 2010, was published in the third number of the *Polish Gazette for Plant Breeders' Rights and National List* /No 3(98)2010/.

In addition, the Research Centre for Cultivar Testing maintains and updates every two weeks a Homepage [www.coboru.pl](http://www.coboru.pl), that contains official information on PVP matters in Poland.

## II. RELATED FIELDS OF ACTIVITIES

The *Polish National List of Agricultural Plant Varieties*, the *Polish National List of Vegetable Plant Varieties* as well as the *Polish National List of Fruit Plant Varieties* were issued in April and May 2010. Updated lists are also available on [www.coboru.pl](http://www.coboru.pl).

[Annex XVI follows]

ANNEX XVI

REPUBLIC OF KOREA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

We make partial amendment to the Seed Industry Law, that Law amended by Law No. 10332, May 31, 2010. This Law shall enter into force on September 1, 2010. And in respect of amendment of Law, decree and regulation also amended accordingly.

< Articles amended >

- 'Publication of application for public inspection' is deleted from Articles 38 and 41~45.  
Article 38 (Publication of Application for Public Inspection)  
Article 41 (Opposition to Grant of Variety Protection)  
Article 42 (Corrections to Grounds for Opposition, etc.)  
Article 43 (Ruling on Opposition)  
Article 44 (Decision of Rejection taken Ex Officio after Publication)  
Article 45 (Concurrence in Applications for Variety Protection Opposition)
- Electronic application-related articles newly inserted : Article 9-2 to 9-4 added newly  
Article 9-2 (Procedure for Filing Variety Protection Applications by Means of Electronic Documents)  
Article 9-3 (Report on Use of Electronic Documents and Electronic Signature)  
Article 9-4 (Notification, etc. through Communication Network)

A proposal for the articles amended is under translation from Korean into English by the Ministry of Government Legislation of Korea. The translation is due for completion in December 2010 and will be sent to UPOV accordingly.

1.2 Extension of protection to further genera and species (made or planned)

Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

Nothing to report.

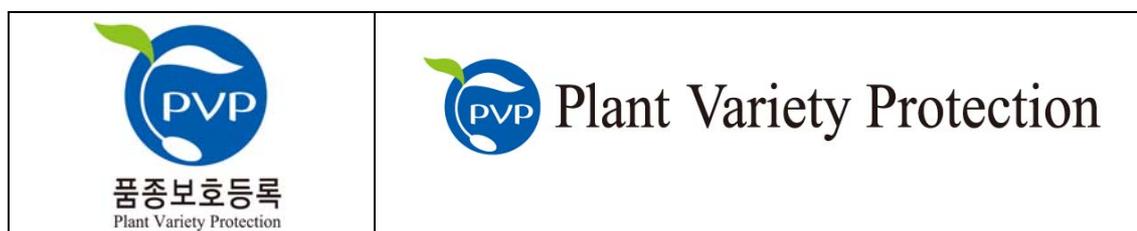
4. Situation in the technical field

Nothing to report.

5. Activities for the promotion of plant variety protection

*Meetings, seminars, etc.*

- (a) The 3rd East Asia Plant Variety Protection Forum (EA-PVP Forum) Meeting
- Duration: April 28 – 30, 2010 (3 days)
  - Place: Seoul Palace Hotel (Seoul/Korea)
  - Host: KSVS (Korea Seed Variety & Service)
  - Participants: Asean 10 + 3 (Korea, Japan, China), Observer, local residents
  - Program
    - The 3rd Session of EA-PVP forum: April 28, 2010
    - International Seminar on “Use of Plant Variety Protection (PVP) system by public sector”: April 29, 2010
    - Technical visit: April 30, 2010
- (b) International Training Program “Plant Variety Protection and Examination System”
- Duration: July 1 – 16, 2010 (16 days)
  - Training Organization: KSVS (Korea Seed Variety & Service)
  - Financial Support: KOICA (Korea International Cooperation Agency)
  - Participants: 14 persons from 7 countries
  - Objective:
    - To foster policy specialists, examination experts with technical and policy knowledge about plant variety protection and examination of new variety
    - To train specialists sharing Korea's experiences, know-how contributing to successful introduction and management of participating countries' plant variety protection system
  - Contents: Lectures, Practice, Presentation on country report and group discussion, On-site visit.
- (c) Release of “Variety Protection Registration” symbol mark for breeders’ right holder for free of use.
- This mark has a symbol of a variety granted with a variety protection right in accordance with the requirements for variety protection under Seed Industry Law.



[Annex XVII follows]

ANNEX XVII

REPUBLIC OF MOLDOVA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1. Amendments to the Law and the implementing regulations

In order to fulfill the Republic of Moldova's commitment under the Partnership and Cooperation Agreement between the Republic of Moldova (RM) and the European Union (EU), and for the purpose of harmonization of the national system in the field of plant varieties protection according to the European legislation provisions, a new Law on the Protection of Plant Varieties in compliance with the UPOV Convention and European directives and regulations in the field, has been elaborated.

On February 29, 2008, the Parliament of the Republic of Moldova adopted the Law No.39-XVI/2008 on the Protection of Plant Varieties, which entered into force on September 6, 2008.

Also, in the period under review, a new Regulation for the implementation of the Law No. 39-XVI/2008 on the Protection of Plant Varieties has been elaborated, with further approval by the Republic of Moldova Governmental Decision No. 295 of 16.04.2009.

1.2. Extension of protection to further genera and species

According to the Republic of Moldova Governmental Decision of 03.07.2007, the protection is extended to varieties of all botanical genera and species, including hybrids between genera and species.

1.3. Case law

There is no precedent with regard to the protection of breeders' rights.

2. Cooperation in examination

There are no bilateral agreements of cooperation in the examination of plant varieties.

3. Situation in the administrative field

No changes.

Statistics

In the period from January 1, 2008, to December 31, 2009:

- 10 national applications have been received, as follows:

Sunflower	2
Wheat	2
Chick-Pea	3,
Barley	1
Soybean	1
Broad Bean	1

- 18 national and 3 foreign patents for plant varieties have been granted, as follows:

Grapevine	3
Tomato	5
Soybean	5
Apple	2 (BE
Potato	1
Vetch	1 (US),
Wheat	2,
Triticale	1
Sunflower	1

On December 31, 2009, there were 49 patents for plant varieties in force.

4. Situation in the technical field

No changes.

5. Activities for the promotion of plant varieties protection

*Meetings, seminars*

In the period under review, for implementation purpose of the provisions and requirements of the Law No.39-XVI/2008 on the protection of plant varieties of the Republic of Moldova, the AGEPI continued to organize seminars and workshops for representatives in industrial property, interested persons, including scientists and breeders, held within the AGEPI conference hall, the Agricultural University of Moldova as well as in the territory.

In the period from June 9 to 11, 2009, a Regional Training on Plant Variety Protection under the UPOV Convention for Certain Countries in the Eurasian Region has been held in Chisinau, organized by the UPOV (with personal participation of Mr. R. Jördens, Vice Secretary-General of UPOV) in cooperation with the AGEPI and the State Commission for Plant Variety Testing of the Republic of Moldova, with financial assistance of the USPTO and the Ministry of Agriculture, Forestry and Fisheries of Japan,

*Publications*

On a regular basis, AGEPI maintains the web site: [www.agepi.md](http://www.agepi.md) where the national legislation in the field of plant varieties protection can be accessed, as well as the application form for a plant variety patent, and useful related information for applicants and breeders, available in Romanian, Russian and English languages.

Moreover, recently, the updated versions (in Russian and Romanian languages) of the booklets “How to obtain a plant variety patent in the Republic of Moldova” have been published, as well as a digest of regulatory acts in the field of industrial property concerning the protection of plant varieties.

[Annex XVIII follows]

ANNEX XVIII

CZECH REPUBLIC

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

Act No. 408/2000 Coll., on the Protection of Plant Variety Rights was amended by Act No. 281/2009 Coll., amending certain laws in terms of adoption of Tax Regulation which will enter into effect on 1 January 2011. As regards the substance, the words “and levied by the financial office with territorial jurisdiction” are deleted from Article 22a, paragraph 6.

2. Other activities

Two specialists from the National Plant Variety Office took part in DUS Seminar organized by the UPOV Secretariat in March 2010. Mrs. Radmila Safarikova, Head of Division, Central Institute for Supervising and Testing in Agriculture, National Plant Variety Office, chairs the Technical Working Party for Vegetables (TWV) since 2009.

[Annex XIX follows]

ANNEX XIX

SLOVENIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

No new development

2. Cooperation in examination

We continue co-operation in the field of DUS examination with the Austria, Czech Republic, Croatia, Hungary, Netherlands, Slovakia and Italy. New bilateral agreement has been signed with Poland.

3. Situation in the administrative field

From September 2009 up to September 2010: no new application was filed and 1 application pending. Total number of titles in force is 22 (agricultural crops: 16; vegetables: 5; fruit crops: 1).

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

New National List of Varieties, including the list of protected varieties, was published in August 2010.

Descriptive list of hops varieties was published in November 2009.

Four new issues of Slovenian Plant Breeder's Rights and Variety Registration Gazette have been published since September 2009.

[Annex XX follows]

SWITZERLAND

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments to the Act and to the implementation provisions

There have been no changes in the legal provisions with respect to plant variety protection since October 2009.

1.2 Extension of protection to additional genera and species

In Switzerland all genera and species can be protected.

1.3. Case Law

To our knowledge, no court decisions have been given in the past year in connection with plant variety protection.

2. Cooperation in examination

No changes. As no trials are conducted in Switzerland, all examination is done abroad under contract or, alternatively, existing examination reports are adopted.

3. Situation in the administrative field

A new database has been set up containing both plant variety protection and catalog data.

4. Situation in the technical field

Nothing to report as no trials are conducted in Switzerland.

5. Activities for the promotion of plant variety protection

Three people from the Certification, Plant and Variety Protection departments participated in the UPOV Seminar in March 2010.

[Annex XXI follows]

TUNISIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

The number of species eligible for protection in Tunisia rose to 79 instead of 77 species, following the addition of two species to the list (avocado and raspberry) by Order No. 19 of March 5, 2010 of the Minister of Agriculture, Water Resources and Fisheries.

2. Cooperation in examination

Requests for UPOV-type DUS studies have been made to the Community Plant Variety Office and to the Office of the Republic of Chile.

3. Situation in the administrative field

The volume of activities relating to the protection of plant varieties as of August 2010 is as follows:

- Total number of protection applications received: 163 applications
- Total number of breeder's certificates issued: 75 certificates

4. Situation in the technical field (see 3)

The DUS study, with a view to awarding a plant breeder's certificate, has been carried out on 23 species out of a total of 79 species acceptable for protection. The number of applications for protection of cereal species has been constantly increasing since 2008.

5. Activities for the promotion of plant variety protection

*Meetings and seminars*

During 2009 and 2010, technical experts responsible for protection of plant varieties participated in seminars on the protection of plant varieties and training courses on the identification of varieties. These included:

- The first concerned a training course organized by the *APFLT TUNISIE* Project (which supports fruit and vegetable production in Tunisia) in the framework of Tunisian-Italian cooperation, concerning identification of pome fruit tree species for seedling certification and held in Italy in September 2010.

- The second concerned a seminar on protection and exploitation of plant varieties created by the Tunisian National Institute of Agricultural Research (INRAT), organized in May 2010 in Tunisia by INRAT and with the participation of UPOV and GNIS France.

## II. RELATED FIELDS OF ACTIVITIES, OF INTEREST TO UPOV

As of December 31, 2009, the service responsible for plant variety protection and registration had received a total of 993 applications for registration of varieties and had entered 512 varieties in the Office Catalog of Plant Varieties.

[Annex XXII follows]

## ANNEX XXII

## TURKEY

## I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Law 5042 “Protection of Plant Breeder’s Rights of New Plant Varieties”, which was prepared on the basis of the 1991 Act of the UPOV Convention and EU Directive 2100/94 on Community Plant Variety Rights was passed by the Turkish Parliament on January 8, 2004; it was published in the Official Gazette numbered 25347 on January 15, 2004, and came into force. The secondary legislations of “Implementation of Farmer’s Exemption” and “Protection of Plant Breeder’s Rights of New Plant Varieties” were published in Official Gazette on August 12, 2004. The UPOV Convention was ratified by the Turkish Parliament on March 17, 2007, through the Law numbered 5601. By the resolution numbered 2007/12433 of the Council of Ministers on July 28, 2007, Turkey’s participation to the UPOV Convention was decided.

Following the enforcement of Law 5042, (between January 15, 2004, and August 2010) applications were made for 404 plant varieties in 52 species. Among these, 325 applications were accepted and published in the Plant Varieties Bulletin, 79 applications were rejected. Also 10 varieties were rejected during the review progress because of not fulfilling their some obligations by clients and examinations for the remaining 126 applications are still in progress. Those varieties of which the announcement durations are over would be subjected to DUS tests. For those varieties of which DUS tests were completed and their results delivered to the Ministry will be appraised by the Plant Breeder’s Rights Registration Committee. Until now, protection for 189 varieties in various species was granted but protection of 22 varieties was surrendered of them in February 2010. Enlarging activities of the national applicable plant list of PBR are continuing according to the proposal of the relevant establishments.

All the fees of the PBR are updated and published on official website in January of each year.

2. Cooperation in examination

DUS tests of those varieties of which applications have been accepted within the context of the Law 5042 “Protection of Plant Breeder’s Rights of New Plant Varieties” are carried out by the Turkish Variety Registration and Seed Certification Center (VRSCC). For those species of which the DUS tests can not be carried out by VRSCC, the protocol preparation studies were started in cooperation with Germany, France and the Netherlands concerning in which countries the technical examinations will be carried out. Regarding to the reciprocal provision of official variety description forms and other documents, the technical cooperation with CPVO and some countries such as the Netherlands and France has been implemented according to a protocol.

3. Situation in the administrative field

According to the reorganization of MARA all activities of seed process to registration, certification and PBR are carried out by the General Directorate of Agricultural Production and Development therefore all applications on PBR are done to this new general directorate.

4. Situation in the technical field

The advancement of both staff and material capacity (training, lab substructure, instruments, trialing equipments and so on) is being continued of the VRSCC which is commissioned on behalf of the Ministry for carrying out the technical examinations envisaged by the Law “Protection of Plant Breeder’s Rights of New Plant Varieties”.

The greenhouse constructions of Ankara and Manisa-Beydere were completed and our Office can set up the DUS tests in these greenhouses. So the technical capacity of our Office is increased after the domestic and abroad training on PBR.

5. Activities for the promotion of plant variety protection

Also implementation and the problems of the PBR are examined during the Seed Project German and French experts with our experts by seminar and training on farm saved seed, denomination, etc. During the Seed Project the experts of our Office gained a lot of experience by these discussing and examination to solve the problems.

A Plant Varieties Bulletin within the context of the protection granted crop varieties by the Ministry is published periodically.

[Annex XXIII follows]

ANNEX XXIII

UKRAINE

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Changes in legislation and application of legal provisions

There were no changes introduced to the legislation of Ukraine during 2009.

1.2 Distribution of right protection for following genera and species (carried out or planned)

According to the Law of Ukraine “On Right Protection for Plant Varieties” all the genera and species are protected in Ukraine (UPOV 1991 Act).

1.3 Case law

Ukraine has Romano-German system of law and, subsequently, there is no such element in Ukraine as the Case Law.

2. Cooperation in examination

During 2008, draft agreements were under development between the State Service on Right Protection for Plant Varieties of Ukraine and Bundessortenamt, Germany on Cooperation in Plant Variety Examination; and between the Ministry of Agrarian Policy of Ukraine and the Ministry of Agriculture of Russian Federation on Cooperation in Official Examination and the Protection of Rights on Plant Varieties.

Information on utilization of existing DUS reports by Ukraine is provided in document C/44/5.

3. Situation in the administrative field

Essential changes did not occur.

4. Situation in the technical field

Essential changes did not occur.

5. Activities for the promotion of plant variety protection

- Meeting with the representatives of the OECD mission, visiting Kirovograd Variety Examination Facility to assess Ukraine's readiness to accede the OECD Seed Certification Schemes (March 3, 2009);
- Participation in the Second Session of Ukraine-Russia Working Group on Seed Production (April 22-23, 2009);
- Meeting with representatives of Agricultural Department of the USA in the Embassy of USA focused on the issues of importing unregistered hybrids and access of foreign producers to Ukrainian seed markets, etc. (May 18, 2009);
- Training with the participation of Bundessortenamt representative (July 15, 2009);
- Meetings with the representative of Hungarian Ministry of Agriculture and Rural Development focused on concluding agreement on bilateral cooperation and DUS-test issues (September 23, 2009);
- Meeting with representatives of Plant Production Institute Avralis (France) and GEVES and training for Ukrainian experts (September 23, 2009, and October 28, 2009)
- Meeting with experts of the Institute of Food Safety (Netherlands) as a part of EVD Supported GMO project (November 9, 2009);
- Participation in the UPOV Regional Training on Plant Variety Protection in the Republic of Moldova (Chisinau, June 8 to 12, 2009);
- Meeting with Peter Button, UPOV's representative to OECD, regarding the intention of Ukraine to accede to the Schemes for Varietal Certification of Seed in Geneva, Switzerland, June 2 to 4, 2009;
- Participation in Annual Meeting of the Schemes for Varietal Certification of Seed member states held in Paris, France, June 10 to 12, 2009;
- Participation in the Second World Seed Conference in Rome, Italy, September 8 to 10, 2009;
- Participation in the Fifth Session of Sub-Commission on Agricultural Complex of the Committee on Economical Cooperation Issues in the Intergovernmental Ukraine-Russia Commission (Moscow, Russian Federation, September 28 to 29, 2009);
- Participation in the Sessions of UPOV bodies held in Geneva, Switzerland, October 18 to 23, 2009.

Publications of the State Variety Service

The following publications were issued in the year of 2009:

- State Register of Plant Varieties Suitable for Dissemination in Ukraine in 2009;
- State Register of Seed and Planting Material Producers in 2009;
- Official Bulletin "Plant Variety Rights Protection" in 4 Issues (16 Parts);
- Catalogue of Plant Varieties Suitable for Dissemination in Ukraine in 2009;
- List of Winter Crop Varieties that are perspective to be used in Ukraine in 2009;
- Research Magazine "Plant Varieties Studying and Protection" (# 8, 9, 10);

- Atlas of Morphological Characteristics for Rose Varieties;
- Agrarian Explanatory Dictionary “Farming. Plant Production. Variety Studying”;
- A book “Calculation Costs on the Conduct of DUS Examination”;
- Catalogue of Plant Variety Applications for State Registration of Variety Right (VR) and/or State Registration of Varieties in 2009;
- Post-Registration Study of Winter Crops (reports).

## II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

In 2009, Ukraine acceded to the Seed Schemes for Varietal Certification of the Organisation for Economical Cooperation and Development (OECD).

Statistical data on plant variety protection in Ukraine during 2005-2009 was sent by email to [upov.mail@upov.int](mailto:upov.mail@upov.int).

[Annex XXIV follows]

ANNEX XXIV

EUROPEAN UNION

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.0 General:

The Presidency of the European Union (EU) was chaired by Sweden from July 1, 2009, to December 31, 2009, by Spain from January 1, 2010, to June 30, 2010, and by Belgium from July 1, 2010, until December 31, 2010.

As from April 1, 2010, Ms Paola Testori Coggi has been nominated Director General of Health and Consumers Directorate General of the European Commission.

In May 2010, the European Commission launched a 12 month external evaluation on the Plant Variety Right regime of the European Union as this regime dates now from more than 15 years. The aim of this evaluation is to identify the strengths and weaknesses of this regime and it should help the EU legislator to propose amendments or clarifications to improve the Plant Variety Rights regime of the European Union if needed.

1.1 Amendments of the law and the implementing regulations

Commission Regulation (EC) N° 1239/95 establishing implementing rules for the application of Council Regulation (EC) N° 2100/94 as regards proceedings before the Community Plant Variety Office has been superseded by a new single Regulation, Commission Regulation (EC) N° 874/2009, to give greater clarity and transparency to the legislation following many amendments.

1.2 Extension of protection to further genera and species (made or planned)

Nothing to report.

1.3 Case law

On April 15, 2010, the European Court of Justice (the Court) issued its first judgment in an appeal case concerning an application for EU plant variety rights, Case C-38/09 P. The appellant, Mr. Schröder, attempted to set aside the judgment of the Court of First Instance of the European Communities (now 'the General Court') of November 19, 2008, in Case T-187/06 Schröder v CPVO (SUMCOL 01), by which that court dismissed his action against the decision of the Board of Appeal of the Community Plant Variety Office (CPVO) of May 2, 2006 (Reference A 003/2004). In its decision, the Board of Appeal had ruled that an appeal against a decision of the Office, refusing an application for EU plant variety rights for the candidate variety 'Sumcol 01', of the species *Plectranthus ornatus*, due to lack of distinctness, was not well founded. Throughout the proceedings the appellant argued, in essence, that the reference variety used in the technical examination of the candidate variety was either not of common knowledge or in fact the candidate variety, 'Sumcol 01'. The Court held that in accordance with Article 225(1) EC and the first paragraph of Article 58 of

the Statute of the Court of Justice, an appeal lies on points of law only. The General Court has exclusive jurisdiction to find and appraise the relevant facts and to assess the evidence. The appraisal of those facts and the assessment of that evidence thus does not, save where they distort the facts or evidence, constitute a point of law which is subject, as such, to review by the Court of Justice on appeal. The Court held that the General Court had not distorted the facts or evidence when ruling in the case.

The Court also confirmed the finding of the General Court that issues of technical complexity are not subject to review by the EU Courts. In points 77 and 78 of the judgment the Court states that: “In addition, it must be recalled that the General Court, which has jurisdiction only within the limits set by Article 73(2) of Regulation No 2100/94, was not required to carry out a complete review in order to determine whether or not the SUMCOL 01 variety lacked distinctiveness for the purposes of Article 7(1) of Regulation No 2100/94 but it was entitled, in the light of the scientific and technical complexity of that condition, compliance with which must be verified by means of a technical examination which, as is clear from Article 55 of Regulation No 1200/94 (sic!), is to be entrusted by the CPVO to one of the competent national offices, to limit itself to a review of manifest errors of assessment. Consequently, the General Court was entitled to consider that the evidence on the file was sufficient to permit the Board of Appeal to rule on the refusal decision.” The Court also held that technical experts working for examination offices on behalf of the Office may appear in hearings before the Board of Appeal as agents of the Office. Such experts do not need to be called to hearings as witnesses or experts which require the adoption of measures for taking evidence within the meaning of Article 60(1) of Regulation No 874/2009.

## 2. Cooperation in examination

- (a) Conclusion of new agreements: Nothing to report.
- (b) Amendment of existing agreements: Nothing to report.
- (c) Memorandum of Understanding with third countries:

The CPVO started in 2006 cooperation with the Japanese Ministry of Agriculture, Forestry and Fisheries (MAFF) in respect of technical examinations. In the framework of this cooperation, Japanese experts visited the CPVO and its examination offices in Germany, the Netherlands and the United Kingdom during 2008. Members of the CPVO and the German Bundessortenamt visited the Japanese examination office working on behalf of the MAFF. These technical visits aimed at a harmonization of the conduct of technical examinations of several ornamental species. As a result, the MAFF began at the end of 2007 to base its decision on applications for plant variety rights on technical examinations carried out by European examination offices. In turn, the Administrative Council of the Office approved the use of results of DUS examinations carried out in Japan for Petunia and Calibrachoa varieties as from 2008. In 2009, the contractual basis for taking over Japanese technical reports has been prepared. It is envisaged to enlarge this type of collaboration in 2010 to varieties of Chrysanthemum.

### 3. Situation in the administrative field

#### *Changes in the Administrative structure*

Election of the new President of the Administrative Council:

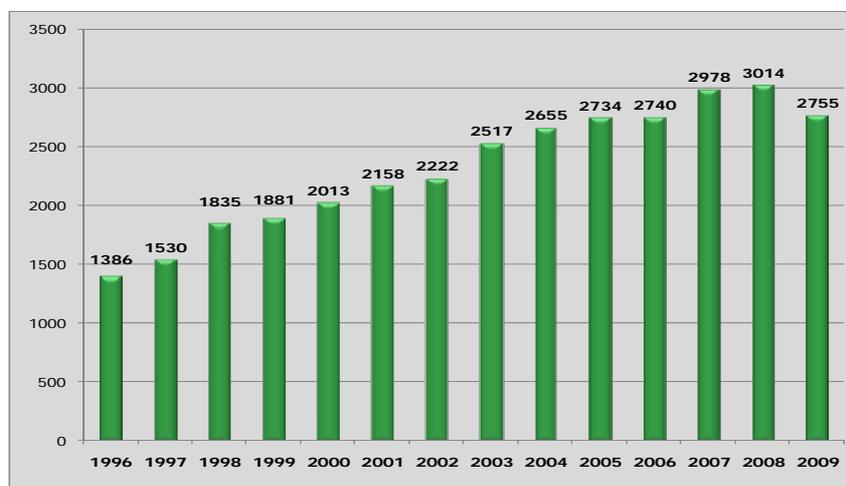
- Mr. Udo von Kroecher (Germany) was unanimously elected President of the AC for a period of 3 years, starting November 6, 2009, replacing Mr. Jože Ileršič (Slovenia) who has concluded his mandate.
- Mrs. B. Bátorová (Slovakia) was unanimously elected Vice-president of the AC for a period of 3 years, starting 6 November 2009 replacing Mr. Udo von Kroecher (Germany).

#### *Statistics*

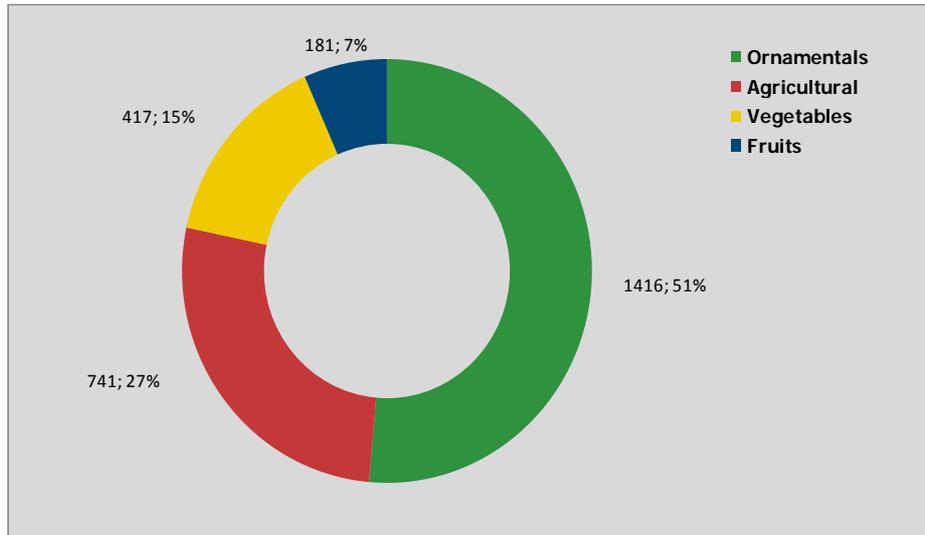
In 2009, the Office received 2,755 applications for EU plant variety protection. As illustrated in Graph 1, this represents a decrease of 7.9 % compared with the previous year.

The graph below represents shares of the crop sectors in number of applications received in 2009.

Graph 1  
Evolution of the annual number of applications for EU plant variety protection  
(1996-2009)



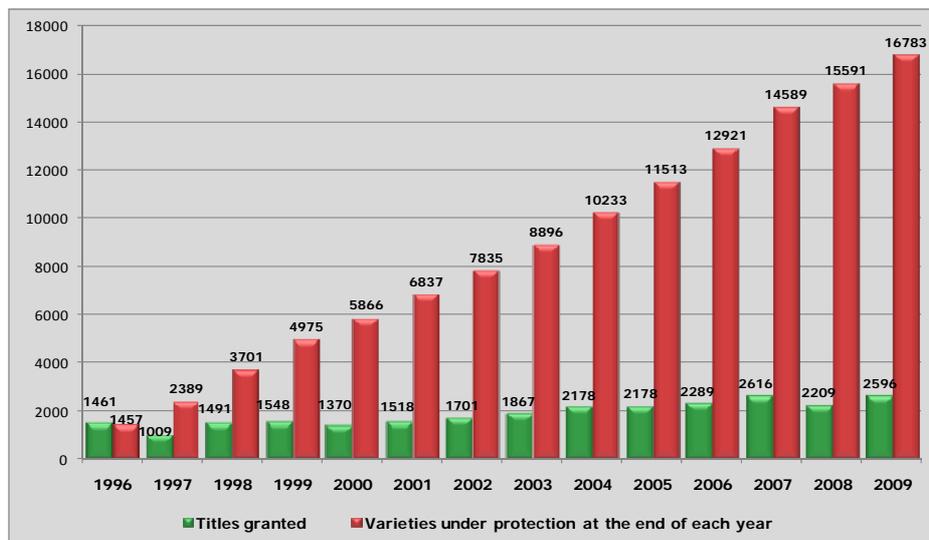
Graph 2  
Shares in application numbers per crop sector



Only vegetable species, as illustrated in Graph 3, show an increase in the number of application (+1.5%). Fruit crops had the same number of applications as in 2008, whilst a decrease of 7% in application numbers was recorded for agricultural crops and 13.2 % for ornamentals.

In 2009, the Office granted nearly 2,600 titles for EU protection. By the end of 2009, there were more than 16,700 EU plant variety rights in force and this figure reached 17.500 at the end of August 2010. The table hereafter shows the number of titles granted for each year from 1996 to 2009 and it illustrates the continuous increase of varieties under protection within the EU PVR system.

Graph 3  
EU plant variety rights granted and rights in force at the end of each year (1996 – 2009)



#### 4. Situation in the technical fields

##### Information concerning the functioning of the EU Plant Variety Protection

###### a. Relation with examination offices

In 2009, the CPVO held its 13th annual meeting with its examination offices. The main subjects of discussion were:

- the evaluation of a decision of the CPVO's Administrative Council of 2006 on the status of plant material;
- public access to national technical protocols for DUS via the CPVO home page;
- applicants' access to trials of DUS tests and technical verifications;
- keeping of records of growing conditions in technical examinations;
- language regime of the DUS-report and the variety description;
- reduction of costs/duration of fruit DUS testing;
- remuneration of examination offices for cancelled requests for technical verifications
- publication of variety description on the CPVO home page
- publication of photos of protected varieties taken by examination offices

Furthermore, the participants were informed on the state of affairs regarding the online application system, the publication of the official Gazette in electronic form, the launching of the audit program for examination offices as well as variety denominations and the involvement of external experts in DUS testing at examination offices.

###### b. Preparation of CPVO protocols

In 2009, experts from the EU Member States' examination offices were invited to participate in elaborating technical protocols for DUS testing which were subsequently approved by the CPVO's Administrative Council. The following meetings were held:

- agricultural experts: a draft protocol was discussed for *Triticum aestivum*, *Lolium ssp.*, oil seed rape and *Festuca ssp.*
- fruit experts: the draft of the technical protocol of mandarins, apple root stocks and avocado were discussed;
- vegetable experts discussed protocols for 4 species: pea, maize, Japanese bunching onion and cauliflower;
- ornamentals experts discussed in the frame of UPOV meetings the three new or revised technical protocols: roses, pelargonium and *Calluna vulgaris*.

###### c. Further development of the centralized database for variety denominations

In 2005, the Office released a website to test proposals for variety denominations for similarity. Today, the database contains more than 600,000 denominations from national listing and plant variety rights registers of the EU and UPOV Member States. It also contains the register of ornamental varieties commercialized in the Dutch auction system in the Netherlands. The database is available on the basis of a restricted access to national authorities of EU Member States, candidate member states, the European Commission, the UPOV-Office as well as on request for authorities of UPOV contracting parties. Since 2007, a new version of the website also gives EU-based applicants and their procedural

representatives the possibility to pre-check their denomination proposals for similarity. In 2009, the jurisprudence section was developed. It contains a selection of decisions of the variety denomination committee of the Office with the purpose to illustrate the implementation of the guidelines of the Administrative Council on the subject matter. All users have access to this section where a searching tool enables them to look for examples according to various criteria.

The Office has also developed a new project of cooperation on denomination testing with the purpose to harmonize within the EU the implementation of the rules for suitability of variety denominations. EU National Authorities will have the possibility to ask on line for CPVO advices as to the acceptability of their new denomination's proposals. In case of controversial opinions, exchanges of views could take place but the decision will remain in the hands of the authority where the application for registration has been made. The project was launched in February 2010.

d. Crop experts' meetings

Two meetings with agricultural experts were held in 2009 discussing trial design and uniformity standards in wheat, the revision of the oilseed rape technical protocol and the preparation of technical protocols for *Lolium* and *Festuca* species.

One fruit experts' meeting was held to discuss: a partial revision of the mandarin protocol and the creation of CPVO technical protocol for apple rootstocks and avocado; phytosanitary documentation and harmonization according to species; continuing discussions on the feasibility for the reduction in duration/costs of fruit technical examinations; analysis on whether to undertake possible new R&D project for apple mutation groups.

One vegetable experts' meeting was held to discuss: the revision of the technical protocols for pea, cauliflower and maize/sweet/ pop corn, and the creation of a CPVO technical protocol for Japanese bunching onion; characteristics in CPVO vegetable protocols; ESA discussion paper on vegetable disease resistances; different germination standards in parent lines; the possibility to have a new CPVO vegetable open day for 2010; final conclusion and analysis on whether to adopt some of the measures emanating of the R&D project "Harmonization of resistance tests to diseases of vegetable crops in the European Union" and its resultant ring trial; continuing discussions on the feasibility for the reduction in duration/costs of vegetable technical examinations.

Quality Audit Service

The CPVO adopted in 2009 an enhanced procedure for entrustment of its Examination Offices (EOs). According to this new procedure EOs interested in maintaining their status as entrusted offices have to specify their intended scope of operations (species on which they are interested in) and will consequently undergo audits in a three year cycle. The process of presentation of candidatures for entrustment under the new scheme took place in 2009 and the first offices to be assessed were identified. After the approval of individuals forming the pool of technical experts by the Administrative Council in its October meeting, the assessment program has started in January 2010 and the first EO entrusted under the new scheme was designated by the CPVO Administrative Council in March 2010.

5. Activities for the promotion of plant variety protection

*Participation in international fairs:*

- HORTIFAIR in Amsterdam (NL): October 2009
- IPM in Essen (DE): January 2010
- SALON DU VEGETAL in Angers (FR): February 2010

The CPVO organized in September 2010, in collaboration with the University of Aarhus, an “Open Day” for ornamental breeders at the premises of the testing station of the Danish Examination Office in Aarslev. It was attended by numerous representatives of seed companies.

*The Multi-beneficiary Program on the Participation of EU Candidate Countries in the EU Plant Variety System*

Since 2007, the Office manages a program preparing EU candidate countries to participate in the EU Plant Variety Rights system. The program was designed to reach the full spectrum of competent bodies and stakeholders in the CPVR system. In previous years a number of seminars and workshops were conducted in Turkey, Croatia and the Former Yugoslav Republic of Macedonia. As from 2009, the program has been extended to the entire western Balkan; Albania and Serbia expressed interest to benefit from the program. In addition, all beneficiary countries will be invited to the annual meeting between the CPVO and its examination offices.

*Electronic publications:*

Since February 2010, the Official Gazette is only being published on our web site every two months. The annex to the Annual Report comprising all varieties under EU protection was also published electronically in February 2010. The S2, special issue to the Official Gazette on closing dates and plant submission requirements for the most important species, will be published only electronically from October 2010 onwards on a bi-monthly basis in an updated version. The CPVO introduced some improvements in the presentation of these publications which are available in the 22 official languages. Navigation tools were put in place in the pdf files for a more user-friendly consultation. As a consequence of aforesaid, the S2 Gazette, will be published 6 times a year on the same dates as the Official Gazette. A free subscription facility will be developed by the CPVO and subscribers will also be notified when publications will have been made available on-line.

*Seminar on Enforcement of Plant Variety Rights in Athens:*

In April 2010, the CPVO in collaboration with the Greek Ministry of Agriculture and Food Breeders organized a seminar on the enforcement of plant variety rights. Breeders are facing difficulties when enforcing their EU and national plant variety rights. An important reason for this phenomenon is the insufficient knowledge of the applicable legislation amongst breeders, lawyers, prosecutors and judges. For this reason it was decided to organize seminars on the enforcement of plant variety rights in Brussels (2005), Warsaw (2006), Madrid (2007) and Romania and Bulgaria (2008). As a follow up, a seminar was organized in Athens. This seminar aimed at sharing information and experience relating to the enforcement of plant variety rights. Presentations were made by the Greek ministry, breeders,

farmers, lawyers and the CPVO. Participants from states in the region which are candidates to membership to the EU were invited.

*Working Group on Farm Saved Seeds:*

Breeders are having difficulties in collecting remuneration for the use of farm saved seeds in the EU. On the initiative of the CPVO, a working group was created to discuss if the problems in collecting remuneration can be resolved under the present legal frame work or whether there is a need to propose changes in the law. Represented in the working group are organizations of breeders, farmers and seed processors, the European Commission, EU Member States, the Chairman and the vice Chairman of the CPVO Administrative Council and the President of the CPVO. The Working Group will hold its final meeting in December 2010 during which conclusions of the work will be adopted.

*IT developments:*

The CPVO decided in 2007 to create an online application system with the aim of allowing applicants and procedural representatives to fill in electronic forms and send applications to the CPVO by electronic means. The project development was started in 2008 and was made available in March 2010. For the moment, applications are only possible for a limited number of species (namely Potato, Peach, Lettuce, Chrysanthemum and Rose) and in English. It is nevertheless the intention of the Office to extend the system step by step to all species and also to have the application form available in Dutch, German and French. The Office also committed to make the system available to EU Member States willing to use it, a meeting for the technical presentation of the software to Member States interested and the first discussions about different possibilities of sharing this software took place in June this year. It is expected to start a pilot experience with a reduced number of EU Member States during the course of the year.

In 2009, the Office did a study to publish the official varieties descriptions on the public web site of the office. This new feature will be added to the existing CPVO web site in the "Titles and applications in force database" area. A new page will be added to the information already available about applications and titles granted, in which the web users will find documents linked to the application or the title, in particular the official variety description of protected varieties. Access to these documents will be then open for all the web users. The documents shown on the web will be electronic copies of the documents the Office keeps in its official electronic register Docman (CPVO system for e management of documents). For precautionary reasons the CPVO has provisionally discarded species where hybrid varieties have been subject of protection or application for EU plant variety rights or protection. The project on electronic management of documents was successfully implemented in 2009.

## II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

### 1. Catalogues: marketing of seed and plant propagating material

Further to the Council conclusions of December 2008, the European Commission has embarked on an impact assessment aimed at identifying the best options for a review of the EU legislation on the marketing and production with a view to marketing of seed and plant propagating material. External consultants prepared a study report on variety registration, while the European Commission services made an enquiry on seed certification. The data

thus gathered should be brought together in an impact assessment report by end 2010/early 2011. This report will serve to underpin the proposals that the European Commission will eventually prepare by the end on 2011.

## 2. Genetic resources

On November 26, 2009, the European Commission adopted Directive 2009/145/EC providing for certain derogations, for acceptance of vegetable landraces and varieties which have been traditionally grown in particular localities and regions and are threatened by genetic erosion and of vegetable varieties with no intrinsic value for commercial crop production but developed for growing under particular conditions and for marketing of seed of those landraces and varieties (OJ L 312, 27.11.2009, p. 44–54). This Directive creates a legal framework for the marketing of this type of seed and should as such contribute to the conservation and the sustainable use through marketing and production of the varieties concerned by it. The Directive applies as from January 1, 2011. Its implementation will be evaluated by December 31, 2013.

On August 30, 2010, the European Commission adopted Directive 2010/60/EU providing for certain derogations for marketing of fodder plant seed mixtures intended for use in the preservation of the natural environment (OJ L 228, 31 .08. 2010, p.10-14). This Directive creates also a legal framework for the marketing of fodder plant seed mixtures as 'preservation seed mixtures' to support the preservation of species-rich natural grassland. This Directive applies as from December 1, 2011, and its implementation will be evaluated by December 31, 2014.

## 3. GMOs

Since October 2009, 35 new GM varieties of MON810 maize have been inscribed in the Common Catalogue of varieties of the European Union (bringing the total number to 178) as well as one potato variety Amflora derived from *Solanum tuberosum* L. line EH92-527-1. An overview of the GMOs currently authorized in the EU is available through the Community register of GM Food and Feed ([http://ec.europa.eu/food/dyna/gm\\_register/index\\_en.cfm](http://ec.europa.eu/food/dyna/gm_register/index_en.cfm)). On July 13, 2010, the Commission adopted a new approach regarding cultivation of GMOs. This new approach is outlined in a package consisting of a non-legislative and a limited legislative measure, namely:

- A Communication from the Commission explaining the more flexible approach under existing legislation and the limited legal proposal
- A new Commission Recommendation on co-existence, recognizing that Member States need more flexibility to take into consideration their local and regional needs and conditions, and
- A proposal for revising Directive 2001/18/EC as regards the possibility for Member States to restrict or prohibit the cultivation of GMOs in their territory, which will be adopted through co-decision.

4. R & D

Construction of an integrated microsatellite and key morphological characteristic database of potato varieties in the EU Common Catalogue: this project started in April 2006. The final report was received in spring 2008. The partners involved are Germany, the Netherlands, Poland and the United Kingdom. The project delivered a database including marker profiles of potato varieties, key morphological characteristics and a photo library with light sprout pictures. The aim is to rapidly identify plant material of a vegetatively propagated crop where reference material has to be submitted every year and to ease the management of the reference collection. Two follow up phone conferences have been organized in 2010, one in January with the partners of the project and a second one in July with the participation of the partners and a representative from the breeders associations (ESA). On request of the breeders association, the possible use of molecular means for variety identification for enforcement purposes has been taken into account into the ongoing discussion about the implementation of the deliveries of this project into the practical DUS testing.

Management of peach tree reference collections: this is a collaborative three-year venture project between the CPVO's four examination offices for this species (FR, ES, IT, HU), which aims to create and manage a peach tree database, via the establishment of an EU *Prunus persica* tree collection structured in varietal groups, using a common database containing phenotypic, visual and molecular descriptions. The project commenced in 2008 and is expected to conclude in 2010. A standard for taking pictures was adopted. The maize database was taken as a model for the build-up of a similar database for the peach reference collections. SSR markers were chosen on which to run the molecular markers during the coming year. Ultimately the project aimed to renew completely the reference collection in each of the peach examination offices. There was common agreement on the way to observe each characteristic in the CPVO protocol (recommendation made to measure each characteristic). Spain was also given responsibility for the low chilling varieties. Italy was given responsibility on the variability of older peach varieties. Hungary was given responsibility for the more continental type varieties. France is utilizing its experience of managing a large peach reference collection. An off-spin of the project is the assessment of the phytosanitary status of the peach varieties grown in the Mediterranean area. A coordination meeting took place in July 2009 in Zaragoza during which the project partners exchanged views on the results from the first year of the project. The next coordination meeting will take place in Hungary in September 2010. The partners reported good progress and highlighted the usefulness of the work to date on the efficient classification of their reference collections. The project partners have now been asked to address how they would attempt to maintain a common database in the future with details of their peach reference collection, if the project were to be successful when it concludes at the end of 2010 and the techniques identified in the project were to be utilized on a regular basis for carrying out more efficient technical examinations in peach.

[Annex XXV follows]

ANNEX XXV

BOSNIA AND HERZEGOVINA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1. The Parliament of Bosnia and Herzegovina adopted in February 2010 the new Law on Protection of New Varieties of Plants in Bosnia and Herzegovina. The new law we had to prepare with the working group based on recommendation from UPOV (two experts) (January 2009). After that, Department for Seed, Seedling and Protection of New Variety in Administration of Bosnia and Herzegovina for Plant Health Protection, was obliged to form a working group with participants from Entity Ministry and Brčko District of Bosnia and Herzegovina. We included one lawyer expert who helped in Institute of Bosnia and Herzegovina for Intellectual Property. In March 2010, we had consultations with an expert from the Office of UPOV, and now we have guidelines for corrections of our Law. Department for Seed, Seedling and Protection of New Variety have plans to start the procedure for changing one part of the Law in October 2010.

1.2 The Administration of Bosnia and Herzegovina for Plant Health Protection adopted the National Variety List.

1.3 The Department for Seed, Seedling and Protection of New Variety has some Draft of Rules for registrations and examinations of new variety in legal procedures. Also we prepared some Drafts of Rules for marketing seed and seedling material of agricultural plants.

2. Situation in the administrative field

Administration of Bosnia and Herzegovina for Plant Health Protection is in the process of changing its administrative structure.

3. Situation in technical fields

Satisfactory.

4. Activities for the promotion of plant variety protection

- Participation in Seminar of DUS testing in Osijek, Croatia, in May 2010. (Cooperated from CPVO Office and Institute for Seed and Seedling in Osijek).
- Participation in Seminar of situation for seed sectors in Novi Sad, Serbia (June 2010). In this Seminar we had the chance to get knowledge in legislative field from Republic of Serbia.
- Participation in Seminar of DUS testing in Geneva, Switzerland (March 2010).
- Participation in Seminar of DUS testing in Poland (June 2010).

[Annex XXVI follows]

ANNEX XXVI

EGYPT

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- Adaptation to the 1991 Act of the Convention

The amendments of Book Four of the Law 82/2002 for plant varieties are ended and approved by the Cabinet, and will be discussed by the Egyptian Peoples Assembly in spring 2011.

- Other amendments, including in respect of fees

The Office is preparing a proposal to add an annual fee for the protected plant varieties to be approved after the amendments of Book Four is approved.

1.2 Extension of protection to further genera and species (made or planned)

The protection applied to a list includes 100 genera and species, another one genera added to this list, and the protection will be applied to all genera and species by the year 2012.

1.3 Case law

No case law till now.

2. Cooperation in examination

- Conclusion of new agreements (completed, in progress or planned)  
No agreements
- Amendment of existing agreements (completed, under way or planned)  
No amendments.

3. Situation in the administrative field

No changes.

4. Situation in the technical field

Following up DUS tests results conducted inside and outside Egypt, also the results of maintenance tests for protected plant varieties.

5. Activities for the promotion of plant variety protection

*Meetings, seminars, etc.*

- Attended the meetings held in the Ministry of Foreign Affairs in the field of intellectual property (3 meetings during 2010).
- Attended the Arab Regional Conference held in the League of Arab States, April 27 and 28, 2010, in Cairo Egypt.
- The Office organized seminars about the concept of plant variety protection and its importance in many governorates in Egypt.
- The Office is planning 3 workshops in the field of plant variety protection to be held in Delta, Upper Egypt, Cairo, within 2011.

*Visits to and from non-members States and organizations*

- Specialists from plant variety protection office from the Kingdom of Saudi Arabia had training in Cairo in 2009.

*Publications*

- A monthly gazette named [the Egyptian Gazette of Protected Plant Varieties] in Arabic and English.
- Annual bulletin for the year 2009.
- Articles about the plant variety protection and the office activities are published in the Egyptian Agricultural Gazette.

*Technical assistance*

- Receiving technical assistance through the Egyptian – French project in the field of PVP.
- Consulting UPOV.

II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

- Getting legal and technical consultation.
- Attending UPOV meetings as an observer.

[Annex XXVII follows]

ANNEX XXVII

SERBIA

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Parliament of the Republic of Serbia adopted the Law on Ratification of the International Convention for the Protection of New Varieties of Plants, on May 23, 2010, (published in “Official Gazette of the Republic of Serbia-International Agreements” No. 19/2010, on March 26, 2010, entered into force on April 3, 2010).

Following the Law on Protection of Plant Breeders Rights three rulebooks have been adopted:

- Rules on form and content of the application for granting plant breeder’s right, the required documentation, the amount and manner of delivery of reproductive material samples (“Official Gazette of RS” No. 82/2009);
- Rules on content and manner of keeping the Register of applications for granting plant breeders’ rights, register of granted breeders’ rights, Register of transferred rights and Register of license agreement (“Official Gazette of RS” No. 70/2009);
- Rulebook on the list of species of agricultural plants to which are related exceptions to the breeder’s right and the elements for establishing small farmers (“Official Gazette of RS” No. 38/2010).

1.2 Extension of protection to further genera and species

Nothing to report.

1.3 Case law

Nothing to report.

2. Cooperation in examination

Nothing to report.

3. Situation in the administrative field

The Ministry of Agriculture, Forestry and Water Management - the Plant Protection Directorate and within it, the Group for the Plant Variety Protection and Biosafety (instead of the previous Division for Plant Variety Protection, Plant Genetic Resources and Biosafety) is in charge for implementation of the Law on Protection of Plant Breeders Rights and for activities in the area of plant variety protection.

Expert Council for Protection of Plant Breeders' Rights has to be scheduled in accordance with the Law on Protection of Plant Breeder's Rights, as a special expert body for the purposes of monitoring in the field of plant breeder's rights, considering the technical issues, providing expert opinions and proposals, as well as participation in the implementation of project tasks in the field of plant breeder's rights. Based on the results of the examination and proposal of the Expert Council, the Minister issues a decision on granting plant breeder's right.

4. Situation in the technical field

Nothing to report.

5. Activities for the promotion of plant variety protection

Starting from September 2009, the Republic of Serbia participated in the Multi-beneficiary program of CPVO, as introduction to the Community plant variety rights system and administrative procedures regarding plant variety protection in the EU. The training and specialization of Plant Protection Directorate personnel are in progress in the program in cooperation with the Office of the European Union for Plant Varieties - CPVO (Multi-beneficiary Programme on Participation of Albania, Bosnia and Herzegovina, Croatia, the FYR of Macedonia, Montenegro, Serbia, Kosovo under UNSC Resolution 1244/99 and Turkey), and also in the framework of cooperation with TAIEX. Training also includes the personnel of the experimental stations in which variety trials for distinctness, uniformity and stability (DUS tests) are conducted.

In March 2010, representatives of the Plant Protection Directorate took part in the study visit in UKZUZ, Czech Republic. The study visit was organized by TAIEX, Technical Assistance and Information Exchange instrument managed by the Directorate-General Enlargement of the European Commission. The aim of the study visit was to achieve practical experience on organization of the system of plant variety protection and enforcement of plant breeder's right in the Czech Republic and the EU.

Representatives of the Plant Protection Directorate attended the Regional Seminar on Enforcement of Plant Variety Rights organized by the CPVO in Athens, Greece, in April, 2010.

Representatives of the Plant Protection Directorate attended the Plant Variety Protection Course organized by the Naktuinbouw and Wageningen UR Centre, from June 14 to 25, 2010, in Wageningen, Netherlands. The aim of the Course was to support the introduction and practical implementation of plant variety protection in countries where this matter is being developed or has recently been passed.

Two seminars on plant variety protection were organized in the Republic of Serbia in cooperation with Serbian Seed Association (SAS), on May 19, 2009 and on June 30, 2010, aimed to raise awareness of plant breeders, seed producers, also as representatives of seed companies about the importance of protection of intellectual property and plant breeders' rights, and to present situation in the legislative and administrative fields.

Representatives of Serbia participated in the Workshop on Plant Variety Protection in Poland in June 2010. The aim of the Workshop was to enhance the cooperation with Euro-Asian and bordering third countries on plant variety protection and discuss with state experts the preparation of a regional program for the introduction and practical implementation of plant breeder's rights.

Representatives of the Plant Protection Directorate successfully finished the UPOV Distance Learning course DL-205 "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention".

## II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

The Catalogue of Varieties (Register of Plant Varieties) is available on the web site of the Ministry of Agriculture, Forestry and Water Management of the Republic of Serbia ([www.minpolj.gov.rs](http://www.minpolj.gov.rs) and [www.sorte.minpolj.gov.rs](http://www.sorte.minpolj.gov.rs)), just as the information regarding the procedures for registration of plant varieties, results of variety testing, forms and other regulations.

[End of Annex XXVII and of document]