



C/44/16

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

**COUNCIL**

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

REPORT ON THE DECISIONS

*adopted by the Council*

Introduction

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its forty-fourth ordinary session in Geneva on October 21, 2010, chaired by Mr. Choi Keun-Jin (Republic of Korea), President of the Council.
2. The list of participants is reproduced in Annex I to this document.
3. The session was opened by the President who welcomed the participants.
4. The Council took the decisions recorded below under each relevant agenda item.
5. The draft detailed report on the session will be submitted to the Council for adoption by correspondence.

Adoption of the Agenda

6. The Council adopted the revised draft agenda, as proposed in document C/44/1 Rev., after the deletion of item 4 and with the addition of document C/44/14 Add. under agenda item 7 and document C/44/8 Rev. under agenda item 13.

Examination of the conformity of the Draft Law on Plant Variety Protection of the Republic of Tajikistan with the 1991 Act of the UPOV Convention

7. The Council considered document C/44/15.

8. The Council decided to:

(a) take note of the analysis in document C/44/15;

(b) take a positive decision on the conformity of the Draft Law on Plant Variety Protection of the Republic of Tajikistan with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which allows the Republic of Tajikistan, once the Draft Law is adopted, with no changes, and the Law in force, to deposit its instrument of accession to the 1991 Act; and

(c) authorize the Secretary-General to inform the Government of the Republic of Tajikistan of that decision.

Report by the President on the work of the seventy-ninth and eightieth sessions of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee

*Seventy-ninth session of the Consultative Committee*

9. The President reported that the Consultative Committee had held its seventy-ninth session in Geneva, on March 26, 2010. At that session, in addition to the provision of advice to the Council on the “Appointment of the new Vice Secretary-General”, the Consultative Committee had:

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

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

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

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

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

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

*Eightieth session of the Consultative Committee*

10. The President reported that the Consultative Committee held its eightieth session in Geneva on October 20, 2010 and on the morning of October 21, 2010. At that session, the Consultative Committee:

(a) decided to grant observer status to the Association for Plant Breeding for the Benefit of Society (APBREBES) in the Council, the Administrative and Legal Committee (CAJ), the Technical Committee (TC) and the Technical Working Parties (TWPs) of UPOV;

(b) decided to extend the observer status for CropLife International to the Administrative and Legal Committee (CAJ), the Technical Committee (TC) and the Technical Working Parties (TWPs) of UPOV;

(c) decided to grant observer status to the European Coordination Via Campesina (ECVC) in the Council, the Administrative and Legal Committee (CAJ), the Technical Committee (TC) and the Technical Working Parties (TWPs) of UPOV;

(d) agreed to inform observers that the Consultative Committee had established a working group to review the rules concerning observers and recommend appropriate changes;

(e) approved the restructuring of the UPOV website;

(f) approved the proposals for the creation of a “UPOV Collection”;

(g) endorsed the proposal to invite participants from new members of the Union to make a brief presentation at the Consultative Committee, on progress on the implementation of the UPOV system in their territory, with an opportunity to indicate any particular areas where they would welcome guidance or assistance;

(h) noted the developments concerning the follow-up to the Second World Seed Conference;

(i) approved the organization of a seminar on the role of plant variety protection in public-private partnerships, to be held in Geneva on April 11 and on the morning of April 12, 2011;

(j) agreed that NordGen be granted a free subscription to the UPOV-ROM Plant Variety Database, as set out in paragraph 36 of document CC/80/7 Corr.;

(k) noted the latest developments concerning the preparation of the Fiftieth Anniversary and, in particular, that the Symposium would be focused on plant research. The Council noted that proposals for leading scientists as speakers would be welcome by November 30, 2010.

11. The Council noted the oral report by the President on the seventy-ninth and eightieth sessions of the Consultative Committee, held on March 26, and October 20 and 21, 2010, which did not relate to those items that had been or would be considered by the Council, at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010.

12. The Consultative Committee recommended to the Council, at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010, that it approve a draft press release that was distributed at the eightieth session of the Consultative Committee, subject to developments in the Council. The Council noted that the draft press release would be considered by the Council at the end of its session.

### Audit Committee

13. The Council considered document C/44/13.

14. The Council decided not to establish an audit committee for the time being and to request the Secretary-General to transmit the WIPO Audit Committee's report on the WIPO Internal Audit and Oversight Division to the Consultative Committee.

### Adoption of documents

15. The Council considered document C/44/14 and C/44/14 Add.

*TGP/5, Section 2/3: Experience and Cooperation in DUS Testing: UPOV Model Form for the Application for Plant Breeders' Rights*

16. The Council adopted document TGP/5, Section 2/3 "Experience and Cooperation in DUS Testing: UPOV Model Form for the Application for Plant Breeders' Rights" on the basis of document TGP/5 Section 2/3 Draft 1.

*TGP/7/2: Development of Test Guidelines*

17. The Council adopted document TGP/7 "Development of Test Guidelines" on the basis of document TGP/7/2 Draft 6.

*TGP/8/1: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability*

18. The Council adopted document TGP/8/1 "Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability" on the basis of document TGP/8/1 Draft 16.

*TGP/14/1: Glossary of Terms Used in UPOV Documents*

19. The Council adopted document TGP/14/1 "Glossary of Terms Used in UPOV Documents" on the basis of document TGP/14/1 Draft 12, subject to the deletion of "droit d'obtenteur voir 'droit d'obtenteur'" in page 7 of the French version of document TGP/14/1 Draft 12.

*TGP/0/3: List of TGP Documents and Latest Issue Dates*

20. The Council adopted document TGP/0/3 “List of TGP Documents and Latest Issue Dates” on the basis of document TGP/0/3 Draft 1.

*UPOV/EXN/CAL: Explanatory Notes on Conditions and Limitations Concerning the Breeder’s Authorization in respect of Propagating Material under the UPOV Convention*

21. The Council adopted document “Explanatory Notes on Conditions and Limitations Concerning the Breeder’s Authorization in respect of Propagating Material under the UPOV Convention” on the basis of document UPOV/EXN/CAL Draft 3.

*UPOV/EXN/VAR: Explanatory Notes on the Definition of Variety under the 1991 Act of the UPOV Convention*

22. The Council adopted document UPOV/EXN/VAR “Explanatory Notes on the Definition of Variety under the 1991 Act of the UPOV Convention” on the basis of document UPOV/EXN/VAR Draft 5.

*UPOV/INF/4/1: Financial Regulations and Rules of UPOV*

23. The Council noted that the Consultative Committee had agreed to set an upper limit of 15 percent for the reserve fund, based on the recommendations of the external auditor. In that regard, the Consultative Committee had noted that the Delegations of Denmark and Germany had a preference for an upper limit of 10 percent but had accepted a limit of 15 percent in order to reach the consensus.

24. The Council adopted document UPOV/INF/4/1 “Financial Regulations and Rules of UPOV” on the basis of document UPOV/INF/4/1 Draft 4, with the following modifications:

(a) the last two sentences of Regulation 4.6 would read as follows: “If after the closure of the financial period, the amount of the reserve fund exceeds 15 percent of the total income for the financial period, the amount in excess shall be reimbursed to the members of UPOV, unless otherwise decided by the Council. Any member of UPOV may request that the reimbursement attributed to it be deposited in a special account or trust fund specified by it.”; and

(b) the deletion of the square brackets encompassing the word “unforeseen” after “Council in which” in Rule 101.3(n).

*UPOV/INF/10/1: Internal Audit*

25. The Council noted the amendments to the “WIPO Internal Oversight Charter” approved by the WIPO General Assembly, at its thirty-ninth session (September 20 to 29, 2010), as reported in document C/44/14 Add.

26. The Council adopted document UPOV/INF/10/1 “Internal Audit” on the basis of document UPOV/INF/10/1 Draft 2.

*UPOV/INF/12/3: Explanatory Notes on Variety Denominations under the UPOV Convention*

27. The Council adopted document UPOV/INF/12/3 “Explanatory Notes on Variety Denominations under the UPOV Convention” on the basis of document UPOV/INF/12/3 Draft 1, subject to the addition of the words “reproduction ou de” before “multiplication” in paragraph 3 of the Preamble of the French version of the document and the deletion of the words “Organizations in UPOV Bodies” in the title of the English version of the document.

*UPOV/INF/15/1: Guidance for Members of UPOV on Ongoing Obligations and Related Notifications*

28. The Council adopted document UPOV/INF/15/1 “Guidance for Members of UPOV on Ongoing Obligations and Related Notifications” on the basis of document UPOV/INF/15/1 Draft 2.

*UPOV/INF/16/1: Rules Governing the Granting of Observer Status to States, Intergovernmental Organizations and International Non-Governmental Organizations in UPOV Bodies*

29. The Council noted that the “Rules Governing the Granting of Observer Status to States, Intergovernmental Organizations and International Non-Governmental Organizations in UPOV Bodies and Access to UPOV Documents” were adopted by the Council at its thirty-ninth ordinary session, on October 27, 2005 (Annex to document C/39/13). It noted that document UPOV/INF/16/1 Draft 1 reproduced the content of paragraphs 1 to 5 of the Annex to document C/39/13.

30. The Council decided not to adopt document UPOV/INF/16/1 Draft 1 “Rules Governing the Granting of Observer Status to States, Intergovernmental Organizations and International Non-Governmental Organizations in UPOV Bodies” for the time being.

31. The Council noted that the Consultative Committee had decided to establish a working group to review the rules concerning observers and recommend appropriate changes.

*UPOV/INF/17/1: Rules Governing the Access to UPOV Documents*

32. The Council noted that document UPOV/INF/17/1 Draft 1 reproduced the content of paragraphs 6 to 12 of the Annex to document C/39/13. On the basis of the discussions concerning document UPOV/INF/16/1 Draft 1, as set out above, the Council decided not to adopt document UPOV/INF/17/1 Draft 1 “Rules Governing the Access to UPOV Documents” for the time being.

*UPOV/INF/18/1: Exchangeable Software*

33. The Council adopted document UPOV/INF/18/1 “Exchangeable Software” on the basis of document UPOV/INF/18/1 Draft 1.

*BMT Guidelines*

34. The Council adopted document “Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction” (“BMT Guidelines”) on the basis of document BMT Guidelines (proj.17).

Annual report of the Secretary-General for 2009; Report on activities during the first nine months of 2010

35. The Council noted the report of the Secretary-General on the activities of the Union in 2009, as provided in document C/44/2.

36. The Council noted the report on activities during the first nine months of 2010, as provided in document C/44/3.

Finances of the International Union for the Protection of New Varieties of Plants as at December 31, 2009

37. The Council approved the accounts for the 2008-2009 financial period. It noted the report of the auditor on the accounts of the 2008-2009 biennium, contained in document C/44/4, Annex B, and expressed its gratitude to the Government of Switzerland for its cooperation in that matter.

Arrears in contributions as of September 30, 2010

38. The Council noted the status of payment of contributions and the Working Capital Fund participations as provided in document C/44/11 and noted the report by the Delegation of Spain and that, due to recent payments Azerbaijan, Jordan and the Republic of Korea had no arrears and that Ukraine had a balance of 1,956 Swiss francs.

39. The Council noted that Mexico had made a payment concerning its contribution in October 2010.

Progress report of the work of the Administrative and Legal Committee

40. The Council noted the work of the CAJ, as provided in document C/44/9 and in the oral report by the Chair of the CAJ, and approved the work program for the sixty-third session of the CAJ, as presented in the oral report of the Chair of the CAJ.

Progress report of the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

41. The Council noted the work of the Technical Committee (TC), the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and

DNA-Profiling in Particular, as provided in document C/44/10, and approved the programs of work set out in document C/44/10.

#### Calendar of meetings in 2011

42. The Council noted that the Consultative Committee, at its eightieth session, had endorsed the organization of the “Seminar on the role of plant variety protection in public-private partnerships”, to be held in Geneva on April 11 and 12 (morning), 2011 and the “Symposium on 50 years of the International Union for the Protection of New Varieties of Plants (UPOV) and the impact of plant variety protection” to be held in Geneva on October 21, 2011.

43. The Council approved the calendar of meetings in 2011, as presented in document C/44/8 Rev, subject to the addition of the first meeting of the Working Group concerning the Rules of Observers to be held in Geneva on the morning of April 9, 2011.

44. The Council also noted the proposed dates of meetings in Geneva in 2012.

#### Election of the new Chair and the new Vice-Chair of the Administrative and Legal Committee and the Technical Committee

45. The Council elected, in each case for a term of three years ending with the forty-seventh ordinary session of the Council, in 2013:

(a) Mr. Lü Bo (China), Chair of the Administrative and Legal Committee;

(b) Mr. Martin Ekvad (European Union), Vice-Chair of the Administrative and Legal Committee;

(c) Mr. Joël Guiard (France), Chair of the Technical Committee; and

(d) Mr. Alejandro Barrientos-Priego (Mexico), Vice-Chair of the Technical Committee.

46. The Council expressed its appreciation to the outgoing Chairs, Mrs. Carmen Amelia M. Gianni (Argentina), Chair of the Administrative and Legal Committee, and Mr. Chris Barnaby (New Zealand), Chair of the Technical Committee, for the work carried out during their term.

#### Situation in the legislative, administrative and technical fields

47. The Council noted documents C/44/5, C/44/6, C/44/7, C/44/12 and C/43/7 Rev. It noted that a revised version of document C/44/7 would be produced if further data for 2009 was received.



Press Release

48. The Council considered and approved the draft press release which was distributed at the end of its forty-fourth ordinary session. The Press Release approved by the Council is reproduced in Annex II to this document.

Retirement

49. The President noted that Mr. Jacques Gennatas (European Union) would retire before the subsequent session of the Council. He expressed his thanks, on behalf of the Council, for his contribution to the work of the Union and wished him a long and happy retirement.

UPOV Medal

50. On behalf of the Council, the President thanked Mr. Rolf Jördens for his dedicated service to UPOV as Vice Secretary-General since July 2000 and paid tribute to his substantial achievements in that role. In recognition of his outstanding contribution to UPOV as Vice Secretary-General, Mr. Jördens was awarded a UPOV Gold Medal.

*51. This report was adopted by the Council at the close of its session on October 21, 2010.*

[Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /  
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres/  
in the alphabetical order of the names in French of the members/  
in alphabetischer Reihenfolge der französischen Namen der Mitglieder/  
por orden alfabético de los nombres en francés de los miembros)

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[L'annexe II suit/  
Annex II follows/  
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Sigue el Anexo II]

ANNEX II

UPOV PRESS RELEASE

UPOV Council Holds Annual Session

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its annual ordinary session on October 21, 2010.

The Council noted a modest increase – 3 percent - in the overall number of applications (13,019) for plant variety protection in 2009. A record number of titles in force – 86,325 – was registered in 2009, representing a 6 percent increase on figures for 2008.

In 2009, the number of plant genera and species for which there were agreements between members of the Union for cooperation in the examination of distinctness, uniformity and stability exceeded 1,400 (a 3 percent increase on 2009).

The Council thanked out-going Vice Secretary General, Mr. Rolf Jördens, for his dedicated service over the past ten years. Mr. Jördens will be succeeded by Mr. Peter Button, who is currently UPOV's Technical Director, on December 1, 2010.

Round-up of key developments:

Examination of laws

The Council decided that the Draft Law on Plant Variety Protection of the Republic of Tajikistan was in conformity with the provisions of the 1991 Act of the UPOV. Once this draft law is adopted by the Republic of Tajikistan, that country will be in a position to deposit its instrument of accession to the 1991 Act of UPOV.

Observers<sup>i</sup>

Observer status was granted to the Association for Plant Breeding for the Benefit of Society (APBREBES) and to European Coordination Via Campesina (ECVC) for the Council, the Administrative and Legal Committee (CAJ), the Technical Committee (TC) and the Technical Working Parties (TWPs). The observer status for CropLife International was extended to the CAJ, TC and TWPs.

NordGen access to UPOV-ROM Plant Variety Database (UPOV-ROM)<sup>ii</sup>

It was agreed that NordGen (Nordic Genetic Resource Center) be granted a free subscription to the UPOV-ROM Plant Variety Database (UPOV-ROM) with an explanation that the background to this sharing of information is provided by the “Reply of UPOV to the Notification of June 26, 2003, from the Executive Secretary of the Convention on Biological Diversity (CBD)”, adopted by the Council of UPOV at its thirty-seventh ordinary session on October 23, 2003.<sup>iii</sup>

### Finances and internal auditing

UPOV's Financial Regulations and Rules were revised, together with the introduction of provisions for internal auditing

### Information and Guidance

The Council also adopted a number of information and guidance documents in relation to:

- (a) conditions and limitations concerning the breeder's authorization in respect of propagating material; the definition of variety; and a revision of the explanatory note on variety denominations;
- (b) guidance documents on the examination of Distinctness, Uniformity and Stability ("DUS")<sup>iv</sup> and on DNA-Profiling; and
- (c) information on software that would be made available by members of the Union to all other members of the Union.

A full report of the decisions of the Council at its forty-fourth ordinary session is available at: [http://www.upov.int/en/documents/c/index\\_c44.htm](http://www.upov.int/en/documents/c/index_c44.htm))

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Background information

**I. Members of UPOV**

*as of October 21, 2010 (68)*

Albania <sup>3</sup>	Chile <sup>2</sup>	France <sup>2</sup>	Latvia <sup>3</sup>	Portugal <sup>2</sup>	Trinidad and Tobago <sup>2</sup>
Argentina <sup>2</sup>	China <sup>2</sup>	Georgia <sup>3</sup>	Lithuania <sup>3</sup>	Republic of Korea <sup>3</sup>	Tunisia <sup>3</sup>
Australia <sup>3</sup>	Colombia <sup>2</sup>	Germany <sup>3</sup>	Mexico <sup>2</sup>	Republic of Moldova <sup>3</sup>	Turkey <sup>3</sup>
Austria <sup>3</sup>	Costa Rica <sup>3</sup>	Hungary <sup>3</sup>	Morocco <sup>3</sup>	Romania <sup>3</sup>	Ukraine <sup>3</sup>
Azerbaijan <sup>3</sup>	Croatia <sup>3</sup>	Iceland <sup>3</sup>	Netherlands <sup>3</sup>	Russian Federation <sup>3</sup>	United Kingdom <sup>3</sup>
Belarus <sup>3</sup>	Czech Republic <sup>3</sup>	Ireland <sup>2</sup>	New Zealand <sup>2</sup>	Singapore <sup>3</sup>	United States of America <sup>3</sup>
Belgium <sup>1</sup>	Denmark <sup>3</sup>	Israel <sup>3</sup>	Nicaragua <sup>2</sup>	Slovakia <sup>3</sup>	Uruguay <sup>2</sup>
Bolivia	Dominican Republic <sup>3</sup>	Italy <sup>2</sup>	Norway <sup>2</sup>	Slovenia <sup>3</sup>	Uzbekistan <sup>3</sup>
(Plurinational State) <sup>2</sup>	Ecuador <sup>2</sup>	Japan <sup>3</sup>	Oman <sup>3</sup>	South Africa <sup>2</sup>	Viet Nam <sup>3</sup>
Brazil <sup>2</sup>	Estonia <sup>3</sup>	Jordan <sup>3</sup>	Panama <sup>2</sup>	Spain <sup>3</sup>	
Bulgaria <sup>3</sup>	European Union <sup>3,4</sup>	Kenya <sup>2</sup>	Paraguay <sup>2</sup>	Sweden <sup>3</sup>	(Total 68)
Canada <sup>2</sup>	Finland <sup>3</sup>	Kyrgyzstan <sup>3</sup>	Poland <sup>3</sup>	Switzerland <sup>3</sup>	

<sup>1</sup> 1961 Convention as amended by the Additional Act of 1972 is the latest Act by which one State is bound.

<sup>2</sup> 1978 Act is the latest Act by which 22 States are bound.

<sup>3</sup> 1991 Act is the latest Act by which 44 States and one organization are bound.

<sup>4</sup> Operates a (supranational) Community plant variety rights system which covers the territory of its 27 members.

**II States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention**

*States (17):*

Armenia, Bosnia and Herzegovina, Egypt, Guatemala, Honduras, India, Kazakhstan, Malaysia, Mauritius, Montenegro, Peru, Philippines, Serbia, Tajikistan, The former Yugoslav Republic of Macedonia, Venezuela and Zimbabwe.

*Organization (1):*

African Intellectual Property Organization (OAPI)

*(member States of OAPI (16): Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, Togo).*

**III States and intergovernmental organizations which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention**

*States (21):*

Algeria, Bahrain, Barbados, Cambodia, Cuba, Cyprus, El Salvador, Ghana, Indonesia, Iraq, Islamic Republic of Iran, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Pakistan, Saudi Arabia, Sudan, Thailand, Tonga, Turkmenistan, United Republic of Tanzania and Zambia.

*Organizations (2):*

African Regional Intellectual Property Organization (ARIPO)

*(member States of ARIPO (17): Botswana, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia, Zimbabwe)*

Southern African Development Community (SADC)

*(member States of SADC (15): Angola, Botswana, Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia, Zimbabwe).*

**OBSERVERS IN UPOV BODIES**

1. STATES

<i>State</i>	<i>Council</i>	<i>CAJ</i>	<i>TC</i>	<i>TWP</i>
Algeria	✓	✓	✓	
Armenia	✓	✓		
Bangladesh	✓			
Barbados	✓			
Bosnia and Herzegovina	✓	✓		
Burkina Faso	✓			
Burundi	✓			
Cambodia	✓			
Côte d'Ivoire	✓			
Cuba	✓			
Cyprus	✓			
Djibouti	✓			
Dominica	✓			
Egypt	✓	✓	✓	
El Salvador	✓			
Fiji	✓			
Gabon	✓			
Ghana	✓	✓		
Greece	✓	✓		✓
Guatemala	✓		✓	
Guyana	✓			
Honduras	✓	✓		
India	✓	✓	✓	
Indonesia	✓			
Iraq	✓			
Iran, Islamic Republic of	✓			
Jamaica	✓			
Kazakhstan	✓	✓		
Lebanon	✓			
Libyan Arab Jamahiriya	✓			
Luxembourg	✓			
Madagascar	✓			
Malawi	✓			
Malaysia	✓	✓		✓
Mauritius	✓	✓	✓	
Mongolia	✓			

C/44/16  
Annex II, page 6

<i>State</i>	<i>Council</i>	<i>CAJ</i>	<i>TC</i>	<i>TWP</i>
Montenegro	✓			
Pakistan	✓	✓		
Peru	✓	✓	✓	✓
Philippines	✓			
Saudi Arabia	✓	✓	✓	✓
Senegal	✓			
Serbia	✓	✓	✓	
Seychelles	✓			
Sri Lanka	✓			
Sudan	✓			
Suriname	✓			
Syrian Arab Republic	✓			
Tajikistan	✓	✓	✓	
Thailand	✓	✓		
The former Yugoslav Republic of Macedonia	✓	✓		
Tonga	✓			
Turkmenistan	✓	✓		
Uganda	✓			
United Republic of Tanzania	✓	✓	✓	
Venezuela	✓	✓	✓	✓
Yemen	✓			
Zambia	✓			
Zimbabwe	✓	✓	✓	

2. INTERGOVERNMENTAL ORGANIZATIONS

<i>Intergovernmental organization</i>	<i>Council</i>	<i>CAJ</i>	<i>TC</i>	<i>TWP</i>
African Intellectual Property Organization (OAPI)	✓	✓	✓	✓
African Regional Intellectual Property Organization (ARIPO)	✓			
Andean Community	✓			
Bioversity International (former International Plant Genetic Resources Institute, IPGRI)	✓	✓	✓	✓
Consultative Group on International Agricultural Research (CGIAR)	✓			
European Free Trade Association (EFTA)	✓	✓		
European Patent Organisation (EPO)	✓	✓		
Food and Agriculture Organization of the United Nations (FAO)	✓		✓	
International Seed Testing Association (ISTA)	✓		✓	✓
Organisation for Economic Co-operation and Development (OECD)	✓		✓	✓
The World Conservation Union (IUCN)	✓			
United Nations Development Programme (UNDP)	✓			
United Nations Environment Programme (UNEP)	✓			
United Nations Industrial Development Organization (UNIDO)	✓			
World Bank	✓			
World Intellectual Property Organization (WIPO)	✓	✓		
World Trade Organization (WTO)	✓	✓		

3. INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

<i>International non-governmental organization</i>	<i>Council</i>	<i>CAJ</i>	<i>TC</i>	<i>TWP</i>
Association for Plant Breeding for the Benefit of Society (APBREBES)	✓	✓	✓	✓
Asia and Pacific Seed Association (APSA)	✓			
Association of European Horticultural Breeders (AOHE)	✓			
Biotechnology Industry Organization (BIO)	✓			
Committee of Agricultural Organizations in the European Union (COPA)	✓			
Committee of National Institutes of Patent Agents (CNIPA)	✓			
Committee of Nordic Industrial Property Agents (CONOPA)	✓			
CropLife International	✓	✓	✓	✓
European Coordination Via Campesina (ECVC)	✓	✓	✓	✓
European Federation of Agents of Industry in Industrial Property (FEMIP)	✓			
European Federation of Agricultural and Rural Contractors (CEETTAR)	✓			
European Federation of Pharmaceutical Industries' Associations (EFPIA)	✓			
European Seed Association (ESA)	✓	✓	✓	✓
General Committee for Agricultural Co-operation in the European Union (COGECA)	✓			
International Association for the Protection of Intellectual Property (AIPPI)	✓			
International Association of Horticultural Producers (AIPH)	✓	✓	✓	
International Chamber of Commerce (ICC)	✓			
International Commission for the Nomenclature of Cultivated Plants of the International Union for Biological Sciences (IUBS) (ICNCP)	✓			
International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA)	✓	✓	✓	✓
International Federation of Agricultural Producers (IFAP)	✓			
International Federation of Industrial Property Attorneys (FICPI)	✓			
International Seed Federation (ISF)	✓	✓	✓	✓
Seed Association of the Americas (SAA)	✓	✓	✓	✓
Union of European Practitioners in Industrial Property (UNION)	✓			
Union of Industrial and Employers' Confederations of Europe (UNICE)	✓			

<sup>i</sup> Information about UPOV bodies and the rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies and access to UPOV documents can be found at <http://www.upov.int/en/about/structure.html>.

<sup>ii</sup> see [http://www.upov.int/en/publications/cd\\_rom.htm](http://www.upov.int/en/publications/cd_rom.htm)

<sup>iii</sup> [http://www.upov.int/export/sites/upov/en/news/2003/pdf/cbd\\_response\\_oct232003.pdf](http://www.upov.int/export/sites/upov/en/news/2003/pdf/cbd_response_oct232003.pdf)

<sup>iv</sup> Document TG/1/3 “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants” (see [http://www.upov.int/en/publications/tg-rom/tg001/tg\\_1\\_3.pdf](http://www.upov.int/en/publications/tg-rom/tg001/tg_1_3.pdf)) explains that:

“1.1 According to Article 7 of the 1961/1972 and 1978 Acts and Article 12 of the 1991 Act of the UPOV Convention, protection can only be granted in respect of a new plant variety after examination of the variety has shown that it complies with the requirements for protection laid down in those Acts and, in particular, that the variety is distinct (D) from any other variety whose existence is a matter of common knowledge at the time of the filing of the application (hereinafter referred to as a “variety of common knowledge”) and that it is sufficiently uniform (U) and stable (S), or “DUS” in short. [...]

“1.2 The purpose of this document (hereinafter referred to as “the General Introduction”), and the associated series of documents specifying Test Guidelines’ Procedures (hereinafter referred to as “the TGP documents”), is to set out the principles which are used in the examination of DUS. The identification of those principles ensures that examination of new plant varieties is conducted in a harmonized way throughout the members of the Union. This harmonization is important because it facilitates cooperation in DUS testing and also helps to provide effective protection through the development of harmonized, internationally recognized descriptions of protected varieties.”

[End of Annex II and of document]