



C/44/17

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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

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.

Adoption of the Agenda

- *5. 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.

* An asterisk next to the paragraph number indicates that the text has been taken from the Report of the Decisions (document C/44/16).

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

*6. The Council considered document C/44/15.

*7. 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.

8. The Delegation of Tajikistan thanked the Council for the 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 UPOV Convention. It reported that the Draft Law had been submitted to the Parliament for adoption. The Delegation looked forward to Tajikistan becoming a member of the Union in the near future.

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”)¹, 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;

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

(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;

(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 Software²

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

BMT Guidelines³

*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.

² On the basis of the decision not to adopt document UPOV/INF/16/1 Draft 1 (see paragraph 30, above), and in order to maintain a sequential numbering for information materials, the code for document “Exchangeable Software” has been changed from “UPOV/INF/18/1” to “UPOV/INF/16/1”.

³ On the basis of the decision not to adopt document UPOV/INF/17/1 Draft 1 (see paragraph 32, above), and in order to maintain a sequential numbering for information materials, the reference for document “Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction” (“BMT Guidelines”) has been changed from “BMT Guidelines” to “UPOV/INF/17/1”.

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 Delegation of Belgium requested that the English translation of the original sentence “Quand le nouveau Gouvernement sera formé, le projet pourra reprendre la procédure auprès du Parlement”, in document C/44/12, Annex V “Belgium”, section 1.1, be amended to correspond to the original in French.

*48. 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

*49. 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

*50. 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

*51. 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.

52. *The present report has been adopted by correspondence.*

[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)

I. MEMBRES / MEMBERS / VERBANDSMITGLIEDER / MIEMBROS

AFRIQUE DU SUD / SOUTH AFRICA / SÜDAFRIKA / SUDÁFRICA

Noluthando NETNOU-NKOANA (Mrs.), Registrar: Plant Breeders' Rights Act, Directorate: Genetic Resources, Department of Agriculture, Forestry and Fisheries, 257 Harvest House, 30 Hamilton Street, Private Bag X973, 0001 Pretoria
(tel.: +27 12 319 6183 fax: +27 12 319 6385 e-mail: noluthandon@daff.gov.za)

Tshihumbudzo RAVHANDALALA (Mrs.), First Secretary, Economic Development Unit, Permanent Mission, 65, rue du Rhone, 1204 Geneva, Switzerland
(tel.: +41 22 849 5424 fax: +41 22 849 5432 e-mail: ravhandalalat@foreign.gov.za)

ALLEMAGNE / GERMANY / DEUTSCHLAND / ALEMANIA

Friedel CRAMER, Referatsleiter, Referat 511, Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz (BMELV), Rochusstrasse 1, 53123 Bonn
(tel.: +49 228 99529 3839 fax: +49 228 99529 553839 e-mail: friedel.cramer@bmelv.bund.de)

Udo VON KRÖCHER, Präsident, Bundessortenamt, Osterfelddamm 80, 30627 Hannover
(tel.: +49 511 9566603 fax: +49 511 956 6904 e-mail: udo.vonkroecher@bundessortenamt.de)

ARGENTINE / ARGENTINA / ARGENTINIEN / ARGENTINA

Carmen Amelia M. GIANNI (Sra.), Coordinadora de Propiedad Intelectual / Recursos Fitogenéticos, Instituto Nacional de Semillas (INASE), Paseo Colón 922, 3 piso, of. 344, 1063 Buenos Aires
(tel.: +54 11 4349 2398 e-mail: mlvillamayor@inase.gov.ar)

María Laura VILLAMAYOR (Srta.), Abogada, Coordinación de Propiedad Intelectual, Instituto Nacional de Semillas (INASE), Paseo Colón 922, 3 piso, of. 344, 1063 Buenos Aires
(tel.: +54 11 4349 2398 e-mail: mlvillamayor@inase.gov.ar)

AUSTRALIE / AUSTRALIA / AUSTRALIEN / AUSTRALIA

Doug WATERHOUSE, Chief, Plant Breeder's Rights, IP Australia, P.O. Box 200, Woden ACT 2606
(tel.: +61 2 6283 7981 fax: +61 2 6283 7999 e-mail: doug.waterhouse@ipaaustralia.gov.au)

BÉLARUS / BELARUS / BELARUS / BELARÚS

Uladzimir BEINIA, Acting Deputy Director, State Inspection for Testing and Protection of Plant Varieties, Kazintsa str. 90/1, 220108 Minsk
(tel.: +375 17 212 7451 fax: +375 17 278 3530 e-mail: belsort@mail.ru)

Tatyana SIAMASHKA (Mrs.), Deputy Director of DUS Testing, State Inspection for Testing and Protection of Plant Varieties, 90/1 Kazintsa str., 220108 Minsk
(tel.: +375 17 2127451 fax: + 375 17 2783530 e-mail: tatianasortr@mshp.minsk.by)

Maryna SALADUKHA (Mrs.), Main Specialist, International Cooperation Department, Ministry of Agriculture, 90 Kazintsa str., 220108 Minsk
(tel.: +375 17 212 7551 fax: +375 17 278 3530 e-mail: belsort@mail.ru)

Vitaly KNIAZEV, Third Secretary, Permanent Mission, 15, avenue de la Paix, 1211 Geneva, Switzerland
(tel.: +41 22 748 2456 fax: +41 22 748 2451 e-mail: mission.belarus@ties.itu.int)

BELGIQUE / BELGIUM / BELGIEN / BÉLGICA

Camille VANSLEMBROUCK (Madame), Responsable droits d'obteneurs et brevets, Office de la propriété intellectuelle, North Gate III, 16, Boulevard du Roi Albert II, B-1000 Bruxelles
(tel.: +32 2 277 8275 fax: +32 2 277 5262 e-mail: camille.vanslembrouck@economie.fgov.be)

Jean DE LANNOY, Deuxième secrétaire, Mission permanente, Case postale 473, B-1211 Genève 19, Suisse
(tel.: +41 22 730 4000F fax: +41 22 734 5079 e-mail: jean.delannoy@diplobel.fed.be)

BOLIVIE (ÉTAT PLURINATIONAL DE) / BOLIVIA (PLURINATIONAL STATE OF) / BOLIVIEN (PLURINATIONALER STAAT) / BOLIVIA (ESTADO PLURINACIONAL DE)

Sergio Rider ANDRADE CÁCERES, Director Nacional de Semillas, Instituto Nacional de Innovación Agropecuaria y Forestal (INIAF), Avenida 6 de agosto, Nro. 2170, Edificio Hoy, Mezanine, 4793 La Paz
(tel.: +591 2 2441153 fax: +591 2 2441153 e-mail: rideran@yahoo.es)

Luis Fernando ROSALES LOZADA, Primer Secretario, Misión Permanente, 139, rue de Lausanne, 1202 Ginebra, Suiza
(tel.: +41 22 908 0717 fax: +41 22 908 0722 e-mail: fernando.rosales@bluewin.ch)

BRÉSIL / BRAZIL / BRASILIEN / BRASIL

Ricardo Zanatta MACHADO, Federal Agricultural Inspector, National Plant Variety Protection Service (SNPC), Esplanada dos Ministérios, Bloco "D" Anexo "A", 2o andar, sala 250, 70043-900 Brasilia, D.F.
(tel.: +55 61 3218 2549 fax: +55 61 3224 2842 e-mail: ricardo.machado@agricultura.gov.br)

José Antonio Fernandes HIDALGO, Federal Agricultural Inspector, National Plant Variety Office/SNPC, Ministry of Agriculture, Livestock and Food Supply, Esplanada dos Ministérios, Bloco "D", Anexo A, Sala 250, Brasilia, D.F.70043-090
(tel.: +55 61 321 82549 fax: +55 61 322 42842 e-mail: jose.hidalgo@agricultura.gov.br)

CHILI / CHILE / CHILE / CHILE

Jaime IBIETA SOTOMAYOR, Director, División de Semillas, Servicio Agrícola y Ganadero (SAG), Ministerio de Agricultura, Avda. Bulnes 140, piso 2, Santiago de Chile
(tel.: +56 2 345 1560 e-mail: jaime.ibieta@sag.gob.cl)

Manuel TORO UGALDE, Encargado, Registro de Variedades Protegidas, División Semillas, Servicio Agrícola y Ganadero (SAG), Avda Bulnes 140, piso 2, 1167-21 Santiago de Chile
(tel.: +56 2 3690830 fax: +56 2 6972179 e-mail: manuel.toro@sag.gob.cl)

Claudia ESPINOZA (Srta.), División de Asuntos Internacionales de Propiedad Intelectual, Servicio Agrícola y Ganadero (SAG), Avda Bulnes 140, piso 2, 1167-21 Santiago de Chile
(tel.: +56 2 345 12 14 fax: +56 2 345 1578 e-mail: claudia.espinoza@sag.gob.cl)

Andres GUGGIANA, Consejero, Misión permanente OMC, 58, rue de Moillebeau, 1211 Ginebra, Suiza

CHINE / CHINA / CHINA / CHINA

LŪ Bo, Director, Division for Plant Variety Protection, Development Center for Science & Technology, Ministry of Agriculture, 18, Mai Zi Dian Street, Chaoyang District, Beijing 100125
(tel.: +86 10 659 21326 fax: +86 10 659 23176 e-mail: lvbo@agri.gov.cn)

ZHOU Jianren, Division Director, Office for the Protection of New Varieties of Plants, State Forestry Administration, State Forestry Administration, 18 Hepingli East Street, Beijing 100714
(tel.: +86 10 8423 9104 fax: +86 10 8423 8883 e-mail: webmaster@cnpvp.net)

YIN Yanling (Ms.), Official, International Cooperation Division Two, International Cooperation Department, State Intellectual Property Office (SIPO), P.O. Box 8020, Beijing 100088
(tel.: +86 10 6208 3801 fax: +86 10 6201 9613 e-mail: yinyangling@sipo.gov.cn)

LIN Xiangming, Senior Consultant, Division of GMO Biosafety and IPR (PVP Office), Department of Science, Technology and Education, Ministry of Agriculture, 11, Nongzhanguan Nanli, Chaoyang District, 100125 Beijing
(tel.: +86 10 59193073 fax: +86 10 659 23072 e-mail: cq@agri.gov.cn)

COLOMBIE / COLOMBIA / KOLUMBIEN / COLOMBIA

Ana Luisa DÍAZ JIMÉNEZ (Sra.), Directora Técnica de Semillas, Dirección Técnica de Semillas, Instituto Colombiano Agropecuario (ICA), Carrera 41 No. 17-81 Zona Industrial de Puente Aranda Bogotá D.C.
(tel.: +57 1 3323700-2884800 fax: +57 1 3323700 e-mail: ana.diaz@ica.gov.co)

Gedeón JARAMILLO REY, Ministro Consejero, Misión Permanente, 17-19, chemin du Champ-d'Anier, 1209 Ginebra, Suiza
(tel.: +41 22 798 4554 or 4718 fax: +41 22 791 0787 e-mail: gedeon.jaramillo@cancilleria.gob.co)

COSTA RICA / COSTA RICA / COSTA RICA / COSTA RICA

Norman LIZANO, Ministro Consejero, Permanent Mission, 11, rue Butini, 1202 Ginebra, Suiza
(tel.: +41 22 731 2587 fax: +41 22 7312069 e-mail: norman.lizano@ties.itu.int)

DANEMARK / DENMARK / DÄNEMARK / DINAMARCA

Gerhard DENEKEN, Head, Division of Variety Testing, Plant Directorate, Ministry of Food, Agriculture and Fisheries, Teglværksvej 10, Tystofte, DK-4230 Skaelskoer
(tel.: +45 5816 0601 fax: +45 58 160606 e-mail: gde@pdir.dk)

ESPAGNE / SPAIN / SPANIEN / ESPAÑA

Luis SALAICES, Jefe de Área del Registro de Variedades, Oficina Española de Variedades Vegetales (OEVV), Ministerio de Medio Ambiente y Medio Rural y Marino (MARM), Calle Alfonso XII, No. 62, 2a Planta, E-28014 Madrid
(tel.: +34 91 3476712 fax: +34 91 3476703 e-mail: luis.salaices@mapa.es)

ÉTATS-UNIS D'AMÉRIQUE / UNITED STATES OF AMERICA /
VEREINIGTE STAATEN VON AMERIKA / ESTADOS UNIDOS DE AMÉRICA

Kitisri SUKHAPINDA (Ms.), Patent Attorney, Office of External Affairs, U.S. Patent and Trademark Office (USPTO), Madison Building, West Wing, 600 Dulany Street, MDW 10A60, Alexandria VA 22314
(tel.: +1 571 272 9300 fax: +1 571 273 0085 e-mail: kitisri.sukhapinda@uspto.gov)

Paul M. ZANKOWSKI, Commissioner, Plant Variety Protection Office, United States Department of Agriculture (USDA), National Agricultural Library (NAL), 10301, Baltimore Ave., Beltsville MD 20705
(tel.: +1 301 504 5518 fax: +1 301 504 5291 e-mail: paul.zankowski@ams.usda.gov)

Minna MOEZIE (Ms.), Office of External Affairs, U.S. Patent and Trademark Office (USPTO), U.S. Department of Commerce, United States Patent and Trademark Office (USPTO), Department of Commerce, P.O. Box 1450, Alexandria VA 22313-1450
(tel.: +1 571 272 8436 fax: +1 571 273 0085 e-mail: minna.moezie@uspto.gov)

Karin L. FERRITER (Ms.), Intellectual Property Attaché, United States Mission to the WTO, 11, route de Pregny, 1292 Chambesy, Switzerland
(tel.: +41 22 749 5281 e-mail: karin_ferriter@ustr.eop.gov)

FÉDÉRATION DE RUSSIE / RUSSIAN FEDERATION / RUSSISCHE FÖDERATION /
FEDERACIÓN DE RUSIA

Valery V. SHMAL, Chairman, State Commission of the Russian Federation for Selection Achievements Test and Protection, Ministry of Agriculture, Orlikov per., 1/11, 107139 Moscow
(tel.: +7 495 607 6827 fax: +7 495 495 411 8366 e-mail: gossort@gossort.com)

Yuri A. ROGOVSKIY, Deputy Chairman, State Commission of the Russian Federation for Selection Achievements Test and Protection, Orlikov per., 1/11, 107139 Moscow
(tel.: +7 495 607 6827 fax: +7 495 411 83 66 e-mail: gossort@gossort.com)

Antonina TRETNIKOVA (Ms.), Expert, Methodology Department, State Commission of the Russian Federation for Selection Achievements Test and Protection, Orlikov per., 1/11, 107139 Moscow
(tel.: +7 495 607 6827 fax: +7 495 411 8366 e-mail: gossort@gossort.com)

FINLANDE / FINLAND / FINNLAND / FINLANDIA

Tapio LAHTI, Senior Officer, Legal Affairs, Finnish Food Safety Authority (EVIRA),
Mustialankatu 3, FIN-00790 Helsinki
(tel.: +358 400 640 881 fax: +358 20 77 25195 e-mail: tapio.lahti@evira.fi)

FRANCE / FRANCE / FRANKREICH / FRANCIA

Nicole BUSTIN (Mademoiselle), Secrétaire général, Comité de la protection des obtentions végétales (CPOV), Ministère de l'agriculture et de la pêche, 11, rue Jean Nicot, F-75007 Paris
(tel.: +33 1 4275 9314 fax: +33 1 4275 9425 e-mail: nicole.bustin@geves.fr)

Muriel LIGHTBOURNE (Mme), Responsable juridique, Groupe d'étude et de contrôle des variétés et des semences (GEVES), rue Georges Morel, F-49071 Beaucouzé Cedex
(tel.: +33 2 41 22 8596 fax: +33 2 41 22 8601 e-mail: muriel.lightbourne@geves.fr)

HONGRIE / HUNGARY / UNGARN / HUNGRÍA

Szabolcs FARKAS, Head, Patent Department, Hungarian Patent Office, 2, Garibaldi utca,
H-1052 Budapest
(tel.: +36 1 4745902 fax: +36 1 474 5596 e-mail: szabolcs.farkas@hpo.hu)

Ágnes Szenci GYÖZÖNÉ (Mrs.), Senior Chief Advisor, Agricultural Department, Ministry of Agriculture and Rural Development, Kossuth Tér. 11, H-1055 Budapest, Pf. 1
(tel.: +36 1 301 4308 fax: +36 1 301 4813 e-mail: gyozone.szenci@vm.gov.hu)

IRLANDE / IRELAND / IRLAND / IRLANDA

Donal COLEMAN, Controller of Plant Breeders' Rights, Department of Agriculture,
Backweston, Leixlip, Co. Kildare
(tel.: +353 1 630 2902 fax: +353 1 628 0634 e-mail: donal.coleman@agriculture.gov.ie)

ISRAËL / ISRAEL / ISRAEL / ISRAEL

Moshe GOREN, Chairman, Plant Breeders Rights' Council, Ministry of Agriculture and Rural Development, P.O. Box 30, Beit-Dagan 50250
(tel.: +972 3 9485415 fax: +972 3 9485839 e-mail: mosheg@moag.gov.il)

JAPON / JAPAN / JAPAN / JAPÓN

Tetsuya OTOMO, Director, Plant Variety Protection Office, Intellectual Property Division,
Ministry of Agriculture, Forestry and Fisheries (MAFF), 1-2-1 Kasumigaseki, Chiyoda-ku,
Tokyo 100-8950
(tel.: +81 3 3591 0524 fax: +81 3 3502 6572 e-mail: tetsuya_otomo@nm.maff.go.jp)

Tsukasa KAWAKAMI, Associate Director, Intellectual Property Division, Agricultural
Production Bureau, Ministry of Agriculture, Forestry and Fisheries, 1-2-1 Kasumigaseki,
Chiyoda-ku, Tokyo 100-8950
(tel.: +81 3 6744 2118 fax: +81 3 3502 5301 e-mail: tsukasa_kawakami@nm.maff.go.jp)

Machiko NAITO (Ms.), Program Manager, Japan International Cooperation Center (JICE),
East Asia Plant Variety Protection Forum Operation Office of Japan, Nishi-Shinjuku
KF Building 2nd Floor, 8-14-24, Shinjuku-ku, Tokyo 160-0023
(tel.: +81 3 5925 7183 fax: +81 3 5925 5740 e-mail: naito.machiko@jice.org;
naito.machiko@gmail.com)

KENYA / KENYA / KENIA / KENYA

James M. ONSANDO, Managing Director, Kenya Plant Health Inspectorate Service (KEPHIS), P.O. Box 49592, 00100 Nairobi
(tel.: +254 20 3584088 fax: +254 20 3536175 e-mail: director@kephis.org)

LETTONIE / LATVIA / LETTLAND / LETONIA

Sofija KALININA (Mrs.), Senior Officer, Seed Control Department, Division of Seed Certification and Plant Variety Protection, State Plant Protection Service, Lielvārdes iela 36/38, LV-1006 Riga
(tel.: +371 673 65568 fax: +371 673 65571 e-mail: sofija.kalinina@vaad.gov.lv)

MAROC / MOROCCO / MAROKKO / MARRUECOS

Amar TAHIRI, Chef du Division du contrôle des semences et plants, Office National de Sécurité Sanitaire des Produits Alimentaires (ONSSA), Ministère de l'agriculture et de la pêche maritime, B.P. 1308, rue Hafiane Cherkaoui, Rabat
(tel.: +212 537 771085 fax: +212 537 779852 e-mail: amar.tahiri@gmail.com)

Mohamed EL MHAMDI, Conseiller, Mission permanente, 18a, chemin François-Lehman, Case postale 244, 1218 Grand-Saconnex, Suisse
(tel. : +41 22 791 8181 fax : +41 22 791 8180 e-mail : mission.maroc@ties.itu.int)

MEXIQUE / MEXICO / MEXIKO / MÉXICO

Enriqueta MOLINA MACÍAS (Srta.), Directora General, Servicio Nacional de Inspección y Certificación de Semillas (SNICS), Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación (SAGARPA), Av. Presidente Juárez, 13, Col. El Cortijo, Tlalnepantla, Estado de México 54000
(tel.: +52 55 3622 0667 fax: +52 55 3622 0670 e-mail: enriqueta.molina@sagarpa.gob.mx)

NORVÈGE / NORWAY / NORWEGEN / NORUEGA

Tor Erik JØRGENSEN, Head of Section, Norwegian Food Safety Authority, Felles postmottak, P.O. Box 383, N-2381 Brumunddal
(tel.: +47 6494 4393 fax: +47 6494 4411 e-mail: tor.erik.jorgensen@mattilsynet.no)

Veslemoy Gundersen FAAFENG (Ms.), Legal Advisor, Royal Ministry of Agriculture, Akersgt. 059, P.O. Box 8007 Dep, N-0030 Oslo
(tel.: +47 2 2249277 fax: +47 22242753 e-mail: veslemoy.faafeng@lmd.dep.no)

Teshome HUNDUMA MULESA, Program Coordinator, The Development Fund, Grensen 9B, N-0159 Oslo
(tel.: +47 2310 9588 fax: +47 2310 9601 e-mail: teshome@utviklingsfondet.no)

NOUVELLE-ZÉLANDE / NEW ZEALAND / NEUSEELAND / NUEVA ZELANDIA

Christopher J. BARNABY, Assistant Commissioner / Principal Examiner, Plant Variety Rights, Intellectual Property Office of New Zealand, Private Bag 4714, Christchurch 8140
(tel.: +64 3 9626206 fax: +64 3 9626202 e-mail: Chris.Barnaby@pvr.govt.nz)

PARAGUAY / PARAGUAY / PARAGUAY / PARAGUAY

Dolia Melania GARCETE GONZALEZ (Sra.), Directora, Dirección de Semillas, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), Rodriguez de Francia No. 685 c/Mcal Estigarribia, Nuestra Señora de la Asunción, Asunción
(tel.: +595 21 584645 fax: +595 21 582201 e-mail: testsem149@hotmail.com)

Norma Elizabeth VALIENTE GONZALEZ (Sra.), Asesora Jurídica, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas, Humaita 145 C, Nuestra Señora de la Asunción, Asunción
(tel.: +595 21 445769 fax: +595 21 491623 e-mail: valientenorma@hotmail.com)

PAYS-BAS / NETHERLANDS / NIEDERLANDE / PAÍSES BAJOS

Marien VALSTAR, Senior Officer, Plant Propagation Material, Ministry of Agriculture, Nature and Food Quality, P.O. Box 20401, NL-2500 EK Den Haag
(tel.: +31 70 378 5776 fax: +31 70 378 6127 e-mail: m.valstar@minlnv.nl)

Krieno Adriaan FIKKERT, Secretary, Plant Variety Board (Raad voor Plantenrassen), Postbus 40, NL-2370 AA Roelofarendsveen
(tel.: +31 71 3326310 fax: +31 71 3326363 e-mail: k.fikkert@naktuinbouw.nl)

Louisa VAN VLOTEN-DOTING (Mrs.), Chairperson, Board for Plant Varieties (Raad voor Plantenrassen), Generaal Foulkesweg, 79, NL-6703 BP Wageningen
(tel.: +31 317 416400 fax: +31 317 450005 e-mail: lous.thuis@planet.nl)

POLOGNE / POLAND / POLEN / POLONIA

Julia BORYS (Ms.), Head, DUS Testing Department, Research Centre for Cultivar Testing (COBORU), PL-63-022 Slupia Wielka
(tel.: +48 61 285 2341 fax: +48 61 285 3558 e-mail: j.borys@coboru.pl)

Alicja RUTKOWSKA-ŁOŚ (Mrs.), Head, National Listing and Plant Breeders' Rights Protection Office, Research Centre for Cultivar Testing (COBORU), PL-63-022 Slupia Wielka
(tel.: +48 61 285 2341 fax: +48 61 285 3558 e-mail: a.rutkowska@coboru.pl)

RÉPUBLIQUE DE CORÉE / REPUBLIC OF KOREA / REPUBLIK KOREA / REPÚBLICA DE COREA

CHO Il-Ho, Director, Plant Variety Protection Division, Korea Seed and Variety Service (KSVS), Ministry of Food, Agriculture, Forestry and Fisheries (MIFAFF), Jungangno 328, Manan-gu, Anyang-Si, Gyeonggi-do 430-016
(tel.: +82 31 467 0150 fax: +82 31 467 0160 e-mail: choilho@seed.go.kr)

CHOI Keun-Jin, Director, Seobu Office, KSVS, Korean Seed and Variety Service (KSVS), Ministry of Food, Agriculture, Forestry and Fisheries (MIFAFF), 1095-47, Seokcheonri, Nangsanmyun, Iksansi, Jeonbuk 570-892
(tel.: +82 63 861 2593 e-mail: kjchoi@seed.go.kr)

Hyun-Joo SHIN (Mrs.), Deputy Director, Plant Variety Protection Division, Korea Seed and Variety Service (KSVS), Ministry of Food, Agriculture, Forestry and Fisheries (MIFAFF), Jungangno 328, Manan-gu, Anyang-Si, Gyeonggi-do 430-016
(tel.: +82 31 467 0190 fax: +82 31 467 0160 e-mail: shj-new@seed.go.kr)

RÉPUBLIQUE DE MOLDOVA / REPUBLIC OF MOLDOVA / REPUBLIK MOLDAU /
REPÚBLICA DE MOLDOVA

Mihail MACHIDON, President, State Commission for Crops Variety Testing and Registration (SCCVTR), Bd. Stefan cel Mare, 162, C.P. 1873, MD-2004 Chisinau (tel.: +373-22-220300 fax: +373-22-211537 e-mail: csispm@yahoo.com)

Ala GUŞAN (Mrs.), Deputy Head, Inventions, Plant Varieties and Utility Models Department, State Agency on Intellectual Property (AGEPI), 24/1 Andrei Doga str., MD-2024 Chisinau (tel.: +373 22 400582 fax: +373 22 440119 e-mail: office@agepi.md)

RÉPUBLIQUE TCHÈQUE / CZECH REPUBLIC / TSCHECHISCHE REPUBLIK /
REPÚBLICA CHECA

Daniel JUREČKA, Director, Plant Production Section, Central Institute for Supervising and Testing in Agriculture (ÚKZÚZ), Hroznová 2, 656 06 Brno (tel.: +420 543 548 210 fax: +420 543 217 649 e-mail: daniel.jurecka@ukzuz.cz)

Jaroslav STAŇA, Director, Central Institute for Supervising and Testing in Agriculture (UKZUZ), Hroznová 2, 656 06 Brno (tel.: +420 543 548 271 fax: +420 543 211 148 e-mail: ukzuz@ukzuz.cz)

ROUMANIE / ROMANIA / RUMÄNIEN / RUMANIA

Maria Camelia MIREA (Mrs.), PVP Examiner, State Office for Inventions and Trademarks (OSIM), 5, Str. Ion Ghica, Sector 3, P.O.Box 52, 030044 Bucarest (tel.: +40 21 315698 fax: +40 21 3123819 e-mail: mirea.camelia@osim.ro)

Mihaela-Rodica CIORA (Mrs.), Head of Technical Department, State Institute for Variety Testing and Registration, Ministry of Agriculture, Food and Forestry, 61, Marasti, Sector 1, 011464 Bucarest (tel.: +40 213 184380 fax: +40 213 184308 e-mail: mihaela_ciora@yahoo.com)

Teodor Dan ENESCU, Counsellor, 61, Marasti, sector 1, Bucarest (tel.: +40 21 318 43 80 fax: +40 21 318 44 08 e-mail: istis@easynet.ro)

Antonia IVASCU (Dr.), Executive Director, State Institute for Variety Testing and Registration (ISTIS), Bd. Marasti nr. 61, sector 1, P.O. Box 32-35, 011464 Bucarest (tel.: +40 21 3184380 fax: +40 21 3184408 e-mail: antonia_ivascu@istis.ro)

Oana MARGINEANU (Ms.), Councillor, State Office for Inventions and Trademarks (OSIM), Str. 5, Ion Ghica, Sector 3, 030044 Bucarest (tel.: +40 21 3132492 fax: +40 21 312 3819 e-mail: oana.margineanu@osim.ro)

ROYAUME-UNI / UNITED KINGDOM / VEREINIGTES KÖNIGREICH /
REINO UNIDO

Elspeth NICOL (Mrs.), Policy Team, Plant Variety Rights Office, Food and Environment Research Agency (FERA), Whitehouse Lane, Huntingdon Road, CB3 0LF Cambridge (tel.: +44 1223 342322 fax: +44 1223 342386 e-mail: elspeth.nicol@fera.gsi.gov.uk)

Fiona HOPKINS (Mrs.), Policy Advisor, Food and Environment Research Agency (FERA), White House Lane, Cambridge . CB3 0LF (e-mail: fiona.hopkins@fera.gsi.gov.uk)

SUÈDE / SWEDEN / SCHWEDEN / SUECIA

Olof JOHANSSON, Head, Crop Production Department, Swedish Board of Agriculture,
S-551 82 Jönköping
(tel.: +46 36 155518 fax: +46 36 710517 e-mail: olof.johansson@jordbruksverket.se)

SUISSE / SWITZERLAND / SCHWEIZ / SUIZA

Manuela BRAND (Frau), Leiterin, Büro für Sortenschutz, Fachbereich Zertifizierung,
Pflanzen- und Sortenschutz, Bundesamt für Landwirtschaft, Mattenhofstrasse 5,
CH-3003 Bern
(tel.: +41 31 322 2524 fax: +41 31 322 2634 e-mail: manuela.brand@blw.admin.ch)

Eva TSCHARLAND (Frau), Juristin, Direktionsbereich Landwirtschaftliche
Produktionsmittel, Bundesamt für Landwirtschaft, Mattenhofstrasse 5, CH-3003 Bern
(tel.: +41 31 322 2594 fax: +41 31 323 2634 e-mail: eva.tscharland@blw.admin.ch)

TRINITÉ-ET-TOBAGO / TRINIDAD AND TOBAGO / TRINIDAD UND TOBAGO /
TRINIDAD Y TABAGO

Justin SOBION, First Secretary, Permanent Mission, 37-39, rue de Vermont, 1202 Geneva,
Switzerland
(tel.: +41 22 918 0380 fax: +41 22 734 9138 e-mail: sobionj@tperm-mission.ch)

TUNISIE / TUNISIA / TUNESIEN / TÚNEZ

Kacem CHAMMAKHI, Ingénieur principal en horticulture / Chef de service, Homologation
et Protection des obtentions végétales, Direction générale de la protection et du contrôle de la
qualité des produits agricoles, Ministère de l'Agriculture, des ressources hydrauliques et de la
pêche, 30, rue Alain Savary, 1002 Tunis
(tel.: +216 71 788979 fax: +216 71 784419 e-mail: kacemchammakhi@ymail.com)

UKRAINE / UKRAINE / UKRAINE / UCRANIA

Valeriy KHADZYMATOV, Chairman, State Service of Right Protection for Plant Varieties,
Ministry of Agrarian Policy of Ukraine, 15, Henerala Rodimtseva vul., 03041 Kyiv
(tel.: +380 44 5278187 fax: +380 44 257 9963 e-mail: sops@sops.gov.ua)

Oksana IVASHCHENKO (Mrs.), Senior Research Officer, Department of International
Cooperation, Ukrainian Institute for Plant Variety Examination, 15, Henerala Rodimtseva
vul., 03041 Kyiv
(tel.: +380 44 258 2846 fax: +380 44 2579963 e-mail: oksana@sops.gov.ua)

Maryna TAGANTSOVA (Mrs.), Acting Head, Laboratory of Analytical Researches on Plant
Variety DUS Testing, State Service on Right Protection for Plant Varieties, Ministry of
Agrarian Policy of Ukraine, 15, Henerala Rodimtseva vul., 03041 Kyiv
(tel.: 380 44 5278 187 fax: +380 44 257 9963 e-mail: maryna@sops.gov.ua)

Kateryna VASYLIEVA (Ms.), Head, Senior Research Officer, Legal Department,, Ukrainian
Institute for Plant Variety Examination, 15 Henerala Rodimtseva str., 03041 Kyiv
(tel.: +38 044 258 28 46 fax: +38 044 257 99 63 e-mail: katya@sops.gov.ua)

UNION EUROPÉENNE / EUROPEAN UNION / EUROPÄISCHE UNION /
UNIÓN EUROPEA

Jacques GENNATAS, Conseiller du Directeur Général Adjoint, Direction Générale Santé et Consommateurs, Commission européenne, 101 rue Froissart, Office: F 101 09/38, 1040 Bruxelles, Belgique
(tel.: +32 2 295 9713 fax: +32 2 297 9510 e-mail: jacques.gennatas@ec.europa.eu)

Antonio ATAZ, Administrator, General Secretariat of the Council of the European Union, 175, rue de la Loi, 1048 Brussels, Belgium
(tel.: +32 2 281 4964 fax: +32 2 281 6198 e-mail: antonio.ataz@consilium.europa.eu)

Bart KIEWIET, President, Community Plant Variety Office (CPVO), 3, boulevard Maréchal Foch, B.P. 10121, 49101 Angers Cedex 02, France
(tel.: +33 2 4125 6412 fax: +33 2 4125 6410 e-mail: kiewiet@cpvo.europa.eu)

Carlos GODINHO, Vice-President, Community Plant Variety Office (CPVO), 3, boulevard Maréchal Foch, B.P. 10121, 49101 Angers Cedex 02, France
(tel.: +33 2 4125 6413 fax: +33 2 4125 6410 e-mail: godinho@cpvo.europa.eu)

II. OBSERVATEURS / OBSERVERS / BEOBACHTER / OBSERVADORES

ÉGYPTE / EGYPT / ÄGYPTEN / EGIPTO

Salah Ahmed MOAWED, Head, Central Administration for Seed Testing and Certification (CASC), P.O.Box 147, 8 Gamaa Street, Giza, 12211 Cairo
(tel.: +202 35720839 fax: +202 35725998 e-mail: salahmoawed@casc-eg.com)

Samy Hamed EL DEIB Mohamed Sallam, Head, Plant Variety Protection Office, 8, El Gamaa St., P.O. Box 147, Rabei El Geizy, 12211 Giza
(tel.: +202 35728962 fax: +202 35728962 e-mail: samyeldeeb@casc-eg.com)

Mohamed GAD, Counselor, Permanent Mission of the Arab Republic of Egypt, 49, avenue Blanc, 1202 Geneva, Switzerland
(tel.: +41 22 731 6530 fax: +41 22 738 4415 e-mail: mohamed.gad@ties.itu.int)

GRÈCE / GREECE / GRIECHENLAND / GRECIA

Evangelos ZANGILIS, Head, Section on Propagating Material of Vegetable and Ornamental Plants, Ministry of Rural Development and Food Directorate of Inputs for Plant Production, 6 Kapnokoptiriou Str., GR-10176 Athens
(tel.: +30 210 212 4102 fax: +30 210 212 4137 e-mail: ax2u201@minagric.gr)

INDE / INDIA / INDIEN / INDIA

Smriti SHARAN (Mrs.), Director (Seeds), Department of Agriculture and Cooperatives, Ministry of Agriculture, Room 339, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001
(tel.: +91 11 23382773 fax: +91 11 23382773 e-mail: smritisharan@indiapost.gov.in)

INDONÉSIE / INDONESIA / INDONESIEN / INDONESIA

Ir. HINDARWATI (Mrs.), Head, Centre for Plant Variety Protection, Ministry of Agriculture, Bldg E, 3rd floor, Jl Harsono RM No. 3 Ragunan, Pasar Minggu, Jakarta Selatan 12550
(tel.: 62 21 788 40389 fax: 62 21 7816386 e-mail: hindarwati@deptan.go.id)

RÉPUBLIQUE-UNIE DE TANZANIE / UNITED REPUBLIC OF TANZANIA /
VEREINIGTE REPUBLIK TANSANIA / REPÚBLICA UNIDA DE TANZANÍA

Patrick NGWEDIAGI, Registrar, Plant Breeders' Rights Office, Ministry of Agriculture, Food Security and Cooperatives (MAFC), P.O. Box 9192, Dar es Salaam
(tel.: +255 22 2861404 fax: +255 22 286 1403 e-mail: ngwedi@yahoo.com)

Audax Peter RUTABANZIBWA, Head, Legal Services, Ministry of Agriculture, Food Security and Cooperatives (MAFC), P.O. Box 9192, Dar Es Salaam
(tel.: +255 22 2862199 fax: +255 22 862077 e-mail: audax.rutabanzibwa@kilimo.go.tz)

TAJIKISTAN / TADJIKISTAN / TADSCHIKISTAN / TAYIKISTÁN

Hafiz MUMINJANOV, Professor, Tajik Agrarian Univeristy, 146, Rudaki Avenue, 734017 Dushanbe
(tel.: +992 372272001 fax: +992 372271922 e-mail: seedtajikistan@gmail.com)

THAÏLANDE / THAILAND / THAILAND/ TAILANDIA

Tanyarat MUNGKALARUNGSI, First Secretary, 5, rue Gustave Moynier, 1202 Geneva, Switzerland
(tel.: +41 22 715 1010 fax: +41 22 715 100 e-mail: mission.thailand@ties.itu.int)

III. ORGANISATIONS / ORGANIZATIONS /
ORGANISATIONEN / ORGANIZACIONES

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE
(FAO) / FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
(FAO) / ERNÄHRUNGS- UND LANDWIRTSCHAFTSORGANISATION DER VEREINTEN
NATIONEN (FAO) / ORGANIZACIÓN DE LAS NACIONES UNIDAS PARA LA
AGRICULTURA Y LA ALIMENTACIÓN (FAO)

Shakeel BHATTI, Secretary, International Treaty on Plant Genetic Resources for Food and Agriculture, Via delle Terme di Caracalla, 00100 Rome, Italy
(tel.: 0039 6 5705 3441 fax: 0039 6 5705 6347 e-mail: shakeel.bhatti@fao.org)

SEED ASSOCIATION OF THE AMERICAS (SAA)

Diego A. RISSO, General Secretary, Seed Association of the Americas (SAA), Rondeau 1908 - Esc. A, CP:11800, Montevideo, Uruguay
(tel.: +598 2 929 1565 fax: +598 2 929 1565 e-mail: drisso@saaseed.org)

ASSOCIATION INTERNATIONALE D'ESSAIS DE SEMENCES (ISTA) /
INTERNATIONAL SEED TESTING ASSOCIATION (ISTA) / INTERNATIONALE
VEREINIGUNG FÜR SAATGUTPRÜFUNG (ISTA) / ASOCIACIÓN INTERNACIONAL
PARA EL ENSAYO DE SEMILLAS (ISTA)

Michael MUSCHICK, Secretary General, International Seed Testing Association (ISTA),
Zürichstrasse 50, Postfach 308, 8303 Bassersdorf, Switzerland
(tel.: +41 44 838 6000 fax: +41 44 838 6001 e-mail: executive.office@ista.ch)

INTERNATIONAL SEED FEDERATION (ISF)

Marcel BRUINS, Secretary General, International Seed Federation (ISF), 7, chemin du
Reposoir, 1260 Nyon, Switzerland
(tel.: +41 22 365 4420 fax: +41 22 365 4421 e-mail: isf@worldseed.org)

Guy BLACHE, Product Development and Business Support Manager, International Seed
Federation (ISF), 8A, route de Jorat, 1000 Lausanne 27, Suisse
(tel.: +41 78 6218257 fax: +41 21 784 2617 e-mail: guy.blache26@live.fr)

Stevan MADJARAC, Global PVP Manager, Monsanto Company, 800 N. Lindbergh Blvd,
Mail Zone E1NA, St. Louis, MO 63167, United States of America
(tel.: +1 314 6949676 fax: +1 314 6945311 e-mail: stevan.madjarac@monsanto.com)

Michael ROTH, Intellectual Property Consultant, 4393 Westminster Place, E2NA, 63108 St.
Louis, MO, United States of America
(tel.: +1 314 210 1832 e-mail: seed.law@gmail.com)

Bernard LE BUANEC, Honorary Life Member of ISF, 24, Rue Treiz-an-Douric,
29100 Douarnenez, France
(e-mail: b.lebuanec@orange.fr)

IV. BUREAU DE L'OMPI / OFFICE OF WIPO /
BÜRO DER WIPO / OFICINA DE LA OMPI

Philippe FAVATIER, Chief Financial Officer (Controller), Department of Finance and
Budget, Administration and Management Sector

V. BUREAU / OFFICERS / VORSITZ / OFICINA

Keun-Jin CHOI, President
Kitisri SUKHAPINDA (Ms.), Vice-President

VI. BUREAU DE L'UPOV / OFFICE OF UPOV /
BÜRO DER UPOV / OFICINA DE LA UPOV

Francis GURRY, Secretary-General
Rolf JÖRDENS, Vice Secretary-General
Peter BUTTON, Technical Director
Raimundo LAVIGNOLLE, Senior Counsellor
Makoto TABATA, Senior Counsellor
Yolanda HUERTA (Mrs.), Senior Legal Officer

[L'annexe II suit/
Annex II follows/
Anlage II folgt/
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.

Observersⁱ

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)ⁱⁱ

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.ⁱⁱⁱ

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")^{iv} 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)

For further information about UPOV, please contact the UPOV Secretariat:

Tel: (+41-22) 338 9155
Fax: (+41-22) 733 0336

E-mail: upov.mail@upov.int
Website: www.upov.int

Background information

I. Members of UPOV

as of October 21, 2010 (68)

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

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

² 1978 Act is the latest Act by which 22 States are bound.

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

⁴ 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	✓			

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<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)	✓			

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- ⁱ 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>.
- ⁱⁱ see http://www.upov.int/en/publications/cd_rom.htm
- ⁱⁱⁱ http://www.upov.int/export/sites/upov/en/news/2003/pdf/cbd_response_oct232003.pdf
- ^{iv} 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) 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]