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

**COUNCIL**

**Forty-Fifth Ordinary Session**  
**Geneva, October 20, 2011**

ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 2010

*(forty-second year)*

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## I. COMPOSITION OF THE UNION

### Members

1. On December 31, 2010, the Union had 68 members: Albania, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, European Union, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lithuania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan and Viet Nam.

### Situation in Relation to the Convention and its Various Acts

2. On December 31, 2010, the situation of the members of the Union in relation to the Convention and its various Acts was as follows:

(a) Belgium was bound by the 1961 Convention as amended by the 1972 Act;

(b) 22 members were bound by the 1978 Act, namely: Argentina, Bolivia, Brazil, Canada, Chile, China, Colombia, Ecuador, France, Ireland, Italy, Kenya, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, Portugal, South Africa, Trinidad and Tobago and Uruguay;

(c) 45 members were bound by the 1991 Act, namely: Albania, Australia, Austria, Azerbaijan, Belarus, Bulgaria, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Estonia, European Union, Finland, Georgia, Germany, Hungary, Iceland, Israel, Japan, Jordan, Kyrgyzstan, Latvia, Lithuania, Morocco, Netherlands, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uzbekistan and Viet Nam.

3. Annex I provides the status of the members of the Union in relation to the Convention and its various Acts, as of December 31, 2010.

### Future Members

4. Under Article 34(3) of the 1991 Act, “[a]ny State which is not a member of the Union and any intergovernmental organization shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Convention.”

5. By letter dated August 27, 2010, Tajikistan requested the examination of the Draft Law on Plant Variety Protection for its conformity with the 1991 Act of the UPOV Convention.

6. At its forty-fourth ordinary session, held in Geneva on October 21, 2010, the Council examined the conformity of the legislation of Tajikistan with the 1991 Act of the UPOV Convention and 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.”

## II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

### Council

7. The Council held its twenty-seventh extraordinary session on March 26, 2010, under the chairmanship of Mr. Choi Keun Jin (Republic of Korea), President of the Council. The session was attended by 59 members of the Union. The report of that session is presented in document C(Extr.)/27/3.

8. At that session, the Council appointed Mr. Peter John Button as the new Vice Secretary-General of UPOV for the period from December 1, 2010 to November 30, 2012 at the D-2 level, and decided, after consultation with the Secretary-General, to promote Mr. Lavignolle to the grade of Director (D1) as of December 1, 2010.

9. The Council held its forty-fourth ordinary session on October 21, 2010, also under the chairmanship of Mr. Choi Keun Jin. The session was attended by 42 members of the Union, seven observer States and four observer organizations. The report of that session is presented in document C/44/17. At that session, the Council:

(a) examined the Draft Law on Plant Variety Protection of Tajikistan for conformity with the 1991 Act of the UPOV Convention;

(b) noted an oral report on the work of the seventy-ninth and eightieth sessions of the Consultative Committee, held on March 26, 2010, and on October 21, 2010, respectively;

(c) decided not to establish an audit committee for the time being and to request the Secretary-General to transmit the World Intellectual Property Organization (WIPO) Audit Committee's report on the WIPO Internal Audit and Oversight Division to the Consultative Committee;

(d) adopted the following documents:

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

- (ii) TGP/7/2: Development of Test Guidelines;
- (iii) TGP/8/1: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability;
- (iv) TGP/14/1: Glossary of Terms Used in UPOV Documents;
- (v) TGP/0/3: List of TGP Documents and Latest Issue Dates;
- (vi) UPOV/EXN/CAL: Explanatory Notes on Conditions and Limitations Concerning the Breeder's Authorization in respect of Propagating Material under the UPOV Convention;
- (vii) UPOV/EXN/VAR: Explanatory Notes on the Definition of Variety under the 1991 Act of the UPOV Convention;
- (viii) UPOV/INF/4/1: Financial Regulations and Rules of UPOV;
- (ix) UPOV/INF/10/1: Internal Audit;
- (x) UPOV/INF/12/3: Explanatory Notes on Variety Denominations under the UPOV Convention;
- (xi) UPOV/INF/15/1: Guidance for Members of UPOV on Ongoing Obligations and Related Notifications;
- (xii) UPOV/INF/16/1: Exchangeable Software;
- (xiii) UPOV/INF/17/1: Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction ("BMT Guidelines");

(e) noted the status of payment of contributions and the Working Capital Fund participations;

(f) noted the work of the CAJ and approved the work program for the sixty-third session of the Administrative and Legal Committee (CAJ);

(g) 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 and approved the programs of work;

(h) approved the calendar of meetings in 2011;

(i) elected, in each case for a term of three years ending with the forty-seventh ordinary session of the Council, in 2013:

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

- Mr. Joël Guiard (France), Chair of the Technical Committee; and
- Mr. Alejandro Barrientos-Priego (Mexico), Vice-Chair of the Technical Committee.

(j) noted documents and oral reports on the situation in the legislative, administrative and technical fields related to plant variety protection, as presented by members and observers, and noted that a revised version of document C/44/7 would be produced if further data for 2009 were received;

(k) approved a press release; and

(l) awarded a UPOV Gold Medal to Mr. Rolf Jördens, in recognition of his outstanding contribution to UPOV as Vice Secretary-General from July 2000 until November 2010.

#### Consultative Committee

10. The Consultative Committee 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:

(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 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;

(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.

11. 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:

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

(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;

(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; and

(l) 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.

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

12. The CAJ held its sixty-first session on March 25, 2010 and its sixty-second session on October 19, 2010. The Administrative and Legal Committee Advisory Group (CAJ-AG) held its fifth session on October 18, 2010 and on the afternoon on October 19, 2010.

13. The TC held its forty-seventh session from April 4 to 6, 2011. The Enlarged Editorial Committee (TC-EDC) held its meetings on January 7 and on March 22 and 23, 2010. The Technical Working Party for Agricultural Crops (TWA) held its thirty-ninth session in Osijek, Croatia, from May 24 to 28, 2010. The Technical Working Party on Automation and Computer Programs (TWC) held its twenty-eighth session in Angers, France, from June 29 to July 2010. The Technical Working Party for Fruit Crops (TWF) held its forty-first session in Cuernavaca, Morelos State, Mexico, from September 27 to October 1, 2010. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its forty-third session in Cuernavaca, Morelos State, Mexico, from September 20 to 24, 2010. The Technical Working Party for Vegetables The Technical Working Party for Vegetables (TWV) held its forty-fourth session in Veliko Tarnovo, Bulgaria, from July 5 to 9, 2010. The Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) held its twelfth session in Ottawa, Canada, from May 11 to 13, 2010.

14. Further information on the work of the CAJ, TC, TWPs and BMT is contained in documents C/44/9, C/45/9, C/44/10 and C/45/10.

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

#### Individual activities

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

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

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

18. On February 8, the Office had a telephone conference with representatives of the co-organizers (Food and Agriculture Organization of the United Nations (FAO), Organisation for Economic Co-operation and Development (OECD), UPOV, International Seed Federation (ISF) and International Seed Testing Association (ISTA)) of the Second World Seed Conference in order to consider a follow-up project to that Conference, the “NEEDS Project” (National Enabling Environment Development for Seed “NEEDS”). The objective would be to demonstrate, in a number of selected developing countries, how an enabling environment for the introduction of new varieties and quality seed could be created (see paragraphs 35, 57 and 68).

19. From February 23 to 26, in Dar es Salaam, United Republic of Tanzania, the Office organized a Regional Seminar on Plant Variety Protection under the UPOV Convention with the Ministry of Agriculture, Food Security and Cooperatives, United Republic of Tanzania in cooperation with the African Regional Intellectual Property Organization (ARIPO) and the United States Patent and Trademark Office (USPTO). Some 40 participants from Botswana,

Ethiopia, Gambia, Ghana, Kenya, Lesotho, Mozambique, Sierra Leon, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia and Zimbabwe were present. The activity was focused on basic principles of the UPOV Convention and on the development of legislation in conformity with the UPOV Convention.

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

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

22. On March 2, in Geneva, the Office attended the relevant part of the meeting of the Council for Trade Related Aspects of Intellectual Property Rights (Council for TRIPS) at the headquarters of the World Trade Organization (WTO).

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

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

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

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

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

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

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



30. From May 3 to 7, in Washington, D.C., United States of America, the Office made presentations at a program on “Plant Variety Protection under the UPOV Convention”, which was organized by UPOV and the Global Intellectual Property Academy of the USPTO. The Office provided the 15 participants with information and materials to assist them in providing training on plant variety protection according to the UPOV Convention. Prior to the event, the participants took part in the UPOV Distance Learning Course.
31. From May 3 to 7, in Geneva, the Office attended the relevant part of the sixteenth session of WIPO’s Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).
32. On May 5, in Alnarp, Sweden, the Office provided a full-day training session on plant variety protection in the training program organized by the Swedish International Development Cooperation Agency (Sida) entitled “Genetic Resources and Intellectual Property” (GRIP Course).
33. On May 7, in Munich, Germany, at the Expert Committee on the Protection of Plant Varieties organized by the *Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht* (GRUR), the Office gave a lecture on new developments in UPOV.
34. On May 18 and 19, in Tunis, Tunisia, the Office participated in a “Seminar on the seed and plant sector: challenges and perspectives”, organized by the National Institute of Agronomic Research of Tunisia (INRAT), in cooperation with partners from the public and private sectors. The Office made a presentation on the protection of new varieties of plants and had an opportunity to meet the Minister for Agriculture, the Minister of Commerce and Craft Industry and the President of the Tunisian Union of Agriculture and Fisheries.
35. On May 18 and 19, in Geneva, the Office made a presentation on plant variety protection under the UPOV Convention at the Second Stevia World Europe Conference.
36. On May 21, in Geneva, during a visit organized by WIPO for H.E. Mr. Rodolphe Adada, Minister of SMEs and Promotion of the Private Sector of the Republic of Congo, the Office made a presentation on the “Impact of plant variety protection, in Africa in particular”.
37. From May 31 to June 3, in Calgary, Canada, the Office participated in the World Seed Congress 2010, organized by ISF and the Canadian Seed Trade Association. At a session of the ISF Breeders’ Committee, the Office gave a briefing on recent developments within UPOV. The Office attended, in particular, the President’s Dinner, the Opening Ceremony, the Breeders’ Committee, the meeting on Seed Treatment and Environment, some specific crop sessions and the General Assembly.
38. On June 1, at the fringes of the World Seed Congress 2010, the Office met with representatives of the co-organizers (FAO, OECD, UPOV, ISF, ISTA) of the Second World Seed Conference in order to consider further progress regarding the “NEEDS Project” (see paragraph 15).
39. On June 1 and 2, in Jakarta, Indonesia, the Office met with government officials to continue a consultation started at the UPOV headquarters in March 2010, at the fringes of the UPOV sessions, concerning the translation of the 1991 Act of the UPOV Convention into Indonesian, and to provide assistance for the possible revision of Law No. 29 of 2000 on Plant Variety Protection.

40. On June 3 and 4, in Hanoi, Viet Nam, the Office had a consultation meeting with representatives of the Ministry of Agriculture and Rural Development, and the Ministry of Science and Technology of Viet Nam, regarding the translation of the UPOV Convention into Vietnamese, in view of a future revision of the Intellectual Property Law, in particular Part Four “Rights to Plant Varieties”, in accordance with the decision of the Council of UPOV of April 7, 2006.
41. On June 5, UPOV held its first Open Day<sup>2</sup> at UPOV/WIPO headquarters, as part of an international weekend, coinciding with World Environment Day. The UPOV exhibition showed how plant variety protection encourages the creation of new varieties of plants for the benefit of society. Three exhibitors were invited and provided visitors with explanations of the importance of plant variety protection for wheat (*Delley semences et plantes SA*, Switzerland), apples (International Community of Breeders of Asexually Reproduced Ornamental and Fruit Plants (CIOPORA)) and roses (Meilland International, France). Visitors were invited to participate in a competition to identify different varieties of apples and roses, and to identify differences between wheat varieties.
42. On June 8 and 9, in Geneva, the Office attended the relevant part of the meeting of the Council for TRIPS at WTO headquarters.
43. On June 10, at WIPO headquarters, the Office made a presentation on the “Protection of New Plant Varieties according to the International Convention for the Protection of New Variety of Plants” at the WIPO Interregional Intermediate Seminar on Industrial Property.
44. On June 10, in Geneva, the Office participated in a phone interview conducted by Dr. Carl-Gustaf Thornström, Associate Professor, Swedish University of Agricultural Sciences, Uppsala, Sweden, concerning the Central Advisory Service on Intellectual Property (CAS-IP), a system office unit of the Consultative Group on International Agricultural Research (CGIAR), and the role of plant breeders’ rights in public breeding institutions.
45. On June 15, in Wageningen, Netherlands, the Office lectured at the Thirteenth International Course on Plant Variety Protection. Prior to the course in Wageningen, the students participated in the UPOV Distance Learning Course.
46. On June 16 and 17, the Office made presentations on UPOV and the UPOV Convention at the WIPO General Course on Intellectual Property (DL-101).
47. On June 17, the Office received the visit of Mrs. Caroline Dommen, Representative for Global Economic Issues, Quaker UN Office (QUNO) at Geneva, and explained the impact of plant variety protection according to the UPOV Convention.
48. On June 17 and 18, in Lusaka, Zambia, the Office participated in a Plant Breeder’s Rights Workshop, organized by the United States Agency for International Development (USAID) and the Iowa State University. The workshop was attended by 30 local breeders from private companies, research institutions and universities, as well as governmental officials from the Seed Control and Certification Institute (SCCI) of Zambia. General aspects of plant variety protection under the UPOV Convention and the procedure for becoming a

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<sup>2</sup> [http://www.upov.int/export/sites/upov/en/news/2010/upov\\_website\\_photos\\_winners.pdf](http://www.upov.int/export/sites/upov/en/news/2010/upov_website_photos_winners.pdf)).

member of UPOV were explained. It was clarified that Zambia's membership to UPOV would require changes to the legislation adopted in 2007.

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

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

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

52. On July 2, at WIPO headquarters, the Office gave a presentation on the International Convention for the Protection of New Varieties of Plants at the WIPO-WTO Colloquium for Teachers of Intellectual Property.

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

54. On July 6 and 7, in Seoul, Republic of Korea, the Office gave lectures at the training course on plant variety protection organized by the Korea Seed & Variety Service (KSVS) and supported by the Korea International Cooperation Agency (KOICA).

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

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

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

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

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

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

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

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

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

72. On September 16, in Alnarp, Sweden, the Office provided a full-day training session on plant variety protection in the Sida training program on “Plant Breeding and Seed Production”.

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

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

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

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

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

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

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

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

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

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

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

84. On October 10 and 11, in Brussels, the Office participated in the European Seed Association (ESA) Annual Meeting.

85. On October 12, in Amsterdam, Netherlands, the Office participated in the KAVB Symposium "Plant names, global challenges" on the occasion of the 150<sup>th</sup> anniversary of the KAVB (Royal General Bulbgrowers' Association). The Office made a presentation on "Developments in UPOV" and explained the UPOV concept of a common search platform ("portal"), as set out in document TC/46/6, paragraphs 34 to 39.

86. On October 22, in Geneva, at the fringes of the UPOV sessions, the Office met with representatives of the co-organizers (FAO, OECD, UPOV, ISF, ISTA) of the Second World Seed Conference.

87. On October 25, in Tsukuba, Japan, the Office met with the students of the JICA Training Course to hold a final discussion on plant variety protection (see paragraph 67).

88. From October 26 to 29, in Nagoya, Japan, the Office participated in an observer capacity in the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity (COP-10), at which the “Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity” was adopted.
89. From October 27 to 30, in Istanbul, Turkey, the Office participated in the annual meeting of the Economic Cooperation Organization (ECO), the General Assembly of the Economic Cooperation Organization Seed Association (ECOSA) and the Second ECOSA International Seed Trade Conference, at which the Office gave a lecture on “The UPOV approach to plant variety protection and the key elements to implementing it at the national level”.
90. On November 11, the Office met with Mrs. Caroline Dommen, Representative for Global Economic Issues, QUNO, Geneva, and discussed items related to the outcome of the CBD in relation to UPOV and developments in the forty-fourth session of the Council. Mrs. Dommen reported that the QUNO study on UPOV (author Graham Dutfield) would be published at the beginning of 2011.
91. On November 17, the Office received the visit of Ms. Kaitlyn Moore, an undergraduate student with the school for International Training in Geneva, who was conducting research on “the use of genetically modified crops in today’s globalized agribusiness” and was interested in the importance of intellectual property rights associated with GMOs. The UPOV system was discussed and Ms. Moore offered to provide a copy of her final report.
92. On November 18, in Paris, France, the Office participated in the OECD’s Extended Advisory Group (EAG) Meeting of Representatives of National Designated Authorities.
93. On November 18, in Paris, at the fringes of the OECD’s EAG Meeting, the Office met with representatives of the co-organizers (FAO, OECD, UPOV, ISF, ISTA) of the Second World Seed Conference and agreed that the name of the follow-up project should be changed to the “World Seed Project”.
94. On November 22, the Office received the visit of Mr. Adrien Evéquo, Counsellor, Permanent Mission of Switzerland in Geneva, to discuss the celebration of the Fiftieth Anniversary of the UPOV Convention in 2011.
95. On December 2, in Angers, France, the Office attended the 14<sup>th</sup> annual meeting between the CPVO and its Examination Offices.
96. On December 2 and 3, in Angers, France, the Office met with CPVO officials to discuss the systems used by CPVO for its database on variety denominations in relation to the program for the development of the UPOV Plant Variety Database.
97. On December 7, in Rome, Italy, the Office participated in the a High Level Round Table on the Importance of the International Treaty on Plant Genetic Resources for Food and Agriculture in Meeting the Climate Change Challenges, Enhancing Food Security and addressing Agro-biodiversity Erosion, organized by the Government of Italy, with the support of the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

98. From December 7 to 10, in Santa Cruz de la Sierra, Bolivia, the Office, in cooperation with the Spanish Plant Variety Office (OEVV), the National Institute for Agricultural Research (INIA), the Spanish Agency for International Cooperation, and WIPO, organized the Ninth Training Course for Ibero-American Countries on Plant Variety Protection under the UPOV Convention. The Course was attended by 26 experts directly involved, or expected to be involved in the future, in DUS examination, from 15 countries. Lectures were given by experts from Argentina, the CPVO and the Office. As a preparation, participants were given the opportunity to take the UPOV Distance Learning Course DL-205.
99. On December 9, the Office met with Mr. Emmanuel Sackey, Head, Technical Department, ARIPO. Cooperation activities between UPOV and ARIPO in 2011 were discussed.
100. On December 13 and 14, in Panama City, Panama, the Office participated in a WIPO/UPOV Subregional Central-American Seminar on Intellectual Property and Agriculture, at which the Office gave several lectures about plant variety protection under the UPOV Convention.
101. On December 14, WIPO received the official visit of H.E. Mr. Anicet Kuzunda Mutangiji, Minister for Industry of the Democratic Republic of Congo. The Office was invited to present to the Delegation the impact of plant variety protection under the UPOV Convention, with particular regard to Africa.
102. On December 14, the Office participated in a conference call with representatives of FAO, OECD, ISF and ISTA to discuss the World Seed Project.
103. On December 16, the Office received the visit of Dr. Nadiya A. Al-Saady, Program Director, Animal & Plant Genetic Resources, Research Council, Oman. Projects and activities of the Research Council, including the establishment of a central institute on policy matters concerning genetic resources, were discussed.
104. On December 21, the Office participated in a conference call with representatives of FAO, OECD, ISF and ISTA to discuss the World Seed Project.
105. On December 22, the Office received the visit of Mr. Jun Won Lee, Minister Counsellor, Permanent Mission of the Republic of Korea in Geneva. Mr. Lee informed the Office that the Government of the Republic of Korea had approved the increase of contribution to UPOV from 0.75 to 1.5 contribution units, to be applicable in 2011.
106. During the reporting period, at WIPO headquarters, Geneva, the Office participated in four meetings of the Carbon Neutrality Project Main Working Group established by WIPO. The Carbon Neutrality Project, launched by WIPO's Director General, "is aimed at the internal implementation and monitoring of selected measures that will lead the Organization towards minimizing the effect its activities have on the environment, the longer term goal being a neutral impact on the environment." The Office also participated in six meetings of the technical members of the Subsidiary Working Group on Travel and five meetings of the Subsidiary Working Group on Mobility.



### Distance Learning Course

107. Two sessions of the UPOV Distance Learning Course DL-205 in English, French, German and Spanish were held from May 3 to June 6, 2010 and from November 8 to December 12, 2010. A breakdown of the students participating in the DL-205 course is available in Annex II.

### IV. RELATIONS WITH STATES AND ORGANIZATIONS

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

109. The Office provided information on the elements required for the deposit of an instrument of accession to, or ratification of the 1991 Act of the UPOV Convention, to Kenya.

110. The Office provided advice and assistance on the development of plant variety protection legislation according to the 1991 Act of the UPOV Convention and/or on the procedure to accede to the UPOV Convention to potential members of the Union. The Office provided written or oral comments, paid visits to authorities or received representatives of the respective States and Organizations in order to provide the requested advice. In that respect, the Office had contacts with Algeria, Armenia, Bosnia and Herzegovina, Egypt, Ghana, Guatemala, Indonesia, Mauritius, Montenegro, Pakistan, Peru, Saudi Arabia, Senegal, Serbia, Tajikistan, Thailand, Togo, Uganda, United Republic of Tanzania, Zambia, ARIPO and OAPI.

111. The Office met with representatives of international organizations to coordinate activities or to provide information on UPOV. The Office participated in meetings of, and discussions with, ARIPO, the Secretariat of the Convention on Biological Diversity (CBD), FAO, ISTA, the ITPGRFA Secretariat, OAPI, OECD, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and the WTO Council for TRIPS.

112. The Office met with professional associations in order to follow developments in the practical application of plant variety protection at a global and regional level. Of particular relevance were meetings with AFSTA, the Asia and Pacific Seed Association (APSA), CIOPORA, ESA, FELAS, ISF and the Seed Association of the Americas (SAA).

### V. SELECTED RESULTS OF UPOV IN 2010

113. Results achieved by UPOV in 2010 on the basis of the work of the Council, its subsidiary bodies and the Office, are summarized in Annex II to this document. Annex III contains an overview of the missions undertaken by the staff of the Office.

## VI. PUBLICATIONS

114. The Office of the Union published:

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

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

(c) 13 documents adopted by the Council at its forty-fourth ordinary session held on October 21, 2010 and published on the UPOV website:

(i) TGP/5, Section 2/3: Experience and Cooperation in DUS Testing: UPOV Model Form for the Application for Plant Breeders’ Rights;

(ii) TGP/7/2: Development of Test Guidelines;

(iii) TGP/8/1: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability;

(iv) TGP/14/1: Glossary of Terms Used in UPOV Documents;

(v) TGP/0/3: List of TGP Documents and Latest Issue Dates;

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

(vii) UPOV/EXN/VAR: Explanatory Notes on the Definition of Variety under the 1991 Act of the UPOV Convention;

(viii) UPOV/INF/4/1: Financial Regulations and Rules of UPOV;

(ix) UPOV/INF/10/1: Internal Audit;

(x) UPOV/INF/12/3: Explanatory Notes on Variety Denominations under the UPOV Convention;

(xi) UPOV/INF/15/1: Guidance for Members of UPOV on Ongoing Obligations and Related Notifications;

(xii) UPOV/INF/16/1: Exchangeable Software;

(xiii) UPOV/INF/17/1: Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”);

(d) one issue of the UPOV Gazette and Newsletter “Plant Variety Protection” in electronic format;

(e) A special edition of a “UPOV Flyer” and posters, in English and French, on the occasion of UPOV’s First-Ever Open Day at the UPOV Headquarters. The “UPOV Flyer” and posters explained to the general public the role of UPOV in providing and promoting an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society;

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

| Document No.<br>N° du document<br>Dokument-Nr.<br>No del documento | English  | Français  | Deutsch                                 | Español  | Botanical name<br>Nom botanique<br>Botanischer Name<br>Nombre botánico  |
|--|--|---|---|--|---|
| <b><u>NEW TEST GUIDELINES</u></b>                                  |  |   |   |  |   |
| TG/258/1   | Sweet Potato   | Patate douce  | Batate, Süßkartoffel                    | Camote, Batata                                     | <i>Ipomoea batatas</i> (L.) Lam.  |
| TG/259/1   | Agaricus Mushroom,<br>Button Mushroom  | Agaric,<br>Champignon de Paris                        | Champignon                              | Champiñón  | <i>Agaricus bisporus</i> L.;<br><i>Agaricus bitorquis</i> L.;<br><i>Agaricus arvensis</i> L.  |
| TG/260/1   | Pearl Millet   | Pénicillaire,<br>Mil à chandelle,<br>Mil Pénicillaire | Federborstengras                        | Panizo de Daimiel,<br>Panizo mamozo,<br>Mijo Perla | <i>Pennisetum glaucum</i> (L.) R. Br.,<br><i>Pennisetum americanum</i> (L.)<br>Leeke, <i>Pennisetum typhoides</i><br>(Burm.f.) Stapf C.E. Hubb. |
| TG/261/1   | Gaura  | Gaura   | Prachtkerze                             | Gaura  | <i>Gaura</i> L.   |
| TG/262/1   | Baby’s Breath, Gyp,<br>Gypsophila  | Gypsophile  | Gipskraut,<br>Schleierkraut             | Gipsófila  | <i>Gypsophila</i> L.  |
| TG/263/1   | Buddleia,<br>Butterfly-bush  | Buddleia,<br>Arbre aux papillons                      | Buddleie,<br>Schmetterlings-<br>strauch | Budleya, Mariposa                                  | <i>Buddleja</i> L.  |
| TG/264/1   | Papaya, Papaw  | Papayer   | Melonenbaum,<br>Papaya                  | Papayo, Lechosa                                    | <i>Carica papaya</i> L.   |
| TG/265/1   | Fig  | Figuier   | Echte Feige, Feige                      | Higuera  | <i>Ficus carica</i> L.  |
| <b><u>REVISIONS OF TEST GUIDELINES</u></b>                         |  |   |   |  |   |
| TG/53/7  | Peach  | Pêcher  | Pfirsich                                | Durazno,<br>Melocotonero                           | <i>Prunus persica</i> (L.) Batsch,<br><i>Persica vulgaris</i> Mill., <i>Prunus</i> L.<br>subg. <i>Persica</i>                                   |
| TG/59/7  | Lily   | Lys   | Lilie                                   | Lily, azucena, lirio                               | <i>Lilium</i> L.  |
| TG/116/4   | Black Salsify,<br>Scorzonera   | Salsifis noir,<br>Scorsonère                          | Schwarzwurzel                           | Escorzonera,<br>Salsifí negro                      | <i>Scorzonera hispanica</i> L.  |
| TG/123/4   | Banana,<br>Cavendish banana,<br>Chinese banana,<br>Dwarf banana;<br>Plantain,<br>Pomme banana,<br>Silk banana,<br>Banana sucrier | Bananier,<br>Bananier nain; -                         | Banane,<br>Zwergbanane; -               | Bananera, Banano,<br>Platanera, Plátano; -         | <i>Musa acuminata</i> Colla;<br><i>Musa ×paradisica</i> L.<br>( <i>M. acuminata</i> Colla × <i>M.</i><br><i>balbisiana</i> Colla)               |
| TG/130/4   | Asparagus  | Asperge   | Spargel                                 | Espárrago  | <i>Asparagus officinalis</i> L.   |
| TG/133/4   | Hydrangea  | Hortensia   | Hortensie                               | Hortensia,<br>Hidrangea                            | <i>Hydrangea</i> L.   |
| <b><u>PARTIAL REVISIONS OF TEST GUIDELINES</u></b>                 |  |   |   |  |   |
| TG/11/8 Rev.   | Rose   | Rosier  | Rose                                    | Rosal  | <i>Rosa</i> L.  |
| TG/176/4 Rev.  | <i>Osteospermum</i> ; -  | <i>Ostéospermum</i> ; -                               | <i>Osteospermum</i> ; -                 | <i>Osteospermum</i> ; -                            | <i>Osteospermum</i> L.; hybrids with<br><i>Dimorphotheca</i> Vaill.   |

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

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

[Annexes follow]

## ANNEX I

## MEMBERS OF THE UNION

December 31, 2010

This document provides the status of the members of the Union in relation to the Convention and its various Acts, as of December 31, 2010 (see Articles 31 and 32 of the 1961 Convention, Article 32(1) of the 1978 Act and Article 34(2) of the 1991 Act).

- 1<sup>st</sup> line: International Convention for the Protection of New Varieties of Plants of December 2, 1961
- 2<sup>nd</sup> line: Additional Act of November 10, 1972
- 3<sup>rd</sup> line: Act of October 23, 1978
- 4<sup>th</sup> line: Act of March 19, 1991

| Member                           | Date of signature   | Date of deposit of instrument of ratification, acceptance, approval or accession | Date of entry into force                        |
|----------------------------------|---|--|---|
| Albania                          | -<br>-<br>-<br>-  | -<br>-<br>-<br>September 15, 2005  | -<br>-<br>-<br>October 15, 2005                 |
| Argentina                        | -<br>-<br>-<br>-  | -<br>-<br>November 25, 1994<br>-   | -<br>-<br>December 25, 1994<br>-                |
| Australia                        | -<br>-<br>-<br>-  | -<br>-<br>February 1, 1989<br>December 20, 1999                                  | -<br>-<br>March 1, 1989<br>January 20, 2000     |
| Austria                          | -<br>-<br>-<br>-  | -<br>-<br>June 14, 1994<br>June 1, 2004  | -<br>-<br>July 14, 1994<br>July 1, 2004         |
| Azerbaijan                       | -<br>-<br>-<br>-  | -<br>-<br>-<br>November 9, 2004  | -<br>-<br>-<br>December 9, 2004                 |
| Belarus                          | -<br>-<br>-<br>-  | -<br>-<br>-<br>December 5, 2002  | -<br>-<br>-<br>January 5, 2003                  |
| Belgium                          | December 2, 1961<br>November 10, 1972<br>October 23, 1978<br>March 19, 1991 | November 5, 1976<br>November 5, 1976<br>-<br>-                                   | December 5, 1976<br>February 11, 1977<br>-<br>- |
| Bolivia (Plurinational State of) | -<br>-<br>-<br>-  | -<br>-<br>April 21, 1999<br>-  | -<br>-<br>May 21, 1999<br>-                     |

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| Member                       | Date of signature  | Date of deposit of instrument of ratification, acceptance, approval or accession | Date of entry into force   |
|------------------------------|--|--|--|
| Brazil                       | -<br>-<br>-<br>-   | -<br>-<br>April 23, 1999<br>-  | -<br>-<br>May 23, 1999<br>-  |
| Bulgaria                     | -<br>-<br>-<br>-   | -<br>-<br>-<br>March 24, 1998  | -<br>-<br>-<br>April 24, 1998  |
| Canada                       | -<br>-<br>October 31, 1979<br>March 9, 1992                                  | -<br>-<br>February 4, 1991<br>-  | -<br>-<br>March 4, 1991<br>-   |
| Chile                        | -<br>-<br>-<br>-   | -<br>-<br>December 5, 1995<br>-  | -<br>-<br>January 5, 1996<br>-   |
| China                        | -<br>-<br>-<br>-   | -<br>-<br>March 23, 1999<br>-  | -<br>-<br>April 23, 1999<br>-  |
| Colombia                     | -<br>-<br>-<br>-   | -<br>-<br>August 13, 1996<br>-   | -<br>-<br>September 13, 1996<br>-  |
| Costa Rica                   | -<br>-<br>-<br>-   | -<br>-<br>-<br>December 12, 2008   | -<br>-<br>-<br>January 12, 2009  |
| Croatia                      | -<br>-<br>-<br>-   | -<br>-<br>-<br>August 1, 2001  | -<br>-<br>-<br>September 1, 2001   |
| Czech Republic <sup>1/</sup> | -<br>-<br>-<br>-   | -<br>-<br>-<br>October 24, 2002  | -<br>-<br>January 1, 1993<br>November 24, 2002                             |
| Denmark                      | November 26, 1962<br>November 10, 1972<br>October 23, 1978<br>March 19, 1991 | September 6, 1968<br>February 8, 1974<br>October 8, 1981<br>April 26, 1996       | October 6, 1968<br>February 11, 1977<br>November 8, 1981<br>April 24, 1998 |
| Dominican Republic           | -<br>-<br>-<br>-   | -<br>-<br>-<br>May 16, 2007  | -<br>-<br>-<br>June 16, 2007   |

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

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| Member         | Date of signature   | Date of deposit of instrument of ratification, acceptance, approval or accession | Date of entry into force   |
|----------------|---|--|--|
| Ecuador        | -<br>-<br>-   | -<br>-<br>July 8, 1997<br>-  | -<br>-<br>August 8, 1997<br>-  |
| Estonia        | -<br>-<br>-<br>-  | -<br>-<br>-<br>August 24, 2000   | -<br>-<br>-<br>September 24, 2000  |
| European Union | -<br>-<br>-<br>-  | -<br>-<br>-<br>June 29, 2005   | -<br>-<br>-<br>July 29, 2005   |
| Finland        | -<br>-<br>-<br>-  | -<br>-<br>March 16, 1993<br>June 20, 2001  | -<br>-<br>April 16, 1993<br>July 20, 2001                                |
| France         | December 2, 1961<br>November 10, 1972<br>October 23, 1978<br>March 19, 1991 | September 3, 1971<br>January 22, 1975<br>February 17, 1983<br>-                  | October 3, 1971<br>February 11, 1977<br>March 17, 1983<br>-              |
| Georgia        | -<br>-<br>-<br>-  | -<br>-<br>-<br>October 29, 2008  | -<br>-<br>-<br>November 29, 2008   |
| Germany        | December 2, 1961<br>November 10, 1972<br>October 23, 1978<br>March 19, 1991 | July 11, 1968<br>July 23, 1976<br>March 12, 1986<br>June 25, 1998                | August 10, 1968<br>February 11, 1977<br>April 12, 1986<br>July 25, 1998  |
| Hungary        | -<br>-<br>-<br>-  | -<br>-<br>March 16, 1983<br>December 1, 2002                                     | -<br>-<br>April 16, 1983<br>January 1, 2003                              |
| Iceland        | -<br>-<br>-<br>-  | -<br>-<br>-<br>April 3, 2006   | -<br>-<br>-<br>May 3, 2006   |
| Ireland        | -<br>-<br>September 27, 1979<br>February 21, 1992                           | -<br>-<br>May 19, 1981<br>-  | -<br>-<br>November 8, 1981<br>-  |
| Israel         | -<br>-<br>-<br>October 23, 1991   | November 12, 1979<br>November 12, 1979<br>April 12, 1984<br>June 3, 1996         | December 12, 1979<br>December 12, 1979<br>May 12, 1984<br>April 24, 1998 |

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| Member      | Date of signature   | Date of deposit of instrument of ratification, acceptance, approval or accession | Date of entry into force  |
|-------------|---|--|---|
| Italy       | December 2, 1961<br>November 10, 1972<br>October 23, 1978<br>March 19, 1991 | June 1, 1977<br>June 1, 1977<br>April 28, 1986<br>-                              | July 1, 1977<br>July 1, 1977<br>May 28, 1986<br>-                           |
| Japan       | -<br>-<br>October 17, 1979<br>-   | -<br>-<br>August 3, 1982<br>November 24, 1998                                    | -<br>-<br>September 3, 1982<br>December 24, 1998                            |
| Jordan      | -<br>-<br>-<br>-  | -<br>-<br>-<br>September 24, 2004  | -<br>-<br>-<br>October 24, 2004   |
| Kenya       | -<br>-<br>-<br>-  | -<br>-<br>April 13, 1999<br>-  | -<br>-<br>May 13, 1999<br>-   |
| Kyrgyzstan  | -<br>-<br>-<br>-  | -<br>-<br>-<br>May 26, 2000  | -<br>-<br>-<br>June 26, 2000  |
| Latvia      | -<br>-<br>-<br>-  | -<br>-<br>-<br>July 30, 2002   | -<br>-<br>-<br>August 30, 2002  |
| Lithuania   | -<br>-<br>-<br>-  | -<br>-<br>-<br>November 10, 2003   | -<br>-<br>-<br>December 10, 2003  |
| Mexico      | -<br>-<br>July 25, 1979<br>-  | -<br>-<br>July 9, 1997<br>-  | -<br>-<br>August 9, 1997<br>-   |
| Morocco     | -<br>-<br>-<br>-  | -<br>-<br>-<br>September 8, 2006   | -<br>-<br>-<br>October 8, 2006  |
| Netherlands | December 2, 1961<br>November 10, 1972<br>October 23, 1978<br>March 19, 1991 | August 8, 1967<br>January 12, 1977<br>August 2, 1984<br>October 14, 1996         | August 10, 1968<br>February 11, 1977<br>September 2, 1984<br>April 24, 1998 |
| New Zealand | -<br>-<br>July 25, 1979<br>December 19, 1991                                | -<br>-<br>November 3, 1980<br>-  | -<br>-<br>November 8, 1981<br>-   |



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| Member              | Date of signature | Date of deposit of instrument of ratification, acceptance, approval or accession | Date of entry into force                       |
|---------------------|-------------------|--|--|
| Nicaragua           | -<br>-<br>-       | -<br>-<br>August 6, 2001<br>-  | -<br>-<br>September 6, 2001<br>-               |
| Norway              | -<br>-<br>-<br>-  | -<br>-<br>August 13, 1993<br>-   | -<br>-<br>September 13, 1993<br>-              |
| Oman                | -<br>-<br>-<br>-  | -<br>-<br>-<br>October 22, 2009  | -<br>-<br>-<br>November 22, 2009               |
| Panama              | -<br>-<br>-<br>-  | -<br>-<br>April 23, 1999<br>-  | -<br>-<br>May 23, 1999<br>-                    |
| Paraguay            | -<br>-<br>-<br>-  | -<br>-<br>January 8, 1997<br>-   | -<br>-<br>February 8, 1997<br>-                |
| Poland              | -<br>-<br>-<br>-  | -<br>-<br>October 11, 1989<br>July 15, 2003                                      | -<br>-<br>November 11, 1989<br>August 15, 2003 |
| Portugal            | -<br>-<br>-<br>-  | -<br>-<br>September 14, 1995<br>-  | -<br>-<br>October 14, 1995<br>-                |
| Republic of Korea   | -<br>-<br>-<br>-  | -<br>-<br>-<br>December 7, 2001  | -<br>-<br>-<br>January 7, 2002                 |
| Republic of Moldova | -<br>-<br>-<br>-  | -<br>-<br>-<br>September 28, 1998  | -<br>-<br>-<br>October 28, 1998                |
| Romania             | -<br>-<br>-<br>-  | -<br>-<br>-<br>February 16, 2001   | -<br>-<br>-<br>March 16, 2001                  |
| Russian Federation  | -<br>-<br>-<br>-  | -<br>-<br>-<br>March 24, 1998  | -<br>-<br>-<br>April 24, 1998                  |

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| Member                | Date of signature  | Date of deposit of instrument of ratification, acceptance, approval or accession | Date of entry into force  |
|-----------------------|--|--|---|
| Singapore             | -<br>-<br>-  | -<br>-<br>June 30, 2004  | -<br>-<br>July 30, 2004   |
| Slovakia <sup>1</sup> | -<br>-<br>-<br>-   | -<br>-<br>-<br>May 12, 2009  | -<br>-<br>January 1, 1993<br>June 12, 2009                                  |
| Slovenia              | -<br>-<br>-<br>-   | -<br>-<br>-<br>June 29, 1999   | -<br>-<br>-<br>July 29, 1999  |
| South Africa          | -<br>-<br>October 23, 1978<br>March 19, 1991                                 | October 7, 1977<br>October 7, 1977<br>July 21, 1981<br>-                         | November 6, 1977<br>November 6, 1977<br>November 8, 1981<br>-               |
| Spain                 | -<br>-<br>-<br>March 19, 1991  | April 18, 1980<br>April 18, 1980<br>-<br>June 18, 2007                           | May 18, 1980<br>May 18, 1980<br>-<br>July 18, 2007                          |
| Sweden                | -<br>January 11, 1973<br>December 6, 1978<br>December 17, 1991               | November 17, 1971<br>January 11, 1973<br>December 1, 1982<br>December 18, 1997   | December 17, 1971<br>February 11, 1977<br>January 1, 1983<br>April 24, 1998 |
| Switzerland           | November 30, 1962<br>November 10, 1972<br>October 23, 1978<br>March 19, 1991 | June 10, 1977<br>June 10, 1977<br>June 17, 1981<br>August 1, 2008                | July 10, 1977<br>July 10, 1977<br>November 8, 1981<br>September 1, 2008     |
| Trinidad and Tobago   | -<br>-<br>-<br>-   | -<br>-<br>December 30, 1997<br>-   | -<br>-<br>January 30, 1998<br>-   |
| Tunisia               | -<br>-<br>-<br>-   | -<br>-<br>-<br>July 31, 2003   | -<br>-<br>-<br>August 31, 2003  |
| Turkey                | -<br>-<br>-<br>-   | -<br>-<br>-<br>October 18, 2007  | -<br>-<br>-<br>November 18, 2007  |
| Ukraine               | -<br>-<br>-<br>-   | -<br>-<br>October 3, 1995<br>December 19, 2006                                   | -<br>-<br>November 3, 1995<br>January 19, 2007                              |

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

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| Member                   | Date of signature  | Date of deposit of instrument of ratification, acceptance, approval or accession | Date of entry into force  |
|--------------------------|--|--|---|
| United Kingdom           | November 26, 1962<br>November 10, 1972<br>October 23, 1978<br>March 19, 1991 | September 17, 1965<br>July 1, 1980<br>August 24, 1983<br>December 3, 1998        | August 10, 1968<br>July 31, 1980<br>September 24, 1983<br>January 3, 1999 |
| United States of America | -<br>-<br>October 23, 1978<br>October 25, 1991                               | -<br>-<br>November 12, 1980<br>January 22, 1999                                  | -<br>-<br>November 8, 1981<br>February 22, 1999                           |
| Uruguay                  | -<br>-<br>-<br>-   | -<br>-<br>October 13, 1994<br>-  | -<br>-<br>November 13, 1994<br>-  |
| Uzbekistan               | -<br>-<br>-<br>-   | -<br>-<br>-<br>October 14, 2004  | -<br>-<br>-<br>November 14, 2004  |
| Viet Nam                 | -<br>-<br>-<br>-   | -<br>-<br>-<br>November 24, 2006   | -<br>-<br>-<br>December 24, 2006  |

Total: 68 members

[Annex II follows]

## ANNEX II

## RESULTS TABLE

**Sub-program UV.2: Improved Services to Members of the Union / Ensuring an Effective System of Plant Variety Protection**

In the legal and administrative, as well as in the technical areas, the Union has produced and adopted a considerable number of basic documents which enhance the understanding and the implementation of the provisions of the Convention in an internationally harmonized and effective way, and thus, further improve the quality of protection and reduce its cost at a national or regional level.

- Objectives:**
- ◆ To maintain and improve the quality of protection provided by the UPOV system.
  - ◆ To provide and develop the legal and technical basis for international cooperation in a harmonized approach to plant variety protection according to the 1991 Act of the UPOV Convention.

**Expected results****Results Achieved: Selected Performance Indicators**

*1. Increased international harmonization of the implementation of the UPOV Convention*

*1. Administrative and legal guidance on how to implement the UPOV Convention proposed to or adopted by the UPOV Council or its Committees*

- Information materials concerning the UPOV Convention adopted by the Council in 2010
  - UPOV/EXN/CAL: Explanatory Notes on Conditions and Limitations Concerning the Breeder's Authorization in respect of Propagating Material under the UPOV Convention;
  - UPOV/EXN/VAR: Explanatory Notes on the Definition of Variety under the 1991 Act of the UPOV Convention;
  - UPOV/INF/4/1: Financial Regulations and Rules of UPOV;
  - UPOV/INF/10/1: Internal Audit;
  - UPOV/INF/12/3: Explanatory Notes on Variety Denominations under the UPOV Convention;
  - UPOV/INF/15/1: Guidance for Members of UPOV on Ongoing Obligations and Related Notifications
  - UPOV/INF/16/1: Exchangeable Software;
  - UPOV/INF/17/1: Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction ("BMT Guidelines")
- Draft information materials concerning the UPOV Convention considered by the CAJ in 2010 on:
  - UPOV/EXN/HRV: Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention

**Expected results**

*1. Increased international harmonization of the implementation of the UPOV Convention (continued)*

**Results Achieved: Selected Performance Indicators**

- Draft information materials concerning the UPOV Convention considered by the CAJ-AG in 2010 on:
  - UPOV/EXN/BRD: Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention
  - UPOV/EXN/EDV: Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (revision)
- Proposals concerning matters arising after the grant of a breeder's right
- Proposals on electronic application systems
- Proposals concerning the Plant Variety Database

**Expected results**

*2. Increased international harmonization of technical specificities for the examination of distinctness, uniformity and stability (DUS) of new varieties*

**Results Achieved: Selected Performance Indicators**

*2. Guidance on the examination of distinctness, uniformity and stability of new varieties proposed to, or adopted by, the UPOV Council or its Committees*

- TGP documents adopted and published on the UPOV website:
  - TGP/5, Section 2/3: Experience and Cooperation in DUS Testing: UPOV Model Form for the Application for Plant Breeders' Rights
  - TGP/7/2: Development of Test Guidelines
  - TGP/8/1: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability
  - TGP/14/1: Glossary of Terms Used in UPOV Documents
- Drafts of the following TGP documents advanced in the CAJ, TC and/or the Technical Working Parties:
  - TGP/5, Section 10: "Notification of Additional Characteristics" (Revision)
  - TGP/11: "Examining Stability"
- 16 Test Guidelines\* adopted by the TC, comprising:
  - 2 partially revised Test Guidelines: TWO (2)
  - 6 revised Test Guidelines: TWF (2), TWO (2), TWV (2)

|           |                           |
|-----------|---------------------------|
| Americas: | BR (1)                    |
| Europe:   | FR (2), NL/DE (1), NL (2) |
  - 8 new Test Guidelines: TWA (1), TWA/TWV (1), TWF (2), TWO (3), TWV (1)

|                            |                                |
|----------------------------|--------------------------------|
| Americas:                  | BR (1), MX (1)                 |
| Asia/Pacific:              | KR (1)                         |
| Europe:                    | ES (1), FR (1), GB (1), QZ (1) |
| Europe - Near/Middle East: | QZ/IL (1)                      |

---

\* Number in brackets: 0.5 means that there was shared responsibility with another Technical Working Party or with a Leading Expert from another member of the Union.

**Expected results**

2. *Increased international harmonization of technical specificities for the examination of distinctness, uniformity and stability(DUS) of new varieties*  
(continued)

**Results Achieved: Selected Performance Indicators**

- 55 draft Test Guidelines advanced by the Technical Working Parties, comprising
  - 6 partial revisions: TWF (1), TWV/TWA (2), TWV (3)
  - 16 revisions: TWA (2), TWF (6), TWO (3), TWV (5)

|               |                                |
|---------------|--------------------------------|
| Africa:       | ZA (2)                         |
| Asia/Pacific: | AU/ES (1), NZ (1)              |
| Europe:       | DE (4), FR (2), NL (4), QZ (2) |

- 33 new Test Guidelines: TWA (5), TWF (7), TWO (17), TWO/TWV (1), TWV (3)

|                                  |  |
|----------------------------------|--|
| Africa:                          | ZA (1)   |
| Americas:                        | AR (1), BR (1), MX (2)   |
| Americas - Asia/Pacific:         | BR/CN (1)  |
| Asia/Pacific:                    | AU (2), CN (4), JP (6), KR (2), NZ (1)                               |
| Asia/Pacific - Europe:           | AU/DK (1)  |
| Europe:                          | DE (1), ES (1), FR (1), FR/ES (1), GB (1), GB/PL (1), NL (3), UA (1) |
| Near/Middle East - Asia/Pacific: | IL/KR (1)  |

Total of 25 members of the Union involved in drafting Test Guidelines.

- 318 experts representing 33 members of the Union (members) and 4 observer organizations (orgs) participated in the Technical Working Parties as follows:

TWA (Croatia):  
25 members (54 participants) / 2 orgs (1)

TWC (European Union):  
16 members (31 participants)

TWF (Mexico):  
15 members (49 participants) / 2 orgs (2)

TWO (Mexico):  
16 members (62 participants) / 1 org (1)

TWV (Poland):  
18 members (40 participants) / 1 org (3)

BMT (Canada)  
12 members (62 participants) / 3 orgs (13)

- 127 experts representing 25 members / 2 orgs participated in the Preparatory Workshops as follows:

TWA: 10 members (15 participants)

TWC: 9 members (14 participants)

TWF: 7 members (10 participants) / 1 org (1)

TWO: 9 members (21 participants) / 1 org (1)

TWV: 8 members (18 participants) / 1 org (3)

BMT: 6 members (39 participants) / 1 org (5)

| <b>Expected results</b>  | <b>Results Achieved: Selected Performance Indicators</b>   |
|--|--|
| <i>3. Clarification of the role of publication of variety descriptions</i>               | <p>3. <i>Policy on publication of variety descriptions proposed to or adopted by the UPOV Council</i></p> <p>Project to consider the publication of variety descriptions:</p> <ul style="list-style-type: none"><li>• The TC agreed that no further meeting of the <i>Ad hoc</i> Working Group on the Publication of Variety Descriptions (WG-PVD) should be arranged unless or until specific proposals were developed for the consideration of the WG-PVD by the TC or by a TWP.</li></ul>   |
| <i>4. Improved accessibility of information relevant for examination of applications</i> | <p>4. <i>Databases</i></p> <ul style="list-style-type: none"><li>• Program agreed by the TC for the improvement of the UPOV-ROM Plant Variety Database as follows:<ul style="list-style-type: none"><li>(a) introduction of the UPOV code;</li><li>(b) improving the ease of contributing data to the UPOV-ROM through the development of a data submission table allowing data to be provided without the use of TAG format;</li><li>(c) providing training in the use of the UPOV-ROM;</li><li>(d) development of web-based version of Plant Variety Databases.</li></ul></li><li>• Standardized classification of genera and species for improved database performance: 114 new UPOV codes created in 2010 (Total number of UPOV codes: 6,683)</li><li>• GENIE database updated for:<ul style="list-style-type: none"><li>- UPOV codes (see above)</li><li>- status of protection by genus / species within UPOV (based on document C/44/6)</li><li>- information on cooperation in examination (based on document C/44/5)</li><li>- experience in DUS testing (based on document TC/46/4)</li><li>- variety denomination classes</li></ul></li></ul> |

### **Sub-Program UV.3: Extending the Coverage of Protection of New Varieties of Plants**

The Union has assisted a number of States in the implementation of plant variety protection based on the UPOV Convention. It has also provided advice to governments, mainly of developing countries and countries in transition to a market economy, in the adoption of relevant legislation.

- Objectives:**
- ◆ To assist States and certain organizations, particularly governments of developing countries and countries in transition to a market economy, in the preparation and enactment of legislation conforming with the 1991 Act of the UPOV Convention.
  - ◆ To assist States and certain organizations in the accession to the 1991 Act of the UPOV Convention.
  - ◆ To assist States and certain organizations in implementing an effective plant variety rights system in line with the 1991 Act of the UPOV Convention.

#### **Expected results      Results Achieved: Selected Performance Indicators**

- |  |  |
|--|--|
| <i>1. Introduction of a legal basis of plant variety protection in line with the 1991 Act of the UPOV Convention by a growing number of States and intergovernmental organizations</i> | <i>1.1 Number of comments on laws and regulations.</i><br><br>Algeria, Armenia, Bosnia and Herzegovina, Egypt, Ghana, Guatemala, Indonesia, Mauritius, Montenegro, Pakistan, Saudi Arabia, Serbia, Tajikistan, United Republic of Tanzania, Zambia.<br><br><i>1.2 Comments provided on laws and regulations which are known to have been taken into account by States and intergovernmental organizations.</i><br><br>Bosnia and Herzegovina, Egypt, Ghana, Guatemala, Montenegro, Serbia, Tajikistan, United Republic of Tanzania.  |
| <i>2. Implementation of plant variety protection</i>   | <i>2. Number of training activities initiated/implemented.</i><br><br>Training activities organized by UPOV: <ul style="list-style-type: none"><li>– Regional Seminar on Plant Variety Protection under the UPOV Convention, Dar es Salaam, United Republic of Tanzania, February 2010</li><li>– Seminar on DUS Testing, Geneva, March 2010</li><li>– Training program on “Plant Variety Protection under the UPOV Convention”, Washington, D.C., United States of America, May 2010</li><li>– Forum on intellectual property, the usefulness of plant breeders’ rights and the benefits of becoming a member of UPOV, Douala, Cameroon, July 2010</li><li>– Seminar on the strengthening of the enforcement of Annex X of the Bangui Agreement, Douala, Cameroon, July 2010</li><li>– Ninth Training Course for Ibero-American Countries on Plant Variety Protection under the UPOV Convention, Santa Cruz de la Sierra, Bolivia, December 2010</li><li>– WIPO/UPOV Subregional Central-American Seminar on Intellectual Property and Agriculture, Panama, December 2010</li></ul><br>UPOV made presentations at: <ul style="list-style-type: none"><li>– Business Awareness Seminar on Plant Variety Protection, Singapore, February 2010</li><li>– AFSTA Annual Congress, Bamako, Mali, March 2010</li><li>– Study visit at UPOV/WIPO headquarters of high level officials from the Sultanate of Oman, March 2010</li></ul> |



| <b>Expected results</b>   | <b>Results Achieved: Selected Performance Indicators</b>  |
|---|---|
| 2. <i>Implementation of plant variety protection</i><br>(continued) | <p>UPOV made presentations at (<i>continued</i>):</p> <ul style="list-style-type: none"><li>– Third Meeting of the East Asian Plant Variety Protection Forum, Seoul, Republic of Korea, April 2010</li><li>– WIPO WTO Advanced Course on Intellectual Property for Government Officials, WTO headquarters, Geneva</li><li>– Swedish International Development Cooperation Agency (Sida) Course “Genetic Resources and Intellectual Property”, Alnarp, Sweden, May 2010</li><li>– GRUR Expert Committee on the Protection of Plant Varieties, Munich, Germany, May 2010</li><li>– “Seminar on the seed and plant sector: challenges and perspectives”, Tunis, Tunisia, May 2010</li><li>– Second Stevia World Europe Conference, Geneva, May 2010</li><li>– Visit at UPOV/WIPO headquarters of the Minister of SMEs and Promotion of the Private Sector of the Republic of Congo, Geneva, May 2010</li><li>– ISF World Seed Congress 2010 and ISF Breeders’ Committee, Calgary, Canada, May-June 2010</li><li>– WIPO Interregional Intermediate Seminar on Industrial Property, Geneva, June 2010</li><li>– Thirteenth International Course on Plant Variety Protection, Naktuinbouw, Wageningen, Netherlands, June 2010</li><li>– WIPO General Course on Intellectual Property (DL-101), Geneva, June 2010</li><li>– Plant Breeder’s Rights Workshop, Lusaka, Zambia, June 2010</li><li>– Workshop on Plant Variety Protection for Central and Eastern European States, Slupia Wielka, Poland, June 2010</li><li>– WIPO-WTO Colloquium for Teachers of Intellectual Property, Geneva, July 2010</li><li>– KSVS/KOICA Training course on plant variety protection, Seoul, Republic of Korea, July 2010</li><li>– WIPO Summer School on Intellectual Property, Geneva, July 2010</li><li>– Master Program of Intellectual Property Law, Queensland University of Technology (QUT), Brisbane, Australia, July 2010</li><li>– Third EAPVP Workshop for Cooperation in Harmonisation of Test Guidelines and DUS Test, Kuala Lumpur, Malaysia, August 2010</li><li>– XXII Pan-American Seed Seminar, Asunción, Paraguay, August 2010</li><li>– VI International Workshop on DUS Examination, Texcoco, Mexico, August 2010</li><li>– JICA Training Course on “Internationally Harmonized Plant Variety Protection System”, Tsukuba, Japan, August-September 2010</li><li>– National Seminar on Plant Breeder’s Rights, Dar es Salaam, United Republic of Tanzania, September 2010</li><li>– Sida Training Programme on “Plant Breeding and Seed Production”, Alnarp, Sweden, September 2010</li><li>– International Seminar on Plant Breeders’ Rights, Cuernavaca, Morelos States, Mexico, September 2010</li><li>– KAVB Symposium “Plant names, global challenges”, Amsterdam, Netherlands, October 2010</li><li>– Second ECOSA International Seed Trade Conference, Istanbul, Turkey, October 2010</li></ul> |

| <b>Expected results</b>  | <b>Results Achieved: Selected Performance Indicators</b>  |
|--|---|
| <i>3. Participation in UPOV distance learning courses</i>              | <i>3. Number of participants in the UPOV distance learning courses</i><br><br>UPOV DL-205 “Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention”<br><br>Session I (May / June 2010): 194 participants<br>Session II (November / December 2010): 196 participants<br><br>(for a breakdown of the students participating in the DL-205 Course, see Appendix)   |
| <i>4. Geographical expansion of the UPOV system</i>                    | <i>4. Additional members of the Union</i><br><br>None in 2010   |
| <i>5. Number of genera and species for which protection is offered</i> | <i>5. Number of genera/species protected by members of the Union.</i><br><br>At the end of 2010, a total of 45 members of the Union offered protection for all plant genera and species (45 in 2009) and 23 members of the Union offered protection for a limited number of plant genera and species (23 in 2009) (see document C/44/6).<br><br>The following members of the Union notified the extension of protection to additional plant genera and species in 2010: Lithuania, Republic of Moldova, Republic of Korea, South Africa and Viet Nam.<br><br>Number of plant genera and species with PBR entries in the UPOV-ROM Plant Variety Database:<br>2,940 in Aug. 2010 (2,790 in Aug. 2009) |

| <b>Expected results</b>   | <b>Results Achieved: Selected Performance Indicators</b>   |
|---|--|
| <i>6. Strengthening of international cooperation and specialization in plant variety protection</i>   | <p><i>6.1 General cooperation</i></p> <p>Authorities which will provide existing DUS reports to any member of the Union: AU</p> <p>Authorities which will, for any species for which they have experience in DUS examination, provide existing DUS reports to any member of the Union: CA, DE, NZ, QZ, UY</p> <p>Authorities which will accept DUS reports from any other member of the Union:</p> <p>AU (except <i>Solanum tuberosum</i> L.)</p> <p>CH (Switzerland will, in general, utilize existing DUS reports provided by any member of the Union. DUS tests are not conducted in Switzerland. In cases where a DUS test report is not available from a member of the Union, the Plant Variety Protection Office will request an appropriate authority or testing station of a member of the Union to perform a DUS test on its behalf.)</p> <p>CA (Canada will accept existing DUS reports from other members of the Union for varieties of any taxa which are vegetatively propagated and for which the DUS tests were conducted in a controlled environment greenhouse.)</p> <p><i>6.2 Number of specific bilateral and regional arrangements on plant variety protection.</i></p> <p>Agreement for cooperation in variety testing extends to approximately 1,417 genera or species (1,360 in 2009) – excluding general cooperation as in 6.1 (see document C/44/5)</p> <p><i>6.3 Publication of information on available experience in DUS testing</i></p> <p>Practical experience in examination of DUS reported for approximately 2,254 genera or species (2,209 in 2009) - see document TC/46/4</p> |
| <i>7. Incentives for the development of agriculture and the overall economy of the States and intergovernmental organizations concerned</i> | <p><i>7.1 Number of titles granted.</i></p> <p>10,730 titles granted by members of the Union in 2009 (10,472 in 2008) (see document C/44/7)</p> <p><i>7.2 Number of titles in force</i></p> <p>86,378 titles in force with members of the Union at the end of 2009 (81,595 in 2008) (see document C/44/7)</p>  |

## Sub-Program UV.4: External Relations

UPOV's public profile continues to become more visible. Intergovernmental organizations, such as the World Intellectual Property Organization (WIPO), the Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS) of the World Trade Organization (WTO), the Conference of the Parties for the Convention on Biological Diversity (CBD), the Commission on Genetic Resources for Food and Agriculture (CGRFA) of the Food and Agriculture Organization of the United Nations (FAO), the Secretariat of the International Treaty for Plant Genetic Resources for Food and Agriculture (ITPGRFA) and research institutes of the Consultative Group on International Agricultural Research (CGIAR) have invited UPOV to contribute to their work. International professional associations have continued regular contact with UPOV. Reference to UPOV has been made in bilateral international agreements on trade. Understanding of UPOV's role and activities has improved. UPOV's improved website has continued to receive increased interest.

- Objectives:**
- ◆ To increase public awareness of UPOV and strengthen its impact.
  - ◆ To increase the understanding of UPOV's role and activities.
  - ◆ To develop UPOV's corporate image.
  - ◆ To maintain the attractiveness of the UPOV system

### Expected results      Results Achieved: Selected Performance Indicators

*1. Recognition of the importance of the UPOV system by relevant Organizations*

*1.1 Number of occasions UPOV participated in or made presentations at meetings of intergovernmental and non-governmental organizations*

Meetings of intergovernmental organizations:

- African Intellectual Property Organization (OAPI)
- African Regional Intellectual Property Organization (ARIPO)
- Commission on Genetic Resources for Food and Agriculture (CGRFA) of the Food and Agriculture Organization of the United Nations (FAO)
- Convention on Biological Diversity (CBD)
- Council for Trade Related Aspects of Intellectual Property Rights (Council for TRIPS) of the World Trade Organization (WTO)
- Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) of the World Intellectual Property Organization (WIPO)
- Organisation for Economic Co-operation and Development (OECD)
- Secretariat of the International Treaty for Plant Genetic Resources for Food and Agriculture (ITPGRFA)

Meetings of non-governmental organizations:

- African Seed Trade Association (AFSTA)
- European Seed Association (ESA)
- International Seed Federation (ISF)
- Latin-American Seed Federation (FELAS)
- Royal General Bulbgrowers' Association (KAVB)

**Expected results**

**Results Achieved: Selected Performance Indicators**

2. *Better understanding of the basic principles of the UPOV Convention.*

*Number of requests for information received*

– letters, e-mails, etc. received: Total in 2010:  
due to changes in registration procedures, no accurate  
information is available for 2010  
(Total in 2009 = 3,179)

[Appendix follows]

APPENDIX

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

2010 SESSIONS

| Session I, 2010: May/June   |  |                    |
|---|--|--------------------|
| Category  | Students from  | Number of students |
| <u>Category 1</u><br>Officials of members of the Union  | Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Finland, Hungary, Israel, Japan, Mexico, Mozambique, Netherlands, Norway, Panama, Paraguay, Poland, Russian Federation, Slovakia, South Africa, Spain, Turkey, United Kingdom, United States of America, Uzbekistan | 144                |
| <u>Category 2</u><br>Officials of observer States / intergovernmental organizations / others  | Cameroon, Guatemala, Iran (Islamic Republic of), Peru, Oman  | 11                 |
| <u>Category 3 (Paying)</u>  | China, Guatemala, Netherlands, Switzerland   | 6                  |
| <u>Special sessions for:</u><br><ul style="list-style-type: none"> <li>• participants in the Regional Seminar on Plant Variety Protection under the UPOV Convention, Dar es Salaam, United Republic of Tanzania</li> <li>• staff of the World Intellectual Property Organization (WIPO)</li> <li>• trainee of the African Intellectual Property Organization (OAPI)</li> <li>• Plant Variety Protection Course, Wageningen (Netherlands)</li> </ul> | Albania, Bangladesh, Brazil (WIPO staff), China, France (OAPI trainee), India, Indonesia, Kenya, Netherlands, Pakistan, Saudi Arabia, Serbia, South Africa, Sudan, Uganda, Zimbabwe  | 33                 |
| <b>TOTAL</b>  |  | <b>194</b>         |

| Session II, 2010: November/December  |   |                    |
|--|---|--------------------|
| Category   | Students from   | Number of students |
| <u>Category 1</u><br>Officials of members of the Union   | Bolivia, Brazil, Bulgaria, Colombia, Czech Republic, Estonia, European Union, France, Israel, Japan, Kenya, Mexico, Morocco, Netherlands, Nicaragua, Oman, Paraguay, Poland, Republic of Korea, Republic of Moldova, Romania, Singapore, South Africa, Spain, Switzerland, United Kingdom, United States of America, Uruguay,         | 120                |
| <u>Category 2</u><br>Officials of observer States / intergovernmental organizations / others   | Algeria, Cameroon, Guatemala, Indonesia, Malaysia, Mali, Oman, Peru, United Republic of Tanzania  | 12                 |
| <u>Category 3 (Paying)</u>   | Belgium, Benin, Denmark, Germany, Spain Sweden, United States of America  | 12                 |
| <u>Special sessions for:</u><br><br><ul style="list-style-type: none"> <li>• African Intellectual Property Organization (OAPI)</li> <li>• IX Training Course for Latin American Countries on Plant Variety Protection (SRZ)</li> <li>• Japan International Cooperation Agency Training Course (JICA)</li> <li>• Korea International Cooperation Agency (KOICA) Course</li> </ul> | Benin, Burkina Faso, Cameroon, Chile, China, Cuba, Democratic Republic of the Congo, Equatorial Guinea, Guatemala, Guinea, Guinea-Bissau, Indonesia, Kazakhstan, Kenya, Laos Democratic Peoples Republic, Malaysia, Mexico, Myanmar, Niger, Panama, Peru, Philippines, Senegal, Togo, United Republic of Tanzania, Thailand, Viet Nam | 52                 |
| <b>TOTAL</b>   |   | <b>196</b>         |

| <b>Session</b>   | <b>English</b> | <b>French</b> | <b>German</b> | <b>Spanish</b> |
|------------------|----------------|---------------|---------------|----------------|
| 2010: Session I  | 91             | 3             | 1             | 99             |
| 2010: Session II | 78             | 31            | 4             | 84             |
| <b>TOTAL</b>     | <b>169</b>     | <b>34</b>     | <b>5</b>      | <b>183</b>     |

[Annex III follows]



## ANNEX III

## OVERVIEW OF MISSIONS IN 2010

| <b>Mission</b>  | <b>Location/Month</b>                                 | <b>Staff</b>                                      |
|---|---|---|
| Legal consultation meeting  | Algiers, Algeria (January)                            | Huerta  |
| Meetings at the National Centre for Seeds and Seedlings (NCSS), the Ministry of Agriculture, Forestry and Fisheries (MAFF), and the NCSS Nishinohon station | Tsukuba, Tokyo and Kasaoka, Japan (January)           | Tabata  |
| Regional Seminar on Plant Variety Protection under the UPOV Convention  | Dar es Salaam, United Republic of Tanzania (February) | Jördens, Lavignolle                               |
| Business Awareness Seminar on Plant Variety Protection  | Singapore (February)                                  | Button  |
| AFSTA Annual Congress   | Bamako, Mali (March)                                  | Jördens   |
| Meeting of the Council for TRIPS (WTO headquarters)   | Geneva, Switzerland (March)                           | Tabata  |
| Study visit for high-level officials from the Sultanate of Oman at UPOV/WIPO headquarters   | Geneva, Switzerland (March)                           | Huerta  |
| Administrative Council of the CPVO  | Brussels, Belgium (March)                             | Jördens   |
| Conference on “Innovations, progress and competitiveness for a future-oriented agriculture as a sustainable global responsibility”                          | Bonn, Germany (March)                                 | Jördens   |
| Third East Asian Plant Variety Protection Forum   | Seoul, Republic of Korea (April)                      | Jördens   |
| WIPO-WTO Advanced Course on Intellectual Property for Government Officials  | Geneva, Switzerland (May)                             | Jördens   |
| Training Program on “Plant Variety Protection under the UPOV Convention”  | Washington, D.C., United States of America (May)      | Jördens (by video-conference), Button, Lavignolle |
| Sixteenth session of WIPO’s Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)            | Geneva, Switzerland (May)                             | Tabata  |

| <b>Mission</b>   | <b>Location/Month</b>           | <b>Staff</b>        |
|--|---------------------------------|---------------------|
| Full-day training session on plant variety protection as part of Sida's "Genetic Resources and Intellectual Property Course" (GRIP Course)   | Alnarp, Sweden (May)            | Jördens             |
| GRUR Expert Committee on the Protection of Plant Varieties   | Munich, Germany (May)           | Jördens             |
| Seminar on the seed and plant sector: challenges and perspectives  | Tunis, Tunisia (May)            | Jördens             |
| Second Stevia World Europe Conference  | Geneva, Switzerland (May)       | Lavignolle          |
| World Seed Congress 2010 (ISF)   | Calgary, Canada (May-June)      | Jördens             |
| Legal consultation meeting   | Jakarta, Indonesia (June)       | Huerta              |
| Legal consultation meeting   | Hanoi, Viet Nam (June)          | Huerta              |
| Meeting of the Council for TRIPS (WTO headquarters)  | Geneva, Switzerland (June)      | Tabata              |
| WIPO Interregional Intermediate Seminar on Industrial Property   | Geneva, Switzerland (June)      | Huerta              |
| Thirteenth International Course on Plant Variety Protection (Naktuinbouw)  | Wageningen, Netherlands (June)  | Huerta              |
| WIPO General Course on Intellectual Property (DL-101)  | Geneva, Switzerland (June)      | Huerta              |
| Plant Breeder's Rights Workshop  | Lusaka, Zambia (June)           | Lavignolle          |
| Workshop on Plant Variety Protection for Central and Eastern European States   | Slupia Wielka, Poland (June)    | Jördens             |
| Visit to the Swiss breeding company <i>Delley semences et plantes SA</i>   | Delley, Switzerland (June)      | all UPOV staff      |
| WIPO-WTO Colloquium for Teachers of Intellectual Property  | Geneva, Switzerland (July)      | Jördens             |
| Forum on intellectual property, the usefulness of plant breeders' rights and the benefits of becoming a member of UPOV<br><br>Seminar on the strengthening of the enforcement of Annex X of the Bangui Agreement | Douala, Cameroon (July)         | Jördens, Lavignolle |
| Training Course on Plant Variety Protection  | Seoul, Republic of Korea (July) | Huerta              |
| Legal consultation meeting   | Riyadh, Saudi Arabia (July)     | Jördens             |
| WIPO Summer School on Intellectual Property  | Geneva, Switzerland (July)      | Huerta              |

| <b>Mission</b>  | <b>Location/Month</b>                                  | <b>Staff</b>    |
|---|--|-----------------|
| Master Program of Intellectual Property Law of the Queensland University of Technology (QUT)  | Brisbane, Australia (July)                             | Waterhouse (AU) |
| Third Workshop for Cooperation in Harmonisation of Test Guidelines and DUS Test   | Kuala Lumpur, Malaysia (August)                        | Button          |
| XXII Pan-American Seed Seminar  | Asunción, Paraguay (August)                            | Lavignolle      |
| Diplomatic Conference for the adoption of the ARIPO Protocol on the Protection of Traditional Knowledge and Expressions of Folklore   | Swakopmund, Namibia (August)                           | Jördens         |
| VI International Workshop on DUS Examination  | Texcoco, Mexico (August)                               | Lavignolle      |
| JICA Training Course on “Internationally Harmonized Plant Variety Protection System”  | Tsukuba, Japan (August/September)                      | Jördens         |
| National Seminar on Plant Breeder’s Rights  | Dar es Salaam, United Republic of Tanzania (September) | Lavignolle      |
| Full-day training session on plant variety protection as part of Sida’s “Plant Breeding and Seed Production Course”   | Alnarp, Sweden (September)                             | Jördens         |
| WTO Public Forum’s session on “Trade, the Environment and one Billion Hungry People: coordinating the efforts of the WTO and other IGOs to ensure food security and to mitigate the impact of climate change” | Geneva, Switzerland (September)                        | Jördens, Button |
| International Seminar on Plant Breeders’ Rights   | Cuernavaca, Morelos States, Mexico (September)         | Jördens, Button |
| European Seed Association (ESA) Annual Meeting  | Brussels, Belgium (October)                            | Button          |
| KAVB Symposium “Plant names, global challenges”   | Amsterdam, Netherlands (October)                       | Button          |
| JICA Training Course on “Internationally Harmonized Plant Variety Protection System”  | Tsukuba, Japan (October)                               | Jördens, Button |
| Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity (COP-10)   | Nagoya, Japan (October)                                | Jördens, Button |

| <b>Mission</b>  | <b>Location/Month</b>                       | <b>Staff</b> |
|---|---|--------------|
| Annual meeting of the Economic Cooperation Organization (ECO)<br>General Assembly of the Economic Cooperation Organization Seed Association (ECOSA)<br>Second ECOSA International Seed Trade Conference                             | Istanbul, Turkey (October)                  | Lavignolle   |
| OECD's Extended Advisory Group (EAG) Meeting of Representatives of National Designated Authorities  | Paris, France (November)                    | Button       |
| Annual Meeting of the CPVO and its Examination Offices  | Angers, France (December)                   | Button       |
| High Level Round Table on the Importance of the International Treaty on Plant Genetic Resources for Food and Agriculture in Meeting the Climate Change Challenges, Enhancing Food Security and addressing Agro-biodiversity Erosion | Rome, Italy (December)                      | Button       |
| Ninth Training Course for Ibero-American Countries on Plant Variety Protection under the UPOV Convention  | Santa Cruz de la Sierra, Bolivia (December) | Lavignolle   |
| WIPO/UPOV Subregional Central-American Seminar on Intellectual Property and Agriculture   | Panama City, Panama (December)              | Lavignolle   |

[End of Annex III and of document]