



Disclaimer: unless otherwise agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV and that have not been superseded can represent UPOV policies or guidance.

This document has been scanned from a paper copy and may have some discrepancies from the original document.

Avertissement: sauf si le Conseil de l'UPOV en décide autrement, seuls les documents adoptés par le Conseil de l'UPOV n'ayant pas été remplacés peuvent représenter les principes ou les orientations de l'UPOV.

Ce document a été numérisé à partir d'une copie papier et peut contenir des différences avec le document original.

Allgemeiner Haftungsausschluß: Sofern nicht anders vom Rat der UPOV vereinbart, geben nur Dokumente, die vom Rat der UPOV angenommen und nicht ersetzt wurden, Grundsätze oder eine Anleitung der UPOV wieder.

Dieses Dokument wurde von einer Papierkopie gescannt und könnte Abweichungen vom Originaldokument aufweisen.

Descargo de responsabilidad: salvo que el Consejo de la UPOV decida de otro modo, solo se considerarán documentos de políticas u orientaciones de la UPOV los que hayan sido aprobados por el Consejo de la UPOV y no hayan sido reemplazados.

Este documento ha sido escaneado a partir de una copia en papel y puede que existan divergencias en relación con el documento original.



C/28/2

ORIGINAL : French

DATE : October 10, 1994

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL**Twenty-eighth Ordinary Session****Geneva, November 9, 1994****ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 1993**

(Twenty-Fifth Year)

I. COMPOSITION OF THE UNION

1. On January 12, 1993, the Czech Republic and Slovakia deposited with the Secretary-General declarations to the effect that the 1978 Act of the International Convention for the Protection of New Varieties of Plants--to which the former Czechoslovakia had acceded--would continue to apply with respect to those countries.

2. On March 16, Finland deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Finland on April 16.

3. On August 13, Norway deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Norway on September 13.

4. As of that date, the Union comprises 24 member States: Australia, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America. All are party to the 1978 Act, with the exception of Belgium and Spain, which are party to the 1961 Act as amended by the Additional Act of 1972.

5. The table given in the Annex to this report summarizes the position of the various States in relation to the various Acts of the Convention as at December 31 of the reference year.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES**Council**

6. Under Article 32(3) of the 1978 Act, "Any State which is not a member of the Union and which has not signed this Act 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 Act." Norway requested such advice in a Note verbale of March 29. The Council was convened in extraordinary session (its tenth) on April 23 to deal with the request; it met under the chairmanship of Mr. R. López de Haro y Wood (Spain) and took a positive decision.

7. The Council held its twenty-seventh ordinary session on October 29 under the chairmanship of Mr. R. López de Haro y Wood (Spain). The session was attended by observers from 15 non-member States¹ and 12 international organizations.²

8. At that session, the Council took the following main decisions:

(i) It approved the report of the Secretary-General on the activities of the Union in 1992 and the first nine months of 1993.

(ii) It approved the program and the budget of the Union for the 1994-95 biennium.

(iii) It noted the plan for the medium-term 1996-99.

(iv) It renewed the designation of Switzerland as auditor of the accounts of UPOV up to and including the year 1997.

(v) On the basis of recommendations of the Consultative Committee, it

(a) decided that official texts of the 1978 and 1991 Acts of the Convention would be established in the Chinese language, and

(b) approved the preparation of a prototype CD-ROM in the framework of the possible establishment of a UPOV central computerized data base on plant variety protection and related matters, and the use of monies from the reserve fund to cover the cost of preparation.

(vi) It approved the progress reports on the work of its various subsidiary bodies and either drew up or approved their work plans for the coming year and, in that connection, it

¹ Argentina, Austria, Bolivia, Brazil, Chile, Colombia, Croatia, Ecuador, Ghana, Morocco, Portugal, Republic of Korea, Romania, Slovenia, Thailand.

² General Agreement on Tariffs and Trade (GATT), European Community (EC), Organisation for Economic Co-operation and Development (OECD), International Seed Testing Association (ISTA), International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Association of Plant Breeders of the European Economic Community (COMASSO), International Federation of the Seed Trade (FIS), International Chamber of Commerce (ICC), Union of Industrial and Employers' Confederation of Europe (UNICE), Union of European Practitioners in Industrial Property (UPEPI).

(a) adopted a revised version of the Declaration on the Conditions for the Examination of a Variety Based Upon Trials Carried out by or on Behalf of the Breeder,

(b) adopted a revised version of the UPOV Model Administrative Agreement for International Cooperation in the Testing of Varieties,

(c) endorsed an agreed interpretation of Article 11 of the 1991 Act (right of priority) under which that right means that an application comprising a priority claim has to be examined as if it had been filed on the priority date and that the examination of the application might be deferred for two years under the conditions set out in paragraph (3) of that Article,

(d) noted with approval the suggestion that the documents of the Technical Committee should become available to any interested person.

(vii) It elected, in each case for a term of three years ending with the thirtieth ordinary session of the Council, in 1996:

(a) Mr. Huib Ghijsen (Netherlands) Chairman of the Technical Working Party for Agricultural Crops;

(b) Mr. Sylvain Grégoire (France) Chairman of the Technical Working Party on Automation and Computer Programs;

(c) Mrs. Elise Buitendag (South Africa) Chairman of the Technical Working Party for Fruit Crops;

(d) Mrs. Ulrike Löscher (Germany) Chairman of the Technical Working Party for Ornamental Plants and Forest Trees;

(e) Mrs. Elisabeth Kristof (Hungary) Chairman of the Technical Working Party for Vegetables;

(f) Mr. Joël Guiard (France) Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA-profiling in Particular.

Consultative Committee

9. The Consultative Committee held its forty-sixth session on April 23 and its forty-seventh session on October 28, both under the chairmanship of Mr. R. López de Haro y Wood (Spain).

10. At those sessions, the Committee essentially reviewed the execution of certain activities of the Union and prepared the decisions of the Council. At the forty-sixth session, the representatives of the member States gave--encouraging--reports on developments with regard to implementation of the 1991 Act at national and regional levels (similar reports were given at the ordinary session of the Council). At the forty-seventh session, the Committee further decided to open the sessions of the Technical Committee to observers from seven international organizations.

Administrative and Legal Committee

11. The Administrative and Legal Committee held its thirty-second session on April 21 and 22 under the chairmanship of Mr. H. Kunhardt (Germany). A large

part of its work was carried out at a joint meeting with the Technical Committee, of which it was the twenty-ninth session. The session was attended by observers from nine non-member States,³ from the World Intellectual Property Organization (WIPO) and from the EC. The Committee held its thirty-third session on October 27, also under the chairmanship of Mr. H. Kunhardt, with observers from eight non member States⁴ and from the aforesaid organizations attending.

12. The April session was mainly devoted to the following items:

(i) Proposed central computerized data base on plant variety protection and related matters;

(ii) Declaration on the conditions for the examination of a variety based upon trials carried out by the breeder;

(iii) UPOV Model Administrative Agreement for International Cooperation in the Testing of Varieties;

(iv) Guidelines relating to essentially derived varieties;

(v) Legal questions related to the 1991 Act.

13. The first three items subsequently gave rise to decisions of the Council. The Committees held that the entry into force of the provisions concerned should be awaited, as should initial practical experience, before beginning with the drafting of guidelines relating to essentially derived varieties and following up the Resolution on Article 14(5) adopted by the 1991 Diplomatic Conference.

14. Among the legal questions related to the 1991 Act were the following: the relations between Articles 1(vi), 7 and 14(5)(b) of the said Act, i.e., in great part the relations between genotype and phenotype, and the concept of characteristic in connection with the concept of variety; the question whether provisions should be included in national legislation to specify that certain transactions would not affect the novelty of a variety, or whether it should be left to the courts to define the exceptions in point; the effects of the right of priority; the transitional application of the provisions on essentially derived varieties.

15. At its October session, the Committee completed its work on the Model Agreement, considered the differences between the 1978 and 1991 Acts with respect to the novelty condition, discussed the scope of Article 40 of the 1991 Act (preservation of existing rights) and, in that connection, continued the exchange of views on the transitional application of the provisions on essentially derived varieties.

Technical Committee

16. The Technical Committee held its twenty-ninth session on April 21 and 22 in the form of a joint meeting with the Administrative and Legal Committee

³ Austria, Colombia, Croatia, Greece, Morocco, Mexico, Norway, Romania, Slovenia.

⁴ Colombia, Croatia, Morocco, Portugal, Republic of Korea, Romania, Slovenia, Turkey.

(see above). It held its thirtieth session on October 25 and 26 under the chairmanship of Ms. Jutta Rasmussen (Denmark). Observers from Romania and from the EC attended the session.

17. The Committee adopted Test Guidelines for the following five taxa on the basis of the preparatory work done by the Technical Working Parties: chick-pea; cucumber, gherkin (revised edition); evening primrose; lettuce (revised edition); watermelon.

18. The Committee considered the progress reports on the work of the Technical Working Parties and broadly defined the future work of those working parties. It also considered questions raised by the working parties in the light of experience gained by member States in the conduct of distinctness, uniformity and stability tests on new plant varieties.

Technical Working Parties

19. The Technical Working Parties held the following sessions outside Geneva:

(i) The Technical Working Party on Automation and Computer Programs (TWC) held its eleventh session from June 2 to 4 in Cambridge (United Kingdom), under the chairmanship of Mr. K. Kristensen (Denmark).

(ii) The Technical Working Party for Vegetables (TWV) held its twenty-seventh session from July 6 to 9 in Menstrup Kro (Denmark), under the chairmanship of Mr. N.P.A. van Marrewijk (Netherlands).

(iii) The Technical Working Party for Fruit Crops (TWF) held its twenty-fourth session from September 21 to 24 in Wurzen (Germany), under the chairmanship of Mr. B. Spellerberg (Germany).

(iv) The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its twenty-sixth session from October 4 to 8 in Antibes (France), under the chairmanship of Mrs. E. Buitendag (South Africa).

(v) The Technical Working Party for Agricultural Crops (TWA) held its twenty-second session from November 23 to 27 in Lincoln (New Zealand), under the chairmanship of Mr. M.S. Camlin (United Kingdom); in connection with this session, visits were made in Australia from November 29 to December 1.

20. The basic task of four of those working parties is to draw up Test Guidelines. In addition to the drafts submitted to the Technical Committee for adoption, they drew up further drafts for the following taxa, to be submitted to the professional organizations for comments: barley (revised edition); fodder beet; oats (revised edition); wheat (revised edition) (TWA); Japanese pear (TWF); African violet (revised edition); Gentiana; Nerine; Pyracantha, Firethorn; Weigela (TWO).

21. The Technical Working Party on Automation and Computer Programs continued its work on the establishment of various documents relating to the statistical processing of data collected in the course of the examination of varieties for distinctness and homogeneity. In particular, it established draft amendments to the General Introduction to the Test Guidelines with respect to the rule on off-types tolerated in the case of mainly self-pollinated varieties in order to give that rule a statistically sounder basis.

Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

22. This Working Group, which was set up by the Council in October 1992, held its first session on April 19 and 20 in Geneva, under the chairmanship of Ms. Jutta Rasmussen (Denmark). Observers from Greece, Mexico, Norway and Romania, and experts from ASSINSEL and COMASSO attended the session.

23. The Working Group decided to entrust four groups--from Australia, France, the Netherlands and the United States of America--with gathering technical information on the available techniques and their potential, and with establishing a working document for the second session, for Citrus, maize, soybean and tomato, respectively.

Ad Hoc Working Group on the Proposed Central Computerized Data Base on Plant Variety Protection and Related Matters

24. The Group met on July 13 to examine the matters that various member States had raised following the forty-sixth session of the Consultative Committee, in accordance with a procedure agreed to by that Committee. The following seven member States were represented: France, Germany, Israel, Netherlands, Spain, Switzerland, United Kingdom; the Commission of the European Communities (CEC) was also represented and WIPO provided assistance. The Group also agreed on a work schedule.

25. A smaller group met on November 9 and 10 to finalize the format (the presentation) of the data that would be supplied by the various offices for the preparation of the prototype and, at a later stage, the data base. The group comprised experts from France, Germany, Spain, the United Kingdom, the United States of America and the CEC; WIPO provided assistance.

III. SEMINARS

Regional Seminar in Nairobi

26. A Regional Seminar on the Nature of and Rationale for the Protection of Plant Varieties Under the UPOV Convention was held in Nairobi (Kenya) on May 28 and 29 (following the World Congress of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL)) for the English-speaking States of East Africa. It was organized by UPOV in cooperation with the Kenya Agricultural Research Institute and was opened by the Attorney General of Kenya, the Hon. S. Amos Wako, EBS, MP, who, in the course of his address, declared that his country was reviewing its legal provisions concerning breeders' rights with a view to their implementation. Some 150 persons attended the Seminar.

27. The Seminar dealt with the following main topics in the nine lectures that were presented: general aspects of plant variety protection; implementation of a protection system by the administration; technical criteria for protection; the viewpoint of a breeder and the administration of rights by the breeders; public and private breeding and protection; the seed industry in Africa and plant variety protection.

Regional Seminar in Rabat

28. A Regional Seminar on the Nature of and Rationale for the Protection of Plant Varieties Under the UPOV Convention was held in Rabat (Morocco) from June 15 to 17 for the States of North Africa. It was organized by UPOV in cooperation with the Ministry of Agriculture and Land Reform of Morocco, particularly the Directorate for Plant Protection, Technical Inspection and Repression of Fraud. The Seminar was opened by the Minister for Agriculture and Land Reform, His Excellency Mr. Abdelaziz Meziane, who stated that a system of plant variety protection would be introduced in Morocco. Some 70 persons attended the Seminar.

29. The Seminar dealt with the following main topics in the 14 lectures that were presented: plant variety protection in the political and economic context; legal aspects of plant variety protection; the concept of variety and its technical criteria; examination practice and UPOV's role in that field; administrative organization of plant variety protection; the seed industry intersectoral organization in France and plant variety protection; the administration of breeders' rights by a collective breeders' society; the point of view of the Moroccan private sector and of the authorities; the situation of plant breeding and seed production in Algeria and Tunisia; the advantages of accession to UPOV. The morning of June 17 was devoted to a visit to the facilities and laboratories of the Directorate for Plant Protection, Technical Inspection and Repression of Fraud and of the in vitro potato multiplication laboratory of the Société générale des travaux agricoles (SO.GE.TA).

Regional Seminar in Beijing

30. A Regional Seminar on the Nature of and Rationale for the Protection of Plant Varieties Under the UPOV Convention was held in Beijing (China) from September 15 to 17, for the following countries of the Asian and Pacific region: Bangladesh, China, India, Indonesia, Malaysia, Pakistan, Philippines, Republic of Korea, Singapore, Thailand. It was organized by UPOV in cooperation with the State Commission for Science and Technology of China (SSTCC) and with the financial support of the Ministry of Agriculture, Forestry and Fisheries of Japan. Some 130 persons attended the Seminar which was opened by the Secretary-General of UPOV. In an address of welcome, Mr. Hui Yongzheng, the Vice-Chairman of the SSTCC, declared that China would conform with the international practice of intellectual property protection by protecting plant varieties.

31. The Seminar dealt with the following main subjects in eight lectures and reports presented by the participants appointed by their governments: introduction to plant variety protection; technical criteria for protection; protection of plant varieties in Canada and the Netherlands; examination of ornamental varieties; plant variety protection and the flower market; situation of plant breeding and the seed industry in the countries of the region, their legislation in this field and their policy on protection. One day was devoted to visiting the following institutions of the Academy of Agricultural Sciences of China: the Germplasm Bank, the Biotechnology Center, the Vegetable and Flower Research Institute, the Crop Breeding and Cultivation Institute.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

32. On January 12, Mr. Zdenek Venera, Chargé d'affaires a.i. of the Permanent Mission of the Czech Republic in Geneva, and Mr. Jan Kubis, Ambassador,

Permanent Representative of Slovakia in Geneva, called on the Secretary-General to deposit declarations to the effect that the UPOV Convention would continue to apply in respect of the Czech Republic and of Slovakia.

33. From January 26 to 28, the Vice Secretary-General participated, as an invited speaker, in a Workshop on Intellectual Property Rights and the Protection of Plant Materials, sponsored by the Crop Science Society of America, the American Society for Horticultural Science, the American Society of Agronomy and the Soil Science Society of America. He took advantage of his presence in Washington, D.C. (United States of America) to visit the World Bank and meet officials concerned with seed industry projects.

34. On February 18, the Vice Secretary-General participated in Sante Fe de Bogotá (Colombia) in a Seminar on Intellectual Property in the Fields of Plant Varieties, Biotechnology and Microorganisms, organized by the Colombian Institute of Agriculture (ICA) and the Ministry of External Trade. The Vice Secretary-General spoke on the subject of essentially derived varieties under the 1991 Act of the Convention.

35. On February 19, the Vice Secretary-General participated in Sante Fe de Bogotá (Colombia) in a meeting of the Committee of Experts on Plant Variety Protection, convened by the Commission of the Cartagena Agreement, on the subject of essentially derived varieties.

36. On February 25, an official of the Office of the Union attended a round table on environmental information and documentation in the greater Geneva area, organized by the World Conservation Union (IUCN) in Gland (Switzerland).

37. On March 15, the Vice Secretary-General participated, as an observer, in a meeting of the Intellectual Property Group of ASSINSEL in Bruges (Belgium).

38. On March 16, Mr. Antti Hynninen, Ambassador, Permanent Representative of Finland in Geneva, called on the Secretary-General to deposit the instrument of accession of Finland to the 1978 Act of the Convention.

39. On March 19, Mr. Jorge Amigo, Director General of the Directorate General of Technological Development of Mexico, and Messrs. Juan A. Toledo and Manuel Márquez, Directors of the Patent and Trademark Divisions, respectively, of that Directorate, visited the Office of the Union to discuss plant variety protection in the light of the provisions of the North American Free Trade Agreement (NAFTA) on that subject.

40. On April 1, the Secretary-General received a Note verbale dated March 29 in which the Government of Norway requested the opinion of the Council on conformity of the Norwegian Act Relating to Plant Breeders' Rights with the provisions of the 1978 Act.

41. On April 20, Mr. Ilko Eskenazi, a member of Parliament in Bulgaria, who had been chairman of a committee concerned with the preparation of a new patent law and is a former Deputy Prime Minister, visited the Office of the Union to discuss the prospects of legislating on the subject of plant variety protection in the course of 1993.

42. On the occasion of the meetings that took place in Geneva during the week from April 19 to 23, the Vice Secretary-General had talks with representatives of Austria, Mexico, Morocco and Romania.

43. On May 10, the Secretary-General wrote to the Federal Ministry of Agriculture and Forestry of Austria to inform it of the opinion of the Office of

the Union that the amendments introduced into the Plant Variety Protection Law during the parliamentary procedure did not make it necessary to consult the Council again.

44. On May 12, the Vice Secretary-General received the visit of Mr. Isaac Edwin Omolo-Okeru, Chairman of the Intellectual Property Tribunal of Kenya.

45. On May 14, the Secretary-General wrote to Mr. Valery L. Petrov, Chairman of the State Patent Office of Ukraine, which is responsible for the administrative part of the plant variety protection law, to inform him of the procedure for acceding to the Convention.

46. From May 24 to 26, the Vice Secretary-General participated in Nairobi (Kenya) in the World Congress of the International Federation of the Seed Trade (FIS).

47. During the same Congress, the Vice Secretary-General received from Mr. José Amauri Dimarzio, Vice-President of the Brazilian Seed Trade Association, the latest version of the draft plant variety protection law of Brazil.

48. On May 26, the Office of the Union received the visit of Mr. Nadirbek R. Yousoupbekov, Chairman of the State Committee for Science and Technology of Uzbekistan, and Mr. Akil A. Azimov, Director of the State Patent Office of the same country.

49. On May 27 and 28, the Vice Secretary-General participated in Nairobi (Kenya) in the World Congress of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL).

50. On June 3, the Vice Secretary-General met Mr. Sergiu E. Chertan, Minister for the Economy of the Republic of Moldova, and Mr. Eugen M. Stashkov, Director General of the State Agency on Industrial Property Protection. They explained that a draft plant variety protection law was to be submitted to Parliament in the near future.

51. On June 7, the Vice Secretary-General participated in Paris (France) in the annual meeting of representatives of the designated authorities responsible for implementing the OECD seed inspection systems.

52. On June 10, the Secretary-General wrote to Mr. Z. Aumeisters, Director of the Patent Office of Latvia, following the announcement of the adoption of a plant variety protection law, to inform him of the procedure for acceding to UPOV.

53. On June 17, an official of the Office of the Union and Mr. José Maria Elena Rosselló, Head of the Register of Varieties, National Institute of Seeds and Nursery Plants of Spain, discussed with government officials in Rabat the draft plant variety protection law of Morocco.

54. On June 18, the Vice Secretary-General received the visit of Mr. Valery L. Petrov, Chairman of the State Patent Office of Ukraine.

55. On June 30, the Vice Secretary-General received the visit of Mr. Med Salah Bouzeriba, Director General of the Algerian Institute for Standardization and Industrial Property (INAPI), who informed him of the Institute's wish to introduce a plant variety protection system in compliance with the Convention and of its intention to hold a national seminar on such protection.

56. On July 1 and 2, an official of the Office of the Union participated, in Hannover (Germany) in an EC meeting on comparative trials of lettuce.

57. At the seventh meeting of government experts on industrial property, convened by the Commission of the Cartagena Agreement, in Lima (Peru) from July 12 to 14, a WIPO official presented the comments and proposals of the Office of the Union on the draft decision establishing a common system of plant variety protection.

58. On July 21, the Secretary-General wrote to Mr. Vitali Alexashov, Chairman of the All-Russian State Commission for Agricultural Crop Variety Testing of the Russian Federation, to inform him of the procedure for acceding to the Convention.

59. On July 27, the Vice Secretary-General received a courtesy visit from Mr. Hidenori Murakami, who was in Geneva for the GATT negotiations and who had just learned of his appointment as Director of the Seed and Seedlings Division of the Ministry of Agriculture, Forestry and Fisheries of Japan.

60. On August 13, Mr. Bjorn Blokhus, Counsellor, Chargé d'affaires a.i. of the Permanent Mission of Norway in Geneva, and Mr. Knut Langeland, Second Secretary, deposited with the Office of the Union the instrument of accession of Norway to the 1978 Act of the Convention.

61. On August 18, the Secretary-General wrote to Mr. Valery L. Petrov, Chairman of the State Patent Office of Ukraine, on the conformity of the Ukrainian Plant Variety Protection Law with the Convention and on the procedure for accession to the Convention.

62. On August 20, the Vice Secretary-General paid a visit to Mr. Ernesto Tironi, Ambassador, Permanent Representative of Chile in Geneva, to discuss with him the interest of his country in an eventual accession to UPOV.

63. On September 6, the Office of the Union wrote to Mrs. Mioara Radulescu, Director General of the State Office for Inventions and Trademarks of Romania, concerning the conformity of the law of Romania with the UPOV Convention.

64. On September 9, the Vice Secretary-General met in Lima (Peru) with Dr. Octavio Chirinos and Dr. Victor Kong, Advisers to the Minister for Agriculture of Peru, and with the Committee which is preparing a revised seed law, which will include provisions concerning the protection of new plant varieties.

65. Later on the same day and on September 10, the Vice Secretary-General addressed a Seminar organized by the National Institute for the Defense of Competition and Intellectual Property Protection of Peru (INDECOPI), which Institute incorporates, inter alia, the Patent Office and the Trademarks Registry, on the protection of plant varieties under the UPOV Convention and on the relationship between the conservation of biodiversity and the protection of plant varieties. At the request of the International Bureau of WIPO, he also spoke on the subject of the Main Aspects of the Protection of Biotechnological Inventions.

66. On September 15, the Secretary-General was received by Mr. Jiang Zemin (President of the People's Republic of China and General Secretary of the Central Committee of the Communist Party of China) in the Great Hall of the People, Beijing (China). The Vice Secretary-General and an official of the Office of the Union were also present, together with officials of the International Bureau of WIPO.

C/28/2
page 11

67. On September 17, the Office of the Union received the visit of Mr. Arry A. Sigit, Head of the Subdirectorate of Patent Applications and Classification of Indonesia.

68. On September 20, the Secretary-General forwarded to the Senate's Agriculture Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation of the United States of America a statement to support the Bill to amend the Plant Variety Protection Act.

69. On September 20, the Office of the Union sent documentation on UPOV and plant variety protection to the Ministry of Agriculture of Estonia and to the Estonian Seed and Variety Inspection.

70. On September 20, the Vice Secretary-General and an official of the Office of the Union addressed a group of senior officials from the Ministries of Agriculture, Commerce and Industry and from the Department of Biotechnology of the Government of India in New Delhi and answered questions. The meeting was chaired by Dr. C.R. Bhatia, Secretary of the Department of Biotechnology. On the same day, the Vice Secretary-General and an official of the Office of the Union addressed a meeting and answered questions at the Ministry of Agriculture of India; the meeting was presided over by Professor V.L. Chopra, Director General of the Indian Council for Agricultural Research. They subsequently met the Secretary of Agriculture, Dr. M.S. Gill. The Vice Secretary-General also met the Chairman of the Seed Association of India, Dr. B.R. Barwale, and members of his Association.

71. On September 21, the Vice Secretary-General and an official of the Office of the Union visited the National Bureau of Plant Genetic Resources of India in New Delhi and met its Director, Dr. R.S. Rana, and officials of the Bureau.

72. On September 22, the Vice Secretary-General and an official of the Office of the Union visited Islamabad (Pakistan). They met Professor Mohammed Hanif Quazi, Member (Crop Sciences) of the Pakistan Agricultural Research Council, Dr. Imtiaz Jusain, Consultant in the Agribusiness Cell of the Ministry of Food, Agriculture and Co-operatives, and Mr. Sulman Farooqui, Secretary General of the said Ministry, who urged prompt action to implement and to bring the draft law for the protection of plant varieties, prepared by officials of his Ministry, into conformity with the UPOV Convention. They subsequently visited the Federal Seed Certification Department (Dr. Syed Irfan Ahmed, Director General) and the National Seed Registration Department (Dr. Akhlaq Husain, Director).

73. On September 24, the Vice Secretary-General received the visit of a group of high officials of India who were visiting Europe in the framework of a seed project financed by the World Bank to study the legal and regulatory basis of the seed sector, including plant variety protection. The group comprised Ms. Santha Sheela Nair, Joint Secretary (Seeds), Dr. Mangala Rai, Assistant Director General (Seeds), Indian Council of Agricultural Research, and four Directors of State seed certification agencies (Messrs. P.B. Dhar, G.C. Dash, Naga Subba Reddy Redyam and G. Prakash). The visit had been organized by the Food and Agriculture Organization of the United Nations (FAO). The group spent the whole day at the Office of the Union.

74. On September 27, the Vice Secretary-General received the visit of Mr. Akil A. Azimov, Director of the State Patent Office of Uzbekistan.

75. On September 27, the Vice Secretary-General received the visit of Mr. Eugen Stashkov, Director General of the State Agency on Industrial Property Protection of the Republic of Moldova.

76. On September 29, the Office of the Union sent documentation to the Ministry of Agriculture of Pakistan making suggestions on the changes that were necessary to bring its draft law into conformity with the UPOV Convention.
77. On September 30, the Vice Secretary-General received the visit of Mr. Valery I. Kudashov, Head of the Belarus Patent Office.
78. On September 30, the Vice Secretary-General received the visit of Dr. Tolesh E. Kaudyrov, Chairman of the National Patent Office of Kazakhstan.
79. On October 4, the Vice Secretary-General received the visit of Ms. María Cristina Tosonotti, Third Secretary at the Permanent Mission of Argentina in Geneva, who informed him on the situation with respect to Argentina's accession to UPOV.
80. On October 8 and 21, the Secretary-General wrote to Mr. Valery I. Kudashov, Head of the Belarus Patent Office, on the procedure for accession to UPOV.
81. On October 8, the Secretary-General wrote to Dr. Tolesh E. Kaudyrov, Chairman of the National Patent Office of Kazakhstan, on the procedure for accession to UPOV.
82. On October 8, the Secretary-General wrote to Mr. Akil A. Azimov, Director of the State Patent Office of Uzbekistan, on the procedure for accession to UPOV.
83. From October 11 to 15, the Vice Secretary-General followed, in Geneva, the meetings of the Intergovernmental Committee on the Convention on Biodiversity organized by the United Nations Environment Programme. Working Group II had intellectual property on its agenda, but did not consider that item.
84. On October 12, the Vice Secretary-General received the visit of Professor Norah K. Olembo, Director of the Kenya Industrial Property Office, who informed him of progress made in the drafting of the implementing regulations to the Seeds and Plant Varieties Act, 1972.
85. On October 21, the Vice Secretary-General met with Mr. Valentin Dobrev, Ambassador and Permanent Representative of Bulgaria in Geneva, and discussed with him the possibilities for Bulgaria to adhere to UPOV in the light of the provisions of the 1991 Act of the Convention.
86. On October 22, the Vice Secretary-General received the visit of Mr. Kubanichbek M. Jumaliev, Head of the State Committee on Science and New Technologies of the Kyrgyz Republic, and Mr. Roman Omorov, Head of the Patent Department of that Committee. On November 26, the Secretary-General wrote to Mr. Jumaliev on the procedure for acceding to UPOV.
87. On October 27, the delegation of Poland to the session of the Administrative and Legal Committee had discussions with the Office of the Union on the draft revised Polish law on the seeds industry.
88. From November 1 to 4, the Vice Secretary-General visited Romania, where he met with the State Secretary for Agriculture, Mr. Dan Serbu, Mrs. Mioara Radulescu, Director General of the State Office for Inventions and Trademarks, senior officials of that Office and the directors of several institutes under the Ministry of Agriculture, in particular the Commission for Plant Variety Tests and Approval.

89. On November 11, the Office of the Union transmitted to Mr. Roman Suchy, Ministry of Agriculture of Slovakia, a document on the advantages for that country of acceding to the 1991 Act of the Convention.

90. On November 17, the Vice Secretary-General received the visit of Mr. Sid-Ali Branci, Secretary at the Permanent Mission of Algeria in Geneva, and gave him information on UPOV.

91. On November 23 and 24, the Vice Secretary-General received the visit of Mr. Ilie Untila, Member of the Academy of Sciences of the Republic of Moldova and Director General of the agrofirma Selectia, and Mr. Eugeniu I. Revenco, Director General of the Scientific Department of the Ministry of Agriculture and Food of that country. The purpose of their visit was to learn about UPOV and the procedure for accession to the Union, and to deliver a copy of a draft law on the protection of new plant varieties.

92. On November 24, the Secretary-General wrote to Mr. Gao Lulin, Director General of the Chinese Patent Office, on the general policy with respect to the protection of plant varieties.

93. On November 26 and 27, an official of the Office of the Union participated as an invited speaker in Nice (France) in a colloquium on the protection of new plant varieties and on trademarks in horticulture organized in the framework of the Rencontres méditerranéennes Horti-Azur.

94. On November 29, the Office of the Union received the draft law of Belarus on the protection of new plant varieties.

95. On December 2, the Vice Secretary-General received the visit of Mr. Bernard Le Buanec, Secretary General of ASSINSEL and FIS.

96. On December 10, the Secretary-General wrote to the Ministry for Foreign Trade of Colombia on the implementation, at the national level, of Decision No. 345 of the Commission of the Cartagena Agreement creating a common regime [for Bolivia, Colombia, Ecuador, Peru and Venezuela] of protection of the rights of breeders of plant varieties, and on the accession of Colombia to UPOV.

97. On December 17, the Vice Secretary-General sent to Mr. Valery I. Kudashov, Head of the Belarus Patent Office, comments on the draft law on the protection of new plant varieties.

98. On December 21, the Vice Secretary-General sent general information on UPOV and plant variety protection to Mr. Pedro O. Bolívar Cisneros, Director General of the Industrial Property Registry of Panama.

99. On December 21, an official of the Office of the Union met in Moscow (Russian Federation) with Mr. Vitali Alexashov, Chairman of the All-Russian State Commission for Agricultural Crop Variety Testing, and high officials of that Commission.

100. During the period under review, the Office of the Union provided assistance to the government authorities of the following States in drafting or amending their plant variety laws or in the procedure for acceding to the Convention: Australia, Austria, Belarus, Chile, China, Colombia, Kazakhstan, Kenya, Kyrgyz Republic, Morocco, Norway, Pakistan, Peru, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, South Africa, Ukraine, United States of America, Uzbekistan, Zimbabwe.

V. PUBLICATIONS

101. The Office of the Union published:

- (i) the 1991 Act of the UPOV Convention in Italian;
- (ii) a new edition (1993 edition) of the UPOV general information brochure in English, French, German and Spanish;
- (iii) a new edition of the flyer on UPOV and plant variety protection in English, Arabic, Chinese, French, German, Russian and Spanish;
- (iv) three issues of the UPOV periodical "Plant Variety Protection";
- (v) the Spanish version of Part I of the UPOV "Collection of Important Texts and Documents"; one supplement to Part I in English, French and German, and another one in four languages; one trilingual supplement to Part II (Test Guidelines);
- (vi) one supplement to the UPOV "Collection of Laws and Treaties";
- (vii) the records of the UPOV Seminar on the Nature of and Rationale for the Protection of Plant Varieties Under the UPOV Convention held in Suweon (Republic of Korea) from November 17 to 19, 1992.

102. The Council is invited to approve this report.

[Annex follows]

C/28/2

ANNEX

MEMBERSHIP OF THE UNION (as at December 31, 1993)

State	Date of signature ¹	Date of deposit of instrument ^{1,2}	Date of effect ¹
Australia	- - - -	- - February 1, 1989 -	- - March 1, 1989 -
Belgium	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	November 5, 1976 November 5, 1976 - -	December 5, 1976 February 11, 1977 - -
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -
Czech Republic	- - - -	- - - -	- - January 1, 1993 -
Denmark	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 6, 1968 February 8, 1974 October 8, 1981 -	October 6, 1968 February 11, 1977 November 8, 1981 -
France	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	September 3, 1971 January 22, 1975 February 17, 1983 -	October 3, 1971 February 11, 1977 March 17, 1983 -
Finland	- - - -	- - March 16, 1993 -	- - April 16, 1993 -

[Cont'd]

¹ First Line: International Convention for the Protection of New Varieties of Plants of December 2, 1961 ("Act of 1961").
Second Line: Additional Act of November 10, 1972.
Third Line: Act of October 23, 1978.
Fourth Line: Act of March 19, 1991.

² of ratification where the State has signed the Act of 1961 or the Additional Act, depending on the case; of ratification, acceptance or approval where the State has signed the Act of 1978; of accession where it has not signed the text concerned.

C/28/2
Annex, page 2

MEMBERSHIP OF THE UNION (as at December 31, 1993)

State	Date of signature ¹	Date of deposit of instrument ^{1,2}	Date of effect ¹
Germany	December 2, 1961	July 11, 1968	August 10, 1968
	November 10, 1972	July 23, 1976	February 11, 1977
	October 23, 1978	March 12, 1986	April 12, 1986
	March 19, 1991	-	-
Hungary	-	-	-
	-	-	-
	-	March 16, 1983	April 16, 1983
	-	-	-
Ireland	-	-	-
	September 27, 1979	May 19, 1981	November 8, 1981
	February 21, 1992	-	-
Israel	-	November 12, 1979	December 12, 1979
	-	November 12, 1979	December 12, 1979
	-	April 12, 1984	May 12, 1984
	October 23, 1991	-	-
Italy	December 2, 1961	June 1, 1977	July 1, 1977
	November 10, 1972	June 1, 1977	July 1, 1977
	October 23, 1978	April 28, 1986	May 28, 1986
	March 19, 1991	-	-
Japan	-	-	-
	October 17, 1979	August 3, 1982	September 3, 1982
	-	-	-
Mexico (not yet a member)	-	-	-
	July 25, 1979	-	-
	-	-	-
Netherlands	December 2, 1961	August 8, 1967	August 10, 1968
	November 10, 1972	January 12, 1977	February 11, 1977
	October 23, 1978	August 2, 1984	September 2, 1984
	March 19, 1991	-	-
New Zealand	-	-	-
	July 25, 1979	November 3, 1980	November 8, 1981
	December 19, 1991	-	-
Norway	-	-	-
	-	-	-
	-	August 13, 1993	September 13, 1993
	-	-	-

[Cont'd]

C/28/2
Annex, page 3

MEMBERSHIP OF THE UNION (as at December 31, 1993)

State	Date of signature ¹	Date of deposit of instrument ^{1,2}	Date of effect ¹
Poland	-	-	-
	-	-	-
	-	October 11, 1989	November 11, 1989
	-	-	-

Slovakia	-	-	-
	-	-	-
	-	-	January 1, 1993
	-	-	-

South Africa	-	October 7, 1977	November 6, 1977
	-	October 7, 1977	November 6, 1977
	October 23, 1978	July 21, 1981	November 8, 1981
	March 19, 1991	-	-

Spain	-	April 18, 1980	May 18, 1980
	-	April 18, 1980	May 18, 1980
	-	-	-
	March 19, 1991	-	-

Sweden	-	November 17, 1971	December 17, 1971
	January 11, 1973	January 11, 1973	February 11, 1977
	December 6, 1978	December 1, 1982	January 1, 1983
	December 17, 1991	-	-

Switzerland	November 30, 1962	June 10, 1977	July 10, 1977
	November 10, 1972	June 10, 1977	July 10, 1977
	October 23, 1978	June 17, 1981	November 8, 1981
	March 19, 1991	-	-

United Kingdom	November 26, 1962	September 17, 1965	August 10, 1968
	November 10, 1972	July 1, 1980	July 31, 1980
	October 23, 1978	August 24, 1983	September 24, 1983
	March 19, 1991	-	-

United States of America	-	-	-
	-	-	-
	October 23, 1978 October 25, 1991	November 12, 1980 -	November 8, 1981 -

[End of document]