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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

**COUNCIL**

**Twenty-ninth Ordinary Session  
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ADDENDUM TO DOCUMENT C/29/11

(REPORTS BY REPRESENTATIVES OF STATES AND ORGANIZATIONS  
ON THE SITUATION IN THE LEGISLATIVE, ADMINISTRATIVE  
AND TECHNICAL FIELDS)

*Document prepared by the Office of the Union*

The Annexes to this document contain the reports from South Africa and the United Kingdom.

[Two annexes follow]

## ANNEX I

## SOUTH AFRICA

Situation in the Legislative Field

The Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976) which was revised in terms of the 1991 Act is at present with the Legal Advisors of the Government for final checking. The Legal Advisors will publish the Bill in the Government Gazette for final comments, which will then be incorporated into the Bill. The Bill should be considered by Parliament during 1995 or 1996.

The Department of Agriculture has been inundated with requests for extension of protection to further genera and species, especially for ornamental plants. During the year under review, protection has been extended to 53 genera and species.

Situation in the Administrative Field

From October 1, 1994, to August 31, 1995, 150 applications for plant breeders' rights were received and 201 plant breeders' rights were granted. As at August 31, 1995, there were 333 applications under consideration and 965 plant breeders' rights in force. Further details are given below.

	Agricultural Crops	Vegetable Crops	Ornamental Plants	Fruit Crops	Total
Applications Received	42	27	63	19	151
Plant Breeders' Rights Granted	40	37	114	17	208
Plant Breeders' Rights Valid	298	151	366	156	971
Applications Being Considered	90	29	139	82	340
Total	470	244	682	274	

Situation in the Technical Field

Homogeneity problems are still encountered in the evaluation of especially grasses and lucerne varieties. It is also becoming increasingly difficult to distinguish between varieties as the differences are getting smaller and smaller.

Activities for the Promotion of Plant Variety Protection

South Africa presented a Regional Seminar for the Southern African Development Community (SADC) in Pretoria from May 3 to 5, 1995, under the auspices of UPOV. The

seminar was attended by delegates from Angola, Lesotho, Malawi, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. International organization which attended the seminar were AIPPI, ASSINSEL, the South African Regional Commission for the Conservation and Utilization of the Soil (SARCCUS) and the International Federation of Agricultural Producers (IFAP). Various South African organizations such as the Agricultural Research Council (ARC), the Land and Agricultural Policy Center (LAPC), the South African Agricultural Union (SAAU), the South African Institute for Intellectual Property Law, the South African Nurserymen's Association (SANA) and the South African National Seed Organization (SANSOR) and private seed companies also attended the seminar.

[Annex II follows]

ANNEX II

UNITED KINGDOM

Situation in the Legislative Field

Following the issuing of a consultation document containing proposals for the amendment of the Plant Varieties and Seeds Act 1964, a number of comments were received from interested parties. No time was allocated, however, for the proposed Bill in the 1994-95 parliamentary session, and it seems unlikely that time will be allocated in 1995-96.

Protection was extended on March 24, 1995, to ten ornamentals and two vegetables species.

It is intended to extend protection to the following genera and species during 1996:

Ornamentals: x *Halimicistus sahuicii*, *Helichrysum*, *Lavandula*, *Myosotis scorpioides*, *Myosotis palustris*, *Platycodon grandiflorus*, *Tagetes*;

Fruit: Almond, Apricot, Nectarine, Peach, Peach x Almond rootstocks;

Oilseed Crop: Quinoa.

There was no increase in fees for plant breeders' rights. It is proposed to introduce annual renewal fees at approximately half the existing rates for those varieties granted a Community plant variety right for which the breeders wish to leave open the possibility of resuming the operation of the national right once the Community right has been surrendered or terminated.

Cooperation in Examination

The United Kingdom signed a bilateral agreement with Austria in April 1995 and agreed to test clematis, apple and rose varieties on behalf of the Austrian authorities and to supply copies of DUS reports.

Situation in the Administrative Field

During the year ended March 31, 1995, 559 applications were received (1.5% increase over previous year), 376 grants were issued (15% increase), 239 grants were terminated (5% increase) and 1,777 grants were renewed (4% increase).

Community Plant Variety Rights

Prior to the introduction of the Community plant variety right in April 1995, the Plant Variety Rights Office held a number of training sessions on the completion of application

forms for members of the trade. A leaflet on “Farm Saved Seed” was issued to all farmers in August 1995, and the United Kingdom Ministers have received numerous letters on this issue over the past few months.

Following the introduction of the Community plant variety rights system, the United Kingdom received some 190 Community applications.

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