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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

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SECOND 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 Belgium, Finland, Ireland and New Zealand.

[Four annexes follow]

ANNEX I

BELGIUM

Situation in the Legislative Field

An intensive activity was deployed at the end of 1991 and the first months of 1992 with regard to the preparation of a new plant variety protection law. The completion of this project should start in 1996.

No change in existing legislation is anticipated in the short term, except for an adjustment to the new organization of the Ministry for Middle Classes and Agriculture and for an extension of protection to further genera and species.

Cooperation in Examination

Two agreements--with Denmark and France--are awaiting confirmation. New agreements or amendments to existing agreements may be concluded on the basis of the requests for extension of protection to further taxa.

Situation in the Administrative Field

The Service for the Protection of New Plant Varieties is now part of the Administration for the Quality of Raw Materials and the Plant Sector (DG4), Directorate for Reproductive Material, of the new Ministry for Middle Classes and Agriculture. It also moved in May 1995 and its new address is: WTC 3, Boulevard Simon Bolívar 30, 6th floor, B-1210 Brussels.

The computerization of the Service for the Protection of New Plant Varieties has been under consideration since the end of 1994. The programs should be available by mid-1996, and it is hoped that the Service will be computerized by the end of 1996 or the beginning of 1997.

From the entry into force of the system for the protection of new plant varieties to August 31, 1995, 2,021 applications for protection have been filed and 1,489 certificates issued, of which 614 are still in force. In 1994, 248 titles of protection were issued.

Developments in Related Fields of Activities

Community Protection

The new Community protection regime has already an influence on the number of national applications, in particular in the field of ornamental plants.

Seed Certification and Control

The various applicable regulations and the structure of the control system for reproductive material in Belgium have been revised (seed potatoes), are being revised (agricultural and fruit crops) or are in preparation (ornamental plants). The changes aim at simplifying the procedures with a view to achieving a greater efficiency and transferring responsibilities to the profession.

Marketing

A royal decree on the marketing of fruit plants for the production of fruit, ornamental plants, vegetable plants and propagating material of those plants with the exception of vegetable seeds was signed on May 15, 1995, and published on August 1, 1995. Ministerial orders for the implementation of this royal decree are in preparation and should be published by the end of 1995 or the beginning of 1996.

Rules and Regulations in the Field of Genetic Engineering

A royal decree transposing Council Directive 90/220/EEC on the release of genetically modified organisms into the environment and a royal decree instituting a system of scientific determination of biosecurity are in preparation and should be signed and published at the beginning of 1996.

[Annex II follows]

ANNEX II

FINLAND

Situation in the Legislative Field

Protection was extended to five further species as from July 20, 1995.

Cooperation in Examination

An administrative agreement has been concluded with the Netherlands. An agreement with Denmark is in preparation.

Situation in the Administrative Field

From January 1 to October 4, 1995, 44 applications were received and four titles were issued.

Developments in Related Fields of Activities

A new law on genetically modified organisms (377/95) entered into force on June 1, 1995, and a new administrative body, the Board for Gene Technology (Geenitekniikkalautakunta), was set up.

[Annex III follows]

ANNEX III

IRELAND

Situation in the Legislative Field

Work was completed in early August on the preparation of a Memorandum of Government on the revision of the Plant Varieties (Proprietary Rights) Act, 1980. The Memorandum will be sent to other Government Departments shortly as part of the consultative process. It will then be submitted to the Government.

A Statutory Instrument (SI No. 393 of 1994) came into force on November 29, 1994, extending protection to seven additional species. No further extension of protection has been requested so far.

Situation in the Administrative Field

Changes have been made to allow for the acceptance of applications for Community rights by the National Office, the examination of these applications and their subsequent transmission. The prospects for the National Office are perhaps similar to those for other national offices of the European Community, that is, a decrease in applications for national rights as applicants opt for the Community regime.

Time is now being spent on the computerization of the national list of varieties in order to make the data available for the UPOV CD-ROM system. Progress to date on this project has been slow.

[Annex IV follows]

ANNEX IV

NEW ZEALAND

Situation in the Legislative Field

There has been a further delay in progressing towards amendment of the Plant Variety Rights Act 1987 to achieve conformity with the 1991 Act. Before it agrees to the introduction into Parliament of an amendment Bill, the Government requires that there be adequate consultation on the proposed changes with the Maori. Such consultation is regarded by the Government as obligatory under the terms of the Treaty of Waitangi, a founding treaty signed in 1840 between the British Crown and Maori chiefs. Formal consultation with the Maori commenced in December 1994 and should be concluded early in 1996.

The Plant Variety Rights (Fees) Order 1991, Amendment No. 1, came into force on June 1, 1995. The Order provides that the fees presently payable for varieties of herbage, agricultural crops and vegetables shall apply also to fungi.

Situation in the Administrative Field

Applications for protection have increased in each of the last four years. In the financial year that ended on June 30, 1995, 196 applications were received.

The Commissioner of Plant Variety Rights continues to receive a steady stream of objections to applications or grants of plant variety rights. Most objections are on the ground that the varieties in question were not new at the time of application.

Activities for the Promotion of Plant Variety Protection

In November-December 1994, Mr. Bill Whitmore, Commissioner of Plant Variety Rights, participated in UPOV national seminars in Islamabad, Kuala Lumpur, Jakarta and Manila.

On April 4 and 5, 1995, a group of high officials from the Federal and a State Government of India visited the Plant Variety Rights Office. The group had a particular interest in implementation aspects of plant variety protection legislation.

From June 14 to 30, 1995, Mr. Chris Barnaby, PVR Examiner, worked with experts at the Indonesian Rubber Research Institute, Sungei Putih, on the preparation of a draft test guideline for rubber trees. Travel costs for the project were paid by the New Zealand Ministry of Foreign Affairs and Trade while accommodation was provided by the Indonesian authorities.

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