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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Twenty-ninth ordinary session Geneva, October 17, 1995

ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 1994

(twenty-sixth year)

I. COMPOSITION OF THE UNION

1. In 1994, three States deposited with the Secretary-General their instruments of accession to the 1978 Act of the International Convention for the Protection of New Varieties of Plants:

- (a) Austria, on June 14;
- (b) Uruguay, on October 13;
- (c) Argentina, on November 25.

2. The said Act entered into force with respect to those States one month after deposit of their instruments of accession, or on July 14 for Austria, November 13 for Uruguay and December 25 for Argentina.

3. As of the last-mentioned date, the Union comprises 27 member States: Argentina, Australia, Austria, 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, Uruguay. 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.

4. 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." A similar provision is contained in Article 34(3) of the 1991 Act.

5. In 1994, four requests were deposited on the basis of the 1978 Act:
 - (a) by Ukraine, by letter dated February 21;
 - (b) by the Russian Federation, by letter dated March 3;
 - (c) by Portugal, by letter dated March 11;
 - (d) by Colombia, by letter dated April 4.
6. The request deposited by the Russian Federation was also based on the 1991 Act.
7. At its eleventh extraordinary session, held on April 22, the Council took positive decisions in respect of all the aforementioned requests for advice.
8. Under its Article 37(1), the 1991 Act enters into force “one month after five States have deposited their instruments of ratification, acceptance, approval or accession, as the case may be, provided that at least three of the said instruments have been deposited by States party to the Act of 1961/1972 or the Act of 1978.” According to Article 30(2), each State or intergovernmental organization must be in a position, under its laws, to give effect to the provisions of the 1991 Act at the time of depositing its instrument. In 1994, Australia and the United States of America amended their legislation in order to give effect to the above-mentioned provisions. The Council of the European Union adopted a Regulation on Community plant variety rights based on the 1991 Act; it should be emphasized that of the 15 members of the European Union, 12 are members of the Union.
9. 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, 1994.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

10. The Council held its eleventh extraordinary session on April 22 under the chairmanship of Mr. R. López de Haro y Wood (Spain) as a result of the request for advice submitted by Colombia, Portugal, the Russian Federation and Ukraine under Article 32(3) of the 1978 Act and, additionally, in the case of the Russian Federation, under Article 34(3) of the 1991 Act (see paragraphs 5 and 6, above).
11. The Council held its twenty-eighth ordinary session on November 9 under the chairmanship of Mr. R. López de Haro y Wood. The session was attended by observers from 12 non-member States¹ and nine international organizations².

¹ Brazil, Colombia, Croatia, India, Indonesia, Mexico, Morocco, Panama, Republic of Korea, Romania, Slovenia, Thailand.

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

(a) It approved the report of the Secretary-General on the activities of the Union in 1993 and the first ten months of 1994.

(b) It approved the report of the Secretary-General on his management during the 1992-1993 biennium and on the financial situation of the Union as at December 31, 1993, and noted the report of the auditors for that biennium.

(c) 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.

(d) It unanimously elected Mr. Bill Whitmore (New Zealand) and Mr. Ryusuke Yoshimura (Japan) as President and Vice-President, respectively, of the Council for a term of three years that will expire at the end of the thirty-first ordinary session of the Council, in 1997.

Consultative Committee

13. The Consultative Committee held its forty-eighth session on November 9, under the chairmanship of Mr. R. López de Haro y Wood.

14. At that session:

(a) it noted the progress of work on the project for a central CD-ROM database on plant variety protection and related matters and approved the continuation of the work;

(b) it held an initial exchange of views on relations between the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS Agreement” constituting Annex 1C to the Agreement Establishing the World Trade Organization (WTO)) and plant variety protection;

(c) it briefly examined the matter of biodiversity, plant genetic resources and plant variety protection.

Administrative and Legal Committee

² World Intellectual Property Organization (WIPO), European Community (EC), 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), Seed Committee of the Common Market (COSEMCO), International Federation of Industrial Property Attorneys (FICPI), International Federation of the Seed Trade (FIS).

15. The Administrative and Legal Committee held its thirty-fourth session on November 7 and 8 under the chairmanship of Mr. H. Kunhardt (Germany). The session was attended by observers from eight non-member States³ and from the European Community (EC).

16. At that session, the Committee examined a draft model law on plant variety protection based on the 1991 Act of the Convention, the questions referred to in paragraph 14(a) and (b), above, in preparation for the session of the Consultative Committee, and the question of the need or desirability of revising the list of classes for variety denomination purposes (Annex I to the UPOV Recommendations on Variety Denominations).

Technical Committee

17. The Technical Committee held its thirty-first session from November 2 to 4 under the chairmanship of Mrs. J. Rasmussen (Denmark). The session was attended by observers from Argentina, India and Portugal and from the EC, the Organisation for Economic Co-operation and Development (OECD), ASSINSEL and COMASSO.

18. The Committee adopted Test Guidelines for the following 14 taxa on the basis of the preparatory work done by the Technical Working Parties: African violet (revision); barley (revision); fodder beet; French bean (revision); Gentiana; Japanese pear; maize (revision); Nerine; oats (revision); Pyracantha; peas (revision); sweet pepper, hot pepper (revision); Weigela; wheat (revision). It also adopted a technical questionnaire for Kalanchoë.

19. 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 testing on new plant varieties.

20. At the session, the Committee took important decisions on the testing of distinctness, which will have repercussions on the concept of variety:

(a) Electrophoresis is an analytical method which, when applied to well-defined material using an exact protocol, enables varieties to be identified; it is used, for example, routinely for the identification of wheat supplied for milling or barley used in brewing. Its use is possible in testing varieties for protection (or for entry in catalogues of varieties approved for marketing), but its power of discrimination is such that inconsiderate use is likely to deprive the concept of variety of its practical significance, both for the breeder and for the user. The Committee decided to include electrophoretic characteristics in an annex to the Test Guidelines for wheat, barley and maize. That signified that the characteristics could not normally be used to establish distinctness, but only to confirm or support distinctness that was probable as a result of the differences found in “traditional” morphological and physiological characteristics.

³ Argentina, Colombia, India, Mexico, Morocco, Republic of Korea, Romania, Slovenia.

(b) The behavior of varieties in respect to pests and diseases in fact results from the interaction of two organisms. The testing of such behavior is therefore complicated. That means, together with other practical considerations, that resistance characteristics had always been included in the Test Guidelines without an asterisk, thus with no obligation to examine and describe each variety with respect to those characteristics. The Committee decided for the first time to place an asterisk against such characteristics.

21. The Committee also dealt with the matter of testing genetically modified varieties. It noted that testing could be subject to new constraints resulting, for example, from legislation on biosafety. Technically, it considered that as a general rule such varieties should not be subject to simplified testing since their modification was not necessarily limited to the characteristics that had been wittingly manipulated.

22. Finally, the Committee noted the information provided on the contribution that breeders could make to the testing of varieties in the various member States and the form that such a contribution could assume, depending on circumstances.

Technical Working Parties

23. The Technical Working Parties held sessions outside Geneva as follows:

(a) the Technical Working Party for Agricultural Crops (TWA) held its twenty-third session from May 17 to 19 in Seville (Spain), under the chairmanship of Mr. H. Ghijsen (Netherlands).

(b) The Technical Working Party on Automation and Computer Programs (TWC) held its twelfth session from April 12 to 14 in Tel Aviv (Israel), under the chairmanship of Mr. S. Grégoire (France).

(c) The Technical Working Party for Fruit Crops (TWF) held its twenty-fifth session from September 19 to 24 at Napier and Rotorua (New Zealand), under the chairmanship of Mrs. E. Buitendag (South Africa).

(d) The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its twenty-seventh session from September 26 to October 1 in Sydney (Australia), under the chairmanship of Mrs. U. Löscher (Germany).

(e) The Technical Working Party for Vegetables (T WV) held its twenty-eighth session from September 5 to 9 in Edinburgh (United Kingdom), under the chairmanship of Mrs. E. Kristof (Hungary).

24. The basic task of four of these 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: cherry (revision), strawberry (revision) (TWF); Anthurium (revision), Norway spruce, Rhododendron (revision) (TWO); broccoli, cauliflower (revision), chamomile (T WV).

25. A subgroup of the Technical Working Party for Agricultural Crops met twice, on February 22 and 23 in Budapest (Hungary) and on May 16 in Seville (Spain) to examine the Test Guidelines for maize.

26. The Technical Working Party for Fruit Crops decided that it would in future draw up Test Guidelines that would include only those key characteristics that were truly useful for testing distinctness and which were actually used in given countries. In the case of rootstock varieties, the Test Guidelines would contain only the vegetative and physiological characteristics; where distinctness is to be established in a particular case on the basis of the characteristics of the flower, fruit or seed, reference will be made to the corresponding fruit variety Guidelines insofar as they are applicable.

27. The Technical Working Party on Automation and Computer Programs proceeded with finalizing the various documents relating to the statistical processing of data collected in the course of the examination of varieties for distinctness and homogeneity. It may be noted in particular that experts from the United Kingdom have prepared a diskette containing a series of statistical tools used in variety testing. The diskette is available to the member States.

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

28. The Working Group on Biochemical and Molecular Techniques, and DNA Profiling in Particular, held its second session from March 21 to 23 in Versailles (France), under the chairmanship of Mr. J. Guiard (France). The session was attended by observers from Portugal and from the EC, OECD and ASSINSEL.

29. This working group is active in a new field and, consequently, was still at the stocktaking stage. Methods for determining the DNA profiles were presented for six species (barley, citrus, maize, rapeseed, soybean and tomato), and a document had been presented on the calculation of genetic distances. The group will continue studying the above-mentioned methods both from a general point of view and from that of their practical application to a given species; the study will cover a larger number of species (13 are on the work plan). It was unanimously considered that the juncture was too early to take a decision on the use of such methods in testing for the purposes of protection.

III. SEMINARS

30. In 1994, UPOV firstly organized, together with the National Fund for Agricultural Research (FONAIAP), an institute reporting to the Venezuelan Ministry of Agriculture, and the Autonomous Industrial Property Registration Service (SARPI), two national seminars on the nature of and rationale for the protection of plant varieties under the Convention and the common arrangements under the Andean Pact in Venezuela. The seminars were held in Maracay on June 27 and in Caracas on June 28.

31. UPOV also organized, in cooperation with the Department of Agriculture of Thailand and with the assistance of the Ministry for Trade of New Zealand, a seminar in Bangkok (Thailand) on July 28.

32. UPOV likewise organized, in cooperation on each occasion with the local authorities and with the assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, the following national seminars on the nature of and rationale for the protection of plant varieties under the Convention:

(a) a roving seminar in China, at Harbin (Heilongjiang province) on September 15, at Xi'an (Shaanxi province) on September 19 and at Nanjing (Jiangsu province) on September 22;

(b) a seminar at Islamabad (Pakistan) on November 29;

(c) a seminar at Kuala Lumpur (Malaysia) on December 1;

(d) a seminar at Jakarta (Indonesia) on December 5;

(e) a seminar at Manila (Philippines) on December 8.

33. At each seminar, the visiting speakers gave lectures on the general aspects of plant variety protection, the administration and the technical criteria for protection, the 1991 Act of the Convention and plant variety protection in given member States. The local speakers gave lectures on the national situation with respect to varieties and seed and to the current situation of plant variety protection and the--encouraging--prospects for the near future.

34. In each case, the presence of outside speakers was taken as an opportunity for high level discussions with the authorities responsible for plant variety protection.

IV. RELATIONS WITH THE MEMBER STATES⁴

35. On March 7 and 8, the Vice Secretary-General, together with an official of the Union and a consultant from WIPO, visited the Federal Plant Variety Office in Hanover (Germany) to discuss the draft format for the UPOV database on plant variety protection and related matters.

36. On March 9, the Vice Secretary-General, an official of the Union and a consultant from WIPO visited the Board for Plant Breeders' Rights in Wageningen (Netherlands), where they met officials concerned with the projected UPOV database on plant variety protection and related matters, and other projects of relevance to UPOV. They also met the Chairman and the Secretary of the Board.

37. On March 10 and 11, the Vice Secretary-General, an official of the Union and a consultant from WIPO visited the Plant Variety Rights Office (PVRO) and the National

⁴ See also paragraphs 47 (Germany), 64 (New Zealand), 65 to 69 (Germany and Japan), 70 (Switzerland), 71 to 75 (Japan and New Zealand), 103 (Switzerland), 109 (France), 110 (Canada), 113 (United States of America), 114 (Japan).

Institute of Agricultural Botany (NIAB) in Cambridge (United Kingdom), where they met officials interested in UPOV matters, particularly the projected UPOV database on plant variety protection and related matters.

38. On March 24, the Vice Secretary-General and an official of the Union visited the offices of the Committee for the Protection of New Plant Varieties (CPOV) in Paris (France) to discuss the proposed format to be used in connection with the UPOV database on plant variety protection and related matters.

39. On April 7, the Secretary-General and the Vice Secretary-General visited Budapest (Hungary), where they met Mr. János Szabó, Minister for Agriculture, Dr. Sándor Manninger, Deputy State Secretary in the Ministry of Agriculture, Dr. László Balla, President of the Hungarian Plant Breeders Association, Dr. Károly Neszmélyi, Director General of the National Institute for Agricultural Quality Control, Dr. Ernő Szarka, President of the National Office of Inventions, and other officials.

40. On April 8, the Secretary-General and the Vice Secretary-General addressed the members of the Hungarian Plant Breeders Association at the annual meeting of the Association held in Budapest, and subsequently visited the Martonvásár Institute, a plant breeding research institute of the Hungarian Academy of Science.

41. On May 5, the Vice Secretary-General wrote to the Vice-Director of the Department of Agricultural Production of the Ministry of Agriculture, in Warsaw (Poland), with the comments of the Office of the Union on draft provisions bringing the Polish law into conformity with the 1991 Act of the UPOV Convention.

42. On June 9 and 10, the Vice Secretary-General and an official of the Union participated in part of a seed industry seminar in Paris (France), organized by the Industrial and Economic Technical Cooperation Agency (ACTIM) of the French Ministry of Finance for representatives of the World Bank involved in seed industry projects.

43. On June 14, Austria deposited with the Secretary-General its instrument of accession to the 1978 Act of the UPOV Convention.

44. On October 13, the Secretary-General received the visit of Mr. Miguel J. Berthet, Ambassador and Permanent Representative of Uruguay at Geneva, who deposited the instrument of accession of his country to the 1978 Act of the UPOV Convention.

45. On November 25, the Secretary-General received the visit of Mr. Manuel Benítez, Minister at the Permanent Mission of Argentina at Geneva, and Mrs. María Cristina Tosonotti, Second Secretary, who deposited the instrument of accession of their country to the 1978 Act of the Convention.

V. RELATIONS WITH NON-MEMBER STATES

States of Africa

46. On April 27, the Office of the Union received from the Ministry of Agriculture, Food and Fisheries of Zambia a draft law for the protection of new plant varieties with a request for the comments of the Office on its conformity with the Convention.

47. On July 1, the Office of the Union received the visit of Mr. Walter Häge, a German national, who was to visit Egypt within the framework of the German Society for Technical Cooperation (GTZ).

48. On July 19, the Vice Secretary-General received the visit of Mr. J. Bundhoo, information scientist with the Mauritius Sugar Authority and Secretary of the Food and Agriculture Research Council of Mauritius, which had expressed interest in plant variety protection.

States of Latin America and the Caribbean⁵

49. On February 22, the Vice Secretary-General received the visit of Mrs. Luz Celeste R. de Davis, Director General of the Industrial Property Registry of Panama, who invited officials of the Union to visit her country.

50. On March 15, the Vice Secretary-General received the visit of Mr. Juan Carlos Espinosa, First Secretary in the Permanent Mission of Colombia at Geneva, and discussed the arrangements that were being made by the Colombian Government to implement Decision 345 of the Commission of the Cartagena Agreement.

51. On April 19, the Secretary-General received a request from the Permanent Mission of Colombia for the advice of the Council of UPOV on the conformity of the Colombian law with the 1978 Act of the Convention.

52. On August 10, the Vice Secretary-General wrote to Dr. Diego Montalvo Escobar, National Director of Industrial Property of Ecuador with comments on a draft decree containing implementing regulations for Decision 345 of the Commission of the Cartagena Agreement.

53. On the same day, he also wrote to Mr. Eduardo Llores La Rosa, Head of the Office of New Technology of the National Institute for the Defense of Competition and Intellectual Property Protection (INDECOPI) in Peru, commenting on draft implementing regulations for the above-mentioned Decision 345 in Peru.

⁵ See also paragraph 97 (Cartagena Agreement).

54. On August 18, the Office of the Union received the visit of Miss Mazina Kadir of the Registrar General's Department, who informed the Office that the Government of Trinidad and Tobago had decided to introduce a new plant variety protection law and to join UPOV.

55. On October 20, the Vice Secretary-General received the visit of Mr. Pablo Romero, Counsellor and Head of the Department of Specialized Agencies in the Ministry of Foreign Affairs of Chile, and Mr. Alejandro Rogers, Counsellor in the Permanent Mission of Chile at Geneva, and discussed with them the steps to be taken by Chile with a view to its accession to the 1978 Act of the UPOV Convention.

56. On November 7, the Vice Secretary-General received the visit of Mrs. Mónica Blanco Valverde, Deputy Minister for Justice of Costa Rica, and Mrs. Liliana Alfaro Rojas, Director of the Intellectual Property Office.

57. On November 8, the Vice Secretary-General received the visit of Mr. Eduardo Benítez Paulin, Director of the National Seed Inspection and Certification Service of the Secretariat for Agriculture and Hydraulic Resources of Mexico, and Mr. Agustín Lopez-Herrera, Counsellor in the Phytotechnical Department of that Secretariat. He was handed a draft plant variety protection law.

58. On November 11, the Vice Secretary-General received the visit of Mr. Antonio Ricarte, Second Secretary at the Permanent Mission of Brazil at Geneva, who announced the intention of the Brazilian Government to proceed in the matter of plant variety protection.

59. On November 25, the Vice Secretary-General communicated observations on the draft plant variety protection law of Mexico to Mr. Eduardo Benítez Paulin.

States of Asia and the Pacific⁶

60. On May 4, the Secretary-General and officials of the Office of the Union received the visit of Mr. Wang Shaoqi, Director General of the Department of International Cooperation of the State Science and Technology Commission of China, who discussed preparations for the roving seminar which was to be held in China in September.

61. On June 17, the Vice Secretary-General met Mr. Peter P.T. Cheung, Deputy Representative to GATT of the Hong Kong Economic and Trade Office in Geneva, who was interested in the steps Hong Kong might need to take to comply with its obligations to protect plant varieties under Article 27 of the TRIPS Agreement.

62. On June 22, the Vice Secretary-General received the visit of Mr. Sun Mengxin, Program Officer in the Department of International Cooperation of the State Science and Technology Commission of China, and Dr. Zhang Zhiqin, member of the Permanent Mission of China at Geneva, who discussed outstanding details of the roving seminar organized jointly by the Office of the Union and the above-mentioned Commission, to be held in China in September 1994.

⁶ See also paragraphs 96 and 107 (Asia and Pacific Seed Association) and 111 (India).

63. On July 27, in connection with the national seminar in Thailand mentioned in paragraph 31, above, the Vice Secretary-General called upon Mr. Vichitr Benjasil, Deputy Director General of the Department of Agriculture of the Ministry of Agriculture and Cooperatives of Thailand, and met other officials of that Department.

64. On July 29, the Vice Secretary-General and Mr. Bill Whitmore, Commissioner of Plant Variety Rights of New Zealand, participated in a working group, convened by the Department of Agriculture, which was concerned with the introduction of plant variety protection in Thailand. On the same day, they visited the offices of the Department of Intellectual Property, within the Ministry of Commerce of Thailand, where they met Mr. Yonyong Phuagrach, Deputy Director General of the Department, which has an interest in the introduction of plant variety protection in Thailand.

65. On September 12, in connection with the national seminar in China referred to in paragraph 32, above, the Vice Secretary-General, Mr. Henning Kunhardt, Deputy Commissioner, Federal Plant Variety Office of Germany, Mr. Hiroki Tanaka, Deputy Director, Seeds and Seedlings Division, Ministry of Agriculture, Forestry and Fisheries of Japan, and an official of the Union visited the Ministry of Agriculture of China in Beijing, where they met Vice-Minister Hong Fuzeng and officials of the Ministry interested in plant variety protection.

66. On September 13, the Vice Secretary-General and the aforementioned persons met Mr. Wang Shaoqi, Director General of the Department of International Cooperation of the State Science and Technology Commission of China, and visited the Patent Office of the People's Republic of China, where they were received by Mr. Gao Lulin, Director General of that Office, and by officials of the Office. They subsequently visited the Ministry of Forestry, where they met Mr. He Shuyun, Director of the Department of Science and Technology.

67. On September 16, the Vice Secretary-General and the aforementioned persons visited the Department of Agriculture, Animal Husbandry and Fisheries of Heilongjiang province in Harbin, where they were received by its Deputy Director, Mr. Li Hay, and Mr. Yu Hongbin, Director of the Committee for Agricultural Crop Varieties and Vice Director of the Seeds Management Bureau of Heilongjiang province. They subsequently visited the North-East Agricultural University, the North-East Forestry University and the Heilongjiang Academy of Agricultural Science.

68. On September 20, the Vice Secretary-General and the aforementioned persons visited the Department of Agriculture of Shaanxi province, where they were received by Mr. Shi Zhicheng, Deputy Director of the Department. They subsequently visited the Department of Forestry of Shaanxi province in Xi'an.

69. On September 23, the Vice Secretary-General and the aforementioned persons visited officials of the Science and Technology Commission of Jiangsu province, the Academy of Agricultural Science of Jiangsu province and of the Department of Agriculture of Jiangsu province and answered questions on plant variety protection.

70. On November 21, the Vice Secretary-General received the visit of Mr. Ian Hunter of the Department of Agriculture and Fisheries of Hong Kong, which has been instructed to draw up

a draft plant variety protection law. The following day, Mr. Hunter, accompanied by an official of the Office of the Union, visited the Swiss Plant Variety Protection Office in Bern.

71. On November 28, in connection with the national seminar in Pakistan referred to in paragraph 32, above, the Vice Secretary-General, Mr. Hiroki Tanaka (Japan), Mr. Bill Whitmore (New Zealand) and an official of the Office of the Union met a group of senior officials responsible for varieties and seed, particularly Mr. Syed Irfad Ahmad, Director of the Federal Department of Seed Certification, and Mr. Akhlaq Hussain, Director of the National Department of Seed Registration. They also visited the Institute for Plant Genetic Resources of the National Research Center.

72. On November 30, in connection with the national seminar in Malaysia referred to in paragraph 32, above, the Vice Secretary-General and the aforementioned persons met a group of senior officials led by Mr. Y. Bhg. Dato' Abdul Jamil Mohd. Ali, Director General for Agriculture.

73. On December 2, the Vice Secretary-General and the aforementioned persons visited Mr. Hamzah Chin, Deputy Director General (Production Development) in the Department of Agriculture and Chairman of the Organizing Committee of the Seminar, and Mr. Ramli Modiran, Director of Production Development.

74. On December 6, in connection with the national seminar in Indonesia referred to in paragraph 32, above, the Vice Secretary-General and the aforementioned persons met Mr. Achmid Saubari Prasadjo, Secretary of the Directorate General of Food Plants and Horticulture, and other senior officials of that Directorate. They also met Mr. H.A. Soedarsan, Chairman of the Indonesian Committee for Plant Genetic Resources and also of "P.T. Aneka Pionirperkasa Perkebunan," a body that coordinates research activities in plantation species.

75. On December 9, in connection with the national seminar in the Philippines referred to in paragraph 32, above, the Vice Secretary-General and the aforementioned persons met Mr. Manuel Lantin, Under Secretary in the Department of Agriculture, a group of senior officials and the legal assistant of a senator.

States of Europe and Central Asia⁷

Countries in Transition to Market Economy

76. On January 27, the Secretary-General wrote to Mr. David Gabunia, Chairman of the Georgian Patent Office, concerning the procedure for accession to the UPOV Convention.

77. On February 14, the Office of UPOV dispatched to Mr. Eugen M. Stashkov, Director General of the State Office for the Protection of Industrial Property (AGEPI) its comments on a draft law for the protection of new plant varieties in the Republic of Moldova.

⁷ See also paragraphs 99 (European Community), 103 (Belarus) and 108 (Russian Federation and CIS countries).

78. On February 18, Mr. Tolesh E. Kaudyrov, Chairman of the National Patent Office of Kazakhstan, visited the Office of the Union and was given the comments of the Office on a draft law for the protection of plant varieties in Kazakhstan.
79. On the same day, the Office of the Union received a draft law for the protection of new plant varieties of Uzbekistan.
80. On February 21, the Vice Secretary-General received the visit of Mr. Valery I. Kudashov, Head of the State Patent Office of Belarus.
81. On February 25, the Office of the Union received a letter dated February 21, from the Government of Ukraine requesting the advice of the Council of UPOV on the conformity of the law on plant variety protection of Ukraine with the 1978 Act of the Convention.
82. On March 2, the Vice Secretary-General met the Chairman of the All-Russia State Commission for Agricultural Crop Variety Testing at the Ministry of Agriculture and also senior officials of the Commission. He was handed a letter signed by Mr. A.G. Efremov, Vice-Minister of Agriculture, requesting the advice of the Council of UPOV on the conformity of the laws of the Russian Federation with both the 1978 and the 1991 Acts of the Convention.
83. On April 11 and 12, the Vice Secretary-General received the visit of Dr. Stanislav I. Grib, Vice Director, Scientific Research Institute of Arable Farming and Fodder of Belarus, and Mrs. Natalia A. Barkoun, Deputy Head of Division at the State Patent Office, who discussed with him the draft law of Belarus for the protection of plant varieties.
84. On April 18, the Office of the Union received a letter from Mr. Roland Nymann, Director of the Estonian Seed and Variety Testing Inspection in Tallinn, enclosing a copy of a law for the protection of plant varieties and asking for the advice of the Office of the Union on its conformity with the Convention.
85. On May 18, the Secretary-General wrote to Mr. Rimvydas Naujokas, Director of the State Patent Bureau of the Republic of Lithuania, concerning the preparation of a law on plant variety protection in his country.
86. On September 29, the Vice Secretary-General received the visit of Mr. Roman Omorov, Head of the Patent Department of the State Committee for Science and New Technologies of Kyrgyzstan, who handed to him a draft of the proposed plant variety protection law of his country.
87. On October 12, the Vice Secretary-General met Mr. Georgy Poliakov, Deputy Director of the Patent Office of the Republic of Latvia, and discussed the plant variety protection situation in his country.
88. On October 13, the Vice Secretary-General received the visit of Mr. Alexandru Cristian Strenc, Deputy Director General of the State Office for Inventions and Trademarks of Romania, and Dr. Kristo Iliev, President of the Patent Office of Bulgaria, and discussed with them the plant variety protection situation in their countries.

89. On October 24, the Vice Secretary-General received the visit of Mr. Pyotr V. Zeleny, Vice-President of the Patent Office of Belarus, who informed him of the progress of the draft plant variety protection law.

90. On October 27, the Vice Secretary-General received the visit of Mr. Rimvydas Naujokas, Director of the Patent Office of Lithuania, who informed him of the adoption by Parliament of a plant variety protection law. That protection was the responsibility of the Ministry of Agriculture.

91. Also on October 27, the Vice Secretary-General received the visit of Mr. Eugen M. Stashkov, Director General of the State Office for the Protection of Industrial Property of the Republic of Moldova (AGEPI), and discussed with him possible technical assistance by one of the member States.

92. On October 28, the Vice Secretary-General communicated to Mr. Akil A. Azimov, Director of the State Patent Office of Uzbekistan, comments on the draft plant variety protection law.

93. On November 8, the Vice Secretary-General received the visit of Mrs. Adriana Paraschiv, Head of Division in the State Office for Inventions and Trademarks of Romania, and discussed with her the measures to be taken to further the draft plant variety protection law.

Other States

94. On October 20, the Office of the Union sent a letter to the Industrial Property Organization of Greece concerning the conditions for acceding to the Union.

VI. RELATIONS WITH ORGANIZATIONS

Intergovernmental Organizations⁸

95. On May 17, the Vice Secretary-General gave a lecture on plant variety protection and the UPOV Convention to participants at the WIPO Academy for Spanish speakers.

96. On June 16, the Vice Secretary-General gave a lecture on plant variety protection and biotechnology to participants at the WIPO Academy for English speakers of the Asian and Pacific region.

97. On June 30 and July 1, the Vice Secretary-General participated in the first meeting of the Subregional Committee for the Protection of Plant Varieties established under Article 38

⁸ See also paragraphs 42 (World Bank), 113 (Provisional Secretariat of the Convention on Biological Diversity).

of Decision 345 of the Commission of the Cartagena Agreement, in Lima (Peru). The Office of the Union was given adviser status by the Committee.

98. On October 12, the Secretary General received the visit of Mr. Ismail Serageldin, Vice-President of the World Bank, responsible for environmentally sustainable development and Chairman of the Consultative Group for International Agricultural Research (CGIAR), and discussed intellectual property questions related to plant varieties and CGIAR's policies on the subject.

99. On November 8, the Vice Secretary-General received the visit of Mr. Dieter Obst, Deputy Head of Unit, Directorate General for Agriculture of the Commission of the European Communities, and Mr. Jürgen A. Tiedje, administrator in that unit, and discussed with them several matters of joint interest.

100. From November 7 to 11, an official of the Union participated in the first extraordinary session of the Commission for Plant Genetic Resources of the Food and Agriculture Organization of the United Nations (FAO) in Rome (Italy).

101. On November 28, an official of the Union participated in the twenty-sixth session of the Wine Breeding Expert Group of the International Vine and Wine Office (OIV), in Paris (France), before which he gave a brief presentation.

102. On December 19, the Vice Secretary-General wrote to Mr. Ismail Serageldin, Vice-President of the World Bank and Chairman of CGIAR, to inform him that UPOV was prepared to discuss with CGIAR the terms of a possible program of cooperation for the benefit of developing countries.

Non-governmental Organizations

103. On April 13, an official of the Union visited Mr. Bernard Le Buanec, Secretary General of the International Federation of the Seed Trade (FIS) and of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) in Nyon (Switzerland), and also visited the Federal Agricultural Research Station at Changins near Nyon together with the delegation from Belarus.

104. On May 11, the Vice Secretary-General received the visit of Mr. Bernard Le Buanec, Secretary General of FIS and ASSINSEL.

105. From May 30 to June 3, the Vice Secretary-General participated in the World Congresses of FIS and ASSINSEL, which were held in Ostend (Belgium).

106. From September 5 to 7, the Vice Secretary-General participated in a symposium on the prospects of cereal breeding in Europe organized on behalf of the European Association for Research in Plant Breeding (EUCARPIA), at Landquart (Switzerland), by the Swiss Federal Agricultural Research Station and gave a presentation on developments in protection under the UPOV Convention.

107. On September 27, the Vice Secretary-General was a guest participant in “Asian Seed 1994,” a conference held in Chiangmai (Thailand) on current markets and technical developments in the Asian and Pacific region, which incorporated the foundation meeting of the Asia and Pacific Seed Association.

VII. OTHER EXTERNAL RELATIONS

108. From March 1 to 3, the Vice Secretary-General participated in an International Seminar on the Eurasian Patent Convention and the Legal Protection of Industrial Property in the Countries of the Community of Independent States (CIS) in Moscow (Russian Federation) and gave a paper on the subject of the UPOV Convention.

109. On March 23, the Vice Secretary-General and an official of the Union attended a reception in Paris (France) to mark the presentation of the Cross of Knight of the Legion of Honor to Mr. Roland Petit-Pigeard, Director General of the Caisse de gestion des licences végétales.

110. On March 31, the Vice Secretary-General received the visit of Mr. R.M.A. Loyns, Professor of Marketing in the Department of Agricultural Economics of the University of Manitoba at Winnipeg (Canada), and Mr. Maurice Kraut, President of the Agricultural Consulting Company Limited of Winnipeg, and Mrs. Karla Funk, of the same firm, who were working on a consultancy project for the Canadian Government.

111. On June 2, the Office of the Union received the visit of Professor Anil K. Gupta, of the Center for Management in Agriculture of the Indian Institute of Management.

112. On June 20, the Vice Secretary-General participated in a session of the Fourth International Congress of Plant Molecular Biology in Amsterdam (Netherlands), organized by the International Society for Plant Molecular Biology, at which he gave a lecture on the 1991 Act of the Convention.

113. On November 17, the Vice Secretary-General received the visit of Mr. Lyle Glowka, a lawyer from the United States of America, who was working with the Provisional Secretariat of the Convention on Biological Diversity.

114. On December 14, the Japanese television organization NHK recorded at the Office of the Union part of a special program on recent developments in molecular biology; the program also concerned varieties obtained by genetic engineering and plant variety protection.

VIII. PUBLICATIONS

115. The Office of the Union published:

(a) the 1978 and 1991 Acts of the UPOV Convention in Chinese and the 1991 Act in Dutch;

- (b) a new 1994 edition of the information leaflet on UPOV and plant variety protection in Arabic, English, French, German, Russian and Spanish;
- (c) three issues of the periodical “Plant Variety Protection;”
- (d) one supplement to Part I of the Collection of Important Texts and Documents in English, French, German and Spanish and one trilingual supplement to Part II (Test Guidelines);
- (e) one supplement and an index to the Collection of Laws and Treaties;
- (f) the records, in English and Spanish, of the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention held in Buenos Aires (Argentina), on November 26 and 27, 1991;
- (g) the records, in English, of the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention held in Nairobi (Kenya), on May 28 and 29, 1993;
- (h) the records, in Chinese and English, of the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention held in Beijing (China), from September 15 to 17, 1993.

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

[Annex follows]

ANNEX

MEMBERSHIP OF THE UNION
(as of December 31, 1994)

State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Argentina	- - - -	- - November 25, 1994 -	- - December 25, 1994 -
Australia	- - - -	- - February 1, 1989 -	- - March 1, 1989 -
Austria	- - - -	- - June 14, 1994 -	- - July 14, 1994 -
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 -
Finland	- - - -	- - March 16, 1993 -	- - April 16, 1993 -

¹ *First line:* International Convention for the Protection of New Varieties of Plants of December 2, 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 Convention or the Additional Act, as the case may be; of ratification, acceptance or approval if the State has signed the Act of 1978; of accession where it has not signed the text concerned.

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
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 -
Germany	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	July 11, 1968 July 23, 1976 March 12, 1986 -	August 10, 1968 February 11, 1977 April 12, 1986 -
Hungary	- - - -	- - March 16, 1983 -	- - April 16, 1983 -
Ireland	- - September 27, 1979 February 21, 1992	- - May 19, 1981 -	- - November 8, 1981 -
Israel	- - - October 23, 1991	November 12, 1979 November 12, 1979 April 12, 1984 -	December 12, 1979 December 12, 1979 May 12, 1984 -
Italy	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	June 1, 1977 June 1, 1977 April 28, 1986 -	July 1, 1977 July 1, 1977 May 28, 1986 -
Japan	- - October 17, 1979 -	- - August 3, 1982 -	- - September 3, 1982 -
Mexico (not yet member)	- - July 25, 1979 -	- - - -	- - - -
Netherlands	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	August 8, 1967 January 12, 1977 August 2, 1984 -	August 10, 1968 February 11, 1977 September 2, 1984 -
New Zealand	- - July 25, 1979 December 19, 1991	- - November 3, 1980 -	- - November 8, 1981 -
Norway	- - - -	- - August 13, 1993 -	- - September 13, 1993 -
Poland	- - - -	- - October 11, 1989 -	- - November 11, 1989 -

State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Portugal	- - - -	- - September 14, 1995	- - October 14, 1995
Slovakia	- - - -	- - - -	- - January 1, 1993 -
South Africa	- - October 23, 1978 March 19, 1991	October 7, 1977 October 7, 1977 July 21, 1981 -	November 6, 1977 November 6, 1977 November 8, 1981 -
Spain	- - - March 19, 1991	April 18, 1980 April 18, 1980 - -	May 18, 1980 May 18, 1980 - -
Sweden	- January 11, 1973 December 6, 1978 December 17, 1991	November 17, 1971 January 11, 1973 December 1, 1982 -	December 17, 1971 February 11, 1977 January 1, 1983 -
Switzerland	November 30, 1962 November 10, 1972 October 23, 1978 March 19, 1991	June 10, 1977 June 10, 1977 June 17, 1981 -	July 10, 1977 July 10, 1977 November 8, 1981 -
United Kingdom	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 17, 1965 July 1, 1980 August 24, 1983 -	August 10, 1968 July 31, 1980 September 24, 1983 -
United States of America	- - October 23, 1978 October 25, 1991	- - November 12, 1980 -	- - November 8, 1981 -
Uruguay	- - - -	- - October 13, 1994 -	- - November 13, 1994 -

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