



C/45/17

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Forty-Fifth Ordinary Session
Geneva, October 20, 2011

REPORT ON THE DECISIONS

adopted by the Council

Opening of the session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its forty-fifth ordinary session in Geneva on October 20, 2011, chaired by Mr. Choi Keun-Jin (Republic of Korea), President of the Council.
2. The list of participants is reproduced in Annex I to this report.
3. The session was opened by the President who welcomed the participants to the Council session marking the fiftieth anniversary of the adoption of the UPOV Convention, in Paris in 1961.
4. The President informed the Council that Peru had deposited its instrument of accession to the 1991 Act of the UPOV Convention on July 8, 2011, and had become the seventieth member of the Union on August 8, 2011.
5. The Council took the decisions recorded below under each relevant agenda item.
6. The draft detailed report on the session will be submitted to the Council for adoption by correspondence.

Adoption of the agenda

7. The Council adopted the draft agenda, as proposed in document C/45/1, after the deletion of item 3 and the addition of document C/45/4 Rev. under item 6, document C/45/14 Add. under item 8, and document C/44/7 Rev. under item 15.

Report by the President on the work of the eighty-second session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee

8. The President reported that the Consultative Committee held its eighty-second session in Geneva on October 19, 2011 and on the morning of October 20, 2011. At that session, the Consultative Committee:

(a) received a demonstration of the redesigned UPOV website and noted the plans for the website to be launched at 12:00 noon on November 1, 2011;

(b) discussed on an “Assistance” webpage on the UPOV website:

(c) discussed on a policy for financing speakers and participants at UPOV events;

(d) noted the plans for the launch of the web-based version of the Plant Variety Database on November 1, 2011;

(e) approved the recommendations of the Working Group on Rules concerning Observers and requested the Office of the Union to prepare a draft revision of the “Rules Governing the Granting of Observer Status to States, Intergovernmental Organizations and International Non-Governmental Organizations in UPOV Bodies and Access to UPOV Documents” for consideration at its next session; and

(f) extended the observer status of the Asia and Pacific Seed Association (APSA) to the Administrative and Legal Committee (CAJ), the Technical Committee (TC) and the Technical Working Parties (TWPs).

9. On the basis of the recommendation of the Consultative Committee, the Council:

(a) approved the promotion of the Vice Secretary-General to the Assistant Secretary General (ASG) grade of the United Nations common system, starting from January 1, 2012;

(b) agreed to the adoption of the International Public Sector Accounting Standards (IPSAS) beginning with the financial period starting in 2012; and

(c) agreed that documents currently in the first restricted area of the UPOV website be made publicly accessible, by removal of the password requirement. It also agreed that, if possible, the removal of the password be arranged to coincide with the launching of the redesigned UPOV website on November 1, 2011.

10. The Council noted the comments made by the Association for Plant Breeding for the Benefit of Society (APBREBES).

Adoption of documents

11. The Council considered document C/45/13.

TGP/5 Section 10/2 Experience and Cooperation in DUS Testing: Notification of Additional Characteristics (Revision), (document TGP/5 Section 10/2 Draft 3)

12. The Council adopted the revision of document TGP/5 Section 10/2 “Experience and Cooperation in DUS Testing: Notification of Additional Characteristics” on the basis of document TGP/5 Section 10/2 Draft 3.

TGP/7/3 Development of Test Guidelines (Revision) (document C/45/13, Annex I)

13. The Council noted that the Administrative and Legal Committee (CAJ), at its sixty-fourth session held in Geneva on October 17, 2011, had approved the revision of document TGP/7/2, as presented in Annex I to document C/45/13.

14. The Council adopted the revision of document TGP/7 “Development of Test Guidelines” (document TGP/7/3), on the basis of the proposed amendments to document TGP/7/2, as presented in Annex I to document C/45/13.

TGP/11/1 Examination of Stability (document TGP/11/1 Draft 11)

15. The Council adopted document TGP/11/1 “Examination of Stability” on the basis of document TGP/11/1 Draft 11.

TGP/0/4 List of TGP Documents and Latest Issue Dates (Revision)

16. The Council adopted document TGP/0/4 “List of TGP Documents and Latest Issue Dates” on the basis of document TGP/0/4 Draft 1.

UPOV/INF/6/2 Guidance for the Preparation of Laws Based on the 1991 Act of the UPOV Convention (Revision) (document C/45/13, Annex II)

17. The Council adopted the revision of document UPOV/INF/6 “Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention” (document UPOV/INF/6/2), on the basis of the amendments to document UPOV/INF/6/1, as presented in Annex II to document C/45/13.

UPOV/INF/16/2 Exchangeable Software (Revision) (document C/45/13, Annex III)

18. The Council noted that the CAJ, at its sixty-fourth session, had approved the revision of document UPOV/INF/16, as presented in Annex III to document C/45/13.

19. The Council adopted the revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/2), on the basis of the proposed amendments to document UPOV/INF/16/1, as presented in Annex III to document C/45/13.

*UPOV/INF-EXN/1 List of INF-EXN Documents and Latest Issue Dates
(document UPOV/INF-EXN/1 Draft 1)*

20. The Council adopted document UPOV/INF-EXN/1 “List of INF-EXN Documents and Latest Issue Dates” on the basis of document UPOV/INF-EXN/1 Draft 1.

BMT/DUS/1 Possible use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS) (document BMT/DUS/1 Draft 6)

21. The Council adopted document BMT/DUS/1 “Possible use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)” on the basis of document BMT/DUS/1 Draft 6.

Examination and approval of the Draft Program and Budget of the Union for the 2012-2013 Biennium

22. The Council adopted the proposals contained in the Revised Draft Program and Budget for the 2012-2013 Biennium, as set out in document C/45/4 Rev., including the amount of contributions from members of the Union, the proposed maximum ceiling of expenditure in the regular budget, and the total number of posts for the Office of the Union.

Interim financial statement for 2010; arrears in contributions as of September 30, 2011

23. The Council considered document C/45/11 and noted the interim financial statement for 2010.

24. The Council noted the status of payment of contributions and the Working Capital Fund participations as at September 30, 2011, and noted that due to recent payments, Jordan and Viet Nam had no arrears. The Council noted that the European Union had made a recent payment leaving only a balance of 50,403 Swiss francs.

Designation of the External Auditor of UPOV

25. The Council considered documents C/45/14 and C/45/14 Add.

26. The Council designated Switzerland as auditor of the accounts of UPOV for a term of office of six years starting from January 2012.

27. The Council expressed its gratitude to Switzerland for its agreement to be designated as auditor of the accounts of UPOV.

Fiftieth Anniversary of the UPOV Convention

28. The Council noted the plans for the Fiftieth Anniversary of the UPOV Convention, as set out in document C/45/15.

29. The Council expressed its appreciation for the messages of congratulation and the gifts presented by members of the Union in celebration of the Fiftieth Anniversary of the UPOV Convention.

Annual report of the Secretary-General for 2010; Report on activities during the first nine months of 2011

30. The Council noted the report of the Secretary-General on the activities of the Union in 2010, as provided in document C/45/2.

31. The Council noted the report on activities during the first nine months of 2011, as provided in document C/45/3.

32. The Council welcomed the increased cooperation between UPOV and the World Intellectual Property Organization (WIPO), in particular in relation to information technology.

Progress report of the work of the Administrative and Legal Committee

33. The Council noted the work of the CAJ, as provided in document C/45/9 and in the oral report made by the Chair of the CAJ, and approved the work program for the sixty-fifth session of the CAJ, as presented in the oral report of the Chair of the CAJ.

Progress report of the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

34. The Council noted the work of the Technical Committee (TC), the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular, as provided in document C/45/10, and approved the programs of work set out in document C/45/10.

Calendar of meetings in 2012

35. The Council approved the calendar of meetings, as set out in document C/45/8, with the following additional information:

(a) the reference to the Editorial Committee on the morning of March 26, 2012 should be removed;

(b) a “Symposium on the benefits of plant variety protection for farmers and growers” would be organized on November 2, 2012;

(c) the third meeting of the Working Group on Rules Concerning Observers would take place on March 29, 2012 at 6.00 p.m.;

(d) subject to the endorsement of the Administrative and Legal Committee (CAJ), at its sixty-fifth session to be held in Geneva on March 29, 2012, it was agreed that the

sixty-sixth session of the CAJ would take place on the morning of October 29, 2012, and that the seventh session of the Administrative and Legal Committee Advisory Group (CAJ-AG) would be held on the afternoon of October 29 and on October 30, 2012; and

(e) the dates for the sessions to be held in Geneva in 2013 would be from March 18 to 22 and from October 21 to 25.

Election of new Chairpersons

36. The Council elected, in each case for a term of three years ending with the forty-eighth ordinary session of the Council, in 2014:

- (a) Mrs. Robyn Hierse (South Africa), Chairperson, Technical Working Party for Agricultural Crops (TWA);
- (b) Mr. Sami Markkanen (Finland), Chairman, Technical Working Party on Automation and Computer Programs (TWC);
- (c) Mrs. Carensa Petzer (South Africa), Chairperson, Technical Working Party for Fruit Crops (TWF);
- (d) Mr. Nik Hulse (Australia), Chairman, Technical Working Party for Ornamental Plants and Forest Trees (TWO);
- (e) Mr. François Boulineau (France), Chairman, Technical Working Party for Vegetables (TWV); and
- (f) Mr. Alejandro Barrientos Priego (Mexico), Chairman, Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT).

Situation in the legislative, administrative and technical fields:

37. The Council considered documents C/45/16, C/45/5, C/45/6 and C/45/7. It noted that an addendum of document C/45/16 would be produced and that a revision of document C/44/7 concerning statistics for the period 2005-2009 had been published on the UPOV website (document C/44/7 Rev.).

Press Release

38. The Council considered and approved the draft press release that was distributed at the end of its forty-fifth ordinary session. The Press Release approved by the Council is reproduced in Annex II to this report.

39. This report was adopted by the Council at the close of its session on October 20, 2011.

[Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres/
in the alphabetical order of the names in French of the members/
in alphabetischer Reihenfolge der französischen Namen der Mitglieder/
por orden alfabético de los nombres en francés de los miembros)

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Kitisri SUKHAPINDA (Ms.), Vice-President

VI. BUREAU DE L'UPOV / OFFICE OF UPOV /
BÜRO DER UPOV / OFICINA DE LA UPOV

Francis GURRY, Secretary-General
Peter BUTTON, Vice Secretary-General
Raimundo LAVIGNOLLE, Director
Yolanda HUERTA (Mrs.), Legal Counsel
Julia BORYS (Mrs.), Senior Technical Counsellor
Fuminori AIHARA, Counsellor

[L'annexe II suit/
Annex II follows/
Anlage II folgt/
Sigue el Anexo II]

ANNEX II



INTERNATIONALER
VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

GENF, SCHWEIZ

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS
VÉGÉTALES

GENÈVE, SUISSE

UNIÓN INTERNACIONAL
PARA LA PROTECCIÓN
DE LAS OBTENCIONES
VEGETALES

GINEBRA, SUIZA

INTERNATIONAL UNION
FOR THE PROTECTION
OF NEW VARIETIES
OF PLANTS

GENEVA, SWITZERLAND

UPOV Press Release No. 87

Geneva, October 20, 2011

UPOV Council Sets Biennial Program, Marks 50th Anniversary of the UPOV Convention

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) met in Geneva on October 20, 2011, in the year of the 50th anniversary of the UPOV Convention, to take stock of the Union's work over the past year and approve the next biennium's program and budget.

UPOV members acknowledged that the 50th anniversary of UPOV comes at a time when a changing world carries many challenges for agriculture. At the global level, increasing population, climate change, parallel demands for food and energy production and evolving human needs require a response in agricultural production, often at the same time as land and inputs become increasingly scarce and expensive. Success in responding to these challenges relies on dynamic and sustainable agriculture.

Plant Breeding has significantly contributed and will continue to be a major contributor to increased food security whilst reducing input costs, greenhouse gas emissions and deforestation. With that, plant breeding significantly mitigates the effects of population growth, climate change and other social and physical challenges.

Innovation in agriculture and horticulture is important for economic development in the rural sector. Production of high value varieties of ornamentals, fruit and vegetables provide employment and income for hundreds of thousands – even millions – of people. An effective system of plant variety protection is crucial for a sustainable contribution of plant breeding and seed supply and is a key enabler for investment in breeding and the development of new varieties of plants. UPOV membership promotes economic and social benefits and is an important global signal for breeders to have the confidence to introduce their new varieties in that country, which will be of benefit to farmers and growers in the country.

To mark the 50th anniversary, UPOV organized the “Symposium on Plant Breeding for the Future”, on October 21, 2011, which reviewed recent developments in plant science and looked forward to the challenges and opportunities for applying those scientific developments in plant breeding.

(http://www.upov.int/meetings/en/details.jsp?meeting_id=24133)

Round-up of key developments in UPOV Council:

New members of the Union

The Council was informed that Peru had deposited its instrument of accession to the UPOV Convention and became the 70th member of UPOV on August 8, 2011.

Program & Budget

The Council approved the Program and Budget for the 2012-2013 biennium, amounting to Sfr6,798,000. This budget contains no change in the value of the contribution unit by members of the Union and no change in the total number of posts for the Office of the Union.

Information on UPOV

Plans for the launch of a redesigned website on November 1, 2011, were approved with the aim of improving the availability of information on UPOV to a range of users. Some of the features of the redesigned website include the following:

- freely accessible database of plant varieties (PLUTO), formerly only available in the form of a CD-ROM on subscription
- multimedia presentation on UPOV
- video on the use of plant variety protection by gentian farmers in the Ashiro region of Japan (“the Ashiro Rindo story”)
- launch of UPOV YouTube channel
- UPOV collection of materials explaining the UPOV system
- database of UPOV members’ laws (UPOV Lex)

Public Access to UPOV Documents

In a further move to increase access to documents, the Council agreed that the documents of the Administrative and Legal Committee (CAJ), Technical Committee (TC) and Technical Working Parties (TWPs), which were formerly only accessible to members and observers, would be made publicly accessible.

Cooperation with ITPGRFA

The Council agreed with the request of the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture for the Office of the Union to cooperate with ITPGRFA on a research project on the economics of the Multilateral System of the ITPGRFA, based on information available from the Plant Variety Database (PLUTO).

Other

The observer status for the Asia and Pacific Seed Association (APSA) was extended to the Administrative and Legal Committee (CAJ), Technical Committee (TC) and Technical Working Parties (TWPs).

Plant Variety Protection Statistics

The Council noted a record number of plant variety protection titles granted in 2010, with the number exceeding 11,000 for the first time (a 3% increase on 2009). A record number of titles in force – 90,214 – was recorded in 2010, representing a 4 percent increase on figures for 2009.

Cooperation in the Examination of New Plant Varieties

In 2011, the number of plant genera and species for which there were agreements between members of the Union for cooperation in the examination of distinctness, uniformity and stability totaled 1,990, compared to 1,400 in 2010.

A report of decisions taken at the forty-fifth ordinary session of the Council, held in Geneva on October 20, 2011, is available at:

http://www.upov.int/meetings/en/doc_details.jsp?meeting_id=24136&doc_id=186841

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

International Convention for the Protection of New Varieties of Plants*
UPOV Convention (1961), as revised at Geneva (1972, 1978 and 1991)

Status on October 20, 2011

State/Organization	Date on which State/Organization became member of UPOV	Latest Act ⁱ of the Convention to which State/Organization is party and date on which State/Organization became party to that Act	
Albania.....	October 15, 2005	1991 Act.....	October 15, 2005
Argentina.....	December 25, 1994	1978 Act.....	December 25, 1994
Australia.....	March 1, 1989	1991 Act.....	January 20, 2000
Austria.....	July 14, 1994	1991 Act.....	July 1, 2004
Azerbaijan.....	December 9, 2004	1991 Act.....	December 9, 2004
Belarus.....	January 5, 2003	1991 Act.....	January 5, 2003
Belgium ⁱⁱ	December 5, 1976	1961/1972 Act.....	December 5, 1976
Bolivia (Plurinational State of)	May 21, 1999	1978 Act.....	May 21, 1999
Brazil.....	May 23, 1999	1978 Act.....	May 23, 1999
Bulgaria.....	April 24, 1998	1991 Act.....	April 24, 1998
Canada.....	March 4, 1991	1978 Act.....	March 4, 1991
Chile.....	January 5, 1996	1978 Act.....	January 5, 1996
China.....	April 23, 1999	1978 Act ⁱⁱⁱ	April 23, 1999
Colombia.....	September 13, 1996	1978 Act.....	September 13, 1996
Costa Rica.....	January 12, 2009	1991 Act.....	January 12, 2009
Croatia.....	September 1, 2001	1991 Act.....	September 1, 2001
Czech Republic.....	January 1, 1993	1991 Act.....	November 24, 2002
Denmark ^{iv}	October 6, 1968	1991 Act.....	April 24, 1998
Dominican Republic.....	June 16, 2007	1991 Act.....	June 16, 2007
Ecuador.....	August 8, 1997	1978 Act.....	August 8, 1997
Estonia.....	September 24, 2000	1991 Act.....	September 24, 2000
European Union.....	July 29, 2005	1991 Act.....	July 29, 2005
Finland.....	April 16, 1993	1991 Act.....	July 20, 2001
France ^v	October 3, 1971	1978 Act.....	March 17, 1983
Georgia.....	November 29, 2008	1991 Act.....	November 29, 2008
Germany.....	August 10, 1968	1991 Act.....	July 25, 1998
Hungary.....	April 16, 1983	1991 Act.....	January 1, 2003
Iceland.....	May 3, 2006	1991 Act.....	May 3, 2006
Ireland.....	November 8, 1981	1978 Act.....	November 8, 1981
Israel.....	December 12, 1979	1991 Act.....	April 24, 1998
Italy.....	July 1, 1977	1978 Act.....	May 28, 1986
Japan.....	September 3, 1982	1991 Act.....	December 24, 1998
Jordan.....	October 24, 2004	1991 Act.....	October 24, 2004
Kenya.....	May 13, 1999	1978 Act.....	May 13, 1999
Kyrgyzstan.....	June 26, 2000	1991 Act.....	June 26, 2000
Latvia.....	August 30, 2002	1991 Act.....	August 30, 2002
Lithuania.....	December 10, 2003	1991 Act.....	December 10, 2003
Mexico.....	August 9, 1997	1978 Act.....	August 9, 1997
Morocco.....	October 8, 2006	1991 Act.....	October 8, 2006
Netherlands.....	August 10, 1968	1991 Act ^{vi}	April 24, 1998
New Zealand.....	November 8, 1981	1978 Act.....	November 8, 1981
Nicaragua.....	September 6, 2001	1978 Act.....	September 6, 2001
Norway.....	September 13, 1993	1978 Act.....	September 13, 1993
Oman.....	November 22, 2009	1991 Act.....	November 22, 2009
Panama.....	May 23, 1999	1978 Act.....	May 23, 1999
Paraguay.....	February 8, 1997	1978 Act.....	February 8, 1997
Peru.....	August 8, 2011	1991 Act.....	August 8, 2011
Poland.....	November 11, 1989	1991 Act.....	August 15, 2003
Portugal.....	October 14, 1995	1978 Act.....	October 14, 1995
Republic of Korea.....	January 7, 2002	1991 Act.....	January 7, 2002
Republic of Moldova.....	October 28, 1998	1991 Act.....	October 28, 1998
Romania.....	March 16, 2001	1991 Act.....	March 16, 2001

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State/Organization	Date on which State/Organization became member of UPOV	Latest Act ⁱ of the Convention to which State/Organization is party and date on which State/Organization became party to that Act
Russian Federation	April 24, 1998	1991 Act April 24, 1998
Singapore	July 30, 2004	1991 Act July 30, 2004
Slovakia.....	January 1, 1993	1991 Act June 12, 2009
Slovenia.....	July 29, 1999	1991 Act July 29, 1999
South Africa	November 6, 1977	1978 Act November 8, 1981
Spain	May 18, 1980	1991 Act July 18, 2007
Sweden.....	December 17, 1971	1991 Act April 24, 1998
Switzerland.....	July 10, 1977	1991 Act September 1, 2008
The former Yugoslav Republic of Macedonia.....	May 4, 2011	1991 Act May 4, 2011
Trinidad and Tobago	January 30, 1998	1978 Act January 30, 1998
Tunisia.....	August 31, 2003	1991 Act August 31, 2003
Turkey	November 18, 2007	1991 Act November 18, 2007
Ukraine.....	November 3, 1995	1991 Act January 19, 2007
United Kingdom.....	August 10, 1968	1991 Act January 3, 1999
United States of America	November 8, 1981	1991 Act ^{vii} February 22, 1999
Uruguay.....	November 13, 1994	1978 Act November 13, 1994
Uzbekistan.....	November 14, 2004	1991 Act November 14, 2004
Viet Nam.....	December 24, 2006	1991 Act December 24, 2006

(Total: 70)

* The International Union for the Protection of New Varieties of Plants (UPOV), established by the International Convention for the Protection of New Varieties of Plants, is an independent intergovernmental organization having legal personality. Pursuant to an agreement concluded between the World Intellectual Property Organization (WIPO) and UPOV, the Director General of WIPO is the Secretary-General of UPOV and WIPO provides administrative services to UPOV.

ⁱ “1961/1972 Act” means the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as amended by the Additional Act of November 10, 1972; “1978 Act” means the Act of October 23, 1978, of the Convention; “1991 Act” means the Act of March 19, 1991, of the Convention.

ⁱⁱ With a notification under Article 34(2) of the 1978 Act.

ⁱⁱⁱ With a declaration that the 1978 Act is not applicable to the Hong Kong Special Administrative Region.

^{iv} With a declaration that the Convention of 1961, the Additional Act of 1972, the 1978 Act and the 1991 Act are not applicable to Greenland and the Faroe Islands.

^v With a declaration that the 1978 Act applies to the territory of the French Republic, including the Overseas Departments and Territories.

^{vi} Ratification for the Kingdom in Europe.

^{vii} With a reservation pursuant to Article 35(2) of the 1991 Act.

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