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# INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

## COUNCIL

### Forty-Sixth Ordinary Session Geneva, November 1, 2012

#### ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 2011

*(forty-third year)*

1. This document contains the Annual Report of the Secretary General for 2011. In addition, Annex III provides a performance report for the 2010-2011 biennium, in accordance with document C/43/4 Rev. "Program and Budget for the 2010-2011 Biennium" (see paragraph 17 of that document), adopted by the Council at its forty-third ordinary session, held in Geneva on October 22, 2009.

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ANNEX I: Members of the Union

ANNEX II: Overview of Missions in 2011

ANNEX III: Performance Assessment Report for the 2010-2011 Biennium

Abbreviations used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TWPs:	Technical Working Parties
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
BMT:	Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular
DUS:	Distinctness, Uniformity and Stability

I. COMPOSITION OF THE UNION

Members

2. On December 31, 2011, the Union had 70 members: Albania, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, European Union, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lithuania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan and Viet Nam.

Situation in Relation to the Convention and its Various Acts

3. On December 31, 2011, the situation of the members of the Union in relation to the Convention and its various Acts was as follows:

(a) Belgium was bound by the 1961 Convention as amended by the 1972 Act;

(b) 22 members were bound by the 1978 Act, namely: Argentina, Bolivia, Brazil, Canada, Chile, China, Colombia, Ecuador, France, Ireland, Italy, Kenya, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, Portugal, South Africa, Trinidad and Tobago and Uruguay;

(c) 47 members were bound by the 1991 Act, namely: Albania, Australia, Austria, Azerbaijan, Belarus, Bulgaria, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Estonia, European Union, Finland, Georgia, Germany, Hungary, Iceland, Israel, Japan, Jordan, Kyrgyzstan, Latvia, Lithuania, Morocco, Netherlands, Oman, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uzbekistan and Viet Nam.

4. Annex I provides the status of the members of the Union in relation to the Convention and its various Acts, as of December 31, 2011.

Future Members

5. Under Article 34(3) of the 1991 Act, “[a]ny State which is not a member of the Union and any intergovernmental organization 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 Convention.”

6. By letter dated February 22, 2011, the Republic of Serbia requested the examination of the Draft Law on the Protection of Plant Breeder’s Rights for conformity with the 1991 Act of the UPOV Convention.

7. At its twenty-eighth extraordinary session, held in Geneva on April 8, 2011, the Council examined the conformity of the Draft Law on the Protection of Plant Breeder's Rights of the Republic of Serbia with the 1991 Act of the UPOV Convention.

8. The Council decided to:

“(a) note the analysis in document C(Extr.)/28/2 and the information provided by the Delegation of Serbia that it intended to amend Article 28 “Provisional Protection” of the Draft Law and paragraph 1 of Article 41 of the Draft Law on “Obsolescence of Lawsuit Due to Violation of Breeders’ Rights”, as provided in paragraph 1 of document C(Extr.)/28/2 Add.;

“(b) take a positive decision on the conformity of the Draft Law on the Protection of Plant Breeders’ Rights of the Republic of Serbia with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which allowed the Republic of Serbia, once the Law of 2009 was amended as presented in the Draft Law in Annex II and in paragraph 1 of document C(Extr.)/28/2 Add., with no additional changes, and the amended Law was in force, to deposit its instrument of accession to the 1991 Act; and

“(c) authorize the Secretary-General to inform the Government of the Republic of Serbia of that decision.”

## II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

### Council

9. The Council held its twenty-eighth extraordinary session on April 8, 2011, under the chairmanship of Mr. Choi Keun Jin (Republic of Korea), President of the Council. The session was attended by 36 members of the Union, 13 observer States and six observer organizations. The report of that session is presented in document C(Extr.)/28/4. At that session, the Council:

(a) examined the conformity of the Draft Law on Protection of Plant Breeders’ Rights of the Republic of Serbia with the 1991 Act of the UPOV Convention;

(b) noted an oral report on the eighty-first session of the Consultative Committee, held on the morning of April 8, 2011; and

(c) approved a press release.

10. The Council held its forty-fifth ordinary session on October 20, 2011, also under the chairmanship of Mr. Choi Keun Jin. The session was attended by 49 members of the Union, one observer State and 12 observer organizations. The report of that session is presented in document C/45/18. At that session, the Council:

(a) noted an oral report on the work of the eighty-second session of the Consultative Committee, held on October 19, 2011 and on the morning of October 20, 2011;

(b) adopted the following documents:

(i) TGP/5, Section 10/2: Experience and Cooperation in DUS Testing: Notification of Additional Characteristics;

(ii) TGP/7/3: Development of Test Guidelines;

(iii) TGP/11/1: Examining Stability;

(iv) TGP/0/4: List of TGP Documents and Latest Issue Dates;

(v) UPOV/INF/6/2: Guidance for the Preparation of Laws Based on the 1991 Act of the UPOV Convention;

(vi) UPOV/INF/16/2: Exchangeable Software;

- (vii) UPOV/INF/18/1: Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)<sup>1</sup>; and
- (viii) UPOV/INF-EXN/1: List of INF-EXN Documents and Latest Issue Dates;

(c) adopted the proposals contained in the Revised Draft Program and Budget for the 2012-2013 Biennium, 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;

(d) noted the interim financial statement for 2010, the status of payment of contributions and the Working Capital Fund participations;

(e) designated Switzerland as auditor of the accounts of UPOV for a term of office of six years starting from January 2012;

(f) noted the plans for the Fiftieth Anniversary of the UPOV Convention;

(g) noted the report of the Secretary-General on the activities of the Union in 2010 and the report on the activities in the first nine months of 2011;

(h) noted the work of the CAJ and approved the work program for the sixty-fifth session of the CAJ;

(i) noted the work of the TC, the TWPs and the BMT and approved the programs of work;

(j) approved the calendar of meetings in 2012;

(k) elected, in each case for a term of three years ending with the forty-eighth ordinary session of the Council, in 2014:

- Mrs. Robyn Hierse (South Africa), Chairperson, TWA;
- Mr. Sami Markkanen (Finland), Chairman, TWC;
- Mrs. Carensa Petzer (South Africa), Chairperson, TWF;
- Mr. Nik Hulse (Australia), Chairman, TWO;
- Mr. François Boulineau (France), Chairman, TWV; and
- Mr. Alejandro Barrientos Priego (Mexico), Chairman, BMT;

(l) noted documents and oral reports on the situation in the legislative, administrative and technical fields related to plant variety protection, as presented by members and observers. 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; and

(m) approved a press release.

#### Consultative Committee

11. The Consultative Committee held its eighty-first session in Geneva, on April 8, 2011. At that session, in addition to the preliminary examination of the Draft Law on Protection of Plant Breeders' Rights of the Republic of Serbia (see paragraph 9(a) above), the Consultative Committee:

(a) noted the financial situation in relation to the Program and Budget for the 2010-2011 Biennium, and considered that the structure and contents presented to the Consultative Committee provided a good

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<sup>1</sup> In accordance with the sequential numbering of information materials, the reference for document "Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)" has been changed from "BMT/DUS/1" to "UPOV/INF/18/1".

basis for the preparation of the Draft Program and Budget of the Union for the 2012-2013 Biennium, subject to certain changes;

(b) endorsed the proposal for the designation of the External Auditor of UPOV;

(c) endorsed the plans concerning the celebration of the Fiftieth Anniversary of the UPOV Convention;

(d) noted the developments of relevance to UPOV in other international fora;

(e) approved the revised list of documents and links that were proposed to be included in the UPOV Collection, and the arrangements for the posting of the UPOV Collection on the freely accessible area of the UPOV website, with the possibility for individuals to electronically "subscribe" to the UPOV Collection;

(f) agreed to the proposal for meeting documents to be posted in both Word and PDF formats following the restructuring of the UPOV website in the context of the arrangements for the Fiftieth Anniversary;

(g) endorsed the approach for including UPOV data in WIPO Lex, as a basis for providing a UPOV search facility;

(h) noted the developments concerning the program for improvements to the Plant Variety Database, recommended to the Council to approve the launch of a web-based version of the Plant Variety Database and that it should be made freely accessible to all users;

(i) approved the proposal for updating documents previously adopted by the Council;

(j) approved the proposed arrangements for new members of the Union to be invited to make a brief presentation at the Consultative Committee;

(k) considered a draft press release and recommended to the Council that it approve that draft press release, subject to developments in the Council; and

(l) noted the request of the Association for Plant Breeding for the Benefit of Society (APBRES) of April 5, 2011, to attend meetings of the Working Group on Rules Concerning Observers. The Consultative Committee had recalled that APBRES would have the opportunity to present its views at the forty-fifth ordinary session of the Council on October 20, 2011.

12. 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, in addition to the preliminary examination of documents proposed for adoption by the Council (see paragraph 10 (b) above), the Consultative Committee:

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

(b) discussed an "Assistance" webpage on the UPOV website;

(c) discussed 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 Asia and Pacific Seed Association (APSA) to the Administrative and Legal Committee (CAJ), the Technical Committee (TC) and the Technical Working Parties (TWPs); and

(g) recommended to the Council to:

(i) approve 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;

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

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

Administrative and Legal Committee, Technical Committee, Technical Working Parties and Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

13. The CAJ held its sixty-third session on April 7, 2011, and its sixty-fourth session on October 17, 2011. The Administrative and Legal Committee Advisory Group (CAJ-AG) held its sixth session on October 18, 2011.

14. The TC held its forty-seventh session from April 4 to 6, 2011. The Enlarged Editorial Committee (TC-EDC) held its meetings on January 6 and on April 4 and 5, 2011. The Technical Working Party for Agricultural Crops (TWA) held its fortieth session in Brasilia, Brazil, from May 16 to 20, 2011. The Technical Working Party on Automation and Computer Programs (TWC) held its twenty-ninth session in Geneva, from June 7 to 10, 2011. The Technical Working Party for Fruit Crops (TWF) held its forty-second session in Hiroshima City, Hiroshima Prefecture, Japan, from November 14 to 18, 2011. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its forty-fourth session in Fukuyama City, Hiroshima Prefecture, Japan, from November 7 to 11, 2011. The Technical Working Party for Vegetables (TWV) held its forty-fifth session in Monterey, California, United States of America, from July 25 to 29, 2011. The Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) held its thirteenth session in Brasilia, Brazil, from November 22 to 24, 2011.

15. Further information on the work of the CAJ, TC, TWPs and BMT is contained in documents C/45/9 and C/46/9 "Progress report of the work of the Administrative and Legal Committee", and C/45/10 and C/46/10 "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".

### III. COURSES, SEMINARS, WORKSHOPS, MISSIONS, IMPORTANT CONTACTS

#### Individual activities

16. On January 11 and 12, in Lomé, Togo, the Office of the Union (the "Office") held consultations with the Government of Togo on legislative and accession procedures to become a member of UPOV.

17. On January 19 and 20, at WIPO/UPOV headquarters, the Office participated in a working session between WIPO and Mauritius government officials on the draft industrial property and copyright laws of Mauritius. The Office made a presentation on Plant Breeder's Rights.

18. On January 25, in Essen, Germany, the Office attended a meeting of the working group on DUS of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Plants (CIOPORA), and made a presentation on the principles for DUS examination under the UPOV Convention.

19. From January 26 to 28, in Tokyo, Japan, the Office participated in a "Study tour and meeting regarding the plant variety protection system in Japan", organized for high-level officials from Brunei Darussalam, Cambodia, Lao People's Democratic Republic, Myanmar and Thailand. The Office gave lectures on plant variety protection under the UPOV Convention.

20. On February 1, the Office participated in a conference call with representatives of the Food and Agriculture Organization of the United Nations (FAO), the Organisation for Economic Co-operation and Development (OECD), the International Seed Federation (ISF) and the International Seed Testing Association (ISTA) to discuss progress on the World Seed Project. Further conference calls took place on February 21, April 21, May 13, June 7, 14 and 24, July 12, 18 and 21, September 2, October 4 and 26, November 16 and December 13.

21. On February 2, the Office received the visit of Mr. Ian Barker, Head, Agricultural Partnerships, Syngenta Foundation for Sustainable Agriculture, Switzerland, to discuss UPOV's "Seminar on Plant Variety Protection and Technology Transfer: The Benefits of Public Private Partnership", to be held in Geneva, on April 11 and 12, 2011.
22. On February 3, the Office took part in a five-minute on-air interview on Turkish TV to explain about the UPOV system. During the interview, a representative of the Turkish Breeders and Seed Association reported that May 11 would be the "Plant Breeders' Day" in Turkey and invited UPOV to join in an event planned for that day (see paragraph 37 below).
23. From February 7 to 9, in Manila, Philippines, the Office attended the East Asia Plant Variety Protection Forum (EAPVP) Training on Enhancing PVP Technical Skills, where it made a number of presentations on UPOV and the examination of Distinctness, Uniformity and Stability ("DUS").
24. On February 16, the Office received the visit of Ms. Linda Collette, newly appointed Secretary of the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA).
25. On February 17, the Office received the visit of Mrs. Caroline Dommen, Representative, Global Economic Issues, Quaker United Nations Office (QUNO), Geneva.
26. From February 21 to 25, in Geneva, the Office attended parts of the Second Session of WIPO's Intersessional Working Group of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.
27. On February 23 and 24, in Tegucigalpa, Honduras, the Office provided advice on the Bill of Honduras on the Protection of New Plant Varieties, which was examined by the Council in 2000, and the procedure to become a member of UPOV.
28. From March 8 to 10, in Lilongwe, Mali, the Office participated in the Annual Congress of the African Seed Trade Association (AFSTA). In conjunction with the Congress, on March 7, the Office organized a Workshop on Plant Variety Protection.
29. From March 14 to 18, in Bali, Indonesia, the Office attended the Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).
30. From March 21 to 23, in Accra, Ghana, the Office participated in a consultative meeting on the Ghana Plant Variety Protection Bill with the Council for Scientific and Industrial Research (CSIR).
31. On April 11 and 12, in Geneva, the Office organized a "Seminar on Plant Variety Protection and Technology Transfer: The Benefits of Public-Private Partnership". The seminar was attended by some 90 participants (see [http://www.upov.int/meetings/en/details.jsp?meeting\\_id=22163](http://www.upov.int/meetings/en/details.jsp?meeting_id=22163)).
32. On April 13, in Rome, Italy, the Office participated in the events to celebrate CIOPORA's fiftieth anniversary. The Office made a presentation at the CIOPORA International Conference on Plant Breeders' Rights, and attended the Gala Dinner, where it made a short address.
33. From April 18 to 22, in Bamako, Mali, the Office participated in a national seminar entitled "*Séminaire d'information et de sensibilisation à l'intention des experts des centres de recherche agricole et des décideurs en matière d'agriculture du Mali*" (seminar for information and creating awareness for experts from agricultural research institutions and policy makers for agriculture from Mali), organized by the African Intellectual Property Organization (OAPI). The Office made several presentations.
34. From April 27 to 29, in Rome, Italy, the Office participated in the Fifth Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture of the CGRFA.
35. From May 2 to 6, in Alexandria, Virginia, United States of America, the Office and the Global Intellectual Property Academy of the United States Patent and Trademark Office (USPTO) jointly organized the fourth USPTO/UPOV Training Course "Plant Variety Protection under the UPOV Convention", where the Office made a number of presentations. The event was attended by 15 participants, who were required to successfully complete the UPOV Distance Learning Course.

36. On May 4, in Alnarp, Sweden, the Office provided a full-day training session on plant variety protection for the training program organized by the Swedish International Development Cooperation Agency (Sida) entitled "Genetic Resources and Intellectual Property" (GRIP Course).
37. On May 11, in Ankara, Turkey, the Office participated in the "Plant Breeders' Day", event organized by BISAB, a Turkish Breeders' Association, where it made a presentation on "An overview of UPOV and recent developments".
38. On May 12 and 13, in Brasilia, Brazil, the Office participated in the "GAIA Workshop", organized by the National Service for the Protection of Cultivars of Brazil with the assistance of experts from the *Groupe d'étude et de contrôle des variétés et des semences* (GEVES) of France.
39. On May 13, the Office received the visit of Mr. Abdul Wahab Al-Mandhari, Advisor to His Excellency the Sultan of Oman, Chairperson of the Public Authority for Crafts Industries.
40. On May 18, in Mendoza, Argentina, the Office participated as a speaker in the "*Congreso Nacional de Viveros de Vid, Olivo y Frutales de Hoja Caduca*". A presentation was made on "Plant variety protection in the world".
41. On May 20, at UPOV headquarters, the Office met with the Mr. Marcel Bruins, Secretary General, ISF, to discuss a project on electronic application forms.
42. On May 24, at the headquarters of the World Trade Organization (WTO), the Office made a presentation on the UPOV Convention at the WIPO-WTO Advanced Course on Intellectual Property for Government Officials.
43. From May 24 to 26, in Makassar, Indonesia, the Office attended the Fourth EAPVP Forum.
44. On May 29, in Belfast, United Kingdom, the Office visited the Agri-Food Biosciences Institute, Plant Testing Station, Crossnacreevy, which is responsible for DUS testing in the United Kingdom for herbage crops.
45. On May 30, also in Belfast, Ireland, the Office participated in the World Seed Congress organized by ISF. The Office was invited to make an address at the opening ceremony and to provide a briefing on recent developments within UPOV at the meeting of the ISF Breeders' Committee.
46. On June 1 and 2, in Zanzibar, United Republic of Tanzania, the Office participated and gave lectures at a Stakeholders' Workshop on Plant Breeders' Rights and met with governmental officials from Mainland Tanzania and from the Working Group responsible for drafting the plant breeders' rights legislation of Zanzibar.
47. From June 6 to 10, in Montreal, Canada, the Office attended the First Meeting of the *Ad Hoc* Open-ended Intergovernmental Committee for the Nagoya Protocol on Access and Benefit-sharing (ICNP 1), established by the Parties to the Convention on Biological Diversity (CBD).
48. On June 9, at WIPO headquarters, the Office made a presentation on the "Protection of New Plant Varieties according to the International Convention for the Protection of New Variety of Plants" at the WIPO Interregional Intermediate Seminar on Industrial Property.
49. On June 14, at WIPO/UPOV headquarters, the Office participated in a WIPO "Seminar on How the Private and the Public Sectors Use IP to Enhance Agricultural Productivity" and made a presentation entitled "The importance of public-private partnerships: findings of an International Union for the Protection of New Varieties of Plants (UPOV) Seminar in April 2011".
50. On June 21, in Wageningen, Netherlands, the Office lectured at the Fourteenth International Course on Plant Variety Protection. Prior to the course in Wageningen, the students participated in the UPOV Distance Learning Course.
51. On June 22, at WIPO headquarters, the Office gave a presentation on the UPOV Convention at the WIPO-WTO Colloquium for Teachers of Intellectual Property.
52. On June 22 and 23, in Angers, France, the Office attended a meeting of the Administrative Council of the Community Plant Variety Office of the European Union (CPVO), as an observer. It also participated in



the "Seminar on the impact of the EU plant variety protection system", where it was invited to make a presentation on "UPOV and CPVO: an effective cooperation".

53. On June 28, at UPOV/WIPO headquarters, the Office met with two members of the Parliament of Chile.

54. On June 28 and 29, in Rome, Italy, at the fringes of the FAO Conference in Rome, the Office and the other representatives of the Steering Committee of the World Seed Project (FAO, OECD, ISTA and ISF) met with delegates of three potential participant countries.

55. From July 4 to 8, in Lomé, Togo, the Office attended a national seminar entitled "*Séminaire d'information et de sensibilisation à l'intention des experts des centres de recherche agricole et des décideurs en matière d'agriculture du Togo*" (Seminar for information and creating awareness for experts from agricultural research institutions and policy makers for agriculture from Togo), organized by OAPI. In the afternoon of July 8, the Office met with H.E. Mr. El Hadj Bakalawa Fofana, Minister of Industry, Free Zone and Technological Innovations.

56. On July 11 and 12, in Seoul, Republic of Korea, the Office gave lectures on UPOV at the Korean International Cooperation Agency (KOICA).

57. On July 13 and 14, also in Seoul, the Office participated in the "Symposium on Plant Variety Protection Future Strategy for Enhancing the Effectiveness of the PVP System", organized by the Korea Seed & Variety Service (KSVS) on the occasion of the Tenth Anniversary of the Republic of Korea depositing its instrument of accession to the UPOV Convention and the Fiftieth Anniversary of the UPOV Convention. The Office made a presentation on UPOV and was invited to Chair Session 2 "Enhancing the effectiveness of the PVP system in the next 10 years".

58. On July 13, in Geneva, at the WIPO Summer School on Intellectual Property, the Office gave a presentation on the protection of new varieties of plants under the UPOV Convention.

59. On July 18 and 19, in Rome, Italy, the Office attended the Thirteenth Regular Session of the Commission on Genetic Resources for Food and Agriculture (CGRFA-13).

60. On July 21 and 22, in Brisbane, Australia, at the Queensland University of Technology (QUT), lectures were given by Mr. Doug Waterhouse, on behalf of the Office, on plant variety protection under the UPOV system, as part of the QUT Master Program of Intellectual Property Law.

61. On July 23, in Koforidua, Ghana, the Office participated in an information session for Parliamentarians on the Plant Breeders' Rights Bill of Ghana and the 1991 Act of the UPOV Convention.

62. From July 25 to 29, in Accra, Ghana, the Office participated in a Regional Workshop on the ARIPO Framework on Plant Variety Protection under the UPOV Convention.

63. On August 3 and 4, in Moscow, Russian Federation, the Office met with government officials to discuss developments in UPOV.

64. On August 18, at UPOV headquarters, the Office hosted a meeting to discuss electronic application forms. The meeting was attended by: the Office; WIPO Internet Services Section, WIPO Standards Section; WIPO Global Database Service; the CPVO, accompanied by experts from the Bundessortenamt (Germany), GEVES (France) and Naktuinbouw (Netherlands); and ISF, accompanied by experts from Monsanto, Nunhems Netherlands B.V., Rijk Zwaan Zaadteelt en Zaadhandel B.V. and Syngenta.

65. On August 19, the Office received the visit of Mr. Jonathan Woolley, Director, and Mrs. Caroline Dommen, Representative, Global Economic Issues, from QUNO, Geneva.

66. On August 25, the Office received the visit of Mr. Clive Stannard, expert for a research project on the economics of the Multilateral System of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), to discuss cooperation between UPOV and the ITPGRFA.

67. On August 29 and 30, in Mexico City, Mexico, the Office participated in a preparatory meeting and in the "International Symposium on Plant Breeder Rights", organized to mark the fiftieth anniversary of the *Servicio Nacional de Inspección y Certificación de Semillas* (SNICS) and of the UPOV Convention. The

Office made presentations on the “Protection of New Varieties of Plants under the UPOV Convention” and “Benefits of the 1991 Act of the UPOV Convention”.

68. From August 29 to September 4, in Ashiro, Japan, the Office coordinated the filming of video material featuring the Ashiro Rindo (gentians) story, used to illustrate the benefits of the plant variety protection system under the UPOV Convention.

69. On August 30, in Geneva, the Office met with representatives of the Trans Farm Africa Initiative, who presented their project on plant variety protection in Africa.

70. On September 5 and 6, in Bangkok, Thailand, the Office attended an EAPVP Forum “Workshop on the UPOV Technical Basics”, where it made a number of presentations on UPOV and the examination of distinctness, uniformity and stability (DUS).

71. From September 7 to 9, in Tsukuba, Japan, the Office gave lectures on plant variety protection under the UPOV Convention at the Training Course on “Internationally Harmonized Plant Variety Protection System” organized by the Japan International Cooperation Agency (JICA). Students of the JICA Training Course were given the opportunity to participate in the UPOV Distance Learning Course.

72. On September 16, in Alnarp, Sweden, the Office provided a full-day training session on plant variety protection in the Sida training program “Plant Breeding and Seed Production”.

73. On September 20, as part of a study visit of high-level officials from the Palestinian Authority to WIPO, the Office gave a presentation on the UPOV Convention.

74. On September 20, in Geneva, the Office attended a reception organized by CropLife International and the International Food & Agriculture Trade Policy Council (IPC), on the occasion of the WTO Public Forum.

75. On September 22, at UPOV/WIPO headquarters, the Office met with a delegation from the Intellectual Property Office of Pakistan composed of Mr. Sajjad Ahmad, Director General, Mr. Hameedullah Jan Afridi, Chairman and Mr. Meesaq Arif, Director, Admin/Human Resources. The delegation was accompanied by Mr. Ahsan Nabeel, Third Secretary, Permanent Mission of Pakistan at Geneva.

76. On September 27, in Bogota, Colombia, the Office participated in an international seminar entitled “*La Propiedad Intelectual en Variedades Vegetales y su Observancia*” (Intellectual Property in Plant Varieties and its Enforcement), organized by the Colombian Agricultural Institute (ICA) as part of the Fiftieth Anniversary celebrations of the UPOV Convention. The Office made presentations on “Introduction to UPOV” and “Benefits of the UPOV system for technology transfer”.

77. On September 28, also in Bogota, Colombia, the Office attended the opening ceremony of the Proflora Flower Trade Show.

78. From September 27 to 29, in Santiago, Chile, the Office attended the Third Congress of the Seed Association of the Americas (SAA), where a presentation was made on “The importance of the UPOV System in the Context of World Food Security”.

79. On September 30, in Geneva, the Office received the visit of Mr. Tejan-Cole, Legal Counsel, African Agricultural Technology Foundation (AATF).

80. On September 30, in Geneva, the Office received the visit of Mr. Khalid Saeed Al-Shuaibi, Director General of Organization and Commercial Relations, Ministry of Commerce and Industry of Oman, and Mrs. Fatima Al Ghazali, Plenipotentiary Minister of the Permanent Mission of Oman in Geneva.

81. On September 30, in Geneva, the Office met with Mr. Gift Sibanda, Director General and Mr. Emmanuel Sackey, Head, Technical Department, African Regional Intellectual Property Organization (ARIPO).

82. On October 3, the Office participated in a conference call with representatives of CPVO to discuss electronic application forms.

83. On October 4, the Office received the visit of Ms. Mazina Kadir, Controller, Intellectual Property Office of Trinidad and Tobago, to discuss possible training and assistance activities.

84. On October 4, in Geneva, at WIPO/UPOV headquarters, the Office made a presentation on “Plant Variety Protection and the UPOV System and Resources for Food and Agriculture and its Relationship with UPOV” to participants of the 2011 Edition of the Master of Laws (LL.M.) in Intellectual Property, organized by WIPO and the University of Turin in cooperation with the International Training Centre of the International Labour Organization (ITC-ILO).
85. On October 6 and 7, in Geneva, the Office participated in parts of the WIPO’s Evaluation Section Seminar on “Learning from Existing Evaluation Practices on the Impacts and Effects of Intellectual Property on Development”.
86. On October 11, in Brussels, Belgium, the Office attended the “EU Plant Variety Rights in the 21st Century: Conference on the outcome of the evaluation of the Community Plant Variety Rights Regime”, and made a presentation on “The UPOV Convention: an International Standard”.
87. On October 11, the Office received the visit of Mr. Andrei Andreev, First Secretary, Permanent Mission of Belarus.
88. On October 25 and 26, in Geneva, the Office attended the relevant part of the meeting of the Council for Trade Related Aspects of Intellectual Property Rights (Council for TRIPS) at the headquarters of the World Trade Organization (WTO).
89. On October 26, during a study visit a WIPO/UPOV headquarters, the Office gave a lecture to senior officials from the Common Market for Eastern and Southern Africa (COMESA). A presentation was made on “Introduction to UPOV and to the Protection of New Varieties of Plants under the UPOV Convention”.
90. On October 28, the Office participated in a video conference with students of the JICA Training Course (see paragraph 71).
91. From November 28 to December 1, in Accra, Ghana, UPOV attended the thirty-fifth session of the ARIPO Administrative Council and the thirteenth session of the ARIPO Council of Ministers and made short statements during the official opening of both sessions. UPOV was also invited to contribute to the Round table for Heads of Industrial Property Offices on Topical Intellectual Property Issues (Round Table), held concurrently with the thirty-fifth session of the ARIPO Administrative Council, on November 30, 2011. The Office also had a meeting with officials from the Plant Protection and Regulatory Services Directorate (PPRSD) of the Ministry of Food and Agriculture of Ghana
92. On December 1 and 2, in Angers, France, the Office participated in the 15th Annual Meeting between the CPVO and its examination offices.
93. From December 5 to 9, in Geneva, the Office, in association with the EAPVP Forum, organized a Workshop on Plant Variety Protection Law. The workshop was attended by 15 participants from 7 countries from the EAPVP Forum (Brunei, Cambodia, Lao People's Democratic Republic, Malaysia, Philippines, Thailand and Viet Nam) and one participant from an observer organization (ISF).
94. From December 12 to 16, in Montevideo, Uruguay, the Office, in cooperation with the Spanish Plant Variety Office (OEVV), the Spanish Agency for International Development Cooperation (AECID) and WIPO, organized the X Training Course for Ibero-American Countries on the Protection of New Varieties of Plants. The Course was attended by 27 experts directly involved, or expected to be involved in the future, in DUS examination, from 16 countries (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru and Uruguay). Lectures were given by experts from Chile, CPVO, OEVV and the Office. As a preparation, participants were given the opportunity to take the UPOV Distance Learning Course DL-205.
95. During the reporting period, the Office continued to participate in the Carbon Neutrality Project, launched by WIPO’s Director General, and which “is aimed at the internal implementation and monitoring of selected measures that will lead the Organization towards minimizing the effect its activities have on the environment, the longer term goal being a neutral impact on the environment.” The Office participated in one meeting of the Subsidiary Working Group on Travel and in two meetings of the Subsidiary Working Group on Mobility.
96. Annex II contains an overview of the missions undertaken by the staff of the Office.

### Distance Learning Course

97. One session of the UPOV Distance Learning Course DL-205 in English, French, German and Spanish was held from May 9 to June 12, 2011. A breakdown of the students participating in the DL-205 course is available in Annex III.

### IV. RELATIONS WITH STATES AND ORGANIZATIONS

98. The Office provided assistance on plant variety protection legislation to the following member: Viet Nam.

99. The Office provided information on the elements required for the deposit of an instrument of accession to, or ratification of the 1991 Act of the UPOV Convention, to Panama.

100. The Office provided advice and assistance on the development of plant variety protection legislation according to the 1991 Act of the UPOV Convention and/or on the procedure to accede to the UPOV Convention to potential members of the Union. The Office provided written or oral comments, paid visits to authorities or received representatives of the respective States and Organizations in order to provide the requested advice. In that respect, the Office had contacts with Algeria, Bosnia and Herzegovina, Brunei Darussalam, Cambodia, Cyprus, Ethiopia, Ghana, Honduras, India, Indonesia, Islamic Republic of Iran, Lao People's Democratic Republic, Malaysia, Mauritius, Myanmar, Pakistan, Philippines, Sudan, Tajikistan, Thailand, Togo, Uganda, United Republic of Tanzania, Zambia, Zimbabwe and the African Regional Intellectual Property Organization (ARIPO).

101. The Office met with representatives of the following international organizations to coordinate activities or to provide information on UPOV: African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), Commission on Genetic Resources for Food and Agriculture (CGRFA), Common Market for Eastern and Southern Africa (COMESA), Convention on Biological Diversity (CBD), Food and Agriculture Organization of the United Nations (FAO), International Seed Testing Association (ISTA), International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), Organisation for Economic Co-operation and Development (OECD), World Intellectual Property Organization (WIPO) and World Trade Organization (WTO).

102. The Office met with the following professional associations in order to follow developments in the practical application of plant variety protection at a global and regional level: African Seed Trade Association (AFSTA), International Community of Breeders of Asexually Reproduced Ornamental and Fruit Plants (CIOFORA), International Seed Federation (ISF) and Seed Association of the Americas (SAA).

### V. PUBLICATIONS

103. The Office of the Union published the following:

(a) Website: the redesigned UPOV website was launched on November 1, 2011. Some of the features published on the redesigned website were the following:

(i) freely accessible database of plant varieties (PLUTO), formerly only available in the form of a CD-ROM on subscription (UPOV-ROM Plant Variety Database);

(ii) multimedia presentation on UPOV;

(iii) video on the use of plant variety protection by gentian farmers in the Ashiro region of Japan ("the Ashiro Rindo story");

(iv) UPOV Collection of materials explaining the UPOV system;

(v) database of UPOV members' laws (UPOV Lex)

At its forty-fifth ordinary session, held in Geneva on October 20, 2011, the Council agreed that the documents of the CAJ, TC and TWPs, which were formerly only accessible to members and observers, would be made publicly accessible by removal of the password requirement;

- (b) updated editions of the information leaflet “What it is, What it does” on UPOV and plant variety protection in English, French, German and Spanish (UPOV publication No. 437);
- (c) four updated discs of the “UPOV-ROM Plant Variety Database”;
- (d) eight documents adopted by the Council at its forty-fifth ordinary session held on October 20, 2011 and published on the UPOV website:

TGP/5 Section 10/2:	Experience and Cooperation in DUS Testing: Notification of Additional Characteristics
TGP/7/3:	Development of Test Guidelines
TGP/11/1:	Examination of Stability
TGP/0/4:	List of TGP Documents and Latest Issue Dates
UPOV/INF/6/2:	Guidance for the Preparation of Laws Based on the 1991 Act of the UPOV Convention
UPOV/INF/16/2:	Exchangeable Software
UPOV/INF/18/1:	Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)
UPOV/INF-EXN/1:	List of INF-EXN Documents and Latest Issue Dates

- (e) one issue of the UPOV Gazette and Newsletter “Plant Variety Protection” in electronic format;
- (f) the following Test Guidelines were adopted:

Document No. N° du document Dokument-Nr. No del documento	English	Français	Deutsch	Español	Botanical name Nom botanique Botanischer Name Nombre botánico
<b>NEW TEST GUIDELINES</b>					
TG/266/1	African Lily, Agapanthus, Blue Lily, Lily of the Nile	Agapanthe, Fleur d'amour	Agapanthus, Schmucklilie	Agapanto, Estrella de mar	Agapanthus L'Hér.
TG/267/1	Bougainvillea	Bougainvillée, Bougainvillier	Bougainvillee	Bugambilia, Buganvilla	Bougainvillea Comm. ex Juss.
TG/268/1	Dock, Garden sorrel, sorrel, sorrel dock, sour dock	Grande oseille, Oseille commune	Wiesensauerampfer , Großer Sauerampfer	Acedera común	Rumex acetosa L.
TG/269/1	Vriesea	Vriesea	Vriesea	Vriesea	Vriesea Lindl.
TG/270/1	Cacao	Cacaoyer	Kakao	Cacao	Theobroma cacao L.
TG/271/1	Dragon Fruit, Strawberry pear	Pitahaya, Fruit du dragon, Œil de dragon	Pitahaya, Drachen- Frucht	Pitahaya	Hylocereus undatus (Haw.) Britton et Rose
TG/272/1	Bluewings, Torenia, Wishbone-flower	Torenia	Torenie	Legazpia blanco, Torenia	Torenia L.
TG/273/1	acerola, Barbados-cherry, West Indian- cherry	cerise de Cayenne, cerisier de Barbade, cerisier des Antilles	Barbadoskirsche, Westindische Kirsche	Acerola, Somero	Malpighia emarginata DC

Document No. N° du document Dokument-Nr. No del documento	English	Français	Deutsch	Español	Botanical name Nom botanique Botanischer Name Nombre botánico
TG/274/1	Rose-of-Sharon, shrub-althaea	Hibiscus de Syrie	Hibiskus, Echter Roseneibisch	Alteia- Arbustiva, Hibisco Colunar, Hibisco da Siria, Rosa de Sharao	Hibiscus syriacus L.
TG/CAMEL(proj.4)	Camellia	Camélia	Kamelie	Camelia	Camellia L. (excluding Camellia sinensis L. O.Kuntze)
<b>REVISIONS OF TEST GUIDELINES</b>					
TG/44/11	Tomato	Tomate	Tomate	Tomate	Lycopersicon lycopersicum (L.) Karst. ex. Farw.
TG/51/7	Gooseberry	Groseillier à maquereau	Stachelbeere	Agrazón, Grosellero Silvestre, Uve crespa	Ribes uva-crispa L.
TG/52/6	Red and White Currant	groseillier commun, groseillier rouge	Rote Johannisbeere, Weiße Johannisbeere	grosellero común, grosellero rojo	Ribes rubrum L., Ribes sylvestre (Lam.) Mert. et W.Koch, Ribes vulgare Lam., Ribes sativum (Rchb.) Syme
TG/56/4	Almond	Amandier	Mandel	Almendro	Prunus dulcis (Mill.) D.A.Webb, Prunus amygdalus (L.)
TG/57/7	Flax, Linseed	Lin	Lein, Flachs	Lino	Linum usitatissimum L.
TG/84/4	Japanese Plum	Prunier japonais	Ostasiatische Pflaume	Ciruelo japonés	Prunus salicina Lindl.
TG/99/4	Olive	Olivier	Ölbaum, Olive	Olivo	Olea europaea L.
TG/184/4(proj.3)	Cardoon, Globe Artichoke, Cardoon	Artichaut, Cardon	Artischocke; Artischocke; Cardy; Gemüseartischoke- Cardy; Kardonentartischock e	Alcachofa; Cardo	Cynara cardunculus L., Cynara scolymus L.
<b>PARTIAL REVISIONS OF TEST GUIDELINES</b>					
TG/13/10 Rev.	Lettuce	Laitue	Salat	Lechuga	Lactuca sativa L.
TG/55/7 Rev.	Spinach	Épinard	Spinat	Espinaca	Spinacia oleracea L.

104. The Council is invited to note this report.

[Annexes follow]

## ANNEX I

## MEMBERS OF THE UNION

December 31, 2011

This document provides the status of the members of the Union in relation to the Convention and its various Acts, as of September 30, 2011 (see Articles 31 and 32 of the 1961 Convention, Article 32(1) of the 1978 Act and Article 34(2) of the 1991 Act).

- 1<sup>st</sup> line: International Convention for the Protection of New Varieties of Plants of December 2, 1961
- 2<sup>nd</sup> line: Additional Act of November 10, 1972
- 3<sup>rd</sup> line: Act of October 23, 1978
- 4<sup>th</sup> line: Act of March 19, 1991

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Albania	- - - -	- - - September 15, 2005	- - - October 15, 2005
Argentina	- - - -	- - November 25, 1994 -	- - December 25, 1994 -
Australia	- - - -	- - February 1, 1989 December 20, 1999	- - March 1, 1989 January 20, 2000
Austria	- - - -	- - June 14, 1994 June 1, 2004	- - July 14, 1994 July 1, 2004
Azerbaijan	- - - -	- - - November 9, 2004	- - - December 9, 2004
Belarus	- - - -	- - - December 5, 2002	- - - January 5, 2003
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 - -
Bolivia (Plurinational State of)	- - - -	- - April 21, 1999 -	- - May 21, 1999 -

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Brazil	- - - -	- - April 23, 1999 -	- - May 23, 1999 -
Bulgaria	- - - -	- - - March 24, 1998	- - - April 24, 1998
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -
Chile	- - - -	- - December 5, 1995 -	- - January 5, 1996 -
China	- - - -	- - March 23, 1999 -	- - April 23, 1999 -
Colombia	- - - -	- - August 13, 1996 -	- - September 13, 1996 -
Costa Rica	- - - -	- - - December 12, 2008	- - - January 12, 2009
Croatia	- - - -	- - - August 1, 2001	- - - September 1, 2001
Czech Republic <sup>1/</sup>	- - - -	- - - October 24, 2002	- - January 1, 1993 November 24, 2002
Denmark	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 6, 1968 February 8, 1974 October 8, 1981 April 26, 1996	October 6, 1968 February 11, 1977 November 8, 1981 April 24, 1998
Dominican Republic	- - - -	- - - May 16, 2007	- - - June 16, 2007

<sup>1</sup> Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991; State bound on December 4, 1991).



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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Ecuador	- - - -	- - July 8, 1997 -	- - August 8, 1997 -
Estonia	- - - -	- - - August 24, 2000	- - - September 24, 2000
European Union	- - - -	- - - June 29, 2005	- - - July 29, 2005
Finland	- - - -	- - March 16, 1993 June 20, 2001	- - April 16, 1993 July 20, 2001
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 -
Georgia	- - - -	- - - October 29, 2008	- - - November 29, 2008
Germany	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	July 11, 1968 July 23, 1976 March 12, 1986 June 25, 1998	August 10, 1968 February 11, 1977 April 12, 1986 July 25, 1998
Hungary	- - - -	- - March 16, 1983 December 1, 2002	- - April 16, 1983 January 1, 2003
Iceland	- - - -	- - - April 3, 2006	- - - May 3, 2006
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 June 3, 1996	December 12, 1979 December 12, 1979 May 12, 1984 April 24, 1998

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
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 November 24, 1998	- - September 3, 1982 December 24, 1998
Jordan	- - - -	- - - September 24, 2004	- - - October 24, 2004
Kenya	- - - -	- - April 13, 1999 -	- - May 13, 1999 -
Kyrgyzstan	- - - -	- - - May 26, 2000	- - - June 26, 2000
Latvia	- - - -	- - - July 30, 2002	- - - August 30, 2002
Lithuania	- - - -	- - - November 10, 2003	- - - December 10, 2003
Mexico	- - July 25, 1979 -	- - July 9, 1997 -	- - August 9, 1997 -
Morocco	- - - -	- - - September 8, 2006	- - - October 8, 2006
Netherlands	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	August 8, 1967 January 12, 1977 August 2, 1984 October 14, 1996	August 10, 1968 February 11, 1977 September 2, 1984 April 24, 1998
New Zealand	- - July 25, 1979 December 19, 1991	- - November 3, 1980 -	- - November 8, 1981 -

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Nicaragua	- - -	- - August 6, 2001 -	- - September 6, 2001 -
Norway	- - -	- - August 13, 1993 -	- - September 13, 1993 -
Oman	- - -	- - October 22, 2009 -	- - November 22, 2009 -
Panama	- - -	- - April 23, 1999 -	- - May 23, 1999 -
Paraguay	- - -	- - January 8, 1997 -	- - February 8, 1997 -
Peru	- - -	- - July 8, 2011 -	- - August 8, 2011 -
Poland	- - -	- - October 11, 1989 July 15, 2003 -	- - November 11, 1989 August 15, 2003 -
Portugal	- - -	- - September 14, 1995 -	- - October 14, 1995 -
Republic of Korea	- - -	- - December 7, 2001 -	- - January 7, 2002 -
Republic of Moldova	- - -	- - September 28, 1998 -	- - October 28, 1998 -
Romania	- - -	- - February 16, 2001 -	- - March 16, 2001 -

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Russian Federation	- - - -	- - - March 24, 1998	- - - April 24, 1998
Singapore	- - - -	- - - June 30, 2004	- - - July 30, 2004
Slovakia <sup>1</sup>	- - - -	- - - May 12, 2009	- - January 1, 1993 June 12, 2009
Slovenia	- - - -	- - - June 29, 1999	- - - July 29, 1999
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 - June 18, 2007	May 18, 1980 May 18, 1980 - July 18, 2007
Sweden	- January 11, 1973 December 6, 1978 December 17, 1991	November 17, 1971 January 11, 1973 December 1, 1982 December 18, 1997	December 17, 1971 February 11, 1977 January 1, 1983 April 24, 1998
Switzerland	November 30, 1962 November 10, 1972 October 23, 1978 March 19, 1991	June 10, 1977 June 10, 1977 June 17, 1981 August 1, 2008	July 10, 1977 July 10, 1977 November 8, 1981 September 1, 2008
The former Yugoslav Republic of Macedonia	- - -	- - - April 4, 2011	- - - May 4, 2011
Trinidad and Tobago	- - - -	- - December 30, 1997 -	- - January 30, 1998 -

<sup>1</sup> Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991; State bound on December 4, 1991).

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Tunisia	- - - -	- - - July 31, 2003	- - - August 31, 2003
Turkey	- - - -	- - - October 18, 2007	- - - November 18, 2007
Ukraine	- - - -	- - October 3, 1995 December 19, 2006	- - November 3, 1995 January 19, 2007
United Kingdom	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 17, 1965 July 1, 1980 August 24, 1983 December 3, 1998	August 10, 1968 July 31, 1980 September 24, 1983 January 3, 1999
United States of America	- - October 23, 1978 October 25, 1991	- - November 12, 1980 January 22, 1999	- - November 8, 1981 February 22, 1999
Uruguay	- - - -	- - October 13, 1994 -	- - November 13, 1994 -
Uzbekistan	- - - -	- - - October 14, 2004	- - - November 14, 2004
Viet Nam	- - - -	- - - November 24, 2006	- - - December 24, 2006

Total: 70 members

[Annex II follows]

## ANNEX II

## OVERVIEW OF MISSIONS IN 2011

<b>Mission</b>	<b>Location/Month</b>	<b>Staff</b>
Legal consultation meeting	Lomé, Togo (January)	Button, Sery-Kore (WIPO)
Working session between WIPO and Mauritius government officials at UPOV/WIPO headquarters	Geneva, Switzerland (January)	Button, Lavignolle, Huerta
Meeting of CIOPORA's working group on DUS	Essen, Germany (January)	Lavignolle
Study tour and meeting regarding the plant variety protection system in Japan	Tokyo, Japan (January)	Button
East Asia Plant Variety Protection Forum (EAPVP) Training on Enhancing PVP Technical Skills	Manila, Philippines (February)	Button
Second Session of WIPO's Intersessional Working Group of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore	Geneva, Switzerland (February)	Huerta
Legal consultation meeting	Tegucigalpa, Honduras (February)	Lavignolle
AFSTA Annual Congress and UPOV Workshop on PVP	Lilongwe, Mali (March)	Button, Lavignolle
Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)	Bali, Indonesia (March)	Button
Legal consultation meeting	Accra, Ghana (March)	Lavignolle
CIOPORA International Conference on Plant Breeders' Rights (50 <sup>th</sup> anniversary)	Rome, Italy (April)	Button
National Seminar for information and creating awareness for experts from agricultural research institutions and policy makers for agriculture from Mali (OAPI)	Bamako, Mali (April)	Lavignolle
Fifth Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture of the CGRFA	Rome, Italy (April)	Button
USPTO/UPOV Training Course "Plant Variety Protection under the UPOV Convention"	Alexandria, Virginia, United States of America (May)	Lavignolle, Huerta, Aihara
Full-day training session on plant variety protection as part of Sida's "Genetic Resources and Intellectual Property Rights Course" (GRIP Course)	Alnarp, Sweden (May)	Button
Plant Breeders' Day	Ankara, Turkey (May)	Button
GAIA Workshop Preparatory Workshop TWA and fortieth session of TWA	Brasilia, Brazil (May)	Lavignolle Lavignolle, Borys, Oertel, Sanchez-Vizcaino

<b>Mission</b>	<b>Location/Month</b>	<b>Staff</b>
<i>Congreso Nacional de Viveros de Vid, Olivo y Frutales de Hoja Caduca</i>	Mendoza, Argentina (May)	Lavignolle
WIPO-WTO Advanced Course on Intellectual Property for Government Officials	Geneva, Switzerland (May)	Huerta
Fourth East Asia Plant Variety Protection (EAPVP) Forum	Makassar, Indonesia (May)	Button, Aihara
World Seed Congress 2011 (ISF)	Belfast, United Kingdom (May)	Button
Stakeholders' Workshop on Plant Breeders' Rights	Zanzibar, United Republic of Tanzania (June)	Lavignolle, Huerta
First Meeting of CBD's <i>Ad Hoc</i> Open-ended Intergovernmental Committee for the Nagoya Protocol on Access and Benefit-sharing (ICNP 1)	Montreal, Canada (June)	Button
Preparatory Workshop TWC and twenty-ninth session of TWC	Geneva, Switzerland (June)	Lavignolle, Huerta, Borys, Aihara, Byskov
WIPO Interregional Intermediate Seminar on Industrial Property	Geneva, Switzerland (June)	Huerta
WIPO Seminar on How the Private and the Public Sectors Use IP to Enhance Agricultural Productivity	Geneva, Switzerland (June)	Button
Fourteenth International Course on Plant Variety Protection (Naktuinbouw)	Wageningen, Netherlands (June)	Huerta
WIPO-WTO Colloquium for Teachers of Intellectual Property	Geneva, Switzerland (June)	Huerta
Administrative Council of the CPVO Seminar on the impact of the EU plant variety protection system	Angers, France (June)	Button
Meeting of the World Seed Project Steering Committee (FAO, ISF, ISTA, OECD and UPOV)	Rome, Italy (June)	Button
National Seminar for information and creating awareness for experts from agricultural research institutions and policy makers for agriculture from Togo (OAPI)	Lomé, Togo (July)	Lavignolle
KOICA Training Course on Plant Variety Protection KSVS Symposium on Plant Variety Protection Future Strategy for Enhancing the Effectiveness of the PVP System	Seoul, Republic of Korea (July)	Button
WIPO Summer School on Intellectual Property	Geneva, Switzerland (July)	Lavignolle
Thirteenth Regular Session of the Commission on Genetic Resources for Food and Agriculture (CGRFA-13)	Rome, Italy (July)	Button
Master Program of Intellectual Property Law of the Queensland University of Technology (QUT)	Brisbane, Australia (July)	Waterhouse (AU)
Preparatory Workshop TWV and forty-fifth session of TWV	Monterey, United States of America (July)	Button, Borys, Oertel

<b>Mission</b>	<b>Location/Month</b>	<b>Staff</b>
Information session for Parliamentarians on the Plant Breeders' Rights Bill of Ghana	Koforidua, Ghana (July)	Lavignolle, Huerta
Regional Workshop on the ARIPO Framework on Plant Variety Protection under the UPOV Convention	Accra, Ghana (July)	
Meeting with government officials	Moscow, Russian Federation (August)	Button, Borys
International Symposium on Plant Breeder Rights" (50 <sup>th</sup> anniversary of SNICS and of UPOV Convention)	Mexico City, Mexico (August)	Button
Filming the "Ashiro Rindo Story"	Ashiro, Japan (August / September)	Aihara
EAPVP Forum "Workshop on the UPOV Technical Basics"	Bangkok, Thailand (September)	Button
JICA Training Course on "Internationally Harmonized Plant Variety Protection System"	Tsukuba, Japan (September)	Button, Aihara
Full-day training session on plant variety protection as part of Sida's training program on "Plant Breeding and Seed Production"	Alnarp, Sweden (September)	Button
Study visit of high-level officials from the Palestinian Authority to WIPO	Geneva, Switzerland (September)	Huerta
International Seminar on Intellectual Property in Plant Varieties and its Enforcement (50 <sup>th</sup> anniversary of the UPOV Convention)	Bogota, Colombia (September)	Button, Lavignolle
Third Congress of the Seed Association of the Americas (SAA)	Santiago, Chile (September)	Lavignolle
2011 Edition of the Master of Laws (LL.M.) in Intellectual Property at UPOV/WIPO headquarters	Geneva, Switzerland (October)	Huerta
WIPO's Evaluation Section Seminar on "Learning from Existing Evaluation Practices on the Impacts and Effects of Intellectual Property on Development"	Geneva, Switzerland (October)	Button, Aihara
EU Plant Variety Rights in the 21st Century: Conference on the outcome of the evaluation of the Community Plant Variety Rights Regime	Brussels, Belgium (October)	Button
Meeting of the Council for TRIPS (WTO headquarters)	Geneva, Switzerland (October)	Huerta
Study visit of senior officials from the Common Market for Eastern and Southern Africa (COMESA) to WIPO	Geneva, Switzerland (October)	Lavignolle
Preparatory Workshop TWO and forty-fourth session of TWO	Fukuyama, Japan (November)	Button, Borys, Rovere
Preparatory Workshop TWF and forty-second session of TWF	Hiroshima, Japan (November)	Borys, Rovere
Preparatory Workshop BMT and thirteenth session of BMT	Brasilia, Brazil (November)	Lavignolle, Aihara



<b>Mission</b>	<b>Location/Month</b>	<b>Staff</b>
Thirty-fifth session of the ARIPO Administrative Council Thirteenth session of the ARIPO Council of Ministers	Accra, Ghana (November / December)	Button
15th Annual Meeting between the CPVO and its examination offices	Angers, France (December)	Borys
UPOV/EAPVP Forum Workshop on Plant Variety Protection Law	Geneva, Switzerland (December)	Button, Lavignolle, Huerta, Aihara
X Training Course for Ibero-American Countries on the Protection of New Varieties of Plants	Montevideo, Uruguay (December)	Lavignolle

[Annex III follows]

## PERFORMANCE ASSESSMENT REPORT FOR THE 2010-2011 BIENNIUM

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## **INTRODUCTION**

1. This report summarizes achievements during the 2010-2011 biennium. It is an update of the report on "Selected Results of UPOV in 2010", which was presented to the Council at its forty-fifth ordinary session on October 20, 2011 (document C/45/2, Annex III). The report is structured to follow the 2010-2011 Program and Budget (document C/43/4 Rev.), as adopted by the Council at its forty-third ordinary session on October 22, 2009.

2. The text offers a brief summary of the progress made towards the achievements of objectives at the level of sub-programs, followed by performance tables summarizing information on objectives, expected results and performance indicators. As sub-program UV.1 provides the framework for policy making, management and coordination of the Union as well as UPOV's overall program, which is carried out by the Secretary-General under the guidance of UPOV's Governing Bodies (Council and Consultative Committee), it is not included in this performance assessment.

## SUB-PROGRAM UV.2: IMPROVED SERVICES TO MEMBERS OF THE UNION / ENSURING AN EFFECTIVE SYSTEM OF PLANT VARIETY PROTECTION

UPOV has adopted a considerable number of information and guidance documents that enhance the understanding and the implementation of the provisions of the Convention in an internationally harmonized and effective way, thereby reinforcing the quality of protection and helping to reduce the cost of obtaining protection. In 2011, the adopted Test Guidelines covered 90% of all PBR-related entries in the Plant Variety Database (201,873 of 224,189). New measures have been taken to enhance cooperation between members of the Union through improvements to the Plant Variety Database and GENIE Database.

- Objectives:**
- ◆ To maintain and improve the quality of protection provided by the UPOV system.
  - ◆ To provide and develop the legal and technical basis for international cooperation in plant variety protection according to the 1991 Act of the UPOV Convention.

### Expected results      Results Achieved: Selected Performance Indicators

*1. Increased international harmonization of the implementation of the UPOV Convention*

*1. Administrative and legal guidance on how to implement the UPOV Convention proposed to, or adopted by, the UPOV Council or its Committees*

- Information materials concerning the UPOV Convention adopted by the Council in 2010 and 2011
  - UPOV/EXN/CAL: Explanatory Notes on Conditions and Limitations Concerning the Breeder's Authorization in respect of Propagating Material under the UPOV Convention
  - UPOV/EXN/VAR: Explanatory Notes on the Definition of Variety under the 1991 Act of the UPOV Convention
  - UPOV/INF/4/1: Financial Regulations and Rules of UPOV
  - UPOV/INF/6/2: Guidance for the Preparation of Laws Based on the 1991 Act of the UPOV Convention (Revision)
  - UPOV/INF/10/1: Internal Audit
  - UPOV/INF/12/3: Explanatory Notes on Variety Denominations under the UPOV Convention (Revision)
  - UPOV/INF/15/1: Guidance for Members of UPOV on Ongoing Obligations and Related Notifications
  - UPOV/INF/16/1: Exchangeable Software
  - UPOV/INF/16/2: Exchangeable Software (Revision)
  - UPOV/INF/17/1: Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction ("BMT Guidelines")
  - UPOV/INF/18/1: Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)
  - UPOV/INF-EXN/1: List of INF-EXN Documents and Latest Issue Dates
- The following were considered by the CAJ in 2010 and 2011:
  - UPOV/EXN/HRV: Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention
  - UPOV/INF/15/1: Guidance for Members of UPOV on Ongoing Obligations and Related Notifications
  - Proposal concerning alternative dispute settlement mechanisms
  - Proposal to update the "UPOV Model Plant Breeders' Rights Gazette" (document UPOV/INF/5)
  - Proposals on electronic application systems
  - Proposals concerning the Plant Variety Database

**Expected results**

1. *Increased international harmonization of the implementation of the UPOV Convention (continued)*

**Results Achieved: Selected Performance Indicators**

- The following were considered by the CAJ-AG in 2010 and 2011:
  - UPOV/EXN/BRD: Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention
  - UPOV/EXN/EDV: Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)
  - UPOV/EXN/HRV: Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention
- Proposals concerning matters arising after the grant of a breeder's right
- Objectives of the possible development of a document on the exhaustion of the breeder's right under the 1991 Act of the UPOV Convention
- Proposals concerning propagation and propagating material

**Expected results**

2. *Increased international harmonization in the examination of distinctness, uniformity and stability(DUS) of new varieties*

**Results Achieved: Selected Performance Indicators**

- 2. *Guidance on the examination of distinctness, uniformity and stability of new varieties proposed to, or adopted by, the UPOV Council or its Committees*
- TGP documents adopted and published on the UPOV website in the 2010-2011 biennium:
  - TGP/0/4: List of TGP Documents and Latest Issue Dates (Revision)
  - TGP/5, Section 2/3: Experience and Cooperation in DUS Testing: UPOV Model Form for the Application for Plant Breeders' Rights (Revision)
  - TGP/5 Section 10/2: Experience and Cooperation in DUS Testing: Notification of Additional Characteristics (Revision)
  - TGP/7/2: Development of Test Guidelines (Revision)
  - TGP/7/3: Development of Test Guidelines (Revision)
  - TGP/8/1: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability
  - TGP/11/1: Examining Stability
  - TGP/14/1: Glossary of Terms Used in UPOV Documents
- Drafts of the following TGP documents advanced in the CAJ, TC and/or the Technical Working Parties in 2010 and 2011:
  - TGP/5, Section 10: Notification of Additional Characteristics" (revision)
  - TGP/7: Development of Test Guidelines (revisions)
  - TGP/8: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability
  - TGP/11: Examining Stability
  - TGP/12: Guidance on Certain Physiological Characteristics
  - TGP/14: Glossary of Terms Used in UPOV Documents

**Expected results**

2. Increased international harmonization in the examination of distinctness, uniformity and stability (DUS) of new varieties (continued)

**Results Achieved: Selected Performance Indicators**

*Test Guidelines*

In 2011, the adopted Test Guidelines covered 90% of all PBR-related entries in the Plant Variety Database (201,873 of 224,189)

2010

- 16 Test Guidelines adopted by the TC, comprising:
  - 8 new Test Guidelines: TWA (1), TWA/TWV (1), TWF (2), TWO (3), TWV (1) drafted by Leading Experts from:
    - Americas: BR (1), MX (1)
    - Asia/Pacific: KR (1)
    - Europe: ES (1), FR (1), GB (1), QZ (1)
    - Europe - Near/Middle East: QZ/IL (1)
  - 6 revised Test Guidelines: TWF (2), TWO (2), TWV (2)
    - Americas: BR (1)
    - Europe: FR (2), NL/DE (1), NL (2)
  - 2 partially revised Test Guidelines: TWO (2)
    - Europe: QZ (2)

2011

- 21 Test Guidelines adopted by the TC, comprising:
  - 11 new Test Guidelines: TWA (1), TWF (3), TWO (6), TWV (1) drafted by Leading Experts from:
    - Africa: ZA (1)
    - Americas: MX (2)
    - Asia/Pacific: CN (2), JP (2), KR (1)
    - Asia/Pacific - Europe: AU/DK (1)
    - Europe: NL (1), UA (1)
  - 8 revised Test Guidelines: TWA (1), TWF (5), TWV (2)
    - Africa: ZA (2)
    - Europe: DE (2), FR (2), QZ (2)
  - 2 partially revised Test Guidelines: TWV (2)
    - Europe: NL (2)

*Test Guidelines advanced in the Technical Working Parties*

2010

- 55 draft Test Guidelines advanced by the Technical Working Parties, comprising
  - 33 new Test Guidelines: TWA (5), TWF (7), TWO (17), TWO/TWV (1), TWV (3) drafted by Leading Experts from:
    - Africa: ZA (1)
    - Americas: AR (1), BR (1), MX (2)
    - Americas - Asia/Pacific: BR/CN (1)
    - Asia/Pacific: AU (2), CN (4), JP (6), KR (2), NZ (1)
    - Asia/Pacific - Europe: AU/DK (1)
    - Europe: DE (1), ES (1), FR (1), FR/ES (1), GB (1), GB/PL (1), NL (3), UA (1)
    - Near/Middle East – Asia/Pacific: IL/KR (1)
  - 16 revisions: TWA (2), TWF (6), TWO (3), TWV (5)
    - Africa: ZA (2)
    - Asia/Pacific: AU/ES (1), NZ (1)
    - Europe: DE (4), FR (2), NL (4), QZ (2)
  - 6 partial revisions: TWF (1), TWV/TWA (2), TWV (3)
    - Europe: ES (1), FR (2), FR/NL (1), NL (2)

Total of 19 members of the Union involved in drafting Test Guidelines (AR, AU, BR, CN, DE, DK, ES, FR, GB, IL, JP, KR, MX, NL, NZ, PL, QZ, UA, ZA).

**Expected results**

**Results Achieved: Selected Performance Indicators**

2. Increased international harmonization in the examination of distinctness, uniformity and stability (DUS) of new varieties (continued)

2011

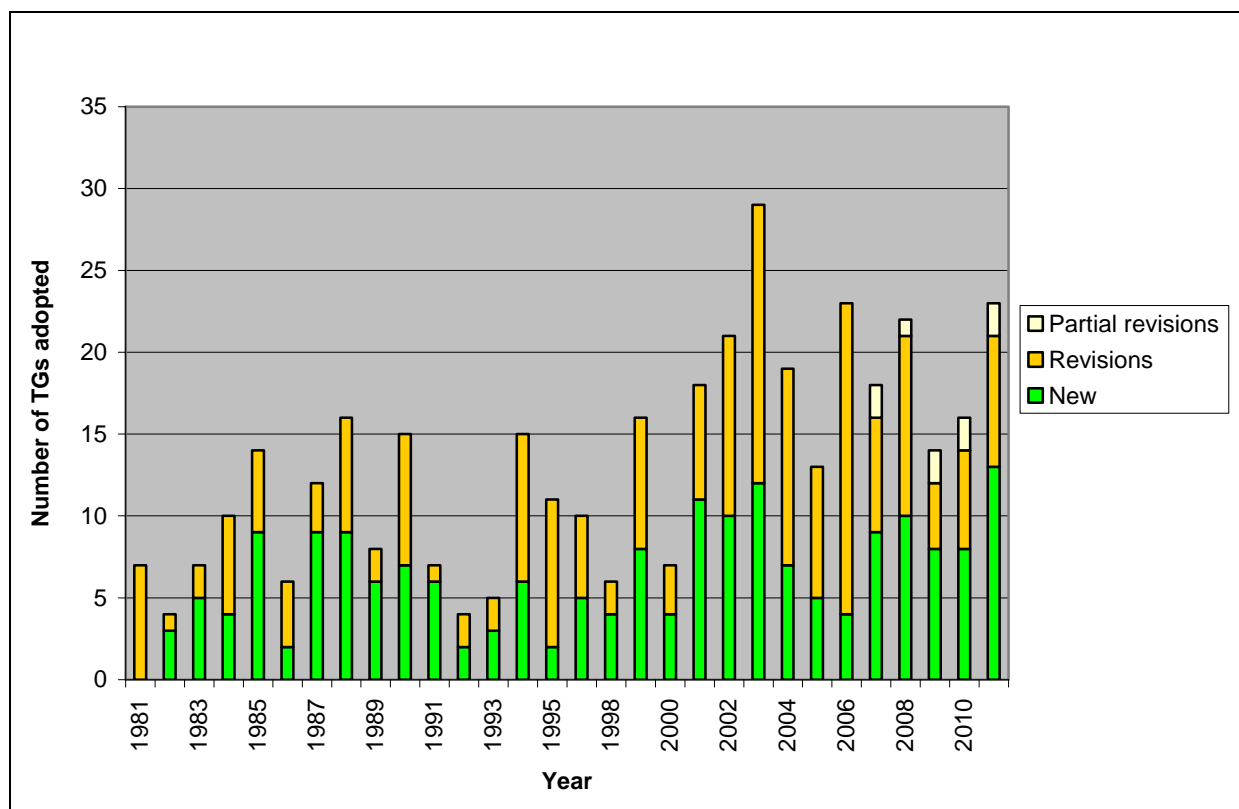
- 60 draft Test Guidelines advanced by the Technical Working Parties, comprising:
  - 37 New Test Guidelines: TWA (8), TWA/TWO (1), TWA/TWV (1), TWF (6), TWO (17), TWV (4)
 

Africa:	ZA (1)
Africa / Americas	KE/BR (1)
Americas:	AR (1), BR (2), CA (1), MX (2)
Americas - Asia/Pacific:	BR/CN (1)
Asia-Pacific:	AU (2), CN (4), JP (7), KR (1), NZ (1)
Europe:	DE (1), ES (1), FR (1), FR/ES (1), GB (2), GB/PL (1), NL (4), PL (1)
Near-Middle East / Asia-Pacific:	IL/KR (1)
  - 16 Revisions: TWA (3), TWF (3), TWO (4), TWV (6)
 

Africa:	ZA (2)
Americas:	MX (1)
Asia-Pacific:	NZ (1)
Asia-Pacific / Europe:	AU/ES (1)
Europe:	DE (3), ES (1), GB (1), HU (1), NL (5)
  - 7 Partial revisions: TWF (2), TWO (2), TWV (1), TWV/TWA (2)

Total of 22 members of the Union involved in drafting Test Guidelines (AR, AU, BR, CA, CN, DE, DK, ES, FR, GB, HU, IL, JP, KE, KR, MX, NL, NZ, PL, QZ, UA, ZA).

**Figure 1. Adoption of Test Guidelines**





**Expected results**      **Results Achieved: Selected Performance Indicators**

2. Increased international harmonization in the examination of distinctness, uniformity and stability(DUS) of new varieties (continued)

*Participation in Technical Working Party Sessions*

2010

- 318<sup>#</sup> experts representing 33 members of the Union (members) and 4 observer organizations (orgs) participated in the Technical Working Parties as follows:
  - TWA (Croatia):  
25 members (54 participants) / 2 org (1)
  - TWC (France):  
16 members (31 participants)
  - TWF (Mexico):  
15 members (49 participants) / 2 orgs (2)
  - TWO (Mexico):  
16 members (62 participants) / 1 org (1)
  - TWV (Bulgaria):  
18 members (40 participants) / 1 org (3)
  - BMT (Canada)  
12 members (62 participants) / 3 orgs (13)

2011

- 273 experts<sup>#</sup> representing 33 members of the Union (members), 7 observer States (obs) and 6 observer organizations (orgs) participated in the Technical Working Parties as follows:
  - TWA (Brasilia):  
23 members (56 participants) / 1 obs (2) / 2 orgs (2)
  - TWC (Switzerland):  
16 members (22 participants)
  - TWF (Japan):  
17 members (39 participants) / 4 obs (9) / 1 org (1)
  - TWO (Japan):  
16 members (56 participants) / 6 obs (10) / 1 org (1)
  - TWV (United States of America):  
13 members (22 participants) / 2 orgs (5)
  - BMT (Brazil)  
14 members (40 participants) / 4 orgs (8)

<sup>#</sup> (the same expert attending 2 TWP = 2 "experts")

*Participation in Preparatory Workshops for the Technical Working Party Sessions*

2010

- 127 experts<sup>#</sup> representing 25 members and 2 observer organizations (orgs) participated in the Preparatory Workshops as follows:
  - TWA: 10 members (15 participants)
  - TWC: 9 members (14 participants)
  - TWF: 7 members (10 participants) / 1 org (1)
  - TWO: 9 members (21 participants) / 1 org (1)
  - TWV: 8 members (18 participants) / 1 org (3)
  - BMT: 6 members (39 participants) / 1 org (5)

2011

- 135 experts<sup>#</sup> representing 25 members of the Union (members), 6 observer States (obs) and 2 observer organizations (orgs) participated in the Preparatory Workshops as follows:
  - TWA: 11 members (23 participants) / 1 obs (2) / 1 org (1)
  - TWC: 10 members (13 participants)
  - TWF: 8 members (16 participants) / 4 obs (8)
  - TWO: 12 members (29 participants) / 4 obs (4) / 1 org (1)
  - TWV: 9 members (12 participants) / 1 org (2)
  - BMT: 13 members (23 participants) / 1 org (1)

<sup>#</sup> (the same expert attending 2 preparatory workshops = 2 "experts")

**Expected results**

**Results Achieved: Selected Performance Indicators**

3. Improved accessibility of information relevant for examination of applications

3. *Enhancement of the Plant Variety Database*

- (a) Data quality and completeness
- Number of members of the Union and other contributors contributing data to the Plant Variety Database increased from 39 (in 2009) to 40 (in 2011)
  - Number of members of the Union and other contributors providing UPOV codes for their data increased from 19 (in 2009) to 39 (in 2011)
- (b) Web-based version of Plant Variety Database
- The PLUTO database, a web-based, freely-available version of the Plant Variety Database, was launched in November 2011

**Expected results**

**Results Achieved: Selected Performance Indicators**

4. Improved accessibility of information relevant for cooperation in examination

4.1 *Standardized classification of genera and species for improved database performance:*

- 114 new UPOV codes created in 2010 and 173 new UPOV codes created in 2011 (Total number of UPOV codes: 6,851)

4.2 *GENIE database updated for:*

- UPOV codes (see above)
- status of protection by genus / species within UPOV (based on document C/45/6)
- information on cooperation in examination (based on document C/45/5)
- experience in DUS testing (based on document TC/47/4)
- variety denomination classes

4.3 *Exchangeable software*

- Adoption and subsequent revision of document UPOV/INF/16 "Exchangeable Software", containing information provided by members of the Union on software that will be made available to other members of the Union

4.4 *Seminar on DUS Testing*

- Attended by 121 experts representing 41 members of the Union, 10 observer States and 4 observer organizations

### SUB-PROGRAM UV.3: EXTENDING THE COVERAGE OF PROTECTION OF NEW VARIETIES OF PLANTS

UPOV has assisted a number of States in the implementation of plant variety protection based on the UPOV Convention and has provided advice to governments in the preparation of legislation. Cooperation with members of the Union, particularly with regard to training courses, has provided substantial benefits for outreach. The use of the distance learning course "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention" and training of trainers have been of increasing importance in providing assistance to a wide range of experts. The introduction of a PVP law workshop was an important new initiative to provide assistance in an effective manner.

- Objectives:**
- ◆ To assist States and certain organizations, particularly governments of developing countries and countries in transition to a market economy, in the preparation of legislation conforming with the 1991 Act of the UPOV Convention.
  - ◆ To assist States and certain organizations in the accession to the 1991 Act of the UPOV Convention.
  - ◆ To assist States and certain organizations in implementing an effective plant variety protection system in line with the 1991 Act of the UPOV Convention.

#### Expected results

#### Results Achieved: Selected Performance Indicators

1. *Introduction of a legal basis of plant variety protection in line with the 1991 Act of the UPOV Convention by a growing number of States and intergovernmental organizations*

##### 1.1 *Comments on laws and regulations*

Algeria, Armenia, Bosnia and Herzegovina, Brunei Darussalam, Cambodia, Egypt, Ghana, Guatemala, Honduras, Indonesia, Malaysia, Mauritius, Montenegro, Pakistan, Philippines, Saudi Arabia, Serbia, Tajikistan, Thailand, United Republic of Tanzania, Zambia, Zimbabwe and ARIPO

##### 1.2 *Comments provided on laws and regulations which are known to have been taken into account by States and intergovernmental organizations*

Bosnia and Herzegovina, Brunei Darussalam, Egypt, Ghana, Guatemala, Montenegro, Serbia, Tajikistan, United Republic of Tanzania and ARIPO

#### Expected results

#### Results Achieved: Selected Performance Indicators

2. *Implementation of plant variety protection in line with the UPOV Convention*

##### 2. *Number of training activities initiated/implemented*

###### 2.1 Training activities organized by UPOV:

- Regional Seminar on Plant Variety Protection under the UPOV Convention, Dar es Salaam, United Republic of Tanzania, February 2010
- Seminar on DUS Testing, Geneva, March 2010
- Third USPTO/UPOV Training Course on "Plant Variety Protection under the UPOV Convention", Washington, D.C., United States of America, May 2010
- Forum on intellectual property, the usefulness of plant breeders' rights and the benefits of becoming a member of UPOV, Douala, Cameroon, July 2010
- Seminar on the strengthening of the enforcement of Annex X of the Bangui Agreement, Douala, Cameroon, July 2010
- Ninth Training Course for Ibero-American Countries on Plant Variety Protection under the UPOV Convention, Santa Cruz de la Sierra, Bolivia, December 2010
- WIPO/UPOV Subregional Central-American Seminar on Intellectual Property and Agriculture, Panama, December 2010
- Workshop on Plant Variety Protection, Lilongwe, Mali, March 2011
- Seminar on Plant Variety Protection and Technology Transfer: The Benefits of Public-Private Partnership, Geneva, April 2011
- Fourth USPTO/UPOV Training Course "Plant Variety Protection under the UPOV Convention", Alexandria, Virginia, United States of America, May 2011
- Regional Workshop on the ARIPO Framework on Plant Variety Protection under the UPOV Convention, Accra, Ghana, July 2011
- Workshop on Plant Variety Protection Law, Geneva, December 2011
- X Training Course for Ibero-American Countries on the Protection of New Varieties of Plants, Montevideo, Uruguay, December 2011

**Expected results**

**Results Achieved: Selected Performance Indicators**

2. *Implementation of plant variety protection in line with the UPOV Convention*  
(continued)

- 2.2 UPOV made presentations at:
- Business Awareness Seminar on Plant Variety Protection, Singapore, February 2010
  - AFSTA Annual Congress, Bamako, Mali, March 2010
  - Study visit at UPOV/WIPO headquarters of high level officials from Oman, March 2010
  - Third Meeting of the East Asian Plant Variety Protection Forum, Seoul, Republic of Korea, April 2010
  - WIPO-WTO Advanced Course on Intellectual Property for Government Officials, WTO headquarters, Geneva
  - Swedish International Development Cooperation Agency (Sida) Training Program on “Genetic Resources and Intellectual Property Rights”, Alnarp, Sweden, May 2010
  - GRUR Expert Committee on the Protection of Plant Varieties, Munich, Germany, May 2010
  - “Seminar on the seed and plant sector: challenges and perspectives”, Tunis, Tunisia, May 2010
  - Second Stevia World Europe Conference, Geneva, May 2010
  - Visit at UPOV/WIPO headquarters of the Minister of SMEs and Promotion of the Private Sector of the Republic of Congo, Geneva, May 2010
  - ISF World Seed Congress 2010 and ISF Breeders’ Committee, Calgary, Canada, May-June 2010
  - WIPO Interregional Intermediate Seminar on Industrial Property, Geneva, June 2010
  - Thirteenth International Course on Plant Variety Protection, Naktuinbouw, Wageningen, Netherlands, June 2010
  - WIPO General Course on Intellectual Property (DL-101), Geneva, June 2010
  - Plant Breeder’s Rights Workshop, Lusaka, Zambia, June 2010
  - Workshop on Plant Variety Protection for Central and Eastern European States, Slupia Wielka, Poland, June 2010
  - WIPO-WTO Colloquium for Teachers of Intellectual Property, Geneva, July 2010
  - KSVS/KOICA Training course on plant variety protection, Seoul, Republic of Korea, July 2010
  - WIPO Summer School on Intellectual Property, Geneva, July 2010
  - Master Program of Intellectual Property Law, Queensland University of Technology (QUT), Brisbane, Australia, July 2010
  - Third EAPVP Workshop for Cooperation in Harmonisation of Test Guidelines and DUS Test, Kuala Lumpur, Malaysia, August 2010
  - XXII Pan-American Seed Seminar, Asunción, Paraguay, August 2010
  - VI International Workshop on DUS Examination, Texcoco, Mexico, August 2010
  - JICA Training Course on “Internationally Harmonized Plant Variety Protection System”, Tsukuba, Japan, August-September 2010
  - National Seminar on Plant Breeder’s Rights, Dar es Salaam, United Republic of Tanzania, September 2010
  - Sida Training Programme on “Plant Breeding and Seed Production”, Alnarp, Sweden, September 2010
  - International Seminar on Plant Breeders’ Rights, Cuernavaca, Morelos States, Mexico, September 2010
  - KAVB Symposium “Plant names, global challenges”, Amsterdam, Netherlands, October 2010
  - Second ECOSA International Seed Trade Conference, Istanbul, Turkey, October 2010
  - Working session between WIPO and Mauritius government officials on the draft industrial property and copyright laws of Mauritius, Geneva, January 2011
  - Meeting of CIOPORA’s working group on DUS, Essen, Germany, January 2011
  - Study tour and meeting regarding the plant variety protection system in Japan, Tokyo, Japan, January 2011
  - EAPVP Training on Enhancing PVP Technical Skills, Manila, Philippines, February 2011
  - AFSTA Annual Congress, Lilongwe, Mali, March 2011
  - CIOPORA’s fiftieth anniversary, Rome, Italy, April 2011

**Expected results**

**Results Achieved: Selected Performance Indicators**

2. *Implementation of plant variety protection in line with the UPOV Convention*  
(continued)

UPOV made presentations at (*continued*):

- National Seminar for information and creating awareness for experts from agricultural research institutions and policy makers for agriculture from Mali, Bamako, Mali, April 2011
- Sida Training Program on "Genetic Resources and Intellectual Property Rights", Alnarp, Sweden, May 2011
- Plant Breeder's Day, Ankara, Turkey, May 2011
- GAIA Workshop, Brasilia, Brazil, May 2011
- *Congreso Nacional de Viveros de Vid, Olivo y Frutales de Hoja Caduca*, Mendoza, Argentina, May 2011
- WIPO-WTO Advanced Course on Intellectual Property for Government Officials, Geneva, May 2011
- Fourth EAPVP Forum, Makassar, Indonesia, May 2011
- ISF World Seed Congress 2011 and ISF Breeders' Committee, Belfast, Ireland, May 2011
- Stakeholders' Workshop on Plant Breeders' Rights, Zanzibar, United Republic of Tanzania, June 2011
- First Meeting of the *Ad Hoc* Open-ended Intergovernmental Committee for the Nagoya Protocol on Access and Benefit-sharing (ICNP-1), Montreal, Canada, June 2011
- WIPO Interregional Intermediate Seminar on Industrial Property, Geneva, June 2011
- WIPO Seminar on How the Private and the Public Sectors Use IP to Enhance Agricultural Productivity, Geneva, June 2011
- Fourteenth International Course on Plant Variety Protection, Wageningen, Netherlands, June 2011
- WIPO-WTO Colloquium for Teachers of Intellectual Property, Geneva, June 2011
- CPVO Seminar on the impact of the EU plant variety protection system, Angers, France, June 2011
- National Seminar for information and creating awareness for experts from agricultural research institutions and policy makers for agriculture from Togo, Lomé, Togo, July 2011
- KOICA Training course on plant variety protection, Seoul, Republic of Korea, July 2011
- Symposium on Plant Variety Protection Future Strategy for Enhancing the Effectiveness of the PVP System, Seoul, Republic of Korea, July 2011
- WIPO Summer School on Intellectual Property, Geneva, July 2011
- Master Program of Intellectual Property Law, Queensland University of Technology (QUT), Brisbane, Australia, July 2011
- International Symposium on Plant Breeder Rights, Mexico City, Mexico, August 2011
- EAPVP Forum Workshop on the UPOV Technical Basics, Bangkok, Thailand, September 2011
- JICA Training Course on Internationally Harmonized Plant Variety Protection System, Tsukuba, Japan, September 2011
- Sida Training Programme on "Plant Breeding and Seed Production", Alnarp, Sweden, September 2011
- Study visit of high-level officials from the Palestinian Authority to WIPO, Geneva, September 2011
- International Seminar on Intellectual Property in Plant Varieties and its Enforcement, Bogota, Colombia, September 2011
- Third Congress of the Seed Association of the Americas (SAA), Santiago, Chile, September 2011
- ITC-ILO 2011 Edition of the Master of Laws (LL.M.) in Intellectual Property, Geneva, October 2011
- EU Plant Variety Rights in the 21st Century: Conference on the outcome of the evaluation of the Community Plant Variety Rights Regime, Brussels, Belgium, October 2011
- Study visit of senior officials from the Common Market for Eastern and Southern Africa (COMESA), Geneva, October 2011
- Thirty-fifth session of the ARIPO Administrative Council and thirteenth session of the ARIPO Council of Ministers, Accra, Ghana, November-December 2011

**Expected results**

**Results Achieved: Selected Performance Indicators**

3. *Participation in UPOV distance learning courses*

3. *Number of participants in the UPOV distance learning courses*

UPOV DL-205 "Introduction to the UPOV System of Plant Variety Protection under the UPOV Convention"

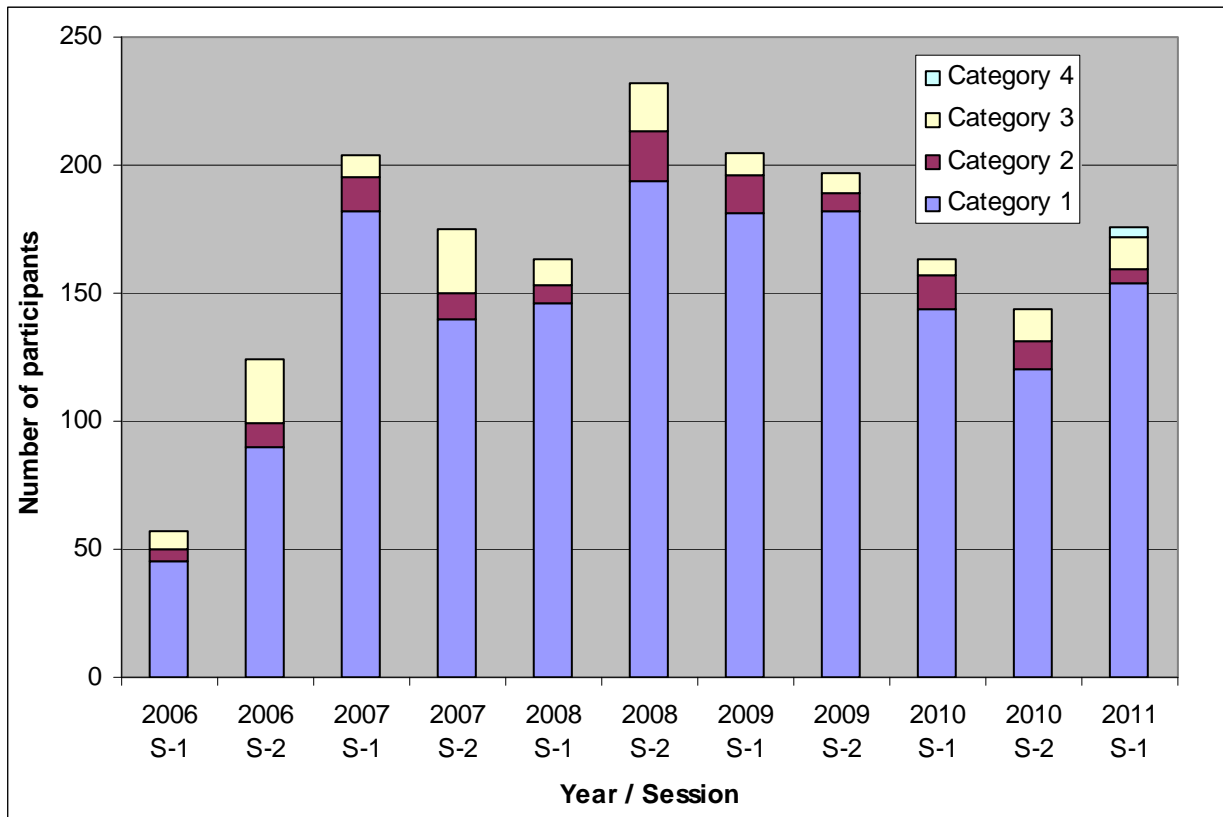
**List of countries from which there were participants in the UPOV distance learning course  
(between 2006 and 2011)**

Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, European Union, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syria, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Viet Nam, Zambia, and Zimbabwe (total: 123 countries).

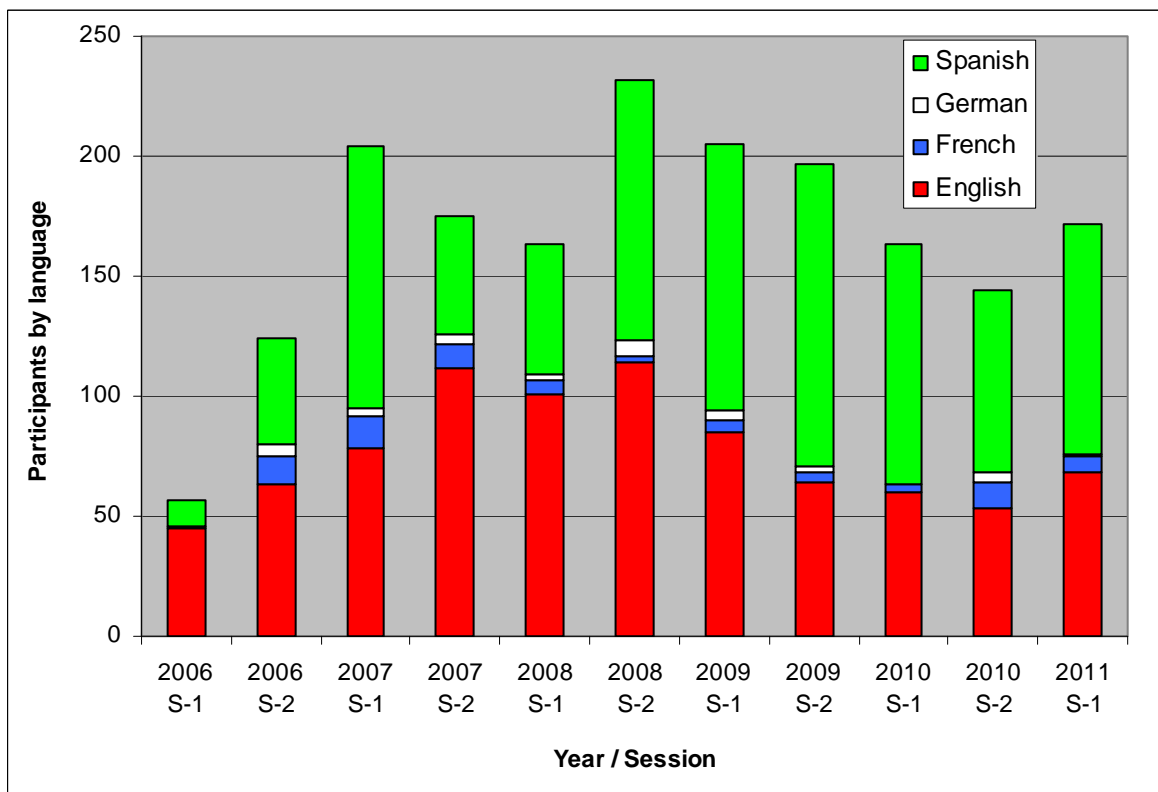
**Total number of participants by category (between 2006 and 2011)**

Category	Number of students
<b>Category 1:</b> Government officials of members of the Union nominated by the relevant representative to the UPOV Council No fee	1,578
<b>Category 2:</b> Officials of observer States / intergovernmental organizations nominated by the relevant representative to the UPOV Council One non-fee paying student per State / intergovernmental organization; Additional students: CHF1,000 per student	114
<b>Category 3:</b> Others Fee: CHF1,000	144
<b>Category 4:</b> Discretionary waiving of fee for selected students	4
<b>Total:</b>	<b>1,840</b>

**Figure 2. Breakdown of participants in the main sessions of the DL-205 Course by registration category**



**Figure 3. Breakdown of participants in the main sessions of the DL-205 Course by language**



**Main sessions of DL-205 in 2010 and 2011**

Total number of participants in 2010-2011: 597 (390 in 2010 – two sessions;  
207 in 2011 – one session)

**Special sessions of DL-205 (in 2010 and 2011)**

<b>Month/ Year</b>	<b>Name of Course</b>	<b>Language</b>	<b>Nr. of participants</b>
Feb. 2010	Participants in the Regional Seminar on Plant Variety Protection under the UPOV Convention, Dar es Salaam, United Republic of Tanzania	EN	4
May 2010	USPTO/UPOV Training Course "Plant Variety Protection under the UPOV Convention"	EN	10
June 2010	International Course on Plant Variety Protection Course (Naktuinbouw, Wageningen, Netherlands)	EN	27
July 2010	KOICA Training Course on Plant Variety Protection	EN	12
Sept. 2010	JICA Training Course on "Internationally Harmonized Plant Variety Protection System"	EN	11
Dec. 2010	IX Training Course for Ibero-American Countries on the Protection of New Varieties of Plants, Santa Cruz de la Sierra (Bolivia)	ES	6
Nov. 2010	African Intellectual Property Organization (OAPI) training	EN, FR, ES	23
May 2011	USPTO/UPOV Training Course "Plant Variety Protection under the UPOV Convention"	EN	9
June 2011	International Course on Plant Variety Protection Course (Naktuinbouw, Wageningen, Netherlands)	EN	19
July 2011	KOICA Training Course on Plant Variety Protection	EN	12
Sept. 2011	JICA Training Course on "Internationally Harmonized Plant Variety Protection System"	EN	9
Dec. 2011	X Training Course for Ibero-American Countries on the Protection of New Varieties of Plants, Montevideo (Uruguay)	ES	10



**Expected results**

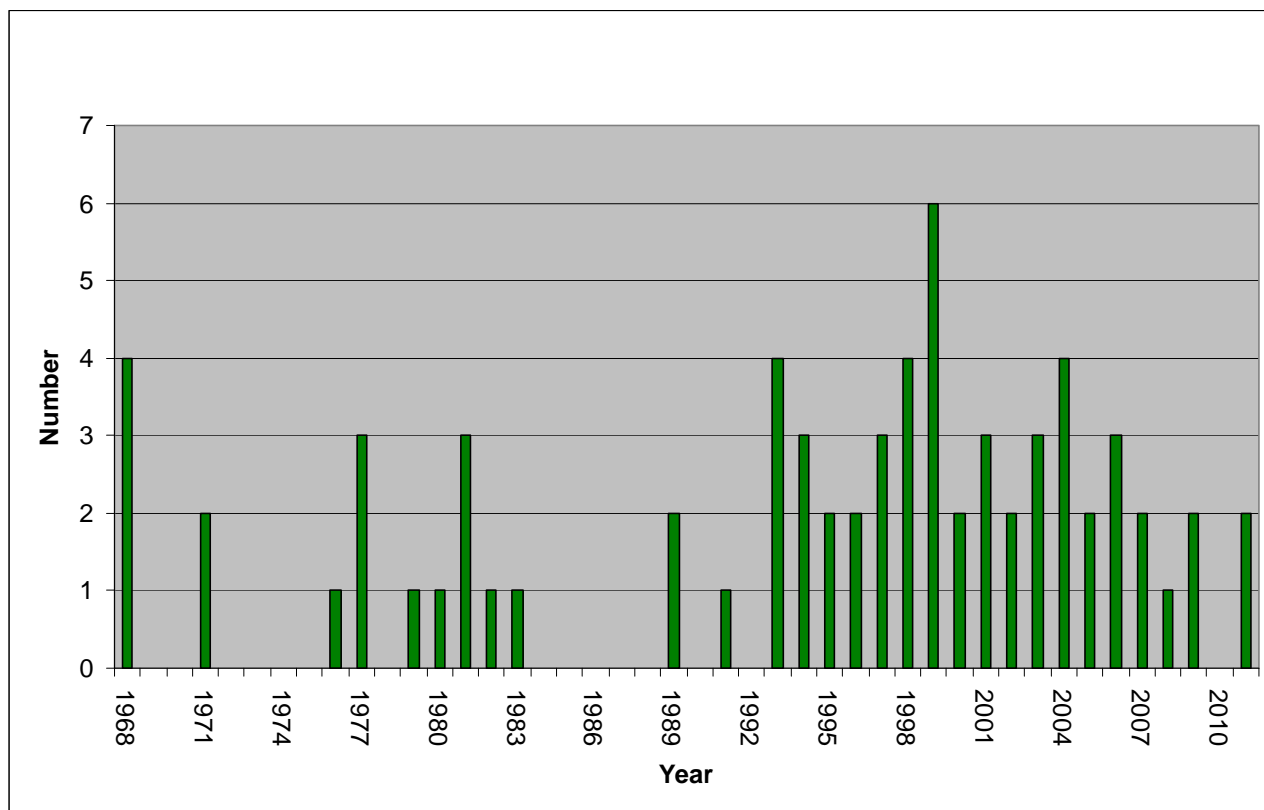
**Results Achieved: Selected Performance Indicators**

4. *Geographical expansion of the UPOV system*

4. *Additional members of the Union*

Peru, the former Yugoslav Republic of Macedonia

**Figure 4. New UPOV Members**



**Expected results**

**Results Achieved: Selected Performance Indicators**

5. *Number of genera and species for which protection is offered*

5.1 *Number of genera/species protected by members of the Union*

At the end of 2011, a total of 48 members of the Union offered protection for all plant genera and species (45 in 2010 and 2009) and 22 members of the Union offered protection for a limited number of plant genera and species (23 in 2009) (see document C/45/6).

The following members of the Union notified the extension of protection to additional plant genera and species in 2011: Croatia, Kyrgyzstan, South Africa  
(in 2010: Lithuania, Republic of Moldova, Republic of Korea, South Africa and Viet Nam)

5.2 *Number of genera/species for which varieties have been protected*

Number of plant genera and species with PBR entries in the UPOV-ROM Plant Variety Database: 3,042  
(2,940 in Aug. 2010; 2,790 in Aug. 2009)

**Expected results**

**Results Achieved: Selected Performance Indicators**

6. *Strengthening of international cooperation and specialization in plant variety protection*

6.1 *General cooperation*

Authorities which will provide existing DUS reports to any member of the Union:

Australia

Authorities which will, for any species for which they have experience in DUS examination, provide existing DUS reports to any member of the Union:

Canada, European Union, Germany, New Zealand, Uruguay

Authorities which will accept DUS reports from any other member of the Union:

Australia (except *Solanum tuberosum* L.)

Switzerland will, in general, utilize existing DUS reports provided by any member of the Union. DUS tests are not conducted in Switzerland. In cases where a DUS test report is not available from a member of the Union, the Plant Variety Protection Office will request an appropriate authority or testing station of a member of the Union to perform a DUS test on its behalf.

Canada generally accepts existing DUS reports from other members of the Union for varieties of any taxa which are vegetatively propagated and for which the DUS tests were conducted in a controlled environment greenhouse.

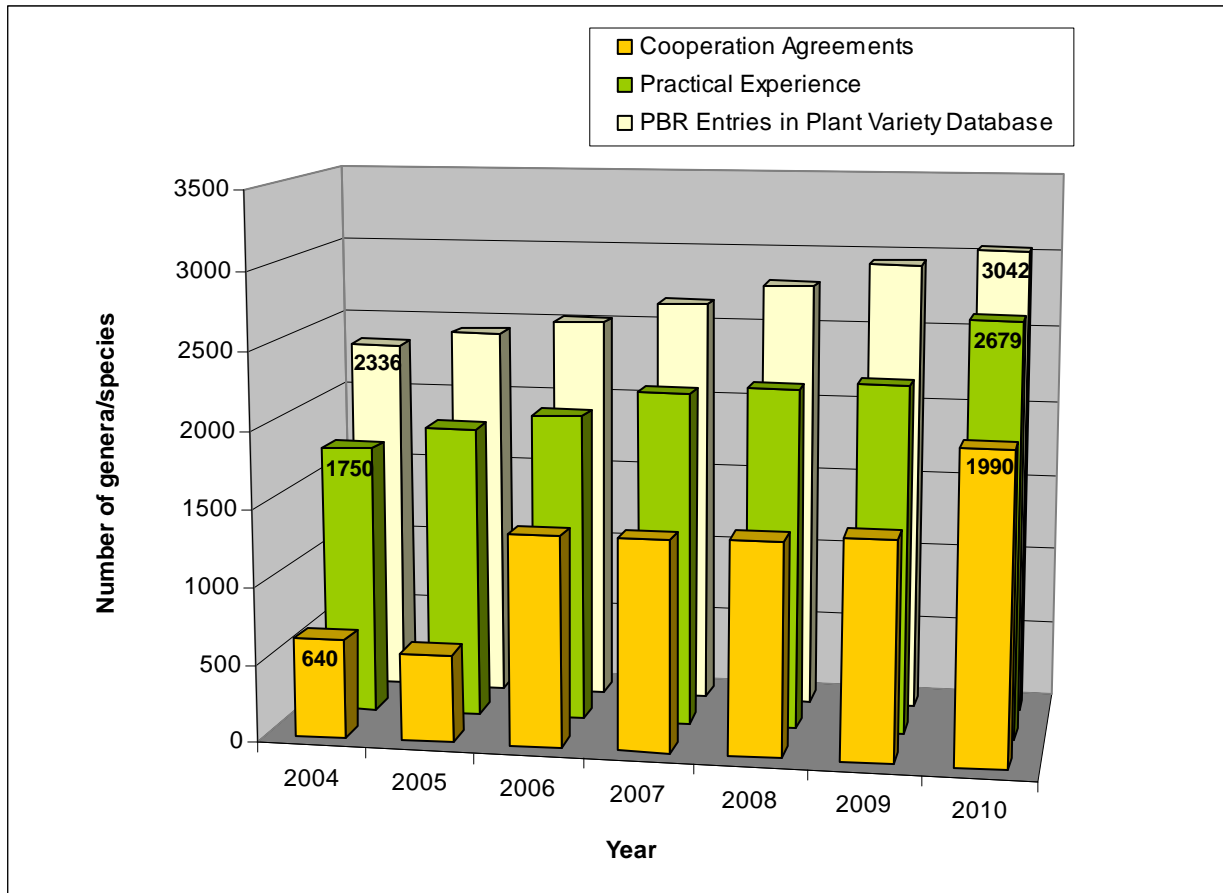
6.2 *Number of specific bilateral and regional arrangements on plant variety protection*

Agreement for cooperation in variety testing extends to approximately 1,990 genera or species (1,417 in 2010; 1,360 in 2009) – excluding general cooperation as in 6.1 (see document C/45/5)

6.3 *Publication of information on available experience in DUS testing*

Practical experience in examination of DUS reported for approximately 2,679 genera or species in 2011 (2,254 in 2010; 2,209 in 2009) - see document TC/47/4

**Figure 5. Plant Genera/Species with Cooperation Agreements, Practical Experience and PBR Entries in Plant Variety Database**



**Expected results**

*7. Incentives for the development of agriculture and the overall economy of the States and intergovernmental organizations concerned*

**Results Achieved: Selected Performance Indicators**

*7.1 Number of applications for plant breeders' rights*

13,013 applications by members of the Union in 2010 (13,022 in 2009; 12,698 in 2008) (see document C/45/7)

*7.2 Number of titles granted*

11,110 titles granted by members of the Union in 2010 (10,730 in 2009; 10,472 in 2008) (see document C/45/7)

*7.3 Number of titles in force*

90,214 titles in force with members of the Union at the end of 2010 (86,378 in 2009; 81,595 in 2008) (see document C/44/7)

Figure 6. Applications for Plant Breeder's Rights

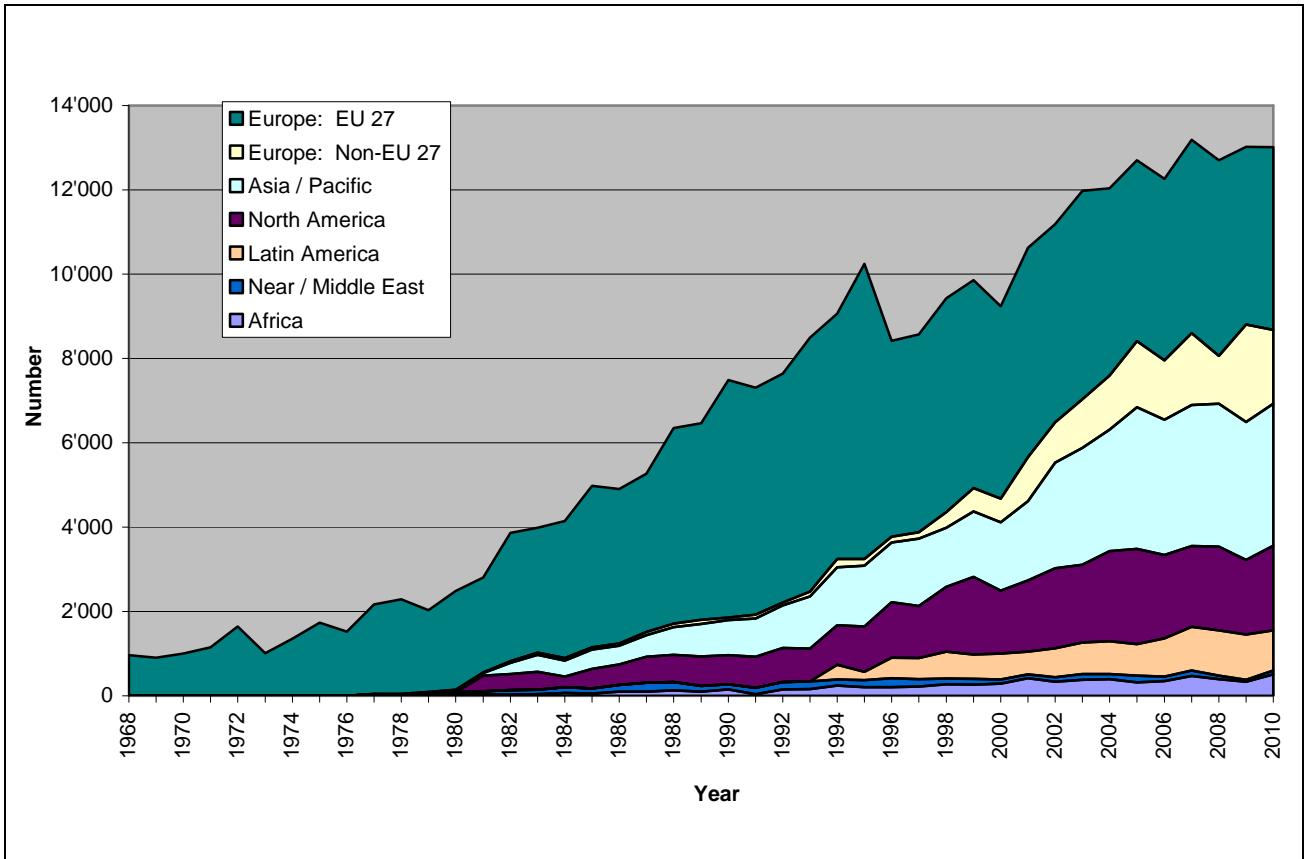


Figure 7. Applications for Plant Breeder's Rights by Resident/Non-Resident

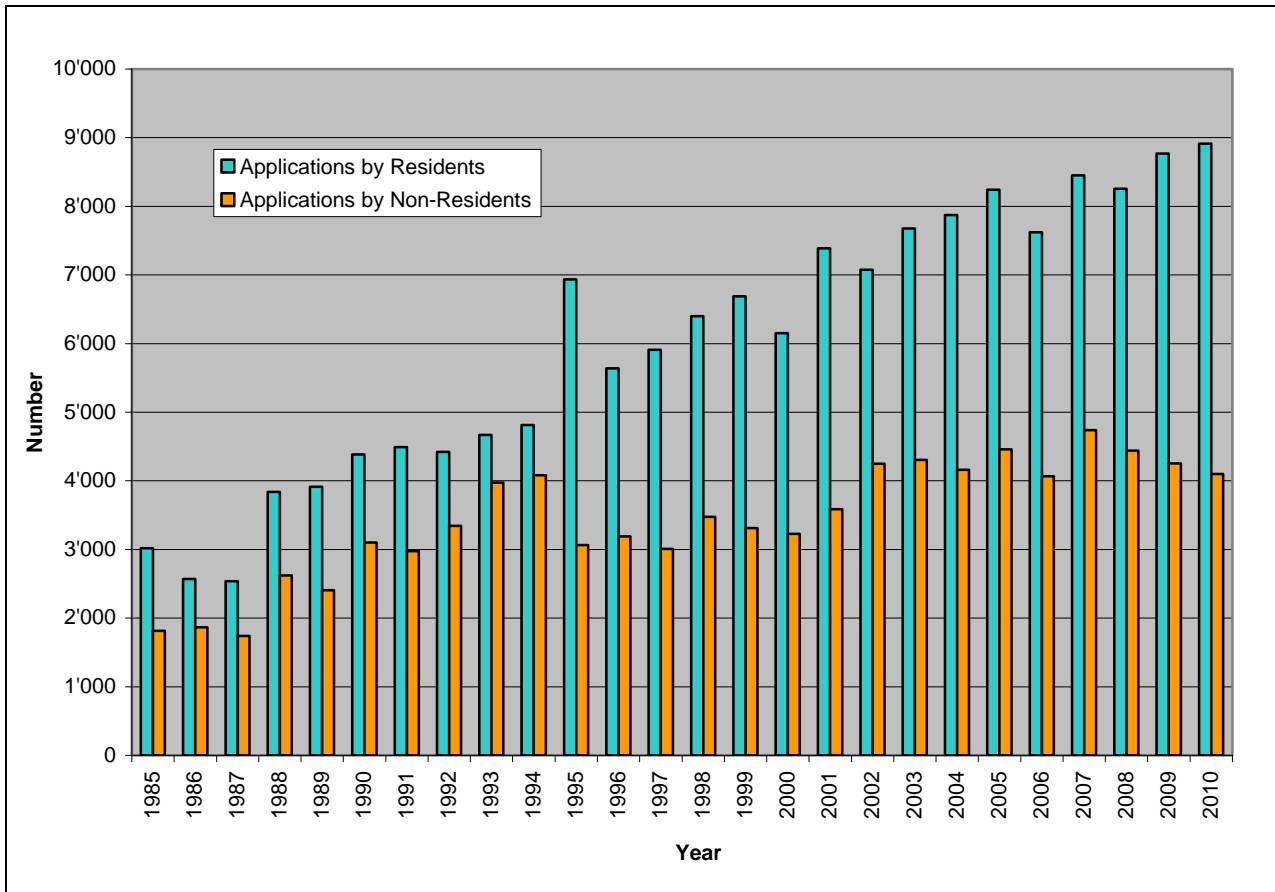


Figure 8. Plant Breeder's Rights Titles Granted: Resident/Non-Resident

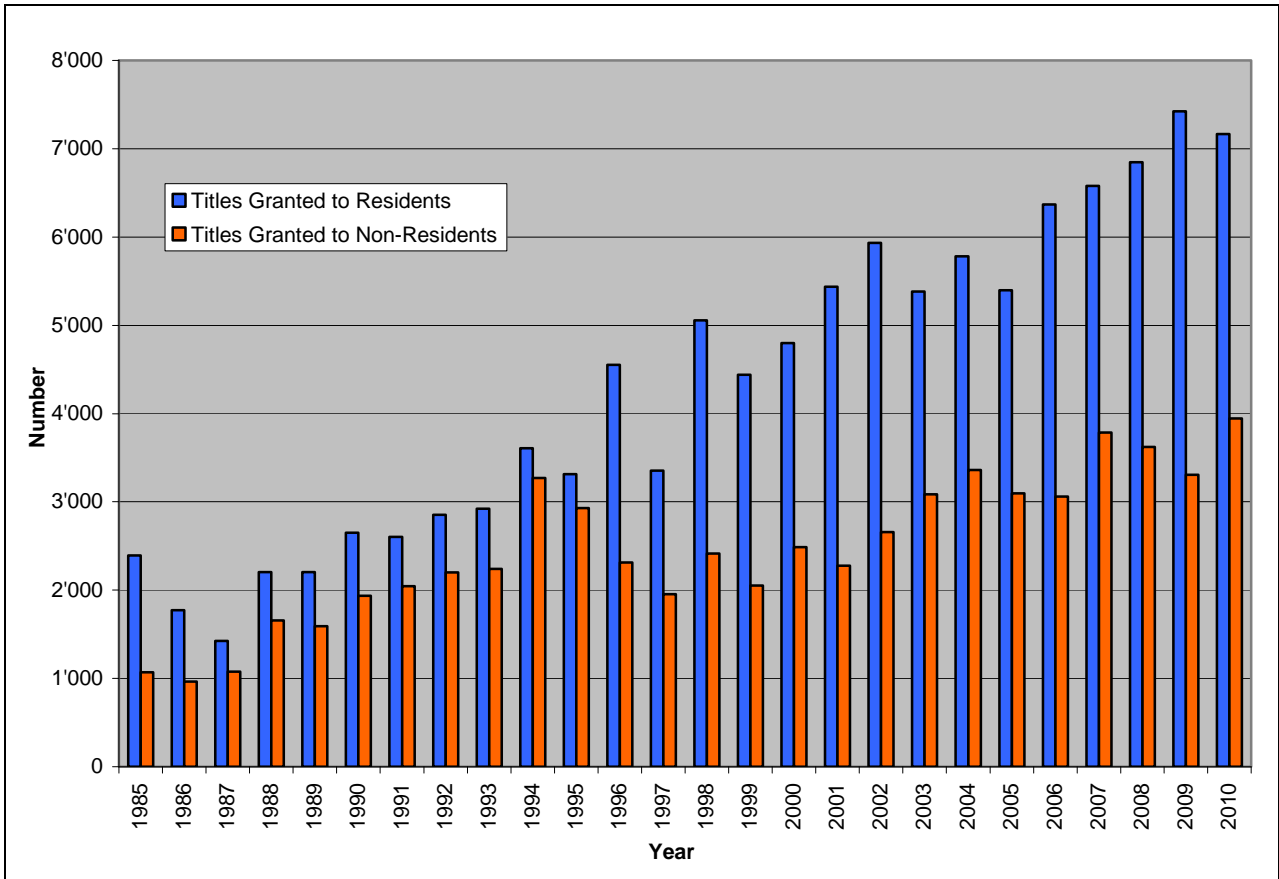
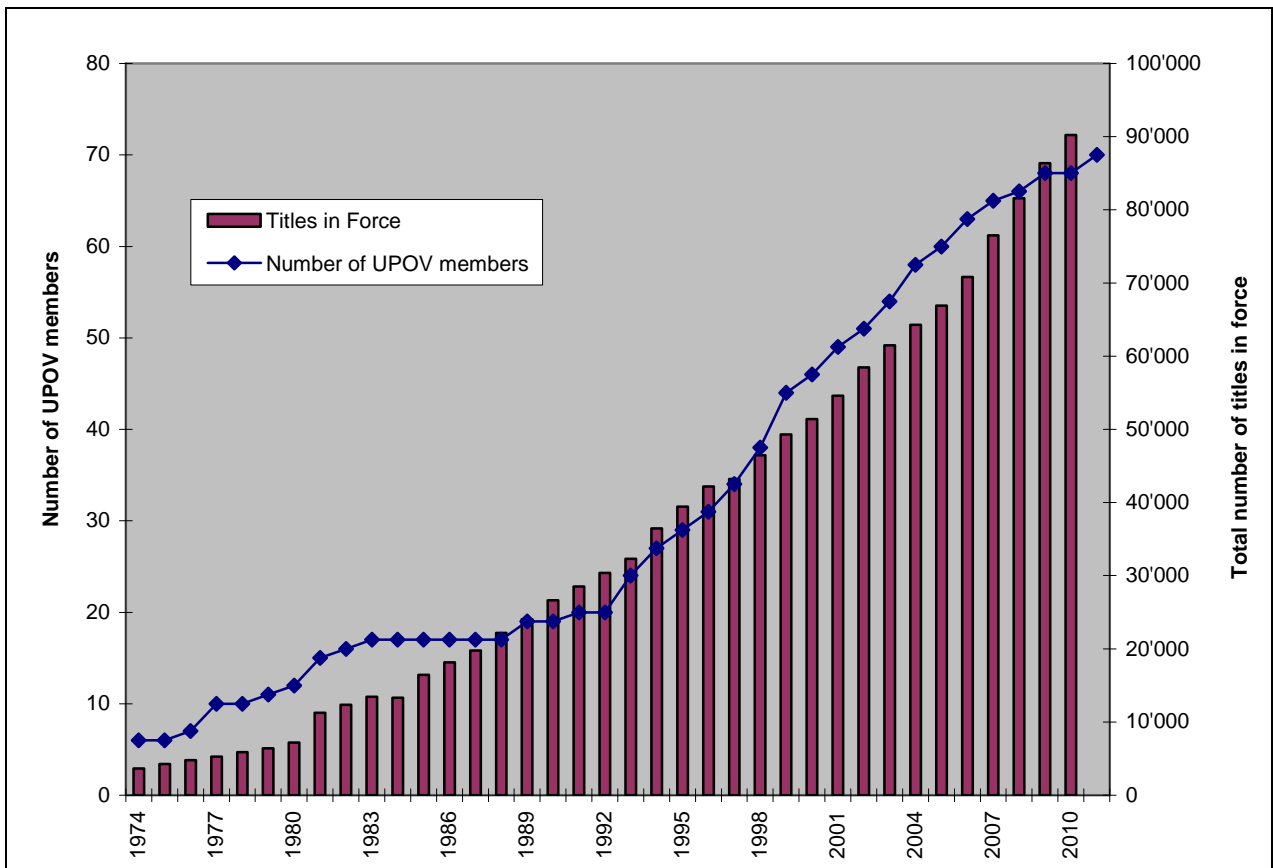


Figure 9. Plant Breeder's Rights Titles in Force



#### **SUB-PROGRAM UV.4: EXTERNAL RELATIONS**

The launch of the newly designed website was an important development that will increase the understanding of UPOV's role and activities and will increase public awareness of how an effective system of plant variety protection provides benefit to society. The organization of the "Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership" and the "Symposium on Plant Breeding for the Future" also provided information on the importance of plant variety protection for dynamic and sustainable agriculture.

Intergovernmental organizations, such as the African Intellectual Property Organization (OAPI), the African Regional Intellectual Property Organization (ARIPO), the Common Market for Eastern and Southern Africa (COMESA), the Conference of the Parties for the Convention on Biological Diversity (CBD), the Economic Cooperation Organization (ECO), the Food and Agriculture Organization of the United Nations (FAO), the International Seed Testing Association (ISTA), the Organisation for Economic Co-operation and Development (OECD), the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO) and research institutes of the Consultative Group on International Agricultural Research (CGIAR) have invited UPOV to contribute to their work. International professional associations have continued regular contact with UPOV.

- Objectives:**
- ◆ To increase public awareness of UPOV and strengthen its impact.
  - ◆ To increase the understanding of UPOV's role and activities.
  - ◆ To develop UPOV's corporate image.
  - ◆ To maintain the attractiveness of the UPOV system

#### **Expected results**

#### **Results Achieved: Selected Performance Indicators**

1. *Recognition of the importance of the UPOV system by relevant organizations*

1.1 *Meetings of intergovernmental organizations in which UPOV was invited to participate*

ARIPO, CBD, CGIAR, COMESA, ECO, FAO, ISTA, OAPI, OECD, WIPO and WTO

1.2 *Meetings of non-governmental organizations in which UPOV was invited to participate*

AFSTA, APSA, CIOPORA, ECOSA, ESA, FELAS, ISF, ISTA and SAA

#### **Expected results**

#### **Results Achieved: Selected Performance Indicators**

2. *Better understanding of the basic principles of the UPOV Convention*

2.1 *Launch of the redesigned UPOV website*

Some of the features of the redesigned website included the following:

- 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");
- UPOV Collection of materials explaining the UPOV system;
- freely accessible database of plant varieties (PLUTO), formerly only available in the form of a CD-ROM on subscription (UPOV-ROM Plant Variety Database);
- database of UPOV members' laws (UPOV Lex)
- public access to the documents of the Administrative and Legal Committee (CAJ), Technical Committee (TC) and Technical Working Parties (TWPs).

2.2 *Events held in Geneva providing information on the role of plant variety protection*

– *Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership (April 11 to April 12, 2011)*

Attended by 62 experts representing 23 members of the Union, 12 observer States, 6 observer organizations, and 9 other participants

– *Symposium on Plant Breeding for the Future (October 21, 2011)*

Attended by 145 experts representing 50 members of the Union, 1 observer State, 13 observer organizations, and 9 other participants