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|  |  | E  C/47/20  **ORIGINAL:** English  DATE: April 9, 2014 |
| INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS | | |
| Geneva | | |

COUNCIL

Forty-Seventh Ordinary Session  
Geneva, October 24, 2013

REPORT

adopted by the Council

Opening of the session

[[1]](#footnote-2)\* The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its forty-seventh ordinary session in Geneva on October 24, 2013, chaired by Ms. Kitisri Sukhapinda (United States of America), President of the Council.

\* The list of participants is reproduced in Annex I to this report.

\* The session was opened by the President who welcomed the participants.

\* The Council took the decisions recorded below under each relevant agenda item.

\* The Secretary-General reported that, following a competition, Mrs. Alexandra Fava had been appointed to the post of Secretary I on October 1, 2013.

\* The draft detailed report on the session will be submitted to the Council for adoption by correspondence.

Adoption of the agenda

\* The Council adopted the revised draft agenda, as presented in document C/47/1 Rev.

Examination of the conformity of the law for the protection of new varieties of plants of Bosnia and Herzegovina with the 1991 Act of the UPOV Convention

\* The Council considered document C/47/17.

The representative of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Plants (CIOPORA) congratulated the Delegation of Bosnia and Herzegovina for its law and agreed that the legislation was in line with the 1991 Act of the UPOV Convention. The representative asked Bosnia and Herzegovina to add into the law a broad definition of propagating material.

\* The Council noted the intervention made by the representative of International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA).

\* The Council decided to:

(a) note the analysis in this document;

(b) note the information provided by the Delegation of Bosnia and Herzegovina that the English translation of the Law required verification and that the following corrections would be made to the translation in accordance with the original text of the Law:

(i) to delete the text in Article 2(1)(f), which was already contained in Article 21(7);

(ii) to delete the words “a small” in Article 22(2);

(iii) to correct the translation in Article 11(6) to reflect that a procedure for granting a breeder's right can start also by filing an application outside of Bosnia and Herzegovina;

(iv) to correct the translation in Article 11(7) in accordance with the terms used for the national treatment provision in Article 5;

(c) take a positive decision on the conformity of the Law for the Protection of New Varieties of Plants of Bosnia and Herzegovina with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which allows Bosnia and Herzegovina to deposit its instrument of accession to the 1991 Act; and

(d) authorize the Secretary-General to inform the Government of Bosnia and Herzegovina of the above decision.

\* The Council noted the intervention made by the Delegation of Bosnia and Herzegovina thanking the Council for its positive decision on the conformity of the Law for the Protection of New Varieties of Plants.

Developments concerning the Plant Breeders’ Bill of Ghana

\* The Council considered document C/47/18.

\* The Councildecided to:

(a) note the information provided by the Delegation of Ghana that the text of Section 10 of the Bill provided in document C/47/18, Annex II, had been modified as follows: “Where the application is by an applicant who is a successor-in-title, the applicant shall support the ~~applicant~~ application with the proof of the successor’s title”;

(b) note that the Plant Breeders’ Bill of Ghana, which was presented to the Parliament incorporated the changes in the decision of the Council of November 1, 2012 (see document C/46/19 “Report”, paragraph 12, and paragraph 2 of document C/47/18);

(c) agree that the additional changes presented in the Annex II to document C/47/18, including the change in the above paragraph (a), do not affect the substantive provisions of the 1991 Act of the UPOV Convention, and

(d) confirm the decision on conformity of November 1, 2012.

\* The Council noted the intervention made by the Delegation of Ghana thanking the Council for confirming its positive decision of November 1, 2012, on the conformity of the Plant Breeders’ Bill.

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

\* The Council considered document C/47/15 Rev.

The representative of the Food and Agriculture Organization of the United Nations (FAO), on behalf of the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), recalled the linkages that existed in several areas between UPOV and the ITPGRFA. He emphasized that there had already been in the past close cooperation between the respective bodies of UPOV and the ITPGRFA. He reported that an example of such fruitful cooperation was the participation of UPOV in the development of the platform for the co-development and transfer of technologies of the ITPGRFA as approved by the UPOV Council at its forty‑sixth ordinary session, held on November 1, 2012. The representative highlighted outcomes from the fifth session of the Governing Body of the ITPGRFA, held in Muscat, Oman, from September 24 to 28, 2013, that were of relevance for UPOV. In relation to the implementation of the ITPGRFA’s multilateral system of access and benefit sharing, the representative reported that the Governing Body had thanked the Council of UPOV for the practical support that had been provided to the ITPGRFA in the context of non-monetary benefit sharing initiatives by the Office of the Union. He recalled that two of the main objectives of the ITPGRFA were the sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of the use. He noted that the platform for the co-development and transfer of technologies was a way to realize technology transfer as a form of non-monetary benefit sharing as provided in the ITPGRFA. He reported that in the Resolution “Implementation of Article 9, Farmers’ Rights” the Governing Body had requested the Secretary of the ITPGRFA to invite UPOV and the World Intellectual Property Organization (WIPO) to jointly identify possible areas of interrelations among the respective international instruments. In that regard, he reported that the Secretary of the ITPGRFA would contact the Secretary-General of UPOV in the near future. The representative noted that the process could potentially lead to a joint-publication by UPOV, WIPO and the ITPGRFA, on interrelated issues among their respective international instruments. He informed the Council that the Governing Body had requested the Secretary of the ITPGRFA to continue its participation in UPOV sessions.

\* The Council noted the intervention made by the representative of the Food and Agriculture Organization of the United Nations (FAO) concerning the developments in relation to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and in particular that the fifth session of the Governing Body of the ITPGRFA (GB), held in Muscat, Oman, from September 24 to 28, 2013, had adopted the following resolution under the item “Implementation of Article 9, Farmers’ Rights”:

*“Resolution: Implementation of Article 9, Farmers’ Rights*

“3. Requests the Secretary to invite UPOV and WIPO to jointly identify possible areas of interrelations among their respective international instruments;”

(see document C/47/15 Rev., paragraph 54).

The representative of CIOPORA expressed its support for the proposal of the International Seed Federation (ISF) concerning an international filing system. The representative recalled that CIOPORA had already discussed that idea in 2008, at its annual general meeting in Geneva, and had for that purpose invited a WIPO Senior Officer to explain the Patent Cooperation Treaty (PCT). He indicated that CIOPORA would be very pleased to contribute to the discussions.

\* The Council noted the interest expressed by the representative of CIOPORA to participate in the work reported in document C/47/15 Rev., paragraph 66.

The representative of the African Regional Intellectual Property Organization (ARIPO) explained that ARIPO was an intergovernmental organization founded in 1976. Its member States were Botswana, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, Sierra Leone, Somalia, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia and Zimbabwe. She noted that, in 2009, the ARIPO Council of Ministers had approved the development of a policy legal framework that would form the basis for developing the ARIPO protocol for plant variety protection and had directed the ARIPO Secretariat to use the legislation in ARIPO member States. She reported that the ARIPO Secretariat had requested technical assistance from the UPOV Office to prepare the draft framework. The representative noted that the draft PVP framework would be considered by the ARIPO Council of Ministers, at its session in November 2013 in Kampala, Uganda.

\* The Council noted the information provided by the representative of the ARIPO concerning the development of the ARIPO Draft Legal Framework for the Protection of New Varieties of Plants.

\* The Council noted the work of the Consultative Committee at its eighty-sixth session, as reported in document C/47/15.

\* The Council agreed to copy the circular concerning cooperation in examination, e.g. see C/xx/5, to the Technical Committee (TC) designated persons in order to ensure that the maximum amount of information could be collected (see document C/47/15 Rev., paragraph 27).

Adoption of documents

\* The Council considered documents C/47/13, TGP/14/2 Draft 1, TGP/15/1 Draft 5, TGP/0/6 Draft 1, UPOV/EXN/BRD Draft 7, UPOV/EXN/HRV Draft 10, UPOV/INF/16/3 Draft 1 and UPOV/INF‑EXN/5 Draft 1.

*TGP/14/2: Glossary of Terms Used in UPOV Documents (Revision)*

\* The Council adopted the revision of document TGP/14 “Glossary of Terms Used in UPOV Documents” (document TGP/14/2) and the supplementary document to TGP/14 “Glossary of terms used in UPOV documents” (TGP/14/2 Supplement), on the basis of documents TGP/14/2 Draft 1 and TGP/14/2 Supplement Draft 1.

*TGP/15/1: ~~[New Types of Characteristics]~~ [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]*

\* The Council adopted document TGP/15/1 “Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)” on the basis of document TGP/15/1 Draft 5.

*TGP/0/6: List of TGP Documents and Latest Issue Dates (Revision)*

\* The Council adopted document TGP/0/6 “List of TGP Documents and Latest Issue Dates”, on the basis of document TGP/0/6 Draft 1.

*UPOV/EXN/BRD/1: Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention*

\* The Council adopted document UPOV/EXN/BRD/1 “Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention”, on the basis of document UPOV/EXN/BRD Draft 7.

*UPOV/EXN/HRV/1: Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention*

\* The Council noted that the Administrative and Legal Committee (CAJ), at its sixty‑eighth session, held on October 21, 2013, had approved document UPOV/EXN/HRV Draft 10, as the basis for adoption of document UPOV/EXN/HRV/1 “Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention” by the Council, at its forty-seventh ordinary session (see document CAJ/68/10 “Report on the Conclusions”, paragraph 7).

\* The Council noted that the CAJ, at its sixty-eighth session held in Geneva on October 21, 2013, had agreed that the comments of the Delegation of the Russian Federation on the Explanatory Notes on Acts in Respect of Harvested Material would be considered in the future work by the Advisory Group of the Administrative and Legal Committee (CAJ‑AG).

\* The Council adopted document UPOV/EXN/HRV/1 “Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention”, on the basis of document UPOV/EXN/HRV Draft 10.

*UPOV/INF/6/3: Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision)*

\* The Council adopted the revision of document UPOV/INF/6 “Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention” (document UPOV/INF/6/3), on the basis of the proposed amendments to document UPOV/INF/6/2, as presented in the Annex to document C/47/13.

*UPOV/INF/16/3: Exchangeable Software (Revision)*

\* The Council noted that the CAJ, at its sixty‑eighth session, held on October 21, 2013, had approved document UPOV/INF/16/3 Draft 1, as the basis for adoption of document UPOV/INF/16/3 “Exchangeable Software” by the Council, at its forty-seventh ordinary session (see document CAJ/68/10 “Report on the Conclusions”, paragraphs 31 and 33).

\* The Council adopted the revision of document UPOV/INF/16 “Exchangeable Software”, on the basis of document UPOV/INF/16/3 Draft 1.

*UPOV/INF-EXN/5: List of UPOV/INF-EXN Documents and Latest Issue Dates*

\* The Council adopted the revision of document UPOV/INF-EXN “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/5) on the basis of document UPOV/INF EXN/5 Draft 1.

Examination and approval of the Draft Program and Budget of the Union for the 2014-2015 Biennium

\* The Council considered document C/47/4.

\* The Council approved:

(a) the proposals contained in the Draft Program and Budget for the 2014-2015 Biennium, as presented in the Annex to document C/47/4, including the amount of contributions from members of the Union;

(b) the proposed maximum ceiling of expenditure in the regular budget; and

(c) the total number of posts for the Office of the Union.

Financial statements for 2012

\* The Council considered document C/47/12, in conjunction with a presentation made by Mr. Didier Monnot, *Responsable de mandats, Contrôle fédéral des finances* (Switzerland), of Annex II of document C/47/12, containing the audit report of the External Auditor.

\* The Council approved the Financial Statements for 2012 and noted that the financial management report for the 2012-2013 financial period would be submitted to the Council by August 31, 2014, for approval by the Council at its forty‑eighth ordinary session, in October 2014.

\* The Council expressed its gratitude to the Government of Switzerland for acting as External Auditor.

Arrears in contributions as of September 30, 2013

\* The Council considered document C/47/11.

\* The Council noted the status of payment of contributions as of September 30, 2013, and noted that due to recent payments, Nicaragua had no arrears and that the Plurinational State of Bolivia had a balance due of 10,728 Swiss francs.

\* The Council noted that Argentina, Brazil and Poland had reported that their payments would be made before the end of the year.

Annual report of the Secretary-General for 2012 (document C/47/2); Report on activities during the first nine months of 2013

\* The Council considered document C/47/2.

\* The Council noted the report of the Secretary-General on the activities of the Union in 2012 and the results and performance indicators for 2012, as provided in document C/47/2.

The representative of the Association for Plant Breeding for the Benefit of Society (APBREBES) reported that the Alliance for Food Sovereignty in Africa (AFSA) had issued a statement expressing concerns with the approach taken by the ARIPO draft legal framework on plant variety protection. She explained that the statement had raised concerns that the draft legal framework was proposing a centralized PVP system in the region and the lack of mechanisms to adequately deal with its impact on subsistence farming systems in ARIPO member States. She noted that the main question civil society raised was the suitability of the UPOV 1991 Act as a PVP regime for the ARIPO member States. The representative reported that, at the Regional Workshop on the ARIPO Legal Framework for the Protection of New Varieties of Plants, held from July 22 to 25, 2013, in Lilongwe, Malawi, civil society representatives had not been invited but after showing interest to contribute to the process had been allowed to be present but only at short notice. She reported that civil society and farmers’ groups had submitted detailed concerns over the process and had yet to receive any response.

The representative of ARIPO reported that all ARIPO member States and other stakeholders, including civil society organizations, were invited to participate in the ARIPO Workshop on the PVP Draft Framework, held in Malawi in July 2013. She explained that the ARIPO member States had requested the development of the PVP Framework. She noted that the responses to the comments made by the civil society organizations had been transmitted to participants in the Workshop in Malawi.

The Delegation of Ghana explained that the scientific community and farmers in African countries could benefit from the UPOV global system for plant variety protection.

\* The Council noted the interventions made by the representatives of the Association for Plant Breeding for the Benefit of Society (APBREBES) and ARIPO, and the Delegation of Ghana.

\* The Council considered document C/47/3.

\* The Council noted the report on activities during the first nine months of 2013, as provided in document C/47/3.

Progress report of the work of the Administrative and Legal Committee

\* The Council considered document C/47/9.

\* The Council noted the work of the CAJ, as reported in document C/47/9 and in the oral report made by the Chair of the CAJ.

\* The Council approved the work program for the sixty‑ninth session of the CAJ, as presented in the oral report of the Chair of the CAJ.

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

\* The Council considered document C/47/10.

\* The Council noted the work of the TC and of the Technical Working Parties (TWPs) and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT), as reported to the TC in document C/47/10.

\* The Council approved the work of the TC and the work programs of the TWPs and BMT, as set out in document C/47/10.

Calendar of meetings in 2014

\* The Council approved the calendar of meetings in 2014, as set out in document C/47/8, with the following change:

“Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT)

BMT/14 November ~~11 to 14~~ 10 to 13, Seoul, Republic of Korea

(Preparatory workshop on November ~~10~~ 9)”

Election of the new Chair and the new Vice-Chair

\* The Council elected, in each case for a term of three years ending with the fiftieth ordinary session of the Council, in 2016:

(a) Mr. Martin Ekvad (European Union), Chair of the Administrative and Legal Committee;

(b) Mr. James M. Onsando (Kenya), Vice-Chair of the Administrative and Legal Committee;

(c) Mr. Alejandro Barrientos-Priego (Mexico), Chair of the Technical Committee; and

(d) Mr. Kees van Ettekoven (Netherlands), Vice-Chair of the Technical Committee.

\* The Council expressed its appreciation to the outgoing Chairs, Mr. Lv Bo (China), Chair of the Administrative and Legal Committee, and Mr. Joël Guiard (France), Chair of the Technical Committee, for the work carried out during their terms.

Situation in the legislative, administrative and technical fields:

\* The Council considered documents C/47/14, C/47/5, C/47/6 and C/47/7.

The representative of CIOPORA referred to his letter of October 17, 2013, which had been addressed to the President of the Council and the Vice Secretary‑General of UPOV, reporting “a dramatic increase” of maintenance fees for breeders’ rights in Ecuador introduced by Resolution Nº 006-2012-CD-IEPI of October 2012. He requested a discussion in the relevant body on whether a dramatic increase of maintenance fees was compatible with the obligations under the 1978 Act. The representative explained that he had raised that point because it was of utmost importance for breeders of ornamental varieties. He noted that Ecuador was the country with the largest production of flowers in the world and that the flower production in Ecuador was at risk. He expressed his hope for an effective system that would enable breeders to enforce their rights all over the world.

\* The Council noted the intervention made by the representative of CIOPORA.

*List of the taxa protected by the members of the Union*

\* The Council noted that a total of 56 members of the Union were offering protection to all plant genera and species (53 in 2012), with 15 members of the Union offering protection to a limited number of plant genera and species.

*Plant variety protection statistics for the period 2008-2012*

\* Following the suggestion made by the Delegation of Chile, the Council noted that the Office of the Union would explore the possibility of providing information on statistics by crop type (e.g. agriculture, fruit, ornamental, vegetable and forest trees) in future versions of document C/xx/7.

\* The Council noted that there had been a 1.1 percent increase in the number of applications for plant variety protection (13,867 in 2012; 13,714 in 2011), representing a 0.7 percent decrease in the number of applications by residents (8,751 in 2012; 8,813 in 2011) and a 4.4 percent increase in the number of applications by non-residents (5,116 in 2012; 4,901 in 2011).

\* The Council noted that the number of titles granted had decreased by 2.4 percent from 10,065 in 2011, to 9,822 in 2012.

\* The Council noted that a new record number of titles in force – 99,409 – was recorded in 2012, representing a 4.6 percent increase on figures for 2011 (95,041).

*Cooperation in the examination of new plant varieties*

\* In 2012, the number of plant genera and species for which there were agreements between members of the Union for cooperation in the examination of distinctness, uniformity and stability totaled 1,997, compared to 1,991 in 2011.

Press release

\* The Council considered document C/47/16.

\* The Council considered and approved the draft press release that was distributed at the end of its forty-seventh ordinary session (see document C/47/16). The press release approved by the Council is reproduced in Annex II to this report.

This report was adopted by correspondence.

[Annexes follow]

C/47/20

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

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

(dans l’ordre alphabétique des noms français des membres/

in the alphabetical order of the names in French of the members/

in alphabetischer Reihenfolge der französischen Namen der Mitglieder/

por orden alfabético de los nombres en francés de los miembros)

i. MEMBRES / MEMBERS / VERBANDSMITGLIEDER / MIEMBROS

|  |  |  |  |
| --- | --- | --- | --- |
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|  | Didier MONNOT, vérificateur externe, Contrôle fédéral des finances de la Confédération suisse, Berne | | |
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|  | | Kitisri SUKHAPINDA (Ms.), President | |
|  | | Luis SALAICES, Vice-President | |
| VII. BUREAU DE L’UPOV / OFFICE OF UPOV / BÜRO DER UPOV / OFICINA DE LA UPOV | | | |
|  | | Francis GURRY, Secretary-General | |
|  | | Peter BUTTON, Vice Secretary-General | |
|  | | Yolanda HUERTA (Mrs.), Legal Counsel | |
|  | | Fuminori AIHARA, Counsellor | |
|  | | Ben RIVOIRE, Technical/Regional Officer (Africa, Arab countries) | |
|  | | Leontino TAVEIRA, Technical/Regional Officer (Latin America, Caribbean countries) | |

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| INTERNATIONALER VERBAND ZUM SCHUTZ VON PFLANZENZÜCHTUNGEN  GENF, SCHWEIZ | Upov_c | | INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS  GENEVA, SWITZERLAND |
| UNION INTERNATIONALE POUR LA PROTECTION DES OBTENTIONS VÉGÉTALES  GENÈVE, SUISSE | UNIÓN INTERNACIONAL PARA LA PROTECCIÓN DE LAS OBTENCIONES VEGETALES  GINEBRA, SUIZA |

PRESS RELEASE

UPOV Press Release 95

Geneva, October 24, 2013

**UPOV Council Holds its Forty-Seventh Ordinary Session**

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its forty‑seventh ordinary session on October 24, 2013.

Round-up of key developments:

Positive decision on the Law for the Protection of New Varieties of Plants of Bosnia and Herzegovina

The Council decided that the Law for the Protection of New Varieties of Plants of Bosnia and Herzegovina was in conformity with the provisions of the 1991 Act of the UPOV Convention. Bosnia and Herzegovina is now in a position to deposit its instrument of accession to the 1991 Act of the UPOV Convention.

Plant Breeders’ Bill of Ghana

The Council noted that the Plant Breeders’ Bill of Ghana that had been presented to the Parliament incorporated the changes in the decision of the Council of November 1, 2012, and agreed that the additional changes, made during the first reading of the Bill by the Parliament of Ghana in June 2013, did not affect the substantive provisions of the 1991 Act of the UPOV Convention. Once the Bill is adopted and the Law is in force, Ghana will be in a position to deposit its instrument of accession to the 1991 Act of the UPOV Convention.

Communication strategy

The Council noted that the Consultative Committee had agreed a communication strategy with the aim of improving the level of understanding of the UPOV system. One of the priorities of the workplan would be the development of stakeholder-focused features on the UPOV website, with a focus on breeders, seed producers / plant propagators, farmers and policy-makers. As part of the strategy, a first set of answers to frequently asked questions was agreed and will be published on the UPOV website.

Matters raised by the International Seed Federation (ISF)

The Council received a report from the Consultative Committee on its consideration of the letter of the International Seed Federation (ISF) on the subject “Application, examination and granting aspects of PBR applications”. The Consultative Committee concluded that many of the matters could be addressed through existing and possible future UPOV information materials. Such matters would be considered by the relevant bodies within UPOV, particularly the CAJ and Technical Committee (TC). With regard to the idea of an international filing system, a UPOV quality assurance program and a central examination system for variety denominations, the Consultative Committee requested the Office of the Union and ISF to elaborate the problems faced and possible solutions in relation to ISF’s ideas, for consideration at the subsequent session of the Consultative Committee.

Program and Budget of the Union for the 2014-2015 Biennium

The Council approved the Program and Budget for the 2014-2015 biennium, amounting to Sfr6,794,000 (representing a 0.1% decrease from the 2012-2013 Biennium). This budget contains no change in the value of the contribution unit by members of the Union and no change in the total number of posts for the Office of the Union.

Election of the new Chair and the new Vice-Chair of the Administrative and Legal Committee and the Technical Committee

The Council elected, in each case for a term of three years ending with the fiftieth ordinary session of the Council, in 2016:

(a) Mr. Martin Ekvad (European Union), Chair of the Administrative and Legal Committee;

(b) Mr. James M. Onsando (Kenya), Vice-Chair of the Administrative and Legal Committee;

(c) Mr. Alejandro Barrientos-Priego (Mexico), Chair of the Technical Committee; and

(d) Mr. Kees van Ettekoven (Netherlands), Vice-Chair of the Technical Committee.

Plant Variety Protection Statistics

A total of 56 members of the Union now offer protection to all plant genera and species (53 in 2012), with 15 members of the Union offering protection to a limited number of plant genera and species.

A new record number of titles in force – 99,409 – was recorded in 2012, representing a 4.6 percent increase on figures for 2011 (95,041).

The Council noted that there had been a 1.1 percent increase in the number of applications for plant variety protection (13,867 in 2012; 13,714 in 2011), representing a 0.7 percent decrease in the number of applications by residents (8,751 in 2012; 8,813 in 2011) and a 4.4 percent increase in the number of applications by non-residents (5,116 in 2012; 4,901 in 2011). The number of titles granted decreased from 10,065 in 2011 to 9,822 in 2012 (2.4 percent decrease).

Cooperation in the Examination of New Plant Varieties

In 2012, the number of plant genera and species for which there were agreements between members of the Union for cooperation in the examination of distinctness, uniformity and stability totaled 1,997, compared to 1,991 in 2011.

Adoption of documents

The Council adopted the following documents:

* Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision) (document UPOV/INF/6/3)
* Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention (document UPOV/EXN/BRD/1)
* Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention (document UPOV/EXN/HRV/1)
* Glossary of Terms Used in UPOV Documents (Revision) (document TGP/14/2)
* Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS) (document TGP/15/1)
* Exchangeable Software (Revision) (document UPOV/INF/16/3)
* List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/5)
* List of TGP documents and latest issue dates (Revision) (document TGP/0/6)

All adopted documents will be included in the UPOV Collection (see http://www.upov.int/upov\_collection/en/)

Seminar on Essentially Derived Varieties

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| SEMINAR on ESSENTIALLY DERIVED VARIETIES  Geneva, October 22, 2013  The Seminar considered the following:  (a) technical and legal views on “predominantly derived”, “essential characteristics” and “differences  which result from the act of derivation”, the relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention and the possible impact on breeding and agriculture;  (b) existing experience in relation to EDVs; and  (c) the possible role of future UPOV guidance on EDVs in cases before the courts.  The Seminar was open to the public and was attended by 177 participants. Copies of the presentations and a video of the Seminar are available on the UPOV website at:  <http://www.upov.int/meetings/en/details.jsp?meeting_id=29782> |

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[End of Annex II and of document]

1. \* An asterisk next to the paragraph number indicates that the text is reproduced from the Report on the Decisions (document C/47/19). [↑](#footnote-ref-2)