



C/48/21

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

COUNCIL**Forty-Eighth Ordinary Session
Geneva, October 16, 2014**

REPORT ON THE DECISIONS

*adopted by the Council*Opening of the session

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its forty-eighth ordinary session in Geneva on October 16, 2014, chaired by Ms. Kitisri Sukhapinda (United States of America), President of the Council.
2. The list of participants is reproduced in Annex I to this report.
3. The session was opened by the President who welcomed the participants.
4. The Council took the decisions recorded below under each relevant agenda item.
5. The President reported that the African Intellectual Property Organization (OAPI) has deposited its instrument of accession to the 1991 Act of the UPOV Convention on June 10, 2014, becoming the 72nd member of UPOV and the second intergovernmental organization to join UPOV, on July 10, 2014.
6. The Council noted the intervention made by OAPI.
7. The draft detailed report on the session will be submitted to the Council for adoption by correspondence.

Adoption of the agenda

8. The Council adopted the revised draft agenda, as presented in document C/48/1 Rev.

Appointment of the Secretary-General

9. The Council considered document C/48/15.
10. The Council decided to appoint Mr. Francis Gurry as the Secretary-General of UPOV for the period from October 16, 2014, to September 30, 2020.
11. The Council noted the intervention made by the Secretary-General.

Developments on the Plant Breeders' Rights Act for Zanzibar

12. The Council considered document C/48/18.
13. The Council noted the intervention made by the Delegation of the United Republic of Tanzania.
14. The Council decided to:
 - (a) note that the Plant Breeders' Rights Act of Zanzibar, which was adopted by the Zanzibar House of Representatives, incorporates the changes in the decision of the Council of March 22, 2013 (see document C(Extr.)/30/8 "Report", paragraph 13, and document C/48/18, paragraph 2);
 - (b) agree that the additional changes, as presented in the Annex II document C/48/18, do not concern the substantive provisions of the 1991 Act of the UPOV Convention; and
 - (c) confirm the decision on conformity of March 22, 2013 and inform the Government of the United Republic of Tanzania that the instrument of accession of the United Republic of Tanzania may be deposited.

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

15. The Council considered document C/48/19 and noted that the title of the document should read "Report by the President on the work of the eighty-eighth session [...]" and not the "eighty-sixth session".
16. The Council adopted the answers to the frequently asked questions, as set out in document C/48/19, paragraphs 46 and 47.
17. The Council approved the use of the special project fund for training purposes, as set in document C/48/19, paragraph 32.
18. The Council noted the work of the Consultative Committee at its eighty-eighth session, as reported in document C/48/19.

Adoption of documents

TGP/2/2: List of Test Guidelines Adopted by UPOV (Revision)

19. The Council adopted the revision of document TGP/2 "List of Test Guidelines Adopted by UPOV (document TGP/2/2) on the basis of the proposal in document C/48/16, paragraph 2.

TGP/5: Experience and Cooperation in DUS Testing

20. The Council adopted the revision of document TGP/5 "Experience and Cooperation in DUS Testing" Section 10 "Notification of Additional Characteristics and States of Expression" (document TGP/5, Section 10/3) on the basis of the proposal in document C/48/16, paragraph 5.

TGP/7/4: Development of Test Guidelines (Revision)

21. The Council adopted the revision of document TGP/7 "Development of Test Guidelines" (document TGP/7/4), on the basis of document TGP/7/4 Draft 1.

TGP/8/2: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Revision)

22. The Council adopted the revision of document TGP/8 "Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability" (document TGP/8/2), on the basis of document TGP/8/2 Draft 1.

TGP/14: Glossary of Terms Used in UPOV Documents (correction of Spanish version)

23. The Council adopted the correction of the Spanish version of document TGP/14: Section 2: Subsection 3: Color, paragraph 2.2.2 (TGP/14/2 Corr. (S)), as proposed in document C/48/16, paragraph 18.

TGP/0/7: List of TGP documents and latest issue dates (Revision)

24. The Council adopted the revision of document TGP/0 “List of TGP documents and latest issue dates” (document TGP/0/7), on the basis of document TGP/0/7 Draft 1.

UPOV/INF/16/4: Exchangeable Software (Revision)

25. The Council adopted the revision of document UPOV/INF/16 “Exchangeable Software” (document UPOV/INF/16/4), on the basis of document UPOV/INF/16/4 Draft 1.

UPOV/INF/22/1: Software and Equipment Used by Members of the Union

26. The Council adopted document UPOV/INF/22 “Software and Equipment Used by Members of the Union” (document UPOV/INF/22/1), on the basis of document UPOV/INF/22/1 Draft 1, and noted the plan to issue a circular to the designated persons of the members of the Union in the TC, inviting them to provide information regarding non-customized software and equipment used by members of the Union.

UPOV/INF-EXN/6: List of UPOV/INF-EXN Documents and Latest Issue Dates

27. The Council adopted the revision of document UPOV/INF-EXN “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/6) on the basis of document UPOV/INF-EXN/6 Draft 1.

Financial Statements for 2013

28. The Council considered documents C/48/13 and C/48/14, in conjunction with a presentation made by Mr. Didier Monnot, *Responsable de mandats, Contrôle fédéral des finances* (Switzerland), of the Annex of document C/48/14, containing the audit report of the External Auditor.

29. The Council approved the Financial Statements for 2013.

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

Arrears in contributions as of September 30, 2014

31. The Council considered document C/48/11.

32. The Council noted the status of payment of contributions as of September 30, 2014, and noted that due to recent payments, Jordan had no arrears.

Financial Management Report for the 2012-2013 Biennium

33. The Council considered document C/48/4 and approved the financial management report for the 2012-2013 financial period.

Annual report of the Secretary-General for 2013; Performance report for the 2012 2013 Biennium; Report on activities during the first nine months of 2014

34. The Council considered documents C/48/2, C/48/12 and C/48/3.

35. The Council noted the report of the Secretary-General on the activities of the Union in 2013 and the results and performance indicators for 2013, as provided in document C/48/2.

36. The Council noted the performance report for the 2012-2013 biennium, as provided in document C/48/12.

37. The Council noted the report on activities during the first nine months of 2014, as provided in document C/48/3.

Progress report of the work of the Administrative and Legal Committee

38. The Council considered document C/48/9.

39. The Council noted the work of the CAJ, as reported in document C/48/9 and in the oral report made by the Chair of the CAJ (see document CAJ/70/10 "Report on the Conclusions").

40. The Council approved the work program for the seventy-first 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

41. The Council considered document C/48/10.

42. 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/48/10.

43. The Council approved the work of the TC and the work programs of the TWPs and BMT, as set out in document C/48/10.

Calendar of meetings in 2015

44. The Council noted that, at the seventieth session of the CAJ, held in Geneva on October 13, 2014, the CAJ had agreed that all matters under consideration by the CAJ-AG at its ninth session should, following the ninth session of the CAJ-AG, be considered by the CAJ and that the CAJ-AG should only be convened, on an *ad hoc* basis, as considered appropriate by the CAJ (see document CAJ/70/10 "Report on the Conclusions", paragraph 38).

45. The Council noted, on that basis, that the CAJ might propose a revision of the Calendar of Meetings in 2015.

46. The Council approved the calendar of meetings in 2015, as set out in document C/48/8, and noted the tentative dates of meetings in 2016.

Election of new Chairpersons

47. The Council elected, in each case for a term of three years ending with the fifty-first ordinary session of the Council, in 2017:

- (a) Mr. Tanvir Hossain (Australia), Chairman, Technical Working Party for Agricultural Crops (TWA);
- (b) Mr. Adrian Roberts (United Kingdom), Chairman, Technical Working Party on Automation and Computer Programs (TWC);
- (c) Mr. Katsumi Yamaguchi (Japan), Chairman, Technical Working Party for Fruit Crops (TWF);
- (d) Mr. Kenji Numaguchi (Japan), Chairman, Technical Working Party for Ornamental Plants and Forest Trees (TWO);

- (e) Ms. Swenja Tams (Germany), Chairperson, Technical Working Party for Vegetables (TWV); and
- (f) Mr. Kees van Ettekooven (Netherlands), Chairman, Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT).

Situation in the legislative, administrative and technical fields:

Reports by representatives of members and observers

48. The Council noted the information provided in document C/48/17.

List of the taxa protected by the members of the Union

49. The Council considered document C/48/6.

50. The Council noted that a total of 58 members of the Union now offer protection to all plant genera and species (56 in 2013), with 14 members of the Union offering protection to a limited number of plant genera and species. Of those 14, three countries (Brazil, China and South Africa) extended protection to additional plant genera and species in 2014.

Plant variety protection statistics for the period 2009-2013

51. The Council considered document C/48/7.

52. The Council noted that, in 2013, the number of titles in force exceeded 100,000 for the first time. The total of 103,261 titles in force in 2013 represented a 3.8 percent increase on figures for 2012 (99,501).

53. The Council noted that there had been a 6.3 percent increase in the number of applications for plant variety protection (14,788 in 2013; 13,908 in 2012), comprising an 8.7 percent increase in the number of applications by residents (9,502 in 2013; 8,739 in 2012) and a 2.3 percent increase in the number of applications by non-residents (5,286 in 2013; 5,169 in 2012). The number of titles granted increased from 9,822 in 2012 to 10,052 in 2013 (2.3 percent increase).

54. The Council noted that a revision of document C/47/7 concerning statistics for the period 2008-2012 had been published on the UPOV website (document C/47/7 Rev.)

Cooperation in examination

55. The Council considered document C/48/5.

56. The Council noted that, in 2014, 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 2,005, compared to 1,997 in 2013.

Press release

57. The Council considered the draft press release contained in document C/48/20 and noted the addition of the words "of protected varieties" in the following frequently asked question: "Is it possible for subsistence farmers to exchange propagating material of protected varieties against other vital goods within the local community?"

58. The Council approved the draft press release, with the above modification, as reproduced in Annex II to this report.

59. *This report was adopted by the Council at the close of its session on October 16, 2014.*

[Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

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

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

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INTERNATIONALER
VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

GENÈVE, SCHWEIZ

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS
VÉGÉTALES

GENÈVE, SUISSE

UNIÓN INTERNACIONAL
PARA LA PROTECCIÓN
DE LAS OBTENCIONES
VEGETALES

GINEBRA, SUIZA

INTERNATIONAL UNION
FOR THE PROTECTION
OF NEW VARIETIES
OF PLANTS

GENEVA, SWITZERLAND

PRESS RELEASE

UPOV Press Release 98

Geneva, October 16, 2014

UPOV Council Holds its Forty-Eighth Ordinary Session

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its forty-eighth ordinary session on October 16, 2014.

Round-up of key developments:

Appointment of Secretary-General

The Council appointed Mr. Francis Gurry by acclamation as the Secretary-General of UPOV for the period from October 16, 2014, to September 30, 2020.

Developments on the Plant Breeders' Rights Act for Zanzibar

The Council noted that the Plant Breeders' Rights Act of Zanzibar, which was adopted by the Zanzibar House of Representatives, incorporated the changes in the decision of the Council of March 22, 2013, and agreed that the additional changes did not concern the substantive provisions of the 1991 Act of the UPOV Convention. The legislation governing breeders' rights now covers the whole territory of the United Republic of Tanzania and the United Republic of Tanzania can become a UPOV member.

Special Project Fund

The Council, at its thirty-first extraordinary session, held in Geneva on April 11, 2014, decided to create a special project fund for amount of the reserve fund exceeding 15 percent of the total income for the 2012-2013 Biennium. At its forty-eighth ordinary session, the Council decided to use the special project fund for training purposes.

Observer status

The Council noted that the Consultative Committee had granted observer status:

- to the South Centre in the Council and the Administrative and Legal Committee (CAJ);
- to the World Farmers' Organisation (WFO) in the Council, the CAJ and the Technical Committee (TC).

Trilogy Publication

The Trilogy¹ publication, including the Executive Summary has been published in French (see http://www.upov.int/about/fr/benefits_upov_system.html). The Executive Summary has also been published in Spanish and the full publication will be available in the near future.

New Distance Learning Courses

In 2015, UPOV will launch a new DL-305 course “Examination of Applications for Plant Breeders’ Rights”, both as a single course, and also as two component courses: DL-305A “Administration of Plant Breeders’ Rights”; and DL-305B “DUS Examination”, in English, French and Spanish.

(see <http://www.upov.int/resource/en/training.html>)

Frequently Asked Questions (FAQs)

The Council agreed answers to the following FAQs:

- Does the UPOV Convention regulate varieties that are not protected by plant breeders’ rights?
- Is it possible for subsistence farmers to exchange propagating material of protected varieties against other vital goods within the local community?
- Under the UPOV system, breeders decide the conditions and limitations under which they authorize the exploitation of their protected varieties. Can farmers, for instance, be allowed to exchange seeds of protected varieties freely within the local community?

The Council also agreed a revision to the following FAQ:

- Why is plant variety protection necessary?

Plant Variety Protection Statistics

A total of 58 members of the Union now offer protection to all plant genera and species (56 in 2013), with 14 members of the Union offering protection to a limited number of plant genera and species. Of those 14, three countries (Brazil, China and South Africa) extended protection to additional plant genera and species in 2014.

In 2013, the number of titles in force exceeded 100,000 for the first time. The total of 103,261 titles in force in 2013 represented a 3.8 percent increase on figures for 2012 (99,501).

The Council noted that there had been a 6.3 percent increase in the number of applications for plant variety protection (14,788 in 2013; 13,908 in 2012), comprising an 8.7 percent increase in the number of applications by residents (9,502 in 2013; 8,739 in 2012) and a 2.3 percent increase in the number of applications by non-residents (5,286 in 2013; 5,169 in 2012). The number of titles granted increased from 9,822 in 2012 to 10,052 in 2013 (2.3 percent increase).

Cooperation in the Examination of New Plant Varieties

In 2014, 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 2,005, compared to 1,997 in 2013.

¹ Publication combining the proceedings of the “UPOV Seminar on Plant Variety Protection and Technology Transfer: the Benefits of Public-Private Partnership”, the “Symposium on Plant Breeding for the Future” and the “Symposium on the benefits of plant variety protection for farmers and growers”.

Adoption of documents

The Council adopted the following documents:

- TGP/2/2 List of Test Guidelines Adopted by UPOV (Revision)
- TGP/5 Experience and Cooperation in DUS Testing: Section 10/3: Notification of Additional Characteristics and States of Expression (Revision)
- TGP/7/4 Development of Test Guidelines (Revision)
- TGP/8/2 Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Revision)
- TGP/14/2 Glossary of Terms Used in UPOV Documents (correction of Spanish version)
- TGP/0/7 List of TGP documents and latest issue dates (Revision)
- UPOV/INF/16/4 Exchangeable Software (Revision)
- UPOV/INF/22/1 Software and Equipment Used by Members of the Union
- UPOV/INF-EXN/6 List of UPOV/INF-EXN Documents and Latest Issue Dates

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

Election of new Chairpersons of UPOV bodies:

The Council elected, in each case for a term of three years ending with the fifty-first ordinary session of the Council, in 2017:

- (a) Mr. Tanvir Hossain (Australia), Chairman, Technical Working Party for Agricultural Crops (TWA);
- (b) Mr. Adrian Roberts (United Kingdom), Chairman, Technical Working Party on Automation and Computer Programs (TWC);
- (c) Mr. Katsumi Yamaguchi (Japan), Chairman, Technical Working Party for Fruit Crops (TWF);
- (d) Mr. Kenji Numaguchi (Japan), Chairman, Technical Working Party for Ornamental Plants and Forest Trees (TWO);
- (e) Ms. Swenja Tams (Germany), Chairperson, Technical Working Party for Vegetables (TWV);
and
- (f) Mr. Kees van Ettehoven (Netherlands), Chairman, Working Group on Biochemical and Molecular Techniques and DNA-Profilng in Particular (BMT).

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