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UPOV

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Eleventh Ordinary Session
Geneva, December 6 to 9, 1977**

ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 1976

(Eighth Year)

I. State of the Union

1. At the end of 1976, the International Union for the Protection of New Varieties of Plants (UPOV) consisted of the following seven member States: Belgium, Denmark, France, Germany (Federal Republic of), Netherlands, Sweden, United Kingdom. Belgium had deposited its instrument of ratification of the International Convention for the Protection of New Varieties of Plants on November 5, 1976, thus becoming a member State of UPOV as from December 5, 1976. On October 6, 1976 the Republic of South Africa made a request for accession to the UPOV Convention and in November 1976 the Council of UPOV gave a favourable decision on that request. The Republic of South Africa has not yet deposited its instrument of accession, however.

2. At the end of 1976, the Additional Act of November 10, 1972, amending the UPOV Convention had not yet entered into force. It had been ratified before 1976 by Denmark, France and Sweden and was ratified during 1976 by the Federal Republic of Germany (July 23, 1976) and Belgium (November 5, 1976).

II. Sessions

3. During 1976 the various bodies of UPOV met as listed below (unless otherwise indicated, the sessions took place in Geneva).

4. The Council held three sessions, under the chairmanship of Mr. B. Laclavière (France): the second extraordinary session on March 11, 1976, the tenth ordinary session from October 13 to 15, 1976, and the third extraordinary session on November 16 and 17, 1976. The tenth ordinary session of the Council was attended by observers from signatory States (Belgium and Switzerland) and from a number of other interested non-member States, namely, Austria, Canada, Hungary, Ireland, Japan, Luxembourg, New Zealand, Poland, Senegal, South Africa, Spain and the United States of America. The following decisions were taken, inter alia, by the Council:

- (i) the Council approved amendments to the Rules of Procedure for Technical and Administrative Cooperation between UPOV and WIPO and to the Administrative Regulations of UPOV;
- (ii) it approved the annual report and accounts for 1975 and established the program and budget for 1977;
- (iii) it agreed unanimously to hold the next Diplomatic Conference for revising the UPOV Convention in October 1978;
- (iv) it noted with approval the statement concerning Article 7 of the UPOV Convention formulated by the UPOV Committee of Experts on the Interpretation and Revision of the Convention. The statement gives an interpretation of the word "examination" as used in the said Article.
- (v) it delegated the power to adopt the UPOV Model Form for the Application for Plant Breeders' Rights and the UPOV Model Form for the Application for a Variety Denomination to the UPOV Committee of Experts on International Cooperation in Examination. It also approved the decision taken by that Committee at its fourth session to approach the task of introducing a multilateral system of cooperation in the field of the protection of plant breeders' rights on a step-by-step basis, after experience had been gathered on the cooperation to be established under bilateral agreements between the authorities of member States;
- (vi) it adopted in principle the Model for a Technical Questionnaire prepared by the UPOV Technical Steering Committee as well as the Model for a Report on Technical Examination to be used for the exchange of examination reports agreed upon under bilateral agreements based on the UPOV Model Agreement for International Cooperation in the Testing of Varieties.

5. The Consultative Committee held its thirteenth session on March 10 and 11, 1976, and its fourteenth session on October 12 and 15, 1976, under the chairmanship of Mr. B. Laclavière (France). In these sessions, it prepared the work of the Council.

6. The Committee of Experts on the Interpretation and Revision of the Convention held its third session from February 17 to 19, 1976, and its fourth session from September 14 to 17, 1976, under the chairmanship of Mr. H. Skov (Denmark). In both sessions, the Committee considered proposals for the revision, or a more flexible interpretation, of those provisions of the UPOV Convention which could constitute obstacles to the accession of further States to UPOV.

7. The Committee of Experts on International Cooperation in Examination held its fifth session on May 5, 1976, and its sixth session on November 16 and 17, 1976, under the chairmanship of Mr. J. C. Butler (Netherlands). During both sessions, the Committee discussed the draft Model Form for the Application for Plant Breeders' Rights and the Draft Model Form for the Application for a Variety Denomination. During its sixth session, it adopted both forms, the authority to do so having been delegated to it by the Council. The Committee also noted that as a result of the adoption of the draft of a UPOV Model Agreement for International Cooperation in the Testing of Varieties, adopted by the Council during its ninth ordinary session in 1975, bilateral agreements on cooperation in examination had been concluded by mid-November 1976 between France and Germany (Federal Republic of), France and Sweden, and the Netherlands and the United Kingdom. Further bilateral agreements were in the course of preparation. In both sessions, the Committee also discussed the fees to be charged to breeders and, during its fifth session, recommended to the Council that a fee of at least 1,350 Swiss francs be charged for a normal examination (lasting two years or growing periods) of a new plant variety of cereals or of another comparable crop. Furthermore, the Committee discussed the exchange of examination reports and noted that, as of June 1, 1976, a total of 543 examination reports had been exchanged between the different Offices of the member States. In this connection, the Committee updated the list of genera and species for which the national Offices were ready to discuss with other National Offices the conclusion of bilateral agreements concerning cooperation in examination.

8. The Technical Steering Committee held its eighth session on May 6 and 7, 1976, and its ninth session from November 17 to 19, 1976, under the chairmanship of Dr. D. Böringer (Federal Republic of Germany). The Committee had detailed discussions on the methods applied in the different member States with respect to data recording and interpretation. It adopted Test Guidelines for Strawberries (TG/22/3) and Tomato (TG/44/3) in its eighth session, and for Wheat (TG/3/5), Barley (TG/19/4), Oats (TG/20/4), Poplar (TG/21/4), Bent (TG/30/3), Cocksfoot (TG/31/3), Common Vetch (TG/32/3), Kentucky Bluegrass (TG/33/3), Timothy (TG/34/3), Cherry (TG/35/3), Turnip (TG/37/3), White Clover (TG/38/3), Meadow Fescue and Tall Fescue (TG/39/3), Black Currant (TG/40/3), Rhododendron (TG/42/3), Raspberry (TG/43/3), Cauliflower (TG/45/3), Onion (TG/46/3), Cabbage (TG/48/3) and Carrot (TG/49/3) at its ninth session. Furthermore, the Committee discussed the layout and the contents of Technical Questionnaires for different species in general and approved forms for those species for which Test Guidelines had already been adopted. In addition, the Committee discussed and approved, on the authorization of the Council, a UPOV Model Report on Technical Examination. Finally the Committee discussed problems associated with the grouping of colors, the determination and wording of simple symmetrical plane shapes and the use of DDT for testing barley varieties.
9. The Technical Working Party for Agricultural Crops held its fifth session from May 24 to 26, 1976, at Menstrup (Denmark), under the chairmanship of Mr. A. F. Kelly (United Kingdom). During this session, it finalized draft Test Guidelines for Bent, Cocksfoot, Kentucky Bluegrass, Timothy, Meadow Fescue and Tall Fescue, Common Vetch, Barley and Oats, and revised draft Test Guidelines for Wheat (*Triticum aestivum*). In addition, it commenced the revision of the Test Guidelines for Ryegrass, Red Clover and Lucerne, discussed draft Test Guidelines for White Clover and Rape and prepared draft Test Guidelines for Turnip which were finalized in September, 1976, in cooperation with the Technical Working Party for Vegetables.
10. The Technical Working Party for Forest Trees held its fourth session from August 17 to 19, 1976, at Hørsholm (Denmark), under the chairmanship of Mr. M. Bischoff (Federal Republic of Germany). During this session, it rediscussed and finalized the draft Test Guidelines for Poplar and had first preliminary discussions on the establishment of draft Test Guidelines for Picea.
11. The Technical Working Party for Fruit Crops held its seventh session from June 16 to 18, 1976, at Hanover (Federal Republic of Germany), under the chairmanship of Mr. J. Brossier (France). During this session, the Working Party finalized draft Test Guidelines for Cherries, Black Currants and Raspberries and worked on the draft Test Guidelines for European Plums. It also established first drafts of Test Guidelines for Vines, Gooseberries, Red and White Currants and Peach and started discussing working papers for draft Test Guidelines for Apricots.
12. The Technical Working Party for Ornamental Plants held its ninth session from May 12 to 14, 1976, at Melle (Belgium), under the chairmanship of Mr. F. Schneider (Netherlands). During this session, the Working Party finalized the draft Test Guidelines for Rhododendron and established the first drafts of Test Guidelines for *Alstroemerias*, *Streptocarpus* and *Chrysanthemum*. It also discussed problems associated with the determination of colors.
13. The Technical Working Party for Vegetables held its eighth session from March 23 to 25, 1976, at Wageningen (Netherlands), and its ninth session from September 21 to 23, 1976, at Cambridge (United Kingdom), under the chairmanship of Mr. T. Webster (United Kingdom). During its eighth session, the Working Party finalized the draft Test Guidelines for Tomato and established first drafts of Test Guidelines for Cabbage, Carrots, Cauliflower and Onion. It also discussed working papers for the establishment of draft Test Guidelines for Turnip and Spinach. During its ninth session, the Working Party finalized draft Test Guidelines for Cabbage, Carrots, Cauliflower and Onion and, in cooperation with the Technical Working Party for Agricultural Crops, draft Test Guidelines for Turnip. It also established first drafts of Test Guidelines for Spinach and Brussels Sprouts.
14. The Working Group on Variety Denomination held its ninth session on September 16, 1976, under the chairmanship of Mr. S. Mejegard (Sweden), jointly with the meeting of the Committee of Experts on the Interpretation and Revision of the Convention. During this session, the Working Group discussed the provisions of Article 13 of the Convention. The Working Group also discussed the UPOV Guidelines for Variety Denominations and proposed several amendments to them.

III. Relations with States and Organizations

15. The President of the Council of UPOV and the Vice Secretary-General attended meetings of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) and of the International Federation of the Seed Trade (FIS) in Amsterdam (Netherlands) and in Copenhagen (Denmark).

16. The Vice Secretary-General attended meetings of the International Association of Horticultural Producers (AIPH) in Berlin (West) and in St. Helier (Jersey) at which questions concerning the revision of the UPOV Convention were dealt with.

17. The President of the Council of UPOV and the Vice Secretary-General accompanied a group consisting of officers of the US Patent and Trademark Office and the US Plant Variety Protection Office as well as private breeders of the United States of America on the occasion of a visit to the national authorities, and in one case to a private plant-breeding station, in the United Kingdom, the Netherlands, the Federal Republic of Germany and France in October 1976. The visit closed with a meeting at the headquarters of UPOV in Geneva. During this visit, the paramount subject of discussion was the possibility of the United States of America's accession to UPOV.

IV. Publications

18. During 1976, the Office of the Union continued the publication of the UPOV Newsletter with four issues published in January, May, August and November, respectively.

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