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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## COUNCIL

**Twelfth Ordinary Session  
Geneva, December 6 to 8, 1978**

ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 1977

(Ninth Year)

I. State of the Union

1. At the end of 1977, the International Union for the Protection of New Varieties of Plants (UPOV) comprised the following ten member States: Belgium, Denmark, France, Germany (Federal Republic of), Italy, Netherlands, South Africa, Sweden, Switzerland, United Kingdom. Italy deposited its instrument of ratification of the International Convention for the Protection of New Varieties of Plants, as amended by the Additional Act of 1972, on June 1, 1977, and Switzerland on June 10, 1977; South Africa deposited its instrument of accession on October 7, 1977. Thus, Italy became a member State of UPOV as from July 1, 1977, Switzerland as from July 10, 1977, and South Africa as from November 6, 1977.

2. The Additional Act of November 10, 1972, amending the UPOV Convention, entered into force on February 11, 1977. By the end of 1977, the Additional Act was in force in all but one of the member States (the United Kingdom).

II. Sessions

3. During 1977, the various bodies of UPOV met as listed below (unless otherwise indicated, the sessions took place in Geneva).

4. The Council held its eleventh ordinary session from December 6 to 9, 1977, under the chairmanship of Mr. B. Laclavière (France). That session was attended by observers from a number of interested non-member States, namely: Austria, Canada, Hungary, Ireland, Japan, New Zealand, Norway, Poland, Spain, Turkey and the United States of America. The following decisions were taken, inter alia, by the Council:

(i) it approved the annual report and the accounts for 1976 and established the program and budget for 1978;

(ii) it unanimously decided that a Diplomatic Conference be held from October 9 to 23, 1978. It approved the Provisional Agenda and the Provisional Rules of Procedure of that Diplomatic Conference and authorized the Secretary-General to issue the invitations in January 1978;

(iii) it discussed in detail and cleared for distribution the proposed new text of the Convention. That text was later sent to the States and organizations invited to the Diplomatic Conference. It was agreed that it would form the basis for discussions during that Conference;

(iv) it agreed on a reorganization of the different sub-bodies created by it. Thus, as from December 9, 1977, the following are attached to the Council: the Consultative Committee, the Administrative and Legal Committee, the Technical Committee and five Technical Working Parties (for Agricultural Crops, for Forest Trees, for Fruit Crops, for Ornamental Plants and for Vegetables, respectively). The Technical Committee was entrusted with taking over the tasks formerly handled by the Technical Steering Committee, while the Administrative and Legal Committee was entrusted with taking over the tasks formerly handled by the Fee Harmonization Working Party, the Committee of Experts on International Cooperation in Examination and the Working Group on Variety Denominations. The latter was also entrusted with examining the relations between rules on competition and plant variety protection and with establishing a UPOV model law on plant variety protection. In addition, an Ad Hoc Committee on the Revision of the Convention was entrusted with taking over the tasks of the Committee of Experts on the Interpretation and Revision of the Convention.

(v) it elected a new President, a new Vice-President and new Chairman for the following bodies of UPOV:

- (a) Mr. H. Skov (Denmark) was elected President of the Council. His term of office will last until the closing of the ordinary session of the Council in 1980.
- (b) Mr. J.I.C. Butler (Netherlands) was elected Vice-President of the Council. His term of office would have lasted until the closing of the ordinary session of the Council in 1978, but he passed away on May 9, 1978.
- (c) Dr. D. Böringer (Federal Republic of Germany) was elected Chairman of the Administrative and Legal Committee. His term of office will last until the closing of the ordinary session of the Council in 1980.
- (d) Mr. A.F. Kelly (United Kingdom) was elected Chairman of the Technical Committee. His term of office will last until the closing of the ordinary session of the Council in 1980.

5. The Consultative Committee held its fifteenth session on March 11, 1977, and its sixteenth session on December 5 and 9, 1977, under the chairmanship of Mr. B. Laclavière (France). In those sessions, it prepared the work of the Council and, in particular, discussed the progress of the preparations for the Diplomatic Conference on the Revision of the UPOV Convention and the draft program and budget for 1978.

6. The Committee of Experts on the Interpretation and Revision of the Convention held its fifth session from March 8 to 10, 1977, and its sixth session from September 20 to 23, 1977, under the chairmanship of Mr. H. Skov (Denmark). In the discussions during the fifth session, representatives of the following non-member States also had the possibility of expressing their views: Australia, Canada, Hungary, Ireland, Japan, New Zealand, Poland, South Africa\*, Spain and the United States of America. The following international non-governmental organizations were represented by observers at the session: the International Association of Horticultural Producers (AIPH), the International Association for the Protection of Industrial Property (AIPPI), the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), the International Community of Breeders of Asexually Reproduced Ornamentals (CIOFORA), the International Federation of the Seed Trade (FIS). At the fifth and the sixth sessions, the Committee considered proposals for the revision, or more flexible interpretation, of those provisions of the UPOV Convention which could constitute obstacles to the accession of further States to UPOV, and prepared the following draft documents for the Diplomatic Conference on the Revision of the UPOV Convention to be held in October 1978 for adoption by the Council: the Provisional Agenda of the Diplomatic Conference, the Provisional Rules of Procedure of the Diplomatic Conference and the proposed new text of the Convention.

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\* not yet a member State of UPOV at that date

7. The Committee of Experts on International Cooperation in Examination held its seventh session on May 17, 1977, under the chairmanship of Mr. J.I.C. Butler (Netherlands), and its eighth session on November 16, 1977, under the chairmanship of Mr. A.F. Kelly (United Kingdom). At both sessions, the Committee took note of reports on bilateral agreements concluded or in preparation on the basis of the UPOV Model Agreement for International Cooperation in the Testing of Varieties and updated the list of offers for cooperation in examination. At its eighth session, the Committee adopted a UPOV Model Form for the Request of Examination Results, examined statistics on the exchange of examination reports and began to consider the possibilities of harmonizing the plant breeders' rights gazettes of the member States.

8. The Technical Steering Committee held its tenth session from May 16 to 18, 1977, and its eleventh session from November 15 to 17, 1977, under the chairmanship of Dr. D. Böringer (Federal Republic of Germany), except for the last one and a half days of the eleventh session, during which time the Committee was presided over by Mr. A.F. Kelly (United Kingdom). At those two sessions, the Committee continued its discussions on data recording and interpretation with respect to distinctness and partly with respect to the testing of maize hybrids, and requested the Office of UPOV to transmit the preliminary results to the professional organizations in the field of plant breeding and the seed trade for comments. At its eleventh session, the Committee began discussions on data recording and interpretation with respect to the testing of homogeneity and stability. As a result of the successful conclusion of the work of the Technical Working Parties, the Committee adopted, at its tenth session, Test Guidelines for Alstroemeria (TG/29/3), Streptocarpus (TG/47/2) and Red and White Currant (TG/52/2) and, during its eleventh session, Test Guidelines for Rape (TG/36/3), European Plum (TG/41/4), Vine (TG/50/3), Gooseberry (TG/51/3), Peach (TG/53/3), Brussels Sprouts (TG/54/3) and Spinach (TG/55/3). With the addition of these new Test Guidelines, Test Guidelines have now been adopted for a total of 53 species. Finally, the Committee also discussed problems associated with the grouping of colors, the determination and wording of simple symmetrical plane shapes and the question of multiline varieties.

9. The Technical Working Party for Agricultural Crops held its sixth session from May 24 to 26, 1977, in Hanover (Federal Republic of Germany) under the chairmanship of Mr. A.F. Kelly (United Kingdom). At that session, the Working Party finalized its work on draft Test Guidelines for Rape and prepared a first draft of Test Guidelines for Flax, Linseed and for Rye. It also discussed the preparation of lists of varieties of ryegrass used in the reference collections in different member States and the establishment of a growth stage code for grasses.

10. The Technical Working Party for Forest Trees held its fifth session from June 14 to 16, 1977, at Orleans (France) under the chairmanship of Mr. M. Bischoff (Federal Republic of Germany). At that session, it discussed the inclusion of further example varieties in the already adopted Test Guidelines for Poplar. It also discussed working papers on Test Guidelines for Willow and for Spruce. In addition, it noted that the results reached by the Technical Steering Committee on data recording and interpretation might not always be applicable to Test Guidelines established by this Working Party because, in forestry, the knowledge of the different characteristics mentioned in the relevant Test Guidelines was limited and each characteristic was not as well known as, for example, those characteristics mentioned in the Test Guidelines prepared by the Technical Working Party for Agricultural Crops.

11. The Technical Working Party for Fruit Crops held its eighth session from May 10 to 12, 1977, in Madrid under the chairmanship of Mr. J. Brossier (France). At that session, the Working Party finalized draft Test Guidelines for European Plum, for Vine, for Gooseberry, for Red and White Currant and for Peach. It also established first drafts of Test Guidelines for Almond and discussed a working paper on Test Guidelines for Apricot.

12. The Technical Working Party for Ornamental Plants held its tenth session from June 7 to 9, 1977, at Wageningen (Netherlands) under the chairmanship of Mr. F. Schneider (Netherlands). At that session, the Working Party finalized the draft Test Guidelines for Chrysanthemum, subject to a few points left open and to be agreed upon by correspondence, established a first draft of Test Guidelines for Lily and discussed working papers on Test Guidelines for Berberis and for Forsythia. It also discussed problems associated with virus diseases in material submitted for examination.

13. The Technical Working Party for Vegetables held its tenth session from September 6 to 8, 1977, at Aarslev (Denmark) under the chairmanship of Mr. T. Webster (United Kingdom). At that session, it finalized the draft Test Guidelines for Spinach and for Brussels Sprouts. In addition, it established first drafts of Test Guidelines for Cucumber and Gherkin, for Beetroot and for Rhubarb, subject to a few points left open and to be agreed upon by correspondence. It also discussed problems associated with the testing of diseases, the establishment of reference collections and the establishment of variety distinctness in vegetable crops.

14. The Working Group on Variety Denominations held its tenth session from March 8 to 11, 1977, jointly with the fifth session of the Committee of Experts on the Interpretation and Revision of the Convention, and its eleventh session on September 23, 1977, under the chairmanship of Mr. S. Mejegaard (Sweden). During both sessions, the Working Group discussed the provisions of the Convention relating to variety denominations.

15. The Fee Harmonization Working Party did not meet in 1977.

### III. Relations with States and Organizations

16. The President of the Council of UPOV, as well as several other members of the Council, the Secretary-General and the Vice Secretary-General participated in a symposium organized by the International Community of Breeders of Asexually Reproduced Ornamentals (CIOPORA) in Budapest.

17. The President of the Council of UPOV and the Vice Secretary-General attended a meeting of experts of CIOPORA at Sparrieshoop (Federal Republic of Germany) and a meeting of a joint drafting committee of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) and UPOV, held in Paris, as well as the annual meeting of ASSINSEL and the Congress of the International Federation of the Seed Trade (FIS), both held in Monterey (California, USA). The CIOPORA meeting in Sparrieshoop was also attended by several other members of the Council.

18. The Vice Secretary-General attended meetings of the International Association of Horticultural Producers (AIPH) held in Lyngby (Denmark) and in Luxembourg.

19. The Office of the Union was represented at the Eighth Panamerican Seed Seminar held in Tegucigalpa (Honduras) and at a special meeting of the eighteenth Congress of the International Seed Testing Association (ISTA) in Madrid.

20. The Secretary-General, in his capacity of Director-General of WIPO, and, outside his official duties, the Vice Secretary-General participated in the Centenary of the German Patent Office in Munich. On that occasion, the Vice Secretary-General also accepted an invitation from the President of the Federal Plant Varieties Office of the Federal Republic of Germany (also participating in the Centenary) to observe trials conducted by that Office at Moosinnich near Munich.

### IV. Publications

21. In 1977, the Office of the Union continued the publication of the UPOV Newsletter and published four issues, in March, June, September and December, respectively. The Office also prepared a revised version of the General Information Brochure in English and issued a Japanese translation of that Brochure.