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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Thirteenth Ordinary Session
Geneva, October 17 and 18, 1979**

REPORT

adopted by the Council

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirteenth ordinary session in Geneva on October 17 and 18, 1979.
2. The session was presided over by the President of the Council, Mr. H. Skov (Denmark).
3. The list of participants is attached to this report as Annex III.
4. It was agreed that the present report would contain only the decisions made by the Council but that a more complete version of this report, covering also the main statements made during the discussions and not reflected in this report would be issued later. The draft of such a report would be submitted by the Office of the Union to the next session of the Council.

Adoption of the Agenda

5. The agenda was unanimously adopted as appearing in document C/XIII/1. Rev.

Present situation, problems arising and progress achieved in the legislative, administrative and technical fields

6. The Council noted the declarations made under this agenda item by the representatives of the member States, the representatives of the observer States represented in the session and the representative of the European Economic Community. Furthermore, the Council noted the contents of documents C/XIII/5, 6 and 7.

Report by the President on the work of the nineteenth and twentieth sessions of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee

7. The Council noted the report of the President of the Council.

Report by the Secretary-General on the activities of the Union in 1978

8. The Council unanimously approved the report by the Secretary-General as contained in document C/XIII/2. It also noted with satisfaction that the following non-member States of UPOV had signed the Revised Text (1978) of the UPOV Convention: Ireland, Japan, Mexico, New Zealand, United States of America. The Council

noted with approval a proposal of the Secretary-General to the effect that the yearly reports will be supplemented by a report on the activities of the first seven or eight months of the year in which the Council meets in its ordinary (October) session.

Report by the Secretary-General on his management and the financial situation of the Union in 1978

9. The Council unanimously approved the report of the Secretary-General contained in document C/XIII/3.

Presentation of the report concerning the auditing of the accounts for 1978

10. The Council noted the report contained in document C/XIII/3, Annex B, and approved the accounts of the Union for the year 1978.

11. The Council expressed its warm thanks to the Government of Switzerland for the auditing of the accounts of the Union.

Progress of the work of the Administrative and Legal Committee

12. The Council unanimously approved the report on the progress of the work of the Administrative and Legal Committee as contained in document C/XIII/8. It also noted with approval the plans for the future work of that Committee as indicated in the said document.

Progress of the work of the Technical Committee and of the Technical Working Parties

13. The Council unanimously noted with approval the progress of the Technical Committee and of the Technical Working Parties as reported in document C/XIII/9. Furthermore, it authorized the Technical Committee to publish the revised General Introduction to the Test Guidelines after the discussions to be held on this subject during the fourteenth session (November 1979) of the Technical Committee.

Report on the activities resulting from the Diplomatic Conference of 1978

14. The Council unanimously noted with approval the report on those activities as contained in document C/XIII/11. Furthermore, it noted the declaration of the Vice Secretary-General that the summary records were expected to be circulated for comments to the participants of the Diplomatic Conference early in 1980 and that the records would be issued at least in one language by mid-1980. They would be published in the other languages as soon as possible thereafter.

Examination and approval of the program and budget of the Union for 1980

15. Discussions were based on documents C/XIII/4 and C/XIII/14.

16. The Council unanimously approved the program and budget for 1980 as appearing in document C/XIII/4 with the following modifications:

(i) In item UV.02, the amount is reduced from 9,000 to 7,000 Swiss francs.

(ii) In item UV.05, the amount is reduced from 32,000 to 30,000 Swiss francs.

(iii) In item UV.09, the amount of 28,000 Swiss francs was eliminated and it was decided that, should the program outlined in that item materialize in 1980, the required expenses (approximately 28,000 Swiss francs) would be covered from the reserve fund. Final decisions as to the details of this matter would be made in the April 1980 session of the Consultative Committee.

17. Annex I to this report shows the amount of the contributions, and the share of each country in those contributions, for the year 1980, on the assumption that only the present ten member States would contribute in 1980. Should one or more additional States adhere to UPOV so that it or they would have to contribute for the year 1980, the share of each of the present member States would become smaller than what is indicated in the said Annex. The corresponding new figures, if any, would be communicated by the Office of the Union to all member States in due course.

18. Several delegations said that, after 1980, they would not be prepared to agree to any real increases (as opposed to cost increases) in the UPOV budget unless such increases could be financed through an increase in the membership of the Union. The Secretary-General said that, as from 1981, the draft budgets would differentiate between "real" and "cost" increases.

Calendar of meetings in 1980

19. The Council fixed the calendar of meetings for 1980 as appearing in Annex II to this report.

Admission of observers to the ordinary Council sessions and certain meetings of UPOV

20. The Council asked the Office of the Union to invite to the next ordinary session of the Council Portugal, in addition to the States invited to the present session. Furthermore, the Council decided that all States that signed or will sign the Revised Text (1978) of the UPOV Convention be invited both to the future sessions of the Council and of the Administrative and Legal Committee.

Examination of the application for accession submitted by the State of Israel

21. The Council unanimously accepted the application of the State of Israel to accede to the UPOV Convention of 1961 as amended by the Additional Act of 1972, as indicated in document C/XIII/12. Furthermore, it unanimously decided to allow the State of Israel to pay only one-half of the contribution according to Class V under the conditions provided for in Article II of the said Additional Act.

Other business

22. The Council decided that, if time permits, the Office would address a questionnaire to the member States in 1980 asking for data necessary for the preparation of a study on the usefulness of the protection of plant varieties. Such a study, or a separate study, would also contain information on the constitution, evolution and future plans of UPOV.

[Three Annexes follow]

ANNEX I

CONTRIBUTIONS OF MEMBER STATES FOR THE YEAR 1980

(expressed in Swiss francs)

<u>1978</u>	<u>1979</u>	<u>Member States</u>	<u>Number of Units</u>	<u>1980</u>
64,212	62,250	Belgium	1½	64,972
64,212	62,250	Denmark	1½	64,972
214,038	207,500	France	5	216,574
214,038	207,500	Germany, Federal Republic of	5	216,574
85,615	83,000	Italy	2	86,630
85,615	124,500	Netherlands	3	129,945
42,808	41,500	South Africa	1	43,315
64,212	62,250	Sweden	1½	64,972
64,212	62,250	Switzerland	1½	64,972
214,038	207,500	United Kingdom	5	216,574
<u>1,113,000</u>	<u>1,120,500</u>		<u>27</u>	<u>1,169,500</u>
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[Annex II follows]

DATES OF MEETINGS IN 1980

Council

October 15 to 17

Consultative Committee

April 16
October 14

Administrative and Legal Committee

April 17 and 18
November 13 and 14

Subgroups of the Administrative and Legal Committee

April 14 and 15
June 23 to 25

Technical Committee

March 18 and 19
November 10 to 12

Technical Working Party for Agricultural Crops

May 12 to 14, Wageningen (Netherlands)

Technical Working Party for Forest Trees

August 26 to 28, Hanover (Federal Republic of Germany)

Technical Working Party for Fruit Crops

April 27 to May 11, South Africa

Technical Working Party for Ornamental Plants

September 16 to 18, Lund (Sweden)

Technical Working Party for Vegetables

September 23 to 25, Lund (Sweden)

Symposium

to be arranged with the Panamerican Seed Seminar -
probably in November or December in Buenos Aires

ANNEX III/ANNEXE III/ANLAGE III

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTEI. MEMBER STATES/ETATS MEMBRES/VERBANDSSTAATENBELGIUM/BELGIQUE/BELGIEN

- M. J. RIGOT, Ingénieur en chef, Directeur au Ministère de l'agriculture, 36, rue de Stassart, 1050 Bruxelles
- M. R. D'HOOGH, Ingénieur agronome principal, Chef de service au Ministère de l'agriculture, 36 rue de Stassart, 1050 Bruxelles

DENMARK/DANEMARK/DÄNEMARK

- Mr. H. SKOV, President of the Council of UPOV, Chief of Administration, Statens Planteavlkontor, Virumgaard, Kongevejen 83, 2800 Lyngby
- Mr. F. ESPENHAIN, Administrative Officer, Plantenyhedsnaevnet, Tystofte, 4230 Skaelskør

FRANCE/FRANKREICH

- M. B. LACLAVIERE, Secrétaire général du Comité de la protection des obtentions végétales, 11, rue Jean Nicot, 75007 Paris
- M. M. GREGOIRE, Président du Comité de la protection des obtentions végétales, Cour d'Appel à Paris, Palais de Justice, Paris
- Mlle N. BUSTIN, Adjoint au Secrétaire général du Comité de la protection des obtentions végétales, 11, rue Jean Nicot, 75007 Paris

GERMANY (FED. REP. of)/ALLEMAGNE (REP. FED. D')/DEUTSCHLAND (BUNDESREPUBLIK)

- Mr. W. BURR, Regierungsdirektor, Bundesministerium für Ernährung, Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn 1
- Dr. A. MÜHLEN, Legationsrat 1. Klasse, Ständige Vertretung der Bundesrepublik Deutschland, 28D, Chemin du Petit-Saconnex, 1211 Genf 19

ITALY/ITALIE/ITALIEN

- Dr. B. PALESTINI, Chief Inspector, Ministero dell'Agricoltura e delle Foreste, Via XX Settembre, 20, Rome
- Prof. A. SINAGRA, Conseiller juridique, Bureau du Délégué pour les accords de propriété intellectuelle, Ministère des affaires étrangères, Rome
- M. L. MORVIDUCCI, Direttore di Sezione, Ministero del Tesoro, R.G.S., I.G.A.E., Rome

NETHERLANDS/PAYS-BAS/NIEDERLANDE

- Mr. W. VAN SOEST, Director, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague
- Mr. M. HEUVER, Chairman, Board for Plant Breeders' Rights, Nudestraat 11, 6140 Wageningen
- Mr. K.A. FIKKERT, Legal Adviser, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

SOUTH AFRICA/AFRIQUE DU SUD/SÜDAFRIKA

- Mr. J.F. VAN WYK, Director, Division of Plant and Seed Control, Private Bag X 179, Pretoria, 0001
- Mr. J.U. RIETMANN, Agricultural Counsellor, South African Embassy, 59, Quai d'Orsay, 75007 Paris

SWEDEN/SUEDE/SCHWEDEN

- Mr. S. MEJEGÅRD, President of Division of the Court of Appeal, Svea Hovrätt, Box 2290, 103 17 Stockholm
- Mr. E. WESTERLIND, Head of Office, National Plant Variety Board, Statens Växsortsnämnd, 171 73 Solna

SWITZERLAND/SUISSE/SCHWEIZ

- Dr. W. GFELLER, Chef, Büro für Sortenschutz, Bundesamt für Landwirtschaft, Mattenhofstr. 5, 3003 Bern
- M. A. REIST, Adjoint scientifique, RAC Centre des Fougères, 1964 Conthey

UNITED KINGDOM/ROYAUME-UNI/VEREINIGTES KÖNIGREICH

- Mr. P.W. MURPHY, Controller of Plant Variety Rights, Plant Variety Rights Office, White House Lane, Huntingdon Road, Cambridge CB3 0LF
- Mr. A.F. KELLY, Deputy Director, National Institute of Agricultural Botany, Huntingdon Road, Cambridge CB3 0LE

II. OBSERVERS/OBSERVATEURS/BEOBACHTERALGERIA/ALGERIE/ALGERIEN

- Dr. L. HACHEMI, Directeur technique de l'IGC, Ministère de l'agriculture et de la recherche agricole, 1, Av. Pasteur, Belfort-El-Harrach B.P. 16

AUSTRIA/AUTRICHE/ÖSTERREICH

- Dr. R. MEINX, Direktor der Bundesanstalt für Pflanzenbau und Samenprüfung, Alliiertenstrasse 1, 1120 Wien 2

BRAZIL/BRESIL/BRASILIEN

- Mr. G. SABOIA, Counsellor, Permanent Mission of Brazil, 33, rue Carteret, 1202 Geneva

CANADA/KANADA

- Mr. M. LEIR, Second Secretary, Permanent Mission of Canada, 10A, avenue de Budé, Geneva

CHILE/CHILI/CHILE

- Mr. C.A. MAQUIEIRA, First Secretary, Permanent Mission of Chile, 56, rue Moillebeau, 1211 Geneva

IRAQ/IRAK

Mr. S. OMAR, Botany Director, Botany Directorate, Abu Ghraib

IRELAND/IRLANDE/IRLAND

Mr. D.M. HICKEY, Assistant Principal (Administrative), Department of Agriculture, Kildare Street, Dublin 2

Mr. D. FEELEY, Inspector, Department of Agriculture, Kildare Street, Dublin 2

ISRAEL

Mr. Z. PERI, First Secretary (Economic Affairs), Permanent Mission of Israel, 9 ch. Bonvent, Geneva

JAPAN/JAPON/JAPAN

Mr. Y. MATSUNOBU, Director of Seed and Seedlings Division, Ministry of Agriculture, Forestry and Fisheries, Kasumigaseki, Tokyo

Mr. O. NOZAKI, First Secretary, Permanent Mission of Japan, 10, avenue de Budé, Geneva

MOROCCO/MAROC/MAROKKO

M. M. TOURKMANI, Chef du Service du contrôle de la multiplication des semences et des plants, Direction de la recherche agronomique, B.P. 415, Rabat

NEW ZEALAND/NOUVELLE-ZELANDE/NEUSEELAND

Mr. F.W. WHITMORE, Registrar of Plant Varieties, Plant Varieties Office, P.O.Box 24, Lincoln

Mr. D.K. CRUMP, First Secretary (Agriculture), New Zealand High Commission, Haymarket, London SW1 Y4 TQ

NORWAY/NORVEGE/NORWEGEN

Mr. L.R. HANSEN, Chief of Administration, The National Seed Council, Moervn. 12, 1430 Ås

POLAND/POLOGNE/POLEN

M. J. VIRION, Chef-expert au Ministère de l'agriculture, Ministerstwo Rolnictwa, ul. Wspolna 30, Warszawa

M. W. KUZMICZ, Rechtsanwalt, Rechtsberater, AHV Rolimpex, Chałubinskiego 8, 00-613 Warszawa

SOVIET UNION/UNION SOVIETIQUE/SOWJETUNION

Mr. G.S. GOUDKOV, Director, Department of Agriculture, USSR State Committee for Inventions and Discoveries, 2/6 M. Cherkassky pers., Moscow, Center

Mr. V. POLIAKOV, Permanent Mission of the USSR, 15, av. de la Paix, Geneva

SPAIN/ESPAGNE/SPANIEN

M. R. LOPEZ DE HARO, Subdirector técnico del registro de variedades comerciales y protegidas, Carretera de la Coruña, Km. 7,5, Madrid 35

THAILAND/THAILANDE/THAILAND

Mr. S. NARUEMITYARN, Third Secretary, Permanent Mission of Thailand, 28, ch. du Petit-Saconnex, Geneva

UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE/VEREINIGTE STAATEN VON AMERIKA

Mr. S.D. SCHLOSSER, Attorney, Patent and Trademark Office, Washington, D.C. 20231

Mr. S. BRATTAIN, Economic/Commercial Officer, U.S. Department of State, Washington, D.C. 20520

III. INTERNATIONAL ORGANIZATION/ORGANISATION INTERNATIONALE/INTERNATIONALE ORGANISATION

Dr. R.E. GRAEBER, Chef de Division, Commission des Communautés Européennes, 200, rue de la Loi, 1049 Bruxelles

IV. OFFICERS/BUREAU/VORSITZ

Mr. H. SKOV, President
Dr. W. GFELLER, Vice-President

V. OFFICE OF UPOV/BUREAU DE L'UPOV/BÜRO DER UPOV

Dr. A. BOGSCH, Secretary-General
Dr. H. MAST, Vice Secretary-General
Dr. M.-H. THIELE-WITTIG, Senior Technical Officer
Mr. A. WHEELER, Legal Officer
Mr. A. HEITZ, Administrative and Technical Officer

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