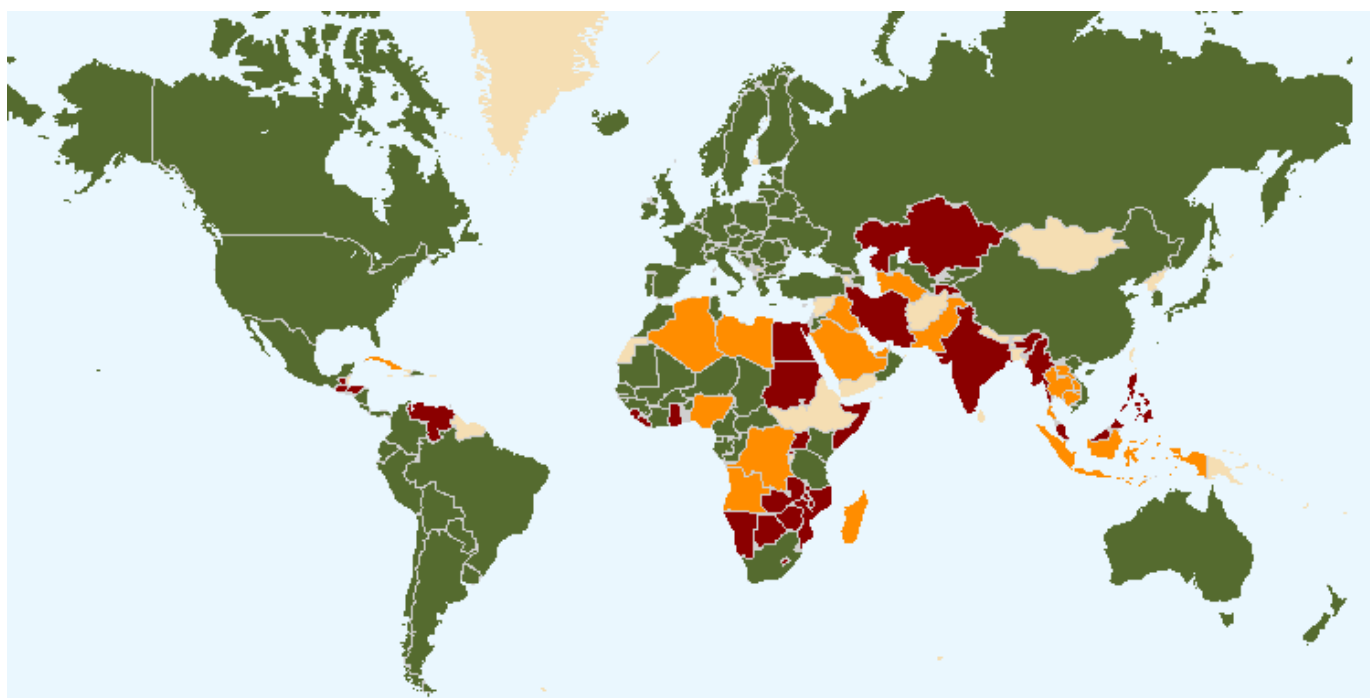


## OVERVIEW OF UPOV

The International Union for the Protection of New Varieties of Plants (UPOV) is an intergovernmental organization based in Geneva, Switzerland.

UPOV was established in 1961 by the International Convention for the Protection of New Varieties of Plants (the "UPOV Convention"). The mission of UPOV is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society. Most countries and intergovernmental organizations which have introduced a plant variety protection (PVP) system have chosen to base their system on the UPOV Convention in order to provide an effective, internationally recognized system (see [www.upov.int/members/en/](http://www.upov.int/members/en/)). As of October 10, 2017, UPOV has 75 members (shown in green). Sixteen States and one intergovernmental organization have initiated the procedure for acceding to the UPOV Convention (shown in brown), and 24 States and one intergovernmental organization have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention (shown in orange).



The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory

The UPOV Convention provides the basis for UPOV members to encourage plant breeding by granting breeders of new plant varieties an intellectual property right: the breeder's right. In order to obtain protection, the breeder needs to file individual applications with the authorities of UPOV members entrusted with the task of granting breeders' rights ([www.upov.int/members/en/pvp\\_offices.html](http://www.upov.int/members/en/pvp_offices.html)).

The UPOV Convention specifies the acts that require the breeder's authorization in respect of the propagating material of a protected variety and, under certain conditions, in respect of the harvested material.

Under the UPOV Convention, the breeder's right is only granted where the variety is (i) new, (ii) distinct, (iii) uniform, (iv) stable and has a suitable denomination.

The breeder's right does not extend to acts done (i) privately and for non-commercial purposes, (ii) for experimental purposes and (iii) for the purpose of breeding other varieties.

A State or intergovernmental organization that wishes to become a UPOV member needs to seek the advice of the UPOV Council in respect of the conformity of its laws with the provisions of the UPOV Convention. This procedure leads, in itself, to a high degree of harmony in those laws, thus facilitating cooperation between members in the implementation of the system. Guidance documents on how to develop legislation and become a UPOV member can be found at [www.upov.int/upov\\_collection/en/](http://www.upov.int/upov_collection/en/). The legislation of UPOV members can be consulted in UPOV Lex at [www.upov.int/upovlex/en/](http://www.upov.int/upovlex/en/).

The UPOV Report on the Impact of Plant Variety Protection ([www.upov.int/about/en/pdf/353\\_upov\\_report.pdf](http://www.upov.int/about/en/pdf/353_upov_report.pdf)) demonstrated that in order to enjoy the full benefits which plant variety protection is able to generate, both implementation of the UPOV Convention and membership of UPOV are important. The introduction of the UPOV system of plant variety protection and UPOV membership were found to be associated with:

- (a) increased breeding activities,
- (b) greater availability of improved varieties,
- (c) increased number of new varieties,
- (d) diversification of types of breeders (e.g. private breeders, researchers),
- (e) increased number of foreign new varieties,
- (f) encouraging the development of a new industry competitiveness on foreign markets, and
- (g) improved access to foreign plant varieties and enhanced domestic breeding programs.

The effectiveness of the UPOV system of plant variety protection is enhanced by the provision of guidance and information materials such as Explanatory Notes (“UPOV/EXN” series), Information Documents (“UPOV/INF” series) (e.g. UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”), the General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants, with its associated TGP documents, and the “Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability” (see Test Guidelines at [www.upov.int/test\\_guidelines/en/](http://www.upov.int/test_guidelines/en/)). Such materials provide the basis for harmonization and, thereby, facilitate cooperation between UPOV members (see UPOV Collection at [www.upov.int/upov\\_collection/en/](http://www.upov.int/upov_collection/en/)).

Further measures to support and enhance cooperation between members relate to information available in the PLUTO Plant Variety Database ([www.upov.int/pluto/en/](http://www.upov.int/pluto/en/)) and in the GENIE database ([www.upov.int/genie/en/](http://www.upov.int/genie/en/)).

For training on the UPOV Convention see [www.upov.int/resource/en/training.html](http://www.upov.int/resource/en/training.html)

### UPOV members

African Intellectual Property Organization <sup>3, 5</sup>	Colombia <sup>2</sup>	Israel <sup>3</sup>	Panama <sup>3</sup>	Switzerland <sup>3</sup>
Albania <sup>3</sup>	Costa Rica <sup>3</sup>	Italy <sup>2</sup>	Paraguay <sup>2</sup>	The former Yugoslav Republic of Macedonia <sup>3</sup>
Argentina <sup>2</sup>	Croatia <sup>3</sup>	Japan <sup>3</sup>	Peru <sup>3</sup>	Trinidad and Tobago <sup>2</sup>
Australia <sup>3</sup>	Czech Republic <sup>3</sup>	Jordan <sup>3</sup>	Poland <sup>3</sup>	Tunisia <sup>3</sup>
Austria <sup>3</sup>	Denmark <sup>3</sup>	Kenya <sup>3</sup>	Portugal <sup>2</sup>	Turkey <sup>3</sup>
Azerbaijan <sup>3</sup>	Dominican Republic <sup>3</sup>	Kyrgyzstan <sup>3</sup>	Republic of Korea <sup>3</sup>	Ukraine <sup>3</sup>
Belarus <sup>3</sup>	Ecuador <sup>2</sup>	Latvia <sup>3</sup>	Republic of Moldova <sup>3</sup>	United Kingdom <sup>3</sup>
Belgium <sup>1</sup>	Estonia <sup>3</sup>	Lithuania <sup>3</sup>	Romania <sup>3</sup>	United Republic of Tanzania <sup>3</sup>
Bolivia (Plurinational State of) <sup>2</sup>	European Union <sup>3, 4</sup>	Mexico <sup>2</sup>	Russian Federation <sup>3</sup>	United States of America <sup>3</sup>
Bosnia and Herzegovina <sup>3, 6</sup>	Finland <sup>3</sup>	Montenegro <sup>3</sup>	Serbia <sup>3</sup>	Uruguay <sup>2</sup>
Brazil <sup>2</sup>	France <sup>3</sup>	Morocco <sup>3</sup>	Singapore <sup>3</sup>	Uzbekistan <sup>3</sup>
Bulgaria <sup>3</sup>	Georgia <sup>3</sup>	Netherlands <sup>3</sup>	Slovakia <sup>3</sup>	Viet Nam <sup>3</sup>
Canada <sup>3</sup>	Germany <sup>3</sup>	New Zealand <sup>2</sup>	Slovenia <sup>3</sup>	
Chile <sup>2</sup>	Hungary <sup>3</sup>	Nicaragua <sup>2</sup>	South Africa <sup>2</sup>	
China <sup>2</sup>	Iceland <sup>3</sup>	Norway <sup>2</sup>	Spain <sup>3</sup>	
	Ireland <sup>3</sup>	Oman <sup>3</sup>	Sweden <sup>3</sup>	(Total 75)

<sup>1</sup> 1961 Convention as amended by the Additional Act of 1972 is the latest Act by which 1 State is bound.

<sup>2</sup> 1978 Act is the latest Act by which 17 States are bound.

<sup>3</sup> 1991 Act is the latest Act by which 55 States and 2 organizations are bound.

<sup>4</sup> Operates a plant breeders' rights system which covers the territory of its 28 member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom).

<sup>5</sup> Operates a plant breeders' rights system which covers the territory of its 17 member States (*Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo*).

<sup>6</sup> Bosnia and Herzegovina will become bound by the 1991 Act on November 10, 2017.

### States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention

Armenia, Brunei Darussalam, Egypt, Ghana, Guatemala, Honduras, India, Iran (Islamic Republic of), Kazakhstan, Malaysia, Mauritius, Myanmar, Philippines, Tajikistan, Venezuela (Bolivarian Republic of), Zimbabwe, as well as the African Regional Intellectual Property Organization (ARIPO).

### States and intergovernmental organizations which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention

Algeria, Bahrain, Barbados, Cambodia, Cuba, Cyprus, El Salvador, Indonesia, Iraq, Jamaica, Lao People's Democratic Republic, Libya, Liechtenstein, Mozambique, Namibia, Nigeria, Pakistan, Saudi Arabia, Sudan, Thailand, Tonga, Turkmenistan, United Arab Emirates, Zambia, as well as the Southern African Development Community (SADC).