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PLANT VARIETY PROTECTION

Gazette and Newsletter
of the
International Union for the Protection of New Varieties of Plants (UPOV)

No. 28

April 1982

Geneva

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GAZETTE

EXTENSION OF PROTECTION TO FURTHER GENERA AND SPECIES

Federal Republic of Germany

By virtue of the Third Order, of December 3, 1981 (Bundesgesetzblatt, Part I, of December 10, 1981, page 1240), Amending the Order Concerning the List of Species under the Plant Variety Protection Law, protection was extended with effect from December 11, 1981, to three further genera (Abies Mill., Ilex L. and Pinus L.) and one species (Euphorbia lathyris L.).

The list of genera and species which are covered by plant variety protection legislation is given hereunder, on page 4. The Latin and German names appear in the Decrees, whereas the English and French common names have been added, without guarantee of concordance, by the Office of the Union.

Israel

By virtue of the Plant Breeders' Rights Order (Amendment of Schedule), 5741-1981, of July 28, 1981 (Kovetz Hatakanot 4274, of September 28, 1981), protection previously accorded to certain species of Citrus was extended to the whole genus Citrus.

By virtue of the Plant Breeders' Rights Order (Amendment of Schedule), 5741-1981, of October 11, 1981 (Kovetz Hatakanot 4289, of November 19, 1981), protection was extended to a further genus (Cynara spp.) and to two further species (Allium sativum L. and Solanum tuberosum L.).

By virtue of the Plant Breeders' Rights Order (Amendment of Schedule), 5741-1982, of February 4, 1982 (Kovetz Hatakanot 4322, of March 4, 1982), protection was extended to the genus Pelargonium L'Hér. ex Ait.

The list of genera and species which are covered by plant variety protection legislation is given hereunder, on page 10. The Latin names appear in the Decrees, whereas the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union.

New Zealand

By virtue of the Plant Varieties Act Extension Order 1981 (No. 297 - notified in the Gazette on October 29, 1981), protection was extended to the following, with effect from November 12, 1981:

English

"All varieties and species of plants other than fungi, algae, and bacteria."

Français

"Toutes les variétés et espèces végétales autres que les champignons, les algues et les bactéries."

Deutsch

"Alle Pflanzensorten und Pflanzenarten mit Ausnahme der Pilze, der Algen und der Bakterien."

List of Crops Covered by Plant Variety Protection Legislation
in the Federal Republic of Germany

Liste des espèces couvertes par la législation sur la protection des
obtentions végétales en République fédérale d'Allemagne

Liste der Arten, die in der Bundesrepublik Deutschland der
Sortenschutzgesetzgebung unterliegen

<u>Latin</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Abies Mill.	Abies	Sapin	Tanne
Agrostis L.	Bentgrass	Agrostis, Agrostide	Straussgras
Allium cepa L.	Onion	Oignon	Zwiebel
Allium schoenoprasum L.	Chives	Ciboulette, Civette	Schnittlauch
Alopecurus pratensis L.	Meadow Foxtail	Vulpin des prés	Wiesenfuchsschwanz
Alstroemeria-Hybriden	Alstroemeria, Herb Lily	Alstroemère, Lis des Incas	Inkalilie
Anthurium Schott	Anthurium, Tail Flower	Anthurium	Flamingoblume
Apium graveolens L.	Celery, Celeriac	Céleri, Céleri-rave	Sellerie
Arrhenatherum elatius (L.) Beauv. ex J.S. et K.B. Presl	Tall Oatgrass, False Oatgrass	Fromental, Avoine élevée	Glatthafer
Asparagus officinalis L.	Asparagus	Asperge	Spargel
Avena nuda L.	Naked Oats	Avoine nue	Nackthafer
Avena sativa L.	Oats	Avoine	Hafer
Begonia-Elatior-Hybriden	Elatior Begonia	Bégonia elatior	Elatior-Begonie
Beta vulgaris L. ssp. vulgaris var. alba DC.	Fodder Beet	Betterave fourragère	Runkelrübe
Beta vulgaris L. ssp. vulgaris var. altissima Doell	Sugar Beet	Betterave sucrière	Zuckerrübe
Beta vulgaris L. ssp. vulgaris var. conditiva Alef.	Garden Beet, Beetroot	Betterave rouge, Betterave potagère	Rote Rübe
Beta vulgaris L. ssp. vulgaris var. vulgaris	Mangel, Leaf Beet, Swiss Chard	Bette commune, Poirée	Mangold
Brassica juncea (L.) Czern. et Coss. ssp. juncea	Brown Mustard	Moutarde brune	Sareptasenf
Brassica napus. L. var. emend. Metzger var. napobrassica (L.) Rchb.	Swede	Chou-navet, Rutabaga	Kohlrübe
Brassica napus. L. emend. Metzger var. napus	Swede Rape, incl. Oilseed Rape	Colza	Raps
Brassica nigra (L.) W. Koch	Black Mustard	Moutarde noire	Schwarzer Senf
Brassica oleracea L. convar. ace- phala (DC.) Alef. var. gongylodes L.	Kohlrabi	Chou-rave	Kohlrabi

<u>Latin</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>sabellica</i> L.	Curly Kale	Chou frisé	Grünkohl
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>viridis</i> L. + var. <i>medullosa</i> Thell.	Fodder Kale	Chou fourrager	Futterkohl
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i>	Cauliflower	Chou-fleur	Blumenkohl
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>capitata</i>	Cabbage	Chou pommé	Rotkohl, Weisskohl
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy Cabbage	Chou de Milan	Wirsing
<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussels Sprouts	Chou de Bruxelles	Rosenkohl
<i>Brassica rapa</i> L. emend. Metzger var. <i>rapa</i>	Turnip	Navet	Herbstrübe, Mairübe
<i>Brassica rapa</i> L. emend. Metzger var. <i>silvestris</i> (Lam.) Briggs	Turnip Rape	Navette	Rübsen
<i>Bromus inermis</i> Leyss.	Smooth Brome (Awnless Brome)	Brome inerme	Wehrlose Trespe
<i>Calluna vulgaris</i> (L.) Hull	Heather, Ling	Callune	Besenheide
<i>Cannabis sativa</i> L.	Hemp	Chanvre	Hanf
<i>Capsicum annuum</i> L.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
<i>Cattleya</i> Lindl.	Cattleya	Cattleya	Cattleya
<i>Chamaecyparis</i> Spach	Chamaecyparis	Chamaecyparis	Scheinzypresse
<i>Chrysanthemum-Indicum-Hybriden</i>	Chrysanthemum	Chrysanthème	Chrysantheme
<i>Cichorium endivia</i> L.	Endive	Chicorée frisée, Scarole	Winterendivie
<i>Cichorium intybus</i> L.	Chicory	Chicorée, Endive	Wurzelzichorie, Salatzichorie
<i>Cotoneaster</i> Medik.	Cotoneaster	Cotoneaster	Cotoneaster
<i>Cucumis sativus</i> L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
<i>Cucurbita maxima</i> Duch.	Pumpkin	Potiron, Giraumon	Riesenkürbis
<i>Cucurbita pepo</i> L.	Pumpkin, Marrow, Courgette, Vegetable Marrow	Courge, Pâtisson, Citrouille	Gartenkürbis, Ölkürbis
<i>Cydonia</i> Mill.	Quince	Cognassier	Quitte
<i>Cymbidium</i> Sw.	Cymbidium	Cymbidium	Cymbidie
<i>Cynosurus cristatus</i> L.	Crested Dog's-tail	Crételle	Kammgras
<i>Dactylis glomerata</i> L.	Cocksfoot, Orchard Grass	Dactyle	Knaulgras
<i>Dahlia</i> Cav.	Dahlia	Dahlia	Dahlie
<i>Daucus carota</i> L. ssp. <i>sativus</i> (Hoffm.) Arcang.	Carrot	Carotte	Möhre

<u>Latin</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Dianthus-Caryophyllus-Hybriden	Carnation	Oeillet	Nelke
X Doritaenopsis hort.	Doritaenopsis	Doritaenopsis	Doritaenopsis
Erica gracilis Salisb.	Heath	Bruyère	Erika
Euphorbia fulgens Karw.	Euphorbia fulgens	Euphorbia fulgens	Korallenranke
Euphorbia lathyris L.	Caper Spurge	Euphorbe épurge	Kreuzblättrige Wolfsmilch
Euphorbia-Milii-Hybriden	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn
Euphorbia pulcherrima Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
Fagopyrum esculentum Moench	Buckwheat	Sarrasin, Blé noir	Buchweizen
Festuca L.	Fescue	Fétuque	Schwingel
Fragaria L.	Strawberry	Fraisier	Erdbeere
Freesia-Hybriden	Freesia	Freesia	Freesie
Gerbera L.	Gerbera	Gerbera	Gerbera
Glycine max (L.) Merrill	Soya Bean, Soybean	Soja	Sojabohne
Helianthus annuus L.	Common Sunflower	Tournesol, Soleil	Sonnenblume
Helianthus tuberosus L.	Jerusalem Artichoke	Topinambour	Topinambur
Hordeum vulgare L. convar. distichon (L.) Alef.	Two-row Barley	Orge à 2 rangs	Zweizeilige Gerste
Hordeum vulgare L. convar. vulgare	Six-row Barley	Escourgeon	Mehrzeilige Gerste
Humulus lupulus L.	Hop	Houblon	Hopfen
Hydrangea L.	Hydrangea	Hortensia	Hortensie
Ilex L.	Holly	Houx	Stechpalme
Juniperus L.	Juniper	Genévrier	Wacholder
Kalanchoë Adans.	Kalanchoë	Kalanchoë	Kalanchoë
Lactuca sativa L.	Lettuce	Laitue	Salat
X Laeliocattleya Rolfe	Laeliocattleya	Laeliocattleya	Laeliocattleya
Larix Mill.	Larch	Mélèze	Lärche
Lathyrus cicera L.	Dwarf Chickling Vetch	Gesse chiche, Jarrosse	Rotblühende Platterbse
Lathyrus sativus L.	Grass Pea Vine	Gesse cultivée	Gewöhnliche Platterbse
Lathyrus tingitanus L.	Tangier Pea	Gesse du Maroc	Purpurblühende Platterbse
Lens culinaris Med.	Lentil	Lentille	Linse
Linum usitatissimum L.	Flax, Linseed	Lin	Lein
Lolium L.	Ryegrass	Ray-grass	Weidelgras
Lotus corniculatus L.	Bird's Foot Trefoil	Lotier corniculé	Hornschotenklee

<u>Latin</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Lotus uliginosus</i> Schkuhr	Major Bird's Foot Trefoil	Lotier velu, Lotier des marais	Sumpfschotenklee
<i>Lupinus albus</i> L.	White Lupin	Lupin blanc	Weisslupine
<i>Lupinus angustifolius</i> L.	Blue Lupin	Lupin bleu	Blaue Lupine
<i>Lupinus luteus</i> L.	Yellow Lupin	Lupin jaune	Gelbe Lupine
<i>Lycopersicon lycopersicum</i> (L.) Karst. ex Farw.	Tomato	Tomate	Tomate
<i>Malus</i> Mill.	Apple	Pommier	Apfel
<i>Medicago falcata</i> L.	Yellow Lucerne (Sickle Medick), Variegated Lucerne	Luzerne (en faucille)	Sichelluzerne
<i>Medicago lupulina</i> L.	Black Medick, Yellow Trefoil	Luzerne lupuline, Minette	Gelbklee (Hopfenklee)
<i>Medicago sativa</i> L.	Lucerne, Alfalfa	Luzerne (cultivée)	Blaue Luzerne
<i>Medicago X varia</i> Martyn	(Hybrid) Lucerne	Luzerne hybride	Bastardluzerne
<i>Nicotiana rustica</i> L.	-	Nicotiane rustique	Bauerntabak
<i>Nicotiana tabacum</i> L.	Tobacco (common)	Tabac	Tabak
<i>Onobrychis viciifolia</i> Scop.	Sainfoin	Sainfoin, Esparcette	Esparsette
<i>Ornithopus sativus</i> Brot.	Serradella	Serradelle	Serradella
<i>Panicum miliaceum</i> L.	Common Millet	Millet commun, Panic millet, Panic faux millet	Rispenhirse
<i>Papaver somniferum</i> L.	Opium Poppy	Oeillette, Pavot	Mohn
<i>Paphiopedilum</i> Pfitz.	Lady's Slipper	Sabot de Vénus	Venusschuh
<i>Pelargonium-Peltatum-Hybriden</i>	Ivy-leaved Pelargonium	Géranium-lierre	Efeupelargonie
<i>Pelargonium-Zonale-Hybriden</i>	Zonal Pelargonium	Géranium, Pelar- gonium zonale	Zonalpelargonie
<i>Pelargonium Peltatum X Pelargonium-Zonale-Hybriden</i>	-	-	Halbpeltaten
<i>Petroselinum crispum</i> (Mill.) Nym. ex A.W. Hill	Parsley	Persil	Petersilie
<i>Phacelia tanacetifolia</i> Benth.	-	Phacélie à feuilles de tanaïsie	Phazelie
<i>Phalaenopsis</i> Bl.	Moth Orchid	Orchidée papillon	Phalaenopsis
<i>Phalaris arundinacea</i> L.	Reed Canary Grass	Alpiste roseau	Rohrglanzgras
<i>Phaseolus coccineus</i> L.	Runner Bean, Kidney Bean	Haricot d'Espagne	Prunkbohne
<i>Phaseolus vulgaris</i> L. var. <i>nanus</i> (L.) Aschers.	Dwarf French Bean	Haricot nain	Buschbohne
<i>Phaseolus vulgaris</i> L. var. <i>vulgaris</i>	Climbing French Bean	Haricot à rames	Stangenbohne

<u>Latin</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Phleum bertolonii</i> DC.	Timothy	Fléole diploïde, Petite fléole	Zwiebellieschgras
<i>Phleum pratense</i> L.	Timothy	Fléole des prés	Wiesenlieschgras
<i>Picea</i> A. Dietr.	Spruce	Epicéa	Fichte
<i>Pinus</i> L.	Pine	Pin	Kiefer
<i>Pisum sativum</i> L. s. lat.	Field Pea, Garden Pea	Pois fourrager, Petit pois, Pois de cassage	Futtererbse, Gemüseerbse, Trockenspeiseerbse
<i>Poa</i> L.	Meadow-grass	Pâturin	Rispengras
<i>Populus</i> L.	Poplar	Peuplier	Pappel
<i>Potentilla fruticosa</i> L.	Shrubby Cinquefoil	Potentille ligneuse	Strauch-Fingerkraut
<i>Prunus</i> L.	Cherry, except ornamental vari- eties	Cerisier, sauf variétés ornemen- tales	Kirsche, ausser Ziersorten
<i>Pseudotsuga</i> Carr.	Douglas Fir	Sapin de Douglas	Douglasie
<i>Pyracantha</i> M.J. Roem.	Firethorn	Pyracantha, Buisson ardent	Feuerdorn
<i>Pyrus</i> L.	Pear, except ornamental vari- eties	Poirier, sauf variétés ornemen- tales	Birne, ausser Ziersorten
<i>Raphanus sativus</i> L. var. <i>niger</i> (Mill.) S. Kerner	Black Radish	Radis d'été, d'automne et d'hiver	Rettich
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder Radish	Radis oléifère, Radis chinois	Ölrettich
<i>Raphanus sativus</i> L. var. <i>sativus</i>	Radish	Radis de tous les mois	Radieschen
<i>Rhododendron</i> L.	Rhododendron, Azalea, Azaleodendron	Rhododendron, Azalée	Rhododendron, Azalee
<i>Ribes</i> L.	Currants, Goose- berry, except ornamental vari- eties	Cassis, Groseil- liers, sauf variétés ornemen- tales	Johannisbeere, Stachelbeere, Ziersorten
<i>Rosa</i> L.	Rose	Rosier	Rose
<i>Rubus</i> L.	Raspberry, Bramble, except ornamental vari- eties	Framboisier, Ronce, sauf variétés ornemen- tales	Brombeere, Himbeere, ausser Ziersorten
<i>Saintpaulia ionantha</i> H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen
<i>Salix</i> L.	Willow	Saule	Weide
<i>Scorzonera hispanica</i> L.	Black Salsify	Scorsonère, Salsifis noir	Schwarzwurzel
<i>Secale cereale</i> L.	Rye	Seigle	Roggen
<i>Setaria italica</i> (L.) Beauv.	Foxtail Millet, Italian Millet	Millet d'Italie, Millet des oiseaux	Kolbenhirse

<u>Latin</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Sinapis alba</i> L.	White Mustard	Moutarde blanche	Weisser Senf
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel
<i>Sorghum dochna</i> (Forssk.) Snowden	Sweet Sorghum, Broom Corn	Sorgho sucré, Sorgho à balai	Besenhirse, Zuckerhirse
<i>Spinacia oleracea</i> L.	Spinach	Epinard	Spinat
<i>Streptocarpus</i> Lindl.	Streptocarpus	Streptocarpus	Drehfrucht
<i>Thuja</i> L.	Thuya	Thuya	Lebensbaum
<i>Trifolium alexandrinum</i> L.	Berseem Clover	Trèfle d'Alexandrie	Alexandrin Klee
<i>Trifolium hybridum</i> L.	Alsike Clover	Trèfle hybride	Schwedenklee
<i>Trifolium incarnatum</i> L.	Crimson Clover	Trèfle incarnat	Inkarnatklee
<i>Trifolium pratense</i> L.	Red Clover	Trèfle violet	Rotklee
<i>Trifolium repens</i> L.	White Clover	Trèfle blanc	Weissklee
<i>Trifolium resupinatum</i> L.	Persian Clover	Trèfle de Perse	Persischer Klee
<i>Trisetum flavescens</i> (L.) Beauv.	Golden Oatgrass	Avoine jaunâtre	Goldhafer
X <i>Triticale</i>	Triticale	Triticale	Triticale
<i>Triticum aestivum</i> L. emend. Fiori et Paol.	Wheat, Soft Wheat, Bread Wheat	Blé tendre, Froment	Weichweizen
<i>Triticum durum</i> Desf.	Durum Wheat, Macaroni Wheat, Hard Wheat	Blé dur	Durumweizen (Hartweizen)
<i>Triticum spelta</i> L.	Spelt	Epeautre	Spelz
<i>Vaccinium-Corymbosum-Hybriden</i>	Blueberry	Myrtille	Kulturheidelbeere
<i>Valerianella locusta</i> (L.) Laterrade	Cornsalad, Lamb's Lettuce	Mâche, Doucette	Feldsalat
<i>Vicia articulata</i> Hornem.	One-flowered Vetch	Vesce	Wicklinse
<i>Vicia faba</i> L. var. major Harz	Broad Bean, Horse Bean	Fève	Dicke Bohne (Puffbohne)
<i>Vicia faba</i> L. var. minor Harz	Field Bean, Tick Bean	Féverole	Ackerbohne
<i>Vicia pannonica</i> Crantz	Hungarian Vetch	Vesce de Pannonie	Pannonische Wicke
<i>Vicia sativa</i> L.	Common Vetch	Vesce commune	Saatwicke
<i>Vicia sepium</i> L.	Bush Vetch, Hedge Vetch	Vesce des haies	Zaunwicke
<i>Vicia villosa</i> Roth	Hairy Vetch	Vesce velue	Zottelwicke
<i>Vitis</i> L.	Vine, except ornamental vari- eties	Vigne, sauf variétés ornemen- tales	Rebe, ausser Ziersorten
<i>Vriesea splendens</i> (Brongn.) Lem.	Vriesea	Vriesea	Vriesea
X <i>Wuylstekeara</i> hort.	Wuylstekeara	Wuylstekeara	Wuylstekeara
<i>Zea mays</i> L.	Maize	Maïs	Mais

List of Crops Covered by Plant Variety Protection Legislation
in Israel*

Liste des espèces couvertes par la législation sur la protection des
obtentions végétales en Israël*

Liste der Arten, die in Israel der Sortenschutzgesetzgebung unterliegen*

<u>Latin</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Allium cepa L.	Onion	Oignon	Zwiebel
Allium sativum L.	Garlic	Ail	Knoblauch
Alstroemeria L.	Alstroemeria	Alstroèmère, Lis des Incas	Inkalilie, Belladonnalilie
Amygdalus communis L.	Almond	Amandier	Mandel
Anemone L.	Anemone	Anémone	Anemone
Annona cherimola Mill.; A. squamosa L.	Annona	Chérimolier; Pommier-cannelle	"Cherimoya"; Rahmapfel, Süß- sack, Zuckerapfel
Anthurium Schott	Anthurium	Anthurium	Schwanzblume, Flamingoblume
Arachis hypogaea L.	Peanut	Arachide	Erdnuss
Avena sativa L.	Oat	Avoine	Hafer
Begonia L.	Begonia	Bégonia	Begonie
Brassica oleracea L. convar. botrytis (L.) Alef.	Cauliflower	Chou-fleur	Blumenkohl
Callistephus Cass.	Aster	Aster	Sommeraster
Capsicum annuum L.	Pepper	Poivron, Piment	Paprika
Carthamus tinctorius L.	Safflower	Carthame, Safran bâtard	Saflor, Färberdistel
Carum carvi L.	Caraway	Carvi, Cumin des prés	Kümmel
Carya illinoensis (Wangenh.) C. Koch	Pecan	Pacancier	Pekan, Pekannuss
Catharanthus roseus (L.) G. Don	Vinca	Catharanthus	Catharanthus

* This list is based on a translation from the originals in Hebrew published in Reshumot (original list) and in Kovetz Hatakanot (subsequent amendments).

Cette liste est fondée sur une traduction des textes originaux en hébreu publiés dans Reshumot (liste initiale) et dans Kovetz Hatakanot (modifications ultérieures).

Diese Liste stützt sich auf eine Übersetzung der in Reshumot (Originalliste) und in Kovetz Hatakanot (spätere Änderungen) in hebräisch veröffentlichten Originaltexte.

<u>Latin</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Chrysanthemum L.	Chrysanthemum	Chrysanthème	Chrysantheme
Cicer arietinum L.	Chick-pea	Pois chiche	Kichererbse
Citrullus lanatus (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone
Citrus spec.	Citrus	Agrumes	Zitrus
Cucumis melo L.	Muskmelon	Melon	Melone
Cucumis sativus L.	Cucumber	Concombre	Salatgurke
Cucurbita pepo L.	Pumpkin	Courge, Pâtisson, Citrouille	Gartenkürbis
Cynara spp.	Artichoke	Artichaut	Artischoke
Dianthus L.	Carnation	Oeillet	Nelke
Diospyros kaki L. f.	Kaki	Kaki	Kakipflaume
Duboisia leichardtii F. Moell.	Duboisia	Duboisia	Duboisie
Eriobotrya japonica (Thunb.) Lindl.	Loquat	Néflier du Japon	Japanische Mispel, Loquate
Fragaria L.	Strawberry	Fraisier	Erdbeere
Freesia Klatt	Freesia	Freesia	Freeseie
Gerbera L.	Gerbera	Gerbera	Gerbera
Gladiolus L.	Gladiolus	Glaïeul	Gladiole
Gossypium L.	Cotton	Cotonnier	Baumwolle
Gypsophila L.	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut
Helianthus annuus L.	Sunflower	Tournesol	Sonnenblume
Hordeum vulgare L.	Barley	Orge	Gerste
Iris L.	Iris	Iris	Iris, Schwertlilie
Lactuca sativa L.	Lettuce	Laitue	Salat
Leucadendron R. Br.	Leucadendron	Leucadendron	Leucadendron
Leucospermum R. Br.	Leucospermum	Leucospermum	Leucospermum
Liatris Gaertn. ex Schreb.	Liatris	Liatris	Prachtscharte
Lilium L.	Lily	Lis	Lilie
Litchi sinensis Sonn.	Litchi	Litchi	Li-tschi
Lycopersicon esculentum P. Mill.	Tomato	Tomate	Tomate
Malus sylvestris Mill.	Apple	Pommier	Apfel
Mangifera indica L.	Mango	Manguier	Mango
Medicago hispida Gaertn.; M. sativa L.	Alfalfa	Luzerne	Schneckenklee

<u>Latin</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Narcissus L.	Narcissus	Narcisse	Narzisse
Nicotiana tabacum L.	Tobacco	Tabac	Tabak
Olea europaea L.	Olive	Olivier	Ölbaum, Olive
Orchidaceae Juss.	Orchids	Orchidées	Orchideen
Oryzopsis holciformis (N. B.) Hack.	Oryzopsis	Petit millet, Oryzopsis, Faux-millet	Grannenhirse
Pelargonium L'Hér. ex Ait.	Pelargonium	Pelargonium	Pelargonie
Persea americana Mill.	Avocado	Avocatier	Avocado
Petunia Juss.	Petunia	Pétunia	Petunie
Phalaris tuberosa L.	Hardings Grass	Herbe de Harding, Alpiste tubéreux	Knolliges Glanzgras
Phaseolus vulgaris L.	French Bean	Haricot	Gartenbohne
Prunus armeniaca	Apricot	Abricotier	Aprikose
Prunus domestica L.; P. salicina Lindl.	Plum	Prunier	Pflaume
Prunus persica (L.) Batsch	Peach	Pêcher	Pfirsich
Pyrus communis L.	Pear	Poirier	Birne
Ranunculus L.	Ranunculus	Renoncule	Hahnenfuss
Ricinus communis L.	Castorbean	Ricin	Wunderbaum, Palma Christi
Rosa L.	Rose	Rosier	Rose
Saintpaulia ionantha H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen
Sesamum indicum L.	Sesame	Sésame	Sesam
Solanum melongena L. var. esculentum Nees	Eggplant	Aubergine	Eierfrucht
Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel
Sorghum vulgare L.	Sorghum	Sorgho	Möhrenhirse
Trifolium alexandrinum L.; T. berytheum Boiss.; T. repens L. T. subterraneum L.	Clover	Trèfle	Klee
Triticum aestivum L. emend. Fiori et Paol. (T. aestivum L. ssp. vulgare (Vill., Host) Mac Kay); Triticum durum Desf.	Wheat	Blé	Weizen
Vicia faba L.	Horse Bean	Fève	Dicke Bohne
Vicia sativa L.	Common Vetch	Vesce commune	Saatwicke
Vitis vinifera L.	Vine	Vigne	Rebe
Zea mays L.	Maize	Maïs	Mais

NEWSLETTER

UPOV

The International Union for the Protection of New Varieties of Plants in 1981

State of the Union

In 1981, four States deposited their instruments of ratification of the Revised Act of October 23, 1978, of the International Convention for the Protection of New Varieties of Plants (hereinafter referred to as "the 1978 Act"), namely: Ireland, on May 19; Switzerland, on June 17; South Africa, on July 21; Denmark on October 8. Those four instruments plus the instruments deposited in 1980 by New Zealand and the United States of America fulfilled the conditions for the entry into force of the 1978 Act and, pursuant to Article 33(1) thereof, that Act entered into force on November 8, 1981. On that date Ireland, New Zealand and the United States of America became member States of the Union. The entry into force of the 1978 Act means that States may no longer accede to the UPOV Convention of December 2, 1961, as amended by the Additional Act of November 10, 1972.

The Union currently comprises the following 15 member States: Belgium, Denmark, France, Germany (Federal Republic of), Ireland, Israel, Italy, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

The tables appearing on pages 19 to 21 summarize the position of the various States vis-à-vis the various Acts of the Convention.

Sessions

During 1981, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

The Council held its fifteenth ordinary session from November 10 to 12, 1981, under the chairmanship of Dr. W. Gfeller (Switzerland). All member States except Israel and Italy were represented. The session was also attended by observers from a number of interested non-member States, namely: Austria, Egypt, Hungary, Iran, Japan, Kenya, Mexico, Norway, Poland, Portugal. The Commission of the European Communities (CEC) and the European Free Trade Association (EFTA) were also represented by observers.

The first day of the session was devoted, for the second year running, to a symposium. The subject of the 1981 Symposium was "Plant Breeding Activities of Government Institutes, International Centers and the Private Sector." The following lectures were given:

(i) "Plant Breeding at the French National Institute of Agronomic Research" by Mr. Jacques Huet, Head of the Department of Genetics and Plant Breeding of the French National Institute of Agricultural Research (INRA);

(ii) "CIMMYT's Crop Improvement Programs" by Dr. Ripusudan Lal Paliwal, Associate Director (Maize Program) of the International Center for the Improvement of Maize and Wheat (CIMMYT) in Mexico, and Dr. Arthur R. Klatt, Associate Director (Wheat Program) of the same center;

(iii) "The Significance of Plant Breeding by the Private Sector" by Dr. Cornelis Mastenbroek, President of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL);

(iv) "The Rice Improvement Program of the International Rice Research Institute (IRRI)" by Dr. Gurdev S. Khush, Head of the Plant Breeding Department of the International Rice Research Institute (IRRI) in Manila (Philippines).

In addition to the representatives of member and non-member States, CEC and EFTA, the Symposium was attended by some 21 representatives of institutions active in or competent for plant breeding in various member States, representatives of intergovernmental organizations (European Cooperative Programme for the Conservation and Exchange of Crop Genetic Resources (ECP/GR), Food and Agriculture Organization of the United Nations (FAO)), representatives of international non-governmental organizations (European Association for Research on Plant Breeding (EUCARPIA), International Association for the Protection of Industrial Property (AIPPI), International Association of Horticultural Producers (AIPH), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Federation of the Seed Trade (FIS)) and representatives of international breeding centers supported by the Consultative Group on International Agricultural Research (CGIAR) (International Center for Agricultural Research in the Dry Areas (ICARDA) in Beirut (Lebanon) and CIMMYT and IRRI, the centers which provided lecturers).

The Symposium was concluded by a panel discussion. The presence of a number of experts from CGIAR-supported international breeding centers provided a valuable opportunity to expand the dialogue between those experts and representatives of UPOV member States regarding the policies to be adopted by the centers on the one hand and by UPOV and the plant variety protection offices of UPOV member States on the other hand. Records of the proceedings of the Symposium will form the subject of a special publication.

The main decisions taken by the Council at its fifteenth ordinary session were:

(i) the report of the Secretary-General on the activities of the Union in 1980 and the first ten months of 1981, the report on his management and the financial situation of the Union in 1980, and the accounts of the Union for 1980, were approved;

(ii) the program and budget for 1982 was examined and approved;

(iii) the reports on the progress made by the various committees and technical working parties, including their plans for future work, were approved; in that connection, the recommendation of the Technical Committee that the Technical Working Party for Forest Trees be incorporated in the Technical Working Party for Ornamental Plants was adopted;

(iv) the recommendation of the Consultative Committee that an information meeting be held in 1982 with international non-governmental organizations was adopted;

(v) the recommendation of the Consultative Committee that the 1982 Symposium be devoted to the technical and legal aspects of genetic engineering and of cell, meristem and tissue cultures was adopted;

(vi) the following officers were elected, for a term of three years expiring at the end of the eighteenth ordinary session of the Council (1984):

(a) Mr. J. Rigot (Belgium) was elected Vice President of the Council;

(b) Dr. G. Fuchs (Federal Republic of Germany) was elected Chairman of the Technical Working Party for Agricultural Crops;

(c) Dr. G.S. Bredell (South Africa) was elected Chairman of the Technical Working Party for Fruit Crops;

(d) Mrs. U. Löscher (Federal Republic of Germany) was elected Chairman of the Technical Working Party for Ornamental Plants and Forest Trees;

(e) Mr. F. Schneider (Netherlands) was elected Chairman of the Technical Working Party for Vegetables.

The Consultative Committee held its twenty-third session on May 6 and 8, 1981, and its twenty-fourth session on November 9 and 12, 1981, both under the chairmanship of Dr. W. Gfeller (Switzerland). All member States were represented at the twenty-third session and all except Israel and Italy at the twenty-fourth session. The sessions were devoted mainly to the preparation of the fifteenth ordinary session of the Council.

The Administrative and Legal Committee held its seventh session on May 6 and 7, 1981, and its eighth session from October 12 to 14, 1981, both under the chairmanship of Mr. P.W. Murphy (United Kingdom). All member States were represented at the seventh session and, with the exception of Italy, at the eighth session. Both sessions were attended by observers from Ireland, Japan, the United States of America and the Commission of the European Communities; in addition, observers from Canada and New Zealand attended the eighth session.

As in 1980, the Committee gave priority to the matter of harmonization of national legislation and practice. At its seventh session, the Committee noted the intentions of member States as regards amendment of their legislation, both in relation to ratification of the 1978 Act and in general. At its eighth session, it examined three specific items of plant variety protection law:

(i) having examined the question of extending the scope of protection beyond the minimum provided for in Article 5(1) of the Convention, the Committee felt that, apart from the case of plantlets, extension of protection should be envisaged only for ornamental plants and fruit crops and that the aim of the extension was to safeguard the interests both of breeders and of those producers who paid royalties and suffered the competition of products not having to bear royalties; it was generally agreed that protection should be extended to the propagation of plants intended for the commercial production of the final product (cut flowers or fruit), but some delegations expressed reservations as to the protection of the final product itself in the case of ornamental plants; the Committee invited the small number of member States that had based their domestic legislation on an interpretation of Article 5(1) of the Convention reducing considerably the extent of protection, particularly as regards "adult" plants sold to the final user, to re-examine their point of view;

(ii) having examined the optional provision contained in the second sentence of Article 5(4) of the Convention, whereby member States granting a more extensive right--extending in particular to the marketed product--may limit the benefit of it to the nationals of member States of the Union granting an identical right and to natural and legal persons resident or having their registered office in any of those States, the Committee noted the drawbacks that could arise from the use of that provision;

(iii) having been informed that one member State was considering the need to exclude parent hybrids from protection, the Committee noted that the fact giving rise to such consideration was that a person could block or disturb the creation and marketing of a certain number of commercial hybrids by obtaining protection for the intermediate or parent hybrids necessary for the production of seed of the commercial hybrids.

At both sessions, the Committee investigated ways of revising and improving the much discussed Guidelines for Variety Denominations, originally adopted by the Council at its seventh ordinary session (1973). The Committee began to give consideration to replacing the Guidelines by a set of recommendations on the interpretation of the revised version of Article 13 of the Convention, now in force for member States bound by the 1978 Act. Such recommendations would be illustrated by examples of designations which are or are not suitable as variety denominations. At its eighth session, the Committee reached agreement on two principles:

(1) combinations of letters and figures--in that order--should be accepted in the case of species, such as maize and sorghum, for which this type of denomination is an established international practice; this should also apply to series of denominations including the same alphabetical component, but it should be understood that no breeder would have an exclusive right to such a component;

(ii) in the case of a series of denominations based on a fancy name and applied to a family of varieties developed generally as a result of mutations, any new denomination in the series should not represent a simplification of the earlier denominations.

Finally, the Committee discussed, at its seventh session, two questions of relevance to cooperation in examination. The first was the question of the contacts with the applicant or the breeder in cases where examination was carried out by an authority in one member State (Authority A) at the request of an authority in a second member State (Authority B); it decided that the following rules should apply:

(i) Authority A would normally only have contacts with Authority B.

(ii) Where it was urgent that the applicant or the breeder should visit the trial culture (for example, when an anomaly occurred which was observable for a short period of time only), Authority A would be able to contact him directly, on condition that Authority B be informed at the same time.

(iii) In all other cases in which Authority A felt the need to contact the applicant or the breeder, it should first get in touch with Authority B.

The second question was whether breeders should be given access to tests of varieties for distinctness, homogeneity and stability. This matter, which is also relevant in the absence of cooperation, will be pursued on the basis of the views received from the international professional organizations concerned.

In last year's report (see Industrial Property, March 1981, page 97), reference was made to the intention of the Committee to examine the possibility of developing a system of more far-reaching cooperation. At its eighth session the Committee confirmed its intention to resume, at the appropriate time, its study of a system going beyond the bounds of variety examination.

The Technical Committee held its seventeenth session from October 14 to 16, 1981, under the chairmanship of Mr. C. Hutin (France). All member States except Italy were represented. The session was also attended by observers from Canada, Ireland, Japan and New Zealand.

The main results of the session were as follows:

(i) The Committee adopted seven revised Test Guidelines submitted:

- (a) by the Technical Working Party for Agricultural Crops - for Wheat (TG/3/8), for Barley (TG/19/7) and for Oats (TG/20/7);
- (b) by the Technical Working Party for Ornamental Plants - for Euphorbia fulgens (TG/10/4) and for Poinsettia (TG/24/5);
- (c) by the Technical Working Party for Vegetables - for Peas (TG/7/4), revised in conjunction with the Technical Working Party for Agricultural Crops, and for Lettuce (TG/13/4).

(ii) The Committee noted some problems that had arisen in connection with the examination of new varieties, especially in species in which mutations occurred rather easily. It discussed in detail the standards that should be applied in examining new varieties for distinctness. It recalled in this respect that a variety had--according to the Convention and the national laws based on it--to be clearly distinguishable by one or more important characteristics from any other variety commonly known at the time when protection was applied for. It underlined the fact that the examination for distinctness conducted by the plant variety protection authorities of member States had to go beyond checking merely whether two samples were identical or not and the fact that methods used for identification purposes--that is to say, for determining the variety to which a sample belonged--were not always sufficient for the examination for distinctness. To be used for identification purposes, a method had to fulfil several technical requirements. It had to be capable of standardization and had to lead to the establishment of significant differences which were consistent and repeatable. Such a method might not, however, be acceptable on its own for establishing distinctness. Account had to be

taken of the fact that the variety had to be distinguishable by the expression of an important characteristic, and that it had to be clearly distinguishable. It was the Committee's view that decisions in this area should be taken species by species, bearing in mind the state of development of breeding. They should not be taken in the light of technical aspects alone. The Committee thought that this line of thinking should in particular be followed when deciding whether characteristics which could only be observed by certain sophisticated methods such as electrophoresis or various other chemical analyses were acceptable. The same would be true for the acceptance of certain disease resistances as characteristics for distinctness purposes.

(iii) As far as the question of minimum distances between varieties is concerned--a question closely connected with the above mentioned problem of the standards of examination for distinctness--the Committee took the view that, before any decision was taken, a discussion should be held with representatives of breeders and growers.

(iv) The Committee agreed on a procedure for the exchange between Offices of member States of lists of varieties under test.

As in previous years, the Committee supervised the work of the Technical Working Parties, giving guidance on a number of questions raised by them and instructing them on the main aspects of their future work.

The Technical Working Party for Agricultural Crops held its tenth session in Edinburgh (United Kingdom) from June 23 to 25, 1981, under the chairmanship of Miss Jutta Rasmussen (Denmark). In addition to its work on the revised Test Guidelines adopted by the Technical Committee, the Working Party completed the preparation of first drafts of Test Guidelines for Soya Bean and for Sunflower for submission to the professional organizations for comment.

The Technical Working Party for Vegetables held its fourteenth session in Wädenswil (Switzerland) from September 8 to 10, 1981, under the chairmanship of Mr. J. Brossier (France). In addition to its work on the revised Test Guidelines adopted by the Technical Committee, the Working Party completed the preparation of first drafts of revised Test Guidelines for French Beans and of Test Guidelines for Celery for submission to the professional organizations for comment.

The Technical Working Party for Fruit Crops held its twelfth session in Wageningen (Netherlands) from September 23 to 25, 1981, under the chairmanship of Mr. A. Berning (Federal Republic of Germany). It prepared first drafts of Test Guidelines for Citrus and for Japanese Plum and of revised Test Guidelines for Apple for submission to the professional organizations for comment.

The Technical Working Party for Ornamental Plants held its fourteenth session at Antibes (France) from October 6 to 8, 1981, under the chairmanship of Mr. A.J. George (United Kingdom). In addition to its work on the revised Test Guidelines adopted by the Technical Committee, the Working Party began discussing working papers on Test Guidelines for Narcissi and on revised Test Guidelines for Carnation. In both cases, however, some further discussion will be required during its next session. It also took note of a report on a Chrysanthemum workshop held in Hoddesdon (United Kingdom) on November 4 and 5, 1980.

During the year under review each of the technical working parties discussed several items connected with the examination of varieties and the implementation by the national plant variety protection offices of the various guidelines for the conduct of tests for distinctness, homogeneity and stability. In addition to the questions of standards for distinctness and minimum distances referred to above in the report on the seventeenth session of the Technical Committee, the other principal questions considered were: color characteristics and their measurement; the maximum number of secondary off-types, such as mutations occurring during the examination of a variety, beyond which a variety is to be considered as not being sufficiently homogeneous; the financial and practical problems associated with the maintenance of reference collections for certain species, in particular among the species that are vegetatively propagated; the standardization of tests for resistance to pests

and diseases. It is envisaged that the working parties will continue their discussions on the above items in 1982 and will give particular attention to a general revision of the way in which characteristics are selected for inclusion in the various test guidelines.

Contacts with States and Organizations

During 1981, the Vice Secretary-General of UPOV established contacts with government representatives of Mexico and paid a visit to the Secretariat for Foreign Relations in Mexico City. He had further contacts with the Kenyan authorities during a visit to Nairobi. The Secretary-General and the Vice Secretary-General visited the new premises of the Bundessortenamt (German Federal Plant Varieties Office), in Hanover, and one of the variety testing stations attached to that Office. The President of the Council and the Vice Secretary-General paid a courtesy call to the newly appointed Director of the Station fédérale de recherches agronomiques de Changins (Swiss Federal Agricultural Research Station).

UPOV was represented at a tripartite meeting of experts from UPOV, the International Vine and Wine Office (IWO) and the International Board for Plant Genetic Resources (IBPGR), held in February at Colmar, France, to discuss the preparation of a "Universal List of Characteristics of the Genus Vitis"; at the annual Congresses of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) and of the International Federation of the Seed Trade (FIS), both held in May in Acapulco, Mexico; at the FAO/SIDA Technical Conference on Improved Seed Production, held in June at Nairobi, Kenya; at the Festakt (commemoration) and the lecture and discussion meeting, held in September in Vienna, Austria, to mark the centenary of the Austrian Bundesanstalt für Pflanzenbau und Samenprüfung (Federal Institute for Plant Production and Seed Testing); at the Thirty-third Congress of the International Association of Horticultural Producers (AIPH) held in September in Taormina, Italy; and at the second meeting of the Governing Board of the European Co-operative Programme for the Conservation and Exchange of Crop Genetic Resources (ECP/GR), held in December 1981 in Geneva, Switzerland.

The Office of the Union was informed that a new association, entitled "Japan Association for the Protection and Development of Plant Varieties" (JAPDPV), has been established in Japan, one of the signatory States of the 1978 Act. JAPDPV is mainly concerned with the protection and development of plant varieties and is composed of persons representing business circles, science and technology, and the legal profession.

Publications

In 1981, the Office of the Union published the Records of the 1978 Geneva Diplomatic Conference on the Revision of the International Convention for the Protection of New Varieties of Plants, in English and German (UPOV publications 337(E) and 337(G), respectively); three issues of the UPOV Newsletter (which, from 1982, will be called "Plant Variety Protection - Gazette and Newsletter of the International Union for the Protection of New Varieties of Plants"); a brochure containing the Dutch text of the UPOV Convention of 1961, of the Additional Act of 1972 and of the Revised Act of 1978 (UPOV publication 293(D)); and the Records of the 1980 UPOV Symposium on "The Use of Genetic Resources in the Plant Kingdom," in English, French, German and Spanish (UPOV publications 336(E),(F),(G) and (S), respectively).

Membership of the Union

(as of March 31, 1982)

International Convention for the Protection of New Varieties of Plants
of December 2, 1961

State	Signature	Ratification or Accession	Date of Entry into Force
Belgium	December 2, 1961	November 5, 1976	December 5, 1976
Denmark	November 26, 1962	September 6, 1968	October 6, 1968
France	December 2, 1961	September 3, 1971	October 3, 1971
Germany (Federal Republic of)	December 2, 1961	July 11, 1968	August 10, 1968
Israel	-	November 12, 1979	December 12, 1979
Italy	December 2, 1961	June 1, 1977	July 1, 1977
Netherlands	December 2, 1961	August 8, 1967	August 10, 1968
South Africa	-	October 7, 1977	November 6, 1977
Spain	-	April 18, 1980	May 18, 1980
Sweden	-	November 17, 1971	December 17, 1971
Switzerland	November 30, 1961	June 10, 1977	July 10, 1977
United Kingdom	November 26, 1972	September 17, 1965	August 10, 1968
(Total: 12 States)			

Additional Act of November 10, 1972, Amending the International Convention
for the Protection of New Varieties of Plants

State	Signature	Ratification or Accession	Date of Entry into Force
Belgium	November 10, 1972	November 5, 1976	February 11, 1977
Denmark	November 10, 1972	February 8, 1974	February 11, 1977
France	November 10, 1972	January 22, 1975	February 11, 1977
Germany (Federal Republic of)	November 10, 1972	July 23, 1976	February 11, 1977
Israel	-	November 12, 1979	December 12, 1979
Italy	November 10, 1972	June 1, 1977	July 1, 1977
Netherlands	November 10, 1972	January 12, 1977	February 11, 1977
South Africa	-	October 7, 1977	November 6, 1977
Spain	-	April 18, 1980	May 18, 1980
Sweden	January 11, 1973	January 11, 1973	February 11, 1977
Switzerland	November 10, 1972	June 10, 1977	July 10, 1977
United Kingdom	November 10, 1972	July 1, 1980	July 31, 1980
(Total: 12 States)			

International Convention for the Protection of New Varieties
of Plants of December 2, 1961, as revised at Geneva
on November 10, 1972, and on October 23, 1978

State	Signature	Ratification, Acceptance, Approval or Accession	Date of Entry into Force
Belgium	October 23, 1978	-	-
Canada	October 31, 1979	-	-
Denmark	October 23, 1978	October 8, 1981	November 8, 1981
France	October 23, 1978	-	-
Germany (Federal Republic of)	October 23, 1978	-	-
Ireland	September 27, 1979	May 19, 1981	November 8, 1981
Italy	October 23, 1978	-	-
Japan	October 17, 1979	-	-
Mexico	July 25, 1979	-	-
Netherlands	October 23, 1978	-	-
New Zealand	July 25, 1979	November 3, 1980	November 8, 1981
South Africa	October 23, 1978	July 21, 1981	November 8, 1981
Sweden	December 6, 1978	-	-
Switzerland	October 23, 1978	June 17, 1981	November 8, 1981
United Kingdom	October 23, 1978	-	-
United States of America	October 23, 1978	November 12, 1980	November 8, 1981
(Total: 16 States)			

Development of Plant Variety Protection Throughout the World in 1981

Following established practice, the representatives of the States having participated in the fifteenth ordinary session of the Council (November 10 to 12, 1981) briefly reported on the development of plant variety protection in their countries.

A summary of the statements, as recorded in the report on the above-mentioned session, is given hereinafter.

Member States

Belgium. A Bill approving the 1978 Revised Act of the Convention was at present being considered by the Ministry of Foreign Affairs, which would be responsible for presenting it to Parliament. The Law should be voted on in 1982. The Plant Variety Protection Law would have to undergo some amendment. The preparatory work had been carried out by the Plant Variety Protection Service.

Since the last session of the Council, Belgium had extended protection to a number of ornamental plants, in particular to certain Bromeliaceae and Chrysanthemum--which were of some interest in Belgium--and also to Maize and Lucerne. There were at present 74 entries in the list of protected taxa; those included the genera and species that were among the most important to Belgium, and also all genera and species whose protection was mandatory under Article 4(3) of the 1961 text of the Convention.

With regard to technical matters, as the establishment of an official institute for the examination of varieties was still under consideration by the authorities, the Plant Variety Protection Service could obtain examination results either from the National Office of Agricultural and Horticultural Outlets, or from the services of other member States under cooperation arrangements. Cooperation extended also to the examination of the varieties of the principal vegetable species for the purposes of the national list. The State ornamental plants station of Melle was at present considering the procedures for the examination of Begonia X tuberhybrida for the purposes of Belgium and other member States.

With regard to the use made by breeders of the plant variety protection system, detailed statistics are given in the following table.

USE MADE BY BREEDERS OF THE PLANT VARIETY
PROTECTION SYSTEM IN BELGIUM*

	1977	1978	1979	1980	1981**	Total
<u>Agricultural Crops</u>						
Oat	-	10	2	-	2	14
	-	-	11	-	1	12
Turnip	-	-	-	1	-	1
	-	-	-	-	-	-
Meadow Fescue	-	-	-	2	1	3
	-	-	-	2	-	2
Red Fescue	-	-	-	7	-	7
	-	-	-	7	-	7

* First line: applications filed; second line: titles of protection issued.

** Until October 31, 1981.

	1977	1978	1979	1980	1981**	Total
Barley	-	17	1	2	2	22
	-	-	15	2	-	17
Flax, Linseed	-	-	2	6	2	10
	-	-	-	7	-	7
Hybrid Ryegrass	1	1	-	-	-	2
	-	-	1	1	-	2
Italian Ryegrass	-	4	-	-	-	4
	-	-	4	-	-	4
Perennial Ryegrass	1	6	3	3	-	13
	-	-	7	-	1	8
Smooth Stalked Meadow-grass	-	-	-	4	-	4
	-	-	-	4	-	4
Rye	-	1	1	-	-	2
	-	-	2	-	-	2
Potato	-	-	-	33	-	33
	-	-	-	29	3	32
White Clover	-	-	-	1	-	1
	-	-	-	1	-	1
Bread Wheat	1	20	4	3	1	29
	-	1	20	4	2	27
Spelt	-	1	-	1	-	2
	-	-	1	-	1	2
<u>Vegetables</u>						
Lettuce	-	-	2	1	1	4
	-	-	-	2	-	2
French Bean	-	13	1	-	2	16
	-	5	3	4	-	12
Pea	-	17	2	-	-	19
	-	6	7	2	2	17
Black Salsify	-	-	-	2	-	2
	-	-	-	1	-	1
Cauliflower	-	-	-	-	1	1
	-	-	-	-	-	-
<u>Fruit Crops</u>						
Strawberry	-	8	2	-	2	12
	-	8	-	2	-	10
Apple	-	1	1	1	1	4
	-	1	-	1	-	2
Plum	-	-	-	1	-	1
	-	-	-	1	-	1

	1977	1978	1979	1980	1981**	Total
<u>Ornamental Species</u>						
Carnation	-	-	4	-	2	6
	-	-	-	4	-	4
Azalea	-	4	1	3	2	10
	-	-	2	3	4	9
Rose	-	40	8	17	19	84
	-	-	19	9	22	50
<u>Forest Trees</u>						
Poplar	-	13	-	-	-	13
	-	-	-	13	-	13
TOTAL	3	156	34	88	38	319
	-	21	92	99	36	248

Denmark. From a legislative standpoint, the past year had been characterized by three events:

(i) Denmark had deposited its instrument of ratification of the 1978 Revised Act of the Convention on October 8, 1981. The Ordinance governing the application of the Act at the national level was still under preparation. Its draft included in particular the proposal to introduce the principle of national treatment for nationals of all UPOV member States and States members of the European Communities.

(ii) The Plant Variety Protection Law had been amended on two points with effect from April 1, 1981. The duration of protection was set at 20 years for sexually reproduced plants, 25 years for Potato, 18 years for trees and rootstocks and 15 years for other vegetatively propagated plants, with the possibility of extending that duration to 20 years in the case of the last two categories of plants. Such extension had already been decided upon for five Rose varieties. Moreover, it had been made possible to accept applications for the protection of tree varieties that had already been offered for sale or commercialized abroad, at the time of the filing of the application, for a maximum of six years. Work on a general legislative revision would be undertaken shortly.

(iii) Protection granted in 1979 to Schlumbergera Lem. and Zygocactus K. Schum. (Christmas Cactus) had been extended with effect from August 26, 1981, to Epiphyllopsis Berger, to Rhipsalidopsis Britt. et Rose and to intergeneric hybrids. An offer of cooperation was also made in respect of that group of genera.

From the point of view of cooperation in examination, no amendment had been made to the agreements since the last Council session, but it had recently been decided that Denmark would apply in principle the Recommendation on Fees in Relation to Cooperation in Examination, adopted by the Council the previous year. In view of the fact that problems had arisen in the practical application of cooperation agreements, for instance regarding the provision of reference or standard samples, three meetings had been held between Denmark, France, Germany (Federal Republic of), the Netherlands and the United Kingdom in order to find solutions to those problems, and also to improve cooperation. It was still too early to announce the results of the meetings, an additional purpose of which had been to study the possibilities of legislative harmonization with a view to facilitating closer cooperation in the future. Considering the discussions that had taken place on the same subject within the Administrative and Legal Committee, the Delegation of Denmark hoped that whatever results were achieved could also be used in relation to cooperation with other member States.

In future the Plant Breeders' Rights Gazette would also contain information on national lists matters.

In 1980, 126 applications for protection had been filed (38 varieties of agricultural crops, 5 vegetable varieties, 83 ornamental varieties), in other words a number close to the average for the last five years, and 108 titles of protection had been granted. For the first ten months of 1981 those numbers were 78 and 119 respectively.

France. The consideration of the draft Decree authorizing France to ratify the 1978 Revised Act of the Convention was continuing within the various ministries concerned. The draft should be presented to the Conseil d'Etat in the fairly near future.

A Ministerial Order dated August 24, 1981, had increased the fee for the examination of distinctness, homogeneity and stability from 600--the amount fixed in 1975--to 1,800 francs. The Order also took account of the Recommendation on Fees in Relation to Cooperation in Examination, and a number of bilateral agreements concluded by France had been adapted to the Recommendation. A decree extending protection to *Alstroemeria*, *Lucerne*, *Pelargonium*, *Ryegrass* and *Red Clover* was in preparation, and was expected to be issued at the beginning of 1982. Finally, France had asked the Administrative and Legal Committee to investigate on the one hand the possibilities for harmonizing national laws regarding the extension of protection in the case of ornamental plants and fruit crops, notably to the multiplication of such plants with a view to the sale of the end product, and on the other hand the limitation of protection to inbred lines and commercial varieties--excluding parent hybrids--in the case of species for which hybrid varieties were produced. It was grateful to the Committee for having complied with its request, and expressed the wish that the discussions on October 12 and 13, 1981, might lead to greater harmonization of the rules of protection between member States.

Developments in the use made by breeders of the plant variety protection system are summarized in the table below.

	1979	1980	1981 (9 months)
applications filed	381	454	313
certificates granted	126	206	258
applications withdrawn	94	89	62
applications rejected	3	18	7
certificates in force on December 31	842	963	-

Federal Republic of Germany. Ratification of the 1978 Revised Act of the Convention called among other things for amendment of the Plant Variety Protection Law. The preparatory work on that amendment had progressed far enough for Parliament to be presented with draft legislation in 1982.

An Ordinance was currently in preparation that would extend protection to *Abies Mill.*, *Euphorbia lathyris L.*--a species from which it was hoped to derive raw materials for the chemical industry--*Ilex L.* and *Pinus L.** Offers of cooperation would be made for some or all of those taxa when sufficient experience of their examination had been gained. Moreover, discussions had taken place with most of the other member States with a view to intensifying cooperation in examination.

* See page 2.

In the course of the accounting period that had ended on June 30, 1981, the number of applications for protection filed had been 565 (611 during the previous accounting period).

Ireland. Ireland deposited its instrument of ratification of the 1978 Revised Act of the Convention on May 19, 1981, and its Delegation assured the Council that it would do its utmost to promote the Union.

In the course of the past year, the Plant Varieties (Proprietary Rights) Bill had been passed by Parliament and had acquired force of law by virtue of an Order of the Minister of Agriculture dated January 22, 1981. Since then it had become applicable to six species (Wheat, Barley, Oats, Perennial Ryegrass, White Clover and Potato), and 22 applications had been filed, for the most part concerning varieties of recent creation. The Act was in general satisfactory from the point of view of its practical application, and had not been adversely criticized. Finally, the first issue of the Plant Breeders' Rights Gazette--which for the time being was six-monthly--had been published in July 1981.

Israel. Having been unable to send a representative to the session, Israel had sent an exposé to the Office of the Union which was brought to the notice of the Council by the Vice Secretary-General.

It had been hoped that ratification of the 1978 Revised Act of the Convention would take place rapidly, before the adaptation of national law to the Act, which called for minor amendments only, but that had proved impossible to bring about until later. At the time of adaptation, administrative and procedural amendments would be made to the Law in the light of the experience acquired over eight years of application.

As protection had been extended to three new species,* the Plant Variety Protection Law was at present applicable to 65 genera comprising 75 species. A total of 142 titles of protection were in force, examination was in progress for varieties of 29 species, and 92 applications were under examination. A bilateral agreement had recently been concluded with the Netherlands, while negotiations had been started with the United Kingdom and others were planned with the Federal Republic of Germany.

The Plant Breeders' Rights Gazette now appeared regularly on a sixmonthly basis.

Netherlands. Owing to political circumstances, the procedure for the approval of the 1978 Revised Act of the Convention had been delayed. The Bill was before the Council of Ministers and would shortly be presented to Parliament.

In 1981 protection had been extended to Dahlia, Dill and Fennel and also to six genera of Bromeliaceae. Another extension--to the genus Chrysanthemum (only *C. morifolium* was protected at present), to the genus Dianthus (only *D. caryophyllus* was protected at present), to *Ornithogalum* and to *X Triticale*--was under consideration. In addition, examination fees had been amended and adapted to the recommendations made by the Council the previous year. Special fees, corresponding to half the amount of the normal fees, had been introduced for the examination of the components of multiclone and multiline varieties.

The Netherlands regarded cooperation in examination as very important; that was reflected in the new agreement concluded with Israel, the negotiations with South Africa and the continual extension of existing agreements to other species. There was cause for some criticism, however. The Netherlands considered that for certain species cooperation should consist in the taking over of test results rather than in the centralization of testing, as the latter was not compatible with the need to develop or maintain the know-how associated with those species at the national level. There was also the question of cost: it was not possible, at least for the time being, to centralize reference collections, which continued to be essential for the testing of value for cultivation and use. Moreover the high examination fees charged by

* See page 3.

certain services that carried out centralized testing was a source of difficulty for national financial authorities. Finally breeders, or at least Dutch breeders, wished to have their varieties tested in their own country. They considered that close contact with the examining service was important to their plant improvement programs and, moreover, they feared that the introduction of their varieties might be delayed where examination of the first application was entrusted to a foreign service. That did not mean that the Netherlands would withdraw all their offers of cooperation, as for one thing the criticism was not applicable to all species, and for another thing the Netherlands were fully prepared to carry out the examination of first applications on behalf of States that did not share their opinion.

During the past year the number of applications filed had remained more or less the same as in the previous two years, namely about 600, more than half of those being for ornamental plants.

New Zealand. New Zealand had ratified the 1978 Revised Act of the Convention on November 3, 1980, and was pleased to have become a member of UPOV.

With regard to legislation, there were plans to present Parliament in 1982 with a Bill amending the Plant Varieties Act of 1973. Also, an Order extending protection to all genera and species of the plant kingdom--with the exception of fungi, algae and bacteria--would very shortly be entering into force.* No real opposition to the principle of plant variety protection had been shown to date.

With regard to the use made by breeders of the plant variety protection system, detailed statistics are given in the table appearing on page 28 below.

South Africa. The most noteworthy event of the past year was the deposit on July 21, 1981, of the instrument of ratification of the 1978 Revised Act of the Convention. South Africa was pleased to have been able to contribute to the entry into force of the Act and to the entry of three States into the Union.

No addition had been made to the list of protected genera and species, which therefore still contained 83 entries. As for cooperation in examination, negotiations were in progress with the Netherlands, and the possibility of entering into agreements with other States was to be considered shortly. In that connection, South Africa was well aware that the increasing cost of managing a plant variety protection system called for closer cooperation between member States to avoid duplication of effort, and that on the other hand increases in fees, even if only to keep pace with inflation, were liable eventually to paralyze the system.

In the course of the past year, 33 applications for protection had been received and 50 titles of protection granted. At present, 67 applications were under examination and 122 varieties were protected (74 ornamental varieties, 18 varieties of agricultural crops, 16 varieties of fruit crops and 14 vegetable varieties). The species heading the list of titles granted were the following: Rose in the ornamental plants group, Soya Bean in the agricultural crops group, Peach in the fruit crops group and Tomato in the vegetables group. Of the 122 protected varieties, 104 had been bred by private breeders and 18 by public breeders.

Spain. The revision of the plant variety protection legislation was currently in preparation, the National Committee for Plant Breeders' Rights being in the process of revising the implementing regulations to accommodate the 1978 Revised Act of the Convention. Examination fees were to be increased at the same time in order to facilitate future cooperation with other UPOV member States. In that connection, Spain was interested in concluding bilateral agreements, but the species to which those agreements would relate had not yet been decided upon. The Bill amending the present Law would be ready for presentation to Parliament in the course of the coming year. It was also hoped that the necessary regulations for the extension of protection to Bean, Citrus, Peach, Pea, Sunflower and Vicia would be completed within the next two or three months.

* See page 3.

Four issues of the Plant Breeders' Rights Gazette had been published in the course of the past year.

During the current year, 68 applications for protection had been filed, bringing to 610 the total number of applications filed since the entry into force of the protection system, and 104 titles had been granted (47 for Rose, 18 for Barley, 14 for Carnation, 12 for Wheat, 11 for Potato and 2 for Oats).

USE MADE BY BREEDERS OF THE PLANT VARIETY
PROTECTION SYSTEM IN
NEW ZEALAND

As at September 30, 1981

	Applications received	Titles issued	Titles in force
<u>Agricultural Crops</u>			
Barley	17	16	11
Brassica	3	-	-
Flax, Linseed	1	1	1
Lucerne	3	2	2
Oat	2	2	2
Pea	25	17	17
Phacelia	1	-	-
Potato	5	2	2
Wheat	5	3	3
Total	62	43	38
<u>Fodder Plants</u>			
Ryegrass	1	1	1
Total	1	1	1
<u>Ornamental Plants</u>			
Boronia megastigma	1	-	-
Cymbidium	2	-	-
Dodonaea viscosa	1	-	-
Rose	120	82	66
Total	124	82	66
<u>Fruit Crops</u>			
Apple	5	-	-
Feijoa sellowiana	1	-	-
Peach	1	-	-
Solanum muricatum	6	-	-
Total	13	-	-
TOTAL	200	126	105

Sweden. Draft legislation for the ratification of the 1978 Revised Act of the Convention and adaptation of the Plant Variety Protection Law to that Act was to be presented to Parliament the following spring, and it was hoped that ratification would occur in the course of the following summer. The only legislative amendment in 1981 had been an increase in fees.

During the ten years that the protection system had been in operation, a total of 515 applications had been filed, and 174 of those withdrawn or--albeit a tiny minority--rejected. The withdrawals mainly concerned ornamental varieties and oil-seed varieties. 175 titles of protection were in force at the present time. The number of applications filed in the course of the past year had dropped slightly compared with previous years. It was felt that the reason for this situation was to be found on the one hand in the high fees and on the other hand in the fact that, for many varieties, especially ornamental ones, the Swedish market was somewhat limited.

Switzerland. Switzerland had deposited its instrument of ratification of the 1978 Revised Act of the Convention on June 17, 1981.

At present 23 taxa were protected, and there were plans to extend protection in the near future to 25 more, to a large extent thanks to cooperation in examination. Since October 1, 1980, in other words a period of 13 months, 44 applications had been filed, bringing the total of filing to 111, and 20 titles of protection had been granted, bringing the total of protected varieties to 40. Four applications had been withdrawn, and 67 were still being examined. In general, plant variety protection was growing in importance in Switzerland.

United Kingdom. Consultations were still going on with a view to the ratification of the 1978 Revised Act of the Convention. It was hoped that draft legislation would be presented to Parliament at its 1982-83 session, and it seemed that an Agriculture Bill would be presented at that session. In addition to the amendments necessary for ratification, the following in particular would also be done:

(i) extension of protection to the import of end products such as cut flowers and whole ornamental plants;

(ii) extension of the minimum protection period from 15 to 20 years, and of the maximum period from 20 to 30 years, subject to the removal of the possibility of prolonging the protection of a given variety where the owner of protection had not derived sufficient remuneration during the normal period.

The list of protected species had remained unchanged in 1981, but there were plans to add to it in 1982 Begonia elatior, Fodder Kale, Swede, White, Brown and Black Mustard, African Violet and Triticale, and also Blackberry and hybrids of Raspberry and Blackberry, and in the longer term a series of seed-reproduced bedding ornamentals, including Stocks, Pansy, Petunia, Salvia and Tagetes, subject to the establishment of a testing structure. The protection system would then apply to a new category of plants.

The United Kingdom attached very great importance to cooperation in examination and hoped that it would be increased, in spite of the minor problems that might arise at times. In fact, as long as national authorities had to finance examination to a large extent from fees, there would be a strong inducement to cooperate, at least in Western Europe, as that would be the only means of keeping examination costs as low as possible. In that respect, the United Kingdom proposed to apply as from September 1981 the recommendations made by the Council the previous year, and would approach in due course other member States in order to make the necessary arrangements. Moreover, on the advice of the financial authorities, the fees would not be increased in 1982, and thereafter they would be increased only in line with retail price increases.

Since 1965, 3,840 applications had been received, of which 1,037 had been withdrawn, 112 subsequently rejected and 2,013 accepted. In 1981, 792 varieties were under test (414 varieties of agricultural crops, 64 vegetable varieties, 19 fruit varieties, 295 ornamental varieties, the latter including 211 Chrysanthemum varieties examined solely on behalf of other member States).

In the course of the discussion that began as a result of the exposé by the Delegation of the United Kingdom, a delegation questioned the desirability of extending protection to the import of end products such as cut flowers and whole ornamental plants. On the one hand it feared that such a step might result in the need for legislation to provide also for means whereby the beneficiaries of that extended protection could assert their rights. On the other hand it anticipated a certain number of problems, such as that of dealing with the case in which cut flowers produced in one member State were imported into another member State that had extended protection, and also with the case of import from a distant country followed by auctioning or wholesale marketing. It considered that it was relatively difficult in certain cases to ascertain whether the cut flowers were of a protected variety, and that, at the very least, it was difficult to produce a document attesting that fact and also the fact that royalties had been paid. The question had been discussed between authorities and producers, and the latter were entirely opposed to any extension of protection as envisaged by the United Kingdom, as they were afraid of having to mark all cut flowers delivered to salerooms.

On the first point, the Delegation of the United Kingdom replied that, in its country, civil law afforded sufficient remedies to the owners of an intellectual property right--title of protection of a new plant variety, patent or other--and that those remedies were usable in a wide variety of situations. In any event, the problems that would confront breeders in the assertion of their new rights would be little different from those that confronted them at the present time with regard to the various types of infringement, for instance the unauthorized multiplication by the producer himself of chrysanthemums or roses with a view to the sale of whole plants or cut flowers. There was no doubt that it was theoretically difficult to exercise control over activities of that kind, but practice showed that breeders had devised an effective control system through their professional organizations, which system had proved its effectiveness in particular in a spectacular case some years previously. Moreover, the members of the profession were quite familiar with the activities of their competitors, so that in fact the difficulties would be substantially less than might be feared.

With regard to import from another member State, no problem should arise in the importing country--or in international trade--as the products concerned would have been put on the market with the consent of the owner of protection in that member State, who would also, in principle, be the owner of protection in the importing country, or at least would have economic ties with the owner of protection in the importing country.

With regard to import from distant countries in which plant variety protection did not exist, the authorities of the United Kingdom were perfectly aware of the practical problems that would arise, although there too they would not be more serious than those presented, for instance, by imports of propagating material as such. The breeders' organizations were equally aware of them, but they had made the point that, under present legislation, breeders had absolutely no possibility of securing any reward for their work, or even of attempting to secure such reward, and that they wished to obtain at least that possibility of making the attempt, regardless of the problems to be overcome. In any event, it was for the breeders and not for the authorities to devise means of asserting their rights. On the other hand it was for the authority to provide the breeder with protection of adequate scope, such as might assure him of adequate remuneration--it being understood that total protection probably could never be achieved, and that breeders were aware of it--and that was all that the United Kingdom authorities intended to do with the proposal concerned.

The real problem, as the eighth session of the Administrative and Legal Committee had made clear, was that, in the absence of such protection, the breeders of a member State, and the State itself, lost the benefit of their plant improvement work and, moreover, the State lost its production industry. Indeed the United Kingdom had experienced that in commercial flower growing: its production of greenhouse-grown cut roses, for instance, had suffered a very serious recession. There were various causes, including in particular purely economic reasons (rising labor and energy costs). Another major cause, however, was the fact that cut flower production in the United Kingdom was subject to royalties payable on the plants used for that production, whereas cut flowers from the Channel Islands, for instance, or from more distant regions, escaped those royalties, so that national producers were suffering a sort of unfair competition. Under those circumstances, therefore, the solution that presented the fewest drawbacks had to be chosen.

United States of America. The United States of America had deposited an instrument of acceptance of the 1978 Revised Act of the Convention on November 12, 1980. It was pleased to have become a member of UPOV, and its Delegation assured the Council that its Government would do its utmost for the development of the Union.

The Patent and Trademark Office was at present completing the system for the registration of variety denominations, which was the only missing element for full and complete application of the Revised Act to be brought about. The system would be based on the International Code of Nomenclature of Cultivated Plants, and it would take due account of trademarks belonging to third parties. The Office was also revising its fee system. There were plans in particular to introduce annual fees for the maintenance of granted patents. With regard to the Plant Variety Protection Act of December 24, 1970, the American Seed Trade Association (ASTA) had recommended to the Department of Agriculture that the reciprocity principle applied in the administration of the Act be replaced by the principle of national treatment for nationals of the other member States of UPOV, and that recommendation would be given favorable consideration.

Signatory States of the Revised Act of 1978 of the UPOV Convention

Japan. Having signed the 1978 Revised Act of the Convention on October 17, 1979, Japan was at present concerned with the arrangements to be made for ratification, which called for approval by the Congress. It was hoped that Japan would be able to become a member of UPOV in 1982.

As a result of the interest shown in recent years in the growing of certain lesser species and in their improvement, protection had been extended to 7 new genera, 13 new species and 1 new subspecies by virtue of the Cabinet Order of October 16, 1981, that amended the Implementing Regulations of the Seeds and Seedlings Law.

With regard to the use made by breeders of the plant variety protection system, detailed statistics relating to the years from 1979 to 1981 (the revised Seeds and Seedlings Law entered into force on December 28, 1978) are given in the tables appearing on page 32 below. A steady increase in the number of applications filed will be noted, which reflects the public's growing interest in the system. Out of the 194 titles granted, 19 were granted in 1979, 51 in 1980 and 124 in 1981.

Mexico. Ratification of the 1978 Revised Act of the Convention called for Senate approval. The Act had already been presented to the Senate for examination in the course of the annual session that was currently taking place, and it was hoped that a ruling would be given before the end of the year.

Non-member States

Austria. Austria had a Law on Seed Trade and a Law on the Homologation of Varieties, both of which were already quite old, and it was concerned with drawing up a Plant Variety Protection Law that was in conformity with the UPOV Convention. Austrian plant improvement circles--an area of activity that was entirely in the hands of the private and cooperative sectors--were wholeheartedly in favor of Austria's accession to UPOV. Unfortunately, the draft legislation had encountered some very difficult jurisdictional questions, as the Delegation of Austria had already mentioned at previous Council sessions. It was hoped however that those questions would be resolved in the near future, all the more so since the recent visit of the Vice Secretary-General of UPOV and of representatives of the Federal Republic of Germany on the occasion of the centenary of the Bundesanstalt für Pflanzenbau und Samenprüfung, and the talks that those persons had had with officials of the Agriculture Ministry, seemed to have given new impetus to the work on the draft legislation.

Egypt. Towards the end of the nineteenth century and at the beginning of the twentieth century, all varieties grown in Egypt were privately bred. In fact, the Cotton varieties that had established Egypt's reputation as a

USE MADE BY BREEDERS OF THE PLANT VARIETY
PROTECTION SYSTEM IN JAPAN

Table 1 Applications Filed in 1979-1981, Broken down by Kind of Plant

KIND	1979	1980	1981 (10 months)	Total
Food Crops	4	14	18	36
Industrial Crops	2	1	3	6
Forage Crops	1	4	3	8
Vegetables	20	21	14	55
Fruit Trees	16	24	34	74
Flowering Plants	24	47	63	134
Ornamental Trees	7	20	59	86
Edible Mushrooms	11	8	1	20
TOTAL	85	139	195	419

Table 2 Titles of protection issued in 1979-1981, Broken down by Kind of Plant and Kind of Breeder*

KIND	A	B	C	D	E	Total
Food Crops	0	0	0	2	6	8
Industrial Crops	1	0	0	2	0	3
Forage Crops	0	1	0	0	3	4
Vegetables	12	1	29	3	2	47
Fruit Trees	37	9	1	2	6	55
Flowering Plants	16	0	15	0	3	34
Ornamental Trees	22	0	11	0	0	33
Edible Mushrooms	0	0	10	0	0	10
TOTAL	88	11	66	9	20	194

* Breeder or successor in title

A: Individual; B: Agricultural Cooperative; C: Seed Company; D: Other Private Company; E: Government Institute

producer of long and extra-long Cotton fibres had been bred in the private sector, which sold seed directly to the producers. Private breeders had also worked successfully on Wheat, Maize and Rice. The Ministry of Agriculture had been set up in 1913 and had begun plant improvement work. The Ministry's varieties had soon come to dominate the market, although the work done by private breeders in collaboration with the Independent Agriculture Society had resulted in a number of good Wheat and Berseem Clover varieties.

At the present time, the task of producing new varieties lay with the Agricultural Research Center of the Ministry of Agriculture, by way of three institutes: the Cotton Institute, the Agricultural Crops Institute and the Horticultural Institute. In addition there were two seed enterprises belonging to the Ministry of Agriculture that were responsible for the multiplication of vegetable seeds.

The present Law on Agriculture provided for a system of registration of varieties, with prior examination by the Ministry of Agriculture. Under the Law, which established the right of private breeders to produce new varieties, private breeders had the possibility of selling their varieties to the Ministry of Agriculture after those varieties had passed the tests on value for cultivation and use, or of marketing the seed themselves in direct dealings with producers.

The Delegate of Egypt concluded his exposé by expressing his thanks for having been allowed to take part in the session, and also his hope that the detailed report he would submit to the competent authorities would provide Egypt with an incentive to accede to UPOV.

Hungary. Agriculture was a very important branch of the Hungarian economy. Hungary attached great importance to the creation and improvement of varieties. The Patent Law was the instrument governing the protection of new varieties. There were moreover legal rules on plant improvement and on the homologation of new varieties for production.

UPOV was held in high esteem and its activities had always been followed with great interest by Hungary. That country had greatly appreciated the fact that, at the invitation of the Secretary-General of UPOV, Hungarian experts had been allowed to visit the headquarters of UPOV to examine in detail the legal rules of the UPOV Convention, and also the fact that a delegation of UPOV experts had visited Hungary and presented exposés on the legal and practical aspects of plant variety protection. The authorities were carefully examining the possibilities of acceding to the UPOV Convention; they had recently expressed the wish that such accession might take place in the near future.

Iran. The importance of plant breeding had been recognized for a long time in Iran and much work had been done in that area. The Plant Breeding Institute had bred several new varieties of Wheat, Cotton, Maize, Rice, oil plants and vegetables which were very popular among farmers. The Wheat variety 'Azadi' (Freedom) had been first released to farmers in 1981. The Rice varieties 'Amol 2' and 'Amol 3' yielded more than 8 tons per hectare, twice as much as the control varieties. Concerning plant variety protection, Iran had no law so far, but it was hoped that progress would be made in that area after the revolution.

Kenya. Kenya was represented in an observer capacity at a Council session for the second time, the first time having been in 1974.

The legal basis for all matters concerning seeds and varieties was the Seeds and Plant Varieties Act 1972. The Act provided among other things for the drawing up of an "Index of Names of Plant Varieties," the effect of which was that, when it had been established for a class of varieties, only the varieties whose names appeared in it could be marketed. It also provided for plant variety protection. To be protected, a variety had to meet four conditions, namely: it had to be sufficiently distinguishable by one or more important characteristics from any other variety whose existence was a matter of common knowledge, it had to be sufficiently homogeneous and sufficiently stable, and it had to have a higher agro-ecological value, with respect to one or more characteristics, than that of existing varieties. Kenya was well aware that the latter criterion set its legislation apart from the rules laid down by the UPOV Convention.

In spite of the above differences, Kenya had never ceased to hold the activities of UPOV in very high esteem. In particular it had been using the UPOV Test Guidelines for the last four years. That use had manifested itself in the publication of official variety descriptions of six species, which were used in particular in connection with seed certification at the national level. Details are to be found in the table below.

OFFICIAL VARIETY DESCRIPTIONS ESTABLISHED BY KENYA

Crop	Number of descriptions		
	Commercial Varieties	New Varieties	Total
Maize	11	8	19
Potato	9	8	17
Sunflower	6	15	21
Wheat	28	12	40
Barley	3	17	20
Bean	3	11	14
Total	60	71	131

Kenya had also concerned itself with the question of plant variety protection as a whole. In April of the current year, the Government had set up a Committee to investigate the practical implementation of the Seed and Plant Varieties Act. With regard to plant variety protection, it had drawn up a report and submitted general recommendations to the Government, after having made a survey among farmers, seed firms, scientists, certain organizations and a number of other interested parties in Kenya's seed trade, in order to work out a consensus of those who had real influence in the country. The majority opinion that emerged was that the legislation of Kenya, although different from the plant variety protection legislation in force in other countries, was sound and in keeping with the needs of the country, and that consequently there was no reason to amend it, at least for the moment. Also, although the plant variety protection system was attractive and offered many benefits to a developing country such as Kenya, it had been said that Kenya was not in a position, owing to a number of limitations, to bring the protection system into operation in the immediate future. In that connection the Committee had considered that Kenya should not rush into accession to UPOV, but should rather maintain very close contact with UPOV at the technical and any other level, in order to keep abreast of developments in plant variety protection matters as advocated by UPOV. The Committee had also expressed the opinion that, in order to keep Kenya's agricultural system open, it was essential that agreements with those who brought varieties into Kenya be honored, which included the payment of royalties on varieties that had penetrated the Kenyan market. Those however were questions that were to be settled by agreement between the importers and exporters of plant material. Finally, the Committee had asked the Government to encourage and develop private plant improvement activities, which were a very important prerequisite for any protection system not to be cramped.

In general, however, the consensus was that the protection of plant varieties was an extremely important means of increasing agricultural productivity, that it was essential to Kenya and that Kenya had to reserve it for the future.

Norway. The Committee that had been set up to draft a Plant Variety Protection Law was at present considering the possibility of introducing a temporary system of fees levied on seed sales, owing to the fact that the introduction of such a Law would take a great deal of time.

Poland. The legislative work on plant variety protection had suffered delays owing to the fact that the Legislative Council of the Council of Ministers, which was to examine the draft law and implementing regulations prepared by the Ministry of Agriculture and Food, had had to give priority to other urgent work. However, that Ministry had just received the observations of the members of the Legislative Council, and it was expected that the draft could still be considered during the current year, with the hope that Parliament could adopt the new Law in 1982, thereby enabling Poland to accede to the Convention.

Portugal. Portugal was represented at a Council session for the first time, and the Delegate of that country thanked the Council for its invitation.

There was no specific legislation in Portugal on plant variety protection, and the legislation on the national list of varieties and the service responsible for its administration had been set up only recently. The legislation was based on the Directives of the European Economic Community, and provided among other things for the rejection of any application for an entry in the list that was not accompanied by the breeder's authorization. That was a first step towards recognition and protection of breeders' rights. For the immediate future there were plans to consolidate the list system as a matter of priority, and at the same time to consider the practical possibilities of accession to UPOV, and also the ideal schedule for the necessary work prior to that accession. Portugal was very interested in the work of UPOV and followed it very closely.

Twenty-third Session of the Consultative Committee, May 1981

See "The International Union for the Protection of New Varieties of Plants in 1982," starting on page 13 of this issue.

Seventh Session of the Administrative and Legal Committee, May 1981

See "The International Union for the Protection of New Varieties of Plants in 1982," starting on page 13 of this issue.

Eighth Session of the Administrative and Legal Committee, October 1981

See "The International Union for the Protection of New Varieties of Plants in 1982," starting on page 13 of this issue.

Seventeenth Session of the Technical Committee, October 1981

See "The International Union for the Protection of New Varieties of Plants in 1982," starting on page 13 of this issue.

Twenty-fourth Session of the Consultative Committee, November 1981

See "The International Union for the Protection of New Varieties of Plants in 1982," starting on page 13 of this issue.

Fifteenth Ordinary Session of the Council, November 1981

See "The International Union for the Protection of New Varieties of Plants in 1982," starting on page 13 of this issue.

MEMBER STATES

Belgium: Amendment of the Decree of July 22, 1977

By Royal Decree of December 11, 1981 (Moniteur belge - Belgisch Staatsblad of January 22, 1982) Amending Royal Decree of July 22, 1977, on the Protection of New Plant Varieties, Article 25 of the latter was amended, with effect from January 23, 1982, to read as follows (amendment underlined):

"Notwithstanding Article 13 of the Convention, the variety denomination must satisfy the following conditions:

- "1. A variety may only be designated by means of one denomination. Where an application concerning the same variety has already been filed in a State of the Union or where the variety has already been registered in that State, only the denomination under which the variety has been registered in that State may be retained, unless the Service deems such denomination to be improper for linguistic or other reasons;
- "2. the denomination shall enable the new variety to be identified without risk of confusion by a purchaser of average attentiveness;
- "3. (a) the denomination must consist of one to three words, with or without a pre-existing meaning, which are easy to pronounce and to remember and which are capable of being used as the generic designation of the variety;
- (b) numerals up to a maximum of four may be included in a denomination if they have a meaning when used in relation to the word or words to which they apply;
- (c) notwithstanding subparagraphs (a) and (b), the Service may accept denominations consisting of a combination of letters and numerals, provided that the Service decides that such designation practice corresponds to an established international usage for the species concerned;
- [subparagraph (d) deleted]
- "4. the denomination shall not comprise any element which, on expiry of the term of protection of the variety, could prevent or hinder the free utilization of the denomination or constitute an obstacle to the free marketing of the variety;
- "5. the denomination shall not, in particular:
 - (a) be capable of inducing error or leading to confusion as to the origin, characteristics or value of the variety or as to the identity of the breeder;
 - (b) refer only to properties possessed also by other varieties of the same species;
 - (c) be contrary to morality or public policy;
 - (d) be liable to provoke a scandal;
 - (e) be improper for linguistic reasons;
- "6. the denomination may not be the botanical name or the common name of a species or genus, nor may it contain the botanical or common name of a species or genus if it is liable to induce error or lead to confusion;
- "7. the denomination may not be identical with that of a different variety belonging to a species which, in accordance with the Annex to this Decree, belongs to the same class, nor be sufficiently similar to induce error or lead to confusion;

- "8. the denomination may not give the impression that the variety has been obtained from another variety or is related to it, if such is not the case;
- "9. the denomination may not contain words such as "variety," "cultivar," "form," "hybrid" or "crossing," nor translations of such words;
- "10. a new variety may not be given a denomination which has already been previously used for a variety belonging to a species which, according to the above-mentioned Annex, belongs to the same class if, in the opinion of the Service, the former variety is still cultivated or special importance still attaches to its denomination."

Denmark: Modification of Fees

Amendments have been made in the fee tariffs for plant breeders' rights (PBR) and for national listing (NL) purposes. Some details of the tariffs presently applicable are given below (in Danish crowns).

Plant Breeders' Rights

<u>Application Fee</u>	1,000
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Examination Fees (per year)

All species, except vegetables and ornamentals to be tested in the greenhouse	1,500
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Vegetables	from 450 to 750
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Ornamentals to be tested in the greenhouse	2,000
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Where the examination report is purchased from another country, the applicable fee is that charged by the country concerned.

If the variety is the subject of both an application for protection and an application for addition to the national list, the applicable fee is that charged in relation to national listing. If the application for addition to the national list follows the application for protection, in connection with which the above-mentioned examination fees have been paid, the difference between the fees has to be made up.

<u>Annual Renewal Fee</u>	500
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National Listing

Agricultural Species, Including Amenity Grasses

<u>Application Fee</u>	3,000
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<u>Fee for the Examination for Distinctness, Homogeneity and Stability (per year)</u>	4,500
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Fee for the Examination of the Value for Cultivation and Use

Annual species	first year	6,000
	second year	3,000
	third year	3,000

Perennial species	first layout (per year)	3,000
	second layout (per year)	1,500
	third layout (per year)	1,500

Annual Fee

from first to fifth year	600
from sixth to tenth year	900
for a prolongation	1,200

Netherlands: Amendment of the Ministerial Decision Concerning Reciprocity

The Nederlandse Staatscourant No. 236 of December 8, 1981, contains Decision No. 7521 of December 1, 1981, of the Minister of Agriculture and Fisheries Amending the Decision Concerning the Grant of Breeders' Rights in Respect of Varieties Bred Outside the Netherlands [No. J. 458 of February 13, 1978 (Nederlandse Staatscourant No. 33)], as amended by Decision of February 12, 1980 (Nederlandse Staatscourant No. 33)]. A consolidated text of the Decision Concerning the Grant of Breeders' Rights in Respect of Varieties Bred Outside the Netherlands is reproduced below.¹

Decision Concerning the Grant of Breeders' Rights in Respect of Varieties Bred Outside the Netherlands

Article 1. The grant of plant breeders' rights in respect of varieties bred in the countries mentioned in Article 2 is of benefit to agriculture or horticulture in the Netherlands, as far as the varieties concerned belong to a species in respect of which breeders' rights can be granted both in the country of origin and in the Netherlands.

Article 2. The countries mentioned in Article 1 are:

- | | |
|-------------------------------|--|
| - Belgium | - New Zealand |
| - Federal Republic of Germany | - Spain |
| - Denmark | - United Kingdom of Great Britain and Northern Ireland |
| - France | - United States of America |
| - Ireland | - South Africa |
| - Israel | - Sweden |
| - Italy | - Switzerland |

Article 3. 1. Decisions No. J. 2360 of January 16, 1970 (Strct. 15), No. J. 1143 of June 26, 1970 (Strct. 122), No. J. 1345 of July 12, 1972 (Strct. 137), and No. J. 928 of April 25, 1975 (Strct. 82), are hereby repealed.

2. This Decision enters into force on the day of the publication in the Nederlandse Staatscourant.²

¹ This Decision is based on Article 30(2) and (3) of the Seeds and Planting Materials Act, which reads as follows:

"(2) If the variety has been produced outside the Netherlands, there shall only be a title to the plant breeder's right insofar as the Netherlands is obliged to grant plant breeder's right under an international agreement and insofar as requirements concerning investigation and supervision of multiplication laid down by general administrative order have been met.

"(3) If a variety has been developed outside the Netherlands and there is no obligation as that described in paragraph (2), plant breeder's right may be granted for the variety if Our Minister is of the opinion that granting that right will benefit agriculture or horticulture in the Netherlands. Our Minister may make the granting of the right subject to certain conditions and he may limit the scope of the rights accruing to the breeder under this Act."

It is usually supplemented by Decisions stating for each species whether the granting of plant breeder's right in respect of a variety bred outside the Netherlands is of benefit to agriculture or horticulture in the Netherlands.

² Date of entry into force of Decision No. J. 7521: December 8, 1981.

Sweden: Modification of Fees

A new tariff of administrative fees has been introduced in Sweden with effect from December 22, 1981, by Regulation SFS 1981:1085 and a new tariff of fees for the examination for distinctness, homogeneity and stability has been introduced with effect from January 1, 1982, by Regulation LSFS 1981:37. The new fees are as follows (in Swedish crowns):

<u>Kind of Fee</u>	<u>Amount</u>	<u>(Previous Level)</u>
Administrative Fees		
Application fee		
(1) where examination is ordered by the National Plant Variety Board	1,300	(1,000)
(2) where examination is not ordered by the National Plant Variety Board, i.e. examination is in progress in another UPOV member State and the results are taken over	2,600	(2,300)
Appeal fee	800	(725)
Annual renewal fee	1,450	(1,300)
Late payment, but not before expiration of six months	1,750	(1,600)
Entries in the Variety Register (e.g. change of holder, licenses)	120	(100)

Where the examination is not ordered by the National Plant Variety Board, the applicant can recover 500 Skr in the case of withdrawal of the application before the final decision on the grant of protection is taken, provided that the National Plant Variety Board has incurred no expenses with the examining authority.

Fees for the Examination for Distinctness, Homogeneity and Stability

Agricultural crops		
Cereals and pulses	3,400	(1,750)
Herbage crops	3,400	(1,750)
Other species	2,300	(1,150)
Vegetables	3,400	(1,750 or 1,150)

COOPERATION IN EXAMINATION

CONCLUSION OF AGREEMENTS

Israel and the Netherlands

An Administrative Agreement providing for cooperation in the examination of plant varieties for distinctness, homogeneity and stability has been concluded between the Government of Israel, on behalf of the State of Israel, represented by the Director and the Treasurer of the Agricultural Research Organization, on the one hand, and the Minister of Agriculture and Fisheries of the Netherlands, on the other. Under that Agreement, which entered into force on September 25, 1981, the Dutch authorities will examine varieties of the following species on behalf of the Israeli authorities:

<u>Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
Dianthus L.	Carnation (glasshouse varieties only)	Oeillet (variétés de serre seulement)	Nelke (nur Gewächshaussorten)
Gladiolus L.	Gladiolus	Glaïeul	Gladiole
Iris L.	Iris	Iris	Iris
Lilium L.	Lily	Lis	Lilie

EXTENSION OF AGREEMENTS

Belgium and the Netherlands

The Administrative Agreement providing for cooperation in the examination of plant varieties for distinctness, homogeneity and stability concluded between the Service de la protection des obtentions végétales (SPOV - Service for the Protection of New Plant Varieties) of Belgium and the Minister of Agriculture and Fisheries of the Netherlands (see UPOV Newsletter No. 17, page 11, and No. 27, page 18)) was extended with effect from October 1, 1981, to the following which will be examined by the Dutch authorities on behalf of the SPOV:

<u>Latin</u>	<u>Dutch</u>	<u>English</u>	<u>French</u>	<u>German</u>
Alstroemeria L.	Incalelie	Alstroemeria	Alstroemère, Lis des Incas	Inkalilie, Belladonnalilie
Freesia Klatt	Freesia	Freesia	Freesia	Freesia
Streptocarpus Lindl.	Streptocarpus (Draaivrucht)	Streptocarpus	Streptocarpus	Drehfrucht

PUBLICATIONS BY THE OFFICE OF THE UNION

Official Text of the Convention in Dutch

The Office of the Union has issued UPOV publication 293(D) which contains:

(i) the official translation in the Dutch language of the Convention of December 2, 1961, and of the Additional Act of November 10, 1972;

(ii) the official text in the Dutch language of the Revised Act of October 23, 1978, of the Convention.

That publication may be obtained from the Office of the Union at a cost of 5 Swiss francs per copy, surface mail postage paid.

Test Guidelines

Guidelines for the Conduct of Tests for Distinctness, Homogeneity and Stability (Test Guidelines) have been published by the Office of the Union in a trilingual--English, French and German--edition for the following species, which replace the corresponding edition listed in UPOV Newsletter No. 21 on page 18.

<u>Document</u>	<u>English</u>	<u>French</u>	<u>German</u>
TG/3/8	Wheat	Blé	Weizen
TG/7/4	Peas	Pois	Erbsen
TG/10/4	Euphorbia fulgens	Euphorbia fulgens	Korallenranke
TG/13/4	Lettuce	Laitue	Salat
TG/19/7	Barley	Orge	Gerste
TG/20/7	Oats	Avoine	Hafer
TG/21/7	Poplar	Peuplier	Pappel
TG/24/5	Poinsettia	Poinsettia	Poinsettie

General Information Brochure

The Office of the Union has issued new brochures containing general information on plant variety protection and UPOV in English, French, German and Spanish (UPOV publications 408(E), (F), (G) and (S) respectively). The brochures are based on the situation at January 1, 1981. They may be obtained free of charge from the Office of the Union.

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Plant Breeders' Rights - The Scope of United Kingdom Protection
in: European Intellectual Property Review, 1982, vol. 4, No. 1, pp. 11-17

GODDEN (David) and POWELL (Roy)

Economic Aspects of Plant Variety Rights: Models for Examining their Effects
in: The Economic Implications of Patents in Australia (published by the Australian Patent Office, Canberra, November 1981) pp. 55-100

MONTANARI (Deanna)

Dizionario delle attività sementiere e vivaistiche
Edagricole, Via Emilia Levante, 31, Bologna; 1981 (1st edition), 270 pages, 13 x 20cm

This dictionary of the seed and nursery industry is a collection of terms which the author has compiled in the course of her activities in the Ente Nazionale delle Sementi Elette and in the editorial office of Rivista Sementi Elette, notably on the basis of Community Directives and correspondence exchanged with foreign outfits. It contains not only the specialized terminology of the seed and nursery industry, but also other scientific terminology, in particular that of botany, and the common words which either have acquired a special meaning or are just frequently used in the industry.

The dictionary is arranged according to the alphabetical order of the Italian words and gives the equivalents in French, German, Dutch and English. The Latin names of the plants are also given. In addition, each term is the subject of a short definition (unfortunately in Italian only).

(the editor)

NAGY (Joseph G.) and FURTAN (W. Hartley)

Economic Costs and Returns from Crop Development Research: the Case of Rapeseed Breeding in Canada
in: Canadian Journal of Agricultural Economics 26(1), 1978, pp. 1-14

ROYON (René)

The Limited Scope of Breeders' Rights under the International Convention for the Protection of New Varieties of Plants
in: European Intellectual Property Review, 1980, vol. 2, No. 5, pp. 139-140

 CALENDAR

1982

UPOV Meetings

April 26 and 27	Administrative and Legal Committee
April 28 and 29	Consultative Committee
May 11 to 13 Geneva	Technical Working Party for Vegetables
May 19 to 21 Madrid (Spain)	Technical Working Party for Agricultural Crops (Subgroup on May 18)
September 29 to October 1 Faversham (United Kingdom)	Technical Working Party for Fruit Crops (Subgroup on September 28)
October 5 to 7 Cambridge (United Kingdom)	Technical Working Party for Ornamental Plants and Forest Trees
October 12	Consultative Committee
October 13	Symposium
October 13 to 15	Council
November 15 and 16	Administrative and Legal Committee
November 17	Information Meeting with International Non-Governmental Organizations
November 18 and 19	Technical Committee

Meetings of other International Organizations

May 28 to June 2 Venice (Italy)	International Federation of the Seed Trade (FIS), Congress
June 2 to 4 Venice (Italy)	International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), Congress
September 27 Amsterdam (Netherlands)	International Association of Horticultural producers (AIPH); Committee for Novelty Protection
September 27 to October 1 Amsterdam (Netherlands)	International Association of Horticultural producers (AIPH); Congress
October 8 Geneva	International Community of Breeders of Asexually Reproduced Fruit Tree and Ornamental Varieties (CIOPORA), International Symposium on Plant Breeders' Rights

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