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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**COUNCIL**

**Fortieth Ordinary Session**  
**Geneva, October 19, 2006**

ADDENDUM TO DOCUMENT C/40/13

REPORTS BY REPRESENTATIVES OF MEMBERS AND OBSERVERS  
ON THE LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS

*Document prepared by the Office of the Union*

The following reports were received after the deadline of September 4, 2006 (in the alphabetical order of the names in French):

Members: Annexes I to XII: Albania, Australia, Japan, Latvia, Morocco, Mexico, Norway, Panama, Republic of Korea, Czech Republic, Romania, Slovenia.

[Annexes follow]

ANNEX I

ALBANIA

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

1.1 Amendments of the law and the implementing regulations:  
On October 15, 2005, Albania became a member of UPOV.

1.2 Nothing to report

1.3 Nothing to report

2. Cooperation in Examination

Nothing to report

3. Situation in the Administrative Field

Nothing to report

4. Situation in the Technical Field

Nothing to report

5. Activities for the Promotion of Plant Variety Protection

During the reporting period, Mr. Barry Greengrass, legal Consultant, presented a report to amend the legislation for plant variety protection.

RELATED FIELDS OF ACTIVITY

Nothing to report

[Annex II follows]

ANNEX II

AUSTRALIA

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

- 1.1 No amendment to the *Plant Breeder's Rights Act 1994* or its Regulations for the relevant year.
- 1.2 Case law: Federal Court Decision - *Cultivaust Pty Ltd & The State of Tasmania v Grain Pool Pty Ltd & The State of Western Australia* [2004] FCA 638 (May 2004). Two appeals have been heard as *Cultivaust Pty Ltd v Grain Pool Pty Ltd & Others*, SAD 135 of 2004.

This case is interesting because it deals, perhaps for the first time, with issues related to Articles 14(2) and 15(2) of the 1991 UPOV Convention in relation to reasonable opportunity to exercise rights on propagating material and the consequence in relation to the scope of the breeder's right in respect of the harvested material and farm saved seed.

Appeal #1. Cultivaust Pty Ltd's appeal to the Full Bench of the Federal Court against the judgment from the single judge of the Federal Court that their rights in relation to "Franklin" barley had not been infringed by the Grain Pool Pty Ltd was dismissed on October 28, 2005. This confirmed the primary judge's view that "exhaustion of PBR by the sale of initial seed does not extend to cover the sale of second and subsequent generations of crops, assuming they are grown from retained farm saved seed."

The transcript is available at: <http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/FCAFC/2005/223.html?query=cultivaust#disp3>

Appeal #2. Cultivaust sought special leave from the High Court of Australia to appeal the Full Courts decision, as mentioned above. The application was heard and denied on June 16, 2006.

The transcript and decision is available at: <http://www.austlii.edu.au/cgi-bin/disp.pl/au/other/HCATrans/2006/333.html?query=cultivaust>

This brings to an end this long running case which extended to matters including:

- power of the Commonwealth of Australia to make laws in relation to Plant Breeder's Rights;
- transitional arrangements for domestic law when moving between UPOV 1978 and UPOV 1991 compliant legislation;
- the nature of the Plant Breeder's Right;
- the bedrock of a patent (in Australia); and
- the operation of farm saved seed and its interaction with issues related to Articles 14(2) and 15(2) of UPOV 1991.

## 2. Cooperation with Examination

No new cooperation agreements have been entered into in 2005/06.

## 3.+4. Situation in the Administrative Field

In 2005, the Australian PBR Office introduced the Interactive Variety Description System (IVDS). The IVDS is aimed at harmonizing and producing publication-ready descriptions. It operates on-line and allows applicants to submit detailed descriptions of their varieties using drop-down templates according to the relevant UPOV Technical Guidelines (UPOV TG). Information about both candidate and comparator varieties is included. Information about characteristics additional to the UPOV TG and statistical data can also be added. For ease of identification, clearly distinctive characteristics are marked using a check box. Information on breeding and origin; trialling conditions etc. are also included. From July 2005, all applicants were required to submit descriptions using the IVDS. To date the feedback has been very positive with applicants reporting improved efficiency of field data recording and finalisation of harmonised descriptions.

In 2005-2006 the Australian PBR Office has accredited a further Centralised Test Centre (CTC) for DUS testing of *Mangifera*. One other CTC had their accreditation extended for testing of *Calibrachoa* and *Osteospermum*.

These accreditations are in addition to the existing 37 CTCs for the following 51 plant types: Potato, Sugar Cane, Canola, Wheat, Oats, Clematis, *Mandevilla*, *Diascia*, *Argyranthemum*, *Pelargonium*, Perennial Ryegrass, Tall Fescue, Tall Wheat Grass, White Clover, Persian Clover, *Bracteantha*, *Aglaonema*, *New Guinea Impatiens*, *Bougainvillea*, *Verbena*, *Agapanthus*, *Camellia*, *Lavandula*, *Osmanthus*, *Ceratopetalum*, *Rosa*, *Euphorbia*, *Limonium*, *Raphiolepis*, *Eriostemon*, *Lonicera*, *Jasminum*, *Angelonia*, *Cuphea*, *Cynodon*, *Zoysia*, *Petunia*, *Calibrachoa*, *Hordeum*, *Leptospermum*, *Rhododendron*, *Osteospermum*, *Antirrhinum*, *Dahlia*, *Anubias*, *Ananas*, *Dianella*, *Plectranthus*, *Zingiber*, *Zantedeschia* and *Prunus*.

IP Australia also maintains and updates weekly a Homepage ([www.ipaustralia.gov.au/pbr/index.shtml](http://www.ipaustralia.gov.au/pbr/index.shtml)) that includes PBR information, downloadable forms; and a searchable database including information on current applications, variety descriptions, images and grants.

Acknowledging that downloads from the Internet can be slow in some areas, in addition to on-line information, a CD of all the Australian *Plant Varieties Journals* had been produced for distribution on request.

Year	Applications Received	Applications Completed	Applications Pending
Ending 30/6/06	300	342	
Total 1988 to 2006*	5,103	3,959	1,144

\*= as at 30 June 2006

5. Activities for the Promotion of Plant Variety Protection

PBR Australia has been involved in the following promotional activities:

1. Seminar on PBR Examination Systems, Republic of Korea, September 2005.
2. QP Workshops. Australia and New Zealand. Canberra, Sydney, Brisbane, Melbourne, Launceston, Adelaide, Perth and Christchurch, October-November 2005.
3. “Overview of PBR”. Canberra Institute of Technology, March 16, 2006.
4. “How does Plant Variety Protection (PVP) fit with PGR activities particularly the Treaty?” Plant Genetic Resources for Food and Agriculture – Regional Collaboration Workshop, Fiji, May 2006.
5. “Benefits of UPOV 1991 to agriculture and trade”. Australia – China Intellectual Property Seminar, Beijing, May 2006.

[Annex III follows]

ANNEX III

JAPAN

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

1.1 Amendment of the law and the implementing regulations:

- On June 17, 2005: The Seeds and Seedlings Act was amended to extend the duration of a plant breeders' right by five years, and extending the scope of PBR not only to seeds, seedlings and harvested materials, but also to processed products made directly from selected harvested material.
- On August 1, 2006: 53 genera and 4 species were additionally designated as the genera or the species which are objects of prohibition of farmers' privilege.
- On August 1, 2006: Application form and technical explanation form were amended to harmonize with UPOV model form.

1.2 Case law:

Nothing to report.

1.3 Extension of protection to further genera and species (made or planned):

Nothing to report.

2. Cooperation in Examination

The Government of Japan is preparing to start international cooperation in examination with the Community Plant Variety Office (CPVO). We will conclude the agreement in November 2006 and will start exchange of examination reports on Rose, Petunia and Calibrachoa from next year and the range of species will successively be expanded.

3. Situation in the Administrative Field

- On August 1, 2006: Amendment of General Introduction of DUS examination and guidelines on variety denomination.
- On August 1, 2006: Introduction of RHS Colour Chart.
- On August 1, 2006: Reduction of the number of characteristics from technical explanation form (Characteristics table) on Carnation, Dianthus, Petunia, Calibrachoa and Rose.
- By the end of March 2008, revising all test guidelines (about 500 species) for international harmonization.

4. Situation in the Technical Field

Nothing to report.

5. Activities for the Promotion of Plant Variety Protection

Nothing to report.

[Annex IV follows]

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

1.1 Amendments to the Plant Varieties Protection Law which came into force on December 21, 2005.

1.2 Case law: Nothing to report.

1.3 No changes have been done.

2. Cooperation in Examination

No changes have been done.

3. Situation in the Administrative Field

3.1 Changes in the administrative structure: No changes have taken place.

3.2 Changes in office procedure and systems: No changes.

3.3 Plant Variety Protection Statistics: See documents C/40/5, 6 and 7.

4. Situation in the Technical Field

DUS test was carried out for Estonian fruit varieties:

- *Malus domestica* Borkh. – 13 varieties;
- *Punus cerasus* L. – 6 varieties;
- *Prunus domestica* L. – 3 varieties;
- *Ribes nigrum* L. – 5 varieties;
- *Rubus idaeus* L. – 2 varieties.

DUS test was carried out for Latvia:

- *Rhododendron* L. – 3 varieties.

[Annex V follows]

ANNEX V

MOROCCO

1. Situation in the legislative field

- 1.1 On December 19, 1996, Moroccan Law No. 9/94 on the Protection of New Varieties of Plants was adopted by the Chamber of Representatives. It was enacted by Dahir No. 1-96-255 of January 21, 1997 and published in Official Journal No. 1418 of May 15, 1997. The Law was also declared to be in compliance with the provisions of the 1991 UPOV Convention, by the Council of the Union at its extraordinary meeting held in April 1997.

The Law entered into force on October 28, 2002, the date on which its implementing regulations were published in the Official Journal.

Moreover, it should be noted that Morocco has deposited the instruments of accession with UPOV, which will enter into force as of October 8, 2006.

- 1.2 Case law: no cases have been brought to date within the framework of Law No. 9/94.

- 1.3 Extension of protection to other genera and species

Protection is provided for 76 genera and species of cereals, legumes, fodder crops, industrial crops, vegetable crops, potato, strawberry, floral and ornamental species, tree and vine species.

2. Cooperation in examination

- Examination of varieties: training courses were held in France for Moroccan officials in relation to the examination of varieties in the field and laboratory, as well as for the management of protection; this was part of a Moroccan-French cooperation program aimed at strengthening the capacities of the bodies responsible for protection in Morocco. The above program began in 1999 and was spread over several years;
- As part of the modernization of the protection system, Morocco benefited from the support of the United States of America through the United States Agency for International Development (USAID) and Michigan State University. Within the cooperation project, computer equipment was acquired and computer training provided for Moroccan officials. Visits were made to the Plant Variety Protection Office and the Patent and Trademark Office of the United States of America;
- As part of Moroccan-Egyptian cooperation, representatives of the protection system in Egypt visited Morocco in December 2005, in order to familiarize themselves with the Moroccan protection system.
- As regards the transfer abroad of the results of the DUS examinations for varieties, the work done with the services responsible for the protection of new varieties of plants in France, the European Union, South Africa and the Netherlands will be noted.



3. Situation in the administrative field

Morocco used its experience with regard to testing varieties for the purposes of registration in the catalog with a view to protection, based on the existing structure. For the species for which there are no human or material resources, the transfer of the results of the examinations carried out by other countries remains the only solution.

The Seeds and Seedlings Inspection Service, attached to the Directorate for the Protection of Plants, Technical Inspection and the Repression of Fraud, under the Ministry of Agriculture, Rural Development and Maritime Fisheries, is responsible for protection.

4. Situation in the technical field

As regards the examination of the varieties submitted in order to obtain the plant breeder's certificate, the technical sections of the catalog are responsible for examining applications. Since October 2002, the date of entry into force of the Law, 157 applications have been submitted for protection, of which 60 relate to national varieties. To date, 111 applications for protection have been approved and the other varieties are being examined.

5. Activities for promotion of the protection of plant varieties

Two seminars were held in Morocco to promote the protection of plant varieties:

- The first was held from June 15 to 17, 1993 with the collaboration of UPOV;
- The second was held from March 24 to 26, 1997 with USAID and Michigan State University;
- Another workshop was held on May 9, 2002 for Moroccan professionals and public bodies, in order to explain the interest of protection and the protection procedure.

Publications

The Journal relating to the protection of plant varieties is published twice a year, in April and September each year. The aim of this Journal is to provide the public with information relating to protection (applications, certificates, denominations, withdrawals, assignments, lapses, nullity etc.).

In order to inform the maximum number of persons likely to be concerned with the protection of plant varieties, the Journal is issued through professional agricultural associations and the Federation of Agricultural Chambers. It is also displayed by central and regional bodies of the Directorate for the Protection of Plants, Technical Inspection and the Repression of Fraud (DPVCTRF).

Similarly, a protection procedure has been prepared and distributed to all those involved in this field. This procedure is to be found on the Internet site of the Ministry of Agriculture, Rural Development and Maritime Fisheries ([www.madrpm.gov.ma](http://www.madrpm.gov.ma)).

## RELATED FIELDS OF ACTIVITY OF INTEREST TO UPOV

### Registration of varieties:

The Official Catalog was established in 1977, the aim of which is to provide details of the identity, production potential and quality of new varieties, prior to their dissemination among farmers. All the varieties resulting from national research programs or introduced from abroad are tested in Morocco, for at least two cycles, in order to ensure that they perform appropriately before they are certified and commercialized. The number of registered varieties reached 1,985 for about 40 of the most cultivated species in Morocco.

### Inspection and certification:

The technical inspections which are carried out at all the stages of production, packaging, storage and commercialization of the seeds and seedlings in all categories is governed by approved technical regulations which specify the admission and inspection conditions, production methods, and inspection and certification standards. On average, certified production covers 800,000 items per year for major crops and seven million seedlings for fruit species (olive trees, citrus fruits and almond trees).

### Commercialization:

Seeds and seedlings may be commercialized only by bodies approved by decree of the Minister of Agriculture and subject to the conditions fixed by decision of said Minister. Imported seeds must belong to varieties registered in the Official Catalog or on provisional lists and seeds must be certified according to the OECD model and meet EEC standards, or be of a standard category for vegetable crops. The decree also provides for the introduction of limited quantities of new varieties for experimentation purposes.

The number of institutions authorized to commercialize seeds is 128.

### Regulations concerning genetic engineering:

A draft law has been drawn up on the basis of the provisions contained in the European Union directives Nos. 2001/18/EC, 90/219/EC and 90/220/EC, and also French Law No. 92-654 of July 13, 1993 on Inspection of the Use and Dissemination of GMOs. The Cartagena Protocol on Biosafety, adopted as part of the Convention on Biological Diversity, was also taken into account. The draft was submitted for adoption.

The content of this draft law is based on the following four main principles: the fields of application and definitions, the use of GMOs for education and research needs, the dissemination and marketing of GMOs, labeling, and legal and criminal actions.

Furthermore, an advisory committee known as the “National *Biosafety* Committee”, previously referred to by the Prime Minister, was officially set up on April 12, 2005. This Committee brings together all the ministerial departments concerned with *Biosafety* and the representatives of the private sector and civil society. Its role is to issue opinions to the Government on the use, handling, transfer, dissemination, import and marketing of GMOs and derived products.

At the national level and in keeping with the precautionary principle, which consists in not authorizing the commercialization of GMOs until it is shown that they do not have any harmful effects on human and animal health, or on the environment, the introduction of genetically modified material onto Moroccan territory is not authorized.

In addition, Morocco signed the Cartagena Protocol on the prevention of the risks linked to biotechnologies on May 15, 2000 in Nairobi [but the Protocol has not yet been ratified].

[Annex VI follows]

ANNEX VI

MEXICO

1. Situation in the legislative field

1.1 Amendments to the Law and the Regulations thereunder

As a result of the consultation process designed to achieve a national consensus regarding the amendment of the Law in force and the Regulations thereunder, in 2006 an initial approach was made to the country's legislative authorities (Senate), to which the proposed amendment of the Law and the Regulations thereunder (including recommendations made by the International Community of Breeders of Asexually Reproduced Ornamentals and Fruit Varieties (CIOPORA)) was submitted for consideration, in order to bring it into line with the 1991 Act. However, in view of the change of government in relation to the National Presidency, the relevant process will continue into 2007.

- Fees for annual approval of protection certificates

In relation to the fees for the annual approval of the protection certificates issued, at the beginning of 2006 an administrative simplification proposal entered into force, whereby a standardized approval fee is considered, i.e. no consideration is given to the number of years for approval or to the species to which the protected variety belongs, a situation which had not prevailed previously (the approval number and the plant species to which the protected variety corresponded were aspects considered when fixing the amount of the annual approval fee).

- Protection of all genera and species

No changes. Since the entry into force of the Federal Law on New Varieties of Plants, the instruction to the authority responsible for the protection system has been to grant protection for all genera and species in the plant kingdom.

2. Cooperation in examination

No changes. The cooperation agreement with the Community Plant Variety Office continues to be in force with regard to the acceptance in Mexico of official DUS examination results from said Office.

3. Situation in the administrative field

No comments.

4. Situation in the technical field

During 2006, four inspections have been carried out in order to endorse the rights of breeders. Of note was the fact that on two occasions the support of public opinion was required, given the resistance to providing access to installations in which the illegal

propagation of protected varieties is carried out. Also of note is the imposition of economic sanctions on two parties that infringed the Law.

5. Activities for promotion of the protection of plant varieties

- In March 2006, an event was held entitled “EU young plants: for professionals, from professionals”, a seminar organized by the Mexican Flower Council and the Embassy of the Netherlands, in which representatives of the sector devoted to ornamental species, producers from various national states, researchers, commercialization specialists and breeders took part.
- From August 30 to September 1, 2006, the second international workshop was held on the evaluation of the distinctness, uniformity and stability of plant varieties, an event which is now considered a reference and form of support for training purposes for institutions involved in the protection of varieties in Central America.

ACTIVITIES IN SECTORS RELATED TO UPOV’S SPHERE OF INFLUENCE

No relevant comments.

[Annex VII follows]

ANNEX VII

NORWAY

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

No changes have been done.

2. Cooperation in Examination

Norway received 33 DUS reports from other members.

3. Situation in the Administrative Field

From January 1 to December 31, 2005, 46 applications have been received. 35 titles were issued.

Grant of rights by crop kind were as follows:

<i>Avena sativa</i>	1	<i>Hordeum vulgare</i>	3	<i>Rosa</i>	5
<i>Begonia hiemalis</i>	3	<i>Lolium perenne</i>	1	<i>Saintpaulia</i>	1
<i>Calibrachoa</i>	6	<i>Mandevilla</i>	1	<i>Scaevola aemula</i>	1
<i>Euphorbia pulcherrima</i>	5	<i>Pelargonium</i>	5	<i>Solanum tuberosum</i>	1
		<i>Prunus</i>	1	<i>Trifolium pratense</i>	1

229 titles were in force on August 1, 2006.

[Annex VIII follows]

ANNEX VIII

PANAMA

PLANT VARIETY PROTECTION

1. Situation in the legislative field

- 1.1 Panama became a member of the International Union for the Protection of New Varieties of Plants (UPOV) and acceded to the 1978 Act on May 23, 1999. Law No. 23 of July 15, 1997, Title V, envisages the standards for the protection of new varieties of plants in Panama, and is regulated by Executive Decree No. 13 of March 19, 1999.
- 1.2 As a result of a ministerial decision, Mr. Ariel Espino was appointed as the new Chairman of the Council for the Protection of New Varieties of Plants (COPOV).
- 1.3 The Advisory Committee in session requested approval for the inclusion of the following new genera and species for protection:

<u>Common name</u>	<u>Genus and/or species</u>
1. Coffee	<i>Coffea arabica</i>
2. Yucca	<i>Manihot esculenta</i> Crantz
3. Yam	<i>Dioscorea alata</i>
4. Banana	<i>Musa</i> spp.
5. Banana tree	<i>Musa cavendishii</i> Lamb.
6. Sugar cane	<i>Saccharum officinarum</i> L.
7. Taro root	<i>Xanthosoma</i> spp.

2. Cooperation in examination

Cooperation has been maintained in the exchange of examination results with the Colombian Agricultural Institute (ICA) and the International Center for Tropical Agriculture (CIAT).

3. Situation in the administrative field

- 3.1 Journal No. 187 was published on January 23, 2006 and can be consulted on the General Directorate of the Industrial Property Registry (DIGERPI) website.
- 3.2 Up to September 11, 2006, the following applications had been filed and registered. See Table No.1. Update of document C/36/7.

Table 1. Document C/36/7

Year	Applications filed by:			Titles issued to:			Titles having ceased to be in force in reference year	Titles in force at end of reference year
	Residents	Non-residents	Total	Residents	Non-residents	Total		
2000	-	1	1	-	-	-	-	-
2001	-	-	-	-	-	-	-	-
2002	-	4	4	-	-	-	-	-
2003	-	1	1	-	-	-	-	-
2004	6	1	7	-	1	1	-	1
2006	2	-	2	-	-	-	-	1

Source: Department of Plant Varieties

#### 4. Situation in the technical field

- 4.1 The first DUS technical field examination was supervised for the rice variety IW-7 at the Agricultural Research Institute of Panama (IDIAP) substation in Coco, Penonomé, for the Costa Rican firm INARROZ.
- 4.2 An application was filed for the rice variety (*Oriza sativa* L.) with the denomination IDIAP 145-05.
- 4.3 DUS examinations are in progress, using the sworn declaration procedure, carried out by the IDIAP for the following five (5) cultivars:
- PB-013 (*Zea Mays* L.) – Maize.
  - IDIAP-2503 (*Oriza Sativa* L.) – Rice.
  - IDIAP-3003 (*Oriza Sativa*) – Rice.
  - CENTENARIO (*Cucúrbita Moschata* L.) – Pumpkin.
  - IDIAP-R3 (*Phaseolus Vulgaris* L.) – Kidney bean.
- 4.4 Apart from the validation examinations received from Colombia for rice and the Community Plant Variety Office, no examinations have been obtained from other countries. See Table No. 2. Update of document C/36/5.

Table 2. Document C/36/5

No.	TAXON	Offering/ examining States	States receiving examination reports	States exchanging examination reports
172	Strawberry	Community Plant	PA	-
288	Rice	CO	PA	-



5. Activities for the promotion of the protection of plant varieties

5.1 Training continued to be given during the year to different people including producers, importers, academics, public officials working in agricultural quarantine, customs officials, judges, public prosecutors and technicians on the importance and application of breeder's rights, including the following conferences: Importance of Breeder's Rights, Processing and Application of Breeder's Rights in Panama, DUS technical examinations, and the Relationship between Commercial Registration and Breeder's Rights. Table 3 is as follows:

Table 3. Staff trained by sector 2005 – 2006

Place	Date	Producers Importers Agents	Public sector	Academics and professionals	Total
Members of COPOV and agricultural public sector managers, Panama – Ministry of Agricultural Development (MIDA)	February 25, 2005	-	18		18
Teaching staff and academics of the Technological University of Panama	March 15, 2005	-		13	13
Producers and technicians from the Eastern Sector of Panama – Tortí, Chepo	June 16, 2005	21	12	-	33
Students and teachers of the Nazareno Agricultural Institute, Atalaya - Veraguas	September 2005	-		59	59
Technicians, Researchers and Breeders - IDIAP	July 31, 2006	-	30		30
Agricultural public and private sector - Veraguas	July 5, 2006	7	23	7	37
Total		28	83	79	190

Source: COPOV

5.2 Written publications include:

- On January 22, 2006 Official Journal No. 187, Volume III on Protected Plant Varieties in Panama was published. This document can be obtained on the Department's website at <http://www.digerpi.gob.pa>
- In all the lectures given, pamphlets, copies of lectures, registration applications and a copy of Law No.23 of July 15, 1997 were provided.

RELATED ACTIVITIES OF INTEREST TO UPOV

- The National Coordination Committee of the "Development of the National Framework for the Security of Biotechnology in Panama" and the National Commission on Phylogenetic Resources held meetings.

- The following commercial cultivars were registered by the National Seeds Committee, presided over by the Council's Advisory Committee:
  - a. Hybrid maize                   30 F 87, DK – 1040
  - b. Hybrid sorghum               82 G 63, 82 G 55, 8282
  - c. Rice                             IDIAP 145-05, IDIAP 5405, IDIAP 5205.
  
- The registration of commercial varieties of vegetables was updated, including 501 cultivars corresponding to 31 species which are authorized for sale or commercialization.
  
- Five (5) meetings of COPOV were held in the period from September 2005 to September 2006.

[Annex IX follows]

ANNEX IX

REPUBLIC OF KOREA

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

1.1 Amendments of the law and the implementing regulations

Article 31 of the Korean Patent Act which was the provision for a patent for a plant invention was deleted from October 1, 2006. According to Article 31 of the Patent Act, a person who invented a variety of plant that reproduced itself asexually could obtain a plant patent. The objective of the deletion was to harmonize the requirement of all patentable subject matter, whether for a plant invention or for other forms of subject matter.

1.2 Case law

Nothing to report.

1.3 Extension of protection to further genera and species

As of September 21, 2006, the Minister of MAF announced 34 genera and species to be designated as eligible for PVP from December 1, 2006, by order of 2006-49 of MAF.

The total number of genera and species for which PVP is available is 189 as of September 21, 2006. The list of designated genera and species is presented in the Table.

2. Cooperation in Examination

- The DUS report of a variety of Anthurium was requested by the PVP authority of Brazil for use for the DUS examination in Brazil. The DUS report will be sent to Brazil after the DUS test has been completed in the Republic of Korea.
- Discussions for cooperation in examination between the Republic of Korea, Japan and China continued with the aim to establish a set of example varieties for rice and Chinese cabbage between the Republic of Korea and Japan. A Japanese Delegation of DUS examiners visited the Republic of Korea in April 2006. A Korean Delegation of examiners will visit and communicate with Japanese DUS examiners in November or December 2006.

3. Situation in the Administrative Field

During the period September 1, 2005, to August 31, 2006, 502 applications for plant breeders' rights were received and 300 rights were granted, bringing the total number of valid plant breeders' rights to 1,610.

4. Situation in the Technical Field

Nothing to report.

5. Activities for the Promotion of Plant Variety Protection

- A program for a training course for staff from countries which are developing a PVP system was accepted by the Republic of Korea Government for 2007. The program will be offered for around 15 persons each year in this program. The program will be run in cooperation with UPOV and will be supported by UPOV lecturers.
- Publications
  - All matters related to Plant Breeders' Rights are published in the monthly Korean Plant Variety Gazette which appears on the website of the NSMO ([www.seed.go.kr](http://www.seed.go.kr)) in Korean, with an English version published annually "Korean Plant Variety Protection Report"
  - A Korean version of the "UPOV report on the impact of plant variety protection" was published in June 2006.

Table: Extension of protection to new species in 2006

No.	Common name	Botanical name
1	Buck wheat	<i>Fagopyrum</i> spp.
2	Chinese chive	<i>Allium tuberosum</i> Rottl. ex Spreng.
3	Kale	<i>Brassica oleracea</i> L. var. <i>acephala</i> (DC.) Alef. <i>Brassica oleracea</i> L. var. <i>sabellica</i> L.
4	Swiss chard, leaf beet	<i>Beta vulgaris</i> L. var. <i>cicla</i> L. (Ulrich)
5	Whorled mallow	<i>Malva verticillata</i> L. (= <i>M. pulchella</i> Berh.)
6	Chicory	<i>Cichorium intybus</i> L.
7	Endive	<i>Cichorium endivia</i> L.
8	Plumed Thistle	<i>Cirsium</i> spp.
9	Delpinium	<i>Delphinium</i> spp.
10	Phlox	<i>Phlox</i> spp.
11	Rubber tree	<i>Ficus elastica</i> Roxb.
12	Dracaena	<i>Dracaena fragrans</i> Ker-Gawl.
13	Philodendron	<i>Philodendron</i> spp.
14	Tillandsia	<i>Tillandsia</i> spp.
15	Cymbidium	<i>Cymbidium</i> spp.
16	Anemone	<i>Anemone</i> spp.
17	Clematis	<i>Clematis</i> spp.
18	Common lantana, shrub verbena	<i>Lantana camara</i> L.
19	Liatris	<i>Liatris</i> spp.
20	Desert rose	<i>Adenium</i> spp.
21	Trailing maidenhair	<i>Adiantum</i> spp.
22	Osmunda	<i>Osmunda</i> spp.
23	Dracaena	<i>Dracaena</i> spp.
24	Peperomia	<i>Peperomia</i> spp.

25	Spinless cactus	<i>Opuntia ficus-indica</i>
26	Udo	<i>Aralia continentalis</i> Kitag. (= <i>Aralia cordata</i> Thunb.)
27	Tangshen/Pilose Asia-bell	<i>Codonopsis pilosula</i> (Franch.) Nannf.
28	Nut Grass	<i>Cyperus rotundus</i> L.
29	Common Anemarrhena	<i>Anemarrhena asphodeloides</i> Bunge
30	Cape-Jasmine	<i>Gardenia</i> spp.
31	Entomopathogenic fungi	<i>Cordyceps</i> spp.
32	Hawthornleaf raspberry	<i>Rubus crataegifolius</i> Bunge
33	Alfalfa	<i>Medicago sativa</i> L.
34	Triticale	X <i>Triticosecale</i> Wittmack

[Annex X follows]

ANNEX X

CZECH REPUBLIC

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

Act No. 554/2005 Coll., which implements the amendment to Act No. 408/2000 Coll., on the protection of plant variety rights entered into effect on the day of its promulgation (December 30, 2005).

The new law provides more detailed rules concerning farm-saved seed and the enforcement of plant variety rights, including certain measures implementing provisions of Council Directive 2004/48/EC on the enforcement of intellectual property rights as well as the rates tariff of maintenance fee. Furthermore, some amendments provide the necessary references with regard to regulations on Community plant variety rights.

As altogether there are five amendments to the Act No. 408/2000 Coll., the Government was authorized to prepare the consolidated version of Act No. 408/2000 Coll. in the wording of amendments implemented by Act No. 147/2002 Coll., Act No. 149/2002 Coll., Act No. 219/2003 Coll., Act No. 377/2005 Coll. and Act No. 554/2005 Coll. This consolidated version was recommended to be published in the UPOV Gazette and Newsletter.

2. Cooperation in Examination

Agreements on cooperation in examination with Romania and Slovenia were concluded. The bilateral agreement with Hungary was amended.

3. Situation in Administrative Field

Within the period from September 1, 2005, to August 31, 2006, 41 applications for protection were received and 55 titles were issued. At the last date, 630 titles were in force and 195 applications pending.

4. Situation in the Technical Field

On June 26 and 27, 2006, the Peas Ring Test meeting was held in the Central Institute for Supervising and Testing in Agriculture, Brno, Testing Station Chrlice. There were 28 DUS experts from examination offices of 14 countries participating in that meeting.

5. Activities for the Promotion of Plant Variety Protection

5.1. The Ministry of Agriculture has organized three seminars to inform officials, companies and agricultural community about the new principles of Act No. 408/2000 Coll. consolidated during the year 2006.

- 5.2. New rules for co-existence of traditional and GM technologies were established by Act No. 441/2005 Coll. (i. e. amending Act No. 252/1997 Coll. on Agriculture) and by the Decree No. 89/2006 Coll. The new decree provides more detailed rules concerning binding measures for effective co-existence between GM crops and conventional and organic farming.
- 5.3. Amended Act No. 219/2003 Coll. on marketing of seed and planting material (Act No. 178/2006 Coll.) entered into effect on May 5, 2006.

[Annex XI follows]

## ANNEX XI

## ROMANIA

PLANT VARIETY PROTECTION1. Situation in the Legislative Field1.1 Amendments of the law and the implementing regulations

As part of a review process, the Plant Variety Protection Law No. 255/1998 has been reviewed and published in the Official Gazette No. 409 of May 11, 2006; Implementing Rules has to be drafted accordingly. The examination fees were increased and can be found in the Law 381/2005 on the Industrial Property Fees, Annex 3, published in the Official Gazette No. 6 on January 4, 2006. The information is available on the website: <http://www.osim.ro/soi/psoi.htm>.

2. Cooperation in the Examination

- During this year there was exchange of information regarding foreign applications with the *Bundessortenamt*, Germany; Geves, France, and CPVO in order to purchase the reports.
- Two bilateral agreements are planned for the next year in DUS testing with the Czech Republic and Hungary.

3. Situation in the Administrative Field

In the reporting period, we observed an increase in the number of applications for national PVP, especially for vegetables and fruit trees. Details on statistics are given below (see table).

Crops	Applications	Grants of PVP	Titles in force
Agriculture	15	9	56
Vegetables	20	2	13
Fruit trees and flowers	4	6	40
Medicinal plants	0	0	0

4. Situation in the Technical Field

- During this year, the State Institute for Variety Testing and Registration (ISTIS) implemented three Ministerial Orders No. 1348/2005, No. 1349/2005 and No. 8/2006 regarding the testing of agricultural species, vegetables and vineyard, fruits and ornamental species to be in line with Regulation No. 930/2000 and the implementing rules.



- The crop experts gained a good experience in the variety testing during the training in the frame work of Phare Program which took place in Bucharest from May 9 to 12, 2006, for agricultural species and from June 11 to 14, 2006, for vegetables.
- The Institute (ISTIS) improved the infrastructure and elaborated a program for the next year.
- In the field of seed certification, on the basis of Seed Law 266/2002, the Ministerial Order No. 1295/2005 regarding technical rules for seed production, commercialization and certification was implemented.
- The full set of the regulations will be available on the web site <http://www.incs.ro/ordine> 2006.

5. Activities for the Promotion of Plant Variety Protection

- The expert of the Office participated at the research institute meetings;
- Lectures were given to the University of Agricultural Sciences with the view to promote Plant Variety Protection in Romania;
- The Office (OSIM) gives permanent assistance to interested persons who want to apply;
- The Office publishes the Official Bulletin of Industrial Property - Plant Variety Protection Section, in which there is information about the new developments in the DUS examination and TGP documents.

RELATED FIELDS OF ACTIVITIES, IF OF INTEREST TO UPOV

- Romania notified to the European Committee for Agriculture (Sanco) the list of species and varieties from the National Catalogue listed for commercialization and which will enter in the Common Catalogue beginning in 2007.
- The varieties listed in the National Catalogue will be found on the UPOV-ROM beginning with this year.

[Annex XII follows]

### PLANT VARIETY PROTECTION

#### 1. Situation in the Legislative Field

Amendments of the Protection of the New Varieties of Plants Act were adopted in June 2006.

#### 2. Cooperation in Examination

The bilateral agreement of cooperation with the Czech Republic has been signed.

We continue co-operation in the field of DUS examination with Austria, Hungary, Czech Republic and Croatia.

#### 3. Situation in the Administrative Field

From September 2005 up to September 2006: no new application was filed and 6 new titles of protection were issued. Total number of titles in force is 29 (agricultural crops: 22; vegetables: 5; fruit crops: 2).

### RELATED FIELDS OF ACTIVITIES

New National List of Varieties, including the list of protected varieties, was published in August 2006.

Four new issues of the Slovenian Plant Breeder's Rights and Variety Registration Gazette have been published since September 2005.

[End of Annex XII and of document]