



C/41/12 Add.

ORIGINAL: English/Spanish

DATE: March 31, 2008

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

**COUNCIL**

**Forty-First Ordinary Session**  
**Geneva, October 25, 2007**

ADDENDUM TO DOCUMENT C/41/12

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 3, 2007 (in the alphabetical order of the names in French):

Members: Annexes I to XI: South Africa, Chile, European Community, Latvia, Nicaragua, Norway, New Zealand, Panama, Poland, Turkey and Ukraine.

[Annexes follow]

ANNEX I

SOUTH AFRICA

PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments of the law and the implementing regulations

- As part of an overall departmental legislative review process, the Plant Breeders' Rights Act has been reviewed and the draft amendment bill is in the process of being developed.
- The annual increase of Plant Breeders' Rights fees on April 1, 2007 was published in Government Gazette Notice R. 40 of January 26, 2007.

1.2 Case law

A complaint was lodged with the Registrar with regard to the grant of a plant breeder's right for the *Capsicum* variety 'Piquante'. A hearing was conducted by the Registrar in May 2006. The outcome of the hearing was that the Registrar decided to cancel the right mainly because the breeder admitted that the development of the variety was not complete at the time of filing the application and development continued, without maintaining the variety as at the date of filing the application. The holder of the right appealed against the decision and an appeal board was appointed who will hear the case in November 2007.

1.3 Extension of protection to further genera and species

None.

2. Cooperation in examination

DUS test reports for grape varieties were provided to other countries.

3. Situation in the administrative field

- Activities (additions to the statistics already given to the Office of the Union)

By August 31, 2007, the total number of valid plant breeders' rights was 1995.

	Agricultural Crops	Vegetable Crops	Ornamental Crops	Fruit Crops	Total
Valid PBR	635	211	837	312	1995

4. Situation in the technical field (see under 3)

Nothing to report.

5. Activities for the promotion of plant variety protection

– Publications

All matters related to Plant Breeders' Rights are published in the quarterly South African Plant Variety Journal which appears on the web-site of the Department of Agriculture (<http://www.nda.agric.za>).

RELATED FIELDS OF ACTIVITIES, IF OF INTEREST TO UPOV

– Rules and regulations in the field of genetic engineering (release of genetically modified organisms, etc.)

The Genetically Modified Organisms Amendment Act was approved by the President. It aims to align the existing legislation to the Cartagena Protocol on Biosafety and other relevant domestic legislation. It will be implemented as soon as the Minister of Agriculture approves the amended Regulations.

[Annex II follows]

ANNEX II

CHILE

PROTECTION OF PLANT VARIETIES

1. Situation in the legislative field

1.1 Amendments to the Law and Regulations

Part of the undertakings made by Chile in the Free Trade Agreements signed in the past few years is that of amending its legislation on protection of plant varieties, to bring it into line with the 1991 UPOV Act, before January 1, 2009.

In this connection, the Seeds Division of the Agriculture and Livestock Service (SAG), the unit entrusted with exercising all the functions and duties inherent in maintaining the Register of Protected Varieties, worked, together with the SAG Legal Division, to devise a draft amending the current Law 19.342. On August 21, 2007, the draft was sent by the National Director of the Agriculture and Livestock Service to the Ministry of Agriculture for discussion by the various players involved.

It is estimated that the draft could enter the legislative processing phase in the National Congress at the beginning of 2008.

1.2 Case law

No new information.

1.3 Extension of protection to other genera and species

Chilean legislation establishes that the breeder's right may be exercised over all botanical genera and species.

As at August 31, 2007, protection has been granted to varieties of 57 different species (28 agricultural, 18 fruit and 11 ornamental).

2. Cooperation in examination

Cooperation agreements with other countries have not been concluded.

3. Situation in the administrative field

In the period from January 1, 2006 to August 31, 2007, the breeder's right was recognized for 123 new varieties. Of the total number of these registrations, 26 (21 per cent) correspond to agricultural species, 58 (47 per cent) to fruit species and 39 (32 per cent) to ornamental species.

The total number of protected varieties, as at August 31, 2007, is as follows:

SPECIES	PROTECTED VARIETIES		
	Local	Foreign	Total
Agricultural	62	53	115
Fruit	13	264	277
Ornamental	4	101	105
<b>TOTAL</b>	<b>79</b>	<b>418</b>	<b>497</b>

4. Situation in the technical field

There have been no new changes in this regard.

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

During the second half of 2006 and first half of 2007, the Seeds Division has conducted training courses on seeds legislation, with special emphasis on the protection of varieties, for SAG seeds inspectors who carry out commercial inspection work throughout the country.

[Annex III follows]

ANNEX III

EUROPEAN COMMUNITY

Period: October 2006 - October 2007  
(Report prepared by the European Commission in close relation with  
the Community Plant Variety Office)

PLANT VARIETY PROTECTION

1. Legislation

General:

On 1 January 2007, Bulgaria and Romania joined the European Union (EU) which includes now 27 Member States. From this date, Council Regulation (EC) N° 2100/94 of 27 July 1994 on Community Plant Variety Rights applies to these two new EU Member States.

1.1 Amendment of the law and the implementation regulations:

No new legislation on Community Plant Variety Rights has been adopted during the reporting period.

1.2 Case law:

No judgements from the European Court of Justice have been issued during the reporting period. Two appeals from the Community Plant Variety Office Board of Appeal are however pending before the Court of First Instance (T-187/06 and T 85/06).

In January 2007 the Community Plant Variety Office (CPVO) launched a data base on its website ([www.cpvo.europa.eu](http://www.cpvo.europa.eu)) containing decisions from courts of the Member States of the EU, the European Courts of Justice and decisions from the EPO. For each case there is a summary in English and the full text of the decision in the language of the case.

2. Cooperation in examination

(a) Conclusion of new agreements

Recently, the Administrative Council of the CPVO has entrusted the Japanese examination office for the technical examination of *Nymphaea* and South Africa for the technical examination for *Leucospermum*. Accordingly a new agreement is in preparation with the authorities of these countries.

(b) Amendment of existing agreements

The CPVO is currently revising and updating its contracts with third countries outside the European Union. The countries concerned are: Australia, New Zealand and Israel.

In relation to the 'take over of examination results' by third countries from the CPVO, we can report that up to date 19 countries, outside the European Union, use examination reports from the CPVO.

(c) Memorandum of Understanding with Japan

The Japanese Ministry of Agriculture, Forestry and Fisheries and the CPVO have started cooperation in respect of technical examinations. In the framework of this cooperation, Japanese experts, accompanied by experts of the CPVO, have visited examination offices in the Netherlands, in Germany and in the UK. In order to give a more formal basis to this cooperation, a Memorandum of Understanding has been signed between the Japanese authorities and the CPVO. The technical collaboration is currently limited to ornamentals, specifically to *Petunia*, *Calibrachoa* and Roses (cut flower varieties). The Memorandum of Understanding is supposed to be the basis for a future mutual exchange of examination reports.

3. Situation in the Administrative field

Changes in the Administrative structure

By Council Decision of the European Union of 22 February 2007, Mr. Carlos Pereira Godinho has been appointed Vice-President of the CPVO from 1 April 2007, for a period of five years.

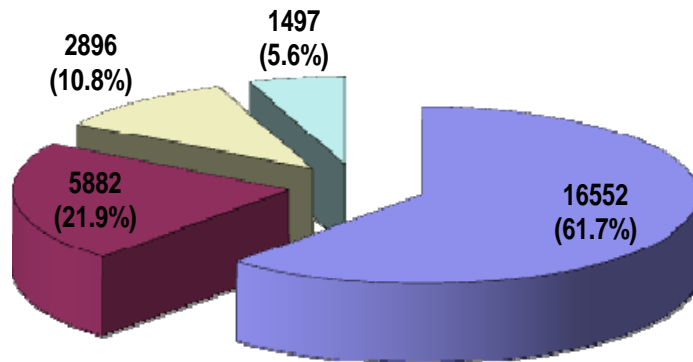
Statistics

*Applications for Community Plant Variety Protection*

In 2006 the CPVO received 2,735 applications for Community plant variety protection, which is nearly identical to 2005 (2,733 applications). Until 31 July 2007, 1,720 applications were received representing an increase of 3.5% for the first half year.

In 2006, agriculture species had the highest increase in application numbers compared to all other species groups (+22.5%). As for fruit species, an increase of 21% was recorded followed by vegetables with 16.7%. By contrast, decreasing application numbers were noticed for ornamental species (-5.4%).

The graph below represents shares of the main crop sectors in number of applications since the beginning of the activities of the CPVO.

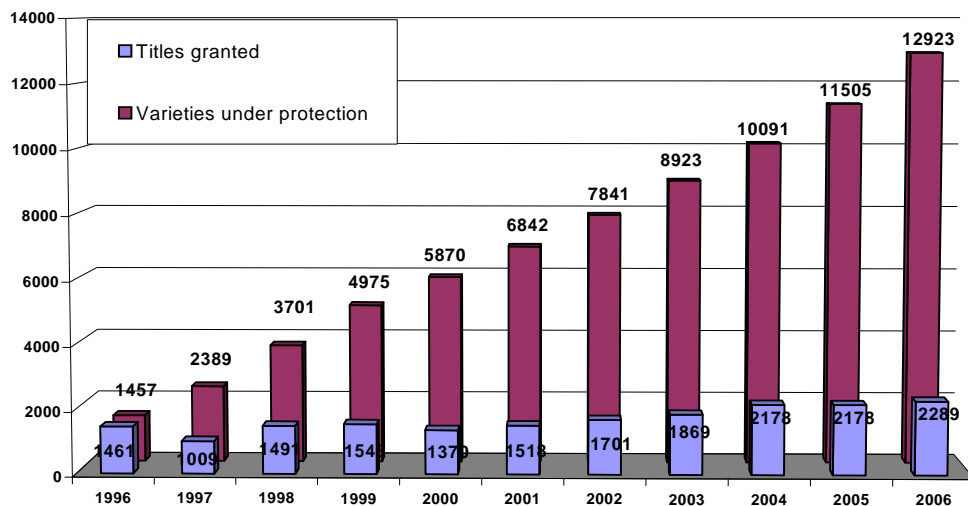


■ Ornaments   ■ Agricultural species   ■ Vegetables   ■ Fruits species

Graph 1: Shares in application numbers per crop sector

*Grants of protection*

In 2006, the CPVO granted nearly 2,300 titles for Community protection. By the end of 2006, there were almost 13,000 Community plant variety rights in force. The table hereafter shows the number of titles granted for each year from 1996 to 2006 and it illustrates the continuous increase of varieties under protection within the Community system. In the first half of 2007, this Office granted 1,589 rights which is equal to an increase of 5.5 % as compared to the first six month of 2006. By 31 July 2007, nearly 14,000 rights were in force.



Graph 2: Community plant variety rights granted and rights in force (1996-2006)



### *Technical examinations*

In 2006, the CPVO initiated 1,898 technical examinations which were carried out by the different examination offices working on behalf of the Office.

#### 4. Situation in the technical fields

##### Information concerning the functioning of the Community Plant Variety Protection

###### (a) Relation with examination offices

###### *Tenth annual meeting with examination offices*

The 2006 meeting of the CPVO with its examination offices was attended by representatives of 23 EU member states, Croatia, Romania, the European Commission, the UPOV office, as well as the breeders' organisations ESA and CIOPORA.

The main subjects of discussion were:

- Information on the involvement of external experts in DUS testing;
- The conduct of technical examinations at the breeder's premises in the ornamental sector;
- The exchange of plant material amongst examination offices;
- The reporting procedure where a take-over of existing technical reports is envisaged;
- The use of national guidelines for CPVO purposes;
- Technical protocols for species without a CPVO, UPOV or National guide line for the technical examination;
- The procedures when deviating from or amending technical protocols;
- The procedure for the authorized taking of samples from the reference collection by breeder's representatives;
- The conflict of interest at examination offices;
- The payment of technical examinations of varieties classified as 'new species'.

###### (b) Preparation of CPVO protocols

###### *Expert meetings for ornamentals, agricultural crops, vegetables and fruit*

In 2006, experts from the Member States' examination offices were invited to participate in elaborating technical protocols for DUS testing which were subsequently approved by the Administrative Council. The following meetings were held:

1. agricultural experts: draft protocol was discussed for hop;
2. fruit experts: draft protocols were discussed for four species (apple, sweet cherry, sour cherry, and blackberry);
3. ornamental experts: draft protocols were discussed for eight species (*Dendrobium*, *Alstroemeria*, *Chrysanthemum*, *Dahlia*, *Impatiens New Guinea*, *Rosa*, *Tulipa*, and *Salix*).

(c) Further development of the centralized database for variety denominations

The CPVO launched a web site in July 2005 to test proposals for variety denominations for similarity. The database now contains nearly 500,000 denominations from National listing and plant variety rights registers of the EU and UPOV member States, included the list of varieties compiled by the OECD and following its schemes. The database was initially accessible only to National authorities of EU member States, the European Commission and UPOV. Since the beginning of 2007, applicants and procedural representatives of the Community plant variety right system and applicants of National listing and National plant variety rights in the European Union also have access to this new web site.

(d) Strategic discussion

The CPVO has, on request of its Administrative Council, taken the initiative to launch a “strategic” debate as regards the modalities of DUS testing in the future. The discussions focused on the concentration of DUS testing in agricultural and vegetable sectors, the reorganisation of DUS testing in the ornamental and fruit sector and the strengthening of the role of breeders in DUS testing. During the course of the meetings it became evident that the issue of “quality” and the tools to designate examination offices attaining higher quality standards were coming to the fore. The strategic discussion has not yet been finalized but the main conclusion drawn by the CPVO at this stage is that meeting well defined quality requirements was considered by the participants to be the major regulating tool as regards examination offices involved in DUS testing in the European Community. This conclusion is based on the assumption that the relevant authorities, national and community listing authorities as well as national and community PVR authorities, accept the so-called “one key, several doors principle”. This principle implies that a DUS test report produced by an examination office that meets, as far as the species in question is concerned, these quality requirements will be accepted by the competent authority for listing and PVR purposes.

5. Activities for the Promotion of Plant Variety Protection:

Programme with Turkey and Croatia

Since October 2006 the CPVO has been running a Commission financed programme in order to familiarize the EU candidate countries Croatia and Turkey with the Community Plant Variety Rights system. The programme covers activities such as workshops, seminars, DUS training sessions at examination offices and involves all stakeholders (officials, breeders, growers, lawyers etc.). The programme should be finalised by the end of 2007.

Seminar on Enforcement of Plant Varieties Rights

A seminar on enforcement of plant variety rights organised by the Community Plant Variety Office took place on 22 and 23 January 2007 in Madrid. This event was an effort from the side of the European Communities to support breeders in their efforts to enforce their intellectual property rights in respect of plant varieties throughout Europe. The participants such as lawyers, judges, law makers from member States, officials from the Commission and the CPVO, and of course breeders were informed about various aspects of the enforcement of intellectual property rights by a range of experts.

### Participation in international fairs

- HORTIFAIR in Amsterdam (NL) : 31/10 – 03/11/2006
- IPM in Essen (DE) : 25/01 – 28/01/2007
- FRUIT LOGISTICA in Berlin (DE) : 08/02 – 10/02/2007
- SALON DU VEGETAL in Angers (FR) : 21/02 – 23/02/2007

On the 5 May 2007, the CPVO also participated in the “Open Day” of the European Institutions in Brussels (BE), an exhibition intended for the general public.

### RELATED FIELDS OF ACTIVITIES OF INTEREST TO UPOV

#### Catalogues ( seed sector)

In the period in question the European Community worked on the updating of its Directives adopted in 2003 which set up implementing measures as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining the varieties of Agricultural Plant Species (Commission Directive 2003/90/EC) and of vegetable species (Commission Directive 2003/91/EC).

The two Directives ensure that the varieties comply with the guidelines established by CPVO or UPOV.

On 7 December 2006, the European Commission adopted Directive 2006/127/EC which updated the original Directive 2003/91/EC concerning vegetable varieties.

On 26 July 2007, the European Commission adopted Directive 2007/48/EC updating Directive 2003/90/EC and Directive 2007/49/EC updating Directive 2003/91/EC.

On 1 August 2007, the European Commission adopted Regulation (EC) 920/2007 amending Regulation (EC) 930/2000 concerning the suitability of denominations

#### Genetic resources

The 11<sup>th</sup> Regular session of the Commission on Genetic Resources for Food and Agriculture (FAO-Rome 11-15 June 2007) elaborated a multi-year programme of work (MYPOW) for the period up to its 16<sup>th</sup> session in 2017. For the first time since the mandate of this Commission was broadened in 1995, the agenda covered all sectors of agrobiodiversity. According to the MYPOW, policies and arrangements for access and benefit-sharing for genetic resources for food and agriculture will be considered in the 12<sup>th</sup> session and biotechnology should be on the agenda of the 13<sup>th</sup> session.

The Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture will hold its second session from 29 October to 2 November 2007. The main agenda points of relevance in the context of Intellectual Property rights will probably be discussions on the progress with the implementation of the sMTA (standard Material Transfer Agreement) and discussions on the implementation of Article 9 of this Treaty on Farmers’

Rights. The European Union will again actively contribute to the debates with a view to reaching a balanced approach on this important issue.

### GMOs

In 2007, new GM varieties of maize have been inscribed in the Common Catalogue of varieties of the European Union and new GMOs have been authorised under European Community legislation: these varieties can be imported and used in the EU .

The member States of the European Union are still working on measures on co-existence of genetically modified crops with conventional and organic farming crops.

Several cases of contamination with unauthorised GMOs in rice imported into the European Union for food and feed use have been reported in 2007.

In some cases the European Commission had to take emergency measures as regards GMOs, and in addition operators have been reminded to ensure that products put on the European Union market comply with EU legislation on GMOs and member States of the European Union have been asked to reinforce their control activities on GMOs.

### R & D

Following the rules established by the CPVO's Administrative Council in 2002 for supporting financially R & D projects of interest for the Community plant variety right system, several projects received financial support from the CPVO in 2006:

- Harmonization of resistance tests for diseases of vegetable crops in the European Union: The final year of the three-year collaborative project between GEVES (France), NAKTUINBOUW (Netherlands) and OEVV/IVIA (Spain) to evaluate and harmonize disease resistance tests for two model species: tomato and French bean. The ring test results of 2006 were compared with those of 2005. A final synthesis and analysis of the results was made at the last meeting held in Madrid in October, at which time discussions were held about a formal proposal for the harmonization of resistance assessment and the possibility to extend the project to other species and disease resistances. The final report was presented to the Office at the end of December 2006.
- Creation of a common Maize Database for DUS studies through a partnership between Spain, Germany, France, and the CPVO: A database collectively set up during a two year period containing administrative as well as morphological and biometrical data from the reference collections of the participating institutions with the purpose to select efficiently reference varieties for the DUS test of new maize varieties. The project has been finalized successfully. An annual telephone conference was held in 2006 for maintaining and updating purposes.
- European variety collection of rose varieties: A project co-ordinated by Plant Research International (PRI) and carried out by the Bundessortenamt, NIAB and PRI/Naktuinbouw aimed at the compilation of key morphological characteristics, pictures and DNA fingerprints eventually facilitating a (cost) efficient management of reference collections. The work started in 2005 and was concluded at the end of 2006.

A pilot database containing administrative, morphological and molecular data together with pictures for about 400 varieties has been created. It turned out that the most interesting outcome of the project was the variety identification aspect.

In 2007 the CPVO invited the main rose breeders and their representatives together with the partners of the project for a meeting to review the project and the possible follow up. Two main proposals emerged: DNA fingerprints according to a standardised procedure could be added as an annex to the variety description; moreover, after the DUS test, both a standard DNA sample and a standard living sample could be kept. These proposals have also been discussed in the Ad Hoc Crop Subgroup on Molecular Techniques for Rose and will be the subject of further discussions in the BMT.

- Management of winter oilseed rape reference collections: the NIAB project in co-operation with GEVES, DIAS and the Bundessortenamt investigates the use of DNA markers as a tool for an efficient selection of suitable reference varieties. The project started in 2005; final results are expected in 2007.
- Development and evaluation of molecular markers linked to disease resistance genes for tomato DUS testing (Option 1a): The first year in a two-year collaborative project between PRI and Naktuinbouw (the Netherlands), GEVES and INRA (France), and IVIA and OEVV (Spain): current mapping and sequence information was analyzed for seven asterisked disease resistances in the CPVO tomato protocol. At a meeting in Paris in November, the partners in the project discussed the next step on the evaluation of marker assays via their prior testing for reproducibility and robustness. Further ahead, a set of standard varieties will be identified on which to run the marker assays in order to make a direct comparison with the phenotypic characterization.
- Potatoes: The project started in April 2006. The partners involved are the United Kingdom, Netherlands, Germany and Poland. The project foresees the development of a database including marker profiles of potato varieties, key morphological characteristics and a photo library with lightsprout pictures. The aims are to rapidly identify plant material of a vegetatively propagated crop where reference material has to be submitted every year and to ease the management of the reference collection.

[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 January 1, 2007.

1.2 Case law: nothing to report.

1.3 No changes.

2. Cooperation in examination

No changes.

3. Situation in the administrative field

No changes.

4. Situation in the technical field

DUS tests were carried out for Estonian fruit varieties:

- *Malus domestica* Borkh. – 17 varieties;
- *Prunus domestica* L. – 9 varieties;
- *Ribes nigrum* L. – 5 varieties;
- *Rubus idaeus* L. – 2 varieties.

DUS tests were carried out for Latvia:

- *Rhododendron* L. – 5 varieties;
- *Malus domestica* Borkh. – 6 varieties.

[Annex V follows]

## PROTECTION OF PLANT VARIETIES

### 1. Situation in the legislative field

#### 1.1 Amendments to the Law and Regulations

Law No. 318 is in force in Nicaragua, entitled Law for the Protection of Plant Varieties, together with the Regulations thereunder, Decree 37-2000, and the country has been a party to the 1978 Act of the UPOV Convention since September 6, 2001; Nicaragua therefore became the first country in the Central American region to apply *sui generis* legislation in this area, which contains broad provisions from the 1991 Act of the UPOV Convention.

Through the enjoyment of this *sui generis* system and with regard for its recent international undertakings, Nicaragua envisages revising, bringing into line and modernizing its legislation before 2010.

#### 1.2. Case law

In Nicaragua there have been no disputes relating to plant varieties and therefore no information of this nature exists.

#### 1.3 Extension of protection to other genera and species

In Nicaragua the breeder's right applies to the varieties of all plant genera and species, as stipulated in Article 10 of the aforementioned Law No. 318.

### 2. Cooperation in examination

Nicaragua maintains the standard forms of UPOV cooperation in this area, which will be used when complex applications are filed in the country; for the time being, examinations are carried out in accordance with the procedure provided for by the aforementioned Law No. 318, with close links between the Ministry of Development, Industry and Trade (MIFIC), the Ministry of Agriculture and Forestry (MAG-FOR), the Ministry of Environment (MARENA); the Agrarian University (UNA); the Autonomous University of Nicaragua (UNAN León); and the Institute of Agricultural Technology (INTA).

### 3. Situation in the administrative field

Staff have been retained and their capacities in this area strengthened.

4. Activities in addition to the statistics already sent to the Office of the Union)

Nicaragua has developed an intellectual property information plan which includes the advantages and importance of the protection of new varieties of plants; it has also produced advertising material including calendars, guides, reproductions of laws, UPOV Conventions, book dividers, maintenance and updating of websites, talks at universities, and services for users, students and breeders.

Particular achievements, experience gained, problems encountered, suggestions (including for the future work of the Union)

*Particular achievements and experience gained*

Nicaragua is the first Central American country to apply this type of legal provisions which are of benefit for breeding, horticulture, forestry, etc. It has established through a legal mandate an Evaluation Committee for the Protection of Plant Varieties (CCPVV), which has provided relevant training for professionals.

It has also managed to demystify the subject of protection provided by UPOV in the face of the development and application of genetic engineering or development of transgenic substances etc.

In Nicaragua breeder's titles have been granted for varieties of water melon, fodder and rice; and applications have been received for varieties of rice, maize, beans, tobacco, sugar cane, etc.; thereby helping farmers to sow improved high quality seeds.

*Problems encountered*

Nicaragua has been unable to participate in the meetings of the Council and Technical Groups as a result of financial restrictions.

Training is required for all members of the Evaluation Committee and officials of the Directorate of Plant Varieties in order to provide them with relevant technical knowledge.

5. Situation in the technical field

To the extent of its possibilities, the CCPVV carries out field visits, allowing *in situ* observation of the characteristics of the new variety subject to protection and a decision to be taken on the application.

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

Meetings, seminars, etc.

Nicaragua uses every gathering, meeting, fair, exhibition or seminar to explain the steps to be followed in the protection of a plant variety; the following activities are highlighted:



- (a) Meeting with breeders from the firm Arrocería Altamira S.A. (IAASA);
- (b) Services for university students, users and breeders;
- (c) Seminar on the protection of plant varieties (legal and technical aspects) with university students from the Agrarian University (UNA);
- (d) Meetings of the CCPVV, in order to take a decision on protection applications and plan field visits, seminars, etc.

### Publications

Nicaragua has successfully maintained the editing and publication of the electronic Intellectual Property Journal which includes important articles on the work done by the Directorate of Plant Varieties, whose publications appear on the websites: [www.rpi.gob.ni](http://www.rpi.gob.ni) and [www.mific.gob.ni](http://www.mific.gob.ni). Other documents may also be found on these sites such as the forms used, legal procedures etc. Constant communication is maintained with the parties concerned by electronic mail: [gzelaya@mific.gob.ni](mailto:gzelaya@mific.gob.ni)

### RELATED ACTIVITY SECTORS OF INTEREST TO UPOV

#### Certification of seeds

The rights for importing, distributing and marketing seeds remain subject to the regulations established in Law No. 280 on Production and Trade of Seeds, published in Official Journal No. 26 of February 9, 1998 and administered by the Ministry of Agriculture and Forestry (MAG-FOR) through the Directorate of Seeds.

#### Rules and regulations relating to genetic engineering (release of genetically modified organisms, etc.)

The Regulations contained in Law No. 291 on Animal Health and Plant Protection contain provisions for the release of genetically modified organisms, administered by the Ministry of Agriculture and Forestry (MAG-FOR).

Similarly, it should be pointed out that there currently exists a Draft Law on Biosafety and Genetically Modified Organisms and a Draft Law on Competitiveness, which is still being studied by the National Assembly (Congress of the Republic).

### Patents

#### *Patents relating to plants*

The Directorate of Plants and New Technologies (Nicaragua) has granted patents for applications relating to plants, including in particular:

- Patents: Method for the genetic transformation of banana plants;
- We have another patent entitled: A gene PI – TA granting resistance to plant diseases;

- Another of the patents is: Agents for defoliating plants, which contain, as an active component, a synergy action mixture of 1 – PHENYL – 3 – (1, 2, 3 – TIADIAZOL – 5 – I) – UREA, amides of carboxylic acid or tributyl phosphate;
- Fungicide compositions for small rice-paddy plants and method for controlling diseases in small rice-paddy plants.
- Rice resistant to herbicide case: P- 5024-NI.

#### Research and development (innovations – new types of varieties, new technologies)

The Nicaraguan Institute of Agricultural Technology (INTA) has stated that it is responsible for the formation or introduction of varieties in order to resolve the problems of Nicaraguan agricultural producers. The problems to be resolved include the limited availability of seeds of improved varieties for sowing, which obliges farmers to continue using indigenous varieties and low quality seeds, which they obtain from the previous harvest or purchase as grain at the local market, a fact which is reflected in terms of low output, losses in the field harvest and storage. A further problem is the poor distribution of the rains during the rainy season, in addition to attacks by pests and diseases.

In order to resolve the problem of low output through the use of indigenous varieties with low output, research is being done into the formation of improved varieties with high output potential, for a greater nutrient content, and for resistance to pests and diseases, as well as to drought. Value added studies are also being introduced through the conversion of the products of harvests into industrial products for local and export markets.

Regarding the point concerning the catalogue of varieties, INTA has a catalogue containing all the technologies which it generates, including the new varieties as technologies available to farmers.

During the month of May, INTA released the NUTRADER and MAZORCA DE ORO maize varieties, which are high quality and rich in proteins. These varieties have been improved, in order to cover the needs of the Zero Hunger Program, promoted by the Government, in order to tackle levels of malnutrition existing among the rural population.

INTA is evaluating 50 varieties of national cotton relating to the textile industry. The 50 varieties come from crossbreeding between Melva (national variety) and cotton from France and Africa in the main.

#### Genetic Resources

A legal base currently exists, applicable to access to genetic resources and administered by the Ministry of Environment and Natural Resources (MARENA).

In the field of GENETIC RESOURCES the Agrarian University (UNA) has devoted itself mainly to the collection, characterization and preliminary evaluation of species of importance for food (beans and maize), and molecular evaluation studies of the above-mentioned plants have been carried out, together with studies of the genetic diversity at the national level of Sapotaceae and anonaceae.

Previous work has been accompanied by activities for conserving seeds in germoplasm banks, aimed at improving knowledge of our agricultural biodiversity for its subsequent use.

A project is being devised to collect, establish banks and evaluate pitahaya germoplasm (*Hylocereus spp*) for its use and protection. The researchers, technical specialists and producers of the National Agrarian University (UNA), Ministry of Agriculture and Forestry (MAG-FOR), National Institute of Agricultural Technology (INTA), the International Regional Organization for Agricultural Health (OIRSA) and the Association of Pitahaya Producers of Nicaragua (APPINIC) will coordinate work designed to collect, establish germoplasm banks and evaluate the broadest possible genetic variation in pitahaya that can be found in the country, in order to select promising material, undertake genetic improvement work and protect genetic resources effectively.

[Annex VI follows]

PLANT VARIETY PROTECTION

1. Situation in the Legislative Field

No changes.

2. Co-operation in Examination

Norway received 27 DUS reports from other member States.

3. Situation in the Administrative Field.

From January 1 to December 31, 2006, 45 applications were received and 29 titles were issued.

Grant of rights by crop kind were as follows:

<i>Avena sativa</i>	2	<i>Fragaria ananassa</i>	2	<i>Petunia</i>	1
<i>Brassica rapa</i>	1	<i>Osteospermum</i>	1	<i>Rosa</i>	15
<i>Calibrachoa</i>	1	<i>Pelargonium</i>	2	<i>Solanum tuberosum</i>	2
<i>Euphorbia pulcherrima</i>	2				

229 titles were in force on August 1, 2006.

[Annex VII follows]

ANNEX VII

NEW ZEALAND

PLANT VARIETY PROTECTION

1. Situation in the legislative field

The Plant Variety Rights Amendment Bill has been drafted and will proceed to Parliament in due course. The proposed amendments to the current Act are in conformity with the 1991 Act of the UPOV Convention. The Plant Variety Rights Act 1987, conforming to the 1978 Act of the UPOV Convention, continues as the current law.

2. Situation in the administrative field

During the financial year ended 30 June 2007 157 applications for plant variety rights were received (58 more than the previous year), 104 grants were issued (35 more) and 95 grants were terminated (36 less). At 30 June 2007 there were 1,304 valid grants (9 more).

In September 2006, the Plant Variety Rights Office officially relocated from Christchurch to Wellington, with the address Plant Variety Rights Office, PO Box 9241, Marion Square, Wellington 6141. Core activities are managed from the Wellington office, with two staff remaining in Christchurch.

3. Situation in the technical field

In August 2007, the PVR Office finalised an agreement with the New Zealand Institute for Horticulture and Food Research (HortResearch) for the DUS testing and holding of variety collections for fruiting varieties of *Malus* (apple), *Pyrus* (European, Asian and hybrids pear), and *Prunus* (peach, plum, apricot, cherry).

4. Activities for the promotion of plant variety protection

On 8 July 2007, a presentation was given on the New Zealand experience of protecting and testing fruit varieties to a National Workshop on the Protection of Fruit Varieties in Jeju, Republic of Korea. The workshop preceded the 38<sup>th</sup> session of the Technical Working Party for Fruit Crops.

[Annex VIII follows]

PANAMA

PROTECTION OF PLANT VARIETIES

1. Situation in the legislative field

- 1.1 As of May 23, 1999, Panama acceded to the 1978 Act of the Convention of the International Union for the Protection of New Varieties of Plants (UPOV). Title V of Law No. 23 of July 15, 1997, envisages the rules for the protection of plant varieties in Panama and is regulated by Executive Decree No. 13 of March 19, 1999.
- 1.2 The new coordinator of the Council for the Protection of Plant Varieties, Mr. Roberto E. Mancilla, was appointed through a Ministerial Resolution of the Ministry of Agricultural Development.
- 1.3 The new members of the Council for the period August 2007 – August 2009 were appointed by means of a Ministerial Resolution, the basis for their appointment being the procedure established in Articles 5, 9 and 10 of Chapter II of the Regulations.
- 1.4 The approval of the inclusion of the following genera and species for protection was maintained in order to comply with the 1978 Act of the UPOV Convention, whereby after seven years our system of plant variety protection should contain a total of 24 genera and/or species.

*Common name of genus and/or species*

1. Café Coffea arabiga
2. Yuca Manihot esculenta Crantz
3. Ñame Dioscorea alata
4. Plátano Musa spp.
5. Banano Musa cavendishii Lamb.
6. Sugar cane Saccharum officinarum L.
7. Otoe Xanthosoma spp.

2. Cooperation in examination

Cooperation was maintained in exam exchanges with the Colombian Agricultural Institute (ICA) and with the International Center for Tropical Agriculture (CIAT). Efforts are also made to broaden contacts through cooperation in DUS examinations with other countries such as Mexico, Uruguay, Spain, Argentina, Brazil, Chile, the European Union etc., in order to be familiar with and acquire experience in conducting technical examinations for species of national economic importance.

### 3. Situation in the administrative field

Official Journals No. 214 of March 30, 2007 and No. 220 of August 10, 2007 were published and may be consulted on the Directorate General of the Industrial Property Registry (DIGERPI) website.

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. Update of 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	-	2	2	-	2
2006	2	-	2	-	1	1	-	1
2007	-	-	-	4	1	5	-	5
TOTAL	8	7	15	4	4	8		8

*Source:* Department of Plant Varieties.

### 4. Situation in the technical field

4.1 An application was filed for the variety of water melon (*Citrullus lanatus* (Thumb) matsumiet Natui) known as COMPANION.

4.2 An application was filed for the variety of rice (*Oryza sativa* L) known as IDIAP 145-05.

4.3 A decision was taken on and a certificate issued for the grant of the breeder's right for the following five (5) cultivars:

- (a) PB-0103 (*Zea mays* L.) – maize.
- (b) IDIAP-2503 (*Oryza sativa* L.) – rice.
- (c) IDIAP-3003 (*Oryza sativa* L.) – rice.
- (d) IDIAP-R3 (*Phaseolus vulgaris* L.) – bean.
- (e) Mulatto (*Brachiaria ruziziensis* X *B. brizanta*).

4.4 The Faculty of Agricultural Sciences (FCA) of the University of Panama conducted the DUS technical examination, for the purposes of registration, of the variety of pumpkin (*Cucúrbita moschata* Duch. Ex Lam.), known as “CENTENARY”, the breeder of which is the Institute of Agricultural Research of Panama (IDIAP). The FCA found that the variety complies with the requirements of distinctness, uniformity and stability, and therefore issued a Registration Certificate to the IDIAP. DIGERPI of the Ministry of Trade and Industry carried out the examination of form and found that the variety complied with the requirement of novelty. However, in Note No.133 of September 24, 2007, DIGERPI informed the IDIAP that the variety did not comply with the requirement of distinctness of the denomination, owing to the fact that said denomination was previously applied for as a mark in Class 31 which includes agricultural, vegetable, forestry and seed products, live animals, fruits, fresh vegetables, seeds, plants and flowers.

4.5 Supervision of the performance of the DUS technical examination continued in the field for the variety of rice IW-7 of the firm INARROZ of Costa Rica. The report of the first cycle is available and the second consecutive cycle of evaluation is set to begin.

4.6 The IDIAP Plant Varieties Unit (UVV) is evaluating, for the purposes of registration, the technical examinations of the Colombian Agricultural Institute (ICA) of two varieties of rice from the Colombian firm FEDEARROZ: Colombia XXI and Fedearroz 2000. The inclusion of corrections in the documents, requested by the UVV, is awaited in order to complete the examinations.

4.7 Apart from the validation examinations received from Colombia for rice and the Community Plant Variety Office (CPVO), no examinations have been received 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	CPVO	PA	-
288	Rice	CO	PA	-

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

5.1 Further training was provided this year for different people including producers, importers, academics, public officials working in agricultural quarantine, customs officers, judges, prosecutors and technical specialists relating to the importance and application of the breeder’s right, which included the following conferences: Importance of the Breeder’s Right, Processing and Application of the Breeder’s Right in Panama, DUS technical examination, Relationship between the Commercial Register and the Breeder’s Right. Table 3 shows the following:



Table 3. Trained Staff by Sector, 2007

Place	Date	Producers Importers Breeders	Public Sector	Academic and Professional	Total
National Directorate of Plant Health	July 23, 2007	-	8		8
Teaching staff and Academics of the University of Agricultural Sciences of Panama	December 15, 2007	-		50	50
COPOV Council	October 16, 2007		24	-	24
Total			32	50	82

Source: Council for the Protection of Plant Varieties

#### 5.2 Written publications include:

- On March 30, 2007 Official Journal No. 214 was published and on August 10, 2007, Official Journal No. 220 was published, concerning protected plant varieties in Panama. This document can be obtained on the Department website <http://www.digerpi.gob.pa>
- At all the talks given, pamphlets, copies of papers, registration applications and a copy of Law No. 23 of July 15, 1997 were handed out.

#### RELATED ACTIVITIES OF INTEREST TO UPOV

- Participation in the National Coordination Committee for the Development of the National Framework of Biotechnology Security for Panama Project and in the National Commission for Phytogenetic Resources.
- Registration with the National Seeds Committee, headed by the Council Advisory Committee, of the following commercial cultivars:
  - (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 Register of Commercial Varieties of Vegetables was updated, which includes 501 cultivars corresponding to 31 species which are authorized for sale or marketing.
- Between September 2006 and September 2007, five (5) meetings of the Council for the Protection of Plant Varieties were held.
- Participation in the Fifth and Sixth Training Courses for Ibero-American Countries on the Protection of Plant Varieties, held at the AECI Spanish Cooperation Training Center, in Santa Cruz de la Sierra, Bolivia.

[Annex IX follows]

## PLANT VARIETY PROTECTION

### 1. Situation in the Legislative Field

On September 13, 2006, the Law of June 9, 2006 (POJ No 126/2006, item 877) that amended the Law of June 26, 2003 on the Legal Protection of Plant Varieties (POJ No 137/2003, item 1300) came into force.

The Law amendments were mainly made in art. 23 with respect to the provisions concerning the farmer's privilege. Moreover, the new Law implemented the provisions of Directive 2004/48/EC on the enforcement of intellectual property rights.

The implementing regulations to the Law will be issued soon.

The Polish Plant Variety Protection Law is based on the 1991 Act of the UPOV Convention. Poland acceded to the 1991 Act of the UPOV Convention as the twenty-fourth State on August 15, 2003.

Since November 1, 2000, all plant genera and species have been eligible for PBR protection in Poland.

### 2. Cooperation in Examination

The Research Centre for Cultivar Testing (COBORU) in Słupia Wielka cooperates with different countries in DUS examination.

Poland has bilateral agreements on DUS testing with the Czech Republic, Hungary and Slovakia.

Agreements with Latvia, Lithuania and Estonia are in force. Poland carries out DUS tests for the Latvian, Lithuanian and Estonian authorities. These tests are done for various species of agricultural, vegetable and fruit plants.

As in the previous reporting year, COBORU has received requests from other authorities (mainly CPVO and Russia) for technical examination results.

Poland actively participates in ring test programmes. This year, Poland participated in the wheat ring test, which was coordinated by the CPVO. On June 20, 2007, experts from fourteen EU countries, the CPVO and the European Seed Association (ESA), as well as the breeder's representatives attended a ring test meeting in COBORU, Słupia Wielka, Poland. During this meeting, problems related to uniformity standards in wheat and triticale were discussed.

### 3. Situation in the Administrative Field

On November 1, 2006, Mr Marcin Behnke was appointed as the COBORU Deputy Director General for Experimental Affairs.

### 4. Situation in the Technical Field

From January 1 to September 6, 2007, 80 new applications, including 66 domestic and 14 foreign, were submitted for national PBR protection. This represents an increase in comparison with the previous reporting period, especially in ornamental and agricultural plant species.

A total of 107 titles of PBR protection were granted in the same period. In total 1,559 varieties are protected in Poland as of September 6, 2007.

Details are provided in the table below.

Crops	Applications for PBR 1.01. – 06.09.2007			Grants of PBR 1.01. – 06.09.2007			Titles having ceased	Titles in force as of 06.09.2007
	domestic	foreign	together	domestic	foreign	together		
Agricultural	48	1	49	36	9	45	38	661
Vegetables	2	-	2	15	4	19	1	299
Ornamentals	15	13	28	26	7	33	76	480
Fruit trees and berry plants	1	-	1	7	3	10	1	118
Miscellaneous	-	-	-	-	-	-	-	1
<b>Total</b>	<b>66</b>	<b>14</b>	<b>80</b>	<b>84</b>	<b>23</b>	<b>107</b>	<b>116</b>	<b>1559</b>

### 5. Activities for the Promotion of Plant Variety Protection

Poland participates in the sessions of the organs of UPOV e.g. the Council, the Consultative Committee, the Administrative and Legal Committee, the Technical Committee and the Technical Working Parties.

Three specialists from COBORU and one specialist from the COBORU Experimental Station in Słupia Wielka have successfully completed the UPOV Distance Learning Course (DL-205) "Introduction to the UPOV System of Plant Variety Protection under UPOV Convention".

– Meetings, seminars, etc.

On September 4 and 5, 2006, a meeting of two Working Groups in the framework of the EU project COST 860 network SUSVAR took place in Poland. The Working Group 2 on Biostatistics discussed the design of experiments for variety trials, especially those that involve multiple factors and many varieties, whereas the Working Group 6 on Variety Testing and Certification exchanged experiences concerning plant characteristics that are relevant for organic farming, the best methodologies for assessing these traits and their practical implementation for organic variety testing.

The Eighth International Working Seminar on Statistical Methods in Variety Testing was organized by COBORU, from September 6 to 8, 2006. Participants from eight countries, including some experts from the Technical Working Party on Automation and Computer Programs (TWC), attended this seminar.

From May 21 to 25, 2007 and from July 30 to August 3, 2007, fifteen specialists from the State Inspection for Testing and Protection of Plant Varieties of the Republic of Belarus visited COBORU. The main topic of these visits was training in the organization of the official variety assessment in Poland, with special reference to the DUS examination (especially in cereals and maize).

COBORU organized a training course for three experts from the National Seed Management Office, Republic of Korea, from June 10 to June 21, 2007. In this course the national PBR protection and national listing systems as well as DUS testing of fruit and ornamental varieties were the main subjects. Furthermore, the Korean experts visited, *inter alia*, the COBORU experimental stations, some breeding and nurseries stations, as well as the Research Institute of Pomology and Floriculture, in Skierniewice.

From July 24 to 27, 2007, COBORU organized a training course for specialists from the Lithuanian State Plant Varieties Testing Centre. The subjects of the course were the national systems of listing and PBR protection in Poland with special reference to the organization of official variety assessment in our country. In total, eight Lithuanian specialists were trained.

On June 20, 2007, two experts from Hungary visited DUS tests of triticale and rye varieties at the COBORU Experimental Station at Słupia Wielka. The possibility of further DUS cooperation was discussed.

On June 21, 2007, two experts from the Czech Republic visited DUS tests of triticale, rye, lupin and buckwheat varieties at the COBORU Experimental Station, Słupia Wielka.

– Publications

COBORU issues, every two months, the Polish Gazette for Plant Breeders' Rights and National List (Diariusz), which contains detailed information on PBR protection and national listing.

The list of varieties protected by national Plant Breeders' Rights (including provisional PBR's), valid as on June 30, 2007, was published in the third number of the Polish Gazette for Plant Breeders' Rights and National List /No 3(80)2007/.

In addition, the Research Centre for Cultivar Testing maintains and updates every two weeks a Homepage *www.coboru.pl*, that contains official information on PVP matters in Poland.

#### RELATED FIELDS OF ACTIVITIES

The *Polish National List of Varieties of Agricultural and Vegetable Plants* as well as the *Polish National List of Varieties of Fruit Plants* were issued in April and May 2007, respectively. Updated lists are also available on *www.coboru.pl*.

[Annex X follows]

ANNEX X

TURKEY

PLANT VARIETY PROTECTION

1. Legal situation

Law 5042 “Protection of Plant Breeder’s Rights of New Plant Varieties”, which was prepared on the basis of the 1991 Act of the UPOV Convention and EU Regulation 2100/94 on Community Plant Variety Rights was passed by the Turkish Parliament on January 8, 2004; it was published in the Official Gazette number 25347 on January 15, 2004, and came into force. The secondary legislations on “Implementation of Farmer’s Exemption” and “Protection of Plant Breeder’s Rights of New Plant Varieties” were published in the Official Gazette on August 12, 2004. The UPOV Convention was ratified by the Turkish Parliament on March 17, 2007 through Law number 5601. By resolution number 2007/12433 of the Council of Ministers on July 28, 2007, Turkey’s participation to the UPOV Convention was decided.

2. Cooperation in implementation

DUS tests of those varieties of which applications have been accepted within the context of Law 5042 “Protection of Plant Breeder’s Rights of New Plant Varieties” are carried out by the Turkish Variety Registration and Seed Certification Center (VRSCC). For those species for which the DUS tests cannot be carried out by the VRSCC, protocol preparation studies were started in cooperation with Germany, France and the Netherlands according to which countries the technical examinations will be carried out.

Regarding to the reciprocal provision of official variety descriptions and other documents, technical cooperation with CPVO and some countries, such as the Netherlands and France, have been implemented according to a protocol.

3. Implementation

Following the implementation of Law 5042, (between 15-01-2004 and August 2007) applications were made for 209 plant varieties in 61 species. Among these, 140 applications were accepted and published in the Plant Varieties Bulletin, 59 applications were rejected and examinations for the remaining 10 applications are still in progress. Those varieties for which the announcement durations are over are subjected to DUS tests. Those varieties for which DUS tests have been completed and their results delivered to the Ministry, will be appraised by the Plant Breeder’s Rights Registration Committee. Until now, protection for 48 varieties in various species has been granted.

4. Technical Capacity

The advancement of both staff and material capacity (training, lab substructure, instruments, trialing equipment, etc.) is being continued by the VRSC which is commissioned on behalf of

the Ministry for carrying out the technical examinations envisaged by the Law “Protection of Plant Breeder’s Rights of New Plant Varieties”.

5. Other Activities

Within the context of a project, which has been initiated by the Ministry and the Government of the Netherlands in the framework of EU harmonization with the purpose of strengthening the capacity of the Ministry on seed quality enhancement and plant variety protection, two final meetings were convened and information on Plant Breeder’s Rights were exchanged.

In the framework of a multibeneficiary programme on PBR, which is organized by CPVO for Turkey and Croatia, the technical staff of VRSCC working on fruit crops, agricultural crops, ornamental plants, and forage crops participated in a two-week training program about DUS testing in Germany, the Netherlands and the United Kingdom.

A Plant Varieties Bulletin, within the context of protection granted to crop varieties, is published periodically by the Ministry.

[Annex XI follows]

## PLANT VARIETY PROTECTION

### 1. Situation in the legislative field

#### 1.1. Changes in legislation and application of legal provisions

During the reporting period, Ukraine passed the Law of Ukraine “On Accession to the International Convention for the Protection of New Varieties of Plants”.

According to this, Government of Ukraine has approved some decisions, particularly:

- decisions regarding moderation of functions and tasks, which are in the responsibility of the governmental body of official administration in the field of right protection for plant varieties, namely, the State Service for the Protection of Plant Variety Rights (April 2007);
- decision regulating proprietary and personal non-proprietary relations arising in connection with acquisition, implementation and the protection of intellectual property rights for a plant variety according to the requirements of the UPOV Convention (April 2007);
- decision regulating relations arising in the process of commercial turnover of plant varieties, and facilitating the development of national breeding and seed-growing, as well as increased agricultural production, and providing compliance of the Constitutional norms and liberties of residents or non-residents of Ukraine to own and use intellectual property on plant varieties and form on its base national plant varieties resources, which provides warranty of the country’s food security.
- the decision of Government was accepted regarding order and amount of payment for actions arising in connection with acquisition, implementation and the protection of intellectual property rights for a plant variety, and it:
  - corresponds to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991, Council Regulation (EC) Nr. 2100/94 of 27.07.1994 on Rights for Plant Varieties in the Community (Official Journal No L 227/1, 01.09.1994), Commission Directive (EC) of 31.05.1995 Nr. 1238/95 as amended by the Commission Directive of 11.02.2000 Nr. 329/2000 (Official Journal No L 37/19, 12.02.2000) and of 28.03.2003 Nr. 82/13 (Official Journal No L 82/13, 29.03.2003);
  - regulates proprietary and personal non-proprietary rights arising in connection with acquisition, implementation and the protection of intellectual property rights for a plant variety, as well as fulfilment of engagements, undertaken within the framework of the Law of Ukraine “On the Protection of Plant Variety Rights”.



## 1.2. Case Law

There are no such suits in Ukraine which are connected with the consideration of cases on proprietary and personal non-proprietary relations arising in connection with acquisition, implementation and the protection of intellectual property rights for a plant variety.

## 2. Cooperation in examination

During the reporting period the following were signed:

- Agreement between the Ministry of Agrarian Policy of Ukraine and the Ministry of Agriculture of Republic of Azerbaijan on Cooperation in the Field of State Trials and Plant Variety Protection.
- Memorandum between the State Service on the Protection of Plant Variety Rights and Community Plant Variety Office.

It is expected to sign agreements in the field of protection of plant variety rights in 2008 with the Netherlands, Poland, Germany and France.

## 3. Situation in the administrative field

With the aim of involving a wide public, the intensification of democracy and transparency of adoption of the decisions connected with acquisition, implementation and the protection of intellectual property rights for a plant variety, in the State Service on the Protection of Plant Variety Rights of Ukraine, which is that authority that is specified in the Law of Ukraine "On the Protection of Plant Variety Rights" as that which conducts State registration of new varieties of plants, it established the Consultative and Advisory body, namely the Experts' Council that consists of representatives of the Ministries and authorities, leading scientists and farmers.

## 4. Situation in the technical field

Changes were introduced into the official procedures regulating the system of decision approval on the application for a plant variety by putting in force the Guidelines for Formal and Technical Examination of Plant Varieties.

We consider it expedient that UPOV should increase its activity in the following directions:

- procurement to the member States of UPOV in conclusion of the agreements regarding extension of cooperation between them;
- monitoring on observance by the member States of UPOV of the UPOV Convention requirements;
- improvement of the procedure for the information exchange of the UPOV member States, in connection with the examination of denomination and novelty of a variety;

- organization of seminars on exchange of the experience in the field of protection of plant variety rights among those countries which acceded to UPOV during the last 10 years.

5. Activities for the promotion of plant variety protection

During the reporting period, representatives of Ukraine took part in:

- the First Session of the Governing Body of the International Treaty on Genetic Resources for Food Production and Agriculture (Spain, Madrid)
- Annual Meeting of ISTA (Switzerland, Zurich)
- Seminar on Statistical Methods in Variety Testing (Poland, Slupia Wielka)
- Conference of the European Community of New Methods in Agricultural Researches (Romania, city of Yasi)
- International Seminar “Application and Management of the Biotechnologies Focusing on the Genetically Modified Maize” (Czech Republic, Prague)
- First Meeting of Project Coordinators on Evaluation of Natural and Mutagenic Genebank of the Eastern European Cereals (Austria, Vienna)
- Regional Seminar “Possibility of Transboundary Co-operation in the Assessment of Variety Value for Cultivation and Use (VCU) of Agricultural Crops” (Poland, Krakow),

and had the following meetings with:

- representatives of the Dutch Embassy in Ukraine, Office of the Consular for Agriculture, Nature and Food Quality in Ukraine
- representatives of the National Federation of Maize and Sorghum Seeds on the matter of registration and production of maize and sorghum seeds in Ukraine
- representatives of GNIS and FNPSMS in the framework of mutual cooperation development between Ukraine and France.

The following publications were issued:

- State Register of Plant Varieties Suitable for Dissemination in Ukraine in 2006
- Catalogue of Plant Varieties Suitable for Dissemination in Ukraine in 2006
- Current information regarding applications for a plant variety, changes in variety denomination, decisions on applications, issuance of the Certificates of the Copyright, licences, Certificates of Title and Proprietary Right of the Variety Owner Validity, as well as National Guidelines for Conduct of Examination for Buckwheat, Fodder Grasses, morphological characteristics, translation into Ukrainian language of the Plant

Variety Descriptions, list of variety maintainers, are published in the Bulletin of year 2006.

In Ukraine, breeding is being conducted for more than 453 species covering almost all groups of the agricultural predestinations, amongst which are rare and uncommon species. During the last two years, 80 National Guidelines have been developed using UPOV recommendations.

RELATED FIELDS OF ACTIVITIES OF INTEREST TO UPOV

- Catalogues of varieties authorized for sale – 2,700 entries.
- 369 titles were issued in 2007, and the total number of titles in force is 570.

[End of Annex XI and of document]