



C/41/17

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

**COUNCIL**

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

REPORT

*adopted by the Council*

Introduction

- \*1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its forty-first ordinary session in Geneva on October 25, 2007, chaired by Mr. Doug Waterhouse (Australia), President of the Council.
2. The list of participants is reproduced in Annex I to this document.
- \*3. The President extended a warm welcome to the Delegation of the Dominican Republic, which had become the sixty-fourth member of the Union on June 16, 2007.
4. The Delegation of the Dominican Republic expressed its appreciation for the welcome which it had received on becoming a member. The intervention made by the Delegation is reproduced in Annex II to this document.
- \*5. The President extended a warm welcome to the Delegation of Turkey, which had deposited its instrument of accession to the 1991 Act of the UPOV Convention on October 18, 2007, and would become the sixty-fifth member of the Union on November 18, 2007.

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\* An asterisk next to the paragraph number indicates that the text has been taken from the Report of the Decisions (document C/41/16).

6. The Delegation of Turkey expressed its appreciation for the welcome which it had received and looked forward to cooperating with the members of the Union. The intervention made by the Delegation is reproduced in Annex III to this document.

\*7. The Council noted that Spain had ratified the 1991 Act of the UPOV Convention on July 18, 2007.

#### Adoption of the Agenda

\*8. The Council adopted the draft agenda, as proposed in document C/41/1 Rev., after the deletion of item 4 “Examination of the conformity of the legislation or proposed legislation of any State or organization having submitted a request under Article 34(3) of the 1991 Act of the UPOV Convention.”

#### Examination of the conformity of the Law on Protection of Plant Varieties of the Republic of Montenegro with the 1991 Act of the UPOV Convention

\*9. Discussions were based on document C/41/14.

10. For the benefit of observers, the Delegation of the Netherlands referred to its intervention and question, addressed to the Delegation of Montenegro at the seventy-fourth session of the Consultative Committee, concerning the optional exception under Article 15(2) of the 1991 Act. It noted that the text in paragraph 22 of document C/41/14 would be in conformity with the 1991 Act, but observed that, as it stood, it was open to all species. It suggested that it was necessary to have a mechanism to restrict the farmer’s privilege to particular species and invited the Delegation of Montenegro to inform the Council what the Government of Montenegro planned to do with Article 29(2) of the Law.

11. The representative of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) thanked the Delegation of the Netherlands for its intervention. The representative recommended that the farmer’s privilege in Article 29(2) of the Law should not apply to asexually reproduced ornamental and fruit varieties.

12. The Delegation of Montenegro understood the concerns of the Delegation of the Netherlands and the representative of CIOPORA with regard to the farmer’s privilege. It informed the Council that that exception would be limited to particular species and that Montenegro would provide a legal basis to restrict the farmer’s privilege.

13. The representative of CIOPORA explained that, if the provisions in the Law concerning the farmer’s privilege did not apply to asexually reproduced ornamental and fruit varieties, he would recommend the Law to the members of CIOPORA. In addition, he requested information on the customs procedures to control imports and exports of protected varieties in Montenegro.

14. The Delegation of Montenegro informed the Council that customs procedures had been addressed in different legislation which addressed infringement of intellectual property rights, including breeders’ rights.

\*15. The Council decided to

(a) take note of the information given in document C/41/14;

(b) recommend that Montenegro incorporate the additional provisions and amendments in the Law, as provided in document C/41/14 and replace “30 days” by “60 days” in Article 12, paragraph 3 of the Law; once the additional provisions and amendments have been incorporated in the Law, the amended Law should be submitted to the Council for examination in conformity with Article 34(3) of the 1991 Act;

(c) request the Office of the Union to offer its assistance to the Government of Montenegro in drafting the necessary additional provisions and amendments to the Law; and

(d) authorize the Secretary-General to inform the Government of Montenegro of that decision.

\*16. The Delegation of Montenegro informed the Council that it would draft the necessary additional provisions and amendments to the Law, as recommended by the Council, and intended to submit the amended Law for the examination by the Council.

Report by the President on the work of the Seventy-Fourth Session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee

17. The President informed the Council that the Consultative Committee had:

(a) decided to continue deliberations at its seventy-fifth session on ways in which to improve the efficiency, effectiveness and time flexibility of the UPOV sessions and had requested the Office of the Union to prepare a document based on the interventions made at its seventy-fourth session and any additional contributions by members of the Union received before November 30, 2007;

(b) taken note of the status of the examination of laws of those States and organizations which had initiated the procedure for acceding to the UPOV Convention;

(c) requested the Office of the Union to prepare an information document on the decision of the Council of October 20, 1999, concerning accession to the 1978 Act, for consideration at its seventy-fifth session in April 2008;

(d) been informed of a request for clarification by CIOPORA at the fifty-sixth session of the Administrative and Legal Committee (CAJ) held on October 22 and 23, 2007, in relation to paragraph 4 of the Annex to document CAJ/56/5 which reproduced the “Overview of the existing activities of UPOV in relation to the enforcement of plant breeders’ rights”, approved by the Consultative Committee at its seventy-third session. The Consultative Committee had agreed that the explanation in paragraph 4 of the Annex to document CAJ/56/5 provided an appropriate explanation with regard to the examination of laws by the Council;

(e) noted the developments concerning the UPOV Distance Learning Course (DL 205) and approved the waiving of fees for selected students;

(f) endorsed the development of an advanced distance learning course “Examination of Applications for Plant Breeders’ Rights” and entrusted the Office of the Union to take the necessary actions to develop and implement that course;

(g) noted a request for UPOV to cooperate in a project initiated by the International Seed Testing Association (ISTA), in collaboration with the International Seed Federation (ISF), with a view to participating in the organizing committee of a World Seed Conference in 2009. The Consultative Committee had agreed that UPOV should participate on the basis that the project emphasized the benefits of plant variety protection according to the UPOV Convention; and

(h) taken note of information provided in relation to biodiversity, plant genetic resources and plant variety protection and developments in the Council for TRIPS concerning the review of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

18. The representative of ISF noted with appreciation the agreement for the participation of UPOV in the organizing committee of the World Seed Conference in 2009. He reported that five organizations would be involved, namely UPOV, the Food and Agriculture Organization of the United Nations (FAO), the Organization for Economic Co-operation and Development (OECD), ISTA and ISF, and confirmed that the Conference would emphasize the benefits of plant variety protection according to the UPOV Convention.

\*19. The Council noted the report by the President.

Adoption of documents TGP/4/1 “Constitution and Maintenance of Variety Collections”, TGP/9/1 “Examining Distinctness”, and “Guidelines for DNA-Profilng: Molecular Marker Selection and Database Construction (‘BMT Guidelines’)”

20. The President referred to documents C/41/13, TGP/4/1 Draft 10, TGP/9/1 Draft 10 and BMT Guidelines (proj.9). He reported that, in response to comments made by some delegations concerning the need for editorial improvements, the Consultative Committee had agreed that the Consultative Committee, the Technical Committee (TC) and the CAJ should be given a further opportunity to comment on the documents.

21. The representative of ISF expressed disappointment that the documents could not be adopted. He requested information as to whether the possibility to comment on the documents related only to editorial or also to substantive comments.

22. The President replied that the Consultative Committee at its seventy-fourth session was not informed of any substantial issues, but was aware of some editorial points, but if there were substantive comments it would be appropriate to address them.

\*23. The Council noted that in response to the comments made by some delegations concerning the need for editorial improvements, the Consultative Committee had agreed that a circular be sent to the Consultative Committee, the Technical Committee (TC) and the Administrative and Legal Committee (CAJ) providing an opportunity to comment within four weeks on documents TGP/4/1 Draft 10, TGP/9/1 Draft 10 and BMT Guidelines (proj.9). Based on the comments received, new drafts of those documents would be prepared for consideration by the Editorial Committee at its meeting on January 8, 2008. Relevant drafts

incorporating the comments by the Editorial Committee would subsequently be presented to the TC, the CAJ, the Consultative Committee and the Council in April 2008.

Annual Report of the Secretary-General for 2006; Report on Activities During the First Nine Months of 2007

\*24. The Council approved the report of the Secretary-General on the activities of the Union in 2006, as provided in document C/41/2.

\*25. The Council noted the report on activities during the first nine months of 2007, as provided in document C/41/3.

\*26. In reply to a proposal by the Delegation of the European Community, the Council agreed that the Office of the Union should consider the development of an advanced distance learning module concerning case law provided by members of the Union.

Progress Report of the work of the Administrative and Legal Committee

27. The Council noted the work of the CAJ at its fifty-fifth session, held on March 29, 2007, as presented in document C/41/9.

28. The Chair of the CAJ informed the Council that the CAJ at its fifty-sixth session, on October 22 and 23, 2007, had:

(a) received presentations by the representative of ISF and by the Delegations of Brazil, Germany and the United Kingdom on experiences and initiatives for the development of electronic application forms; in relation to those presentations, the CAJ had agreed that the Office of the Union should organize a meeting in Geneva on or around April 9, 2008, in order to explore possibilities for exchanging information on electronic application systems and databasing of information;

(b) agreed to amendments to relevant sections of document TGP/5 “Experience and Cooperation in DUS Testing”;

(c) noted the information provided by the Office of the Union with regard to molecular techniques;

(d) noted progress regarding the development of information materials concerning the UPOV Convention and the preparatory work that would be undertaken by the Administrative and Legal Committee Advisory Group (CAJ-AG) at its second session, scheduled to take place on October 26, 2007;

(e) noted the updated composition of the CAJ-AG, resulting from the invitation to Mr. Chris Barnaby (New Zealand) to be part of the CAJ-AG; and

(f) noted the conclusions of the Consultative Committee concerning the enforcement of plant breeders’ rights and of the agreement of the Consultative Committee to make available to CIOPORA and ISF the “Overview of Existing Activities of UPOV in relation to the Enforcement of Plant Breeders’ Rights”.

29. The Chair of the CAJ informed the Council that the proposed work program for the fifty-seventh session of the CAJ in April 2008 contained the following items: TGP documents; electronic application systems; development of information materials concerning the UPOV Convention; and molecular techniques.

30. The Council noted the work of the CAJ at its fifty-sixth session as reported by the Chair of the CAJ, and approved the work program for the fifty-seventh session of the CAJ, as presented in the oral report of the Chair of the CAJ.

Progress Report of the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

\*31. The Council noted the work of the TC, the Technical Working Parties (TWPs) and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular, as provided in documents C/41/10 and C/41/10 Add., and approved the programs of work set out in document C/41/10.

\*32. The Delegation of the Republic of Korea reported on the exercise concerning characteristics for plant shape in onion and *Cucurbita maxima* Duch., which had been discussed at the forty-first session of the Technical Working Party for Vegetables (TWV), held in Nairobi, Kenya, from June 11 to 15, 2007. It noted that that exercise, involving an exchange of photographs and descriptions between members of the Union, had been very helpful and suggested that a similar exercise might be undertaken for other crops and TWPs. The Council agreed that that matter should be considered by the TC and the TWPs.

Designation of the Auditor

\*33. The Council decided to renew the designation of Switzerland as auditor of the accounts of UPOV up to and including the year 2011. It expressed its gratitude to the Swiss authorities for their assistance.

Interim Financial Statement for 2006; Arrears in Contributions as of September 30, 2007

\*34. The Council took note of the interim financial statement for 2006, the status of payment of contributions and the Working Capital Fund participations as provided in document C/41/11 and noted the information that, as a result of recent payments, Jordan and Portugal had no arrears; no decision was called for under this agenda item.

Examination and Approval of the Draft Program and Budget of the Union for the 2008-2009 Biennium

\*35. Discussions were based on document C/41/4.

36. The Delegation of Germany stated that “Germany’s approval of the present draft budget of UPOV is subject to a provision that surpluses should not be used to bolster the reserve fund. It is requested that Germany’s share from the possible surplus be used to cover the

German contribution for the subsequent year of the budget. A reserve fund which serves to deal with any problems of liquidity in the future that may be due to cuts in contribution units according to Article 28(3)(c) of the UPOV Convention or due to lack of willingness of new members to pay more than 0.2 units contributions is not acceptable for Germany. From the German perspective, it is necessary, as we have requested repeatedly in the last few years, to change the provisions in Article 29(3)(b) and (3)(c) of the UPOV Convention in order to place contributions on a reliable and transparent basis, e.g. according to the number of titles granted, following the principle of fair burden sharing. Therefore, Germany requests that at the next Spring sessions of UPOV, the need to change the contribution system be discussed again. The German government will make a proposal in this respect in due course.”

37. The Delegation of the United States of America stated that the United States of America had always taken the position that contribution units should be on a voluntary basis. The Delegation sought clarification on the reimbursement which Germany was seeking with respect to the program and budget for 2008-2009. The Delegation recalled that Germany had been a strong supporter of the work of the Consultative Committee in stabilizing the budget and observed that the statement of Germany could create uncertainty. It wondered if the Delegation of Germany was questioning the existence of a Reserve Fund or was requesting that a surplus beyond a certain level, for example 10% or 20 %, be distributed to the members of the Union.

38. The Delegation of Germany confirmed that Germany was in favor of a reliable and stable arrangement, but also wished to pursue progress concerning the contribution units. It acknowledged the need for a reserve fund to be used for unexpected emergency situations and was flexible about the recommended levels for a reserve fund. The Delegation wanted to avoid that funds built up in the reserve.

39. The Vice Secretary-General recalled that the auditor considered that the UPOV reserve fund was insufficient and had made a recommendation to increase it. He noted that, due to one-off unforeseen circumstances, the Office of the Union had managed to reduce expenditure, in particular because certain activities had been covered in the indemnification paid by UPOV to the World Intellectual Property Organization (WIPO) and the vacancy in a post for a six-month period. The Vice Secretary-General explained that in the mid-term it would be necessary to consider the financial situation of UPOV because the expenditure would grow faster than the revenues.

40. The President recalled that the auditor had identified that the revenue of UPOV was fragile and that UPOV was not in a good position to cope with unexpected circumstances. He recalled that the Council had accepted the recommendation of the auditor which had been implemented in document C/41/4. He noted that there was consensus that UPOV should have a Reserve Fund and that the current level of 10% of the Reserve Fund was considered insufficient by the auditor. He added that the proposed level of 20% was meant to provide stability for unexpected short-term changes.

41. The Vice Secretary-General clarified that the aim was not to use the contributions to build up the Reserve Fund, but to implement the recommendation of the auditor. He also noted that some new members had decided to contribute above the minimum level of 0.2, for instance, 0.75 units, 5 units and half a unit of contribution. He explained that the anticipated surplus of 150,000 Swiss francs was simply a prudent assessment of expenditure in relation to the expected income.

42. The Delegation of the United States of America expressed its appreciation for the clarification provided by the Vice Secretary-General that the intent was not to use contributions to build up the Reserve Fund with respect to an activity-based budget. It further stated that the United States of America did not consider the Reserve Fund as a fund that should be used to support activities under UPOV, but instead should be an emergency situation fund. On that basis, the Delegation expressed its approval of the draft Program and Budget for the 2008-2009 Biennium, as laid out in document C/41/4, and recognized the recommendation of the auditor for a level of the Reserve Fund of 20%.

43. The Delegation of Kenya noted that the Reserve Fund might assist in dealing with fluctuation in exchange rates.

44. The president acknowledged the intervention made by the Delegation of Kenya. He requested the Delegation of Germany to indicate if it could agree to the Program and Budget with the clarification that the Reserve Fund should only be used for unexpected emergency situations and should not be used to finance programs in an activity-based budget.

45. The Delegation of Germany stated that Germany could agree on that basis.

\*46. The Council noted the intervention by the Delegation of Germany and clarified that the Reserve Fund should only be used for unexpected emergency situations and not to finance programs in an activity-based budget.

\*47. The Council approved

(a) the proposals contained in document C/41/4, draft Program and Budget for the 2008-2009 Biennium, including the amount of contributions from members;

(b) the proposed maximum ceiling of expenditure in the regular budget;

(c) the total number of posts for the Office of the Union;

(d) the allocation of 6 percent of the staff cost towards the provision for separation from service and medical benefits by the end of the 2006-2007 biennium;

(e) the allocation of 3 percent of the staff cost towards the provision of separation from service and medical benefits by the end of the 2008-2009 biennium; and

(f) a target level of the Reserve Fund of 20 percent of the budgeted expenditure.

48. The Delegation of the United States of America noted the increased number of requests for training addressed to the Office of the Union and its members, and the limited time and resources available to cope with the demand. It reported that the United States of America had implemented, within the United States Patent and Trademark Office (USPTO), a global intellectual property academy to provide intellectual property training around the world. It reported on recent discussions with the Office of the Union with a view to the organization of a "Train the Trainer" session to be hosted by the USPTO. The Delegation had requested the assistance of the Office of the Union to provide training on international perspectives of plant variety systems based on the UPOV Convention, focusing on different approaches to DUS testing. The objective was to help to expand the training already provided by the Office of the Union and the members and to raise awareness of the UPOV system of plant variety



protection. It reported that the first training course was scheduled to take place in Alexandria, United States of America, in February 2008, and invited members of the Union to identify suitable potential trainers who might participate. The Delegation explained that the potential trainers attending the course should be motivated, energetic and have knowledge on plant variety protection systems. It added that successful completion of the UPOV distance learning course (DL-205) would be a prerequisite to ensure a good basic understanding of UPOV. Retired plant variety protection examiners, university professors and board members from the authorities of members of the Union were suggested examples of potential candidates. It anticipated around 20 participants for the first training session and explained that, if that session proved to be successful, other sessions could be organized. The Delegation proposed that the Office of the Union should send a circular in order to identify suitable potential trainers and welcomed comments by the Council on the usefulness of such a program.

49. In reply to a question by the President on the duration of the course, the Delegation of the United States of America said that, while the course was still under development, its expected duration was five days.

50. The Delegation of Mexico expressed its support for the proposal and the efforts of the United States of America in strengthening capacity-building in the field of plant variety protection and intellectual property in general. It reported on useful training which it had received from the United States of America on intellectual property and genetic resources. The Delegation stated that the proposed training served the objective of UPOV to improve the effectiveness and efficiency of the system by broadening the capacity of the Office of the Union.

51. In reply to a question raised by the representative of ISF, the President noted that observer organizations could also identify suitable potential trainers from the private sector.

\*52. The Council agreed that the Office of the Union should send a circular to members of the Union and observers in order to identify suitable potential trainers who might be willing to participate in such a training course.

#### Calendar of Meetings in 2008

53. Discussions were based on document C/41/8.

54. The Delegation of the United States of America recalled the discussions at the seventy-fourth session of the Consultative Committee on ways in which to improve the efficiency, effectiveness and time flexibility of the UPOV sessions. The Delegation noted the lengthy program for the seventy-fifth session of the Consultative Committee which was scheduled for the morning of April 11 only, and the final program for the fifty-seventh session of the CAJ, which it noted would depend on the progress of the work in the CAJ-AG and which might not require the scheduled full day. The Delegation wondered if the Council was willing to provide the Office of the Union, in consultation with the President of the Council, a degree of flexibility to adjust the timing based on the particular agendas for those sessions.

55. The President asked the views of the Council on the suggestion to provide the Office of the Union, in consultation with the President of the Council, a degree of flexibility to determine the duration of the individual UPOV sessions in April 2008.

56. In reply to a question raised by the representative of ISF, the President confirmed that the proposal would provide flexibility for the length of the individual sessions, within the scheduled meeting dates. He explained that any changes to the timing of the sessions would be notified as soon as possible.

57. The Vice Secretary-General noted that after the second session of the CAJ-AG, the Office of the Union would have a better insight of the program for the fifty-seventh session of the CAJ. The Office of the Union would then be able to explore with the President of the Council if there was a possibility to shorten the fifty-seventh session of the CAJ to allow for more time for the seventy-fifth session of the Consultative Committee.

\*58. The Council approved the calendar of meetings in 2008, as presented in document C/41/8, whilst agreeing to provide the Office of the Union, in consultation with the President of the Council, a degree of flexibility to determine the duration of the individual UPOV sessions.

\*59. The Council also noted the proposed dates of meetings in Geneva in 2009.

#### Election of the new Chair and the new Vice-Chair of the Administrative and Legal Committee and the Technical Committee

\*60. The Council noted the information provided in document C/41/10 Add.

\*61. The Council elected, in each case for a term of three years ending with the forty-fourth ordinary session of the Council, in 2010:

(a) Mrs. Carmen Amelia M. Gianni (Argentina), Chairperson of the Administrative and Legal Committee;

(b) Mr. Lü Bo (China), Vice-Chairman of the Administrative and Legal Committee;  
and

(c) Mr. Chris Barnaby (New Zealand), Chairman of the Technical Committee.

\*62. The Council proposed that the TC make a recommendation for the Vice-Chairperson of the TC at its forty-fourth session to be held in April 2008.

\*63. The Council expressed its appreciation to the outgoing Chairpersons, Mr. Krieno Fikkert (Netherlands), Chairman of the Administrative and Legal Committee, and Mrs. Julia Borys (Poland), Chairperson of the Technical Committee, for the work carried out during their term.

#### Situation in the legislative, administrative and technical fields:

\*64. The Council noted documents C/41/5, C/41/6, C/41/7 and C/41/12 and noted that a revised document on "Plant Variety Protection Statistics" for the period 2001-2005 (document C/40/7 Rev.) had been produced; no decisions were called for under this agenda item.

65. The Council received a demonstration of the on-line version of the GENIE Database, which it heard would shortly be available on the first restricted area of the UPOV Website.

UPOV Medal

\*66. In recognition of his outstanding contribution to UPOV, the Vice Secretary-General awarded to Mr. Bernard Le Buanec, Secretary General of the International Seed Federation (ISF), a UPOV Gold Medal.

*67. The present report has been adopted by correspondence.*

[Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /  
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

*(dans l'ordre alphabétique des noms français des membres/  
in the alphabetical order of the names in French of the members/  
in alphabetischer Reihenfolge der französischen Namen der Mitglieder/  
por orden alfabético de los nombres en francés de los miembros)*

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ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET  
L'AGRICULTURE (FAO) / FOOD AND AGRICULTURE ORGANIZATION OF THE  
UNITED NATIONS (FAO) / ERNÄHRUNGS- UND  
LANDWIRTSCHAFTSORGANISATION DER VEREINTEN NATIONEN (FAO) /  
ORGANIZACIÓN DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA  
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ASSOCIATION INTERNATIONALE POUR LA PROTECTION DE LA PROPRIÉTÉ  
INTELLECTUELLE (AIPPI) / INTERNATIONAL ASSOCIATION FOR THE  
PROTECTION OF INTELLECTUAL PROPERTY (AIPPI) /  
INTERNATIONALE VEREINIGUNG FÜR DEN SCHUTZ DES GEISTIGEN  
EIGENTUMS (AIPPI) / ASOCIACIÓN INTERNACIONAL PARA LA PROTECCIÓN DE  
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ASSOCIATION DES OBTENTEURS HORTICOLES EUROPÉENS (AOHE) /  
ASSOCIATION OF EUROPEAN HORTICULTURAL BREEDERS (AOHE) /  
VERBAND EUROPÄISCHER GARTENBAUZÜCHTER (AOHE) /  
ASOCIACIÓN DE OBTENTORES HORTÍCOLAS EUROPEOS (AOHE)

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ORNAMENTALES ET FRUITIÈRES DE REPRODUCTION ASEXUÉE (CIOPORA) /  
INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED  
ORNAMENTAL AND FRUIT-TREE VARIETIES (CIOPORA) /  
INTERNATIONALE GEMEINSCHAFT DER ZÜCHTER VEGETATIV  
VERMEHRBARER ZIER- UND OBSTPFLANZEN (CIOPORA) /  
COMUNIDAD INTERNACIONAL DE OBTENTORES DE VARIEDADES  
ORNAMENTALES Y FRUTALES DE REPRODUCCIÓN ASEXUADA (CIOPORA)

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V. BUREAU / OFFICE / VORSITZ / OFICINA

Doug WATERHOUSE, President of the Council of UPOV  
Keun-Jin CHOI, Vice-President of the Council of UPOV



VI. BUREAU DE L'UPOV / OFFICE OF UPOV /  
BÜRO DER UPOV / OFICINA DE LA UPOV

Rolf JÖRDENS, Vice Secretary-General  
Peter BUTTON, Technical Director  
Raimundo LAVIGNOLLE, Senior Counsellor  
Makoto TABATA, Senior Counsellor  
Yolanda HUERTA (Mrs.), Senior Legal Officer

[L'annexe II suit/  
Annex II follows/  
Anlage II folgt/  
Sigue el Anexo II]

ANNEX II

STATEMENT BY THE DELEGATION OF THE DOMINICAN REPUBLIC

Mr. Chairman, Ladies and Gentlemen,

It is an honor for the Dominican Republic to begin its membership of UPOV during the current session.

Despite the fact that since the 1978 Act, the Dominican Republic, headed by the authorities working with seeds, has emphasized the need for the country to accede to UPOV, it has not been possible until today. The accession process began since one of the preconditions that we must satisfy for launching the Free Trade Agreement with the United States and Central America, the so-called DR-CAFTA, was to be a member of UPOV.

This process was completed in less than one year, thanks to the Secretariat and the legal sector of the Union, which at all times offered their support to the technical team responsible for drafting the Law in accordance with the 1991 Act and its submission to the National Congress.

The agricultural sector in the Dominican Republic always mistrusted everything that related to the DR-CAFTA, owing to the widespread fear that we would lose both the domestic and foreign market. Indicators now show that the sector benefiting most from the agreement is agriculture and that the Law on Protection of the Rights of Breeders of Plant Varieties is a guarantee for the investment which must be made in exchange for research and innovations in agriculture and livestock.

As a result of this Law, the Dominican Republic is already receiving applications for registration of varieties obtained locally and abroad, both from individual producers and universities, as is the case with research being carried out by an academic center which has managed to obtain improved varieties of avocado pears from a multiplicity of better native materials, for them to be marketed abroad.

Likewise, the Law represents a brake on the large number of phyto-genetic resources which the country is losing and a stimulus for Dominican breeders.

The State Secretariat for Agriculture, responsible for administering the Law which protects the rights of breeders, plans to hold a training course on protection of plant varieties, with the aim to provide the country with sufficient training and up-to-date human resources in this field, and we also offer to host any international event of UPOV's choosing.

We reiterate our thanks to the Office of the Union, which played a decisive role in our accession. We also thank the distinguished Delegations of Mexico, Colombia and Argentina for the cooperation provided during that process.

Thank you very much.

[Annex III follows]

ANNEX III

STATEMENT BY THE DELEGATION OF THE REPUBLIC OF TURKEY

Mr. President  
Distinguished members,  
Ladies, gentlemen,

The Turkish Delegation is honored to express its pleasure in joining the International Union for the Protection of New Varieties of Plants and becoming a member of this world family. I would like to pass to you the warm and sincere feelings of my colleagues who are working on plant variety protection and registration.

The Plant Variety Protection Law of Turkey was enacted by the Grand National Assembly in January 2004 and entered into force subsequently. In consequence, the two regulations namely "Plant Variety Protection" and "Farmer's Exemption" were issued by the Ministry of Agriculture. In April 2004 Turkey requested the advice of the Council of UPOV. After a positive advice was given, the Grand National Assembly ratified the "Convention for the Protection of New Varieties of Plants" of 1991 in March this year. Following this, the Government of Turkey deposited its instrument of accession with the Union and finally Turkey has been accepted as a member of UPOV.

We consider this to be an important step in the area for our country as well as the region. In Turkey, the Ministry of Agriculture is in charge of the implementation of plant variety protection laws and regulations. In this regard, the General Directorate for Control and Protection receives and evaluates the applications while the Center for Variety Registration and Seed Certification, which is the organization responsible for the technical examinations, carries out the DUS tests and fulfills other technical requirements. At the present time, Turkish PVP regulations and services cover 61 different crop species.

Distinguished delegates,

Before concluding, I would like to thank the UPOV administration and staff for their continuous support and valuable assistance which they provided to us during our accession to the Convention as well as all the assistance and support provided to us. We believe that this close cooperation and mutual support will continue in the application period of the Convention.

I would also like to express our sincere thanks and gratitude to the experts of those member countries who shared information and experience with Turkey.

Thank you.

[End of Annex III and of document]