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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Forty-Second Ordinary Session
Geneva, October 30, 2008

REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 2008

prepared by the Office of the Union

Introduction

1. The report on activity during the first nine months of 2008 is structured in this document as follows:

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I. COMPOSITION OF THE UNION

Members and Future Members

2. As of September 30, 2008, the Union comprised 65 members: Albania, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, European Community, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lithuania, Mexico, Moldova, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan and Viet Nam.

3. Under Article 34(3) of the 1991 Act, “any State which is not a member of the Union and any intergovernmental organization shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Convention.”

4. By letter dated November 30, 2007, the former Yugoslav Republic of Macedonia requested the examination of the Law on New Varieties of Agricultural Plants.

5. By Note dated February 25, 2008, the Republic of Serbia requested the examination of the Draft Law on the Protection of Plant Breeder’s Rights.

6. By letter dated March 19, 2008, Montenegro requested the examination of the Draft Law on Protection of Plant Varieties.

7. By letter dated March 27, 2008, the Republic of Costa Rica requested the examination of the Law No. 8631 on Protection of New Varieties of Plants and of a motion for the amendment of Articles 2, 3 and 8 of the Law in the context of the Draft Law on Amendments and Additions of Various Norms Regulating Intellectual Property-Related Matters (File 16.955).

8. At its twenty-fifth extraordinary session, held in Geneva on April 11, 2008, the Council examined the conformity of the Law on New Varieties of Agricultural Plants of the former Yugoslav Republic of Macedonia, the Draft Law on the Protection of Plant Breeder’s Rights of the Republic of Serbia, the Draft Law on Protection of Plant Varieties of Montenegro and the Law No. 8631 on Protection of New Varieties of Plants and of the Motion to the Draft Law on Amendments and Additions of Various Norms Regulating Intellectual Property-Related Matters (File 16.955) of the Republic of Costa Rica with the 1991 Act of the UPOV Convention.

9. In respect of the former Yugoslav Republic of Macedonia, the Council decided to:

“(a) take note of the analysis in document C(Extr.)/25/4;

“(b) recommend that The former Yugoslav Republic of Macedonia incorporate the additional provisions and amendments in the Law, as provided in document C(Extr.)/25/4, and recommend that 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, at the earliest opportunity, to the Government of The former Yugoslav Republic of Macedonia in drafting the necessary additional provisions and amendments to the Law; and

“(d) authorize the Secretary-General to inform the Government of The former Yugoslav Republic of Macedonia of that decision.”

10. In respect of the Republic of Serbia, the Council decided to:

“(a) take note of the analysis in document C(Extr.)/25/5 and the information provided by the Delegation of Serbia that it intends to:

“(i) amend paragraph 1 of Article 22 of the Draft Law on the duration of the breeder’s right, to read as follows ‘The breeder’s right to the protected variety shall expire 25 years after the grant thereof or 30 years after the grant thereof in case of trees and vines’;

“(ii) delete paragraph 3 of Article 29 of the Draft Law;

“(iii) delete Article 35 of the Draft Law; and

“(b) subject to the introduction of the recommended changes in the Draft Law, as identified in document C(Extr.)/25/5 and the replacement of “90 days” by “three months” in paragraph 2 of Article 17, take a positive decision on the conformity of the Draft Law on the Protection of Plant Breeder’s Rights of the Republic of Serbia with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants; which allows that, once the changes have been incorporated in the Draft Law and the Law is adopted and in force, the Republic of Serbia may deposit its instrument of accession to the 1991 Act;

“(c) request the Office of the Union to offer its assistance to the Government of the Republic of Serbia in the incorporation of the changes in the Draft Law identified in document C(Extr.)/25/5; and

“(d) authorize the Secretary-General to inform the Government of the Republic of Serbia of that decision.”

11. In respect of Montenegro, the Council decided to:

“(a) take note of the analysis in document C(Extr.)/25/6 and the additional information provided by the Delegation of Montenegro that it intends to move Article 42(3) to Article 44 of the Draft Law;

“(b) take a positive decision on the conformity of the Draft Law on Protection of Plant Varieties of Montenegro with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants, which allows that, subject to the replacement of ‘90 days’ by ‘three months’ in Article 19, once the Law is adopted and in force, Montenegro may deposit its instrument of accession to the 1991 Act; and

“(c) authorize the Secretary-General to inform the Government of Montenegro of that decision.”

12. In respect of the Republic of Costa Rica, the Council decided to:

“(a) take note of the analysis in document C(Extr.)/25/7 and the clarification provided by the Delegation of Costa Rica that the second paragraph of Article 31 of the Law was not contrary to the provision on national treatment;

“(b) take a positive decision on the conformity of the Law on Protection of New Varieties of Plants of the Republic of Costa Rica, subject to the adoption of the proposed amendments of Articles 2, 3 and 8 of the Law in the Motion to the Draft Law, with the provisions of the 1991 Act of the International Convention for the Protection of New Varieties of Plants; which allows that, once the proposed amendments in the Motion to the Draft Law are adopted, with no changes, and in force, the Republic of Costa Rica may deposit its instrument of accession to the 1991 Act; and

“(c) authorize the Secretary-General to inform the Government of the Republic of Costa Rica of that decision.”

Situation in Relation to the Various Acts of the Convention

13. With the ratification of Switzerland on September 1, 2008, forty-one members were bound by the 1991 Act as of September 30, 2008.

14. As of September 30, 2008, one member was bound by the 1961 Convention as amended by the 1972 Act and 23 members were bound by the 1978 Act.

15. Annex I provides the status of the members of the Union in relation to the Convention and its various Acts, as of September 30, 2008.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

16. The Council held its twenty-fifth extraordinary session on April 11, 2008 under the chairmanship of Mr. Doug Waterhouse (Australia), President of the Council. At that session, the Council:

(a) examined the Law on New Varieties of Agricultural Plants of the former Yugoslav Republic of Macedonia, the Draft Law on the Protection of Plant Breeder's Rights of the Republic of Serbia, the Draft Law on Protection of Plant Varieties of Montenegro and the Law No. 8631 on Protection of New Varieties of Plants and of the Motion to the Draft Law on Amendments and Additions of Various Norms Regulating Intellectual Property-Related Matters (File 16.955) of the Republic of Costa Rica;

(b) noted an oral report on the seventy-fifth session of the Consultative Committee;

(c) in accordance with the recommendation of the Consultative Committee, the Council decided to adopt the decision, as set out in paragraph 1 of document C(Extr.)/25/8, and agreed that the letter in the Annex to document C(Extr.)/25/8 be sent to the Executive Secretary of the Secretariat of the Convention on Biological Diversity (CBD);

(d) with respect to any future opinion on whether India and Zimbabwe have acted expeditiously to complete their legislation and any UPOV formalities and to effect the deposit, the Council decided, based on the recommendation of the Consultative Committee, that the opinion on whether that condition had been fulfilled should be the responsibility of the Consultative Committee;

(e) in accordance with the recommendation of the Consultative Committee, the Council requested the Office of the Union to prepare a document containing a draft text of the UPOV Financial Regulations and Rules for consideration at its forty-second ordinary session;

(f) based on the recommendation of the Consultative Committee, the Council adopted document TGP/4/1 “Constitution and Maintenance of Variety Collections” and document TGP/9/1 “Examining Distinctness”; and

(g) decided not to take a decision on a one-year extension of the current appointment of the Vice Secretary-General and decided to consider a three-year extension at the forty-second ordinary session of the Council to be held on October 30, 2008.

Consultative Committee

17. The Consultative Committee held its seventy-fifth session on April 10 and 11, 2008, under the chairmanship of Mr. Doug Waterhouse (Australia). At that session, in addition to the provision of advice to the Council (see paragraph 16(a), (c) to (g), above), the Consultative Committee:

(a) was informed on meetings and activities concerning biodiversity, plant genetic resources and plant variety protection;

(b) noted the oral information provided by the Office of the Union on developments concerning the preparation of the Second World Seed Conference which would be held in 2009 and a Symposium on Contracts in Relation to Plant Breeders’ Rights which would be held in Geneva on October 31, 2008;

(c) endorsed the proposals to improve the efficiency, effectiveness and time flexibility of the UPOV sessions and noted that those measures would be presented to the Council at its forty-second ordinary session on October 30, 2008; and

(d) was informed on developments in the Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS) concerning the review of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS Agreement”).

Administrative and Legal Committee, Technical Committee, Technical Working Parties and Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

18. For the work of the Administrative and Legal Committee (CAJ), which held its fifty-seventh session on April 10, 2008, and the Technical Committee (TC), which held its forty-fourth session from April 7 to 9, 2008, reference is made to documents C/42/9 and C/42/10, respectively. The Enlarged Editorial Committee (TC-EDC) held meetings in

Geneva on January 8 and April 7 and 8, 2008. The Technical Working Party for Agricultural Crops (TWA) held its thirty-seventh session in Nelspruit, South Africa, from July 14 to 18, 2008. The Technical Working Party for Vegetables (TWV) held its forty-second session in Cracow, Poland, from June 23 to 27, 2008. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its forty-first session in Wageningen, Netherlands, from June 9 to 13, 2008. The Technical Working Party for Fruit Crops (TWF) held its thirty-ninth session in Lisbon, Portugal, from June 2 to 6, 2008. In conjunction with the TWF meeting, a TGP/14 Color Workshop was held in Lisbon, Portugal, on May 30, 2008. The Technical Working Party on Automation and Computer Programs (TWC) held its twenty-sixth session in Jeju, Republic of Korea, from September 2 to 5, 2008. The Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) holds its eleventh session in Madrid, Spain, from September 16 to 18, 2008. Each of the Technical Working Party and BMT sessions was preceded by a preparatory workshop.

III. COURSES, SEMINARS, WORKSHOPS, MISSIONS, IMPORTANT CONTACTS

Individual activities

19. On January 17, in Bonn, Germany, the Office held a discussion with representatives of the Ministry of Agriculture of Germany regarding UPOV budget matters. It also participated in the opening ceremony and related events of the “International Green Week” in Berlin, on January 17 and 18.

20. From January 21 to 25, the Office attended the Sixth Meeting of the *Ad Hoc* Open-ended Working Group on Access and Benefit-sharing (ABSWG-6) of the CBD, which took place at the Palais des Nations, Geneva, Switzerland. The main objective of the session was to consider an international regime of access and benefit-sharing which is to be adopted by the Tenth Meeting of the Conference of the Parties to the CBD (COP-10) to be held in Nagoya, Japan, in 2010.

21. On January 22, in Paris, France, the Office attended a meeting of the Organizing Committee of the Second World Seed Conference.

22. On January 23 and 24, in Paris, the Office attended the Fourth Meeting of the Working Group on Varietal Purity and Varietal Identity of the Organisation for Economic Co-operation and Development (OECD).

23. On January 24 and 25, in Paris, the Office attended the OECD Extended Advisory Group Meeting.

24. On January 30, a meeting took place in Geneva between the Office and representatives of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOPORA) on ways in which to enhance the cooperation between UPOV and CIOPORA.

25. On February 5 and 6, consultation meetings took place with Mr. Yuri Rogovskiy, Deputy Chairman, State Commission of the Russian Federation for Selection Achievements Test and Protection, and the Office on the establishment of the official text of the 1991 Act of the UPOV Convention in Russian Language.

26. On February 11, in Phnom Penh, Cambodia, the Office organized a National Workshop on Plant Variety Protection under the UPOV Convention in cooperation with the Ministry of Industry, Mines and Energy (MIME) of Cambodia and with the financial assistance of the Ministry of Agriculture, Forestry and Fisheries (MAFF) of Japan. The Office gave presentations on the UPOV Convention, examination of varieties and cooperation in plant variety protection. Experiences in plant variety protection were presented by Japan, Switzerland and Viet Nam. The Workshop was attended by 63 participants.

27. On February 12, also in Phnom Penh, the Office held a consultation meeting with officials from the Government of Cambodia on recommended amendments to the Draft Law on Plant Breeders' Rights and the accession procedure to the 1991 Act of the UPOV Convention.

28. On February 14, in Vientiane, Lao People's Democratic Republic, the Office organized a National Workshop on Plant Variety Protection under the UPOV Convention together with the Department of Intellectual Property, Standardization and Metrology (DISM) of the Lao People's Democratic Republic and with the financial assistance of the MAFF of Japan. Some 35 participants were present.

29. On February 15, also in Vientiane, the Office held a consultation meeting with officials from the Ministry of Agriculture and Forestry, the Ministry of Justice, the National Assembly, Intellectual Property Application Agencies and the Department of Intellectual Property, Standard, Technology and Metrology (DISM), Science, Technology and Environment Agency, to discuss the section of the Intellectual Property Law concerning plant variety protection and amendments recommended in relation to the 1991 Act of the UPOV Convention.

30. On February 18, in Hanoi, Viet Nam, the Office organized a National Workshop on Plant Variety Protection under the UPOV Convention, in cooperation with the Ministry of Agriculture and Rural Development of Viet Nam and with the financial assistance of the MAFF of Japan. Presentations were given on selected elements of the UPOV Convention. Experiences in plant variety protection were presented by Australia, Japan, Netherlands and Switzerland. A presentation on the seed industry's perspective on plant variety protection was given by a representative of the Asia and Pacific Seed Association (APSA). The Workshop was attended by 125 participants.

31. On February 19, also in Hanoi, the Office held a consultation meeting with officials from the Ministry of Agriculture and Rural Development of Viet Nam to discuss possible amendments of the Intellectual Property Law following the recommendations by the Council of UPOV.

32. On February 21, in Singapore, the Office organized a National Workshop on Plant Variety Protection under the UPOV Convention in cooperation with the Intellectual Property Office of Singapore (IPOS) and the Agri-Food and Veterinary Authority of Singapore (AVA), with the financial assistance of the MAFF of Japan. The Office gave presentations on plant variety protection under the UPOV Convention and benefits of the extension of the coverage of plant variety protection. Experiences in plant variety protection were presented by Australia, Japan, Netherlands and Switzerland. A presentation on the breeding industry's perspective on plant variety protection was given by a representative of APSA. The Workshop was attended by 33 participants.

33. On February 22, also in Singapore, the Office held a consultation meeting with officials from IPOS and AVA and answered specific questions raised by Singaporean experts on the preparation of national test guidelines. Extension of protection to cover all genera and species, and genera and species for which a provision on the saving of seeds might be appropriate were also discussed. The consultative meeting was attended by 10 participants.
34. From February 25 to 29, the Office held a training program on “Plant Variety Protection under the UPOV Convention”, which was organized with the assistance of the Global Intellectual Property Academy, United States Patent and Trademark Office (USPTO) in Alexandria, Virginia, United States of America. The 27 participants were provided with information and materials to assist them in providing training on plant variety protection according to the UPOV Convention.
35. From February 25 to 29, in Geneva, the Office attended relevant parts of the twelfth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization (WIPO).
36. On February 28, the Office received the visit of Miss Thidakoon Saenudom, Agricultural Scientist, Plant Varieties Protection Division, Department of Agriculture, Thailand, and was informed of recent developments in plant variety protection in Thailand.
37. On February 29, the Office received the visit of Mr. Hojjat Khademi, Director, Legal Protection of the Seed and Plant Certificate Institute (SPCRI) of the Islamic Republic of Iran. Mr. Khademi reported that Mr. Mesbach had become the new director of SPCRI, as successor to Dr. Majid Dehghan-Shoar. Mr. Khademi requested UPOV’s assistance for capacity building in the field of plant variety protection.
38. On March 5 and 6, in Angers, France, the Office attended the meeting of the Community Plant Variety Office (CPVO) of the European Community with representatives of its Examination Offices.
39. On March 7, in Rome, Italy, the Office attended a meeting of the Organizing Committee of the Second World Seed Conference.
40. On March 12, in Baku, Azerbaijan, the Office held a consultation meeting with officials from the Government of Azerbaijan on the protection of new varieties of plants under the UPOV Convention. The meeting was organized by the State Agency on Standardization, Metrology and Patents in cooperation with the Ministry of Agriculture of Azerbaijan.
41. On March 12 and 13, in Paris, the Office attended an expert group meeting on “*Ressources génétiques et sélection de la vigne*” and an expert group meeting on “*Droit et information du consommateur*” of the International Organisation of Vine and Wine (OIV), respectively. The Office made a presentation on Plant Variety Denominations under the UPOV Convention on both occasions.
42. On March 13, the Office attended relevant parts of a meeting of the Council for TRIPS at the headquarters of the World Trade Organization (WTO), in Geneva.

43. On March 13, in Almaty, Kazakhstan, the Office held a National Workshop on the Protection of New Varieties of Plants under the UPOV Convention in cooperation with the Ministry of Justice of the Republic of Kazakhstan, with the financial assistance of the MAFF of Japan. Some 50 participants were present.
44. On March 14, also in Almaty, the Office held a consultation meeting with Kazakh officials, organized by the Committee on Intellectual Property Rights of the Ministry of Justice of Kazakhstan. Some 30 representatives of Ministries and Government Agencies participated. Steps required for Kazakhstan's accession to the UPOV Convention were considered.
45. On March 31, the Office received the visit of Mr. Ata Annaniyazov, Deputy Head, Patent Department, Turkmen Patent Office, Ministry of Economy and Development, Turkmenistan. Mr. Annaniyazov reported that the draft law for the protection of selection achievements would be sent to the parliament within six months.
46. On March 31, the Office participated in a telephone conference meeting of the Organizing Committee of the Second World Seed Conference.
47. On April 4, the Office made a presentation "Introduction to UPOV and to the Protection of New Varieties of Plants under the UPOV Convention" at the Study visit to UPOV/WIPO Headquarters by Senior Officials from the Republic of Sudan.
48. On April 14 and 15, the Office gave presentations to WIPO staff members on the UPOV System of Plant Variety Protection in a General Course on Intellectual Property.
49. On April 17, the Office attended a meeting of legal counsels of international organizations in Geneva, organized by the Permanent Mission of Switzerland at Geneva.
50. On April 28, the Office participated in a telephone conference meeting of the Organizing Committee of the Second World Seed Conference.
51. On May 13, the Office provided a training session on plant variety protection in the training program developed by the Swedish International Development Cooperation Agency (Sida) entitled "Genetic Resources and Intellectual Property" (GRIP Course), which took place in Svalöv, Sweden, from May 7 to 28.
52. On May 21, the Office participated in a telephone conference meeting of the Organizing Committee of the Second World Seed Conference.
53. On May 22 and 23, in Bonn, Germany, the Office attended the Ninth Meeting of the Conference of the Parties to the Convention on Biological Diversity (COP-9) which took place from May 19 to 30. The Office participated at the sessions dealing with agenda items 4.1 "Access and benefit-sharing" and 4.13 "Cooperation with other conventions, international organizations and initiatives, and engagement of stakeholders", which took place on May 22 and 23. The Office explained UPOV's position as communicated to the CBD Secretariat by letter of April 17. During a side-event entitled "The Role of Plant Variety Protection in Meeting Existing and Future Challenges" on May 23, the Office presented an introduction to UPOV, the protection of new varieties of plants under the UPOV Convention and the impact of plant variety protection under the UPOV Convention.

54. From May 26 to 28, in Prague, Czech Republic, the Office participated in the World Seed Congress 2008. At a session of the Breeders' Committee of the International Seed Federation (ISF), the Office gave a briefing on recent developments within UPOV.
55. On June 4 and 5, in Skopje, the former Yugoslav Republic of Macedonia, the Office provided assistance in drafting the necessary additional provisions and amendments to be incorporated to the Law on New Varieties of Agricultural Plants examined by the Council of UPOV at its twenty-fifth extraordinary session, held in Geneva on April 11, 2008. The European Community provided financial assistance through its Multi-Beneficiary Program. The meeting was chaired by State Secretary Hristijan Delev, Ministry of Agriculture, Forestry and Water Economy.
56. On June 12 and 13, in Schwäbisch Hall, Germany, the Office participated in the 100th anniversary celebration of the plant breeding company *Pflanzenzucht Oberlimpurg* (PZO).
57. From June 15 to 21, the Office organized a study tour in Europe for plant variety protection experts from Azerbaijan, Kazakhstan, and Kyrgyzstan with the assistance of an expert from Ukraine. The group was received by the Swiss Federal Office for Agriculture (FOAG), Berne, the CPVO of the European Community, Angers, France, *Groupe d'étude et de contrôle des variétés et des semences* (GEVES), Angers, France and the Office.
58. On June 17, the Office attended the relevant sessions of the meeting of the Council for TRIPS at the headquarters of WTO, in Geneva.
59. On June 17, in Wageningen, Netherlands, the Office lectured at the Eleventh International Course of Plant Variety Protection. Prior to the course in Wageningen, the students were given the opportunity to participate in the UPOV Distance Learning Course.
60. On June 17 and 18, in Bologna, Italy, the Office attended the Annual Meeting of the International Seed Testing Association (ISTA), and meetings of the ISTA Variety Committee and the ISTA Working Group on Molecular Techniques.
61. On June 19, at WIPO headquarters, the Office made a presentation on "Introduction to UPOV and to the Protection of New Varieties of Plants under the UPOV Convention" at the WIPO Interregional Intermediate Seminar on Industrial Property. Ninety participants from intellectual property offices from 63 different countries and two organizations took part.
62. On June 19 and 20, in Seoul, Korea, the Office gave lectures at the Training Course on Plant Variety Protection organized by the Korean Seed & Variety Service (KSVS) and the Korean International Cooperation Agency (KOICA).
63. From June 24 to 27, in Tunis, Tunisia, the Office organized, in cooperation with the Ministry of Agriculture and Hydraulic Resources of Tunisia and with the USPTO, a "Regional Seminar on Plant Variety Protection under the UPOV Convention" and a "Workshop on the Examination of New Varieties of Plants". The seminar was attended by 30 participants, 21 of which were from UPOV members and 9 from observer States.
64. On July 1, the Office received the visit of Mr. Sonam Lhundrup, Head, Legal and Land Section, Policy and Planning Division, Ministry of Agriculture of the Royal Government of Bhutan. The visit was part of a training program on intellectual property organized by WIPO.

Mr. Lhundrup received information on the principles of plant variety protection under the UPOV Convention, the impact of plant variety protection, the relationship between the UPOV Convention and other international treaties and on technical aspects of the implementation of plant variety protection. He explained that draft legislation in Bhutan would require considerable amendment and clarification.

65. On July 7, in Geneva, the Office gave a presentation at the WIPO-WTO Colloquium for Teachers of Intellectual Property.

66. From July 9 to 11, in Johannesburg, the Office organized a “Regional Training Course on Plant Variety Protection under the UPOV Convention”, in cooperation with the Department of Agriculture of South Africa and the USPTO. The training course was specifically addressed to participants from members of the Southern African Development Community (SADC). The invited speakers were from USPTO, Kenya, SADC, the African Intellectual Property Organization (OAPI), the African Regional Intellectual Property Organization (ARIPO) and the African Seed Trade Association (AFSTA). The meeting was attended by 26 participants from Angola, Botswana, Lesotho, Madagascar, Mauritius, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe.

67. On July 18, the Office gave a presentation at the WIPO Summer School on Intellectual Property.

68. From July 23 to 25, in Tokyo, Japan, the Office participated in the First Meeting of the East Asia Plant Variety Protection Forum, the International Seminar for Better Understanding of Plant Variety Protection and a technical visit, those events having been organized by the MAFF of Japan in cooperation with UPOV. The Forum was attended by high-ranking officials from the 10 member States of the Association of Southeast Asian Nations (ASEAN) and Japan, China and the Republic of Korea. The Forum participants agreed on principles for mutual assistance and cooperation in plant variety protection in the region and explored a program of specific activities. The experience and guidance acquired by UPOV was considered to be essential for any system of plant variety protection. The international seminar was attended by some 150 participants including Government officials, scientists and representatives of the private sector. Presentations were given by speakers from Australia, China, the European Community, Japan, Netherlands, United States of America, Viet Nam and the Asian Pacific Seed Association (APSA).

69. On July 24, the Office received the visit of Mrs. Wati Zuallcoble, Deputy Director-General, Intellectual Property Corporation of Malaysia, and Mr. Wan A. Rushid Yusri, Second Secretary, Permanent Mission of Malaysia. Information was provided on the current status of Malaysia in relation to accession to the UPOV Convention.

70. On July 28, in Bangkok, Thailand, at the request of the Department of Agriculture of Thailand, the Office participated in a meeting on plant variety protection with national stakeholders. The purpose was to explain principles of the UPOV Convention and the impact of plant variety protection. Some 40 representatives of the private and public sector were present.

71. On July 31, in Paris, France, the Office participated in a preparatory meeting of the Organizing Committee of the Second World Seed Conference.

72. On August 25, the Office gave a presentation on recent developments in UPOV at a workshop organized by the Society for Techno-Innovation of Agriculture, Forestry and Fisheries (STAFF), in Tokyo.
73. From August 26 to 29, in Tsukuba, Japan, the Office provided lectures at the Training Course on the Protection of Plant Breeders' Rights organized by the Japan International Cooperation Agency (JICA) and taking place from August 25 to November 7 at the JICA International Center. In parallel with the JICA Training Course, the students were given the opportunity to participate in the UPOV Distance Learning Course.
74. On August 29 and 30, in Jeju, Republic of Korea, the Office organized a "Workshop On Trial Design and Data Handling" in cooperation with the Korea Seed and Variety Service. Lecturers were provided by France, Germany, Japan and the United Kingdom. The meeting was attended by 34 participants from six UPOV members.
75. From September 8 to 10, the Office participated and made statements at the Third Senior Officials' Meeting (SOM) on Agriculture of the Economic Coordination Organization (ECO) and in the Fourth ECO Ministerial Meeting on Agriculture, in Baku. In the Ministerial Declaration, UPOV is requested to provide assistance to ECO member States to accede to the UPOV Convention. At the fringes of the meeting, the Office had consultations with the heads of delegations of Azerbaijan, the Islamic Republic of Iran, Kazakhstan, Pakistan and Turkey, in particular.
76. On September 22, the Office gave presentations on the protection of new varieties of plants under the UPOV Convention at the Sida Advanced International Training Programme on Plant Breeding and Seed Production in Svalöv. Twenty-five participants (breeders, scientists, administrators) from developing countries were present.
77. On September 23, the Office received the visit of Mr. Dorian Chiroşca, Director General, and Mrs. Maria Rojnevschi, Director, Intellectual Property Promotion and Publishing Department, of the State Agency on Intellectual Property (AGEPI) of Moldova. The program for a National Seminar on Legal Protection of New Varieties of Plants in Moldova, scheduled for September 30, 2008, in Chisinau, was discussed (see paragraph 82).
78. On September 24, the Office received the visit of Mr. Richard Aching, Senior Examiner of the Intellectual Property Office of Trinidad and Tobago. The program for a Seminar on Plant Variety Protection under the UPOV Convention for representatives of Caribbean States, later in 2008, was discussed.
79. Also on September 24, the Office met with Mr. Rashad Novruzov, Third Secretary, Economic, Environment and Scientific Affairs, of the Permanent Mission of the Republic of Azerbaijan at Geneva. The follow up of the Fourth ECO Ministerial Meeting on Agriculture (see paragraph 75) in respect of plant variety protection in Azerbaijan was considered.
80. On September 26, the Office participated in the Expert Committee on the Protection of Plant Varieties (*Fachausschuß für den Schutz von Pflanzenzüchtungen*) of the German Association for the Protection of Intellectual Property (*Deutsche Vereinigung für Gewerblichen Rechtsschutz* (GRUR)), in Munich, Germany.

81. On September 29, in Chisinau, Moldova, the Office was received by H.E. Mr. Anatol Gorodenco, Minister of Agriculture and Food Industry. The Minister expressed the view that the Law on the Protection of Plant Varieties of Moldova, which had entered into force on September 6, 2008, and the corresponding streamlined administrative procedures would enhance the availability of new varieties in Moldova. Mr. Vasile Pojoga, Chairman, State Commission for Crop Variety Testing and Registration of Moldova, was also present.

82. On September 30, also in Chisinau, at the premises of the State Agency on Intellectual Property (AGEPI), the Office attended the celebration of the tenth anniversary of plant variety protection in Moldova and made a presentation at a National Seminar on the Legal Protection of New Varieties of Plants. Some 40 participants were present, representing administration, research and breeding.

Distance Learning Course

83. Two sessions of the UPOV Distance Learning Course DL-205 in English, French, German and Spanish were held from April 14 to May 18, 2008 and from September 1 to October 5, 2008, respectively. A breakdown of the students participating in the DL-205 course is available in Annex II.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

84. The Office provided assistance on plant variety protection legislation to Azerbaijan, Brazil, Chile, Kyrgyzstan, Nicaragua, Singapore and Viet Nam.

85. The Office provided information on the elements required for the deposit of an instrument of accession to, or ratification of the 1991 Act of the UPOV Convention, to Slovakia, South Africa and Switzerland.

86. The Office provided advice and assistance on the development of plant variety protection legislation according to the 1991 Act of the UPOV Convention and/or on the procedure to accede to the UPOV Convention to potential members of the Union. The Office provided written or oral comments, paid visits to authorities or received representatives of the respective States and Organizations in order to provide the requested advice. In this respect, the Office had contacts with Algeria, Bhutan, Cambodia, Costa Rica, Egypt, Georgia, Guatemala, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Lao People's Democratic Republic, Malaysia, Mauritius, Mongolia, Montenegro, Mozambique, Oman, Pakistan, Peru, Philippines, Republic of Serbia, Sri Lanka, Sudan, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Turkmenistan, United Republic of Tanzania, OAPI, ARIPO and SADC.

87. The Office met with representatives of international organizations to coordinate activities or to provide information on UPOV. The Office participated in meetings of, and discussions with, ARIPO, CBD, the Commission on Genetic Resources for Food and Agriculture (CGRFA) of the Food and Agriculture Organization of the United Nations (FAO), OAPI, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the WTO Council for TRIPS, the International Center for Agricultural Research in the Dry Areas (ICARDA), ISTA, the OECD and Southern African Development Community (SADC).

88. The Office met regularly with professional associations in order to follow developments in the practical application of plant variety protection at a global and regional level. Of particular relevance were meetings with ISF and CIOFORA, and with AFSTA, APSA and ESA.

V. INTERNSHIP

89. Following discussions with the Government of the Republic of Korea, the Office agreed to offer an internship of two years duration (November 3, 2008 to November 2, 2010) to Mr. Minwook Kim, Deputy Director, Foodgrain Policy Division, Ministry for Food, Agriculture and Fisheries, Republic of Korea. A contract was signed on June 16, 2008. The cost of that internship will be covered by the Government of the Republic of Korea.

VI. PUBLICATIONS

90. The Office published:

(a) updated editions of the information leaflet “What it is, What it does” on UPOV and plant variety protection in English, Arabic, Chinese, French, German, Russian and Spanish (UPOV publication No. 437);

(b) one issue of the UPOV Gazette and Newsletter “Plant Variety Protection” in electronic format in September;

(c) three updated discs of the “UPOV-ROM Plant Variety Database”;

(d) documents TGP/4/1 “Constitution and Maintenance of Variety Collections” and TGP/9/1 “Examining Distinctness”; and

(e) the following Test Guidelines were adopted and have been published on the UPOV website, or will be published in due course:

Document No. N° du document Dokument-Nr. No del documento	English	Français	Deutsch	Español	Botanical name Nom botanique Botanischer Name Nombre botánico
TG/16/8 Annex	Rice: example varieties (North East Asia)	Riz: exemples de variétés (Asie du Nord-Est)	Reis: Beispielssorten (Nordostasien)	Arroz: variedades ejemplo (Asia del Nordeste)	Oryza sativa L.
TG/22/10	Strawberry	Fraisier	Erdbeere	Fresa, Frutilla	Fragaria L.
TG/24/6	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern	Flor de Pascua	Euphorbia pulcherrima Willd. ex Klotzsch
TG/40/7	Blackcurrant, Black Currant	Cassis	Schwarze Johannisbeere	Grosellero negro, Casis	Ribes nigrum L.
TG/46/7	Onion, Shallot, Grey Shallot	Oignon, Échalote, Échalote grise	Zwiebel, Schalotte, Graue Schalotte	Cebolla, Chalota	Allium cepa (Cepa Group), Allium cepa (Aggregatum Group) and Allium oschaninii O. Fedtsch. and hybrids between them
TG/50/9	Grapevine	Vigne	Rebe	Vid	Vitis L.

Document No. N° du document Dokument-Nr. No del documento	English	Français	Deutsch	Español	Botanical name Nom botanique Botanischer Name Nombre botánico
TG/60/7	Beetroot, Garden Beet	Betterave rouge, Betterave potagère	Rote Rübe, Rote Bete	Remolacha de cocona, Remolacha de mesa, Remolacha roja	Beta vulgaris L. var. conditiva Alef., Beta vulgaris L. ssp. vulgaris var. esculenta L., Beta vulgaris L. ssp. vulgaris var. hortensis
TG/78/4	Kalanchoe	Kalanchoe	Flammendes Kästchen	Kalancho	Kalanchoe blossfeldiana Poelln. and its hybrids
TG/85/7	Leek	Poireau	Porree	Puerro	Allium porrum L.
TG/152/4	Chamomile	Camomille	Kamille	Manzanilla	Matricaria recutita L., Chamomilla recutita (L.) Rauschert
TG/176/4	Osteospermum	Ostéospermum	Osteospermum	Osteospermum	Osteospermum L. and hybrids with Dimorphotheca Vaill.
TG/193/1	Bird's foot trefoil; Big trefoil; Broad leaf trefoil; Narrow leaf trefoil; Lotus subbiflorus	Cornette, cube, Lotier corniculé; - ; Lotier velu; Lotier des marais; - ; -	Hornschotenklee, Hornklee; - ; Sumpfschotenklee, Sumpf-Hornklee; Schmalblättriger Hornklee; -	Loto de los prados; Lotus pedunculatus; Loto de los pantanos; Lotus tenuis; Lotus subbiflorus	Lotus corniculatus L.; Lotus pedunculatus Cav.; Lotus uliginosus Schkuhr; Lotus tenuis Waldst. et Kit. ex Willd., Lotus glaber Mill.; Lotus subbiflorus Lag., Lotus suaveolens Pers.
TG/238/1	Tea	Théier	Tee, Teestrauch	Té	Camellia sinensis (L.) O. Kuntze
TG/239/1	Hawthorn	Aubépine	Weißdorn	Espino, Espinero, Manzanilla, Marjoletto, Marzoletto, Tejocote	Crataegus L.
TG/240/1	Common Sea Buckthorn, Sallowthorn, Sea-buckthorn	Argasse, Argousier, Grisset	Sanddorn	Espino amarillo, Espino falso	Hippophae rhamnoides L.
TG/241/1	Nemesia	Nemesia	Nemesia	Nemesia	Nemesia Vent.
TG/242/1	Portulaca, Purslane	Pourpier	Portulak	Verdolago	Portulaca oleracea L.
TG/243/1	Festulolium	Festulolium	Festulolium	Festulolium, Festuca, Canuëla	×Festulolium Aschers. et Graebn.
TG/244/1	Lincoln's-weed, Sand mustard, Sand rocket, Wall rocket, Wild rocket	Roquette sauvage	Wilde Rauke	Roqueta silvestre	Diplotaxis tenuifolia (L.) DC.
TG/245/1	Arugula, Cultivated Rocket, Garden Rocket, Rocket-salad, Rugula, Salad Rocket	Roquette cultivée	Ölrauke, Rauke, Ruke, Rukola, Senfrauke	Oruga común, Roqueta	Eruca sativa Mill.
TG/247/1	Amaranth	Amarante	Amarant, Fuchsschwanz	Amaranto	(Amaranthus L. excluding ornamental varieties)
TG/249/1	Coffee	Caféier	Kaffee	Cafeto	Coffea arabica L.; C. canephora Pierre ex A. Froehner; C. arabica × C. canephora hybrids

91. The Council is invited to note this report.

[Annexes follow]

ANNEX I

MEMBERS OF THE UNION

This Annex provides the status of the members of the Union in relation to the Convention and its various Acts, as of September 30, 2008 (see Articles 31 and 32 of the 1961 Convention, Article 32(1) of the 1978 Act and Article 34(2) of the 1991 Act).

- 1st line: International Convention for the Protection of New Varieties of Plants of December 2, 1961
- 2nd line: Additional Act of November 10, 1972
- 3rd line: Act of October 23, 1978
- 4th line: Act of March 19, 1991

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Albania	- - - -	- - - September 15, 2005	- - - October 15, 2005
Argentina	- - - -	- - November 25, 1994 -	- - December 25, 1994 -
Australia	- - - -	- - February 1, 1989 December 20, 1999	- - March 1, 1989 January 20, 2000
Austria	- - - -	- - June 14, 1994 June 1, 2004	- - July 14, 1994 July 1, 2004
Azerbaijan	- - - -	- - - November 9, 2004	- - - December 9, 2004
Belarus	- - - -	- - - December 5, 2002	- - - January 5, 2003
Belgium	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	November 5, 1976 November 5, 1976 - -	December 5, 1976 February 11, 1977 - -
Bolivia	- - - -	- - April 21, 1999 -	- - May 21, 1999 -

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Brazil	- - - -	- - April 23, 1999 -	- - May 23, 1999 -
Bulgaria	- - - -	- - - March 24, 1998	- - - April 24, 1998
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -
Chile	- - - -	- - December 5, 1995 -	- - January 5, 1996 -
China	- - - -	- - March 23, 1999 -	- - April 23, 1999 -
Colombia	- - - -	- - August 13, 1996 -	- - September 13, 1996 -
Croatia	- - - -	- - - August 1, 2001	- - - September 1, 2001
Czech Republic ^{1/}	- - - -	- - - October 24, 2002	- - January 1, 1993 November 24, 2002
Denmark	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 6, 1968 February 8, 1974 October 8, 1981 April 26, 1996	October 6, 1968 February 11, 1977 November 8, 1981 April 24, 1998
Dominican Republic	- - - -	- - - May 16, 2007	- - - June 16, 2007
Ecuador	- - - -	- - July 8, 1997 -	- - August 8, 1997 -

^{1/} Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991; State bound on December 4, 1991).

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Estonia	- - -	- - August 24, 2000	- - September 24, 2000
European Community	- - -	- - June 29, 2005	- - July 29, 2005
Finland	- - -	- March 16, 1993 June 20, 2001	- April 16, 1993 July 20, 2001
France	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	September 3, 1971 January 22, 1975 February 17, 1983 -	October 3, 1971 February 11, 1977 March 17, 1983 -
Germany	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	July 11, 1968 July 23, 1976 March 12, 1986 June 25, 1998	August 10, 1968 February 11, 1977 April 12, 1986 July 25, 1998
Hungary	- - -	- - March 16, 1983 December 1, 2002	- - April 16, 1983 January 1, 2003
Iceland	- - -	- - April 3, 2006	- - May 3, 2006
Ireland	- - September 27, 1979 February 21, 1992	- - May 19, 1981 -	- - November 8, 1981 -
Israel	- - - October 23, 1991	November 12, 1979 November 12, 1979 April 12, 1984 June 3, 1996	December 12, 1979 December 12, 1979 May 12, 1984 April 24, 1998
Italy	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	June 1, 1977 June 1, 1977 April 28, 1986 -	July 1, 1977 July 1, 1977 May 28, 1986 -
Japan	- - October 17, 1979 -	- - August 3, 1982 November 24, 1998	- - September 3, 1982 December 24, 1998

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Jordan	- - -	- - September 24, 2004	- - October 24, 2004
Kenya	- - -	- - April 13, 1999	- - May 13, 1999
Kyrgyzstan	- - -	- - May 26, 2000	- - June 26, 2000
Latvia	- - -	- - July 30, 2002	- - August 30, 2002
Lithuania	- - -	- - November 10, 2003	- - December 10, 2003
Mexico	- - July 25, 1979 -	- - July 9, 1997 -	- - August 9, 1997 -
Morocco	- - -	- - September 8, 2006	- - October 8, 2006
Netherlands	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	August 8, 1967 January 12, 1977 August 2, 1984 October 14, 1996	August 10, 1968 February 11, 1977 September 2, 1984 April 24, 1998
New Zealand	- - July 25, 1979 December 19, 1991	- - November 3, 1980 -	- - November 8, 1981 -
Nicaragua	- - -	- - August 6, 2001 -	- - September 6, 2001 -
Norway	- - -	- - August 13, 1993 -	- - September 13, 1993 -

Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Panama	- - -	- - April 23, 1999 -	- - May 23, 1999 -
Paraguay	- - -	- - January 8, 1997 -	- - February 8, 1997 -
Poland	- - -	- - October 11, 1989 July 15, 2003	- - November 11, 1989 August 15, 2003
Portugal	- - -	- - September 14, 1995 -	- - October 14, 1995 -
Republic of Korea	- - -	- - December 7, 2001	- - January 7, 2002
Republic of Moldova	- - -	- - September 28, 1998	- - October 28, 1998
Romania	- - -	- - February 16, 2001	- - March 16, 2001
Russian Federation	- - -	- - March 24, 1998	- - April 24, 1998
Singapore	- - -	- - June 30, 2004	- - July 30, 2004
Slovakia ¹	- - -	- - -	- - January 1, 1993 -
Slovenia	- - -	- - June 29, 1999	- - July 29, 1999

¹ Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991; State bound on December 4, 1991).

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
South Africa	- - October 23, 1978 March 19, 1991	October 7, 1977 October 7, 1977 July 21, 1981 -	November 6, 1977 November 6, 1977 November 8, 1981 -
Spain	- - - March 19, 1991	April 18, 1980 April 18, 1980 - June 18, 2007	May 18, 1980 May 18, 1980 - July 18, 2007
Sweden	- January 11, 1973 December 6, 1978 December 17, 1991	November 17, 1971 January 11, 1973 December 1, 1982 December 18, 1997	December 17, 1971 February 11, 1977 January 1, 1983 April 24, 1998
Switzerland	November 30, 1962 November 10, 1972 October 23, 1978 March 19, 1991	June 10, 1977 June 10, 1977 June 17, 1981 August 1, 2008	July 10, 1977 July 10, 1977 November 8, 1981 September 1, 2008
Trinidad and Tobago	- - - -	- - December 30, 1997 -	- - January 30, 1998 -
Tunisia	- - - -	- - - July 31, 2003	- - - August 31, 2003
Turkey	- - - -	- - - October 18, 2007	- - - November 18, 2007
Ukraine	- - - -	- - October 3, 1995 December 19, 2006	- - November 3, 1995 January 19, 2007
United Kingdom	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 17, 1965 July 1, 1980 August 24, 1983 December 3, 1998	August 10, 1968 July 31, 1980 September 24, 1983 January 3, 1999
United States of America	- - October 23, 1978 October 25, 1991	- - November 12, 1980 January 22, 1999	- - November 8, 1981 February 22, 1999
Uruguay	- - - -	- - October 13, 1994 -	- - November 13, 1994 -

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Member	Date of signature	Date of deposit of instrument of ratification, acceptance, approval or accession	Date of entry into force
Uzbekistan	- - -	- - October 14, 2004	- - November 14, 2004
Viet Nam	- - - -	- - - November 24, 2006	- - - December 24, 2006

Total: 65 members

[Annex II follows]

ANNEX II

STUDENTS REGISTERED FOR THE
UPOV DISTANCE LEARNING COURSE (DL-205)

Session I, 2008: April/May		
Category	Students from	Number of students
<u>Category 1</u> Officials of members of the Union	Argentina, Canada, Czech Republic, Ecuador, Estonia, European Community, Hungary, Japan, Kenya, Mexico, Morocco, Netherlands, Poland, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Spain, Switzerland, Trinidad and Tobago, United Kingdom, United States of America, Uzbekistan, Viet Nam	146
<u>Category 2</u> Officials of observer States / intergovernmental organizations	Iran (Islamic Republic of), Peru, Serbia, Zambia, CropLife International, OAPI	7
<u>Category 3 (Paying)</u> Others	Denmark, France, Germany, Israel, Spain, Switzerland	10
Plant Variety Protection Course, Wageningen (Netherlands)	China, Croatia, Ethiopia, Indonesia, Macedonia, Pakistan, Tanzania, Turkey	17
TOTAL		180

Session II, 2008: September/October		
Category	Students from	Number of students
<u>Category 1</u> Officials of members of the Union	Australia, Canada, China, Colombia, Czech Republic, Ecuador, France, Germany, Israel, Japan, Kenya, Mexico, Netherlands, New Zealand, Nicaragua, Poland, Portugal, Republic of Korea, Slovakia, South Africa, Spain, Switzerland, Turkey, United Kingdom, Uruguay, Viet Nam	194
<u>Category 2</u> Officials of observer States / intergovernmental organizations	Costa Rica, El Salvador, Ghana, India, Serbia, Tajikistan, Thailand, United Republic of Tanzania, FAO, OAPI	19
<u>Category 3 (Paying)</u> Others	Brazil, Denmark, France, Germany, Mexico, Netherlands, New Zealand, South Africa, Spain, Switzerland, United States of America	19
Japan International Cooperation Agency Training Course (JICA)		11
Fourth West and Central Asian Regional Workshop on Plant Variety Protection under the UPOV Convention (WCA)	Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Uzbekistan	15
TOTAL		268

[End of Annex II and of document]