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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

**Twenty-fourth Ordinary Session
Geneva, October 18 and 19, 1990**

REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 1990

Document prepared by the Office of the Union

I. STATE OF THE UNION

1. There was no change during the first nine months of 1990 in the composition of the Union. It continued to comprise 19 member States: Australia, Belgium, Denmark, France, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Poland, Spain, South Africa, Sweden, Switzerland, United Kingdom, United States of America. All, except Belgium and Spain, are parties to the Revised Act of October 23, 1978.

2. In a letter of January 31, 1990, the Government of Czechoslovakia, in accordance with Article 32(3) of the Revised Act of 1978, sought the advice of the Council on the conformity of Czechoslovak legislation with the provisions of the Convention. The Council met in its ninth extraordinary session on April 27, 1990, under the chairmanship of Mr. W.F.S. Duffhues (Netherlands), to consider the request; it was unanimously decided to give a positive advice on the conformity.

II. MEETINGS

3. The Council held its ninth extraordinary session on April 27 (see above).

4. The Consultative Committee held its forty-first session on April 27, under the chairmanship of Mr. W.F.S. Duffhues (Netherlands). The main results of its work were the following:

(i) The Committee took note of the progress of the work undertaken by WIPO and GATT, and within the European Communities on projects affecting UPOV (draft treaty supplementing the Paris Convention as regards patents, negotiations of the TRIPS Group of the Uruguay Round of GATT and draft proposal for a regulation of the Council of the European Communities on Community Plant Variety Rights).

(ii) In the context of preparatory work for the Diplomatic Conference for the revision of the UPOV Convention, it:

(a) recommended not to hold a second session of the (joint WIPO and UPOV) Committee of Experts on the Interface between Patent Protection and Plant Breeders' Rights in the near future, but to review the situation after the Diplomatic Conference, if necessary;

(b) decided to modify the schedule of meetings and, in particular, to organize a new, fifth Meeting with International Organizations;

(c) decided, in view of the revision of the Convention, to add certain international non-governmental organizations to the list of those invited to the fifth Meeting with International Organizations and to the (current) twenty-fourth ordinary session of the Council.

(iii) The Committee took note of the state of preparations for the UPOV seminar in Budapest (see paragraphs 7 to 9 below) and of the activities which it is proposed to undertake in Japan in 1990 and 1991 (a preparatory meeting will be held from November 27 to 30, 1990, and a seminar is planned for 1991).

5. For the work of the (joint WIPO and UPOV) Committee of Experts on the Interface Between Patent Protection and Plant Breeders' Rights and of the Administrative and Legal Committee, as well as of the conference organized by the International Chamber of Commerce (ICC) on the interface between patent protection and plant breeders' rights, reference is made to document C/24/9.

6. For the work of the Technical Committee and of the Technical Working Parties, reference is made to document C/24/10.

7. From September 17 to 21, 1990, a Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention was held in Budapest, Hungary. It was the first regional seminar organized by UPOV in co-operation with the authorities of the host country. The participants (some 50 in all) came from the following countries: Austria, Bulgaria, Czechoslovakia, Denmark, France, Germany (Federal Republic of), Hungary, Israel, Italy, Netherlands, Poland, Romania, Soviet Union, Spain, Sweden, United Kingdom and United States of America (17).

8. The Secretary-General of UPOV opened the Seminar. Mr. Endre Mándy, Under-Secretary of State, Hungarian Ministry of Agriculture, then gave a welcoming address and the President of the Council, Mr. W.F.S. Duffhues, referred in his keynote address to the place of plant breeders' rights in the world today. The following subjects were then developed by speakers from services responsible for plant breeders' rights and variety examination, from public or private breeding enterprises and from the Office of the Union: the history of the UPOV Convention and the rationale for plant breeders' rights; the UPOV Convention provisions, particularly those related to the scope of protection and the examination of varieties, their practical application and the future prospects; the interface between plant breeders' rights and other forms of

intellectual property protection; the experience of Hungary; the impact of plant breeders' rights upon the plant variety and seed industry, and the transfer of technology. A visit to the Institute of Agronomic Research in Martonvásár was also organized.

9. During the seminar, Dr. V. Shevelukha, a member of the Academy of Agriculture and former Vice-Minister for Agriculture of the Soviet Union, described the development of the situation in the Soviet Union concerning plant breeders' rights. He said that a draft law on the protection of plant varieties and animals breeds, based on the UPOV Convention, had been considered by the Academy of Agriculture and would shortly be transmitted to governmental instances.

III. RELATIONS WITH STATES AND ORGANIZATIONS

10. On January 4, 1990, the Vice Secretary-General received the visit of Mr. Wilfried Delforge, President of the Belgian branch of CIOPORA.

11. On January 10, the Vice Secretary-General participated, by invitation, in a meeting held by the Green Industry Biotechnology Platform (GIBiP) in Amsterdam, Netherlands. Visits were made to Dutch vegetable breeders and the Vice Secretary-General participated in discussions on the revision of the Convention.

12. On January 11, the Vice Secretary-General received the visit of Dr. Parry Mulleavy, Director General of the Mushroom Cooperation, Michigan, United States of America, who was interested in the protection of edible fungi, particularly the morel.

13. From January 24 to 26, the Vice Secretary-General participated in meetings in Munich, Federal Republic of Germany, of the European Patent Office's ad hoc Working Party on Harmonization (Biotechnology) at which matters were examined for discussion at the session of the joint UPOV and WIPO Committee of Experts on the Interface between Patents and Plant Breeders' Rights held the following week.

14. On February 8, the Vice Secretary-General received the visit of Mr. Yoon Kyu Kim, Intellectual Property Attaché at the Permanent Mission of the Republic of Korea in Geneva. Mr. Kim sought information and papers relating to plant variety protection.

15. On February 19, the Vice Secretary-General paid a visit to the Secretary to the Department of Agriculture, Ministry of Agriculture, in New Delhi, India, and the Secretary in that Department responsible for seed. He described the UPOV system of plant variety protection and answered questions.

16. From February 20 to 24, the Vice Secretary-General participated in an International Conference on Seed Science and Technology in New Delhi, India. He chaired a session of the Conference dealing with the development of hybrid varieties, seed production and plant breeders' rights and gave a paper in the session on "the international plant breeders' rights system established under the UPOV Convention."

17. From February 19 to 23, an official of the Union participated in the second session of the ad hoc Working Group for the preparation of a legal instrument on the biological diversity of the planet, that was held at the

Palais des Nations in Geneva. The Working Group agreed, inter alia, to undertake a study on "the relationship between intellectual property rights and access to genetic resources in biotechnology."

18. On March 28, the Vice Secretary-General participated in a symposium on the challenges of biotechnology in a changing legal and economic environment, held by the International Chamber of Commerce in Paris, France. He gave a contribution on UPOV and developments in the protection of plant varieties.

19. On April 5 and 6, the Vice Secretary-General and officials of the Union participated in a conference held by the International Chamber of Commerce for the non-governmental organizations on the interface between patent protection and plant breeders' rights (see document C/24/9).

20. On May 17, the Vice Secretary-General received the visit of Mr. J. Van Wijk, from the University of Amsterdam. Mr. Van Wijk is also the secretary of a study group, set up by the Netherlands Ministry for Foreign Affairs, on biotechnology and the protection of intellectual property in connection with developing countries.

21. On May 28 and 29, the Vice Secretary-General participated in Munich, Federal Republic of Germany, in a meeting of the European Patent Office's ad hoc Working Party on Harmonization (Biotechnology), at which the proposals for the revision of the UPOV Convention were considered in particular.

22. On May 31 and June 1, an official of the Union participated in Perugia, Italy, in a forum on biotechnology law and presented a paper there.

23. On June 7 and 8, the Vice Secretary-General visited the Finnish authorities in Helsinki in connection with their intention to introduce a plant variety protection system and to become a member of UPOV.

24. From June 11 to 15, the Vice Secretary-General participated in Seville, Spain, in the congresses of the International Federation of the Seed Trade (FIS) and the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL).

25. From July 9 to 13, the Vice Secretary-General and an official of the Union participated in the third session of the ad hoc Working Group for the preparation of a legal instrument on the biological diversity of the planet, which was held at the ILO headquarters in Geneva.

26. On July 12, the Vice Secretary-General received the visit of two members of the Permanent Mission of China in Geneva; they requested information about UPOV and plant variety protection.

27. On August 6 and 7, the Vice Secretary-General participated in Buenos Aires, Argentina, in a conference on "the protection of plant varieties, present situation and future prospects," at which he presented a paper. On that occasion, he also met the Argentinian authorities responsible for plant variety protection and representatives of interested circles. He discussed in particular the amendments which the Government of Argentina was planning to make to legislation on plant variety protection in order to bring it into line with the UPOV Convention and enable Argentina to become a member of UPOV.

28. On August 9 and 10, the Vice Secretary-General was in Montevideo, Uruguay, where he met the Uruguayan authorities responsible for plant variety protection in order to discuss, in particular, the amendments which the Government of

Uruguay was planning to make to legislation on plant variety protection to bring it into line with the UPOV Convention and enable Uruguay to become a member of UPOV. He also met representatives of interested circles and presented a paper at a conference specially organized on the occasion of his visit.

29. During his stay in Montevideo, the Vice Secretary-General also participated in a meeting organized by the Latin American Integration Association (ALADI). ALADI was trying to establish a uniform seed certification system for Latin America and considered that plant variety protection could be complementary to that project. It was agreed that ALADI and UPOV would proceed to an initial exchange of information.

30. From August 12 to 15, the Vice Secretary-General participated at Ames, Iowa, United States of America, in the Fourth International Symposium on the Development and Application of New Technologies for Varietal Identification, organized with the support of the International Seed Testing Association (ISTA); he presented a paper there.

31. On August 16 and 17, the Vice Secretary-General visited the United States Patent and Trademark Office and the Ministry of Agriculture in Washington, D.C. He also participated in Beltsville, Maryland, in a meeting of national program leaders for crop research and of administrators of the Agricultural Research Service. During that meeting, convened specially on the occasion of his visit, he described the present state and the future developments of the UPOV Convention.

32. On August 20 and 21, the Vice Secretary-General participated at Rodd's Mill River Resort, Prince Edward Island, Canada, in the Conference on Plant Breeders' Rights for Potatoes, organized by the Prince Edward Island Potato Marketing Commission and coordinated by the Atlantic Advisory Committee for Potatoes; he presented a paper there.

33. From September 12 to 15, the Vice Secretary-General participated at Yalova, near Istanbul, Turkey, in the International Seed Certification Symposium organized by the Turkish Ministry of Agriculture, Forestry and Rural Affairs and the Turkish Association of Seed Producers, and presented a paper there. During that Symposium, it was announced that a Bill on plant variety protection had been submitted to Parliament and that it was expected that it would take two years to pass through Parliament.

34. On September 16, an official of the Union participated at Osaka, Japan, in an international workshop on the improvement of fruit crops and ornamental plants and the protection of plant varieties, jointly organized by the Japanese Ministry of Agriculture, Forestry and Fisheries, the Japan Association for the International Garden and Greenery Exposition and the Governmental Garden of Japan; he presented a paper there.

35. From September 30 to October 2, the Vice Secretary-General participated at Ottawa, Canada, in a meeting on intellectual property rights, organized in the context of the Keystone International Dialogue Series on Plant Genetic Resources.

36. Lastly, in relation to the activities proposed to be undertaken in Japan in 1990 and 1991, the Vice Secretary-General had contacts with the authorities of the South-East Asian countries to be invited to participate in those activities (China, Indonesia, Malaysia, Republic of Korea, Philippines, Singapore

and Thailand). The sessions of the ad hoc Working Group for the preparation of a legal instrument on the biological diversity of the planet also gave rise to meetings with persons whose activities in the field of genetic resources and development involved an interest in plant variety protection.

IV. PUBLICATIONS

37. In January, the Office of the Union published an issue of Plant Variety Protection.

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