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# INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## COUNCIL

### Twenty-sixth Ordinary Session

Geneva, October 29, 1992

#### ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 1991\*

(Twenty-third Year)

##### I. COMPOSITION OF THE UNION

1. On February 4, 1991, Canada deposited its instrument of ratification of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and October 23, 1978 ("the 1978 Act"). The 1978 Act entered into force for Canada on March 4, 1991.
2. On November 4, 1991, Czechoslovakia deposited its instrument of ratification of the 1978 Act, which entered into force for that country on December 4, 1991.
3. Since the latter date, the Union has had the following 21 member States: Australia, Belgium, Canada, Czechoslovakia, Denmark, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Poland, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America. All are party to the 1978 Act with the exception of Belgium and Spain, which are party to the 1961 Act as amended by the Additional Act of 1972.
4. Under Article 32(3) of the 1978 Act, "Any State which is not a member of the Union and which has not signed this Act shall, before depositing its

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\* The names of States given in this document are those that were in use at the time of the event in question.

instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Act." Two States asked for such advice in 1991:

- (i) Uruguay, by letter dated September 3;
- (ii) Argentina, by letter dated October 18.

The Council considered those requests at its twenty-fifth ordinary session, and in both cases took a favorable decision, after having noted that the text of the 1978 Act would be incorporated in their national legislation prior to the deposit of their instruments of accession.

5. The table in the Annex to this report summarizes the position of the various States in relation to the various Acts of the Convention (including the 1991 Act referred to below) as of December 31 of the reference year.

## II. DIPLOMATIC CONFERENCE ON THE REVISION OF THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

6. This Conference took place at the headquarters of UPOV in Geneva from March 4 to 19, under the presidency of Mr. W.F.S. Duffhues (Netherlands). All the member States took part; 27 non-member States<sup>1</sup> were represented by observer delegations and 25 international organizations<sup>2</sup> had delegated representatives.

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<sup>1</sup> Argentina, Austria, Bolivia, Brazil, Burundi, Cameroon, Chile, Colombia, Côte d'Ivoire, Czechoslovakia, Ecuador, Finland, Ghana, India, Indonesia, Luxembourg, Morocco, Norway, Republic of Korea, Romania, Soviet Union, Thailand, Turkey, Uganda, Ukrainian SSR, Venezuela, Yugoslavia.

<sup>2</sup> World Intellectual Property Organization (WIPO), Food and Agriculture Organisation of the United Nations (FAO), General Agreement on Tariffs and Trade (GATT), European Communities (EC), Organisation for Economic Co-operation and Development (OECD), European Patent Organisation (EPO), International Board for Plant Genetic Resources (IBPGR), International Seed Testing Association (ISTA), International Association of Horticultural Producers (AIPH), International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), European Federation of Agricultural and Rural Contractors (CEETTAR), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), General Committee for Agricultural Co-operation in the EC (COGECA), Association of Plant Breeders of the European Economic Community (COMASSO), Committee of Agricultural Organisations in the EC (COPA), Seed Committee of the Common Market (COSEMCO), European Federation of Pharmaceutical Industries' Associations (EFPIA), International Federation of Industrial Property Attorneys (FICPI), International Federation of the Seed Trade (FIS), International Group of National Associations of Manufacturers of Agrochemical Products (GIFAP), International Chamber of Commerce (ICC), International Federation of Agricultural Producers (IFAP), Union of Industrial and Employers' Confederations of Europe (UNICE), Union of European Practitioners in Industrial Property (UPEPI).

7. On March 19, at the end of its discussions, the Conference adopted a revised Act of the International Convention for the Protection of New Varieties of Plants ("the 1991 Act"), and also the following texts: a Resolution on the establishment of draft standard guidelines on essentially derived varieties, a Recommendation on the extent of the possible exclusion of farm-saved seed from protection and a Common Statement on the territorial application of the 1991 Act of the Convention in respect of Denmark and the Netherlands.

8. The 1991 Act was signed immediately on adoption by the following ten member States: Belgium, Denmark, France, Germany, Italy, Netherlands, South Africa, Spain, Switzerland, United Kingdom. It was signed later by the following member States: Israel on October 23; the United States of America on October 25; Sweden on December 17; New Zealand on December 19.<sup>3</sup>

9. The 1991 Act will initially enter into force, for the signatory States that have ratified, accepted or approved it and for States and intergovernmental organizations that have acceded to it, one month after the following two conditions have been met: the total number of instruments of ratification, acceptance, approval or accession deposited by States must be at least five; the number of such instruments deposited by States party to a previous Act must be at least three. Its entry into force implies that it will no longer be possible for States not members of the Union to accede to the 1978 Act after the following dates: in the case of a State which, according to the practice of the General Assembly of the United Nations, is regarded as a developing country, after December 31, 1995, or after the date of entry into force if the latter date is later than the former; in the case of any other State, after December 31, 1993, or after the date of entry into force if the latter date is later than the former.

10. The Final Act of the Conference was signed by the following 24 States: Argentina, Australia, Belgium, Canada, Colombia, Czechoslovakia, Denmark, Ecuador, France, Germany, Ireland, Italy, Japan, Morocco, Netherlands, New Zealand, Poland, Romania, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

### III. SESSIONS OF THE COUNCIL AND OF SUBSIDIARY BODIES

11. In 1991 the various statutory bodies of UPOV held the meetings mentioned below. They took place in Geneva unless otherwise stated.

#### Council

12. The Council held its twenty-fifth ordinary session on October 24 and 25 under the chairmanship of Mr. W.F.S. Duffhues (Netherlands). The session was attended by observers from 15 non-member States,<sup>4</sup> three intergovernmental

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<sup>3</sup> It was also signed by Ireland on February 21, 1992 and by Canada on March 9, 1992. The closing date for signatures was March 31, 1992.

<sup>4</sup> Argentina, Chile, China, Colombia, Côte d'Ivoire, Czechoslovakia, Egypt, Finland, India, Indonesia, Morocco, Norway, Romania, Ukrainian SSR, Uruguay.

organizations<sup>5</sup> and five international non-governmental organizations.<sup>6</sup>

13. At the session the Council noted on the one hand that, at the twenty-second series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO, which had been held from September 23 to October 2, 1991, the General Assembly of WIPO had unanimously and by acclamation reappointed Dr. Arpad Bogsch to the post of Director General of WIPO for a further term of four years (expiring on December 1, 1995), and on the other hand that, pursuant to Article 4(4) of the Agreement between UPOV and WIPO of November 26, 1982, the term of office of Dr. Bogsch as Secretary-General of UPOV would be extended for a period of the same duration.

14. It also took the following main decisions:

(i) On the recommendation of the Consultative Committee, which had met the previous day, and on a proposal by the Secretary-General, it unanimously and by acclamation decided to prolong the appointment of Mr. Barry Greengrass in the post of Vice Secretary-General of UPOV until December 1, 1995, the date on which the term of office of the Secretary-General was to expire.

(ii) It ruled favorably on the conformity of the legislation of Argentina with the 1978 Act.

(iii) It ruled favorably on the conformity of the legislation of Uruguay with the 1978 Act.

(iv) It approved the report of the Secretary-General on the activities of the Union in 1990 and the first nine months of 1991.

(v) It approved the program and budget of the Union for the 1992-1993 biennium.

(vi) It approved the progress reports on the work of its various subsidiary bodies and either drew up or approved their work plans for the coming year; in that connection it:

(a) decided that a feasibility study on the creation of a central computer data base should be undertaken in the course of the 1992-1993 biennium;

(b) recommended to member States that they arrange between themselves for the exchange of their official plant variety protection bulletins in (electronic) machine-readable form.

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<sup>5</sup> European Communities (EC), Organisation for Economic Co-operation and Development (OECD), International Board for Plant Genetic Resources (IBPGR).

<sup>6</sup> International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Association of Plant Breeders of the European Economic Community (COMASSO), International Federation of the Seed Trade (FIS).

(vii) It unanimously elected Mr. Ricardo López de Haro y Wood (Spain) President of the Council for a three-year term, which will expire at the end of its twenty-eighth ordinary session in 1994, and Mr. Frank W. Whitmore (New Zealand) Vice-President for a term of the same duration.

#### Consultative Committee

15. The Consultative Committee held its forty-third session on March 18 and its forty-fourth session on October 23 under the chairmanship of Mr. W.F.S. Duffhues (Netherlands).

16. At both sessions it concentrated on the policy of UPOV in its relations with developing countries, and decided to broaden the list of organizations to be invited to ordinary sessions of the Council. At its session on October 23, it also approved the reclassification of the post of Senior Counsellor, occupied by Mr. André Heitz, to Grade D.1, and appointed Mr. Heitz Director-Counsellor in that post, granted Mr. Max-Heinrich Thiele-Wittig a personal promotion to Grade D.1 and prepared the session of the Council.

#### Administrative and Legal Committee

17. The Administrative and Legal Committee held its twenty-ninth session on October 21 and 22 under the chairmanship of Mr. J.-F. Prevel (France). The session was attended by observers from six non-member States<sup>7</sup> and from the European Communities.

18. Acting on the Resolution adopted by the Diplomatic Conference (see paragraph 7 above), it embarked on a discussion of the question of draft guidelines on essentially derived varieties. It noted that one international professional organization had started to work on the substance of the question, and considered it desirable that its own discussions benefit from the reflections of professional bodies. In response to discussions at the Conference, it also considered the matter of distinctness examination under Article 7 of the 1991 Act, and confirmed that the Article did not entail any change in examination procedures. Its discussions on interactive data access, based on those of the Technical Committee, resulted in the Council decisions mentioned in paragraph 14(vi) above.

#### Technical Committee

19. The Technical Committee held its twenty-seventh session from October 16 to 18 under the chairmanship of Mr. G. Fuchs (Germany). Observers from the European Communities took part in the session.

20. The Technical Committee adopted Test Guidelines for the following seven taxa on the basis of preparatory work done by the Technical Working Parties: pot Azalea; blueberry; Hydrangea; jostaberry; lily (revised version); lingonberry; parsley.

21. The Committee considered progress reports on their work submitted by the Technical Working Parties, and broadly defined the future work of those

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<sup>7</sup> Argentina, Czechoslovakia, Finland, Kenya, Turkey, Uruguay.

Working Parties. It also considered questions raised by the Working Parties in the light of experience gained by member States in the conduct of distinctness, uniformity and stability tests on new plant varieties.

22. The Committee further discussed interactive data access (for the outcome, see paragraph 14(vi) above). It also decided to complete Class 5 of the List of Classes for Variety Denomination Purposes annexed to the UPOV Recommendations on Variety Denominations (document INF/12); this Class will in future include Brassica oleracea, B. chinensis and B. pekinensis.

#### Technical Working Parties

23. The Technical Working Parties each held one session in 1991, away from Geneva, as follows:

(i) The Technical Working Party for Agricultural Crops (TWA) held its twentieth session in Beltsville (Maryland, United States of America) from May 13 to 17, under the chairmanship of Mr. M.S. Camlin (United Kingdom).

(ii) The Technical Working Party on Automation and Computer Programs (TWC) held its ninth session in La Minière, Guyancourt (France) from May 29 to 31, under the chairmanship of Mr. K. Kristensen (Denmark).

(iii) The Technical Working Party for Vegetables (TWV) held its twenty-fourth session in Kecskemét (Hungary) from June 4 to 7, under the chairmanship of Mr. N.P.A. van Marrewijk (Netherlands).

(iv) The Technical Working Party for Fruit Crops (TWF) held its twenty-second session in Bordeaux (France) from June 11 to 14, under the chairmanship of Mr. B. Spellerberg (Germany).

(v) The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its twenty-fourth session in Cambridge (United Kingdom) from June 24 to 28, under the chairmanship of Mrs. E. Buitendag (South Africa).

24. The basic task of four of these Working Parties is to draw up Test Guidelines. In addition to drafts submitted to the Technical Committee for adoption, they drew up others for the following taxa which are to be submitted to the professional organizations for comment: Aster (TWO); cabbage, French bean, pea (draft revised versions) (TWV).

25. The Technical Working Party on Automation and Computer Programs among other things adapted for PC use the software used for Combined Over-Years Distinctness and Uniformity Analysis (COYD and COYU).

#### **IV. SEMINARS**

26. Two Regional Seminars on the Nature of and Rationale for the Protection of Plant Varieties took place in 1991.

27. The first was held in Tsukuba (Japan) from November 12 to 15 for the benefit of the following States of the Asia and Pacific region: China, Indonesia, Malaysia, Philippines, Republic of Korea, Singapore, Thailand. It was organized by UPOV in cooperation with the Japanese Ministry of Agriculture, Forestry and Fisheries. Some 40 persons took part.

28. The Seminar covered the following main subjects: legal aspects of plant variety protection; practical operation of plant variety protection offices; the role of public research in Japan; implications of plant variety protection for the plant variety and seeds industry. It enabled the representatives of the States invited to describe the position regarding their industry and the legislative and regulatory provisions on the subject. Two days were devoted to visits to public and private research stations and plant breeding centers.

29. The second Seminar was held in Buenos Aires (Argentina) on November 26 and 27 for the benefit of States of Latin America. It was organized by UPOV in cooperation with the Ministry of Agriculture, Fishery and Food of Spain and the Department of Agriculture, Livestock and Fishery of Argentina. Some 140 persons took part.

30. This Seminar dealt with the following main subjects: history of the UPOV Convention and rationale for plant breeders' rights; the general provisions of the Convention; the variety concept, the distinctness, uniformity and stability criteria and the role of UPOV in variety examination; the interface between plant breeders' rights and other forms of intellectual property protection, notably patents; experience gained by a number of countries in the protection of plant varieties, from the standpoint of the operators of the system and breeders; plant genetic resources and plant variety protection.

31. Two national seminars were organized in conjunction with the latter Seminar with the cooperation of government agencies in the host country and for the benefit of interested government bodies and also the professional groups concerned; these took place in:

(i) Mexico City on November 18 and 19;

(ii) Santa Fé de Bogotá (Colombia) on November 21.

32. At both Seminars lectures were given on the following subjects: the general provisions of the Convention; the variety concept, the distinctness, uniformity and stability criteria and the role of UPOV in variety examination; the interface between plant breeders' rights and other forms of intellectual property protection, notably patents.

## V. RELATIONS WITH STATES AND ORGANIZATIONS

33. On January 10, the Vice Secretary-General received a visit from Mr. J.K. Barton of Stanford Law School (United States of America), a member of a policy review group of the Consultative Group on International Agricultural Research (CGIAR); Mr. Barton provided information on the subject of a fundamental review that was being made of the policies of international agricultural research centers in relation to plant variety protection and intellectual property protection in general.

34. On January 30, the Secretary-General received a visit from the Minister for Foreign Affairs of Colombia and provided him with relevant documents on plant variety protection.

35. On February 12, the Vice Secretary-General received a visit from a member of the Permanent Mission of the Ukrainian SSR in Geneva and gave him information on the subject of plant variety protection law and the conditions governing accession to the UPOV Convention.



36. On February 25, the Vice Secretary-General took part, as an observer, in the tenth meeting of the Ad Hoc Working Party on Harmonization (Biotechnology) of the European Patent Office in Munich (Germany), which discussed the proposals for the revision of the UPOV Convention.

37. On March 11, the Vice Secretary-General received a visit from a representative of the Permanent Mission of Colombia in Geneva and from the Secretary General of the Colombian Institute of Agriculture. The Colombian Government's interest in plant variety protection and in the UPOV Convention was discussed.

38. On the same day, the Vice Secretary-General received a visit from the Delegation of the Ukrainian SSR to the Diplomatic Conference. The Delegation announced interest of Ukraine in plant variety protection and its intention to legislate on the subject and become a member of UPOV.

39. On March 12, the Vice Secretary-General received a visit from Mr. Olli Rekola, a Director at the Ministry of Agriculture and Forestry of Finland, who gave an account of the current position regarding the draft national law on plant variety protection and Finland's accession to the UPOV Convention.

40. On April 8, the Permanent Representative of Argentina to the United Nations Office and Other International Organizations in Geneva paid a visit to the Secretary-General to sign the Final Act adopted by the Diplomatic Conference.

41. From April 15 to 17, the Vice Secretary-General took part in a symposium organized in Helsinki by the Finnish Group of AIPPI, entitled "Frontiers of Patent Law." He gave a talk on protection under the UPOV Convention, placing special emphasis on the provisions of the 1991 Act.

42. From April 15 to 19, an official of the Union took part as an observer in the fourth session of the Commission on Plant Genetic Resources of the FAO, which was held in Rome (Italy).

43. On April 18, the Vice Secretary-General took part in the Sixth Biennial Conference on Plant Variety Protection Law organized by the Intellectual Property Law Unit of Queen Mary and Westfield College in the University of London, which was held in Cambridge (United Kingdom). He spoke on the 1991 Act.

44. From April 21 to 23, an official of the Union attended the Congress of the Seed Committee of the Common Market (COSEMCO), which took place in Edinburgh (United Kingdom).

45. From April 23 to 25, the Vice Secretary-General took part in a meeting of an Intellectual Property Rights Working Group held in Rome (Italy) and organized as part of the Keystone International Dialogue Series on Plant Genetic Resources.

46. On May 3, the Office of the Union conveyed to the Argentine Government its comments on the preliminary draft of a new decree intended to bring Argentine plant variety protection law into line with the UPOV Convention.

47. On May 7, the Secretary-General travelled to Seoul (Republic of Korea), where he discussed with the Minister of Agriculture the question of plant variety protection and that country's interest in UPOV membership.

48. From May 13 to 15, an official of the Union took part in the Annual Meeting, held in Paris (France), of Representatives of Designated Authorities under the OECD Schemes for the Certification of Seed Moving in International Trade, where he gave a brief presentation on the revision of the UPOV Convention.

49. Between May 13 and 17, during the period of the session of the Technical Working Party for Agricultural Crops held in Beltsville (Maryland, United States of America), in which he took part, the Vice Secretary-General visited the headquarters of the United States Patent and Trademark Office and the Department of Agriculture. He also visited the headquarters of the World Bank and the Consultative Group on International Agricultural Research in Washington; in the course of the latter visit he had a conversation with the Executive Secretary.

50. On May 15, in the course of a visit to Romania, the Secretary-General met the Vice Prime Minister, who announced the intention of his country's Government to accede to the UPOV Convention.

51. From May 22 to 31, the Vice Secretary-General took part in the FIS and ASSINSEL World Congresses in Tokyo (Japan), in the course of which he met officials of the Agricultural Production Bureau of the Japanese Ministry of Agriculture, Forestry and Fisheries.

52. From May 27 to June 2, an official of the Union was in Santa Fé de Bogotá (Colombia), where he took part in the National Seed Seminar, part of which was concerned with plant variety protection systems; he gave a talk on some features of the plant variety protection systems under the UPOV Convention. He also made a number of visits to governmental authorities.

53. From June 1 to 4, the Vice Secretary-General took part in a session of the Keystone International Dialogue Series on Plant Genetic Resources, held in Oslo (Norway).

54. On June 6, a study team from the Japan Patent Association visited the headquarters of WIPO; in the course of this visit an official of the Union gave a presentation on the revision of the UPOV Convention, and the Vice Secretary-General answered questions.

55. On June 11, the Assistant Secretary for Policy and Legislation at the Department of Science and Technology of the Philippines visited the Office of the Union and was given information on UPOV and on the Seminar that was to take place in Tokyo (Japan) in November.

56. On June 17, the Regional Seed Program Manager for the FAO Program (DANIDA Program) for improved seed production in Asia visited the Office of the Union to discuss the possibility of the latter's assistance or participation in future training programs which might include one or more sessions devoted to plant variety protection.

57. On June 20 and 21, the Vice Secretary-General and an official of the Union were guests at a reception in Paris (France) to honor Mr. Michel Simon, a past Secretary General of the Committee for the Protection of New Plant Varieties (CPOV), on the occasion of his retirement, and met members of the commission of the French Group of AIPPI that was studying AIPPI Question No. 93 concerning the protection of plant varieties.

58. From June 22 to 27, an official of the Union took part in the third session of the ad hoc Working Group of Legal and Technical Experts on Biological Diversity, organized by the United Nations Environment Programme and held in Madrid (Spain).
59. From July 2 to 4, the Vice Secretary-General took part, in Rio de Janeiro (Brazil), in an International Workshop on "Intellectual Property and Biotechnology--a Tool for Continental Integration in the Global Scene," organized by the Brazilian Association of Biotechnology Enterprises, the Brazilian Society for Biotechnology and the Latin American Federation of Associations of Biotechnology Enterprises. The Workshop concluded that "plant varieties should be protected by plant breeders' rights in a system based on the UPOV Convention."
60. On that occasion the Vice Secretary-General also paid a visit to the President of the National Institute of Industrial Property (INPI), where he learned that the Brazilian Government had set up an interministerial commission to make recommendations on plant variety protection.
61. On July 8 and 9, the Vice Secretary-General visited a number of Government offices in Brasilia, including the Ministry of Foreign Affairs, the Ministry of Agriculture, the Brazilian National Agricultural Research Organization (EMBRAPA) and the National Center for Genetic Resources (CENARGEN); he gave a talk on the UPOV Convention to officials of the Ministry of Agriculture, EMBRAPA and CENARGEN.
62. From July 10 to 12, the Vice Secretary-General was in Santa Fé de Bogotá (Colombia), where he met the Acting Minister of Agriculture, the Vice-Minister for Foreign Affairs and a number of senior officials, and also representatives of professional groups concerned with plant variety protection. All departments of the Colombian Government expressed support for the introduction of plant variety protection.
63. On July 15 and 16, the Vice Secretary-General was in Mexico City, where he met the Secretary (Minister) for Agriculture and Water Resources and the Director General of Technology Development at the Ministry of Industry and Overseas Trade (which is responsible for industrial property matters). Mexico recently enacted amended patent legislation which extends patent protection to plant varieties. Discussions concerned the possible adoption of plant variety protection legislation consistent with the UPOV Convention.
64. On July 16, the Office of the Union received a communication from the Director of the National Seed Registration Department of the Food and Agriculture Division of Pakistan in Rawalpindi, with which a draft law for the protection of new plant varieties was enclosed. The Office of the Union conveyed outline comments on the draft to the Government of Pakistan.
65. On July 25, Professor Decio Zylbersztajn of the University of Sao Paulo (Brazil) visited the Office of the Union. He had been funded by the Brazilian Government to study the impact of plant variety protection outside Brazil.
66. On July 30, the Office of the Union received a draft law on plant variety protection from Morocco, and a request from the Government of that country for a UPOV mission to Morocco for consultations concerning the draft.
67. On July 31, the Office of the Union received a draft law on plant variety protection from Bulgaria for comment.

68. On August 23, an official of the Union gave a talk on the UPOV system of plant variety protection to trainee patent agents in Zurich (Switzerland).
69. On August 26, an official of the Union took part in a meeting of the Forest Seed Group of the International Federation of the Seed Trade (FIS) in Yverdon (Switzerland) and gave an account of the result of the Diplomatic Conference.
70. During June, July and August, the Office of the Union and the Government of Uruguay exchanged correspondence concerning proposed changes in its national legislation to bring it into line with the 1978 Act of the UPOV Convention.
71. On September 3, the Secretary-General received from the Government of Uruguay a request under Article 32(3) of the 1978 Act (see paragraphs 4 and 14(iii) above).
72. On September 16, the Office of the Union received a visit from a consultant of the Council of Agriculture Ministers of Countries of the Southern Cone of Latin America (CONASUR), which is currently working on a draft agreement on the protection of plant varieties between the participating countries (Argentina, Brazil, Chile, Paraguay, Uruguay).
73. On September 17 and 18, the Vice Secretary-General took part in a conference in York (United Kingdom) on "New Technology for Cropping Systems," organized by the Association of Applied Biologists, and gave a lecture.
74. On September 18 an official of the Union took part in the General Assembly of SEPROMA, the French association of maize seed producing firms, in Angers (France).
75. On October 4, the Vice Secretary-General received a visit from the Director of the Inventions Institute of Romania and from the head of the International Cooperation Department of the same Institute, and discussed with them the new patent law of Romania, which provides for the patentability of plant varieties on the basis of special criteria.
76. On October 8, the Deputy Permanent Representative of Czechoslovakia to the United Nations Office and Other International Organizations in Geneva paid a visit to the Secretary-General in order to deposit Czechoslovakia's instrument of accession to the 1978 Act of the Convention. The deposit was subsequently put in order on November 4 and became effective on that date.
77. On October 18, the Permanent Mission of Argentina sent the Secretary-General a request under Article 32(3) of the 1978 Act (see paragraphs 4 and 14(ii) above).
78. The October sessions of the Council and of its subsidiary bodies were used by the Delegations of Colombia, Finland, Romania and Ukraine to discuss their plans for the protection of plant varieties with the Office of the Union.
79. On October 23, Mr. Menachem Zur, Chairman of the Plant Breeders' Rights Council of Israel and Israel's representative on the Council, signed the 1991 Act on behalf of his country.
80. On October 25, Mr. H. Dieter Hoinkes, Senior Advisor to the U.S. Patent and Trademark Office and representative of the United States of America on the Council, signed the 1991 Act on behalf of his country.

81. Also on October 25, Mr. K.O. Öster, Permanent Under-Secretary at the Ministry of Agriculture of Sweden and representative of Sweden on the Council, signed the Final Act of the Diplomatic Conference on behalf of his country.

82. On November 11, the Office of the Union received a visit from Mr. Masahiro Mishima, Project Head, Institute of Intellectual Property of Japan, and from Mr. Makoto Saito, Professor of Administrative Law and Patent Law at Tsukuba University, and discussed with them matters relating to intellectual property law as applied to live material.

83. On the occasion of the Seminars reported on in the previous part, officials of the Union and lecturers made available to UPOV by member States had talks with governmental circles and professional associations in Argentina, Colombia, Japan and Mexico.

84. On November 28, the above persons paid a visit, in Buenos Aires (Argentina), to the Secretariat of the Inter-American Institute of Agricultural Cooperation (IICA), which has acted in 1991 as secretariat of CONASUR for the purposes of the regional agreement on the protection of plant varieties (see paragraph 72 above).

85. On November 29, the Vice Secretary-General travelled to Chile, where he met the Under-Secretary for Agriculture and a number of senior civil servants.

86. On November 26 and 27, the Office of the Union received a visit from Mrs. Amelia C. Ancog, Assistant Secretary, Department of Science and Technology of the Philippines, and provided her with documents on plant variety protection.

87. From November 25 to December 4, an official of the Union took part as an observer in the fifth negotiating session/third session of the International Negotiating Committee on Biological Diversity at the Palais des Nations in Geneva.

88. On December 17, the Permanent Representative of Sweden to the United Nations Office and Other International Organizations in Geneva paid a visit to the Secretary-General in order to sign the 1991 Act.

89. On December 19, the Permanent Representative of New Zealand to the United Nations Office and Other International Organizations in Geneva paid a visit to the Secretary-General in order to sign the 1991 Act.

## VI. PUBLICATIONS

90. The Office of the Union published the following:

(i) the 1991 Act in English, French and German;

(ii) seven issues of "Plant Variety Protection" and an index to issues 1 to 65;

(iii) the report on the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention which took place in Budapest (Hungary) from September 19 to 21, 1990;

(iv) two supplements to the Collection of Important Documents;

(v) three supplements to the Collection of Laws and Treaties.

91. The Office of the Union also put in hand the publication of official texts of the 1991 Act in Arabic, Italian, Portuguese, Russian and Spanish.

92. The Council is invited to approve this report.

[Annex follows]

## ANNEX

## MEMBERSHIP OF THE UNION (as at December 31, 1991)

State	Date of signature <sup>1</sup>	Date of deposit of instrument <sup>1,2</sup>	Date of effect <sup>1</sup>
Australia	- - - -	- - February 1, 1989 -	- - March 1, 1989 -
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 - -
Canada	- - October 31, 1979 -	- - February 4, 1991 -	- - March 4, 1991 -
Czechoslovakia	- - - (not authorized)	- - November 4, 1991 -	- - December 4, 1991 -
Denmark	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 6, 1968 February 8, 1974 October 8, 1981 -	October 6, 1968 February 11, 1977 November 8, 1981 -
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 -	August 10, 1968 February 11, 1977 April 12, 1986 -

[Cont'd]

<sup>1</sup> First Line: International Convention for the Protection of New Varieties of Plants of December 2, 1961 ("Act of 1961").  
Second Line: Additional Act of November 10, 1972.  
Third Line: Act of October 23, 1978.  
Fourth Line: Act of March 19, 1991.

<sup>2</sup> of ratification where the State has signed the Convention or the Additional Act, depending on the case; of ratification, acceptance or accession where the State has signed the Act of 1978; of accession where it has not signed the text concerned.

MEMBERSHIP OF THE UNION (as at December 31, 1991)

State	Date of signature <sup>1</sup>	Date of deposit of instrument <sup>1,2</sup>	Date of effect <sup>1</sup>
Hungary	-	-	-
	-	-	-
	-	March 16, 1983	April 16, 1983
	-	-	-
Ireland	-	-	-
	-	-	-
	September 27, 1979	May 19, 1981	November 8, 1981
	-	-	-
Israel	-	November 12, 1979	December 12, 1979
	-	November 12, 1979	December 12, 1979
	-	April 12, 1984	May 12, 1984
	October 23, 1991	-	-
Italy	December 2, 1961	June 1, 1977	July 1, 1977
	November 10, 1972	June 1, 1977	July 1, 1977
	October 23, 1978	April 28, 1986	May 28, 1986
	March 19, 1991	-	-
Japan	-	-	-
	-	-	-
	October 17, 1979	August 3, 1982	September 3, 1982
	-	-	-
Mexico (not yet a member)	-	-	-
	-	-	-
	July 25, 1979 (not authorized)	-	-
	-	-	-
Netherlands	December 2, 1961	August 8, 1967	August 10, 1968
	November 10, 1972	January 12, 1977	February 11, 1977
	October 23, 1978	August 2, 1984	September 2, 1984
	March 19, 1991	-	-
New Zealand	-	-	-
	-	-	-
	July 25, 1979	November 3, 1980	November 8, 1981
	December 19, 1991	-	-
Poland	-	-	-
	-	-	-
	-	October 11, 1989	November 11, 1989
	-	-	-
South Africa	-	October 7, 1977	November 6, 1977
	-	October 7, 1977	November 6, 1977
	October 23, 1978	July 21, 1981	November 8, 1981
	March 19, 1991	-	-



## MEMBERSHIP OF THE UNION (as at December 31, 1991)

State	Date of signature <sup>1</sup>	Date of deposit of instrument <sup>1,2</sup>	Date of effect <sup>1</sup>
Spain	-	April 18, 1980	May 18, 1980
	-	April 18, 1980	May 18, 1980
	-	-	-
	March 19, 1991	-	-
Sweden	-	November 17, 1971	December 17, 1971
	January 11, 1973	January 11, 1973	February 11, 1977
	December 6, 1978	December 1, 1982	January 1, 1983
	December 17, 1991	-	-
Switzerland	November 30, 1962	June 10, 1977	July 10, 1977
	November 10, 1972	June 10, 1977	July 10, 1977
	October 23, 1978	June 17, 1981	November 8, 1981
	March 19, 1991	-	-
United Kingdom	November 26, 1962	September 17, 1965	August 10, 1968
	November 10, 1972	July 1, 1980	July 31, 1980
	October 23, 1978	August 24, 1983	September 24, 1983
	March 19, 1991	-	-
United States of America	-	-	-
	-	-	-
	October 23, 1978	November 12, 1980	November 8, 1981
	October 25, 1991	-	-

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