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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## COUNCIL

## Twenty-sixth Ordinary Session

Geneva, October 29, 1992

## REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 1992

Document prepared by the Office of the Union

## I. COMPOSITION OF THE UNION

1. There was no change during the first nine months of 1992 in the composition of the Union, which comprises 21 member States, namely: 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 of the International Convention for the Protection of New Varieties of Plants with the exception of Belgium and Spain, which are party to the 1961 Act as amended by the Additional Act of 1972.

2. The 1991 Act remained open for signature until March 31, 1992. It was signed by Ireland on February 21 and by Canada on March 9. Those signatures are added to those affixed in 1991 by the following 14 member States: Belgium, Denmark, France, Germany, Israel, Italy, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

3. Pursuant to 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 instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Act." As of the date of this document, no such request has been received by the Office of the Union, but the Office has been informed that requests are under preparation in Austria (on the basis of draft legislation before Parliament) and in Finland.

**II. MEETINGS**

4. For the work of the Administrative and Legal Committee, reference is made to document C/26/9, and for that of the Technical Working Parties, to documents C/26/10 and C/26/10 Add.

**III. RELATIONS WITH STATES AND ORGANIZATIONS**

5. From January 11 to 13, 1992, the Vice Secretary-General participated in a Consultation on a Global System for the Security and Sustainable Use of Plant Genetic Resources in Stockholm, Sweden, organized by the Swedish Agency for Research Cooperation with Developing Countries in cooperation with the Swedish Ministry of Foreign Affairs and the Swedish Ministry of Agriculture. On the afternoon of January 13, the Vice Secretary-General met with officials of the Ministry of Agriculture and the Ministry of Justice of Sweden.

6. From January 20 to 22, the Vice Secretary-General and Mrs. N. Bustin, Secretary-General of the Comité pour la protection des obtentions végétales of France, visited Rabat, Morocco, at the invitation of the Ministry of Agriculture and Agrarian Reform of Morocco. They participated in meetings of a commission which had prepared a draft Law for the Protection of Plant Varieties in Morocco and discussed the draft in detail with the members of the Commission. They also participated in a meeting organized by the Directorate for the Protection of Plants, for Technical Control and for the Repression of Fraud (DPVCTRF) of the Ministry of Agriculture to provide an opportunity for interested circles to comment on the draft Law, and met the Minister for Agriculture and Agrarian Reform, Mr. Otman Dennati. The Minister suggested that the draft Law be amended so as to conform with the 1991 Act and confirmed that Morocco was prepared to host a UPOV Seminar for the countries of North Africa in 1993.

7. From February 10 to 14, the Vice Secretary-General participated in an observer capacity in the second week of the Sixth Negotiation Session of the Intergovernmental Negotiation Committee for a Convention on Biological Diversity, held in Nairobi, Kenya. During his stay in Nairobi, he had meetings with the Permanent Secretary in the Ministry of Research, Science and Technology, with the Director of the Kenya Industrial Property Office (KIPO), with the Deputy Director of Agriculture in the Ministry of Agriculture, with the Director of the Kenya Agricultural Research Institute, and with representatives of the Kenya Seed Trade Association. The visit provided an opportunity to discuss arrangements for the UPOV Seminar which is expected to be held in Nairobi in May 1993.

8. On February 21, Mr. John F. Swift, Ambassador and Permanent Representative of Ireland in Geneva, visited the Secretary-General to sign the 1991 Act of the UPOV Convention.

9. On February 25, the Office of the Union commented by letter on a draft Norwegian Law for the Protection of Plant Varieties which was expected to be introduced in the Storting, the Norwegian Parliament, in the course of 1992.

10. On March 4, the Office of the Union received a letter from the Minister for Agriculture of Slovenia seeking information concerning the procedure for accession to the UPOV Convention.

11. On March 9, the Deputy Permanent Representative of Canada in Geneva, Mr. Paul Dubois, visited the Office of the Secretary-General to sign the 1991 Act of the UPOV Convention on behalf of Canada.

12. On March 11, the Vice Secretary-General and officials of the Office of the Union participated in an observer capacity in a meeting of the Intellectual Property Rights Group of ASSINSEL in Amsterdam, Netherlands, which discussed the subject of essentially derived varieties.

13. On March 16, the Vice Secretary-General visited Sofia, Bulgaria, in order to discuss a draft Law for the Protection of Plant Varieties and Animal Breeds. He visited the Institute of Inventions and Rationalizations where he had discussions with its Director-General, Dr. Iliev, and the Ministry of Agriculture where he had discussions with the Vice-Ministers of Agriculture, Mr. Vladislav Rostov and Mr. Nikola Nikolov, with Mrs. Polina Stefanova, Director General of the Agriculture and Horticulture Department, and with Dr. Dimiter Cheleev, Director of the State Variety Testing Commission. On March 17, he met the Working Group, which had been responsible for the drafting of the draft Law and discussed its provisions in detail.

14. On March 23 and 24, the Vice Secretary-General participated in a joint mission, together with an official of WIPO, to Caracas, Venezuela. They addressed a meeting organized by the Ministry of Development of Venezuela, at which the WIPO official gave a presentation on patent protection for biotechnological inventions, and the Vice Secretary-General gave a presentation on the nature of and need for plant variety protection. They also visited the Centro Nacional de Investigaciones Agropecuarias (CENIAP) and addressed staff of this organization on the subject of the protection of biotechnology and plant varieties.

15. On March 25 and 26, the Vice Secretary-General visited Santa Fé de Bogotá, Colombia, where he met the Vice Minister for Agriculture, Mr. Alejandro Linares Cantillo, and Dr. Rodolfo Alvarado, Director of Agriculture in the Ministry of Agriculture, and discussed possible procedures for the introduction of plant variety protection in Colombia. He subsequently met Mr. Santiago Perry Rubio, the Director of the Agricultural Institute of Colombia, and the Working Group which had prepared a draft Law on the Protection of Plant Varieties.

16. On March 30, Mrs. Gloriana Rodriguez Hernandez, First Secretary in the Permanent Mission of Costa Rica in Geneva, called on the Office of the Union to inquire concerning the formalities involved in accession to the UPOV Convention.

17. From April 1 to 2, an official of the Union attended a Forum and Workshop on Genetically Modified Cultivars held in Cambridge, United Kingdom.

18. On April 7, the Vice Secretary-General received a visit from Mr. Andreas Cambitsis, First Counsellor in the Permanent Mission of Greece in Geneva, together with Mr. Gerasimos Apostolatos, who has responsibilities in relation to the introduction of breeders' rights in Greece. The options for the introduction of a legal system of protection for plant varieties were discussed.

19. On April 8, the Vice Secretary-General received a visit from Mr. Magne Stubsjoen, Director General of the Ministry of Agriculture of Norway, who delivered a fresh draft of the proposed Norwegian Law on Plant Variety Protection, upon which he sought the comments of the Office of the Union.

20. On April 13, the Secretary-General met the Minister for Agriculture of Colombia, Mr. Afonso López Caballero, in Santa Fé de Bogotá, and discussed with him the proposals to introduce plant variety protection in his country and the nature of the assistance that could be provided by UPOV.

21. On April 24, the Vice Secretary-General visited Buenos Aires and spoke on the subject of the protection of new plant varieties under the UPOV Convention in a Seminar organized by the Foro Argentino de Biotecnología.
22. On April 27, the Vice Secretary-General visited the Secretary of Agriculture of Argentina, Mr. Regunaga, who reported that the Bill relating to the accession of Argentina to UPOV would be presented to the Congress of Argentina in the months ahead. He also met the professional staff of the National Register of Cultivar Property and discussed with them the examination procedure in Argentina.
23. From April 29 to May 1, the Vice Secretary-General visited Santa Fé de Bogotá. He discussed the draft Law of Colombia with officials of the Ministry of Agriculture and of the Colombian Institute of Agriculture.
24. From May 4 to 7, the Vice Secretary-General participated in a Symposium on the Protection of Intellectual Property in Agriculture and the Protection of Plant Varieties in Brasilia, Brazil. The Symposium discussed a draft Bill which had been prepared by an Inter-Ministerial Committee of the Brazilian Government and provided the opportunity to suggest adjustments which would bring the draft Bill into conformity with the UPOV Convention.
25. On May 8, the Vice Secretary-General visited the offices of the Instituto Interamericano de Cooperacao para la Agricultura (IICA) whose Brazilian office at present acts as the Secretariat of CONASUR (the organization of Agricultural Ministries of the Southern Cone of Latin America), which organization is currently studying a Regional Agreement for the Protection of Plant Varieties.
26. On May 18 and 19, the Vice Secretary-General participated in the Annual Meeting of Representatives of Designated Seed Certification Authorities of OECD in Cambridge, United Kingdom. The meeting provided an opportunity for contacts with officials of countries which may be considering the introduction of plant variety protection and accession to the UPOV Convention.
27. During May, the Office of the Union corresponded with the Ministry of Agriculture of Egypt concerning the protection of plant varieties.
28. From June 1 to 5, the Vice Secretary-General was present as a guest at the World Congresses of the International Seed Trade Federation (FIS) and the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) in Toronto, Canada.
29. On June 3, Dr. Neil D. Hamilton, Professor of Law at Drake University, Des Moines, United States of America, and President of the American Association of Agricultural Law, visited the Office of the Union.
30. On June 17 and 18, an official of the Union participated in a Conference on Protecting and Exploiting Biotechnological Inventions in Brussels, Belgium, and spoke on the 1991 Act of the UPOV Convention.
31. On June 22, an official of the Union participated in Budapest in the celebration of the 100th Anniversary of Variety Testing in Hungary, and met the President of the Hungarian Republic, Dr. Arpad Göncz, the Under-Secretary of State, Ministry of Agriculture, Dr. György Raskó, Prof. Dr. Pál Stefanovits, President of the Section of Agrarian Sciences, and Dr. Károly Neszmélyi, Director General of the Institute for Agricultural Quality Control.

32. On June 22 and 23, the Vice Secretary-General participated in a Workshop on the Protection of Plant Varieties organized by the Instituto de Investigación Industrial y de Normas Técnicas (ITINTEC) in Lima, Peru, and spoke on the subject of the UPOV Convention, its scope of protection and its general provisions. At the end of the Workshop, the Vice Secretary-General was handed a draft of a law which had been prepared by a working group in Peru for a national system of plant variety protection. The Vice Secretary-General also met during his visit the Minister for Industry, Mr. Jorge Camet, with whom he discussed the infrastructure that was necessary to administer a system of plant variety protection.

33. On June 24, the Vice Secretary-General participated in a meeting in the offices of the Ministry of Integration in Lima, Peru, with officials from that Ministry and from the Ministries of Agriculture and Industry concerning possible proposals for the establishment of a regional system for the protection of plant varieties under the Cartagena Agreement.

34. On June 25 and 26, the Vice Secretary-General participated in the First Meeting of Experts on Plant Varieties in Lima, Peru, organized by the Junta of the Cartagena Agreement. The main topics discussed by the meeting was a possible draft Decision under the Cartagena Agreement for the introduction of a subregional system of protection for plant varieties, an initial working draft of which had been prepared by the Office of the Union with valuable assistance from staff of the International Bureau of WIPO, particularly in connection with the translation of the document. A staff member of WIPO also participated in the meeting in Lima.

35. On June 26, the Office of the Union provided information to the Government of Latvia on UPOV and the UPOV Convention.

36. On July 8, the Office of the Union supplied the Ministry of Agriculture of Lithuania with documentation with a view to the preparation by Lithuania of its Law conforming with the 1991 Act.

37. On August 17, the Vice Secretary-General attended a meeting at the Headquarters of the Kenya Agricultural Research Institute (KARI) in Nairobi where he met Dr. C.G. Ndiritu, its Director, Mr. Mulandi, Director of the Horticultural Crops Development Authority, Mr. L.O. Sese, Deputy Director, Kenya Industrial Property Office (KIPO), and Dr. Matthias W. Oggema, the Deputy Director of Agriculture. The Office of the Union was asked to comment upon the draft Regulations that had been prepared with a view to bringing into effect the Seeds and Plant Varieties Act 1972 of Kenya.

38. On August 18 and 19, the Vice Secretary-General visited Uganda. He met Prof. Josef K. Mukiibi, Secretary for Research in the Ministry of Agriculture, Animal Industry and Fisheries, and members of a committee which is considering the subject of plant variety protection in Uganda. He also visited the Namulonge and Kawanda Research Stations and spoke to scientists and administrators concerned with plant breeding questions.

39. From August 19 to 20, an official of the Union, en route to participate in the meetings of the UPOV Technical Working Parties in South Africa, visited Zambia. He gave a lecture to breeders and experts from the seed industry, visited the Research Center in the Golden Valley and the Seed Control and Certification Institute at Chilanga, where he met the Director, Dr. S.W. Muliokela, and Dr. Watson Mwale, Research Coordinator of the Mount Makulu Research Station, who expressed interest in the introduction of plant variety protection in Zambia.

40. On August 20 and 21, the Vice Secretary-General visited Harare, Zimbabwe, where he met the Under-Secretary for Research at the Ministry of Agriculture and Mrs. Kusum Mtindi, Head of Seed Services in the Ministry of Agriculture, and discussed the Plant Breeders' Rights Act 1973, its administration and the adjustment that would be necessary to this law if Zimbabwe wished to accede to the UPOV Convention. He also met the Board of Directors of the Zimbabwe Seed Trade Association.

41. From August 23 to September 8, the Vice Secretary-General visited South Africa and participated in the programs of the Technical Working Party for Fruit Crops and the Technical Working Party for Ornamental Plants and Forest Trees. During his stay, he visited Pretoria where he met the following officials of the Ministry of Agriculture: the Director General, Mr. H.S. Hattingh, the Deputy Director General, Dr. C.S. Blignaut, the Chief Director, Resource Development, Dr. D. Scotney, and the Director, Directorate of Plant and Quality Control, Dr. D.P. Keetch. He also met industry groups interested in plant variety protection in Pretoria, Nelspruit and Stellenbosch, and described developments in UPOV.

42. On August 24, the Office of the Union provided information on the procedure for accession to the UPOV Convention to the Government of Côte d'Ivoire.

43. In August, the Office of the Union corresponded with the Government of Mexico concerning a national Seminar to be held in Mexico on the subject of plant variety protection.

44. On September 15 and 16, the Vice Secretary-General participated in the Congress of the International Association of Horticultural Producers and addressed the organization's Committee for Novelty Protection.

45. On September 17 and 18, the Vice Secretary-General participated by invitation in a colloquium on plant variety protection organized by the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPOVA) and held at the premises of the European Patent Office (EPO) in Munich, Germany.

46. On September 23, Mr. Qiao Dexi, Director of the Legal Affairs Department in the Patent Office of the People's Republic of China, and Mr. Wu Zhenxiang, First Secretary, Permanent Mission of China in Geneva, visited the Office of the Union and asked for information on the subject of plant variety protection and discussed the possibility of sending a UPOV mission to Beijing after the conclusion of the UPOV Seminar in Suwon near Seoul.

47. On September 24 and 25, the Vice Secretary-General visited Kiev, Ukraine, where he had discussions concerning the draft Law of Ukraine for the Protection of Plant Varieties with the Deputy Minister for Foreign Affairs, Mr. Valentin M. Lipatov, the Deputy Chairman of the Ukrainian Parliament, Professor Volodymyr Gryniov, the Director of the Academy of Agricultural Science, Dr. Sytnik, and the Directors of the leading Agricultural Research Institutes of Ukraine, with the First Deputy Minister for Agriculture, Mr. Leontiy Dunets, with the Chairman of the State Committee for Variety Testing and Protection, Mr. Victor Volkodav, and with other circles interested in plant variety protection. The draft Law had received its first reading in the Ukrainian Parliament and it was hoped that its second reading might be expedited as a result of the discussions.

**IV. PUBLICATIONS**

48. The Office of Union published:

(i) the 1991 Act of the UPOV Convention in Arabic, Portuguese, Russian and Spanish;

(ii) the Records of the 1991 Diplomatic Conference in English and French, with the German version to appear shortly;

(iii) two issues of "Plant Variety Protection";

(iv) the proceedings on the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention, held in Tsukuba (Japan) from November 12 to 15, 1991;

(v) three supplements to the Collection of Important Documents;

(vi) one supplement to the Collection of Laws and Treaties.

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