



Disclaimer: unless otherwise agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV and that have not been superseded can represent UPOV policies or guidance.

This document has been scanned from a paper copy and may have some discrepancies from the original document.

Avertissement: sauf si le Conseil de l'UPOV en décide autrement, seuls les documents adoptés par le Conseil de l'UPOV n'ayant pas été remplacés peuvent représenter les principes ou les orientations de l'UPOV.

Ce document a été numérisé à partir d'une copie papier et peut contenir des différences avec le document original.

Allgemeiner Haftungsausschluß: Sofern nicht anders vom Rat der UPOV vereinbart, geben nur Dokumente, die vom Rat der UPOV angenommen und nicht ersetzt wurden, Grundsätze oder eine Anleitung der UPOV wieder.

Dieses Dokument wurde von einer Papierkopie gescannt und könnte Abweichungen vom Originaldokument aufweisen.

Descargo de responsabilidad: salvo que el Consejo de la UPOV decida de otro modo, solo se considerarán documentos de políticas u orientaciones de la UPOV los que hayan sido aprobados por el Consejo de la UPOV y no hayan sido reemplazados.

Este documento ha sido escaneado a partir de una copia en papel y puede que existan divergencias en relación con el documento original.

UPOV

C/27/13 Add. 3

ORIGINAL :English

DATE :October 28, 1993

1001

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Twenty-seventh Ordinary Session

Geneva, October 29, 1993

THIRD ADDENDUM TO DOCUMENT C/27/13

**(REPORT BY REPRESENTATIVES OF STATES AND ORGANIZATIONS
ON THE SITUATION IN THE LEGISLATIVE,
ADMINISTRATIVE AND TECHNICAL FIELDS)**

Document prepared by the Office of the Union

The Annex to this document contains the report from South Africa.

[Annex follows]

ANNEX

SOUTH AFRICA

1. Situation in the Legislative Field

The Plant Breeders' Rights Act (Act No. 15 of 1976) has been revised in terms of the 1991 Act of the Convention and distributed to all interested parties for comment. Provision has been made for the revised Act to be included in the legislative program to serve before Parliament early in 1994.

In accordance with generally accepted principles and with the approval of the Minister for Agriculture, the fees payable for plant breeders' rights continue to be maintained at a reasonably low level.

In an attempt to progressively extend the Act to encompass the entire plant kingdom, during the past year legal protection was granted to the following plant genera: Brachiaria, Dieffenbachia, x Festulolium, Gardenia, Lathyrus, Ribes, Rubus, Scaevola, Strelitzia and Zantedeschia. Panicum deustum and Lolium x boucheanum are now also protected under the Act.

2. Cooperation in Examination

No new agreements have been concluded nor are any amendments to existing agreements contemplated.

3. Situation in the Administrative Field

From October 1, 1992, to September 30, 1993, 154 plant breeders' rights were granted and 152 applications were filed. As at September 30, 1993, there were 809 valid plant breeders' rights and 293 applications under consideration.

No changes have taken place in the administrative structure.

4. Situation in the Technical Field

Homogeneity problems continue to be encountered in the evaluation of grasses and lucerne.

Uncertainty has been expressed over the future value and application of techniques such as electrophoresis, RFLP's and RAPD's for the field testing of plant varieties. There is a strong feeling that conventional methods of field testing and comprehensive variety descriptions should remain the basis for variety listing and certification.

A variety list for tobacco was established during September 1993.

5. Activities for the Promotion of Plant Variety Protection

In September 1993, a recommendation was made to the Standing Committee for Plant Production of the Southern African Regional Commission for the Conservation and Utilisation of the Soil (SARCCUS) that the establishment and harmonisation of legislation regarding plant breeders' rights and variety listing in Southern Africa should be investigated.