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UPOV

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

GENEVA

## COUNCIL

## Twenty-seventh Ordinary Session

Geneva, October 29, 1993

## ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 1992

(Twenty-Fourth Year)

## I. COMPOSITION OF THE UNION

1. No change in the composition of the Union occurred during 1992. On December 31, the Union had 21 member States: Australia, Belgium, Canada, Czechoslovakia,<sup>1</sup> 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, who 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. These signatures therefore are to be added to those given 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.

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<sup>1</sup> Following the partition of this country and the declarations of continuation lodged with the Secretary-General by the Czech Republic and Slovakia on January 12, 1993, the Union comprised 22 member States on January 1, 1993. A report on the events that occurred during the first nine months of 1993 will be given in document C/27/3.

3. 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 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 1992:

(i) Finland, by letter dated October 8;

(ii) Austria, by letter dated October 21, in relation to the draft plant variety protection law which the Government had submitted to Parliament.

The Council considered those requests at its twenty-sixth ordinary session and in both cases took a favorable decision, on the understanding that, in the latter case, if the law adopted on the basis of the draft should differ to any extent therefrom, the Government of Austria would again ask the Council for its advice.

4. The table given in the Annex to this report summarizes the position of the various States in relation to the various Acts of the Convention as at December 31 of the reference year.

## II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

5. In 1992, the various statutory bodies of UPOV held the meetings mentioned below. They took place in Geneva unless otherwise stated.

### Council

6. The Council held its twenty-sixth ordinary session on October 29 under the chairmanship of Mr. R. López de Haro y Wood (Spain). The session was attended by observers from 15 non-member States<sup>2</sup> and six international organizations.<sup>3</sup>

7. At that session, the Council took the following main decisions:

(i) It gave positive advice in respect of the conformity of the legislation of Finland with the 1978 Act.

(ii) It gave positive advice in respect of the conformity of the draft plant variety protection law of Austria with the 1978 Act.

(iii) On a recommendation by the Consultative Committee, which had met the previous day, it set out further detail of the principles governing the single contributions to be paid by the member States to the Working Capital Fund of the Union.

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<sup>2</sup> Argentina, Austria, Bolivia, Chile, Colombia, Côte d'Ivoire, Croatia, Egypt, Finland, Mexico, Norway, Portugal, Republic of Korea, Romania, Senegal.

<sup>3</sup> World Intellectual Property Organization (WIPO), Organisation for Economic Co-operation and Development (OECD), The World Conservation Union (IUCN), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), Association of Plant Breeders of the European Economic Community (COMASSO), International Federation of the Seed Trade (FIS).

(iv) It approved the report of the Secretary-General on the activities of the Union in 1991 and the first nine months of 1992.

(v) It approved the report of the Secretary-General on his management during the 1990-91 biennium and on the financial situation of the Union as at December 31, 1991, and noted the report of the auditors for the said 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 and, in that connection, it

(a) adopted a Declaration on the Conditions for the Examination of a Variety Based Upon Tests Carried Out by the Breeder, which constituted an updating of the text adopted in 1976,

(b) approved the setting-up of a working group to study biochemical and molecular techniques, and DNA profiling in particular,

(c) noted that the Consultative Committee had asked that further preliminary study be undertaken on the project for a central computerized data base on plant varieties and related matters.

(vii) It unanimously elected Mr. Henning Kunhardt (Germany) and Mr. H. Dieter Hoinkes (United States of America) as Chairman and Vice-Chairman, respectively, of the Administrative and Legal Committee for a term of three years to expire at the close of the twenty-ninth ordinary session of the Council, in 1995.

(viii) It unanimously elected Miss Jutta Rasmussen (Denmark) and Mr. Joël Guiard (France) as Chairman and Vice-Chairman, respectively, of the Technical Committee for the same term.

#### Consultative Committee

8. The Consultative Committee held its forty-fifth session on October 28, under the chairmanship of Mr. R. López de Haro y Wood (Spain).

9. At that session, the Committee carried out a preliminary examination of the conformity of the legislation of Finland and of the draft plant variety protection law of Austria with the 1978 Act of the UPOV Convention and discussed the following matters, in particular: the status of activities funded by extrabudgetary resources and the possibility of mobilizing further human and financial resources for development cooperation activities; level of contributions to the Working Capital Fund in certain cases; possibility for States offering protection under both a plant breeders' rights system and the utility patent to adhere to the 1978 Act; possibility of setting up a central computerized data base on plant variety protection and related matters; biodiversity and plant variety protection (the implications of the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro (Brazil) in June 1992).

#### Administrative and Legal Committee

10. The Administrative and Legal Committee held its thirtieth session on April 8 and its thirty-first session on October 26, under the chairmanship of Mr. J.-F. Prevel (France). The thirtieth session was attended by observers

from six non-member States<sup>4</sup> and from the European Community (EC), and the thirty-first session by observers from seven non-member States.<sup>5</sup>

11. The Committee's discussions mainly concerned the implementation of the 1991 Act. At its thirtieth session, it continued its discussion of the matter of essentially derived varieties as a follow-up to the resolution adopted by the 1991 Diplomatic Conference on the establishment of relevant guidelines and also to prepare for the sixth Meeting with International Organizations (see below). It also discussed the implications of the definition of variety given in Article 1(vi) of the 1991 Act and concluded that the Act contained no provision that would prohibit the use of multivariate analysis for the examination of distinctness. At its thirty-first session, it began discussions on a series of issues for which harmonization of legislation seemed useful and desirable.

12. It also discussed, at both sessions, the conditions to be fulfilled by variety examination carried out by breeders and prepared the Declaration subsequently adopted by the Council; it finally reconsidered the matter of fees in relation to cooperation in examination and put in hand a revision of the Model Administrative Agreement for International Cooperation in the Testing of Varieties.

#### Technical Committee

13. The Technical Committee held its twenty-eighth session from October 21 to 23 under the chairmanship of Mr. G. Fuchs (Germany). An observer from the European Community attended the session.

14. The Technical Committee adopted Test Guidelines for the following four taxa on the basis of the preparatory work done by the Technical Working Parties: Aster; cabbage (revision); Dieffenbachia; tomato (revision).

15. The Committee considered the progress reports on the work of the Technical Working Parties and broadly defined the future work of those 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. It came to the conclusion, in particular, that the best manner of avoiding disparities due to the in vitro propagation method was to ensure that all comparable varieties under test had been propagated in accordance with the same protocol.

16. The Committee likewise examined the matter of setting up a central computerized data base on plant variety protection and related matters and also on the possible use of biochemical and molecular testing methods, particularly those employing DNA profiling. The Council has taken decisions on those issues (see paragraph 7(vi)(b) and (c) above).

#### Technical Working Parties

17. The Technical Working Parties held the following sessions outside Geneva:

(i) The Technical Working Party for Vegetables (TWV) held its twenty-fifth session from January 15 to 17 at the Embassy of South Africa in Paris (France)

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<sup>4</sup> Finland, Greece, Morocco, Norway, Romania, Turkey.

<sup>5</sup> Argentina, Colombia, Finland, Greece, Norway, Republic of Korea, Romania.

and its twenty-sixth session from June 30 to July 3 in Dachwig (Germany), under the chairmanship of Mr. N.P.A. van Marrewijk (Netherlands).

(ii) The Technical Working Party on Automation and Computer Programs (TWC) held its tenth session from June 2 to 4 in Wageningen (Netherlands), under the chairmanship of Mr. K. Kristensen (Denmark).

(iii) The Technical Working Party for Agricultural Crops (TWA) held its twenty-first session from June 16 to 19 in Menstrup Kro (Denmark), under the chairmanship of Mr. M.S. Camlin (United Kingdom).

(iv) The Technical Working Party for Fruit Crops (TWF) held its twenty-third session from August 24 to September 2 in Nelspruit (South Africa), under the chairmanship of Mr. B. Spellerberg (Germany).

(v) The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its twenty-fifth session from August 27 to September 7 in Stellenbosch (South Africa), under the chairmanship of Mrs. E. Buitendag (South Africa).

18. The basic task of four of those working parties is to draw up Test Guidelines. In addition to the drafts submitted to the Technical Committee for adoption, they drew up further drafts for the following taxa, to be submitted to the professional organizations for comment: African violet (revision) (TWO); chick-pea; cucumber and gherkin (revision); evening primrose; French bean (revision); lettuce (revision); peas (revision); sweet pepper; watermelon (TWW).

#### Meeting with International Organizations

19. The sixth meeting was held on October 30 with Mr. R. López de Haro y Wood (Spain), President of the Council, in the chair. The issue on the agenda was that of essentially derived varieties. The following 11 international non-governmental organizations that represent the interested circles participated in the meeting: 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), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Committee of National Institutes of Patent Agents (CNIPA), Association of Plant Breeders of the European Economic Community (COMASSO), Seed Committee of the Common Market (COSEMCO), International Federation of Industrial Property Attorneys (FICPI), International Federation of the Seed Trade (FIS), International Chamber of Commerce (ICC), Union of European Practitioners in Industrial Property (UPEPI). WIPO and eight non-member States<sup>6</sup> were also represented.

### III. SEMINARS

20. A Regional Seminar on the Nature of and Rationale for the Protection of Plant Varieties was held in Suweon (Republic of Korea) from November 17 to 19 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 Rural Development Administration

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<sup>6</sup> Argentina, Austria, Colombia, Croatia, Finland, Mexico, Portugal, Romania.

of the Republic of Korea and the support of the Ministry of Agriculture, Forestry and Fisheries of Japan. Some 130 persons took part.

21. The Seminar covered the following main subjects: general aspects of plant variety protection; technical aspects of plant variety protection and the conservation of genetic resources; the plant variety and seed industry in the Republic of Korea; the point of view of users. One day was devoted to visiting a gene bank and a seed company.

#### **IV. RELATIONS WITH STATES AND ORGANIZATIONS**

22. From January 11 to 13, the Vice Secretary-General participated in Stockholm (Sweden) in a Consultation on a Global System for the Security and Sustainable Use of Plant Genetic Resources, 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 latter Ministry and of the Swedish Ministry of Justice.

23. From January 20 to 22, the Vice Secretary-General and Mrs. N. Bustin, Secretary-General of the French Committee for the Protection of New Plant Varieties, visited Rabat 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 Plant Protection, Technical Inspection and 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, who 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.

24. From February 10 to 14, the Vice Secretary-General attended, as an observer, 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 that city, he had meetings with the Permanent Secretary in the Ministry of Research, Science and Technology, the Director of the Kenya Industrial Property Office (KIPO), the Deputy Director of Agriculture in the Ministry of Agriculture, the Director of the Kenya Agricultural Research Institute and with representatives of the Kenya Seed Trade Association. His visit provided an opportunity to discuss arrangements for the UPOV seminar which was to be held in Nairobi in May 1993.

25. 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.

26. 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.

27. 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.

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

29. 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.

30. 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. Kristo Iliev, and the Ministry of Agriculture, where he had discussions with the Vice-Ministers for Agriculture, Mr. Vladislav Rostov and Mr. Nikola Nikolov, with Mrs. Polina Stefanova, Director General of the Agriculture and Horticulture Department, and Dr. Dimiter Cheleev, Director of the State Variety Testing Commission. On March 17, he met the working group that had been responsible for producing the draft law and discussed its provisions in detail.

31. 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 a presentation on the nature of and need for plant variety protection. They also visited the National Center for Agricultural Research (CENIAP) and addressed the staff of that organization on the subject of the protection of biotechnology and plant varieties.

32. On March 25 and 26, the Vice Secretary-General visited Santa Fe 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, Director of the Agricultural Institute of Colombia, and the working group which had prepared a draft law on the protection of plant varieties.

33. On March 30, Mrs. Gloriana Rodríguez Hernández, First Secretary in the Permanent Mission of Costa Rica in Geneva, called on the Office of the Union to inquire about the formalities involved in accession to the UPOV Convention.

34. On April 1 and 2, an official of the Union attended a Forum and Workshop on Genetically Modified Cultivars held in Cambridge (United Kingdom).

35. 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 had responsibilities in relation to the introduction of plant breeders' rights in Greece. The options for the introduction of a legal system of protection for plant varieties were discussed.

36. On April 8, the Vice Secretary-General received a visit from Mr. Magne Stubbsjoen, 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.



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

38. On April 24, the Vice Secretary-General visited Buenos Aires (Argentina) and spoke on the subject of the protection of new plant varieties under the UPOV Convention at a seminar organized by the Foro Argentino de Biotecnología.

39. On April 27, the Vice Secretary-General visited the Secretary of Agriculture of Argentina, Mr. Marcelo Regúnaga, who reported that the Bill relating to the accession of Argentina to the UPOV Convention was to 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.

40. From April 29 to May 1, the Vice Secretary-General visited Santa Fe de Bogotá. He discussed the draft law of Colombia with officials of the Ministry of Agriculture and of the Colombian Institute of Agriculture.

41. 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 interministerial committee of the Brazilian Government and provided an opportunity to suggest adjustments which would bring the draft Bill into conformity with the UPOV Convention.

42. On May 8, the Vice Secretary-General visited the offices of the Inter-American Institute for Agricultural Cooperation (IICA), whose Brazilian office then acted as the Secretariat of CONASUR (the organization of Agricultural Ministries of the Southern Cone of Latin America), an organization which is currently studying a regional agreement for the protection of plant varieties.

43. 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.

44. During May, the Office of the Union corresponded with the Ministry of Agriculture of Egypt concerning the protection of plant varieties.

45. From June 1 to 5, the Vice Secretary-General was present as a guest at the World Congresses of the International Federation of the Seed Trade (FIS) and the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) in Toronto (Canada).

46. 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.

47. 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.

48. 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. Arpád 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.

49. On June 22 and 23, the Vice Secretary-General participated in a workshop on the protection of plant varieties organized by the Institute for Industrial Technological Research and Technical Standards (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 necessary to administer a system of plant variety protection.

50. On June 24, the Vice Secretary-General participated in Lima in a meeting in the offices of the Ministry of Integration 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.

51. On June 25 and 26, the Vice Secretary-General participated in the first Meeting of Experts on Plant Varieties in Lima organized by the Junta of the Cartagena Agreement. The main topic discussed by the Meeting was a possible draft decision under the Cartagena Agreement on the introduction of a sub-regional 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.

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

53. 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 to the 1991 Act.

54. 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, Deputy Director of Agriculture. The Office of the Union was asked to comment on the draft regulations that had been prepared with a view to bringing into effect the Seeds and Plant Varieties Act 1972 of Kenya.

55. 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 was 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.

56. On August 19 and 20, an official of the Union, on his way to participating 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 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.

57. 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 that law if Zimbabwe wished to accede to the UPOV Convention. He also met the Board of Directors of the Zimbabwe Seed Trade Association.

58. 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.

59. 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.

60. In August, the Office of the Union corresponded with the Government of Mexico concerning a national seminar in Mexico on the subject of plant variety protection that was eventually held on September 10 and 11.

61. On September 15 and 16, the Vice Secretary-General participated in Noordwijk (Netherlands) in the Congress of the International Association of Horticultural Producers and addressed the Association's Committee for Novelty Protection.

62. 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).

63. 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 (Republic of Korea).

64. 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, Prof. Volodymyr Gryniiov, 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, 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.

65. During October, the Office of the Union had regular contacts with the authorities of Austria and Finland on the subject of their requests for the advice of the Council on the conformity of their legislation with the UPOV Convention.

66. On October 16, the Vice Secretary-General participated, in Santiago de Chile, in the closing ceremony of an Information Seminar on Plant Variety Protection held on October 15 and 16 by the Agriculture and Animal Husbandry Service of the Ministry of Agriculture of Chile, with the support of the Ministry of Foreign Affairs and of UPOV. He subsequently met Mr. Leopoldo Sánchez, National Director of the Agriculture and Animal Husbandry Service, Mr. Orlando Morales Valencia, Director of the Protection Division, and Mrs. Rosa Messina Cruz, Director of the Seed Service and the Variety Property Register, with whom he discussed matters relating to possible accession to the Convention. He further met Mr. Eduardo Carillo Tomic, Legal Adviser to the Ministry of Agriculture, and other persons who had contributed to the drafting of a Bill revising the plant variety protection Law.

67. On October 19 and 20, the Vice Secretary-General participated in Santa Cruz (Bolivia) in the 14th Panamerican Seed Seminar as a special guest and as an expert in a round table on plant variety protection. He also delivered a lecture.

68. On October 22 and 23, the Vice Secretary-General participated in Lima (Peru) in the second session of the Committee of Experts on Plant Variety Protection set up by the Council of the Cartagena Agreement. The session examined the draft agreement drawn up by the Council on the basis of a text previously proposed by the Office of the Union.

69. On October 29, on the occasion of the Council session, the Vice Secretary-General received from Mr. Nordahl Roaldsoy, Adviser to the Ministry of Agriculture of Norway, the most recent draft of that country's law on plant variety protection for comment; the draft was to be submitted to Parliament in December.

70. On October 30, the Vice Secretary-General received a visit from Mr. Felipe Orózco Meza, Director of the National Seed Inspection and Certification Service of Mexico, who communicated to him a draft law on plant variety protection.

71. During November, in part as a result of the interest shown during the Council session, the Office of the Union sent information on plant variety protection and on UPOV to the authorities or to persons in the following States: Belarus, Côte d'Ivoire, Croatia, Estonia, Iran (Islamic Republic of), Latvia, Lithuania, Senegal. It also had contacts with the authorities of Austria with regard to that country's draft law on plant variety protection, particularly with regard to the formulation of the "farmer's privilege."

72. On November 10, the Office of the Union received the visit of Mrs. Debbie Hamrick, Geneva, Illinois (United States of America), publisher and editor of "FloraCulture International," a journal with an international readership of 10,500 subscribers.

73. On November 11, the Vice Secretary-General participated in Algiers (Algeria) in an introductory course on seed production organized by the International Center for Advanced Mediterranean Agricultural Studies, at which he delivered a lecture.

74. On November 13, the Vice Secretary-General received a visit from Mrs. Ruth Masika, Registrar General, Ministry of Justice of Uganda, and provided her with information on plant variety protection.

75. From November 21 to 23, the Vice Secretary-General and an official of the Union visited Beijing (China) following the Regional Seminar held in Suseong (Republic of Korea). The Vice Secretary-General had talks with Mr. Song Zehou, Director-General, Department of Rural Science and Technology, State Committee for Science and Technology, and Director of the Spark Program Office (a general program of technology transfer appropriate to rural communities), Mr. Shen Maoxiang, Head of Division in the above-mentioned Department and Standing Director of the Chinese Floriculture Association, and Mr. Wang Shaoqi, Director-General, International Cooperation Department of the State Committee for Science and Technology. Agreements of principle were reached on cooperation in the establishment of official translations of the 1978 and 1991 Acts of the Convention into Chinese and on cooperation with the Chinese authorities in organizing a regional seminar in 1993. The Vice Secretary-General also gave a lecture at a seminar organized by the Library of the Chinese Academy of Agriculture.

76. On November 26 and 27, an official of the Office of the Union participated in Battipaglia (Italy) in a meeting of the Committee of Experts of the European Community on Vegetable Trials (broccoli).

77. At the beginning of December, the Office of the Union participated in organizing a study trip for Mr. Lee Ki Sik, Deputy Director of the Agricultural Production Department of the Ministry of Agriculture, Forestry and Fisheries of the Republic of Korea, and Mr. Lee Seong Hee, Principal Researcher in the Rural Development Administration of that country. In relation to that trip, the Vice Secretary-General visited the Plant Variety Protection Office of Switzerland in Berne.

78. On December 14, the Vice Secretary-General communicated to Mr. Eduardo Carillo Tomic, Legal Adviser to the Ministry of Agriculture of Chile, comments on the draft law revising the plant variety protection law of that country.

79. On December 17, the Vice Secretary-General communicated to Mr. Cyrus G. Ndiritu, Director of the Kenya Agricultural Research Institute, comments on the draft regulations under the Seeds and Plant Varieties Act 1972 of Kenya.

## V. PUBLICATIONS

80. In 1992, the Office of the 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, French and German;

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

(iv) the report on the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention which took place at Tsukuba (Japan) from November 12 to 15, 1991;

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

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

81. The Council is invited to approve this report.

[Annex follows]

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## ANNEX

## MEMBERSHIP OF THE UNION (as at December 31, 1992)

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 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -
Czechoslovakia	- - - -	- - 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 Act of 1961 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, 1992)

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 February 21, 1992	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	-	-
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 December 19, 1991	November 3, 1980 -	November 8, 1981 -
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	-	-

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MEMBERSHIP OF THE UNION (as at December 31, 1992)

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	-	-

[End of document]