



C/30/15.

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirtieth Ordinary Session
Geneva, October 23, 1996

RECORD OF THE DECISIONS ADOPTED IN THE SESSION

adopted by the Council

Introduction

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirtieth ordinary session in Geneva on October 23, 1996, under the chairmanship of Mr. Bill Whitmore (New Zealand).
2. The Council took the decisions recorded below, under each relevant agenda item.
3. The draft report on the session will be submitted to the next session of the Council for adoption.

Adoption of the Report on the Twenty-Ninth Ordinary Session

4. The Council adopted the report as given in document C/29/15 Prov.

Examination of the Conformity of the Laws of Any State Having Submitted a Request Under Article 32(3) of the 1978 Act or Article 34(3) of the 1991 Act of the UPOV Convention

Bulgaria

5. The Council noted that the Law of Bulgaria essentially conformed to the 1991 Act and that the request for advice related to both the 1978 Act and the 1991 Act, because Bulgaria wished to become a member of UPOV as soon as possible.

6. The Council decided:

(a) to take a positive decision on the conformity of the Law on the Protection of New Plant Varieties and Animal Breeds of Bulgaria with the provisions of the 1978 Act, in accordance with Article 32(3) of that Act, and with the provisions of the 1991 Act, in accordance with Article 34(3) of that Act;

(b) to authorize the Secretary-General to inform the Government of Bulgaria of that decision.

Kenya

7. The Council, on the basis of the general conclusion drawn by the Office of the Union in paragraph 30 of document C/30/13 and the declaration by the Delegation of Kenya that it had taken due note of the said conclusions, decided:

(a) to advise the Government of Kenya that the Seeds and Plant Varieties Act, 1972, and the Seeds and Plant Varieties (Plant Breeder's Rights) Regulations, 1994, would conform with the 1978 Act of the Convention once the amendments set out in paragraph 30(a) of document C/30/13 were made;

(b) to further advise the Government of Kenya that upon introduction of the said amendments, it may deposit an instrument of accession to the 1978 Act;

(c) to authorize the Secretary-General to inform the Government of Kenya of the above decision and advice.

Panama

8. The Council, on the basis of the general conclusion drawn by the Office of the Union in paragraph 36 of document C/30/14, decided:

(a) to take a positive decision on the conformity of the Bill of Panama on the Norms for the Protection of New Plant Varieties in the Republic of Panama with the provisions of the 1978 Act of the Convention;

(b) to advise the Government of Panama that after the enactment into law of the Bill, without substantial changes, it may deposit an instrument of accession to the 1978 Act (provided that the Act remained open to accession at the date of the proposed deposit);

(c) to authorize the Secretary-General to inform the Government of Panama of the above decision and advice.

Trinidad and Tobago (and Possibly Other States)

9. The Council was informed that the Office of the Union had received during the night a request for advice from Trinidad and Tobago on the conformity of a Bill entitled “An Act to Provide for the Protection of New Varieties of Plants” with the 1978 Act of the Convention. It decided that that request—and similar requests that may be received in the forthcoming months—should be examined by correspondence, with the agreement of any member State with the conclusions drawn by the Office of the Union being assumed in the absence of a reply from that member State within the specified deadline. Where a member State submitted comments, the matter would be submitted to the President for a decision.

Report by the President on the Work of the Fifty-First and Fifty-Second Sessions of the Consultative Committee; Adoption of Recommendations, if Any, Prepared by that Committee

10. The Council endorsed the position, elaborated by the Administrative and Legal Committee and approved by the Consultative Committee, on the proposed inclusion of the UPOV Convention as a source treaty into the sphere of application of the draft (WIPO) Treaty on the Settlement of Intellectual Property Disputes Between States. The position is the following: “While taking no position on the desirability of a WIPO treaty on the settlement of intellectual property disputes between States, UPOV has no objection to being included in a treaty on that subject if that treaty were concluded to the satisfaction of UPOV members.”

11. The Council requested the Office of the Union to convey that position to WIPO.

Report by the Secretary-General on the Activities of the Union in 1995; Supplementary Report on Activities During the First Nine Months of 1996

12. The Council approved the report by the Secretary-General on the activities of the Union in 1995, given in document C/30/2, and noted the report on activities during the first nine months of 1996, given in document C/30/3.

13. The Council expressed appreciation to the Office of the Union for the work carried out, and also to WIPO for the assistance provided.

Report by the Secretary-General on his Management During the 1994-95 Biennium and on the Financial Situation of the Union at December 31, 1995

14. The Council unanimously approved the report by the Secretary-General on his management during the 1994-95 biennium and on the financial situation of the Union at December 31, 1995, as contained in document C/30/4.

Report on the Auditing of the Accounts of the 1994-95 Biennium

15. The Council noted the report of the auditors on the accounts of UPOV for the 1994-95 biennium contained in document C/30/4, Annex B, and expressed its gratitude to the Government of Switzerland for its cooperation in this matter.

Progress of the Work of the Administrative and Legal Committee

16. The Council noted the work of the Administrative and Legal Committee as described in document C/30/9.

Progress of the Work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

17. The Council noted the work of the Technical Committee and the Technical Working Parties as given in document C/30/10 and its addendum and approved the programs of work for the forthcoming sessions, following a discussion that will be recorded in the detailed report and in which the Delegations of Denmark, France, Germany and Spain intervened.

Calendar of Meetings in 1997

18. The Council established the calendar of meetings in 1997 as reproduced in the Annex to this document.

Election of the New Chairmen of the Technical Working Parties

19. The Council elected, in each case for a term of three years ending with the thirty-third ordinary session of the Council, in 1999:

(a) Mr. Aubrey Bould (United Kingdom) Chairman of the Technical Working Party for Agricultural Crops;

(b) Mr. John Law (United Kingdom) Chairman of the Technical Working Party on Automation and Computer Programs;

(c) Mr. Chris Barnaby (New Zealand) Chairman of the Technical Working Party for Fruit Crops;

(d) Mr. Joost Barendrecht (Netherlands) Chairman of the Technical Working Party for Ornamental Plants and Forest Trees;

(e) Mr. Baruch Bar-Tel (Israel) Chairman of the Technical Working Party for Vegetables.

20. The Council decided to extend the chairmanship of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular, of Mr. Joël Guiard (France) for another year.

21. The Council expressed its appreciation to the outgoing chairmen—Mrs. Elise Buitendag (South Africa), Mr. Huib Ghijsen (Netherlands), Mr. Sylvain Grégoire (France), Mrs. Elisabeth Kristóf (Hungary) and Mrs. Ulrike Löscher (Germany)—for the work carried out during their term.

Situation in the Legislative, Administrative and Technical Fields

22. No decision was called for under this agenda item.

23. The Council unanimously adopted this record at the close of its session.

[Annex follows]

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ANNEX

DATES OF MEETINGS IN 1997

presented in the order of the organs

Council

October 29

Consultative Committee

April 29 and 30

October 28

Administrative and Legal Committee

October 27

Technical Committee

No meeting in 1997

Technical Working Party for Agricultural Crops

November 10 to 14, Montevideo, Uruguay

Technical Working Party on Automation and Computer Programs

June 3 to 5, Budapest, Hungary

Technical Working Party for Fruit Crops

September 8 to 12, Wageningen, Netherlands

Technical Working Party for Ornamental Plants and Forest Trees

September 1 to 5, Denmark (location still to be finalized)

Technical Working Party for Vegetables

November 24 to 28, Valencia, Spain

Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

March 11 to 13, Cambridge, United Kingdom

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