



C/31/16

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-First Ordinary Session
Geneva, October 29, 1997

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 thirty-first ordinary session in Geneva on October 29, 1997, 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 Thirtieth Ordinary Session

4. The Council adopted the report as given in document C/30/17 Prov.

Appointment of the New Secretary-General

5. The Council:

(a) unanimously decided to appoint Dr. Kamil Idris as Secretary-General of UPOV, effective December 1, 1997,

(b) noted with appreciation that the new Secretary-General did not wish to receive an indemnity from UPOV, and

(c) decided that the program and budget for the 1998-99 biennium should be so amended that the resulting saving be used for financing activities of interest particularly to developing countries.

6. The Council paid tribute to the contribution of Dr. Arpad Bogsch to the installation, working and development of the Union over the last twenty-four years.

7. The acceptance speech of Dr. Kamil Idris is attached as Annex I to this document. The speech of Dr. Arpad Bogsch is attached as Annex II to this document. The declarations made by participants at the session will be reproduced in the report of the session.

Report by the President on the Work of the Fifty-Third and Fifty-Fourth Sessions of the Consultative Committee; Adoption of Recommendations, if Any, Prepared by That Committee

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

Report by the Secretary-General on the Activities of the Union in 1996; Supplementary Report on Activities During the First Nine Months of 1997

9. The Council approved the report by the Secretary-General on the activities of the Union in 1996, given in document C/31/2, and noted the report on activities during the first nine months of 1997, given in document C/31/3.

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

Progress of the Work of the Administrative and Legal Committee

11. The Council noted the work of the Administrative and Legal Committee as described in document C/31/9, and also the supplementary report given orally by the Chairman of the Committee, and approved the program of work for the forthcoming sessions.

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

12. The Council noted the work of the Technical Committee and the Technical Working Parties as given in document C/31/10 and approved the programs of work for the forthcoming sessions.

Examination and Approval of the Draft Program and Budget of the Union for the 1998-99 Biennium

13. The Council adopted the program and budget, and the scale of contributions of member States as proposed in document C/31/4, subject to the decision recorded in paragraph 5(c), above.

14. The contributions payable in January 1998 and in January 1999 by member States are set out in Annex III to this document.

15. The Council also decided that the contribution unit should remain at 53,641 Swiss francs for the years 1998 and 1999 even if additional contributions were received.

Examination and Approval of the Plan for the Medium-Term from 2000 to 2003

16. The Council took note, with satisfaction, of the plan for the medium-term from 2000 to 2003 set out in document C/31/11.

Designation of Auditor

17. The Council renewed the designation of Switzerland as auditor of the accounts of UPOV for the years 1998 and 1999, and thanked the Swiss authorities for their contribution to the working of the Union.

Calendar of Meetings in 1998

18. The Council established the calendar of meetings in 1998 as reproduced in Annex IV to this document. It also decided that a symposium should be held in 1998, at the earliest possible date compatible with a good preparation thereof, on the merits of the UPOV technical criteria for protection as the basis for an effective *sui generis* system of protection, and also for the development of agriculture.

Election of the New President and the New Vice-President of the Council

19. The Council elected, in each case for a term of three years ending with the thirty-fourth ordinary session of the Council, in 2000:

- (a) Mr. Ryusuke Yoshimura (Japan) President of the Council, and
- (b) Mr. Karl Olov Öster (Sweden) Vice-President of the Council.

20. The Council expressed its appreciation to the outgoing President, Mr. Bill Whitmore, for the work carried out during his term.

Election of the New Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

21. 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.

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.

[Four Annexes follow]

C/31/16

ANNEX I

ACCEPTANCE SPEECH OF THE NEW SECRETARY-GENERAL
OF THE INTERNATIONAL UNION FOR THE PROTECTION
OF NEW VARIETIES OF PLANTS (UPOV),
DR. KAMIL IDRIS

Geneva, October 29, 1997

Mr. President,
Distinguished Delegates,

May I first pay respect, Mr. President, to the excellent manner in which you have presided over the Council and the Consultative Committee of UPOV during the last three years.

I am greatly honored by your decision here today to appoint me as Secretary-General of the International Union for the Protection of New Varieties of Plants, which we all know by the familiar acronym UPOV. I pledge to honor, with all loyalty, discretion and conscience the trust placed in me.

I should like to pay tribute to the energy, foresight and vision of Dr. Arpad Bogsch who has played a unique and constructive role in the development of UPOV. He was on hand and influential when the UPOV Convention first came into force and under his wise counsels a completely new concept at the international level, the protection of new plant varieties, has become a dynamic form of intellectual property protection.

In approaching my duties as Secretary-General of UPOV, I will ensure that the principles of transparency, accountability, effective collaboration and a mutually responsive relationship between member States, market-sector interests and the Secretariat will guide the Office of UPOV in the years ahead. I have been particularly gratified to see the open and cooperative relationship between UPOV and the industry sectors interested in plant development and improvement.

Plants are, to a large extent, the basis for virtually the whole of the nutrition of animals and men. Plants are also a major source of materials for shelter, clothing, fuel and medicines and, in the case of ornamentals, are the source of aesthetic pleasure and responsible for the enhancement of our environment and consequently of our planet.

The greatest challenge facing mankind is, and will continue to be, achieving food security in a sustainable manner. How can the population of the world be fed whilst using technology that does not damage the fertility of the world's soils, thus threatening the long-term survival of mankind. The encouragement of plant improvement is the essential purpose of UPOV, and securing production increases through genetic improvement without recourse to excessive use of artificial fertilizers or chemicals is at the heart of all answers to this challenge.

The conservation of and access to genetic diversity and the deployment of biotechnology are major global issues with crucial implications for effective plant breeding. However, the relationship of intellectual property to genetic resources and biotechnology has become an acutely political question and has generated widespread misunderstanding and confusion. “Farmer’s right,” “access,” “equitable sharing of benefits”—these have become slogans frequently reiterated without an in-depth assessment of their practical significance. To the extent that the resulting confusion tends to obstruct or delay the implementation of measures which have the potential to contribute to food security, it is especially unfortunate. These are all issues on which UPOV has an important voice and must make itself heard.

Amidst the controversy, UPOV concentrates upon its essential task which is to explain the objectives and workings of the UPOV Convention and to demonstrate how it has contributed, and can contribute in the future, to the development of agriculture. The recent increase in the number of UPOV member States has been impressive, while the list of States which have introduced laws conforming to the UPOV Convention and which have commenced the process leading to accession to the Convention includes some of the world’s most populous and agriculturally productive States. These States have recognized that the encouragement of private sector involvement in their seed and plant breeding industries is essential to the future development of their agriculture and thus to their economies.

These States will be joined in 1998 and 1999 by additional States which realize that they must provide plant variety protection in one form or another by the year 2000, in order to meet their obligations under the TRIPS Agreement. It is indispensable that UPOV provide information, guidance and assistance to all countries expressing interest in plant variety protection, and I am particularly concerned to examine how the resources available to UPOV for this vital task can be increased or optimized in the immediate future so as to ensure that all States are able to benefit from effective systems of plant variety protection. This is a critical challenge. Critical because it gives UPOV a more global reach, making it more attractive and of greater benefit, in particular to developing countries and countries in transition.

Mr. President,
Distinguished Delegates,

The Office of UPOV has a modest secretariat of dedicated staff carrying the responsibility for the future development of UPOV. The Union is fortunate that the staffing of the Office has been stable. The members of its staff are very experienced and set high standards. I should like to use this occasion to publicly pay tribute to that staff. I am confident that they are well-equipped to handle, together with the member States, the policy development of the Union.

Mr. President,
Distinguished Delegates,

I believe that the member States of UPOV, though having in many cases agricultural industries which are distinct, are both uniform and consistent in their approach to UPOV. All appreciate the primordial importance of plant breeding and the seed and plant industries to their economies, all appreciate the necessity to secure the balanced participation of both public

and private sectors in the field of plant improvement and all appreciate the transnational nature of plant improvement research and the need for close international cooperation. UPOV has a prominent place among international organizations and has a demanding mandate.

In accepting the appointment as Secretary-General of UPOV I measure with humility the responsibility that is before me and that is before all of us, but guided by confidence in the nobility of our goals, in the inspiration of our common spirit and in the determination of our common effort. Alone, I can do little. Together we can advance the mission of UPOV into the 21st century for the benefit of all mankind.

[Annex II follows]

C/31/16

ANNEX II

SPEECH OF DR. ARPAD BOGSCH

Geneva, October 29, 1997

I wish to congratulate Dr. Kamil Idris the new Secretary-General of UPOV.

I do so both in the name of the staff of UPOV and in my own.

Your appointment, dear Kamil, was the result of the unanimous decision of all member States. So you can take over this important post with the assurance that you have the confidence of all the governments.

You are a lawyer and a specialist of international law and intellectual property law. You are an excellent organizer and leader. These are facts that you have demonstrated during the many years you served WIPO, the most recently during the years you were Deputy Director General of WIPO. And there is new evidence of these qualities in the way you started to direct WIPO. Because, honorable delegates, I inform you that even though my retirement has not yet taken place, I have *de facto* placed all the staff of WIPO under the direct orders of Dr. Idris from the moment WIPO has elected him. I am doing the same with the staff of the Office of UPOV as of today, the day on which Dr. Idris was appointed Secretary-General.

May I also, dear Kamil Idris, say here publicly—at the risk of hurting your well known modesty—that I and all the staff admire you not only for your professional but also for your human qualities: your brilliant intelligence, your uncompromising integrity, your kindness, your patience and your treating persons with the same courtesy whatever their professional rank.

We also know that you are an exemplary, loving husband of your wife, Mrs. Azza Idris, and an exemplary and loving father of your four young children, Mohamed, Dinas, Dalia and Dahd.

Mrs. Idris, our warmest congratulations go also to you. Your personality, your happy marriage, the patience with which you accept that your husband spends so much time in the office and official travel are and will be indispensable to give him the family life whose happiness makes the performance of official duties so much more easy and successful.

For all these reasons, there is not the slightest doubt, I should rather say, there is absolute certainty, that under your leadership, Dr. Kamil Idris, UPOV will further flourish and grow. It will do so to the full satisfaction of the member States of UPOV and of the staff of UPOV.

I wish you much success and full satisfaction.

Insh Allah

[Annex III follows]

ANNEX III

CONTRIBUTIONS OF MEMBER STATES
(expressed in Swiss francs)

1996 <u>Actual</u>	1997 <u>Actual</u>	<u>Member States</u>	Number of Units	<u>1998-99 Budget</u>	
				Payable in January 1998	Payable in January 1999
10,728	10,728	Argentina*	0.5	26,820	26,820
53,641	53,641	Australia	1.0	53,641	53,641
80,462	80,462	Austria	1.5	80,462	80,462
80,462	80,462	Belgium	1.5	80,462	80,462
53,641	53,641	Canada	1.0	53,641	53,641
-	10,728	Chile	0.2	10,728	10,728
-	10,728	Colombia	0.2	10,728	10,728
26,820	26,820	Czech Republic	0.5	26,820	26,820
80,462	80,462	Denmark	1.5	80,462	80,462
-	-	Ecuador	0.2	10,728	10,728
53,641	53,641	Finland	1.0	53,641	53,641
268,205	268,205	France	5.0	268,205	268,205
268,205	268,205	Germany	5.0	268,205	268,205
26,820	26,820	Hungary	0.5	26,820	26,820
53,641	53,641	Ireland	1.0	53,641	53,641
26,820	26,820	Israel	0.5	26,820	26,820
107,282	107,282	Italy	2.0	107,282	107,282
268,205	268,205	Japan	5.0	268,205	268,205
-	-	Mexico	0.75	40,231	40,231
160,923	160,923	Netherlands	3.0	160,923	160,923
53,641	53,641	New Zealand	1.0	53,641	53,641
53,641	53,641	Norway	1.0	53,641	53,641
-	-	Paraguay	0.2	10,728	10,728
26,820	26,820	Poland	0.5	26,820	26,820
26,820	26,820	Portugal	0.5	26,820	26,820
26,820	26,820	Slovakia	0.5	26,820	26,820
53,641	53,641	South Africa	1.0	53,641	53,641
80,462	80,462	Spain	1.5	80,462	80,462
80,462	80,462	Sweden	1.5	80,462	80,462
80,462	80,462	Switzerland	1.5	80,462	80,462
26,820	26,820	Ukraine	0.5	26,820	26,820
268,205	268,205	United Kingdom	5.0	268,205	268,205
268,205	268,205	United States of America	5.0	268,205	268,205
<u>10,728</u>	<u>10,728</u>	Uruguay	<u>0.2</u>	<u>10,728</u>	<u>10,728</u>
2,676,685	2,698,141		51.75	2,775,920	2,775,920

* Increase of contribution units from 0.2 to 0.5, effective January 1, 1998.

[Annex IV follows]

ANNEX III

DATES OF MEETINGS IN 1998
presented in the order of the organs

Council

October 28

Consultative Committee

April 24
October 27

Administrative and Legal Committee

April 23
October 26

Technical Committee

April 20 to 22

Technical Working Party for Agricultural Crops

To be decided at the session to be held from November 10 to 14, 1997, in Montevideo, Uruguay

Technical Working Party on Automation and Computer Programs

June 16 to 19, Merelbeke (or Melle), Belgium

Technical Working Party for Fruit Crops

November 9 to 14, Coolangatta, Queensland, Australia

Technical Working Party for Ornamental Plants and Forest Trees

November 16 to 21, Christchurch, New Zealand

Technical Working Party for Vegetables

To be decided at the session to be held from November 24 to 28, 1997, in Valencia, Spain

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

September 22 to 24, Beltsville, Maryland, United States of America