



C/31/17

ORIGINAL: Quadrilingual

DATE: October 28, 1998

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-First Ordinary Session
Geneva, October 29, 1997

REPORT

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 list of participants is given in Annex I to this report.
3. Paragraphs 8, 10, 43 to 45, 47 and 49 to 57 are taken over from the record of the decisions which the Council adopted at the close of its session (document C/31/16).

Opening of the Session

4. The session was opened by the President, who welcomed the participants. He extended a particular welcome to the Delegations of Ecuador and Mexico, two States that had become members of UPOV since the last session of the Council.
5. The Delegation of Ecuador made the following statement:

“The Delegation of Ecuador expresses thanks in the name of its country for the kind words of welcome; it is an honor for Ecuador to take part for the first time in this important meeting as a result of its having acceded to full membership of UPOV on August 9, 1997.

“The process of Ecuador’s accession to UPOV was helped by the invaluable assistance of the member States, the Office of the Union and a number of officials who lent assistance to the national authorities for the achievement of this goal.

“In addition to the relevant Ecuadorian legislation, the legal reference in Ecuador for the protection of new plant varieties is provided by Decision No. 345 of the Council of the Cartagena Agreement of October 21, 1993, which establishes a common regime on the subject for the whole Subregion.

“While Ecuador’s accession to UPOV is governed by the 1978 Act, our country will remain mindful of the provisions of the 1991 Act, because, as the UPOV Council has stated, our national legislation also conforms to the latter Act.

“As far as Ecuador is concerned, international cooperation and technology transfer will be of paramount importance to the concerted efforts by means on which aspirations may be recognized and plant breeders protected. This support from the international community will in due course make for the opening of new horizons to research in this area and make for the development of healthy and competitive agriculture and biological diversity in an increasingly interdependent world.

“Ecuador will work with the member States of UPOV and the Office of the Union to devise the best means of creating the most appropriate system for the protection of the intellectual property rights in the field of plant varieties.”

6. The President paid tribute to Mr. Flemming Espenhain, former delegate to UPOV meetings and former Chairman of the Administrative and Legal Committee, and to Prof. Georg H.C. Bodenhausen, former Secretary-General of UPOV, who had passed away in recent months.

Adoption of the Agenda

7. The Council adopted the agenda as given in document C/31/1, subject to the deletion of item 5.

Adoption of the Report on the Thirtieth Ordinary Session

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

Appointment of the New Secretary-General

9. Discussions were based on document C/31/14 and its addendum, document C/31/15 and an oral report by the President on the work and the recommendations of the fifty-fourth session of the Consultative Committee.

10. 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.

11. Dr. Kamil Idris made the following statement:

“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. “Farmers’ rights,” “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.”

12. The President noted that whilst it was welcoming Dr. Kamil Idris to UPOV and looking forward to working with him, the Council was also saying farewell to Dr. Arpad Bogsch. He made the following statement:

“For the last 24 years, Dr. Bogsch has been Secretary-General of UPOV. Over these years, we have seen him preparing the budgets and managing the finances. He has offered advice and guidance to the Council and the Consultative Committee on matters of great importance. This has been done formally at meetings and behind the scenes. He has provided guidance as we have adopted a new technology for the development of a CD-ROM. Dr. Bogsch has offered advice and guidance at UPOV diplomatic conferences. He has brought to the role of Secretary-General great intelligence, insight and common sense. His mark upon the UPOV of today is very evident and we do thank him for his great contribution over the last 24 years.”

13. Dr. Arpad Bogsch made the following statement:

“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.”

14. The Delegation of the United States of America made the following statement:

“On behalf of the United States of America, I am pleased to congratulate you, Dr. Idris, on your appointment as the new Secretary-General of UPOV. This is a small organization, but has not only the singularly important responsibility of ensuring effective protection for plant varieties in the territories of its member States, but also as its crucial objective the facilitating of worldwide understanding of the importance of plant breeders’ rights. This is not just to the advantage of plant breeders, but also of vital importance to countries that benefit from the development of new plant varieties to feed and cloth their people.

“In many areas of the world, the subject of plant variety protection is, as you said, still approached with a sense of suspicion, despite the benefits that it could bring to those regions. And that is why your appointment as the new Secretary-General is not only timely but also fortuitous. We have come to a crossroad in the field of plant variety protection, and many countries that are members of the World Trade Organization (WTO) have yet to accept the notion that plant breeders’ rights are to their benefit and that the system created under UPOV is the road to take. It may well take somebody like you, Dr. Idris, somebody with your background and your stellar reputation of integrity and intelligence to convince the world of the benefits that a UPOV system can offer. We are ready to lend you all the support that we can muster in that endeavor and are looking forward to your tenure as Secretary-General with great hope and expectation.

“At the same time, I would like to convey our best wishes to the outgoing Secretary-General, the grand master of intellectual property, Dr. Bogsch. But for his immense intellectual capacity, his legendary vision and his singular determination that anything with which he was associated would be the best or would shortly become so, this organization may well still be in the backwater and not command the worldwide reputation that it presently enjoys.

“Dr. Bogsch, you have received so many accolades and tributes in other fora attesting to your unparalleled accomplishments throughout the years that they are too numerous to be recounted again. What I would like to add to them is only one thing: we will miss you. We will miss you in many ways: as the guiding light, the one who could

always be counted upon to have a solution when none was in sight; as the one who could achieve consensus where positions appeared to be hopelessly deadlocked. We will miss you as the bedrock of stability on whom one could count in times of organizational difficulty, and we will miss you simply as a friend. This place that you have created and this organization that you have headed will never be the same without you. Although we wish you all the best in anything you set your mind to, you will be missed. Thank you.”

15. The Delegation of Sweden made the following statement:

“On behalf of the Swedish Delegation, I would like to convey my warmest congratulations to you, Dr. Idris, on your appointment. I wish you all success in your important task as Secretary-General of UPOV. You just pointed out a number of important challenges for this organization, and Sweden looks forward to good cooperation.

“Having the floor, I should like to now turn to you, Dr. Bogsch. You have in an excellent way accomplished a tremendous task as Secretary-General of UPOV. On behalf of the Swedish Delegation, I convey my heartiest thanks to you. Personally, I like wise men; you certainly are a wise man, Dr. Bogsch. I wish you all the best for the future.”

16. The Delegation of Ecuador made the following statement:

“The Delegation of Ecuador is delighted with the appointment of Dr. Kamil Idris, a national of Sudan and a professional who has had a long and distinguished career in this establishment, to the post of Secretary-General of the International Union for the Protection of New Varieties of Plants.

“Mr. President, my country greatly appreciates the personal decision of Dr. Idris to contribute towards the financing of cooperation activities that are of particular interest to developing countries members of UPOV. The Delegation of Ecuador likewise welcomes the initiatives whereby WIPO and UPOV will find, within the limits of their individual programs and budgets, the best paths towards close cooperation, being as they are organizations with similar, non-exclusive aims. It would moreover be appropriate if UPOV were to find support for the extension of its management role, and succeed in efficiently disseminating and promoting the subject of new varieties of plants in developing countries.

“Ecuador repeats to Dr. Kamil Idris its wishes for success in the accomplishment of his role as Secretary-General of UPOV. To Dr. Arpad Bogsch Ecuador repeats its wishes of good luck in his future life. It was his intelligence, after all, that sowed the seed of UPOV.”

17. Mr. Henning Kunhardt, from the Delegation of Germany, made the following statement:

“The German Delegation would also like to congratulate Dr. Idris heartily on his election. But, permit me first to address again Dr. Bogsch before he leaves the room.

“Dr. Bogsch, for me personally your time in office comprises many personal memories, particularly since I have just realized that we have both spent practically the same time together in UPOV. In 1972, I began to be involved in UPOV and in 1973 you assumed office as Secretary-General. And when I look around, I must be the only person in this room that has a personal memory of that time. In the long years of your term of

office we have been able to follow the way in which, under your aegis, the issue of industrial property has grown from its small beginnings to its present importance in WIPO and UPOV. A few figures make that quite clear: the number of UPOV member States has been multiplied by seven, although the staff has only been multiplied by four; that is a sign of economic administration.

“The needs of the service have meant that you have helped the Organization to this edifice, that is not only an edifice but indeed a symbolic landmark.

“However, the continued development of the content of the intellectual property system was also important and this was highlighted by the various acts of the UPOV Convention. The revision conferences showed up in particular those characteristics that distinguish you: diplomatic skill, sharp perception, the ability to identify and solve problems, willpower and a wealth of ideas. These qualities became particularly obvious within the restricted circle of the Drafting Committee that put together the wording of the 1991 Act of the Convention under your Chairmanship.

“In your situation as Director General of WIPO and Secretary-General of UPOV you were able to give UPOV access to possibilities and resources that would have been out of our reach. You have earned worldwide respect and admiration for your activities. The esteem in which the German Government holds your achievements was expressed in the bestowal of a high German order. In actual fact, it was first laid at your feet since, as the Minister proceeded to hand the order to you, it fell to the ground. Dr. Böringer recovered it and it was then awarded to you in the proper way.

“The German delegates to this Council would also like to thank you in person for your most professional activities and the impressive collaboration even if, on occasion, we were required to represent other views and interests. To these thanks, we would like to join, as the German delegation and I, as a soon to retire delegate, our best personal wishes for your personal well-being in the numerous active years that lie before you.

“We are happy that this work will be continued by you Dr. Idris. We have seen that you will take up the task with energy and ideas and we look forward with great confidence to our cooperation with you. We would like to assure you for our part that we shall at all times collaborate constructively and in confidence with you. We wish you luck, success and satisfaction in your new office.”

18. The Delegation of the Sudan made the following statement:

“On behalf of the Delegation of the Sudan, I would like to express our appreciation for the valuable efforts exerted by Dr. Bogsch, on whom my Government was honored to bestow a medal a few years ago, and we extend our best wishes to you, Dr. Bogsch, and your family.

“I am also honored and pleased to congratulate Dr. Idris on his appointment as Secretary-General of UPOV. As a fellow countryman, colleague and friend, I have known Dr. Idris as a man of integrity, vision, devotion and high competence. I am confident that UPOV will tremendously benefit from his contributions. Dr. Idris is in no doubt the right man in the right place. I wish, on behalf of my colleague and myself, to say to you, Dr. Idris, that you have honored your country and that you have honored us all. We wish you the best of luck.

“My country pledges its full and continuous support to UPOV and its leadership and commends the important contribution it provides in the field of the protection of new varieties of plants. In Dr. Idris’ original home, in the North of Sudan, the civilization of Kerma flourished 2,000 years B.C., and we believe that the waterwheel was discovered, that varieties of plants were adopted and developed and that they are still cultivated there. With that cultural background, I am confident that Dr. Idris will carry on his people’s traditional and historical role of protecting new varieties to a global extent.”

19. The Delegate of Côte d’Ivoire made the following statement:

“To begin with, I would like to congratulate Dr. Kamil Idris, as everyone else has done, on his accession to this so honorable post of Secretary-General of UPOV. I would like, as an African, to express to him the pleasure and the pride that is ours to see him at the head of this structure.

“We are proud, but we also expect much of him; we also expect much of this structure since, as he mentioned in his speech of acceptance, Africa has an agricultural vocation and UPOV has the duty to cast its attention to this continent to enable it to develop and to draw the most from its plant varieties.

“I would like, on behalf of my country, to express our happiness and thank Dr. Kamil Idris for his enormous offer to waive his indemnities to permit the opening of a budget line devoted to a program for the developing countries; it is perhaps a modest gesture, but the funds made available will make those responsible and the authorities of UPOV all the more aware of the needs of the developing countries and of Africa in particular and their expectations with regard to cooperation and aid.

“I would also like to thank Dr. Arpad Bogsch and to pay tribute to him. Without a lot of fuss, Dr. Bogsch has done great things, both for UPOV and for WIPO. Those of my generation who have not known the beginnings of UPOV and WIPO can but admire the work accomplished. We wish to pay tribute to him, both as Ivorians and as Africans, and to tell him to enjoy his retirement and to enjoy, together with his family, everything that God may give to him.”

20. Mr. Alain Perrin, from the Delegation of France, made the following statement:

“To begin with, permit me on behalf of the French Delegation to congratulate the new Secretary-General of UPOV in the person of Dr. Kamil Idris. I am also happy, as is the French Delegation, to note that the new Secretary-General has from the very onset placed his term of office in a spirit of opening towards today’s issues for worldwide agriculture. Today, it is also the time to salute a great man, on behalf of the French Delegation; you will understand, Dr. Bogsch, since I am one of the youngest delegates in this room that at the time of so doing I am seized by great emotion, an emotion which springs from the great respect inspired by your career. Respect for the man, to begin with, who grew as he traversed the ordeals that history reserved for his country of origin. Today, there still remain in Europe deep marks left by that troubled period, but a new page is to be opened with the expansion of the Union. Respect again, and perhaps above all, for your professional career: almost 50 years spent in the service of intellectual property in its broadest sense.

“Having said that, today it is more particularly the man who has worked for the good of plant breeding and the performance of worldwide agriculture that we should salute. You are altogether aware, Dr. Bogsch, better than anyone else of the importance

that France attaches to the protection of plant varieties. The qualitative and quantitative improvement of agricultural produce and agri-foodstuffs that is necessary to ensure the supply and quality of food that necessitates support and recognition for the work of genetic improvement of plant material. The invitation made by France, some 40 years ago now, to the first session of the Diplomatic Conference that was to finalize the first Convention was based on the principle that the rights of breeders had to be recognized in the same way as those of literary or artistic creations.

“In 1961, five States signed the first Convention in Paris. Today, we may judge the scope of the work that has been accomplished, particularly on your initiative, Dr. Bogsch. You have created in all points the institutional links with our big sister, the World Intellectual Property Organization. You have enabled UPOV to achieve the rank of a great international organization. You have been capable of raising issues, and finding fundamental solutions, at Diplomatic Conferences. Dr. Bogsch, I have heard the praises heaped on your yesterday evening at the dinner given in your honor and I am incapable of adding anything whatsoever to what was said then and which was truly extraordinary.

“France has indeed recognized your merits by raising you firstly to the dignity of Officer of the Agricultural Merit, in 1986, and then to the rank of Officer of the Legion of Honor, in 1992, in recognition of your immense services to agriculture and to intellectual property. Dr. Bogsch, at this time of leaving UPOV, permit me to formulate, on behalf of the French Delegation, our best wishes for your prosperity in your new life.”

21. Mr. Ricardo Lopez de Haro, from the Delegation of Spain, made the following statement:

“First, I should like to speak in the name of the Spanish Delegation and congratulate Dr. Kamil Idris on his appointment on just such a day as today, for his arrival in this establishment coincides with my own leave-taking after many years of participation in WIPO. I therefore wish Dr. Idris every success in his future responsibilities.

“In the course of thirty years of more or less continuous involvement in UPOV activities, I have had occasion to appreciate the value of Dr. Bogsch’s work, the manner in which he has helped conduct meetings, the way in which he has on many occasions helped us out of delicate situations and, when all is said and done, his amazing ability to help all of us carry out our mission in the Council and in other UPOV meetings.

“I should like to pass on an anecdote that illustrates his way of conducting meetings. In the course of the 1991 Diplomatic Conference there was a proposal by the Spanish Delegation regarding the adoption of Spanish as an official language of UPOV; we had already made the proposal at the 1978 Diplomatic Conference, but to no avail. I believed that once again we would fail to achieve our end in 1991, so it was rather sadly that I made a proposal on those lines. It was entertained, however, and Dr. Bogsch turned to the assembled gathering and asked whether there were any votes in favor—there were, two or three—whether there were any votes against, and immediately afterwards whether there were any abstentions. There were no votes against, and such was the speed with which things happened that we did not realize that Spanish had been approved as an official language. Proof of that, and of Dr. Bogsch’s policy of efficiency, is that we are present today in a gathering 25 per cent of whose members are Spanish-speakers. I leave you with this anecdote, and end by repeating my congratulations for the

assistance that he gave us, and wish him success in his retirement and in the new activities that he is going to engage in.”

22. The Delegation of Switzerland made the following statement:

“On behalf of my country, Switzerland, I would associate myself with the wishes and congratulations have expressed to Dr. Kamil Idris on his appointment at the head of the Organization by the Delegations that have preceded me. We do so as a member State of UPOV, of course, but also as the host State for this Organization to which we attach great importance. We are convinced that Dr. Idris will be the man of the situation to meet the challenges that will face UPOV on the eve and the passage to the twenty-first century, particularly through, as he mentioned himself, the collaboration of experienced staff of high quality and that has already proved its remarkable commitment to the Organization.

“The Swiss Delegation would also like to pay a most particular tribute and thank Dr. Arpad Bogsch for his commitment, over more than two decades, as Secretary-General of UPOV. With his departure, one of the most robust pillars of Geneva’s international community will leave his functions, but we are absolutely convinced that he will remain active and will share his experience in the multilateral field with all those that surround him and who will remain in contact with him in the future.”

23. The Delegation of the United Kingdom made the following statement:

“As one of the founder members of UPOV, the Delegation of the United Kingdom would like to add its welcome to Dr. Idris to his new post. As he recognized in his address to us, UPOV and the Secretary-General will face many difficult challenges in the years ahead and we look forward to working with him to meet and overcome these challenges.

“The Delegation of the United Kingdom would also like to associate itself wholeheartedly with all the well-deserved praise that has been offered to Dr. Bogsch by many other delegates. Not much can be added to what has already been said, but we would like to thank him for his wise counsels over the 24 years of his tenure as Secretary-General, and to add our wishes to him and his wife for every success and happiness for the future.”

24. The Delegation of Japan made the following statement:

“Dr. Idris, my Delegation would like to express to you its sincere welcome to the UPOV. To Dr. Bogsch, I would like to express our sincere gratitude for his great contribution to the activities of UPOV. Your name will be remembered for ever as that of a highly competent Secretary-General of UPOV.”

25. The Delegation of Burkina Faso made the following statement:

“It is with great pleasure that Burkina Faso is attending for the first time as an observer a session of UPOV and we wish to thank the Office of UPOV for the honor that has been paid to our country.

“I take this auspicious occasion to address our most heartfelt congratulations to the new Secretary-General of UPOV, Dr. Kamil Idris, and also to wish the outgoing

Secretary-General, Dr. Arpad Bogsch, all our wishes for happiness, a long life and success in the rest of his career.

“Burkina Faso hopes that the activities of UPOV will have a significant impact on the increase in agricultural production in the Sahel countries, such as ours, which explains Burkina Faso’s interest in UPOV. It is indeed on account of that interest that our country has proposed to host in Ouagadougou, from December 17 to 19, 1997, a regional seminar on the nature of and rationale for the protection of plant varieties under the UPOV Convention. That seminar, organized by UPOV in collaboration with the Ministry of Foreign Affairs of Burkina Faso and with the financial support of the Ministry of Agriculture and Fisheries of France, is intended for the 15 member countries of the African Intellectual Property Organization. At this seminar, our country will seize the opportunity to better apprehend the major issues in the protection of the rights of creators of plant material.”

26. The Delegation of Uruguay made the following statement:

“The Uruguayan representation wishes to salute Dr. Kamil Idris in his new position as Secretary-General of UPOV, and express its great pleasure that he will be able to work with us on the development of the whole subject of plant breeders’ rights. Our country had the good fortune to be the first developing country to join UPOV.

“I should also like to salute Dr. Arpad Bogsch, to thank him for all the support that he gave us in the activities conducted prior to our accession to UPOV and to say to him, Dr. Bogsch, you are one of the few people with whom the possibility of acquaintance, the possibility of contact and the possibility of spending a bit of time together has been something very important which will remain with us personally and which we will always keep as our best memory. Dr. Bogsch, you have worked hard and you have worked well. I hope that from this time on you will enjoy your new life as we believe you have enjoyed it up to now with all the work that you have done at WIPO and UPOV.”

27. The Delegation of Ireland made the following statement:

“On behalf of Ireland, I would like to indicate that we would associate ourselves with all the kind words that have been expressed to Dr. Arpad Bogsch. If I may be permitted, I would like to say a few words in my own native tongue as well. *Tá brón mór orainn má bhfuil Dr. Bogsch ag imeacht. Slán leat. Beannacht agus Dé leat. Dr. Idris, tá siúl againn go mbeidh mórán obair a dheanamh agat. Go n’éirí an bothar leat.*

“I will, for the benefit of the translators, translate : We are very sorry that it is time for Dr. Bogsch to go. We are saying goodbye to you. It is a blessing, may the blessings of all of us go with you. To Dr. Idris: we know that there is a lot of work for you to undertake. May things go well for you.”

28. The Delegation of Argentina made the following statement:

“First, the Argentine Delegation wishes to address thanks and wish every success to the great master Dr. Bogsch. Secondly, it wishes to give its support to Dr. Idris in the administrative role that he has recently taken over and thank him for his declared decision to dispense with his remuneration and rather surrender it to the development of a comprehensive protection system for plant varieties in those countries that need it. Without any doubt the systems for the protection of plant varieties within the UPOV

framework are efficient protection systems; without any doubt either, those systems will enable all countries to ensure that the world is fed, as you yourself said, Dr. Idris. Once again, we give our support to you, Dr. Idris, and also to your view that many countries on other continents as well as Latin America need to implement this UPOV protection system, which without any doubt is an efficient system.”

29. The President noted that, because of the limitations of time, it might not be possible for all who wished to speak to do so. He then recognized the Delegation of Mexico.

30. The Delegation of Mexico made the following statement:

“The Mexican Delegation wishes to extend congratulations to Dr. Kamil Idris. His unanimous election by acclamation as Director General of WIPO is an important sign of the strength with which Dr. Idris will be embarking on his responsibilities also at the head of UPOV. My Delegation greatly appreciates Dr. Idris’s decision to donate his salary to support for developing countries. In our opinion, this token of commitment and generosity should be responded to with an equivalent effort on the part of members of the Union. We fully agree with the perspectives drawn by Dr. Idris in his acceptance address, and we feel inspired by his vision and clear-sightedness. We know about the great task that has to be undertaken if UPOV is to remain at the forefront of plant breeders’ rights protection in the new international environment. Dr. Idris may be sure that he can rely on our resolute support. We wish him every success at the head of this Organization.

“We acknowledge the contribution made by Dr. Bogsch over the past years and we wish him the best for the future. We know that he leaves us in the best hands.”

31. Mr. Ernő Szarka, from the Delegation of Hungary, made the following statement:

“On behalf of the Hungarian Delegation, I should like to congratulate Dr. Kamil Idris on his appointment as the new Secretary-General. When he was appointed as Director General by the Governing Bodies of WIPO in September, I was convinced it was a very good decision. My opinion is the same today. I am absolutely sure he will be able to continue and develop further the work initiated by Dr. Arpad Bogsch.

“Some words about Dr. Arpad Bogsch. Ten years ago, when I started as a Delegate in UPOV meetings, all the Hungarians were very proud of him as a Hungarian-born leader of the big organization WIPO. He developed this organization from a small organization to a big one. He had energy enough to also develop the smaller sister, UPOV, in parallel with WIPO. All the Hungarians are very proud of Dr. Arpad Bogsch as the Secretary-General of UPOV now too.

“Finally, Dr. Kamil Idris, I should like to wish you success in the work of UPOV and in all other fields of your work. Dr. Arpad Bogsch, I would like to wish you a happy long life, in Hungarian: *Kívánok hosszú, boldog életet!*”

32. Mrs. Constanta Moraru, from the Delegation of Romania, made the following statement:

“The Delegation of Romania welcomes the appointment of Dr. Kamil Idris as Secretary-General of UPOV and wishes him every success and satisfaction in the accomplishment of the difficult tasks involved in his new office. At the same time, it is with great emotion that it congratulates Dr. Arpad Bogsch on the exceptional activities he has deployed both within WIPO and within UPOV. I wish to express most sincerely,

both in my own name and on behalf of my Delegation, every happiness to you Dr. Bogsch for the future.”

33. Mr. Gerard van der Lely, from the Delegation of the Netherlands, made the following statement:

“In the first place, on behalf of the Dutch Delegation, I would like to congratulate Dr. Kamil Idris on his appointment. If you are looking to the figures, you will understand that plant variety protection is a very important subject for the Netherlands. We are sure that you are the right man in the right place for the period ahead, for the further development of this important organization.

“Many nice and friendly words have been addressed to Dr. Bogsch. I think that for me, a recently appointed head of delegation, it is impossible to do it better than all the colleagues who have a lot of experience with you, Dr. Bogsch. I will therefore underline, on behalf of the Dutch Delegation, all these nice words, and we wish you all the best for the future and the rest of your life.”

34. The Delegation of Colombia made the following statement:

“In the name of Colombia, my sole wish is to give an emphatic accolade to the masterly Bogsch and the most cordial of welcomes to Dr. Idris.”

35. The President stated that, to allow time for Dr. Bogsch to respond before he departed, he would give the floor to Panama and to CIOPORA. He was sure that other countries would also pay tribute but, unfortunately, time would not permit.

36. The Delegation of Panama made the following statement:

“Like the colleagues who have spoken before us, we wish to express pleasure on the election of Dr. Idris as Secretary-General of UPOV. For our country, which will soon be depositing its instrument of accession, this is a guarantee of being able to rely on his guidance and commitment, which has not only been expressed on various occasions but has also been repeated this morning, in such an impressive gesture of support to development cooperation. Dr. Idris, please be assured of all our cooperation in your new assignments.

“As for you, Dr. Bogsch, we wish to thank you and wish you and your family all the best in your activities which, we are sure, will continue to be associated with intellectual property.”

37. Mr. René Royon, from CIOPORA, made the following statement:

“On behalf of CIOPORA and all breeders of ornamental and fruit-tree varieties which CIOPORA represents, I would like to associate myself to the congratulations expressed to Dr. Kamil Idris and to wish him the best in his new responsibilities. We can only welcome the appointment of someone who combines high qualifications with a good knowledge of the Third World at a time when close to 80% of the production from plants bred by our members is shifting from European countries to developing countries in Africa, Latin America and elsewhere.

“As to Dr. Arpad Bogsch, we would like to express our deepest gratitude for all what he contributed to this Organization. As someone who has had the privilege of participating in practically all the diplomatic conferences of UPOV since 1961, I could especially witness the foresight of Dr. Bogsch in all these meetings. He did not say much, but what he said was always to the point and at the right time. Enough having been said on his accomplishments and qualities, I would not add anything but wish him a good retirement and suggest that gardening with flowers from breeders is also a very good occupation.”

38. The President then gave the floor to Dr. Bogsch, noting that, if time had permitted, there would have been many more expressions of welcome to Dr. Idris and of farewell and tributes to Dr. Bogsch.

39. Dr. Bogsch made the following statement:

“I will try to be almost as brief as the Honorable Delegate of Colombia and simply say that I am deeply touched by your words. I consider my association with UPOV as a particularly challenging and interesting activity, and an activity which is full of visions of what the future should bring in this field, as has been said in the opening address of Dr. Kamil Idris. The good functioning of agriculture, forestry and other branches where plant breeders’ rights have such an important role is a most important task for all countries, whether developed or developing, because, after all, our physical well-being, our comfort, depends to a great extent on this field of activity.

“I also consider that these years spend with you, Honorable Delegates, in meetings of the Council and the Consultative Committee, in diplomatic conferences or in other meetings represented a very friendly cooperation. The atmosphere in UPOV meetings is particularly agreeable because delegates are very well informed and have mutual confidence and ties of friendship. This atmosphere, which is so useful to accomplish fruitful work, will continue; it will even be enhanced thanks to Dr. Idris, to whom, once again, I wish all the best.

“To you all, I wish a very prosperous and agreeable future, both in your personal lives and as delegates to UPOV. Goodby.”

40. The President then gave the floor to Dr. Idris.

41. Dr. Idris made the following statement:

“Mr. President,
Distinguished Delegates,

“I wish to sincerely and warmly thank all of you, individually and collectively, for your very kind words of encouragement, motivation and inspiration. I would like to simply say that I will do my best to be worthy of your trust, and I will do my best to justify the confidence that you have placed in me. Thank you very much.”

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

42. The President referred to paragraph 14 of document C/31/3 with respect to the work of the fifty-third session of the Consultative Committee, held on April 9, 1997. He added that the fifty-fourth session, held on the preceding day, had been essentially devoted to the preparation of this Council session, in particular with regard to the appointment of the new Secretary-General, the draft program and budget for the 1998-99 biennium and the plan for the medium-term from 2000 to 2003. The Committee had also: noted the progress achieved with the UPOV CD-ROM; noted that UPOV would soon have its home page on the Internet; noted that no progress had been achieved on the proposed agreement concerning mutual support and cooperation between UPOV and WTO; decided to grant observer status to CIOPORA at sessions of the Administrative and Legal Committee.

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

43. 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 (after having noted that “August” had to be substituted for “February” in paragraph 2 of the English version).
44. 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

45. 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, Mr. H. Dieter Hoinkes (United States of America), and approved the program of work for the forthcoming sessions.
46. The Chairman of the Committee stated that, at its thirty-seventh session held on October 27, 1997, the Committee had examined the modalities of and possible options for the review, in 1999, of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS Agreement”) on a preliminary basis and requested the Office of the Union to make available as soon as possible a document on the subject. The Committee had also revisited the phrase “expression of the characteristics resulting from a given genotype or combination of genotypes” and decided that a small working group should be convened with a view to the preparation of a new basis for discussions at the next session. With regard to variety denominations, it concluded that the requirement of a unique denomination should prevail, even in countries using different languages; where relevant, the denomination should be transliterated. The Committee would essentially continue work on the first two items referred to above.

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

47. The Council noted the work of the Technical Committee and the Technical Working Parties as given in document C/31/10 and approved their programs of work for the forthcoming sessions.
48. The Council briefly considered the role of national (and regional) plant variety protection offices in the determination whether a variety was essentially derived from another. It noted that, in Australia, such determination was the responsibility of the office and was not left, as in other countries, to the parties concerned.

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

49. 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 10(c), above.
50. The contributions payable in January 1998 and in January 1999 by member States are set out in Annex II to this document.
51. 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

52. 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

53. 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

54. The Council established the calendar of meetings in 1998 as reproduced in Annex III 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

55. 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.
56. 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

57. 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

- a. Reports by Representatives of States (Member States and Observer States) and Intergovernmental Organizations
58. The Council took note of the written reports reproduced in document C/31/13 and of the oral reports given in the session. Those reports are reproduced in Annex IV to this document.
- b. Data Assembled by the Office of the Union on the State of Protection in Member States and Cooperation Between Them
59. The Council took note of the information given in documents C/31/5, C/31/6 and C/31/7.

Departures

60. The Council noted that Mr. Ricardo Lopez de Haro (Spain) would take up a new position within the Spanish Government and would cease to represent his country on the Council. It thanked him for his contribution to the working and development of UPOV, particularly his activities in Latin America, and wished him all the best in his future activities.

61. This report was unanimously adopted by the Council at its thirty-second ordinary session, on October 28, 1998.

[Four Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des États/in the alphabetical order of the names in
French of the States/in alphabetischer Reihenfolge der französischen Namen der Staaten/
por orden alfabético de los nombres en francés de los Estados)

I. ÉTATS MEMBRES/MEMBER STATES/VERBANDSSTAATEN/
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WELTHANDELSORGANISATION (WTO)/
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ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)/
ORGANISATION FÜR WIRTSCHAFTLICHE ZUSAMMENARBEIT UND ENTWICKLUNG (OECD)/
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NITY (COMASSO)/
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VI. BUREAU DE L'UPOV/OFFICE OF UPOV/BÜRO DER UPOV/
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Kamil IDRIS, Secretary-General Elect
Barry GREENGRASS, Vice Secretary-General
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Max-Heinrich THIELE-WITTIG, Senior Counsellor
Nuria URQUÍA (Ms.), Senior Program Officer

[Annex II follows]

ANNEX II

CONTRIBUTIONS OF MEMBER STATES
(expressed in Swiss francs)

1996 <u>Actual</u>	1997 <u>Actual</u>	<u>Member States</u>	Number <u>of Units</u>	<u>1998-99 Budget</u>	
				<u>Payable in January 1998</u>	<u>Payable in January 1999</u>
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 III follows]

C/31/17

ANNEX III

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

Council

April 3 [extraordinary session subsequently added]
October 28

Consultative Committee

April 24 [subsequently moved to April 3]
October 27

Administrative and Legal Committee

April 23 [subsequently moved to April 2]
October 26 [subsequently cancelled]

Technical Committee

April 20 to 22 [subsequently moved to March 30 to April 1]

Technical Working Party for Agricultural Crops

[Subsequently fixed to June 23 to 26, Angers, France]

Technical Working Party on Automation and Computer Programs

June 16 to 19, Melle, Belgium

Technical Working Party for Fruit Crops

November 9 to 14, Caloundra, Queensland, Australia [place subsequently changed]

Technical Working Party for Ornamental Plants and Forest Trees

November 16 to 21, Christchurch, New Zealand

Technical Working Party for Vegetables

[Subsequently fixed to June 29 to July 3, Slupia Wielka, Poland]

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

September 22 to 24, Beltsville, Maryland, United States of America [subsequently moved to September 28 to 30]

[Annex IV follows]

ANNEX IV

REPORTS AND STATEMENTS BY REPRESENTATIVES OF STATES AND
ORGANIZATIONS ON THE SITUATION IN THE LEGISLATIVE, ADMINISTRATIVE
AND TECHNICAL FIELDS

I. MEMBER STATES

ARGENTINA

Situation in the Legislative Field

Regular meetings were held with officials of the National Industrial Property Institute with a view to harmonize the rules of interpretation with respect to the protection of biotechnological innovations. It is foreseen to conclude an “agreement on cooperation” under which each Institute undertakes to provide the technical assistance and information that is required by the other for the accomplishment of its tasks.

On February 28, 1996, the National Seed Institute issued a Resolution organizing the “farmer’s privilege.” The Resolution gave rise to the first court case; a farmer has been sanctioned for not having sought the prior authorization of the variety owner.

Situation in the Administrative Field

The table below summarizes the volume of activity of the National Seed Institute with respect to entries in the National Register of Cultivars and grants of titles of ownership.

	1996		1997 (until September 18)	
	Register	Ownership	Register	Ownership
Cereals	43	34	83	37
Oil Crops	30	19	51	19
Industrial Plants	2	3	2	1
Fodder Crops	28	15	54	36
Fruit Crops	18	5	34	4
Vegetables	130	7	247	9
Ornamental Plants	-	-	7	7
Total	251	83	478	113

Activities for the Promotion of Plant Variety Protection

In October 1996, at the Fifteenth Pan-American Seed Seminar held in Gramado (Brazil), a presentation was made on the various techniques for the identification of cultivars, starting

from the well-established ones, such as electrophoresis on polyacrylamid gel (PAGE), and ending with the most recent ones, such as those based on molecular markers (AFLP, RFLP, microsatellites), and on their respective scope of application.

In December 1996, technical assistance was provided to the Regional Seed Office of Santa Cruz de la Sierra (Bolivia) in respect of the implementation and operation of the Register of Varieties.

Also in December 1996, a catalogue on the "Identification of Wheat Varieties by Polyacrylamid Gel Electrophoresis (Gliadins)" was published. The catalogue contains the electrophoretic patterns of all varieties entered in the National Register.

In April 1997, the new "Molecular Markers Laboratory" was inaugurated. It has 250m² and is equipped for the development of techniques such as AFLP, RAPD and microsatellites. It is planned to continue with the establishment of catalogues for species such as barley, cotton and oats.

In May 1997, the Argentine Delegation to the seventh session of the (FAO) Commission on Genetic Resources for Food and Agriculture included a person involved in plant variety protection and national listing.

Participation was secured at the fifth meeting of the Working Group on Intellectual Property Rights of the Free-Trade Area of the Americas held in Washington, D.C., from July 8 to 11, 1997, at a Colloquium on the Management of Natural Resources and Security in Biotechnology held in September 1997, and at a meeting on "Ethics and Equity in the Conservation and Use of Genetic Resources" held in Brazil.

Genetically Modified Organisms

Three titles of ownership were issued in 1997 in respect of transgenic soya beans resistant to glyphosate.

The release of genetically modified organisms into the environment is regulated in Argentina by the National Commission of Agricultural Biotechnology (CONABIA). The National Seed Institute is represented in it alongside other public and private bodies.

The tests carried out in the 1997/98 agricultural campaign pertain to 36 applications relating to cotton, maize, potato, sunflower and wheat and to tolerance to herbicides, resistance to insects, tolerance to fungi and viruses, and modification of proteins.

AUSTRALIA

The Australian Plant Breeders' Rights Office is ten years old and has met all of its operational and financial targets. The statistics show that the protection system has been successful in achieving the Government's objective. For instance, there has been increasing

private sector investment in plant breeding; the number of private plant breeders operating in Australia has doubled over the last three years. Also, Australia has now access to the best varieties from all over the world, with more than 2,000 new varieties being included in the scheme.

While its law substantially conforms with the 1991 Act, Australia has yet to deposit an instrument of accession. The delay can in part be attributed to the introduction of a new and lengthy process of national assessment and review.

Australia continues to refine the examination process. The breeder can now choose between testing the variety himself in the so-called breeder testing system and submitting it for centralized testing.

Some 300 titles are granted per year; about 50 of these are for genera and species that are new to the UPOV system. This puts an extra strain on the Australian office, and also the UPOV Technical Working Parties. The same challenges will be faced by many other UPOV member States as a result of the development and commercialisation of varieties of “new species.”

Finally, there is a court case currently going on with respect to the grapevine variety ‘Sugraone.’ It pertains to the meaning of the word “sale” as it relates to novelty under the national law and the Convention. At the moment, the courts in Australia define a sale at least as the exchange of goods for money, but they do not exclude the possibility that the sale can include other exchanges. The final outcome may turn out to be at variance with the decision taken in South Africa.

AUSTRIA

Situation in the Legislative Field

No date has been fixed yet for the adaptation of the Plant Variety Protection Law to the 1991 Act of the Convention.

The Law has been amended on some minor points in connection with the Seed Law (BGBl. No. 72/1997).

The application and examination fees were increased by way of Ordinance (BGBl. No. 207/1997).

Cooperation in Examination

An agreement on cooperation in examination has just been concluded with France (to officialize an already existing cooperation) and another is in preparation with Slovenia.

Situation in the Administrative Field

In 1997, up to August 31, a total of 20 applications were filed and 16 titles of protection were issued, bringing the total number of titles in force to 174.

Developments in Related Fields of Activity

Seed Law

On July 1, 1997, the Seed Law 1997 (also applicable to seed potatoes) entered into force, together with amendments to other laws, including the Plant Variety Protection Law. The implementing regulations entered into force on October 10, 1997. A new Planting Material Law (applicable to young plants of vegetables, to fruit plants and planting material of ornamental plants) will enter into force on December 1, 1997.

Genetic Engineering

The implementing regulations to the Genetic Engineering Law have been published. Those relating to the release of genetically modified organisms and to consultations entered into force on March 1, 1997.

No authorization for release has been given yet in Austria.

BELGIUM

Plant Variety Protection

Adaptation to the 1991 Act of the national law and the implementing texts is a major item on the agenda for the Plant Variety Protection Service in 1998.

Inclusion of the data for Belgium in the UPOV CD-Rom has been held up due to computerization of the Service, which has now entered its final phase. Between August 1996 and August 1997, 48 applications for protection were filed.

Related Fields of Activity

A number of changes have been made to the inspection of seed and seedlings and to the certification of fruit, ornamental and agricultural plants. The regulations concerning genetic engineering in order to transpose a European Directive are still awaiting finalization of the corresponding basic law.

A new Royal Decree on contract seed processing entered into force on July 1, 1997; it takes into account, in particular, the European Regulations in this field.

CANADA

Situation in the Legislative Field

Regulations are in place for 39 species. Regulations should be in place for all species by early 1998. Discussions on the 1991 Act of the Convention have been initiated with members of the industry affected by this legislation.

Situation in the Administrative Field

Canada has been receiving applications for plant breeders' rights since November 6, 1991. As of October 6, 1997, the Office received 1,158 applications and granted 396 rights.

CHILE

Situation in the Legislative Field

The Regulations to the Law on the Rights of Breeders of New Plant Varieties were promulgated in December 1996. They include some aspects of the 1991 Act, such as the definition of "variety." The protection system also applies to all plant genera and species.

Situation in the Administrative Field

A Seed Department has been set up during the past year; one of its units is in charge of the Register of Protected Varieties.

Protection is currently in force for 239 varieties from 32 species.

Activities for the Promotion of Plant Variety Protection

The list of protected varieties is published not only in the official gazette of the Registry, but also periodically in the main newspapers.

Work is under way to extend the national list of varieties to fruit species, which are very important for the national economy.

There is also close cooperation with the breeders, who have established a committee.

Finally, contacts have been made with the Government of Bolivia for the training of Bolivian officials in variety examination and in administrative matters.

COLOMBIA

Situation in the Legislative Field

Plant Variety Protection is governed in Colombia by Decree No. 533 of 1994, as amended, which implements Decision No. 345 of the Junta of the Cartagena Agreement. The Colombian Institute of Agriculture and Livestock (ICA), in its capacity as execution agency, declared the National Register of Protected Varieties open by Resolution No. 1893 of June 29, 1995, and laid down the procedure for the issue of breeders' certificates.

Protection extends in Colombia to all cultivated varieties of botanical genera and species, provided that the cultivation, possession or use thereof is not prohibited on grounds of human, animal or plant health.

Cooperation in Examination

It is planned to conclude agreements on cooperation in examination in particular with Germany, the Netherlands and the United Kingdom.

Situation in the Administrative Field

One application was filed in 1995. In 1996, until July 29, the day on which the transitional provision ceased to be applicable, 287 applications were filed; five applications were filed thereafter, bringing the total to 292 in 1996.

In 1997, up to September 30, a total of 21 applications were filed and 159 breeders' certificates were issued.

From the total of 314 applications, 302 were filed by foreigners and 12 by nationals, the breakdown of species being as follows: rose: 174 (55.5%); carnation: 62 (20%); chrysanthemum: 42 (13.5%); other species: 36 (11.5%). The system is being used in respect of 17 species in total, with ornamental plants being clearly in the lead.

The first Gazette was published in June 1997; it aroused much interest among farmers and producers.

Situation in the Technical Field

The Institute currently has two laboratories equipped for variety testing. Tests are under way for two tobacco varieties.

Activities for the Promotion of Plant Variety Protection

Colombia has participated, as one among the 11 members of the Latin-American Integration Association, in the work on the draft Agreement, between a number of member

States of ALADI, on the Harmonization of the Norms and Policies Relating to the Rights of Breeders of Plant Varieties.

Seminars, meetings and conferences were held in the country with a view to promote plant variety protection.

Decision No. 345 of the Junta of the Cartagena Agreement established a Subregional Committee for the Protection of Plant Varieties. The member States have unanimously decided to elect the representative of Colombia as the president of the Committee.

CZECH REPUBLIC

Situation in the Legislative Field

Work on the amendment of Act No. 132/1989 Coll. on the Legal Protection of New Plant Varieties and Animal Breeds continued.

An adjustment of the administrative fees has been proposed, but the amendment of the Act on Administrative Fees has not yet been adopted by Parliament.

A proposal to extend protection to 23 species has been made.

Cooperation in Examination

Cooperation in examination with Hungary, Poland and Slovakia has been based upon a formal agreement. The agreement with Slovenia is under way. Its implementation has been delayed because of the need, arising from budget problems, to reassess the spectrum of species tested in the Czech Republic.

Situation in the Administrative Field

Between January 1 and September 15, 1997, 59 applications were received.

Activities for the Promotion of Plant Variety Protection

The Czech Republic had the honor to host a UPOV Seminar on "The Protection of Plant Varieties Under the UPOV Convention" from March 3 to 6, 1997. Besides the lecturers, 35 participants from 18 countries and 30 participants from the Czech Republic took part in the seminar.

Nine experts from the Russian Federation have undergone a practical training in the implementation of DUS tests in July and August 1997. The training focused on major agricultural crops and vegetables.

Developments in Related Fields of Activities

The Act No. 92/1996 Coll. on Varieties, Seeds and Planting Material has entrusted the Central Institute for Supervision and Testing in Agriculture (UKZUZ) with the preparation of a catalogue of varieties authorized for marketing.

Seed certification was carried out for the first time under that Act this season. The norms and administrative and technical rules in this area have been so designed as to be compatible with European Union legislation.

DENMARK

Cooperation in Examination

It has been planned for some time to revise the agreements on cooperation in examination of plant varieties for distinctness, uniformity and stability concluded with other member States. Due to special circumstances, the matter could not be pursued and is still pending.

Situation in the Administrative Field

In 1996, 53 applications for plant breeder's rights were received, as follows:

Agricultural crops	30
Ornamentals	23
<i>Total</i>	<i>53</i>

In 1996, the number of titles of protection issued was 116:

Agricultural crops	42
Fruit	1
Vegetables	2
Ornamentals	73
<i>Total</i>	<i>118</i>

In the period from January 1 to August 31, 1997, 28 applications for protection were received and 20 titles of protection were issued.

The number of applications filed in 1996 was some 50% lower than the number for 1995. The reduction is considered to be the result of the introduction of the Community plant variety rights system.

Situation in the Technical Field — Variety Testing on Behalf of the Community Plant Variety Office

Nineteen varieties of *Euphorbia pulcherrima* were tested on behalf of the Community Plant Variety Office in 1996. This number has increased to 30 in 1997.

Development in Related Fields of Activity

Genetically Modified Plants

Agricultural risk assessments were carried out in 1996 for five applications regarding the placing on the market of genetically modified plants in the European Union. The applications concerned maize (three), leaf chicory and oilseed rape. In the period from January 1 to August 31, 1997, risk assessments were carried out on a further six applications relating to oilseed rape (two), fodder beet, carnation, maize and potato.

In addition, a total of 223 notifications concerning experimental releases of genetically modified plants in the European Union were reviewed in 1996. A further 194 notifications were reviewed in the period from January 1 to August 31, 1997.

Genetic Resources

The Plant Directorate, Division of Gene Technology and Variety Testing, was represented at the seventh session of the FAO Commission on Genetic Resources for Food and Agriculture held from May 15 to 23, 1997, in Rome.

FINLAND

Situation in the Legislative Field

Work with a view to adjusting the law to the 1991 Act of the Convention is in progress, and the discussions between the interested parties on farm-saved seed continue in a spirit of mutual understanding.

Cooperation in Examination

The administrative agreement concluded with the Federal Office of Plant Varieties of Germany has been extended. The latter will examine on behalf of the Plant Variety Board of Finland the varieties of *Vaccinium angustifolium* Ait. (common lowbush blueberry) and *Vaccinium brittonii* Porter ex Bickn (black lowbush blueberry).

Situation in the Administrative Field

From September 13, 1996, to September 17, 1997, 22 applications were received and 25 titles were issued.

GERMANY

Situation in the Legislative Field

The Law of July 17, 1997, Amending the Plant Variety Protection Law brought national legislation into line with the 1991 Act of the Convention. The law on the ratification of the 1991 Act has been submitted to Parliament and is being considered by the Agricultural Committee. An ordinance on the amendment of the tariff of fees of the Federal Office of Plant Varieties (BSA) is in preparation.

Cooperation in Examination

It has been agreed with the National Institute for Agricultural Quality Control (OMMI) of Hungary that the BSA would examine fodder beet for the OMMI, that the OMMI would examine poppy for the BSA and that both institutes would exchange test results for gherkin.

A memorandum has been signed with the Seeds and Seedlings Division of the Ministry of Agriculture, Forestry and Fisheries of Japan with a view to exchanging test results for all plant species.

Situation in the Administrative Field

On July 1, 1997, Mr. Rolf Jördens took over the position of President of the BSA.

Activities for the Promotion of Plant Variety Protection

Technical training has been given to staff members of the variety offices of the successor States of the former Soviet Union. Several delegations from non-member States have been received at the BSA.

Developments in Related Fields of Activity

National List

A draft law amending the Seed Trade Law, with a view to adapt some of the latter's provisions to the new Plant Variety Protection Law, is in preparation. There were intensive discussions with the interested circles on the simplification of seed certification.

The Federal Office of Plant Varieties is examining genetically modified varieties, in coordination with the competent authority, for the purposes of plant variety protection and national listing.

Genetic Resources

There were intensive discussions with the interested circles on the creation of a system for the commercialization of “seeds of genetic resources.”

HUNGARY

Situation in the Legislative Field

With effect from August 9, 1997, the Hungarian Patent Office increased the annual maintenance fees.

Cooperation in Examination

On August 1, 1997, the Federal Office of Plant Varieties (Germany) and the National Institute for Agricultural Quality Control (Hungary) amended their bilateral agreement by adding fodder beet (tests to be carried out by the BSA on behalf of the NIACQ) and poppy (tests to be carried out by the NIAQC on behalf of the BSA). The parties also accept each other's results in the case of cucumber.

Situation in the Administrative Field

Up to October 20, 1997, 109 new applications for patent protection have been filed for plant varieties and 85 patents have been granted.

Activities for the Promotion of Plant Variety Protection

On May 30, 1997, Dr. Árpád Bogsch, Director General of WIPO and Secretary-General of UPOV, visited the National Institute for Agricultural Quality Control and gave advice on the Institute's strategic plans.

At our invitation, Mr. José Maria Elena Rosselló, Vice-President of the Community Plant Variety Office, visited Hungary from September 29 to October 2, 1997, and presented the Community plant variety protection system.

Two experts from the Plant Variety Testing Division attended the ring test meeting on ryegrass held in the Czech Republic on July 18 and 19, 1997.

From July 22 to 24, 1997, another ring test session was held in Hungary on maize, sunflower and alfalfa. Experts from five countries (Czech Republic, France, Hungary, Poland and Slovakia) attended.

Developments in Related Fields of Activities

On March 1, 1997, a new law on plant variety approval entered into force.

A Bill on the production, release into the environment and trading of genetically modified organisms (GMOs) and the products deriving from or consisting in GMOs has been prepared and discussed by the Agricultural Committee of the Parliament. The Parliament will pass the law soon.

IRELAND

Situation in the Legislative Field

The Memorandum for the Government to amend the Plant Varieties (Proprietary Rights) Act, 1980 was finalized and submitted to Government in December 1996. Legislation is currently being prepared and will be presented to the *Dail* (Parliament) in November/December 1997. It is anticipated that the Act will become law in 1998.

Situation in the Administrative Field

Following the introduction of the European Community protection scheme in April 1995, the number of applications for national rights dropped considerably. Many existing national rights for "newer varieties" were also converted into Community rights. The situation in 1997 is similar to that in 1996, with relatively few applications for national rights.

Developments in Related Fields of Activity

The Advisory Committee established by the Minister for Agriculture and Food in 1996 continues to function and provided funding for six projects in 1997 relating to animal and plant genetic resources.

An IPGRI technical working group on *Malus* and *Pyrus* met in Ireland in May 1997 and was partially funded by the Department of Agriculture and Food.

JAPAN

Situation in the Legislative Field

Preparatory work is being undertaken with a view to making the amendments to the Seeds and Seedlings Law that are necessary for its adaptation to the 1991 Act of the Convention. The Ministry of Agriculture, Forestry and Fisheries has decided to introduce a Bill into the Diet early in 1998.

Cooperation in Examination

The Japanese Government has signed a bilateral agreement with the United Kingdom, which came into force on June 30, 1997, and in which the authorities have agreed to take over each other's examination reports. It has signed an almost identical bilateral agreement with Germany, which came into force on August 1, 1997, and with the Netherlands, which entered into force on October 1, 1997. It has also communicated with the Government of Denmark for the establishment of agreements on cooperation in examination.

Activities for the Promotion of the Protection of Plant Varieties

The Japanese Government has contributed to the UPOV regional seminar on plant variety protection for countries in the Central Asian region which was held in Kyrgyzstan from November 11 to 16, 1996.

A workshop for the countries of the Asia and Pacific region was held in Australia on September 22, 1997, and national seminars will be held in the near future in India and Sri Lanka. Furthermore, a training workshop for Asian countries is to be held in the United Kingdom next year with financial support from the Japanese Government.

MEXICO

Situation in the Legislative Fields

Mexico has laid down the legal framework for the protection of plant breeders' rights by the enactment of the Federal Law on New Plant Varieties, which was published in the Official Gazette of the Federation on October 25, 1996.

This Law, which involved a revision and consultation period including more than two years of work with all sectors involved, provides for its application to all genera and species and establishes the Secretariat of Agriculture, Animal Husbandry and Rural Development as the body responsible for its implementation.

This legal framework conforms essentially to the 1978 Act (the minimum protection period is 15 years, and exceptions for plant improvers and the farmer's privilege are granted), while nevertheless enshrining certain provisions of the 1991 Act, notably the matter of application to any genus and species.

Situation in the Administrative Field

The reception of applications and the monitoring of the application of plant breeders' rights is done by the National Seed Inspection and Certification Department, a decentralized entity of the Secretariat of Agriculture, Animal Husbandry and Rural Development, whose responsibilities include working on three major projects, namely the rights of the plant breeder, the certification of seed and coordination in matters of plant genetic resources for food and agriculture.

Since its entry into force, 162 applications for breeders' titles have been received in respect of 21 species, mainly agricultural (51%) and ornamental (33%).

Situation in the Technical Field

Work has started on a process of revision of the UPOV guidelines for the description of varieties of various species, with a view to proposing any adjustments to certain guidelines that might be necessary for their use in Mexico, given the wide diversity that it possesses, but always subject to the principles laid down by the Union. Experiments are also being conducted with a view to proposing reference varieties, as the majority of those included by UPOV are unknown in Mexico.

By the same token, work is also starting on the drafting of guides for the description of varieties in species offering no UPOV reference and which are of interest to Mexico—mainly native tropical and ornamental fruits. This situation is causing us to take an active part in the UPOV Technical Working Parties.

The revision work is taking place in the form of support groups composed of specialists from various universities, research centers, private-sector firms and Government agencies.

We expect this effort to be reflected in the short term in submissions to the Union.

Activities for the Promotion of the Protection of Plant Varieties

Various courses and conferences have been held to publicize and provide information on the aims, procedures and implications of plant variety protection in Mexico.

In particular, as has been seen in the relevant international gatherings, concerns have arisen in Mexico on the relationship between plant breeders' rights and the protection of plant genetic resources, and generally on the subject of intellectual property rights in biotechnology; a number of workshops have been convened to analyze and discuss the subject, and have been participated in by the Office of UPOV.

Related Activities of Interest to UPOV

Catalogue of Varieties

A catalogue of varieties open to certification has been compiled, listing 1,786 varieties of 46 species—mainly maize and sorghum—that may be put through the seed certification process.

Work started in 1995 on the description of those varieties—which in some cases consist of one genotype under various denominations—and it is planned that by 1998 this catalogue will have been tidied up to include those varieties that possess a complete variety description. Fourteen per cent of the work has been done so far.

Research is being conducted on machinery to determine the position of varieties that are in the public domain and have been marketed under various denominations, this in view of the fact that, until the Federal Law on Plant Varieties was enacted, there was no set of legal provisions that prevented such a situation from arising.

Biosecurity

The National Committee on Agricultural Biosecurity, which reports to the Secretariat of Agriculture and is composed of technical specialists and representatives of the authorities, has issued permits for the conduct of tests on transgenic material from 1998 onwards, covering species such as tomato, potato, tobacco, maize, cotton and soya.

Nevertheless, given the need to analyze the implications of genetic interaction in altered organisms and related species concerning plants for which Mexico is the center of origin or diversity—as in the case of maize and teocintle—various forums of international scope have been organized to consider appropriate biosecurity measures and criteria in the light of research and test results in other countries, and also the direction to be taken by research on basic aspects of biosecurity and risk analysis in view of the extensive liberalization that has taken place.

NETHERLANDS

Situation in the Legislative Field

The Council of State has advised on a draft general administrative order on the rules concerning the “farmer’s privilege.” The Ministry of Agriculture, Nature Management and Fisheries is preparing a revised draft that is due to be published before the end of this year.

Furthermore, a reduced annual fee (25% of the normal fee) for plant varieties covered both by a Dutch right and a Community right was introduced by a general administrative order of August 27, 1997.

Cooperation in Examination

In 1997, a memorandum to facilitate certain aspects of the administrative procedure between Japan and the Netherlands was signed by the competent Dutch authority and sent to Japan.

It is expected that the agreement between the Netherlands and South Africa (regarding the species *Anthurium* Schott, *Gerbera* Cass. and *Lachenalia* Jacq. f.) will be concluded soon.

Situation in the Administrative Field

In 1996, the number of applications filed for plant breeders' rights showed a further reduction of 15% in relation to 1995: 1,005 applications were received as against 1,183 in 1995. However, the total amount of national and Community applications, filed by Dutch breeders, was about 1,200, which is equivalent to the number of national applications filed in 1995.

Notwithstanding this reduction in national applications, a considerable workload was caused by requests of the Community Plant Variety Office to provide existing reports (in 1996: 157 reports) or to carry out new tests concerning Community applications (in 1995 and 1996: 473 new tests). In 1996, the Board was able to provide 2 interim reports and 75 final reports. Furthermore, 185 requests for Community protection were filed through the Board.

In 1996, the Board entrusted 309 examinations to foreign authorities (25% of the examinations). The number of requests for examination to be conducted in the Netherlands—coming from non-EC countries—showed an increase from 280 in 1995 to 446 in 1996.

In the period from January 1 to September 1, 1997, 493 applications were received.

In 1996, two officers of the Community Plant Variety Office paid a visit to the Board in order to familiarize themselves with the Dutch system for processing large numbers of applications.

Situation in the Technical Field

Following questions whether there can be free competition between research institutes, the study on the feasibility of a system of certification regarding DUS-examinations (both for PBR and marketing purposes) is in progress. It is expected that the results will be available by the end of 1997.

Activities for the Promotion of Plant Variety Protection

The Board received a delegation from Japan and informed them about the implementation of the 1991 Act of the Convention at national level.

Delegations from Egypt and the Republic of Korea were received to be informed about the plant breeders' rights system in the Netherlands.

Furthermore, a very successful course on plant variety protection, attended by 13 participants from 12 countries in five continents, was organized in April 1997, in Wageningen, by the Centre for Plant Breeding and Reproduction Research (CPRO-DLO). The course covered the legal, institutional and technical aspects of plant variety protection and touched upon other intellectual property rights systems in plants. Lecturers came from the Ministry of Agriculture, Nature Management and Fisheries, UPOV, the Community Plant Variety Office, the Board and the seeds and planting material industry. Most participants were sponsored by their own organizations; some have been supported by the private sector.

The CPRO-DLO is planning similar courses in the near future, to be organized either in Wageningen or in other regions of the world. A number of institutes from abroad have already asked CPRO-DLO for technical assistance in developing plant variety protection systems for those countries.

NEW ZEALAND

Situation in the Legislative Field

During the period covered by this report there has been no real progress towards amending the Plant Variety Rights Act 1987 to bring it into conformity with the 1991 Act of the Convention. The reasons for the lack of progress are:

- Other legislative priorities.
- A commitment given by the Government to Maori in 1994 to consult over proposed intellectual property law changes. The consultation has continued since then without as yet reaching a conclusion.
- A claim under the Treaty of Waitangi of 1840, yet to be heard, in which Maori have *inter alia* asserted rights of sovereignty over indigenous flora.

The Plant Variety Rights Amendment Regulations 1997 came into force on May 19, 1997. They require that a color photograph be supplied at the time of application for all fruit, ornamental and tree varieties.

Cooperation in Examination

A possible bilateral agreement with Denmark remains under discussion.

At the request of its authorities, a possible agreement with the Chinese Special Administrative Region of Hong Kong is under discussion.

Activities for the Promotion of Plant Variety Protection

The Commissioner of Plant Variety Rights participated in a meeting of a special working group to discuss intellectual property rights issues that was held at the South Pacific Forum Secretariat, Suva, Fiji, from May 5 to 7, 1997. Amongst other matters, the working group discussed the introduction of a system of plant variety protection for the South Pacific island countries. The conclusions of the working group were to be presented to the South Pacific Commission and Pacific Regional Agricultural Programme member countries at a meeting of PHALPS (Permanent Heads of Agriculture and Livestock Production Services) and RAB (Regional Advisory Board - comprising the national directors of agriculture).

NORWAY

Situation in the Legislative Field

The Regulations Concerning the Plant Breeder's Right were revised with effect from July 16, 1997. Section 2 now provides that, in addition to variety owners who are resident or have their registered office in, or are nationals of, a State which is a member of UPOV, variety owners who are resident or have their registered office in, or are nationals of, a State which is a member of the World Trade Organization, may also be granted a plant breeder's right. In respect of plant varieties of particular significance to Norwegian plant production, or when warranted by other considerations, the Plant Variety Board may grant a plant breeder's right to an applicant from a country which is not a member State of UPOV or the World Trade Organization.

Cooperation in Examination

Norway received 27 DUS reports from other member States.

Situation in the Administrative Field

From January 1 to December 31, 1996, 26 applications were received and 30 titles were issued. The grants were as follows:

Cherry rootstock	1	Potato	1	Triticale	1
Oat	1	Rose	11	Turnip rape	1
Pelargonium	8	Strawberry	1	Wheat	3
Poinsettia	2				

Ninety-one titles were in force on August 1, 1997.

POLAND

Situation in the Legislative Field

Poland has legislation based upon the 1991 Act of the Convention since 1996. Varieties of 302 taxa are eligible for protection.

Poland has decided to accede to the 1991 Act of the Convention. The accession procedure is still in progress and might be completed by mid-1998.

Situation in the Administrative Field

From January 1 to September 30, 1997, 250 applications were filed and 124 titles of protection issued. At present, there are 706 protected varieties. Details are given below:

Group	Applications			Grants			Titles having ceased	Titles in force at 30.09.97
	domestic	foreign	total	domestic	foreign	total		
Agricultural crops	32	19	51	13	9	22	22	226
Vegetables	2	-	2	10	-	10	-	124
Ornamental Plants	24	148	202	2	80	82	26	324
Fruit Trees and Berry Plants	1	3	4	4	6	10	2	32
Total	89	170	259	29	95	124	50	706

Activities for the Promotion of Plant Variety Protection

A training course for 20 specialists from the Russian Federation was organized by COBORU in the period from July 20 to August 3, 1997. The course covered the following subjects: identification of varieties of cultivated plants; organization and carrying out the DUS testing; field and laboratory methods of variety testing.

PORTUGAL

In Portugal, the plant breeders' rights system now applies to 88 species. Working on the draft new plant variety protection law is continuing and it is hoped that it will be concluded by the middle of next year.

SLOVAKIA

Situation in the Legislative Field

The amendment (No. 22/1996 of the Collection of Laws) of the Law No. 132/1989 Coll. on the Legal Protection of New Plant Varieties and Animal Breeds was adopted by the National Council of the Slovak Republic on December 19, 1995, and came into force on February 1, 1996. The amendment brought the Slovak legislation into conformity with the 1991 Act of the Convention and also with the Council Regulation No. 2100/94 of the Council of the European Union.

The Law is supplemented by two implementing decrees of the Federal Ministry of Agriculture and Food: No. 133/1989 Coll., which elaborates on some provisions of the Law, and No. 134/1989 Coll., which sets out the list of plant and animal species eligible for protection. New decrees were approved by the Ministry of Agriculture on April 22, 1997, and submitted to the Legislative Council of the Government, which will meet in October 1997.

Upon publication of the decrees in the Collection of Laws, Slovakia will be in a position to accede to the 1991 Act of the Convention.

Situation in the Administrative Field

Since 1990, a total of 546 applications have been filed. In 1997, up to June 30, 14 applications were received (5 domestic and 9 foreign applications).

Situation in the Technical Field

Slovakia participated in the “DUS ring tests” meetings on grasses (Svitavy, Czech Republic) and on sunflower (Budapest, Hungary) in the summer of 1997. Further “DUS ring tests” are being planned. Slovakia will participate in the “ring tests” on electrophoresis in sunflower which will be organized by experts from France and will continue participating in the “ring tests” on cucumber, poppy and red clover.

In May 1997, a seminar was organized in Velka Lomnica by the Association of Seed Traders and Breeders and the Ministry of Agriculture to explain the new implementing decrees.

Application of Biochemical, Molecular and Morphometrical Techniques in Seed and Variety Testing

These techniques are applied in official testing, according to the standard ISTA and the recommended UPOV methods, by the ÚKSÚP's Laboratory for Biochemical and Genetic Testing, which standardizes the testing methods, develops new methods and coordinates the testing activities in Slovakia. In the area of DNA-markers, it cooperates with the Research Institute for Plant Production in Piešťany (VURV) and in the area of isoenzyme analysis with the breeding company Zcainvent Trnava.

Genetic Resources

The new Genebank has been established. The ÚKSÚP and the Genebank are preparing an agreement on the conservation of the reference collections of protected example varieties.

SOUTH AFRICA

Situation in the Legislative Field

The revised Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976) came into operation in April 1996. South Africa's instrument of ratification is in the process of being finalized and should be deposited with the Secretary-General of UPOV in the near future.

The appeal against the granting of a plant breeder's right to the grape variety 'Sugraone' was rejected in the beginning of 1997. Details of the decision appeared in *Plant Variety Protection* No. 81.

Requests for the extension of protection to further genera and species are still received from time to time. During the year under review, protection has been extended to 12 new genera and species and another four are in the process of being protected.

Cooperation in Examination

A bilateral agreement with the Netherlands is being finalized.

A request for a bilateral agreement has been received from the Chinese Special Administrative Region of Hong Kong.

Situation in the Administrative Field

From October 1, 1996, to August 31, 1997, 122 applications for plant breeders' rights were received and 141 plant breeders' rights were granted. As at August 31, 1997, there were 359 applications under consideration and 1,171 plant breeders' rights in force. Further details are given below.

	Agricultural Crops	Vegetable Crops	Ornamental Plants	Fruit Crops	Total
Applications Received	46	13	40	23	122
Plant Breeders' Rights Granted	47	19	60	15	141
Valid Plant Breeders' Rights	372	184	432	183	1,171
Applications Under Consideration	100	19	145	95	359

Activities for the Promotion of Plant Variety Protection

Seminars, workshops and courses have been organized during the year for various groups of people having interests in plant breeders' rights. The main topics discussed were the changes to the Act and especially the "farmer's privilege." Discussions are presently being held amongst various groups and the Government to amend the clause in the Act which deals with the "farmer's privilege," especially as far as vegetatively propagated varieties are concerned.

Developments in Related Fields of Activity

The Genetically Modified Organisms Act has been approved by Parliament and ratified by the President of South Africa. Provisional Regulations to the Act have already been drafted.

The South African Committee for Genetic Experimentation (SAGENE) is currently responsible for the provision of control measures and risk analyses in cooperation with the National Department of Agriculture and Health. SAGENE is a national advisory body

consisting of private citizens appointed, nominated or invited to serve on a voluntary basis by virtue of their affiliations, skills or experience.

There has been a steady increase in GMO-related work over the past six years (from one to four trials per year in the early 1990's to 10 in 1996). The trials concerned all agriculturally related plants with only one medical application. This steady increase is expected to continue with more plant applications, as well as more medical/pharmaceutical applications in the years to come.

The first three genetically modified varieties have just been released in South Africa.

SPAIN

Situation in the Legislative Field

The draft revised Law on the Protection of New Varieties of Plants adapted to the 1991 Act of the Convention is being considered by the Council of Ministers. There were no problems on substance but on the question of the competence of the autonomous communities. The draft should be submitted shortly to Parliament.

The fees were increased on January 1, 1997.

Activities for the Promotion of Plant Variety Protection

The Spanish Office has actively cooperated with the Community Plant Variety Office with respect to the reception and processing of Community applications and the information of the public on the Community system.

Bilateral cooperation with Latin American countries, and cooperation with the Office of the Union has been pursued, with special attention being paid to Brazil and Panama. Experts from various Latin American countries were given practical training on variety testing in the course of the year.

SWEDEN

Situation in the Legislative Field

A new Plant Variety Protection Act entered into force on July 1, 1997, and brought the Swedish legislation into conformity with the 1991 Act of the Convention.

The new law makes it possible for Sweden to ratify the 1991 Act of the Convention. Government has been empowered to decide on a suitable ratification date. It is likely that the instrument of ratification will be deposited before the end of the year.

Varieties of all genera and species are now eligible for protection. The period of protection has been extended to 25 years for all species except potato, trees and grapevine, for which the period is 30 years.

The provisions under Regulation No. 2100/94 of the Council of the European Union on the use of farm-saved seed have been incorporated into the new Act. An agreement has been concluded between the farmers' organization and the seed industry in respect of cereals, field bean, field pea, linseed, oilseed rape and turnip rape. On average, the royalty level is 54 per cent of the normal license fee.

The fees were increased on January 1, 1997, to the following amounts (SEK): application fee: 2,000 or 2,500; renewal fee: 2,000; annotation fee: 200. Renewal fees equal to 50% of the existing rates have been introduced for varieties protected under a national right and subsequently granted a Community plant variety right.

Situation in the Administrative Field

In 1996, 44 applications for plant breeders' rights were received (38 for agricultural crops and six for ornamentals); the number of titles of protection issued was 57 (30 for agricultural crops, four for fruit, 19 for ornamentals and four for trees).

In the period from January 1 to September 15, 1997, 50 applications for protection were received and 24 titles of protection were issued. The annual average over the five preceding years is 113 applications. The reduction, which is particularly important for ornamentals, is in large part due to the introduction of the Community plant variety rights system.

Situation in the Technical Field – Genetically Modified Organisms

In 1996, the official DUS testing has been finalized for the first genetically modified plant variety, a potato variety with modified starch. In 1997, applications have been submitted for another six genetically modified potato varieties.

UKRAINE

Situation in the Legislative Field

In July 1997, the draft of the new law on the protection of plant varieties was finalized and submitted to the Supreme Soviet of Ukraine for adoption. The new law will conform with the 1991 Act of the Convention. All genera and species will be eligible for protection.

Situation in the Administrative Field

During 1996, 8 applications for plant breeders' rights have been received (wheat: 7; sunflower: 1).

Activities for the Promotion of Plant Variety Protection

Representatives of the State Commission for Plant Variety Testing and Protection participated in the following:

- (a) Regional Seminar on Plant Variety Protection Under the UPOV Convention (Prague, March 1997);
- (b) practical training on the protection and registration of plant varieties organized for 21 specialists by the *Groupe ment national interprofessionnel des semences et plants* (GNIS) (France, April-October 1997);
- (c) study program organized for four experts by the United States Department of Agriculture (April 1997);
- (d) working group on the official text in the Russian language of the 1991 Act of the Convention (Geneva, April 1997);
- (e) Congress of the International Federation of the Seed Trade (FIS) (Sweden, May 1997).

Developments in Other Fields of Activity

The Register of varieties authorized for sale in Ukraine was published in 1997.

Ukraine has applied to the OECD for joining the Schemes for the Varietal Certification of Seed Moving in International Trade and to the International Seed Testing Association (ISTA).

UNITED KINGDOM

Situation in the Legislative Field

A Plant Varieties Bill will shortly complete its progress through Parliament, thereby bringing United Kingdom law fully into line with the 1991 UPOV Convention. The Bill has been debated in a committee of the House of Lords in the week preceding the Council, and the future debate will be restricted on certain aspects of the Bill which have been amended in the course of its consideration. It is expected that the Bill will become an Act of Parliament in the beginning of 1998. The Act would enter into effect two months after its enactment.

There was an increase in fees for plant breeders' rights with effect from April 1, 1997, in line with inflation rates.

Cooperation in Examination

Discussions continue with Norway on a bilateral agreement under which the United Kingdom would test *Campanula*, chrysanthemum, holly and apple varieties on behalf of the Norwegian authorities.

The Chinese Special Administrative Region of Hong Kong has also requested a bilateral agreement.

Situation in the Administrative Field

During the year ended March 31, 1997, 256 applications were received (13.2% decrease over previous year), 264 grants were issued (27.3% decrease), 413 grants were terminated (55.3% increase) and 1,854 grants were renewed (2.6% decrease), out of which 59 were renewed as suspended rights whilst a Community right operates.

Community Plant Variety Rights

The United Kingdom continues to contribute to the development and management of the Community system through membership of the CPVO Administrative Council and working groups.

The British Society of Plant Breeders and the farming organisations have agreed royalty levels on the use of farm-saved seed for Community-protected varieties. Plant breeders have been able to collect a remuneration amounting to 1.7 million pounds.

The British Society of Plant Breeders and the farming organizations have also been able to reach a similar agreement in relation to varieties which will be protected under the national system.

Activities for the Promotion of Plant Variety Protection

The United Kingdom received visitors from Bulgaria, India, the Republic of Korea, the Republic of Moldova, the Russian Federation, Turkmenistan and Ukraine wishing to learn more about the United Kingdom and UPOV systems of plant variety protection.

The Controller of Plant Variety Rights was a speaker at the UPOV national seminars held in Bangladesh, India and Viet Nam during September 1996.

UNITED STATES OF AMERICA

Situation in the Legislative Field

An amendment to the Plant Variety Protection Act, which waived the eligibility restriction for varieties of potatoes that have been marketed for more than four years in another country, expired on April 4, 1997. The provision was implemented in 1996 because

tuber-propagated crops had not previously been eligible for protection. Less than ten applications were received under this provision.

The Administration awaits the advice and consent of the Senate for ratification of the 1991 Act of the Convention. Action is not expected until next year.

The Plant Variety Protection Act and its Regulations and Rules of Practice were reprinted in July 1997. Copies are available from the Plant Variety Protection Office (PVPO).

Situation in the Administrative Field

In July of 1997, the Patent and Trademark Office issued its 10,000th plant patent. A presentation ceremony was held at the Botanical Garden in Washington, D.C.

The Plant Variety Protection Office (PVPO) received over 400 applications in fiscal year 1997. The number of applications has increased by 25% since the law was amended to conform to the 1991 Act of the Convention.

On June 9, 1997, Mr. Lon Hatamiya, Administrator of the Agricultural Marketing Service of the United States Department of Agriculture, met with the Vice Secretary-General of UPOV.

Activities for the Promotion of Plant Variety Protection

From June 4 to 6, 1997, national and foreign representatives of public and private-sector plant breeding, seed industry, variety examiners and related legal professions participated in the "Intellectual Property Rights III—Global Genetic Resources: Access and Property Rights" Workshop sponsored by the American Society of Horticultural Science and the Crop Science Society of America. Participants reviewed factors affecting global access to plant genetic resources, especially the current types of intellectual property rights for plant material and the impact of recent international treaties and agreements. All participants attended a plenary session on June 4 and were provided additional background material. On June 5 and 6, selected working groups discussed one of five main topics: (1) plant genetic resources for food and agriculture; (2) harmonization and standardization of laws; (3) feasibility and legality of tracking plant genetic resources; (4) education; and (5) benefit sharing and farmers' rights. Each working group developed a summary of its discussions and recommendations, which will be published as part of the proceedings of the conference.

The Plant Variety Protection Office has hosted various international delegations to inform them about the national system of plant breeders' rights [China (November 1996); Ukraine (January 1997); Kazakhstan, Kyrgyzstan and Uzbekistan (February 1997); Kenya and Morocco (August 1997); Asian and Pacific Seed Association (September 1997)].

URUGUAY

Situation in the Legislative Field

No initiative has been taken so far on the adaptation of national legislation to the 1991 Act of the Convention.

Protection now applies to 24 species belonging to 18 genera, and an extension to four further species is planned. There is a need to, and an interest in, applying the protection system to fruit species. This requires initial and on-the-job training of technical staff and, in turn, the assistance of member States. The necessary financial means have been found and the project has entered the implementation phase.

Cooperation in Examination

No initiative has been taken so far, but cooperation is necessary, especially for fruit species.

Situation in the Administrative Field

At the end of June of this year, the National Seed Institute (INASE) started its operations.

INASE is a legal entity under public law, that is not under State control. The new law maintains the competence of the Executive over the definition of the national seed policy on the basis of advice and assistance provided by INASE.

The law has been published in *Plant Variety Protection* No. 82.

Developments in Related Fields of Activities

Work continues on the implementation of special regulations on the release of genetically modified organisms. Risk analyses are being carried out, based upon the national rules governing phytosanitary matters and national listing, with due regard also to the relevant international criteria.

Tests and seed multiplication under strict security measures have been authorized, and also the release of a transgenic soybean variety and material thereof. Field tests are being conducted with soya beans and eucalyptus. There is growing interest for transgenic maize.

The authorities participate actively in all international and regional activities relating to the conservation and the use of, and access to, plant genetic resources.

II. OBSERVER STATES

BRAZIL

The Brazilian Law on the Protection of Cultivars was passed on April 25, 1997. The Law conforms to the 1978 Act of the UPOV Convention, but it also features some of the provisions of the 1991 Act. It provides for the protection of eight plant species and makes the Ministry of Agriculture the domestic authority.

The Executive has already asked the Congress to authorize accession to the 1978 Act. The Brazilian Government has sent Delegations and technical missions to visit countries and organizations concerned with the registration and protection of cultivars in order to gather up-to-date information on the subject.

BURKINA FASO

Burkina Faso is participating for the first time as an observer at a session of the UPOV Council. Last April, the Vice Secretary-General of UPOV paid a visit to Burkina Faso which served as a catalyst for the interest that UPOV could represent for Burkina Faso. Following prior work by its researchers and experts, Burkina Faso requested from UPOV the assistance of an expert with a view to drafting a legislative text on plant variety protection. Burkina Faso's interest in protection has resulted in it accepting to host a regional seminar to be held next December.

ESTONIA

Situation in the Legislative Field

The Plant Variety Protection Law of the Estonian Republic was passed in the *Riigikogu* on March 9, 1994, and entered into force on April 10, 1994; it is being adapted to the 1991 Act of the Convention and Regulation No. 2100/94 of the Council of the European Union. The new law will provide protection for all species, give foreigners access to protection, create a "farmer's privilege" and amend administrative procedures.

Estonia wishes to become a member of UPOV as soon as possible after adoption of the new law.

Cooperation in Examination

Estonia is exploring the possibilities for cooperation in examination in view of the large number of species that are eligible for protection and the limited means for maintaining reference collections.

Estonia, Latvia and Lithuania are trying to organize a cooperative system; the negotiations to that effect are under way.

Cooperation has been established with Finland.

Activities for the Promotion of Plant Variety Protection

Estonia wishes to acknowledge the assistance received from Denmark, Finland and Germany through training courses.

Developments in Related Fields of Activities

Estonia has a national listing system conforming to the system in place in other European countries. The seed certification system has been completed, with post-control being carried out since 1995.

The Baltic Seed Bank project is continuing, and a working group is preparing a database.

MOROCCO

Situation in the Legislative Field

The Law No. 9-94 on the Protection of New Plant Varieties was promulgated by *dahir* No. 1-96-255 of January 21, 1997, published in the Official Journal No. 4482 of May 15, 1997.

The law was examined by the Council of UPOV at its extraordinary session of April 29, 1997. The Council gave a positive advice on the conformity of the law with the provisions of the 1991 Act of the Convention.

The implementing regulations are at their final stage of preparation and will shortly be submitted for approval.

Situation in the Administrative and Technical Fields

The infrastructure for the implementation of the law is being put in place, with the acquisition of office supplies and computers, the setting-up of a local computer network, the

drawing-up of the application and other forms, and the training of five senior officers in the United States of America, from July 28 to August 13, 1997, in intellectual property, biosecurity and plant variety protection.

Activities for the Promotion of Plant Variety Protection

With a view to promoting the law on the protection of new plant varieties, the Ministry of Agriculture, Equipment and Environment organized in Rabat, on March 24 and 25, 1997, in cooperation with USAID, the Michigan State University and the Agricultural Biotechnology for Sustainable Productivity Project (ABSP) of the United States of America, a colloquium on plant variety protection. A colloquium on biosecurity was organized on March 26. Over 250 persons attended these meetings.

REPUBLIC OF KOREA

The Seed Industry Law was enacted on December 6, 1995, and will enter into force on December 31, 1997. The genera and species to be protected will be determined by an Ordinance of the Minister for Agriculture and Forestry. At least 27 species will be protected on the date on which the Republic of Korea becomes bound by the UPOV Convention: rice, pepper, ryegrass, soya bean, apple, watermelon, radish, Chinese cabbage, tomato, cucumber, oriental melon, carrot, lettuce, onion, green onion, vegetable marrow, cabbage, spinach, tall fescue, red clover, maize, potato, barley, wheat, cactus, pear, peach.

Training has been dispensed in Japan (one person for three months and two persons for one month), the Netherlands (one person for six months, and the United Kingdom (two persons for one month). The plant variety protection offices of Japan, the United Kingdom and the United States of America were also visited, and participation was secured in two UPOV technical bodies.

REPUBLIC OF MOLDOVA

The Republic of Moldova continued to work in 1997 on the implementation of the new plant variety protection law. This culminated last week with the Parliament adopting a decision on the accession of the Republic of Moldova to the UPOV Convention. The instrument of accession will be deposited as soon as possible.

ROMANIA

Situation in the Legislative Field

The draft law concerning the protection of new plant varieties, drawn up in accordance with the 1991 Act of the UPOV Convention and the Regulations on Community plant variety rights has been approved by the Government and submitted to Parliament.

The seed law Nr. 75/1995 has been amended in 1997 and harmonized with the Community regulations concerning the certification of seeds and propagating material and with the provisions of the World Trade Organization. At present, the implementing regulations are being prepared.

A draft law on the accession of Romania to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure has been prepared.

Situation in the Administrative Field

The protection of new plant varieties enjoys an increased interest in Romania, with the opening up to market economy. This is particularly the case in the agricultural sector, where plant breeding is becoming more active. During 1997, 54 applications for new varieties were filed with the State Office for Inventions and Trademarks (agricultural crops: 37; vegetables: 11; fruit trees and grapevine: 6); 37 patents were issued.

Situation in the Technical Field

Within the Ministry of Agriculture, the Department for Seed and Propagating Material Inspection drafted guidelines for the certification of seeds and propagating material in accordance with the Community and OECD standards.

Experts from the Ministry of Agriculture and from the State Office for Inventions and Trademarks took part in various courses organized on the protection of new plant varieties and the certification of seeds and propagating material.

SLOVENIA

Situation in the Legislative Field

A draft of the new Plant Variety Protection Law has been prepared, on the basis of the UPOV Model Law, to conform with the 1991 Act of the Convention. It is now being finalized by the Ministry of Agriculture, Forestry and Food and is expected to be brought before Parliament in 1998.

Cooperation in Examination

An agreement concerning the exchange of DUS reports has been signed in 1997 with the United Kingdom authorities. Similar agreements are in preparation with Austria, France and the Netherlands. Cooperation is in place with the Czech Republic, Hungary and Slovakia.

Situation in the Administrative Field

It is expected that the first plant breeders rights will be granted soon (two for potato and two for vegetable varieties).

Developments in Related Fields of Activity

The National Variety List was published in August 1997.

III. ORGANIZATIONS

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

A few additional countries are participating in the OECD seed certification schemes, countries not being members of OECD but which, by virtue of a decision of the OECD Council, can be admitted to these schemes.

Slovenia has extended its participation to the cereals scheme; Bolivia has been admitted to four OECD schemes last December; Estonia has just been admitted to three schemes last September; Poland has extended its participation by notification to the maize and sorghum scheme. Applications have been made by Egypt for participation in the cereals and maize schemes, Ukraine for participation in the herbage and oil seed schemes and Madagascar for participation in the tree seed scheme.

A few issues of a more technical nature have been discussed in OECD last June. There is a need for better guarantees as to the identity of the varieties that are certified, and official samples and descriptions should be made more readily available. There also is a desire to make it easier to certify, on a provisional basis, cultivars prior to final registration.

OECD has identified incentive measures for the conservation and sustainable use of biological diversity, and examined the status of intellectual property law in relation to technology transfer and genetic resources. It has initiated a comparative analysis across OECD countries of patent laws, patent examination procedures and enforcement issues related to biotechnological inventions and plant variety protection; a questionnaire has been prepared to that effect. OECD has also initiated work on effective regulatory oversight in biotechnology which would avoid unnecessary barriers to trade or technology diffusion. In collaboration with UNIDO, it has established a site on Internet to collect and organize

information on field trials of genetically modified plants, including regulatory regimes and results of evaluation (the “bio-track database”). Finally, there is a cooperative research program on biological resource management for sustainable agricultural systems, and the options for creating a global information network to provide worldwide access to evolving information relevant to biodiversity have been studied.

EUROPEAN UNION AND COMMUNITY PLANT VARIETY OFFICE

Situation in the Legislative Field

No new activities in this field have been undertaken by the European Community during the report period. The situation with regard to the issues referred to in the report given in 1996 is as follows: the Council of the European Union has extended the term of protection beyond the normal duration of 25 years to 30 years for potato varieties. The Implementing Rules with regard to farm saved seed do not lay down the amount of compensation to be paid by the farmers. This gap has not yet been filled, but there has been progress in this area: a draft has been consulted upon with the economic circles leading to an altogether positive result and it is not unlikely that a ruling can be issued before the end of this year. The decision of the UPOV Council on a positive assessment of the Community rules in relation to the 1991 Act of the Convention has encouraged the Commission to prepare the necessary proposals to the EU Council for accession by the European Community to UPOV. It is therefore to be expected that the Community will be able to deposit its instrument of accession within a reasonable time after the entry into force of the 1991 Act.

Developments in Related Fields

The new proposal dated January 1996 for a Directive on the protection of biotechnical inventions has now been discussed by the European Parliament and has been approved with a series of proposed amendments. The Commission amended the proposal in August/September this year to accommodate those amendments accepted by the European Parliament and discussions in the Council are now being conducted on the basis of this amended proposal.

The amendment of the seed trade Directives in the European Community that has been pending since 1993, particularly for adaptation to the conditions on the internal market, was held up for some time by the European Parliament on account of problems in relation to so-called genetically modified varieties. In the meantime, this situation has been resolved through mutual effort and compromise. The remaining discussions at Council level can therefore be continued at greater speed and acceptance is to be expected in the very near future.

Situation in the Administrative Field

The Community Plant Variety Office has its permanent address since the 1st of August of this year in Angers. The removal from Brussels to Angers did not significantly affect the processing of applications.

Until now, since the beginning of the operations of the Office in April 1995, a total of 2,400 titles of protection have been granted. As far as the number of applications is concerned, it is expected that about 1,500 applications will be received this year, which makes 1997 slightly more successful than 1996.

The Office is in the process of developing technical protocols based on the UPOV Test Guidelines and also, together with the relevant bodies of the European Commission, guidelines for variety denominations.

The Office will have a Web site on Internet in the near future and hopes to be able to publicize the titles granted on the Web site. It is also fully prepared to participate in the UPOV CD-ROM project, but will initially, due to some technical problems, contribute data in a less sophisticated way.

ASSOCIATION OF PLANT BREEDERS OF THE EUROPEAN ECONOMIC COMMUNITY (COMASSO)

With respect to farm-saved seed, COMASSO as a European association of breeders can report that agreements on the payment of compensation to breeders have been concluded between farmers and breeders' unions in the following countries: Denmark, Germany, Netherlands, Sweden, United Kingdom. The compensation ranges from 50 to 80 per cent of the usual licensing fee and in some cases is included within a system that depends on the use of certified seed.

As reported, there exists an initiative to lay down compensation at Community level. It is the general wish, and indeed the intention of the Commission, that such compensation should only be provided for in those cases in which no national agreement is reached between breeders and farmers.

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