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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-First Ordinary Session
Geneva, October 29, 1997

ANNUAL REPORT OF THE SECRETARY-GENERAL FOR 1996

(Twenty-Eighth year)

I. COMPOSITION OF THE UNION

Members and Future Members

1. On August 13, 1996, Colombia deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Colombia on September 13, 1996.
2. As of December 31, 1996, the Union comprised 31 member States: Argentina, Australia, Austria, Belgium, Canada, Chile, Colombia, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, South Africa, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Uruguay.
3. Under Article 32(3) of the 1978 Act, "any State which is not a member of the Union and which has not signed this Act shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Act." A similar provision is contained in Article 34(3) of the 1991 Act.
4. In 1996, five requests were made, by the following States:
 - (a) Brazil, by letter of January 31, on the basis of the 1978 Act;

- (b) Kenya, by letter of September 20, on the basis of the 1978 Act;
 - (c) Panama, by letter of September 30, on the basis of the 1978 Act;
 - (d) Bulgaria, by letter of October 1, on the basis of both Acts;
 - (e) Trinidad and Tobago, by letter of November 18, on the basis of the 1978 Act.
5. At its thirteenth extraordinary session, held on April 18 in Rome, the Council examined the draft law of Brazil and the legislation of Ecuador for which examination had been requested by a letter of October 1, 1995, received by the Office of the Union on October 19, 1995, after the twenty-ninth ordinary session of the Council. The Council took a qualified decision in respect of the request by Brazil and a positive decision with regard to the request from Ecuador, noting that the legislation of the latter country was also in conformity with the 1991 Act.
6. At its thirtieth ordinary session, held on October 23, the Council examined the laws of Kenya and of Bulgaria and a draft law of Panama. It took a qualified decision with regard to the request from Kenya and a positive decision with regard to the requests from Bulgaria and Panama.
7. A draft law of Trinidad and Tobago was examined by the expedited procedure and the Council gave a positive advice on its conformity with the 1978 Act.

Situation in Relation to the Various Acts of the Convention

8. All member States are bound by the 1978 Act, with the exception of Belgium and Spain that are bound by the 1961 Act, as amended by the Additional Act of 1972.
9. According to its Article 37(1), the 1991 Act “shall enter into force one month after five States have deposited their instruments of ratification, acceptance, approval or accession, as the case may be, provided that at least three of the said instruments have been deposited by States party to the Act of 1961/1972 or the Act of 1978.”
10. In 1996, three States deposited their instruments of ratification or acceptance of the 1991 Act of the Convention:
- (a) Denmark, on April 26;
 - (b) Israel, on June 3;
 - (c) Netherlands, on October 14.
11. Under Article 30(2) of the 1991 Act, each State or intergovernmental organization must be in a position, under its laws, to give effect to the provisions of the 1991 Act at the time of depositing its instrument.
12. In 1996, according to the information of the Office of the Union, South Africa and Poland (as also Israel and the Netherlands) passed laws to adapt their system of protection to the 1991 Act. Several other States adopted amendments in line with that Act or drew up draft laws. It was determined that, at the close of the year, protection that complied with the 1991

Act was available in (or, on the basis of the European Community's regional system, for) 26 States.

13. A table annexed to this report summarizes the situation of the States with regard to the various Acts of the Convention as at December 31, 1996.

Territorial Application of the Convention

14. On November 27, following a procedure initiated at the beginning of the year, the Netherlands deposited a notification withdrawing a preceding notification that had extended the 1978 Act of the Convention to Aruba.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

15. The Council held its thirteenth extraordinary session on April 18 in Rome, under the chairmanship of Mr. Bill Whitmore (New Zealand), in response to requests for advice submitted by Brazil and Ecuador under Article 32(3) of the 1978 Act.

16. The Council held its thirtieth ordinary session on October 23, also under the chairmanship of Mr. Bill Whitmore. The session was attended by observers from 16 non-member States¹ and eight international organizations.²

17. At that session, it took the following main decisions:

(a) It pronounced on the conformity of the laws in force or proposed in Bulgaria, Kenya and Panama with the UPOV Convention and agreed on an expedited procedure for examining any laws submitted in the period between two sessions.

(b) On a recommendation by the Consultative Committee, it took a stance on the proposal to include the UPOV Convention as a source treaty in the field of application of the draft (WIPO) treaty on the settlement of intellectual property disputes between States.

(c) It approved the report of the Secretary-General on the activities of the Union in 1995 and noted the report on activities during the first nine months of 1996.

¹ Belarus, Brazil, Bulgaria, Egypt, Greece, Kenya, Luxembourg, Mexico, Panama, Republic of Korea, Republic of Moldova, Romania, Slovenia, Thailand, Tunisia, Venezuela.

² World Trade Organization (WTO), European Community (EC), Organisation for Economic Co-operation and Development (OECD), International Seed Testing Association (ISTA), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Association of Plant Breeders of the European Economic Community (COMASSO), International Chamber of Commerce (ICC).

(d) It approved the report of the Secretary-General on his management during the 1994-95 biennium and noted the auditor's report on the accounts of UPOV concerning that biennium.

(e) It approved the progress reports on the work of its various subsidiary bodies and either drew up or approved their work plans for the coming year.

(f) It unanimously elected:

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

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

(iii) Mr. Chris Barnaby (New Zealand) as Chairman of the Technical Working Party for Food Crops;

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

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

It further extended the term of office of Mr. Joël Guiard (France) for a further year as Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA Profiling in Particular.

Consultative Committee

18. The Consultative Committee held its fifty-first session on April 18 in Rome, under the chairmanship of Mr. Bill Whitmore. The Committee heard reports by the representatives of the member States on developments with respect to application of the 1991 Act and examined the following matters: the proposed UPOV central CD-ROM database on plant variety protection, the system of UPOV contributions, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and plant variety protection, as also biodiversity, plant genetic resources and plant variety protection.

19. The Consultative Committee held its fifty-second session on October 22, under the chairmanship of Mr. Bill Whitmore. It mainly prepared for the thirtieth ordinary session of the Council and took a new look at the matters examined at the preceding session and at the issue of the closing of the 1978 Act with the entry into force of the 1991 Act.

Administrative and Legal Committee

20. The Administrative and Legal Committee held its thirty-sixth session on October 21, under the chairmanship of Mr. H. Dieter Hoinkes (United States of America). The session was attended by observers from seven non-member States³ and from the European Community.

21. The Committee examined various matters concerning relations between the TRIPS Agreement and plant variety protection and various questions put by the Technical Committee with regard to the definition of varieties from both the theoretical and practical points of view; it also looked at the matter of settlement of disputes that was subsequently dealt with by the Consultative Committee and the Council.

Technical Committee

22. The Technical Committee held its thirty-third session from October 16 to 18, under the chairmanship of Mr. Joël Guiard (France). The session was attended by observers from five non-member States⁴ and four international organizations.⁵

23. The Committee adopted Test Guidelines for the following eight taxa on the basis of the preparatory work done by the Technical Working Parties: beetroot (revised); firelily; ginger; leaf chicory (wild); pumpkin; rape seed (revised); *Serruria*; spinach (revised). It further adopted corrections and modifications to the documents on barley and African violet.

24. The Committee considered the progress reports on the work of the Technical Working Parties and broadly defined the future work of those Working Parties. It also considered questions raised by the Working Parties in the light of experience gained by member States in the conduct of distinctness, uniformity and stability testing of new plant varieties.

Technical Working Parties

25. The Technical Working Parties held sessions outside Geneva as follows:

(a) the Technical Working Party for Agriculture Crops (TWA) held its twenty-fifth session from June 11 to 14 in Thessaloniki (Greece), under the chairmanship of Mr. H. Ghijzen (Netherlands).

(b) the Technical Working Party on Automation and Computer Programs (TWC) held its fourteenth session from June 4 to 6 in Hanover (Germany), under the chairmanship of Mr. S. Grégoire (France).

³ Belarus, Brazil, Greece, Mexico, Republic of Korea, Republic of Moldova, Romania.

⁴ Greece, Mexico, Republic of Korea, Romania, Venezuela.

⁵ United Nations Food and Agriculture Organization (FAO), EC, ISTA, ASSINSEL.

(c) the Technical Working Party for Fruit Crops (TWF) held its twenty-seventh session from April 22 to 26 in Tel Aviv, under the chairmanship of Mrs. E. Buitendag (South Africa).

(d) the Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its twenty-ninth session from April 15 to 19 in Tel Aviv, under the chairmanship of Mrs. U. Löscher (Germany).

(e) the Technical Working Party for Vegetables (TWV) held its thirtieth session from July 8 to 12 in Brno (Czech Republic), under the chairmanship of Mrs. E. Kristóf (Hungary).

26. The basic task of four of these Working Parties is to draw up Test Guidelines. In addition to the drafts submitted to the Technical Committee for adoption, they drew up further drafts for the following taxa, to be submitted to the professional organizations for comments: Japanese apricot, loquat, walnut (revision) (TWF); *Bouvardia* (TWO); cornsalad (revision), garlic, onion (revision) and shallot, rhubarb (revision), Welsh onion/bunching onion (TWV).

27. A subcommittee of the Technical Working Party for Fruit Crops, set up to examine the revision of the Test Guidelines for Vine, met on February 12 and 13 in Conegliano (Italy). Representatives of the International Plant Genetic Resources Institute (IPGRI) and the International Vine and Wine Office (OIV) also attended.

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

28. This Working Group did not meet in 1996.

III. SEMINARS

29. At the close of February and the beginning of March, UPOV held two national seminars in America on the nature of and rationale for plant variety protection under the UPOV Convention, as follows:

(a) on February 27 and 28, in Havana (Cuba), in cooperation with the National Office of Inventions, Technical Information and Marks of Cuba (ONIITEM);

(b) on March 4 and 5, in Panama City (Panama), in cooperation with the Ministry of Trade and Industry of the Republic of Panama and the Agronomic Research Institute of Panama (IDIAP).

The Spanish Government lent its assistance to the above events by providing a speaker.

30. On April 19, an Information Meeting on plant variety protection under the UPOV Convention was held in Rome (Italy), in connection with the sessions of the Consultative Committee and the Council of UPOV and the second extraordinary session of the (FAO) Commission on Genetic Resources for Food and Agriculture. The Italian Government lent its

assistance to the above event by making available the facilities of the Experimental Institute for Plant Pathology.

31. At the close of May and the beginning of June, UPOV organized three national seminars on the nature of and rationale for plant variety protection under the UPOV Convention in Central Asia, as follows:

(a) on May 28, in Bishkek (Kyrgyzstan), in cooperation with the State Agency of Intellectual Property of the Kyrgyz Republic;

(b) on May 30, in Almaty (Kazakhstan), in cooperation with the National Patent Office of Kazakhstan;

(c) on June 3, in Tashkent (Uzbekistan), in cooperation with the State Patent Office of Uzbekistan.

The German Government lent its assistance to the above events by providing a speaker.

32. From July 24 to 26, a regional seminar was held in Quito (Ecuador) for Andean countries on the protection of plant varieties, organized by the Ecuadorian Ministry of Agriculture and Livestock and the Ecuadorian Association of Breeders (ASOVEC), in cooperation with UPOV and the Inter-American Institute for Agricultural Cooperation (IICA-PROCIANDINO). The Governments of Argentina, France, the Netherlands and Spain lent assistance to the event by providing one speaker each. The seminar touched on all the main aspects of protection and dealt with matters of technical examination of varieties in greater depth. Representatives of the following States attended the Seminar: Bolivia, Colombia, Ecuador, Peru, Venezuela.

33. In September, UPOV organized, with financial assistance from the Ministry of Agriculture, Forestry and Fisheries of Japan, the following three national seminars on the nature of and rationale for the protection of plant varieties under the UPOV Convention in South-East Asia:

(a) on September 12, in New Delhi (India), in cooperation with the Indian Ministry of Agriculture;

(b) on September 16, in Dhaka (Bangladesh), in cooperation with the Bangladeshi Ministry of Agriculture;

(c) on September 19 and 20, in Hanoi (Viet Nam), in cooperation with the Vietnamese Ministry of Agriculture and Rural Development.

The Japanese Government provided a speaker as did the United Kingdom Government. Representatives of Indonesia, Malaysia, the Philippines and Thailand also attended the seminar in Hanoi.

34. On November 13 and 14, an international seminar was held in Bishkek (Kyrgyzstan) on the nature of and rationale for the protection of plant varieties under the UPOV Convention. The seminar was organized by UPOV in cooperation with the State Agency of Intellectual

Property of the Kyrgyz Republic and the financial assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan. The Japanese Government provided a speaker as did the Irish Government. Representatives of the following States attended the Seminar: Belarus, Georgia, Kazakstan, Kyrgyzstan, Uzbekistan, Russian Federation, Tajikistan, Ukraine.

IV. RELATIONS WITH MEMBER STATES⁶

35. On March 27, the Office of the Union received the visit of Mr. Hiroki Tanaka, Assistant Director of the Seeds and Seedlings Division of the Ministry of Agriculture, Forestry and Fisheries of Japan, and Mr. Masashi Hatae, official of that Division, and discussed with them the 1991 Act with a view to producing an official translation in Japanese and the revision of the Japanese Seeds and Seedlings Law.

36. On April 26, the Secretary-General received from the hands of the Ambassador and Permanent Representative of Denmark in Geneva, Mr. Jakob Esper Larsen, Denmark's instrument of ratification of the 1991 Act of the UPOV Convention.

37. On June 4, the Secretary-General received the instrument of ratification by Israel of the 1991 Act of the UPOV Convention.

38. On August 13, the Ambassador and Permanent Representative of Colombia in Geneva, Mr. Gustavo Castro Guerrero, deposited with the Secretary-General the instrument of accession of Colombia to the 1978 Act of the UPOV Convention.

39. On October 14, the Vice Secretary-General received the visit of Mr. Jaap R.T. Frederiks, First Secretary, Permanent Mission of the Netherlands in Geneva, who deposited the instrument of accession of the Netherlands to the 1991 Act of the UPOV Convention.

V. RELATIONS WITH NON-MEMBER STATES

States of North Africa and Western Asia

40. On May 14, the Vice Secretary-General received the visit of Mr. Mohammed A. Khalil, Counsellor in the Office of the Commercial Attaché to the Permanent Mission of Saudi Arabia in Geneva, who sought information on UPOV.

41. On December 13, the Vice Secretary-General received the visits of Mr. Mohammad A.A.R. Khreisat, Director of Trade Registration and Industrial Property Protection of Jordan,

⁶ See also paragraphs 29 (Spain), 30 (Italy), 31 (Germany), 32 (Argentina, France, the Netherlands and Spain), 33 (Japan and the United Kingdom), 34 (Ireland, Japan and Ukraine), 47 and 48 (Spain), 68 to 70 (Japan and the United Kingdom), 78 and 79 (Germany), 83 (Ireland and Japan), 114 (Community Plant Variety Office), 121 (Switzerland), 122 (France), 124 (Austria).

and of Mr. Abdel Hafic Al-Ajlouni, of the same Office, to whom he passed information on plant variety protection.

States of Sub-Saharan Africa⁷

42. On November 26, the Vice Secretary-General wrote to Mrs. Elisabeth Owiredugyampoh, Acting Registrar General, Ministry of Justice of Ghana, giving information on the UPOV Convention.

43. On December 6, the Vice Secretary-General wrote to Mr. José C.A. Pacheco, Vice Minister for Agriculture and Fisheries of Mozambique, with information on the UPOV Convention.

44. On December 12, the Vice Secretary-General received visits from Mr. Paul Omondi-Mbago, Registrar-General of Kenya, and Mr. Stephen Dominique Mtetewaunga, Principal Assistant Registrar of Patents and Trademarks of the United Republic of Tanzania. He discussed with them UPOV's proposal to organize national seminars in their countries.

45. On December 20, the Vice Secretary-General received the visit of Mr. Ablassé Ouedraogo, Minister for Foreign Affairs of Burkina Faso, and Mr. Jean-Baptiste Ilboudo, Ambassador Extraordinary and Plenipotentiary of Burkina Faso in Bonn, who expressed interest in plant variety protection and invited a representative of UPOV to visit their country.

States of Latin America and the Caribbean⁸

46. On February 20, the Vice Secretary-General sent a letter to Mr. Carlos Alberto Pflingst, Acting Director of the Paraguayan Seeds Directorate, providing supporting information in connection with the proceedings in the National Congress of Paraguay concerning accession by that country to the 1978 Act of the UPOV Convention.

47. On February 27 and March 1, in the context of the national seminar, an official of the Union and Mr. Ricardo López de Haro y Wood, Technical Director for Certification and Variety Registration, National Institute of Seeds and Nursery Plants (INSPV), Spain, had discussions in Havana with Mrs. América N. Santos Riveras, Director of ONIITEM of Cuba and with other officials of that Office.

48. From March 6 to 8, an official of the Union and Mr. Ricardo López de Haro y Wood had discussions in Quito (Ecuador) with officials of the National Directorate of Industrial Property of the Ministry of Industry, Commerce, Integration and Fisheries, the Ministry of

⁷ See also paragraphs 4, 6 and 16 (Kenya), 109 and 119 (OAPI).

⁸ See also paragraphs 4, 5 and 15 (Brazil), 4, 6 and 16 (Panama), 4 and 7 (Trinidad and Tobago), 5 and 15 (Ecuador), 29 (Cuba and Panama), 32 (Bolivia, Colombia, Ecuador, Peru and Venezuela), 99 (ALADI), 108 (Cartagena Agreement), 115 (ALADI and Pan-American Seed Seminar).

Agriculture and Livestock and the National Institute of Agricultural Research and with representatives of other circles interested in plant variety protection.

49. The meeting of the Latin American Integration Association (ALADI) held from March 13 to 15 in Buenos Aires provided the Vice Secretary-General with an opportunity to meet representatives of Bolivia and to clarify a certain number of issues with regard to a text that would align national legislation on the 1991 Act of the Convention.

50. On May 10, the Office of the Union wrote to Mrs. Lucia Gaxiola Rivera, Technical Secretary to the Director General of Legal Affairs in the Ministry of Agriculture, Stock-Farming and Rural Development of Mexico, commenting on the draft law for the protection of plant varieties which was then before the Mexican Congress.

51. On May 15, the Vice Secretary-General wrote to Dr. Maria José Amstalden Sampaio, Technical Assistant at the Brazilian Agricultural Research Corporation (EMBRAPA/CENARGEN), with suggestions concerning amendments to the Brazilian draft law that were necessary to bring it into conformity with the 1978 Act of the UPOV Convention.

52. On May 15, an official of the Union received the visit of Mrs. Lilia H. Carrera, Deputy Permanent Representative of Panama to WTO and Economic Counsellor, and replied to a number of questions put with a view to the drafting by the Panamanian authorities of a plant variety protection law.

53. On September 5, the Vice Secretary-General received a visit from Dr. Deborah Lazard, Counsellor to the Director General of the Mexican Institute of Industrial Property (IMPI), and Mrs. Patricia Gaytán, Head of the Biotechnology Area of the Patent Department of IMPI, to discuss patent protection for transgenic plants and the differentiation of plant varieties.

54. On September 19, an official of the Union received the visit of Ambassador Carlos E. González R., Representative of Panama to WTO, and of Mrs. Lilia H. Carrera. Contacts have been maintained with Mrs. Carrera with respect to the draft law that was presented to the thirtieth session of the Council.

55. On October 9, the Vice Secretary-General wrote to Mr. Eduardo Benítez Paulín, Director of the National Seed Control and Certification Service of Mexico, to congratulate him on the adoption by the Mexican Congress of the plant variety protection law.

56. The XVth Pan-American Seed Seminar, held from October 28 to 30, provided opportunities for discussions with Dr. Maria José Amstalden Sampaio on the draft law of Brazil for the protection of cultivars, which was then before the Brazilian Congress, with Mr. José Rosales King, Director of the National Seed Office of Bolivia, who confirmed that a decree implementing the suggestions of the UPOV Council had been incorporated in the Implementing Regulations to Decision No. 345 of the Commission of the Cartagena Agreement, and with Dr. Fausto Miranda, Director of the National Seed Service of Venezuela, concerning the implementation of the above decision in his country.

57. From October 31 to November 2, the Vice Secretary-General visited Paraguay where he was received by Mr. Gerardo López Zárate, Vice Minister for Agriculture, and Mr. Marcial Bobadilla Guillén, Director of the Department for International Organizations of the Ministry

of Foreign Affairs. He also met the Chairman of the National Agriculture Association and gave a lecture to individuals from agricultural circles. Finally, he visited the Seed Directorate (DISE) of the Ministry of Agriculture and Livestock, together with its Director, Mr. Carlos A. Pfungst, and the research station of the National Agronomic Institute in Caacupe.

58. On November 8, the Office of the Union received from the Permanent Mission of Mexico a copy of the Federal Plant Variety Law of Mexico which had entered into force on October 26.

59. On November 27, the Vice Secretary-General discussed with Ms. Mazina Kadir, Deputy Registrar General of Trinidad and Tobago, the parliamentary procedure for her country's plant variety protection Bill. The next day, the Office of the Union distributed to the members of the Council a document examining conformity of the draft law with the UPOV Convention and setting in motion the expedited procedure.

States of Asia and the Pacific⁹

60. From January 15 to 18, the Vice Secretary-General participated in a technical consultation on an implementation framework for farmers' rights in Madras (India), organized by the M.S. Swaminathan Research Foundation with support from the Ministry of Agriculture, Government of India, the FAO and the Swedish International Development Cooperation Agency.

61. The consultation provided an opportunity for discussions with Mr. G. Balakrishnan, Secretary to the Government of India, Ministry of Agriculture, and other senior officials of the Indian Government on possible proposals to legislate in India on the subject of plant variety protection.

62. On February 16, the Vice Secretary-General met Mr. Srinivasan Narayanan, Ambassador and Permanent Representative of India to WTO, and Mr. Thjindir Khanna, Secretary, Ministry of Industry, to discuss plant variety protection issues.

63. On February 16, the Secretary-General wrote to Mrs. Marinela R. Castillo, Under Secretary for Policy and Planning of the Philippines, with respect to the conformity of three proposed laws, concerning genetic resources and the rights of indigenous communities and peoples, with the UPOV Convention and the TRIPS Agreement.

64. On March 5, the Vice Secretary-General received the visit of Mr. Clive S.K. Lau, Agricultural Officer in the Agriculture and Fisheries Department of the Government of Hong Kong, who handed him a draft of a plant variety protection Bill proposed by Hong Kong in order to meet its obligations under the TRIPS Agreement.

⁹ See also paragraph 33 (Bangladesh, India, Indonesia, Malaysia, Philippines, Thailand and Viet Nam), 112 and 113 (APSA).

65. On May 14, the Vice Secretary-General wrote to Mr. Ian G. Hunter of the Department of Agriculture and Fisheries of Hong Kong with the comments of the Office of the Union on the draft law for the protection of plant varieties in Hong Kong.
66. On May 17, the Secretary-General and an official of the Union met Mr. Srinivasan Narayanan, Ambassador and Permanent Representative of India to WTO, and Mr. Asoke Mukerji, Counsellor (WTO), to discuss an issue of conformity of the legislation on plant variety protection with the TRIPS Agreement.
67. In July, the Office of the Union corresponded with Mr. Sarath Amarasiri, Director General for Agriculture in the Department of Agriculture of Sri Lanka, and accepted the principle of holding a national seminar in 1997.
68. On September 13, the Vice Secretary-General, together with an official of the Union, and with Mr. David Boreham, Controller of the Plant Variety Rights Office of the United Kingdom, and Mr. Ryusuke Yoshimura, Advisor to the Ministry of Agriculture, Forestry and Fisheries of Japan and Vice-President of the UPOV Council (“the UPOV Seminar team”), met, in New Delhi, with Mr. A. Benjamin, Additional Secretary in the Ministry of Agriculture of India, to discuss plant variety protection.
69. On September 17, the Vice Secretary-General and the UPOV Seminar team met Dr. Sawkat Ali, Secretary, Ministry of Agriculture of Bangladesh, and other senior officials of the Ministry in Dhaka. They also visited the Bangladesh Agricultural Research Council and met its Executive Chairman, Mr. Sujayet Ullah Chowdhury.
70. On September 18, the Vice Secretary-General and the UPOV Seminar team had discussions with Professor Dr. Nguyen Quang Ha, Vice-Minister for Agriculture and Rural Development of Viet Nam. On September 21, the UPOV Seminar team visited a testing station of the National Center for Variety Evaluation and Seed Certification near Hanoi.
71. On October 8, the Office of the Union wrote to Dr. Jeminiano R. Escaño, Director of the Bureau of Agricultural Research of the Philippines, with its comments on House Bill No. 7591 which would, if adopted, introduce plant variety protection in the Philippines.
72. On October 21, the Vice Secretary-General received the visit of Mr. Ki-Ho Suh, Director General of the Office of Seed Protection and Distribution of the Republic of Korea, which will administer the Korean plant variety protection system. They discussed the timetable for seeking the advice of the UPOV Council on the conformity of the Korean Law with the 1991 Act of the Convention.
73. On November 4, the Vice Secretary-General wrote to Mr. Stephen Preston of the Pacific Regional Agriculture Program, Fiji, concerning regional activities in relation to plant variety protection. The States participating in that program are: Fiji, Kiribati, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.

States of Europe and Central Asia

*States in transition to market economy*¹⁰

74. On January 23, the Office of the Union received the visit of Mr. Ruben M. Kalashian, principal expert, Armenian Patent Office, who was given documentation on UPOV.
75. On April 2, the Vice Secretary-General received a visit from Mr. Akil A. Azimov, Director of the State Patent Office, and Mr. T.T. Riskiev, Deputy Director of the State Committee of the Republic of Uzbekistan for Science and Technology, who discussed the national seminar that was to be organized in Tashkent on June 3 and 4.
76. On May 1, the Vice Secretary-General received the visits of Mrs. Raushan T. Alshymbaeva, Deputy Chairman, National Patent Office of Kazakstan, and of Mr. Roman Omorov, Director of the State Agency of Intellectual Property of the Kyrgyz Republic. They discussed arrangements for forthcoming national seminars in their countries.
77. On May 13, the Vice Secretary-General wrote to Mr. Nikolay Kolev, Head of the Legal Department of the Patent Office of the Republic of Bulgaria, giving the comments of the Office of the Union on the draft plant variety protection law which was shortly to be submitted to the Bulgarian Parliament.
78. On May 29, the Vice Secretary-General and Dr. Hans Walter Rutz, *Regierungsdirektor*, Federal Plant Variety Office of Germany, held discussions in Bishkek with officials of the State Agency of Intellectual Property of the Kyrgyz Republic on the draft law for the protection of plant varieties in that country. They also met officials of the Office of the President.
79. On May 31, the Vice Secretary-General and Dr. Hans Walter Rutz met with Dr. Gani Alimovich Kaliev, President of the Kazak Academy of Agricultural Sciences in Almaty, and with the Chairman and Deputy Chairman of the National Patent Office of Kazakstan, in order to discuss proposals to legislate on the subject of plant variety protection.
80. On June 4, the Vice Secretary-General visited the State Patent Office of Uzbekistan in Tashkent for discussions with its Director, Mr. Akil A. Azimov, and staff of the Office on proposals for legislation.
81. On October 2, the Vice Secretary-General received the courtesy visit of Mrs. Radoslavka Kazandjieva, President of the Patent Office of the Republic of Bulgaria.
82. On October 11, the Vice Secretary-General received the visit of Mr. Rekovski Lashev, First Secretary, Permanent Mission of Bulgaria in Geneva, with whom he discussed obtaining the advice of the Council on the conformity of Bulgarian law with the 1991 Act of the UPOV Convention.

¹⁰ See also paragraphs 4, 6 and 16 (Bulgaria), 31 (Kazakstan, Kyrgyzstan and Uzbekistan), 34 (Belarus, Georgia, Kazakstan, Kyrgyzstan, Russian Federation, Tajikistan and Uzbekistan).

83. On November 11, in the context of the international seminar organized by UPOV in Kyrgyzstan, the Vice Secretary-General, Mr. Ryusuke Yoshimura (Japan), Vice-President of the Council of UPOV and Mr. John Carvill, Controller of Plant Breeders Rights of Ireland, were received by the Prime Minister of the Kyrgyz Republic, Mr. Apas Jumagulov.

84. On November 20, the Office of the Union wrote to Mrs. Adriana Paraschiv, Head of the Examination Department, State Office for Inventions and Trademarks of Romania, with comments on a draft of a plant variety protection law.

85. On November 21, the Office of the Union received a visit from Mr. David Dzamukashvili, Deputy Chairman of the Georgian Patent Office, who announced the imminent finalization of the Georgian plant variety protection law.

86. On December 6, the Vice Secretary-General wrote to Mr. Vitali Alexashov, Chairman of the State Commission of the Russian Federation for the Testing and Protection of Selection Achievements, to Mr. Valery I. Kudashov, Chairman of the State Patent Committee of Belarus, and to Mr. Victor Volkodav, Chairman of the State Committee of Ukraine for Plant Variety Testing and Protection, concerning the convening of a working group to study the translation of the 1991 Act into the Russian language.

87. On December 10, the Vice Secretary-General wrote to Mr. Akil A. Azimov (Uzbekistan) congratulating him on the enactment of the Uzbek Law on the Protection of Selection Achievements.

Other States¹¹

88. On February 5 and 6, the Vice Secretary-General had contacts with Mr. Aleksandar Heina, Counsellor, Permanent Mission of Croatia in Geneva, who provided a copy of a draft law of Croatia on plant variety protection and asked for the comments of the Office of the Union as a matter of urgency.

89. On June 11, the Office of the Union wrote to Mr. Jan Kišgeci, Director of the Federal Administration for Plant Protection and Veterinary Medicine in the Federal Ministry for the Economy of Yugoslavia, with comments on a draft law for the protection of new plant varieties.

90. On July 26, the Secretary-General received the visit of Professor Umek, Minister for Science and Technology, Professor Jože Osterc, Minister for Agriculture, Food and Forestry, Mrs. Alenka Urbancic, State Secretary in the Ministry for Agriculture, Food and Forestry, and Dr. Bojan Pretnar, Director of the Slovenian Intellectual Property Office, and discussed amongst other things the proposals of Slovenia to legislate on plant variety protection.

91. On September 16, an official of the Union received the visit of Mr. Romas Svedas, Counsellor, Permanent Mission of Lithuania, and gave him general information on UPOV.

¹¹ See also paragraph 117 (Bosnia and Herzegovina).

92. On November 5, the Vice Secretary-General wrote to Mr. Bahattin Bozkurt, Director of the Seed Registration and Certification Center of Turkey, to express the willingness of the Office of the Union to organize an international seminar in Turkey in cooperation with the Turkish Government.

93. On November 22, the Vice Secretary-General wrote to Professor Jože Osterc (Slovenia) concerning his country's plant variety protection legislation.

94. On December 11, the Office of the Union wrote to Mr. Thorstein Tomasson, Director, Agricultural Research Institute of Iceland, with its comments on the draft law of Iceland for the protection of new plant varieties.

VI. RELATIONS WITH INTERNATIONAL ORGANIZATIONS

95. On February 14 and 15, the Vice Secretary-General and an official of the Union participated in parts of a meeting of the Genetic Resources Policy Committee of the Consultative Group for International Agricultural Research (CGIAR), which was held in Rolle (Switzerland).

96. On February 22, an official of the Union attended, as an observer, a session of the Council for TRIPS at WTO.

97. On March 6, the Vice Secretary-General received the courtesy visit of Mr. David Vermerris, President of the International Federation of the Seed Trade (FIS).

98. On March 9, the Vice Secretary-General attended, as an observer, a session of the Council for TRIPS at WTO.

99. From March 13 to 15, the Vice Secretary-General and an official of the Union attended the sixth meeting of the Seed Committee of ALADI in Buenos Aires in an observer capacity. The business of the Committee included the studying of a draft agreement for harmonization, following the principles of the 1978 and 1991 Acts, of the norms and policies applied by certain ALADI members with respect to plant breeders' rights.

100. On March 18, the Vice Secretary-General presented a paper on various aspects of intellectual property at a workshop, held by the OECD in Buenos Aires, devoted to trade in transgenic varieties.

101. From March 18 to 20, the Vice Secretary-General and an official of the Union attended, in an observer capacity, the annual meeting in Buenos Aires of the representatives of the national designated authorities under the OECD Schemes for the varietal certification of seed moving in international trade.

102. On March 25, an official of the Union participated in Paris in a session of the Vine Breeding Group of the OIV.

103. On April 15, the Vice Secretary-General had a meeting with Mr. Adrian Otten, Director of the Intellectual Property and Investment Division of WTO, and officials of WIPO to discuss the matter of notification of plant variety protection laws under the TRIPS Agreement and of relations between UPOV, WIPO and WTO.

104. On April 19, the Vice Secretary-General gave a dinner in Rome for Dr. Geoffrey Hawtin, Director General of IPGRI, and officials of that Institute together with Mr. Bill Whitmore, President of the UPOV Council, and Mr. Joël Guiard, Chairman of the Technical Committee of UPOV, at which the potential for cooperation between IPGRI and UPOV was discussed.

105. From April 23 to 25, the Vice Secretary-General attended, in an observer capacity, the second extraordinary session of the (FAO) Commission on Genetic Resources for Food and Agriculture in Rome.

106. From May 20 to 24, the Vice Secretary-General attended the Congresses of FIS and of ASSINSEL, which were held in Amsterdam (Netherlands).

107. From June 17 to 23, the Fourth International Technical Conference of FAO on Plant Genetic Resources was held at Leipzig (Germany). UPOV was represented at that Conference by the Vice Secretary-General and an official of the Union. It also had a stand in the associated exhibition.

108. On July 22 and 23, two officials of the Union participated in Quito in a meeting of the Sub-Regional Committee for the Protection of Plant Varieties of the countries party to the Cartagena Agreement.

109. On August 8, the Vice Secretary-General and an official of the Union discussed with officials of WIPO proposals to amend the Bangui Agreement (establishing the African Intellectual Property Organization (OAPI)), which include provisions for the creation of a plant variety protection system in the OAPI member States.

110. On September 2 and 3, the Office of the Union discussed and exchanged the texts of possible letters of agreement to be exchanged between UPOV and WTO establishing a basis for future cooperation between the two organizations.

111. On September 18, an official of the Office attended, as an observer, a session of the Council for TRIPS at WTO.

112. On September 23 and 24, the Vice Secretary-General participated in a workshop on plant breeders' rights issues in Asia, organized by the Asia and Pacific Seed Association (APSA), with support from FAO. Government representatives from Australia, India, Indonesia, Japan, the Philippines and Thailand participated in the workshop together with representatives of interested circles both within and outside the region.

113. On September 25 and 26, the Vice Secretary-General participated in "Asian Seed '96", the annual conference of APSA, at which he gave a brief address conveying the greetings of UPOV to some 500 participants at the conference.

114. On October 18, the Secretary-General wrote to Mr. Bart Kiewiet, President of the Community Plant Variety Office, concerning the future relationship between the Community Office and UPOV, welcoming the willingness of the Administrative Council of the Community Office to invite a representative of UPOV to attend its meetings as an observer.

115. From October 28 to 30, the Vice Secretary-General participated in the XVth Pan-American Seed Seminar held in Gramado (Brazil), in the course of which he lectured on international developments in plant variety protection. He also attended, as an observer, the seventh meeting of the Seed Committee of ALADI.

116. On November 1, an official of the Union attended, as an observer, a session of the Council for TRIPS at WTO.

117. On November 29, the Office of the Union received the visit of Mrs. Mona S. Chaya, an FAO consultant involved in a project to reconstruct the seed sector in Bosnia and Herzegovina. The project document drawn up subsequently refers in its legislative chapter to the protection of new plant varieties.

118. From December 9 to 13, an official of the Union participated in the third extraordinary session of the (FAO) Commission on Genetic Resources for Food and Agriculture.

119. On December 10, the Vice Secretary-General participated in a meeting with officials of WIPO to discuss the possible revision of the Bangui Agreement (establishing OAPI).

VII. OTHER EXTERNAL RELATIONS

120. On February 3, the Vice Secretary-General participated in a seminar on current issues before the WTO Committee on Trade and Environment organized by the Quaker Office to the United Nations in Geneva. He gave a presentation on UPOV and plant variety protection.

121. On February 16, an official of the Union presented a paper at a colloquium held in Weinfelden (Switzerland) by OBTECTA A.G., a Swiss commercial organization offering services to plant breeders.

122. On March 22, an official of the Union participated in an information meeting held in Paris by the French trade associations AMSOL and SEPRONA to discuss the essential derivation concept, and presented a paper.

123. On November 22, the Office of the Union received the visits of Mr. Tim Stocker, Director of Governmental Affairs for Europe, and Mr. Jean Donnenthir, Legal Advisor, of the Pioneer Overseas Corporation.

124. From November 26 to 28, an official of the Union attended the annual meeting of the Austrian Plant Breeders' Association in Gumpenstein (Austria) and gave two lectures.

VIII. PUBLICATIONS

125. The Office of the Union published:

(a) updated editions, when there was an event affecting the composition of the Union, of the information leaflet on UPOV and plant variety protection in Arabic, Chinese, English, French, German, Russian and Spanish;

(b) two issues of the periodical *Plant Variety Protection*;

(c) one supplement to Part I of the Collection of Important Texts and Documents in English, French, German and Spanish, and one trilingual supplement to Part II (Test Guidelines);

(d) the first three discs in the series constituting the UPOV central database *UPOV-ROM Plant Variety Database*;

(e) the report, in English, on the Seminar on the nature of and rationale for the protection of plant varieties under the UPOV Convention which was held in Pretoria from May 3 to 5, 1995.

126. The Council is invited to approve this report.

[Annex follows]

ANNEX

MEMBERSHIP OF THE UNION
(as of December 31, 1996)

State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Argentina	- - - -	- - November 25, 1994 -	- - December 25, 1994 -
Australia	- - - -	- - February 1, 1989 -	- - March 1, 1989 -
Austria	- - - -	- - June 14, 1994 -	- - July 14, 1994 -
Belgium	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	November 5, 1976 November 5, 1976 - -	December 5, 1976 February 11, 1977 - -
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -
Chile	- - - -	- - December 5, 1995 -	- - January 5, 1996 -
Czech Republic ³	- - - -	- - - -	- - January 1, 1993 -

¹ *First line:* International Convention for the Protection of New Varieties of Plants of December 2, 1961
Second line: Additional Act of November 10, 1972
Third line: Act of October 23, 1978
Fourth line: Act of March 19, 1991.

² of ratification where the State has signed the Convention or the Additional Act, as the case may be; of ratification, acceptance or approval if the State has signed the Act of 1978; of accession where it has not signed the text concerned.

³ Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991; State bound on December 4, 1991).

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Colombia	- - - -	- - August 13, , 1996 -	- - September 13, 1996 -
Denmark	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 6, 1968 February 8, 1974 October 8, 1981 -	October 6, 1968 February 11, 1977 November 8, 1981 -
Finland	- - - -	- - March 16, 1993 -	- - April 16, 1993 -
France	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	September 3, 1971 January 22, 1975 February 17, 1983 -	October 3, 1971 February 11, 1977 March 17, 1983 -
Germany	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	July 11, 1968 July 23, 1976 March 12, 1986 -	August 10, 1968 February 11, 1977 April 12, 1986 -
Hungary	- - - -	- - March 16, 1983 -	- - April 16, 1983 -
Ireland	- - September 27, 1979 February 21, 1992	- - May 19, 1981 -	- - November 8, 1981 -
Israel	- - - October 23, 1991	November 12, 1979 November 12, 1979 April 12, 1984 June 3, 1996-	December 12, 1979 December 12, 1979 May 12, 1984 -
Italy	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	June 1, 1977 June 1, 1977 April 28, 1986 -	July 1, 1977 July 1, 1977 May 28, 1986 -
Japan	- - October 17, 1979 -	- - August 3, 1982 -	- - September 3, 1982 -
Mexico (not yet member)	- - July 25, 1979 -	- - - -	- - - -

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Netherlands	December 2, 1961 November 10, 1972 October 23, 1978 March 19, 1991	August 8, 1967 January 12, 1977 August 2, 1984 October 14, 1996	August 10, 1968 February 11, 1977 September 2, 1984 -
New Zealand	- - July 25, 1979 December 19, 1991	- - November 3, 1980 -	- - November 8, 1981 -
Norway	- - - -	- - August 13, 1993 -	- - September 13, 1993 -
Poland	- - - -	- - October 11, 1989 -	- - November 11, 1989 -
Portugal	- - - -	- - September 14, 1995 -	- - October 14, 1995 -
Slovakia ³	- - - -	- - - -	- - January 1, 1993 -
South Africa	- - October 23, 1978 March 19, 1991	October 7, 1977 October 7, 1977 July 21, 1981 -	November 6, 1977 November 6, 1977 November 8, 1981 -
Spain	- - - March 19, 1991	April 18, 1980 April 18, 1980 - -	May 18, 1980 May 18, 1980 - -
Sweden	- January 11, 1973 December 6, 1978 December 17, 1991	November 17, 1971 January 11, 1973 December 1, 1982 -	December 17, 1971 February 11, 1977 January 1, 1983 -
Switzerland	November 30, 1962 November 10, 1972 October 23, 1978 March 19, 1991	June 10, 1977 June 10, 1977 June 17, 1981 -	July 10, 1977 July 10, 1977 November 8, 1981 -

³ Continuation of the accession of Czechoslovakia (instrument deposited on November 4, 1991; State bound on December 4, 1991).

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1,2}	Date Upon Which State Became Bound ¹
Ukraine	- - - -	- - October 3, 1995 -	- - November 3, 1995 -
United Kingdom	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 17, 1965 July 1, 1980 August 24, 1983 -	August 10, 1968 July 31, 1980 September 24, 1983 -
United States of America	- - October 23, 1978 October 25, 1991	- - November 12, 1980 -	- - November 8, 1981 -
Uruguay	- - - -	- - October 13, 1994 -	- - November 13, 1994 -

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