



C/31/3

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**COUNCIL**

**Thirty-First Ordinary Session**  
**Geneva, October 29, 1997**

REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 1997

*Document prepared by the Office of the Union*

I. COMPOSITION OF THE UNION

Members and Future Members

1. On January 8, 1997, Paraguay deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Paraguay on February 8, 1997.
2. On July 8, 1997, Ecuador deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Ecuador on August 8, 1997.
3. On July 9, 1997, Mexico deposited its instrument of ratification of the 1978 Act of the Convention. That Act entered into force with respect to Mexico on August 9, 1997.
4. As of that latter date, the Union comprised 34 member States: Argentina, Australia, Austria, Belgium, Canada, Chile, Colombia, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Mexico, Netherlands, New Zealand, Norway, Paraguay, Poland, Portugal, Slovakia, South Africa, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Uruguay.

5. 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.

6. Four requests were made in the period under review:

- (a) by the Republic of Moldova, by letter of March 18, on the basis of the 1991 Act;
- (b) by the European Community, by letter of April 1, on the basis of the 1991 Act;
- (c) by China, by letter of April 25, on the basis of the 1978 Act;
- (d) by Morocco, by letter of April 25, on the basis of the 1991 Act.

7. At its fourteenth extraordinary session, held on April 29, the Council examined the laws of the above-mentioned States and organization and took, in each case, a positive decision.

#### 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. Three States (Denmark, Israel and the Netherlands) have deposited an instrument of adherence to the 1991 Act.

9. 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 of adherence.

10. In the first nine months of 1997, according to the information of the Office of the Union, Germany and Sweden passed laws to adapt their system of protection to the 1991 Act, which increases to 11 the number of current member States which have laws which conform in all respects to the 1991 Act, while five non-member States (and the European Union) are in a position to accede at any time to the said Act. Most other member States have adopted amendments in line with that Act or drawn up draft laws.

11. The table annexed to this report summarizes the situation of the States with regard to the various Acts of the Convention as at September 30, 1997.

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

### Council

12. The Council held its fourteenth extraordinary session on April 29, under the chairmanship of Mr. Bill Whitmore (New Zealand), in response to the requests for advice submitted by China, Morocco, the Republic of Moldova and the European Union under Article 32(3) of the 1978 Act or Article 34(3) of the 1991 Act.

13. On the basis of preparatory work of the Consultative Committee, it also adopted, without taking a vote, a formal decision to the effect that certain States would be able to deposit an instrument of accession to the 1978 within a period of one year from the date of entry into force of the 1991 Act, notwithstanding that entry into force.

#### Consultative Committee

14. The Consultative Committee held its fifty-third session on April 29, under the chairmanship of Mr. Bill Whitmore. It heard reports by the representatives of the member States on developments with respect to application of the 1991 Act and examined the question of the closing of the 1978 Act to further accessions after the entry into force of the 1991 Act, eventually proposing the decision described in the preceding paragraph.

#### Administrative and Legal Committee, Technical Committee, Technical Working Parties and Working Group on Biochemical and Molecular Techniques, and DNA Profiling in Particular

15. For the work of the above bodies, reference is made to documents C/31/9 and C/31/10.

### III. SEMINARS

16. From March 3 to 6, UPOV organized, in Prague, a regional seminar on the protection of plant varieties under the UPOV Convention, in cooperation with the Ministry of Agriculture of the Czech Republic, mainly for the countries of Central and Eastern Europe. The participants came from the following countries: Austria, Bosnia and Herzegovina, Croatia, Estonia, Greece, Hungary, Iceland, Latvia, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, The Former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia. The Czech Republic, France, Germany, Hungary, the Netherlands, Poland and the European Community each provided a speaker; three further speakers had been drawn from the private sector.

17. On September 22, UPOV organized, in Brisbane (Australia), a workshop on the exercise of plant variety protection rights by holders of the rights, with the support of the Ministry of Agriculture, Forestry and Fisheries of Japan and in cooperation with the Plant Breeders' Rights Office of Australia, the Asia and Pacific Seed Association (APSA) and the Seed Industry Association of Australia. The participants came from the following countries: Argentina, Australia, Bangladesh, China (Special Administrative Region of Hong Kong), Denmark, Fiji, India, Indonesia, Japan, Netherlands, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Sri Lanka, Thailand, Tonga, United Kingdom, United States of America, Viet Nam. The speakers were from Argentina, Australia, France, Japan and Switzerland.

## IV. RELATIONS WITH STATES AND ORGANIZATIONS

18. On January 8, 1997, Mr. Eladio Loizaga Caballero, Ambassador and Permanent Representative of Paraguay in Geneva, deposited with the Secretary-General the instrument of accession of Paraguay to the 1978 Act of the UPOV Convention.

19. On January 20, the Vice Secretary-General participated in a meeting of a Working Party of the Trade Committee of the Organisation for Economic Co-operation and Development (OECD), in Paris, which discussed a draft questionnaire on intellectual property practices in the field of biotechnology.

20. On January 21, the Vice Secretary-General participated in a meeting with Mr. Alain Perrin, Director, Plant Breeding and Seed Office, and Mr. Alby Schmitt, Head of the African and Mediterranean Bureau of the International Relations Service of the Ministry of Agriculture in France. Also present were Miss Nicole Bustin, Secretary-General of the *Comité de la protection des obtentions végétales*, and Mr. François Burgaud, responsible for international relations in the *Groupement national interprofessionnel des semences et plants (GNIS)*. They discussed possible cooperation in providing technical assistance to francophone countries of Africa in relation to plant variety protection.

21. On January 27, the Vice Secretary-General wrote to Mr. Getachew Mengiste, Head, Patent, Technology Transfer and Development Department, Ethiopian Science and Technology Commission, with information on the UPOV Convention.

22. On January 28, the Vice Secretary-General wrote to Mr. Félix Rajaomazava, Secretary General of the Ministry of Development Research of Madagascar, giving information on plant variety protection.

23. On February 7, the Vice Secretary-General visited the Commonwealth Secretariat in London, where he met Mr. Peter de Groot of the Science and Technology Division and Mr. Rodney Harris of the Legal and Constitutional Affairs Division and discussed possible cooperation in relation to technical assistance for the implementation of plant variety protection legislation.

24. On February 11, the Vice Secretary-General visited the National Institute of Agricultural Botany at Cambridge, United Kingdom, where he discussed the possible organization of a plant variety protection course in Cambridge.

25. On February 13, the Office of the Union received a visit from Mrs. Carliene Brenner, Researcher with the OECD Development Centre, Paris, who sought information on the impact of intellectual property protection on the transfer of agricultural technology to developing countries.

26. On February 14, the Vice Secretary-General lectured in the WIPO Academy on intellectual property organized for the countries of the Commonwealth of Independent States. He lectured on plant variety protection and learned incidentally that Azerbaijan had recently enacted a plant variety protection law.

27. On the same day, he met with Mr. Marcel Bartels, Director of Fleuroselect, and Mr. Bernard Le Buanec, Secretary General of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), with whom he discussed the interest of the breeders of ornamental varieties reproduced by seed in plant variety protection and how that interest might be effectively serviced in the future.

28. On February 18, the Vice Secretary-General discussed the accession of the Russian Federation to the UPOV Convention with Mr. Alexander E. Baykin, Deputy Director, Legal Department, Ministry of Foreign Affairs of the Russian Federation.

29. On the same day, he wrote to Mr. Sotirios Zackheos, Ambassador and Permanent Representative of Cyprus in Geneva, giving information on the UPOV Convention.

30. On the same day, an official of the Union made a presentation on plant variety protection and UPOV for a delegation from Paraguay, comprising Mr. Miguel Abdón Saguier, President of the Senate and the National Congress, Mr. Victor Hugo Sánchez, Senator, and Mr. Dario Peralta, Vice-Minister for Commerce, Mr. Eladio Loizaga Caballero, Ambassador and Permanent Representative in Geneva, and Mr. Rigoberto Gauto, Minister at the Permanent Mission, on the occasion of their visit to WIPO.

31. On February 20 and 21, the Vice Secretary-General participated in Kusadasi (Turkey) in a Conference entitled *Seed World and Turkey in the 2000's*, organized by the Turkish Seed Industry Association. He spoke on the organization of UPOV and its role in the world seed sector. The meeting provided the opportunity for discussions with Dr. Tugrul Balikcioglu, Agricultural Director of the Turkish Ministry of Agriculture, and with Mr. Bahattin Bozkurt, Director of the Seed Registration and Certification Centre of Turkey, who passed information concerning progress in preparing a plant variety protection law conforming with the 1991 Act.

32. On March 3 to 5, the Vice Secretary-General and an official of the Union had opportunities, in the context of the Regional Seminar on the Protection of Plant Varieties Under the UPOV Convention organized by UPOV in cooperation with the Ministry of Agriculture of the Czech Republic, for discussions concerning plant variety protection and the relationship of their countries with UPOV and its Convention with Mr. Ivan Durkid, Head of the Seed Department, Agricultural Institute Osijek, and Mr. Vinko Kozumplik, Professor, Faculty of Agriculture, University of Zagreb (Croatia); with Mrs. Pille Ardel, Head of Department, Estonian Seed and Variety Testing Inspectorate; with Mrs. Iveta Ozolina, Senior Officer, National Plant Variety Board of Latvia; with Dr. Dmitri Brynzila, President, State Commission for Crop Variety Testing and Registration of the Republic of Moldova; with Mr. Vitali N. Alexashov, Chairman, State Commission of the Russian Federation for the Testing and Protection of Selection Achievements; and with Prof. Dr. Jan Kišgeci, Director, Federal Institute for Plant and Animal Genetic Resources of Yugoslavia.

33. On March 13, the Vice Secretary-General met at the National Institute of Agricultural Botany, in Cambridge, United Kingdom, with Dr. Simon Draper, Deputy Director of the Institute, Mr. Bernard Le Buanec, Secretary General of FIS and ASSINSEL, and Mr. Heinz Schmid, Secretary General of ISTA. They discussed the World Seed Conference that is proposed to be held in Cambridge in 1999.

34. On March 14, the Vice Secretary-General received the visit of Mr. Duan Ruichun, Director General, Office of the State Council, Intellectual Property Working Conference, and Mr. Jia Mingru, Director General, Department of Education, Science, Culture and Public Health, Legislative Affairs Bureau of the State Council of the People's Republic of China, and discussed the draft Regulation of the People's Republic of China on the Protection of New Varieties of Plants and the procedure for seeking the advice of the Council of UPOV on the conformity of the Regulation with the UPOV Convention.
35. On March 20, the Office of the Union sent to Mr. Dilip Sinha, Counsellor in the Permanent Mission of India in Geneva, at his request, the comments of the Office of the Union on an outline of a proposed Indian plant variety protection Bill.
36. On March 21, the Vice Secretary-General wrote to Ms. Mazina Kadir, Deputy Registrar General, Trinidad and Tobago, suggesting dates in December 1997 for the organization of a workshop on plant variety protection in Port-of-Spain.
37. On the same day, he wrote to Mr. Bambang Kesowo, Vice Cabinet Secretary, The President's Office of Indonesia, concerning the procedure for seeking the advice of the UPOV Council on the conformity of the country's laws with the UPOV Convention.
38. On March 24 and 25, the Vice Secretary-General participated, in Rabat, in a Plant Variety Protection Colloquium sponsored by USAID, the *Domaine Agricole* and the Directorate for Plant Protection, Technical Control and the Repression of Frauds (DPVCTRF) of the Ministry of Agriculture and Agricultural Development of Morocco and coorganized by the DPVCTRF and the Agricultural Biotechnology for Sustainable Productivity Project (ABSP) of the Michigan State University in the United States of America. He gave a key-note address on UPOV and plant variety protection and a second lecture on international developments in plant variety protection.
39. On March 26, the Office of the Union received the visit of Mrs. Marina Hondropolou, First Secretary at the Permanent Mission of Greece in Geneva, and provided her with information on the situation of Greece with respect to UPOV.
40. On March 27, the Vice Secretary-General wrote to Mr. Jia Mingru, Director General, Department of Education, Science, Culture and Public Health, Bureau of Legislative Affairs of the State Council of the People's Republic of China, enclosing a copy of a translation into English of the draft Regulation of the People's Republic of China on the Protection of New Varieties of Plants and a draft of the document that was subsequently submitted to the Council at its session on April 29.
41. On April 1, the Office of the Union learnt from Mrs. Hang Sanba, Division Chief, Department of Rural Science and Technology, The State Science and Technology Commission of China, that the Regulation of the People's Republic of China on the Protection of New Varieties of Plants had been signed by Mr. Li Peng, the Prime Minister, and promulgated.
42. On April 1 and 2, an official of the Union lectured, in Wageningen (Netherlands), in an international course on plant variety protection organized by the Center for Plant Breeding and Reproduction Research (CPRO-DLO) from April 1 to 11.

43. On April 4, the Vice Secretary-General wrote to Mr. Djenidi Bendaoud, Director General, Algerian Institute for Standardization and Industrial Property, giving information on UPOV.

44. From April 7 to 9, the Vice Secretary-General visited Accra, Ghana. While there, he met Mrs. Elizabeth Owiredu-Gyampoh, Acting Registrar General; Professor W.S. Alhassan, Director, Council for Scientific and Industrial Research; Prof. J.C. Norman, Deputy Director-General, responsible for agriculture, forestry and fisheries research in that Council; Dr. O.B. Hemang, Agricultural Director, Crops Research Institute, Kumasi; Dr. V.K. Ocran, Head, National Seed Service, Department of Crop Services, Ministry of Food and Agriculture; Dr. B. Asafo-Adjei, Legume Breeder, Crops Research Institute, Kumasi; Mr. Badu-Apraku, Corn Breeder, Crops Research Institute, Kumasi. He visited the Institute at Kumasi. During the visit, he also met Mr. Tony van Gastel, Team Leader and Seed Coordinator of the Seed Production and Marketing Project for West Africa, which is based in Ghana and which aims to assist meeting the needs of both anglophone and francophone countries of West Africa for seed industry development.

45. On April 11 and 12, the Vice Secretary-General visited Burkina Faso at the invitation of Mr. Ablassé Ouedraogo, Minister for Foreign Affairs of Burkina Faso. While there, he met officials from the Ministry of Foreign Affairs and the Ministry of Secondary and Higher Education and Scientific Research. He visited the National Center for Scientific and Technological Research, the Ministry for Environment and Water, and gave several presentations on the role of plant variety protection and the functions of UPOV.

46. From April 20 to 24, the Vice Secretary-General participated in the Centennial Celebrations in Vienna of the International Association for the Protection of Industrial Property (AIPPI), which was founded in 1897. He also participated in sessions of the Executive Committee of the Association.

47. On April 21, the Office of the Union received the visit of Mr. Enrique Ponce Aray, an attorney from Ecuador involved in the drafting of a new intellectual property code.

48. On April 30, a working group comprising representatives of the Russian Federation and Ukraine, met in Geneva to prepare a revised text, in the Russian language, of the 1991 Act of the Convention.

49. On May 2, the Vice Secretary-General received a visit from Mr. Hemant Krishan Singh, Deputy Permanent Representative of India in Geneva, and Mr. Dilip Sinha, Counsellor in the Permanent Mission, to whom he gave a copy of the decision of the Council of UPOV concerning the deposit of instruments of accession to the 1978 Act by States which received an advice of the Council on the conformity of their laws with the said Act.

50. On May 13, UPOV was host for the first meeting of a committee of organizations interested in the holding of a proposed World Seed Conference in 1999, on the occasion of the 75th anniversary of the foundation of the International Seed Testing Association (ISTA).

51. On May 14, UPOV received a visit from Dr. Simon Draper, Deputy Director, National Institute of Agricultural Botany of the United Kingdom, with whom he discussed the organization of a two-week training course on plant variety protection in the Institute in 1998.
52. On May 16, the Office of the Union received a visit from Mr. Raul Pellicer Navarro, Industrial Property Tribunal of Chile, which in future will hear appeals from decisions of the *Servicio Agrícola y Ganadero (SAG)*, the plant variety protection office of Chile.
53. From May 19 to 25, an official of the Union participated in the seventh session of the FAO Commission on Genetic Resources for Food and Agriculture, in Rome.
54. On May 22, the Secretary-General wrote to the Governments of Bolivia, Ecuador, Panama, Kenya and Trinidad and Tobago informing them of the decision of the Council of UPOV in relation to States which have received an advice of the Council prior to the closing of the 1978 Act.
55. From May 25 to 30, the Vice Secretary-General participated in the World Congresses of the International Federation of the Seed Trade (FIS) and the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), which were held in Stockholm.
56. On May 29, the Office of the Union received the visit of Mrs. Zoila Gonzalez de Gutiérrez, Director of the Department for Environmental Planning, Technical Secretariat of the Presidency of the Dominican Republic, and Mrs. Jocaste Valenzuela, Legal Advisor in the Department, and provided them with information on UPOV and plant variety protection.
57. On June 2, the Vice Secretary-General lectured on UPOV and the UPOV Convention in the WIPO Academy for African, Arab and Caribbean countries.
58. On the same day, the Vice Secretary-General received a visit from Dr. Jussein Al Badrawy, Director, Legislation Department, Ministry of Justice of Egypt, Mr. Ahmed Abdel Aziz Ezzat, Counsellor, Office of the Assistant Minister for Foreign Affairs, and Mr. Alaa Youssef, Third Secretary at the Permanent Mission of Egypt in Geneva, with whom he discussed the UPOV Convention and the availability of advice from the Office of the Union on proposed legislation.
59. From June 4 to 6, the Vice Secretary-General participated in a Workshop entitled "Intellectual Property Rights III" on access and property rights in global genetic resources organized by the Crop Science Society of America, the American Society of Agronomy and the American Society for Horticultural Science, in Washington, D.C.
60. On June 9, the Vice Secretary-General visited the United States Department of Agriculture and met: Mr. Lon Hatamiya, Administrator, Agricultural Marketing Service; Mr. Kenneth C. Clayton, Deputy Administrator; Mr. Bill Franks, Director, Science and Technology Division, Agricultural Marketing Service; and Dr. Marsha Stanton, Commissioner, Plant Variety Protection Office. They discussed likely future developments in UPOV and the requirement to provide technical assistance to developing countries. The Vice Secretary-General subsequently met officials of the Foreign Agricultural Service involved in international cooperation for development and in research and scientific exchanges.



61. On June 10, the Vice Secretary-General called on Mr. Dean Urmston, Executive Vice-President of the American Seed Trade Association (ASTA), and Mr. Leslie C. Cahill, Vice-President, in charge of Government Affairs.

62. On the same day, the Vice Secretary-General visited the United States Patent and Trademark Office and met with Mr. H. Dieter Hoinkes, Senior Counsel, and with Mrs. Mary C. Lee, Deputy Director, Biotechnology and Chemical Matrix, together with examiners involved in the examination of applications for plant patents and for utility patents concerning plants.

63. On June 12, the Vice Secretary-General visited the headquarters of Winrock International in Morrilton, Arkansas, United States of America, where he met its Director and Chief Executive Officer, Mr. Robert L. Thompson, and Mr. Avtar K. Kaul, Director, Forestry and Natural Resources Division.

64. On June 13, an official of the Union lectured in a post-graduate course on intellectual property of the Swiss Federal Institute of Technology in Zurich on plant variety protection.

65. On June 18 and 19, an official of the Union participated, in Paris, in the annual meeting of the representatives of the national designated authorities responsible for the implementation of the OECD schemes for the varietal certification of seed moving in international trade.

66. On June 27, the Office of the Union received a visit from the following team of Brazilian officials to discuss the plant variety protection law of Brazil: Dr. Maria José Amstalden Sampaio; Mrs. Elza Angela Battaglia Brito da Cunha, Lawyer and Executive Director; Mr. José Rozalvo Andrigueto, Director General, Seed Production, all from the Brazilian Agricultural Research Corporation (EMBRAPA); Mr. Manoel Olímpio de Vasconcelos Neto, Coordinator, Ministry for Agriculture and Food; and Mr. José Neumar Francelino, Project Director, of the same Ministry.

67. On the same day, the Vice Secretary-General wrote to Dr. Pham Dong Quang, Deputy Director, National Center for Variety Evaluation and Seed Certification of Viet Nam, answering questions on plant variety protection.

68. On June 30, an official of the Union gave a lecture on UPOV and the protection of plant varieties to a session of the WIPO Academy for French-speaking countries.

69. On July 7 and 8, the Vice Secretary-General participated in the Annual Convention of Fleuroselect, the organization of flower seed breeders and distributors, in Naples, Italy. He gave a presentation on plant variety protection in relation to ornamental plants reproduced by seed.

70. On July 8, Mr. Luis Gallegos Chiriboya, Ambassador and Permanent Representative of Ecuador in Geneva, called upon the Secretary-General to deposit the instrument of accession of Ecuador to the 1978 Act of the UPOV Convention.

71. On July 9, the Secretary-General received a letter from Mr. Antonio de Icaza, Ambassador and Permanent Representative of Mexico in Geneva, who announced the contribution of Mexico to the expenses of UPOV and the list of species to be protected in

Mexico, so as to complete the deposit of Mexico's instrument of ratification of the 1978 Act of the UPOV Convention.

72. On July 10, the Vice Secretary-General received a visit from Dr. Tony McRae, Senior Research Scientist, Bureau of Sugar Experiment Station, Mackay, Queensland, Australia, with whom he discussed the protection of sugar cane varieties.

73. On the same day, the Office of the Union wrote to Mrs. Iveta Ozolina from the Plant Cultivation and Seed Growing Division of the Ministry of Agriculture of Latvia on the procedure for adhering to UPOV.

74. On July 14, the Office of the Union received a visit from the following members of the Intellectual Property Committee of the South African Parliament: Mr. Don M. Gumede, Chairman, Committee on Trade and Industry, Mr. Ahmed Ally, Mr. Con Botha, and Mr. T.E. Ntaopane.

75. On July 15, the Vice Secretary-General received a visit from Dr. Roman Omorov, Director, State Agency of Intellectual Property of the Kyrgyz Republic, who announced that the plant variety protection law was now before his country's legislature.

76. On July 29, the Vice Secretary-General wrote to Mr. Jaafar Al-Fardan, Assistant Under-Secretary for Industrial Affairs, Ministry of Finance and Industry, United Arab Emirates, providing information on UPOV and plant variety protection.

77. On August 8, the Vice Secretary-General received a visit from Dr. Don Loch, Principal Scientist (Seed Production), Department of Primary Industries of Queensland, Australia, who was conducting a study on the practical impact of plant variety protection on the seed industry.

78. From August 10 to 13, the Vice Secretary-General and Mr. Henning Kunhardt, *Leitender Regierungsdirektor*, Federal Office of Plant Varieties of Germany, visited China, at the invitation of the Chinese Government, to discuss the implementing rules to be made under the Regulation on the Protection of New Varieties of Plants. They met Mr. Zhou Kaizhong, Deputy Director, Department of Science, Technology and Quality Standards, Ministry of Agriculture, together with the members of a working team established to begin the implementation of the Regulation, which came into force on October 1, 1997. They also met, in the offices of the State Science and Technology Commission of China, Mr. Duan Ruichan, Director General, Office of the State Council Intellectual Property Working Conference; Mr. Jia Mingru, Director General, Department of Science, Education, Culture and Public Health, Legislative Affairs Bureau of the State Council; and Mrs. Hang Sanba, Division Chief, Department of Rural Science and Technology, State Science and Technology Commission. They reviewed progress since the consultation meeting with officials of the Legislative Affairs Bureau of the State Council in June 1996, and also the procedure for the accession of China and the Chinese Special Administrative Region of Hong Kong to the 1978 Act of the Convention.

79. On August 15, the Vice Secretary-General visited the Ministry of Agriculture, Forestry and Fisheries of Japan, where he met Mr. Takashi Kato, Deputy Director General, Agricultural Production Bureau, Mr. Ryusuke Yoshimura, Advisor to the Minister and Vice-President of the UPOV Council, and Mr. Shigemasa Kuromoto, Director, Seeds and Seedlings

Division of the Ministry, together with staff of the Division. In the evening, the Vice Secretary-General was a guest at a dinner hosted by Mr. Heisan Koshibe, President, Mikado Seed Growers, and President for International Relations of the Japan Seed Trade Association.

80. On August 18, the Vice Secretary-General received the visit of Mrs. Usha Dwarka-Canabady, Minister-Counsellor and Deputy Permanent Representative of Mauritius in Geneva, who sought information on UPOV.

81. Also on August 18, the Vice Secretary-General wrote to Mr. Alain Perrin, Director, Plant Breeding and Seed Office, Ministry of Agriculture and Fisheries, France, confirming the arrangements whereby his Ministry will provide a financial contribution towards the organization of an international seminar to be held in Burkina Faso for the member States of OAPI.

82. On August 28, the Vice Secretary-General wrote to Mr. Omar Ait Aneur, Director, Agricultural Production, Ministry of Agriculture, Algeria, providing information on plant variety protection.

83. On September 2, the Vice Secretary-General wrote to the Secretary for Agriculture and Irrigation, Malawi, in response to a request for information on UPOV and the UPOV Convention.

84. On September 3, the Office of the Union received the visit of Mr. Nobuto Iwata, Associate Professor at the School of Business Administration of Aoyama Gakuin University in Japan, and Mr. Tamotsu Takase, Professor at the School of Law of Tokay University and Member of the Environment Committee of the Environment Agency, placed under the Prime Minister's Office.

85. On September 5, the Office of the Union received a visit from Mr. Luis Antonio Martinez Ramirez, President of the Environment Commission, and Mr. Orlando Gonzalez Villalobos, Member of the Agriculture and Livestock Development Commission, of the Legislative Assembly of Costa Rica.

86. On September 8, the Office of the Union sent to Ambassador Carmen Luz Guarda, Chairperson of the Council for TRIPS of the World Trade Organization, a document listing the programs of technical and financial cooperation of UPOV in the field of intellectual property.

87. On September 10, the Office of the Union sent a draft translation into Arabic of the UPOV Model Law on the Protection of New Varieties of Plants to Mr. Mohamed Tourkmani, Head of Service, Seeds and Plants Control, Ministry of Agriculture, Equipment and Environment of Morocco, and Mr. Salah Abdel Wanis, Under-Secretary, Ministry of Agriculture, Head of the Central Administration for Seed Testing and Certification, Egypt, seeking their comments on the use of technical expressions in the Arabic translation.

88. On September 12, the Vice Secretary-General wrote to Mr. Keun Jin Choi of the National Seed Production and Distribution Office of the Republic of Korea, giving the comments of the Office of the Union on the conformity of the seed industry law of his country with the 1991 Act of the UPOV Convention.

89. On the same day, he received a request from Mr. Joe Cortes, Coordinator, International Seed Program, Iowa State University, United States of America, for UPOV assistance in providing speakers and documentation in relation to a workshop proposed to be organized for the countries of Central America on plant variety protection.

90. On September 15, in Cambridge, United Kingdom, the Vice Secretary-General participated in a meeting of the Organizing Committee of the proposed World Seed Conference 1999.

91. On September 19, an official of the Union participated in the session of the WTO Council for TRIPS.

92. On September 20, the Vice Secretary-General spoke, in Brisbane, Australia, on the international protection of new varieties of plants in a session dealing with intellectual property of *Seed Business '97*, a Congress of the Seed Industry Association of Australia.

93. On September 23 and 24, the Vice Secretary-General participated in *Asian Seed '97*, the annual conference of the Asia and Pacific Seed Association (APSA) in Brisbane. He delivered a brief message and greetings from UPOV in the inaugural session. During the conference, he had discussions with Dr. Nerius I. Roperus, Director, Bureau of Plant Industry, Philippines, with Mr. M. Nurul Islam, Director General (Seeds), Ministry of Agriculture of Bangladesh, and with Mr. M. Munawir, Director for Seed Development, Directorate General of Food Crops and Horticulture, Ministry of Agriculture of Indonesia.

94. Also on September 23 and 24, an official of the Union participated in the evaluation meeting of the comparative trials of the European Community for tomato, in Roelofarendsveen (Netherlands).

95. On September 30, the Vice Secretary-General received a visit from Mr. Amar Bouhnik, Director of Industrial Property, Algerian Institute of Standardization and Industrial Property, and from Mr. Slimane Barouk, Counsellor, Ministry for Industry and Restructuring of Algeria. They expressed interest in the organization of a national seminar on plant variety protection in Algeria in 1998 and in the preparation of a national plant variety protection law.

96. On the same day, the Vice Secretary-General received a visit of Mr. Anthioumane N'Diaye, Director General, and of Mr. Faouly Bangoura, Intellectual Property Director of the African Intellectual Property Organization (OAPI). They discussed the possible extension of the Bangui Agreement so as to include plant variety protection and the participation of representatives from OAPI in an international seminar proposed to be held in Ouagadougou, in December 1997.

## V. PUBLICATIONS

97. The Office of the Union published:

- (a) a revised version of the 1991 Act in the Russian language;

(b) updated editions, covering every event affecting the composition of the Union, of the information leaflet on UPOV and plant variety protection in English, Arabic, Chinese, French, German, Russian and Spanish;

(c) two issues of the periodical "Plant Variety Protection";

(c) 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 Medan (Indonesia) from December 5 to 7, 1995.

98. *The Council is invited to note this report.*

[Annex follows]

## ANNEX

MEMBERSHIP OF THE UNION  
(as of September 30, 1997)

State	Date of Signature <sup>1</sup>	Date of Deposit of Instrument <sup>1, 2</sup>	Date Upon Which State Became Bound <sup>1</sup>
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 <sup>3</sup>	- - - -	- - - -	- - January 1, 1993 -

<sup>1</sup> *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.

<sup>2</sup> 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.

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

C/31/3  
Annex, page 2

State	Date of Signature <sup>1</sup>	Date of Deposit of Instrument <sup>1, 2</sup>	Date Upon Which State Became Bound <sup>1</sup>
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 -
Ecuador	- - - -	- - July 8, 1997 -	- - August 8, 1997 -
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 -

C/31/3  
Annex, page 3

State	Date of Signature <sup>1</sup>	Date of Deposit of Instrument <sup>1, 2</sup>	Date Upon Which State Became Bound <sup>1</sup>
Mexico	- - July 25, 1979 -	- - July 9, 1997 -	- - August 9, 1997 -
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 -
Paraguay	- - - -	- - January 8, 1997 -	- - February 8, 1997 -
Poland	- - - -	- - October 11, 1989 -	- - November 11, 1989 -
Portugal	- - - -	- - September 14, 1995 -	- - October 14, 1995 -
Slovakia <sup>3</sup>	- - - -	- - - -	- - 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 - -

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



C/31/3  
Annex, page 4

State	Date of Signature <sup>1</sup>	Date of Deposit of Instrument <sup>1, 2</sup>	Date Upon Which State Became Bound <sup>1</sup>
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 -
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 -

(34 member States)

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