



C/32/15

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-Second Ordinary Session
Geneva, October 28, 1998

RECORD OF THE DECISIONS
ADOPTED IN THE SESSION

adopted by the Council

Introduction

1. The Council of the International Union for the Protection of New Varieties of Plants (UPOV) held its thirty-second ordinary session in Geneva on October 28, 1998, under the chairmanship of Mr. Ryusuke Yoshimura (Japan).
2. The Council took the decisions recorded below, under each relevant agenda item.
3. The draft report on the session will be submitted to the next session of the Council for adoption.

Adoption of the Report on the Thirty-First Ordinary Session

4. The Council adopted the report as given in document C/31/17 Prov.

Examination of the Conformity of the Plant Breeders' Rights Act of Zimbabwe with the 1978 Act of the UPOV Convention

5. Discussions were based on document C/32/12.

6. The Council noted:

(a) that the examination of the conformity of the Plant Breeders' Rights Act of Zimbabwe with the 1978 Act of the UPOV Convention had been carried out under the expedited procedure decided upon at its thirtieth ordinary session, in October 1996 (see document C/30/17, paragraph 13);

(b) that the Office of the Union had received no comments based upon document C/32/12 from representatives of member States;

(c) that the Council had therefore:

(i) decided that the Plant Breeders' Rights Act of Zimbabwe, after the incorporation of the substance of the changes suggested in document C/32/12, would conform to the 1978 Act of the UPOV Convention;

(ii) requested the Secretary-General to advise the Government of Zimbabwe that after the incorporation into the Act of such suggested changes to the satisfaction of the Office of the Union it would be able, at any time prior to April 24, 1999, to deposit an instrument of accession to the 1978 Act;

(d) that the Secretary-General had communicated the above decision to the Government of Zimbabwe on October 21, 1998.

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

Estonia

7. Discussions were based on document C/32/13.

8. The Council decided:

(a) to advise the Government of Estonia that the Act, with the incorporation of suitable amendments, provided the basis for an Act conforming with the Convention;

(b) to request the Office of the Union to offer its assistance to the Government of Estonia in respect of the amendments and the Regulations that were necessary to achieve conformity and the other amendments that improved the effectiveness of the Act;

(c) to further advise the Government of Estonia that

(i) after the adoption of an Act on the revision of the Act in accordance with the suggestions of the Office of the Union, but without other substantial changes, and

(ii) after consultation of the Office of the Union as to whether the amendments to the Act were adequate,

it would be able to deposit an instrument of accession to the 1991 Act of the UPOV Convention.

Kyrgyz Republic

9. Discussions were based on document C/32/14.

10. The Council decided:

(a) to advise the Government of the Kyrgyz Republic that the Law provided the basis for a legal system of protection conforming with the Convention and that the Government was able to deposit an instrument of accession to the 1991 Act of the UPOV Convention on the basis of the Law;

(b) to request the Secretary-General to advise the Government of the Kyrgyz Republic of this decision whilst drawing its attention to the discrepancies referred to in paragraph 32 of document C/32/14, and offering the assistance of the Office of the Union in respect of the amendments that ought to be made in the Law to achieve conformity with the Convention without the need to draw upon Article 37 of the Law.

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

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

Report by the Secretary-General on the Activities of the Union in 1997; Supplementary Report on Activities During the First Nine Months of 1998

12. The Council approved the report by the Secretary-General on the activities of the Union in 1997, given in document C/32/2, and noted the report on activities during the first nine months of 1998, given in document C/32/3.

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

Report by the Secretary-General on the Management of the Union During the 1996-97 Biennium and the Financial Situation of the Union at December 31, 1997

14. The Council unanimously approved the report by the Secretary-General on the management of the Union during the 1996-97 biennium and the financial situation of the Union at December 31, 1997, as given in document C/32/4.

Report on the Auditing of the Accounts of the 1996-97 Biennium

15. The Council noted the report of the auditors on the accounts of the 1996-97 biennium contained in document C/32/4, Annex B, and expressed its gratitude to the Government of Switzerland for its cooperation in this matter.

Progress of the Work of the Administrative and Legal Committee

16. The Council noted the work of the Administrative and Legal Committee as described in document C/32/9. It also noted that the agenda of the next session of the Committee would include an item of the notion of “breeder” under the Convention.

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

17. The Council noted the work of the Technical Committee and the Technical Working Parties as given in document C/32/10 and its addendum, and approved the programs of work for the forthcoming sessions.

18. The Council unanimously supported the continuation of the work of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular. The Delegation of Germany stated that the Working Group should focus on methods that would be of assistance in DUS testing for plant variety protection purposes.

Calendar of Meetings in 1999

19. The Council established the calendar of meetings in 1999 as reproduced in the Annex to this document. It also noted that a series of meetings would be organized on “the *sui generis* option under Article 27.3(b) of the TRIPS Agreement” and as part of a program of technical assistance to countries introducing a *sui generis* system of protection for plant varieties.

Election of the New Chairman of the Administrative and Legal Committee

20. The Council elected, for a term of three years ending with the thirty-fifth ordinary session of the Council, in 2001, Mr. John V. Carvill (Ireland) and Ms. Nicole Bustin (France) Chairman and Vice-Chairman, respectively, of the Administrative and Legal Committee.

21. The Council expressed its appreciation to the outgoing Chairman, Mr. H. Dieter Hoinkes (United States of America), for the work carried out during his term.

Election of the New Chairman of the Technical Committee

22. The Council elected, for a term of three years, Ms. Elise Buitendag (South Africa) and Mr. Michael Camlin (United Kingdom) Chairman and Vice-Chairman, respectively, of the Technical Committee.

23. The Council expressed its appreciation to the outgoing Chairman, Mr. Joël Guiard (France), for the work carried out during his term.

Election of the New Chairman of the Technical Working Party for Agricultural Crops

24. The Council elected, for a term of four years, Mrs. Françoise Blouet (France) Chairman of the Technical Working Party for Agricultural Crops.

25. The Council expressed its appreciation to the outgoing Chairman, Mr. Aubrey Bould (United Kingdom), for the work carried out during his term and wished him a happy retirement.

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

26. The Council elected, for a term of three years, Mr. Michael Camlin (United Kingdom) Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular.

27. The Council expressed its appreciation to the outgoing Chairman, Mr. Joël Guiard (France), for the work carried out during his term.

Situation in the Legislative, Administrative and Technical Fields

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

29. This report was unanimously adopted by the Council at the close of its session.

[Annex follows]

DATES OF MEETINGS IN 1999

presented in the order of the organs

Council

October 21

Consultative Committee

March 26
October 20

Administrative and Legal Committee

March 25
October 18 and 19

Technical Committee

March 22 to 24

Technical Working Party for Agricultural Crops

June 22 to 25, Ottawa, Canada

Technical Working Party on Automation and Computer Programs

June 29 to July 2, Helsinki, Finland

Technical Working Party for Fruit Crops

To be decided at the session to be held from November 9 to 14, 1998, in Caloundra, Australia

Technical Working Party for Ornamental Plants and Forest Trees

To be decided at the session to be held from November 16 to 21, 1998, in Christchurch, New Zealand

Technical Working Party for Vegetables

July 5 to 9, Hanover, Germany

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

To be fixed in relation to the dates of the session of the Technical Committee in 2000;
there will be no meeting in 1999.

[World Seed Conference 1999]

September 6 to 8, Cambridge, United Kingdom

[UPOV-WIPO-WTO Roundtable on the *Sui Generis* Option Under Article 27.3(b) of the TRIPS Agreement]

February 15, Geneva

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