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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-Second Ordinary Session
Geneva, October 28, 1998

REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 1998

Document prepared by the Office of the Union

I. COMPOSITION OF THE UNION

Members and Future Members

1. On December 30, 1997, Trinidad and Tobago deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Trinidad and Tobago on January 30, 1998.
2. On March 24, 1998, Bulgaria and the Russian Federation deposited their instruments of accession to the 1991 Act of the Convention. That Act entered into force with respect to Bulgaria and the Russian Federation on April 24, 1998.
3. On September 28, 1998, the Republic of Moldova deposited its instrument of accession to the 1991 Act of the Convention. That Act will enter into force with respect to the Republic of Moldova on October 28, 1998.
4. As of that latter date, the Union will comprise 38 member States: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Mexico, Netherlands, New Zealand, Norway, Paraguay, Poland, Portugal, Republic of Moldova, Russian Federation,

Slovakia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, 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 considered in the period under review:

- (a) a request by Croatia, by letter of December 11, 1997, on the basis of the 1991 Act;
- (b) a request by Nicaragua, by letter of February 7, 1998, on the basis of the 1978 Act;
- (c) a request by Venezuela, by letter of March 23, 1998, on the basis of both the 1978 and 1991 Act;
- (d) a request by Zimbabwe, by letter of April 23, 1998, on the basis of the 1978 Act.

7. At its fifteenth extraordinary session, held on April 3, the Council examined the laws of the above-mentioned States, asked the Office of the Union to offer its assistance to their Governments in finalizing their legislation, and took the decisions described in paragraphs 7, 8 and 9:

8. The Council decided

- (a) to advise the Government of Croatia that its law, when supplemented by regulations and with the incorporation of suitable amendments, would provide the basis for a law conforming with the 1991 Act;

- (b) to further advise the Government of Croatia that

- (i) after the enactment of a law on the revision of its law in accordance with the suggestions of the Office of the Union, but without other substantial changes, and the making of necessary regulations, and

- (ii) after consultation of the Office of the Union as to whether the amendments to its law and the regulations were adequate,

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

9. The Council decided

- (a) to advise the Government of Nicaragua that its Bill, when supplemented by implementing regulations and after elimination of its Article 69, provided the basis for a law conforming with the 1978 Act;

- (b) to further advise the Government of Nicaragua that

(i) after the enactment into law of the Bill incorporating the amendments suggested by the Office of the Union, but without other substantial changes, and the making of necessary regulations, and

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

it would be able to deposit an instrument of accession to the 1978 Act by April 24, 1999, at the latest.

10. The Council decided

(a) to take a positive decision on the conformity of the legislation of Venezuela with the provisions of the 1978 Act and the 1991 Act, subject to some amendments being made to the draft regulations;

(b) to further advise the Government of Venezuela that

(i) after consultation with the Office of the Union as to whether the amendments to the regulations were adequate, and

(ii) after adoption of the regulations incorporating such amendments, but without other substantial changes,

it would be able to deposit an instrument of accession to the 1978 Act prior to April 24, 1999, or to the 1991 Act at any time.

11. At its thirtieth ordinary session held on October 23, 1996, the Council decided that requests on advice on the conformity of legislation with the 1978 Act of the Convention could be examined in an expedited procedure by correspondence. The Council dealt with the request for advice from Zimbabwe pursuant to this expedited procedure. The Council decided that the law of Zimbabwe, after the incorporation of the substance of the changes suggested in document C/32/12, would conform with the 1978 Act and requested the Secretary-General to advise the Government of Zimbabwe that after the incorporation into the Law of such suggested changes to the satisfaction of the Office of the Union it may, at any time prior to April 24, 1999, deposit an instrument of accession to the 1978 Act.

12. At its thirteenth extraordinary session, on April 18, 1996, the Council had examined a Government Bill of Brazil for conformity with the 1978 Act. It had decided that if the Bill, with certain suggested changes but without other substantial changes, was enacted into law, the Government of Brazil could deposit an instrument of accession to the 1978 Act. The Bill was enacted into law but with some substantial changes. Accordingly, the Council examined the Brazilian law as enacted. It reached a positive conclusion concerning its conformity with the 1978 Act.

Situation in Relation to the Various Acts of the Convention

13. The deposit of instruments of accession to the 1991 Act by Bulgaria and the Russian Federation brought to six the number of States which had ratified, accepted or acceded to the 1991 Act and satisfied the minimum number of five adhering States required to bring the 1991 Act into force. It came into force on April 24, 1998. On that date, Bulgaria, Denmark, Israel, the Netherlands, the Russian Federation and Sweden became bound by the 1991 Act. The 1991 Act was subsequently ratified by Germany, on June 25, and acceded to by the Republic of Moldova, on September 28, 1998. All other 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.

14. 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.

15. In the first nine months of 1998, according to the information of the Office of the Union, Japan and the United Kingdom passed laws to adapt their systems of protection to the 1991 Act. Italy adopted a law enabling the Government to adapt the national legal system to the 1991 Act by decree. The number of member States which have laws which conform in all respects to the 1991 Act reached fourteen, while four non-member States (and the European Union) were 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.

16. At its fourteenth extraordinary session held on April 29, 1997, the Council decided that States which had sought of the advice of the Council on the conformity of their laws with the 1978 Act before the entry into force of the 1991 Act should, provided they satisfied any condition specified by the Council, be permitted to deposit an instrument of accession to the 1978 Act before the first anniversary of the entry into force, on April 24, 1998, of the 1991 Act. The effect of this decision is that Bolivia, Brazil, China, Kenya, Nicaragua, Panama, Venezuela and Zimbabwe may deposit instruments of accession to the 1978 Act at any time prior to April 24, 1999 (Bolivia and Venezuela would also be able to accede to the 1991 Act). One additional State, India, has taken steps which could result in its addition to this list, if the Council so decides.

17. 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, 1998.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

18. The Council held its fifteenth extraordinary session on April 3, under the chairmanship of Mr. Ryusuke Yoshimura (Japan), to examine the requests for advice submitted by Croatia, Nicaragua and Venezuela under Article 32(3) of the 1978 Act or Article 34(3) of the 1991 Act and to re-examine the laws of Brazil.

19. On the basis of preparatory work of the Consultative Committee, it also adopted a modification to the Program and Budget of UPOV for the 1998-99 Biennium creating a new budget item 08.*bis* authorizing expenditure on technical assistance for countries seeking to introduce plant variety protection laws.

Consultative Committee

20. The Consultative Committee held its fifty-fifth session on April 3, under the chairmanship of Mr. Karl Olov Öster (Sweden). It heard reports by the representatives of the member States on developments with respect to application of the 1991 Act, approved the concept of special observer status for some States, and authorized the conclusion of a cooperation agreement between UPOV and the World Intellectual Property Organization (WIPO) in which WIPO would, *inter alia*, support financially technical assistance for developing countries in the introduction of plant variety protection systems.

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

21. For the work of the above bodies, reference is made to documents C/32/9 and C/32/10.

III. COURSES, SEMINARS, WORKSHOPS

22. From April 29 to May 1, UPOV organized, in Port-of-Spain, a regional seminar on the protection of plant varieties under the UPOV Convention, in cooperation with the Ministry of Legal Affairs of Trinidad and Tobago and WIPO for the following Caribbean countries: Bahamas, Barbados, Commonwealth of Dominica, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Suriname. The United Kingdom (2) and Canada (1) provided speakers.

23. From June 8 to 19, UPOV organized, in Cambridge, United Kingdom, in cooperation with the National Institute of Agricultural Botany (NIAB) and with the support of the Ministry of Agriculture, Forestry and Fisheries of Japan and of WIPO, a briefing workshop on plant variety protection under the UPOV Convention. Participants came from the following countries: Bangladesh, China, India, Indonesia, Kenya, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Thailand, Vietnam and Zimbabwe. France, Japan, the United Kingdom and the Community Plant Variety Office provided speakers.

24. From June 8 to 24, UPOV organized, in Madrid, a training course on plant variety protection for Latin-American countries in cooperation with the Ministry of Agriculture, Fisheries and Food of Spain and with WIPO. Participants came from the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain, Uruguay and Venezuela. Argentina, Spain and Uruguay provided speakers.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

25. On January 5, the Vice Secretary-General wrote to Mr. Manoel Olímpio de Vasconcelos Neto, Head, *Serviço Nacional de Proteção de Cultivares*, Ministry of Agriculture and Development of Brazil, concerning the steps to be taken to complete the Council procedure concerning the conformity of the law of Brazil with the 1978 Act.

26. On January 6, Mr. Adrian Calmâc, Deputy Permanent Representative of the Republic of Moldova, called upon the Vice Secretary-General with the instrument of accession of Moldova to the 1991 Act. Additional documentation was necessary before a deposit could be made.

27. On January 12, the Vice Secretary-General wrote to Mr. Gustavo Mercado Sánchez, Director General of Industry, Ministry of Economy and Development of Nicaragua, concerning the preparation of a national plant variety protection law.

28. On the same day, he wrote to Mrs. Silvia Salazar, Consultant to the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA), concerning UPOV participation in a regional seminar on intellectual property, biotechnology and genetic diversity, which was to be held in Costa Rica.

29. On January 22, the Vice Secretary-General wrote to Mr. Alain Perrin, Head, Seed and Plant Breeding Office, Ministry of Agriculture and Fisheries of France, concerning future activities funded by his Ministry.

30. On January 28, the Vice Secretary-General wrote to Mr. Bruce M. Bedford, Associate Managing Director, Agricultural Biotechnology for Sustainable Productivity (ABSP), based at Michigan State University, United States of America, concerning a proposed regional workshop on intellectual property and plants to be organized in Nairobi in March 1998.

31. On January 28, the Vice Secretary-General wrote to Dr. Evans Sikinyi, Officer-in-charge, Plant Breeders' Rights Office, Nairobi, concerning the proposed ABSP workshop and an invitation from Dr. Sikinyi to speak at the *Hortec '98* exhibition in Nairobi.

32. On February 2, the Vice Secretary-General wrote to Ms. S.M.A. Segopolo, Chief Parliamentary Draftsman, Ministry of Legal Affairs, Immigration and Labor, Commonwealth of Dominica, concerning assistance in the preparation of a plant variety protection Bill.

33. On February 4, His Excellency Mr. Daniel Kablan Duncan, Prime Minister of Côte d'Ivoire, visited the Secretary-General and expressed interest in UPOV and the UPOV Convention.

34. On February 9, an official of the Union visited Managua for discussions on Nicaragua's draft law for the protection of plant varieties. She met Mr. Gustavo Mercado, Director General of Industry, Ministry of Commerce and Development, and Dr. Ambrosia Lezama, Head, Industrial Property Registry.

35. On February 10, the Vice Secretary-General wrote to Mr. Amor Bouhnik, Director, Algerian Institute for Industrial Property and Standardization, enclosing a copy of a draft plant variety protection law prepared by the Office of the Union.

36. On February 11, an official of the Union traveled to San José to participate as a speaker in the First Central American Seminar on Intellectual Property and its Relationship with Biotechnology, organized by the Central American Economic Integration Secretariat (*Secretaría de Integración Económica Centroamericana (SIECA)*), in cooperation with the National Seeds Office of Costa Rica. During the Seminar, she had discussions with Ms. Ana Lorena Guevara, Executive Director, National Seeds Office, Costa Rica, who informed her that amendments were being introduced to her country's draft plant variety protection law to bring it into conformity with the 1991 Act of the UPOV Convention. She also had discussions with Ms. Jeane Johnson, Head, Patents Department, Directorate of the Industrial Property Registry, and with Mr. Vidal Aguilera, National Seeds Committee, Ministry of Agriculture of Panama, who informed her that a law authorizing the Government of Panama to accede to the UPOV Convention was currently under discussion in their country's Parliament.

37. On February 18, the Vice Secretary-General wrote to Mr. Li Yukun, Deputy Director, Department of Science and Technology, Ministry of Forestry of China, and sent information and publications that were needed to establish a separate office to administer the protection of forestry and ornamental plants.

38. On February 20, the Secretary-General wrote to Her Excellency Mrs. Loyola de Palacio del Valle-Lersundi, Minister for Agriculture and Fisheries of Spain, thanking her for the contribution of 10 million pesetas towards the cost of organizing a plant variety protection course in Spain.

39. On February 23, the Vice Secretary-General wrote to Lic. Gustavo Mercado Sánchez, Director General of Industry, Ministry of Economy and Development of Nicaragua, commenting on the conformity of a draft law in Nicaragua with the 1978 Act of the UPOV Convention.

40. On February 25, the Vice Secretary-General wrote to Attorney General L.F. Maema, Ministry of Law and Constitutional Affairs of Lesotho, giving information and documentation relating to UPOV.

41. On February 26, the Vice Secretary-General sent to Dr. Athula Perera, University of Peradeniya, Sri Lanka, information in response to his E-mail message suggesting that the Government of Sri Lanka was considering the introduction of plant variety protection in accordance with the UPOV Convention.

42. On March 4, the Secretary-General wrote to Dr. Ismail Serageldin, Chairman, Consultative Group on International Agricultural Research (CGIAR) and Vice President for Sustainable Development, The World Bank, on the subject of a press release by CGIAR calling for a moratorium on the granting of intellectual property rights on certain plant germplasm.

43. On March 11, the Vice Secretary-General wrote to Mrs. Alba Cabrera, Head, Inputs Division, Ministry of Agriculture of Ecuador, with comments of the Office of the Union on the draft intellectual property law.
44. On March 11, the Vice Secretary-General wrote to Jorge Alberto Montealegre, Vice-Minister, Ministry of Economy and Development of Nicaragua, acknowledging receipt of his letter, asking for the advice of the Council on the draft plant variety protection law of Nicaragua.
45. On March 12, the Vice Secretary-General wrote to His Excellency Mr. Ablassé Ouedraogo, Minister for Foreign Affairs, Burkina Faso, concerning his request for assistance in the preparation of a national plant variety protection law.
46. On March 16, the Office of the Union received the visit of Mr. Gerasimos Apostolatos, *Administrateur principal, Commission de la Communauté européenne*, Mrs. Linda Brown, Senior Environment Adviser, Department for International Development, United Kingdom, Mrs. Sue Buckenham, Head, Plant Genetic Resources Branch, *Ministère de l'agriculture, de la pêche et des forêts*, United Kingdom, and Mr. Peter A. Vermeij, Deputy Director, Department of Agriculture, *Ministère de l'agriculture, de l'environnement et de la pêche*, Netherlands, and discussed with them various issues concerning the interaction between plant variety protection and plant genetic resources.
47. On March 18, Mr. Manuel Ruiz Muller, member of the Peruvian Society for Environmental Law, visited the Office of the Union.
48. From March 18 to 20, the Vice Secretary-General visited Nairobi where he met Mr. T. Twei, Director of Agriculture, Prof. Norah Olembo, Director, Kenya Intellectual Property Office, Mrs. Lucy Waithaka, Chief Executive of the Fresh Produce Exporters Association of Kenya, Mr. Mboya, representing the Attorney General's Office, Dr. C.J. Kedera, Managing Director, Kenya Plant Health Inspectorate Service (KEPHIS), and Dr. Evans Sikinyi, Officer-in-charge, Plant Breeders' Rights Office, to discuss the steps necessary to bring Kenya's law into conformity with the 1978 Act of the UPOV Convention. The Plant Breeders' Rights Office of Kenya operates under the aegis of KEPHIS.
49. The Vice Secretary-General also visited the offices of the Fresh Produce Exporters' Association of Kenya, which is a strong supporter of plant variety protection. He visited *Hortec '98*, East Africa's fifth international horticultural trade exhibition, where numerous exhibitors concerned with plant breeding or the supply of planting material to the ornamental plant industry were represented, delivering a lecture on the implications of the UPOV Convention for flower exporters.
50. On March 20, an official of the Union participated as a panelist in a roundtable dialogue on "Trips & Biodiversity: Towards the 1999 Review" organized by the International Centre for Trade and Sustainable Development (ICSTD) in Geneva.
51. On March 23, the Vice Secretary-General visited the National Institute of Agricultural Botany (NIAB) and the Plant Variety Rights Office, Cambridge, United Kingdom, with both of whom he discussed the organization of the briefing workshop on plant variety protection which was to be held in Cambridge in June 1998.

52. On March 24, the Vice Secretary-General received the visit of Mr. Roman O. Omorov, Director, State Agency of Intellectual Property, Kyrgyz Republic, who informed him that his country's plant variety protection law was now before its Parliament.

53. On March 24, Mr. Mircho Rachev Mirchev, President, Bulgarian Patent Office, and Mr. Alexandr E. Bavykin, Deputy Director, Legal Department, Ministry of Foreign Affairs, Russian Federation, deposited the instruments of accession of their countries to the 1991 Act of the UPOV Convention with the Secretary-General. These deposits had the effect of bringing the 1991 Act into force on April 24, 1998.

54. On March 25, the Office of the Union received the visit of Mr. Hocine Hassissi, *Directeur général de la valorisation industrielle*, and of Mr. Amor Bouhnik, Director, Industrial Property, Algerian Institute for Standardization and Industrial Property. Discussions took place on the draft law of Algeria.

55. On April 1, the Vice Secretary-General received the visit of Mr. José Antonio Ruiz Enriquez, National Director for Agriculture, Ministry of Agriculture and Livestock, Quito, Mrs. Alba Cabrera, Head of Variety Registration in the same Ministry, and Mr. Federico Meneses, Counsellor, Permanent Mission of Ecuador at Geneva, for discussions concerning training.

56. On April 1, the Vice Secretary-General received a visit from Mr. Martin Joubert, Assistant Director of Variety Control, Department of Agriculture, Pretoria, and Mrs. Elise Buitendag of the same Department, to discuss the implementation of farmers' rights in South Africa.

57. On April 1, the Office of the Union received the visit of Mr. Der Kogda, *Chef du service ONU/Institutions spécialisées*, Ministry of Foreign Affairs, Burkina Faso, who discussed a draft program for the preparation of a national law on the protection of plant varieties.

58. On April 2, the Office of the Union received the visit of Mrs. Kruna Eermak-Horbec, Expert, Ministry of Agriculture and Forestry, Croatia, and of Mr. Vinko Kozumplik, Professor in the Faculty of Agriculture at Zagreb. Discussions took place on the Croatian law on plant variety protection.

59. On April 21, the Office of the Union gave a press conference in the *Palais des Nations* at Geneva on the coming into force of the 1991 Act of the UPOV Convention.

60. On April 22, the Office of the Union received a letter from Mr. Sunil Sud, Joint Secretary, Ministry of Agriculture, India, announcing that the Government of India intended to accede to the 1978 Act of the UPOV Convention.

61. On April 23, the Vice Secretary-General received a visit from His Excellency Mr. Mohammed Izzat Babiker Eldeeb, Ambassador and member of a Sudanese Delegation, which was visiting WIPO.

62. On April 24, an official of the Union wrote to Mrs. Kruna Eermak-Horbec, Expert, Ministry of Agriculture and Forestry, Croatia, submitting suggestions for the adaptation of the

national law to the 1991 Act. The suggestions were subsequently translated and sent, on May 11, to Mr. Vinko Kozumplik, Professor in the Faculty of Agriculture at Zagreb.

63. On April 24, the Office of the Union transmitted documentation on the 1991 Act to Mr. Marino Porzio, Attorney, Porzio, Rios & Associates, Chile.

64. On May 4 and 5, an official of the Union participated in a national Seminar in Sao Paulo, Brazil, on International Aspects of the Protection of Intellectual Property, organized by WIPO, and presented a paper.

65. From May 6 to 8, the same official of the Union participated in a seminar on intellectual property and the mechanics for the transfer of technology, organized by WIPO, in Porto Alegre, Brazil, and presented a paper.

66. On May 8, the Office of the Union received a letter, dated April 23, 1998, from Dr. N.R. Gata, Director, Department of Research and Specialist Services, Ministry of Agriculture, Zimbabwe, requesting the advice of the Council of UPOV on the conformity of Zimbabwe's Plant Breeders Rights Act 1973 with the 1978 Act of the UPOV Convention.

67. On May 12, the Vice Secretary-General corresponded with Dr. Dissanayake Mudiyansele Karunaratna, Director, National Intellectual Property Office, Sri Lanka, on UPOV and the UPOV Convention.

68. On May 13, the Vice Secretary-General received the visit of Mr. Patrick Heffer, Assistant Secretary General, International Seed Trade Federation (FIS) and International Association of Plant Breeders (ASSINSEL), and discussed genetic resource issues. They subsequently had lunch together with Mr. Marcel Bartels, Executive Director, Fleuroselect, Netherlands, to discuss the testing of ornamental varieties reproduced by seed.

69. On May 13, the Vice Secretary-General wrote to Mr. F.E. Mwakitwange, National Seed Testing Laboratory, Tanzania, and Mr. Adrian Doko, Crop Production Department, Ministry of Agriculture and Food, Albania, offering fellowships to enable them to participate in the second international course on plant variety protection which was to be held in Wageningen, Netherlands, from May 18 to 29, 1998.

70. On May 14, the Vice Secretary-General contributed as a participant to an Internet Think Tank on intellectual property for plants, organized jointly by the World Bank and the World Trade Organization (WTO).

71. On May 14, an official of the Union wrote to Mr. Amor Bouhnik, Director, Intellectual Property, *Institut algérien de normalisation et de propriété industrielle*, Algeria, to transmit his comments on a draft explanatory note to the draft plant variety protection law.

72. On May 18, the Vice Secretary-General participated in a conference entitled "Community Plant Variety Rights, the European Approach," organized by the Community Plant Variety Office (CPVO) of the European Community at Angers, France. He contributed a lecture on plant variety protection under the UPOV Convention of 1991.

73. On May 18 and 19, an official of the Union lectured in an international course on plant variety protection, organized by the *Centrum voor Plantenveredelings- en Reproductieonderzoek* (CPRO-DLO), Wageningen, Netherlands.

74. On May 19, the Vice Secretary-General received a visit from Mr. Brewster Grace, Representative of the Society of Friends in Geneva, and from Mr. Patrick Mulwany of the Intermediate Technology Development Group. They discussed various aspects of the interrelationship between biodiversity issues and the Agreement on Trade-Related Aspects for Intellectual Property Rights (TRIPS).

75. On May 19, the Vice Secretary-General wrote to Prof. Duan Rechun, Deputy Secretary General, Ministry of Science and Technology, Beijing, concerning steps to be taken by the People's Republic of China so far as its accession to the 1978 Act of the UPOV Convention was concerned.

76. On May 25, the Secretary-General, in the course of a visit to Brasilia, visited the *Empresa Brasileira de Pesquisa Agropecuária* (EMBRAPA), and met Mr. Alberto Duque Portugal, President, Mrs. Elza A.B.B. da Cunha, Executive Director, Mrs. Maria José Amstalden Sampaio, Advisor, and Mr. Manoel Olímpio de Vasconcelos Neto, Head of the National Service for the Protection of Cultivars, Ministry of Agriculture.

77. On May 26, the Vice Secretary-General wrote to Mrs. Ivonne Roeplal-Soeratram, Head, Intellectual Property Bureau, Suriname, and to Mr. Johan Pieter Pluim Mentz, Secretary, Board of Plant Breeders' Rights, Netherlands, concerning the ratification of the 1961 and 1972 texts by the Netherlands and its effect, if any, on the territory of Suriname.

78. On May 26, he wrote to Mr. G. Narainen, Principal Agriculture Planning Officer, Ministry of Agriculture, Fisheries and Cooperatives, Mauritius, concerning the procedure for accession to the UPOV Convention.

79. On May 27, the Vice Secretary-General received a visit from Dr. Umberto G. Menini, Chief, Seed and Plant Genetic Resources Service, Food and Agriculture Organization of the United Nations (FAO), Rome. They discussed cooperation in the organization of a series of regional meetings.

80. From May 31 to June 5, the Vice Secretary-General attended the World Congresses of the International Seed Trade Federation (FIS) and the International Association of Plant Breeders (ASSINSEL). In the course of the ASSINSEL Congress, he gave a brief report on developments within UPOV and an introductory paper on the concept of farm-saved seed under the UPOV Convention.

81. On June 3, the Office of the Union received a visit from Mr. Sek Wannamethee, First Secretary, and Miss Quanchai Sasivanij, Third Secretary, Permanent Mission of Thailand at Geneva, on the subject of *Jasmine* rice.

82. From June 8 to 12, an official of the Union participated in the fourth extraordinary session of the FAO Commission on Genetic Resources for Food and Agriculture, which discussed the revision of the International Undertaking on Genetic Resources for Food and Agriculture.

83. On June 15, an official of the Union lectured on the subject of plant variety protection to participants in a course on intellectual property, organized by the Swiss Federal Institute of Technology of Zurich, Switzerland.
84. On June 16, an official of the Union lectured on the subject of plant variety protection at the WIPO Academy for countries from Asia and the Pacific.
85. On June 25, Mr. Thomas Keßler, First Counsellor (Economic Affairs), Permanent Mission of Germany at Geneva, deposited with the Office of the Union the instrument of ratification of Germany to the 1991 Act of the UPOV Convention.
86. On June 25, the Secretary-General wrote to Mr. Baba Dioum, General Coordinator, Conference of the Ministers for Agriculture of Western and Central Africa, to offer the assistance of UPOV in relation to plant variety protection.
87. On June 30, an official of the Union wrote to Lic. Gustavo Mercado Sánchez, *Director General de Industrias, Ministerio de Economía y Desarrollo*, Nicaragua, on the amendments to be made in a draft plant variety protection law.
88. On July 1, the Vice Secretary-General wrote to Mr. T.P.G.N. Leelaratne, Secretary, Ministry of Internal and International Commerce and Food, Sri Lanka, in response to a letter seeking assistance in the drafting of a plant variety protection law.
89. From July 7 to 10, an official of the Union participated in a Meeting of Experts in Ouagadougou, organized by the African Intellectual Property Organization (OAPI) concerning a draft annex to the Bangui Agreement relating to the protection of plant varieties. He also met Mr. Der Kogda, *Chef du service ONU/Institutions spécialisées*, Ministry of Foreign Affairs, and passed to him a draft for a national plant variety protection law.
90. On July 13, the Vice Secretary-General received a visit of Mr. Ivan I. Kuzmin, President, Interstate Industrial and Scientific Seed-Growing Association (SEMANA), Russian Federation.
91. On July 13 and 14, an official of the Union visited Abidjan. At the Ministry concerned with the National Plan and Industrial Development, he met Mr. Nagolo Soro, Director, Industrial Development, Mr. Kidio Coulibaly, Head, Industrial Property Service, and Mr. Kouakou Avi. In the Ministry of Agriculture and Animal Resources, he met His Excellency Mr. Lambert Kouassi Konan, Minister, Mr. Joachim Nagnan Toure, Director, Minister's Private Office, Mr. Abel Atékébrai Vangah, Director, Agricultural Production, and Mr. Paul Sia, Deputy Director, Seeds and Plants. He also visited other offices and institutions. It was agreed that Côte d'Ivoire would prepare a national law on the protection of plant varieties whilst waiting the outcome of the work on a provision of the Bangui Agreement.
92. On July 16, the Vice Secretary-General attended a meeting of the Organizing Committee of the World Seed Conference 1999 in Paris.
93. On July 17, an official of the Union lectured at the WIPO Academy for Policy-Level Officials.

94. On July 20, the Office of the Union received a visit from Mr. Mohammed Chreizat, Director, Directorate of Trade Legislation and Industrial Property Protection, Ministry of Industry and Trade, and Mr. Hashem Shboul, Secretary General, Ministry of Agriculture, Jordan, who were seeking information on UPOV and UPOV membership.

95. The Vice Secretary-General and an official of the Union took part in sessions of the 3rd International Symposium on the Taxonomy of Cultivated Plants, which was held in Edinburgh, United Kingdom, from July 20 to 24. The Vice Secretary-General chaired a session on intellectual property rights and plants, and the official of the Union and an official from the International Bureau of WIPO gave presentations.

96. On July 27, an official of the Union wrote to Mr. Maurice Batanga, *Chef de Service de la Coopération et des Affaires juridiques*, African Intellectual Property Organisation (OAPI), and communicated suggested changes to the draft annex to the revised Bangui Agreement dealing with plant variety protection.

97. On July 29, the Vice Secretary-General wrote to Mr. Fawzy Zaky Shaheen, Undersecretary, Ministry of Agriculture and Land Reclamation, and Head, Central Administration for Seed Testing and Certification, Egypt, giving the comments of the Office of the Union on a draft seed law and a draft decree concerning plant variety protection.

98. On July 29, an official of the Union wrote to various personalities in Burkina Faso to transmit a new draft national plant variety protection law.

99. On July 30, the Secretary-General wrote to the Hon. K.M. Kangai MP, Minister of Lands and Agriculture, Zimbabwe, in response to the Minister's letter confirming that the Government of Zimbabwe had requested the advice on the conformity of its laws with the 1978 Act of the UPOV Convention.

100. On July 31 and August 1, the Vice Secretary-General participated in the Annual Convention of Fleuroselect and attended the Annual General Meeting of its members in Berne.

101. On August 3 and 4, the Office of the Union was visited by Mr. Nguyen Thi Thanh Ha, Deputy Director, and Dr. Ta Quang Minh, Expert, Legislation and Management Department, National Office of Industrial Property, Vietnam, who were seeking to learn more about systems of intellectual property protection for plants. Their visit was financed by the European Union under a specific aide project for Vietnam.

102. On August 4, the Vice Secretary-General discussed with Ms. Usha Chandnee Dwarka-Canabady, Minister-Counsellor and Deputy Permanent Representative of Mauritius at Geneva, the procedure for securing the advice of the Office of the Union in relation to her country's proposed legislation on plant variety protection.

103. On August 6, the Vice Secretary-General wrote to Dr. Nerius I. Roperos, Director, Bureau of Plant Industry, Department of Agriculture, Manila, with suggestions for amendments to be made to House Bill No. 7951 and its Senate equivalent in order to bring both Bills into conformity with the 1991 Act.

104. On August 6, an official of the Union wrote to Mr. Soro Nagolo, *Directeur du développement industriel, Ministère délégué auprès du Premier Ministre chargé du plan et du développement industriel*, Côte d'Ivoire, to transmit a draft plant variety protection law.

105. On August 7, the Vice Secretary-General spoke on the telephone to Mr. Sunil Sud, Joint Secretary (Seeds), Ministry of Agriculture, India, concerning the status of proposals to legislate on plant variety protection.

106. On August 7, the Vice Secretary-General wrote to Mr. Md. Nurul Islam, Director General, Seed Wing, Ministry of Agriculture, Bangladesh, concerning a draft plant variety protection law.

107. On August 11, an official of the Union wrote to Mrs. Yvonne Roeplal-Soeratram L.L.M, Head, Industrial Property Bureau, Ministry of Justice and Police, Suriname, on the subject of the territories of the Kingdom of the Netherlands to which the 1961 Act of the Convention applied according to the instrument of ratification of the Netherlands deposited on August 8, 1967 (the ratification did not extend to Suriname).

108. On August 12, the Vice Secretary-General received the visit of Dr. Anatole F. Krattiger, Executive Director, International Service for the Acquisition of Agri-Biotech Applications (ISAAA), and Mr. H. Walter Haeussler, President, Cornell Research Foundation, Inc. and Advisor to ISAAA on the Transfer of Technology.

109. On August 18, the Vice Secretary-General wrote to Dr. Francisco Astudillo Gómez Director General, *Servicio Autónomo de la Propiedad Intelectual (SAPI)*, Ministry of Industry and Commerce, Caracas, in response to his request for consultancy services in relation to the implementation of his country's plant variety protection law; Dr. José Maria Elena, Vice-President of the Community Plant Variety Office (CPVO) has been made available by the CPVO to perform this consultancy mission.

110. On August 18, the Vice Secretary-General wrote to Ms. S.M.A. Segopolo, Chief Parliamentary Draftsman, Ministry of Legal Affairs, Immigration and Labour, Commonwealth of Dominica, with suggestions for changes to her draft plant variety protection Bill necessary to secure conformity with the 1991 Act of the UPOV Convention.

111. On August 21, the Vice Secretary-General had an exchange of E-mails with Dr. Umberto G. Menini, Chief, Seed and Plant Genetic Resources Service, FAO. It was agreed that UPOV would organize a seminar on plant variety protection for FAO personnel in November in Rome.

112. On August 27, the Vice Secretary-General wrote to Ing. Carlos Almendares, Head, Seed Certification Department, Secretariat for Agriculture and Livestock, Tegucigalpa, concerning technical assistance in the preparation of a plant variety protection law for Honduras.

113. On September 1, the Vice Secretary-General wrote to Mr. Ro Hye Suk, Chief, Trade Information Service Section, State External Economic Affairs Committee, People's Democratic Republic of Korea, in response to his request for information concerning UPOV.

114. On September 1, an official of the Union received the visit of Mr. Kidio Coulibaly, Head, Industrial Property Service at the Ministry concerned with the National Plan and Industrial Development, Côte d'Ivoire, and was informed that the draft plant variety protection law had been submitted to the various interested ministries.

115. On September 2, the Vice Secretary-General wrote to Lic. Isabel Canedo Rocha, Coordinator, National Seed Program, Bolivia, in response to her letter which informed the UPOV Office that the Minister for Agriculture, Livestock and Rural Development had authorized the accession of Bolivia to the 1978 Act of the UPOV Convention.

116. On September 7, the Vice Secretary-General wrote to Mr. Alain Perrin, Head, Seed and Plant Breeding Office, Ministry of Agriculture and Fisheries of France, on the subject of the organization and financing of roving seminars in OAPI member States.

117. On September 9, the Vice Secretary-General wrote to Mr. Alain Perrin, Head, Seed and Plant Breeding Office, Ministry of Agriculture and Fisheries of France, on the subject of the organization and financing of a training course for French-speaking countries in 1999.

118. On September 11, an official of the Union received the visit of Mr. Mokhtar Hamdi, in charge of the Industrial Property Department at the National Institute for Standardization and Industrial Property (INNORPI) of Tunisia, and discussed with him the plans of Tunisia for the introduction of plant variety protection.

119. On September 17, an official of the Union, wrote to Mr. Malem Tidzani, Director General, *Direction générale de l'industrie, Ministère du commerce, de l'industrie, des petites et moyennes entreprises, des petites et moyennes industries et de l'artisanat*, Gabon, and sent him a copy of the draft plant variety protection law that had been prepared earlier for Côte d'Ivoire.

120. From September 17 to 19, the Vice Secretary-General visited Sri Lanka. In Colombo, he met Mr. T.P.G.N. Leelarathne, Secretary, Ministry of Internal and International Commerce and Food, Mrs. R.S. Athukorale, Additional Secretary, same Ministry, Mr. D.M. Karunaratna, Director, Intellectual Property Office of Sri Lanka, and Mr. Dushyantha Perera, Assistant Registrar, Patents and Trademarks, with whom he discussed the proposals of the Sri Lankan Government to introduce legislation concerning the protection of new plant varieties. After traveling to Kandy, he visited the Rice Research Institute, the Field Crops Research and Development Institute and the Horticultural Research and Developments Institute, all within the Department of Agriculture. In Kandy, he met Dr. Sarath Amarasiri, Director General, Department of Agriculture, Dr. S.D.G. Jayawardena, Director, Horticultural Research and Development Institute, Dr. Sarath L. Weerasena, Deputy Director, Seed Certification, and Mr. O.P.K. Chandrasiri, Assistant Director of Agriculture, Seed Certification Service. Discussions concerned the current status of agriculture in Sri Lanka and the potential role of plant variety protection in the future. The Vice Secretary-General subsequently met Mr. Ranjit Kularatne, Director, Department of Export Agriculture within the Ministry of Agriculture. They discussed the role of plant variety protection in relation to the crops which are the responsibility of this Department, i.e. primarily the internationally traded spices (tea, rubber and other estate crops being the responsibility of the Ministry for Estate Crops which is separate from the Ministry of Agriculture).

121. On September 18, an official of the Union received the visit of Mr. Fawzi A. Elrefaie, Vice-President, Academy of Scientific Research and Technology, Ministry of Scientific Research of Egypt, and discussed with him the plans of Egypt for the introduction of plant variety protection.

122. On September 21, an official of the Union wrote to Mr. Reginald Winston, Registrar, Ministry of Legal Affairs, Immigration and Labour of the Commonwealth of Dominica, on the advantages of the 1991 Act over the 1978 Act.

123. On September 21 and 22, the Vice Secretary-General participated in a workshop, organized by the Asia and Pacific Seed Association (APSA), on plant patents in Manila. On the morning of September 23, he delivered a welcome address as part of the opening proceedings of *Asian Seed '98*, the Annual Congress of APSA. In the afternoon, he met with Dr. Nerius I. Roperos, Director, Department of Plant Industry, Department of Agriculture of the Philippines, together with other officials from that Department and former Congresswoman Socorro O. Acosta whose son Congressman Acosta is the sponsor of the plant variety protection Bill currently before the Philippines Congress. Discussions took place concerning the adjustments that would be necessary if the Bill were to conform with the 1991 Act of the UPOV Convention.

124. On September 22, an official of the Union transmitted information on plant variety protection and UPOV to Mr. Mohsen Baharvand, Legal Adviser, Permanent Mission of Iran at Geneva.

125. On September 22, an official of the Union sent information on the relations between the UPOV Convention and the TRIPS Agreement to Mr. Luis C. Gasser, Second Secretary, Permanent Mission of Brazil at Geneva.

126. On September 28, Mr. Adrian Calmâc, Deputy Permanent Representative of the Republic of Moldova at Geneva, deposited with the Secretary-General the instrument of accession of the Republic of Moldova to the 1991 Act of the UPOV Convention.

V. PUBLICATIONS

127. The Office of the Union published:

(a) 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, and Spanish;

(b) one issue 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;

(d) four updated discs in the series constituting the UPOV central database, “UPOV-ROM Plant Variety Database.”

128.

The Council is invited to note this report.

[Annex follows]

ANNEX

**MEMBER STATES OF THE UNION
(September 30, 1998)**

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 - -
Bulgaria	- - - -	- - - March 24, 1998	- - - April 24, 1998
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -
Chile	- - - -	- - December 5, 1995 -	- - January 5, 1996 -
Colombia	- - - -	- - August 13, 1996 -	- - September 13, 1996 -

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.

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Annex, page 2

State	Date of Signature ¹	Date of Deposit of Instrument ^{1, 2}	Date Upon Which State Became Bound ¹
Czech Republic ³	- - - -	- - - -	- - January 1, 1993 -
Denmark	November 26, 1962 November 10, 1972 October 23, 1978 March 19, 1991	September 6, 1968 February 8, 1974 October 8, 1981 April 26, 1996	October 6, 1968 February 11, 1977 November 8, 1981 April 24, 1998
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 June 25, 1998	August 10, 1968 February 11, 1977 April 12, 1986 July 25, 1998
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 April 24, 1998
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 -

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

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Annex, page 3

State	Date of Signature ¹	Date of Deposit of Instrument ^{1, 2}	Date Upon Which State Became Bound ¹
Japan	- - October 17, 1979 -	- - August 3, 1982 -	- - September 3, 1982 -
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 April 24, 1998
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 -
Republic of Moldova	- - - -	- - - September 28, 1998	- - - October 28, 1998
Russian Federation	- - - -	- - - March 24, 1998	- - - April 24, 1998

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Annex, page 4

State	Date of Signature ¹	Date of Deposit of Instrument ^{1, 2}	Date Upon Which State Became Bound ¹
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 18, 1997	December 17, 1971 February 11, 1977 January 1, 1983 April 24, 1998
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 -
Trinidad and Tobago	- - - -	- - December 30, 1997 -	- - January 30, 1998 -
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 -

Total: 38 member States

[End of document]

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