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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-third Ordinary Session
Geneva, October 20, 1999

ANNUAL REPORT OF THE SECRETARY GENERAL FOR 1998

(Thirtieth year)

I. ENTRY INTO FORCE OF THE 1991 ACT OF THE CONVENTION

1. Article 37(1) of the 1991 Act of the Convention provides as follows:

“(1) [*Initial entry into force*] This Convention shall enter into force one month after five States have deposited their instruments of ratification, acceptance, approval or accession, as the case may be, provided that at least three of the said instruments have been deposited by States party to the Act of 1961/1972 or the Act of 1978.”

2. The deposit of instruments of accession to the 1991 Act by Bulgaria and the Russian Federation on March 24, 1998, brought the number of States having ratified or accepted the 1991 Act, or acceded to it, to six. Consequently the 1991 Act entered into force on April 24, 1998. As from that date it is binding on the following States: Bulgaria, Denmark, Israel, Netherlands, Russian Federation, Sweden.

3. Article 37(3) of the 1991 Act of the Convention provides as follows:

“(3) [*Closing of the 1978 Act*] No instrument of accession to the Act of 1978 may be deposited after the entry into force of this Convention according to paragraph (1) [...]”

4. It will be recalled that the Council decided at its fourteenth extraordinary session, held on April 29, 1997, that those States that had requested the Council's advice on the conformity of their legislation with the 1978 Act prior to the entry into force of the 1991 Act might, subject to their fulfilling the conditions set by the Council, deposit an instrument of accession to the 1978 Act before the first anniversary of the entry into force of the 1991 Act. As the latter event occurred on April 24, 1998, the cut-off date for the deposit of instruments of accession to the 1978 Act is thus April 24, 1999.

II. COMPOSITION OF THE UNION

Number of Members

5. On December 31, 1998, the membership of the Union was 38, namely four more than on December 31 of the previous year. That is due to the following events:

(a) The accession of Trinidad and Tobago, as a result of the deposit of its instrument of accession to the 1978 Act on December 30, 1997, came into effect on January 30, 1998.

(b) On March 24, 1998, Bulgaria and the Russian Federation deposited their instruments of accession to the 1991 Act. The latter entered into force for Bulgaria and the Russian Federation on April 24, 1998.

(c) On September 28, 1998, the Republic of Moldova deposited its instrument of accession to the 1991 Act. The latter entered into force for the Republic of Moldova on October 28, 1998.

6. The 38 member States are the following: 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.

Position in Relation to the Various Acts of the Convention

7. In 1998 three States that were already members of the Union on the basis of the 1978 Act expressed their consent to be bound by the 1991 Act:

(a) Germany, by the deposit of an instrument of ratification on June 25 (the 1991 Act therefore entered into force for Germany on July 25);

(b) Japan, by the deposit of an instrument of accession on November 24 (the 1991 Act therefore entered into force for Japan on December 24);

(c) the United Kingdom, by the deposit of an instrument of ratification on December 3 (the 1991 Act therefore entered into force for the United Kingdom on January 3, 1999).

8. On December 31, 1998, the position of the member States in relation to the various Acts of the Convention was thus as follows:

(a) two States were bound by the 1961 Act as amended by the 1972 Act, namely Belgium and Spain;

(b) the 1978 Act was the most recent Act binding 27 States, namely Argentina, Australia, Austria, Canada, Chile, Colombia, Czech Republic, Ecuador, Finland, France, Hungary, Ireland, Italy, Mexico, New Zealand, Norway, Paraguay, Poland, Portugal, Slovakia, South Africa, Switzerland, Trinidad and Tobago, Ukraine, United Kingdom (but only until January 3, 1999), United States of America, Uruguay;

(c) the 1991 Act was the most recent Act binding nine States, namely Bulgaria, Denmark, Germany, Israel, Japan, Netherlands, Republic of Moldova, Russian Federation, Sweden.

9. Article 30(2) of the 1991 Act provides as follows:

“(2) [*Conformity of laws*] It shall be understood that, on depositing its instrument of ratification, acceptance, approval or accession, as the case may be, each State or intergovernmental organization must be in a position, under its laws, to give effect to the provisions of this Convention.”

10. In 1998, to the knowledge of the Office of the Union, Italy adopted a law authorizing the Government to adapt the national legal system to the 1991 Act by decree, and also a legislative decree. The number of member States having laws conforming fully to the 1991 Act was 15 at the end of the reference year, while four non-member States (and the European Union) were in a position to accede to the Act at any time. The majority of the other member States had adopted amendments in line with the Act or had drafted draft legislation to that end.

11. The table annexed to this report is a synopsis of the position of the various States in relation to the various Acts of the Convention as of December 31, 1998.

Future Members

12. 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.”

There is a similar provision in Article 34(3) of the 1991 Act.

13. At its thirteenth extraordinary session, held on April 18, 1996, the Council had examined a draft law of Brazil for conformity with the 1978 Act. It had decided that, if that draft law were adopted after the incorporation of certain amendments suggested by the Office of the Union but without any other substantive change, the Brazilian Government could deposit an instrument of accession to the 1978 Act. The law, having been promulgated with certain substantive changes, was submitted to the Council at its fifteenth extraordinary

session, held on April 3. The Council reached a positive conclusion on its conformity with the 1978 Act.

14. Five requests for the advice of the Council were filed in the course of the period under review:

- (a) by Nicaragua, in a letter dated February 7, based on the 1978 Act;
- (b) by Venezuela, in a letter dated March 23, based on the 1978 and 1991 Acts;
- (c) by Zimbabwe, in a letter dated April 23, based on the 1978 Act;
- (d) by Estonia, in a letter dated October 5, based on the 1991 Act;
- (e) by Kyrgyzstan, in a letter dated October 20, based on the 1991 Act.

15. At its fifteenth extraordinary session, held on April 3, the Council examined the legislative texts adopted or proposed by Croatia (in response to a request filed by letter dated December 11, 1997, based on the 1991 Act), Nicaragua and Venezuela. It asked the Office of the Union to offer assistance to the Governments of those States in the drafting of the final versions of their texts, and took the decisions reported in the following three paragraphs.

16. With regard to Croatia, 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.

17. With regard to Nicaragua, 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.

18. With regard to Venezuela, the Council decided

(a) to take a positive decision on the conformity of its legislation 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.

19. It will be recalled that, at its thirtieth ordinary session, held on October 23, 1996, the Council had decided that requests for advice on the conformity of legislative texts with the 1978 Act of the Convention might be examined in an expedited procedure by correspondence. The Council used that procedure to deal with Zimbabwe's request for advice. It decided that the law of Zimbabwe, after incorporation of the substantive changes suggested by the Office of the Union, would conform to the 1978 Act, and asked the Secretary-General to inform the Government of Zimbabwe that, after it had incorporated the suggested changes to the satisfaction of the Office of the Union, it might deposit its instrument of accession to the 1978 Act at any time up to April 24, 1999.

20. At its twenty-second ordinary session, held on October 28, the Council considered the legislative texts of Estonia and Kyrgyzstan. It asked the Office of the Union to offer its assistance to the Governments of those States so that the texts might be improved and made to conform fully to the Convention, and took the decisions mentioned in the following two paragraphs.

21. In the case of Estonia, the Council decided

(a) to advise the Estonian Government that its law, with the incorporation of suitable amendments, constituted the basis of a law conforming to the 1991 Act;

(b) to further advise it that,

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

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

it might deposit an instrument of accession to the 1991 Act.

22. In the case of Kyrgyzstan, the Council decided to inform the Kyrgyz Government that its law formed the basis of a legal protection system conforming to the 1991 Act, and that it might deposit an instrument of accession to that Act.

23. On December 31, 1998, the following 13 States and the European Community had initiated the procedure for accession to UPOV: Belarus, Bolivia, Brazil, China, Croatia, Estonia, Kenya, Kyrgyzstan, Morocco, Nicaragua, Panama, Venezuela, Zimbabwe.

III. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

24. The Council held its fifteenth extraordinary session on April 3, under the chairmanship of Mr. Ryusuke Yoshimura (Japan), in response to 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 in order to reexamine the laws of Brazil.

25. On the basis of preparatory work by the Consultative Committee, it also adopted an amendment to the UPOV program and budget for the 1998-1999 biennium, creating a new item authorizing expenditure under the heading of technical assistance to countries seeking to introduce plant variety protection laws.

26. The Council held its thirty-second ordinary session on October 28, again under the chairmanship of Mr. Ryusuke Yoshimura. The session was attended by observers from 13 non-member States¹ and nine international organizations.²

27. At that session, the Council took the following main decisions:

(a) It pronounced on the conformity of the legislation of Estonia and Kyrgyzstan with the 1991 Act.

(b) It approved the report by the Secretary-General on the activities of the Union in 1997 and noted the report on activities during the first nine months of 1998.

(c) It approved the report by the Secretary-General on the management of the Union during the 1996-1997 biennium and noted the report by the auditor of the UPOV accounts for the same biennium.

¹ Bolivia, Brazil, Côte d'Ivoire, Croatia, Egypt, Estonia, Greece, Guinea, Indonesia, Kenya, Philippines, Republic of Korea, Tunisia.

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

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

(e) It unanimously elected for a three-year term in each case, which will expire at the close of the thirty-fifth ordinary session of the Council in 2001,

(i) Mr. John V. Carvill (Ireland) and Mrs. Nicole Bustin (France), Chairman and Vice-Chairman respectively of the Administrative and Legal Committee;

(ii) Mrs. Elise Buitendag (South Africa) and Mr. Michael Camlin (United Kingdom), Chairman and Vice-Chairman respectively of the Technical Committee.

(f) It unanimously elected

(i) Mrs. Françoise Blouet (France) for a four-year term as Chairman of the Technical Working Party for Agricultural Crops;

(ii) Mr. Michael Camlin (United Kingdom) for a three-year term as Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA Profiling in Particular.

Consultative Committee

28. 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 member States on developments with respect to application of the 1991 Act, approved the idea of certain States having special observer status and authorized the conclusion of a cooperation agreement between UPOV and the World Intellectual Property Organization (WIPO) under which WIPO would among other things underwrite the technical assistance given to developing countries for the introduction of plant variety protection systems.

29. The Consultative Committee held its fifty-sixth session on October 27, also under the chairmanship of Mr. Karl Olov Öster. The work of the Committee was essentially devoted to preparing the thirty-second ordinary session of the Council.

Administrative and Legal Committee

30. A Working Group met on February 12 to work out a discussion basis for consideration of the question of the characteristics used in distinctness testing.

31. The Administrative and Legal Committee held its thirty-eighth session on April 2 under the chairmanship of Mr. H. Dieter Hoinkes (United States of America). The session was attended by observers from seven non-member States³ and three international organizations.⁴

³ Brazil, Burkina Faso, India, Kenya, Republic of Korea, Romania, Venezuela.

⁴ European Community (EC), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA).

32. The Committee had an exchange of views on the review, in 1999, of Article 27.3(b) of the Agreement on Trade-Related Aspects of Intellectual Property (“TRIPS Agreement”). It also embarked on the question of the use of variety denominations and the concept of tree and vine in the provisions on novelty and duration of protection. It examined thoroughly the question of the characteristics used in distinctness testing, and the following conclusions emerged:

- (a) The use of molecular tools in distinctness testing should not be rejected out of hand.
- (b) It was not possible, at least at the present stage, to allow information obtained with the aid of a molecular tool to serve alone as the basis for a conclusion on the clear distinctness of two varieties.
- (c) The use of molecular tools was only to be contemplated if there was a guarantee that the minimum distances between varieties would not be made smaller.
- (d) The risk of “minisystems of protection” evolving from different examination practices, mentioned at the previous session of the Committee, could not be ruled out, but everything should be done to avoid them.
- (e) To that end, it was particularly appropriate that the Working Group on Biochemical and Molecular Techniques, and DNA Profiling in Particular, should continue its work.

Technical Committee

33. The Technical Committee held its thirty-fourth session from March 30 to April 1 under the chairmanship of Mr. Joël Guiard (France). The session was attended by observers from four non-member States⁵ and three international organizations.⁶

34. On the basis of the preparatory work done by the Technical Working Parties, the Committee adopted Test Guidelines for the following six taxa: Japanese apricot; *Bouvardia*; Welsh onion, cornsalad (revision); loquat (revision); soya bean (revision).

35. The Committee also had before it progress reports from the Technical Working Parties, and it outlined the Working Parties’ future work. It then considered questions raised by the Working Parties on the basis of the experience of member States in the conduct of distinctness, uniformity and stability tests on new plant varieties. Among other things it:

- (a) approved a revised version of the document on the uniformity testing of self-pollinated species and vegetatively propagated species;
- (b) confirmed the application of the COYD and COYU analysis to all cross-fertilized species;
- (c) noted the plan to revise the General Introduction to the Test Guidelines;

⁵ Brazil, Greece, Republic of Korea, Romania.

⁶ European Community (EC), Organization for Economic Co-operation and Development (OECD), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL).

(d) agreed to the following definition of an off-type: “Any plant is to be considered an off-type if it can be clearly distinguished from the variety in the expression of any characteristic of the whole plant or of part of the plant, used in the testing of distinctness, taking into consideration the particular species,” on the understanding that “Plants being very different from those of the variety could be disregarded as long as their number does not interfere with the test.”

Technical Working Parties

36. The Technical Working Parties held the following sessions outside Geneva:

(a) The Technical Working Party on Automation and Computer Programs (TWC) held its sixteenth session in Melle (Belgium) from June 16 to 19 under the chairmanship of Mr. J. Law (United Kingdom).

(b) The Technical Working Party for Agricultural Crops (TWA) held its twenty-seventh session in Angers (France) from June 23 to 26 under the chairmanship of Mr. A. Bould (United Kingdom).

(c) The Technical Working Party for Vegetables (TWV) held its thirty-second session in Slupia Wielka (Poland) from June 29 to July 3 under the chairmanship of Mr. G. Bar-tel (Israel).

(d) The Technical Working Party for Fruit Crops (TWF) held its twenty-ninth session in Caloundra (Australia) from November 9 to 14 under the chairmanship of Mr. C. Barnaby (New Zealand).

(e) The Technical Working Party on Ornamental Plants and Forest Trees (TWO) held its thirty-first session in Christchurch (New Zealand) from October 16 to 21 under the chairmanship of Mr. J. Barendrecht (Netherlands).

37. The basic task of four of the Working Parties consists in drawing up Test Guidelines. In addition to the drafts submitted to the Technical Committee for adoption, they produced others for the following taxa, to be submitted to the professional organizations for comment: sunflower (TWA); pear (revision) (TWF); gerbera (revision), iris, kangaroo paw, *Osteospermum* (TWO).

38. The Technical Working Party for Agricultural Crops also started a discussion on the problems associated with the various male sterility systems used on oilseed rape for the production of hybrid or complex varieties.

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

39. The Working Group held its fifth session in Beltsville (United States of America) from September 28 to 30 under the chairmanship of Mr. Joël Guiard (France).

40. At the session, presentations were given on a series of molecular marking techniques and on their advantages and limitations, and also on statistical methods of making use of the data obtained by means of those techniques, notably from the point of view of the analysis of

genetic distance and the prediction of morphological differences. The results of the work on the assessment of variability within varieties and between varieties in ryegrass and rose were also presented.

IV. COURSES, SEMINARS AND WORKSHOPS

41. 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 benefit of the following Caribbean countries: Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname. Canada and the United Kingdom provided one speaker and two speakers respectively.

42. 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 WIPO, a briefing workshop on plant variety protection under the UPOV Convention. The participants in the workshop came from the following countries: Bangladesh, China, India, Indonesia, Kenya, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Thailand, Viet Nam, Zimbabwe. France, Japan, the United Kingdom and the Community Plant Variety Office provided speakers.

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

V. RELATIONS WITH MEMBER STATES

44. South Africa.– On April 1 the Vice Secretary-General received a visit from Mr. Martin Joubert, Assistant Director of Variety Control at the Department of Agriculture, and Mrs. Elise Buitendag, from the same Department, with whom he spoke of the implementation of farmers' rights in South Africa.

45. Germany.– On June 25 Mr. Thomas Kessler, First Counsellor (Economic Affairs) of the Permanent Mission of Germany in Geneva, deposited the instrument of ratification by Germany of the 1991 Act with the Office of the Union.

46. Bulgaria.– On March 24, Mr. Mircho Rachev Mirchev, President of the Patent Office of the Republic of Bulgaria, deposited his country's instrument of accession to the 1991 Act with the Secretary-General.

47. Chile.– On April 24 the Office of the Union supplied documentation on the 1991 Act to Mr. Marino Porzio, attorney at Porzio, Ríos and Associates and Government expert on intellectual property questions.

48. Spain.– On February 20 the Secretary-General wrote to Mrs. Loyola de Palacio del Valle-Lersundi, Minister of Agriculture and Fisheries, to thank her for her contribution of ten million pesetas to the cost of organizing a course on plant variety protection in Spain.

49. Ecuador.– On March 11 the Vice Secretary-General wrote to Mrs. Alba Cabrera, Head of the Inputs Division of the Ministry of Agriculture and Livestock, to convey to her the comments of the Office of the Union on a draft intellectual property law.

50. On April 1 the Vice Secretary-General received a visit from Mr. José Antonio Ruíz Enríquez, National Director of Agriculture at the Ministry of Agriculture and Livestock, Mrs. Alba Cabrera and Mr. Federico Meneses, Counsellor at the Permanent Mission of Ecuador in Geneva, with whom he had talks on training matters.

51. Russian Federation.– On March 24 Mr. Alexandr E. Bavykin, Deputy Director of the Legal Department of the Ministry of Foreign Affairs, deposited the instrument of accession, of his country to the 1991 Act with the Secretary-General.

52. From October 5 to 7 the Vice Secretary-General visited Moscow. He met Mr. B.I. Alginin, Deputy Minister of Agriculture and Food, Mr. Sergey N. Salenkov, Director of the Plant Production Department of the same Ministry, Mr. Valery Shmal, Acting Chairman, and Mr. Juriy Rogovsky, Deputy Chairman of the State Commission of the Russian Federation for Testing and Protection of Selection Achievements, and also Mr. Alexandr A. Kalinin, Director of the Agriculture Reform Implementation Support Project (ARIS) of the World Bank, and Mr. Evgeny Saranin, who was responsible for the seed segment of that project. He also visited the Timiryazev Agriculture Academy on the outskirts of Moscow to participate in a seminar on plant breeders' rights organized under the direction of the TACIS Program on the Federal Seed Certification and Testing System funded by the European Union.

53. Finland.– On November 20 the Office of the Union wrote to Mr. Argo Vuori, Director, Plant Variety Rights Office, enclosing comments on the draft law amending the Plant Variety Protection Law.

54. France.– On January 22 the Vice Secretary-General wrote to Mr. Alain Perrin, Head of the Plant Breeding and Seed Office of the Ministry of Agriculture and Fisheries on the subject of the activities that were to be financed by the Ministry.

55. On September 7 the Vice Secretary-General wrote to Mr. Alain Perrin on the subject of the organization and financing of roving seminars in member States of OAPI.

56. On September 9 the Vice Secretary-General wrote to Mr. Alain Perrin on the subject of the organization and financing of a training course for French-speaking countries which was to be held in 1999.

57. Japan.– On November 24 Mr. Yasuhiro Hamura, First Secretary, Permanent Mission of Japan at Geneva, deposited the instrument of accession of Japan to the 1991 Act.

58. Netherlands.– On May 13 the Vice Secretary-General wrote to Mr. Adrian Doko, of the Crop Production Department of the Ministry of Agriculture and Food of Albania, and to Mr. F.E. Mwakitwange, of the National Seed Testing Laboratory of Tanzania, in order to offer fellowships that would enable them to take part in the second International Course on Plant Variety Protection, which was being organized by the Center for Plant Improvement and Reproduction Research (CPRO-DLO) and was to take place in Wageningen from May 18 to 29, 1998.

59. On May 18 and 19 an official of the Union gave a lecture at the above course.

60. Republic of Moldova.– On January 6 Mr. Adrian Calmâc, Deputy Permanent Representative of the Republic of Moldova in Geneva, paid a visit to the Vice Secretary-General and brought him the instrument of accession of his country to the 1991 Act. It transpired that additional documents had to be submitted before the actual deposit could take place.

61. On September 28 Mr. Adrian Calmâc deposited the instrument of accession of the Republic of Moldova to the 1991 Act with the Secretary-General.

62. United Kingdom.– On March 23 the Vice Secretary-General visited the National Institute of Agricultural Botany (NIAB) and the Plant Variety Rights Office in Cambridge, where he discussed the organization of a briefing workshop on plant variety protection, which was to take place in Cambridge in June.

63. On December 3 the United Kingdom deposited its instrument of ratification of the 1991 Act.

64. Ukraine.– On October 9 the Vice Secretary-General visited Kyiv. He met Mr. Victor Volkodav, Chairman, State Commission for Testing and Protection of Plant Varieties, and the staff of the Commission, and also the Chairman of the Agricultural Committee of the Supreme Council of Ukraine. He visited the State Patent Office of Ukraine where he met its Chairman, Mr. Valery Petrov, and Deputy Chairmen, Mr. Volodymyr Zharov and Mr. Leonid J. Nikolayenko. Topics discussed during the visit included the draft legislation currently before the Supreme Council designed to bring the Ukrainian law into conformity with the 1991 Act.

VI. RELATIONS WITH NON-MEMBER STATES AND REGIONAL ORGANIZATIONS

States of North Africa and Western Asia

65. Algeria.– On February 10 the Vice Secretary-General wrote to Mr. Amor Bouhnik, Director General of the Algerian Institute of Industrial Property (INAPI), enclosing a draft plant variety protection law drawn up by the Office of the Union.
66. On March 25 the Office of the Union received a visit from Mr. Hocine Hassissi, Director General of Industrial Development, and Mr. Amor Bouhnik. They had a discussion on the draft law.
67. On May 14 an official of the Union wrote to Mr. Amor Bouhnik enclosing comments on a draft explanatory memorandum for the draft plant variety protection law.
68. On November 19 the Vice Secretary-General received a visit from Mr. Mohamed Younsi, Assistant to the Director General of INAPI, with whom he discussed developments in plant variety protection in the latter's country.
69. Egypt.– On July 29 the Vice Secretary-General wrote to Mr. Fawzy Zaky Shaheen, Under-Secretary to the Ministry of Agriculture and Land Reclamation and Head of the Central Administration for Seed Testing and Certification, enclosing the comments of the Office of the Union on a draft seed law and a draft decree on plant variety protection.
70. On September 18 an official of the Union received a visit from Mr. Fawzi A. Elrefaie, Vice-President of the Academy of Scientific Research and Technology at the Ministry of Scientific Research, with whom he discussed Egypt's evolving plan to introduce a plant variety protection system.
71. On October 29, the Vice Secretary-General received a visit from Mr. Mohamed Ibrahim El Hawary, Director-General, Measures and Seed Development, Central Administration for Seed Testing and Certification, who passed to him a draft of a decree introducing plant variety protection in Egypt, the enactment of which was proposed under a new Seed Law which was currently under discussion.
72. Iran (Islamic Republic of).– On September 22 an official of the Union conveyed information on plant variety protection and UPOV to Mr. Mohsen Baharvand, Legal Adviser at the Permanent Mission of the Islamic Republic of Iran in Geneva.
73. Jordan.– On July 20 the Office of the Union received a visit from Mr. Mohammed Khreisat, Director of Trade Registration and Industrial Property Protection, Ministry of Industry and Trade, and Mr. Hashem Shboul, Secretary-General at the Ministry of Agriculture, who were seeking information on UPOV and its membership.
74. Tunisia.– On September 11 an official of the Union received a visit from Mr. Mokhtar Hamdi, in charge of the Industrial Property Department at the National Institute

for Standardization and Industrial Property (INNORPI), and discussed with him Tunisia's plan to introduce a plant variety protection system.

States and Organizations of Sub-Saharan Africa

75. Burkina Faso.— On March 12 the Vice Secretary-General wrote to Mr. Ablassé Ouedroago, Minister for Foreign Affairs, on the subject of a request for assistance sent by the latter with a view to the drafting of a national plant variety protection law.

76. On April 1 the Office of the Union received a visit from Mr. Der Kogda, Head of the United Nations and Specialized Agencies Service at the Ministry of Foreign Affairs, with whom he discussed a draft program for the writing of a national law on the protection of plant varieties pending the entry into force of the revised Bangui Agreement.

77. In the course of the Meeting of Experts on a draft annex to the Bangui Agreement relating to the protection of plant varieties, organized by the African Intellectual Property Organization (OAPI) from July 7 to 10, an official of the Union met Mr. Der Kogda and presented him with a draft national law.

78. On July 29 an official of the Union conveyed a new, slightly rearranged draft to various Burkina Faso personalities.

79. Côte-d'Ivoire.— On February 4 the Prime Minister, Mr. Daniel Kablan Duncan, paid a visit to the Secretary-General and expressed interest in UPOV and the UPOV Convention.

80. On July 13 and 14 an official of the Union visited Abidjan. At the Ministry in charge of the National Plan and Industrial Development, he met Mr. Nagolo Soro, Director of Industrial Development, Mr. Kidio Coulibaly, Head of the Industrial Property Service, and Mr. Kouakou Avi. At the Ministry of Agriculture and Animal Resources he met the Minister, Mr. Lambert Kouassi Konan, and the Director of the Minister's Private Office, Mr. Joachim Nagnan Toure, and also Mr. Abel Atékébrai Vangah, Director of Agricultural Production, and Mr. Paul Sia, Deputy Director in charge of Seeds and Plants. He also visited other offices and institutions. It was agreed that Côte-d'Ivoire would draft a national plant variety protection law pending the results of the work on the annex to the Bangui Agreement.

81. On August 6 an official of the Union sent a draft plant variety protection law to Mr. Soro Nagolo.

82. On September 1 an official of the Union received a visit from Mr. Kidio Coulibaly, who informed him that the draft law had been submitted to the various ministries concerned.

83. Gabon.— On September 17 an official of the Union wrote to Mr. Malem Tidzani, Director General of Industry at the Ministry of Trade, Industry, Smaller Businesses, Smaller Industries and Handicraft, sending him a copy of the draft plant variety protection law that had been written earlier for Côte-d'Ivoire.

84. Kenya.– From March 18 to 20 the Vice Secretary-General visited Nairobi, where he met Mr. T. Tuei, Director of Agriculture, Prof. Norah Olembo, Director of the Kenya Intellectual Property Office, Mrs. Lucy Waithaka, Chief Executive of the Fresh Produce Exporters' Association of Kenya, Mr. Mboya, representing the Minister of Justice, Mr. C.J. Kedera, Managing Director of the Kenya Plant Health Inspectorate Service (KEPHIS), and Mr. Evans Sikinyi, Officer-in-Charge of the Plant Breeders' Rights Office, with whom he had talks on the action that should be taken to bring Kenya's law into line with the 1978 Act. The Plant Breeders' Rights Office of Kenya is under the authority of KEPHIS.

85. The Vice Secretary-General also visited the premises 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, which brought together a number of exhibitors interested in plant improvement and the supply of planting material to the ornamental plant industry; he delivered a lecture on the implications of the UPOV Convention for flower exporters.

86. Lesotho.– On February 25 the Vice Secretary-General wrote to Mr. L.F. Maema, Minister of Law and Constitutional Affairs, enclosing information and documentation on UPOV.

87. Madagascar.– On December 8 the Vice Secretary-General received a visit from Mr. Mamy Ratovomalala, Minister for Industrialization and Crafts, who was accompanied by Mr. Maxime Zafera, Permanent Representative of Madagascar in Geneva.

88. Mauritius.– On May 26 the Vice Secretary-General wrote to Mr. G. Narainen, Principal Agriculture Planning Officer at the Ministry of Agriculture, Fisheries and Cooperatives, concerning the procedure for acceding to the UPOV Convention.

89. Mauritania.– On November 29, while in Nouakchott for the Meeting of Experts on the revision of the Bangui Agreement, an official of the Union met, at the Ministry of Mines and Industry, Mr. Salem Ould Mamoune, Director of Industry, Mr. Mohamed Yacoub Ould Boumediana, Assistant Director of Industry, and Mr. Sidi Ali Ould Tayeb, Head of the Department for Technology and Industrial Property. He later met Mr. Sheikh Ould Dih, Director General, National Centre for Agricultural Research and Rural Development.

90. Sudan.– On April 23 the Vice Secretary-General received a visit from Mr. Mohammed Izzat Babiker Eldeeb, Ambassador and member of a Sudanese delegation that visited WIPO.

91. On December 15 the Vice Secretary-General received a visit from Mr. Nafi Ali Nafi, Minister of Agriculture of Sudan, who was accompanied by Mr. Qasim A. Idris, Ambassador and Permanent Representative of Sudan in Geneva. The Minister, a former plant breeder, expressed interest in the UPOV Convention.

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

93. On July 30 the Secretary-General wrote to Deputy K.M. Kangai, Minister of Lands and Agriculture, in response to the letter that Mr. Kangai had sent to him confirming that the Zimbabwean Government had requested an opinion on the conformity of its national laws with the 1978 Act.

94. Conference of the Ministers for Agriculture of Western and Central Africa.– On June 25 the Secretary-General wrote to Mr. Baba Dioum, General Coordinator, offering the assistance of UPOV in relation to plant variety protection.

95. African Intellectual Property Organization (OAPI).– From July 7 to 10 an official of the Union took part in a Meeting of Experts in Ougadougou (Burkina Faso) on a draft annex to the Bangui Agreement relating to the protection of plant varieties, which was organized by OAPI.

96. On July 27 an official of the Union wrote to Mr. Maurice Batanga, Head of the Cooperation and Legal Affairs Service, enclosing suggested amendments to the above-mentioned draft annex.

97. From November 26 to 28 an official of the Union participated, in Nouakchott (Mauritania), in a Meeting of Experts on the revision of the Bangui Agreement.

States and Organizations of Latin America and the Caribbean

98. Bolivia.– On September 2 the Vice Secretary-General wrote to Mrs. Isabel Canedo Rocha, Coordinator of the National Seed Program, in response to her letter informing the Office of the Union that the Ministry of Agriculture, Livestock and Rural Development had authorized Bolivia's accession to the 1978 Act.

99. Brazil.– On January 5 the Vice Secretary-General wrote to Mr. Manoel Olímpio de Vasconcelos Neto, Head of the National Service for the Protection of Cultivars at the Ministry of Agriculture and Development, informing him of the action being taken to complete the Council's examination of the law of Brazil for conformity with the 1978 Act.

100. On May 4 and 5 an official of the Union took part in a national Seminar on International Aspects of Intellectual Property, organized by WIPO and held in São Paulo, and gave a lecture.

101. From May 6 to 8 the same official of the Union took part in a seminar on intellectual property and the mechanics of technology transfer, organized by WIPO and held in Porto Alegre, and presented a paper.

102. On May 25 the Secretary-General, in the course of a visit to Brasilia, visited the Brazilian Agricultural Research Cooperation (EMBRAPA) and met Mr. Alberto Duque Portugal, its President, Mrs. Elza A.B.B da Cunha, Executive Director, Mrs. Maria José Amstalden Sampaio, Counsellor, and Mr. Manoel Olímpio de Vasconcelos Neto.

103. 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 of the Permanent Mission of Brazil in Geneva.

104. On October 29 the Vice Secretary-General received a visit from Dr. Manoel Olímpio de Vasconcelos Neto, Head of the National Service for the Protection of Cultivars, and Mr. Juan Carlos Bresciani, Adviser, and discussed developments in Brazil.

105. Costa Rica.— On February 11, in the course of the First Central American Seminar on Intellectual Property and its Relationship with Biotechnology and Biodiversity, organized by the Central American Economic Integration Secretariat (SIECA), an official of the Union had talks with Mrs. Ana Lorena Guevara, Executive Director of the National Seeds Office of Costa Rica, who informed her that amendments were being made to the draft national plant variety protection law to bring it into conformity with the 1991 Act.

106. Cuba.— On November 18 the Office of the Union received a visit from Mrs. América N. Santos Riveras, Director General, Cuban Industrial Property Office (OCPI), for discussions concerning UPOV and her country's proposals for legislation.

107. Dominica.— On February 2 the Vice Secretary-General wrote to Mrs. S.M.A. Segopolo, Chief Parliamentary Draftsman at the Ministry of Legal Affairs, Immigration and Labor, concerning assistance in the drafting of a plant variety protection Bill.

108. On August 18 the Vice Secretary-General wrote to Mrs. S.M.A. Segopolo, enclosing suggested amendments to the Bill that would bring it into conformity with the 1991 Act.

109. On September 21 an official of the Union wrote to Mr. Reginald Winston, Registrar at the Ministry of Legal Affairs, Immigration and Labor, on the advantages of the 1991 Act over the 1978 Act.

110. Honduras.— On August 27 the Vice Secretary-General wrote to Mr. Carlos Almendares, Head of the Seed Certification Department of the Secretariat for Agriculture and Livestock, concerning technical assistance in the drafting of a national plant variety protection law.

111. Nicaragua.— On January 12 the Vice Secretary-General wrote to Mr. Gustavo Mercado Sánchez, Director General of Industry at the Ministry of Economy and Development, on the drafting of a national plant variety protection law.

112. On February 9 an official of the Union visited Managua to examine a draft plant variety protection law. She met Mr. Gustavo Mercado Sánchez and Dr. Ambrosia Lezama, Head of the Industrial Property Office.

113. On February 23 the Vice Secretary-General wrote to Mr. Gustavo Mercado Sánchez, enclosing his comments on the conformity of the draft law with the 1978 Act.

114. On June 30 an official of the Union wrote to Mr. Gustavo Mercado Sánchez on the amendments to be made to the draft law.

115. On November 30 the Office of the Union sent its comments on the draft law to Mrs. María Soledad Pérez de Ramírez, Director of the Industrial and Intellectual Property Registry.

116. Panama.— On February 11, in the course of the first Central American Seminar on Intellectual Property and its Relationship with Biotechnology and Biodiversity, which had been organized by the Central American Integration Secretariat (SIECA), an official of the Union had talks with Mrs. Jeane Johnson, Head of the Patents Department of the Directorate General of the Industrial Property Registry, and with Mr. Vidal Aguilera of the National Seeds Committee of the Ministry of Agriculture, who informed her that a law authorizing the Panamanian Government to accede to the UPOV Convention was currently before the national parliament.

117. On November 19 Mrs. Emérita López Cano, Industrial Property Adviser, Directorate General of the Industrial Property Registry, visited the Office of the Union and handed over a draft regulatory decree.

118. Peru.— On March 18 Mr. Manuel Ruíz Muller, a member of the Peruvian Society for Environmental Law, visited the Office of the Union.

119. Suriname.— On May 26 the Vice Secretary-General wrote to Mrs. Yvonne Roeplal-Soeratram, Head of the Industrial Property Office, and to Mr. Johan Pieter Pluim Mentz, Secretary of the Board of Plant Breeders' Rights of the Netherlands, on the subject of the ratification by the Netherlands of the 1961 and 1972 Acts and the effects that it would have for Suriname.

120. On August 11 an official of the Union wrote to Mrs. Yvonne Roeplal-Soeratram on the subject of the territories of the Kingdom of the Netherlands to which the 1961 Act applied as a result of the deposit on August 8, 1967, of the instrument of ratification by the Netherlands (that ratification did not extend to Suriname).

121. Venezuela.— On August 18 the Vice Secretary-General wrote to Mr. Francisco Astudillo Gómez, Director General of the Industrial Property Registry (SARPI), in response to the request for consultancy services that Mr. Astudillo Gómez had made for the implementation of the national plant variety protection law; Dr. José María Elena, Vice-President of the Community Plant Variety Office (CPVO), was authorized by the Office to undertake that mission.

122. Central American Integration Secretariat (SIECA).— On February 11 an official of the Union travelled to San José (Costa Rica) to take part as a speaker in the First Central

American Seminar on Intellectual Property and its Relationship with Biotechnology and Biodiversity, organized by SIECA in cooperation with the National Seeds Office of Costa Rica.

States of Asia and the Pacific

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

124. China.— On February 18 the Vice Secretary-General wrote to Mr. Li Yukun, Deputy Director of the Department of Science and Technology of the Ministry of Forestry, enclosing information and the publications that he needed in order to set up a separate office to administer the protection of varieties of forest trees and ornamental plants.

125. On May 19 the Vice Secretary-General wrote to Professor Duan Rechun, Deputy Secretary General of the Ministry of Science and Technology, on the action that China would have to take in order to accede to the 1978 Act.

126. Fiji.— On October 6 the Office of the Union received a visit from Mrs. Banuve J. Kaumaitotoya, Manager, Commodity Development, and Mr. Paula Jukei, Chief Economist, Economic Planning and Statistics Division, Ministry of Agriculture and Fisheries, and from Mr. Grant Vinning, Asian Development Bank Technical Assistance, who wished to discuss how to add value to their native biological resources.

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

128. On August 7 the Vice Secretary-General spoke to Mr. Sunil Sud by telephone and discussed the current status of the proposal to legislate on plant variety protection.

129. Philippines.— On August 6 the Vice Secretary-General wrote to Mr. Nerius I. Roperos, Director of the Bureau of Plant Industry of the Department of Agriculture, enclosing suggestions for amendments to be made to House Bill No. 7951 and its Senate equivalent in order that both might conform to the 1991 Act.

130. On September 23, following the events organized by the Asia and Pacific Seed Association (APSA), the Vice Secretary-General met Dr. Nerius I. Roperos, other officials of the Department of Agriculture and former Congressman Socorro O. Acosta whose son, also a Congressman, was sponsoring the plant variety protection Bill currently before the Philippine Congress. Discussions took place on the amendments that would have to be made to the Bill before it conformed to the 1991 Act.

131. Democratic People's Republic of Korea.— On September 1 the Vice Secretary-General wrote to Mr. Ro Hye Suk, Chief of the Trade Information Section of the State External Economic Affairs Committee, responding to the latter's request for information on UPOV.

132. Sri Lanka.— On February 26 the Vice Secretary-General sent information to Mr. Athula Perera of the University of Peradeniya, in response to the message that the latter had sent by electronic mail to inform him that the Sri Lankan Government planned to introduce a plant variety protection system conforming to the UPOV Convention.

133. On May 12 the Vice Secretary-General corresponded with Mr. Dissanayake Mudiyansele Karunaratna, Director of the Sri Lankan Intellectual Property Office, on the subject of UPOV and the UPOV Convention.

134. On July 1 the Vice Secretary-General wrote to Mr. T.P.G.N. Leelarathne, Secretary of the Ministry of Internal and International Commerce and Food, in reply to a letter that Mr. Leelarathne had sent to him asking for assistance in the drafting of a plant variety protection law.

135. From September 17 to 19 the Vice Secretary-General visited Sri Lanka. In Colombo he met Mr. T.P.G.N. Leelarathne, Mrs. R.S. Athukorale, Additional Secretary to the same Ministry, Mr. D.N. Karunaratna and Mr. Dushyantha Perera, Assistant Registrar of Patents and Trade Marks, with whom he discussed the Sri Lankan Government's proposal to legislate on plant variety protection. Travelling to Kandy, he visited the Rice Research Institute, the Field Crops Research and Development Institute and the Horticultural Research and Development Institute, all three within the Department of Agriculture. In Kandy he met Mr. Sarath Amarasiri, Director General of the Department of Agriculture, Mr. S.D.G. Jayawardena, Director of the Horticultural Research and Development Institute, Mr. Sarath L. Weerasena, Deputy Director of Seed Certification, and Mr. O.P.K. Chandrasiri, Assistant Director of Agriculture at the Seed Certification Department. Their discussions had to do with the present status of agriculture in Sri Lanka and the potential role of plant variety protection in the future. The Vice Secretary-General then met Mr. Ranjit Kularathne, Director of the Department of Export Agriculture within the Agriculture Ministry. They spoke of the role of plant variety protection in relation to the crops for which the Department was responsible, namely for the most part 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).

136. Thailand.— On June 3 the Office of the Union received a visit from Mr. Sek Wannamethee, First Secretary, and Miss Quanchai Sasivanij, Third Secretary, of the Permanent Mission of Thailand in Geneva, with whom he discussed the matter of *Jasmine* rice.

137. Viet Nam.— On August 3 and 4 the Office of the Union was visited by Mr. Nguyen Thi Thanh Ha, Deputy Director, and Mr. Ta Quang Minh, Expert, from the Legislation and Management Department of the National Office of Industrial Property, who wished to learn more about systems of intellectual property protection for plants. Their visit was financed by the European Union under a specific aid project for Viet Nam.

States and Organizations of Europe and Central Asia

States in transition to market economy

138. Kyrgyzstan.– On March 24 the Vice Secretary-General received a visit from Mr. Roman O. Omorov, Director of the State Agency of Intellectual Property, who informed him that the national plant variety protection law was before Parliament.

139. Tajikistan.– On November 19 the Vice Secretary-General received a visit from Mr. Assadoulo Abdoullaev, Head of the Division of State Examination of Industrial Property, with whom he discussed developments in plant variety protection in the latter's country.

140. Turkmenistan.– On November 19 the Vice Secretary-General received a visit from Dr. Muhamed A. Eminov, Head of the Turkmenistan Patent Office, with whom he discussed developments in plant variety protection in the latter's country.

Other States and Organizations

141. Croatia.– On April 2 the Office of the Union received a visit from Mrs. Kruna Čermak-Horbec, Expert to the Ministry of Agriculture and Forestry, and Mr. Vinko Kozumplik, Professor at the Zagreb Agriculture Faculty. Discussions took place on the national plant variety protection law.

142. On April 24 an official of the Union wrote to Mrs. Kruna Čermak-Horbec, enclosing suggestions for the adaptation of the national law to the 1991 Act. Those suggestions were subsequently translated and sent to Mr. Vinko Kozumplik on May 11.

143. Estonia.– From December 9 to 11 an official of the Union visited Tallinn for discussions on the text of the plant variety protection law of Estonia and its implementing regulations with Mrs. Raina Möttus, Deputy Director of the Plant Production Inspectorate, Mrs. Pille Ardel, Head of the Variety Control Department of the same Inspectorate, and Mrs. Eike Lepmets, Chief Inspector. Subsequently, at the Ministry of Agriculture, he met Mr. Ivar Sikk, Head of the Agriculture Department, Mr. Andres Oopkaup, Head of the External Relations Department, and Mr. Roland Nyman, Director General of the Plant Production Inspectorate.

144. Iceland.– On December 3, the Vice Secretary-General spoke to Mr. Thordu Ingvi Gudmundsson, Deputy Permanent Representative of Iceland to the World Trade Organization, who informed him that a draft plant variety protection law would be submitted to the Parliament of Iceland in the coming months.

145. Slovenia.– On November 27 the Vice Secretary-General sent the comments of the Office of the Union on a draft plant variety protection law to Ms. Marina Pečnik, Adviser to the Minister of Agriculture.

146. European Community.– On March 16 the Office of the Union received a visit from Mr. Gerasimos Apostalatos, Principal Administrator at the Commission of the European Communities, Mrs. Linda Brown, Senior Environment Adviser to the Department for International Development of the United Kingdom, Mrs. Sue Buckenham, Head of the Plant Genetic Resources Branch at the Ministry of Agriculture, Fisheries and Food of the United Kingdom, and Mr. Peter A. Vermeij, Deputy Director of the Department of Agriculture of the Ministry of Agriculture, Environment and Fisheries of the Netherlands; views were exchanged on various issues concerning the interaction between plant variety protection and plant genetic resources.

147. Community Plant Variety Office (CPVO).– On May 18 the Vice Secretary-General took part in a conference entitled “Community Plant Variety Rights, the European Approach,” which was organized by the CPVO in Angers (France). He gave a lecture on plant variety protection under the 1991 UPOV Convention.

148. On December 17 the Vice Secretary-General participated in an observer capacity in a meeting of the Administrative Council of the CPVO.

VII. RELATIONS WITH INTERNATIONAL ORGANIZATIONS

Governmental and semi-governmental organizations

149. World Intellectual Property Organization (WIPO).– On June 16 an official of the Union gave a lecture on plant variety protection for the benefit of countries of Asia and the Pacific at the WIPO Worldwide Academy.

150. On July 17 an official of the Union gave a lecture for policy-level officials at the WIPO Worldwide Academy.

151. On November 11 the Vice Secretary-General and an official of the Union conducted an information meeting in Geneva for representatives of the member States of the Andean Community of Nations.

152. On November 26 the Vice Secretary-General lectured at a session of the WIPO Worldwide Academy for Arab countries.

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

154. From June 8 to 12 an official of the Union took part in the fourth extraordinary session of the Commission on Genetic Resources for Food and Agriculture, at which the revision of the International Undertaking on Genetic Resources for Food and Agriculture was discussed.

155. On November 16 the Vice Secretary-General and an official of the Union conducted a seminar for staff of FAO and of the International Plant Genetic Resources Institute (IPGRI).

The seminar took place on the premises of FAO in Rome, and was opened by Mr. Abdoulaye Sawadogo, Assistant Director General, responsible for the Agriculture Department of FAO. Participants included Mr. Geoffrey Hawtin, Director General, and Mr. Masa Iwanaga, Deputy Director, of IPGRI, Mr. Gerald Moore, Legal Counsel of FAO, Mrs. María José Timmerman, Director, Sustainable Development Department, Mr. José Esquinas-Alcázar, Secretary, Commission on Genetic Resources for Food and Agriculture, and Mr. Umberto Menini. A total of some 30 individuals participated.

156. On November 17 the Vice Secretary-General and an official of the Union had a meeting with Mr. Gerald Moore, Mr. Luis M. Bombín, Assistant Legal Counsellor, and members of their staff, and also with Mr. José Esquinas-Alcázar and some of his staff.

157. From November 23 to 28 an official of the Union officiated at a meeting on policies and seed programs in Sub-Saharan Africa organized by FAO in Abidjan (Côte-d'Ivoire).

158. World Trade Organization (WTO).– On December 2 the Vice Secretary-General attended a session of the TRIPS Council at which the review of the provisions of Article 27.3(b) of the TRIPS Agreement was discussed.

159. Consultative Group on International Agricultural Research (CGIAR).– On March 4 the Secretary-General wrote to Mr. Ismail Serageldin, Chairman of CGIAR and Vice-President of the World Bank (Environment and Sustainable Development), on the subject of a CGIAR press release calling for a moratorium on the grant of intellectual property titles for certain plant germplasm.

Non-governmental organizations

160. International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) and Fleuroselect.– On May 13 the Vice Secretary-General received a visit from Mr. Patrick Heffer, Assistant Secretary-General of ASSINSEL, with whom he discussed the subject of genetic resources. They then had lunch with Mr. Marcel Bartels, Executive Director of Fleuroselect, to discuss the testing of seed-reproduced ornamental varieties.

161. ASSINSEL and the International Federation of the Seed Trade (FIS).– From May 31 to June 5 the Vice Secretary-General took part in the World Congresses of ASSINSEL and FIS. At the ASSINSEL Congress he gave a brief report on developments within UPOV and an introductory paper on the concept of farm-saved seed in relation to the UPOV Convention.

162. Asia and Pacific Seed Association (APSA).– On September 21 and 22 the Vice Secretary-General took part in a workshop on plant patents organized by APSA in Manila (Philippines). On the morning of September 23 he gave a welcoming address at the opening ceremony of *Asian Seed '98*, the Annual Congress of APSA.

163. Fleuroselect.– On July 31 and August 1 the Vice Secretary-General took part in the Annual Convention of Fleuroselect and in the Annual General Meeting of its members, which were held in Berne (Switzerland).

164. Panamerican Seed Seminars.– On October 19 an official of the Union chaired the session on intellectual property rights and presented a paper on plant variety protection in Latin America at the XVI Panamerican Seed Seminar held in Buenos Aires (Argentina). The Vice Secretary-General presented a paper on the general nature of protection under the UPOV Convention at the same session. During the seminar he had discussions with Mr. Joseph E. Cortes, Coordinator, International Seed Program, Seed Science Center, Iowa State University, concerning possible cooperation with the Regional International Organization for Plant and Animal Health (*Organismo Internacional Regional de Sanidad Agropecuaria (OIRSA)*) in the organization, with World Bank funding, of a series of seminars for Central American States on the introduction of plant variety protection systems. Discussions also took place with Mrs. Adelaida Harries, President of the National Seed Institute of Argentina (INASE), concerning a seminar to be organized by INASE in cooperation with UPOV in Buenos Aires in 1999 on the subject of the 1991 Act.

165. Latin American Federation of Seed Producers Associations (FELAS).– On October 21, the Vice Secretary-General attended the Annual General Meeting of the *Federación Latinoamericana de Asociaciones de Semillistas*.

VIII. OTHER EXTERNAL RELATIONS ACTIVITIES

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

167. On March 20 an official of the Union took part as an expert in a roundtable entitled “TRIPS and Biodiversity: towards the 1999 Review,” organized by the International Center for Trade and Sustainable Development (ICTSD) in Geneva.

168. On April 28 the Office of the Union held a press conference at the Palais des Nations in Geneva on the entry into force of the 1991 Act.

169. On May 14 the Vice Secretary-General took part in an Internet think tank on intellectual property for plants, jointly organized by the World Bank and the World Trade Organization (WTO).

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

171. On June 15 an official of the Union gave a lecture on plant variety protection in a course on intellectual property organized by the Federal Institute of Technology of Zurich (Switzerland).

172. On July 13 the Vice Secretary-General received a visit from Mr. Ivan I. Kuzmin, President of the Interstate Industrial and Scientific Seed-Growing Association (SIMANA) of the Russian Federation.

173. On July 16 the Vice Secretary-General took part in a meeting in Paris of the Organizing Committee of the World Seed Conference, which will be held in 1999.

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

175. On August 12 the Vice Secretary-General received a visit from Mr. Anatole F. Krattiger, Executive Director of the International Service for the Acquisition of Agri-Biotech Applications (ISAAA), and Mr. H. Walter Haeussler, President of Cornell Research Foundation, Inc. and adviser to ISAAA on technology transfer issues.

176. On October 12 the Vice Secretary-General participated in a Colloquium in Paris on the Protection and Exploitation of Biotechnological Inventions organized by the Henri-Desbois Intellectual Property Research Institute (IRPI) and the Trier European Law Academy (ERA). He presented a paper on the relationship between the patent and plant variety rights systems and compulsory licensing.

177. On October 13 the Vice Secretary-General participated in a meeting of the Organizing Committee of the World Seed Conference 1999, held in the Council Chamber of the National Institute of Agricultural Botany in Cambridge (United Kingdom).

178. On October 30, the Vice Secretary-General received a visit from Mr. Edwin H. Baker, Counsel to the Regents of the University of California (United States of America).

179. On November 30 the Vice Secretary-General participated in a workshop on TRIPS and the Patenting of Plants sponsored by the South Centre Pilot Project on WTO and the Institute for Agriculture and Trade Policy (IATP), which was held in the Palais des Nations in Geneva.

V. PUBLICATIONS

180. The Office of the Union published:

(a) updated editions, each time there was an 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;

(b) one issue of the periodical *Plant Variety Protection*;

(c) one supplement to Part I of the collection Important Texts and Documents in English, French, German and Spanish;

(d) six update discs in the series constituting the UPOV central database (*UPOV-ROM Plant Variety Database*).

181. The Council is invited to approve this report.

[Annex follows]

ANNEX

MEMBER STATES OF THE UNION
(as of December 31, 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 *1st line:* International Convention for the Protection of New Varieties of Plants of December 2, 1961 ("1961 Act")

2nd line: Additional Act of November 10, 1972

3rd line: Act of October 23, 1978

4th line: Act of March 19, 1991.

² Ratification if the State has signed the 1961 Act or the additional Act, as the case may be; ratification, acceptance or approval if the State has signed the Act of 1978; accession where it has not signed the text in question.

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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 -
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 -
Japan	- - October 17, 1979 -	- - August 3, 1982 November 24, 1998	- - September 3, 1982 December 24, 1998

³ Continuation of the adherence of Czechoslovakia (instrument deposited on November 4, 1991; effective date, December 4, 1991).

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1, 2}	Date Upon Which State Became Bound ¹
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 -
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
Slovakia ³	- - - -	- - - -	- - January 1, 1993 -
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

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

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State	Date of Signature ¹	Date of Deposit of Instrument ^{1, 2}	Date Upon Which State Became Bound ¹
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 December 3, 1998	August 10, 1968 July 31, 1980 September 24, 1983 January 3, 1999
United States of America	- - October 23, 1978 October 25, 1991	- - November 12, 1980	- - November 8, 1981

(38 member States)

[End of document]