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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-third Ordinary Session
Geneva, October 20, 1999

REPORT ON ACTIVITIES DURING THE FIRST NINE MONTHS OF 1999

Document prepared by the Office of the Union

I. COMPOSITION OF THE UNION

Members and Future Members

1. On March 23, 1999, China deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to China on April 23, 1999.
2. On April 13, 1999, Kenya deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Kenya on May 13, 1999.
3. On April 21, 1999, Bolivia deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Bolivia on May 21, 1999.
4. On April 23, 1999, Brazil and Panama deposited their instruments of accession to the 1978 Act of the Convention. That Act entered into force with respect to Brazil and Panama on May 23, 1999.
5. On June 29, 1999, Slovenia deposited its instrument of accession to the 1991 Act of the Convention. That Act entered into force with respect to Slovenia on July 29, 1999.

6. As of that date, the Union comprised 44 member States: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Kenya, Mexico, Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Ukraine, United Kingdom, United States of America, Uruguay.

7. Under Article 34(3) of the 1991 Act, “any State which is not a member of the Union and any intergovernmental organization 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 Convention.”

8. Four requests were considered in the period under review:

- (a) a request by Slovenia, by letter of February 4, 1999;
- (b) a request by Romania, by letter of February 23, 1999;
- (c) a request by Georgia, by letter of March 1, 1999;
- (d) a request by Costa Rica, by letter of March 22, 1999.

9. At its sixteenth extraordinary session, held on March 26, 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 10, 11, 12 and 13.

10. The Council decided that the law of Slovenia conformed in all respects with the Convention.

11. The Council decided to advise the Government of Romania that the Law, after adoption of suitable regulations, provided the basis for an Act conforming with the Convention, and that it might then deposit an instrument of accession to the Convention.

12. The Council decided to advise the Government of Georgia that the Law, after adoption of suitable regulations, provided the basis for an Act conforming with the Convention, and that it might then deposit an instrument of accession to the Convention.

13. The Council decided,

(a) to advise the Government of Costa Rica that the Bill submitted for the advice of the Council provided the basis for a law conforming with the Convention;

(b) to further advise the Government of Costa Rica that after the enactment into law of the Bill with no substantial alterations, and after the adoption of suitable regulations, it may deposit an instrument of accession to the Convention.

Situation in Relation to the Various Acts of the Convention

14. The 1991 Act was ratified by the United States of America, on January 22, and acceded to by Slovenia, on June 29, bringing to twelve the number of member States bound by the 1991 Act.

15. 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.

16. In the first nine months of 1999, according to the information of the Office of the Union, Finland and Ireland passed laws to adapt their systems of protection to the 1991 Act. Accordingly, the number of member States which have laws which conform in all respects with the 1991 Act reached sixteen, while seven 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.

17. 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 was that Bolivia, Brazil, China, Kenya, Nicaragua, Panama, Venezuela and Zimbabwe could deposit instruments of accession to the 1978 Act at any time prior to April 24, 1999 (Bolivia and Venezuela were also able to accede to the 1991 Act if they so wished). One additional State, India, had taken steps which could result in its addition to this list, if the Council so decided. Five States, Bolivia, Brazil, China, Kenya and Panama deposited instruments of accession before April 24, 1999, and are now member States of UPOV. Three States, India, Nicaragua and Zimbabwe, were unable to deposit instruments of accession before April 24, 1999, and have requested additional time.

18. 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, 1999.

II. SESSIONS OF THE COUNCIL AND ITS SUBSIDIARY BODIES

Council

19. The Council held its sixteenth extraordinary session on March 26, under the chairmanship of Mr. Ryusuke Yoshimura (Japan), to examine the requests for advice submitted by Costa Rica, Georgia, Romania and Slovenia, under Article 34(3) of the 1991 Act.

Consultative Committee

20. The Consultative Committee held its fifty-seventh session on March 26, under the chairmanship of Mr. Karl Olov Öster (Sweden). It heard a report from the Vice Secretary-General on the status of accessions to the 1978 Act and reports by the representatives of the

member States on developments with respect to application of the 1991 Act. It discussed the review, then underway, of Article 27.3(b) of the TRIPS Agreement.

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/33/9 and C/33/10.

III. COURSES, SEMINARS, WORKSHOPS

22. From January 19 to 21, UPOV co-organized with the *Organismo Internacional Regional de Sanidad Agropecuaria* (OIRSA) and the World Intellectual Property Organization (WIPO) a Workshop in San José, Costa Rica, on plant variety protection laws for the following Central American and Caribbean countries: Costa Rica, Cuba, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama. Argentina, Colombia, Uruguay and the European Union provided speakers.

23. On February 15, UPOV jointly organized with the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO), for the members and observers of the joint organizers, a Symposium in Geneva on the Protection of Plant Varieties under Article 27.3(b) of the TRIPS Agreement.

24. On March 18 and 19, UPOV jointly organized with WIPO and WTO, in cooperation with the Government of Thailand and with a financial contribution from the Government of New Zealand, a Workshop in Bangkok on the Protection of Plant Varieties under Article 27.3(b) of the TRIPS Agreement for members in the Asia Pacific Region.

25. On May 3 and 4, UPOV jointly organized with WIPO and WTO, in cooperation with the Government of Egypt, for countries of the Arabic Region and Turkey a Workshop in Cairo on the Protection of Plant Varieties under Article 27.3(b) of the TRIPS Agreement.

26. On May 6 and 7, UPOV jointly organized with WIPO and WTO, and in cooperation with the Government of Kenya, a similar Workshop in Nairobi for anglophone African countries.

27. From May 17 to 21, UPOV organized, jointly with the Ministry of Science and Technology, the Ministry of Agriculture and the State Forestry Administration of China, in cooperation with the Yunnan Provincial Government and with financial support from the Ministry of Agriculture, Forestry and Fisheries of Japan, an International Seminar in Kunming, China, on Technological Innovation and the National Implementation of the Protection of New Varieties of Plants. In addition to participants from China, there were participants from Malaysia, the Philippines, the Republic of Korea, Thailand and Vietnam. Japan, New Zealand and the United Kingdom provided speakers.

28. On June 15, in Tallin, Estonia, on June 17, in Riga, Latvia, and on June 21, in Vilnius, Lithuania, UPOV and WIPO organized, in each case in cooperation with the Ministry responsible for agriculture in the host country, national Seminars on the Protection of Plant

Varieties under the UPOV Convention , the Patent System and the TRIPS Agreement. The European Patent Office provided a speaker.

29. From July 5 to 16, UPOV organized a Briefing Workshop in Cambridge, United Kingdom, on Plant Variety Protection under the UPOV Convention. The Workshop was organized in cooperation with the Ministry of Agriculture, Forestry and Fisheries of Japan, and the Ministry of Agriculture, Fisheries and Food and the National Institute of Agricultural Botany of the United Kingdom. Participants in the Workshop came from Bangladesh, Bulgaria, China, Croatia, Egypt, India, Indonesia, Kenya, Kyrgyzstan, Malawi, Mauritius, Sri Lanka, Thailand, Trinidad and Tobago, Turkey, Uganda, United Republic of Tanzania, Zambia and Zimbabwe and from the African Regional Industrial Property Organization (ARIPO) and the Organization of African Unity (OAU). The Governments of France, Japan and the United Kingdom provided speakers.

30. On August 10 and 11, UPOV cooperated with the *Instituto Nacional de Semillas* of Argentina and with support provided by the American Seed Trade Association (ASTA) and the *Asociación Argentina de Protección de las Obtenciones Vegetales* (ARPOV), in the organization of a Latin-American Regional Seminar, in Buenos Aires, on the 1991 Act of the UPOV Convention. The Governments of Brazil, Chile, Colombia and Uruguay and the European Union provided speakers.

IV. RELATIONS WITH STATES AND ORGANIZATIONS

31. On January 6, an official of the Union discussed with Mr. Valery I. Kudashov, Chairman of the Belarus State Patent Office, and other officials of his office, the accession of Belarus to the UPOV Convention.

32. On January 14, the Office of the Union wrote to Mr. John V. Carvill, Controller of Plant Breeders' Rights of Ireland, with comments on the Plant Varieties (Proprietary Rights) (Amendment) Bill, 1997.

33. On January 18 and 19, the Vice Secretary-General participated in a workshop in Kampala, Uganda, on the impact of intellectual property rights on trade and agriculture in East Africa organized by the Agricultural Biotechnology Support Project (ABSP) of Michigan State University, in cooperation with the Uganda National Council for Science and Technology, and with funding from USAID. During the course of the workshop he had discussions with Dr. Bellah Mpofo, Head, Seed Services, Harare, Mr. Daudi B. Npiri, Agricultural Commissioner for Research and Training, Ministry of Agriculture and Cooperatives, Tanzania, Dr. Sabuni M. Mbagi, Acting Assistant Commissioner, Crop Development Department, of the same Ministry, and Dr. Robert N. Mshana, Executive Secretary, A.I., Science and Technology Research Commission, Organization of African Unity.

34. On January 19, the Office of the Union sent information on plant variety protection and UPOV to Mrs. Yannick Ariane Rabemanantsoa Rasoarimana, Secretary General of the Ministry of Agriculture and National Coordinator of the Seed Sector of Madagascar.

35. From January 19 to 21, an official of the Union participated in a workshop in San José, Costa Rica, on plant variety protection laws. The workshop provided an opportunity for the

Office of the Union to have detailed discussions with official representatives of El Salvador, Costa Rica, Panama, Honduras, Nicaragua, Guatemala and the Dominican Republic.

36. On January 21, a delegation from the Government of Haryana State, India, comprised of Ms. Krishna Gehlawat, Minister of State for Agriculture, Ms. Shakuntala Jakhu, Director of Agriculture, Mr. Hem Chander Disodia, Commissioner and Secretary, Dr. Kartar Singh, Director of Horticulture, Panchkula, and Mr. Hawa Singh Lohan, Project Director, Integrated Watershed Development Project (Hills), visited WIPO. An official of the Union made a presentation on plant variety protection and UPOV.

37. On January 21, an official of the Union received the visit of Mr. Enrique Alarcon, Director of the Department of Science and Technology and Natural Resources, Inter-American Institute for Cooperation in Agriculture (IICA), San José, Costa Rica.

38. On January 22, the Vice Secretary-General and officials of the Office of the Union conducted an internal briefing session on UPOV and the UPOV Convention for staff of the Cooperation & Development Sector of WIPO.

39. On the same day, Mrs. Soching Tsai, First Secretary and Mr. Edward R. Cummings, Counsellor for Legal Affairs, United States Permanent Mission in Geneva, deposited with the Vice Secretary-General the instrument of ratification of the 1991 Act of the UPOV Convention of the United States of America.

40. Also on January 22, an official of the Union visited Managua city in Nicaragua for discussions with Dra. Maria Solédad Perez de Ramirez, Director, Intellectual and Industrial Property Office, Nicaragua, to discuss the text of the draft law on plant variety protection prior to its being sent to the National Assembly.

41. On January 29, the Office of the Union wrote to Mrs. Pille Ardel, Head of the Variety Control Department, Estonian Plant Protection Inspectorate, submitting comments and proposals on the draft of the changes to be made in the Plant Variety Rights Act.

42. On February 1, the Vice Secretary-General attended a dinner given by the Ambassador and Permanent Representative of the United Kingdom, Mr. Roderick M.J. Lyne, CMG, in honor of the visit of Mr. Brian Wilson, MP, Ministry for Trade of the United Kingdom.

43. On February 5, an official of the Union participated, in Paris, in the general assembly of the Association of European Horticultural Breeders (*Association des Obtenteurs Horticoles Européens*) (AOHE) and made a presentation on the UPOV Convention and recent developments.

44. On February 8 to 12, an official of the Union participated in a Symposium on Seed Production in CIS Countries and in the Region of Central and Eastern Europe in Moscow. During the symposium he met representatives of plant variety protection offices and senior officials from the Ministries of Agriculture of the Russian Federation, Ukraine, Republic of Moldova, Belarus, Armenia, Kyrgyzstan, Uzbekistan, Tajikistan, Latvia and Bulgaria. He made two presentations on UPOV and plant variety protection.

45. During the same period, a training course for Mrs. Sylvia Teresa Bazan Leigh of the *Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual* (INDECOPI) of Peru at ICAP, Bogota was funded by the Office of the Union.

46. On February 9, the Vice Secretary-General wrote to Mr. Bahattin Bozkurt, Director, Seed Registration and Certification Centre, Ministry of Agriculture and Rural Affairs, Ankara, concerning his country's draft plant variety protection bill.
47. On February 10, the Vice Secretary-General wrote to Ms. S.M.A. Segopolo, Chief Parliamentary Draftsman, Commonwealth of Dominica, concerning her country's plant variety protection bill.
48. On February 16, the Vice Secretary-General received a visit from Dr. Jan Kišgeci, Director, Federal Institute for Plant and Animal Genetic Resources of the Federal Ministry of Agriculture, Yugoslavia, together with staff from his Institute. He left a copy of a draft plant variety protection law, modified so as to take into account earlier comments from the Office of the Union.
49. On the same day, he received a visit from Mr. Bouhnik Amor, Director General, *Institut algérien de normalisation et de propriété industrielle* (INAPI), Mr. O. Si Laabi, *Directeur de la Normalisation, Qualité et Protection*, Mrs. F. Madi, *Administrateur, Ministère de l'industrie* and Mr. A. Assabai, *Directeur Général du CNCSP*, all from Algeria. They explained that their country's proposals to introduce plant variety protection were at a late stage of consultation.
50. Also on February 16, the Vice Secretary-General received a visit from Ms. Dolly Chakrabarty, Deputy Secretary Seeds, Ministry of Agriculture and Cooperatives, India, who explained that her Government's proposals were now ready in the form of a bill, but that it was unlikely to be able to present the bill to Parliament and complete the Parliamentary procedure by April 24, 1999.
51. On the same day, Mr. M. Hamdi, *Directeur général, Direction générale des affaires juridiques, Ministère de l'agriculture* and Mr. A. Bouziri, *Sous-directeur, Contrôle et certification des semences et plants*, Tunisia, left with the Office of UPOV the latest draft of proposals for a new seed law incorporating provisions enabling the Government to establish a plant variety protection system.
52. On the same day, the Office of the Union transmitted a note on plant variety protection to Mr. Georges Dutruc-Rosset, Director General, International Vine and Wine Office (OIV), for submission to the Expert Groupe on Vine Breeding at its session of March 9.
53. On February 17, the Vice Secretary-General received a visit from Professor Manrakhon, Head of the Food and Agricultural Research Council, and of Mr. Maghespren Chinappen, Principal Research and Development Officer, Ministry of Agriculture Food Technology and National Resources, Mauritius. He discussed their Government's proposals to enact a *sui generis* law for the protection of new plant varieties.
54. On February 19, the Vice Secretary-General spoke on the telephone with Ms. Ann-Marie Thro, newly appointed Commissioner of the Plant Variety Protection Office, United States of America.
55. From February 22 to 25, an official of the Union attended, in Bangui, the Diplomatic Conference at which the revised *Accord de Bangui* was opened for signature.

56. On February 24, the Vice Secretary-General arranged with Mr. David Boreham, Controller, Plant Variety Rights Office, United Kingdom, for him to speak on the subject of plant variety protection at a conference organized in Nyanga, Zimbabwe, from March 8 to 11, by the African Regional Intellectual Property Office (ARIPO), European Patent Office (EPO) and the Patent Office of the United Kingdom.

57. On February 25, the Vice Secretary-General discussed with Mr. Bill Whitmore, Commissioner of Plant Variety Rights, New Zealand, the possibility of Mr. Whitmore representing UPOV in a meeting in Bangkok on Seed Policies and Systems in the Asian Region that was to be organized by the Food and Agricultural Organization of the United Nations (FAO) in cooperation with the Asia Pacific Seed Association.

58. On March 1, the Vice Secretary-General visited Cambridge to discuss with Dr. Simon Draper, Deputy Director, National Institute of Agricultural Botany (NIAB), proposals to organize a two-week course in Cambridge, United Kingdom, on plant variety protection in 1999.

59. On March 2, the Vice Secretary-General participated in a meeting between officials of WIPO and Mr. Planton Mandros, President, Mr. Heinz Goddar, President Elect, and Mr. Tom Small and Mr. Dennys Watson, Co-Chairs, of the Licensing Executives Society International (LESI), who wished to discuss the results of the joint WIPO-UPOV-WTO Symposium and progress on the review of Article 27.3(b) of the TRIPS Agreement.

60. On March 5, the Vice Secretary-General wrote to Dr. Akil A. Azimov, Director, State Committee for Science and Technology of Uzbekistan, with the comments of the Office of UPOV on the Law of Selection Achievements of his country.

61. On March 5, an official of the Union lectured on plant variety protection at the Federal Intellectual Property Institute (OFPI) in Bern.

62. On March 8, the Vice Secretary-General participated in a Policy Workshop in Rome for the Board of Trustees of the International Plant Genetic Resources Institute (IPGRI). He presented a paper on plant variety protection.

63. On March 9, the Vice Secretary-General participated in the thirteenth IPGRI Board Meeting and the tenth Board Meeting for the International Network for the Improvement of Banana and Plantain (INIBAP) in Rome. The Board Meetings coincided with a special event designed to celebrate the twenty-fifth Anniversary of the formation of IPGRI and its predecessor, the International Board for Plant Genetic Resources. The Board endorsed a strategic objective of IPGRI which was to secure closer relations with UPOV.

64. On March 18, the Vice Secretary-General, in Bangkok, took part in a live telephone debate with Professor Ekpere, Consultant to the Organization for African Unity, in Lagos, on developments in intellectual property protection relating to plants in Africa. The discussion was broadcast by the BBC World Service.

65. On March 22, the Vice Secretary-General received a visit from the following representatives of the Chinese Government who discussed arrangements for the forthcoming regional seminar in Kunming, China, and the deposit of the instrument of accession of China to the 1978 Act of the UPOV Convention: Mr. Ruichun Duan, Vice Secretary-General, Ministry of Science and Technology, Mr. Yunkun Li, Deputy Director General, Department

of Science & Technology, State Forestry Administration, Mrs. Sanba Hang, Division Director, Department of Rural and Social Development, Ministry of Science and Technology, Mrs. Ping Zou, Division Chief, Division of Intellectual Property & Achievement Management, Department of Sci-Technology & Education, Ministry of Agriculture and Mrs. Yangling Zhao, First Secretary for Science and Technology, Permanent Mission of China in Geneva.

66. On March 23, the same persons were present when Mr. Hou Zhengi, Counsellor in the Permanent Mission of the People's Republic of China in Geneva, deposited the instrument of accession of China to the 1978 Act of the UPOV Convention with the Vice Secretary-General.

67. Also on March 23, the Vice Secretary-General had discussions with Mr. Gamal Aissa Attya, Director, Plant Breeders Rights and Variety Registration Department, Ministry of Agriculture, Egypt.

68. On March 23, an official of the Union presented a lecture on Article 27.3(b) of the TRIPS Agreement and plant variety protection at a Symposium in Bangui on the Implementation of the TRIPS Agreement organized jointly by WIPO and WTO for French-speaking African countries.

69. On March 30, the Vice Secretary-General participated in a meeting of the Organizing Committee of the World Seed Conference held at the Swiss Federal Agricultural Research Centre at Changins, Switzerland.

70. On April 1, the Vice Secretary-General attended the funeral of Mr. Victor Desprez, a Life President of the International Federation of the Seed Trade and an outstanding figure in the world seed industry.

71. On April 7, the Vice Secretary-General received a visit from Mr. David Luke, Chief of Trade, Commerce & Tourism, at the Headquarters of the Organization for African Unity (OAU), Addis Ababa. They discussed issues of common interest to the two organizations.

72. On April 8, the Vice Secretary-General corresponded with Mr. Sunil Archak, Researcher, National Research Centre on DNA Fingerprinting, New Delhi, on the subject of *CoFab*, a draft of a proposed International Convention on the Protection of Plant Varieties for Developing Countries, which is promoted by certain NGOs.

73. On April 12, the Vice Secretary-General wrote to Mr. Ramesh Jain, Additional Secretary, Ministry of Agriculture, New Delhi, with comments on an outline of proposed Indian legislation.

74. On April 13, the Vice Secretary-General received the instrument of accession of Kenya to the 1978 Act of the Convention from Mrs. Juliet Gicheru, First Secretary, Legal Affairs, Permanent Mission of Kenya and from Mr. Chepsiror, Ministry of Foreign Affairs in Nairobi.

75. On the same day, he wrote to Mr. Abebe Belachew, of the newly established National Seed Industry Agency of Ethiopia, informing him that the Office of the Union was sending an extensive collection of UPOV materials to assist in the operations of his new office.

76. On April 14, the Vice Secretary-General wrote to Dr. Bellah Mpofu, Head, Seed Services, Ministry of Agriculture, Zimbabwe, with the comments of the Office of the Union on a draft bill to amend the plant variety protection law of Zimbabwe so as to meet the comments of the Council of UPOV.
77. On April 15, the Vice Secretary-General wrote to Mr. Bahattin Bozkurt, Director, Seed Registration and Certification Centre, Ministry of Agriculture and Rural Affairs, Turkey, with the comments of the Office of the Union on a draft of legislation relating to breeders rights for new plant varieties.
78. On April 16, an official of the Union wrote to the Secretariat of the Convention on Biological Diversity providing comments on a paper entitled “Consequences of the use of the new technology for the control of plant gene expression for the conservation and sustainable use of biological diversity” that was eventually submitted to the fourth meeting of the Subsidiary Body for the Provision of Scientific, Technical and Technological Advice (SBSTTA) held in Montreal from June 21 to 25 June 1999.
79. From April 19 to 23, an official of the Union participated as an observer in the eighth regular session, in Rome, of the (FAO) Commission on Genetic Resources for Food and Agriculture.
80. On April 21, the Vice Secretary-General received the visit of Mrs. Silvia Avila Seifert, Ambassador and Permanent Representative of Bolivia in Geneva, who deposited the instrument of accession of Bolivia to the 1978 Act of the UPOV Convention.
81. On April 22, the Vice Secretary-General was a guest at a reception given by the Indian Ambassador and Permanent Representative in Geneva, Mrs. Savitri Kunadi, on the occasion of the visit to Geneva of Mr. N.K. Singh, Cabinet Secretary in the Indian Government.
82. On April 23, Mr. Leonardo A. Kam Binns, Ambassador and Permanent Representative of Panama in Geneva, called on the Vice Secretary-General to deposit the instrument of accession of Panama to the 1978 Act of the UPOV Convention.
83. On the same day, Mr. Luiz César Gasser, Second Secretary, Permanent Mission of Brazil in Geneva, called on the Vice Secretary-General to deposit the instrument of accession of Brazil to the 1978 Act of the UPOV Convention.
84. Also on April 23, the Vice Secretary-General took part in a meeting in Vevey, Switzerland, organized by the Quaker United Nations Office in Geneva, entitled “Choosing *Sui Generis* Systems: Options and Processes.”
85. On April 26 and 27, the Vice Secretary-General and an official of the Union participated as speakers in a seminar in Hanoi on plant variety protection organized by the European Patent Office in cooperation with the Ministry of Science, Technology and Environment and the Ministry of Agriculture and Rural Development of Vietnam. The seminar was financed by project funds made available by the European Union.
86. On April 27 and 28, an official of the Union participated as an observer, in Geneva, in a session of the (WTO) Council for TRIPS.

87. On April 28, the Vice Secretary-General, an official of the Union and Mr. David Boreham, Controller, Plant Variety Rights Office, United Kingdom and Mr. Bart Kiewit, President, Community Plant Variety Office, Angers, had discussions with Mr. Tham Dong Quang, Director and Mr. Pham Xuan Lien, Vice Director, and staff members of the Centre for Variety Evaluation and Seed Certification of Vietnam.
88. On May 3, the Office of the Union wrote to Mr. Innocent Sabushimike, Director General of Industry, Ministry of Commerce, Industry and Tourism of Burundi, and to Mr. Aloys Katihabwa, Director of the Department of Industrial Studies and Documentation of the same Ministry, to provide information on plant variety protection and UPOV.
89. On May 3, the Office of the Union wrote to Mr. Oussoufa Haribou, Head of Section, Ministry of Energy, Industry and Handicrafts of Comores, to provide information on plant variety protection and UPOV.
90. On May 3, the Office of the Union wrote to Mr. Othman Aden Ahmed, *Chargé de mission*, Ministry of Commerce and Industry of Djibouti, and to Mr. Ali Ali Ahmed Ali, Head of the Industrial Development Section of the same Ministry, to provide information on plant variety protection and UPOV.
91. On May 3, the Office of the Union wrote to Mr. Julien Velontrasina, Director General of the Malagassy Industrial Property Office (OMAPI), and to Mrs. Malka Fleurette Miangozara, Head of the Multilateral Relations Section, Ministry of Commerce and Consumption of Madagascar, to provide information on plant variety protection and UPOV.
92. On May 3, the Office of the Union wrote to Mr. Theogene Munyazikwiye, Head of Division, Ministry of Youth, Sports, Culture and Professional Training of Rwanda, and to Mr. Innocent Twagirayezu, Attaché to the Directorate of Industry, Ministry of Commerce, Industry and Tourism, to provide information on plant variety protection and UPOV.
93. On May 3 and 4, the Vice Secretary-General took part in the UPOV-WIPO-WTO Joint Regional Workshop in Cairo on the Protection of Plant Varieties under Article 27.3(b) of the TRIPS Agreement, organized in cooperation with the Government of Egypt. The program included presentations on national experience and plans to implement *sui generis* systems in Egypt, Algeria, Morocco, Oman, Tunisia and Turkey.
94. On May 5 and 6, an official of the Union participated as an observer, in Cairo, in the Third Council of the WANA (West Asia and North Africa) Seed Network.
95. On May 6 and 7, the Vice Secretary-General took part in the UPOV-WIPO-WTO Joint Regional Workshop in Nairobi on the Protection of Plant Varieties under Article 27.3(b) of the TRIPS Agreement, organized in cooperation with the Government of Kenya. The program included presentations on national experience and plans to implement *sui generis* systems in Kenya, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.
96. On May 8 and 9, the Union was represented by the Vice-Secretary General and an official of the Union in a Workshop in Cairo on Plant Variety Protection: Current Status and Implications for the Development of the Seed Industry in WANA (West Asia and North Africa), organized by the International Centre for Agricultural Research in Dry Areas (ICARDA). A presentation was made by an official of the Union on “Acceding to the UPOV Convention: How and Why?”

97. On May 10 and 11, the Vice Secretary-General participated in the Third Egyptian National Seed Conference, giving a presentation on plant variety protection systems.

98. On May 11 and 12, an official of the Union participated in the National Seminar in Abidjan on the TRIPS Agreement organized by WIPO in cooperation with the local authorities; he made a presentation on Article 27.3(b) of the TRIPS Agreement and plant variety protection.

99. On May 14, an official of the Union lectured, in Wageningen (Netherlands), at the Third International Course on Plant Variety Protection organized by the Centre for Plant Breeding and Reproduction Research (CPRO-DLO).

100. On May 17, the Vice Secretary-General and officials of the Union, as well as officials from UPOV member States, participated in the opening ceremony for the UPOV Day in EXPO '99, an International Horticultural Exposition in Kunming, China. They subsequently participated in the International Seminar on Technological Innovation and the National Implementation of the Protection of New Varieties of Plants organized by UPOV in cooperation with the Governments of China and Japan on May 18 and 19.

101. From May 19 to 21, an official of the Union participated as an observer, in Paris, in the Annual Meeting of the Representatives of the Designated Authorities responsible for the implementation of the OECD Schemes for the Varietal Certification of Seeds Moving in International Trade.

102. On May 20, in Beijing, the Vice Secretary-General and officials of the Union held discussions with officials of the State Forestry Administration of China, and, on May 21, held discussions with officials of the Ministry of Agriculture of China.

103. From May 30 to June 4, the Vice Secretary-General took part in the FIS /ASSINSEL World Congress in Melbourne, Australia.

104. On June 3, an official of the Union wrote to Mr. Nagolo Soro, Director of Industrial Development, Ministry of Planning and Industrial Development, Côte d'Ivoire, on the procedure for accession to UPOV.

105. On June 4, the Office of the Union wrote to the Secretariat of the Convention on Biological Diversity to provide comments on a document entitled "The relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity," that was to be submitted to the Intersessional Meeting on the Operation of the Convention (June 28 to 30, 1999, Montréal, Canada).

106. On June 7, the Vice Secretary-General had discussions in Canberra, Australia, with Mr. Doug Waterhouse, Registrar, Plant Breeders Rights Office, with Mr. Ian Thompson, Assistant Secretary, Field Crops, Agricultural Industries Division, Department of Agriculture, Fisheries and Forestry, and with Mr. Tim Roseby, First Assistant Secretary, Agriculture, Industries Division and three members of the Plant Breeders Rights Advisory Committee, Mr. David Moore, Ms. Cheryl McCaffrey, and Mr. Hugh Roberts.

107. On June 8, the Vice Secretary-General had discussions in Canberra with officials of the Trade Negotiations Division, Department of Foreign Affairs and Trade.

108. On June 10 and 11, the Vice Secretary-General and an official of the Union lectured in the Seed Policies and Regulations Harmonization Training Program for Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan, organized under the Cochran Fellowship Program of the United States Department of Agriculture at the Seed Science Center, Iowa State University, Ames, Iowa. They had discussions with officials responsible for seed policy, including plant variety protection, in the participating countries.

109. From June 15 to June 22, the Vice Secretary-General and an official of the Union took part in a Roving Seminar for the Baltic States on the Protection of Plant Varieties under the UPOV Convention, the Patent System and the TRIPS Agreement, which was jointly organized by UPOV and WIPO. During the course of the Seminar, detailed discussions took place with the Governments of Estonia, Latvia and Lithuania concerning their laws for the protection of new plant varieties and their interest in becoming member States of the Union.

110. On July 1, an official of the Union lectured in a post-graduate course on intellectual property held by the Federal Institute of Technology, Zurich, Switzerland.

111. From July 5 to 16, the Vice Secretary-General and officials of the Union participated in the Briefing Workshop on Plant Variety Protection under the UPOV Convention which was held at the National Institute for Agricultural Botany (NIAB) in Cambridge, United Kingdom. The Workshop provided opportunities for discussions with officials from 23 countries concerning the development of their national plant variety protection systems.

112. On July 7, the Office of the Union wrote to Mr. Getinet Gebeybu, General Manager, National Seed Industry Agency, Ethiopia, to provide information on plant variety protection and UPOV.

113. On July 7, the Office of the Union wrote to Mr. Hassan Machlab, Head, Department of Plant Breeding, Agriculture Research Institute, Lebanon, to provide information on plant variety protection and UPOV.

114. On July 7, the Office of the Union wrote to Mr. Abdul Wahab Madarati, Cereals and Legumes Director, General Organization for Seed Multiplication, Syria, to provide information on plant variety protection and UPOV.

115. On July 7 and 8, an official of the Union participated as an observer, in Geneva, in a session of the (WTO) Council for TRIPS.

116. On July 19 and 20, the Vice Secretary-General and an official of the Union visited Kazakhstan. They had discussions Mrs. Rauschan Alchimbaeva, Deputy Director of the Patent Office from whom they learned that the plant variety protection law of Kazakhstan had passed through both Houses of the Legislature and awaited only the signature of the President. They also visited the National Academic Centre for Agrarian Research of the Ministry of Science and Higher Education, and the Iliskaya Crop Variety Research Centre of the Kazakh Institute of Agriculture and the National Headquarters of the State Commission for Agriculture Variety Testing.

117. On July 21, the Vice Secretary-General and an official of the Union visited Tashkent, Uzbekistan, where they had discussions with Mr. Akil A. Azimov, Director, State Patent Office of Uzbekistan and with Mr. Zayr Z. Ziyatov, Chairman, and Mr. Takhir B. Berdimuradov, Deputy Chairman, State Commission for Variety Testing, who announced that

they proposed to modify their national law to conform with the 1991 Act of the UPOV Convention before joining the Union.

118. On July 22 and 23, the Vice Secretary-General and an official of the Union traveled to Ashgabat, Turkmenistan, where they had discussions with Dr. Reshit Agabaev, Chairman, and Dr. Geldi Gubanov, Deputy Chairman, Patent Office of Turkmenistan, and with Mr. R. Annaev, Head, Department of Plant Protection, and Mr. A. Durdyev, Head, Department of Scientific Support, Ministry of Agriculture. They subsequently visited the Institute of Experimental Biology and the Protection of Plants where they met its Director, Mr. Dovlet Babayev.

119. On August 20, the Vice Secretary-General wrote to Mrs. D. Lucaua, Deputy Director, Ministry of Agriculture of Latvia, with the comments of the Office of UPOV on the draft of a law amending the law on the protection of plant varieties of Latvia.

120. On August 23 and 24, the Office of the Union received a visit from a delegation of the Ministry of Agriculture, Forestry and Water Resources Management of Macedonia consisting of Mrs. Verica Dimaprovska, Advisor to the Minister, Ms. Roza Nakova, Inspector, and Mrs. Ljubica Trencavska. They discussed in detail the text of a draft seed law which would incorporate provisions designed to conform with the 1991 Act.

121. On August 24, the Secretary-General wrote to Mr. Sh. Kabirov, Minister for Agriculture of Tajikistan, informing him that the subject of the conformity of the law of Tajikistan with the 1991 Act of the UPOV Convention would be placed upon the agenda of the October Council session.

122. On August 25, the Vice Secretary-General wrote to Dr. Bellah Mpfu, Head of Seed Services and Registrar of Plant Breeders Rights, Harare, with the comments of the Office of the Union on a bill to amend the Plant Breeders Rights Act of Zimbabwe.

123. On August 27, the Secretary-General wrote to Mr. Kim Sung Hun, Minister for Agriculture and Forestry of the Republic of Korea, concerning the procedure for seeking the advice of the Council of UPOV on the conformity of his country's law with the 1991 Act.

124. On the same day, he wrote to Mr. Phillip Paulwell, Minister for Commerce and Technology, Jamaica, concerning a proposed mission to Jamaica in October.

125. Also on August 27, the Vice Secretary-General wrote to Mr. Isikili Mataitoga, Ambassador of Fiji in Brussels, with information on the UPOV Convention.

126. On August 30, the Office of the Union received the visit of H.E. Mr. Rija Rajohnson, Minister for Water Resources and Forestry of Madagascar, and Mr. Nomenjanabary A. Andriamanandrata, Director of the Sustainable Management of Forestry Resources, Ministry of Water Resources. They were accompanied by Mrs. Lisa Dean, Country Director, CARE International Madagascar, Mr. Alexander A.J.F. Kroll, Ki, Plant International, and Mr. Alex Rübel, Director of the Zoo of Zurich (Switzerland). The discussions pertained to the contribution which plant variety protection offers in respect of biodiversity concerns.

127. On August 31 and September 1, the Vice Secretary-General attended a meeting, in The Hague, of the Central Advisory Service on Proprietary Technology of the Consultative Group

for International Agricultural Research, organized by the International Service for National Agricultural Research (ISNAR).

128. On September 2, the Office of the Union received the visit of Mrs. Maha Ali, Researcher, Ministry of Industry and Trade, WTO Unit, Jordan, and Mrs. Hana Al-Bitar, Trademark Examiner, Directorate of Trade Registration and Industrial Property Protection, Ministry of Industry and Trade, and was informed that a draft law on plant variety protection was being prepared by the Ministry of Agriculture.

129. On September 2, the Office of the Union was informed by Mr. Maghespren Chinappen, Principal Research & Development Officer, Division of Plant Pathology & Quarantine, Ministry of Agriculture, Food Technology & Natural Resources, Mauritius, that it had been suggested that enabling provisions be included in the Plant Act to expedite the introduction of plant variety protection.

130. On September 2, the Vice Secretary-General participated in the celebrations, in Hanover, Germany, of the 50th Anniversary of the formation of the Federal Office of Plant Varieties (*Bundessortenamt*). In a separate ceremony, he presented UPOV medals to officials of the *Bundessortenamt* who had served as chairpersons of main UPOV committees or as chairpersons of Technical Working Parties.

131. From September 6 to September 8, the Vice Secretary-General participated in the World Seed Conference 1999, in Cambridge, United Kingdom, co-organized by the International Seed Testing Association (ISTA), the International Federation of the Seed Trade (FIS)/The International Association of Plant Breeders (ASSINSEL), the Organization for Economic Co-operation and Development (OECD) and UPOV, acting as Session Leader in Session III, which was entitled "Seeds and the Law."

132. On September 9, the Vice Secretary-General participated in a Workshop on the Impact of Globalization on Agricultural Research and Development Strategies in Developing Countries in The Hague, organized by ISNAR.

133. On September 15, the Vice Secretary-General received the visit of Mr. Sohan Tobgay, Second Secretary in the Permanent Mission of Bhutan in Geneva.

134. On September 17, the Vice Secretary-General received the visit of Mr. Sharat Sabharwal, Deputy Permanent Representative of India in Geneva, with whom he discussed the closing of the 1978 Act to further accessions.

135. On September 21, the Vice Secretary-General received a visit from Mr. Mir Yagub Seyidov, Head of the Patent Office of Azerbaijan, with whom he discussed the procedure for accession to the UPOV Convention.

136. On the same day, he received a visit from Mr. Geldy Gurbanov, Deputy Chairman of the Patent Office of Turkmenistan, and discussed the draft law for the protection of plant varieties which is under discussion in his country.

137. Also on September 21, the Vice Secretary-General received a visit from Mr. Mzondi Chirambo, Director General of the African Regional Industrial Property Office (ARIPO), with whom he discussed developments concerning the protection of plant varieties in the member states of ARIPO and the UPOV program of activities in Africa.

138. On September 22, the Vice Secretary-General received the visit of Mr. David Gabunia, Director General of the Georgian Patent Office, with whom he discussed the regional seminar that is to take place in his country from October 5 to 7, 1999.

139. On the same day, he received a visit from Mr. Tolesh Kaudyrov, Director, and Mrs. Raushan Shan Alchimbaeva, Deputy Director of the National Patent Office of Kazakhstan.

140. On September 23, the Vice Secretary-General received the visit of Mr. Phillip Paulwell, Minister, Ms. Diane Daley, Legal Director, Copyright Unit, and Ms. Nicole Foga, Legal Advisor, Ministry of Commerce and Technology of Jamaica. They discussed the preparation of a plant variety protection law and other developments in intellectual property in Jamaica.

141. Also on September 23, the Vice Secretary-General received a visit of Mr. Gundegmaa Jargalsaikhan, responsible for Law and International Affairs in the Intellectual Property Office of Mongolia, for discussions on the protection of plant varieties in his country.

142. On the same day, the Vice Secretary-General wrote to Ms. Liew Woon Yin, Registrar of Trade Marks and Patents of the Intellectual Property Office in Singapore, concerning the protection of plant varieties in Singapore.

143. On September 27, the Vice Secretary-General and an official of the Union visited Paris for discussions with Mr. Francis Heux, Head of the *Bureau de la sélection végétale et des semences* of the Ministry of Agriculture and Fisheries of France, concerning the funds in trust contributed by his Ministry to UPOV. Also present were Miss. Nicole Bustin, Secretary General of the *Comité de la protection des obtentions végétales* (CPOV), and Mr. François Burgaud, responsible for International Affairs in the *Groupement national interprofessionnel des semences* (GNIS).

144. On September 28, the Vice Secretary-General attended a meeting of the Administrative Council of the Community Plant Variety Office (CPVO) in Angers, France.

V. PUBLICATIONS

145. The Office of the Union published:

(a) an Arabic version of the UPOV Model Law on the Protection of New Varieties of Plants;

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

(c) 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.”

146. The Council is invited to note this report.

[Annex follows]

MEMBER STATES OF THE UNION
(September 30, 1999)

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 - -
Bolivia	- - - -	- - April 21, 1999 -	- - May 21, 1999 -
Brazil	- - - -	- - April 23, 1999 -	- - May 23, 1999 -
Bulgaria	- - - -	- - - March 24, 1998	- - - April 24, 1998
Canada	- - October 31, 1979 March 9, 1992	- - February 4, 1991 -	- - March 4, 1991 -

¹ *1st line:* International Convention for the Protection of New Varieties of Plants of December 2, 1961

2nd line: Additional Act of November 10, 1972

3rd line: Act of October 23, 1978

4th 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.

State	Date of Signature ¹	Date of Deposit of Instrument ^{1, 2}	Date Upon Which State Became Bound ¹
Chile	- - - -	- - December 5, 1995 -	- - January 5, 1996 -
China	- - - -	- - March 23, 1999 -	- - April 23, 1999 -
Colombia	- - - -	- - August 13, 1996 -	- - September 13, 1996 -
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 -

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
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
Kenya	- - - -	- - April 13, 1999 -	- - May 13, 1999 -
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 -
Panama	- - - -	- - April 23, 1999 -	- - May 23, 1999 -
Paraguay	- - - -	- - January 8, 1997 -	- - February 8, 1997 -
Poland	- - - -	- - October 11, 1989 -	- - November 11, 1989 -

State	Date of Signature ¹	Date of Deposit of Instrument ^{1, 2}	Date Upon Which State Became Bound ¹
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 -
Slovenia	- - - -	- - - June 29, 1999	- - - July 29, 1999
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 -

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
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 January 22, 1999	- - November 8, 1981 February 22, 1999
Uruguay	- - - -	- - October 13, 1994 -	- - November 13, 1994 -

Total: 44 member States

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